

**MUNICIPALITY OF
OAKLAND-WAWANESA**

ZONING BY-LAW No. 04-2019

Note: This page is intended to be a helpful guide for landowners, development officers / building officials, and members of the general public to assist them in understanding how to use and interpret a municipality's zoning by-law regulations.

HOW TO USE THIS ZONING BY-LAW

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

Step One

What zoning district is your property located in?

- Use the Zoning Maps in **Schedule "A"** at the back of this By-law to determine the zoning for your property.
- Reference **PART 3: Zoning Districts** for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal is supported by the applicable policies in those documents.

Step Two

What uses are "permitted uses" and "conditional uses" in your zoning district?

- Find the column with the zone of your property in the applicable **Use and Bulk Table** in **PART 3 - Zoning Districts**
- Uses marked with the letter "**P**" are **permitted uses** and may be developed once you have received a development permit and building permit.
- Uses marked with the letter "**C**" are **conditional uses** that may or may not be acceptable in a particular zoning district depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Certain **permitted uses** and **conditional uses** in select zoning districts have additional use-specific requirements, check **PART 4 - Additional Requirements for Specific Uses in Different Zoning Districts** of this By-law to determine whether any additional requirements apply to the land use in question.

Step Three

How and where can you develop properties in your zone?

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

Step Four

What kind of permits do you need?

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

THE MUNICIPALITY OF OAKLAND-WAWANESA BY-LAW NO. 04-2019

BEING A BY-LAW of the Municipality of Oakland-Wawanesa to regulate the use and development of land.

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

AND WHEREAS, under PART 4 Division 1 of *The Planning Act*, the Municipality of Oakland-Wawanesa has, by by-law, adopted the Oakland-Wawanesa Municipal Development Plan By-law No. 4-2018;

NOW THEREFORE, the Council of the Municipality of Oakland-Wawanesa in meeting duly assembled, enacts as follows:

1. By-law No. 04-2019 attached hereto is hereby adopted;
2. The By-law shall be known as the Municipality of Oakland-Wawanesa Zoning By-law;
3. The following Zoning By-laws, as amended are hereby repealed:
 - Rural Municipality of Oakland Zoning By-law No. 1262-06;
 - Village of Wawanesa Zoning By-law No. 364.
4. This Bylaw shall come into force on _____

DONE AND PASSED in Council duly assembled at the community of Nesbitt, Manitoba, this _____, 2019

Signature of Head of Council

Signature of Chief Administrative Officer

READ A FIRST TIME this 17th of September, 2019

READ A SECOND TIME this _____ of _____, 2019

READ A THIRD TIME this _____ of _____, 2019

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PART 1: Scope and Applicability

- 1.1

Title

This by-law shall be known as the Municipality of Oakland-Wawanesa Zoning By-law.
- 1.2

Scope

This by-law applies to all lands in the Municipality of Oakland-Wawanesa as indicated on the zoning maps of **Schedule “A”** of this by-law.
- 1.3

Application

This by-law regulates: a) the construction, erection, alteration, enlargement or placing of buildings and structures b) the establishment, alteration, or enlargement of uses of land, buildings and structures c) all other forms of development not included above.
- 1.4

Use and Development of Land and Buildings Must Comply

Within the Municipality of Oakland-Wawanesa, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law.
- 1.5

Compliance with Other Municipal By-laws, Federal and Provincial Laws and Regulations

Whenever a provision of another by-law or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this bylaw, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail. The onus will be on the applicant to provide sufficient documentation attesting that the applicable by-law, or regulation is of a higher standard, and where the activity/development is regulated by a higher authority under licence or permit, the submittal, review and approval of the submitted documentation will at the discretion of the Development Officer wave the requirement of the planning district to issue the required Development Permit.
- 1.6

Use and Development of Land Will Not Promote Nuisance or Create a Hazzard

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

PART 2: General Rules and Regulations Applicable in All Zoning Districts

2.1 Regulation of Uses

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

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

2.2 Existing Uses, Buildings and Structures

- a) A lawfully established existing use, building or structure which is classified as a permitted use, building or structure in the by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed. In these circumstances, the enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of the by-law.
- b) A lawfully established existing use, building or structure which is classified as a conditional use in this by-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
 - i) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law; and
 - ii) Where an enlargement or expansion of such use is proposed, it shall require the specific approval of Council, in accordance with the requirements of **PART 5** of this By-law.
- c) Where a lawfully established use is established on a site and a site area or site width or required yard in accordance with the minimum requirements of this by-law and is thereafter reduced below the minimum requirements of this By-law by virtue of the development of a **public work, street or public utility**, the affected site area, site width and required yard shall be deemed to conform to the minimum requirements of this By-law
- d) An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this by-law shall be considered as a legal non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.
 - i) A legal non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;

- ii) A legal non-conforming use shall not be intensified and shall not be changed to a different non-conforming use;
- iii) A legal non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
- iv) A legal non-conforming building or structure shall not be re-established if it is removed or destroyed by more than 50 percent of its replacement value above the foundation; and
- v) Other provisions of The Planning Act governing non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded, shall apply.
- vi) There shall be a maximum of one dwelling unit per site or land parcel except for the following:
 - (a) dwelling units which are required for family members or employees, who in, are actively involved in the agricultural operation and deriving income from it;
 - (b) multiple family dwellings as provided for in this by-law
 - (c) secondary suites as provided for in this by-law.

2.3 Existing Residential Dwellings

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

2.4 Multiple Uses or Provisions

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

2.5 Accessory Uses Buildings and Structures

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

- a) In this Municipality, an accessory use, building or structure may be accessory to a permitted or approved conditional use and may itself be treated as a permitted or conditionally approved accessory use, building or structure.
- b) No accessory use, building or structure shall be established, constructed or erected prior to the establishment of the principal use of land, building or structure to which it is accessory, except for the following:
 - i) A "Dwelling, Farm" shall be permitted as an accessory use to a permitted or conditional agricultural operation in all agricultural zoning districts when located on same site as the agricultural activity, provided that prior to the commencement of construction a Development Permit and Building Permit has first been obtained for the dwelling.

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

2.6 Required Yards

- a) Shall be free of buildings, except accessory buildings and structures, which must conform to the other requirements of this By-law.
- b) Open, unenclosed projections, whether vertical or horizontal, such as stairs, landings, porches, and unenclosed balconies, may extend into the required yards for not more than [50] per cent of the required yard depth, up to a maximum of [three] metres (10 feet), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.

2.7 Temporary Buildings, Structures, or Uses

- a) Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a development permit under the following conditions:
 - i. A Development Permit for a temporary building, structure or use shall be subject to such terms and conditions as specified by council.
 - ii. Each Development Permit issued for a temporary building, structure or use shall be valid for a period of not more than [12] months and may not be renewed for more than [two] successive periods on the same parcel of land. When required, a new permit may be issued.

2.8 Buildings to be Moved or Removed

- a) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to or where a variation order is granted pertaining to the regulations of this By-law applying to the zone in which it is located.
- b) Notwithstanding any other by-law or policy of a member municipality regarding demolitions or removals, upon completion of the removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Development Officer/Building Official with whom Council shall rely on for advice that the site owner has undertaken appropriate action to ensure public safety on the affected site. Unless otherwise specified, a minimum of 6 inches of topsoil is to be added to complete the filling of the excavation.

2.9 Road Access

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

2.10 Landlocked Sites

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

2.11 Site Reduced by Road Widening

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

2.12 Unconventional Sites

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

2.13 Service Connections

Where a parcel is served by municipal piped sewer or water, no permanent principal building or dwelling shall be constructed or placed unless it is connected to such services.

2.14 Open Space Along Rural Roads

Areas adjacent to rural intersecting roads shall be kept clear of features which would contribute to snow drifting problems on the roadway, or which would represent a safety hazard to motorists. Within all agricultural zone(s), the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other municipal road:

- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least seventy-five (75) percent open in character and small shelters for children at school bus stops;

- (b) No excavation such as a dugout or gravel pit shall be located within the required yard;
- (c) No substantial planting (such as a shelterbelt or hedge) exceeding a height of three (3) feet shall be located within the required front yard; and
- (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required front yard.

2.15 Corner Vision Triangles

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

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

2.16 Projections into Yards

Within all zoning districts in the Municipality, required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as follows:

- (a) Open, unenclosed stairs and landings may extend into any required front or rear yard to a maximum distance of 10 feet, and there shall be no limitation on the construction of unenclosed wheelchair ramps;
- (b) Other open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser;
- (c) Enclosed projections of a building, including chimneys, alcoves, eaves and bay windows may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 10 square feet of area within any required yard is occupied by these types of projection;
- (d) Air conditioning units, pool equipment and/or compressors shall be accessory structures in all zones and shall be subject to the following regulations:
 - 1) Shall be a minimum distance of 15.0 feet (4.57m) to an openable window of a habitable room on an adjoining lot.
 - 2) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
 - 3) Should be no closer than 5.0 feet (1.52m) to a side site line in all Residential Zones. In all other zones, it should be no closer than 10.0 feet (3.05m) to a side site line.
- (e) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be 3 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet;

- (f) A garage may be located in the required rear yard providing it is setback a minimum of 10 feet from the rear property line except in instances where the garage doors do not face a rear lane or street in which case the minimum required setback to the rear property line shall be reduced to no less than three feet.
- (g) Portable buildings not exceeding 108 square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that the property lines are identified by legal survey, a separation distance of 2 feet is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling.
- (h) The minimum distance between the principal building and any other building shall be 10 feet.
- (i) Cairns, with a maximum size (footprint) of 25 square feet may be located within a required yard.

2.17 Double Frontage Sites

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

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

2.18 Hazard Lands

- (a) No permanent building shall be constructed or placed in the vicinity of a lake, river, watercourse or body of water on land that would be inundated by the one in two hundred year flood or by a recorded flood exceeding the two hundred year flood, unless the owner provides sufficient information prepared by a qualified engineering consultant licensed to practice in Manitoba, to demonstrate to the satisfaction of council that the land is not subject to flooding; or proper measures will be taken to protect the building from flooding.
- (b) No permanent building shall be constructed or placed on land which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless the owner provides sufficient information prepared by a qualified engineering consultant licensed to practice in Manitoba, to demonstrate to the satisfaction of council that proper measures will be taken to deal with the unsuitability or hazard. Only erosion control or bank stabilization measures designed by a qualified engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba will be accepted.

2.19 Public Reserve Land

Public reserve land shall only be used for:

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

2.20 Development Near Waste Disposal Grounds (excluding transfer stations) and Sewage Lagoons

Parcels of land containing active or abandoned waste disposal grounds and sewage lagoons shall not be located within one thousand three hundred and twenty (1,320) feet and one thousand five hundred (1,500) feet respectively of a dwelling or other habitable building, any urban zone, a "RC" Rural Centre Zone and all

rural residential zone(s), unless a reduced separation distance is recommended by the provincial authority having jurisdiction and Council approves a variation order.

2.21 Development Near Areas with Potential for Aggregate Extraction

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

2.22 Development Near Railways

- a) Nothing in this By-law shall be interpreted so as to interfere with normal railway operations and maintenance of railway trackage.
- b) Railway office buildings, warehouse facilities, maintenance buildings, and storage areas shall be subject to the requirements of this By-law.
- c) No new dwelling unit shall be located within one hundred and fifty (150) feet of the edge of a railway right-of-way.
- d) All non-railway works and development including surface mining and quarries within 50 metres of a railway right-of-way are subject to the provisions of the Federal *Railway Safety Act* and its regulations including the Mining Near Lines of Railways Regulations SOR/91-104, as amended).

2.23 Development Near the Provincial Highway System

With the exception of fences built for agricultural purposes, any structure or construction proposed within the controlled areas adjacent to the provincial highway system, provincial permits are required from the authority having jurisdiction. Permits from the provincial authority having jurisdiction are also required for any new, modified (including intensification of use), or relocated driveway proposed to a provincial road or provincial trunk highway.

2.24 Onsite Water Supply and Sewage Disposal Systems

- a) In situations where piped municipal sewage collection and disposal services are not available, land owners may be allowed to construct private sewage disposal systems on their development site in accordance with all applicable provincial regulatory requirements. All onsite wastewater disposal systems must be registered with the provincial authority having jurisdiction prior to installation by a licensed installer. It is the responsibility of the land owner to apply for provincial permits and/or approvals for all private sewage disposal system.
- b) The provincial authority having jurisdiction should be consulted about permitting or licensing requirements for private water supplies. In the case of proposed development that involves the construction or expansion of a public or semi-public water supply system, the proponent shall be required to contact the Office of Drinking Water - Manitoba Sustainable Development and/or the provincial authority having jurisdiction for information concerning licensing and approvals that must be obtained prior to the commencement of construction.

2.25 Public Utilities

- a) This by-law shall be interpreted so as not to interfere with the construction, erection and location of a public utility's works, plant, pipes, cables, or equipment as defined in this by-law provided that the requirements of such public utility are of a standard compatible with the adjacent area, and

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

- b) Where a public utility (as defined in this By-law) of another municipality is proposed to be located within the Municipality of Oakland-Wawanesa, it shall first apply to Oakland-Wawanesa Municipality for approval prior to the commencement of development.
- c) The use and bulk requirements of this by-law do not apply to the transmission facilities (wires, pipes, poles and associated equipment such as transformers and sub-stations) of a public utility as defined herein as equipment such as this may require only very small parcels or none at all (where easements are used).
- d) All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to all of the provisions of this By-law.
- e) Where any site requirement, including site area, site width, required yard or parking, is reduced below the requirements of this By-law as a result of land acquired for any street, lane, public utility, public works, public park area or public monument, it shall be deemed to conform to the requirements of this By-law.

2.26 Oil and Gas Exploration and Extraction, Electric Transmission Lines and Structures, and Pipelines

Are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law, except for oil battery facilities which shall be subject to the requirements of **PART 3** of this By-law.

2.27 Off Street Parking Requirements

- a) All accessory parking and loading areas and spaces shall be located on the same site as the use served unless a variation order is approved by Council for any required parking and/or loading areas or spaces located on a different site than the use being served.
- b) The surface of all accessory off-street parking and loading areas and spaces and the access driveways thereto shall be surfaced with gravel, asphalt or concrete and shall be designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.
- c) In all zones, when any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for accessory off-street parking in accordance with the regulations and standards contained in this section of the By-law as set out below.

TABLE 2.1: MINIMUM ONSITE PARKING SPACE REQUIREMENTS

	Use	Number of Parking Spaces Required
Residential Uses	Single-Dwelling	1.0 / Dwelling Unit
	Two-Dwelling or Multi-Dwelling	1.2 / Dwelling Unit
	Mobile Home Dwelling	1.0 / Dwelling Unit
	Bed and Breakfast Home	1.0 / Sleeping Accommodation
	Residential Care Facility	1.0 / each 2 dwelling or sleeping units
Commercial Uses	Hotel and Motel	1.0 / Guest Room or Sleeping Unit
	Eating and Drinking Establishment	1.0 / 4 seats or 1.0 per 100 sq.ft. (9.29 sq./m) of floor area, whichever is greater
	Convenience and Retail Sales Stores	1.0 per 200 sq.ft. (18.6 sq./m) of floor area
	All other Commercial Establishments	1.0 per 250 sq.ft. (23.2 sq./m) of floor area
Industrial Uses	Industrial Uses	1.0 per 1,000 sq.ft. (92.9 sq./m) of floor area or 1.0 per 5 employees, whichever is greater
Other Uses	Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Centre	1.0 per 5 seating spaces or 10 ft (3.05 m) of bench space. Where there are no fixed seats, 1.0 for each 100 sq.ft. (9.29 sq./m) of floor area devoted to the assembly room floor area
	Extended Medical Treatment Service	
	Education Service	2.0 per bed 1.5 per classroom, plus 1 for each 100 sq.ft. (9.29 sq./m) of floor area devoted to public use
	Government Service	
	Child Care Service	1.0 per 550 sq.ft. (51.1 sq./m) of floor area
	Funeral Service	1.0 for every 2 employees 1.0 for every 5 seating places
*Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer who shall base said accessory off-street parking required based on the accessory off-street parking required for a similar use which is listed in this table.		

Footnotes Forming Part of Table 2.1

- a) The following regulations shall apply to all parking areas as required by this By-law:
- a) In the case of a multiple use site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council that the complementary use of the parking facilities would warrant a reduction in the parking requirements;
 - b) Parking areas shall be provided with at least one entrance and one exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;
 - c) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles; it may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;
 - d) Where parking areas are provided in any commercial, industrial or institutional zone and lighting


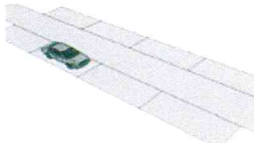
facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;

- e) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated there from by any street, lane or water course, a buffer of a design acceptable to the Council shall be provided;
- f) No sign shall be erected except:
 - (i) signs for the direction of traffic within the parking area, and
 - (ii) directional signs of not more than five (5) square feet in area at each point of entrance and exit.

Such signs may bear the name of the business if the parking area is connected thereto.

- b) The layout and design of parking areas shall be as follows:
 - a) The layout and design of the parking area shall be in accordance with **Table 2.1 "Minimum Onsite Parking Space Requirements"** and **Table 2.2 "Parking Area Layout Requirements"**;
 - b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;
 - c) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
 - d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;
 - e) The off-street parking area shall be provided with an access drive with a minimum width of ten (10) feet, to a street or lane;
 - f) Except as provided for in paragraph (d), an aisle or driveway shall not mean a street or lane; and
 - g) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access, and snow removal.

TABLE 2-2: PARKING AREA LAYOUT REQUIREMENTS

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

2.28 Accessible Parking Spaces

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

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

TABLE 2.3: ACCESSIBLE PARKING SPACE REQUIREMENTS

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

2.29 Loading Space Requirements

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

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

TABLE 2.4: MINIMUM LOADING SPACES

Area of Building	Minimum Loading Space
Less than 5,000 square feet	One (1) space
Exceeding 5,000 square feet but not more than 15,000 square feet	Two (2) spaces
Exceeding 15,000 square feet	Three (3) spaces

2.30 Parking Area Entrances / Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales

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

TABLE 2.5: PARKING AREA ENTRANCE AND EXIT REQUIREMENTS	
Minimum width of an entrance or exit	20 ft.
Minimum width of a combined entrance and exit	25 ft.
Maximum width of an entrance or exit	40 ft.
Maximum width of a combined entrance and exit	60 ft.
Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane	30 ft.
Minimum distance between entrances and exits	30 ft.

2.31 Fences – Residential Uses

A fence on a residential property:

- a) shall not include electric fences or barbed wire fences;
- b) shall not be higher than:
 - (i) 3.0 feet (0.91m) in a required front yard, and
 - (ii) 6.0 feet (1.82m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;
- c) are permitted in all required yards and can be placed up to the property line; and
- d) Outdoor storage of materials shall only be in side and/or rear yards and shall not project above the height of side or rear yard fences (where they exist or are proposed) except for recreation vehicles.

2.32 Fences – Non Residential Uses

A fence on all properties other than residential properties:

- a) in all agricultural zones, electric, barbed wire and wooden rail fences of a type not obstructing views of road traffic shall be permitted within the limits of the parcel on which they are located and should not exceed a height of 8 feet (See also section 2.23 of this PART).
- b) in the case of the “CC” – Commercial Central and “RCI” – Rural Commercial Industrial zones, chained wire fences are allowed where the top 2.0 feet (0.6 m) of the fence can be barbed wire for security purposes;
- c) shall not be higher than:
 - (i) all other non-residential fencing shall not exceed 4.0 feet (1.22m) in a required front yard; and
 - (ii) 8.0 feet (2.44m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;
- d) are permitted in all required yards and can be placed up to the property line.
- e) outdoor storage shall be allowed to project above the height of front, side and rear yard fencing but only in the following zones: “MG” and “RCI” Zones.

2.33 Advertising Signs and Billboards

Billboards and other advertising signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may be allowed subject to satisfying the zoning district specific use and bulk requirements set out in that zone's Use and Site Requirements Table in **PART 3** of this By-law. These signs will require the proponent to obtain a **Development Permit** and **may require conditional use approval** subject to the total size of the advertising sign being proposed.

2.34 Accessory Signs – General Provisions

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

- a) Accessory signs and sign structures may be allowed as accessory uses in accordance with **PART 2, Table 2.6** (below), and may require the issuance of a Development Permit;
- b) All accessory signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected and as may be provided in this section;
- c) No accessory sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
- d) No accessory sign may contain flashing lights or digital images unless specifically allowed in **PART 2, Table 2.6** (below). All accessory signs with flashing lights or digital images are prohibited within 100 feet (30 metres) of residential zones;
- e) No accessory sign or structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Municipality without a Development Permit and an encroachment agreement registered on title of the subject property/building which abuts the municipally owned right-of-way;
- f) The placing of accessory signs within the control area of a Provincial Road or Provincial Trunk Highway shall require a permit/approval from the provincial authority having jurisdiction;
- g) All accessory signs shall be setback a minimum of 5 feet from the limits of the parcel on which it is located and to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of twelve (12) feet.
- h) All accessory signs and structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within 30 days following notice by the Development Officer; and
- i) The following accessory signs **shall not** require a **Development Permit**. However, they must still comply with any applicable siting and setback requirements in this By-law:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) Commemorative or memorial signs or tablets;
 - d) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
 - e) Residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding four (4) square feet in surface area; and

- f) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding five (5) square feet in sign surface area.

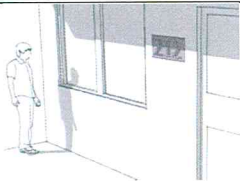
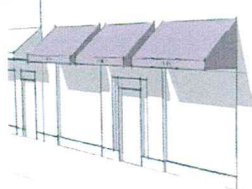


TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE			
Sign Type	Siting Specifications		Development Permit Required
 Address/Name	Quantity	1 per address	AG, AL RC RR2, RR5, RMH RG CC MG PR RCI, CR No
	Area	maximum 4.0 square feet for single detached dwellings, 32 square feet for multi-dwellings, Place of Worship and other non-residential buildings	
	Depth	max 3.0 inches	
 Awning	Quantity	1 per window	CC MG RCI Yes
	Area	n/a	
	Width	maximum equal to building facade	
	Depth	minimum 4.0 feet	
	Dist. from Curb	min 2.0 feet	
 Fascia/Wall	Quantity	1 per business	RC CC MG PR RCI No
	Area	1.5 square foot per linear foot of facade	
	Width	max 90% width of facade	
	Depth	max 7.0 in	
 Freestanding/Ground	Quantity	1 per site	AG, AL RC CC MG Yes
	Area feet.	single occupancy = max 100 square feet.	
		multiple occupancy = max 300 square feet.	
	Height	maximum 8.0 feet	

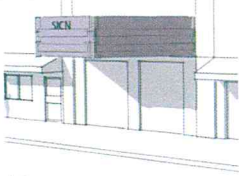
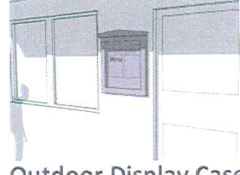


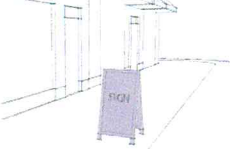
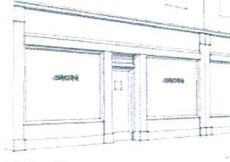

TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE				
Sign Type	Siting Specifications		Allowed in Zones	Development Permit Required
	Width	maximum 4.0 feet	PR	
	Depth	max 12.0 inches	CR	
 Marquee	Quantity	1 per business	RC	Yes
	Area	n/a	CC	
	Width	entrance plus 2 feet per side	MG	
	Depth	minimum 4.0 feet; maximum 10 feet	RCI	
	Dist. from Curb	minimum 3.0 feet		
 Outdoor Display Case	Quantity	1 per business	RC	No
	Area	max 6.0 square feet.	CC	
	Width	max 3.5 feet	MG	
	Height	max 3.5 feet	PR	
	Depth	max 6.0 inches	RCI	
			CR	
 Portable/Mobile	Quantity	1 per site	AG, AL	Yes
	Area	maximum 48.0 square feet.	RC	
	Width	n/a	CC	
	Height	maximum 10.0 feet.	MG	
	Setback	a minimum of 12 feet from the corner site lines of intersecting streets	PR	
			RCI	
			CR	
 Projecting	Quantity	1 per business	RC	Yes
	Area	max 4.0 square feet.	CC	
	Width	maximum 4.0 feet	MG	
	Depth	maximum 4.0 feet		

TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE			
Sign Type	Siting Specifications		Development Permit Required
		RCI CR	
 Sidewalk/Sandwich	Quantity Area Width Height	1 per business maximum 8.0 square feet. maximum 26 inches maximum 42 inches	RC CC No
 Window	Quantity Area	1 per window maximum 25% of glass area	RC CC MG RCI No
 Yard/Identification	Quantity Area Width Height Apex	1 per site maximum 6 square feet. maximum 3.0 feet maximum 2.0 feet (not incl. post) max 6.0 feet to top of post	AG, AL RR2, RR5, RG PR CR No

PART 3: Zoning Districts

3.1 Zoning Districts in the Municipality of Oakland-Wawanesa

The following zoning districts are hereby established in this By-law and are intended to provide sufficient land in suitable locations to meet the needs of the municipality while also being generally consistent with the provisions of the Oakland-Wawanesa Development Plan.

TABLE 3.1: ZONING DISTRICTS ESTABLISHED		
Abbreviations	Zoning District Name	Refer to Section
"AG"	Agriculture General Zone	3.6
"AL"	Agriculture Limited Zone	3.7
"RC"	Rural Centre Zone	3.8
"RR2"	Rural Residential Zone	3.9
"RR5"	Rural Estate Residential	3.10
"RMH"	Residential Mobile Home Zone	3.11
"RG"	Residential General Zone	3.12
"CC"	Commercial Central Zone	3.13
"MG"	Industrial General Zone	3.14
"PR"	Parks and Recreation Zone	3.15
"RCI"	Rural Commercial Industrial Zone	3.16
"CR"	Conservation and Recreation Zone	3.17

3.2 Zoning District Boundaries

The zoning districts established in **TABLE 3.1** (above) shall apply within the boundaries of the zones shown on the maps in **Schedule "A"** of this by-law and the following rules of interpretation shall apply in all zoning districts:

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

3.3 Permitted and Conditional Uses

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

- a) Permitted uses are indicated with the letter **[P]**.
- b) Conditional uses are indicated with the letter **[C]**.

3.4 Use and Bulk Regulations

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the use and bulk requirements described in the Use and Bulk Regulations Tables of this **PART** or elsewhere in this by-law.

3.5 Additional Requirements for Specific Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zoning district in which the use is located, additional standards for specific uses may apply and are set out in **PART**

4 of this By-law and must be met, except as may otherwise be provided for in this By-law through a Conditional Use or Variance Order.

3.6 “AG” Agriculture General Zoning District - Purpose and Intent

The “AG” Agriculture General Zoning District is hereby established in this zoning by-law and is intended to:

- (a) Support and strengthen the agricultural industry in the municipality and to provide flexibility and opportunity for farm operators to engage in a variety and range of farming practices; and
- (b) Protect the agricultural industry and its land resources in recognition of the contribution of agriculture to the economy, lifestyle and character of the municipality.
- (c) Protect the environmental carrying capacity of the land base to sustain the range of uses associated with this zoning district.
- (d) Allow for a limited amount of non-agricultural uses, provided the primary use of the land is agriculture.

3.6.1 “AG” Agriculture General Zone – Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Animal Housing Facilities located on conditionally approved small rural land holdings such as a “riding academy and stables” or a “non-farm dwelling” site shall be allowed as a permitted accessory use. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **PART 4, Table 4.1** of this by-law and shall not exceed one animal unit per acre of site area and shall be subject to the following additional requirements:
 - i. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of all General Development Zones, Rural Residential Zones and three hundred and twenty-eight (328) feet away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads, and seventy-five (75) feet from the side and rear limits of limits of the property on which they are sited.
 - ii. Notwithstanding the nine (9) animal unit cap (cumulative across species) referred to in this section, where a conditionally approved riding academy and stables or non-farm dwelling site proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 6** of this by-law and shall be required to satisfy the use and bulk requirements for a “livestock operation” in the “AG” Agricultural General Zone as set out in **PART 4** this by-law as well as having to satisfy other provisions of **PART 5** of this by-law.
- ii) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.

- iii) Accessory Place of Worship
In the **"AG" zone**, an "accessory Place of Worship" which is located on the same site and in direct support of either a permitted or conditionally approved agricultural activity or livestock operation may be developed and shall be treated as a permitted accessory structure.
- iv) Accessory Shipping Containers
In the **"AG" Zone**, an "accessory shipping container" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).
- v) Accessory Signs as provided for in **PART 2** of this By-law.
- vi) Accessory Tent Like Structures
In the **"AG" Zone**, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site. All accessory tent-like structures greater than one-hundred and eight (108) square feet shall be subject to the issuance of a Development Permit.
- vii) Farm dwellings, Mobile and/or Modular Homes when located on the same parcel of land as the agricultural operation to which they are accessory.
- viii) Home based business activities shall be developed in accordance with the requirements of **PART 4** of this by-law.
- ix) Personal Telecommunications Tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as a permitted accessory structure. All such personal telecommunications tower structures shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

b) Conditional Accessory Uses Buildings and Structures

- i) Accessory Farm Based Air Landing Strips and Related Storage Facilities
In the **"AG" Zone**, all newly siting accessory farm-based air landing strips and their related storage facilities may be developed as a conditionally approved accessory use only when they are located on and forming part of a permitted or conditionally approved agricultural operation subject to the following additional requirements:
 - 1) The minimum parcel size required for a permitted or conditionally approved agricultural operation wanting to develop an accessory farm-based air land strip and its associated storage facilities shall be 80 acres and the site shall have a minimum width of one-thousand (1,000) feet;

- 2) The accessory farm-based air landing strip and any related storage facilities shall be setback a minimum of 300 feet from all property lines of the site on which it is located;
- 3) No newly siting accessory farm-based air landing strip and any related storage facilities shall be developed within 1 mile of the limits of a “GD” General Development zone, all rural residential zone(s) and all seasonal recreation zones.
- 4) Existing farm-based air landing strips and their related storage facilities which do not comply with the minimum use and bulk and siting and setback requirements as set out in this section shall be deemed to be an approved accessory use as they existed on the date of the adoption of this by-law.
- 5) Notwithstanding anything in this By-law, all accessory farm-based air landing strips and their related storage facilities shall be subject to Transport Canada requirements and/or recommended guidelines (where applicable) and it shall be the responsibility of the proponent to investigate the need for any required permits, approval or licenses as may be required from Transport Canada.

ii) Secondary Suite

Not more than one “secondary suite” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site as the principal dwelling to which it is accessory. The secondary dwelling unit may be a detached dwelling unit or be located within and/or forming part of either an existing or newly proposed permitted “farm dwelling” or conditionally approved “non-farm dwelling”. Notwithstanding the siting and setback requirements for “accessory uses” as provided for in **Table 3.2 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.2** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling on the site shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing refer to **PART 2** of this By-law.

TABLE 3.2: USE & SITE REQUIREMENTS: “AG” AGRICULTURE GENERAL ZONE	MINIMUM REQUIREMENTS (q)				
	SITE SIZE		REQUIRED YARDS		
	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, General	80	1,000	125	25	25
Livestock Operations with a capacity between 10 to 299 Animal units (AUs) (cumulative across species) (d) (e) (See also PARTS 4 and 6 herein)	80 (d)	1,000	125(i)	25 (i)	25 (i)
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, Specialized (c) (n)	2	200	125	25	25
Agro-Commercial/Industrial Manufacturing Establishments	2 (f)	200	125	25	25
Agricultural produce handling or processing	2	200	125	25	25
Agricultural sales or service	2 (f)	200	125 (g)	25 (g)	25 (g)
Auction Marts	2 (f)	200	125	25	25
Body Shops, Salvage Yards and Automobile Wrecking Operations (p)	2 (f)	200	125	25	25
Campgrounds (p)	2 (f)	200	125	25	25
Cemeteries	2 (f)	200	0	0	0
Community Halls (p)	2 (f)	200	125	25	25
Contracting Establishments (p)	2	200	125	25	25
Exhibition Grounds (p)	2	200	125	25	25
Golf Courses and Buildings (p)	40	1,000	125	25	25
Kennels and Fur Farms	2 (f)	200	125	25	25
Livestock Operations with a capacity of 300 animal units (AU’s) or more (cumulative across species) (d) (e) (See also PARTS 4 and 6 of this By-law)	80 (d)	1,000	125(i)	25 (i)	25 (i)
Manufacturing, Indoor provincially licensed cannabis cultivation, processing and packaging facilities and their related activities	2 (f)	200	125	25	25
Motor Vehicle or Agriculture Equipment Service	2 (f)	200	125	25	25
Museums or Historic Sites (p)	2 (f)	200	125	25	25
Natural Resource Extraction, Surface Mining and Gravel Pits	2	200	125	50	50
Non-Farm and Farm Dwellings (m)	2 (f)	200	125	25	25
Oil Field Battery Facilities (l)	2	200	125	25	25
Outdoor Recreation Facilities (p)	2	200	125	25	25
Place of Worship (p)	2 (f)	200	125	25	25
Public Works Compounds and Buildings	2 (f)	200	125	25	25
Riding Academies and Stables (m)	2	200	125	25	25
Sewage Lagoons	2	200	125	50	50

TABLE 3.2: USE & SITE REQUIREMENTS: “AG” AGRICULTURE GENERAL ZONE	MINIMUM REQUIREMENTS (q)				
	SITE SIZE		REQUIRED YARDS		
	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
Trucking Establishments	2 (f)	200	125	25	25
Veterinary Clinics	2 (f)	200	125	25	25
Waste Disposal Sites and Transfer Stations	2	200	125	50	50
Wildlife Management Areas	2	200	125	25	25
Wind Energy Generation Stations (WEGS) (j)	7	550	125(k)	125(k)	125(k)
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, buildings and structures (See also PARTS 2 and 4 of this by-law	-	-	125	25	25
NOTES: <div><div>1</div><div>For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law.</div></div> <div><div>2</div><div>Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.</div></div>					

Footnotes Forming Part of Table 3.2: “AG” Agriculture General Zone:

- (a)

Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from provincial authority having jurisdiction.
- (b)

Except for cemeteries where a site or rear site line is adjacent to a government road allowance or other municipal road, the minimum required yard shall be 125 feet.
- (c)

Apiaries or bee colonies shall be considered as a conditional use when proposed to be located within 1 mile of a designated residential area, seasonal recreation area and/or urban settlement center.
- (d)

Notwithstanding the minimum site area requirement specified in **TABLE 3.2 herein**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of the **Livestock, Manure & Mortalities Management Regulation 42/98**, as amended and the **Nutrient Management Regulation 62/2008**, as amended.
- (e)

New or expanding livestock operations are deemed to be a conditional use regardless of their location when the total number of animal units (AUs) being produced, inclusive of all animal species, is equal to or greater than three hundred (300) animal units (AUs) cumulative across species. All livestock operations located in the **“AG” Agriculture General Zone** producing 10 or more animal units (cumulative across species) shall also be subject to the requirements of **PART 4** of this by-law.

- (f) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (g) Anhydrous ammonia storage facilities shall be set back 350 feet from any public roadway, and shall be separated by a distance of 1,000 feet from any individual residence or building of human occupation except for the residence or building of human occupation of the operator or caretaker and shall be separated by a distance of 2,640 feet from any residential area and public buildings.
- (h) Where two municipal roads intersect the minimum required yard shall be 200 feet measured from the centre line of the intersection.
- (i) Notwithstanding the requirements of **Table 3.2 herein**, all animal housing facilities shall be setback a minimum of 50 metres (164 feet) from the property boundaries of the livestock operation and all feedlots and manure storage facilities shall be setback a minimum of 100 metres (328 feet) from the property boundaries of the livestock operation.
- (j) Additional Requirements for Siting Wind Energy Generation Stations:
In addition to satisfying the minimum requirements of **Table 3.2 of PART 3 herein**, the following additional requirements shall also apply to the development of wind energy generation stations (WEGS).
 - i. Each wind energy generation station (WEGS) facility shall be dedicated only to the location of the wind energy generation station tower and/or the associated accessory buildings and infrastructure. The wind turbine tower is the principal use of the (WEGS) site but the land within the (WEGS) site that is not used for the facility may be used for compatible agricultural activities provided all other provisions of this by-law are satisfied.
 - ii. No portion of a (WEGS) tower, including its blade assembly shall extend beyond the limits of the site on which it is located unless the affected property owner has provided written authorization to the WEGS developer and Development Officer.
 - iii. All accessory buildings and structures associated with and located on the same site as a Wind Energy Generation Station (WEGS) tower shall be set back a minimum of 125 feet from all property lines of the site on which the (WEGS) is located. Where the site is located within the controlled areas of the provincial highway system, the proponent shall be responsible for obtaining required permits from provincial authority having jurisdiction.
 - iv. A (WESG) project involving more than one site and/or parcel of land may be processed at the same time. However, separate conditional use applications and any resulting conditional use orders shall be issued for each separate site containing one or more wind energy generation station tower.
 - v. Proponents of a wind energy generation station (WEGS) development shall submit to the Development Officer a detailed site plan showing the location of all wind turbine towers, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system and setback information to adjacent development as part of the conditional use application.
 - vi. Proponents of a (WEGS) development are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro and all provincial authority having jurisdiction, prior to the issuance of a development permit and any required building permits.

- vii. When locating a proposed wind energy generation station tower in the vicinity of an airport all Transport Canada regulations regarding lighting, height and location of buildings and structures shall be satisfied.
 - viii. A development permit and building permit (if required) shall be obtained prior to the commencement of construction.
 - ix. All signage and/or lighting affixed to a commercial Wind Energy Generation Station (WEGS) towers shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway.
 - x. A private wind energy generation station (WEGS) located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of extension of its rotors.
 - xi. The total height of all (WEGS) towers shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.
- (k) Minimum Separation Distances Between Wind Energy Generation Stations and Adjacent Development:
In addition to satisfying the minimum requirements of **Table 3.2 of PART 3** herein, the following additional **mutual** separation distances set out below shall also apply to both land uses cited in each clause).
- i. All (WEGS) tower bases shall be separated a minimum distance of one thousand six hundred and forty feet from all dwellings and other habitable buildings (e.g. motel) located on all lands except as provided in clause ii (below).
 - ii. All (WEGS) tower bases shall be separated a minimum distance of one and one half (1.5) times the total height of the tower plus rotor from employee accommodation buildings built and owned by the WEGS company/operator which are located on leased or owned lands which are part of the wind farm development.
 - iii. All (WEGS) towers shall be separated a minimum of 1.5 times their total height from any other titled property including the boundary of a railway right-of-way, government road allowance or provincial road or provincial trunk highway. Where a (WEGS) is proposed within the controlled area of a provincial road or provincial trunk highway, they shall be subject to the approval of the provincial authority having jurisdiction.
 - iv. All (WEGS) tower bases shall be setback a minimum two hundred (200 feet) from the ordinary high water level of a lake or water course.
 - v. All WEGS) tower bases shall be setback a minimum of one half mile (2640 feet) from all zoned urban areas, rural residential areas and/or seasonal recreation areas.
- (l) Oil field battery facilities shall be considered a conditional use only when they are proposed to be located or expanded within one half mile of any dwelling or habitable structure, otherwise they shall be deemed a permitted use.
- (m) Animal housing facilities located on small rural land holdings such as a “riding academy and stable” or a single “farm dwelling” site or “non-farm dwelling” site shall be allowed as a permitted accessory use in all agricultural zones. In such circumstances, each site shall be allowed to accommodate a maximum of up to

nine (9) animal units (cumulative across species) as calculated from **Table 4-1 of PART 4** of this by-law and shall be subject to the following additional requirements:

- 1)
 - a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet (152.4 meters) from the limits of all **"RC" Rural Centre Zones, "RR" Rural Residential Zones** and **"RMH" Residential Mobile Home Zones** and the **Community of Wawanesa** and three hundred and twenty-eight (328) feet (100m) away from all residences other than the owner's residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads and seventy-five (75) feet from the side and rear limits of the property on which they are sited.
 - b) The maximum amount of livestock which may be kept within a small rural land holding such as a riding academy and stables or single farm or non-farm dwelling site shall not exceed 0.75 Animal Units (AU) per two (2) acres of site area, to a maximum of nine (9) Animal Units (cumulative across species).
 - 2) Notwithstanding subsection 1) b) (above), where a conditionally approved riding academy and stables proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a "livestock operation" as defined in **PART 6** of this by-law and shall be subject to the use and site requirements for a "livestock operation" as set out in **TABLE 3.2 of this PART** as well as the requirements of **PART 4** of this by-law.
- (n) Council may require the proponent to provide it with a physical site plan and/or a business plan as part of the conditional use application to assist in determining support for this type of land use.
 - (o) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
 - (p) Newly siting facilities of this type shall generally be directed to existing urban and/or rural centers but may be allowed in the **"AG" AGRICULTURE GENERAL ZONE** if Council is satisfied that no suitable site is available in an existing urban community.
 - (q) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.7 “AL” Agriculture Limited Zoning District - Purpose and Intent

The “AL” Agriculture Limited Zoning District is hereby established in this zoning by-law and is intended to:

- (a) Support and strengthen the agricultural industry in the municipality and to provide flexibility and opportunity for farm operators to engage in a variety and range of farming practices; and
- (b) Protect the agricultural industry and its land resources in recognition of the contribution of agriculture to the economy, lifestyle and character of the municipality.
- (c) Protect the environmental carrying capacity of the land base to sustain the range of uses associated with this zoning district.
- (d) Allow for a limited amount of non-agricultural uses, provided the primary use of the land is agriculture.
- (e) Provide for a wide range of agricultural activities, with the opportunity to review applications for new or expanding livestock operations (LOs) at a lower 50 animal unit threshold than in the “AG” Agriculture General Zone

3.7.1 “AL” Agriculture Limited Zone – Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Animal Housing Facilities located on conditionally approved small rural land holdings such as a “riding academy and stables” or a “non-farm dwelling” site shall be allowed as a permitted accessory use. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **PART 4, Table 4.1** of this by-law and shall not exceed one animal unit per acre of site area and shall be subject to the following additional requirements:
 - 1. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of all “**RC**” Rural Centre Zones, “**RR**” Rural Residential Zones and “**RMH**” Residential Mobile Home Zones and the **Community of Wawanesa** and three hundred and twenty-eight (328) feet away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads, and seventy-five (75) feet from the side and rear limits of limits of the property on which they are sited.
 - 2. Notwithstanding the nine (9) animal unit cap (cumulative across species) referred to in this section, where a conditionally approved riding academy and stables or non-farm dwelling site proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 6** of this by-law and shall be required to satisfy the use and bulk requirements for a “livestock operation” in the “**AL**” Agriculture Limited Zone as set out in **PART 4** this by-law as well as having to satisfy other provisions of **PART 5** of this by-law.

- ii) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.
- iii) Accessory Place of Worship
In the **"AL" zone**, an "accessory Place of Worship" which is located on the same site and in direct support of either a permitted or conditionally approved agricultural activity or livestock operation may be developed and shall be treated as a permitted accessory structure.
- iv) Accessory Shipping Containers
In the **"AL" Zone**, an "accessory shipping container" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).
- v) Accessory Signs as provided for in **PART 2** of this By-law.
- vi) Accessory Tent Like Structures
In the **"AL" Zone**, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site. All accessory tent-like structures greater than one-hundred and eight (108) square feet shall be subject to the issuance of a Development Permit.
- vii) Farm dwellings, Mobile and/or Modular Homes when located on the same parcel of land as the agricultural operation to which they are accessory.
- viii) Home based business activities shall be developed in accordance with the requirements of **PART 4** of this by-law.
- ix) Personal Telecommunications Tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as a permitted accessory structure. All such personal telecommunications tower structures shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

b) Conditional Accessory Uses Buildings and Structures

- i) Accessory Farm Based Air Landing Strips and Related Storage Facilities
In the **"AL" Zone**, all newly siting accessory farm-based air landing strips and their related storage facilities may be developed as a conditionally approved accessory use only when they are located on and forming part of a permitted or conditionally approved agricultural operation subject to the following additional requirements:
 - 1) The minimum parcel size required for a permitted or conditionally approved agricultural operation wanting to develop an accessory farm-based air land strip and its associated

storage facilities shall be 80 acres and the site shall have a minimum width of one-thousand (1,000) feet;

- 2) The accessory farm-based air landing strip and any related storage facilities shall be setback a minimum of 300 feet from all property lines of the site on which it is located;
- 3) No newly siting accessory farm-based air landing strip and any related storage facilities shall be developed within 1 mile of the limits of a **"RC" Rural Centre Zone** and all **"RR"** Rural Residential zone(s).
- 4) Existing farm-based air landing strips and their related storage facilities which do not comply with the minimum use and bulk and siting and setback requirements as set out in this section shall be deemed to be an approved accessory use as they existed on the date of the adoption of this by-law.
- 5) Notwithstanding anything in this By-law, all accessory farm-based air landing strips and their related storage facilities shall be subject to Transport Canada requirements and/or recommended guidelines (where applicable) and it shall be the responsibility of the proponent to investigate the need for any required permits, approval or licenses as may be required from Transport Canada.

ii) Secondary Suite

Not more than one "secondary suite" as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site as the principal dwelling to which it is accessory. The secondary dwelling unit may be a detached dwelling unit or be located within and/or forming part an existing or newly proposed permitted "farm dwelling" or conditionally approved "non-farm dwelling". Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **Table 3.3 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.3** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

c) Prohibited Accessory Uses Buildings and Structures

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.3: USE & SITE REQUIREMENTS: “AL” AGRICULTURE LIMITED ZONE	MINIMUM REQUIREMENTS (m) (o) (p)				
	SITE SIZE		REQUIRED YARDS		
	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, General	80	1,000	125	25	25
Livestock Operations with a capacity between 10 to 49 Animal units (AUs) (cumulative across species) (e) (See also PARTS 4 and 6 herein)	80 (d)	1,000	125(i)	25 (i)	25 (i)
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, Specialized (c) (l)	2	200	125	25	25
Agro-Commercial/Industrial Manufacturing Establishments	2 (f)	200	125	25	25
Agricultural produce handling or processing	2	200	125	25	25
Agricultural sales or service	2 (f)	200	125 (g)	25 (g)	25 (g)
Auction Marts	2 (f)	200	125	25	25
Body Shops, Salvage Yards and Automobile Wrecking Operations (n)	2 (f)	200	125	25	25
Campgrounds (n)	2 (f)	200	125	25	25
Cemeteries	2 (f)	200	0	0	0
Community Halls (n)	2 (f)	200	125	25	25
Contracting Establishments (n)	2	200	125	25	25
Exhibition Grounds (n)	2	200	125	25	25
Golf Courses and Buildings (n)	40	1,000	125	25	25
Kennels and Fur Farms	2 (f)	200	125	25	25
Livestock Operations with a capacity between 50 and 299 animal units (AU’s) (cumulative across species) (d) (e) (See also PARTS 4 and 6 of this By-law)	80 (d)	1,000	125(i)	25 (i)	25 (i)
Motor Vehicle or Agriculture Equipment Service	2 (f)	200	125	25	25
Museums or Historic Sites (n)	2 (f)	200	125	25	25
Natural Resource Extraction, Surface Mining and Gravel Pits	2	200	125	50	50
Non-Farm and Farm Dwellings (k)	2 (f)	200	125	25	25
Oil Field Battery Facilities (j)	2	200	125	25	25
Outdoor Recreation Facilities (n)	2	200	125	25	25
Place of Worship (n)	2 (f)	200	125	25	25
Public Works Compounds and Buildings	2 (f)	200	125	25	25
Riding Academies and Stables (k)	2	200	125	25	25
Sewage Lagoons	2	200	125	50	50
Trucking Establishments	2 (f)	200	125	25	25

TABLE 3.3: USE & SITE REQUIREMENTS: “AL” AGRICULTURE LIMITED ZONE	MINIMUM REQUIREMENTS (m) (o) (p)				
	SITE SIZE		REQUIRED YARDS		
	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
Veterinary Clinics	2 (f)	200	125	25	25
Waste Disposal Sites and Transfer Stations	2	200	125	50	50
Wildlife Management Areas	2	200	125	25	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, buildings and structures (See also PARTS 2 and 4 of this by-law)	-	-	125	25	25
NOTES: 1 For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law. 2 Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.3: “AL” Agriculture Limited Zone:

- (a) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from provincial authority having jurisdiction.
- (b) Except for cemeteries where a site or rear site line is adjacent to a government road allowance or other municipal road, the minimum required yard shall be 125 feet.
- (c) Apiaries or bee colonies shall be considered as a conditional use when proposed to be located within 1 mile of a designated residential area, seasonal recreation area and/or urban settlement center.
- (d) Notwithstanding the minimum site area requirement specified in **TABLE 3.3 herein**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of the Livestock, Manure & Mortalities Management Regulation 42/98, as amended and the Nutrient Management Regulation 62/2008, as amended.
- (e) New or expanding livestock operations are deemed to be a conditional use regardless of their location when the total number of animal units (AUs) being produced, inclusive of all animal species, is equal to or greater than three hundred (300) animal units (AUs) cumulative across species. All livestock operations located in the “**AL**” **Agriculture Limited Zone** producing 10 or more animal units (cumulative across species) shall also be subject to the requirements of **PART 4** of this by-law.
- (f) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (g) Anhydrous ammonia storage facilities shall be set back 350 feet from any public roadway, and shall be separated by a distance of 1,000 feet from any individual residence or building of human occupation except

for the residence or building of human occupation of the operator or caretaker and shall be separated by a distance of 2,640 feet from any residential area and public buildings.

- (h) Where two municipal roads intersect the minimum required yard shall be 200 feet measured from the centre line of the intersection.
- (i) Notwithstanding the requirements of **Table 3.3 herein**, all animal housing facilities shall be setback a minimum of 50 metres (164 feet) from the property boundaries of the livestock operation and all feedlots and manure storage facilities shall be setback a minimum of 100 metres (328 feet) from the property boundaries of the livestock operation.
- (j) Oil field battery facilities shall be considered a conditional use only when they are proposed to be located or expanded within one half mile of any dwelling or habitable structure, otherwise they shall be deemed a permitted use.
- (k) Animal housing facilities located on small rural land holdings such as a “riding academy and stable” or a single “farm dwelling” site or “non-farm dwelling” site shall be allowed as a permitted accessory use in all agricultural zones. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **Table 4-1 of PART 4** of this by-law and shall be subject to the following additional requirements:
 - 1)
 - a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet (152.4 meters) from the limits of all **“RC” Rural Centre Zones, “RR” Rural Residential Zones and “RMH” Residential Mobile Home Zones and the Community of Wawanesa** and three hundred and twenty-eight (328) feet (100m) away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads and seventy-five (75) feet from the side and rear limits of the property on which they are sited.
 - b) The maximum amount of livestock which may be kept within a small rural land holding such as a riding academy and stables or single farm or non-farm dwelling site shall not exceed 0.75 Animal Units (AU) per two (2) acres of site area, to a maximum of nine (9) Animal Units (cumulative across species).
 - 2) Notwithstanding subsection 1) b) (above), where a conditionally approved riding academy and stables proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 6** of this by-law and shall be subject to the use and site requirements for a “livestock operation” as set out in **TABLE 3.3 of this PART** as well as the requirements of **PART 4** of this by-law.
- (l) Council may require the proponent to provide it with a physical site plan and/or a business plan as part of the conditional use application to assist in determining support for this type of land use.
- (m) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (n) Newly siting facilities of this type shall generally be directed to existing urban and/or rural centers but may be allowed in the **“AL” Agriculture Limited Zone** if Council is satisfied that no suitable site is available in an existing urban community.

- (o) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (p) All mobile and modular homes must meet all structural standards as determined by *The Buildings and Mobile Home Act*, as amended.

3.8 “RC” Rural Centre Zoning District - Purpose and Intent

The “RC” Rural Centre Zoning District is hereby established in this by-law and is intended to provide for residential and related community development within the rural settlement centres of **Nesbitt** and **Carroll**. The keeping of any livestock is **prohibited** in this zoning district.

The “RC” Rural Centre Zone provides as permitted uses, those uses generally found in small communities that are compatible with residential uses as well as schools, recreation facilities and limited commercial and light industrial uses. Conditional uses in this zone represent uses that may be characterized by larger building scale, may generate increased traffic, have operating processes and/or storage needs, which require site specific assessment to ensure the right locational fit within the community.

3.8.1 “RC” Rural Centre Zone – Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.
- ii) Accessory Signs as provided for in PART 2 of this By-law.
- iii) Accessory Tent Like Structures
In the “RC” Zone, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a single dwelling, modular, mobile home or two unit dwelling and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory tent-like structures between one hundred and eight (108) square feet and two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.
- iv) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **PART 3, TABLE 3.4 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- v) Home Based Business Activities
Shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) Conditional Accessory Uses Buildings and Structures

- i) Secondary Suite
Not more than one “secondary suite” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed permitted “single-dwelling”. Notwithstanding the siting and setback requirements for “accessory uses” as provided for in **TABLE 3.4 of this PART**, all secondary

suites shall satisfy all of the siting and setback requirements of **PART 3, TABLE 3.4** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

- ii) Pole Type Structures / Buildings as defined in **PART 6** of this by-law may be allowed as a conditionally approved accessory structure / building only when it is located on the same site as the principal building or use of land to which it is accessory.

c) Prohibited Accessory Uses Buildings and Structures

- i) Accessory Shipping Containers
An “accessory shipping container” as defined in **PART 6** of this By-law are prohibited within the “**RC**” Rural Centre Zone.
- ii) The Keeping of Livestock
The keeping of any livestock and/or the construction of buildings or other structures or enclosures for the purposes of any keeping livestock is prohibited within the “**RC**” Rural Centre Zone.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.4: USE & SITE REQUIREMENTS: “RC” RURAL CENTRE ZONE	MINIMUM REQUIREMENTS (a) (b) (n) (o) (l)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (sq./ft.)	SITE WIDTH (feet)	FRONT YARD (feet) (c)	SIDE YARD (feet)	REAR YARD (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (k)	15 (k)	15 (k)
Bakeries	5,000	50	25	5	25
Clubs, Private or Public	15,000	100	25	15	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums and theatres.	15,000	100	25	15	25
Dwellings, single-unit	5,000	50	25	6	25
Dwellings, mobile home	5,000	50	25	6 (d)	25
Dwellings, modular home	5,000	50	25	6	25
Dwellings, two-unit	7,500	75	25	15	25
Dwellings, multiple-unit	(e)	100	25	15	25
Emergency Services, including police and fire stations	15,000	100	25	15	25
Establishments for the provision of personal services, such as offices, financial institutions, clinics, salons, day care facilities and funeral homes.	15,000	100	25	15	25
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building.	15,000	50	25	15	25
Exhibition Grounds	20,000	100	25	15	25
Food or Beverage Service Establishments	5,000	50	25	5	25
Institutional uses such as hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	15,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Place of Worship	15,000	100	25	15	25
Public Utilities (m)	5,000	50	25(f)	5 (f)	25(f)
Recreation Facilities	15,000	100	25	15	25
Residential care facilities, providing service to up to a maximum of (4) persons	10,000	100	25	15	25
Storage Buildings and Warehouses for non-hazardous materials	15,000	100	25	15	25
CONDITIONAL USES					
Accommodation Facilities such as Hotels and Motels	15,000	100	25	15	25
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (k)	15 (k)	15 (k)
Campgrounds	20,000	100	25	15	25
Earth Moving Contractors and Concrete Suppliers	15,000	100	25	15	25
Establishments for the commercial storage, handling or processing of agricultural produce	15,000	100	25	15(g)	25(g)

TABLE 3.4: USE & SITE REQUIREMENTS: “RC” RURAL CENTRE ZONE	MINIMUM REQUIREMENTS (a) (b) (n) (o) (l)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (sq./ft.)	SITE WIDTH (feet)	FRONT YARD (feet) (c)	SIDE YARD (feet)	REAR YARD (feet)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including bulk fuel establishments	15,000	100	25	15(g)	25(g)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	25	15	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25	15	25
Outside storage facilities and compounds for non-hazardous materials	15,000	100	25	15	25
Public Parking Areas	5,000	50	5	3	5
Public Works Compounds and Buildings	15,000	100	25	15	25
Residential care facilities, providing service to (5) persons or more	15,000	100	25	15	25
Trucking Establishments	15,000	100	25	15	25
Veterinary Clinics	15,000	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, buildings, structures (l)(m) (See also PARTS 2 and 4 of this by-law for additional information)	-	-	(h)	5(g)(i)	5 (g)(i)(j)
NOTES: 1 For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law. 2 Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.4: “RC” Rural Centre Zone:

- (a) In addition to the minimum requirements for **TABLE 3.4**, the following requirements shall apply:

(i) Maximum allowable height for all buildings and structures shall be 30 feet, excepting grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunication towers.
(ii) Minimum dwelling unit area shall be 1,000 square feet for a residential building, and 400 square feet for an accessory residential suite within a commercial building.
- (b) (1) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial department having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres
(ii) Minimum required site width shall be two hundred (200) feet
(iii) Minimum required side yard shall be thirty (30) feet.

- (2) Regardless of the whether the site is serviced by a piped municipal sewer system, holding tank or individual onsite sewage disposal system (e.g. tile field), the minimum required side yard shall be twelve (12) feet in the case of the street side of a corner site.
- (3) Where a two (2) unit dwelling or a multi-unit dwelling serviced by a municipal sewer system or private holding tank is to be subdivided in a manner to create separate zoning sites for each dwelling unit, the minimum required side yard for interior side yards sharing a common party wall shall be reduced to zero (0) feet. For two-unit dwellings sharing a common party wall, the minimum site area required for each dwelling unit shall be reduced to 5,000 square feet and the minimum required site width shall be reduced to 50 feet.
- (c) The minimum front yard requirement for a site where there are existing buildings on either side of the site shall be the average of the front yards of the adjacent buildings provided the average is not greater than the minimum site requirements.
- (d) For mobile home sites, there shall be an open space at least 20 feet by 50 feet adjacent to the side of the mobile home containing either the entrance or the main living room window.
- (e) Where the site **IS** serviced by a municipal piped wastewater system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements for sites with three (3) or more dwelling units or suites shall be as follows:
 - (i) Minimum required site area - 10,000 square feet for the first three dwelling units or suites with an additional 1,000 square feet for each additional dwelling unit or suite above the first three units/suites.
 - (ii) Minimum required site width - 100 feet
 - (iii) Minimum required side yard - 6 feet excepting the street side of a corner site which shall be (12 feet).
- (f) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved by Council, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (g) Where the side or rear site line of a site is adjacent to a railway right-of-way, the required yard shall be 0 feet for structures which require railway loading service.
- (h) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (i) In the case of buildings or structures which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be 3 feet.
- (j) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of 10 feet from a public lane.
- (k) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (l) The keeping of any livestock and/or the construction of buildings or other structures or enclosures for the purposes of any keeping livestock **shall not** be allowed within the **"RC" Rural Centre Zone**.

- (m) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (n) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (o) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.9 “RR2” Rural Residential Zoning District – Purpose and Intent

The “RR2” - Rural Residential Zoning District is hereby established in this by-law and provides areas for clusters of planned multi-lot rural residential development on parcels that are a minimum of 2 acres in size with 200 feet of frontage. Rural residential development will be located and designed to preserve the rural and agrarian character of the area while not being wasteful of Prime and viable lower class agricultural lands. Lots will generally rely on individual onsite water and wastewater infrastructure. The keeping of any livestock is prohibited in this zoning district.

3.9.1 “RR2” Rural Residential Zoning District Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **PART 3, Table 3.5** herein, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- iv) Home based business activities shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) Conditional Accessory Uses Buildings and Structures

- i) Accessory Tent Like Structures
In the “RR2” Rural Residential Zone, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be allowed a conditionally approved accessory building only when it is located on the same site as a single dwelling, modular, mobile home and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory tent-like structures between one hundred and eight (108) square feet (10 sq./m) and two hundred and fifty (250) square feet (23.2sq./m) shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet (23.2sq./m) shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.
- ii) Secondary Suite
Not more than one “secondary suite” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site as the principal single-unit dwelling or modular home to which it is accessory. The secondary dwelling unit may be a detached dwelling unit or be located within and/or forming part an existing or newly proposed permitted “single-unit dwelling” or conditionally approved “modular home”. Notwithstanding the siting and

setback requirements for “accessory uses” as provided for in **Table 3.5 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.5** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

iii)

c) Prohibited Accessory Uses Buildings and Structures

i) Accessory Shipping Containers

Accessory shipping containers are prohibited in the “RR2” – Rural Residential Zone.

ii) The Keeping of Livestock

The keeping of any livestock and/or the construction of buildings or other structures or enclosures for the purposes of any keeping livestock is prohibited within the “RR2” Rural Residential Zone.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.5: USE & SITE REQUIREMENTS: “RR2” RURAL RESIDENTIAL ZONE	MINIMUM REQUIREMENTS (a) (c) (e) (f) (h)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (sq./ft.)	SITE WIDTH (feet)	FRONT YARD (feet) (b)	SIDE YARD (feet) (b)	REAR YARD (feet) (b)
PERMITTED USES					
General Store and Related Sales and/or Post Office	2	200	125	30	30
Historical Sites	1	100	125	30	30
Public Picnic Areas, Parks, Playgrounds, Tot-lots, Recreational Facilities (such as tennis courts, horseshoe pitches, lawn bowling courts, swimming pools and the like)	1	100	125	30	30
Public Utilities (d)	7,500 sq./ft.	60	75	15	30
Single-Unit Dwellings	2	200	125	30	30
CONDITIONAL USES					
Mobile and Modular Homes	2	200	125	30	30
ACCESSORY USES, BUILDINGS AND STRUCTURES USES					
Accessory Uses, Buildings, Structures (g) (See also PARTS 2 and 4 of this by-law for additional information).	-	-	(g)	30	30
NOTES: <div><div>¹ For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law.</div><div>² Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.</div></div>					

Footnotes forming Part of Table 3.5: “RR2” Rural Residential Zone:

- (a)

(i)

The maximum allowable height for all buildings and structures shall be 30 feet, excepting personal telecommunications towers which shall be allowed as permitted accessory structures when located on the same site as a single unit dwelling, mobile or modular home site.

(ii)

The minimum dwelling unit floor area for a single-unit dwelling, mobile home or modular home shall be one-thousand (1,000) square feet (92.9sq./m).
- (b)

(i)

Where principal buildings and/or structures are adjacent to a Government Road Allowance under the jurisdiction of the municipality, the minimum front and side yard setbacks shall be one hundred and twenty-five (125) feet (38.1m).

(ii)

Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (c)

The keeping of any livestock or the construction of animal housing facilities in the “RR2” zone is prohibited.

- (d) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (e) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (f) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (g) Where the rear site line of a single dwelling, mobile or modular home site is along a shoreline of a lake or other water body, the minimum rear yard shall be zero (0) for accessory docks and/or boathouses only.
- (h) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.10 “RR5” Rural Estate Residential Zoning District – Purpose and Intent

The “RR5” - Rural Estate Residential Zoning District is hereby established in this by-law and provides for clusters of planned multi-lot rural estate residential development on medium sized rural acreages that are a minimum of 5 acres in size with 300 feet of frontage. These lots will generally rely on individual onsite water and wastewater infrastructure. The keeping of a maximum of 1.33 AU of livestock per 2 acres of site area to a maximum of (3.5) animal units cumulative across species on residential parcels may be allowed as a **conditional use** in this zone.

3.10.1 “RR5” Rural Estate Residential Zoning District Accessory Uses, Buildings and Structures

- a) **Permitted Accessory Uses, Buildings and Structures**
- i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.
 - ii) Accessory Signs as provided for in **PART 2** of this By-law.
 - iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.6 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines and railway right-of-ways a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
 - iv) Home based business activities shall be developed in accordance with the requirements of **PART 4** of this by-law.
- b) **Conditional Accessory Uses, Buildings and Structures**
- i) Accessory Tent Like Structures
In the “RR5” Rural Estate Residential Zone, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be allowed a conditionally approved accessory building only when it is located on the same site as a single dwelling, modular, mobile home and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory tent-like structures between one hundred and eight (108) square feet (10 sq./m) and two hundred and fifty (250) square feet (23.2sq./m) shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet (23.2sq./m) shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.
 - ii) Accessory Animal Housing Facility
Where an accessory animal housing facility is proposed on a site with a single-unit dwelling, mobile or modular home as its principal use, the animal housing facility may be allowed as a conditionally approved accessory use in the “RR5” Rural Estate Residential Zone. In such circumstances, the maximum amount of livestock which may be kept on a rural residential site shall not exceed 1.33 Animal Units (AU) per two (2) acres of site area

as calculated from **Table 4-1 of PART 4** of this by-law, to a maximum of three and a half (3.5) Animal Units (cumulative across species) and shall be subject to the following additional requirements:

- a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of two hundred (200) feet (61m) away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite. In addition, any manure stored onsite shall be setback a minimum of thirty (30) feet (9.15m) from the side and rear limits of the property on which they are sited and shall also be stored to the rear of the dwelling on the site.

iii) Secondary Suite

Not more than one “secondary suite” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site as the principal single-unit dwelling or modular home to which it is accessory. The secondary dwelling unit may be a detached dwelling unit or be located within and/or forming part an existing or newly proposed permitted “single-unit dwelling” or conditionally approved “modular home”. Notwithstanding the siting and setback requirements for “accessory uses” as provided for in **Table 3.6 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.6** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.6: USE & SITE REQUIREMENTS: “RR5” RURAL ESTATE RESIDENTIAL ZONE	MINIMUM REQUIREMENTS (a) (d) (f) (i)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (Acres)	SITE WIDTH (feet)	FRONT YARD (feet) (b)	SIDE YARD (feet) (b)	REAR YARD (feet) (b)
PERMITTED USES					
General Store and Related Sales and/or Post Office	2	200	125	30	30
Historical Sites	1	100	125	30	30
Public Picnic Areas, Parks, Playgrounds, Tot-lots, Recreational Facilities (such as tennis courts, horseshoe pitches, lawn bowling courts, swimming pools and the like)	1	100	125	30	30
Public Utilities (c)	7,500 sq./ft.	60	75	15	30
Single-Unit Dwelling (g) (h)	5	300	125	30	30
CONDITIONAL USES					
Mobile and Modular Homes (g) (h)	5	300	125	30	30
ACCESSORY USES, BUILDINGS AND STRUCTURES					
Accessory Uses, Buildings, Structures (f) (See also PARTS 2 and 4 of this by-law for additional information).	-	-	(e)	30	30
NOTES: <div><div>¹ For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law.</div><div>² Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.</div></div>					

Footnotes Forming Part of Table 3.6: “RR5” Rural Estate Residential Zone:

- (a)

(i)

The maximum allowable height for all buildings and structures shall be 30 feet, excepting personal telecommunications towers which shall be allowed as permitted accessory structures when located on single-unit dwelling, mobile or modular home site.

(ii)

The minimum dwelling unit floor area for a single-dwelling, mobile home and modular home shall be one-thousand (1,000) square feet (92.9sq./m).
- (b)

(i)

Where principal buildings and/or structures are adjacent to a Government Road Allowance under the jurisdiction of the municipality, the minimum front and side yard setbacks shall be one hundred and twenty-five (125) feet (38.1m).

(ii)

Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (c)

Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

- (d) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (e) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (f) Where the rear site line of a single dwelling, mobile or modular home site is along a shoreline of a lake or other water body, the minimum rear yard shall be zero (0) for accessory docks and/or boathouses only.
- (g) Where an area is developed or expanded for residential purposes (i.e. single-unit dwelling, modular or mobile homes), no parcel shall be created or thereafter further re-subdivided for residential purposes unless each parcel intended for residential development conforms to the minimum site area and width requirements as set forth in **Table 3.6 of this PART**.
- (h) Where an animal housing facility is proposed on a site with a single-unit dwelling, mobile or modular home as its principal use, the animal housing facility may be allowed as a conditionally approved accessory use in the **“RR5” Rural Estate Residential Zone**. In such circumstances, the maximum amount of livestock which may be kept on a rural residential site shall not exceed 1.33 Animal Units (AU) per two (2) acres of site area as calculated from **Table 6-1 of PART 6** of this by-law, to a maximum of three and a half (3.5) Animal Units (cumulative across species) and shall be subject to the following additional requirements:
 - 1) a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of two hundred (200) feet (61m) away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite. In addition, any manure stored onsite shall be setback a minimum of thirty (30) feet (9.15m) from the side and rear limits of the property on which they are sited and shall also stored to the rear of the dwelling on the site.
- (i) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.11 “RMH” - Residential Mobile Home Zone – Purpose and Intent

The “RMH” Residential Mobile Home Zoning District is hereby established in this by-law and is intended to provide areas in Oakland-Wawanesa outside urban and rural centres where mobile home parks may be developed. The keeping of any livestock in the “RMH” zone is prohibited.

3.11.1 “RMH” Residential Mobile Home Zone Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages and parking areas, garden sheds, gazebos, private swimming pools and other similar features.
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.7 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- iv) Home Based Businesses
Shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) Conditional Accessory Uses, Buildings and Structures

c) Prohibited Accessory Uses Buildings and Structures

- i) Accessory Shipping Containers
Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the “RMH” Residential Mobile Home Zone.
- ii) Accessory Tent Like Structures
In the “RMH” Zone, an “accessory tent-like structure” as defined in **PART 6** of this by-law is prohibited.
- iii) Pole Type Structures / Buildings
As defined in **PART 6** of this by-law are prohibited in the “RMH” – Residential Mobile Home Zone.
- iv) Secondary Suites as defined in **PART 6** of this By-law are prohibited in the “RMH” – Residential Mobile Home Zone.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.7: USE & SITE REQUIREMENTS: “RMH” RESIDENTIAL MOBILE HOME ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (f) (j) (k)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (sq./ft.)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)
PERMITTED USES					
Mobile Home Park (l)	2 Acres	200	50	25	25
- Mobile Home Space in a Mobile Home Park (e)	4,000	40	15	4 (d)	15
CONDITIONAL USES					
Community Centers and Clubs	20,000	100	25	12	20
Emergency Services Including Fire, Police and Ambulance Stations	10,000	100	25	15	25
Group Daycare Facilities	7,200	65	25	10	25
Parks, Playgrounds, Tot Lots and Buffer Strips	3,000	20	10	10	10
Public Utility Buildings and Systems (i)	5,000	50	15	6	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (g) (See also PARTS 2 and 4 of this By-law).	-	-	(h)	3	2 (i)
NOTES: <div><div>¹ For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law.</div><div>² Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.</div></div>					

Footnotes Forming Part of Table 3.7: “RMH” Residential Mobile Home Zone:

In addition to the minimum requirements for **TABLE 3.7** (above), the following requirements shall apply:

- (a)

(i)

Not more than one (1) principal building or principal use and its accessory buildings or structures shall be permitted on one (1) site, with the exception of mobile homes in a mobile home park.

(ii)

The maximum allowable height for all principal buildings and structures shall be 20 feet except for architectural components of permitted or conditionally approved residential use.

(iii)

The maximum allowable height for all accessory buildings and structures shall be 15 feet.
- (b)

Where a proposed mobile home park is **NOT** serviced by a piped municipal sewer system or private holding tanks approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be as follows:

(i)

Minimum required site area shall be five (5) acres;

(ii)

Minimum required site width shall be two hundred (300) feet;

(iii)

Minimum required side yard shall be twenty-five (25) feet.
- (c)

(i)

In the case of a corner mobile home space, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (d)

(i)

Where an interior mobile home space used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters

in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.

- (ii) One side of a mobile home space or mobile home site shall contain a minimum open area of ten (10) feet by forty (40) feet for the purposes of providing for outdoor amenity and recreation.
- (e) (i) The minimum floor area for dwellings in this zone is six-hundred (600) sq./ft. (55.7 sq./m).
- (f) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (g) (i) Where an accessory building is used for storage of a motor vehicle on a mobile home space, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from an interior road.
- (ii) Where any accessory building is located to the rear of the principal building the minimum interior side yard is two (2) feet
- (h) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (i) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (j) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (k) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (l) **MOBILE AND/OR MODULAR HOME PARK REQUIREMENTS:**
A mobile home park may only be developed with council’s approval after consideration of a development application subject to the following requirements:
 1. A mobile home park shall only be developed in the “**RMH**” Residential Mobile Home Zone.
 2. A new mobile home park shall contain a minimum of three (3) mobile home spaces.
 3. A mobile home park shall have a minimum width of two hundred (200) feet.
 4. A landscaped buffer area, a minimum of twenty (20) feet in width shall be maintained free and clear of all buildings and structures around the entire perimeter of a mobile home park – accesses to the mobile home park may cross this buffer.
 5. Internal road right-of-ways in a mobile/modular home park shall be a minimum of fifty (50) feet in width with the improved portion of the roadway being a minimum of twenty-five (25) feet in width.

6. Only one mobile home shall be located on a single mobile home space in a mobile home park.
7. No mobile home shall be located within twelve (12) feet of a storage compound or twenty (20) feet of a service building.
8. Each mobile home space in a mobile home park shall be provided with a potable water supply and a provincially approved wastewater system, an electrical service connection capable of meeting the domestic needs of the mobile home and an adequate base to support the mobile home.
9. Each application for development of a mobile home park shall be accompanied by a site plan showing, to scale, roads, mobile home spaces, mobile home pads, service and communal buildings and structures.
10. Each mobile home space shall be a minimum of 40 feet wide and have a minimum depth of 100 feet. Each mobile home shall be sited on a mobile home space such that a minimum 10 ft. side yard exists on one side of the mobile home for vehicle parking and open space purposes.
11. Notwithstanding anything herein, no detached accessory building or structure shall be located nearer a mobile home, including a mobile home on an adjoining space, than a distance of six (6) feet clear of all projections. Detached accessory buildings or structures shall be located only in the rear yard.
12. All mobile and modular homes must meet all requirements as set forth in *The Buildings and Mobile Home Act*, as amended.

3.12 “RG” Residential General Zoning District – Purpose and Intent

The “RG” Residential General Zoning District is hereby established in this by-law and is intended to provide areas in the community of Wawanesa to accommodate fully serviced (i.e. municipal piped water and wastewater) single-unit, two-unit and multi-unit dwellings, mobile and modular homes and related development. This zone provides for a variety of housing types and affordability levels to accommodate a range of income levels, the ability to age in place and serve diverse market demands. The keeping of any livestock in the “RG” zone is prohibited.

3.12.1 “RG” Residential General Zoning District Accessory Uses, Buildings and Structures

- a) **Permitted Accessory Uses, Buildings and Structures**
- i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.
 - ii) Accessory Signs as provided for in **PART 2** of this By-law.
 - iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.8 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
 - iv) Home Based Businesses
Shall be developed in accordance with the requirements of **PART 4** of this by-law.
- b) **Conditional Accessory Uses, Buildings and Structures**
- i) Secondary Suite
Not more than one “secondary suite” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed permitted “single-unit dwelling” or “modular home”. Notwithstanding the siting and setback requirements for “accessory uses” as provided for in **Table 3.8 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.8** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

- ii) Pole type structures / buildings
As defined in **PART 6** of this by-law are a Conditional Use in the “**RG – Residential General Zone**.”

- c) **Prohibited Accessory Uses Buildings and Structures**
 - i) Accessory Shipping Containers
Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the “**RG” Residential General Zone**.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.8: USE & SITE REQUIREMENTS: “RG” RESIDENTIAL GENERAL ZONE	MINIMUM REQUIREMENTS (a) (b) (h) (l) (m)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (Acres)	SITE WIDTH (feet)	FRONT YARD (feet) (b)	SIDE YARD (feet) (b)	REAR YARD (feet) (b)
PERMITTED USES					
Child Care Services	15,000	75	25	8 (c)	25
Dwellings (e):					
- Single-Unit Dwellings	5,000	50	25	6(c)(d)	25
- Two-Unit Dwellings	8, 000 (f)	80	25	8 (c) (d)	25
- Multi-Unit Dwellings	10,000 (g)	100	15	15	25
Parks and Playgrounds	5,000	50	15	8 (c)	25
Place of Worship, including Churches, Temples, Church Halls and Church Educational Facilities	15,000	100	25	8 (c)	25
Public Utilities	5,000	50	15	8 (c)	25
Schools	1 acre	200	25	15	25
CONDITIONAL USES					
Boarding, Rooming and Lodging Houses	15,000	100	25	8 (c)	25
Community Centers and Clubs	15,000	100	25	8 (c)	25
Dwellings:					
- Mobile and Modular Homes	6,000	50	25	6 (c) (d)	25
Emergency Services Including Fire, Police and Ambulance Stations	15,000	100	25	8 (c)	25
Libraries and Museums	15,000	100	25	8 (c)	25
Residential Care Facilities	15,000	100	25	8 (c)	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (i) (See also PARTS 2 and 4 of this By-law).	-	-	(j)	3	2 (i)
NOTES:					
¹ For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law.					
² Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.8: “RG” Residential General Zone:

In addition to the minimum requirements for **TABLE 3.8** (above), the following requirements shall apply:

- (a) (i) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and private tele-communication towers which are accessory to a residential use.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres;

(ii) Minimum required site width shall be two hundred (200) feet;

- (iii) Minimum required side yard shall be thirty (30) feet.
- (c) (i) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (d) (i) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.
- (e) (i) The minimum dwelling unit floor area for a single-unit dwelling shall be one-thousand (1,000) sq./ft. (92.9sq./m) with an additional four hundred (400) sq./ft. (37.16 sq./m) for the second and each additional dwelling unit therein.
- (f) (i) For the purpose of interpreting the requirements of **Table 3.8** herein, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling having common party walls shall be considered as being one (1) building occupying one (1) site.
- (f) (ii) Notwithstanding clause (i) of this footnote (above), in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of 4,000 sq./ft. in area and has a minimum site width of fifty (50) feet. In such circumstances, the side yard required along the shared common party wall shall be reduced zero (0) feet and all other provisions of **Table 3.8 of this PART** shall also apply.
- (g) The minimum site area required for multi-unit dwellings shall be 10,000 sq./ft. for the first three (3) units and shall increase by a minimum of 1,000 sq./ft. for each additional dwelling unit thereafter.
- (h) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (i) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.
- (j) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (k) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (l) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (m) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.13 “CC” Commercial Central Zoning District – Purpose and Intent

The “CC” – Commercial Central Zoning District is hereby established in this by-law and is intended to provide areas in the community of Wawanesa for street-level commercial retail and other compatible uses such as, office, personal service, dining and entrainment, large scale indoor recreation facilities in the centralized part of Wawanesa. This zoning district also supports the rehabilitation and re-use of existing buildings, along with the preservation of heritage resources and significant structures. The keeping of any livestock in the “CC” zone is prohibited.

3.13.1 “CC” Commercial Central Zoning District Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Dwelling Unit
In the “CC” Commercial Central Zoning District, one or more accessory dwelling units developed within the principal building shall be allowed as a permitted accessory use but in all cases said accessory dwelling units must be located above or behind the principal commercial enterprise occurring in the principal building and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable).
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.9 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- iv) Home Based Business Activities shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) Conditional Accessory Uses, Buildings and Structures

- i) Accessory Shipping Containers
In the “CC” Zone, an “accessory shipping container” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).
- ii) Accessory Tent Like Structures
In the “CC” Zone, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding

two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

c) Prohibited Accessory Uses Buildings and Structures

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.9: USE & SITE REQUIREMENTS: “CC” COMMERCIAL CENTRAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (h) (l) (m)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Automobile, Boat and Trailer Sales and Service	15,000	100	15	15	25
Automobile Service Stations	15,000	100	15	15	25
Banquet Halls	5,000	50	5	5 (d)	25
Business and Personal Services Establishments	5,000	50	5	5 (d)	25
Bus Stations	5,000	50	5	5 (d)	25
Child Care Services	15,000	75	25	8 (d)	25
Community Centers and Clubs	20,000	100	25	10 (d)	25
Contractor’s Establishments (with indoor storage only)	5,000	50	25	10 (d)	25
Fire and Police Stations	5,000	50	5	5 (d)	25
Government Offices	5,000	50	5	5 (d)	25
Grocery Stores	5,000	50	5	5 (d)	25
Hospitals	1 acre	200	25	10 (d)	25
Hotels or Motels	30,000	150	25	10 (d)	25
Laundries, Dry Cleaning Establishments	15,000	100	25	15	25
Libraries and Museums	15,000	100	25	10 (d)	25
Lumber Yards (with indoor storage only)	10,000	100	25	15	10
Moving, Storage and Warehousing	5,000	50	5	5 (d)	25
Parks and Playgrounds	5,000	50	15	8 (d)	25
Place of Worship, including Churches, Temples, Church Halls and Church Educational Facilities	20,000	100	25	10 (d)	25
Private Clubs and Lodges	5,000	50	5	5 (d)	25
Public Utilities (k)	5,000	50	15	8 (d)	25
Recreation Facilities (bowling alleys, cinemas, etc)	5,000	50	5	5 (d)	25
Retail Services	5,000	50	5	5 (d)	25
Restaurants and Drive-In Eating Establishments	5,000	50	5	5 (d)	25
Wholesale Office Sales and Storage	5,000	50	5	5 (d)	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Boarding, Rooming and Lodging Houses	15,000	100	25	10 (d)	25
Bulk Fuel and Oil Sales and Storage	10,000	100	25	15	25
Cannabis Retail Establishment (n)	5,000	50	5	5 (d)	25
Carpentry and Woodworking Shops	5,000	50	5	5 (d)	25
Contractor’s Establishments (with indoor and outdoor storage)	7,000	70	25	15	25
Dwellings: (f)					
- Single-Unit Dwellings and Modular Homes	5,000	50	25	6 (d) (e)	25
- Two-Unit Dwellings	8, 000 (g)	80	25	8 (d) (e)	25
Lumber Yards (with outdoor storage)	15,000	100	25	10 (d)	25
Machine Shops	7,000	70	25	15	25

TABLE 3.9: USE & SITE REQUIREMENTS: “CC” COMMERCIAL CENTRAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (h) (l) (m)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Manufacturing, General	7,500	75	25	15	25
Parking Lots (public or private) (m)	4,000	40	5	5 (d)	10
Residential Care Facilities	15,000 (b)	100	25	10 (d)	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000 (b)	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law).	-	-	(j) (k)	3	2 (i)
NOTES: ¹ For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law. ² Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.9: “CC” Commercial Central Zone:

In addition to the minimum requirements for TABLE 3.9 (above), the following requirements shall apply:

- (a) (i) The maximum allowable height for all buildings and structures shall be 45 feet (three stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres;
(ii) Minimum required site width shall be two hundred (200) feet;
(iii) Minimum required side yard shall be thirty (30) feet.
- (c) In the “CC” Zone, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (d) (i) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (e) (i) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.

- (f) (i) The minimum dwelling unit floor area for a single-unit dwelling shall be one-thousand (1,000) sq./ft. (92.9sq./m) with an additional four hundred (400) sq./ft. (37.16 sq./m) for the second and each additional dwelling unit therein.
- (g) (i) For the purpose of interpreting the requirements of **Table 3.9** herein, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling having common party walls shall be considered as being one (1) building occupying one (1) site.
- (ii) Notwithstanding clause (i) of this footnote (above), in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of 4,000 sq./ft. in area and has a minimum site width of fifty (50) feet. In such circumstances, the side yard required along the shared party wall shall be reduced zero (0) feet and all other provisions of **Table 3.9 of this PART** shall also apply.
- (h) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (i) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.
- (j) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (k) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (l) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (m) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (n) All newly siting cannabis retail establishments shall be setback a minimum of 100 feet (30.5 metres) from the limits of lands zoned “**RG**” **Residential General Zone**.

3.14 “MG” Industrial General Zoning District – Purpose and Intent

Is hereby established in this by-law and is intended to provide areas in the community of Wawanesa for a variety of light manufacturing, processing, storage and transportation industries. The keeping of any livestock in the **“MG” zone** is prohibited.

3.14.1 “MG” Industrial General Zoning District Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Shipping Containers
In the **“MG” Industrial General Zone**, an “accessory shipping container” as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the permitted or conditionally approved industrial use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Accessory Tent Like Structures
In the **“MG” Industrial General Zone**, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.
- iv) Accessory Dwelling Unit
In the **“MG” Industrial General Zone**, one (1) attached or detached accessory dwelling unit and its associated accessory buildings may be developed as a permitted accessory use on the same parcel as the principal commercial use of the property which it serves. The accessory dwelling unit must in all cases satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for the accessory dwelling unit shall be one-thousand (1,000) sq./ft. (92.9sq./m).
- v) Accessory Telecommunications Towers
In the **“MG” Industrial General Zone**, an accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.9 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- vi) Home Based Business Activities in the **“MG” Industrial General Zone** shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) Conditional Accessory Uses, Buildings and Structures

c) Prohibited Accessory Uses Buildings and Structures

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.10: USE & SITE REQUIREMENTS: “MG” - INDUSTRIAL GENERAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (d) (f) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Automobile, Boat and Trailer Sales and Service	40,000	150	25	15	25
Automobile Service Stations	40,000	150	25	15	25
Bulk Fuel and Oil Sales and Storage	15,000	100	25	15	25
Carpentry and Woodworking Shops	7,000	70	25	15	25
Concrete Products Manufacturing Establishments	7,000	70	25	15	25
Contractor’s Establishments					
- With outdoor storage	10,000	100	25	15	25
- With indoor storage only	7,000	70	25	15	25
Farm Implement Sales and Service	40,000	150	25	15	25
Fire and Police Stations	7,000	70	25	15	25
Machine Shop	7,000	70	25	15	25
Manufacturing, General	7,000	70	25	15	25
Moving, Storage and Warehousing	7,000	70	25	15	25
Public Utilities (g)	5,000	50	25	15	25
Recreation Facilities (Bowling Alleys, Cinemas, etc	7,000	70	25	15	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000	100	25	15	25
Truck Terminals	40,000	150	25	15	25
Wholesale Office Sales and Storage	7,000	70	25	15	25
Wood Processing Establishments	7,000	70	25	15	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Agricultural Industries	40,000	150	25	15	25
Asphalt Mixing Plants and Products	40,000	150	25	15	25
Automobile Wrecking Establishments	40,000	150	25	15	25
Concrete Batch Plants	40,000	150	25	15	25
Industrial Service Shop	40,000	150	25	15	25
Junk Yard	40,000	150	25	15	25
Manufacturing, Chemical	40,000	150	25	15	25
Manufacturing, Indoor federally licensed cannabis cultivation, processing and packaging facilities and related activities).	40,000	150	25	15	25
Restaurants and Drive-In Eating Establishments	20,000	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law)	-	-	(e)	3	2
NOTES: 1 For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law.					

TABLE 3.10: USE & SITE REQUIREMENTS: “MG” - INDUSTRIAL GENERAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (d) (f) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
² Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.10: “MG” Industrial General Zone:

- (a) i) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres;

(ii) Minimum required site width shall be two hundred (200) feet;

(iii) Minimum required side yard shall be thirty (30) feet.
- (c) In the “MG” Industrial General Zone, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (d) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (e) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (f) Where a side or rear yard of a site in the “MG” Industrial General Zone abuts the boundary of another zone, the yard requirements shall be increased by 25 percent.
- (g) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (h) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (i) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.15 The “PR” Parks and Recreation Zoning District

Is hereby established in this by-law and is intended to provide areas in the community of Wawanesa for uses such as educational, institutional and public recreational areas and facilities and natural areas.

3.15.1 “PR” Parks and Recreation Zoning District Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory buildings or structures
required for the operation or maintenance of any educational, institutional, recreational or other use which is a permitted or conditional in the zone;
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Antennas, including satellite dish antennas
- iv) Walls, decks, patios, gazebos, statuary, flagpoles and similar features

b) Conditional Accessory Uses, Buildings and Structures

c) Prohibited Accessory Uses Buildings and Structures

Accessory Shipping Containers

Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the “PR” Parks and Recreation Zone.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.11: USE & SITE REQUIREMENTS: “PR” PARKS AND RECREATION ZONE	MINIMUM REQUIREMENTS (a) (b) (d) (g) (h)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq./ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Arenas	20,000	100	25	20	20
Cemeteries	40,000	100	15	10	10
Halls	20,000	100	25	20	20
Exhibition Grounds	80,000	200	25	20	20
Parks, Playgrounds and Picnic Areas	2,500	25	15	5	10
Public Swimming Pools	20,000	100	25	20	20
Public Utilities (c)	10,000	100	25	10	10
Schools	40,000	200	25	20	20
CONDITIONAL USES					
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law)	-	-	(e)	3	2
NOTES:					
¹ For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law.					
² Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes for Table 3.11: “PR” Parks and Recreation Zone:

- (a) (i) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for architectural components of permitted or conditionally approved public buildings and telecommunication towers which are accessory to public buildings.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area shall be two (2) acres;

(ii) Minimum required site width shall be two hundred (200) feet;

(iii) Minimum required side yard shall be thirty (30) feet.
- (c) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (d) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.

- (e) For all accessory buildings or structures, the required front shall be the same as the required front yard for the principal building or structure.
- (f) The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use. Furthermore, the minimum requirements allocated to a use as specified by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the requirements for any other use.
- (g) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (h) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.16 “RCI” Rural Commercial Industrial Zoning District – Purpose and Intent

Is hereby established in this By-law and is intended to provide areas for commercial and industrial uses not appropriate to locate in Wawanesa due to potential for land use conflicts with other urban. Commercial and industrial uses in this zone may require larger land parcels, include agro-commercial and agro-industrial uses that serve the agricultural community and/or other commercial and industrial uses which serve the travelling public.

3.16.1 “RCI” Rural Commercial Industrial Zoning District Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory buildings or structures
required for the operation or maintenance of any commercial, industrial or agro-commercial or agro-industrial use, which is a permitted or conditional in this zone;
- ii) Accessory Shipping Containers
An accessory shipping container as defined in **PART 6** of this By-law, may be sited as a permitted accessory structure but only when it is located on the same parcel as the permitted or conditional industrial use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).
- iii) Accessory Signs as provided for in **PART 2** of this By-law.
- iv) Accessory Tent Like Structures
An “accessory tent-like structure” as defined in **PART 6** of this By-law provided it is located on the same parcel as the industrial use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.
- v) Accessory Dwelling Unit
An attached or detached accessory dwelling unit shall be allowed as permitted accessory use but only when it is located within or is accessory to the principal commercial and/or industrial use or building located on the same site to which it is accessory. An accessory dwelling unit within a commercial and/or industrial building shall be located in the rear portion of the ground floor and/or on the 2nd or 3rd floor(s) or in the case of detached accessory dwelling unit(s), located to the rear of the principal building on the zoning site to which it is accessory. In all cases, said accessory dwelling unit is intended for occupancy by the owner, operator or an employee of the commercial and/or industrial business located on the same zoning site.
- vi) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditional commercial and/or industrial use. Notwithstanding the siting and setback requirements for Accessory Uses Buildings and Structures as set forth in **Table 3.12 of PART 3 of this By-law**, all accessory telecommunication tower structures shall be set back from all property lines of the site on

which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

- vii) Antennas, including satellite dish antennas
- viii) Walls, decks, patios, gazebos, flagpoles and similar features

b) Conditional Accessory Uses, Buildings and Structures

c) Prohibited Accessory Uses Buildings and Structures

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.12: “RCI” RURAL COMMERCIAL INDUSTRIAL ZONE: USE AND BULK REQUIREMENTS	MINIMUM REQUIREMENTS (a) (f) (j) (k)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (d)	Side Yard (h)	Rear Yard (h)
PERMITTED USES					
Agricultural Machinery and Equipment Sales and Distribution with Minor Assembly, Parts, Service and Repair	12,000	100	20	15	20
Aircraft Sales and Service	20,000	100	20	15	20
Assembly, Storage, Sales and Distribution of Farm Buildings and Structures	12,000	100	20	15	20
Auction Marts, excluding livestock	12,000	100	20	15	20
Automotive, Motorcycle, Bicycle, Snowmobile, Marine, Aircraft, ATV Trailer and House Trailer and other Vehicle Parts, Sales, Storage, Repair, Service and rental of new and used vehicles	6,000	50	30	10	20
Automobile Service Stations (gas stations) and Garages	6,000	50	30	10	20
Cafes and Coffee Shops	6,000	60	30	10	20
Contractors’ establishments, including sales and storage of building and landscaping material and equipment including electrical, insulation, drywall, eavestroughing, painting, decorating, roofing, stuccoing, HVAC, windows and like uses	12,000	100	20	15	20
Establishments for the sale and storage (indoor and or outdoor) and distribution of building materials including lumber yards (indoor and or outdoor)	12,000	100	20	15	20
Existing Uses Lawfully Established Prior to the Adoption of this By-law	6,000	50	20	10	20
Fertilizer (Solid) Sales, Distribution and Storage	12,000	100	20	15	20
Garden Supplies, Sales, Distribution, Storage (indoor and outdoor) and Manufacturing providing it is conducted within a completely enclosed building	6,000	50	20	10	20
Office Equipment and Furniture, Sales, Service and manufacturing providing it is conducted within a completely enclosed building	6,000	50	25	10	25
Public Utilities	5,000	50	25	6	20
Public Works Compounds and Maintenance Buildings (d)	6,000	50	25	10	20
Storage Facilities and Compounds (exterior) for Non-hazardous materials including lumber, building supplies, and contractors equipment (d)	6,000	50	25	10	20
Taxi or Courier Services	6,000	50	25	10	20
Tire Shops	6,000	50	25	10	20
Warehouse and Storage for Non-Hazardous, Non-Flammable and Non-Toxic Materials	12,000	100	20	15	20
Wholesale Establishments including Sales, Showrooms and Related Storage	12,000	100	20	15	20
CONDITIONAL USES					
Aircraft Manufacturing, Sales and Service	20,000	100	20	15	20
Agricultural Machinery and Equipment Manufacturing	12,000	100	20	15	20

TABLE 3.12: “RCI” RURAL COMMERCIAL INDUSTRIAL ZONE: USE AND BULK REQUIREMENTS	MINIMUM REQUIREMENTS (a) (f) (j) (k)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (d)	Side Yard (h)	Rear Yard (h)
Agricultural Feed Manufacturing and Processing, Sales, Distribution and Storage, including flour mills, grain elevators and terminals, Seed Cleaning and Drying Plants	20,000	100	20	15	20
Asphalt or Asphalt Products Manufacturing, Sales, Distribution and Storage	20,000	100	30	20	30
Auction Marts	12,000	100	25	15	20
Automotive, Motorcycle, Bicycle, Snowmobile, Marine, Aircraft, ATV Trailer and House Trailer and other Vehicle Manufacturing	12,000	100	25	15	20
Automobile Wrecking Yards and Scrap Yards	20,000	100	30	15	20
Bulk Fuel Sales, Including Card-Lock Facilities, Coal and Coke Sales Storage and Distribution	20,000	100	30	15	25
Concrete and Cement Batch Plants	20,000	100	30	20	30
Establishments for Bulk Processing, Distillation, Pulp or Fiber Reduction of Lumber and Wood Products	20,000	100	30	20	30
Fertilizer (Liquid) Manufacturing, Sales, Distribution and Storage and Fertilizer (Solid) Manufacturing	20,000	100	30	20	30
Kennels, including Pounds and Shelters, Boarding, Care and Training Facilities	6,000	50	20	10	20
Light manufacturing not otherwise identified in this Table producing negligible noise, dust, odour, emission or any other nuisance factor	6,000	50	20	10	20
Livestock Processing including Abattoirs, Meat Processing and Packaging, Milk Processing and Packaging of Dairy Products, and stockyards for the holding, sales and shipping of livestock	20,000	100	30	20	30
Manufacturing of Chemicals	20,000	100	30	20	30
Manufacturing of Farm Buildings and Structures	20,000	100	30	20	30
Poultry Hatcheries	20,000	100	30	20	30
Sand Blasting Operations (Indoor)	12,000	100	25	15	20
Sand Blasting Operations (Outdoor)	20,000	100	30	20	30
Sand and Gravel Sales and Stockpiling and related Aggregate Hauling When located on the same site	20,000	100	30	15	25
Trucking Establishments, Rail Yards, and Related Uses	20,000	200	30	15	30
Veterinary Clinics	6,000	50	20	10	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law)	-	-	(f) (i)	10 (i)	2 (i)
NOTE:					
<div><div>1</div><div>For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law.</div></div>					
<div><div>2</div><div>Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.</div></div>					

Footnotes Forming Part of Table 3.12 - “RCI” Rural Commercial Industrial Zoning District:

- (a) **Maximum Height and Dwelling Unit Area Requirements**
 - i) In addition to the minimum requirements of **Table 3.12 of this PART**, the maximum allowable height for all principal buildings and structures shall be forty-five (45) feet, and accessory buildings and structures shall not exceed the height of the principal building or structure, with the exception of grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers which are accessory to a permitted or conditional use.
 - ii) The maximum height of accessory buildings and structures shall not exceed the height of the principal building or structure.
 - iii) Accessory dwelling units are only permitted when they are located within or are accessory to an industrial building where there is industrial activity conducted in the front portion of the ground floor. Accessory dwelling unit(s) within or accessory to an industrial building shall be located in the rear portion of the ground floor and/or on the 2nd or 3rd floor(s) or in the case of detached accessory dwelling unit(s), located to the rear of the principal building on the zoning site to which it is accessory. In all cases, said accessory dwelling unit(s) are intended for occupancy by the owner and or employee(s) of the industrial business located on the same zoning site, the operator of the industrial enterprise, a watchman or caretaker and his/her family.
 - iv) The minimum dwelling unit area for an accessory dwelling unit located within or accessory to an industrial building shall be 400 sq./ft..
- (b) All manufacturing activities shall be conducted entirely within an enclosed building unless otherwise noted in **Table 3.12 of this PART**.
- (c) Where **Table 3.12 of this PART**, indicates outdoor storage of goods and materials is supported, said outdoor storage of goods and materials shall conform to the following requirements:
 - (i) All outdoor storage of goods and materials shall be located to the rear of a line adjacent to and parallel with the front wall of the principal building on the zoning site on which the materials will be stored;
 - (ii) the storage area shall be totally enclosed by a wall or fence with a minimum height of six (6) feet, maintained in good condition and repair; and
 - (iii) the goods and materials stored shall not project above the height of the enclosing wall or fence.
- (d) Notwithstanding the requirements of **Table 3.12 of this PART**, the minimum front yard requirement for a zoning site, where there are existing buildings on the adjacent sites on both sides of the site, or on one side for a corner site, shall not vary more than ten (10) percent from the average existing front yards for the said adjacent buildings, provided said distance is less than the minimum bulk requirements. The minimum front yard requirements noted herein may be used to determine the front yard requirement for a building that was destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation.
- (e) For a group of principal buildings located on one zoning site, the yards on the boundary of the site shall not be less than those required in the zone in which the site is located, nor shall the distance between buildings within the site be less than the sum of two of these required yards.
- (f) The minimum required front yard for an accessory use, building or structure shall be the same as is required for the principal use on that zoning site.

- (g) Front yards shall include landscaped green space adjacent to the street right-of-way, at least ten (10) feet in depth as measured from the front property line;
- (h) Where adjacent to a residential zone, a side and/or rear yard of twenty (20) feet shall be provided.
- (i) Notwithstanding the requirements of **Table 3.12 of this PART**, all signs shall be setback a minimum of six (6) feet from all limits of the parcel on which it is located and the use to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of ten (10) feet.
- (j) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (k) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

3.17 “CR” Conservation and Recreation Zone – Purpose and Intent

Is hereby established in this by-law and is intended to limit development on lands deemed largely unsuitable for development due to hazards associated with flooding, inherent soil conditions and/or unique habitats. Lands in this zone may have potential for limited low intensity passive recreational uses.

3.17.1 “CR” Conservation and Recreation Zone Accessory Uses, Buildings and Structures

- a) **Permitted Accessory Uses, Buildings and Structures**
 - i) Accessory buildings or structures required for the operation or maintenance or administration of a permitted or conditional use in this zone;
 - ii) Accessory Signs as provided for in **PART 2** of this By-law.
 - iii) Home based business activities shall be developed in accordance with the requirements of **PART 4** of this by-law.
 - iv) Farm Dwelling or Mobile Home and related garages, domestic storage buildings and related agricultural buildings and structures when located on the same site and forming part of a general or specialized agricultural operation
 - v) Walls, decks, patios, gazebos, statuary, flagpoles and similar features

- b) **Conditional Accessory Uses, Buildings and Structures**

- c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.13: “CR” CONSERVATION AND RECREATION ZONE USE AND BULD REQUIREMENTS	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Agricultural Activities (excluding livestock operations)					
- General	80 acres	300	30	15	25
- Specialized	5 acres	300	30	15	25
Parks, Playgrounds and Picnic Areas	0.5 acre	100	15	10	10
Public Utilities	10,000	100	25	10	10
CONDITIONAL USES					
Campgrounds and related low intensity recreational uses	1 acre	100	30	15	25
Golf Courses	50 acres	600	30	15	25
Waste Transfer Stations and related facilities	2 acres	200	50	50	50
ACCESSORY BUILDINGS, STRUCTURES AND USES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law	-	-	30	10	10
NOTE: 1 For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law. 2 Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.13

a) Hazardous Conditions

Flooding

1. No new building sites shall be created within areas which are subject to regular flooding, however, alterations to the boundaries of existing building sites may be considered at the discretion of Council.
2. New building sites may be considered for approval at the discretion of Council only where there is a sufficient flood-free area on the property for the development of the intended building, or where suitable flood protection measures can be provided to the satisfaction of Manitoba Sustainable Development.
3. In the case of existing development, enlargement of an existing building or the erection of an accessory structure may be considered for approval by Council, subject to a recommendation from Manitoba Sustainable Development regarding flood protection measures to be incorporated into the development, and the development shall comply with such recommendations.
4. No development shall be allowed where it would substantially interfere with, impede or alter the flow of flood water.
5. Any proposed building, structure or use, such as but not limited to those, which are:

(i) designed for human habitation;

- (ii) associated with high flood damage potential;
- (iii) not associated with permitted open space uses;
- (iv) associated with open space uses but that could materially affect flood stages; or used for storage of hazardous materials that are buoyant, flammable, explosive or may be injurious to human, animal or plant life;

shall not be permitted on lands known to flood, unless it can be demonstrated to Council by a qualified engineer that such a building, structure or use will not be potentially hazardous or endanger human safety, the environment, or property.

6. No permanent building or structure, other than fences and signs, shall be erected within areas which are at risk of slope erosion or slope failure. Where the removal of natural tree cover and vegetation may adversely affect the bank stability of a hillside or surface watercourse or cause any form of excessive erosion, such tree clearing shall not be permitted. For greater certainty regarding the application of this requirement, Council may require the development proponent to obtain a professional engineering evaluation of the slope and soil conditions prior to any consideration of such a proposal for development or tree clearing.

Steep Slopes

7. No permanent building or structure, other than fences and signs, shall be erected within areas which are at risk of slope erosion or slope failure. Where the removal of natural tree cover and vegetation may adversely affect the bank stability of a hillside or cause any form of excessive erosion, such tree clearing shall be prohibited. For greater certainty regarding the application of this requirement, Council may require the development proponent to obtain a professional engineering evaluation of the slope conditions prior to any consideration of such a proposal for development or tree clearing.

Proximity to Discontinued Waste Disposal Site

8. No subdivision of land for a new building site and no permanent building intended for human occupancy shall be established within a distance of 1,320 feet of the boundary of the former waste disposal site located in the S.E. 1/4 Sec. 26-7-17WPM, unless a favourable recommendation is received from provincial authority having jurisdiction regarding matters related to the former waste disposal site.

PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this by-law or by a conditional use or variance order:

- 4.1

Hazardous Materials Storage

No commercial chemical warehouse, inland grain terminal, bulk fuel or fertilizer storage or anhydrous ammonia storage container shall be located within:

(a)

350 feet of any public roadway

(b)

1,000 feet of a building used for human occupation excepting the operator;

(c)

2,640 feet of any of the following:

i)

The limits of the community of **Wawanesa**;

ii)

Any **“RC” – Rural Centre Zone**;

iii)

Any **“RR2” or “RR5” Rural Residential Zone**;

iv)

Any “RMH” Residential Mobile Home Zone unless a reduced mutual separation distance is recommended by the provincial authority having jurisdiction and Council approves a variation.
- 4.2

Standards for Two-Unit Dwellings

In those zoning districts where a two-unit dwelling may be allowed, it shall have no required interior side yard between the two dwelling units where they share a common **party wall** which is located on the boundary between each dwelling unit that is located on their own zoning site.
- 4.3

Standards for Multi-Unit Dwellings

In those zoning districts where a multi-unit dwelling may be allowed, it shall:

i.

only be located above the first storey of the building in the **“CC” zones**;

ii.

have no required interior side yard between the dwelling units where they share a common **party wall** which is located on the boundary between each dwelling unit that is located on their own zoning site.
- 4.4

Standards for Bed and Breakfast Operations

A bed and breakfast shall only be allowed on a site in a zoning district where a “home-based business” may be allowed if it meets all of the following requirements:

i.

the operator must reside within the principal residence to which the bed and breakfast is an accessory use;

ii.

no more than [eight] patrons shall be accommodated within one dwelling;

iii.

no more than five bedrooms shall be used for the bed and breakfast operation

iv.

one additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation;

- v. signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located.

4.5 Standards for Home Based Business Activities

In the Municipality, a “home industry” and “home occupation” are two distinct types of home based business activities which are recognized as legitimate accessory uses in certain zoning districts. Each of these two distinct types of home based business activities shall be governed by the following rules:

a) Home Industry

May be allowed as a conditionally approved accessory use in the “RG” Residential General Zone, “RC” Rural Centre Zone, “RR2 and RR5 Zones, “AG” Agricultural General Zone, “AL” Agriculture Limited Zone and shall be subject to the following additional rules:

- i) A home industry shall be principally conducted by the members of the family residing in the dwelling located on the same site as the proposed home industry and any other persons employed or otherwise engaged in the home industry who do not reside in said dwelling may not exceed:
 - a) Two (2) employees in the “RG”, “RC” “RR2” and “RR5” Zone(s)
 - b) Five (5) employees in the “AG” and “AL” zone(s).
- ii) A home industry shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance.
- iii) A home industry shall not unduly interfere with the general enjoyment of adjacent property.
- iv) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home industry is carried out shall be allowed and shall have a maximum sign surface area as follows:
 - a) In all agricultural zones – 32 square feet
 - b) In all other zones where home based business as allowed as permitted accessory uses – 16 square feet.
- v) Where a home industry is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be responsible for obtaining a required change in access use permit (i.e. joint use permit) from the Provincial authority having jurisdiction.
- vi) It shall be the responsibility of the proponent proposing to establish or expand a home industry to investigate the need to obtain a development permit and/or building permit from the Council of Oakland-Wawanesa Municipality prior to the commencement of the development.

b) Home Occupation

Shall be allowed as a permitted accessory use in the “RG” Residential General Zone, “RC” Rural Centre Zone, “RR2”, “RR5” and “RMH” Zones and the “AG” Agricultural General Zone and “AL” Agriculture Limited Zone and will be subject to the following additional rules:

- i) A home occupation shall be principally conducted by the members of the family residing in the dwelling located on the same site as the proposed home occupation and any other

persons employed or otherwise engaged in the home occupation who do not reside in said dwelling may not exceed:

- a) Two (2) employees in the “RG”, “RC”, “RR2”, “RR5”, “RMH” zone(s);
- b) Five (5) employees in the “AG” and “AL” zone(s).
- ii) A home occupation shall not by reason of emission of odor, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried wastes become offensive or obnoxious or create a nuisance at or beyond any site line;
- iii) There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as otherwise provided for herein;
- iv) A home occupation shall not cause the generation of undue traffic and congestion in the neighborhood;
- v) A home occupation shall be carried on entirely within the dwelling unit or within an accessory building located on the same site as the principal building to which it is accessory;
- vi) Not more than six hundred (600) square feet of floor area shall be devoted to a home occupation in any dwelling unit or its accessory buildings located on the same site as the principal building thereto, or thirty percent (30%) of the total floor area of the dwelling, whichever is the lesser;
 - (a) Notwithstanding the maximum floor area limitations outlined in clause (vii) above, in the case of a home occupation involving the establishment or expansion of a bed and breakfast or boarding or lodging use or building, a maximum of four (4) suites per site shall be allowed;
- vii) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home occupation is carried out shall be allowed and shall have a maximum sign surface area as follows:
 - a) In all agricultural zones – 32 square feet
 - b) In all other zones where home based business as allowed as permitted accessory uses – 16 square feet.
- viii) Where a home occupation is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be responsible for obtaining a required change in access use permit (i.e. joint use permit) from the Provincial authority having jurisdiction.
- ix) It shall be the responsibility of the proponent proposing to establish or expand a home occupation to investigate the need to obtain a Development Permit and/or Building Permit from the Council of Oakland-Wawanesa Municipality prior to the commencement of the development.

4.6 Standards for Keeping Small Amounts of Livestock for Personal Use (Excluding Livestock Operations)

Where small amounts of livestock for personal use and enjoyment are kept, sheltered, bred, raised or sold on small farm and non-farm residential parcels, all of the following requirements must be met in all cases. The maximum amount of non-commercial livestock kept for personal use and enjoyment on a farm or non-farm residential parcel **shall not exceed 9 animal units (AU)**, cumulative across species or as may be further restricted in selected zoning districts in this By-law; and

- i. a maximum of one animal unit (cumulative across species) may be allowed for every 8,094 square meters (two acres) of site area;
- ii. the keeping of livestock must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this by-law;
- iii. any ground-level structure intended for the keeping of animals must maintain a minimum setback of 4.5 meters (15 feet) from any site line;
- iv. animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from spreading onto abutting properties.
- v. All manure storage facilities on the site shall not be located in the front yard and shall be setback a minimum of 50 ft. from all other property lines of the parcel on which it is located

4.7 Standards for Campgrounds and RV Parks

In those zoning districts where a campground or recreational vehicle (RV) park may be developed, it must meet the following standards:

- i. more than one camping space or recreational vehicle (RV) space shall be allowed on a zoning site in a campground RV park;
- ii. a campground or RV park must provide an all-weather roadway that serves all sites with a driving surface a minimum of six (6) meters (20 feet) wide;
- iii. a campground or RV park must provide storage of refuse in a sanitary manner at locations not more than 150 meters (500 feet) from all camping spaces and recreation vehicle (RV) spaces in the campground and/or RV park.;
- iv. a campground or RV park must provide clear numbered identification of each camping/RV space;
- v. a campground or RV park must provide a centrally located recreation area equivalent to a minimum area of 20 square meters 215 square feet per camping/RV space .

4.8 Standards for Livestock Operations – General Provisions

The provisions of this section of **PART 4** of this By-law shall apply to the establishment or expansion of livestock operations throughout all agricultural zones in the Municipality.

- 4.8.1 All newly siting or expanding livestock operations being proposed in The Municipality of Oakland-Wawanesa, which are 300 animal units (AU) or larger in size (cumulative across species) shall, regardless of their location, be subject to the conditional use approval process as detailed in the *Planning Act*.
- 4.8.2 All existing lawfully established livestock operations which have a capacity of 300 or more animal units (cumulative across species), are deemed to be a legal conditionally approved use, and may be replaced if they are removed or destroyed, subject to the issuance of a Development Permit. Where such existing operations are proposed to be enlarged or expanded, the enlargement or expansion shall be subject to the conditional use process as specified elsewhere in this By-law and as set forth in the *Planning Act*. If a

conditional use permit and any required variations are approved by Council, the proponent will also be required to obtain a Development Permit from Council prior to the commencement of construction.

- 4.8.3 A conditional use order or variation of a requirement for siting and development of a livestock operation or for a farm or non-farm site or a designated area, approved under any previous zoning by-law will continue to be in full force and effect.
- 4.8.4 All existing livestock operations (including feedlots, animal housing and/or manure storage facilities), single residences (not associated with a livestock operation) and designated areas that do not meet the 1) **TABLE 4.2: MINIMUM SETBACK DISTANCES FROM PROPERTY LINES** requirements and/or 2) **TABLE 4.3: MINIMUM SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS** as set forth in **PART 4** of this By-law, shall be deemed to possess a variation order for their current setback and separation distances as they existed on the date of adoption of this By-law.
- 4.8.5 Requirements for measuring the minimum separation distances for siting livestock operations as provided for in **Table 4.3 of PART 4** of this By-law, shall be measured from the closest point of the feedlot, animal housing or manure storage facility (whichever is closer) to the adjacent single residence and/or designated area, as circumstances so require.
- 4.8.6 All newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with the provisions of **the Livestock, Manure & Mortalities Management Regulation 42/98**, as amended and the **Nutrient Management Regulation 62/2008**, as amended.
- 4.8.7 All newly siting or expanding livestock operations (regardless of the species being raised) that are 300 animal units or greater in size (not cumulative across species) are required to file an annual manure management plan with the provincial authority having jurisdiction and may be required to provide a copy of the plan to the Municipality at the request of Council.
- 4.8.8 All newly siting or expanding livestock operations (including a feedlot, animal housing and/or manure storage facilities) should not be located in a natural hazard area subject to flooding, inadequate drainage, erosion or a recurring high water table as determined by the provincial authority having jurisdiction and all such facilities must be designed in accordance with the requirements of the **Livestock Manure & Mortalities Management Regulation 42/98**, as amended.
- 4.8.9 All newly siting or expanding livestock operations should not be located on soils determined by detailed soil survey acceptable to the Province, with a scale of 1:50,000 or better, to have an agricultural capability of Class 6 or 7, or unimproved organic soils as described under the Canada Land Inventory. If detailed soil survey information is not available for the area where a newly siting or expanding livestock operation is being proposed, the applicant may be required to provide a detailed soils survey for the site at a scale of 1:50,000 or better. Where a proponent is required to provide this detained soils information, it may be possible to demonstrate that the soils are not Class 6, 7 or unimproved organic soils and may be able to support a livestock operation.
- 4.8.10 All newly siting or expanding livestock operations that are 300 animal units or greater in size (cumulative across species) will be subject to a provincial technical review report which will be completed and provided to Council in accordance with the requirements of the *Planning Act*, as may be amended from time to time.
- 4.8.11 For the purposes of determining the size of a given livestock operation, the system of “animal units” as adopted by regulation by the Province of Manitoba shall be used. The conversion factors for animal units (AU’s) are provided for general reference in **TABLE 4.1: ANIMAL UNIT CONVERSION FACTORS of this PART**

(below), and may be altered from time to time by provincial authority having jurisdiction, without requiring an amendment to this By-law.

TABLE 4.1: ANIMAL UNIT CONVERSION FACTORS			
Animal	Type	A.U. Produced by One Livestock	Livestock Producing One A.U.
Dairy	Milking Cows, including associated livestock	2.000	0.5
Beef	Beef Cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling	0.250	4.0
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.200	5
Chickens	Broilers	0.0050	200
	Roasters	0.0100	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.0100	100
Turkeys	Broilers	0.010	100
	Heavy Toms	0.020	50
	Heavy Hens	0.010	100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.200	5
	Feeder Lambs	0.063	16
The calculation of animal units for a species of livestock not mentioned in this Table is to be determined by officials at Manitoba Agriculture.			
Note: To calculate the number of animal units (AU) of a particular species, multiply the AU produced by one livestock by the number of animals. For example, for 200 animal beef cows including associated livestock equals 1.25 x 200 = 250 AUs.			

4.9 Standards for Livestock Operation Development in the “AG” and “AL” Zone(s)
In addition to satisfying the requirements of PART 4, Section 4.8 of this by-law which identifies general requirements applicable to newly siting or expanding livestock operations in all agricultural zones in The Municipality of Oakland-Wawanesa, the following additional requirements shall apply to newly siting or

expanding livestock operations located in areas which are zoned “AG” and “AL” Zone(s) as identified on MAP 1 of SCHEDULE “A” of this By-law.

- 4.9.1 Any proposal to establish or expand a livestock operation or part thereof including a feedlot, animal housing facility or manure storage facility with a capacity between **10 to 299 Animal Units** (cumulative across species) shall be allowed as a **permitted use** in the “AG” Zone providing it is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law.
- 4.9.2 Any proposal to establish or expand a livestock operation or part thereof (including a feedlot, animal housing facility or manure storage facility) with a capacity **300 Animal Units or more** (cumulative across species) **shall be deemed to be a conditional use and shall be restricted to siting in the “AG” Zone** and shall be developed in accordance with requirements of *The Planning Act* and all other provisions of this by-law including the provisions of **PART 5** of this By-law which in part deals with applications for development permits, conditional uses and variances.
- 4.9.3 Any proposal to establish or expand a livestock operation or part thereof including a feedlot, animal housing facility or manure storage facility with a capacity between **10 to 49 Animal Units** (cumulative across species) shall be allowed as a **permitted use** in the “AL” Zone providing it is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law.
- 4.9.4 Any proposal to establish or expand a livestock operation or part thereof including a feedlot, animal housing facility or manure storage facility with a capacity between **50 to 299 Animal Units** (cumulative across species) may be allowed as a **conditional use** in the “AL” Zone providing it is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law.
- 4.9.5 New or expanding livestock operations 300 AU or greater in size (cumulative across species) **are prohibited** in the “AL” Zone.
- 4.9.6 No newly siting or expanding livestock operation or part thereof (including a feedlot, animal housing or manure storage facility) shall be established or expanded within a distance of 100 meters (328) feet of the ordinary high water mark of any surface watercourse, sinkhole, spring or well in all agricultural zone(s).
- 4.9.7 The minimum setback distances identified in **TABLE 4.2 of this PART** shall apply to the establishment or expansion of any livestock operation or part thereof (including a feedlot, animal housing or manure storage facility) in relation to the property lines of a given livestock operation.

TABLE 4.2: MINIMUM SETBACK DISTANCES FROM PROPERTY LINES	
Type of Livestock Facility	Minimum Setback Distance from any Property Boundary in Meters (Feet)
Manure Storage Facilities	100 (328)
Animal Confinement Facilities	50 (164)
NOTE: Where a parcel of land containing a livestock operation is being subdivided, all newly created parcels shall be of such a size and configuration so as to maintain a minimum 100 meter (328 feet) separation between any existing or proposed livestock confinement areas and manure storage facilities and all newly created property lines.	

- 4.9.8 The requirements of **TABLE 4-3: MINIMUM MUTUAL SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS of this PART** have been developed in accordance with and are generally consistent with the policies of the Oakland-Wawanesa Municipal Development Plan but may be varied by Council on a case by case basis.

- i) The requirements of **TABLE 4-3: MINIMUM MUTUAL SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS** of this **PART** (below) shall apply to the establishment or expansion of any livestock operation or part thereof in a designated **“AGRICULTURE GENERAL AREA”** and **“AGRICULTURE LIMITED AREA** and shall **mutually** apply to the establishment or expansion of an **“URBAN CENTRE”** and/or **“RURAL CENTRE ”** and all rural residential areas as well as any newly siting farm or non-farm residence in the **“AG”** and **“AL” Zone(s)** in the municipality, excluding residence(s) located on the same site and associated with a given livestock operation.

TABLE 4.3: MINIMUM MUTUAL SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS								
Size of Livestock Operation in Animal Units (AU)	Separation Distance in Meters (Feet) From a “Single Residence” (*)				Separation Distance in Meters (Feet) From a “Designated Area” (**)			
	To a Feedlot and/or an Earthen Manure Storage Facility		To an Animal Confinement Facility or Non-Earthen Manure Storage Facility		To a Feedlot and/or an Earthen Manure Storage Facility		To an Animal Confinement Facility or Non-Earthen Manure Storage Facility	
10-100	200	(656)	100	(328)	800	(2,625)	530	(1,739)
101-200	300	(984)	150	(492)	1200	(3,937)	800	(2,625)
201-300	400	(1,312)	200	(656)	1600	(5,249)	1070	(3,511)
NEWLY SITING OR EXPANDING LIVESTOCK OPERATIONS THAT ARE 300 OR MORE ANIMAL UNITS IN SIZE ARE RESTRICTED TO SITING IN THE “AG” AGRICULTURE GENERAL ZONE								
301-400	450	(1,476)	225	(738)	1800	(5,906)	1200	(3,937)
401-800	500	(1,640)	250	(820)	2000	(6,561)	1330	(4,364)
801-1,600	600	(1,968)	300	(984)	2400	(7,874)	1600	(5,249)
1,601-3,200	700	(2,297)	350	(1,148)	2800	(9,186)	1870	(6,135)
3,201-6,400	800	(2,625)	400	(1,312)	3200	(10,499)	2130	(6,988)
6,401-12,800	900	(2,953)	450	(1,476)	3600	(11,811)	2400	(7,874)
>12,800	1000	(3,281)	500	(1,640)	4000	(13,123)	2670	(8,760)
NOTE: (*) A “Single Residence” does not include the residence of the owner and/or operator when the dwelling(s) are located on the same parcel as the livestock operation. (**) A “Designated Area” means the following: i) Any area in the Municipality designated as an “Urban Centre Area” or “Rural Centre Area” in the Oakland-Wawanesa Municipal Development Plan, ii) Any area designated as a “Rural Residential Area” in the Oakland-Wawanesa Municipal Development Plan.								

PART 5: Administration and Enforcement

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

5.1 Administration and Enforcement

In the administration and enforcement of this by-law, staff from the Municipality shall have all of the powers of inspection, remedy and enforcement provided under **PART 12** of *The Planning Act*.

5.2 The Development Officer / Building Official Position and Authority

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

5.3 Role and Responsibilities of the Development Officer / Building Official

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

- a) issue Development Permits and Building Permits (where required) and exercise the powers of administration, inspection, remedy and enforcement as provided for under authority of *The Planning Act*.
- b) refuse to issue a Development Permit and where required, a Building Permit where:
 - i) the required Permit application(s), or any information accompanying said Permit application(s), is incorrect or incomplete;
 - ii) the proposed building, structure or use does not, to the development officer's knowledge, comply with this zoning bylaw, the municipality's building by-law or with any other applicable federal and/or provincial law and/or regulation;
- c) revoke a Development Permit and/or Building Permit where the Permit(s) were issued in error.
- d) make a minor variance order, without the need for a public hearing, for any proposed change that varies:
 - i) any height, distance, area, size or intensity of use requirement in the zoning by-law by no more than 15% per cent;
 - ii) the number of parking spaces required by the zoning bylaw by no more than 10% per cent.

5.4 When Development Permits Are Required

- 1. In the case of proposed development that involves the construction or expansion of a **public or semi-public water supply** system, the proponent shall be required to contact the Office of Drinking Water for information concerning licensing and approvals that must be obtained prior to the commencement of construction.
- 2. Before developing a **self-supplied water source (e.g. a well)**, the proponent shall be required to contact Manitoba Conservation and Water Stewardship's Water Use Licensing Section for information concerning licensing, permits or approvals that may be necessary prior to the commencement of construction.

3. Subject to **Section 5.5 of this PART** (below), the repair, rehabilitation, renovation, construction, erection, removal or relocation, enlargement, addition, extension, conversion, improvement or structural alteration or placing of a building or structure or any part thereof (including mechanical systems) and/or replacement of building components and underpinnings or excavation of land for the purpose of erecting a building or structure requires a **Development Permit** and **Building Permit** (where required) including those activities set out below, except as otherwise provided for in this by-law:
 - a) the erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;
 - b) the establishment of a use of land or a building or structure;
 - c) the change of a use of land or a building or structure from the existing use to a use which is not a permitted use;
 - d) the alteration or enlargement of an approved conditional use except where specifically exempt elsewhere in this by-law.

5.5 When Development Permits Are Not Required

1. A Development Permit is not required for the following:
 - a) agricultural cropping of land;
 - b) incidental non-structural alterations;
 - c) patching, painting or decorating;
 - d) replacement of stucco, siding or shingles with the same material;
 - e) replacement of doors or windows when the opening is not altered;
 - f) replacement of open landings and stairs up to 50 sq./ft. in size and not exceeding 24 inches in height above finished grade;
 - g) open patios less than 8 inches above finished grade;
 - h) installation of cabinets and shelves;
 - i) a detached accessory storage building not exceeding one hundred and eight (108) square feet in floor area;
 - j) garden houses tool sheds and children's playhouses not exceeding one hundred and eight (108) square feet in floor area;
 - k) non-structural alterations or repairs to buildings or structures where the value of the work is less than five thousand dollars (\$5,000.00);
 - l) replacement of or minor changes to the capacity of pipes, ducts or conduits;
 - m) the maintenance or restoration of building components, including re-painting and similar operations;

- n) the installation of sidewalks, exterior steps, trees, hedges, shrubs, planters, fountains, flag poles, trellises, lighting and similar landscaping features that are developed in accordance with the provisions of this by-law;
 - o) private communications aerials and antennas;
 - p) private sewage disposal systems;
 - q) the erection of certain accessory signs as provided for in **PART 2** of this By-law.
2. Despite not requiring a **Development Permit**, all items in this section shall be subject to all other requirements of this by-law and all other applicable by-laws of the Municipality.

5.6 Other Required Permits

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

5.7 Applications for Development Permit

An application for a Development Permit and/or Building Permit shall:

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

- a) the size and location of all existing and proposed feedlots animal housing and manure storage facilities (including information regarding the maximum number of animals of each species forming part of the existing and/or newly siting or expanding livestock operation); and
 - b) distances to property boundaries from those facilities identified in i) (above); and
 - c) existing and proposed drainage features in the vicinity of these facilities including any manure runoff collection basins; and
 - d) the proposed water supply system for the operation, and the location of any nearby drinking water sources or infrastructure, such as wells, reservoirs and rural pipelines; and
 - e) in the case of a conditionally approved livestock operation, a copy of the approved conditional use order (including a copy of the proponent's completed and finalized Provincial Site Assessment Form and Technical Review Report).
 - f) written information concerning any proposed fencing, landscaping, shelterbelts, measures to reduce odours and off site use and maintenance of roads (haul routes).
- x) shall be accompanied by the fee(s) prescribed by the Municipality.
- xi) No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved Development Permit and Building Permit (where required), and with this by-law.

5.8 Applications for Building Permit

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

5.9 Entry for Inspection and Other Purposes

- a) The Development Officer / Building Official may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered, and displaying or producing on request identification showing his or her official capacity:
 - i) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law;
 - ii) request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
 - iii) make copies of anything related to the inspection, remedy, enforcement or authorized action.
- b) In an emergency or in extraordinary circumstances, the Development Officer / Building Official need not give reasonable notice or enter at a reasonable time and may do the things referred to in **Section 5.9 of this PART** without the consent of the owner or occupant.

5.10 Order to Remedy Contravention

- a) If the Development Officer / Building Official finds that a person is contravening this by-law or *The Planning Act*, the development officer may by written order require the person responsible for the

contravention to remedy it if, in the opinion of the development officer, the circumstances so require.

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

5.11 Review by Council (Appeal of Orders)

- a) A person who receives an order under **section 5.10 of this PART** may request Council to review the order, by written notice given within 14 days after the date the order is received.
- b) After giving the person a reasonable opportunity to be heard, the Council may confirm, vary, substitute or cancel the order or decision.

5.12 Application for Zoning By-law Amendments, Variances and Conditional Uses

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

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

5.13 Development Agreements

- i) In accordance with **Section 150 of *The Planning Act***, where an application is made for a variance order, conditional use or an amendment of this zoning by-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition of its enactment, to enter into a development agreement with the Municipality in respect of that land as well as contiguous land owned or leased by the applicant.

- ii) Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with the Municipality of Oakland-Wawanesa, in accordance with **Section 135 of *The Planning Act***.
- iii) A Development Agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in ***The Planning Act***.

PART 6: Definitions

6.1 Definitions in *The Planning Act*

Terms not defined in this bylaw which are defined in *The Planning Act* have the meaning provided in that Act as follows:

Building includes a well, pipe line, conduit, cut, excavation, fill, transmission line and any structure or erection, and any part of any of those things, and also includes an addition to or extension of any building or any of those things and a chattel that is attached to, or installed in or on, any building or any of those things.

Conditional Use means a use of land or a building that may be permitted under a zoning by-law.

Construction includes

- (a) excavating, removing, filling and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;
- (b) erecting, extending, enlarging, placing, removing, locating and demolishing a building;
- (c) altering, renovating and reconstructing a building;
- (d) moving a building from one site to another; and
- (e) underpinning the foundation of a building.

Council means the Council of the Municipality of Oakland-Wawanesa.

Development means,

- (a) the construction of a building on, over or under land;
- (b) a change in the use or intensity of use of a building or land;
- (c) the removal of soil or vegetation from land; and
- (d) the deposit or stockpiling of soil or material on land and the excavation of land.

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

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

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

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

Property means land and improvements on land, and includes

- (a) an interest in land or an improvement on land; and
- (b) air, surface and subsurface rights and interests in respect of land.

Sensitive Land" includes

- (a) land that is susceptible to flooding, permafrost, erosion or that has unstable slopes or poor drainage;
- (b) areas of special significance for animal, bird or plant life, including wetlands, forests and nesting areas; and
- (c) land on which any development is likely to harm ecological diversity.

Subdivision means the division of land by an instrument, including

- (a) a plan of subdivision, conveyance, deed, mortgage or grant; or
- (b) an agreement granting or extending a use of or right in land, directly or indirectly or by an entitlement to renewal, for a period of 21 years or more; but not including a lease respecting only floor space in a building.

6.2 Definitions in this By-law

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

Accessory means a use, building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the principal use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Siting Tables cannot be accessory to a use shown as a permitted use for the same zoning designation.

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

Accessory Tent-like Structure means a pre-manufactured or constructed structure or building that consists of a main frame covered by a canvas type material. An accessory tent-like structure shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use to which it is accessory.

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

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

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

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

- (i) An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building
- (ii) An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor
- (iii) Alteration of non-load bearing interior partitions in all types of buildings
- (iv) Replacement of, or changes in, the capacity of utility pipes, ducts or conduits
- (v) Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased
- (vi) The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves
- (vii) Replacement of exterior building facades

Alterations, Structural means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

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

Animal Confinement Area means an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes a feedlot, paddock, corral, exercise or holding area, as well as a covered structure used to confine livestock that has one or more sides without a wall that exposes the interior of the structure to the elements but does not include a seasonal feeding area (pasture). Typically, these areas are used for the housing of livestock that creates a build up of manure (manure pack).

Animal Keeping means a use where livestock or other animals (excluding pets) less than 10 *animal units* (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables and kennels.

Animal Unit means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12 month period as defined in the Provincial Planning Regulation - Manitoba Reg. 81/2011, as amended.

Bed and Breakfast Operation means accommodation for transient lodgers in individual rooms or apartments.

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

Business and Personal Services establishments: means the occupancy or use of a building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

Cannabis and Related Terms

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

Manufacturing, Indoor provincially licensed cannabis cultivation, processing and packaging facilities and their related activities refers to a land use undertaken by person(s) and/or a corporate entity who holds a cannabis distributor licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

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

Retail Cannabis Licence means a licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

Cannabis concentrate means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Cannabis-infused product means a product infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.

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

Industrial Hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.

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

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

Council means the Council of the Municipality of Oakland-Wawanesa.

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

Daycare means the use of premises for the care during the day for more than 8 children not residing on the premises.

Development Officer means a person appointed by the Council of Oakland-Wawanesa municipality who is responsible for those duties as provided for herein.

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

Dwelling means a building designed for residential occupancy in accordance with the provisions of the Manitoba Buildings and Mobile Homes Act and includes the following:

- (a) **dwelling, Farm** - means a single-unit dwelling, mobile home or modular home which is the principal residence of the owner or operator of a permitted or conditional agricultural activity, and which is located on the same site or a new site taken from the agricultural activity.

- (b) **dwelling, Multi-Unit** - means a building containing three (3) or more dwelling-units, with each dwelling unit being designed for and used for the exclusive occupancy of one (1) dwelling;
- (c) **dwelling, Single-Unit** - means a detached building designed and used for the exclusive occupancy of one (1) dwelling.
- (d) **dwelling, Two-Unit** - means a detached or semi-detached building designed and used for two (2) households, with each unit having exclusive occupancy of a one household unit.
- (e) **Dwelling, Non-Farm** – means a single-unit dwelling, mobile home or modular home on a site used for residential purposes, regardless of the owner's occupation, and found in the **"AG" Agricultural General Zone or "AL" Agriculture Limited Zone**.

Dwelling unit means one or more habitable rooms in a building designed for one or more persons living as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities.

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

Farm Building/Structure means a building or structure, other than a dwelling, which does not contain a residential occupancy, located on a farm and used or to be used in the actual farming operation and which is:

- a) associated with and located on land devoted to the practice of farming and considered to be an *"Agricultural Operation"* and
- (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence and
- (c) has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use)

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

- a) A grazing area; or
- b) A seasonal feeding area.

First Storey means the uppermost storey having its floor level not more than 2 meters above grade.

General Agricultural Activities means a use of land for agricultural purposes, including production of field crops, apiculture, floriculture, horticulture and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

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

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

Grazing Area means lands used for pasture or crop production on which livestock may be kept year-round or seasonally, and are fed primarily by direct consumption of plant material grown on the area, and where manure produced by those livestock does not accumulate such that mechanical removal is required.

Height means the total number of storeys in a building or the vertical distance measured from grade to: a) the highest point of the roof surface of a flat roof b) the deck or eaves of any other roof type

Home Based Business - Types:

- a) **home industry** means a small-scale manufacturing, repair or trade activity such as but not limited to a welding shop, plumber, electrician, carpentry or cabinet maker, auto repair mechanic or trucking operation and similar uses which are carried on in or from a dwelling or its accessory building for consideration and which is located on the same site and which is clearly secondary and incidental to the principal use of the property.
- b) **home occupation** means an occupation, trade, profession or craft such as but not limited to a hair salon, bed and breakfast operation, tea room, home day care operator, lawyer or accountant and similar uses which are carried on in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the principal use of the property.

One in Two-Hundred Year flood means a flood that can be expected to occur, on average, once in 200 years.

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

Manure Storage Facility - Types:

- a) **earthen manure storage facility** means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or retaining livestock manure, but does not include
 - 1) a collection basin;
 - 2) a field storage site; or
 - 3) a temporary composting site for manure.
- b) **non-earthen manure storage facility** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.

Mobile Home is a manufactured home constructed of single or multiple sections constructed as a portable dwelling (single unit dwelling) unit that is capable of being transported on its own chassis and running gear by towing or other means, and which is designed to be connected to external electrical, water and sewer facilities, and to be used as a single dwelling unit and comprises not more than one storey and at a minimum complies with CAN/CSA Z240 MH Series of Standards at the time of construction (under the Buildings and Mobile Home Act (as amended). Foundations for these homes are at a minimum constructed to CAN/CSA Z-240 Standards (Deformation Resistant Foundations).

Mobile Home Park means an area of land upon which mobile home spaces are rented to individual owners of mobile homes, and which has been approved by Council.

Mobile Home Space means a space in a mobile home park, which may be rented/leased by an individual for the placement of a mobile home.

Mobile Home Subdivision means an area of land which is subdivided into mobile home sites which may be sold for the placement of mobile homes.

Modular Homes are a pre-manufactured single unit dwelling built in a factory in one or more finished sections for transport to a site for installation. These dwelling units are similar to but distinct from a mobile home. Modular (pre-manufactured homes) are at a minimum certified to CAN/CSA A277 standards at the time of construction. Foundations for these types of buildings may be constructed as permanent foundations or other approved foundations.

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.

Place of Worship means a building (ex: a church, chapel, mosque, synagogue, or temple) primarily used for religious purposes. **Principal Use** means the primary or predominant activity on any lot or within any building or structure.

Pole Type Structure / Building means a building or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Principal Building means a structure on a site used to accommodate the principal use.
or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Public Utility means any system, works, building, plant equipment or service, excluding telecommunications towers (private for profit), wind energy generation stations (WEGS) and private for profit commercial scale solar energy generation systems, developed for the purpose of furnishing publicly used communication, transportation, transmission and collection services and facilities (including fire, police and EMS) that are available at approved rates to the inhabitants of the Municipality of Oakland-Wawanesa.

Residential Care Facility means a building in which residential accommodation, plus supervision, care or treatment, is provided to 5 or more persons, by a person or persons employed for the purpose.

Secondary Suite means a self-contained detached or attached accessory dwelling-unit located on the same zoning site as the principal building or use to which it is accessory. A secondary suite is comprised of a single-unit dwelling and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This accessory use does not include duplex housing, semi-detached housing, multiple-unit dwelling housing or apartment housing.

Sign means any writing (including letters, words, or numerals), pictorial representation (including illustration or decoration), emblem or logo (including device, symbol or trademark), banner, pennant or any other figure of similar character (excluding display windows) which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;
- (b) Is used to identify, direct attention to, or advertise;
- (c) Is visible from outside a building.

Sign Types

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

Advertising Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the zoning site where the sign is maintained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

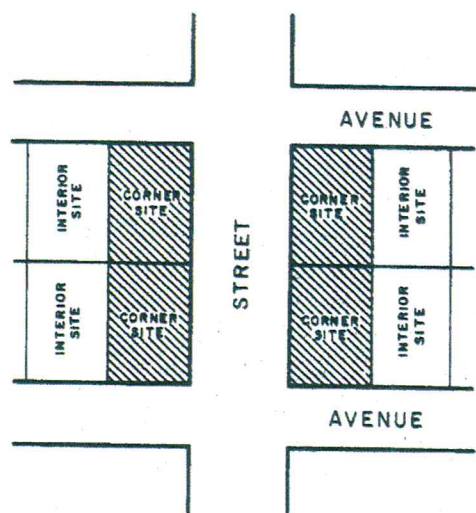
Yard Sign means a permanent freestanding sign in a Front Yard, including a supporting post or posts.

Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the total sign surface area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. Where a sign has two (2) faces placed back to back and are at no point more than three (3) feet from one another, the total sign surface area of the sign may be taken as the sign surface area of one (1) face of the sign.

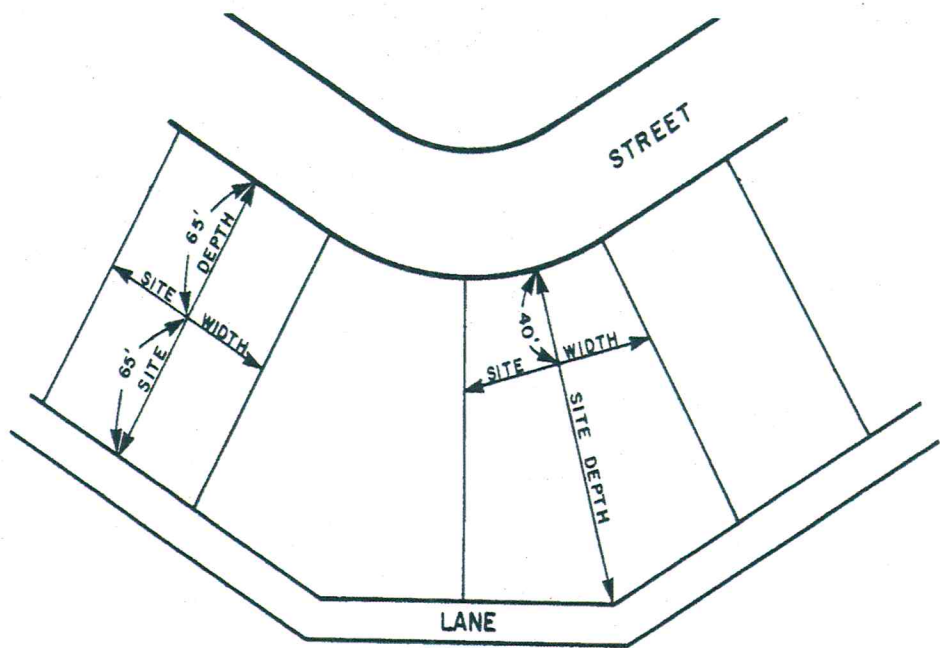
Site means an area of land which:

- (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 as are provided for herein, along with required yards;
- (b) has frontage on a street, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (c) is of sufficient size to provide for the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

site, corner means a site situated at the intersection of 2 streets.



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



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

site lines

front site line means:

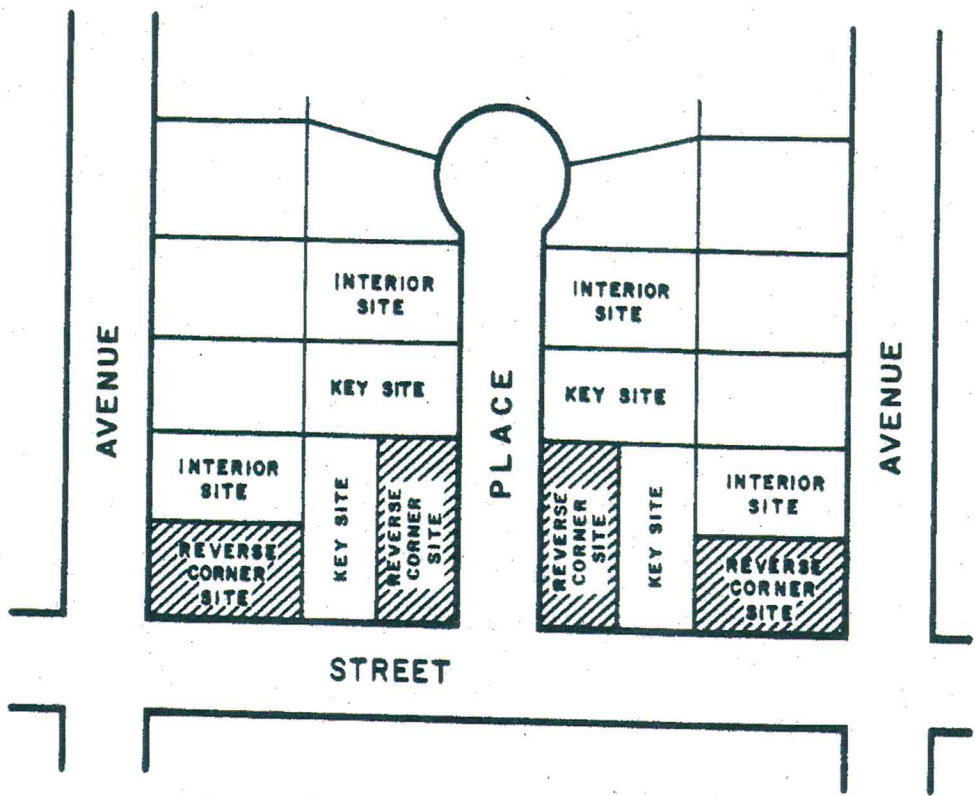
- (a) the boundary of a site along any/all streets or highways;
- (b) for a corner site, the continuation of the front site line of the abutting interior site.

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

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

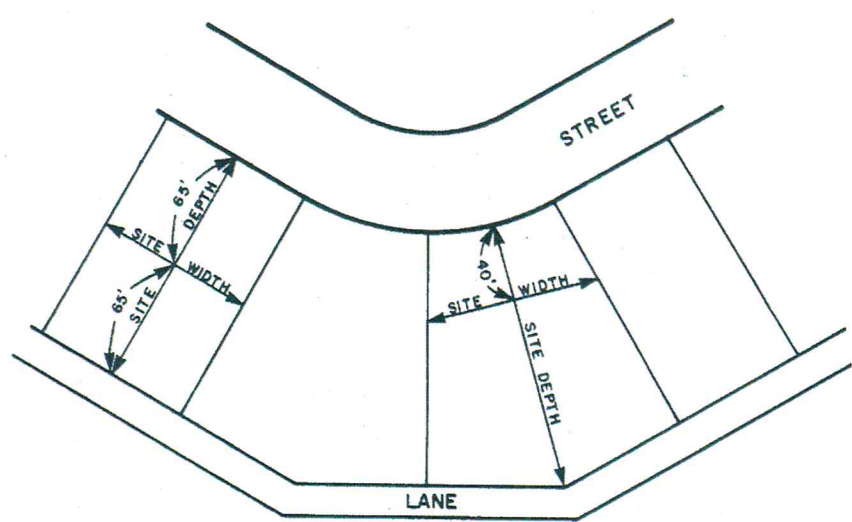
Where it is not possible to determine site lines according to these definitions, they shall be determined by the development officer.

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



Site, Through means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed front site lines.

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



Specialized Agricultural Activities means agricultural activities such as apiculture, floriculture, horticulture, greenhouses, nurseries, market gardening and other activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

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

Surface Watercourse means the channel in or bed on which surface water flows or stands, but does not include a dugout, drain, 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 or an infield ephemeral drain.

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 or reservoir on the property of an agricultural operation. Where this By-law requires a use, building or structure to be set back a certain distance from “surface water”, that distance shall be measured from the ordinary high water mark of the surface water or from the nearest and highest bank of the surface water, whichever is further from the surface water.

Use means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

Wind Energy Generation Station (WEGS) means a site and facility that is comprised of, but not limited to, one or more wind turbine generator towers, and may include associated accessory operations and maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial enterprise. It must have a collective nameplate rating of 0.75

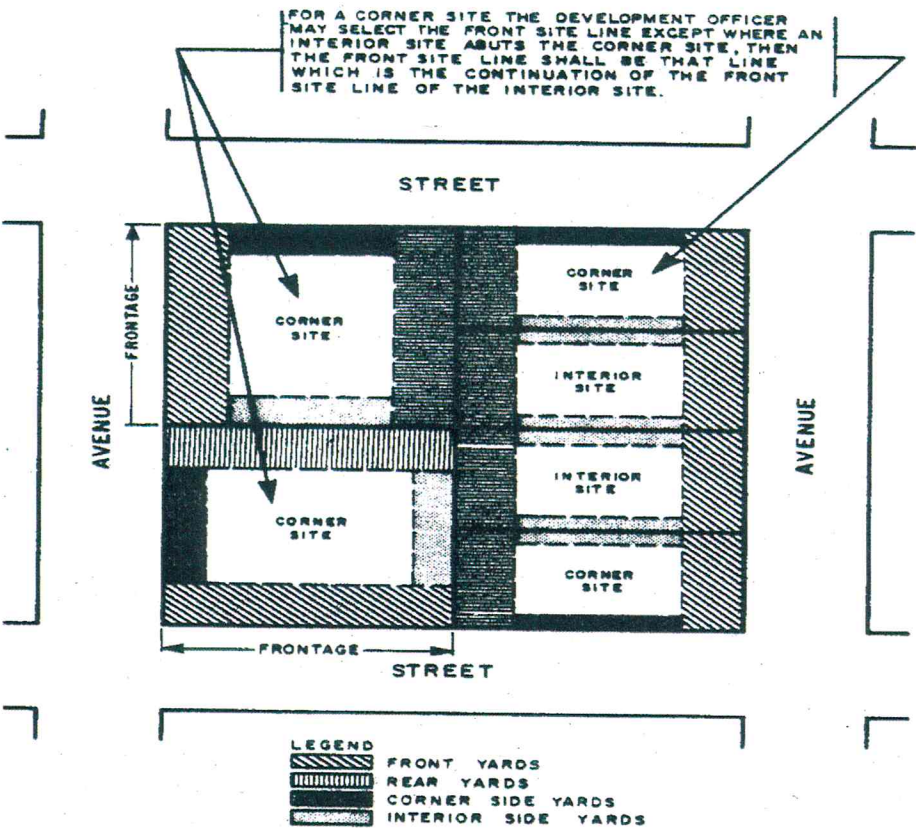
megawatt or greater and be connected to the transmission or a local distribution grid. The (WEGS) can be comprised of either a leased or an owned site.

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

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

- (a) **yard, required, corner site** means a side yard which adjoins a street.
- (b) **yard, required, front** means a yard extending along the full length of the front site line between the side site lines (typically where access to the site is provided).
- (c) **yard, required, interior side** means a side yard which is adjacent to another site, or to a lane separating such side yard from another site.
- (d) **yard, required, rear** means a yard extending along the full length of the rear site line between the side site lines.
- (e) **yard, required, side** means a yard extending along the side site line from the required front yard to the required rear yard.

The following sketch illustrates the foregoing definitions of yards:



SCHEDULE “A”: ZONING MAPS

Rge 17

Map 1



Date Created: August 28, 2019

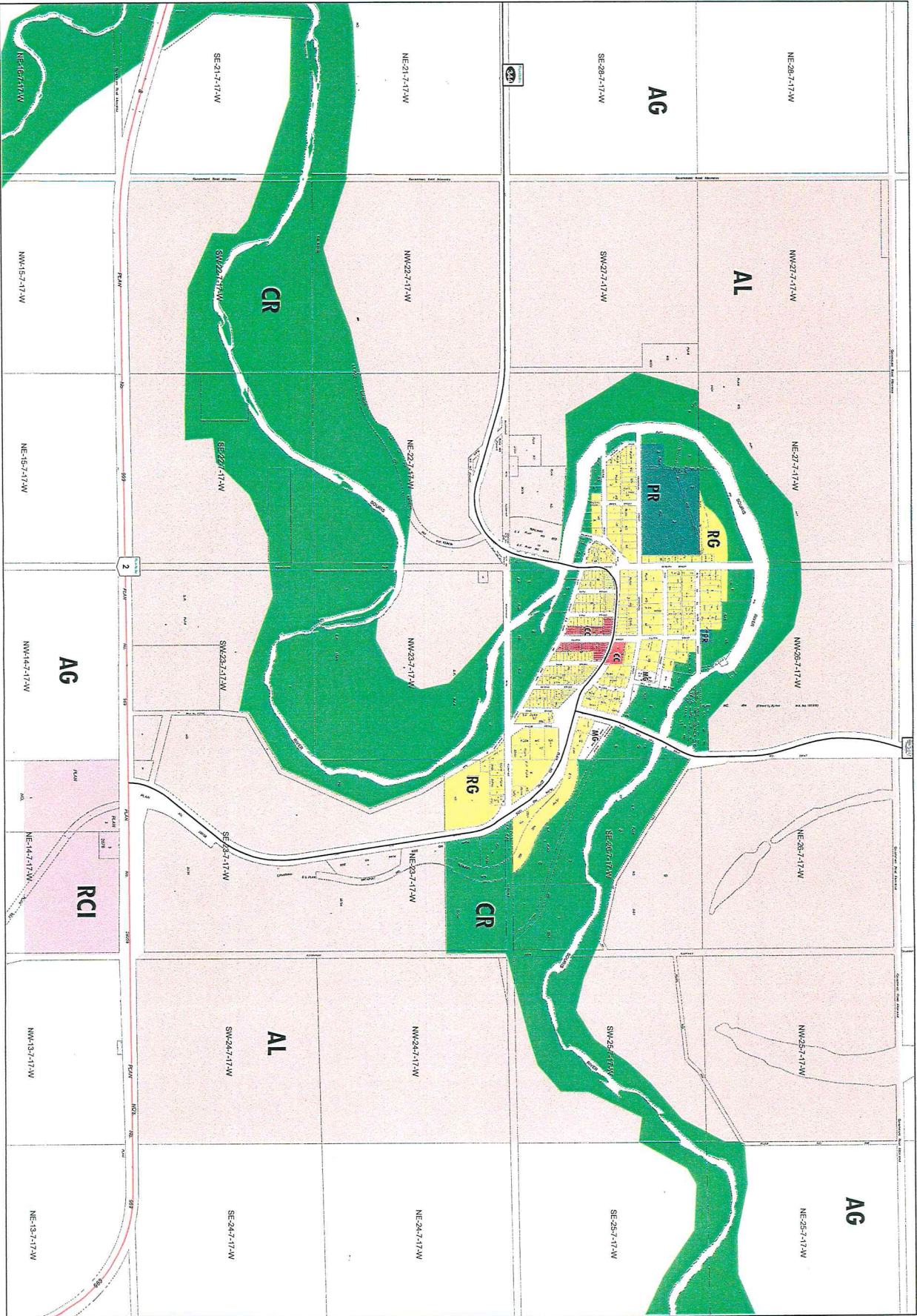


Community & Regional Planning

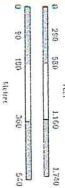
Municipality of
Oakland-Wawanesa

Zoning By-law
No. 2019-04

Map 2 - Wawanesa



- AG Agriculture General Zone
- AL Agriculture Limited Zone
- RG Rural General Zone
- CC Community Center Zone
- MG Manufacturing General Zone
- PR Prairie
- CR Conservation and Recreation Zone
- RCI Rural Community
- Provincial Road
- Provincial Trunk Highway



Projection: NAD 83, Zone 14N
Datum: NAD 83
Date Created: July 29, 2019



Manitoba
Municipal Relations
Community & Regional Planning

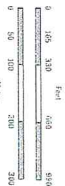
Municipality of
Oakland-Mawwanesa

Zoning By-law
No. 04-2019

Map 3 - Nesbitt



- AG Agriculture General Zone
- RC Rural Centre Zone
- Railway
- Trunk Road
- Trunk Highway



Projection: NAD 83, Zone 14N
Data Source: CRP, MIT
Date Created: August 28, 2019



Municipal Relations
Community & Regional Planning

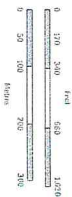
Municipality of
Oakland-Wawanesa

Zoning By-law
No. 04-2019

Map 4 - Carroll



- AG Agriculture General Zone
- RC Rural Centre Zone
- Railway
- Provincial Road
- Provincial Trunk Highway



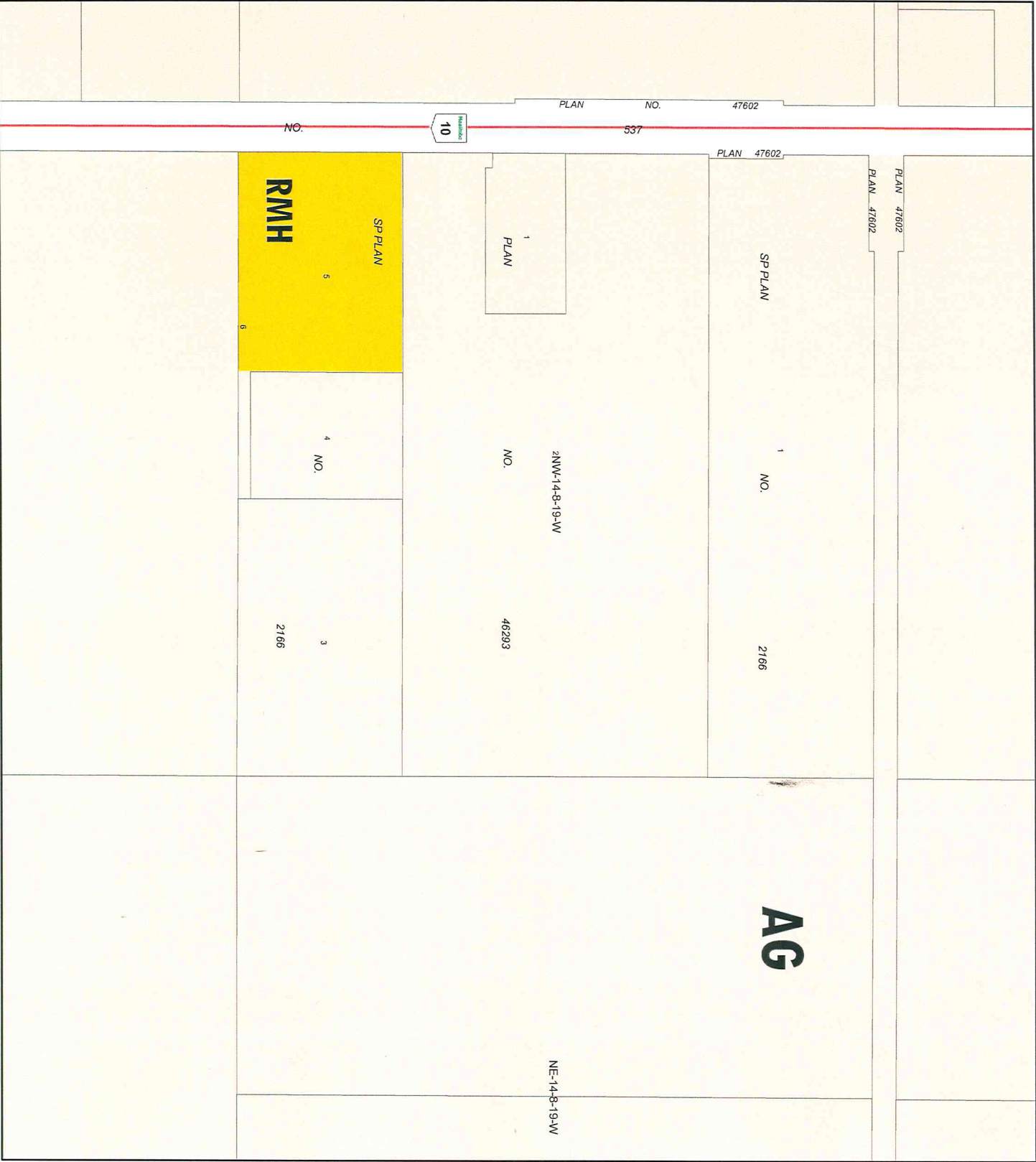
Projection: NAD 83, Zone 14N
Datum: Canadian Mean High Water
Date Created: August 28, 2019



Municipality of
Oakland-Wawanesa

Zoning By-law
No. 04-2019

Map 5 - Brandon Hills
Estates

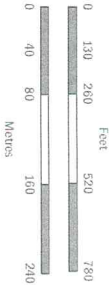


AG Agriculture General Zone

RMH Residential Mobile Home Zone

Provincial Road

Provincial Trunk Highway



Projection: NAD 83, Zone 14N
Data Source: CRP, MIT
Date Created: July 29, 2019



Municipality of
Oakland-Wawanesa

Zoning By-law
No. 04-2019

Map 6 - Lake Clementi



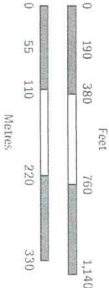
AG Agriculture General Zone

RR2 Rural Residential Zone

Provincial Road

Provincial Trunk Highway

Municipal Boundary



Projection: NAD 83, Zone 14N
Data Source: CRP, MIT
Date Created: July 29, 2019



To: Members of Council
Subject: Appointment to Central Assiniboine Watershed District

Good Morning,

We were able to touch base with Keith Elder about his ongoing appointment to the above, which he has declined. Can you please put your thinking caps on as to who in the municipality might be a good candidate for us to approach to see if they have an interest and we could put it on the next agenda for appointment.

Thanks.

Joni Swidnicki, CMMA (Hons)
Chief Administrative Officer
Municipality of Oakland-Wawanesa
Nesbitt Office: 204-824-2666 Wawanesa Office: 204-824-2244
Email: CAO@oakland-wawanesa.ca
Web: www.oakland-wawanesa.ca



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AUG 29 2019

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Portage la Prairie, MB R1N 0P1
Ph: 204-857-8666
Fax: 204-856-2370
Email: amm@amm.mb.ca
www.amm.mb.ca

August 29, 2019

Joni Swidnicki, CAO
Municipality of Oakland-Wawanesa
Box 28
Nesbitt, MB R0K 1P0

Dear Joni,

The Association of Manitoba Municipalities' Municipal Visits in the Western District have been scheduled for October 29 to 31, 2019. During this first year of visits following 2018's municipal elections, the AMM Executive have asked to visit municipalities with the largest number of newly elected council members. The AMM delegation would look forward to the opportunity to meet with the council of the Municipality of Oakland-Wawanesa during this tour.

I am writing to request a meeting for **October 29, 2019 at 6:00 pm in council chambers**, for the AMM Executive and Western Directors to meet with you and your available council members.

The purpose of this meeting is to allow you and your council to discuss the issues that specifically affect your municipality with the AMM delegation. It is also an opportunity for the AMM to update your council on some of the issues the AMM Board has been involved in during the recent months and what the organization is working on for the future.

Meetings normally are 1 to 1 ¼ hours in length. The AMM delegation of six include: President Ralph Groening, Vice-President Kam Blight, Vice-President Brad Saluk, Western Directors Rhonda Coupland and Stuart Olmstead, and Executive Director Joe Masi.

The AMM Executive understands that work commitments may limit the number of council members available for the meeting. *The AMM delegation is pleased to meet with whoever is available.*

Joni, could you please let me know on or before **October 7, 2019** if the meeting arrangements are acceptable to you and your council?

I appreciate your time and attention to this request.

Sincerely,

Donna Belbin
Events Coordinator

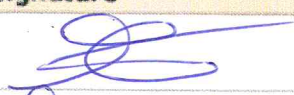
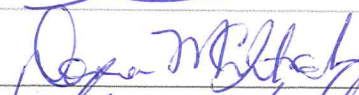

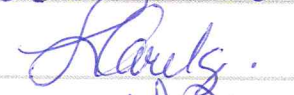



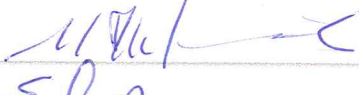
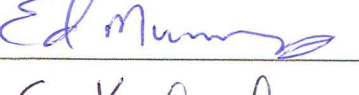
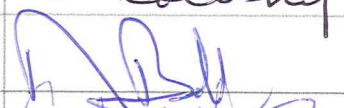
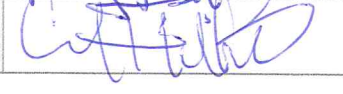


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SEP 03 2019

Petition to CAKLAND WAUANESA

Petition summary and background	FOR ANIMAL CONTROL TO DEAL WITH DOG ISSUES
Action petitioned for	CONTROL OF MULTIPLE DOGS HOWLING + BARKING AT LAKE CLEMENTI ROAD - FIRE# 109104

Printed Name	Signature	Address
GORD SMITH		109100 FIRE# 204-721-3106
Donna McIntosh		109100 FIRE# GORD SMITH C.M.S.N.COM
GORD M LACHLAN		109112
LUCINDA CAPELS		109119
Dave Hunter		109084
Lois Hunter		109084
TRENT McLANE		109072
Gordon L. Lachlan		109056
Ed Murray		109049
C. Kolosky	C. Kolosky	109112
D. Bean		109126
C. Hallick		109086

Petition to DAKLAND-WAWANESA

Petition summary and background	FOR ANIMAL CONTROL TO DEAL WITH DOG ISSUES
Action petitioned for	CONTROL OF MULTIPLE DOGS HOWLING + BARKING AT LAKE CLEMENTI ROAD - FIRE # 109/04

[illegible]

4.0 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
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.

BY-LAW #1228/00
RURAL MUNICIPALITY OF OAKLAND

BEING A BYLAW of the Rural Municipality of Oakland to provide for the regulation, and control of dogs;

WHEREAS Section 232(1)(k) of the Municipal Act, provides that a council may pass by-laws for municipal purposes respecting wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;

AND WHEREAS the Council of the Rural Municipality of Oakland deems it in the best interests of the Municipality to pass a by-law to provide for the control of dogs in the Municipality;

NOW THEREFORE the Council of the Rural Municipality of Oakland in open session assembled hereby enacts as follows:

- 1) THAT this By-law be referred to as the Oakland Dog Control By-law.

PART I - DEFINITIONS

- 2) a) All references herein to "he" shall include "she" unless the context thereof requires otherwise.
- b) In this By-law, unless the context otherwise requires:
- (1) "ANIMAL" means any animal that is kept in domestication or captivity and includes any part of an animal whether it is dead or alive.
 - (2) "ANIMAL CONTROL OFFICER" means any person appointed or employed by the Rural Municipality of Oakland, or the assistant or agent of any such appointee or employee, to carry out any provisions of this By-law, or any contracts or agreements entered into for the purpose of carrying out any provisions of this By-law.
 - (3) "DOG" means all species of the animal commonly known as dogs, and includes the female as well as the male of every breed or classification or mixture of breeds, unless otherwise specified
 - (4) "OWNER" means any person who owns, possesses, or harbours any dog within the Rural Municipality of Oakland and shall include breeder.
 - (5) "POUND" means any premises where dogs are confined in accordance with the provisions of this By-law.
 - (6) "POUNDKEEPER" means a person appointed to have charge and supervision over a pound in accordance with the provisions of this By-law, and includes any person acting as an assistant to, or under the direction of the poundkeeper, also known as the "ANIMAL CONTROL OFFICER".
 - (7) "PREMISES" shall be all the land and buildings owned or rented by a person.
 - (8) "RUN AT LARGE" as applied to an animal means that the animal is not under the direct and continuous charge and effective control of a person competent to control it or is not under control by confinement within an enclosure, and "RUNNING AT LARGE" and "AT LARGE" have a corresponding meaning.

PART II - OFFENCES

3. No Owner shall:

- 1) permit his dog to run at large within the Municipality.
- 2) permit his dog to unduly disturb the quiet of any person, in the case of a dog by howling or barking;
- 3) permit his dog to bark at any domestic animal, individual or vehicles on a public highway, except where the dog and domestic animal are owned by one and the same person;
- 4) Harbour or keep any vicious dog unless such dog is securely fastened at all times in such place and in such manner that it does not endanger the safety of any human or animal;
- 5) permit his dog to be a public nuisance or to bite or threaten to attack any person:

- 6) it is the responsibility of the dog owner to have the animal vaccinated against rabies:
- 7) refuse the Animal Control Officer the right to see and inspect any dog which the Animal Control Officer suspects may have violated or be in violation of the provisions of this by-law.
4. It shall be an offence for any person to tease, entice, bait or throw objects at a dog confined within its owner's property.

PART III - ESTABLISHMENT OF POUND AND APPOINTMENT OF POUNDKEEPER

5. a) The Municipality shall establish and make provision for the establishment of premises for the confinement of dogs apprehended pursuant to any provision of this By-law.
- b) Notwithstanding subsection (a), the Council may enter into an Agreement, in a form attached hereto as Schedule "A", with a private party who shall be the Municipal Poundkeeper for the purpose of enforcing the provisions and providing for the impounding of dogs under the provisions of this By-law. The Poundkeeper, during the term of said Agreement, shall be authorized to perform duties of the poundkeeper as may herein be assigned and shall be responsible for carrying out the duties so appointed by this by-law and the said Agreement.
- c) The Municipality may ratify an agreement respecting the above, made between the municipality and co-operating municipalities for a poundkeeper.

PART IV - APPOINTMENT AND DUTIES OF POUNDKEEPER

6. The Animal Control Officer shall be, and is hereby appointed as poundkeeper for the Municipality and shall be responsible for enforcing the provisions of this By-law related to such positions.
7. It shall be the duty of the Animal Control Officer:
 - a) to issue warning and/or charging the applicable fine and costs to the owner of a dog for violation of any provision of this By-law; as deemed necessary;
 - b) apprehension and confinement of any dog which is in violation of any provision of this By-law;
 - c) care and protection of any dog during the period of confinement after its apprehension;
 - d) sale or destruction of any dog which is not claimed by its owner or for which the owner has not paid those costs chargeable to the owner of a dog after its apprehension;
 - e) collection and payment to the Municipality of any fines and costs collected from an owner of a dog for violation of this by-law;
 - f) notification to the owner of a dog confined after apprehension, and where the owner cannot be ascertained, preparation and posting in the office of the Municipality, a notice describing the animal impounded, the date of the apprehension and confinement, and the date after which said animal may be sold or destroyed unless claimed;
 - g) preparation and delivery to Council of a monthly report setting forth such information relating to his duties as Council may require;
 - h) to maintain a record of all dogs impounded and of the disposition made of same for financial and statistical purposes.

PART V - IMPOUNDING

8. a) The owner of any dog impounded may redeem said dog from the pound within seventy-two hours of impoundment by:
 - i) paying the applicable impound fees as set out in Schedule "B", attached hereto;
 - ii) thirty cents per kilometre actually and necessarily travelled by the Poundkeeper from the pound to the place of apprehension and return;

- b) Upon the expiration of seventy-two hours from the service of notice on the owner, or where the owner could not be ascertained and the notice was duly posted; the poundkeeper shall be authorized to sell the dog for an amount sufficient to cover, where possible, all applicable impound fees as set out in Schedule "B" attached hereto;
- c) In the event the dog is not claimed or sold after the expiration of seventy-two hours, the poundkeeper shall be authorized to have the animal destroyed by a Veterinary Surgeon, and if the owner of the animal is known to the poundkeeper, the owner shall pay to the Municipality the cost of such destruction.
9. No liability shall attach to the Poundkeeper, his employees, or to the Municipality for any dog destroyed or injured while being captured or seized, or during impoundment.
10. The Poundkeeper may enter the land surrounding any building in pursuit of a dog which has been observed to be at large or running at large.
11. Any person filing a complaint with respect to a dog must give the Poundkeeper his name, address and phone number before any action will be taken, either to impound the dog or to institute any legal proceedings.

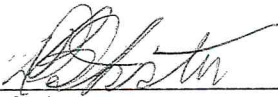
PART VI - PENALTIES

12. a) Any person violating any provision of this by-law shall be liable for summary conviction to a fine of not less than \$50.00 for a first offence and not less than \$100.00 for second of subsequent offence and not exceeding \$1000.00 in either case, together with costs, or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.
- b) Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues

PART VII - BREACH OF BYLAW NOTICE

13. A Notice of Breach of By-law in the form set forth in Schedule "C" attached to this Bylaw may be served by the Poundkeeper to an owner where he/she is known, where the dog has been apprehended, as provided herein.
14. This By-law shall become effective on the date that it is done and passed.

DONE AND PASSED by the Council of the Rural Municipality of Oakland in open council assembled at the Village of Nesbitt, in Manitoba, this 8th day of March, 2000, A.D.


David B. Inkster
Reeve


Marlene A. Biles
Chief Administrative Officer

Read a first time this 8th day of February, 2000.
Read a second time this 8th day of February, 2000.
Read a third time this 8th day of March, 2000.

CAO

From: Jemine Hofer <elhark9s@gmail.com>
Sent: Thursday, September 12, 2019 12:52 PM
To: CAO
Subject: Response Hofer - Dog Complaint
Attachments: Response to Petition.pdf

Good afternoon,

Please find attached my response to the letter I received September 9th in regards to Re: Dog Complaint. Also attached you will find other reference materials pertinent to the file including a letter from a fellow neighbour that resides to the east of my property.

I would like to request the time for which the meeting will be held September 17th, 2019 if you can please advise.

Thank you in advance,

Jemine Hofer
Elhart K-9's German Shepherd Dogs
Box 59, RR#1, Site 175
Brandon, MB R7A 5Y1
Tel: 204-573-7138
Email: elhark9s@gmail.com
Website: www.elhark9shepherds.com



September 10, 2019

Municipality of Oakland Wawanesa
Box 28
Nesbitt, Manitoba R0K 1P0

Re: Dog Complaint Response

In response to the letter received September 9th, 2019 regarding the petition and my dogs barking.

HOUSING FOR THE DOGS

- When I moved to the property April 2nd 2019, there was no fencing on the property. As there was still approximately a foot of snow on the ground, my only option was to house and secure my dogs in one of the outbuildings. They were let out on leash to exercise.
- Once the snow began melting, I discovered the spring runoff was seeping into the building creating a constantly wet floor and a generally unhealthy environment for the dogs.
- On May 15, 2019, I was able to secure a contractor to complete some excavation work around the building in order to eliminate the seepage problem. The ground was still frozen in some places, so I had the same contractor push in the poles for the fencing.
- That same week, I erected over 300 linear feet of fencing on the property. This allowed the dogs access to outside and followed the guidelines of the municipality. I have since expanded the fencing allowing my dogs to enter my house without being outside of the fence for ease of use and better security.
- Property to the **east neighbour** is 80' from the dogs' fence line
- Property to the **west** is approximately 200' from the dogs' fence line
- Property to the **south/west** is approximately 400' from the dogs' fence line
- **Frontage road** is approximately 300' from the dog's fence line

DOGS BEHAVIOUR

My dogs did not immediately recognize our property boundaries and did for a brief period bark at passing cars on the main road. However, they learned quickly. They no longer bark at traffic unless someone comes onto my yard, in which case they will bark to alert me visitors/strangers are on my property, but stop once I have greeted the visitor.

Neighbours to the East (who I understand started the petition and are the main complainants)

German Shepherds, which I own and train, are companion/guard/herding dogs. Like many other breeds, it is instinctual for them to alert their owner whenever someone, or something, approaches their property. When I moved the dogs onto the property, from my observation, my east neighbours were infrequently there, mostly weekends and sometimes an occasional night during the week. They were not coming and going on a regular basis. Their approach is right next to the edge of my property and only about 300 feet from the fence in which the dogs were housed during the day. They had to stop and get out of their car to let down a chain they kept across their lane. Because they were not attending to their place on a regular basis, the dogs would indicate that there is a stranger at the edge of the property. It appears my east neighbour is now residing in the home and the dogs no longer react to their coming and going. I have been out with my dogs when they have driven onto their property and observed the dogs look that way but DO NOT bark, as they have now identified the neighbour's vehicles as belonging in the neighbourhood and no longer perceive their presence as something to be concerned about. This is one of the reasons German Shepherds excel at guarding. They can recognize routine and will usually only alert their owner when something out of the ordinary is occurring. Having been on the property for five months, my dogs now recognize they do not need to guard the neighbour's property and this is no longer an issue.

Neighbour's to the south/west

This neighbour owns three dogs, one of which one is a very small dog and the other two appear to be German Shepherd/mix dogs. When I first moved to the property their dogs would come down and watch my confined dogs and defecate on the property. One time, the neighbour came down to collect his small dog and I cautioned him to please keep his dogs off my property. My dogs are not aggressive, but most people understand normal dog behaviour and boundaries. While my dogs are trained to ignore other animals on the street and when out for walks with me, I want to prevent any possibility of an unfortunate incident occurring as a result of a strange dog wandering into their territory.

Neighbour to the west

This neighbour owns a cat that is often at large and I have observed it on my property from

time to time. If my dogs see the cat, they will bark to indicate the cat should not be there. I don't believe my dogs should not be penalized for this.

Foxes on the property

Foxes on my property has been the most troublesome issue that I have had since moving to this location. There are 2 foxes that I have spotted frequenting my yard. As per the photos attached, they have been defecating and marking around my house, up on my decks and taunting my dogs within 5' of the fence line. They sit at the top of the hill and bark at my dogs to provoke them. They are a constant nuisance. I have contacted both the Municipality and Conservation and have subsequently been provided with traps. So far, the foxes have outfoxed me and I remain unsuccessful in trapping them. At this point, I feel the Municipality should be actively addressing the fox issue. My neighbours to the far east of me advised they've lost hundreds of dollars in rare birds. The foxes leave carcasses on my lawn, some of which were likely the rare birds.

Foxes pose a huge health risk to my dogs and other animals in the neighbourhood, including the potential of bringing in rabies/distemper and parvovirus to name just a few. Recently I had to take my dogs to the vet because they had a bacterial eye infection. When asked by the vet where my dogs have been, my response was they have not left the property. After trying to determine where they could have potentially caught this bacteria, I mentioned the foxes to the vet who agreed foxes certainly can transfer this bacteria, as it is airborne. I ended up spending over \$100.00 in eye drops. In over 20 years of owning German Shepherds, I have never encountered this issue prior to my current problems with foxes.

In July 2019, my adult daughter was outside after dark with one of my young dogs when a fox came within a few feet of her and the dog. This terrified her and concerns me greatly as well. In my experience, a healthy fox would not knowingly approach either a dog or a human, much less both. I am left wondering if the fox is sick or has lost its natural fear of humans, either of which could be dangerous for a child or other animals.

On September 5th I awoke at 2:47 am and heard barking. I went outside to check the dogs and their bark collars. I discovered a fox was again in the yard. The fox instead of running remained in the shadows and continued barking at me and the dogs.

Other

September 8th, 2019 I was in the house and my daughter was on the lake kayaking. She came running up to the house and explained she had been across from our house behind the reeds (where she couldn't be seen from the road) when she heard someone on the frontage road say, "let's go" and then these people proceeded to "bark" at my dogs, which got my dogs barking before the people took off. By the time she was out of the boat and

up the hill to our property, they were gone. Advising me of the incident, I went down to the road and traced the bike tracks, identified and spoke to the family involved, and in turn received an apology. This however was disturbing and I'm left wondering how many other times this may have happened in the past where I was unaware of why the dogs were suddenly barking.

DISCUSSION WITH NEIGHBOUR (COMPLAINANT)

I found out through a fellow neighbour August 29th, 2019 that my neighbour on the east side of my property (known to me only as Gord and his wife Donna) was going around asking people to sign a petition he had started.. I also learned Gord had been telling people, while running from house to house with his petition, that I have 13 dogs on my property. That is not true. Based on a comment he made to me, I believe Gord viewed my website and somehow came to that conclusion. What he doesn't understand and simply made assumptions about is that as a breeder, the dogs posted on my website *are not all residing with me*. I co-own many dogs throughout Manitoba which means I have my name on the registration and can use them for breeding or showing at my discretion. However, these dogs live with their own family. My retired dogs do not live with me either. At no time have I had, or will ever have, that many dogs on my property at Lake Clementi. My dogs are first and foremost **my pets** and, living as a single woman, they are security for me. I established myself over the last 20 years as a responsible and reputable breeder and am very conscientious about my dogs. I have never received a complaint about my dogs from neighbours prior to moving here.

Attached are reference letters for your review written while I resided at my prior residence.

I have been informed that Gord has also told other neighbours my dogs are aggressive, apparently due to my warning the owner of the dogs running loose on my property to keep his dogs away. Gord appears to have misconstrued this comment to benefit his cause. One neighbour informed me her spouse had signed the petition when Gord came to their door. When she asked her spouse what the petition was for, he said they didn't really know, something about barking dogs. When she pointed out they hadn't heard any barking, her husband said he had signed it because he didn't want to make waves.

I would like to point out that at no time did Gord come to me to discuss his concerns or try to resolve this matter in an amicable way. When a neighbour informed me Gord planned on starting a petition, I was concerned and decided to find out what was upsetting him. On the evening of August 29th, I approached Gord at his home to discuss the matter and try to do what I could to resolve whatever his issues were. Unfortunately, I was extremely disappointed in the response from him. When I tried to speak and explain/discuss the issues as I understood them from the limited information I got from other neighbours, his response was "I don't care, I don't care, I don't care, I don't care, I don't care, I don't care....." over and over again at least a 100 times, making it impossible to have a civil or

reasonable conversation with him.

When I tried to discuss the foxes causing my dog to bark and the fact that the foxes are living under his seacan in his yard, he responded he didn't care and that his wife likes the foxes.

I have over \$1,000 in training equipment which includes e-collars and barking collars which I took with me to him to help him understand the training my dogs have as well as how the collars work. He would not stop saying, "I don't care" over top of anything I tried to say. He did volunteer he has also complained about another neighbour's dog going onto his property and bothering him.

WHAT AM I DOING ABOUT THE BARKING?

The dogs are now all trained for my property boundaries and as noted above, do not bark unless someone comes onto my property. On those occasions, the dogs only bark until I greet the visitors.

As mentioned above, I have e-collars which work to correct or shape the dogs behaviour. They work from ½ mile away and I have enough collars for all of my dogs. The barking collars that I own are digital and record the amount of barks on each dog as well can be fine tuned for each dog in terms of correction from soft to hard or auto. If I am away, I reset the counter and will check the dog upon my return to determine if the dog did in fact bark or not as the collar will auto correct and record barks. Any excessive barking on a dog I will train and re-evaluate where they are kept while I am away if they are barking to insure they are not bothersome. However in saying this, the collars can only be worn for so many hours and then need to be charged so there is downtime in which the dogs may not wear them. Also, if left on for too long, barking collars can cause abrasions on the dog's neck. How do I monitor this? I have been keeping all of the dogs locked inside so they cannot see the foxes at night. If the dogs are left locked up inside for the night, the foxes defecate all around the fences and on my decks/sidewalks.

I would also like to point out my job allows me to work from home over 50% of the time based on the seasons. My office is right outside of the fenced area. If the dogs were to bark as Gord says day and night, I would hear them and wouldn't be able to work. I DO NOT TOLERATE EXCESSIVE BARKING. I never have.

ABOUT MY DOGS

I would encourage you to Google my name on U Tube and watch a few of the videos that I have posted. You can also check out my dogs on my website and review them and the

titles that they have won. However please note that I only have a few dogs that actually reside with me as this video library has been compiled over the years in which some of the dogs resided with me only for training.

Several of the puppies I have bred have gone to homes with autistic children and daycare homes. There are also puppies that have gone to homes as emotional support dogs and therapy dogs in which I have helped the families in training their puppies.

One of the dogs at my house, Kimon, was bred and trained in Italy. When I purchased him in 2017 he had already achieved several titles in Italy, including tracking/obedience/endurance. I then trained and showed him in Manitoba where he achieved his Canadian Championship and added a herding title as well as his CGN (which means he can also act as a therapy/emotional support dog). He was also training for Search and Rescue but one of his faults when locating the victim is lack of barking, an irony given the complaints that my dogs are chronic barkers.

I have been training dogs all my life, but German Shepherds exclusively since 2000. I was a trainer at Crocus Obedience Kennel Club for several years and train in obedience, show and tracking. I have conducted training classes and have helped with shepherd rescues/rehabilitation as requested by the Brandon and Winnipeg Humane Societies. With the proper training, these dogs were able to go on to their 'forever homes' with families rather than being euthanized. I have constant requests for puppies, which are often reserved before breeding/whelping. Dogs I have bred are located all over Canada and as far away as New Jersey. Dogs that have resided with me include dogs that visit seniors homes, schools, pet expos, dog shows, stores etc. I have also owned a dog which at 4 months old alerted to a break and enter at my neighbour's garage which led to an arrest of the suspect. They are not chronic barkers and do not bark out of boredom, but are bred and trained to bark when needed. However, they are still animals and will react to the foxes or other pests on the property, as well as alerting me to strangers approaching.

There is a constant demand for trained Search and Rescue dogs. I currently have a dog displaying the traits necessary for search and rescue, but the training requires the dog to bark for at least two minutes until the rescuers arrive. Although this training would be done during the day, given the current complaint(s) about my dogs, I am reluctantly reconsidering training this dog for Search and Rescue.

CONCLUSION

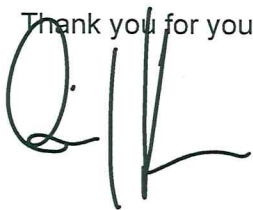
At no time did Gord or anyone else come over to discuss their concerns or ask to meet the dogs. I had a discussion with my neighbours to the east of my property on September 8th, who agreed that he hadn't heard my dogs barking in quite a while. I can provide his name for you to personally discuss with him if needed. I have also attached a note from another neighbour indicating that she does not hear the dogs.

There are many bi-laws broken/not enforced on this road including allowing animals to run at large and weed control but I haven't complained. I keep my dogs within my fence and always on leash when off the property. I have retrained them as noted above and am hyper vigilant with the barking.

I have read the bylaws stating no one will permit his dog to **unduly** disturb the quiet of any person, in the case of a dog howling or barking. **Unduly** is defined as "excessively, immoderately, intemperately, disproportionately, out of proportion, etc. If there is a person who does not like dogs, one bark a day could be considered too much, or unduly disturbing to that person. I do not believe that is reasonable or the intent or spirit of the bylaw. Gord has stated that he has "recordings" of the dogs barking. After noting that, on at least one occasion that I am aware of, the dogs were provoked into barking, there is no way to know if they had been provoked into barking for the purpose of making the alleged recording. My dogs DO NOT HOWL and I have been counting how many times a day my dogs will normally bark. I have one that will bark for a few seconds when released to go outside to play and when put to bed in the evening. Is a few seconds of barking **unduly** disturbing the neighbourhood? Should this be punished?

In closing, I am saddened that Gord refused to address his concerns directly with me and instead chose to start a petition. I did not move here with the intention of upsetting any of my new neighbours and I remain willing to work together to resolve any real or ongoing issues.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'J. Hofer', with a stylized flourish at the end.

Jemine Hofer
109014 Road 48N
Brandon, MB





Box 25, Nesbitt, Manitoba R0K 1P0 Phone: (204) 824-2696 Fax: (204) 824-2374

September 5, 2019

received
ceo@oakland-wawanesa.ca

Jemine Hofer
Site 175, Box 59, RR #1
Brandon, MB
R7A 5Y1

RE: Dog Complaint

This letter is further to your call to the Municipal Office with respect to the above. At this time, I want to advise that a petition has been received with respect to barking dogs on Lake Clementi Road, which the complainants have indicated is coming from your property. The petition will be included in the agenda package for Council at its September 17, 2019 meeting.

The Municipality has a by-law for the regulation and control of dogs, which states, in part, that no owner shall permit his dog to unduly disturb the quiet of any person, in the case of a dog by howling or barking. A copy of the by-law is enclosed for your reference.

If you have any information you would like to share with Council, please provide it to the office by no later than September 12, 2019.

In the interim, please continue your efforts to rectify the issue.

Thank you for your prompt attention to this matter.

Yours truly,

Joni Swidnicki
Chief Administrative Officer

Attachment

2019/09/10

To whom it may concern,

I am writing in regard to the petition presented to Council relating to Jemine Hofer's dogs. I will note, I am unaware of what the petition is requesting as I have not actually read it, nor have I signed it.

I am one of the neighbors at the end of the road. I'm disheartened by how this situation has come to a head. There are eleven of us on our road and most of us are friends. My husband and I moved to Lake Clementi in the spring of 2015 and have loved it ever since. We have three dogs, cats and various poultry, waterfowl and gamebirds that we raise on our five acre property. It is a small homestead of sorts and we have relied on our neighbors at various times as we've adjusted to "country living". All have been very helpful and friendly.

This past summer has been a challenging one for us. We've struggled with predators on our property killing our birds. We choose to free range all of our birds as the yard is beautiful with chickens, ducks and geese, and the fresh eggs are a plus. We have discovered the local foxes really like our free range birds as well. We've tried live trapping on our property without success and have estimated our losses at over a \$1000. I raise a rare breed of duck and peahens are very expensive when they go missing! So I mention this as I know Jemine has struggled with these same foxes as well. The foxes have also spent the summer living at Gord and Donna's - right beside Jemine's dogs.

When Jemine moved in this spring, it was an adjustment to our little community of ten. Our dogs are primarily inside dogs and we are also at the end of the road. Normal dog noise from our property seemed accepted as all the neighbors had met our dogs numerous times. Jemine brought a different group of dogs that needed time for adjustment to their new surroundings. Large dogs. That barked a lot at the start. Kennels were built and time needed to settle in. As the months have passed, the dogs are noticeably quieter. They seem to have learned some of the noises of the neighbors and they never bark back and forth with ours anymore. Again, we are at the end of the road, but we can and do hear them occasionally. Nothing like the first month they moved in and no more than our dogs when they alert to foxes, coyotes or the odd skunk travelling through. Jemine has spent time, money and a lot of energy training her dogs and preparing her property for her kennel. She has beautiful German Shepherds that didn't even alert when I was there for the first time last month. While I know tensions have been high with the other neighbors, I haven't had any issues with Jemine or her dogs. Ours even met on the road one day on our way home from a hike and not one squabble or sign of aggression between any of them.

While I wish this situation hadn't escalated to this extent, it is unfortunately in front of you today. I can only speak to my limited experience with Jemine in a positive way. She struggles with the same foxes that drive my dogs crazy and steal my birds. Her dogs are protective and will alert to strange noises. They have also had to go through a move and adjustment period. On the other side, Gord and Donna have spent 4 years building their dream home and have just moved in two weeks ago. Both sides have valid concerns, it's just too bad they hadn't spoken with each other before reaching this point.

Sincerely,

Jennifer Grant

109049 Lake Clementi Road

February 9, 2018

To Whom it may concern,

The purpose of this letter is to provide a character reference for Jemine Hofer, whom I have known for three years.

Our relationship is that of supervisor/employee but I view Jemine as a co-worker and friend. Jemine is a very conscientious and hardworking individual who has a strong sense of duty and loyalty which she applies in her job, family and community. Jemine has a great sense of integrity and constantly strives to do the right thing for her customers, coworkers and family. Jemine is very thoughtful, caring and sensitive. Her customers and coworkers appreciate that Jemine takes the time to listen and that she treats them with great respect and in turn has earned their respect.

On the personal side, Jemine is very much centered around her family and her animals, particularly her dogs. Jemine displays great emotion when talking about her family and her animals. Jemine spends a lot of time attending sporting functions for her kids, volunteering for her community and caring for her animals. She is very devoted and loyal.

I am very fortunate to work with someone like Jemine and I am proud to be able to call her a friend.



Elizabeth Harris
Claims Supervisor
2047-824-6206

Brandon Humane Society
to: Elhart L. 9 x German Shepherd Dog
[Letter of Reference](#)

Mon, Feb 15, 16, 3:53 PM

Monday, February 15, 2016

To Whom this may concern:

I am writing this letter of reference in support of Jemine Hofer.

I have been with The Brandon Humane Society for almost 19 years, and have known Jemine Hofer for at least half of that time. Probably longer.

I know Jemine through our work together at the Shelter.

She started volunteering with us several years ago.

I regard Jemine as a very bright, reliable and trustworthy individual with a great deal of knowledge.

She is a very responsible and caring breeder for the German Shepherd Breed, but an advocate for all dogs.

We have worked together in so many aspects, but what best shows the trust I have with her is in allowing her to foster our animals.

Jemine is excellent at what she does, and is an asset in the Dog World whether it be as a breeder, or a rescue worker.

I commend her for the work she does.

Kind Regards

Tracy Munn

Tracy Munn – Shelter Manager/Director
Elizabeth Anderson – Assistant Manager
Brandon Humane Society
2200 17th Street East
Brandon, MB
Office: 204-728-1333
www.brandonhumaneociety.ca

"Compassion for animals is intimately connected with goodness of character; and it may be confidently asserted that he who is cruel to animals cannot be a good man." – Schopenhauer

"Kindness is the language the blind can see and the deaf can hear." – Mark Twain

Dr. Joe Gray
Grand Valley Animal Clinic
304 Pacific Ave
Brandon, MB
(204)728-0033

To whom it may concern;

This letter is to confirm that Jemine Hofer has been a regular client of mine at the Grand Valley Animal Clinic for the last 7-8 years. During this time, I have come to know Jemine as an excellent pet owner and accomplished dog breeder.

She is a regular client at our clinic and will seek veterinary attention for her dogs as soon as she becomes aware that they are unwell.

Jemine always performs screening tests ie: hip radiographs, elbow radiographs etc. to ensure that she only breeds with quality dogs.

I can attest to Jemine's good character and integrity.

If you have any additional questions, please do not hesitate to call me at the above number.

Yours sincerely,



Joe Gray



CAO

From: Councillor.Hargreaves
Sent: Thursday, September 12, 2019 8:08 AM
To: CAO
Subject: Board of Revision

Hello I was reading through the steps of revision last night to educate myself on the process. I read that we can appoint the board and it has to be a minimum of 3 people. As the weather has been awful for harvest and as the forecast reads right now the weekend through Tuesday are to be really nice days. Wondering if we could appoint a board on Tuesdays council meeting and If I could be excused or not on the board. I don't want to speak for councilor Cory but I would think he would like the same. I will attend the regular council meeting but was hoping it didn't run too long?
Thanks

Brett Hargreaves, Councillor
Municipality of Oakland-Wawanesa
Cell: 204.761.6310
Nesbitt Office: 204.824.2666
Wawanesa Office: 204.824.2244
Website: www.oakland-wawanesa.ca



Sale of Surplus Equipment

The Municipality of Oakland-Wawanesa is offering for sale the various surplus equipment listed below. All written bids must be received by 4:00 p.m. on September 11th, 2019 at the Nesbitt Municipal Office. Submissions can be dropped off in person or mailed to:

Municipality of Oakland-Wawanesa
Box 28,
Nesbitt, MB, R0K 1P0

All items are sold as is. The highest or any bid will not necessarily be accepted. All sales are final once a bid is accepted.

- No. 1 - Pallet Forks for skid steer
- No. 2 - Fuel Slip Tank
- No. 3 - Bandwagon-1000 sprayer
- No. 4 - 1999 F-150 4x4 - for parts
- No. 5 - Various Used Culverts
- No. 6 - Used timber planks
- No. 7 - 14.00 R24 SnowPlus Tire c/w rim

Pictures available on the municipal website at www.oakland-wawanesa.ca



Sale of Surplus Equipment

Bid deadline: September 4, 2019 at 4:00p.m.

Pallet Forks for skid steer



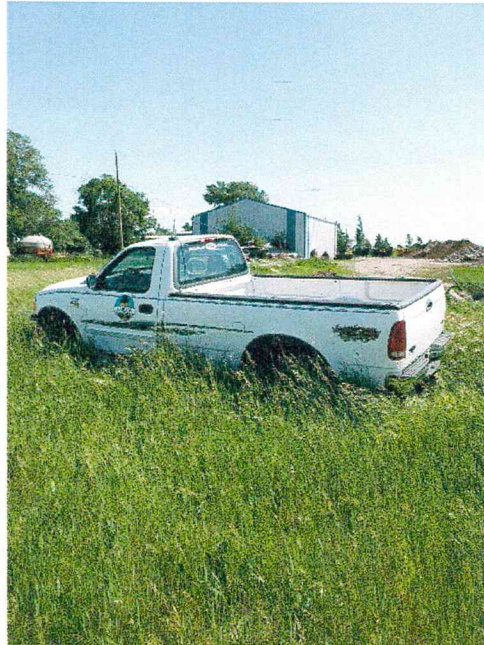
Fuel Slip Tank



Bandwagon-1000 sprayer



1999 F-150 4x4





Sale of Surplus Equipment
Bid deadline: September 4, 2019 at 4:00p.m.

Various Used Culvert Sections



Used timber planks



14.00 R24 SnowPlus Tire c/w rim

