



Rural Municipality of Rosedale Zoning By-law

By-law No. 9-2018

October 2018

Prepared By:



Prepared For:
Rural Municipality of Rosedale

BYLAW NO. 9-2018
THE RURAL MUNICIPALITY OF ROSEDALE
ZONING BY-LAW

A bylaw of the Rural Municipality of Rosedale to regulate the use and development of land.

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

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

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

1. Bylaw 5-88, as amended, are repealed
2. The Zoning Bylaw No. 9-2018 attached is hereby adopted
3. The Bylaw shall be known as the Rural Municipality of Rosedale Zoning By-law
4. This Bylaw shall come into force on the date of Third Reading.

DONE AND PASSED in Council duly assembled at the Rural Municipality of Rosedale, Manitoba, this 9th of November, 2018.

Signature of Reeve

Signature of Chief Administrative Officer

READ A FIRST TIME this 10th day of August, 2018.

READ A SECOND TIME this 12th day of October, 2018.

READ A THIRD TIME this 9th day of November, 2018.

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PART 1 ADMINISTRATION

1.1 TITLE

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

1.2 SCOPE

This by-law applies to all lands in the Rural Municipality of Rosedale indicated on Map 1 of Schedule A of this By-law.

1.3 EFFECTIVE DATE

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

1.4 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; and
- c. All other forms of development not included above.

1.5 USE AND DEVELOPMENT OF LAND AND BUILDINGS MUST COMPLY

Within the Rural Municipality of Rosedale, 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.

1.6 RESTRICTIONS IN OTHER BY-LAWS OR FEDERAL AND PROVINCIAL LAWS

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 by-law, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

1.7 ADMINISTRATION AND ENFORCEMENT

- a. The enforcement of this By-law shall be in accordance with *the Act* and the conducted by the Rural Municipality of Rosedale.
- b. An existing building, structure or use which was illegal under the provisions of any zoning by-law in force on the effective date of this By-law and amendment thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure, or use remains illegals hereunder, unless otherwise provided for herein.

1.8 UNITS OF MEASUREMENT

For convenience, this by-law contains both metric and imperial measurements. In cases where a discrepancy occurs between the metric and imperial standards, the imperial unit shall govern.

1.9 DEVELOPMENT PERMITS

1.9.1 WHEN DEVELOPMENT PERMITS ARE REQUIRED

A development permit is required for any of the following, except as otherwise provided for in this By-law:

- a. The erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;
- b. The establishment of a use of land or a building or structure;
- c. The alteration or enlargement of an approved conditional use;
- d. The relocation, removal or demolition of any building or structure;
- e. The increase or decrease of the average grade of a yard by 15 centimetres (6 inches) or more in height; and
- f. Sand and gravel operations from which more than 10 cubic yards of quarry materials are removed annually and is operated for any purpose except in the personal use of an owner who is a natural person.

1.9.2 WHEN DEVELOPMENT PERMITS ARE NOT REQUIRED

A development permit is not required for the following, however, all items listed in this provision shall be subject to requirements of this By-law:

- a. Incidental alterations;
- b. Agricultural cropping of land; and
- c. The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - (i) fences, gates, or other enclosures less than 1.83 metres (6 feet) in height;
 - (ii) signs, not including advertising signs where they are conditional uses;
 - (iii) outdoor lighting;
 - (iv) flagpoles;
 - (v) sheds and buildings for the storage of domestic equipment and supplies with a floor area of less than 9.29 square metres (100 square feet);
 - (vi) garden houses or children's play houses;
 - (vii) private communication facilities;
 - (viii) unenclosed patios at grade level; and
 - (ix) general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by 15 centimetres (6 inches) or more in height.

1.9.3 OTHER PERMITS AND LICENSES

It is the applicant/owner's responsibility to obtain all necessary permits, licenses and approvals relating to the building and site from the property authorities, including but not limited to: electrical, plumbing, occupancy, sewer and water, lot grade, signage, blasting, and any other approvals, licenses and permits, as may be required to comply with applicable municipal, provincial and federal regulations.

1.9.4 PERMIT APPLICATION REQUIREMENTS

An application for a development permit:

- a. Shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them;
- b. Shall 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 and dimensions of existing buildings and structures;
- (iii) the location and dimensions of any proposed building, structure, enlargement or alteration;
- (iv) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use; and
- (v) vehicular access, utility connections, parking areas, loading areas, or signage (where applicable);
- c. Shall be accompanied by the fee prescribed by the Rural Municipality of Rosedale; and
- d. Shall include such other information as required by the Council or Board, including:
 - (vi) existing or proposed building or structural alterations;
 - (vii) existing or proposed use of the building and land;
 - (viii) the number and location of automobile parking spaces and loading spaces;
 - (ix) the number of families, dwelling units or rental units the building is designed to accommodate;
 - (x) conditions existing on site;
 - (xi) current copies of relevant titles, easements, or caveats;
 - (xii) a survey certificate prepared by a Manitoba Land Surveyor, within five (5) years of the date of the application; and
 - (xiii) such other matters as may be necessary to determine conformance with and provide for the enforcement of this by-law.

1.9.5 DEVELOPMENT PERMIT VALIDITY

The following provisions apply to permit validity:

- a. When an application for a development permit has been approved, the development to be carried out shall conform in all respects to the terms, provisions and specification of the permit as finally approved;
- b. Unless a development permit is suspended, cancelled, or specified by the Designated Officer to remain in effect for less than twelve (12) months, a development permit remains in effect for 12 months from the date of issue; and
- c. Prior to its expiry date, a development permit may be extended by the Designated Officer for an additional period or periods of not more than 12 months, however, if one or more of the following situations has occurred and the subject development has not commenced, the permit shall not be extended:
 - (i) the development standards pertaining to the development have changed since the development permit was issued;
 - (ii) the land use considerations involved with the development permit have changed;
 - (iii) the development permit does not conform to any amendment to the development plan;
 - (iv) the development permit does not conform to any amendment of the zoning by-law; or
 - (v) any other consideration which, in the opinion of Council, makes the development permit now inappropriate.

1.10 BUILDING PERMITS

The following provisions apply to building permits:

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

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

1.11 RESPONSIBILITIES

1.11.1 THE DESIGNATED OFFICER

The Designated Officer shall have authority to:

- a. Issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *the Act*;
- b. Refuse to issue a development permit where:
 - (i) the development permit application, or any information accompanying the development permit application, is incorrect or incomplete; or
 - (ii) the proposed building, structure or use does not, to the Designated Officer's knowledge, comply with this By-law, the building by-law, the Manitoba Building Code or with any other law;
- c. Revoke a development permit where the development permit was issued in error;
- d. Defer approving an application for a development permit provided for in *the Act*:
 - (i) which would result in a violation of this By-law or any by-law of the Rural Municipality of Rosedale; or
 - (ii) to any person who has failed to pay any fees owing to the Rural Municipality of Rosedale under the zoning by-law; and
- e. Make a minor variance order, without the need for a public hearing, for any proposed change that varies:
 - (iii) any height, distance, area, size or intensity of use requirement in the zoning by-law by no more than ten (10) percent, or as governed by *the Act*, whichever is greater; or
 - (iv) the number of parking spaces required by the zoning by-law by no more than ten (10) percent, or as governed by *the Act*, whichever is greater.

1.11.2 COUNCIL

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

- a. Enactment of this By-law;
- b. Considering the adoption of proposed amendments or the repeal of this By-law;
- c. Acting as a variation board;
- d. Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and
- e. Establishing a schedule of fees as provided for in this By-law.

1.11.3 PLANNING DISTRICT BOARD

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

- a. Administering and enforcing the provisions of this By-law;
- b. Administering and enforcing the provisions of the *Neepawa and Area Planning District Development Plan* and *the Act*, where applicable; and
- c. Processing applications to be submitted to Council for amendments, variation orders and conditional uses and the collection of fees as provided for herein.
- d. Establishing a schedule of fees as provided for in this By-law.

1.11.4 THE OWNER

Every owner shall:

- a. Permit the Designated Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not obstruct or interfere with the Designated Officer in the discharge of their duties under this By-law; and
- b. After a development application has been approved and the permit issued, obtain the written approval of the Designated Officer before doing any work at variance with the approved documents filed.

1.12 APPLICATION FOR AMENDMENTS, VARIANCES AND CONDITIONAL USES

An application for an amendment, variance or conditional use to this By-law must be in the proper form and must be accompanied by the fee prescribed by the municipality. 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 and dimensions of existing buildings and structures;
- c. Plans drawn to scale showing the location and dimensions of the proposed building, structure enlargement or alteration;
- d. For multi-unit and multi-tenant developments, identification of garbage, loading and emergency vehicle access should be included in the plan;
- e. 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;
- f. A description of the reason why the variance, conditional use, or amendment to this by-law is being requested; and
- g. Any other information required by the Designated Officer to determine compliance with, and to provide for enforcement of, this By-law.

Council shall decide whether to reject or accept an amendment application within 60 days of receipt of the application.

1.13 CONDITIONAL USE

1.13.1 INTENT

A conditional use is the use of a building, structure or use of land that may be unique in its characteristics or operation, which could have an impact on abutting or adjacent properties. In accordance with *the Act*, conditional uses are listed as “Conditional” within the use tables of this By-law.

1.13.2 EXPIRY

The approval of Council in accordance with the provisions of *the Act* shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. Council may extend this deadline for an additional period not longer than 12 months if an application is received before the initial deadline.

1.13.3 EXISTING CONDITIONAL USE

Where an existing use, listed as permitted or conditional, under a previous by-law and amendments thereto, is listed as conditional under this By-law, it shall be considered a legally existing conditional use and be subject to the Conditional Uses Section of this By-law and provisions of *the Act*.

1.13.4 MODIFICATION TO AN EXISTING CONDITIONAL USE

Any modification of a conditional use, including the modification of any condition imposed on the approval of a conditional use, shall be subject to the same process required to approve a new conditional use.

1.14 VARIANCES

1.14.1 INTENT

A variance is an administrative exception to the By-law's land use regulations, generally in order to remedy a deficiency which would prevent the property from complying with the zoning regulation. Any person may apply for a variance order, in accordance with *the Act*, with respect to the following:

- a. The site and other requirements contained in the Use and Site Requirements and Bulk Regulations Sections herein;
- b. Requirements for parking and signs;
- c. Requirements for projections into yards; or
- d. Other matters specified in *the Act*.

A variance order must not be made if it makes a change of land use other than a temporary change of land use for a period of not more than five (5) years, or a change of land use to a use that is substantially similar to a use permitted under the Zoning By-law.

1.14.2 EXPIRY

A variance order will expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision.

1.14.3 EXISTING VARIANCE ORDERS

Where a building, structure or use established by a variance order under the previous by-law and amendments thereto, and exists as a permitted order at the date of the adoption of this By-law or amendments thereto, it shall be considered as legally conforming.

1.14.4 MINOR VARIANCES

The Designated Officer may approve, in accordance with *the Act*, minor variances by no more than what is defined in *the Act*, governing height, distance, area, size or intensity of use requirement and/or the number of parking spaces required by this Zoning By-law.

1.15 DEVELOPMENT AGREEMENTS

Where an application is made under this By-law, or as otherwise permitted in *the Act*, the Council may require the owner of the affected land, building or structure to enter into a development agreement, as a condition to its enactment in respect of the affected property or any contiguous land owned or leased by the owner.

1.15.1 CAVEATS

A development agreement pursuant to this section may be registered in the Land Titles Office in the form of a caveat against the Certificate of Title for the land that is the subject of the development agreement. A caveat registered pursuant to this section shall be discharged by the municipality when the requirements and conditions of the development agreement have been met.

1.16 NON-CONFORMING USES

Non-conformity means a building, structure, parcel of land or use of land which lawfully existed prior to the effective date of this by-law or amendments thereto, but does not conform to the provisions contained within the by-law or amendments thereto. A non-conforming use shall be regulated in accordance with and subject to the provisions of *the Act*, unless otherwise provided for herein. Any fees made to the Designated Officer for the issuance of a certificate of non-conformity in accordance with *the Act*, or the acceptable form of application shall be determined by Council.

1.16.1 DISCONTINUANCE OF NON-CONFORMING USE

A non-conforming use of land, or the intensity of the use of land may be continued but if the non-conforming use, or non-conforming intensity of use, has been discontinued for a period of twelve (12) consecutive months or more, any future use of the land shall conform to the provisions of this Zoning By-law. Council may authorize a variance to extend this timeline by no more than 12 additional months.

1.16.2 CHANGES TO A NON-CONFORMING BUILDING, STRUCTURE, USES OR PARCEL

The Designated Officer may permit construction in respect of an existing non-conforming building or structure provided the construction does not increase the non-conformity and the building or structure otherwise conforms to the zoning by-law, other by-laws and any approved variance orders.

The Designated Officer may permit the use of an existing non-conforming parcel of land for any permitted use under the zoning by-law and, if all other requirements of the by-law such as yards, building height, and floor area are met, construct or alter a building on the land.

Council may permit the following changes to existing non-conforming buildings, structures, uses or parcels of land by variance, subject to the provisions of *the Act*:

- a. Maintenance or reconstruction, structural alteration or addition to a building or structure beyond that described in 89(1) of *the Act*;
- b. An increase in the intensity of an existing non-conforming use, other than a variance to increase the number of animal units in a non-conforming livestock operation; and
- c. Erection or location of permitted accessory buildings, structures and uses in accordance with the Use Tables of this zoning by-law.

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

1.16.3 REPAIR OR REBUILD

If a non-conforming building or structure is damaged or destroyed to the extent of more than 50% of the assessed market value (as shown on the current assessment roll of the Municipality) of the building or structure, the building or structure shall not be repaired or rebuilt except in conformity with the Zoning By-law, unless a variance order has been obtained authorizing the repair or rebuilding of the non-conforming building or structure.

1.17 CHANGE OF OWNERSHIP

The use of land or use of a building or structure is not affected by reason only of a change of ownership, tenancy or occupancy of the land, building or structure.

1.18 ACQUISITION OF LAND

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

1.19 FEES

Fees for amendments to this zoning by-law, variance orders, conditional use orders, development permits, appeals and zoning memorandums shall be established by the Neepawa and Area Planning District by-law or resolution.

PART 2 DEFINITIONS

2.1 RULES OF CONSTRUCTION

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

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

2.2 DEFINITIONS IN THE PLANNING ACT

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

2.3 ZONING MAPS

2.3.1 MAP

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

2.3.2 BOUNDARY DETERMINATION

Should uncertainty or dispute arise relative to the precise location of the boundary of any zoning district, as depicted on the Zoning Maps, the location shall be determined by the following:

- a. Where a zoning district boundary is shown as approximately following the centre of streets, lanes, or other public thoroughfares, it shall be deemed to follow the centre line thereof;
- b. Where a zoning district boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the zoning district for that portion of the zoning district boundary which approximates the site boundary;
- c. Where a zoning district boundary is shown approximately following municipal limits, it shall be deemed to be following municipal limits;
- d. Where a zoning district boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof;
- e. Where a zoning district is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow the said line. In the event of a change in the said line, it shall be deemed as moving with that line;
- f. Where a zoning district boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;
- g. Where features on the ground do not correspond with those shown on the Zoning Map or in other circumstances not mentioned above, the Designated Officer shall interpret the zoning district boundaries; and
- h. Where a zoning district boundary is not located in conformity with a. or b., and in effect divides or splits a registered parcel of land into more than one zoning district:
 - (i) the disposition of the said boundaries shall be determined by dimensions indicated on the Zoning Maps or by measurements directly scaled from the Zoning Maps; and
 - (ii) each such portion of the said parcel of land shall be used in accordance with the applicable zoning district regulations of this by-law as if it were a separate site.

2.4 DEFINITIONS

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

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

“Act, the” means *The Planning Act*, S.M. 2005, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba and amendments thereto.

“Accessory” means a use, building or structure that is natural and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory. A use shown as a conditional use in the Use Table cannot be accessory to a use shown as a permitted use for the same zone.

“Agricultural Education Centres” means an educational facility specializing in agricultural learning and practice and related activities.

“Agricultural Implement Sales, Service and Repair” means a use that includes the sale, service and repair of goods associated with the agricultural sector. This includes farm equipment, machinery and similar goods.

“Agricultural Uses, Specialized” means the use of land for apiculture, floriculture, horticulture, including market gardening, orchards, tree farming, and similar agricultural activities on a commercial basis.

“Agricultural Uses” means the use of land for agricultural purposes such as cultivation and pasturage, and including related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting and the storage and selling of crops, but not including livestock operations.

“Air Landing Strips” means any area, runway or other facility, used or intended to be used for the landing and taking off of aircraft, including any necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary building and open spaces.

“Alteration, Structural” means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders. Changes or replacements in the structural parts of a building including, but not limited to, the following:

- a. An addition on the exterior of a building such as an open porch;
- b. Alteration of interior partitions in all types of buildings; or
- c. Replacements of, or changes in, the capacity of utility pipes, ducts or conduits.

“Alterations, Incidental” means changes or replacements in the non-structural parts of a building or structure including, but not limited to, the following:

- a. Adding or enlarging windows or doors in exterior walls;
- b. Replacement of building facades; or
- c. Strengthening the load bearing capacity in not more than ten percent (10%) of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

“Animal Hospitals and Veterinary Clinics” means a use that involves the care and treatment of animals, either for limited durations or extended periods of care.

“Animal Keeping” means a use where less than 10 **Animal Units** (cumulative across species) of livestock (excluding pets) are sheltered, bred, raised, or sold. This use includes stables.

“Animal Pounds and Kennels” means a use that involves the care, temporary lodging and/or breeding of domestic animals that does not include hospitalization. This use does not include the care, temporary lodging and/or breeding of livestock animals (see definition for livestock).

“Animal Unit” means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12 month period.

“Arts Centres, Galleries and Libraries” means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, recordings and films for public use. This includes public libraries, art galleries, exhibitions, museums and similar uses.

“Basement” means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 6 ft. of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 4ft.

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

“Board” means the District Board of Neepawa and Area Planning District as established under *the Act*.

“Building Materials Sales and Storage” means the use of the premises for the storage, sale and service of building materials including furnishings, plumbing, outdoor uses and similar.

“Dangerous Goods or Agrichemical Storage Facility” means the use of land or premises for the storage, sale or distribution of synthetic or petroleum based fluids, chemicals, fertilizers, and other

potentially hazardous or noxious materials, primarily on a wholesale basis. This use does not include Anhydrous Ammonia Storage Facilities.

“Anhydrous Ammonia Storage Facility” means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer.

“Bulk” means the following:

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

“Business Offices and Financial Institutions” means a building or portion of a building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, or a building that provides the services of a financial institution such as a bank or an insurance establishment and related forms thereto.

“Camping and Tenting Grounds” means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and recreation vehicle equipment.

“Car Washes” means a facility for the cleaning of automobiles or other motor vehicles, whether operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

“Cemeteries” means land used or dedicated to the internment of human or animal remains, including columbarium, mausoleums, mortuaries and associated maintenance facilities when operated in conjunction with, and within the boundaries of such cemetery.

“Child Care Facility” means a principal use where the provision of child care, in a provincially licensed facility, occurs. This does not include accessory childcare uses.

“Child Care, Home-based” means the use of a portion of a dwelling unit for the provision of child care services provided by a resident of the dwelling, up to a maximum of 8 children. The operation meets all applicable provincial legislation and regulations.

“Community Centres or Community Clubs” means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes.

“Concrete, Cement and Asphalt Batching Plants” means the production and manufacture of concrete, cement or asphalt from raw materials.

“Contractor’s Establishments” means a building or part of a building or land area for the construction or storage of materials, equipment, tools, products and vehicles.

“Council” means the Council of the Rural Municipality of Rosedale.

“Derelict Vehicle” means a vehicle other than a new and unused vehicle that is not in operating condition, is kept in the open, has been abandoned or is kept primarily for salvaging or selling parts therefrom or for sale as scrap metal.

“Designated Officer” means the person appointed by the Board in accordance with the provisions of the Act.

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

“Development Plan” means the Neepawa and Area Planning District Development Plan and all amendments thereto.

“Drinking Establishments” means an establishment or portion of an establishment licensed by the Government of Manitoba under *The Liquor and Lotteries Act*, where the principal purpose is the sale of alcoholic beverages to the public, for consumption on the premises.

“Drive-in or Drive-thru Establishments” means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages, or services.

“Dwelling” means a building or structure, or portion thereof, designed for and intended to be used for residential occupancy. It does not include establishments for commercial accommodation. Dwelling may include the following:

- a. **“Cottage, including Mobile Home as Cottage”** means a building or structure designed for and used as a secondary or intermittent place of residence for seasonal vacations and recreational purposes.
- b. **“Farmstead”** means that portion of the land of an agricultural operation on which is located the residence of the operator.
- c. **“Mobile home”** means a portable structure that is capable of being transported on its own chassis and running gear by towing or other means and is designed to be used as a dwelling unit.
- d. **“Multi unit”** means a building or structure containing three or more dwellings, arranged in a vertical or horizontal manner, either served by separate entrances or common corridors and entrances. This includes apartment buildings, row housing, tri-plexes and similar.
- e. **“Single unit”** means a building or structure containing only one dwelling that is separate from any other dwelling or building. A single unit dwelling does not include a mobile home.
- f. **“Two unit”** means a single building or structure containing two separate dwelling units, separate from any other dwelling or building. This includes duplexes and side-by-side dwellings.

“Dwelling Unit” means a building or portion thereof designed for and intended to be used as for residential occupancy that contains cooking, sleeping and sanitary facilities.

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

“Exhibition Grounds” means a use of land, or building, or structure where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and a place of amusement.

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

“Farm Vacation Establishments” means an operating farm which may, on a day basis or for overnight purposes, offer a farm life experience to groups or individuals and which may provide either or both of:

- a. rental accommodation in the farm dwelling or adjacent private cabins comprising one or more rooms furnished to enable the preparation of meals if full board is not provided; or
- b. a tract of land on which one or more camping, tenting or parking sites is located, and the provision of electricity, potable water and toilet facilities to any of the persons, or groups occupying any of such sites.

“Fuel Sales” means an establishment operated at a fixed location at which gasoline or any other motor vehicle engine fuel is offered for sale to the public.

“Game Farms” means a fenced area to enclose animals defined as a “domestic game farm animal” by *The Domestic Game Farm Animal Regulations*, used for the purpose of producing animal products as defined by those Regulations.

“Garden Suite” means a self-contained accessory dwelling unit separate from but on the same lot as a single-unit dwelling building. A Garden suite has its own separate cooking, sleeping, and bath/toilet facilities. Does not include two-unit dwellings, multi-unit dwellings, rooming houses, or group homes.

“General Manufacturing” means the assembly, fabrication, and/or processing of goods and materials, where such processes are housed either entirely within or outside a building.

“Golf Courses and Driving Ranges” means a tract of land laid out for playing the game of golf or for the purposes of a driving range, either accessory to or principal in nature. This term does not include miniature golf courses.

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls (as determined by the Designated Officer).

“Heavy Industrial” means the manufacture or processing, fabrication, packaging, rendering, mining, culturing, extraction or assembly of goods and resources within an enclosed building, or outdoors that may generate higher levels of nuisance and may include outside storage. This use may include operations that produce excessive noise, vibration, odour or any other means of nuisance and may include hazardous, combustible, or explosive materials.

“Height” means, when used in reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

- a. The highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; or
- b. The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of 20 degrees or more, provided that in such cases the ridge line of the roof shall not extend more than 1.524 metres (5 feet) above the building height.

“Horticultural and Garden Supply Establishments” means an establishment used for the outdoor storage and display or sale of plants, trees and other materials. This use includes greenhouses or garden centres.

“Hospital” means an institution that maintains and operates facilities for inpatient care with overnight stays, including, but not limited to, x-ray, laboratories, and surgery rooms for the diagnosis, care, and treatment of human illness, injury, an disease (either physical or mental). Out-patient care may also be provided.

“Hotel” means a use where accommodation is provided for transient lodgers, in an individual room or apartment, with or without cooking facilities. Accessory uses may include, but are not limited to, restaurants, licensed drinking establishments, banquet halls, meeting rooms and similar.

“Hunting and/or Commercial Recreation Lodges” means a commercial lodge, consisting of one main building housing owner, staff and possibly guests and optionally more buildings providing temporary rental (not lease) accommodation and food service for the customers while engaged in hunting or a recreational activity. Other accessory building or structures on site may include, but not limited to, a picnic area, temporary rental overnight camping sites and storage buildings for equipment. Various services such as outfitting, guiding and ecological hikes may be obtained at these establishments.

“Institutional Care Facility” means a premise which is intended for the training, treatment, rehabilitation, housing, care, and/or supervision of persons requiring medical assistance. Uses include nursing homes, personal care homes, retirement homes, assisted living centres, and similar.

“Junk Yards” means an open are where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled.

“Landscaping” means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which are designed to enhance the visual amenity of a site or to provide a screen between sites in order to mitigate objectionable features between them.

“Lane” means, for the purpose of this Zoning By-law, a public right-of-way which affords only a secondary means of vehicular access to abutting property.

“Light Industrial” means the manufacture or processing, modifying, blending or fabricating or previously processed or manufactures materials into a complete product. This use does not include operations that produce excessive noise, vibration, odour or any other means of nuisance, and does not include hazardous, combustible, or explosive materials.

“Livestock Auction Marts” means an enclosure or structure designed or used for holding livestock for purposes of sale and transfer by auction, consignment, or other means.

“Livestock Operation” means a permanent or semi-permanent 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.

“Livestock” means:

- a. Cattle, horses, sheep, swine, poultry and bees; or
- b. Animals of a kind raised for meat production or production of products from the animals, including breeding stock of those animals.

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

“Lodges or Private Clubs” means a hall or meeting place of a local branch for the members of an association, organization or society.

“Medical Clinic” means a building or part thereof, other than a hospital, used by medical professionals and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health, but does not include overnight accommodation or operating rooms.

“Metal Shipping Container” means a prefabricated metal structure designed for use as an individual shipping container.

“Mobile Home Park” means an area of and upon which mobile home spaces are provided and have been approved by the Council.

“Motel” means a use, not over two storeys in height, where sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Accessory uses include, but are not limited to, restaurants, licenced drinking establishments, banquet halls and meeting rooms.

“Office” means a building or portion thereof, used for the practice of a profession, business or public administration that may include administrative and clerical functions. A service to clients may also be provided, such as insurance brokerages or travel agencies.

“Outside Storage” means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.

“Owner” means an owner as defined in *the Act*.

“Parking and Loading Areas” means an area where vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a principal use.

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

“Parking Area” means an open area of land other than a street or lane, or an area within a structure used for the parking of vehicles.

“Parking Space” means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

“Parks, Picnic Areas, Playgrounds and Recreational Trails” means a development of public land specifically designed or reserved for the general public for active or passive recreational use and including landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park.

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

“Places of Worship” means a building, structure or part thereof that is used as a place of public worship. This includes churches, mosques, synagogues, temples and similar.

“Planned Unit Development” means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting or building, mixture of building/structure types and/or land uses, together with useable open spaces.

“Principal Building” means a structure on a site used to accommodate the principal use.

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

“Private Communication Facility” means outdoor equipment and structures for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communication signals. These facilities may include antennae, aerials, receiving dishes, transmission masts or towers.

“Protective and Emergency Service” means a development which is required for the public protection of personal and property from injury, harm, or damage, together with the incidental storage of equipment and vehicles. This includes fire stations, police stations, ambulance services and training facilities.

“Public Road” means a road allowance or other legally surveyed road vested in the name of Her Majesty the Queen in Right of Manitoba, and maintained by Manitoba Infrastructure or the Rural Municipality, as the case may be.

“Public Utilities and Buildings” means any system, works, plant, pipeline, equipment or services and facilities intended to provide public utility service to the general public.

“Recreation Facilities (Indoor and Outdoor)” means a development providing facilities for public sports and active recreation where patrons are predominantly participants.

“Recycling Depot” means an enclosed building including associated outdoor storage areas where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, metals, paper, rags, rubber tires and bottles.

“Rendering Plants and Abattoirs” means a use involving the slaughtering and processing of animals.

“Rental Storage Establishments” means a facility that supplies storage for rent to the public, such as self-storage units and mini-warehouses.

“Repair” means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.

“Residential Care Facility” means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervisions or transitional services to persons not related to the operator but does not include an institutional care facility.

“Resource-Related Business and Manufacturing” means an establishment that provides goods or services to the agricultural sector, including (but not limited to) farm equipment and machinery repair shops, feed and seed operations and livestock auction marts.

“Restaurants and Lounges” means a use primarily involved in the preparation and sale of food to be sold to the general public for consumption on or off the premises.

“Retail Establishments” means a use that involves the sale or rental of new or used products directly to the general public. Also includes incidental personal services, but does not include an auction establishments or wholesale establishments.

- a. **“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 465 square meters (5,000 square feet).
- b. **“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 465 square meters (5,000 square feet).

“Riding Academies or Stables” means a use associated with farming/ranching or a farmstead dwelling that involves the training of horses and riders and may include riding stables.

“Sand, Gravel and Mineral Extraction Operations” means a use involving the onsite preparation, extraction, and primary processing of raw materials found on or under the site or accessible from the site. This includes aggregate extraction, stone quarries and gravel pits, and accessory uses thereto.

“Schools” means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at all levels.

“Secondary Suite” means a self-contained accessory dwelling unit within a single-unit dwelling building. A Secondary Suite has its own separate cooking, sleeping, and bath/toilet facilities and has direct access to the outside without passing through any part of the single-unit dwelling unit. Does not include two-unit dwellings, multi-unit dwellings, rooming house, or group homes.

“Sign Copy” means letters, graphics, or characters that comprise the sign message.

“Sign Form” means:

- a. **“Business”** means a sign that identifies a business, service, institution, owner, or resident by name, logo, street address, or combination and which may direct attention to a business, service, or commodity conducted, offered, or sold on the same site.
- b. **“Identification”** means a sign that identifies a building or use by name, logo, or street address.
- c. **“Portable Sign”** means a sign which is mounted on a wheeled trailer, vehicle, stand, or similar support structure and designed to be readily moved.

“Sign Surface Area” means the area of a sign covered by a single rectangle drawn around the extremities of the message contained on the sign and, in the case of a multi-face sign, comprises half of the total of all sign faces.

“Sign Type” means:

- a. **“Attached”** means a sign that is attached to the exterior of a building. This may include fascia, awning, banner, marquee, blade, volumetric, canopy, banner, or other attached forms.

- b. **“Directional”** means a sign that indicates vehicular access to or egress from a parking or loading area.
- c. **“Free-standing”** means a sign that is supported by a permanent, independent structure and is not attached to a building. This may include pylon, pedestal, monument, and other free-standing forms.

“Sign, Accessory” means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark), flag (including banner or pennant but not the flag of any nation or government), and anything designed or intended to, or having the effect of, announcing, identifying, directing attention to, or advertising any building or use located on the same site.

“Sign, Billboard” means a sign directing attention to a business, commodity, service, item, message or entertainment conducted, sold or offered elsewhere than upon the same zoning site on which that sign is located.

“Site Area” means the computed amount of gross land area contained within the site lines.

“Site Corner” means a site that abuts the intersection of two or more public streets or that abuts the approximately perpendicular intersection of two or more frontages of the same public street.



“Site Coverage” means the percentage of the total lot area covered by buildings.

“Site Depth” means the depth of the site from the street, measured as the horizontal distance between the centre points in the front and rear site lines, generally equal to the horizontal length of the site depth line.

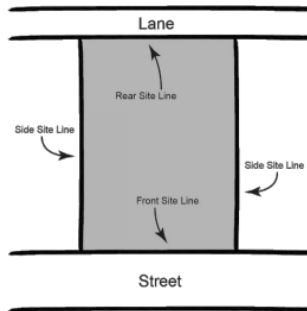


“Site Interior” means a site with frontage on only one public street.

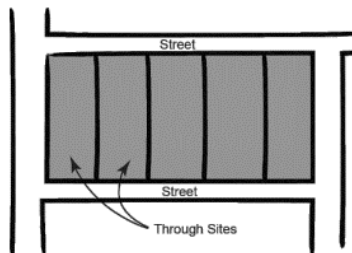
“Site Line” means one of the boundaries of a site, which include:

- a. **“Front”** means that boundary of a site along an existing or designated street. For a through site or corner site, the site lines along both streets shall be deemed front site lines. Where an irregular shaped site cannot have its site lines defined by this definition, the front site line shall be determined by the Designated Officer.

- b. **“Rear”** means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site lines defined by this definition, the rear site line shall be determined by the Designated Officer.
- c. **“Side”** means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its lines defined by this definition, the rear site line shall be determined by the Designated Officer.



“Site Through” means a site that abuts two or more public streets but does not abut the intersection of those streets.



“Site Width” means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or [40] feet from the front site line, whichever is the lesser.

“Storage, outdoor” means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale and do not constitute outdoor display, by locating them outside.

“Storey” means that portion of any building which is stated 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.

“Street” means a public thoroughfare or highway, but does not include a lane.

“Transportation Terminals and Facilities” means a use that involves the transfer, temporary storage, and distribution of cargo where trucks and trains load and unload on a routine and ongoing basis. This also includes incidental office and warehouse uses.

“Vehicle related Business including Sales, Service, Showrooms and Repair” means any establishment involved in the display, sale, rental, lease, repair and/or routine maintenance as well as associated retail sales, of motor vehicles or motor vehicle parts.

“Vehicle Wrecking and Storage” means a site upon which 2 more vehicles of any kind, which are incapable of being operated have been placed for the purpose of obtaining parts for recycling or resale.

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

“Waste Disposal Ground” means a parcel of land that is used for the disposal of solid or industrial waste. This includes landfills, dumps, and septic disposal sites.

“Wastewater Treatment Facility” means a system used to collect, store, treat, distribute and dispose of wastewater and includes the facilities and services associated with the management of wastewater.

“Water Treatment Facility” means a system used to pump, store, treat and distribute drinking water, and includes the facilities and services used in the provision of drinking water.

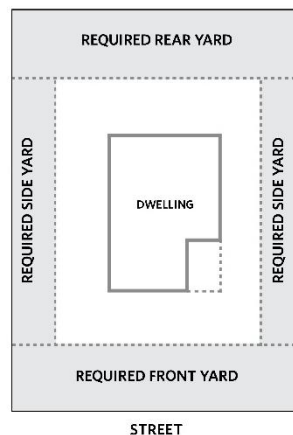
“Wholesale Establishments” means a facility where goods are distributed or sold to industrial, commercial or institutional retailers, or to other wholesalers, for resale or redistribution, but where goods are not sold to the public.

“Wildlife and Forest Management Areas” means lands designated for the protection and conservation of wildlife or forest management.

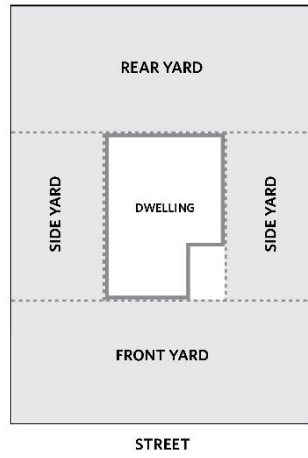
“Wind Energy Generating System” is an electrical generating facility comprised of a wind turbine and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a sub-station, temporary or permanent wind-monitoring tower(s) and access road(s).

- a. **“Wind Energy Generating System (Commercial)”** – is a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.
- b. **“Wind Energy Generating System (On-Site Use)”** – is 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) and not used to produce power for resale.
- c. **“Total Turbine Height”** means the height from finished grade to the highest vertical point of the swept rotor arc, in the case of a wind turbine with a horizontal axis rotor.

“Yard, required” means the yard measured from a front, rear, or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this by-law.



“Yard” means an open area between the exterior wall of a building and the boundaries of the site no which it is located.



PART 3 GENERAL REGULATIONS

3.1 REGULATION OF USES

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

- a. Is listed in the Use Tables as:
 - (i) A permitted principal use and its accessory uses; or
 - (ii) A conditional principal use and its accessory uses.
- b. Is a Temporary Use

3.2 ACCESSORY BUILDINGS, STRUCTURES OR USES

- a. No accessory building or structure shall be erected on any zoning site:
 - (i) Prior to the time of construction of the principal building to which it is accessory; or
 - (ii) Prior to the establishment of the principal use of the land where no principal building or structure is required;
- b. Where an accessory building or structure is structurally attached to a principal building, it shall be subject to, and must conform to all regulations of this By-law applicable to the principal building;
- c. Where an accessory building or structure detached from a principal building or structure, it shall be subject to, and must conform to all regulations of this By-law applicable to accessory buildings and structures;
- d. Detached accessory buildings may be located in any required yard of the principal building or use, except a required front yard in the **RR**, **GD** and **SR** Zone;
- e. No detached accessory buildings or structures may be located in front of the principal building in the **GD** and **SR** Zone; and
- f. No detached accessory building shall be located closer than 3.05 metres (10 feet) to any principal building, measures from the further projection, nor shall it be located closer than .61 metres (2 feet) to any site line, measured from the furthest projection.

3.3 TEMPORARY BUILDINGS, STRUCTURES OR USES

The following provisions shall apply to all temporary uses in all zones:

- a. A construction camp or other such temporary work camps, tool shed, travel trailer, concrete or asphalt batch plant or other buildings, structures or uses, including the storage of building materials and supplies, incidental to work in progress shall be permitted provided that these buildings, structures or uses remain necessary for work in progress which has not been finished or abandoned;
- b. A development permit for the above noted temporary building, structure or use, excluding the temporary storage of building materials and supplies, shall be required and subject to such terms and conditions as may be required by Council or the Designated Officer. Council reserves the right to cancel any Development Permit if the temporary building, structure or use is not required any longer or is found to be detrimental to public health and/or welfare;
- c. Each development permit issued for a temporary building, structure or use, shall be valid for a period of not more than six months and may not be renewed or re-issued for more than one additional successive period at the same location;

- d. A meteorological tower, used for climate research shall be allowed to be erected as a temporary use, subject to Council's approval for a term not exceeding three (3) years and subject to the pertinent provisions of the By-law concerning Wind Energy Generating Systems. If the meteorological tower is to remain in place after the maximum 3 year period it shall become a part of a Wind Energy Generating System;
- e. In all cases, temporary buildings and structures shall not exceed 92.9 square metres (1000 square feet) in area and one storey or 4.57 metres (15 feet) feet in height, and:
 - (i) May be used as an office space for the contractor or developer;
 - (ii) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - (iii) Shall not be detrimental to the public health, safety, convenience and general welfare.

3.4 DWELLING UNITS PERMITTED ON A PARCEL

No person may be issued a development permit to construct more than one dwelling unit or mobile home on a parcel of land, unless otherwise permitted in this By-law.

3.5 OUTSIDE STORAGE

- a. All outside storage shall be kept in a tidy and orderly fashion and not produce a noxious, offensive or unsafe condition;
- b. Outside storage within the **RR** and **SR** Zones shall
 - (i) Not be permitted in any required yard that abuts a street or lane;
 - (ii) Be screened by opaque fencing at least 6 feet (1.8 m) in height; and
 - (iii) Where permitted, outside storage of goods and materials shall not project above the height of a required fence;
- c. Outside storage of goods and materials in the **GD** Zone may be permitted, provided that:
 - (i) The storage is located to the rear of the line adjacent to and parallel with the front wall of the building;
 - (ii) The outside storage shall not be greater than 75% of the total site area; and
 - (iii) The outside storage shall not be permitted in front of the principal building.

3.6 EXTERNAL SOLID FUEL FIRED HEATING APPLIANCES

No solid fuel heating appliances, designed to be external to the building that they heat, shall be allowed as accessory buildings in the GD or RR Zones.

3.7 MUNICIPAL SERVICING

All principal buildings constructed on a site serviced by public sewer, water or hydro distribution shall be connected to such services.

3.8 BASEMENT DWELLING UNIT

Any basement dwelling unit shall comply with the provisions of this by-law, and any other by-law and *The Building and Mobile Homes Act*, and any other Act having jurisdiction.

3.9 NOXIOUS OR OFFENSIVE USES

Nothing 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 be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause, except where otherwise provided for in this By-law.

3.10 PHYSICAL HAZARDS

- a. Development in areas which, in the opinion of the Board or Council, may be subject to physical hazards shall generally be limited to agricultural or open space uses. Under special economic or social circumstances, Council may permit more intensive development if the hazard is eliminated or protected against. Development in hazardous areas shall be subject to the following requirements:
 - (i) If the land subject to flooding, all permanent structures shall be located on land which has been raised by fill to an elevation at least two (2) feet above the 200 year flood level or the flood of record, whichever is greater;
 - (ii) Land which may be eroded away within a period of 50 years shall be excluded from development unless it is demonstrated through means of a geotechnical investigation by an engineer licensed to practice in Manitoba, to the satisfaction of the Council, that the erosion process has been halted;
 - (iii) Development shall not be permitted on lands subject to bank instability, landslides or subsidence; and
 - (iv) All structures and services shall be protected against damage and shall be functional under hazard conditions.
- b. Notwithstanding the above, development will not be permitted if, as a result of the development,
 - (i) There is an added risk to life or safety; or
 - (ii) Waterflow, flow velocities or stages are adversely altered, obstructed or increased.
- c. Activities such as dumping, excavation, clearing, cultivation, or excessive grazing which will accelerate or promote dangerous erosion or bank instability shall be prohibited.
- d. In areas where the specific hazard has not been defined, permanent structures shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 60.96 metres (200 feet), whichever is greater, unless an engineering study shows that these limits may be reduced.
- e. Any RR Zone shall not be located within areas affected by flooding and shall be setback 402 metres (1320 feet) from areas potentially affected by bank instability or slumping.

3.11 PROXIMITY OF BUILDINGS AND STRUCTURES TO AIR LANDING STRIPS

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

3.12 PUBLIC ROAD ACCESS

All uses of land, buildings and structures must have legal access to an improved, all-weather public road. Alternative access shall be as determined by Council.

3.13 MULTIPLE USES

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

3.14 PUBLIC UTILITIES, SERVICES AND BUILDINGS

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any Public Utilities and Buildings or Protective and Emergency Services, as defined in this By-law. The requirements of such public works or public services shall be of a standard compatible with the adjacent area and any buildings or structures erected in any zone complies with the yard and area requirements applicable to the zone.

3.15 AREA AND YARD REQUIREMENTS

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

- a. Where yard requirements cannot be determined due to peculiar lot configuration, topography or architectural or site arrangement, the Designated Officer has the authority to make the determination;
- b. The owner of a shite shall maintain the minimum site area, site width, site depth and yards and other open spaces required herein for any use;
- c. No yard requirement of a zoning site may be applied so as to satisfy the yard requirements of another zoning site;
- d. Yards provided for a building or structure existing on the effective date of this By-law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this By-law, unless varied;
- e. All yards and other open spaces required for any use shall be located on the same zoning site as the use; and
- f. Yards shall not be required on a site which is used for horticultural purposes or for public recreational purposes.

3.16 PROJECTIONS INTO REQUIRED YARDS

The following elements may project into or exist within a required yard as provided for in Table 3.1 below.

Table 3.1 – Projections into Yards				
Projection	Standards			
	Front Yard	Side Yard	Rear Yard	Height
Architectural Elements				
Open Terraces and Steps and Stairs	Permitted	No closer than 2 ft from the side site line.	Permitted	Maximum 4 ft.
Building features including Chimneys, Bay Windows, Alcoves or Vestibules	Maximum 5 ft.	Maximum 2 ft.	Maximum 5 ft.	n/a
Eaves, Gutters, Canopies and Awnings	Maximum 5 ft.	Maximum 2 ft., no closer than 1 ft. from side site line	Maximum 5 ft.	n/a

Decks	Maximum 5 ft.	No Closer than 2 ft. from side site line	Maximum 5 ft.	n/a
Landscaping and Site Elements				
Trees and Shrubs	Permitted	Permitted	Permitted	n/a
Trellises, flagpoles, lighting fixtures and similar	Permitted	Permitted	Permitted	n/a
Uncovered walks and driveways	Permitted	Permitted	Permitted	n/a
Fences, walls, screening and hedges	Permitted	Permitted	Permitted	(a)
Surface parking	Permitted	Permitted	Permitted	n/a
Recreational Equipment	Permitted	Permitted	Permitted	n/a
Parabolic Dish Antennae (b)	Not Permitted	Not Permitted	No closer than 3 feet to the side or rear site lines	No more than 3 feet above the maximum principal building height

NOTES

- a. The provisions of **Section 3.16** – Fences shall apply.
- b. For parabolic antennae on the roof of commercial, institutional, industrial buildings, or residential buildings three stories or more in height, the base of the dish shall not be higher than .61 metres (2 feet) above the nearest point of the roof and the dish shall not be closer than .305 metres (1 foot) from the edge of the building.

3.17 HEIGHT EXCEPTIONS

In determining whether a building or structure conforms to the maximum height permissible in any zone, the following elements shall not be considered for the purpose of height determination and, therefore, may exceed the maximum height limit:

- a. Private Communication Facilities
- b. Chimneys and flues;
- c. Steeples or domes;
- d. Elevator and stair bulkheads;
- e. Water tanks;
- f. Flagpoles, aerials and spires; or
- g. Parapet walls not more than 1.22 metres (4 feet) above the roof line.

3.18 FENCES

Fences, hedges, and similar structural or landscaping features are permitted as accessory structures in all zones. All fences and similar structures shall be constructed in accordance with the following provisions:

- a. Fences constructed in any front, side or rear yard in the **RR, GD** or **SR** Zones shall be limited to 6 feet in height unless otherwise noted herein;
- b. Fences constructed in front of the front wall of a principal building in the **RR, GD** or **SR** Zones shall be limited to 4 feet in height;
- c. Notwithstanding any other provision found within this By-law, security fencing (including electric, barbed wire, razor wire or other deterrents) shall be prohibited in the **RR, GD** and **SR** Zones; and
- d. Fences shall not be constructed out of debris, junk or waste materials.

3.19 STORAGE AND SCREENING OF DERELICT AUTOMOBILES, PARTS AND OTHER MACHINERY

- a. Notwithstanding any other requirements of this By-law, there shall be no storage of derelict automobiles, parts or any other machinery in any required front, side or rear yard within the **GD, RR** or **SR** Zones, unless approved by Council.
- b. Where there is to be storage of derelict automobiles, parts and other machinery outside of a building in the **GD, RR** or **SR** Zones, a continuous compact hedge or continuous row of evergreens trees, which will create a hedge effect expected to attain a height of not less than six feet (or a six foot high fence which cannot be seen through) shall be provided and maintained along the periphery of the storage area in a manner that conceals the stored materials from any public street or road or an adjacent land use.
- c. In Agricultural Zones, storage of derelict vehicles or any other machinery as an accessory use shall be limited to fifteen vehicles/machinery.

3.20 CORNER ALIGNMENTS

No fence, wall, structure, hedge, shrubs, or other horticultural landscape features shall be erected or placed in such a manner as to produce a fence effect or obstruction greater than 0.76 metres (2.5 feet) above the average level of the road surface shall be permitted on corner sites in **GD** Zone site which are:

- a. an area formed by the intersecting street lines and a straight line joining points on the said street lines 3.05 metres (10 feet) from the point of intersection of the street lines; or
- b. an area formed by the intersecting street and lane lines 3.05 metres (10 feet) from the point of intersection of the street and lane lines.

3.21 PARKING AND LOADING

3.21.1 GENERAL PARKING REGULATIONS

- a. All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by variation order to locate elsewhere than on the same zoning site with the building, structure or use served.
- b. Lighting provided for parking areas shall be shielded and directed away from adjoining residential areas and generally confined to the site.
- c. The surface of an accessory off-street parking area, and the access driveways thereto shall be surfaced and design in such a manner that there will be no free flow of water onto either adjacent properties or a public sidewalk.
- d. Accessory off-street parking areas provided for a use shall be used exclusively for the parking of employees, occupants, patrons or visitors of such use, unless otherwise permitted herein, and shall not be used for motor vehicle repair work or similar such uses.
- e. When any building, structure or use in existence on the effective date of this By-law is subsequently damaged or destroyed, and is reconstructed or re-established, the accessory off-street parking spaces maintained at the time of such damage or destruction shall be restored or continued in operation.
- f. Accessory off-street parking spaces in existence on the effective date of this By-law or amendments thereto shall not be further reduced below the parking requirements for a similar new building or use under the provisions of this Section.

3.21.2 PARKING SPACES REQUIRED

No person shall erect, enlarge, or change the use of a site without providing and maintaining a minimum number of parking spaces in accordance with the table below.

Table 3.2 – Required Off-Street Parking Spaces	
Use Category/Specific Use	Required Parking Spaces (a)
RESIDENTIAL AND RESIDENTIAL RELATED	
Single Unit Dwellings	1.0 space per dwelling unit
Cottage Dwellings	1.0 space per dwelling unit
Two Unit Dwellings	1.0 space per dwelling unit
Multi-unit Dwellings	1.0 space per dwelling unit (b)
Mobile Home Dwellings	1.0 space per dwelling (c)
Other Residential uses	As determined by Council
COMMERCIAL, CULTURAL AND ENTERTAINMENT, AND PRIVATE MOTOR VEHICLE	
General Commercial or Retail	1.0 space per 500 sq. ft. of floor area
Hotels/Motels/Hostels	1.0 space per room or sleeping unit
Restaurants and Lounges, Drinking Establishments	1.0 space per 100 sq. ft. of floor area
All other Commercial uses	2 spaces minimum
Arts Centres, Galleries and Libraries	1.0 space for each 5 persons permitted under the occupant load limit
Community Centres or Community Clubs	1.0 space for each 5 persons permitted under the occupant load limit
Lodge or Private Clubs	1.0 space per 100 sq. ft. of assembly room floor area
All other Cultural and Entertainment uses	2 spaces minimum
All Private Motor Vehicle uses	2 spaces minimum
PUBLIC AND INSTITUTIONAL	
Administrative Buildings and Offices	1.0 space per 500 sq. ft. of floor area
Child Care Facility	1.0 space per 500 sq. ft. of floor area
Clinics	1.0 space per 500 sq. ft. of floor area
Hospital	1.0 space per 10 beds or sleeping units plus 1.0 space per 3 employees
Institutional Care Facility	1.0 space per 10 beds or sleeping units plus 1.0 space per 3 employees on the largest shift
Places of Worship	1.0 space for each 5 persons permitted under the occupant load limit
Schools	1.0 space per 100 sq. ft. of assembly room floor area; and 1.5 spaces per classroom
Recreation facilities (Indoor and Outdoor)	Indoor: 1.0 space for each 5 persons permitted under the occupant load limit Outdoor: 1.0 space per 5 seats or 10 ft. of bench space in assembly area. Where there are no fixed seats, 1.0 space per 100 sq. ft. of floor area.
All other Public and Institutional Uses	2 spaces minimum
TRANSPORTATION AND UTILITY, AND INDUSTRIAL	
Transportation Terminals and Facilities	1.0 space per 2000 sq. ft. of floor area; or
All other Transportation and Utility uses	2 spaces minimum
All Industrial uses	1.0 space per 2000 sq. ft. of floor area

AGRICULTURAL	
Resource-Related Business and Manufacturing	1.0 space per 2000 sq. ft. of floor area; or
All other Agricultural uses	n/a

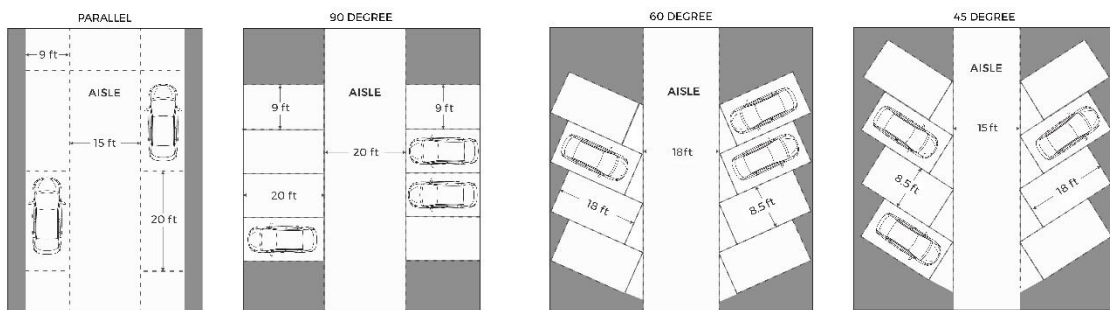
TABLE NOTES

- a. When the computation of the number of accessory off-street parking spaces required by this By-law results in a fractional amount, the required spaces shall be rounded up to the nearest whole number.
- b. For multi-unit dwellings with shared parking facilities, 1.5 parking spaces per dwelling unit shall be required and 20% of the required parking spaces shall be unassigned guest parking readily available to an entrance of the building to be served.
- c. In the case of a mobile home park, each mobile home space shall require 1.0 parking space.

3.21.3 PARKING SPACE DIMENSIONS

- a. Parking space dimensions may vary depending on the angle measured perpendicular to the axis of the access aisle of the space provided. The dimensions of parking spaces shall be in accordance with Table 3.3 – Parking Dimensions.
- b. Where an aisle serves two (2) different types of angled parking, which are located across from each other, the largest required access aisle shall be provided.
- c. Where access to a parking space is directly from a street or lane, the width of the adjacent street or lane may be computed as part of the required aisle width.

Table 3.3 – Parking Space Dimensions			
Angle of Parking	Width	Length	Aisle
Parallel	9 feet	20 feet	15 feet
90 degrees	9 feet	20 feet	20 feet
60 degrees	8.5 feet	18 feet	18 feet
45 degrees	8.5 feet	18 feet	15 feet



3.21.4 GENERAL LOADING REGULATIONS

- a. The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles and shall not be used to satisfy any accessory off-street parking space requirements or portion thereof.
- b. Accessory off-street loading spaces shall not be permitted in a required front yard, side yard or any special side yard along a zone boundary, unless otherwise provided for herein.

3.21.5 **LOADING SPACES REQUIRED**

No person shall erect, enlarge, or change the use of a site without providing and maintaining a minimum number of loading spaces in accordance with the table below.

Table 3.4 – Required Loading Spaces	
Use	Number of Spaces Required
Industrial uses up to and including 5,000 square feet	1.0 loading space
Industrial uses 5,001 square feet up to and including 15,000 square feet	2.0 loading spaces
Industrial uses 15,001 square feet up to and including 40,000 square feet	3.0 loading spaces
Industrial uses over 40,000 square feet	3.0 loading spaces plus 1 space for each additional 25,000 square feet or portion thereof exceeding 40,000 square feet
Commercial uses	1.0 loading spaces per 5,000 square feet (gross)
Multi-unit dwellings with shared parking	1.0 loading space

3.22 **ACCESSORY SIGNS**

Accessory signs are regulated in this By-law in order to achieve compatibility among adjacent properties and with the public realm, including through measures intended to sufficiently provide for building and business identification. Signs are organized in this By-law by type and form. The provisions in this section apply only to accessory signs and not billboard signs.

3.22.1 **GENERAL SIGN REGULATIONS**

The following provision shall apply to all accessory signs in all Zones except wherein otherwise provided for in this By-law:

- a. All signs are subject to the issuance of a development permit unless otherwise stated in this Section;
- b. No accessory sign shall exceed 25% of the area of the front façade of the principal building to which it is accessory;
- c. No sign or sign structure shall be erected, operated, used, or maintained which:
 - (i) May be located in such a manner as to materially impede the view of any street or highway intersection or railroad crossing;
 - (ii) May interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device;
 - (iii) Displays lights or rotating beams that resemble an emergency light;
 - (iv) Moves in whole or in part in a swinging motion;
 - (v) Is located within 38.1 metres (125 feet) of a Provincial Trunk Highway and Provincial Road right-of-way, except where permitted by the proper Provincial authority; and
 - (vi) Is located on, over or above any land or public right-of-way or sidewalk, owned by the municipality except where approved by Council.

3.22.2 **SIGNS NOT SUBJECT TO THIS BY-LAW**

The following signs are not subject to the regulations of this By-law, however, this shall not relieve the owner or responsible party from erecting and maintaining the signs in a safe condition:

- a. Signs required to be maintained by law or governmental order, rule or regulation;

- b. Memorial signs or tablets of non-combustible material when built into or attached to the walls of a building or other structure;
- c. Signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossings, danger and other emergency signs;
- d. Signs required for direction and convenience of the public not exceeding .2 square metres (2 square feet) in area including signs which identify rest rooms, parking areas, entrance and exit signs;
- e. One temporary real estate sign for the sale of property only, not to exceed a maximum of 2.79 square metres (30 square feet) in area, and where said sign is freestanding, no higher than 1.83 metres (6 feet) above grade;
- f. Election signs pursuant to federal and provincial regulations;
- g. One, non-illuminated temporary construction sign not to exceed a maximum of 4.65 square metres (50 square feet) in area, and when said sign is freestanding, no higher than 6.1 metres (20 feet) above grade.

3.22.3 SIGNS MAINTENANCE

The following provisions apply to sign maintenance within the Municipality of Rural Municipality of Rosedale:

- a. Signs and sign structures shall be maintained and kept in good state of repair.
- b. All abandoned signs must be demolished or removed from the property to which they are associated.
- c. Where a business service or activity ceases to operate, business identification signage must be removed or relocated within 30 days.
- d. Where the Designated Officer deems a sign structure to be abandoned or in disrepair, or its content to be obsolete, an order may be sent by registered mail to the owner or responsible party, ordering its repair, removal or update within 30 days of the date of notice. Failure to comply with such order may result in the removal of the sign by the Municipality at the expense of the owner or the responsible party.

3.22.4 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The following signs are permitted and may be installed without the issuance of a development permit:

- a. One identification sign not exceeding .14 square meters (1.5 square feet) in area for single unit dwellings, two unit dwellings, and mobile homes;
- b. One residential neighbourhood identification sign, provided approval for the design, location, maintenance and erection are granted by Council;
- c. One identification sign not exceeding 4.65 square metres (50 square feet) in area for institutional uses;
- d. One identification or business sign, attached or freestanding, one square foot of sign surface area for each linear foot of site width but not exceeding 9.29 square metres (100 square feet) for any permitted or conditional use in the industrial zones;
- e. Temporary construction signs not exceeding 2.97 square metres (32 square feet) in area; and
- f. Any sign that cannot be seen from off the premises.

3.22.5 PROHIBITED SIGNS

The following signs shall be prohibited in all Zones:

- a. Animated signs;
- b. Roof signs;

- c. Inflated display signs; and
- d. Painted signs on fences or roofs.

3.22.6 SIGN BULK STANDARDS

All accessory signs, freestanding or attached to a building, must comply with the standards shown in Table 3.5 Use Specific Sign Standards, and the associated yard setbacks where applicable. For the purposes of this By-law, an attached sign includes awning, canopy, fascia, projecting, and window sign forms.

Table 3.5 – Use Specific Sign Standards				
USE CATEOGORY AND USE	SIGN TYPE	SIGN FORM	MAXIMUM STANDARDS	
			SURFACE AREA	HEIGHT
RESIDENTIAL AND RESIDENTIAL-RELATED				
Multi-unit Dwelling	Identification	Attached	24 sq.ft.	Below top floor ceiling
		Freestanding	24 sq.ft.	10 ft.
COMMERCIAL, CULTURAL AND ENTERTAINMENT, AND PRIVATE MOTOR VEHICLE				
General	Identification or Business	Attached	25% of the front façade of the principal building, for single occupancy, to a maximum of 200 sq. ft.; Combined maximum of 600 sq. ft. for multiple occupancy.	Below top floor ceiling
		Freestanding	250 sq. ft. for first 100 ft. of street frontage and each 100 ft. thereafter, up to a maximum of 500 sq. ft.	35 ft.
PUBLIC AND INSTITUTIONAL				
General	Identification	Attached or Freestanding	50 sq. ft.	If attached, below top floor ceiling; If freestanding, 35 ft.
INDUSTRIAL				
General	Identification or Business	Attached or Freestanding	25% of the front façade of the principal building up to a maximum of 250 sq. ft.	35 ft.
	Directional	Attached or Freestanding	1 sign per entrance or exit, 12 sq. ft. per sign; 2 signs per combined entrance/exit, 12 sq. ft. per sign	n/a
TRANSPORTATION AND UTILITY, AND AGRICULTURAL				
General	Identification	Attached or Freestanding	32 sq. ft.	35 ft.
	Directional	Attached or Freestanding	n/a	n/a

3.22.7 MOBILE SIGN REGULATIONS

All mobile signs shall be developed in accordance with the following regulations and as specified in Table 3.6 Mobile Sign Standards and the following provisions:

- a. Mobile signs are not permitted in the **RR** or **SR** Zones or on residential sites in any other Zone;
- b. No mobile sign shall be located within 3.05 metres (10 feet) from the nearest part of any exit or entrance driveway or within a required off-street parking space.
- c. A mobile sign shall only be established on a temporary basis by the Designated Officer. Each Development Permit issued for a mobile sign shall be valid for the period specified by the Designated Officer, up to 6 months in duration. Renewal of the term will be at the discretion of the Designated Officer.

Table 3.6 – Mobile Sign Standards			
Zone	Number of Signs	MAXIMUM STANDARDS	
		SURFACE AREA	HEIGHT
AG, AGR, AG-L1, GD	1 sign per lot, where lot borders a single public street	50 sq. ft.	10 ft.
	1 sign per frontage, where lot borders more than one public street	50 sq. ft.	10 ft.
	2 signs may be established, no less than 50 ft. apart, where lot dimension along public street exceeds 100 ft.	50 sq. ft.	10 ft.

3.22.8 ELECTRONIC SIGNS

Digital copy signs and digital reader boards must:

- a. Have 6 second minimum hold times before transitions and 0.25 second maximum transition times;
- d. Not exhibit moving or animated content;
- e. Not exceed 3.2 lux above ambient light condition brightness levels; and
- f. Use automatic dimming.

PART 4 ZONES

4.1 LAND USE CATEGORIES

Land use in this By-law is organized on the basis of Use Categories. The intent is to group uses with common functional or physical characteristics into broader categories. Use Categories organize a range of uses that are permitted, condition, and accessory within the Rural Municipality of Rosedale. The uses listed under the Use Categories are inclusive; an exhaustive list is not provided. Use Categories include:

- a. Residential and Residential Related consists of uses primarily associated with living accommodation, including private dwellings and residential care facilities;
- b. Commercial Use consists of uses primarily associated with the sale or rental of goods, services, and offices;
- c. Cultural and Entertainment consists of uses primarily associated with the viewing of an interaction with cultural materials and with indoor and outdoor entertainment venues;
- d. Private Motor Vehicle-related consists of uses primarily associated with the repair, storage, or movement of cars, trucks, motorcycles, recreational vehicles, boats, snowmobiles, trailers, and similar vehicles. This category also includes fuel sales, drive-in or drive-through facilities, and parking areas as a principal use of land;
- e. Transportation and Utility consists of uses primarily associated with transportation related operations such as plane, train, bus, and boat uses, utility related facilities such as electrical, heating/cooling, and public works yards but does not include processing of waste, recyclables, and solid waste;
- f. Industrial consists of uses primarily associated with manufacturing, assembly, warehousing, freight, processing, waste handling, salvage and raw material handling and storage;
- g. Agricultural consists of uses primarily associated with farming, ranching, horticulture, floriculture, viticulture, and apiculture; and
- h. Accessory consists of uses commonly established in conjunction with or subsequent to the establishment of a principal use or uses of land. Where the Use Table identifies a use in the Accessory Use Category, that use may only be established as an accessory use.

4.2 ESTABLISHMENT OF ZONES

In order to carry out the intent and purpose set forth in this By-law, and that of the Neepawa and Area Planning District Development Plan, the zone names and abbreviations in this section are hereby established. The descriptions of zones contained in this section are intended to assist in selecting the appropriate zone for different types of land, and to assist in identifying the intended character of each district. Whenever there is a conflict between any zone description and a substantive requirement in other sections of this By-law, the substantive requirements shall apply.

4.2.1 AGRICULTURAL ZONES

- a. The **Agricultural General Zone (AG)** provides for a full range of agricultural uses and activities, including livestock operations and preserves land for agricultural purposes.
- b. The **Agricultural Restricted Zone (AGR)** provides for agricultural uses and activities on a restricted basis in areas in order to avoid potential land uses conflicts with livestock operations. This zone also provides for the preservation of land for agricultural purposes and various rural land uses that are compatible with agricultural activities.

- c. The **Agricultural Limited 1 Zone (AG-L1)** provides for the preservation of land for agricultural purposes and various rural land uses that are compatible with each other and the specific sensitive nature of the zone’s natural resources and adjacent land uses. This zone provides for new and expansion of existing livestock operations in a limited manner.

4.2.2 RURAL RESIDENTIAL ZONE

The **Rural Residential Zone (RR)** provides for small-holding, non-farm residential development, not typically serviced by municipal water and/or sewer.

4.2.3 GENERAL DEVELOPMENT ZONE

The **General Development Zone (GD)** provides for a compatible and orderly mix of urban land uses and activities, including residential, commercial and industrial uses that are better located in unincorporated urban centres, hamlets or small rural settlements.

4.2.4 SEASONAL RECREATION ZONE

The **Seasonal Recreation Zone (SR)** provides for development and accommodation of seasonal recreational uses within the municipality.

4.3 LAND USE REGULATIONS

4.3.1 USE TABLE

No new use or expansion of an existing use in any zone may be establish except in conformity with Table 4.1 – Use Table.

Table 4.1 – Use Table							
USE	ZONE						Use Specific Regulation
	AG	AGR	AG-L1	RR	GD	SR	
AGRICULTURAL							
Agricultural Uses	P	P	P	-	-	-	
Agricultural Uses, Specialized	P	P	P	-	-	-	
Agricultural Education Centres	P	P	P	-	-	-	
Livestock Auction Marts	P	P	P	-	-	-	
Livestock Operations, expanding up to 99 AU	p*	C*	p*	-	-	-	See 5.9
Livestock Operations, new up to 99 AU	p*	-	p*				See 5.9
Livestock Operations, new or expanding 100 AU – 299 AU	p*	-	p*	-	-	-	See 5.9
Livestock Operations, new or expanding 300 AU – 800 AU	C*	-	-	-	-	-	See 5.9
Livestock Operations, new or expanding 801+ AU	C*	-	-	-	-	-	See 5.9
Resource-Related Business and Manufacturing	P	P	P	-	C	-	
RESIDENTIAL AND RESIDENTIAL-RELATED							
Cottage, including Mobile Home as Cottage	-	-	-	-	-	P	
Dwelling, Multi Unit	-	-	-	-	P	-	
Dwelling, Single Unit, including Mobile Home	C	C	C	P	P	-	
Dwelling, Two Unit	-	-	-	-	P	-	
Mobile Home Parks	-	-	-	-	C*	C*	See 5.6
Residential Care Facility, four or fewer persons	C	C	C	P	P	-	

Table 4.1 – Use Table

USE	ZONE						Use Specific Regulation
	AG	AGR	AG-L1	RR	GD	SR	
Residential Care Facility, five to ten persons	C	C	C	C	P	-	
COMMERCIAL							
Agricultural Implement Sales, Service and Repair	P	P	P	-	P	-	
Business Offices and Financial Institutions	-	-	-	-	P	-	
Drinking Establishments	-	-	-	-	C	-	
Drive-in or Drive-thru Establishments	-	-	-	-	P	-	
Farm Vacation Establishments	P	P	P	-	-	-	
Game Farms	C	C	C	-	-	-	
Hotels/Motels	-	-	-	-	P	C	
Horticultural and Garden Supply Establishments	C	C	C	-	C	-	
Hunting and/or Commercial Recreation Lodges	C	C	C	-	-	C	
Restaurants and Lounges	-	-	-	-	P	C	
Retail Establishment, Large	-	-	-	-	P	-	
Retail Establishment, Small	-	-	-	-	P	C	
CULTURAL AND ENTERTAINMENT							
Arts Centres, Galleries and Libraries	-	-	-	-	C	-	
Community Centres or Community Clubs	-	-	-	-	C	-	
Exhibition Grounds	C	C	C	-	C	-	
Lodges or Private Clubs	-	-	-	C	P	C	
Riding Academies or Stables	P	P	P	C	-	-	
PUBLIC AND INSTITUTIONAL							
Administrative Buildings and Offices	-	-	-	-	P	-	
Animal Hospitals and Veterinary Clinics	C	C	C	-	P	-	
Animal Pounds and Kennels	C	C	C	-	-	-	
Camping and Tenting Grounds	C	C	C	-	-	P	
Cemeteries	C	C	C	-	-	-	
Child Care Facility	-	-	-	-	P	-	
Clinics	-	-	-	-	P	-	
Golf Courses and Driving Ranges	C	C	C	-	C	C	
Group Camps	C	C	C	-	-	-	
Hospitals	C	C	C	-	P	-	
Institutional Care Facility	-	-	-	-	P	-	
Parks, Picnic Areas, Playgrounds and Recreational Trails	P	P	P	P	P	P	
Places of Worship	C	C	C	C	P	-	
Public Utilities and Buildings	P	P	P	P	P	P	
Recreation Facilities (Indoor)	-	-	-	-	P		
Recreation Facilities (Outdoor)	-	-	-	-	P	C	

Table 4.1 – Use Table

USE	ZONE						Use Specific Regulation
	AG	AGR	AG-L1	RR	GD	SR	
Schools	-	-	-	-	P	-	
Wildlife and Forest Management Areas	P	P	P	P	-	P	
PRIVATE MOTOR VEHICLE							
Car Washes	-	-	-	-	C	-	
Fuel Sales	-	-	-	-	P	-	
Parking and Loading Areas	-	-	-	-	P	-	
Vehicle-Related Businesses, including Sales and Service, Showrooms and Repair	-	-	-	-	P	-	
TRANSPORTATION AND UTILITY							
Air Landing Strips and associated facilities, necessary to an agricultural or industrial establishment	C	C	C	-	-	-	
Protective and Emergency Services	P	P	P	P	P	P	
Recycling Depot	C	-	C	-	C	-	
Transportation Terminals and Facilities	-	-	-	-	C	-	
Waste Disposal Grounds	C*	-	C*	-	-	-	See 5.3
Water or Wastewater Treatment Facility	C*	C*	C*	C*	C*	C*	See 5.2
Wind Energy Generating System (Commercial)	C*	C*	C*	-	-	-	See 5.7.1
INDUSTRIAL							
Anhydrous Ammonia Storage Facilities	C*	C*	C*	-	C*	-	See 5.4
Building Materials Sales and Storage	-	-	-	-	C	-	
Concrete, Cement and Asphalt Batching Plants	C	-	C	-	-	-	
Contractor's Establishments	-	-	-	-	C	-	
Dangerous Goods or Agrichemical Storage Facilities	C*	C*	C*	-	C*	-	See 5.5
General Manufacturing	-	-	-	-	C	-	
Heavy Industrial	-	-	-	-	C	-	
Junkyards	C	C	C	-	-	-	
Light Industrial	-	-	-	-	C	-	
Rendering Plants and Abattoirs	C	C	C	-	C	-	
Resource-Related Business and Manufacturing	P	P	P	-	C	-	
Sand, Gravel and Mineral Extraction Operations	C*	C*	C*	-	-	-	See 5.16
Vehicle Wrecking and Storage	C	C	C	-	-	-	
Warehouses and Storage Establishments	-	-	-	-	C	-	
Wholesale Establishments	-	-	-	-	C	-	
OTHER							
Existing Uses	P	P	P	P	P	P	
Planned Unit Developments	-	-	-	-	C*	C*	See 5.12

4.3.2 ACCESSORY USE TABLE

No person may establish an accessory use unless the building or structure complies with the Accessory Use Table and any other regulations in this section.

Table 4.2 – Accessory Use Table							
USE	ZONE						Use Specific Regulation
	AG	AGR	AG L1	RR	GD	SR	
All other accessory uses not herein listed	C	C	C	C	C	C	
Animal Keeping up to .30 A.U. per acre (f)	p*	p*	p*	C*	-	-	See 5.8
Animal Keeping up to .50 A.U. per acre (g)	P	P	P	-	-	-	See 5.8
Any building or structure, excluding dwellings, necessary for the operation, maintenance or administration of a permitted or conditional use	P	P	P	P	P	P	
Bed and Breakfast (a)	P	P	P	P	P	P	
Community Halls and Rinks (d)	C	C	C	-	-	-	
Dwelling (b)	-	-	-	-	P	-	
Farmstead Dwellings (e)	P	P	P	-	-	-	
Home Industries	C*	C*	C*	C*	-	-	See 5.11.2
Home Occupations	C*	C*	C*	C*	C*	C*	See 5.11.1
Metal Shipping Containers	p*	p*	p*	p*	p*	p*	See 5.14
Outside Storage	P	P	P	-	P	-	
Parabolic Dish Antennas	P	P	P	P	P	P	
Place of Worship (d)	C	C	C	-	-	-	
Playhouses, Garden House, Private Greenhouse, Summer House (gazebo, sun room or screen room), Swimming Pools and Hot Tubs, Private Garages, Carports, Covered Patios, Tool Houses, Sheds, Incinerators and similar uses (a)	P	P	P	P	P	P	
Private Communication Facilities	p*	p*	p*	p*	p*	p*	See 5.13
Retail (c)	C	C	C	-	P	-	
Secondary Suites, including Garden Suites	p*	p*	p*	p*	p*	-	See 5.10
Signs – see sign provisions	p*	p*	p*	p*	p*	p*	See 3.19
Staff Dwelling (h)	C	C	C	-	-	-	
Wind Energy Generating System (On-site)	p*	p*	p*	p*	p*	p*	See 5.7.2
TABLE NOTES							
<p>a. When accessory to a principal or accessory residential use.</p> <p>b. When required for a watchman or caretaker employed upon the premises of a commercial or industrial use or in the second storey or rear of commercial use.</p> <p>c. When incidental to another permitted or conditional commercial or industrial use.</p> <p>d. When incidental to and developed on an existing farm.</p> <p>e. When accessory to an agricultural use and includes a single-unit dwelling or mobile home.</p> <p>f. When accessory to a principal residential use.</p> <p>g. When accessory to a principal residential or agricultural use.</p> <p>h. When located on the same site with a permitted or conditional agricultural uses where, in the opinion of Council, said dwelling is essential for the maintenance, operation, and care of the permitted or conditional agricultural use. This use may include a secondary suite or mobile home.</p>							

4.3.3 BULK TABLE

No person may erect a building or structure in any zone unless the building or structure complies with the Bulk Table and any other regulations in this section.

Table 4.3 – Bulk Table							
PERMITTED OR CONDITIONAL USE	ZONE	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Use Specific Standard
Accessory Uses, Buildings and Structures (e)	AG AGR AG-L1	-	-	125	50	50	See 5.1, 5.10, 5.11, 5.14, and 5.15
	RR	-	-	50	15	15	
	GD	-	-	30	6	5	See 5.1, 5.10, 5.11, 5.15
	SR	-	-	30	5	0	
AGRICULTURAL							
Agricultural Uses	AG AGR AG-L1	80	660	125	125	125	-
Agricultural Uses, Specialized	AG AGR AG-L1	10	330	125	125	125	-
Agricultural Education Centres	AG AGR AG-L1	10	330	125	50	50	-
Livestock Auction Marts	AG AGR AG-L1	5	250	125	70	50	-
Livestock Operations (f)	AG	80	1000	328	328	328	See 5.9
	AGR	80	2000	328	328	328	
	AG-L1	80	1000	328	328	328	
Resource-Related Business and Manufacturing	AG AGR AG-L1	5	250	125	70	50	-
	GD	20,000 sq. ft.	100	20	10	25	-
RESIDENTIAL AND RESIDENTIAL RELATED							
Cottage, including Mobile Home as Cottage <i>Note: minimum dwelling unit area does not apply to Mobile Home</i>	SR	30,000 sq. ft.	100	30	10	25	-
		400 sq. ft. minimum dwelling unit area					
Dwelling, Farmstead	AG AGR AG-L1	2	200	125	50	50	-
Dwelling, Multi Unit	GD	20,000 sq. ft.(g)	100	30	12(h)	25(i)	-
		400 sq. ft. minimum dwelling unit area; Maximum site coverage shall be 60%					
Dwelling, Single Unit, including Mobile Home	AG AGR AG-L1	2(j)	200	125	50	50	-
		400 sq. ft. minimum dwelling unit area					

Table 4.3 – Bulk Table

PERMITTED OR CONDITIONAL USE	ZONE	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Use Specific Standard
<i>Note: minimum dwelling unit area does not apply to Mobile Home</i>	RR	2	150	50	30	30	-
		700 sq. ft. minimum dwelling unit area					
	GD	15,000 sq. ft.(k)	100(k)	30	12(h)	25(i)	-
		700 sq. ft. minimum dwelling unit area					
Dwelling, Two Unit	GD	15,000 sq. ft.	100	30	12(h)	25(i)	-
Mobile Home Parks	GD SR	-					See 5.6
Residential Care Facility, four or fewer persons	AG AGR AG-L1	2(j)	200	125	50	50	-
	RR	2	200	50	30	30	-
	GD	15,000 sq. ft.	100	30	12	25	-
Residential Care Facility, four or fewer persons	AG AGR AG-L1	2	200	125	50	50	-
	RR	2	200	50	30	30	-
	GD	15,000 sq. ft.	100	30	12	25	-
COMMERCIAL							
Agricultural Implement Sales, Service and Repair	AG AGR AG-L1	5	250	125	70	50	-
	GD	1	100	20	10	25	-
Business Offices and Financial Institutions	GD	10,000 sq. ft.	100	0	5	25	-
Drinking Establishments	GD	15,000 sq. ft.	100	20	10	25	-
Drive-in or Drive-thru Establishments	GD	10,000 sq. ft.	100	20	10	25	-
Farm Vacation Establishments	AG AGR AG-L1	80	1000	325	325	325	-
Game Farms	AG AGR AG-L1	80	1000	325	325	325	-
Hotels/Motels	GD SR	20,000 sq. ft.	100	20	10	25	-
		400 sq. ft. minimum building area					
Horticultural and Garden Supply Establishments	AG AGR AG-L1	5	270	75	25	25	-
	GD	15,000 sq. ft.	100	20	10	25	-

Table 4.3 – Bulk Table

PERMITTED OR CONDITIONAL USE	ZONE	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Use Specific Standard
Hunting and/or Commercial Recreation Lodges	AG AGR AG-L1 SR	10	300	125	50	50	-
Restaurants and Lounges	GD SR	15,000 sq. ft.	100	20	10	25	-
Retail Establishment, Large	GD	15,000 sq. ft.	100	0	0	25	-
Retail Establishment, Small	GD SR	5,000 sq. ft.	50	0	0	25	-
CULTURAL AND ENTERTAINMENT							
Arts Centres, Galleries and Libraries	GD	10,000 sq. ft.	100	20	10	25	-
Community Centres or Community Clubs	GD	10,000 sq. ft.	100	20	10	25	-
Exhibition Grounds	AG AGR AG-L1 GD	5	250	125	70	50	-
Lodges or Private Clubs	RR	2	200	50	30	30	-
	GD SR	5,000 sq. ft.	50	0	0	25	-
Riding Academies or Stables	AG AGR AG-L1	20	300	125	50	50	-
PUBLIC AND INSTITUTIONAL							
Administrative Buildings and Offices	GD	15,000 sq. ft.	100	0	0	25	-
Animal Hospitals and Veterinary Clinics	AG AGR AG-L1	5	270	75	25	25	-
	GD	15,000 sq. ft.	100	0	0	25	-
Animal Pounds and Kennels	AG AGR AG-L1	5	270	75	25	25	-
Camping and Tenting Grounds	AG AGR AG-L1	5	270	75	25	25	-
	SR	2	200	30	25	25	-
Cemeteries	AG AGR AG-L1	2	200	125	50	50	-
Childcare Facility	GD	15,000 sq. ft.	100	0	0	25	-
Clinic	GD	15,000 sq. ft.	100	0	0	25	-

Table 4.3 – Bulk Table

PERMITTED OR CONDITIONAL USE	ZONE	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Use Specific Standard
Golf Courses and Driving Ranges	AG AGR AG-L1	50	575	125	50	50	-
	GD SR	1	120	20	10	25	-
Group Camps	AG AGR AG-L1	5	270	75	25	25	-
Hospital	AG AGR AG-L1	10	500	125	50	50	-
	GD	15,000	100	0	0	25	-
Institutional Care Facility	GD	25,000 sq. ft.	150	20	10	25	-
Parks, Picnic Areas, Playgrounds and Recreation Trails	AG AGR AG-L1	2	200	125	50	50	-
	RR	2	200	50	30	30	-
	GD	As determined by Council					-
	SR	2	50	30	25	25	-
Places of Worship	AG AGR AG-L1 RR	2	200	50	30	30	-
	GD	20,000 sq. ft.	100	20	10	25	-
Public Utilities and Buildings	AG AGR AG-L1	-	-	125	50	50	-
	RR	2	200	50	30	30	-
	GD	15,000 sq. ft.	100	20	10	25	-
	SR	2	50	30	25	25	-
Recreation Facilities (Indoor and Outdoor)	GD SR	10,000 sq. ft.	100	20	10	25	-
Schools	GD	5	200	20	10	25	-
Wildlife and Forest Management Areas	AG AGR AG-L1 RR SR	80	660	125	50	50	-
PRIVATE MOTOR VEHICLE							
Car Washes	GD	10,000 sq. ft.	100	0	10	25	-
Fuel Sales	GD	10,000 sq. ft.	100	0	10	25	-

Table 4.3 – Bulk Table

PERMITTED OR CONDITIONAL USE	ZONE	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Use Specific Standard
Parking and Loading Areas	GD	10,000 sq. ft.	100	0	10	25	-
Vehicle-Related Businesses, including Sales and Service, Showrooms and Repair	GD	10,000 sq. ft.	100	0	10	25	-
TRANSPORTATION AND UTILITY							
Air Landing Strips, and associated facilities, necessary to an agricultural or industrial establishment	AG AGR AG-L1	- (l)	- (l)	225 (l)	225 (l)	225 (l)	
Protective and Emergency Services	AG AGR AG-L1	-	-	125	50	50	-
	RR	2	200	50	30	30	-
	GD	15,000 sq. ft.	100	20	10	25	-
	SR	2	50	30	25	25	-
Recycling Depot	AG AGL1 GD	10,000 sq. ft.	100	20	10	25	-
Transportation Terminals and Facilities	GD	10,000 sq. ft.	100	20	10	25	-
Waste Disposal Grounds	AG AG-L1	15	500	125	100	100	See 5.3
Water or Wastewater Treatment Facility	AG AGR AG-L1 RR GD SR	10	300	125	50	50	See 5.2
Wind Energy Generating System	AG AGR AG-L1	7	300	125	50	50	See 5.7
INDUSTRIAL							
Resource-Related Business and Manufacturing	AG AGR AG-L1	5	250	125	70	50	-
	GD	20,000 sq. ft.	100	20	10	25	-
Building Material Sales and Storage	GD	1	120	20	10	25	-
Anhydrous Ammonia Storage Facilities	AG AGR AG-L1	5	250	125	70	50	See 5.4
	GD	20,000 sq. ft.	100	20	10	25	
Dangerous Goods or Agrichemical Storage Facilities	AG AGR AG-L1	5	250	125	70	50	See 5.5
	GD	20,000	100	20	10	25	

Table 4.3 – Bulk Table

PERMITTED OR CONDITIONAL USE	ZONE	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Use Specific Standard
		sq. ft.					
Concrete, Cement and Asphalt Batching Plants	AG AG-L1	10	300	125	100	100	-
Contractor’s Establishments	GD	20,000 sq. ft.	100	20	10	25	-
General Manufacturing	GD	20,000 sq. ft.	100	20	10	25	-
Heavy Industrial	GD	20,000 sq. ft.	100	20	10	25	-
Junkyards	AG AGR AG-L1	5	270	125	50	50	-
Light Industrial	GD	20,000 sq. ft.	100	20	10	25	-
Rendering Plants and Abbatoirs	AG AGR AG-L1	5	270	125	50	50	-
	GD	20,000 sq. ft.	100	25	10	25	-
Sand, Gravel and Mineral Extraction Operations	AG AGR AG-L1	20	300	125	50	50	See 5.16
Vehicle Wrecking and Storage	AG AGR AG-L1	5	300	125	50	50	-
Warehouses and Storage Establishments	GD	15,000 sq.ft.	100	20	10	25	-
Wholesale Establishments	GD	20,000 sq. ft.	100	25	10	25	-
OTHER							
Existing Uses	ALL ZONES			-			-
Planned Unit Developments	GD SR			-			See 5.12
TABLE NOTES							
<p>a. The minimum yard requirements in this table apply to buildings and structures only unless otherwise indicated.</p> <p>b. All yard are subject to the requirements of <i>The Highways Protection Act</i> and <i>The Highways and Transportation Act</i> if located adjacent to at provincial trunk highway (PTH) or a provincial road (PR).</p> <p>c. Where the front, side or rear yard abuts a Municipal Road allowance, the minimum yard requirements shall be increased to 38.1 metres (125 feet).</p> <p>d. In the GD Zone, where sites comprising forty percent (40%) or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths of the buildings shall establish the required front yards of the block provided the average is less than the minimum front yard required in the GD Zone.</p> <p>e. The maximum height of accessory buildings and structures shall not exceed the height of the principal building or structure in the RR, GD or SR zones.</p> <p>f. Each livestock operation must adhere to the provisions of the Livestock Manure and Mortalities Management Regulation M.R. 42/98.</p> <p>g. 20,000 sq. ft. for the first 4 dwelling units plus 1,000 sq. ft. for each additional dwelling unit.</p>							

Table 4.3 – Bulk Table

PERMITTED OR CONDITIONAL USE	ZONE	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Use Specific Standard
h.							The minimum required yard shall be six (6) feet if the site is serviced with municipal water and wastewater, except where there is no public lane to the rear of the lot, one side yard shall be twelve (12) feet.
i.							The minimum required rear yard shall be eight (8) feet where there is a rear lane.
j.							The maximum site area shall be 10 acres, or as defined by an existing shelterbelt. Notwithstanding the requirements for a non-farm dwelling, a single-unit dwelling may occupy a site more than 10 acres provided that such an adverse situation was created by virtue of a public work, such as public right-of-way, ditch, dyke, railway, hydro transmission line, water reservoir or a public park or any other public utility or use of a like nature or by a natural river, stream, or lake, a shelterbelt, an established farmyard, or a natural topographic feature that should be contained within the site.
k.							The minimum required site area shall be 5,000 sq. ft. and the minimum required width shall be 50 feet if the site is serviced with municipal water and wastewater.
l.							Notwithstanding anything in this PART, air landing strips shall be subject to Transport Canada requirements where applicable.

PART 5 USE-SPECIFIC REGULATIONS

5.1 SWIMMING POOLS AND HOT TUBS

Private swimming pools, hot tubs, and similar structures with a water depth of greater than .61 metres (2 feet), shall be allowed as a permitted accessory use to a residential use (including when located on a farm) provided that:

- a. They meet the sitting requirements of accessory structures for the zone in which they are located;
- b. The pool area is protected by a fence with lockable gates and a minimum height of 1.83 metres (6 feet) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from crawling underneath;
- c. A development permit is issued under this bylaw; and
- d. Nothing in this subsection shall relieve any such structure from complying with the requirements under the local Building Bylaw or applicable provincial regulations including The Buildings and Mobile Homes Act and The Public Health Act.

5.2 STANDARDS FOR SEWAGE TREATMENT SITES (LAGOON)

A mutual separation distance of 402 metres (1,320 feet) shall be maintained between a habitable dwelling and a sewage treatment site or lagoon.

5.3 STANDARDS FOR WASTE DISPOSAL SITES

A mutual separation distance of 457 metres (1,500 feet) shall be maintained between a habitable dwelling and a waste disposal site. This mutual separation distance may be reduced only if it can be conclusively demonstrated by an engineering study, to the satisfaction of Council that methane gas generation will not create a problem in the habitable dwelling.

5.4 SEPARATION DISTANCES FOR ANHYDROUS AMMONIA STORAGE FACILITIES

Anhydrous Ammonia Storage Facilities shall be located at a minimum distance of:

- a. 1500 metres (5,000 feet) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens' homes, and other institutional facilities;
- b. 1500 metres (5,000 feet) away from any village or settlement centre;
- c. 500 metres (1,640 feet) from any dwelling;
- d. 50 metres (160 feet) away from any creek, stream, or environmentally sensitive area; and
- e. 100 metres (330 feet) from the edge of the right-of-way of a Provincial Road or Highway.

5.5 SEPARATION DISTANCES FOR DANGEROUS GOODS OR AGRICHEMICAL STORAGE FACILITIES

Dangerous goods or agrichemical storage facilities shall be located at a minimum distance of 50 meters (165 feet) from the site property lines in the RR and SR zones and from any residential use in the agricultural or GD zones.

5.6 SPECIAL REGULATIONS FOR MOBILE HOME PARKS

All mobile home park developments shall meet the requirements noted in Table 5.1 Mobile Home Park Bulk Table and the following:

- a. Internal roadways within Mobile Home Parks shall be as follows:
 - (i) The main collector road of the internal roadway system shall have a right-of-way a minimum width of 50 feet.
 - (ii) All other roads within the internal road system shall have a minimum width of 25 feet;
- b. A buffer area at least 20 feet in width shall be provided within and adjacent to the perimeter of a mobile home park property boundary;
- c. The buffer area provided in clause b. shall be developed as an area suitable landscaped with trees, shrubs, grass and similar horticultural features;
- d. The buffer area may be crossed by an access right-of-way a minimum of 50 ft. in width containing a driveway a minimum of 25 ft. in width, from a street to the internal roadway system;
- e. The buffer area shall contain no use other than permitted by clause c. and d. above;
- f. A mobile home park shall contain a common recreational area or open space as follows:
 - (i) The common recreational area or open space shall contain a minimum of 5% of the mobile home park area;
 - (ii) The common recreational area or open space shall not be part of the buffer area provided in clause b.;
 - (iii) The common recreational area or open space shall be bordered by a fence or hedge where it abuts any part of the internal road network;
- g. A mobile home space shall be provided with the following:
 - (i) A sewer and water connection;
 - (ii) An electrical service outlet; and
 - (iii) An adequate base support for the mobile home;

Table 5.1 – Mobile Home Park Bulk Table										
ZONE	USE TYPE	SITES		YARDS					OTHER	
		Area (sq. ft.)	Width (ft.)	Front (ft.)	Side (ft.)		Rear (ft.)		Building Distance (ft.)	Max Height (ft.)
					Int.	Corner	Lane	No Lane		
GD SR	Mobile Home Park	-	200	20	20	20	20	20	-	36
	Mobile Home Space	4,000	40	15	8	10	15	15	-	36
	Accessory	-	-	15	4	10	5	2	4	12

5.7 STANDARDS FOR WIND ENERGY GENERATING SYSTEMS

5.7.1 COMMERCIAL SYSTEMS

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. This setback distance can be reduced to .5 times the total turbine height

- where the property line(s) nearest to any given turbine define and separate properties belonging to the same landowner with a lease of the same type and duration;
- b. It is set back no less than 30 metres (100 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 402 metres (1320 feet);
 - d. The minimum separation distance between a commercial wind energy generating system tower and the nearest settlement centre, **RR** or **SR** Zone shall be 805 metres (2640 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; and
 - g. As part of their development permit application, proponents for Wind Energy Generation Systems must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system.

5.7.2 ON-SITE OR ROOFTOP SYSTEMS

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

- a. It is set back at least six 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 lot line;
- b. It is limited to a total turbine height of no more than 4.5 meters (15 feet) above the rooftop; and
- c. It is safely and securely attached to the rooftop in compliance with the Federal and Provincial Building Codes.

5.8 ANIMAL KEEPING

- a. Livestock under 10 A.U. and up to .50 A.U. per acre, including any associated buildings or structures, may be kept in agricultural zones as an accessory use provided the lot is a minimum of 2 acres in size;
- b. Livestock under 10 A.U. and up to .30 A.U. per acre, including any associated buildings or structures, may be kept in the **RR** zone as an accessory use provided the lot is a minimum of 2 acres in size; and
- c. All livestock confinement buildings and structure housing animals producing under 10 A.U. shall be located a minimum of 152.4 metres (500 feet) from a residence (other than the livestock owner's residence), and shall have a minimum side or rear yard of 15.24 metres (50 feet).
- d. Animal Keeping is not permitted within the GD Zone.

5.9 LIVESTOCK OPERATION REQUIREMENTS

- a. A permit is required for any Livestock Operation.
- b. The number of Animal Units (A.U.) for a Livestock Operation shall be determined in accordance with *the Act*. Table 5-2 reproduces the A.U. table in *the Act* for reference and it may be updated from time to time in accordance with changes to *the Act*.
- c. To provide protection for surface water bodies and water courses, all new confinement buildings and structures must be above the high water level, be outside the riparian area located along each side of the water body, and be 100 metres (328 feet) outside and above the top of the water body's upper bank.
- d. Variances may be issued to reduce separation distances found in the Zoning By-law, subject to the

policies of the NAPD Development Plan and the requirements of *the Act*.

- e. Existing livestock operations that are of a size that exceeds the limitation established in this By-law, are deemed to be non-conforming use as of the date of adoption of this By-law, and may continue to exist and operate at the animal unit capacity at which they existed on that date, even if the existing number of animal units on the adoption date of this By-law were subsequently reduced below that number of animal units for more than twelve consecutive months, by a maximum of 36 months. Expansion of these operations will be governed by the provisions of *the Act*.
- f. Existing livestock operations and single residences or designated areas that do not meet the required mutual separation distances in Table 5-3 shall be deemed to possess a variation order for their current separation distances.

Table 5.2 – Animal Unit Summary Table		
Type of Operation	Animal Units Produced by One Animal	Livestock Producing One Animal Unit
Dairy		
Milking Cows, including associated livestock	2.0	0.5
Beef		
Beef Cows, including associated livestock	1.25	0.8
Backgrounder	0.5	2.0
Summer Pasture/replacement heifers	0.625	1.6
Feeder cattle	0.769	1.3
Hogs		
Sows, farrow to finish	1.25	0.8
Sows, farrow to weanling	0.25	4.0
Sows, farrow to nursery	0.313	3.2
Weanlings	0.033	30.0
Growers/Finishers	0.143	7.0
Boars (artificial insemination operations)	0.2	5.0
Chickens		
Broilers	0.005	200.0
Roasters	0.01	100.0
Layers	0.0083	120.0
Pullets	0.0033	300.0
Broiler Breeder Pullets	0.0033	300.0
Broiler Breeder Hens	0.01	100.0
Turkeys		
Broilers	0.01	100.0
Heavy Toms	0.02	50.0
Heavy Hens	0.01	100.0
Horses		
Mares, including associated livestock	1.333	0.75
Sheep		
Ewes, including associated livestock	0.20	5.0
Feeder Lambs	0.063	16.0

5.9.1 LIVESTOCK APPLICATION - REQUIRED INFORMATION

Any development proposal for a new livestock operation or for the expansion of an existing livestock operation shall be subject to review by the Designated Officer. When reviewing a livestock operation application, the following shall be taken into consideration:

- a. The type of operation;
- b. The size of the operation, including the maximum number of animals;
- c. Water needs and supply type;
- d. The provision and location of the amount of suitable land available for disposal of manure;
- e. When the operation produces less than 300 animal units supply; Canada Land Inventory soils class for agriculture, location of surface streams and flood risk within the area of the animal housing facility and manure facility and greater surrounding area proposed for intensive use by the operation;
- f. The onsite drainage system, fencing, landscaping, shelter belts, measures to reduce odour and off-site use and maintenance of roads;
- g. Surrounding land use and compatibility with same, single uses (residential, etc.) and designated residential, recreation, urban areas and other livestock operations within a 3 kilometre radius; and
- h. A livestock operation operator is not required to own lands receiving manure.

5.9.2 APPROVAL PROCESS FOR LIVESTOCK OPERATIONS UNDER 300 ANIMAL UNITS

- a. Applications for new or expanded livestock operations shall be received by the Designated Officer.
- b. The Officer shall review the application with respect to applicable Development Plan policy, Development Plan livestock capacity maps, Zoning By-law requirements (note, an operation of this size does not require a manure management plan unless required by Manitoba Sustainable Development).
- c. Complying permitted use operations shall receive an approved Development Permit.
- d. Operations that require conditional use approval shall be advised to apply for same. Where policy requires, the proposed application shall be sent to the Technical Review Committee for a report.
- e. Non complying proposals may mean rejection or the Designated Officer may refer the application to Council and the Planning Board depending on the issue for a decision.
- f. Notification of livestock operation approval shall be sent to all Provincial agencies involved with the application.

5.9.3 APPROVAL PROCESS FOR LIVESTOCK OPERATIONS OF 300 OR MORE ANIMAL UNITS

- a. Applications for new or expanded livestock operations shall be submitted to Council through the Designated Officer of the Planning District.
- b. A copy of the application and all accompanying material shall be immediately sent to the Minister of Indigenous and Municipal Relations.
- c. The procedure defined in *the Act* for processing, reviewing and approving livestock operation application involving 300 or more animal units shall be used.

5.9.4 MUTUAL SEPARATION OF DWELLING AND LIVESTOCK OPERATIONS

Mutual separation distances between any new residential dwellings, including cottage dwellings, mobile homes, hotels, motels, eating establishments, and hospitals and any livestock building or manure storage facility producing 10 Animal Units (A.U.) or greater shall be the same as the Minimum Separation

Distances as described in Table 5-3. Livestock production operators that have their residences located on the same site as the Livestock Operation are excluded from this requirement. The mutual separation distance is deemed to be a yard requirement consistent with the provisions contained in *the Act*.

5.9.5 MUTUAL SEPARATION OF DESIGNATION RESIDENTIAL AREAS AND LIVESTOCK OPERATIONS

Mutual separation distances between any designated residential, rural residential, seasonal residential, recreation area or park identified in the Development Plan and any Livestock Building or manure storage facility producing 10 Animal Units (A.U.) or greater shall be the same as the Minimum Separation Distances as described in Table 5-3.

Table 5.3 – Minimum Separation Distances for Siting Livestock Operations (a)				
Size of Livestock Operation in A.U.	Separation Distance in Metres (Feet) from a Residence		Separation Distance in Metres (Feet) from a Designated Area	
	To Earthen Manure Storage Facility or Feed Lot	To Animal Confinement or Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feed Lot	To Animal Confinement or Non-earthen Manure Storage Facility
10-100	200 (656)	100 (328)	800 (2,625)	530 (1,739)
101-200	400 (1,312)	400 (1,312)	1,200 (3,937)	800 (2,625)
201-300	400 (1,312)	400 (1,312)	1,600 (5,246)	1,600 (5,249)
301-400	450 (1,476)	400 (1,312)	1,800 (5,906)	1,600 (5,249)
401-800	800 (2,625)	800 (2,625)	2,000 (6,561)	1,600 (5,249)
801-1,600	800 (2,625)	800 (2,625)	2,400 (7,874)	1,600 (5,249)
1,601-3,200	800 (2,625)	800 (2,625)	2,800 (9,186)	1,870 (6,135)
3,201-6,400	800 (2,625)	800 (2,625)	3,200 (10,499)	2,130 (6,988)
6,401-12,800	900 (2,953)	800 (2,625)	3,600 (11,811)	2,400 (7,874)
>12,800	1,000 (3,281)	800 (2,625)	4,000 (13,123)	2,670 (8,760)

a. Applies to new and expanding Livestock Operations and new residences only.

5.10 SECONDARY SUITES

A Secondary Suite is permitted as an accessory use to a single unit dwelling located in any zoning district provided that:

- a. The principal dwelling is on a lot of not less than 372 square metres (4000 square feet);
- b. Properties containing a Secondary Suite contain a minimum of 2 off-street parking spaces;
- c. The Secondary Suite not exceed a floor area of 75 square metres (800 square feet) or 40% of the floor area of the principal building, whichever is less;
- d. The Secondary Suite contains a minimum of 2 rooms, one of which being a bathroom;
- e. Only 1 entrance to the residence is visible from the front street, unless the residence contained an additional street-facing entrance prior to the creation of the Secondary Suite;
- f. Only 1 Secondary Suite is permitted per single unit dwelling. Where a lot already contains a single unit dwelling with a Garden Suite, a Secondary Suite is not permitted.

5.10.1 GARDEN SUITES

A Garden Suite is conditional as an accessory use to a single unit dwelling in any zoning district and provided that:

- a. Garden Suites will not be permitted on properties smaller than 465 square metres (5000 square feet) in size.
- b. The Garden Suite not exceed a floor area of 75 square metres (800 square feet) or 40% of the floor area of the principal building, whichever is less;
- c. Garden Suites shall comply with the yard requirements applicable to accessory buildings.
- d. A Garden Suite shall not contain a basement.
- e. Vehicular access to the Garden Suite shall be provided via an existing driveway.
- f. Garden Suites shall be connected to the municipal water and sewer systems.
- g. Only 1 Garden Suite may be established per lot on which a single family dwelling exists. Where a lot already contains a single unit dwelling with a Secondary Suite, a Garden Suite is not permitted.
- h. A Garden Suite cannot be a mobile home.

5.11 HOME OCCUPATIONS AND HOME INDUSTRIES

5.11.1 HOME OCCUPATIONS

A Home Occupation shall comply with the following regulations:

- a. The Home Occupation shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood.
- b. The Home Occupation shall be owned by the member(s) of the family residing at the dwelling unit and can have a maximum of two on-site employees.
- c. Shall be subject to the sign requirements of the zone.
- d. The Home Occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling unit involved.
- e. A Home Occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 55.74 square metres (600 square feet).
- f. The Home Occupation shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another Zoning District having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.
- g. In addition to the information generally required for a Development Permit, each application for a Development Permit for a proposed Home Occupation shall include a description of the office use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the office use are to be stored.
- h. In the case of retail sales or distribution, it offers articles for sale which are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers.
- i. The home occupation shall not create nuisance by the way of dust, noise, vibration, smoke, odour, litter, light or heat nor shall it create or cause any fire hazard, electrical interference or traffic congestion in the neighbourhood.

5.11.2 HOME INDUSTRIES

A Home Industry shall comply with the following regulations:

- a. The Home Industry shall operate as a secondary use and be carried out in a building that is accessory to a dwelling unit.
- b. The Home Industry shall be located on the same yard site that serves the farm operation or adjacent

- to it or, the Home Industry use is to be located on the same non-farm residential site but adjacent to the site area required for the residence;
- c. The Home Industry shall not require the creation of a new title separate from the title for the principal use;
 - d. The employment of family and non-family members is allowed as part of the Home Industry to a maximum of five persons.
 - e. The selling of goods or services related to the Home Industry is allowed.
 - f. The character and scale of the Home Industry shall not create offensive or objectionable impacts on any adjoining sites. Council may limit the size of the Home Industry based on the conditional use application.
 - g. Outside storage of goods and materials is allowed as part of the Home Industry if the storage is located to the rear of a line adjacent to and parallel with the front wall of the building.
 - h. Shall be subject to the sign requirements of the zone.
 - i. There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.
 - j. The Home Industry shall comply with all environmental and public health standards of the Province of Manitoba. If Council determines that a proposed Home Industry may conflict with these standards, the application shall be referred to the appropriate Provincial department(s) prior to issuing a Development Permit.
 - k. In addition to the information generally required for a Development Permit, each application for a Development Permit for a proposed Home Industry shall include a description of the office use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the office use are to be stored.

5.12 PLANNED UNIT DEVELOPMENTS

A Planned Unit Development shall comply with the following regulations:

- a. Specific regulations in a Zoning District shall not directly apply to Planned Unit Developments. However, the project shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of building separation, parking, height and other regulations and regulations of this By-law.
- b. Planned Unit Developments shall be dealt with in accordance with the Conditional Use provisions.
- c. An application for a Planned Unit Development shall include normal development permit regulations as well as an impact study that outlines the following information:
 - (i) economic, social and environmental benefits to the community;
 - (ii) the effect on the general character of the area and adjacent areas;
 - (iii) the effect on the general environment including, but not necessarily limited to, drainage, groundwater and erosion;
 - (iv) the effect on Municipal services and the street system; and
 - (v) such additional information as required by Council.
- d. The density of development shall not be increased from the normal density per gross hectare (acre) permitted in the Zoning District in which the proposed Planned Unit Development is located.
- e. Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Land Titles office.
- f. An overall landscaping plan shall be prepared.

- g. Any public park areas shall be dedicated to the municipality.

5.13 PRIVATE COMMUNICATION FACILITIES

Private communication facilities are permitted in all zones 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. a. A private communication facility is not subject to the height requirements for accessory structures;
- b. A private communication facility may be located in any rear or side yard in any zone. It may also be located in the front yard of AG, AGR AG-L1, RR and SR Zones; and
- c. A private communication facility 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 grade to the uppermost point of its extension.

5.14 METAL SHIPPING CONTAINERS

Metal shipping containers may be permitted in all Zones as follows:

- a. If on-site for fewer than 90 days per calendar year:
 - (i) shall be classified as a Temporary Use;
 - (ii) shall be located to the rear and/or side of the principal building; and
 - (iii) for sites, less than 2.5 acres there shall be no more than 2 metal storage containers; for sites between 2.5 acres and 5 acres there shall be no more than 4 metal storage containers; and for sites greater than 5 acres there shall be no more than 6 metal storage containers;
- b. If on-site for more than 90 days per calendar:
 - (i) shall be classified as an accessory building and subject to the relevant provisions of this Zoning By-law or as a principal building and subject to the relevant provisions of this Zoning By-law; and
 - (ii) shall be placed on a concrete slab foundation.

5.15 CANVAS AND TENT STRUCTURES

Canvas buildings and tent structures may be permitted on a seasonal basis in residential, commercial and institutional districts subject to district regulations regarding placement of accessory buildings, but shall not be allowed at any time within the portion of a property between the front building wall and any public street right-of-way unless authorized by the Designated Officer and subject to terms and conditions set out in the Development Permit. Canvas buildings and tent structures may be permitted in industrial and agricultural and open space districts as follows:

- a. If on-site for fewer than 90 days per calendar year:
 - (i) shall be classified as a Temporary Use;
 - (ii) shall be located to the rear and/or side of the principal building; and
 - (iii) for sites, less than 2.5 acres there shall be no more than 2 metal storage containers; for sites between 2.5 acres and 5 acres there shall be no more than 4 metal storage containers; and for sites greater than 5 acres there shall be no more than 6 metal storage containers;
- b. If on-site for more than 90 days per calendar:
 - (i) shall be classified as an accessory building and subject to the relevant provisions of this Zoning By-law or as a principal building and subject to the relevant provisions of this Zoning By-law.

5.16 MINERAL RESOURCES








Mineral extraction operations, such as aggregate, shall be a Conditional Use. All applications for extraction must be in conformity with the requirements of the Neepawa and Area Planning District Development Plan. All applications must submit the following:

- a. A key map showing the subject property and surrounding properties;
- b. A site plan showing: the boundaries of the subject property; the area or areas to be excavated; the staging of excavations; existing buildings and uses; proposed buildings and uses; and the locations of existing buildings and uses on surrounding properties within 152 m (500 ft) of the subject property. The site plan shall also show: the location and dimensions of areas intended for stockpiling of stripped topsoil and overburden; for stockpiling excavated aggregate; and of existing or proposed landscape buffers and berms;
- c. A transportation plan showing the location and dimensions of: existing and proposed vehicular access and egress locations; location and dimensions of onsite roads, parking areas, and loading/vehicle staging areas; the proposed hauling route plan on adjacent roads and highways; and additional information pertaining to traffic volumes and road maintenance practices as requested by the Designated Officer;
- d. An operations plan identifying:
 - i. proposed hours of operation;
 - ii. blasting procedures; and
 - iii. noise/dust/vibration abatement and mitigation measures;
- e. A rehabilitation plan demonstrating intended staging and practices for progressive post-extraction rehabilitation.
- f. Mutual separation distances between any new residential dwellings, including cottage dwellings and mobile homes or any land to be zoned for rural residential purposes and any aggregate operation shall maintain a minimum separation distance of 152 metres (500 feet), except where the Province recommends a lesser separation distance due to the existing physical factors or a required buffer. Owners/operators or caretakers that have a residence located on the same site as the aggregate operation, that is otherwise in accordance with the Zoning By-law, are excluded from this requirement. The mutual separation distance is deemed to be a yard requirement consistent with the provisions contained in *the Act*.

PART 6 SCHEDULES

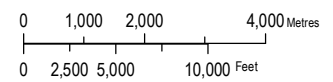
Rural Municipality of Rosedale Zoning By-law Map

Legend

-  Rosedale Municipal Boundary
-  Municipal Boundary
-  National Park
-  Provincial Trunk Highway
-  Provincial Road
-  Railway Line
-  Waterbody

Zoning By-law

-  AG - Agricultural General Zone
-  AGR - Agricultural Restricted Zone
-  AG-L1 - Agricultural Limited 1 Zone
-  RR - Rural Residential
-  GD - General Development
-  SR - Seasonal Recreation



Coordinate System: NAD 83, UTM Zone 14 N
 Data Source: MLI, MMG, NRCAN, WSP
 Date Created: November 22, 2017
 Revision Date: August 20, 2018

