



Municipality of Boissevain-Morton

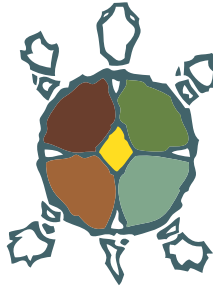
## **ZONING BY-LAW**



*The Municipality of Boissevain-Morton is located within Treaty 1 and 2 Territory, on the traditional lands of the Anishinaabe (Ojibwe), Dakota, Oji-Cree, the Ininiwak (Cree), and Dene peoples, and in the homeland of the Red River Métis.*

*We acknowledge this land and water, the original peoples of this place, and the treaties that guide our ongoing relationship.*

*We commit to tending to this place and our treaty partnerships with care in the spirit of collaboration and reciprocity going forward.*



MUNICIPALITY OF  
**BOISSEVAIN  
MORTON**

**Municipality of Boissevain-Morton  
Zoning By-Law No. 2024-05**

May 2025

Prepared By:



Prepared For:

**Municipality of Boissevain-Morton**

# HOW TO USE THIS ZONING BY-LAW

This zoning by-law regulates the use, size, height and location of buildings on properties within Municipality of Boissevain-Morton. The following is a simple four-step process to determine the uses and structures that may be allowed on a specific piece of property in a given zone.

## STEP 1: What zone is your property located in?

- Use the maps in **Schedule "A"** at the back of this by-law to find the zoning for your property.
- Reference **PART 3: Zones** for a description of the intent of that particular zone.
- Look in the Development Plan that applies to your property to confirm your proposal is supported by the applicable policies in those documents.

## STEP 2: What uses are "permitted uses" and "conditional uses" in your zone?

- Find the column with the zone of your property in the applicable **Use Table** in **PART 3: Zones**
- Uses marked with the letter "P" are **permitted uses** and may be developed once you have received a **Development Permit**.
- Uses marked with the letter "C" are **conditional uses** that may or may not be acceptable in a particular zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Certain uses have additional use-specific requirements, check **PART 4: Use Specific Standards** of this By-law to determine whether any additional requirements apply to the proposed use.

## STEP 3: How and where can you develop properties in your zone?

- Find the column with the zone of your property in the applicable **Bulk Table** in **PART 3: Zones**
- The Bulk Table provides information on allowable height of buildings and structures, required setbacks for yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the **PART 2: General Rules and Regulations Applicable in All Zones**, **PART 4 - Use Specific Standards** and **PART 6 - Definitions** of this By-law.

## STEP 4: What kind of permits do you need?

- In most cases, you will need a **Development Permit** before you start any change in land use or any development (including construction of a building) on a property.
- Check **PART 5 Administration and Enforcement - PART 5** of this by-law to see if your planned development is exempt from needing a **Development Permit**. If so, you may proceed with development, as long as it meets the other requirements in this and other applicable by-laws.
- If you need a **Development Permit** or **Building Permit** fill out a Building and Development Permit application.
- You are responsible for finding out if any other provincial or federal regulations apply to your development, as well as any other required local permits, such as plumbing, electrical, demolition permits, etc.

**MUNICIPALITY OF BOISSEVAIN-MORTON BY-LAW NO. 2024-05**

**BEING A BY-LAW** of Municipality of Boissevain-Morton to regulate the use and development of land.

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

**AND WHEREAS**, under PART 4 Division 1 of *The Planning Act*, the Municipality of Boissevain-Morton has, by by-law, adopted the Municipality of Boissevain-Morton Development Plan By-law No. 2022-06;

**NOW THEREFORE**, the Council of the Municipality of Boissevain-Morton in meeting duly assembled, enacts as follows:

1. By-law No. 2024-05 attached hereto is hereby adopted;
2. The By-law shall be known as the Municipality of Boissevain-Morton Zoning By-law
3. The following Zoning By-laws, as amended are hereby repealed:
  - The Municipality of Boissevain-Morton Zoning By-law No. 2019-03.
4. This By-law shall come into force on June 27<sup>th</sup>, 2025

**DONE AND PASSED** in Council duly assembled at the community of Boissevain, Manitoba, this 23<sup>rd</sup> of May, 2025

  
\_\_\_\_\_  
Signature of Mayor

  
\_\_\_\_\_  
Signature of Chief Administrative Officer

READ A FIRST TIME this 17<sup>th</sup> DAY of December, 2024

READ A SECOND TIME this 23<sup>rd</sup> DAY of June, 2025

READ A THIRD TIME this 23<sup>rd</sup> DAY of June, 2025

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# **1 Scope and Applicability**

## **1.1 Title**

This by-law shall be known as the Municipality of Boissevain-Morton Zoning By-law.

## **1.2 Scope**

This by-law applies to all lands in Municipality of Boissevain-Morton as shown on the zoning maps of Schedule "A" of this by-law.

## **1.3 Application**

This by-law regulates: a) the construction, erection, alteration, enlargement or placing of buildings and structures b) the establishment, alteration, or enlargement of uses of land, buildings and structures c) all other forms of development not included above.

## **1.4 Use and Development of Land and Buildings Must Comply**

Within the Municipality of Boissevain-Morton, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law.

## **1.5 Compliance with Other By-laws, Federal and Provincial Laws and Regulations**

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

The onus will be on the applicant to provide sufficient documentation attesting that the applicable by-law, or regulation is of a higher standard, and where the activity/development is regulated by a higher authority under licence or permit, the submittal, review and approval of the submitted documentation will, at the discretion of the Development Officer, waive the requirement of the municipality to issue the required Development Permit.

## **1.6 Use and Development of Land Will Not Promote Nuisance or Create a Hazard**

In this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law shall not be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause or create a hazard or a hazardous condition.



## 2 General Rules and Regulations Applicable in All Zones

### 2.1 Regulation of Uses

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

- (a) Is listed in the applicable Use and Bulk Table as one of the following:
  - i) a Permitted Principal Use;
  - ii) a Conditional Principal Use, subject to Council approval;
  - iii) a permitted accessory or secondary use, building or structure;
  - iv) a conditional accessory or secondary use, building or structure;
- (b) Where a proposed use is not listed, and by interpretation of the by-law no equivalency can be found, the proposed use will be deemed to be prohibited and a zoning by-law amendment will be required to allow for the proposed development in the zone in which it is located.

### 2.2 Existing Uses, Buildings and Structures

- (a) A lawfully established existing use, building or structure which is classified as a **permitted use**, building or structure in the by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed. In these circumstances, the enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of the by-law.
- (b) A lawfully established existing use, building or structure which is classified as a **conditional use** in this by-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
  - i) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law; and
  - ii) Where an enlargement or expansion of such use is proposed, it shall require the specific approval of Council, in accordance with the requirements of **PART 5** of this By-law.

- (c) Where a lawfully established use is established on a site and a site area or site width or required yard in accordance with the minimum requirements of this by-law and is thereafter reduced below the minimum requirements of this By-law by virtue of the development of a **public work, street or public utility**, the affected site area, site width and required yard shall be **deemed to conform** to the minimum requirements of this By-law
- (d) A lawfully existing use, building or structure **which is not classified as a permitted or conditional use**, building or structure in this by-law shall be considered as a **legal non-conforming use**, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities:
  - i) A legal non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use
  - ii) A legal non-conforming use shall not be intensified and shall not be changed to a different non-conforming use;
  - iii) A legal non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
  - iv) A legal non-conforming building or structure shall not be re-established if it is removed or destroyed by more than 50 percent of its replacement value above the foundation; and
  - v) Other provisions of The Planning Act governing non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded, shall apply.

## 2.3 Existing Residential Dwellings

**Notwithstanding the provisions PART 2, Section 2.2** (above) all lawfully established residential dwellings and their accessory structures existing at the effective date of this By-law are **deemed to be permitted uses** conforming to the minimum bulk requirements of the zone in which the buildings and/or structures are situated. Any enlargement, intensification, expansion or change of use of said existing residential dwellings and their related accessory structures shall conform with all of the requirements of this By-law.

## 2.4 Multiple Uses or Provisions

Where land, a building, or a structure is used for more than one purpose, all provisions of this by-law relating to each use must be satisfied. Where more than one provision in this by-law is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

## 2.5 Accessory Uses, Buildings and Structures

No accessory use, building or structure shall be established except for those in compliance with the following regulations:

- (a) In this Municipality, an accessory use, building or structure may be accessory to a permitted or approved conditional use and may itself be treated as a permitted or conditionally approved accessory use, building or structure.
- (b) No accessory use, building or structure shall be established, constructed or erected prior to the establishment of the principal use of land, building or structure to which it is accessory, except for the following:
  - i) An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a Development Permit and Building Permit has first been obtained for the principal building on same the zoning site as the accessory use, building or structure.
  - ii) A meteorological tower, used for wind and/or climatic research shall be allowed to be erected, subject to Council's approval, for a term not exceeding three (3) years and shall be subject to all other provisions of this By-law pertaining to the siting of Wind Energy Generating System. If the meteorological tower is to remain in place after the maximum three (3) year period, it shall become a part of a Wind Energy Generating System and be subject to the approval process required for the system as provided for **PART 3** of this By-law.
- (c) The area of land or buildings used or occupied for accessory uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal use on the same site.
- (d) No land, building, or structure shall be used or occupied for any accessory use after the use or uses to which it is accessory have been discontinued.
- (e) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure.
- (f) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures.
- (g) An accessory building or structure shall not be used as a dwelling unit, except where otherwise allowed in this by-law.

## **2.6 Buildings to be Moved or Removed**

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 or where a variation order is granted pertaining to the regulations of this By-law applying to the zone in which it is located.

Notwithstanding any other by-law or policy of Boissevain-Morton Municipality regarding demolitions or removals, upon completion of the removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Boissevain-Morton Development Officer with whom Council shall rely on for advice that the site owner has undertaken appropriate action to ensure public safety on the affected site. Unless otherwise specified, a minimum of 6 inches of topsoil is to be added to complete the filling of the excavation.

## **2.7 Road Access**

No permanent building may be constructed or placed on a parcel which does not have legal access to an improved public road, except in the case of an approved landlocked site, as described in Section 2.8 (below).

## **2.8 Landlocked Sites**

- (a)** In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided that the said lane or road is at least twenty feet in width and intersects with an improved street and is secured by means of a registered easement/declaration of right-of-way.
- (b)** For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side and rear site lines of a landlocked site. Such accesses shall be developed and/or improved to a standard that ensures all weather access by emergency services vehicles.

## **2.9 Site Reduced by Road Widening**

Where the site area or site width of an existing parcel of land have been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the resulting site area and width of the parcel shall be deemed to be in compliance with the minimum site area and width requirements for the existing lawfully established use of the parcel as specified by this by-law.

## **2.10 Unconventional Sites**

Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of **PART 6**, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

## **2.11 Service Connections**

Where a parcel is serviced by municipal piped sewer or water, no permanent principal building or dwelling shall be constructed or placed unless it is connected to such services, except where otherwise allowed in this by-law.

## **2.12 Projections into Yards**

Within all zones in the Municipality, required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings.

Required yards shall be free of buildings—except accessory buildings and structures, which must conform to the other requirements of this By-law—and be maintained as open space areas on all sites, except as follows:

- (a)** Open, unenclosed stairs and landings may extend into any required front or rear yard to a maximum distance of 10 feet, and there shall be no limitation on the construction of unenclosed wheelchair ramps;
- (b)** Other open, unenclosed projections of a building, including eaves, awnings, wing-walls, raised decks and balconies, may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser;
- (c)** Enclosed projections of a building, including chimneys, alcoves, eaves and bay windows may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 10 square feet of area within any required yard is occupied by these types of projection;
- (d)** Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences, cairns, and other decorative features are permitted within any required yard, provided that the maximum height of a fence complies with the height and material standards indicated in this zoning by-law;
- (e)** Air conditioning units or air exchanges detached from the principal building may be placed in any yard but must be located a minimum distance of ten (10) feet from any site line and must be screened with compact hedges or shrubs or other landscaping if located in a front yard.

## **2.13 Double Frontage Sites**

Within all zones, where a site has frontage along two more or less parallel streets, the following provisions shall apply:

- (a) Where the site depth is greater than two-hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
- (b) Where the site depth is two-hundred (200) feet or less, only one (1) site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.

## **2.14 Hazard Lands**

No permanent building shall be constructed or placed:

- (a) in the vicinity of a lake, river, watercourse or body of water on land that would be inundated by the one in two hundred year flood or by a recorded flood exceeding the two hundred year flood, unless the owner provides sufficient information prepared by a qualified engineering consultant licensed to practice in Manitoba, to demonstrate to the satisfaction of council that the land is not subject to flooding; or proper measures will be taken to protect the building from flooding.
- (b) On land which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless the owner provides sufficient information prepared by a qualified engineering consultant licensed to practice in Manitoba, to demonstrate to the satisfaction of council that proper erosion control or bank stabilization measures will be taken to deal with the unsuitability or hazard.

## **2.15 Development Near Shorelines and Riparian Areas**

In accordance with policy 2.3.10 of the Development Plan, land must not be cleared or developed to the water's edge of creeks, streams and lakes. An adequate buffer of undisturbed native vegetation must be retained (and rehabilitated, where possible) to reduce erosion and sedimentation, protect water quality and fish habitat and provide for wildlife as follows:

- a) A 15-metre (49 feet) undisturbed native vegetation area for lands located adjacent to first or second order drains and artificially created retention ponds; and
- b) A 30-metre (98 feet) undisturbed native vegetation area for lands located adjacent to all natural water bodies and waterways and other third or higher order drains.

Developments that create minor disturbances to the natural vegetative cover in riparian areas, such as docks and pathways, may be permitted in those areas, provided that not more than 25% of the length of the lot's shoreline is affected.

Proposed alteration within this native vegetation area may be referred to the federal or provincial authorities having jurisdiction for their review.

## **2.16 Development Near Waste Disposal Grounds and Sewage Lagoons**

Unless the development has been deemed safe by a qualified engineering consultant licensed to practice in Manitoba or unless a reduced separation distance is recommended by the provincial authority having jurisdiction and Council approves a variation order, no new residential development shall be allowed within:

- (a) 460 metres (1,509 feet) of a wastewater treatment lagoon, or
- (b) 400 metres (1,312 feet) of an operating or abandoned waste disposal ground.

## **2.17 Development Near Areas with Potential for Aggregate Extraction**

- (a) No building, dwelling (including a mobile home), or farm structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Province of Manitoba, unless the site has been first been reviewed by the Mines Branch and a recommendation provided which would allow development to proceed.
- (b) Where the proposed building is a dwelling, a separation distance of 500 feet shall be provided between the building location and the limits of the deposit.

## **2.18 Development Near Railways**

- (a) The Municipality of Boissevain-Morton may require mitigative measures such as berms or fencing to be implemented in accordance with Federation of Canadian Municipalities' "Guidelines for New Development in Proximity to Railway Operations"—as deemed necessary considering the nature of the development and site conditions—for any new residential development proposed in proximity to an active railway line:
  - i) Within 300 meters (1000 feet) of a freight rail yard;
  - ii) Within 30 meters (100 feet) of a railway principal or secondary main line; or
  - iii) Within 15 meters (50 feet) of a branch line or spur line.

- (b) Nothing in this By-law shall be interpreted so as to interfere with normal railway operations and maintenance of railway tracks.
- (c) Railway office buildings, warehouse facilities, maintenance buildings, and storage areas shall be subject to the requirements of this By-law.
- (d) All mining, quarrying and other non-railway works (including an oil or gas well) proposed within 50 metres (164 feet) of a railway right-of-way are subject to the provisions of the Federal Railway Safety Act and its regulations.

## 2.19 Development Near the Provincial Highway System

With the exception of fences built for agricultural purposes, all development within the **controlled area** of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority.

Existing controlled areas in the Municipality of Boissevain-Morton are shown on **Table 1** below but may be subject to change with updates to the provincial *Controlled Areas and Limited-Access Highways Regulation*.

**Table 1: Existing Controlled Areas in the Municipality of Boissevain-Morton**

<b>CONTROL LINES</b>	
<b>Adjacent to Highway</b>	<b>Distance from Right of Way Edge</b>
PTH 10	76.2 meters (250 feet)
PTH 3 PR 341 PR 343 PR 348 PR 443 PR 448	38.1 metres (125 feet)
<b>CONTROL CIRCLES</b>	
<b>Adjacent to Highways</b>	<b>Distance from Intersection Centre</b>
Intersection of PTH 10 and PTH 3	152.4 meters (500 feet)



## 2.20 Onsite Water Supply and Sewage Disposal Systems

- (a) In situations where piped municipal sewage collection and disposal services are not available, or in situations that may be allowed through other provisions in this zoning by-law, landowners may be allowed to construct private sewage disposal systems on their development site in accordance with all applicable provincial regulatory requirements.
- (b) All onsite wastewater disposal systems must be registered with the provincial authority having jurisdiction prior to installation by a licensed installer. It is the responsibility of the landowner to apply for provincial permits and/or approvals for all private sewage disposal systems.

The provincial authority having jurisdiction should be consulted about permitting or licensing requirements for private water supplies. In the case of proposed development that involves the construction or expansion of a public or semi-public water supply system, the proponent shall be required to obtain approvals from the provincial authority having jurisdiction prior to the commencement of construction.

## 2.21 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 or public service such as police and fire protection, provided that the requirements of the public utility or service is of a standard compatible with the adjacent area as determined by a **Designated Officer**.

Bulk requirements do not apply to any **public utility** or associated equipment (such as poles, transformers, and switching boxes, including electrical substations and transmission buildings).

All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to all of the provisions of this By-law.

## 2.22 Oil and Gas Exploration and Extraction, Structures, and Pipelines

Oil and gas exploration and extraction activities and pipelines are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law, except for **oil batteries**, which shall be subject to the requirements of **PART 3: Zones** of this By-law.

## 2.23 Off Street Parking Requirements

### 2.23.1 Minimum Parking

- (a) Accessory off-street parking spaces shall be provided according to the minimum number of spaces as required in **Table 2**. There are no accessory off-street parking requirements for use categories and uses that are not included in the table. Parking Management Plans, as provided in **section 2.23.2**, may be used to justify a lower number of parking spaces than the minimum shown on the table.
- (b) In the case of a site with multiple uses, the **Development Officer** shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, with the exceptions related to Parking Management Plans, as provided in **section 2.23.2**.
- (c) All accessory parking and loading areas and spaces shall be located on the same site as the use served unless a variation order is approved by Council for any required parking and/or loading areas or spaces located on a different site than the use being served.
- (d) In all zones, when any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for accessory off-street parking in accordance with the regulations and standards contained in this section of the By-law as set out below.
- (e) When the calculation of the number of accessory off-street parking spaces required by this By-Law results in a fraction of a parking space, any fraction less than one-half of a parking space should be disregarded, but a fraction of one-half or more must be counted as one parking space.

**Table 2: Required Parking Table**

Use Category	Minimum Number of Parking Spaces Required
RESIDENTIAL USES	<b>All Uses</b> - 1 space / dwelling unit
OFFICE AND RETAIL USES	<b>Inn or Hotel / Short-Term Rental</b> – 1 space / sleeping accommodation <b>Other Uses</b> - 1 space / 500 sq. ft. of floor area
INDUSTRIAL AND MANUFACTURING USES	<b>All Uses</b> - 1 space / 1,000 sq.ft. (92.9 sq.m.) of floor area or 1 space / 5 employees, whichever is greater
PUBLIC AND INSTITUTIONAL BUILDINGS	<b>Child Care</b> – 1 space / every 2 employees <b>Care Home</b> – 1 space / each 2 dwelling or sleeping units <b>School</b> - 1 space / classroom + 3 additional spaces <b>Other Uses</b> - 1 space / every 5 persons that can be accommodated at one time or 1 space / 500 sq. ft. of floor area, whichever is lesser
SECONDARY & ACCESSORY USES	<b>Bed and Breakfast</b> – 1 space / sleeping accommodation <b>Home Business / Home Industry</b> – 1 space / non-resident employee

### 2.23.2 Parking Management Plan

- (a) In an application for a Development Permit, Conditional Use, Variance, or other permit, an applicant may propose a parking management plan documenting that a lower amount of vehicle parking is adequate to meet the needs of the proposed site uses because of unique patterns of peak hour use, the proximity of other public parking areas, the provision of enhanced bike parking, the demographics of building occupants, or other factors.
- (b) If the municipality concludes that the proposed parking management plan will provide adequate parking to meet the needs of the proposed site uses and to prevent traffic or parking congestion on surrounding streets and public lanes, they may approve the parking management plan and reduce the amount of required off-street parking.

### 2.23.3 Parking Stall and Aisle Specifications

- (a) Off-street parking spaces shall meet the parking stall and aisle specifications in the Parking Stall and Aisle Specifications Table. If the proposed spaces are designed at an angle that is not in the table, use the specifications for the angle that is closest.
- (b) Each parking space shall have a vertical clearance of at least seven (7) feet from the floor or grade.

**Table 3: Parking Stall and Aisle Specifications Table**

Angle	Configuration	Minimum Stall Dimensions		Minimum Aisle Width	
		Stall Width (a)	Stall Depth (b)	Two - Way (c)	One - Way (c)
90° (Head-In)		2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	7.3 m (24 ft)
60° (Angled)		2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	5.5 m (18 ft)

Angle	Configuration	Minimum Stall Dimensions		Minimum Aisle Width	
		Stall Width (a)	Stall Depth (b)	Two - Way (c)	One - Way (c)
45° (Angled)		2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	4.0 m (13 ft)
0° (Parallel)		2.75 m (9 ft)	6.7 m (22 ft)	7.3 m (24 ft)	3.7 m (12 ft)

### 2.23.4 Off-Street Barrier-Free Parking Spaces

- (a) Off-street Barrier-Free parking spaces shall be provided according to the minimum number of spaces specified by the Required Off-Street Barrier-Free Parking Spaces Table.
- (b) Each barrier-free parking space shall have a minimum width of 3.5 meters (11.5 feet) and a minimum length of 7 meters (23 feet).
- (c) Barrier-free parking spaces shall be located within 61 metres (200 feet) of the principal building entrance used by residents, employees, or the public, with at least one curb ramp located in the line of travel between the principal building entrance and the barrier-free parking space area, where necessary.
- (d) Barrier-free spaces must be clearly marked and reserved for the exclusive use of people with mobility issues.

**Table 4: Required Off-Street Barrier-Free Parking Spaces Table**

Number of Off-Street Parking Spaces on a Zoning Site	Minimum Number of Barrier-Free Parking Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces

### 2.23.5 Surface and Maintenance

- (a) An off-street parking area and its access driveways shall be surfaced and drained so that there will be no free flow of water onto public sidewalks or adjacent properties.
- (b) The surface for an off-street parking area in any zone may be constructed of asphalt, concrete, or permeable paving blocks.
- (c) The surface for an off-street parking area in the Residential Zones may also be constructed out of gravel, crushed rock or other aggregate material.

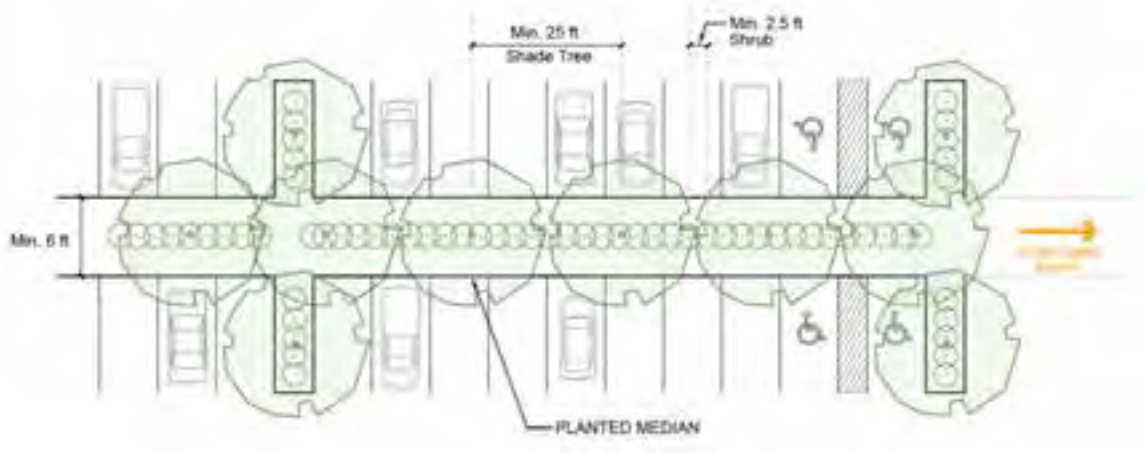
## 2.23.6 Landscaping and Buffering

If a **parking lot** or accessory parking area abuts a public street, the owner must screen the perimeter of the parking area from public view. The screening must be:

- (a) A wall, fence, or landscaped hedge a minimum of 1 meter (3 feet) high; OR
- (b) A planting bed a minimum of 2 metres (6 feet) wide, planted with a minimum of one shrub every 0.75 metres (2.5 feet) and one shade tree every 7.5 metres (25 feet).

## 2.23.7 Landscaping for Large Parking Areas

If a **parking lot** or accessory parking area is a size of 40 or more parking stalls, it must provide a planted median a minimum of 2 metres (6 feet) wide, planted with a minimum of one shrub every 0.75 metres (2.5 feet) and one shade tree every 7.5 metres (25 feet) between every block of 10 stalls (see **Figure 1**).



**Figure 1: Landscaping for Large Parking Areas**

## 2.24 Loading Spaces

### 2.24.1 Required Loading Spaces

For all buildings and uses involving regular and frequent receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, the owner or operator of the buildings or uses shall provide and maintain on the site adequate loading and unloading spaces according to the minimum number of spaces as required in each zone in **PART 3: Zones**. There are no loading requirements for zones where tables are not included.

## 2.24.2 Loading Space Standards

Required off-street loading space shall meet the following minimum standards:

- (a) It shall have minimum dimensions of 9 metres long (30 feet), 3.5 metres wide (12 feet) and 4.25 metres (14 feet) vertical clearance.
- (b) It shall be accessed by a driveway at least 20 feet wide contained on the site and leading to a public street or lane.
- (c) It shall be provided on the same site as the principal building or use but not in the required front yard or in a required corner side yard.
- (d) It shall be surfaced with asphalt, concrete, paving stones, or other surface approved by the Officer, so as to prevent the raising of dust or loose particles.

## 2.25 Parking Area Entrance and Exits

Vehicle service stations, public parking areas, drive-through establishments, and all vehicle/equipment sales shall require at least one entrance and one exit for vehicles, driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle. Access to sites for vehicles shall be only by way of entrances and exits provided in accordance with the following:

**Table 5: Parking Area Entrance and Exit Requirements**

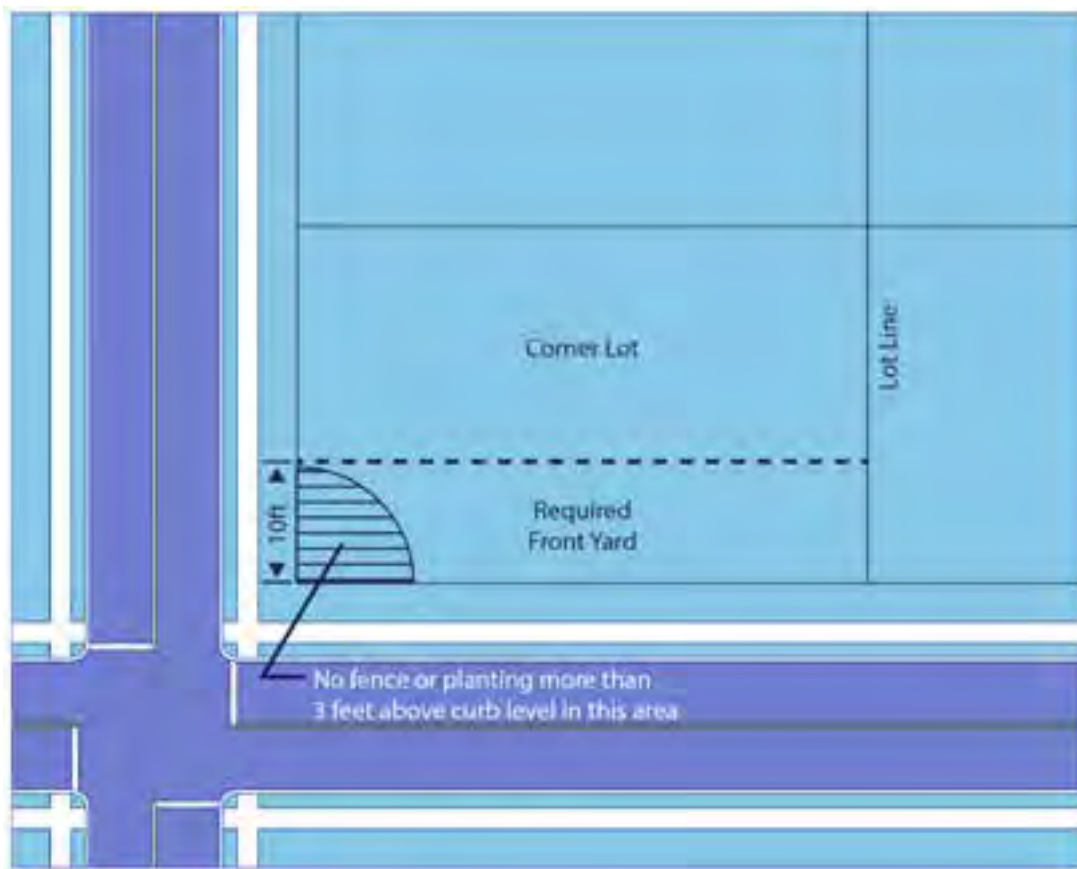
<b>Parking Area Entrance and Exit Requirements</b>	<b>Minimum Width / Distance</b>	<b>Maximum Width / Distance</b>
<b>Entrance or exit</b> to a parking area	20 ft.	40 ft.
<b>Combined entrance and exit</b> to a parking area	25 ft.	60 ft.
<b>Distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane</b>	30 ft.	N/A
<b>Distance between entrances and exits</b>	30 ft.	N/A



## 2.26 Corner Vision Triangles

In order to provide for a reasonable measure of traffic safety within all of the municipality's zones, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

- (a) No building, structure, vehicular parking space, fence, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within an area, approximately triangular in shape, of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection, as illustrated in **Figure 2** below.

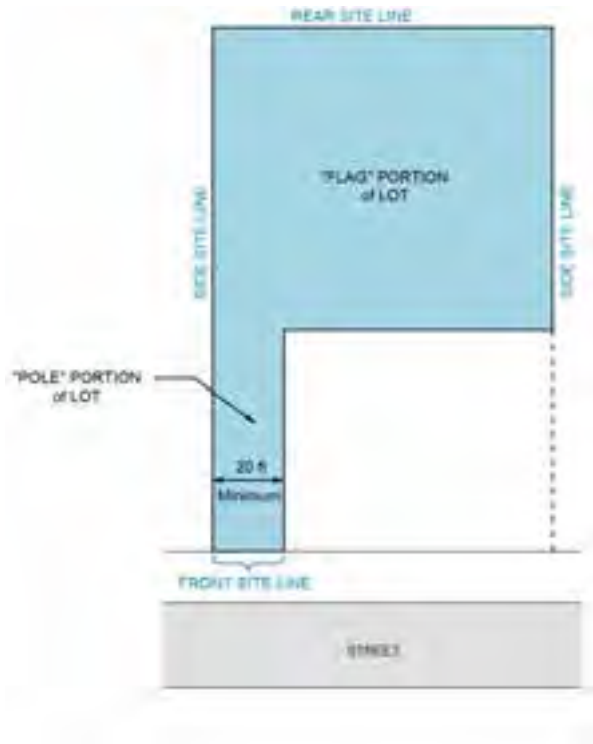


**Figure 2: Corner Vision Triangle**

## 2.27 Flag Lots

The creation of new **flag lots** is prohibited unless:

- (a) The lands proposed for flag lot access are in the Residential (RS), Rural Residential & Cottage (RC), or Residential Mobile Home (RS-MB) zones;
- (b) A **Designated Officer** determines that there is no feasible alternative way to provide access to such lands; and
- (c) The minimum width of the strip of land used to provide driveway access to the buildable portion of the flag lot is 20 feet (see illustration in **Figure 3**).



**Figure 3: Flag Lot Requirements Diagram**

## 2.28 Heritage Resources

This by-law shall be interpreted so as not to interfere with the protection of heritage resources and human remains, provided that the applicable identification and assessment processes, and any requirements or agreements, are in keeping with provincial heritage legislation as determined by the appropriate provincial authority.

# 3 Zones

## 3.1 Establishing Zones

This By-law establishes the following zones to regulate land use in the Municipality of Boissevain-Morton Development Plan:

**Table 6: Established Zones**

<b>ZONE GROUPS</b>	<b>ZONES</b>	<b>ABBR.</b>
<i>AGRICULTURAL ZONES</i>	Agricultural General	<b>AG</b>
	Agricultural Restricted	<b>AR</b>
<i>RESIDENTIAL ZONES</i>	Rural Residential and Cottage	<b>RC</b>
	Residential	<b>RS</b>
	Residential Mixed	<b>RSM</b>
	Residential Mobile	<b>RS-MB</b>
<i>COMMERCIAL &amp; INDUSTRIAL ZONES</i>	Commercial Central	<b>CC</b>
	Commercial Highway	<b>CH</b>
	Industrial General	<b>MG</b>
<i>PUBLIC INSTITUTIONAL &amp; NATURAL ZONES</i>	Parks, Recreation and Institutional	<b>PRI</b>
	Natural Protection	<b>NP</b>

## 3.2 Zone Boundaries

The zones established in **Table 6** (above) shall apply within the boundaries of the zones shown on the maps in **Schedule "A"** of this by-law and the following rules of interpretation shall apply in all zones:

- (a) Boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall follow such lines;
- (b) 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; and
- (c) Boundaries indicated by distances indicated on the maps in **Schedule "A"** of this by-law shall follow such limits.

## 3.3 Permitted and Conditional Uses

The permitted, conditional and accessory uses prescribed for parcels within each zone are those set out in the Use Tables of **PART 3** of this By-law as follows:

- (a) Permitted uses are indicated with the letter **[P]**.
- (b) Conditional uses are indicated with the letter **[C]**.
- (c) Where a use is not listed and is not similar to, or accessory to, a permitted or conditional use, the use is not allowed in the zone.

## 3.4 Use and Bulk Regulations

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 use and bulk requirements described in the Use and Bulk Regulations Tables of this **PART** or elsewhere in this by-law.

## 3.5 Additional Requirements for Specific Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zone in which the use is located, additional standards for specific uses may apply and are set out in **PART 4** of this By-law and must be met, except as may otherwise be provided for in this By-law through a Conditional Use or Variance Order.

## 3.6 Agricultural Zones

### 3.6.1 Intent of Zones

#### “AG” Agricultural General Zone

The “AG” Agricultural General Zone is intended to support the agricultural industry in the Municipality and to provide flexibility and opportunity for farm operators to engage in a variety and range of farming practices, while allowing for a limited amount of non-agricultural uses, provided the primary use of the land is agriculture.

#### “AR” Agricultural Restricted Zone

The “AR” Agricultural Restricted Zone is intended to provide for agricultural uses similar to those allowed in the Agriculture General zone. However, due to the proximity to the Boissevain urban area, Turtle Mountain Provincial Park, and public wells and other drinking water sources, there are restrictions placed on livestock operations and other development that is intensive or has a high pollution risk.

### 3.6.2 Agricultural Use Table

**Table 7: Agricultural Use Table**

Zone Abbreviations		AG	AR	Bulk Standard Size	Use-Specific Standard
<b>AGRICULTURAL AND ANIMAL-RELATED USES</b>					
	Agriculture, General	P	P	Large	
	Agriculture, Specialized	P	P	Small	4.1.1
	Agro-Industrial Business	C	C	Small	
	Agricultural Equipment Sales and Service	C	C	Small	
	Animal Keeping or Stables	P	P	Small	4.1.2
	Apiary (Beekeeping)	P	P	Small	4.1.3
	Cannabis Cultivation and Processing Facility	C		Small	
	Livestock Operation (10 to 299 Animal Units)	P	C	Large	4.1.4

Zone Abbreviations		AG	AR	Bulk Standard Size	Use-Specific Standard
	Livestock Operation (300 or more Animal Units)	C	C	Large	4.1.4
	Pet Shelter or Sales	C	C	Small	
	Veterinary Clinic	C	C	Small	
<b>RESIDENTIAL USES</b>					
	Dwelling, Single-Unit	P	P	Small	4.2.1
	Mobile Home	P	P	Small	4.2.5
	Tiny Home	P	P	Small	4.2.5
	Secondary Suite	C*	C*	Small	4.2.7
<b>OFFICE AND RETAIL USES</b>					
	Brewery / Distillery / Winery	C*	C*	Small	
<b>INDUSTRIAL AND MANUFACTURING USES</b>					
	Hazardous Materials or Agrichemical Storage Facility	C		Large	4.4.3
	Oil Battery	C		Small	
	Resource Harvesting and Extraction	C		Small	4.4.5
	Wrecking and Salvage Yard	C		Small	
<b>PUBLIC AND INSTITUTIONAL BUILDINGS</b>					
	Arts and Cultural Establishment	C*	C*	Small	
	Public Works Building	C	C	Small	
<b>PUBLIC AND INSTITUTIONAL OUTDOOR USES</b>					
	Cemetery	C	C	Small	4.6.2

Zone Abbreviations		AG	AR	Bulk Standard Size	Use-Specific Standard
	Outdoor Event Space	C	C	Small	
	Park	C	C	Small	4.6.3
	Public Utility	P	P	N/A	2.21
	Recreation Facility (Outdoor)	C	C	Small	
	Solid Waste Disposal or Composting Site	C		Large	2.17
	Wastewater Treatment Site (Sewage Lagoon)	C	C	Large	2.17
	Wildlife Management or Conservation Area	P	P	Small	
	<b>ONLY AS SECONDARY OR ACCESSORY USES</b>				
	Accessory uses, buildings and structures	P	P	N/A	2.5
	Airfield or Landing Strip	C		N/A	4.7.1
	Bed and Breakfast	P	P	N/A	4.7.2
	Carport	P	P	N/A	
	Home Industry	C	C	N/A	4.7.3
	Home Occupation	P	P	N/A	4.7.4
	Outdoor Pool or Hot Tub	P	P	N/A	4.7.5
	Pole Shed or Fabric Building	P	P	N/A	4.7.6
	Shipping Container (Accessory)	P	P	N/A	4.7.7
	Short-Term Rental	P	P	N/A	4.7.8
	Sign, Accessory	P	P	N/A	4.7.9
	Sign, Advertising or Billboard	P/C	P/C	N/A	4.7.10
	Solar Collector (Ground Mounted)	C	C	N/A	4.7.11

Zone Abbreviations		AG	AR	Bulk Standard Size	Use-Specific Standard
	Solar Collector (Roof-top or Wall-Mounted)	P	P	N/A	4.7.11
	Telecommunications Tower (Accessory)	P	P	N/A	4.7.12
	Temporary Building or Use	P	P	N/A	4.7.13
	Wind Energy Generating System (Commercial)	C	C	N/A	4.7.14
	Wind Energy Generating System (On-Site / Rooftop)	P	P	N/A	4.7.15
P = Permitted Use   C = Conditional Use   * Only as a secondary use					

### 3.6.3 Agricultural Bulk Table

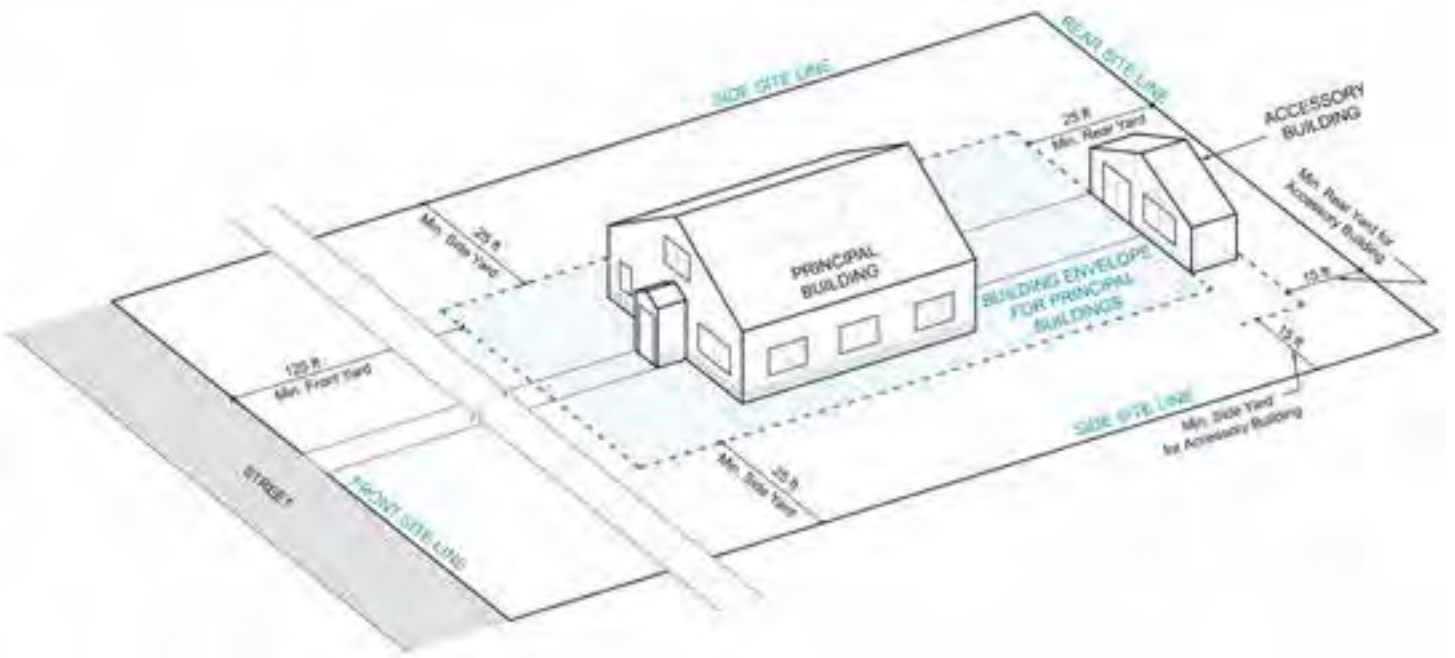
The tables below set forth the bulk requirements for principal and **accessory** uses, buildings and structures within the indicated zone, according to the bulk standard size indicated on the Use Table above (e.g. small uses indicated on the use table must meet the standards for small principal uses in the bulk table).

Where a **secondary use** takes place on a site within a **principal building**, the standards from the Principal Uses and Buildings Table shall apply. Where a **secondary use** takes place within a building or structure on site other than the **principal building**, that building or structure shall conform to the standards for **accessory structures**.

A dash (-) indicates that a minimum or maximum restriction does not apply in the specific instance.



## Agricultural Zones Bulk Standards



**Table 8: Agricultural Bulk Table**

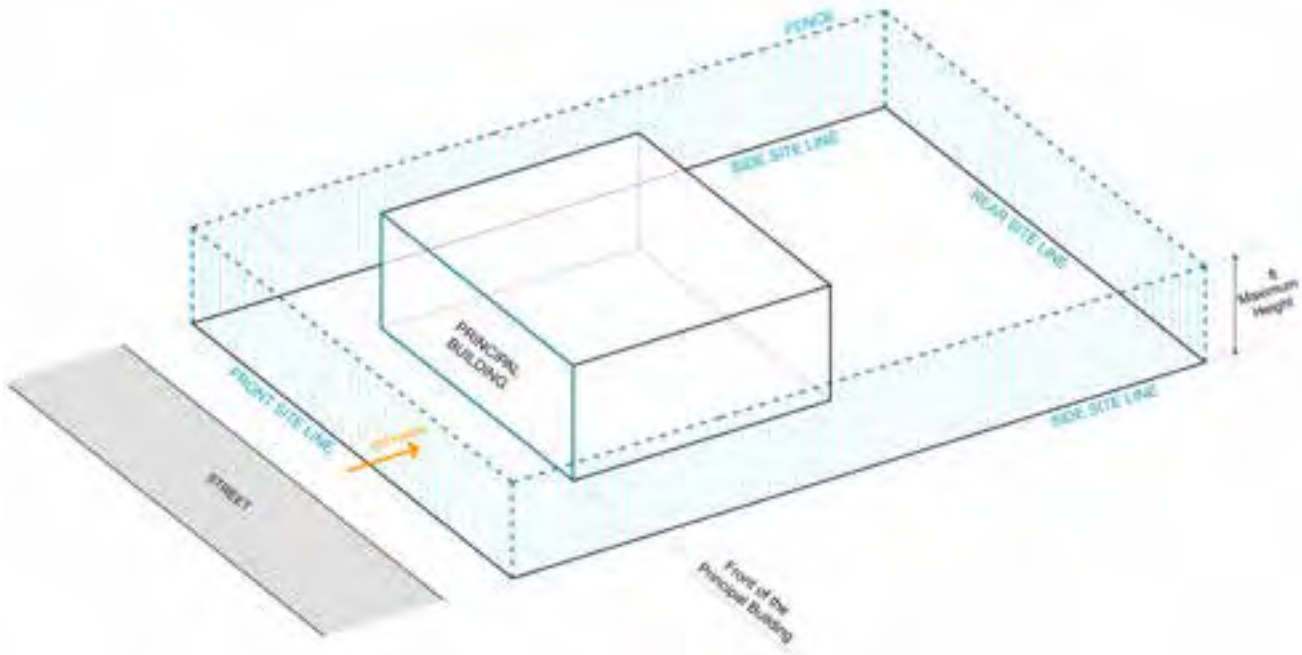
						AG/AR
Bulk Standard Size	Min. Site Area (ac)	Min. Site Width (ft)	Min. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)
Small	2 ac.	200	125	25	25	35
Large	80 ac.	600	125	25	25	35
Accessory Structures	-	-	Behind principal	15	15	-

### 3.6.4 Explanations and Exceptions

- (a) There shall be a maximum of one dwelling unit per site or land parcel in the agricultural zones except for the following, in which case one additional dwelling unit per site may be allowed:
  - i) **A farm dwelling** unit, which is required for family members or employees who are actively involved in the agricultural operation;
  - ii) **A secondary suite** as provided for in this by-law.
- (b) The **site areas** in the Agriculture General (AG) and Agricultural Restricted (AR) zones reflect the policies in the Development Plan. This By-law sets the minimum site area at 80 acres for agricultural activities, with an exception for other uses that may utilize smaller site sizes (based on policies in the Provincial Planning Regulation and the Development Plan).
- (c) Where an **accessory building** is attached to a principal building, it shall conform to all regulations of this By-law applicable to the principal building.
- (d) No detached **accessory building** shall be located closer than six (6) feet to any principal building on the site.
- (e) New uses that are identified as Conditional Uses in **Table 7** under the office and retail, industrial and manufacturing, public and institutional buildings, and public and institutional outdoor use categories shall generally be directed to existing urban settlement centers; however, they may be allowed in the Agricultural Zones if Council is satisfied that no suitable site is available in an existing urban community and the use serves the rural agricultural community.
- (f) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required front yard in an agricultural zone.
- (g) Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated by the Required Parking Table and the standards provided in this zoning by-law.
- (h) Where a site abuts a highway under provincial jurisdiction, the owner shall obtain all permits required for setbacks of buildings and structures from the provincial authority having jurisdiction.

### 3.6.5 Fences – Agricultural Zones

- (a) Fences are permitted accessory uses in all required yards and can be placed up to the property line, except as required for **a corner vision triangle**.
- (b) In all agricultural zones, electric, barbed wire and wooden rail fences of a type not obstructing views of road traffic shall be permitted within the limits of the parcel on which they are located.
- (c) Shall not be higher than 8 feet in all yards, as shown in **Figure 4**.



**Figure 4: Maximum Fence Height: Agricultural Zones**

<b>Maximum Fence Height – Agricultural Zones</b>	<b>AG</b>	<b>AR</b>
Portion of the Fence that Extends Beyond the Front of the Principal Building	<b>8 ft</b> <b>(2.4 m)</b>	<b>8 ft</b> <b>(2.4 m)</b>
Portion of the Fence that Does Not Extend Beyond the Front of the Principal Building	<b>8 ft</b> <b>(2.4 m)</b>	<b>8 ft</b> <b>(2.4 m)</b>

## **3.7 Residential Zones**

### **3.7.1 Intent of Zones**

#### **“RS” – Residential**

The **“RS” Residential** zone is intended for mostly lower-density residential dwellings within the community of Boissevain. This zone provides for a variety of housing types and affordability levels to accommodate a range of income levels, the ability to age in place and serve diverse market demands.

#### **“RSM” – Residential Mixed**

The **“RSM” Residential Mixed zone** is intended to provide areas in the community of Boissevain to accommodate higher-density residential and mixed-use development. This zone provides for a variety of housing types and affordability levels to accommodate a range of income levels, the ability to age in place, and serve diverse market demands.

#### **“RS-MB” – Residential Mobile**

The **“RS-MB” Residential Mobile** zone is intended for areas within the community of Boissevain where mobile home and other alternative housing forms, such as tiny homes, may be situated.

#### **“RC” – Rural Residential & Cottage**

This zone is intended for rural residential and cottage developments located outside of urban centres. Rural residential and cottage development will be located and designed to preserve the natural or agrarian character of the area. These lots generally rely on onsite water and wastewater infrastructure. Year-round residential uses may be accommodated within this zone.

### 3.7.2 Residential Use Table

**Table 9: Residential Use Table**

Zone Abbreviations		RS	RSM	RS-MB	RC	Bulk Standard Size	Use-Specific Standard
<b>AGRICULTURAL AND ANIMAL-RELATED USES</b>							
	Animal Keeping or Stables				C	Small	4.1.2
	Apiary (Beekeeping)				C	Small	4.1.3
<b>RESIDENTIAL USES</b>							
	Dwelling, Single-Unit	P	C		P	Small	4.2.1
	Dwelling, Two-Unit	P	P			Medium	4.2.2
	Dwelling, Multi-Unit	P	P			Large	4.2.3
	Live-Work Unit		P			Small	4.2.4
	Mobile Home	C		P	C	Small	4.2.5
	Mobile Home Park			P		Large	4.2.6
	Tiny Home	P		P	C	Small	4.2.5
	Tiny Home Pocket Neighbourhood		C	P	C	Large	4.2.6
	Secondary Suite	P	P			Small	4.2.7
<b>OFFICE AND RETAIL USES</b>							
	Food / Beverage Service Establishment		C		C	Small	
	Indoor Amusement or Fitness Centre		C			Small	
	Inn or Hotel		C		C	Medium	
	Office		C			Small	
	Personal Services		C			Small	

Zone Abbreviations		RS	RSM	RS-MB	RC	Bulk Standard Size	Use-Specific Standard
	Retail (Small)		C		C	Small	
<b>PUBLIC AND INSTITUTIONAL BUILDINGS</b>							
	Arts and Cultural Establishment	C	C			Small	
	Assisted Living Facility		C			Large	
	Care Home	C	P			Medium	4.5.1
	Child Care, Home	P	P	P		Small	4.5.2
	Child Care Facility		C			Large	4.5.3
	Community Centre or Hall	C	C	C	C	Small	
	Emergency Services Station	C	C			Medium	
	Place of Worship	P	C			Medium	
	School	P	P	P		Large	
<b>PUBLIC AND INSTITUTIONAL OUTDOOR USES</b>							
	Campground				C	Medium	4.6.1
	Marina or Public Docks				C	Large	
	Park	P	P	P	P	Small	4.6.3
	Public Utility	P	P	P	P	N/A	2.21
<b>ONLY AS SECONDARY OR ACCESSORY USES</b>							
	Accessory uses, buildings and structures	P	P	P	P	N/A	2.5
	Airfield or Landing Strip					N/A	4.7.1

Zone Abbreviations		RS	RSM	RS-MB	RC	Bulk Standard Size	Use-Specific Standard
	Bed and Breakfast	P	P	P	P	N/A	4.7.2
	Carport	P				N/A	
	Home Industry				C	N/A	4.7.3
	Home Occupation	P	C	P	P	N/A	4.7.4
	Outdoor Pool or Hot Tub	P	P	P	P	N/A	4.7.5
	Pole Shed or Fabric Building	P	P	P	P	N/A	4.7.6
	Shipping Container (Accessory)					N/A	4.7.7
	Short-Term Rental	P	P	P	P	N/A	4.7.8
	Sign, Accessory	P	P	P	P	N/A	4.7.9
	Solar Collector (Ground Mounted)	C			C	N/A	4.7.11
	Solar Collector (Roof-top or Wall-Mounted)	P	P	P	P	N/A	4.7.11
	Telecommunications Tower (Accessory)	P	P	P	P	N/A	4.7.12
	Temporary Building or Use	P	P	P	P	N/A	4.7.13
	Wind Energy Generating System (On-Site / Rooftop)	C			P	N/A	4.7.15
P = Permitted Use   C = Conditional Use   * Only as a secondary use							

### 3.7.3 Residential Bulk Tables

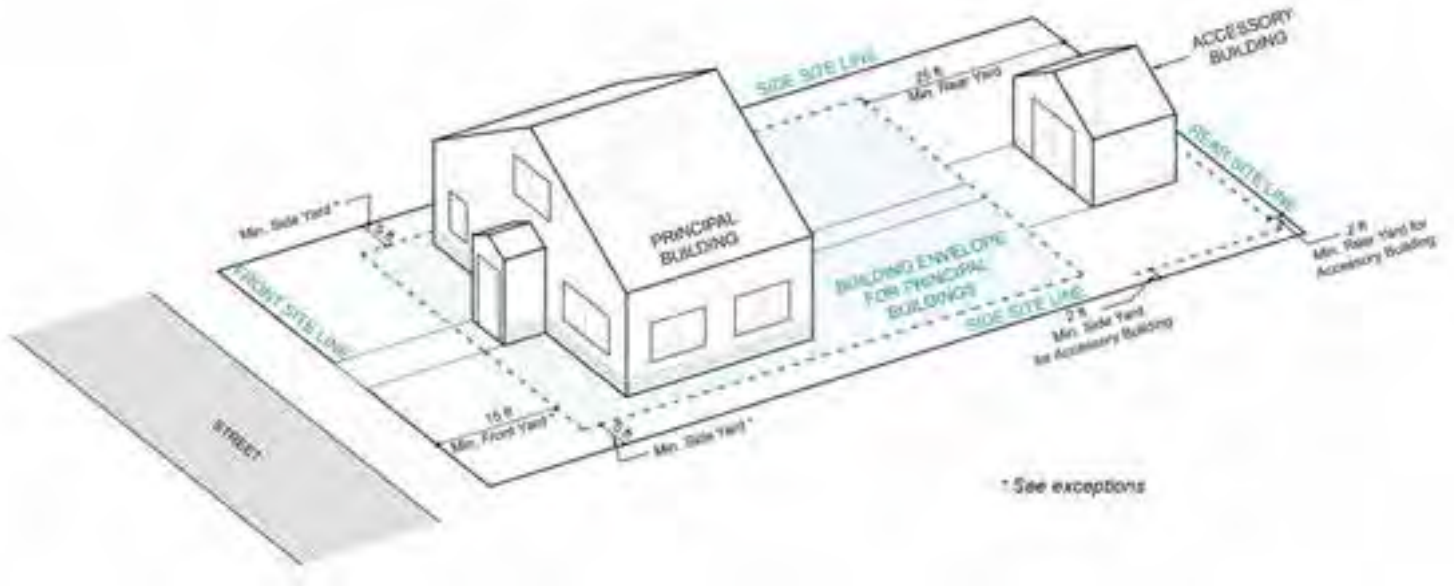
The tables on the following page set forth the bulk requirements for principal and **accessory** uses, buildings and structures within the indicated zone, according to the bulk standard size indicated on the Use Table above (e.g. small uses indicated on the use table must meet the standards for small principal uses in the bulk table).

Where a **secondary use** takes place on a site within a **principal building**, the standards from the Principal Uses and Buildings Table shall apply. Where a **secondary use** takes place within a building or structure on site other than the **principal building**, that building or structure shall conform to the standards for **accessory structures**.

A dash (-) indicates that a minimum or maximum restriction does not apply in the specific instance.



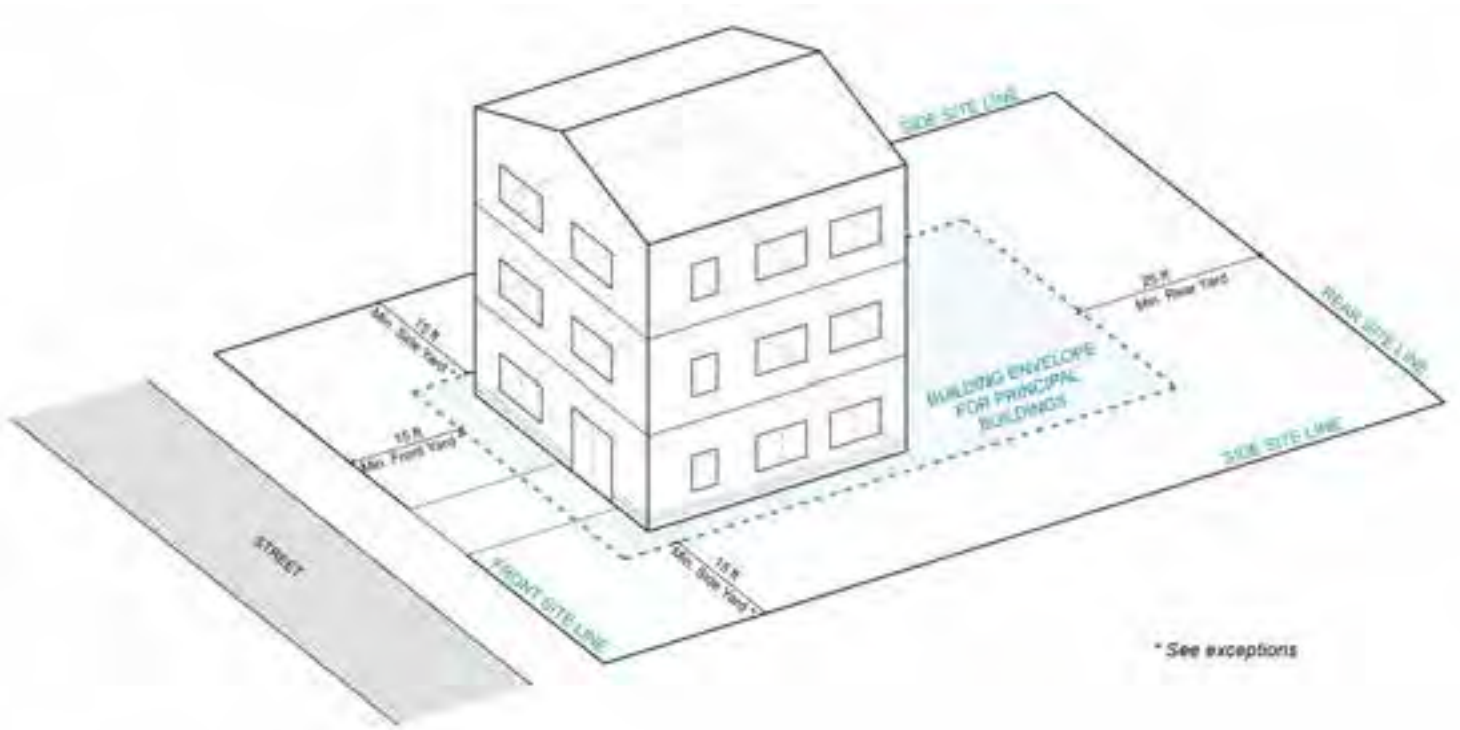
**RS – Residential Zone (Small – medium standards shown)**



**Table 10: RS - Residential Bulk Table**

							RS
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	4,000	35	15	5	25	30	50%
<i>Medium</i>	6,000	50	15	5	25	30	50%
<i>Large</i>	10,000	60	15	15	25	30	50%
<i>Unserviced</i>	2 acres	200	125	30	25	35	40%
Accessory Structures	-	-	Behind principal	3	2	-	10%

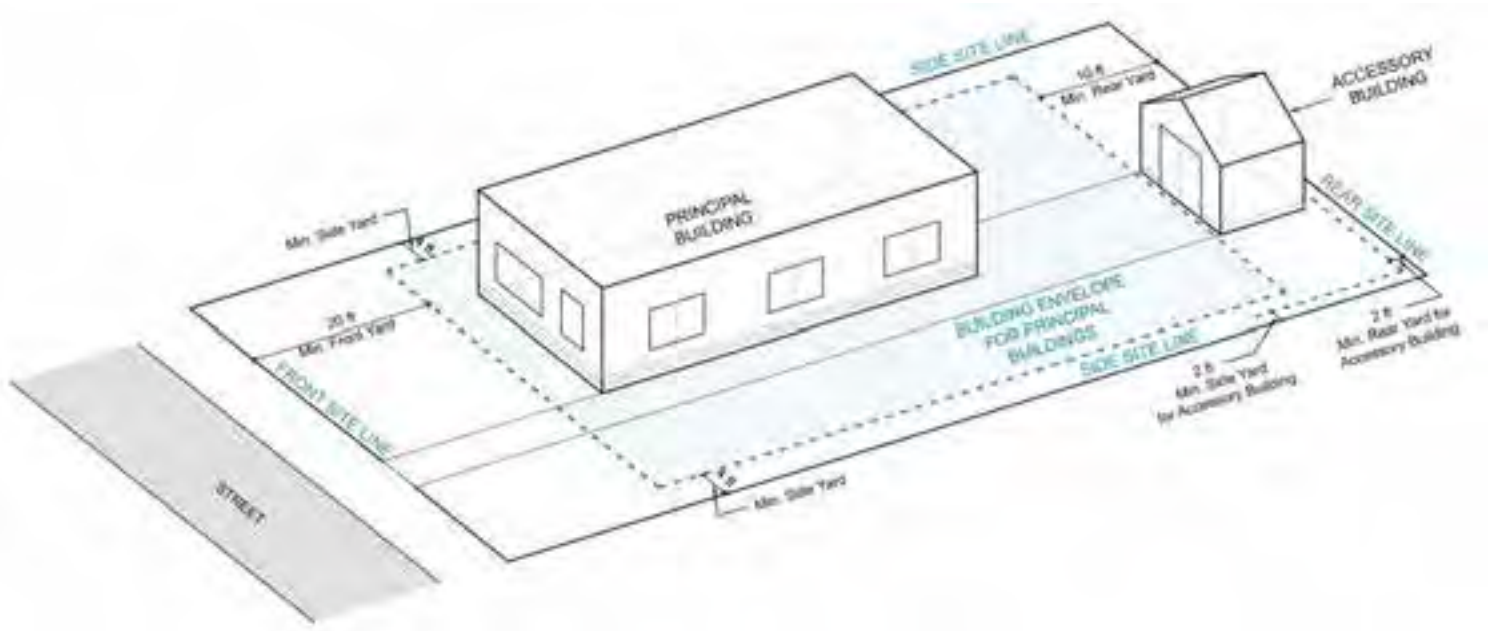
**RSM – Residential Mixed Zone (Large standard shown)**



**Table 11: RSM - Residential Mixed Bulk Table**

							RSM
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	6,000	50	15	5	25	30	80%
<i>Medium</i>	6,000	50	15	5	25	35	80%
<i>Large</i>	10,000	100	15	15	25	35	80%
<i>Unserviced</i>	2 acres	200	125	30	25	35	40%
Accessory Structures	-	-	Behind principal	3	2	-	10%

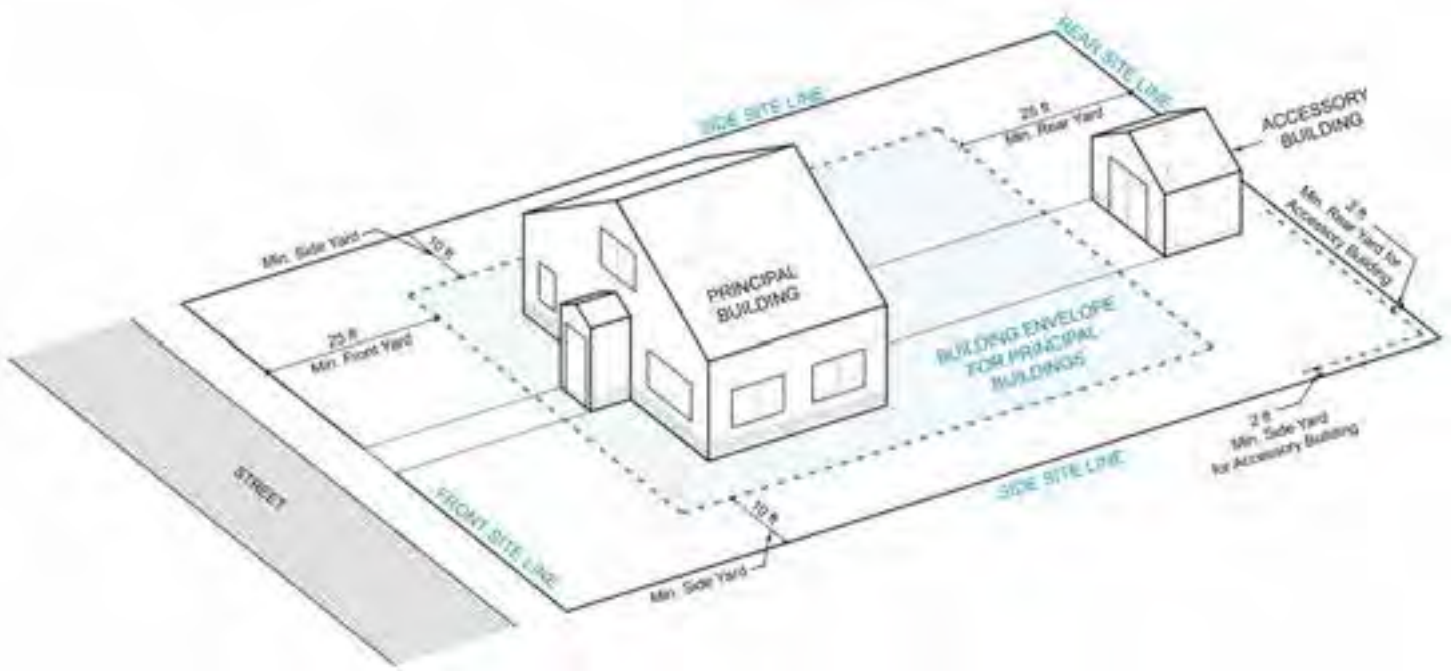
**RS-MB – Residential Mobile Zone (Small standard shown)**



**Table 12: RS-MB - Residential Mobile Bulk Table**

							RS-MB
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	4,000	40	20	4	10	30	40%
<i>Large</i>	2 acres	200	20	30	10	30	40%
<i>Unserviced</i>	2 acres	200	125	30	25	35	40%
Accessory Structures	-	-	Behind principal	3	2	-	10%

**RC – Rural Residential & Cottage Zone (Small – medium standards shown)**



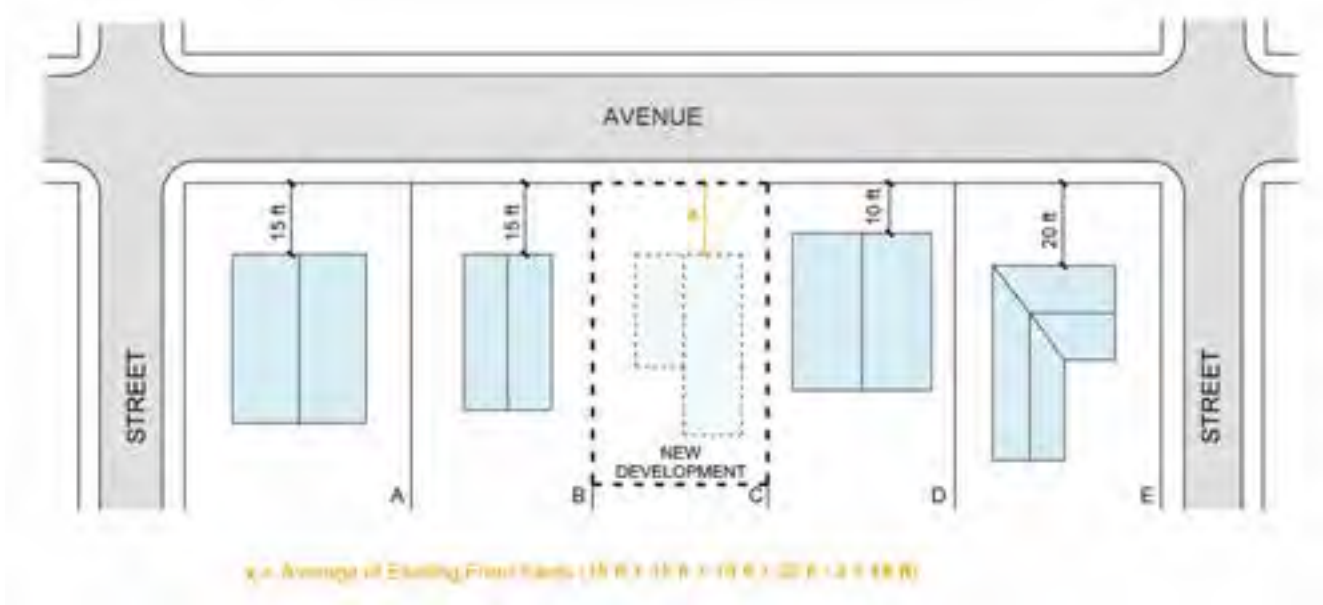
**Table 13: RC - Rural Residential & Cottage Bulk Table**

							RC
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	15,250 sq. ft.	100	25	10	25	30	40%
<i>Medium</i>	1 acre	200	25	10	25	30	40%
<i>Large</i>	2 acres	200	25	30	25	30	40%
<i>Unserviced</i>	2 acres	200	125	30	25	35	40%
Accessory Structures	-	-	Behind principal	6	25	-	10%

### 3.7.4 Explanations and Exceptions

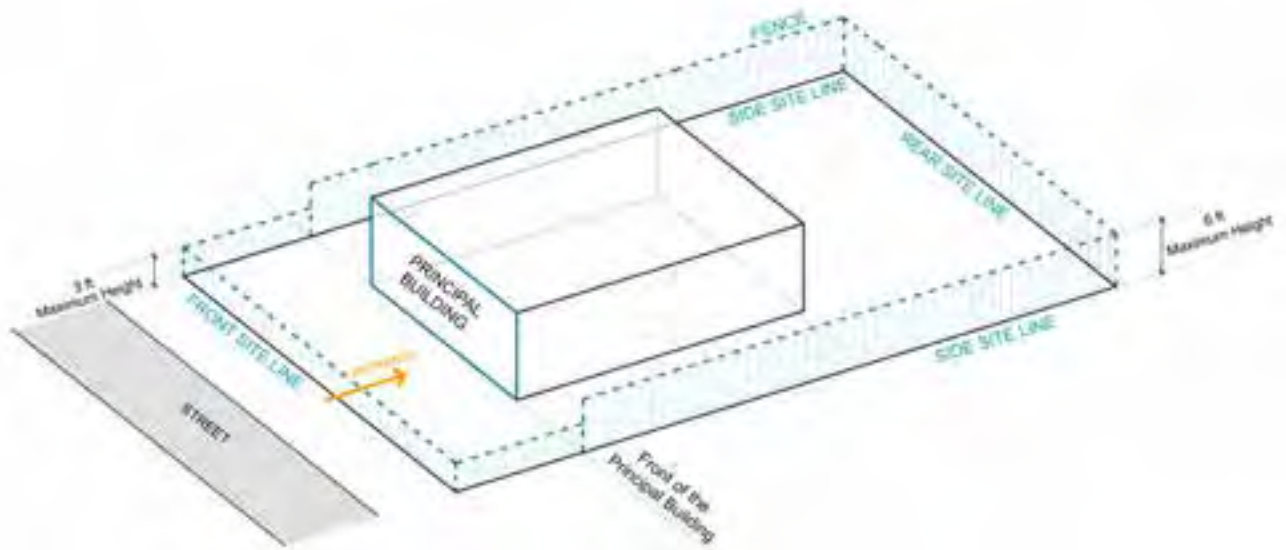
- (a) With the exceptions of a Secondary Suite, Mobile Home Park or Tiny Home Pocket Neighbourhood, no person may erect more than one **principal building** on any zoning lot or registered space in the Residential Zones.
- (b) Where the width of a lot is 45 feet or less and meets the minimum site area in the bulk table, the side yards for all non-corner yards may be reduced to 10% of the width of the lot but must not be less than 3 feet (or 2 feet on one side of the lot and 4 feet on the other side).
- (c) When a dwelling is located on a **corner site**, the minimum required side yard on the street side shall be at least 12 feet, unless the standard in the table is higher.
- (d) Where a use in the residential zones produces wastewater and the site is not connected to municipal wastewater services, the site must instead use the standards in the "unserved" row in the use table, with a minimum site area of 2 acres and comply with the requirements in **Section 2.20**.
- (e) Detached **accessory buildings** and structures shall be located to the rear of the front wall of the **principal building**, with the exception of those structures identified as permitted projections in this zoning by-law.
- (f) No detached **accessory building** shall be located closer than six (6) feet to any **principal building** on the same site or any adjoining site.
- (g) Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated by the Required Parking Table and the standards provided in this zoning by-law, unless otherwise specified in a use specific standard.
- (h) Where a site abuts a highway under provincial jurisdiction, the owner shall obtain all permits required for setbacks of buildings and structures from the provincial authority having jurisdiction.
- (i) Where a new residential principal building or an addition to a principal building is proposed within a street block where at least 80 percent of the lots have been developed with principal structures, and the front yard required by the Bulk Standard Tables in this zoning by-law is inconsistent with the majority of existing front yards for developed sites on the street block, the new structure must be developed with a front yard consistent with the average of the existing front yards within that block (see diagram). In the case of a corner lot, either the average of the setback for the two nearest properties on the same block or for all the properties facing the same street on the same block may be used for calculating the allowed setback.

### Established Street Standards Diagram



### 3.7.5 Fences in Residential Zones

- (a) In residential zones, fences are permitted accessory uses in all **required yards** and can be placed up to the property line, except as required for a **corner vision triangle**.
- (b) As shown in **Figure 5**, in residential zones, fences shall not be higher than
  - i) 3.0 feet (0.91m) in a required front yard and
  - ii) 6.0 feet (1.82m) in a required side or rear yard.
- (c) Fences in Residential Zones shall **not**:
  - i) Be electrified.
  - ii) Contain barbed wire, scrap metal or industrial waste material.
- (d) Outdoor storage of materials shall only be in side and/or rear yards and shall not project above the height of side or rear yard fences (where they exist or are proposed) except for recreation vehicles.
- (e) In order to address safety concerns, the height of any fence, wall, retaining wall or shrubs which impedes the vision of pedestrians or drivers may be restricted by the **Designated Officer**.



**Figure 5: Maximum Fence Height: Residential Uses**

<b>Maximum Fence Height – Residential Zones</b>	<b>RS</b>	<b>RSM</b>	<b>RS-MB</b>	<b>RC</b>
Portion of the Fence that Extends Beyond the Front of the Principal Building	<b>3 ft</b> <b>(1 m)</b>	<b>3 ft</b> <b>(1 m)</b>	<b>3 ft</b> <b>(1 m)</b>	<b>3 ft</b> <b>(1 m)</b>
Portion of the Fence that Does Not Extend Beyond the Front of the Principal Building	<b>6 ft</b> <b>(2 m)</b>	<b>6 ft</b> <b>(2 m)</b>	<b>6 ft</b> <b>(2 m)</b>	<b>6 ft</b> <b>(2 m)</b>

## 3.8 Commercial & Industrial Zones

### 3.8.1 Intent of Zones

#### “CC” – Commercial Central Zone

The “CC” – **Commercial Central** zone is intended to provide areas in the centralized part of urban settlement centres for street-level commercial retail and other compatible uses such as office, personal service, dining and entertainment, indoor recreation facilities, and mixed-use developments. This zone also supports the rehabilitation and re-use of existing buildings, along with the preservation of heritage resources and significant structures.

#### “CH” – Commercial Highway Zone

The “CH” – **Commercial Highway** zone is intended for a range of commercial and related uses that serve the needs of the travelling public that are most appropriately located on major highways on the edge of urban settlement centres.

#### “MG” – Industrial General Zone

The “MG” – **Industrial General Zone** is intended to provide areas in urban settlement centres for a variety of manufacturing, processing, storage and transportation industries.

### 3.8.2 Commercial & Industrial Use Table

**Table 14: Commercial & Industrial Use Table**

Zone Abbreviations		CC	CH	MG	Bulk Standard Size	Use-Specific Standard
<i>AGRICULTURAL AND ANIMAL-RELATED USES</i>						
	Agro-Industrial Business		C	P	Small	
	Agricultural Equipment Sales and Service		P	P	Small	
	Apiary (Beekeeping)	C			Small	4.1.3
	Cannabis Cultivation and Processing Facility			C	Small	



Zone Abbreviations		CC	CH	MG	Bulk Standard Size	Use-Specific Standard
	Pet Shelter or Sales		C		Small	
	Veterinary Clinic	C	P	P	Small	
<b>RESIDENTIAL USES</b>						
	Dwelling, Multi-Unit	P			Large	4.2.3
	Live-Work Unit	P	C		Small	4.2.4
<b>OFFICE AND RETAIL USES</b>						
	Brewery / Distillery / Winery	P	P	P	Small	
	Cannabis Retail Establishment	C	C		Small	4.3.1
	Casino or Gaming Establishment	C	C	C	Small	
	Drive-Through Establishment	C	C	C	Small	4.3.2
	Food / Beverage Service Establishment	P	P	C	Small	
	Gas Station	C	P		Small	4.3.3
	Indoor Amusement or Fitness Centre	P	P	C	Small	
	Inn or Hotel	P	P		Medium	
	Media Studio	C	C	C	Small	
	Office	P	P	P	Small	
	Parking Lot, Non-Accessory	C	C		Small	4.3.4
	Personal Services	P	P	C	Small	
	Retail (Small)	P	P	C	Small	
	Retail (Large)	C	P	C	Large	
	Towing and Storage Compound		C	P	Large	

Zone Abbreviations		CC	CH	MG	Bulk Standard Size	Use-Specific Standard
	Vehicle Sales and Service	C	P	P	Large	4.3.5
<b>INDUSTRIAL AND MANUFACTURING USES</b>						
	Batch Plant or Chemical Manufacturing			C	Large	4.4.1
	Bulk Fuel and Propane Sales and Service		C	C	Large	4.4.2
	Building or Contracting Establishment	C	P	P	Medium	
	Freight Terminal		C	P	Large	
	General Manufacturing	C	C	P	Medium	
	Hazardous Materials or Agrichemical Storage Facility		C	C	Large	4.4.3
	Industrial Service Shop		C	P	Medium	
	Lumber Yard	P	P	P	Medium	4.4.4
	Warehouse or Self-Storage Facility	C	P	P	Medium	
	Wrecking and Salvage Yard			C	Large	
<b>PUBLIC AND INSTITUTIONAL BUILDINGS</b>						
	Arts and Cultural Establishment	P	P		Small	
	Assisted Living Facility	P			Large	
	Child Care, Home	P			Small	4.5.2
	Child Care Facility	P			Large	4.5.3
	Community Centre or Hall	P	P	C	Small	
	Crematorium		C	C	Medium	
	Emergency Services Station	P	P	P	Medium	

Zone Abbreviations		CC	CH	MG	Bulk Standard Size	Use-Specific Standard
	Healthcare Facility	P			Medium	
	Place of Worship	P	C	C	Medium	
	Public Works Building	P	P	P	Small	
	Recreation Facility (Indoor)	P	P	C	Small	
	<b>PUBLIC AND INSTITUTIONAL OUTDOOR USES</b>					
	Campground		C		Medium	4.6.1
	Outdoor Event Space		C		Small	
	Park	P	P		Small	4.6.3
	Public Utility	P	P	P	N/A	2.21
	Recreation Facility (Outdoor)		C		Small	
	Solid Waste Disposal or Composting Site		C	C	Large	2.17
	<b>ONLY AS SECONDARY OR ACCESSORY USES</b>					
	Accessory uses, buildings and structures	P	P	P	N/A	2.5
	Home Occupation	P			N/A	4.7.4
	Outdoor Pool or Hot Tub	P	P		N/A	4.7.5
	Pole Shed or Fabric Building		P	P	N/A	4.7.6
	Shipping Container (Accessory)	C	C	P	N/A	4.7.7
	Short-Term Rental	P			N/A	4.7.8
	Sign, Accessory	P	P	P	N/A	4.7.9
	Sign, Advertising or Billboard	C	C	C	N/A	4.7.10
	Solar Collector (Ground Mounted)		C	P	N/A	4.7.11

Zone Abbreviations		CC	CH	MG	Bulk Standard Size	Use-Specific Standard
	Solar Collector (Roof-top or Wall-Mounted)	P	P	P	N/A	4.7.11
	Telecommunications Tower (Accessory)	P	P	P	N/A	4.7.12
	Temporary Building or Use	P	P	P	N/A	4.7.13
	Wind Energy Generating System (On-Site / Rooftop)	C	P	P	N/A	4.7.15
P = Permitted Use   C = Conditional Use   * Only as a secondary use						

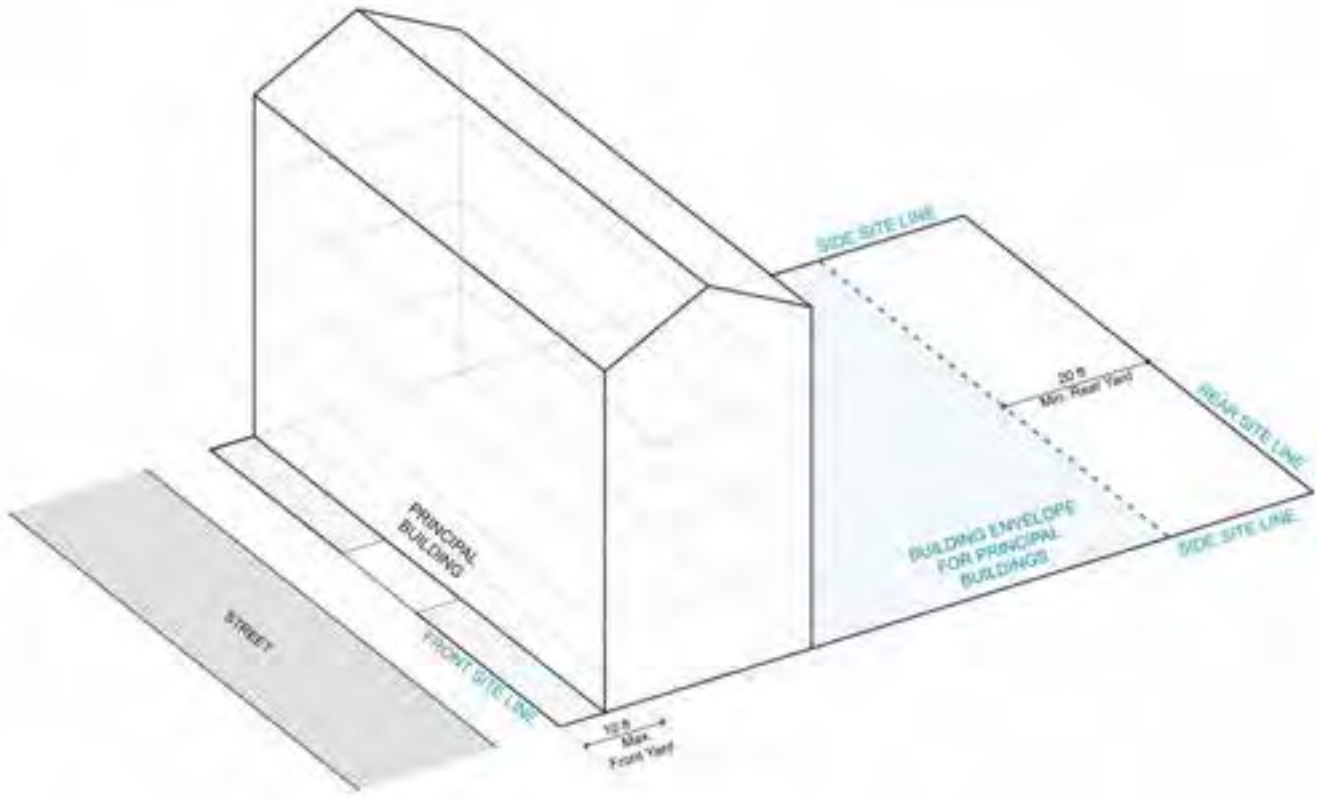
### 3.8.3 Commercial & Industrial Bulk Tables

The tables below set forth the bulk requirements for principal and **accessory** uses, buildings and structures within the indicated zone, according to the bulk standard size indicated on the Use Table above (e.g. small uses indicated on the use table must meet the standards for small principal uses in the bulk table).

Where a **secondary use** takes place on a site within a **principal building**, the standards from the Principal Uses and Buildings Table shall apply. Where a **secondary use** takes place within a building or structure on site other than the **principal building**, that building or structure shall conform to the standards for **accessory structures**.

A dash (-) indicates that a minimum or maximum restriction does not apply in the specific instance.

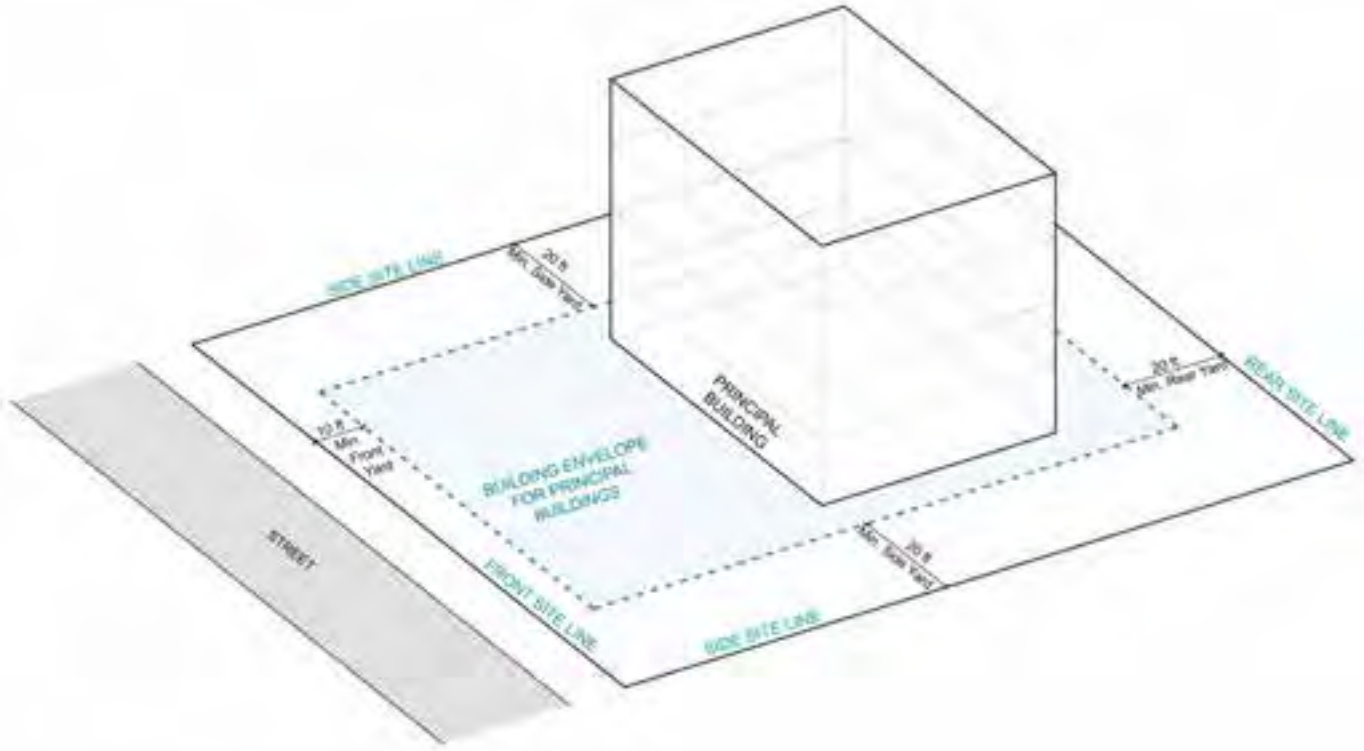
**CC – Commercial Central Zone (Small standards shown)**



**Table 15: CC - Commercial Central Bulk Table**

							CC
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard / Max. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	2,500	25	0 / 10	0	20	35	80%
<i>Medium</i>	5,000	50	5	5	25	35	80%
<i>Large</i>	15,000	100	15	10	20	35	80%
Accessory Structures	-	-	Behind principal	2	5	35	10%

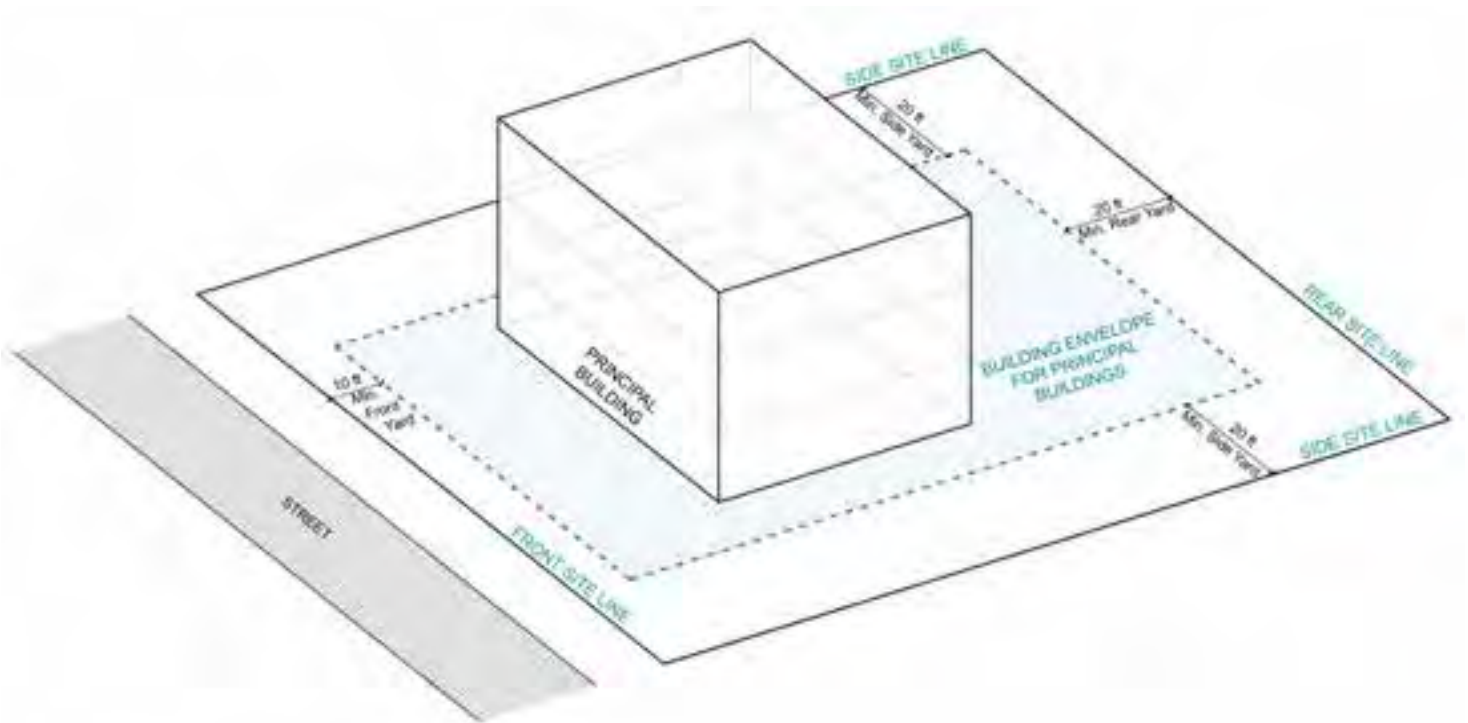
**CH – Commercial Highway Zone (Small standards shown)**



**Table 16: CH - Commercial Highway Bulk Table**

							CH
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard / Max. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	5,000	40	10	20	20	35	60%
<i>Medium</i>	15,000	75	25	20	20	35	60%
<i>Large</i>	20,000	100	25	20	20	35	60%
<i>Unserviced</i>	2 acres	200	125	30	25	35	60%
Accessory Structures	-	-	Behind principal	2	5	35	10%

**MG – Manufacturing General Zone (Small – Medium standards shown)**



**Table 17: MG – Industrial General Bulk Table**

							MG
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard / Max. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	10,000	100	20	20	20	35	75%
<i>Medium</i>	20,000	100	20	20	20	35	75%
<i>Large</i>	40,000	150	25	20	25	35	75%
<i>Unserviced</i>	2 acres	200	125	30	25	35	75%
Accessory Structures	-	-	Behind principal	3	3	35	10%

### 3.8.4 Explanations and Exceptions

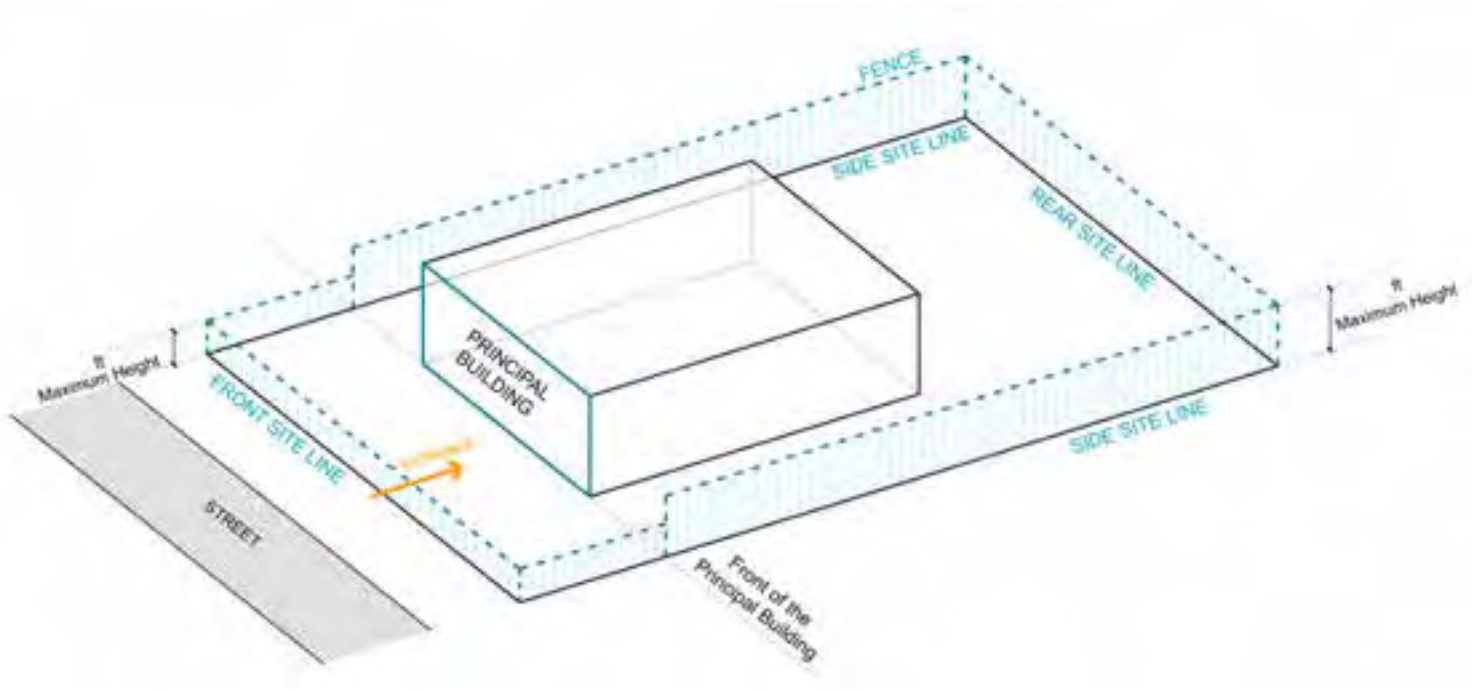
- (a) More than one (1) **principal building** may be located on one (1) zoning site in the Commercial and Industrial Zones, provided that the yard requirements for each building are fulfilled without overlap with other yards. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (b) A multiple-unit **principal building** shall be considered one (1) building for the purposes of establishing yard requirements. The principal use category will be used to determine the yard requirements.
- (c) Where a Commercial or Industrial site line abuts a site in any Residential Zone or the Parks, Recreation, and Institutional Zone:
  - i) All such **site lines** shall be provided with a compact hedge, row of shrubbery or solid fence built to the maximum fence height established in this section, maintained at all times; and
  - ii) The side site line on the street side of a corner site shall have the required side yard increased to twenty-five (25) feet.
- (d) Where a use in the commercial zones produces wastewater and the site is not connected to municipal wastewater services, the site must instead use the standards in the “unserved” row in the use table, with a minimum site area of 2 acres and comply with the requirements in **Section 2.20**.
- (e) Detached **accessory buildings** and structures shall be located to the rear of the front wall of the **principal building**, with the exception of those structures identified as permitted projections in this zoning by-law.
- (f) In the **CC – Commercial Central** zone, accessory parking shall not be located in front of a principal building and must be located to the rear or side of the building.
- (g) No detached **accessory building** shall be located closer than six (6) feet to any **principal building** on the same site or any adjoining site.
- (h) Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated by the Required Parking Table and the standards provided in this zoning by-law, unless otherwise specified in a use specific standard.
- (i) Where a site abuts a highway under provincial jurisdiction, the owner shall obtain all permits required for setbacks of buildings and structures from the provincial authority having jurisdiction.



### 3.8.5 Fences

- (a) Fences are permitted accessory uses in all required yards and can be placed up to the property line, except as required for a **corner vision triangle**.
- (b) Fences shall **not**:
  - i) Be electrified or contain scrap metal or industrial waste material.
  - ii) Contain barbed wire, except as an accessory to a permitted industrial use in the Highway Commercial or Manufacturing General zones.
- (c) In order to address safety concerns, the height of any fence, wall, retaining wall or shrubs which impedes the vision of pedestrians or drivers may be restricted.
- (d) No fence shall exceed the heights on the "Maximum Fence Height" table below unless it is located a minimum of 10 feet back from the **site lines**, in which case a **Designated Officer** may permit the property owner to erect a fence taller than the specified maximum height.
- (e) Outdoor storage shall be allowed to project above the height of the front, side and rear yard fencing but only in the "MG" and "CH" zones.

**MAXIMUM FENCE HEIGHT: COMMERCIAL AND INDUSTRIAL ZONES**



**Figure 6: Maximum Fence Height: Other Uses**

	CC	CH	MG
Portion of the Fence that Extends Beyond the Front of the Principal Building	4 ft (1.22 m)	4 ft (1.22 m)	4 ft (1.22 m)
Portion of the Fence that Does Not Extend Beyond the Front of the Principal Building	8 ft (2.44 m)	8 ft (2.44 m)	8 ft (2.44 m)

### 3.9 Public Institutional & Natural Zones

#### 3.9.1 Intent of Zones

##### “PRI” – Parks, Recreation & Institutional Zone

The “PRI” – **Parks, Recreation & Institutional Zone** is intended to provide sufficient land in suitable areas in the Municipality to accommodate educational, institutional, public recreational and public reserve uses.

##### “NP” – Natural Protection

The “NP” – **Natural Protection** zone is intended to preserve sensitive land, land capable of supporting wildlife, scenic areas, and other natural areas.

#### 3.9.2 Public Institutional & Natural Use Table

**Table 18: Public Institutional & Natural Use Table**

Zone Abbreviations		PRI	NP	Bulk Standard Size	Use-Specific Standard
<b>AGRICULTURAL AND ANIMAL-RELATED USES</b>					
	Agriculture, General		P	Large	
	Agriculture, Specialized		P	Small	
	Apiary (Beekeeping)	C	P	Small	4.1.3
<b>OFFICE AND RETAIL USES</b>					
	Casino or Gaming Establishment	C		Small	
	Food / Beverage Service Establishment	P		Small	
	Parking Lot, Non-Accessory	P		Small	4.3.4
	Retail (Small)	P		Small	
<b>PUBLIC AND INSTITUTIONAL BUILDINGS</b>					

	Arts and Cultural Establishment	P		Small	
	Assisted Living Facility	P		Large	
	Care Home	P		Medium	4.5.1
	Child Care Facility	C		Large	4.5.3
	Community Centre or Hall	P		Small	
	Emergency Services Station	P		Medium	
	Healthcare Facility	P		Medium	
	Place of Worship	P		Medium	
	Public Works Building	P		Small	
	Recreation Facility (Indoor)	P		Small	
	School	P		Large	
	<b>PUBLIC AND INSTITUTIONAL OUTDOOR USES</b>				
	Campground	P		Medium	4.6.1
	Cemetery	C		Large	4.6.2
	Golf Course	C		Medium	
	Marina or Public Docks	P		Large	
	Outdoor Event Space	P		Small	
	Park	P	P	Small	4.6.3
	Public Utility	P	P	N/A	2.21
	Recreation Facility (Outdoor)	P		Small	
	Solid Waste Disposal or Composting Site	C		Large	2.17
	Wastewater Treatment Site (Sewage Lagoon)	C		Large	2.17
	Wildlife Management or Conservation Area	P	P	Small	

	<b>ONLY AS SECONDARY OR ACCESSORY USES</b>				
	Accessory uses, buildings and structures	<b>P</b>	<b>P</b>	N/A	2.5
	Airfield or Landing Strip	<b>C</b>		N/A	4.7.1
	Outdoor Pool or Hot Tub	<b>P</b>		N/A	4.7.5
	Pole Shed or Fabric Building	<b>P</b>		N/A	4.7.6
	Shipping Container (Accessory)	<b>C</b>		N/A	4.7.7
	Short-Term Rental	<b>P</b>		N/A	4.7.8
	Sign, Accessory	<b>P</b>	<b>P</b>	N/A	4.7.9
	Solar Collector (Ground Mounted)	<b>P</b>		N/A	4.7.11
	Solar Collector (Roof-top or Wall-Mounted)	<b>P</b>		N/A	4.7.11
	Telecommunications Tower (Accessory)	<b>P</b>	<b>P</b>	N/A	4.7.12
	Temporary Building or Use	<b>P</b>	<b>P</b>	N/A	4.7.13
	Wind Energy Generating System (Commercial)	<b>C</b>		N/A	4.7.14
	Wind Energy Generating System (On-Site / Rooftop)	<b>P</b>		N/A	4.7.15
P = Permitted Use   C = Conditional Use   * Only as a secondary use					

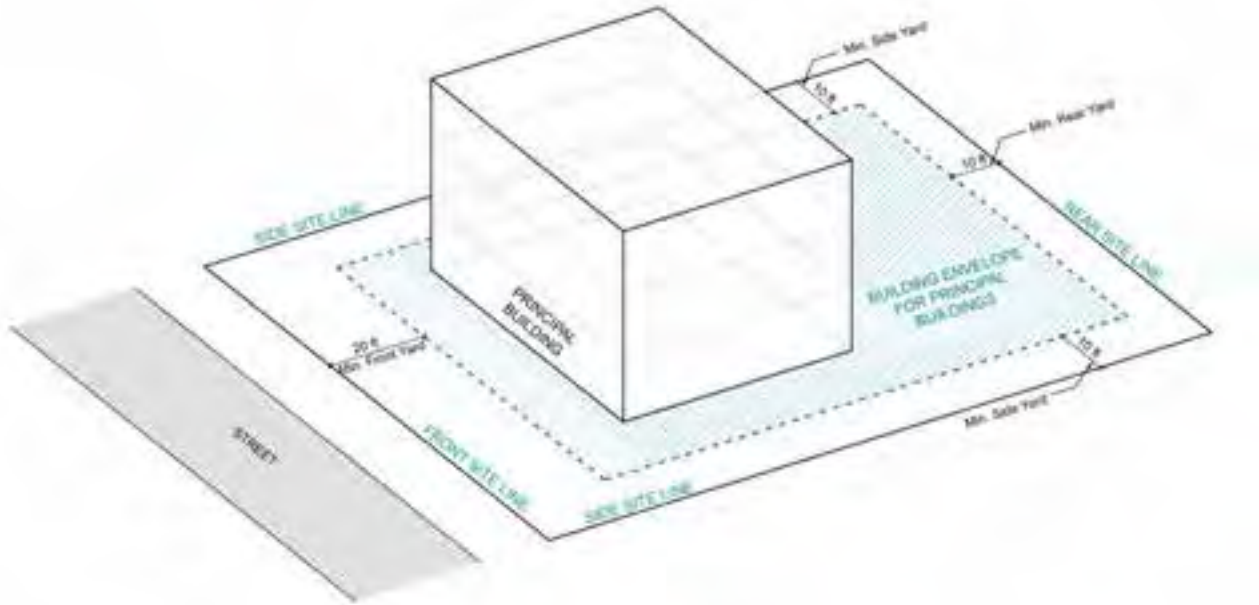
### 3.9.3 Public Institutional & Natural Bulk Tables

The tables below set forth the bulk requirements for principal and **accessory** uses, buildings and structures within the indicated zone, according to the bulk standard size indicated on the Use Table above (e.g. small uses indicated on the use table must meet the standards for small principal uses in the bulk table).

Where a **secondary use** takes place on a site within a **principal building**, the standards from the Principal Uses and Buildings Table shall apply. Where a **secondary use** takes place within a building or structure on site other than the **principal building**, that building or structure shall conform to the standards for **accessory structures**.

A dash (-) indicates that a minimum or maximum restriction does not apply in the specific instance.

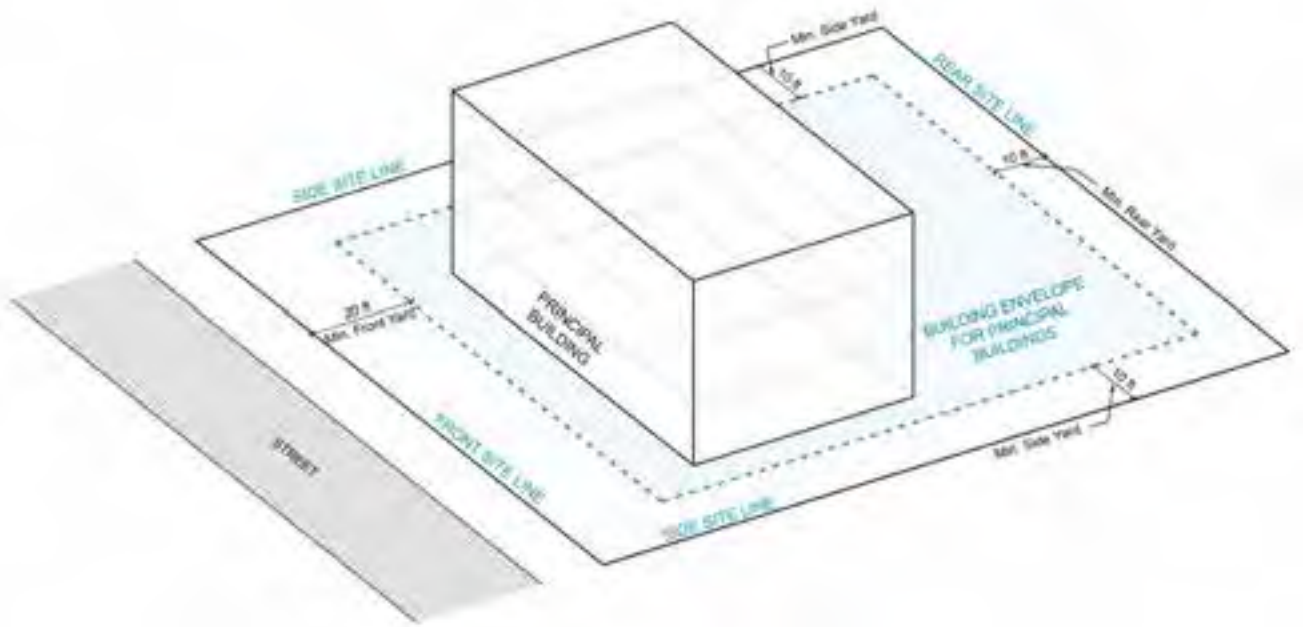
**PRI – Parks, Recreation and Institutional Zone (Small standard shown)**



**Table 19: PRI – Parks, Recreation and Institutional Bulk Table**

							PRI
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard / Max. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	5,000	50	20	10	10	35	60%
<i>Medium</i>	15,000	100	25	15	15	35	60%
<i>Large</i>	40,000	150	30	20	20	35	60%
<i>Unserviced</i>	2 acres	200	125	30	25	35	60%
Accessory Structures	-	-	20	2	5	35	10%

**NP – Natural Protection Zone (Small standard shown)**



**Table 20: NP – Natural Protection Bulk Table**

							NP
Bulk Standard Size	Min. Site Area (sq. ft)	Min. Site Width (ft)	Min. Front Yard / Max. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Max. Site Coverage
<i>Small</i>	25,000	100	20	10	10	35	-
<i>Medium</i>	40,000	150	25	15	20	35	-
<i>Large</i>	2 acres	200	125	30	25	35	-
<i>Unserviced</i>	2 acres	200	125	30	25	35	-
Accessory Structures	-	-	20	2	5	35	-

### 3.9.4 Explanations and Exceptions

- (a) More than one (1) **principal building** may be located on one (1) zoning site in the **PRI – Parks, Recreation and Institutional** zone or the **NP – Natural Protection zone**, provided that the yard requirements for each building are fulfilled without overlap with other yards. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (b) A multiple-unit **principal building** shall be considered one (1) building for the purposes of establishing yard requirements. The principal use category will be used to determine the yard requirements.
- (c) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as shown in the “unserved” row in the use table and comply with the requirements in **Section 2.20**.
- (d) No detached **accessory building** shall be located closer than six (6) feet to any **principal building** on the same site or any adjoining site.
- (e) Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated by the Required Parking and the standards provided in this zoning by-law, unless otherwise specified in a use specific standard.
- (f) Where a site abuts a highway under provincial jurisdiction, the owner shall obtain all permits required for setbacks of buildings and structures from the provincial authority having jurisdiction.



## 4 Use Specific Standards

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this bylaw or by a **Conditional Use** or **Variation Order**:

### 4.1 Agricultural and Animal-Related Uses

#### 4.1.1 Agriculture, Specialized

- (a) The maximum site area restriction does not apply to a specialized agriculture operation.
- (b) Compost must be maintained in a way that limits nuisance odors to adjacent properties. Compost piles or structures must be located a minimum of 1 meter (3 feet) away from any site line.

#### 4.1.2 Animal Keeping or Stables

The following requirements must be met for all cases where livestock, working animals, or other animals (excluding pets) are sheltered, bred, raised, or sold and where the number of animals kept on one **site** are less than 10 **Animal Units** (AU), cumulative across species:

- (a) In addition to the meeting the bulk standard requirements for each zone, a maximum of one (1) Animal Unit (as specified in **Table 18**), cumulative across species, may be allowed for every 4,047 m<sup>2</sup> (1 acre) of site area;
- (b) The keeping of animals must adhere to all other local, Provincial and Federal health and agriculture regulations in addition to the standards in this By-Law;
- (c) Any ground-level structure intended for the keeping of animals is only permitted in the rear yard of a site and must maintain a minimum setback of 4.5 meters (15 feet) from any site line;
- (d) All manure storage facilities on the site shall not be located in the front yard and shall be setback a minimum of 50 ft. from all other property lines of the parcel on which it is located.
- (e) Animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from emanating onto abutting properties.

### 4.1.3 Apiary (Beekeeping)

- (a) No beehive shall be located within 25 feet (7.5 meters) of a site line unless located in compliance with the following:
  - i) The hive's base is set at 8 feet (2.5 meters) or greater above finished grade; or
  - ii) The hive is located behind a solid fence or hedge 6 feet (2 meters) in height located parallel to an adjacent property line and extending a minimum of 20 feet (6 meters) horizontally behind the hive in either direction.

### 4.1.4 Livestock Operation

- (a) A Livestock Operation shall meet the separation distances as stipulated in the Development Plan and based on the animal unit calculations and criteria outlined in **Table 18** and **Table 22**. Mutual separation distances to single residences will be measured to the building itself; separation distances to designated areas will be measured to the boundaries of the designated areas found in the Development Plan, not the buildings within.
- (b) Conditional use livestock operations may be subject to the following conditions, if imposed by Council:
  - i) Measures to ensure conformity with the Development Plan and zoning by-law. Note that Development Plan Policy 3.2.15 directs that the development of new livestock operations will not be allowed in the Agricultural Restricted area. However, existing livestock operations will be allowed to continue to operate or expand their operations, provided they have the required approvals from the applicable government authorities having jurisdiction.
  - ii) Either or both of the following measures to reduce odours from the operation:
    - 1. Covering manure storage facilities; or
    - 2. The establishment of shelterbelts.
  - iii) Enter into a development agreement regarding one or more of the following:
    - 1. The timing of construction;
    - 2. The control of traffic;
    - 3. The construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts; and/or
    - 4. The payment of a sum of money to the board or **Council** to be used by the board or **Council** to construct any of the items mentioned above.

- (c) An application for approval of a livestock operation involving 300 or more animal units (cumulative across species) shall:
- i) Be sent to the minister for referral to the Technical Review Committee for review.
  - ii) Be subject to the following condition (if imposed by Council): measures to implement recommendations of the Technical Review Committee.

**Table 21: Animal Units by Category of Livestock**

<b>Animal Type</b>	<b>Animal</b>	<b>AUs Produced by one animal</b>	<b>Number of animals producing one AU</b>
<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>Hogs</b>	Sows, farrows to finish	1.25	0.8
	Sows, farrows to weanling	0.25	4
	Sows, farrows to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers/Finishers/Biotechs/Feeders	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 (PMU)	1.333	0.75
	Feedlot	1	1
<b>Sheep</b>	Ewes, including associated livestock	0.2	5
	Feeder lambs	0.036	16
<b>Goats</b>	All	0.11	9
<b>Elk</b>	Calves	0.05	20
	Cows	0.53	1.89
	Bulls	0.77	1.29
<b>Bison</b>	Calves	0.25	4
	Adults	1	1

**Table 22: Minimum Separation Distances for Siting Livestock Operations**

Size of Livestock Operations in Animal Units (A.U.)	Separation Distance in Metres (Feet) from Single Residence		Separation Distance in Metres (Feet) from Designated Areas	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility
<b>10-100</b>	200 (656)	100 (328)	800 (2625)	530 (1739)
<b>101-200</b>	300 (984)	150 (492)	1200 (3937)	800 (2625)
<b>201-300</b>	400 (1,312)	200 (656)	1600 (5,249)	1070 (3,511)
<b>301-400</b>	450 (1,476)	225 (738)	1800 (5,906)	1200 (3,937)
<b>401-800</b>	500 (1,640)	250 (820)	2000 (6,561)	1330 (4,364)
<b>801-1600</b>	600 (1,968)	300 (984)	2400 (7,874)	1600 (5,249)
<b>1601-3200</b>	700 (2,297)	350 (1,148)	2800 (9,186)	1870 (6,135)
<b>3201-6400</b>	800 (2,625)	400 (1,312)	3200 (10,499)	2130 (6,988)
<b>6401-12,800</b>	900 (2,953)	450 (1,476)	3600 (11,811)	2400 (7,874)
<b>&gt;12,800</b>	1000 (3,281)	500 (1,640)	4000 (13,123)	2670 (8,760)

## 4.2 Residential Uses

### 4.2.1 Dwelling, Single-Unit

- (a) The minimum floor area for a **Single-Unit Dwelling** shall be seven hundred and eighty (780) square feet, except in the Rural Residential and Cottage zone (RC), where the minimum floor area shall be six hundred and sixty (660) square feet.

### 4.2.2 Dwelling, Two-Unit

- (a) The minimum site area for a **Two-Unit Dwelling** shall generally be six thousand six hundred (6,600) square feet; however, in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of four thousand (4,000) square feet (37.16 m<sup>2</sup>) in area and has a minimum site width of fifty (50) feet.
- (b) Any side yard required along a shared common party wall in a **Two-Unit Dwelling** shall be reduced to zero (0) feet.
- (c) The minimum floor area per dwelling unit in a **Two-Unit Dwelling** shall be six hundred (600) square feet.
- (d) The applicable site area and site width bulk requirements for **Two-Unit Dwellings** (including existing legal non-conforming sites) shall be considered fulfilled upon subdivision approval.

### 4.2.3 Dwelling, Multiple-Unit

- (a) The minimum site area for a **Multiple-Unit Dwelling** shall be ten thousand (10,000) square feet for the first three (3) units and an additional one thousand (1,000) square feet for each unit thereafter.
- (b) The minimum floor area per dwelling unit in a **Multiple-Unit Dwelling** shall be four hundred and eighty (480) square feet.
- (c) Any side yard required along a shared common party wall in a **Multiple-Unit Dwelling** shall be reduced to zero (0) feet.
- (d) In the **CC – Commercial Central** zone, residential units may only be permitted above the main floor of a building to encourage commercial uses along the street.
- (e) A Development Permit for a **Multiple-Unit Dwelling** shall be accompanied by plans drawn to scale showing the following:
  - i) The location of entrance and loading points to existing and proposed structures;
  - ii) The location of all curb cuts, driveways, walkways, parking areas and loading areas, and the method of illumination;
  - iii) The location and type of landscaping, walls, fences and screening; and
  - iv) Typical floor plans and elevations for proposed buildings and structures.

### 4.2.4 Live-Work Unit

- (a) A dwelling that is part of a live-work unit shall be located behind, above, or beside the area dedicated to work.
- (b) The area dedicated to work shall be accessible to the street front.
- (c) A live-work dwelling unit must not exceed three thousand (3,000) square feet.

#### 4.2.5 Mobile Home or Tiny Home

A mobile home or tiny home requires a **Development Permit**. No mobile home or tiny home located in the municipality shall receive a **Development Permit** unless it complies with the following regulations:

- (a) A mobile home or tiny home, if applicable, must meet the structural standards in The Buildings and Mobile Homes Act;
- (b) A mobile home or tiny home, when located permanently on a site, shall:
  - i) Be connected to municipal sewer and water services when such services are available on the site;
  - ii) Be placed and anchored on a permanent foundation;
  - iii) Have skirting that screens the view of any foundation supports or wheels.

#### 4.2.6 Mobile Home Park or Tiny Home Pocket Neighbourhood

- (a) More than one dwelling may be permitted on an approved site, along with communal buildings and structures.
- (b) A new mobile home park or tiny home pocket neighbourhood must:
  - i) Contain a minimum of five (5) dwellings;
  - ii) Maintain a landscaped buffer a minimum of twenty (20) feet in width free and clear of all buildings and structures around the entire perimeter of the dwellings (accesses to the dwellings may cross this buffer);
  - iii) Contain a shared communal building or outdoor space (such as a garden, recreational area, or alley) of a size at least 60 square feet for each dwelling (buffers cannot be considered as part of the shared space);
  - iv) Provide all-weather emergency services vehicular access;
  - v) Be serviced by a provincially approved wastewater disposal system (i.e., municipal piped, individual onsite or communal system), an electrical service connection capable of meeting the domestic needs of the dwellings and a concrete bases to support the homes;
  - vi) Provide street lighting according to the specifications in the Development Agreement; and
  - vii) Provide clear identification of each dwelling space and its boundaries.

- (c) An application for a mobile home park or tiny home pocket neighbourhood must be accompanied with a detailed site plan, including:
  - i) Location of the site boundaries;
  - ii) Foundations, pads, or mobile home / tiny home sites;
  - iii) Communal buildings and structures;
  - iv) Accessory buildings;
  - v) Internal roads;
  - vi) Sidewalks and active transportation paths;
  - vii) Vehicle parking;
  - viii) Systems supplying electrical power, water, and sewage disposal.

#### 4.2.7 Secondary Suite

A Secondary Suite may only be allowed on a site if it complies with the following regulations:

- (a) May only be developed as a secondary use to an approved principal residential use.
- (b) Not more than one (1) secondary suite shall be permitted on a single zoning site.
- (c) The maximum floor area of the secondary suite shall not exceed 49% of the total habitable floor space of the principal building.
- (d) Detached secondary suites must follow the setback standards for accessory buildings and structures in the Bulk Standard Table for the appropriate zone.
- (e) The owner of the property must occupy the principal residential dwelling on the site.
- (f) A secondary suite shall not be used as a home business or a care home.

### 4.3 Office and Retail Uses

#### 4.3.1 Cannabis Retail Establishment

A retail cannabis store must meet the following standards:

- (a) A cannabis retail establishment must comply with all Federal and Provincial regulations.
- (b) All newly sited cannabis retail establishments shall not be located closer than 985 feet (300 meters) from the **site lines** of a school.



### 4.3.2 Drive-Through Establishment

- (a) In addition to any required accessory off-street parking spaces, the owner of a **drive-through establishment** must provide the number of automobile queuing spaces indicated in the "Vehicle Queuing Space Minimum Requirements Table", based on the corresponding type of use.
- (b) The owner must provide the required spaces so that no queuing space blocks or interferes with the smooth flow of traffic to and from:
  - i) required off-street parking spaces or
  - ii) the driving aisles providing access to those spaces, or
  - iii) any adjacent highway, street or public lane through an approved access point.
- (c) Each required queuing space must have minimum dimensions of 16 feet in length and 8 feet in width.

**Table 23: Vehicle Queuing Space Minimum Requirements Table**

Use	Minimum Queuing Spaces	Measured From
<i>Car Wash - Automatic</i>	3	2 before the entrance to wash, plus 1 between vehicle exit from each bay and the point of access to the public street.
<i>Car Wash – Self-service</i>	2 per bay	1 before the entrance to each bay, plus 1 between vehicle exit from each bay and the point of access to the public street
<i>Bank or ATM Drive-through</i>	3	Teller window or ATM machine
<i>Restaurant with Drive-through</i>	6	3 before order box 3 between order box and pick-up window
<i>Other use with accessory Drive-through facility</i>	2	Pick-up window or entrance to each bay

### 4.3.3 Gas Station

- (a) Notwithstanding the standard bulk requirements, gas stations shall have a required front, side and rear yard of fifteen (15) feet. Gasoline pumps may be located in the **front yard** of a site (i.e. in front of the principal building).

### 4.3.4 Parking Lot, Non-Accessory

- (a) A parking lot may only be established on a zoning site in compliance with the standard dimensions for parking spaces and other parking requirements established in this zoning by-law.

### 4.3.5 Vehicle Sales and Service

- (a) Repairs made in a **Vehicle Sales and Service** facility shall be done within a completely enclosed building, except for minor incidental repairs.

## 4.4 Industrial and Manufacturing Uses

### 4.4.1 Batch Plant or Chemical Manufacturing

- (a) A Batch Plant or Chemical Manufacturing facility must have a minimum site area of 5 acres and a minimum **site width** of 400 feet.

### 4.4.2 Bulk Fuel and Propane Sales and Service

Bulk Fuel and Propane Sales and Services shall:

- (a) Set back each bulk fuel or propane tank on site a minimum distance of 165 feet (50 meters) from the **site lines** of residential and commercial zones.
- (b) Comply with all relevant Federal and Provincial regulations, including *The Fires Prevention and Emergency Response Act*.

### 4.4.3 Hazardous Materials or Agrichemical Storage Facility

A new Hazardous Materials or Agrichemical Storage facility shall be located at a minimum distance of:

- (a) 500 meters (1,640 feet) from any dwelling;
- (b) 50 meters (160 feet) away from any creek, stream, or environmentally sensitive area; and
- (c) 100 meters (330 feet) from the edge of the right-of-way of a Provincial Road or Highway.

#### 4.4.4 Lumber Yard

- (a) Where a **Lumber Yard** includes outdoor storage of materials, the minimum site area shall be 25,000 square feet and the minimum site width shall be 100 feet.

#### 4.4.5 Resource Harvesting and Extraction

- (a) Required yards for resource harvesting and extraction shall be determined by Council.
- (b) A Development Permit shall be required for any development of a commercial mining or extraction operation. Before a Development Permit is issued, an applicant must provide the municipality with the following:
  - i) In the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations;
  - ii) A plan showing areas and means for goods and waste transportation;
  - iii) A site plan showing the operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection; and
  - iv) A plan for the rehabilitation and intended use(s) of the site upon completion of the operation phase, subject to Provincial Regulations.

### 4.5 Public and Institutional Buildings

#### 4.5.1 Care Home

- (a) A **care home** is permitted to provide residence to a maximum of four (4) persons, not including the operators.
- (b) Care, treatment, or supervision must not be provided to any persons not resident in the care home.
- (c) A care home shall be designed so that it does not affect the residential character of the neighbourhood.

#### **4.5.2 Child Care, Home**

A Home Child Care use must comply with the following regulations:

- (a)** It must be a secondary use to an approved principal use on the site.
- (b)** The number of children being cared for by one person shall not exceed four (4) children under the age of twelve (12).
- (c)** All Provincial regulations must be followed.
- (d)** Access to an outdoor recreation area is required.

#### **4.5.3 Child Care Facility**

- (a)** All Provincial regulations must be followed.
- (b)** A Child Care Facility shall only be allowed on a site if the site includes an accessory outdoor recreation area.

### **4.6 Public and Institutional Outdoor Uses**

#### **4.6.1 Campground**

A campground must meet the following standards:

- (a)** More than one camp space or recreational vehicle (RV) may be permitted on a zoning site in a campground RV park;
- (b)** A campground must provide a roadway with an all-weather surface that serves all dwellings and sites;
- (c)** A campground must provide storage of refuse in a sanitary manner; and
- (d)** A campground must provide clear numbered identification of each camping space.

#### **4.6.2 Cemetery**

- (a)** Minimum parking requirements shall not apply to a cemetery.

### 4.6.3 Park

- (a) Zone requirements for site area, site width, and required yards shall not apply to a **Park**; however, any **accessory building** or **structure** on the parcel shall comply with the zone's bulk standards for accessory buildings or structures.
- (b) Minimum parking requirements shall not apply to a park.
- (c) Compost must be maintained in a way that limits nuisance odors to adjacent properties. Compost piles or structures must be located a minimum of 1 meter (3 feet) away from any site line.

## 4.7 Only as Secondary or Accessory Uses

### 4.7.1 Airfield or Landing Strip

- (a) Newly sited air landing strips and their related storage facilities may be developed as a conditionally approved secondary use only when they are located on and forming part of a permitted or conditionally approved agricultural use subject to the following additional requirements:
  - i) The minimum parcel size required for a permitted or conditionally approved agricultural operation wanting to develop an accessory farm-based air land strip and its associated storage facilities shall be 80 acres and the site shall have a minimum width of one-thousand (1,000) feet;
  - ii) The accessory farm-based air landing strip and any related storage facilities shall be setback a minimum of 300 feet from all property lines of the site on which it is located;
- (b) Notwithstanding anything in this By-law, all accessory farm-based air landing strips and their related storage facilities shall be subject to Transport Canada requirements and/or recommended guidelines (where applicable) and it shall be the responsibility of the proponent to investigate the need for any required permits, approval or licenses as may be required from Transport Canada.

#### 4.7.2 Bed and Breakfast

A bed and breakfast is subject to the following regulations:

- (a) A bed and breakfast must only be allowed within the same building or on the same property as a principal dwelling, of which the operator is a full-time resident;
- (b) No more than four (4) bedrooms shall be used for transient accommodation; and
- (c) Signs shall follow the regulations for home businesses in the zone in which the bed and breakfast is located.

#### 4.7.3 Home Industry

A **Home Industry** may be allowed as a conditionally-approved **secondary use** and shall be subject to the following additional rules:

- (a) A **Home Industry** shall be principally conducted by a resident or residents of the dwelling unit to which the Home Industry is secondary, and may employ a maximum of 5 non-resident employees.
- (b) A **Home Industry** shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance.
- (c) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home industry is carried out shall be allowed and shall have a maximum sign surface area of 32 square feet.
- (d) Where a home industry is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be responsible for obtaining a required change in access use permit (i.e. joint use permit) from the provincial authority having jurisdiction.
- (e) It shall be the responsibility of the proponent proposing to establish or expand a home industry to investigate the need to obtain a **development permit** and/or **building permit** from the municipality prior to the commencement of the development.

#### 4.7.4 Home Occupation

A **Home Occupation** must:

- (a) Be principally conducted by a person or persons residing in the dwelling on the same site as the proposed **Home Occupation**;
- (b) Not have more than 2 people employed or otherwise engaged in the business who do not reside in the dwelling;
- (c) Be carried on entirely within the dwelling unit or within an accessory building located on the same site as the principal building to which it is accessory, with no exterior display or storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as otherwise provided;
- (d) Not cause the generation of undue traffic and congestion in the area;
- (e) Not emit odor, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried wastes that create a nuisance beyond any site line;
- (f) Not have more than 30% of the total floor area of buildings on the site devoted to the business;
- (g) Have a maximum of 1 business sign, either freestanding or affixed to the wall of a principal or accessory building, not exceeding:
  - i) 32 square feet in agricultural zones; and
  - ii) 16 square feet in other zones.
- (h) Where a home occupation is proposed adjacent to a provincial trunk highway or provincial road, permits may be required from the provincial authority having jurisdiction to intensify the use of an existing access or to change or intensify the use of an existing structure within the **controlled area** of both a provincial trunk highway and a provincial road.
- (i) It shall be the responsibility of the proponent proposing to establish or expand a home occupation to investigate the need to obtain a **Development Permit** and/or **Building Permit** from the municipality prior to the commencement of the development.

#### 4.7.5 Outdoor Pool or Hot Tub

Outdoor swimming pools, hot tubs, and similar structures with a water depth of greater than two (2) feet, shall be allowed as a permitted accessory use to a residential or recreational development provided that:

- (a) They meet the siting requirements of accessory structures for the zone in which they are located;
- (b) Pool equipment shall be located no closer than 5.0 feet (1.52m) to a side site line in all Residential Zones. In all other zones, it should be no closer than 10.0 feet (3.05m) to a side site line.
- (c) In commercial and public institutional zones, a pool area is protected by a fence with lockable gates and a minimum height of 6 feet (1.83 meters) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from crawling underneath;
- (d) A **Development Permit** is issued under this By-law;
- (e) Nothing in this Subsection shall relieve any such structure from complying with the requirements under other building by-laws or applicable provincial regulations including *The Buildings and Mobile Homes Act* and *The Public Health Act*.

#### 4.7.6 Pole Shed or Fabric Building

A **pole shed or fabric building** may be allowed as an accessory structure provided the portable garage or fabric building:

- (a) Is not situated within the required **front yard** of a site;
- (b) Meets the requirements for accessory building **side and rear yard** requirements;
- (c) Does not exceed the height restrictions for accessory buildings in the zone in which it is located;
- (d) Is kept in good condition. Any rip in the fabric must be repaired.
- (e) Is the only one (1) pole shed or fabric building on a site in the residential zones.



#### 4.7.7 Shipping Container (Accessory)

An **accessory shipping container** must adhere to the following standards:

- (a) A shipping container used for storage must meet the requirements for accessory buildings in the zone in which it is located. Shipping containers, when stacked, must not exceed the maximum height for accessory buildings for the zone.
- (b) A shipping container may be used for temporary storage or emergency purposes, provided it meets the requirements for temporary buildings and structures in this By-law.
- (c) A shipping container may not be used as dwelling unit unless it meets all the requirements for dwelling units in the zone in which it is located, meets the requirements in the Building Code and other Provincial regulations, and receives a **development permit** and **building permit** from the municipality.
- (d) A shipping container may be used for purposes other than those described above (e.g. commercial uses) if it meets the other requirements for that use in this zoning by-law as well as the requirements necessary to receive a **building permit**.

#### 4.7.8 Short-Term Rental

A Short-Term Rental shall be subject to the following regulations:

- (a) A Short-Term Rental shall only be permitted as an **accessory use** to a permitted principal residential use (e.g. a single-unit dwelling).
- (b) A Short-Term Rental shall require a **Development Permit**.
- (c) A Short-Term Rental located in a single-detached dwelling shall not change the principal residential character or external appearance of the single-detached dwelling.
- (d) A Short-Term Rental must comply with all relevant Provincial and Federal regulations.



#### 4.7.9 Sign, Accessory




The following provisions shall apply to all accessory signs erected or maintained within the Municipality, except wherein otherwise stated:




- (a) Accessory signs and sign structures may be allowed as accessory uses in accordance with **Table 24** and may require the issuance of a **Development Permit**;
- (b) All accessory signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected and as may be provided in this section;
- (c) No accessory sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, 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;
- (d) No accessory sign may contain flashing lights or digital images unless specifically allowed in **Table 24**. All accessory signs with flashing lights or digital images are prohibited within 100 feet (30 metres) of residential zones;
- (e) No accessory sign or structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Municipality without a Development Permit and an encroachment agreement registered on title of the subject property or building which abuts the municipally owned right-of-way;
- (f) The placing of accessory signs within the controlled areas of a Provincial Road or Provincial Trunk Highway shall require a permit/approval from the provincial authority having jurisdiction;
- (g) All accessory signs shall be set back a minimum of 5 feet from the limits of the parcel on which it is located and to which it is accessory, unless specified otherwise in **Table 24**. In the case of a corner lot, the corner side yard setback shall be increased to minimum of twelve (12) feet.
- (h) All accessory signs and structures shall be kept in good repair and in a proper state of preservation. 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 30 days following notice by the Development Officer; and
- (i) The following accessory signs **shall not** require a **Development Permit**. However, they must still comply with any applicable siting and setback requirements in this By-law:



- (j) Signs posted by duly constituted public authorities in the performance of their public duties;
  - i) Flags or emblems of a political, civic, educational or religious organization;
  - ii) Commemorative or memorial signs or tablets;
  - iii) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
  - iv) Residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding four (4) square feet in surface area; and
  - v) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding five (5) square feet in sign surface area.

**Table 24: Zone Specific Accessory Sign Regulations by Sign Type**

Sign Type	Siting Specifications	Allowed in Zones	Permit Required
 <p><b>Address / Name</b></p>	<p>Quantity 1 per address</p> <p>Area maximum 4.0 square feet for single detached dwellings, maximum 32.0 square feet for other buildings</p> <p>Depth max 3.0 inches</p>	All	No
 <p><b>Awning / Marquee</b></p>	<p>Quantity 1 per window / 1 per business</p> <p>Area n/a</p> <p>Width maximum equal to building façade</p> <p>Depth minimum 3.0 feet</p> <p>Other minimum 2.0 feet distance from curb</p>	<p>RC</p> <p>CC, CH</p> <p>MG</p> <p>PRI</p>	Yes

Sign Type	Siting Specifications	Allowed in Zones	Permit Required
 <p><b>Fascia / Wall</b></p>	<p>Quantity 1 per business</p> <p>Area 1.5 square foot per linear foot of façade</p> <p>Width max 90% width of façade</p> <p>Depth max 7.0 in</p>	<p>CC, CH MG PRI</p>	<p>No</p>
 <p><b>Freestanding / Ground</b></p>	<p>Quantity 1 per site</p> <p>Area Single occupancy max 100 sq. feet. Multiple occupancy max 300 sq. feet.</p> <p>Height maximum 8.0 feet</p> <p>Width maximum 4.0 feet</p> <p>Depth max 12.0 inches</p>	<p>AG, AR RC CC, CH MG PRI NP</p>	<p>Yes</p>
 <p><b>Outdoor</b></p>	<p>Quantity 1 per business</p> <p>Area max 6.0 square feet.</p> <p>Width max 3.5 feet</p> <p>Height max 3.5 feet</p> <p>Depth max 6.0 inches</p>	<p>RC CC, CH MG PRI</p>	<p>No</p>

Sign Type	Siting Specifications	Allowed in Zones	Permit Required
 <p><b>Portable / Mobile</b></p>	<p>Quantity 1 per site</p> <p>Area maximum 48.0 square feet</p> <p>Width n/a</p> <p>Height maximum 10.0 feet</p> <p>Setback minimum of 12 feet from the corner site lines of intersecting streets</p>	<p>AG, AR RC CC, CH MG PRI</p>	<p>Yes</p>
 <p><b>Projecting</b></p>	<p>Quantity 1 per business</p> <p>Width maximum 4.0 feet</p> <p>Height maximum 4.0 feet</p> <p>Clearance minimum height above-grade to the bottom edge of projecting signs must be 8.5 feet.</p>	<p>RC CC, CH MG PRI</p>	<p>Yes</p>
 <p><b>Sidewalk</b></p>	<p>Quantity 1 per business</p> <p>Area maximum 8.0 square feet</p> <p>Width maximum 26 inches</p> <p>Height maximum 42 inches</p>	<p>RC CC, CH MG PRI</p>	<p>No</p>

Sign Type	Siting Specifications	Allowed in Zones	Permit Required
 <p><b>Window</b></p>	<p>Quantity 1 per window</p> <p>Area maximum 25% of glass area</p>	<p>RC CC, CH MG PRI</p>	<p>No</p>
 <p><b>Yard / Identification</b></p>	<p>Quantity 1 per site</p> <p>Area maximum 6 square feet</p> <p>Width maximum 3.0 feet</p> <p>Height maximum 2.0 feet (not incl. post)</p> <p>Clearance min 3.0 feet to sign edge</p> <p>Apex max 6.0 feet to top of post</p>	<p>All</p>	<p>No</p>

#### 4.7.10 Sign, Advertising or Billboard

An advertising sign or billboard must meet the following standards:

- (a) Billboards and other advertising signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may be allowed subject to satisfying the zone-specific use and bulk requirements set out in that zone's Use and Site Requirements Table in **PART 3** of this By-law.
- (b) These signs will require the proponent to obtain a **Development Permit** and:
  - i) **Conditional Use** approval for all advertising signs in the commercial or industrial zones, as well as advertising signs over 54 square feet in size in the agricultural zones;
  - ii) Advertising signs or billboards with a sign surface area less than 54 square feet in size, which will be **Permitted Uses** in agricultural zones.

#### 4.7.11 Solar Collector

All solar collectors (both ground mounted and roof-top) must meet the following standards:

- (a) Any solar collector not connected to a building shall adhere to the same setbacks and height restrictions for **secondary / accessory buildings** in the zone in which the installation is situated.
- (b) A roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure.
- (c) A solar collector that is mounted on a roof may project a maximum of 1.5 meters 6.5 feet from the surface of the roof and must not extend beyond the outermost edge of the roof.
- (d) A solar collector that is mounted on a wall may project a maximum of 0.6 meters (2 feet) from the surface of that wall and must be located a minimum of 2.4 meters (8 feet) above **grade**.

#### 4.7.12 Telecommunications Tower (Accessory)

An **accessory telecommunications tower** may be allowed as an accessory use in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located or erected, with the following exceptions:

- (a) An accessory telecommunications tower is not subject to the standard height requirements for accessory structures; however, all accessory telecommunications tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- (b) An accessory telecommunications tower shall be located to the rear of the front wall of the principal building on the site and to the rear of the front wall of any principal buildings on adjacent sites;
- (c) Where a device such as a satellite dish is structurally attached to a mast, truss, or other similar freestanding structure, the clearance between grade and the bottom extremity of the device shall not exceed the height of the principal building.
- (d) Where the owner can demonstrate to the satisfaction of a Designated Officer that strict compliance with the requirements specified in this Subsection would prevent effective reception of a satellite signal, these requirements may be varied by Council.

#### 4.7.13 Temporary Building or Use

- (a) A **Development Permit** for a temporary building, structure or use shall be subject to such terms and conditions as required by **Council**;
- (b) Temporary buildings, structures or uses for construction materials and equipment, both incidental and necessary to construction on the same zoning site, may be permitted on a temporary basis subject to the issuance of a **Development Permit**. Temporary buildings used for this purpose shall not exceed one thousand (1000) square feet in area and one (1) **storey** or fifteen (15) feet in height;
- (c) Each **Development Permit** issued for a temporary building, structure or use shall be valid for a period of not more than twelve (12) months and may not be renewed for more than two successive periods on the same parcel of land;
- (d) In all cases, temporary buildings and structures:
  - i) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman or construction workers; and
  - ii) Shall not be detrimental to the public health, safety, convenience and general welfare.



#### **4.7.14 Wind Energy Generating System Tower (Commercial)**

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

- (a)** It is set back no less than 1.5 times the total turbine height from the property line and any public road or railway right of way.
- (b)** It is set back no less than 60 meters (200 feet) from a water body or waterway.
- (c)** The minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 500 meters (1,640 feet).
- (d)** The minimum separation distance between a commercial wind energy generating system tower and any of the residential zones shall be 805 meters (2,640 feet).
- (e)** It contains no commercial advertising other than the manufacturer's or owner's name or logo.
- (f)** It contains no artificial lighting other than the lighting that is required by Federal and Provincial regulation.
- (g)** As part of their Development Permit application, proponents for Wind Generation System must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system.

#### **4.7.15 Wind Energy Generating System (On-site / Rooftop)**

An on-site / rooftop Wind Energy Generating System must meet all of the following standards:

- (a)** It is set back at least 6 meters (20 feet) from the front building line, or, in the case of corner lots, at least 4.5 meters (15 feet) from the front and side site lines.
- (b)** It is limited to a total turbine height of no more than 4.5 meters (15 feet) above the rooftop.
- (c)** It is safely and securely attached to the rooftop in compliance with the Building Code.

## 5 Administration and Enforcement

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

### 5.1 Administration and Enforcement

In the administration and enforcement of this by-law, staff from the Municipality shall have all the powers of inspection, remedy and enforcement provided under *The Planning Act*.

### 5.2 The Development Officer / Building Official Position and Authority

The position of the Development Officer / Building Official is hereby established. The person(s) appointed as Development Officer / Building Official by the Council of Boissevain-Morton Municipality and shall be a designated officer for the administration and enforcement of this by-law as provided for under *The Planning Act*.

### 5.3 Role and Responsibilities of the Development Officer / Building Official

The Development Officer / Building Official shall have the authority to:

- (a) issue Development Permits and Building Permits (where required) and exercise the powers of administration, inspection, remedy and enforcement as provided for under authority of *The Planning Act*.
- (b) refuse to issue a Development Permit and where required, a Building Permit where:
  - i) the required Permit application(s), or any information accompanying said Permit application(s), is incorrect or incomplete;
  - ii) the proposed building, structure or use does not, to the development officer's knowledge, comply with this zoning bylaw, the municipality's building by-law or with any other applicable federal and/or provincial law and/or regulation;
- (c) revoke a Development Permit and/or Building Permit where the Permit(s) were issued in error.

- (d) make a minor variance order, without the need for a public hearing, for any proposed change that varies:
  - i) any height, distance, area, size or intensity of use requirement in the zoning by-law by no more than 15% per cent;
  - ii) the number of parking spaces required by the zoning bylaw by no more than 15% per cent.

## 5.4 When Development Permits Are Required

- (a) In the case of proposed development that involves the construction or expansion of a **public or semi-public water supply** system, the proponent shall be required to contact the Office of Drinking Water for information concerning licensing and approvals that must be obtained prior to the commencement of construction.
- (b) Before developing a **self-supplied water source (e.g. a well)**, the proponent shall be required to contact Manitoba Conservation and Water Stewardship's Water Use Licensing Section for information concerning licensing, permits or approvals that may be necessary prior to the commencement of construction.
- (c) Subject to **Section 5.5 of this PART** (below), the repair, rehabilitation, renovation, construction, erection, removal or relocation, enlargement, addition, extension, conversion, improvement or structural alteration or placing of a building or structure or any part thereof (including mechanical systems) and/or replacement of building components and underpinnings or excavation of land for the purpose of erecting a building or structure requires a **Development Permit** and **Building Permit** (where required) including those activities set out below, except as otherwise provided for in this by-law:
  - i) the erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;
  - ii) the establishment of a use of land or a building or structure;
  - iii) the change of a use of land or a building or structure from the existing use to a use which is not a permitted use;
  - iv) the alteration or enlargement of an approved conditional use except where specifically exempt elsewhere in this by-law.

## 5.5 When Development Permits Are Not Required

(a) A Development Permit is not required for the following:

- i) agricultural cropping of land;
- ii) incidental non-structural alterations or repairs to buildings or structures;
- iii) patching, painting or decorating;
- iv) replacement of stucco, siding or shingles with the same material;
- v) replacement of doors or windows when the opening is not altered;
- vi) replacement of open landings and stairs up to 50 sq./ft. in size and not exceeding 24 inches in height above finished grade;
- vii) open patios less than 8 inches above finished grade;
- viii) installation of cabinets and shelves;
- ix) replacement of or minor changes to the capacity of pipes, ducts or conduits;
- x) the maintenance or restoration of building components, including re-painting and similar operations;
- xi) the installation of sidewalks, exterior steps, trees, hedges, shrubs, planters, fountains, flag poles, trellises, lighting and similar landscaping features that are developed in accordance with the provisions of this by-law;
- xii) private communications aerials and antennas in compliance with the standards of this by-law;
- xiii) private sewage disposal systems;
- xiv) the erection of certain accessory signs as provided for in this By-law.

(b) Despite not requiring a **Development Permit**, all items in this section shall be subject to all other requirements of this by-law and all other applicable by-laws of the Municipality.

## 5.6 Other Required Permits

The issuance of a Development Permit in respect of the development of building, structure or use does not affect the obligation of the development proponent to obtain a Building Permit (where required) or any other permit or approval where required under the municipal building by-law or other municipal by-law, applicable federal and provincial law(s) and/or regulations, for such a building, structure or use.

## 5.7 Applications for Development Permit

No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved **Development Permit** and **Building Permit** (where required), and with this by-law.

An application for a **Development Permit** shall:

- (a) be made by the owner or owners of the parcel in question, or by a person authorized in writing by them, along with required fees;
- (b) be accompanied by plans drawn to scale showing the following:
  - i) the shape and dimensions of the parcel to be used or built on;
  - ii) the location (relative to property lines) and dimensions of existing buildings and structures;
  - iii) the location (relative to property lines) and dimensions of any proposed building, structure, enlargement or alteration;
  - iv) the number of existing and proposed dwelling units being proposed (where applicable);
  - v) the use or uses of each existing and proposed building and structure, user of the land, and the area to be occupied by each use;
  - vi) the location of existing and/or proposed vehicular access, utility connections, parking areas, loading areas, and signage (where applicable);
  - vii) the type and location of all existing and/or proposed water supply systems and wastewater management systems and their distances from property lines and existing and proposed habitable buildings;
  - viii) any other information as may be required by the Development Officer to determine compliance with, and to provide for enforcement of, this by-law including but not limited to Certificate(s) of Title and instruments, a surveyor's Certificate and/or Building Location Certificate prepared by a Manitoba Land Surveyor;
  - ix) an application for approval of a development permit and/or a conditional use or variation (where required) for a newly siting or expanding livestock operation (including a feedlot, animal housing or manure storage facility) shall be accompanied by a site plan showing the following information:
    - i. the size and location of all existing and proposed feedlots animal housing and manure storage facilities (including information regarding the maximum number of animals of each species forming part of the existing and/or newly siting or expanding livestock operation); and
    - ii. distances to property boundaries from those facilities identified in i) (above); and

- iii. existing and proposed drainage features in the vicinity of these facilities including any manure runoff collection basins; and
- iv. the proposed water supply system for the operation, and the location of any nearby drinking water sources or infrastructure, such as wells, reservoirs and rural pipelines; and
- v. written information describing the type(s) and number of livestock of each species to be confined and estimated distances to the nearest two (2) dwellings not associated with the livestock operation; and
- vi. written information concerning any proposed fencing, landscaping, shelterbelts, measures to reduce odours and off site use and maintenance of roads (haul routes).

## **5.8 Applications for Building Permit**

An application for a **Building Permit** shall:

- (a) Be made by the owner(s) of the parcel in question, or by a person authorized in writing by them;
- (b) Be accompanied by plans and specifications as prescribed in the member municipality's building by-law and as prescribed in the Manitoba Building Code; and
- (c) Any other information as required by the Building Official having jurisdiction.

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

The Development Officer / Building Official may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered, and displaying or producing on request identification showing his or her official capacity:

- (a) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law;
- (b) request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or authorized action.

In an emergency or in extraordinary circumstances, the Development Officer / Building Official need not give reasonable notice or enter at a reasonable time and may do the things referred to in this subsection without the consent of the owner or occupant.

## **5.10 Order to Remedy Contravention**

If the Development Officer / Building Official finds that a person is contravening this by-law or *The Planning Act*, the development officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the development officer, the circumstances so require.

The order may:

- (a) direct a person to stop, or alter activities as applicable;
- (b) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure that has been constructed, erected or placed in contravention, and if necessary, take appropriate steps to prevent a recurrence of the contravention;
- (c) state a time within which the person must comply with the directions; and
- (d) state that if the person does not comply with the stated directions, the municipality will take the action or measure at the expense of the person.

A person who receives an order under this subsection may request Council to review the order, by written notice given within 14 days after the date the order is received.

After giving the person a reasonable opportunity to be heard, Council may confirm, vary, substitute or cancel the order or decision.

## **5.11 Application for Zoning By-law Amendments, Variances and Conditional Uses**

An application for a variance, or conditional use, or an amendment to this by-law must be made in writing to the Development Officer / Building Official by the owner or owners of the land in question, or by a person authorized in writing by them in the proper form and must be accompanied by the fee prescribed by Council. The application must also be accompanied by:

- (a) plans drawn to scale showing the shape and dimensions of the affected property;
- (b) plans drawn to scale showing the location (relative to property lines) and dimensions of existing buildings and structures;
- (c) plans drawn to scale showing the location (relative to property lines) and dimensions of the proposed building, structure, enlargement or alteration;
- (d) a description of the use or uses of each existing and proposed building or structure, or of the land and the area to be occupied by each use;
- (e) a description of the reason why the variance, conditional use, or amendment to this by-law is being requested;
- (f) any other information required by the Development Officer / Building Official to determine compliance with, and to provide for enforcement of, this by-law.

## **5.12 Development Agreements**

- (a) In accordance with *The Planning Act*, where an application is made for a variance order, conditional use or an amendment of this zoning by-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition of its enactment, to enter into a development agreement with the Municipality of Boissevain-Morton in respect of that land as well as contiguous land owned or leased by the applicant.
- (b) Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with Municipality of Boissevain-Morton, in accordance with *The Planning Act*.
- (c) A Development Agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, protection of heritage resources and/or human remains, lot grading and drainage, street construction, and other matters as provided for in *The Planning Act*.



## 6 Definitions

### 6.1 General Definitions

Note: terms not defined in this bylaw which are defined in *The Planning Act* have the meaning provided in that Act.

**ACCESSORY BUILDING STRUCTURE OR USE:** Means a building, structure or use which is subordinate to, and incidental to the permitted or approved principal building or use; and is located on the same site as the principal building, or use, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same site with the principal building, structure or use.

**ACT, THE OR THE PLANNING ACT:** Means *The Planning Act*, C.C.S.M. c. P80 and all of its amendments and regulations.

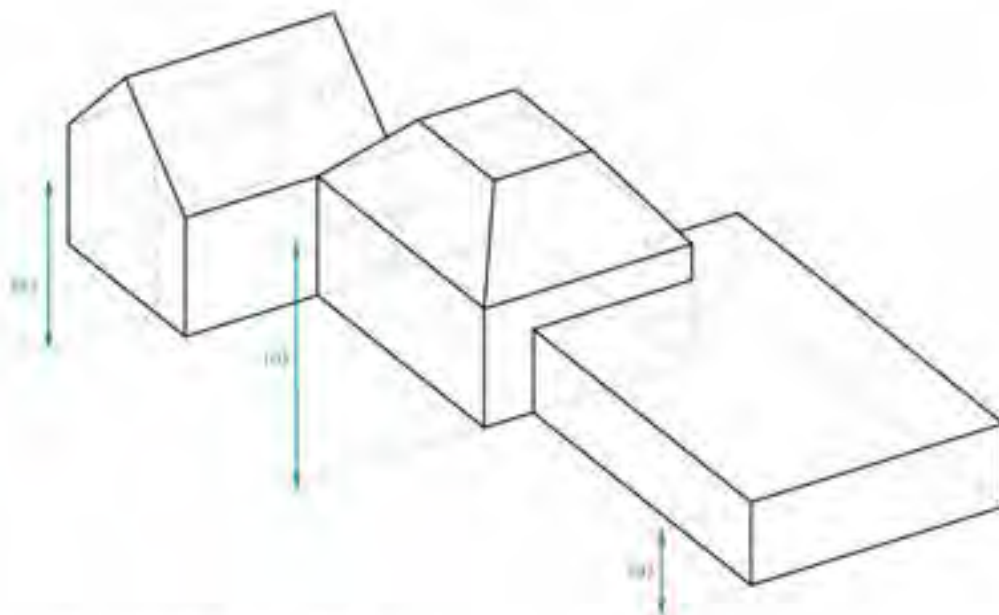
**ALTER OR ALTERATION:** Means a non-structural change or modification to an existing building, structure or use which does not increase the exterior dimensions of height and area.

**ALTERATIONS, STRUCTURAL:** Means the construction or reconstruction of supporting elements of a building or other such as bearing walls, columns, joists, beams or girders. For the purpose of this by-law structural alteration shall not include the following alterations:

- (a) an addition on the exterior of a building, such as an open deck or port;
- (b) the alteration of interior non-load bearing components;
- (c) the replacement of, or change in, utility pipes, ducts or conduits;
- (d) adding or enlarging windows or doors; when the opening is not enlarged;
- (e) replacement of building facades;
- (f) strengthening the load bearing capacity, in not more than ten (10) percent of the total floor area to permit a specialized unit of machinery or equipment; and
- (g) other non-structural maintenance, repair or renovation.

**BUILDING:** Means a building as defined in *The Planning Act*.

**BUILDING, HEIGHT OF:** Means the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof (see illustration). If one structure includes multiple roof types, the overall height for the structure is determined based on the highest of the various measurements. Building height is measured in feet; the approximate number of storeys is included for illustration purposes only.



Height (a) indicates measurement for flat or shanty roof

Height (b) indicates measurement for a mansard roof

Height (c) indicates measurement for a gable or hipped roof at the mean level between the ridge and eave

OVERALL HEIGHT for the structure is determined based on the highest of the various measurements (in this case, height b)

**BUILDING, PRINCIPAL:** Means a building in which is conducted the main or primary use of the site on which it is situated.

**BULK:** Means the following:

- (a) The size (including height and floor area), of buildings or structures; and
- (b) The area of the 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 site; and

- (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 relationship thereto.

**CONDITIONAL USE:** Means a use of land or a building that may be permitted under a zoning by-law.

**CONTROLLED AREA** is defined in the [Transportation Infrastructure Act](#).

**COUNCIL:** Means the Council of the Municipality of Boissevain-Morton.

**DESIGNATED OFFICER:** Means an officer appointed by a Municipality in accordance with the provisions of *The Act*.

**DEVELOPMENT:** Means development as defined in *The Act*.

**DEVELOPMENT PERMIT:** Means a permit issued under the zoning by-law authorizing development.

**DEVELOPMENT PLAN:** Means the Municipality of Boissevain-Morton Development Plan as adopted by By-law.

**DWELLING UNIT:** Means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**FENCE, HEIGHT OF:** Fence height is measured from the highest part of the fence to the point where the fence post enters **grade**. Where a fence is located on top of a retaining wall, the height to the fence shall include the height of the retaining wall measured from the finished **grade**.

**FLAG LOT:** Means a lot with two distinct parts: 1. The "flag," which is the only building site; and is located behind another lot; and 2. The "pole," which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

**FLOOR AREA:** Means the total area of all of the floors of a building or structure, measured from the exterior faces of the exterior walls (or from the centerline of party walls). The total floor area includes the square footage of mezzanines, lofts and basements with a headroom height of at least 7.5 feet (2.2 meters). The floor area of a principal building shall not include non-enclosed roofed-over areas (such as exterior covered porches) nor the floor area of accessory buildings or structures (such as a car garage), even if those structures are attached to the principal building.

**GRADE:** (as applying to the determination of building or structure height) Means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by a Designated Officer.

**LOADING SPACE:** Means an off-street space or berth on the same site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street, lane, or other appropriate means of access.

**NON-CONFORMING BUILDING STRUCTURE:** Means any lawful building or structure which does not comply with one or more of the applicable site requirements on the effective date of this By-law or its amendments.

**NON-CONFORMING SIGN:** Means any lawful sign which does not comply with one or more of the applicable site requirements on the effective date of this By-law or its amendments.

**NON-CONFORMING SITE OR PARCEL OF LAND:** Means any lawful site or parcel of land which does not comply with the site area, site width or site depth on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership.

**NON-CONFORMING USE:** Means any lawful use of a building, structure or a parcel of land, or portion thereof, which does not conform to 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 thereto.

**NON-CONFORMITY:** Means a parcel of land or site, a building or structure, or a use which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

**PARCEL OF LAND** means the aggregate of all land described in any manner in a certificate of title.

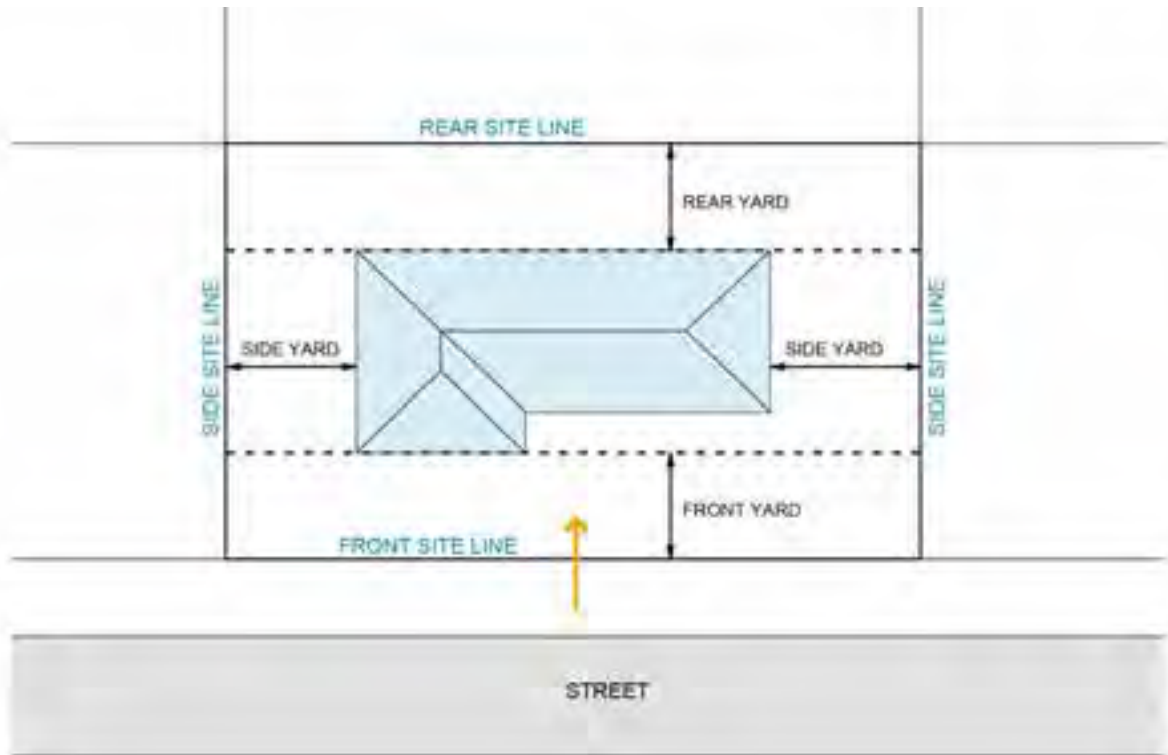
**PARKING SPACE:** Means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

**PARTY WALL:** Means a wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real estate entity

**PREMISES:** Means an area of land, including a site, with or without buildings or structures.

**REQUIRED YARD:** Means an open area, on the same site as a building or structure, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which it is located.

- (a) **REQUIRED YARD, FRONT:** Means a yard extending along the full length of the front site line between the side site lines (see illustration in **Figure 7** below).
- (b) **REQUIRED YARD, REAR:** Means a yard extending along the full length of the rear site line between the side site lines (see illustration in **Figure 7** below).
- (c) **REQUIRED YARD, SIDE:** Means a yard extending along the side site line from the required front yard to the required rear yard (see illustration in **Figure 7** below).



**Figure 7: Required Yards**

**SECONDARY USE OR STRUCTURE** means a use or structure that takes place on the same site as a principal use or structure that is not naturally and normally carried out as part of that principal use (e.g. a daycare in an office building).

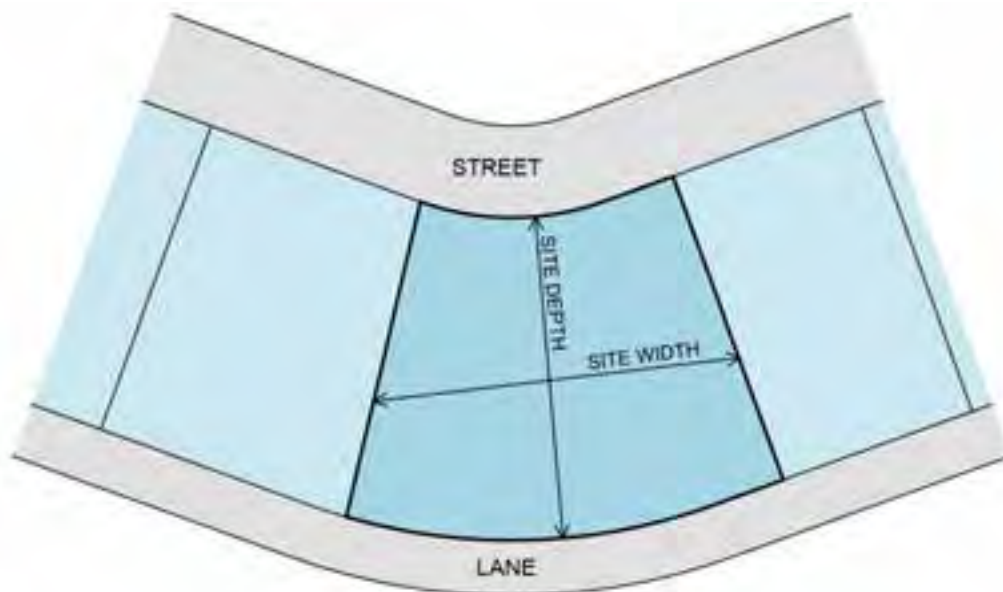
**SITE** means a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

**SITE COVERAGE:** Means the percentage of the total site area covered by buildings and structures. It is calculated by dividing the square footage of building cover by the square footage of the lot, except that the following structures are not counted or purposes of determining lot coverage:

- (a) Areas covered by open swimming pools and hot tubs;
- (b) Open decks, landings and stairs less than 4 feet above grade;
- (c) Accessory structures with a cumulative lot coverage under 108 square feet in total area; and
- (d) Any permitted projections.

**SITE AREA:** Means the computed area contained within the **site lines**.

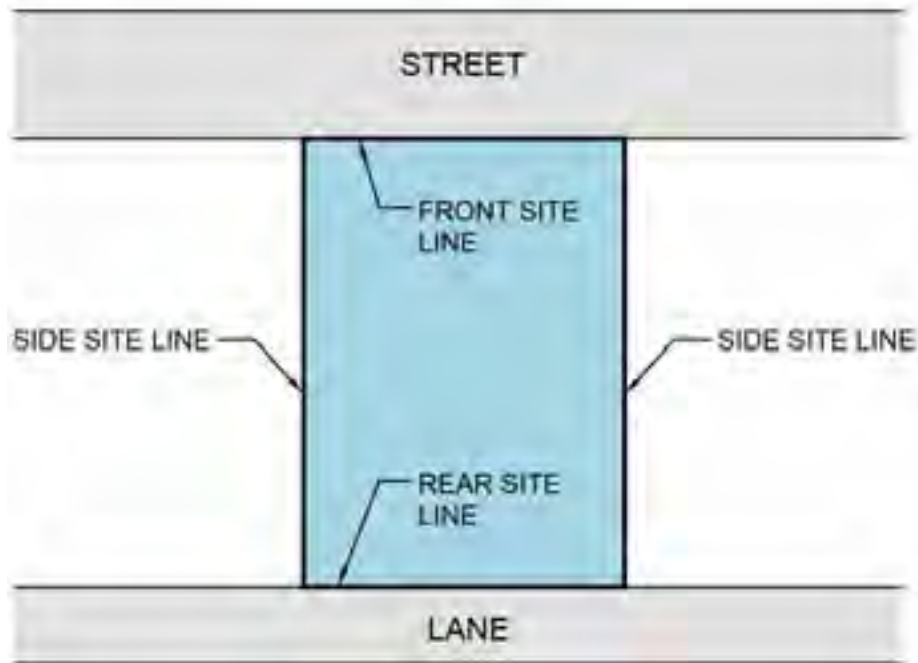
**SITE DIMENSIONS:** Means as follows:



- (a) **SITE DEPTH:** Means the horizontal distance between the center points in the front and rear site lines, with the following exceptions:
  - i) In the case of a **through site**, the site depth is between the centre points between the two front lot lines with the maximum horizontal separation.
  - ii) In the case of a **flag lot**, the site depth is measured as one-half of the cumulative horizontal lengths of all of the site side lines.

- (b) **SITE WIDTH:** Means the horizontal distance between the side site lines, measured at right angles to the site depth line at a point halfway between the front and rear site lines, or forty (40) feet from the front site line, whichever is the lesser.

**SITE LINES:** 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 a Designated Officer. Otherwise, means as follows:



(a) **FRONT SITE LINE** means:

- i) In the case of an **interior site**, that boundary which is along an existing or designated street; or
- ii) In the case of a **through site**, all site boundaries which abut public streets from which vehicular access is permitted (this will usually result in two front site lines); or
- iii) In the case of a **corner site**, that frontage which is the continuation of the front site line of an abutting interior site or, if none, those frontages which, as front site lines, accord with the intent and purpose of yard requirements under this By-Law, as determined by a Designated Officer.



**(b) REAR SITE LINE** means:

- i) That boundary of a site which is most nearly parallel to the front site line; or
- ii) Any site boundary which is in whole or in part the rear site line of an abutting site and as a rear site line accords with the intent and purpose of yard requirements or development standards under this By-law; or
- iii) In the case of a site where the side site lines intersect, the rear site line is deemed to be a line ten (10) feet in length, located within the site, parallel to and at the maximum distance from the front site line.

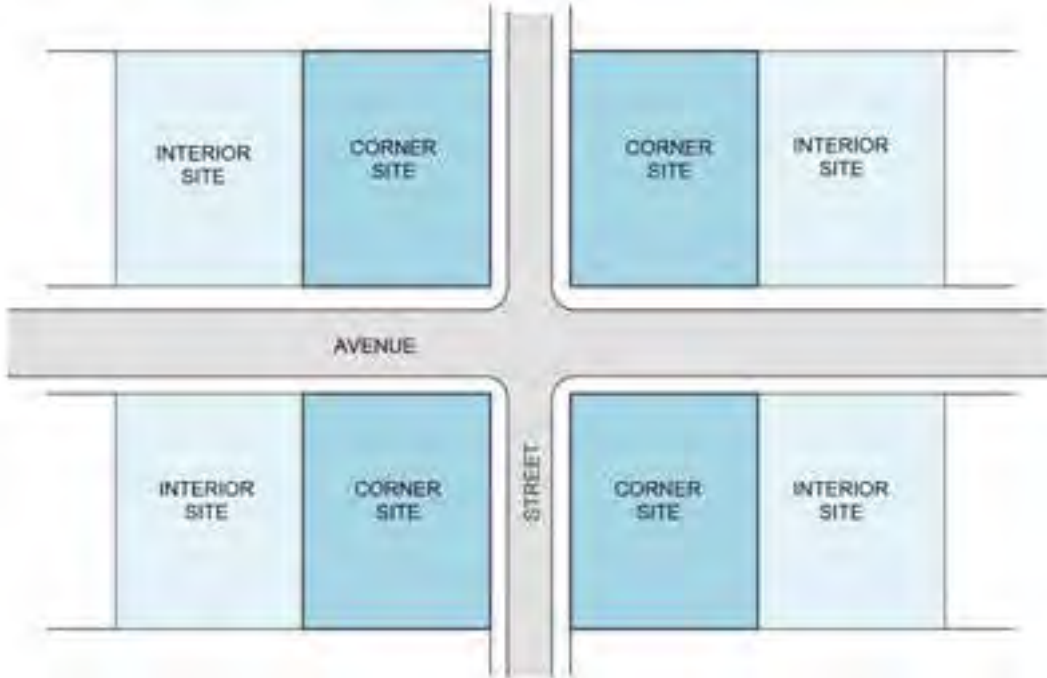
**(c) SIDE SITE LINE:** Means any boundary of a site which intersects with a front site line and is not a front or rear site line.

**SITE REQUIREMENTS:** Means the following:

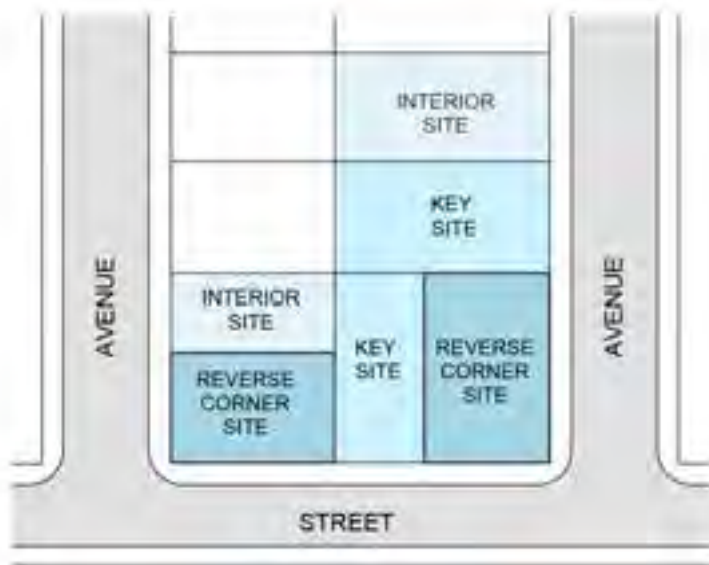
- (a)** The size (including height of building and floor area), of buildings or structures;
- (b)** The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
- (c)** The location of exterior 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.

**SITE TYPES:** Means as follows:

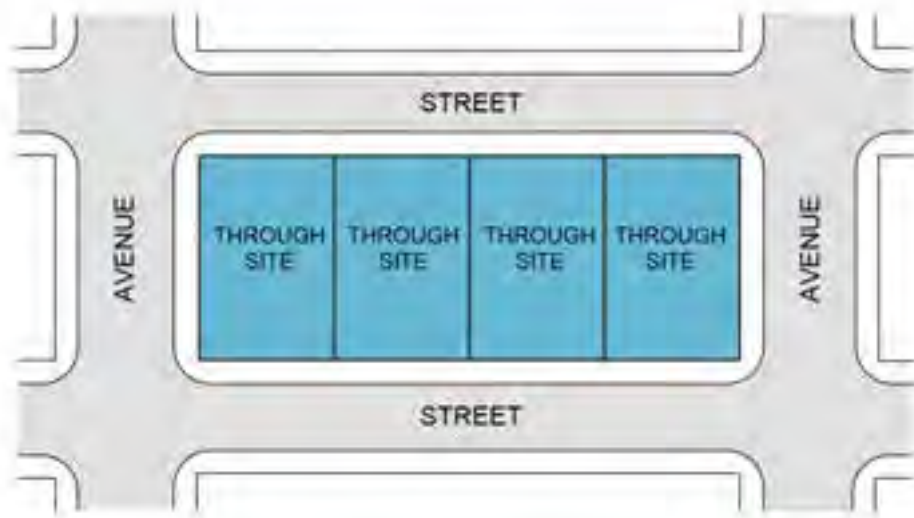
- (a) CORNER SITE:** Means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.



**(b) CORNER SITE, REVERSE:** Means a corner site where the side site line adjacent to the street is a continuation of the front site line of the first site to its rear (key site).



- (c) **INTERIOR SITE:** Means a site that has frontage on only a single public street.
- (d) **KEY SITE:** Means the first site to the rear of a reverse corner site.
- (e) **THROUGH SITE:** Means a site having a pair of opposite site lines along two more or less parallel streets. The front site line shall be determined by a Designated Officer.



**STOREY:** Means the portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a cellar. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than six (6) feet.

**STREET:** Means public thoroughfare but does not include a public lane.

**STRUCTURE:** Means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground.

**USE:** Means:

- (a) Any purpose for which a building or other structure or a 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.

**VARIANCE OR VARIATION:** Means a modification of the literal provisions of the By-law granted when strict enforcement of the By-law will cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

## 6.2 Use Class Definitions

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

**Agriculture, General** means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis. It includes: the production of crops and horticultural crops; the use of land for grazing; the processing necessary to prepare an agricultural product for distribution from the farm gate; 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); and the storage, use or disposal of organic wastes for agricultural purposes but does not include a **livestock operation, cannabis cultivation and processing facility, or apiary.**

**Agriculture, Specialized** means an agricultural operation in which high value, lower volume, intensively managed agricultural products are produced, which may be on a smaller land holding than the minimum size required for general agriculture. This term refers to such uses as fruit and vegetable production, permaculture gardens, nurseries, and greenhouses. It may also include small processing facilities for these crops. These operations may sell products directly to the consumer by means of roadside stands, farm stores, or u-pick operations. The definition does not include an **apiary, animal keeping or stables.**

**Agro-Industrial Business** means an establishment that provides goods or services to the agricultural sector including, but not limited to, seed cleaning plants, grain elevators, feed mills, food processing, abattoirs, and auction marts. It does not include Hazardous Materials or Agrichemical Storage facilities (such as fertilizer and anhydrous ammonia sales and storage) or fertilizer or other Chemical Manufacturing facilities.

**Animal Keeping or Stables** means a use where livestock, working animals or other animals (excluding pets) less than **10 total animal units** (cumulative across species) are sheltered, bred, raised, grazed, or sold. This includes, but is not limited to, stables, riding academies, or aquaculture operations.

**Apiary** means any place where bees are kept.

**Arts and Cultural Establishment** means a facility used for display, storage, restoration or events related to art, literature, music, history or science. This term refers to uses such as art galleries, theatres, dance and performing arts studios, libraries, museums, archives and interpretive centres.

**Assisted Living Facility** means a facility where meals, lodging, and continued medical care or treatment may be provided for compensation. This includes, but is not limited to, nursing homes, retirement homes, healing homes, and medical receiving homes. Smaller facilities may meet the criteria as care homes.

**Batch Plant or Chemical Manufacturing** means a facility where industrial chemicals, concrete or asphalt are manufactured and/or stored. It includes, but is not limited to, asphalt or concrete batch plants, paint storage and paint and varnish manufacturing but does not include uses covered as Agro-Industrial Businesses or General Manufacturing.

**Bed and Breakfast** means the use of a dwelling unit within the same building or on the same property as a principal dwelling occupied by the operator to provide overnight accommodation to the travelling public for a period of less than 30 consecutive nights, and which may or may not include the provision of meals prepared by the operator for guests. It does not include short term rental uses or Inn or Hotel uses.

**Building or Contracting Establishment** means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as window cleaning and extermination services and may include a showroom and/or display area open to the general public. Also included is the prefabrication of building equipment and materials and contractors' offices, but does not include the storage of waste materials.

**Brewery / Distillery / Winery** means a development that is used for the manufacturing of beer, wine, spirits or other alcoholic beverages. This use may include the sale of alcoholic beverages manufactured on-site, as well as the preparation and sale of food to the public for consumption within the premises and/or on ancillary outdoor patios; the retail sales of alcoholic beverages manufactured on-site for consumption off-site; and the storage, packaging, bottling, canning and shipping of products manufactured within the premises.

**Campground** means a parcel of land planned and improved to accommodate recreational vehicles (RVs), yurts, tents, tent trailers, or other camping or glamping accommodations used as temporary dwellings for travel, recreational and vacation uses.

**Cannabis Cultivation and Processing Facility** means a provincially licensed cannabis cultivation, processing and/or packaging facility.

**Cannabis Retail Establishment** means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

**Care Home** means the use of a building (usually a house) to provide a small number of persons with residential care or transitional services. Larger care home facilities are considered to be assisted living facilities.

**Carport** means a roofed structure for automobile storage, usually attached to a house and not fully enclosed like a garage but with at least one side open to the outdoors.

**Casino / Gaming Establishment** means a development providing facilities for patrons to participate in gaming opportunities. Typical uses include Provincially-licensed casinos, gaming centres, clubs and VLTs. This use does not include facilities used for infrequent bingo or other community gaming activities.

**Cemetery** means land used or intended to be used for the burial of the dead, and may include columbaria, mausoleums, and mortuaries, when operated in conjunction with and within the boundaries of such cemetery, but does not include crematoria.

**Child Care, Home** means the provision of child care services as a secondary use in part of a building, including, but not limited to, a dwelling unit in which the owner or tenant resides or a place of worship.

**Child Care Facility** means the provision of child care or educational service in a building or part of a building specifically intended for that purpose, including a provincially licensed childcare facility, a nursery school, Montessori school or similar building.

**Community Centre or Hall** means a meeting place or drop-in centre for community activities, public organizations, private clubs, or recreational groups.

**Crematorium** means a facility containing a certified furnace, water cremation facilities, or similar alternatives intended for use in the incineration or disposal of human or animal corpses.

**Drive-Through Facility** means a facility designed to provide goods or services to the persons driving in motor vehicles, including but not limited to a drive-through restaurant or bank.

**Dwelling** means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**Dwelling, Farm** means a dwelling located on the same parcel of land as an agricultural operation.

**Dwelling, Single-Unit** means a building, located and fixed on a single site, containing one **dwelling**. It includes, but is not limited to, a house and a cottage, but does not include a mobile home or tiny house.

**Dwelling, Two-Unit** means a building, located and fixed on a single site, containing two **dwelling**s (for example, a duplex or a side-by-side).

**Dwelling, Multiple-Unit** means a building, located and fixed on a single site, containing three (3) or more **dwelling**s (for example, a row house, town house, apartment building, or condominium).

**Emergency Services Station** means a facility used for emergency service administration and vehicle parking, including police and fire stations, ambulance dispatch, and emergency services headquarters.

**Food / Beverage Service Establishment** means a development that is used for the preparation of food or drink that is consumed by the public, whether on-or-off-premises, including drinking establishments licensed by the Province, restaurants, cafes, delicatessens, commercial catering kitchens, lunchrooms, and bakeries, as well as ancillary patios. This use does not include Drive-Through Establishments.

**Freight Terminal** means a processing node for freight. It includes, but is not limited to, railroad terminals and trucking terminals.

**Gas Station** means a facility where vehicle fuel, lubricants and accessory items (including convenience store items) are offered for sale but where no provision is made for the repair, maintenance and storage of vehicles.

**General Manufacturing** means a use which mechanically transforms materials or substances into new or reused products with indoor or outdoor operations and storage, including the assembly of component parts, including, but not limited to woodworking shops, welding and assembly shops, and painting shops. It does not include Batch Plants or Chemical Manufacturing or Agro-Industrial Businesses.



**Hazardous Materials or Agrichemical Storage Facility** means a facility used to store agrichemicals such as anhydrous ammonia or fertilizers or other hazardous materials. It does not include uses covered as Agro-Industrial Businesses or Batch Plant or Chemical Manufacturing.

**Healthcare Facility** means a building or structure used to provide care to patients that require medical care. This includes, but is not limited to, hospitals, healthcare centres, and medical clinics. Healthcare facilities are not generally intended for residential purposes and thus do not include assisted living facilities or care homes.

**Home Industry** means a light manufacturing operation that is carried out as a secondary use on the same site as a dwelling.

**Home Occupation** means an occupation, trade, business or activity that is carried out as a secondary use on the same site as a dwelling.

**Indoor Amusement or Fitness Centre** means an indoor premise where amusement activities, physical fitness equipment and/or instructional classes are provided for individuals or groups of people, including but not limited to arcades, escape rooms, bowling alleys, aerobic and martial arts studios.

**Industrial Service Shop** means a use where heavy equipment and machinery, such as tractors, graders and farm machinery, are repaired and serviced and includes uses providing services to mineral and forest extraction operations.

**Inn or Hotel** means a building or part of a building where accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities.

**Live-Work Unit** means a unit with one dwelling located above, behind or beside a space dedicated to work with street front access. The work area may or may not be separate from the dwelling unit. The use does not include a home occupation.

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

**Lumber Yard** means a facility where bulk supplies of lumber and other building materials are stored indoors or outdoors.

**Media Studio** means a development that is used for the creation, production, and/or circulation of audio or visual materials that are broadcasted or otherwise communicated through technological means to an off-site audience. Typical uses include internet content providers, game designers, and film, radio, or television studios. This use does not include Accessory Telecommunications Towers.

**Mobile Home** means a portable dwelling unit that is designated to be used as a living quarters or as accommodation for travel, recreation, or vacation purposes and that a) is capable of being transported on its own chassis and running gear by towing or other means, or b) is placed on the chassis or body of a motor vehicle, or c) forms part of a motor vehicle.

**Office** means a building or part of a building in which persons are employed for the provision of professional or other services to the public such as legal services, real estate services, financial services, insurance brokers, consultants, and other uses, but does not include personal services or retail.

**Outdoor Event Space** means an open-air space with temporary or permanent structures where people gather for events. It includes, but is not limited to, exhibition and fair grounds, farmers market grounds, drive-in theatres, and ceremonial grounds.

**Park** means an outdoor area, usually accessible to the public, which may include features such as playgrounds, picnic areas, gardens, paths and trails.

**Parking Lot, Non-Accessory** means a parcel of land used exclusively for vehicular parking and is available for use whether free, for compensation or as an accommodation for clients, customers, employees or visitors. It does not include accessory parking areas, which are included on the same lot as a principal use.

**Personal Services** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual (one on one) and personal needs of persons and includes, but is not limited to, such establishments as medical, dental, barber shops, janitorial, catering, cleaning and garment services, and photography studios.

**Pet Shelter or Sales** means any premises on which more than two (2) companion animals, such as dogs and cats, are boarded, bred, trained or cared for in return for remuneration, or are kept for the purpose of sale. This term refers to such uses as kennels, pet daycares, and pet stores.

**Place of Worship** means a building primarily used for religious purposes. It may include, but is not limited to, a church, chapel, mosque, synagogue, or temple.

**Pole Shed or Fabric Building** means a 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. This includes small-scale garages that are used for private residences as well as large fabric garages such as those used to store farm machinery and equipment.

**Public Utility** means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way. It does not include private for-profit telecommunications towers, wind energy generation stations (WEGS) and commercial-scale solar energy generation systems.

**Public Works Building** means any publicly owned or occupied building, structure, plant or compound for the purpose of providing services to the public, including, but not limited to: public transportation facilities (such as bus stations); communication systems; office buildings and maintenance buildings.

**Recreation Facility (Indoor)** means a building which provides areas for recreation and spectating, including, but not limited to, arenas, curling rinks, stadiums, public swimming pools, and indoor sports fields.

**Recreation Facility (Outdoor)** means an open-air area which provides opportunities for recreation, including, but not limited to, sports fields, skateparks, outdoor swimming pools, miniature golf, race tracks, and splash parks. It does not include golf courses or parks or features covered under those uses.

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

**Retail (Small)** means a building or portion of a building where the retail use occurs in a space with a ground floor area less than 5,000 square feet (465 square meters). It includes, but is not limited to, corner stores, shops, and small box stores.

**Retail (Large)** means a building or portion of a building where the retail use occurs in a space with a ground floor area equal to or greater than 5,000 square feet (465 square meters). It includes, but is not limited to, big box stores, malls, shopping centres, and wholesale centres.

**Secondary Suite** means a second dwelling unit detached from, attached to or within a principal residential use, that provides basic requirements for living, sleeping, cooking, and sanitation. It includes, but is not limited to, basement suites, coach houses, and garden suites.

**Shipping Container, Accessory** means a pre-fabricated structure which is designed for the shipping of goods via land, sea, rail or road and may include trailer bodies or other similar structures (including motor vehicle bodies) which have the wheels removed. An accessory shipping container shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use, building or structure to which it is accessory.

**Short-Term Rental** means the whole or part of an existing dwelling that is used to provide overnight accommodation to the travelling public for a period less than 90 consecutive days. It does not include Bed and Breakfast uses or Inn or Hotel uses.

**Sign, Advertising** means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same site where the sign is located. An advertising sign is not an accessory use on a property and is therefore treated differently than other signs advertising a business on the same property.

**Solar Collector, Ground Mounted** means a solar collector mounted to the ground and associated equipment for converting solar energy to power, either for personal use or for commercial sale and distribution to the electricity grid (a solar farm, for example).

**Solar Collector, Roof-top or Wall-mounted** means a roof or wall-mounted solar collector and associated equipment for converting solar energy to power primarily to serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale.

**Solid Waste Disposal or Composting Site** means a landfill, recycling facility, commercial composting facility or other area where solid waste is disposed of, stored, or buried.

**Telecommunications Tower (Accessory)** means a structure used to support ancillary devices such as, but not limited to, citizens' band radio, television or internet service. The structure is located on the same site and in direct support of either a permitted or conditionally approved use.

**Tiny Home** means a residential dwelling that is less than 37 square meters (400 square feet) in area.

**Tiny Home Pocket Neighbourhood** means a group of tiny homes that are clustered around a shared outdoor space, such as a garden, courtyard, or alley.

**Towing and Storage Compound** means an indoor or outdoor facility where motor vehicles are taken and stored temporarily until they reclaimed by their owners. A towing and storage compound may include an impoundment lot or a lot used for temporary vehicle storage but does not include a wrecking and salvage yard.

**Vehicle Sales & Services** means a premises used for the display, repair, sale or rental of new or used automobiles, recreational vehicles, snowmobiles, ATVs, camper and travel trailers, boats, boat and utility trailers and the like, but not including mobile home or heavy machinery sales or service.

**Veterinary Clinic** means a facility designed for the care and treatment of domestic animals, not including cows, horse and the like, under the supervision of a doctor of veterinary medicine. The boarding of animals is limited to short-term care incidental to the treatment of the animals.

**Warehouse or Self-Storage Facility** means a means an enclosed facility in which goods, raw materials, or commodities are stored or sold wholesale. It does not include the outdoor storage or display of materials.

**Wastewater Treatment Site** means a facility where wastewater or sewage is treated. It includes, but is not limited to, wastewater treatment plants, tanks, and lagoons.

**Wind Energy Generating System, Commercial** means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

**Wind Energy Generating System, On-Site Use / Rooftop** means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale, including roof mounted wind turbines.

**Wrecking and Salvage Yard** means a site where motor vehicles of any kind are kept for the purpose of obtaining parts or scrap materials for resale or recycling.