

The Rural Municipality of Ste. Anne  
Zoning By-law

**BEING THE RURAL MUNICIPALITY OF STE. ANNE BY-LAW NO. \_\_\_\_\_**

**BEING** a By-law of the Rural Municipality of Ste. Anne to regulate the use and development of land.

**WHEREAS**, The Planning Act provides that the council of a municipality may enact a zoning By-law which generally conforms to a development plan adopted for the area;

**AND WHEREAS**, The Planning Act provides that the council of a municipality shall enact a zoning By-law upon the adoption of a development plan;

**NOW THEREFORE**, the Council of the **RURAL MUNICIPALITY OF STE. ANNE**, in meeting duly assembled, enacts as follows:

This By-law shall come into full force on, from and after the date on which it received third reading by the Council.

**DONE** and **PASSED** in Council assembled this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2010.

\_\_\_\_\_  
Reeve

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

Received 1st reading this \_\_\_ day of \_\_\_\_\_ A.D. 2010.

Received 2nd reading this \_\_\_ day of \_\_\_\_\_ A.D. 2010.

Received 3rd reading this \_\_\_ day of \_\_\_\_\_ A.D. 2010.

# **PART I – TITLE, INTENT, PURPOSE AND DIVISIONS OF BY-LAW**

## **1.0 TITLE**

1.1 This By-law shall be known and may be cited as "**The Rural Municipality of Ste. Anne Zoning By-law**".

## **2.0 INTENT AND PURPOSE**

2.1 The regulations established by this by-law are deemed necessary in order:

- a. To ensure general conformance with the objectives and policies of the Rural Municipality of Ste. Anne Development Plan
- b. To outline the powers and duties of Council, the Development Officer and the landowner and/or developer as they relate to this By-law
- c. To regulate the following:
  - i. All buildings and structures erected hereafter;
  - ii. All uses or changes in use of all buildings, structures and land established hereafter;
  - iii. All structural alterations or relocations of existing buildings and structures occurring hereafter; and
  - iv. All enlargements or additions to existing buildings, structures and uses
- d. To promote orderly and thoughtful development of real property and development in the Municipality, in order to promote the health, safety and general welfare of the Municipality.

## **3.0 DIVISIONS OF BY-LAW**

3.1 This By-law is divided into **PARTS** as follows:

**PART I** – Title, intent, purpose and division of by-law

**PART II** – Definitions

**PART III** – Administration

**PART IV** - General Provisions

**PART V** – Special Provisions

**PART VI** - Zones

## PART II - DEFINITIONS

### 1.0 RULES OF CONSTRUCTION

- 1.1 The following rules of construction apply to the text of this **By-Law**:
- a. **Words, phrases and terms** defined herein shall be given the defined meaning;
  - b. **Words, phrases and terms** not defined herein but defined in **The Act** and the Building, **Electrical** or **Plumbing By-Laws** of the **Rural Municipality of Ste. Anne** shall be construed as defined in such **Act** and **By-Laws**;
  - c. Words, phrases and terms neither defined herein nor in the **Building, Electrical** or **Plumbing By-Laws** of the **Rural Municipality of Ste. Anne** shall be given their usual and customary meaning except where, in the opinion of **Council**, the context clearly indicates a different meaning;
  - d. Where any requirement of this **By-Law** results in a fraction of a unit, a fraction of five tenths (**5/10**) or more shall be considered a whole unit and a fraction of less than **five tenths (5/10)** shall be disregarded;
  - e. The terms "**shall**" is mandatory and not permissive; the word "**may**" is permissive and not mandatory;
  - f. Words used in the singular include the plural and words used in the plural include the singular;
  - g. Words used in the present tense include the future tense and words used in the future tense include the present tense;
  - h. The phrase "**used for**" includes "**arranged for**", "**designed for**", "**maintained for**" or "**occupied for**";
  - i. The word "**person**" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
  - j. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "**and**", "**or**" or "either-or", the conjunction shall be interpreted as follows:
    - i. "**and**" indicates that all the connected items, conditions, provisions or events shall apply in any combination;
    - ii. "**or**" indicates that the connected items, conditions, provisions or events may apply singly or in combination;
    - iii. "**either-or**" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination;
    - iv. The word "**includes**" shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like kind or character.

## **2.0 DEFINITIONS - GENERAL**

### **ABUT (OR ABUTTING)**

- 2.1 "Abut or abutting" means immediately continuous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site or piece of land, and shares a lot line or boundary with it.

### **ACCESSORY**

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

### **ACCESSORY BUILDING**

- 2.3 "Accessory building" means a subordinate building located on the same zoning 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 and in determining the required yards, the attached accessory building shall be treated as being part of the main building.
  - b. "Accessory building, detached" means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Bulk 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 (a) above.

### **ACCESSORY USE OR STRUCTURE**

- 2.4 "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 are permitted by variation to locate elsewhere than on the same zoning site with the building, structure or use served.

### **ENABLING ACT**

- 2.5 "Enabling Act" means *The Planning Act*, S.M. 2005, Chapter 30 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

### **AGGREGATE**

- 2.6 "Aggregate" means quarry mineral that is used solely for construction purpose as a constituent other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.

### **AGGREGATE EXTRACTION OPERATION**

- 2.7 "Aggregate extraction operation" means a site including accessory buildings and structures used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a concrete plant.

## **AGGREGATE QUARRY**

2.8 “**Aggregate quarry**” means a quarry from which aggregate is extracted.

## **AIRCRAFT LAND STRIP**

2.9 “**Aircraft landing strip**” means any area of land or water which is used or intended for use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for accessory buildings or facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

## **ALTER OR ALTERATION**

2.10 “**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.

## **ALTERATIONS INCIDENTAL**

2.11 “**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 on the exterior of a residential 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 but not limited to 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 percent (**10%**) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

## **ANIMAL UNIT**

2.12 “**Animal unit (a.u.)**” means the number of animals of a particular category of livestock that will excrete 73.00 kg. (160.93 lb.) of nitrogen in a twelve month period.

## **ANIMAL HOUSING FACILITY**

2.13 “**Animal housing facility**” means a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes a feedlot.

## **AREA AFFECTED**

2.14 “**Area, affected**” means all that land within the boundaries of the Rural Municipality of Ste. Anne.

### **AWNING, CANOPY OR MARQUEE**

- 2.15 "**Awning, canopy or marquee**" means any roof-like structure, which may be constructed as an integral part of a building or attached in such a manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over an entrance way or a window.

### **BASEMENT**

- 2.16 "**Basement**" means a portion of a building between a floor and ceiling that is located partly underground.

### **BUFFER STRIP**

- 2.17 "**Buffer strip**" means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them. This may include areas of public reserve.

### **BUILDING**

- 2.18 "**Building**" means a building as defined in *The Act*.

### **BUILDING, MAIN OR PRINCIPAL**

- 2.19 "**Building, main or principal**" means a building in which is conducted the principal use of the site on which it is situated.

### **BUILDING HEIGHT OF**

- 2.20 "**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 if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip gambrel roof.

### **BUILDING INSPECTOR**

- 2.21 "**Building inspector**" means the officer or employee of the Municipality charged with the duty of enforcing the Municipal Building By-law and any applicable Provincial and National Building Codes or regulations.

### **BUILDING PERMIT**

- 2.22 "**Building permit**" means a permit issued by the Municipality authorizing the construction or alteration of all or part of any building or structure, in accordance with the applicable codes and standards

### **BULK**

- 2.23 "**Bulk**" means the following:
- a. The size (including height of building and floor area) of buildings or structures;
  - b. The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
  - c. The location of exterior walls of buildings in relation to site lines to other walls of the same building, to legally required windows, or to other buildings; and
  - d. All open areas relating to buildings or structures and their relationships thereto.

## **BULK FUEL STORAGE TANK**

- 2.24 "**Bulk fuel storage tank**" means a tank used for the bulk storage of petroleum products or other flammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.

## **CAMPGROUND**

- 2.25 "**Campground**" means an area or tract of land on which accommodations for temporary or seasonal occupancy are located or may be placed including tents, motor homes, and travel trailers.

## **CARPORT**

- 2.26 "**Carport**" means an attached building open on two sides for the shelter of privately owned automobiles.

## **CEMETERY**

- 2.27 "**Cemetery**" means land for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

## **CHILD CARE SERVICES**

- 2.28 "**Child care services**" means the provision of care for remuneration or reward to a child apart from his or her own parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours:
- a. "**Drop-in babysitting service**" means the provision of supervision on a temporary basis being equal to the period of time while the child is with the babysitting service of children in a commercial or institutional building while the parents or guardians of the children undertake some form of short term activity, such as shopping, entertainment, education or similar activities in close proximity to the place the child is under supervision on a temporary basis.
  - b. "**Home day care**" means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), with access to an outdoor recreation area.
  - c. "**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 with access to an outdoor recreation area.

## **CLUB, RECREATION**

- 2.29 "**Club, recreational**" means a non-profit corporation chartered by the *Canada 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 land or buildings or a portion thereof; the use of such premises being restricted primarily to the principal use, which is a generally recognized sport or recreational activity, such as curling, squash, badminton or tennis. This can include private clubs.



### **COMPLETELY ENCLOSED**

2.30 "Completely enclosed" means a structure or building consisting of four (4) walls and a roof.

### **CONDITIONAL USE**

2.31 "Conditional use" means the use of land or building as provided for in *The Act*.

### **CONDOMINIUM**

2.32 "Condominium" means a condominium as established under the provisions of *The Condominium Act*.

### **CONDOMINIUM, BARE LAND UNIT**

2.33 "Condominium, bare land unit" means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

### **CONDOMINIUM UNIT**

2.34 "Condominium unit" means a part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.

### **CONFINED LIVESTOCK AREA**

2.35 "Confined livestock area" means an outdoor, non-grazing area where livestock are confined by fences or other structures and includes a feedlot, paddock, corral, exercise yard, hoop structure and holding area.

### **COUNCIL**

2.36 "Council" means the Council of the Rural Municipality of Ste. Anne.

### **CURB CUTTING**

2.37 "Curb cutting" means the cutting or lowering of a curb, sidewalk, or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

### **CULTIVATED LAND**

2.38 "Cultivated land" means land that is prepared and used for the growing of crops.

### **DENSITY**

2.39 "Density" means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.

### **DESIGNATED OFFICER**

2.40 "Designated officer" means the Chief Administrative Officer or person so designated by Council.

### **DEVELOPMENT OFFICER**

2.41 "Development officer" means the officer appointed by the Council in accordance with the provisions

of *The Act*.

### **DEVELOPMENT PERMIT**

2.42 “**Development permit**” means a permit issued under this By-law authorizing development, and may include a building permit.

### **DEVELOPMENT PLAN**

2.43 “**Development plan**” means the *Rural Municipality of Ste. Anne Development Plan* as adopted by By-law, or any other development plan and amendments adopted and substituted therefore.

### **ELEVATION/ LOT GRADE**

2.44 “**Elevation/ lot grade**” means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.

### **ENLARGEMENT**

2.45 “**Enlargement**” means an addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.

### **ENVIRONMENTAL IMPACT STATEMENT**

2.46 “**Environmental impact statement**” means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

### **EXTENSION**

2.47 “**Extension**” means an increase in the amount of existing floor area used for an existing use, within an existing building.

### **FIELD STORAGE**

2.48 “**Field storage**” means solid livestock manure that is stored in the open air other than in a manure storage facility.

### **FLOOR AREA**

2.49 “**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 zoning site, measured from the exterior faces of the exterior walls or from the centre line of party walls. In particular, the floor area of a building or buildings shall include:

- a. Basements for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- b. Floor space used for mechanical equipment (with structural headroom of six (6) feet or more) except equipment, open or enclosed, located on the roof;
- c. Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and

- d. Penthouses, mezzanines, and attics where there is a structural headroom of seven (7) feet or more.

### **FUEL TANK STORAGE**

- 2.50 "Fuel tank storage" means a tank for the bulk storage of petroleum products or other flammable liquids which are being legally kept in a retail store or storage tank which is incidental to the primary use of the premises. Or any stationary storage facility of petroleum or allied products that requires a license, permit, approval, registration or authorization under a provincial act or regulation.

### **GARAGE**

- 2.51 "Garage" means an accessory building or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

### **GRADE**

- 2.52 "Grade", as applying to the determination of building or structure height, means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

### **GRAIN STORAGE STRUCTURE**

- 2.53 "Grain storage structure" means any structure which is designed to store any type of grain.

### **GROUNDWATER**

- 2.54 "Groundwater" means water below the surface of the ground.

### **GROUP HOME**

- 2.55 "Group home" means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical conditional, or legal status, require a group living arrangement for their well being.

### **GROUP RESIDENCE**

- 2.56 "Group residence" means a group home for five (5) or more residents.

### **HAZARD LAND**

- 2.57 "Hazard land", when used in this **By-Law** means land where actual effects of hazards have occurred, and without limiting the generality of the word, hazard includes the following:

- a. Flooding of watercourses or water bodies except local ponding;
- b. Erosion or cutting of land due to action of water in an adjacent watercourse or waterbed;
- c. River bank instability or slumping;
- d. Landslides including mud slides;
- e. Subsidence; and

- f. Local ponding due to improper surface drainage.

### **HEIGHT**

- 2.58 **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:
- a. The highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than twenty (20) degrees; and
  - b. The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than twenty (20) degrees, provided that in such cases the ridge line of the roof shall not extend more than five (5) feet above the maximum permitted building height of the Zone.

### **INDOOR PARTICIPANT RECREATION SERVICE**

- 2.59 **“Indoor participant recreation service”** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; paintball games and racquet clubs.

### **INFILL DEVELOPMENT**

- 2.60 **“Infill development”** means the building of homes, businesses and public facilities on unused and underutilized lands within the existing urban areas which are currently serviced with municipal infrastructure common to the applicable land zoning, including but not limited to, asphalt roads, street lights, electricity and municipal sewer and / or water systems.

### **KENNEL**

- 2.61 **“Kennel”** means any premises on which more than two (2) animals 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.

### **LANE**

- 2.62 **“Lane”** means a street not over thirty-three (33) feet in width.

### **LIVESTOCK**

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

### **MOTOR HOME**

- 2.64 **“Motor home”** means a motor vehicle that:
1. is designed and constructed as an integral unit to provide living accommodation;
  2. is equipped with one or more beds, a stove or refrigerator, and washing and toilet facilities; and
  3. is designed so that there is direct access from the living quarters to the driver’s seat.

### **MOBILE HOME PARK**

- 2.65 “**Mobile home park**“ means a parcel of land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved by Council.

### **MOBILE HOME SITE**

- 2.66 “**Mobile home site**“ means a site in a mobile home subdivision that may be purchased for the placement of a mobile home.

### **MOBILE HOME SUBDIVISION**

- 2.67 “**Mobile home subdivision**“ means a parcel of land subdivided into mobile home sites that may be sold for the placement of mobile homes.

### **MOLEHILL**

- 2.68 “**Molehill**“ means a manure storage facility for manure in which manure is mechanically forced through a pipe and becomes mounded.

### **OFFENSIVE OR OBJECTIONABLE**

- 2.69 “**Offensive or objectionable**“ means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of Council may be or become hazardous or injurious in regards to health or safety, or which adversely affects the amenities of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

### **OPEN SPACE**

- 2.70 “**Open space**“ means that required portion of a zoning site at ground level, applicable to specific listed uses, unoccupied by principal or accessory buildings and available to all the occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, unless otherwise provided for herein, but shall be useable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space.

### **OFF ROAD VEHICLE**

- 2.71 “**Off-Road vehicle**“ means any wheeled or tracked motor vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and includes motorcycles, all-terrain vehicles, mini-bikes, dirt-bikes and trail-bikes, dune or sport buggies, snowmobiles, and amphibious vehicles.

## **OUTDOOR PARTICIPANT RECREATION SERVICE**

2.72 "Outdoor participant recreation service" means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, skate board park, rock climbing, outdoor tennis courts, unenclosed ice surface or rinks, athletic fields, picnic areas, boating facilities, outdoor swimming pools, bowling greens, paintball games, riding stables and fitness trails.

## **OUTDOOR STORAGE**

2.73 "Outdoor storage" means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.

## **OWNER**

2.74 "Owner" means an owner as defined in *The Act*.

## **PARCEL OF LAND**

2.75 "Parcel of land" means a parcel as defined in *The Act*.

## **PARKING AREA**

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

## **PARKING AREA, PUBLIC**

2.77 "Parking area, public" means a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

## **PARKING SPACE**

2.78 "Parking space" means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

## **PARTY WALL**

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

## **PEAT MOSS**

2.80 "Peat moss" means a mass of partially carbonized plant tissue ranging in consistency from a turf to a slime that is commonly used as a fertilizer, stable litter or fuel or for making charcoal.

## **PERMITTED USE**

2.81 "Permitted use" means the use of land, buildings or structures provided in this zoning by-law for which a development permit shall be issued upon the application having been made, if the use meets all the requirements of this by-law.

## PERSONAL CARE HOME

- 2.82 "Personal care home" means a multiple unit dwelling or building containing individual rooms where elderly people live dependent on personal care.

## PLANNED UNIT DEVELOPMENT

- 2.83 "Planned unit development" means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in siting of buildings, mixture of housing types and land uses, useable open spaces and can include the preservation of significant natural features.

## PORTABLE GARAGE

- 2.84 "Portable garage" means a temporary structure that may consist of a metal or steel frame and is covered by such material as canvas, plastic, polyethylene, various types of fabric and other similar materials, which is intended to store goods or materials.

## PREVIOUSLY INHABITED (USED) DWELLINGS OR BUILDINGS

- 2.85 ~~"Previously inhabited (used) dwellings or buildings" means building or dwelling that is being moved onto a site but has been lived in or used for some purpose prior to being moved onto the lot. This can include but is not limited to RMS's, single family dwellings, garages, other accessory use structures, barns, etc.~~  
"Previously used buildings" means a building that is being moved onto a site but has been used for some purpose prior to being moved onto the lot. This can include but is not limited single family dwellings, garages and other accessory buildings and structures which require engineer-stamped drawings under the Manitoba Building Code and/or the Manitoba Farm Building Code.

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## PRIVATE EDUCATION SERVICE

- 2.86 "Private education service" means a development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This Use Class includes dormitory and accessory buildings.

## PRIVATE POOL

- 2.87 "Private pool" means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material that is capable of containing a water depth greater than 60 cm (**24 inches**) and that is located on the property of a single family dwelling.

## PUBLIC EDUCATION SERVICE

- 2.88 "Public education service" means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.

## PUBLIC LIBRARY AND CULTURAL EXHIBIT

- 2.89 "Public library and cultural exhibit" means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a

development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

### **PUBLIC PARK**

2.90 "**Public park**" means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, interpretive centres, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.

### **PUBLIC UTILITY**

2.91 "**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 public, including but not limited to:

- 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.

### **PUBLIC UTILITY BUILDING**

2.92 "**Public utility building**" means a building used by a public utility.

### **READY TO MOVE DWELLING**

2.93 "**Ready-To-Move dwelling**" means buildings which are manufactured either wholly or in part, at an off-site location

### **RECREATIONAL VEHICLE**

2.94 "**Recreational vehicle**" means any vehicle, other than an automobile, motor home, travel trailer, motorcycle, or truck designed for recreational purposes.

### **RELIGIOUS ASSEMBLY**

2.95 "**Religious assembly**" means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

### **REPAIR**

2.96 "**Repair**" means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.

### **RESIDENTIAL CARE FACILITY**

2.97 "**Residential care facility**" means the use of any building or structure or part thereof, however named,



which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.

### **RESORT, COMMERCIAL**

2.98 "**Resort, commercial**" means a commercial recreation establishment which may consist of one (1) or more buildings containing recreational facilities, conference facilities, transient accommodation facilities, and associated service, commercial facilities and retail facilities. Other facilities which may be part of the commercial resort development includes: camping and tenting grounds, travel trailer parks, eating establishments, golf courses, retail stores, hotels and motels, and other outdoor recreation facilities, game courts, areas and trails including snowmobile facilities and trails

### **SEASONAL**

2.99 "**Seasonal**" means a use that is only permitted at certain times of the year for a period not exceeding 183 consecutive days.

### **SEPARATION DISTANCE**

2.100 "**Separation distance**" means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.

### **SETBACK**

2.101 "**Setback**" means the distance that a development or a specified portion of it must be set back from a lot line; or where specified by applicable by-law, provincial acts or regulations, set back from other boundaries or environmental features.

### **SITE**

2.102 "**Site**" means an area of land consisting of one or more abutting lots (see also "**site, zoning**").

### **SITE, AREA**

2.103 "**Site, area**" means the computed area contained within the site lines.

### **SITE, CORNER**

2.104 "**Site, corner**" means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred and thirty-five (135) degrees.

### **SITE, COVERAGE**

2.105 "**Site, coverage**" means that part of percentage of the site occupied by buildings, including accessory buildings. Structures which are below the finished site grade, including sewage lagoons, water reservoirs, parking structures below grade and similar structures, shall not be included in site coverage.

### **SITE, DEPTH**

2.106 "**Site, depth**" means the horizontal distance between the centre points in the front and rear site lines (see **figure 1**). Where an irregular shaped site cannot have its site depth defined, it shall be determined by the **Council, Development Officer** or **Designated Officer**.

## **SITE, FRONTAGE**

2.107 "**Site, frontage**" means all that portion of a zoning site fronting on a street, lane or right-of-way and measured between side site lines (see **figure 1**). If an irregular shaped site cannot have its frontage defined, it shall be determined by the **Council, Development Officer** or **Designated Officer**.

## **SITE, INTERIOR**

2.108 "**Site, interior**" means a site other than a corner site or a through site (see **figure 1** for other types).

## **SITE, KEY**

2.109 "**Site, key**" means the first site to the rear of a reversed corner site (see **figure 1**).

## **SITE LINES**

2.110 "**Site lines**" means as follows (see **figure 1**):

- a. "**Front site line**" means that boundary of a site which is along an existing or designated street, lane or right-of-way. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, in which case 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 ten (**10**) feet in length within the site, parallel to and at the maximum distance from the front site line.
- c. "**Side site line**" means any boundary of a site which is not a front or rear site line.
- d. Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the **Council, Development Officer** or **Designated Officer**.

## **SITE, REVERSE CORNER**

2.111 "**Site, reverse corner**" means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear (see **figure 1**).

## **SITE, THROUGH**

2.112 "**Site, through**" means a site having a pair of opposite site lines along two (**2**) more or less parallel streets. On a through site both street lines shall be deemed front site lines (see **figure 1**).

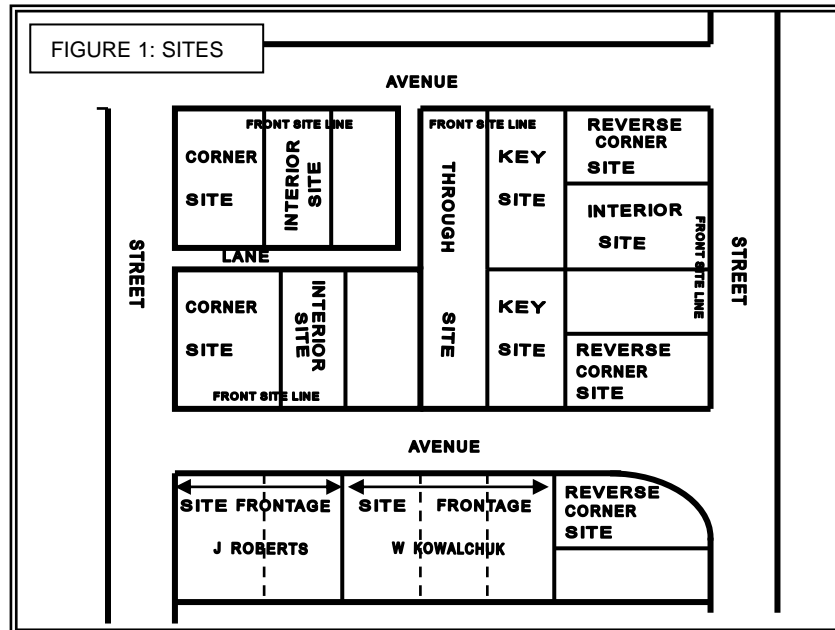
## **SITE, WIDTH**

2.113 "**Site, width**", as it pertains to sites rectangular in shape, means the horizontal distance between the side site lines. For all other sites, including pie-shaped and other irregular shaped sites, the site width shall be determined by the **Council, Development Officer** or **Designated Officer**

## **SITE, ZONING**

2.114 "**Site, zoning**" means a parcel of land with frontage on a street, lane or right-of-way and of at least

sufficient size to provide the minimum requirements for use, area, required yards.



## STOREY

2.115 "**Storey**" means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement.

## STOREY, FIRST

2.116 "**Storey, first**" means the storey with its floor closest to grade and having its ceiling more than six (6) feet above grade.

## STOREY, SECOND

2.117 "**Storey, second**" means the storey located immediately above the first storey.

## STREET

2.118 "**Street**" means a public roadway having a right-of-way at least 10.06 m (33 feet) in width that affords the principal means of access to abutting land.

## STRUCTURE

2.119 "**Structure**" means anything constructed, built 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.

## SURFACE WATER

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

### **TEMPORARY BUILDINGS AND USES**

2.121 "**Temporary building and use**" means an incidental use, building or structure for which a development permit has been issued for a limited time only.

### **TOT LOT**

2.122 "**Tot lot**" means an area dedicated to public playground use for pre-school children.

### **USE**

2.123 "**Use**" means:

- a. Any purpose for which a building or other structure or parcel 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 other structure or on a parcel of land.

### **WATERCOURSE**

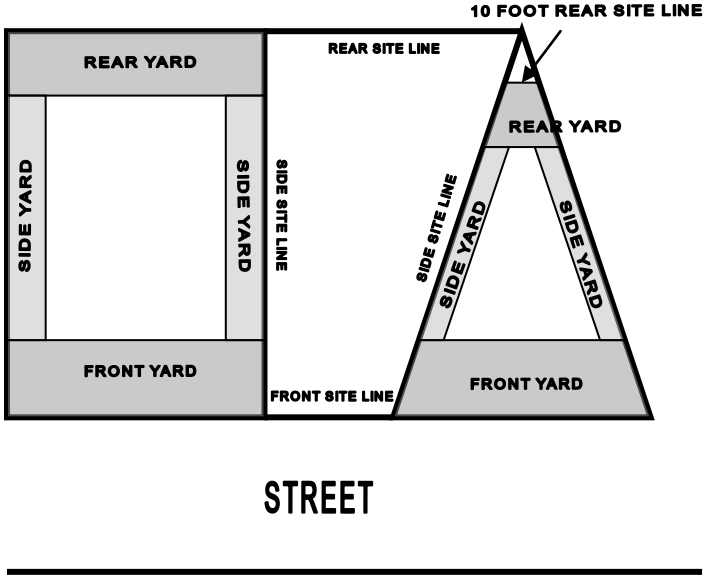
2.124 "**Watercourse**" means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner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

### **YARD, REQUIRED**

2.125 "**Yard, required**" means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirement for the zone in which such zoning site is located (see figure 2).

- a. "**Yard, required, corner side**" means a side yard which adjoins a street.
- b. "**Yard, required, front**" means a yard extending along the full length of the front site line between the side site lines.
- c. "**Yard, required, interior side**" means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.
- d. "**Yard, required, rear**" means a yard extending along the full length of the rear site line between the side site lines.
- e. "**Yard, required, side**" means a yard extending along the side site line from the required front yard to the required rear yard.

FIGURE 2: YARDS



### **3.0 SIGN DEFINITIONS**

#### **SIGN**

- 3.1 "**Sign**" means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:
- a. Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
  - b. Is used to identify, direct attention to, or advertise; and
  - c. Is visible from outside a building but shall not include show windows as such.

#### **SIGN, ADVERTISING**

- 3.2 "**Sign, advertising**" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.

#### **SIGN, ANIMATED**

- 3.3 "**Sign, animated**" means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.

#### **SIGN, AWNING**

- 3.4 "**Sign, awning**" means a non-illuminated sign painted or stenciled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable, or capable of being folded against the wall or supporting building.

#### **SIGN, BULLETIN BOARD**

- 3.5 "**Sign, 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, or products or services offered upon the premises upon which sign is maintained, e.g. school, church, community centre bulletin board sign and similar uses.

#### **SIGN, BUSINESS**

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

#### **SIGN, CONSTRUCTION**

- 3.7 "**Sign, construction**" means a sign which identifies a construction project and information relative thereto.

#### **SIGN, DIRECTIONAL**

- 3.8 "**Sign, directional**" means on-premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.

### **SIGN, ELECTRIC**

- 3.9 "Sign, electric" means any sign containing electrical wiring or light built into the sign face which are intended for connection to an electrical energy source.

### **SIGN, FASCIA OR WALL**

- 3.10 "Sign, fascia or wall" means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.

### **SIGN, IDENTIFICATION**

- 3.11 "Sign, identification" means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

### **SIGN, ILLUMINATED**

- 3.12 "Sign, illuminated" means a sign designed to give forth any artificial light or reflect light from an artificial source.

### **SIGN, MARQUEE**

- 3.13 "Sign, marquee" means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

### **SIGN, OFFICIAL**

- 3.14 "Sign, official" means a sign required by, or erected pursuant to the provisions of Federal, Provincial or Municipal legislation.

### **SIGN, PORTABLE**

- 3.15 "Sign, portable" means a sign greater than six (6) sq. ft. in area that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner that the sign can be readily relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

### **SIGN, REAL ESTATE**

- 3.16 "Sign, real estate" means a sign advertising the sale, rental or lease of the premises on which it is maintained.

### **SIGN, ROOF**

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

### **SIGN, SURFACE AREA**

- 3.18 "Sign, surface area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any

frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three (3) feet from another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of unequal area.

### **SIGN, TEMPORARY**

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

## **4.0 USE CLASS DEFINITIONS**

4.1 The following were used to identify use categories:

- a. The use class groups individual land uses into a specified number of classes with common functional or physical impact characteristics.
- b. The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zones of this By-law.
- c. The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular use class.
- d. Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may deem that the use conforms to and is included in that Use Class which is considered to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zone.

## **5.0 RESIDENTIAL USE CLASSES DEFINITIONS**

### **COTTAGE DWELLING**

- 5.1 "Cottage dwelling" means a permanent dwelling unit that may be used as a part-time or seasonal residence.

### **DWELLING**

- 5.2 "Dwelling" means a building or portion thereof designed for residential occupancy.

### **DWELLING, SINGLE-FAMILY**

- 5.3 "Dwelling, single-family" means a detached building designed for and used by not more than one (1) family.

### **DWELLING, TWO-FAMILY**



5.4 "Dwelling, two-family" means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.

**DWELLING, THREE AND FOUR FAMILY**

5.5 "Dwelling, three and four family" means a detached or semi-detached triplex, four plex, town or row type building designed for and used by not more than three (3) or four (4) families, each having exclusive occupancy of a dwelling unit.

**DWELLING, MULTIPLE-FAMILY**

5.6 "Dwelling, multiple-family" means a building containing five (5) or more dwelling units, each unit designed for and used by not more than one (1) family.

**DWELLING UNIT**

5.7 "Dwelling unit" means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping dwelling unit with cooking, eating, living, sleeping and sanitary facilities.

**INSTITUTIONAL RESIDENCE**

5.8 "Institutional residence" means a use which is intended for the training, treatment and rehabilitation, housing, care and/or supervision of persons requiring medical assistance. This Use Class includes nursing homes, personal care homes, residential care homes and rehabilitation homes.

**MOBILE HOME DWELLING**

5.9 "Mobile home dwelling" means a factory built transportable dwelling 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 an which conforms to the structural standards of **The Buildings and Mobile Homes Act, Chapter B93, CCSM** and amendments thereto and Canadian Standard Association (CSA) Z240 series. .

**MODULAR HOME DWELLING**

5.10 "Modular home dwelling" means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.

**SEMI-DETACHED DWELLING**

5.11 "Semi-Detached dwelling" means the whole of a building divided vertically into two separate dwelling units, each of which has an independent entrance.

**6.0 RESIDENTIAL-RELATED CLASSES**

**BED AND BREAKFAST**

6.1 “**Bed and breakfast**” means a principal dwelling where sleeping accommodations with or without light meals is provided to members of the travelling public for remuneration.

### **COMMUNITY RECREATION SERVICE**

6.2 “**Community recreation service**” means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres

### **GARDEN SUITE**

6.3 “**Garden suite**” means a separate living unit not attached to the existing dwelling but is located on a lot containing an existing single unit dwelling, and is intended for the use of family members with identified special needs.

### **GROUP HOME**

6.4 “**Group home**” means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical conditional, or legal status, require a group living arrangement for their well being.

### **GROUP RESIDENCE**

6.5 “**Group residence**” means a group home for five (5) or more residents.

### **GUEST CABIN**

6.6 “**Guest Cabin**” means a building accessory to and subordinate to a permitted residential use designed to provide additional sleeping quarters for occasional guests of the owner and without kitchen facilities.

### **HOME OCCUPATION**

6.7 “**Home occupation**” means a use which:

- a. Is carried on in a dwelling unit or its permitted accessory building.
- b. Is carried on solely by the members of the family residing at the same dwelling unit.
- c. Is incidental to or secondary to the use of the dwelling unit.
- d. There is no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein.
- e. In the opinion of the Council is not offensive or obnoxious or create a nuisance.
- f. Does not cause the generation of undue traffic and congestion in the neighbourhood.(see section 6.1 of PART II)

### **HOME INDUSTRY**

6.8 “**Home industry**” means non offensive light manufacturing activities and small businesses that may

be permitted as a second use, in addition to the principal use. (see section 7.1 of PART II)

### **HOUSE, BOARDING, LODGING OR ROOMING**

- 6.9 "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 proprietor and family.

### **LODGE**

- 6.10 "Lodge" means development used for the accommodation of the public and may include self-contained cabins, cottages or housekeeping units.

### **RELIGIOUS ASSEMBLY**

- 6.11 "Religious assembly" means a building or a group of buildings used or proposed to be used for conducting organized religious services and accessory uses associated with the use.

### **SENIOR CITIZEN HOME**

- 6.12 "Senior citizen home" means a multiple family dwelling of a building containing individual rooms where elderly people live independent of personal care.

### **TEMPORARY ADDITIONAL DWELLING OR MOBILE HOME DWELLING**

- 6.13 "Temporary additional dwelling or mobile home dwelling" means a dwelling unit or Mobile Home Dwelling that is placed on the same site as a Single Family Dwelling on a temporary basis.

### **TRAVEL TRAILER**

- 6.14 "Travel trailer" means a vehicle designed to be towed which provides for temporary or seasonal accommodation including park model travel trailers in compliance with CAN/CSA-Z241 Series Standard.

## **7.0 COMMERCIAL/ INDUSTRIAL USE CLASSES**

### **AGRICULTURAL IMPLEMENT SALES AND SERVICE**

- 7.1 "Agricultural implements sales and services" means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.

### **AIRCRAFT LANDING FIELD**

- 7.2 "Aircraft landing field" means any area of land or water that is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.

### **AIRPORT AND ASSOCIATED FACILITIES**

- 7.3 "Airport and associated facilities" means land or water which is used or intended for the landing or take-off of aircraft and any associated areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways including taxi-ways, aircraft storage and hangars.

### **AMUSEMENT HALL / THEATRE**

7.4 “**Amusement hall or theatre**” means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use class includes arcades and pool halls but does not include Carnivals.

**ANIMAL SHELTER AND VETERINARY SERVICE**

7.5 “**Animal shelter and veterinary service**” means a development used for the care and treatment of animals where the veterinary services primarily involve outpatient care and minor medical procedures. This Use Class includes pet clinics and veterinary offices.

**AUTOMOTIVE AND EQUIPMENT REPAIR SHOP**

7.6 “**Automotive and equipment repair shop**” means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops, but does not include body repair and paint shops.

**AUTOMOTIVE AND RECREATIONAL VEHICLE SALES**

7.7 “**Automotive and recreational vehicle sales**” means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sales parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.

**BAR / LOUNGE**

7.8 “**Bar/Lounge**” means a structure or part of a structure designed, maintained and operated primarily for the dispensing of alcoholic beverages and may include the selling of food and/or snacks. If the bar/lounge is part of the larger dining facility it shall be defined as that part of the structure so designated and/or operated.

**BUSINESS SUPPORT SERVICE**

7.9 “**Business support service**” means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

**CAR BROKER**

7.10 “**Car broker**” means a development used for the retail purchase and sale of used passenger vehicles from a single detached dwelling unit. The Use Class does not include Automotive and Equipment Repair Shops, Automotive and Recreational Vehicle Sales and/or Convenience Vehicle Rentals.

**COMMERCIAL SCHOOL**

7.11 “**Commercial school**” means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty, culture, dancing or music schools.

### **CONVENIENCE RETAIL STORE**

- 7.12 “**Convenience retail store**” means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

### **CUSTOM MANUFACTURING**

- 7.13 “**Custom manufacturing**” means a use for small-scale on-site production / manufacture of goods. This use class includes kitchen cabinet shops, welding, metal fabrication and other similar uses.

### **DRIVE-IN ESTABLISHMENT**

- 7.14 “**Drive-in establishment**” means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle. This use class includes restaurants, coffee shops, ATM and other similar uses.

### **EATING AND DRINKING ESTABLISHMENT**

- 7.15 “**Eating and drinking establishment**” means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

### **FLEET SERVICE**

- 7.16 “**Fleet service**” means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use Class includes ambulance services, taxi services, bus line, messenger and courier services.

### **FUNERAL SERVICE**

- 7.17 “**Funeral service**” means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.

### **GAS BAR/ SERVICE STATION**

- 7.18 “**Gas bar/ service station**” means a development used for the retail sale of gasoline, other petroleum products, auto accessories, automobile servicing, washing and repairing of vehicles and other similar uses. Service Stations may include Eating and Drinking Establishments. Typical uses include truck stops and highway service stations.

### **GENERAL CONTRACTOR SERVICE**

- 7.19 “**General contractor service**” means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only.

### **GENERAL STORAGE**

7.20 “**General storage**” means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This Use Class does not include automobile wrecking yards, salvage yards, scrap metal yards, or the storage of hazardous goods or waste.

### **GREENHOUSE/PLANT AND TREE NURSERY**

7.21 “**Greenhouse, plant and tree nursery**” means a development used primarily for the raising, storage and sale of bedding, household, horticultural and ornamental plants.

### **HEALTH SERVICE**

7.22 “**Health service**” means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.

### **HOTEL**

7.23 “**Hotel**” means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

### **JUNK YARD**

7.24 “**Junk yard**” means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This Use Class includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.

### **LOADING SPACE**

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

### **MANUFACTURING FACILITY**

7.26 “**Manufacturing facility**” means a facility in which the main use is the production, compounding, processing, crating, bottling, packing, or assembling of raw or pre-processed materials including refining smelting, forging, stamping, blanking, punch-pressing or the manufacturing of chemical products.

### **MINI-WAREHOUSE AND SELF STORAGE**

7.27 “**Mini-Warehouse and self-storage**” means an enclosed facility that provides storage space to the general public on a for-hire basis. Mini- warehouses and self-storage areas also include vehicle storage for recreational vehicles, boats and other vehicles. No other business or service may be allowed to operate out of a rented storage space.

### **MOTEL**

7.28 “**Motel**” means a building or part thereof, not over two (2) storeys 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 outdoors with access to grade level. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

### **PERSONAL SERVICE SHOP**

7.29 "**Personal service shop**" means a 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 without limiting the generality of the foregoing. This Use Class may include such establishments as barber shops, beauty parlours, hair-dressing shops, valets and depots for collecting dry cleaning and laundry.

### **PET CEMETERY**

7.30 "**Pet cemetery**" means a development of a parcel of land for the burial of household pets as determined by the Development Officer.

### **PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICE**

7.31 "**Professional financial and office support services**" means a development primarily used for the provision of professional management, administration, consulting and financial services. Typical uses include the office of lawyers, accountants, engineers and architects; offices for real estate and insurance firms; clerical, secretarial, employment, call services and similar office support services; banks, credit unions, loan offices and similar financial uses.

### **RECYCLING DEPOT**

7.32 "**Recycling depot**" means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.

### **RETAIL STORE**

7.33 "**Retail store**" means a development used for the retail sale of those goods required by area residents or employees. Typical uses include food stores, clothing stores, drug stores, variety / convenience stores selling confectionary, beverages, pharmaceutical and personal care items, hardware printed matter and similar uses.

### **SMALL ANIMAL BREEDING AND BOARDING ESTABLISHMENT**

7.34 "**Small animal breeding and boarding establishment**" means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

### **SPECTATOR ENTERTAINMENT ESTABLISHMENT**

7.35 "**Spectator entertainment establishment**" means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, and theatres.

### **STORAGE BUILDING AND WAREHOUSE**

7.36 "**Storage buildings and warehouse**" means a development exclusively used for indoor and outdoor storage of goods, material and merchandise. This use Class does not include automobile wrecking yards, salvage yards, scrap metal yards or the storage of hazardous goods or waste.

## **TRANSPORTATION TERMINAL**

- 7.37 “**Transportation terminal**” means a development where commercial passenger vehicles pick up and discharge fare paying passengers or a development used for the sale, rental, repair or storage of commercial vehicles. This use class includes vehicle repair shops, eating and drinking areas, gas bars, retail sales and service stations.

## **TRUCK AND MOBILE HOME SALES/ RENTALS**

- 7.38 “**Truck and mobile home sales and/or rentals**” means a development used for the sale or rental of new or used trucks, motor homes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.

## **TRUCKING OPERATION**

- 7.39 “**Trucking operation**” means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The Use Class includes automotive repair, eating and drinking areas, gas bar, retail sales, and service station as accessory uses.

## **VEHICLE/ EQUIPMENT RENTALS**

- 7.40 “**Vehicle / equipment rentals**” means a development used for the rental of new or used automobiles, light trucks and utility trailers, tools, appliances, recreational craft, office machines, furniture, light construction equipment, This Use Class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities

## **WAREHOUSE SALES**

- 7.41 “**Warehouse sales**” means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

## **8.0 INDUSTRIAL USE CLASSES**

### **BULK STORAGE FACILITY**

- 8.1 “**Bulk storage facility**” means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, fuels, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include Anhydrous Ammonia Facilities.

### **GENERAL INDUSTRIAL**

- 8.2 “**General industrial**” means development used principally for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with adjacent



land uses; the storage or transshipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.

### **INDUSTRIAL VEHICLE AND EQUIPMENT SALES AND OR RENTALS**

- 8.3 “**Industrial vehicle and equipment sales and/or rentals**” means a development used for the sale, rental and repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.

### **LIGHT INDUSTRIAL**

- 8.4 “**Light industrial**” means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any adjacent site. Typical uses include automotive body repair and paint shops, commercial manufacturing and research facilities.

### **PORTABLE ASPHALT PLANT**

- 8.5 “**Portable asphalt plant**” means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process.

### **PROCESSING USE**

- 8.6 “**Processing use**” means a development used for the extraction, treatment, preparation, packaging, transportation, handling and storage of raw materials and other minerals. Typical uses include concrete batching plants.

### **HOME INDUSTRY**

- 8.7 “**Small scale industrial**” means light manufacturing, assembly or distribution of ready made products on a small scale that are generally used to diversify active farming operations. As a rule, industries in this category are secondary to the agricultural operation, if not, they should not be of such a size that they create traffic problems or impact negatively on the surrounding area. (see section 7.1 of PART IV)

### **STORAGE COMPOUND**

- 8.8 “**Storage compound**” means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities and salvage yards.

### **TRANSPORTATION TERMINAL**

- 8.9 “**Transport terminal**” means a development where commercial passenger vehicles pick up and discharge fare-paying passengers or a development used for the sale, rental, repair or storage of commercial vehicles. This Use Class includes vehicle repair shops, eating and drinking areas, gas bars, retail sales and service stations as accessory uses.

### **WAYSIDE PIT AND QUARRY**

- 8.10 “**Wayside pit and quarry**” means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a project such as a road construction contract that is not located on the road right-of-way.

## **9.0 AGRICULTURAL USE CLASSES**

### **ABATTOIR**

- 9.1 “**Abattoir**” means a building, structure, or part thereof, used for the slaughtering of animals and related activities.

### **AGRI-BUSINESS**

- 9.2 “**Agri-business**” means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.

### **AGRICULTURAL ACTIVITIES**

- 9.3 “**Agricultural activities**” means a use of land for agricultural purposes. These activities can include:

- a. Tillage of land;
- b. Production of agricultural crops, including hay and forages;
- c. Production of horticultural crops including vegetables, fruit, trees, sod and greenhouse crops;
- d. Operation of agricultural machinery and equipment;
- e. The process necessary to prepare a farm product for distribution from the farm gate as an accessory use;
- f. Application of fertilizers, manure, soil amendments and pesticides, including ground and aerial application; and
- g. Storage, use or application of organic wastes from farm purposes.

Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Natural Resource Developments.

### **AGRICULTURAL CROP PROTECTION WAREHOUSE**

- 9.4 “**Agricultural crop protection warehouse**” means a facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticide, and fertilizers. This Use Class does not include Anhydrous Ammonia Facilities.

### **AGRICULTURAL AND COMMUNITY FAIRS AND EXHIBITIONS**

- 9.5 “**Agricultural and community fairs and exhibitions**” means a competitive or non-competitive exhibition of agricultural products and animals and can include associated food and merchandise vendors, displays, entertainment and amusement.

### **AGRICULTURAL IMPLEMENT SALES AND SERVICE**

- 9.6 “**Agricultural implement sales and service**” means a building and open space area used for display, sale and rental of new or used farm implements that includes repair work.

### **AGRICULTURAL PRODUCT STORAGE**

- 9.7 “**Agricultural product storage**” means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.

### **AGRICULTURAL SUPPORT INDUSTRY**

- 9.8 “**Agriculture support industry**” means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills and seed plants. This Use Class does not include Bulk Storage Facilities or Anhydrous Ammonia Facilities.

### **ANHYDROUS AMMONIA FACILITY**

- 9.9 “**Anhydrous ammonia facility**” means an area for the storage of anhydrous ammonia.

### **COMMUNAL FARM DWELLING**

- 9.10 “**Communal farm dwelling**” means a residence in connection with a farm operation carried out on the same or an adjacent parcel by a religious colony or other association by or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.

### **COMPOSTING**

- 9.11 “**Composting**” means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.

### **EARTHEN STORAGE FACILITY**

- 9.12 “**Earthen storage facility**” means a structure built primarily from soil, constructed by excavating or forming dikes, and used to retain livestock manure.

### **EQUESTRIAN ESTABLISHMENT**

- 9.13 “**Equestrian establishment**” means a facility engaged in the training of horses or the operation of a horse riding academy or horse riding stables.

### **FARM PRODUCE OUTLET**

- 9.14 “**Farm Produce Outlet**” means a building or structure where farm produce is sold in season.

### **FARM BUILDING/STRUCTURE**

- 9.15 “**Farm building/structure**” means a building or structure which does not contain a residential occupancy and which is:
- a. Associated with and located on land devoted to the practice of farming;
  - b. Used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence; and

- c. Has a Low Human Occupancy, as applying to farm buildings, of not more than one (1) person per four hundred and thirty (430) sq. ft. during normal use.

### **FARMSTEAD DWELLING**

- 9.16 “**Farmstead dwelling**” means a dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.

### **FEEDLOT**

- 9.17 “**Feedlot**” means a fenced or enclosed area where livestock are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.

### **GAME FARM**

- 9.18 “**Game farm**” means a development where elk, wild boar, bison, etc. are held in captivity, pursuant to *The Livestock Industry Diversification Act* and *The Wildlife Act*.

### **HOBBY FARM**

- 9.19 “**Hobby farm**”, means an agricultural use incidental to the main residential use of a parcel, compatible with the density of development, and on which animals can be kept for personal use, only including limits on the total number of animal units and number of **Animal Units** per acre.

### **LIVESTOCK OPERATION**

- 9.20 “**Livestock operation**” means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units are kept or raised, either indoors or outdoors, and includes all associated manure collection facilities, but does not include:
- a. An operation for the slaughter or processing of livestock;
  - b. An operation for the grading or packing of livestock or livestock products;
  - c. An operation for transporting livestock or livestock products;
  - d. A livestock auction mart;
  - e. An agricultural fair; and
  - f. A livestock sales yard where livestock are kept no longer than three days.

### **MANURE MANAGEMENT PLAN**

- 9.21 “**Manure management plan**” means a plan prepared in accordance with the requirements under the *Livestock Manure and Mortalities Management Regulation – 42/98*.

### **MANURE STORAGE FACILITY**

- 9.22 “**Manure storage facility**” means a structure, earthen storage facility, molehill, tank or other facility for storing manure or where it is stored, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include:
- a. A field storage site;
  - b. A vehicle or other mobile equipment used to transport or dispose of manure;
  - c. A gutter or concrete storage pit used to store liquid or semi-solid manure for less than thirty days;
  - d. A collection basin; or
  - e. A composting site for manure storage.

### **SLURRY TANK STORAGE FACILITY**

9.23 “**Slurry tank storage facility**” means an above ground tank for the storage of livestock liquid and semi-solid manure that may be constructed from pre-cast concrete panels, reinforced cast-in-place concrete, glass lined steel panels or spiral wound coated steel.

### **SOLID MANURE**

9.24 “**Solid manure**” means manure that contains more than twenty-five (25) percent solid matter and does not flow when piled.

### **SPECIALIZED AGRICULTURE**

9.25 “**Specialized agriculture**” means the use of land and sale of apiculture, floriculture, horticulture, including market gardening, orchards and tree farming and similar agricultural activities on a commercial basis.

### **SPREAD**

9.26 “**Spread**” means the act or process of distributing something on or over a surface.

### **STABLE, PRIVATE**

9.27 “**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.

### **STABLE, PUBLIC**

9.28 “**Stable, public**” means a stable other than a private stable.

### **VACATION FARM OPERATION**

9.29 “**Vacation farm operation**” means an accessory development to a farm operation that provides temporary accommodations with or without meals to members of the travelling public for remuneration.

## **PART III - ADMINISTRATION**

### **1.0 SCOPE**

#### **WHEN EFFECTIVE**

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

#### **THE AREA**

- 1.2 The Area to which Zoning By-law shall apply shall be all of the Rural Municipality of Ste. Anne.

#### **RESPONSIBLE AUTHORITY**

- 1.3 a. The authority responsible for the enactment of this By-law shall be the Council, in accordance with the provisions of *The Act*; and
- b. Subject to the provisions of *The Act*, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended, supplemented, changed or repealed.

#### **RESPONSIBILITIES OF COUNCIL**

- 1.4 Subject to the provisions of *The Act*, the Council is responsible for:
- a. Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- b. Administering and enforcing the provisions of this by-law and the provisions of *The Planning Act*, where applicable;
- c. considering the adoption of amendments to or the repeal of this by-law;
- d. consider and issue variation orders;
- e. Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it; and
- f. establishing a schedule of fees.

### **2.0 AMENDMENTS**

#### **PROCEDURE**

- 2.1 Subject to the procedure required under *The Act*, an amendment 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. Application fees will be determined by Council via a special by-law.

#### **DECISION BY COUNCIL**

- 2.2 If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of *The Act*.

## **APPEAL**

- 2.3 Anyone objecting to an amendment which subsequently has been given second reading by **Council** may file a further objection with the **Municipal Board**, and the **Municipal Board** shall hold a hearing according to the provisions of **The Act**.

## **3.0 CONDITIONAL USE**

### **INTENT**

- 3.1 The development and execution of this By-law is based upon the division of the area into zones, within which 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 properly be classified in any particular zone 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;
  - b. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities; and
  - c. Applications for uses that occur within the control area of a Provincial Highway will be referred to the Highway Traffic Board and Manitoba Infrastructure and Transportation to establish additional requirements.

### **APPLICATION**

- 3.2 An application for conditional use shall be processed and approved or rejected in accordance with the provisions of *The Act*.

### **FILING AN APPLICATION**

- 3.3 The application shall be filed with the Council and shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council.

### **EXPIRY OF APPROVAL**

- 3.4 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 of twelve (12) months.

### **EXISTING CONDITIONAL USE**

- 3.5 Where a use is classified as a conditional use under this By-law or amendments thereto, and exists as a permitted use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.

### **CHANGES TO AN EXISTING CONDITIONAL USE**

- 3.6 Any change in a conditional use shall be subject to the provisions of this Section and the appropriate

provisions of *The Act*. A conditional use application is required when an existing conditional use is enlarged, expanded or extended to occupy a greater floor and/or greater area of the site upon which said use is located, except as otherwise permitted by this By-law. In the case of livestock operations, a change in the type of livestock raised (i.e. chickens replacing pigs) shall constitute a change of use and require a new conditional use hearing approving the change.

3.7 Council may revoke an approved conditional use permit for violation of any conditions imposed by it.

## **4.0 VARIATIONS**

### **THE RIGHT TO APPLY**

4.1 Any person may apply for a variation order, in accordance with the provisions of *The Act*.

4.2 An application for a variation order shall include all required information and fees, as determined by Council.

4.3 An application for a variation order shall be processed and approved or rejected in accordance with the provision of *The Act*.

4.4 The designated employee or officer may, in accordance with the provisions of *The Act*, grant or refuse, at his or her discretion, a minor variation not to exceed ten (10) percent of the requirements of this by-law governing height, distance, area, size or intensity of use.

## **5.0 DEVELOPMENT AGREEMENT**

### **AGREEMENT WITH RURAL MUNICIPALITY OF STE. ANNE**

5.1 Where an application is made for the amendment of this By-law, a variation or as otherwise permitted in *The Act*, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment / variation shall apply, as a condition to its enactment, to enter into a development agreement with the Rural Municipality of Ste. Anne in respect of that land as well as contiguous land owned or leased by the applicant.

### **AGREEMENT TO COMPLY WITH ACT**

5.2 The provisions of said agreement shall be in accordance with *The Act*.

### **QUARRY OPERATIONS**

5.3 Establishment of new or the expansion of existing quarry operations, where listed as a conditional use, are subject to a development agreement with Council.

## **6.0 DESIGNATED EMPLOYEE OR OFFICER**

### **DUTIES**

6.1 The designated employee or officer as appointed by the Rural Municipality of Ste. Anne may:

- a. Issue development permits in accordance with the provisions of this By-law and any other relevant by-law.



## **POWERS**

- 6.2 The designated employee or officer may:
- a. Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto, subject to the provisions of **Section 7.1, of this PART**;
  - b. Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law;
  - c. Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
  - d. Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

## **DEFER APPROVAL OF PERMITS**

- 6.3 At the request of Council, the designated employee or officer shall:
- a. Defer approving an application for a development permit:
    - i. As provided for in *The Act*;
    - ii. Which could result in a violation of this By-law or any By-law of the Rural Municipality of Ste. Anne; or
    - iii. To any person who has failed to pay any fees due and owing to the Rural Municipality of Ste. Anne.

## **7.0 DEVELOPMENT PERMIT/ BUILDING PERMIT**

### **PERMIT REQUIRED**

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

### **WHEN REQUIRED**

- 7.2 An application for a development permit / building permit is required for the following:
- a. The erection or construction or placement of any building, or structure, except fences, sheds / garages less than two hundred (**200**) sq. ft. in area and ornamental light standards;
  - b. The addition, extension, structural alteration or conversion of any building or structure;
  - c. The relocation or removal or demolition of any building or structure; excepting any non-taxable farm building; or
  - d. The use of vacant buildings or structures.

## **REQUIREMENTS**

- 7.3 In addition to the requirements of any By-law of the Rural Municipality of Ste. Anne or any other provincial regulations, all applications for a development permit 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 alterations;
  - b. Include such other information as may be required by the Council, including existing or proposed building or structural alterations; existing or proposed use of the building and 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 and provide for the enforcement of this By-law; and
  - c. 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.

## **SUSPENSION OR REVOCATION OF THE DEVELOPMENT PERMIT**

- 7.4 The Development Officer may suspend or revoke a development permit where:
- a. The applicant fails to comply with the conditions of issuance of a permit; or
  - b. Any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.
- 7.5 Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Development Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

## **8.0 BUILDING PERMITS**

### **PERMITS ISSUED PRIOR TO BY-LAW**

- 8.1 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.

### **BUILDING TO BE MOVED**

- 8.2 No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law applying to the zone in which it is located.

## **9.0 NON-CONFORMITY**

### **DEFINITION**

9.1 "Non-Conformity" means one, or a combination of one or more, of the following:

- a. A site or parcel of land;
- b. A building or structure;
- c. A use of a building or structure; or
- d. A use of land.

### **NON-CONFORMITIES**

9.2 Non-conformities are hereby classified as:

- a. Any lawful use of building, structure or a 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;
- b. A non-conforming building or structure means any lawful building or structure which does not comply with one or more of the applicable zone regulations on the effective date of this By-law or amendments thereto; and
- c. A non-conforming site or parcel of land means any lawful site or parcel of land which does not comply with the bulk requirement of the affected zone 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.

### **GENERAL PROVISIONS**

9.3 A non-conforming use and a non-conforming building or structure use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Act*, unless otherwise provided for herein.

### **STRUCTURAL ALTERATIONS**

9.4 Pursuant to provisions of *The Act*, a structural alteration shall not be made to a non-conforming building or structure or a building or structure containing a non-conforming use, unless said alteration conforms to the requirement of this By-law, does not increase the degree of non-conformity, unless an appropriate variation order has been obtained.

### **REPAIR OR REBUILDING**

9.5 Pursuant to *The Act*, where Council determines that a building or structure is damaged or destroyed more than fifty percent (**50%**) of its replacement value above its foundation, the said building or structure must not be repaired or rebuilt, but only in conformity with the zoning by-law and any variance approved under this **PART**.

### **NON-CONFORMING PARCEL**

- 9.6 No building or structure may be erected on a non-conforming parcel of land unless:
- a. The required yards are provided as set forth in the Bulk Requirement Table of the zone in which the parcel of land is located; or
  - b. Where a variation order for such yard requirements is granted.

A variation order shall not be required where a site or parcel is being increased in size or area so as to decrease its non-conformity, even though the enlarged site or parcel does not conform to the site area and site width requirements of this By-law. The enlargement of said site or parcel shall not cause an increase in non-conformity of an abutting or adjoining site or parcel.

### **CERTIFICATE AND FEES**

- 9.8 Any fees charged by the Development Officer for the issuance of a certificate in accordance with *The Act* shall be determined by Council.

### **10.0 APPLICATION**

#### **INTERPRETATION AND APPLICATION**

- 10.1 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.

#### **RELATION TO OTHER BY-LAWS**

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

#### **PREVIOUS VIOLATIONS**

- 10.3 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.

#### **SITE REDUCED**

- 10.4 A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

#### **VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW**

- 10.5 A building or structure or use established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order, be deemed to conform to the provisions of this By-law.

#### **"A", "RM", "GD", "HC", "GC", "CR", "RR", "RR5", "RMH", "AL", "RIC" or "NE" ZONES**

- 10.6 Whenever the terms "A" Zone, "RM" Zone, "GD" Zone, "HC" Zone, "GC" Zone, "CR" Zone, "RR"

Zone, "RR5" Zone, "RMH" Zone, "AL" Zone, "RIC" Zone or "NE" Zone are used, they shall be deemed to refer to all Zones containing the same letter in their names.

## **11.0 PUBLIC UTILITIES AND SERVICES**

11.1 Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of a public service such as police or fire protection. Public utilities, as defined by this By-law, shall be listed as a Permitted Use in all Zones. Yard, area and height requirements for proposed public utilities shall be determined by Council and should be of a standard compatible to the zone in which the public utility is proposed.

## **12.0 PUBLIC MONUMENTS AND STATUARY**

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

## **13.0 ROAD ALLOWANCES**

### **FUTURE ROAD ALLOWANCE**

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

### **DEVELOPMENT PERMIT FEES**

13.2 Cost to be borne by applicants will be determined by council as a condition to development. This fee can be waived by council if deemed necessary.

## **14.0 MUNICIPAL SERVICES**

### **CONNECTING TO MUNICIPAL SERVICES**

14.1 All principal buildings constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services, if available, and within any time limit specified in appropriate municipal by-laws and any amendments thereto.

## **15.0 DUTIES OF THE OWNER**

### **RESPONSIBILITY**

15.1 Neither the granting of a development permit, nor the approval of the drawing and specifications, nor inspection 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 Rural Municipality of Ste. Anne.

### **PERMITS REQUIRED**

15.2 Every owner shall:

a. Permit the Development Officer to enter any building or premises at any reasonable time for Rural Municipality of Ste. Anne Administration

the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this By-law;

- b. After the development application has been approved by the Development Officer, not doing any work at variance with the approved documents filed; 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.

### **NO DEVELOPMENT PERMITS REQUIRED**

15.3 No development permit from the Rural Municipality of Ste. Anne is required under this By-law for the developments listed below, provided that such developments comply with the Permitted Use and regulations of this By-law. This does not relieve the applicant or landowner from obtaining approvals from other government agencies. For a development listed below, the Development Officer shall advise the applicant that no permit is required and return the submission, including any fees paid. Developments exempted from applications are as follows:

- a. Regular maintenance and repair of any development provided it does not include structural alterations.
- b. Private driveways and patios which are accessory to a development, that do not include any work on public road allowance such as curb cuts, culvert extensions and hard topping of driveway on road allowance.
- c. A fence, wall, or gate not exceeding six and fifty-six one-hundredths (**6.56**) ft. in height.
- d. An accessory building that:
  - i. Is less than 15.58 sq. m. (**200 sq. ft.**) in area;
  - ii. Does not exceed 8 m (**26.25** ft.) or one storey in height; and
  - iii. Is not considered a hazard by the Development Officer.
- e. An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp.
- f. Landscaping where the existing grade and natural surface drainage pattern is not materially altered.
- g. The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (**30**) days of substantial completion or as determined by the Development Officer.
- h. The use of vacant farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.

### **16.0 ENFORCEMENT**

16.1 The enforcement of this By-law, or any resolution or Order enacted by the Council under *The Act* or

any regulation made there under shall be in accordance with *The Act*.

## **17.0 OFFENCES AND PENALTIES**

- 17.1 Any owner who, by himself, or by his servant, agent or employee, makes use of any land, building, structure or part thereof in a manner contrary to this By-law, or contrary to the conditions of an order varying the terms of this By-law, or contrary to the conditions of an order permitting a conditional use under the provisions of this By-law, shall be guilty of a breach of this By-law;
- 17.2 Any persons who, as owner, landlord, lessor, tenant, occupier, agent, or otherwise, has charge or control of any land, building, structure, or part thereof, and permits such land, building structure or part thereof to be used in any manner contrary to this By-law, shall be guilty of a breach of the By-law.
- 17.3 Fines and penalties will be imposed as per the *Act*.

## **18.0 FEES**

- 18.1 Council shall, by By-law, establish a fee schedule for variation orders, zoning amendments, zoning memoranda, conditional use orders, non-conforming certificates and other appropriate documents.

## **19.0 SUBDIVIDING LAND**

- 19.1 Except as otherwise provided for in this by-law, no parcel of land should hereafter be divided into sites unless each resultant site conforms to the requirements of this by-law. Also, parcels shall not be subdivided if the proposed subdivision does not conform to the *Rural Municipality of Ste. Anne Development Plan*.

## **PART IV - GENERAL PROVISIONS**

### **REGULATIONS OF USE**

The general provisions shall apply to all Zones listed herein unless otherwise specifically stated.

#### **1.0 GENERAL REGULATIONS OF USE**

1.1 With the exception of **Section 15.3** of **PART III** of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:

- a. Is listed in the *Zone* as:
  - i. A permitted use; or
  - ii. A conditional use, subject to approval as such.
- b. Is an accessory use, building or structure.
- c. Has been granted a use variance as per provisions of *The Act*.

#### **ONE DWELLING UNIT PER PARCEL/ HOLDING**

1.2 There shall be a maximum of one (1) dwelling unit per lot or parcel of land, except for the following:

- a. Two-family Dwellings, Multiple-family Dwellings or Temporary Additional Dwellings as provided for in this By-law.
- b. One additional dwelling may be permitted on large agricultural operations in rural areas, being those zoned "**A**" *Agriculture Zone*, "**RM**" *Rural Mixed Zone*. The dwelling must be for a member of the family who is employed full time by, and earns significant income from the farming operation or for a full time employee who earns significant income from the farming operation.

#### **MULTIPLE USES**

1.3 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 conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

#### **ACCESSORY USES**

1.4 Accessory developments in all zones are permitted when accessory to a permitted use and conditional when accessory to a conditional use. Said accessory buildings or structures shall be subject to the following requirements in addition to the specific requirements for each zone listed below:

- a. Yard requirements for accessory buildings and structures shall be subject to the regulations of that Zone.
- b. No accessory building or structure shall be used as a dwelling unit, except as otherwise stated within.
- c. Where any building or structure on a site is attached to a principal building on the site it shall



be subject to and shall conform to all requirements applicable to the main building.

- d. Accessory buildings or structures shall not be located within a dedicated easement right-of-way.

#### **ACCESSORY BUILDING, STRUCTURES AND USES**

- 1.5 Accessory buildings, structures and uses shall be limited to those listed in **Table IV-I: PERMITTED / CONDITIONAL ACCESSORY USES**, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with the character and use of the subject *Zone*.

**TABLE IV-I: PERMITTED / CONDITIONAL ACCESSORY USES**

Category	Permitted Accessory Uses
<b>A</b>	birdfeeder / birdhouse
	clothesline and structure
	conservatory, private
	covered patio, private
	deck
	flagpole
	garage / carport, private
	gazebo
	greenhouse, private
	lawn ornament
	lighting fixture
	outdoor cooking facility, private
	play / sports structure, private
	reception equipment (on lots over 2 acres)
	refuse and garbage area
	shed / portable garage (maximum of 1 for more than 1 see Q below)
	signs (see <b>section 2.1</b> of this <b>PART</b> )
	solar panel, private
solid waste storage structure, private	
swimming pool or hot tub, private (see <b>section 11.1</b> of this <b>PART</b> )	
<b>B</b>	dwelling for the caretaker or owner (the establishment of this accessory use will require a resolution of Council)
<b>C</b>	storage compound / area to store goods used / produced on-site
<b>D</b>	retail, commercial or other incidental business / service related to principal use
<b>E</b>	additional dwelling / mobile home, agriculturally related ( <b>see section 1.2 of this PART</b> )
<b>F</b>	incinerator (subject to proper approvals)
<b>G</b>	storage of merchandise normally incidental to a business / manufacturing
<b>H</b>	production, processing, cleaning, servicing, altering, testing, repair of produced goods and personal service
<b>J</b>	rail car storage bins, subject to Council approval / permit prior to placement)
<b>K</b>	airfield, private
<b>L</b>	vacation farms (9.29)
<b>Conditional Accessory Uses</b>	
<b>M</b>	garden suite (see <b>section 8.1</b> of this <b>PART</b> )
<b>N</b>	kennel
<b>O</b>	Livestock for personal use, on a minimum parcel size of <b>5 acres</b> , up to <b>0.5 a.u. / acre</b> and totaling <b>less than 10 a.u.</b> , including associated structures Keeping of animals for hobby farm purposes on a minimum parcel size of <b>5 acres</b> , up to <b>1 a.u. / acre</b> and totaling <b>less than 10 a.u.</b> , including associated structures, except fowl which are to a maximum of 50 birds (mature roosters not permitted)
<b>P</b>	reception equipment (on lots under 2 acres)
<b>Q</b>	portable garages (2.84) (more than 1)

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<b>R</b>	windmills
<b>S</b>	dormitory

Numbers in brackets refer to the definitions found in PART II

## **2.0 SIGN REGULATIONS - GENERAL**

- 2.1 The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses. The following shall apply in all *Zones*, except wherein otherwise stated:
- a. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
  - b. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a rail road grade crossing.
  - c. No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
  - d. No flashing signs shall be permitted in any *zone* without the approval of the Council. In any event, no flashing sign shall be permitted within one hundred (100) feet of any residential related *Zone* or Provincial Roads or Provincial Trunk Highways.
  - e. 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.

Any sign that complies to the above will be permitted.

## **EXCAVATION STRIPPING AND GRADING**

- 2.2 For the purpose of this Section of the By-law, excavation shall mean excavation for commercial purposes.
- 2.3 A person wishing to excavate, strip or grade land:
- a. Requires the prior approval of Council and a Development Permit;
  - b. May be required to provide Council with information as necessary to evaluate the proposal and may impose such conditions and requirements as it deems appropriate and necessary; and
  - c. If necessary, has obtained any required permits from the appropriate government departments.

## **3.0 TEMPORARY BUILDINGS AND USES**

### **TEMPORARY BUILDINGS / USES GENERAL PROVISIONS**

- 3.1 The provisions of this Section shall apply to all *Zones*.

### **TEMPORARY USES**

- 3.2 Notwithstanding any provisions elsewhere contained in this By-law, the Council may permit, subject to such conditions as it may see fit to impose, and for a period of twelve (12) months which may be renewed before expiry subject to approval of Council, the temporary use of lands, buildings or structures not in conformity with the requirements of this By-law, if, in Council's opinion, the amenity or

sanitary conditions of property in the vicinity will not be adversely affected thereby. If the proposed use occurs within the control area of a Provincial Highway, the application will be referred to The Highway Traffic Board or the appropriate department in charge of transportation to establish additional requirements. The following shall apply (or as otherwise noted in the Bulk Requirement tables):

- a. Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction on the same zoning site may be permitted on a temporary basis subject to the issuance of a Development Permit for both the principal building and the temporary use and subject to such additional requirements as Council may deem necessary from time to time;
- b. A Development Permit for a temporary building, structure, or use shall be subject to such terms and conditions as required by Council with fees as set out in the Fee Schedule;
- c. Each Development Permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve (**12**) months and may not be renewed for more than three (**3**) successive periods at the same location;
- d. In all cases, temporary buildings and structures shall not exceed one thousand (**1000**) sq. ft. in area and one (**1**) storey or fifteen (**15**) feet in height; and:
  - i. May be used as office space for the contractor of developer;
  - ii. Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
  - iii. Shall not be detrimental to the health, safety, convenience and general welfare.

#### **4.0 YARD REQUIREMENTS**

4.1 Except as herein provided, the following special provisions shall apply in all *Zones* to ensure adequate site and required yard requirements:

- a. Yards provided for a building or structure existing on the effective date of this By-Law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this By-law;
- b. All yards and other open spaces required for any use shall be located on the same zoning site as the use;
- c. It shall be a continuing obligation of the owner to maintain the minimum required site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open space allocated to a use as per requirements of this Zoning By-law shall not, by virtue of change of ownership, or for any other reason, be used to satisfy the yard, and other open space, or minimum site area requirements for any other use.
- d. The yard requirements shall be set forth in the **BULK TABLES** of each *Zone*.
- e. When a site is to be occupied for a permitted use without a building or structure, the yards shall be provided and maintained, except that the side yards shall not be required on a site which is used for horticultural purposes or for public recreational purposes;

## 5.0 BULK REGULATIONS

### RETENTION OF BULK REGULATIONS

- 5.1 It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open spaces allocated to a use as per requirements of this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the required yard, other open space, or minimum site area requirements for any other use.

### YARD EXCEPTIONS

- 5.2 Where sites shall be provided and maintained in accordance with the provisions of this **PART**, these shall be unobstructed from ground level to the sky, except as set forth in the **BULK TABLES** of the affected *Zones* and as follows:
- a. Eaves may project into any required front, side or rear yard, a distance of not more than three (3) ft., provided that in no case shall an eave project within three (3) ft. of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) ft., provided the width of such side yard is not reduced to less than three (3) ft.
  - b. Fire escapes may extend or project into any required front, side or rear yard not more than four (4) ft.
  - c. Open, unenclosed stairways or balconies above the first floor, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) ft. and such balconies may extend into a required front yard not more than two and one-half (2 ½) ft.
  - d. Open, unenclosed porches, decks, or platforms, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard.
  - e. Open work ornamental fences, uncovered walks, arbours, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front, rear or side yard. An open work type railing may be installed or constructed on any balcony, stairway, porch, platform or landing place.
  - f. A fence or hedge shall be permitted in any required front yard. Fences, hedges and landscape architectural features placed in such a manner as to produce a fence effect, shall be permitted in all required yards of corner lots if maintained at a height of not more than two and one-half (2 1/2) feet in the front yard and at a height of not more than ten (10) feet in the rear and side yards.
  - g. Landscape features, such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard.
  - h. Name plates, signs, as permitted and regulated in this **PART**, or signs for lease or rental of the premises on which they are located as permitted in this **PART**, shall be allowed in any required front, side or rear yard.
  - i. Open work ornamental fences, hedges, landscape architectural features or guard rails shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2 ½) ft. in width shall be deemed adequate for such an access.

- j. For a main building, architectural features such as chimneys, bay windows, alcoves, canopies and awnings, eaves and eaves troughs may extend or project into a required side yard to a point not closer than two (2) feet to the side site line except when the side yard requirement is (0) feet in which case the projection by overhang by no more than (2) feet, and may extend or project into a required front yard or rear yard not more than five (5) feet;
- k. For an accessory building the architectural features as noted in (j) shall not encroach into an adjoining yard; and
- l. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard or required front yard for a distance of not more than five (5) feet;

**SPECIAL YARDS ALONG USE BOUNDARIES**

5.3 The following special yard requirements shall apply along “GD” *General Development* and “R” *Residential Zone* boundaries:

- a. When a side site line in an **Industrial Use** abuts a side site line in an adjacent **Residential Use**, the required front yard requirements of the **Residential Use** shall extend for a distance of one hundred (100) feet into the **Industrial Use** and a required side yard of twenty-five (25) feet in width shall be provided along the side site line in the **Industrial Use**.
  - i. The required side yard provided shall not be used for accessory off-street loading, or storage of materials, or processing of any kind, except where a solid fence six (6) ft. high is provided and maintained along the site line abutting the **Residential Use** boundary; and
  - ii. Parking spaces with the required front yard shall not be permitted within ten (10) ft. of the said **Residential Use** boundary.
- b. Where a side site line in an **Industrial Zone** abuts a rear lot line in an adjacent **Residential Use**, a required side yard of twenty-five (25) ft. shall be provided in the **Industrial Use** along the rear site line.
- c. Where a rear site line in an **Industrial Use** abuts a side or rear site line in an adjacent **Residential Use**, a required rear yard of fifty (50) ft. in depth shall be provided along the rear site line.
- d. Where a boundary yard as described in paragraphs (a), (b), and (c) is provided, a compact hedge, row of shrubbery or a solid fence six (6) ft. in height shall be provided and maintained along the site line abutting the **Residential Use** boundary.

**HEIGHT EXCEPTIONS**

5.4 The provisions of the *Zones* shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing useable floor space.

**MINERAL EXTRACTION OPERATIONS / QUARRY**

5.5 a. A **Development Permit** shall be required for the establishment of a commercial pit or quarry

operation, including peat, and shall include:

- i. In the case of **Crown** quarry minerals, proof of the issuance of a **Provincial Lease** or **Casual Permit** under **Manitoba Regulation 65/92 (Quarrying Minerals Regulations 65/92)**;
  - ii. A plan showing areas and means for disposing of overburden and routes for hauling the minerals;
  - iii. A site plan showing the precise plan of operation, the manner in which extraction or development will occur, the means of visual buffering, noise and dust protection and the intended use(s) of the site upon completion of the quarrying phase; and
  - iv. A plan for rehabilitation of the site when exhausted and where applicable, subject to **Manitoba Regulation 65/92**.
- (b) The **Council** shall, in considering such application, consult with the provincial **Mineral Resource Division**.

## **6.0 HOME OCCUPATIONS IN “A”, “AL”, “RM”, “NE”, “GD”, “R”, “RR”, “RR5” AND “RMH” ZONES**

6.1 Home occupations shall be allowed in the “**A**” *Agriculture*, “**AL**” *Agricultural Limited*, “**RM**” *Rural Mixed* and “**NE**” *Natural Environment*, “**GD**” *General Development*, “**R**” *Residential General*, “**RR**” *Rural Residential*, “**RR5**” *Rural Residential 5* and “**RMH**” *Residential Mobile Home Zones* and will be subject to the following conditions:

- a. The principal use on the site shall be established as residential and be the permanent residence of the owner operator of the proposed use;
- b. There shall be no generation of obnoxious or offensive noise or smell beyond the subject property boundaries; and
- c. There shall be no generation of undue traffic and congestion in the neighbourhood.
- d. Home occupations generally include the following:
  - i. **Building trades:** cabinetry, carpentry, electrical, flooring, foundation, plumbing, roofing, stucco, tiling and masonry, overhead door installation.
  - ii. **Crafts:** small scale production and sale, dried and silk flower arrangements, handicrafts, jewellery, wooden crafts.
  - iii. **Food Services:** small scale production, Watkins sales and the like, vegetable, prepared food and produce sales, catering.
  - iv. **Professional:** employment agency, engineering consultant, income tax service, insurance brokerage, investment planning/marketing/sales, nutritional consultant, travel agency.
  - v. **Sales:** small scale inventory.
  - vi. **Services:** janitorial services, therapeutic massage, carpet cleaning, office equipment



repair, dental equipment repair.

- b. Home occupations not complying with the requirements of **Sections 6.1 and 6.2** of this **PART** shall require conditional use approval

## **7.0 HOME INDUSTRY**

7.1 In order that the business initiatives of the residents are not unreasonably discouraged, non offensive light manufacturing activities and small businesses may be permitted as a second use, in addition to the principal use in the "**A**" *Agriculture*, "**RM**" *Rural Mixed*, and "**NE**" *Natural Environment*. In order to accommodate the limited demand for such uses, these shall be subject to the following criteria:

- a. The principal use on the site shall be established as residential and be the permanent residence of the owner operator of the proposed use;
- b. The second use will not generate unacceptable amounts of noise, odour or traffic, create unsightly appearances or other disturbances that may be deemed unsuitable;
- c. The proposed use will not create a potential for conflict with activities that would normally occur in the specific *Zone*; and
- d. Exterior storage of products or materials to be limited to the rear yard and shielded from public view so as not to be visible from the road by a structure high enough to afford adequate screening, being a minimum of six (6) feet in height.

## **8.0 GARDEN SUITES**

8.1 It is the intent of this section to provide standards and conditions for the placement of a detached, removable, self contained one family dwelling unit on the same site as the principal dwelling, for occupancy by an elderly parent(s) or other family member(s) requiring or providing care and assistance, subject to the following:

- a. Only property owners can apply for a garden suite. The property owners must reside in either of the two (2) domiciles – the principal residence or the applied for garden suite;
- b. Garden suites are only allowed as a conditional use in the "**A**" *Agriculture*, "**AL**" *Agricultural Limited*, "**RM**" *Rural Mixed*,"**RR**" *Rural Residential Zone*, "**RR5**" *Rural Residential 5 Zone* "**R**" *Residential General Zone* and "**NE**" *Natural Environment Zone*;
- c. Upon the cessation of the occupancy, one of the two (2) dwelling units shall be removed or the property owner shall effect a change to non-residential use for the second residence;
- d. Hydro and municipal services shall be connected to existing facilities upon approval of the affected authorities;
- e. The additional dwelling unit shall maintain a separation distance of ten (10) feet from the principal dwelling unit and be in compliance with front, side and rear yard requirements as set out in TABLE VI-4: RESIDENTIAL BULK REQUIREMENTS;
- f. A Development Agreement shall be entered into with the Rural Municipality of Ste. Anne;
- g. Either parent(s) or other family members will domicile this dwelling unit as long as their health permits. In the event of cessation, it will be incumbent upon the owner to inform the Rural Municipality of Ste. Anne in writing within thirty (30) days of one of the dwelling units becoming

vacant. The owner will have a time period of twelve (12) months from the date of notification to either remove the structure or effect a non-residential change in use of the building in keeping with the requirements of this Section.

## **9.0 PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS**

- 9.1 All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations and controls stipulated in the Highways Department Act and other policies established by the Manitoba Infrastructure and Transportation.

## **10.0 NOXIOUS OR OFFENSIVE USES**

- 10.1 Notwithstanding anything herein contained, no use that may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise shall be permitted in any zone unless the use is permitted in the subject zone or measures satisfactory to Council are undertaken to mitigate or eliminate such effects.

## **SEPARATION DISTANCE REQUIREMENTS FOR THE ESTABLISHMENT OF ANHYDROUS AMMONIA STORAGE FACILITIES, GARBAGE DISPOSAL GROUNDS AND PUBLIC SEWAGE LAGOONS**

- 10.2 a. Conditions of approval to establish **Anhydrous Ammonia Storage Facilities, Waste Disposal Grounds** and **Public Sewage Lagoons** must conform with the following **Manitoba Regulation 150/91** setbacks:
- i. Three thousand two hundred and eighty (**3280**) feet (**1000m**) from any body of water;
  - ii. One thousand three hundred and twelve (**1312**) feet (**400m**) from any cemetery;
  - iii. One thousand three hundred and twelve (**1312**) feet (**400m**) from any potable water well.
- Additionally, the following setbacks shall apply:
- b. **Anhydrous ammonia storage** should be located at least:
- i. Two thousand six hundred and twenty-five (**2625**) feet from residential areas, schools, hospitals or other institutions;
  - ii. Four hundred and ninety-two (**492**) feet from a single isolated residence;
  - iii. Four hundred and ninety-two (**492**) feet from the edge of the right of way of a highway.
- c. **Waste disposal grounds** should be located at least:
- i. One thousand three hundred and twelve (**1312**) feet from any dwelling;
  - ii. Three hundred and twenty-eight (**328**) feet from the nearest edge of the right of way of any public road.
- d. **Public sewage lagoons** should be located at least:
- i. One thousand five hundred (**1500**) feet from any centre of population;
  - ii. One thousand (**1000**) feet from an individual residence.

## **STORAGE OF DERELICT VEHICLES, ETC**

- 10.3 All derelict vehicles, machinery, major appliances and their parts, shall only be disposed of at the junk yards or approved waste disposal ground.
- a. There shall be no storage of substantial quantity of such derelict vehicles, machinery, major appliances and their parts in any farm sites within the ***Agricultural Zones***.
  - b. Where there is a storage of such derelict vehicles, machinery, major appliances and their parts in either a small quantity or as a **junk yard or recycling operation** allowed as a **conditional use**, a continuous compact hedge or row of evergreen trees or a fence of not less than six (6) feet in height shall be provided and maintained along the periphery of the storage area in a manner that conceals the stored materials from any public road or highway.

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

11.1 This section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use:

- a. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings and uses as set forth in the affected zone. In no case shall an outdoor pool or hot tub be located closer than five (5) feet to any side or rear site line;
- b. All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
  - i. It shall have a minimum height of ~~six (6) feet~~ 1.5 meters including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry; B/L  
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  - ii. There shall be no openings other than an entry to a building at a gate and it shall be so constructed as to prevent a child from crawling under either the fence or gate;
  - iii. Where a chain link fence is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
  - iv. The enclosure surrounding an outdoor pool shall be maintained in good repair.
- c. Notwithstanding **section 11.(1)(a)** of this **PART**, open decks and open stairways associated with the outdoor pools or hot tubs may project to within two (2) ft. of any side or rear site line;
- d. Semi-private pools, which are not located on the property of a single-family dwelling and used solely by the occupant of said dwelling or his guests, are subject to the regulations governing swimming pools under the Public Health Act.
- e. Nothing in this Section shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or separation requirements contained in regulations under The Building and Mobile Homes Act, Public Health Act or other applicable statutes.

## **12.0 ALTERNATE FORMS OF DEVELOPMENT**

12.1 The intent of this section is to provide for alternate forms of land development including multiple uses of a

site, multiple buildings or structures on a single site, bare land unit condominiums and similar uses which may not comply with the specific provisions of the Site Requirement Tables of this By-law. The design of such developments shall, however, produce an environment of stable and desirable character and shall incorporate at least the equivalent standards of amenity, parking and loading and other requirements and standards as applicable in this By-law.

## **CONDOMINIUMS**

12.2 Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways and equipment held by the condominium corporation. Such development shall be considered in conjunction of any listed use in any *Zone*, in which a condominium is included in the relevant use table, and require the approval of a conditional use order and shall be regulated by the following provisions:

- a. In bare land unit condominium developments:
  - i. Each “**bare land unit**” as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a “site” as defined herein for the purposes of determining site area and width, yards and other requirements;
  - ii. “**Common elements**” as defined in the said *Act*, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lane but not including pedestrian walkways or off-street vehicle parking, shall be considered:
    - a. A “**street**” as defined herein where such thoroughfare is over thirty-three (**33**) feet in width;
    - b. A “**lane**” as defined herein where such thoroughfare is not over thirty-three (**33**) feet in width; and
    - c. The provisions of the Zone Bulk Table for the *Zone* in which the development is to be located and all other regulations and requirements of this By-law shall apply.
- b. In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multi-family dwelling. These shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered a multi-family dwelling for the purposes of site, yard, height, etc. requirements.
- c. Condominium developments which propose a mixture of different land uses, or which do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to **section 12.3** below.

## **PLANNED UNIT DEVELOPMENTS**

12.3 A Planned Unit Development is primarily a major land development project which, because of its size or complexity, high density, mixture of land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. There are many possible innovative projects with Planned Unit Development, including but not limited to the following:

- a. Comprehensive redevelopment – mixed use projects in urban areas;

- b. Higher quality townhouse and apartment projects characterized by diverse designs and more public and private amenity space;
- c. More interesting subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public works;
- d. Shopping centres and industrial developments with a greater amount of landscaping and parking, less open storage and building designs which are more compatible with adjacent uses and more visually appealing.

12.4 Planned Unit Developments may be considered in any *Zone*, in which a planned unit development is identified in the relevant use table, and shall be conditional uses within these zones and shall be regulated by the following provisions:

- a. The Use and Site Requirement Tables of each specific *Zone* shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;
- b. An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
  - i. Information / plans normally required for the issuance of a development permit; and
  - ii. Such additional information as Council may consider necessary for the review of the proposal, including detailed plans, contour information, drainage and Building Location Certificates, etc.
- c. A Planned Unit Development may contain two or more principal buildings subject to the following criteria:
  - i. The minimum site area for a Planned Unit Development shall be one (1) acre, if serviced with municipal sewer, and two (2) acres, or as otherwise required by the approving authority, if serviced by an on-site wastewater management system;
  - ii. Side, front and rear yards equal to the requirements of the *Zone* in which the Planned Unit Development is located shall be maintained;
  - iii. In no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and
  - iv. The density of development shall not be increased by greater than ten percent (10%) of the normal density permitted in that *Zone*.

## **13.0 OTHER PROVISIONS**

### **SUBDIVISION OF ATTACHED DWELLINGS**

13.1 A lot with a two-family dwelling located in the "**GD**" *General Development* and "**R**" *Residential General Zones* may be split into two or more lots provided the following regulations are complied with:

- a. Any new lot line shall be a straight line between the front and rear lot lines, located in such a

manner that the party wall of two adjacent units shall form part of the new lot line. Where the new lot line is unable to form a straight line due to the irregular shape of the lot, the location of that new lot shall be determined by the conditions of any subdivision approval and verified by a Manitoba Land Surveyor.

- b. Each lot created shall have frontage on a street, lane or right-of-way, except in the case of a bare land condominium unit development (**see also section 12.2 of this PART**), where the common elements as defined in the *Condominium Act* that contain roads shall be deemed to be a street for the purpose of this section.
  - i. For the purposes of interpreting the requirements of the appropriate Zones, individual bare land condominium units shall be deemed a site for the purposes of interpreting zoning by-law requirements, including party wall developments;
- c. The permitted use for each lot created shall be for one attached single-family dwelling unit only; and
- d. All applicable provisions of the Rural Municipality of Ste. Anne Building By-Law shall be complied with.

13.2 Notwithstanding the minimum requirements of the applicable *Zone*, any parcel created pursuant to this Section shall have a minimum site area of two thousand (**2,000**) sq. ft. and a minimum site width of twenty (**20**) feet for a dwelling serviced with municipal sewer and a minimum site area of two (**2**) acres and a minimum site width of two hundred (**200**) feet for dwellings serviced with an approved on-site wastewater management system. No side yard is required along a party wall.

- a. Each lot created shall provide not less than one (**1**) parking space to be located in the side or rear yard and having access directly to either a public lane, street or right-of-way. Where, due to space or access limitations, the required parking spaces cannot be located in the side or rear yard, Council may approve parking spaces in the front yard and may establish conditions for such parking spaces; and
- b. All applicable provisions of the Rural Municipality of Ste. Anne Building By-law shall be complied with.

#### **DEVELOPMENT APPLICATION FOR MULTIPLE-FAMILY RESIDENTIAL**

13.3 A development application for multiple- family dwellings in the "**GD**" *General Development* and "**R**" *Residential General Zones*, may be required to be accompanied by plans drawn to scale showing the following:

- a. The exact shape and dimensions of the zoning site to be built upon, verified by a surveyor's certificate, prepared by a Manitoba Land Surveyor, indicating the location of any existing structures, and where there is an existing structure on the adjoining site, the location of the nearest wall of said structure;
- b. A site plan indicating the proposed building or buildings to be erected or altered;
- c. The intended use of each building or part thereof, the number of stories and gross floor area;
- d. The location of entrance and loading points to existing and proposed structures;
- e. The location of all curb cuts, driveways, parking areas, and loading areas, and the method of illumination;

- f. The location and type of landscaping, walls, fences and screening;
- g. Typical floor plans and elevations of proposed buildings and structures;
- h. The number of dwelling units that a building is designed to accommodate;
- i. The location of all outside facilities for waste disposal, and the location of fire hydrants;
- j. All pedestrian walks, malls and open areas for use by tenants or the public;
- k. The location, size, height and orientation of all signs other than flat signs on building facades;
- l. The type of ground surfacing to be used at various locations; and
- m. The method of sewer and water servicing.

## **MOBILE HOME PARKS**

### **MOBILE HOMES IN MOBILE HOME PARKS**

- 13.4 A **Mobile Home Park** shall require a **development permit** and shall be located only in the "RMH" *Residential Mobile Home Zone*. Its design shall be approved by the **Council**, subject to the following conditions:
- a. all mobile home sites within a mobile home park shall comply with site requirements as listed for mobile homes in an "RMH" **Zone** in **TABLE VII – 4: RESIDENTIAL BULK TABLE**.
  - b. A mobile home space in a mobile home park shall be provided with the following services:
    - i. an electrical services outlet; and
    - ii. an adequate base support for the mobile home;
  - c. A buffer area at least twenty-five (**25**) feet wide shall be provided within and adjacent to the perimeter of the mobile home park property boundary; and
    - i. A buffer area shall be developed as an area suitably landscaped with trees, shrubs, grass or other horticultural features acceptable to **Council**;
    - ii. A buffer area may be crossed by an access right-of-way; and
    - iii. A buffer area shall not contain a use other than permitted by paragraphs (i.) and (ii.) above.
  - d. A mobile home park shall be maintained in a satisfactory and safe condition by the owner or his agent. Maintenance shall include, but not be limited to, cutting of grass, removal of weeds and removal of refuse in all areas of the mobile home park.
  - e. A mobile home park shall contain a common recreational area as follows:
    - i. The common recreational area shall be a minimum of five percent (**5%**) of the mobile home park area;
    - ii. The common recreational area shall not include the buffer area as provided in **Clause (b)**

of this subsection; and

- iii. The common recreational area shall be bordered by a fence or hedge where it abuts any part of the internal roadway system.
- f. A mobile home park shall have provisions for the disposal of sewage in the form acceptable to the appropriate government department.

#### **WIND FARMS**

- 14.1 Site requirements for wind farms will be established as part of a conditional use. Application for such uses will be supported by appropriate engineering studies that will address required setbacks, the density and other items as may be required by Council

#### **CAMPGROUND**

- 15.1 Accommodations in camp grounds shall be from May 1<sup>st</sup> to October 31<sup>st</sup> of each calendar year.



## **PART V - SPECIAL PROVISIONS**

Without limiting the generality of **PART IV - GENERAL PROVISIONS** of this **By-Law**, this section includes special provisions with respect to development along watercourses and for livestock operation development. **Council** shall have due regard to the following special provisions when approving applications for any development that may be relevant to the following subject matters:

### **1.0 DEVELOPMENT ADJACENT TO THE SEINE RIVER, SEINE RIVER DIVERSION AND WATERCOURSES FEEDING INTO THESE WATERWAYS**

- 1.1 Riverbank lands along the **Seine River**, **Seine River diversion** and **watercourses** feeding into the Seine River and diversion shall generally be preserved in their natural state. In general, little or no development shall take place in the riverbank lands.
- a. When approving new subdivisions adjacent to the **Seine River**, **Seine River diversion** and **watercourses** feeding into the Seine River and diversion, **Council** may require a right of way agreement to provide access for future watercourse and bank maintenance;
  - b. Clearing of trees and the removal of natural vegetation shall not occur within two hundred (**200**) feet of the riverbank lands from the normal high water mark of the **Seine River**. Normal maintenance of treed areas, including the removal of deadfall, is excepted,
  - c. No permanent building or structure greater than one hundred (**100**) square feet shall be constructed or located within a horizontal distance of at least ten (**10**) times the height of the bank above the channel grade or two hundred (**200**) feet from the high water mark, whichever is the greater, of the **Seine River** unless an engineering investigation indicates that the distance may be reduced. Bank stabilization works with approval from **Council** are excepted from this provision;
  - d. The minimum setback requirement for the **Seine River** for lagoons, waste disposal grounds and other similar uses or activities which may have the effect of polluting the water or causing bank erosion shall be determined by **Council** based upon appropriate Provincial Regulations and upon recommendations from the **appropriate** Department of the **Province of Manitoba**;
  - e. Where the development or the use of riverbank lands may have a detrimental effect on water quality or could alter, obstruct or increase flood velocities or stages of the **Seine River**, **Council** may reject or approve certain conditions recommended by the appropriate **Department** of the **Province of Manitoba**; and
  - f. Activities such as dumping, excavation, cultivation or excessive grazing at the riverbank lands, which will accelerate or promote dangerous erosion or bank instability, shall be prohibited.

### **DEVELOPMENT ADJACENT TO WASTE DISPOSAL GROUND, LAGOON, ETC.**

- 1.2
- a. No dwellings, mobile homes or other habitable buildings shall be constructed or located within one thousand three hundred and twelve (**1312**) feet of the **Ste. Anne Waste Disposal Ground** or any active or abandoned waste disposal grounds;
  - b. In the case of an abandoned waste disposal ground, development may be permitted if it can be demonstrated by a geotechnical specialist that there will be no unacceptable risks presented by the migration of methane gas or other unfavourable subsoil conditions. **Council** shall base its decision upon recommendation by the appropriate **Department** of the **Province of Manitoba**;
  - c. No dwellings, mobile homes or other habitable buildings shall be constructed or located within one

thousand (**1000**) feet of any sewage treatment plant or lagoon; and

- d. New sites containing waste disposal grounds, sewage treatment plants or lagoons shall not be located within one thousand three hundred and twelve (**1312**) feet of an existing isolated dwelling; or within one thousand five hundred (**1500**) feet of any existing residential / settlement centre areas designated in the ***R.M. of Ste. Anne Development Plan***, schools, hospitals and churches.

## **HAZARDOUS AND UNSUITABLE LANDS (INCLUDING LANDS SUBJECT TO FLOODING) FOR DEVELOPMENT**

### **GENERAL REGULATIONS**

- 1.3 Any area which has been identified either by **Council** or upon recommendation by the appropriate **Department** of the **Province of Manitoba** as subject to erosion, bank instability, landslide, flooding or subsidence shall only be used for open space or agricultural cropping. Any other type of development shall not be permitted until it is proven, to the satisfaction of **Council**, that the use is compatible with the risk or the hazard has been eliminated. **Council** may require an impact study before making a decision.
  - a. In areas where the specific hazard has not been defined, permanent buildings or structures, including accessory buildings, shall be set back from all waterways a distance of at least ten (**10**) times the height of the bank above channel grade or two hundred (**200**) feet from the high water mark, whichever is the greater, unless an engineering investigation shows that these limits may be reduced;
  - b. No building or structure shall be erected after the effective date of this **By-Law**, or amendments thereto, on any land which may be subject to flooding unless the following can be provided:
    - i. Evidence satisfactory to **Council** that the land is not subject to flooding;
    - ii. Approval from the **Council** that public facilities and services can be provided and landfill may be carried on if required for development; and
    - iii. Recommendations from the appropriate **Department** of the **Province of Manitoba**.
  - c. In no case shall a dwelling, mobile home or other habitable building be permitted in an area subject to flooding, unless some special provisions or arrangements with regard to the site or the type or design of building to be erected are made and then only if, in the opinion of **Council**, if it is suitable to the circumstances.

### **DEVELOPMENT IN THE VICINITY OF TRANS CANADA PIPELINES**

- 1.4 Development proposals within the vicinity of a compressor station or within thirty-five (**35**) feet of a pipeline right-of-way shall not be allowed without the prior referral to Trans Canada Pipelines.

### **LIVESTOCK OPERATIONS**

- 1.5 a. The establishment of new livestock operations, after the date of the adoption of this by-law, must adhere to setbacks identified in Table VI-6 of Part VI and to the site requirements for the respective Zone in which the land is located. As per policy 5.5.12 of the RM of Ste. Anne Development Plan no new livestock operations shall not establish within 1000 feet of the Urban Buffer Line. (These setback are mutually applied to new residences wishing to establish in proximity to a livestock operation.) Council may consider variations to these requirements based on unique circumstances of an individual application and *where permitted by The Planning Act*.

- b. Expansions to existing livestock operations, that were a minimum of ten (10) a.u. prior to the establishment of this by-law, must meet setbacks identified in Table VI-6 of Part IV and to the site requirements for the respective Zone in which the land is located. Council may consider variations to these requirements based on unique circumstances of an individual application *and where permitted by The Planning Act*.
- c. In addition to setbacks identified in Table VI-6 and Table VI-8, all new animal housing structures must be setback a minimum of one thousand (**1000**) feet from the Seine River, as is shown on Zoning Map.

## PART VI - ZONES

### 1.0 ZONING

1.1 In order to carry out the intent and purpose set forth in **section 2** of **PART I**, the following zones are hereby established:

a. **Urban / Residential Zones:**

i. **"GD" General Development Zone** (see TABLES VI-1 & VI-2)

**"GD" General Development Zone** provides areas for a mixture of residential, commercial and industrial uses in the settlement centres of Greenland, La Coulee, and Giroux. Residential uses such as low density, single family dwellings and multiple family dwellings will be considered as well as a variety commercial and inoffensive industrial uses.

ii. **"R" Residential General Zone** (see TABLES VI-3 & VI-4)

**"R" Residential General Zone** provides areas for residential uses in Richer only.

iii. **"RR" Rural Residential Zone** (see TABLES VI-3 & VI-4)

**"RR" Rural Residential Zone** provides areas for non farm residential development utilizing on-site sewer and water services.

iv. **"RR5" Rural Residential 5 Zone** (see TABLES VI-3 & VI-4)

**"RR5" Rural Residential 5 Zone** provides areas for residential development on minimum sites of at least 5 acres that utilize on-site sewer and water services.

v. **"RMH" Residential Mobile Home Zone** (see TABLES VI-3 & VI-4)

**"RMH" Residential Mobile Home Zone** provides areas for the placement of mobile homes within a mobile home park or a mobile home subdivision which is serviced by a central sewage system, holding tanks or other approved system.

b. **Rural Zones:**

i. **"A" Agriculture Zone** (see TABLES VI-5, VI-6 & VI-8)

**"A" Agriculture Zone** provides for a wide range of agricultural activities on large parcels of land in a fairly unrestricted manner. Special and intensive agricultural uses may be allowed on smaller parcels of land.

ii. **"AL" Agricultural Limited Zone** (see TABLES VI-5 & VI-8)

**"AL" Agricultural Limited Zone** provides for limited agricultural uses within the urban areas (LUD of Richer) which may be developed for future urban uses.

iii. **"RM" Rural Mixed Zone** ( see TABLES VI-5 & VI-8)

**"RM" Rural Mixed Zone** provides for the accommodation and regulation of certain

agricultural activities in areas where general agricultural activities such as livestock production operations are restricted due to the presence of smaller, non farm residential holdings, recreational areas and areas of poor capability agricultural soils. Hobby farms and home industries may be allowed in this *Zone*.

iv. **"NE" Natural Environment Zone (see TABLE VI-9)**

**"NE" Natural Environment Zone** provides for the protection of those lands that hazardous and unsuitable for development which are subject to flooding, erosion, landslide or subsidence, or being low-lying unstable or otherwise unsuitable or hazardous for general development by virtue of their soils, topography or other unique conditions. Only non-intensive type uses and some dwellings, on the basis of hobby farm development, may be allowed.

c. **Rural / Urban Industrial/ Commercial Zones:**

i. **"CR" Commercial Recreation Zone (see TABLES VI-10 & VI-11)**

**"CR" Commercial Recreation Zone** provides for a wide range of commercial recreational resort uses, including transient accommodation and related retail uses in the municipality.

ii. **"GC" General Commercial Zone (see TABLES VI-12 & VI-13)**

**"GC" General Commercial Zone** provides for multi functional commercial uses such as retail and personal service, social and cultural land uses within the municipality.

iii. **"HC" Highway Commercial Zone (see TABLES VI-12 & VI-13)**

**"HC" Highway Commercial Zone** provides areas for those commercial and related uses requiring large site areas and appropriately located on major roadways to provide commercial services to travelers and residents of the municipality.

iv. **"RIC" Rural Industrial Commercial Zone (see TABLES VI-14 & VI-15)**

**"RIC" Rural Industrial Commercial Zone** provides areas for those commercial and industrial uses requiring large site areas in both rural and urban areas. Such uses are provided for in rural areas under policy 5.1.2.3 of the Rural Municipality of Ste. Anne Development Plan

## **ZONING MAP**

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

## **REGISTERED PLANS**

- 2.2 All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

### **3.0 ZONE BOUNDARIES**

#### **INTERPRETATION OF ZONE BOUNDARIES**

- 3.1 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 public utility rights-of-way may be within *Zone* boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of way;
  - b. Boundaries indicated as following the centre lines of streets, highways or lanes shall be construed to follow such centre lines or as otherwise indicated on a map;
  - c. Boundaries indicated as following site lines on a registered plan shall be construed as following such site lines;
  - d. Boundaries indicated as following the Rural Municipality of Ste. Anne limits shall be construed as following the Municipality's limits;
  - e. Boundaries indicated as following the centre line 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, or as otherwise shown on **APPENDIX "A"** attached hereto;
  - f. If a street or lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane shall be included within the zone of the adjoining land. If the said street or lane was a zoning boundary between two or more different zones, the new zoning boundary may include the particular *Zone* as determined by Council.

### **4.0 USE AND BULK REQUIREMENT TABLES**

- 4.1
- a. Use tables show uses that are "**P**" **permitted** and "**C**" **conditional** for each respective *Zone*. Uses not listed are not allowed; and
  - b. All bulk requirement table references are in **feet (ft)**, **square feet (sf)** and **acres (ac)**.
- 4.2 The provisions pertaining to this **PART** shall regulate:
- a. All structures erected hereafter;
  - b. All uses of land and structures established hereafter;
  - c. All structural alterations or relocations of existing structures occurring hereafter; and
  - d. All enlargement of, or additions to existing structures, or uses.

<b>TABLE VI – 1: GENERAL DEVELOPMENT ZONE USE TABLE</b>	<b>PERMITTED “P” CONDITIONAL “C”</b>
Accessory uses, buildings and structures (see <b>section 1.4 and 1.5 of PART IV</b> )	<b>P</b>
Agri-business	<b>C</b>
Agricultural support industry	<b>C</b>
Agricultural implement sales / service	<b>C</b>
Amusement hall / theatre	<b>C</b>
Animal shelter and veterinary service	<b>C</b>
Automotive and equipment repair shop	<b>C</b>
Automotive and recreational vehicle sales / service	<b>C</b>
Bar / Lounge	<b>C</b>
Club, recreation	<b>C</b>
Bed and breakfast	<b>P</b>
Business support service	<b>P</b>
Car broker	<b>C</b>
Cemetery	<b>C</b>
Condominiums ( <b>see sections 12.3 and 12.4 of PART IV</b> )	<b>C</b>
Commercial school	<b>C</b>
Community recreation service/ arena	<b>P</b>
Convenience retail store	<b>P</b>
Custom manufacturing	<b>C</b>
Day care, licensed	<b>P</b>
Drive-in establishment	<b>C</b>
Single-family dwelling / mobile home (see section 5.9 PART II)	<b>P</b>
Two-family Dwelling	<b>P</b>
Three and four-family dwelling,	<b>C</b>
Multiple-family dwelling,	<b>C</b>
Eating and drinking establishment	<b>C</b>
Fleet service	<b>C</b>
Funeral service	<b>C</b>
Garden suite as an accessory use ( <b>see section 8.1 of PART IV</b> )	<b>C</b>
Gas bar / service station	<b>C</b>
General contractor service	<b>P</b>
General industrial	<b>C</b>
General storage	<b>C</b>
Greenhouse / plant and nursery sales	<b>P</b>
Group home <sup>1</sup>	<b>P</b>
Group residence	<b>C</b>
Health service	<b>P</b>
Home occupation ( <b>see section 6.1 of PART IV</b> )	<b>P</b>
Home industry ( <b>see section 7.1 of PART IV</b> )	<b>P</b>
Hospital	<b>C</b>
Hotel / motel	<b>C</b>
House: boarding, lodging or rooming	<b>C</b>
Indoor participant service (see section 2.59 PART II)	<b>P</b>
Industrial vehicle and equipment sales and / or rentals	<b>C</b>
Institutional residence	<b>C</b>
Leisure facility	<b>C</b>
Light Industrial	<b>C</b>

Manufacturing facility	C
Mini warehouse and self storage	P
Mobile home dwelling	P
Outdoor participant recreation service (see section 2.72 PART II)	
Park	P
Personal service shop	P
Planned unit developments / condominiums (see section 12.3 & 12.4 PART IV)	C
Previously inhabited/ used dwelling or building (see section 2.85 PART II)	C
Processing use	C
Professional, financial and office support services	P
Public/Private education service	P
Public library and cultural exhibit	P
Public Utility and associated buildings	P
Recycling depot	C
Religious assembly	P
Residential care facility	C
Retail sales	P
Rooming and lodging houses	C
RTM – Ready to move home (new construction only)	P
Senior citizen home	P
Signs (see <b>section 2.1</b> of <b>PART IV</b> )	P
Small scale industrial	C
Spectator entertainment establishment	C
Storage building and warehouse	C
Temporary buildings and uses (see section	C
Transportation terminal	C
Truck and mobile home sales / service / rentals	C
Trucking operation	C
Previously used buildings	C
Vehicle / equipment rental	C
Warehouse, including sales	C

1 New Group Homes are not permitted to establish within 1000 feet of an existing group home



**TABLE VI – 2: GENERAL DEVELOPMENT ZONE BULK REQUIREMENT TABLE**

Uses	Accessory use category	Minimum requirements				
		Site area	site width (ft)	front yard (ft)	side yard (ft)	rear yard (ft)
outdoor participant recreation service (see section 2.72 PART II)	A	As determined by Council				
Single-family / mobile home dwelling (serviced) <sup>1</sup>	A,J,L	6,000 sf	50	30	5	5
Single-family / mobile home dwelling (unserviced) <sup>2</sup>	A,J,L, Q	2 ac	200	30	25	25
Two-family dwelling (serviced) <sup>1</sup>	A, P	7,500 sf	60	30	5	5
Two-family dwelling (unserviced) <sup>2</sup>	A,Q	2 ac	200	30	25	25
Multiple-family dwelling <sup>3</sup>	A, P	As determined by Council				
Hotel/ motel unserviced *	A, B, C, G, J, S	3 acres	200	30	25	25
Indoor participant recreation services (unserviced) <sup>2</sup> (see section 2.59 of PART II)	A, B, C, D	2 ac	200	30	25	25
Religious assembly	A, B, C	10,000 sf	100	30	10	25
Funeral service	A, B, C, D,F	10,000 sf	100	30	10	25
Cemetery	A, C, D	2 ac	200	30	5	25
Manufacturing facility (unserviced)	A, C, G, H,I,J	10,000 SF	100	30	10	25
Retail sales	A, B, C, G, I,J	10,000 sf	100	30	10	25
Storage building and warehouse	A, B, C, I,J	10,000 sf	100	30	10	25
Public Utility / associated buildings	A,C	As determined by Council				
Other GD Uses (serviced) <sup>1</sup>	A, B, C, G, J, Q, S	10,000 sf	100	30	10	25
Other GD Uses (unserviced) <sup>2</sup>	A, B, C, G, J, S	2 ac	200	30	25	25

\*if the proposed hotel/ motel exceeds 20 sleeping units the site area increases by 1 acre and by 1 acre for each additional 5 sleeping units

<sup>1</sup> Connected to a municipally operated sewage system or where a pump-out tank is utilized

<sup>2</sup> Where an on-site wastewater management system is utilized

<sup>3</sup> Site area minimum requirements are based on the number of dwelling units as follows:

**TABLE VI - 3: RESIDENTIAL ZONES USE TABLE**

USES	ZONES			
	RURAL RESIDENTIAL "RR"	RURAL RESIDENTIAL 5 "RR5"	RESIDENTIAL GENERAL "R"	RESIDENTIAL MOBILE HOME "RMH"
<b>LEGEND: "P" PERMITTED "C" CONDITIONAL "- NOT PERMITTED</b>				
Accessory uses, buildings and structures (see sections 1.4 and 1.5 of PART IV)	P	P	P	P
Single-family dwellings, including modular homes	P	P	P	C
RTM – ready to move homes – (new construction only)	P	P	P	P
Two-family dwellings	-	-	P	-
Multiple-Family Dwellings	-	-	C	-
<b>Garden Suite (subject to prior approval by Conservation)</b>	C	C	C	-
<b>Group Home <sup>1</sup></b>	P	P	P	-
Senior citizen homes	-	-	C	-
Planned Unit Developments (see sections 12.3 and 12.4 of PART IV)	-	-	C	-
Indoor/ Outdoor participant recreation service (see sections 2.59 and 2.72 of PART II)	P	P	P	P
Religious assembly	P	P	P	P
Mobile Home Parks (see section 13.4 of PART IV)	-	-	-	P
Mobile Homes	C	C	C	P
Previously inhabited/ used dwelling/ building (See Section 2.85 PART II)	C	C	C	c
Public Utilities and like services	P	P	P	P
Public education service	P	P	P	-
Public Buildings	C	C	P	P
Home Occupations (see section 6.1 of PART IV)	P	P	P	P
Institutional residences, residential institution, group residences	C	C	C	-
Cemeteries	C	C	C	-

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Keeping of animals for hobby farm purposes to a maximum of 3 a.u. except fowl which are to a maximum of 50 birds (roosters not permitted)	-	<b>P</b>	-	-
Parking				
Signs	See section 2.1 of PART IV			

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1. New group homes are not permitted to establish within 1000 feet of an existing group home
2. ~~Any structures associated with the keeping of animals for hobby farm purposes must be a minimum of 50 feet from the nearest property line~~

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**TABLE VI - 4: RESIDENTIAL ZONES BULK TABLE**

PERMITTED OR CONDITIONAL USES	ZONES	MINIMUM REQUIREMENTS					
		ACC. USE CLASS	SITE AREA (ac) (sf)	SITE WIDTH (ft)	FRONT YARD (ft) (a)	SIDE YARD (ft) (a)	REAR YARD (ft)
Single-family dwellings (including RTM, mobile homes and previously used residences)	RR	A, M, N, L	2 ac	200	100	25	25
	RR5(g)	A, M, N, L, O	5 ac	300	100	25	25
	R (b)	A, N L	2 ac	200	25	10	25
	RMH	A,	6000 sf	60	25	10	25
Two-family dwellings	R (b)	A	2 ac	200	25	10	25
Senior citizen homes	R	A, B	2 ac	200	25	10	25
Multiple-family dwellings	R (e)	A,	2 ac	200	25	10	25
Planned Unit Developments (see section 12.3 PART IV)	R	see section 8(e) of this PART					
Religious Assembly	RR	A, B, C	2 ac	200	100	25	25
	RR5	A, B, C	2 ac	200	100	25	25
	R	A, B, C	2 ac	100	25	10	25
	RMH	A, C	as determined by Council				
Indoor/ Outdoor Recreation Service (see sections 2.59 and 2.72 of PART II)	RR	A, B, C, D	as determined by Council				
	RR5	A, B, C, D					
	R	A, B, C, D					
	RMH	A, B, C, D					

PERMITTED OR CONDITIONAL USES	ZONES	MINIMUM REQUIREMENTS					
		ACC. USE CLASS	SITE AREA (ac) (sf)	SITE WIDTH (ft)	FRONT YARD (ft) (a)	SIDE YARD (ft) (a)	REAR YARD (ft)
Mobile Homes (see section 5.9 PART II)	RR	A, J, L,	2 ac	200	100	25	25
	RR5	A, J, L,	2 ac	200	100	25	25
	R (b)	A, J, L	2 ac	200	25	10	25
	RMH	A	6000 sf	60	25	10 (d)	25
Public Utilities and like services	RR	A, C	as determined by Council				
	RR5	A, C					
	R	A, C					
	RMH	A, C					
Public / private education service	RR	A, B, C, G, J	5 ac	300	100	25	25
	RR5	A, B, C, G, J	5 ac	300	100	25	25
	R	A, B, C, G, J	5 ac	300	100	25	25
Institutional residences Group homes (f)	RR	A, B, C, G, J	2 ac	200	100	25	25
	RR5	A, B, C, G, J	5 ac	300	100	25	25
	R	A, B, C, G, J	2 ac	200	25	25	25
Cemeteries	RR	A, C, D	2 ac	200	100	25	25
	RR5(g)	A, C, D	5 ac	300	100	25	25
	R(b)	A, C, D	2 ac	200	25	10	25

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The following explanations and exceptions apply to **TABLE VI- 4: RESIDENTIAL BULK TABLE:**

- (a) Buildings, structures, fences, hedges and plantings adjacent to **Provincial Roads** and **Provincial Trunk Highways** and their centres of intersection shall have a setback in accordance with the regulations and requirements of the **Highway Protection Act** and the **Highway Department Act** or as varied from time to time;
- (b) For sites proposing an approved alternate form of wastewater management not requiring a larger site area, the site requirements can be reduced as follows:

Site area	Site width	Front yard	Side yard	Rear yard
6000 sf	60	25	10	25

- (c) The minimum front yard requirement for an accessory building or structure shall be the same as the minimum front yard requirement for the principal use of the site.
- (d) On that side of a mobile home containing the main entrance and / or window to the living room, the side yard shall be a minimum of twenty (20) feet; and

(e)

No. of dwelling units	Serviced	Unserviced
3	10,000 sf	2 ac
4	10,000 sf	3 ac
5	Increase by 1,000 sf for each additional dwelling unit	4 ac
6	Increase by 1,000 sf for each additional dwelling unit	5 ac

(f) New group homes are not permitted to establish within 1000 feet of an existing group home

(g) Any structures associated with the keeping of animals for hobby farm purposes must be a minimum of 50 feet from the nearest property line

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**TABLE VI - 5: RURAL MIXED/ AGRICULTURAL LIMITED / AGRICULTURE ZONES USE TABLE**

USES	ZONES		
	AGRICULTURE "A"	RURAL MIXED "RM"	AGRICULTURE LIMITED "AL"
<b>LEGEND:</b> "P" PERMITTED "C" CONDITIONAL "-" USE NOT PERMITTED			
Accessory buildings, structures and uses (see sections 1.4 & 1.5 of PART IV)	P	P	P
Agricultural activities and uses customarily incidental to an agricultural use including single family dwellings and dormitories, but not including livestock production operations (see section 9.3 of PART II)	P	P	P
Specialized Agricultural Activities such as, but not limited to, Apiculture, Nurseries, Horticulture and Greenhouses (see section 9.25 of PART II)	P	P	C
Agro commercial services including product processing, storage, bulk / propane / fertilizer / chemical sales and storage grain elevators, seed cleaning plants, grain and feed milling and similar uses	C	C	-
New / expanding livestock operations less than 80 a.u.	P	P	-
New livestock operations greater than 80 a.u. or equal to 80 a.u. and up to 150 a.u.	P	C	-
Expanding livestock operations greater than 80 a.u.	N / A	C	-
New / expanding livestock operations less than 200 a.u.	P	N / A	-
New / expanding livestock operations greater than or equal to 200 a.u.	C	N/A	-
Agricultural and community fairs, exhibitions (see section 9.4 of PART II)	C	-	-
Aircraft landing strips (see section 2.9 PART II)	C	C	C
Animal hospitals and veterinary clinics	C	C	C
Auction marts – livestock	C	-	-
Cemeteries, crematoriums, and mausoleums	C	C	-
Religious assembly	-	P	-
<b>Indoor/ Outdoor Participant Recreation Service (see sections 2.72 and section 2.59 PART II)</b>	-	C	P
Single-family dwellings, including Mobile Homes, RTMs and modular homes (new construction only) on existing lots of record *	P	P	P
Single-family dwellings, including mobile homes, RTMs and modular homes (new construction only) on sites created pursuant to section 5.2.2.1 of PART 5 of the Ste. Anne Development Plan *	P	P	P
Garbage or waste disposal grounds (see section 10.2 of PART IV)	C	-	-

USES	ZONES		
	AGRICULTURE "A"	RURAL MIXED "RM"	AGRICULTURE LIMITED "AL"
<b>LEGEND:</b> "P" PERMITTED "C" CONDITIONAL "_" USE NOT PERMITTED			
Garden Suite as an accessory use (subject to approval by Manitoba Conservation)	C	C	C
Hobby farms on sites created pursuant to section 5.2.2.3 of PART 5 of the Ste. Anne Development Plan	-	P	-
Home occupations (see sections 6.1 & 6.2 of PART IV)	P	P	P
Home industry (see section 7.1 of PART IV and section of PART II)	P	P	-
Agricultural implement and machinery shops, including sales and service	C	C	C
Landscape contractors, including soil storage	C	C	C
Mineral extraction operations, including peat, sand and aggregate, quarries (see section 5.5 of PART IV)	C	C	C
Previously inhabited/ used dwelling or building (see definition 2.85)	C	C	C
Public Buildings, Utilities and like services	P	P	P
Residential Institutions	C	C	C
Group homes <sup>1</sup>	C	P	P
Top Soil Removal (see section 2.2 of PART IV)	-	C	-
Sewage Disposal Lagoons - Public, including Treatment Plants (see section 10.2 of PART IV)	C	C	C
Stables, private (see section 9.27 of PART II)	P	P	C
Stables, public (see section 9.28 of PART II)	(as considered under the provisions for <b>Livestock Production Operations</b> based on the no. of <b>animals</b> and <b>animal units</b> (see section 1.5 of PART V and TABLES VI -6, VI- 7, VI-8 of this PART)		
Wind farms (see section 14.1 of PART IV)	C	C	-
Hobby Farm	P	-	P
Signs (see section 2.1 of PART IIV)	P	P	P

\* must also adhere to separation distances identified in table VI-6

1. New group homes are not permitted to establish within 1000 feet of an existing group home

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**TABLE VI-6: RESIDENTIAL / DESIGNATED RESIDENTIAL AREAS MUTUAL SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS**

Size of Livestock Operation in Animal Units	Separation Distance in Feet from Single Residence		Separation Distance in Feet from Designated Areas	
	To Earthen Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility
10 – 100	656	328	2625	1739
101 – 200	984	492	3937	2625
201 – 300	1312	656	5249	3511
301 – 400	1476	738	5906	3937
401 – 800	1640	820	6561	4364
801 – 1600	1968	984	7874	5249
1601 – 3200	2297	1148	9186	6135
3201 – 6400	2625	1312	10499	6988
6401 – 12800	2953	1476	11811	7874
> 12800	3281	1640	13123	8760



**TABLE VI-7: Animal Unit Summary Table**

	<b>A.U. Produced By One Livestock</b>	<b>Livestock Producing One A.U.</b>
<b>Dairy</b> Milking cows, including associated livestock	2.000	0.5
<b>Beef</b>		
Beef cows, including associated livestock	1.250	0.8
Backgrounder	0.500	2
Summer pasture/replacement heifers	0.625	1.6
Feeder cattle	0.769	1.3
<b>Pigs</b>		
Sows, farrow to finish (110-115 kg)	1.250	0.8
Sows, farrow to weanling (up to 5 kg)	0.250	4
Sows, farrow to nursery (23 kg)	0.313	3.2
Weanlings (5-23 kg)	0.033	30
Growers/finishers (23-113 kg)	0.143	7
Boars (artificial insemination operations)	0.200	5
<b>Chickens</b>		
Broilers	0.0050	200
Roasters	0.0100	100
Layers	0.0083	120
Pullets	0.0033	300
Broiler breeder pullets	0.0033	300
Broiler breeder hens	0.0100	100
<b>Turkeys</b>		
Broilers	0.010	100
Heavy toms	0.020	50
Heavy hens	0.010	100
<b>Horses</b> Mares, including associated livestock	1.333	0.75
<b>Sheep</b>		
Ewes, including associated livestock	0.200	5
Feeder lambs	0.063	16
<b>Other livestock or operation type</b> -Please inquire with your local Manitoba Agriculture, Food and Rural Initiatives GO Team office.		

**TABLE VI - 8: RURAL MIXED/ AGRICULTURAL LIMITED AND AGRICULTURE ZONES BULK TABLE**

PERMITTED OR CONDITIONAL USES	ZONES	ACC. USE CLASS	MINIMUM REQUIREMENTS				
			SITE AREA (acres)	SITE WIDTH (ft)	FRONT YARD (ft)	SIDE YARD (ft)	REAR YARD (ft)
Accessory buildings, structures and uses (see section 1.4 and 1.5 of PART IV)	A RM AL				125	25	25
Agricultural activities and uses customarily incidental to an agricultural use including single family dwellings and dormitories, but not including livestock production operations (see section 9.3 of PART II)	A RM AL	A, B, C, D, E, G, J, K, L, M, N, Q	80 40 40	1000 600 600	125 125 125	25 25 25	25 25 25
Specialized agricultural activities (see section 9.25 of PART II)	A RM AL	A, B, C, D, E, G, J, L, M, Q,	10 10 10	300 300 300	125 125 125	25 25 25	25 25 25
Agro commercial services including product processing, storage, bulk / propane / fertilizer / chemical sales and storage, grain elevators, seed cleaning plants, grain and feed milling and similar uses	A	A, B, C, D, G, H, J, Q	5	300	125	25	25
New / expanding livestock operations, including public stables, less than 80 a.u. in size	RM	A, B, C, D, E, F, G, J, K, L, M, Q	40	As determined by Council			
New livestock operations greater than 80 a.u. to 150 a.u. in size	RM	A, B, C, D, E, F, G, J, K, L, M, Q	40	As determined by Council			
Expanding livestock operations greater than or equal to 80 a.u. in size	RM	A, B, C, D, E, F, G, J, K, L, M, Q	40	1000	125	125	125
New / expanding livestock operations less than 200 a.u.	A	A, B, C, D, E, F, G, J, K, L, M, Q	80	As determined by Council			
New / expanding livestock operations greater than or equal to 200 a.u. in size	A	A, B, C, D, E, F, G, J, K, L, M, Q	80	As determined by Council			
Agricultural and community fairs and exhibitions	A	A, C, D, G, J	5	300	125	50	50
Aircraft landing strips (see section 2.9 PART II)	A RM AL	A, C, D, J, Q	12	200	125	50	50
Animal Hospitals and Veterinary Clinics	A AL	A, B, C, D, F, G, H, M, Q,	2 2	200 200	125 125	25 25	25 25

PERMITTED OR CONDITIONAL USES	ZONES	ACC. USE CLASS	MINIMUM REQUIREMENTS				
			SITE AREA (acres)	SITE WIDTH (ft)	FRONT YARD (ft)	SIDE YARD (ft)	REAR YARD (ft)
Auction Marts - livestock	A	A, B, C, D, G, Q	5	300	125	25	25
Religious Assembly	RM AL	A	2	200	125	25	25
Indoor/ Outdoor Participant Recreation Service (see sections 2.59 and 2.73 of PART II)	RM AL	A, B, C, D, Q	2	200	125	25	25
Single-family dwellings, including mobile homes, RTMs and modular homes on existing lots of record *	A	A, Q, R	2	200	125	25	25
	RM		2	200	125	25	25
	AL		2	200	125	25	25
Single-family dwellings, including mobile homes, RTMs and modular homes on sites created pursuant to <b>section 5.2.2.1 of PART 5 of the Ste. Anne Development Plan *</b>	A	A, Q, R	2	200	125	25	25
	RM		2	200	125	25	25
			2	200	125	25	25
Group homes	A RM AL	A, Q	2	200	125	25	25
Garbage or Waste Disposal Grounds (see section 10.2 of PART IV)	A	as determined by Council					
Single-family dwellings and hobby farms on sites created pursuant to <b>section 5.2.2.3 of PART 5 of the Ste. Anne Development Plan. *</b>	RM	A, Q, R	5	300	125	25	25
Mineral Extraction Operations, including Peat, Sand and Gravel Pits (see section 5.5 of PART IV)	A RM AL	as determined by Council					
Public Buildings, Utilities and like services	A RM AL						
Sewage disposal lagoons - Public, including treatment plants (see section 10.2 of PART IV)	A RM AL		10	400	200	50	50
Stables, private & public (see sections 9.27 & 9.28 of PART II)	A	A, B, C, Q,	80	1000	125	25	25
	RM		40	600	125	25	25
	AL		40	600	125	25	25
Cemeteries	A RM	A, C, D	2 ac	200	125	25	25
Wind farms (see section 14.1 PART IV)	A RM	as determined by Council					

\* must also adhere to separation distances identified in table VI-6

1. New group homes are not permitted to establish within 1000 feet of an existing group home

**TABLE VI - 9: NATURAL ENVIRONMENT ZONE USE TABLE**

USES		
LEGEND:	<p><b>“P” PERMITTED</b>  <b>“C” CONDITIONAL</b>  <b>“-” NOT PERMITTED</b></p>	NATURAL ENVIRONMENT “NE”
Accessory buildings, structures and uses (see section 1.4 & 1.5 of PART IV)		<b>P</b>
Signs (see section 2.1 of PART IV)		<b>P</b>
Aircraft landing areas (see section 2.9 of PART II)		<b>C</b>
Camp Ground		<b>C</b>
Cemeteries		<b>C</b>
Commercial soil removal		<b>C</b>
Fish farming and fish hatcheries		<b>C</b>
Flood and water control works or projects, including floodways, flood plains, flood risk areas, flood overflow, dykes, dams, etc.		<b>P</b>
Garden Suite as an accessory use (subject to approval by Manitoba Conservation)		<b>C</b>
Land fill (see section 10.2 of PART IV)		<b>C</b>
Keeping of animals (1 a.u. per acre to a maximum of 10 a.u.)		<b>C</b>
Home Occupations (see section 6.1 of PART IV)		<b>P</b>
Mineral Extraction Operations including Peat, Sand and Gravel Pits (see section 5.5 of PART IV)		<b>C</b>
Outdoor participant recreation services (see section 2.73 of PART II)		<b>P</b>
Public utilities and like services		<b>P</b>
Previously inhabited/ used dwelling or building		<b>C</b>
Sewage disposal lagoons - public including treatment plants (see section 10.2 of PART IV)		<b>C</b>
Single-family dwellings on lots of record new construction only		<b>P</b>
Single-family dwellings and hobby farms on sites created pursuant to section 5.2.2.3 of PART 5 of the Ste. Anne Development Plan new construction only.		<b>P</b>

PERMITTED OR CONDITIONAL USES	ACC. USE CLASS	MINIMUM REQUIREMENTS				
		SITE AREA (acres)	SITE WIDTH (ft)	FRONT YARD (ft)	SIDE YARD (ft)	REAR YARD (ft)
Accessory buildings, structures and uses (see section 1.4 & 1.5 of PART IV)				125	25	25
Aircraft landing areas (see section 2.9 PART II)	A, C, D, J, Q	12	200	125	50	50
Camp Ground	A, B, C, D, G, H, J, Q	5	300	125	25	25
Cemeteries	A, B, C, D, E, F, G, J, K, L, M, Q	As determined by Council				
Commercial soil removal	A, B, C, D, E, F, G, J, K, L, M, Q	As determined by Council				
Fish farming and fish hatcheries	A, B, C, D, E, F, G, J, K, L, M, Q,	5	300	125	25	25
Flood and water control works or projects, including floodways, flood plains, flood risk areas, flood overflow, dykes, dams, etc.	A	As determined by Council				
Land fill (see section 10.2 of PART IV)	A, B, C, D, E, F, G, J, K, L, M, Q	As determined by Council				
Mineral Extraction Operations including Peat, Sand and Gravel Pits (see section 5.5 of PART IV)	A	As determined by Council				
Outdoor participant recreation services	A, B, C, D, Q	2	200	125	25	25
Public utilities and like services	A	As determined by Council				
Sewage disposal lagoons - public including treatment plants (see section 10.2 of PART IV)	A	As determined by Council				
Single-family dwellings on lots of record	A, Q, R	2	200	125	25	25
Single-family dwellings and hobby farms on sites created pursuant to section 5.2.2.3 of PART 5 of the Ste. Anne Development Plan.	A, Q, R	2	200	125	25	25

**TABLE VI – 10: COMMERCIAL RECREATION RESORT ZONE  
USE TABLE**

USES		ZONE
<b>LEGEND:</b>	<p>“P” PERMITTED</p> <p>“C” CONDITIONAL</p> <p>“-” USE NOT PERMITTED</p>	COMMERCIAL RECREATION RESORT ZONE “CRR”
Accessory buildings, structures and uses ( <b>see section 1.4 &amp; 1.5 of PART IV</b> )		P
Retail Sales and Service including foods, crafts, general merchandise, snowmobiles, recreational vehicles and similar uses		C
Transient accommodation including motels and hotels		C
Camp Ground		C
Golf Courses, including Driving Ranges		P
Outdoor participant recreation services (see section 2.73 PART II)		P
Conference Centres		C
Restaurants, MLCC Licensed Facilities		C
Commercial Guest Ranches		C
Riding Academies (establishment of stable facilities subject to provisions under <b>PART VI</b> as these pertain to <b>Livestock Production Operations</b> )		C
Trails, including snowmobile, cross country skiing, hiking, horseback riding and like uses		P
Racing sites including motorcycle, snowmobiles		C
Parking and loading		
Signs ( <b>see section 2.1 of PART IV</b> )		P

**TABLE VI – 11: COMMERCIAL RECREATIONAL RESORT BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS					
	ACC. USE CLASS	SITE AREA (acres)	SITE WIDTH (ft)	FRONT YARD (ft)	SIDE YARD (ft)	REAR YARD (ft)
Accessory buildings, structures and uses(see section 1.4 & 1.5 of PART IV)				125	25	25
Transient Accommodation including Motels and Hotels	A, B, C, D, I	5	200	100	25	25
Camp Ground	A, B, C, D, I	10	200	100	25	25
Golf Courses	A	40	600	100	25	25
Outdoor participant recreation services (see section 2.73 PART II)	<b>as determined by Council</b>					
Conference Centers	A, B, C, D, G, I	5	300	100	25	25
Restaurants, MLCC Licensed Facilities	A, B, C, D,	5	200 200	100 100	25 25	25 25
Retail Sales and Service including foods, crafts, general merchandise, snowmobiles, recreational vehicles and similar uses	A, B, C,	5	200	100	25	25
Commercial Guest Ranches	A, B, C, D,	40	600	100	25	25
Riding Academies / public stable	A, B, C, D	40	600	100	25	25
Trails		40	600	100	25	25
Racing sites	<b>as determined by Council</b>					

**TABLE VI- 12: COMMERCIAL ZONES USE TABLE**

USES	ZONES	
<b>LEGEND:</b> <b>“P” Permitted</b> <b>“C” Conditional</b> <b>“-“ Not Permitted</b>	GENERAL COMMERCIAL “GC”	HIGHWAY COMMERCIAL “HC”
	Accessory buildings, structures and uses ( <b>see section 1.4 &amp; 1.5 of PART IV</b> )	P
Any Retail Businesses or Service Shops if conducted within a completely enclosed building	P	P
Fertilizer and Chemical (excluding Anhydrous Ammonia, sales and storage)	-	C
Green Houses and Nurseries	P	P
Amusement Enterprises, including Bowling Alleys, Dance Halls, Theatres and similar uses if conducted within a completely enclosed building	P	P
Automobile, Boat, Mobile Home, Recreational Vehicle, Agricultural Implement, Sales and Service	P	P
Automobile Service Stations	P	P
Automotive Trades, Parts, Tires, Sales and Service	P	P
Automobile Body Shops	C	P
Banks, Financial Institutions	P	P
Bakeries	P	P
Business Colleges, Private schools operated as a commercial enterprise, music schools	P	P
Bulk Fuel and Propane, sales and service	C	C
Well Drilling Business	C	P
Camp Ground	C	P
Car / Truck Wash	P	P



Carpenter or Cabinet Shops, including wholesale manufacture, if conducted in an enclosed building	P	P
Clinics, Medical and Dental	P	P
<b>Contractors' Establishments and Yards:</b>		
contained within a completely enclosed building	P	P
with outdoor storage	-	C
Dairies and Creameries	C	C
Drive-In businesses, excluding Drive-In Theatres	C	P
Drive-In Theatres	-	P
Funeral Parlors	C	C
Hotels and Motels	P	P
Implement and Machinery Service Shops	C	P
<b>Lumber Yards and Building Materials:</b>		
Within completely enclosed building and fenced yard	P	P
With outdoor storage in fenced yards	-	P
Offices, Business and Professional	P	P
Parking	<b>see section 28 of PART III</b>	
Public Buildings	P	P
Public Utilities and services	P	P
Public Parking Areas, including Garages	P	P
Restaurants, Catering, Concessions	P	P
Shopping Centres / Strip Malls	P	P
Signs ( <b>see section 2.1 of PART IV</b> )	P	P
Truck Terminals	-	P
Veterinary Clinics and Animal Hospitals	C	P
Warehouse Facilities, Distribution, Sales and Storage	C	P

**TABLE VI - 13: COMMERCIAL USE ZONES BULK REQUIREMENTS  
TABLE**

PERMITTED OR CONDITIONAL USES	ZONES	ACC. USE CLASS	SITE AREA (sf) (ac)	SITE WIDTH (ft)	FRONT YARD (ft) (a)	SIDE YARD (ft) (a)	REAR YARD (ft) (a)
Accessory buildings, structures and uses (see section 4 of this PART and sections 8(1)(2)(3) of PART III )					(b)	(c)	25
Any Retail Business or Service Shop conducted within a completely enclosed building <b>in Richer only</b> (unless listed below)	<b>GC</b>	A, B, C, Q	5000 sf	50	0	0	25
Any Retail Business or Service Shop conducted within a completely enclosed building, <b>not including Richer</b> (unless listed below)	<b>GC</b>	A, B, C, Q	2 ac	200	100	25	25
All other principal uses (unless listed below)	<b>HC</b>	A, B, C, D	2 ac	200	125	25	25
	<b>GC</b>	A, B, C, D, F, J	2 ac	200	100	25	25
Automobile Service Stations	<b>GC</b>	A, B, C, D, F, J	2 ac	200	100	25	25
	<b>HC</b>	A, B, C, D, F, J	2 ac	200	100	25	25
Bulk Fuel and Propane	<b>HC</b>	A, C	4 ac	300	200	50	50

**EXPLANATIONS AND EXCEPTIONS TO TABLE VI - 12: COMMERCIAL USE ZONES BULK REQUIREMENTS TABLE**

The following explanations and exceptions apply to **TABLE VI - 12: COMMERCIAL USE ZONES BULK REQUIREMENTS TABLE**:

- (a) Buildings, structures, fences, hedges and plantings adjacent to **Provincial Roads** and **Provincial Trunk Highways** and their centres of intersection shall have a setback in accordance with the regulations and requirements of the **Highway Protection Act** and the **Highway Department Act**;
- (b) The minimum front yard requirement for an accessory building or structure shall be the same as the minimum front yard requirement for the principal use of the site;
- (c) The minimum side yard requirement for an accessory building or structure shall be the same as the

minimum side yard requirement for the principal use.

**TABLE VI-14: RURAL INDUSTRIAL COMMERCIAL ZONE USE TABLE**

<b>PERMITTED OR CONDITIONAL USES</b>	<b>LEGEND:</b> "P" Permitted "C" Conditional
Accessory uses, buildings and structures (see section 1.4 & 1.5 of PART IV)	P
Agricultural implement sales and services	P
Agricultural business	P
Agricultural support industry	P
Anhydrous ammonia sales and storage	P
Asphalt and concrete batching plants	C
Auction marts	P
Automobile wrecking establishments	C
Bulk fuel storage and sales	P
Contractors establishments	P
Feed mill and seed cleaning operations	P
Heavy manufacturing	P
Light manufacturing	P
Livestock auction marts	C
Lumber yards	P
Maintenance yards and machine shops	P
Public utilities	P
Rendering plants and abattoirs	C
Storage handling and or processing facilities for grains, vegetables and pulse crops	P
Truck terminals	C
Welding, machinery and repair shops	P

## **BULK REGULATIONS**

15.1 The “IC” Rural Industrial Commercial Zone bulk regulations shall be as set forth **TABLE VI – 11: RURAL INDUSTRIAL COMMERCIAL BULK TABLE.**

<b>TABLE VI-15: RURAL INDUSTRIAL COMMERCIAL ZONE BULK REQUIREMENTS TABLE</b>						
<b>Use</b>	<b>accessory use category</b>	<b>minimum requirements (acres &amp; feet)</b>				
		<b>site area</b>	<b>site width</b>	<b>front yard</b>	<b>side yard</b>	<b>rear yard</b>
Agricultural implement sales and services	A, C,Q	5	200	50	25	25
Agricultural business	A, C	5	200	50	25	25
Agricultural support industry	A, C, H	5	200	50	25	25
Anhydrous ammonia sales and storage	A, C	5	200	75	50	50
Asphalt and concrete batching plants	A, C	5	200	50	50	50
Auction marts	A, C	5	200	50	10	25
Automobile wrecking establishments	A, B, C	5	200	50	50	50
Bulk fuel storage and sales	A, C	5	200	75	50	50
Contractors establishments	A, B, C	5	200	125	25	25
Feed mill and seed cleaning operations	A, C, H	5	200	75	50	50
Heavy manufacturing	A, C, D, G	5	200	50	50	50
Light manufacturing	A, B, C, G	5	200	50	25	25
Livestock auction marts	A	5	200	75	50	50
Lumber yards	A, B, C	5	150	50	25	25
Maintenance yards and machine shops	A, B, C, D	5	150	50	25	25
Public utilities	A, C	as determined by Council				
Rendering plants and abattoirs	A, C, F	5	200	75	50	50
Storage handling and or processing facilities for grains, vegetables and pulse crops	A, C	5	200	125	25	25
Truck terminals	A, C	5	200	50	25	25
Welding, machinery and repair shops	A, B, C	5	1150	50	25	25