

# **RURAL MUNICIPALITY OF OAKLAND**

**ZONING BY-LAW  
NO. 1262-06**

 **Landmark**  
Planning & Design Inc.

Suite 200 – 661 Pembina Highway  
Winnipeg, Manitoba R3M 2L5  
Phone: 204.453.8008  
Fax: 204.453.6626  
e-mail: [landmkpd@mts.net](mailto:landmkpd@mts.net)

# THE RURAL MUNICIPALITY OF OAKLAND

## BY-LAW NO. 1262-06

A By-law of the RM of Oakland, in the Province of Manitoba, to regulate and control the use and development of land and buildings within the Municipal limits of the RM of Oakland.

**WHEREAS** *The Planning Act* (the Act) provides that the Council of a Municipality may enact a Zoning By-law which generally conforms to a Development Plan adopted for the area;

**AND WHEREAS** pursuant to the provisions of the Act, the RM of Oakland has, by By-law, adopted the *RM of Oakland Development Plan*;

**AND WHEREAS** the Act provides that the Council of a Municipality shall enact a Zoning By-law upon the adoption of a Development Plan for the area;

**NOW THEREFORE** the Municipal Council of the RM of Oakland, in meeting duly assembled, enacts as follows:

1. The Zoning By-law, attached hereto and marked as Schedule "A", is hereby adopted.
2. This By-law shall be known as the *RM of Oakland Zoning By-law*.
3. The *RM of Oakland Zoning By-law* shall take force and effect on the date of Third Reading of this By-law.

**DONE AND PASSED** in Council assembled in Council Chambers, in Nesbitt, Manitoba, this 10<sup>th</sup> day of May, A.D. 2006.

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Reeve

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Chief Administrative Officer

Read a First time this 26<sup>th</sup> day of January, A.D. 2006.

Read a Second time this 15<sup>th</sup> day of March, A.D. 2006.

Read a Third time this 10<sup>th</sup> day of May, A.D. 2006.

Certified a true copy of By-law No. 1262-06 of the Rural Municipality of Oakland.

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Chief Administrative Officer

**THE RURAL MUNICIPALITY OF OAKLAND  
ZONING BY-LAW**

**BEING *SCHEDULE "A"***

**ATTACHED TO BY-LAW NO. 1262-06**

**OF**

**THE RURAL MUNICIPALITY OF OAKLAND**

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## **PART I**

## **OPERATIVE AND INTERPRETATIVE CLAUSES**

**1.0 Title and Contents**

**1.1 Title**

- 1) This By-law may be cited as the Rural Municipality (RM) of Oakland Zoning By-law.

**1.2 Intent and Purpose**

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

- 1) To implement the objectives and policies of the *RM of Oakland Development Plan*.
- 2) To outline the powers and duties of Council, the Development Officer and the landowner and/or developer as they relate to this By-law.
- 3) To regulate the following:
  - a) all buildings and structures erected hereafter;
  - b) all uses or changes in use of all buildings, structures and land established hereafter;
  - c) all structural alterations or relocations of existing buildings and structures occurring hereafter; and
  - d) all enlargements or additions to existing buildings, structures and uses.

**1.3 Regulation of Uses**

- 1) With the exception of Section 6.2 of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:
  - a) is listed in the Zoning District clauses as:
    - i) a permitted use development;
    - ii) a conditional use development, subject to approval as such;or
  - b) is an accessory use.
- 2) There shall be a maximum of one dwelling unit per lot or parcel of land, except for the following:
  - a) dwelling units that are required for employees or family members, who in the opinion of Council, will be actively involved in an Agricultural Activity or Livestock Operation and deriving a significant income from it;



- b) Two Family Dwellings, Multiple Family Dwellings or Temporary Additional Dwellings or Mobile Home Dwellings as provided for in this By-law; and
  - c) Mobile Home Dwellings in a Mobile Home Park.
- 3) Where any land, building or structure is used for more than one purpose all provisions of the By-law relating to each use shall apply. Where there is a conflict such as in the case of site area and frontage, the more restrictive regulations shall prevail, except as otherwise approved by Council.

#### **1.4 Contents of the By-law**

The contents of this By-law include:

- 1) Part I, comprising of Section 1.0 to Section 8.0, outlines the Operative and Interpretive Clauses.
- 2) Part II, comprising of Section 9.0 to Section 16.0, outlines the Zoning District clauses.
- 3) Part III, comprising of Section 17.0 to Section 50.0, outlines the General Administrative Clauses, General Development Regulations and Special Land Use Regulations.
- 4) Part IV comprises the Zoning District Maps.

#### **1.5 Headings and Titles**

- 1) Despite any other provision of this By-law or any other By-law passed by Council to the contrary, headings and titles within this By-law shall be deemed to form part of the text of this By-law.

#### **1.6 Interpretation**

- 1) Words, phrases and terms defined herein shall be given the defined meaning.
- 2) Words, phrases and terms neither defined herein nor defined in By-laws of the RM of Oakland shall be given their usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning.
- 3) The phrase *used for* includes *arranged for; maintained for; designed for; or occupied for*.

- 4) 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.
- 5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions *and*, *or*, or *either-or*, the conjunctions shall be interpreted as follows:
  - a) *and* indicates that all the connected items, conditions, provisions or events shall apply;
  - b) *or* indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and
  - c) *either-or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 6) The word *includes* shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of the like kind or character.

#### **1.7 Units of Measurement**

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

#### **1.8 Effective Date**

- 1) This By-law shall be in full force and effect when the RM of Oakland Council has given it Third Reading.

#### **1.9 Control of Development**

- 1) No development, other than that designated in Section 20.1 of this By-law, shall be undertaken in the RM of Oakland unless an application has been approved and the development permit has been issued.

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

- 1) The adoption of this By-law shall not prevent any pending or future legal action to deal with any existing land use violations.

#### **1.11 Validity**

- 1) Should a court of competent jurisdiction declare any section or part of a section of this By-law invalid, the same shall not affect provisions of the

By-law as a whole or any part thereof beyond that which is declared invalid.

## **2.0 Non-Conforming Buildings, Structures, Lots and Uses**

- 1) When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a development permit has been issued, and the enactment of the By-law would render the development in respect of which the permit was issued a non-conforming building, structure, lot, or use, the development permit continues in effect despite the enactment of the By-law.
- 2) Any lawful building or structure which does not conform to one or more of the applicable yard regulations of the Zoning District in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted building or structure and shall be used as if it conformed to all such regulations, in accordance with Section 2.0(5) of this By-law.
- 3) Any legal existing lot which does not conform to the minimum site area, site width, front yard or access regulations hereof for the Zoning District wherein it is located, shall be deemed to be a permitted lot and shall be used as if it conformed to all such regulations, in accordance with Section 2.0(5) of this By-law.
- 4) Any lawful use of a building, structure or lot, or portion thereof, which does not conform to one or more of the applicable use regulations of the Zoning District in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted use and shall be used as if it conformed to all such regulations, in accordance with Section 2.0(5) of this By-law.
- 5) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of 12 consecutive months or more, any future use of the land or building shall conform to the provisions of this By-law.
- 6) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- 7) A non-conforming use of part of a building shall not be extended throughout the building and the building, whether or not it is a non-conforming building shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

- 8) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - a) as may be necessary to make it a conforming building; or
  - b) as the Development Officer considers necessary for the routine maintenance of the building.
- 9) Where a building or structure that does not conform to the provisions of this By-law or amendments thereto is destroyed or damaged to an extent that in the opinion of Council, is 50.00 percent or more of the replacement value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the provisions of this By-law.
- 10) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.
- 11) Despite Section 2.0(1) to Section 2.0(10) of this By-law, as per *The Planning Act* a non-conformity may be altered by way of variation order by Council.

### **3.0 Conforming Buildings, Structures and Uses**

- 1) When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a lawful use, building or structure conforms to the site regulations of the Zoning District in which it is located and said use, building or structure is identified in this By-law as:
  - a) a permitted use, the said use, building or structure shall be deemed to be a permitted use; or
  - b) a conditional use, the said use, building or structure shall be deemed to be a conditional use.

### **4.0 The Zoning District Maps**

- 1) The Zoning District Maps are Part IV of this By-law, which divide the RM of Oakland into Zoning Districts and specifies provisions applying to particular lands.

#### **4.1 Zoning District Boundaries**

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

- 1) Where a Zoning District boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof.
- 2) Where a Zoning District boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zoning District for that portion of the Zoning District boundary which approximates the site boundary.
- 3) Where a Zoning District boundary is shown approximately following Municipal limits, it shall be deemed to be following Municipal limits.
- 4) Where a Zoning District boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof.
- 5) Where a Zoning District is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow the said line. In the event of a change in the said line, it shall be deemed as moving with that line.
- 6) Where a Zoning District boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed.
- 7) Where features on the ground are at variance with those shown on the Zoning District Map or in other circumstances not mentioned above, the Development Officer shall interpret the Zoning District boundaries. Any such decision may be appealed to Council.
- 8) Where a Zoning District boundary is not located in conformity to the provisions of Section 4.1(1) to Section 4.1(7) of this By-law, and in effect divides or splits a registered parcel of land into more than one Zoning District:
  - a) the disposition of such boundary shall be determined by dimensions indicated on the Zoning District Maps or by measurements directly scaled from the Maps; and
  - b) each such portion of the said parcel of land shall be used in accordance with the applicable Zoning District regulations of this By-law as if it were a separate site.

#### **4.2 Right-of Way Boundaries**

- 1) Despite anything contained in this By-law, no Zoning District shall be deemed to apply to any public roadway and any public roadway may be

designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by Council.

- 2) Where any public roadway is closed pursuant to the provisions of *The Municipal Act*, as amended, the land contained therein shall there upon be deemed to carry the same Zoning District as the abutting land.
- 3) Despite Section 4.2(2) of this By-law, where such abutting lands are governed by different Zoning Districts, the centre line of the public right-of-way shall be deemed to be the Zoning District boundary.

## 5.0 Approval Required for Development

- 1) A person:
  - a) shall not commence, or cause or allow to be commenced, a development without a development permit which has been issued under the provisions of this By-law;
  - b) shall not carry on, or cause or allow to be carried on a development without a development permit which has been issued under the provisions of this By-law; and
  - c) shall provide proof satisfactory to the Development Officer or Council that all other required Municipal, Provincial or Federal approvals or licenses have been obtained prior to the issuance of a development permit.

## 6.0 Other Legislation

### 6.1 Compliance

- 1) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
  - a) the regulations of the *National Building Code* as well as applicable Municipal building regulations and Provincial building code regulations;
  - b) the *RM of Oakland Development Plan*;
  - c) any other appropriate Federal, Provincial or Municipal legislation; and
  - d) the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or other instrument affecting a building or land.
- 2) Whenever provisions contained in any appropriate Federal, Provincial or Municipal legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions

covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.

- 3) Whenever the provisions of a special agreement or development agreement entered into between the RM of Oakland and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern.
- 4) The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.

## 6.2 Public Utilities and Services

- 1) 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 or protective and emergency service, as defined in this By-law.

## 7.0 Definitions

### 7.1 General Definitions

Terms and words in this By-law as defined in *The Planning Act* have the meaning expressed therein. Other terms and words, unless the context otherwise requires, are defined as follows:

- 1) **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 line with it.
- 2) **Accessory** means, when used to describe a use, building or structure, said use, building or structure is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
- 3) **Act, the** means *The Planning Act*, as amended.
- 4) **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.

- 5) **Animal Unit (A.U.)** means the number of animals of a particular category of livestock that will excrete 73.00 kg. (160.93 lb.) of nitrogen in a 12 month period.
- 6) **Aquifer** means a water bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.
- 7) **Attached**, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.
- 8) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.83 m. (6.00 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.22 m. (4.00 ft.).
- 9) **Bedrooms** means a habitable room located within a dwelling unit that is used primarily for sleeping.
- 10) **Blank Walls** means exterior walls containing no windows, doors or other similar openings.
- 11) **Buffer Strip** means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.
- 12) **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.
- 13) **Bulk Fuel Storage Tank** means a tank used for the bulk storage of petroleum products or other flammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.
- 14) **Carnival** means a temporary use of land, buildings or structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes circuses and midways.
- 15) **Composting** means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.

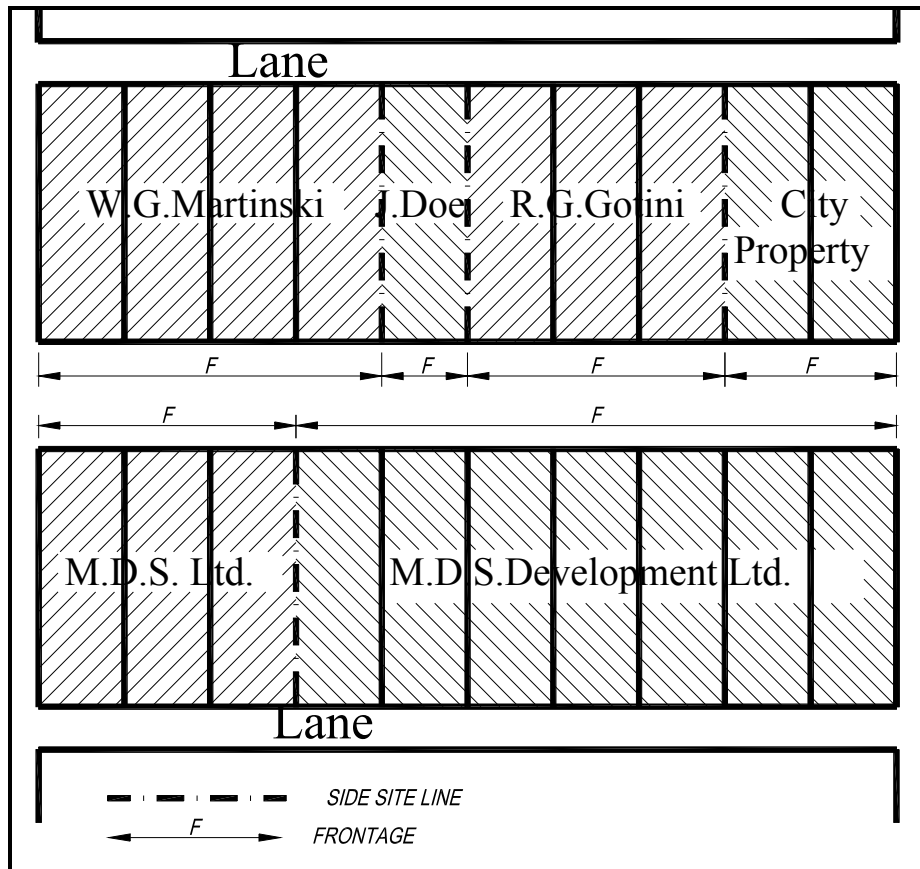


- 16) **Conditional Use Order** means those uses of land, buildings or structures that may be considered in a particular Zoning District but only at the discretion of Council in accordance with the *Act*.
- 17) **Condominium** means individual ownership of a unit in a multi-unit structure where expenses common to all parties are shared.
- 18) **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.
- 19) **Condominium Unit** means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.
- 20) **Confined Livestock Area** means an outdoor, non-grazing area where livestock are confined by fences or other structures and includes a feedlot, paddock, corral, exercise yard, hoop structure and holding area.
- 21) **Construction or Constructed** means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.
- 22) **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.
- 23) **Council** means the Council of the Municipal Corporation of the RM of Oakland.
- 24) **Cultivated Land** means land that is prepared and used for the growing of crops.
- 25) **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.
- 26) **Development** means the carrying out of the construction, erection, structural alteration, placement or relocation of any building or excavation or other operation on, over or under land; or the making of any change in the use or intensity of use of any land or buildings or premises.

- 27) **Development Officer** means the Development Officer appointed by Council of the RM of Oakland in accordance with the *Act*.
- 28) **Development Permit** means a permit issued by the RM of Oakland authorizing development, and may include a building permit.
- 29) **Development Plan** means the *RM of Oakland Development Plan* adopted by By-law, including amendments thereto.
- 30) **Dugout** means an earthen excavation designed to collect and store runoff.
- 31) **Dwelling Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a Household.
- 32) **Dwelling Unit Area** means the total floor area of the dwelling unit contained within the outside surface of the exterior walls. This calculation shall exclude basement or other areas that are below-grade.
- 33) **Earthen Storage Facility** means a structure built primarily from soil, constructed by excavating or forming dikes, and used to retain livestock manure.
- 34) **Elevation, Lot Grade** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.
- 35) **Family** means one or more persons related by blood or marriage or common law marriage, or group of not more than three persons who may not be related by blood or marriage occupying a dwelling unit and living together as a single housekeeping unit.
- 36) **Farm Buildings or Structures** means a building or part thereof that does not contain a dwelling unit and which is associated with and located on land devoted to the practice of farming, and used for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.
- 37) **Field Storage** means solid livestock manure that is stored in the open air other than in a manure storage facility.
- 38) **Flood Risk Area** means that land adjacent to a watercourse that 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 that may be subjected to periodic flooding or inundation of floodwaters.

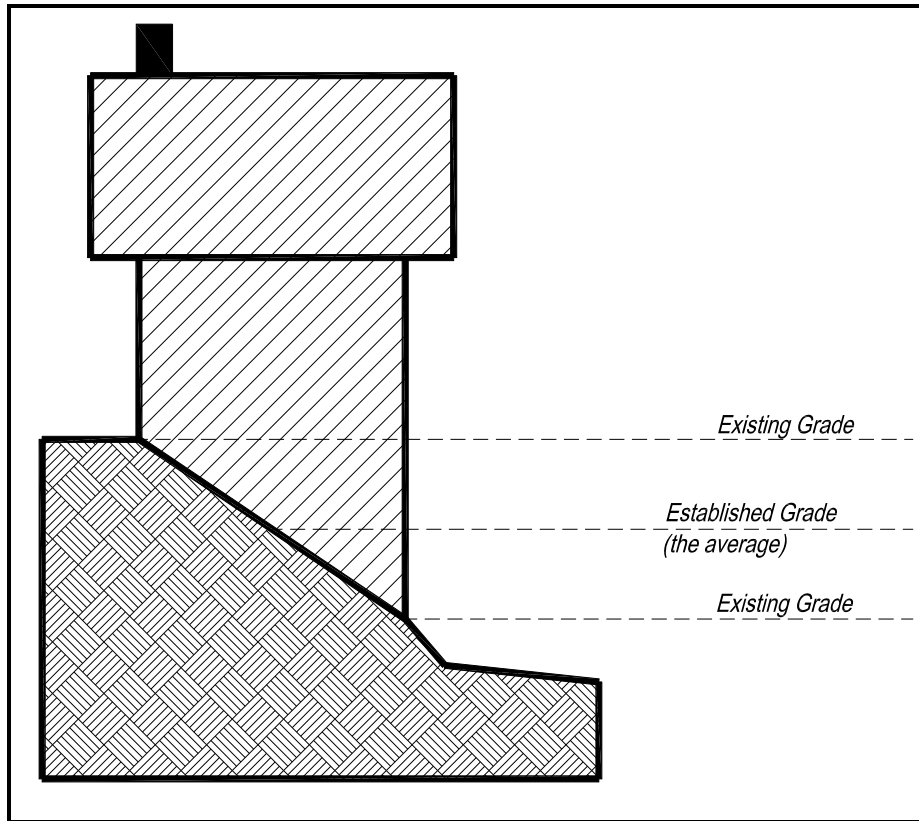
- 39) **Frontage** means all that portion of a site fronting on a street and measured between side lot lines.



**Figure 1. Frontage**

- 40) **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

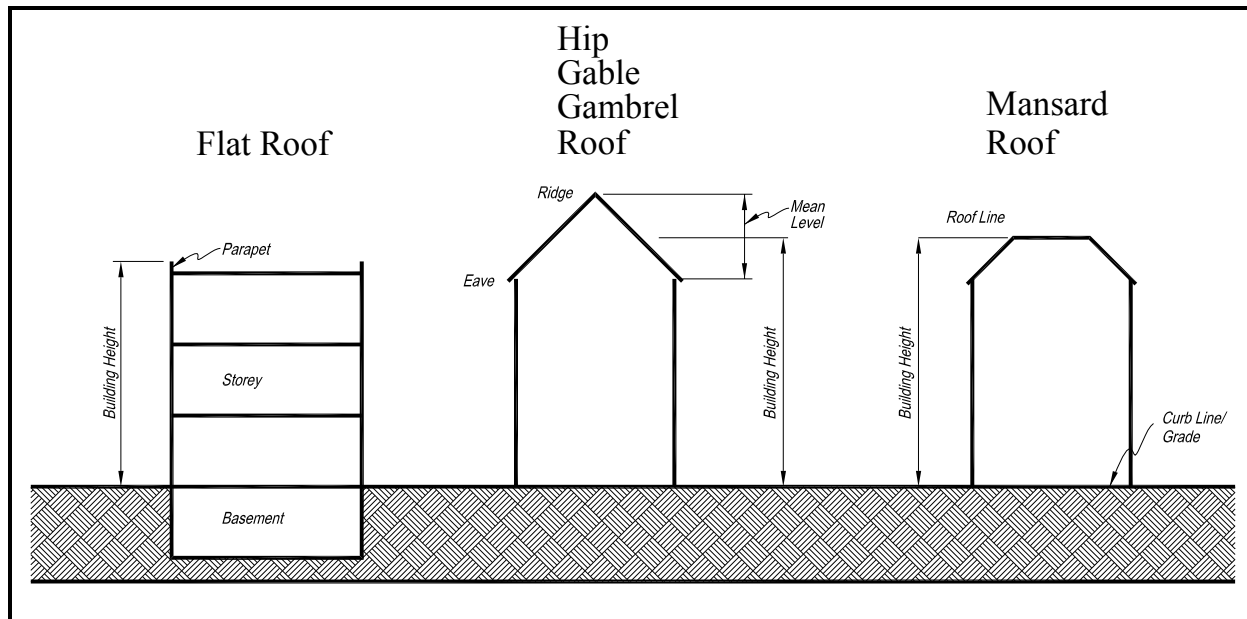
- 41) **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.



**Figure 2. Established Grade of a Building**

- 42) **Groundwater** means water below the surface of the ground.
- 43) **Habitable Room** means any room in a dwelling other than a non-habitable room.

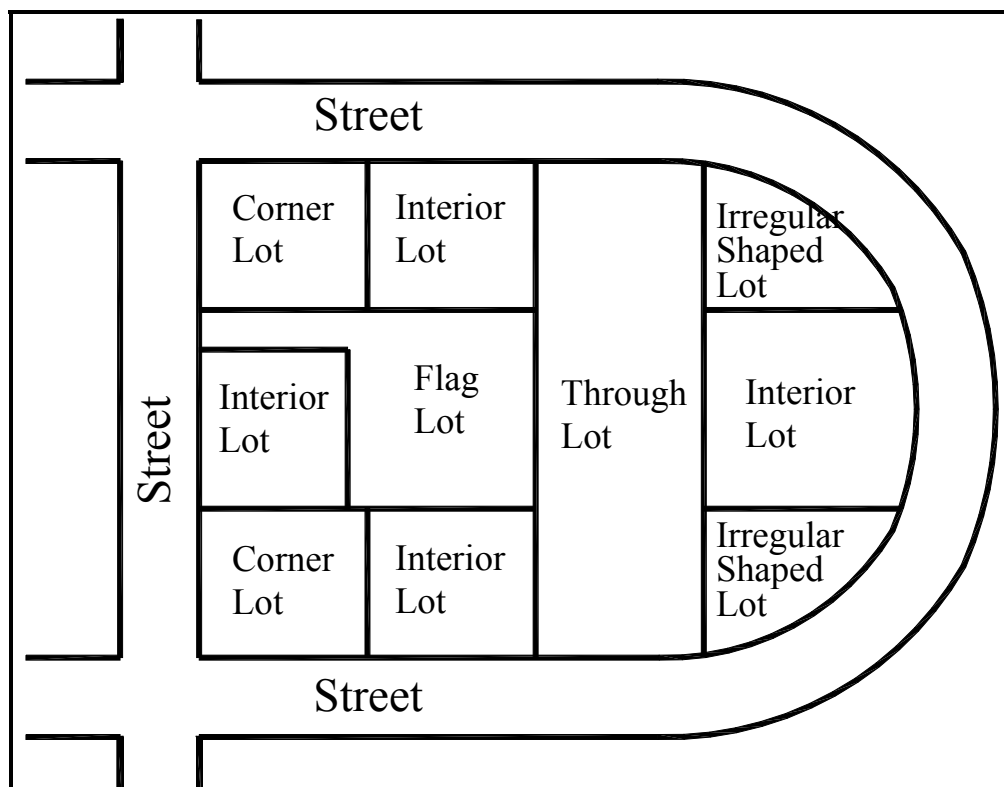
- 44) **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:
- a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20.00 degrees; and
  - b) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20.00 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.52 m. (5.00 ft.) above the maximum permitted building height of the Zoning District.



**Figure 3. Height of Buildings**

- 45) **Household** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.
- 46) **Institution** means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular object or cause, but does not include Private Clubs.
- 47) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a buffer between properties in order to mitigate objectionable features between them.
- 48) **Livestock** means animals or poultry not kept exclusively as pets, excluding bees.

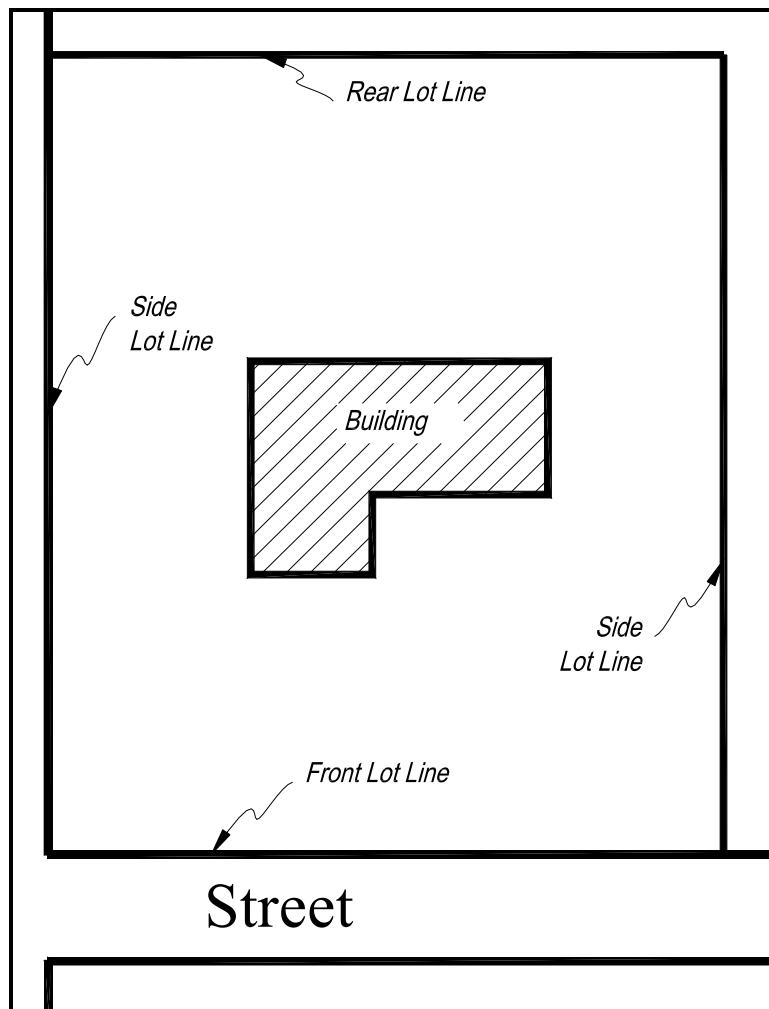
- 49) **Loading Space** means an off-street space or berth on the same lot with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandize or materials, and which abuts upon a street, lane or other appropriate means of access.
- 50) **Lot, Corner** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.
- 51) **Lot, Double Fronting** means a lot which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the site.
- 52) **Lot, Interior** means any site other than a corner lot or through lot.
- 53) **Lot, Reverse Corner** means a corner lot, the flanking street site line of which is a continuation of the front site line of the first site to its rear.



**Figure 4. Lot Types**

- 54) **Lot, Through** means a lot having a pair of opposite lot lines along two streets. On a through lot, both street lines shall be deemed front lot lines.

- 55) **Lot Line, Front** means the property line a lot abutting public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the property lines abutting a public roadway.
- 56) **Lot Line, Rear** means either the property line of a lot which is furthest from and opposite the front lot line, or, where there is no such property line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.
- 57) **Lot Line, Side** means the property line of a lot other than a front lot line or rear lot line.



**Figure 5. Lot Lines**

- 58) **Manufactured Home Dwelling** means a factory built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with CSA building regulations, being placed on a permanent foundation, having its chassis or frame permanently

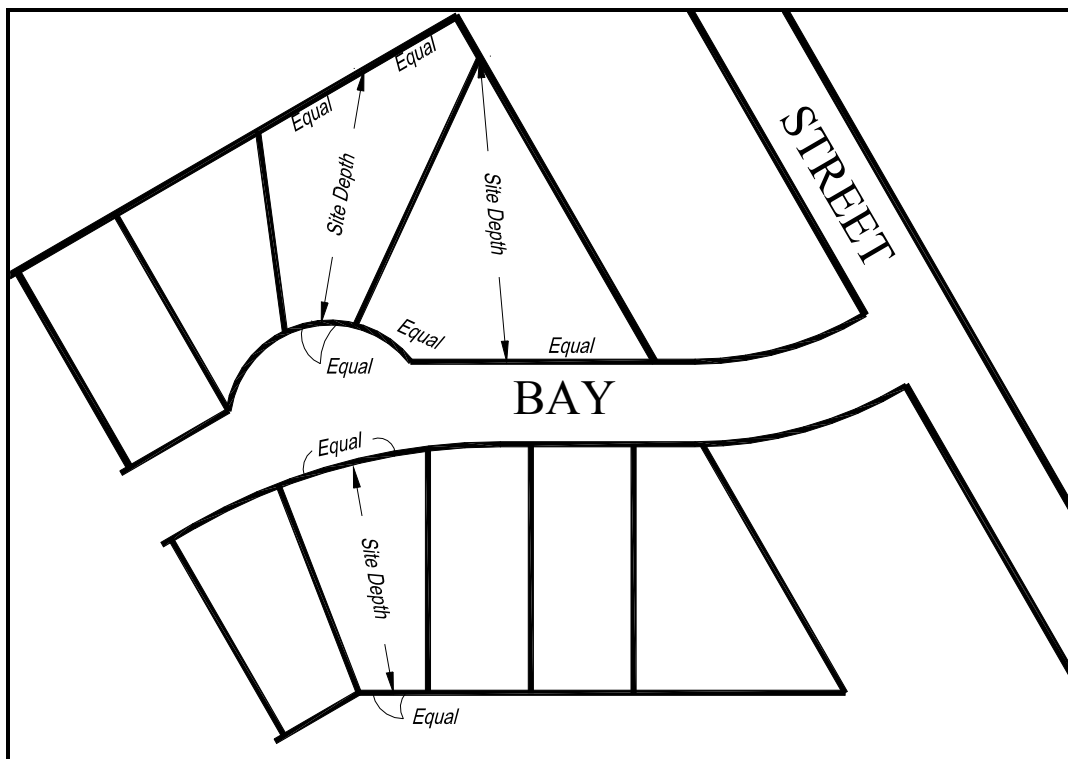
removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.

- 59) **Manure Storage Facility** means a structure, earthen storage facility, molehill, tank or other facility for storing manure or where it is stored, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include:
- a) a field storage site;
  - b) a vehicle or other mobile equipment used to transport or dispose of manure;
  - c) a gutter or concrete storage pit used to store liquid or semi-solid manure for less than thirty days;
  - d) a collection basin; or
  - e) a composting site for manure or mortalities.
- 60) **Mobile Home Park** means a parcel of land under one ownership on which spaces are provided, either for rent or lease, for the placement of Mobile Home Dwellings.
- 61) **Mobile Home Site** means a site in a mobile home subdivision that may be purchased for the placement of a Mobile Home Dwelling.
- 62) **Mobile Home Subdivision** means a parcel of land subdivided into mobile home sites that may be sold for the placement of Mobile Home Dwellings.
- 63) **Modular Home Dwelling** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations.
- 64) **Molehill** means a manure storage facility in which manure is mechanically forced through a pipe and becomes mounded.
- 65) **Motor Home** means a certified and licensed vehicular structure, as defined in the *Manitoba Highway Traffic Act* that is used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.
- 66) **Municipal Engineer** means the Municipal Engineer as appointed by Council for the RM of Oakland.
- 67) **Municipality** means the Municipal Corporation of the RM of Oakland.



- 68) **Non-Habitable Room** means a space in a dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.
- 69) **Nuisance** means anything outside of normal accepted farming practices that interferes with the use or enjoyment of property or endangers personal health or safety.
- 70) **Offensive or objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of Council may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.
- 71) **Ordinary High Water Mark** means the level at which the water in a water body or waterway has been held for a period sufficient to leave a mark on the vegetation and / or soil along the bank; the line identified in a plan of survey as “O.H.W.M.” or “Ordinary High Water Mark”, or the line on a plan of survey delineating the bed of a water body or waterway.
- 72) **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.
- 73) **Party Wall** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.
- 74) **Pollution** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.
- 75) **Separation Distance** means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.
- 76) **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy.

- 77) **Setback** means the distance that a development or a specified portion of it must be set back from a property line.
- 78) **Site** means an area of land which:
- a) 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; and
  - b) has legal access to a street.
- 79) **Site Coverage** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade, including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screened porches or verandas, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.
- 80) **Site Depth** means the average horizontal distance between the front and rear lot lines of the site.

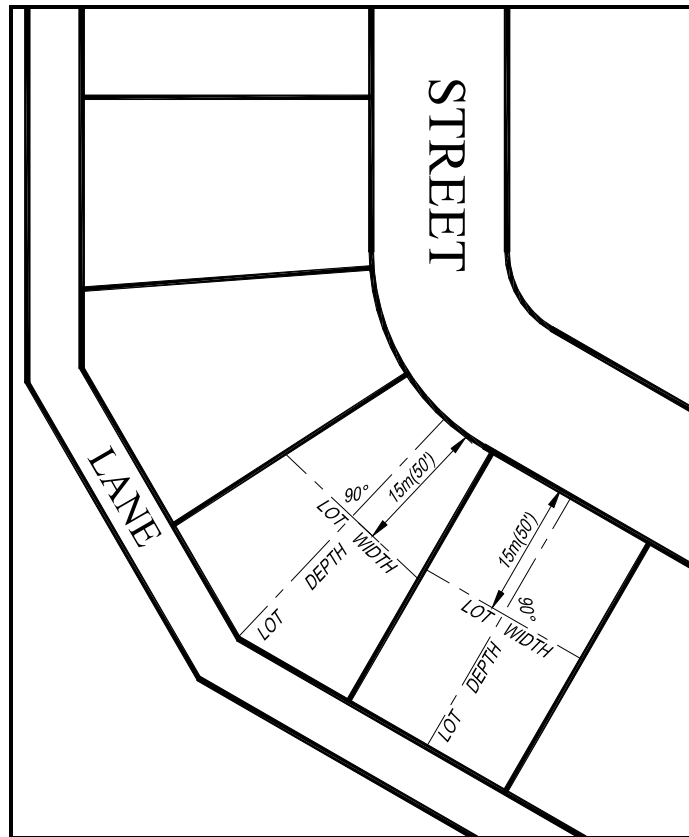


**Figure 6. Site Depth**

- 81) **Site Plan** means a map or series of maps drawn to scale showing some or all of the following information: proposed and existing buildings, structures, alterations and additions, roads, walkways, landscaping,

parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Development Officer or Council for any proposed development.

- 82) **Site Width** means the horizontal distance between the side lot lines of a lot, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 15.24 m. (50.00 ft.) from the front lot line, and the lesser of these distances is the site width.

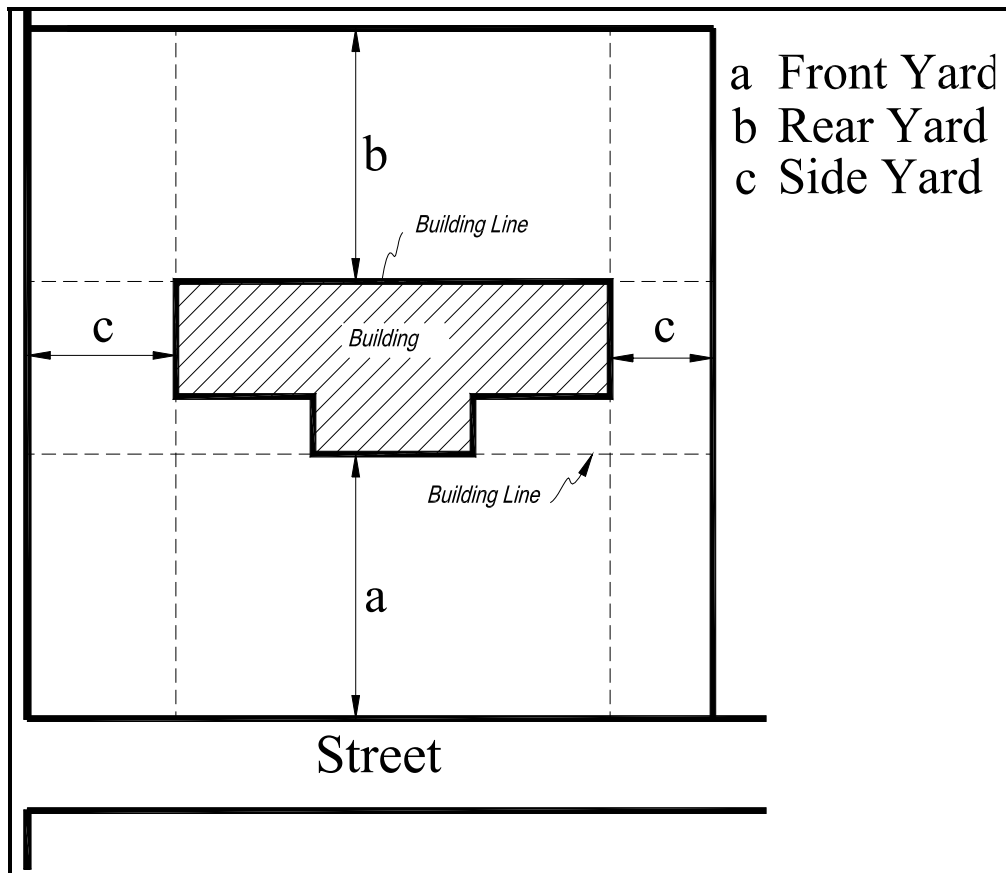


**Figure 7. Site Width**

- 83) **Sleeping Unit** means a habitable room, or a group of two or more habitable rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.
- 84) **Slurry Tank Storage Facility** means an above ground tank for the storage of livestock liquid manure that may be constructed from pre-cast concrete panels, reinforced cast-in-place concrete, glass lined steel panels or spiral wound coated steel.
- 85) **Solid Livestock Manure** means manure that contains more than 25.00 percent solid matter and does not flow when piled.

- 86) **Stacking Space** means an on-site queuing area for a passenger vehicle that is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.
- 87) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 m. (6.00 ft.) above grade, such basement shall be considered a storey for the purpose of this By-law.
- 88) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 m. (2.17 ft.) above the floor of such storey.
- 89) **Street** means a public roadway having a right-of-way at least 10.06 m. (33.00 ft.) in width that affords the principal means of access to abutting land.
- 90) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.
- 91) **Surface Water** means any body of flowing or standing water, whether 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 Activity or Livestock Operation.
- 92) **Temporary Buildings and Uses** means an incidental use, building or structure for which a development permit has been issued for a limited time only.
- 93) **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.
- 94) **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.
- 95) **Variation Order** means the altering of any of the regulations found in this By-law in accordance with the *Act*.

- 96) **Watercourse** means the channel in 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.
- 97) **Yard** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law.
- 98) **Yard, Front** means a yard extending all the full length of the front lot line between the side lot lines. All front yard regulations found in this By-law shall be measured from the front lot line.
- 99) **Yard, Rear** means a yard extending along the full length of the rear lot line from the front yard to the rear yard.
- 100) **Yard, Side** means a yard extending along the side lot line from the front yard to the rear yard.



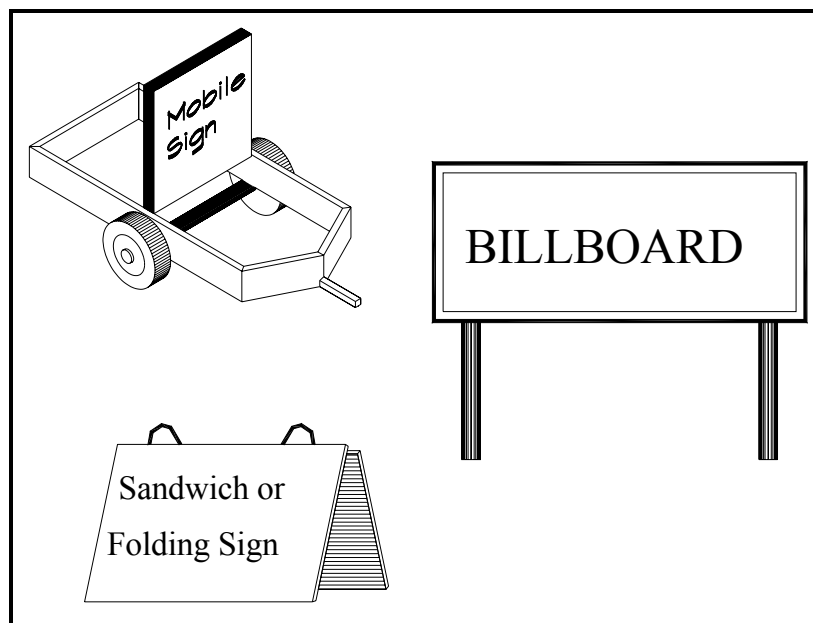
**Figure 8. Yards**

- 101) **Zoning District** means a Section contained in Part II of this By-law that regulates the use and development of land as depicted on the Zoning District Maps comprising Part IV of this By-law.

## 7.2 Sign Definitions

Terms and works used in this By-law regarding the regulations of signs, unless the context otherwise requires, are defined as follows:

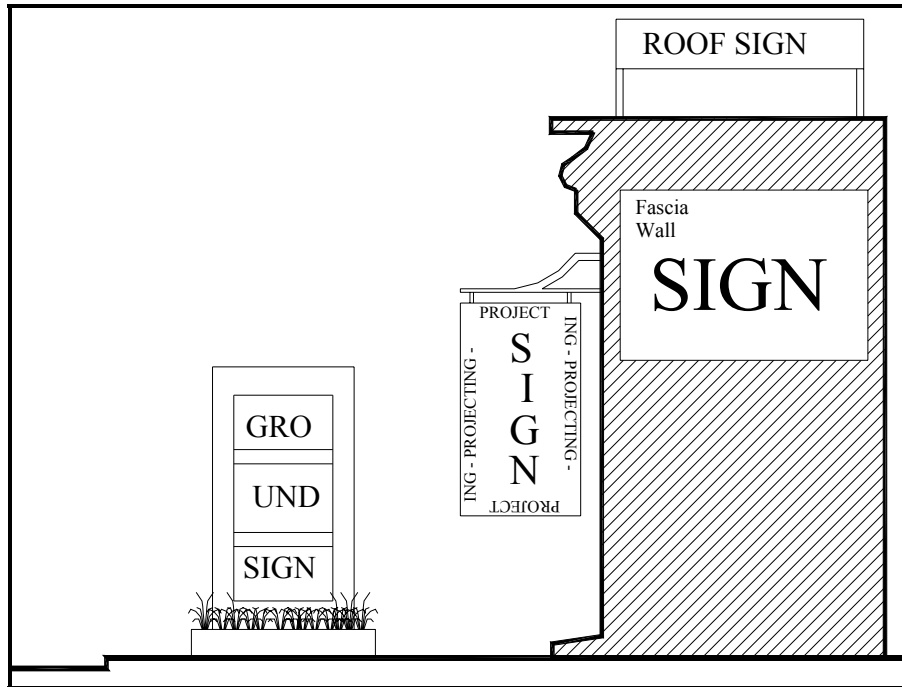
- 1) **Abandoned Sign** means any sign which no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign which is not in a readable state.
- 2) **Animated Sign** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.
- 3) **Awning Sign** means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.
- 4) **Business Identification Sign** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.



**Figure 9. Types of Signs (Mobile, Sandwich, Billboard)**

- 5) **Canopy Sign** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.
- 6) **Copy** means the letters, graphics or characters which make up the message on sign face.
- 7) **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the copy.
- 8) **Directional Sign** means an on-premise sign providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram. Directional signs include such signs as exit and parking signs.
- 9) **Electric Sign** means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.
- 10) **Fascia Sign** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00 cm. (15.75 in.) out from the wall nor beyond the horizontal limits of the wall.
- 11) **Free Standing Sign** means any sign supported independently of a building and permanently fixed to the ground.
- 12) **General Advertising Sign** means a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment, or service provided on the premises where the sign is displayed, and general advertising has a similar meaning.
- 13) **Height (sign)** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
- 14) **Identification Sign** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.
- 15) **Illuminated Sign** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.

- 16) **Mural Sign** means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.



**Figure 10. Types of Signs (Ground, Roof, Fascia, Projecting)**

- 17) **Official Sign** means a sign required by, or erected pursuant to, the provisions of Federal, Provincial or Municipal legislation.
- 18) **Portable Sign** means a sign greater than 0.50 sq. m. (5.38 sq. ft.) in area mounted on a trailer, stand or other support structure which is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.
- 19) **Projecting Sign** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.).
- 20) **Roof Sign** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.
- 21) **Sign** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place,



activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.

- 22) **Sign Alteration** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.
- 23) **Sign Area** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.
- 24) **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.
- 25) **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 limited time duration not exceeding 6 months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.
- 26) **Warning Sign** means an on-premise sign providing a warning to the public, including such signs as *No Trespassing* or *Private Driveway* signs.

## 8.0 Use Class Definitions

- 1) The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.
- 2) The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zoning Districts of this By-law.
- 3) The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.

- 4) Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may deem that the use conforms to and is included in that Use Class which he/she considers to be the most appropriate in character and purpose. In such a case, this use shall be considered a Conditional Use, whether or not the Use Class is listed as Permitted or Conditional within the applicable Zoning District.

### 8.1 Residential Use Classes

- 1) **Cottage Dwelling** means a permanent dwelling unit used as a part-time or seasonal residence.
- 2) **Institutional Residence** means a premises which is intended for the training, treatment, rehabilitation, housing, care and/or supervision of seniors. This Use Class includes nursing homes, personal care homes, residential care homes, attached housing and rehabilitation homes.
- 3) **Mobile Home Dwelling** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and the *Buildings and Mobile Homes Act*. For the purpose of this By-law, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.
- 4) **Multiple Family Dwelling** means a building containing three or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one family.
- 5) **Non-Farm Dwelling** means a Single Family Dwelling or Mobile Home Dwelling on a site used for residential purposes, regardless of the property owner's occupation, and located in the AL: Agriculture Limited Zoning District or AG: Agriculture General Zoning District.
- 6) **Semi-Detached Dwelling** means the whole of a building divided vertically into two separate dwelling units, each of which has an independent entrance.
- 7) **Single Family Dwelling** means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building. This Use Class includes a manufactured home dwelling and modular home dwelling, but not a Mobile Home Dwelling.

- 8) **Two Family Dwelling** means an attached or semi-detached building designed for and used by not more than two families, each having exclusive occupancy of a dwelling unit.

## 8.2 Residential-Related Use Classes

- 1) **Bed and Breakfast Home** means an owner-occupied principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.
- 2) **Home Industry** means an industry carried out in a building accessory to a dwelling unit as a secondary use generally in keeping with the trade or calling of the occupant.
- 3) **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- 4) **Non-Commercial Farm** means a development for small scale, non-commercial agricultural pursuits ancillary to rural residential uses and shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder and shall be a maximum size of 9.00 Animal Units (cumulative across the species).
- 5) **Temporary Additional Dwelling or Mobile Home Dwelling** means a dwelling unit or Mobile Home Dwelling that is placed on the same site as a Single Family Dwelling for occupancy by an elderly parent(s) or other family members requiring care and assistance on a temporary basis.

## 8.3 Commercial Use Classes

- 1) **Aircraft Landing Field** means any area of land or water is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.
- 2) **Amusement Establishment** means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use Class includes arcades but does not include Carnivals or Indoor Participant Recreation Services.
- 3) **Animal Shelter and Veterinary Service** means a development used for the care and treatment of animals where the veterinary services primarily

involve outpatient care and minor medical procedures. This Use Class includes pet clinics and veterinary offices.

- 4) **Auctioneering Establishment** means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
- 5) **Automotive and Equipment Repair Shop** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.
- 6) **Automotive and Recreational Vehicle Sales** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealership, car rental agencies and motorcycle dealerships.
- 7) **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 minor 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 and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.
- 8) **Commercial School** means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.
- 9) **Convenience Retail Store** means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises which do not exceed 275.00 sq. m. (2,960.17 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

- 10) **Convenience Vehicle Rentals** means a development used for the rental of new or used automobiles, light trucks and utility trailers. This Use Class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities.
- 11) **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods.
- 12) **Drive-In Food Service** means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.
- 13) **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, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.
- 14) **Equipment Rentals and Sales** means a development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.
- 15) **Fleet Service** means a development using a fleet of vehicles for the deliver of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use Class includes ambulance services, taxi services, bus line, messenger and courier services.
- 16) **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.
- 17) **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.
- 18) **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.

- 19) **General Retail Store** means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use Class includes Convenience Retail Stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment.
- 20) **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.
- 21) **Greenhouse, Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.
- 22) **Health Service** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.
- 23) **Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms and Personal Services Shops.
- 24) **Household Repair Service** means a development used for the provision of repair services to goods, equipment and appliances normally found within the home. This Use Class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.
- 25) **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.

- 26) **Mobile Catering Food Service** means a development using a fleet of three or more vehicles for the delivery and sale of food to the public.
- 27) **Motel** means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Service Shops.
- 28) **Non-Accessory Parking** means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.
- 29) **Outdoor Amusement Establishment** means a permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.
- 30) **Outfitter** means any land or premises equipped with cabins or cottages as seasonal dwellings used or maintained for accommodation of the public for outdoor recreational purposes relating to hunting, fishing and other similar pursuits.
- 31) **Personal Service Shop** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats.
- 32) **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; offices 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.

- 33) **Rapid Drive-Through Vehicle Service** means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or speciality repair establishments.
- 34) **Recycling Depot** 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 Use Class does not include auto wreckers.
- 35) **Service Station** means the servicing, washing and repairing of vehicles, the sale of gasoline and other petroleum products as well as a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments.
- 36) **Spectator Entertainment Establishment** means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, and theatres.
- 37) **Telecommunication Tower** means a structure used by a private sector company or corporation for the reception or transmission of telegraph, telephone, wireless, radio or television services.
- 38) **Truck and Mobile Home Sales and/or Rentals** means a development used for the sale or rental of new or used trucks, motorhomes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.
- 39) **Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods 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.
- 40) **Wind Turbine Generator Station** means a development on a leased or owned site that is comprised of, but not limited to, one or more wind turbine generator towers that convert wind energy to electrical energy for private use or sale and may include research or meteorological towers, collector grids, substations and other associated or compatible accessory operations, including Agricultural Activities.



#### 8.4 Industrial Use Classes

- 1) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include Anhydrous Ammonia Facilities.
- 2) **General Industrial** means development used principally for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with adjacent land uses; the storage or transshipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.
- 3) **Industrial Vehicle and Equipment Sales and/or Rentals** means a development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.
- 4) **Light Industrial** 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 residential adjacent property. Typical uses include automotive body repair and paint shops, commercial manufacturing and research facilities.
- 5) **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.
- 6) **Storage Compound** means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities and salvage yards.

- 7) **Wayside Pit and Quarry** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a project such as a road construction contract that is not located on the road right-of-way.

### 8.5 Agricultural Use Classes

- 1) **Abattoir** means a building, structure, or part thereof, used for the slaughtering of animals and related activities.
- 2) **Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.
- 3) **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, floriculture and horticulture. This Use Class does not include Livestock Operations.
- 4) **Agricultural Crop Protection Warehouse** means a facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticide, and fertilizers. This Use Class does not include Anhydrous Ammonia Facilities.
- 5) **Agricultural Implement Sales and Service** means a building and open space area used for display, sale and rental of new or used farm implements that includes repair work.
- 6) **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per *Environment Act* regulations.
- 7) **Agriculture Support Industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills and seed plants. This Use Class does not include bulk fertilizer or Anhydrous Ammonia Facilities.
- 8) **Anhydrous Ammonia Facility** means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer.
- 9) **Communal Farm Dwelling** means a residence in connection with Agricultural Activities or Livestock Operations that is carried out on the

same or an adjacent parcel 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.

- 10) **Equestrian Establishment** means a facility engaged in the training of horses and the operation of a horse riding academy or horse riding stables.
- 11) **Farm Produce Outlet** means a building or structure where farm produce is sold in season.
- 12) **Farmstead Dwelling** means a Single-Family Dwelling or Mobile Home Dwelling, which is the principal residence of the owner or operator of a permitted or conditionally approved Agricultural Activity or Livestock Operation and which is located on the same site or a new site taken from the said Agricultural Activity or Livestock Operation.
- 13) **Game Farm** means a development where elk are held in captivity, pursuant to the *Livestock Industry Diversification Act*.
- 14) **Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units (cumulative across the species) are kept or raised, either indoors or outdoors and includes all associated manure collection facilities, 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 livestock auction mart;
  - e) an agricultural fair; and
  - f) a livestock sales yard where livestock are kept no longer than three days.
- 15) **Small Animal Breeding and Boarding Establishment** 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.
- 16) **Specialized Agriculture** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities.

### 8.6 Natural Resource Development Use Classes

- 1) **Forestry Use** means the general raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of wood, pulpwood, lumber and other forestry products.
- 2) **Mineral Exploration** means the activity of searching for new mineral deposits.
- 3) **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 include gravel pits, sandpits, and stripping of topsoil, but do not include the processing of raw materials transported to the site.
- 4) **Wildlife and Conservation Reserve** means land that has been designated by Provincial legislation for the protection and conservation of wildlife and includes Wildlife Management Areas.

### 8.7 Basic Service Use Classes

- 1) **Cemetery** means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums. Typical uses in this class include memorial parks, burial grounds and gardens of remembrance.
- 2) **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.
- 3) **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 service offices.
- 4) **Protective and 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 development which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.

- 5) **Public Utility** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, pursuant to *The Public Utility Board Act*, including but not limited to services:
- a) for the transmission of telegraph, telephone, wireless, radio or television;
  - b) for the conveyance of persons or goods over a railway, street railway, or tramway, or by motor bus or truck; or
  - c) for the production, transmission, delivery or furnishing of gas, whether natural or manufactured or other fluid petroleum products, water, heat, light or power.
- This Use Class excludes Telecommunication Towers and Wind Turbine Generator Stations.
- 6) **Utility Service** means facilities available at approved rates to the public that are carried on, by or for the RM of Oakland. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage transfer and compacting stations and waste recycling plants.

#### **8.8 Community, Educational, Recreational and Cultural Service Use Classes**

- 1) **Child Care Service** means a development licensed by the Province to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools and play schools.
- 2) **Community Recreation Service** means a development for recreational, social or multi purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.
- 3) **Community Service Club** means a non-profit corporation chartered by *The Canada 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 land, a building, or a portion thereof, the use of such premises being restricted primarily to meeting, community and related activities.
- 4) **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, rifle and pistol ranges, bowling alleys, paintball games and racquet clubs.

- 5) **Outdoor Participant Recreation Service** means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables, paintball games and fitness trails.
- 6) **Private Club** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.
- 7) **Private Education Service** means a development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This Use Class includes dormitory and accessory buildings.
- 8) **Public Education Service** means a development which is 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 the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and their administrative offices.
- 9) **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.
- 10) **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.

- 11) **Religious Assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.
  
- 12) **Tourist Campsite** means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.

## **PART II**



## **ZONING DISTRICTS**

## **SETTLEMENT CENTRE ZONING DISTRICTS**

## **9.0 Settlement Centre Zoning Districts**

### **9.1 Purpose**

The Settlement Centre Zoning Districts established in this By-law are intended to provide sufficient land for various types of residential, commercial, industrial, basic service as well as community, educational, recreational and cultural service developments in the Settlement Centres in the RM of Oakland in keeping with the provisions of the *RM of Oakland Development Plan*.

### **9.2 Settlement Centre Zoning Districts**

The following Settlement Centre Zoning Districts are hereby established:

- 1) GD: General Development Zoning District

**10.0 GD: General Development Zoning District**

**10.1 General Purpose**

To establish a Zoning District for residential, commercial, industrial, basic service as well as community, educational, recreational and cultural service developments in the Settlement Centres in the RM of Oakland.

**10.2 Permitted Uses**

**10.2.1 Residential and Residential-Related Use Classes:**

- |                           |                           |
|---------------------------|---------------------------|
| 1) Home Occupation        | 3) Single Family Dwelling |
| 2) Semi-Detached Dwelling |                           |

**10.2.2 Commercial Use Classes:**

- |                             |   |
|-----------------------------|---|
| 1) Business Support Service | 3) Professional, Financial and Office Support Service |
| 2) Personal Service Shop    |   |

**10.2.3 Basic Service Use Classes:**

- |                                     |                   |
|-------------------------------------|-------------------|
| 1) Government Service               | 3) Public Utility |
| 2) Protective and Emergency Service |                   |

**10.2.4 Community, Educational, Recreational and Cultural Service Use Classes:**

- |                                 |  |
|---------------------------------|--|
| 1) Child Care Service           | 5) Public Education Service            |
| 2) Community Recreation Service | 6) Public Library and Cultural Exhibit |
| 3) Community Service Club       | 7) Public Park                         |
| 4) Private Education Service    |  |

**10.3 Conditional Uses**

**10.3.1 Residential and Residential-Related Use Classes:**

- |                            |  |
|----------------------------|--|
| 1) Bed and Breakfast Home  | 5) Multiple Family Dwelling                              |
| 2) Institutional Residence | 6) Two Family Dwelling                                   |
| 3) Mobile Home Dwelling    | 7) Temporary Additional Dwelling or Mobile Home Dwelling |
| 4) Mobile Home Park        |  |

**10.3.2 Commercial Use Classes:**

- |  |  |
|--|--|
| 1) Amusement Establishment                   | 18) Greenhouse, Plant and Tree Nursery         |
| 2) Animal Shelter and Veterinary Service     | 19) Health Service                             |
| 3) Automotive and Equipment Repair Shop      | 20) Hotel                                      |
| 4) Automotive and Recreational Vehicle Sales | 21) Household Repair Service                   |
| 5) Commercial School                         | 22) Limited Contractor Service                 |
| 6) Convenience Retail Store                  | 23) Mobile Catering Food Service               |
| 7) Convenience Vehicle Rentals               | 24) Motel                                      |
| 8) Custom Manufacturing Establishment        | 25) Non-Accessory Parking                      |
| 9) Drive-In Food Service                     | 26) Outdoor Amusement Establishment            |
| 10) Eating and Drinking Establishment        | 27) Outfitter                                  |
| 11) Equipment Rentals and Sales              | 28) Rapid Drive-Through Vehicle Service        |
| 12) Fleet Service                            | 29) Service Station                            |
| 13) Funeral Service                          | 30) Spectator Entertainment Establishment      |
| 14) Gas Bar                                  | 31) Telecommunication Tower                    |
| 15) General Contractor Service               | 32) Truck and Mobile Home Sales and/or Rentals |
| 16) General Retail Store                     | 33) Warehouse Sales                            |
| 17) General Storage                          |  |

<p><b>10.3.3 Industrial Use Classes:</b> 1) Light Industrial</p> <p><b>10.3.4 Basic Service Use Classes:</b> 1) Cemetery 2) Extended Medical Treatment Service 3) Utility Service</p> <p><b>10.3.5 Community, Educational, Recreational and Cultural Service Use Classes:</b> 1) Indoor Participant Recreation Service 2) Outdoor Participant Recreation Service 3) Private Club 4) Religious Assembly 5) Tourist Campsite</p>	
<p><b>10.4 Site Regulations: Permitted and Conditional Uses</b></p> <p>1) Site Area 0.56 ha. (1.38 acres) [See also Sections 10.6(1) and 10.7(5)]</p> <p>2) Site Width min. 30.50 m. (100.00 ft.) [See also Sections 10.6(1) and 10.7(5)]</p> <p>3) Front Yard min. 7.62 m. (25.00 ft.)</p> <p>4) Rear Yard min. 7.62 m. (25.00 ft.)</p> <p>5) Side Yard min. 7.62 m. (25.00 ft.) [See also Section 10.6(1)]</p> <p>6) Corner Side Yard min. 7.62 m. (25.00 ft.) [See also Section 10.6(1)]</p> <p>7) Site Coverage Please refer to Section 10.6(2)</p> <p>8) Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys</p> <p>9) Dwelling Area min. 74.32 sq. m. (800.00 sq. ft.)</p>	<p><b>10.5 Site Regulations: Accessory Uses, Buildings and Structures</b></p> <p>1) Site Area N/A</p> <p>2) Site Width N/A</p> <p>3) Front Yard min. 7.62 m. (25.00 ft.) [See also Section 10.8(2)]</p> <p>4) Rear Yard Please refer to Sections 10.8(1) and 10.8(2)</p> <p>5) Side Yard Please refer to Sections 10.8(1) and 10.8(2)</p> <p>6) Corner Side Yard Please refer to Sections 10.8(1) and 10.8(2)</p> <p>7) Site Coverage N/A</p> <p>8) Building Height N/A</p> <p>9) Building Area N/A</p>

**10.6 Additional Regulations for Permitted and Conditional Uses**

- 1) Despite Section 10.4 of this By-law, the following exceptions shall apply to the minimum site regulations for permitted and conditional use developments:
  - a) For sites serviced by private holding tanks that have been approved by Manitoba Conservation:
    - i) the minimum site area regulation shall be 464.50 sq. m. (5,000.00 sq. ft.);
    - ii) the minimum site width regulation shall be 15.24 m. (50.00 ft.);
    - iii) the minimum side yard regulation shall be 1.52 m. (5.00 ft.); and
    - iv) the minimum corner side yard regulation shall be 3.05 m. (10.00 ft.).
  - b) For Multiple Family Dwellings, the minimum site area regulation shall be 929.00 sq. m. (10,000.00 sq. ft.) for the first four dwelling units and 92.90 sq. m. (1,000.00 sq. ft.) for each additional dwelling unit.

- 2) The maximum site coverage regulation for permitted and conditional use developments shall be as follows:
  - a) For Residential Use Class developments, excluding Multiple Family Dwellings, the maximum site coverage shall be 40.00 percent.
  - b) For Multiple Family Dwellings and non-Residential Use Class developments, the maximum site coverage shall be 60.00 percent.
- 3) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highway Protection Act* and *The Highways and Transportation Department Act*.
- 4) Water supply and sewage disposal shall be provided in accordance with the *Manitoba Environment Act*.
- 5) Where dwelling units are to be developed in accordance with a bare land condominium concept, the minimum site area, site width and yard regulations 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 6.10 m. (20.00 ft.) from the front and rear boundaries of the condominium lot, and the side walls shall be set back a minimum distance of 1.52 m. (5.00 ft.) from the side boundary of the condominium lot.
- 6) A Home Occupation shall be operated by members of the family residing at the same dwelling unit and shall not generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the area in which it is located.

#### **10.7 Additional Regulations for Conditional Uses Only**

- 1) When outside storage of goods and materials is required:
  - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
  - b) a solid fence shall be provided and maintained in a condition acceptable to the Development Officer; and
  - c) the storage shall not project above the height of the wall or fence.
- 2) Any fuel storage areas established on the site shall comply with the regulations of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 3) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 4) A dwelling unit is allowed only in conjunction with a Commercial and Industrial Use Class development when it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 5) In the case of a Mobile Home Park development:
  - a) the minimum site area regulation shall be 0.80 ha. (2.00 acres); and
  - b) the minimum site width regulation shall be 60.96 m. (200.00 ft.).

- 6) In the case of Mobile Home Dwelling sites within a Mobile Home Park development:
  - a) the minimum site area regulation shall be 371.60 sq. m. (4,000.00 sq. ft.);
  - b) the minimum site width regulation shall be 12.19 m. (40.00 ft.); and
  - c) the separation spaces between Mobile Home Dwellings, including accessory uses, buildings and structures, shall be as follows:
    - i) the minimum front separation space shall be 6.10 m. (20.00 ft.);
    - ii) the minimum rear separation space shall be 6.10 m. (20.00 ft.);
    - iii) the minimum side separation space shall be 3.05 m. (10.00 ft.); and
    - iv) the minimum corner side separation space shall be 4.57 m. (15.00 ft.).
- 7) A Temporary Additional Dwelling or Mobile Home Dwelling shall be developed in accordance with Section 45.0 of this By-law.
- 8) A Telecommunication Tower shall be developed in accordance with Section 49.0 of this By-law.

### **10.8 Additional Regulations for Accessory Uses and Buildings**

- 1) Despite Section 10.5 of this By-law, the minimum rear, side and corner side yard regulations for accessory uses, buildings and structures shall be as follows:
  - a) For Residential Use Class developments, excluding Multiple Family Dwellings and Mobile Home Park developments:
    - i) the minimum rear yard shall be 1.52 m. (5.00 ft.);
    - ii) the minimum side yard shall be 1.52 m. (5.00 ft.); and
    - iii) the minimum corner side yard shall be 3.05 m. (10.00 ft.).
  - b) For Multiple Family Dwellings and non-Residential Use Class developments:
    - i) the minimum rear yard shall be 7.62 m. (25.00 ft.);
    - ii) the minimum side yard shall be 7.62 m. (25.00 ft.); and
    - iii) the minimum corner side yard shall be 7.62 m. (25.00 ft.).
- 2) Despite Section 10.5 of this By-law, the minimum front, rear, side and corner side separation space regulations for accessory uses, buildings and structures in Mobile Home Park developments shall be as follows:
  - a) the minimum front separation space shall be 6.10 m. (20.00 ft.);
  - b) the minimum rear separation space shall be 1.52 m. (5.00 ft.);
  - c) the minimum side separation space shall be 1.52 m. (5.00 ft.); and
  - d) the minimum corner side separation space shall be 3.05 m. (10.00 ft.).
- 3) For Residential Use Class developments, accessory buildings and structures shall be located on a site as follows:
  - a) where the accessory building is attached to a main building, it shall be subject to, and shall conform to all regulations of this By-law applicable to the main building; and
  - b) where the accessory building is detached from the main building, it shall not be located closer than 3.05 m. (10.00 ft.) clear of all projections to the main building, nor shall it be located closer than the front wall of the main building.

## **RURAL ZONING DISTRICTS**



## **11.0 Rural Zoning Districts**

### **11.1 Purpose**

The Rural Zoning Districts established in this By-law are intended to designate lands in the RM of Oakland for a wide range of rural and seasonal residential, agricultural, agricultural-related, rural commercial-industrial and natural resource developments in keeping with the provisions of the *RM of Oakland Development Plan*.

### **11.2 Rural Zoning Districts**

The following Rural Zoning Districts are hereby established:

- 1) AL: Agriculture Limited Zoning District
- 2) AG: Agriculture General Zoning District
- 3) RSR: Rural-Seasonal Residential Zoning District
- 4) MHR: Mobile Home Residential Zoning District
- 5) RCI: Rural Commercial-Industrial Zoning District

**12.0 AL: Agriculture Limited Zoning District**

**12.1 General Purpose**

To provide a Zoning District that restricts agricultural activities due to their proximity to Settlement Centre or other sensitive areas.

**12.2 Permitted Uses**

**12.2.1 Residential and Residential-Related Use Classes:**

- 1) Home Occupation
- 2) Non-Commercial Farm, when in conjunction with a conditionally approved Non-Farm Dwelling or Farmstead Dwelling

**12.2.2 Commercial Use Classes:**

- 1) Animal Shelter and Veterinary Service
- 2) Greenhouse, Plant and Tree Nursery

**12.2.3 Agricultural Use Classes:**

- 1) Agricultural Activities
- 2) Farm Produce Outlet
- 3) Farmstead Dwelling, when located on the same site as an Agricultural Activity or Livestock Operation
- 4) Livestock Operation of up to and including 50 A.U.
- 5) Specialized Agriculture

**12.2.4 Natural Resource Development Use Classes:**

- 1) Forestry Use
- 2) Wildlife and Conservation Reserve

**12.2.5 Basic Service Use Classes:**

- 1) Public Utility

**12.3 Conditional Uses**

**12.3.1 Residential and Residential-Related Use Classes:**

- 1) Bed and Breakfast Home
- 2) Cottage Dwelling
- 3) Home Industry
- 4) Non-Farm Dwelling
- 5) Temporary Additional Dwelling or Mobile Home Dwelling

**12.3.2 Commercial Use Classes:**

- 1) Auctioneering Establishment
- 2) General Contractor Service
- 3) Limited Contractor Service
- 4) Outdoor Amusement Establishment
- 5) Telecommunication Tower

**12.3.3 Industrial Use Classes:**

- 1) Bulk Storage Facility
- 2) Light Industrial

**12.3.4 Agricultural Use Classes:**

- 1) Agri-Business
- 2) Agricultural Implement Sales and Service
- 3) Agricultural Product Storage
- 4) Agriculture Support Industry
- 5) Equestrian Establishment
- 6) Farmstead Dwelling, when located on a new site taken from an Agricultural Activity or Livestock Operation
- 7) Livestock Operation of more than 50 and up to and including 200 A.U.
- 8) Small Animal Breeding and Boarding Establishment



- 5) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highway Protection Act* and *The Highways and Transportation Department Act*.
- 6) A Home Occupation or Home Industry shall be operated by members of the family residing at the same dwelling unit and shall not generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the area in which it is located.
- 7) A Non-Commercial Farm shall be developed in accordance with Section 46.0 of this By-law.
- 8) A Livestock Operation shall be developed in accordance with Section 47.0 of this By-law.

**12.8 Additional Regulations for Conditional Uses Only**

- 1) A Temporary Additional Dwelling or Mobile Home Dwelling shall be developed in accordance with Section 45.0 of this By-law.
- 2) A Telecommunication Tower shall be developed in accordance with Section 49.0 of this By-law.

**13.0 AG: Agriculture General Zoning District**

**13.1 General Purpose**

To provide a Zone for general agricultural uses or other uses that is related to or compatible with agriculture.

**13.2 Permitted Uses**

**13.2.1 Residential and Residential-Related Use Classes:**

- 1) Home Occupation
- 2) Non-Commercial Farm, when in conjunction with a conditionally approved Non-Farm Dwelling or Farmstead Dwelling

**13.2.2 Commercial Use Classes:**

- 1) Animal Shelter and Veterinary Service
- 2) Greenhouse, Plant and Tree Nursery
- 3) Limited Contractor Service
- 4) Outfitter

**13.2.3 Agricultural Use Classes:**

- 1) Agri-Business
- 2) Agricultural Activities
- 3) Agricultural Crop Protection Warehouse
- 4) Agricultural Implement Sales and Service
- 5) Agricultural Product Storage
- 6) Agriculture Support Industry
- 7) Farmstead Dwelling, when located on the same site as an Agricultural Activity or Livestock Operation
- 8) Communal Farm Dwelling
- 9) Equestrian Establishment
- 10) Farm Produce Outlet
- 11) Livestock Operation of less than 300 A.U.
- 12) Small Animal Breeding and Boarding Establishment
- 13) Specialized Agriculture

**13.2.4 Basic Service Use Classes:**

- 1) Public Utility

**13.2.5 Natural Resource Development Use Classes:**

- 1) Forestry Use
- 2) Wildlife and Conservation Reserve

**13.3 Conditional Uses**

**13.3.1 Residential and Residential-Related Use Classes:**

- 1) Bed and Breakfast Home
- 2) Cottage Dwelling
- 3) Home Industry
- 4) Non-Farm Dwelling
- 5) Temporary Additional Dwelling or Mobile Home Dwelling

**13.3.2 Commercial Use Classes:**

- 1) Aircraft Landing Field
- 2) Auctioneering Establishment
- 3) General Contractor Service
- 4) Outdoor Amusement Establishment
- 5) Recycling Depot
- 6) Telecommunication Tower
- 7) Wind Turbine Generator Station

**13.3.3 Industrial Use Classes:**

- 1) Bulk Storage Facility
- 2) General Industrial
- 3) Light Industrial
- 4) Portable Asphalt Plant
- 5) Storage Compound
- 6) Wayside Pit and Quarry

- 13.3.4 Agricultural Use Classes:**  
 1) Anhydrous Ammonia Facility  
 2) Farmstead Dwelling, when located on a new site taken from an Agricultural Activity or Livestock Operation  
 3) Game Farm  
 4) Livestock Operation of 300 A.U. or greater
- 13.3.5 Natural Resource Development Use Classes:**  
 1) Mineral Exploration  
 2) Natural Resource Development
- 13.3.6 Basic Service Use Classes:**  
 1) Cemetery  
 2) Government Service  
 3) Protective and Emergency Service  
 4) Utility Service
- 13.3.7 Community, Educational, Recreational and Cultural Service Use Classes:**  
 1) Community Recreation Service  
 2) Outdoor Participant Recreation Service  
 3) Private Education Service  
 4) Public Park  
 5) Tourist Campsite

13.4 Site Regulations for Agricultural Use Classes: Permitted and Conditional Uses	13.5 Site Regulations for Non-Agricultural Use Classes: Permitted and Conditional Uses	13.6 Site Regulations: Accessory Uses, Buildings and Structures
1) Site Area min. 32.38 ha. (80.00 acres)	1) Site Area min. 0.80 ha. (2.00 acres)	1) Site Area N/A
2) Site Width min. 91.44 m. (300.00 ft.)	2) Site Width min. 60.96 m. (200.00 ft.)	2) Site Width N/A
3) Front Yard min. 38.10 m. (125.00 ft.)	3) Front Yard min. 22.86 m. (75.00 ft.)	3) Front Yard min. 38.10 m. (125.00 ft.)
4) Rear Yard min. 15.24 m. (50.00 ft.)	4) Rear Yard min. 7.62 m. (25.00 ft.)	4) Rear Yard min. 15.24 m. (50.00 ft.)
5) Side Yard min. 15.24 m. (50.00 ft.)	5) Side Yard min. 7.62 m. (25.00 ft.)	5) Side Yard min. 15.24 m. (50.00 ft.)
6) Corner Side Yard N/A	6) Corner Side Yard N/A	6) Corner Side Yard N/A
7) Site Coverage N/A	7) Site Coverage N/A	7) Site Coverage N/A
8) Building Height max. 10.67 m. (35.00 ft.)	8) Building Height max. 10.67 m. (35.00 ft.)	8) Building Height max. 6.10 m. (20.00 ft.)
9) Building Area N/A	9) Building Area N/A	9) Building Area N/A

**13.7 Additional Regulations for Permitted and Conditional Uses**

- 1) The maximum building height regulation of 10.67 m. (35.00 ft.) shall not apply to farm buildings.
- 2) Despite Section 13.4 of this By-law, the following Agricultural Use Class developments shall be subject to the site regulations listed under Section 13.5 of this By-law:
  - a) Agri-Business;
  - b) Agricultural Crop Protection Warehouse;
  - c) Agricultural Implement Sales and Service;
  - d) Agricultural Product Storage;
  - e) Agriculture Support Industry;
  - f) Anhydrous Ammonia Facility;
  - g) Farm Produce Outlet;
  - h) Farmstead Dwelling that is no longer associated with an Agricultural Use Class development; and
  - i) Small Animal Breeding and Boarding Establishment.

- 3) Water supply and sewage disposal shall be provided in accordance with the *Manitoba Environment Act*.
- 4) A dwelling unit is allowed only in conjunction with a permitted or conditional Commercial and Industrial Use Class development when it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 5) For any Natural Resource Development or Forestry Use that is adjacent to an AL: Agriculture Limited Zoning District, GD: General Development Zoning District or RSR: Rural-Seasonal Residential Zoning District, the minimum yard regulations shall be increased to 50.29 m. (165.00 ft.) for the yard(s) adjacent to any of these Zoning Districts. For those Natural Resource Developments where blasting or stone crushing occurs and which are adjacent to an AL: Agriculture Limited Zoning District, GD: General Development Zoning District or RSR: Rural-Seasonal Residential Zoning District, the minimum yard regulations shall be increased to 100.58 m. (330.00 ft.) for the yard(s) adjacent to any of these Zoning Districts.
- 6) A Home Occupation or Home Industry shall be operated by members of the family residing at the same dwelling unit and shall not generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the area in which it is located.
- 7) A Non-Commercial Farm shall be developed in accordance with Section 46.0 of this By-law.
- 8) A Livestock Operation shall be developed in accordance with Section 47.0 of this By-law.

**13.8 Additional Regulations for Conditional Uses Only**

- 1) A Temporary Additional Dwelling or Mobile Home Dwelling shall be developed in accordance with Section 45.0 of this By-law.
- 2) An Anhydrous Ammonia Facility shall be developed in accordance with Section 48.0 of this By-law.
- 3) A Telecommunication Tower shall be developed in accordance with Section 49.0 of this By-law.
- 4) A Wind Turbine Generator Station shall be developed in accordance with Section 50.0 of this By-law.

**14.0 RSR: Rural-Seasonal Residential Zoning District**

**14.1 General Purpose**

To provide a Zoning District for single family dwellings and associated uses in a rural setting.

**14.2 Permitted Uses**

**14.2.1 Residential and Residential-Related Use Classes:**

- 1) Cottage Dwelling
- 2) Home Occupation
- 3) Single Family Dwelling

**14.2.2 Basic Service Use Classes:**

- 1) Protective and Emergency Service
- 2) Public Utility

**14.2.3 Community, Educational, Recreational and Cultural Service Use Classes:**

- 1) Community Recreation Service
- 2) Public Park

**14.3 Conditional Uses**

**14.3.1 Residential and Residential-Related Use Classes:**

- 1) Bed and Breakfast Home
- 2) Home Industry
- 3) Mobile Home Dwelling
- 4) Non-Commercial Farm
- 5) Temporary Additional Dwelling or Mobile Home Dwelling

**14.3.2 Basic Service Use Classes:**

- 1) Utility Service

**14.3.3 Community, Educational, Recreational and Cultural Service Use Classes:**

- 1) Child Care Service

**14.4 Site Regulations:  
Permitted and Conditional Uses**

- 1) Site Area min. 0.80 ha. (2.00 acres)
- 2) Site Width min. 60.96 m. (200.00 ft.)
- 3) Front Yard min. 22.86 m. (75.00 ft.)
- 4) Rear Yard min. 7.62 m. (25.00 ft.)
- 5) Side Yard min. 7.62 m. (25.00 ft.)
- 6) Corner Side Yard N/A
- 7) Site Coverage max. 10.00%
- 8) Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys
- 9) Dwelling Area min. 74.32 sq. m. (800.00 sq. ft.)

**14.5 Site Regulations:  
Accessory Uses, Buildings and Structures**

- 1) Site Area N/A
- 2) Site Width N/A
- 3) Front Yard min. 22.86 m. (75.00 ft.)
- 4) Rear Yard min. 7.62 m. (25.00 ft.)
- 5) Side Yard min. 7.62 m. (25.00 ft.)
- 6) Corner Side Yard N/A
- 7) Site Coverage N/A
- 8) Building Height max. 6.10 m. (20.00 ft.)
- 9) Building Area max. 92.90 sq. m. (1,000.00 sq. ft.)



**14.6 Additional Regulations for Permitted and Conditional Uses**

- 1) Water supply and sewage disposal shall be provided in accordance with the *Manitoba Environment Act*.
- 2) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highway Protection Act* and *The Highways and Transportation Department Act*.
- 3) A Home Occupation or Home Industry shall be operated by members of the family residing at the same dwelling unit and shall not generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the area in which it is located.

**14.7 Additional Regulations for Conditional Uses Only**

- 1) A Temporary Additional Dwelling or Mobile Home Dwelling shall be developed in accordance with Section 45.0 of this By-law.
- 2) A Non-Commercial Farm shall be developed in accordance with Section 46.0 of this By-law.

**15.0 MHR: Mobile Home Residential Zoning District**

**15.1 General Purpose**

To provide a Zoning District in order to accommodate the development and placement of Mobile Home Dwellings in Mobile Home Parks in the RM of Oakland.

**15.2 Permitted Uses**

**15.2.1 Residential and Residential-Related Use Classes:**

- 1) Home Occupation
- 2) Mobile Home Dwelling

**15.2.2 Basic Service Use Classes:**

- 1) Protective and Emergency Service
- 2) Public Utility

**15.2.3 Community, Educational, Recreational and Cultural Service Use Classes:**

- 1) Public Park

**15.3 Conditional Uses**

**15.3.1 Basic Service Use Classes:**

- 1) Utility Service

**15.3.2 Community, Educational, Recreational and Cultural Service Use Classes:**

- 1) Child Care Service
- 2) Community Recreation Service

**15.4 Site Regulations:**

**Permitted and Conditional Uses**

- 1) Site Area min. 0.80 ha. (2.00 acres)
- 2) Site Width min. 60.96 m. (200.00 ft.)
- 3) Front Yard min. 6.10 m. (20.00 ft.)
- 4) Rear Yard min. 6.10 m. (20.00 ft.)
- 5) Side Yard min. 3.05 m. (10.00 ft.)
- 6) Corner Side Yard min. 4.57 m. (15.00 ft.)
- 7) Site Coverage max. 40.00%
- 8) Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys
- 9) Dwelling Area min. 46.45 sq. m. (500.00 sq. ft.)

**15.5 Site Regulations:**

**Accessory Uses, Buildings and Structures**

- 1) Site Area N/A
- 2) Site Width N/A
- 3) Front Yard min. 6.10 m. (20.00 ft.)
- 4) Rear Yard min. 6.10 m. (20.00 ft.)
- 5) Side Yard min. 1.52 m. (5.00 ft.)
- 6) Corner Side Yard min. 3.05 m. (10.00 ft.)
- 7) Site Coverage N/A
- 8) Building Height max. 6.10 m. (20.00 ft.)
- 9) Building Area max. 74.32 sq. m. (800.00 sq. ft.)

**15.6 Additional Regulations for Permitted and Conditional Uses**

- 1) For Mobile Home Dwelling sites within a Mobile Home Park development:
  - a) the minimum site area regulation shall be:
    - i) 371.60 sq. m. (4,000.00 sq. ft.) for sites served by a communal sewer and water system;
    - ii) 743.20 sq. m. (8,000.00 sq. ft.) for sites serviced by private holding tanks that have been approved by Manitoba Conservation; and
    - iii) 0.40 ha. (1.00 acre) for all other sites that have private on-site sewer services that have been approved by Manitoba Conservation.
  - b) the minimum site width regulation shall be 12.19 m. (40.00 ft.); and
  - c) the separation spaces between Mobile Home Dwellings, including accessory uses, buildings and structures, shall be the same as the yard regulations.
  
- 2) A Home Occupation shall be operated by members of the family residing at the same dwelling unit and shall not generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the area in which it is located.

**16.0 RCI: Rural Commercial-Industrial Zoning District**

**16.1 General Purpose**

To provide a Zoning District for commercial, industrial and agricultural related developments near major roadways in the RM of Oakland.

**16.2 Permitted Uses**

**16.2.1 Commercial Use Classes:**

- |  |  |
|--|--|
| 1) Amusement Establishment                   | 13) General Storage                                    |
| 2) Automotive and Equipment Repair Shop      | 14) Greenhouse, Plant and Tree Nursery                 |
| 3) Automotive and Recreational Vehicle Sales | 15) Health Service                                     |
| 4) Business Support Service                  | 16) Household Repair Service                           |
| 5) Convenience Retail Store                  | 17) Limited Contractor Service                         |
| 6) Convenience Vehicle Rentals               | 18) Mobile Catering Food Service                       |
| 7) Custom Manufacturing Establishment        | 19) Non-Accessory Parking                              |
| 8) Drive-In Food Service                     | 20) Personal Service Shop                              |
| 9) Eating and Drinking Establishment         | 21) Professional, Financial and Office Support Service |
| 10) Equipment Rentals and Sales              | 22) Spectator Entertainment Establishment              |
| 11) Gas Bar                                  | 23) Truck and Mobile Home Sales and/or Rentals         |
| 12) General Retail Store                     | 24) Warehouse Sales                                    |

**16.2.2 Industrial Use Classes:**

- 1) Light Industrial

**16.2.3 Agricultural Use Classes:**

- |   |                                 |
|---|---------------------------------|
| 1) Agri-Business                            | 4) Agricultural Product Storage |
| 2) Agricultural Crop Protection Warehouse   | 5) Agriculture Support Industry |
| 3) Agricultural Implement Sales and Service |                                 |

**16.2.4 Basic Service Use Classes:**

- 1) Government Service  
2) Protective and Emergency Service  
3) Public Utility

**16.3 Conditional Uses**

**16.3.1 Commercial Use Classes:**

- |                                |  |
|--------------------------------|--|
| 1) Auctioneering Establishment | 6) Motel                               |
| 2) Fleet Service               | 7) Outdoor Amusement Establishment     |
| 3) Funeral Service             | 8) Rapid Drive-Through Vehicle Service |
| 4) General Contractor Service  | 9) Recycling Depot                     |
| 5) Hotel                       | 10) Service Station                    |

**16.3.2 Industrial Use Classes:**

- |                          |  |
|--------------------------|--|
| 1) Bulk Storage Facility | 3) Industrial Vehicle and Equipment Sales and/or Rentals |
| 2) General Industrial    | 4) Storage Compound                                      |

**16.3.3 Agricultural Use Classes:**

- 1) Abattoir  
2) Anhydrous Ammonia Facility

<p><b>16.3.4 Basic Service Use Classes:</b> 1) Utility Service</p>																																					
<p><b>16.3.5 Community, Educational, Recreational and Cultural Service Use Classes:</b></p> <table border="0"> <tr> <td>1) Community Service Club</td> <td>5) Public Park</td> </tr> <tr> <td>2) Indoor Participant Recreation Service</td> <td>6) Religious Assembly</td> </tr> <tr> <td>3) Outdoor Participant Recreation Service</td> <td>7) Tourist Campsite</td> </tr> <tr> <td>4) Private Club</td> <td></td> </tr> </table>		1) Community Service Club	5) Public Park	2) Indoor Participant Recreation Service	6) Religious Assembly	3) Outdoor Participant Recreation Service	7) Tourist Campsite	4) Private Club																													
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**16.6 Additional Regulations for Permitted and Conditional Uses**

- 1) Where a site abuts the property line of an AL: Agriculture Limited Zoning District or GD: General Development Zoning District, a 15.24 m. (50.00 ft.) landscaped yard is required.
- 2) When outside storage of goods and materials is required:
  - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
  - b) a solid fence shall be provided and maintained in a condition acceptable to the Development Officer; and
  - c) the storage shall not project above the height of the wall or fence.
- 3) Any fuel storage areas established on the site shall comply with the regulations of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 5) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highway Protection Act* and *The Highways and Transportation Department Act*.

- 6) The operation of all uses shall comply with all environmental and public health standards of the Province of Manitoba. If the Development Officer determines that a proposed use may conflict with these standards, the application shall be referred to the appropriate Provincial Department(s) prior to issuing a development permit.
- 7) A dwelling unit is allowed only in conjunction with a permitted or conditional Commercial and Industrial Use Class development when it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

**16.7 Additional Regulations for Conditional Uses Only**

- 1) An Anhydrous Ammonia Facility shall be developed in accordance with Section 48.0 of this By-law.

## **PART III**

## **GENERAL ADMINISTRATIVE CLAUSES**



**17.0 Authority and Responsibility of the Development Officer**

**17.1 Establishment and Appointment**

- 1) The Development Officer shall be any person appointed by the Council of the RM of Oakland to occupy the position of Development Officer.

**17.2 Development Officer Duties and Responsibilities**

The Development Officer:

- 1) Shall review each development permit application to ascertain whether it conforms to the adopted *RM of Oakland Development Plan* and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.
- 2) Shall refer all development permit applications that are within 300.00 m. (984.25 ft.) of a Provincial highway to Manitoba Transportation & Government Services for review and comment.
- 3) May refer a development permit application to any Municipal, Provincial or Federal department or any other agency or body, deemed appropriate to obtain comments on the application.
- 4) Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a permitted use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a permitted use if the development does not comply with the regulations of this By-law unless he/she uses his/her discretion pursuant to Section 17.4 of this By-law.
- 5) May give notice of his/her decision on applications for development as follows:
  - a) where an application has been approved notice to the applicant shall be given in writing by ordinary mail; or
  - b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.
- 6) Shall receive, review and process variation, permitted use and conditional use order applications as well as issue zoning memoranda or any other

documents as may be necessary for the administration and enforcement of this By-law.

- 7) Shall perform other such duties as described or implied elsewhere in this By-law or required by Council.
- 8) A person who is unsatisfied with a decision or order of the Development Officer may request Council to review the decision or order by written notice within 14 days after the person receives the decision or order.
- 9) After giving the person a reasonable opportunity to be heard, Council may confirm, vary, substitute or cancel the order or decision.

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

- 1) The Development Officer may, after giving reasonable notice to the owner or occupier of the 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 administering or enforcing this By-law in accordance with the Act;
  - b) request that anything be produced to assist in inspection, remedy, or enforcement; and
  - c) make copies of anything related to the inspection, remedy, or enforcement.
- 2) The Development Officer must display or produce on request identification showing his/her official capacity.
- 3) In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may undertake inspection, remedy or enforcement activities referred to in Section 17.3(1) of this By-law without the consent of the owner or occupant.

### **17.4 Variance to Regulations**

- 1) The Development Officer may approve, with or without conditions, a minor variation not to exceed 10.00 percent of the regulations of this By-law governing height, distance, area, size or intensity of use regulations.

### **17.5 Maintenance and Inspection of By-law**

The Development Officer shall:

- 1) Make available to the public during normal office hours copies of this By-law and all subsequent amendments thereto.
- 2) Charge the specified fee for supplying to the public copies of this By-law.

### **18.0 Responsibilities of Council**

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

- 1) The enactment of this By-law.
- 2) Administering and enforcing those provisions of the Act, where applicable.
- 3) Considering the adoption or rejection of proposed amendments or the repeal of this By-law.
- 4) Approving or rejecting variation order applications.
- 5) Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.
- 6) Establishing a schedule of fees.

### **19.0 Duties of the Owner**

- 1) Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any relevant By-laws of the RM of Oakland.
- 2) Every owner shall:
  - a) permit the Development Officer to enter any building or premises for the purpose of administering or enforcing this By-law at all reasonable times and with the consent of the owner in accordance with Section 17.3 of this By-law;
  - b) after the development application has been approved and the permit issued, notify the Development Officer and obtain his/her

approval before doing any work at variance with the approved documents filed; and

- c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, plumbing, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

## **20.0 Development Classes**

The following classes of development are hereby established.

- 1) Class A No Development Permit Required
- 2) Class B Permitted Use
- 3) Class C Conditional Use

### **20.1 Class A Development (No Development Permit Required)**

No development permit is required under this By-law for the developments listed below, provided that such developments shall comply with the permitted use and regulations of this By-law. For a development listed below, the Development Officer shall advise the applicant that no permit is required and return the submission, including any fees paid. Developments exempted from applications are as follows:

- 1) Regular maintenance and repair of any development, provided it does not include structural alterations.
- 2) Private driveways and patios which are accessory to a development.
- 3) A fence, wall, or gate not exceeding 2.00 m. (6.56 ft.) in height in the GD: General Development Zoning District, RSR: Rural-Seasonal Residential Zoning District, MHR: Mobile Home Residential Zoning District and RCI: Rural Commercial-Industrial Zoning District.
- 4) An accessory building that:
  - a) is less than 10.00 sq. m. (107.64 sq. ft.) in area;
  - b) does not exceed 4.57 m. (15.00 ft.) or one storey in height; and
  - c) is not considered a hazard by the Development Officer.
- 5) An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than 0.61 m. (2.00 ft.) above grade unless it is anchored to the building.
- 6) Landscaping where the existing grade and natural surface drainage pattern is not materially altered.

- 7) The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within 30 days of substantial completion or as determined by the Development Officer.
- 8) The following types of signs are exempt but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
  - a) signs of less than 0.60 sq. m. (6.46 sq. ft.) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
  - b) memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
  - c) signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
  - d) one real estate sign; and
  - e) non-illuminated directional signs, each sign not to exceed 0.50 sq. m. (5.38 sq. ft.) in sign area.
- 9) The use of vacant farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.

## **21.0 Development Permit Application Submissions**

### **21.1 General Conditions**

- 1) An application for a development permit shall not be considered to have been received until the applicant has submitted all information required pursuant to this Section of the By-law, and any information specifically required pursuant to the regulations of the applicable Zoning District or any other Section of this By-law and until the applicant has paid the appropriate fee.
- 2) Despite Section 21.1(1) of this By-law, the Development Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section of the By-law.
- 3) The Development Officer may require an applicant to submit such additional information as he/she considers necessary to verify the

compliance of the proposed use or development with the regulations of this By-law.

- 4) Despite Section 20.1(4) of this By-law, a development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.
- 5) The approval of any application, drawings, or the issuing of a development permit shall not prevent the Development Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this By-law.
- 6) Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until the applicant corrects such information.
- 7) Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
- 8) Unless otherwise specified in this By-law, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Development Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

## **21.2 Class B Developments (Permitted Use)**

The following information shall be submitted with an application for Class B (permitted use) developments, and the appropriate application form fully and accurately completed in accordance with the following regulations:

- 1) The Municipal address of land and buildings presently occupying the site, if any.
- 2) A Report on Title, as required at the discretion of the Development Officer.
- 3) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
- 4) The applicant's name, address and interest in the land.
- 5) A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site.

- 6) Description of the work to be performed with respect to:
  - a) change in current occupancy of land use; or
  - b) description of proposed development or building operations.
  
- 7) Identification of the scale of the development with respect to:
  - a) gross floor area of the development in square metres;
  - b) area of the site covered in square metres;
  - c) height of the structure in metres; and
  - d) number of floors or storeys.
  
- 8) The estimated value, in dollars, of the proposed work.
  
- 9) A site plan, at a minimum scale of 1:500, showing the following:
  - a) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
  - b) setbacks and yard dimensions;
  - c) the location of all buildings or structures in relation to property lines; and
  - d) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.
  
- 10) Identification of the scale of the development with respect to the number of dwelling units, or establishments for commercial, industrial or other purposes.
  
- 11) If required by the Development Officer, a site plan at a minimum scale of 1:500, showing:
  - a) the location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
  - b) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any.
  
- 12) Floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas.
  
- 13) Elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100.
  
- 14) Number of parking and loading spaces required and provided.
  
- 15) A building location certificate, as required at the discretion of the Development Officer.

### **21.3 Class C Developments (Conditional Use)**

In addition to two copies of the information required for Class B (permitted use) developments, the applicant shall submit two copies of the following for Class C (conditional use) developments:

- 1) The applicant's name, signature, address and interest in the land.
- 2) A plan showing the location of adjacent buildings and structures indicating the approximate height and number of storeys.
- 3) Excluding the Agricultural and Natural Resource Development Use Classes, a description of the exterior finishing materials to be used.
- 4) A written statement and other supportive material explaining the proposed development.

### **21.4 Sign Developments**

The following information shall be submitted, in duplicate, with an application for a development permit for a sign, and the appropriate application form shall be fully and accurately completed:

- 1) The Municipal address and legal description of the land or building where the sign is to be erected.
- 2) The applicant's name, address, telephone number and interest in the land.
- 3) The name of the business or development where the signs is to be erected.
- 4) Whether the development where this sign is to be erected is a single business occupancy or multiple business occupancy development.
- 5) A letter from the owner of the property on which the sign is to be erected, or his/her agent, authorizing the applicant's sign development.
- 6) Two sets of working drawings for the proposed sign showing:
  - a) the overall dimensions of the sign, including all sign boxes and cabinets;
  - b) a description or illustration of the copy to be displayed on the sign;
  - c) the method of illumination, if any;
  - d) the materials from which the sign is to be constructed; and
  - e) method used to support the sign and the type of wall construction if the sign is anchored to a building.



- 7) Two sets of a sketch plan showing:
  - a) the location of the sign on the building;
  - b) the clearance from grade from the lowest portion of the sign;
  - c) maximum extension of the sign above the building roof or parapet wall;
  - d) the distance of the maximum projection of the sign beyond the building wall; and
  - e) any sidewalks, pedestrian passageways, or public roadways that the proposed sign will extend over.

## **22.0 Special Information Regulations**

### **22.1 Slope and Soil Information**

- 1) When an application for a development permit is submitted to the Development Officer for the development of a site abutting a water course and Municipal drain, the Development Officer may require, in consultation with a Certified Professional Engineer of Manitoba, information regarding the existing and proposed grades at 0.50 m. (1.64 ft.) contour intervals. The final grades shall be to the satisfaction of the Development Officer.
- 2) Despite anything contained herein, the Development Officer may require a detailed engineering study of the soil conditions prepared by a Certified Professional Engineer of Manitoba prior to the issuance of a development permit or the construction of any development abutting a water course and Municipal drain. The engineering study shall contain evidence of:
  - a) test borings;
  - b) ground water piezometer test;
  - c) slope indicators where necessary;
  - d) identification of any sub-surface mining operations;
  - e) river erosion analysis; and
  - f) surface erosion analysis.The detailed engineering study shall conclude by the registered Professional Engineer certifying that the foundations proposed for the development are designed with full knowledge of the soil conditions and the proposed siting of the development upon this site.
- 3) The Development Officer may require the submission of a detailed engineering study as outlined in Section 22.1(2) of this By-law prior to the issuance of a development permit at any location within the Municipality which in the opinion of the Development Officer or Certified Professional Engineer of Manitoba has unstable soil conditions.

- 4) The Development Officer, having required a detailed engineering study of the soil conditions may, acting on the advice of the Certified Professional Engineer of Manitoba, apply conditions to the approval of the development permit to prevent erosion and to stabilize soil conditions.

### **23.0 Conditions Attached to a Development Permit**

- 1) The Development Officer or Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.
- 2) Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other Municipal, Provincial and Federal government regulations, and matters raised at the conditional use hearing.
- 3) The Development Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.
- 4) The Development Officer or Council may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
  - a) to construct, or pay for the construction of or improvement to, a public roadway required to give access to the development;
  - b) to specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction or payment for the construction thereof or improvements thereto;
  - c) to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed; and
  - d) to repair, improve or reinstate, or to pay for the repair, improvement or reinstatement of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
- 5) The Development Officer or Council may require any agreement entered into pursuant to Section 23.0(4) of this By-law to be caveated against the title to the site at the Land Titles Office.

## **24.0 Enforcement and Penalties**

### **24.1 Offences**

- 1) Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure:
  - a) contravenes; or
  - b) causes, suffers or permits a contravention of, any provision of the Act, a development permit, a development agreement, this By-law or any other Municipal by-law;commits an offence.
- 2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto:
  - a) for which a development permit is required but has not been issued or is not subsisting under this By-law; or
  - b) in contravention of a condition of a development permit issued under this By-law or a provision of any other Municipal by-law;commits an offence.

### **24.2 Penalties**

- 1) Fines and penalties will be imposed as per the Act.

### **24.3 Suspension or Revocation of the Development Permit**

- 1) The Development Officer may suspend or revoke a development permit where:
  - a) the applicant fails to comply with the conditions of issuance of a permit; or
  - b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.
- 2) Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Development Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

## **25.0 Rezoning Amendments**

### **25.1 Text and Mapping Amendments**

- 1) Any person applying to amend Parts I, II, III and IV of this By-law shall apply in writing to the Development Officer, furnishing reasons in support of the application and requesting that the Development Officer submit the application to the Council.
- 2) If a person applies to the Council in any manner for an amendment to Parts I, II, III and IV of this Zoning By-law, the Council shall require him/her to submit his/her application to the Development Officer in accordance with the provisions of this Section of the By-law before it considers the amendment proposed by such person.
- 3) Any person applying to amend Part II of this By-law to change the Zoning District governing any land shall apply in writing to the Development Officer and submit the following to the Development Officer:
  - a) a Report on Title, as required at the discretion of the Development Officer;
  - b) the applicant's name, signature, address and interest in the property;
  - c) a signed statement by the applicant stating that he/she is willing to pay for all costs incurred by the Municipality in processing the proposed amendment, in accordance with a schedule of fees adopted by the RM of Oakland Council; and
  - d) a brief written statement by the applicant in support of his/her application, and his/her reasons for applying.

### **25.2 Review and Processing of Amendments**

- 1) Upon receipt of an application for a rezoning amendment, the Development Officer shall forward the application to Council for review.
- 2) If Council deems it appropriate to give the application consideration, the Development Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zoning District. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zoning District and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
  - a) relationship to and compliance with the *RM of Oakland Development Plan* and Council policy;

- b) compatibility with surrounding development in terms of land use function and scale of development;
  - c) traffic impacts;
  - d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
  - e) relationship to Municipal land, right-of-way or easement regulations;
  - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
  - g) necessity and appropriateness of the proposed Zoning District in view of the stated intentions of the applicant;
  - h) relationship to the documented concerns and opinions of area residents regarding the application;
  - i) groundwater and soil conditions; and
  - j) topographical, physical and natural features.
- 3) The Development Officer may prepare a written report on the proposed amendment and advise the applicant of the hearing date.
- 4) The Development Officer, in his/her discretion, may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
- 5) Council, in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Development Officer for his/her report and recommendation.
- 6) Every rezoning application shall be accompanied by the required fee as set out by Council.
- 7) When a Development and/or Zoning Agreement is to be entered into between the Municipality and the applicant, the applicant shall pay to the Municipality, in addition to any other fee required pursuant to this or any other By-law, a Development and/or Zoning Agreement fee.

### **25.3 Notification of Amendments**

- 1) Prior to consideration by Council of a proposed rezoning amendment, the Development Officer shall place a public notice in compliance with the Act.

## 26.0 Conditional Uses

- 1) An owner or his/her agent may file an application to use land for a use listed as a conditional use in this By-law.
- 2) Council shall request the Development Officer to prepare a written report that identifies potential impacts. The analysis shall, among other things, consider the following impact criteria:
  - a) relationship to and compliance with the *RM of Oakland Development Plan* and Council policy;
  - b) compatibility with surrounding development in terms of land use function and scale of development;
  - c) traffic impacts;
  - d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
  - e) relationship to Municipal land, right-of-way or easement regulations;
  - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
  - g) relationship to the documented concerns and opinions of area residents regarding the application;
  - h) groundwater and soil conditions; and
  - i) topographical, physical and natural features.
- 3) Prior to consideration by Council of a conditional use application, the Development Officer shall place a public notice in compliance with the Act.
- 4) An application for a conditional use shall be processed and approved or rejected in accordance with the Act. If warranted, Council may want to consider imposing conditions to ensure that the proposed development will not significantly impact the Municipality. This could include:
  - a) additional buffering measures such as increased yard setbacks, berms and fencing;
  - b) performance standards dealing with such potential impacts as noise, odour and vibration;
  - c) limiting the hours of operation;
  - d) imposing design and siting regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance;
  - e) the owner/applicant upgrading certain Municipal services such as roads and ditches;
  - f) a letter of credit related to Municipal improvements such as road or drainage works;

- g) liability insurance protecting the Municipality from any future legal claims, including environmental contamination to water sources; and
  - h) the owner/applicant entering into a development agreement with the Municipality.
- 5) The approval of Council shall expire and cease to have any effect if it is not acted upon within 12 months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding 12 months.

### **27.0 Variation Orders**

- 1) Any person who is of the opinion that this By-law injuriously or adversely affects him/her or his/her property rights, may at any time apply for a variation order, in accordance with the provisions of the Act.
- 2) An application for a variation order shall be filed with the Development Officer, and shall be in such form and accompanied by such information and fees as determined by the Development Officer or Council.
- 3) Prior to consideration by Council of a proposed variation order, the Development Officer shall place a public notice in compliance with the Act. Council shall request the Development Officer to prepare a written report that assesses the merits and implications of the proposed application.
- 4) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of the Act. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the Municipality.
- 5) The approval of Council shall expire and cease to have any effect if it is not acted upon within 12 months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding 12 months.

# **GENERAL DEVELOPMENT REGULATIONS**



**28.0 Applicability**

- 1) The General Development Regulations apply to any development on any site, irrespective of the Zoning District in which it is located.

**29.0 Yards on Corner Lots and Double Fronting Lots in the GD: General Development Zoning District**

- 1) In the case of a corner lot, the front yard shall be the yard abutting the front lot line.
- 2) Despite Section 29.0(1) of this By-law, the Development Officer may require any corner lot to provide an additional front yard or yards other than that required, having regard to the orientation and access of adjacent developments.
- 3) The Development Officer may require a double fronting lot to provide a front yard on each public roadway, other than a lane, provided that at least one front yard shall be provided.

**30.0 Projection into Yards**

The following features may project into a required yard as provided for below:

- 1) Uncovered walks, wheelchair ramps, trellises, flag poles, lighting fixtures and lamp posts.
- 2) Verandas, porches, eaves, shade projections, unenclosed steps, cantilevers, chimney or parts of a chimney, belt courses, sills, together with any other architectural features which, in the opinion of the Development Officer, are of a similar character, provided such projections do not exceed 0.61 m. (2.00 ft.).
- 3) Bay, oriel, or similar windows, provided that such projections do not exceed 0.61 m. (2.00 ft.).
- 4) Balconies, provided with such projections do not exceed 0.61 m. (2.00 ft.).
- 5) Any loading space required under the provisions of this By-law, provided it shall not be in a required front yard.
- 6) A parking area when comprised of parking spaces required under this By-law, provided that no parking area in any Zoning District shall be located within the required front yard. This shall not prohibit the use of a required

front yard for such walkways and driveways as the Development Officer considers necessary.

### 31.0 Fences

#### 31.1 GD: General Development Zoning District

- 1) Fencing for Residential and Residential-Related Use Class developments in the GD: General Development Zoning District:
  - a) Shall not include electric fences or barbed wire fences.
  - b) Shall not be higher, measured from the general ground level 0.50 m. (1.64 ft.) back of the property line of the site on which the fence is to be constructed, than:
    - i) 2.00 m. (6.56 ft.) for the portion of a fence that does not extend beyond the foremost portion of the principal building abutting the front yard, nor beyond the foremost portion of the principal building where it abuts a side yard abutting a flanking public roadway other than a lane; and
    - ii) 1.00 m. (3.28 ft.) for the portion of a fence that does extend beyond the foremost portion or portions of the principal building on the site.
- 2) Notwithstanding the above, fencing for Commercial and Industrial Use Class developments in the GD: General Development Zoning District:
  - a) Shall not be higher than 1.22 m. (4.00 ft.) along a required front yard.
  - b) Shall be not be higher than 2.44 m. (8.00 ft.) along a required side or rear yard.
  - c) Shall be of sufficient height so as not to allow storage to project above it.
- 3) Fencing for all other Use Class developments in the GD: General Development Zoning District:
  - a) Shall not include electric fences or barbed wire fences.
  - b) Shall not be higher than:
    - i) 1.22 m. (4.00 ft.) along a required front yard; and
    - ii) 2.00 m. (6.56 ft.) along a required side or rear yard.
  - c) Notwithstanding the above, the maximum height of a fence located on a public or private education service site, public utility site or public park shall be 3.05 m. (10.00 ft.), excepting chain link fences for which there shall be no height limitation.
- 4) Notwithstanding the above, the height of a fence can be increased or decreased at the discretion of the Development Officer to account for the grade of surrounding properties.

**31.2 RSR: Rural-Seasonal Residential Zoning District, MHR: Mobile Home Residential Zoning District and RCI: Rural Commercial-Industrial Zoning District**

- 1) Fencing in the RSR: Rural-Seasonal Residential Zoning District, MHR: Mobile Home Residential Zoning District and RCI: Rural Commercial-Industrial Zoning District:
  - a) Shall not include electric fences or barbed wire fences.
  - b) Shall not be higher than:
    - i) 1.22 m. (4.00 ft.) in a required front yard; and
    - ii) 2.00 m. (6.56 ft.) in a required side or rear yard.
  - c) Notwithstanding the above, fencing for Commercial and Industrial Use Class developments:
    - i) Shall not be higher than 2.44 m. (8.00 ft.) along a required Rear Yard.
    - ii) Shall be of sufficient height so as not to allow storage to project above it.
  - d) Notwithstanding the above, the maximum height of a fence located on a public or private education service site, public utility site or public park shall be 3.05 m. (10.00 ft.), excepting chain link fences for which there shall be no height limitation.
- 2) Notwithstanding the above, the height of a fence can be increased or decreased at the discretion of the Development Officer to account for the grade of surrounding properties.

**32.0 Accessory Uses and Buildings**

**32.1 General Regulations**

- 1) Accessory developments are permitted when accessory to a permitted use.
- 2) Accessory developments are conditional when accessory to a conditional use.
- 3) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the building and is not an accessory building.
- 4) No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory.

- 5) No accessory building or structure shall be used as a dwelling unit.

### **32.2 Temporary Buildings and Uses**

- 1) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.
- 2) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six months and may not be renewed for more than two successive periods at the same location.
- 3) In all cases, temporary buildings and structures shall not exceed 92.90 sq. m. (1,000.00 sq. ft.) in area and one storey or 4.57 m. (15.00 ft.) in height, and:
  - a) may be used as an office space for the contractor or developer;
  - b) shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or construction workers; and
  - c) shall not be detrimental to the public health, safety, convenience and general welfare, nor detract from the aesthetic value of the neighbourhood.

### **33.0 Lighting of Sites**

Outdoor lighting for any development:

- 1) Shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices.
- 2) If ground mounted, the maximum height shall be 6.10 m. (20.00 ft.).

### **34.0 Height**

- 1) In determining whether a development conforms to the maximum height permissible in any Zoning District, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers or other erections which are considered to be similar by the Development Officer.

**35.0 Access to Sites**

- 1) All access locations and curb crossings shall require the approval of the Development Officer or Municipal Engineer. Permits for:
  - a) developments adjacent to PTH Nos. 2 and 10 shall be required from the Highway Traffic Board; and
  - b) developments adjacent to PR Nos. 340, 344, 346, 348 and 453 as well as all Provincial Access Roads shall be required from Manitoba Transportation and Government Services.

**36.0 Landscaping for Commercial and Industrial Use Class Developments**

- 1) The owner shall be responsible for landscaping and proper maintenance that may be regulated through a development agreement with the RM of Oakland.

**37.0 Moving of Structures**

- 1) No person shall move any structure or part thereof off his/her property to any other location unless that structure or part is made to conform to the provisions of this By-law.
- 2) Before moving a building or portion to a new location, the owner shall enter into an agreement with the Municipality containing an undertaking of the owner to pay all damages arising out of the move and such other terms and conditions as a Development Officer deems necessary.
- 3) Upon completion of removal of a building from a lot, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the lot shall be put in a safe condition to the satisfaction of the Development Officer.

**38.0 Parking**

- 1) When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this Section of the By-law as follows:

**TABLE 38.0.1  
Off Street Parking Regulations**

Use Class	Number of Parking Spaces Required
<b>Residential and Residential-Related Use Classes</b> Institutional Residence Mobile Home Dwelling Multiple Family Dwelling Single Family Dwelling Semi-Detached Dwelling Two Family Dwelling Bed and Breakfast Home	1.00/each 2 Dwelling or Sleeping Units 1.00/Dwelling Unit 1.20/Dwelling Unit 1.00/Dwelling Unit 1.00/Dwelling Unit 1.00/Dwelling Unit 1.00/Sleeping Accommodation
<b>Commercial Use Classes</b> Hotel and Motel Eating and Drinking Establishment  Convenience and General Retail Stores All Other Commercial Establishments	1.00/Guest Room or Sleeping Unit 1.00/4 Seats or 1.00/9.29 sq. m. (100.00 sq. ft.) of floor area, whichever is greater  1.00/18.60 sq. m. (200.00 sq. ft.) of floor area 1.00/23.20 sq. m. (250.00 sq. ft.) of floor area
<b>Industrial Use Classes</b> All Industrial Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater
<b>Basic Service Use Classes and Community, Educational, Recreational and Cultural Service Use Classes</b>  Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Recreation Service  Extended Medical Treatment Service Public and Private Education Service  Government Service Child Care Service Funeral Service	1.00/5 Seating spaces or 3.05 m. (10.00 ft.) of bench space. Where there are no fixed seats, 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to the assembly room floor area  2.00/Bed 1.50/Classroom, plus 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to public use  1.00/51.10 sq. m. (550.00 sq. ft.) of floor area 1.00/2 Employees 1.00/5 Seating places

- 2) Where a proposed use is not listed above, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Development Officer shall make his/her own determination as to the regulation.

- 3) Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.

### **39.0 Signs**

#### **39.1 Abandoned and Unlawful Signs**

- 1) Where a Development Officer finds a sign to be abandoned, the Development Officer may, after resolution of Council, by notice in writing or by registered mail, order the registered owner, the person in possession of the land or building or the person responsible for the abandoned sign to remove the sign within 20 days after receipt of the notice, or take such measures as are specified in the notice to alter and refurbish the sign so that it correctly identifies the business, or the products and services offered on the site where the sign is displayed.
- 2) Where a sign contravenes the provisions of this By-law, Council may, by notice in writing, order the owner or the person responsible for the contravening sign to take such measures as are specified in the notice to alter the sign so that it complies with the provision of this By-law, or remove the sign.
- 3) Failure to remove abandoned or unlawful signs, or to comply with the measures specified in the notice by Council, shall result in the removal of the sign by the Municipality with the owner or the person responsible for the contravening sign assuming liability for all removal costs.

#### **39.2 Sign Regulations**

- 1) Where the architectural design and appearance of a building facade for a multiple business occupancy are uniform, signs or individual businesses located on the same facade shall, in the opinion of the Development Officer or Council, be similar as to proportion, materials, and placement such that they present a pleasing architectural appearance.

2) Signs shall be developed in accordance with the following regulations:

**TABLE 39.2.1  
Signage Regulations**

Use Class	Type of Sign	Maximum Sign Area	Maximum Sign Height
<b>Residential and Residential-Related Use Classes</b>	Identification	0.74 sq. m. (8.00 sq. ft.)	6.10 m. (20.00 ft.)
	Real Estate	1.49 sq. m. (16.00 sq. ft.)	6.10 m. (20.00 ft.)
<b>Agricultural and Natural Resource Use Classes</b>	Identification	2.97 sq. m. (32.00 sq. ft.)	6.10 m. (20.00 ft.)
<b>Commercial and Industrial Use Classes</b>	Business Identification (if attached to a building only)	The total sign area per business shall not exceed 20.00 percent of the building face for each business (with only the wall of a building which faces a street being eligible), to a maximum of 9.29 sq. m. (100.00 sq. ft.) for single occupancy and a combined maximum of 27.87 sq. m. (300.00 sq. ft.) for multiple occupancy	6.10 m. (20.00 ft.)
	Business Identification (if free standing only)	9.29 sq. m. (100.00 sq. ft.) per business to a maximum total sign area per site of 18.58 sq. m. (200.00 sq. ft.) for multiple occupancy	6.10 m. (20.00 ft.)
	Business Identification (if attached to a building and free standing)	The maximum combined total sign area shall not exceed 13.94 sq. m. (150.00 sq. ft.) shall apply for single occupancy sites and 37.16 sq. m. (400.00 sq. ft.) for multiple occupancy sites of three or more businesses	6.10 m. (20.00 ft.)
<b>Basic Service Use and Community, Educational, Recreational and Cultural Service Use Classes</b>	Identification (if attached to a building or free standing)	2.32 sq. m. (25.00 sq. ft.) when abutting a Residential Use Class development and 4.65 sq. m. (50.00 sq. ft.) in other Zoning Districts	6.10 m. (20.00 ft.)

**40.0 Off Street Loading**

1) When any new development in the Commercial Use Class, Industrial Use Class, Basic Service Use Class or Community, Educational, Recreational and Cultural Service Use Class is proposed, including a change of use of existing development, or when any existing development is substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided.



- 2) All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants and occupants. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks or boulevards.
- 3) Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Development Officer, to accommodate the types of vehicles that will be loading and unloading, without those vehicles projecting into a public roadway. In no case shall the space be less than 27.87 sq. m. (300.00 sq. ft.), or less than 2.59 m. (8.50 ft.) wide, or have less than 3.66 m. (12.00 ft.) of overhead clearance.

#### **41.0 General Performance Standards**

- 1) In any development, the design, use of exterior finishing materials and construction shall be to the satisfaction of the Development Officer or Council who shall require, as far as reasonably practicable, that materials will be used which ensure that the standard of the buildings will be similar to, or better than, the standard of surrounding development. The Development Officer or Council may require that the appearance of walls exposed to public view from beyond the site be improved where the appearance of such walls is inconsistent with the finishing standards of surrounding development.

#### **42.0 Development Restricted**

##### **42.1 Noxious or Offensive Uses**

- 1) Nothing in this By-law, or in a development permit, approval or a conditional use, variation order or other approval issued under this By-law or under the Act, shall be construed as authorization for the carrying out of any activity that is a nuisance due to noise, odour, emission, vibration or other cause.

##### **42.2 Land Unsuitable for Development**

- 1) No buildings or structures shall be built in an area that has been identified either by Council or other agencies as being subject to flooding by a 100 year flood, unless the development proponent demonstrates to the satisfaction of Council that measures will be taken to protect the development from flood damage.

- 2) Where development is proposed in an area that, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the development proponent 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.
- 3) No building or structure shall be built in an area that is subject to erosion, bank instability, landslide, subsidence, is marshy or unstable, or is otherwise hazardous or unsuitable 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.

### **42.3 Dwelling Setbacks**

- 1) No dwelling unit shall be located within 402.34 m. (1,320.00 ft.) of the boundary of any active waste disposal ground unless:
  - a) a Certified Professional Engineer of Manitoba determines that there will be no migration of methane gas; and
  - b) approval has been obtained from the Department of Conservation.
- 2) No dwelling unit shall be located within 457.20 m. (1,500.00 ft.) of the boundary of a public sewage lagoon.
- 3) No dwelling unit shall be located within 15.24 m. (50.00 ft.) from the edge of a right-of-way established for the transmission of high-pressure natural gas or the transmission of hydro electricity in excess of 100 kilovolts.
- 4) No dwelling unit shall be located within 30.48 m. (100.00 ft.) from the edge of a railway right-of-way.
- 5) No dwelling unit or farm building shall be located within an area that has been designated as a high or medium quality aggregate area by the Manitoba Mines Branch, unless the site has been reviewed by that Branch and a recommendation provided that would allow development to proceed.
- 6) No dwelling unit shall be located within 152.40 m. (500.00 ft.) from any active Natural Resource Development Use Class development.
- 7) Any development proposal to establish a dwelling unit, farm building or structure that exceeds a height of 30.48 m. (100.00 ft.), or to establish a shelterbelt or similar obstruction within the flight approaches of an Aircraft Landing Field for a distance of 1.61 km. (1.00 mile), shall be deemed to be a conditional use development.

**42.4 Corner Vision Triangles**

- 1) No building, structure, parking area, shelterbelt, hedge or stockpiling of materials exceeding a height of 0.91 m. (3.00 ft.) above grade shall be located within a triangular area of any lot adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 3.05 m. (10.00 ft.) along each lot line from the point of intersection.

**42.5 Side Yard Exceptions**

- 1) For the purpose of side yard regulations, the following dwellings that have common party walls shall be considered as one building occupying one site: Two Family Dwellings, Semi-Detached Dwellings, and Multiple Family Dwellings. Side yard regulations shall not apply along the common party walls.

**42.6 Hazardous Materials Storage**

- 1) No commercial-related or industrial-related Bulk Storage Facility, Agricultural Crop Protection Warehouse or Agricultural Product Storage shall be located within:
  - a) 804.65 m. (2,640.00 ft.) of a GD: General Development Zoning District or RSR: Rural-Seasonal Residential Zoning District;
  - b) 304.80 m. (1,000.00 ft.) of a building used for human occupancy; and
  - c) 100.00 m. (328.08 ft.) from the edge of the right-of-way of PTH Nos. 2 and 10 as well as PR Nos. 340, 344, 346, 348 and 453.

**43.0 Streets**

- 1) No building or structure shall be erected upon any land designated for a future road allowance by Council. Any development adjacent to said future road allowance shall comply with the regulations of the By-law as if the said future road allowance was already in existence.

## **SPECIAL LAND USE REGULATIONS**

#### **44.0 Applicability**

- 1) The Special Land Use Regulations apply to the uses listed irrespective of the Zoning District in which they are located. Where these regulations appear to be in conflict with the Zoning District regulations in which the use is either a permitted or a conditional use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the regulations in the Zoning District.

#### **45.0 Temporary Additional Dwellings or Mobile Home Dwellings**

- 1) A Temporary Additional Dwelling or Mobile Home Dwelling shall comply with the following regulations:
  - a) Only owner-occupiers of Single Family Dwellings are permitted to install a Temporary Additional Dwelling or Mobile Home Dwelling.
  - b) The Temporary Additional Dwelling or Mobile Home Dwelling shall be constructed in accordance with CSA and applicable building code regulations.
  - c) The Temporary Additional Dwelling or Mobile Home Dwelling shall comply with all site regulations applicable to the Zoning District in which the Single Family Dwelling is located.
  - d) The installation of a Temporary Additional Dwelling or Mobile Home Dwelling shall comply with the regulations of any appropriate federal, provincial or municipal legislation.
  - e) Hydro, sewage disposal and water services shall, where feasible, be connected to existing facilities upon approval of local authorities.
  - f) Council may impose additional conditions on the installation of a Temporary Additional Dwelling or Mobile Home Dwelling deemed necessary to protect adjoining properties and the public welfare.

#### **46.0 Non-Commercial Farms**

- 1) A Non-Commercial Farm shall comply with the following regulations:
  - a) The use of land or structures for the Non-Commercial Farm shall be limited to 1.33 Animal Units per 0.80 ha. (2.00 acres) of land.
  - b) Non-Commercial Farms of more than 2.00 Animal Units shall be a minimum distance of 152.40 m. (500.00 ft.) from the lot line of an existing dwelling unit, excluding the dwelling unit of the owner or operator of the Non-Commercial Farm.
  - c) Non-Commercial Farms shall be located and developed on a site in such a manner that the keeping of animals does not interfere with the use and enjoyment of adjacent land uses.

- d) For the purposes of this Section of the By-law, the calculation of Animal Units shall be determined on the basis of Table 47.6.1 in Appendix 1, or as determined by the Province of Manitoba.

#### **47.0 Livestock Operations**

- 1) The regulations of this Section of the By-law shall apply to Livestock Operations which shall be deemed to include barns and similar types of buildings along with related manure storage facilities, as well as feedlots and similar fenced areas where livestock are confined solely for the purpose of growing and finishing, and are sustained by means other than grazing, including winter or seasonal feedlots.

#### **47.1 General**

- 1) When reviewing permit applications for Livestock Operations, the Development Officer and Council shall consider:
  - a) the type and size of the operation and its location in relation to neighbouring land uses;
  - b) the source of the water supply and proposed consumption levels;
  - c) the proposed manure application strategy;
  - d) the nature of the land base;
  - e) Provincial guidelines and regulations governing Livestock Operations;
  - f) for livestock operations of a size of 300 A.U. or greater, the Technical Review Committee report and recommendations;
  - g) local resident concerns;
  - h) the potential impacts generated by the operation on the provincial highway and municipal road systems; and
  - i) whether there is a need for a development agreement to be entered into between the proponent and the RM of Oakland dealing with such conditions as the timing of construction of any proposed buildings or structures; the control of traffic; and the construction and maintenance of roads, fencing, landscaping, shelter belts, manure storage facility covers or site drainage works by or at the expense of the proponent.
- 2) Where a Livestock Operation is located within 804.65 m. (2,640.00 ft.) of one or more other Livestock Operations, and where these operations are owned, operated or controlled by the same person, including a corporation, co-operative, partnership or limited partnership and where they share common manure storage facilities, they shall be deemed to be one Livestock Operation for the purposes of this By-law.

**47.2 Livestock Operations Producing Less Than 300 Animal Units**

**47.2.1 General**

- 1) All new or expanding Livestock Operations that produce less than 300 Animal Units shall:
  - a) meet or exceed all applicable provincial and federal government environmental and health regulations in force at the time of the permit application;
  - b) obtain a development or building permit from the RM of Oakland prior to any development activity taking place on the site;
  - c) meet or exceed any applicable site regulations;
  - d) have an adequate land base that is either owned or leased by the proponent to carry out the proposed Livestock Operation; and
  - e) manure retention areas must conform to all applicable provincial and federal government regulations concerning the design and operation of manure storage facilities.

**47.2.2 Site Regulations**

- 1) Except for the dwelling unit of the operator of the Livestock Operation, mutual separation distances shall be maintained between Livestock Operations and a dwelling unit or designated residential or recreational area in accordance with Table 47.2.2.1:

**TABLE 47.2.2.1  
Mutual Separation Regulations**

Animal Units	Minimum Distance			
	From Dwelling Unit		From Designated Residential or Recreational Area	
	To Earthen Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility
10 to 100	199.95 m. (656.00 ft.)	99.97 m. (328.00 ft.)	804.67 m. (2,640.00 ft.)	530.00 m. (1,760.00 ft.)
101 to 200	299.92 m. (984.00 ft.)	149.96 m. (492.00 ft.)	1,207.01 m. (3,960.00 ft.)	804.67 m. (2,640.00 ft.)
201 to 300	399.59 m. (1,311.00 ft.)	199.95 m. (656.00 ft.)	1,609.34 m. (5,280.00 ft.)	1,072.90 m. (3,520.00 ft.)

**47.3 Livestock Operations Producing 300 Animal Units or Greater**

**47.3.1 Site Regulations**

- 1) Except for the dwelling unit of the operator of the Livestock Operation, mutual separation distances shall be maintained between Livestock Operations and a dwelling unit or designated residential or recreational area in accordance with Table 47.3.1.1:



**TABLE 47.3.1.1  
Mutual Separation Regulations**

Animal Units	Minimum Distance			
	From Dwelling Unit		From Designated Residential or Recreational Area	
	To Earthen Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Storage Facility <sup>2</sup>	To Animal Housing Facility and Non-earthen Manure Storage Facility
301 to 800	500.00 m. (1,640.42 ft.)	250.00 m. (820.21 ft.)	2,011.68 m. (6,600.00 ft.)	1,341.12 m. (4,400.00 ft.)
801 to 1600	600.00 m. (1,968.50 ft.)	300.00 m. (984.25 ft.)	2,414.02 m. (7,920.00 ft.)	1,609.34 m. (5,280.00 ft.)
1601 to 3200	700.00 m. (2,296.59 ft.)	350.00 m. (1,148.29 ft.)	2,816.35 m. (9,240.00 ft.)	1,877.57 m. (6,160.00 ft.)
3201 to 6400	800.00 m. (2,624.67 ft.)	400.00 m. (1,312.34 ft.)	3,218.69 m. (10,560.00 ft.)	2,145.79 m. (7,040.00 ft.)
6401 to 12800	900.00 m. (2,952.76 ft.)	450.00 m. (1,476.38 ft.)	3,621.02 m. (11,880.00 ft.)	2,414.02 m. (7,920.00 ft.)
12801+	1,000.00 m. (3,280.84 ft.)	500.00 m. (1,640.42 ft.)	4,023.36 m. (13,200.00 ft.)	2,682.24 m. (8,800.00 ft.)

**47.4 Development Permit Applications**

- 1) For Livestock Operations that produce 300 Animal Units or greater, in addition to the standard development application submission regulations, the proponent for any new or expanding Livestock Operation may be required to provide the following information to the satisfaction of the Development Officer and Council:
  - a) A detailed description of the proposed operation.
  - b) The corporate identity and proof of property ownership.
  - c) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
  - d) The owner's (and applicant if different from owner) name, address, signature and interest in the land.
  - e) A site plan showing the location of housing, storage and other facilities relative to the boundaries of the site.
  - f) Servicing needs.
  - g) The appropriate application fee.

**47.5 Manure Management Plans**

- 1) Proponents, owners or operators of approved new or expanding Livestock Operations involving the production of 300 Animal Units or more shall submit a copy of the manure management plan to the RM of Oakland Council upon request.

**47.6 Animal Units**

- 1) For the purposes of this Section of the By-law, the calculation of Animal Units shall be determined on the basis of Table 47.6.1 in Appendix 1, or as determined by the Province of Manitoba.

**47.7 Conditional Use Hearing**

- 1) Where a conditional use hearing is required, Council will not set a hearing date until all of the development permit application information as specified in Section 47.4 of this By-law has been submitted by the applicant to the Development Officer.
- 2) Prior to any hearing of an application for a conditional use permit to establish a Livestock Operation in the AL: Agriculture Limited Zoning District or AG: Agriculture General Zoning District, Council shall place a public notice in accordance with the Act.
- 3) An application for a conditional use permit shall be processed and approved or rejected in accordance with the Act. If warranted, Council may consider imposing the following conditions:
  - a) measures to ensure conformity with the applicable provisions of the Oakland Development Plan, the Oakland Zoning By-law and any secondary plan by-law;
  - b) measures to implement recommendations made by the Technical Review Committee;
  - c) requiring covers on manure storage facilities;
  - d) requiring shelter belts to be established;
  - e) requiring the owner of the affected property to enter into a development agreement dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters:
    - (i) the timing of construction of any proposed building,
    - (ii) the control of traffic,
    - (iii) the construction or maintenance - at the owner's expense or partly at the owner's expense - of roads, traffic

control devices, fencing, landscaping, shelter belts or site drainage works required to service the livestock operation, (iv) the payment of a sum of money to the RM of Oakland to be used to construct anything mentioned in subclause (iii).

#### **47.8 Refusal of a Conditional Use Permit**

- 1) Council may refuse a conditional use permit for a Livestock Operation if, the proposal:
  - a) does not comply with the regulations of this By-law;
  - b) does not comply with the Livestock Manure and Mortalities Management Regulation under the Environment Act or any other provincial regulations;
  - c) cannot be adequately serviced by the municipal road and drainage system;
  - d) has been determined by the Technical Review Committee, based on the available information, to create a risk to health, safety or the environment that can not be minimized through the use of appropriate practices, measures and safeguards; or
  - e) poses a danger to any unique or significant ecological or wildlife areas.

#### **48.0 Anhydrous Ammonia Facilities**

- 1) Anhydrous Ammonia Facilities shall be located at least:
  - a) 1,524.00 m. (5,000.00 ft.) from any GD: General Development Zoning District and the Village of Wawanesa;
  - b) 792.48 m. (2,600.00 ft.) from any Residential, Residential-Related, Basic Service and Community, Educational, Recreational and Cultural Service Use Class developments located outside the GD: General Development Zoning District and the Village of Wawanesa;
  - c) 100.00 m. (328.08 ft.) from the edge of the right-of-way of PTH Nos. 2 and 10 as well as PR Nos. 340, 344, 346, 348 and 453.

#### **49.0 Telecommunication Towers**

- 1) A Telecommunication Tower shall comply with the following site regulations:
  - a) the minimum site area regulation shall be 0.80 ha. (2.00 acres);
  - b) the minimum site width regulation shall be 60.96 m. (200.00 ft.);
  - c) the minimum front yard regulation shall be 38.10 m. (125.00 ft.);
  - d) the minimum side yard regulation shall be 15.24 m. (50.00 ft.);
  - e) the minimum corner side yard regulation shall be 15.24 m. (50.00 ft.); and
  - f) the minimum rear yard regulation shall be 15.24 m. (50.00 ft.).
- 2) In addition to Section 49.0(1) of this By-law, a Telecommunication Tower shall be setback a minimum of 1.1 times the total height of the structure, measured from the existing grade to its highest point, from all lot lines and existing dwelling units.

#### **50.0 Wind Turbine Generator Stations**

- 1) A Wind Turbine Generator Station shall comply with the following site regulations:
  - a) the minimum site area regulation shall be 2.83 ha. (7.00 acres);
  - b) the minimum site width regulation shall be 167.64 m. (550.00 ft.); and
  - c) the minimum front, side, corner side and rear yard regulations shall be 38.10 m. (125.00 ft.).
- 2) In addition to Section 50.0(1) of this By-law, a wind turbine tower shall be setback a minimum of:
  - a) 402.34 m. (1,320.00 ft.) from a dwelling unit or other habitable building, except for the dwelling unit of the landowner, operator, site watchperson or caretaker, in which case the minimum setback shall be 1.50 times the total height of the wind turbine tower, measured from the existing grade to the uppermost point of the extension of any rotor blade;
  - b) 1.10 times the total height of the wind turbine tower, measured from the existing grade to the uppermost point of the extension of any rotor blade, from all lot lines, railway rights-of-way and all other wind turbine towers and structures; and
  - c) 804.67 m. (2,640.00 ft.) from the GD: General Development Zoning Districts, AL: Agriculture Limited Zoning Districts, RSR: Rural-Seasonal Residential Zoning Districts, MHR: Mobile Home Residential Zoning Districts or RCI: Rural Commercial-Industrial Zoning Districts.

- 3) Notwithstanding Section 50.0(2) of this By-law, in cases where a lot line defines and separates contiguous sites within a Wind Turbine Generator Station development, the minimum setback from the said lot line separating the wind turbine towers shall be 0.60 times the total height of the wind turbine tower, measured from the existing grade to the uppermost point of the extension of any rotor blade.
- 4) In addition to the standard development application submission regulations, the proponent of a Wind Turbine Generator Station shall also provide the following information to the satisfaction of the Development Officer and Council, including:
  - a) A detailed description of the proposed operation.
  - b) The corporate identity and proof of property ownership or lease agreement provisions.
  - c) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
  - d) The owner's (and applicant if different from owner) name, address, signature and interest in the land.
  - e) A site plan showing the location of all proposed wind turbine towers, above or below ground electrical lines and other facilities relative to the boundaries of the site.
  - f) Servicing needs.
- 5) For the purposes of this By-law, a Wind Turbine Generator Station development involving more than one site may, at the discretion of the Development Officer or Council, be processed as a conditional use at the same time, however, separate conditional use applications and any resulting conditional use orders shall be issued for each separate site.
- 6) Notwithstanding the above, a meteorological/research tower used for wind or climatic research shall be allowed as a permitted temporary use, subject to the issuance of a temporary development permit by the Development Officer and the following additional regulations:
  - a) Each temporary development permit shall be valid for a period of not more than two years and may not be renewed for more than one successive period of two years.
  - b) Setback regulations shall be in accordance with Section 50.0(2) of this By-law.

## **PART IV**

**ZONING DISTRICT MAPS  
FOR THE RM OF OAKLAND**

**APPENDIX 1**  
**ANIMAL UNIT INVENTORY LIST**



**TABLE 47.6.1  
Animal Unit (A.U.) Inventory List**

<b>Livestock</b>	<b>A.U. Produced by One Livestock</b>	<b>Livestock Producing One A.U.</b>
<b>Dairy</b> Milking Cows, including associated livestock	2.0000	0.5000
<b>Beef</b> Beef cows, including associated livestock Backgrounder Summer Pasture/Replacement Heifers Feedlot Cattle	1.2500 0.5000 0.6250 0.7690	0.8000 2.0000 1.6000 1.3000
<b>Hogs</b> Sows, farrow to finish Sows, farrow to weanling Sows, farrow to nursery Weanlings Growers/Finishers Boars	1.2500 0.3130 0.2500 0.0330 0.1430 0.2000	0.8000 3.2000 4.0000 30.0000 7.0000 5.0000
<b>Chickens</b> Broilers Roasters Layers Pullets Broiler Breeder Pullets Broiler Breeder Hens	0.0050 0.0100 0.0083 0.0033 0.0033 0.0100	200.0000 100.0000 120.0000 300.0000 300.0000 100.0000
<b>Turkeys</b> Broilers Heavy Toms Heavy Hens	0.0100 0.0200 0.0100	100.0000 50.0000 100.0000
<b>Horses</b> Mares, including associated livestock	1.3330	0.7500
<b>Sheep</b> Ewes, including associated livestock Feeder Lambs	0.2000 0.0630	5.0000 16.0000
<b>Other livestock or operation type</b> Please inquire with your regional agricultural engineer or livestock specialist		