

RURAL MUNICIPALITY  
OF  
PARK

ZONING BY-LAW  
NO. 1311

## THE RURAL MUNICIPALITY OF PARK BY-LAW NO. 1311

BEING a by-law of **The Rural Municipality of Park** to regulate the use and development of land.

WHEREAS, Section 68 of *The Planning Act* provides that a municipal council must adopt a zoning by-law that is generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality;

AND WHEREAS, pursuant to the provisions of *Section 45 of The Act*, **The Rural Municipality of Park** has, by by-law, adopted ***The Park Municipal Development Plan***;

NOW THEREFORE, the Council of The Rural Municipality of Park in meeting duly assembled, enacts as follows:

1. This by-law shall be known as the **Rural Municipality of Park Zoning By-law**.
2. The Zoning By-law attached hereto and marked as SCHEDULE "A" is hereby adopted.
3. The By-law No. 700 being a by-law of The Rural Municipality of Park to adopt The Rural Municipality of Park Zoning By-law and all amendments thereto are hereby repealed.
4. This By-law shall take force and effect on the date of third reading.

DONE AND PASSED in Council duly assembled at The Rural Municipality of Park, Manitoba this 10<sup>th</sup> day of June, 2013 A.D.

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Reeve

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Chief Administrative Officer

READ A FIRST TIME THIS	14 <sup>th</sup>	day of	November	A.D. 2011
READ A SECOND TIME THIS	10 <sup>th</sup>	day of	June	A.D. 2013
READ A THIRD TIME THIS	10 <sup>th</sup>	day of	June	A.D. 2013

# **RURAL MUNICIPALITY OF PARK**

## **ZONING BY-LAW**

**BEING SCHEDULE “A”  
TO  
BY-LAW NO. 1311**

**OF**

**THE RURAL MUNICIPALITY  
OF PARK**

Prepared for:

THE RURAL MUNICIPALITY OF PARK

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In consultation with  
Community Planning Services Branch  
Of Local Government – Brandon Office

and

GENIVAR

November, 2011

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## PART 1: SCOPE

- 1.1 This By-law shall be known as the **Rural Municipality of Park Zoning By-law**.
- 1.2 This By-law applies to all lands in The Rural Municipality of Park indicated on **Maps 1, 1-1, 1-2, 1-3, 1-4, 1-5, 2, 2-1, 2-2 and 3** of **Appendix “A”** to this By-law.
- 1.3 This By-law regulates:
  - (a) the construction, erection, alteration, enlargement or placing of buildings and structures;  
and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner. Legal non-conforming buildings, structures and uses that were lawfully in existence before this By-law or prior to any amendment to this By-law, may continue to exist in accordance with the provisions of *The Planning Act*.
- 1.5 Whenever a provision of another by-law of The Rural Municipality of Park or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this By-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

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

### **2.1 Regulation of Uses**

- 2.1.1 Subject to subsection 2.1.5, 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 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; or
  - (b) is an accessory use.
- 2.1.2 All listed uses shall be interpreted in accordance with PART 11: INTERPRETATION and shall be dealt with in accordance with procedures outlined in PART 8: REQUIREMENTS FOR SPECIFIC USES, PART 5: GENERAL REGULATIONS FOR ALL ZONES and PART 9: ADMINISTRATION.
- 2.1.3 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.
- 2.1.4 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) dwelling units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation; and
  - (b) two-family dwellings or multiple-family dwellings as provided for in this By-law.
- 2.1.5 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.
- 2.1.6 Electric transmission lines and structures, and pipelines of a public utility 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.

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

- 2.2.1 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.



- (a) All legally erected buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated; and
  - (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform to all requirements of this By-law.
- 2.2.2 An existing use, building or structure which is classified as a conditional use in this By-law or amendments thereto and which legally existed at the date of adoption or amendment of this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use in the zone in which the use, building or structure is located, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
  - (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
  - (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 9.
- 2.2.3 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law and which legally existed at the date of adoption or amendment of 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 in the zone in which the use is located;
  - (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
  - (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
  - (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than fifty percent (50%) of its replacement value above the foundation unless approved by a variation order of Council; and
  - (e) Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

## **2.3 Permitted Uses, Buildings and Structures**

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.

## **2.4 Conditional Uses**

- 2.4.1 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.
- 2.4.2 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 section 9.7 of PART 9 herein.

## **2.5 Accessory Buildings, Structures and Uses**

- 2.5.1 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except for farm dwelling and as provided under subsection 2.5.2 of this PART).
- 2.5.2 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.
- 2.5.3 An accessory use, building or structure may be accessory to a permitted or conditionally approved use. However, where a conditional use is required, no accessory use, building or structure shall be constructed or located on the site prior to review and approval by Council of the conditional use in accordance with PART 9 of this By-law.
- 2.5.4 An accessory building or structure shall not be located within a dedicated easement right-of-way.

## PART 3: GUIDE TO ZONES AND ZONING MAPS

### 3.1 Zones

#### 3.1.1 Uses of land in The Rural Municipality of Park are regulated in accordance with the following zones:

(a) **“R/A” Rural/Agriculture Zone**

This zone provides for a full range of rural development including agricultural development, resource related activities, agro-related businesses and other small holdings and non-farm development compatible with farming operations.

(b) **“RR” Rural Residential Zone**

This zone provides for low density rural one-family non-farm residential development and associated or compatible uses utilizing on-site sewer and water services.

(c) **“RRG” Rural Recreation General Zone**

This zone provides for a range of recreational developments, including cottages, single-family dwellings, modular and mobile homes, campgrounds and related commercial and recreational activities for year-round recreation purposes.

(d) **“RG” Residential General Zone**

This zone primarily provides for low density one-family and two-family residential development as well as moderate density multiple-family residential development as a conditional use.

(e) **“RMH” Residential Mobile Home Zone**

This zone provides land for mobile or modular homes on individual registered lots which may be individually owned or within a mobile home park where the sites are leased.

(f) **“CG” Commercial General Zone**

This zone provides for appropriate land for general commercial use in areas where further break down is not warranted.

(g) **“I” Institutional Zone**

This zone primarily provides locations for governmental, educational and institutional uses on relatively large areas of land.

(h) **“O/R” Open Space/Recreation Zone**

This zone provides land for public parks and recreational purposes including public or private uses such as arenas, clubs, recreational community centres, rinks, golf courses, etc., lands to conserve undeveloped scenic or hazard lands and buffering of different types of land use and major utility rights-of-way that have an open space character.

(i) **“UT” Urban Transition Zone**

This zone provides for the continuance of non-intensive agricultural and agricultural related and open space uses in such a manner as to facilitate the orderly expansion of Onanole.

- 3.1.2 The permitted and conditional uses prescribed for sites within each zone are those set out in the Use and Bulk Tables of this By-law.

**3.2 Zoning Maps**

- 3.2.1 The location and boundaries of the zones listed in subsection 3.1.1 of this PART are shown on Maps 1, and detailed Maps 1-1, 1-2, 1-3, 1-4, and 1-5, 2 and detailed Maps 2-1 and 2-2 and 3 of Appendix "A" of this By-law. Said maps form a part of this Zoning By-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws made from time to time and shown thereon, together with any amendments to the boundaries in the case of any street, lane or public utility right-of-way closing shall be as much a part of this By-law as if the matters and information set forth by the said zoning maps were fully described herein.

- 3.2.2 The scale and dimensions of the zoning maps are in feet.

- 3.2.3 All plan references on all zoning maps of Appendix “A” of this By-law pertain to registered plans filed in the Neepawa Land Titles Office.

**3.3 Interpretation of Zone Boundaries**

- 3.3.1 Boundaries indicated as approximately following:

- (a) the centerlines of railway or public utility rights-of-way;
- (b) the centerlines of streets, highways, or lanes;
- (c) lot, site, or holding lines; or
- (d) municipal limits;

shall be construed as following those lines or limits.

- 3.3.2 If a street or lane or railway or public utility right-of-way (hereinafter referred to as the feature) shown on a zoning map of Appendix “A” of this By-law is lawfully closed, the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zone boundary on its centerline, then the zone boundary shall be the former centerline.

## **PART 4: GENERAL BULK REQUIREMENTS**

### **4.1 Application of Bulk Requirements**

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for the zone in which the use is situated as set out in the Use and Bulk Tables of this By-law.

### **4.2 Existing Substandard Parcels of Land**

Any site or parcel of land which was in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this By-law, may be used or developed for any permitted or conditional use within the zone in which the site or parcel exists, provided that:

- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
- (b) All administrative requirements for the issuance of development permits and approval of conditional use and/or variation applications as provided for in *The Planning Act* and PART 9 of this By-law are complied with; and
- (c) All required yards and separation distances as required by this By-law are complied with.

### **4.3 Open Space Along Rural Roadways**

Areas adjacent to rural roads shall be kept clear of features which would contribute to snow drifting on the roadway, or which would represent a safety hazard to motorists. Within the Rural/Agriculture 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 improved 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 or wooden rail fences which are at least seventy-five percent (75%) open in character, all types of signs, excluding advertising signs, which are 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 that may interfere with the functioning of the road system shall be located within the required yard;
- (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood that may interfere with the functioning of the road system shall be located within the required yard;

- (e) No permanent storage of farm machinery shall be located within the required yard; and
- (f) Corner vision triangles shall be maintained at the road corners of all sites adjacent to the road intersections within the Rural/Agriculture Zone. The corner vision triangle shall be a triangular area measured one hundred twenty-five (125) feet from the road corner of the site along each site line adjacent to the road. No wall, fence, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed within these corner vision triangles.

#### **4.4 Projections into Required Yards**

Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas, 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 percent (50%) of the required yard depth to a maximum projection of five (5) feet, provided that a required side yard is not reduced to less than four (4) feet, whichever is the lesser;
- (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, provided that a required side yard is not reduced to less than four (4) feet, whichever is lesser, provided that no more than ten (10) square feet of area within any required yard is occupied by these types of projection;
- (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be three (3) feet, except that a fence, hedge or trellis for protection around ramps are permitted to a maximum height of three and one-half (3.5) feet, and the maximum height of a fence in any required side or rear yard shall be six (6) feet; and
- (d) Accessory portable buildings not exceeding one hundred and fifty (150) 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 five (5) feet is maintained from any site line, and a separation distance of ten (10) feet is maintained from any dwelling. Subsection 9.5.3 of PART 9 herein, identifies uses, buildings and structures exempt from the requirement for a development permit.

#### **4.5 Separation of Principal Building and Any Other Building**

The minimum distance between the principal building and any other building other than provided for in clause 4.4(d) of this PART shall be ten (10) feet in all zones.

#### **4.6 Unconventional Sites**

Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART 11, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

#### **4.7 Landlocked Sites**

In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided the said lane or road is at least twenty (20) feet in width and intersects with a street, and is secured by means of a registered easement. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side or rear site lines of a landlocked site.

## **PART 5: GENERAL REGULATIONS FOR ALL ZONES**

### **5.1 Sensitive Lands, Flooding and Erosion**

- 5.1.1 No buildings or structures, except for fences, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of The Park Municipal Development Plan.
- 5.1.2 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to undertake additional flood proofing measures such as but not necessarily limited to the provision of sufficient fill around the building to provide an additional measure of protection from flood damage.
- 5.1.3 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 by a qualified consultant that proper measures will be taken to mitigate the hazard to an acceptable level.
- 5.1.4 No land use activity shall be conducted in any zone unless such precautionary measures, satisfactory to Council, to safeguard and prevent water and atmospheric pollution, including enrichment of natural waters with organic nutrients or sediments, are incorporated into the proposed land use activity. In considering certain types of development applications that may represent a significant risk to groundwater within groundwater sensitivity areas either known or identified in The Park Municipal Development Plan such as large livestock operations, or commercial fertilizer or chemical storage facilities, Council may seek the advice of appropriate government agencies on the adequacy of the proposed preventative measures and may impose special conditions of approval that it may deem appropriate in order to minimize the risk of groundwater contamination.
- 5.1.5 The minimum separation distance for all permanent buildings and structures from all major lakes and streams shall be a distance equal to ten (10) times the height of the bank above channel grade, or one hundred (100) feet from the edge of the bank, whichever is greater. This distance may be reduced for residential sites in the "RRG" Rural Recreation General Zone and where an applicant can demonstrate to the Council's satisfaction that a reduction in the required separation will not result in flooding or erosion problems. In such circumstances, Council may require an engineering study from the proponent.
- 5.1.6 The minimum separation distance for all permanent buildings and structures from the crest or foot of a slope having a natural gradient in excess of ten (10) percent shall be a distance sufficient to allow for a stable slope plus fifty (50) years of erosion, or one hundred (100) feet, whichever is greater.



- 5.1.7 Clearing land of its natural vegetation, including cultivation shall not be conducted within one hundred (100) feet of the ordinary high water mark of a watercourse, except for alterations to the vegetation area for pathways, docks, boathouses, etc. to a maximum of twenty-five (25) percent of the shoreline length for each lot.

## **5.2 Land Gradients and Site Drainage**

- 5.2.1 The grade for all principal buildings and structures and the proposed site drainage system shall be approved by the Development Officer prior to the commencement of construction. Within all zones, the grade for all principal buildings and structures and the proposed site drainage system shall be approved by the Development Officer prior to the commencement of construction.
- 5.2.2 Where major earthworks involving excavations or retaining walls are being proposed, the Development Officer may require the owner to submit evidence prepared by a licensed professional engineer to support the application for development.
- 5.2.3 Lot grading shall follow the natural land contours and be designed to minimize clearing of existing vegetation, and avoid drainage discharge onto adjacent lots that does not exit naturally. Drainage of driveways shall be designed to have water flow to the sides of the driveway into ditching which connects with road ditches. Where culverts are required they shall be a minimum of eighteen (18) inches in diameter. Where retaining walls are required to accomplish grading requirements, they shall be constructed of complementary materials preferably stone or concrete.

## **5.3 Separation for Dwelling and Habitable Sites from Incompatible Uses**

- 5.3.1 No new habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand five hundred (1,500) feet of a sewage lagoon. Proposals to alter this separation distance must be considered and approved by the Environmental Authorities of the Province prior to development.
- 5.3.2 No habitable buildings, including dwellings, schools, motels, restaurants, institutions and hospitals shall be located within one thousand five hundred (1,500) feet of a sanitary landfill site unless it can be demonstrated by a professional engineer, registered in the Province of Manitoba, that there will be no migration of methane gas or other surface or subsurface pollutants. Also, any reduction in this separation distance requires approval by the Environmental Authorities of the Province prior to development.
- 5.3.3 The above distances in 5.3.1 and 5.3.2 are to be measured from the exterior limits of the lagoon or landfill site.

5.3.4 A single dwelling site in the Rural/Agriculture Zone, Rural Residential Zone or a Rural Recreation General Zone containing dwelling sites shall not be located within:

- (a) Five hundred (500) feet from any aggregate deposit identified in the Development Plan as valuable unless the deposit has been depleted to the point where no further extraction will take place and residential development objected to by the Provincial Government;
- (b) Five hundred (500) feet for single sites or one half (1/2) mile for Rural Residential and Rural Recreation General Zones from a stationary commercial anhydrous ammonia tank with a storage capacity exceeding two thousand (2,000) imperial gallons or as required by the Provincial Government;
- (c) Three hundred (300) feet from any barn or animal confinement area or concentrated waste disposal site where there is a production in excess of 1 animal unit and does not exceed 9 animal units. Dwelling sites of the owner or operator are excepted from this requirement; and
- (d) The mutual minimum separation distances (defined by policy in Development Plan By-law No. 1308) between livestock operations and single residences and designated residential rural and Rural Recreation general areas are provided for in TABLE 8-2: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS in PART 8 and subsection 8.2.10 of PART 8 for Livestock Operations Development in Buffer Areas.

#### **5.4 High Water Table Areas**

Groundwater conditions are highly variable throughout the Municipality, and in some areas the groundwater table may be very close to the surface. Sufficient measures should be included in the design of buildings to adequately protect basements from groundwater infiltration.

#### **5.5 Site Reduced by Road Widening**

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 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.

#### **5.6 Building Removal**

Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

## **5.7 Road Access**

No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road except as provided for in section 4.7 of PART 4. Legal access to an improved road allowance may be obtained through an easement agreement.

## **5.8 Service Connections**

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

## **5.9 Public Monuments and Cairns**

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

## **5.10 Signs**

5.10.1 The following accessory signs may be permitted in any zone subject to the Municipal Sign By-law. These include identification signs, business signs, directional signs for parking and loading, no hunting or no trespassing signs and bulletin boards, temporary posters, legal notices and the like.

5.10.2 Advertising signs are regulated in the Municipal Sign By-law.

## **5.11 Temporary Buildings and Uses**

5.11.1 Temporary buildings, structures and uses of land are permitted on a site in connection with road construction or construction and development on that or a nearby site, subject to the issuance of a Development Permit and only for the following purposes:

- (a) Offices for the contractor or developer, project supervisor or safety personnel;
- (b) Accommodation for a caretaker;
- (c) Storage of materials and equipment;
- (d) Temporary accommodations, field offices and temporary concrete or asphalt plants involved with road construction projects, provided that a minimum separation distance of one thousand three hundred twenty (1,320) feet is provided between an asphalt or concrete plant and the nearest habitable building or residence;
- (e) A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods; and
- (f) Notwithstanding section 4.4 of PART 4, a wheelchair ramp may extend into the required yard of a residence, subject to the issuance of a development permit.

## **5.12 Road Allowances**

No building or structure shall be erected upon any land designated for a future road allowance by Council. Any development adjacent to said future road allowance shall comply with the requirements of this By-law as if the said future road allowance was already in existence.

## **5.13 Basement Accommodations**

A dwelling unit or living accommodation for a boarder shall not be located in a basement unless it complies with the provisions of *The Manitoba Building Code* with regard to various features, including but not limited to floor area, room height, stairs, egress, fire separation, sanitary facilities, windows and smoke alarms.

## **5.14 Noxious or Offensive Uses**

Notwithstanding anything contained herein, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. If the use is permitted in the subject zone, satisfactory measures shall be undertaken to mitigate or eliminate such effects and all necessary licensing has been obtained from provincial regulatory authorities, as required.

## **5.15 Mobile Home Provisions**

All mobile homes which are either newly sited or relocated within The Rural Municipality of Park after the effective date of this By-law, shall conform to the requirements of *The Buildings and Mobile Homes Act* as may be amended from time to time and C.S.A. standards pertaining to construction, site preparation, foundation and anchorage. The undercarriage of all mobile homes shall be fully concealed by skirting which is either pre-finished or painted to complement the mobile home.

## **5.16 Parking and Loading**

5.16.1 At least one permanent accessory off-street parking space shall be provided for each dwelling unit, or each room in a boarding house on the same site with the dwelling, but not located within the required front yard. Accessory parking is allowed within a required front yard subject to the following provisions:

- (a) No more than two (2) vehicles are parked within the required front yard; and
- (b) There are no canopies, walls or other structures within the required front yard.

5.16.2 For commercial uses, parking shall be permitted in the required front yard with setbacks from streets, public roads and highways as required by the authority having jurisdiction. For uses requiring off-street deliveries and loading one parking space and/or a loading space shall serve as an off-street loading area.

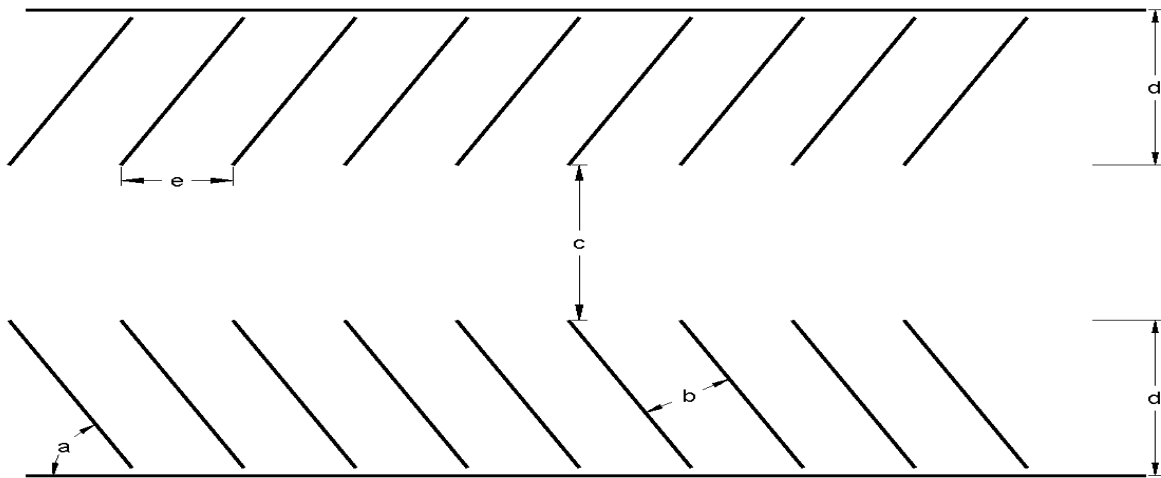
5.16.3 Parking for non-residential uses shall be determined by Council at the time of the application for a development permit, based upon the anticipated needs of the proposed use.

5.16.4 When a building or structure is enlarged or a use is changed, the off-street parking spaces shall be provided for the enlargement, change or new use.

5.16.5 Where an accessory parking lot is provided for three or more vehicles, the design of the parking lot, including all exits and entrances shall conform to TABLE 5-1 PARKING AREA DIMENSIONS and drawing.

**TABLE 5-1: PARKING AREA DIMENSIONS**

Angle of Parking (degrees)	MINIMUM REQUIREMENTS			
	Width of Stall (ft)	Width of Aisle (ft)	Depth Perpendicular To Aisle (ft)	Width Parallel to Aisle (ft)
a	b	c	d	e
30	9	12	15	17
45	9	12	18	12
60	9	20	20	10
90	9	24	20	9



### 5.17 Water Well Development

When developing wells for single or multiple spaces or sites:

- Water wells must be drilled and to a depth beneath a confinement layer of subsurface geological material;
- Water wells must be packed along the external side of the water pipes with bentonite or an approved substitute in a manner that prevents pollution from entering the water;
- When required, wells and water treatment systems to serve multiple spaces or sties must be licensed through the Province; and
- Upon a parcel or site being serviced with a potable piped municipal water system, any existing wells shall not be used as a potable water source, and once such public service is available and connected to that site, no future drilled wells shall be permitted for such site.

### 5.18 Height of Buildings or Structures and Height Exceptions

The maximum height of principal buildings or structures shall be three (3) storey to a maximum of sixty (60) feet and that of accessory buildings and structures shall be fifteen (15) feet. Notwithstanding the above requirements, the maximum height of single-family and two-family dwellings in the “RG” Zone shall be thirty (30) feet and for multiple-family dwellings in the “RG” Zone shall be forty-five (45) feet.

The provisions of this PART, except wherein stated shall not apply to limit the height of any grain elevator, seed plant, ornamental dome, chimney, tower, electrical or telephone transmission line, television, internet or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building, provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area. The maximum heights of all buildings and structures may be reduced by Council, if there is a danger of the buildings or structures being hit by low flying aircraft on their landing or take-off phase of flight.

#### **5.19 Water Rights License**

A development proponent must apply for a Water Rights License when the domestic use exemption does not apply under *The Water Rights Act*.

## PART 6: RURAL AREA ZONES

### 6.1 Rural Use Table

The following TABLES list the permitted and conditional uses and bulk regulations that apply to all the rural zones listed in section 3.1 of PART 3.

**TABLE 6-1: RURAL USE TABLE**

LEGEND:      “P” means Permitted Use “C” means Conditional Use “-” means Use Not Permitted	ZONES		
	“R/A”	“RR”	“RRG”
USES			
Accessory Uses, Buildings, and Structures [See section 6.2 of this PART]	P	P	P
Accessory Home-based Businesses, excluding vehicle sales [See section 8.1 of PART 8]	C	C	C
Agricultural Specialized Uses:			
<u>Apiculture</u>	P	-	-
<u>Commercial Greenhouses</u>	P	-	-
<u>Market Gardening</u>	P	-	-
<u>Nurseries and Bedding Plant Operations</u>	P	-	-
Agricultural General Uses, such as but not limited to the following: Field Crops (e.g. grains, vegetables, oil seeds) and vacation farms	P	-	-
Agricultural Livestock Operations [See subsections 8.2.8 and 8.2.10 of PART 8 for conditional use thresholds]	P	-	-
Aircraft Landing Strips and Related Storage Facilities [See section 8.8 of PART 8]	C	-	-
Anhydrous Ammonia, Sales and Service [See section 8.6 of PART 8]	C	-	-
Athletic Fields, soccer, baseball, skate parks, etc	-	-	C
Auction Mart	C	-	-
Automobile Wrecking Establishments [See section 8.9 of PART 8]	C	-	-
Batch Concrete Plant	C	-	-
Bed and Breakfast	P	C	C
Botanical (Flower) Gardens	P	C	C
Bulk fuel, Liquid and Solid Fertilizer and Chemical Stationary Storage and Sales	C	-	-
Campgrounds [See section 8.16 of PART 8]	-	-	C
Cemeteries	P	-	-
Churches, Church Hall	-	P	P
Commercial Guest Ranch	C	-	-
Commercial Resorts [See section 8.14 of PART 8]	-	-	C
Communication Towers	C	-	-
Community Halls and Rinks, Cultural Centres and Multi-Rec Centre	-	P	-

**TABLE 6-1: RURAL USE TABLE**

<b>LEGEND:</b> <b>“P” means Permitted Use</b> <b>“C” means Conditional Use</b> <b>“-” means Use Not Permitted</b>	<b>ZONES</b>		
	<b>“R/A”</b>	<b>“RR”</b>	<b>“RRG”</b>
<b>USES</b>			
Concessions (Recreational Facilities)	-	-	C
Conference Centres [See section 8.14 of PART 8]	-	-	P
Dwellings:			
Single-Family, Farm	P	-	-
Single-Family, Non-Farm, excluding mobile and modular homes	C	P	P
Single-Family, Mobile and Modular Homes	P	C	P
Existing Uses legally established prior to the adoption of the By-law except Rural Non-Farm Residences	P	P	P
Existing legally established Rural Non-Farm Single-Family Residences (include cottage dwellings)	C	P	P
Exhibition Grounds including Race Tracks and Rodeo Grounds	C	-	-
Farmers Market	P	P	C
Game Farms	C	-	-
General Store/Postal Outlet	-	P	C
Golf Course	C	-	C
Grain Elevators and Vegetable Storage Buildings	P	-	-
Group Camps [see definition in PART 11]	C	-	C
Historical Sites and Museums	P	P	P
Hunting and Fishing Lodges and Boating Clubs	C	C	C
Kennels, Animal Clubs and Pounds	C	-	-
Outfitting Services			
Limited	P	P	P
Full Service	C	-	-
Petting Farm/Zoo	P	-	-
Public Picnic Areas, Parks, Playgrounds, and Tot-lots	C	P	P
Public Utilities and Buildings [See subsections 2.1.5 and 2.1.6 of PART 2]	P	P	P
Public Reserves	P	P	P
Recreation Trails			
Human Purposes – hiking, walking, athletic cross country skiing	P	P	P
Motorized and Horse Drawn Wagon	C	-	-
Recycling Facilities			
Enclosed	P	-	-
Open	C	-	-
Rendering and Abattoirs	C	-	-
Research Management Areas, Forest and Wildlife Reserves	C	-	-



**TABLE 6-1: RURAL USE TABLE**

<b>LEGEND:</b> <b>“P” means Permitted Use</b> <b>“C” means Conditional Use</b> <b>“-” means Use Not Permitted</b>	<b>ZONES</b>		
	<b>“R/A”</b>	<b>“RR”</b>	<b>“RRG”</b>
<b>USES</b>			
Residential Care Facilities for more than four adults	C	C	-
Riding Academies up to 9 animal units	P	-	C
- more than 9 animal units	C	-	-
Roadside/Street Vendors	P	P	C
Sand, Gravel and Mineral Extraction Operations	C	-	-
Secondary Suites			
Attached	C	C	C
Detached	C	C	C
Seed Plants	P	-	-
Signs, all types including Advertising Signs	[See section 5.10 of PART 5]		
Veterinary Clinics	P	-	-
Waste Disposal Grounds and Waste Treatment Plants	C	-	-
Water slides, Water Parks, Play Parks, Skate Parks	-	-	C
Well Drilling Establishments	C	-	-
Wind Turbine Generator Stations (WTGS) [See TABLE 6-2 of this PART and section 8.15 of PART 8]	C	-	-

## **6.2 Accessory Uses, Buildings and Structures**

In the Rural Zones, accessory uses, buildings or structure may include but not be limited to the following:

- (a) Farm dwelling to include a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;
- (b) Staff dwelling to include single-family dwellings, two-family dwellings, dormitory, mobile homes and private churches and private school facilities, when on the same site with agricultural permitted or conditional agricultural uses where, in the opinion of Council, said dwelling or private church and/or school, is essential for the maintenance, operation and care of the permitted or conditional use;
- (c) Buildings and structures accessory and incidental to a permitted or conditional seasonal recreation use;
- (d) Bunk houses, guest houses and secondary suites accessory to a cottage or a rural non-farm residence;
- (e) Buildings or structures for the operation and maintenance of a permitted or conditional use;

- (f) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone or provincial regulations;
- (g) A private garage, carport, covered patio, tool house, boathouse, shed and other similar buildings (excluding shipping containers in “RR” and “RRG” zones) for the storage of domestic equipment and supplies, private swimming pools;
- (h) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
- (i) Home-based businesses, as accessory conditional uses, in the “R/A” Rural/Agriculture Zone, the “RR” Rural Residential Zone and the “RRG” Rural Recreation General Zone – [See section 8.1 of PART 8];
- (j) Accessory off-street parking areas as required and regulated in section 5.16 of PART 5;
- (k) Accessory signs [See section 5.10 of PART 5];
- (l) Clubhouses and other related recreational structures on the grounds of private clubs, golf courses, and other like permitted or conditional recreational facilities;
- (m) Aircraft landing strips and related storage facilities which are necessary to a farm operation [See section 8.8 of PART 8]
- (n) In residential subdivisions, mobile home parks and campgrounds, the accessory uses, buildings and structures required to serve the development may also include:
  - (i) a storage compound;
  - (ii) recreation facilities and appertaining structures;
  - (iii) service building to house water pumps and other service facilities;
  - (iv) required washroom facilities; and
  - (v) waste and recycling collection bins.
- (o) Residential Care Facilities in the “R/A” Rural/Agriculture Zone and the “RR” Rural Residential Zone for eight or fewer children who are under the care of a child caring agency as defined by the Child Welfare Act or for four or fewer adults who may be post mentally ill, mentally challenged or otherwise developmentally delayed;
- (p) Individual guest cabins when located in an approved plan including bare land condo plan units within a commercial resort;
- (q) Boathouses and other recreational structures shall be set back from the shoreline as determined by Council and/or the Province and the Federal Government (Oceans and Fisheries, when applicable). These structures shall occupy a maximum of 25% of the shoreline length located in front of each lot for structure development and clearing of vegetation;
- (r) Wind turbines for residential use; and
- (s) Solar panels (other than in the front yard).

### 6.3 Conditional Uses

Any use listed as a “Conditional Use” in TABLE 6-1 shall comply with the regulations set forth in section 9.7 of PART 9, ADMINISTRATION.

### 6.4 Bulk Regulations

6.4.1 The “R/A” Rural/Agriculture Zone bulk requirements shall be as set forth in TABLE 6-2: “R/A” RURAL /AGRICULTURE BULK TABLE and following Sections.

6.4.2 The “RR” Rural Residential Zone bulk requirements shall be as set forth in TABLE 6-3: “RR” RURAL RESIDENTIAL BULK TABLE and following Sections.

6.4.3 The “RRG” Rural Recreation General Zone bulk requirements shall be as set forth in TABLE 6-4: “RRG” RURAL RECREATION GENERAL BULK TABLE and following Sections.

**TABLE 6-2: “R/A” RURAL/AGRICULTURE BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS				
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)	Rear Yard (feet) (a)
Accessory Uses, Buildings and Structures (b) [See section 6.2 of this PART]			75	25	25
Aircraft Landing Strips (Licensed and Private) and Related Storage Facilities [See section 8.8 of PART 8]	60(c)	1000(c)	300(c)	300(c)	300(c)
Agricultural Specialized Uses (d)	20	300	75	25	25
Agricultural General Uses and Livestock including Riding Academies, Vacation Farm (up to 9 animal units capacity)	80(e)(f)	1000	125	125	125
Agricultural Livestock Operations including Riding Academies and Vacation Farms with over 9 animal unit capacity confinement	80(e)(f)	1000	328	328	328
Anhydrous Ammonia Sales and Service	5	300	300	75	75
Automobile Wrecking Establishments including storage of automobiles [See section 8.9 of PART 8]	5	200	200	25	25
Batch Concrete Plant	4	200	125	50	50
Bulk fuel, Liquid/Solid Fertilizer Sales and Stationary Storage	3	300	125	50	50
Campgrounds	5	200	75	25	25
Cemeteries	2	200	75	50	50
Communication Towers	5	400	125	125	125
Game Farm, Hunting and Fishing Reserves	80(e)(f)	660	125	50	50
Golf Courses	55	575	75	25	25
Grain Elevators and Vegetable Storage Buildings	3	200	125	25	25
Group Camps	10	300	75	25	25

**TABLE 6-2: “R/A” RURAL/AGRICULTURE BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS				
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)	Rear Yard (feet) (a)
Historical Sites	10,000 sq. ft.	50	75	10	10
Hunting, Fishing and Boating Clubs	10	300	75	50	50
Kennels and Animal Clubs	5	200	75	50	50
Public Picnic Areas, Parks and related Outdoor Recreational Activities (g)	2	200	75	25	25
Public Utilities and Services	20,000 sq. ft.	100	75	25	25
Rendering Plants, Abattoirs	5	200	125	25	25
Residential Care Facility	2	200	75	25	25
Rural Non-Farm Single-Family residences including modular and mobile homes and cottages (b) (h) (i)	2	200	75	25	25
Sand, Gravel and Mineral Extraction Operations	2	200	125	50	50
Seed Plants	3	200	125	25	25
Sewage Disposal Lagoons	5	300	200	50	50
Waste Disposal Grounds	5	300	200	50	50
Wind Turbine Generator Stations (j)	16	835	(j)	(j)	(j)
Veterinary Hospitals	3	150	75	50	50
Other Permitted or Conditional Uses	5	200	75	25	25

Explanations and Exceptions to the Bulk Requirements of TABLE 6-2 are as follows:

- (a) (i) Setback provisions pertain to buildings, structures and shelterbelts only.
- (ii) Where buildings, structures, and shelterbelts are adjacent to a Government Road Allowance, the minimum setback shall be seventy-five (75) feet or as required in the TABLE, except for signs as provided for elsewhere herein [See section 5.10 of PART 5].
- (iii) Setbacks for buildings, structures or hedges from provincial roads, provincial trunk highways and their centers of intersections shall be in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.
- (b) The minimum dwelling unit floor area shall be six hundred (600) square feet.
- (c) Notwithstanding anything in this PART, the aircraft landing strips and related storage facilities shall be subject to Transport Canada requirements and/or recommendations.
- (d) Council may require the applicant to submit a physical site plan and business plan proposal for the agricultural specialized use.

- (e) The minimum site area shall be eighty (80) acres or two (2) legal subdivisions which abut each other.
- (f) Although this is the minimum site requirement, livestock operations and riding academies may need to have access to a larger land base for manure application as required under Provincial Regulation, based on the size of the operation and soils.
- (g) Outdoor recreational developments shall be directed away from prime agricultural land and viable lower class agricultural land.
- (h) When locating a mobile home on a zoning site, the narrowest side of the mobile home must be oriented towards the street unless Council authorizes a different orientation of the building due to local site characteristics.
- (i) A residence shall be separated by a distance of one and one half (1.5) times the maximum height of a communication tower located in the immediate vicinity of the proposed residence's location.
- (j) Each wind turbine generator station (WTGS) site shall be used for the location of the wind turbine generator tower(s) and/or the associated buildings and infrastructure. This is the principal use of the (WTGS) site and it shall be limited to a maximum site area of 160 acres. The land within the (WTGS) site that is not used for the facility may be used for compatible agricultural activities provided provisions of this by-law are maintained. In addition to the bulk requirements of TABLE 6-2, the yards and separation distances shall be as follows:
  - (i) all tower yards shall be (1.1) times the total height of the tower plus rotor from any other titled property, including the boundary of a railway right-of-way. Note exception, this setback distance with respect to the title property lines shall be 400 feet for wind turbines located where the property line(s) nearest to any given wind turbine define and separate properties belonging to the same landowner with a lease of the same type and duration;
  - (ii) all tower yards shall be (1.1) times the total height of the tower plus rotor from all government road allowances, any other public roads and Provincial roads. The location of these towers within greater highway control areas shall be (1.5) times the height of the tower plus rotor when adjacent to Provincial Trunk Highways and shall be subject to the approval of the Province;
  - (iii) all tower yards that do not coincide with a title property boundary or road allowance shall be equal to the height of the tower plus the rotor in depth;
  - (iv) all accessory uses yards (front, side and rear) associated with the (WTGS) shall be 135 feet in depth;
  - (v) the tower base shall be one and one half (1.5) times the total height of the tower plus rotor from dwellings associated with the (WTGS);
  - (vi) the tower base shall be one (1) times the total height of the tower plus rotor from non-dwelling principal structures;
  - (vii) the tower base shall be (1640 feet) from all dwellings or other habitable buildings (e.g. motel) not associated with the (WTGS); and
  - (viii) the tower base shall be one half mile (2640 feet) from a designated urban area (Onanole), a "RR" Rural Residential zoned area or a "RRG" Rural Recreation General zoned area (Seech Lake, Wargatie Lake, Stuart Lake and Imrie Lake).

**TABLE 6-3: “RR” RURAL RESIDENTIAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	REQUIREMENTS MINIMUM				
	Site Area (acres)	Site Width (ft.)	(a) Front Yard (ft.)	(a) Side Yard (ft.)	(a) Rear Yard (ft.)
Accessory Use, Buildings and Structures [See section 6.2 of this PART] (b)			75	30	30
Churches and Church Halls	2	200	75	50	50
General Store and Post Office	2	200	75	30	30
Playgrounds	1	100	75	30	30
Residential Care Facilities	5	200	75	50	50
Rural Non-farm Single-Family Dwelling (c)	2	200	75	30	30
Historical Site	1	100	30	30	30
Other Permitted and Conditional Uses	2	100	75	30	30

Explanations and Exceptions to the Bulk Requirements of TABLE 6-3 are as follows:

- (a) (i) Where buildings, structures are adjacent to a Government Road Allowance, the minimum setback shall be seventy-five (75) feet, except where the Government Road Allowance forms part of a concept for a multi-lot subdivision plan, or as provided in section 5.10 of PART 5 for signs.
- (ii) Setbacks for buildings, structures and hedges from provincial roads, provincial trunk highways and their centers of intersections shall be in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.
- (b) An accessory building or structure for the housing of animals shall have a minimum separation from any dwelling of three hundred (300) feet excluding the owner's dwelling. The keeping of animals for purposes other than commercial production shall be permitted provided that animal waste production does not exceed 0.75 Animal Units per two (2) acres of site and that compliance is made with all Public Health Regulations. The maximum number of Animal Units produced on a Rural Residential Zoning site shall be two (2).
- (c) The minimum dwelling unit floor areas shall be six hundred (600) square feet for a rural non-farm dwelling.

**TABLE 6-4: “RRG” - RURAL RECREATION GENERAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS						MAXIMUM REQUIRE MENTS
	Site Area (sq.ft.)	Site Width (ft.)	(a) Front Yard	(a) SideYard (ft.)		(a) Rear Yard (ft.)	Site Coverage %
				interior	corner		
Accessory Uses, Buildings and Structures [See also section 6.2 of this PART]			(b)	5	10	5	10
Campgrounds	5 acres	200	125	25	30	25	75
Church and Church Halls	2 acres	200	75	25	30	25	55
Dwelling Units including modular and mobile homes (c): Serviced site	6000	50	30	10	20	25	30
Un-serviced site (holding tank)	15000	75	30	20	20	25	40
Un-serviced site (septic field)	2 acres	200	75	30	30	50	40
Commercial Resort(d)	10 acres	300	75	20	20	25	25
Concessions	15000	70	30	20	20	25	30
Conference Centres(d)	8 acres	200	75	20	20	25	60
Community Halls and Rinks	3 acres	200	75	25	30	25	45
Golf Courses	55 acres	575	125	25	25	25	N/A
Group Camps (d)	5 acres	200	75	20	20	25	60
Hunting and Fishing, Lodges and Boating Clubs	5 acres	200	75	20	20	25	60
Picnic Area, Parks, Playgrounds, Tot-Lots, Recreation Facilities	21000	100	30	20	30	25	N/A
Public Utilities and Buildings	5000	50	30	15	20	20	20
Riding Academies (e)	40 acres	660	125	50	50	50	N/A
Other uses listed	21500	65	30	5	15	25	50

Explanations and Exceptions to the Bulk Requirements of TABLE 6-4 are as follows:

- (a) (i) Where buildings and structures are adjacent to a Government Road Allowance, the minimum setback shall be seventy-five (75) feet, except where the Government Road Allowance forms part of a concept for a multi-lot subdivision Plan, or as provided in section 5.10 of PART 5) for signs.
- (ii) Setbacks for buildings, structures or hedges from provincial roads, major provincial highways and their centers of intersection shall be in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.
- (b) The minimum required front yard shall be the same as the main building.
- (c) The minimum floor area per dwelling unit shall be six hundred (600) square feet.

- (d) The minimum floor area per dwelling unit shall be four hundred (400) square feet for cottages and rental cabins and three hundred (300) square feet for each rental dwelling unit in a multi-family dwelling unit building.
- (e) All riding academies located within the “RRG” Zone are conditional uses. In this Zone an operation shall not exceed a production capacity of 9 Animal Units and shall not be located within 300 feet of an existing cottage, campground or other form of accommodation.



## PART 7: URBAN AREA ZONES

### 7.1 Urban Use Table

The following TABLES list the permitted and conditional uses and bulk regulations that apply to all the urban zones listed in section 3.1 of PART 3.

**TABLE 7-1: URBAN USE TABLE**

<b>LEGEND: “P” means Permitted Use “C” means Conditional Use “-” means Use Not Permitted</b>	<b>ZONES</b>					
	<b>“RG”</b>	<b>“RMH”</b>	<b>“CG”</b>	<b>“I”</b>	<b>“O/R”</b>	<b>“UT”</b>
<b>USES:</b>						
Accessory Uses, Buildings, and Structures [See section 7.2 of this PART and PART II: INTERPRETATION]	P	P	P	P	P	P
Agricultural General Uses, excluding livestock and bees	-	-	-	-	-	P
Agricultural Implement Sales and Service	-	-	C	-	-	-
Amusement Enterprises, including a bowling alley, dance hall, theatres, arcades	-	-	C	-	-	-
Animal Feed – Sales and Storage	-	-	C	-	-	-
Arenas, Sport Complexes Curling Rinks	-	-	C	P	C	-
Auction Mart, Non-Agricultural	-	-	C	-	-	-
Automotive Body Shop	-	-	C	-	-	-
Automotive Washing Establishment	-	-	P	-	-	-
Automobile and Recreational Trailer Sales	-	-	P	-	-	-
Automobile Service Station, Trades	-	-	P	-	-	-
Bakeries	-	-	P	-	-	-
Banks	-	-	P	P	-	-
Botanical Gardens, Commercial	-	-	P	-	P	P
Building Contractors Yards and Maintenance Yard	-	-	C	-	-	C
Bulk Propane Sales and Service	-	-	C	-	-	-
Bus Terminals	-	-	P	-	-	-
Café, Coffee Shop	-	-	P	-	P	-
Campgrounds	-	-	C	-	C	C
Carpenter Shops if conducted wholly within a completely enclosed building, but excluding wholesale manufacture	-	-	C	-	-	-
Child Care Facilities including Nurseries	P	P	P	P	-	-
Children’s Rides, Water Slides and the like	-	-	C	-	C	-
Church, Church Halls	P	P	C	P	-	-
Commercial Guest Ranches	-	-	C	-	-	-
Commercial Riding (Training Academies) Enclosed	-	-	C	-	C	C
Commercial Malls In the “CG” Zone, as well as other uses, a Commercial Mall may contain, bakeries, banks, craft shops, offices (business and professional) and personal shops	-	-	C	-	-	-

**TABLE 7-1: URBAN USE TABLE**

<b>LEGEND: “P” means Permitted Use “C” means Conditional Use “-” means Use Not Permitted</b>	<b>ZONES</b>					
	<b>“RG”</b>	<b>“RMH”</b>	<b>“CG”</b>	<b>“I”</b>	<b>“O/R”</b>	<b>“UT”</b>
<b>USES:</b>						
Commercial Resorts and Conference Centres	-	-	C	-	C	-
Craft Shops	-	-	P	-	-	-
Drive-In Establishments where persons are served in automobiles, such as refreshment stands, fast food restaurants and the like including drive through	-	-	C	-	-	-
Drive-In Theatres	-	-	C	-	-	-
Drop-in Centres	-	-	P	P	P	-
Exhibition Grounds	-	-	-	P	P	C
Existing Uses legally established prior to the adoption of this By-law	P	P	P	P	P	P
Fertilizer (non-hazardous Solid and Liquid only), Bulk Fuel Sales and Storage	-	-	C	-	-	-
Fire Stations, Police Stations	P	P	P	P	P	-
Frozen Food Lockers used exclusively for service to customers	-	-	P	-	-	-
Group Camps	-	-	C	-	C	C
Golf Courses	C	-	-	-	C	-
Golf Driving Ranges and Miniature Golf	-	-	C	-	C	C
Historical and Heritage Sites, including cairns, commemorative structures and buildings	P	P	P	P	P	P
Hospitals and Personal Care Homes	-	-	-	P	-	-
Hotels	-	-	P	-	-	-
Libraries	C	-	P	P	-	-
Landscape Contractors	-	-	-	-	-	C
Lumber Yards	-	-	C	-	-	-
Lumber Yards and Building Suppliers, when contained within an enclosed structure or fence and in conjunction with which there is a retail sales outlet	-	-	C	-	-	-
Lumber Yards and Building Suppliers when contained within building	-	-	P	-	-	-
Mobile Homes Sales and Service	-	-	P	-	-	-
Motels	-	-	P	-	-	-
Municipal Offices and Associated Uses	-	-	P	P	C	-
Museums	-	-	P	P	-	-
Non-profit Clubs and Lodges	-	-	P	-	-	-
Offices, Business and Professional	-	-	P	C	-	-
Outfitters (Limited)	P	C	P	-	-	C
Outfitters (Full Services)	-	-	C	-	-	C
Parks, Playgrounds, Lawn Bowling, Tot Lots	P	P	P	P	P	C

**TABLE 7-1: URBAN USE TABLE**

<b>LEGEND: “P” means Permitted Use “C” means Conditional Use “-” means Use Not Permitted</b>	<b>ZONES</b>					
	<b>“RG”</b>	<b>“RMH”</b>	<b>“CG”</b>	<b>“I”</b>	<b>“O/R”</b>	<b>“UT”</b>
<b>USES:</b>						
Personal Service Shops	-	-	P	-	-	-
Planned Unit Development	C	-	C	C	C	-
Public Institutions and Buildings	C	C	C	P	-	-
Public Parking Areas [See section 5.16 of PART 5]	-	C	P	P	P	C
Public Picnic and Roadside Rest Areas (excluding truck stop rest areas)	-	-	C	C	P	P
Public, Private and Parochial Schools	-	-	-	P	C	-
Public Reserves	P	P	P	P	P	P
Public Utilities and Services [See subsections 2.1.5 and 2.1.6 of PART 2]	P	P	P	P	P	P
Recreational Trails						
Non-Motorized, such as walking, hiking, cycling and cross country skiing	C	C	P	P	P	P
Motorized and Horse Drawn Wagon	C	C	C	C	C	C
Residences:						
Dwelling units within the second storey or within the rear one-half of the first storey of a Commercial Building	-	-	P	-	-	-
Single-Family Dwellings	P	-	-	-	-	C
Two-Family Dwellings	P	-	C	-	-	-
Multiple-Family Dwellings	C	-	C	-	-	-
Mobile Homes	-	P	-	-	-	-
Mobile Home Parks, Mobile Home Subdivisions [See section 7.8 of this PART]	-	P	-	-	-	-
Bed and Breakfast, Boarding and Rooming Houses	C	-	-	-	-	-
Residential Care Facilities providing residential services, care and supervision for more than eight children who are under the care of a child caring agency as defined by the Child Welfare Act or more than four adults who may be post- mentally ill, mentally handicapped or otherwise developmentally delayed	C	-	-	P	-	-
Restaurants	-	-	P	-	P	-
Retail Stores, when in conjunction with another permitted or conditional use	-	-	P	-	P	-
Retail Stores	-	-	P	-	P	-
Service Shops (including, but not limited to, plumbing, electric shops and trade)	-	-	P	-	-	-

**TABLE 7-1: URBAN USE TABLE**

<b>LEGEND: “P” means Permitted Use “C” means Conditional Use “-” means Use Not Permitted</b>	<b>ZONES</b>					
	<b>“RG”</b>	<b>“RMH”</b>	<b>“CG”</b>	<b>“I”</b>	<b>“O/R”</b>	<b>“UT”</b>
<b>USES:</b>						
Signs	See section 5.10 of PART 5					
Storage Buildings						
Commercial	-	-	P	C	C	C
Residential including skid or wheel mounted trailers and soft wall structures but not shipping containers	P	P	-	-	-	-
Swimming Pools (Public), Wading Pools (Public) and Water Parks	C	C	C	P	P	-
Tea Room Establishment	-	-	P	-	P	-
Tourist Information Booth	-	-	P	P	P	-
Truck Terminal	-	-	C	-	-	-
Travel Trailer and RV Parks	-	-	C	-	C	C

## 7.2 Accessory Uses, Buildings and Structures

### (a) In all Zones:

- (i) accessory off-street parking and loading areas as required and regulated in section 5.16 of PART 5;
- (ii) signs (See section 5.10 of PART 5);
- (iii) home-based businesses in dwellings (See section 8.1 of PART 8);
- (iv) private garage, carports, covered patio, toolhouse, shed and other similar buildings for the storage of equipment;
- (v) private communication facilities including parabolic antennae and radio masts; and
- (vi) non-commercial on site wind turbine or solar generation.

### (b) In the Residential Zones:

- (i) children’s playhouse, garden supply storage house, private greenhouse, private conservatory and private swimming pools (open or enclosed);
- (ii) residential care facilities for four (4) or fewer children;
- (iii) bunk houses, accessory to a residence;
- (iv) guest houses and secondary suites accessory to a permanent residence in the “RG” Zone subject to a conditional use application; and
- (v) personal riding horses (See section 8.4 of PART 8).

(c) In the Commercial Zone:

- (i) the operation, production, processing, cleaning, servicing, altering, testing, repair and storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use; and
- (ii) dwelling units accessory to a commercial use and secondary suites subject to a conditional use application.

(d) In the Urban Transition Zone:

- (i) buildings or structures required for the operation and maintenance of an agricultural activity;
- (ii) storage of goods used in or produced by agricultural activities;
- (iii) farm dwellings related to the agricultural activity; and
- (iv) non-rental guest houses and secondary suites accessory to a permanent residence

### 7.3 Conditional Uses

Any use listed as a “Conditional Use”, in TABLE 7-1 shall comply with the regulations set forth in section 9.7 of PART 9: ADMINISTRATION.

### 7.4 Bulk Regulations

The Urban Bulk Regulations shall be as set forth in TABLE 7-2: URBAN BULK TABLE.

**TABLE 7-2: URBAN BULK TABLE**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq. ft.)	Site Width (ft.)	(a) Front Yard (ft.)	(a) (b) (c) Side Yard (ft.)		(a) (d) Rear Yard	Site Coverage (%)
					Interior	Corner		
Accessory Uses, Buildings and Structures(e) [See also section 7.2 of this PART]	RG	-	-	(f)	10	10(g)	10	10
	CG	-	-	(f)	0(h)	(g)	2(h)	10
	I	-	-	(f)	2(h)	(g)	2(h)	10
Agricultural General Uses	UT	40 acres	500	25	25	25	25	N/A
Agricultural Implement Sales and Service	CG	40,000	150	30(i)	10(i)	15(i)	10(i)	70
Automobile Laundry Auto Service Station, Auto Trades, and Auto and Recreation Trailer Sales Areas	CG	12,000	100	30(j)	10(j)	15(j)	25(j)	30

**TABLE 7-2: URBAN BULK TABLE**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq. ft.)	Site Width (ft.)	(a) Front Yard (ft.)	(a) (b) (c) Side Yard (ft.)		(a) (d) Rear Yard	Site Coverage (%)
					Interior	Corner		
Bulk Propane Sales and Service	CG	30,000	150	30(i)	10(i)	15(i)	25(i)	35
Commercial Malls	CG	43,560 (k)	200	30	10	15	25	35
Commercial Resorts and Conference Centres	CG	174,240	300	30	10	15	25	N/A
Drive-In Theatres	CG	174,240	300	30	10	15	25	N/A
Exhibition Grounds	I, UT	87,000	300	30	10	15	25	N/A
Golf								
Courses	CG, UT	-	-	30	10	15	10	-
Driving Ranges	CG, UT	-	-	30	10	15	10	-
Miniature Golf	CG	-	-	30	10	15	25	-
Hospitals and Personal Care Homes	I	87,000	150	30	10	15	25	60
Hotels								
-central location	CG	15,000	50	0	0	0	25	90
-highway location	CG	43,560	125	30	10	15	25	50
Lumber Yard (enclosed)	CG	15,000	100	0	0	0	10	80
Lumber Yards (all other types)	CG	43,560	125	30	20	25	20	50
Motels								
-central location	CG	25,000	50	0	0	10	10	50
-highway location	CG	43,560(l)	125	30	20	20	20	
Mobile Home Sales and Establishment Service	CG	43,560	150	30	25	25	25	35
Parks, Playgrounds								
-tot-lots	RG, I	6,000	50	30	10	20	20	35
-recreation areas	CG	20,000	100	30	20	25	20	
Public Institutions and Buildings	RG, CG I	15,000	80	30(i)	10(i)	20(i)	25(i)	35
Public Parking Area	GC, I	6,000	50	5	1	1	5	85
Public, Private and Parochial Schools	I, OR	5 acres	200	30	25	25	25	70
Public Utilities and Services	RG, RMH, CG, I, O/R, UT	5,000	50	30(i)	15(i)	15(i)	10(i)	25

**TABLE 7-2: URBAN BULK TABLE**

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS						
		MINIMUM						MAXIMUM
		Site Area (sq. ft.)	Site Width (ft.)	(a) Front Yard (ft.)	(a) (b) (c) Side Yard (ft.)		(a) (d) Rear Yard	Site Coverage (%)
					Interior	Corner		
Residences: Single-Family Dwellings, Mobile and Modular Home Dwelling, Boarding or Rooming, including Bed and Breakfast								
Serviced Site	RG	15,000	100	30	15	15	30	25
	RMH	8,400	70	30	5(m)	15	25	20
Un-serviced Site	RG	2 acres	200	30	15	20	25	40
	RMH	2 acres	200	30	15	20	25	40
Holding Tank Site	RG	15,000	100	30	15	15	30	25
	RMH	8,400	70	30	5(m)	15	25	20
Two-Family								
Serviced Site	RG	12,000	150	30	6	15	25	25
Un-serviced Site	RG	2 acres	200	30	15	20	25	40
Holding Tank Site	RG	15,000	100	30	15	15	30	30
Multiple Family								
Serviced Site	RG,CG	15,000 (n)	100	30	15	20	30	30
Un-serviced Site	RG,CG	2 acres (n)	200	30	15	20	30	45
Holding Tank Site	RG,CG	15,000 (n)	100	30	15	20	30	45
Truck Terminals	CG	80,000	150	40(i)	10(i)	25(i)	15(i)	65
Other Permitted or Conditional Uses in TABLE 7-1 (o)	CG	20,000	100	40(i)	20(i)	25(i)	20(i)	35
	I	20,000	75	30	15	15	25	50
Serviced	CG	6,000	50	0	0	0	10	85
Un-serviced	CG	15,000	75	0	10	15	20	60
Serviced	RG	6,000	50	30	5	12	10	40
Un-serviced	RG	15,000	75	30	12	15	25	45

Explanations, Exceptions to the Bulk Requirements of TABLE 7-2 are as follows:

- (a) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centers of intersections of same shall have a setback in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.

- (b) The commercial site side yard shall not be less than fifteen (15) feet or as required in the TABLE, whichever is greater, where a Commercial Zone abuts a Residential Zone or an Institutional Zone.
- (c) Where a dwelling unit is contained within a commercial building, the side yards shall not be less than five (5) feet.
- (d) Where a dwelling unit is contained within a commercial building, the rear yard shall be at least twenty (20) feet or greater if provided for in the BULK TABLE.
- (e)
  - (i) Accessory dwellings, when located in the “CG” or “I” Zone, shall have the same bulk requirements as similar dwelling types in the “RG” Zone;
  - (ii) There shall be a maximum of three (3) accessory buildings or detached structures, such as a garage or storage shed on a residential site;
  - (iii) Detached accessory buildings or structures (including swimming pools) shall not be located in a front yard and there shall be no discharge of water from swimming pools or hot tubs into septic fields; and
  - (iv) Exterior construction materials and colour schemes for accessory buildings and structures and fences shall be consistent or complementary with the principal residence.
- (f) The minimum front yard requirement for accessory buildings and structures shall be the same as the minimum front yard requirements for the principal use of the site.
- (g) When the accessory building or structure is located to the rear of the main building, the minimum required side yard of the accessory building or structure on a corner or reverse corner site on the street side shall be the same as the main building or structure.

When an accessory building or structure is attached to the main building, then the required yards of the accessory building or structure shall be the same as those of the main building.

- (h) Where a garage has the vehicle entrance doors facing a lane, the garage must have a required rear or side yard of ten (10) feet.
- (i) Gasoline pumps shall have a minimum required front, side and rear yard of twenty (20) feet. Bulk propane tanks shall have a setback from all buildings and site lines as required by Manitoba Labour and Immigration.
- (j) Gasoline pumps shall have a minimum required front, side and rear yard of fifteen (15) feet. Bulk propane tanks shall have a minimum setback from all buildings and site lines as required by Manitoba Labour and Immigration.
- (k) The first four (4) or less retail stores or offices require a minimum site area of forty-three thousand and five hundred and sixty square feet (43,560). Maximum main building area is twelve thousand and eight hundred (12,800) square feet. Each additional retail store or office (maximum 1200 square feet) shall add an additional minimum site area of eight thousand and seven hundred (8,700) square feet.

All other commercial uses connected to the Mall such as service stations or lumber yards (enclosed) etc. shall have site areas as required in the URBAN BULK TABLE 7-2, which shall be added to the basic forty-three thousand and five hundred and sixty (43,560) square feet of required site area.



Sewage disposal shall be by Municipal or private piped system or approved holding tank.

Water supply shall be by Municipal or private piped system or approved well.

- (l) For motels located in a highway commercial area outside the urban central commercial core the first five (5) motel units require forty-three thousand, five hundred and sixty (43,560) square feet plus one thousand (1,000) square feet for each additional motel unit in the “CG” Zone.
- (m) The interior side yard for a two (2) storey dwelling shall be six (6) feet.
- (n) On a serviced lot for a multiple-family dwelling, the first one (1) to three (3) dwelling units shall require a minimum site area of fifteen thousand (15,000) square feet and four thousand (4,000) square feet of site area for each additional dwelling unit thereafter.

On an un-serviced lot for a multiple-family dwelling, the first one (1) to three (3) dwelling units shall require a minimum site area of two acres (87,120 square feet) and four thousand (4,000) square feet for each additional dwelling unit thereafter.

- (o) Notwithstanding the bulk requirements of this TABLE, the required front, side and rear yards may be reduced to zero (0) feet for commercial buildings in the “CG” Zone, subject to the requirements of the building and fire codes and approval of the Municipal Development officer.

## **7.5 Dwelling Unit – Minimum Size**

- 7.5.1 The minimum floor area of a single-family dwelling shall be nine hundred (900) square feet. The minimum floor area of a two-family dwelling building shall be six hundred (600) square feet per dwelling unit. The minimum floor area of a mobile home dwelling unit shall be eight hundred (800) square feet.
- 7.5.2 The minimum floor area of a multiple-family dwelling shall be four hundred (400) square feet for each dwelling unit.
- 7.5.3 The minimum floor area of a dwelling unit when contained in a commercial or institutional building shall be four hundred square feet.

## **7.6 Area and Yard Requirements**

- 7.6.1 Except as herein provided, the following special provisions shall apply in the “RG” Zone of this PART to ensure adequate site and yard requirements:
  - (a) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site; and
  - (b) All required yards and other open space required for any use shall be located on the same site as the use.

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

## **7.7 Outside Storage of Goods and Materials**

- 7.7.1 There shall be no storage of merchandise or goods in the front and side yards in the “CG” Commercial General Zone except for the following uses:
- (a) Automobile and trailer sales, automobile service station, agricultural sales and services; and
  - (b) Lumber yards may have storage of merchandise or goods in the rear yards.

## **7.8 Mobile Home Park Regulations**

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

### **7.8.1 Minimum Park Size**

A mobile home park shall contain a minimum of three (3) mobile home spaces and shall have a minimum site width of two hundred (200) feet.

### **7.8.2 Buffer Area**

A buffer area at least ten (10) feet in width shall be provided within and adjacent to the perimeter of the mobile home park property and twenty (20) feet in width on the perimeter which abuts a street.

### **7.8.3 Development of the Buffer Area**

- (a) The buffer area provided in subsection 7.8.2 above shall be developed as an area suitably landscaped with trees, shrubs, grass and similar horticultural features as shown on the site plans submitted pursuant to subsection 7.8.11 of this section;
- (b) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet in width containing a concrete, gravel or asphalt driveway a minimum of twenty-five (25) feet in width from a street to the internal roadway system; and
- (c) The buffer area shall contain no use other than permitted by clauses (a) and (b) above.

### **7.8.4 Location of Storage Compound**

A storage compound shall not be located within the buffer area described in subsection 7.8.3 above and shall be located according to approved site plans.

#### 7.8.5 Mobile Home Park Internal Roadway System

Internal roadways within a mobile home park shall be as follows:

- (a) The internal roadway system shall have a right-of-way a minimum of fifty (50) feet in width; and
- (b) The internal roadway system shall be surfaced using concrete, asphalt or gravel a minimum of twenty-five (25) feet in width.

#### 7.8.6 Number of Mobile Homes

There shall not be more than one mobile home located on a mobile home space in a mobile home park.

#### 7.8.7 Distance from Storage Compound, Common Parking, Service Building

A mobile home shall be located a minimum distance of twelve (12) feet away from a storage compound or a common parking area and twenty (20) feet from a service building in a mobile home park.

#### 7.8.8 Required Services for Mobile Home Space

A mobile home space shall be provided with the following:

- (a) an approved sewer connection;
- (b) an approved potable water supply system;
- (c) an electrical service outlet; and
- (d) an adequate base support for the mobile home.

#### 7.8.9 Location of Accessory Buildings and Structures

Detached accessory buildings or structures shall be located only in the side or rear yard.

#### 7.8.10 Accessory Structures and Buildings

All accessory structures and buildings such as detached carports and detached private garages and storage facilities shall be built and maintained to a suitable standard so that they will complement the main structure.

#### 7.8.11 Site Plans – Requirements

Plans submitted to the Development Officer for approval of a mobile home park shall be drawn to scale and fully dimensioned indicating landscaping, access roads, mobile home spaces, buffers, storage compounds, common recreational area, retention of surface run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-law.

#### 7.8.12 Mobile Home Standards

All mobile homes must meet all structural standards as determined by *The Buildings and Mobile Home Act* and amendments thereto.

#### 7.8.13 Required Services for Mobile Home Park

A mobile home park shall be provided with:

- (a) An adequate street lighting system, satisfactory to the Development Officer; and
- (b) Any other services that the Development Officer considers necessary for the public health and safety.

#### 7.8.14 Mobile Home Orientation on Lot

When locating a mobile home on a zoning site, the narrowest side of the mobile home must be oriented towards the street unless the Development Officer authorizes a different orientation of the building due to local site characteristics.

## **PART 8: REQUIREMENTS FOR SPECIFIC USES**

### **8.1 Home-based Businesses**

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

- (a) The business activity shall be conducted either in the dwelling, within an accessory building, or, in the case of the agricultural zone, elsewhere on the same site, subject to the provisions of this By-law;
- (b) The business activity shall be conducted by a person or persons residing in the dwelling, and person(s) employed or otherwise engaged on the same site as the business, who do not reside in the dwelling, may not exceed 2 in the “RR”, “RRG”, and “RG” Zones and 5 in the “R/A” Rural/Agriculture Zone;
- (c) There shall be no exterior processing or storage in the “RR” Zone. In the “R/A” Zone the location of all exterior processing and storage facilities within 350 feet of a property boundary shall be subject to Council approval;
- (d) In the “RR”, “RRG”, and “RG” Zones, a maximum of 50% of floor area may be devoted to the business activity;
- (e) In the “R/A” Zone, a maximum of 1000 square feet of floor area may be devoted to a business or a maximum of 4000 square feet in a machinery storage building;
- (f) One business sign, either free standing or affixed to the wall of the principle or accessory building, is permitted (See section 5.10 of PART 5);
- (g) The business activity shall not generate undue traffic or congestion, adversely affect existing municipal infrastructure, adversely affect the amenity and convenience of the surrounding area, or create a nuisance. In all residential zones, rural or urban the residential character of the property shall be maintained;
- (h) A bed and breakfast shall be deemed to be approved as a permitted accessory use and is not subject to the floor area limitations set out in subsection 8.1(d) above; and
- (i) Rental rooms in a private dwelling to a maximum of 2 bedrooms not exceeding 50% of the residence without cooking facilities rented out on a temporary basis.

### **8.2 Livestock Operations**

8.2.1 The provisions of this subsection shall apply to livestock operations, which shall be deemed to include animal housing facilities such as barns and similar types of buildings along with related manure storage facilities, and also to include feedlots and similar fenced areas where livestock are confined solely for the purpose of growing and finishing, and are sustained by means other than grazing, including seasonal feeding areas.

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

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

- (b) located within ½ mile (800m) of one another and share a common manure storage facility (regardless of ownership);

they are deemed to be a single livestock operation, and the total number of existing or proposed animal units in each operation shall be added together for the purpose of interpreting the requirements of this By-law.

- 8.2.3 Livestock operations including animal housing structures and manure storage facilities shall be setback three hundred twenty-eight (328) feet from property lines.
- 8.2.4 To assist in the interpretation of this By-law, the total number of existing and proposed Animal Units (AUs) cumulative across species, of a livestock operation, shall be determined in accordance with TABLE 8-1 of this PART.
- 8.2.5 The provisions of this By-law are dependent upon a determination of the production capacity of a livestock operation facility, which shall be based upon the intensity of use as measured by Animal Units determined in accordance with TABLE 8-1 by multiplying the number of animals that can be accommodated in the facility by the animal unit produced by one livestock.
- 8.2.6 No manure storage facility shall be constructed or located within three hundred and twenty-eight (328) feet of surface water which is standing or flows either perennially or intermittently beyond the site of the facility.
- 8.2.7 Requirements for setback and separation distances, as provided for in this PART, shall be measured from the closest point of the barn, feedlot or high density seasonal feeding area, including any related manure storage facility, to the property boundary, residence, zoning area boundary or water body, as the case may be.

**TABLE 8-1: ANIMAL UNIT SUMMARY TABLE**

<b>Animal</b>	<b>Type</b>	<b>AU Produced by One Livestock</b>	<b>Livestock Producing One AU</b>
Dairy	Milking Cows, including associated livestock	2.000	0.5
Beef	Beef Cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling	0.313	3.2
	Sows, farrow to nursery	0.250	4
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.200	5
Chickens	Broilers	0.0050	200
	Roasters	0.0100	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.0100	100
Turkeys	Broilers	0.010	100
	Heavy Toms	0.020	50
	Heavy Hens	0.010	100
Horses (PMU)	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.200	5
	Feeder Lambs	0.063	16

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

**NOTE:** To calculate the number of AUs for a particular operation, multiply the AU produced by one livestock by the number of animals. For example, for 200 animal beef cows including associated livestock equals  $1.25 \times 200 = 250$  AUs. Changes may be made in this TABLE 8-1 by the Province, without requiring an amendment to this By-law.

#### 8.2.8 Livestock Operations Deemed Conditional Uses

Livestock operations are deemed to be a conditional use when the size of the operation reaches three hundred (300) or greater animal units (cumulative across species), irrespective of location, except as identified in subsection 8.2.10 of this PART.

## 8.2.9 Livestock Operations in Proximity to Residences and Designated Areas

The criterion outlined in TABLE 8-2, applies to all new and expanding livestock operations in proximity to residences and designated areas as well as siting of new rural residences and designated areas in proximity to existing livestock operations. These separation distances may be varied by Council.

**TABLE 8-2: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS**

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

- (a) Residences, excluding the residence of the owner/operator of the livestock operation.
- (b) “Designated Areas” means areas designated as a rural residential or rural recreation general area and any settlement centre as designated in the Development Plan, the corporate limits of a town, village or city and the limits of an unincorporated local urban district.
- (c) The distance to buildings include barns, animal housing facilities, including seasonal feeding areas and non-earthen manure storage such as a molehill, tank or other facility not made out of earth for storing manure, and includes all permanent equipment or structures in or by which manure is moved to or from the storage facility.

## 8.2.10 Livestock Operations Development in Buffer Areas

Notwithstanding the requirements of TABLE 8-2 that are applicable in all cases, there are additional livestock operation buffer requirements adjacent to the designated urban community of Onanole, the designated rural residential and rural recreation general areas, the Little Saskatchewan River, and other water bodies. These requirements are included herein.

- (a) The livestock requirements adjacent to the urban community of Onanole are as follows:
  - (i) there shall be no new livestock operations located within 2640 feet of urban policy boundaries in Onanole. There are no existing livestock operations within this area at date of adoption of the Development Plan; and



- (ii) there shall be a maximum animal unit threshold of 300 animal units between 2640 feet and 5280 feet of the urban policy boundaries in Onanole for all new operations. New and expansion of existing livestock operations over 200 animal units are conditional uses. Existing livestock operations at the date of adoption of this By-law may expand over 300 animal units.
- (b) Designated rural residential and rural recreation general areas are illustrated on Zoning Maps 2 and 3 and the detailed maps. The livestock requirements are as follows:
  - (i) there shall be no new livestock operations located within 1320 feet of the rural residential or rural recreation general policy boundaries. All existing livestock operations within this area (at the date of adoption of this by-law) may expand to 50 animal units as a permitted use; livestock operations between 50 and 100 animal units will require conditional approval and the maximum size for a conditional use shall be 100 animal units; and
  - (ii) there shall be a maximum animal unit threshold of less than 300 animal units between 1320 feet and 5280 feet as a permitted use. All new and expanding livestock operations of 300 animal units or greater shall be conditional uses.
- (c) Livestock operations adjacent to or near waterbodies will not be allowed within:
  - (i) a distance of 330 feet of the ordinary high water mark of any surface watercourse, surface water, sinkhole, spring, well and/or property boundary; nor
  - (ii) within any riparian area; nor
  - (iii) any 100 year high water level or flood plain adjacent to a surface water course. This policy does not apply to existing livestock operations that are provided for under Manitoba Conservation Livestock Manure and Mortalities Management Regulations.
- (d) Livestock requirements around standing and running water bodies are as follows:
  - (i) all new livestock operations of 100 animal units or greater shall be conditional uses within 800 feet from all standing water bodies greater than 40 acres; and
  - (ii) all new livestock operations shall be a conditional use within a distance of 800 feet of the ordinary high water mark of any permanent running water body (for example, Little Saskatchewan River, Octopus Creek, Heron Creek, Whirlpool River and their tributaries).
- (e) Livestock operations proposed adjacent to single-family residences other than residences of the owner/operator of the livestock operation, shall also be subject to the requirements of TABLE 8-2: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS from single residences. These separation distances shall also apply to residences located adjacent to or near existing livestock operations.

#### 8.2.11 Application Requirements for New or Expanding Livestock Operations

- (a) Where approval for a new or expanding livestock operation is required, the application shall be accompanied by, in addition to the information required by section 9.5 Development Permits of PART 9 herein:
  - (i) site plans, specifications and descriptions, for
    - the livestock housing facilities;

- the manure storage facilities including storage and odour control; and
- available land for application of manure;
- (ii) a site plan showing the location of animal housing, manure storage and other related facilities and their distances from property boundaries and surface water; and
- (iii) type of existing and proposed livestock and number of Animal Units (AUs).
- (b) Council shall refer all applications for conditional use, for livestock operations involving three hundred (300) or more animal units, together with all supporting material to the Minister of Local Government for referral to the appropriate Regional Technical Review Committee for review.
- (c) Applications for livestock operation under 300 animal units shall be received by the Chief Administrative Officer (CAO) or the Development Officer of the Municipality.

The Officer shall review the application with respect to applicable Development Plan policy and Zoning By-law requirements. Where no annual manure management plan is required by the Province under regulation, the operation shall have access to the amount of suitable land, recommended in the Farm Practices Guidelines, per animal unit produced in order to have enough land for manure application requirements.

Complying permitted use operations shall receive an approved Development permit. Operations that require conditional use approval shall be advised to apply for same. These applications shall be processed using The Planning Act and the provisions of this By-law found in PART 9 – ADMINISTRATION. Non complying applications may mean rejection or the Development Officer may refer the application to Council, depending on the issue, for a decision.

- (d) Council, in consultation with Manitoba Stewardship and Manitoba Agriculture, Food and Rural Initiatives may require that an application for a new or expanding livestock operation within a groundwater sensitivity area, as identified in Appendix “B”, Reference Map 2 of The Park Municipal Development Plan, be accompanied by, in addition to other information contained in this PART and subsection 9.5.6 of PART 9 herein, and where adequate data is not available and it is deemed necessary to provide the following information:
  - (i) an engineering and hydro-geological assessment of soils, surface and groundwater site features; and
  - (ii) a description of mitigative measures to be undertaken to minimize the risk of soil and groundwater pollution.
- (e) Council may approve a livestock operation subject to conditions as provided for in The Planning Act, which consist of:
  - (i) measures to ensure conformity with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-laws;
  - (ii) one or both of the following measures intended to reduce odours from the livestock operation:
    - requiring covers on manure storage facilities; and
    - requiring shelterbelts to be established;
  - (iii) requiring the owner of the affected property to enter into a development agreement dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters:

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

### **8.3 Small-Scale and Non-Farm Residential Accessory Livestock Facilities**

- 8.3.1 The animal confinement facilities, housing 9 or less animal units capacity, and any associated manure storage facilities shall be set back a distance of six hundred (600) feet from the designated urban community of Onanole, any designated rural residential and rural recreation general areas and three hundred (300) feet from any dwelling, other than the dwelling of the operator on the same site.
- 8.3.2 The farm or non-farm residential site area, upon which the confinement facilities are found, is not less than five (5) acres in size, and require two (2) acres of land for each 0.75 animal unit capacity, as determined by TABLE 8-1, to a maximum of 9 animal units.
- 8.3.3 Small amounts of livestock may be kept for only non-commercial purposes in Rural Residential Designated Areas as provided for in TABLE 6-3 of PART 6.

### **8.4 Requirements for Keeping Personal Riding Horses on Residential Lots**

Notwithstanding section 8.3 above, the following requirements shall apply to personal riding horses on residential lots:

- (a) There shall be a maximum housing for two (2) personal horses per four (4) acres, owned by the lot owner, and no boarding of non-personal horses shall take place;
- (b) The two (2) horses can remain on the residential lot from April 15 to October 31 of each year. If a cottage owner is residing on a full time year round permanent basis, the Council may allow the keeping of the horses on the lot year round provided adequate arrangements are made for importing feed and exporting manure;
- (c) The four (4) acre lots shall be configured such that a maximum one and a quarter (1.25) acres contains the dwelling unit, all accessory buildings and on-site water and sewage systems. The remaining two and three-quarters (2.75) acres shall be used for pasturing of the horses only. The one and a quarter (1.25) acres of cottage area on the lot must be separated by a fence from the two and three quarter (2.75) acres pasture area of the lot;
- (d) The dwelling unit and accessory horse accommodation building (hobby barn) must be constructed prior to the horses being kept on the lot;
- (e) There shall be only one (1) accessory building associated with the horse keeping and it must contain room for a maximum of two (2) horse stalls, a one (1) month supply of feed and an area for tack storage. The building must be provided with a ventilation fan. The building must be a minimum of four hundred (400) square feet and a maximum of five hundred (500) square feet in total area of all floors and a maximum height of fifteen (15) feet. There can be a small paddock area (maximum size thirty (30) feet by thirty (30) feet developed adjacent to the building for fast exercise of the horses;

- (f) The accessory horse building (hobby barn) shall have a required rear yard of fifty (50) feet. This building shall also be located to the rear of the front wall of the cottage and a minimum of thirty (30) feet from the cottage;
- (g) The owner shall provide a three (3) foot high perimeter fence around the pasture area and a three (3) foot high fence around the paddock area, if one is developed. If the accessory horse building does not lead directly into the pasture or paddock, a thirty-six (36) inch high fence must be constructed around the cottage and accessory building area of the lot. The fence must be constructed of wooden posts or rails and be of a design satisfactory to Council;
- (h) The owner must have a current agreement with an owner of suitable agricultural land for the disposal of manure produced by the horses;
- (i) The owner must dispose of all stored manure that is produced by the horses a minimum of once every three (3) weeks. The horses are to be confined to the corrals and barn and pasture as required by Council. This manure must be disposed of on the agricultural land under agreement. There shall be no burning of bedding straw or manure;
- (j) Manure shall not be stored within fifty (50) feet of any property line. Manure piles shall be stored behind the accessory horse building (hobby barn) or on the two and three quarter (2.75) acre pasture part of the lot, and a minimum of fifty (50) feet from the dwelling unit and three hundred (300) feet from a well or as required by the Province; and
- (k) The dwelling unit portion of the lot shall be landscaped with trees or other buffer material and the pasture portion of the lot shall be managed in a manner that maintains a healthy vegetative cover and controls levels of accumulation of manure to levels that can be used by the vegetation and soil without undue odour as required by Council.

## **8.5 Special Limitations Governing Development of Farm Buildings, Structures and Dwellings**

- 8.5.1 No building, dwelling, mobile or modular home shall be constructed or located within one thousand five hundred (1,500) feet of the site of any municipal sewage lagoon and one thousand five hundred (1,500) feet of a solid waste disposal site.
- 8.5.2 No building, dwelling, mobile or modular home shall be constructed or located within five hundred (500) feet of a commercial bulk fuel facility or a farm bulk chemical supply facility and one thousand (1,000) feet of an inland grain terminal and two thousand six hundred forty (2,640) feet of a stationary anhydrous ammonia storage tank.
- 8.5.3 No building, dwelling, mobile or modular home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Mines Branch, unless the site has been further reviewed by that Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling, mobile or modular home, a separation distance of five hundred (500) feet shall be provided between the building location and any active mining area.
- 8.5.4 Any proposal to establish any building, dwelling, mobile or modular 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.

## **8.6 Hazardous Materials Storage**

- 8.6.1 No bulk farm chemical supply warehouse, commercial bulk fuel facility or fertilizer storage facility shall be located within five hundred (500) feet of a building used for human occupancy or individual residence and no inland grain terminal shall be located within one thousand (1,000) feet of a building used for human occupancy or individual residence.
- 8.6.2 A stationary anhydrous ammonia storage tank with a storage capacity exceeding two thousand (2000) imperial gallons shall not be located within:
- (a) Two thousand six hundred forty (2,640) feet of the designated urban community of Onanole;
  - (b) Three hundred twenty-eight (328) feet of a municipal road or provincial highway; and
  - (c) Five hundred (500) feet of a single dwelling site unless a reduced separation is recommended by the Provincial Government.

## **8.7 Variation of Separation Distances**

Minimum separation distances may be reduced through the application for a minor variation or variation order as prescribed in PART 9 of this By-law and *The Planning Act*.

## **8.8 Proximity of Air Landing Strips to Buildings and Structures and Other Designated Areas**

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

## **8.9 Location of Automobile Wrecking Establishments**

An automobile wrecking establishment shall not be located within one-half (0.5) mile of a Provincial Trunk Highway or one (1) mile of a designated urban area, rural residential or a rural recreation general area.

## **8.10 Storage of Derelict Vehicles**

- (i) Subject to clause (ii), there shall be no storage of derelict automobiles, parts, other machinery, or products in any required front, side or rear yard within a rural zone, except in a waste disposal ground or an automobile wrecking establishment; and
- (ii) Where there is storage of derelict automobile parts and other machinery outside of a building, a continuous compact hedge or continuous row of evergreen trees expected to attain a height of not less than six (6) feet, or a six (6) foot high fence or berm shall be provided and maintained along the periphery of the storage area in a manner that conceals the stored materials from any public street or road or an adjacent land use.

### **8.11 Travel Trailer Use**

A travel trailer shall not be used as a dwelling unit within any Residential Zone on sites other than where it is permitted as temporary seasonal accommodation (e.g. campgrounds, group camp, hunting and fishing lodges). The travel trailer may be temporarily used for accommodation on a site where an owner is currently constructing a dwelling unit. The travel trailer cannot be used for temporary accommodation on such a site for more than one year from the date of the permit issued for the dwelling unit.

### **8.12 Condominium Subdivision of Land**

Notwithstanding the provision of this By-law, the following regulations shall apply to condominium development:

- (a) Existing bare land unit developments as described in the Condominium Act of the Province of Manitoba, and any existing structure situated on any such unit shall be deemed to comply with the bulk regulations of the applicable zone;
- (b) A bare land unit title is a zoning site; and
- (c) New development, any structural alteration or any replacement to any existing structure shall conform in all respects to the bulk regulations (including site area and yards) as set out in the bulk regulations of the applicable zone.

### **8.13 Multiple Uses**

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

### **8.14 Commercial Resort, and Conference Centre Development Provisions**

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

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

(20,000) square feet for a building with two dwelling units and an additional five thousand (5,000) square feet for each additional dwelling unit contained in the building.

- 8.14.3 The development shall be treated as a Planned Unit Development in order to allow flexibility in design. In all cases, the overall site area shall be as required in the Bulk Table.

#### **8.15 Wind Turbine Generator Station Development Provisions**

In addition to the other requirements in this Zoning By-law found in TABLES 6-1 and 6-2 of PART 6, the following provisions shall apply to the development of Wind Turbine Generator Stations (WTGS) as conditional uses on sites within the "R/A" Zone. Agricultural land uses may co-exist with (WTGS) on these parcels.

- (a) Proponents of a (WTGS) are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure and Transportation and Manitoba Conservation, prior to the issuance of a development permit;
- (b) Proponents of a wind turbine generator station (WTGS) shall submit, to the Development Officer a detailed site plan showing the location of all wind turbines, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system as part of the conditional use application. Proposals for additional infrastructure will require additional conditional use approval;
- (c) A conditional use application to establish one or more wind turbine generator station(s) (WTGS) may include one or more turbine(s) on a parcel of land or a network of turbines and associated structures located on different parcels of land at different locations in the municipality respectively, provided that all structures will be operated by the same corporate entity. For the purposes of this By-law, an application involving more than one parcel of land and (WTGS) shall be processed as one application, with the provision that a separate conditional approval shall be issued for each separate parcel of land and/or (WTGS);
- (d) When locating a proposed wind turbine in the vicinity of any registered or certified airport all Transport Canada regulations or recommendations for certified airports regarding height and location of surrounding buildings and structures shall be followed;
- (e) A development permit shall be obtained prior to the commencement of construction;
- (f) The colour scheme of a commercial wind turbine and associated signage affixed to the structure shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway. Both of these items must be dealt with in a manner consistent with any applicable Federal Government regulations;
- (g) All private single wind turbine systems located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from the property line a minimum distance equal to its total height, measured from the ground to the extent of its rotors; and
- (h) The WTGS facility shall be separated by a distance of two thousand six hundred and forty feet (2,640 feet) from any designated Wildlife Management Area, Provincial Park or Federal Park.

## **8.16 Camping and Tenting Grounds**

Any application for a camping and tenting ground development, including a trailer park for seasonal recreation use, shall be submitted to Council for their consideration and approval prior to the issuance of a development permit and accompanied by a detailed plan showing the size, spacing and separation of individual campsites or trailer sites, and the proposed methods of water supply and sewage collection, and the proposal shall be subject to the review and approval by Council with respect to all of these matters. As a guide, where approved piped or campground owned holding tank sewage disposal and piped water supplies are provided on individual camping spaces, the space area, yards, perimeter buffers, roads and space service and hook-ups requirements of the camping space and campground shall be similar to those of Mobile Home Park Regulations found in section 7.8 of PART 7. Besides this, all Provincial requirements for public washrooms and other public facilities must be met. These requirements shall apply as well in more primitive campgrounds, especially the Provincial requirement for public washroom facilities of an approved amount and size and trailer dump stations. The camping spaces may be smaller, to a recommended minimum of 3500 square feet and 40 feet of frontage if on-site sewage facilities are not provided or allowed, other than portable built-in facilities in the recreation vehicle.



## **PART 9: ADMINISTRATION**

### **9.1 Administration and Enforcement**

Council of The Rural Municipality of Park is responsible for the administration and enforcement of this By-law and will proceed as provided in PARTS 9 and 10 herein.

### **9.2 Responsibilities of Council**

Subject to the provisions of *The Planning Act*, the Council of The Rural Municipality of Park is responsible for the enactment or repeal of this By-law in accordance with the provisions of *The Planning Act* and:

- (a) Considering the adoption or rejection of proposed amendments to this By-law;
- (b) Considering the approval or rejection of applications for conditional use and variations;
- (c) Considering the revocation of any approved conditional use as a result of any violation by the owner of any conditions specified by Council on the conditional use order; and
- (d) Establishing a schedule of fees as provided for in section 9.9 of this PART.

### **9.3 Responsibilities of the Development Officer**

Subject to the provisions of *The Planning Act*, the Development Officer shall be the designated employee or officer appointed by The Rural Municipality of Park who shall:

- (a) Receive and review applications for development permits;
- (b) Issue development permits and otherwise administer and enforce the provisions of this By-law and *The Planning Act*, where the proposed development of land, buildings or structures conforms with this By-law, other by-laws of The Rural Municipality of Park, and any applicable regulations of the provincial and federal governments;
- (c) Receive and process applications for amendments to this By-law, conditional use orders and variation orders;
- (d) Issue zoning memoranda and any other documents as may be necessary for the administration and enforcement of this By-law;
- (e) Allow or refuse minor variations (up to 10%) of any height, distance, area, size or intensity of use requirement in this By-law and the number of parking spaces required by this By-law as authorized by and in accordance with the provisions of *The Planning Act*; and
- (f) Exercise the powers of remedy and enforcement set out in PART 10 herein.

## **9.4 Responsibilities of the Owner**

Subject to the provisions of *The Planning Act*, the Owner is responsible for:

- (a) The preparation of all applications, forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this By-law and *The Planning Act*;
- (b) Obtaining all necessary permits and approvals which may be required by The Rural Municipality of Park, or any agencies or departments of the provincial or federal governments, prior to the commencement of construction, or the change of use of any land, building or structure;
- (c) Ensuring that all work is completed in accordance with the approved application and development permit;
- (d) Obtaining the written approval of the Development Officer before doing any work at variance with the approved development permit; and
- (e) Permitting the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this By-law, and shall not molest, obstruct, or interfere with the Development Officer in the discharge of his duties under this By-law.

## **9.5 Development Permits**

9.5.1 A development permit is required for any of the following:

- (a) Subject to subsection 9.5.2 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 use which is not a permitted use; and
- (d) The alteration or enlargement of an approved conditional use.

9.5.2 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 for in subsection 9.5.3 herein. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location approval and similar approvals.

9.5.3 A development permit is not required for the following:

- (a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:

- (i) fences,
  - (ii) lighting,
  - (iii) flagpoles,
  - (iv) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area of one hundred and fifty (150) square feet or more,
  - (v) non-commercial communications aerials or antennas,
  - (vi) garden houses or children's playhouses,
  - (vii) unenclosed patios; and
- (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.
- 9.5.4 Notwithstanding the development permit exemptions listed in subsection 9.5.3 of this PART, all such exempted activities shall be subject to all other requirements of this By-law and of any government department, including permits for development within the highway control areas adjacent to Provincial Trunk Highways and Provincial Roads.
- 9.5.5 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.
- 9.5.6 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 and built on;
  - (b) The location and dimensions of existing buildings and structures and their distances from property lines;
  - (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
  - (e) Vehicular access and utility connections;
- and shall include any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this by-law.
- 9.5.7 An application for a development permit shall be accompanied by the fee prescribed by the Park Municipal Council.
- 9.5.8 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 Park Municipal Development Plan, Municipal Building By-law, or with any other by-law.
- 9.5.9 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this By-law.

9.5.10 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.

9.5.11 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 Municipal Building By-law, or any other by-law; or
- (b) Where the development permit was issued in error.

## **9.6 Application for Amendment**

9.6.1 An application for an amendment to this By-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.

9.6.2 An application for amendment shall be accompanied by plans drawn to scale showing the following:

- (a) The shape and dimensions of the land affected;
- (b) The location and dimensions of existing buildings and structures;
- (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
- (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

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

9.6.3 An application for an amendment to this by-law shall be accompanied by the fee prescribed by the Council of The Rural Municipality of Park.

9.6.4 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

9.6.5 On receipt of an application for amendment, Council may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Local Government or any other department or agency for its review and comment.

## **9.7 Application for Variances and Conditional Uses**

9.7.1 An application for a variation or approval of a conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.

9.7.2 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in subsection 9.5.6 of this PART.

- 9.7.3 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Council.
- 9.7.4 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 9.7.5 On receipt of an application for a variation or approval of a conditional use in proper form, the Municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Local Government or any other department or authority for its review and comment.
- 9.7.6 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 9.7.7 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.
- 9.7.8 The validity of a conditional use or variation shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the approval by Council unless the approval is renewed prior to the expiry, at the discretion of Council, for an additional period not exceeding twelve (12) months.
- 9.7.9 Except as provided for in subsection 2.2.2 of PART 2 herein, any change in the circumstances of a conditional use shall be subject to the provisions of subsections 9.7.1 to 9.7.8 herein and the provisions of *The Planning Act*.

## **9.8 Development Agreements**

- 9.8.1 In accordance with the provisions of *The Planning Act*, as a condition of amending the Zoning By-law, making a variation order or approving a conditional use, Council may, under *The Act*, unless otherwise provided, require the owner of the affected property to enter into a development agreement with The Rural Municipality of Park in respect of that land as well as contiguous land owned or leased by the applicant.
- 9.8.2 Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with The Rural Municipality of Park, in accordance with the provisions of *The Planning Act*.
- 9.8.3 A development agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in *The Planning Act*.

## **9.9 Fee Schedule**

- 9.9.1 The fees shall be as established by Council for any amendment, conditional use order, variation order, zoning memorandum or non-conforming use certificate to this By-law.
- 9.9.2 The Council shall, by by-law, establish a fee schedule for development permits and other charges to be paid by any person for services rendered by any employee of the Municipality.

## **PART 10: ENFORCEMENT**

### **10.1 By-law Contravention**

No person shall contravene this By-law or an Order of the Development Officer or the Municipality, and, any person who contravenes this By-law, is guilty of an offence, and, if the By-law does not provide a penalty, is liable on summary conviction to a fine or imprisonment, or both, as provided by *The Planning Act*.

### **10.2 Entry for Inspection and Other Purposes**

10.2.1 The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:

- (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law or *The Planning Act*;
- (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action;
- (c) Make copies of anything related to the inspection, remedy, enforcement, or authorized action; and
- (d) On providing a receipt, remove a record, document or other item related to the inspection.

10.2.2 The Development Officer must display or produce on request identification showing his or her official capacity.

10.2.3 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 clauses 10.2.1 (a) and (c) of this PART without the consent of the owner or occupant.

### **10.3 Order to Remedy Contravention**

10.3.1 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.

10.3.2 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, and, if necessary, to prevent a reoccurrence of the contravention;
- (c) State a time within which the person must comply with the order; and
- (d) State that if the person does not comply with the order within the specified time, the Municipality may take any action required to remedy the contravention, at the expense of the person.

#### **10.4 Enforcement and Penalties**

- 10.4.1 The enforcement of this By-law or any resolution or order enacted by the Council under *The Planning Act* or any regulation made thereunder shall be in accordance with *The Planning Act*.
- 10.4.2 Any penalty imposed for a violation of this By-law shall be in accordance with *The Planning Act*.

## PART 11: INTERPRETATION

### 11.1 Footnotes

The footnotes are part of this by-law.

### 11.2 Permitted Uses

Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use which appears as a conditional use for the same zone.

### 11.3 Definitions

11.3.1 Terms not defined in this By-law which are defined in *The Planning Act*, have the meaning provided in *The Act*.

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

**"Accessory building, structure or use"**, means a building, structure or use which:

- (a) Is subordinate to, incidental to, and serves the principal building, structure or use;
- (b) Is customarily subordinate in area, extent, or purpose to the principal building, structure or use served;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use served; and
- (d) Is located on the same zoning site as the principal building, structure or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning site with the building, structure or use served.

**"Accessory"**, when it is used in this By-law, shall have the same meaning as accessory use.

**"Act, Planning"**, means *The Planning Act*, C.C.S.M. c P80.

**"Agricultural activities, general"**, means a use of land for agricultural purposes including pasturage, the production of field crops, agriculture, apiculture, floriculture, horticulture and the necessary accessory uses for packing, storing or treating the produce, provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Such activities do not include the following:

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



**“Agricultural activities, specialized”**, means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land which provide a major component of household income.

**“Agriculture Implement Sales and Services”**, means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.

**“Agriculture Related Industries”**, means industries that provide support services for agricultural activities and includes seed cleaning plants, grain elevators, fertilizer plants, feed mills, auction marts, implement sales and service, and bulk fuel and fertilizer.

**“Aircraft Landing Strip”**, means any area of land which is used or intended for use for the landing or take off of aircraft, along with any appurtenant areas used or intended for use as airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage or tie-down areas, hangars and other related buildings and open spaces.

**“Alteration”**, means a change or modification to an existing building, structure or use.

**“Alteration, structural”**, means, for the purpose of this By-law, any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**“Automotive Body Shop”**, means a building wherein the repair and painting of vehicles takes place.

**“Automotive Washing Establishments”**, means a building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.

**“Automobile, mobile home or trailer sales area”**, means an open area, used for the display, sale or rental of new or used automobiles, mobile homes or trailers, and where repairs are made they shall generally be done within a completely enclosed building.

**“Automobile service station”**, means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail direct to the customer, and where repairs are made, they shall generally be done within a completely enclosed building.

**“Basement”**, means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade as approved.

**“Bed and Breakfast Establishment”**, means a single family dwelling unit in which overnight accommodation and breakfast is served for a fee, to a maximum of 10 people, other than family members at any one time, and wherein the accommodation is provided in bedrooms only and meals are served from the existing kitchen/dining room area of the dwelling unit, and the rooms used for accommodation of clients do not contain individual self contained cooking, and cooking of any form is prohibited in the rooms.

**“Building”**, means, for the purpose of this By-law, a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

**“Building, height of”**, means the total number of storeys in the building or 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 or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

**“Building, principal”**, means the structure in which the principal use of the site is conducted.

**“Bulk”**, means the term used to describe the size of a building or structure or land, and their relationship to each other, and therefore includes:

- (a) The size (including height of building and floor area) of buildings or structures;
- (b) The size of the zoning site (including area and width of site) upon which a building is located, and the number of dwelling units or rooms within such building in relation to the size of the zoning site;
- (c) The location of exterior walls of buildings in relation to site lines, or to other buildings; and
- (d) All open areas relating to buildings or structures and their relationship thereto.

**“Bunk House”**, means a portable detached non-commercial building excluding a mobile home which is accessory to a dwelling unit or a rural non-farm residence and is used for temporary sleeping accommodations only and not exceeding four hundred (400) square feet in floor area without cooking facilities or indoor plumbing facilities.

**“Camping and tenting grounds”**, means an area of land designed and improved to accommodate travel trailers, motor homes, tent trailers, tents and other camping accommodations on a temporary basis for recreation and vacation purposes.

**“Cellar”**, means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling, below adjacent finished grade as approved.

**“Cemetery”**, means land for the burial of the deceased and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**“Commercial Mall”**, means a commercial building consisting of a number of retail stores, service outlets and offices that are compatible in nature, are connected by common walls and are allowed in the Zone, all of which may be owned and operated by the owner, or may be leased or rented space to other business operators. The mall also includes common parking facilities, and may include free standing structures on the same site which are accessory and compatible to the mall and which are owned by the mall owner or under a lease arrangement. The mall is designed to serve area markets and tourists and may be theme designed and landscaped to exemplify the area it serves.

**“Commercial Riding/Training Academies (Enclosed)”**, means an indoor facility for training and managing horses in order to develop equestrian skills in riding horseback.

**“Conditional use”**, means for the purpose of this By-law, a use which, because of its unique characteristics and the impact which it may have on nearby premises, will be subject to special consideration and approval procedures which will take into account the public need for the proposed use at a given location, as well as any mitigative measures deemed appropriate by Council.

**“Conference Centre”**, means a building or group of buildings and accessory buildings and structures within which conferences and courses are conducted for various organizations.

**“Council”**, means the Council of The Rural Municipality of Park.

**“Day care”**, means as follows:

- (a) Group day care, means the provision of child care services to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area; and
- (b) Home day care, means the provision of child care services in a family dwelling unit with access to an outdoor recreation area, in which the owner or tenant resides, or churches or halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8). Determination of licensing shall be the responsibility of the owner/operator of the service and the provincial authority.

**“Development Officer”**, means a designated employee or officer appointed by The Park Municipal Council who is responsible for those duties as provided for herein.

**“Drive-In establishment”**, means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.

**“Dwelling”**, means a building or portion thereof designed for residential occupancy, whether cottage or cabin, whether used as a secondary or intermittent place of residence, whether for seasonal vacations occupancy, recreational purposes, or seasonal retirement homes, but not including hotels or motels.

**“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, including units built completed on-site by conventional construction methods as well as ready-to-move (RTM) units built off-site and moved on-site. Such dwellings are built to a national building code standard on a permanent foundation and ready for residential occupancy.

**“Dwelling unit floor area”**, means the gross horizontal floor areas measured from the exterior faces of exterior walls, or from the centre line of partitions of habitable rooms or spaces in a dwelling unit used for living, sleeping, cooking or eating purposes, except spaces in a basement or cellar used for mechanical or heating equipment.

**“Dwelling, farm”**, means a single family dwelling, mobile or modular home which is the principal residence of the owner or operator of a permitted or conditionally approved agricultural activity, and which is located on the same site or a new site taken from the agricultural activity.

**“Dwelling, non-farm”**, means a single-family dwelling, mobile or modular home on a site used for residential purposes, regardless of the owner's occupation, and found in the “R/A” Rural/Agriculture and “UT” Urban Transition Zones.

**“Dwelling, single-family”**, means a detached building designed, used or intended to be used exclusively for occupancy by one (1) family.

**“Dwelling, two-family”**, means a detached building designed, used or intended to be used by two (2) families, with each family having exclusive occupancy of a dwelling unit.

**“Dwelling, multiple-family”**, means a building containing three or more dwelling units, with each family having exclusive occupancy of a dwelling unit.

**“Dwelling, semi-detached”**, means one or a pair of two attached single-family dwellings divided in whole or in part by a common vertical wall, each of which has an independent entrance either directly from the outside or through a vestibule.

**“Dwelling, duplex”**, means a two-family dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

**“Enlargement”**, means an extension, expansion, addition, or an increase in the total amount of existing floor area of all levels used for an existing use within an existing building.

**“Existing”**, means existing on the effective date of this By-law.

**“Family”**, means one or more persons related by blood or marriage or common-law marriage occupying a dwelling unit, or a group of not more than four (4) unrelated persons, living together and maintaining a common household, which shall be deemed to exist if all members thereof have access to all parts of the dwelling.

**“Farm Building or Structure”**, means any building or structure designed for and used principally for agricultural activities, and/or detached or attached automobile garage, but does not include a dwelling.

**“Game farm”**, means an area designed for the commercial or non-profit exhibition of any species of wildlife or domesticated animal.

**“Garage”**, means a building or portion thereof in which a motor vehicle is stored, repaired, washed or serviced.

**“Guest House”**, means a fully furnished and equipped dwelling accessory to a permanent principal residence for rental or non-rental purposes to hunting parties, snowmobilers, family reunions, family vacations or just an overnight stay providing country living.

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

**“Group Camp”**, means a parcel of land planned and improved for the placement of tents or other camping accommodations for recreational and vacation uses by groups such as church, 4-H, boy scouts, girl guides and like establishments.

**“Home-based business”**, means an accessory use, either permitted or conditional (depending on the zone) which is carried on principally by members of the family residing at the same dwelling unit, mobile or modular home or within its permitted accessory buildings and that is incidental to or secondary to the principal residential use.

**“Hotel”**, means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or suite, with or without cooking facilities, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

**“House, boarding, lodging or rooming”**, means a building or portion thereof, other than a hotel or motel, where lodging, or lodging and meals, are provided for compensation, exclusive of the proprietor and his family.

**“Hundred year flood”**, means a flood that can be expected to occur, on average, once in one hundred (100) years, or specifically a flood that has a one percent (1%) chance of being equalled or exceeded in any year.

**“Hunting and/or Fishing Lodges”**, means a private or commercial lodge, consisting of one or more buildings providing accommodation and food service for the members or customers while engaged in the activity of hunting or fishing. Other accessory buildings or structures on site may include, but not be limited to, a fish cleaning building, a boat dock, picnic area, overnight camping sites, and storage buildings for equipment. Various services such as outfitting and guiding may be obtained at these establishments.

**“Kennel”**, means premises on which more than two (2) dogs or cats at least four (4) months of age are maintained, boarded, bred, trained, or cared for, in return for remuneration, or are kept for the purpose of sale, with the exception of animal pounds and veterinary clinics.

**“Lane, public”**, means a thoroughfare not over thirty-three (33) feet in width in public ownership which affords only a secondary means of access to abutting property.

**“Livestock”**, means animals or poultry not kept exclusively as pets, excluding bees.

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

**“Animal unit or A.U.”**, means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12 month period, as established by the Province.

**“Earthen manure storage area”**, means a structure built primarily from soil, constructed by excavating or forming dykes, and used to retain livestock manure that is 20% or more solid matter and does not flow when piled.

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

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

**“Non-earthen manure storage facility”**, means a structure, molehill, tank or other facility not made out of earth for storing manure, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include a field storage site, a vehicle or other mobile equipment used to transport or dispose of manure, a gutter or concrete storage pit used to store liquid or semi-solid manure for less than 30 days, a collection basin, or a composting site for manure or mortalities.

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

**“Loading space”**, means an off-street space on the same zoning site with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material, and which abuts upon a street, lane or other appropriate means of access.

**“Mobile home”**, means a portable dwelling unit built to CAN/CSA-Z240 MH Series or equivalent standard of construction (with a manufacture’s label certifying compliance) 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 provincial Buildings and Mobile Homes Act and noted national construction standards.

**“Mobile home park”**, means an area of land upon which mobile home spaces are rented to individual mobile home owners, and which has been approved by Council.

**“Mobile home site”**, means a site in a mobile home subdivision which may be purchased for the placement of a mobile home.

**“Modular home”**, means a dwelling unit manufactured off-site and moved on-site as complete or partial units which may form single or multiple unit dwellings. A manufactured home does not contain a steel frame for moving, as does a mobile home. The terms minihome, modular home or factory built home are sometimes applied to the sale of these manufactured units.

**“Motel”**, means a building not over two storeys in height wherein sleeping accommodation is provided for transient lodgers, in which there is an exit from individual rooms or suites directly to the outdoors, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

**“Motor home”**, means a self-propelled vehicle designed for temporary living, sleeping and eating accommodation of persons and includes a camper pick-up and camper van.

**“Non-conformity”**, means one, or a combination of more than one, of the following:

- (a) A site or an area of land;
- (b) A building or structure;
- (c) A use of a building or structure;
- (d) A use of land; or
- (e) A sign;

which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law.

**“Open Space”**, shall mean that required portion of a site at ground level unoccupied by principal or accessory buildings and available to all the occupants of the building.

**“Ordinary High Water Mark”**, means a point on land that would be at the water’s edge when the water reaches the following level:

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

**“Outfitters (Limited)”**, means a person who conducts ecological hikes or provides hunting and/or fishing guide service only. No accommodation is provided.

**“Outfitters (Full Service)”**, means a person who conducts ecological hikes or provides a hunting and/or fishing guide service. The service may provide equipment and accommodation and food for the customer in the outfitter’s house or accommodation in a separate accessory cabin or camp site area to the farm or establishment.

**“Owner”**, means an owner as defined in *The Planning Act*.

**“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.

**“Personal Service Shops”**, means a building or portion thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such services as: fitness shops or clubs, spas-wellness therapy, cosmetology, naturopathy, massage therapy, etc., hobby shops, craft shops, novelty shops, barber shops, beauty and hair dressing shops, music shops, tailor and dressmaking shops, dry-cleaning and laundry shops.

**“Planned Unit Development”**, means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of buildings, mixture of housing and commercial types and/or land uses, useable open spaces, and the preservation of significant natural features.

**“Public utility”**, means any system, works, plant, pipeline, equipment or service which furnishes services and facilities available at approved rates to or for the use of the general public, including but not limited to:

- (a) Communication, by way of telephone, telegraph, wireless or television;
- (b) Public transportation, by bus or other vehicles;
- (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- (d) Collection of sewage, garbage or other waste.

**“Public utility building”**, means a building used by a public utility.

**“Recycling depot”**, means a building where waste materials such as paper, plastic and metals are collected and separated for storage and transfer to market.

**“Rental rooms”**, means a private dwelling unit in which a maximum of two (2) bedrooms, not exceeding 50% of the residence, may be rented out on a temporary basis as a home-based business. Cooking facilities shall not be allowed in the rented rooms.

**“Repair”**, means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration, excluding structural alterations.

**“Residential care facility”**, means the use of any building or structure, or part thereof, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision, or transitional services to persons not related by blood, marriage or adoption to the operator, nor to each other, but does not include a facility licensed or designated as an institution by The Manitoba Health Services Commission.

**“Secondary Suite”**, means a self-contained accessory dwelling unit (cannot be a non-family rental unit) not exceeding five hundred (500) square feet in dwelling unit area located either within a permanent principal residence, or in an accessory detached accessory building positioned at grade and to the rear of an existing residence 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 building.

**“Shopping centre”**, means a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants containing three or more separated spaces for lease or occupancy of commercial uses or business or professional offices.

**“Sign”**, means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:

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

**“Site”**, means a zoning site as defined herein unless the context indicates otherwise.

**“Site area”**, means the computed area contained within the site lines.

**“Site, corner”**, means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

**“Site depth”**, means the horizontal distance between the centre points in the front and rear site lines.

**“Site, interior”**, means a site other than a corner site or a through site.

**“Site lines”**, means as follows:

- (a) Front site line, means that boundary of a site which is along an existing or designated street. For a corner site, the front site line shall be that line which is the continuation of the front site line of any abutting interior site, or in the case of a corner site which is abutted by two interior sites, the front site line shall be the site line which is shorter, otherwise the Development Officer may select the front site line;
- (b) Rear site line, means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line;
- (c) Side site line, means any boundary of a site which is not a front or rear site line; and
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.



**“Site, through”**, means a site having a pair of opposite site lines along two (2) more or less parallel streets.

**“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 forty (40) feet from the front site line, whichever is the lesser.

**“Site, zoning”**, means an area of land which:

- (a) Is occupied, or intended to be occupied, by a principal building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-law;
- (b) Has frontage on a street or has any lawful means of public access satisfactory to the Council; and
- (c) Is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

**“Street”**, means for the purpose of this By-law, a thoroughfare in public ownership which provides the principal means of access to abutting property.

**“Structure”**, means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, light standards and similar items.

**“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 water course”**, 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.

**“Travel Trailer”**, means any vehicle or portable structure constructed so as to permit temporary occupancy thereof for lodging purposes or for use as an accessory building or structure in the conduct of a business, trade, or occupation, and which is designed and constructed so that it is, or may be, mounted on wheels and used as a conveyance on streets and highways, and which is propelled or drawn by its own or other motive power.

**“Use”**, means:

- (a) Any purpose for which a building or structure or an area of land may be designed, arranged, intended, maintained or occupied; or
- (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on an area of land.

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

**“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, required”**, means an open area, on the same zoning site with a building or structure, which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein, and which extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located.

- (a) Yard, front, means a yard extending along the full length of the front site line between the side site lines;
- (b) Yard, rear, means a yard extending along the full length of the rear site line between the side site lines;
- (c) Yard, side, means a yard extending along the side site line from the front yard to the rear yard;
- (d) Yard, corner side, means a side yard which adjoins a public street; and
- (e) Yard, interior side" means a side yard which is located adjacent to another zoning site, or to a lane separating such side yard from another zoning site.

**APPENDIX “A”**

**ZONING MAPS**

**Attached to**

**BY-LAW NO. 1311**

**of**

**THE RURAL MUNICIPALITY OF**

**PARK**

# **APPENDIX “B”**

## **METRIC CONVERSION TABLE**

## APPENDIX “B”

### METRIC CONVERSION TABLE

FEET	METRES	SQ. FEET	SQ. METRES
1.0	0.30	10	0.93
2.0	0.61	50	4.65
3.0	0.91	150	13.94
3.5	1.07	400	37.16
4.0	1.22	500	46.45
5.0	1.52	600	55.74
6.0	1.83	900	83.61
9.0	2.74	1000	92.90
10.0	3.05	1200	111.48
12.0	3.66	3500	325.16
15.0	4.57	4000	371.61
17.0	5.18	5000	464.50
18.0	5.49	6000	557.40
20.0	6.10	8400	780.39
24.0	7.32	8700	808.26
25.0	7.62	10000	929.00
30.0	9.14	11000	1021.93
33.0	10.06	12000	1114.84
40.0	12.19	12800	1189.16
45.0	13.72	15000	1393.50
50.0	15.24	20000	1858.00
60.0	18.29	21000	1950.96
65.0	19.81	21500	1997.42
70.0	21.34	25000	2322.58
75.0	22.86	30000	2787.00
80.0	24.38	40000	3716.12
100.0	30.48	43560	4046.86
110.0	33.53	80000	7432.24
125.0	38.10	87000	8082.56
135.0	41.15	174240	16187.43
150.0	45.72		
200.0	60.96		
300.0	91.44		
328.0	99.97		
330.0	100.58		
350.0	106.68		
400.0	121.92		
492.0	149.96		
500.0	152.40		
575.0	175.26		
660.0	201.17		
738.0	224.94		
800.0	243.84		
835.0	254.51		
984.0	299.92		
1000.0	304.80		
1107.0	337.41		
1230.0	374.90		
1312.0	399.90		
1320.0	402.34		
1476.0	449.88		

## **APPENDIX “B”**

### **METRIC CONVERSION TABLE**

<b>FEET</b>	<b>METRES</b>
1500.0	457.20
1640.0	499.87
1722.0	524.87
1739.0	530.05
1968.0	599.85
2214.0	674.83
2460.0	749.81
2625.0	800.10
2640.0	804.67
2952.0	899.77
3446.0	1050.34
3511.0	1070.15
3937.0	1200.00
4364.0	1330.15
4430.0	1350.26
4922.0	1500.23
5249.0	1599.90
5280.0	1609.34
5906.0	1800.15
6135.0	1869.95
6561.0	1999.79
6988.0	2129.94
7874.0	2400.00
8760.0	2670.05
9186.0	2799.89
10499.0	3200.10
11811.0	3599.99
13123.0	3999.89

## **APPENDIX “B”**

### **METRIC CONVERSION TABLE ...**

#### **ACRES**

#### **HECTARES**

1.0	0.40
1.25	0.51
2	0.81
2.75	1.11
3	1.21
4	1.62
5	2.02
8	3.24
10	4.05
16	6.47
20	8.09
40	16.19
55	22.26
60	24.28
80	32.38
160	64.75

#### **MILES**

#### **KILOMETRES**

0.5	0.80
1.0	1.61
3.0	4.82