

REPORT NO. 15M-00991-01

Rural Municipality of Cornwallis

**ZONING BY-LAW 1664/03/2016 as Amended 1684-05-2019 September
17, 2019**

APRIL 18, 2017



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THE RURAL MUNICIPALITY OF CORNWALLIS

BY-LAW NO. 1664/03/2016

A by-law of the Rural Municipality of Cornwallis to regulate the use and development of land.

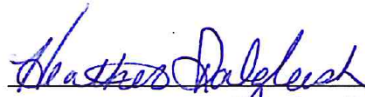
WHEREAS, Section 68 of *The Planning Act* requires a municipality to adopt a zoning by-law that is generally consistent with the development plan by-law in effect in the municipality;

AND WHEREAS, under Part 4 Division 1 of *The Planning Act*, the Brandon and Area Planning District has, by by-law, adopted the Brandon and Area Planning District Development Plan;

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

1. The Zoning By-law No. 1664/03/2016 attached is hereby adopted
2. The By-law shall be known as The Rural Municipality of Cornwallis Zoning By-law
3. By-law No. 1558/09/99, as amended, is repealed
4. This By-law shall come into force on April 19, 2017

DONE AND PASSED in Council duly assembled at the Rural Municipality of Cornwallis, Manitoba, this 18th day of April, 2017.



Heather Dalglish, Reeve



Donna Anderson, Chief Administrative Officer

READ A FIRST TIME this 21st day of February, 2017

READ A SECOND TIME this 18th day of April, 2017

READ A THIRD TIME this 18th day of April, 2017

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APPENDIX ‘A’ ZONING MAPS

PART ONE DEFINITIONS

1. RULES OF CONSTRUCTION

The following rules of construction apply to the text of this By-law:

- (1) Words, phrases and terms defined herein shall be given the defined meaning.
- (2) Words, phrases and terms not defined herein but defined in *The Planning Act (The Act)* and/or the Building, Electrical or Plumbing By-laws of the Rural Municipality of Cornwallis shall be construed as defined in such Act and By-laws.
- (3) Words, phrases and terms neither defined herein nor defined herein nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of Cornwallis shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
- (4) The phrase “used for” includes: “arranged for”; “maintained for”; “designed for”; or “occupied for”.
- (5) Unless the context clearly indicates to the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and”, “or”, or “either-or”, the conjunctions shall be interpreted as follows:
 - a) “and” indicates that all the connected items, conditions, provisions or events shall apply.
 - b) “or” indicates that all the connected items, conditions, provisions or events may apply singly or in combination.
 - c) “either-or” indicate that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (6) The word “includes” shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

2. DIVISIONS OF BY-LAW

This By-law is divided into nine (9) Parts. A number-lettering system has been used throughout the By-law. The number-lettering system is illustrated as follows:

ONE	Part
1.	Section
1. (1)	Subsection
1. (1) a)	Paragraph
1. (1) a) i)	Clause
1. (1) a) i) A)	Point

3. **DEFINITIONS**

- (1) **Accessory** when it is used in this By-law, shall have the same meaning as accessory use or structure.
- (2) **Accessory Building** means a subordinate building located on the same site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:
 - a) **Accessory Building, Attached** means an accessory building which is attached to the principal building. In determining the required yards, the attached accessory building shall be treated as part of the main building.
 - b) **Accessory Building, Detached** means an accessory building which is not attached to the principal building. In determining the required yards, the requirements for accessory uses, buildings and structures as shown in the Bulk Requirements Tables shall be used.
 - c) **Accessory Building, Semi-detached** means an accessory building which is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in paragraph (2) a) above.
- (3) **Accessory Use or Structure** means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities which may be permitted by a variance to locate elsewhere than on the same site with the building, structure or use served.
- (4) **Act, The** means *The Planning Act*, as adopted by the Province of Manitoba at the time of adoption of this By-law, including any amendments made or replacements of *The Planning Act*.
- (5) **Adjacent** means properties or uses that abut one another or are separated by a street or other publicly-dedicated right-of-way or railroad right-of-way.
- (6) **Agricultural Activities** means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, provided, however, that the operation of any such accessory uses shall be incidental to that of the normal agricultural activities.
- (7) **Aircraft Landing Area** means any area of land or water which is used or intended for use for the landing or take-off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

- (8) **Alter or Alteration** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
- (9) **Alterations, Incidental** means:
- a) Changes or replacements in the non-structural parts of a building or structure, including, but not limited to, the following:
 - i) An addition to the exterior of a building, such as an open porch;
 - ii) Alteration of interior partitions in all types of buildings; or
 - iii) Replacement of or changes in the capacity of utility pipes, ducts or conduits.
 - b) Changes or replacements in the structural parts of a building, including the following:
 - i) Adding or enlarging windows or doors in exterior walls;
 - ii) Replacement of building facades; or
 - iii) Strengthening the load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of a specialized unit of machinery or equipment.
- (10) **Animal Confinement Facility** means a barn or an outdoor area where livestock are confined by fences or other structures, and includes a seasonal feeding area but does not include a feedlot or a grazing area.
- (11) **Animal Keeping** means a use where livestock or other animals (excluding pets) less than 10 animal units (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables and kennels.
- (12) **Animal Unit or AU** means the number of animals of a particular category of livestock which will excrete 73 kilograms of total nitrogen in a 12 month period, as set out in Section 11 of PART FIVE of this By-law.
- (13) **Antenna, Satellite Dish** means an antenna capable of receiving a signal directly from a satellite located beyond a major portion of the earth's atmosphere and for the purpose of this By-law, will be considered to be a structure even if it is mounted upon a trailer or other moveable platform.
- (14) **Area, The** means all the land within the boundaries of the Rural Municipality of Cornwallis.
- (15) **Automobile Sales & Service** includes:
- a) **Automobile, Boat and Trailer Sales and Service** means the display, sale, lease, or rental of new or used automobiles, boats, trailers and similar vehicles. Accessory vehicle inventory may be stored outside on the same site. Where repairs are made, they shall be done within a completely enclosed building, except minor incidental repairs.

- b) **Automobile Laundry** means a building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.
 - c) **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 directly to the customer.
- (16) **Basement** (or cellar) means that portion of a building which is partially underground.
- (17) **Board** as defined in the *Planning Act*.
- (18) **Building** means a building as defined in *The Act*, except that it does not include a well, pipeline, or transmission line.
- (19) **Building, Height of** means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.
- (20) **Building, Principal** means a building in which is conducted the principal use of the site on which it is situated.
- (21) **Bulk** means the following:
- a) The size of buildings or structures (including height of building and floor area);
 - b) The size of the site (including its area and width) upon which a use is located;
 - c) The number of dwelling units or rooms within a building in relation to the size of the site;
 - d) The location of exterior walls of buildings in relation to site lines, or to other buildings; and
 - e) All open areas relating to buildings or structures and their relationships thereto.
- (22) **Cemetery** means land for the burial of the dead and dedicated for cemetery purposes, including pet cemeteries, columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.
- (23) **Child Care Services** means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours, including:
- a) **Home day care** means the provision of child care services in a dwelling unit, in which the owner or tenant resides, 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); and
 - b) **Group day care** means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility.

- (24) **Club, Private, Non-Profit** means a non-profit corporation chartered by the Canadian Corporation Act or the Manitoba Corporation Act, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.
- (25) **Conditional Use** means the conditional use of land or building as defined in *The Act*.
- (26) **Council** means the Council of the Rural Municipality of Cornwallis.
- (27) **Designated Area** means an area designated for use as an urban centre, settlement centre, or rural residential area in the Development Plan.
- (28) **Designated Officer** means the officer appointed by the Council or Board in accordance with the provisions of *The Act*.
- (29) **Development Plan** means the Planning District Development Plan adopted by The Board and amendments thereto.
- (30) **Drive-In Eating Places** means an establishment with facilities for attracting and servicing prospective customers traveling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.
- (31) **Dwelling** means a building or portion thereof designed for residential occupancy, including:
- a) **Single Family Dwelling** means a detached building designed for and used by only one (1) family. This may include dwellings constructed using a variety of construction methods other than traditional stick built homes, including:
 - i) **Modular Home** means a dwelling assembled on site from components, wall sections, or building modules completely or partial built off site that meets the Manitoba Building Code and is designed to be supported by a typical site built foundation.
 - ii) **Ready-to-Move Unit (R.T.M.)** means a dwelling fabricated off-site and in accordance with The Manitoba Building Code, which is designed to be placed upon a basement or concrete foundation and does not include a modular home or mobile home.
 - b) **Two-Family Dwelling** means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
 - c) **Mobile Home** means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted which conforms to the structural standards of The Building and Mobile Homes Act and amendments thereto.

- d) **Multiple Family Dwelling** means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family, each having exclusive occupancy of a dwelling unit.
 - e) **Temporary Additional Dwelling or Mobile Home** means a single-family dwelling unit or a Mobile Home that is placed on the same site as an existing Single-Family Dwelling or Mobile Home on a temporary basis.
- (32) **Dwelling, Farm** means a dwelling located on a parcel of land on which the principal use is farming. The owner or occupier of such dwelling does not have to be involved in the activity of farming.
- (33) **Dwelling Unit** means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (34) **Enlargement** means an addition to the size of an existing building or structure or an increase in the area of a site.
- (35) **Extension** means an increase in the amount of existing floor area used for an existing use within an existing building.
- (36) **Family** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single-housekeeping unit.
- (37) **Farm Buildings or Structures** means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.
- (38) **Farm Site** means an area of land that was used or is being used as the place of residence of the owner and/or operator of a farm, and shall contain two of the following features:
- a) An existing farm dwelling or evidence that a farm dwelling formerly existed on the site;
 - b) A well that is or has been used for domestic purposes; and/or
 - c) An existing shelter belt or tree bluff.
- (39) **Feedlot** means an outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing, but does not include a grazing area or a seasonal feeding area.

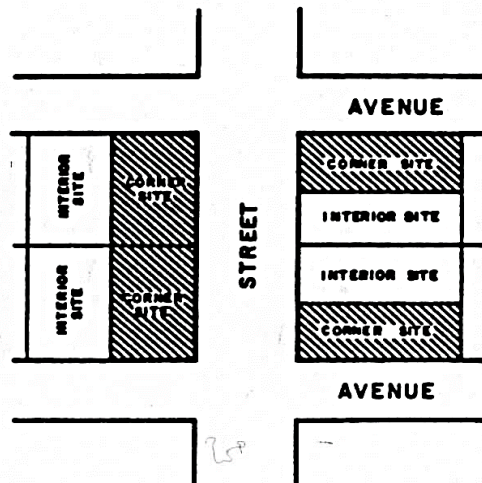
- (40) **Flood Risk Area** means that land adjacent to a lake, river or stream which is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway which may be subjected to periodic flooding or inundation of floodwaters.
- (41) **Floor Area** (as applied to bulk regulations) means the sum of the gross horizontal areas of the several floors of all buildings and structures on the site, measured from the exterior faces of the exterior walls or from the centreline of party walls. The floor area of a building or buildings shall include basements when used for residential, commercial or industrial purposes, but shall not include space used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces.
- (42) **Frontage, Entire** means all of the site or sites fronting on one side of a street between intersecting or intercepting streets or between a street and a right-of-way, waterway, end of a dead-end street or municipal boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
- (43) **Garage or Carport, Private** means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.
- (44) **Grazing Area** means an outdoor area where livestock are primarily sustained for part of the year by the direct consumption of feed grown on the area and manure does not accumulate such that mechanical removal or redistribution is required.
- (45) **Hotel** means a building or a part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Accessory uses include restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- (46) **House, Boarding, Lodging or Rooming** means a building or portion thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation, exclusive of the proprietors and their family.
- (47) **Kennel** means any premises upon which more than two (2) dogs or four (4) cats at least four (4) months of age are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
- (48) **Lane** means, for the purpose of this By-law, a public right-of-way not exceeding 30 feet (9.14 m.) in width which affords only a secondary means of vehicular access to abutting property.

- (49) **Livestock Manure and Manure Storage Facilities**
- a) **Earthen Storage Facilities** means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or treating livestock manure, but does not include a collection basin; a field storage site; or a temporary composting site for manure.
 - b) **Field Storage Site** means an area where solid livestock manure is stored in the open air, but does not include an earthen manure storage facility or non-earthen manure storage facility.
 - c) **Non-Earthen Manure Storage Facility** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility
 - d) **Collection Basin** means a structure intended to collect runoff water contaminated with manure in an agricultural operation; and constructed primarily from soil by excavating or forming dikes.
- (50) **Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.
- (51) **Lodge** means a hall or meeting place of a local branch for the members of a fraternal order or society such as Masons, Knights of Columbus, Elks, Eagles or similar organizations.
- (52) **Mobile Home Park** means a parcel of land upon which mobile home spaces are provided and have been approved by Council.
- (53) **Mobile Home Space** means a space in a mobile home park for the placement of a mobile home.
- (54) **Motel** means a building or group of buildings, or part thereof, not over two (2) stories in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the out-of-doors with access to grade level. Permitted accessory uses include restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- (55) **Non-Conformity** means for the purposes of this By-law, the definition assigned thereto in Section 10 of PART TWO - "ADMINISTRATION".
- (56) **Ordinary High Water Mark** means the water line where a river, lake or watercourse is in its normal state, without reference to the extraordinary freshets of the winter or spring or the extreme drought of the summer or autumn.
- (57) **Owner** means an owner as defined in *The Act*.

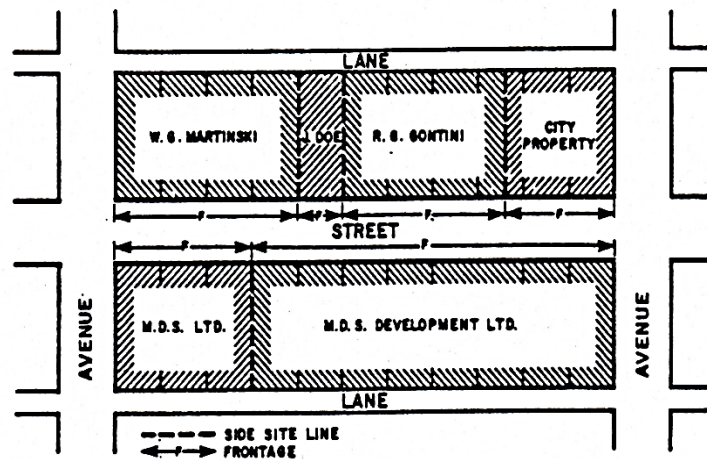
- (58) **Parcel of Land** means a parcel as defined in *The Act*.
- (59) **Parking Space** means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.
- (60) **Personal Services** means the use of any building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes such establishments as barber shops, salons, funeral parlours, janitorial, catering, financial, legal and medical service (including clinics), shoe repair and dressmaking shops.
- (61) **Place of Worship** means a building or structure, or group of buildings or structures which are primarily intended for the conducting of organized religious services and accessory uses.
- (62) **Planning District** as defined in *The Planning Act*
- (63) **Premises** means an area of land with or without buildings.
- (64) **Public Utility** means any system, works, plant, equipment or services which furnishes services and facilities available at approved rates to or for the use of the general public, including:
- a) Communication, by way of telephone, telegraph, wireless or television;
 - b) Public transportation, by bus or other vehicle;
 - 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.
 - i) This does not include offices or areas for the storage of equipment, supplies or vehicles.
- (65) **Recreational Vehicle** means any vehicle, other than an automobile, motor home, travel trailer, or truck, with or without motive power, designed for recreational purposes, including but not restricted to a boat, a power toboggan, and a trailer designed specifically for the transport of a recreational vehicle.
- (66) **Residential Care Facility** means a dwelling unit where the owner or operator of the facilities is a permanent resident for persons who have a mental disorder, or mental retardation, or infirmities of aging as defined by the Social Services Administration Act, or for a child in a child care facility and receives residential care and supervision as defined by the Child Welfare Act and Family Services Act.
- (67) **Resource Related Use** means agriculture, quarrying, oil extraction, forestry, fishing, trapping, hunting, outdoor recreation, hydro and wind energy production.

- (68) **Retail Services** means the use of a building or part of a building by persons who are engaged in the sale of goods to customers, and includes uses such as hardware, mail order, clothing, appliances, electronics, books, gifts and second hand goods, and may include incidental repairs.
- (69) **Seasonal Feed Area** means an outdoor area, other than a feedlot or grazing area where livestock are given their supplemental or total feed requirements on a seasonal basis; and because of its accumulation, manure must be removed from the area by mechanical means from time to time.
- (70) **Secondary Suite** means an accessory dwelling unit detached from, attached to or within a principal building that provides basic requirements for living, sleeping, cooking and sanitation.
- (71) **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 is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or structure, but shall not include show windows, including:
- a) **Advertising Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the same site where the sign is maintained.
 - b) **Bulletin Board** means a sign of permanent character, but with moveable letters, words or numerals indicating the names of persons associated with, or events conducted upon the same site where the sign is maintained.
 - c) **Business Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same site where the sign is maintained.
 - d) **Construction Sign** means a sign which identifies a construction project and information relating to it.
 - e) **Identification Sign** means a sign that identifies the owner, resident or the street address of a premises and which sets forth no other advertisement.
 - f) **Real Estate Sign** means a sign advertising the sale, rental or lease upon the same site where the sign is maintained.
- (72) **Site** means an area of land which:
- a) Is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with such open spaces as are required by this By-law;
 - b) Has frontage on a street, or has any lawful means of access satisfactory to Council; and
 - c) Is of sufficient size to provide for the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.
- (73) **Site Area** means the computed area contained within the site lines.

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



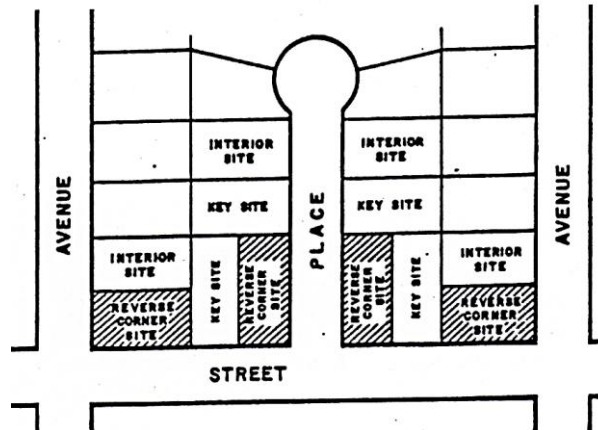
- (75) **Site Frontage** means all that portion of a site fronting on a street and measured between the side site lines.



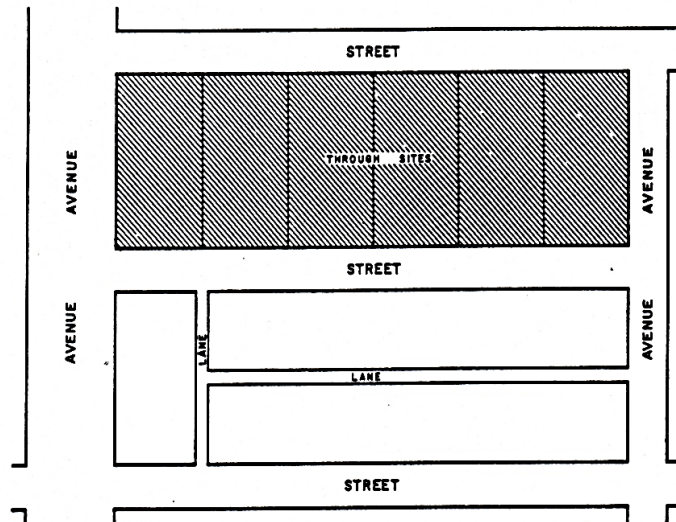
- (76) **Site Lines** means as follows:
- a) **Front Site Line** means that boundary of a site which is along an existing or designated street. For a corner site, the Designated Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site.
 - 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 10 feet (3.05 m.) in length within the site, parallel to and a maximum distance from the front site line.

- c) **Side Site Line** means any boundary of a site which is not a front or a rear site line.
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 Designated Officer.

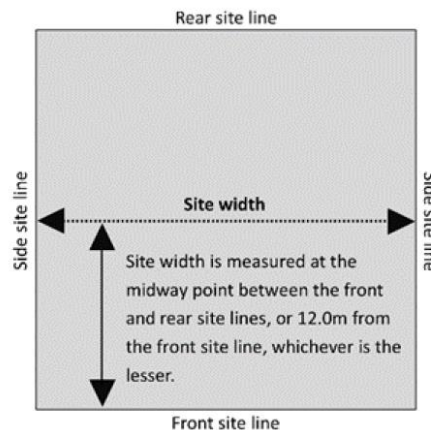
- (77) **Site, Reverse Corner** means a corner site, the flanking street line of which is substantially a continuation of the front site line of the first site to its rear.



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

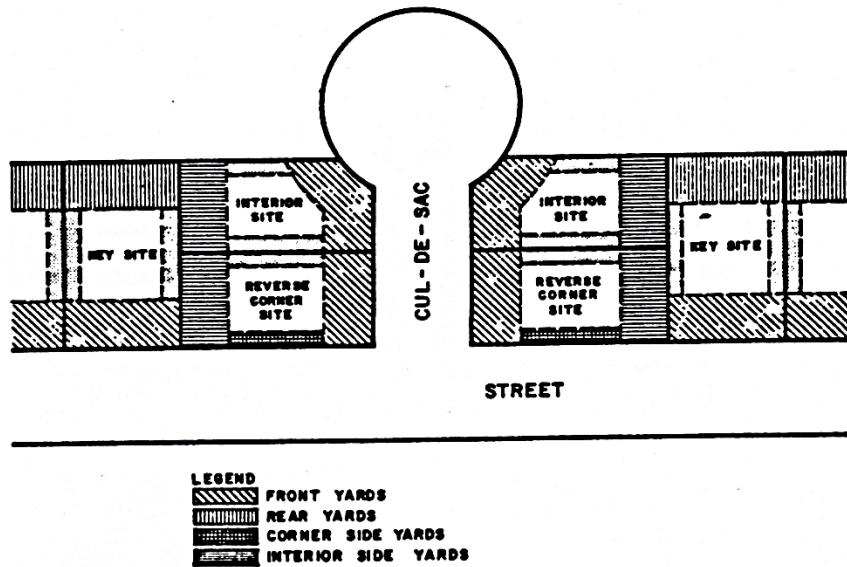
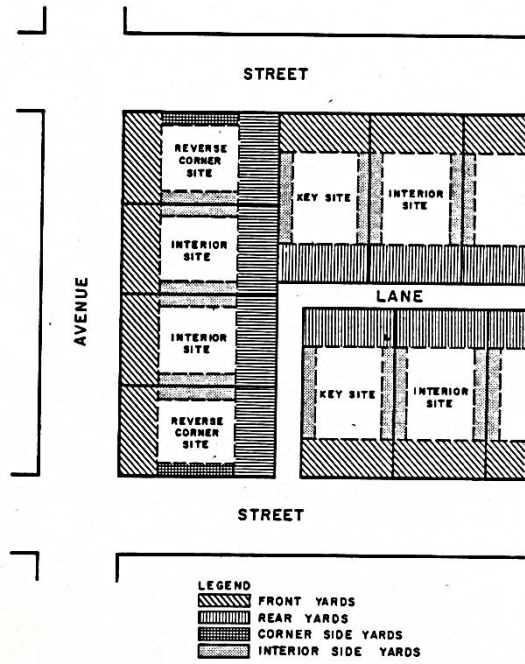


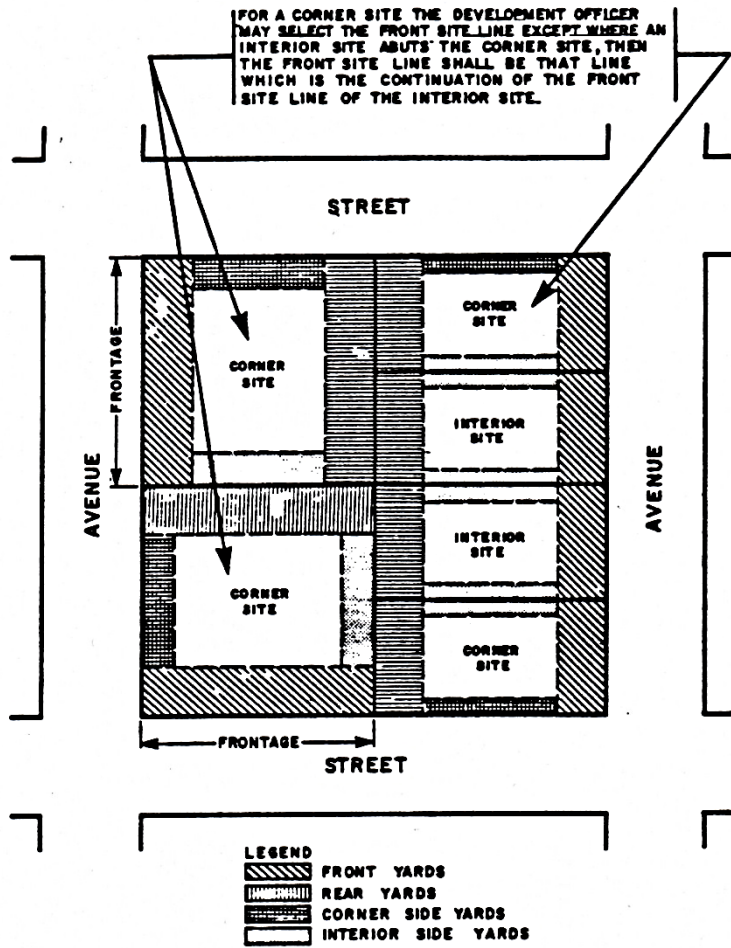
- (79) **Site width**—the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or 12.0m from the front site line, whichever is the lesser.



- (80) **Specialized Agricultural Activities** means agricultural activities such as apiculture, floriculture, horticulture (including strawberry farms), and activities of a like nature which require small acreages of land as the principal use of the site and which are deemed to be bona fide farming operations.
- (81) **Stable, Private** means a detached accessory building for the keeping of cattle or horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
- (82) **Stable, Public** means a stable other than a private stable.
- (83) **Street** means, for the purposes of this By-law, a public right-of-way, including a highway, which affords primary improved vehicular access to abutting property, and shall include a street under construction for which a development agreement has been entered into. This definition shall not include a lane or a walkway.
- (84) **Structure** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.
- (85) **Travel Trailer** means a portable living accommodation designed to be used as accommodation for travel, recreation or vacation purposes that:
- Is capable of being transported on its own chassis and running gear by towing or other means;
 - Is placed on the chassis or body of a motor vehicle; or
 - Forms part of a motor vehicle.

- (86) **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 on an area of land.
- (87) **Wind Energy Generation System** means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise.
- (88) **Wind Energy Generating System, Commercial** means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.
- (89) **Wind Energy Generating System, On-Site Use** means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Wind Energy Generation Systems are a type of On-Site Use Wind Energy Generating System.
- (90) **Wind Energy Generation System, Rooftop** means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.
- (91) **Yard** means an open area on the same site with a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein.
- (92) **Yard, Required** means a yard extending along a site line or wall to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such site is located, including:
- a) **Yard, Corner Side** means a side yard which adjoins a street.
 - b) **Yard, Front** means a yard extending along the full length of the front site line between the side site lines.
 - c) **Yard, Interior Side** means a side yard which is adjacent to another site, or to a lane separating such side yard from another site.
 - d) **Yard, Rear** means a yard extending along the side site line from the front yard to the rear yard.
 - e) **Yard, Side** means a yard extending along the side site line from the front yard to the rear yard.
 - f) The following sketches illustrate the foregoing definitions of yards:





PART TWO ADMINISTRATION

1. **SCOPE**

(1) Title

This By-law shall be known as “The Rural Municipality of Cornwallis Zoning By-law.”

(2) When Effective

This By-law shall be in full force and effect when it is given third reading by the Council of the Rural Municipality of Cornwallis.

(3) Area Affected

This Zoning By-law shall apply to all of the lands within the Rural Municipality of Cornwallis (this excludes CFB Shilo).

(4) Intent and Purpose

The regulations and provisions established by this By-law are deemed necessary in order to:

- a) Implement the objectives and policies of the Development Plan;
- b) In accordance with the provisions contained herein, regulate the following:
 - i) All buildings and structures erected hereafter;
 - ii) All uses of buildings, structures and land established hereafter;
 - iii) All structural alterations or relocations of existing buildings and structures occurring hereafter;
 - iv) All enlargements or additions to existing buildings, structures or uses; and
 - v) The change of land use, buildings or structures.

(5) Responsibilities of Council

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

- a) The enactment of this By-law;
- b) The adoption of amendments or the repeal of this By-law;
- c) Approving or rejecting variance applications; and
- d) Approving or rejecting conditional use applications, and may revoke the authorized use of any violation of any conditions imposed by it.

(6) Responsibilities of the Board

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

- a) Administering and enforcing the provisions of this By-law;
- b) Administering and enforcing those provisions of *The Act*, where applicable;
- c) Processing applications to be submitted to Council for amendments, variance orders and conditional uses and the collection of fees as provided for in *The Act*; and
- d) Establishing a schedule of fees and charges for development and building permits.

2. AMENDMENTS

Subject to the procedure required under *The Act*, an amendment to this By-law may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed.

3. CONDITIONAL USES

- (1) The development and execution of this By-law are based upon the division of the area affected into zones within which zones the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed conditional uses which, because of their unique characteristics, cannot be properly classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Such uses fall into two categories:
 - a) Uses publicly operated or traditionally associated with the public interest; or
 - b) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities.
- (2) Application
 - a) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of *The Act*.
 - b) The application made to Council shall be accompanied by a site plan and other information as the Council may prescribe.
- (3) Expiry of Approval

The approval of Council in accordance with the provisions of *The Act* shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed at the discretion of Council for an additional period not exceeding twelve (12) months.
- (4) Existing Conditional Use

Where an existing conditional use is classified as a permitted or conditional use under a previous Planning Scheme or Zoning by-law or amendments thereto, and is listed as a conditional use under this By-law, it shall be considered as a legally existing conditional use.
- (5) Any extension of an existing conditional use shall be subject to the same provisions for a new conditional use as provided in *The Act*.

4. VARIANCES

- (1) Any person may apply for a variance order, in accordance with the provisions of *The Act*.
- (2) An application for a variance order and all required information and fees shall be made to the Designated Officer.

5. DEVELOPMENT AGREEMENTS

Where an application is made under this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the application shall apply, as a condition to its enactment, to enter into a development agreement with the R.M. of Cornwallis in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with *The Act*.

6. THE DESIGNATED OFFICER

(1) Duties and Responsibilities

The Designated Officer, on behalf of the R.M. of Cornwallis, and subject to the provisions of *The Act* may:

- a) Issue development permits where the development and use of land, buildings or structures conforms to the adopted Development Plan and the provisions of this By-law and amendments thereto;
- b) Administer and enforce the provisions of this By-law;
- c) Administer and enforce the provisions of *The Act*, where applicable; and
- d) Take no action on any application until all applicable fees and charges have been paid in full.

(2) Powers

The Designated Officer may:

- a) Enter any building or premises at all reasonable hours in the performance of his/her duties with respect to this By-law;
- b) Issue development permits for the temporary use of the buildings, structures or land pursuant to the provisions of this By-law;
- c) Issue zoning memoranda or such documents necessary for the administration or enforcement of this By-law; and
- d) Grant or refuse, in their discretion and in accordance with the provisions of *The Act*, a minor variance not to exceed ten (10) percent of the requirements of this By-law governing front, side, rear and any other yard.

7. DEVELOPMENT PERMITS

(1) Permit Required

The owner or his agent shall obtain all necessary permits as required by Council and other government agencies.

(2) When Required

- a) Subject to Subsection (3) of this Section, a development permit is required for the following:
 - i) The erection, construction or placement of buildings and structures;
 - ii) Structural alterations, including additions or enlargements to buildings and structures;
 - iii) The relocation, removal or demolition of buildings and structures;
 - iv) The use of land for the purpose of extracting aggregate;

- v) The use of vacant land, buildings and structures; and
- vi) The change in use of land, buildings and structures.

(3) When Not Required

A development permit is not required for the following:

- a) The erection, construction or placement of fences, signs (except advertising signs), ornamental lighting, and farm buildings and structures;
- b) Farm building and structure alterations, including enlargements and structural alterations;
- c) The relocation, removal or demolition of farm buildings and structures;
- d) The use of vacant farmland, farm buildings and structures for permitted agricultural activities;
- e) The change in use of land, buildings or structures from one permitted agricultural activity to another; and
- f) Incidental alterations.

(4) Requirements

In addition to the requirements of any by-laws of the Planning District or the R.M. of Cornwallis or any other provincial regulations, all applications for development permits shall:

- a) Be accompanied by a plan drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alteration; and
 - b) Include such other information as may be required by the Council or Board, including: existing or proposed use of the building or land; the number and location of automobile parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate, conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor, and such other matters as may be necessary to determine conformance with or provide for the enforcement of this By-law.
- (5) No person shall erect, locate, repair, use, or occupy any building, land, or structure contrary to any development permit or the material furnished in support of the application.

8. BUILDING PERMITS

(1) Permits Issued Prior to By-law

Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.

(2) Building to be Moved

No building or structure shall be moved in whole or in part to any location unless every portion of the building or structure is made to conform to the regulations of this By-law applying to the zone in which it is located or where a variance order has been issued pursuant to the provisions of *The Act*.

9. NON-CONFORMITY

(1) Definition

“Non-Conformity” means one, or a combination of one or more, of the following:

- a) An area of land;
- b) A building or structure;
- c) A use of a building or structure; or
- d) A use of land

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

(2) Classification

a) Non-Conforming Area of Land

A “non-conforming area of land” means any lawful parcel which does not comply with the site area or site width requirements on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law or amendments thereto, and did not form part of a larger contiguous holding in the same ownership;

b) Non-Conforming Use

“Non-conforming use” means any lawful use of a building, structure or parcel of land, or portion thereof, which does not conform to one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-law or amendments thereto.

c) Non-Conforming Building or Structure

A “non-conforming building or structure” means any lawful building or structure which does not comply with one or more of the applicable dimensional standards on the effective date of this By-law.

(3) Provisions of *The Act*

Non-conforming uses shall be regulated in accordance with and be subject to the provisions of *The Act*, unless otherwise provided for therein.

(4) Non-Conforming Area of Land

A building or structure may only be erected on a non-conforming area of land, or a non-conforming area of land may only be used if:

- a) The required yards are provided as set forth in the bulk regulations of the zone in which the land is located; or
- b) A variance order for such yard requirements is granted.

10. INTERPRETATION AND APPLICATION

(1) Interpretation and Application

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

(2) Relation to Other By-laws

Whenever provisions of any By-law of the R.M. of Cornwallis or Planning District or any other regulations of the Provincial or Federal Governments impose overlapping regulations over the use of land, buildings or structures, the most restrictive or highest regulations shall govern.

(3) Previous Violations

Unless otherwise provided for herein, an existing building, structure or use which was illegal under the provisions of any planning scheme or zoning By-law in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use remains illegal hereunder.

11. DUTIES OF THE OWNER

- (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Designated Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the R.M. of Cornwallis or of the Planning District.

Every owner shall:

- a) Permit the Designated Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the Designated Officer in the discharge of their duties under this By-law;
- b) After the development application has been approved and the permit issued, obtain the written approval of the Designated Officer before doing any work at variance with the approved documents files; and
- c) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

12. ENFORCEMENT

The enforcement of this By-law, or any resolution or Order enacted by the Council under *The Act* or any regulation made thereunder shall be in accordance with *The Act*.

13. FEE SCHEDULE

The Board shall by by-law establish a schedule for prescribing and regulating the fees and charges to be paid by any person in respect of services rendered by any officer or employee of the board, pursuant to Part 3 Section 21(3) of *The Act*.

PART THREE GENERAL PROVISIONS

1. INTENT

The general provisions contained in this PART shall apply to all zones except wherein otherwise provided.

2. PROJECTIONS INTO REQUIRED YARDS

- (1) The following items may be located in a required yard:
 - a) Trees, shrubs and gardens;
 - b) Fences, walls and retaining walls;
 - c) Flagpoles, accessory signs and lighting fixtures; and
 - d) Sidewalks, driveways and parking spaces, except that in no case may a wall, fence or a planting create a wall like effect higher than 3.5 feet (1.07 m.) in the front yard or 6 feet (1.83 m.) in the side or rear yards.
- (2) The following items may project into a required yard, up to 50% of the required yard:
 - a) Open, unenclosed and uncovered porches, decks, terraces, balconies, fire escapes and stairways; and
 - b) Architectural features including chimneys, bay windows, alcoves, canopies, awnings, eaves and gutters.

3. ONLY ONE PRINCIPAL BUILDING OR USE PER SITE

There shall only be one principal building or one principal use on a site except wherein otherwise stated.

4. MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is a conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

5. 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 and sanitary condition to the satisfaction of the Designated Officer.

6. BUILDING GRADE

All new main buildings shall have a ground surface elevation as approved by the Designated Officer.

7. FRONT YARD EXCEPTIONS

The front yard exception provides an opportunity to average the front yard requirement in areas where infill development is proposed in an existing block. The average may be used where the existing buildings located in a block have front yards that are less than the minimum required and is applied as follows:

Where sites comprising forty (40) percent or more of the entire frontage of the block (including reverse corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block, provided such average is less than the minimum front yard required in the zone in which the site is located. However, where the sites on both sides of the subject site have been developed, the front yard may be varied to the average of the two adjacent front yards if that average is less than the required front yard.

8. MUNICIPAL SERVICE CONNECTION

All principal buildings constructed or located on a site or mobile home space serviced by public or private sewer, water or hydro distribution shall be connected to such services. Septic tank or chemical disposal systems may be installed subject to the approval of all of the authorities having jurisdiction.

9. ACCESSORY OFF-STREET PARKING AND LOADING

- (1) All accessory off-street parking and loading areas and spaces shall be on the same site as the use served;
- (2) Accessory off-street parking and loading areas, spaces and the access driveways thereto shall be designed in such a manner that there will be no free flow of water onto adjacent properties;
- (3) When a building is enlarged or a use extended or changed, the accessory parking and loading requirements for the enlargement, extension or new use shall be provided in accordance with the requirements of this Section and those of the specific zone involved;
- (4) An accessory off-street parking space shall be a minimum of 8 feet (2.44 m.) wide and 20 feet (6.10 m.) long; and
- (5) A minimum of one (1) parking space shall be provided for each dwelling unit.

10. ACCESSORY BUILDINGS, STRUCTURES AND USES

- (1) Any use or building which is permitted or may be approved by virtue of this By-law includes any building, structure or use accessory thereto subject to the fulfillment of all requirements contained herein.
- (2) Accessory building, structures and uses, except as otherwise regulated in this By-law, shall be subject to the following regulations:
 - a) Where an accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure.

- b) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein.
- c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.
- d) No accessory building shall be erected prior to the erection of the main building except where it is necessary for the storage of tools and materials for use during construction of the main building.

11. SATELLITE DISH ANTENNA REQUIREMENTS

The following requirements shall apply to satellite dish antennas in the zones where they are permitted as accessory uses:

- (1) In all zones where the dish is located on the ground or affixed to a pole attached to the ground:
 - a) A satellite dish antenna shall be located to the rear of the front wall of the principal building and on the same site as the principal building unless otherwise provided for elsewhere herein;
 - b) The maximum height of a satellite dish antenna shall be 3 feet (0.91 m.) higher than the highest point of the roof of the principal building;
 - c) A satellite dish antenna shall not be located any closer to the side and rear site lines than 5 feet (1.52 m.); in the case of a corner side yard, the minimum distance from the site lines shall be 10 feet (3.05 m.); and
 - d) In the case of a reverse corner site in the “RG” Residential General Zone, a satellite dish antenna may be permitted in the rear yard provided that it is to the rear of the front wall of the principal building of the first site to its rear.
- (2) In the case of multiple family buildings of two (2) stories or more or of commercial, industrial or agricultural buildings:
 - a) A satellite dish antenna shall be permitted to be located on a roof of a principal building; and
 - b) The base of the satellite dish antenna shall not be higher than 2 feet (0.61 m.) above the nearest point of the roof, and the dish shall not be located closer than one (1) foot from the edge of the building.

12. SIGNS

- (1) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or any highway or street intersection or railroad grade crossing.
- (2) No sign shall be placed in a manner that will obstruct visibility at an intersection of two roads or a road and a railway or in any manner which may create a danger to the public.
- (3) No rotating beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes.

- (4) Flashing signs (fixed or mobile) located within 300 feet (91.44 m.) of an area zoned for residential purposes or adjacent to the highway within the unincorporated Village of Sprucewoods shall be deemed conditional uses. Council shall consider if such signs will have a detrimental effect on the residential area and ensure that such signs will not be a hazard to the motoring public.
- (5) All signs and sign structures shall be kept in repair and in a proper state of preservation. Signs which have become obsolete because of discontinuation of the business, service or activity, and have not been removed within thirty (30) days following such condition, may be removed by the Municipality at the owner's expense.
- (6) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zone in which they are located.
- (7) A change in the subject matter represented on a non-conforming sign shall not be considered a change in use, and a sign may be structurally altered, reconstructed or replaced in the same location and position provided that such structural alteration, reconstruction or replacement does not result in an increase in the sign's surface area.
- (8) The placing of a sign structure within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.

13. TEMPORARY BUILDINGS AND USES

- (1) May be permitted
 - a) Notwithstanding any provisions contained elsewhere in this By-law, temporary buildings, structures and uses for construction materials or equipment, both incidental to an necessary to construction in the same zone may be permitted on a temporary basis subject to the issuance of a development permit and subject to such terms and conditions as may be required in each zone provided for herein; and
 - b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.
- (2) Size of Buildings

In all cases, temporary buildings and structures:

 - a) May be used as office space for the contractor or developer;
 - b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - c) Shall not be detrimental to the public health, safety, convenience and general welfare.

14. MOBILE HOME STANDARDS

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

15. BASEMENT DWELLING UNIT

A basement dwelling unit shall comply with the provisions of this By-law, The Buildings and Mobile Homes Act and any other By-law or Act having jurisdiction.

16. STREET, LANE OR ROAD FRONTAGE

The Council shall permit a use of land or buildings to be constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street and where such private lane or road is not part of the site.

17. PUBLIC MONUMENTS AND STATUARY

Nothing in this By-law shall be so interpreted as to interfere with the maintenance or erection of monuments, statuary and similar structures.

18. RETENTION OF BULK REQUIREMENTS

- (1) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, yards and other open spaces required herein for any use as long as it remains in existence.
- (2) Subdividing Land
 - a) No area of land hereafter may be divided into sites, unless each site conforms with the regulations of the zone in which it is located.
- (3) Area and Yard Requirements
 - a) Except wherein otherwise provided, the following shall apply in all zones:
 - i) The yard requirements shall be as set forth in the BULK TABLES as provided for herein;
 - ii) Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced if already less than the minimum requirements of the zone in which the building, structure is situated; and
 - iii) All yards and other open space required for any use shall be located on the same site as the use.

19. REDUCED SITES AND YARDS

Where a residual area of land has a site width, area, or as in the case of an existing developed site, a yard, less than the minimum site width, area or yard requirements of this By-law as a result of an acquisition of adjoining land or right therein in accordance with subsection 121(7) of *The Act*, the remaining site width, area or yard shall be deemed to comply with the requirements of this By-law.

20. DWELLING UNIT LOCATION WITH RESPECT TO PUBLIC UTILITIES AND TRANSPORTATION FACILITIES

- (1) No dwelling unit shall be located within 1500 feet (457.20 m.) of a public sewage lagoon.
- (2) No dwelling unit shall be located within 1320 feet (402.34 m.) 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.
- (3) No dwelling shall be located within 50 feet (15.24 m.) from the edge of a right-of-way established for the transmission of high pressure natural gas or the transmission of hydro electricity in excess of one hundred (100) kilovolts.
- (4) No dwelling unit or other habitable building shall be located within one 100 feet (30.48 m.) of the edge of a railway right-of-way.

21. DESIGNATED HERITAGE SITES

A development permit for development of a site located adjacent to land designated as “Heritage Site” shall not be issued unless the applicant can demonstrate to Council’s satisfaction that the proposed development will not endanger or degrade the adjacent heritage site.

22. LANDS SUBJECT TO FLOODING AND EROSION

- (1) The intent of these provisions is to minimize the expense and hardship to individual property owners and the general public as a result of damages caused by flooding and erosion.
- (2) The minimum separation of all permanent buildings from waterways shall be a distance equal to 10 times the height of the bank above channel grade, or 200 feet (60.96 m.) from the edge of the bank, whichever is greater.
- (3) Notwithstanding the provisions contained herein, an applicant may be required to demonstrate to Council’s satisfaction that, in the case where land is adjacent to a waterway, any development of such land will not be subject to flooding.
- (4) In areas that are subject to erosion, no development shall be permitted on land that will normally be eroded away within a 50 year period unless the applicant can demonstrate to Council’s satisfaction that the erosion will be halted.

23. EXISTING BUILDING AND STRUCTURES

All legally existing buildings and structures existing at the effective date of this By-law and amendments thereto are deemed to conform to the bulk requirements of the zone in which said buildings and structures are situated. Any relocation or reconstruction of said buildings and structures shall conform to the bulk requirements of the zone in which they are located unless varied by a variation order. If there is a non-conforming yard, an expansion or addition to the existing building or structure may be permitted, provided the non-conformity is not increased.

24. PUBLIC UTILITIES

Nothing in this By-law shall be interpreted as to interfere with the location, construction, maintenance and operation of the facilities of any public utility that are of a standard comparable with the adjacent area as determined by the Council and that any building or structure erected in any zone complies with the yard and area requirements provided for in the Bulk Tables in the zone in which the building or structure is located.

25. PROVINCIAL HIGHWAY CONTROL AREAS

Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the Highway Traffic Board and Manitoba Infrastructure and Transportation.

26. HOME BASED BUSINESSES

- (1) Home Based Businesses shall be subject to the following regulations:
 - a) Carried on in a dwelling unit or a mobile home or its accessory building, except as provided herein;
 - b) Carried on solely by residents of the dwelling unit or mobile home without the employment of other persons, except as provided for herein;
 - c) Incidental to or secondary to the use of the dwelling unit or mobile home;
 - d) No exterior display, no exterior storage of materials, and no other exterior indication of the home based business or variation of the residential character of the principal or accessory building, except for in Agricultural Zones;
 - e) In the opinion of the Council, it is not offensive or obnoxious nor creates a nuisance;
 - f) Does not cause the generation of undue traffic and congestion in the neighborhood;
 - g) Not more than 40 percent of the gross floor area or 800 square feet (74.32 square m.), whichever is less shall be devoted to a home based business in any dwelling unit or mobile home;
 - h) A business sign for a home based business either free-standing or affixed to an exterior wall of a main or accessory building shall not exceed 8 square feet (0.74 square m.) in surface area; and
 - i) 100 percent of the gross floor area, up to 800 square feet (74.32 square m.) in accessory buildings may be devoted to a home based business, except for in Agricultural Zones.
 - j) No limit is applied to gross floor area in accessory buildings devoted to a home based business in Agricultural Zones.
- (2) Further regulations regarding Home Based Business in Agricultural Zones are located in Section 3 of PART Five of this By-law.

27. SECONDARY SUITES

- (1) Secondary suites shall be subject to the following regulations:
 - a) Secondary Suites are not permitted in AG80 or AC80 zones.
 - b) Only one secondary suite may be established on a single-family lot either within the principal dwelling, as an addition to principal dwelling, above a detached garage, or as a standalone suite.
 - c) Secondary suites shall be no larger than 40% of the total gross floor area of the principal single-family dwelling or 800 square feet (74.32 square m.), whichever is less.
 - d) Only one entrance door shall be located on the front of a principal dwelling or garage. Where a secondary suite has an entrance separate to the main entrance to the principal dwelling or garage, the entrance shall be located on the side or rear of the principal dwelling or garage.
 - e) Two on-site parking spaces must be available on lots which contain a secondary suite.
 - f) A secondary suite shall not be utilized for home occupations, child care services, residential care dwellings or residential care facilities.
 - g) Detached secondary suites must follow the setback standards for single-family dwellings.

28. WIND ENERGY GENERATING SYSTEMS

- (1) A commercial Wind Energy Generating System tower is subject to the following regulations:
 - a) It is set back no less than 1.5 times the total turbine height from the property line and any public road or railway right of way.
 - b) It is set back no less than 100 feet (30.48 m.) from a water body or waterway
 - c) The minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 1640 feet (499.87 m.).
 - d) It contains no commercial advertising other than the manufacturer's or owner's name or logo.
 - e) It contains no artificial lighting other than the lighting that is required by federal and provincial regulation.
 - f) As part of their development permit application, proponents for Wind Generation System must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system.

- (2) An on-site Wind Energy Generating System is subject to the following regulations:
 - a) It is set back at least 20 feet (6.10 m.) from the front building line, or, in the case of corner lots, at least 15 feet (4.57 m.) from the front and side lot line;
 - b) It is limited to a total turbine height of no more than 15 feet (4.57 m.) above the rooftop; and
 - c) It is safely and securely attached to the rooftop in compliance with the National and Provincial Building Codes.
- (3) Total Turbine Height means the height from finished grade to the highest vertical point of a wind turbines rotor blades.

PART FOUR ZONES

1. ZONES ESTABLISHED

In order to carry out the intents and purpose set forth in Subsection (4) of Section 1 of PART TWO “ADMINISTRATION”, the following zones are hereby established:

“AG80”	Agricultural General Zone
“AC80”	Agricultural Conservation Zone
“RR2”	Residential Rural Zone
“RR5”	Residential Rural Zone
“RR10”	Residential Rural Zone
“RR20”	Residential Rural Zone
“RR40”	Residential Rural Zone
“GD”	General Development Zone
“RG”	Residential General Zone
“RMP”	Residential Mobile Home Park Zone
“CH”	Commercial Highway Zone
“RC”	Rural Commercial Zone
“M”	Industrial Zone

2. ZONING MAPS



The location and boundaries of the zones listed in Section 1 above are shown upon the Zoning Maps attached hereto, marked as APPENDIX “A” to this By-law. Said Zoning Maps form part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in Section 3 of this Part, shall be as much a part of this By-law as if the matters and information set forth by said Zoning Maps were fully described herein.

(1) Dimensions and Scale

The scale and all dimensions of the Zoning Maps are in metres.

(2) Abbreviations

The abbreviations noted on the Zoning Maps and the text mean the following:

- a) “Rge.” means Range
- b) “R.M. of” means the Rural Municipality of
- c) “Twp.” means Township
- d)  means Provincial Road
- e)  means Provincial Trunk Highway

3. BOUNDARIES

(1) Interpretation of Zone Boundaries

In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

- a) Notwithstanding that streets, lanes and the public utility rights-of-way may be within zone boundaries, the regulations contained in this By-law shall be deemed to not be applicable to said streets, lanes and public utility rights-of-way;
- b) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed to follow such centrelines;
- c) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site and property holding lines;
- d) Boundaries indicated as following the Municipalities limits shall be construed as following the Municipalities limits;
- e) Boundaries indicated as following the centreline of railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case may be;
- f) Boundaries indicated as following the edge of said streams and rivers at the ordinary high water mark; and
- g) If a street, lane or Municipal Road Allowance shown on the Zoning Map is lawfully closed, then the land formerly comprising the street, lane or Municipal Road Allowance shall be included within the zone of the land which surrounds it. If the said street, lane or Municipal Road Allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centre line of the closed street, lane or Municipal Road Allowance.

PART FIVE AGRICULTURAL ZONES

1. INTENT AND PURPOSE

The Agricultural Zones established in this By-law are intended to provide sufficient land in suitable locations to allow agricultural uses to occur in such a fashion as to maximize the use of agricultural land and minimize conflicts with non-agricultural uses. In order to carry out the intent and purpose of this Section, the following zones are hereby established.

(1) “AG80” Agricultural General Zone.

This zone provides for general agricultural uses and other uses related to or compatible with agriculture and which are carried out on large parcels of land (generally 80 acres or larger).

(2) “AC80” Agricultural Conservation Zone

This zone provides for non-intensive agricultural uses and recreational uses as identified in the Development Plan.

2. GENERAL PROVISIONS

The general provisions applying to all AGRICULTURAL ZONES are contained within this PART. Also applying to this PART are the provisions of PART ONE - “DEFINITIONS”, PART TWO - “ADMINISTRATION”, PART THREE - “GENERAL PROVISIONS”, PART FOUR - “ZONES, and “APPENDIX A”.

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

- (1) In the Agricultural Zones, accessory uses, buildings, or structures include the following:
- a) A children’s playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed;
 - b) One (1) farm dwelling, including a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;
 - c) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory, or mobile home when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
 - d) Farm buildings or structures for the operation and maintenance of an agricultural activity;
 - e) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;
 - f) A private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
 - g) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
 - h) Home day care and group day care;
 - i) Home based business as provided for herein;

- j) Accessory signs are permitted and regulated in Section 8 of this PART and Section 12 of PART THREE - “GENERAL PROVISIONS”;
 - k) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas and other private utilities; and
 - l) Aircraft landing area and related buildings for the keeping of aircraft.
- (2) Home Based Business
- a) Notwithstanding the requirements in PART TWO- “GENERAL PROVISIONS”, a home based business in the Agricultural Zones may include:
 - i) Employees who are not family members;
 - ii) Business signs when either free-standing or affixed to an exterior wall of a principal or accessory building or structure not exceeding 32 square feet (2.97 square m.) in area; and
 - iii) Activities related to the home based business that are conducted outside the residence or accessory buildings shall be deemed a conditional use. Council may require the construction of an opaque fence or some other type of opaque screen to restrict the view of the storage area by the public and neighboring properties. Council may impose time restrictions on activities conducted outside.

4. PERMITTED OBSTRUCTIONS INTO A REQUIRED YARD

- (1) Required yards, as provided for in TABLE FIVE - 2 “AGRICULTURAL BULK REQUIREMENTS”, shall be maintained clear of obstructions except as follows:
- a) Agricultural activities excluding buildings and structures;
 - b) Fences and hedges subject to the following:
 - i) no fence or hedge which may act as a wind break shall be located within 125 feet (38.1 m.) of the edge of any road allowance; and
 - ii) no fence or hedge which may act as a wind break or obstruction to visibility near an uncontrolled intersection shall be located within an area formed by the intersecting road lines and a straight line joining points on the said road lines 125 feet (38.1 m.) from the point of intersection of the road lines.
 - c) Temporary storage of vehicles and equipment incidental to a principal use; and
 - d) Satellite dish antennas, except that in no instance shall a satellite dish antenna be placed in a manner which will obstruct visibility at an intersection of two roads or a road and a railway or in any manner which may create a danger to the public.

5. ONLY ONE DWELLING ON A NON-FARM DWELLING SITE

Not more than one (1) one-family dwelling or one (1) mobile home and their accessory uses, buildings, or structures shall be permitted on a non-farm site as provided for in this PART.

6. MULTIPLE USES

With the exception of non-farm sites, any land or building in the Agricultural Zones may be used for more than one (1) principal use provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

7. SIGN REGULATIONS

- (1) The following signs are deemed to be accessory signs and shall be permitted in the Agricultural Zones:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) Temporary signs as may be authorized by Council;
 - d) "No Trespassing" or identification signs not exceeding 4 square feet (0.37 square m.);
 - e) Construction signs when placed on construction sites and not exceeding 25 square feet (2.32 square m.);
 - f) Signs required for direction and convenience of the public including signs which identify restrooms or parking entrances or exits, not exceeding 5 square feet (0.46 square m.) in area;
 - g) Real estate signs, not exceeding 16 square feet (1.49 square m.), which advertise the sale, rental or lease of a building, structure, site, or part thereof.
 - h) Business signs not exceeding 32 square feet (2.97 square m.); and
 - i) Bulletin boards up to a maximum size of 32 square feet (2.97 square m.).
- (2) An advertising sign not exceeding 1,000 square feet (92.90 square m.) shall be a conditional use in the Agricultural General Zone and shall be provided for in TABLE FIVE-2 of this PART;
- (3) Unless otherwise provided for herein, signs shall be set back from a site line a minimum of 3 feet (0.91 m.); and
- (4) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Agricultural Zones.

8. AGRICULTURAL USES TABLE

TABLE FIVE - 1 "AGRICULTURAL USES" lists all uses that are:

- a) "P" - Permitted;
- b) "C" - Conditional; and
- c) "NP" - Not Permitted.

in the Agricultural Zones. All listed uses are subject to the provisions contained herein.

**TABLE FIVE - 1
AGRICULTURAL USES**

P – Permitted C – Conditional NP – Not Permitted	ZONES	
	AG80	AC80
USE		
Accessory Uses, Buildings and Structures except Home Based Business where there is outside storage	P	P
Advertising Signs	P	P
Aggregate Operations as provided in Subsection 12(2) of this PART	C	NP
Agricultural Activities – General	P	P
Aircraft Landing Areas	P	NP
Cemetery	C	NP
Livestock Operations (between 10 and 199 Animal Units in Size), as provided for in Table Five – 3	P	NP
Livestock Operations (200 or more Animal Units in size), as provided for in Table Five – 3	C	NP
Non-Farm Dwellings	C	C
Public Utilities	P	P
Resource-Related Industrial	C	C
Resource-Related Commercial ^(a)	C	C
Residential Care Facilities for 4 or fewer persons	P	P
Schools, Places of Worship and Community Halls	C	NP
Temporary Buildings and Uses (See Section 13 of PART THREE - “GENERAL PROVISIONS”)	P	P
Waste Disposal Grounds and Sewage Lagoons	P	NP
All other uses deemed by Council to be compatible in the Agricultural General Zone and in accordance with the Development Plan	C	C
a) Resource-related commercial is only allowed as a conditional use when located adjacent to an existing approved rural industrial use. It is otherwise not permitted.		

9. AGRICULTURAL BULK REQUIREMENTS

TABLE FIVE - 2 “AGRICULTURAL BULK REQUIREMENTS” sets forth the bulk requirements for uses in the Agricultural General Zone in which they are permitted or conditional uses.

**TABLE FIVE - 2
AGRICULTURAL BULK REQUIREMENTS**

USE	ZONE	MINIMUM REQUIREMENTS				
		Site Area acres (hectares)	Site Width ft. (m.)	Front Yard ^(a) ft. (m.)	Side Yard ^(a) ft. (m.)	Rear Yard ^(a) ft. (m.)
Accessory Uses, Buildings and Structures	AG80 AC80	N/A	N/A	125 (38.10)	25 (7.62)	25 (7.62)
Advertising Signs	AG80 AC80	N/A	N/A	125 (38.10)	5 (1.52)	5 (1.52)
Aggregate Operations as provided for in Subsection 13.(2) of this PART	AG80	2 (.81)	200 (60.96)	125 (38.10)	25 ^(f) (7.62)	25 ^(f) (7.62)
Agricultural Activities -General	AG80 AC80	80 ^(b) (32.37)	1320 (402.34)	125 (38.10)	25 (7.62)	25 (7.62)
Aircraft Landing Areas	AG80	20 (8.09)	200 (60.96)	125 (38.10)	50 (15.24)	50 (15.24)
Cemetery	AG80	2 (0.81)	200 (60.96)	25 (7.62)	25 (7.62)	25 (7.62)
Non-Farm Dwellings	AG80 AC80	2 ^(d,e) (0.81)	200 (60.96)	125 (38.10)	25 (7.62)	25 (7.62)
Public Utilities	AG80 AC80	1 (0.40)	100 (30.48)	125 (38.10)	15 (4.57)	15 (4.57)
Resource-Related Industrial	AG80 AC80	2 (0.81)	200 (60.96)	125 ^(c) (38.10)	25 ^(c) (7.62)	25 ^(c) (7.62)
Resource-Related Commercial	AG80 AC80	2 (0.81)	200 (60.96)	125 ^(c) (38.10)	25 ^(c) (7.62)	25 ^(c) (7.62)
Aggregate Operations as provided for in Subsection 13.(2) of this PART	AG80	2 (0.81)	200 (60.96)	125 (38.10)	25 ^(f) (7.62)	25 ^(f) (7.62)

USE	ZONE	MINIMUM REQUIREMENTS				
		Site Area acres (hectares)	Site Width ft. (m.)	Front Yard ^(a) ft. (m.)	Side Yard ^(a) ft. (m.)	Rear Yard ^(a) ft. (m.)
Schools, Places of Worship and Community Halls	AG80	2 (0.81)	200 (60.96)	125 (38.10)	25 (7.62)	25 (7.62)
Waste Disposal Grounds and Sewage Lagoons	AG80	2 (0.81)	100 (30.48)	125 (38.10)	50 (15.24)	50 (15.24)
All Other Uses	AG80	2	200	125	25	25
	AC80	(0.81)	(60.96)	(38.1)	(7.62)	(7.62)

a) Where the front, side or rear yard abuts a municipal road (Government Road Allowance), provincial road or provincial highway the minimum required setback shall be 125 feet (38.10 m.), except where Manitoba Highways has a greater setback, then the greater setback shall apply.

b) Where a non farm dwelling site is subdivided from a parcel where there are general agricultural activities on the residual area of the parcel, the minimum site area for the parcel shall be the residual area.

c) Where a stationary anhydrous ammonia storage container is adjacent to a municipal road or provincial highway, the minimum required yard shall be 300 feet (91.44 m.).

d) The maximum site area of a non-farm dwelling site shall be 10 acres (4.05 ha), except where treed shelterbelts, fence lines or other similar physical features and natural topographic features define the area of an existing farm site greater than 10 acres (4.05 ha), in which instance the greater site area shall apply.

e) Where a small parcel of land existed prior to the effective date of this By-law and was on record in the Land Titles Office it may be used for a non-farm dwelling provided such parcel of land, in Council’s opinion, will not sustain an agricultural activity and provided the provisions of the Development Plan are complied with.

f) A minimum separation distance of 165 feet (50.29 m.) shall be provided between aggregate extraction operations and any dwelling, institution, personal care facility, eating establishment or building where accommodation is to be provided, other than that of the owner or operator of the aggregate operation.

10. LIVESTOCK PRODUCTION OPERATIONS

For the purposes of determining the size of livestock operations, the system of “animal units” as adopted by the Province of Manitoba shall be used and be cumulative across species. The conversion factors for animal units are provided for through general reference in TABLE FIVE - 3, and may be altered from time to time by provincial authorities, without requiring an amendment to this By-law.

**TABLE FIVE - 3
ANIMAL UNITS (AU) BY CATEGORY OF LIVESTOCK**

ANIMAL	TYPE	ANIMAL UNITS (AU) PRODUCED BY ONE ANIMAL	NUMBER OF ANIMALS TO PRODUCE ONE AU
Dairy	Milking Cows, including associated livestock	2	0.5
Beef	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture / replacement heifers	0.625	1.6
	Feeder Cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.25	0.8
	Sows, farrow to weanling	0.25	4
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers / finishers	0.143	7
	Boars (artificial insemination operations)	0.2	5
Chickens	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.2	5
	Feeder Lambs	0.063	16
Example: To calculate the number of animal units for a livestock production operation, multiply the number of head by A.U. in that category: Eg. 20 milking cows X 2.0 A.U. per head = 40 animal units.			

- (1) Livestock production operations must comply with all other regulations and must abide by any approvals granted by all jurisdictions. Where conflict arises between regulations, the most stringent standard will apply.
- (2) The following siting criteria (Table Five-4) will apply and must be confirmed prior to an application for development permit or conditional use being accepted:

**TABLE FIVE - 4
MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS**

Size of Livestock Operation in Animal Units ^(c)	Separation Distance in Metres (Feet) from a Residence ^(a,b)		Separation Distance in Metres (Feet) from a Designated Area ^(b)	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility
10 – 100	200 (656)	100 (328)	800 (2,625)	530 (1,739)
101 – 200	300 (984)	150 (492)	1200 (3,397)	800 (2,625)
201 – 300	400 (1,312)	200 (656)	1600 (5,249)	1070 (3,511)
301 – 400	450 (1,476)	225 (738)	1800 (5,906)	1200 (3,937)
401 - 800	500 (1,640)	250 (820)	2000 (6,561)	1330 (4,364)
801 – 1,600	600 (1,968)	300 (984)	2400 (7,874)	1600 (5,249)
1,601 – 3,200	700 (2,297)	350 (1,148)	2800 (9,186)	1870 (6,135)
3,201 – 6,400	800 (2,625)	400 (1,312)	3200 (10,499)	2130 (6,988)
6,401 – 12,800	900 (2,953)	450 (1,476)	3600 (11,811)	2400 (7,874)
>12,800	1000 (3,281)	500 (1,640)	4000 (13,123)	2670 (8,760)

a) Excludes the residence of the owner/operator.

b) For a dwelling, the distance shall be measured from the livestock barn or manure storage facility, whichever is closer, to the dwelling; and for a “Designated Area”, from the livestock barn or waste storage facility, whichever is closer, to the boundary of the “Designated Area”.

c) Due to fluctuating operational requirements and/or circumstances beyond the control of the livestock production operator, the maximum number of Animal Units on site may vary temporarily by up to 10 percent on livestock operations of less than 300 animal units.

- (3) The minimum setback for a livestock production operation from any site line shall be 125 feet (38.1 m.).

- (4) All new livestock production operations shall be located adjacent to an existing all weather road. Should circumstances warrant the development of undeveloped government road allowance, the Council may require the applicant to develop the road at their expense to the minimum standards set by Council. New access points to any government road allowance require the prior approval of Council.
- (5) When considering an application for a conditional use to establish a new or increase the size of an existing livestock production operation as a conditional use pursuant to Section 4 of PART TWO - "ADMINISTRATION", Council shall consider such factors as:
 - a) The type of operation;
 - b) The size of the operation, including the maximum number of animals;
 - c) The manure management system, including the handling, storage and disposal of manure;
 - d) Reports from various Provincial Departments;
 - e) Documentation of an agreement for the use of additional land for manure disposal over and above that owned by the applicant shall be a condition where applicable; and
 - f) Whether or not the operation will have a detrimental effect on neighbouring land uses.
- (6) Council may require a development agreement as a condition of the conditional use order to specify such conditions as Council deem necessary in accordance with *The Act*.
- (7) Mortalities must be disposed of in accordance with the applicable provincial regulations including the Livestock Manure and Mortalities Management Regulation.
- (8) The maximum number of A.U.'s for small holdings associated with non-farm dwellings as provided for in TABLE FIVE - 1 shall be decimal five (.5) A.U. per acre, up to a maximum of five (5) A.U.'s per holding.
- (9) No new livestock operations shall be established within one mile of the City of Brandon (excluding the Brandon Airport) and existing livestock operations within this buffer may expand to a maximum of 100 animal units.

11. LIVESTOCK MANURE STORAGE

- (1) Conditionally approved livestock operations may be required to implement the following measures intended to reduce odours from manure storage as part of the livestock operation:
 - a) Require straw cover or some other means of cover over manure storage facilities, in the event of odor emission that is greater than normal, in the opinion of Council; and
 - b) Establish a shelter belt, which includes at least two rows of trees of a type approved by Council planted on all sides of the manure storage facility.

12. OTHER PROVISIONS

- (1) Mutual Separation of Anhydrous Ammonia Storage Containers and Residences
 - a) In no instance shall a dwelling and a stationary anhydrous ammonia storage container be located within 1650 feet (502.92 m.) of each other, except where the dwelling unit is that of the owner or operator of the anhydrous ammonia facility; and
 - b) In no instance shall a stationary anhydrous ammonia storage container be located within 1/2 mile (0.80 km) of a “GD” General Development, “RG” Residential General, “RMP” Residential Mobile Home Park or “RR2” Residential Rural zone as provided for herein.
- (2) Aggregate Operations
 - a) Aggregate operations shall be subject to the conditions imposed on them by Council through consultation with appropriate authorities;
 - b) An application for an aggregate extraction operation shall include the submission of a site plan showing the manner in which extraction or development will occur;
 - c) The minimum front, side and rear yard requirements for aggregate operations as established in TABLE FIVE - 2 of this PART shall also apply to the stockpiling of extracted material on the aggregate pit site; and
 - d) A minimum separation distance of 165 feet (50.29 m.) shall be provided between any dwelling, care facility or institution, and any aggregate resource assigned a “Stop” or “Caution” status in the Development Plan, unless the applicant can demonstrate to Council’s satisfaction through scientific testing methods that the extent of the aggregate resource is less than that identified in the Development Plan, in which case the minimum separation distance shall be 165 feet (50.29 m.) shall from the newly-defined limit of the resource.

PART SIX RESIDENTIAL RURAL ZONES

1. *INTENT AND PURPOSE*

The Residential Rural Zones established in this By-law are intended to accommodate non-farm residential uses located in rural areas on small holdings designed in a “cluster” pattern, in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zones are hereby established:

(1) “RR2” Residential Rural Zone

This zone provides for non-farm residential development and related compatible uses. Animal keeping is not permitted in this zone.

(2) “RR5” Residential Rural Zone

This zone provides for non-farm residential development and related compatible uses as provided for in the Development Plan. Also included are incidental uses normally associated with small holding development such as facilities for animal keeping and the undertaking of small-scale agricultural activities where the owner can demonstrate to Council’s satisfaction that such uses will not be obnoxious or detrimental to public health and welfare.

(3) “RR10” Residential Rural Zone

This zone provides for non-farm residential development and related compatible uses on large sites as provided for in the Development Plan. Also included are incidental uses normally associated with small holding development such as facilities for animal keeping and the undertaking of small scale agricultural activities where the owner can demonstrate to Council’s satisfaction that such uses will not be obnoxious or detrimental to public health and welfare.

(4) “RR20” Residential Rural Zone

This zone provides for non-farm residential development and related compatible uses on large sites as provided for in the Development Plan. Also included are incidental uses normally associated with small holding development such as facilities for animal keeping and the undertaking of small scale agricultural activities where the owner can demonstrate to Council’s satisfaction that such uses will not be obnoxious or detrimental to public health and welfare.

(5) “RR40” Residential Rural Zone

This zone provides for non-farm residential development and related compatible uses on large sites as provided for in the Development Plan. Also included are incidental uses normally associated with small holding development such as facilities for animal keeping and the undertaking of small scale agricultural activities where the owner can demonstrate to Council’s satisfaction that such uses will not be obnoxious or detrimental to public health and welfare.

(6) “RRO” Residential Rural Overlay Zone

This zone is intended to establish additional provisions governing rural residential uses in the Grand Valley area. Wherever this overlay zone is shown on a map in this zoning by-law, Mobile Homes are prohibited as a type of dwelling. This is in accordance with the Grand Valley Area Secondary Plan No. 1671/06/2017.

2. GENERAL PROVISIONS

The general provisions applying to the RESIDENTIAL RURAL ZONE are contained within this PART. Also applying to this PART are the provisions of PART ONE - "DEFINITIONS", PART TWO - "ADMINISTRATION", PART THREE - "GENERAL PROVISIONS", PART FOUR - "ZONES", and "APPENDIX A".

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

- (1) In the Residential Rural Zones, accessory uses, buildings, or structures include the following:
 - a) Secondary Suite;
 - b) A children's playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed;
 - c) A private garage, carport, covered patio, toolhouse, shed or other similar building;
 - d) Incinerators subject to the approval of the authority having jurisdiction;
 - e) Accessory signs as permitted and regulated in Sections 4 and 7 of this PART and Section 12 of PART THREE - "GENERAL PROVISIONS";
 - f) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas subject to the requirements of Section 11 in PART THREE - "GENERAL PROVISIONS";
 - g) Farm buildings;
 - h) Home based business as provided for herein;
 - i) Home day care services; and
 - j) Animal Keeping, prohibited in RR2, restricted to 5 AU in RR5.

4. ONLY ONE DWELLING ON A SITE

Not more than one (1) single-family dwelling or one (1) mobile home and their accessory buildings or structures shall be permitted on one site.

5. TEMPORARY ADDITIONAL DWELLING OR MOBILE HOME

- (1) The Temporary Additional Dwelling or Mobile Home shall be installed on a site as temporary accommodation by a property owner during which time a permanent Single Family Dwelling is being developed on the site.
- (2) A Temporary Additional Dwelling or Mobile Home as provided for within TABLE SIX-1 of PART SIX shall comply with the following regulations:
 - a) The Temporary Additional Dwelling or Mobile Home shall be constructed in accordance with CSA and applicable building code regulations;
 - b) The Temporary Additional Dwelling or Mobile Home shall comply with all site regulations applicable to the Zoning District in which the Single Family Dwelling or Mobile Home is located or is proposed to be located;
 - c) The Temporary Additional Dwelling or Mobile Home shall be removed by the property owner upon the cessation of its approved occupancy by Council;

- d) The installer of a Temporary Additional Dwelling or Mobile Home shall comply with the regulations of any appropriate Federal, Provincial or Municipal legislation; and
- e) Council may impose additional conditions on the installation of a proposed Temporary Additional Dwelling or Mobile Home deemed necessary to protect adjacent sites and the public welfare.

6. SIGN REGULATIONS

- (1) The following signs shall be permitted in the Residential Rural Zone:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) Temporary signs as may be authorized by Council;
 - d) “No Trespassing” or identification signs not exceeding 3 square feet (0.28 square m.);
 - e) Construction signs when placed on construction sites and not exceeding 25 square feet (2.32 square m.);
 - f) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits, not exceeding 5 square feet (0.46 square m.) in area;
 - g) Real estate signs not exceeding 10 square feet (0.93 square m.) which advertise the sale, rental or lease of a building, structure, site, or part thereof;
 - h) Business signs as provided for in Section 4 of this PART not exceeding 8 square feet (0.74 square m.);
 - i) Bulletin boards not exceeding 8 square feet (0.74 square m.); and
 - j) Where a free-standing sign is located in a required yard, it shall not be closer than 5 square feet (0.46 square m.) to the site lines.
- (2) Advertising signs shall not be permitted in the Residential Rural Zones.
- (3) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - “GENERAL PROVISIONS” shall apply to signs in the Residential Rural Zone.

7. RESIDENTIAL RURAL USES TABLE

TABLE SIX - 1 “RESIDENTIAL RURAL USES” lists all uses that are:

- a) “P” Permitted;
- b) “C” Conditional; and
- c) “NP” Not Permitted

in the Residential Rural Zone. All listed uses are subject to the provisions contained herein.

**TABLE SIX-1
RESIDENTIAL RURAL USES**

P – Permitted C – Conditional NP – Not Permitted	ZONES				
	RR2	RR5	RR10	RR20	RR40
USE					
Accessory Uses, Buildings, Structures and Business Signs (See Section 3 of this Part)	P	P	P	P	P
Home Based Business with no outside storage	P	P	P	P	P
Mobile Homes	C	P	P	P	P
Parks, Playgrounds and Tot-lots owned by the R.M. of Cornwallis	P	P	P	P	P
Residential Care Facilities for 4 or fewer persons	P	P	P	P	P
Single Family Dwellings	P	P	P	P	P
All other uses deemed by Council to be compatible in the Residential Rural Zone and in accordance with the Development Plan	C	C	C	C	C
Temporary Additional Dwelling or Mobile Home	NP	NP	NP	C	C

8. RESIDENTIAL RURAL BULK REQUIREMENTS

TABLE SIX-2, “RESIDENTIAL RURAL BULK REQUIREMENTS” sets forth the bulk requirements for uses in the Residential Rural Zones in which they are permitted or conditional uses.

**TABLE SIX-2
RESIDENTIAL RURAL BULK REQUIREMENTS**

USE	ZONE	MINIMUM REQUIREMENTS				
		Site Area acres (hectares)	Site Width ft. (m.)	Front Yard ^{(a)(b)} ft. (m.)	Side Yard ^{(a)(b)} ft. (m.)	Rear Yard ^{(a)(b)} ft. (m.)
“RR2” Residential Rural Uses	RR2	2 (0.81)	200 (61.0)	30 (9.14)	15 ^(c) (4.57)	30 (9.14)
“RR5” Residential Rural Uses	RR5	5 (2.02)	300 (91.44)	30 (9.14)	30 ^(c) (9.14)	30 (9.14)
“RR10” Residential Rural	RR10	10 (4.05)	300 (91.44)	30 (9.14)	30 ^(c) (9.14)	30 (9.14)
“RR20” Residential Rural Uses	RR20	20 (8.09)	300 (91.44)	30 (9.14)	30 ^(c) (9.14)	30 (9.14)
“RR40” Residential Rural Uses	RR40	40 (16.19)	660 (201.17)	30 (9.14)	30 ^(c) (9.14)	30 (9.14)
Accessory uses, buildings and structures	RR2 RR5 RR10 RR20 RR40	NA	NA	30 (9.14)	15 ^(d) (4.57)	15 ^(d) (4.57)
<p>a) Where the front, side or rear yard abuts a municipal road (Government Road Allowance), provincial road or provincial highway the minimum required setback shall be 125 feet (38.1 m.), except where Manitoba Highways has a greater setback, then the greater setback shall apply.</p> <p>b) The minimum distance between main buildings and other accessory buildings shall be 15 feet (4.57 m.).</p> <p>c) Dwellings established after the effective date of this By-law on parcels with a lot width of 200 feet (60.96 m.) or greater shall provide one (1) side yard of at least 115 feet (35.05) in order to enable future subdivision and rezoning when services become available.</p> <p>d) The minimum dwelling unit area shall be 600 square feet (55.74 square m.).</p>						

9. OTHER PROVISIONS

- (1) Separation From Livestock Production Operations Existing in an Agricultural Zone
 - a) The mutual separation distance between dwellings and livestock production operations as established in PART FIVE - “AGRICULTURAL GENERAL ZONES” shall apply to the Rural Residential Zones.
- (2) Separation From Aggregate Resources
 - a) A minimum separation distance of 500 feet (152.40 m.) shall be provided between land to be zoned for Residential Rural purposes or land to be subdivided for the purpose of establishing a dwelling, institution or care facility, and any aggregate resource deposit assigned a “Stop” or “Caution” development status in the Development Plan, except:
 - i) Where the applicant can demonstrate to the satisfaction of Council and Manitoba Mineral Resources that, through scientific testing methods, the extent of aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 500 feet (152.40 m.) from the newly-defined limit of the deposit; or
 - ii) Where a suitable buffer, acceptable to Council and Manitoba Mineral Resources, is included as part of the proposed development, in which case the minimum separation distance may be reduced to not less than 250 feet (76.20 m.).
 - b) An acceptable buffer, as provided for in clause (a)(ii) above, may include one or more of the following features:
 - i) Earthen berms;
 - ii) Impenetrable fences; and/or
 - iii) Dense tree screens.
 - c) In assessing the adequacy of the proposed buffer as provided for in paragraph (a) and (b) above, the Council, in consultation with Manitoba Mineral Resources, shall consider such factors as:
 - i) The type of existing or proposed aggregate operation, including its production volumes, mining and processing equipment, traffic volumes, and layout;
 - ii) The depth and extent of the aggregate deposit;
 - iii) Whether the aggregate operation is of an ongoing or intermittent nature;
 - iv) The slope requirements for rehabilitation of the gravel pit;
 - v) The topographic relief of the area;
 - vi) The hours of operation of the gravel pit; and
 - vii) The existing or proposed location(s) of stockpiles and equipment.

- d) Where the land has been subdivided and zoned for Residential Rural purposes prior to the adoption date of this By-law, a minimum separation distance of 165 feet (50.29 m.) shall be provided between any new dwelling or other habitable building and any aggregate resource deposit assigned a “Stop” or “Caution” Development status in the Development Plan unless the applicant can demonstrate to the satisfaction of Council and Manitoba Mineral Resources that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 165 feet (50.29 m.) from the newly defined limit of the deposit.
- (3) Separation From Hazardous Uses
- a) A minimum separation distance of 1/2 mile (.80 km) shall be provided between “RR2” zone and a stationary anhydrous ammonia storage container; and
 - b) No individual dwelling or other habitable building shall be located within 350 feet (106.68 m.) of a stationary anhydrous ammonia storage container.
- (4) Residential Rural Overlay Zone
- In addition to the provisions established for the Residential Rural Zones by other sections of this By-Law, the following special provision applies to land which is located within the Residential Rural Overlay Zone, as indicated on the Zoning Maps in APPENDIX A of this by-law:
- a) Mobile homes are prohibited as a dwelling type within this overlay zone.

PART SEVEN RURAL SETTLEMENT ZONES

1. INTENT AND PURPOSE

The Rural Settlement Zones established in this By-law provide for the development of the established rural settlements in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zones are hereby established:

(1) “GD” General Development Zone

This zone provides for a mix of residential, industrial, commercial, recreational and institutional uses in an orderly and compatible manner as identified in the Development Plan.

(2) “RG” Residential General Zone

This zone provides for residential and compatible uses in the unincorporated village of Spruce Woods, as identified in the Development Plan smaller lots in the existing settlement centres.

(3) “RMP” Residential Mobile Home Park Zone

This zone provides for development of specific areas within the municipality for the placement of mobile homes in keeping with the provisions of the Development Plan.

2. GENERAL PROVISIONS

The provisions applying to the RURAL SETTLEMENT ZONES are contained within this PART. Also applying to these zones are the provisions of PART ONE - “DEFINITIONS”, PART TWO - “ADMINISTRATION”, PART THREE - “GENERAL PROVISIONS”, PART FOUR - “ZONES” and “APPENDIX A”.

3. ACCESSORY USES, BUILDINGS AND STRUCTURES

(1) In the Rural Settlement Zones accessory uses, buildings, or structures include the following:

- a) Secondary Suite;
- b) A children’s playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed;
- c) A private garage, carport, covered patio, toolhouse, shed or other similar building;
- d) Incinerators subject to the approval of the authority having jurisdiction;
- e) Accessory signs as permitted and regulated in Section 9 of this PART and Section 12 of PART THREE - “GENERAL PROVISIONS”, and other private utilities;
- f) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas in accordance with the requirements of Section 11 in PART THREE - “GENERAL PROVISIONS” and other private utilities;
- g) Home based business with no outside storage; and

- h) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business or personal services in the “GD” – General Development Zone if conducted by the same owner as the principal use.

4. PROJECTIONS INTO REQUIRED YARDS

Architectural features including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of fifty (50) percent of the affected required yard.

5. ONLY ONE DWELLING ON A SITE

Except for Secondary Suites, not more than one (1) one-family dwelling, one (1) two-family dwelling, one (1) mobile home or one (1) modular home and their accessory buildings or structures shall be permitted on one site.

6. MULTIPLE USES

Except as provided for in Section 7 of this PART, any land or building in the Rural Settlement Zones may be used for more than one (1) principal use provided the requirements of Section 4 of PART THREE - “GENERAL PROVISIONS” are met.

7. SIGN REGULATIONS

- (1) The following signs shall be permitted in the Rural Settlement Zones:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) Temporary signs as may be authorized by Council;
 - d) “No Trespassing” or identification signs not exceeding 3 square feet (0.28 square m.);
 - e) Construction signs when placed on construction sites and not exceeding 25 square feet (2.32 square m.);
 - f) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits, not exceeding 5 square feet (0.46 square m.);
 - g) Real estate signs not exceeding 10 square feet (0.93 square m.) which advertise the sale, rental or lease of a building, structure, site, or part thereof;
 - h) Business signs as permitted only in the “GD” General Development Zone shall not exceed eight 8 square feet (0.74 square m.) and not be closer than 2 feet (0.61 m.) from any site line, except as provided for in Subsection a) of this Section; and
 - i) Bulletin boards (fixed or mobile) not exceeding 32 square feet (2.97 square m.) and not closer than 2 feet (0.61 m.) from any site line.

- (2) Business advertising signs and bulletin boards (fixed or mobile) not exceeding 32 square feet (2.97 square m.) and not closer than 2 feet (0.61 m.) from any site line shall be permitted only in the “GD” General Development Zone, except as provided for above.
- (3) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - “GENERAL PROVISIONS” shall apply to signs in the Rural Settlement Zones.

8. RURAL SETTLEMENT USES TABLE

TABLE SEVEN - 1 “RURAL SETTLEMENT USES” lists uses that are:

- a) “P” - Permitted;
- b) “C” - Conditional; and
- c) “NP” - Not Permitted.

in the Rural Settlement Zones. All listed uses are subject to the provisions contained herein.

**TABLE SEVEN - 1
RURAL SETTLEMENT USES**

P – Permitted C – Conditional NP – Not Permitted	ZONES		
	GD	RG	RMP
USE			
Accessory Uses, Buildings and Structures excluding Home Based Businesses	P	P	P
Advertising Signs (See Section 8 of this Part)	P	NP	NP
Home Based Business with no outside storage	P	C	P
Automobile, Boat and Trailer Sales and Service	P	NP	NP
Automobile Service Stations, Laundries, Repairs and Sales of New and Used Vehicles	P	NP	NP
Banquet Halls	P	NP	NP
Boarding, Rooming and Lodging Houses	P	NP	NP
Bulk Fuel and Oil, Sales and Storage	C	NP	NP
Bus Stations	C	NP	NP
Carpentry and Woodworking Shops, excluding wholesale manufacturing, in a completely enclosed building	P	NP	NP
Cemetery	C	C	NP
Child Care Services			
Home Day Care	P	P	P
Group Day Care	P	C	C
Community Centres and Clubs	P	P	P

P – Permitted C – Conditional NP – Not Permitted	ZONES			
	USE	GD	RG	RMP
Contractor's Establishments				
Open	C	NP	NP	
Enclosed ^(a)	P	NP	NP	
Dwellings				
Single and Two-Family Dwellings	P	P	NP	
Mobile Homes when in a Mobile Home Park	P	P	P	
Mobile Homes when on an individual lot ^(b)	C	C	P	
Multiple-Family when accessory to a commercial or industrial use ^(c)	P	NP	NP	
Farm Implement, Sales and Service	P	NP	NP	
Fire and Police Stations	P	NP	NP	
Government Offices	P	NP	NP	
Grocery Stores	P	NP	NP	
Hospitals	P	NP	NP	
Hotels and Motels	P	NP	NP	
Laundries and Personal Dry Cleaning	P	NP	NP	
Libraries and Museums	P	NP	NP	
Lumber Yards				
Open	C	NP	NP	
Closed	P	NP	NP	
Machine Shops	C	NP	NP	
Mobile Home Parks ^(b)	C	C	P	
Moving, Storage and Warehousing	C	NP	NP	
Parks and Playgrounds	P	P	P	
Personal Services	P	NP	NP	
Places of Worship	P	P	P	
Private Clubs and Lodges	P	NP	NP	
Public Utilities	P	NP	NP	
Recreation Facilities (Private bowling alleys, cinemas, and like private facilities)	P	NP	NP	
Retail Services	P	NP	NP	
Residential Care Facilities for 4 or fewer persons	P	P C	P	

P – Permitted C – Conditional NP – Not Permitted	ZONES			
	USE	GD	RG	RMP
	10 or fewer persons	P		C
	Restaurants and Drive-In Eating Places	P	NP	NP
	Schools	P	P	NP
	Snowmobile, Motorcycle, Trailers, Campers and other Recreational Vehicles and Motorized Sales and Service	P	NP	NP
	Truck Terminals	C	NP	NP
	Wholesale Office Sales and Storage	P	NP	NP
	All other uses deemed by Council to be compatible in the Rural Settlement Zones and in accordance with the Development Plan	C	C	C
a) Only when the storage of materials is within completely enclosed buildings. b) Mobile home shall not be permitted in Chater. c) Where a multiple-family dwelling is contained in a commercial or industrial building, at least one-half of the first floor of such building must be used for commercial or industrial purposes.				

9. RURAL SETTLEMENT BULK REQUIREMENTS

TABLE SEVEN - 2, “RURAL SETTLEMENT BULK REQUIREMENTS” sets forth the bulk requirements for uses in the Rural Settlement Zones in which they are permitted or conditional uses.

**TABLE SEVEN - 2
RURAL SETTLEMENT BULK REQUIREMENTS**

USE	ZONE	MINIMUM REQUIREMENTS				
		Site Area sq. ft. (sq. m.)	Site Width ft. (m.)	Front Yard^(f) ft. (m.)	Side Yard^(f) ft. (m.)	Rear Yard^(f) ft. (m.)
Accessory Uses, Buildings and Structures ^(a)	GD RG, RMP	N/A	N/A	30 ^(e) (9.14)	15 (4.57)	15 (4.57)
Advertising Signs	GD	N/A	N/A	2 (0.61)	2 (0.61)	2 (0.61)
Dwellings: Single Family ^(b)	GD RG	21,780 (2,023)	150 (45.72)	30 (9.14)	15 (4.57)	15 (4.57)

USE	ZONE	MINIMUM REQUIREMENTS				
		Site Area sq. ft. (sq. m.)	Site Width ft. (m.)	Front Yard ^(f) ft. (m.)	Side Yard ^(f) ft. (m.)	Rear Yard ^(f) ft. (m.)
Two Family ^(b)		21,780 (2,023) per unit	100 (30.48) per unit	30 (9.14)	15 (4.57)	15 (4.57)
Mobile Homes ^(b)	GD RMP	21,780 (2,023)	150 (45.72)	30 (9.14)	15 (4.57)	15 (4.57)
Mobile Home Parks ^(d)	GD RMP	2.5 acres (1.01 ha)	200 (60.96)	30 (9.14)	15 (4.57)	15 (4.57)
Other Uses Listed in TABLE SEVEN - 1 ^{(a)(c)}	GD RG RMP	21,780 (2,023)	150 (45.72)	30 (9.14)	15 (4.57)	15 (4.57)
<p>a) The minimum building separation for accessory buildings and structures and for other uses listed in TABLE SEVEN - 1 shall be 4 feet (1.22 m.).</p> <p>b) The minimum floor area of a single-family dwelling, two-family dwelling, mobile home or modular home shall be 600 square feet (55.74 square m.) for each dwelling unit.</p> <p>c) The minimum floor area of a dwelling unit which is accessory to a commercial or industrial use shall be 400 square feet (37.16 square m.).</p> <p>d) The requirements for mobile homes in a mobile home park shall be as provided for in Sections 9 and 10 or this PART.</p> <p>e) The minimum required front yard for gas pumps shall be 20 feet (6.10 m.); and</p> <p>f) Where the front, side or rear yard abuts a municipal road (Government Road Allowance), provincial road or provincial highway the minimum required setback shall be 125 feet (38.1 m.), except where Manitoba Highways has a greater setback, then the greater setback shall apply.</p>						

10. MOBILE HOME PARK DEVELOPMENT

- (1) A mobile home park may only be developed with Council's approval after consideration of a development application subject to the following requirements:
- A new mobile home park shall contain a minimum of five (5) mobile home spaces;
 - A mobile home park shall have a minimum width of 200 feet (60.96 m.);
 - There shall be only one (1) mobile home on each mobile home space;
 - each mobile home space shall contain at least one (1) parking space;
 - A mobile home park shall contain a common recreational area unless otherwise determined by Council;

- f) Internal road rights-of-way in a mobile home park shall be a minimum of 50 feet (15.24 m.) in width and the surface material of the traveled portion of the roadway shall be as determined by Council;
- g) No mobile home shall be located within 12 feet (3.66 m.) of a storage compound or within 20 feet (6.10 m.) of a storage building;
- h) Each mobile home space shall be provided with the following:
 - i) A sewer and water connection;
 - j) An electrical service outlet;
 - k) A pad for each mobile home designed to support the mobile home in a stable manner and which is graded to provide drainage away from the mobile home;
- l) Mobile home parks shall not be located within 1 mile (1.61 km) of an existing livestock operation deemed to be a conditional use in PART FIVE - “AGRICULTURAL ZONES”; and
- m) Each application for development of a mobile home park shall be accompanied by a site plan showing, to scale, roads, spaces, pads, services and commercial buildings and structures.

11. MOBILE HOME BULK REQUIREMENTS

TABLE SEVEN-3, “MOBILE HOME BULK REQUIREMENTS” sets forth the bulk requirements for mobile homes and other permitted or conditional uses in mobile home parks.

**TABLE SEVEN – 3
MOBILE HOME BULK REQUIREMENTS**

USE	MINIMUM REQUIREMENTS					
	Site Area sq. ft. (sq. m.)	Site Width ft. (m.)	Front Yard ^(c) ft. (m.)	Side Yard ^(c) ft. (m.)	Interior corner ft. (m.)	Rear Yard ^(c) ft. (m.)
Accessory Uses, Building and Structures	-	-	1 (0.30)	5 (1.52)	10 (3.05)	5 (1.52)
Mobile Homes: Serviced ^(a)	4,000 (371)	40 (12.19)	10 (3.05)	7.5 (2.29)	15 (4.57)	10 (3.05)
Unserviced ^(b)	21,780 (2,023)	150 (45.72)	30 (9.14)	10 (3.05)	10 (3.05)	10 (3.05)
a) Includes mobile homes in a mobile home park serviced by a communal sewer and water system. In no instance shall there be less than 5 mobile home connections onto a communal system. b) Includes mobile homes in a mobile home park having private, on-site sewer and water services.						

- c) Where a permitted or conditional use is adjacent to the site lines of a mobile home park, the required yards shall be as required for mobile home parks in TABLE SEVEN-2 of this PART.

12. PARKING REQUIREMENTS

- (1) A minimum of one (1) on-site parking space shall be provided for each dwelling unit in the Rural Settlement Zone.
- (2) For all other uses, the number of on-site parking spaces required shall be as follows:
 - a) One (1) parking space for every 1,000 square feet (92.90 square m.) of floor area for all other uses.

13. OUTSIDE STORAGE

- (1) In the “GD”, General Development Zone, outside storage of goods and materials incidental to a commercial or industrial use shall be permitted, provided that:
 - a) Such storage is not located in any required front yard except for the display of new and used vehicles, farm implements, recreational vehicles, campers, and boats;
 - b) On a site adjacent to a residential area, dwelling unit, modular home or a mobile home, outside storage shall be effectively screened from the view of the adjacent residence by a wall, fence or hedge, unless it can be demonstrated to Council’s satisfaction that such storage will not be obnoxious or detrimental to the adjacent residential area, dwelling unit, modular home or mobile home; and
 - c) The storage shall not project above the height of the wall, fence or hedge.

14. SEPARATION FROM AGGREGATE RESOURCES

- (1) A minimum separation distance of 500 feet (152.4 m.) shall be provided between any land to be zoned “GD” - General Development, “RG” or “RMP” - Residential General Zone, or land to be subdivided within the “GD” General Development, “RG” or “RMP” Zone for the purpose of establishing a dwelling or building where accommodation is to be provided, and any aggregate resource deposit assigned a “Stop” or “Caution” development status in the Development Plan, except:
 - a) Where the applicant can demonstrate to the satisfaction of Council and Manitoba Mineral Resources that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 500 feet (152.4 m.) from the newly-defined limit of the deposit; or
 - b) Where a suitable buffer, acceptable to Council and Manitoba Mineral Resources, is included as part of the proposed development, in which case the minimum separation distance may be reduced to not less than 250 feet (76.2 m.).
- (2) An acceptable buffer, as provided for in paragraph (1)b) above, may include one or more of the following features:
 - a) Earthen beams;
 - b) Impenetrable fences; and/or

- c) Dense tree screens.
- (3) In assessing the adequacy of a proposed buffer as provided for in subsections (1) and (2) above, the Council, in consultation with the Manitoba Mineral Resources, shall consider such factors as:
- a) The type of existing or proposed aggregate operation, including its production volumes, mining, processing equipment, traffic volumes, and layout;
 - b) The depth and extent of the aggregate deposit;
 - c) Whether the aggregate operation is of an ongoing or intermittent nature;
 - d) The slope requirements for rehabilitation of the gravel pit;
 - e) The topographic relief of the area;
 - f) The hours of operation of the gravel pit; and
 - g) The existing or proposed location(s) of stockpiles and equipment.
- (4) Where the land has been zoned and subdivided for General Development, Residential General or Residential Mobile Home Park purposes prior to the adoption date of this By-law, a minimum separation distance of 165 feet (50.29) shall be provided between any new dwelling, care facility, institution, eating establishment or building where accommodation is to be provided, and any aggregate resource deposit assigned a “Stop” or “Caution” development status in the Development Plan, unless the applicant can demonstrate to the satisfaction of Council and the Manitoba Mineral Resources, that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 165 feet (50.29 m.) from the newly defined limit of the deposit.

PART EIGHT COMMERCIAL ZONES

1. INTENT AND PURPOSE

The Commercial Zones established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of commercial development in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zone is hereby established.

(1) **“CH” COMMERCIAL HIGHWAY ZONE.**

This zone provides for highway commercial services to the travelling public or commercial uses that directly serve a rural settlement centre, in keeping with the provisions of the Development Plan.

(2) **“RC” RURAL COMMERCIAL ZONE**

This zone provides for commercial uses that directly serve or support resource-related activities and other commercial development which may otherwise be unsuitable for location in an urban area and do not require piped services such as water and sewer as typically provided in an urban area.

2. GENERAL PROVISIONS

The general provisions applying to COMMERCIAL ZONES are contained in this PART. Also applying to this zone are the provisions of PART ONE - “DEFINITIONS”, PART TWO - “ADMINISTRATION”, PART THREE - “GENERAL PROVISIONS”, PART FOUR - “ZONES, and “APPENDIX A”.

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

- (1) In Commercial Zones, accessory uses, buildings, or structures include the following:
- a) Incinerators subject to the authority having jurisdiction;
 - b) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and business occupancies if conducted by the same owner as the principal use;
 - c) Accessory off-street parking and loading areas;
 - d) Accessory signs as permitted and regulated in Section 8 of this PART; and
 - e) Amended 1684-05-2019
 - f) Private communication utilities such as television and radio antennas, aerials or satellite dish antennas in accordance with the requirements of Section 11 of PART THREE - “GENERAL PROVISIONS”, and other private utilities.

4. PROJECTIONS INTO REQUIRED YARDS

- (1) Required yards shall be provided and maintained in accordance with the provisions of this PART and shall be unobstructed from ground level to the sky, except as follows:
 - a) Architectural features including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of fifty (50) percent of the affected required yard; and
 - b) Name plates and signs, as permitted and regulated in this PART, shall be allowed in any required front, side or rear yard.

5. MULTIPLE USES

Any land or building in Commercial Zones may be used for more than one (1) principal use, provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

6. PARKING FOR COMMERCIAL USE

Parking shall be permitted in any required yard for all uses.

7. SIGN REGULATIONS

- (1) The following signs shall be permitted in Commercial Zones:
 - a) Identification or business signs attached to the main building;
 - b) One free-standing identification or business sign may be located in any required yard for each permitted or conditional use; and
 - c) Advertising signs not exceeding 1,000 square feet (92.90 square m.) and not located closer than 2 feet (0.61 m.) from any site line.
- (2) Free-standing signs (fixed or mobile) shall not be located closer than 2 feet (0.61 m.) from any site line.
- (3) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (4) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) "No Trespassing" signs;
 - d) Construction signs when placed on construction sites;
 - e) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits; and
 - f) Real estate signs which advertise the sale, rental or lease of a building, structure, site, or part thereof.

(5) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Commercial Highway Zone.

8. COMMERCIAL ZONES USES TABLE

TABLE EIGHT - 1 "COMMERCIAL ZONES USES" lists all uses that are:

- a) "P" - Permitted; and
- b) "C" - Conditional

in the Commercial Highway and Rural Commercial Zones. All listed uses are subject to the provisions contained herein.

**TABLE EIGHT - 1
COMMERCIAL ZONES USES**

P – Permitted C – Conditional NP – Not Permitted	ZONE	
	CH	RC
USE		
Accessory Uses, Buildings and Structures (See Section 3 of this Part)	P	P
Accessory Uses, Buildings and Structures; Caretaker Dwellings	C	C
Advertising Signs (See Section 8 of this Part)	P	NP
Agricultural parts and hardware sales and service	NP	P
Animal feed sales and distribution	NP	P
Auction Marts, excluding livestock	NP	P
Automotive sales	NP	P
Automotive service and repairs	P	P
Crop Protection Products sales and distribution	NP	P
Fertilizer sales and distribution (liquids and solids only)	NP	P
Fuel Sales	P	P
Grain handling equipment, farm building sales and service	NP	P
Machine Shop	NP	P
Outfitter	NP	P
Public Utilities	P	P

P – Permitted C – Conditional NP – Not Permitted	ZONE	
	CH	RC
USE	CH	RC
Public Works Facility	NP	P
Resource Related Commercial	NP	P
Seed Supplies: Distribution and sales	NP	P
Truck and Farm Implement and Machine Sales and Repair Shops	NP	P
Truck Terminal	P	NP
Veterinary Clinics and Hospitals	NP	P
Welding Shops	NP	P
All other uses deemed by Council to be compatible in the Commercial Zones and in accordance with the Development Plan	C	C

9. COMMERCIAL ZONE BULK REQUIREMENTS

TABLE EIGHT - 2 “COMMERCIAL ZONE BULK REQUIREMENTS” sets forth the bulk requirements for uses in the Commercial Zone in which they are permitted or conditional uses.

**TABLE EIGHT - 2
COMMERCIAL ZONE BULK REQUIREMENTS**

USE	ZONE	MINIMUM REQUIREMENTS				
		Site Area acres (hectares)	Site Width ft. (m.)	Front Yard (a)(b) ft. (m.)	Side Yard (a)(b) ft. (m.)	Rear Yard (a)(b) ft. (m.)
Accessory Uses, Buildings and Structures	CH	-	-	40 ^(d)	15	15
	RC	-	-	(12.19)	(4.57)	(4.57)
Advertising Signs	CH	-	-	(c)	(c)	(c)
	RC	-	-	(c)	(c)	(c)
All other uses	CH	1	150	40	15	15
	RC	(0.40)	(45.72)	(12.19)	(4.57)	(4.57)
a) Where the front, side or rear yard abuts a municipal road (Government Road Allowance), provincial road or provincial highway the minimum required setback						

shall be 125 feet (38.1 m.), except where Manitoba Highways has a greater setback, then the greater setback shall apply.

- b) Where the front, side or rear yard of a site containing a stationary anhydrous ammonia storage container is adjacent to a municipal road or a provincial highway, the minimum yard requirement shall be 300 feet (91.44 m.).
- c) The requirements for advertising signs are as provided for in Section 8 of this PART.
- d) The minimum front yard requirement for gas pumps shall be 20 feet (6.10 m.).

10. OTHER PROVISIONS

(1) Location of Buildings and Yards

- a) Except as herein provided, the following special provisions shall apply in the Commercial Highway Zone to ensure adequate site and yard requirements:
- b) No building or structure shall be located on a corner site in such a manner as to reduce the front yard requirement on the street on which such corner site has its frontage; and
- c) All yards and other open spaces required for any use shall be located on the same site as the use.

(2) Separation of Anhydrous Ammonia Storage Containers for Residences

- a) In no instance shall a stationary anhydrous ammonia storage container be located within 1650 feet (502.92 m.) of a residence or dwelling other than that of the owner or operator; and
- b) In no instance shall a stationary anhydrous ammonia storage container be located within 1/2 mile (0.80 km) of a Residential Rural or Rural Settlement Zone as provided for in PARTS SIX and SEVEN herein, or an area designated for “Residential”, “Rural Residential” or “Rural Settlement Centre” purposes in the Development Plan.

(3) Outside Storage

- a) In the Commercial Highway Zone, outside storage of goods and materials incidental to a permitted or conditional use shall be permitted, provided that such storage is not located in any required front yard, except for the display of new and used vehicles and farm implements.

PART NINE INDUSTRIAL ZONE

1. INTENT AND PURPOSE

The Industrial Zone established in this By-law is intended to provide sufficient land in suitable locations to meet the needs of industrial development in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zone is hereby established.

(1) **“M” INDUSTRIAL ZONE.**

This zone provides for a variety of manufacturing, processing, storage and transportation industries.

2. GENERAL PROVISIONS

The general provisions applying to the INDUSTRIAL ZONE are contained in this PART. Also applying to this zone are the provisions of PART ONE - “DEFINITIONS”, PART TWO - “ADMINISTRATION”, PART THREE - “GENERAL PROVISIONS”, PART FOUR - “ZONES”, and “APPENDIX A”.

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

- (1) In the Industrial Zone, accessory uses, buildings, or structures include the following:
- a) Incinerators subject to the authority having jurisdiction;
 - b) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and business occupancies if conducted by the same owner as the principal use;
 - c) Accessory off-street parking and loading areas;
 - d) Accessory signs as permitted and regulated in Section 8 of this PART;
 - e) Sales of products manufactured, processed, handled, distributed or stored as part of an approved use
 - f) Amended 1684-05-2019
 - g) Private communication utilities such as television and radio antennas, aerials or satellite dish antennas in accordance with the requirements of Section 11 of PART THREE - “GENERAL PROVISIONS”, and other private utilities.

4. PROJECTIONS INTO REQUIRED YARDS

- (1) Required yards shall be provided and maintained in accordance with the provisions of this PART and shall be unobstructed from ground level to the sky, except as follows:
- a) Architectural features including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of fifty (50) percent of the affected required yard; and
 - b) Name plates and signs, as permitted and regulated in this PART, shall be allowed in any required front, side or rear yard.

5. MULTIPLE USES

Any land or building in the Industrial Zone may be used for more than one (1) principal use, provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

6. PARKING FOR INDUSTRIAL USE

Parking shall be permitted in any required yard for all uses.

7. SIGN REGULATIONS

- (1) The following signs shall be permitted in the Industrial Zone:
 - a) Identification or business signs attached to the main building;
 - b) One free-standing identification or business sign may be located in any required yard for each permitted or conditional use; and
 - c) Advertising signs not exceeding 1,000 square feet (92.90 square m.) and not located closer than 2 feet (0.61 m.) from any site line.
- (2) Free-standing signs (fixed or mobile) shall not be located closer than 2 feet (0.61 m.) from any site line.
- (3) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (4) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) "No Trespassing" signs;
 - d) Construction signs when placed on construction sites;
 - e) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits; and
 - f) Real estate signs which advertise the sale, rental or lease of a building, structure, site, or part thereof.
- (5) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Industrial Zone.

8. INDUSTRIAL ZONE USES TABLE

TABLE NINE - 1 "INDUSTRIAL ZONE USES" lists all uses that are:

- a) "P" - Permitted; and
- b) "C" - Conditional

in the Industrial Zone. All listed uses are subject to the provisions contained herein.

**TABLE NINE - 1
INDUSTRIAL ZONE USES**

P – Permitted C – Conditional NP – Not Permitted	ZONE
USE	M
Accessory Uses, Buildings and Structures (See Section 3 of this Part)	P
Accessory Uses, Buildings and Structures: Caretaker Dwellings	C
Advertising Signs (See Section 8 of this Part)	P
Animal feed Distribution and Storage	P
Bulk Fuel and Oil, Sales and Storage	P
Carpentry and Woodworking Shops	P
Concrete Products Manufacturing Establishments	P
Contractor's Establishments	P
Crop Protection Products, storage and custom application	P
Fertilizer distribution and storage (liquids and solids only)	P
Fire and Police Stations	P
Grain storage, grain handling equipment, farm building sales and service	P
Grain, oilseed and special crops processing and handling	P
Machine Shop	P
Manufacturing, General	C
Moving, Storage and Warehousing	C
Public Utilities	P
Resource Related Sales and Service	P
Seed Supplies:	
Cleaning, treating and drying plants	P
Distribution and storage	P
Straw, hay, etc. processing	P
Truck and Farm Implement and Machine Repair Shops	P
Truck Terminals	C
Veterinary Clinics and Hospitals	P
Wood Processing Establishments	P
Welding Shops	P

All other uses deemed by Council to be compatible in the Industrial Zone and in accordance with the Development Plan	C
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9. INDUSTRIAL ZONE BULK REQUIREMENTS

TABLE NINE - 2 “INDUSTRIAL ZONE BULK REQUIREMENTS” sets forth the bulk requirements for uses in the Industrial Zone in which they are permitted or conditional uses.

**TABLE NINE - 2
INDUSTRIAL ZONE BULK REQUIREMENTS**

USE	ZONE	MINIMUM REQUIREMENTS				
		Site Area acres (hectares)	Site Width ft. (m.)	Front Yard ^(a) ft. (m.)	Side Yard ^(a) ft. (m.)	Rear Yard ^(a) ft. (m.)
Accessory Uses, Buildings and Structures	M	N/A	N/A	40 ^(c) (12.19)	15 (4.57)	15 (4.57)
Advertising Signs	M	N/A	N/A	(b)	(b)	(b)
All other uses	M	1 (0.40)	150 (45.72)	40 (12.19)	15 (4.57)	15 (4.57)

a) Where the site abuts a highway, the minimum yard requirement shall be in conformance with the regulations of the authority having jurisdiction.

b) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the Highway Traffic Board and Manitoba Infrastructure and Transportation.

c) Where the site abuts a Municipal Road Allowance, except where a service road is provided adjacent to the Road Allowance, the minimum yard requirement shall be 125 feet (38.1 m.).

d) The requirements for advertising signs are as provided for in Section 8 of this PART.

e) The minimum front yard requirement for gas pumps shall be 20 feet (6.10 m.).

f) Where the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by Manitoba Conservation and Water Stewardship, the minimum bulk requirements shall be adjusted as follows:

- i) Minimum required site area shall be 2 acres (.81 ha.);
- ii) Minimum required site width shall be 200 feet (60.96 m.); and
- iii) Minimum required side yard shall be 30 feet (9.14 m.).

g) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the

responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

10. OTHER PROVISIONS

(1) Location of Buildings and Yards

Except as herein provided, the following special provisions shall apply in the Industrial Zone to ensure adequate site and yard requirements:

- a) No building or structure shall be located on a corner site in such a manner as to reduce the front yard requirement on the street on which such corner site has its frontage; and
- b) All yards and other open spaces required for any use shall be located on the same site as the use.

(2) Outside Storage

In the Industrial Zone, outside storage of goods and materials incidental to a permitted or conditional use shall be permitted, provided that such storage is not located in any required front yard, except for the display of new and used vehicles and farm implements.

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APPENDIX 'A' ZONING MAPS

**Figure 1 - RM of Cornwallis Study Area and
Land-Based Classification Zone**

Map 1- RM of Cornwallis - North of Highway 459
Land-Based Classification Zone

**Map 2 - RM of Cornwallis - Chater
Land-Based Classification Zone**

Map 3 - RM of Cornwallis - Cottonwoods
Land-Based Classification Zone

Map 4 - Sprucewoods
Land-Based Classification Zone

Map 5 - RM of Cornwallis - South of Highway 349
Land-Based Classification Zone

Map 6 - Details A, B and C
Land-Based Classification Zone

