

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-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 control areas of the provincial highway system, permits must be obtained from the provincial authorities 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 control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction here a site abuts a highway under provincial

jurisdiction, the owner shall obtain all permits required for setbacks of buildings and structures from the provincial authorities 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-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
Attached or detached accessory dwelling units shall be allowed as permitted accessory uses but only when they are located within or are accessory to a commercial and/or industrial building conducted on the same site as the principal use to which they are accessory. Accessory dwelling unit(s) within a commercial and/or industrial building shall be located in the rear portion of the ground floor and/or 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, operator and/or employee(s) 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:					
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 3.12 - “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 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 control areas of the provincial highway system, permits must be obtained from the Highway Traffic Board and/or Manitoba Infrastructure.
- (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
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 Manitoba Sustainable Development 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 dwelling 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 Mid West Planning District 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 dwelling 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 (vi) 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 Mid West Planning District 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. 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 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 authorities 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 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 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 SEPERATION 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 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 conditional use or 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) written information describing the type(s) and number of livestock of each species to be confined and estimated distances to the nearest two (2) dwellings not associated with the livestock operation; and
 - 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 and/or the Mid-West Planning District.
- 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.

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.

Board means the Mid West Planning District Board.

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 Mid West Planning District Board 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 within and/or forming part of a permanent single-unit dwelling, farm dwelling or non-farm dwelling on a single zoning site. 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.

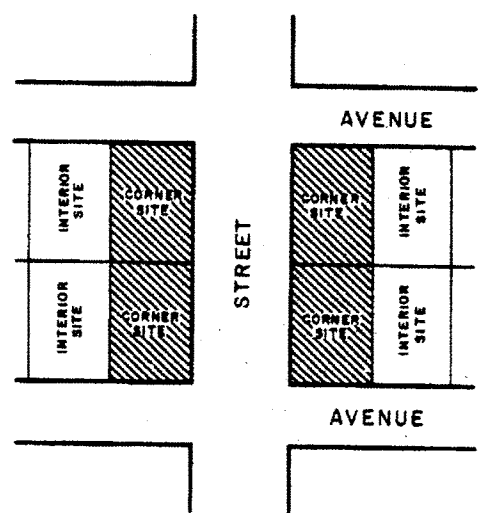
Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the total 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.

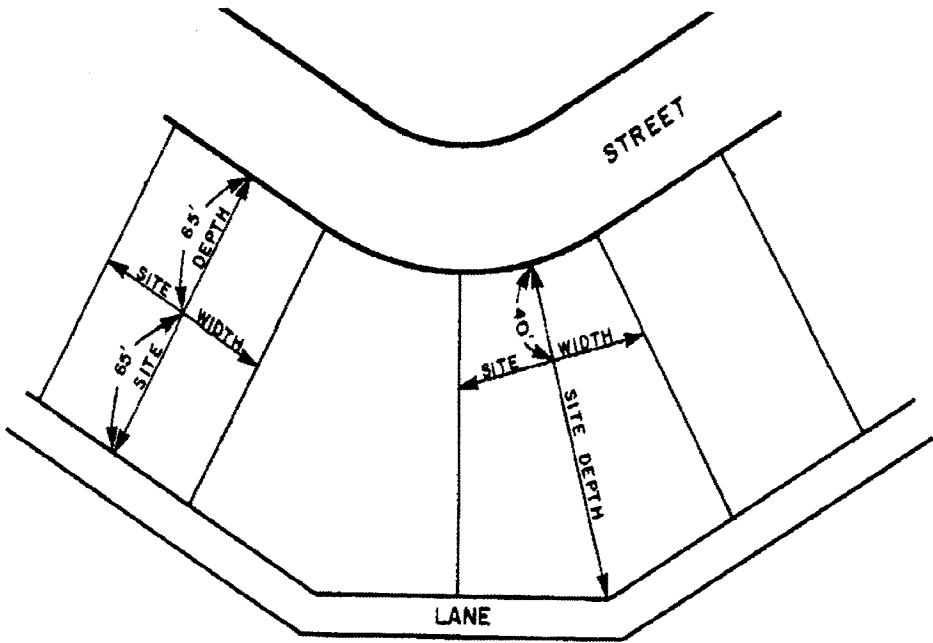
Site means an area of land which:

- (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:

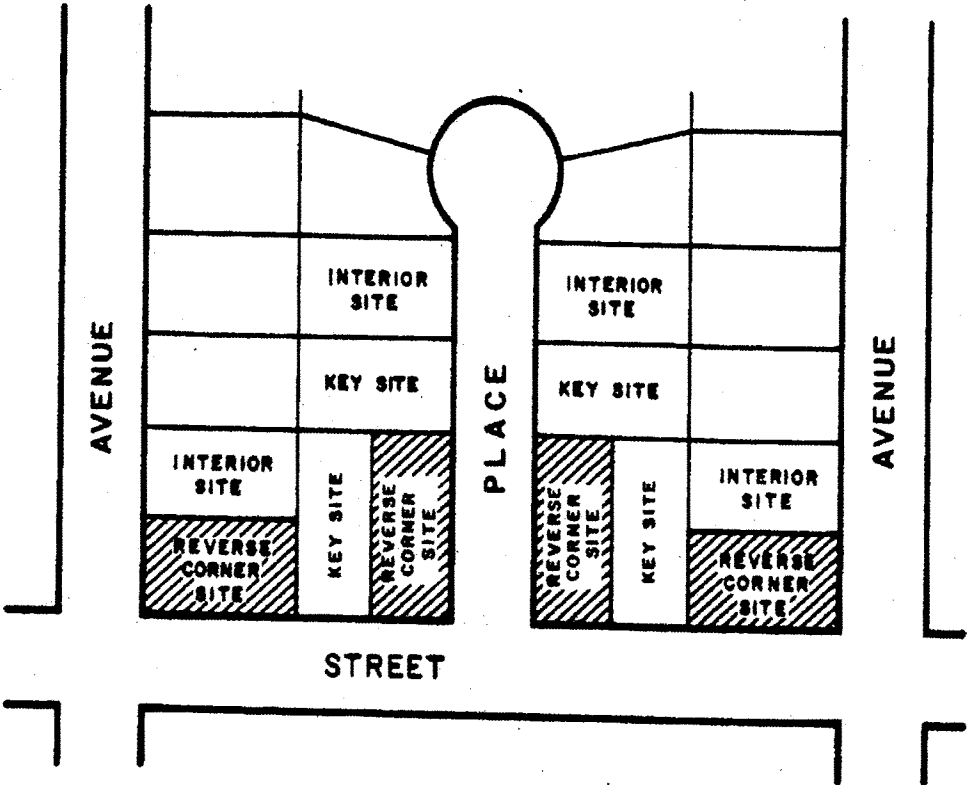
- (a) that boundary of a site which is most nearly parallel to the front site line;
- (b) where the side site lines intersect, a line 10 feet in length within the site, parallel to and at the maximum distance from the front site line.

side site line

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

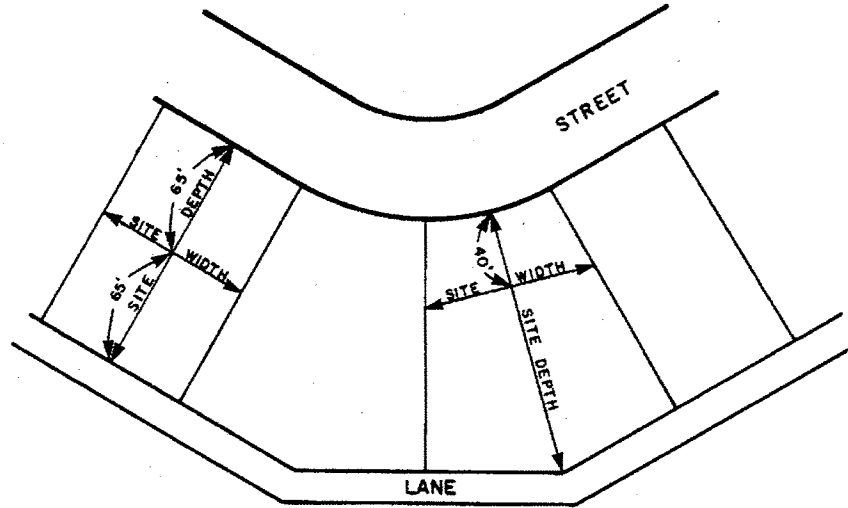
Where it is not possible to determine site lines according to these definitions, they shall be determined by the development officer.

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.

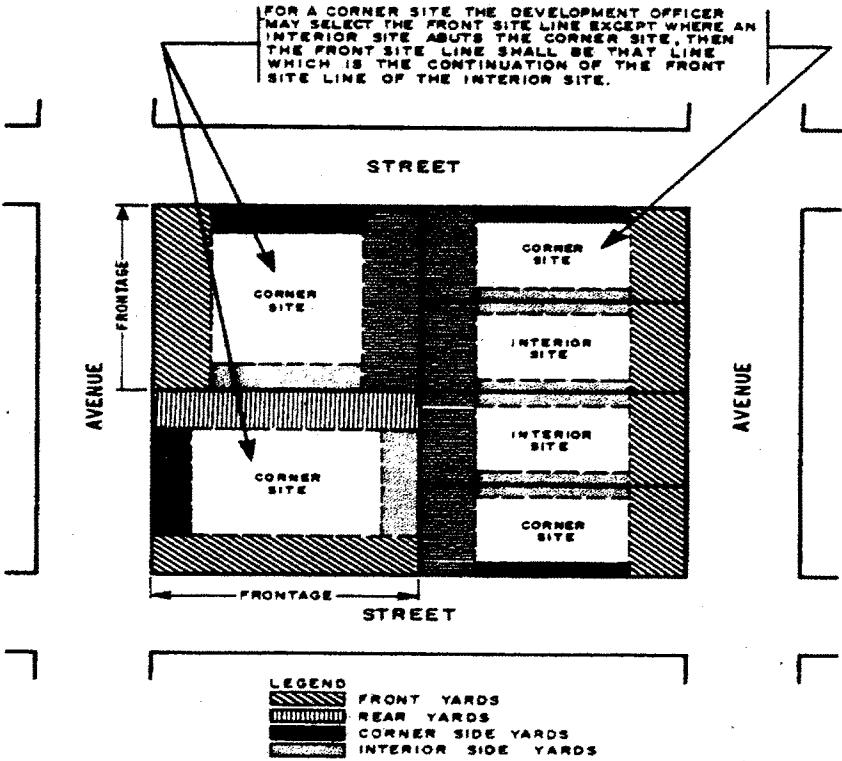
Yard means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

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:



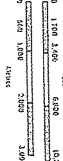
SCHEDULE “A”: ZONING MAPS

Municipality of
Oakland-Wawanesa
Proposed Zoning
By-Law No. _____

Map 1

DRAFT

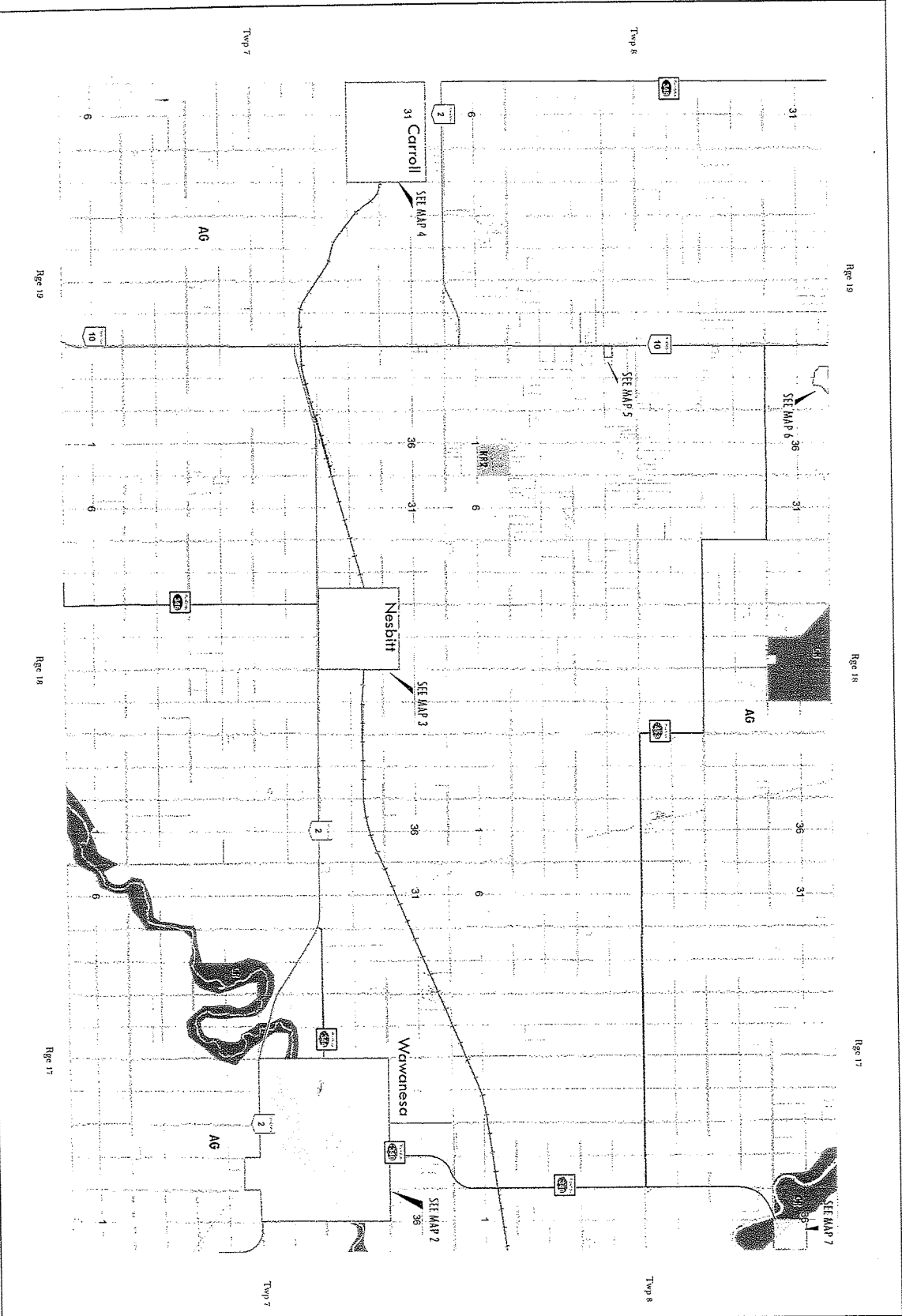
- AG Agriculture General Zone
- AL Agriculture Limited Zone
- RE2 Rural Residential Zone
- CC Conservation and Recreation Zone
- RW Railway
- FW Flooded Road
- PTH Provincial Trunk Highway



Prediction NAD 83 Zone 14N
Data Source: CIP, M1T
Date Created: October 9, 2018



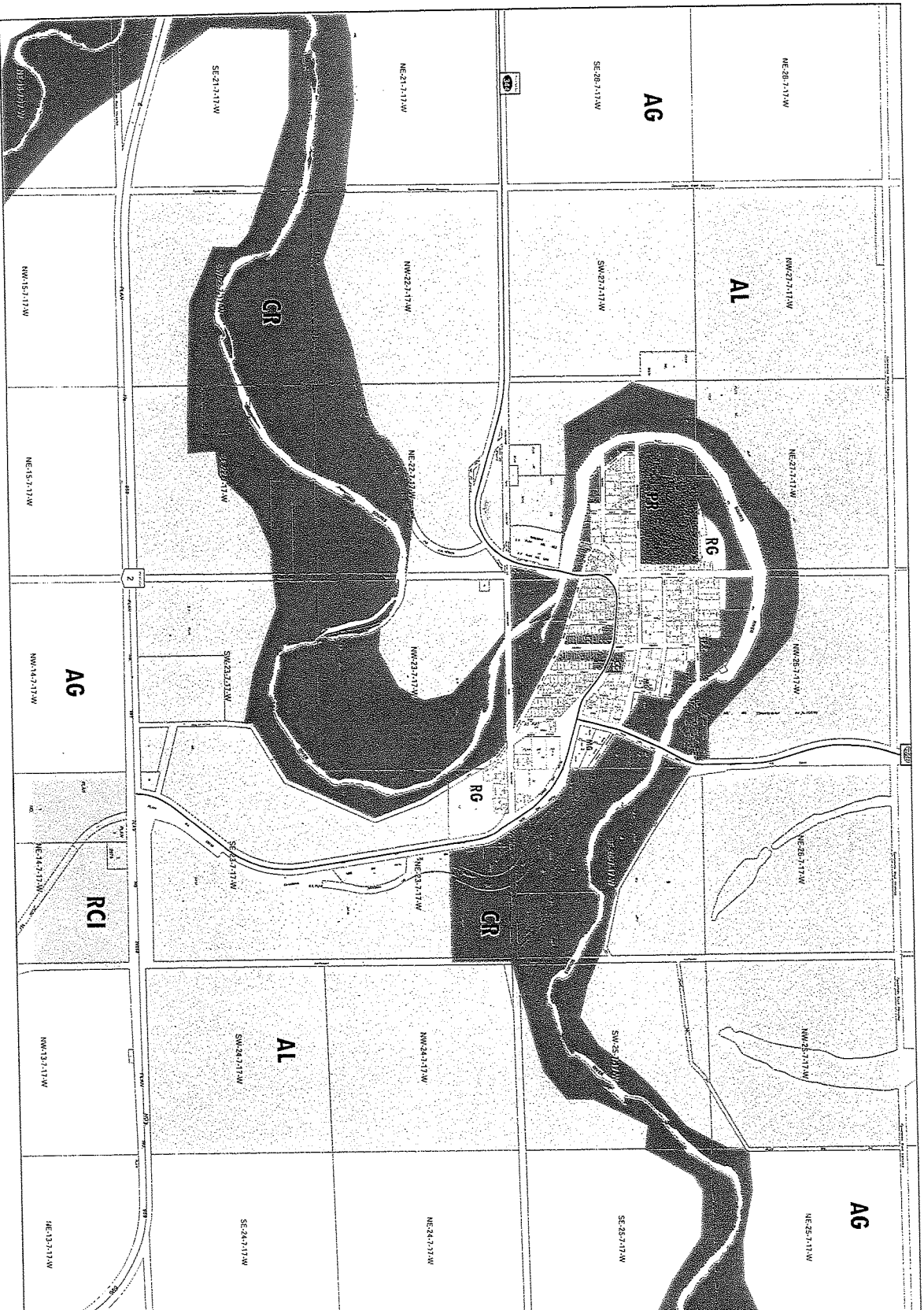
Manitoba
Municipal Revision
Community & Regional Planning



Municipality of
Oakland-WawanesaProposed Zoning
By-law No. _____

Map 2 - Wawanasa

DRAFT


Agriculture General
AG Zone

At Agriculture United Zone

Residential General
Zone
RC

Commercial Control Zone

MG Industrial General Zone


**Parks and Recreation
Zone**

Kurof Commercial
Industrial Zone

**Conservation and
Recreation Zone**

Provincial Road

Provincial Trunk Highway



Projection: NAD 83, Zone 14N
Data Source: CRP, MIT
Date Created: October 9, 2018



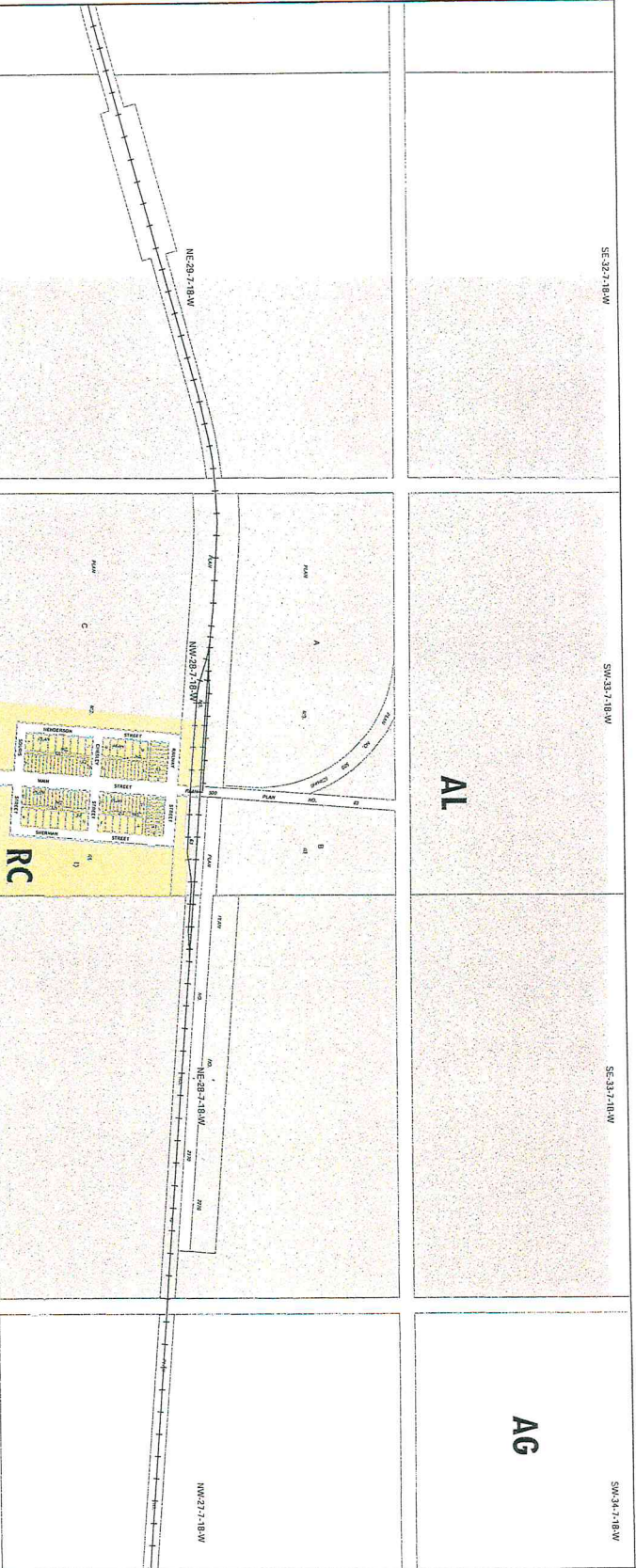
Memorandum
Municipal Relations
Community & Regional Planning

Municipality of
Oakland-Mawwanesa

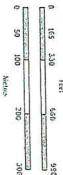
Proposed Zoning
By-Law No. _____

Map 3 - Nesbitt

DRAFT



- AG Agriculture Green Zone
- AL Agriculture Limited Zone
- RC Rural Centre Zone
- Policy
- Provincial Road
- Provincial Trunk Highway

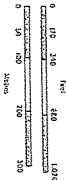


Projections: NAD 83 Zone 14N
Datum: CGM 87
Date Created: October 9, 2018

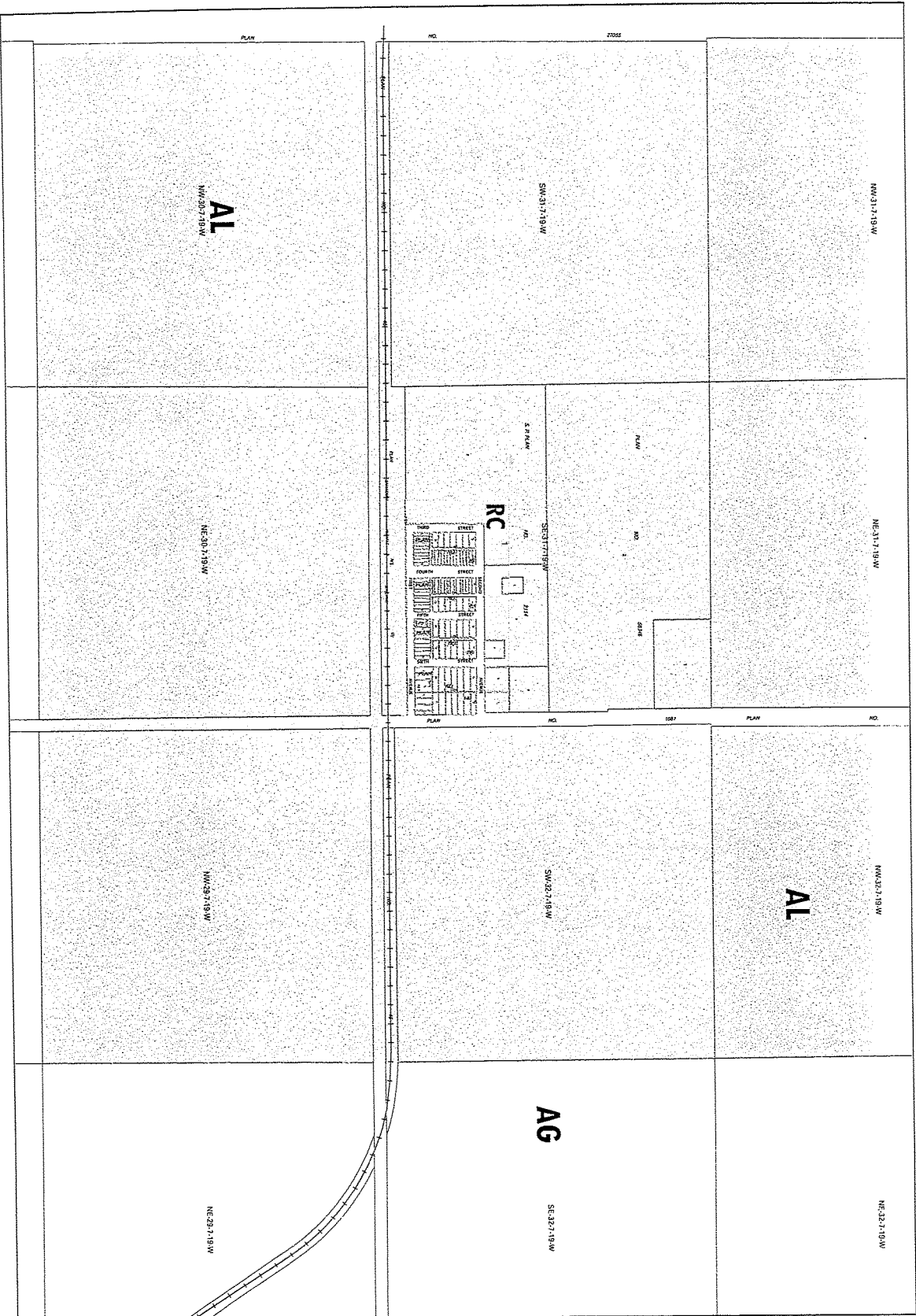
Municipality of
Oakland-Wewanesa
Proposed Zoning
By-Law No. _____
Map 4 - Carroll

DRAFT

- AG Agriculture General
Zone
- AL Agriculture Limited Zone
- RC Rural Centre Zone
- Railway
- Forested land
- Forested Park Highway



Projection: NAD 83, Zone 14N
Datum: Canadian Geodetic
Data Control, October 9, 2018

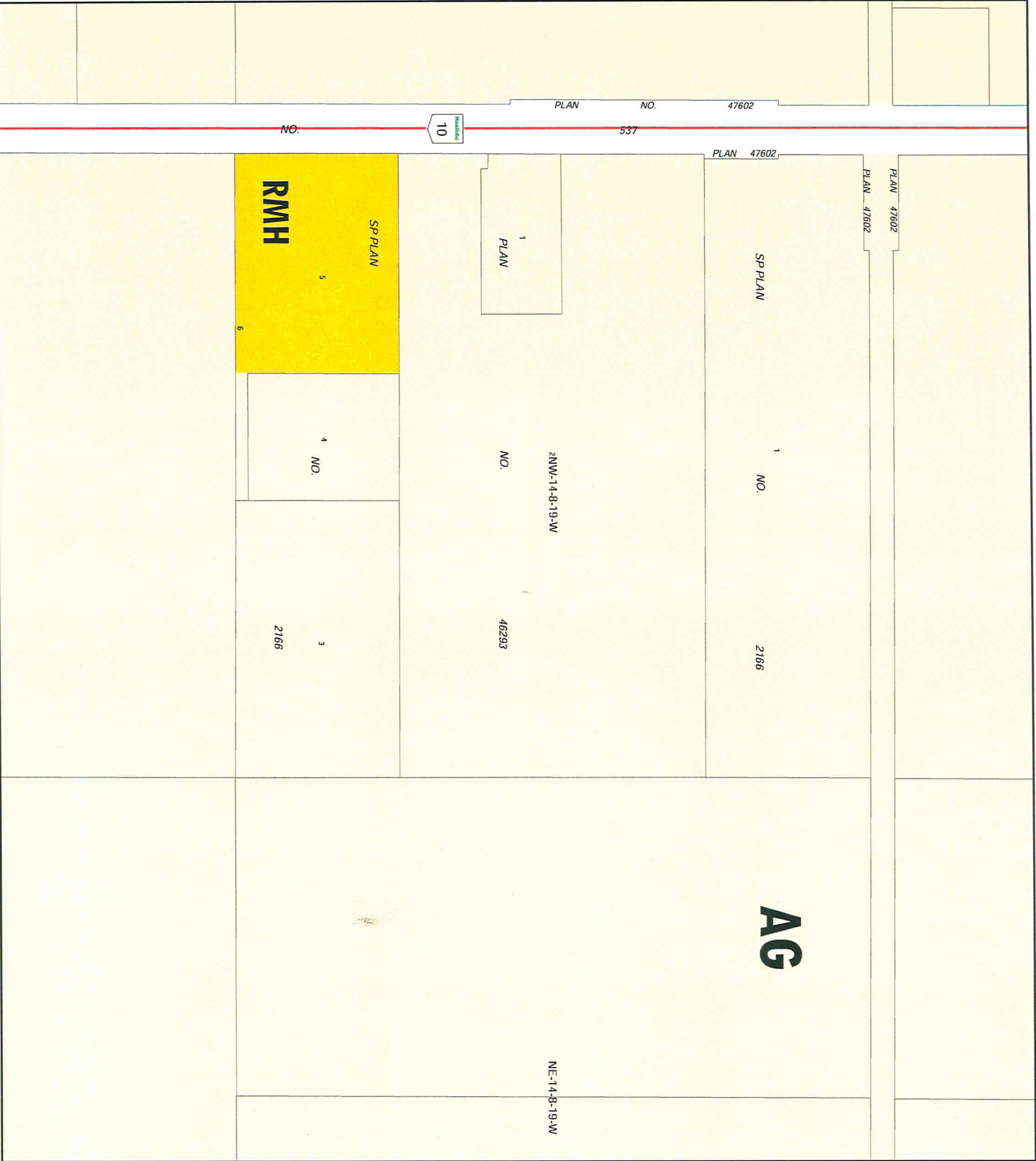


Municipality of
Oakland-Wawanesa

Proposed Zoning
By-law No. _____

Map 5 - Brandon Hills
Estates

DRAFT



AG Agriculture General Zone

RMH Residential Mobile Home Zone

Provincial Road

Provincial Trunk Highway

0 130 260 520 780

0 40 80 160 240

Feet

Meters

Projection: NAD 83, Zone 14N

Data Source: CRP, MIT

Date Created: October 9, 2018



Municipality of
Oakland-Wawanesa

Proposed Zoning
By-Law No. _____

Map 6 - Lake Clementi

DRAFT



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: October 9, 2018

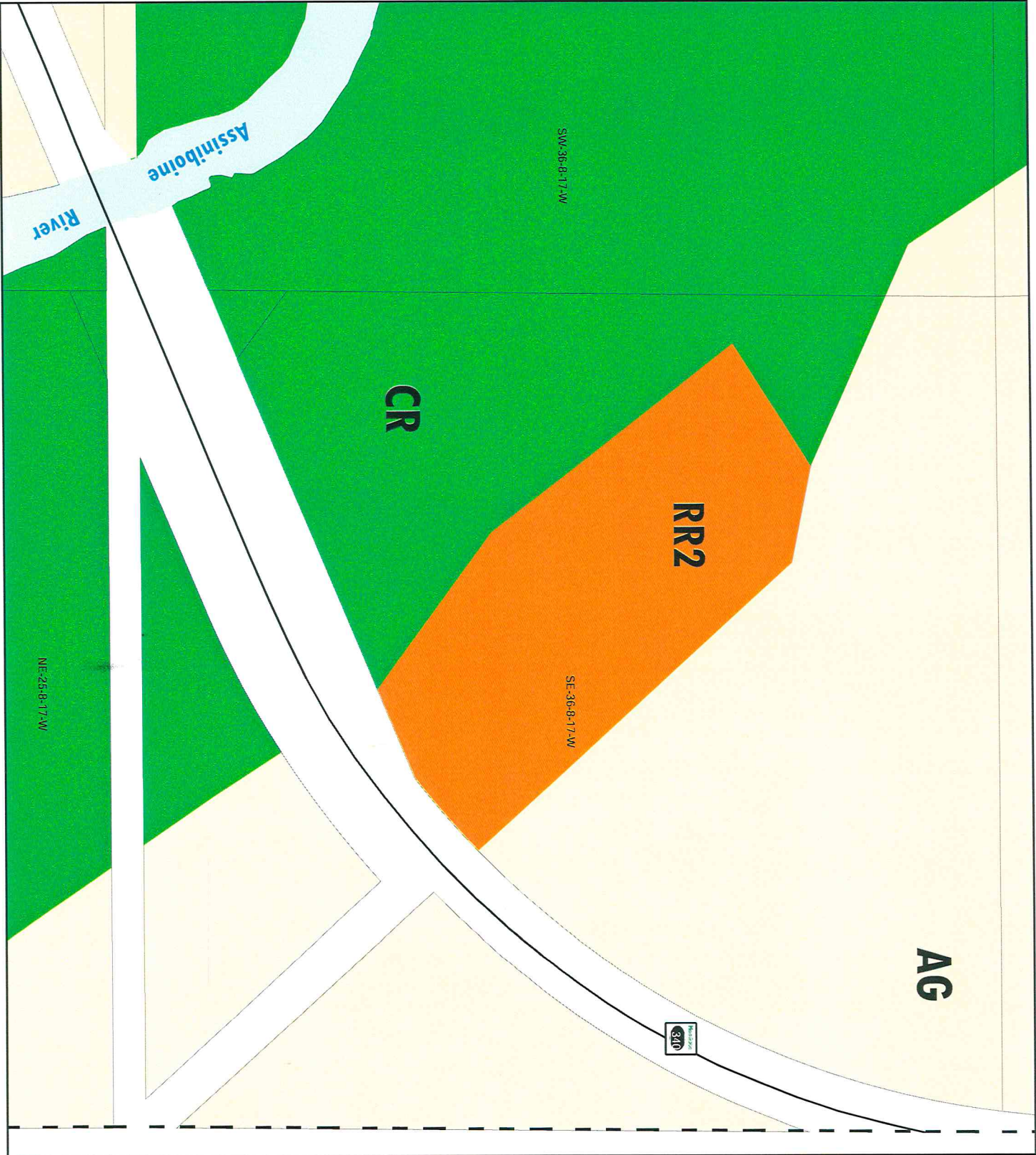


Municipality of
Oakland-Wawanesa

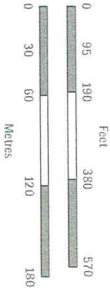
Proposed Zoning
By-law No. _____

Map 7

DRAFT



- AG Agriculture General Zone
- RR2 Rural Residential Zone
- CR Conservation and Recreation Zone
- Provincial Road
- Provincial Trunk Highway
- Municipal Boundary



Projection: NAD 83, Zone 14N
Data Source: CRP, MIT
Date Created: October 9, 2018



Personnel and Policy Committee Report
July 16, 2019
11:00 a.m. at the Nesbitt Hall

Members Present: Councillors Hargreaves and Sowiak. Councillor McGregor presided.

Staff in attendance: Chief Administrative Officer Joni Swidnicki, Finance Officer Elaine McGregor (left at 11:30 a.m.).

General discussion took place on the following:

EMO Emergency Coordinator

Benefit Plan Review

Non-Union Agreement

Employment Contracts and Application Forms

Discussion only.

CAO Contract

Discussion only.

Recommendations to Council:

BE IT RESOLVED that a recommendation be forwarded to Council that contact be made with surrounding municipalities to determine if there is the possibility to share an EMO Coordinator and related expenses.

BE IT RESOLVED that a recommendation be forwarded to Council that the commencing January 1, 2020, the Municipality join the Municipal Employees Benefit Program for the establishment of a Pension Plan, Disability Income Plan and Group Insurance Plan with the following costs:

Administration fee - \$100.00 per eligible employee paid entirely by the employer;

Pension Plan – matching 8.3% of regular yearly earnings up to \$55,000 and 9.5% of pensionable earnings in excess of \$55,000;

Disability Income Plan – 1.7% of regular yearly earnings to be cost shared 50/50 between the employer and the employee; and

Group Insurance Plan – basic life insurance at a rate of \$0.26 per \$1,000 of earnings per month to be cost shared 50/50 between the employer and the employee, with the ability for additional coverage to be paid entirely by the employee

whereby current employees would have the opportunity to waive participation in the plan, but new employees, once eligible, would be required to join.

BE IT RESOLVED that a recommendation be forwarded to Council to review the non-union agreement as it pertains to new employees following the implementation of the new benefits program.

Adjournment

The meeting adjourned at 1:05 p.m. to meet again at the call of the Chair.

Brett McGregor, Chair

Joni Swidnicki, Chief Administrative Officer