

Town of Treherne Zoning By-Law

BY-LAW NO. 851/2005



Town of Treherne



**THE TOWN OF TREHERNE
BY-LAW NO. 851/2005**

BEING A BY- LAW to regulate the use and development of land within the Town of Treherne.

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

AND WHEREAS, pursuant to Section 27(1) of said Planning Act, the Board of the South Central Planning District has by By-Law adopted a Development Plan;

AND WHEREAS, Section 32(2) of the same Act provides that a Zoning By- Law shall be prepared upon the adoption of a Development Plan;

NOW THEREFORE, the Council of the Town of Treherne, in a meeting duly assembled enacts the TOWN OF TREHERNE BY-LAW.

DONE AND PASSED in Council duly assembled this 9th day of June 2005.

READ A FIRST TIME THIS 28th day of April A.D. 2005

READ A SECOND TIME THIS 9th day of June A.D. 2005

READ A THIRD TIME THIS 9th day of June A.D. 2005

The Town of Treherne

Mayor

Chief Administrative Officer

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PART 1: SCOPE

- 1.1 This by-law shall be known as the **Town of Treherne Zoning By-Law**.
- 1.2 This by-law applies to all lands in the Town of Treherne as indicated on Map 1 of Schedule A to this by-law.
- 1.3 This by-law regulates:
 - (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
 - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 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, and only after all required permits have been obtained by the owner.
- 1.5 Whenever a provision of another by-law or of 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 contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this by-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under *The Planning Act*, 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.

PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES

Regulation of Uses

- 2.1 Subject to 2.3, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
 - (i) a permitted principal use;
 - (ii) a conditional use, subject to approval as such; or
 - (b) is an accessory use.
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) Two-family dwellings or multiple-family dwellings as provided for in this By-law.
- 2.4 This by-law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.
- 2.5 Electric transmission lines and structures are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law.

Existing Uses, Buildings and Structures

- 2.6 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.
- (a) All buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.
 - (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law.

- 2.7 An existing use, building or structure which is classified as a conditional use in this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
 - (b) Where an enlargement or expansion of such a use is a proposed, it shall require the specific approval of Council, in accordance with Part 7.
- 2.8 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law shall be considered as a legal non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.
- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;
 - (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
 - (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
 - (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than 50 percent of its replacement value above the foundation; and
 - (e) Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision, which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

Permitted Uses, Buildings and Structures

- 2.9 Where a use, building or structure is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit, and provided that the use, building or structure complies with all requirements of this By-law.

Conditional Uses

- 2.10 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- 2.11 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses.

Accessory Uses

- 2.12 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except under Section 2.13).
- 2.13 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main or principal building.
- 2.14 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however no accessory use or building shall be constructed or located on the site prior to review and approval by Council in accordance with Part 7, if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.

- * A permit is required from the Highway Traffic Board for any structure/construction proposed within the control area of PTH 2 (38.1m from the edge of the right-of-way).

Zoning Designations

- 2.15 Uses of land in the municipality are regulated in accordance with the following zoning designations:
- (a) "AL" Agricultural Limited
 - (b) "UR" Urban Residential
 - (c) "UR1" Urban Residential
 - (d) "UN" Urban Non-Residential
 - (e) "M" Manufacturing and Industrial
 - (f) "PR" Park and Recreation
- and those designations are established as shown on maps comprising Schedule A of this by-law.

2.16 The permitted and conditional uses prescribed for sites within each designation are those set out in the Use and Bulk Tables.

2.17 Accessory Buildings, Structures and uses to Include:

- i) Accessory buildings, structures and uses include the following, in the AG and AL Agricultural Zones and GD, General Development and UR, Urban Residential and M Manufacturing/ Industrial Zones:
 - a) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
 - b) Private communications, such as televisions, radio antennas, aerials, satellite dishes and other utilities;
- ii) Accessory buildings, structures and uses include the following in the AG and AL Agricultural Zones and GD, General Development and UR, Urban Residential:
 - c) A children's playhouse, garden house, private swimming pool (open or closed) and gazebo;
 - d) A private garage, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;
 - e) Home daycare and group daycare;
 - f) Home based businesses, as regulated in Subsection 5.1 of Part Five – Rules for Specific Uses;
- iii) Accessory buildings, structures and uses include the following in the AG and AL Agricultural Zones:
 - g) A farm dwelling, including a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;
 - h) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory and mobile home, when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
 - i) Farm buildings or structures for the operation and maintenance of an agricultural activity;
 - j) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;

iv) Accessory buildings, structures and uses in all zones:

Accessory building, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

- k) Where an accessory building or structure is attached to a main building or structure, it shall be subject to and shall conform to, all regulations of this By-Law applicable to the main building or structure;
- l) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
- m) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.

PART 3: GENERAL BULK REQUIREMENTS

- 3.1 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 minimum site area, minimum site width and yard requirements prescribed for each designation and use in the Use and Bulk Tables and the other requirements of this part.

Corner Vision Triangles

- 3.2 In order to provide for a reasonable measure of traffic safety within the "UR" Urban Residential Zones and "UN" Urban Non-Residential Zones of Treherne, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:
- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of 3 feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 10 feet along each property boundary from the point of intersection.

Projections into Yards

- 3.3 Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as follows:
- (a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser;
- (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 10 square feet of area within any required yard is occupied by these types of projection;
- (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be 3 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet; and

- (d) Portable buildings not exceeding 100 square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of 1 foot is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling.

- * Permits are required from the Highway Traffic Board for any structure proposed within the control area of PTH 2.

Double Frontage Sites

3.4 Within the "UR" Urban Residential Zone and "UN" Urban Non-Residential Zone, where a site has frontage along two more or less parallel streets, the following provisions shall apply:

- (a) Where the site depth is greater than 200 feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and

- (b) Where the site depth is 200 feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the development officer, based on the arrangement of existing buildings in the immediate area.

PART 4: USE AND BULK TABLES

Purpose of Zones

4.1 The use of zones established in this By-Law are intended to provide sufficient land in suitable locations to meet the needs of the community and the provisions of the South Central Planning District Development Plan.

4.2 **The "AL" Agricultural Limited Zone is hereby established in this Zoning By-Law and is intended to:**

(a) Accommodate continued limited agricultural use of undeveloped land within the Town of Treherne, in a manner which will be compatible with existing development in the Town; and

(b) To provide a land reserve for urban expansion within the Town of Treherne.

4.3 **The "UR" Urban Residential Zone is hereby established in this by-law and is intended to:**

provide for residential and related community development within the Town of Treherne, based upon the extension of municipal sewer services. Permitted uses in this zone represent uses that are residentially related or supportive of residential development. Conditional uses under this zone are considered generally related to residential uses, but may require more detailed consideration of their development, as provided under a conditional use review to ensure the proper fit within the local neighbourhood context due to the size of associated buildings, site area or use characteristics.

4.4 **The "UR1" Urban Residential Zone is hereby established in this by-law and is intended to:**

provide for the development of limited housing types in areas where suitable services and infrastructure are available or can be provided.

4.5 **The "UN" Urban Non-Residential Zone is hereby established in this by-law and is intended to:**

provide for commercial retail sales and services, including limited manufacturing and processing uses in the Town of Treherne, in keeping with the provisions of the South Central Planning District Development Plan. Permitted uses under this zone are uses which are compatible within a central business area and fringe areas of residentially related uses. Conditional uses under this zone provide for the opportunity to consider the fit within the community of commercial uses which may be highway related, require storage in buildings or compounds or provide multiple uses within a common building.

4.6 **The “M” Manufacturing and Industrial Zone is hereby established in this by-law and is intended to:**

provide for manufacturing and industrial uses in the Town of Treherne in keeping with the provisions of the South Central Planning District Development Plan.

4.7 **The “PR” Park and Recreation Zone is hereby established in this by-law and is intended to:**

provide for the establishment of public parks and recreation areas and facilities within the Town of Treherne.

TABLE 4-1: 'AL' AGRICULTURAL LIMITED ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
PERMITTED PRINCIPAL USES (c)					
Agricultural Activities, Limited	40	1,000	125	25	25
Agricultural Activities, Specialized (d)	2	200	125	25	25
Community Halls (e)	2	200	125	25	25
Exhibition Grounds	2	200	125	25	25
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
Recreation Facilities	2	200	125	25	25
CONDITIONAL USES (c)					
Advertising sign	-	-	As determined by Council		
Auction Marts	2(f)	200	50	25	25
Campgrounds	2(f)	200	50	25	25
Earth Moving Contractors	2(f)	200	50	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (e)	2	200	50	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (e)	2(f)	200	50	25(g)	25(g)
Establishments related to the storage and handling of agriculture fertilizers and bulk fuel storage (g)	2(f)	200	50	25	25
Hobby Horse Farms (d)	2	200	50	25	25
Livestock (See Section 5.4)	6.5 (d)	300	125	25	25
Kennels	2(e)	200	50	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (e)	2(f)	200	50	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations	2(f)	200	50	25	25
Museums or Historic Sites	2(f)	200	50	25	25
Non-Farm Dwellings	2(f)	200	50	25	25
Public Works Compounds and Maintenance Buildings	2(f)	200	50	25	25
Religious Institutions (e)	2(f)	200	50	25	25
Riding Academies and Stables (d)	2	200	50	25	25
Trucking Establishments (e)	2(f)	200	50	25	25
Veterinary Clinics	2(f)	200	50	25	25
ACCESSORY USES, BUILDINGS, AND STRUCTURES (c)(See Subsection 2.17)	-	-	50	25	25

The following footnotes form part of this TABLE 4-1:

- (a) In the case of sites which abut roads under the jurisdiction of Manitoba Transportation and Government Services, the front, side and rear yard requirements shall be as established by the highway authority and permits shall be required from the Highway Traffic Board for any structures/construction proposed in the control area of PTH 2.
 - * A permit is also required from the Highway Traffic Board for any new, modified or relocated access, including a change in use of an existing access, proposed to PTH 2.
- (b) Where a side site line or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or rear yard shall be 50 feet.
- (c) All new/proposed onsite wastewater management systems must be compliant with Manitoba Regulation 83/2003 – *Onsite Wastewater Management Systems Regulation* and must be registered with Manitoba Conservation prior to installation or alteration-type activity.
- (d) Site area associated with the keeping of livestock shall be subject to the provision of Section 5.4 of this By-law. Apiaries shall be considered as a conditional use when proposed to be located within the Town of Treherne.
- (e) These types of uses may be allowed in the "AL" AGRICULTURAL LIMITED ZONE only if no suitable site is available in the "UN" Urban Non-Residential Zone, in accordance with the provisions of the South Central Planning District Development Plan.
- (f) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (g) The storage Anhydrous ammonia storage facilities shall be set back 330 feet from any public roadway, and shall be separated by a distance of 1,000 feet from any individual residence and shall be separated by a distance of 2,640 feet from any residential area.

TABLE 4-2: 'UR' URBAN RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES					
Bed and Breakfast establishments, with a maximum of 2 suites	7,500	75	25	5(b)	25
Boarding or Rooming Houses, with a maximum of 2 suites	7,500	75	25	5(b)	25
Day Care Facilities, accommodating up to 8 children	7,500	75	25	5(b)	25
Dwellings, single-family (m)	5,000	50	25	5(b)	25
Dwellings, mobile home (l)	5,000	50	25	5(c)	25
Dwellings, two-family (d)(m)	7,500(e)	75(e)	25	5(b)(e)	25
Parks or Playgrounds	1,000	20	-	-	-
Public Utilities	5,000(g)	50(g)	25(g)	5(b)(g)	25(g)
Religious Institutions	7,500	75	25	5(b) (h)	25
Residential Care Facilities, providing service for up to 2 persons	7,500	75	25	5(b)	25
CONDITIONAL USES					
Signs Home Based Business greater than 12 sq. ft.	Bulk requirements as determined by Council				
Boarding or Rooming Houses, with more than 2 suites	7,500	50	25	5(b)	25
Clubs, Private or Public	7,500	75	25	5(b)	25
Cultural Facilities, including auditoriums, community clubs, libraries, museums, theatres, and historic sites	7,500	50	25	5(b) (h)	25
Day Care Facilities accommodating 9 or more children	7,500	75	25	5(b)	25
Dwellings, multiple-family, over 3 dwelling units (f)	(g)	100	25	5(b) (h)	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15(h)	25
Planned Unit Development as defined by The Planning Act	As determined by Council				
Recreation Facilities	5,000	50	25	5(b)	25
Residential Care Facilities, providing service to 3 persons or more	7,500	75	25	5(b)	25
ACCESSORY USES, BUILDINGS AND STRUCTURES (See Subsection 2.17)	-	-	25(k)	5(h) (j)	5(i)(j)

The following footnotes form part of this TABLE 4-2:

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
 - (i) Maximum allowable height for all principal buildings and structures shall be 30 feet;
 - (ii) Maximum allowable height for all accessory buildings and structures shall be 12 feet; and
 - (iii) Minimum dwelling unit area shall be 1000 square feet.
- (b) The minimum required side yard shall be adjusted as follows:
 - (i) When located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures;
 - (ii) Where the height of the building is in excess of 20 feet above average grade, the required side yard shall be half the height of the building; and
- (c) For mobile home sites, there shall be an open space at least 20 ft. by 50 ft. adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (d) Where dwellings are to be developed in accordance with a bare land condominium concept, the minimum required site area, minimum required site width, and minimum required yards shall not apply to individual condominium units; however, the front and rear walls of the condominium structure shall be set back a minimum distance of 25 ft. from the front and rear boundaries of the condominium lot, and the side wall shall be set back a minimum distance of 5 ft. from the side boundary, unless the wall is a party wall, in which case the minimum required side yard shall be 0 ft.
- (e) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be 3,500 sq. ft., the minimum site width requirement shall be 35 ft. and the minimum side yard requirement along the party wall shall be 0 ft.
- (f) The minimum required site area for the first 3 dwelling units shall be 9,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above 3 units.
- (g) Where the proposed development consists of a building or structure less than 1,000 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.

- (h) When located entirely to the rear of the principal building, the minimum required interior side yard for accessory buildings and structures shall be 3 feet.
- (i) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be 3 feet.
- (j) Where an accessory building located in the rear yard is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from the property line.
- (k) The maximum allowable height for a fence in a required front yard shall be 3 feet above grade.
- (l) Mobile homes must be a minimum of 1,000 square feet in size and conform with the Canadian Standards Association (CSA) Z240 series standards for mobile homes and any related municipal building codes..
- (m) Off- site built / ready to move homes placed upon a permanent foundation are considered under this District to be similar to single-family dwellings.

* Yards sizes may be affected by the statutory requirements that affect structures/construction within the control area adjacent to PTH 2.

TABLE 4-3: “UR 1” URBAN RESIDENTIAL ZONE – USE AND BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES					
<i>Dwellings, single-family</i>	5000	50	25	5(b)	25
ACCESSORY USES, BUILDINGS AND STRUCTURES (See Subsection 2.17)	-	-	25	5(b)(c)(d)	5(e)(f)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.
 - ii) Maximum allowable height for all accessory buildings and structures shall be fifteen (12) feet.
 - iii) Minimum dwelling unit area shall be one thousand (1000) square feet.
- (b) When located on a corner site, the minimum required side yard on the street side of the site shall be fifteen (15) feet for all principal and accessory buildings and structures.
- (c) Where the height of the building is in excess of twenty (20) feet above average grade the required side yard shall be half the height of the building.
- (d) When located entirely to the rear of the principal building, the minimum required side yard for accessory buildings and structures shall be three (3) feet.
- (e) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be three (3) feet.
- (f) Where an accessory building is used for the storage of a motor vehicle, the wall that contains the vehicular access door shall be set back a minimum distance of ten (10) feet from the property line.
- * Yards sizes may be affected by the statutory requirements that affect structures/construction within the control area adjacent to PTH 2.

TABLE 4-4: 'UN' URBAN NON-RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet) (b)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES (c)					
Accommodation Facilities, including Hotels and Motels	10,000	100	25(b)	25(d)	25(d)
Bakeries	5,000	50(b)	25(b)	10(b)	25(b)
Clubs, Private or Public	5,000	50(b)	25(b)	10(b)	25(b)
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	5,000	50(b)	25(b)	10(b)	25(b)
Emergency Services, including police and fire stations	5,000	50(b)	25(b)	10(b)	25(b)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	5,000	50(b)	25(b)	10(b)	25(b)
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	5,000	50(b)	25(b)	10(b)	25(b)
Food or Beverage Service Establishments	5,000	50(b)	25(b)	10(b)	25(b)
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Printing or Publishing Establishments	5,000	50(b)	25(b)	10(b)	25(b)
Public Parking Areas	5,000	50	-	-	-
Public Utilities	5,000(e)	50(b) (e)	25(b,e)	10(b,e)	25(b,e)
Recreation Facilities	5,000	50(b)	25(b)	10(b)	25(b)
Religious Institutions	5,000	50(b)	25(b)	10(b)	25(b)
CONDITIONAL USES (c)					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Conversion of Commercial Uses to Residential	5,000	50(b)	25	10 (b)	25 (b)
Drive-Through Facilities or Businesses	5,000	50	25	10(b)	25(b)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures	10,000	100	25(b)	15(b,d)	25(b,e)
Establishments for the sale of goods and services, where there is exterior storage of products	10,000	100	25(b)	15(b)	25(b)
Fuel Sales and Storage Establishments	5,000	50	25(b)	10(b)	25(b)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments, not	5,000	50	25(b)	10(b,f)	25(b,f)

described elsewhere in this TABLE					
Nurseries or Greenhouses	5,000	50	25(b)	10(b)	25(b)
Planned Unit Development as defined by The Planning Act	As determined by Council				
Public Works Compounds and Maintenance Buildings	5,000	50	25(b)	10(b)	25(b)
Storage Buildings and Warehouses for Non-Hazardous Materials	5,000	50	25(b)	10(b)	25(b)
Storage Facilities and Compounds, Exterior, for Non-Hazardous Materials	5,000	50	25(b)	10(b)	25(b)
Trucking Establishments	10,000	100	25	15	25
Veterinary Clinics	10,000	100	25	15	25
ACCESSORY USES, BUILDINGS AND STRUCTURES (c)(See Subsection 2.17)	-	-	25(b) (g) (h)	5(g)(h)	5(g)(h)

The following footnotes form part of this TABLE 4-4:

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be 30 feet, and the maximum allowable height for all accessory buildings and structures shall be 18 feet, with the exception of grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers.
- (b) When located in the central business area of the community, as determined by Council, the minimum required site width shall be 25 feet and the minimum required front yard shall be 5 feet except, when adjacent yard set backs, differ then the yards shall be compatible with adjoining yards as determined by Council.
- (c) All proposed industrial or commercial developments; where applicable, are subject to regulatory requirements of Manitoba Regulation 164/2003 – *Classes of Development Regulation*, must first file a proposal in writing with Manitoba Conservation and obtain a valid and subsisting license from the Regional Director for that development proposal.
- (d) Where the exterior wall does not contain any exterior windows or entrances to individual suites, and where there is sufficient parking provided elsewhere, the minimum required yard shall be 5 feet.
- (e) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (f) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the minimum required yard shall be 0 ft. for those structures which require railway service for loading or unloading.

- (g) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public lane or street.
- (h) Where a building contains an accessory dwelling unit at ground level, the minimum required yard for that portion of the building containing the dwelling unit shall be 15 feet.
 - * Yards sizes may be affected by the statutory requirements that affect structures/construction within the control area adjacent to PTH 2.

TABLE 4-5: "M" MANUFACTURING / INDUSTRIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq.ft.)	Site Width (feet)	Front Yard (a & b)	Side Yard (c)	Rear Yard (d)
PERMITTED PRINCIPAL USES (e)					
Agricultural machinery parts and equipment, manufacturing, repairs, sales and service	20,000	100	30	10	20
Autobody shops	6,000	50	25	5	20
Automotive, bicycle and marine vehicles and parts, manufacturing sales, repair, service and rental	10,000	80	30	10	20
Blacksmith shops	6,000	50	25	5	20
Lumbers, sales and storage yards Subject to Performance Standard (f)	20,000	100	30	10	20
Maintenance and Public Works yards Subject to Performance Standard (f)	10,000	80	30	10	20
Manufacturing general and assembly of pre-manufactured parts	10,000	80	30	10	20
Petroleum or petroleum products bulk stations sales and storage	10,000	80	30	10	20
Public Utilities	10,000	80	30	10	20
Signage identification and advertising	---	---	Subject to approval of Council		
Trucking Terminals	20,000	100	30	10	20
CONDITIONAL USES (e)					
Auto wrecking and used parts storage and sales yard Subject to Performance Standard (g)	20,000	100	30	10	20
Chemicals and gas compounding plants, bulk storage and handling facilities	20,000	100	30	10	20
Recycling yards Subject to Performance Standard (h)	10,000	80	30	10	20
ACCESSORY BUILDINGS, STRUCTURES AND USES (SEE SUB-SECTION 2.17) (e)	As required for permitted use	As required for permitted use	30	5	5

The following Performance Standards form part of this TABLE 4-4:

- (a) Front yards shall include landscaped green space adjacent to the street right-of-way, at least 10 feet in depth as measured from the front property line;

- (b) Parking of customer and employee vehicles may occur in the front yard;
- (c) Access and loading lanes utilizing the side yard must not encroach on the side yard set back;
- (d) Outdoor storage and loading areas may occur within the rear yard;
- (e) All proposed industrial or commercial developments that are applicable, are subject to regulatory requirements of Manitoba Regulation *164/2003 – Classes of Development Regulation*, must first file a proposal in writing with Manitoba Conservation and obtain a valid and subsisting license from the Regional Director for that development proposal.
- (f) Requires construction of a six foot light proof fence around the storage area. In the event a light proof fence is not provided, this use shall be deemed a conditional use;
- (g) Storage in the front yard may be permitted provided it is set back from the road right of way the minimum front yard distance and is screened from the street by the establishment of a minimum of a six foot light proof fence around that portion of the storage area for that portion of the site within the front and side yard of the building.
- (h) Outdoor storage requires that it occur in the rear yard and is fenced from view of adjoining properties by a six foot light proof fence;

* Yards sizes may be affected by the statutory requirements that affect structures/construction within the control area adjacent to PTH 2.

TABLE 4-6: 'PR' PARK AND RECREATIONAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED PRINCIPAL USES					
Parks or Playgrounds	1,000	20	-	-	-
Recreation Fields, arenas, golf course and similar uses	20,000	100	25	15(b)	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	5,000	50	25(b)	10(b)	25(b)
CONDITIONAL USES "PR" DISTRICTS					
Agriculture Fair Grounds	20,000	100	25	15 (b)	25
Fair and Exhibition Grounds	20,000	100	25	15(b)	25
Public Utilities	5,000(a)	50(a)	25(a)	5(a)(b)	25(a)
Schools Public or Private	20,000	100	25	15(b)	25
Accessory Buildings, Structures and Uses (See subsection 2.17)	As required for permitted use	As required for permitted use	25	5	5

The following footnotes form part of this TABLE 4-6:

- (a) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (b) The minimum required side yard shall be adjusted as follows:
 - (i) When located on a corner site, the minimum required side yard on the street side of the site shall be 15 feet for all principal and accessory buildings and structures;
 - (ii) Where the height of the building is in excess of 20 feet above average grade, the required side yard shall be half the height of the building; and
 - (iii) Where the side wall of the building contains any window in excess of 20 square feet in area; the minimum required interior side yard shall be 15 feet.

PART 5: RULES FOR SPECIFIC USES

Factory Built Houses

- 5.1 Factory Built Houses as defined herein shall be deemed to be single-family or two-family dwellings for purposes of this By-law provided that said houses are:
- (a) manufactured by a **CAN/CSA-A277** accredited facility;
 - (b) placed upon a basement or enclosed perimeter wall foundation constructed in accordance with the Manitoba Building Code; and
 - (c) a minimum of 1000 square feet each in floor area.

Mobile Homes

- 5.2 Mobile Homes, as defined herein, are not permitted in the UR1 Urban Residential Zone

Home-Based Businesses

- 5.3 Home-based businesses are governed by the following rules:
- (a) they shall be conducted by a person or persons residing in the dwelling;
 - (b) persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed 4.
 - (e) in the "UR" Urban Residential Zone, exterior storage or processing operations shall be dealt with as a conditional use.
 - (f) not more than 1,000 square feet of floor area may be devoted to the business;
 - (g) one business sign, either freestanding or affixed to the wall of a principal or accessory building is permitted, not exceeding 12 square feet;
 - (f) they shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance; and
 - (g) the residential character of the property shall be maintained.

Keeping of Livestock

- 5.4 Within areas which are zoned as "AL" Agricultural Limited Zone, livestock may be kept on a limited basis, subject to conditional use approval and the following requirements:

- (a) Livestock are allowed on a pasture basis only subject to Section 5.8 and the number of animals shall be limited by the capability of the land to support the animals;
- (b) The minimum acreage requirement shall be determined by the total number of animal units and is calculated on the basis of **6.0** acres for each 1.00 animal units produced by the animal type.
- (c) The minimum acreage for hobby horse farms, riding academies and stables shall be 2.0 acres for one horse and 1.0 additional acre for each additional horse. The acreage is to be fenced in an appropriate manner to contain the animals
- (d) The application of manure to lands zoned "AL" Agricultural Limited will be confined to the quantity of manure generated by the number of livestock defined by subsection 5.2(b).

5.5 The provisions of this By-law are dependent upon a determination of the production capacity of a livestock production operation, which shall be based upon the intensity of use as measured by **Animal Units** determined in accordance with Table 5-1 by multiplying the number of animals by the animal unit produced by one livestock.

Table 5-1: Animal Unit Summary Table

		A.U. Produced By One Livestock	Livestock Producing One A.U.
Dairy	Milking Cows, including associated livestock	2.0	0.5
Beef	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2.0
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Hogs	Sows, farrows to finish	1.25	0.8
	Sows, farrows to weanling	0.313	3.2
	Sows, farrows to nursery	0.25	4.0
	Weanlings	0.033	30
	Growers/Finishers /Biotechs /Feeders	0.143	7.0
	Boars (artificial insemination operations)	0.2	5.0
Chickens	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
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses (PMU)	Mares, including associated livestock	1.333	0.75
	Feedlot	1.00	1
Sheep	Ewes, including associated livestock	0.2	5
	Feeder lambs	0.063	16
Goats	All	0.14	7.14
Elk	Calves	0.05	20
	Cows	0.53	1.89
	Bulls	0.77	1.29
Bison	Calves	0.25	4
	Adults	1.00	1

PART 6: MISCELLANEOUS REGULATIONS

Land Subject to Flooding

- 6.1 No buildings or structures, except for barbed wire fences, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of the South Central Planning District Development Plan.
- 6.2 Where development is proposed in an area which in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional measures, including the provision of sufficient fill around the building, to provide an additional measure of protection from flood damage.
- 6.3 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of council that proper measures will be taken to deal with the unsuitability or hazard.

Site Reduced by Road Widening

- 6.4 Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to be part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this By-law. However, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

Building Removal

- 6.5 Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

Road Access

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

Service Connections

- 6.7 Where a site is serviced by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

Public Monuments and Cairns

- 6.8 Nothing in this by-law shall be so interpreted as to interfere with the establishment or public monuments and cairns.

Signs

- 6.9 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing.
- 6.10 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business service and have not been removed or relocated within 30 days following such condition may be removed by the Municipality at the owner's expense.

* A permit is required from the Highway Traffic Board for any sign proposed within the control area of PTH 2.

Temporary Buildings & Uses

- 6.11 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
- (a) offices for the contractor or developer or project supervisor;
 - (b) accommodation for a caretaker;
 - (c) storage of materials and equipment.
- 6.12 A development permit for a temporary building or structure or use shall be valid for 6 months and may not be renewed for more than 2 successive 6 month periods.
- 6.13 Despite 3.3, a wheelchair ramp may extend into the required yard of a residence for as long as it is required by an occupant of the residence, subject to the issuance of a development permit.

PART 7: ADMINISTRATION

Administration and Enforcement

- 7.1 In the administration and enforcement of this by-law the municipality authorizes and directs the Board of the South Central Planning District to proceed under Part 8.

Development Permits

- 7.2 A development permit is required for any the following:
- (a) subject to 7.3, the erection, construction, enlargement, structural alteration or placing of a building or structure;
 - (b) the establishment of a use of land or a building or structure;
 - (c) the change of a use of land or a building or structure from the existing use to a use which is in accordance with this by-law;
 - (d) the alteration or enlargement of an approved conditional use.
- 7.3 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided herein. 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 they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licences, environmental approvals, highway access approvals and similar approvals.
- 7.4 A development permit is not required for the following:
- (a) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - (i) fences,
 - (ii) signs (not including advertising signs where they are conditional uses),
 - (iii) lighting,
 - (iv) flagpoles,
 - (v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area of 100 square feet or less
 - (vi) communications aerials or antennas,
 - (vii) garden houses or children's playhouses,
 - (viii) water supply wells and private sewage disposal systems,
 - (ix) unenclosed patios, and
 - (x) temporary signs and notices, including real estate signs.

- (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially altered, or the structural load carrying capacity of any component is not reduced.

* A permit may still be required from the Highway Traffic Board for any structure/construction proposed within the control area of PTH 2.

7.5 Despite not requiring a development permit, all things listed in 7.4 shall be subject to the requirements of this by-law.

7.6 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.

7.7 An application for a development permit shall be accompanied by plans drawn to scale showing the following:

- (a) the shape and dimensions of the site to be used or built on;
- (b) the location and dimensions of existing buildings and structures;
- (c) the location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
- (d) 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;
- (e) vehicular access and utility connections;

and shall include any other information required by the development officer to determine compliance with, and to provide for enforcement of, this by-law.

7.8 An application for a development permit shall be accompanied by the fee prescribed by the board of the South Central Planning District.

7.9 Despite apparent compliance with this by-law, the development officer may refuse to issue a development permit where the proposed building, structure or use does not, in the development officer's opinion, comply with the building by-law or with any other law, subject to 8.6 and 8.7.

7.10 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.

7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.

- 7.12 The development officer may revoke a development permit:
- (a) when information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this by-law, the building by-law, or any other law; or
 - (b) when a development permit was issued in error.

Development Officer

- 7.13 The development officer shall be the person appointed as such by the board of the South Central Planning District.
- 7.14 The development officer, on behalf of the municipality, shall issue development permits and otherwise administer and enforce the provisions of this by-law and *The Planning Act*, where applicable.
- 7.15 The development officer shall exercise the powers of remedy and enforcement set out in Part 8.
- 7.16 The development officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed 10 percent of the required yard provisions.

Application for Amendment

- 7.17 An application for an amendment to this by-law, including a change to the maps, shall be made to the development officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 7.18 An application for amendment shall be accompanied by plans drawn to scale showing the following:
- (a) the shape and dimensions of the land affected;
 - (b) the location and dimensions of existing buildings and structures;
 - (c) the location and dimensions of any proposed building, structure, enlargement or alteration;
 - (d) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the development officer to determine compliance with, and to provide for enforcement of, this by-law.

- 7.19 An application for an amendment shall be accompanied by the fee prescribed by Council.
- 7.20 Following such consultation, review and report (if any) as the council deems

necessary, the application shall be submitted to council, which shall decide whether or not to start the procedures for enactment of an amendment.

Applications for Variances & Conditional Uses

- 7.21 An application for a variation or approval of a conditional use shall be made to the development officer by the owner or owners of the site, or by a person authorized in writing by them.
- 7.22 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by council.
- 7.23 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 7.24 On receipt of an application for a variation or approval of a conditional use in proper form, the municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or authority for its review and comment.
- 7.25 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 7.26 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.
- * Permits are required from the Highway Traffic Board for any structure/construction, including signs and temporary structures, within the control area adjacent to PTH 2.

PART 8: ENFORCEMENT

Entry for Inspection and Other Purposes

- 8.1 The development officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
- (a) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law or *The Planning Act*;
 - (b) request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
 - (c) make copies of anything related to the inspection, remedy, enforcement or authorized action.
- 8.2 The development officer must display or produce on request identification showing his or her official capacity.
- 8.3 In an emergency or in extraordinary circumstances, the development officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 8.1(a) and (c) without the consent of the owner or occupant.

Order to Remedy Contravention

- 8.4 If the development officer finds that a person is contravening this by-law or *The Planning Act*, the development officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the development officer, the circumstances so require.
- 8.5 The order may:
- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
 - (b) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
 - (c) state a time within which the person must comply with the directions; and
 - (d) state that if the person does not comply with the directions within the time stated, the municipality will take the action or measure at the expense of the person.

Review by the Board

- 8.6 A person who receives an order under 8.4 or who is refused a permit under 7.9 may request the Board of the South Central Planning District to review the matter, by written notice given within 14 days after the date the order under 8.4 or decision under 7.9 is made.
- 8.7 After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

PART 9: INTERPRETATION

Permitted Uses

- 9.1 Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use, which appears as a conditional use for the same zoning designation. Uses similar in nature to a listed permitted or a conditional use may be deemed as like uses for the purposes of this by-law by variation hearing undertaken by Council upon the review of a report by the Development Officer requesting a determination for a use not listed in the bulk table of the applicable District.

Definitions

- 9.2 Terms not defined in this by-law which are defined in *The Planning Act*, have the meaning provided in that *Act*.
- 9.3 Where the following terms appear in bold in this By-law they have the meaning provided as follows:

accessory - where used to describe a use, **building** or **structure**, means that the use, **building** or **structure** is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, **building** or **structure** to which it is accessory, but a use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zoning designation. Where an accessory building or structure is attached to a principal building or structure by means of a foundation, wall or roof, it shall be deemed to be part of the principal building or structure.

advertising sign - means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same **site** (or on an adjacent **site** under the same ownership) where the sign is maintained.

aircraft landing area - includes all open spaces, **buildings** and **structures** used in connection with the landing or take-off of aircraft.

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, height of - means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.

bulk - means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines;

club - refers to a **building** owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

communal farm dwelling - means a residence in connection with a farm operation carried out on the same or an adjacent **site** by a religious colony or other association by or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.

confined livestock production operation - means an agricultural operation where animals are fed in **buildings** or pens, or in outdoor non-grazing areas confined by fences, other **structures** or topography and manure storage is continuously confined to a single location and or facility year round, but does not include:

- (a) a livestock auction mart,
- (b) an agricultural fair, or
- (c) a livestock sales yard where livestock are kept no longer than 3 days.

drive-through facility - means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a **drive-through** restaurant or bank.

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

dwelling, single-family - means a detached building designed for and used by only one **family**.

dwelling, two-family - means a detached or semi-detached building designed for and used by 2 families, with each family having exclusive occupancy of a dwelling unit.

dwelling, multiple-family - means a building containing three or more dwelling units, with each unit designed for and used by one family, with each family having exclusive occupancy of a dwelling unit.

factory built house(s) means a factory-built, manufactured, dwelling(s), 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.

For purposes of this by-law, a “factory built house” shall not include a “mobile home” as defined herein.

family - means one or more persons related by blood, adoption, marriage or common-law marriage, or a group of no more than (7) persons which includes unrelated persons, living together as a single housekeeping unit.

farm building - means any building or structure used primarily for agricultural activities, but does not include a **dwelling**.

general agricultural activities - means a use of land for agricultural purposes, including farming, dairying, pasture, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

- (a) **livestock production operations,**
- (b) storage, handling or processing of agricultural products for the general public in return for remuneration, or
- (c) sales or servicing (in return for remuneration) of agricultural equipment or agricultural buildings.

Hundred-year flood - means a flood that can be expected to occur, on average, once in 100 years, or specifically a flood that has a one percent chance of being equalled or exceeded in any year.

kennel - means premises upon which more than 5 dogs or 10 cats, not including animals less than 4 months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

mobile home means a factory-built, compact and transportable detached single-family dwelling with all the following characteristics:

- (a) Designed for long-term occupancy for the domestic use of one or more individuals living as a single housekeeping unit, containing and having cooking, eating, living, sleeping, and sanitary facilities, and with plumbing and electrical connections provided for permanent attachment to outside systems;
- (b) Designed to be moved or transported after fabrication on its own wheels, other trailers, or detachable wheels;
- (c) Designed without provisions for its adaptation to a basement; and
- (d) Conforms with the Canadian Standards Association (**CSA**) **Z240** series standards for mobile homes.

mobile home space means a space in a mobile home park for the placement of a mobile home.

modular home means a dwelling(s) which is manufactured or fabricated off-site in two or more near-complete standardized sections or units, and attached or joined together on a foundation at the building site.

planned unit development – means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of building, mixture of housing types and land uses, usable open spaces, and the preservation of significant natural features;

public utility - means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

residential care facility - means a **building** in which residential accommodation, plus supervision, care or treatment, is provided by a person or persons employed for that purpose.

site - means an area of land which:

- is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with **required yards**;
- has frontage on a street which has a minimum right-of-way width of 50 feet, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- is of sufficient size to provide for 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, corner - means a **site** situated at the intersection of 2 streets.

site depth - means the horizontal distance between the centre points in the **front** and **rear site lines**.

site, interior - means a **site** other than a **corner site**.

Site Lines:

front site line - means:

- (a) the boundary of a **site** along a street or highway;
- (b) for a **corner site**, the continuation of the **front site line** of the abutting **interior site**.

rear site line - means:

- (a) that boundary of a **site**, which is most nearly parallel to the **front site line**;
- (b) where the **side site lines** intersect, a line 10 feet in length within the **site**, parallel to and at the maximum distance from the **front site line**.

side site line - means any boundary of a **site**, which is not a front or **rear site line**.

Where it is not possible to determine **site** lines according to these definitions, the development officer shall determine them.

site width - means the horizontal distance between the **side site lines**, measured at right angles to the **site depth** at a point midway between the **front** and **rear site lines**, or at 40 feet from the **front site lines**, whichever is less.

specialized agricultural activities - means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

structure - means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location, and includes but is not limited to **buildings**, walls, fences, signs, billboards, light standards and antennas.

use - means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a 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 the **yard** measured from a **front, rear** or **side site line** towards the interior of the **site** within which no **building** or any part of a **building** may be located, except as provided in this by-law.

Zoning Boundaries

9.4 The following rules of interpretation shall apply to the boundaries of the zoning designations shown on the maps comprising Schedule A:

- (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 site limits as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such site limits.

9.5 If a street, lane or government road allowance is lawfully closed, and then the land formerly comprising the street, lane or government road allowance shall be included within the zone of the land, which surrounds it. If the said street lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street, lane or government road allowance.

THIS BY-LAW is hereby adopted and shall come into force on, from, and after the date on which it received third reading by the Council.

**DONE AND PASSED in Council duly assembled at the Town of Treherne,
Manitoba this 9th day of June 2005, A.D.**

Mayor

Chief Administrative Officer

SCHEDULE A

ZONING MAPS

TOWN OF TREHERNE
ZONING BY-LAW 851/2005

