

THE MUNICIPALITY OF
EMERSON FRANKLIN

ZONING BYLAW

16M-02299-01

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PREPARED FOR:



SUBMITTED BY:



The Municipality of Emerson-Franklin

Zoning By-law

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Client: Municipality of Emerson-Franklin

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1 ADMINISTRATION

1.1 GENERAL

1.1.1 Administration and Enforcement

In the administration and enforcement of this By-law, the Rural Municipality of Emerson-Franklin shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of *The Planning Act (The Act)*.

1.1.2 When Effective

This By-law shall be in full force and effect when it is given third reading by the Council of the Rural Municipality of Emerson-Franklin.

1.1.3 The Area

The Area to which Zoning By-law shall apply shall be all of the Rural Municipality of Emerson-Franklin.

1.1.4 Responsible Authority

The authority responsible for the enactment of this By-law shall be the Council, in accordance with the provisions of *The Act*.

Subject to the provisions of *The Act*, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended, supplemented, changed or repealed.

1.1.5 Responsibilities of Council

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

- a) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- b) Administering and enforcing the provisions of this By-law and the provisions of *The Planning 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 may revoke the authorized conditional use for any violation of any additional conditions imposed by it; and
- f) Establishing a schedule of fees as provided for in this By-law.

1.2 AMENDMENTS

1.2.1 Procedure

Subject to the procedure required under *The Act*, an amendment by 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. Application fees will be determined by Council via a special By-law.

1.2.2 Decision by Council

If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of *The Act*.

1.3 CONDITIONAL USE

1.3.1 Intent

The development and execution of this By-law is based upon the division of the area into zones, within which the use of land and 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 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. Such uses fall into three categories:

- a) Uses publicly operated or traditionally associated with the public interest;
- b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities; and
- c) If the proposed use occurs within the control area of a Provincial Highway, the application will be referred to the appropriate Provincial Authority to establish additional requirements.

1.3.2 Application

An application for conditional use shall be processed and approved or rejected in accordance with the provisions of *The Act*.

1.3.3 Filing and Application

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.

1.3.4 Changes to an Existing Conditional Use

Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of *The Act*. A conditional use application is required when an existing conditional use is enlarged, expanded or extended to occupy a greater floor and/or greater area of the site upon which said use is located, except as otherwise permitted by this By-law.

In the case of conditional use livestock operations, only a change to increase the intensity or total animal unit size of the operation, or a change to one of the conditions imposed on the approved conditional use will trigger the requirement of a new conditional use. Development and/or building permits would still be required where an existing conditional use livestock operation intends to enlarge or extend the floor area of the operation.

Council may revoke an approved conditional use permit for violation of any conditions imposed by it.

1.3.5 Existing Conditional Use

Where a use is classified as a conditional use under this By-law or amendments thereto, and exists as a permitted use at the date of the adoption of this By-law or amendments thereto it shall be considered as a legally existing conditional use.

1.3.6 Expiry of Approval

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, unless it is renewed at the discretion of Council for an additional period of twelve (12) months.

1.4 VARIANCES

Any person may apply for a variation order for the provisions in Sections 2 through 4, in accordance with the provisions of *The Act*.

An application for a variation order shall include all required information and fees, as determined by Council.

An application for a variation order shall be processed and approved or rejected in accordance with the provision of *The Act*.

The Designated Officer may, in accordance with the provisions of *The Act*, grant or refuse, at his or her discretion, a minor variation not to exceed ten (10) percent of the requirements of this By-law governing height, distance, area, size or intensity of use.

1.4.1 Application for Amendments, Variances and Conditional Uses

An application for a variance, or conditional use, or an amendment to this By-law must be in the proper form and must be accompanied by the fee prescribed by the Rural Municipality of Emerson-Franklin. The application must also be accompanied by:

- a) Plans drawn to scale showing the shape and dimensions of the affected property;
- b) Plans drawn to scale showing the location and dimensions of existing buildings and structures;
- c) Plans drawn to scale showing the location and dimensions of the proposed building, structure, enlargement or alteration;
- d) A description of the use or uses of each existing and proposed building or structure, or of the land;
- e) A description of the reason why the variance, conditional use, or amendment to this By-law is being requested; and
- f) Any other information required by the Designated Officer to determine compliance with, and to provide for enforcement of, this By-law.

1.5 SUBDIVISION

Except as otherwise provided for in this By-law, no parcel of land should hereafter be divided into sites unless each resultant site conforms to the requirements of this By-law. Also, parcels shall not be subdivided if the proposed subdivision does not conform to the Rural Municipality of Emerson-Franklin Development Plan.

1.6 DEVELOPMENT AGREEMENT

1.6.1 Agreement with RM of Emerson-Franklin

Where an application is made under this By-law, or as otherwise permitted in *The Act*, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the application shall apply, as a condition to its enactment, to enter into a development agreement with the Rural Municipality of Emerson-Franklin in respect of that land as well as contiguous land owned or leased by the applicant.

1.6.2 Agreement to Comply with The Act

The provisions of said agreement shall be in accordance with *The Act*.

1.6.3 Quarry Operations

Establishment of new or the expansion of existing quarry operations are subject to a development agreement with Council.

1.7 DESIGNATED OFFICER

The position of the Designated Officer is hereby established. The person appointed as Designated Officer by Council shall be a Designated Officer for the purposes of *The Planning Act*.

1.7.1 Roles of the Designated Officer

The Designated Officer shall have the authority to:

- a) Issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *The Planning Act*.
- b) Refuse to issue a development permit where:
 - i. The development permit application, or any information accompanying the development permit application, is incorrect or incomplete; or
 - ii. The proposed building, structure or use does not, to the Designated Officer's knowledge, comply with this Zoning By-law, or with any other law.
- c) Revoke a development permit where the development permit was issued in error.
- d) Make a minor variance order, without the need for a public hearing, for any proposed change that varies:
 - i. Any height, distance, area, size or intensity of use requirement in the Zoning By-law by no more than 10 percent; or
 - ii. The number of parking spaces required by the Zoning By-law by no more than 10 percent.

1.7.2 Duties and Powers

The Designated Officer may:

- a) 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 Section 9;

- b) Enter any buildings or premises at all reasonable hours in the performance of their duties with respect to this By-law;
- c) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
- d) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

1.7.3 Defer Approval or Permits

At the request of Council, the Designated Officer shall defer approving an application for a development permit:

- a) As provided for in *The Act*;
- b) Which could result in a violation of this By-law or any By-law of the Rural Municipality of Emerson-Franklin; or
- c) To any person who has failed to pay any fees due and owing to the Rural Municipality of Emerson-Franklin.

1.8 DEVELOPMENT PERMIT / BUILDING PERMIT

1.8.1 When Permits are Required

An application for a development permit / building permit is required for the following:

- a) The erection or construction or placement of any building, or structure, except fences, sheds and ornamental light standards;
- b) The addition, extension, structural alteration or conversion of any building or structure;
- c) The relocation or removal or demolition of any building or structure; excepting any nontaxable farm building; or
- d) The use of vacant buildings or structures.

1.8.2 Application Requirements

No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application. In addition to the requirements of any By-law of the Rural Municipality of Emerson-Franklin or any other provincial regulations, all applications for a development permit shall:

- a) Shall be accompanied by plans drawn to scale showing the following:
 - i. The shape and dimensions of the parcel to be used or built on;
 - ii. The location and dimensions of existing buildings and structures;
 - iii. The location and dimensions of any proposed building, structure, enlargement or alteration; and
 - iv. The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use Vehicular access, utility connections, parking areas, loading areas, or signage (where applicable).
- b) Include such other information as may be required by the Council, including:
 - v. Existing or proposed building or structural alterations;
 - vi. Existing or proposed use of the building and land;

- vii. The number and location of automobile parking spaces and loading spaces;
 - viii. The number dwelling units or rental units the building is designed to accommodate;
 - ix. Conditions existing on the site;
 - x. Current copies of relevant titles (issued within six months of the date of application), easements, caveats;
 - xi. A surveyor's certificate prepared by a Manitoba Land Surveyor; and
 - xii. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.
- c) Shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them;
 - d) Shall be accompanied by the fee prescribed by the RM of Emerson-Franklin

1.8.3 Suspension or Revocation of the Development Permit

The Designated Officer may suspend or revoke a development permit where:

- a) The applicant fails to comply with the conditions of the permit; or
- b) Any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.

Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Designated Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

1.8.4 Permits Issued Prior to By-law

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.

1.8.5 Building to be Moved

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

1.8.6 When Development Permits are Not Required

No development permit is required under this By-law for the developments listed below, provided that such developments comply with the all other regulations of this By-law. This does not relieve the applicant or landowner from obtaining approvals from other government agencies. Developments exempted from applications are as follows:

- a) Regular maintenance and repair of any development provided it does not include structural alterations;
- b) Incidental alterations;

- c) Private driveways and patios which are accessory to a development, that do not include any work on public road allowances such as curb cuts, culvert extensions and hard topping of driveway on road allowance;
- d) The use of vacant farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations;
- e) The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (**30**) days of substantial completion or as determined by the Development Officer;
- f) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - i. Fences, 2 metres (6.56 feet) or less in height behind the front wall of the principal building or fences, 1.22 metres (4 feet) or less in height in front of the front wall of the principal building;
 - ii. Signs listed in Section 2.9.1, not including advertising signs where they are conditional uses;
 - iii. Outdoor Lighting;
 - iv. Flagpoles;
 - v. Garden houses or children’s playhouses;
 - vi. Private sewage disposal systems;
 - vii. Private communications facilities; or
 - viii. Unenclosed patios at grade;
 - ix. Landscaping where the existing grade and natural surface drainage pattern is not materially altered;
 - x. Unenclosed decks or decks enclosed by a rail or parapet wall and a wheelchair ramp;
- g) An accessory building or structure that:
 - i. Is less than 37.16 square metres (400 square feet) in area within the AG1, AG2 or AG3 Zones; or
 - ii. Is less than 9.29 square metres (100 square feet) in all other Zones;
 - iii. Is less than 8 metres (26 feet) or one storey in height; and
 - iv. Is not considered a hazard by the Designated Officer.

1.9 NON-CONFORMITY

1.9.1 General Provisions

A non-conforming use and a non-conforming building or structure use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Act*, unless otherwise provided for herein.

1.9.2 Structural Alterations

Pursuant to provisions of *The Act*, a structural alteration shall not be made to a non-conforming building or structure or a building or structure containing a non-conforming use, unless said alteration conforms to the requirement of this By-law, does not increase the degree of non-conformity, unless an appropriate variation order has been obtained.

1.9.3 Repair or Rebuilding

Pursuant to *The Act*, where Council determines that a building or structure is damaged or destroyed more than fifty percent (50%) of its replacement value above its foundation, the said building or structure may be rebuilt only in conformity with the Zoning By-law and any variance approved under this Part.

1.9.4 Non-Conforming Parcel

No building or structure may be erected on a non-conforming parcel of land unless:

- a) The required yards are provided as set forth in the Bulk Table of the zone in which the parcel of land is located; or
- b) Where a variation order for such yard requirements is granted.

A variation order shall not be required where a site or parcel is being increased in size or area so as to decrease its non-conformity, even though the enlarged site or parcel does not conform to the site area and site width requirements of this By-law. The enlargement of said site or parcel shall not cause an increase in non-conformity of an abutting or adjoining site or parcel.

1.9.5 Non-Conforming Signs

A non-conforming sign shall be subject to all the provisions of this Part relating to non-conformities, except as provided hereafter:

- a) A change in the subject matter represented on a sign shall not be considered a change of use; and
- b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
 - i. The creation of a new non-conformity or an increase in the degree of non-conformity;
 - ii. An increase in the sign surface area; or
 - iii. An increase in the degree of illumination.

1.10 INTERPRETATION

1.10.1 Certificate and Fees

Any fees made to the Designated Officer for the issuance of a certificate in accordance with The Act shall be determined by Council.

1.10.2 Interpretation and Application

In their interpretation and application, the provision of this By-law shall be held to the minimum requirements to satisfy the intent and purpose as set forth herein.

1.10.3 Relation to Other By-laws

Whenever provisions of any By-law of the Rural Municipality of Emerson-Franklin or any other requirement of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

1.10.4 Previous Violations

Unless otherwise provided for herein an existing building, structure or use which was illegal under the provisions of any planning scheme or Zoning By-law in force on the effective date of this 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 this By-law, said building, structure or use remains illegal hereunder.

1.10.5 Site Reduced

A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

1.10.6 Variation Order or Special Exception Prior to By-law

A building or structure or use established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order, be deemed to conform to the provisions of this By-law.

1.10.7 Zones

Whenever the terms "AG1" Zone, "AG2" Zone, "AG3" Zone, "R1" Zone, "R2" Zone, "GD" Zone, "RR" Zone, "CC" Zone, "CH" Zone, "M" Zone, "RM" Zone, "PR" Zone, "SRR" Zone, and "O" Zone are used, they shall be deemed to refer to all Zones containing the same letter in their names.

1.11 PUBLIC SERVICES AND UTILITIES

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of a public service such as police or fire protection. Public utilities, as defined by this By-law, shall be listed as a Permitted Use in all Zones. Yard, area, and height requirements for proposed public utilities shall be determined by Council and should be of a standard compatible to the zone in which the public utility is proposed.

1.11.1 Public Monuments and Statuary

Nothing in this By-law shall be so interpreted as to interfere with the maintenance or erection of monuments, statuary, and similar structures.

1.11.2 Future Road Allowances

No buildings or structures 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.

1.11.3 Development Permit Fees

Cost to be borne by applicants will be determined by Council as a condition to development. This fee can be waived by Council if deemed necessary.

1.11.4 Municipal Services

All principal buildings constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services. Sewer and water connections shall be made within the time limit specified in the Rural Municipality of Emerson-Franklin Sewer and Water By-law and any amendments thereto and in compliance with Provincial Acts and Regulations.

1.12 DUTIES OF THE OWNER

1.12.1 Responsibility

Neither the granting of a development permit nor the approval of the drawing and specifications nor inspection 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 Emerson-Franklin.

1.12.2 Permits Required

Every owner shall:

- a) Permit the Designated 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 Designated Officer in the discharge of his duties under this By-law;
- b) After the development application has been approved by the Designated Officer before doing any work at variance with the approved documents filed; and
- c) Be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

1.13 ENFORCEMENT

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

1.13.1 Offences and Penalties

Any owner who, by himself, or by his servant, agent or employee, makes use of any land, building, structure or part thereof in a manner contrary to this By-law, or contrary to the conditions of an order varying the terms of this By-law, or contrary to the conditions of an order

permitting a conditional use under the provisions of this By-law, shall be guilty of a breach of this By-law;

Any persons who, as owner, landlord, lessor, tenant, occupier, agent, or otherwise, has charge or control of any land, building, structure, or part thereof, and permits such land, building structure or part thereof to be used in any manner contrary to this By-law, shall be guilty of a breach of the By-law.

Fines and penalties will be imposed as per *The Act*.

2 GENERAL REGULATIONS

The following regulations shall apply to all use and development of land and buildings in the Municipality except where otherwise noted in this By-law.

2.1 REGULATION OF USES

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

- a) Is listed in the Table 4 – Use Regulations as:
 - i. A Permitted Principal Use;
 - ii. A Conditional Principal Use, subject to approval as such; or
- b) Is an Accessory Use; or
- c) Is a Temporary Use.

2.2 MULTIPLE USES OR PROVISIONS

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

2.3 ACCESSORY BUILDINGS AND STRUCTURES

Accessory development in all zones are permitted when accessory to a permitted use and conditional when accessory to a conditional use. Said accessory buildings or structures shall be subject to the following requirements, in addition to the specific requirements for each zone, listed below:

- a) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building or structure;
- b) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to accessory buildings or structures;
- c) Accessory buildings or structures shall not be located within a dedicated easement right-of-way;
- d) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the Rural Municipality; and
- e) An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this By-law.

2.4 AREA AND YARD REQUIREMENTS

Except as herein provided, the following special provisions shall apply in all zones to ensure adequate site and required yard requirements:

- a) Required yards shall be free of buildings, except accessory buildings, which must conform to the other requirements of this By-law.
- b) It shall be a continuing obligation of the owner to maintain the minimum required site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open space allocated to a use

as per requirements of this Zoning By-law shall not, by virtue of change of ownership, or for any other reason, be used to satisfy the yard, and other open space, or minimum site area requirements for any other use.

- c) The yard requirements shall be set forth in the Bulk Regulations of each zone (Table 5 to 18).
- d) Required Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of that zone.
- e) All required yards and other open space required for any use shall be located on the same site (including zoning site) as the use.

2.5 YARD EXCEPTIONS

Where sites shall be provided and maintained in accordance with the provisions of this Part, these shall be unobstructed from ground level to the sky, except as set forth in the Bulk Regulations of the affected Zones and as follows:

- a) Eaves may project into any required front, side or rear yard, a distance of not more than 0.91 metres (3 feet), provided that in no case shall an eave project within 0.91 metres (3 feet) of a side site line. Chimneys may project into a required front, side or rear yard not more than 0.91 metres (3 feet), provided the width of such side yard is not reduced to less than 0.91 metres (3 feet).
- b) Fire escapes may extend or project into any required front, side or rear yard not more than 1.22 metres (4 feet).
- c) Open, unenclosed stairways or balconies above the first floor, not covered by a roof or canopy, may extend or project into a required rear yard not more than 1.22 metres (4 feet) and such balconies may extend into a required front yard not more than 0.76 metres (2.5 feet).
- d) Open, unenclosed porches, or platforms, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard for not more than 50 percent of the required yard depth, up to a maximum of three metres (10 feet), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.
- e) Open work ornamental fences, uncovered walks, arbours, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front, rear or side yard. An open work type railing may be installed or constructed on any balcony, stairway, porch, platform, or landing place.
- f) A fence or hedge shall be permitted in any required front yard as long as it does not exceed 1.22 metres (4 feet) in front of the front wall of the principal building, or 2 metres (6.56 feet) behind the front wall of the principal building.
- g) Landscape features, such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard as long as they don't create a fence effect in excess of the permitted height of a fence in accordance with subsection 2.5.f.
- h) Name plates and signs as permitted and regulated in this Part, or signs for the lease or rental of the premises on which they are located as permitted in this Part, shall be allowed in any required front, side or rear yard.
- i) Open work ornamental fences, hedges, landscape architectural features or guard rails shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least 0.76 metres (2.5 feet) in width shall be deemed adequate for such an access.

2.6 TEMPORARY BUILDINGS, STRUCTURES, OR USES

Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a development permit under the following conditions:

- a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by council.
- b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve (12) months and may not be renewed for more than two successive periods at the same location.
- c) Temporary buildings, structures, and uses for construction materials or equipment, both incidental and necessary to construction on the same zoning site may be permitted for both the principal building and the temporary use and subject to such additional requirements as Council may deem necessary from time to time.
- d) In all cases, temporary buildings and structures shall not exceed 92.9 square metres (1000 square feet) in area and one (1) storey in height.
- e) A temporary building or structure:
 - a. May be used as office space for a contractor or developer;
 - b. Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - c. Shall not be detrimental to the health, safety, convenience and general welfare of the public.

2.7 ROAD ACCESS

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

All buildings requiring regular year-round access must be located on a parcel which has legal access to an all-weather road.

2.8 NOXIOUS / OFFENSIVE USES

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

2.9 SIGNS

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

- a) Signs and sign structures may be allowed as accessory uses in accordance with Table 1 – Sign Requirements, subject to the issuance of a development permit, except as provided in Section 1 of this Zoning By-law;
- b) All signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected;
- c) Billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may only be allowed

in zones where *Advertising Sign* is a permitted or conditional use. Such signs must also be constructed in accordance with Table 1 – Sign Requirements, and subject to the issuance of a development permit;

- d) 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;
- e) No sign may contain flashing lights or digital images unless specifically allowed in Table 1 – Sign Requirements. All signs with flashing lights or digital images are prohibited within 30 metres (100 feet) of RR, R1 , or R2 zones;
- f) No sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Rural Municipality without a development permit;
- g) The placing of signs within the controlled area of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority; and
- h) All signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within 30 days following notice by the Designated Officer.

Table 1 – Sign Requirements

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions
Fascia (small)	AG1, AG2, AG3, RR, GD, R1, R2, PR	0.46 m ² (5 ft ²) maximum area for a single face	A sign in the RR or R1 zones may only be illuminated during business hours.
Fascia (large) or Marquee	PR, GD, CC, CH, M, RM	10 percent of the area of the wall to which the sign is affixed	Illumination and flashing lights are permitted, following the standards for signs.
Projecting (small)	PR, GD, R2, CC	0.46 m ² (5 ft ²) maximum area for a single face	Must not project more than 1.52 m (5 ft) from the wall to which the sign is affixed.
Projecting (large)	CC, CH, M, RM	2 m ² (21.5 ft ²) maximum area for a single face	Must not project more than 2 m (6.5 ft) from the wall to which the sign is affixed. Illumination and flashing lights are permitted, following the standards for signs
Free-Standing (small)	AG1, AG2, AG3, RR, GD, R1, R2, PR	Maximum Height (from grade): 2 m (6.5 ft)	Not permitted for home based businesses.

Free-Standing (large)	AG1, AG2, AG3, GD, CC, CH, M, RM	10.96 m ² (118 ft ²) maximum area for a single face Maximum Height (from grade): 10.36 m (34 ft)	Illumination and flashing lights are permitted, following standards. Not permitted in a required yard abutting an RR, R1, or R2 zone. Minimum setback from a property line must be 33 percent the height of the sign.
Awning	PR, GD, CC, CH, M, RM	10 percent of the area of the wall to which the awning is affixed	
Mobile (small)	PR, GD, CC, CH, M, RM	Maximum Height : 1.37 m (4.5 ft)	One sign may be placed within public right-of-way immediately adjacent to a commercial use during regular hours of operation. Must not include any flashing lights. Maximum of one sign per property. Only allowed to occupy one parking space where there is no practical alternative.
Mobile (large)	AG1, AG2, AG3, GD, CH, M, RM	4.46 m ² (48 ft ²) maximum area for a single face Maximum Height (from grade): 3.05 m (10 ft)	Must not include any flashing lights. Maximum of one sign per property. Only allowed to occupy one parking space where there is no practical alternative.
Digital	CC, CH, M, RM	6.97 m ² (75 ft ²) maximum area for a single face	Not permitted in a required yard abutting an RR, R1, or R2 zone. Images must have a minimum hold time of 6 seconds.

Inflatable	PR, CH, M, RM	Maximum Height (from grade): 5.03 m (16.5 ft)	Only 1 inflatable sign shall be permitted on site. Only allowed as a temporary sign that may be displayed for no more than 15 days within a 6 month period.
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2.9.1 Signs Not Requiring a Development Permit

The following signs shall not require a development permit, as per section 1.9, however, they must still comply with any other applicable standards within this By-law:

- a) Signs posted by duly constituted public authorities in the performance of their public duties;
- b) Flags or emblems of a political, civic, educational or religious organization;
- c) Commemorative or memorial signs or tablets;
- d) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
- e) Mobile signs (small) not exceeding 0.5 m² (5 ft²) in surface area (for a single sign face);
- f) Awning signs with signage originally incorporated in the design or awning material;
- g) Residential on-site identification signs or warning signs (such as “Private Property” signs and similar) not exceeding three square feet each in surface area; and
- h) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding 0.5 m² (5 ft²) in sign surface area.

2.10 PARKING AND LOADING

2.10.1 Minimum Parking

Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated by Table 2 for uses within the Use Categories indicated in Table 4 – Use Regulations. All accessory off-street parking spaces shall be located on the same site as the principal use, unless specifically permitted to locate elsewhere. There are no parking requirements for zones not included in the table.

Table 2 – Parking Requirements

Use Category	R1	R2	RR	GD	CC	CH	M	RM	PR	Requirement Metric
Civic	1	1	1	1	0.5					Per 100 m ² (1,075 ft ²)
Educational	1	1	1	1	0.5					Per 100 m ² (1,075 ft ²)
Industrial	1.5	1.5	2	1.5	0.5	1.5	1.5	1.5		Per 100 m ² (1,075 ft ²)
Recreational	1	1	1	1	0.5	1			1	Per 100 m ² (1,075 ft ²)
Residential	1	1	1	1	0.5					Per Dwelling
Residential Related	1	1	1.5	1	1	1				Per Bedroom
Commercial	1.5	1.5	2	1.5	0.5	1.5	1.5	1.5		Per 100 m ² (1,075 ft ²)

2.10.2 Parking Requirements Based on Floor Area

Where parking requirements are based on the “floor area” of the use, the term “floor area” means the gross floor area of the principal building, excluding:

- a) Any area used for parking within the principal building; and
- b) Any area used for incidental service storage, mechanical equipment, or similar uses.

2.10.3 Minimum Loading Spaces

Loading spaces shall be provided according to the minimum number of spaces as calculated by Table 3 – Loading Requirements for uses within the Use Categories indicated in Table 4 – Use Regulations. There are no loading requirements for Use Categories or Zones not included in the table.

Table 3 – Loading Requirements

Use Category	R2	GD	CC	CH	M	RM	Requirement Metric
Civic	1	1	1	1	1	1	Per 1,860 m ² (20,000 ft ²) of floor area of primary building
Industrial (> than 10,000 sq. ft.)	1	1	1	1	1	1	Per 1,860 m ² (20,000 ft ²) of floor area
Commercial (> than 10,000 sq. ft.)	1	1	1	1	1	1	Per 1,860 m ² (20,000 ft ²) of floor area of primary building

2.11 PROVINCIAL TRUNK HIGHWAYS AND ROADS

All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations and controls stipulated in the *Highways Protection Act*, *The Highways and Transportation Act* and other policies established by the Provincial Authority.

2.12 SWIMMING POOLS AND HOT TUBS

Swimming pools, hot tubs, and similar structures with a water depth of greater than 0.2 m (two feet), shall be allowed as a permitted accessory use to a residential use (including when located on a farm), recreational, or commercial development provided that:

- a) They meet the siting requirements of accessory structures for the zone in which they are located;
- b) The pool area is protected by a fence with lockable gates and a minimum height of 1.83 metres (6 feet) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from crawling underneath;
- c) A development permit is issued under this bylaw; and
- d) Nothing in this subsection shall relieve any such structure from complying with the requirements under the local Building Bylaw or applicable provincial regulations including *The Buildings and Mobile Homes Act* and *The Public Health Act*.

2.13 EXCAVATION STRIPPING AND GRADING

For the purpose of this Section of the By-law, excavation shall mean excavation for commercial purposes. A person wishing to excavate, strip or grade land:

- a) Requires the prior approval of Council and a Development Permit;
- b) Is required to provide Council with information as necessary to evaluate the proposal and may impose such conditions and requirements as it deems appropriate and necessary; and
- c) If necessary, has obtained the required/ necessary permits from the appropriate government departments.

2.14 HEIGHT EXCEPTIONS

The provisions of the zones shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing useable floor space.

2.15 PRIVATE WINDMILLS

Private windmills may be permitted when accessory to a main residential use within the rural areas. Private windmills shall not be established in urban areas.

2.16 HAZARD LANDS

This section applies to areas which may be subject to hazards such as flooding, erosion or bank instability. Development in these hazardous areas shall be subject to the following requirements:

- a) Permanent structures located on land which has been subject to flooding will be built 0.6 metres (2 feet) above the 200 year flood level (or as determined by the appropriate government department);
- b) No development will be permitted on land subject to erosion, bank instability, landslides or flooding unless it has been demonstrated to Council that the erosion process has been halted

- or that the hazard has been (or can be) protected against. A geotechnical report by an engineer licensed to practice in Manitoba will be required;
- c) In areas where the specific hazard has not been defined, permanent structures shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 60 metres (200 feet), whichever is greater (unless an engineering investigation shows that the limits may be reduced; and
 - d) Any construction erection, addition to or reconstruction of any building or structure is subject to a permit issued under the authority of the responsible Provincial department. No Development Permit will be issued until the necessary permit has been obtained.

2.17 SPECIAL YARDS ALONG USE BOUNDARIES

The following special yard requirements shall apply along residential zone boundaries:

- a) When a side site line in an Industrial Use abuts a side site line in an adjacent Residential Use, the required front yard requirements of the Residential Use shall extend for a distance of 30.5 metres (100 feet) into the Industrial Use and a required side yard of 7.6 metres (25 feet) in width shall be provided along the side site line in the Industrial Use.
 - i. The required side yard provided shall not be used for accessory off-street loading, or storage of materials, or processing of any kind, except where a solid fence 1.83 metres (6 feet) high is provided and maintained along the site line abutting the Residential Use boundary; and
 - ii. Parking spaces with the required front yard shall not be permitted within 3 metres (10 feet) of the said Residential Use boundary.
- b) Where a side site line in an Industrial Zone abuts a rear site line in an adjacent Residential Use, a required side yard of 7.6 metres (25 feet) shall be provided in the Industrial Use along the rear site line.
- c) Where a rear site line in an Industrial Use abuts a side or rear site line in an adjacent Residential Use, a required rear yard of 15 metres (50 feet) in depth shall be provided along the rear site line.
- d) Where a boundary yard as described in paragraphs (a), (b), and (c) is provided, a compact hedge, row of shrubbery or a solid fence 1.83 metres (6 feet) in height shall be provided and maintained along the site line abutting the Residential Use boundary.

When the zone boundaries in an Industrial Zone abut an Agricultural or Commercial Zone, there shall be a minimum required side or rear yard of 4.6 metres (15 feet) feet for the adjoining Industrial use except where a greater required side or rear yard is provided for elsewhere herein.

2.18 USES INCIDENTAL TO CONSTRUCTION

A construction camp or other such temporary work camp, tool shed, a travel trailer, scaffold or other building or structure incidental to the construction, including storage of building materials and supplies, shall be permitted provided that these uses are permitted only for so long as the same are necessary for work in progress which has neither been finished nor abandoned. This use is subject to the issuance of a development permit.

2.19 THROUGH SITE – MAY BE TWO SITES

A through site having a depth of 61 metres (200 feet) or more may be assumed to be two sites with the rear site line of each approximately equidistant from the front site lines, provided all area and yard requirements are complied with.

2.20 LAND UNSUITABLE FOR DEVELOPMENT

Notwithstanding the provisions contained in this By-law, the Council may prohibit the development of land for use permitted in a zone if the Council is of the opinion that the land is subject to flooding or subsidence or is low-lying, marshy or unstable, or otherwise unsuitable or hazardous for the proposed purpose by virtue of its soil, topography or unique conditions.

2.21 LAND SUBJECT TO PERIODIC FLOODING

No building or structure shall be erected after the effective date of this By-law, or amendments thereto, on any land which may be subject to periodic flooding unless the following can be provided:

- a) Evidence satisfactory to the Council that the land is not subject to periodic flooding;
- b) Approval from the Council that public facilities and services can be provided and fill may be carried on if required for development; and
- c) Recommendations from provincial authorities, when requested by Council.

2.22 FLOOD LEVEL

Manitoba is now assessing flood hazard to the 200 year level. Development in areas below the aforementioned 200 year flood level shall be provided with adequate flood protection. Permanent structures within the Red River Valley Designated Flood Area are required to obtain a Designated Flood Area Permit, in accordance with Manitoba Designated Flood Area Regulation M.R. 59/2002. The 200 year flood level in areas intermediate to the above points shall be established in conjunction with the responsible provincial department.

2.23 BUILDING SET BACKS

No development shall be permitted within a horizontal distance of 152.4 metres (500 feet) of the normal high water mark of the Red River unless specific approval has been granted by Council. Council may require that the development submit a report from a geotechnical engineer regarding bank stability and erosion and may request comment from the provincial authority.

2.24 DEVELOPMENT OUTSIDE OF DYKE AREA

The area lying outside of the existing dyke within the LUD of Emerson shall have adequate flood protection before it can be developed for residential, commercial or Industrial uses. In any case, the following conditions shall be required:

- a) No structure shall be erected or placed outside the existing dyke unless that structure is flood protected in accordance with applicable Provincial regulations; and
- b) Permanent structures may be established upon satisfactory provisions to the province for 200 year flood protection dyke expansion program in Emerson.

In no case shall a dwelling be permitted outside the dyked area of Emerson in an area subject to periodic flooding, unless some special provisions or arrangements with regard to the site or the type or design of building to be erected are made and then only if, in the opinion of Council, it is suitable to the circumstances. If these structures fall within the Red River Valley Designated Flood Area, they are required to obtain a Designated Flood Area Permit from the responsible provincial department.

2.25 RED RIVER SHORE LINE

Natural Vegetation and tree cover shall not be removed from the Red River shoreline for a minimum horizontal distance of 30.5 metres (100 feet) from the normal summer water mark.

3 ZONING DISTRICTS

3.1 ESTABLISHING ZONES

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

Agricultural 1 Zone	AG1
Agricultural 2 Zone	AG2
Agricultural 3 Zone	AG3
Residential Single-Family	R1
Residential Two-Family	R2
General Development	GD
Rural Residential	RR
Commercial Central Zone	CC
Commercial Highway Zone	CH
Industrial Zone	M
Rural Industrial Zone	RM
Parks and Recreation Zone	PR
Seasonal Resort and Recreation Zone	SRR
Open Space Zone	O

3.2 AGRICULTURAL ZONES

3.2.1 Agricultural 1

This zone is intended for agricultural purposes.

3.2.2 Agricultural 2

This zone is intended to provide for agricultural uses. However, due to the proximity to Settlement Centres, there are restrictions placed on uses like livestock operations.

3.2.3 Agricultural 3

This zone is intended to provide for agricultural uses. However, due to the proximity to the LUD of Emerson, there are additional restrictions placed on uses like livestock operations.

3.3 RESIDENTIAL ZONES

3.3.1 Residential Single-Unit

This zone is intended for mostly single-unit residential dwellings within settlement areas.

3.3.2 Residential Two-Unit

This zone is intended for a variety of residential dwelling types within settlement areas.

3.3.3 Rural Residential

This zone is intended for rural residential and cottage developments located outside of urban centres. Rural residential development will be located and designed to preserve the natural or

agrarian character of the area. Site sizes may be larger than those found in urban centres, but not so large as to be wasteful of land. These sites generally rely on onsite water and wastewater infrastructure

3.4 GENERAL DEVELOPMENT ZONE

3.4.1 General Development

This zone is intended to provide for a wide range of residential, commercial, and industrial uses within smaller settlement centres.

3.5 COMMERCIAL ZONES

3.5.1 Commercial Central

This zone is intended for street-level commercial activity along main streets, along with commercial facilities, offices, and indoor facilities, which serve the whole community.

3.5.2 Commercial Highway

This zone is intended for light industrial and commercial facilities located outside of a central area that are designed to serve the travelling public or a distinct neighbourhood clustered along collector or arterial streets.

3.6 INDUSTRIAL ZONES

3.6.1 Industrial

This zone is intended to accommodate all kinds of industrial uses. This zone includes developments that may pose dangers to health and safety or that may be offensive and disturbing to other properties and is located so that industries can operate or expand safely without negatively affecting other development.

3.6.2 Rural Industrial

This zone is intended to accommodate resource related industrial uses and those not suitable for locations in settlement areas. This zone includes developments that may pose dangers to health and safety or that may be offensive and disturbing to other properties and is located so that industries can operate or expand safely without negatively affecting other development.

3.7 PARKS AND RECREATION ZONE

3.7.1 Parks and Recreation

This zone is intended for land that is used as public parks or recreation areas. This zone can be used to provide a buffer between potentially incompatible land uses or provide access to nature and play spaces in urban areas.

3.7.2 Seasonal Recreation

This zone provides areas for open space, parks and recreation uses which cannot be easily located in the urban areas such as golf courses, campgrounds, shooting ranges, RV parks, etc.

3.7.3 Open Space

This zone is intended to provide land use as a buffer separating different types of land uses, areas deemed to be unsuitable for development such as slough areas, brush and shrubland, and ravines, publicly owned lands to be retained in a natural state and major utility rights-of-way that have an open space character.

3.8 ZONING BOUNDARIES

The zones established above shall apply within the boundaries of the zones shown on the maps in Appendix A following these rules of interpretation:

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

3.9 DEFINITIONS OF SYMBOLS USED IN TABLES

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Table 4 – Principal and Accessory Use Table. Permitted uses are indicated on this table with the letter **P**. Conditional uses are indicated on this table with the letter **C**. Where a use is not listed and is not similar to, or accessory to, or a permitted or conditional principal use, the use is not allowed in the zone. Permitted or conditional uses that have additional Use Specific Standards are indicated in this table with an *****.

Table 4 – Principal Use and Accessory Use Table

Use	AG1	AG2	AG3	R1	R2	RR	GD	CC	CH	M	RM	PR	SRR	O	USS*
Agricultural															
General Agricultural, excluding livestock	P	P	P			C			C	C	C				
Grain Terminal / Elevator	P	P	P												
Livestock Operation, 10 to 20 animal units	P*	P*	P*												4.1
Livestock Operation, 21 to 199 animal units	P*	P*													4.1
Livestock Operation, 200 to 399 animal units	C*	C*													4.1
Livestock Operation, 400+ animal units	C*														4.1
Rendering Plants and Abattoirs										C	C				4.1
Specialized Agriculture	P	P	P												
Wildlife / Nature Reserve													P	P	
Civic, Recreational and Educational															
Airfield	C	C	C												
Campground or RV Park									C*			C*	C*	C*	4.9
Cemetery	P	P	P				C	P							
Childcare Facility				P	P		P	P							
Commercial / Trade School							P			P					
Community Facilities							P	P	P			P			
Exhibition Grounds			C												
Gaming Facility								C	C						
Golf Course												C	C		
Indoor Recreation Facility							P	C	C			C			
Private Communication Facilities	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*				4.13
Fire or Police Station							P	P	P	P					
Funeral Home							P	P							
Health Services / Hospital							P	P	C						

Use	AG1	AG2	AG3	R1	R2	RR	GD	CC	CH	M	RM	PR	SRR	O	USS*
Offices							P	P	P						
Place of Worship				P	P		P	P							
Public Parks, Playgrounds and Outdoor Recreation				P	P	P	P	P	P	P	P	P	P	C	
Public Parking								C	P	P					
Public Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Washroom								C	C			C			
Public Works Facility										P	P				
School				P	P		P					P			
Sewage Treatment	C*	C*	C*												4.19
Shooting Ranges	C	C	C									C			
Solid Waste Disposal Site	C*	C*	C*												4.20
Stables and Riding Academies	P	P	P												
Industrial															
Anhydrous ammonia sales and storage	C*	C*	C*							C*	C*				4.21
Asphalt and Concrete Batching Plants										C					
Automotive Service							P	P	P	P					
Automotive Wrecking										C					
Chemical Processing, Sales and Storage										C	C				
Contractor Establishment							P	P		P	P				
Contractor Establishment with Outdoor Yard										P	P				
Exterminator							C	C		P	P				
Heavy Manufacturing										C	C				
Light Manufacturing							C	C		P	P				
Maintenance Yards and Machine Shops										P	P				
Mini / Self Storage										P	P				
Quarry	C*	C*	C*												4.18
Resource Related Industrial	P	P	P							P	P				
Transportation Industry							C		C	C					

Use	AG1	AG2	AG3	R1	R2	RR	GD	CC	CH	M	RM	PR	SRR	O	USS*
Warehouse and Storage										P	P				
Wind Energy Generating Systems	C*	C*	C*												4.17
Residential															
Boarding / Rooming House					P		C								
Dwelling, Mobile	C	C	C		C	C	C								
Dwelling, Multi-Unit					C*		C*	C*							4.6
Dwelling, Single-Unit	C	C	C	P	P	P	P	C					C		
Dwelling, Two-Unit				C*	P*	C*	P*	C*							4.5
Mobile Home Park							C								
Residential Care Facility or Group Home					C		C	C							
Senior Citizen Care Home				C	C		P	C							
Residential Related															
Bed and Breakfast	C*	C*	C*	C*	C*	P*	P*								4.15
Hotel / Motel							C	P	P						
Commerical															
Auction Marts, excluding livestock										P	P				
Automobile and Recreational Vehicle/Trailer Sales and Rental							C	C	P	P					
Drinking Establishment							C	C							
Drive-Through Restaurant / Service							C	P	P						
Financial Institution							P	P		P					
Fuel Sales							C	C	P						
Garden Centre / Nursery			C				P			P	P				
Grocery Store							P	P							
Lumber Yard							C	C		P	P				
Mobile Home Sales							C	C	P	C					
Resource Related Commercial	P	P	P					P	P						
Restaurant							P	P	P						
Retail / Personal Service (Large)							C	C	C						

Use	AG1	AG2	AG3	R1	R2	RR	GD	CC	CH	M	RM	PR	SRR	O	USS*
Retail / Personal Service (Small)							P	P							
Transportation Terminal							P		P	P					
Truck, Farm Implement and Machine Sales, Service and Rental							P	C	P						
Veterinary Clinic / Animal Shelter	C	C	C				P	C		C	C				
Wholesale Sales										P					
Accessory Uses															
Accessory uses, buildings and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Advertising Sign	C	C	C				C	C	C	C	C				
Airfield, private	P	P													
Animal Keeping	P*	P*	P*			C*									4.14
Dwelling for caretaker	P	P	P				C	C		C	C				
Farm Dwelling	P	P	P												
Home Based Business	C*	C*	C*	C*	C*	C*	C*	C*							4.2
Home Based Industry	C*	C*	C*			C*									4.3
Incinerator	C	C	C												
Kennel	C	C	C			C									
Rail car storage bins	P	P	P								P				
Secondary Suite	C*	C*	C*	C*	C*	C*	C*	C*							4.16
Planned Unit Development							C*								4.8

3.10 BULK REGULATIONS

No land, building, or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in the Bulk Regulations Tables or elsewhere in this By-law. For the purposes of the Bulk Regulations Tables, dimensions are listed using Imperial measurements only, for convenience.

Table 5 – AG1 Bulk Regulations

AG1	Minimum Standard					Maximum Standard	
	Site Area (ac)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	125	25	25	35	10
Airfield	5	100	100	50	50	-	-
Anhydrous ammonia sales and storage	3	200	75	50	50	-	-
Bed and Breakfast	2	200	125	25	25	40	40
Cemetery	5	200	125	25	25	-	-
Private Communication Facilities	1	100	100	25	25	35	25
Dwelling, Mobile	2	200	125	25	25	35	40
Dwelling, Single-Unit	2	200	125	25	25	35	40
General Agricultural, excluding livestock	80	600	125	25	25	-	-
Grain Terminal / Elevator	10	300	125	25	25	-	-
Livestock Operation	80	600	200	75	75	-	-
Public Utilities	250 (ft ²)	10	-	-	-	35	90
Quarry	40	500	125	50	50	-	-
Resource Related Commercial	5	200	125	25	25	-	-
Resource Related Industrial	5	200	125	50	50	-	-
Sewage Treatment	20	400	125	100	100	-	-
Shooting Ranges	20,000 (ft ²)	100	30	25	25	30	60
Solid Waste Disposal Site	20	400	125	100	100	-	-
Specialized Agriculture	10	300	125	50	50	-	-
Stables and Riding Academies	5	300	125	50	50	-	-
Veterinary Clinic / Animal Shelter	2	200	125	25	25	-	-
Wind Energy Generating System	7	300	125	50	50	see 4.17	-

Table 6 – AG2 Bulk Regulations

AG2	Minimum Standards					Maximum Standards	
	Site Area (ac)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	125	25	25	35	10
Airfield	5	100	100	50	50	-	-
Anhydrous ammonia sales and storage	3	200	75	50	50	-	-
Bed and Breakfast	2	200	125	25	25	40	40
Cemetery	5	200	125	25	25	-	-
Private Communication Facilities	1	100	100	25	25	35	25
Dwelling, Mobile	2	200	125	25	25	35	40
Dwelling, Single-Unit	2	200	125	25	25	35	40
General Agricultural, excluding livestock	80	600	125	25	25	-	-
Grain Terminal / Elevator	10	300	125	25	25	-	-
Livestock Operation	80	600	200	75	75	-	-
Public Utilities	250 (ft ²)	10	-	-	-	35	90
Quarry	40	500	125	50	50	-	-
Resource Related Commercial	5	200	125	25	25	-	-
Resource Related Industrial	5	200	125	50	50	-	-
Sewage Treatment	20	400	125	100	100	-	-
Shooting Ranges	20,000 (ft ²)	100	30	25	25	30	60
Solid Waste Disposal Site	20	400	125	100	100	-	-
Specialized Agriculture	10	300	125	50	50	-	-
Stables and Riding Academies	5	300	125	50	50	-	-
Veterinary Clinic / Animal Shelter	2	200	125	25	25	-	-
Wind Energy Generating System	7	300	125	50	50	see 4.17	-

Table 7 – AG3 Bulk Regulations

AG3	Minimum Standards					Maximum Standards	
	Site Area (ac)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	125	25	25	35	10
Airfield	5	100	100	50	50	-	-
Anhydrous ammonia sales and storage	3	200	75	50	50	-	-
Bed and Breakfast	2	200	125	25	25	40	40
Cemetery	5	200	125	25	25	-	-
Private Communication Facilities	1	100	100	25	25	35	25
Dwelling, Mobile	2	200	125	25	25	35	40
Dwelling, Single-Unit	2	200	125	25	25	35	40
Exhibition Grounds	40	400	125	25	25	-	-
Garden Centre / Nursery	40	400	125	25	25	-	-
General Agricultural, excluding livestock	40	500	125	25	25	-	-
Grain Terminal / Elevator	10	300	125	25	25	-	-
Livestock Operation	40	500	125	125	25	-	-
Public Utilities	250 (ft ²)	10	-	-	-	35	90
Quarry	40	500	125	50	50	-	-
Resource Related Commercial	5	200	125	25	25	-	-
Resource Related Industrial	5	200	125	50	50	-	-
Sewage Treatment	20	400	125	100	100	-	-
Shooting Ranges	20,000 (ft ²)	100	30	25	25	30	60
Solid Waste Disposal Site	20	400	125	100	100	-	-
Specialized Agriculture	20	400	125	25	25	-	-
Stables and Riding Academies	5	300	125	50	50	-	-
Veterinary Clinic / Animal Shelter	2	200	125	25	25	-	-
Wind Energy Generating System	7	300	125	50	50	see 4.17	-

Table 8 – CC Bulk Regulations

CC	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (Min)	Front Yard (Min)	Side Yard (Min)	Rear Yard (Min) (a)	Building Height (Min)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	-	-	15	15	10
Agricultural Implement Sales and Service	17,000	125	-	5	25	30	75
All other CC uses	6,600	50	50	5	25	30	75
Automobile and Recreational Vehicle/Trailer Sales and Rental	17,000	125	-	5	25	30	75
Automotive Service	7,500	65	30	5	25	30	75
Childcare Facility	7,500	65	-	5	25	30	60
Private Communication Facilities	43,560	100	100	25	25	35	25
Contractor Establishment	7,500	65	-	5	25	30	75
Community Facilities	17,000	125	-	5	25	30	75
Drive-Through Restaurant / Service	7,500	65	30	5	25	30	75
Dwelling, Multi-Unit	12,500	75	25	15	25	35	60
Dwelling, Single-Unit	8,000	60	20	5	25	35	40
Dwelling, Two-Unit	15,000	100	20	5	25	35	40
Exterminator	7,500	65	-	5	25	30	75
Fire or Police Station	7,500	65	35	5	5	30	75
Fuel Sales	7,500	65	30	5	25	30	75
Funeral Home	7,500	65	-	5	30	30	75
Gaming Facility	43,560	200	125	25	25	-	-
Health Services / Hospital	21,750	150	30	15	25	35	75
Hotel / Motel	17,000	80	-	5	25	30	75
Indoor Recreation Facility	7,500	65	-	5	25	30	75
Lumber Yard	15,000	100	20	10	25	30	60
Mobile Home Sales	7,500	65	-	5	25	30	75
Place of Worship	24,500	108	30	5	10	30	60

Public Parking	7,500	65	30	5	25	-	-
Public Parks, Playgrounds and Outdoor Recreation	5,000	50	30	45	5	30	60
Public Utilities	250	10	-	-	-	35	90
Public Washroom	3,000	50	25	10	10	30	50
Retail / Personal Service (Large)	17,000	125	-	5	25	30	75
Retail / Personal Service (Small)	2,000	50	40	30	25	30	75
Truck, Farm Implement and Machine Sales, Service and Rental	17,000	125	-	5	25	30	75

Notes:

(a) All required rear yard minimums are ten (10) feet if a lane in rear.

Table 9 – CH Bulk Regulations

CH	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft) (a)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	-	-	15	15	10
Agricultural Implement Sales and Service	20,000	125	35	25	25	30	60
Automobile and Recreational Vehicle/ Trailer Sales and Rental	20,000	125	35	25	25	30	60
Automotive Service	7,500	70	70	15	15	30	60
Campground or RV Park	10,000	80	50	15	15	30	10
Private Communication Facilities	43,560	100	100	25	25	35	25
Community Facilities	17,000	125	50	5	25	30	75
Drive-Through Restaurant / Service	10,000	80	30	5	15	30	60
Fire or Police Station	7,500	65	35	5	5	30	75
Fuel Sales	7,500	65	30	5	25	30	75
Gaming Facility	43,560	200	125	25	25	-	-
General Agricultural, excluding livestock	20 (ac)	300	25	10	15	-	-
Health Services / Hospital	21,750	150	30	15	25	35	75
Hotel / Motel	2,000	125	50	15	25	30	75
Indoor Recreation Facility	7,500	65	30	5	25	30	75
Mobile Home Sales	10,000	80	50	15	15	30	60
Public Parking	7,500	65	30	5	25	-	-
Public Parks, Playgrounds and Outdoor Recreation	5,000	50	30	45	5	30	60
Public Utilities	250	10	-	-	-	35	90
Public Washroom	3,000	50	25	10	10	30	50
Retail / Personal Service (Large)	20,000	125	-	5	5	30	50
Transportation Industry	7,500	65	30	5	25	30	75
Transportation Terminal	7,500	65	30	5	25	30	75
Truck, Farm Implement and Machine Sales, Service and Rental	20,000	125	35	25	25	30	60
All other CH uses	9,000	70	70	15	15	30	60

Notes:

(a) All required rear yard minimums are ten (10) feet if a lane in rear.

Table 10 – GD Bulk Regulations

GD	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	20	5	5	15	10
Cemetery	43,560	200	30	25	25	-	-
Dwelling, Mobile (Serviced)	Min: 6,000 Max: 21,780	50	10	5	5	-	-
Dwelling, Mobile (Unserviced)	2 (ac)	200	25	10	10	-	-
Dwelling, Multi-Unit	12,500	75	25	15	25	35	60
Dwelling, Single-Unit (Serviced)	Min: 6,000 Max: 21,780	50	10	5	5	-	-
Dwelling, Single-Unit (Unserviced)	2 (ac)	200	25	10	10	-	-
Dwelling, Two-Unit (Serviced)	Min: 7,500 Max: 21,780	60	10	5	5	-	-
Dwelling, Two-Unit (Unserviced)	2 (ac)	200	30	25	25	-	-
Light Manufacturing (Unserviced)	2 (ac)	200	75	25	25	-	-
Other Uses (Serviced)	Min: 10,000 Max: 21,780	100	10	5	5	-	-
Other Uses (Unserviced)	2 (ac)	200	30	50	50	-	-
Public Parks, Playgrounds and Outdoor Recreation	5,000	50	30	45	5	30	60
Public Utilities	250	10	-	-	-	35	90
Retail / Personal Service (Small)	3 (ac)	200	30	25	25	-	-

Table 11 – M Bulk Regulations

M	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) (a)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	20 (b)	5 (b)	25 (b)	30	-
Agricultural Implement Sales and Service	15,000	100	20	10	25	30	60
All other M uses	5,000	50	20	5	25	30	60
Anhydrous ammonia sales and storage	3 (ac)	200	75	50	50	-	-
Asphalt and Concrete Batching Plants	15,000	100	25	25	25	30	60
Automobile and Recreational Vehicle/ Trailer Sales and Rental	10,000	75	20	10	25	30	60
Automotive Service	15,000	100	25	15	25	30	60
Automotive Wrecking	15,000	100	25	25	25	30	60
Chemical Processing, Sales and Storage	10,000	100	20	25	25	30	60
Commercial / Trade School	10,000	80	50	15	15	30	60
Private Communication Facilities	43,560	100	100	25	25	35	25
Contractor Establishment with Outdoor Yard	7,500	65	-	5	25	30	75
Exterminator	7,500	65	-	5	25	30	75
Garden Centre / Nursery	2 (ac)	150	50	25	25	-	-
General Agricultural, excluding livestock	20 (ac)	300	25	10	15	-	-
Lumber Yard	15,000	100	20	10	25	30	60
Maintenance Yards and Machine Shops	2 (ac)	150	50	25	25	-	-
Mini / Self Storage	10,000	80	50	15	15	30	60
Mobile Home Sales	10,000	80	50	15	15	30	60
Public Parks, Playgrounds and Outdoor Recreation	5,000	50	30	45	5	30	60
Public Utilities	250	10	-	-	-	35	90
Rendering Plants and Abattoirs	2 (ac)	200	75	50	50	-	-
Transportation Industry	7,500	65	30	5	25	30	75
Transportation Terminal	7,500	65	30	5	25	30	75

Notes:

(a) In the case of a reversed corner site, there shall be a minimum side yard of fifteen (15) feet on the street side of the reversed corner site unless a greater requirement is indicated in the Bulk Table.

(b) Notwithstanding anything herein, in the case of detached accessory buildings or structures used for storage of hazardous materials, all yards for the said accessory buildings or structures shall be the same as those required for the principal buildings or structures.

Table 12 – O Bulk Regulations

O	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (ft)	Front Yard (ft) (a)	Side Yard (ft) (a)	Rear Yard (ft) (a)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	30	10	10	30	10
Campground or RV Park	10,000	80	50	15	15	30	10
Public Parks, Playgrounds and Outdoor Recreation	20,000	100	30	25	25	30	60
Wildlife / Nature Reserve	2 (ac)	200	125	25	25	-	-

Notes:

(a) Buildings, structures and hedges which are adjacent to a Government road Allowance shall have a front, side or rear yard of one hundred and twenty-five (125) feet.

Table 13 – PR Bulk Regulations

PR	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (ft)	Front Yard (ft) (a)	Side Yard (ft) (a)	Rear Yard (ft) (a)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	30	10	10	30	10
Campground or RV Park	10,000	80	50	15	15	30	10
Community Facilities	5,000	50	25	10	25	-	-
Golf Course	21,780	300	30	25	25	30	60
Indoor Recreation Facility	20,000	100	30	25	25	30	60
Public Parks, Playgrounds and Outdoor Recreation	5,000	50	30	45	5	30	60
Public Utilities	250	10	-	-	-	35	90
Public Washroom	3,000	50	25	10	10	30	50
School	20,000	100	30	10	10	30	60
Shooting Ranges	20,000	100	30	25	25	30	60

Notes:

(a) Buildings, structures and hedges which are adjacent to a Government road Allowance shall have a front, side or rear yard of one hundred and twenty-five (125) feet.

Table 14: SRR Bulk Regulations

SRR	Minimum Standards					Maximum Standards	
	Site Area (ac)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	30	10	10	30	10
Campground or RV Park	2	200	125	25	25	-	-
Dwelling, Single-Unit	2	200	25	15	15	-	-
Golf Course	1	300	30	25	25	30	60
Public Parks, Playgrounds and Outdoor Recreation	1	-	-	25	25	-	-
Wildlife / Nature Reserve	2	200	125	25	25	-	-

Table 15: R1 Bulk Regulations

R1	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	20	5	5	15	10
Bed and Breakfast	8,000	60	20	5	25	35	40
Childcare Facility	8,000	80	30	15	25	35	40
Private Communication Facilities	43,560	100	100	25	25	35	25
Dwelling, Single-Unit	8,000	60	20	5 (a) (b)	25	35	40
Dwelling, Two-Unit	15,000	100	20	5 (a) (b)	25	35	40
Place of Worship	21,780	100	30	15	25	35	60
Public Parks, Playgrounds and Outdoor Recreation	5,000	50	30	45	5	30	60
Public Utilities	250	10	-	-	-	35	90
School	217,800	200	75	15	25	35	40
Senior Citizen Care Home	21,780	100	75	15	25	35	40

Notes:

(a) Single-unit and Two-unit dwellings with an attached garage shall have side yard requirements of five (5) feet. Without an attached garage, one side yard shall be a minimum of ten (10) feet.

(b) The side yard on the street side of a corner site shall be fifteen (15) feet.

Table 16: R2 Bulk Regulations

R2	Minimum Standards					Maximum Standards	
	Site Area (ft ²)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	20	5	5	15	10
Bed and Breakfast	8,000	60	20	5	25	35	40
Boarding / Rooming House	21,780	100	75	15	25	35	40
Childcare Facility	8,000	80	30	15	25	35	40
Private Communication Facilities	43,560	100	100	25	25	35	25
Dwelling, Mobile	2 (ac)	200	25	10	10	-	-
Dwelling, Multi-Unit	12,500	75	25	15	25	35	60
Dwelling, Single-Unit	8,000	60	20	5 (a) (b)	25	35	40
Dwelling, Two-Unit	15,000	100	20	5 (a) (b)	25	35	40
Place of Worship	21,780	100	30	15	25	35	60
Public Parks, Playgrounds and Outdoor Recreation	5,000	50	30	45	5	30	60
Public Utilities	250	10	-	-	-	35	90
Residential Care Facility or Group Home	9,000	80	30	15	25	35	40
School	217,800	200	75	15	25	35	40
Senior Citizen Care Home	21,780	100	75	15	25	35	40

Notes:

(a) Single-unit and Two-unit dwellings with an attached garage shall have side yard requirements of five (5) feet. Without an attached garage, one side yard shall be a minimum of ten (10) feet.

(b) The side yard on the street side of a corner site shall be fifteen (15) feet.

Table 17 – RM Bulk Regulations

RM	Minimum Standards					Maximum Standards	
	Site Area (ac)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	20	5	5	15	10
Agricultural Implement Sales and Service	2	200	50	25	25	-	-
Anhydrous ammonia sales and storage	3	200	75	50	50	-	-
Auction Marts, excluding livestock	2	200	50	10	25	-	-
Chemical Processing, Sales and Storage	10,000 (ft ²)	100	20	25	25	30	60
Private Communication Facilities	43,560 (ft ²)	100	100	25	25	35	25
Contractor Establishment	2	200	125	25	25	-	-
Contractor Establishment with Outdoor Yard	2	200	125	25	25	-	-
Exterminator	7,500 (ft ²)	65	-	5	25	30	75
Garden Centre / Nursery	2	150	50	25	25	-	-
General Agricultural, excluding livestock	20	300	25	10	15	-	-
Heavy Manufacturing	2	200	50	50	50	-	-
Light Manufacturing	2	200	50	25	25	-	-
Lumber Yard	2	150	50	25	25	-	-
Maintenance Yards and Machine Shops	2	150	50	25	25	-	-
Mini / Self Storage	10,000 (ft ²)	80	50	15	15	30	60
Public Parks, Playgrounds and Outdoor Recreation	5,000 (ft ²)	50	30	45	5	30	60
Public Utilities	250 (ft ²)	10	-	-	-	35	90
Public Works Facility	1	150	50	10	25	-	-
Rendering Plants and Abattoirs	2	200	75	50	50	-	-
Resource Related Industrial	3	200	75	50	50	-	-
Veterinary Clinic / Animal Shelter	2	200	125	25	25	-	-
Warehouse and Storage	15,000 (ft ²)	100	25	15	25	30	60

Table 18 – RR Bulk Regulations

RR	Minimum Standards					Maximum Standards	
	Site Area (ac)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)	Site Coverage (%)
Accessory Uses, Buildings and Structures	-	-	20	5	5	15	10
Bed and Breakfast	2	200	25	10	15	-	-
Private Communication Facilities	1	100	100	25	25	35	25
Dwelling, Mobile	2	200	25	10	10	-	-
Dwelling, Single-Unit	2	200	25	10	10	-	-
Dwelling, Two-Unit	3	200	75	10	15	-	-
General Agricultural, excluding livestock	20	300	25	10	15	-	-
Public Parks, Playgrounds and Outdoor Recreation	5,000 (ft ²)	50	30	45	5	30	60
Public Utilities	250 (ft ²)	10	-	-	-	35	90

4 USE SPECIFIC STANDARDS

4.1 LIVESTOCK OPERATIONS

The establishment of new or expanded livestock operations after the date of the adoption of this By-law must adhere to setbacks identified in Bulk Regulations and to the site requirements for the respective zone in which the land is located as well as the minimum separation distances for livestock operations located in Table 20 and Table 21. Council may consider minor variations to these requirements based on unique circumstances of an individual application. Additional requirements for the siting of new structures associated with new or expanded livestock operations are as follows:

- a) The siting of all new structures associated with a new or expanded livestock operations, being more than 75 animal units in the vicinity of the either the Red River or the Roseau River shall maintain a setback of one (1) kilometer (3280 feet) from the Ordinary High Water Mark (OHWM).
- b) Structures in the vicinity of other designated waterways shall maintain a setback of 152 metres (500 feet) from the OHWM.

Table 19 – Livestock Operation Animal Unit Calculation Table

Animal	Type	Animal Units (AU) Produced by One Animal	Number of Animals to Produce One AU
Dairy	Milking Cows, including associated livestock	2	0.5
Beef	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture / replacement heifers	0.625	1.6
	Feeder Cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.25	0.8
	Sows, farrow to weanling	0.25	4
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers / finishers	0.143	7

	Boars (artificial insemination operations)	0.2	5
Chickens	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.2	5
	Feeder Lambs	0.063	16
<p>Example: To calculate the number of <i>animal units</i> for a livestock production operation, multiply the number of head by A.U. in that category: Eg. 20 milking cows X 2.0 A.U. per head = 40 <i>animal units</i>.</p>			

Table 20 – Livestock Operation Minimum Separation Distances from a Residence

Size of Livestock Operation in Animal Units (AU)	Separation Distance from a Residence	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility
10 – 100	200 m (656 ft)	100 m (328 ft)
101 – 200	300 m (984 ft)	150 m (492 ft)
201 – 300	400 m (1,312 ft)	200 m (656 ft)
301 – 400	450 m (1,476 ft)	225 m (738 ft)
401 - 800	500 m (1,640 ft)	250 m (820 ft)
801 – 1,600	600 m (1,968 ft)	300 m (984 ft)
1,601 – 3,200	700 m (2,297 ft)	350 m (1,148 ft)
3,201 – 6,400	800 m (2,625 ft)	400 m (1,312 ft)
6,401 – 12,800	900 m (2,953 ft)	450 m (1,476 ft)
>12,800	1000 m (3,281 ft)	500 m (1,640 ft)

Table 21 – Livestock Operation Minimum Separation Distances from a Designated Area

Size of Livestock Operation in Animal Units (AU)	Separation Distance from a Designated Area	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility
10 – 100	800 m (2,625 ft)	530 m (1,739 ft)
101 – 200	1200 m (3,397 ft)	800 m (2,625 ft)
201 – 300	1600 m (5,249 ft)	1070 m (3,511 ft)
301 – 400	1800 m (5,906 ft)	1200 m (3,937 ft)
401 - 800	2000 m (6,561 ft)	1330 m (4,364 ft)
801 – 1,600	2400 m (7,874 ft)	1600 m (5,249 ft)
1,601 – 3,200	2800 m (9,186 ft)	1870 m (6,135 ft)
3,201 – 6,400	3200 m (10,499 ft)	2130 m (6,988 ft)
6,401 – 12,800	3600 m (11,811 ft)	2400 m (7,874 ft)
>12,800	4000 m (13,123 ft)	2670 m (8,760 ft)

4.1.1 Standards for Livestock Operations

Livestock operations shall:

- c) Meet the separation distances as stipulated in the development plan and based on the animal unit calculations and criteria outlined in Bulk Regulations Tables [5 through 18]. Mutual separation distances to single residences will be measured to the building itself; separation distances to designated areas will be measured to the boundaries of the designated areas found in the development plan, not the buildings within.
- d) Be subject to the following conditions, if imposed by Council on conditional use livestock operations:
 - i. Measures to ensure conformity with the development plan and Zoning By-law;
 - ii. Either or both of the following measures to reduce odours from the operation:
 - a. covering manure storage facilities; or
 - b. the establishment of shelterbelts;
 - iii. Enter into a development agreement regarding one or more of the following:
 - a. The timing of construction;
 - b. The control of traffic;
 - c. The construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts; and
 - d. The payment of a sum of money to the board or Council to be used by the board or Council to construct any of the items mentioned above.

4.1.2 Additional Standards for Large Livestock Operations

In addition to the standards in 4.1.1, an application for approval of a livestock operation involving 300 or more animal units (cumulative across species) shall:

- a) Be sent to the Minister for referral to the Technical Review Committee for review.
- b) Be subject to any measures required to implement the recommendations of the Technical Review Committee, if imposed by Council.

4.2 HOME-BASED BUSINESS

Home-based businesses must:

- a) Be conducted by a person or persons residing in the dwelling (except for in Agricultural Zones);
- b) In Agricultural Zones, not have more than four people employed or otherwise engaged in the business who do not reside in the dwelling;
- c) Not have processing or outside storage of goods in the R1 , R2, and CC zones;
- d) Not have more than 30 per cent of the total floor area of buildings on the site devoted to the business;
- e) Have a maximum of one business sign, either freestanding or affixed to the wall of a principal or accessory building, not exceeding:
 - i. 40 square feet in the zones AG1, AG2, AG3 and RR
 - ii. 10 square feet in all other zones where home-based businesses are allowed; and
- f) In the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a development permit will be issued.

4.3 HOME-BASED INDUSTRY

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

- a) In the RR zone, exterior storage of products or materials must be limited to the rear yard and be screened from view from adjacent properties and the public right of way. The items in storage shall not project above the height of a fence or screening;
- b) In the RR zone, the area used to carry out the Home Industry shall not occupy more than 100 square metres (1076 square feet);
- c) Signage for the Home Industry shall be located on the subject property and limited to one non-illuminated sign not to exceed:
 - i. 3 square metres (32 square feet) in the AG1, AG2 and AG3 zones; or
 - ii. 1.5 square metres (16 square feet) in the RR zone;
- d) A Home Industry shall be conducted by a resident or residents of the dwelling unit to which the Home Industry is secondary, and may employ a maximum of:
 - i. five non-resident persons in the AG1, AG2 and AG3 zones; or
 - ii. two non-resident persons in the RR zone;
- e) The proponent of the Home Industry must obtain a development permit before establishing or expanding a Home Industry on a site; and
- f) In the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a development permit will be issued.

4.4 CONDOMINIUMS

Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof,

open space, roadways, pathways and equipment held by the condominium corporation. The following provisions are provided for the different types of condominium developments:

- a) In bare land unit condominium developments:
 - i. Each “bare land unit” as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a “site” as defined herein for the purposes of determining site area and width, yards and other requirements;
 - ii. Those “common elements”, as defined in *The Condominium Act*, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lane but not including pedestrian walkways or off-street vehicle parking, shall be considered:
 - a. A “street” as defined herein where such thoroughfare is over 10 metres (33 feet) feet in width;
 - b. A “lane” as defined herein where such thoroughfare is not over 10 metres (33 feet) in width; and
 - c. The provisions of the Use Table and Bulk Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply.
- b) In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multi-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling for the purposes of this By-law, and the building containing the condominium units shall be considered a multi-family dwelling for the purposes of any bulk requirements.
- c) Condominium developments which propose a mixture of different land uses or which do not conform to the requirements of this By-law, may be deemed by Council a Planned Unit Development and shall be subject to Subsection 4.8 below.

4.5 DWELLING, TWO-UNIT

A two-unit dwelling shall have no required side yard on a side that shares a party wall with a building on an adjacent site.

4.6 DWELLING, MULTI-UNIT

A development application for multiple family dwellings may require plans drawn to scale showing the following:

- a) The exact shape and dimensions of the zoning site to be built upon, verified by a surveyor's certificate, prepared by a Manitoba Land Surveyor, indicating the location of any existing structures, and where there is an existing structure on the adjoining site, the location of the nearest wall of said structure;
- b) A site plan indicating the proposed building or buildings to be erected or altered;
- c) The intended use of each building or part thereof, the number of storeys and gross floor area;
- d) The location of entrance and loading points to existing and proposed structures;
- e) The location of all curb cuts, driveways, parking areas, and loading areas, and the method of illumination;
- f) The location and type of landscaping, walls, fences and screening;
- g) Typical floor plans and elevations of proposed buildings and structures;
- h) The number of dwelling units that a building is designed to accommodate;

- i) The location of all outside facilities for waste disposal, and the location of fire hydrants;
- j) All pedestrian walks, malls and open areas for use by tenants or the public;
- k) The location, size, height and orientation of all signs other than flat signs on building facades;
- l) The type of ground surfacing to be used at various locations; and
- m) The method of servicing (i.e. septic field, municipal sewer, etc).

4.7 SUBDIVISION OF ATTACHED DWELLINGS

4.7.1 Subdivision of Attached Dwellings Regulations

A site with a two-family dwelling may be split into two or more sites provided that:

- a) Any new site line shall 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. Where the new site line is unable to form a straight line due to the irregular shape of the site, the location of that new site shall be determined by the conditions of any subdivision approval and verified by a Manitoba Land Surveyor;
- b) Each site created shall have frontage on a street, lane or right-of-way;
- c) The permitted use for each site created shall be for one attached single-unit dwelling and permitted accessory uses only;
- d) All applicable provisions of the Rural Municipality of Emerson-Franklin Building By-Law shall be complied with;
- e) Each site created shall provide not less than one (1) parking space to be located within a garage or in the side or rear yard and having access directly to either a public lane, street or right-of-way. Where, due to space or access limitations, the required parking spaces cannot be located in the side or rear yard, Council may approve parking spaces in the front yard and may establish conditions for such parking spaces; and
- f) All applicable provisions of the Rural Municipality of Emerson-Franklin Building By-law shall be complied with.

4.7.2 Site Requirements

Notwithstanding the minimum requirements of the Bulk Tables in Part 3 of this By-law, any parcel created pursuant to this Section shall adhere to the following site requirements:

- a) Each site created must provide yards not less than the yards required within that zoning district; except that the minimum side yard along the new site line may be 0 feet in width;
- b) Any parcel created pursuant to this section shall have a minimum area of 2000 square feet and a minimum frontage of 20 feet for serviced dwelling sites; and
- c) Any parcel created pursuant to this section shall have a minimum site area of 2 acres and a minimum site width of 100 feet for unserviced dwelling sites.

4.8 PLANNED UNIT DEVELOPMENT

Planned Unit Developments shall only be considered as a conditional use in the General Development Zone, and shall be regulated by the following provisions:

- a) The Use Table and Bulk Table of the zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable

- character and shall incorporate at least equivalent standards of amenity, open space, building separation, parking and other requirements and provisions of this By-law;
- b) An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - i. Those requirements normally required for the issuance of a development permit; and
 - ii. Such additional information as Council may consider necessary for the review of the proposal, for example a building location certificate.
 - c) A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
 - i. The minimum site area for a Planned Unit Development shall be one (1) acre if serviced and two (2) acres if unserviced;
 - ii. In no case shall buildings be closer to each other than the sum of the required yards for adjoining walls; and
 - iii. The density of development shall not be increased by greater than ten (10) percent of the normal density permitted in that zone.

4.9 CAMPGROUND OR RV PARK

- a) Maximum development density: 8 Travel trailer, camping unit or cabin spaces per developed acre
- b) Maximum number of travel trailers, camping units or cabins per space: 1 Travel trailer, camping unit or cabin per space
- c) Minimum and maximum floor area of cabins: 200 sq. ft. and 20% of site area respectively
- d) Minimum area of each travel trailer, camping unit or cabin space: 3,200 sq. ft.
- e) Minimum width of each travel trailer, camping unit or cabin space: 40 feet
- f) Minimum side to side and end to end clearance between travel trailer, camping unit or cabin units, including projections: 15 feet
- g) Minimum number of parking spaces: 1 parking space on each camping unit, travel trailer or cabin space
- h) Minimum roadway surface and roadway right-of way: 18 feet and 30 feet respectively
 - i. Minimum distance from travel trailer, camping unit, cabin and service building
 - a. To any public roadway: 30 feet
 - b. To any park boundary: 15 feet

4.10 PUBLIC BUILDING HEIGHT

Public buildings may be erected to a height not exceeding seventy-five (75) feet provided the minimum front, side and rear yard requirements of the zone in which they are located are increased by fifty (50) percent.

4.11 STORAGE OR DISPLAY OF MERCHANDISE

There shall be no storage or outdoor display of merchandise in the required front, side and rear yards of the Commercial Central District, except for storage in the required front and rear yards for the following uses: Automobile and Trailers Sales, Automobile Service Station, and Equipment or Agricultural Implement Sales and Service. These exceptions must maintain the accessory rear yard requirements and a 1 foot accessory front yard.

4.12 ENTRANCE AND EXITS FOR AUTOMOBILE SERVICE STATIONS, PUBLIC PARKING AREA

Except wherein otherwise stated, vehicle access to automobile service stations or parking areas shall be only by way of entrances and exits in accordance with the following regulations:

- a) The minimum width of an entrance or exit shall be 6.1 metres (20 feet);
- b) The minimum width of a combined entrance and exit shall be 10.7 metres (35 feet);
- c) The maximum width of an entrance or exit shall be 12.2 metres (40 feet);
- d) The maximum width of a combined entrance and exit shall be 18.3 metres (60 feet);
- e) The minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane shall be 9.2 metres (30 feet);
- f) The minimum distance between entrances and exits shall be 9.2 metres (30 feet); and
- g) The owner of the property shall provide and maintain a barrier at least (1) foot high on or near all street site lines so as to prevent vehicles from entering or leaving the property other than by way of the entrances and exits permitted in this Section.

4.13 PRIVATE COMMUNICATIONS FACILITIES

A private communications facility may be allowed as an accessory use in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located or erected, with the following exceptions:

- a) A private communications facility is not subject to the height requirements for accessory structures;
- b) A private communications facility may be located in any rear or side yard in any zone. It may also be located in any front yard in the AG1, AG2, AG3 and RR zones; and
- c) A private communications facility shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from grade to the uppermost point of its extension.

4.14 ANIMAL KEEPING

The following requirements must be met for all cases where livestock or other animals (excluding pets) are sheltered, bred, raised, or sold and where the amount of animals kept on one site do not meet or exceed 10 animal units (AU), cumulative across species:

- a) A maximum of one animal unit (cumulative across species) is permitted for every 8,094 square metres (2 acres) of site area;
- b) The keeping of livestock must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this By-law;
- c) Any ground-level structure intended for the keeping of animals must maintain a minimum setback of 4.5 metres (15 feet) from any site line; and
- d) Animal feed must be properly stored in enclosed vessels, areas or enclosures intended for the keeping of animals and must be properly cleaned and maintained to prevent odours from spreading onto abutting properties.

4.15 BED AND BREAKFASTS

A bed and breakfast shall only be permitted subject to the following requirements:

- a) The operator must reside within the principal residence to which the Bed and Breakfast is an accessory use;
- b) No more than eight patrons shall be accommodated within one dwelling;
- c) No more than five bedrooms shall be used for the bed and breakfast operation;
- d) One additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation; and
- e) Signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located.

4.16 SECONDARY SUITES

Secondary suites shall only be permitted subject to the following regulations:

- a) Not more than one secondary suite shall be permitted on a single zoning site;
- b) A minimum of one off-street parking space must be provided for a secondary suite, in addition to the parking required for the principal building.
- c) The maximum floor area of the secondary suite shall not exceed 80 square metres (860 square feet) or 40 percent of the total habitable floor space of the principal building (whichever is the lesser).
- d) Detached secondary suites must follow the setback standards for accessory buildings and structures provided in the Bulk Tables.

4.17 STANDARDS FOR WIND ENERGY GENERATING SYSTEMS

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

- a) It is set back no less than 1.0 times the total turbine height from the property line and any public road or railway right of way. This setback distance can be reduced to .5 times the total turbine height where the property line(s) nearest to any given turbine define and separate properties belonging to the same landowner with a lease of the same type and duration;
- b) It is set back no less than 30 metres (100 feet) from a water body or waterway;
- c) The minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 402 metres (1320 feet);
- d) The minimum separation distance between a commercial wind energy generating system tower and the LUD of Emerson or the nearest GD or RR or SRR Zone shall be 805 metres (2640 feet);
- e) It contains no commercial advertising other than the manufacturer's or owner's name or logo;
- f) It contains no artificial lighting other than the lighting that is required by federal and provincial regulation; and
- g) As part of their development permit application, proponents for Wind Energy Generating Systems must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system.

4.18 SEPARATION DISTANCES FOR QUARRIES

Mutual separation distances between any new residential dwellings, including cottage dwellings and mobile homes or any land to be zoned for rural residential purposes and any quarry operation shall maintain a minimum separation distance of 152 metres (500 feet), except where

the Province recommends a lesser separation distance due to the existing physical factors or a required buffer. Owners/operators or caretakers that have a residence located on the same site as the aggregate operation, that is otherwise in accordance with the Zoning By-law, are excluded from this requirement. The mutual separation distance is deemed to be a yard requirement consistent with the provisions contained in *the Act*.

4.19 SEPARATION DISTANCES FOR SEWAGE TREATMENT SITES

A mutual separation distance of 402 metres (1,320 feet) shall be maintained between a habitable dwelling and a sewage treatment site or lagoon.

4.20 SEPARATION DISTANCES FOR SOLID WASTE DISPOSAL SITES

A mutual separation distance of 457 metres (1,500 feet) shall be maintained between a habitable dwelling and a solid waste disposal site. This mutual separation distance may be reduced only if it can be conclusively demonstrated by an engineering study, to the satisfaction of Council that methane gas generation will not create a problem in the habitable dwelling.

4.21 SEPARATION DISTANCES FOR ANHYDROUS AMMONIA SALES AND STORAGE

Anhydrous Ammonia Sales and Storage facilities shall be located at a minimum distance of:

- a) 1500 metres (5,000 feet) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens' homes, and other institutional facilities;
- b) 1500 metres (5,000 feet) away from the LUD of Emerson or any GD, RR, or SRR zone;
- c) 500 metres (1,640 feet) from any dwelling;
- d) 50 metres (160 feet) away from any creek, stream, or environmentally sensitive area; and
- e) 100 metres (330 feet) from the edge of the right-of-way of a provincial road or highway.

5 DEFINITIONS

5.1 RULES OF CONSTRUCTION

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

- a) Words, phrases and terms are as defined within this By-law;
- b) Words, phrases and terms not defined within this By-law shall be as defined in The Planning Act, Municipal Act, Buildings and Mobile Homes Act and/or the Building, Electrical or Plumbing By-laws of the Rural Municipality of Franklin;
- c) Words, phrases and terms neither defined within this By-law nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of Franklin shall be given their normative meaning except where Council determines 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 either-or, the conjunction shall be interpreted as follows:
 - i. *and* indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - ii. *or* indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.
 - iii. *either-or* indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- f) The word includes or including shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.

Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is conflict the more restrictive regulation shall prevail, except as otherwise approved by Council.

5.2 DIVISIONS OF BY-LAW

This By-law is divided into six (6) Parts. A number-lettering system has been used throughout the By-law. The number-lettering system is illustrated as follows:

- 1** Part
- 1. Section
- 1.1. Subsection
- 1.1.1 a) Paragraph
- 1.1.1 a) i. Clause
- 1.1.1 a) i. a. Point

5.3 GENERAL DEFINITIONS

The following definitions apply to the text of this By-law:

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

"Accessory" when it is used in this By-law, shall have the meaning as an accessory use, building or structure.

"Accessory use, building or structure" means a subordinate use, building or structure 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 or structure, attached"** means an accessory building or structure which is attached to the 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 or structure, detached"** means an accessory building or structure 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 Bulk Tables shall be used.
- c. **"Accessory Building or structure, 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.

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

"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.

"Alterations, 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 residential 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 conduits.
- b. Changes or replacements in the structural parts of a building, 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.

"Animal Unit" means the number of animals of a particular category of livestock that excrete 73.00 kg. (160.93 lb.) of nitrogen in a twelve month period.

"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.

"**Buffer**" means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.

"**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.

"**Building, height**" means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip gambrel roof.

"**Building Permit**" means a permit issued by the Municipality authorizing the construction or alteration of all or part of any building or structure, in accordance with the applicable codes and standards

"**Bulk**" means the following:

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

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

"**Child care services**" means the provision of care for remuneration or reward to a child apart from his or her own parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours:

- a. "**Home day care**" means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), with access to an outdoor recreation area.
- b. "**Group day care**" means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.

"**Completely enclosed**" means a structure or building consisting of four (4) walls and a roof.

"**Conditional use**" means the use of land or building as provided for in *The Act*.

"**Council**" means the Council of the Rural Municipality of Franklin.

“Curb cut” means the cutting or lowering of a curb, sidewalk, or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

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

“Designated officer” means a person so designated by Council in accordance with the provisions of *The Act*.

“Development plan” means the *Municipality of Emerson-Franklin Development Plan* as adopted by Council and amendments thereto.

“Elevation/ Lot grade” means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.

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

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

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

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

“Fuel tank sales and storage” means a tank for the bulk storage of petroleum products or other flammable liquids which are being legally kept for sale in a retail store or storage tank which is incidental to the primary use of the premises.

"Garage" means an accessory building or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

"Grade", as applying to the determination of building or structure height, means the average

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

"Lane" means a street not over 10 metres (33 feet) in width.

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

"Mobile Home Park" means a parcel of land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved by Council.

"Non-conforming Use" means any use of a building, or a parcel of land, or a portion of a building, or a parcel of land, lawfully existing prior to the effective date of this By-law, that does not conform to one or more of the applicable use regulations of the zone in which it is located on the effective date of this By-law.

"Non-conformity" means any use, structure, sign, or site, individually or in combination, which lawfully existed prior to the effective date of this By-law, but that does not conform to one or more of the applicable standards on the effective date of this By-law.

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

"Open space" means that required portion of a zoning site at ground level, applicable to specific listed uses, unoccupied by principal or accessory buildings and available to all the occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, unless otherwise provided for herein, but shall be useable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space.

"Outdoor Storage" means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.

"Owner" means an owner as defined in *The Act*.

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

"Parking area" means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

"Parking space" means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

"Party wall" means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

"Permitted use" means the use of land, buildings or structures provided in this zoning by-law for which a development permit shall be issued upon the application having been made, if the use meets all the requirements of this by-law.

"Planned unit development" means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in siting of buildings, mixture of housing types and land uses, useable open spaces and can include the preservation of significant natural features.

"Private pool" means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material that is capable of containing a water depth greater than 60 cm (24 inches) and that is located on the property of a single family dwelling.

"Public education service" means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.

"Public utility" means any system, works, plant equipment or services which furnishes services and facilities available at approved rates to or for the use of 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.

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

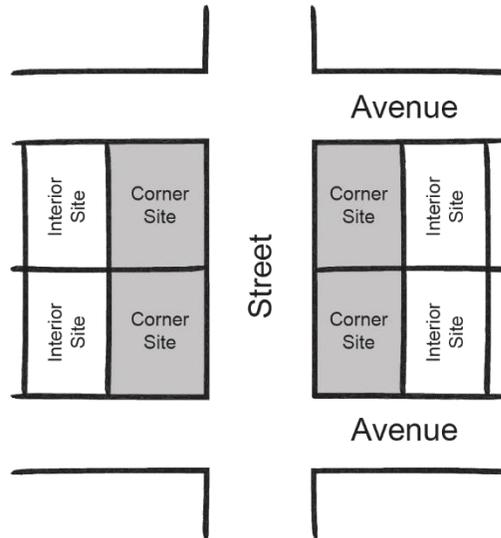
"Separation Distance" means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.

"Setback" means the distance that a development or a specified portion of it must be set back from a lot line.

"Site" means a parcel of land with frontage on a street, lane or right-of-way and of at least sufficient size to provide the minimum requirements for use, area, required yards.

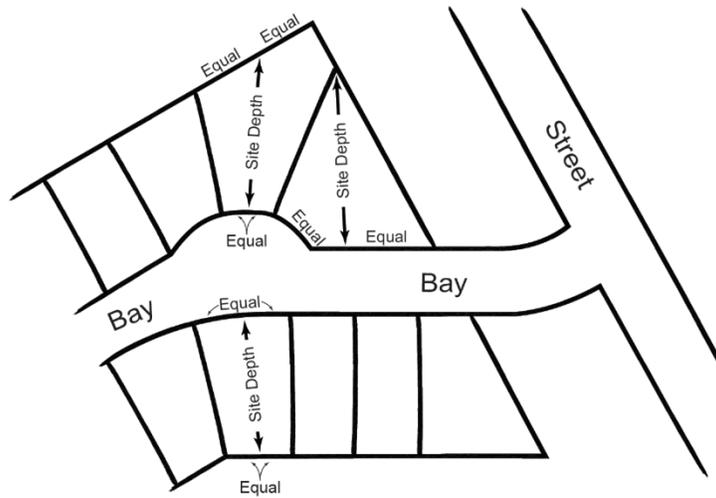
"Site, area" means the computed area contained within the site lines.

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



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

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

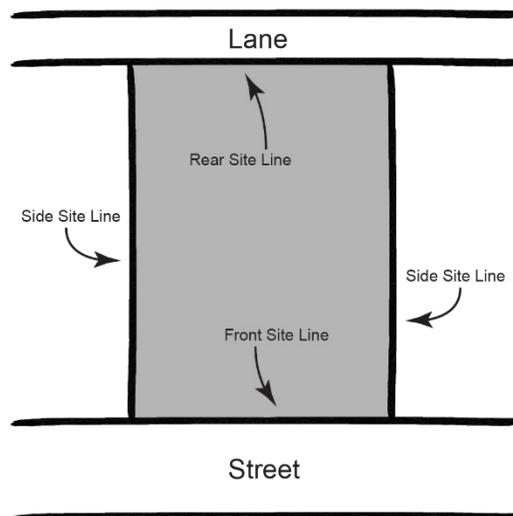


"**Site, frontage**" means all that portion of a zoning site fronting on a street, lane or right-of-way and measured between side site lines (see **figures 1 & 2**). If the site frontage cannot be determined the **Council, development officer or Designated Officer** will establish the frontage

"**Site, interior**" means a site other than a corner site or a through site (see **figure 1 & 2** for other types).

"**Site, key**" means the first site to the rear of a reversed corner site (see **figures 1 & 2**).

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



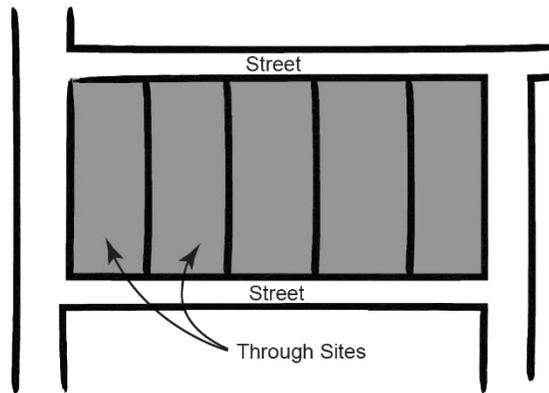
- a. "**Front site line**" means that boundary of a site which is along an existing or designated street, lane or right-of-way. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, in which case the front site line shall be that line which is the continuation of the front site line of the

interior site.

- 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 lines 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 site lines shall be determined by the Council, Development Officer or Designated Officer.

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

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



"**Site, width**" as it pertains to sites rectangular in shape, means the horizontal distance between the side site lines. For all other sites, including pie-shaped and other irregular shaped sites, the site width shall be determined by the **Council, Development Officer** or **Designated Officer**(see figures 1 & 2).

"**Storey**" means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement.

"**Street**" means a public roadway having a right-of-way at least 10 m (33 feet) in width that affords the principal means of access to abutting land.

"**Structure**" means anything constructed, built 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.

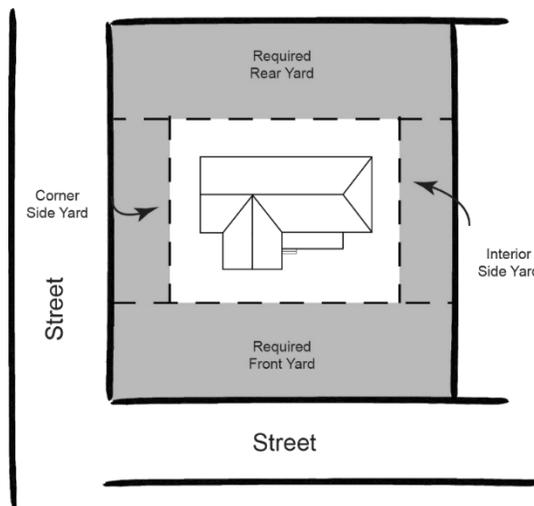
"**Temporary building and use**" means an incidental use, building or structure for which a development permit has been issued for a limited time only.

"Use" means:

- a. Any purpose for which a building or other structure or parcel of 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 other structure or on a parcel of land.

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

- a. "Yard, required, corner side" means a side yard which adjoins a street.
- b. "Yard, required, front" means a yard extending along the full length of the front site line between the side site lines.
- c. "Yard, required, interior side" means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.
- d. "Yard, required, rear" means a yard extending along the full length of the rear site line between the side site lines.
- e. "Yard, required, side" means a yard extending along the side site line from the required front yard to the required rear yard.



5.4 SIGN DEFINITIONS

"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.

"Sign, awning" means a non-illuminated sign painted or stenciled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable, or capable of being folded against the wall or supporting building.

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

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

"Sign, directional" means on premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.

"Sign, electric" means any sign containing electrical wiring or light built into the sign face which are intended for connection to an electrical energysource.

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

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

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

"Sign, official" means a sign required by, or erected pursuant to the provisions of Federal, Provincial or Municipal legislation.

"Sign, mobile" means a sign that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner that the sign can be readily relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

"Sign, real estate" means a sign advertising the sale, rental or lease of the premises on

which it is maintained.

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

"Sign, surface area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three (3) feet from another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of unequal area.

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

5.5 USE CLASS DEFINITIONS

The following provisions are used to identify use categories:

- a. Each use class groups individual land uses with common functional or physical impact characteristics.
- b. The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zones of this By-law.
- c. The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular use class.
- d. Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may deem that the use conforms to and is included in that Use Class which is considered to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zone.

5.5.1 Agricultural Use Class Definitions

"Feedlot" means a fenced or enclosed area where livestock are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.

"General Agricultural" means a use of land for agricultural purposes. These activities can include:

- a. The tillage of land;
- b. the production of agricultural crops, including hay and forages;
- c. the production of horticultural crops including vegetables, fruit, trees, sod and greenhouse crops;

- d. the operation of agricultural machinery and equipment;
- e. the process necessary to prepare a farm product for distribution from the farm gate as an accessory use;
- f. the application of fertilizers, manure, soil amendments and pesticides, including ground and aerial application; and
- g. the storage, use or application of organic wastes from farm purposes.

Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Natural Resource Developments.

“Grain Terminal / Elevator” means a facility or area for the temporary storage of grain for transferal to trucks, train cars, or other forms of transportation.

“Livestock Operation” means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units are kept or raised, either indoors or outdoors, and includes all associated manure storage facilities, but does not include:

- a. an operation for the slaughter or processing of livestock;
- b. an operation for the grading or packing of livestock or livestock products;
- c. an operation for transporting livestock or livestock products;
- d. a livestock auction mart;
- e. an agricultural fair; and
- f. a livestock sales yard where livestock are kept no longer than three days.

“Rendering Plant or Abattoir” means a building, structure, or part thereof, used for the slaughtering of animals and related activities such as rendering.

“Specialized agriculture” means the use of land and sale of apiculture, floriculture, horticulture, including market gardening, orchards and tree farming and similar agricultural activities on a commercial basis.

5.5.2 Civic, Recreational and Educational Use Class Definitions

“Airfield” means any area of land or water that is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.

“Campground or RV Park” 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.

“Cemetery” means land for the burial of the dead and dedicated for cemetery purposes, including pet cemeteries, columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

“Commercial / Trade School” means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the

school. Typical uses include vocational, business, hairdressing, beauty, culture, dancing or music schools.

“Community Facility” means a building or portion of a building used for recreational, social, or multi-purpose uses for the benefit of the local community. Examples include, but are not limited to, cultural centres, libraries, community halls or community clubs.

“Exhibition Grounds” means any use of land or building on a seasonal or temporary basis for entertainment, display, performance, market, auction, fair, or other similar community event.

“Golf Course” means a tract of land laid out with a course having 9 or more holes for playing the game of golf.

“Indoor participant recreation service” means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; paintball games and racquet clubs.

“Private Communication Facilities” means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

“Funeral Home” means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.

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

“Parks, Playgrounds or Outdoor Recreation” means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland. Typical uses include interpretive centres, picnic grounds, pedestrian trails and paths, playgrounds, athletic fields, paintball games, riding stables and fitness trails.

“Protective or Emergency Service” means a development is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency equipment which is necessary for the local distribution of services. Typical uses include fire stations, police stations, emergency medical services, and ancillary training facilities.

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

“Public Utility” means any system, works, plant, equipment or services which furnishes services and facilities available at approved rates including but not limited to:

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

“Public Washroom” means a room or building containing sanitary uses available for use by the general public.

“Religious assembly” means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

“School” means an accredited school under the sponsorship of a public, private, or religious agency providing instruction to students between the kindergarten and senior high school levels and may include a day care centre.

“Shooting Range” means an area provided with targets for the controlled practice of shooting rifles, pistols or other armaments.

“Solid Waste Disposal Site” means a permanent facility, either publicly- or privately-owned, operated for the purpose of disposing of or composting solid waste.

“Stables and Riding Academies” means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted.

5.5.3 Industrial Use Class Definitions

“Anhydrous Ammonia Sales and Storage” means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer.

“Asphalt and Concrete Batching Plant” means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process.

“Automotive Service” means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. Typical uses include transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops, but does not include body repair and paint shops.

“Automotive Wrecking” means any site upon which 2 or more vehicles of any kind, which are incapable of being operated have been placed for the purpose or action of obtaining parts for recycling or resale purposes. Building materials, scrap metal or any other kind of salvage are also to be included in this use.

“Chemical Processing, Sales and Storage” means a premises primarily intended for the storage, sale or distribution of synthetic or petroleum based fluids or chemicals, fertilizers, or other potentially hazardous materials. The sale or distribution of such materials are primarily intended to be on a wholesale basis to commercial or industrial users, or to customers such as farmers, who normally buy in large volume or in bulk.

“Contractor’s Establishment” means a building or part of a building or land area for the construction or storage of materials, equipment, tools, products or vehicles.

“Exterminator” means a commercial establishment for an individual whose occupation is the extermination of troublesome rodents and insects.

“Heavy Manufacturing” means a use of land that includes the assembly, fabrication, and/or processing of goods and materials using process that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odours, glare, or health or safety hazards, or that otherwise do not constitute light manufacturing.

“Light Manufacturing” means the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odours, glare or health or safety hazards outside of the building or site where site operation takes place.

“Mini / Self Storage” means an enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats, and other vehicles.

“Quarry” means a temporary pit or quarry opened and used for the purpose of aggregate extraction.

“Resource Related Industrial” means premises established for the purposes of oil extraction, mineral extraction, forestry, fishing, trapping, hunting, or hydro.

“Transportation Industry” means an area used for the general operations associated with trains and the switching, storing, assembling, distributing, repairing, weighing, or transferring of cars, trains, engines, and rolling stock.

“Warehouse and Storage” means a permanent facility for the storage of products, supplies, and equipment within an enclosed building.

“Wind Energy Generating System” is an electrical generating facility comprised of a wind turbine and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a sub-station, temporary or permanent wind-monitoring tower(s) and access road(s). A wind energy generating system is designed and built to provide electricity for commercial sale and distribution to the electricity grid.

“Total Turbine Height” means the height from finished grade to the highest vertical point of the swept rotor arc, in the case of a wind turbine with a horizontal axis rotor.

5.5.4 Residential Use Class Definitions

"Boarding or Rooming House" means a building or portion thereof, other than a hotel or motel without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and family.

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

"Dwelling, Single-unit" means a building, located on a single site, containing one dwelling.

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

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

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

"Mobile Home Park" means a are designed for dwelling units designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations.

"Residential Care Facility" means a group home for five (5) or more residents.

"Senior Citizen Care Home" means a multiple unit dwelling or building containing individual rooms or suites where elderly people live independent of personal care.

5.5.5 Residential Related Use Class Definitions

"Bed and breakfast" means a principal dwelling where sleeping accommodations with or without light meals is provided to members of the travelling public for remuneration.

"Hotel/ Motel" means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meetingrooms.

5.5.6 Commercial Use Class Definitions

"Agri-Business" means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.

“Amusement hall or theatre” means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use class includes arcades and pool halls but does not include Carnivals.

“Automotive and recreational vehicle sales” means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sales parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.

“Drinking Establishment” means a structure or part of a structure designed, maintained and operated primarily for the dispensing of alcoholic beverages and may include the selling of food and/or snacks. If the bar/lounge is part of the larger dining facility it shall be defined as that part of the structure so designated and/or operated.

"Drive-Through Restaurant / Service" 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. This use class includes restaurants, coffee shops, ATM and other similar uses.

“Financial Institution” means a development primarily used for the provision of professional management, administration, consulting and financial services. Typical uses include the office of lawyers, accountants, engineers and architects; offices for real estate and insurance firms; clerical, secretarial, employment, call services and similar office support services; banks, credit unions, loan offices and similar financial uses.

“Fuels Sales” means a development used for the retail sale of gasoline, other petroleum products, auto accessories, automobile servicing, washing and repairing of vehicles and other similar uses. Service Stations may include Eating and Drinking Establishments. Typical uses include truck stops and highway servicestations.

“Garden Centre / Nursery” means a development used primarily for the raising, storage and sale of bedding, household, horticultural and ornamental plants.

“Grocery Store” means a large retail store that sells primarily dry goods, produce, and other packaged food or food related products.

“Lumber Yard” means a premise where lumber, construction materials, building products, hardware items, home decorating materials and the like are stored and or displayed for sale.

“Mobile Home Sales” means a premise where mobile home dwellings are stored or displayed for sale.

“Restaurant” means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

“Retail / Personal Service” means a development used for the retail sale of those goods required by area residents or employees. Typical uses include food stores, clothing stores, drug stores, variety/ convenience stores selling confectionary, beverages, pharmaceutical and personal care items, hardware printed matter and similar uses. Use can be considered large or small.

“Transportation Terminal” means a development where commercial passenger vehicles pick up and discharge fare paying passengers or a development used for the sale, rental, repair or storage of commercial vehicles. This use class includes vehicle repair shops, eating and drinking areas, gas bars, retail sales and service stations.

“Truck, Farm Implement and Machine Sales, Service and Rental” means the use of land, buildings or structures for the purpose of storing, repairing, servicing or selling trucks, transportation trailers and/or farm implements and machinery. The Use Class includes automotive repair, eating and drinking areas, gas bar, retail sales, and service station as accessory uses.

“Veterinary Clinic / Animal Shelter” means a development used for the care and treatment of animals where the veterinary services primarily involve outpatient care and minor medical procedures. This Use Class includes pet clinics and veterinary offices.

“Wholesale Sales” means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

5.5.7 Accessory Use Class Definitions

“Airfield, Private” means any area of land or water that is privately used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used to intended for t use in airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.

“Animal Keeping” means the keeping of livestock or other animals (excluding pets) to be sheltered, bred, raised, or sold where the amount of animals kept on one site does not meet or exceed 10 animal units (AU).

“Home occupation” means a use which:

- a. Is carried on in a dwelling unit or its permitted accessory building;
- b. Is carried on solely by the members of the family residing at the same dwelling unit without the employment of other persons;
- c. Is incidental to or secondary to the use of the dwelling unit;
- d. There is no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein;
- e. In the opinion of the Council is not offensive or obnoxious or create a nuisance; and
- f. Does not cause the generation of undue traffic and congestion in the neighbourhood.

“Home industry” means non offensive light manufacturing activities and small businesses that may be permitted as a second use, in addition to the principal use.

“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 purposes of sale.

“Secondary Suite” means a second dwelling unit detached from, attached to or within a principal building, that provides basic requirements for living, sleeping, cooking and sanitation.

6 SCHEDULES

6.1 ZONING BY-LAW MAPS

MUNICIPALITY OF EMERSON-FRANKLIN ZONING

MAP 1

ZONES

- AG1, Agricultural 1 Zone
- AG2, Agricultural 2 Zone
- GD, General Development Zone
- RR, Rural Residential Zone
- SRR, Seasonal Resort and Recreation Zone

OTHER FEATURES

- Municipal Boundary
- Township-Range
- Aboriginal Land
- LUD of Emerson
- Assessment Parcel
- Red River Valley Designated Flood Area
- Wildlife Management Area
- Community Pasture
- Waterbody
- Provincial Trunk Highway
- Provincial Road
- Municipal Road
- Railway

Date: April 16, 2018

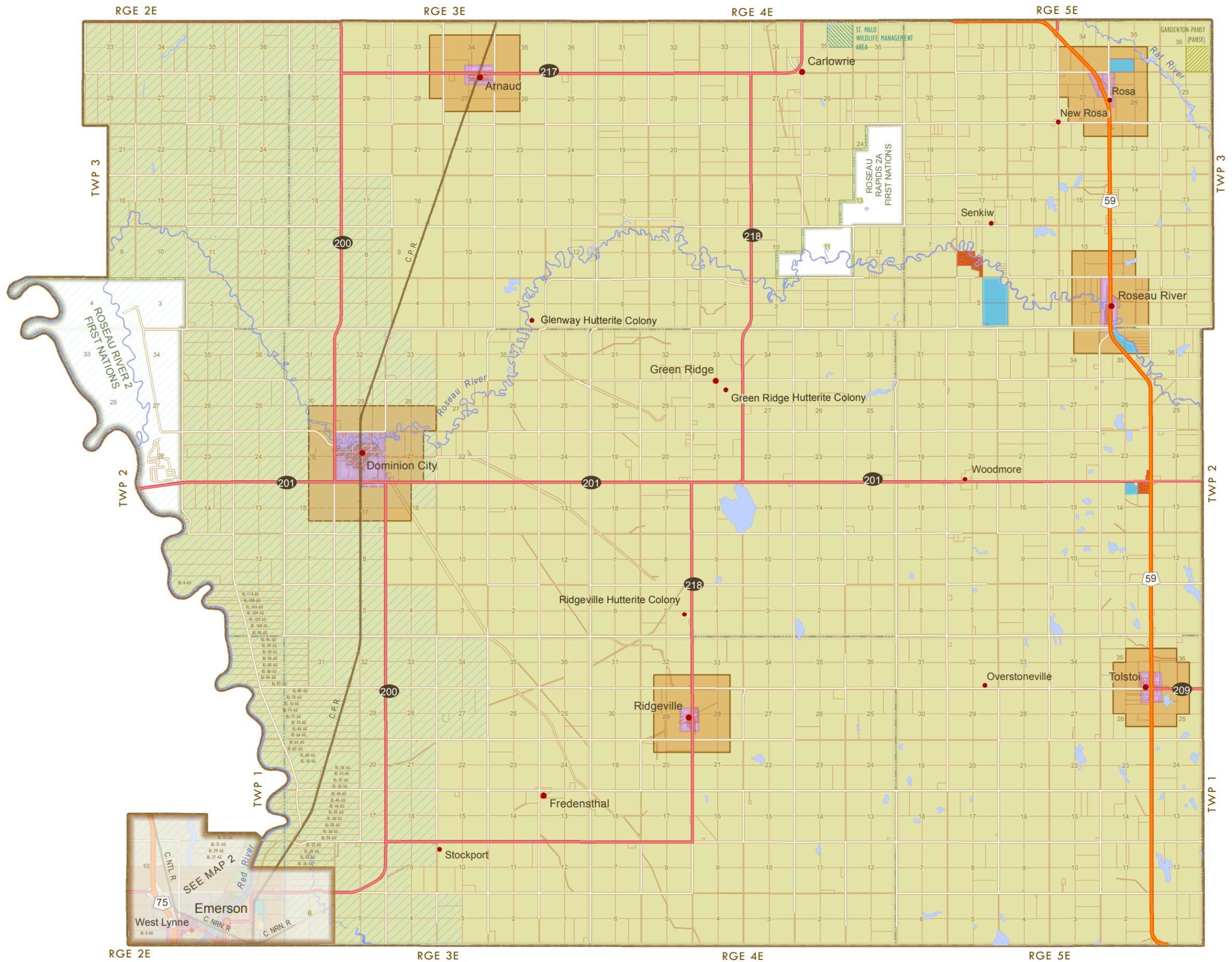


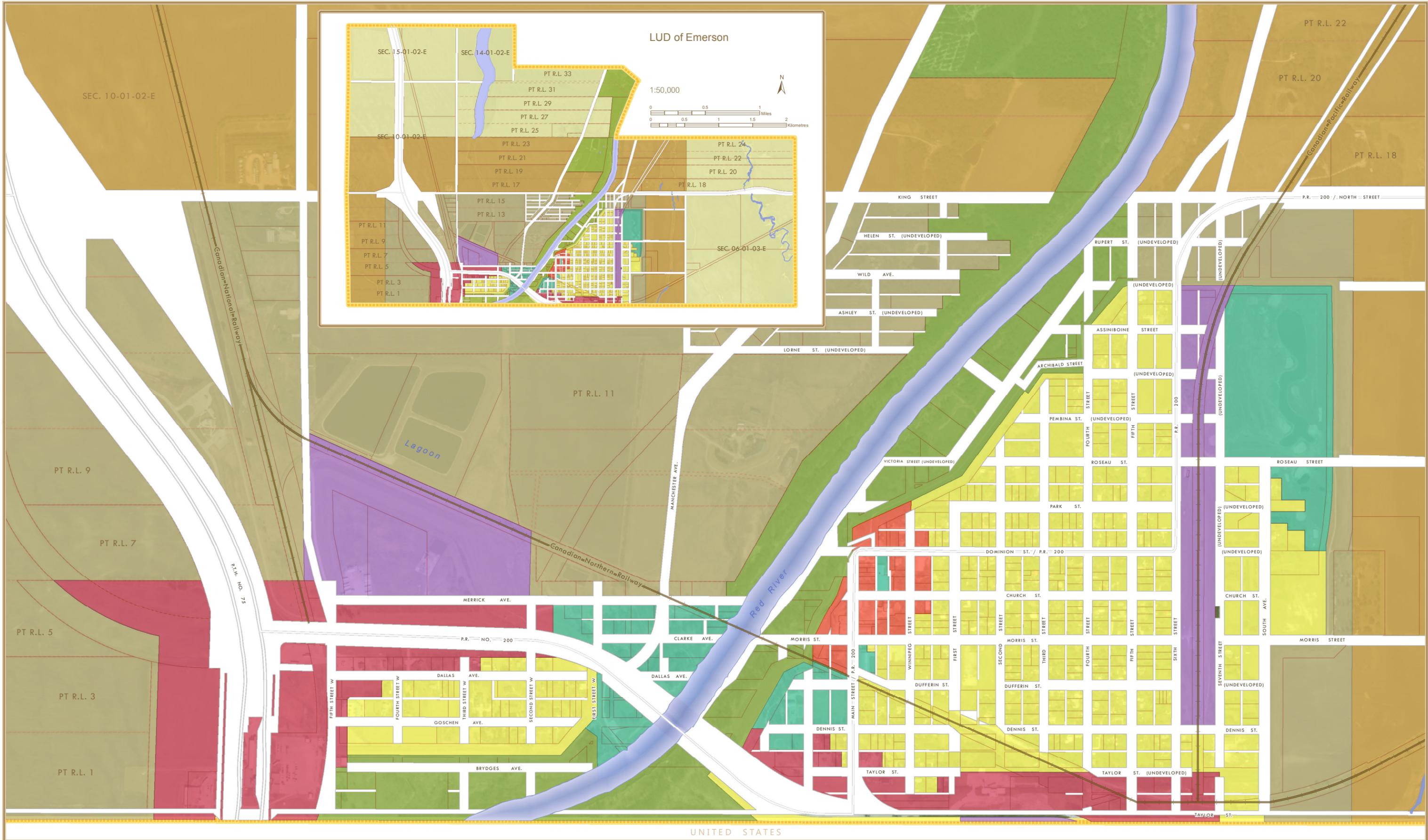
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Projection: NAD 83, UTM Zone 14N

Data source: Provincial Government

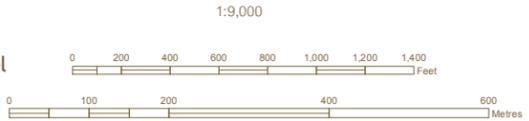




LUD OF EMERSON ZONING

MAP 2

- | | | | |
|--|---|---|---|
|  AG1, Agricultural 1 Zone |  CC, Commercial Central Zone |  O, Open Space Zone |  Assessment Parcel |
|  AG2, Agricultural 2 Zone |  CH, Commercial Highway Zone |  PR, Parks and Recreation Zone |  Cadastral Survey Parcel |
|  AG3, Agricultural 3 Zone |  M, Industrial Zone |  R2, Residential Two-Family Zone | |



Date: February 12th, 2018
 Projection: NAD 83, UTM Zone 14N
 Data source: Provincial Government
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

