

# The Rural Municipality of Stuartburn

ZONING BY-LAW 186/2022

THE RURAL MUNICIPALITY OF STUARTBURN

BY-LAW NO. 186/2022

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF  
STUARTBURN TO REGULATE THE USE & DEVELOPMENT  
OF LAND

WHEREAS The Planning Act provides that the Council of a Municipality may enact a zoning by-law which generally conforms to a development plan adopted for the area;

AND WHEREAS The Planning Act provides that the Council of a Municipality shall enact a zoning by-law upon the adoption of a development plan;

AND WHEREAS The Rural Municipality of Stuartburn has adopted a development plan by virtue of By-Law No. 157/2019;

NOW THEREFORE BE IT and it is hereby enacted as a By-Law of The Rural Municipality of Stuartburn as follows:

1. That By-law ~~98~~-2011 being the Rural Municipality of Stuartburn Zoning By-law and all amendments thereto are hereby rescinded;
2. THAT the attached Appendix 'A' shall be referred to as the Rural Municipality of Stuartburn Zoning By-Law.
3. THAT this By-Law shall come into full force and be effective the day after it receives third reading by Council.

DONE AND PASSED as a By-Law of The Rural Municipality of Stuartburn, at the Post Office of Vita, in Manitoba, this 16<sup>th</sup> day of August, 2022.

THE RURAL MUNICIPALITY OF STUARTBURN

  
David Kiansky, Reeve.

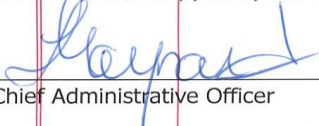
  
Lucie Maynard, Chief Administrative Officer.

Read a First Time this 21<sup>st</sup> day of June, 2022.

Read a Second Time this 16<sup>th</sup> day of August, 2022.

Read a Third & Final Time this 16<sup>th</sup> day of August, 2022.

Certified a true copy of By-law No. 186-2022 of the RM of Stuartburn.

  
Chief Administrative Officer

## How to Use This Zoning By-law

A zoning bylaw helps to implement the objectives and policies in the development plan (and any applicable secondary plan) by setting out specific rules for development and land use in a community. They contain specific requirements that are legally enforceable and control the use of land. Zoning By-Laws state exactly:

- how land may be used;
- where buildings and other structures can be located;
- the types of buildings that are permitted and how they may be used; and
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street.

This 4-step process helps to determine uses and structures that are permitted on a property.



### Step 1

#### **What Zone is your Property located in?**

- Use to the Zoning Maps in Appendix A to determine the zone
- Locate your property and determine zone



### Step 2

#### **What uses are permitted in your zone?**

- Find the Bulk Table
- Uses marked with a P are permitted and may be developed once a development permit is obtained
- Uses marked with a C are conditional and are evaluated on a case by case base. Conditional Uses require approval from Council and may have additional requirements



### Step 3

#### **How and where can you develop on your property?**

- Find the Bulk Table
- Bulk Tables provide information on minimum lot sizes, building heights, minimum yard requirements and other spatial requirements
- Additional details may be provided in the General Rules and Regulations / Definition Sections



### Step 4

#### **What kinds of permits do you need?**

- In most cases you will need a development permit
- Check Administration section to see if your development is exempt from needing a permit
- If you need a permit contact the Municipality
- You are responsible for finding out any other provincial or federal regulations that may apply as well as finding out what local permits are required (ie. building permits, plumbing permits, electrical, etc.)

<b>PART 1: APPLICABILITY AND SCOPE .....</b>	<b>6</b>
<b>GENERAL.....</b>	<b>6</b>
1.1 Title .....	6
1.2 Scope.....	6
1.3 Purpose.....	6
1.4 Application.....	6
1.5 Relation to Other By-Laws .....	6
1.6 Rules of Construction .....	7
1.7 Effective Date .....	7
<b>PART 2: DEFINITIONS.....</b>	<b>8</b>
2.1 Definitions in The Planning Act.....	8
<b>PART 3: ADMINISTRATION .....</b>	<b>22</b>
3.1 Requirement for Compliance with this By-law .....	22
3.2 Zoning Maps.....	22
3.3 Zone Boundary Interpretation .....	22
3.4 Split Zoning .....	23
3.5 Interpretation .....	23
3.6 Responsibilities of Council .....	24
3.7 Duties of the Owner .....	24
3.8 CAO, Development Officer or Designate .....	24
3.9 Duties of the Designated Officer .....	24
3.10 Application for amendments, variances and conditional uses .....	25
3.11 Development Agreements.....	27
3.12 Permits .....	27
3.13 Building to be moved .....	30
3.14 Non-Conforming Uses, Buildings, Lots or Structures.....	30
3.15 Land Unsuitable for Development.....	31
3.16 Relationship to Former By-laws .....	32
3.17 Applications and Construction in Process.....	32
3.18 Zoning Memorandum .....	32
3.19 Site Reduced .....	32
3.20 Public Utilities and Service .....	33
3.21 Future Road Allowance.....	33
3.22 Connecting to Municipal Services.....	33
3.23 Enforcement.....	33
3.24 Fees .....	33
<b>PART 4 GENERAL REGULATIONS.....</b>	<b>34</b>
4.1 Regulation of Uses .....	34
4.2 One Dwelling Unit Per Parcel/ Holding.....	34
4.3 Multiple Uses .....	34
4.4 Secondary Uses and Structures .....	34
4.5 Subdividing of Land.....	34
4.6 Excavation, Stripping and Grading .....	35
4.7 Home Occupations .....	35
4.8 Home Industry.....	35
4.9 Condominiums.....	36

4.10	Planned Unit Developments .....	36
4.11	Temporary Buildings, Structures, and Uses .....	37
4.12	Required Yards .....	38
4.14	Accessory Buildings and Structures and Uses .....	43
4.15	Road Access .....	43
4.16	Service Connections .....	44
4.17	Public Utilities .....	44
4.18	Parking .....	44
4.19	Signs .....	44
4.20	Rules of Measurement .....	44
4.21	Standards for Portable Garages .....	46
4.22	Shipping Containers .....	46
<b>PART 5: ZONES.....</b>		<b>48</b>
<b>5.1 ESTABLISHING ZONES .....</b>		<b>48</b>
TABLE 5-1: ZONES ESTABLISHED .....		48
5.1	Zoning Boundaries .....	48
5.2	Zones.....	48
Urban Zones.....		49
<b>5.3 INTERPRETATION OF ZONE REQUIREMENTS.....</b>		<b>50</b>
5.4 IMPLICATIONS OF TABLE ABBREVIATIONS.....		50
<b>TABLE 5-2: PRINCIPAL USE TABLE – ALL ZONES.....</b>		<b>51</b>
<b>TABLE 5-3-5-12: ACCESSORY USE, BUILDING OR STRUCTURE TABLE– ALL ZONES</b>		<b>55</b>
<b>PART 6: USE SPECIFIC STANDARDS.....</b>		<b>72</b>
6.1	Aggregate .....	72
6.2	Anhydrous Ammonia Storage and Facilities.....	73
6.3	Abattoirs .....	73
6.4	Automobile sales, rental and services.....	73
6.5	Backyard Bee Keeping .....	73
6.6	Bed and Breakfasts .....	73
6.7	Dangerous Goods or Agrichemical Storage .....	74
6.8	Drive-Ins and Drive-throughs .....	74
6.9	Hobby Poultry .....	74
6.10	Keeping of Animals .....	74
6.11	Micro Campgrounds .....	75
6.12	Private Swimming Pools and Hot Tubs .....	75
6.13	Regulation of Livestock Operations.....	75
Table 6-1 Livestock Operations – Minimum Setback Requirement.....		76
Schedule B Animal Unit Calculation Table.....		77
6.14	Sewage Treatment & Solid Waste .....	78
6.15	Solar Collectors, Private Windmills and Natural Energy Devices.....	78
6.16	Secondary Suites .....	78
6.17	Wind Energy Generating Systems.....	79
<b>SCHEDULE A – ZONING MAP .....</b>		<b>81</b>

## PART 1: APPLICABILITY AND SCOPE

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### GENERAL

#### 1.1 Title

This By-law shall be known as the “Rural Municipality of Stuartburn Zoning By-law” or the “Stuartburn Zoning By-law”.

#### 1.2 Scope

This By-law applies to all lands in the RM of Stuartburn as shown on the Zoning Map.

#### 1.3 Purpose

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

- (1) Implement the objectives and policies of *The Rural Municipality of Stuartburn Development Plan*;
- (2) Define and limit the powers and duties of the Rural Municipality of Stuartburn Council and Designated Officer; and
- (3) Regulate the use and development of land and buildings by:
  - a. Dividing the municipality into zones;
  - b. Prescribing permitted and conditional uses for land and buildings in each zone; and
  - c. Setting out procedure for applying for and issuing Development Permits, non-conforming certificates zoning memoranda and other similar documents including the classes of minor development, if any, that does not require a Development Permit.

#### 1.4 Application

- (1) This By-law regulates all forms of development including the use and development of land, buildings, and structures in the Rural Municipality of Stuartburn as shown on the zoning maps in Schedule A.
- (2) All activity and development within the Rural Municipality of Stuartburn must conform to the provisions of this By-law and be consistent with the RM of Stuartburn’s Development Plan.
- (3) This By-law does not apply within streets, public lanes, paths or pathways, or public walks within a zoning district.
- (4) This By-law does not apply to the construction, maintenance, or operation of public service works within a public utility right-of-way.

#### 1.5 Relation to Other By-Laws

Whenever provisions of another By-law of the RM of Stuartburn or a law or regulation of the provincial or federal government contain a restriction governing the same subject matter contained in this By-law, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

The RM of Stuartburn may require proof of compliance with federal or provincial regulations prior to issuance of the applicable permit or certificate.

## **1.6 Rules of Construction**

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

- (1) Words, phrases and terms are as defined within this By-law;
- (2) Words, phrases and terms not defined within this By-law shall be as defined in The Planning Act, Municipal Act, Buildings and Mobile Homes Act and/or the Building, Electrical or Plumbing By-laws of the Rural Municipality of Stuartburn;
- (3) Words, phrases and terms neither defined within this By-law nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of Stuartburn shall be given their normative meaning except where Council determines the context clearly indicates a different meaning;
- (4) The phrase “used for” includes “arranged for”, “designed for”, “maintained for” or “occupied for”;
- (5) 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:
  - (a) “and” indicates that all the connected items, conditions, provisions or events shall apply in any combination.
  - (b) “or” indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.
  - (c) “either-or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- (6) The word “includes” or “including” 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.
- (7) Where any land, building or structure is used for more than one purpose; all provisions of this By-law relating to each shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.
- (8) There shall be only one principal or main building on a zoning site unless otherwise permitted herein.

## **1.7 Effective Date**

This By-law comes into full force and effect when it is given third reading by the Council of the Rural Municipality of Stuartburn.

## PART 2: DEFINITIONS

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### 2.1 Definitions in The Planning Act

Terms not defined in this by-law which are defined in *The Planning Act* have the meaning provided for in that act.

### 2.2 Definitions in this by-law

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

**“Abattoir meat/food processing and packaging”**, means a building, structure, or part thereof, used for the slaughtering of animals, rendering meat and related activities. This use includes slaughterhouses.

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

**“Accessory use or structure”**, means a use or structure on the same zoning site as the principal building or use, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities which are permitted by variation to locate elsewhere than on the same zoning site with the building, structure or use served.

**“Act, The** Means *The Planning Act*, being Chapter 80 of the Continuing Consolidation of Manitoba and amendments thereto.

**“Aggregate”** means a quarry mineral that is used solely for construction purposes or as a constituent of concrete other than the manufacture of cement and includes sand gravel, clay, crushed stone and crushed rock.

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

**“Agri-business”**, means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment sale, machinery repair shops, feed and fertilizer supply operations etc.

**“Agri-tourism”** means an agricultural establishment that provides a service to promote and educate the public about farming and agricultural activities. For the purposes of this by-law an agri-tourism use is considered an accessory use, located on the same parcel as the farm and also includes the following uses: bed and breakfast, farm produce retail outlet, corn or hay mazes, petting zoo (subject to the livestock requirement in the By-law), hay rides, sleigh rides, buggy or carriage rides, seasonal activities, events related to the farm including farm tours, eating facilities and like uses. Facilities to provide farm vacations, such as, but not limited to, camping and tenting grounds, yurts and cabins, are considered part of an agri-tourism use.

**“Agricultural processing”** means facilities which store and process agricultural products, including dairy, packaging and processing, grain elevators and the cleaning and processing of grains.

**“Agriculture, Indoor”**, means indoor horticulture or aquaculture operations using hydroponic or other means to engage in growing plants for consumption and non-food products excluding cannabis.



**“Agriculture, specialized”**, means the use of land for apiculture, floriculture, horticulture, including market gardening, greenhouses, orchards and tree farming and similar agricultural activities on a commercial basis but on parcels smaller than 80 acres. Specialized agriculture may contain limited retail of goods produced on site and educational component, but agricultural production is to be the primary use.

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

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

**“Agricultural operation”**, means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products (not including livestock or natural resource developments) on a commercial basis, and includes:

- a. The production of crops, including grains, oil seeds, hay, and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops;
- b. The use of land for grazing;
- c. The production of eggs, milk and honey;
- d. The processing necessary to prepare an agricultural product for distribution from the farm gate;
- e. The processing and storage of agricultural products, including dairy, packaging, grain elevators and seed and grain cleaning.
- f. The operation of agricultural machinery and equipment, including the tillage of land and the application of fertilizers, manure, soil amendments and pesticides, whether by ground or aerial application;
- g. The storage, use or disposal of organic wastes for agricultural purposes;
- h. The storage of farm related materials including, but not limited to, fuel, fertilizer are considered accessory uses.

**“Airfield”**, means any area of land or water that is used for the landing or taking off of aircraft for personal and agricultural use.

**“Alter or Alteration”** means a change or modification to an existing building, structure or use which unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

**“Alterations, incidental”**, means:

- a. Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
  - I. An addition on the exterior of a residential building, such as an open porch;
  - II. Alteration of interior partitions in all types of buildings; or
  - III. Replacement of, or changes in, the capacity of utility pipes, ducts or conduits.

- b. Changes or replacements in the structural parts of a building, including but not limited to the following:
  - I. Adding or enlarging windows or doors in exterior walls;
  - II. Replacement of building facades; or
  - III. Strengthening the load bearing capacity, in not more than ten percent (**10%**) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

**“Anhydrous ammonia facility”**, means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer, including sales and service.

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

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

**“Apiary”**, means a place where bee colonies, hives, combs, or appliances are kept.

**“Auction mart – livestock”**, means a facility in which livestock are kept on a temporary basis for the purposes of selling and distribution.

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

**“Automobile, vehicular and equipment service and repair shop”**, means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, lawnmowers, and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes body repair shops, transmission shops, muffler shops, tire shops, automotive glass shops, upholstery shops, autobody repair and paint shops.

**“Aviary”**, means a place for keeping birds for the purpose of raising, exhibiting, or selling them.

**“Basement”**, means a portion of a building between a floor and ceiling that is located partly underground, but with more than half of the floor to ceiling height thereof above the average grade of the adjoining ground.

**“Bed and breakfast”**, means a residential dwelling where sleeping rooms without cooking facilities are offered for short-term paid accommodation and where these sleeping rooms form part of the proprietor’s residence. The “proprietor” in this case shall mean the owner of the Bed and Breakfast and this building shall be the principal residence of the owner and his/her family.

**“Boarding, rooming, or lodging houses”**, means a building or portion thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and his/her family.

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

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

**“Bulk”**, means the following:

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

**“Bulk fuel storage/sales”**, means the use of land for the storage, sale or distribution of synthetic or petroleum-based fluids primarily on a wholesale basis.

**“Campgrounds”**, means a parcel of land planned and improved to accommodate travel trailers, camping trailers, RV’s pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.

**“Cannabis Cultivation”** means the planting, growing, developing, propagating, harvesting, drying, processing, curing, grading, trimming, packaging, or storage of one or more cannabis plants or any part thereof in any location, indoor or outdoor, including within a fully enclosed and secure building. Cannabis cultivation includes the following: Standard cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities. Micro-cultivation means the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities. Industrial hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities. Nursery means the growing of cannabis plants to produce starting material (seed and seedlings) and associated activities.

**“Cannabis retail store”** means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

**“Cannabis standard processing”** means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially-authorized distributors, as well as associated activities.

**“Carport”** means an attached building open on two sides for the shelter of privately owned automobiles.

**“Cemetery”**, means land for the burial of the dead, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery. Cemetery can include animals.

**“Child care services”**, means the provision of care for remuneration or reward to a child apart from his or her own parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours:

- a. **“Community day care”**, means to provision of child care services for more than twelve (12) children in a provincially licensed facility;

- b. **“Home day care”**, means the provision of child care services dwelling unit to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed six (6); and
- c. **“Group day care”**, means the provision of child care service for more than six (6) but not more than twelve (12) in a provincially licensed facility.

**“Clinic”**, means a facility for the provision of human health services and related activities such as preparation of castings, dentures, and x-rays, for patients without overnight accommodations, and associated laboratory facilities.

**“College or university”**, means a development which is publicly or privately supported or subsidized involving assembly for post-secondary educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site.

**“Commercial school”**, means an establishment, other than elementary or junior high schools, senior high schools, or colleges and universities, offering training or instruction in a trade, art, or occupation, including beauty schools, dance schools, and trade or vocational schools.

**“Concrete and asphalt batching plant”**, means land and buildings used for the storage and mixing of the constituent elements of concrete or asphalt and includes parking, maintenance, mechanical repair and refuelling of mixing vehicles used to deliver product batched at the premises.

**“Condominium”** means the use of land or buildings as provided for in *The Act*.

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

**“Condominium, bare land unit”** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan. For the purposes of this By-law a “bare land unit” is a bare land unit condominium, as defined in *The Condominium Act*, and shall be considered a zoning site.

**“Contractor establishment”**, means land and/or buildings intended for the storage of equipment and materials and contracting businesses such as road building, construction, plumbing, electrical and landscaping on the same site.

**“Crematorium”** means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

**“Cryptocurrency”** means a type of virtual asset that is protected using cryptography.

**“Cryptocurrency mining”** means a process that uses computers or specialized hardware to confirm cryptocurrency transactions and can be done by either an individual or an organization.

**“Cultural centre”**, means a building or portion of a building dedicated to the celebration and promotion of a cultural group or groups where patrons and guests are not required to be members of a non-profit organization.

**“Development”** means:

- a. The construction of a building on, over or under land;

- b. A change in use or intensity of use of a building or land;
- c. The removal of soil or vegetation from land; and
- d. The deposit or stockpiling of soil or material on land or the excavation of land.

**“Development permit”**, means a permit issued under the zoning by-law authorizing development, and may include a building permit.

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

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

**“Dwelling”** means a building or a portion thereof designed for residential occupancy.

**“Dwelling, mobile home”**, means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*. For the purpose of this By-law, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a Mobile Home Dwelling shall not change the classification.

**“Dwelling, multiple- unit”**, means a building containing three (3) or more dwelling units, each unit designed for and used by not more than one (1) family. May include multiple-story structures.

**“Dwelling, ready-to-move”**, means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation.

**“Dwelling, single-unit”**, means a detached building designed for and used by not more than one (1) family. Also includes modular and ready-to-move dwelling units so long as they are only used by one (1) family.

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

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

**“Eating and drinking establishment”**, means the selling of prepared foods for consumption within the premises or take-out. This includes licensed drinking establishments, restaurants, cafes, delicatessens, home deliver or catering.

**“Emergency services”**, means public institutions which provide protective and emergency response services, including police, fire, ambulance or paramedic services.

**“Exterior/Outdoor Storage”** means the storage of merchandise, goods, inventory, materials, or equipment or other items that are intended for immediate sale, by locating them outside.

**“Entertainment/amusement facilities”**, means a commercial facility open to the public offering recreational activities including, but not limited to, video arcades, bowling, movie theatres, paintball and miniature golfing.

**“Farmers Market/ outdoor market”** means a defined area of land where spaces or stalls are rented, leased or provided for the outdoor sales of fresh fruit, produce, food produces, meat and fish items, plants and flowers, baker goods, dairy products, crafts and similar products. Accessory uses include necessary buildings and other infrastructure to accommodate these uses.

**“Funeral home/mortuary”**, means a facility for the storage and cremation of deceased human bodies, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**“Garage”** means an accessory building or part of a principal building designed and used by the primary occupants of the premise primarily for the storage of motor vehicles and other personal property.

**“Greenhouse/ nursery”** means a structure and/or associated land and accessory uses that are used for the sale of growing of sod, bushes, trees, vegetables and other gardening landscaping or orchard stock including wholesale operations. Can include landscape or garden supply.

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

**“Gun range”**, means a licensed indoor or outdoor facility for the recreational discharge of firearms.

**“Home industry”**, means a light manufacturing operation that is carried out as a secondary use on the same site as a dwelling. The land associated with a home industry is more intense than those associated with a Home-based business and may include some external noise, odour, light, or traffic impacts as well as the external storage of products or materials.

**“Home occupation”**, means any occupation, profession, trade, craft or business activity which includes manufacturing, sales, a commercial or professional operation, business service, trade, practice, office or use which is carried on or in or from a dwelling unit and/or its permitted accessory buildings, is intended as a for-profit operation, and is incidental to, accessory to, or secondary to the residential use of the dwelling unit.

**“Hospital”** means an institution that maintains and operates facilities for inpatient medical care with overnight stays, including x-ray, laboratory, and surgical, for the diagnosis, care, and treatment of human illness, injury, and disease (physical or mental). Outpatient care may also be provided.

**“Hotel/ motel”**, means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. This use may include accessory eating and drinking establishments, retail – small, and meeting rooms.

**“Interpretive centre”**, means an institution for dissemination of knowledge of natural or cultural heritage.

**“Keeping of animals”**, means sheltering and raising of non-poultry animals (excluding pets) of less than 10 animal units (cumulative across species) for personal use.

**“Kennel”**, means any premises on which more than three (3) 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.

**“Landscape or Garden Supply”** means an establishment, including building, part of a building or open space used for the outdoor storage and display or sale of plant, trees, and other materials used in indoor or outdoor planting of landscaping. This can include greenhouses.

**“Library”** means a building or structure or part thereof, operated by or on behalf of a public authority containing materials in various mediums for study, reference and reading.

**“Livestock operation”**, means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units are kept or raised, either indoors or outdoors, and includes feedlots and all associated manure collection facilities, but does not include an auction mart.

**“Lumberyard”** means the use of land, building or structure, or part thereof, for a retail store predominantly selling of lumber and a wide range of building and home decorating supplies along with ancillary sales of construction tools, gardening products, and home design products.

**“Manufacturing - Heavy”** means processing, assembly, manufacturing and storing of products and goods in an enclosed and/or outdoor facility from which significant emissions of gas, toxic or offensive odour may be generated during the normal course of operations. Uses include chemical plants, refineries etc.

**“Manufacturing - Light”**, means processing, assembly, manufacturing and storing of products and goods contained entirely within an enclosed facility, from which little or no emissions of gas, toxic or offensive odour are generated during the the normal course of operations.

**“Manure storage facility, earthen”**, means a structure built primarily from soil, constructed by excavation or forming dikes, and used for storing or treating livestock manure, but does not include:

- a. A field storage site;
- b. A collection basin; or
- c. A composting site for manure or mortalities.

**“Manure Storage Facility, non-earthen”** means a non-earthen structure, or facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-liquid manure for less than thirty (30) days for the purpose of moving the manure to a manure storage facility.

**“Micro Campground”** means a campground that does not require an extensive area of land and could potentially be located in an urban area. A micro campground has a maximum of 10 camping sites and does not occupy more than 5 acres (217,800 square feet) of the parcel. The campground can include both serviced and unserviced sites as well as other campground related amenities such as a pool, tennis court, recreation opportunities, storage, washroom facilities, and outdoor kitchens.

**“Mobile home park”**, means a parcel of land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved in accordance with provisions of this by-law.



**“Motel”**, means a building or part thereof, not over two (2) stories in height wherein temporary lodging and light housekeeping is provided where each room or suit has its own exterior access. This use may include accessory eating and drinking establishments, convenience store, and meeting rooms.

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

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

Which lawfully existed prior to the effective date of this by-law or amendments hereto, but does not conform to the provisions contained within this by-law or amendments hereto.

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

**“Non-conforming building or structure”**, means any lawful building or structure that does not comply with one or more of the applicable site requirements on the effective date of this By-law or amendments hereto.

**“Non-conforming site or parcel”**, means any lawful site or parcel of land that does not comply with the site area, width or depth requirements of this by-law, or amendments hereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this by-law, or amendments hereto.

**“Park and Ride”** means a specialized parking lot or designated area that is designed transfer commuters from personal cars to high-occupancy modes (carpooling, bus, van, etc.).

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

**“Personal services”**, mean the use of a building to provide services involving the care of a person or apparel, such as; shoe repairs, laundry and dry-cleaning, beauty and barber shops, clothing/costume rental, tanning, registered massage therapy, other personal grooming facilities and domestic assistance services. Personal services may include limited retail of products related to the services provided on the premises.

**“Place of assembly”**, means a building (excluding dwelling units), or portion thereof, in which persons may gather for recreation, educational, cultural, political, social, or other purposes. Places of assembly may include indoor or outdoor components and may be licensed for serving food and alcoholic beverages.

**“Place of worship”**, means a building or a facility used for worship by an association or may include an assembly hall as an accessory use. Churches, synagogues, mosque, temples, and sweat lodges are examples of place of worship.

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



**“Portable Garage”**, means a temporary structure intended to store goods or materials that may consist of metal or steel frame and is covered by such material as canvas, plastic, polyethylene, various types of fabric or similar materials. A portable garage is considered to be an accessory use structure only.

**“Principal use”**, means the primary or predominant activity on any lot or within any building or structure.

**“Private communication facility”**, means a facility housing communication and transmitting equipment, such as antennae or dishes, for personal, non-commercial use.

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

**“Public utility”** means any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under provincial or municipal regulations to the public, electricity, gas, steam, sewer, communication, telegraph, transportation, or water services. The term also means the use of land for the purpose of providing such service.

**“Public works yard”**, means a premise operated by the RM or Province for the storage, manufacture, maintenance or repair of buildings, infra structure, materials or equipment.

**“Recreation facility, indoor”**, means a public facility for sports, fitness, leisure and recreation in which facilities are primarily located inside an enclosed building or structure.

**“Recreation facility, outdoor”**, means a public facility for sports, fitness, leisure and recreation in which facilities are primarily located outside.

**“Recycling collection centre”** means a municipally-managed drop-off point for temporary storage of recoverable resources, such as newspapers, glassware, plastics, and metal cans. No processing of such items is allowed on premises.

**“Residential care facility”**, means the use of a building for the 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.

**“Resource Related Industry”** means an industry or business that is directly related to a resource such as forest, woodlands, farm use, peat or aggregate.

**“Retail”**, means the use of a building or a portion of a building where goods, wares, merchandise or similar items (except cannabis) are offered for sale directly to the public.

**“Retail- Restricted”**, means the use of building to provide products and services requiring additional oversight and developments to which admission by minors is restricted. Uses include retailers of adult and pornographic materials, adult entertainment, adult services, tattoo and body modification, retail of smoking and vaporizing products.

**“Riding academy”**, means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted.

**“School bus storage and maintenance”** means a facility with indoor and outdoor components on which school buses are parked when not in use, maintained and repaired. Other activities related to regular School Division operations, such as indoor storage and maintenance of equipment are considered part of this use.

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

**“Secondary suite/Garden Suite”**, means a self-contained accessory dwelling unit located either within a permanent, detached, single-unit dwelling, or in an accessory building, on a single zoning site. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This use does not include two-unit dwellings or multiple-unit dwellings.

**“School”**, means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at the elementary or junior high school level.

**“Preschool”**, means a public or privately-operated institution offering early childhood education to children prior to the commencement of compulsory education at elementary school.

**“School - senior high”**, means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at the senior high school level.

**“School bus storage and maintenance”**, means a facility with indoor and outdoor components on which school buses are parked when not in use, maintained and repaired.

**“Self-storage”**, means an establishment or facility used for the temporary storage of items, which contains secured storage areas and/or lockers which are generally accessible by individual loading doors for each storage unit or locker, or stored outdoors in a secured area.

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

**“Shipping container”**, means a steel container that can be used for the shipment of goods via ship, train or highway tractors.

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

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

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

**“Site”**, means a whole lot or block in a registered plan of subdivision or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are the same ownership.

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

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

**“Site, frontage”**, means all that portion of a site fronting on a street and measured between side site lines.

**“Site lines”**, definitions are as follows:

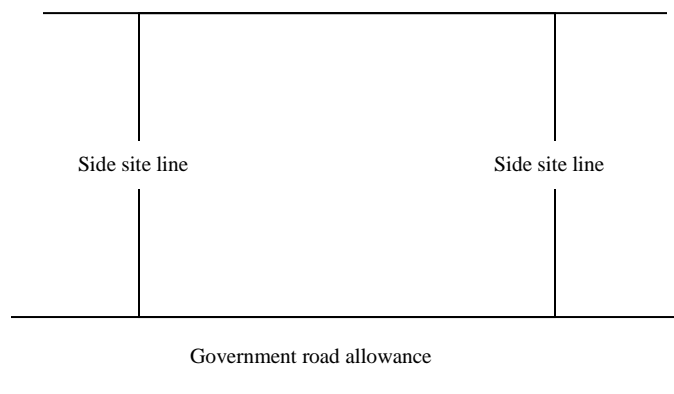
**“Front site line”**, means that boundary of a site which is along an existing or designated street, lane or right-of-way. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, in which case the front site line shall be that line which is the continuation of the front site line of the interior site.

**“Rear site line”**, means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

**“Side site line”**, means any boundary of a site which is not a front or rear site line.

Where an irregular shaped site cannot have its site, lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

The following sketch illustrates the foregoing definitions of site lines:



**“Site requirements”**, means some or all of the following:

- a. the area of the zoning site upon which a building is located, and/or the number of dwelling units or rooms within such building in relation to the area of the zoning site;

- b. the location of exterior walls of buildings in relation to site lines, other walls of the same building, legally required windows, and/or other buildings;
- c. all open areas relating to buildings or structures and their relationship thereto; and/or
- d. the size (including height and floor area) of buildings or structures.

**“Site, width”**, means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at the front yard setback of the affected zone, whichever is the lesser. For sites gaining access by a right-of-way, site width will be determined by council / development officer.

**“Site, zoning”**, means a parcel of land with frontage on a street, lane, right-of-way, or access by a right-of way and of at least sufficient size to provide the minimum requirements for use, area, and required yards.

**“Solar collector”**, means a device used to harness the energy of the sun to provide electricity for on-site personal consumption. Solar collectors may be roof mounted or ground mounted and are accessory to the main building on the site.

**“Solid waste disposal facility”**, means a defined area of land or excavation that receives municipal household waste and other non-hazardous waste.

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

**“Stable”** means a private or public detached accessory building for the keeping of cattle, horses, or similar animals.

**“Temporary outdoor land use”**, means uses taking place outdoors and lasting a limited period of time not to exceed 45 days. Temporary outdoor land uses include such uses as temporary parking facilities, sidewalk sales, Christmas tree sale lots, festivals, music concerts, revival tents or similar quasi-civic or public activities.

**“Trucking terminals and freight services”**, means and indoor or outdoor facility where trucks as common carriers are dispatched for compensation, or where freight handling facilities are provided.

**“Use”**, means:

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

**“Veterinary clinic”** means a building, structure or parts thereof where one (1) or more registered veterinarian surgeon, including associated staff, provide examinations and surgical or medical treatment to domestic pets, animals or livestock, and may include treatment rooms, laboratories, dispensaries, pharmacy, and associated office. A kennel is not permitted with a veterinary clinic.

**“Warehouse”**, means a permanent facility for the storage of products, supplies, and equipment within an enclosed building.

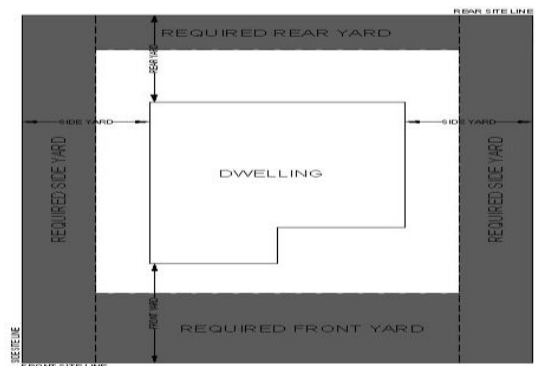
**“Waste transfer station”**, means a facility where municipal solid waste is unloaded and temporarily prior to shipment to a solid waste disposal facility.

**“Wind energy generating system (WEGS)”**, means an energy generating system designed and built to generate electricity by using wind energy for commercial sale and distribution to the electricity grid.

**“Yard”**, means an open area, on the same zoning site containing a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted:

- a. **“required yard”**, means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirements for the zone in which such zoning site is located;
- b. **“required front yard”**, means a yard extending along the full length of the front site line between the side site lines;
- c. **“required rear yard”**, means a yard extending along the full length of the rear site line between the side site lines;
- d. **“required side yard”**, means a yard extending along the side site line from the front yard to the rear yard.

The following sketch illustrates the foregoing definitions of yards:



## PART 3: ADMINISTRATION

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This by-law shall be administered in accordance with the provisions of *The Planning Act* and this PART

### 3.1 Requirement for Compliance with this By-law

- (1) No development or use of land or a building may take place or be maintained except in conformity with this By-law and with any development agreement, variance, conditional use approval, condition or permit issued under this By-law. The duty to comply with this By-law is imposed on the owner of a parcel or building and on any person, who has charge or control of the parcel or building, whether as lessee, tenant, occupier, agent or otherwise. The Rural Municipality's approval of a development application, the issuance of a permit, the approval of drawings and specifications, or completion of inspections does not relieve a person from the responsibility to comply with this By-law or any other By-law.
- (2) If two of more provisions of this By-law contain conflicting or overlapping provisions, the most restrictive or highest standard is applicable.
- (3) Neither the granting of a development permit nor the approval of a site plan, nor the approval of a 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 any Provincial or Federal Acts or regulations.

### 3.2 Zoning Maps

- (1) The location and boundaries of the zones established in this By-law are shown on the Zoning Maps in Schedule A.

### 3.3 Zone Boundary Interpretation

In the interpretation of the boundaries of the Zones as shown on the Zoning Maps in Schedule A, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, public lanes, footpaths, public walks, rivers, and public rights-of-way are construed to follow such center lines;
- (2) Boundaries indicated as approximately following lot or holding lines, parcel lines, block lines, street lines, public utility rights-of-way lines or site lines as shown on any plan registered in the Land Titles Office, shall be construed as following said lines;
- (3) Boundaries indicated as following municipal limits are construed as following said limits;
- (4) Boundaries indicated as following a pipeline, railway right-of-way or public utility right of way are construed as following the centerline of the right-of-way, unless clearly designated, otherwise;
- (5) Boundaries indicated as following the centerlines of streams or rivers are construed as following the centerline of such streams or rivers;

- (6) Boundaries indicated as following the shorelines of streams or rivers are construed as following the ordinary high water mark of such streams or rivers; and
- (7) If a street, public lane, , or public walkway shown on Zoning Maps is lawfully closed, the land formerly comprising it shall be included within the zone within which it is located. If the centerline of said closed right-of-way was a zoning boundary between two or more different zones, the zoning boundary shall continue to be the former centerline, except where the closed road is being transferred to an adjoining owner, in which case the boundary shall follow the limit of the consolidated property.

### 3.4 Split Zoning

Where a single site or lot contains two or more zones, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning district.

### 3.5 Interpretation

#### Minimum and Maximum Requirements

The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, maximum is used, in which case the maximum applies.

#### Illustrations

Drawings and illustrations in this By-law are for information purposes only to illustrate the meaning of the written text. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-law, the text governs.

#### Tables

Tables form part of the By-law and provide regulatory standards, either to supplement text or in place of text. Table headings, including column headings, row headings, and groupings of columns and rows, form part of this By-law, and have legal effect. Table notes, located within the tables, indicate special situations that affect the application of standards to specific zones and are also part of this By-law. Where any conflict or inconsistency arises between a table and the text of the By-law, the text governs.

#### Headings

Part, section, subsection, clause, sub clause, and paragraph headings are not part of this By-law.

#### Definitions

Words, phrases and terms in this By-law shall be given the defined meaning unless defined in the Act in which case the definition in the Act takes precedence.

Word, phrases and terms not defined in this By-law or the Act shall be given the usual and customary meaning except where, in the opinion of Council, the context indicated different meaning in which case the definition given by Council shall take precedence.

### 3.6 Responsibilities of Council

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

- (1) Administering and enforcing the provisions of this By-law;
- (2) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- (3) Approving or rejecting variance applications;
- (4) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it;
- (5) Establishing a schedule of fees; and
- (6) Designating the Chief Administrative Officer, Development Officer or designate to act on behalf of the Rural Municipality of Stuartburn Council.

### 3.7 Duties of the Owner

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

- (1) Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law;
- (2) 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
- (3) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the building, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

### 3.8 CAO, Development Officer or Designate

The position of the Designated Officer is hereby established. In accordance with the provisions of *The Act*, Council designates the CAO, Development Officer or designate to act on behalf of the Rural Municipality of Stuartburn as the Designated Officer for the purposes of *The Act*.

### 3.9 Duties of the Designated Officer

In accordance with the provisions of *The Act*, The CAO, Development Officer or Designated Officer, as appointed by the Council of the Rural Municipality of Stuartburn, may act on behalf of the RM of Stuartburn as follows:

- (1) Issue a development/ building permit where the development of land, buildings or structures conforms to the adopted Development Plan, the requirement of this by-law and amendments thereto and any other By-law subject to the provisions of the Development/ Building Permit section;
- (2) Exercise the powers of administration, inspection, remedy and enforcement provided in *The Act*;



- (3) Refuse to issue a development permit where
  - a. The development permit application or any information accompanying the development permit application is incorrect or incomplete; or
  - b. The proposed building, structure or use does not, to the Designated Officers Knowledge, comply with this Zoning by-law or any other by-law.;
- (4) Revoke a development permit where the development permit was issued in error;
- (5) Enter any buildings or premises at all reasonable hours in the performance of their duties with respect to the By-law;
- (6) Issue Building/ Development Permits for the temporary use of buildings, structures or land;
- (7) Issue Zoning memoranda or such other documents necessary for the administration and enforcement of this by-law;
- (8) Approve minor variances with respect to any height, distance, area, size or intensity of use in accordance with the provisions of *The Act*; and
- (9) At the request of Council, the Designated Officer shall defer approving an application or a development permit as provided for in The Act, which could result in a violation of this By-law or any By-law of the Rural Municipality of Stuartburn, or to any person who has failed to pay any fees due and owing to the Rural Municipality of Stuartburn.

### **3.10 Application for amendments, variances and conditional uses**

#### **(1) Amendments**

- a. An amendment to this By-law may be initiated by Council or the owner of a property, or by another party acting on behalf of the owner (with written consent of the owner) through an application made to Council. Proposed amendments shall be processed in accordance with *The Act*.
- b. Zoning By-law amendment applications may be refused by Council in accordance with *The Act*.
- c. A development agreement may be a condition of approval and may be registered on Title in accordance with *The Act*.

#### **Variance Orders**

- a. Application. Any person may apply for an order varying specific provisions of the by-law in accordance with the provisions of *The Act*.
- b. Filing. An application for a variance order shall be made to the CAO, Development Officer, or designate and must be accompanied by any supporting material, such as site plan and fees required by Council.
- c. Decision. The CAO, Development Officer, or designate may, in accordance with the provisions of *The Act* and authority delegated by Council, grant or refuse, at their discretion, a minor variation that varies the height, distance, area, size or intensity of use requirements and the number of parking spaces, by no more than fifteen (15) percent of the requirement of this by-

law.

- d. A decision or condition regarding a minor variance order of the CAO, Development Officer or designate can be appealed to Council.
- e. Variance order applications shall be processed and considered in accordance with *The Act* and cannot be approved unless Council, the CAO, Development Officer, or designate have determined the Zoning By-law provisions have an injurious effect on the owner's property.
- f. Conditions may be placed on a variance order in accordance with *The Act* including a development agreement that may be registered on title.
- g. Council may revoke an approved variance order for a violation of any conditions by it.
- h. Approval of a variance order will expire and cease to have any effect if it is not acted upon within 12 months of the date of the decision. The Variance Order may be extended for an additional period not longer than 12 months, if an application is received before the initial deadline.
- i. Council reserves the right to add any condition(s) on a variation approval, including on a minor variance approval, that it considers necessary to meet the requirements of *The Act*.

### Conditional Use Orders

- a. The development and execution of this By-law is based upon the division of the Rural Municipality of Stuartburn into zones, within which the use of land and buildings and structures in relation to the land are substantially compatible. There are certain uses deemed conditional uses which, because of their unique characteristics cannot properly be classified in any particular zone without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location.
- b. An application for a conditional use order shall be made to Council and must be accompanied by a site plan and any supporting material and such fees as required by Council or the designated officer.
- c. Conditional use applications shall be processed and approved or rejected in accordance with *The Act*.
- d. 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. The conditional use order may be extended for an additional period not longer than twelve (12) months, if an application is received before the approval expires.
- e. Where a use is classified as a conditional use under this by-law or amendments hereto and legally exists as a permitted or conditional use at the date of the adoption of this by-law or amendments hereto, it shall be considered as an existing conditional use.
- f. Changes to an existing conditional use. Any modification of conditions, intensification or enlargement of a conditional use shall require approval of Council in accordance with the provisions of *The Act*.

- g. Revoking a conditional use. Approval may be revoked for failure to comply with the order or conditions of the order.
- h. In the case of conditional use livestock operations, only a change to increase the intensity or total animal unit size of the operation, or a change to one of the conditions imposed on the approved conditional use will trigger the requirement for a new conditional use. Development and/or building permits would still be required for any enlargements or extensions of the floor area of the operation.

### 3.11 Development Agreements

- (4) As a condition of an amending by-law, variance order, or conditional use order in accordance with *The Act*. Council may enter into a development agreement with the affected property owner.
- (5) Development agreements may be registered by caveat with Manitoba Land Titles and may be discharged when the requirements or conditions of the agreement have been met.

### 3.12 Permits

#### Permits Required

- (1) The owner or their agent shall obtain all necessary permits as required by Council and other government agencies.

#### Development Permits

- (2) A development permit is required for any of the following, except as otherwise provided for in this by-law:
  - a. The erection or construction or placement of any building, or structure, except fences, sheds, Single level decks 24 inches or less in height and ornamental light standards;
  - b. The Addition, extension, structural alteration or conversion of any building or structure;
  - c. The relocation or removal or demolition of any building or structure, excepting any non-taxable farm building;
  - d. The use of vacant buildings or structures; and
  - e. A change in land use, building or structure

#### Development Permit Not Required

- (3) The following developments shall not require a development permit; however, such developments must comply with all provisions of this by-law, any other applicable by-laws of the municipality and all required provincial setbacks and/or permits:
  - a. The carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;

- b. The erection, construction or the maintenance of gates, fences, walls or other means of enclosures less than six (6) feet in height;
- c. The temporary uses of a site or the erection or construction of temporary buildings or structures;
- d. The construction or maintenance of that part of a public works placed in or upon a public works easement;
- e. The carrying out by the Rural Municipality of Stuartburn of any operation for the maintenance or improvement of a public works, including the inspection, repair or renewal thereof;
- f. The erection, placement, enlargement, structural alteration, relocation or use of any building or structure, not exceeding one hundred and twenty (120) square feet that is normally incidental or accessory to a dwelling as the principal building or use;
- g. General landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer;
- h. The construction or erection of certain non-illuminated signs; and
- i. The operation of a home occupation in accordance with **Section 4.7** of this by-law.

#### Application Requirements

(4) All applications for a development permit shall:

- a. Shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them;
- b. Conform to the RM of Stuartburn Development Plan, any Secondary Plan or development By-laws or it will be rejected;
- c. Be accompanied by all applicable fees and charges; no action shall be taken on any development permits until all applicable fees and charges have been paid in full;
- d. Be accompanied all information requested by the Development Officer to show apparent compliance with this By-law and any other relevant By-laws, including but not limited to:
  - i. Building Location Certificates;
  - ii. A site plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon;
  - iii. The exact size and location on the site of buildings already existing, if any; and
  - iv. The location and dimensions of the proposed building, enlargement or structural alterations.
- e. Include such other information as may be required by Council including:
  - i. Existing or proposed use of the land;

- ii. The number and location of automobile parking spaces and loading spaces;
  - iii. The number of families, dwelling units or rental units the building is designed to accommodate;
  - iv. Conditions existing on the site;
  - v. Current copies of relevant titles, easements caveats; or
  - vi. 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.
- (5) In addition to the requirements of any By-law of the Rural Municipality of Stuartburn or any other provincial regulations, all applications for a development permit shall include all relevant information required by council and be authorized by the registered owner of the property. No person shall erect, locate, relocate, use or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.

#### Withholding Development Permits

- (6) The designated employee or officer may withhold issuing a development permit:
- a. As provided for in *The Planning Act*;
  - b. That would result in a violation of this By-law or any By-law of the Rural Municipality of Stuartburn; or
  - c. When any fees are due and owing to the Rural Municipality of Stuartburn under this by-law.

#### Suspension, Revocation, and Expiry

- (7) The right of an owner under a Development Permit shall expire and terminate if the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit, or within any extensions of that time period granted by the Development Officer, and reasonably continued without interruption after such period.
- (8) The Development Officer may suspend or revoke a development permit where there is knowledge to the Development Officer's knowledge a violation of this By-law or any other By-law of the Rural Municipality of Stuartburn in respect of the development including without limitation where:
- a. Any division of the zoning lot results in making the structure on the zoning lot illegal under the terms of this By-law; or,
  - b. There is any reduction of required yards for a building or any further reduction of nonconforming yards; or,
  - c. Any information supplied for the development permit is incorrect.

#### Existing Building Permits

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

### 3.13 Building to be moved

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.

### 3.14 Non-Conforming Uses, Buildings, Lots or Structures

- (1) A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Planning Act*, unless otherwise provided for in this By-law.

#### CONTINUANCE OF LAWFULLY EXISTING NON-CONFORMITIES

- (2) All buildings and structures, parcels of land, and uses of land that lawfully existed before the enactment of this zoning by-law are deemed to conform to the site and use requirements of the zone in which the buildings and structures, parcel of land or use of land are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures or change in use shall conform to the site and use requirements of the zone in which they are located unless varied by a variance order.
- (3) A protected non-conformity that existed prior to the effective date of this By-law remains a protected non-conformity for the purposes of this By-law unless it complies with this By-law. The intent of this By-law is to permit a non-conformity to continue until it is removed but not to encourage its survival.

#### INCIDENTAL ALTERATIONS

- (4) Incidental structural alterations that do not increase the non-conformity and otherwise conform to this by-law may be made to an existing building that does not conform to the zoning by-law, pursuant to *The Planning Act*.

#### REPAIR OR REBUILDING

- (5) Repairs or incidental alterations may be made to a non-conforming structure.
- (6) Pursuant to the provisions of *The Planning Act*, where a building that does not conform to the provisions of the zoning by-law, is damaged or destroyed to an extent of fifty (50%) or more of the replacement value of the building above its foundation, said building must not be repaired or rebuilt except in conformity with this by-law and any approved variance.

#### NON-CONFORMING PARCEL

- (7) If the size or dimensions of an existing parcel of land do not conform to the zoning by-law, the owner of the land may:
- a. Use the land for any use permitted under the by-law; and
  - b. Construct or alter a building on the land if all requirements of the by-law, such as yards, building height and floor area, are met.

#### DISCONTINUANCE OF NON-CONFORMING USE

- (8) If the use of land or the intensity of the use of land does not conform to the zoning by-law and the non-conformity has been discontinued for more than twelve (12) consecutive months, the land must not be used after that time except in conformity with the zoning by-law.

#### NON-CONFORMITY MAY BE ALTERED BY A VARIANCE

- (9) Council may permit the following alterations to an existing non-conformity by variance order in accordance with *The Planning Act*:
- a. Construction on a non-conforming building beyond that permitted under **subsection 3.14.4** above;
  - b. An increase in the intensity of an existing non-conforming use, other than a variance to increase the number of animal units in a non-conforming livestock operation;
  - c. The repair or rebuilding of a non-conforming building that has sustained more damage than permitted under **subsection 3.14.5 & 3.14.6** above; or
  - d. The extension of the twelve (12) month time limit under **subsection 3.14.8** above for not more than twelve (12) additional months.

Where any of the above variances do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status.

### 3.15 Land Unsuitable for Development

Notwithstanding the provisions contained in this By-law, Council may prohibit the development of land for a use permitted in any Zone if Council is of the opinion that the land is subject to flooding, erosion or subsidence or is within a permafrost area, is low-lying, marshy or unstable, or otherwise unsuitable or hazardous for the proposed purpose by virtue of its soil, topography or unique conditions.

### **3.16 Relationship to Former By-laws**

- (1) Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law, provided all the conditions under which the permit was issued are complied with.
- (2) The adoption of this By-law shall not prevent any pending or future legal action to deal with any existing land use violations.
- (3) Any use lawfully in existence prior to this By-law, which did not require a Conditional Use Order prior to this By-law, but that would require a Conditional Use Order to comply with this By-law, shall be deemed to have a Conditional Use Order sufficient to create compliance with this By-law provided that no addition, enlargement, or expansion is approved as a Conditional Use under this By-law.

### **3.17 Applications and Construction in Process**

- (1) Where a development application has been submitted for any type of approval required but no final action has been taken by the appropriate decision-making body on such application prior to the effective date of this By-law, the application shall be reviewed and considered in accordance with either the provisions of the By-law in place on the date of submittal or the provisions of this By-law, at the applicant's option.
- (2) Any building or structure or portion thereof for which a necessary permit has been issued but which has not been completed or is not in full operation at the date when this Zoning By-law becomes effective, and which is not designed for a use permitted in the zone in which it is located or is proposed to be located, may be completed and operated for the non-conforming use for which it was designed if it comes into full operation within one year of the said date and shall, together with the site on which the same is situated and the use to which the same and the said site are put, be subject to all the provisions of this By-law in respect of nonconforming uses.

### **3.18 Zoning Memorandum**

Upon request Council will issue a zoning memorandum that states whether or not a building, parcel or use appears to conform to the zoning by-law. Application for a zoning memorandum must in in the form and be accompanied by any supporting materials and fees required by council.

### **3.19 Site Reduced**

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



### **3.20 Public Utilities and Service**

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

### **3.21 Future Road Allowance**

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

### **3.22 Connecting to Municipal Services**

All principal buildings constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services. Sewer and water connections shall be made within the time limit specified in the Rural Municipality of Stuartburn Sewer and Water By-law and any amendments thereto.

### **3.23 Enforcement**

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

### **3.24 Fees**

Council shall by By-law, establish a fee schedule for development permits, variance orders, zoning amendments, conditional use orders, zoning memoranda and non-conforming certificates.

## PART 4 GENERAL REGULATIONS

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### 4.1 Regulation of Uses

No land, building or structure shall be constructed, enlarged, placed used or occupied except for a use which:

- (1) Is listed in the zone as:
  - a. A permitted use development; or
  - b. A conditional use development, subject to approval
- (2) Is an Accessory Use, building or structure.
- (3) Is a Temporary Use

### 4.2 One Dwelling Unit Per Parcel/ Holding

Except where otherwise provided in this by-law (e.g. mobile home parks, strip malls), there shall be only one (1) main building or (1) main use on a zoning site. For example, a residential zoning site shall contain only one (1) single-unit dwelling or one (1) two-unit dwelling and their accessory buildings, structures and uses.

### 4.3 Multiple Uses

Where land, a building or structure is used for more than one purpose; all provisions of this By-law relating to each shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.

### 4.4 Secondary Uses and Structures

No secondary use or structure shall be established except those in compliance with the following regulations:

- (1) No secondary use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary;
- (2) The area of land or buildings used or occupied for secondary uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site; and
- (3) No land, building, or structure shall be used or occupied for any secondary use after the use or uses to which it is secondary have been discontinued.

### 4.5 Subdividing of Land

Except as otherwise provided for in this by-law, no parcel of land shall be divided into sites unless each resulting site conforms to the requirements of the Rural Municipality of Stuartburn Development Plan and this by-law.

#### **4.6 Excavation, Stripping and Grading**

For the purposes of this Section of the By-law excavation shall mean excavation for commercial purposes. A person wishing to excavate, strip or grade land;

- (1) Requires the prior approval of Council and a Development Permit;
- (2) May be required to provide Council with information as necessary to evaluate the proposal and may impose conditions and requirements as it deems appropriate and necessary; and
- (3) If necessary has obtained the required/ necessary permits for the appropriate government departments.

#### **4.7 Home Occupations**

Home occupation shall be permitted as an accessory use to the principal dwelling or mobile home and/ or its permitted accessory buildings in all zones provided that:

- (1) It shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood;
- (2) It shall not create a nuisance by way of dust, noise, vibration, smoke, odour, litter, light or heat nor shall it create or cause any fire hazard, electrical interference or traffic congestion in the neighbourhood;
- (3) There shall be no exterior display, no external storage of materials, containers or finished or unfinished products and no other exterior indication that the building is being utilized for any other purpose other than that of a dwelling, except for a home occupation sign.

Home Occupations shall generally include child care services, businesses, professional or organization offices, crafts and hobbies, private tutoring or lessons, hair stylists and other such uses.

A home occupation shall be subject to the conditional use approval, when it does not comply with the requirements as noted.

#### **4.8 Home Industry**

In order that the business initiatives of the residents are not unreasonably discouraged, non-offensive light industrial activities and small businesses shall be permitted as a second use, in addition to the principal use in all zones. In order to accommodate the limited demand for such uses, these shall be subject to the following criteria:

- (1) The principal use of the site shall be established as residential and be the permanent residence of the owner/ operator of the proposed use;
- (2) The second use will not generate any unacceptable amounts of noise, odour, or traffic; create any unsightly appearance or other disturbances that may be deemed unsuitable;
- (3) The proposed use will not create a potential for conflict with activities that would normally occur in the specific Zone.

Home industries shall generally include farm-related sales and service, machinery and auto repair, welding, carpentry and other trades and similar uses directly serving the rural population.

#### 4.9 Condominiums

Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways and equipment held by the condominium corporation. Such developments shall be regulated by the following provisions:

- (1) In bare land unit condominium developments, each "**bare land unit**", as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a "**site**" as defined herein for the purposes of determining site area and width, yards and other requirements;
- (2) In bare land unit condominium developments, "**common elements**", as defined in the said Act, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
  - a. a "**street**", as defined herein, where such thoroughfare is over thirty-three (33) feet in width; and
  - b. a "**lane**", as defined herein, where such thoroughfare is not over thirty-three (33) feet in width.
- (3) In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this by-law, and the building containing the condominium units shall be considered as a multi-family dwelling for the purposes of bulk requirements.
- (4) Condominium developments that propose a mixture of different land uses, or which do not conform to the requirements of this by-law will be considered as a Planned Unit Development and shall be subject to **section 4.10** of this **Part**.

The provisions of the Bulk Requirement Table for the zone in which the development is to be located and all other regulations and requirements of this by-law shall apply.

#### 4.10 Planned Unit Developments

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

- (1) Comprehensive redevelopment - mixed use projects;
- (2) Higher quality townhouse and apartment projects containing two or more principal buildings and characterized by diverse designs;
- (3) Alternative subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public works; and
- (4) Shopping centres and industrial developments utilizing common elements to address common parking needs, customer access, etc.
- (5) Planned Unit Developments are allowed as a conditional use in the “**GD**” *General Development* and “**H**” *Hamlet Commercial Zones*. Bulk requirements for each development will be determined by Council.
- (6) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
  - a. those requirements normally required for the issuance of a development permit as outlined in **3.12 of PART 3**; and
  - b. an impact statement, engineering study or such information as Council may consider necessary for the review of the proposal.

#### 4.11 Temporary Buildings, Structures, and Uses

##### PERMIT REQUIRED

- (1) Buildings, structures and uses may be allowed on a non-permanent basis, subject to the issuance of a development permit from CAO, Development Officer, or designate.
- (2) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required the CAO, Development Officer, or designate.
- (3) 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.
- (4) A permit is required from Manitoba Transportation and Infrastructure for any temporary building or structure within the controlled area adjacent to the provincial highway.

##### EXCEPTIONS

- (5) Notwithstanding the above provisions a development permit shall not be required for:

- a. The use, erection or construction of temporary buildings or structures associated with a development authorized by a separate development permit for the period of construction; and
- b. Temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licenses under The Municipal Act are obtained as required.

## CONSTRUCTION

- (6) Temporary buildings, structures and uses to be used in conjunction with a construction site:
  - a. Shall not exceed 1,000 square feet (92.9 sq. metres) in floor area nor 15 feet (4.5 metres) in height;
  - b. May be used for storage of construction materials and equipment incidental to and necessary for construction, including uses incidental and necessary for highway construction and maintenance;
  - c. May be used for office space for contractor or developer;
  - d. Shall not be used for human habitation, except as temporary accommodation for a caretaker or other staff; and
  - e. Shall not be detrimental to the public health, safety, convenience and general welfare.

### 4.12 Required Yards

Required yards shall be free of buildings, except accessory buildings, which must conform to the other requirements of this by-law.

#### General Requirements:

- (1) Except as herein provided, the following provision shall apply in all zones to ensure adequate yards and setbacks:
  - a. The yard requirements shall be as set forth in the Bulk Use Requirements Table of each zone;
  - b. All yards and other open spaces required for any use shall be located on the same zoning site as the use;
  - c. When a site is occupied for use and has no buildings or structures, the required yards shall be provided and maintained, except that the side yards shall not be required on a site which is used for horticultural purposes or for public recreational purposes;

- d. Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-unit dwelling, multiple-unit dwellings, or multiple-tenant businesses shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations;
- e. Required yards shall be provided and maintained in accordance with the provisions of paragraphs (a) and (b) above and shall be unobstructed from ground level to the sky, except for those obstructions set forth in the following:
  - i. For a main building, Architectural features and open, unenclosed projections, whether vertical or horizontal, such as chimneys, bay windows, alcoves, canopies, and awnings, eaves, gutters, stairs, landings, porches and unenclosed balconies, may extend into the required yards for not more than 50% of the required yard depth up to a maximum of ten feet, except for wheelchair ramps (or similar accessibility structures which are not subject to the restriction for required yards.
  - ii. For an accessory building the architectural features as noted in (i) shall not encroach into an adjoining yard;
  - iii. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard or required front yard for a distance of not more than five (5) feet;
  - iv. Fences, hedges and landscape architectural features placed in such a manner as to produce a fence effect, shall be permitted in all required yards of corner lots if maintained at a height of not more than two and one-half (2 1/2) feet in the front yard and at a height of not more than six (6) feet in the rear and side yards.
- f. Minimum required yards contained in this By-law do not relieve the owner from compliance with applicable provincial, federal or municipal requirements where said requirements demand greater setbacks;
- g. On a site, no fence, wall, hedge, shrubs or other landscape features shall be placed in such a manner as to produce a fence effect or visual barrier hazardous to vehicle and pedestrian traffic;
- h. Permits are required from Manitoba Transportation and Infrastructure for any planting proposed within 15 meters from the edge of a provincial highway right-of-way; and
- i. Plantings, in the Rural Areas, in yards adjacent to a municipal right-of-way shall be no closer than 15 feet (4.5 metres) from the property line.

#### Area and Yard Requirements:

- (2) Except as herein provided, the following special provisions shall apply in all zones (or as otherwise noted) to ensure adequate site and required yard requirements:
  - a. Where a site is occupied for a use permitted in the “**IC**” *Rural / Commercial Zone* and has no buildings or structures therein, the required yards for the zone within which it is located shall be provided and maintained.
  - b. No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the required front yard requirement on the street on which such corner site has its frontage at the time this Zoning By-law becomes effective.
  - c. It shall be a continuing obligation of the owner to maintain the minimum required site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open space allocated to a use as per requirements of this Zoning By-law shall not, by virtue of change of ownership, or for any other reason, be used to satisfy the yard, and other open space, or minimum site area requirements for any other use.
  - d. The yard requirements shall be set forth in the **BULK REQUIREMENT TABLES** of each zone.
  - e. Required Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of that zone.
  - f. All required yards and other open space required for any use shall be located on the same site as the use.

#### Front Yard Exceptions:

- (3) Where sites shall be provided and maintained in accordance with the provisions of this **PART**, these shall be unobstructed from ground level to the sky, except as set forth in the **BULK TABLES** of the affected Zones and as follows:
  - a. Fire escapes may extend or project into any required front, side or rear yard not more than four (4) ft., provided the width of such side yard is not reduced to less than two (2) ft.
  - b. Open, unenclosed stairways or balconies above the first floor, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) ft. and



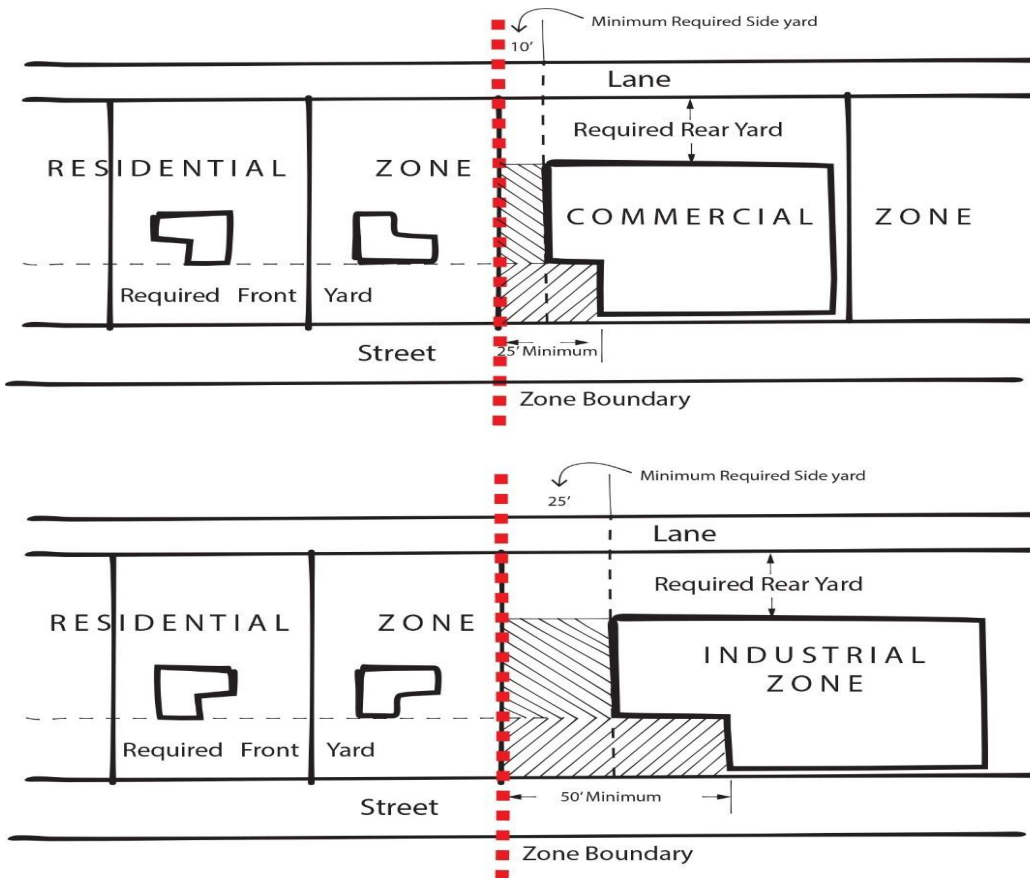
such balconies may extend into a required front yard not more than two and one-half (2 ½) ft.

- c. 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 four (4) ft. provided the width of a required side yard is not reduced less than three (3) ft.
- d. Open work ornamental fences, uncovered walks, arbours, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3 ½) ft. above the average ground level adjacent thereto. An open work type railing not more than three and one-half (3 ½) ft. in height may be installed or constructed on any balcony, stairway, porch, platform or landing place.
- e. A fence or hedge shall be permitted in any required front yard, but may not exceed four (4) ft in height in the “H”, “HC”, “OSR”, “GD” and “RR” zones.
- f. 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 subsection (f) above.
- g. Name plates, signs, as permitted and regulated in this **PART**, or signs for lease or rental of the premises on which they are located as permitted in this **PART**, shall be allowed in any required front, side or rear yard.
- h. Open work ornamental fences, hedges, landscape architectural features or guard rails shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2 ½) ft. in width shall be deemed adequate for such an access.

#### Yards Abutting Residential Uses:

- (4) Notwithstanding any provision of this By-law, the following special yard requirements shall apply along with all Residential use limits:
  - a. When a proposed commercial use abuts a residential use the side yard requirement shall be a minimum of ten (10) feet
  - b. When a proposed industrial use abuts a residential use the side yard requirement shall be a minimum of twenty-five (25) feet

The following diagram illustrates the requirements under a. and b.:



#### 4.13 Subdivision of Attached Dwellings

- (1) A site with a two-unit attached dwelling or row type dwelling located thereon may be subdivided into two (2) or more sites provided that:
  - a. Any new site line shall, where possible be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new site line;
  - b. Each site created shall have frontage on a street other than a lane;
  - c. Each site created shall have not less than one (1) on-site parking space with direct access to either the public lane or street;
  - d. The permitted use for each site shall be for one (1) attached single-unit dwelling and permitted accessory uses only;
  - e. Notwithstanding the subdivision of the above the sites created continue to form a single zoning site only; and

- f. Notwithstanding the minimum requirement of Table any new site created pursuant to this subsection shall have a minimum site area of two thousand (2,000) square feet and a minimum site width of twenty (20 feet). No side yard is required along a party wall.

#### **4.14 Accessory Buildings and Structures and Uses**

- (1) Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this Section and the Use Table and Bulk Use Requirements Table of the zone in which the accessory buildings, structures and uses are to be located.
- (2) Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
- (3) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
- (4) Detached accessory buildings or structures shall not be located in any required front yard;
- (5) Detached accessory buildings or structures shall not be located closer than 10 feet (3 metres) to any main or accessory building or structure;
- (6) No accessory building or structure shall be erected prior to the main building or structure except:
  - a. where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure;
  - b. permit(s) for the main building or structure are taken out at the same time as the permit for the accessory building or structure.
- (7) Accessory buildings or structures shall not be used for human habitation except as otherwise permitted herein.
- (8) Accessory buildings, structures and uses shall be limited to those listed on Tables 5-2 and Table 5-3 for each respective zone, except where Council approves a variance because the accessory building, structure or use would be compatible with the character and use of the subject zone.

#### **4.15 Road Access**

No permanent building may be constructed or placed on a parcel which does not have legal access to an improved public road.

#### **4.16 Service Connections**

Where a parcel is served by municipal piped sewer or water, no permanent principal building or dwelling shall be constructed or placed unless it is connected to such services.

#### **4.17 Public Utilities**

This by-law shall be interpreted so as not to interfere with the construction, erection and location of a public utility's works, plant, pipes, cables, or equipment.

#### **4.18 Parking**

Any proposed development is required to show that the proposed development provides sufficient usable area to meet the parking needs of all residents, employees, visitors and loading needs. Parking requirements will be at the discretion of the Designated Officer or CAO. The CAO or Designated officer will take into account the number of dwellings units, the parcel size, site requirements and proposed use when considering the necessary number of parking spots. The CAO or designated Officer may require that the parking requirements be referred to Council to determine parking needs.

#### **4.19 Signs**

##### **General Requirements**

- (1) The regulations herein are designed to establish a minimum control of signs.
- (2) The following provisions shall apply to all signs erected or maintained within the RM, except wherein otherwise stated:
  - a. No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railway grade crossing, normal maintenance or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
  - b. All signs and sign structures shall be kept in good repair and in a proper state of preservation.
  - c. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within thirty (30) days following notice by the CAO, Development Officer, or designate; and
  - d. Flashing signs and digital signs are not permitted within Residential Zones or within 100 feet (30 meters) of Residential Zones.

#### **4.20 Rules of Measurement**

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

- (1) Building height is measured as the vertical distance from grade to the:
  - a. Highest point of the roof surface of a flat roof or a shanty roof;

- b. Deck of a mansard roof; or,
  - c. Mean height level between eaves and ridge for gable, hip or gambrel roof.
- (2) Floor area is measured as the sum of all gross floor areas of all the floors of all buildings and structures on the zoning site and shall include:
  - a. Basements when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment;
  - b. Any area used for parking within the principal building;
  - c. Floor space used for mechanical equipment (with structural headroom of six and a half (6.5) feet or more) except equipment, open or enclosed, located on the roof;
  - d. Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and,
  - e. Penthouses, mezzanines, attics where there is a structural headroom of six (6) feet or more.
- (3) Lot area is measured as the amount of gross land areas contained within the property lines of a lot or parcel.
- (4) Lot coverage is measured as the percentage of the total lot area covered by buildings. The following structures are not counted as covered areas for purposes of determining lot coverage:
  - a. Areas covered by open swimming pools and hot tubs;
  - b. Open decks, landings, and stairs less than four (4) feet above grade;
  - c. Accessory structures with a cumulative lot coverage under 108 square feet in total area; and,
  - d. Any permitted projections.
- (5) Lot depth is the horizontal distance between the center points in the front and rear lot lines. In the case of a flag lot, the lot depth is measured as one-half of the cumulative horizontal lengths of all of the sidelines of the lot.
- (6) Lot depth line
  - a. For an interior lot or corner lot, the lot depth line is the line between the front lot line center point to the rear line center point; and,
  - b. For a through lot, the lot depth line is the line between the center points on the two front lot lines with the maximum horizontal separation.

(7) Lot line center point

The center point of a lot line is located at one-half the cumulative distance of the length of all line segments or arcs forming the lot line.

(8) Lot width

Lot width is the lesser of the horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth line at a point midway between the front and rear lot lines, or at 50 feet from the front lot line.

(9) Yards or Setbacks

- a. Yards or setbacks means those areas of lots that are unoccupied and unobstructed from its lowest level to the sky, except as specifically allowed in Section 4.11, of this By-law. Yards or setbacks extend along a lot line or wall to a depth or width (measured from the lot line or wall) specified in the yard requirements for the zone in which such lot is located; and,
- b. When an accessory building forms part of the main building, said accessory building shall be deemed part of the main building for the purpose of calculating yard requirements.

#### 4.21 Standards for Portable Garages

The installation of a portable garage shall be allowed as an accessory use in all zones subject to the following rules:

- (1) A portable garage is not allowed within the required front yard of a site;
- (2) A portable garage must meet the requirements for accessory building side and rear yard requirements;
- (3) A portable garage must not exceed the height restrictions for accessory buildings in the zone in which it is located;
- (4) A portable garage must not exceed 200 square feet in area;
- (5) A portable garage must be placed on a driveway or parking space;
- (6) A portable garage must be kept in good condition (any rip in the fabric must be repaired); and
- (7) A maximum of one (1) portable garage is allowed on a site

#### 4.22 Shipping Containers

Shipping Containers may be allowed as a conditional accessory use in the "A", "AR", "AL", "HC", "OSR", "IC" "H" and "RR" Zones.

- (1) Shall only be used for accessory storage;
- (2) Shall only be located to the side or the rear yard provided that it is:

- a. Screened from view from any public street and abutting properties;
  - b. Complies with the site coverage and setback requirements of the zone;
  - c. Not located in any required yard; and
  - d. Not located in any required parking areas or landscape buffer.
- (3) Shall be included in all calculations to determine maximum site coverage.
- (4) The maximum number of shipping containers shall be limited to 1 shipping container in the “RR” and “H” zones and 2 shipping containers in the “A”, “AR”, “AL”, “HC”, “OSR”, and “IC” zones;
- (5) Notwithstanding the above, when actively used for the transportation of goods and materials no maximum shall apply; and
- (6) Notwithstanding the above, a shipping container may be permitted for temporary storage on construction sites in all zones in accordance with Section 4.11 Temporary Building Uses and Storage.

## PART 5: ZONES

### 5.1 ESTABLISHING ZONES

This Part establishes the zones and contains basic information pertaining to the zones, primarily statements of purpose and district specific regulations.

The zones, names of zones and abbreviations shown in Table 5-1, and the locations and boundaries of the zones shown on maps set out in Schedule A are hereby established.

TABLE 5-1: ZONES ESTABLISHED

Zone Type	Abbreviation	Zone Name
Rural	A	Agriculture
	AL	Agriculture Limited
	AR	Agriculture Restricted
	RR	Rural Residential
	IC	Rural Industrial/Commercial
	OSR	Open Space Recreational
	HC	Highway Commercial
Urban	H	Hamlet
	GD	General Development

### 5.1 Zoning Boundaries

The zones established above in table 5.1 shall apply within the boundaries on the zones shown on the maps in Schedule A following these rules of interpretation:

- Boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers or railway or Utility Service lines or rights-of-way shall follow such lines
- Boundaries indicated as approximately following parcel limits as shown on a registered plan or by reference to the Dominion Government Survey shall follow such limits.

### 5.2 Zones

The rural zones contained in this by-law are intended to provide appropriately located areas in unserviced rural areas to allow for a variety of agricultural, natural resource, environmental preservation, housing, community, and business uses that respect the scale and character of the Rural Municipality of Stuartburn. These zones are intended for areas outside of settlement areas.



- (1) **"A"** AGRICULTURE to provide for areas where agriculture or resource related uses are allowed and agriculturally related commercial or industrial uses may occur. Natural areas and related uses are also appropriate in this zone;
- (2) **"AL"** AGRICULTURE LIMITED to allow limited agricultural uses and resource-related uses in areas with environmental restrictions, poor soils, and unique topography. Natural areas and related uses are also an appropriate use in this zone;
- (3) **"AR"** AGRICULTURE RESTRICTED to allow limited agricultural and resource related uses around settlement areas.
- (4) **"RR"** RURAL RESIDENTIAL to allow for rural non-farm residential development utilizing primarily on-site sewage and water services.
- (5) **"IC"** RURAL INDUSTRIAL/COMMERCIAL to provide for intensive agriculturally-related commercial / industrial development, and those uses requiring large areas that are not suitable for urban areas.
- (6) **"OSR"** OPEN SPACE RECREATIONAL to allow for areas for open space, parks and recreation uses which cannot be easily located in the urban areas such as golf courses, campgrounds, shooting ranges, or RV parks.
- (7) **"HC"** HIGHWAY COMMERCIAL this zone is intended to accommodate highway-oriented commercial uses which serve the travelling public along a Provincial Road or Provincial Trunk Highway. The Highway Commercial zone is also intended to provide for light manufacturing and agri-related commercial in rural areas.

### Urban Zones

The town zones contained in this by-law are intended provide appropriately located areas within serviced and unserviced settlement area to allow for a variety of housing, community, industrial, and business uses that respect the scale and character of settlement area. The commercial and general development zones are intended to for areas in and around Vita that are connected or may be connected in the near future to urban services such as piped water and sewer with appropriate lot sizes and setbacks.

- (8) **"H"** HAMLET to provide areas for primarily un-serviced residential uses with the opportunity to allow for some commercial and community facilities in the Hamlets of Stuartburn, Gardenton, and Sundown.
- (9) **"GD"** GENERAL DEVELOPMENT to accommodate primarily residential development with town services while maintaining flexibility for a wide variety of commercial and industrial uses that may be allowed in the settlement centre of Vita.

### 5.3 INTERPRETATION OF ZONE REQUIREMENTS

#### Definition of Symbols Used in the Tables

- (1) Tables 5-2 to 5-12 below list the principal and accessory uses allowed within all zones.
- (2) Tables 5-2 to 5-12:
  - a. “P” in a cell indicates that the use identified at the far left of that row is permitted in the zone identified at the top of that column;
  - b. “C” in a cell indicates that, in the zone identified at the top of that column, the use identified at the far left of that row is allowed only if reviewed and approved as a conditional use in accordance with the procedures of *The Act*;
  - c. A blank cell indicates that the use identified at the far left of that row is not permitted in the zone identified at the top of the column.
  - d. A number in a cell with the column headed “Use Specific Standard” identifies a section within this by-law which imposes an additional standard with which the use must comply except as authorized by this by-law or by a Conditional Use or Variance Order.
  - e. An asterisk symbol (\*) following the “P” or “C” symbol indicates that a use specific standard imposed by a section identified in the cell located with the same row and within the column headed “Use Specific Standards” applies to permitted or conditional uses, as the case may be, within the zone.
- (1) No land shall be used or occupied, and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed in the Use Table for the subject zone.
- (2) 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, buildings and structures in relation to the land are substantially compatible. 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 of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location.

### 5.4 IMPLICATIONS OF TABLE ABBREVIATIONS

- (3) The following applies to Tables 5-2 to 5-12.
  - a. Permitted uses (“P”) are subject to all other applicable regulations in all Parts of this by-law.
  - b. Conditional uses (“C”) are subject to all other applicable regulations in all Parts of this by-law. No land, building, or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in the Bulk Regulations Tables (See tables 5-2 to 5-12).

**TABLE 5-2: PRINCIPAL USE TABLE – ALL ZONES**

	RURAL							URBAN		USE SPECIFIC STANDARD
USES	A	AL	AR	RR	IC	OSR	HC	H	GD	
Agricultural and Resource-based										
Abattoirs, meat/ food processing and packaging	C	C	C		C					Section 6.3
Aggregate/Resource Extraction/ Processing	C	C	C		C					Section 6.1
Agricultural operations, excluding livestock	P	P	P		P					
Agri-business	C	C	C		P			C		
Agricultural auction mart					C					
Agricultural exhibition grounds	C	C	C		P					
Agricultural Support Industry	C	C	C							
Anhydrous ammonia facilities	C	C			C					Section 6.2
Apiary	P	P	P	P						
Cannabis Cultivation	C	C	C							
Livestock operations producing between 10 and 200 AU	P	P	C*							Section 6.13
Livestock operations producing between 200 and 400 AU	P	C	C*							Section 6.13
Livestock operations producing 400 or more AU'S	C	C								Section 6.13
Resource Related Industry	C	C	C		C		C			
Specialized agriculture	P	P	C		P			C		
Stables and Riding academies	P	P	C							
Commercial Sales and Service										
Agricultural Implement Sales and Service			C		P		C	C	C	

\*no new livestock operations in AR Agricultural Restricted only expansion of existing operations up to 400 AU

<b>Table 5-2</b>	<b>RURAL</b>							<b>URBAN</b>		<b>USE SPECIFIC STANDARD</b>
<b>USES</b>	<b>A</b>	<b>AL</b>	<b>AR</b>	<b>RR</b>	<b>IC</b>	<b>OSR</b>	<b>HC</b>	<b>H</b>	<b>GD</b>	
Automobile, vehicular and equipment service, sales repair					P		P	C	C	Section 6.4
Cannabis retail store										
Eating and drinking establishment							P	C	C	
Hotel/Motel							P	P	C	
Landscape orgarden supply	P	P			P		P	P	C	
Personal services							P	P	P	
Professional, financial and office							P	P	P	
Retail							P	P	P	
Retail Restricted								C	C	
Shopping centre								C	C	
<b>Community</b>										
Clinic								P	P	
Cultural centre						P		P	P	
Day care								P	P	
Emergency services							P	C	C	
Funeral home/Mortuary								C	C	
Hospital								P	P	
Place of worship- existing	P	P	P					P	P	
Place of worship- new			C					P	P	
Place of Assembly								P	P	
Public facility				P		P		C	C	
Public utility	P	P	P	P	P	P	P	P	P	
<b>Education</b>										
College or university								P	P	
Commercial school								P	P	
Interpretive Centre	C	C						P	P	
Library								P	P	
Preschool								P	P	
School								P	P	
<b>Manufacturing</b>										
Manufacturing - light					P		P	P	C	
Manufacturing - heavy					C		C	C	C	
Cannabis processing	C	C	C							
<b>Other Uses</b>										
Cemetery	P	P	P		P			C	C	

<b>Table 5-2</b>	<b>RURAL</b>							<b>URBAN</b>		<b>USE SPECIFIC STANDARD</b>
<b>USES</b>	<b>A</b>	<b>AL</b>	<b>AR</b>	<b>RR</b>	<b>IC</b>	<b>OSR</b>	<b>HC</b>	<b>H</b>	<b>GD</b>	
Concrete and asphalt batching plants	C	C	C		P		C	C	C	
Contractors establishments					P		P	P	P	
Crematorium	C	C	C						C	
Fireworks, Dangerous goods or Agrichemical Storage Facility	C	C								
Kennel	C	C	C							
Planned unit development								C	C	
Self-Storage			C		C		P	C	C	
Lumber yard							P	C	C	
Scrap yard	C	C	C		C			C		
Veterinary clinics	C	C	C		P		P	P	P	
<b>Public works and utilities</b>										
Public works yard	C	C	C		P	C		C	C	
Recycling collection centre							P	C	C	
Sewage treatment plants and lagoons	C	C	C							Section 6.14
Solid waste disposal facility	C									Section 6.14
Waste transfer station	C	C	C		C					
Wind energy generating systems (WEGS)	C	C	C							Section 6.17
<b>Recreation</b>										
Campground						P	P	C	C	
Entertainment/amusement facility					C	P	C	C	C	
Gun range	C	C				C				
Micro campground	C	C	C							Section 6.11
Recreation facility, indoor						C		C	C	
Recreation facility, outdoor						P		P	P	
Parks, public reserves and open space	P	P	P	P	P	P	P	P	P	
<b>Residential</b>										
Dwelling – Single-unit	P	P	P	P				P	P	
Dwelling – Two-unit								P	P	
Dwelling – Multi-unit								C	C	
Dwelling – Mobile home	P	P	P	C				P	C	

<b>Table 5-2</b>	<b>RURAL</b>							<b>URBAN</b>		<b>USE SPECIFIC STANDARD</b>
<b>USES</b>	<b>A</b>	<b>AL</b>	<b>AR</b>	<b>RR</b>	<b>IC</b>	<b>OSR</b>	<b>HC</b>	<b>H</b>	<b>GD</b>	
Group home				C				C	C	
Residential care facility								C	C	
<b>Transportation</b>										
Airfield	P	P	P							
Park and ride facility						P		P	P	
School bus storage and maintenance			C					C	C	
Trucking terminals and freight services							P	C	C	

**TABLE 5-3: ACCESSORY USE, BUILDING OR STRUCTURE TABLE– ALL ZONES**

<b>Table 5-3 Accessory Uses</b>	<b>RURAL</b>							<b>URBAN</b>		<b>USE SPECIFIC STANDARD</b>
<b>USES</b>	<b>A</b>	<b>AL</b>	<b>AR</b>	<b>RR</b>	<b>IC</b>	<b>OSR</b>	<b>HC</b>	<b>H</b>	<b>GD</b>	
Administrative and business offices	P	P	P		P	P	P	P	P	
Agricultural buildings, including barns, grain bins, and similar structures	P	P	P		P			P		
Agri-tourism	P	P	P							
Airfield	P	P	P							
Athletic fields, park play areas and similar	P	P	C	P		P		P	P	
Backyard Bee Keeping	P	P	P	C				C		Section 6.5
Bed and breakfast	C	C	C	C		C		C	C	Section 6.6
Cemetery	C	C								
Cryptocurrency mining					C		C			
Communication tower - private	P	P	P	P	P	P	P	P	P	
Contractors establishment	C	C	C		C		C	C	C	
Daycare, Community								C	C	
Daycare, Group	C	C	C	C		C		C	C	
Daycare, Home	P	P	P	P				P	P	
Drive-in/drive-through establishment							P	C	C	Section 6.8
Dwelling unit - Except when a dwelling is the main use, a single-unit dwelling, mobile home dwelling or dwelling unit for the owner/operator or for an institution/industrial site or caretaker if necessary	C	C	C		C	P		C	C	
Fireworks, Dangerous goods or agrichemical storage facility	C	C	C		C				C	Section 6.7
Fuel tank storage	P	P	P		P		P	C	C	
Garage, carport, covered patio, tool house, shed or similar building – private	P	P	P	P	P	P	P	P	P	Section 4.21
Greenhouse or conservatory-private	P	P	P	P	P	P	P	P	p	

<b>Table 5-3 Accessory Uses</b>	<b>RURAL</b>							<b>URBAN</b>		<b>USE SPECIFIC STANDARD</b>
<b>USES</b>	<b>A</b>	<b>AL</b>	<b>AR</b>	<b>RR</b>	<b>IC</b>	<b>OSR</b>	<b>HC</b>	<b>H</b>	<b>GD</b>	
Group Home	C	C	C					C	C	
Hobby Poultry and associated structures	P	P	P	P				P		Section 6.9
Home Occupation	P	P	P	C				C	C	Section 4.7
Home Industry	P	C	C							Section 4.6
Hotel, Motel						C				
House, Boarding, rooming, lodging	C	C	C	C		C		C	C	
Keeping of animals and associated structures	P	P	P	P				P		Section 6.10
Kennels	C	C	C	C				C	C	
Micro Campground	C	C	C			C		C	C	
Outdoor patio accessory to an eating and drinking establishment					C		C	C	C	
Park/ Playground	P	P	P	P		P		P	P	
Portable garages	P	P	P	P	P	P	P	P	P	Section 4.21
Pet services	C	C	C	C				C	C	
Retail business/ service when incidental to the main use	C	C	C				C	C	C	
Sales and service areas associated with principal use	C	C	C	C	C		C	C	C	
Secondary Suite/Garden suite	C	C	C					C	C	Section 6.16
Shipping container	C	C	C	C	C		C	C		Section 4.22
Stable/ Riding academy	P	P	P			P				
Storage compounds, storage of goods used in or produced by activities on-site	P	P	P	C			P	C	C	
Swimming pool	P	P	P	P		C		P	P	Section 6.12
Solar collector	P	P	P	C	P	P	P	C	C	Section 6.15
Other Uses Mentioned in definitions as accessory	To be determined by Council									



**Table 5-4 “A”- Agriculture Zone**

**Intent:** This zone is intended for agricultural purposes and protects farmland from encroachment by new non-agricultural development which might interfere with agricultural production and increase the potential for land use conflicts. Compatible secondary uses are encouraged provided the primary use of land is agricultural.

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Abattoir, meat food processing/ packaging	C	10	200	125	25	10
Aggregate/ Resource Extraction/ Processing	C	10	200	125	25	10
Agribusiness	C	80	400	125	10	10
Agricultural Exhibition Grounds	C	80	400	125	10	10
Agricultural operations, excluding livestock	P	80	400	125	10	10
Agriculture Support Industry	C	As Determined by Council				
Airfield	P	10	200	125	25	10
Anhydrous Ammonia Facility	C	5	200	125	25	10
Apiary	P	10	200	125	25	25
Bed and Breakfast	<u>P*</u>	n/a	n/a	n/a	n/a	n/a
Bulk Fuel and Storage	<u>C</u>	5	200	25	25	10
Cannabis cultivation	C	80	400	125	10	10
Cannabis processing	C	80	400	125	10	10
Cemetery	P	5	200	125	25	25
Concrete and asphalt batching plant	C	10	200	125	25	10
Crematorium	C	5	200	25	25	10
Dwelling, single-unit: incld. mobile homes and previously occupied to be moved	P	2	200	125	25	10
Fireworks, Dangerous goods or Agrichemical Storage Facility	C	10	200	125	25	10
Group Home	<u>C</u>	2	200	125	25	10
Gun Range	C	2	200	125	25	10
Home Industry	<u>C</u>	-	-	-	-	-
Home Occupation	<u>P</u>	-	-	-	-	-
Interpretive Centre	C	2	200	125	25	10
Kennel	C	2	200	125	25	10
Landscape or garden supply	P	5	200	125	25	10
Livestock operations producing between 10 and 400 AU	P	80	600	125	25	25

<b>Use Class</b> P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		<b>Minimum Requirements</b>				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Livestock operations producing 400 or more AU'S	C	80	600	125	25	25
Micro Campground	C	As determined by Council				
Parks, Public reserve and open space	P	n/a	n/a	n/a	n/a	n/a
Place of worship- existing	P	2	200	25	25	10
Public Works Yard	C	2	200	25	25	10
Resource Related Industry	C	2	200	25	25	10
Scrap yard	C	5	200	125	25	10
Sewage treatment plants and lagoon	C	As determined by Council				
Solid Waste Disposal	C	20	200	125	50	50
Specialized agriculture	P	10	200	125	25	10
Stables and riding academy	P	5	200	125	25	10
Similar uses otherwise not listed	C	As determined by Council				
Veterinary clinic	C	2	100	75	25	25
Waste Transfer Station	C	20	200	125	50	50
Wind Energy Generating System	C	40	200	125	25	10
Accessory/ Secondary Buildings & Structures	P	n/a	125	25	10	10

**Table 5-5 “AL”- Agriculture Limited Zone**

**Intent:** This zone is intended to allow limited agricultural uses and resource-related uses in areas with environmental restrictions, poor soils, and unique topography. Natural areas and related uses are also an appropriate use in this zone.

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Abattoir, meat/food processing and packaging	C	10	200	125	25	10
Aggregate/ Resource Extraction/ Processing	C	10	200	125	25	10
Agribusiness	C	80	400	125	10	10
Agricultural Exhibition Grounds	C	80	400	125	10	10
Agricultural operations, excluding livestock	P	80	400	125	10	10
Agriculture Support Industry	C	80	400	125	10	10
Airfield	P	5	200	125	50	50
Anhydrous Ammonia Facility	C	5	200	125	25	10
Apiary	P	10	200	125	25	25
Bed and Breakfast	<u>P*</u>	n/a	n/a	n/a	n/a	n/a
Bulk Fuel and Storage	<u>C</u>	5	200	25	25	10
Cannabis cultivation	C	80	400	125	10	10
Cannabis processing	C	80	400	125	10	10
Cemetery	P	2	200	125	25	25
Concrete and asphalt batching plan	C	10	200	125	25	10
Crematorium	C	5	200	25	25	10
Fireworks, Dangerous goods or Agrichemical Storage Facility	C	10	200	125	25	10
Dwelling, single-unit: incld. mobile homes and previously occupied to be moved	P	2	200	125	25	10
Group Home	<u>C</u>	2	200	125	25	10
Gun Range	C	2	200	125	25	10
Home Industry	<u>C</u>	-	-	-	-	-
Home Occupation	<u>P</u>	-	-	-	-	-
Interpretive Centre	C	2	200	125	25	10
Kennel	C	2	200	125	25	10
Landscape or garden supply	P	5	200	125	25	10

<b>Use Class</b> P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Livestock operations producing between 10 and 200 AU	P	80	600	125	25	25
Livestock operations producing 200 or more AU's	C	80	600	125	25	25
Micro Campground	C	As determined by Council				
Parks, public reserve and open space	P	2	200	50	25	10
Place of worship- existing	C	2	200	125	25	10
Public works yard	C	2	200	125	25	10
Public utility	C	As determined by Council				
Resource related industry	C	2	200	125	25	10
Scrap yard	C	5	200	125	25	10
Sewage treatment plants and lagoons	C	As determined by Council				
Specialized agriculture	P	10	200	125	25	10
Stables and riding academy	P	5	200	125	25	10
Waste transfer station	C	20	200	125	50	50
Wind Energy Generating System (WEGS)	C	40	200	125	25	10
Similar uses otherwise not listed	C	As determined by Council				
Veterinary clinic	C	2	100	75	25	25
Accessory/ Secondary Buildings & Structures	P	n/a	n/a	125	10	10

**Table 5-6 “AR”- Agriculture Restricted**

**Intent:** This zone is intended for agricultural purposes with limited livestock production and protects adjacent urban communities from activities associated with livestock production.

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Abattoir, meat/food processing and packaging	C	10	200	125	25	10
Aggregate/ Resource Extraction/ Processing	C	10	200	125	25	10
Agri-business	C	2	200	125	25	25
Agricultural exhibition grounds	C	2	200	125	25	25
Agricultural Implement Sales and Service	C	2	200	125	25	25
Agricultural Operations excluding Livestock	P	80	400	125	10	10
Agriculture Support Industry	C	80	400	125	10	10
Airfield	P	10	200	125	25	10
Apiary	P	10	200	125	25	25
Bed and Breakfast	<u>p*</u>	n/a	n/a	n/a	n/a	n/a
Bulk Fuel and Storage	<u>C</u>	5	200	25	25	10
Cannabis cultivation	C	80	400	125	10	10
Cannabis processing	C	80	400	125	10	10
Cemetery	P	2	200	125	25	25
Concrete and asphalt batching plan	C	10	200	125	25	10
Crematorium	C	5	200	25	25	10
Dwelling, single-unit: incl. mobile homes and previously occupied to be moved	P	2	200	125	25	10
Fireworks, Dangerous goods or Agrichemical Storage Facility	C	10	200	125	25	10
Home Industry	<u>C</u>	-	-	-	-	-
Home Occupation	<u>P</u>	-	-	-	-	-
Kennel	C	2	200	125	25	10
Livestock operations producing between 10 and 400 AU – expansion of existing only	C	80	600	125	25	25
Micro Campground	C	As determined by Council				
Parks, public reserve and open space	P	2	200	50	25	10
Place of worship – existing	P	2	200	125	25	10
Place of worship –new	C	2	200	125	25	10
Public Utility	P	As determined by Council				
Public works yard	C	2	200	125	25	10

<b>Use Class</b> P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		<b>Minimum Requirements</b>				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Resource Related Industry	C	As determined by Council				
School bus storage and maintenance	C	2	200	125	25	10
Scrap yard	C	5	200	125	25	10
Self-Storage	C	2	200	125	25	10
Sewage Treatment Plants and Lagoon	C	As determined by Council				
Specialized agriculture	C	10	200	125	25	10
Stables or riding academy	C	5	200	125	25	10
Similar uses otherwise not listed	C	As determined by Council				
Veterinary clinic	C	2	100	75	25	25
Waste Transfer Station	C	20	200	125	50	50
Wind Energy Generating System	C	40	200	125	25	10
Accessory/ Secondary Buildings & Structures	P	n/a	n/a	125	10	10

**Table 5-7 “RR”- Rural Residential**

**Intent:** This zone is intended to provide permanent single and two family dwellings in a rural setting without the provision of urban services.

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Apiary	<u>P</u>	10	200	125	25	25
Bed and Breakfast	<u>P*</u>	n/a	n/a	n/a	n/a	n/a
Dwelling, single-unit	P	2	200	125	25	25
Dwelling, single-unit: mobile homes, and previously occupied to be moved	C	2	200	125	25	25
Group Home	C	2	200	125	25	25
Home Occupation	<u>P</u>	n/a	n/a	n/a	n/a	n/a
Home Industry	<u>P</u>	n/a	n/a	n/a	n/a	n/a
Park, Public Reserve and Open Space	P	As determined by Council				
Public facility	P	As determined by Council				
Public utility	P	As determined by Council				
Similar uses not otherwise listed	C	2	200	125	25	25
Accessory/ Secondary Buildings & Structures	P	n/a	n/a	125	10	10

**Table 5-8 “IC”- Rural Industrial/Commercial**

**Intent:** This zone is intended to provide for intensive agriculturally-related commercial / industrial development, and those uses requiring large areas that are not suitable for urban areas.

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Abattoir, meat/food processing and packaging	C	2	200	125	25	25
Agricultural auction marts	P	5	300	125	25	25
Aggregate/ Resource extraction	C	10	200	125	25	25
Agri-business	P	2	200	125	25	25
Agricultural auction mart	C	2	200	125	25	25
Agricultural exhibition grounds	P	5	200	125	25	25
Agricultural implements sales and service	P	2	200	125	25	25
Agricultural operations, excluding livestock	P	80	200	125	25	25
Anhydrous ammonia facility	C	2	200	125	25	25
Automobile and vehicular sales, service and repair	P	2	200	125	25	25
Cemetery	P	10	200	125	25	25
Concrete and asphalt batching plant	P	2	200	125	25	25
Contractors establishments	P	5	200	125	25	25
Entertainment/ amusement facility	C	10	200	125	25	25
Landscape or garden supply	P	2	200	125	25	25
Manufacturing- light	P	2	200	125	25	25
Manufacturing -heavy	C	5	200	125	25	25
Park, public reserve and open space	P	As determined by Council				
Public utility	P	2	200	125	25	25
Public works yard	P	2	200	125	25	25
Resource Related Industry	C	As determined by Council				
Scrap yard	C	2	200	125	25	25
Self-Storage	C	2	200	125	25	25
Specialized agriculture	P	10	200	125	25	25
Veterinary clinic	P	2	200	75	25	25
Waste transfer station	C	As determined by Council				
Similar uses not otherwise listed	C	n/a	n/a	125	25	25
Accessory/ secondary Buildings & structures	P	n/a	n/a	125	10	10



**Table 5-9 “OSR”- Open Space Recreational**

**Intent:** This zone is intended to allow for areas for open space, parks and recreation uses which cannot be easily located in the urban areas such as golf courses, campgrounds, shooting ranges, or RV parks.

<b>Use Class</b> P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		<b>Minimum Requirements</b>				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Campground	P	2	200	125	25	25
Cultural Centre	P	2	200	125	25	10
Dwelling, single-unit: incld. mobile homes, and previously occupied to be moved	P	2	200	125	25	25
Entertainment/ amusement facility	P	3	200	125	25	25
Gun Range	C	2	200	125	25	25
Park, public reserve and open space	P	2	200	25	25	25
Park and ride facility	P	1	100	50	25	25
Public facility	P	2	200	125	25	25
Public Utility	P	2	200	125	25	25
Public works yard	C	2	200	125	25	25
Recreation facility, indoor	C	2	200	125	25	25
Recreation facility, outdoor	P	2	200	125	25	25
Similar uses not otherwise listed	C	n/a	n/a	40	25	25
Accessory/ Secondary Buildings & Structures	P	n/a	n/a	125	25	25

**Table 5-10 “HC”- Highway Commercial**

**Intent:** This zone is intended to accommodate highway-oriented commercial uses which serve the travelling public along a Provincial Road or Provincial Trunk Highway. The Highway Commercial zone is also intended to provide for light manufacturing and agri-related commercial in rural areas.

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Agricultural implements sales and service	C	2	200	125	25	25
Automobile, vehicle and equipment sales, service and repair shop	P	2	200	125	25	25
Campground	P	2	200	125	25	10
Concrete and asphalt batching plant	C	10	200	125	25	25
Contractors establishments	P	5	200	25	25	25
Eating and drinking establishment	P	2	200	125	25	25
Emergency services	P	As determined by Council				
Entertainment/ amusement facility	C	10	200	125	25	25
Hotel/ Motel	P	As determined by Council				
Landscape or garden supply	P	2	200	125	25	10
Lumber yard	P	2	200	125	25	10
Manufacturing- light	P	2	200	125	25	10
Manufacturing -heavy	C	5	200	125	25	10
Parks, public reserve and open space	P	As determined by Council				
Personal Services	P	2	200	125	25	10
Professional, financial and office	P	2	200	125	25	10
Public utility	P	2	200	125	25	10
Recycling Collection Centre	P	2	200	125	25	10
Retail	P	2	200	125	25	10
Self-Storage	P	2	200	125	25	10
Trucking terminals and freight services	P	2	200	125	25	25
Veterinary clinic	P	2	100	75	25	25
Similar uses not otherwise listed	C	n/a	n/a	40	5	10
Accessory/ Secondary Buildings & Structures	P	n/a	n/a	125	10	10

**Table 5-11 “H”- Hamlet**

**Intent:** This zone is intended to provide areas for primarily un-serviced residential uses with the opportunity to allow for some commercial and community facilities in the Hamlets of Stuartburn, Gardenton, and Sundown.

<b>Use Class</b> P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		<b>Minimum Requirements</b>				
		Site Area square feet (sq.ft.) or acres (ac.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Agri-business	C	2	200	125	25	25
Agricultural implements sales and service	C	2	200	125	25	25
Automobile, vehicle and equipment sales, service and repair shop	C	20,000 sq. ft.	150	25	25	25
Campground	C	As determined by Council				
Cemetery	C	1 ac.	200	25	25	10
Clinic	P	As determined by Council				
College or University	P	As determined by Council				
Commercial School	P	As determined by Council				
Concrete and asphalt batching plan	C	10 ac.	200	125	25	10
Contractors establishments	P	2 ac.	200	25	25	10
Cultural Centre	P	10,000 sq. ft.	200	25	25	25
Day-care (serviced <sup>1</sup> / unserviced <sup>2</sup> )	P	6,000 sq.ft. / 2 ac.	200	25	10/25	25
Dwelling, single-unit: incld. mobile homes, 2-unit and previously occupied to be moved (serviced <sup>1</sup> / unserviced <sup>2</sup> )	P	6,000 sq.ft. / 2 ac.	50 /200	25	5/ 25	25
Dwelling, multi-unit	C	As determined by Council				
Eating and drinking establishment	C	10,000 sq. ft.	200	25	25	25
Emergency Service	C	As determined by Council				
Entertainment/ amusement facility	C	1 ac.	150	125	25	10
Funeral Homes	C	10,000 sq. ft.	200	25	25	25
Group Home (serviced <sup>1</sup> / unserviced <sup>2</sup> )	C	6,000 sq.ft. / 2 ac.	50 /200	25	5/ 25	25
Hospital	P	As determined by Council				

<b>Use Class</b> P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		<b>Minimum Requirements</b>				
		Site Area square feet (sq.ft.) or acres (ac.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<u>Hotel/ Motel</u>	<u>P</u>	As determined by Council				
Interpretive Centre	P	As determined by Council				
Landscape or garden supply	P	2 ac.	200	125	25	10
Lumber yard	C	10,000 sq. ft	100	125	25	10
Library	P	As determined by Council				
Manufacturing- light (serviced <sup>1</sup> /unserviced <sup>2</sup> )	P	10,000 sq. ft./ 2 ac.	100/200	50/75	25	25
Manufacturing -heavy (serviced <sup>1</sup> /unserviced <sup>2</sup> )	C	10,000 sq. ft./ 2 ac.	100/200	50/75	25	25
Park and Ride	P	As determined by Council				
Parks, public reserves and open space	P	1 ac.	100	25	25	10
Place of Assembly	P	10,000 sq. ft.	100	125	25	10
Place of Worship – existing and new	P	10,000 sq. ft.	100	125	25	10
Planned unit development (serviced <sup>1</sup> only)	C	1 ac.	100	25	5	25
Personal Services	P	6,000 sq.ft.	60	25	25	25
Preschool	P	6,000 sq.ft.	60	25	25	25
Professional, financial and office	P	5,000 sq. ft.	50	5	5	10
Public works yard	C	2 ac.	200	125	25	10
Public Facility	C	As determined by Council				
Public Utility	P	As determined by Council				
Recreation facility, indoor	C	2 ac.	200	125	25	10
Recreation facility, outdoor	P	2 ac.	200	125	25	10
Recycling Collection Centre	C	20,000 sq.ft	100	25	25	25
Residential Care Facility	C	As determined by Council				
Retail	P	6,000 sq. ft.	60	25	5	10
Retail – restricted	C	6,000 sq. ft.	60	25	5	10
School	P	As determined by Council				
School Bus Storage and Maintenance	C	20,000 sq.ft	100	25	25	25
Scrap yard	C	5	200	125	25	10
Self-Storage	C	1	100	125	25	10

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area square feet (sq.ft.) or acres (ac.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Shopping centre	C	As determined by Council				
Specialized agriculture	C	10	200	125	25	10
Trucking terminals and freight services	C	2	200	125	25	10
Veterinary clinic	P	2	100	75	25	25
Similar uses not otherwise listed	C	As determined by Council				
Accessory/ Secondary Buildings & Structures	P	n/a	n/a	25	5	2

1 Connected to a municipally operated sewage system or where an acceptable alternative on-site wastewater treatment is used

2 Where an approved on-site wastewater management system is utilized

**Table 5-12 “GD”- General Development**

**Intent:** This zone is intended to accommodate primarily residential development with town services while maintaining flexibility for a wide variety of commercial and industrial uses that may be allowed in the settlement centre of Vita.

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area square feet (sq.ft.) or acres (ac.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Agricultural implements sales and service	C	2	200	125	25	25
Automobile, vehicle and equipment sales, service and repair shop	C	20,000 sq. ft.	150	25	25	25
Campground	C	As determined by Council				
Cemetery	C	1 ac.	200	25	25	25
Clinic	P	As determined by Council				
College or University	P	As determined by Council				
Concrete and asphalt batching plant	C	10 ac.	200	125	25	25
Commercial School	P	As determined by Council				
Contractors establishments	P	2 ac.	200	25	25	25
Cultural Centre	P	10,000 sq. ft.	100	125	25	10
Day-care (serviced <sup>1</sup> / unserviced <sup>2</sup> )	P	6,000 sq.ft/ 2 ac.	200	25	25	25
Dwelling, single-unit: incld. 2-unit and previously occupied to be moved (serviced <sup>1</sup> / unserviced <sup>2</sup> )	P	6,000 sq.ft/ 2 ac.	50 /200	25	5/25	25
Dwelling unit, mobile home(serviced <sup>1</sup> / unserviced <sup>2</sup> )	C	6,000 sq.ft/ 2 ac.	50 /200	25	5/25	25
Dwelling, multi-unit	C	As determined by Council				
Eating and drinking establishment	C	10,000 sq. ft.	100	125	10	10
Emergency Service	C	As determined by Council				
Entertainment/ amusement facility	C	1	150	125	25	10
Funeral Homes	C	6,000 sq. ft.	50	25	10	25
Group Home(serviced <sup>1</sup> / unserviced <sup>2</sup> )	C	6,000 sq.ft/ 2 ac.	50 /200	25	15	25
Home Industry/ Home Occupation	<u>P</u>	-	-	-	-	-
Hospital	P	As determined by Council				
Hotel/ Motel	C	As determined by Council				
Interpretive Centre	P	As determined by Council				

Use Class P=Permitted C= Conditional <u>Underline</u> = only as a Secondary Use		Minimum Requirements				
		Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Landscape or garden supply	C	2	200	125	25	10
Library	P	6,000 sq. ft.	50	25	5	25
Lumber yard	C	10,000 sq. ft.	100	125	25	10
Manufacturing- light (serviced <sup>1</sup> /unserviced <sup>2</sup> )	C	10,000 sq. ft./2 ac.	200	125	10	10
Manufacturing -heavy (serviced <sup>1</sup> /unserviced <sup>2</sup> )	C	10,000 sq. ft./2 ac.	200	125	25	10
Park and Ride	P	As determined by Council				
Parks, public reserves and open space	P	1	100	25	5	10
Planned Unit Development (serviced only)	C	1 ac.	100	25	5	25
Place of Assembly	P	10,000 sq. ft.	100	25	10	25
Place of Worship- existing and new	P	10,000 sq. ft.	100	25	10	25
Personal Services	P	6,000 sq. ft.	50	25	10	25
Preschool	P	6,000 sq. ft.	50	25	10	25
Professional, financial and office	P	6,000 sq. ft.	60	25	5	10
Public facility	C	6,000 sq. ft.	60	25	25	10
Public works yard	C	2	200	25	25	10
Public utility	P	As determined by Council				
Recreation facility, indoor	C	2	200	25	25	10
Recreation facility, outdoor	P	2	200	25	25	10
Recycling Collection Centre	C	20,000 sq.ft.	100	25	25	25
Residential Care Facility	C	As determined by Council				
Retail	P	6,000 sq. ft.	60	25	5	10
Retail – restricted	C	6,000 sq. ft.	60	25	5	10
School	P	As determined by Council				
School Bus Storage and Maintenance	C	20,000 sq.ft.	100	25	25	25
Self-Storage	C	1	100	50	25	10
Shopping centre	C	2	200	25	25	10
Trucking terminals and freight services	C	2	200	125	25	10
Veterinary clinic	P	2	100	25	25	25
Similar uses not otherwise listed	C	As determined by Council				
Accessory/ Secondary Buildings & Structures	P	n/a	n/a	25	5	2

<sup>1</sup>Connected to a municipally operated sewage system or where an acceptable alternative on-site wastewater treatment is used

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

## PART 6: USE SPECIFIC STANDARDS

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Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zone in which the uses is located, the additional standards included in PART 6 must be met in respect of the uses identified, except as authorized by other sections of this By-law or by a Conditional Use or Variance Order.

Use Specific Standard Policy Sections:

- 6.1 Aggregate, Quarry, Mineral Extraction Operations
- 6.2 Anhydrous Ammonia Storage and Facilities
- 6.3 Abattoirs
- 6.4 Automobile sales, rental and services
- 6.5 Backyard Bee Keeping
- 6.6 Bed and Breakfast
- 6.7 Dangerous Goods or Agrichemical storage
- 6.8 Drive-Ins and Drive-throughs
- 6.9 Hobby Poultry
- 6.10 Keeping of Animals
- 6.11 Micro Campgrounds
- 6.12 Private Swimming Pools and Hot Tubs
- 6.13 Regulation of Livestock Operations
- 6.14 Sewage Treatment & Solid Waste
- 6.15 Solar Collectors, Private Windmills and Natural Energy Devices
- 6.16 Secondary Suites
- 6.17 Wind Energy Generating Systems

### 6.1 Aggregate

- (1) A mutual separation distance between any new residential dwelling, including cottage dwellings and mobile homes or any land to be zoned for residential purposes and any quarry operation shall maintain a minimum separation distance of five hundred (500) feet, except where the Province recommends a lesser separation distance due to the existing physical factors or as required buffer. Owners/ operators or caretakes that have residence located on the same site as the aggregate operation, that is otherwise in accordance with the Zoning By-law are excluded from this requirement. The mutual separation distance is deemed to be a yard requirement consistent with the provisions contained in The Act.



- (2) Establishment of new or the expansion of existing quarry operations are subject to a development agreement with Council.

## **6.2 Anhydrous Ammonia Storage and Facilities**

Anhydrous Ammonia facilities shall be located a minimum distance of:

- (1) 5,000 feet from the lot line of any evacuation sensitive facility such as hospitals, schools, senior citizens' homes and other institutional facilities;
- (2) 5,000 feet from any GD or H zone;
- (3) 1,640 feet from any dwellings;
- (4) 160 feet from any creek, stream or environmentally sensitive area; and
- (5) 330 feet from the edge of the right-of-way of a provincial road or highway.

## **6.3 Abattoirs**

Abattoirs shall not be established within 1000 feet (304 metres) of a RR, GD or H zone

## **6.4 Automobile sales, rental and services**

Automobile sales, rental and services within GD and H zones shall not include outdoor storage of derelict vehicles or equipment.

## **6.5 Backyard Bee Keeping**

Backyard bee keeping must meet the following requirements:

- (1) No person shall establish an apiary on a non-agricultural site without first obtaining a development permit from the CAO, Development Officer, or designate;
- (2) Hives are limited to a maximum of four (4) per site and must be:
  - a. Set back at least 25 feet (7.5 metres) from any site line;
  - b. Concealed behind a solid fence 6 feet (1.8 metres) in height.

## **6.6 Bed and Breakfasts**

A bed and breakfast shall only be permitted subject to the following requirements:

- (1) The operator must reside within the principal residence to which the Bed and Breakfast is an accessory use;
- (2) No more than eight (8) patrons shall be accommodated within one dwelling;
- (3) No more than five (5) bedrooms shall be used for the bed and breakfast operation;
- (4) One on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation.

## **6.7 Dangerous Goods or Agrichemical Storage**

Dangerous Goods or Agrichemical Storage Facilities shall be located at a minimum distance of 165 feet (50 meters) from the site lines in the A, AL, AR, and HC zones.

## **6.8 Drive-Ins and Drive-throughs**

All drive-ins and drive-throughs are subject to the following:

- (1) No drive-ins or drive-throughs shall be located on a lot or site which is adjacent to a lot with a residential use, unless they are separated by separate building or a public street;
- (2) No portion of a drive-in or drive-through shall be located within a required yard;
- (3) All drive-through facilities shall provide vehicle queuing spaces as follows:
  - a. A minimum of four (4) queuing spaces must be provided if the drive through facility has one point of contact;
  - b. Drive-through facilities with two points of contact require a minimum of six (6) queuing spaces; and
  - c. Queuing spaces shall not be counted towards minimum parking requirements.

## **6.9 Hobby Poultry**

In the “RR” and “H” Zone, on parcels of at least 4 acres up to a maximum of ten (10) hens, may be kept subject to the following:

- (1) No person shall establish hobby poultry on a site without first obtaining a development permit from the CAO, Development Officer, or designate;
- (2) The coop and enclosure must meet the following standards:
  - a. located in the rear of the lot behind the dwelling and not located within the Accessory Use setbacks;
  - b. positioned a minimum of 15 feet (4.6 m) from any neighbouring property line; and
  - c. the enclosure must be covered entirely on all sides and top by chicken-grade fencing.

## **6.10 Keeping of Animals**

In the “A”, “AR”, “AL”, “RR” and “H” Zones, on parcels of at least 4 acres, a limited number of non-domesticated animals may be kept on site, subject to the following:

- (1) No person shall establish keeping of animals on a site without first obtaining a development permit from the CAO, Development Officer, or designate;
- (2) Animals on-site are not to exceed two (2) animal unit per four (4) acres;

- (3) Animals must be kept in a suitable enclosure and shall not be allowed to roam in unfenced areas; and
- (4) Any structure intended for the keeping of animals is only permitted in the rear yard of a site and must maintain a 15-foot (4.5 metre) setback from any site line.

### **6.11 Micro Campgrounds**

A Micro Campground:

- (1) Will have a maximum of 10 camping sites .
- (2) Will not occupy more than 5 acres (217,800 square feet) of the parcel.
- (3) Can include both serviced and unserviced sites as well as other campground related amenities such as a pool, tennis court, recreation opportunities, storage, washroom facilities, and outdoor kitchens.

### **6.12 Private Swimming Pools and Hot Tubs**

Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings and uses as set forth in the affected zone. In no case shall an outdoor pool or hot tube be located closer than five (5) feet to any side or rear site line.

### **6.13 Regulation of Livestock Operations**

- (1) Animal Units shall be calculated using Schedule B of this by-law.

#### **Mutual Separation of Dwellings and Livestock Operations**

- (2) A mutual separation distance shall be maintained between a livestock operation and any dwelling or designated area
- (3) The separation distances are to be calculated based on the residences and the designated areas in existence on the date the municipality receives an application to expand or establish the livestock operation or establish a dwelling.

#### **Notice of Public hearing for livestock operations**

- (4) Variances for separation distances between livestock operations and dwellings or designated areas must notify the livestock operation from which the separation distance is required.

TABLE 6-1 LIVESTOCK OPERATION – MINIMUM SETBACK REQUIREMENTS

Size of Livestock Operation in Animal Units (AUs)	Minimum Setback Requirements (feet)			
	From Single Residence		From designated areas	
	To Earthen Manure Storage and feedlots	To Buildings / Non-Earthen Manure Storage	To Earthen Manure Storage and feedlots	To Buildings / Non-Earthen Manure Storage
10-100	656	328	2625	1739
101-200	984	492	3937	2625
201-300	1312	656	5249	3511
301-400	1476	738	5906	3937
401-800	1640	820	6561	4364
801-1600	1968	984	7874	5249
1601-3200	2297	1148	9186	6135
3201-6400	2625	1312	10499	6988
6401-12800	2953	1476	11811	7874
>12800	3281	1640	13123	8760

## Schedule B

LIVESTOCK TYPE	AU Produced by One Livestock	Livestock Producing One AU
<b>Dairy</b>		
Milking cows, including associated livestock	2	0.5
<b>Beef</b>		
Beef cows, including associated livestock	1.25	0.8
Backgrounder	0.5	2
Summer pasture/replacement heifers	0.625	1.6
Feeder cattle	0.769	1.3
<b>Pigs</b>		
Sows, farrow to finish (110-115 kg)	1.25	0.8
Sows, farrow to weanling (up to 5 kg)	0.25	4
Sows, farrow to nursery (23 kg)	0.313	3.2
Weanlings (5-23 kg)	0.033	30
Growers/finishers (23-113 kg)	0.143	7
Boars (artificial insemination operations)	0.2	5
<b>Chickens</b>		
Broilers	0.005	200
Roasters	0.01	100
Layers	0.0083	120
Pullets	0.0033	300
Broiler breeder pullets	0.0033	300
Broiler breeder hens	0.01	100
<b>Turkeys</b>		
Broilers	0.01	100
Heavy toms	0.02	50
Heavy hens	0.01	100
<b>Horses</b>		
Mares, including associated livestock	1.333	0.75
<b>Sheep</b>		
Ewes, including associated livestock	0.2	5
Feeder lambs	0.063	16
<b>Other livestock or operation type</b>		
Please inquire with your regional agricultural engineer or livestock specialist		
Source: Farm Practices Guidelines		

#### 6.14 Sewage Treatment and Waste Disposal Sites

- (1) A mutual separation distance of 460 meters shall be maintained between any municipal sewage lagoon or solid waste disposal site and a designated urban or Rural Residential Area.
- (2) A Mutual separation distances of 300 meters shall be maintained between an individual residence and any municipal sewage lagoon or solid waste disposal site.

#### 6.15 Solar Collectors, Private Windmills and Natural Energy Devices

- (1) Private windmills, when accessory to a main residential use within the rural areas, are a permitted use. Private windmills shall not be established in urban areas.
- (2) Solar collectors, when mounted on a peaked roof shall be attached flush to the roof and are considered a permitted use.
- (3) Solar collectors, when located on the ground, which are accessory to a main building, shall adhere to the accessory structure standards of the applicable zone, but are limited to a height of 8 feet (2.4 metres) above the ground and are considered permitted or conditional according to Table 5-3.

#### 6.16 Secondary Suites

Secondary Suites, as defined in this By-law, shall only be permitted subject to the following regulations;

- (1) Secondary suites are only allowed as a conditional use in the “A”, “AR”, “AL”, “GD” and “H” Zones;
- (2) Hydro and municipal services shall be connected to existing facilities upon approval of the affected authorities;
- (3) The dwelling shall be built on a one (1) floor design, be a maximum of eight hundred and sixty (860) sq. ft. in area and have all facilities located on this level;
- (4) A development agreement shall be entered into with the Rural Municipality of Stuartburn;
- (5) The additional dwelling unit shall not be located in the front yard of the zoning site, shall maintain a separation distance of ten (10) feet to principal dwelling and be in compliance with side and rear yard requirements as set out in **the bulk requirement table of the zone within which the site is located.**
- (6) Any Secondary Suite must comply with the *Manitoba Building Code* and are subject to the following regulations:
  - a. Are not permitted in association with a multiple-unit or two-unit dwelling;
  - b. A minimum of one off-street parking space must be provided for each suite.

**For attached Secondary Suites:**

- a. Not more than one (1) Secondary Suite shall be permitted within a principal dwelling.
- b. Maximum floor area shall not exceed 40% of the total habitable floor space of the principal dwelling or 861.1 square feet (80 sq. metres), whichever is the lesser.

**For detached Secondary Suites:**

- a. Not more than 1 Secondary Suite shall be permitted on an established zoning site.
- b. Maximum floor area shall be no greater than 861.1 square feet (80 sq. metres).
- c. Building height (Maximum):
  - i. Secondary Suite (above garage): 26.2 feet (8 metres)
  - ii. Secondary Suite (at Grade): 15.0 feet (4.5 metres)
- d. Setbacks (Minimum):
  - i. From Front Lot Line: must be equal to or greater than the minimum setback from the front property line for a principal dwelling within the same zone.
  - ii. From Rear Lot Line: must be equal to or greater than the minimum setback from the rear property line for an accessory structure within the same zone.
  - iii. From Side Lot Line: Must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone.
  - iv. From Corner Side Lot Line: Must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same zone.
- e. Separation from the Principal Dwelling (Minimum): 20 feet (6 metres)

## **6.17 Wind Energy Generating Systems**

A commercial Wind Energy Generating System tower must meet the following standards:

- (1) It is set back no less than 1.5 times the total turbine height from the property line and any public road or railway right of way. This setback distance can be reduced to .5 times the total turbine height where the property line(s) nearest to any given turbine define and separate properties belonging to the same landowner with a lease of the same type and duration;
- (2) It is set back no less than 30 metres (100 feet) from a water body or waterway;
- (3) The minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 402 metres (1320 feet);

- (4) The minimum separation distance between a commercial wind energy generating system tower and the nearest GD or RR or H Zone shall be 805 metres (2640 feet);
- (5) It contains no artificial lighting other than the lighting that is required by federal and provincial regulation; and
- (6) As part of their development permit application, proponents for Wind Energy Generating Systems must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system.



# SCHEDULE A – ZONING MAP

