

UNOFFICIAL OFFICE CONSOLIDATION

**R.M. OF ROSEDALE
ZONING BY-LAW NO. 5-88**

AMENDING BY-LAWS INCLUDED IN THIS OFFICE CONSOLIDATION

[illegible]

THE RURAL MUNICIPALITY OF ROSEDALE

BY-LAW NO. 5-88

THE RURAL MUNICIPALITY OF ROSEDALE

BY-LAW NO. 5 - 88

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

WHEREAS, Section 42(1) of The Planning Act, Chapter P80, R.S.M. 1987, provides that a zoning by-law may be enacted by the Council of a Municipality;

AND WHEREAS, pursuant to Section 24(4) of the said Planning Act, the Neepawa and Area Planning District Board has by by-law adopted a Development Plan;

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

TABLE OF CONTENTS

PART I – DEFINITIONS.....1

DEFINITIONS.....	1
RULES OF CONSTRUCTION.....	1

PART II - ADMINISTRATION.....10

SCOPE	10
TITLE	10
WHEN EFFECTIVE	10
THE AREA	10
INTENT AND PURPOSE.....	10
RESPONSIBILITIES OF COUNCIL.....	11
RESPONSIBILITIES OF THE BOARD.....	11
AMENDMENTS	11
CONDITIONAL USE	11
VARIATIONS	12
DEVELOPMENT AGREEMENT	12
DEVELOPMENT OFFICER.....	12
DEVELOPMENT PERMITS REQUIRED.....	13
REQUIREMENTS.....	14
CONFORMANCE.....	14
BUILDING PERMITS	14
ACQUISITION OF LAND.....	14
DUTIES OF THE OWNER.....	15
FEE SCHEDULE.....	15
FEES	15
ENFORCEMENT	15
[LIVESTOCK APPLICATIONS REQUIREMENTS.....	15
APPROVAL PROCESS FOR LIVESTOCK OPERATIONS UNDER 300 ANIMAL UNITS.....	16
APPROVAL PROCESS FOR LIVESTOCK OPERATIONS OF 300 OR MORE ANIMAL UNITS.....	17

PART III - GENERAL PROVISIONS.....18

GENERAL PROVISIONS	18
INTERPRETATION OF REGULATIONS	18
GENERAL USE REGULATIONS	18
PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS	18
AREA AND YARD REQUIREMENTS.....	18

PUBLIC UTILITIES AND FACILITIES	19
DWELLING UNIT LOCATION WITH RESPECT TO SANITATION FACILITIES AND LAGOONS.....	19
EXISTING USES PERMITTED.....	19
RETENTION OF BULK REGULATIONS	19
EXISTING BUILDINGS.....	20
PHYSICAL HAZARDS	20
PRIVATE LANE OR ROAD FRONTAGE.....	21
RELATION TO OTHER BY-LAWS.....	21
HOME OCCUPATIONS.....	21
MOBILE HOMES	21
[GENERAL PROVISIONS	22
PART IV - ZONES	23
CLASSIFICATION OF ZONES	23
ZONING MAPS	23
DIMENSIONS AND SCALE.....	23
REGISTERED PLANS	23
ABBREVIATIONS	23
INTERPRETATION OF ZONE BOUNDARIES	24
[PART V - AGRICULTURAL ZONES.....	25
INTENT AND PURPOSE.....	25
ZONING DISTRICT	25
“AG80” AGRICULTURAL GENERAL ZONE.....	25
“AR” AGRICULTURAL RESTRICTED ZONE	25
[“AGR” AGRICULTURAL–LIVESTOCK RESTRICTED ZONE	25
“AG80-L1” AGRICULTURAL-LIVESTOCK OPERATION LIMITED 1 ZONE	25
SCOPE OF REGULATIONS	26
AGRICULTURAL USE TABLE.....	26
[AGRICULTURAL USE TABLE V-I	27
CONDITIONAL USE	31
ACCESSORY USES, BUILDINGS AND STRUCTURES	31
TEMPORARY BUILDINGS AND USES.....	32
MAY BE PERMITTED.....	32
TERMS AND CONDITIONS	32
VALIDATION PERIOD	32
SIZE OF BUILDINGS	32
BULK REGULATIONS.....	33
[AGRICULTURAL BULK TABLE V - II.....	33

MULTIPLE USES	40
[SITING AND SEPARATION DISTANCES.....	40

**SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS -
TABLE V-III..... 40**

[ANIMAL UNIT TABLE.....	41
ANIMAL UNIT VALUES BY LIVESTOCK SPECIES TABLE V-IV:	
Animal Unit Groups	42

SETBACKS FROM WATER BODIES AND COURSES	43
[MUTUAL-SEPARATION DISTANCES AND GENERAL LIVESTOCK PROVISIONS	43
SUBDIVIDING LAND	45
IRRIGATION	45
DRAINAGE OF WATERBODIES.....	45
PROXIMITY OF BUILDINGS AND STRUCTURES TO AIR LAND STRIPS	45
PROXIMITY OF DWELLING UNITS TO COMMERCIAL OR PUBLIC COMMUNICATIONS TOWERS AND AERIALS	45
PROXIMITY OF DWELLING UNITS TO STATIONARY ANHYDROUS AMMONIA STORAGE TANKS.....	45
ACCESSORY BUILDINGS AND USE PERMITTED.....	45
NOXIOUS OR OFFENSIVE USES.....	46
SIGNS	46
SIGN REGULATIONS	46
STORAGE OF DERELICT AUTOMOBILES, PARTS AND OTHER MACHINERY	48
SCREENING OF DERELICT AUTOMOBILES, PARTS AND OTHER MACHINERY	48
[HOME OCCUPATIONS	48
[SITING CRITERIA FOR SMALL INDUSTRIES ON FARM PREMISES.....	48
[WIND TURBINE GENERATOR STATIONS (WTGS) DEVELOPMENT	49
[SITING CRITERIA FOR ASPHALT PRODUCTION PLANTS	50
[REGIONAL HOSPITAL SITE REQUIREMENTS	51

PART VI - RESIDENTIAL RURAL ZONES52

INTENT AND PURPOSE.....	52
"RR2" RESIDENTIAL RURAL ZONE.....	52
USE TABLE	52

RESIDENTIAL RURAL USE TABLE VI – 1..... 52

ACCESSORY USES, BUILDINGS AND STRUCTURES	53
BULK REGULATIONS.....	54

RESIDENTIAL RURAL BULK TABLE VI - 2	55
ONLY ONE MAIN BUILDING OR USE ON A SITE	55
[LIVESTOCK RESTRICTED	55
PART VII - GENERAL DEVELOPMENT ZONE.....	56
INTENT AND PURPOSE.....	56
GENERAL DEVELOPMENT ZONE.....	56
USE TABLE	56
GENERAL DEVELOPMENT USE TABLE VII – I	56
ACCESSORY USES, BUILDINGS AND STRUCTURES	58
BULK REGULATIONS.....	60
GENERAL DEVELOPMENT BULK TABLE VII - 2	60
NUMBER OF BUILDINGS PERMITTED PER SITE.....	61
FRONT YARD EXCEPTIONS.....	62
PROJECTIONS INTO REQUIRED YARDS	62
OUTSIDE STORAGE	63
MULTIPLE USES	63
[PART VIII - SEASONAL RECREATION ZONE	64
INTENT AND PURPOSE.....	64
ACCESSORY USES, BUILDINGS AND STRUCTURES	64
SEASONAL RECREATION USE TABLE VIII-I	65
BULK REGULATIONS.....	65
SEASONAL RECREATION BULK TABLE VIII - II.....	66
BUILDING PER SITE	66
ACCESSORY BUILDINGS	66
SIGNS	67
PERMITTED OBSTRUCTIONS IN YARDS	67

PART I – DEFINITIONS

DEFINITIONS

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 R.M. of Rosedale, shall be construed as defined in such Act and By-laws.
 - (c) Words, phrases and terms neither defined herein nor in the Act and the Building, Electrical or Plumbing By-laws of the R.M. of Rosedale shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
 - (d) The phrase “used for” includes “arranged for”, “designed for” or “occupied for”.
 - (e) 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.
 - (f) The word “includes” shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

DEFINITIONS

2. (1) **“Accessory Building, Structure Or Use”** means a building, structure or use which is subordinate and incidental to the permitted or conditional principal building or use respectively and is located on the same site as the principal building, structure or use.
2. (2) **“Act, Enabling”** means The Planning Act, R.S.M. 1987, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba and amendments thereto.
2. (3) **“Agricultural Activities”** means a use of land for agricultural purposes including farming dairying, pasturage, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
2. (4) **“Agricultural Implement Sales And Services”** means a building and open area, used for display, sale or rental of new or used farm implements and where repair work is done.
2. (5) **“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.
2. (6) **“Area, The”** means all that land within the boundaries of the Rural Municipality of Rosedale and within the jurisdiction of the Council.
2. (7) **“Automobile Body Shop”** means a building wherein the repair and painting of automobiles takes place.
2. (8) **“Automobile Service Station”** means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail directly to the customer and may include facilities for washing of vehicles.
2. (9) **“Automobile Or Trailer Sales Area”** means an open area used for the display, sale or rental of new or used automobiles or trailers and where repairs are made, they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.
2. (10) **“Automobile Wrecking”** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
2. (11) **“Board”** means the Board of the Neepawa and Area Planning District as established under PART THREE of the Act.

DEFINITIONS

- 2. (12) **“Building”** means a building as defined in the Act.
- 2. (13) **“Building, Main Or Principal”** means a building in which is conducted the principal use of the site on which it is situated.
- 2. (14) **“Conditional Use”** means the use of land or building as provided for in the Act.
- 2. (15) **“Council”** means the Council of the R.M. of Rosedale.
- 2. (16) **“Dwelling”** means a building or portion thereof designed for residential occupancy, but does not include a travel trailer or mobile home.
 - (a) **“Dwelling, Cottage”** means a dwelling designed for and used as a secondary or intermittent place of residence for seasonal vacations and recreational purposes.
 - (b) **“Dwelling, Single-Family”** means a detached building designed for and used by one (1) family.
- 2. (17) **“Farm Buildings Or Structures”** means any buildings or structures existing or erected on land used principally for agricultural activities, but not including dwellings.
- 2. (18) **“Garage, Private”** means an accessory building or portion of a principal building, if attached, used by the occupants of the premises for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.
- 2. (19) **“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. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- 2. (20) **“Kennel”** means any premises on which more than four (4) 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.
- 2. (21) **“Lane”** means, for the purpose of this Zoning By-law, a public right-of-way, which affords only a secondary means of vehicular access to abutting property.
- 2. (22) **“Livestock”** means cattle, swine, horses, poultry, sheep, rabbits and similar animals. Recreational livestock means animals, which are not obnoxious or

DEFINITIONS

detrimental to the public health or welfare and are kept for recreational purposes only.

- [2. (23) **“Livestock Operation”** means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10 animal units are kept or raised, either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.

The following additional types of development are not subject to the requirements for livestock operations unless, in the opinion of the Council, they create an unreasonable noise or odour problem for a prolonged period:

*Agricultural Fairs
Rodeo grounds] (B/L 6/2008)*

2. (24) **“Livestock Waste Unit Or L.W.U.”** means an amount of animal waste or waste equivalent, as set out in PART V of this By-law.
2. (25) **“Mobile Home”** means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted.
2. (26) **“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. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
2. (27) **“Owner”** means an owner as defined in the Act.
2. (28) **“Parcel Of Land”** means a parcel of land as defined in the Act.
2. (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 may include such establishments as barber shops, beauty parlours, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dress making shops, valets and depots for collecting dry cleaning and laundry.
2. (30) **“Premises”** means an area of land with or without buildings.

DEFINITIONS

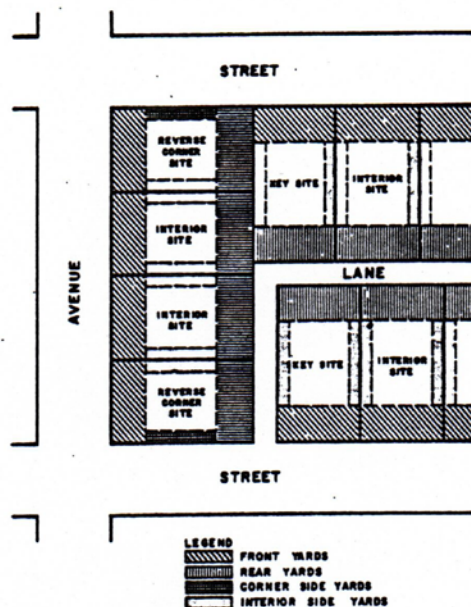
- [2. (31) **“Public Utilities and Services”** means any system, works, building, plant, equipment or service, excluding communication towers and wind turbine towers, for the purpose of furnishing publicly used services and facilities that are available at approved rates to the inhabitants of the Rural Municipality of Rosedale, including but not limited to:
- (a) Standard communication lines and associated poles;
 - (b) Public transportation, by bus or other vehicle;
 - (c) Public water wells and public water purification systems;
 - (d) Transmission, delivery or furnishing of water, gas or electricity to the public at large;
 - (e) Public buildings and structures, and
 - (f) Collection and storage of sewage, garbage or other waste.](B/L 7/05)
2. (32) **“Repair”** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
2. (33) **“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.
2. (34) **“Site, Zoning”** means an area of land or portion thereof which:
- (a) Is occupied, or intended to be occupied, by a main building or group of such buildings and accessory buildings and structures, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-law;
 - (b) Has site frontage on a street or has any means of access satisfactory to the Council as provided for herein; and
 - (c) Is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.
2. (35) **“Site Area”** means the computed area contained within the site lines.

DEFINITIONS

- 2. (36) **“Structure”** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, light standards and similar items.
- 2. (37) **“Use”** means:
 - (a) Any purpose for which a building or structure or an area of land may be designed, arranged, intended, maintained or occupied; or
 - (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on an area of land.
- 2. (38) **“Yard”** 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.
- 2. (39) **“Yard, Required”** means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirements for the zone in which such zoning site is located.
- 2. (40) **“Yard, Corner Side”** means a side yard, which adjoins a street.
- 2. (41) **“Yard, Front”** means a yard extending along the full length of the front site line between the side site lines.
- 2. (42) **“Yard, 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.
- 2. (43) **“Yard, Rear”** means a yard extending along the full length of the rear site line between the side site lines.
- 2. (44) **“Yard, Side”** means a yard extending along the side site line from the front yard to the rear yard.
- [2. (45) **“Manure Storage Facility”** means a structure, reservoir, earthen storage facility, molehill or tank for storing livestock manure, but does not include:
 - (a) field storage,
 - (b) a vehicle or other mobile equipment used for transportation or disposal of livestock manure, or
 - (c) under-barn concrete storage pits used for short term containment of livestock manure.](B/L 7-2003)

DEFINITIONS

- [2. (45) (1) **“Hunting and/or Commercial Recreational Lodges”** means a commercial lodge, consisting of one main building housing owner, staff and possibly guests and optionally more buildings providing temporary rental (not lease) accommodation and food service for the customers while engaged in the activity of hunting or recreation. Other accessory buildings or structures on site may include, but not be limited to, a picnic area, temporary rental overnight camping sites and storage buildings for equipment. Various services such as outfitting, guiding and ecological hikes may be obtained at these establishments.
2. (46) **“Outfitters (Limited)”** means a person who conducts ecological hikes or provides hunting and/or fishing guide service only. No accommodation or meals are provided.
2. (47) **“Outfitters (Full Service)”** means a person who conducts ecological hikes or provides a hunting and/or fishing guide service. The service may provide equipment and accommodation and food for the customer in the outfitter’s house or accommodation in a separate accessory cabin or camp-site area to the farm or establishment.](B/L 1-2004)



DEFINITIONS

- [2. (49) **“Wind Turbine Generator Station (WTGS)”** means a site and facility that is comprised of, but not limited to, one or more wind turbine generator towers, and may include associated operation and maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial enterprise or public utility. It must have a collective nameplate rating of 0.75 megawatt or greater and be connected to the transmission or a local distribution grid. The (WTGS) can be comprised of either a leased or an owned site.](B/L 7/2005)
- [2. (50) **“Animal Housing Facility”** means a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes seasonal feeding areas, but does not include feedlots.
2. (51) **“Animal Unit (AU)”** means a unit of measure representing the number of animals excreting 73 kilograms of nitrogen in a 12 month period. Note Table set out in Section 11 of PART V of this By-law.
2. (52) **“Feedlot”** means a fenced area where livestock, while located on the farm, are confined solely to this structure for the purpose of growing or finishing, and are sustained totally by means other than grazing. This structure may be emptied for short periods of time during the year for cleaning, maintenance or livestock economic or management reasons.
2. (53) **“Riparian Area”** this is the area of land located on all sides of the water body that can be influenced by the rising and falling water levels in the water body, ground water and throughout the local drainage system. This influence may extend for some distance given the local topography and soils. The riparian area contains the green areas along side all water bodies and may include acute changes in slope, water-loving plants and trees.
2. (54) **“Grazing Area”** means land used for grazing or crop production for part of the year and seasonally for feeding livestock. Livestock are primarily sustained by direct consumption of feed grown on the area and sufficient land must be provided to ensure that the crop grown removes the nutrients supplied by the manure.
2. (55) **“Specialized Agricultural Operation”** means a commercial agricultural operation which generally produces higher value, lower volume agricultural products and due to its nature does not require a large land parcel size (for example, commercial fruit or vegetable production, greenhouses or apiaries). Generally these types of specialized operations sell products directly to the

DEFINITIONS

consumer. This can take a variety of forms such as roadside stands or farm stores, u-pick operations, farmers' markets, and direct sales to restaurants or retail outlets.

2. (56) **“Seasonal Feeding Area”** means an outdoor non-grazing area where livestock are kept for the purpose of providing supplemental or total feed requirements on a seasonal basis, and where manure builds up such that mechanical removal and land application is required, but does not include a feedlot.
2. (57) **“High Water Level”** means a point on land that would be at the water's edge when the water reaches the following level:
 - (a) in the case of a reservoir, the full supply level
 - (b) in the case of a drain, the bank-full level
 - (c) in the case of any other water body, the highest level to which the water usually rises each year and at which it remains long enough to change the characteristics of the land or vegetation on the land.](B/L 6/2008)

DEFINITIONS

PART II - ADMINISTRATION

SCOPE

TITLE

1. (1) This By-law shall be known as The Rural Municipality of Rosedale Zoning By-law.

WHEN EFFECTIVE

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

THE AREA

1. (3) This Zoning By-law shall apply to all lands within the Rural Municipality of Rosedale.

INTENT AND PURPOSE

1. (4) The regulations and provisions established by this By-law are deemed necessary in order to:
 - (a) Implement the objectives and policies of the Neepawa and Area Planning District Development Plan;
 - (b) To define the duties of the Council, the Board and the Development Officer; and
 - (c) To establish requirements for the following uses, buildings or structures:
 - (i) Buildings and structures erected hereafter;
 - (ii) Uses of buildings, structures and land established hereafter;
 - (iii) Structural alterations or relocations of existing buildings and structures occurring hereafter; and
 - (iv) Enlargements or additions to existing buildings, structures or uses.

ADMINISTRATION

RESPONSIBILITIES OF COUNCIL

1. (5) Subject to the provisions of the Act, the Council is responsible for:
 - (a) Enactment of this By-law;
 - (b) Considering the adoption of proposed amendments or the repeal of this By-law;
 - (c) Acting as a Variation Board;
 - (d) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and
 - (e) Establishing a schedule of fees as provided for in Section 11 of this PART.
1. (6) The administration and enforcement of this By-law shall be by the Development Officer.

RESPONSIBILITIES OF THE BOARD

1. (7) Subject to the provisions of the Act, the Board is responsible for:
 - (a) Administering and enforcing the provisions of the Development Plan and the Act, where applicable.
 - (b) In accordance with Section 19(2) of the Act, establishing a schedule of fees and charges for permits.

AMENDMENTS

2. 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. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 11 of this PART shall be made to the Development Officer.

CONDITIONAL USE

3. (1) The development and execution of this By-law is based upon the division of The Area into zones, within which zones the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however, that

ADMINISTRATION

there are certain uses deemed conditional uses which, because of their unique characteristics cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location.

- (2) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of the Act.

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

- (3) 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 prior to the expiry date at the discretion of Council for an additional period of not exceeding twelve (12) months.
- (4) Where a use is classified as a conditional use under this By-law or amendments thereto, and was a legal use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.
- (5) Any change in an existing conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act.

VARIATIONS

4. (1) Any person may apply for a variation order, in accordance with the provisions of the Act. An application for a variation order and all required information and fees, as determined by the Variation Board, shall be made to the Development Officer.

DEVELOPMENT AGREEMENT

5. (1) Where an application is made for the amendment of this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Rural Municipality of Rosedale in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with the Act.

DEVELOPMENT OFFICER

6. (1) The Development Officer, on behalf of the Rural Municipality of Rosedale, may:

ADMINISTRATION

- (a) Issue a development permit where the development of land, buildings or structures (excluding the clearing of land) conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto;
 - (b) Issue zoning memorandums or such other documents necessary for the administration and enforcement of this By-law;
 - (c) May, in accordance with Section 58 of the Act, grant or refuse, in his discretion, a minor variation not to exceed ten (10) percent of the requirements of this By-law governing front, side, rear or any other yard.
6. (2) At the request of Council or the Board, the Development Officer shall defer approving an application for a development permit:
- (a) As provided for in the Act;
 - (b) Which would result in a violation of this By-law or any By-law of the Rural Municipality of Rosedale; or
 - (c) To any person who has failed to pay any fees due and owing to the Rural Municipality of Rosedale or the Board under this By-law.

DEVELOPMENT PERMITS REQUIRED

7. (1) An application for a development permit is required for the following:

~~[(NOTE: THIS DOES NOT APPLY TO FARM BUILDINGS, FARM STRUCTURES OR SIGNS.)]~~

- ~~(a) The erection, construction, placement, structural alteration or relocation of any building and structures including non farm commercial or industrial buildings.~~
- (a) The erection, construction, placement, structural alteration or relocation of any building and structures including farm buildings and structures and non-farm commercial or industrial buildings.] (B/L 5-2012)
- (b) The change of a permitted or approved use of land, buildings or structures. (For example, the conversion of a residential dwelling to a commercial use.)
- (c) Sand and Gravel Extraction Operations from which more than 100 cubic yards of quarry minerals are removed annually and is operated for any purpose except in the personal use of an owner who is a natural person.

ADMINISTRATION

REQUIREMENTS

7. (2) In addition to the requirements of any By-law of the Rural Municipality of Rosedale or any other federal or provincial regulations, all applications for a development permit:
 - (a) Shall 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 building already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations; and
 - (b) May include such other information as required by the Council, including existing or proposed use of the building and land; 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

CONFORMANCE

7. (3) 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.

BUILDING PERMITS

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 and amendments thereto provided all the conditions under which the permit was issued are complied with.
- (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.

ACQUISITION OF LAND

ADMINISTRATION

9. (1) A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of the acquisition of land for a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

DUTIES OF THE OWNER

10. (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the R.M. of Rosedale.
10. (2) Every owner shall:
 - (a) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and
 - (b) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, plumbing, highways, and all other permits required in connection with the proposed work.

FEE SCHEDULE

FEES

11. (1) Council shall by By-law establish a fee schedule for variations, zoning amendments, zoning memorandum, conditional use orders and other appropriate documents.

ENFORCEMENT

12. (1) The enforcement of this By-law, or any resolution or order enacted by the Council or the District Board under the Act or any regulation made there under shall be in accordance with the Act.

LIVESTOCK APPLICATIONS REQUIREMENTS

12. (a) A development permit for approval of the development or expansion of a livestock operation must be made to the Council by the owner of the operation or

ADMINISTRATION

by a person authorized in writing by the owner and must be accompanied by any material and payment of any fee required by the Council.

12. (b) Information required for defining a Livestock Operation.

Any development proposal for a new livestock operation or for the expansion of an existing livestock operation shall be subject to review by the C.A.O. of the Municipality or Planning District Development Officer and possibly Council. In reviewing such development proposals, the Officer or Council shall take part or all of the following into consideration when defining the livestock operation;

- (i) The type of operation;
- (ii) Location of owned farm land and site plan of existing and new buildings in the proposed livestock operation;
- (iii) The size of the operation, including the maximum number of animals;
- (iv) Water needs and supply type;
- (v) The provision and location of the amount of suitable land available for disposal of manure;
- (vi) When the operation produces less than 300 animal units supply; CLI soils class for agriculture, location of surface streams and flood risk within the area of the animal housing facility and manure facility and greater surrounding area proposed for intensive use by the operation;
- (vii) The on-site drainage system, fencing, landscaping, shelter belts, measures to reduce odour and off-site use and maintenance of roads;
- (viii) Surrounding land use and compatibility with same, single uses (residential, etc.) and designated residential, recreation, urban areas and other livestock operations within a 3 kilometer radius;

APPROVAL PROCESS FOR LIVESTOCK OPERATIONS UNDER 300 ANIMAL UNITS

13. (a) Applications for new or expanded livestock operations shall be received by the Chief Administrative Officer (C.A.O.) of the Municipality or the Development Officer of the Planning District.

ADMINISTRATION

- (b) The Officer shall review the application with respect to applicable Development Plan policy, Development Plan livestock capacity maps 2B and 3 and Zoning By-law requirements (note, an operation of this size does not require a manure management plan unless required by Manitoba Conservation. Where no manure plan is required the operation shall provide the amount of suitable land, recommended in the Farm Practices Guidelines, per animal unit produced in order to have enough land for manure application requirements.
 - (i) Complying permitted use operations shall receive an approved Development permit.
 - (ii) Operations that require conditional use approval shall be advised to apply for same. Where policy requires, the proposed application shall be sent to the Technical Review Committee for a report.
 - (iii) Non complying proposals may mean rejection or the Development Officer may refer the application to Council and the Planning Board, depending on the issue, for a decision.
- (c) Notification of livestock operation approval shall be sent to all Provincial agencies involved with the application.

APPROVAL PROCESS FOR LIVESTOCK OPERATIONS OF 300 OR MORE ANIMAL UNITS

- 14. (a) Applications for new or expanded livestock operations shall be submitted to Council through the Chief Administrative Officer (C.A.O.) of the Municipality or the Development Officer of the Planning District.
- (b) A copy of the application and all accompanying material shall be immediately sent to the Minister of Intergovernmental Affairs.
- (c) The procedure defined in the Planning Act for processing, reviewing and approving livestock operation applications involving 300 or more animal units shall be used.](B/L 6/2008)

PART III - GENERAL PROVISIONS

GENERAL PROVISIONS

1. (1) The General provisions applying to all ZONES are contained within this PART. Also applying to these zones are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART IV - "ZONES" and "APPENDIX A".

INTERPRETATION OF REGULATIONS

2. (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 in this By-law.

GENERAL USE REGULATIONS

3. (1) No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in any ZONE in which such land, building or structure is located other than a use listed on the USE TABLE for that ZONE, with the following exception:
 - (a) Uses lawfully established prior to the effective date of this by-law.

PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS

4. (1) All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations and controls stipulated in the Highway Protection Act and the Highways Department Act and other policies established by the Department of Highways and Transportation as amended or waived from time to time.

AREA AND YARD REQUIREMENTS

5. (1) Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirement of the ZONE in which it is located.
- (2) All yards and other open space required for any use shall be located on the same site as the use.

GENERAL PROVISIONS

PUBLIC UTILITIES AND FACILITIES

6. (1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public works, public infrastructure, public park area, or public monuments.
- (2) All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to the provisions of this by-law.

DWELLING UNIT LOCATION WITH RESPECT TO SANITATION FACILITIES AND LAGOONS

7. (1) Habitable buildings shall not be located within fifteen hundred (1500) feet of an active or abandoned sanitary landfill site and dwelling units shall not be located within one thousand (1000) feet from a sewage lagoon or as recommended by the local Health Manager. Habitable buildings may be located within fifteen hundred (1500) feet of an abandoned sanitary landfill site only if it can be conclusively demonstrated by an engineering study, to the satisfaction of the Environmental Management Division, that methane gas generation will not create a problem in the building to be erected.

Said facilities shall also not be located within the same distance of an existing dwelling unit or habitable building.

EXISTING USES PERMITTED

- 7A. Existing uses legally established on the effective date of the adoption of this by-law or amendments thereto and not listed as permitted or conditional use in the Use Table of that zone shall be considered to be permitted uses in the zones in which they are located. Expansion of said uses shall be limited to the site associated with them on said effective date. At such time as the existing use ceases to exist on the site associated with it for a period of 12 months, unless it is renewed prior to that date at the discretion of council for an additional period not exceeding 12 months, the premises shall only be used for a use which may be permitted or conditional in the zone in which it occurs.

RETENTION OF BULK REGULATIONS

8. (1) The owner shall maintain the minimum site area, yards and other open spaces required herein for any use. Furthermore, the minimum site area, site width, site depth, yards and other open spaces allocated to a use as required by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yard and other open space requirements for any other use.

GENERAL PROVISIONS

EXISTING BUILDINGS

9. (1) All buildings and structures existing at the effective date of the adoption of this zoning by-law and amendments thereto are deemed to conform to the bulk regulations and parking and loading requirements of the zone in which the buildings and structures are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures shall conform to the bulk regulations and any parking and loading requirements of the zone in which they are located in, unless varied by a variation order.

PHYSICAL HAZARDS

10. (1) Development in areas which, in the opinion of the Board or Council, may be subject to physical hazards shall generally be limited to agricultural or open space uses. Under special economic or social circumstances, the Council may permit more intensive development if the hazard is eliminated or protected against. Development in hazardous areas shall be subject to the following requirements:
- (a) If the land is subject to flooding, all permanent structures shall be located on land which has been raised by fill to an elevation at least two (2) feet above the 100 year flood level;
 - (b) Land which may be eroded away within a period of 50 years shall be excluded from development unless it is demonstrated, to the satisfaction of the Council, that the erosion process has been halted;
 - (c) Development shall not be permitted on lands subject to bank instability, landslides or subsidence; and
 - (d) All structures and services shall be protected against damage and shall be functional under hazard conditions.
10. (2) Notwithstanding the above, development will not be permitted if, as a result of the development,
- (a) There is an added risk to life or safety; or
 - (b) Waterflow, flow velocities or stages are adversely altered, obstructed or increased.
10. (3) Activities such as dumping, excavation, clearing, cultivation, or excessive grazing which will accelerate or promote dangerous erosion or bank instability shall be prohibited.

GENERAL PROVISIONS

10. (4) In areas where the specific hazard has not been defined, permanent structures shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 200 feet, whichever is greater unless an engineering investigation shows that these limits may be reduced.

PRIVATE LANE OR ROAD FRONTAGE

11. (1) The Council shall permit the use of land or buildings to be constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street.

RELATION TO OTHER BY-LAWS

12. (1) Whenever provisions of any By-law of the Rural Municipality of Rosedale or any other requirements of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings or bulk requirements or contain any restriction covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

HOME OCCUPATIONS

13. (1) For the purpose of this By-law, home occupations shall be deemed accessory uses and shall follow the following criteria:
- [(a) Is a secondary business or occupation with respect to the approved primary use of the land. It contributes in a minor way to the total family income. It is carried on in a dwelling unit or mobile home or its accessory buildings, unless otherwise provided for herein.](B/L 5-2003)
 - (b) Is carried on solely by the member of the family residing at the same dwelling unit or mobile home and, except as otherwise provided for herein, without the employment of other persons;
 - (c) Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation except as otherwise provided for herein; and
 - (d) Is not offensive or obnoxious nor creates a nuisance.

MOBILE HOMES

14. (1) All mobile homes must meet all structural standards as determined by the Building and Mobile Homes Act, Chapter B93, S.M. 1977.

GENERAL PROVISIONS

GENERAL PROVISIONS

15. All development, as applicable, shall be subject to compliance with The Water Protection Act and the Nutrient Management Regulation.](B/L 6/2008)

PART IV - ZONES

CLASSIFICATION OF ZONES

1. In order to carry out the intent and purpose set forth in subsection (4) of Section 1 of PART II - ADMINISTRATION, the following zones are hereby established in the Area:
 - (1) "AG80" Agricultural General Zone
 - [2] "AGR" Agricultural – Livestock Operation Restricted Zone
 - (3) "AG80-L1" Agricultural – Livestock Operation Limited 1 Zone
 - (4) "RR2" Residential Rural Zone
 - (5) "GD" General Development Zone
 - (6) "SR" Seasonal Recreation Zone](B/L 6/2008)

ZONING MAPS

2. (1) The location and the boundaries of the zones listed in Section 1 above are shown upon a series of Zoning Maps attached hereto, marked as APPENDIX "A" to this By-law. Said Zoning Maps form a part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in subsection (2) of Section 3 of this PART, shall be as much a part of this By-law as if the matters and information set forth by said Zoning Maps were fully described herein.

DIMENSIONS AND SCALE

2. (2) The scale and all dimensions of the Zoning Maps are in feet or miles.

REGISTERED PLANS

2. (3) All plan references on the Zoning Maps pertain to registered plans filed in the Neepawa Land Titles Office.

ABBREVIATIONS

2. (4) The abbreviations noted on the Zoning Maps mean the following:

ZONES

- (a) "Blk." Means Block;
- (b) "Gov't. Rd. All'ce." means Government Road Allowance;
- (c) "Pcl." means Parcel;
- (d) "Pt." means Part;
- (e) "Rge." means Range;
- (f) "R.M. of Rosedale" means the Rural Municipality of Rosedale;
- (g) "Sec." means Section;
- (h) "Twp." means Township;
- (i) "W.P.M." or "W" means West of the Principal Meridian.

INTERPRETATION OF ZONE BOUNDARIES

- 3. (1) Boundaries indicated as approximately following:
 - (a) the centre lines of railways or public utility rights-of-way;
 - (b) the centre lines of streets, highways or lanes;
 - (c) lot, site or property ownership lines;
 - (d) municipal limits;
 - (e) the centre lines of streams or rivers; or
 - (f) the shorelines of lakes or other bodies of water shall be construed as following those lines or limits.
- 3. (2) If a street or lane or railway or public utility right-of-way shown on the Zoning Maps is lawfully closed, the land formerly comprising the feature shall be included within the Zone of the land, which surrounds it. If the said feature includes a ZONE boundary as its centre line, then the new ZONE boundary shall be the former centre line except in the case where a landowner acquires all of the closed feature adjacent to his property where the designation that applies to his property shall apply to all that portion of the acquired feature.

ZONES

[PART V - AGRICULTURAL ZONES

INTENT AND PURPOSE

1. The Agricultural Zones established in this By-law are intended to provide sufficient land for various types of rural development in The Area in keeping with the provisions of the Neepawa and Area Planning District Development Plan.

ZONING DISTRICT

2. In order to carry out the intent and purpose of Section 1 above, there is hereby established in The Area the following zoning districts:

“AG80” AGRICULTURAL GENERAL ZONE

3. (1) This Zone provides for the conservation of land for general and specialized agricultural activities, the science and art of cultivating the soil, producing crops, and livestock, developing natural resources, and retaining the natural and scenic beauty of rural areas.

[“AGR” AGRICULTURAL–LIVESTOCK RESTRICTED ZONE

3. (2) This Zone provides a buffer of land around urban and recreational designated areas where only existing livestock operations (at the time of this amendment) are allowed with minimal expansion. This zone also provides for the preservation of land for general and specialized agricultural activities and various rural land uses that are compatible with agricultural activities.

“AG80-L1” AGRICULTURAL-LIVESTOCK OPERATION LIMITED 1 ZONE

3. (3) This Zone provides for the preservation of land for general and specialized agricultural activities and various rural land uses that are compatible with each other and the specific sensitive nature of the zone’s natural resources and adjacent land uses. This zone provides for new and expansion of existing livestock operations but limits development of same. These livestock operation restrictions are found in the Neepawa and Area Development Plan RURAL POLICIES Section.](B/L 6/2008)

AGRICULTURAL ZONES

SCOPE OF REGULATIONS

4. (1) 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;
 - (d) All enlargements or additions to existing structures or uses; and
 - (e) The change of use of land, building or structures.

AGRICULTURAL USE TABLE

5. The use of land within the Agricultural Zones shall be as set forth in TABLE V - 1, AGRICULTURAL USE TABLE, except wherein otherwise stated:

AGRICULTURAL ZONES

[AGRICULTURAL USE TABLE V-I

USE	LEGEND: P – PERMITTED C – CONDITIONAL (-) – USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L1			
Accessory Uses, Buildings, and Structures (See Section 7 and 19 of this PART)	P	P	P			
Agricultural Specialized Uses as follows:						
Apiculture	P	P	P			
Commercial Greenhouse	P	P	P			
Market Gardening	P	P	P			
Nurseries, Berry Crops	P	P	P			
Agricultural Uses, as follows: Field Crops (e.g. grains, vegetables, oil seeds) Tame and Native Forage Production and Pasturing of Livestock in grazing areas on a seasonal basis (no Confinement Area)	P	P	P			
[Livestock Operations – (See Neepawa and Area Development Plan – designations and policies Existing Livestock Operations only, maximum 99 Animal Units)](B/L 6/2008)	P	C	P			
[Livestock Operations, maximum 299 Animal Units**](B/L 6/2008)	P*	-	P*			
[Livestock Operations, maximum size limited to conditional approval](B/L 6/2008)	P*	-	-			
[Livestock Operations, Existing Operations subject to Sections 11 and 12](B/L 6/2008)	P***	C	P***			
Agro Education Centres	C	C	C			
Air Landing Strips and Related Storage Facilities (which are necessary to the agricultural or industrial establishments)	C	C	C			
Anhydrous Ammonia Storage, Sales and Related Facilities	C	C	C			
Asphalt Production Plants	C	-	C			
Automobile Wrecking Establishments	C	-	C			
Batch Concrete Plant	C	-	C			
Bed and Breakfast Establishments (within Farm and Rural Non-Farm Residences)	C	C	C			

AGRICULTURAL ZONES

[AGRICULTURAL USE TABLE V-I

USE	LEGEND: P – PERMITTED C – CONDITIONAL (-) – USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L1			
Bulk Petroleum Products, Storage and Sales	C	-	C			
Camping and Tenting Grounds	C	P	C			
Cemeteries	C	C	C			
Churches, only when incidental to and developed on an existing farm	C	C	C			
Chemical warehouses – Pesticides/Herbicides	C	-	C			
Communication Towers	C	C	C			
Community Halls and Rinks, only when incidental to and developed on an existing farm	C	C	C			
Cottages****	C	-	C			
Crop Pelletization Plants	C	-	C			
Exhibition Grounds	-	C	-			
Existing Uses, Buildings and Structures established prior to the adoption of this By-law except all existing Conditional Uses and all uses identified in this Table as conditional (See Section 7(A) and 9(1) of PART III)	P	P	P			
Existing Industrial Uses	C	C	C			
Existing Rural Non-Farm Single-Family Dwellings	C	C	C			
Fertilizer Sales and Storage (Non-hazardous, bags or bulk supply contained within a building or structure)	C	C	C			
Farm Vacation Establishments	P	P	P			
Game Farms (not for fenced hunting)	C	C	C			
Golf Courses	C	C	C			
Grain Elevators (inland terminals) and Vegetable Storage Buildings	P	C	P			
Group Camps (i.e. Church, 4H, Boy Scouts, Girl Guides, etc.)	C	C	C			
Home Occupation, in conjunction with a use in this Table and subject to PART III, Section 13 and PART V, Section 24	P	P	P			
Hospital regional (See Section 28, this Part)	C	C	C			
Hunting and/or Commercial Recreation Lodges	C	-	C			

AGRICULTURAL ZONES

[AGRICULTURAL USE TABLE V-I

USE	LEGEND: P – PERMITTED C – CONDITIONAL (-) – USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L1			
Outfitters (Limited)	C	-	C			
Outfitters (Full Service)	C	-	C			
Kennels, Pounds and Animal Clubs	C	C	C			
Livestock Auction Marts	C	C	C			
Picnic Area, Parks, Recreational Trails and Other Recreational Activities	C	P	C			
Public Utilities and Buildings	P	P	P			
Rendering Plants and Abattoirs	C	-	C			
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels, and group foster homes providing meals and residential services, including care and supervision for four or fewer adults or children who are under the care of a child caring agency and who may be post mentally ill, mentally retarded or otherwise developmentally delayed	P	P	P			
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels, and group foster homes providing meals and residential services, including care and supervision for five or more adults or children who are under the care of a child care agency and who may be post mentally ill, mentally retarded or otherwise developmentally delayed	C	C	C			
Riding Stables and Academies	P	C	P			
Rural Non-Farm Single-Family Dwellings including mobile homes and existing farm yard sites****	C	C	C			
Sand, Gravel and Mineral Extraction Operations	C	C	C			
Seed Plants	C	C	C			
Sewage Disposal Lagoons (public or private)	C	C	C			
Signs (See Section 21 of this PART)	P	P	P			
Signs Advertising (See Section 21 of this PART)	C	C	C			

AGRICULTURAL ZONES

[AGRICULTURAL USE TABLE V-I]

USE	LEGEND: P – PERMITTED C – CONDITIONAL (-) – USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L1			
Small scale industries, when the activity is located on a farm premises or single conditional non-farm residential site as follows (see Section 25 of this Part);						
Agro Trailer fabrication shops	C	-	C			
Agro welding shops	C	-	C			
Automotive refurbishing shops include associated sales	C	-	C			
RTM (residence to move) operations	C	-	C			
Wood working shops	C	-	C			
Sawmills	C	-	C			
Tea Houses	C	C	C			
Temporary Uses (See Section 8 of this PART)	P	P	P			
Waste Disposal Grounds	C	-	C			
Wildlife Preserves and Forest Management Areas	P	-	P			
Wind Turbine Generator Stations (WTGS) See Table V-II and Section 26 of PART V)	C	C	C			

P* Livestock Operations shall be a Conditional Use at over 200 animal unit capacity.

** Planning Board may recommend 299 A.U.'s plus 20% additional A.U.'s. In this case, maximum A.U. becomes 359, for the purposes of this By-law.

P*** Livestock Operations shall be a conditional use at over 200 animal units. These existing operations are also subject to the Development Plan designations and policies. Also see Section 12.2 and 12.4 of this Part.

**** Subdivision of land for non-farm dwellings and cottages shall be subject to Policies 1.3.23, 1.3.24, 1.3.25, 1.3.26 and The Neepawa Fringe Area, of the Neepawa and Area Development Plan.](B/L 6/2008)

AGRICULTURAL ZONES

CONDITIONAL USE

6. Any use listed as a “CONDITIONAL USE” in TABLE V-I shall comply with the regulations as set forth in Section 3. PART II - “ADMINISTRATION”.

ACCESSORY USES, BUILDINGS AND STRUCTURES

7. (1) In the “AG80” and “AR” Agricultural Zones, accessory uses, buildings, and structures shall be limited to the following:
- (a) Farm dwelling to include a single-family dwelling or mobile home when on the same site with a permitted or conditional agricultural activity, plus one additional mobile home for a family member when located on the same legal subdivision as the farm dwelling site;
 - (b) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory, and mobile home when on the same site with permitted or conditional uses where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
 - (c) Farm buildings and farm structures other than the main farm buildings for the use;
 - (d) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless storage is excluded by the zone or provincial regulations;
 - (e) A private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
 - (f) Incinerators, wells, and individual sewage disposal systems, subject to the approval of the authority having jurisdiction;
 - (g) Signs as permitted and regulated in Section 21 of this PART;
 - (h) Clubhouses and other related recreational structures on the grounds of private clubs, golf courses, and other like permitted or conditional recreational facilities;
 - (i) Private swimming pools, children’s playhouses, green houses or summer houses;

AGRICULTURAL ZONES

- (j) Parabolic dish antenna.

- 7. (2) (a) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

TEMPORARY BUILDINGS AND USES

- 8. (1) The provisions of this Section shall apply to the Agricultural Zones.

MAY BE PERMITTED

- 8. (2) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit.

- [(2) a) A meteorological tower, used for climate research shall be allowed to be erected as a temporary use, subject to Council's approval for a term not exceeding three (3) years and subject to the pertinent provisions of this By-law concerning Wind Turbine Generator Stations (WTGS) development found in PART V – AGRICULTURAL ZONES, clause (j) of Table V-II and Section 6. (26).

If the meteorological tower is to remain in place after the maximum three (3) year period it shall become a part of a (WTGS) through the approval process identified in PART V.](B/L 7.05)

TERMS AND CONDITIONS

- 8. (3) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.

VALIDATION PERIOD

- 8. (4) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

SIZE OF BUILDINGS

- 8. (5) In all cases, temporary buildings and structures shall not exceed 1000 square feet in area and one (1) storey or 15 feet in height, and:

AGRICULTURAL ZONES

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

BULK REGULATIONS

9. (1) The Agricultural Bulk Regulations shall be as set forth in TABLE V - 2, AGRICULTURAL BULK TABLE.

[AGRICULTURAL BULK TABLE V - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft) (a)(e)	Side Yard(ft) (a)(e)	Rear Yard(ft) (a)(e)
Accessory Uses, Buildings and Structures	AG80 AGR AG80-L1	-	-	125	50	50
Agricultural Specialized Uses	AG80 AGR AG80-L1	20	330	125	125	125
Agricultural Use	AG80 AGR AG80-L1	80	660	125	125	125
[Agricultural-Livestock Operations (Animal Housing facilities, barns, feedlots and earthen manure storage structures)(Subject to Section 11 and 12 of this PART)](B/L 6/08)	AG80 AGR AG80-L1	80(h) 160(h) 80(h)	1000 2000 1000	328 328 328	328 328 328	328 328 328

AGRICULTURAL ZONES

[AGRICULTURAL BULK TABLE V - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft) (a)(e)	Side Yard(ft) (a)(e)	Rear Yard(ft) (a)(e)
Agro Education Centres	AG80 AGR AG80-L1	40	330	125	50	50
Air Landing Strips	AG80 AG80-L1	f	f	225f	225f	225f
Anhydrous Ammonia Storage, Sales and Related Storage (d)	AG80 AG80-L1	12	700	300	300	300
Asphalt Production Plant	AG80	10	300	125	100	100
Automobile Wrecking Establishments	AG80 AG80-L2	5	300	125	50	50
Bed & Breakfast Establishments	AG80 AGR AG80-L1	2(b)(c)	200	125	50	50
Cemeteries	AG80 AG80-L1 AGR	2	200	125	50	50
Communication Towers (i)	AG80 AGR AG80-L1	5	400	125	125	125
Cottages(g)	AG80 AGR AG80-L1	2(b)(c)	200	125	50	50
Exhibition Grounds	AGR	10	300	125	50	50
Game Farms	AG80	80	1000	325	325	325
	AGR	80	1000	325	325	325
	AG80-L1	80	1000	325	325	325
Golf Course	AG80 AGR AG80-L1	50	575	125	50	50
Hospital Regional	AG80 AGR AG80-L1	10	500	125	50	50

AGRICULTURAL ZONES

[AGRICULTURAL BULK TABLE V - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft) (a)(e)	Side Yard(ft) (a)(e)	Rear Yard(ft) (a)(e)
Hunting and/or Commercial Recreation Lodge	AG80 AG80-L1	10	300	125	50	50
Outfitters (Full Service)	AG80 AG80-L1	4	200	125	50	50
Picnic Areas, Parks And Recreational Trails	AG80 AGR AG80-L1	2	200	125	50	50
Public Utilities and Buildings	AG80 AGR AG80-L1	0.5	100	125	25	25
Residential Care Facilities	AG80 AGR AG80-L1	2(b)(c)	200	125	50	50
Rural Non-Farm Single-Family Dwelling Including Mobile Homes(g)	AG80 AGR AG80-L1	2(b)(c)	200	125	50	50
Riding Stables and Academies	AG80 AGR AG80-L1	40	660	125	50	50

AGRICULTURAL ZONES

[AGRICULTURAL BULK TABLE V - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft) (a)(e)	Side Yard(ft) (a)(e)	Rear Yard(ft) (a)(e)
Small Scale Industries, when the activity is located on a farm Premise or a single Conditional non-farm Residential site (See Section 25 of this PART): Agro Trailers Fabrication Shops Automotive Refurbishing Shops including associated sales RTM (residence to move) operations Agro Welding Shops Woodworking Shops Sawmills	AG80 AGR AG80-L1	5 5 4 4 5	250 250 200 200 250	125 125 125 125 125	70 70 70 70 70	50 50 50 70 70
Tea Houses	AG80 AGR AG80-L1	3(b)(c)	200	125	50	50
Waste Disposal Grounds	AG AG80-L1	15	500	125	100	100
Wildlife and Forest Management Areas	AG80 AG80-L1	80	660	125	50	50
Wind Turbine Generator Stations (j)	AG80 AGR AG80-L1	7	550	(j)	(j)	(j)
Other Permitted and Conditional Uses provided for in Table V-1 of this Part	AG80 AGR AG80-L1	5	300	125	50	50

Explanations and Exceptions to the Bulk Requirements Table V-II are as follows:

AGRICULTURAL ZONES

- (a) (i) Buildings and structures shall have a minimum front, side and/or rear yard of one hundred and twenty-five (125) feet when the yard is adjacent to a Government Road Allowance except for the following exceptions:
 - As defined in Table V-II, when more than one hundred and twenty-five (125) feet in size.
 - A sign shall have a minimum front, side or rear yard of ten (10) feet or as required by the Highway Traffic Board or Manitoba Infrastructure and Transportation when located adjacent to a Government Road Allowance (see Clause (b) Section 21 of this PART).
 - A man-made shelterbelt of trees of any height that borders an access driveway, farmyard or farmland shall have a minimum front, side or rear yard of one hundred twenty-five (125) feet when located adjacent to a Government Road Allowance.
 - Setbacks for Buildings, Structures or hedges from provincial highways and their centers of intersections shall be as required by the Highway Traffic Board or Manitoba Infrastructure and Transportation or as varied, or greater if required in the TABLE.
- (b) The maximum site area shall be 10 acres, or as defined by an existing shelterbelt.
- (c) Notwithstanding the requirements for non-farm dwellings, a non-farm dwelling may occupy a site more than 10 acres provided:

that such an adverse situation was created by virtue of a public work, such as public right-of-way, ditch, dyke, railway, hydro transmission line, water reservoir or a public park or any other public utility or use of a like nature or by a natural river, stream, or lake, a shelterbelt, an established farmyard, or a natural topographic feature that should be contained within the site.
- (d) Notwithstanding the above requirements, a stationary anhydrous storage container shall not be located within 350 feet of a residential dwelling (other than that of the owner or operator). A stationary anhydrous ammonia container shall not be located within one-half mile (2640 feet) of

AGRICULTURAL ZONES

any area designated as “RR2” Rural Residential Zone, “CH” Commercial Highway Zone, “GD” General Development Zone.

- (e) The minimum yard requirements in this table apply to buildings and structures only unless otherwise indicated.
- (f) Notwithstanding anything in this PART, the air landing strips shall be subject to Transport Canada regulation for airports where applicable due to surrounding land use. Transport Canada land use separation regulation for airports shall also apply to locating land use in proximity to an air landing strip.
- (g) The minimum floor area per dwelling unit shall be four hundred (400) square feet for cottages and single-family dwellings.
- [(h) Each livestock operation requires the minimum suitable land base for annual manure disposal produced by the operation, as provided for in the guidelines of the Manitoba Farm Practices Guidelines for Livestock Producers and the provisions of the Livestock Manure and Mortalities Management Regulation. In no case shall the land base for the operation be less than required in the Table V-II, unless varied by Council. Additional land base required for manure disposal must be owned by the producer or obtained through an agreement between the producer and other landowner(s). Proof of these agreements shall be provided to the Council from the producer upon request.](**B/L 6/2008**)
- [(i) A communication tower shall be separated by a distance of one and half (1.5) times the maximum height of the structure from a dwelling or mobile home if approved by the Federal Government.
- (j) Each wind turbine generator station (WTGS) site shall be used for the location of the wind turbine generator tower(s) and/or the associated buildings and infrastructure. This is the principal use of the (WTGS) site and it shall be limited to a maximum site area of 160 acres. The land within the (WTGS) site that is not used for the facility may be used for compatible agricultural activities provided provisions of this by-law are maintained. All Wind Turbine towers and accessory uses shall have the following minimum yard and separation distance requirements:

AGRICULTURAL ZONES

Yards

- i All tower yards shall be one (1) times the total height of the tower plus rotor from any other titled property boundary, including the boundary of a railway right-of-way. Note exception, this setback distance with respect to the title property lines shall be reduced to one half (0.5) the height of the tower plus rotor for wind turbines located within a (WTGS) where the property line(s) nearest to any given wind turbine define and separate properties belonging to the same landowner with a lease of the same type and duration.
- ii All tower yards shall be one (1) times the total height of the tower plus rotor from all government road allowances, any other public road and Provincial roads. The location of these towers within greater control areas adjacent to Provincial Trunk Highways and Provincial Roads shall be subject to the approval of the Province.
- iii All tower yards that do not coincide with a title property boundary or road allowance shall be 135 feet in depth.
- iv All accessory uses yards (front, side and rear) associated with the (WTGS) shall be 125 feet in depth.

Separation Distances

- a. The tower base shall be one and one half (1.5) times the total height of the tower plus rotor from dwellings associated with the (WTGS),
- b. The tower base shall be one (1) times the total height of the tower plus rotor from non-dwelling principal structures,
- c. The tower base shall be one half mile (2640 feet) from all dwellings or other habitable buildings (e.g. motel) not associated with the (WTGS),
- d. The tower base shall be one half mile (2650 feet) from an urban area (Neepawa, Franklin, Eden, Birnie, Riding Mountain, Kelwood), a “RR” Rural Residential zoned area or a “SR” Seasonal Recreation zoned area.](B/L 7/2005)

AGRICULTURAL ZONES

MULTIPLE USES

10. Where any land or building is used for more than one purpose, all provisions of this PART 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.

[SITING AND SEPARATION DISTANCES

11. (1) The livestock operations policy of the Neepawa and Area Planning District Development Plan identifies the policies and land use designations that provide direction for the Board and Council's approval of livestock operations. Each land use designation contains an animal unit capacity that defines the approximate maximum size of any livestock operation within that designation.

This Zoning By-law contains both siting and separation provisions. These provisions define the siting distance that livestock operation animal housing structures, including barns and manure storage facilities, etc. must be from their own property boundaries (Table V-II), and the separation distance they must be from a single dwelling unit or a designated Residential Area, Seasonal Recreation Area, Park or Urban Center. Requirements for separation distances shall be measured from the closest point of the livestock housing facility or manure storage facility to the dwelling or community boundary. These separation distances for locating livestock operations are found in the following Table V-III:

SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS - TABLE V-III

Size of Livestock Operation in Animal Units	Separation Distance in Meters (Feet) From Single Residence		Separation Distance in Meters (Feet) From Designated ² Residential, Recreational Areas. Urban Centre* or Regional Hospitals	
	To Earthen Manure Storage Facility or Feedlot	To Animal Housing Facility or Non-Earthen Manure Storage Facility ¹	To Earthen Manure Storage Facility or Feedlot	To Animal Housing Structure or Non-Earthen Manure Storage Facility ¹
10 - 100	200 (656)	100 (328)	800 (2,625)	530 (1,739)
101 – 200	400 (1,312)	400 (1,312)	1200 (3,937)	800 (2,625)
201 – 299	400 (1,312)	400 (1,312)	1600 (5,249)	1600 (5,249)
300 – 400	450 (1,476)	400 (1,312)	1800 (5,906)	1600 (5,249)
401 – 800	800 (2,625)	800 (2,625)	2000 (6,561)	1600 (5,249)
801 – 1,600	800 (2,625)	800 (2,625)	2400 (7,874)	1600 (5,249)

AGRICULTURAL ZONES

SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS - TABLE V-III

Size of Livestock Operation in Animal Units	Separation Distance in Meters (Feet) From Single Residence		Separation Distance in Meters (Feet) From Designated ² Residential, Recreational Areas. Urban Centre* or Regional Hospitals	
	To Earthen Manure Storage Facility or Feedlot	To Animal Housing Facility or Non-Earthen Manure Storage Facility ¹	To Earthen Manure Storage Facility or Feedlot	To Animal Housing Structure or Non-Earthen Manure Storage Facility ¹
1,601 – 3,200	800 (2,625)	800 (2,625)	2800 (9,186)	1870 (6,135)
3,201 – 6,400	800 (2,625)	800 (2,625)	3200 (10,499)	2130 (6,988)
6,401 – 12,800	900 (2,953)	800 (2,625)	3600 (11,881)	2400 (7,874)
>12,800	1000 (3,281)	800 (2,625)	4000 (13,123)	2670(8,760)

¹ Includes above or below grade structures that may be covered or uncovered.

² Officially designated areas in a development plan.

* New animal housing containing between 1 to 9 animal units shall be located a minimum of 500 feet from an urban center or single dwelling.](B/L 6/2008)

[ANIMAL UNIT TABLE]

11. (2) Use Table V – IV ANIMAL UNIT VALUES BY LIVESTOCK SPECIES when determining the amount of animal units (A.U.) produced by a proposed livestock operation.

ANIMAL UNIT VALUES BY LIVESTOCK SPECIES TABLE V-IV: Animal Unit Groups

Animal	Type	AU Produced By One Livestock	Livestock Producing One AU
Dairy	Milking cows, including associated livestock	2.000	0.5
Beef	Beef cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2.0
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling (5 kg)	0.25	4.0
	Sows, farrow to nursery (23 kg)	0.313	3.2
	Weanlings	0.033	30.0
	Growers/finishers	0.143	7.0
	Boars (artificial insemination operations)	0.200	5.0
Chickens	Broilers	0.0050	200.0
	Roasters	0.0100	100.0
	Layers	0.0083	120.0
	Pullets	0.0033	300.0
	Broiler Breeder Pullets	0.0033	300.0
	Broiler Breeder Hens	0.0100	100.0
Turkeys	Broilers	0.010	100.0
	Heavy Toms	0.020	50.0
	Heavy Hens	0.010	100.0
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.200	5.0
	Feeder lambs	0.063	16.0

Note: The calculation of animal units for a species of livestock not mentioned in this Table is to be determined by officials at Manitoba Department of Agriculture, Food and Rural Initiatives.

SETBACKS FROM WATER BODIES AND COURSES

11. (3) Within the following types of livestock operations;
- 1.) All new livestock operations over nine (9) animal units.
 - 2.) All expansions of livestock operations for 300 or more animal unit capacity.
 - 3.) All expansions of livestock operations over 9 animal units, but less than 300 animal units, and the original operation was built after April 15, 2004.
 - 4.) All expansions of livestock operations over 9 animal units but less than 300 animal units, built before April 15, 2004, and can not meet Section 16(6) of the Environment Act, Livestock Manure and Mortalities Management Regulation, as determined by Manitoba Conservation.

All new confinement building and structures must meet all of the following criteria with respect to surface water bodies and water courses:

Be three hundred and twenty-eight (328) feet (100 meters) outside and from the top of the water body's upper bank.

Be above the high water level.

Be outside and above the riparian area located along each side of the water body.](B/L 6/2008)

[MUTUAL-SEPARATION DISTANCES AND GENERAL LIVESTOCK PROVISIONS

12. 1. (a) New dwelling units including single residences, hotels, motels, eating establishments and hospitals, and also designated residential areas, seasonal recreation areas, parks or urban areas shall be located no closer to a livestock operation than the separation distances required, in the Zoning By-law, between the livestock operation and that land use or designation. This shall constitute a mutual separation distance.
- (b) Variations may be issued to reduce separation distances found in the Zoning By-law, subject to requirements under Section 169(4) of the Act.
- (c) A dwelling or mobile home incidental to the livestock operation is excluded from this mutual separation requirement.
2. Existing Livestock operations that are of a size that would be classified as a conditional use by the provisions of this By-law, are deemed to be a legally existing conditional uses, and may be enlarged or expanded, subject to the provisions and limitations of this By-law and the Development Plan and The Planning Act.

AGRICULTURAL ZONES

3. Existing livestock operations, located in the AGR, and AG80-L1 Zones, that are of a size that exceeds the limitation established by this By-law, are deemed to be non-conforming uses as of the date of adoption of this By-law, and may continue to exist and operate at the animal unit capacity at which they existed on that date, even if the existing number of animal units on the adoption date of amendment were subsequently reduced below that number of animal units for more than 12 consecutive months, but to a maximum of 36 months. Expansion of these operations will be governed by the provisions of the Planning Act.
4. Any conditional use order or variation of a requirement for a livestock operation approved under the existing zoning by-law provisions will continue to be in full force and effect.
5. Existing livestock operations and single residences or designated areas that do not meet the required mutual separation distances found in Table V-III shall be deemed to possess a variation order for their current separation distances at the date of adoption of this By-law.
6. Where a livestock operation is located within one half mile of one or more other livestock operation(s), and where these operation s are under affiliated ownership, management of control, or where they share common infrastructure such as manure storage facilities and/or piped water supply from a common private source, they shall be deemed to be one combined larger operation for the purposes of this By-law.
7. For the purposes of determining the size of livestock operations or confinement facilities, the system of “animal units” as adopted by the Provincial Land Use Policy Regulation shall be used. The conversion factors for animal units are provided for general reference in TABLE V-IV, and may be altered from time to time by Provincial authorities, without requiring an amendment to this By-law.
8. The maximum amount of livestock within single rural residential parcels or single small acreage non-farm parcels shall not exceed 1 animal unit per 2 acres of site area.](B/L 6/2008)

AGRICULTURAL ZONES

SUBDIVIDING LAND

13. No parcel of land shall hereafter be divided into sites, unless each site conforms with the regulations set forth in TABLE V - 2.

IRRIGATION

14. Irrigation operations shall be licensed in accordance with the Water Rights Act and shall require a development permit.

DRAINAGE OF WATERBODIES

15. The drainage of water bodies shall be undertaken only after a development permit has been issued.
 - (i) A permit for drainage of a site shall include but not be limited to consideration of the wildlife habitat value, proximity to watercourses, and groundwater recharge value.

PROXIMITY OF BUILDINGS AND STRUCTURES TO AIR LAND STRIPS

16. All buildings and structures, when being located in close proximity to licensed air land strips, whether on the same property or adjoining property, shall be governed by the recommended Transport Canada regulations.

PROXIMITY OF DWELLING UNITS TO COMMERCIAL OR PUBLIC COMMUNICATIONS TOWERS AND AERIALS

17. A dwelling unit shall not be located within a horizontal distance from the tower or aerial equivalent to the vertical height of the tower or aerial.

PROXIMITY OF DWELLING UNITS TO STATIONARY ANHYDROUS AMMONIA STORAGE TANKS

18. A single dwelling unit (including a mobile home, cottage, bed and breakfast) shall not be located within 350 feet of a stationary anhydrous ammonia tank container.

ACCESSORY BUILDINGS AND USE PERMITTED

19. Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

AGRICULTURAL ZONES

Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:

- (i) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
- (ii) Detached accessory buildings may be located in any required yard, of the principle building or use, except a required front yard or as provided for elsewhere herein.
- (iii) All detached accessory buildings shall be located a minimum of ten (10) feet from any dwelling unit. For the purposes of this By-law, the ten (10) foot separation requirement shall be considered a required yard extending from the nearest wall of the detached accessory building to the nearest wall of the dwelling unit.
- (iv) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (v) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.

NOXIOUS OR OFFENSIVE USES

- 20. Notwithstanding anything herein contained, no use or expansion of an existing use shall be permitted in any Agricultural Zone under this PART, which in the opinion of Council may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. This shall not be so interpreted as to prohibit those uses specifically permitted in the "AG80" or "AR" Agricultural Zones.

SIGNS

SIGN REGULATIONS

- 21. 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, commercial and industrial uses.

AGRICULTURAL ZONES

The following shall apply in all zones of this PART except otherwise stated:

- (a) No sign shall be permitted in the Agricultural Zones except as follows:
 - (i) identification sign, maximum size of six (6) square feet.
 - (ii) business sign, maximum size of thirty-two (32) square feet.
 - (iii) real estate sign, maximum size of ten (10) square feet.
 - (iv) bulletin board sign, maximum size of thirty-two (32) square feet.
 - (v) directional sign; as required.
 - (vi) political signs on a temporary basis.
 - (vii) advertising signs, as conditional use, in the "AG80" zone, maximum size of one hundred and sixty (160) square feet.
- (b) All types of signs that are free standing on a site shall be a minimum of ten (10) feet from any site boundary or as required by the Highway Traffic Board.
- (c) No sign or sign structures 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.
- (d) No sign or sign structures shall be located in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (e) 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.
- (f) No flashing signs shall be permitted in any zoning district without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
- (g) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs, which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within

AGRICULTURAL ZONES

thirty (30) days following such condition, may be removed by the Municipality at the owner's expense.

- (h) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another.
- (i) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zone in which they are located.

STORAGE OF DERELICT AUTOMOBILES, PARTS AND OTHER MACHINERY

- 22. Notwithstanding anything in this PART, there shall be no storage of derelict automobiles, parts or any other machinery in any required front, side or rear yard unless approved by the Council.

SCREENING OF DERELICT AUTOMOBILES, PARTS AND OTHER MACHINERY

- 23. Where there is to be storage of derelict automobiles, parts and other machinery outside of a building a continuous compact hedge or continuous row of evergreen trees, which will create a hedge effect expected to attain a height of not less than six (6) feet or a six (6) foot high fence which can not be seen through shall be provided and maintained along the periphery of the storage area in a manner that conceals the stored materials from any public street or road or an adjacent land use.

HOME OCCUPATIONS

- 24. A permitted home occupation, occurring in a building over four thousand (4000) square feet in size and uses 40(%) percent or more of the usable floor area within the building, shall be a conditional use in the "AG80" and "AR" Zones.](B/L 5/2003)

SITING CRITERIA FOR SMALL INDUSTRIES ON FARM PREMISES

- 25. *When reviewing a Conditional Use Application for secondary small scale industrial operation, Council shall take the following into consideration:*
 - (i) *the type of operation and location on the farm premises can be sustained without adverse impact to the natural environment;*
 - (ii) *the character and scale of the operation does not create adverse impacts upon the use of adjoining land uses;*

AGRICULTURAL ZONES

- (iii) *the type and location of the industrial uses does not require the Municipality to invest in new infrastructure to accommodate the operation.*
- (iv) *the industrial activity to be located in the same yard site that serves the farm operation or adjacent to it
or, the industrial use is to be located on the same non-farm residential site but adjacent to the two acres required for the residence;*
- (v) *a small scale industry shall not be allowed in a multi-lot rural residential subdivision.*
- (vi) *the industrial activity does not include the creation of a new title separate from the title for the principal agricultural operation.*
- (vii) *all small scale industrial activities submitted for approval of Council in accordance with this By-law, shall be accompanied by supporting information describing the proposed use, a site plan identifying the location of the proposed use, all related buildings, storage areas and site access routes.*
- (viii) *conditional applications for small scale industrial uses approved by Council under this By-law, will require the preparation of building plans and specifications for the purpose of a building permit, to confirm all new or modified buildings, intended to accommodate the industrial activity, comply with building regulations.](B/L 1/2004)*

[WIND TURBINE GENERATOR STATIONS (WTGS) DEVELOPMENT

26. In addition to the other requirements in this Zoning By-law found in Tables V-I and V-II, the following provisions shall apply to the development of Wind Turbine Generator Stations (WTGS) as conditional uses on sites within the “AG80” and “AR” zones. Agricultural land uses may co-exist with (WTGS) on these parcels.
- a. A conditional use application to establish one or more wind turbine generator station(s) (WTGS) may include one or more turbine(s) on a parcel of land or a network of turbines and associated structures located on different parcels of land at different locations in the Municipality respectively, provided that all structures will be operated by the same corporate entity. For the purposes of this By-law, an application involving more than one parcel of land and (WTGS) shall be processed as one application, with the provision that a separate conditional approval shall be issued for each separate parcel of land and (WTGS).
 - b. Proponents of a wind turbine generator station (WTGS) shall submit, to the Development Officer, a detailed site plan showing the location of all wind turbines, electrical lines (above or below ground), on-site roads and driveways providing

AGRICULTURAL ZONES

access to the public road system as part of the conditional use application. Proposals for additional infrastructure will require additional conditional use approval.

- c. Newly sited residences in the vicinity of a (WTGS), other than the residence of the owner of the lands upon which a (WTGS) is located, shall be separated a minimum distance of one quarter mile (1320 feet) from the nearest adjacent wind turbine tower located in the (WTGS).
- d. Proponents of a (WTGS) are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Transportation and Government Services, and Manitoba Conservation, prior to the issuance of a development permit.
- e. When locating a proposed wind turbine in the vicinity of an airport all Transport Canada regulations regarding height and location of buildings and structures shall be followed.
- f. A development permit shall be obtained prior to the commencement of construction.
- g. The colour scheme of a commercial wind turbine and associated signage affixed to the structure shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway. Both of these items must be dealt with in a manner consistent with an applicable Federal Government regulations.
- h. All wind turbine systems located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or single private residential activity shall be treated as an accessory structure. This structure shall be set back from the property line a minimum distance equal to its total height, measured from the ground to the extent of its rotors.](B/L 7/2005)

[SITING CRITERIA FOR ASPHALT PRODUCTION PLANTS]

- 27. When reviewing a Conditional Use Application for an asphalt production plant, Council shall take the following into consideration:
 - (i) All siting criteria found in the Neepawa and Area Development Plan, PART II – THE RURAL AREA, Section 1.3, Policy 1.3.21.](B/L 6/2008)

AGRICULTURAL ZONES

REGIONAL HOSPITAL SITE REQUIREMENTS

28. In addition to other site provisions regarding this use in this By-law, the following site criteria shall be required when developing a regional hospital site;
- (a) The site is of adequate acreage to meet the needs of the intended use, if TABLE V-II requirements are not large enough. These needs shall include, but not be limited to, all buildings and structures including garages, storage buildings and infrastructure, parking and loading areas and any other operation requirements for site space.
 - (b) Direct access to the Provincial highway system will not be allowed, whereby access to the Provincial highway system shall be via the Municipal road system. Where there is no alternative and access must be direct to the Provincial highway system, a functional design plan must be prepared that considers the need for access locations and intersection improvements along a P.R. or P.T.H. that is approved by Manitoba Infrastructure and Transportation.
 - (c) Water, drainage, sanitary disposal, hydro, telephone and road access can and must be economically provided.
 - (d) The storage, treatment and discharge of all effluent and emissions and disposal of all wastes shall meet the approval of the Municipal Council and Manitoba Conservation.
 - (e) Accessory uses shall be restricted to essential health care related services and facilities, and shall be contained within the hospital building except for accessory buildings necessary for the operation and maintenance of the hospital.
 - (f) A copy of all development proposals shall be circulated to Manitoba Infrastructure and Transportation, Manitoba Conservation and Manitoba Intergovernmental Affairs for review, comment and approval where necessary.](B/L 6/2008)

AGRICULTURAL ZONES

PART VI - RESIDENTIAL RURAL ZONES

INTENT AND PURPOSE

1. In accordance with The Neepawa and Area Planning District Development Plan, the Residential Rural Zone in this By-law is intended to provide for small-holding non-farm residential development unrelated to existing urban settlements.

"RR2" RESIDENTIAL RURAL ZONE

2. (1) The "RR2" Residential Rural Zone shall be restricted to non-farm residential development and the keeping of livestock shall be for recreational purposes only.

USE TABLE

3. The use of land within the Residential Rural Zone shall be as set forth in TABLE VI - 1, RESIDENTIAL RURAL USE TABLE, except wherein otherwise stated.

RESIDENTIAL RURAL USE TABLE VI – 1

LEGEND: P – PERMITTED C – CONDITIONAL NP – NOT PERMITTED	ZONE
USE	RR2
Accessory Uses, Buildings and Structures (see Section 4 of this PART) except home occupation when conducted outside the residences or its accessory building	P
Home Occupations when conducted outside the residence or its accessory building	C
Churches and Halls	P
Existing Uses, Buildings and Structures (see Section 7A and 9(1) of PART III)	P
General Stores and related facilities	P
Recreational Facilities, Parks, Playgrounds and other like facilities owned or approved by Council	P
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for four or fewer adults or children who are under the care of a child caring agency or who may be post mentally ill, mentally retarded or otherwise developmentally delayed	P

RESIDENTIAL RURAL ZONES

RESIDENTIAL RURAL USE TABLE VI – 1

LEGEND: P – PERMITTED C – CONDITIONAL NP – NOT PERMITTED	ZONE
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for five or more adults or children who are under the care of a child caring agency or who may be post mentally ill, mentally retarded or otherwise developmentally delayed	C
Single-family dwellings including mobile homes	P

ACCESSORY USES, BUILDINGS AND STRUCTURES

4. (1) An accessory use, building, or structure includes, but is not limited to, the following:
- (a) A children's playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools;
 - (b) A private garage, carport, covered patio, tool house, shed and other similar buildings for the storage of domestic equipment and supplies;
 - (c) Incinerators and individual sewage systems, subject to the approval of the authority having jurisdiction;
 - (d) Signs;
 - (e) Recreational livestock which, in the opinion of Council, are not obnoxious or detrimental to the public health or welfare;
 - (f) Farm buildings and farm structures including a private stable for the keeping of recreational livestock as provided for in clause (e) above, the location of which shall be approved by Council;
 - (g) Storage of goods used in or produced by agricultural activities on the same site with such permitted activities;
 - (h) Home Occupations (see section 13 of PART III); and
 - (i) Parabolic Dish Antennae.
4. (2) Accessory buildings, except as otherwise required in this By-law, shall be subject to the following requirements:

RESIDENTIAL RURAL ZONES

- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
- (b) Detached accessory buildings shall not be located in any required yard, except a required side or rear yard or as provided for elsewhere herein;
- (c) No detached accessory building shall be located closer than ten (10) feet to any main building;
- (d) In no instance shall an accessory building be located within a dedicated easement right-of-way;
- (e) No accessory building shall be erected prior to erection of the main building except as otherwise provided for herein.

BULK REGULATIONS

- 5. (1) The Residential Rural bulk regulations shall be as set forth in TABLE VI - 2 - RESIDENTIAL RURAL BULK TABLE.
- 5. (2) The following regulations shall apply to the development of the Residential Rural Zone:
 - (a) The number and type of recreational livestock, as provided for in section 4(1)(e) of this PART, shall be determined by Council and the following:
 - (i) There shall not be more than two (2) livestock waste units permitted on a site as determined from the Livestock Waste Unit Table in section 7(2) of PART V, and the minimum site area for such use shall be four (4) acres.
 - (ii) In no event shall the keeping of recreational livestock be permitted within two hundred (200) feet of an adjacent dwelling; and
 - (b) A new Residential Rural Zone shall not be located nearer than one half (1/2) land mile to an existing livestock production operation producing in excess of 100 L.W.U. or other such distance as determined by Council, subject to the recommendation of the Environmental Control Branch.

RESIDENTIAL RURAL ZONES

RESIDENTIAL RURAL BULK TABLE VI - 2							
PERMITTED OR CONDITIONAL USES	ZONE	REQUIREMENTS					
		MINIMUM					
		Site Area (acres)	Site Width (ft.)	Front Yard (a) (ft.)	Side Yard (a) (ft.)	Rear Yard (a) (ft)	Dwelling Unit Area (sq.ft.)
Accessory Uses, Buildings and Structures	RR2	N/A	N/A	30	15(b)	15(b)	N/A
All Other Uses, including existing uses	RR2	2	150	30	30	30	600

Explanations and Exceptions to the Bulk Requirements Table VI - 2 are as follows:

- (a) Where the front, side or rear yard abuts a Municipal Road allowance, the minimum yard requirements shall be increased to one hundred and twenty-five (125) feet.
- (b) An accessory building for the housing of recreational livestock shall have a minimum side or rear yard of fifty (50) feet, and have a minimum separation from any dwelling of two hundred (200) feet, excluding the owner's or operator's dwelling where the separation shall be a minimum of thirty (30) feet.

ONLY ONE MAIN BUILDING OR USE ON A SITE

- 6. (1) There shall be only one main building or one main use on a site, except wherein otherwise stated.
- 6. (2) Only one (1) single-family dwelling or mobile home, where permitted, and related accessory uses, buildings and structures shall be permitted on a zoning site.

LIVESTOCK RESTRICTED

- 7. (1) (a) The number of livestock shall not exceed that which will produce 0.30 animal units per acre. The Animal Unit Table (TABLE V-IV) found in Section 11(2), Part V, AGRICULTURAL ZONES shall be used to determine animal units (A.U.) or equivalent.

In no event shall the keeping of recreational livestock, including a building or fenced enclosure be permitted within 50 feet of a property line or within 200 feet of a residential dwelling located on an adjacent parcel of land.

- 7. (1) (b) A new Residential Rural Zone shall not be closer than the separation distance required in TABLE V-III of PART V.](B/L 6/2008)

RESIDENTIAL RURAL ZONES

PART VII - GENERAL DEVELOPMENT ZONE

INTENT AND PURPOSE

1. The General Development Zone established in this By-law provides for those areas in the Municipality such as unincorporated urban centres, hamlets or small rural settlements where development activities such as residential, commercial, and industrial have not developed sufficiently to exhibit distinct zones and to designate such areas in accordance with the Neepawa and Area Planning District Development Plan.

GENERAL DEVELOPMENT ZONE

2. The "GD" General Development Zone provides for the development of urban land uses in those areas mentioned in Section 1. above.

USE TABLE

3. The use of land within the General Development Zone shall be as set forth in TABLE VII - 1, GENERAL DEVELOPMENT USE TABLE, except wherein otherwise stated.

GENERAL DEVELOPMENT USE TABLE VII – I

LEGEND: P – PERMITTED C – CONDITIONAL	ZONE
USE	GD
Accessory Uses, Buildings or Structures (see Section 4 of this PART)	P
Amusement Enterprises such as Bowling Alleys, Dance Halls, or Theatres	P
Any Manufacturing or Industrial Use not otherwise provided for herein	C
Automobile Service Stations	P
Automobile or Trailer Sales Areas	P
Automobile Wrecking Establishments	C
Bakeries	P
Building Contractors' Yards	C
Churches	P
Dairies and Creameries	P
Drive-In Establishments, except Drive-In Theatres	P

GENERAL DEVELOPMENT ZONES

GENERAL DEVELOPMENT USE TABLE VII – I

LEGEND: P – PERMITTED C – CONDITIONAL		ZONE
USE		GD
Dry Cleaners and Laundries		P
Existing Uses, Buildings and Structures (see Section 7A and 9(1) of PART III)		P
Frozen Food Lockers		P
Fuel Yards and Bulk Oil Storage		C
Gift Shops		P
Grain Storage Buildings		C
Grocery Stores		P
Hotels and Motels		P
Implement Dealers, Sales and Service		C
Lumber Sales, if completely enclosed in a building or structure		P
Lumber Sales, if not completely enclosed in a building or structure		C
Maintenance or public works yards and garages		C
Multiple-Family Dwellings		P
Single-Family Dwellings, Two-Family Dwellings and Mobile Homes		P
Painting Shops		P
Public Buildings		P
Recreation Areas, Parks and Playgrounds		P
[Regional Hospital (see Section 28 of Part V Agricultural Zone)]		C](B/L 6/08)
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for four or fewer adults or children who are under the care of a child caring agency or who may be post mentally ill, mentally retarded or otherwise developmentally delayed		P
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for five or more adults or children who are under the care of a child caring agency or who may be post mentally ill, mentally retarded or otherwise developmentally delayed		C
Restaurants, Coffee Shops and Dining Rooms		P
Retail Stores and Buildings		P
Sales Buildings and Showrooms		P

GENERAL DEVELOPMENT ZONES

GENERAL DEVELOPMENT USE TABLE VII – I

LEGEND: P – PERMITTED C – CONDITIONAL	ZONE
USE	GD
Schools, public or private	P
Senior Citizens Homes	P
Service Buildings and Service Shops	P
Truck Terminals	C
Veterinary Offices	P
Warehouses and Storage Buildings	C

ACCESSORY USES, BUILDINGS AND STRUCTURES

4. (1) In the General Development Zone, accessory uses, buildings and structures shall be limited to the following:
 - (a) Those related to a dwelling, including a mobile home, may include:
 - (i) a children's playhouse, garden house, private greenhouse, summer house, and private swimming pools;
 - (ii) a private garage, carport, covered patio, porch, tool house, shed or other similar additions and structures;
 - (iii) home occupations (see PART III, section 13); and
 - (iv) signs not exceeding four (4) square feet in area.
 - (b) Those related to parks or tot lots and the like may include:
 - (i) Structures and signs for the operation, maintenance and administration of, or incidental to, a permitted park and recreational use.
 - (c) Those related to commercial, industrial or institutional buildings and uses may include:
 - (i) Incinerators and individual sewage disposal systems, subject to the approval of the authority having jurisdiction;

GENERAL DEVELOPMENT ZONES

- (ii) A dwelling or mobile home for a watchman or caretaker whose presence on a permitted or conditional commercial or industrial site is necessary at all times;
 - (iii) Dwelling units, apartments or suites, when incidental to, and located above or to the rear of a permitted or conditional commercial use;
 - (iv) Retail outlets incidental to another permitted or conditional industrial or commercial use;
 - (v) Storage of goods, including buildings and structures in which said goods are stored, used in, or produced by, manufacturing activities, unless such storage is excluded by the zoning regulations;
 - (vi) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business of personal service or mercantile occupancy if conducted by the same ownership as the principal use; and
 - (vii) Signs.
4. (2) Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:
- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
 - (b) Detached accessory buildings shall not be located in any required yard, except a required side or rear yard or as provided for elsewhere herein;
 - (c) No detached accessory building shall be located closer than ten (10) feet to any main building;
 - (d) In no instance shall an accessory building be located within a dedicated easement right-of-way; and
 - (e) Where a through site has a depth of less than two hundred (200) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the frontage, but such accessory

GENERAL DEVELOPMENT ZONES

building need not be located more than twenty-five (25) feet from the street line.

BULK REGULATIONS

5. (1) The General Development bulk regulations shall be as set forth in TABLE VII - 2, GENERAL DEVELOPMENT BULK TABLE.

GENERAL DEVELOPMENT BULK TABLE VII - 2

PERMITTED OR CONDITIONAL USES	REQUIREMENTS				
	MINIMUM				
	Site Area (sq.ft.)	Site Width (ft.)	(c) Front Yard (ft.)	(e) Side Yard (ft.)	Rear Yard (ft.)
Accessory Uses, Buildings or Structures (see Section 4(1) of this PART)			30	6	5(h)
Any Manufacturing or Industrial Use not otherwise provided for herein	15,000	100	20	10(d)	25
Automobile or Trailer Sales Areas and Service Stations	15,000	150	15 pumps 25 bldgs.	15 pumps 15 bldgs.	15 pumps 15 bldgs.
Automobile Wrecking Establishments	1 acre	150	35	20	20
Building Contractor Yards	15,000	100	20	10(d)	25
Churches	20,000	100	30	10	25
Fuel Yards, Bulk Oil Storage	25,000	150	20	20	20
Grain Storage Buildings	15,000	100	20	10(d)	25
Implement Dealers, Sales and Service	1 acre	150	35	20	20
Lumber Yards	25,000	150	20	20	20
Multiple-Family Dwellings (a)	(b)	100	30	12(g)	25
[Regional Hospital	10 acres	500	60	50	50](B/L 6/2008)
Single-Family Dwellings, Two-Family Dwellings and Mobile Homes	15,000(f)	100(f)	30	12(g)	25
Recreation Areas, Parks and Playgrounds	Requirements as determined by Council				
Schools, public or private	5 acres	200	30	10	25
Senior Citizens Homes	25,000	150	20	20	20
Truck Terminals	1 acre	150	35	20	20
Warehouses and Storage Buildings	15,000	100	20	10(d)	25
All Other Uses	5,000	50	0	0	25

GENERAL DEVELOPMENT ZONES

Explanations and Exceptions to the Bulk Requirements Table VII - 2 are as follows:

- (a) The minimum dwelling unit area for multiple-family dwellings shall be 400 sq. ft. and the maximum site coverage shall be 60 percent.
- (b) 20,000 sq. ft. for the first 4 dwelling units plus 1,000 sq. ft. for each additional dwelling unit.
- (c) Front yard setbacks may be modified in accordance with Section 7 of this PART.
- (d)
 - (i) If a commercial or industrial use is adjacent to a residential dwelling, a side yard of 15 feet is required; and
 - (ii) Where located outside the downtown commercial area (as defined by Council), the side yard on the street side of a corner or reverse corner site shall be fifteen (15) feet.
- (e)
 - (i) Clear of all projections; and
 - (ii) In the case of a side yard on the street side of a corner or reversed corner site, there shall be a minimum side yard of twelve (12) feet.
- (f) The minimum required site width shall be fifty (50) feet and the minimum lot area shall be 5,000 square feet if the site is serviced with public sewage and water facilities.
- (g) The minimum required side yard shall be six (6) feet if the site is serviced with public sewage and water facilities, except where there is no public lane to the rear of the lot, one side yard shall be twelve (12) feet.
- (h) The minimum required rear yard shall be zero (0) feet where there is a rear lane.

NUMBER OF BUILDINGS PERMITTED PER SITE

- 6. Not more than one (1) of the following uses and their accessory areas and buildings shall be permitted on one (1) zoning site:
 - (i) single-family dwelling;
 - (ii) two-family dwelling; and

GENERAL DEVELOPMENT ZONES

- (iii) mobile home.

FRONT YARD EXCEPTIONS

7. Where sites comprising forty (40) per cent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established for the entire frontage of the block provided such average is less than the minimum front yard required in the Zone in which the site is located.

PROJECTIONS INTO REQUIRED YARDS

8. (1) Required yard shall be unobstructed from ground level to the sky, except as follows:
- (a) Eaves may project into any required front, side or rear yard a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided that the width of such side yard is not reduced to less than three (3) feet;
 - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet;
 - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies may extend into a required front yard not more than thirty (30) inches;
 - (d) Open, unenclosed porches 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 not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet;
 - (e) Openwork ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3 1/2) feet above the average ground level adjacent thereto. An openwork type railing not more than three and one-half (3 1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in clauses (c) and (d);

GENERAL DEVELOPMENT ZONES

- (f) Fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3 1/2) feet;
- (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of clause (f) above;
- (h) Name plates, signs for lease or rental of the premises on which they are located shall be allowed in any required front, side or rear yard;
- (i) Open work ornamental fences, hedges, landscape architectural features or guard rails, however, 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 1/2) feet in width shall be deemed adequate for such access.

OUTSIDE STORAGE

- 9. (1) Outside storage of goods and materials may be permitted provided:
 - (a) The storage is not located in any required front yard;
 - (b) On a site adjacent to a residential area or a dwelling unit or a mobile home, outside storage shall be effectively screened from the view of the adjacent residences by a wall or fence, the design, location and height of which shall be approved by Council prior to the erection thereof; and
 - (c) The storage shall not project above the height of the wall or fence.

MULTIPLE USES

- 10. 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 site frontage, the higher or more stringent requirement shall prevail.

GENERAL DEVELOPMENT ZONES

[PART VIII - SEASONAL RECREATION ZONE]

INTENT AND PURPOSE

The Seasonal Recreation Zone established in this By-law is intended to accommodate existing and proposed recreational development areas in keeping with the provisions of the Development Plan.

2. The following Seasonal Recreation Zone is hereby established;

(1) **“SR” Seasonal Recreation Zone**

This zone provides for a full range of recreational development which is Compatible with the existing development and the natural environment.

ACCESSORY USES, BUILDINGS AND STRUCTURES

3. (1) In the “SR” Seasonal Recreation Zone, Accessory Uses, Buildings and Structures include and shall be limited to the following:

- (a) A children’s playhouse, garden house, private green house, summer house, swimming pool;
- (b) A private garage, carport, patio, tool house, shed or other similar building for the storage of domestic equipment and supplies;
- (c) Incinerators and private disposal systems subject to the authority having jurisdiction;
- (d) Identification, business or direction signs; (see Section 8 of this PART);
- (e) Building structures or uses accessory and incidental to a permitted or conditional recreational seasonal resort use including boat docks;
- (f) Accessory off-street parking; and

SEASONAL RECREATION ZONE

SEASONAL RECREATION USE TABLE VIII-I

LEGEND: P – PERMITTED C - CONDITIONAL	ZONE
USES (a)	“SR”
Accessory, Uses, Buildings or Structures (see Section 3 of this PART)	P
Camping and Tenting Grounds	P
Cottage Dwellings, including mobile homes as cottages	P
Existing Uses (See Section 7.A and 9(1) of PART III)	P
Recreation facilities including playgrounds, trails, picnic areas and parks	P

4. (a) Explanations to the above are as follows:

- i) No person shall build, erect or bring any building or structure other than a fence on or within the Seasonal Recreation Zone or alter or change the use to which land within the Zone is put, unless he has all valid and subsisting approvals and permits for the use as required.
- ii) All sewage waste originating from any type of development (cottage, campground, etc.) shall be removed from the subdivision development and be treated and released elsewhere in an approved Municipal facility and all private on site disposal systems must be registered with Manitoba Conservation..

Maintenance of access to individual cottage or dwelling sites in the “SR” Zone (not having an improved public access road) shall be the responsibility of the occupants by way of written agreement with the Rural Municipality of Rosedale.

BULK REGULATIONS

5. The Seasonal Recreation Bulk Regulations shall be as set forth in TABLE VIII-II SEASONAL RECREATION BULK:

SEASONAL RECREATION ZONE

SEASONAL RECREATION BULK TABLE VIII - II

PERMITTED OR CONDITIONAL USES	ZONE	REQUIREMENTS					
		MINIMUM					
		Site Area (sq. ft.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Dwelling Unit Area (sq. ft.)
Accessory Uses, Building and Structure	SR	N/A	N/A	30	5	0	N/A
Cottage and Mobile Home Cottage	SR	^a 30,000	100	30	10	25	400
Campers and Tenting Grounds	SR	2 acres	200	30	25	25	N/A
Existing Uses	SR	^a 15,000	50	30	10	25	N/A
Recreation Facilities including Playgrounds, Picnic Areas and Parks	SR	2 Acres	50	30	25	25	N/A

- (a) Subject to sewage service being provided on the same site, by a holding tank, having a capacity as approved by Manitoba Conservation.

BUILDING PER SITE

6. (a) There shall be only one main building or one main use on a site except wherein otherwise stated.

ACCESSORY BUILDINGS

7. Accessory buildings, except as otherwise regulated by this By-law shall be subject to the following regulations.
- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
- (b) Detached accessory buildings shall not be located in any required yard, except a required rear yard as provided for elsewhere herein.

SEASONAL RECREATION ZONE

- (c) No detached accessory building shall be located closer than ten (10) feet to any main building.

SIGNS

- 8. (1) In the Seasonal Recreation Zone, any sign in excess of 16 square feet shall be a conditional use and shall be set back a minimum of three (3) feet from any property line or in the case of a corner site, a minimum of ten (10) feet from any street side of the site.
- (2) No sign shall be erected or altered which would interfere with, or obstruct the view of, or be confused with any authorized traffic indicator, signal or device.

PERMITTED OBSTRUCTIONS IN YARDS

- 9. (1) (a) Required yards shall be provided and maintained in accordance with the provisions of Section 5 of PART III, GENERAL PROVISIONS and shall be unobstructed from ground level to the sky with the following exceptions:
 - i) open terraces, decks and steps not over four (4) feet above the average level of the adjoining ground and maintaining a minimum of 5 feet from the side and rear property line and 20 feet from the front property line;
 - ii) chimney, bay window, first-storey alcove, or vestibule projecting five (5) feet or less, and having a floor area not exceeding fifteen (15) square feet;
 - iii) overhanging eaves and gutters, canopies and awnings projecting five (5) feet or less;
 - iv) uncovered walks and driveways, trees, trellises, flagpoles, lighting fixtures and lamp posts;
 - v) a fence, wall or retaining wall not over (4) feet above the average level of the adjoining ground, in the front yard and not over six (6) feet in the required side and rear yards;
 - vi) signs as regulated in Section 8 of this PART;
 - vii) an accessory off-street parking area;

SEASONAL RECREATION ZONE

viii) incidental storage of material wherein Council's opinion, the said storage will not be detrimental to adjoining sites.](**B/L 6/2008**)

12. That Zoning MAP ONE of the Rural Municipality of Rosedale Zoning By-law No. 5-88, as amended, is hereby deleted and replaced with a new Zoning MAP ONE that includes the original zones and the new zoned "AGR" AGRICULTURAL-LIVESTOCK OPERATION RESTRICTED Zone, "AG80-LI" AGRICULTURAL-LIVESTOCK OPERATION LIMITED 1 Zone and "SR" SEASONAL RECREATION Zone.
13. That Zoning MAP FOUR of the Rural Municipality of Rosedale Zoning By-law No. 5-88, as amended is hereby deleted and replaced with a new Zoning MAP FOUR that includes the original "GD" GENERAL DEVELOPMENT Zone area, but excludes the original "AG80" AGRICULTURAL GENERAL Zone and rezones it from "AG80" AGRICULTURAL GENERAL Zone to the "AGR" AGRICULTURAL-LIVESTOCK OPERATION RESTRICTED Zone.

SEASONAL RECREATION ZONE

DONE AND PASSED in Council duly assembled this 8th day of April A.D. 1988.

THE RURAL MUNICIPALITY OF ROSEDALE

Reeve

Secretary-Treasurer

Read a first time this 8th day of April A.D., 1988.

Read a second time this 13th day of May A.D., 1988.

Read a third time this 13th day of May A.D., 1988.

I, Harold McConnell, Secretary-Treasurer of the Rural Municipality of Rosedale, DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 5-88.

Secretary-Treasurer

APPENDIX “A”

ZONING MAPS

Rural Municipality of Rosedale

OFFICE CONSOLIDATION

Appendix "A"

Zoning Map One
Of By-law No. 5-88

- LEGEND:
- "AG 80" - AGRICULTURAL GENERAL ZONE
- "AR" - AGRICULTURAL RESTRICTED ZONE
- LIMITS OF THE ZONE
- - - LIMITS OF THE ZONING MAP

- AMENDMENTS:
- 1-98
- 3-2000

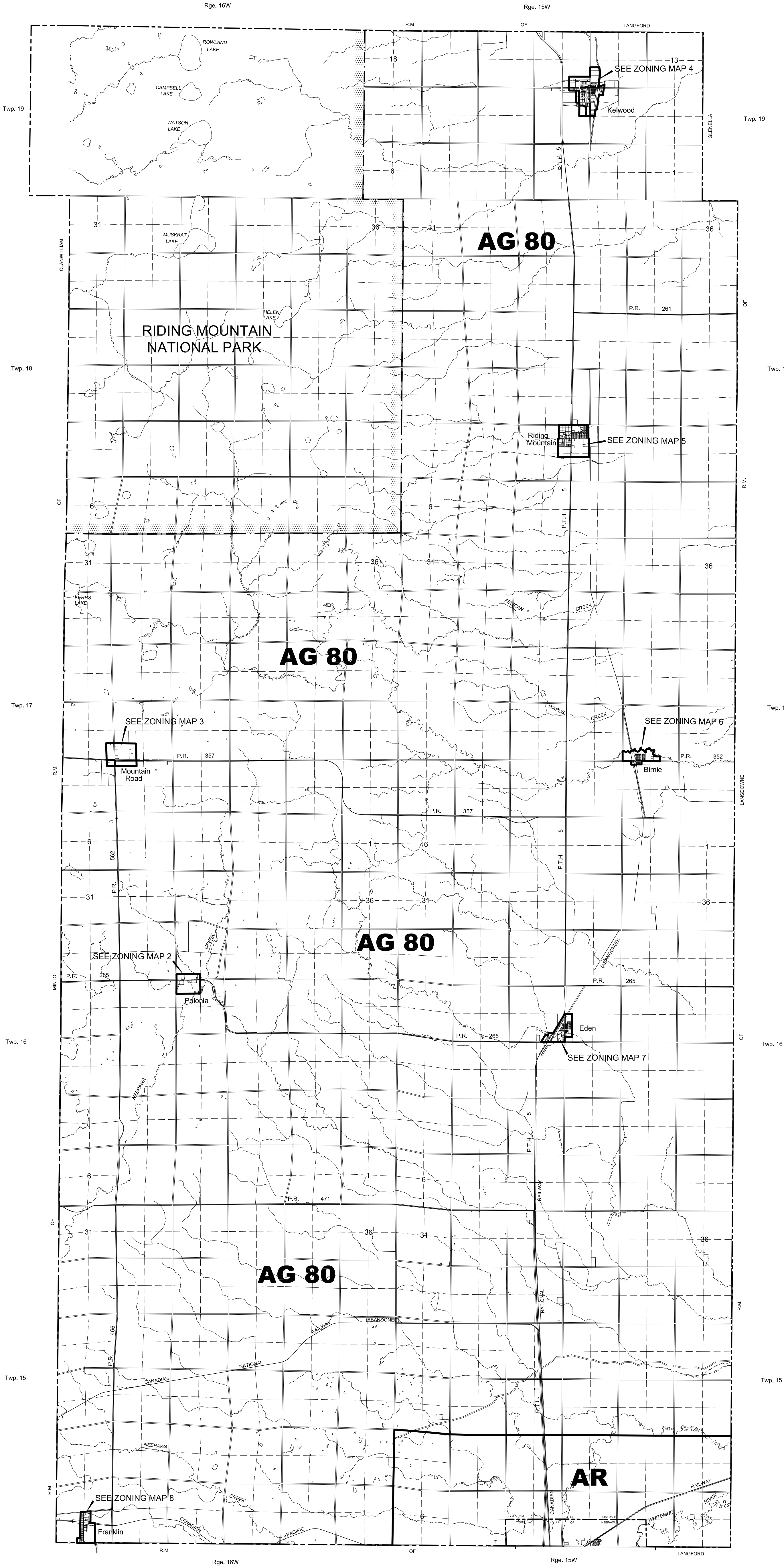
MAP 1



Manitoba
Intergovernmental Affairs



DATE January, 2007 DRAWING NO. Zbl Map 1
REVISED DRAWING NO.



DATE	April, 2009	DRAWING NO.	Zbl_Map 2
REVISED		DRAWING NO.	

**Rural Municipality
of Rosedale**

**OFFICE
CONSOLIDATION**

MOUNTAIN ROAD

Appendix "A"

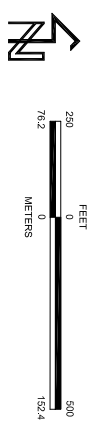
**Zoning Map Three
Of By-law No. 5-88**

LEGEND:

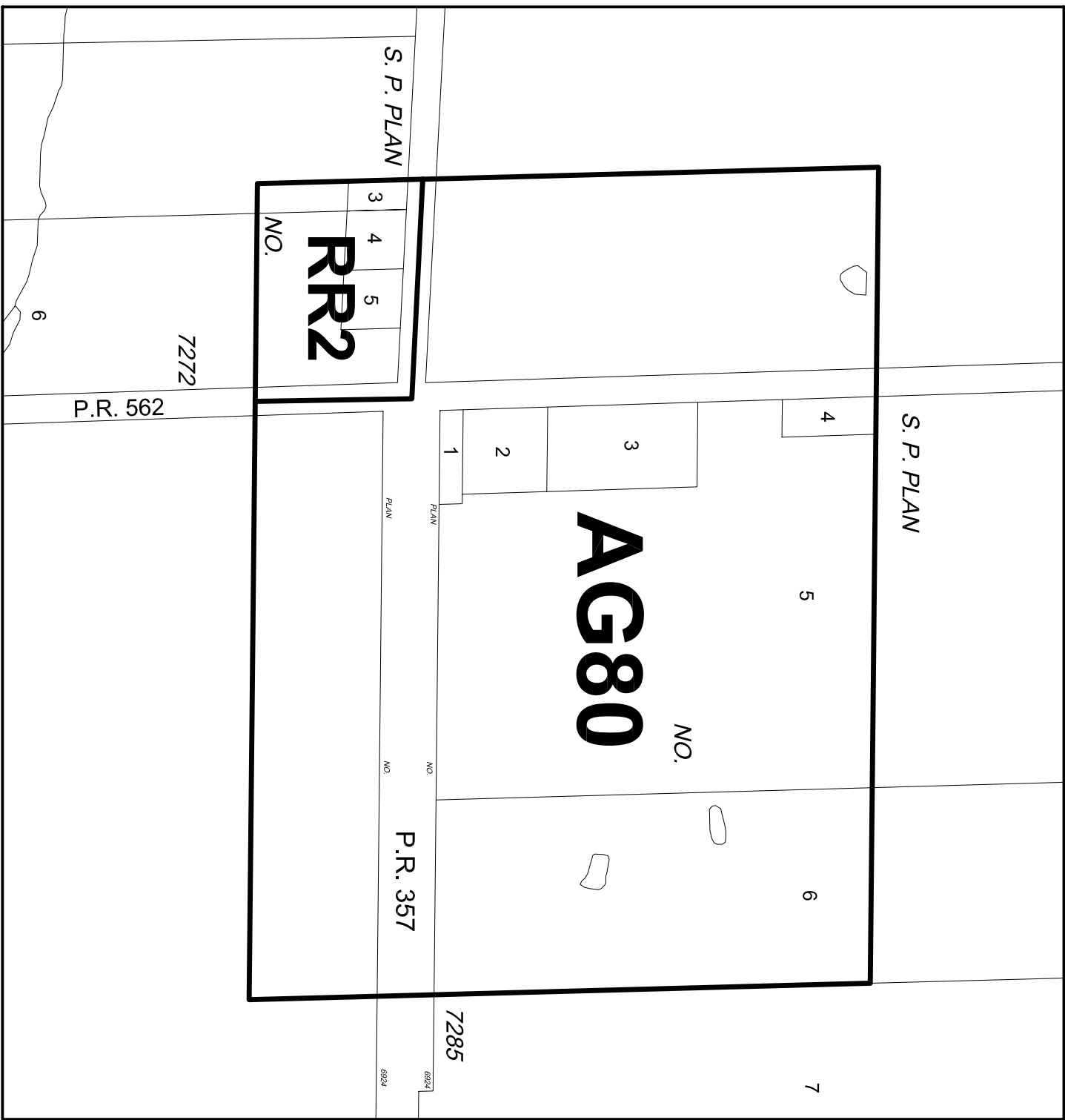
- "RR2" RESIDENTIAL RURAL ZONE
- "AG80" AGRICULTURAL GENERAL ZONE
- LIMIT OF THE ZONE

AMENDMENTS

MAP 3



Intergovernmental Affairs
Community Planning Services



**Rural
Municipality
of Rosedale**

**OFFICE
CONSOLIDATION**

KELWOOD

Appendix "A"

**Zoning Map Four
Of By-law No. 5-88**

LEGEND:

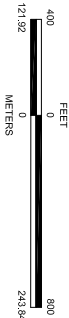
"GD" GENERAL DEVELOPMENT ZONE

"AG80" AGRICULTURAL GENERAL ZONE

— LIMITS OF THE ZONE

AMENDMENTS

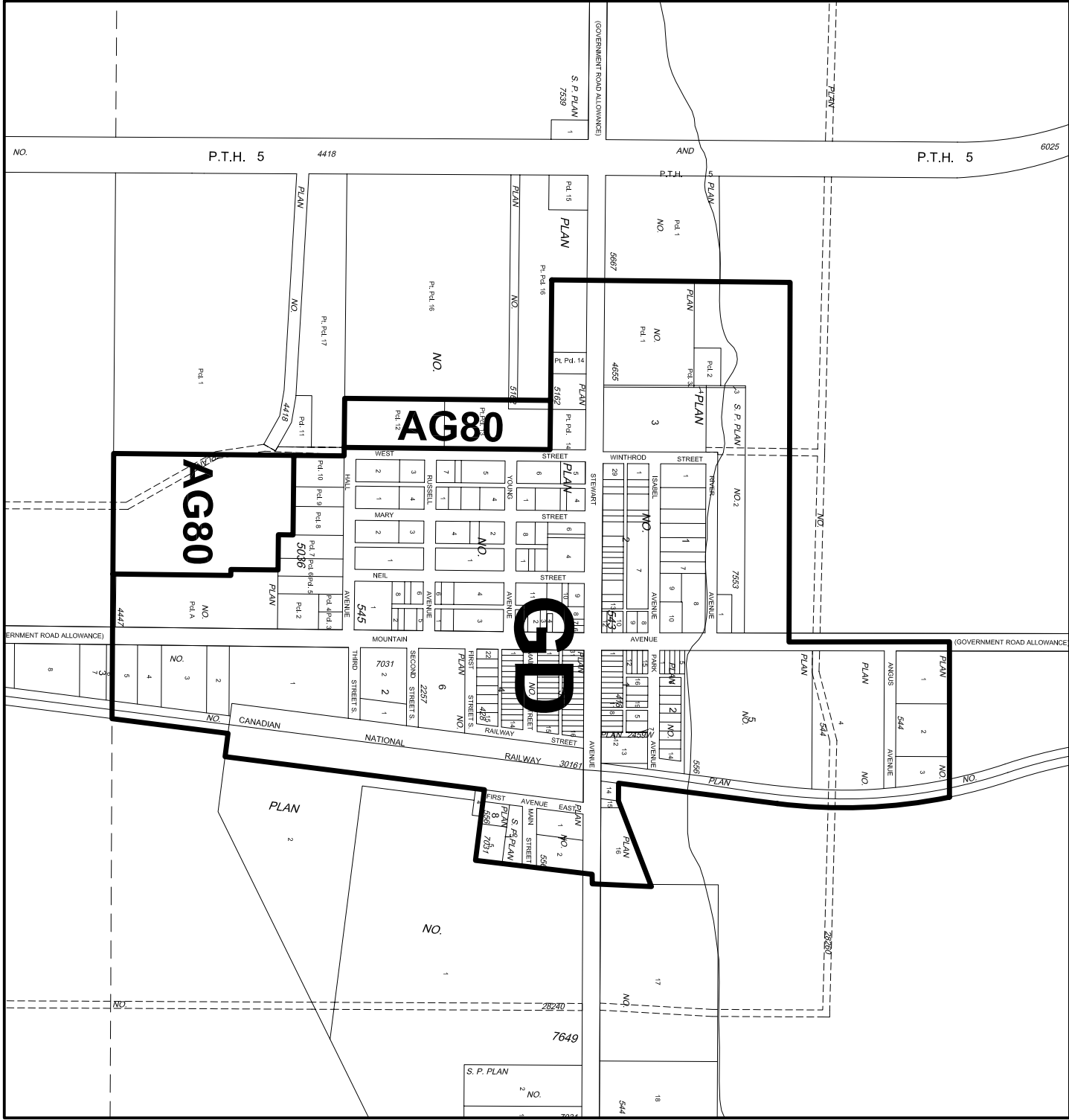
MAP 4



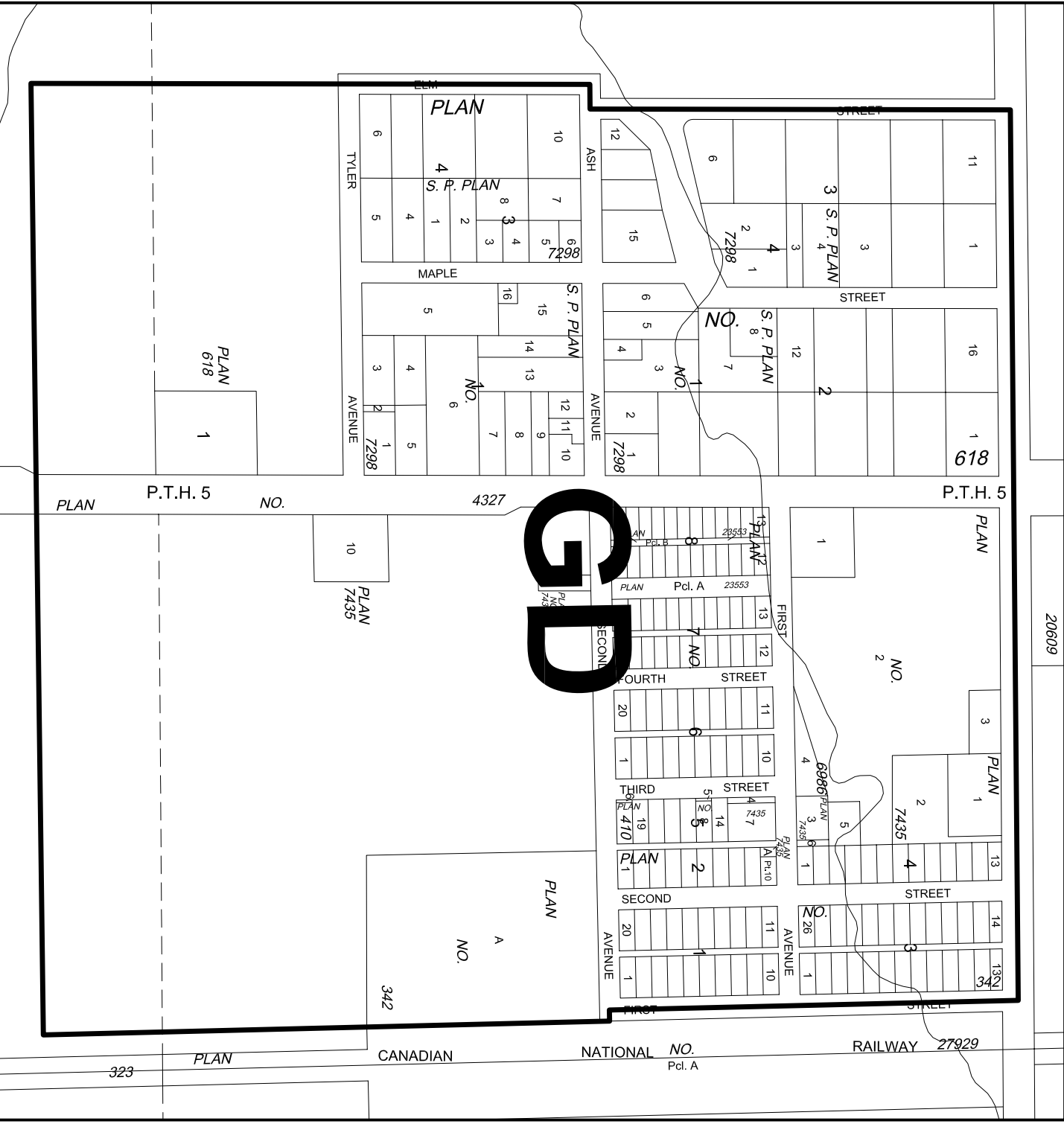
Manitoba
Intergovernmental Affairs
Community Planning Services



DATE January, 2007 DRAWING NO. ZM Map 4
REVISED DRAWING NO.



20609



Rural Municipality of Rosedale

OFFICE CONSOLIDATION

RIDING MOUNTAIN

Appendix "A"

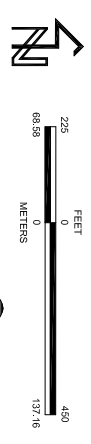
Zoning Map Five Of By-law No. 5-88

LEGEND:

"GD" GENERAL DEVELOPMENT ZONE
LIMIT OF THE ZONE

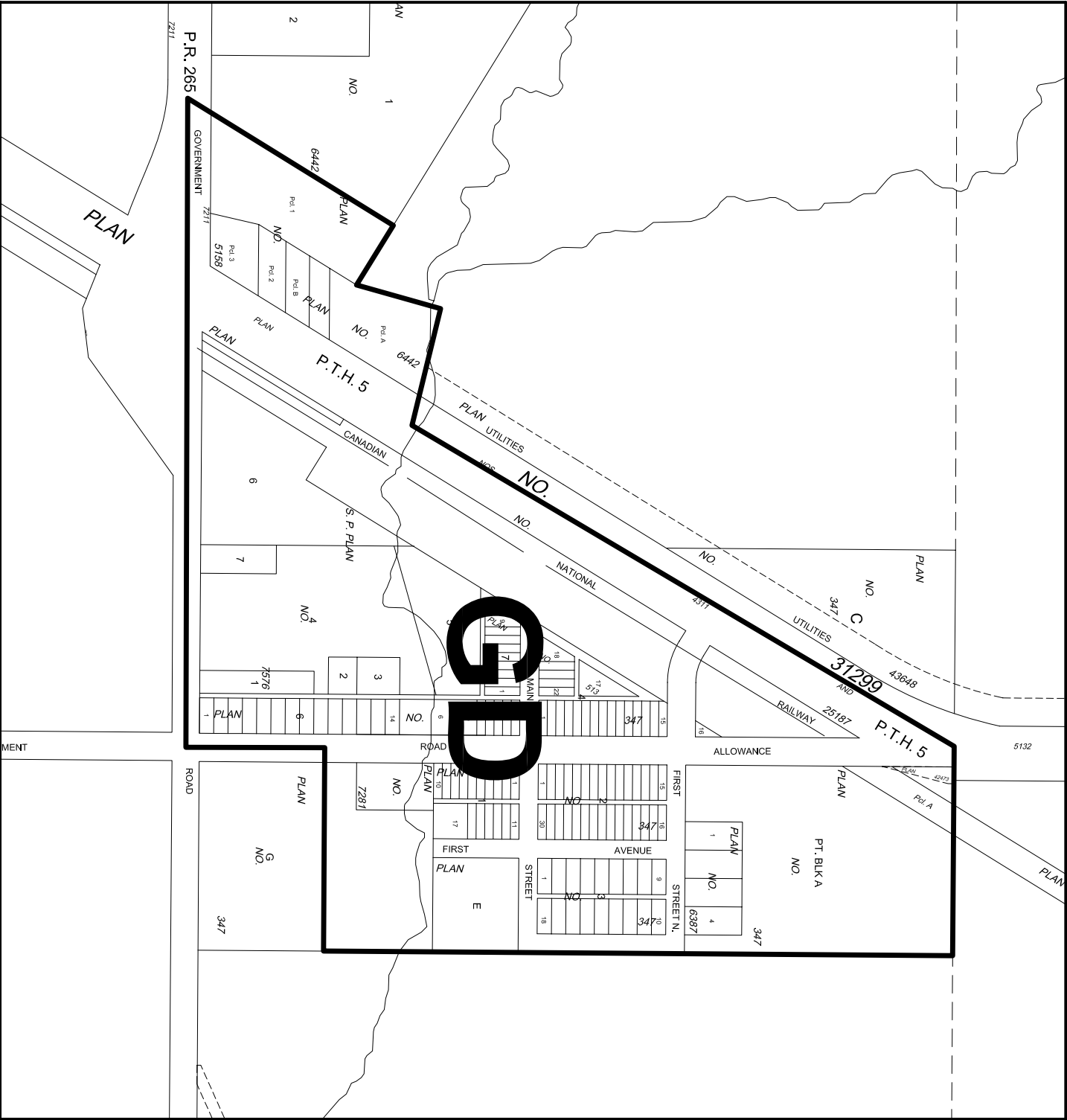
AMENDMENTS

MAP 5



Intergovernmental Affairs
Community Planning Services

DATE	April, 2009	DRAWING NO.	Zbl Map 6
REVISED		DRAWING NO.	



Rural Municipality of Rosedale

OFFICE CONSOLIDATION

EDEN

Appendix "A"

Zoning Map Seven Of By-law No. 5-88

LEGEND:

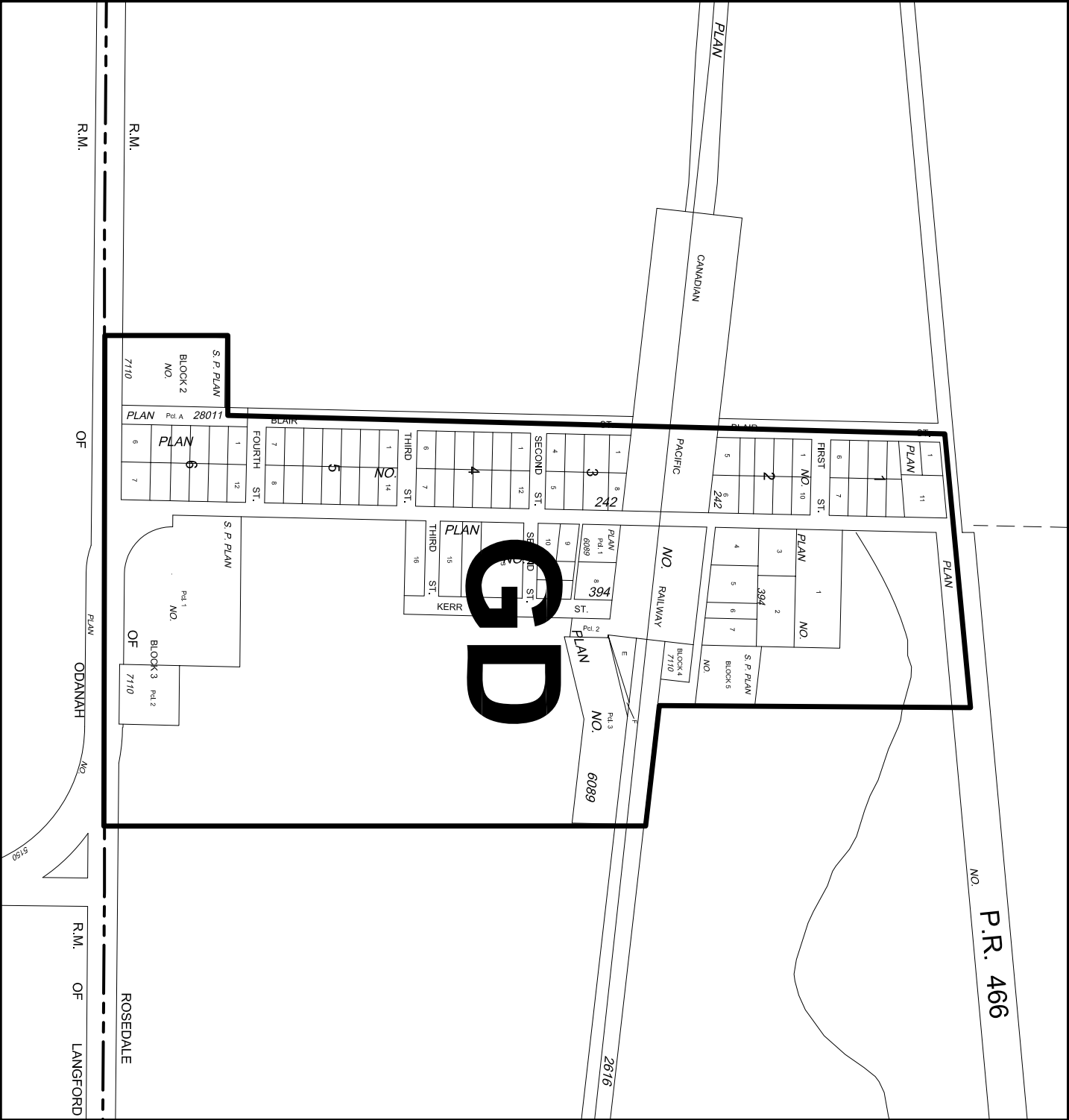
"GD" GENERAL DEVELOPMENT ZONE
LIMIT OF THE ZONE

AMENDMENTS

MAP 7



Intergovernmental Affairs
Community Planning Services



Rural Municipality of Rosedale

OFFICE CONSOLIDATION

FRANKLIN

Appendix "A"

Zoning Map Eight Of By-law No. 5-88

LEGEND:

"GD" GENERAL DEVELOPMENT ZONE
LIMIT OF THE ZONE

AMENDMENTS

MAP 8



Intergovernmental Affairs
Community Planning Services

THE RURAL MUNICIPALITY OF ROSEDALE

BY-LAW NO. 5-2012

BEING A BY-LAW of the Rural Municipality of Rosedale to amend the Rural Municipality of Rosedale Zoning By-law No. 5-88, as amended.

WHEREAS Section 80(1) of The Planning Act provides that a Zoning By-law may be amended;

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

1. PART "II" ADMINISTRATION, of the Rural Municipality of Rosedale Zoning By-law No. 5-88 is hereby amended by:


A. Removing the "Note" following 7. (1) which reads:


(NOTE: THIS DOES NOT APPLY TO FARM BUILDINGS, FARM STRUCTURES OR SIGNS.)

B. Deleting subsection 7.1. (a) and substituting the following:

- a) The erection, construction, placement, structural alteration or relocation of any building and structures including farm buildings and structures and non-farm commercial or industrial buildings.

DONE AND PASSED IN COUNCIL duly assembled this 12th day of October A.D. 2012.


Reeve


Chief Administrative Officer
R.M. of Rosedale

RECEIVED FIRST READING ON THIS 10th DAY OF AUGUST 2012.

RECEIVED SECOND READING ON THIS 12th DAY OF October 2012.

RECEIVED THIRD READING ON THIS 12th DAY OF October 2012.

FOR: AKL

AGAINST:

I HEREBY CERTIFY the foregoing to be a duplicate original of a By-Law of The Rural Municipality of Rosedale issued in Council assembled, on the 12th day of October A.D. 2012, and signed, sealed and filed as No. 5-2012


Karen McDonald, Deputy Town