



**Rural Municipality of Montcalm Zoning  
By-law No. 809/19**

Prepared by Community Planning Branch  
Municipal Relations  
Morden Region  
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Morden, MB R6M 1T7

**THE RURAL MUNICIPALITY OF MONTCALM**

**BY-LAW NO. 809/19**

**A By-law of The Rural Municipality of Montcalm to regulate the use and development of land.**

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

**AND WHEREAS**, under Part 4 Division 1 of the *Act*, The Rural Municipality of Montcalm has, by By-law, adopted The Rural Municipality of Montcalm Development Plan;

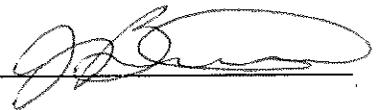
**NOW THEREFORE**, the Council of the Rural Municipality of Montcalm in meeting duly assembled, enacts as follows:

1. The Zoning By-law No. 809/19 attached is hereby adopted;
2. The By-law shall be known as The Rural Municipality of Montcalm Zoning By-law.
3. By-law No. 512/95 and all amendments are repealed;
4. This By-law shall come into force on the 18<sup>th</sup> of December, 2019.

**DONE AND PASSED** in Council duly assembled at the Rural Municipality of Montcalm, Manitoba, this 18<sup>th</sup> of December, 2019.



Paul Gilmore  
Reeve



Jolene Bird  
Chief Administrative Officer

READ A FIRST TIME this 16<sup>th</sup> day of October, 2019.

READ A SECOND TIME this 20<sup>th</sup> day of November, 2019.

READ A THIRD TIME this 18<sup>th</sup> day of December, 2019.

## HOW TO USE THIS ZONING BY-LAW

This Zoning By-law regulates the use, size, height and location of buildings on properties within the Rural Municipality of Montcalm. The following is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

### Step One

#### What zone is your property located in?

- Use the Zoning Maps in Schedule A to determine the zoning for your property.
- Reference Parts 5-10 for a description of the intent of that particular zone.
- Look in the Development Plan that applies to your property to confirm to confirm your proposal fits with the applicable policies in those documents.

### Step Two

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

- Find the **Bulk Table** for your zone [Parts 5-10].
- Uses marked with the letter **[P]** are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter **[C]** are conditional uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a **[\*]** have use specific requirements that are provided in Part 11: Use Specific Standards.

### Step Three

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

- Find the **Bulk Table** for your zone [Part 5-10].
- The Bulk Table provides information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the General Rules and Regulations [Part 3] and Definitions [Part 2].

### Step Four

#### What kind of permits do you need?

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- Check the Administration section [Part 1] to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this Zoning By-law and other applicable By-laws.
- If you need a development permit, fill out a Development Permit application.
- You are responsible for finding out if any other provincial or federal regulations apply to your development, as well as any other required local permits, including a building permits [and plumbing, electrical, demolition permits etc.].

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## PART 1: ADMINISTRATION

### 1.1 Title

This By-law shall be known as The Rural Municipality (R.M.) of Montcalm Zoning By-Law.

### 1.2 Scope

This By-law applies to all lands in the R.M. of Montcalm as indicated on the Zoning Map in Appendix A of this By-law.

### 1.3 Application

This By-law regulates:

- a) The construction, erection, alteration, enlargement or placing of buildings and structures;
- b) The establishment, alteration, or enlargement of uses of land, buildings and structures; and
- c) All other forms of development not included above.

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

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

### 1.5 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.

The R.M. of Montcalm may require proof of compliance with federal or provincial regulations prior to issuance of the applicable permit or certificate.

### 1.6 Does Not Promote Nuisance or Create a Hazard

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.

### 1.7 Administration and Enforcement

In the administration and enforcement of this By-law, the R.M. of Montcalm shall have all of the powers of inspection, remedy and enforcement provided under *The Planning Act* (the Act).

## **1.8 Development Permits and Other Permits**

The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where required under the building By-law, or another law, By-law or regulation, for such a building or structure.

No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this By-law.

## **1.9 When Development Permits are Required**

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

- 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 relocation or removal or demolition of any buildings or structures;
- d) The change of a use of land or a building or structure; and
- e) The alteration or enlargement of an approved conditional use.

## **1.10 When Development Permits are Not Required**

A development permit is not required for the following:

- a) Regular maintenance and repair of any development, provided it does not include structural alterations; and
- b) The erection, construction, enlargement, structural alteration or placing of structures not requiring a permit as per the R.M. of Montcalm Building By-law.

Despite not requiring a development permit, all items in (b) shall be subject to the requirements of this By-law, including yard requirements, and of any government department, including the highway controlled areas adjacent to provincial trunk highways and provincial roads.

## **1.11 Application for Development Permits**

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 site to be used or built on;
  - ii. the location and dimensions of existing buildings, structures, wells and onsite wastewater management systems and their distances from site boundaries;
  - iii. the location and dimensions of any proposed building, well, onsite wastewater management system, structure, enlargement or alteration, including separation distances from site boundaries;
  - 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;

- v. vehicular access and utility connections; and
  - vi. any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this By-law.
- c) Shall be accompanied by the fee prescribed by the R.M. of Montcalm.

### **1.12 Existing Development Permits**

Unless otherwise provided for herein, development 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.

### **1.13 Development Permit Expiry**

A development permit shall expire and the right of an owner under that permit shall terminate if the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit, or within any extensions in writing of that time period granted by the Development Officer, and is not reasonably continued without interruption after the end of such period.

### **1.14 The Development Officer**

The R.M. of Montcalm Council has appointed the Chief Administrative Officer (CAO) as the Development Officer, who on behalf of the R.M. of Montcalm may:

- a) issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of The Planning 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 Development Officer's knowledge, comply with the R.M. of Montcalm Development Plan, this Zoning By-law, the Building By-law or with any other law.
- c) revoke a development permit where the development permit was issued in error in accordance with The Planning Act.
- d) receive and process applications for amendments to this By-law, conditional use orders and variances.
- e) issue zoning memoranda, certificates of non-conformity, and any other documents as may be necessary for the administration and enforcement of this By-law.
- f) make a minor variance order, without the need for a public hearing, for any proposed change that varies:
  - i. any height, distance, size or intensity of use requirement in the Zoning By-law by no more than 15%; or
  - ii. the number of parking spaces required by the Zoning By-law by no more than 15%.

### **1.15 Responsibilities of Council**

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

- a) considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- b) acting as a Variance Board;
- c) considering the approval or rejection of conditional use applications; and for revoking an authorized conditional use for violation of any additional conditions imposed by it; and
- d) establishing a schedule of fees.

#### **1.16 Application for Amendments, Variances and Conditional Uses**

An application for a variance, conditional use, or an amendment to this By-law shall:

- a) 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 the proposed building, structure, enlargement or alteration;
  - iv. the location and dimensions of any existing or proposed well and/or onsite wastewater management system;
  - v. 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;
- b) be accompanied by a fee prescribed by the R.M. of Montcalm; and
- c) be processed and approved or rejected in accordance with the provisions of the Act.

#### **1.17 Expiry of Approval**

The approval of Council of a variance or conditional use shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period of twelve (12) months.

#### **1.18 Subdivisions**

Approval of a subdivision of land is subject to the provisions contained in The Planning Act and to the policies contained within the R.M. of Montcalm Development Plan and amendments thereto. Parcels or lots resulting from said subdivision must conform to the site area and site width requirements of the zone in which they are located as established herein.

Notwithstanding the fact that a parcel of land may exceed the minimum site area and site width requirements, the Council is not, in any manner, obligated to approve a subdivision of said parcel.

#### **1.19 Development Agreement**

Where an application is made for a subdivision, variance, conditional use or amendment to this By-law, the Council may require the owner to enter into a development agreement in accordance with the Act.

## **1.20 Duties of the Owner**

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

- a) The preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this By-law and The Planning Act;
- b) Obtaining all necessary permits and approvals which may be required by the Board, Council or any agencies or departments of the provincial or federal governments, prior to the commencement of construction, or the change of use of any land, building or structure;
- c) Ensuring that all work is completed in accordance with the approved application and development permit;
- d) Obtaining the written approval of the Development Officer before doing any work at variance with the approved development permit; and
- e) Permitting the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this By-law, and shall not molest, obstruct, or interfere with the Development Officer in the discharge of his/her duties under this By-law.

## **1.21 Existing Uses, Buildings and Structures**

An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

## **1.22 Previous Violations**

Unless otherwise provided for herein, an existing building, structure or use that was illegal under the provisions of any planning scheme or Zoning By-law in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use shall remain illegal hereunder.

## **1.23 Site Reduced**

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

## **1.24 Non-Conformities**

### **1) Provisions of the Act**

Non-conforming uses, building and structures shall be regulated in accordance with and subject to the provisions of *The Act*, unless provided for herein.

### **2) Existing Non-Conforming Buildings**

All buildings and structures existing at the effective date of the adoption of this Zoning By-law are deemed to conform to the site requirements and parking loading

requirements of the zoning district in which the buildings and structures are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures shall conform to the site requirements and parking and loading requirements of the zoning district in which they are located unless varied by a variation order.

- a) Pursuant to *The Act*, a structural alteration may be made to a non-conforming building or structure, provided that the said structural alteration conforms to the requirements of this By-law, or that such requirements are varied by a variation order.
- b) Pursuant to *The Act*, where a building or structure is damaged or destroyed more than fifty (50%) percent of its replacement value above its foundation, the said building or structure shall not be repaired or rebuilt, except in conformance with this By-law or its amendments, or where such requirements are varied by a variation order.

3) Existing Non-Conforming Parcel of Land

No building or structure may be erected on a non-conforming parcel of land unless:

- a) The required yards are provided as set forth in the Site Requirement Table of the zone in which the parcel of land is located; or
- b) A variation order for such yard requirements is granted.

4) A Non-Conforming Sign

A non-conforming sign shall be subject to all the provisions of this part relating to non-conformity, except as provided hereafter:

- a) A change in the subject matter represented on a sign shall not be considered a change of use; and
- b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
  - i. The creation of a new non-conformity or increase in the degree of non-conformity; or
  - ii. An increase in the sign surface area; or
  - iii. An increase in the degree of illumination

5) Existing Non-Conforming Parcel of Land

Any fees shall be paid to the Development Officer for the issuance of a certificate of non-conformity as provided in *The Act*.

**1.25 Public Works and Services**

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility, as defined by this By-law, or public service such as police and fire protection, provided that the requirements of such public utility or public service is of a standard compatible with the adjacent area as determined by the Development Officer and/or Council, and that any

building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

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

### **1.26 Connecting to Municipal Services**

All new principal buildings constructed on a site served by public sewer, water or hydro distribution must be connected to such services unless the specific use of such building does not require such services.

### **1.27 Rules of Construction**

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

- a) Words, phrases and terms are as defined within this By-law.
- b) Words, phrases and terms not defined within this By-law shall be as defined in The Planning Act, The Municipal Act, The Buildings and Mobile Homes Act, The Manitoba Building Code, the Building or Plumbing By-laws of the Rural Municipality of Montcalm and other appropriate provincial acts and regulations.
- c) Words, phrases and terms neither defined in this By-law nor in an applicable Building or Plumbing By-law or other appropriate provincial acts and regulations shall be given their usual and customary meaning except where Council determines the context clearly indicates a different meaning.
- d) 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 but not in combination; and
  - iii. “either-or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- e) The word “includes” or “including” shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.
- f) The phrases “used for” includes “arranged for,” “designed for,” “maintained for” or “occupied for.”

### **1.28 Interpretation**

In their interpretation and application, the provisions of this Part and the provisions of all zones established herein shall be held to be the minimum requirements to satisfy the intent and purposes set forth in each zone.

The general provisions applying to all zones are contained within Part 1: Administration, Part 2: Definitions, Part 3: General Rules and Regulations, and the Zoning Maps.

Drawings and illustrations form part of this By-law and are provided to assist in interpreting and understanding the By-law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-law, the text shall govern.

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

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

In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

- a) Heavy lines represent zone boundaries. Where the zone boundary is broken by the name of a street it shall be construed that the boundary continues through the name of the street.
- b) Notwithstanding that streets, lanes, and public utility rights-of-way may be within the zone boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way.
- c) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed as following such centrelines.
- d) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines.
- e) Boundaries indicated as following the limits of an incorporated municipality shall be construed as following the limits of said municipality.
- f) Boundaries indicated as following the centrelines of railway lines or railway rights-of-way or public utility rights-of-way shall be construed to be midway between the main tracks or the centre of the rights-of-way, as the case may be.
- g) If a street, lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane or government road allowance shall be included within the zone of the adjoining land; however, if the said street or lane or government road allowance was a zoning boundary between two or more different zones, the new zoning boundary shall be the former centreline of the closed street or lane or government road allowance, except where the closed road is being transferred to an adjoining owner, in which case the boundary shall follow the limit of the consolidated property.
- h) Where the zoning of a single site or lot is split into more than one zoning district, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning district.

- i) All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.
- j) The abbreviations noted within the text or on the Zoning Maps mean the following:
  - i. "Blk." means Block;
  - ii. "Gov't Rd. All'ce" means Government Road Allowance;
  - iii. "Pcl." means Parcel;
  - iv. "Pt." means Part;
  - v. "Rge." means Range;
  - vi. "R.M." means Rural Municipality;
  - vii. "Sec." means Section;
  - viii. "Twp." means Township;
  - ix. "E.P.M." or "E" means East of the Principal Meridian;
  - x. "P.R." means Provincial Road;
  - xi. "P.T.H." means Provincial Trunk Highway;
  - xii. "dist." means distance;
  - xiii. "incl." means including;
  - xiv. "max" means maximum;
  - xv. "min" means minimum;
  - xvi. "sq.ft." means square feet;
  - xvii. "in" means inches when following a number;
  - xviii. "sq.m." means square metres; and
  - xix. "lin.ft." means linear feet.

## PART 2: DEFINITIONS

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

**Accessibility** means the ability of persons with mobility issues to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.

**Accessory building or structure** means a detached building or structure, which is subordinate to or incidental to the principal building, structure or use on the same site.

**Accessory use** means a use incidental to, subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same site.

**Act, The** means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba and amendments thereto.

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

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

**Agricultural Implement Sales, Rental and Service** means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work minor is done.

**Agricultural Operation** means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes:

- (a) the production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops;
- (b) the use of land for livestock operations and grazing;
- (c) the production of eggs, milk and honey;
- (d) the raising of game animals, fur-bearing animals, game birds, bees and fish;
- (e) the processing necessary to prepare an agricultural product for distribution from the farm gate;
- (f) the operation of agricultural machinery and equipment, including the tillage of land and the application of fertilizers, manure, soil amendments and pesticides, whether by ground or aerial application; and

(g) the storage, use or disposal of organic wastes for agricultural purposes.

**Agricultural Processing Facility** means one or more facilities or operations that transform, package, sort or grade livestock or livestock products, agricultural commodities, or plant or plant products, excluding forest products, into goods that are used for intermediate or final consumption, including goods for non-food use.

**Agricultural Producer** means a person who produces and markets an agricultural product.

**Agro-Industrial Business** means an establishment that provides goods or services to the agricultural sector, including (but not limited to) anhydrous ammonia sales, fertilizer sales and services establishments, farm equipment and machinery repair shops, feed operations, livestock auction marts, and commercial seed cleaning plants.

**Aircraft Landing Strip** means any area of land or water, which is used or intended for use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use of aircraft landing strips or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces. Aircraft landing strips may be subject to Transport Canada regulations including, but not limited to, the *Aeronautics Act* and the *Canadian Aviation Regulations*.

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

**Anhydrous Ammonia Facility** means an area for the storage of anhydrous ammonia that is commonly used as fertilizer.

**Animal Confinement Facility** means a barn or an outdoor area where livestock are confined by fences or other structures, and includes a seasonal feeding area but does not include a feedlot or grazing area.

**Animal Shelter and Veterinary Service** means a development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures. All animals shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.

**Animal Unit (AU)** means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12 month period.

**Asphalt Plant** means a plant where aggregate materials and asphalt are heated and mixed to produce a paving mix and includes stockpiling and storage of bulk materials used in the process.

**Auctioneering Establishment** means a development specifically intended for the auctioning of

goods and equipment, including the temporary storage of such goods and equipment. This use class does not include flea markets or livestock auction marts.

**Automobile Body Shop** means a building wherein the repair and painting of automobiles takes place.

**Automobile Service Station** means a building or portion thereof and land used for the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments. Typical uses include car washes, truck stops and highway service stations.

**Automobile, Recreational Vehicles or Farm Implement Sales/Rentals** means an open area, used for the display, sale or rental of new or used automobiles, trailers, recreation vehicles or farm implements, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs for automobiles or trailers to be displayed, sold or rented on the premises.

**Awning, Canopy or Marquee** means any roof-like structure providing shelter or shade over an entranceway or window.

**Basement or Cellar** means a portion of a building between a floor and a ceiling that is located partly underground.

**Bed and Breakfast** means a home-based business operated within a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

**Blank Walls** means exterior walls containing no windows, doors or other similar openings.

**Buffer** means an area of land that is intended to provide a means of separating two types of development that are generally incompatible. Typically, buffers consist of tree-planted areas which provide a visual barrier between two types of development, and which serve as a measure of controlling the movement of other nuisances, such as dust.

**Building** has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill or transmission line.

**Building, Principal** means a structure on a zoning site used to accommodate the main use.

**Bulk Storage** means the storage of chemicals, petroleum products or other flammable liquids in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

**Business Support Service** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical

equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture, computers, cellular phones, and machines. Typical Uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

**Cannabis** means cannabis as defined in the Cannabis Act (Canada).

**Cannabis Manufacturing** refers to a land use undertaken by person(s) and/or a corporate entity who holds a cannabis distributor licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

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

**Cannabis Cultivation** means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities including development of nursery stock (seed and seedlings).

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

**Camping and Tenting Grounds** means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses on a temporary basis.

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

**Cemetery** means land used or intended to be used for the burial of the dead, and may include columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**Child Care Service** means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day not exceeding fourteen (14) hours. This use includes an unlicensed home or group day care not exceeding four (4) children under age 12 (including the care provider's own children) and not exceeding an overall ratio of 4:1 children to caregivers; or a development licensed by the Province of Manitoba to provide daytime personal care and education to children, not including overnight accommodation. Typical uses include family and group child care homes, day care centres, nursery schools and play schools.

**Club, Private, Non-Profit and Recreational** means a non-profit corporation chartered by *The*

*Canadian Business Corporation Act or The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; and the use of such premises being restricted to members and their guests for fraternal, recreational, sport and similar activities.

**Coach House** means a secondary dwelling unit above a detached garage.

**Commercial Rental Unit** means a single commercial space available on the market as a self-sufficient, independent unit, equipped, zoned and intended to be used for commercial purposes.

**Common Element** means all property within a condominium plan except the condominium units.

**Community Centre** means a building or structure that provides facilities for indoor recreational activities and other community facilities such as meeting rooms or a library for use by the general public.

**Concrete Batch Plants** means a facility where water, Portland cement, and fine and coarse aggregates are mixed to form wet concrete, either in a mixer truck or a central mix drum and transferred to a truck for transport.

**Conditional Use** means a usage of land or a building that may be permitted under a Zoning By-law subject to approval of a conditional use order. Conditional uses are uses that may have unique or varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands. Where a use is classified as a conditional use under this By-law or amendments thereto, and exists as a permitted or conditional use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.

**Condominium** means a condominium as established under the provision of *The Condominium Act*.

**Condominium, Bare Land Unit** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan. A “bare land unit” shall be considered a “site” as defined in Part 2 of this By-law.

For the purposes of this By-law those “common elements” in a bare land unit condominium plan, which are ordinarily used for the passage of vehicles or pedestrians, including roads, road allowances, streets, lanes, bridges, but not including walkways intended solely for pedestrian use nor areas for parking of vehicles, shall be considered:

- a) a “street” as defined herein where such thoroughfare is over thirty-three (33) feet in width; and
- b) a “lane” as defined herein where such thoroughfare is not over thirty-three (33) feet in

width.

For the purposes of determining front, rear and side yards and site lines for each respective site as shown on a plan, the common element shall be considered a “street” as defined in this Zoning By-law.

**Conservation Area** means land that has been designated by provincial legislation for the protection and conservation of wildlife.

**Construction** includes:

- a) excavating, removing, filling and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;
- b) erecting, extending, enlarging, placing, removing, locating and demolishing a building;
- c) altering, renovating and reconstructing a building;

**Contractor’s Yard** means a yard of any building trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work.

**Convenience Store** means a retail establishment which deals primarily in goods required by the inhabitants of a residential area to meet their day-to-day needs.

**Cottage** means a dwelling unit constructed and used as a secondary or temporary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

**Council** means the elected council for the Rural Municipality of Montcalm.

**Custom Manufacturing Establishments** means development used for small scale on-site production of goods by hand manufacturing. Typical uses include furniture, jewelry, toy, clothing/shoe and musical instrument manufacturing, gunsmiths, carpentry and upholstery shops, and pottery and sculpture studios.

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

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

**Design Flood** means a flood magnitude on a water body that, on average, is expected to occur once during a one hundred year period.

**Development** means the construction of a building or the installation of services and utilities on, over or under land, a change in the use or intensity of use of a building or land, the removal of soil or vegetation from land, the deposit or stockpiling of material on land, and the

excavation of land.

**Development Officer** means the officer appointed by the Rural Municipality of Montcalm Council in accordance with the provisions of the Act.

**Development Plan** means the Rural Municipality of Montcalm Development Plan adopted by By-law No. 789-18 and amendments thereto.

**Double-Fronting Site** means a site, which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the site.

**Drive-Through Facility** 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, including but not limited to a drive-through restaurant, coffee shop or Automated Teller Machine (ATM)/bank.

**Duplex** means two dwellings, contained in a single building, vertically connected with one unit above the other. This type of development is designed and constructed as two dwelling units at initial construction with separate entrances. It does not include a secondary suite.

**Dwelling, Farm-** means a single-unit dwelling, mobile home or modular home, which is the principal residence of the owner or operator of agricultural activity.

**Dwelling, Multi-Family** means a building, located on a single site, containing three (3) or more dwelling units with separate entrances, each unit designed for and used by one (1) family, each having exclusive occupancy of a dwelling unit.

**Dwelling, Single-Family** means a detached building, located on a single site, designed for and used by one (1) family.

**Dwelling, Two-Family** means a duplex or semi-detached building, located on a single site, designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.

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

**Earthen Manure Storage Facility** means a structure built primarily from soil, constructed by excavating or forming dykes, and used to retain livestock manure but does not include a collection basin, a field storage site, or a temporary composting site for manure.

**Eating and Drinking Establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafés, delicatessens, tea rooms, banquet catering, lunch rooms and take-out restaurants. This does not include drive-through facilities which provide services to customers

who remain in their vehicles, refreshment stands, or mobile catering food services.

**Education Service** means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere on the same zoning site. This use class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses.

**Emergency Service** means a development which is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of emergency equipment. Typical uses in this class include police stations, fire stations and ancillary training 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.

**Equestrian Establishment** means a facility used for the training of horses and the operation of a horse-riding academy or horse-riding stables.

**Erosion** means land that, within a 50-year period, may be eroded away or become unstable due to the action of water contained in an adjacent water body.

**Extended Medical Treatment Service** means a development providing room, board and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes and auxiliary hospitals.

**Factory Built House** means a manufactured dwelling, whether modular (built in two or more sections) or unitary construction, which complies with the National Building Code and which is built off-site by a manufacturer having CAN/CSA-A277 "Procedure for Certification of Factory Built Houses" accreditation, but does not include "mobile home."

**Family** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single-housekeeping unit.

**Farm Buildings or Structures** means any buildings or structures existing or erected on land used primarily for agricultural activities, but not including dwellings.

**Farmstead Site** means the portion of land of an agricultural operation, usually surrounded by a well-defined shelterbelt, that includes the habitable residence of the agricultural producer and the building and facilities associated with the agricultural operation.

**Feedlot** means an outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing, but does not include a grazing area or a seasonal feeding area.

**Field Storage Site** means an area where solid livestock manure is stored in the open air, but does not include an earthen manure storage facility or a non-earthen manure storage facility.

**Flood Level** means the 200 year flood level, the level of a known flood exceeding the 200 year flood, or the flood of record, which is greater.

**Flood Risk Area** means the land adjacent to a lake, river or stream, which is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway, which requires approved flood protection measures due to periodic flooding or inundation by floodwaters.

**Floor Area** (as applied to bulk regulations) means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centreline of party walls. In particular, the floor area of a building or buildings shall include:

- (a) Basements when used for residential, commercial or industrial purposes, but not including spaces used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- (b) Floor space used for mechanical equipment (with structural headroom of six (6) feet or more) except equipment, open or enclosed, located on the roof;
- (c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
- (d) Penthouses, mezzanines, attics where there is structural headroom of seven (7) feet or more.

**Frontage** means all that portion of a zoning site fronting on a public road and measured between side site lines.

**Funeral Service** means a development used for the preparation of the dead for burial or cremation and the holding of funeral services. This use class includes funeral homes, undertaking establishments and includes cremation and interment services.

**Garage, Private or Carport** means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

**Garden Centre, Farmers' Market and Produce Stand** mean the outside display and sale of garden equipment and supplies, plants, seeds, vegetable and fruit produce, food items produced by vendors, and similar items.

**Gas Bar** means a development used for the retail sale of gasoline, other petroleum products and incidental auto accessories. This use class does not include service stations.

**General Agricultural Activities** means the use of land for agricultural purposes, including production of field crops, apiculture, floriculture, horticulture and the necessary accessory uses for packing, storing or treating the produce.

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

**General Storage** means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This use class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards or the storage of hazardous goods or waste.

**Government Service** means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, manpower and employment offices and social services offices.

**Grade** means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the municipality.

**Grain Storage Structure** means any structure, which is designed to store any type of grain.

**Grazing Area** means an outdoor area where livestock are primarily sustained for part of the year by the direct consumption of feed grown on the area and manure does not accumulate such that mechanical removal or redistribution is required.

**Greenhouse, Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

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

**Health Service** means a development used for the provision of physical and mental health services on an out-patient basis. Services may be preventative, diagnostic, treatment,

therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics, and counselling services.

**Height** means the vertical distance measured from grade to the highest point of the roof structure if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

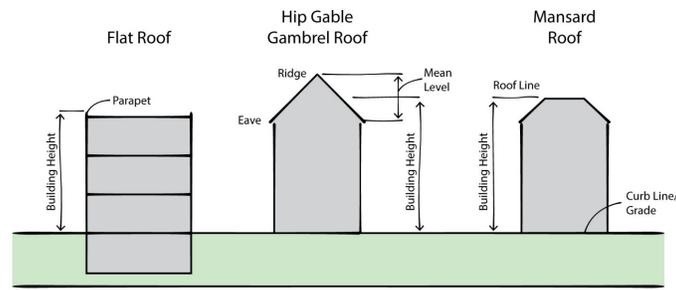


Figure 2.1: Measuring building height

**Heritage Resource** means a heritage site, a heritage object, and any work or assembly of works of natural or human endeavour that is of value for its archaeological, paleontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in a form of sites or objects or a combination of them.

**Hobby Farm** means a small-scale agricultural use secondary to a rural residential principal use. Animals shall be kept for the use or enjoyment of the occupant only.

**Home-Based Business** means any business activity which includes manufacturing, sales, a commercial or professional operation, business service, trade, practice, office or use which is carried on or in or from a dwelling unit and or its permitted accessory buildings, is intended as a profit making operation, and is clearly incidental to, accessory to, or secondary to the residential use of the dwelling unit. *(See Section 4.3 for Use Specific Standards.)*

**Home Industry** means light industrial operations and small businesses that may be permitted as a secondary use on the same site as a principal use. The land use associated with a home industry is more intense than those associated with a home-based business and may include some external noise, odour, light, or traffic impacts as well as the external storage of products or materials. *(See Section 4.2 for Use Specific Standards.)*

**Hotel** means a building or part thereof wherein accommodation is provided for transient lodgers, in an individual room or apartment, with or without cooking facilities. Permitted accessory uses may include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**House, Boarding, Lodging or Rooming** means a building or portion thereof, other than a hotel or motel without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and his family.

**Household Repair Service** means a development used for the repair of goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

**Incidental** means a building, feature or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure, or use approved under this By-law, and is incidental to, and located on the same zoning site as, a principal or accessory use, and that has fewer impacts than an accessory use.

**Indoor Participant Recreation Service** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; archery or shooting ranges; bowling alleys and racquet clubs.

**Information Technology Use** means the development, design, manufacture, packaging, storage or shipping of computer software, web hosting and data processing service and the design or research of computer, electronic and communication equipment. Uses such as server farms and like uses are included in this definition.

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

**Lane** means a street thirty-three (33) feet or less in width.

**Light Industrial Use** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas; and there is no production of heat or glare perceptible from any adjacent residential property. Typical uses include automotive body repair and paint shops and commercial manufacturing establishments. This use class does not include milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.

**Limited Contractor Service** means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building; there are no accessory manufacturing activities and no more than two service vehicles.

**Livestock** means animals or poultry not kept exclusively as pets, excluding bees.

**Livestock Production Operation** means an agricultural operation where livestock are confined, fed or raised but does not include:

- (a) an operation for the slaughter or processing of livestock;
- (b) an operation for the grading or packing of livestock or livestock products;
- (c) an operation for transporting livestock or livestock products;
- (d) a hatchery;
- (e) a livestock auction market;
- (f) low density seasonal feeding areas (e.g. cattle wintering operation – 100 square metres or greater per mature animal); and
- (g) an operation for pasturing cattle.

**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 material and which has access to a street or lane or other appropriate means of access.

**Manufactured Home** means a factory built dwelling certified prior to the placement on the site as having been built as a modular home in accordance with Manitoba Building Code regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the site ready for occupancy apart from incidental operations and connections.

**Manufacturing Use** means a use of land that includes the assembly, fabrication, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place. This use class includes milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.

**Mobile Home** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site of wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*.

**Mobile Home Park** means any premises, which is designed for residential use and designed for the accommodation of two or more mobile homes as single-family dwellings, whether or not a charge is made for such accommodation.

**Mobile Home Site** means a zoning site within a residential mobile home park for the placement of a mobile home.

**Motel** means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include, but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms

and meeting rooms.

**Natural Resource Development** means a development for the on-site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the site. Typical uses in this class include forestry, gravel pits, sandpits, clay pits, and stripping of topsoil. This use class does not include the processing of raw materials transported to the site.

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

**Non-Earthen Manure Storage Facility** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.

**Noxious or Offensive Use** means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

**Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**Occupancy Permit** means authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof in the municipality.

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

**Outdoor Amusement Establishment** means a commercial development providing facilities for entertainment and amusement activities which primarily takes place out of doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, racetracks, moto-cross and all-terrain vehicle tracks, miniature golf, outdoor concert facilities and similar uses.

**Outdoor Participant Recreation Service** means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, shooting ranges, ski hills, sports fields, outdoor tennis

courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and trails.

**Owner** means a person who is the owner of a freehold estate in the property, and includes:

- a) a person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
- b) a person who is registered under *The Condominium Act* as the owner, as defined in that Act, of a unit under that Act; and
- c) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*.

**Parcel of Land** means the aggregate of all land described in any manner in a certificate of title.

**Parking Space** means a space on a parking area or zoning site for the temporary parking or storage of a vehicle. A parking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length and shall have adequate provision for vehicular entry, exit and manoeuvrability.

**Parking, Surface Lot** means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily or overnight off-street parking as a principal use.

**Party Wall** means a wall jointly owned and jointly used by two (2) parties under easement agreement or by right in law, and erected at or upon a line separating two (2) parcels of land each of which is, or is capable of being, a separate real-estate entity.

**Performance Standards** means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.

**Permitted Use** means the use of land, building or structure provided in this Zoning By-law for which a development permit shall be issued upon the application having been made, if the use meets all the requirements of this By-law.

**Personal Service Shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including such establishments as barber shops, beauty salons, shoe repair shops, tailor and dressmaking shops, pet grooming (not including kennels), dry cleaning establishments and laundromats.

**Place of Assembly** means a public or privately owned auditorium, hall or similar facility developed for the purpose of accommodating groups of persons for meetings, exhibitions, shows, trade fairs, public meetings, banquets, conferences and similar activities.

**Portable Asphalt Plant** means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and

storage of bulk materials used in the process

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

**Premises** means an area of land with or without buildings.

**Private Communications Facilities** means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

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

**Professional, Financial and Office Support Service** means a development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; office for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

**Public Library and Cultural Exhibit** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

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

**Public Utility** means any system, works, plant, pipeline, equipment, buildings or services and facilities available at approved rates to or for the use of the public, and includes all such carried on by or for the owner of a public utility or the municipality or the Province of Manitoba. Typical uses include water, gas and hydro facilities and services, waste disposal sites, sewage treatment plants and lagoons, garbage transfer stations, composting sites, water treatment plants, lift stations, waste recycling plants, waste transfer stations, communication facilities including telephone, wireless, television and like uses.

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

**Religious Assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. Accessory uses can include associated schools, day-care facilities, parish halls, cemeteries and like uses.

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

**Research Institution** means a facility established in accordance with government regulations and engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

**Residential Care Facility** means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision to more than five (5) persons. This Use Class includes nursing homes, personal care homes, residential care homes, rehabilitation homes and similar uses.

**Retail Sales and Services** mean developments used for the retail sale of groceries, baked goods, meats, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, computers, cell phones, stationary and similar goods from within an enclosed building. Associated services and repair including postal services, film processing, movie rentals and similar uses are included. This use class does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, pawn shops, adult entertainment establishments or adult sales stores.

**Riparian Area** means an area of land on the banks of or near a water body that, due to the influence of water, is capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas.

**Salvage Operation/Yard** means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This use class includes an automobile wrecking or dismantling yard and such uses established entirely within an enclosed site.

**Seasonal Feeding Area** means an outdoor area, other than a feedlot or grazing area, where  
(a) livestock are given their supplemental or total feed requirements on a seasonal basis; and

(b) because of its accumulation, manure must be removed from the area by mechanical means from time to time.

**Secondary** means a use or structure that takes place on the same site as a principal use or structure that is not naturally and normally carried out as part of that principal use.

**Secondary Suite** means a self-contained accessory dwelling unit located either within a permanent single-family detached dwelling or in an accessory building on a single zoning site. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. Secondary suites include basement suites and coach houses. This use does not include duplex housing, semi-detached housing, or apartment housing.

**Self-Service Storage Facility** means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

**Semi-Detached Housing** means two dwellings, arranged side-by-side, contained in a single building with a single foundation, connected by a shared common wall. This type of development is designed and constructed as two dwelling units at initial construction. It does not include a secondary suite.

**Separation Distance** means a distance to be maintained between two buildings or structures, measured from the nearest points of any structure or areas in which the uses are carried on.

**Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation and privacy.

**Settlement Area** means the urban centres and designated rural residential and seasonal recreation areas.

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

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

**Site** means:

- a) a whole lot or block on a registered plan of subdivision; or
- b) the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

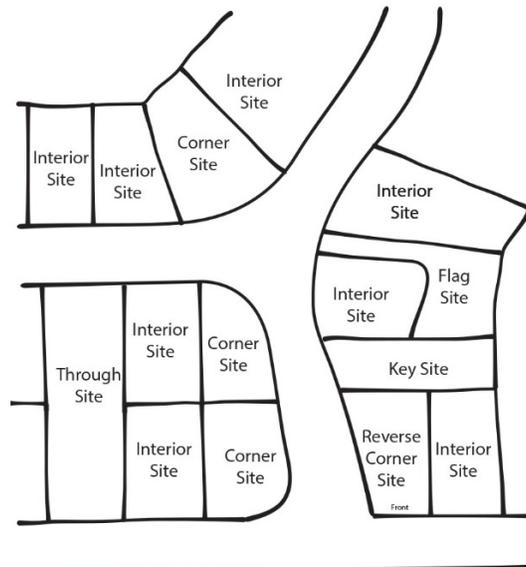


Figure 2.2: Site Types

**Site, Corner** means a site situated at the intersection of two (2) streets.

**Site, Interior** means a site other than a corner site or a through site.

**Site, Reverse Corner** means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.

**Site, Through** means a site having a pair of opposite site lines along two (2) more-or-less parallel streets.

**Site, Zoning** means an area of land which:

- (b) is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principle use or uses thereto, together with such open spaces as are required under the provision of this By-law, has frontage on a street, and
- (c) in the case of non-conforming site existing on the date of adoption of this By-law, has any lawful means of access satisfactory to Council; and
- (d) is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

**Site Area** means the computed area contained within the site lines.

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

**Site Depth** means the horizontal distance between the centre points in the front and rear site lines.

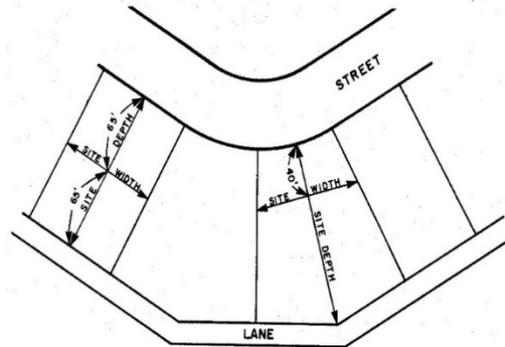


Figure 2.3: Site Depth

**Site Lines** means as follows:

- (a) **Front Site Line** means that boundary of a site which is along an existing or designated street. For a corner site or through site, the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site.
- (b) **Rear Site Line** means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site lines defined by this definition, the rear site line shall be determined by the Development Officer.
- (c) **Side Site Line** means any boundary of a site which is not a front or rear site line.

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

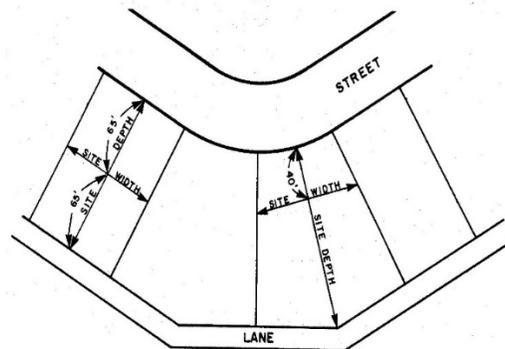


Figure 2.4: Site Width

**Site, Zoning** means an area of land which:

- (a) is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provision of this By-law, has frontage on a street; and
- (b) in the case of a non-conforming site existing on the date of adoption of this By-law, has any lawful means of access satisfactory to the Council; and
- (c) is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

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

**Stable** means a detached accessory building for the keeping of cattle or horses owned by the occupant of the premises.

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

**Street** means a public road, or highway having a minimum width of 33 feet and intended for vehicular use. Parks, easements, rights-of-way, squares and walkways are not considered to be streets for purposes of interpreting this By-law.

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

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

**Temporary Additional Dwelling** means a dwelling unit or mobile home that is placed on the same site as a Single Family Dwelling on a temporary basis.

**Topsoil** means the surface layer or "A" horizon of soil characterized by the natural enrichment or accumulation of organic matter and is further defined as:

- (a) mineral topsoil consisting predominantly of mineral matter with enrichment of less than 30% organic matter on a dry weight basis; and
- (b) peat topsoil consisting largely of organic residues accumulated under more or less water saturated conditions through the deposition and incomplete decomposition of primarily plant remains.

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

**Total Turbine Height** means the height from finished grade to the highest vertical point of a wind turbine's rotor blades.

**Trucking Operations** means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The use class includes automotive repair, eating and drinking areas, gas bar, retail sales and service stations as accessory uses.

**Use** means:

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

**Variance** means 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.

**Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

**Waste Disposal Site** means the land, structures, monitoring devices, and any other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate or residuals from solid waste.

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

**Wind Energy Generating System (WEGS)** means a site and facility that is comprised of, but not limited to, one or more wind turbine generator towers, and may include associated accessory operations and maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial enterprise. It must have a collective nameplate rating of 0.75 megawatt or greater and be connected to the transmission or a local distribution grid. The (WEGS) can be comprised of either a leased or an owned site.

**Yard** means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

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

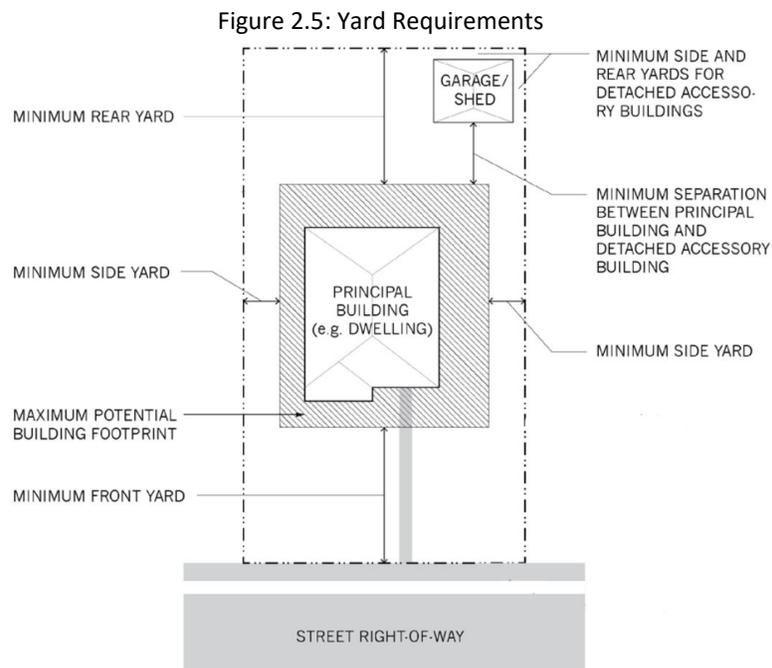
**Yard, Corner Side** means a side yard, which adjoins a street.

**Yard, Front** means a yard extending along the full length of the front site line between the side site lines.

**Yard, Interior Side** means a side yard, which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

**Yard, Rear** means a yard extending along the full length of the rear site line between the side site lines.

**Yard, Side** means a yard extending along the side site line from the required front yard to the required rear yard.



## PART 3: GENERAL RULES AND REGULATIONS

The following regulations shall apply to all use and development of land and buildings in The Rural Municipality of Montcalm, except where otherwise noted in this By-law.

### 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 applicable use tables as:
  - i) a permitted use; or
  - ii) a conditional use, subject to approvals as such;
- b) is an accessory to a permitted or conditional use.

### 3.2 Multiple Uses or Provisions

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

A residential zoning site shall contain only one(1) single-family dwelling or one (1) two-family dwelling or (1) multi-family dwelling and its accessory buildings as permitted in Part 6, except where otherwise allowed in this By-law.

### 3.3 Accessory Buildings and Structures

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

- a) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building or structure.
- b) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to accessory buildings or structures.
- c) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the Rural Municipality of Montcalm.
- d) Detached accessory buildings shall not be located in any required yard except a required rear yard or as provided for elsewhere herein.
- e) No detached accessory building shall be located closer than ten (10) feet to any main building.
- f) In no instance shall an accessory building be located within a dedicated easement or right-of-way except as provided for by said easement or right-of-way.
- g) Accessory buildings are permitted when accessory to a permitted use and conditional when accessory to a conditional use.

- h) An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this By-law.

### **3.4 Area and Yard Requirements**

Except as herein provided, the following regulations shall apply in all zones to ensure adequate site and yard requirements:

- a) Where a use is established on a site and the existing site area or site width or required yard is reduced below the minimum requirements of this By-law by virtue of the development of a public work, street or public utility, the affected site area, site width and required yard shall be deemed to conform to the requirements of this By-law.
- b) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multi-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site.
- c) A semi-detached two-family dwelling, a side-by-side or a row-house may be subdivided into two or more attached single-family dwellings, through the common party wall. Where this is done the side yard adjacent to the party wall is reduced to zero.
- d) Unless otherwise approved, the lots so created by subdividing the side-by-side or row-house may only be used for the purpose of single-family dwellings, and the resulting site area and site width shall become the minimum site area and site width required for said dwelling.
- e) Where a site is occupied for a use permitted in a zone and has no building or structures thereon, the required yards for the zone within which it is located shall be provided and maintained, except in the case of sites located in the Parks and Recreation Zone.
- f) Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this By-law.
- g) All yards and other open spaces required for any use shall be located on the same site as the use.
- h) A through site may be required to meet the front yard setback of the zone in which it is located on both property lines fronting onto a street at the discretion of the Development Officer.
- i) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, site width, yards and other open spaces allocated to a use as per requirements of this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, yard and other open space requirements for any other use on another site.
- j) Where sites comprising forty (40) percent or more of the entire frontage of the block are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire

frontage of the block provided such average is less than the minimum front yard required in the zone in which the site is located.

- k) No land shall hereafter be divided into sites, unless each site conforms to the requirements set forth in the Bulk Table of the zone in which the land is located.

### **3.5 Setback Standards**

- a) No dwelling unit shall be located within 1,000 feet (304.8 m) of the boundary of a municipal sewage lagoon.
- b) No dwelling unit shall be located within 1,320 feet (402.3m) of a waste disposal site.
- c) No dwelling unit shall be located within 100 feet (30.48 m) from the edge of a railway right-of-way that is in active use.
- d) Notwithstanding the minimum yard requirements provided in the Bulk Tables, buildings, structures and plantings adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Transportation Infrastructure Act*.

### **3.6 Projections into Required Yards (Principal Buildings Only)**

Every part of a required yard shall be open and unobstructed from the ground level to the sky, save for trees, shrubs, gardens, fences, sidewalks and driveways, and as herein provided:

- a) Architectural features, such as chimneys, bay windows, alcoves, canopies and awnings, eaves and gutters may extend into a required front, side or rear yard a distance of not more than three (3) feet, provided the width of such side yard is not reduced to less than 3 feet.
- b) Open, unenclosed and uncovered porches, decks or terraces may project into a required front or rear yard for a distance not exceeding 6 feet at or below main floor level.
- c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard or required front yard for a distance of not more than 4 feet.
- d) Name plates and signs shall be allowed in any required front, side or rear yard, provided they comply with the requirements and regulations of this By-law (See also Part 12.0, Table 12.1).
- e) Fences, hedges, and landscape architectural features are permitted in all required yards if maintained at a height of not more than 3.5 feet in the front yard and at a height of not more than 6 feet in the rear and side yards. Fences and hedges located on the street side of a corner site shall not exceed a height of 3.5 feet, unless set back a distance of fifteen (15) feet, in which case said height shall not exceed six (6) feet.

### **3.7 Air Conditioning Units, Pool Equipment and Compressors**

Air conditioning units, pool equipment and/or compressors shall be accessory structures in all zones and shall be subject to the following regulations:

- a) Shall be a minimum distance of 15.0 feet (4.57m) to an openable window of a habitable room on an adjoining lot.
- b) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
- c) Should be no closer than 5.0 feet (1.52m) to a side site line in all Residential Zones. In all other zones, it should be no closer than 10.0 feet (3.05m) to a side site line.

### **3.8 Height Exceptions**

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

### **3.9 Future Road Allowance Deemed Existing**

No building or structure shall be erected upon any land acquired by the R.M. of Montcalm or any other federal or provincial government agency and which has been designated for a future road allowance. Any development adjacent to said road allowance shall comply with the requirements of this By-law as if the said future road allowance was already in existence.

### **3.10 Road Access**

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

### **3.11 Demolition and Removal of Buildings or Structures**

Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and re-grading of the site shall be undertaken within 90 days from the date of issuance of said permit. This period may be extended at the discretion of Council, due to unusual circumstances such as weather conditions and road restrictions.

### **3.12 Temporary Buildings and Uses**

Temporary buildings and structures, for the temporary placement of asphalt and concrete batch plants as well as office space or the storage of construction materials or equipment, both incidental and necessary to development on the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit under the following conditions:

- a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council.
- b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than two (2) successive six (6) month periods at the same location.

### **3.13 Outdoor Lighting**

Outdoor lighting is only allowed if the following standards are met:

- a) Any outdoor lighting (other than those exempted in provision (c) below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device.
- b) The maximum permitted height of a light fixture is 30 feet (9.14 m) on private property.
- c) These standards do not apply to:
  - i. federally and provincially-regulated buildings and structures (including the lighting required for airports and towers);
  - ii. light sources used to illuminate architecture, landscape features, pedestrian pathways or public art; or
  - iii. the temporary use of lighting (for seasonal decorations or carnivals, for example).

See also Part 12.0: Sign Regulations.

### **3.14 Landscaping**

The following applies to developments in Commercial, Industrial, Parks and Recreational, Institutional, and Multi-Family Residential Developments (excluding two-family dwellings):

- a) A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Development Officer.
- b) A landscaping plan shall contain the following information for the site:
  - i. all physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities and paving; and
  - ii. all shrubs and trees, whether existing or proposed, labelled by their common name and size.
- c) Landscaping should be integrated with the building architectural style, parking and stormwater management areas proposed on the property.
- d) Species must be hardy, drought- and salt-tolerant, and resistant to the stresses of compacted soils and weather exposure.
- e) Snow storage areas must be located so that piled snow does not damage plant material.
- f) Plant materials should not obstruct views. Dense plant material between three (3) feet and eight (8) feet from the ground must be avoided in critical areas for pedestrian and vehicular safety. Plant materials can not obstruct views to the street at access drives.
- g) The applicant shall be responsible for landscaping and maintenance. Council may require landscaping be completed within two years after construction of the principal building or structure is completed. A letter of credit as insurance may be required to ensure landscaping is completed.
- h) A minimum of 100 square feet per unit of open space must be provided for multi-family residential developments.

- i) All side and rear yard site lines in the Industrial and Commercial zones which abut Residential or Parks and Recreation zones must be screened by a fence, hedge or evergreen trees which will extend a minimum of six (6) feet in height. Where chain link fencing is used, it shall be bordered by trees or hedges that, when planted, are expected to reach a height of not less than the height of the fence.

### **3.15 Public Reserve Land**

Public reserve land shall only be used for:

- a) a public park or recreation area;
- b) a natural area;
- c) a planted buffer strip or part thereof separating incompatible land uses; or
- d) public works.

### **3.16 Riparian and Wetland Areas**

No development shall occur within 100 feet (30.5 metres) from the ordinary high water mark of a natural water body, waterway, wetland, or a third (or higher) order drain, except if the development is permitted as an exception under 3.17. No development shall occur within 50 feet (15.2 metres) of a first or second order drain, or artificially created retention pond, except if the development is permitted as an exception under 3.17. No expansion of any existing use is permitted within the riparian area.

### **3.17 Exceptions to Riparian Setbacks**

Notwithstanding the restrictions in 3.16, development that creates minor disturbances to the natural vegetative cover of riparian areas (such as docks, boathouses, and pathways) and buildings or structures intended for flood or erosion control, may be allowed within the riparian wetland area, provided no more than 25% of the length of a lot's shoreline is affected.

### **3.18 Hazard Lands**

Development is prohibited on land:

- a) identified as "Flood Hazard Area" pursuant to the R.M. of Montcalm Development Plan;
- b) that is subject to subsidence or erosion by water or is marshy or unstable; or
- c) is otherwise hazardous by virtue of its soil or topography.

Unless a geotechnical engineering report showing that the development may occur without creating any additional risks is submitted to the R.M. of Montcalm Council at the time of the application for a Development Permit.

### **3.19 Slope and Soil Information Requirements**

When an application for a development permit is submitted to the Development Officer for the development of a site abutting a watercourse or municipal drain, the application may be required to include, at the discretion of the Development Officer:

- a) information regarding the existing and proposed grades to the satisfaction of the Designated Officer; and/or
- b) a detailed engineering study of the soil conditions prepared by a registered professional engineer of Manitoba prior to the issuance of a development permit, certifying that the foundations proposed for the development were designed with full knowledge of the soil conditions and the proposed siting of the development upon the site.

The Development Officer, having required a detailed engineering study of the soil conditions may, acting on the advice of the Municipal Engineer or Designated Officer, apply conditions to the approval of the development permit to prevent erosion and to stabilize soil conditions.

### **3.20 Flood Risk Areas**

Notwithstanding any other provision of this By-law, Council may:

- a) refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council, is to be located within the floodway of a river, stream, drain or watercourse, and where Council has determined that placement of said structure would impede the flow of flood waters and/or create a hazard to life, limb or property.
- b) refuse a development permit for any drainage works to be undertaken on private lands where it has determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

The following provisions shall also apply:

The Designated Flood Area Regulation has different standards for different types of buildings/structures. Council should refer to the Designated Flood Area Regulation MR 59/2002 or subsequent versions of this regulation when reviewing permits for different types of buildings/structures.

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

Parcels of land containing active or abandoned waste disposal grounds and sewage lagoons shall not be located within 460 meters (1,509 ft.) from any centre of population and 300 meters (984 ft.) of individual residences.

### **3.22 Development Near Railways**

- a) Development shall not interfere with normal railway operations and maintenance of railway tracks.
- b) Railway office buildings, warehouse facilities, maintenance buildings, and storage areas shall be subject to the requirements of this By-law.
- c) No new dwelling unit shall be located within 30 meters (100 ft.) of an active railway right-of-way. (See Guidelines for New Development in Proximity to Railway Operators

prepared for The Federation of Canadian Municipalities and the Railway Association of Canada).

### **3.23 Development near the Provincial Highway System**

For any structure, construction, or to change or intensify the use of an existing structure proposed within the controlled areas adjacent to the provincial highway system, provincial permits are required from the provincial authority having jurisdiction. Permits from the provincial authority having jurisdiction are also required for any new, modified, or relocated driveway, or to intensify the use of an existing driveway proposed to a provincial road or provincial trunk highway.

### **3.24 Parking**

When any new development is proposed, including a change of use of an existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this section as follows:

<b>Table 3.1: Minimum onsite Parking Space Requirements</b>		
	<b>Use</b>	<b>Number of Parking Spaces Required</b>
<b>Residential Uses</b>	<ul style="list-style-type: none"> <li>• Single-Dwelling</li> <li>• Two-Dwelling or Multi-Dwelling</li> <li>• Mobile Home Dwelling</li> <li>• Bed and Breakfast Home</li> <li>• Residential Care Facility</li> </ul>	<ul style="list-style-type: none"> <li>• 1.0/Dwelling Unit</li> <li>• 1.2/Dwelling Unit</li> <li>• 1.0/Dwelling Unit</li> <li>• 1.0/Sleeping Accommodation</li> <li>• 1.0/each 2 dwelling or sleeping units</li> </ul>
<b>Commercial Uses</b>	<ul style="list-style-type: none"> <li>• Hotel and Motel</li> <li>• Eating and Drinking Establishment</li> <li>• Convenience and Retail Sales Stores</li> <li>• All other Commercial Establishments</li> </ul>	<ul style="list-style-type: none"> <li>• 1.0/Guest Room or Sleeping Unit</li> <li>• 1.0/ 4 seats or 1.0 per 100 sq. ft. or floor area</li> <li>• 1.0 per 200 sq. ft. of floor area</li> <li>• 1.0 per 250 sq. f.t of floor area</li> </ul>
<b>Industrial Uses</b>	<ul style="list-style-type: none"> <li>• Industrial Uses</li> </ul>	<ul style="list-style-type: none"> <li>• 1.0 per 1,000 sq. ft. of floor area or 1.0 per 5 employees</li> </ul>
<b>Other Uses</b>	<ul style="list-style-type: none"> <li>• Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Centre</li> <li>• Medical Treatment Service</li> <li>• Education Service</li> <li>• Government Service</li> <li>• Child Care Service</li> <li>• Funeral Service</li> </ul>	<ul style="list-style-type: none"> <li>• 1.0 per 5 seating spaces of 10 ft. of bench space</li> <li>• 2.0 per bed</li> <li>• 1.5 per classroom, plus 1 for each 100 sq. ft. of floor area devoted to public use</li> <li>• 1.0 per 550 sq. ft. of floor area</li> <li>• 1.0 per every 2 employees</li> <li>• 1.0 per every 5 seating places</li> </ul>
<p><i>*Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer</i></p>		

The following regulations shall apply to all parking areas as required by this By-law:

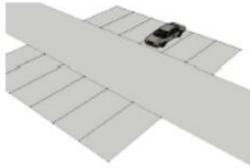
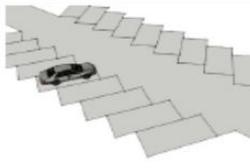
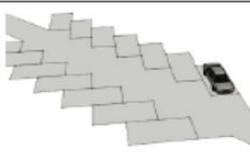
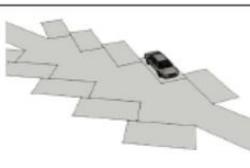
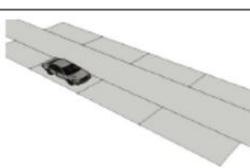
- a) In the case of a multiple use site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council that the complementary use of the parking facilities would warrant a reduction in the parking requirements;
- b) Parking areas shall be provided with at least one entrance and one exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;

- c) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles; it may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;
- d) Where parking areas are provided in any commercial or industrial zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;
- e) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated there from by any street, lane or water course, a buffer of a design acceptable to the Council shall be provided;
- f) No sign shall be erected except:
  - (i) signs for the direction of traffic within the parking area, and
  - (ii) directional signs of not more than five (5) square feet in area at each point of entrance and exit.
 Such signs may bear the name of the business if the parking area is connected thereto.

The layout and design of the parking area shall be as follows:

- a) The layout and design of the parking area shall be in accordance with Table 3.1 "Minimum Parking Space Requirements" and Table 3.2 "Parking Area Layout."
- b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas.
- c) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space.
- d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle.
- e) The off-street parking area shall be provided with an access drive with a minimum width of ten (10) feet, to a street or lane.
- f) Except as provided for in paragraph (c), an aisle or driveway shall not mean a street or lane.
- g) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access, and snow removal.

**Table 3.2: Parking Area Layout Requirements**

Configuration	Angle	Minimum Stall Dimensions		Minimum Aisle Width	
		Width	Length	Two Way	One Way
	75° - 90°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	7.3 m (24 ft)
	60° - 75°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	5.5 m (18 ft)
	45° - 60°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	4.0 m (13 ft)
	30° - 45°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	3.7 m (12 ft)
	Parallel	2.75 m (9 ft)	6.7 m (22 ft)	7.3 m (24 ft)	3.7 m (12 ft)

**3.25 Accessible Parking Spaces**

Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with mobility issues, in accordance with the following requirements:

1. Each accessible parking space:
  - i. must be at least 11.5 ft. (3.5 m) wide;
  - ii. must be located within 200.0 ft. (60.96 m) of major building entrances used by residents, employees, or the public; and
  - iii. must include signage reserving the space for use by persons with mobility issues.
2. At least one curb ramp must be located within 100.0 ft. (30.48 m) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.
3. The accessible parking space requirements are as follows:

Table 3.3: Accessible Parking Space Requirements	
Total Number of Parking Spaces Required	Minimum Number of Accessible Parking Spaces Required
1-25	1
25-50	2
51-75	3
75-100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces

### 3.26 Loading Space Requirements

For all buildings and uses involving regular and frequent receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, the owner or operator of the buildings or uses shall provide and maintain on the site adequate loading and unloading spaces as follows:

- a) Each loading or unloading space shall be at least thirty (30) feet long, twelve (12) feet wide and have a vertical clearance of at least fourteen (14) feet.
- b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet wide contained on the site in which the spaces are located and leading to a street or lane located within the zone in which the use is located.
- c) Loading and unloading areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- d) Off-street loading spaces shall not be permitted in a required corner side yard.
- e) The number of loading spaces shall be provided in accordance with the following:

Table 3.4: Minimum Loading Spaces	
Area of Building	Minimum Loading Space
Less than <b>5,000</b> square feet	One (1) space
Exceeding <b>5,000</b> square feet but not more than <b>15,000</b> square feet	Two (2) spaces
Exceeding <b>15,000</b> square feet	Three (3) spaces

### 3.27 Parking Area Entrances / Exits for Automobile Service Stations, Public Parking Areas, and Vehicle Sales

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

**Table 3.5: Parking Area Entrance and Exit Requirements**

Minimum width of an entrance or exit	20 ft.
Minimum width of a combined entrance and exit	25 ft.
Maximum width of an entrance or exit	40 ft.
Maximum width of a combined entrance and exit	60 ft.
Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane	30 ft.
Minimum distance between entrances and exits	30 ft.

**3.28 Fences – Residential Uses**

A fence on a residential property:

- a) shall not include electric fences or barbed wire fences;
- b) shall not be higher than:
  - i. 3.5 feet (1.07m) in a required front yard, and
  - ii. 6.5 feet (1.98m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;
- c) is permitted in all required yards and can be placed up to the property line; and
- d) where located on the street side of a corner site shall not exceed a height of 3.5 feet, unless setback a distance of fifteen (15) feet, in which case the height shall not exceed six (6) feet.

**3.29 Fences – Non Residential Uses**

A fence on all properties other than residential properties:

- a) shall not include electric fences or barbed wire fences except in the case of a Commercial or Industrial zone where the top 2.0 feet (0.6 m) of the fence can be barbed wire for security purposes;
- b) shall not be higher than:
  - i. 4.0 feet (1.22m) in a required front yard; and
  - ii. 8.0 feet (2.44m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;
- c) are permitted in all required yards and can be placed up to the property line;
- d) where located on the street side of a corner site shall not exceed a height of 3.5 feet, unless setback a distance of fifteen (15) feet in which case the height shall not exceed six (6) feet; and
- e) outdoor storage shall not be allowed to project above the height of the fence.

## PART 4: ZONING DISTRICTS

### 4.1 Districts Established

The following zoning districts, district names and abbreviations shown in Table 4.1, and the locations and boundaries of the zoning districts shown on the Zoning Maps [Schedule A], are hereby established in the R.M. of Montcalm

<b>TABLE 4.1: Land Use Zones</b>	
Abbreviations	Zoning District Name
<b>"AG"</b>	Agricultural General Zone
<b>"AR"</b>	Agricultural Restricted Zone
<b>"RR"</b>	Rural Residential Zone
<b>"RG"</b>	Residential General Zone
<b>"CH"</b>	Commercial Highway Zone
<b>"CC"</b>	Commercial Central Zone
<b>"MG"</b>	Industrial General Zone
<b>"PR"</b>	Parks and Recreation Zone
<b>"I"</b>	Institutional Zone
<b>"GD"</b>	General Development Zone

### 4.2 Zoning Boundaries

The zones established above in Table 4.1 shall apply within the boundaries of the zones shown on the maps in Schedule A, following these rules of interpretation:

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

### 4.3 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Use Tables. In the Use Tables:

- a) Permitted uses are indicated with the letter [P].
- b) Conditional uses are indicated with the letter [C].
- c) An asterisk symbol (\*) indicates that a use specific standard applies.
- d) An underline (e.g. P, C) indicates that the use may only be established as a secondary use. Where no minimum or maximum site requirements are provided in the bulk table for the proposed secondary use, the requirements are as per the principal use.

### 4.4 Bulk Regulations

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with

the bulk requirements described in the Bulk Regulations Table or elsewhere in this By-law.

#### **4.5 Use-Specific Standards**

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the additional standards for specific uses [in Part 11 of this By-law] must be met, except as otherwise provided in this By-law or by a Conditional Use or Variance Order.

## PART 5: AGRICULTURAL ZONES

### 5.1 Agricultural Zones

The following agricultural zones are hereby established:

- a) **“AG” Agricultural General Zone** provides for a full range of agricultural activities on large holdings.
- b) **“AR” Agricultural Restricted Zone** provides restrictions on the size and intensity of livestock production operations and provides for limited agricultural activities in proximity to settlement and residential areas.

### 5.2 General Provisions

The following provisions apply to lands zoned AG, and AR

- a) All provisions pertaining to rural area zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
- c) Part 11: Use Specific Standards as applicable.

### 5.3 Permitted Accessory Uses

In the AG and AR zones, accessory uses, buildings and structures include the following:

- a) Barns, sheds, animal enclosures, silos, and greenhouses,
- b) Farm-gate sales of agricultural products produced and/or raised on the premises,
- c) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- d) A garage, shed or storage building incidental to a permitted or conditional use,
- e) A shipping container (“sea-can”) for storage purposes only,
- f) Private communications facilities,
- g) Signs as permitted and regulated in Part 12 of this By-law,
- h) Other accessory uses and structures consistent with those permitted in the agricultural zones at the discretion of the Development Officer.

**Table 5.1****AG Agricultural General Zone**

The AG zone provides for a full range of agricultural activities on large holdings.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		Minimum Requirements					Max. Requirements	
		Site Area (acres)	Site Width (ft)	Front Yard <sup>1</sup> (ft)	Side Yard <sup>1</sup> (ft)	Rear Yard <sup>1</sup> (ft)	Height <sup>2</sup> (ft)	Site Coverage (%)
Agricultural Operation (excluding livestock production operations)	<b>P</b>	80	600	75	25	25	30	n/a
Agricultural Processing Facility	<b>C</b>	10	400	75	25	25	30	40
Aircraft Landing Strip	<b>C</b>	80	600	75	50	50	n/a	n/a
Anhydrous Ammonia Facility	<b>C*</b>	10	400	75	25	25	30	40
Cemetery	<b>P</b>	2	200	30	10	10	30	n/a
Child Care Services (secondary and incidental to a principal use)	<b><u>P</u>*</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Family	<b>C</b>	2	200	75	25	25	30	40
Dwelling, Multi-Family	<b>C</b>	2	200	75	25	25	30	40
Equestrian Establishment	<b>P</b>	2	200	75	25	25	30	40
Farmstead Site	<b>P</b>	2	200	75	25	25	30	n/a
Group Home	<b>C</b>	2	200	75	25	25	30	40
Hobby Farm	<b>P*</b>	4	200	75	25	25	30	40
Home-Based Business	<b><u>P</u>*</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home Industry	<b><u>C</u>*</b>	n/a	n/a	75	25	25	30	15
Kennel	<b>C</b>	2	200	75	25	25	30	n/a
Livestock Production Operation <sup>4</sup> (10 to 139 animal units)	<b>P</b>	80	600	75	25	25	30	n/a
Livestock Production Operation <sup>4</sup> (140 animal units or more)	<b>C</b>							
Natural Resource Development	<b>C</b>	80	600	75	25	25	30	n/a
Public Utility	<b>P</b>	n/a	n/a	30	5	25	n/a	n/a
Secondary Suite	<b><u>C</u>*</b>	n/a	n/a	75	15	15	30	15
Specialized Agriculture	<b>C</b>	10	400	75	25	25	30	n/a
Temporary Additional Dwellings	<b><u>C</u>*</b>	2	200	75	25	25	30	n/a
Wind Energy Generating System	<b>C*</b>	80	600	See Section 11.10				
Accessory buildings and structures	<b>P</b>	n/a	n/a	75	15	15	30	15 <sup>3</sup>

<sup>1</sup>The requirement for yards abutting a Provincial Trunk Highway (P.T.H.) or a Provincial Road (P.R.) is subject to approval by Manitoba Infrastructure or appropriate government department when not meeting regulatory requirements. Permits are required from Manitoba Infrastructure for any structure/construction/development proposed within the controlled area adjacent to the provincial highway systems.

<sup>2</sup> The maximum height shall exclude grain storage structures, grain augurs and other facilities directly required for processing grain.

<sup>3</sup> Site coverage is cumulative for all accessory buildings and structures.

<sup>4</sup> See Section 5.4.

**Table 5.2****AR Agricultural Restricted Zone**

The AR zone provides restrictions on the size and intensity of livestock production operations and provides for limited agricultural activities in proximity to settlement and residential areas.

<b>Use Class</b> <small>P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use</small>		<b>Minimum Requirements</b>					<b>Max. Requirements</b>	
		Site Area (acres)	Site Width (ft)	Front Yard <sup>1</sup> (ft)	Side Yard <sup>1</sup> (ft)	Rear Yard <sup>1</sup> (ft)	Height <sup>2</sup> (ft)	Site Coverage (%)
Agricultural Implement Sales, Rental & Service	<b>P</b>	10	400	75	25	25	30	40
Agricultural Operation (excluding livestock production operations)	<b>P</b>	80	600	75	25	25	30	n/a
Agricultural Processing Facility	<b>C</b>	10	400	75	25	25	30	40
Aircraft Landing Strip	<b>C</b>	80	600	75	50	50	n/a	n/a
Anhydrous Ammonia Facility	<b>C*</b>	10	400	75	25	25	30	40
Bulk Storage	<b>C</b>							
Cemetery	<b>P</b>	2	200	30	10	10	30	n/a
Child Care Services (secondary and incidental to a principal use)	<b><u>P</u>*</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Family	<b>C</b>	2	200	75	25	25	30	40
Dwelling, Multi-Family	<b>C</b>	2	200	75	25	25	30	40
Equestrian Establishment	<b>P</b>	2	200	75	25	25	30	40
Farmstead Site	<b>P</b>	2	200	75	25	25	30	n/a
Group Home	<b>C</b>	2	200	75	25	25	30	40
Hobby Farm	<b><u>P</u>*</b>	4	200	75	25	25	30	40
Home-Based Business	<b><u>P</u>*</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home Industry	<b><u>C</u>*</b>	n/a	n/a	75	25	25	30	15
Kennel	<b>C</b>	2	200	75	25	25	30	n/a
Livestock Production Operation <sup>4</sup> ( 10 to 200 animal units)	<b>C</b>	80	600	75	25	25	30	n/a
Natural Resource Development	<b>C</b>	80	600	75	25	25	30	n/a
Public Utility	<b>P</b>	n/a	n/a	30	5	25	n/a	n/a
Secondary Suite	<b><u>C</u>*</b>	n/a	n/a	75	15	15	30	15
Specialized Agriculture	<b>C</b>	10	400	75	25	25	30	n/a
Temporary Additional Dwelling	<b><u>C</u>*</b>	2	200	75	25	25	30	n/a
Wind Energy Generating System	<b>C*</b>	80	600	See Section 11.10				
Accessory buildings and structures	<b>P</b>	n/a	n/a	75	15	15	30	15 <sup>3</sup>

<sup>1</sup>The requirement for yards abutting a Provincial Trunk Highway (P.T.H.) or a Provincial Road (P.R.) is subject to approval by Manitoba Infrastructure or appropriate government department when not meeting regulatory requirements. Permits are required from Manitoba Infrastructure for any structure/construction/development proposed within the controlled area adjacent to the provincial highway systems.

<sup>2</sup> The maximum height shall exclude grain storage structures, grain augurs and other facilities directly required for processing grain.

<sup>3</sup> Site coverage is cumulative for all accessory buildings and structures.

<sup>4</sup> See Section 5.4

## 5.4 Livestock Operations

- 1)
  - a) In accordance with Section 72(2) of *The Planning Act*, livestock operations involving 140 or more animal units in the AG zone and livestock operations involving 10 or more animal units in the AR zone will be treated as a conditional use.
  - b) All operations of a size of 300 animal units or greater in the AG zone will require a technical review from the Provincial Technical Review Committee. Development applications will be evaluated on the basis of the recommendation forthcoming from these reviews.
  - c) Livestock operations in the AR zone involving 201 animal units or greater are not permitted. Existing operations within the AR zone may continue operation and any existing operations above 200 animal units may be allowed for expansion as a conditional use, subject to separation distance requirements in the Zoning By-law (See Tables 5.3 and 5.4).
- 2) The number of animal units for a livestock operation shall be determined in accordance with Table 5.5.
- 3) All new or expanding livestock operations shall require application for a development permit. The application shall include the following information:
  - a) Description of the proposed new or expanding livestock operation including:
    - i. Number and type of animals;
    - ii. Number and type of animal housing and other buildings or structures related to the livestock operation;
    - iii. Type and size of manure storage facility;
    - iv. Method of manure application;
    - v. Means of limiting manure runoff; and
    - vi. Means of odour control;
  - b) A site plan showing the location and distance from property lines of the following:
    - i. Animal housing and other buildings or structures related to the livestock operation;
    - ii. Manure storage facility; and
    - iii. Well;
  - c) Where a proposed new or expanding livestock operation is 300 AU or greater in size, additional information may be required at the request of the Technical Review Committee. This information shall be certified by a qualified agricultural engineer or other professional acceptable to the TRC.
- 4) All proposed livestock operations shall meet the siting criteria outlined in Tables 5.3 and 5.4.

- 5) Council may impose the following conditions on an application for a livestock operation:
  - a) Measures to ensure conformity with the applicable provisions of the Development Plan and Zoning By-law;
  - b) Measures to implement recommendations of the Technical Review Committee;
  - c) One or both of the following measures intended to reduce odours from the operation:
    - i. Requiring a cover on manure storage facilities and/or;
    - ii. Requiring shelterbelts to be established;
  - d) Require the applicant to enter into a development agreement regarding one or more of the following matters:
    - i. The timing of construction;
    - ii. The control of traffic;
    - iii. The construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts and/or;
    - iv. The payment of a sum of money to the Board or Council to be used by the Board or Council to construct any of the items mentioned in clause (iii) above.
- 6) Where the proposed new or expansion of an existing livestock operation is within one (1) mile of a Wildlife Management Area (WMA) as designated under the Province's Protected Areas Initiative, the application shall be circulated to Manitoba Conservation and Water Stewardship for review and comment.
- 7) The expansion of existing livestock facilities shall not be permitted within 328 feet (100 metres) of the Red River.
- 8) For both new and expanding operations, a setback of 328 feet (100 metres) from other major water bodies/rivers and from all surface watercourses including roadside ditches and drains shall be required.
- 9) Where the proposed new or expansion of an existing livestock operation is less than 140 AU in size in the AG Zone, the Development Officer may approve the application where satisfied the proposed livestock operation is in compliance with:
  - a) The applicable provincial and federal regulations and guidelines according to statements from the responsible provincial agencies; and
  - b) The mutual separation distance requirements as established in the *Provincial Planning Regulation* and *The Environment Act*.
- 10) Where the proposed new or expansion of an existing livestock operation is between 140 AU and 299 AU in the AG Zone, an application for a conditional use order must be made, in accordance with Section 1.17 of this By-law.
- 11) Where the proposed new or expansion of an existing livestock operation is 300 AU or greater, an application for a conditional use order must be made, in accordance with Section 1.17 of this By-law. A copy of the application and all supporting material

shall be sent to the Minister as soon as reasonably practical in accordance with *The Planning Act*; and shall be referred to the Provincial Technical Review Committee (TRC) for review and consideration. Upon receipt of the TRC report, the Board shall proceed in accordance with *The Planning Act*. The Board or Council may only approve applications for conditional uses where:

- a) The Technical Review Committee has determined, based on the available information, that the proposed new or expanding livestock operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards; and
- b) The Board or Council is satisfied that the proposed new or expanding livestock operation will be compatible with the general nature of the surrounding area, will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and is generally consistent with the applicable provisions of the Development Plan By-law, Zoning By-law and any Secondary Plan.

#### 5.4.1 Separation Distances for New Operations

The following separation distances shall apply to all new livestock operations within the AG-Agricultural General Zone and AR-Agricultural Restricted Zone:

<b>Table 5.3 Separation Distances for New Operations</b>				
<b>Size of Livestock Operation in Animal Units</b>	<b>Separation Distance in Feet (Metres) from a Residence</b>		<b>Separation Distance in Feet (Metres) from a Designated Area</b>	
	<b>To Earthen Manure Storage Facility or Feedlot</b>	<b>To Animal Confinement Facility or Non-earthen Manure Storage Facility</b>	<b>To Earthen Manure Storage Facility or Feedlot</b>	<b>To Animal Confinement Facility or Non-earthen Manure Storage Facility</b>
10 – 100	656 (200)	328 (100)	2,625 (800)	1,739 (530)
101 – 200	984 (300)	492 (150)	3,937 (1,200)	2,625 (800)
201 – 300	1,312 (400)	656 (200)	5,249 (1,600)	3,511 (1,070)
301 – 400	1,476 (450)	738 (225)	5,906 (1,800)	3,937 (1,200)
401 – 800	1,640 (500)	820 (250)	6,561 (2,000)	4,364 (1,330)
801 – 1,600	1,968 (600)	984 (300)	7,874 (2,400)	5,269 (1,600)
1,601 – 3,200	2,297 (700)	1,148 (350)	9,186 (2,800)	6,135 (1,870)
3,201 – 6,400	2,625 (800)	1,312 (400)	10,499 (3,200)	6,988 (2,130)
6,401 – 12,800	2,953 (900)	1,476 (450)	11,811 (3,600)	7,874 (2,400)
> 12,800	3,281 (1,000)	1,640 (500)	13,123 (4,000)	8,760 (2,670)

#### 5.4.2 Separation Distances for Expanding Operations

The following separation distances shall apply to all expanding livestock operations within the AG-Agricultural General Zone and AR-Agricultural Restricted Zone:

**Table 5.4**  
**Separation Distances for Expanding Operations**

Size of Livestock Operation in Animal Units	Separation Distance in Feet (Metres) from a Residence		Separation Distance in Feet (Metres) from a Designated Area	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility
10 – 100	656 (200)	328 (100)	2,625 (800)	1,739 (530)
101 – 200	984 (300)	492 (150)	3,937 (1,200)	2,625 (800)
201 – 300	1,312 (400)	656 (200)	5,249 (1,600)	3,511 (1,070)
301 – 400	1,476 (450)	738 (225)	5,906 (1,800)	3,937 (1,200)
401 – 800	1,640 (500)	820 (250)	6,561 (2,000)	4,364 (1,330)
801 – 1,600	1,968 (600)	984 (300)	7,874 (2,400)	5,269 (1,600)
1,601 – 3,200	2,297 (700)	1,148 (350)	9,186 (2,800)	6,135 (1,870)
3,201 – 6,400	2,625 (800)	1,312 (400)	10,499 (3,200)	6,988 (2,130)
6,401 – 12,800	2,953 (900)	1,476 (450)	11,811 (3,600)	7,874 (2,400)
> 12,800	3,281 (1,000)	1,640 (500)	13,123 (4,000)	8,760 (2,670)

**Table 5.5**  
**Calculation of Animal Units by Category of Livestock**

		<b>AU Produced By One Livestock</b>	<b>Livestock Producing One AU</b>
<u>Dairy</u>	Milking cows (including associated livestock)	2	0.5
<u>Beef</u>	Beef cows (including associated livestock)	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder Cattle	0.769	1.3
<u>Hogs</u>	Sows, farrow to finish	1.25	0.8
	Sows, farrow to weanling	0.25	4
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.2	5
<u>Chickens</u>	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
<u>Turkeys</u>	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
<u>Horses</u>	Mares (including associated livestock)	1.333	0.75
<u>Sheep</u>	Ewes (including associated livestock )	0.2	5
	Feeder lambs	0.063	16

## PART 6: RESIDENTIAL ZONES

### 6.1 Residential Zones

The following residential zones are hereby established:

- a) “RG” Single-Family Residential Zone provides for the development of single-family dwellings, two-family dwellings and multi-family dwellings in an urban context.
- b) “RR” provides for the development of single-family dwellings, generally reliant on onsite water and wastewater infrastructure, in a rural context.

### 6.2 General Provisions for Residential Zones

The following provisions apply to lands zoned RG

- a) All provisions pertaining to residential zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
- c) Part 11: Use Specific Standards as applicable.

### 6.3 Minimum Dwelling Size

The minimum dwelling unit area of a single-family or two-family dwelling shall be 800 square feet for each dwelling unit.

### 6.4 Exceptions for Residential Zones (RG)

For single-family and two-family dwellings in the RG zone, the following side yard exceptions apply:

- a) The minimum side yard on the street side of a corner site shall be fifteen (15) feet.
- b) Accessory buildings located to the rear of the main building shall have a minimum side yard of two (2) feet unless the site is a corner site, in which case the minimum side yard shall be fifteen (15) feet.
- c) Without a lane at the rear of the site, one side yard shall be ten (10) feet except where an attached garage or carport is provided at the side of the main building.
- d) Fences and hedges located on the street side of a corner site shall not exceed a height of 3.5 feet, unless set back a distance of fifteen (15) feet in which case said height shall not exceed six (6) feet.

### 6.5 Permitted Accessory Uses

In the Residential Zones, accessory uses, structures and buildings include the following:

- a) A children’s playhouse, garden house, gazebo, private greenhouse, summer house, conservatory, swimming pool or hot tub,
- b) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- c) A private garage, carport, covered patio, shed or similar building,
- d) Accessory off-street parking areas,
- e) Private communications facilities,
- f) Signs as permitted and regulated in Part 12 of this By-law,

- g) Refuse and garbage areas separate from required parking areas, buffers and open spaces for multi-family dwellings and other permitted or approved uses. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- h) Other accessory uses and structures consistent with those permitted in the residential zones at the discretion of the Development Officer.

**Table 6.1****RG Residential General Zone**

The RG zone provides for the development of a range of residential dwellings.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard <sup>1</sup> (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Bed & Breakfast	<u>C</u> *	n/a	n/a	n/a	n/a	n/a	n/a	
Child Care Services	P	10,000	100	30	5	25	30	60
Dwelling, Multi-Family	C	10,000 <sup>2</sup>	100	30	15	25	30	60
Dwelling, Single-Family	P	5,000	50	30	5	25	30	40
Dwelling, Two-Family	C	7,500	75	30	5	25	30	60
Education Service	C	10,000	100	30	15	25	30	40
Group Home	C	5,000	50	30	5	25	30	40
Home-Based Business	<u>P</u> *	n/a	n/a	n/a	n/a	n/a	n/a	n/a
House, Boarding or Lodging	C	5,000	50	30	15	25	30	40
Mobile Home Parks	C	15,000	200	30	15	25	30	40
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Religious Assembly	C	10,000	100	30	15	25	30	40
Residential Care Facility	C	10,000	100	30	15	25	30	40
Secondary Suite	<u>C</u> *	n/a	n/a	30	5	2	30	15
Accessory buildings and structures	P	n/a	n/a	30	5	2	15	15 <sup>3</sup>

<sup>1</sup> See Section 6.3

<sup>2</sup> Multi-family dwellings require a minimum site area of 10,000 square feet plus 1,000 sq.ft. for each dwelling unit.

<sup>3</sup> Site coverage is cumulative for all accessory buildings and structures.

**Table 6.2****RR Rural Residential Zone**

The RR zone provides for the development of single-family dwellings, generally reliant on onsite water and wastewater infrastructure, in a rural context.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Bed & Breakfast	<u>P</u> *	n/a	n/a	n/a	n/a	n/a	n/a	
Child Care Services	P	n/a	n/a	n/a	n/a	n/a	n/a	
Dwelling, Single-Family	P	2	200	50	25	25	30	40
Group Home	C	2	200	50	25	25	30	40
Hobby Farm / Stable	<u>C</u> *	4	200	75	25	25	30	40
Home-Based Business	<u>P</u> *	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home Industry	<u>C</u> *	n/a	n/a	75	15	15	30	15
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Secondary Suite	<u>C</u> *	n/a	n/a	75	15	15	30	15
Accessory buildings and structures	P	n/a	n/a	75	15	15	30	15

## PART 7: COMMERCIAL ZONES

### 7.1 Commercial Zones

The following commercial zones are hereby established:

- a) **“CH” Highway Commercial Zone** provides for appropriate commercial uses adjacent to the main highways for the purpose of servicing the travelling public and for providing commercial space for those businesses, which, by their nature, require a highway location for access and/or display purposes.
- b) **“CC” Central Commercial Zone** provides land for the development of intensive retail, business, service and administrative uses.

### 7.2 General Provisions for Commercial Zones

The following provisions apply to lands zoned CC and CH:

- a) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail;
- b) All provisions pertaining to commercial zones within this part;
- c) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
- d) Part 11: Use Specific Standards as applicable.

### 7.3 Permitted Accessory Uses

In the Commercial Zones, accessory uses, buildings and structures include the following:

- a) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to business and personal service and mercantile occupancies if conducted by the same ownership as the principal use and contained within a completely enclosed building,
- b) A children’s playhouse, garden house, gazebo, private greenhouse, summer house, conservatory, swimming pool or hot tub,
- c) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- d) A garage, carport, covered patio, shed or similar building,
- e) Accessory off-street parking areas,
- f) Private communications facilities,
- g) Signs as permitted and regulated in Part 12 of this By-law,
- h) Off-street parking and loadings spaces as required in Sections 3.24-3.26,
- i) Refuse and garbage areas separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- j) Other accessory uses and structures consistent with those permitted in the commercial zones at the discretion of the Development Officer.

**Table 7.1****CH Highway Commercial Zone**

The CH zone provides for appropriate commercial uses adjacent to highways for the purposes of servicing the travelling public and for providing commercial space for those businesses which, by their nature, require a highway location for access and/or display purposes.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard <sup>1</sup> (ft)	Side Yard <sup>1</sup> (ft)	Rear Yard <sup>1</sup> (ft)	Height (ft)	Site Coverage (%)	
Automobile Service Station and Gas Bar	<b>P</b>	30,000	300	45 <sup>2</sup>	15	15	30	40
Automobile, Recreational Vehicle or Farm Implement Sales/Rentals	<b>P</b>	30,000	150	125	15	15	30	40
Bulk Storage	<b>C</b>							
Eating & Drinking Establishment	<b>P</b>							
Emergency Service	<b>P</b>							
Garden Centres, Farmers' Markets & Produce Stands	<b>P</b>							
Government Service	<b>P</b>							
Greenhouse, Plant & Tree Nursery	<b>P</b>							
Hotel / Motel	<b>P</b>	30,000	150	125	25	25	30	40
Portable Asphalt Plant	<b>C</b>							
Public Utility	<b>P</b>							
Recycling Facility	<b>C</b>							
Self-Service Storage Facility	<b>P</b>	15,000	100	20	5	5	30	60
Retail Sales & Service	<b>P</b>							
Trucking Operation	<b>P</b>	15,000	150	125	25	25	30	40
Warehouse Sales	<b>P</b>							
Accessory buildings and structures	<b>P</b>	n/a	n/a	125	15	15	30	15

<sup>1</sup> The requirement for yards abutting a Provincial Trunk Highway (P.T.H.) or a Provincial Road (P.R.) is subject to approval by Manitoba Infrastructure or appropriate government department when not meeting regulatory requirements. Permits are required from Manitoba Infrastructure for any structure/construction/development proposed within the controlled area adjacent to the provincial highway systems.

<sup>2</sup> Fuel pumps shall have a minimum front yard of 25 feet.

**Table 7.2****CC Central Commercial Zone**

The CC zone provides for the development of retail, business, service and administrative uses in the Settlement Centers of St. Jean Baptiste and Letellier.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard <sup>1,2</sup> (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Automobile Service Station	P	10,000	100	20	5	5	35	60
Animal Shelter & Veterinary Service	C	10,000	100	20	5	5	35	60
Auctioneering Establishment	C	10,000	10	20	5	5	35	60
Business Support Services	P	2,500	25	2	0	20	35	60
Club, Private, Non-Profit & Recreational	P	5,000	50	20	5	20	35	60
Community Centre	P	10,000	100	20	5	5	35	60
Convenience Store	P	2,500	25	2	0	20	35	60
Custom Manufacturing Establishments	C	5,000	50	20	5	20	35	60
Eating & Drinking Establishment	P	5,000	50	20	5	20	35	60
Dwelling, Multi-family	C	10,000	100	20	5	5	35	60
Education Service	P	5,000	50	20	5	20	35	60
Emergency Service	P							
Funeral Service	P	15,000	100	20	5	5	35	60
Gas Bar	P	10,000	100	20	5	5	35	60
Government Service	P	5,000	50	20	5	20	35	60
Health Service	P							
Hotel / Motel	P	15,000	100	20	5	5	35	60
Household Repair Service	P	2,500	25	2	0	20	35	60
Indoor Participant Recreation Service	P	5,000	50	20	5	20	35	60
Information Technology Use	P	2,500	25	2	0	20	35	60
Kennel	C	10,000	100	20	5	5	35	60
Outdoor Amusement Establishment	C	10,000	100	20	5	5	35	60
Outdoor Participant Recreation Service	C	10,000	100	20	5	5	35	60
Parking, Surface Lot	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Personal Service Shop	P	2,500	25	2	0	20	35	60
Place of Assembly	P	5,000	50	20	5	20	35	60
Professional, Financial & Office Support Service	P	2,500	25	2	0	20	35	60
Public Library & Cultural Exhibit	P	5,000	50	20	5	20	35	60
Public Park	P	n/a	n/a	20	5	20	n/a	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Research Institution	C	5,000	50	20	5	20	35	60
Residential Care Facility	C	20,000	100	20	15	20	35	60
Retail Sales & Service	P	2,500	25	2	0	20	35	60
Accessory buildings and structures	P	n/a	n/a	30	5	5	15	10

<sup>1</sup> The minimum side yard on the street side of a corner site shall be two (2) feet.

<sup>2</sup> Multi-family dwellings require a minimum site area of 10,000 square feet plus 1,000 sq. ft. for each dwelling unit.

## PART 8: INDUSTRIAL ZONES

### 8.1 Industrial Zones

The following industrial zone is hereby established:

- a) “**MG**” **Industrial General Zone** provides for construction, manufacturing, processing, distribution, transportation and warehouse uses.

### 8.2 General Provisions for Industrial Zones

The following provisions apply to lands zoned MG:

- a) All provisions pertaining to industrial zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
- c) Part 11: Use Specific Standards as applicable.

### 8.3 Permitted Accessory Uses

In the Industrial General Zone, accessory uses, buildings and structures include the following:

- a) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to the principal use,
- b) Storage of goods used in or produced by manufacturing activities on the same zoning site with such activities unless such storage is excluded by the zoning regulations,
- c) A dwelling or mobile home for a watchman or caretaker if, in Council’s opinion, it is deemed necessary and essential to be located on the same site as the principal use,
- d) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- e) A garage, shed or storage building incidental to a permitted or conditional use,
- f) Off-street parking and loading spaces as required in Section 3.24-3.26,
- g) Private communications facilities,
- h) Signs as permitted and regulated in Part 12 of this By-law,
- i) Refuse and garbage area separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- j) Other accessory uses and structures consistent with those permitted in the industrial zones at the discretion of the Development Officer.

**Table 8.1****MG Industrial General Zone**

The MG zone provides for construction, manufacturing, processing, distribution, transportation and warehouse uses.

<b>Use Class</b> <small>P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use</small>		<b>Minimum Requirements</b>					<b>Max. Requirements</b>	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard <sup>1</sup> (ft)	Rear Yard <sup>1</sup> (ft)	Height (ft)	Site Coverage (%)
Agrichemical Storage Facility	C	15,000	100	20	15	15	30	60
Agricultural Processing Facility	C							
Anhydrous Ammonia Facility	C							
Auctioneering Establishment	C							
Bulk Storage	C							
Automobile Wrecking	C							
Concrete Batch Plant or Asphalt Plant	C							
Contractors Yard	P	20,000	150	20	15	15	30	60
Custom Manufacturing Establishments	P	15,000	100	20	15	15	30	60
Direct to Rail Facility	C	40,000	200	30	25	25	30	n/a
Emergency Service	P	15,000	100	20	15	15	30	60
General Contractor Service	P							
General Storage	P							
Government Service	P							
Indoor Participant Recreation Service	C							
Information Technology Use	P							
Kennel	C							
Light Industrial Use	P							
Limited Contractor Service	P							
Manufacturing Use	C							
Portable Asphalt Plant	C							
Public Utility <sup>2</sup>	P							
Recycling Facility	P							
Research Institution	C							
Salvage Operation / Yard	C							
Self-Service Storage Facility	P							
Sewage Treatment Site	P	20,000	150	20	15	15	30	60
Trucking Operation	P	15,000	100	20	15	15	30	60
Warehouse Sales	P							
Waste Disposal Site	C	20,000	150	20	15	15	30	60
Any permitted or conditional use in the "CH" or "CC" zones	C	See Table 7-1 for requirements						
Accessory buildings and structures	P	n/a	n/a	20	15	15	30	15

\*Side and rear yards abutting a residential zone shall be a minimum of twenty (20) feet.

## PART 9: PARKS AND RECREATION AND INSTITUTIONAL ZONES

### 9.1 Parks and Recreation and Institutional Zones

The following zones are hereby established:

- a) “PR” **Parks and Recreation Zone** provides land to accommodate public recreational uses.
- b) “I” **Institutional Zone** provides land to accommodate governmental, educational, and institutional uses.

### 9.2 General Provisions

The following provisions apply to lands zoned PR and I:

- a) All provisions pertaining to Parks and Recreation and Institutional zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
- c) Part 11: Use Specific Standards as applicable.

### 9.3 Permitted Accessory Uses

In the PR and I zones, accessory uses, buildings and structures include the following:

- a) A dwelling or mobile home for a watchman or caretaker if, in Council’s opinion, it is deemed necessary and essential to be located on the same site as the principal use,
- b) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- c) A garage, shed or storage building incidental to a permitted or conditional use,
- d) Off-street parking and loading spaces as required in Section 3.24-3.26,
- e) Private communications facilities,
- f) Signs as permitted and regulated in Part 12 of this By-law,
- g) Refuse and garbage areas separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- h) Other accessory uses and structures consistent with those permitted in the Parks and Recreation and Institutional zones at the discretion of the Development Officer.

**Table 9.1****Parks and Recreation Zone**

The PR zone provides land to accommodate public recreational uses.

<b>Use Class</b> P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		<b>Minimum Requirements</b>					<b>Max. Requirements</b>	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)
Cemetery	<b>P</b>	10,000	75	20	15	15	30	n/a
Club, Private, Non-Profit & Recreational	<b>C</b>	10,000	75	20	15	15	30	40
Community Centre	<b>C</b>	20,000	150	20	15	15	30	n/a
Indoor Participant Recreation Service	<b>C</b>							
Outdoor Amusement Establishment	<b>C</b>							
Outdoor Participant Recreation Service	<b>C</b>							
Public Park	<b>P</b>	n/a	n/a	30	15	15	n/a	n/a
Public Utility	<b>P</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory Buildings & Structures	<b>P</b>	n/a	n/a	30	5	5	15	10

**Table 9.2****Institutional Zone**

The I zone provides land to accommodate governmental, educational, and institutional uses.

<b>Use Class</b> P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		<b>Minimum Requirements</b>					<b>Max. Requirements</b>	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)
Cemetery	<b>P</b>	20,000	150	20	15	15	30	90
Child Care Services	<b>P</b>	10,000	100	20	5	5	30	40
Club, Private, Non-Profit & Recreational	<b>P</b>	20,000	150	20	15	15	30	40
Community Centre	<b>P</b>	20,000	150	20	15	15	30	40
Eating & Drinking Establishment (when secondary to a permitted use)	<b>C</b>	See site requirements for permitted principal use						
Education Service	<b>P</b>	20,000	150	20	15	15	30	40
Emergency Service	<b>P</b>	20,000	150	20	15	15	30	40
Extended Medical Treatment Service	<b>P</b>	20,000	150	20	15	15	30	40
Funeral Service	<b>P</b>	20,000	150	20	15	15	30	40
Government Service	<b>P</b>							
Health Service	<b>P</b>	10,000	100	20	5	5	30	40
Public Library & Cultural Service	<b>P</b>	10,000	100	20	5	5	30	40
Public Park	<b>P</b>	n/a	n/a	30	15	15	n/a	n/a
Public Utility	<b>P</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Religious Assembly	<b>P</b>	20,000	150	20	15	15	30	40
Research Institution	<b>C</b>							
Residential Care Facility	<b>P</b>							
Spiritual and Cultural Retreats/Facilities	<b>P</b>	20,000	150	20	15	15	30	40
Accessory Buildings & Structures	<b>P</b>	n/a	n/a	30	5	5	15	10

## PART 10: GENERAL DEVELOPMENT ZONES

### 10.1 General Development Zones

The following zones are hereby established:

- a) "GD" General Development Zones provides for a wide range of residential, commercial, and industrial uses within a smaller settlement centre.

### 10.2 General Provisions

The following provisions apply to lands zoned GD:

- a) All provisions pertaining to General Development zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
- c) Part 11: Use Specific Standards as applicable.

### 10.3 Permitted Accessory Uses

In the GD zones, accessory uses, buildings and structures include the following:

- a) A children's playhouse, garden house, gazebo, private greenhouse, summer house, conservatory, swimming pool or hot tub,
- b) Decks, patios, wheelchair ramps, statuary, light fixtures, fences, and walls,
- c) A private garage, carport, covered patio, shed or similar building,
- d) Accessory off-street parking areas,
- e) Private communication facilities,
- f) Signed as permitted and regulation in Part 12 of this By-law,
- g) The production, processing, cleaning, altering, testing, repair or storage of merchandise normally incidental to business and personal service and mercantile occupancies if conducted by the same ownership as the principal use and contained within a completely enclosed building.
- h) Storage of goods used in or produced by manufacturing activities.
- i) Off-Street parking and loading spaces as required in Sections 3.24-3.26,
- j) Refuse and garbage areas separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- k) Other accessory uses and structures consistent with those permitted in the commercial zones at the discretion of the Development Officer

**Table 10.1****GD General Development Zone**

The GD zone provides for a wide range of residential, commercial, and industrial uses within smaller settlement centres.

<b>Use Class</b> <small>P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use</small>		<b>Minimum Requirements</b>					<b>Max. Requirements</b>	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard <sup>1</sup> (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)
Automobile Service Station and Gas Bar	<b>C</b>	30,000	150	125	15	15	30	40
Bed & Breakfast	<b>C*</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Bulk Storage	<b>C</b>	5,000	50	30	5	25	30	60
Business Support Services	<b>P</b>	5,000	50	30	5	25	30	60
Cemeteries	<b>C</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Convenience Store	<b>P</b>	5,000	50	30	5	25	30	60
Child Care Services	<b>P</b>	10,000	100	30	15	25	30	60
Community Centre	<b>C</b>	10,000	100	30	15	25	30	60
Contractors Yard	<b>C</b>	20,000	150	30	25	15	30	60
Club, Private & Recreational	<b>P</b>	5,000	50	30	5	25	30	40
Custom Manufacturing Establishments	<b>C</b>	5,000	50	30	5	25	30	40
Dwelling, Multi-Family	<b>C</b>	10,000	100	30	15	25	30	60
Dwelling, Single-Family	<b>P</b>	5,000	50	30	5	25	30	40
Dwelling, Two-Family	<b>C</b>	7,500	75	30	5	25	30	60
Education Service	<b>C</b>	10,000	100	30	15	25	30	40
General Storage	<b>P</b>	5,000	50	30	5	25	30	40
Group Home	<b>C</b>	5,000	50	30	5	25	30	40
Eating & Drinking Establishments	<b>P</b>	5,000	50	30	5	25	30	40
Home-Based Business	<b>P*</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
House, Boarding or Lodging	<b>C</b>	5,000	50	30	5	25	30	40
Light Industrial Use	<b>C</b>	15,000	100	20	15	15	30	60
Manufacturing Use	<b>C</b>	15,000	150	30	15	15	30	60
Mobile Home Parks	<b>C</b>	15,000	150	30	15	25	30	40
Outdoor Participant Recreation Service	<b>C</b>	20,000	150	30	25	15	30	60
Professional, Financial & Office Support Service	<b>P</b>	5,000	50	30	5	25	30	40
Public Library & Cultural Service	<b>C</b>	10,000	100	30	15	25	30	40
Public Park	<b>P</b>	n/a	n/a	30	5	25	n/a	n/a
Public Utility	<b>P</b>	n/a	n/a	30	5	25	30	n/a
Religious Assembly	<b>C</b>	10,000	100	30	15	25	30	40
Residential Care Facility	<b>C</b>	10,000	100	30	15	25	30	40
Retail Sales & Service	<b>P</b>	5,000	50	30	5	25	30	40
Secondary Suite	<b>C*</b>	n/a	n/a	30	5	2	30	15
Accessory buildings and structures	<b>P</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a

# PART 11: USE-SPECIFIC STANDARDS

## 11.1 Home Industries

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Home Industries	C*	C*	C*							

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

A Home Industry may be allowed in zones where it is a Permitted Secondary Use or a Conditional Secondary Use only if the following standards are met:

- a) The proponent of the Home Industry must obtain a Development Permit before establishing or expanding a Home Industry on a site.
- b) The Home Industry will not create unsightly appearances or disturbances that may be deemed by Council as unsuitable.
- c) The Home Industry will not create a potential for conflict with activities that would normally occur in the affected zone.
- d) In the RR zone, exterior storage of products or materials must be limited to the rear yard. The storage shall be screened and shall not project above the height of a fence or screening.
- e) In the RR zone, the area used to carry out the Home Industry shall not occupy more than 1,000 square feet (92.9 square metres).
- f) Signage for the Home Industry shall be located on the subject property and limited to one non-illuminated (or indirectly illuminated) sign not to exceed:
  - i. 32 square feet (3 square metres) in the AG and AR zones; or
  - ii. 16 square feet (1.5 square metres) in the RR zone.
- g) A Home Industry shall be conducted by a resident or residents of the dwelling unit to which the Home Occupation is secondary, and may employ a maximum of:
  - i. 5 non-resident persons in the AG and AL zones; or
  - ii. 2 non-resident persons in the RR zone.

On-site parking spaces for each employee must be provided.
- h) In the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a Development Permit will be issued.
- i) A permit may be required from Manitoba Infrastructure or the appropriate Provincial Department to change or intensify the use of an existing structure or to intensify the use of an existing access to a provincial road or provincial trunk Highway.

## 11.2 Home-Based Businesses

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Home-Based Businesses	p*	p*	p*	p*						p*

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

Home-Based Businesses are governed by the conditions imposed by Council and the following:

- a) They shall be conducted by a person or persons residing in the dwelling.
- b) In the RG zone there can be no processing or outside storage of goods or materials.
- c) Not have more than forty (40) percent of the total floor area of buildings on the site devoted to the business.
- d) One business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding 10 square feet.
- e) The Home-Based Business shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance, and if located in the vicinity of a provincial highway should not impair the safe and efficient operation of the highway.
- f) A permit to establish a Home-Based Business is required. Application must be made to the Development Officer and include information detailing the proposed business and an indication of where any materials, equipment or vehicles associated with the office are to be stored.
- g) A permit may be required from Manitoba Infrastructure or the appropriate Provincial Department to change or intensify the use of an existing structure or to intensify the use of an existing access to a provincial road or provincial trunk highway.

### 11.3 Bed and Breakfast Facilities

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Bed and Breakfast Facilities			P*	C*						C*

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

A Bed and Breakfast Facility shall comply with the following regulations:

- a) There will be no exterior display or advertisement larger than 4.0 sq.ft. (0.37 sq.m.) in area, no sign shall be illuminated and any sign must be compatible with the character of the area;
- b) The Bed and Breakfast home shall not generate vehicular traffic or parking in excess of what is normally characteristic of the area;
- c) The Bed and Breakfast home shall be operated by a live-in owner as a secondary use only, have a maximum of eight accommodation units, and shall not change the principal residential character or external appearance of the dwelling;
- d) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in the guest rooms;
- e) Catering to social functions is not permitted on site;
- f) In addition to the parking for the primary use, one additional on-site parking space shall be provided for each accommodation unit; and
- g) Approved smoke detectors shall be required:
  - i. in every sleeping room in the Bed and Breakfast home; and

in the common corridor of every storey or floor level, even if no sleeping accommodation is provided on that storey or floor level, the smoke detectors are to be electronically hard-wired to each other.

#### 11.4 Secondary Suites

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Secondary Suites	C*	C*	C*	C*						C*

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

Secondary suites are only permitted if they comply with the following regulations:

- a) Not more than one (1) secondary suite shall be permitted on a single zoning site.
- b) The principal dwelling must be an existing permanent structure.
- c) The principal dwelling must be occupied by the owner of the property.
- d) A minimum of one (1) off-street parking space must be provided for each secondary suite, in addition to the parking required for the principal building.
- e) The maximum floor area of the secondary suite shall not exceed 860 square feet (80 square metres) or 40% of the total habitable floor space of the principal building (whichever is the lesser).
- f) A building permit will be obtained for the development of a Secondary Suite, and the development must conform to the *Manitoba Building Code*.

#### 11.5 Temporary Additional Dwellings

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Temporary Additional Dwellings	C*	C*								

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

Temporary additional dwellings will be considered as a conditional use within agricultural zones. The conditions and standards for temporary additional dwellings are as follows:

- a) Only owner-occupiers of the principal dwelling are permitted to place a temporary additional dwelling.
- b) The additional dwelling shall be temporary in nature. It shall be placed on a concrete pad and post foundation only, and is to be removed upon the cessation of occupancy for which it is intended.
- c) The front, side and rear yard requirements applicable to the principal dwelling shall be complied with in the placement of the additional dwelling unit.
- d) The unit shall meet all applicable codes for single-family detached dwellings or mobile homes.
- e) Hydro and sewer services shall, where feasible, be connected to existing facilities upon approval by local and provincial authorities.
- f) Sewage disposal for the additional unit shall be provided by means of a sewage holding tank, and in accordance with applicable provincial regulations.

- g) Council may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.

### 11.6 Portable Garages

The installation of a portable garage shall be allowed as an accessory use with a permit as per the R.M. of Montcalm Building By-law only if the following standards are met:

- a) A portable garage is not allowed within the required front yard of a site.
- b) A portable garage must meet the requirements for accessory building side and rear yard requirements.
- c) A portable garage must not exceed the height and area restrictions for accessory buildings in the zone in which it is located.
- d) A portable garage must be placed on a driveway or parking space.
- e) A portable garage must be kept in good condition. Any rip in the fabric must be repaired.
- f) A maximum of one (1) portable garage is allowed on a site.

### 11.7 Shipping Containers

Use	AG	AR	RR	GD	CH	CC	MG	PR	I	GD
Shipping Containers	P*	P*			C*		C*			

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

The following provisions shall apply to shipping containers:

- a) Shall require a conditional use permit in the “CH” and “MG” Zoning Districts, shall be a permitted use in the “AG” and “AR” Zoning Districts and shall not be placed within any Residential Zoning Districts;
- b) Shall not be the sole structure on any property;
- c) Shall only be used for accessory storage to a permitted use, and shall not be used for human habitation, display, advertising, screening, or fencing;
- d) Shall only be located to the side or the rear of the permitted use provided that it is:
  - i. Screened from view from any public street and abutting properties;
  - ii. Complies with the site coverage and setback requirements of the zone;
  - iii. Not located in any required yard; and
  - iv. Not located in any required parking areas or landscape buffer.
- e) Shall be included in all calculations for the purpose of determining maximum site coverage.
- f) Shall be kept in good condition, free from graffiti, rust, peeling, paint and any other form of visible deterioration;
- g) Shall not be stacked one on top of the other;
- h) The maximum number of shipping containers on any property shall be limited to two (2);
- i) Notwithstanding the above, when actively used for the transportation of goods and materials within the “CH” and “MG” Zones, no maximum shall apply; and

- j) Notwithstanding the above, a shipping container may be permitted for temporary storage on construction.

### 11.8 Swimming Pools and Hot Tubs

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

- a) they meet the siting 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 six (6) feet (1.83m) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from climbing over or crawling underneath;
- c) hot tubs shall have a lockable cover; and
- d) a Development Permit is issued under this By-law.

Nothing in this subsection shall relieve any such structure from complying with the requirements under the Building By-law or applicable provincial regulations including *The Manitoba Building Code* and *The Public Health Act*.

### 11.9 Hobby Farms

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Hobby Farms	P*	P*	C*							

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

The following requirements must be met for all cases where livestock or other animals (excluding pets) are sheltered, bred, raised or sold for hobby farm purposes:

- a) The amount of animals kept on one zoning site must not meet or exceed ten (10) Animal Units (A.U.). Where ten (10) or more A.U. are kept on one (1) zoning site, the use shall be considered and regulated as a livestock operation.
- b) A maximum of one Animal Unit (cumulative across species) is permitted for every two (2) acres of site area.
- c) The keeping of livestock must adhere to all local, provincial and federal health and agriculture regulations in addition to the standards in this By-law.
- d) Any ground-level structure intended for the keeping of animals must maintain a minimum setback of 15 feet (4.5 metres) from any site line.
- e) Animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from emanating onto abutting properties.

## 11.10 Wind Energy Generating Systems (WEGS)

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Wind Energy Generation Systems (WEGS)	C*	C*								

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

### Standards for Wind Energy Generating Systems

In the Agricultural Zones, the following provisions shall apply to the development of Wind Energy Generation Systems (WEGS) as conditional uses on sites within the “AG” Agricultural General Zone and the “AR” Agricultural Restricted Zone. The Agricultural land uses may co-exist with WEGS on these parcels.

- a) A conditional use application to establish one or more WEGS may include one or more turbine(s) on a parcel of land, or a network of turbines and associated structures located on different parcels of land at different locations in the R.M. of Montcalm, provided that all structures will be operated by the same corporate entity. For the purposes of this By-law, an application involving more than one parcel of land and WEGS shall be processed as one application, with provisions that a separate conditional approval shall be issued for each separate parcel of land and or WEG.
- b) Proponents of a WEGS shall submit, to the Development Officer, a detailed site plan showing the location of all wind turbines, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system as part of the conditional use application. Proposals for additional infrastructure will require additional conditional use approval.
- c) Proponents of a WEGS are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure and Manitoba Sustainable Development, prior to the issuance of a development permit.
- d) When locating a proposed wind turbine in the vicinity of any registered or certified airport all Transport Canada regulations or recommendations for certified airports regarding height and location of surrounding buildings and structures shall be followed.
- e) A development permit shall be obtained prior to the commencement of construction.
- f) The colour scheme of a commercial wind turbine and associated signage shall be arranged so that it does not create glare at any nearby property or public roadway. Both of these items must be dealt with in a manner consistent with any applicable Federal Government regulations.
- g) All private single wind turbine systems located on the same site in direct support of either a permitted or conditionally approved single private agricultural activity shall be treated as an accessory structure. This structure shall be set back from the property line a minimum distance equal to its total height, measured from the ground to the extent of its rotors.

- h) The WEGS shall be separated by a distance of two thousand six hundred and forty feet (2640 ft) from any Wildlife Management Area or Provincial Park.
- i) Wind turbine generator towers should be set back sufficiently from the provincial highway right-of-way so that if the structure should fail, the highway right-of-way will not be impacted. Wind turbines should be setback 1.5 times of the total height of a tower, measured from the ground to the extent of its rotors, from the provincial highway right-of-way.

**11.11 Industrial Performance Standards**

In the Industrial Zone, any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to be perceptible at or beyond any site line. Exposed sources of light shall be shielded so as not to create a nuisance across any site line.

The storage, use or manufacture of flammable materials, solid or otherwise, shall be in accordance with the regulations of the National Fire Code.

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

A Development Permit shall be required in all agricultural zones for the stockpiling and removal of topsoil from any site and/or the expansion of any such operation, and shall be subject to the Rural Municipality of Montcalm Topsoil Licensing By-law.

Council shall consult with the appropriate provincial departments prior to issuance of the above permit.

**11.12 Anhydrous Ammonia Facilities**

Use	AG	AR	RR	RG	CH	CC	MG	PR	I	GD
Anhydrous Ammonia Facilities	C*	C*					C*			

P = Permitted | C = Conditional | \* = Use-Specific Standard Applies

Anhydrous Ammonia Facilities shall be located at least:

- a) 5,000 feet (1,524.0m) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens’ home, and other institutional facilities;
- b) 5,000 feet (1,524.0m) from any village or settlement centre;
- c) 1,640 feet (500.0m) away from any dwelling;
- d) 160 feet (50m) away from any creek, stream or environmentally sensitive area; and
- e) 328 feet (100.0m) from the edge of the right-of-way of a Provincial Road or Highway.

### **11.13 Dangerous Goods or Agrichemical Storage Facility**

Dangerous Goods or Agrichemical Storage Facilities shall be located at a minimum distance of 165 feet (50.2m) from the site lines of the following zones: RG, RR, I, and CC.

## PART 12: SIGNAGE REGULATIONS

### 12.1 Sign Definitions

**Address Sign** means a sign, generally applied to a building wall that displays a building's address.

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

**Apex** means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

**Awning Sign** means lettering applied directly on the valance or other vertical portion of an awning.

**Bulletin Board** means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or event conducted upon, or products or services offered upon the premises upon which a sign is maintained, e.g. school, church, community centre bulletin board and similar uses.

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

**Clearance** means the height above the walkway, or other surface if specified, of the bottom edge of an element.

**Construction Sign** means a sign which identifies a construction project and information relative thereto.

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

**Flashing Sign** means an illustrated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.

**Freestanding Sign** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

**Identification Sign or Nameplate** means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

**Illuminated Sign** means a sign designed to give forth artificial light or reflect light from an artificial source.

**Marquee Sign** means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

**Outdoor Display Case** means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

**Portable or Mobile Sign** means a sign with or without a structural frame and intended for a limited period of display, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

**Projecting Sign** means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

**Roof Sign** means any sign erected, constructed and maintained wholly upon or over the roof of a building with the principal support on the roof structure.

**Sidewalk Sign or Sandwich Board** means a moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

**Sign Surface Area** means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the sign surface area of the sign shall be taken as the surface areas of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

**Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this By-law, temporary signs shall not include portable signs.

**Valance** means the portion of an awning that hangs perpendicular to the sidewalk.

**Window Sign** means a sign placed or painted on the interior of a shop front window or the window of a business door.

**Yard Sign** means a permanent freestanding sign in a Front Yard, including a supporting post or posts.

## 12.2 General Sign Regulations

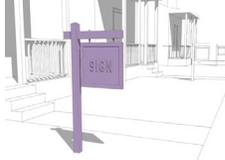
The following provisions shall apply to all signs erected or maintained within the R.M. of Montcalm, except wherein otherwise stated:

- a) Signs and sign structures may be allowed as accessory uses in accordance with the Sign Requirements Table [Table 12.1], subject to the issuance of a Development Permit as required;
- b) All signs, with the exception of civic addressing and yard/identification signs, shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected;
- c) Billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may only be allowed with Council approval. These signs must also be constructed in accordance with the Sign Requirements Table [Table 12.1] and subject to the issuance of a Development Permit;
- d) No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
- e) No sign may contain flashing lights or digital images unless specifically allowed in the Sign Requirements Table [Table 12.1]. All signs with flashing lights or digital images are prohibited within 100 feet (30 metres) of residential zones;
- f) No sign or structure shall be erected or maintained on, over or above any land or right-of-way belonging to the R.M. of Montcalm without a Development Permit. This excludes civic addressing signs;
- g) The placing of signs within the control area of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority; and
- h) All signs and structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within 30 days following notice by the Development Officer.

The following signs shall not require a Development Permit. However, they must still comply with any applicable standards in this By-law:

- a) Signs posted by duly constituted public authorities in the performance of their public duties;
- b) Flags or emblems of a political, civic, educational or religious organization;
- c) Commemorative or memorial signs or tablets;
- d) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
- e) Awning signs with signage originally incorporated in the design or awning material;
- f) Residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding three (3) square feet in surface area; and
- g) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding five (5) square feet in sign surface area.

Table 12.1: Sign Regulations			Permit Required
Sign Type	Specifications	Allowed in Zones	
 <p><b>Address/Name</b></p>	Quantity 1 per address Area max 4.0 sq.ft. Width n/a Height n/a Depth max 3.0 in Clearance n/a	All zones	No
 <p><b>Awning</b></p>	Quantity 1 per window Area n/a Width max equal to facade Depth min 4.0 ft Clearance min 8.0 ft Valance Height max 12.0 in Dist. from Curb min 2.0 ft	CC, CH M PR, I	Yes
 <p><b>Fascia/Wall</b></p>	Quantity 1 per business Area 1.5 sq.ft. per lin.ft. facade Width max 90% width of facade Depth max 7.0 in Clearance min 7.0 ft	CC, CH M PR, I	No
 <p><b>Freestanding/Ground</b></p>	Quantity 1 per site Area single occupancy = max 100 sq.ft. multiple occupancy = max 300 sq.ft. Height ground = max 8.0 ft freestanding = max. 25.0 ft Width max 4.0 ft Depth max 12.0 in Clearance ground = n/a freestanding = min 6.0 ft	CC, CH M PR, I AG, AL	Yes
 <p><b>Marquee</b></p>	Quantity 1 per business Area n/a Width entrance plus 2 ft per side Depth min 4.0 ft; max 10 ft Clearance min 8.0 ft Dist. from Curb min 3.0 ft	CC, CH M PR, I	Yes
 <p><b>Outdoor Display</b></p>	Quantity 1 per business Area max 6.0 sq.ft. Width max 3.5 ft Height max 3.5 ft Depth max 5.0 in Clearance min 4.0 ft	CC, CH M PR, I	No
 <p><b>Portable/Mobile</b></p>	Quantity 1 per site Area max 48.0 sq.ft. Width n/a Height max 10.0 ft Depth n/a Clearance n/a	CC, CH M PR, I AG, AL	Yes

 <p><b>Projecting</b></p>	<p>Quantity 1 per business  Area max 4.0 sq.ft.  Width max 4.0 ft  Depth max 4.0 ft  Clearance min 8.0 ft</p>	<p>CC, CH  M  PR, I</p>	<p>Yes</p>
 <p><b>Sidewalk/Sand</b></p>	<p>Quantity 1 per business  Area max 8.0 sq.ft.  Width max 26 in  Height max 42 in  Depth n/a  Clearance n/a</p>	<p>CC, CH  M  PR, I</p>	<p>No</p>
 <p><b>Yard/Identification</b></p>	<p>Quantity 1 per site  Area identification = max 6 sq.ft.  Width max 3.0 ft  Height max 2.0 ft (not incl. post)  Depth n/a  Clearance min 3.0 ft to sign edge  Apex max 6.0 ft to top of post</p>	<p>All zones</p>	<p>No</p>

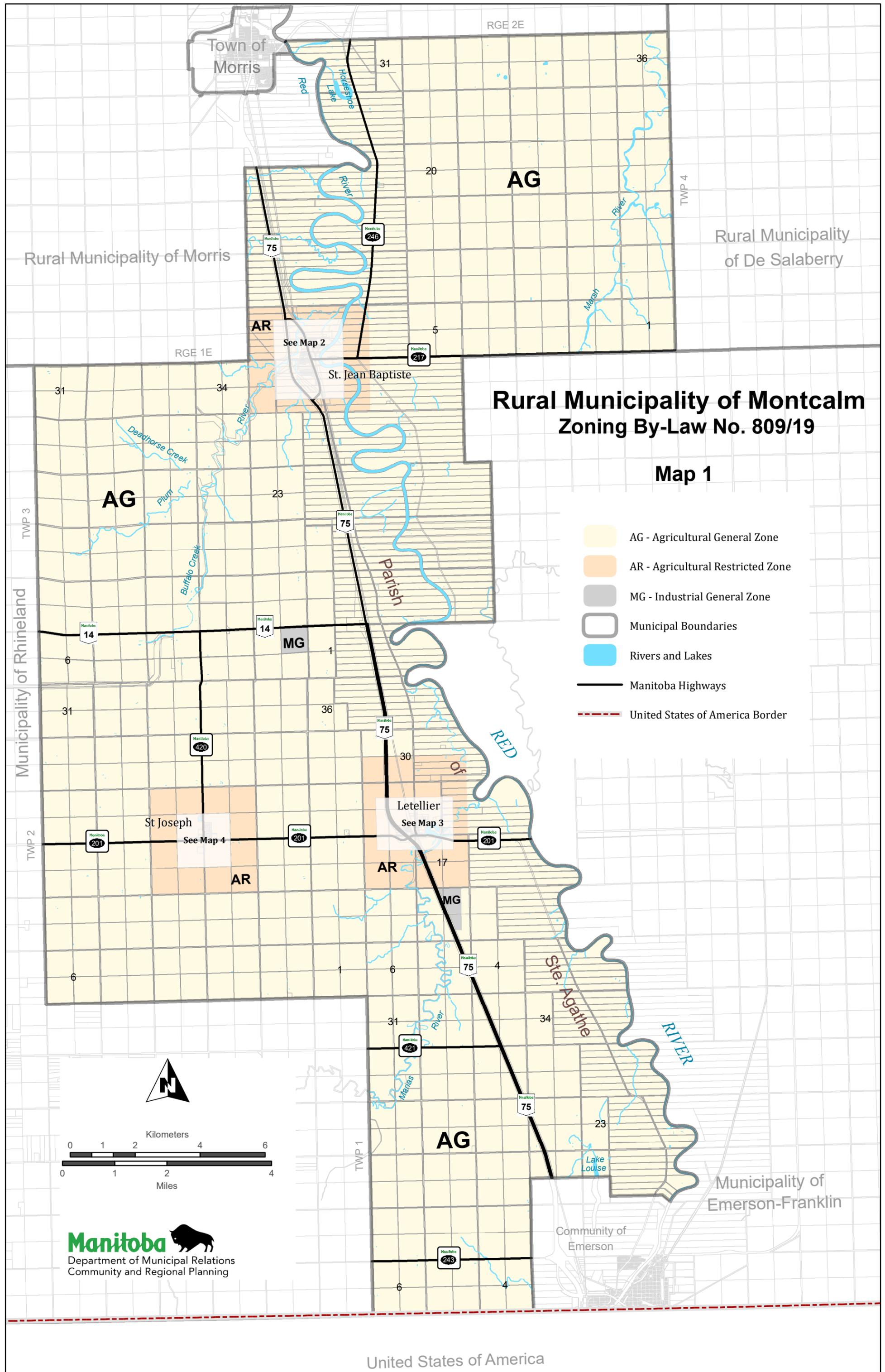
## SCHEDULE A: ZONING MAPS

MAP 1. RURAL MUNICIPALITY OF MONTCALM

MAP 2. ST. JEAN BAPTISTE

MAP 3. LETELLIER

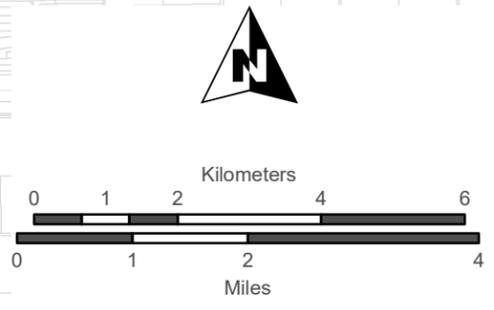
MAP 4. ST. JOSEPH

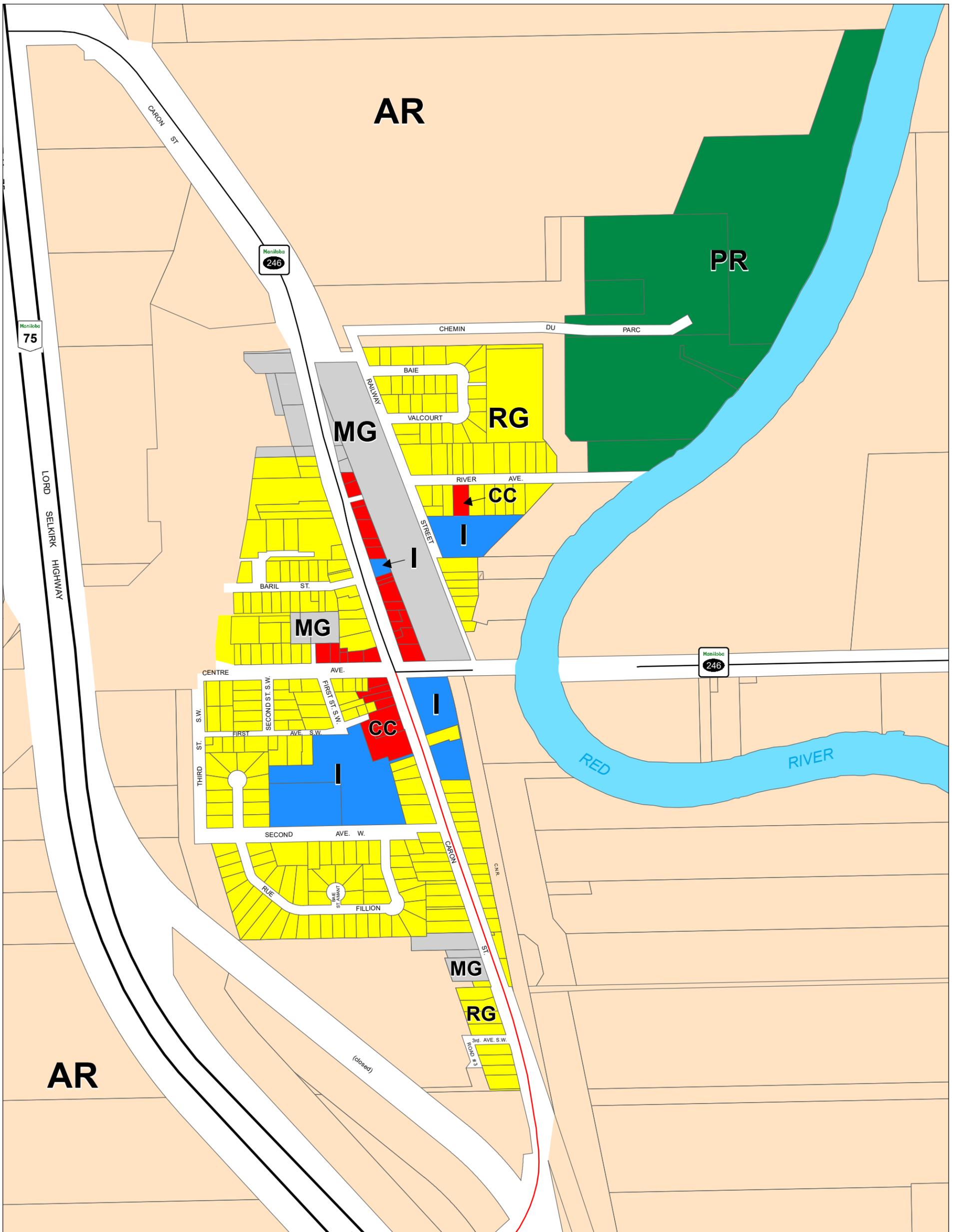


# Rural Municipality of Montcalm Zoning By-Law No. 809/19

## Map 1

- AG - Agricultural General Zone
- AR - Agricultural Restricted Zone
- MG - Industrial General Zone
- Municipal Boundaries
- Rivers and Lakes
- Manitoba Highways
- United States of America Border





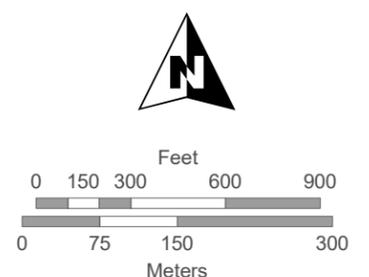
# RM of Montcalm

## Zoning By-Law No. 809/19

### Map 2: St. Jean Baptiste

-  Access Road
-  Provincial Road
-  Provincial Trunk Highway

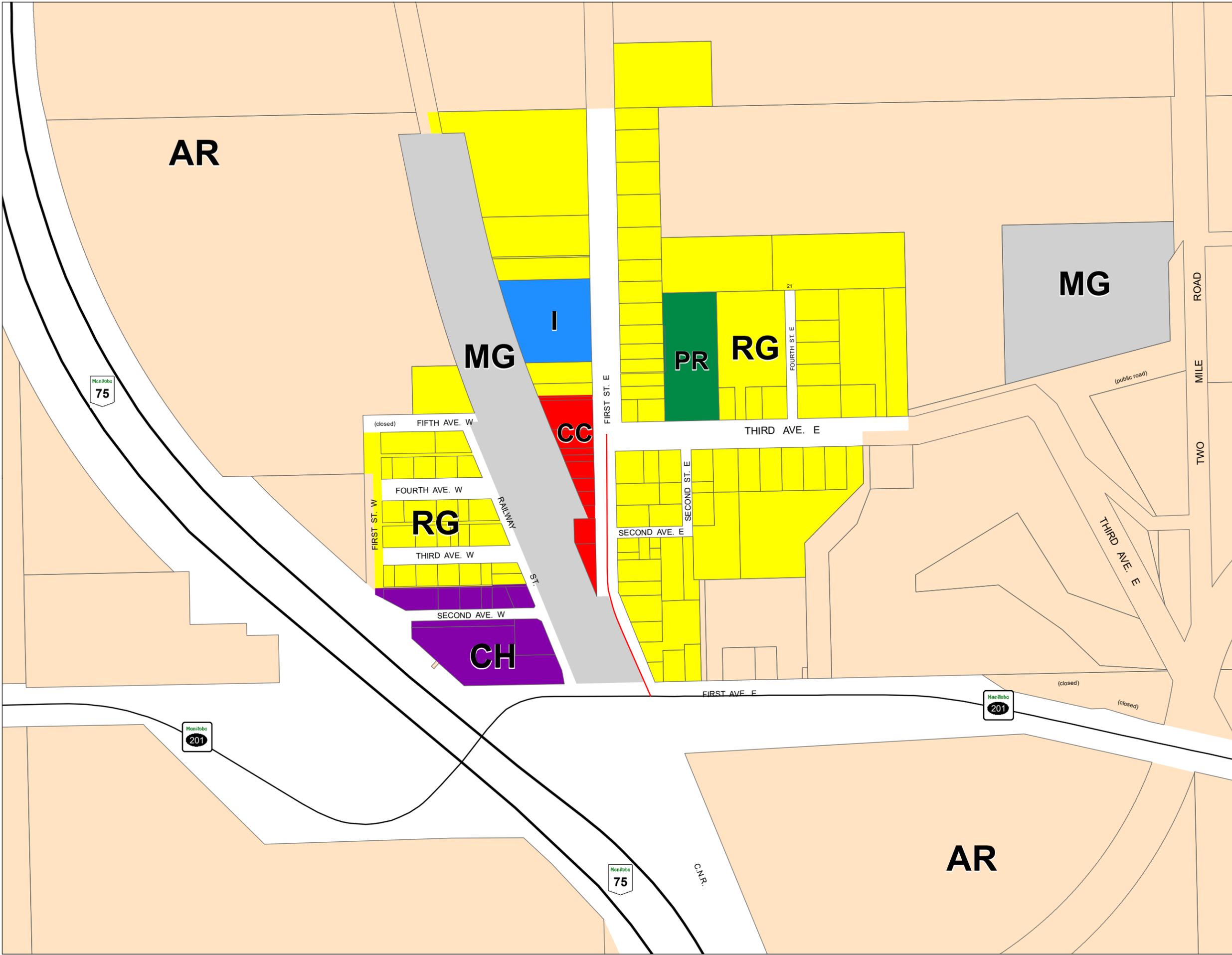
-  Agricultural Restricted Zone
-  Commercial Central Zone
-  Industrial General Zone
-  Institutional Zone
-  Parks and Recreation Zone
-  Residential General Zone



# RM of Montcalm

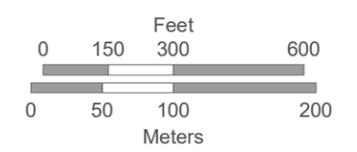
## Zoning By-Law No. 809/19

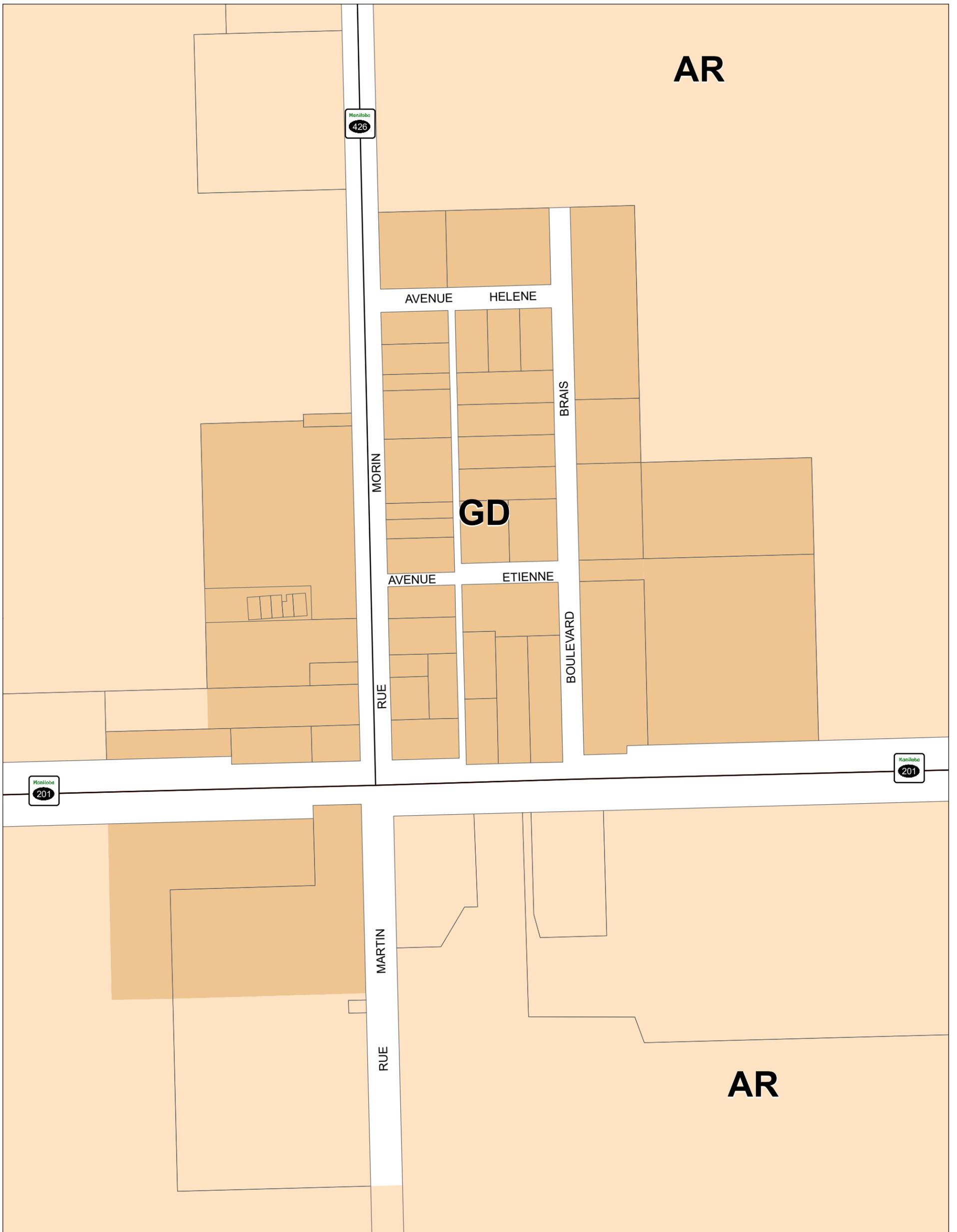
Map 3: Letellier



-  Agricultural Restricted Zone
-  Commercial Central Zone
-  Commercial Highway Zone
-  Industrial General Zone
-  Institutional Zone
-  Parks and Recreation Zone
-  Residential General Zone

-  Access Road
-  Provincial Road
-  Provincial Trunk Highway





**RM of Montcalm**  
**Zoning By-Law No. 809/19**

Map 4: St. Joseph

- Agricultural Restricted Zone
- General Development Zone

- Access Road
- Provincial Road
- Provincial Trunk Highway

