



# R.M. of Whitemouth Zoning By-law

By-law No.: 706/20

# R.M. of Whitemouth ZONING BY-LAW

**By-law No. 706/20**

**THE RURAL MUNICIPALITY OF WHITEMOUTH**

**BY-LAW NO. 706/20**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO REGULATE THE USE AND DEVELOPMENT OF LAND.

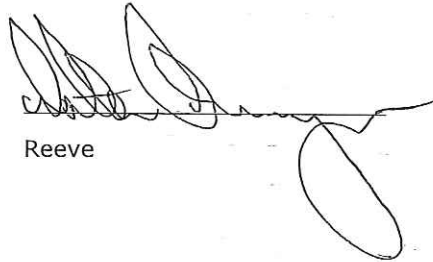
**WHEREAS**, Section 68 of The Planning Act requires a municipality to adopt a zoning by-law that is generally consistent with the development plan by-law in effect in the municipality;

**AND WHEREAS**, under Part 4 Division 1 of The Planning Act, the Whitemouth Reynolds Planning District has, by by-law, adopted the Whitemouth Reynolds Planning District Development Plan By-Law No. 43/18;

**NOW THEREFORE** the Council of the Rural Municipality of Whitemouth in session duly assembled enacts as follows:

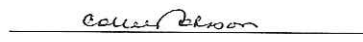
1. The Rural Municipality of Whitemouth Zoning By-law No. 706/20 is hereby adopted.
2. The By-law shall be known as the R.M. of Whitemouth Zoning By-law.
3. By-Law No. 633/15, as amended, is repealed.
4. This By-Law shall come into force on the date which this By-Law 706/20 received third and final reading.

**DONE AND PASSED** in Council duly assembled at the Rural Municipality of Whitemouth, in Manitoba this 13<sup>th</sup> day of October, A.D. 2020.



Reeve

For: Sikkenga, Bachman and Honke  
Against: Malkoske  
Abstained: Amerongen

  
Chief Administrative Officer

Read a first time this 11<sup>th</sup> day of August, A.D. 2020.

Read a second time this 13<sup>th</sup> day of October, A.D. 2020.

Read a third time this 13<sup>th</sup> day of October, A.D. 2020.



## HOW TO USE THIS ZONING BY-LAW

This zoning by-law regulates the use, size, height and location of buildings on properties within the R.M. of Whitemouth. There is a simple four-step process to determine uses and structures permitted on a specific piece of property.

### Step One

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

- Use the Zoning Maps [in Schedule A] to determine the zoning for your property.
- Reference Part 4: Zones for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal fits with the applicable policies in those documents.

### Step Two

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

- Find the column with the zone of your property in the **Use Table** in Part 4: Zones.
- Uses marked with the letter [P] are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter [C] are conditional uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a [\*] have use-specific requirements that are provided in Part 3: Use-Specific Standards.

### Step Three

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

- Find the column with the zone of your property in the **Bulk Table** in Part 4: Zones.
- The Bulk Table provides information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the General Regulations [Part 2] and the Definitions [Part 7].

### Step Four

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

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



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## **PART 1: Applicability and Scope**

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### **1.1 Title**

This by-law shall be known as the R.M. of Whitemouth Zoning By-law.

### **1.2 Scope**

This by-law applies to all lands in the R.M. of Whitemouth as indicated on Maps 1 to 5 of Schedule A of this by-law.

Crown lands areas, including provincial forests, wildlife management areas, ecological reserves and provincial parks, are under the administration and control of the Province of Manitoba, and as such are exempted from the regulations contained in the R.M. of Whitemouth Zoning By-law. Although Crown lands are exempt, once leased or transferred to private ownership (with the exception of lands within provincial parks), the use must conform to this Zoning By-law.

### **1.3 Application**

This by-law regulates:

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

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

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

### **1.5 Restrictions in Other By-laws or Federal and Provincial Laws**

Whenever the provisions of any by-law of the Rural Municipality of Whitemouth, Whitemouth Reynolds Planning District or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail. The Rural Municipality of Whitemouth shall only be responsible for enforcement of its own regulations; however, it may require proof of compliance with the provincial or federal regulations prior to issuance of the applicable permit or certificate.

### **1.6 Does Not Promote Nuisance**

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



## **PART 2: General Regulations**

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The following regulations shall apply to all use and development of land and buildings in the R.M. of Whitemouth, except where otherwise noted in this by-law.

### **2.1 Regulation of Uses**

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

- a) Is listed in the Use Tables as:
  - i) A Permitted Principal Use;
  - ii) A Permitted Secondary Use;
  - iii) A Conditional Principal Use, subject to approval as such;
  - iv) A Conditional Secondary Use, subject to approval as such;
- b) Is an Accessory Use; or
- c) Is a Temporary Use.

### **2.2 Number of Buildings Permitted Per Site**

There shall be only one main building or one main use on a zoning site except wherein otherwise stated. For example, a residential zoning site shall contain only one (1) single-unit dwelling or one (1) two-unit dwelling or one (1) multi-unit dwelling and their accessory buildings as permitted in the use table.

### **2.3 Multiple Uses or Provisions**

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

### **2.4 Secondary Uses and Structures**

No secondary use or structure shall be established except those in compliance with the following regulations:

- a) no secondary use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary;
- b) the area of land or buildings used or occupied for secondary uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site; and
- c) no land, building, or structure shall be used or occupied for any secondary use after the use or uses to which it is secondary have been discontinued.

### **2.5 Accessory Buildings and Structures**

Accessory buildings, except as otherwise regulated in the by-law, shall be subject to the following regulations:

- a) where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure;

- b) where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures;
- c) no detached accessory buildings shall be located closer than ten (10) feet (3.05 m) to any principal building, except as provided for herein and except as provided for by variance order;
- d) in no instance shall an accessory building be located within a dedicated easement or right-of-way except as provided for by said easement or right-of-way;
- e) accessory buildings are permitted when accessory to a permitted use and conditional when accessory to a conditional use;
- f) an accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this by-law;
- g) where a through site has a depth of less than two hundred (200) feet (60.96 m), an accessory building not exceeding one (1) storey or fourteen (14) feet (4.27 m) in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet (1.52 m) from any side site line; and
- h) no accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where the accessory building is to be used as the builder's office or for the storage of tools and materials used in the construction of the principal building or structure and it is allowed by written agreement from the R.M. of Whitemouth.

## 2.6 Area and Yard Requirements

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

- a) Where a use is established on a site and a site area or site width or required yard is reduced below the minimum requirements of this by-law by virtue of the development of a public work, street or public utility, the affected site area, site width and required yard shall be deemed to conform to the requirements of this by-law;
- b) For the purpose of side yard regulations, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling with common party walls shall be considered as one (1) building occupying one (1) site;
- c) Where a site is occupied for a use permitted in a zone and has no buildings or structures thereon, the required yards for the zone within which it is located shall be provided and maintained, except in the case of sites located in the Open Space and Institutional zone;
- d) Yards required for a building or structure, existing on the effective date of this by-law or amendments thereto, shall not be reduced if already less than the minimum requirements of this by-law;
- e) All yards and other open spaces required for any use shall be located on the same site as the use;
- f) A through site may be required to meet the front setback of the zone in which it is located on both property lines fronting onto a street at the discretion of the Development Officer; and
- g) Where sites comprising forty (40) per cent or more of the entire frontage of the block are developed with buildings, the average front yard depths established by such buildings shall

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

#### **2.7 Height Exception**

The provisions of this by-law shall not apply to limit the height of any ornamental dome, chimney, electrical or telephone transmission lines and towers, steeple, public utility structures, electrical apparatus or agricultural structures such as silos. Structures, including extremely tall wind turbine generation and communication towers, for example, must be set back an appropriate distance so that adjacent roads or properties are not impacted should a failure occur (see also Section 3.11).

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

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

- a) Shall be a minimum distance of 15 feet (4.57 m) to an openable window of a habitable room on an adjoining lot;
- b) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping; and
- c) Should be no closer than five (5) feet (1.52 m) to a side site line in all Residential Zones. In all other zones, it should be no closer than ten (10) feet (3.05 m) to a side site line.

#### **2.9 Temporary Buildings, Structures, or Uses**

The provisions of this section shall apply to all zones:

- a) Temporary buildings, structures and uses which are incidental and necessary to construction in the same zone may be permitted on a temporary basis, subject to the issuance of a development permit, for the following purposes:
  - (1) For the temporary placement of asphalt and concrete batch plants that are incidental and necessary for highway construction and maintenance;
  - (2) For storage of construction materials and equipment incidental and necessary for construction;
  - (3) For office space for a contractor or developer; and
  - (4) For temporary accommodation, limited to a travel trailer (as defined herein). A temporary building shall not be used as temporary accommodation unless it complies with the Manitoba Building Code for residential occupancies.
- b) Temporary buildings, structures and uses shall not be detrimental to the public health, convenience, general welfare and/or amenity of the zone in which said uses are located. Temporary buildings, structures and uses must be constructed, erected and/or placed in such a manner that they can be removed upon completion of construction. Following completion of construction, said uses may be converted to a permitted or conditional use or accessory use, provided that all building code and zoning by-law requirements are complied with.
- c) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.
- d) A development permit for a temporary building, structure or use shall be valid for a period not exceeding twelve (12) consecutive months and may be renewed by the Development Officer for two additional periods of six (6) consecutive months each. Said permit shall not be further renewed except by resolution of Council of the Rural Municipality of Whitemouth and for periods not exceeding six (6) consecutive months each.



## 2.10 Demolition and Removal of Buildings and Structures

Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and regrading of the site shall be undertaken within 30 days for residential and 90 days for commercial and industrial uses, from the date of issuance of said permit. This period may be extended at the discretion of the Development Officer, due to unusual circumstances such as weather conditions and road restrictions. Any associated onsite wastewater management systems must be decommissioned within 60 days after it has been taken out of service as per the *Onsite Wastewater Management Systems Regulation (M.R. 83/2003)*.

## 2.11 Fences

A fence on a residential (RM, RG or GD) zoning site:

- a) Shall not include electric fences or barbed wire fences;
- b) Shall not be higher than:
  - a. 3.5 feet (1.07 m) in a required front yard, and
  - b. 6.0 feet (1.83 m) in a required side or rear yardMeasured from the highest part of the fence to the point where the fence post enters grade; and
- c) Are permitted in all required yards and can be placed up to the property line, except when located on the street side of a corner or reversed corner lot where the fence shall not exceed a height of 3.5 feet (1.07 m), unless set back a distance of fifteen (15) feet (4.57 m).

## 2.12 Outdoor Lighting

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

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

## 2.13 Projections into Required Yards (Principal Buildings Only)

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

- a) Architectural features, such as chimneys, bay windows, alcoves, canopies and awnings, eaves and gutters may extend into a required front, side or rear yard a distance of not more than 3 feet (0.91 m), provided the width of such side yard is not reduced to less than three (3) feet (0.91 m);
- b) Open, unenclosed and uncovered porches, decks or terraces may project into a required front or rear yard for a distance not exceeding six (6) feet (1.83 m) at or below main floor level, and shall not project into a required side yard;

- c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard or required front yard for a distance of not more than 4 feet (1.22 m);
- d) Name plates and signs shall be allowed in any required front, side or rear yard, provided they comply with the requirements and regulations of this by-law (See also Part 6: Signs);
- e) A satellite dish, to a maximum of three (3) feet (0.91 m) in diameter as an accessory use shall be permitted in any required yard. Satellite dishes greater than three (3) feet (0.91 m) in diameter may only be located in a rear yard. The location of such a dish shall not create a shadow on adjoining property; and
- f) Fences, hedges, and landscape features are permitted in all required yards if maintained at a height of not more than 3.5 feet (1.07 m) in the front yard and at a height of not more than 6 feet (1.83 m) in the rear and side yards. In the case of corner or reverse corner sites, the height shall not exceed 3.5 feet (1.07 m) unless set back a distance of fifteen (15) feet (4.57 m). (See also s. 2.11 Fences.)

#### **2.14 Excavation, Soil Stripping and Stockpiling**

For the purposes of this section, a person wishing to excavate or strip land of soil or to stockpile materials:

- a) Requires the prior approval of Council and a development permit for these activities, including stockpiling and/or expansion of any such operation where allowed in a zone;
- b) Shall provide Council with a drainage plan prior to stripping land of soil, and may be required to provide Council with additional information as necessary to evaluate the proposal. Council may impose such conditions and requirements as it deems appropriate and necessary; and
- c) If necessary, has obtained the required permits from the appropriate government department.

#### **2.15 Riparian Areas**

- a) No development shall occur within the area 100 feet (30.48 m) upslope from the normal ordinary high water mark of a natural water body, waterway, wetland or a third (or higher) order drain, except if the development is permitted as an exception under b). No development shall occur within 50 feet (15.24 m) of a first or second order drain, or artificially created retention pond, except if the development is permitted as an exception under b).
- b) Notwithstanding the restrictions in a), developments that create minor disturbances to the natural vegetative cover of riparian areas (such as docks, boathouses, and pathways) may be allowed within the riparian area, provided no more than 25 per cent of the length of a lot's shoreline is affected.

#### **2.16 Flood Risk and Hazard Lands**

Notwithstanding the provisions in this by-law, Council may refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council, is to be located within the floodway of a river, stream, drain, or watercourse, and where Council has determined that placement of said structure would impede the flow of flood waters and/or create a hazard to life, limb, or property.

Where Council has determined that flood hazards do not exist on the entire building site or where the proposed building or structure is to be located in an area of minimal flooding, within the floodway fringe of a river, stream, drain or watercourse, or is otherwise subject to minor ponding or runoff, it may permit such lands to be developed provided that:

- a) Each lot contains an adequate sized building site where all buildings shall be protected from flooding by raising the building site (grade) for at least 20 feet (6.10 m) around each building to the flood protection level, which is two (2) feet (0.61 m) above the flood level.
- b) The backwater effect from the development and of all other flood-prone areas in accordance with these criteria is within the limits specified for the area by the Province.
- c) Prior to the issuance of a building/development permit, Council may require that the permit application be accompanied by a professional engineering report confirming the adequacy and safety of the proposed flood protection works.
- d) Basements, if constructed, shall:
  - i. Have a basement floor elevation not lower than the flood protection level by two (2) feet (0.61 m) if the fill material is pervious such as sand; or 5.5 feet (1.67 m) if the fill material is impervious such as clay;
  - ii. Not contain habitable space;
  - iii. Not be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic;
  - iv. Not contain any electrical circuit breaker panels;
  - v. Be provided with a sump pump; and
  - vi. Have back-up valves in the sewer pipes or pipes leading to a holding tank or disposal field.
- e) Notwithstanding any other provision of this by-law, Council may:
  - i. Refuse a building and/or development permit where Council has determined that the proposed building or structure is to be located on land subject to erosion, bank instability, sloughing, or is to be located on low-lying wetlands having insufficient bearing strength to accommodate said building or structure;
  - ii. Require that the proposed building or structure be constructed and located in such a manner as to negate the effects of the hazard; and
  - iii. Council may require that the applicant provide, at his/her own expense, such flood levels, elevations, or other geotechnical data as may be required for its determinations with respect to subsections a), b), c), and d) above.

#### **2.17 Separation Distance Requirements**

The following minimum setbacks shall be maintained, or as otherwise may be required by regulation, whichever is the more restrictive:

- a) No dwelling unit shall be located within 1,000 feet (304.8 m) of the boundary of a municipal sewage lagoon.
- b) No dwelling unit shall be located within 1,320 feet (402.3 m) of a waste disposal site.
- c) No dwelling unit shall be located within 100 feet (30.5 m) from the edge of a railway right-of-way that is in active use.
- d) Notwithstanding the minimum yard requirements provided in the bulk tables, buildings, structures, fences and plantings proposed within the controlled area adjacent to a provincial



highway will be subject to statutory requirements in accordance with *The Transportation Infrastructure Act*.

**2.18 Road Access**

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

All new lots must have frontage and legal access on an all-weather public road.

Development on existing lots that do not have frontage on an all-weather public road may be permitted, provided a caveat with a copy of the easement agreement is filed in the Land Titles Office against the titles of all affected properties.

**2.19 Entrances and Exits**

Service stations, public parking areas, drive-through facilities, and all vehicle/equipment sales shall require at least one entrance and one exit for vehicles. Access to sites shall be only by way of entrances and exits provided in accordance with the following:

| Table 2-1<br>Entrance and Exit Requirements  |                  |
|--|------------------|
| Minimum width of an entrance or exit   | 20 ft. (6.10 m)  |
| Minimum width of a combined entrance and exit  | 25 ft. (7.62 m)  |
| Maximum width of an entrance or exit   | 40 ft. (12.19 m) |
| Maximum width of a combined entrance and exit  | 60 ft. (18.29 m) |
| Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane | 30 ft. (9.14 m)  |
| Minimum distance between entrances and exits   | 30 ft. (9.14 m)  |

**2.20 Loading Requirements**

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

- a) Each loading or unloading space shall be at least 30 feet (9.14 m) long, 12 feet (3.66 m) wide and have a vertical clearance of at least 14 feet (4.27 m);
- b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet (6.10 m) wide contained on the site in which the spaces are located and leading to a street or lane located within the zone in which the use is located;
- c) Loading and unloading areas shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles. They shall be constructed of crushed stone,

slag, gravel, crushed brick or tile, asphalt, concrete or Portland cement binder and with provision for drainage facilities;

- d) Off-street loading spaces shall not be permitted in a required corner side yard; and
- e) The number of loading spaces shall be provided in accordance with the following:

| Table 2-2<br>Minimum Loading Spaces                              |                       |
|--|-----------------------|
| Area of Building   | Minimum Loading Space |
| Less than 5,000 square feet                                      | One (1) space         |
| Exceeding 5,001 square feet but not more than 15,000 square feet | Two (2) spaces        |
| Exceeding 15,001 square feet                                     | Three (3) spaces      |

**2.21 Parking**

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

Table 2-3

**Minimum Parking Space Requirements**

|                                | Use Class*  | Number of Parking Spaces Required  |
|--------------------------------|---|--|
| <b>Residential</b>             | Single-Unit Dwelling  | 1.0/ Dwelling Unit   |
|                                | Two-Unit or Multi-Unit Dwelling or Boarding   | 1.5 / Dwelling Unit  |
|                                | Mobile Home or Tiny House Dwelling  | 1.0 / Dwelling Unit  |
|                                | Bed and Breakfast Home  | 1.0 / Sleeping Accommodation   |
|                                | Residential Care Facility   | 1.0 / each 2 dwelling or sleeping units  |
|                                | Assisted Living Facility  | 1.0/Dwelling Unit + 1/staff on maximum shift   |
| <b>Industrial / Commercial</b> | Hotel and Motel   | 1.0 / Guest Room or Sleeping Unit  |
|                                | Eating and Drinking Establishment   | 1.0 / 4 seats or 1.0 per 100 sq.ft. (9.29 sq.m.) of floor area, whichever is greater   |
|                                | Neighbourhood Commercial and Retail   | 1.0 per 500 sq.ft. (18.6 sq.m.) of floor area  |
|                                | All other Commercial Establishments   | 1.0 per 250 sq.ft. (23.2 sq.m.) of floor area  |
|                                | Industrial Uses   | 1.0 per 1,000 sq.ft. (92.9 sq.m.) of floor area or 1.0 per 5 employees, whichever is greater   |
| <b>Other Uses</b>              | Indoor Participant Recreation Service, Place of Worship, Outdoor Participant Recreation Service, Funeral Service, Club, Public Library and Cultural Exhibit, and Community Recreation Service | 1.0 per 5 seating spaces or 10 ft. (3.05 m) of bench space. Where there are no fixed seats, 1.0 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to the assembly room floor area |
|                                | Commercial Resort/Rentals   | 1.0/rental unit + 1/staff on maximum shift   |
|                                | Marina  | 1.0/dock space   |
|                                | Extended Medical Treatment Service  | 2.0 per bed  |
|                                | Education Facility  | 1.5 per classroom, plus 1 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to public use   |
|                                | Government Service  | 1.0 per 550 sq.ft. (51.1 sq.m.) of floor area  |
| Child Care Service             | 1.0 for every 2 employees, plus 1 for every 4 children in care  |  |

\*Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer.

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

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

- c) The area shall be drained and maintained with a stable surface that is treated to prevent the rising of dust or loose particles. It may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;
- d) Where parking areas are provided in any commercial, industrial or institutional zone and lighting facilities are provided, such lights shall be shielded and directed to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;
- e) Where a parking area is situated along a site line which coincides with the boundary of a residential zone or a residential use in a "GD" zone and is not separated by any street, lane, or watercourse, a stable and continuous wall, fence, or screen may be required and the site line shall be landscaped with at least one hedgerow of hardy shrubs not less than five (5) feet (1.52 m) in height placed next to the wall, and the remainder shall be lawn. The wall, fence, or screen shall be maintained in a stable condition, and all landscaping shall be kept free of refuse and debris and maintained in a healthy, growing condition, neat and orderly in appearance;
- f) If required for a parking area, one (1) shelter for attendants may be erected not exceeding twelve (12) feet (3.66 m) in height and 144 sq.ft.(13.38 sq.m.) in area; and
- g) No sign shall be erected except:
  - i. Signs for the direction of traffic within the parking area, and
  - ii. Directional signs of not more than 5 square feet (0.46 sq.m.) in area at each point of entrance and exit.

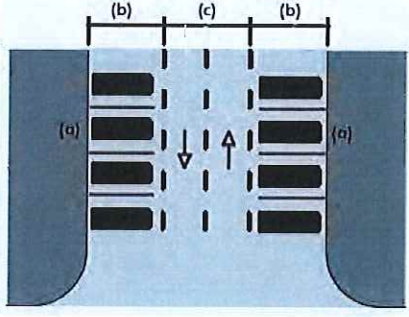
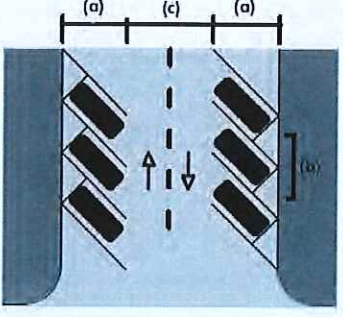
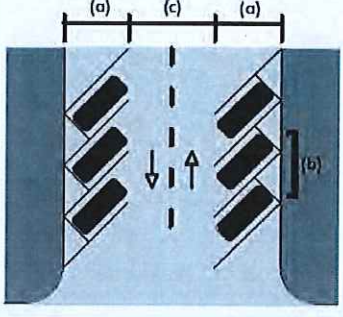
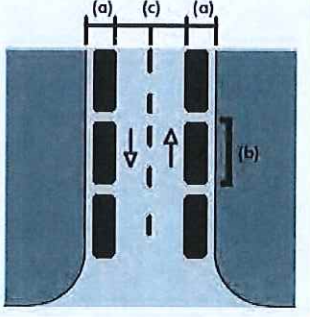
Such signs may bear the name of the business if the parking area is connected thereto.

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

- a) The layout and design of the parking area shall be in accordance with Table 2-3 "Minimum Parking Space Requirements" and Table 2-4 "Parking Area Layout";
- b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;
- c) Where access to a parking space is directly from a lane, the width of the lane adjacent may be computed as part of the aisle width required for said parking space;
- d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;
- e) The off-street parking area shall be provided with an access drive with a minimum width of 10 feet (3.05 m) to a street or lane;
- f) Except as provided for in c., an aisle or driveway shall not mean a street or lane;
- g) Each parking space shall have a vertical clearance of at least seven (7) feet (2.13 m) from the floor or grade; and
- h) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access and snow removal.



Table 2-4  
**Parking Area Layout**

| Angle         | Configuration   | Minimum Stall Dimensions |                  | Minimum Aisle Width |                  |
|---------------|---|--------------------------|------------------|---------------------|------------------|
|               |   | Stall Width (a)          | Stall Depth (b)  | Two - Way (c)       | One - Way (c)    |
| 90° (Head-In) |    | 9 ft<br>(2.75 m)         | 18 ft<br>(5.5 m) | 22 ft<br>(6.7 m)    | 20 ft<br>(6.0 m) |
| 60° (Angled)  |   | 9 ft<br>(2.75 m)         | 18 ft<br>(5.5 m) | 24 ft<br>(7.3 m)    | 18 ft<br>(5.5 m) |
| 45° (Angled)  |  | 9 ft<br>(2.75 m)         | 18 ft<br>(5.5 m) | 24 ft<br>(7.3 m)    | 12 ft<br>(3.7 m) |
| 0° (Parallel) |  | 9 ft<br>(2.75 m)         | 18 ft<br>(5.5 m) | 22 ft<br>(6.7 m)    | 12 ft<br>(3.7 m) |

**2.22 Barrier-Free Parking Spaces**

Barrier-free parking spaces shall be provided according to the minimum number of spaces specified in Table 2-5 and in accordance with the following:

- a) Each barrier-free parking space shall have a minimum width of 11.5 feet (3.5 m) and a minimum length of 23 feet (7 m);
- b) Barrier-free parking spaces shall be located within close proximity and access to the principal building entrance. An accessible route shall be provided with a minimum width of three (3) feet (0.91 m), including curb ramps, sidewalks and built-up curb ramps. Accessible ramps must be located adjacent to the access aisle, not in the parking stall; and
- c) Barrier-free spaces must be clearly marked and reserved for the exclusive use of people with mobility issues.

Table 2-5

**Required Barrier-Free Parking Spaces**

| Number of Off-Street Parking Spaces on a Zoning Site | Minimum Number of Barrier-Free Parking Spaces                      |
|--|--|
| 4 - 30   | 1  |
| 31 - 75  | 2  |
| 76 - 125   | 3  |
| 126 - 200  | 4  |
| 201+   | 4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces |

**2.23 Undeveloped Road Allowance**

No buildings or structures shall be erected upon any undeveloped road allowance. Any development adjacent to said road allowance shall comply with the requirements of the by-law as to yard requirements.

**2.24 Service Connections**

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

**2.25 Public Utilities, Services, Monuments and Statuaries**

Nothing in this by-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility or public work as defined by this by-law, or public service such as police and fire protection, provided that the requirements of such public utility or public service is of a standard compatible with the adjacent area as determined by the Development Officer; or the maintenance or erection of monuments, statuary and similar structures, provided that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

**2.26 Subdivision**

No parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations set forth in the bulk tables for the zone in which said parcel is located.



Approval of a subdivision is subject to the provisions contained in *The Planning Act* and the policies contained within the Whitemouth Reynolds Planning District Development Plan and amendments thereto.

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

**2.27 Subdivision of Attached Dwellings**

A site with a two-unit attached dwelling or row-type dwelling may be subdivided into two (2) or more sites provided that:

- a) Any new site line shall, where possible, be a straight line between the front and rear site lines, located in such a manner that the party wall of two adjacent units shall form part of the new site line;
- b) Each site created shall have frontage on a street, public lane or other means of legal access as may be approved by Council;
- c) Each site created shall provide not less than one (1) on-site parking space having access directly to either a street public lane or other legal access as per b) above;
- d) The permitted use for each site created shall be for one (1) attached single-unit dwelling only;
- e) All applicable provisions of the Rural Municipality of Whitemouth Building By-law shall be complied with; and
- f) Any new site created pursuant to this subsection shall have a minimum site area of 2,000 sq.ft. (185.81 sq.m.) and a minimum site width of twenty (20) feet (6.10 m). No side yard is required along the party wall.

**2.28 Properties Must Be Kept Free of Waste**

Waste must not be allowed to accumulate upon a property. Without limiting the generality of the foregoing, the following items of waste must not be allowed to accumulate, or be deposited or stored, on private property:

- a) One or more large items of refuse, including appliances, indoor furniture, dilapidated outdoor furniture, mattresses, large auto parts and crates;
- b) Hazardous waste;
- c) Construction or demolition waste, including concrete, unwanted industrial, commercial or personal products, or any other waste materials; or
- d) Wrecked, dismantled, partially dismantled, inoperative, discarded, or abandoned trailers, machinery or vehicles or parts thereof.

## PART 3: Use-Specific Standards

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

| ZONES                        | ABBR. |
|------------------------------|-------|
| Natural Area                 | NA    |
| Agricultural General         | AG    |
| Agricultural Limited         | AL    |
| Rural Mixed                  | RM    |
| Residential General          | RG    |
| General Development          | GD    |
| Open Space and Institutional | OSI   |
| Rural Commercial/Industrial  | RCI   |

### 3.1 Planned Unit Developments

| USE   | NA | AG | AL | RM | RG | GD | OSI | RCI |
|---|----|----|----|----|----|----|-----|-----|
| Planned Unit Development  |    |    |    | C* | C* | C* |     | C*  |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies <u>          </u> = Only as a Secondary Use |    |    |    |    |    |    |     |     |

A Planned Unit Development is a land development project that, because of its size and/or complexity, density, mixture of land uses or other characteristics, is built as an entity in accordance with a comprehensive site plan that is presented by a developer to a board or council.

A Planned Unit Development:

- a) May only be established on a zoning site or proposed development area larger than four (4) acres (1.62 hectares) in size.
- b) The uses and standards of a Planned Unit Development shall be generally consistent with the desired character for the area as set out in the Whitemouth Reynolds Planning District Development Plan and the uses and standards of the zones adjacent to the site. The design shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards or amenity, accessory off-street parking areas, and other requirements and standards established in this by-law.
- c) An application for a Planned Unit Development shall be considered as a conditional use application, subject to the conditional use provisions of this by-law and the Act.
- d) Council, in reviewing such applications, may require additional information from the applicant as may be necessary for review of the proposal including, but not limited to:
  - i. Those requirements normally required for the issuance of a development permit under Part 5: Administration of this by-law;
  - ii. The location of each existing and proposed building or structure and the use or uses to be contained therein;
  - iii. The location of all exterior refuse facilities and the screening thereof;
  - iv. The location of all exterior storage facilities and the screening thereof;

- v. The location of all driveways, accessory parking areas, accessory loading areas and the illumination for same;
- vi. The location of all pedestrian walks and open space areas;
- vii. The location, type and height of all proposed walls, fences and landscaping;
- viii. The types of surfacing, such as paving, turf, or gravel, to be used at various locations;
- ix. Floor plans and elevations of all proposed buildings and structures;
- x. The total number of dwelling or commercial/industrial units and the gross floor area; and
- xi. Any other studies deemed necessary by Council.

### 3.2 Home Industries

| USE  | NA        | AG        | AL        | RM        | RG | GD | OSI | RCI |
|--|-----------|-----------|-----------|-----------|----|----|-----|-----|
| Home Industry  | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> |    |    |     |     |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use |           |           |           |           |    |    |     |     |

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

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

### 3.3 Home Occupation

| USE  | NA        | AG        | AL        | RM        | RG        | GD        | OSI | RCI |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----|-----|
| Home Occupation  | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> |     |     |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use |           |           |           |           |           |           |     |     |

Home Occupations are governed by the conditions imposed by Council and the following:

- a) They shall be conducted by a person or persons residing in the dwelling;



- b) In the GD, RG and RM zones there can be no outside processing or storage of goods or materials;
- c) Not have more than forty (40) percent of the total floor area of buildings on the site can be devoted to the business;
- d) One business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding 10 square feet (0.93 sq.m.);
- e) The Home Occupation shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance, and if located in the vicinity of a provincial highway should not impair the safe and efficient operation of the highway; and
- f) A development permit to establish a Home Occupation is required. Application must be made to the Development Officer and include information detailing the proposed business and an indication of where any materials, equipment or vehicles associated with the office are to be stored.

**3.4 Bed and Breakfast Facilities**

| USE  | NA        | AG        | AL        | RM        | RG        | GD        | OSI | RCI |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----|-----|
| Bed and Breakfast Facility   | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> |     |     |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies      Underline = Only as a Secondary Use |           |           |           |           |           |           |     |     |

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

- a) There will be no exterior display or advertisement larger than 4.0 sq.ft. (0.37 sq.m.) in area, no sign shall be illuminated, and any sign must be compatible with the character of the area;
- b) The Bed and Breakfast Facility shall not generate vehicular traffic or parking in excess of what is normally characteristic of the area;
- c) The Bed and Breakfast Facility shall be operated by a live-in owner as a secondary use only, have a maximum of eight (8) accommodation units, and shall not change the principal residential character or external appearance of the dwelling;
- d) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in the guest rooms;
- e) Catering to social functions is not permitted on site;
- f) In addition to the parking for the primary use, one additional on-site parking space shall be provided for each accommodation unit; and
- g) Approved smoke detectors shall be required:
  - i. In every sleeping room in the Bed and Breakfast home; and
  - ii. In the common corridor of every storey or floor level, even if no sleeping accommodation is provided on that storey or floor level. The smoke detectors are to be electronically hard-wired to each other in cases where major renovations are to take place.

**3.5 Secondary Suites**

| USE  | NA        | AG        | AL        | RM        | RG        | GD        | OSI | RCI |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----|-----|
| Secondary Suite  | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>C*</u> | <u>C*</u> |     |     |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies      Underline = Only as a Secondary Use |           |           |           |           |           |           |     |     |

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

- a) Not more than one (1) secondary suite shall be permitted on a single zoning site;

- b) The principal dwelling must be an existing permanent structure;
- c) The principal dwelling must be occupied by the owner of the property;
- d) A minimum of one (1) off-street parking space must be provided for each secondary suite, in addition to the parking required for the principal building;
- e) The maximum floor area of the secondary suite shall not exceed 860 square feet (80 sq.m.) or 75% of the total habitable floor space of the principal building (whichever is the lesser); and
- f) A building permit will be obtained for the development of a secondary suite, and the development must conform to the *Manitoba Building Code*.

### 3.6 Temporary Additional Dwellings

| USE                           | NA | AG              | AL        | RM                                | RG | GD | OSI                                 | RCI |
|-------------------------------|----|-----------------|-----------|-----------------------------------|----|----|-------------------------------------|-----|
| Temporary Additional Dwelling |    | <u>C*</u>       | <u>C*</u> |                                   |    |    |                                     |     |
| P = Permitted                 |    | C = Conditional |           | * = Use-Specific Standard Applies |    |    | Underline = Only as a Secondary Use |     |

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

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

### 3.7 Portable Garages

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

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

### 3.8 Swimming Pools and Hot Tubs

Swimming pools, hot tubs and similar structures capable of holding water to a depth of greater than 2 feet (0.61 m) shall be allowed as a permitted accessory use to a residential use, recreational or commercial development provided that:



- a) They meet the siting requirements of accessory structures for the zone in which they are located;
- b) The pool area is protected by a fence with lockable gates and a minimum height of 6 feet (1.83 m) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from climbing over or crawling underneath and maintained in good repair;
- c) Hot tubs shall have a walkable cover; and
- d) A Development Permit is issued under this by-law.

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

### 3.9 Ponds and Dugouts

Ponds and dugouts may be allowed on zoning sites in accordance with the accessory use table. If a pond is to be used as a swimming pool, it must meet the requirements of section 3.8. If the pond or like excavation is not to be used as a swimming pool:

- a) The edge of the pond shall be rip-rapped and have a 6:1 slope; or
- b) The pond/excavation shall be enclosed with a six (6) foot (1.83 m) fence.

This section does not apply to ponds and dugouts in the NA, AG, AL and RM zones.

### 3.10 Animal Keeping

| USE  | NA        | AG        | AL        | RM        | RG        | GD        | OSI | RCI |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----|-----|
| Animal Keeping   | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> |           |           |     |     |
| Accessory Chicken Keeping  |           |           |           |           | <u>C*</u> | <u>C*</u> |     |     |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use |           |           |           |           |           |           |     |     |

#### 3.10.1 Animal Keeping

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

- a) The amount of animals kept on one zoning site must not meet or exceed 10 Animal Units (A.U.). Where 10 or more A.U. are kept on one zoning site, the use shall be considered and regulated as a livestock operation;
- b) A maximum of one Animal Unit (cumulative across species) is permitted for every 2 acres (0.81 hectares) of site area;
- c) The keeping of livestock must adhere to all local, provincial and federal health, agriculture and environmental regulations in addition to the standards in this by-law;
- d) Any ground-level structure intended for the keeping of animals must maintain a minimum setback of 15 feet (4.5 m) from any site line; and
- e) Animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from emanating onto abutting properties.

#### 3.10.2 Accessory Chicken Keeping

The keeping of chickens may be permitted in the RG and GD zones, subject to approval of a conditional use order and provided that:



- a) The total number of chickens shall not exceed four (4) hens on each lot;
- b) No roosters are permitted on any lot;
- c) No sale of eggs or slaughter of chickens is permitted;
- d) The risk of predation and foraging by bears, coyotes, skunks, rats and racoons is minimized through proper and secure pen construction with durable materials;
- e) Feed is secured to eliminate the risk of pest intrusion and spoilage;
- f) Chickens are kept in a well-maintained and enclosed structure at all times; and
- g) Buildings and structures to shelter chickens shall be situated a minimum of 10 feet (3.0 m) from any dwelling unit, and shall maintain the following setbacks:
  - a. Front yard: 30 feet (9.1 m);
  - b. Rear yard: 25 feet (7.6 m); and
  - c. Side yard: 15 feet (4.6 m).

### 3.11 Wind Energy Generating Systems

| USE  | NA | AG | AL | RM | RG | GD | OSI | RCI |
|--|----|----|----|----|----|----|-----|-----|
| Wind Energy Generating System (commercial) | C* | C* | C* |    |    |    |     |     |
| On-site/private                            | C* | C* | C* | C* |    |    |     | C*  |

P = Permitted      C = Conditional      \* = Use-Specific Standard Applies               = Only as a Secondary Use

#### 3.11.1 Standards for Wind Energy Generating System (Commercial)

A commercial Wind Energy Generating System tower must meet the following standards:

- a) It is set back no less than 1.5 times the total turbine height from the property line and any public road, provincial highway controlled area, or railway right-of-way;
- b) It is set back no less than 100 feet (30 m) from a water body or waterway;
- c) The minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 1640 feet (500 m);
- d) It contains no commercial advertising other than the manufacturer's or owner's name or logo;
- e) It contains no artificial lighting other than the lighting that is required by federal and provincial regulation; and
- f) As part of their development permit application, proponents for Wind Energy Generation Systems must submit a detailed site plan showing the location of all wind energy generating devices, associated accessory buildings or structures, a shadow study detailing potential shading of neighbouring properties, electrical lines (above or below ground), and on-site roads and driveways providing access to the public road system.

#### 3.11.2 Standards for Wind Energy Generating Systems (On-Site / Rooftop)

An on-site Wind Energy Generating System must meet all of the following standards:

- a) It is set back at least 20 feet (6.0 m) from the front building line, or, in the case of corner lots, at least 15 feet (4.5 m) from the front and side lot line;
- b) It is limited to a total turbine height of no more than 15 feet (4.5 m) above the rooftop; and
- c) It is safely and securely attached to the rooftop in compliance with the National and Provincial Building Codes.

3.12 Solar Collectors

| USE  | NA | AG | AL | RM | RG | GD | OSI | RCI |
|--|----|----|----|----|----|----|-----|-----|
| Solar Collector (commercial)   | C* | C* | C* |    |    |    |     | C*  |
| On-site/private  | P* | P* | P* | P* | P* | P* |     | P*  |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies      Underline = Only as a Secondary Use |    |    |    |    |    |    |     |     |

Solar Collectors

3.12.1 Standards for Solar Collectors

A commercial Solar Collector must meet the following standards:

- a) Any solar collector not connected to a building shall adhere to the same setbacks and height restrictions for secondary/accessory buildings in the zone in which the installation is situated;
- b) A roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure;
- c) A solar collector that is mounted on a roof may project a maximum of 6.5 feet (1.5 m) from the surface of the roof and must not extend beyond the outermost edge of the roof; and
- d) A solar collector that is mounted on a wall may project a maximum of two (2) feet (0.61 m) from the surface of that wall and must be located a minimum of eight (8) feet (2.4 m) above grade.

An on-site, private solar collector must meet the yard requirements for accessory uses in the zone in which it is located. If solar collectors are installed on the ground, the land on which they are located must be maintained.

3.13 Industrial Performance and Development Standards

The following minimum standards apply to industrial uses in any zone:

- a) Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to be perceptible at or beyond any site line. Exposed sources of light shall be shielded so as not to create a nuisance across any site line.
- b) The storage, use or manufacture of flammable materials, solid or otherwise, shall be in accordance with the regulations of the National Fire Code.
- c) The emission of smoke, odorous matter, gases, dust and other particulate matter shall be in accordance with provincial regulations.
- d) The storage and handling of radioactive material shall be in accordance with the regulations contained in the Government of Canada Atomic Energy Control Regulations.
- e) Notwithstanding anything herein contained, no use that may be noxious or offensive due to the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise shall be permitted in any zone unless the use is permitted in the subject zone or measures satisfactory to Council are undertaken to mitigate or eliminate such effects.
- f) All portions of a lot except those used for buildings, parking, loading or outside storage where permitted shall be landscaped and maintained in good condition. A landscaping plan shall be submitted to Council prior to issuance of a development permit.
- g) All side and rear lot lines in the RCI zone which abut residential or open space zones must be screened by a fence, hedge, or evergreen trees which will extend a minimum of six (6) feet (1.83

m) in height. Where chain-link fencing is used, it shall be bordered by trees or evergreen hedges that, when planted, are expected to reach a height not less than the height of the fence.

### 3.14 Aggregate Extraction Operations and Natural Resource Developments

| USE   | NA | AG | AL | RM | RG | GD | OSI | RCI |
|---|----|----|----|----|----|----|-----|-----|
| Aggregate Extraction Operation  | C* | C* | C* |    |    |    |     |     |
| Natural Resource Development  | C* | C* | C* |    |    |    |     |     |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies <u>        </u> = Only as a Secondary Use |    |    |    |    |    |    |     |     |

A Conditional Use Order and Development Permit shall be required for any development or expansion of a commercial mining or extraction operation. In addition to the application requirements set out in sections 5.5 and 5.10, the applicant must also provide the Rural Municipality of Whitemouth with the following:

- In the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations;
- A plan showing areas and means of goods and waste transportation;
- A site plan showing the operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection; and
- A plan for the rehabilitation and intended use(s) of the site upon completion of the operation phase, subject to provincial regulations.

### 3.15 Clearing Agricultural and Non-Agricultural Land

In order to mitigate the negative effects of windrow burning and the impact on municipal drainage with land clearing, a development permit shall be required for the clearing and development of any land in excess of 0.5 hectares (1 acre) from its natural state for agricultural or other development purposes as a mineral extraction use, subject to the approval of a conditional use permit, as noted in the appropriate zones.

### 3.16 Anhydrous Ammonia Facilities

| USE   | NA | AG | AL | RM | RG | GD | OSI | RCI |
|---|----|----|----|----|----|----|-----|-----|
| Anhydrous Ammonia Facility  |    | C* | C* | C* |    |    |     | C*  |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies <u>        </u> = Only as a Secondary Use |    |    |    |    |    |    |     |     |

Anhydrous Ammonia Facilities shall be located at least:

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



3.17 Mobile Homes and Tiny Houses

| USE   | NA | AG | AL | RM | RG | GD | OSI | RCI |
|---|----|----|----|----|----|----|-----|-----|
| Dwelling, Mobile Home or Tiny House   |    | P* | P* | C* | C* | C* |     |     |
| Mobile Home or Tiny House Park  |    |    |    | C* | C* | C* |     |     |
| P = Permitted      C = Conditional      * = Use-Specific Standard Applies <u>          </u> = Only as a Secondary Use |    |    |    |    |    |    |     |     |

3.17.1 Mobile Homes and Tiny Houses

Mobile homes and tiny houses require a development permit. No mobile home or tiny house located in the R.M. of Whitemouth shall receive a development permit unless it complies with the followings regulations:

- a) All mobile homes and tiny houses, even those constructed outside the municipality, must meet the structural standards in *The Buildings and Mobile Homes Act* and the R.M. of Whitemouth Building By-law.
- b) A mobile home or tiny house, when located permanently on a zoning site, shall:
  - i. Be connected to municipal sewer and water services when such services are available on the site;
  - ii. Be placed and anchored on a permanent foundation; and
  - iii. Have skirting that screens the view of the foundation supports or wheels.

3.17.2 Standards for Mobile Home and Tiny House Parks

A mobile home or tiny house park must meet the following standards:

- a) Except as provided for herein, there shall not be more than one (1) mobile home or one (1) tiny house per zoning site or not more than one (1) mobile home or tiny house per space in a mobile home or tiny house park;
- b) A mobile home dwelling or tiny house, when located permanently on a zoning site or mobile home or tiny house space, shall be:
  - i. Connected to municipal sewer and water services when such services are adjacent to the site;
  - ii. Connected to an onsite wastewater management system installed in accordance with provincial regulations, where municipal servicing is not available;
  - iii. Anchored to a basement, foundation or concrete pad in accordance with C.S.A. Z240 standards; and
  - iv. Connected to a hydro system with an approved electrical service outlet.
- c) All structures and/or buildings such as porches, additions, carports, private garages and storage facilities shall be painted or prefinished and maintained, and in the opinion of Council, will complement the main structure;
- d) All mobile homes shall be provided with skirting extending from the bottom of the mobile home to the ground having adequate ventilation and a readily accessible, removable panel giving access to service connections;
- e) All mobile homes shall meet all building standards required by the "Canadian Standards Association (C.S.A.) Mobile Home Structural Standards" contained within the Z240 series and all revisions thereto or shall comply with all residential standards under *The Manitoba Building Code*;

- f) Attached, enclosed structures or buildings such as cabanas, summer kitchens, breezeways and similar structures shall be permitted up to a maximum floor area of 250 square feet (23.23 sq.m.) for each mobile home. For the purposes of compliance with clearance and setback requirements, additions shall be considered as being part of the mobile home;
- g) The following requirements shall apply to all mobile home or tiny house parks established within the Rural Municipality of Whitemouth, as provided for in this by-law:
  - i. Each mobile home or tiny house space shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign;
  - ii. Every mobile home or tiny house park shall have provision for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all mobile homes but not more than 500 feet (152.4 m) from any mobile home or tiny house, or by other means acceptable to Council;
  - iii. All roadways within the mobile home or tiny house park shall be properly illuminated by lighting units;
  - iv. A separate open area for such purpose as a children's playground or sports field shall be provided on the basis of 200 square feet (18.58 sq.m.) per mobile home or tiny house space or a minimum of 5,000 square feet (464.52 sq.m.), whichever is greater; and
  - v. Identification names shall be given to the mobile home or tiny house park and the internal roads within the mobile home or tiny house park and be posted at suitable locations on the site.

| Table 3-1<br>Mobile Home and Tiny House Parks Use and Bulk Table   |  |
|--|--|
| Maximum density for development of mobile home/tiny house park   | 6 mobile homes or tiny houses per acre   |
| Minimum area of each mobile home/tiny house space  | 6,000 sq. ft. (557.42 sq.m.)   |
| Minimum width of each mobile home/tiny house space   | 50 ft. (15.24 m)   |
| Minimum depth of each mobile home/tiny house space   | 120 ft. (36.58 m)  |
| Minimum side-to-side clearance between mobile homes/tiny houses (including additions and attachments) and accessory buildings        | 20 ft. (6.10 m)  |
| Minimum end-to-end clearance between mobile homes  | 30 ft. (9.14 m)  |
| Minimum distance between a mobile home/tiny house and permitted accessory buildings on site  | 10 ft. (3.05 m)  |
| Maximum number of accessory buildings and maximum square footage of accessory buildings per mobile home/tiny house space             | 2 at 400 sq. ft. (37.16 sq.m.)   |
| Maximum height of accessory building on mobile home/tiny house space   | 15 ft. (4.57 m)  |
| Minimum distance between accessory buildings on an adjoining mobile home/tiny house space, clear of all projections                  | 4 ft. (1.22 m)   |
| Minimum distance from mobile home/tiny house and/or accessory building to internal roadway and/or public street and/or park boundary | 30 ft. (9.14 m)  |
| Minimum width of road right-of-way within mobile home/tiny house park  | 40 ft. (12.19 m)   |
| Minimum width of road way surface within mobile home/tiny house park   | 24 ft. (7.32 m)  |
| Maximum number of mobile homes/tiny houses per space   | 1  |
| Minimum number of parking spaces per space   | 1  |
| Maximum number of signs per mobile home/tiny house space   | One lighted or unlighted personal identification sign not exceeding 4 sq. ft. (0.37 sq.m.) |



3.18 Campgrounds and Travel Trailer Parks

| USE                               | NA | AG              | AL | RM                                | RG | GD | OSI                                 | RCI |
|-----------------------------------|----|-----------------|----|-----------------------------------|----|----|-------------------------------------|-----|
| Campground or Travel Trailer Park | C* |                 |    | P*                                |    | C* | C*                                  |     |
| P = Permitted                     |    | C = Conditional |    | * = Use-Specific Standard Applies |    |    | Underline = Only as a Secondary Use |     |

- a) No person shall construct, operate or maintain a campground or travel trailer park without first having obtained approval from the R.M. of Whitemouth and having registered the park or camp with the Municipality in the prescribed form.
- b) A campground can be combined with a travel trailer park as defined herein.
- c) Each travel trailer or campground space shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign.
- d) Every travel trailer park or campground shall have provision for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all travel trailers or campers but not more than 5,000 feet (1,524 m) from any travel trailer or camper, or by other means acceptable to Council.
- e) All service buildings within the travel trailer park or campground shall be properly illuminated. Council may require that roadways be properly illuminated by lighting units where desirable.
- f) A separate open area for such purposes as a children’s playground or sports field shall be provided based on 200 square feet (18.58 sq.m.) per travel trailer space or camp space or a minimum area of 5,000 square feet (464.52 sq.m.), whichever is greater.
- g) Service buildings or structures intended for the common use of campground or travel trailer park tenants, or for the administration of these facilities, such as washroom/shower building, office or store, shall be permitted. A dwelling unit or mobile home shall be permitted when accessory and incidental to the operation of the travel trailer park or campground. Such building or structure including projections shall not be located nearer than a distance of fifteen (15) feet (4.57 m) from the limits of any travel trailer or camp space.
- h) An identification name shall be given to each travel trailer park or campground space and posted in a suitable location on the site.
- i) Every travel trailer park and campground shall have provision for onsite wastewater management in the form of a holding tank for the use of tenants.
- j) A mobile home shall not be permitted to locate on a travel trailer or camping unit space or within a travel trailer park or campground except as provided for herein.
- k) The construction of a three-season structure addition to a trailer may be permitted under the following conditions:
  - i. The structure must be self-supporting, cannot be structurally attached to the trailer, and three of the sides surrounding the trailer must be open.
  - ii. The trailer must be able to be removed from the three-season structure and its extension without damaging the trailer or having to dismantle any part of the three-season structure and its extension over the trailer.
  - iii. The structure can only have 50 per cent of any wall sheeted and the remainder of the structure must be screened.
  - iv. The structure cannot have glass or glazing.
  - v. The structure cannot have any interior walls.



- vi. The structure cannot be insulated, and cannot be heated in any manner.
- vii. The structure cannot exceed 12 feet (3.66 m) in width and cannot exceed the length of the trailer, excluding the hitch assembly.
- viii. The roof of the three-season structure will be permitted to extend over the trailer to a maximum width of 24 feet (7.32 m), a maximum height of 15 feet (4.57 m) and a maximum roof pitch of 4/12.
- ix. A site plan, drawings of the proposed structure (engineered drawings where determined necessary by the Building Inspector of the Whitemouth Reynolds Planning District), and written approval from the Management/Manager of the trailer park of the proposed structure must be supplied to the Whitemouth Reynolds Planning District.

| Table 3-2<br>Campground and Travel Trailer Parks   |       |  |
|--|-------|--|
| Maximum density for development of travel trailers and/or tourist camps                                      |       | 8 travel trailers or camping spaces per acre |
| Minimum area of each travel trailer or camping space   |       | 2,400 sq. ft. (222.97 sq.m.)                 |
| Minimum width of each travel trailer or camping space  |       | 40 ft. (12.19 m)                             |
| Minimum side-to-side and end-to-end clearance between travel trailer or camping units, including projections |       | 15 ft. (4.57 m)                              |
| Minimum distance from travel trailer or camping unit or service building to public roadway or park boundary  |       | 30 ft. (9.14 m)                              |
| Minimum number of parking spaces per travel trailer or camping spaces  |       | 1 parking space                              |
| Maximum number of travel trailer or camping units per space  |       | 1 travel trailer or camping unit per space   |
| Minimum width of roadway surface   | 2 way | 24 ft. (7.32 m)                              |
|  | 1 way | 12 ft. (3.66 m)                              |
| Minimum width of roadway right-of-way  | 2 way | 40 ft. (12.19 m)                             |
|  | 1 way | 20 ft. (6.10 m)                              |

### 3.19 Livestock Operations

- a) Livestock operations involving 300 or more animal units in the AG zone and 200 or more animal units in the AL zone will be considered as a conditional use. All operations of a size of 300 animal units or greater will require review by the Provincial Technical Review Committee. Development applications will be reviewed based on the recommendations made through the technical review.
- b) The number of animal units for a livestock operation shall be determined in accordance with Table 3-3.
- c) All new or expanding livestock operations shall require a development permit application. The application shall include the following information:
  - i. Description of the proposed new or expanding livestock operation including:
    - 1. Number and type of animals;
    - 2. Number and type of animal housing and other buildings or structures related to the livestock operation;

3. Type and size of manure storage facility;
  4. Method of manure application;
  5. Means of limiting manure runoff; and
  6. Means of odour control;
- ii. A site plan showing the location and distance from property lines of the following:
    1. Animal housing and other buildings or structures related to the livestock operation;
    2. Manure storage facility; and
    3. Well;
  - iii. Where a proposed new or expanding livestock operation is 300 AU or greater in size, additional information may be required at the request of the Technical Review Committee. This information shall be certified by a qualified agricultural engineer or other professional acceptable to the TRC.
- d) All proposed livestock operations shall meet the siting criteria outlined in Table 3-4.
- e) Council may impose the following conditions on an application for a livestock operation:
- i. Measures to ensure conformity with the applicable provisions of the Development Plan and Zoning By-law;
  - ii. Measures to implement recommendations of the Technical Review Committee;
  - iii. One or both of the following measures intended to reduce odours from the operation:
    1. Requiring a cover on manure storage facilities and/or;
    2. Requiring shelterbelts to be established;
  - iv. Require the applicant to enter into a development agreement regarding one or more of the following matters:
    1. The timing of construction;
    2. The control of traffic;
    3. The construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts and/or;
    4. The payment of a sum of money to the Board or Council to be used by the Board or Council to construct any of the items mentioned in clause (3) above.
- f) Where the proposed new or expansion of an existing livestock operation is within one (1) mile of a Wildlife Management Area (WMA) as designated under the Province's Protected Areas Initiative, the application shall be circulated to Manitoba Agriculture and Resource Development for review and comment;
- g) Newly siting and the expansion of existing livestock operations (all manure storage facilities and confined livestock areas 300 AU or greater) shall maintain a setback of 328 feet (100 m) from the OHWM of Natalie Lake or the Whitemouth or Birch Rivers, consistent with provincial regulation;
- h) Where the proposed new or expansion of an existing livestock operation is less than 300 AU in size, the Development Officer may approve the application where satisfied the proposal is in compliance with:
- i. The applicable provincial and federal regulations and guidelines according to statements from the responsible provincial agencies; and
  - ii. The mutual separation distance requirements as established in the *Provincial Planning Regulation* and *The Environment Act*.

Table 3-3  
**Calculation of Animal Units by Category of Livestock**

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

Table 3-4  
**Separation Distances for New and Expanding Operations**

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

## PART 4: Zones

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### 4.1 Establishing Zones

Uses of land in the municipality are regulated in accordance with the following zones:

| ZONES                        | ABBR. | INTENT   |
|------------------------------|-------|--|
| Natural Area                 | NA    | Areas where natural resource uses are the primary land use, with provisions for agricultural and other uses where suitable.                        |
| Agricultural General         | AG    | Areas where agriculture is the primary land use.   |
| Agricultural Limited         | AL    | Areas where general agricultural uses and limited livestock operations are the primary land use.   |
| Rural Mixed                  | RM    | Areas where there is a mix of agricultural, recreational and rural residential uses.   |
| Residential General          | RG    | Areas for residential development utilizing either onsite or municipal servicing and providing for single-unit, two-unit and multi-unit dwellings. |
| General Development          | GD    | Areas for a mixture of residential and commercial uses in the Principal Centres of Elma, Whitemouth, River Hills and Seven Sisters.                |
| Open Space and Institutional | OSI   | Areas providing for public and/or private recreational and institutional uses.   |
| Rural Commercial/Industrial  | RCI   | Areas where commercial/industrial development and those uses requiring large areas not suitable for urban areas are the primary land use.          |

### 4.2 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Use Table. Permitted uses are indicated on this table with the letter [P]. Conditional uses are indicated on this table with the letter [C]. Where a use is not listed and is not similar to, or accessory to, a permitted or conditional principal use, or a permitted or conditional secondary use, the use is not allowed in the zone.

### 4.3 Bulk Regulations

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



**Table 4.1: Use Table**

| AGRICULTURAL USE CLASSES                            | NA        | AG             | AL             | RM        | RG | GD <sup>1</sup> | OSI | RCI <sup>2</sup> | U.S.S. |
|---|-----------|----------------|----------------|-----------|----|-----------------|-----|------------------|--------|
| Abattoir  |           | C              |                |           |    |                 |     | C                |        |
| Agri-Business                                       | P         | P              | P              | C         |    |                 |     | P                |        |
| Agri-Tourism  | <u>P</u>  | <u>P</u>       | <u>P</u>       | <u>P</u>  |    |                 |     |                  |        |
| Agricultural Implement Sales & Service              |           |                | C              | P         |    | C               |     | P                |        |
| Agricultural or Food Processing Facility            |           | C              | C              | C         |    |                 |     | P                |        |
| Agricultural Operation, excluding livestock         | P         | P              | P              | P         |    |                 |     |                  |        |
| Anhydrous Ammonia Facility                          |           | C*             | C*             | C*        |    |                 |     | C*               | 3.15   |
| Animal Keeping                                      | <u>P*</u> | <u>P*</u>      | <u>P*</u>      | <u>P*</u> |    |                 |     |                  | 3.10   |
| Animal Kennel                                       | P         | P              | P              | C         |    | C               |     |                  |        |
| Auctioneering Establishment                         |           | C              |                | C         |    | C               |     | C                |        |
| Bulk Storage  |           | C              |                |           |    |                 |     | C                |        |
| Cannabis Standard Cultivation and/or Processing     |           | C              |                |           |    |                 |     | C                |        |
| Contractor's Establishment (incl. exterior storage) |           | <u>C</u>       | <u>C</u>       | C         |    | C               |     | P                |        |
| Equestrian Establishment                            |           | P              | P              | P         |    |                 |     |                  |        |
| Game Farm   |           | P              | P              | P         |    |                 |     |                  |        |
| Garden Centre, Farmers' Market or Produce Stand     |           | P              | P              | P         |    | P               |     |                  |        |
| Greenhouse, Plant and Tree Nursery                  |           | P              | P              | P         |    | P               |     |                  |        |
| Home Industry                                       | <u>P*</u> | <u>P*</u>      | <u>P*</u>      | <u>P*</u> |    |                 |     |                  | 3.2    |
| Livestock Operation – Less than 300 A.U.            |           | P*             |                |           |    |                 |     |                  | 3.19   |
| Livestock Operation – Greater than 300 A.U.         |           | C*             |                |           |    |                 |     |                  | 3.19   |
| Livestock Operation – Less than 200 A.U.            |           |                | P*             |           |    |                 |     |                  | 3.19   |
| Livestock Operation – Greater than 200 A.U.         |           |                | C*             |           |    |                 |     |                  | 3.19   |
| NATURAL RESOURCE USE CLASSES                        | NA        | AG             | AL             | RM        | RG | GD              | OSI | RCI              | U.S.S. |
| Aggregate Extraction Operation                      | C*        | C*             | C*             |           |    |                 |     |                  | 3.14   |
| Conservation Area                                   | P         |                |                |           |    |                 |     |                  |        |
| Forestry Use  | P         |                |                |           |    |                 |     |                  |        |
| Natural Resource Development                        | C*        | C*             | C*             |           |    |                 |     |                  | 3.14   |
| Outfitting Operation                                | C         |                |                |           |    |                 |     |                  |        |
| Solar Collectors (commercial)                       | C*        | C*             | C*             |           |    |                 |     | C*               | 3.12   |
| Wind Energy Generating System (commercial)          | C*        | C*             | C*             |           |    |                 |     |                  | 3.11   |
| SERVICE & INSTITUTIONAL USE CLASSES                 | NA        | AG             | AL             | RM        | RG | GD              | OSI | RCI              | U.S.S. |
| Assisted Living Facility                            |           |                |                |           | C  | C               | P   |                  |        |
| Cemetery  |           |                | P              | P         | P  | P               | P   |                  |        |
| Child Care Service                                  |           | <u>P</u>       | <u>P</u>       | <u>P</u>  | P  | P               | P   |                  |        |
| Club  |           |                |                |           |    | P               | P   |                  |        |
| Educational Facility                                |           |                |                |           | C  | C               | P   | P                |        |
| Emergency Service                                   | P         | P              | P              | P         | P  | P               | P   | P                |        |
| Extended Medical Treatment Service                  |           |                |                |           | C  | C               | P   | P                |        |
| Funeral Service                                     |           |                |                |           |    | C               | P   | P                |        |
| Government Service                                  |           |                |                |           |    | C               | P   | P                |        |
| Health Service                                      |           |                |                |           |    | C               | P   | P                |        |
| Interpretive Site or Centre                         | P         |                |                | P         |    | C               | P   | P                |        |
| Park  | P         | P              | P              | P         | P  | P               | P   | P                |        |
| Place of Assembly                                   |           | C <sup>2</sup> | C <sup>2</sup> | P         | P  | P               | P   | P                |        |
| Place of Worship                                    |           |                | C <sup>2</sup> | C         | C  | P               | P   | P                |        |
| Public Library or Cultural Exhibit                  |           |                |                | P         | P  | P               | P   | P                |        |
| Public Utility                                      | P         | P              | P              | P         | P  | P               | P   | P                |        |
| Residential Care Facility                           |           |                |                |           | C  | C               | P   |                  |        |

P = Permitted | C = Conditional | Underline = only as a secondary use | \* = Use-Specific Standard Applies

<sup>1</sup> RCI zones proposed in designated Agricultural Areas will only be considered for uses that meet Policy 4.3.6 of the Whitemouth Reynolds Development Plan.

<sup>2</sup> Expansion of existing Place of Assembly and Place of Worship uses only in agricultural zones.

| COMMERCIAL & INDUSTRIAL USE CLASSES  | NA       | AG       | AL       | RM       | RG | GD | OSI | RCI      | U.S.S. |
|--|----------|----------|----------|----------|----|----|-----|----------|--------|
| Aircraft Landing Strip   | <u>P</u> | <u>P</u> | <u>P</u> |          |    |    | P   |          |        |
| Asphalt or Batch Plant   | C        | C        |          |          |    |    |     | C        |        |
| Autobody Shop  |          |          |          |          |    |    |     | C        |        |
| Automobile & RV Sales, Service & Rental  |          |          |          |          |    | C  |     | P        |        |
| Broadcasting and Motion Picture Studio   |          |          |          |          |    | C  |     | P        |        |
| Building Supply Sales  |          |          |          |          |    | C  |     | P        |        |
| Business Support Service   |          |          |          |          |    | C  |     | P        |        |
| Cannabis Retail Store  |          |          |          |          |    | C  |     | C        |        |
| Commercial School  |          |          |          |          |    | C  |     | P        |        |
| Contractor's Establishment (enclosed)  |          |          | <u>P</u> | <u>P</u> |    | C  |     | P        |        |
| Custom Manufacturing Establishment   |          |          |          |          |    | C  |     | P        |        |
| Drive-Through Facility   |          |          |          |          |    | C  |     | P        |        |
| Eating and Drinking Establishment  |          |          |          | C        |    | C  |     | <u>P</u> |        |
| Fleet Service  |          |          |          |          |    | C  |     | P        |        |
| Hotel and Motel  |          |          |          | C        |    | C  |     | P        |        |
| Industrial Use, Heavy  |          |          |          |          |    |    |     | C        |        |
| Industrial Use, Light  |          |          |          |          |    |    |     | P        |        |
| Information Technology Use   |          |          |          |          |    | C  |     | P        |        |
| Laboratory   |          |          |          |          |    | C  |     | P        |        |
| Parking Area   |          |          |          |          | C  | P  | P   | P        |        |
| Personal Service Establishment   |          |          |          |          |    | C  |     | P        |        |
| Professional, Financial and Office Support Service   |          |          |          |          |    | C  |     | P        |        |
| Recycling Depot  | C        | C        | C        |          |    | C  |     | C        |        |
| Repair Service, Household  |          |          |          |          |    | C  |     | P        |        |
| Retail   |          |          |          | C        |    | C  |     | P        |        |
| Salvage Operation/Yard   |          |          | C        |          |    |    |     | C        |        |
| Service Station  |          |          |          |          |    | C  |     | P        |        |
| Shopping Centre, Mall, Strip or Plaza  |          |          |          |          |    | C  |     | P        |        |
| Spectator Entertainment Establishment  |          |          |          |          |    | C  |     | P        |        |
| Storage Facility   |          |          |          | P        |    | C  |     | P        |        |
| Trucking Operation   |          |          |          |          |    |    |     | P        |        |
| Veterinary Clinic  |          |          |          |          |    | C  |     | P        |        |
| Warehouse  |          |          |          |          |    | C  |     | P        |        |
| Waste Disposal Grounds/Transfer Station;<br>Lagoons  | C        | C        | C        |          |    |    |     | C        |        |
| RECREATIONAL USE CLASSES   | NA       | AG       | AL       | RM       | RG | GD | OSI | RCI      | U.S.S. |
| Campground/Travel Trailer Park   | C*       |          |          | P*       |    | C* | C*  |          | 3.18   |
| Community Recreation Service   | C        |          |          | P        |    | P  | P   |          |        |
| Fair and Exhibition Grounds  | C        |          |          | P        |    |    | P   |          |        |
| Indoor Participant Recreation Service  |          |          |          | P        |    | C  | C   | P        |        |
| Marina   | C        |          |          | C        |    | C  | C   |          |        |
| Outdoor Amusement Establishment  | C        |          |          | P        |    | C  | C   | P        |        |
| Outdoor Participant Recreation Service   | C        |          |          | P        |    |    | C   | P        |        |
| Resort, Commercial   |          |          |          | P        |    | C  | C   |          |        |
| P = Permitted   C = Conditional   <u>Underline</u> = only as a secondary use   * = Use-Specific Standard Applies |          |          |          |          |    |    |     |          |        |



| RESIDENTIAL USE CLASSES             | NA        | AG        | AL        | RM        | RG        | GD        | OSI | RCI       | U.S.S. |
|-------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----|-----------|--------|
| Bed and Breakfast Facility          | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> |     |           | 3.4    |
| Boarding House                      |           |           |           |           |           | C         |     |           |        |
| Dwelling, Single-Unit               | P         | C         | P         | P         | P         | P         |     |           |        |
| Dwelling, Two-Unit                  |           |           |           |           | P         | P         |     |           |        |
| Dwelling, Multi-Unit                |           |           |           |           | C         | P         |     |           |        |
| Dwelling, Mobile Home or Tiny House |           | <u>P*</u> | <u>P*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> |     |           | 3.17   |
| Dwelling, Modular or Factory-Built  |           | P         | P         | P         | P         | P         |     |           |        |
| Dwelling, Used                      |           | C         | C         | C         | C         | C         |     |           |        |
| Group Home                          |           |           |           |           | P         | P         |     |           |        |
| Home Occupation                     | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> |     |           | 3.3    |
| Mobile Home or Tiny Home Park       |           |           |           | <u>C*</u> | <u>C*</u> | <u>C*</u> |     |           | 3.17   |
| Neighbourhood Commercial            |           |           |           |           | P         | P         |     |           |        |
| Planned Unit Development            |           |           |           | <u>C*</u> | <u>C*</u> | <u>C*</u> |     | <u>C*</u> | 3.1    |
| Secondary Suite                     | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>C*</u> | <u>C*</u> |     |           | 3.5    |
| Temporary Additional Dwelling       |           | <u>C*</u> | <u>C*</u> |           |           |           |     |           | 3.6    |

P = Permitted | C = Conditional | Underline = only as a secondary use | \* = Use-Specific Standard Applies

| Table 4.2 ACCESSORY USES <sup>3</sup>   | NA        | AG             | AL             | RM        | RG        | GD        | OSI       | RCI       | U.S.S.  |
|---|-----------|----------------|----------------|-----------|-----------|-----------|-----------|-----------|---------|
| Boathouses, docks or similar  | P         |                |                | P         |           |           | P         |           |         |
| Private garden house, play structure, greenhouse  | P         | P              | P              | P         | P         | P         | P         |           |         |
| Swimming pool, private (open or enclosed) or pond   | <u>P*</u> | <u>P*</u>      | <u>P*</u>      | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | 3.8/3.9 |
| Fabric-covered accessory structure or portable garage   | <u>P*</u> | <u>P*</u>      | <u>P*</u>      | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | 3.7     |
| Decks, patios, ramps and gazebos  | P         | P              | P              | P         | P         | P         | P         | P         |         |
| Accessory chicken keeping   |           |                |                |           | <u>C*</u> | <u>C*</u> |           |           | 3.10    |
| Accessory off-street parking and loading areas  | P         | P              | P              | P         | P         | P         | P         | P         |         |
| Private garage, carport, shed   | P         | P              | P              | P         | P         | P         | P         | P         |         |
| Private wind energy generating system   | <u>C*</u> | <u>C*</u>      | <u>C*</u>      | <u>C*</u> |           |           |           | <u>C*</u> | 3.11    |
| Private solar collector   | <u>P*</u> | <u>P*</u>      | <u>P*</u>      | <u>P*</u> | <u>P*</u> | <u>P*</u> |           | <u>P*</u> | 3.12    |
| Signs   | <u>P*</u> | <u>P*</u>      | <u>P*</u>      | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | Part 6  |
| Refuse and garbage area   | P         | P              | P              | P         | P         | P         | P         | P         |         |
| Dwelling when incidental to an agricultural use <sup>4</sup>  |           | P              | P              |           |           | P         |           |           |         |
| Accessory or staff dwelling unit or mobile home   | P         | P <sup>5</sup> | P <sup>3</sup> | P         | C         | C         | C         | C         |         |
| Apartment or dwelling unit (part of principal building)   |           |                |                |           | C         | P         |           | P         |         |
| Production, processing, cleaning, servicing, repair or storage of merchandise normally incidental to commercial occupancies if conducted by the owners of the principal use and contained within a building | P         | P              | P              | P         |           | P         |           | P         |         |
| Storage of goods used in or produced by manufacturing, agricultural or resource-related activities or office/administration on the same site as a principal use   | P         | P              | P              | P         |           | P         |           | P         |         |
| Retail or commercial use, incidental to a principal use   |           |                |                |           |           | P         |           | P         |         |
| Structures related to agricultural or resource activities   | P         | P              | P              | P         |           | C         |           |           |         |
| Shipping container on same site as principal use  | C         | C              | C              |           |           |           |           | C         |         |

<sup>3</sup> The maximum number of accessory buildings shall be limited to three (3) per zoning site in the RG and GD zones.

<sup>4</sup> A maximum of two dwellings may be approved as accessory to an agricultural operation.

<sup>5</sup> Staff dwelling (single-unit, communal or mobile home only) when on the same site as an approved agricultural activity or other approved use.

P = Permitted | C = Conditional | Underline = only as a secondary use | \* = Use-Specific Standard Applies

| Bulk Requirements |                                  | NA               |                  | AG     | AL     | RM     | RG                        |               | GD                        |               | OSI           | RCI           |
|-------------------|----------------------------------|------------------|------------------|--------|--------|--------|---------------------------|---------------|---------------------------|---------------|---------------|---------------|
|                   |                                  | Rsr <sup>6</sup> | Agr <sup>7</sup> |        |        |        | Other                     | Dwellings     | Other                     | Dwellings     |               |               |
| Site              | Site Area (minimum) <sup>8</sup> | 40 ac            | 80 ac            | 2 ac   | 80 ac  | 2 ac   | 7,200 sq.ft. <sup>9</sup> | 10,000 sq.ft. | 7,200 sq.ft. <sup>6</sup> | 10,000 sq.ft. | 20,000 sq.ft. | 10,000 sq.ft. |
|                   | Site Width (minimum)             | 300 ft           | 600 ft           | 200 ft | 600 ft | 200 ft | 60 ft                     | 75 ft         | 60 ft                     | 75 ft         | 150 ft        | 100 ft        |

| Yard Requirements (feet) (minimum) | NA               |                  | AG         | AL     | RM                       | RG        |                          | GD        |                          | OSI                    | RCI   |  |
|------------------------------------|------------------|------------------|------------|--------|--------------------------|-----------|--------------------------|-----------|--------------------------|------------------------|-------|--|
|                                    | Rsr <sup>6</sup> | Agr <sup>7</sup> |            |        |                          | Dwellings | Other                    | Dwellings | Other                    |                        |       |  |
| Front Yard <sup>10</sup>           | 125 ft           | 125 ft           | 75 ft      | 125 ft | 75 ft                    | 75 ft     | 30 ft                    | 30 ft     | 30 ft                    | 30 ft                  | 30 ft |  |
| Side Yard                          | 50 ft            | 50 ft            | 25 ft      | 50 ft  | 25 ft                    | 25 ft     | 5 ft <sup>11</sup>       | 15 ft     | 5 ft <sup>8</sup>        | 15 ft                  | 15 ft |  |
| Rear Yard                          | 50 ft            | 50 ft            | 25 ft      | 50 ft  | 25 ft                    | 25 ft     | 25 ft                    | 25 ft     | 25 ft                    | 25 ft                  | 25 ft |  |
| Unit Floor Area (minimum)          | -                | -                | 800 sq.ft. | -      | 800 sq.ft. <sup>12</sup> | -         | 800 sq.ft. <sup>10</sup> | -         | 800 sq.ft. <sup>10</sup> | Site coverage max. 60% |       |  |
| Height (maximum)                   | 35 ft            | 35 ft            | 35 ft      | 35 ft  | 35 ft                    | 35 ft     | 35 ft                    | 35 ft     | 35 ft                    | 35 ft                  | 35 ft |  |

| Accessory/Temporary Structures (feet) | NA               |                  | AG    | AL     | RM    | RG                         |                   | GD                         |                   | OSI   | RCI   |     |
|---------------------------------------|------------------|------------------|-------|--------|-------|----------------------------|-------------------|----------------------------|-------------------|-------|-------|-----|
|                                       | Rsr <sup>6</sup> | Agr <sup>7</sup> |       |        |       | Dwellings                  | Other             | Dwellings                  | Other             |       |       |     |
| Front Yard (minimum)                  | 125 ft           | 125 ft           | 75 ft | 125 ft | 75 ft | 75 ft                      | 30 ft             | 30 ft                      | 30 ft             | 30 ft | 25 ft |     |
| Side Yard (minimum)                   | 25 ft            | 25 ft            | 25 ft | 25 ft  | 25 ft | 25 ft                      | 5 ft <sup>8</sup> | 5 ft                       | 5 ft <sup>8</sup> | 5 ft  | 10 ft |     |
| Rear Yard (minimum)                   | 25 ft            | 25 ft            | 25 ft | 25 ft  | 25 ft | 25 ft                      | 5 ft              | 5 ft                       | 5 ft              | 5 ft  | 10 ft |     |
| Height (maximum)                      | 35 ft            | 35 ft            | 35 ft | 35 ft  | 35 ft | 35 ft                      | 18 ft             | 18 ft                      | 18 ft             | 18 ft | 20 ft |     |
| Building Separation                   | 10 ft            | 10 ft            | 10 ft | 10 ft  | 10 ft | 10 ft                      | 10 ft             | 10 ft                      | 10 ft             | 10 ft | 10 ft |     |
| Unit Floor Area (maximum)             | n/a              |                  | n/a   |        |       | 1,500 sq.ft. <sup>14</sup> |                   | 1,500 sq.ft. <sup>12</sup> |                   | n/a   |       | n/a |

<sup>6</sup> Minimum requirements for uses listed under "Natural Resource Use Classes."

<sup>7</sup> Minimum requirements for uses listed under "Agricultural Use Classes."

<sup>8</sup> Lots serviced by a septic field require a minimum site area of 2 acres and a minimum site width of 200 feet.

<sup>9</sup> Two-unit and multi-unit dwellings require an additional 1,500 sq. ft. of site area per unit.

<sup>10</sup> Subject to Manitoba Infrastructure approval within all Provincial Trunk Highway and Provincial Road controlled areas.

<sup>11</sup> Side yards on the street side of a corner site shall be a minimum of fifteen (15) feet. For single-unit and two-unit dwellings without an attached garage or carport, one side yard shall be fifteen (15) feet.

<sup>12</sup> Excluding approved mobile homes or tiny houses.

<sup>13</sup> All docks and boathouses have a minimum rear yard setback of 0 feet.

<sup>14</sup> Maximum square footage is cumulative for all accessory structures.

## **PART 5: Administration**

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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, the R.M. of Whitemouth shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of *The Planning Act*.

If a contravention of this zoning by-law is enforced, the costs of the enforcement action may be placed on the tax roll for the subject property.

### **5.2 When Development Permits are Required**

A development permit is required for any of the following, except as otherwise provided for in this by-law:

- a) the erection or construction or placement of any building, structure or mobile home, except fences and ornamental light standards;
- b) the addition, extension, structural alteration or conversion of any building or structure;
- c) the relocation or removal or demolition of any building or structure;
- d) the use of vacant buildings or structures;
- e) the change of use of land, buildings or structures; and
- f) the clearing of all agricultural and non-agricultural lands in excess of 0.5 hectares (1 acre).

### **5.3 Development Permits and Other Permits**

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

Development permits issued prior to the effective date of this by-law shall be considered valid for the purposes of this by-law, provided the conditions under which the permit was issued are complied with.

A development permit may also include a building permit and occupancy permit.

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

A development permit is not required for the following:

- a) incidental alterations;
- b) agricultural cropping of land;
- c) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
  - i) fences, below four (4) feet (1.22 m) in height;
  - ii) signs, not including advertising signs where they are conditional uses;
  - iii) outdoor lighting;
  - iv) flagpoles;
  - v) garden houses or children's structures;
  - vi) private communications facilities;



- vii) unenclosed patios at grade level; and
- d) Despite not requiring a development permit, all items in this provision shall be subject to the requirements of this by-law.

#### **5.5 Applications for Development Permits**

An application for a development permit:

- a) shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them;
- b) shall be accompanied by plans drawn to scale showing the following:
  - i) the shape and dimensions of the parcel to be used or built on;
  - ii) the location and dimensions of existing buildings and structures, if any;
  - iii) the location and dimensions of any proposed building, structure, enlargement or alteration;
  - iv) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
  - v) vehicular access, utility connections, parking areas, loading areas, landscaping, or signage (where applicable);
  - vi) current copies of relevant titles, easements, caveats, surveyor's certificates, and such other matters as may be necessary to determine conformance with and provide for the enforcement of this by-law; and
- c) shall be accompanied by the fee prescribed by the R.M. of Whitemouth.

#### **5.6 Applications for Development Permits for Clearing Agricultural and Non-Agricultural Land**

An application for a development permit to clear agricultural and non-agricultural land:

- a) shall be made by the owner or owners of the property in question, or by a person authorized in writing by them;
- b) shall be accompanied by plans drawn to scale showing the following:
  - i) the shape and dimensions of the property to be cleared;
  - ii) location of access point;
  - iii) drainage plan;
  - iv) size and location of proposed wood/peat piles; and
  - v) plan of disposing of wood/peat piles; and
- c) shall be accompanied by the fee prescribed by the R.M. of Whitemouth.

#### **5.7 Approval of Development Permits**

- a) Within the 60-day period from the date of the application, the Development Officer shall consider the application and may approve an application for a permit, if it is the opinion that the proposed building, structure or use of land conforms to the provisions of *The Planning Act*, the Whitemouth Reynolds Planning District Development Plan, any applicable secondary plan, and this by-law.
- b) Every owner shall:
  - i) permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law, and shall not molest, obstruct or interfere with the Development Officer in the discharge of his or her duties under this by-law;

- ii) obtain written approval from the Development Officer prior to doing any work at variance with that for which a development permit was issued; and
  - iii) where applicable, be responsible for obtaining from the appropriate authorities, any required permits or licenses relating to blasting, electrical, grades, highways, occupancy, plumbing, private onsite wastewater management systems, sewers or water supply systems, signs, streets, water rights, wells, environmental approvals, and other government department approvals.
- c) The Development Officer may suspend or revoke a permit if the applicant or any person undertakes, causes or permits development of the site that is not in compliance with the terms and conditions of the permit issued. Development shall be discontinued forthwith upon receiving written notice from the Development Officer and shall not resume until a permit has been issued or reinstated.

**5.8 Building to be Moved**

No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this by-law applying to the zone in which it is located.

Prior to transportation and placement on an engineer-approved foundation, the used building or structure shall require certification of an engineer as to structural integrity.

All used buildings being moved into the R.M. of Whitemouth will require an approved conditional use order, which may include conditions addressing required interior/exterior renovation as deemed necessary by Council.

**5.9 The Development Officer**

The position of the Development Officer is hereby established. The person appointed as Development Officer by Council or the planning district board shall be a designated officer for the purposes of *The Planning Act*.

**5.10 Roles of the Development Officer**

The Development Officer shall have the authority to:

- a) issue development permits, zoning memoranda, non-conforming certificates and similar documents.
- b) exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *The Planning Act*.
- c) refuse to issue a development permit where:
  - i) the development permit application, or any information accompanying the development permit application, is incorrect or incomplete; or
  - ii) the proposed building, structure or use does not, to the Development Officer's knowledge, comply with this zoning by-law, the Whitemouth Reynolds Development Plan, the R.M. of Whitemouth Building By-law or with any other law.
- d) revoke a development permit where the development permit was issued in error.
- e) 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; or

- ii) the number of parking spaces required by no more than 15 per cent.

**5.11 Application for Amendments, Variances and Conditional Uses**

An application for a variance, conditional use, or an amendment to this by-law must be in the proper form and must be accompanied by the fee prescribed by Council. Application may be made by the owner(s) or with the owner's written authorization.

The application must also be accompanied by:

- i) plans drawn to scale showing the shape and dimensions of the affected property;
- ii) plans drawn to scale showing the location and dimensions of existing buildings and structures;
- iii) plans drawn to scale showing the location and dimensions of the proposed building, structure, enlargement or alteration;
- iv) 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;
- v) a description of the reason why the variance, conditional use, or amendment to this by-law is being requested; and
- vi) any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this by-law.

**5.12 Conditional Use**

- a) Approval of a conditional use shall expire or cease to have any effect if it is not acted upon within 12 months from the date it was made, unless it is renewed before the expiry date at the discretion of Council for an additional period not exceeding 12 months.
- b) A use that is listed as a conditional use within this by-law, but that lawfully existed prior to the effective date of this by-law, shall be considered a lawfully existing conditional use, and except as regulated by this by-law, shall have non-conforming rights in accordance with *The Planning Act*.
- c) Changes to an existing conditional use, such as enlargement, expansion or extension to occupy a greater floor area or site area upon which said use is located, shall require conditional use approval.
- d) In the case of aggregate extraction operations, existing pits may be expanded within the site, provided that no new pits are established and provided that said operation was a legally existing conditional use at the effective date of this by-law. The aggregate extraction operation shall otherwise conform to the requirements of the zone in which it is located.

**5.13 Variance Orders**

- a) A building, structure or use established by a variance order prior to the effective date of this by-law shall, subject to the provisions of the variance order, be deemed to conform to this by-law.
- b) A variance order shall expire or cease to have any effect if it is not acted upon within 12 months from the date it was made, unless it is renewed before the expiration date at the discretion of Council for an additional period not exceeding 12 months.

**5.14 Zoning Memoranda**

A zoning memorandum may be issued upon application of any person having an interest in land, land use, a building or structure within the area affected by this by-law, stating whether or not the land, building, structure and use appears to conform with this by-law, in accordance with *The Planning Act*. A request for a zoning memorandum must be accompanied by a Building Location Certificate prepared by a Manitoba Land Surveyor.

**5.15 Development Agreement**

Where an application is made for an amendment to this 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 shall apply, as a condition to its enactment to enter into a development agreement with the Rural Municipality of Whitemouth in respect to that land as well as contiguous land owned or leased by the applicant.

**5.16 Non-Conformities**

The enactment of this by-law does not affect any land, buildings, or structures, or affect any intensity of use of any land, building, or structure that lawfully existed prior to the effective date of this by-law, in accordance with *The Planning Act*. The following provisions apply to legally existing non-conformities:

- a) Parcels of land having less than the required site area or site width that were registered at the Land Titles Office at the effective date of this by-law, shall be deemed to be legal non-conforming parcels and shall be subject to all applicable zoning regulations.
- b) A non-conforming site or parcel may be occupied by any building, structure, or use provided:
  - i) The building, structure or use is listed as a permitted or conditional use within the zone in which said site or parcel is located; and
  - ii) All other requirements of the zone in which the site or parcel is located are complied with or variance orders have been issued.
- c) A variance order shall not be required where a site or parcel is being increased in size so as to decrease its non-conformity, even though the enlarged site or parcel does not conform to the site area and site width requirements of this by-law. The enlargement of said site or parcel shall not cause an increase in non-conformity of an abutting or adjoining site or parcel.
- d) Structural alterations shall not be made to a non-conforming building or structure, or a building or structure containing a non-conforming use, unless an appropriate variance order has been issued.
- e) All uses of land, buildings, or structures that lawfully existed prior to the effective date of this by-law, where the use was not discontinued for a period exceeding 12 consecutive months, may continue. Non-conforming uses that lawfully existed prior to the effective date of this by-law may be altered by variance order.
- f) An existing building, structure or use that was illegal under previous by-laws in force on the effective date of this by-law shall not become or be made legal solely by reason of the adoption of this by-law.
- g) The legal status of buildings, structures or land, or their use, is not affected by change of ownership, tenancy or occupancy of the building, structure or land.



- h) A certificate may be issued by Council upon application of any person having an interest therein, describing the land, building, or structure, or the use or intensity of use of land or a structure that was lawfully in existence at the date of the enactment of this by-law, and stating it may continue to exist although it does not conform to this by-law, in accordance with *The Planning Act*. A request for a certificate of non-conformity for a building or structure must be accompanied by a Building Location Certificate prepared by a Manitoba Land Surveyor.

## PART 6: Signs

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### 6.1 Definitions

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

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

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

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

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

**Construction Sign** means a sign that 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 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** 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.

**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.

**Real Estate Sign** means a sign advertising the sale, rental or lease of the premise on which it is maintained.

**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.

**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 (0.61 m) 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 with or without a structural frame and intended for a limited period of display, and shall include a mobile sign, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

## 6.2 Sign Regulations

The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial, and agricultural uses. The following shall apply in all zones except wherein otherwise stated:

- a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device;
- b) No sign or structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing;
- c) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes;
- d) A flashing sign in or within 150 feet (45.72 m) of any "GD," "RG," or "OSI" zones shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;
- e) Signs advertising a home occupation or home industry shall be per s. 3.2 and s. 3.3 of this by-law;
- f) All signs and sign structures shall be kept in good repair. Signs which have become obsolete because of discontinuance of the business, service or activity, and have not been removed or relocated within 30 days following such condition, may be removed by the municipality at the owner's expense;
- g) Where a sign has two (2) 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 (0.61 m) from one another;
- h) It shall be unlawful to erect or maintain any sign on, over or above land or a right-of-way belonging to the municipality unless such right is established by agreement with the municipality, and all signs shall adhere to all the requirements of the zone in which they are located;

- i) The placing of signs within the controlled area of a provincial road or provincial trunk highway shall require a permit from Manitoba Infrastructure. No flashing signs shall be permitted within the controlled area of any provincial highway; and
- j) No advertising sign or other type of display sign shall be constructed in any zone without the approval of Council, except the following:
  - i. Signs posted by, or required by, a duly-constituted government body, including traffic or similar regulatory devices, legal notices or warnings at railroad crossings;
  - ii. Signs posted by public authorities in the performance of their duties;
  - iii. Flags or emblems of a political, civic, philanthropic, educational or religious organization;
  - iv. Temporary signs announcing a campaign, drive or event related to i., ii. or iii. above;
  - v. Temporary signs, as may be authorized by Council for not more than two (2) months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs;
  - vi. "No Trespassing" signs not exceeding three (3) square feet (0.28 sq.m.);
  - vii. Bulletin board signs of religious organizations or other community facilities, upon the same site and not exceeding eighteen (18) square feet (1.67 sq.m.);
  - viii. Memorial signs or tablets; and
  - ix. Signs required for direction and convenience of the public including signs identifying restrooms, entrances or exits, and the like, not exceeding five (5) square feet (0.46 sq.m.) in area.

### 6.3 Additional Signs Allowed

- c) In the "GD" General Development Zone the following additional signs are allowed:
  - i. One (1) identification sign per site or use with a maximum surface area of ten (10) square feet (0.93 sq.m.);
  - ii. Construction signs, when placed on construction sites and not exceeding 25 square feet (2.32 sq.m.);
  - iii. One (1) business sign for each permitted or approved commercial or industrial use for each fronting street for a commercial or industrial corner site with a maximum surface area of 65 square feet (6.04 sq.m.); and
  - iv. Real estate signs not exceeding 12 square feet (1.11 sq.m.) advertising the sale, rental or lease of a building, structure, site or part thereof.
- d) In the "RM" and "RG" zones the following additional signs are allowed:
  - i. Not more than one (1) non-illuminated identification sign for each dwelling unit not exceeding two (2) square feet (0.19 sq.m.) for each unit;
  - ii. Construction signs, when placed on construction sites and not exceeding 25 square feet (2.32 sq.m.); and
  - iii. Real estate signs not exceeding 12 square feet (1.11 sq.m.) advertising the sale, rental or lease of a building, structure, site or part thereof.
- e) In the "AG," "AL," and "NA" zones the following additional signs are allowed:
  - i. There shall not be more than one (1) illuminated or non-illuminated identification sign having an area not exceeding one (1) square foot (0.09 sq.m.) for each ten (10) feet (3.05 m) of frontage, to a maximum of 100 square feet (9.29 sq.m.);



- ii. Construction signs, when placed on construction sites and not exceeding 25 square feet (2.32 sq.m.); and
  - iii. Non-illuminated advertising signs not exceeding 100 square feet (9.29 sq.m.) in area.
- f) In the "RCI" Rural Commercial/Industrial Zone the following additional signs are allowed:
- i. Construction signs, when placed on construction sites to a maximum of 100 square feet (9.29 sq.m.);
  - ii. One (1) business sign for each permitted or approved commercial or industrial use for each fronting street for a commercial or industrial corner site with a maximum surface area of 65 square feet (6.04 sq.m.); and
  - iii. Illuminated advertising signs not exceeding 100 square feet (9.29 sq.m.) in area; and
  - iv. Non-illuminated real estate signs advertising the sale, rental or lease of a building, structure or site or part thereof, illuminated advertising signs not exceeding 100 square feet (9.29 sq.m.) in area.

Any other signs proposed in any zone in excess of listed permitted signs shall require the approval of a conditional use order. Signs erected that are not in conformity with sections 6.2 and 6.3 shall be removed by the municipality at the expense of the owner.

## PART 7: Definitions

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### 7.1 Rules of Construction

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

- a) Words, phrases and terms defined herein shall be given the defined meaning.
- b) Words, phrases and terms not defined herein but defined in *The Planning Act* and the Building, Electrical or Plumbing By-laws of the Rural Municipality of Whitemouth shall be construed as defined in such Act and by-laws.
- c) Words, phrases and terms neither defined herein nor in the by-laws of the Rural Municipality of Whitemouth shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
- d) The phrase "used for" includes "arranged for," "designed for," or "occupied for."
- e) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either-or," the conjunction shall be interpreted as follows:
  - i. "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
  - ii. "or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.
  - iii. "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- f) The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.
- g) The provisions of this by-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, "maximum" is used, in which case the maximum regulation shall apply.

### 7.2 Illustrations

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

### 7.3 Definitions in this By-law

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

**Abattoir** means a building, structure, or part thereof, used for the slaughtering of animals and related activities.

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

**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 use, building, or structure to which it is accessory. A use shown as a conditional use in the bulk tables cannot be accessory to a use shown as a permitted use for the same zone.

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

**Agri-Business** means an establishment that provides goods or services to the agricultural sector, including (but not limited to) farm equipment and machinery repair shops, grain terminals, fertilizer supply, bulk fuel stations, feed operations, livestock auction marts, and commercial seed cleaning plants. Anhydrous ammonia facilities are not included in this class.

**Agri-Tourism** means a use secondary to an agricultural operation that promotes and/or educates the public about farming and agricultural activities. This use includes farm produce stands, corn or hay mazes, petting zoo (subject to the livestock requirements of this by-law), hayrides, sleigh rides, buggy or carriage rides, seasonal activities and temporary accommodations. This use does not include campgrounds or travel trailer parks.

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

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

- a) The production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruits, 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 by aerial application; or
- g) The storage, use or disposal of organic wastes for agricultural purposes.

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

**Aircraft Landing Strip** means any area of land or water which is used or intended for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use as aircraft landing strips or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

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

- a) An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building;
- b) An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor;
- c) Alteration of non-load bearing interior partitions in all types of buildings;
- d) Replacement of, or changes in, the capacity of utility pipes, ducts or conduits;

- e) Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased;
- f) The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves; or
- g) 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.

**Anhydrous Ammonia Facility** means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer, including sales and service.

**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, private stables.

**Animal Kennel** means a premises on which three (3) or more domestic pets are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale, but does not include a veterinary clinic, animal hospital, or use for the keeping of exotic animals.

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

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

**Assisted Living Facility** means residences that provide for independent living with access to in-house communal services. Such facilities may be (1) equipped with one or two bedroom, self-contained apartments generally designed for single or double occupancy; (2) contain central dining facilities where prepared meals can be served to the residents; (3) employ full time nursing or medical assistance and supervision; and (4) may provide other additional services to residents.

**Auctioneering Establishment** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. This use class does not include flea markets or livestock auction marts.

**Autobody Shop** means an establishment providing the services of commercial repair of automobile bodies, major and minor collision damage, frame and panel straightening, repainting and refinishing, glass repair and similar activity.

**Automotive and Recreational Vehicle (RV) Sales, Service and Rental** means a development used for the sale, servicing and rental of automobiles, motorcycles, snowmobiles, trailers, all-terrain vehicles (ATVs), boats and similar vehicles and/or the sale, installation or servicing of related parts and accessories. This use class includes automobile dealerships, mobile home sales, motorcycle and RV sales, transmission shops, muffler shops, tire shops, automotive glass shops, car washes, and similar uses.

**Basement** means a storey of a building located below the first storey and is the portion of a building which is partially underground and which has at least one half of its height, from finished floor to underside of first floor joists, below the average level of the finished ground surface adjacent to the exterior walls of the building, and in which the height from finished grade to ceiling level is less than 1.8m.



**Batch Plant** means an industrial facility producing bulk processed materials used in building or construction, and may include facilities for the administration or management of the business, stockpiling of bulk materials used in the production of finished products manufactured on the premises and storage and maintenance of required equipment.

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

**Boarding House** means a building or part thereof, containing no more than four (4) sleeping units, where lodging or sleeping accommodation, with or without meals, is provided for remuneration. This use does not include residential care facilities.

**Boathouse** means a building or part thereof, used by the occupants of the premises primarily for the parking or storage of private boats or other personal watercraft, but does not include living accommodations.

**Broadcasting and Motion Picture Studio** means a development used for the production or broadcasting of audio and visual programming typically associated with radio, television, motion picture studios and other media.

**Buffer** means a portion of a lot or land area used to visually separate, shield or obstruct noise, illumination or other incompatibilities or nuisances from one use to another using vegetation, screening, and distance.

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

**Building or Structure, Used** means a building or structure removed from an off-site foundation and transported to a site where it is anchored to a new and permanent foundation.

**Building, Main or Principal** means a building in which is conducted the principal use of the site on which it is situated.

**Building Separation** means the least horizontal distance permitted between the nearest portions of any building on a lot.

**Building Supply Sales** means an establishment where lumber and other building materials, as well as related materials such as heating, plumbing, electrical, paint, glass, hardware and wallpaper supplies are sold at retail.

**Bulk** means the following:

- a) The size (including height of building and floor area) of buildings or structures;
- b) The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
- c) The location of exterior walls of buildings in relation to site lines to other walls of the same building, to legally required windows, or to other buildings; and
- d) All open areas relating to buildings or structures and their relationships thereto.

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

**Business Support Service** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture, computers, cellular phones and machines. Typical uses include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments.

**Campground or Travel Trailer Park** means an area of land containing campsites managed as a unit, providing for short term or overnight camping, including tenting and serviced trailer sites, and may include administration offices, laundry facilities, but not the use of mobile homes or trailers on a permanent year-round basis.

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

**Cannabis Standard Cultivation** means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.

**Cannabis Standard 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 authorized distributors, as well as associated activities.

**Child Care Service** means the provision of care for remuneration or reward to a child apart from his parents or guardians for a period in any one day not exceeding fourteen (14) hours. This use includes an unlicensed home or group day care or a development licensed by the Province of Manitoba to provide daytime personal care and education to children, not including overnight accommodation. Typical uses include family and group childcare homes, day care centres, nursery schools and play schools.

**Club** means a building or part thereof, which is owned or leased by a non-profit corporation chartered by *The Canadian Business Corporation Act* or *The Manitoba Corporation Act* or an association consisting of persons who are bona fide members paying annual dues, the use of which is restricted to members and their guests for fraternity, sorority, recreational, sport or similar activities.

**Commercial School** means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, dancing, music schools and similar uses.

**Common Element** means all property within a bare-land condominium plan except for the units. For the purposes of this by-law, those "common elements" which are normally used for the passage of vehicles or pedestrians including roads, road allowances, streets, lanes, bridges, but not including pedestrian walkways or vehicle parking areas, shall be considered a street or lane as defined in this by-law.

**Communal dwelling** means a residence(s), including single-unit and multi-unit dwellings, associated with an agricultural operation or other organization, carried out on the same or adjacent holding by a religious colony or other association by, or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.

**Community Recreation Service** means a development for recreational, social or multiple purpose use with or without fixed seats and primarily intended for local community purposes. Typical uses include arenas, auditoria, multi-use halls, community centres, and stadiums.

**Compatible** means a building, structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

**Conditional Use** means the use of land or building that may be permitted in a zone only at the discretion of Council, as provided for in *The Act*.

**Condominium** means a condominium as established under *The Condominium Act*.

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

**Conservation Area** means the use of land, which is intended to remain open in character, with the priority use given to the preservation of its natural state or special environmental quality, and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

**Contractor's Establishment** means a premise where a construction contractor operates a business and where related equipment and materials may be stored, including: wood construction, cabinet making, carpentry, house builders, mobile home and "ready-to-move" house construction, package home or garage construction, kitchen or bathroom renovating, drywalling, electrical contracting, eavestroughing, general contracting, heating contractors, air-conditioning and refrigeration contractors, insulating contractors, painting contractors, decorating and landscaping contractors, plumbers, sheet metal contractors, roofers, drillers and well contractors, septic tank installation, foundation contractors, excavators, stucco contractors, siding contractors, brick laying, fencing contractors, ventilating contractors, window and door installation, road, bridge, cement and concrete contractors and other like uses.

**Council** means the Council of the Rural Municipality of Whitemouth.

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

**Deck** means a platform, either freestanding or attached to a building, but without a roof, that is supported by pillars, posts, or walls.

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

**Development Officer** means the officer appointed by the Board of the Whitemouth Reynolds Planning District in accordance with the provisions of the *Act*.

**Development Plan** means the Whitemouth Reynolds Planning District Development Plan By-law and amendments thereto.

**Dock** means a platform used for the mooring of one or more private motorboats or other personal watercraft. This use class can include boat ramps and launching facilities.

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

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

**Dwelling, Multi-Unit** means a building, located on a single site, containing three or more dwellings (for example, row houses, town houses, or apartment buildings).

**Dwelling, Single-Unit** means a building, located on a single site, containing one dwelling. This use does not include a mobile home or a used dwelling.

**Dwelling, Two-Unit** means a building, located on a single site, containing two dwellings (for example, a duplex or a side-by-side).

**Dwelling, Used** means a building removed from an off-site foundation and transported to a site where it is anchored to a new and permanent foundation. Prior to transportation and placement on an engineer-approved foundation, the used dwelling shall require certification of an engineer as to structural integrity and approval of a conditional use order, which may include conditions addressing required interior/exterior renovation as deemed necessary by Council.

**Eating and Drinking Establishment** means an establishment where food is prepared and served on the premises for sale to the public, and may include outdoor seating areas. Typical examples include licensed drinking establishments, restaurants, delicatessens, cafeterias and tearooms. This does not include drive-through facilities that provide services to customers who remain in their vehicles or mobile food catering services.

**Educational Facility** means a place of instruction, either private or public, which offers courses, training or instruction, and may include administration offices required for the provision of such services. Typical examples include private or public schools, community colleges, technical and vocational schools and adult educational training centres.

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

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

**Equestrian Establishment** means a facility engaged in the training of horses, including the operation of a horse-riding academy, stables, and like uses for private use and/or remuneration.

**Existing** means a building, structure, and use existing on the effective date of this by-law.

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

**Extension** means an increase in the amount of existing floor area used for an existing use, within an existing building.

**Fabric-covered structure** means a pre-manufactured structure consisting of a wood, tubular metal, or plastic frame, covered on the roof and a maximum of three sides with fabric, reinforced plastic, vinyl, or other sheet material intended for storage purposes.

**Factory-Built House** means a manufactured dwelling, whether of modular (built in two or more sections) or unitary construction, which complies with the National Building Code, and which is built off-site by a manufacturer having CAN/CSA-A277 "Procedure for Certification of Factory-built houses" accreditation. For purposes of this by-law, a "factory-built house" shall not include a "mobile home" as defined herein.



**Fair and Exhibition Grounds** means the use of land or a building or structure where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale, and may include a midway and a place of amusement.

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

**Farm Building** means a farm-related building or structure existing or erected on land used primarily for agricultural activities, but does not include dwellings or private garages.

**Fleet Service** means a development using a fleet of vehicles for the delivery of people, goods, or services, where such vehicles are not available for sale or long-term lease. This use class includes taxi and bus services, messenger and courier services.

**Flood Level** means the 200-year flood level, or the level of a known flood exceeding the 200-year flood as determined by Council in consultation with the appropriate provincial or other government department having jurisdiction or an engineer qualified to practice in the Province of Manitoba.

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

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

- a) Basements when used for residential, commercial or industrial purposes, but not including spaces used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- b) Floor space used for mechanical equipment (with structural headroom of six (6) feet (1.83 m) or more) except equipment, open or enclosed, located on the roof;
- c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
- d) Penthouses, mezzanines, attics where there is a structural headroom of seven (7) feet (2.13 m) or more.

**Food Processing Facility** means a facility, other than an eating or drinking establishment, where food products are processed, stored, or distributed. Typical examples include dairies, bakeries, fruit or meat processing businesses, but not including abattoirs or any premises used for the slaughtering of animals.

**Forestry Use** means the general raising, harvesting and cutting of wood, as well as forest renewal and maintenance activities. This use includes sawmills and related uses, including accessory structures.

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

**Game Farm** means a development where elk, wild boar, bison, etc. are held in captivity, pursuant to *The Livestock Industry Diversification Act* and *The Wildlife Act*.

**Garage, Attached** means an accessory building used for the parking or temporary storage of automobiles and other personal property that is attached to and forms part of a dwelling structure and is subject to all yard requirements of the main building.

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

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

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

**Grade** (as applied to the determination of building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

**Greenhouse, Plant and Tree Nursery** means a structure and/or associated land and accessory uses that are used for the sale of or growing of sod, shrubs, trees, vegetables or other gardening, landscaping or orchard stock, including wholesale operations.

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

**Health Service** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling in nature. Typical uses include medical and dental offices, health clinics, and counselling services.

**Height** means the vertical distance measured from the finished grade to the highest point of the roof surface.

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

**Home Industry** means non-offensive light manufacturing activities that may be permitted as a secondary use in addition to the principal use, including but not limited to, farm-related sales and service, machinery and auto repair, welding, carpentry and similar uses directly serving the rural population.

**Home Occupation** means any business activity, including manufacturing, sales, a commercial or professional operation, business service, trade, practice, office, or use which is carried on, in, or from a dwelling unit and or its permitted accessory buildings; is intended as a profit-making operation; and is clearly incidental to, accessory to, or secondary to the residential use of the dwelling unit.

**Hotel** means a building or part thereof, providing accommodation for transient lodgers, in any individual room or apartment, with or without cooking facilities. Typical examples include a motel, inn, tourist lodge and similar buildings. Accessory uses may include restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

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

**Industrial Use, Heavy** means a use of land that includes the assembly, fabrication, storage, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place.

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

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

**Interpretive Site or Centre** means a site or centre intended to communicate and reveal meanings and relationships of our cultural and natural heritage, through involvement with objects, artefacts, landscapes and sites.

**Laboratory** means a building or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Lane** means a street not over thirty-three (33) feet (10.06 m) in width.

**Livestock** means animals or poultry not kept exclusively as pets, excluding bees, and, for the purposes of this by-law, limited to the following animals: alpaca, bison (plains and wood), cattle, horses (which may also be part of an equestrian establishment), chickens, chinchilla, ducks, emu, geese, goats, mink, llamas, ostrich, pigs, rabbits, sheep, turkeys, and wild boars.

**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.

**Loading Space** means an off-street space located on the same zoning site as the use served, unless permitted by variation to locate elsewhere, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or material, and which has access to a street or lane or other appropriate means of access.

**Marina** means a public or commercial dock or basin providing secure mooring for motorboats and other watercraft and often offers boating supply, repair and other facilities.

**Manure Storage Facility, Earthen** means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or treating livestock manure, but does not include

- a) A collection basin;
- b) A field storage site; or
- c) A temporary composting site for manure.

**Manure Storage Facility, Non-Earthen** 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** means a detached single-unit dwelling, which is factory-built, compact and transportable, with the following characteristics:

- The unit is designed for the long-term occupancy and domestic use by one (1) or more individuals living as a single housekeeping unit; and contains cooking, eating, living, sleeping and sanitary facilities, and has plumbing and electrical connections for permanent attachment to outside systems;
- The unit is designed to be moved or transported, after fabrication, on its own wheels, other trailers, or detachable wheels;
- The unit is designed and built in conformity with the Canadian Standards Association (CSA) Z240 series standards for mobile homes; and/or
- The unit has the appearance of, or resembles, a mobile home based on maximum length to minimum width aspect ratio of two (2) or more.

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

**Mobile Home Site** means a zoning site in a mobile home subdivision for the placement of a mobile home.

**Mobile Home Space** means a space in a mobile home park for the placement of a mobile home.

**Mobile Home Subdivision** means an area of land subdivided to provide mobile home sites in accordance with the subdivision procedure under *The Planning Act*.

**Modular Home** means a detached single-unit dwelling, which is factory-built, manufactured or fabricated off-site in two (2) or more near-complete, standardized sections or units, and attached or joined together on a foundation at the building site.

**Natural Resource Development** means the stripping of topsoil or clearing and burning of peat moss. This use includes the development, management and rehabilitation of peat moss harvest areas and related uses, including accessory structures. This use class does not include aggregate extraction operations.

**Neighbourhood Commercial** means an establishment that serves the needs of the adjacent neighbourhood. Typical services include convenience stores, personal service establishments and health services establishments.

**Nonconformity** means a site or parcel of land; a building or structure; a use of a building or structure; a use of land; or a sign; or any combination thereof; which lawfully existed prior to the effective date of this

by-law or amendments thereto, but does not conform to the provision contained within this by-law or amendments thereto.

**Nuisance** means, when used with reference to a development, a use that creates or is liable to create by reason of noise, vibration, smoke, dust or other particular matter, odour, toxic or non-toxic matter, radiation hazards, fire or explosive hazards, heat, glare, unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition that in the opinion of Council may be or become hazardous or injurious in regards to health or safety, or which adversely affects the amenities of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

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

**Outdoor Amusement Establishment** means a permanent commercial development providing facilities for entertainment and amusement activities that primarily take place out of doors and where patrons are primarily participants. Typical uses include amusement parks, outdoor concert facilities, go-cart tracks, racetracks, moto-cross and all-terrain vehicles (ATVs), miniature golf, obstacle courses and similar uses.

**Outdoor Participant Recreation Service** means a development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, water slides, sports fields, skate board parks, rock climbing facilities, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, paintball games, shooting ranges, fitness trails and similar uses, including required buildings and storage structures, which can also be considered accessory uses.

**Outfitting Operation** means any land or premises equipped with cottage dwelling(s) used or maintained for accommodation of the public for outdoor recreation purposes related to hunting, fishing, nature pursuits, and like uses.

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

## **Parking**

**Accessory Off-Street Parking** means a space on the premises other than streets, used for the temporary parking of motor vehicles.

**Parking Area** means an area used for the temporary parking of motor vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees, or visitors.

**Parking Space** means a space in a parking area, public parking area or zoning site for the temporary parking or storage of a motor vehicle. A parking space shall have adequate provision for vehicular entry, exit, and manoeuvrability.



**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.

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

**Personal Service Establishment** means an establishment providing services to individual and personal needs. Typical examples include barbershops, salons, hairdressers, shoe repair, dry cleaning, tailors, and the like.

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

**Place of Worship** means a building (ex: a church, chapel, mosque, synagogue, or temple) primarily used for religious purposes.

**Planned Unit Development** means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in siting of buildings, mixture of land uses, lots sizes, useable open spaces and can include the preservation of significant natural features appropriate to the zone where such a use is located. Typical developments include mixed-use projects; townhouse and apartment projects involving two or more principal buildings; and shopping centres or similar commercial developments.

**Portable Garage** means a building or structure made of canvas, polyethylene, reinforced polyethylene, Kevlar, nylon, or similar material. (See also Fabric-Covered Structure.)

**Principal Use** means the primary or predominant activity on any lot or within any building or structure.

**Principal Building** means a structure on a site used to accommodate the principal use.

**Professional, Financial and Office Support Service** means a development primarily used for the provision of professional management, administration, consulting and financial services. Typical uses include lawyer, accountant, engineer and architect offices; real estate and insurance firm offices; clerical, secretarial, employment, call services and similar office support services; banks, credit unions, loan offices, and similar financial uses; general office / administration buildings and other similar uses, which can also be considered as accessory uses.

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

**Public Utility** means any system, works, plant equipment or services that furnishes services and facilities available at approved rates to or for the use of the inhabitants of the municipality, including but not limited to:

- a) Communication, by way of telephone, telegraph, wireless, or television;
- b) Public transportation, by bus or other vehicle;
- c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- d) Collection of sewage, garbage or other waste.

**Public Work** includes:

- a) All work and properties acquired, made, built, constructed, erected, extended, enlarged, repaired, improved, formed or excavated, for a public purpose of the Municipality or at the expense of the Municipality, or in respect of which any money has been authorized by the Municipality to be paid and applied;
- b) Any property, real or personal, or work that has been declared by the Municipality to be a public work;

And also includes, where the context so requires, the labour required for making, building, constructing, erecting, extending, enlarging, repairing, improving, forming, or excavating any public work; including parking lots; and includes buildings, walls, trestlework, bridges, tunnels, drains, sewers, vaults, wells, sidewalks, pathways, railways, airports; the towers, poles, lines, and equipment of power transmission or distribution systems of telephone and telegraph systems, or of radio or wireless receiving and transmission stations, arboreal and other plantations and all structures, erections, excavations, by means of, or with the aid of, human skill and human, animal, or mechanical labour.

**Recycling Depot** means a building, structure, or part thereof, in which recyclable material only is collected, processed and/or baled in preparation for shipment for remanufacture into new items.

**Repair Service, Household** means a development used for the provision of repair services to goods, equipment, and appliances normally forming part of a household. This use class also includes electrical, plumbing, heating, painting, radio, television, and appliance repair shops, furniture refinishing, upholstery shops and similar uses as well as the accessory sale of goods, where all materials are kept within an enclosed building.

**Residential Care Facility** means the use of any building or structure for the provision of lodging, meals and care to individuals.

**Resort, Commercial** means a commercial recreational establishment that may consist of one or more buildings containing single or multi-unit dwellings, cabins, recreational facilities and service facilities that are used on an intermittent and seasonal basis. Other facilities that may be part of the resort development include: a campground, yurts, hotel, retail uses, eating and drinking establishment, marina, dock, boat ramps, golf course, and other outdoor recreational facilities, trails, and similar uses.

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

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

**Secondary** means a use or structure that takes place on the same site as a principal use or structure that is not naturally and normally carried out as part of that principal use (ex: a daycare in an office building).

**Secondary Suite** means:

- a) A private, self-contained unit within a dwelling, occupied by only one (1) family. A secondary suite shall contain associated bathroom facilities, kitchen, living and sleeping areas, but it can share a number of features with the rest of the house.
- b) A basement suite, providing all building code requirements with respect to windows and access requirements are satisfied.

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

**Serviced Lot** means a lot with the ability to connect to a municipal sewer system.

**Shadow Study** means a technical document that provides a three dimensional visual model and written description of the impact of shadows cast by a proposed development on neighbouring properties, parks, and streets. These studies evaluate the impact of shadows at various times of day, throughout the year.

**Shipping or Storage Container** means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one (1) or more means of transportation and includes, but is not limited to: intermodal shipping containers, bodies of transport trailers or straight truck boxes, but does not include a motor vehicle used as an accessory storage structure.

**Shopping Centre, Mall, Strip or Plaza** means a group of commercial establishments that is planned, constructed, and managed as a total entity with customer and employee parking provided on-site. Separate buildings and parcels of land may be considered as part of the shopping centre / strip mall if they are served by mutual parking and other agreements.

**Signs** (see Part 6: Signs)

**Site** means a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

**Site, Corner** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

**Site, Flag** means a site not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

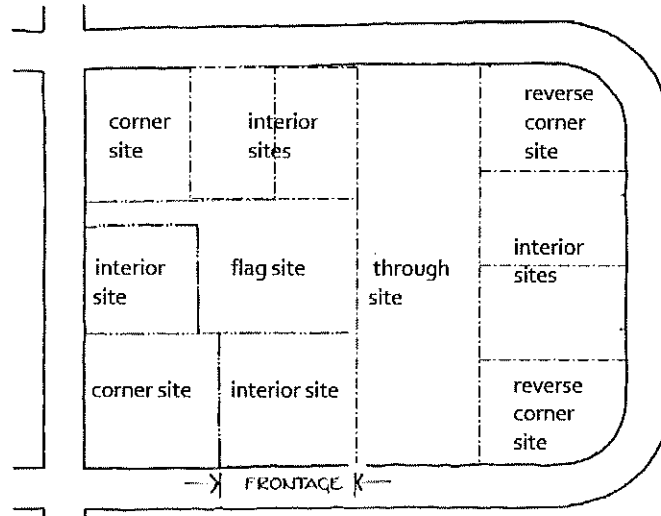
**Site, Interior** means a site other than a corner site or a through site.

**Site, Irregular** means a site of such shape or configuration that technically meets the area, frontage, and width requirements of this by-law, but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural features. The front, rear, and side site lines shall be determined by the Development Officer.

**Site, Key** means the first site to the rear of a reverse corner site.

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

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



**Site, Zoning** means a parcel of land with frontage on a street, lane, right-of-way, or access by other legal means and of at least sufficient size to provide the minimum requirements for use, area, and required yards. A zoning site can include two (2) or more lots/parcels/certificates of title where a building straddles all or part of these lands. In this case, only the minimum yard requirements of the periphery of the structure to the limits of the combined holding need to be met.

**Site Area** means the total land area contained within the site lines.

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

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

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

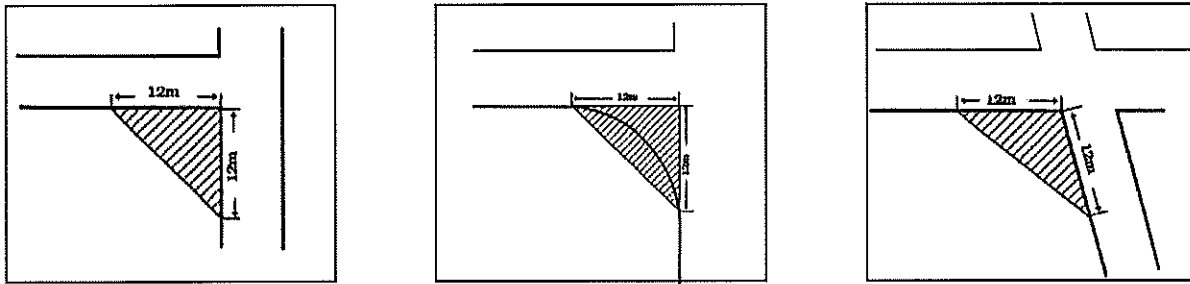
**Site Line** means one of the boundaries of a site, which include:

**Site Line, Front** means that boundary of a site that is along an existing or designated street. For a corner site, the Development Officer may select the front site line except where an interior site abuts the corner site, and then the front site line shall be that line which is the continuation of the front site line of the interior site.

**Site Line, Rear** means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet (3.05 m) in length within the site, parallel to and at the maximum distance from the front site line.

**Site Line, Side** means any boundary of a site that is not a front or rear site line.

**Site Triangle** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, measured along the street line.



**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 forty (40) feet (12.19 m) from the front site lines, whichever is the lesser.

- In the case of a site having a depth of two hundred (200) feet (60.96 m) or greater the site width shall be measured perpendicularly to the site depth at a point midway between the front and rear site lines or sixty (60) feet (18.29 m) from the street it faces, whichever is the lesser.
- In a case of a site having a depth of three (300) feet (91.44 m) or greater, the site width shall be measured perpendicularly to the site depth at a point midway between the front and rear site lines or at a distance from the street it faces equal to the minimum front yard requirement of the district in which it is located.

**Solar Collector, Commercial** means a solar collector designed and built to provide electricity for commercial sale and distribution to the electricity grid (ex: solar farm).

**Solar Collector, On-Site Use** means an accessory, small-scale device or group of devices that converts solar energy to electrical energy for primarily private residential, commercial or industrial use.

**Solar Collector, Rooftop** means a roof mounted solar collector and associated equipment for converting solar energy to power.

**Spectator Entertainment Establishment** means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances, or the showing of motion pictures. Typical uses include auditoria, cinemas and theatres.

**Stable, Private** means a detached accessory building for the keeping of cattle or horses owned by the occupant of the premises and not kept for remuneration, hire or sale.

**Storage Facility (commercial)** means a development, which includes a series of enclosed storage bays or lockers, and may include exterior storage sites for recreational vehicles, all of which are intended for rental or lease to the public.

**Storey** means that portion of any building that 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. A basement shall be counted as a storey for the purpose of height measurements if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than six (6) feet (1.83 m).



**Street** means a public roadway having a right-of-way greater than thirty-three (33) feet (10.06 m) in width that affords the principal means of access to abutting land.

**Structure** means anything 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, poster panels, light standards and antennas.

**Swimming Pool** means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material, including freestanding above ground pools and hot tubs that is capable of containing a water depth greater than twenty-four (24) inches (0.61 m).

**Temporary Building, Structures or Uses** means a removable building, structure or use permitted on a temporary basis during construction as provided for by Section 2.9 "Temporary Buildings, Structures or Uses" herein.

**Tiny House** means a residential dwelling that is less than 600 square feet (55.74 sq.m.) in area.

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

**Travel Trailer** (including motor homes, tent trailers, and similar recreational vehicles) means a self-propelled vehicle or vehicles without a motive power designed to be drawn by a motor vehicle to be used as a transient living accommodation facility for travel, recreation, business, trade, vacation and construction work which is designed for frequent moves, but not for long-term residential occupation. Travel trailers are capable of being licensed under *The Highway Traffic Act*.

**Trucking Operation** means land, buildings or structures used for the purpose of storing, servicing, repairing or loading trucks, transportation trailers and buses. This use class includes automotive repair, eating and drinking areas, retail sales, gas bars and/or services stations, which can be considered accessory uses.

**Unserviced lot** refers to sites utilizing approved onsite wastewater management systems, such as holding tanks or septic fields.

**Use** means any purpose, activity, occupation, business or operation for which a building, structure or land may be designed, arranged, intended, maintained or occupied.

**Veterinary Clinic** means a building or part thereof, with or without related structures where animals of all kinds are treated or kept for treatment by a registered veterinarian.

**Warehouse** means a building or part thereof, which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and may include the premises of a warehouse watchperson, but does not include a fuel depot.

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

**Waste Transfer Station** means a facility where waste materials are collected in bulk containers for shipment to a landfill site, recycling facility or other waste disposal facility.

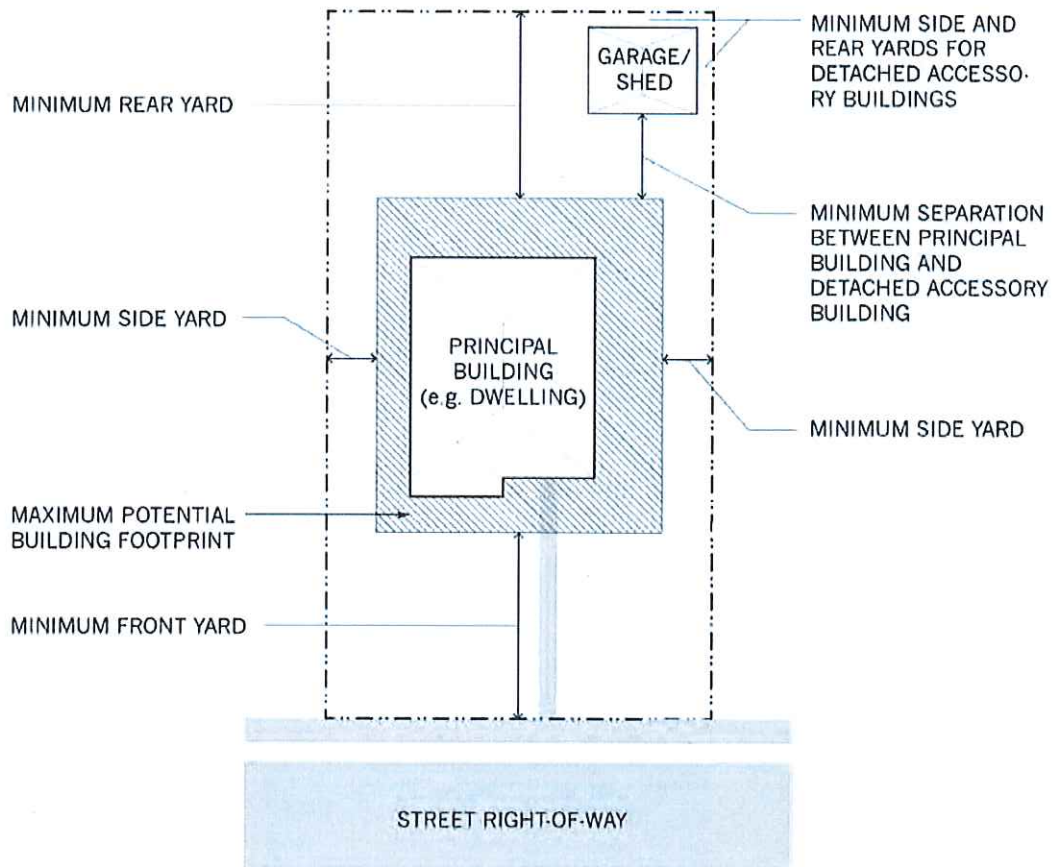
**Wayside pit and quarry** means a temporary pit or quarry opened and used by a public road authority solely for the purposes of a project such as road construction that is not located on the road right-of-way.

**Wind Energy Generating System** means a device or group of devices such as wind chargers, windmills, or wind turbines, including towers, that convert wind energy into electrical energy for generation of power for sale by a public or commercial enterprise, including all associated accessory facilities.

**Wind Turbine, Private Use** means a small-scale wind turbine generator tower that converts wind energy to electrical energy for primarily private residential, commercial or industrial use, including all associated accessory facilities.

**Yard** means the open area on the same zoning site as a building or structure that is unoccupied and unobstructed from ground level to the sky, except as otherwise permitted herein. Yard measurements within the bulk tables shall be measured from the building face to the property line.

- **Yard, Corner Side** means a side yard that adjoins a street.
- **Yard, Front** means a yard extending along the full length of the front site line between the side site lines.
- **Yard, Interior Side** means a side yard that is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.
- **Yard, Rear** means a yard extending along the full length of the rear site line between the side site lines.
- **Yard, Required** means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirements for the zone in which such zoning site is located.
- **Yard, Side** means a yard extending along the side site line from the front yard to the rear yard.



## SCHEDULE A: ZONING MAPS

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The dimensions on the Zoning Maps are in imperial measure.

All plan references on the Zoning Maps pertain to registered plans filed in the Land Titles Office.

The abbreviations noted on the Zoning Maps have the following meanings:

- "Blk" means Block;
- "Pcl" means Parcel;
- "Pt" means Part;
- "Rge" means Range;
- "R.M." means Rural Municipality;
- "Sec" means Section;
- "Twp" means Township;
- "E.P.M." or "E" means East of the Principal Meridian;
- "P.R." means Provincial Road;
- "P.T.H." means Provincial Trunk Highway;
- "D of S" or "D.S. Plan" means Director of Surveys Plan;
- "RD" or "Rd." means Road; and
- "Plan" means Registered Plan.

The following rules shall apply to the interpretation of zone boundaries as shown on the Zoning Maps:

- Notwithstanding that streets, lanes and public utility rights-of-way may be within the zone boundaries, the regulations contained within this by-law shall not be deemed applicable to said streets, lanes, and public rights-of way.
- Boundaries indicated as following the centre lines of highways, streets, lanes, or waterways shall be construed as following such centre lines.
- Boundaries indicated as following the lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines.
- Boundaries indicated as following the shoreline shall be deemed to follow the ordinary high water mark.
- If a street, lane or government road allowance shown on the Zoning Maps is lawfully closed, the land formerly comprising the street, lane or government road allowance shall be included within the zone of the adjoining land. However, if the said street, lane or government road allowance was a zoning boundary between two or more different zones, the new zoning boundary shall be the former centre line of the closed street, lane or government road allowance, except where the closed road is being transferred to an adjoining owner, in which case the boundary shall follow the limits of the consolidated property.
- Where a zone boundary divides or splits a registered parcel of land, the disposition of said boundary shall be determined by dimensions indicated on the Zoning Maps, or by measurements directly scaled from that map.
- Where a change in land use or amendment to this by-law is proposed and most but not all of the subject lands fall within the appropriate Development Plan designation, the subject lands shall be deemed to fall within the boundaries of the appropriate Development Plan designation so as not to necessitate an amendment to the Development Plan.