

RURAL MUNICIPALITY OF ROBLIN

ZONING BY-LAW

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# PART 1 - DEFINITIONS

## RULES OF CONSTRUCTION

1.(1) 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 Act and the Building, Electrical or Plumbing By-laws of the Rural Municipality of Roblin shall be construed as defined in such Act and By-laws.
- (c) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of Roblin 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 may apply singly or in 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 of all instances or circumstances of like kind or character.

## DEFINITIONS

2. "Accessory" when it is used in this By-law, shall have the same meaning as accessory use.

**"Accessory building"**, means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:

- (a) "Accessory building, attached" means an accessory building which is attached to this principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building.
- (b) "Accessory building, detached" means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Use and Site Requirements shall be used.
- (c) "Accessory building, semi-detached" means an accessory building which is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in paragraph (a) above.

**"Accessory use, building or structure"**, means a building, structure or use which:

- (a) is subordinate to, incidental to and serves the principal building, structure or use;
- (b) is subordinate in area, extent or purpose to the principal building, structure or use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use served; and
- (d) is located on the same zoning site as the principal building, structure or use served.

**"Act, the"**, means The Planning Act, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

**"Agricultural activities"**, means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry, with the exception of a livestock production operation, and the necessary accessory uses for packing, storing or treating the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**"Agriculture Crop Protection Warehouse"** means the facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticides and fertilizers, but does not include anhydrous ammonia.

**"Agricultural implement sales and services"**, means a building and open area, used for display, sale or rental of new or used farm implements and where repair work is done.

**"Agricultural Product Storage"** means the temporary storage of any agriculture product for future use, delivery or processing (does not include farm accessory bins).

**"Agriculture, Specialized"** means the use of land for apiculture, floriculture, horticulture, including market gardening, orchards and tree farming, and similar agricultural activities.

**"Aircraft Landing Strip"** means an area or surface utilized to accommodate landing and take-off movements of aircraft for personal use.

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

**"Alter or alteration"** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

**"Alteration, incidental"** means:

- (a) Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
  - (i) an addition on the exterior of a building, such as an open porch;
  - (ii) alteration of interior partitions in all types of buildings; or
  - (iii) replacement of, or changes in, the capacity of utility pipes, ducts or conducts.
- (b) Changes or replacements in the structural parts of a building or structure, including but not limited to the following:
  - (i) adding or enlarging windows or doors in exterior walls;
  - (ii) replacement of building facades; or
  - (iii) strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

**"Alteration, structural"**, means the construction or reconstruction of supporting elements of a building or other structure.

**"Animal Units or 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, as set out in TABLE 4-3 of PART 4 of this By-law.

**"Area, the"**, means all that land within the boundaries defined in PART 2 of this By-law.

**"Automobile body shop"**, means a building wherein the repair and painting of automobiles takes place.

**"Automobile service station"**, means a building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer, and for making repairs, maintenance and storage.

**"Automobile or trailer sales area"**, means an open area, used for the display, sale or rental of new or used automobiles or trailers, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

**"Automobile wrecking"**, means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**"Basement"**, means a portion of a building between a floor and ceiling that is located partly underground, but with more than half of the floor to ceiling height thereof above the average grade of the adjoining ground.

**"Bed and Breakfast"** means a building or portion thereof where lodging or lodging and meals are provided for compensation for person(s) exclusive of the proprietor and family.

**"Board"**, means the Board of the Roblin-Cartwright Planning District.

**"Body of Water"**, means any containment of water not entirely contained on land controlled by the livestock production operation.

**"Building"**, means a building as defined in the Act.

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

**"Camping and tenting grounds"**, means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.

**"Carport"**, means an attached building open on two sides for the shelter of privately owned automobiles.

**"Cellar"**, means a portion of a building between a floor and a ceiling that is located wholly underground or partly underground, but with more than half of the floor to ceiling height below the average grade of the adjoining ground.

**"Child care services"**, means the provision of care for remuneration or reward to a child apart from his or her parents or guardians.

**"Community hall"**, means a meeting place for community activities, public organizations, private non-profit clubs or recreational groups.

**"Conditional use"**, means the conditional use of land or building as defined in the Act and as provided for in Section 5 of PART 2, ADMINISTRATION.

**"Contractor's Establishment"** means land and/or buildings intended for the storage of equipment and materials and the performance of work related to the provision of contracting businesses such as building, plumbing, electrical and landscaping.

**"Council"**, means the Council of the Rural Municipality of Roblin.

**"Development Officer"**, means the officer appointed by the Council in accordance with the provisions of the Act.

**"Development Plan"**, means the Roblin-Cartwright District Development Plan adopted by By-law No. 23/02 and amendments thereto.

**"Drive-in establishment"**, means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.

**"Dwelling"**, means a building or portion thereof designed for residential occupancy.

**"Dwelling, farmstead"**, means any dwelling which is or has been accessory to a farm operation and is on a parcel which includes or has included associated agricultural buildings, normally in a single cluster enclosed by a shelterbelt.

**"Dwelling, multiple-family"**, means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.



**"Dwelling, single-family"**, means a detached building designed for and used by one (1) family.

**"Dwelling, two-family"**, means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.

**"Dwelling unit"**, means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

**"Earthen Manure Storage Facility – Covered"** means a bermed storage and treatment facility for livestock waste which is covered by straw, plastic or other appropriate material.

**"Earthen Manure Storage Facility – Open"** means a bermed storage and treatment facility for livestock waste which is not covered by any material such as straw or plastic.

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

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

**"Family"**, means one or more persons related by blood or marriage or common-law marriage, or a group of not more than seven (7) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

A housekeeping unit referred to above shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

**"Farm buildings or structures"**, means any buildings or structures existing or erected on land used principally for agricultural activities but not including dwellings.

**"Feedlot"**, means any parcel of land or premises on which the principal use is the feeding of livestock within a confined area.

**"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.

**"Grain storage structure"**, means any structure which is designed to store any type of grain, but does not include the typical farm granary.

**"Heavy Manufacturing"**, means processing and manufacturing uses which cannot be classified as light industrial uses as defined herein.

**"Home occupation"**, means a use which is carried on in a dwelling unit or its accessory building and which is clearly incidental or accessory to the use of the dwelling.

**"Hotel"**, means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**"Kennel"**, means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

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

**"Light Manufacturing"** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is not production of heat or glare perceptible from any site line of the site on which the use is located. As a rule, in the agricultural zone, industries in this category should be secondary to the agricultural use, if not, they should not be of such a size that they create traffic problems or impact negatively on the surrounding area.

**"Livestock"**, means animals or poultry not kept exclusively as pets, excluding bees.

**"Livestock operation"**, means a feedlot, paddock, corral (other than a pasture), or enclosed facility where animals are or will be confined, fed, maintained or stabled for a total of 45 consecutive days or more.

**"Mobile home"** means a portable dwelling which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of The Building and Mobile Homes Act, Chapter B93, S.M. 1977 and amendments thereto.

**"Motel"**, means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include, but are not limited, to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

**"Non-conformity"**, means one, or a combination of one or more, of the following:

- (a) A site or an area of land;
- (b) A building or structure;
- (c) A use of a building or structure;
- (d) A use of land; or
- (e) A sign;

Which lawfully existed prior to the effective date of this By-law or amendments hereto, but does not conform to the provisions contained within this By-law or amendments hereto.

**"Non-conforming uses"**, means any lawful use of a building, structure or land, or portion thereof, which does not conform to any one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-law, or amendments hereto.

**"Non-conforming building or structure"**, means any lawful building or structure which does not comply with one or more of the applicable site regulations on the effective date of this By-law or amendments hereto.

**"Non-conforming site or parcel"**, means any lawful site or parcel of land which does not comply with the site area, site width or site depth on the effective date of this By-law, or amendments hereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments hereto, and does not form part of a larger contiguous holding in the same ownership.

**"Non-conforming sign"**, means any lawful sign which does not comply with one or more of the applicable site regulations on the effective date of this By-law or amendments hereto.

**"Normal water mark"** means the line where vegetation ceases or where the character of vegetation or soil changes.

**"Owner"**, means an owner as defined in the Act.

**"Parcel of land"**, means a parcel as defined in the Act.

**"Pasturing"** means a land use where the animals associated with a livestock operation are grazing on pasture land for 5 months of the year or longer.

**"Permitted use"** means the use of land or a building or structure provided in this Zoning By-law for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of this By-law.

**"Premises"**, means an area of land with or without buildings.

**"Public utility"**, means any system, works, plant, equipment or services which furnishes services and facilities available at approved rates to the public, 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 utility building"**, means a building used by a public utility.

**"Public Works Yard"**, means a site primarily used for the maintenance, repair and storage of equipment, vehicles and other goods used by a public utility or government agency in the delivery of its service and may include accessory administrative offices.

**"Repair"**, means the renewal or reconstruction of any part of an existing building or structure for the purpose of its maintenance or restoration.

**"Residential Care Facility"**, means the use of a building for the purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other.

**"Retail Business/Service"**, means the use of a building, structure or site in which goods and/or services are sold directly to the public.

**"Senior citizen home"**, means a multiple unit dwelling or a building containing individual rooms where elderly people live independent of personal care.

**"Sign"**, means any writing (including letter, word 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.

**"Sign, advertising"**, 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.

**"Site"**, means a zoning site as defined herein unless the context indicates otherwise.

**"Site area"**, means the computed area contained within the site lines.

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

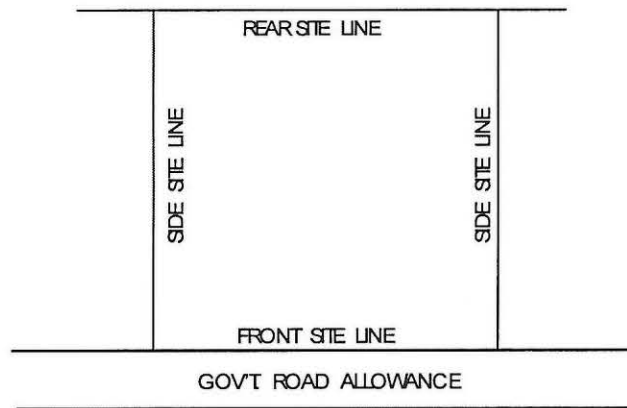
**"Site frontage"**, means all that portion of a zoning site fronting on a street and measured between side site lines.

**"Site lines"**, means as follows:

- (a) "Front site line" means that boundary of a site which is along an existing or designated street. For a corner site the Development Officer may determine the front site line.
- (b) "Rear site line" 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 line intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
- (c) "Side site line" means any boundary of a site which is not a front or rear site line.
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side lines shall be determined by the Development Officer.



- (e) The following sketch illustrates the foregoing definitions of site lines:



**"Site Regulations"**, means some or all of the following:

- (a) 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;
- (b) 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;
- (c) All open areas relating to buildings or structures and their relationship thereto; and
- (d) The size (including height of buildings and floor areas) of buildings or structures.

**"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 from the front site line, whichever is the lesser.

**"Site zoning"**, means an area of land which:

- (a) is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-law;
- (b) has frontage on a street or has any lawful means of access satisfactory to the Council; and

- (c) is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

**"Spread"**, means the act or process of distributing or applying something on or over a surface or incorporating it into the soil.

**"Stockpile"**, means the placement or storage in a specific location, in an unnatural manner, so as to create a gradually accumulated reserve of something.

**"Street"**, means a street as defined in the Act.

**"Structure"**, means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

**"Use"**, means:

- (a) Any purpose for which a building or structure or land may be designed, arranged, intended, maintained or occupied, or
- (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on land.

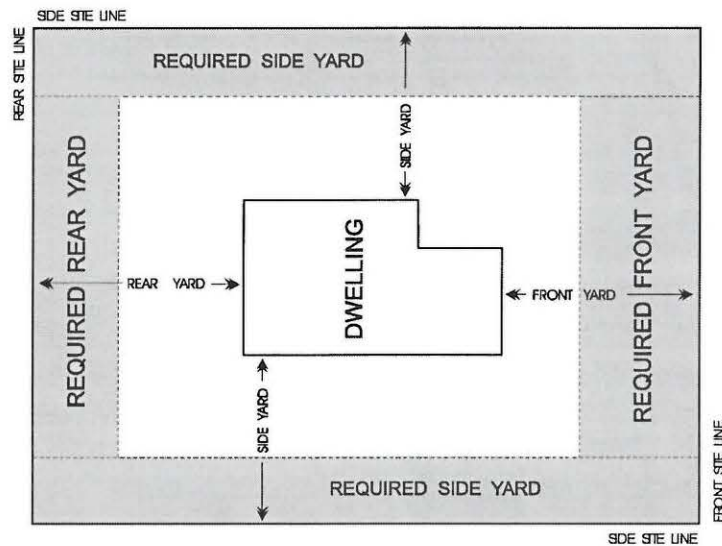
**BL 315/2006** **"Wind Energy Generation System (WEGS)"** means any device or group of devices such as wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by a private commercial enterprise.

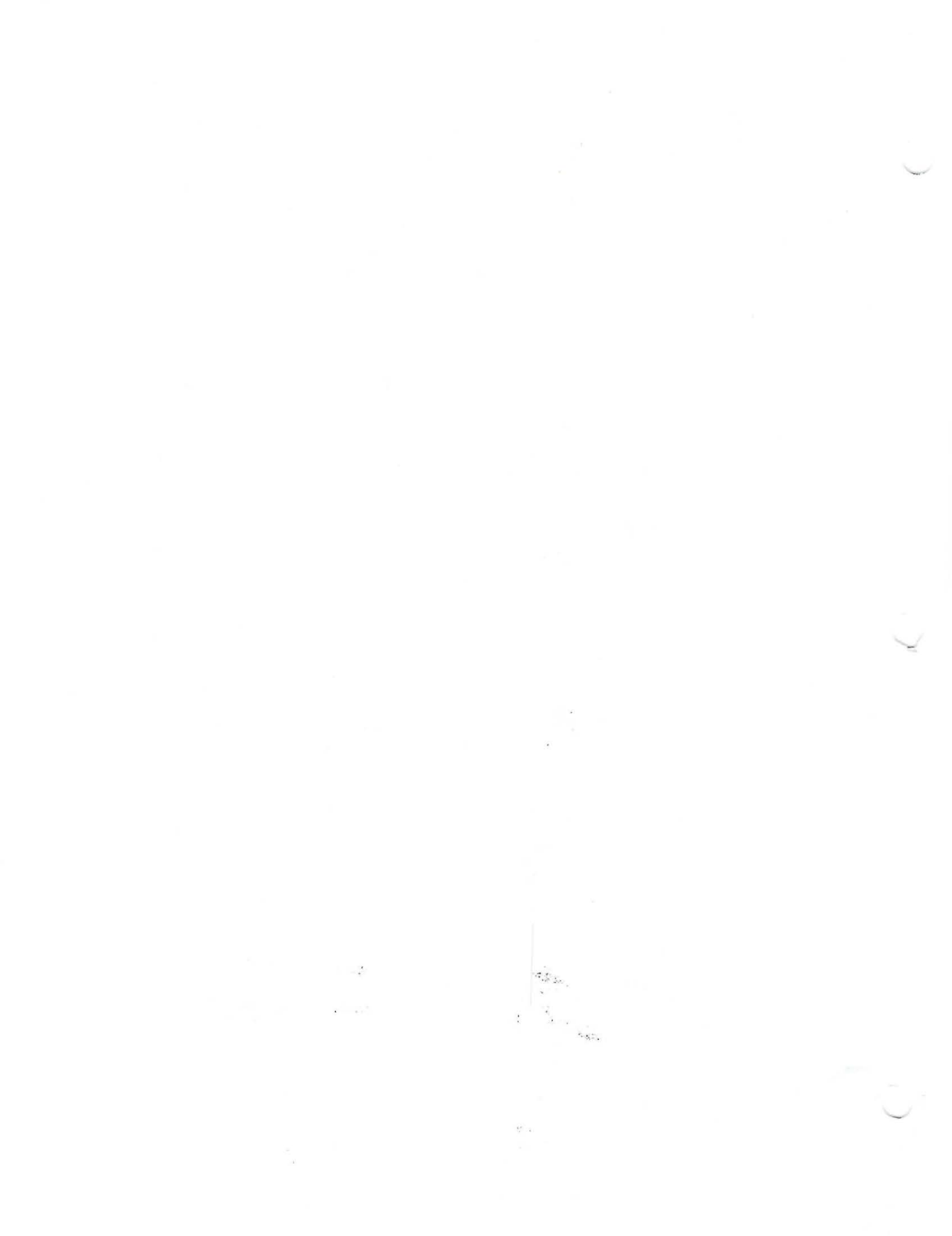
**BL 315/2006** **"Wind Energy Generation System Accessory Facilities"** means those facilities, equipment, machinery and other devices necessary to the proper operation and maintenance of a wind energy generation system, including, but no limited to access roads, collector and feeder lines and power substations.

**"Yard"**, means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein:

- (a) **"Yard, required"** means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located.

- (b) "Yard, front" means a yard extending along the full length of the front site line between the side site lines.
- (c) "Yard, rear" means a yard extending along the full length of the rear site line between the side site lines.
- (d) "Yard, side" means a yard extending along the side site line from the front yard to the rear yard.
- (e) The following sketch illustrates the foregoing definitions of yards:





## PART 2 - ADMINISTRATION

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## **PART 2 - ADMINISTRATION**

### **SCOPE OF THE BY-LAW**

#### **TITLE**

3. (1) This by-law shall be known as "The Roblin Zoning By-law".

#### **THE AREA**

3. (2) The Area to which this zoning by-law shall apply shall be the entire Rural Municipality of Roblin.

#### **INTENT AND PURPOSE**

3. (3) The regulations and provisions established by this by-law are deemed necessary in order to:
- (a) implement the objectives and policies of the Roblin-Cartwright Development Plan;
  - (b) to define and limit the powers and duties of the Council and the Development Officer; and
  - (c) to regulate the following:
    - (i) all building and structures erected hereafter;
    - (ii) all uses of buildings, structures and land established hereafter;
    - (iii) all structural alterations or relocations of existing buildings and structures occurring hereafter;
    - (iv) all enlargements of or additions to existing buildings, structures or uses; and
    - (v) the change of use of land, buildings or structures.

#### **RESPONSIBILITIES OF COUNCIL**

3. (4) Council shall be the authority responsible for the enactment of this by-law and subject to the provisions of The Act is responsible for:
- (a) the enactment, repeal and amendment of this by-law;

- (b) administering and enforcing the provisions of this by-law and the provisions of The Act, where applicable;
- (c) considering the adoption of amendments to or the repeal of this by-law;
- (d) consider and issue variation orders;
- (e) approving or rejecting conditional use applications; and
- (f) establishing a schedule of fees as provided for in Section 20 of this PART.

### **RESPONSIBILITIES OF THE BOARD**

3. (5) Subject to the provisions of The Act, the Board is responsible for:

- (a) administering and enforcing the provisions of this By-law;
- (b) administering and enforcing the provisions of The Act, where applicable;
- (c) in accordance with the provisions of Subsection 19(2) of The Act, establishing a schedule of fees and charges for permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application; and
- (d) hearing objections to a Zoning By-law and amendments thereto according to the provisions of The Act.

### **AMENDMENTS**

#### **PROCEDURE**

4. (1) Subject to the procedure required under Sections 40 to 47 of The Act, an amendment may be initiated by a resolution of intention by the Council or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 20 of this PART, shall be made to the Council.

#### **DECISION BY COUNCIL**

4. (2) After giving the by-law amendment first reading Council shall give notice and hold a public meeting according to Section 42 of The Act, at which time it shall review all of the facts presented, and any representation made. It shall make its findings and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of The Act.



## **OBJECTIONS**

4. (3) Subject to the procedures required under Subsection 43(1)(b) of The Act, anyone objecting to any amendment which subsequently has been given second reading by Council may file a further objection with the Planning District Board and the Planning District Board shall hold a hearing according to the provision of The Act.

## **DEVELOPMENT AGREEMENTS**

4. (4) Where an application is made for the amendment of this by-law, the Council may require the owner to enter into an agreement pursuant to Section 46 of The Act. The development agreement may be registered in the Land Titles Office in the form of a caveat and shall be discharged when the requirements and conditions of the agreement have been met.

## **CONDITIONAL USES**

### **INTENT**

5. (1) The development and execution of this by-law is based upon the division of The Area into zones, within which zones the use of land, buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location.

### **APPLICATION**

5. (2) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of Section 53 of The Act.

### **FILING AN APPLICATION**

5. (3) The application shall be filed with the Council and shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council.

### **EXPIRY OF APPROVAL**

5. (4) The approval of Council in accordance with the provisions of The Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. The conditional use order can be renewed, prior to the expiry date, for an additional period of twelve (12) months.

## **EXISTING CONDITIONAL USE**

5. (5) Where a use is classified as a conditional use under this by-law or amendments hereto and legally exists as a permitted or conditional use at the date of the adoption of this by-law or amendments hereto, it shall be considered as an existing conditional use.

## **CHANGES TO AN EXISTING CONDITIONAL USE**

5. (6) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of The Act.

## **REVOKING A CONDITIONAL USE PERMIT**

5. (7) Council may revoke an authorized conditional use permit for any violation of any conditions imposed by it.

## **VARIATIONS**

### **VARIATIONS**

6. (1) Any person may apply for a variation order, in accordance with the provisions of Section 55 of The Act.
6. (2) An application for a variation order and all required information and fees shall be made to Council or the Development Officer.
6. (3) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of The Act.
6. (4) The Development Officer may, in accordance with the provisions of Section 56 of The Act, grant or refuse, at his/her discretion, a minor variation not to exceed ten (10) percent of the requirements of this by-law governing a front, side, rear or any other yard.

## **TEMPORARY BUILDINGS, STRUCTURES AND USES**

### **TEMPORARY BUILDINGS, STRUCTURES AND USES**

7. (1) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit.

- 7. (2) 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.
- 7. (3) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.
- 7. (4) In all cases, temporary buildings and structures:
  - (a) may be used as an office space for the contractor or developer;
  - (b) shall not be used for human habitation, except as temporary accommodation for a caretaker, security or other staff; and
  - (c) shall not be detrimental to the public health, safety, convenience and general welfare.
- 7. (5) The following buildings, structures and uses may be permitted to be located on a site on a temporary basis without obtaining a development permit:
  - (a) temporary signs;
  - (b) temporary buildings structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licences are obtained as required;
  - (c) the placement of temporary structures accessory to a dwelling or mobile home such as playground and sports equipment; and
  - (d) temporary use of a residential site for purposes of a garage or yard sale

## **DEVELOPMENT OFFICER**

### **DUTIES OF THE DEVELOPMENT OFFICER**

- 8. (1) The Council shall appoint a development officer who, on behalf of the Rural Municipality of Roblin:
  - (a) shall issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this by-law and amendments thereto, subject to the provisions of subsection 8(2) below;

- (b) may enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this by-law;
- (c) may issue development permits for the temporary use of building, structures, or land pursuant to the provisions of this by-law;
- (d) may issue zoning memoranda or such other documents necessary for the administration and enforcement of this by-law;
- (e) shall allow or refuse such minor variations to the requirements of this by-law as authorized by Section 6(4) of this PART and in accordance with the provisions of Section 56 of The Act.
- (f) shall refer with his/her recommendations, to Council all applications for development permits involving:
  - (i) amendments to this by-law;
  - (ii) new conditional uses and changes to conditional uses as per Subsection 5. (3) of this PART;
  - (iii) variations from zone requirements in excess of that authorized by Subsection 6. (4) of this PART;
  - (iv) matters requiring the specific approval of Council pursuant to this by-law; and
  - (v) any other items which may require Council's attention;

#### **DEFER APPROVAL OF PERMITS**

- 8. (2) At the request of Council, the Development Officer shall defer approving an application for a development permit:
  - (a) as provided for in Subsection 58(3) of The Act;
  - (b) which would result in a violation of this by-law or any by-law of the Rural Municipality of Roblin; or
  - (c) when any fees are due and owing to the Rural Municipality of Roblin under this by-law.

## **DUTIES OF THE OWNER**

### **DUTIES OF THE OWNER**

9. (1) Neither the granting of a development permit nor the approval of the drawings and specifications nor the inspection made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this by-law or of any relevant by-laws of the Rural Municipality of Roblin.
9. (2) Every owner shall:
- (a) in accordance with Section 85 of The Act, 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/her duties under this by-law;
  - (b) after the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing the work at variance with the approved documents filed; and
  - (c) be responsible for obtaining where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

## **PERMITS**

### **PERMITS REQUIRED**

10. (1) The owner or his/her agent shall obtain all necessary permits as required by Council and other government agencies.

### **DEVELOPMENT PERMIT**

10. (2) An application for a development permit is required for the following:
- (a) the erection or construction or placement of any permanent building, structure, dwelling, or mobile home, except fences or 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 land, buildings or structures; and
- (e) the change in use of land, buildings, or structure.

#### **DEVELOPMENT PERMIT NOT REQUIRED**

10. (3) The following development shall not require a development permit provided such development complies with all applicable provisions of this by-law and any other applicable by-law of the Municipality:

- (a) the carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
- (b) the erection, construction or the maintenance of gates, fences, walls or other means of enclosures less than 6 feet in height;
- (c) the temporary uses of a site or the erection or construction of temporary buildings or structures excepted under Section 7 of this PART;
- (d) the construction or maintenance of that part of a public works placed in or upon a public works easement;
- (e) the carrying out by the Rural Municipality of Roblin any operation for the maintenance or improvement of a public works, including the inspection, repair or renewal thereof;
- (f) the erection, placement, enlargement, structural alteration, relocation or use of any building or structure, excluding satellite dishes, not exceeding 120 square feet that is normally incidental or accessory to a dwelling as the principal building or use;
- (g) general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by six (6) inches or more in height; and
- (h) the construction or erection of certain non-illuminated signs, at the discretion of the Development Officer.



## **DEVELOPMENT PERMIT REQUIREMENTS**

10. (4) In addition to the requirements of any by-law of the Rural Municipality of Roblin or any other provincial regulations, all applications for a development permit shall be in a form prescribed by Council and no person shall erect, locate, relocate, use, or occupy any building, land or structure contrary to any development permit or the material furnished in the support of the application.

## **BUILDING PERMITS REQUIRED**

10. (5) In addition to a development permit, the owner or his/her agent shall obtain any building permits required by the R.M. of Roblin Building by-law prior to any construction.

## **EXISTING BUILDING PERMITS**

10. (6) Unless otherwise provided for herein, building permits issued prior to the effective date of this by-law shall be considered valid for the purpose of this by-law provided all the conditions under which the permit was issued are complied with.

## **BUILDING TO BE MOVED**

10. (7) No building or structure shall be moved or relocated 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.

## **NON-CONFORMITIES**

### **NON-CONFORMING USES, BUILDINGS OR STRUCTURES**

11. (1) A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of Section 48-52 of The Act, unless otherwise provided for herein.

### **EXISTING NON-CONFORMING BUILDINGS**

11. (2) All buildings and structures lawfully existing at the effective date of the adoption of this zoning by-law are deemed to conform to the site regulations and parking and loading requirements of the zone in which the buildings and structures are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures shall conform to the site regulations and parking and loading requirements of the zone in which they are located unless varied by a variation order.

## **REPAIR OR REBUILDING**

11. (3) Pursuant to the provisions of Subsection 50(5) of The Act, where a building or structure that does not conform to the provisions of the zoning by-law, is damaged or destroyed to an extent of fifty (50) percent or more of the replacement value of the building above its foundation, said building or structure may be repaired or rebuilt, but only in conformance with this by-law or amendments.

## **INCIDENTAL ALTERATIONS**

11. (4) Incidental alterations as defined in this by-law may be made to a building containing a non-conforming use provided such building or use is not expanded contrary to Section 50 of The Act.

## **NON-CONFORMING PARCEL**

11. (5) No building or structure shall be erected on a non-conforming parcel of land unless:
- (a) the required yards are provided as set forth in the Use and Site Requirements of the zone in which the parcel of land is located; or
  - (b) a variation order for such yard requirements is granted.

## **CHANGES**

11. (6) Council may permit the following changes to existing non-conforming buildings, structures, uses or parcels of land by variation order as per subsection 51(3) of The Act:
- (a) maintenance, reconstruction (if in compliance with subsection 11. (3)), structural alteration or addition to a building or structure provided that yard, site coverage and parking requirements of the subject zone are complied with;
  - (b) erection or location of a permitted or conditional building, structure or use on a non-conforming parcel;
  - (c) erection or location of permitted accessory buildings, structures and uses in accordance with TABLE 3-1 of this by-law; and
  - (d) enlargement or re-subdivision of a non-conforming parcel having the effect of reducing the existing non-conformity.

Where any of the above changes do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status as per subsection 11. (1) above.

## **CERTIFICATE AND FEES**

11. (7) Council shall determine any fees paid to the Development Officer for the issuance of a non-conforming certificate in accordance with the provisions of Section 48 of The Act.

## **INTERPRETATION AND APPLICATION**

### **MINIMUM REQUIREMENTS**

12. (1) In their interpretation and application, the provisions of this by-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

### **RELATION TO OTHER BY-LAWS AND REGULATIONS**

12. (2) Whenever provisions of any by-law of the Rural Municipality of Roblin or any other requirements of the Provincial or Federal Governments impose overlapping regulations on the use of land or buildings or site regulations or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

### **PREVIOUS VIOLATIONS**

12. (3) Unless otherwise provided for herein, an existing building, structure or use which was illegal under the provisions of any by-law in force on the effective date of this Zoning By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this by-law; and to the extent that, and in any manner that, said illegal building structure or use is in conflict with the requirements of any by-law, said building, structure or use remains illegal hereunder.

### **SITE REDUCED**

12. (4) Wherever a requirement of site area, width, frontage, depth of required yard is reduced below the minimum requirements of this by-law by virtue of a highway, road allowance, drain, or right-of-way, such site shall be deemed to conform to the requirements of this by-law.

## **OTHER PROVISIONS**

### **PLANNING ADVISORY COMMITTEE**

13. Planning advisory committees may be established in accordance with the provisions of Subsection 90(1) of The Act.

## **PUBLIC UTILITIES AND SERVICES**

14. Nothing in this by-law shall be so interpreted as to interfere with the construction, maintenance and operation to the facilities of any public utility, 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 and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

## **SAND, GRAVEL OR MINERAL EXTRACTION OPERATIONS**

15. Establishment of new or expansion of existing sand, gravel or mineral extraction operations may be subject to a Development Agreement at the discretion of Council.

## **BASEMENT DWELLING UNIT**

16. A basement dwelling unit shall comply with the provisions of this by-law, the Buildings and Mobile Homes Act, Chapter B 93, R.S.M. 1987 and any other by-law or Act having jurisdiction.

## **ENFORCEMENT**

17. The enforcement of this by-law, or any resolution or Order enacted by the Council under the Act or any regulation made thereunder shall be in accordance with the provisions of the Act.

## **DEVELOPMENT AGREEMENT WITH COUNCIL**

### **NEED FOR DEVELOPMENT AGREEMENT**

18. (1) Where an application is made for a zoning amendment or for subdivision approval and any of the following activities are necessary:
  - (a) construction of a public street or other lawful means of access to give access to the proposed development;
  - (b) the installation of utilities or other public works to serve the proposed development;
  - (c) the provision of associated features or facilities such as those outlined in Section 46(1) of The Act; or
  - (d) the provision of a dedication or a general levy, if required;

Council may require that the applicant enter into a development agreement prior to final approval.

## **REGISTRATION**

18. (2) The development agreement pursuant to subsection (1) may be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.

## **DISCHARGE**

18. (3) Council shall discharge a caveat registered pursuant to subsection (2) when the requirements and conditions of the agreement have been met.

## **FEE SCHEDULE**

### **AMENDMENT FEES**

19. (1) An application for an amendment to this by-law shall be accompanied by:
- (a) an application fee
  - (b) an undertaking by the applicant to pay to the Municipality such disbursements incurred by the Municipality in processing the application; and
  - (c) a deposit of an amount determined by Council to be applied towards the total disbursements to be incurred.

### **OTHER FEES**

19. (2) The Council pursuant to the requirements of The Act shall establish fees for variation orders, conditional use orders, development permits, non-conforming certificates and zoning memorandums.





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## **PART 3 - LAND USE AND DEVELOPMENT PROVISIONS**

### **INTENT AND PURPOSE**

20. The provisions of this PART are intended to apply to all zones within the R. M. of Roblin except wherein stated.

### **GENERAL SITE PROVISIONS**

#### **ZONING SITE**

21. (1) No development shall take place and the Development Officer shall issue no development permit, unless the development occurs on a zoning site as defined in this by-law.

#### **BUILDING GRADE**

21. (2) No building or structure shall be erected without first consulting with the Development Officer/Building Inspector as to grade for the building or structure to be erected, nor shall the average grade of any site be raised or lowered by six (6) inches or more without the approval of the Development Officer/Building Inspector in accordance with Section 8 of PART 2 of this by-law. When allowing the raising or lowering of grade by six (6) inches or more, the Development Officer/Building Inspector shall take into consideration available flood level information, street elevation, installation of services, elevation of adjacent sites, drainage, appearance and other pertinent factors.

#### **BUILDINGS PER SITE**

21. (3) There shall be only one main building or one main use on a zoning site. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling and their accessory buildings, structures and uses.

#### **SUBDIVIDING LAND**

21. (4) Except as otherwise provided for in the by-law, no parcel of land shall hereafter be divided into sites unless each resultant site conforms to the requirements of this by-law.

## **SITE REQUIREMENTS**

21. (5) Except as otherwise provided herein, the owner shall maintain the minimum site area, site width, site depth, yards and other open spaces required for any use in any zone. Furthermore, the minimum site area, site width, site depth, yards and open space allocated to a use as required by this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards or other open space requirements for any other use.

## **VIOLATION OF PROVISIONS**

21. (6) No building or structure shall be added to, altered, enlarged, or reconstructed, and no site shall be reduced in area or yard requirements if such addition, reconstruction, enlargement, reduction or alteration will cause violation of any provisions of this by-law.

## **PUBLIC WORKS**

21. (7) A site area, site width, or required yard reduced below the minimum requirements of this by-law by virtue of a public works shall be deemed to conform to the requirements of this by-law provided the necessary variations are obtained.

## **MUNICIPAL SERVICES**

21. (8) All principal buildings or structures constructed on a site within urban areas and served by public or private sewer, water or hydro distribution shall be connected to such services.

## **BUILDING RELOCATION**

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

## **MULTIPLE USES**

21. (10) Where any land or building is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

## **ACCESSORY BUILDINGS, STRUCTURES AND USES**

### **GENERAL**

22. (1) Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this Section and the USE AND SITE REQUIREMENTS of the zone in which the accessory buildings, structures and uses are to be located.

### **LOCATION AND USE**

22. (2) Accessory buildings and structures, except as otherwise regulated in this by-law, shall be subject to the following regulations:
- (a) where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the main building or structure;
  - (b) detached accessory buildings or structures shall not be located in any required front yard;
  - (c) in no instance shall an accessory building or structure be located within a dedicated easement right-of-way; and
  - (d) no accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of tools and materials for use during construction of the main building or structure.

### **TYPES PERMITTED**

22. (3) Accessory buildings, structures and uses shall be limited to those listed on TABLE 3-1 ACCESSORY USE TABLE, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with the character and use of the subject zone.

**TABLE 3-1  
ACCESSORY USE TABLE**

Legend:     P - Permitted  
              - - Not Permitted

USE, BUILDING OR STRUCTURE		ZONE					
		AG	AR	AC	RR	SR	GD
<b>A. WHEN INCIDENTAL TO AN AGRICULTURAL OPERATION</b>							
1.	Single Family Dwelling (including mobile homes)	P	P	P	-	-	-
2.	Aircraft Landing Strip	P	P	P	-	-	-
3.	Dwelling Unit or mobile home ancillary to an agricultural use	P	P	P	-	-	-
<b>B. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO A DWELLING OR MOBILE HOME OR DWELLING UNIT</b>							
1.	Children's playhouse, private greenhouse, summerhouse or conservatory, private swimming pool, open or enclosed (See Subsection 28(5))	P	P	P	P	P	-
2.	Home Occupations (See Section 23)	P	P	P	P	-	P
3.	Permanent Outdoor Barbeques and similar cooking facilities	P	P	P	P	P	P
4.	The keeping of domestic animals with associated buildings and structures, for personal use, up to .25 A.U. per acre	P	P	P	P	-	-
5.	Private garage, carport, covered patio, toolhouse, shed or similar building for storage of domestic equipment and supplies	P	P	P	P	P	P
6.	Gardens and incidental outdoor storage or materials associated with a residential use.	P	P	P	P	P	P

USE, BUILDING OR STRUCTURE		ZONE					
		AG	AR	AC	RR	SR	GD
2.	Any building or structure, excluding dwellings and mobile homes, necessary for the operation, maintenance and administration of a permitted or conditional use	P	P	P	-	-	P
3.	Production, processing, cleaning, servicing, altering, testing, repair or storage of goods normally incidental to an operation conducted by the owners	P	P	P	-	-	-
4.	Retail Business/Service and Other Permitted/Conditional Commercial Uses when incidental to the main commercial or industrial use	-	-	-	-	-	P
5.	Administrative and Business Offices	P	P	P	-	-	P
6.	Fuel Pumps and associated structures when incidental to a Service Station	P	P	P	-	-	P
7.	Sales and service areas associated with a Retail Business/Service	P	P	P	-	-	P
8.	Off-Site Signs (See Section 25) subject to the approval of Council	P	P	P	-	-	P
9.	Except when a dwelling is the main use, a single-family dwelling, or dwelling unit for the owner/operator or for a commercial/industrial site security or caretaker, if necessary	P	P	P	-	-	-



USE, BUILDING OR STRUCTURE		ZONE					
		AG	AR	AC	RR	SR	GD
7.	Miscellaneous domestic structures such as playground and sports equipment, laundry poles and platforms, flagpoles and birdhouses, pads for mechanical or electrical equipment and similar uses.	P	P	P	P	P	P
C. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO ALL USES, EXCEPT AS OTHERWISE NOTED							
1.	Shelterbelts, fences, hedges, lighting fixtures and similar landscape architectural features	P	P	P	P	P	P
2.	Refuse/Garbage Storage Areas and Structures	P	P	P	P	P	P
3.	On-Site Signs (See Section 25)	P	P	P	P	P	P
4.	Off-Street Parking and Loading Areas	P	P	P	P	P	P
5.	Private reception equipment such as satellite dishes, television and radio antenna, aerials and similar	P	P	P	P	P	P
6.	Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein	P	P	P	-	-	P
7.	Open Space, including athletic fields, park areas, play areas and similar	P	P	P	P	P	P
D. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO SPECIFIC USES OR IN CERTAIN ZONES AS NOTED							
1.	Where municipal services are not available or feasible, private sewage disposal and water supply systems, subject to the approval of Council	P	P	P	P	P	P

## HOME OCCUPATIONS

23. For the purpose of this by-law, home occupations shall be further categorized as "urban home occupations" and "rural home occupations". Within the RM of Roblin, urban home occupations will occur only in the LUD of Mather.

It is recognized that home occupations in rural areas are often different in nature to those encountered in urban settings. Rural home occupations are often farm-related or are more industrial in nature and are needed by many farmers as a secondary source of income. Generally the increased distance between neighbours lessens the impact of noise, sight and odours thereby allowing a wider range of activities in rural settings.

Council recognizes that both urban and rural home occupations are a vital part of the rural economy but some guidelines are necessary to ensure that they are of a nature that will not have a negative impact on the surrounding area and will not directly compete with established commercial or industrial areas within the municipality or adjacent towns.

## URBAN HOME OCCUPATIONS

23. (1) Subject to the issuance of a development permit, a home occupation shall be permitted as an accessory use to the principal dwelling or mobile home in the "GD" General Development Zone provided that:
- (a) it shall be limited to those uses, which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood;
  - (b) it shall not create a nuisance by way of dust, noise, vibration, smoke, odour, litter, light or heat nor shall it create or cause any fire hazard electrical interference or traffic congestion in the neighbourhood;
  - (c) in the case of retail sales or distribution it offers articles for sale which are limited to those produced therein or articles that are produced elsewhere, but are pre-packaged and held only on a temporary basis for distribution to customers;
  - (d) it is carried on in a dwelling unit or mobile home or its permitted accessory buildings solely by the members of the family residing there without the employment of other persons;
  - (e) there shall be no exterior display, no external storage of materials, containers or finished or unfinished products and no other exterior indication that the building is being utilized for any other purpose other than that of a dwelling, except for a home occupation sign;

23. (1) (f) the site provides for the off-street parking of all vehicles associated with the residence and the home occupation; and
- (g) no more than three hundred (300) square feet or 25% of the gross floor area, whichever is the greater, shall be devoted to home occupations in any dwelling unit or mobile home or accessory building;

Urban types of home occupations shall generally include home day-care, business, professional or organization offices, crafts and hobbies, private tutoring or lessons, hair stylists, bed & breakfast and other such uses.

A home occupation to be located in the "GD" Zone shall be subject to conditional use approval, when it does not comply with the requirements of clauses (a) - (g) inclusive of subsection (1) above.

## **RURAL HOME OCCUPATIONS**

23. (2) Subject to the issuance of a development permit, a home occupation may be permitted as an accessory use to a dwelling or mobile home in an "AG" Agriculture General Zone, "AR" Agricultural Restricted Zone, "AC" Agricultural Conservation Zone and the "RR" Rural Residential Zone provided that:

- (a) it shall be limited to those indoor and outdoor uses, which do not interfere with the rights of other residents to enjoyment of their area;
- (b) the creation of dust, noise, vibration, smoke, odour, litter, light or heat shall be limited so that these effects do not extend beyond the limits of the subject site so as to cause interference with adjacent property and uses; nor shall it create or cause any fire hazard, electrical interference or other hazardous effect;
- (c) in the case of retail sales, it offers commodities for sale which are limited to those produced or repaired on the premises. Some outdoor work, product display, signage and storage of materials or products associated with the home occupation may be permitted; and
- (d) the site provides for on-site parking and loading areas for all vehicles associated with the dwelling or mobile home and the home occupation.

Rural types of home occupations shall generally include farm-related sales and service, machinery and auto repair, welding, carpentry, bed & breakfast and other trades and similar uses directly serving the rural population.

## **PRIMARY BUSINESS**

23. (3) If, in the opinion of Council, a home occupation is no longer a secondary use or contravenes or exceeds the requirements outlined in Subsections (1) or (2) as applicable, it shall be considered evidence that the home occupation has become a primary business. In this case, it shall cease if the subject zone does not provide for such a primary business and be encouraged to relocate to an appropriate zone within the municipality.

## **YARDS**

### **GENERAL REQUIREMENTS**

24. (1) Except as herein provided, the following provisions shall apply in all zones to ensure adequate yards and setbacks:
- (a) The yard requirements shall be as set forth in the USE AND SITE REQUIREMENTS of each zone;
  - (b) All yards and other open spaces required for any use shall be located on the same site as the use;
  - (c) Where permitted in this by-law, a building containing more than one unit with common party walls, such as a semi-detached two-family dwelling, row housing or businesses shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations;
  - (d) Minimum required yards contained in this by-law do not relieve the owner from compliance with Department of Transportation and Government Services, Highway Traffic Board or Manitoba Building Code requirements where said requirements demand greater setbacks; and
  - (e) On a corner site, no fence, wall, hedge, shrubs or other landscape features shall be placed in such a manner as to produce a fence effect or visual barrier hazardous to vehicle and pedestrian traffic. Any plantings proposed within the control areas of Provincial Trunk Highways and Provincial Roads will require approval Manitoba Transportation and Government Services.

### **YARDS EXCEPTIONS**

24. (2) (a) Where sites comprising forty (40) percent or more of the frontage of the block are developed with buildings, the average front yard depth established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.

24. (2) (b) The following features and accessory buildings, structures and uses may be permitted to project into or locate in the following yards:

- (i) any required yard
  - Agricultural crops
  - Landscape features (trees, shrubs, plants)
  - Public Works equipment
  - Lighting fixtures and other landscape architectural features
  - Signs
  - Unenclosed outdoor display of commodities and products normally sold on the site (within the "GD" Zone only)
  - Architectural features such as eaves, gutters, chimneys, bay windows, awnings and fire escapes provided they project no closer than two (2) feet to any site line
  - Fences and hedges up to 4 feet in height in any front yard and 6 foot height in any side or rear yard
  - Parking and Loading Spaces
  - Recreation Areas
  - Uncovered Walks and Driveways
  - Guard-rails for ramps
  - Ramps for Physically Challenged
  - Temporary Buildings, Structures & Uses
- (ii) required rear or side yard
  - incidental storage of materials, refuse/garbage bins and structures
  - open unenclosed and uncovered stairs, balconies, porches or decks attached to the main building may project up to ten (10) feet into the required rear yard

## **SIGN REGULATIONS**

25. (1) The regulations herein are designed to establish a minimum control of signs as accessory structures. 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, industrial and other uses.
25. (2) The following provisions shall apply to all signs erected or maintained within the RM, except wherein otherwise stated:

25. (2) (a) no sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
- (b) no sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the RM unless such right is established by agreement with Council;
- (c) in areas adjacent to residential zones, freestanding signs shall not obstruct the light to or view from a window of a habitable room;
- (d) the placing of signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the Department of Transportation and Government Services and/or Highway Traffic Board; and
- (e) flashing signs are not permitted within residential zones or within one hundred (100) feet of the boundaries of residential zones.
25. (3) The following provisions shall apply to all signs erected or maintained within the R. M. of Roblin:
- (a) no sign shall be placed in a manner, which would obstruct visibility at an intersection of two roads or a road and a railway;
- (b) no sign or sign structure shall be erected on, over or above any land or road allowance belonging to the municipality unless such right is established by agreement with Council; and
- (c) no sign shall be erected or placed in such a manner as to prevent the normal maintenance or interfere with the public safety.
25. (4) All signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs that have become obsolete because of discontinuance of the operation of activity or are not maintained in good condition or repair shall be repaired, removed or relocated within thirty (30) days following notice by the Development Officer.
25. (5) In accordance with Section 10(3), certain signs may be constructed without a permit, however, this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in safe conditions.



## **DEVELOPMENT RESTRICTED**

### **UNSUITABLE FOR DEVELOPMENT**

26. (1) Notwithstanding the provisions contained in this by-law, the Council may prohibit or restrict the development of an area of land for a use permitted in a zone if the area has been identified either by Council or other agencies as being subject to flooding, erosion, bank instability, landslide, subsidence, marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.

### **NOXIOUS OR OFFENSIVE USES**

26. (2) Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise unless the use is permitted in the subject zone or satisfactory measures are undertaken to mitigate or eliminate such effects.

## **PUBLIC SERVICES**

### **PUBLIC MONUMENTS**

27. (1) Nothing in this by-law shall be so interpreted as to interfere with the maintenance and erection of public monuments, statuary and similar historic or memorial markers.

### **PUBLIC WORKS**

27. (2) Nothing in this by-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public works, as defined by this by-law, or public service such as police and fire protection provided that the requirements of such public works or public services is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

## **OTHER PROVISIONS**

### **SUBDIVISION OF EXISTING ATTACHED DWELLINGS**

28. (1) A site with a two-family attached dwelling or row type dwelling located thereon may be subdivided into two or more sites provided that:

28. (1) (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 other than a lane;
- (c) each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
- (d) the permitted use for each site created shall be for one attached single-family dwelling unit only;
- (e) all applicable provisions of the R.M. of Roblin Building By-law shall be complied with; and
- (f) notwithstanding the minimum requirements of the "GD" General Development Zone, any new site created pursuant to this subsection shall have a minimum site area of 2,000 square feet and a minimum frontage of 20 feet. No side yard is required along a party wall.

#### **MOBILE HOME - TRAVEL TRAILERS**

28. (2) All mobile homes and travel trailers to be located within the R.M. of Roblin shall meet all structural standards as determined by the Buildings and Mobile Homes Act and regulations thereunder.

#### **MOBILE HOME PARKS**

28. (3) All proposals to establish or expand a mobile home park shall require the approval of Council. Scaled and dimensioned plans of the mobile home park shall be submitted to Council for approval and shall show mobile home spaces, internal roads and walkways, buffers, storage and recreation areas, drainage, sewer and water services as required.

#### **FUTURE ROAD ALLOWANCE**

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

## **PRIVATE SWIMMING POOLS AND HOT TUBS**

28. (5) (a) This Section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use.
- (b) Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant USE AND SITE REQUIREMENTS. Notwithstanding the above requirements no outdoor pool or hot tubs shall be located closer than five (5) feet to any side or rear site line.
- (c) All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
- (i) it shall have a minimum height of six (6) feet including gates which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
  - (ii) there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
  - (iii) where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
  - (iv) the enclosure surrounding an outdoor pool shall be maintained in good repair.
- (d) Notwithstanding the provisions of Subsection 25(2) of this PART open decks and open stairways associated with outdoor pools or hot tubs may project to any side or rear site line.
- (e) Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of the dwellings or their guests are subject to the regulations governing swimming pools under The Public Health Act.
- (f) Nothing in this Subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under The Buildings and Mobile Homes Act, Public Health Act or other applicable statutes.

## **HEIGHT EXCEPTIONS**

28. (6) The maximum height requirements contained in the USE AND SITE REQUIREMENTS of this by-law shall not apply to limit the height of:

- (a) chimneys and flues;
- (b) elevators and bulkheads;
- (c) flagpoles, communication towers, aerials and lines;
- (d) roof-mounted satellite dishes;
- (e) steeples and spires;
- (f) water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associated with the operation of a building or structure; and
- (g) grain elevators and grain or other agricultural product handling structures.

## **PARABOLIC SATELLITE DISH ANTENNA**

28. (7) Satellite dish antennae and related equipment shall be subject to the following regulations:

- (a) Satellite dish antennae located at ground level or above ground on a free-standing structure shall be located to the rear of the rear wall of the main building or structure;
- (b) Satellite dish antennae are permitted on the roof of either the main building or the roof of a suitable accessory building such as a garage;
- (c) Satellite dish antennae and related equipment shall not contain any advertising signs or devices nor shall they be illuminated; and
- (d) Where a person can demonstrate to the satisfaction of Council that a satellite dish antenna complying with these regulations is unable to receive proper reception, Council may waive the above requirements.



## PART 4 - LAND USE ZONES

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## **PART 4 - LAND USE ZONES**

### **ZONING**

#### **ESTABLISHMENT OF ZONES**

29.(1) In order to carry out the intent and purposes set forth in Subsection 3(3) of PART 2 ADMINISTRATION, the following zones are hereby established:

"AG"	Agricultural General Zone
"AR"	Agricultural Restricted Zone
"AC"	Agricultural Conservation Zone
"RR"	Rural Residential Zone
"SR"	Seasonal Recreational Zone
"GD"	General Development Zone

#### **ZONING MAPS**

29.(2) The location and the boundaries of the zones listed in Section 29.(1) above are shown upon Zoning Maps attached hereto, marked as SCHEDULE "A" to this by-law. Said Zoning Maps form part of this by-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in this Section, shall be as much a part of the by-law as if the matters and information set forth by the said Zoning Maps were full described herein.

#### **DIMENSIONS AND SCALE**

29.(3) The scale and all dimensions of the Zoning Maps are in feet and metres.

#### **REGISTERED PLANS**

29.(4) All plan references on Zoning Maps pertain to plans filed in the Morden Land Titles Office.

## **ABBREVIATIONS**

29.(5) The abbreviations noted on the Zoning Maps mean the following:

- (a) "Rge." means Range;
- (b) "R.M. of Roblin" means the Rural Municipality of Roblin;
- (c) "Sec." means Section;
- (d) "T.P." or "Twp." means Township;
- (e) "W.P.M." or "W" means West of the Principal Meridian;
- (f) "P.R." means Provincial Road; and
- (g) "P.T.H." means Provincial Trunk Highway.

## **INTERPRETATION OF ZONE BOUNDARIES**

29.(6) In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

- (a) heavy broken lines represent the zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street;
- (b) notwithstanding that streets, lanes and public utility rights-of-way may be within zones boundaries, the regulations contained in this by-law shall not be deemed to be applicable to said street, lanes and public utility rights-of-way;
- (c) boundaries indicated as following the centrelines of streets, highways or lanes shall be construed to follow such centrelines;
- (d) boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lots, site and property holding lines;
- (e) boundaries indicated as following the municipality's limits shall be construed as following the municipality's limits;

- 29.(6) (f) boundaries indicated as following the centrelines of railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case may be;
- (g) if a street, lane or government road allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street, lane or government road allowance shall be included within the zone of the adjoining land provided that if the said street, lane or government road allowance was a zone boundary between two or more different zones, the new zone boundary shall be the former centreline of the closed street, lane or government road allowance; and
- (h) boundaries indicated as going through the middle of a section shall be construed as following the quarter section limits.

## **INTERPRETATION OF ZONE REQUIREMENTS**

### **INTERPRETATION**

- 30.(1) In their interpretation and application the provisions of this by-law, shall be held to be the minimum requirements, except wherein otherwise noted.

### **USES**

- 30.(2) (a) "USE AND SITE REQUIREMENTS" Sections of this by-law, list all uses that are:

- (i) "P" - Permitted; or
- (ii) "C" - Conditional;

in respective zones. All listed uses shall be interpreted in accordance with PART 1 - DEFINITIONS; shall be dealt with in accordance with procedures outlined in PART 2 -ADMINISTRATION and shall be subject to the provisions contained in PART 3 - LAND USE AND DEVELOPMENT PROVISIONS.

- 30.(2) (b) No land shall be used or occupied and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed in the subject zone USE AND SITE REQUIREMENTS Section.

## **USES NOT LISTED**

30.(3) Uses of land, buildings, or structures not listed in the USE AND SITE REQUIREMENTS Section may be allowed if:

- (a) the use was lawfully established prior to the effective date of this by-law in which case the use shall be dealt with as a non-conforming use, structure or building in accordance with Section 11 of PART 2 - ADMINISTRATION; or
- (b) the use, in the opinion of Council, falls into a general use category established in the zone. Such uses shall be permitted uses where the general use category is "Permitted" and conditional uses where the general use category is "Conditional" in that zone.

## **SITE REQUIREMENTS**

30.(4) Site and other requirements shall be as set forth in the USE AND SITE REQUIREMENTS Sections of this PART. The requirement set forth therein shall apply to all uses, structures or buildings.

## **MEASUREMENTS**

30.(5) If the conversion between metric and imperial measurements pertaining to a development permit application is not exact as prescribed in this by-law, the Development Officer may apply metric or imperial measurement to the development permit application.

## RURAL AREA ZONES

### INTENT AND PURPOSE

31.(1) The following Rural Area zones are hereby established in order to carry out the intent and purpose as described below:

**"AG" Agricultural General Zone** – this zone provides for general agricultural activities including grain production, dairying, apiculture, market gardening, horticulture, silviculture and for livestock production on a commercial scale.

**"AR" Agricultural Restricted Zone** – this zone provides for a range of agricultural activities on a commercial scale, including livestock operations, while placing limitations or restrictions on certain uses because of proximity to existing settlement centres.

**"AC" Agricultural Conservation Zone** – this zone provides for agricultural activities, including some livestock, while placing limitations, restrictions or prohibitions on certain uses or specific uses of a certain size because of proximity to the environmentally sensitive and popular recreational area surrounding the lakes.

**"RR" Rural Residential Zone** – this zone provides for rural residential areas which will usually consist of single family housing but may also include mobile homes that are sited in a rural area and which may require on site services for potable water and wastewater treatment. It may also include other uses which are compatible with the general residential character of this zone.

**"SR" Seasonal Recreational Zone** – this zone provides for seasonal recreational uses, including cottage and campground development, in the areas of the municipality with a high recreational capability, which are found primarily around Rock Lake.



## USE AND SITE REQUIREMENTS

- 31.(2) (a) The following use and site requirements shall apply in the "AG" Agricultural General Zone as referenced in TABLE 4-1:

**TABLE 4-1**  
**"AG" AGRICULTURAL GENERAL**  
**USE AND SITE REQUIREMENTS**

	Minimum Requirements				
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)*	Rear Yard (feet)
<b>PERMITTED USES:</b>					
Accessory Uses, Buildings or Structures (Sec. 22)	N/A	N/A	125	25	25
Agricultural Activities	80	600	125	50	50
Farmstead Dwellings	2	200	125	25	25
Livestock Operations producing up to 299 Animal Units	80	800	<b>See Section 31(5)</b>		
Mineral Exploration, Extraction & Development	N/A	N/A	N/A	N/A	N/A
<b>CONDITIONAL USES:</b>					
Abattoirs and meat packing and processing	10	200	125	25	25
Agricultural Auction Markets	5	200	125	25	25
Agricultural Crop Protection Warehouse	5	200	125	50	50
Agricultural Exhibition Grounds	5	200	125	25	25
Aircraft Landing Fields	10	300	125	50	50
Anhydrous Ammonia Facilities	10	200	125	50	50
Asphalt Plants	10	200	125	50	50
Automobile Wrecking and Body Shops	10	200	125	25	25
Billboard Advertising Signs	N/A	N/A	125	25	25
Bulk Fuel Sales & Storage	2	200	125	50	50
Cemeteries	5	200	125	25	25
Concrete Plants	5	200	125	50	50
Contractors' Establishments	2	200	125	25	25

**Table 4-1 (Continued)**

	Minimum Requirements				
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)*	Rear Yard (feet)
Feed Mill and Seed Cleaning	5	200	125	50	50
Flax Straw Storage & Processing	20	300	125	50	50
Golf Courses with Associated Buildings & Structures	20	300	125	25	25
Grain Terminals	20	300	125	25	25
Implement Repair Shops incl. Welding and Assembly	5	200	125	25	25
Irrigation Dugouts or Ponds	N/A	N/A	325	325	325
Lagoons or open pits for the storage or treatment of liquid wastes	40	800	325	325	325
Light Manufacturing	5	300	125	50	50
Livestock Operations Producing 300 or more (A.U.) Animal Units	80	800	See Section 31(5)		
Museums	1	100	125	25	25
Parks and Recreational Areas and Public or Private Camps	2	100	125	25	25
Public Utilities & Communication Facilities	1	100	125	25	25
Public Works Yard	2	200	125	25	25
BL 315/2006 Ready to Move Housing Manufacturing & Sales	(at Council's discretion)				
Schools, Churches & Community Halls	2	200	125	25	25
Solid Waste & Sewage Disposal	N/A	N/A	325	325	325
Specialized Agricultural Activities such as Apiculture, Nurseries, Horticulture, Greenhouses and Research Facilities	15	200	125	50	50
Stables & Riding Academies	10	200	125	25	25
Storage, Handling and/or Processing Facilities for Grains, Vegetables and Pulse Crops	5	200	125	50	50
Veterinary Clinics, Animal Kennels & Pounds	2	100	125	25	25
BL 315-2006 Wind Energy Generation Systems (see 31.(2)(f))	2	200	125	50	50

\* When adjacent to a municipal road allowance or Provincial Highway, the side yard shall be increased to 125 feet for all buildings, structures and shelterbelts.

- 31.(2) (b) The following use and site requirements shall apply in the "AR" Agricultural Restricted Zone as referenced in TABLE 4-2:

**TABLE 4-2**  
**"AR" AGRICULTURAL RESTRICTED**  
**USE AND SITE REQUIREMENTS**

	Minimum Requirements				
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)*	Rear Yard (feet)
<b>PERMITTED USES:</b>					
Accessory Uses, Buildings or Structures (Sec. 22)	N/A	N/A	125	25	25
Agricultural Activities	80	600	125	50	50
Farmstead Dwellings	2	200	125	25	25
<b>CONDITIONAL USES:</b>					
Abattoirs and meat packing and processing	10	200	125	25	25
Agricultural Auction Markets	5	200	125	25	25
Agricultural Crop Protection Warehouse	5	200	125	50	50
Agricultural Exhibition Grounds	5	200	125	25	25
Aircraft Landing Fields	10	300	125	50	50
Anhydrous Ammonia Facilities	10	200	125	50	50
Asphalt Plants and Gravel Extraction and Processing	10	200	125	50	50
Automobile Wrecking and Body Shops	10	200	125	25	25
Billboard Advertising Signs	N/A	N/A	125	25	25
Bulk Fuel Sales & Storage	2	200	125	50	50
Cemeteries	5	200	125	25	25
Concrete Plants	5	200	125	50	50
Contractors' Establishments	2	200	125	25	25



**Table 4-2 (Continued)**

	Minimum Requirements				
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)*	Rear Yard (feet)
Feed Mill and Seed Cleaning	5	200	125	50	50
Flax Straw Storage & Processing	20	300	125	50	50
Golf Courses with Associated Buildings & Structures	20	300	125	25	25
Grain Terminals	20	300	125	25	25
Implement Repair Shops incl. Welding and Assembly	5	200	125	25	25
Irrigation Dugouts or Ponds	N/A	N/A	325	325	325
Lagoons or open pits for the storage or treatment of liquid wastes	40	800	325	325	325
Light Manufacturing	5	300	125	50	50
Livestock Operations Producing up to 299 (A.U.) Animal Units	80	800	See Section 31(5)		
Mineral Exploration, Extraction & Development	N/A	N/A	N/A	N/A	N/A
Museums	1	100	125	25	25
Parks and Recreational Areas and Public or Private Camps	2	100	125	25	25
Public Utilities & Communication Facilities	1	100	125	25	25
Public Works Yard	2	200	125	25	25
Schools, Churches & Community Halls	2	200	125	25	25
Solid Waste & Sewage Disposal	N/A	N/A	325	325	325
Specialized Agricultural Activities such as Apiculture, Nurseries, Horticulture, Greenhouses and Research Facilities	15	200	125	50	50
Stables & Riding Academies	10	200	125	25	25
Storage, Handling and/or Processing Facilities for Grains, Vegetables and Pulse Crops	5	200	125	50	50
Veterinary Clinics, Animal Kennels & Pounds	2	100	125	25	25
BL 315/2006 Wind Energy Generation Systems (see 31.(2)(f))	2	200	125	50	50

\* When adjacent to a municipal road allowance or Provincial Highway, the side yard shall be increased to 125 feet for all buildings, structures and shelterbelts.

- 31.(2) (c) The following use and site requirements shall apply in the "AC" Agricultural Conservation Zone as referenced in TABLE 4-3:

**TABLE 4-3**  
**"AC" AGRICULTURAL CONSERVATION**  
**USE AND SITE REQUIREMENTS**

	Minimum Requirements				
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
<b>PERMITTED USES:</b>					
Accessory Uses, Buildings and Structures (Sec. 22)	N/A	N/A	N/A	N/A	N/A
Agricultural Activities	80	600	125	50	50
Farmstead Dwellings	2	200	125	25	25
Parks and Recreation Areas	N/A	N/A	25	25	25
Wildlife Reserves	N/A	N/A	N/A	N/A	N/A
<b>CONDITIONAL USES:</b>					
Cemeteries	5	200	125	25	25
Golf Courses with Associated Buildings & Structures	20	300	125	25	25
Irrigation Dugouts or Ponds	N/A	N/A	325	325	325
Livestock Operations Producing up to 25 (A.U.) Animal Units	80	800	<b>See Section 31(5)</b>		
Mineral Exploration, Extraction & Development	N/A	N/A	N/A	N/A	N/A
Public or Private Camps	2	100	125	25	25
Public Utilities & Communication Facilities	1	100	125	25	25
Public Works Yard	2	200	125	25	25
Schools, Churches & Community Halls	2	200	125	25	25
Specialized Agricultural Activities such as Apiculture, Nurseries, Horticulture, Greenhouses and Research Facilities	15	200	125	50	50
Stables & Riding Academies	10	200	125	25	25

\* When adjacent to a municipal road allowance or Provincial Highway, the side yard shall be increased to 125 feet for all buildings, structures and shelterbelts.

- 31.(2) (d) The following use and site requirements shall apply in the **"RR" Rural Residential Zone** as referenced in TABLE 4-4:

**TABLE 4-4**  
**"RR" RURAL RESIDENTIAL**  
**USE AND SITE REQUIREMENTS**

	Minimum Requirements				
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)*	Side Yard (Feet)**	Rear Yard (Feet)
<b>PERMITTED USES:</b>					
Accessory Uses, Buildings or Structures (Sec. 22)	N/A	N/A	50	25	50
Single-Family Dwellings and Mobile Homes with Piped Water Systems (subject to appropriate environmental review)	1	150	50	25	50
Single-Family Dwellings and Mobile Homes Without Piped Water Systems (subject to appropriate environmental review)	2	200	50	25	50
Parks & Recreation Areas	0.5	N/A	50	25	50

\* When fronting on a municipal road allowance, the front yard shall be increased to 125 feet for all buildings, structures and shelterbelts.

\*\* When adjacent to a municipal road allowance or Provincial Highway, the side yard shall be increased to 125 feet for all buildings, structures and shelterbelts.



- 31.(2) (e) The following use and site requirements shall apply in the "SR" Seasonal Recreational Zone as referenced in TABLE 4-5:

**TABLE 4-5**  
**"SR" SEASONAL RECREATIONAL**  
**USE AND SITE REQUIREMENTS**

	Minimum Requirements*				
	Site Area (Sq. Ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
<b>PERMITTED USES:</b>					
Accessory Uses, Buildings or Structures (Sec. 22)	N/A	N/A	N/A	N/A	N/A
Grocery Stores	7500	75	25	5	25
Community Halls	7500	75	25	5	25
Seasonal Cottages (with holding tank)	5000	50	25	5	25
Seasonal Cottages (with septic field)	25,000	100	25	5	50
Parks and Playgrounds	N/A	N/A	10	10	10
Year-round use Single Family Dwelling (with holding tank)	5000	50	25	5	25
Year-round use Single Family Dwelling (with septic field)	25,000	100	25	5	50
<b>CONDITIONAL USES:</b>					
Campgrounds	40,000	300	125	25	50
Motels or Hotels	30,000	150	25	5	25
Commercial Recreation Facilities	7500	75	25	5	25

BL 315/2006

\* The minimum building elevation is 1340 ft. or 408.43 meters.

BL  
315/2006

- 31.(2) (f) Wind Energy Generation System (WEGS)

- (1) Proponents of a Wind Energy Generation System (WEGS) shall submit to the Development Officer a detailed site plan showing the location of all wind energy devices, associated accessory buildings or structures, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system.

- (2) Accessory buildings or structures forming part of any Wind Energy Generation System shall comply with all of the minimum required yards for Wind Energy Generation Systems (WEGS).
- (3) In addition to satisfying the minimum yard requirements in Tables 4-1 and 4-2, all WEGS shall be setback a minimum of one and one half (1.5) times the total height of the WEGS from all property lines and dwellings. The sole exception to the separation requirement between a residence and a WEGS shall be where a landowner sites a WEGS for his sole personal use on his own property adjacent to his principal residence.
- (4) In addition to satisfying the minimum yard requirements in Tables 4-1 and 4-2, newly siting residences in the vicinity of a WEGS, other than the residence of the owner of the lands upon which a WEGS is located, shall be separated a minimum of one and one half (1.5) times the total height of the nearest adjacent Wind Energy Generation System.
- (5) The total height of any WEGS shall be the distance measured between from the ground to the uppermost point of extension of any rotor blade.
- (6) In addition to satisfying the minimum yard requirements in Tables 4-1 and 4-2, all WEGS shall be separated a minimum of 2,640 ft. (1/2 mile) from any lands designated or zoned for residential use.
- (7) Any WEGS sites located adjacent to provincial highways (PTH) or provincial roads (PR) will be subject to the setback requirements of the province.
- (8) Proponents of WEGS are responsible for obtaining any required federal and/or provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, the Federal Department of Fisheries and Oceans, Manitoba Hydro and Manitoba Conservation, prior to the issuance of a development permit.
- (9) A development permit shall be obtained prior to the commencement of construction.
- (10) Where a proponent locates a WEGS on land not under their ownership, they will be required to enter into an easement agreement with the owner of the property in order to secure on-going access to the WEGS.
- (11) The criteria in the use and bulk tables pertaining to WEGS shall not apply in instances where a WEGS is constructed on the same site and is in direct support of either a permitted or conditionally approved agricultural activity. In such cases, the WEGS shall be treated as an accessory structure.
- (12) Notwithstanding the treatment of WEGS as accessory structures to permitted or conditionally approved agricultural activities as outlined in footnote eleven (11) above, proponents are required to investigate the need for federal and/or provincial approval or licensing of the WEGS in these circumstances.



## **REGULATION OF LIVESTOCK PRODUCTION OPERATIONS**

### **LIVESTOCK ANIMAL UNIT TABLE**

31.(3) Any reference in this By-law to Animal Units (A.U.) shall use TABLE 4-6 to determine the number of animal units produced.

### **CONDITIONAL LIVESTOCK OPERATIONS**

31.(4)(a) Livestock operations shall be a conditional use in the “AG” Agricultural Zone when the operation produces 300 animal units (A.U.) or greater.

31.(4)(b) When considering a conditional use application for a livestock operation, Council shall take into consideration:

- i) the type of operation and livestock;
- ii) size of the operation;
- iii) manure management system (i.e. type of facility, handling and storage, etc.);
- iv) manure disposal system (i.e. disposal site, etc.);
- v) nature of area (treed, open crop, soil types, water table, etc.);
- vi) prevailing winds;
- vii) neighbouring land uses, distances to non-compatible uses, etc.;
- viii) the land base under ownership and agreement;
- ix) the Farm Practices Guidelines for Manitoba; and
- x) the Livestock Manure and Mortalities Regulations of the Environment Act

#### ***For Reference Purposes Only***

Changes to an approved conditional use for a livestock operation shall require a new conditional use order and shall be subject to the provisions of The Act. Potential changes include but are not limited to:

- i) a change to a different animal type;
- ii) a change to a different type of operation;
- iii) an increase in the number of animal units (AU);
- iv) a change to the manure storage or spreading methodology;
- v) a reduction of the original parcel size; or
- vi) a change to any condition imposed by Council in the original conditional use order

### **LIVESTOCK OPERATION SITING CRITERIA**

31.(5) In the case of both permitted and conditional livestock operations:

- (a) no manure storage facility shall be located within 328' (100M) of any property line of the land affected by a livestock operation;
- (b) no livestock confinement area shall be located within 328' (100M) of any property line of the land affected by a livestock operation; and
- (c) no livestock confinement area shall be located within 328' (100M) of any water course, body of water, or well.

N.B. Requirements under 31.(5) are Manitoba Regulations and therefore cannot be varied.

### **LIVESTOCK OPERATION MANURE STORAGE AND DISPOSAL**

31.(6) In no case, shall the manure from any livestock production in the agricultural zone be:

- (a) stored within 328' (100M) of a watercourse, body of water, or well;
- (b) stored within 328' (100M) of the property line of the operator;
- (c) spread within 328' (100M) of a single residence (excluding residence of operator) or designated residential area and 164' (50M) of any watercourse or body of water. These distances may be reduced by 50%, if manure injected; and
- (d) spread within ½ mile (800M) of any town or village boundary unless provided for in a conditional use permit for the livestock production operation. This distance can be reduced to ¼ mile (400M) for dry manure.

N.B. Requirements under 31.(6) are Manitoba Regulations and therefore cannot be varied.

Compliance with the requirements of subsections 31.(5) and 31.(6) above does not relieve the operator from compliance with complementary or additional requirements which may be required under Manitoba Regulations. These Regulations include any applicable definitions of terms.

### **EXCEPTIONS**

31.(7) The following are not subject to the requirements for livestock operations unless, in the opinion of the Council, they create a nuisance or pollution problem:

- (a) livestock auction markets;
- (b) agricultural fairs;
- (c) livestock sale yards, in which livestock may be kept for a period not exceeding ten (10) days.



## **MUTUAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS**

31.(8) A mutual separation distance shall be maintained between livestock operations and any single dwelling or group of dwellings in a village or residential area. The dwellings of the operator shall be excluded from this requirement. The mutual separation distance shall be as follows:

- (a) 1-75 AU requires 820' (250M) separation
- (b) 76-299 AU requires ¼ mile (400M) separation
- (c) 300+ AU requires a ½ mile (800M) separation
- (d) all operations, regardless of size, using an open manure storage facility requires a ½ mile (800M) separation.

This separation distance is deemed to be a required yard for the purposes of this by-law and variances may be considered. However, if a variation is proposed all residences within the separation distance must be notified of the variation hearing. In the case of existing operations which do not comply with the separations, any change or expansion to the operation must receive the necessary variation order. In contrast, where a variation is proposed for a residence within the separation distance, all affected livestock operations must be notified.

## **LIVESTOCK AS ACCESSORY USE**

31.(9) The keeping and raising of animals for personal use is not considered livestock under this By-law; it is considered an accessory use and is regulated under the Use and Site Requirements in the subject zones. However, the number of animal units allowed in a particular area must still adhere to the criteria spelled out in the Accessory Use Table (Table 3-1). Further, if a proponent is considering raising animals for personal use and the number of AUs exceed 10; the operation would become conditional.

## **NOTICE OF PUBLIC HEARING FOR LIVESTOCK OPERATIONS**

31.(10) In addition to the notice provisions in The Planning Act, prior to any hearing of an application for a conditional use permit to establish or expand a livestock operation, Council shall give the following notice:

- (a) 1-299 AU send notice by regular mail to every residence and non-resident landowner within 1 mile (1600 m or 1.6 km); and
- (b) 300+ AU and all earthen manure storage facilities send notice by regular mail to every residence and non-resident landowner within 1.25 miles (2000 m or 2 km).



**TABLE 4-6 ANIMAL UNIT SUMMARY TABLE**

		<b>A.U. Produced By One Livestock</b>	<b>Livestock Producing One A.U.</b>
<b>Dairy</b>			
	Milking cows, including associated livestock	2.000	0.5
<b>Beef</b>			
	Beef cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
<b>Hogs</b>			
	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling	0.313	3.2
	Sows, farrow to nursery	0.250	4
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.200	5
<b>Chickens</b>			
	Broilers	0.0050	200
	Roasters	0.0100	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler breeder pullets	0.0033	300
	Broiler breeder hens	0.0100	100
<b>Turkeys</b>			
	Broilers	0.010	100
	Heavy toms	0.020	50
	Heavy hens	0.010	100
<b>Horses</b>			
	Mares, including associated livestock	1.333	0.75
<b>Sheep</b>			
	Ewes, including associated livestock	0.200	5
	Feeder lambs	0.063	16
<b>Other livestock or operation type - please inquire with your regional agricultural engineer or livestock specialist</b>			

Source: Farm Practice Guidelines

## SETTLEMENT CENTRE ZONES

### INTENT AND PURPOSE

32.(1) The following Settlement Centre Zones are hereby established in order to carry out the intent and purpose as described below:

**"GD" General Development Zone** – this zone provides for residential, agricultural, commercial and industrial development as well as complementary and accessory uses associated with village development within the settlement centre of Mather.

## USE AND SITE REQUIREMENTS

- 32.(2) (a) The following use and site requirements shall apply in the "GD" General Development Zone as referenced in TABLE 4-7:

**TABLE 4-7**  
**"GD" GENERAL DEVELOPMENT**  
**USE AND SITE REQUIREMENTS**

	Minimum Requirements				
	Site Area (sq. ft.)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
<b>PERMITTED USES:</b>					
Accessory Uses, Buildings & Structures (Sec. 23)	N/A	N/A	25	5	10
Child Care Services	6000	50	25	5	10
Single-Family & Two-Family Dwellings, Mobile Homes & Residential Care Facilities	6000	50	25	5	10
Parks & Recreation Areas	3000	N/A	N/A	N/A	N/A
Public Buildings	10,000	75	25	5	10
<b>CONDITIONAL USES:</b>					
Agricultural Produce Processing & Storage	20,000	100	25	10	20
Automobile & Farm Machinery Repair Shop	20,000	100	25	10	20
Contractors Yards	20,000	100	25	10	20
Grain Storage	20,000	100	25	10	20
Light Manufacturing	20,000	100	25	10	20
Multiple-Family Dwellings	10,000	100	25	5	10
Public Utilities & Communications Facilities	20,000	100	50	10	20
Retail Stores	10,000	100	25	5	10