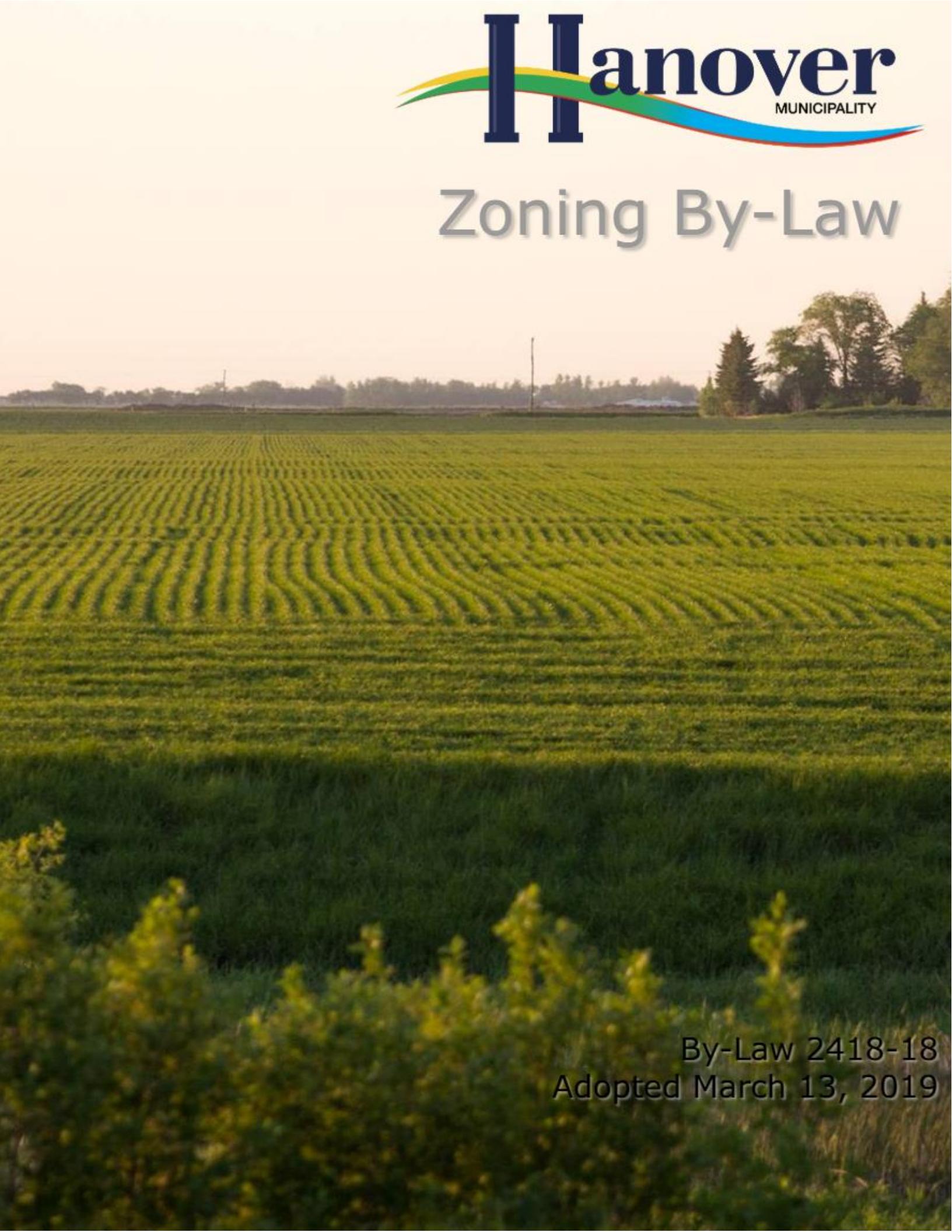




# Zoning By-Law

A wide-angle photograph of a rural landscape. In the foreground, there is a field of green crops, possibly corn, with distinct horizontal rows. In the middle ground, the field continues towards a line of trees and a small, white, single-story building, likely a barn or farm building. The sky is clear and blue.

By-Law 2418-18  
Adopted March 13, 2019

# Rural Municipality of Hanover

## By-Law No. 2418-18

BEING a by-law to regulate the use and development of land within the Rural Municipality of Hanover.

WHEREAS pursuant to Subsection 59(4) of The Planning Act, the Rural Municipality of Hanover has reviewed and re-enacted the development plan;

AND WHEREAS, Section 68 of The Planning Act, states that a municipal council must adopt a zoning by-law that is generally consistent with the development plan;

NOW THEREFORE the Council of the Rural Municipality of Hanover, in meeting duly assembled, enacts as follows:

1. The Rural Municipality of Hanover Zoning By-Law No. 2171 and all amendments thereto are hereby rescinded.
2. The zoning provisions and regulations, attached hereto and forming part of this by-law, are hereby adopted.
3. This by-law shall be known as "The Hanover Zoning By-Law".

DONE AND PASSED this 13th day of March A.D. 2019.

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Deputy Reeve

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Chief Administrative Officer

READ A FIRST TIME this 22<sup>nd</sup> day of August A.D. 2018

READ A SECOND TIME this 17th day of October A.D. 2018

READ A THIRD TIME this 13th day of March A.D. 2019

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# 1 DEFINITIONS

## 1.1 RULES OF CONSTRUCTION

1. The following rules of construction apply to the text of this By-law:
  - a. Words, phrases and terms defined herein shall be given the defined meaning.
  - b. Words, phrases and terms not defined herein but defined in The Act, the Municipal Act, Buildings and Mobile Homes Act, other appropriate Provincial Acts and Regulations and the Building, Electrical or Plumbing By-laws of the Rural Municipality (RM) of Hanover shall be construed as defined in such Acts and By-laws.
  - c. Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of Hanover shall be given their usual and customary meaning except where, in the opinion of The Rural Municipality, the context clearly indicates a different meaning.
  - d. The phrase "used for" includes "arranged for", "designed for", or "occupied for".
  - e. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
    - i. "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination;
    - ii. "or" indicates that the connected items, conditions, provisions or events may apply singly or in combination; and
    - 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 of all instances or circumstances of like kind or character.

## 1.2 GENERAL DEFINITIONS

1. "**Abattoir**" means a building, structure, or part thereof, used for the slaughtering of animals, rendering of meat, and related activities.
2. "**Abut or Abutting**" means a site or use that physically touches another site or use, and shares a site line or boundary with it.
3. "**Act, the**" means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

4. **“Aggregate, mineral and topsoil extraction operation”** means a zoning site, including buildings and structures, used for the removal, refinement and or processing of peat, minerals, sand, gravel, clay, quarried stone and crushed stone.
5. **“Agricultural operation”** means an agricultural, aquacultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes:
  - a. the production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs, cannabis (under appropriate licenses) and greenhouse crops;
  - b. the use of land for grazing;
  - c. the production of eggs, milk and honey;
  - d. the raising of game animals, fur-bearing animals, game birds, bees and fish;
  - e. the processing necessary to prepare an agricultural product for distribution from the farm gate;
  - f. the operation of agricultural machinery and equipment, including the tillage of land and the application of fertilizers, manure, soil amendments and pesticides, whether by ground or aerial application;
  - g. the storage, use or disposal of organic wastes for agricultural purposes; and
  - h. the storage of farm related materials including, but not limited to, fuel, fertilizer are considered accessory uses.
6. **“Agri-business”** means a commercial establishment that predominantly provides goods or services to the agricultural sector. Typical uses include new and used implement, farm equipment and machinery sales, service and rental, bulk fuel storage and sales, chemicals for crop protection and production, feed and fertilizer supply operations, grain terminals, commercial seed cleaning plants, storage and handling and / or processing for grains, vegetables and other crops. Anhydrous ammonia facilities are not included in this use class.
7. **“Agriculture, Indoor”** means indoor horticultural or aquacultural operations using hydroponic or other means to engage in growing plants for consumption and non-food products, and includes licensed cannabis cultivation facilities.
8. **“Agriculture Industry”** means the processing of agricultural products, storage of raw food and animal products, including milk and cheese, for wholesale or direct sale purposes. Uses can include kill plants / abattoirs, rendering plants and like uses.
9. **“Agriculture, specialized”** means the use of land for greenhouses, apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis but on parcels smaller than 80 acres. Specialized agriculture may contain limited

retail of goods produced on site and educational components, but agricultural production is to be the primary activity.

10. **"Agri-tourism"** means an agricultural establishment that provides a service to promote and educate the public about farming and agricultural activities. For the proposes of this By-law, an agri-tourism use is considered an accessory use, located on the same parcel as the farm and also includes the following uses: bed and breakfast, farm produce retail outlet, corn or hay mazes, petting zoo (subject to the livestock requirement in the By-law), hay rides, sleigh rides, buggy or carriage rides, seasonal activities, events related to the farm including farm tours, eating facilities and like uses. Facilities to provide for farm vacations, such as, but not limited to, camping and tenting grounds, are considered part of an agri-tourism use.
11. **"Aircraft landing field"** means an area of land utilized to accommodate landing and take-off movements of aircraft for personal and agricultural use.
12. **"Alteration, incidental"** means:
  - a. Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
    - i. an addition on the exterior of a building, such as an open porch;
    - ii. alteration of interior partitions in all types of buildings; or
    - iii. replacement of, or changes in, the capacity of utility pipes or ducts.
  - b. Changes or replacements in the structural parts of a building or structure, including but not limited to the following:
    - i. adding or enlarging windows or doors in exterior walls;
    - ii. replacement of building facades; or
    - iii. strengthening the load bearing capacity, in not more than ten percent (**10%**) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.
13. **"Alteration, structural"** means the construction or reconstruction of supporting elements of a building or other structure.
14. **"Anhydrous ammonia storage"** means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer, including sales and service.
15. **"Animal confinement facility"** means a barn or an outdoor area where livestock are confined by fences or other structures excluding grazing.
16. **"Automotive and recreational vehicle (RV) sales, service, rental and repair"** means a development

used for the sale, servicing, renting and mechanical repair of automobiles, trucks, motorcycles, snowmobiles, trailers, all-terrain vehicles (**ATVs**), boats and similar vehicles and / or the sale, installation or servicing of related parts and accessories. This Use Class includes associated and accessory uses including automobile dealerships, mobile home sales, motorcycle and recreational vehicle (**RV**) sales, transmission shops, fuel stations, muffler shops, tire shops, automotive glass shops, upholstery shops, car washes, body shops and similar uses.

17. **"Auction mart, livestock"** means a facility in which livestock are kept on a temporary basis for the purposes of selling and distribution.
18. **"Bakery/Food Processing"** means a business where raw ingredients are processed into edible goods such as bread, cakes, and other baked or manufactured edible products intended to be sold to the public or other external customers. These businesses may have a café/restaurant and/or retail space as accessory uses. This use does not include uses such as industrial food processing plants, abattoirs or operations which cause excessive noise, emissions or offensive odours. It must be enclosed entirely within a building and may have no outside storage."
19. **"Basement"** means a portion of a building between a floor and ceiling that is located partly underground, but with a portion of the floor to ceiling height thereof above the average grade of the adjoining ground.
20. **"Bed and Breakfast"** means a home-based business operated as an accessory use to a single-unit residential use that provides temporary lodging (other than a hotel or motel) to guests for no longer than two calendar weeks (14 days), and that may also provide breakfasts to guests.
21. **"Brew pub"** means a restaurant-type establishment that includes a beer brewery, producing beer and ale products for sale and consumption on-site or, where permitted, for retail carryout sales. Brew pubs can also be accessory uses to hotel establishments, bars and lounges and similar operations.
22. **"Building"** means:
  - a. a structure used or to be used for dwelling, public or commercial purposes, or a combination of all, or;
  - b. a prefabricated structure of the kind described in clause (a);
  - c. accessory structures including garages, shops, barns and similar structures; or
  - d. a mobile home.
23. **"Building, agricultural"** means a structure on agricultural land designed, constructed and used to house farm implements, livestock, or agricultural products or products used by the owner, occupant, employees and persons engaged in the pick-up or delivery of agricultural produce or products grown or raised on the premises but does not include a dwelling.

24. "**Building, main or principal**" means a building or structure on a site that contains permitted principle uses.
25. "**Bulk fuel and chemical storage / sales**" means the use of land for the storage, sale or distribution of synthetic or petroleum-based fluids or chemicals, fertilizers, and other potentially hazardous or noxious materials, primarily on a wholesale basis.
26. "**Camping and tenting grounds**" means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.
27. "**Cemetery**" means land for the burial of the human remains, including mausoleums when operated in conjunction with and within the boundaries of the cemetery.
28. "**Child care services**" means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any day exceeding three (3) hours but not exceeding fourteen (14) hours; and includes the following:
  - a. "**Community day care**" means the provision of childcare services as a principal or accessory use for more than twelve (12) children in a provincially licensed facility;
  - b. "**Home day care**" means the provision of childcare services in a dwelling unit as a home occupation subject to section 3.2.2(1) of this by-law. The number of children not over twelve (12) years of age, including the children of the owner or tenant, shall not exceed eight (8). Provincial licensing may be required; and
  - c. "**Group day care**" means the provision of childcare services as a principal or accessory use in a provincially licensed facility. The number of children not over twelve (12) years of age, shall not exceed twelve (12).
29. "**Clinic**" means a facility for the provision of human health services and related activities such as preparation of castings, dentures, and x-rays, for patients without overnight accommodations, and associated laboratory facilities.
30. "**Commercial resort**" means a commercial recreation establishment, which may consist of one or more buildings containing single or multiple-family dwelling units, recreational, and service facilities, which are used on an intermittent, seasonal or permanent basis. Other facilities which may form part of the resort development as accessory uses include: camping and tenting grounds, hotel, retail uses, eating and drinking establishment, marina, docks / boat ramps, golf course and other outdoor recreation facilities, game courts, recreation areas, trails and similar uses.

31. "**Concrete and asphalt batching plant**" means land and buildings used for the storage and mixing of the constituent elements of concrete or asphalt and includes parking, maintenance, mechanical repair and refueling of mixing vehicles used to deliver product batched at the premises.
32. "**Condominium**" means individual ownership of a unit in a multiple-unit structure where expenses common to all parties are shared as established under the provisions of *The Condominium Act*.
33. "**Condominium, bare land unit**" means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan. For the purposes of this By-law, a "bare land unit" is a bare land unit condominium plan, as defined in *The Condominium Act*, and shall be considered a zoning site.
34. "**Condominium, common elements**" means, for the purposes of this By-law, those portions of "common elements" occurring within condominium developments ordinarily used for the passage of vehicles, including roads, road allowances, streets, lanes and bridges, greenspace, walkways and generally everything except the "units" and "bare land units".
35. "**Contractor service**" means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature, which requires on site storage space for materials, construction equipment or vehicle normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal contractor service use only.
36. "**Crematorium**" means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.
37. "**Development**" means:
  - a. the construction of a building on, over or under land;
  - b. a change in use or intensity of use of a building or land;
  - c. the removal of soil or vegetation from land; and
  - d. the deposit or stockpiling of soil or material on land or the excavation of land.
38. "**Development Permit**" means a permit issued under the zoning By-law, authorizing development, and may include a building permit.
39. "**Drive-in establishment**" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.
40. "**Drive-through**" means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise,

products, foods, beverages, or services.

41. "**Dwelling, mobile home**" means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with C.S.A. building regulations and The Buildings and Mobile Homes Act. For the purpose of this By-law, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a mobile home dwelling shall not change the classification.
42. "**Dwelling, multiple-unit**" means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family. Access can be from an interior corridor or direct from the outside of the unit.
43. "**Dwelling, previously occupied - ready to be moved**" means a single-unit dwelling previously occupied and removed from an off-site foundation and transported to a site where it is anchored to a new and permanent foundation. Prior to transportation and placement on an engineer-approved foundation, the subject dwelling may require the certification of an engineer as to structural integrity. Conditions addressing any required interior / exterior as deemed necessary by the building inspector shall form part of the building permit issued.
44. "**Dwelling, single-unit**" means a detached building designed for use by one (1) family, including homes built on-site and newly constructed ready-to-move (RTM), and modular homes.
45. "**Dwelling, two - unit**" means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.
46. "**Dwelling unit**" means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
47. "**Eating and drinking establishment**" means the sale to the public of prepared foods for consumption within the premises or off the site. This use class includes concession stands, licensed drinking establishments, brew pubs, restaurants, cafes, coffee shops, delicatessens, tea rooms, banquet catering, lunchrooms, drive-in food service, ATMs and other similar uses which may also be established as accessory uses (see also drive-in, brew pub).
48. "**Education service – private**" means educational developments as described in "Education service – public" that are funded by non-public sources.
49. "**Education service - public**" means a development, which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, including preschool, and includes administration offices required for the provision of such services on either the same site or elsewhere

on the same zoning site. This Use Class includes colleges and universities, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses.

50. **“Emergency Services”** means public institutions, which provide protective and emergency response services, including police, fire, ambulance or paramedic services.
51. **“Equestrian establishment”** means a facility engaged in the sheltering, feeding, sale, training of horses and riders, including the operation of a horse-riding academy, horse-riding stables and like uses for private use and / or remuneration.
52. **“Exterior 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.
53. **“Farmers market / outdoor market”** means a defined area of land where spaces or stalls are rented, leased or provided for the outdoor sales of fresh fruit, produce, food products, meat and fish items, plants and flowers, baker goods, dairy products, crafts and similar products. Accessory uses include necessary buildings and other infrastructure to accommodate these uses.
54. **“Flood protection level”** means either the 200-year flood or a recorded flood exceeding the 200-year flood (design flood) plus two (2) feet (**0.61 metres**) of freeboard.
55. **“Forestry use”** means the general raising, harvesting and cutting of wood. This use includes sawmills and related uses, including accessory structures.
56. **“Fuel tank storage”** means a tank for the storage of petroleum products or other flammable liquids as part of a commercial / industrial use, which is incidental to the primary use of the premises. Any such structure shall meet all legal requirements as per appropriate Acts / Regulations.
57. **“Funeral service”** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments, cremation and internment services and related accessory uses.
58. **“General storage”** means the general disposition of articles (goods, wares, equipment or merchandise) for safekeeping or future use. In order to constitute storage, articles must be left outdoors on a parcel for a period exceeding thirty (30) days. Articles appurtenant to the residential use of a property are exempt.
59. **“Government service”** means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation office, courthouses, postal distribution office, correctional centres and jails, manpower and employment offices, social services offices and similar uses.

60. "**Greenhouse / nursery**" means a structure and / or associated land and accessory uses that are used for the sale of or growing of sod, bushes, trees, vegetables or other gardening, landscaping or orchard stock, including wholesale operations.
61. "**Group home**" means a residence that is licensed for the accommodation of less than six (6) 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 health / condition, require a group living arrangement for their well-being.
62. "**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, including motels, motor inns, tourist lodges and similar uses. Permitted accessory uses include: restaurants, licensed beverage rooms, brew pubs, banquet halls, ballrooms, amusement establishments and meeting rooms.
63. "**Indoor recreation facility**" means a development providing facilities within an enclosed building for sports and active recreation. Typical uses and accessory uses include athletic clubs, health and fitness clubs, curling rinks, roller skating and hockey rinks / arenas, swimming pools, bowling alleys and similar uses.
64. "**Industrial vehicle and equipment sales / service / rentals**" means a development used for the sale, rental and repair of heavy vehicles, machinery or mechanical equipment typically used in building and roadway construction, manufacturing, assembling and processing operations and agricultural production.
65. "**Information technology**" means the development, design, manufacture, packaging, storage or shipping of computer software, web hosting and data processing service and the design or research of computer, electronic and communication equipment. Uses such as server farms and like uses are included in this definition.
66. "**Institutional residence**" means a development which is intended for the training, treatment, rehabilitation, housing, care and / or supervision of persons requiring medical assistance. This use class includes nursing homes, personal care homes, senior citizen homes, residential care homes, rehabilitation homes and similar uses.
67. "**Kennel**" means any premises on which more than three (3) animals over the age of six (6) months are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic.
68. "**Livestock operation**" means a permanent or semi-permanent facility or non-grazing area where livestock producing at least ten (10) animal units of livestock are kept or raised, either indoors or outdoors, and includes feedlots and all associated manure collection facilities, but does not include

**“auction mart, livestock”.**

69. **“Manufacturing, heavy”** includes manufacturing, assembly, processing and storing of products and goods in an enclosed and/or outdoor facility from which significant emissions may be generated during the normal course of operations. Uses include foundries, chemical plants and refineries.
70. **“Manufacturing, light”** includes manufacturing, assembly and processing of products and goods entirely contained within an enclosed facility, from which little or no emissions are generated during the normal course of operations, and outdoor storage is minimal.
71. **“Manure storage facility, earthen”**, means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or treating livestock manure, but does not include:
  - a. a collection basin;
  - b. a field storage site; or
  - c. a temporary composting site for manure.
72. **“Manure storage facility, non-earthen”** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than thirty (30) days for the purpose of moving the manure to a manure storage facility.
73. **“Mini warehouse and self-storage”** means a totally enclosed and fenced facility that provides storage space to the general public on a for-hire basis. Mini warehouses and self-storage areas also include storage for recreational vehicles, boats and other vehicles. No other business or service may be allowed to operate out of a rented storage space.
74. **“Mobile home park”** means an area of land with required improvements and utilities upon which two (2) or more mobile home spaces are provided.
75. **“Non-conforming use”** means any lawful use of a building, structure or land, or portion thereof, which does not conform to any one (1) or more of the applicable use requirements of the Zone in which it is located, either on the effective date of this By-law, or amendments hereto (also referred to as a non-conformity).
76. **“Non-conforming site or parcel”** means any lawful site or parcel of land that does not comply with the site area, width or depth requirements of this By-law, or amendments hereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments hereto (also referred to as a non-conformity).
77. **“Outdoor amusement establishment”** means a permanent commercial development providing facilities for entertainment and amusement activities which primarily take place out of doors and

where patrons are primarily participants. Typical uses include amusement parks, outdoor concert facilities, go-cart tracks, racetracks, moto-cross and all-terrain vehicles (**ATVs**), miniature golf and similar uses.

78. **“Outdoor participant recreation service”** means a development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, water slides, sports fields, skate board park, rock climbing facilities, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming and wading pools, bowling greens, paintball games, shooting ranges, recreational facilities including snowmobile trails and similar uses. Required buildings and storage structures are also considered accessory uses.
79. **Personal service shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons without limiting the generality of the foregoing. This use may include the retailing of products related to the services provided. This use class includes barber shops, beauty parlors, hair-dressing shops, coin-op laundry, valets and depots for collecting dry cleaning and laundry and similar uses which can also be considered accessory uses.
80. **“Pet Services”** means a place, facility, or business providing services for pets including grooming, training, day care of pets, or such similar uses and where no animals are kept overnight.
81. **“Place of assembly”** means a building (excluding dwelling units), or portion thereof, in which persons may gather for recreational, educational, political, social, or other purposes. Places of Assembly may include indoor or outdoor components and may be licensed for serving food and alcoholic beverages.
82. **“Private communication tower”** means a tower housing communication and transmitting equipment, such as antennae or dishes, for personal, non-commercial use.
83. **“Private Windmill”** means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale.
84. **“Processing use”** means a development used for the extraction, treatment, preparation, packaging, transportation, handing and storage of raw materials and other minerals. Typical uses include concrete batching plants, water-bottling plants and like uses, including all accessory structures and facilities associated with the collection, extraction, storage, transfer and transportation requirements.
85. **“Professional, financial and office support service”** means a development primarily used for the provision of professional management, administration, consulting and financial services. Typical uses include lawyer, accountant, engineer and architect offices; real estate and insurance firm offices; clerical, secretarial, employment, call services and similar office support services; banks, credit unions,

loan offices and similar financial uses; general office / administration buildings and other similar uses, which can also be considered as accessory uses.

86. **“Public utility service”** means any system, works (as defined in this By-law), plant, pipeline, equipment / buildings or services and facilities available at approved rates to or for the use of the public, and includes all such carried on by or for the owner of a public utility or a Municipality or the Province of Manitoba. For the purposes of the By-law, public utility service use is divided as follows:

**“Public Utility Service – basic”** which includes communication facilities including telephone, wireless or television, hydro and natural gas facilities, local lift stations, sewer and water service ; and

**“Public Utility Service – enhanced”** which includes sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage / waste transfer and compacting stations, recycling / waste collection centres, composting sites, water treatment plants, lift stations and waste recycling plants. Solar energy and wind generation stations / systems are not included in this use category.

87. **“Rapid-drive through vehicle service”** means a development providing rapid cleaning, lubrication, maintenance and / or repair services to motor vehicles, where the customer typically remains in the vehicle or waits on the premises. Typical uses include automatic or coin operated car and truck washes, rapid lubrication shops or specialty repair establishments, which can also be considered accessory uses.

88. **“Recreation facility, indoor”** means a public facility for sports, fitness, leisure and recreation in which facilities are primarily located inside an enclosed building or structure.

89. **“Recycling / waste collection centre, private”** means a use that serves as a drop-off point for temporary storage and processing of recoverable resources such as newspapers, glassware, plastics, and metals, etc. This use category does not include a salvage yard.

90. **“Religious facility”** means a building / structure for place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, convents and monasteries. Accessory uses can include associated schools, day-care facilities, parish halls, and like uses. Associated cemeteries are not considered part of a religious facility and require the approval of a conditional use order, as may be listed in the Bulk Requirement Tables, to establish.

91. **“Retail”** means the use of a building or portion of a building where goods and / or personal services are sold directly to the public, including non-livestock auction marts. For the purpose of this By-law, this does not include eating and drinking establishments, cannabis sales, wholesale operations, scrapyards and / or any other uses that may include storage and disposal of commodities, which may potentially have offensive or hazardous effects beyond its site or building limits.

92. **“Retail and Services – restricted”** means the use of a building to provide products and services requiring additional oversight and developments to which admission by minors is restricted. Uses

include retailers of adult and pornographic materials, adult entertainment, adult services, tattoo and body modification, retail of smoking and vaporizing products.

93. **“Retail – cannabis”** means the premises specified in a retail cannabis license where the retail sale of cannabis is authorized.
94. **“Retail – convenience store”** means a store intended to serve the day-to-day needs of the residents of the neighborhood in which it is located. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.
95. **“Retail – Large”** means a building or portion of a building where the retail use occurs in a space with a ground floor area equal to or greater than five thousand (**5,000**) square feet (**465 square meters**).
96. **“Retail – Small”** means a building or portion of a building where the retail use occurs in a space with a ground floor area of less than **5,000** square feet (**465 square meters**).
97. **“Salvage operation / yard”** means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This Use Class includes an automobile wrecking or dismantling yard and includes such uses established entirely within an enclosed building. Accessory uses can include related activities including body shops and similar uses.
98. **“School bus storage and maintenance”** means a facility with indoor and outdoor components on which school buses are parked when not in use, maintained and repaired. Other activities related to regular School Division operations, such as indoor storage and maintenance of equipment are considered part of this use.
99. **“Secondary suite”** means a self-contained accessory dwelling unit located either within a permanent, detached, single-unit dwelling, or in an accessory building, on a single zoning site. A secondary suite shall contain a single housekeeping unit and have its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This use does not include two-unit dwellings or multiple-unit dwellings. A secondary suite can mean any of the following:
  - a. A private, self-contained unit within a dwelling, occupied by only one (**1**) family. A secondary suite shall contain associated bathroom facilities, kitchen, living and sleeping areas and can share a number of features with the rest of the house. Shared facilities may include a yard, parking area, a hallway, laundry and storage space;
  - b. A basement suite, providing all building code requirements with respect to windows and access requirements are satisfied;

- c. A “**garden suite**” as an accessory permanent separate (second) dwelling unit that is not attached to the principal residence, but is located on a lot containing an existing single-family dwelling; and
- d. A “**garage, loft**” as an accessory garage suite dwelling unit located above a detached accessory garage above grade; or a single storey accessory dwelling attached to the side or rear of a detached garage at grade. A garage suite is accessory to a building in which the principal use is a detached single-family dwelling unit. Plumbing facilities shall utilize approved wastewater treatment facilities or sewer connection. A garage suite shall have an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure and shall include an include an emergency second exit for the second floor. A garage, loft is also referred to as a carriage house.

100. “**Shipping container**” means an intermodal freight container that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships. For the purpose of this By-law, a shipping container does not have wheels and does not include a truck body, trailer or transport trailer.

101. “**Shopping centre / strip mall**” means a group of commercial establishments planned, developed and managed as an integrated unit. These can include, but not be limited to, groups of stores, services, associated facilities, eating establishments, business support offices, financial institutions, warehouse sales and similar commercial uses utilizing common facilities such as parking, landscaping, signing and loading areas. Separate buildings and parcels of land may be considered as part of the shopping centre / strip mall if they are served by mutual parking and other agreements. Each separate business / use, as part of a shopping centre / strip mall, will require compliance with Bulk Table requirements with respect to listed permitted / conditional uses for the affected zone.

102. “**Solar collector**”, means a device used to harness the energy of the sun to provide electricity for on-site personal consumption. Solar collectors may be roof mounted or ground mounted and are accessory to a main building on the site.

103. “**Spectator entertainment establishment**” means a development providing facilities within an enclosed building or outdoor area / stage, specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, theatres, amphitheatres and similar uses. Accessory uses can include eating and drinking establishments and retail sales.

104. “**Stable**” means a private or public detached accessory building for the keeping of cattle, horses, or similar animals.

105. “**Storage facility**” means a facility in which the main use is the storage of goods, materials, equipment or vehicles. Storage facilities can be enclosed within buildings (indoor) or all or part of the facility may

be outdoor.

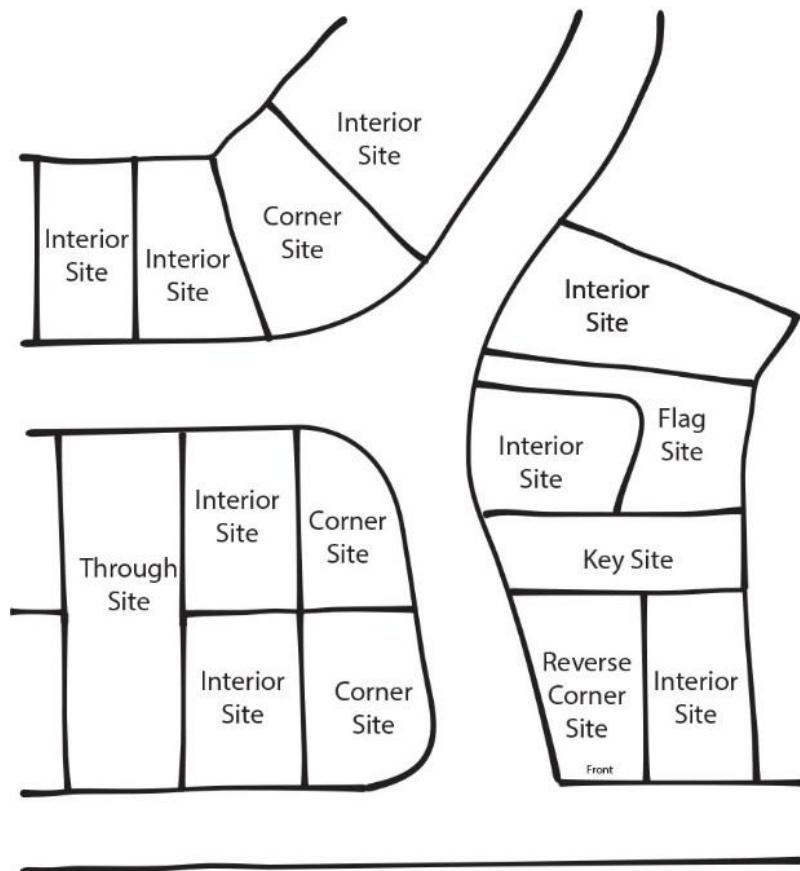
106. "**Structure**" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.
107. "**Temporary car shelter**" means a portable covering, usually purchased in a kit, which is used to protect an automobile, vehicle, or other general items from the natural elements on a temporary basis.
108. "**Use**", means:
  - a. any purpose for which a building or structure or land may be designed, arranged, intended, maintained or occupied; or
  - b. any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on land.
109. "**Use, accessory**" means a use, building or structure on the same zoning site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above includes accessory off-street parking facilities which may be permitted to locate elsewhere than on the same zoning site with the building, structure or use served. Accessory uses to residential uses, unless specifically allowed in the zoning By-law, cannot incorporate residential uses either of a permanent or temporary nature.
110. "**Use, conditional**", means a use of a building or land described as a conditional use in this By- law which may have unique operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands. Establishment of these uses requires application to and approval of a conditional use order by Council.
111. "**Use, permitted**" or "**Permitted use**" means the use of land, building or structure provided in this zoning By-law for which a Development Permit shall be issued upon an application having been made, if the use meets all the requirements of this By-law.
112. "**Use, principal**" means the main use conducted on a zoning site or within a building or structure.
113. "**Veterinary clinic**" means a building, structure or parts thereof where one (1) or more registered veterinarian surgeons, including associated staff, provide examinations and surgical or medical treatment to domestic pets, animals or livestock, and may include treatment rooms, laboratories, dispensaries, pharmacy and associated office. Grooming service may be included as an accessory use. An overnight boarding and breeding kennel is not permitted in association with a Veterinary clinic.
114. "**Wind generating system**" means an energy generating system designed and built to generate

electricity by using wind energy for commercial sale and distribution to the electricity grid.

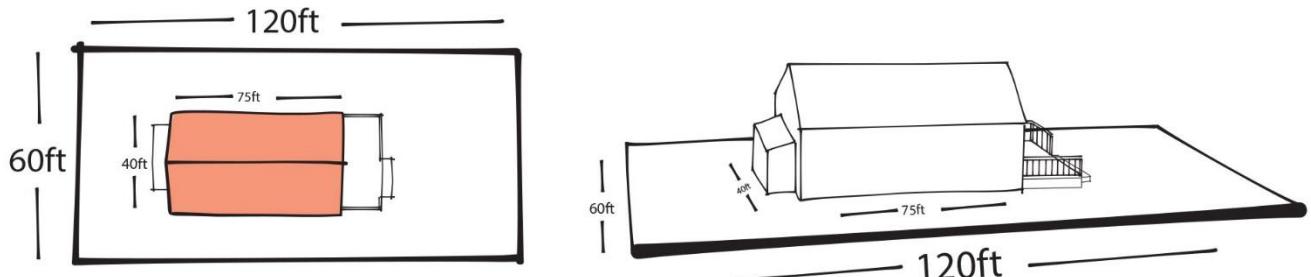
115. "**Works**" means all buildings, walls, bridges, trestlework, dams, canals, locks, tunnels, subways, wharves, piers, ferries, viaducts, aqua-ducts, embankment of streams, ditches, culverts, drains, sewers, vaults, mines, wells, roads, pavements, sidewalks, pathways, pedestrian decks or tunnels, street railways, towers, poles, lines and equipment of transportation, telephone, hydro or transit systems, harbours, docks, booms, excavations and fabric made, built, constructed, erected, enlarged, repaired, improved, formed or excavated by means of, or with the aid of, human skill and human, animal or mechanical labour.

### 1.3 TECHNICAL DEFINITIONS

1. "**Animal units or A.U.**" means the number of animals of a particular category of livestock that will excrete seventy-three (73) kg of total nitrogen in a twelve (12) month period.
2. "**Density**", means the total number of dwelling units divided by the total land area to be developed expressed in gross acres / hectares.
3. "**Height**" means:
  - a. With reference to buildings and structures, including accessory structures, the vertical distance measured from grade to the highest point of the roof surface of a flat roof, shanty roof or to the deck of a mansard roof;
  - b. To the mean height level between the eaves and ridge of a gable, hip or gambrel roof; and
  - b. With reference to landscaping, fencing and landscape walls, the vertical distance between the average level of finished grade within three (3) feet of the landscaping, fencing and landscaping walls and the top of such structures.
4. "**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.
5. "**Site**" means an area of land consisting of one or more abutting lots.
6. "**Site area**" means the computed land area contained within the site lines.
7. "**Site, corner**" means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred and thirty-five (135) degrees.
8. "**Site, corner, reverse**" means a corner lot, the rear of which abuts the side of another lot.



9. **"Site coverage"** means the area, measured as a percentage of the total site area, which is occupied by a principal or accessory building, or structure.



If site area is 7,200sf and applicable building footprint is 3,000sf, site coverage is 41.6%

10. **"Site depth"** means the horizontal distance between the centre points of the front and rear site lines.

11. **"Site, flag"** means a lot on which the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street. Should a flag lot be approved, the following standards apply:

- The minimum width of the access strip ("pole") is thirty (30) feet;
- A sign displaying the address of the proposed lot must be displayed on the "pole" of the lot;
- The proposed lot must meet all dimensional standards of the zone within which the lot is

proposed;

- d. Only the "flag" portion of the lot shall be included in calculating total lot area and lot coverage;
- e. Yards within the "flag" portion of the lot are treated as side or rear yards; and
- f. Front yard setbacks are measured from the road, however, minimum side and rear yard requirements must be maintained.

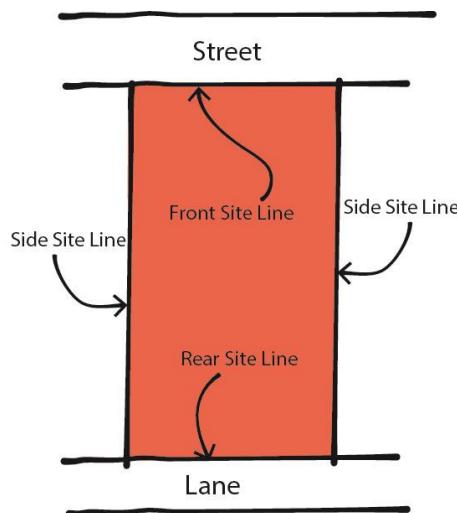
12. "**Site frontage**" means all that portion of a zoning site fronting on a street and measured between side site lines.

13. "**Site, interior**" means a site other than a corner site or a through site.

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

- a. "**Front site line**" means that boundary of a site that is along an existing or designated street. For a corner site, the Designated Officer may determine the front site line.
- b. "**Rear site line**" means that boundary of a site that is most nearly parallel to the front site line. In the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet (3 metres) in length within the site, parallel to and at the maximum distance from the front site line.
- c. "**Side site line**" means a boundary of a site that is not a front or rear site line.

Where an irregular shaped site cannot have its site lines identified by the foregoing definitions, the Designated Officer shall determine the front, rear and side site lines.

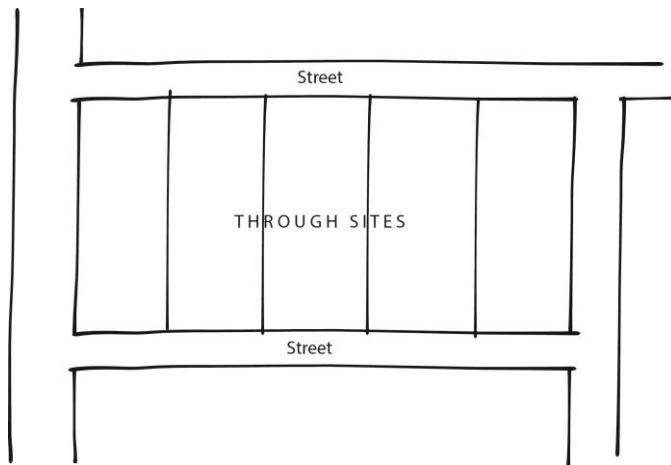


15. "**Site requirements**", means some or all of the following:

- a. the area of the zoning site upon which a building is located, and/or the number of dwelling units or rooms within such building in relation to the area of the zoning site;

- b. the location of exterior walls of buildings in relation to site lines, other walls of the same building, legally required windows, and/or other buildings;
- c. all open areas relating to buildings or structures and their relationship thereto; and / or
- d. the size (including height and floor area) of buildings or structures.

16. "**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.



17. "**Site width**", as it pertains to sites rectangular in shape, means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or forty (40) feet (12.1 metres) from the front site line, whichever is the lesser. 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 employee. For the purposes of this zoning bylaw, Council approval of the subdivision which creates the parcel shall be deemed approval of the site width and not require a variance.

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

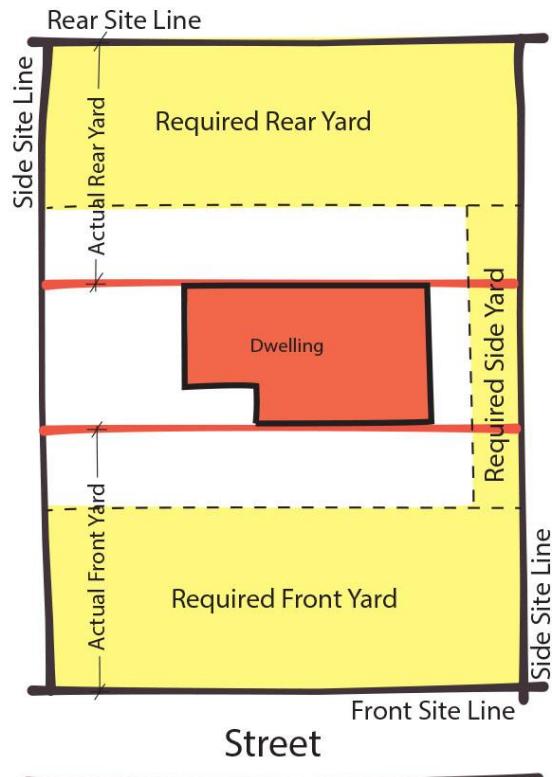
- a. is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-law;
- b. has frontage on a street or has any lawful means of access; and
- c. is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

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

- a. "**Required yard**" means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirements for the zone in which such zoning site is located;
- b. "**Required front yard**" means a yard extending along the full length of the front site line

between the side site lines;

- c. "**Required rear yard**" means a yard extending along the full length of the rear site line between the side site lines; and
- d. "**Required side yard**" means a yard extending along the side site line from the front yard to the rear yard.



## 1.4 SIGNAGE DEFINITIONS

1. "**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 is:
  - a. 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. used to identify, direct attention to, or advertise; and
  - c. visible from outside a building but shall not include show windows as such.
2. "**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.

3. "**Sign, digital**", means an electronic sign which is illuminated and / or displays messages and / or moving imagery.
4. "**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 portion. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the space between said buildings.
5. "**Sign, flashing**" means an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.
6. "**Sign, freestanding**" means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
7. "**Sign, illuminated**" means a sign designed to give forth an artificial light or reflect light from an artificial source.
8. "**Sign, off-site**" 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.
9. "**Sign, on-site**" means a sign that identifies the business owner, resident or the street address or directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.
10. "**Sign surface area**" means the entire area within a single continuous perimeter enclosing the extreme limits of the display, excluding the necessary supports or uprights on which it is placed. Where a sign has two (2) or more faces, the areas 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 (0.9 metres) from one another.

## 2 ADMINISTRATION

### 2.1 SCOPE OF THE BY-LAW

#### TITLE

1. This By-law shall be known as "*The Rural Municipality of Hanover Zoning By-law*".

#### THE AREA

2. This By-law controls and regulates the use and development of land in the Rural Municipality of Hanover as shown on the zoning maps, attached as Schedule "A".

### 2.2 INTENT AND PURPOSE

1. The regulations and provisions established by this By-law are deemed necessary in order to:
  - a. Implement the objectives and policies of *The Rural Municipality of Hanover Development Plan*;
  - b. Define and limit the powers and duties of the Rural Municipality of Hanover Council (Council) and the Designated Officer; and
  - c. Regulate the use and development of land and buildings by:
    - i. dividing the municipality into zones;
    - ii. prescribing permitted and conditional uses for land and buildings in each zone; and
    - iii. setting out the procedure for applying for and issuing Development Permits, non-conforming certificates, zoning memoranda and other similar documents; including the classes of minor development, if any, that does not require a Development Permit.

### 2.3 GENERAL SITE PROVISIONS

#### SITE REQUIREMENTS

1. Except as otherwise provided herein, the owner shall maintain the minimum yards and site coverage required for any use in any zone.

#### VIOLATION OF PROVISIONS

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

#### MULTIPLE USES

3. There may be more than one principal use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site without requiring subdivision or rezoning of the subject parcel (e.g. mixed-use development, shopping centre, strip mall). Where any land or building is used for

more than one principal use, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

## MULTIPLE ZONES

4. Where a parcel is within two or more zones each such portion of said parcel is considered a separate zoning site as defined herein.

## 2.4 DEVELOPMENT AGREEMENTS

1. Where an application is made for the amendment of this By-law, Council may require the owner to enter into an agreement pursuant to Section 150 of *The Act*. The development agreement may be registered in the Land Titles Office.

## 2.5 CONDITIONAL USES

1. The development and execution of this By-law is based upon the division of the Rural Municipality of Hanover into zones. Within each zone the use of land, buildings and structures in relation to the land are to be substantially compatible. There are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration of the impact of those uses upon neighbouring land and of the public need for the particular use at that particular location.

### FILING AN APPLICATION

2. The application shall be made to the Designated Officer and must be accompanied by a site plan and any supporting material, including engineering reports or studies, and such fees as required by Council or the Designated Officer.

### EXPIRY OF APPROVAL

3. The approval of Council in accordance with the provisions of *The Act* shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. The conditional use order may be extended for an additional period not longer than twelve (12) months, if an application is received before the initial deadline.

### EXISTING PERMITTING CONDITIONAL USE

4. Where a use legally exists as a permitted or conditional use at the date of the adoption of this By-law or amendments hereto, it shall be considered as an existing permitted use.

### CHANGES TO AN EXISTING CONDITIONAL USE

5. Any change in a conditional use shall be subject to the provisions of this section and the appropriate provisions of *The Act*.
6. 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 for a new conditional use. Development and/or building permits would still be required for any enlargements or extensions of the floor area of the operation.

## REVOKING A CONDITIONAL USE ORDER

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

## CONDITIONS OF APPROVAL

8. Council may impose conditions on a conditional use order which serve to secure the objectives of the Zoning By-law or Development Plan By-law. Such conditions may include, but are not limited to:
  - a. Safeguards to control potentially dangerous, noxious or offensive effects such as:
    - i. noise or vibration
    - ii. odour, smoke, dust or other airborne particles;
    - iii. radiation, fire or explosive materials;
    - iv. heat, humidity or glare;
    - v. toxic and noxious matters including waste; and
    - vi. hours of operation and other performance standards as required;
  - b. Design and siting requirements including:
    - i. the provision of open space, landscaping, planting, screening and buffering including fences;
    - ii. off-street parking and loading areas; outdoor storage and display areas; grading and surface drainage;
    - iii. lot surfacing;
    - iv. pedestrian and vehicular circulation systems including entrances and exits;
    - v. outdoor lighting;
    - vi. signs;
    - vii. refuse and garbage storage and screening of enclosures;
    - viii. snow storage;
    - ix. location of buildings, structures within the site; and
    - x. building design and architectural appearances.
  - c. Upgrading of municipal services including sewer, water, drainage, transportation and other services and systems as required or for the provision of individual on-site servicing; and / or
  - d. Other matters deemed necessary by Council to ensure a desirable and compatible development.

## 2.6 VARIANCE ORDERS

1. An application for a variance order shall be made to the Designated Officer and must be accompanied by any supporting material, such detailed design and a site plan, and fees required by Council.

2. The Designated Officer may, in accordance with the provisions of *The Act*, make an order that varies the height, distance, area, size or intensity of use requirements and the number of parking spaces, by no more than fifteen percent (**15%**).

## EXPIRY OF APPROVAL

3. The approval of Council in accordance with the provisions of *The Act* shall expire and cease to have any effect if it is not acted upon within twelve (**12**) months of the date of the decision. The variance order may be extended for an additional period not longer than twelve (**12**) months, if an application is received before the initial deadline.

## REVOKING A VARIANCE ORDER

4. Council may revoke an approved variance order for a violation of any conditions imposed by it.

## CONDITIONS OF APPROVAL

5. Council may impose conditions on a variance order which serve to secure the objectives of the Zoning By-law. Such conditions may include, but are not limited to:

- a. Safeguards to control potentially dangerous, noxious or offensive effects such as:
  - i. noise or vibration;
  - ii. odour, smoke, dust or other airborne particles;
  - iii. radiation, fire or explosive materials;
  - iv. heat, humidity or glare;
  - v. toxic and noxious matters including waste; and
  - vi. hours of operation and other performance standards as required.
- b. Design and siting requirements including:
  - i. the provision of open space, landscaping, planting, screening and buffering including fences;
  - ii. off-street parking and loading areas; outdoor storage and display areas; grading and surface drainage;
  - iii. lot surfacing;
  - iv. pedestrian and vehicular circulation systems including entrances and exits;
  - v. outdoor lighting;
  - vi. signs;
  - vii. refuse and garbage storage and screening of enclosures;
  - viii. snow storage;
  - ix. location of buildings, structures within the site; and
  - x. building design and architectural appearances.
- c. Upgrading of municipal services including sewer, water, drainage, transportation and other services and systems as required or for the provision of individual on-site servicing; and / or

- d. Other matters deemed necessary by Council to ensure a desirable and compatible development.

## 2.7 RESPONSIBILITIES OF COUNCIL

1. 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 and issuing variance orders;
  - d. Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it; and
  - e. Establishing a schedule of fees via a special By-law.

## 2.8 DESIGNATED OFFICER

1. In accordance with the provisions of *The Act*, the Designated Officer, as appointed by the Council of the Rural Municipality of Hanover, may act on behalf of the Rural Municipality of Hanover as follows:
  - a. Issue a development / building permit where the development of land, buildings or structures conforms to the adopted Development Plan, the requirements of this By-law and amendments thereto and any other By-law, subject to the provisions of the Development / Building Permit section;
  - b. Enter any buildings or premises at all reasonable hours in the performance of their duties with respect to this By-law;
  - c. Issue building / Development Permits for the temporary use of buildings, structures or land;
  - d. Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law;
  - e. Approve minor variances with respect to any height, distance, area, size or intensity of use and the number of required parking spaces by no more than fifteen percent (**15%**) in accordance with the provisions of *The Planning Act*; and
  - f. Shall refer, with his / her recommendations to Council, all applications for building / Development Permits involving:
    - i. amendments to this By-law;

- ii. new conditional uses and changes to conditional uses;
- iii. variances from zone requirements in excess of that authorized in this By-law;
- iv. matters requiring the specific approval of Council pursuant to this By-law; and
- v. any other items which may require Council's attention.

## 2.9 PERMITS

### PERMITS REQUIRED

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

### DEVELOPMENT PERMITS

2. No person shall undertake or permit the existence of a development that is subject to this By-law without first making application and obtaining a Development Permit for that purpose except for the following:
  - a. The carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
  - b. The erection, construction or maintenance of gates, fences, or other non-structural means of enclosures less than six (6) feet (**1.8 metres**) in height;
  - c. The construction or maintenance of that part of a public utility placed in or upon a public utility easement;
  - d. The carrying out by the Rural Municipality of Hanover, any operation for the maintenance or improvement of a public utility, including the inspection, repair or renewal thereof;
  - e. The erection, placement, enlargement, non-structural alteration, relocation or use of any building or structure not exceeding one hundred and twenty (120) square feet (**11.1 sq. metres**) that is normally incidental or accessory to a dwelling as the principal building or use;
  - f. General landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by six (6) inches (**15.2 centimetres**) or more in height; and
  - g. The construction or erection of permitted non-illuminated signs.

### DEVELOPMENT PERMIT REQUIREMENTS

3. In addition to the requirements of any applicable By-law of the Rural Municipality of Hanover or any other Provincial regulations, all applications for a Development Permit shall be accompanied by any supporting material and fees required by Council. No person shall erect, locate, relocate, use, or occupy any building, land or structure contrary to any Development Permit or the material furnished in the support of the application.

## WITHHOLDING DEVELOPMENT PERMIT

4. The Designated Officer may withhold issuing a Development Permit:
  - a. As provided for in *The Act*;
  - b. That would result in a violation of this By-law or any By-law of the Rural Municipality of Hanover; or
  - c. When any fees are due and owing to the Rural Municipality of Hanover under this By-law.
  - d. Where the affected site does not have access to an all-weather road.

## DWELLING UNITS PERMITTED ON A PARCEL

5. No person shall be issued a Development Permit to construct more than one (1) dwelling unit on a parcel of land, except as follows:
  - a. Dwellings used in connection with or ancillary to an agricultural operation;
  - b. A mobile home when part of a mobile home park;
  - c. Dwellings when part of bare land unit condominium development, as defined in *The Condominium Act*, or a planned unit development;
  - d. A secondary suite as provided for in this By-law; and
  - e. Where otherwise permitted and / or zoned in this By-law.

## 2.10 NON-CONFORMITIES

### NON-CONFORMING USES AND BUILDINGS

1. A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Act*.

### CONTINUANCE OF LAWFULLY EXISTING NON-CONFORMITIES

2. All buildings and structures, parcels of land, and uses of land that lawfully existed before the enactment of this zoning By-law are deemed to conform to the site and use requirements of the zone in which the buildings and structures, parcel of land or use of land are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures or change in use shall conform to the site and use requirements of the zone in which they are located unless varied by a variance order.

### INCIDENTAL ALTERATIONS

3. Incidental alterations that do not increase the non-conformity and otherwise conforms to this By-law may be made to an existing building that does not conform to the zoning By-law, pursuant to *The Act*.

### REPAIR OR REBUILDING

4. Pursuant to the provisions of *The Act*, where a building that does not conform to the provisions of the zoning By-law, is damaged or destroyed to an extent of fifty percent (50%) or more of the replacement

value of the building above its foundation, said building must not be repaired or rebuilt except in conformity with this By-law and any approved variance.

#### **NON-CONFORMING PARCEL**

5. If the size or dimensions of an existing parcel of land do not conform to the zoning By-law, the owner of the land may:
  - a. Use the land for any use permitted under the By-law; and
  - b. Construct or alter a building on the land if all requirements of the By-law, such as yards, building height and floor area, are met.

#### **SITE REDUCED**

6. Wherever a requirement of site area, width, frontage, depth of required yard is reduced below the minimum requirements of this By-law by virtue of a highway, road allowance, drain, right-of-way or the section survey, such site shall be deemed to conform to the requirements of this By-law. Site reductions resulting from subdivisions made by any owner shall not qualify for this exception.

#### **DISCONTINUANCE OF NON-CONFORMING USE**

7. If the use of land or the intensity of the use of land does not conform to the zoning By-law and the non-conformity has been discontinued for more than twelve (12) consecutive months, the land must not be used after that time except in conformity with the zoning By-law.

#### **ACCESSORY USES**

8. A use that is accessory to a principal non-conforming use may continue as long as the principal use exists.

#### **NON-CONFORMITY MAY BE ALTERED BY VARIANCE**

9. Council may permit the following alterations to an existing non-conformity by variance order as per *The Act*:
  - a. Construction on a non-conforming building beyond that permitted under subsection 3 of this section;
  - b. An increase in the intensity of an existing non-conforming use, other than a variance to increase the number of animal units in a non-conforming livestock operation;
  - c. The repair or rebuilding of a non-conforming building that has sustained more damage than permitted under subsection 4 above; or
  - d. The extension of the twelve (12) month time limit for not more than twelve (12) additional months.
10. Where any of the above variances do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status as per subsection 1 above.

## **2.11 ZONING MEMORANDUM**

1. Upon request, Council will issue a zoning memorandum that states whether or not a building, parcel, or use appears to conform to the zoning By-law. Application for a zoning memorandum must be in the form and be accompanied by any supporting material and fees as required by Council.

## **2.12 INTERPRETATION AND APPLICATION**

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

1. Developments approved under this By-law are subject to applicable Provincial or Federal approvals. Whenever provisions of any By-law of the Rural Municipality of Hanover, or any other requirements of the Provincial or Federal Governments impose overlapping regulations on the use of land or buildings or site regulations or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

### **COMPLIANCE WITH OTHER REQUIREMENTS**

2. The granting of a Development Permit in compliance with the provisions of this By-law shall not in any way relieve the person obtaining such permit from full responsibility of complying with the requirements of any other Municipal, Provincial or Federal statutes, By-laws, regulations or orders or those of any of their agencies.

### **PREVIOUS VIOLATIONS**

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

## **2.13 DEVELOPMENT AGREEMENTS**

1. As a condition of amending a zoning By-law, making a variance order or approving a conditional use, Council may enter into a development agreement as per *The Act*.

## **2.14 ENFORCEMENT**

1. The enforcement of this By-law, any resolution, or order enacted by Council under *The Act* or any regulation made thereunder shall be in accordance with the provisions of *The Act*.
2. The Rural Municipality of Hanover may impose fines or penalties for offences under this By-law as per the *Municipal By-law Enforcement Act* and / or any other fees By-laws enacted by the RM.

## **2.15 TRANSITION FROM PREVIOUS BY-LAW**

### **REPEAL**

1. This By-law replaces *RM of Hanover By-law 2171, as amended*, which is hereby repealed.

## TRANSITION

2. Any use of land or a building lawfully in existence under applicable laws and any Variance or Conditional Use Order or both, shall upon enactment of the By-law and repeal of that order or orders, be deemed to comply with this By-law to the extent and for the period of time authorized by such orders.

## APPLICATION IN PROGRESS

3. A development for which final approval was granted prior to the adoption of this By-law may be completed in accordance with the previous By-law.
4. Where a development application has been submitted for any type of approval covered in this By-law, but final approval has not been granted by the approving authorities prior to the effective date of this By-law, the application shall be reviewed and considered in accordance with the provisions of the By-law that was in effect at the time of the application.

### 3 LAND USE AND DEVELOPMENT PROVISIONS

#### INTENT AND PURPOSE

1. The provisions of this Part apply to all zones within the Rural Municipality of Hanover except wherein otherwise stated.

#### 3.1 GENERAL SITE PROVISIONS

##### ZONING SITE

1. No development shall take place and the development officer shall issue no Development Permit, unless the development occurs on a zoning site as defined in this By-law.

##### BUILDING GRADE

2. No building or structure requiring a building permit shall be erected without first consulting with the Designated Officer as to grade for the building or structure to be erected.
3. Within the urban centres of Grunthal, Kleefeld, New Bothwell, Mitchell and Blumenort, the average grade of any site shall not be raised or lowered by six (6) inches or more without the approval of the Designated Officer. When allowing the raising or lowering of the grade by six (6) inches or more, the Designated Officer shall take into consideration flood level information, street elevation, installation of services, elevation of adjacent sites, drainage, appearance and other factors.

##### BUILDINGS PER SITE

4. Except where otherwise provided (e.g. mobile home parks, strip malls), there shall be only one main building or one main use on a zoning site. For example, a residential zoning site shall contain only one (1) single-unit dwelling or one (1) two-unit dwelling and their accessory buildings, structures and uses.

##### SITE REQUIREMENTS

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

##### VIOLATION OF PROVISIONS

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

## PUBLIC WORKS

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

## BASEMENTS

8. No basement may be deeper than four (4) ft below the natural grade of the soil on a parcel in the urban areas of Grunthal, Kleefeld, Blumenort, Mitchell, New Bothwell or designated residential zones on parcels of three (3) acres or less, unless a report prepared by a geotechnical engineer is submitted to the satisfaction of the municipality.

## DEVELOPMENT STANDARDS

### 3.1.1 YARDS

#### GENERAL REQUIREMENTS

1. Except as herein provided, the following provisions shall apply in all zones to ensure adequate yards and setbacks:
  - a. The yard requirements shall be as set forth in the Bulk Use Requirements Table of each zone;
  - b. All yards and other open space required for any use shall be located on the same site as the use;
  - c. Where a site is occupied for a use and has no buildings or structures thereon, the required yards for the zone shall be provided and maintained;
  - d. Where permitted in this By-law, a building containing more than one (1) unit with common party walls, such as a semi-detached two-unit dwelling, multiple-unit dwellings, or multiple-tenant businesses shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations;
  - e. Minimum required yards contained in this By-law do not relieve the owner from compliance with applicable provincial, federal or municipal requirements where said requirements demand greater setbacks;
  - f. On a site, no fence, wall, hedge, shrubs or other landscape features shall be placed in such a manner as to produce a fence effect or visual barrier hazardous to vehicle and pedestrian traffic; and
  - g. Plantings proposed within the control line of a declared Provincial Trunk Highway (P.T.H.) right-of-way and / or Provincial Road (P.R.) requires a permit from the applicable provincial authority.

#### YARD EXCEPTIONS

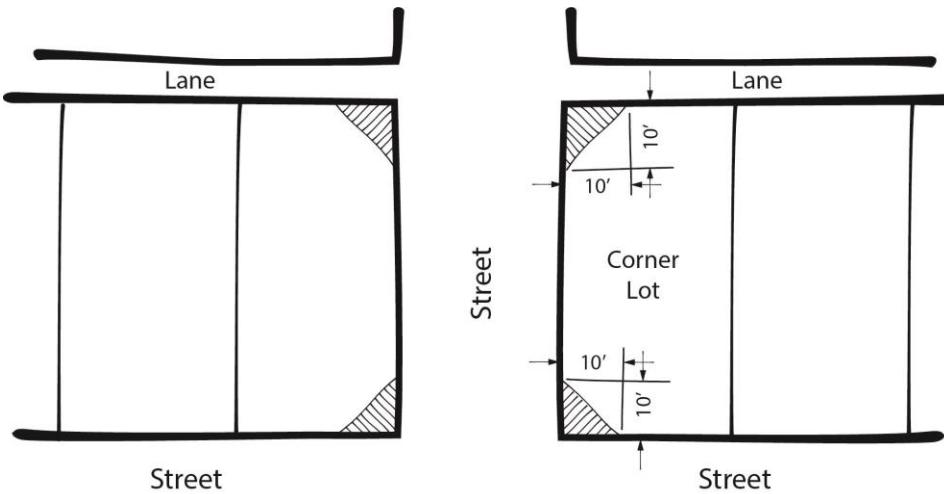
2. Where site comprising forty percent (40%) or more of the frontage of the block are developed with buildings, the average front yard depth established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.

3. A shelterbelt is an accessory use that may be placed in any required yard. However, since shelterbelts can create snow drifting problems on roads or highways, new plantings shall be placed fifteen (**15**) feet (**4.5 metres**) from the property line adjacent to all municipal road allowances and obtain the necessary permits if proposed within the control zone of a declared Provincial Road (**P.R.**) and / or Provincial Trunk Highway (**P.T.H.**).
4. The following features and accessory buildings, structures and uses may be permitted to project into or be located in required yards:
  - a. Agricultural crops, including haying and grazing fields, may be permitted into required yard;
  - b. Architectural features, including, but not limited to eaves, gutters, chimneys, bay windows, alcoves, awnings, canopies, and fire escapes may project into any yard provided said features project no closer than two (**2**) feet (**0.61 metres**) to any side site line, except that:
    - i. In the “**C**” Zone where they may project to the site line; and
    - ii. Architectural features of an accessory building or structure located to the rear of a main building may project no closer than five (**5**) feet (**1.5 metres**) to the side or rear site line;
  - c. Fences and Hedges, except as provided in **Section 3.1.3**, may be located in any front yard to a maximum height of four (**4**) feet (**1.2 metres**) and in any side or rear yard to a maximum height of six (**6**) feet (**1.8 metres**). Height restrictions for fences and hedges do not apply in the “**AG**” and “**AL**” zones;
  - d. Incidental storage of materials shall be permitted in any required rear or side yard;
  - e. Landscape features such as lighting, trees, shrubs, flowers or plants shall be permitted in any required yard provided they do not produce a hedge effect contrary to item (c) above;
  - f. Open, unenclosed and uncovered stairways, balconies, porches and decks attached to the main building with a maximum three and one-half (**3 ½**) feet (**1 metre**) high railings may project up to ten (**10**) feet (**3 metres**) into the required rear yard;
  - g. Parking spaces and off-street parking and loading – as regulated in **Section 3.1.3**, may be located in any required yard;
  - h. Public recreation areas / golf courses may be located in any required yard, excluding associated buildings;
  - i. Unenclosed outdoor display of commodities and products normally sold on the site, provided the display is not permanent and is visually attractive;
  - j. Public works / utility equipment, cables, and lines necessary for the provision of services may be located in a required yard;
  - k. Refuse/garbage & recycling storage bins and structures are not permitted in any required front yard except in areas zoned Residential Multiple Unit 1 (RM1) or Residential Multiple Unit 2 (RM2);
  - l. Uncovered walks, driveways, fixtures and other landscape architectural features, guardrails for safety purposes around ramps and accessibility ramps may be located in a required yard;
  - m. Signs; and
  - n. Temporary buildings, structures and uses.

## CORNER ALIGNMENTS

5. Notwithstanding any provision contained in this Part, on corner sites within the "C" zone, the following shall apply:

- a. Within the hatched triangular shaped areas of corner sites as shown below, no fence, wall structure, hedge, shrubs, or other horticultural landscape features shall be placed in such a manner as to produce a fence effect or visual barrier greater than two and one-half ( $2\frac{1}{2}$ ) feet (**0.76 metres**) above the average level of the ground.

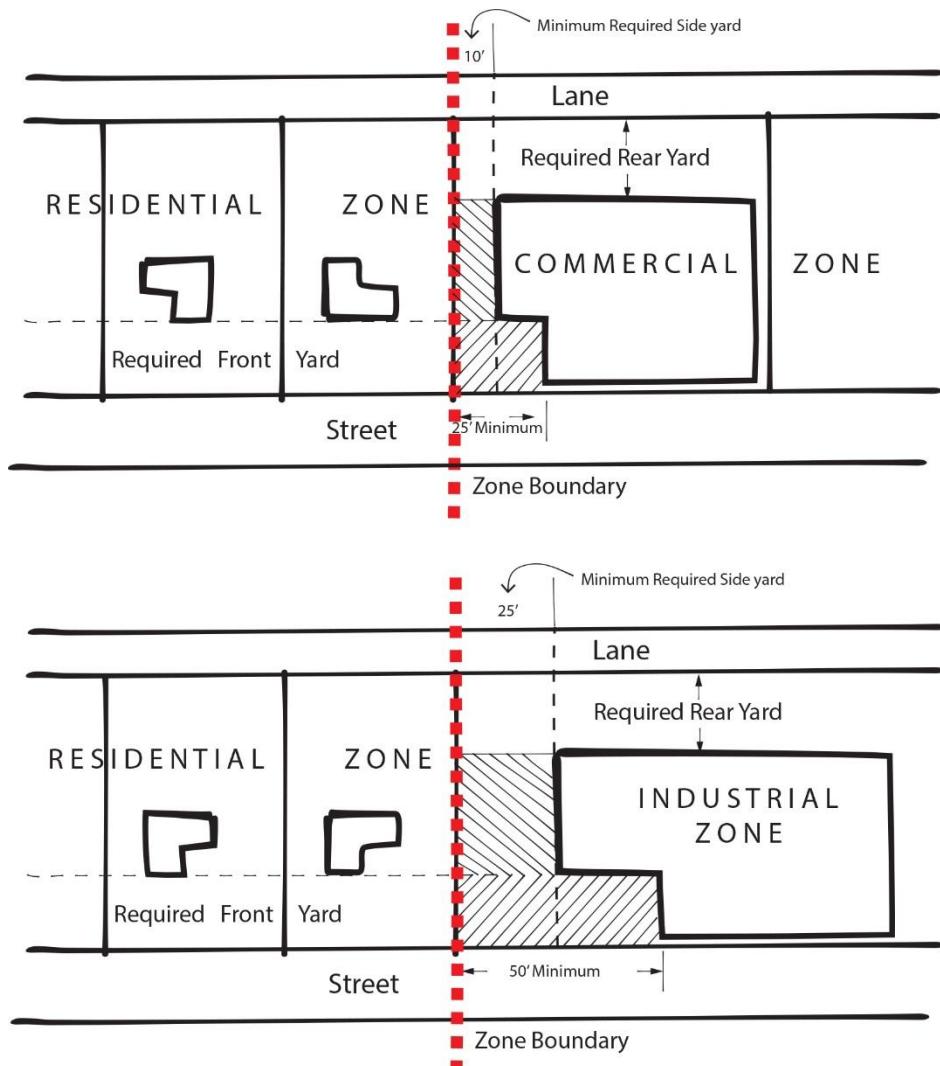


## YARDS ABUTTING RESIDENTIAL ZONE LIMITS

6. Notwithstanding any provision of this By-law, the following special yard requirements shall apply along all Residential Zone limits:

- Where a side site line in the “C” or “I” or “RI” zones abuts a side site line in an adjacent Residential Zone, the required front yard in the Residential Zone shall extend for a distance of twenty (25) feet (7.6 metres) in the case of the “C” zone, and fifty (50) feet (15.2 metres) in the case of the “I” zone from the zone limit;
- A side yard of ten (10) feet (3 metres) in the case of the “C” zone and twenty (25) feet (7.6 metres) in the case of the “I” zone shall be provided along the side site line which abuts the Residential Zone;

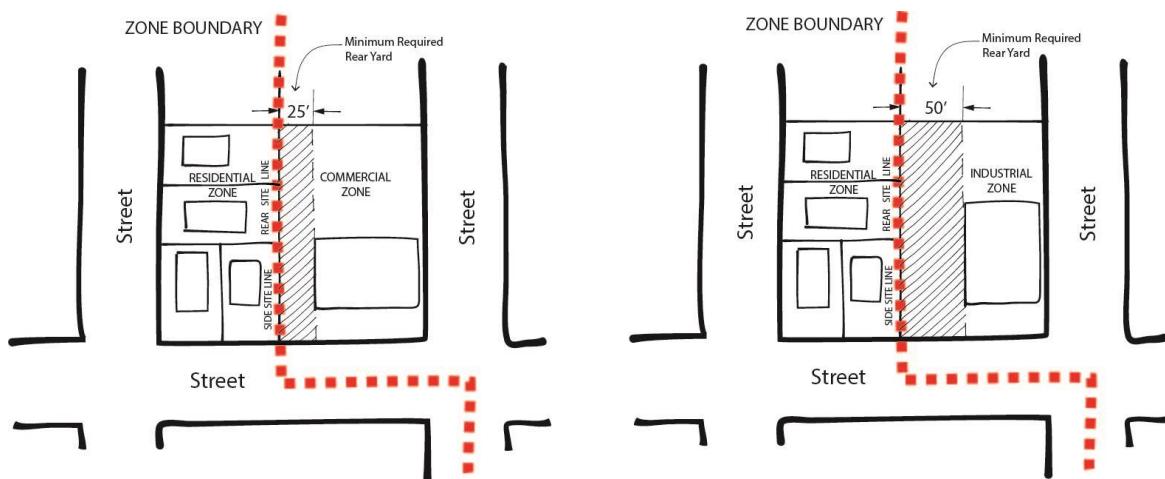
The following diagram illustrates the requirements under (a) and (b):



- Where a rear site line in the “C”, or “I” Zones abuts a side or rear site line in an adjacent Residential Zone, a rear yard of twenty-five (25) feet (7.6 metres) in the case of the “C” Zone, and fifty (50) feet (15.2 metres) in the case the “I” and “RI” Zones shall be provided along the rear site line.

- i. The residential component of a mixed-use development within a “C” Zone shall only be required to meet the required rear yard.

The following diagram illustrates the requirements of this clause:



- d. Where a yard as described in clauses (a), (b) or (c) is provided in the “C”, “I” or “RI” zones a compact hedge, row of shrubbery or a solid fence six (6) feet (**1.8 metres**) in height shall be provided and maintained along the site line abutting the Residential Zone limit.

## FENCES IN MULTIPLE UNIT DEVELOPMENTS

- 7. Subject to the requirements of section 3.1.1(4)(c) and 3.1.3(1) a fence a minimum of six (6) ft in height shall be constructed along the side and rear property lines of any development in the **RM1** and **RM2** zones.

### 3.1.2 SIGN REGULATIONS

#### GENERAL

- 1. The regulations herein are designed to establish a minimum control of signs.
- 2. Signs erected or maintained within the urban areas of Grunthal, Kleefeld, New Bothwell, Mitchell and Blumenort are subject to the following:
  - a. No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railway grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
  - b. In areas adjacent to Residential Zones, freestanding signs shall not obstruct the light to or view from a window of a habitable room; and
  - c. Flashing signs and digital signs are not permitted within Residential Zones or within one hundred (**100**) feet (**30.5 metres**) of Residential Zones. This paragraph shall not apply to digital reader boards which solely display fuel prices at a service station.

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

- a. No sign shall be erected or placed in such a manner as to prevent the normal maintenance or interfere with public safety;
- b. No sign or sign structures shall be erected or maintained on, over or above any land or right-of-way belonging to the municipality unless such right is established by agreement of Council;
- c. All signs and sign structures shall be kept in good repair and in a proper state of preservation; and
- d. 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 thirty (30) days following notice by the Designated Officer;

### 3.1.3 PARKING AND LOADING

#### PROVISIONS FOR OFF-STREET PARKING

1. Off-street parking spaces shall be provided and maintained in accordance with the requirements of the zone where the use is located and the following provisions:

- a. All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than three hundred (300) feet from the zoning site it serves. As a condition of a variance order, an agreement shall be entered into ensuring that the subject site remain together for the purpose of satisfying parking requirements.
- b. An accessory off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses, as determined by the Designated Officer, shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times;
- c. The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. The off-street parking area for industrial / commercial uses and multiple-family dwellings must be paved with either asphalt, concrete or paving bricks. Parking areas for public / private services (e.g. schools, libraries and single and two unit dwellings have the option to be suitably surfaced with gravel, crushed rock or other aggregate material;
- d. Where a window to a habitable room is located less than five (5) feet (1.5 metres) above grade, there shall be at least eight (8) feet (2.4 metres) separating the window from any parking space;
- e. When a building is enlarged, or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located; and
- f. Where a common parking area abuts an “RS”, “RT”, “RM1” or “RM2” zone, the owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than four (4) feet (1.22 metres) or more than six (6) feet (1.8 metres) in height along any portion of the parking area boundary which abuts the said “RS”, “RT”, “RM1” or “RM2” Zones.

## NUMBER OF PARKING SPACES REQUIRED

2. Accessory off-street parking for all uses shall be provided according to **TABLE 3 - 2: PARKING GROUP TABLE**. The parking group for each use shall be identified on **TABLE 4 - 1: PRINCIPAL USE TABLE – ALL ZONES**. For the purpose of computing the off-street spaces, the following shall apply:
  - a. Where a proposed use is not listed in **TABLE 3-2**, the parking requirement shall be determined by the Designated Officer which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Designated Officer shall make his / her determination as to the requirement;
  - b. In cases where floor area is the unit for determining the required number of accessory off-street parking spaces, said unit shall not include any area used for parking or loading within the principal building or structure and shall not include any area used for incidental service storage, mechanical equipment, heating systems and similar uses;
  - c. In stadiums, sports arenas, places of worship and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each two (2) feet (**0.6 metres**) of such seating facilities shall be counted as one (1) seat for the purpose of determining the accessory off-street parking; and
  - d. When the computation of the number of accessory off-street parking spaces required by the By-law results in a requirement of a fractional parking space, any fraction of a parking space shall be counted as an additional one (1) parking space.
  - e. Each parking space must have direct, unimpeded access to a roadway or lane. For matters of clarity, tandem parking (e.g. parking spaces along a driveway accessing a garage) is not considered additional parking space(s).
3. In the case of a hotel / motel the number of spaces for any on-site eating and drinking establishment or retail business / services shall be calculated in accordance with **TABLE 3-2** and shall be in addition to the spaces required for the hotel / motel.
4. Mixed-use developments in the “C” zone shall provide parking for each of any multiple-unit components and commercial / business or eating and drinking establishments and shall be calculated in accordance with **TABLE 3-2**.
5. Notwithstanding any provision in this section, a dwelling in which a bed and breakfast is operated shall provide a minimum of two (2) off street parking spaces for the use of guests of the bed and breakfast.

## ACCESSIBLE PARKING

6. All commercial, industrial, institutional and multi-family uses which serve as destinations for the general public shall also provide accessible parking spaces as per **TABLE 3-1**, in addition to those required as per **TABLE 3-2**. Additionally, at least one (1) of all required visitor parking spaces as outlined on **TABLE 3-2** must be accessible.
7. Accessible parking spaces must be at least twelve (12) feet (**3.6 metres**) wide and located in close proximity to building entrances with barrier-free paths between the parking area and building. Furthermore, accessible parking spaces must be appropriately marked and reserved for persons disabled by barriers. The provision of accessible parking shall be as shown on **TABLE 3-1**:

3.1.3.1 TABLE 3 - 1: ACCESSIBLE PARKING SPACES REQUIREMENTS

Number of Total Parking Spaces Required as Per TABLE 3-2	Number of Accessible Parking Spaces Required
1-25	1
26-50	2
51-100	3
100+	4 + 1 for each additional 20 required spaces

PARKING AREA DESIGN

8. The layout and design of accessory off-street parking areas shall be as follows:
  - a. The minimum dimensions for off-street accessory parking areas shall be in accordance with **FIGURE 3-1: MINIMUM PARKING SPACE REQUIREMENTS**;
  - b. Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
  - c. Each parking area shall have a vertical clearance of at least six and one-half ( $6\frac{1}{2}$ ) feet (**2.0 metres**) from floor to grade; and
  - d. The angle of parking shall be measured between the centreline of the parking space and the centreline of the aisle. Where the angle of parking varies from that set forth in **FIGURE 3-1**, the Designated Officer shall determine which set of requirements shall apply.

BICYCLE PARKING REQUIREMENTS

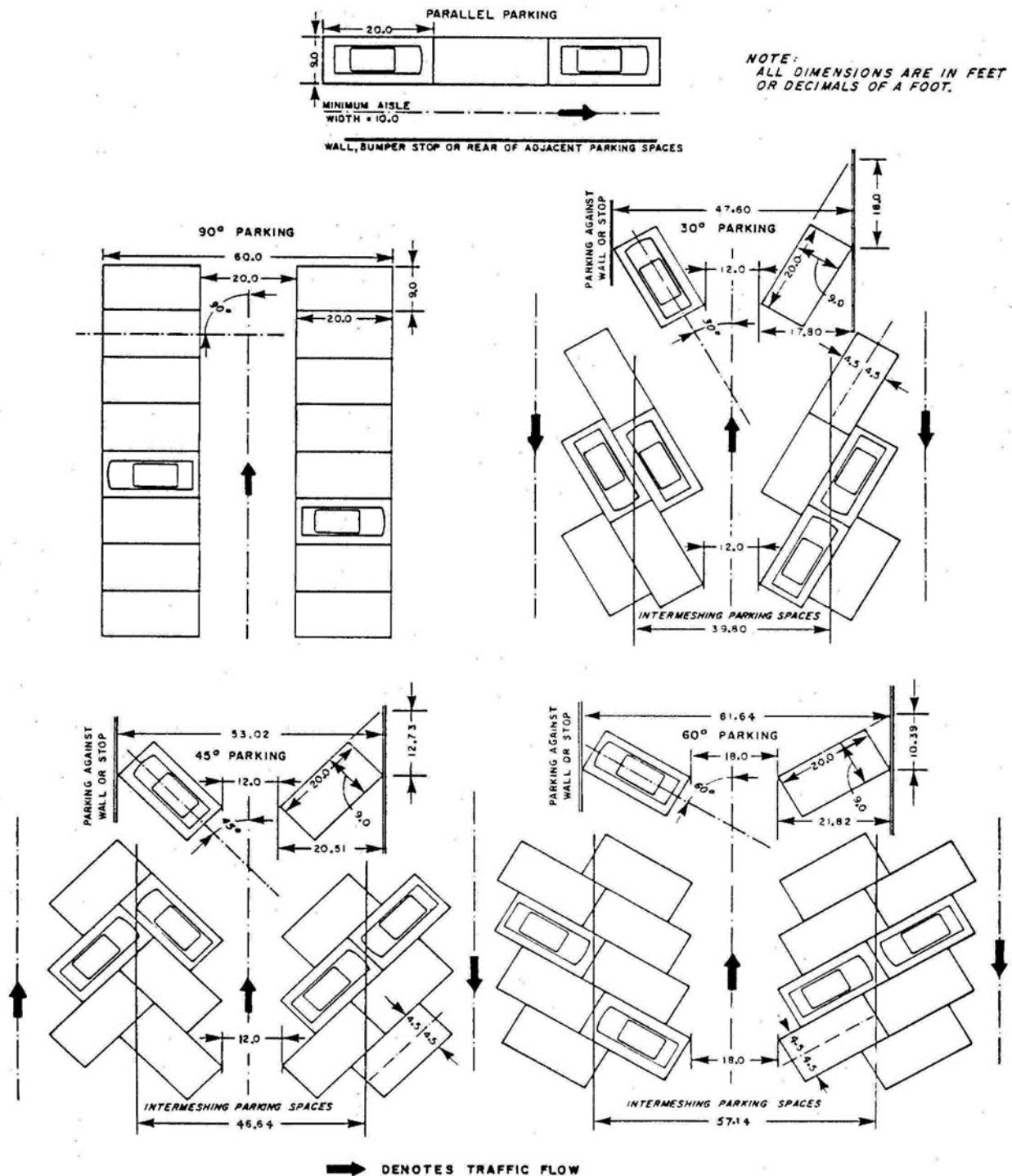
9. All developments within the “**RM1**”, “**RM2**”, “**C**”, zones are required to provide bicycle parking as follows:
  - a. One (**1**) lockable bicycle space per twenty (**20**) required automobile spaces shall be provided; and
  - b. bicycle parking must be provided with safe and convenient access to building entrances.

3.1.3.2 TABLE 3 - 2: PARKING GROUP TABLE

TABLE 3 - 2: PARKING GROUP TABLE	
Parking Use No.	Number of Parking Spaces Required
<i>A minimum of 2 parking spaces must be provided for use numbers 3-12</i>	
<b>1</b>	1 space per dwelling unit / site
<b>1a</b>	2 spaces per dwelling unit
<b>2</b>	2 dedicated spaces per dwelling unit for multi-family developments, including condo developments + additional 10% marked visitor parking
<b>3</b>	1.5 spaces per unit + additional 10% marked visitor parking
<b>4</b>	1 space per 3 beds
<b>5</b>	1 space per 200 sq. ft. of gross floor area
<b>6</b>	1 space per 500 sq. ft. of gross floor area
<b>7</b>	1 space per 2000 sq. ft. of gross indoor floor area and/or 1 space per 20,000 sq. ft. of exterior storage area (as applicable)
<b>8</b>	1 space per 3 seats for public use, or 33% of maximum occupancy (whichever is greater)
<b>9</b>	1 space per employee, plus 2 customer parking spaces
<b>10</b>	5 spaces per classroom
<b>11</b>	10 spaces per classroom
<b>12</b>	1 space per rentable chamber + additional 5% (See <b>section 3.1.3 and 4</b> )
<b>13</b>	As determined by the Designated Officer

3.1.3.3 FIGURE 3 - 1: MINIMUM PARKING SPACE REQUIREMENTS

MINIMUM PARKING SPACE REQUIREMENTS



## PROVISIONS FOR OFF-STREET LOADING

10. All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:

- a. Each off-street loading space shall have access to a public street or lane;
- b. Each off-street loading space shall be not less than twelve (**12**) feet (**3.6 metres**) in width nor have less than twelve (**12**) feet (**3.6 metres**) overhead clearance. In no case shall the length of the loading space be such that a vehicle in the process of loading or unloading shall project into any street or lane;
- c. The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles and shall not be used to satisfy any accessory off-street parking requirements or portion thereof;
- d. When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
- e. When the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading space, the next higher number applies.

## LOADING REQUIREMENTS

11. Accessory off-street loading spaces shall be provided as follows:

- a. No separate off-street loading space is required for any building having a gross floor area of less than ten thousand (**10,000**) square feet (**929 sq. metres**), however, one (**1**) of the required off-street parking spaces shall also serve as an off-street loading space;
- b. Commercial and Industrial Uses which occupy a floor area larger than ten thousand (**10,000**) square feet (**929 sq. metres**) shall provide one (**1**) loading space for each twenty thousand (**20,000**) square feet (**1858 sq. metres**) of gross floor area or part thereof; and
- c. Institutional and public uses, including public medical clinics, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than ten thousand (**10,000**) square feet (**929 sq. metres**) shall provide one (**1**) loading space for each thirty thousand (**30,000**) square feet (**2787 sq. metres**) of gross floor area or part thereof.

## ENTRANCES AND EXITS

12. The following regulations shall apply to all off-street public parking areas, automobile service stations, drive-in establishments, shopping areas and other such commercial uses requiring the provision of vehicular entrances and exits to the site:

- a. Access to the site for vehicles shall be only by way of entrances and exits provided in accordance with **TABLE 3-3**:

### 3.1.3.4 TABLE 3 - 3: ACCESS ENTRANCE AND EXIT REQUIREMENTS

URBAN RESIDENTIAL & COMMERCIAL USE ENTRANCE AND EXIT REQUIREMENTS	
Minimum width of an entrance or exit	15 feet ( <b>4.5 metres</b> )
Minimum width of an entrance or exit <sup>1</sup>	25 feet ( <b>7.6 metres</b> )
Minimum width of a combined entrance and exit	25 feet ( <b>7.6 metres</b> )
Maximum width of an entrance or exit	35 feet ( <b>10.6 metres</b> )
Maximum width of a combined entrance and exit <sup>2</sup>	15 feet ( <b>4.5 metres</b> )
Maximum width of a residential driveway <sup>3</sup>	The greater of 25 feet ( <b>7.6 metres</b> ) or 50% of the site width

<sup>1</sup>Does not apply to pie shaped lots.

<sup>2</sup>Applies to Commercial, Industrial and Residential Multi-Unit Dwellings.

<sup>3</sup>In the case of a two-unit dwelling, the maximum width is 25 ft per unit.

13. The owner shall provide and maintain a barrier on or near all street site lines to prevent vehicles entering or exiting the site other than by the entrances and exits permitted in this By-law.

### SCHOOLS AND EDUCATIONAL FACILITIES

14. All schools must provide queuing and loading areas for buses and private cars. These areas shall be able to accommodate at least three (**3**) buses and five (**5**) private automobiles.

### SNOW STORAGE

15. All developments required to provide on-site parking of five (**5**) or more spaces must provide areas for snow storage. Snow storage may occur within required yards as long as it does not interfere with adjacent sites, visibility or public streets and lanes.

### 3.1.4 DEVELOPMENT RESTRICTED

#### SEWAGE LAGOONS AND WASTE DISPOSAL SITES

1. No dwelling, mobile home dwelling or other habitable building shall be constructed or located within one thousand five hundred (**1,500**) feet (**457.2 metres**) of the site of any municipal sewage lagoon or solid waste disposal site.

#### NOXIOUS OR OFFENSIVE USES

2. Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise unless the use is permitted in the subject zone, satisfactory measures are undertaken to mitigate or eliminate such effects and necessary licensing has been obtained from the applicable provincial authority, as required.

#### UNSUITABLE FOR DEVELOPMENT

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

#### ANHYDROUS AMMONIA FACILITIES

4. Anhydrous ammonia storage facilities shall be set back three hundred and thirty (**330**) feet (**100 metres**) from any public roadway, and shall be separated by a distance of two thousand six hundred and forty (**2,640**) feet (**804.6 metres**) from any individual residence or any residential area. Any residential development within this buffer area requires a conditional use.

### 3.1.5 MOBILE HOME REGULATIONS

1. All mobile home dwellings shall have painted, durable skirting to screen the view of the foundation supports and under the carriage of the mobile home within sixty (**60**) days of location on the site.

### 3.1.6 MOBILE HOME PARKS

1. All mobile home parks shall provide:
  - a. A central open space area equivalent to two hundred (**200**) square feet (**18.5 sq. metres**) per mobile home space or two thousand four hundred (**2400**) square feet (**222.9 sq. metres**), whichever is greater; and
  - b. An all-weather surface internal roadway to serve all mobile homes with a minimum twenty-four (**24**) feet (**7.3 sq. metre**) wide driving surface and forty 40 feet (**12.1 metre**) total width.

## ACCESSORY BUILDINGS AND USES

2. The types of accessory uses, buildings and structures permitted in mobile home parks shall be as set forth in **TABLE 3-5**.
3. The site and other requirements for buildings and structures in the “RMH” Zone, as outlined in **TABLE 3-4** shall apply in mobile home parks except that the requirements shall be interpreted as applying to a “mobile home space” rather than a “site.”

### 3.1.6.1 TABLE 3 - 4: “RMH” MOBILE HOME PARK ZONE REQUIREMENTS

<b>“RMH” MOBILE HOME PARK ZONE REQUIREMENTS</b>	
<b>DESCRIPTION</b>	<b>DIMENSIONAL REQUIREMENTS</b>
Site area, minimum for mobile home park	1 acre
Maximum density	6 mobile homes per acre
Minimum area of each mobile home space	4500 sq. ft.
Minimum width of each mobile home space	45 ft.
Minimum depth of each mobile home space	100 ft.
Minimum side to side clearance between mobile home dwellings (porches, carports, additions and projections are considered part of the mobile home)	10 ft.
Minimum end-to-end clearance between mobile homes	30 ft.
Minimum distance from mobile home to roadway	10 ft.
Minimum distance from mobile home to public street or mobile home park boundary	30 ft.
Minimum separation between accessory building and other structures	10 ft.

### 3.1.7 SUBDIVISION OF EXISTING ATTACHED DWELLINGS

1. A site with a two-unit attached dwelling or row type dwelling located thereon may be subdivided into two (2) or more sites provided that:
  - a. Any new site line shall, where possible, be a straight line between the front and rear site lines, locate in such a manner that the party wall of two adjacent units shall form part of the new site line;
  - b. Each site created shall have frontage on a street other than a lane;
  - c. Each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
  - d. The permitted use for each site shall be for one (1) attached single-unit dwelling unit and permitted accessory uses only;
  - e. Notwithstanding the subdivision of the above, the sites created continue to form a single zoning site only; and

f. Notwithstanding the minimum requirements of **Table 4-4**, any new site created pursuant to this subsection shall have a minimum site area of two thousand (**2,000**) square feet (**185.8 sq. metres**) and a minimum site width of twenty (**20**) feet (**6 metres**). No side yard is required along a party wall.

### 3.1.8 HEIGHT LIMITATIONS

1. Provisions of this By-law, if any, shall not apply to limit the height of:
  - a. Chimneys and flues;
  - b. Elevators and bulkheads;
  - c. Flagpoles, communication towers, aerials, lines, and wind turbine generator towers;
  - d. Roof-mounted satellite dishes;
  - e. Steeples and spires;
  - f. Water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associated with the operation of a building or structure; and
  - g. Grain elevators and grain or other agricultural product handling structures
2. The maximum height of a private communication tower shall be fifty (**50**) feet (**15.2 metres**) above the height of the main building on the site.
3. The maximum height of a solar collector shall be eight (**8**) feet (**2.4 metres**) above the height of the main building on the site.

### 3.1.9 OUTDOOR LIGHTING

1. Outdoor lighting shall be low-glare in nature and placed in a manner so that no direct rays of light are directed at adjoining properties, or interfere with the integrity of traffic control devices.
2. If ground mounted, the maximum height of outdoor lighting fixtures shall be thirty-five (**35**) feet (**10.6 metres**).

### 3.1.10 OUTDOOR SOLID FUEL HEATING SYSTEMS

1. An outdoor solid heating system building or structure shall comply with the following regulations:
  - a. No person shall install an outdoor solid fuel heating system building or structure without first obtaining a Development Permit from the Designated Officer and no Development Permit to install an outdoor solid fuel heating system building or structure shall be issued unless all the regulations of this By-law have been satisfied;

- b. No outdoor solid fuel heating system building or structure shall be located in Mitchell, Kleefeld, Grunthal, Blumenort and New Bothwell or within one-quarter (**1/4**) mile (**0.40 km**) of the boundary of the zoned area of the above noted centers;
- c. Outdoor solid fuel heating system buildings or structures are considered accessory uses and shall be developed in accordance with Section 3.2.6 of this By-law.
- d. An outdoor solid fuel heating system building or structure shall be located:
  - i. Behind the rear wall and straight line projection of the main building on the site;
  - ii. At least fifty (**50**) feet (**15.2 metres**) clear of all projections from the main building or other accessory buildings or structures on the site; and
  - iii. At least fifty (**50**) feet (**15.2 metres**) feet from any lot line.
- e. The outdoor fuel heating system building or structure shall be developed in accordance with all applicable CSA regulations and provincial and / or federal regulations and codes;
- f. Notwithstanding **Section 3.1.8** of the By-law or the Bulk Tables, the minimum height of any chimney that is part of a solid fuel heating system building or structure shall be eleven (**11**) feet (**3.3 metres**); and
- g. The minimum separation space between an outdoor solid fuel heating system appliance and the walls and ceiling of the any building or structure which contain it shall be five (**5**) feet (**1.5 metres**).

## 3.2 USE SPECIFIC STANDARDS

### 3.2.1 RAIL CARS, SEMI-TRAILERS, INTER-MODAL SHIPPING OR SIMILAR CONTAINERS

- 1. Rail cars, semi-trailers, inter-modal shipping or similar containers, as determined by the Development Officer, shall comply with the following regulations:

If used for less than one hundred and eighty (**180**) days:

- a. Shall be classified as a Temporary Use;
- b. Shall not be: placed on a public right-of-way or dedicated lands; or located within four (**4**) feet (**1.2 metres**) of a property line; or located so as to create a safety hazard (e.g. traffic sight lines); or located so as not to be readily accessible at all time to be removed;
- c. The owner of the affected property shall provide a site plan showing the location of the container, obtain a temporary use permit and pay any applicable fees before the container is allowed on a site;
- d. The container is utilized for accessory storage, including the storage of supplies and equipment during construction of a structure with a valid building permit issued by the municipality; and
- e. Only one (**1**) container shall be allowed on a construction site and the container shall not exceed a height of twenty (**20**) feet (**6.10 metres**).

If used for one hundred and eighty (180) days or more:

- f. Are allowed as an accessory use as per **TABLE 3 – 5**;
- g. The container must be painted, have any shipping company identification removed and kept in good repair;
- h. Shall be located in the side or the rear yard provided that it is:
  - i. Screened from view from any public street and abutting properties;
  - ii. Complies with the site coverage and setback requirements of the zone;
  - iii. Not located in any required yard; and
  - iv. Not located in any required parking areas or landscape buffer.
- i. Shall be included in all calculations to determine maximum site coverage;
- j. For residential and commercial zones, the maximum number of shipping containers shall be limited to one (1). For “AG”, “AL” zones, there is no maximum;
- k. Notwithstanding the above, when actively used for the transportation of goods and materials within the commercial and industrial zones, no maximum number of shipping containers shall apply; and
- l. An appropriate permit shall be obtained from the municipality and an annual fee paid, if required.

### 3.2.2 HOME OCCUPATIONS, HOME BUSINESSES AND HOME INDUSTRIES

#### HOME OCCUPATIONS

- 1. A home occupation is defined as an occupation, trade, profession or craft that:
  - a. Is carried on in a dwelling unit or mobile home or its permitted accessory building and which is clearly incidental or accessory to the main residential use;
  - b. Is carried on solely by the members of the residential unit without the employment of other persons;
  - c. Has 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 may be provided for in the By-law;
  - d. In the opinion of the Council is not offensive, obnoxious or creates a nuisance; and
  - e. Does not cause the generation of undue traffic and congestion in the neighbourhood.

A home occupation use shall generally include, but not be limited, to the following: home day care services; business, professional or organization offices; crafts and hobbies; private tutoring or lessons;

hair stylists; massage therapy and other like uses. Uses which, in the opinion of the designated officer, cannot reasonably be considered a like use, or a substantially similar use, shall be categorized as a permitted, unpermitted, or conditional use as per Table 4-1.

2. A home occupations is allowed as an accessory use as per **TABLE 3 - 5**. A Development Permit must be obtained from the Designated Officer.

## HOME BUSINESS

3. a Home business is defined as a small business or enterprise, carried on within totally enclosed accessory buildings or in a dwelling, when accessory, secondary and incidental to the principal residential use. Such uses are subject to the following:
  - a. The accessory use will not generate unacceptable amounts of noise, odour or traffic, create unsightly appearances or other disturbances that may be deemed unsuitable;
  - b. The proposed use will not create a potential for conflict with activities that would normally occur in the specific zone;
  - c. Exterior storage of products or materials to be limited to the rear yard and shielded from public view so as not to be visible from the road by a structure high enough to afford adequate screening, being a minimum of six (6) feet (**1.8 metres**) in height; and
  - d. Is carried on by the members of the residential unit and may include the employment of other persons.

Home business uses shall generally include, but not be limited to, retail sales, auto sales, contractor and trade occupations and like uses. For matters of clarity, auto sales under this section are limited to no more than five (5) automobiles and shall not include auto servicing. Uses which, in the opinion of the designated officer, cannot reasonably be considered a like use, or a substantially similar use, shall be categorized as a permitted, unpermitted, or conditional use as per Table 4-1.

4. Home businesses are allowed as per **TABLE 3 – 5**. A Development Permit must be obtained from the Development Officer. If a Home business creates a situation where:
  - a. Materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
  - b. Customers' or clients' vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or
  - c. The use contravenes any of the other requirements outlined in this Section.

It shall be considered the home business has become a principal use and must satisfy this By-law as such.

## HOME INDUSTRY

5. Home industry is defined as a non-offensive light manufacturing activity that may be permitted as a secondary use in addition to the principal use, subject to the following criteria:

- a. The principal use on the site shall be established with a residence and be the permanent residence of the owner / operator;
- b. Is carried on by the members of the residential unit and may include the employment of other persons;
- c. Will not generate unacceptable amounts of noise, odour or traffic, create unsightly appearances or other disturbances that may be deemed by Council as unsuitable; and
- d. The proposed use will not create a potential for conflict with activities that would normally occur in the affected zone.

Home industries shall generally include, but not be limited to, the following: farm related sales and service, machinery and auto repair, welding, carpentry, other trades and like uses. Uses which, in the opinion of the designated officer, cannot reasonably be considered a like use, or a substantially similar use, shall be categorized as a permitted, unpermitted, or conditional use as per Table 4-1.

- 6. Home industries allowed as per **TABLE 3 - 5**. A Development Permit must be obtained from the Development Officer.

### 3.2.3 HOBBY POULTRY

- 1. Up to a maximum of six (6) hens may be kept in “RS”, “RR”, and “RRs” Zones, subject to the following:
  - a. No person shall establish hobby poultry on a site without first obtaining a Development Permit from the Designated Officer;
  - b. No roosters are allowed;
  - c. The coop and enclosure must meet the following standards:
    - i. be located in the rear of the lot behind the dwelling and not located within the accessory use setbacks;
    - ii. be positioned a minimum of fifteen (15) feet (4.6 m) from any neighbouring property line;
    - iii. the enclosure must be covered entirely on all sides and top by chicken-grade fencing; and
    - iv. be kept in a clean and tidy manner as determined by the Designated Officer.

On lots of four (4) or more acres, including Rural Residential Zones, the maximum number of hens is ten (10).

### 3.2.4 KEEPING OF ANIMALS

- 1. In “RR” and “RRs” zones, on parcels of at least four (4) acres, a limited number of livestock may be kept on-site, subject to the following:

- a. No person shall establish keeping of livestock on a site without first obtaining a Development Permit from the Designated Officer;
- b. Livestock on-site are not to exceed one (1) animal unit per four (4) acres;
- c. Livestock must be kept in a suitable enclosure and shall not be allowed to roam in unfenced areas; and
- d. Any structure intended for the keeping of livestock is only permitted in the rear yard of a site and must maintain a setback of fifteen (15) feet (**4.5 metres**) from any site line.

### 3.2.5 BACKYARD BEE KEEPING

1. Backyard bee keeping, as allowed in **TABLE 3 – 5**, meet the following requirements:
  - a. No person shall establish backyard bee keeping on a non-agricultural site, including small acreage holdings in the agricultural zones, without first obtaining a Development Permit from the Designated Officer;
  - b. Hives are limited to a maximum of four (4) per site and must be:
    - i. Set back at least twenty-five (25) feet (**7.5 metres**) from any site line; and
    - ii. Concealed behind a solid fence six (6) feet (**1.8 metres**) in height.

### 3.2.6 ACCESSORY BUILDINGS, STRUCTURES AND USES

#### GENERAL

1. Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this Section and the Use Table and Bulk Use Requirements Table of the zone in which the accessory buildings, structures and uses are to be located.

#### LOCATION AND USE

2. Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
  - a. Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
  - b. The maximum exterior wall height of an accessory building or structure in the “**RS**”, “**RT**”, “**RM1**”, “**RM2**” and “**RMH**” Zones shall be ten (10) ft. (**3.0 metres**). There is no maximum height restriction in all other zones;
  - c. Detached accessory buildings or structures shall not be located in any required front yard;
  - d. Maximum size and number of accessory buildings / structures are limited to the following:
    - i. In the “**RS**”, “**RT**”, “**RM1**”, “**RM2**” and “**RMH**” Zones, the maximum size is limited to greater of seven hundred and fifty (**750**) square feet or ten percent (**10%**) of the overall

- site area, not to exceed one thousand (1,000) sq. ft. A maximum of two (2) buildings / structures are allowed;
- ii. In the “RR” and “RRs” zones, the maximum size is limited to two thousand (2,000) sq. ft. of the overall site area. A maximum of two (2) buildings / structures are allowed;
- iii. There are no restrictions in the “AG” and “AL” zones with respect to the size and the number of accessory buildings / structures; and
- iv. For (i) and (ii) above, the square footage of accessory buildings / structures attached to the main building, such as an attached garage, are not included in the calculations for maximum size and number of buildings.
- e. No accessory building or structure shall be erected prior to the main building or structure except:
  - i. Where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure. A building permit will be required; and
  - ii. When building permit(s) for the main building or structure are taken out at the same time as the permit for the accessory building or structure.
- f. Accessory buildings or structures shall not be used for human habitation except as otherwise permitted herein.

## TYPES PERMITTED

- 3. Accessory buildings, structures and uses shall be limited to those listed on **TABLE 3 5** for each respective zone, except where Council approves a conditional use for appropriate uses not listed.

## SECONDARY SUITES

- 4. Secondary Suites, as defined in this By-law, must comply with the *Manitoba Building Code* and are subject to the following regulations:
  - a. Are not permitted in association with a multiple-unit or two-unit dwelling;
  - b. Are not included in size limit specified in **Section 3.2.6.2.e.** for accessory buildings;
  - c. Are not permitted where two-unit attached or row type dwellings have been subdivided as per **section 3.1.7.1**;
  - d. A minimum of one (1) off-street parking space must be provided for the exclusive use of the secondary suite;
  - e. Not more than one (1) secondary suite shall be permitted on a zoning site;
  - f. Home Occupations, Home based businesses or Home Industries are not allowed in a secondary suite; and
  - g. All secondary suites shall be connected to municipal sanitary sewer and water services where available or otherwise comply with Provincial Regulations.
  - h. A secondary suite shall have access to the road by the existing driveway.

5. For attached Secondary Suites:

- a. Notwithstanding a basement suite, the maximum floor area shall not exceed the lesser of 80% of the total habitable floor space of the principal dwelling or 861 sq. ft. (80 sq. m.). The floor area of an attached secondary suite cannot be less than three hundred and fifty (350) sq. ft. Where the square footage of an attached secondary suite exceeds this limit, it shall be considered a two unit dwelling;
- b. Shall only be located in a single family dwelling and where the lot is not less than seven thousand five hundred (**7500**) sq. ft. (**696.75 sq. m.**) in site area;
- c. The single family dwelling and the secondary suite shall have an entrance separate from the principal dwelling either from a common indoor landing or directly from the front, side or rear of the dwelling;

6. For ground level detached Secondary Suites:

- a. Must be smaller than the existing principal dwelling to a maximum floor area of eight hundred sixty-one (**861**) square feet (**80 sq. metres**);
- b. The secondary suite shall be separated from the principal dwelling by a minimum of ten (**10**) feet (**3.05 m.**) and be on a parcel which is a minimum of 2 acres in size;
- c. The secondary suite shall have the same side , corner side yard and front yard as required for the principal dwelling; and
- d. The secondary suite shall have a minimum of rear yard of five (**5**) feet (**1.52 meters**).
- e. The secondary suite shall not have a basement.

7. For a secondary suite located above a detached garage or a single storey secondary suite attached to the side or rear of a detached garage at grade:

- a. Maximum floor area shall be eight hundred sixty-one (**861**) sq. ft. (**80 sq. metres**);
- b. The secondary suite shall be separated from the principal dwelling by a minimum of ten (**10.0**) feet (**3.05 metres**);
- c. The secondary suite shall have an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.

## SOLAR COLLECTORS, PRIVATE WINDMILLS AND NATURAL ENERGY DEVICES

8. Private windmills, when accessory to a main residential use within the rural areas, are a permitted use. Private windmills shall not be established in urban areas.
9. Solar collectors, when mounted on a peaked roof shall be attached flush to the roof and are considered a permitted use.
10. Solar collectors, when located on the ground, which are accessory to a main building, shall adhere to the accessory structure standards of the applicable zone, and are considered permitted or conditional according to **TABLE 3.5**.
11. Solar collectors, when mounted on a flat roof, shall adhere to the standards in **Section 3.1.8**.

3.2.6.1 TABLE 3 - 5: ACCESSORY USE, BUILDING OR STRUCTURE TABLE

USE, BUILDING OR STRUCTURE "P" Permitted "C" Conditional		ZONES								
		AG AL	RR RRs	RS	RT RMH	RM <sub>1</sub> RM <sub>2</sub>	C CH	RI I LI	OS	PUD
<b>1</b>	Administrative and business offices	P	-	-	-	-	P	P	P	P
<b>2</b>	Agricultural buildings, incl. barns, grain bins and similar structures	P	-	-	-	-	-	-	-	-
<b>3</b>	Agri-tourism	P	-	-	-	-	-	-	-	-
<b>4</b>	Aircraft landing field	P	-	-	-	-	-	-	-	-
<b>5</b>	Athletic fields, park areas, play areas and similar	P	P	P	-	P	P	-	P	P
<b>6</b>	Backyard Bee Keeping ( <i>see section 3.2.5</i> )	P	C	C	-	-	C	-	-	-
<b>7</b>	Bed and breakfast (not including agri-tourism use)	P	C	C	-	-	C	-	P	-
<b>8</b>	Cemetery	C	-	-	-	-	C	-	-	-
<b>9</b>	Communication tower - private	P	P	P	P	P	P	P	P	P
<b>10</b>	Day Care, Community	-	-	-	-	C	C	-	C	-
<b>11</b>	Day Care, Group	C	C	C	-	C	C	-	C	C
<b>12</b>	Day Care, Home	P	P	P	P	P	-	-	P	P
<b>13</b>	Drive-through ( <i>see section 3.2.9</i> )	-	-	-	-	-	C	-	-	-
<b>14</b>	Dwelling unit (except when a dwelling is the main use): a single-unit dwelling, mobile home dwelling or dwelling unit for the owner / operator of a commercial site or for a caretaker of an institution / industrial site (a)	-	-	-	-	-	P	P	-	P
<b>15</b>	Dwelling or mobile home ancillary to an agricultural use	P	-	-	-	-	-	-	-	-
<b>16</b>	Dwelling: single unit as accessory to a school or religious facility	P	P	C	-	-	P (b)	-	-	-
<b>17</b>	Education service as accessory to a religious facility	C	-	-	-	-	C	-	C	-

USE, BUILDING OR STRUCTURE "P" Permitted "C" Conditional		ZONES								
		AG AL	RR RRs	RS	RT RMH	RM1 RM2	C CH	RI I LI	OS	PUD
18	Fuel tank storage	P	-	-	-	-	C	P	-	-
19	Fuel pumps and associated structures when incidental to a service station	-	-	-	-	-	P	P	-	-
20	Garage, carport, covered patio, tool house, shed or similar building - private	P	P	P	P	P	P	P	P	P
21	Greenhouse or conservatory – private	P	P	P	P	-	C	-	-	P
22	Hobby poultry ( <i>see section 3.2.3</i> ) and associated structures	-	P	P	-	-	-	-	-	-
23	Home Business ( <i>see section 3.2.2.2</i> )	P	C	C	C	C	-	-	-	C
24	Home Industry ( <i>see section 3.2.2.3</i> .)	P	-	-	-	-	-	-	-	-
25	Home Occupations ( <i>see section 3.2.2.1</i> )	P	P	P	C	C	-	-	-	P
26	House, Boarding, rooming and lodging	-	-	C	-	-	-	-	-	-
27	Keeping of animals ( <i>see section 3.2.4</i> ) and associated structures	-	P	-	-	-	-	-	-	-
28	Kennels	C	-	-	-	-	C	-	-	-
29	Off-street parking and loading areas	P	P	P	P	P	P	P	P	P
30	Outdoor patio accessory to an eating and drinking establishment	-	-	-	-	-	C	-	-	-
31	Outdoor solid fuel heating system ( <i>see section 3.1.10</i> )	P	P	-	-	-	-	-	P	P
32	Pet Services	C	C	C	C	-	C	C	-	-
33	Place of Assembly	-	-	-	-	-	C	-	C	C
34	Retail business / service and other permitted / conditional commercial uses when incidental to the main commercial or industrial use	P	-	-	-	-	P	P	-	P
35	Sales and service areas associated with a retail business / service	P	-	-	-	-	P	P	-	P
36	Secondary Suite – attached ( <i>see section 3.2.6.5</i> )	C	C	C	-	-	-	-	-	-

USE, BUILDING OR STRUCTURE "P" Permitted "C" Conditional	ZONES								
	AG AL	RR RRs	RS	RT RMH	RM <sub>1</sub> RM <sub>2</sub>	C CH	RI I LI	OS	PUD
37 Secondary Suite - detached ( <i>see section 3.2.6.6</i> )	C	C	C	-	-	-	-	-	-
38 Secondary suite - Loft garage ( <i>see section 3.2.6.7</i> )	C	C	C	-	-	-	-	-	-
39 Shipping Container ( <i>see section 3.2.1</i> )	P	P	C	-	-	P	P	P	P
40 Solar collector - ground mount	P	P	C	C	C	C	P	C	C
41 Solar collector - roof mount	P	P	P	P	P	P	P	P	P
42 Stable	P	C	-	-	-	-	-	P	-
43 Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein	P	-	-	-	-	C(a)	P	-	P
44 Swimming pool – private (including hot tubs)	P	P	P	P	P	P	-	-	P
45 Windmill – private ( <i>see section 3.2.6.8</i> )	P	-	-	-	-	-	-	-	-
46 Uses listed in the Definition section as accessory to defined uses and listed as "P" or "C" on appropriate use table	main use will determine whether "C" Conditional or "P" Permitted								

## EXCEPTIONS TO REQUIREMENTS

- a) An accessory dwelling unit for the owner / operator is also permitted when contained within the same building as the main use provided that:
  - i. no more than fifty percent (50%) of the total building floor area is occupied by the dwelling unit; and
  - ii. the dwelling unit is not located in the front half of the main floor area facing the street.
- b) Permitted in "C" Zone only.

## 3.2.7 TEMPORARY BUILDINGS, STRUCTURES AND USES

### PERMIT REQUIRED

1. Buildings, structures and uses may be permitted on a temporary basis, subject to the issuance of a Development Permit from the Designated Officer.

2. A Development Permit for a temporary building, structure or use shall be subject to such terms and conditions as required the Designated Officer.
3. Each Development Permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

## TEMPORARY CAR SHELTERS

4. Temporary car shelters require a Development Permit and are subject to the following:
  - a. Must be kept in good condition at all times;
  - b. Are authorized only for residential sites;
  - c. Must be located on the same piece of land as the main building that they serve;
  - d. Must not be placed within a required yard for accessory structures; and
  - e. If located within a front yard, must be installed within a driveway or a parking space only.
5. Temporary car shelters are intended to be used for sheltering vehicles from snow and ice during the winter months.
6. Each residential zoning site is permitted to have one (1) temporary car shelter.

## EXCEPTIONS

7. Notwithstanding the above provisions, a Development Permit shall not be required for:
  - a. The use, erection or construction of temporary buildings or structures associated with a development authorized by a separate Development Permit for the period of construction; and
  - b. Temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and the like, provided the necessary licenses under *The Municipal Act* are obtained as required.

## CONSTRUCTION

8. Temporary buildings, structures and uses to be used in conjunction with a construction site:
  - a. Shall not exceed one thousand (1,000) square feet (92.9 sq. metres) in floor area nor fifteen (15) feet (4.5 metres) in height;
  - b. May be used for storage of construction materials and equipment incidental to and necessary for construction;
  - c. May be used for office space for contractor or developer;
  - d. Shall not be used for human habitation, except as temporary accommodation for a caretaker or other staff; and
  - e. Shall not be detrimental to the public health, safety, convenience and general welfare.

### 3.2.8 PRIVATE SWIMMING POOLS AND HOT TUBS

1. This section applies to private swimming pools, hot tubs and similar structures when accessory to a residential use.
2. No outdoor pool or hot tub shall be located closer than five (5) ft. to any side or rear site line.
3. An outdoor private pool and / or hot tub shall be enclosed with a fence or other suitable barrier constructed in accordance with the following requirements:
  - a. A minimum height of five (5) feet (1.5 m);
  - b. There shall be no openings other than a door to a building or a gate as described in **clause (c)**, and it shall not be possible for a child to crawl under either the fence or the gate;
  - c. Any gate shall be self-closing, shall be at least five (5) feet (1.5 m) in height and shall be equipped with a lockable hatch to prevent unauthorized entry;
  - d. Where a chain link fence is used, the outside surface of the fence or gate shall be at least no. 11 gauge;
  - e. Where other than a chain link fence is used, the outside surface of the fence or gate shall be relatively smooth so as not to provide foot or toe holds; and
  - f. If, in the opinion of the Designated Officer, there is any undesirable feature pertaining to the enclosure, suitable steps shall be taken to correct the situation.
4. The enclosure surrounding an outdoor private pool shall be maintained in good repair.
5. In lieu of the enclosures specified **section 3.2.8.3.**, the fence and gate are not required for a hot tub installed outdoors at a single-unit dwelling if:
  - a. The hot tub does not exceed eight (8) ft. (2.4 m) in diameter or fifty (50) sq. ft. (4.65 m<sup>2</sup>) in total surface area;
  - b. The hot tub has a cover that:
    - i. Has the structural strength to support the weight of an adult walking across the top of the cover when it is in the closed position; and
    - ii. Is capable of being locked in the covered position to prevent access to the water by unauthorized person;
6. At all times when use is not supervised by an adult, the hot tub is covered by a cover that complies with **section 3.2.8.5.(i)** and **(ii)** and is locked.

7. A hot tub capable of containing water to a depth of twenty-four (24) in. (600 mm) or greater shall have installed on it a cover that complies with sections **3.2.8.5.a.** and **b.** and **3.2.8.6.** if the hot tub is installed outdoors at a single-unit dwelling.
8. Notwithstanding the provisions of **section 3.1.1**, open decks and open stairways associated with outdoor pools and hot tubs may project to any side or rear site line.
9. Semi-private pools and hot tubs, when not located on a single-unit dwelling site or used solely by the occupants of the dwellings or their guests are subject to the regulations governing swimming pools and hot tubs under the *Public Health Act* and regulations under that Act.
10. Nothing in this subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under *The Building and Mobile Homes Act*, *Public Health Act* or applicable statutes.

### 3.2.9 LANDSCAPING AND SCREENING REQUIREMENTS

1. Where off-street parking for fifty (50) or more vehicles is provided at-grade on a site, sixteen (16) square feet (**1.5 square meters**) of landscaped area shall be provided for each parking space. The required landscaped area shall not be provided within a required yard and shall be situated in a manner as to provide visual relief and / or a protected, landscaped walking route through the parking area to the main building entrance.
2. Any parking area or loading area in a “C”, “CH”, “RM1” or “RM2” or “I” zone which is visible from an “RS” or “RT” zone shall provide opaque fencing, masonry wall, earthen berm and / or landscaped screening at least four (4) feet (**1.2 metres**) in height.
3. Garbage enclosures and collection areas which are located within a “C”, “CH”, “RM1”, “RM2” or “I” Zones and are visible from public streets and / or an “RS”, “RT” or “RM” zone shall be enclosed within opaque fencing, a masonry wall and / or landscaped screening at least six (6) feet (**1.8 metres**) in height.
4. If landscaped screening is provided it shall consist of coniferous trees or shrubs and / or deciduous trees and shrubs. Landscaping must be maintained to provide effective screening to a height of six (6) feet (**1.8 metres**).

### 3.2.10 DRIVE-INS AND DRIVE-THROUGHS

1. All drive-ins and drive-throughs, whether a principle or accessory use, are subject to the following:
  - a. No drive-ins or drive-throughs shall be located on a lot or site which is adjacent to a lot with residential zoning, unless they are separated by separate building or a public street;
  - b. No portion of a drive-in or drive-through shall be located within a required yard;
  - c. All drive-through facilities shall provide vehicle queuing spaces as follows:

- i. A minimum of four (4) queuing spaces must be provided if the drive-through facility has one point of contact;
- ii. Drive-through facilities with two points of contact require a minimum of six (6) queuing spaces; and
- iii. Queuing spaces shall not be counted towards minimum parking requirements.

### 3.2.11 PUBLIC SERVICES

#### PUBLIC MONUMENTS

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

#### PUBLIC UTILITIES

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

### 3.2.12 ALTERNATE FORMS OF DEVELOPMENT

#### CONDOMINIUM DEVELOPMENTS

- 1. 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. Condominium developments shall be regulated by the following provisions:
  - a. In bare land unit condominium developments, each bare land unit, as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a zoning site as defined in this By-law, for the purposes of determining site area and width, yards and other requirements;
  - b. In bare land unit condominium developments, common elements, as defined in the said Act, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes, but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
    - i. A **street**, where such thoroughfare is over thirty-three (33) feet in width; and
    - ii. A **lane**, where such thoroughfare is not over thirty-three (33) feet in width.
  - c. An application for the establishment of a Planned Unit Development, as part of an application to rezone the development to “**PUD**” Planned Unit Development Zone, shall be accompanied by the following information:
    - i. Those requirements normally required for the issuance of a development / building permit as outlined in **Section 2.9**; and

- d. An impact statement, engineering study or such information as Council may consider necessary for the review of the proposal.

2. In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multiple-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multiple-family dwelling for the purposes of meeting bulk requirements as per the “**RT**”, “**RM1**” and “**RM2**” Zones;
3. Condominium developments that propose a phasing of additional condominium development on the same zoning site shall:
  - a. Require appropriate approval of Council as to development / building permit requirements prior to construction and may also require subdivision approval as per requirements of the *Planning Act* and *Condominium Act*; and
  - b. Shall form or be part of a “**PUD**” Planned Unit Development Zone, where applicable.

## PLANNED UNIT DEVELOPMENTS

4. A planned unit development is primarily a major land development project that, because of its size or complexity, high density, mixture of land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. There are many possible innovative projects that can occur within a Planned Unit Development, including, but not limited to the following:
  5. Comprehensive redevelopment, including mixed use projects;
    - a. Condominium developments that propose a mixture of different land uses;
    - b. Townhouse and apartment projects containing two (2) or more principal buildings and characterized by diverse designs;
    - c. Alternative subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public works; and
    - d. Shopping centres, commercial and industrial developments utilizing common elements to address common needs including parking, access, etc.
6. An application for the establishment of a Planned Unit Development, as part of an application to rezone the development to “**PUD**” Planned Unit Development Zone, shall be accompanied by the following information:
  - a. Those requirements normally required for the issuance of a development / building permit as outlined in **section 2.11.**; and
  - b. An impact statement, engineering study or such information as Council may consider necessary for the review of the proposal.

## PLANNED UNIT DEVELOPMENT – SMALL HOMES

7. A planned unit development for small homes is defined as a planned development incorporating small homes, ranging from a minimum three hundred (**300**) sq. ft. to a maximum of six hundred and twenty-four (**624**) sq. ft., built to Manitoba Building Code standards, and not needing larger site areas due to a smaller footprint. These developments shall comply with the following regulations:
  - a. Specific regulations in the “**PUD**” Planned Unit Development Zone are not shown in the Bulk Requirement Table, as specific requirements shall be established via development and / or zoning agreements. The project shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of building separation, parking, height and other regulations of this By-law;
  - b. An application for a Planned Unit Development for Small Homes, as part of the application to rezone, shall include normal Development Permit regulations as well as an impact study that outlines the following information:
    - i. economic, social and environmental benefits to the community;
    - ii. the effect on the general character of the area and adjacent areas;
    - iii. the effect on the general environment including, but not necessarily limited to drainage, groundwater and erosion;
    - iv. the effect on Municipal services and on the street system; and
    - v. such additional information as may be required by Council.
8. The minimum site area for a Planned Unit Development for Small Homes shall be five (**5**) acres (**2.02 hectares**);
9. Planned Unit Development for Small Homes can also be established as bare land condominiums, subject to the requirements of **Section 3.2.11.1**; and
10. Planned Unit Development for Small Homes shall be regulated through a site plan agreement or development agreement, caveated against titles at the Winnipeg Land Titles Office.

### 3.2.13 INDOOR CANNABIS OPERATIONS

1. Indoor cannabis operations shall take all measures necessary, to the satisfaction of the municipality, to ensure that no odour related to cannabis production or cannabis plants is detectable from the exterior of a building containing a cannabis production or processing operation or on surrounding properties.

### 3.2.14 KENNELS

1. No new kennel shall be permitted to be located within 1000 ft (300 m) of any established dwelling except for dwellings located on the same parcel as the kennel.

### 3.2.15 FENCING MATERIALS AND DESIGN

1. No person may erect or maintain a fence or wall in any zone which, in the opinion of the designated officer, is made of debris, junk, or waste materials.

2. No person may erect or maintain a fence containing razor wire.
3. No person may erect a fence containing barbed wire in any designated residential zone.
4. Notwithstanding paragraph (3) a barbed wire fence is permitted in areas zoned **RR** and **RRs** when it is required for livestock or animal control.
5. No person shall erect or maintain an electrified fence in any zone other than in the **AG & AL** zones or in the **RR** zone where the parcel is a minimum of **4** acres in size. Electrified fences may only be used for the purpose of animal or livestock control.
6. No person may erect or maintain a permanent fence or wall using non-permanent fence materials including, but not limited to, chicken wire or snow fencing. For matters of clarity, this section does not apply to temporary winter snow fencing.

## 4 ZONES

### 4.1 ZONING

#### ESTABLISHMENT OF ZONES

1. In order to carry out the intent and purposes set forth in Section 2.2, the following zones are hereby established:

#### AGRICULTURAL ZONES

**"AG" Agriculture General Zone:** this zone provides for general agricultural activities, including grain production, pasturage and specialized agriculture, apiculture, market gardening, aquaculture, horticulture, silviculture and livestock operations on a commercial scale. The Agriculture General Zone also provides flexibility to accommodate a variety of agriculture-related and resource-based uses through the conditional use process.

**"AL" Agriculture Limited Zone:** this zone provides for agricultural uses similar to the Agriculture General Zone however, due to the proximity to Urban Areas, Rural Residential areas, certain uses that may conflict with these areas, such as livestock operations (LO), are more restricted. This zone is also included in the urban centres for lands designated for future in keeping with the Development Plan when needed.

#### RESIDENTIAL ZONES

**"RS" Residential – Single Unit Zone:** this zone provides for the development of single-unit dwellings and associate or compatible uses within the urban centres of Grunthal, Kleefeld, New Bothwell, Mitchell and Blumenort.

**"RT" Residential –Two Unit Zone:** this zone provides for the development of low and medium density single and two-unit dwellings as well as associated and compatible uses within the urban centres of Grunthal, Kleefeld, New Bothwell, Mitchell and Blumenort.

**"RM1" Residential – Multiple Unit 1 Zone:** This zone provides for the development of low to medium density multiple-unit dwellings in one or more structures and associated or compatible uses within the urban centres of Grunthal, Kleefeld, New Bothwell, Mitchell and Blumenort. No building exceeding two (2) storeys may be constructed under this designation.

**"RM2" Residential – Multiple Unit 2 Zone:** this zone provides for the development of medium to higher density multiple-unit dwellings in one or more structures and associated or compatible uses within the urban centres of Grunthal, Kleefeld, New Bothwell, Mitchell and Blumenort.

**"RMH" Residential – Mobile Home Zone:** this zone provides for the development of mobile home parks and subdivisions for mobile home dwellings and associated or compatible uses.

**"RRs" Residential - Rural Residential Serviced Zone:** this zone provides for the development of moderate density single-unit dwellings utilizing municipal / private wastewater and / or water services within rural areas. It may also include other uses that are compatible with the residential character of this zone. Minimum lot sizes within this zone are larger than the "RS" Zone, but still of a larger suburban character.

**"RR" Residential - Rural Residential Zone:** this zone provides for the development of low-density single-unit dwellings utilizing on-site wastewater and water services within rural areas. It may also include other uses that are compatible with the residential character of this zone.

## COMMERCIAL ZONES

**"C" Commercial Zone:** this zone provides land in the urban areas of Mitchell, Grunthal, Kleefeld, New Bothwell and Blumenort to be developed as multi-functional in nature and support a diverse variety of commercial uses.

**"CH" Commercial – Highway Zone:** this zone provides for highway-oriented commercial which serves the travelling public and provides for additional site area needed for certain types of retail businesses. The **"CH"** Zone is also intended to provide for limited light manufacturing and agriculturally oriented commercial in rural areas.

## INDUSTRIAL ZONE

**"I" Industrial Zone:** This zone provides for manufacturing, assembling, processing, distributing, wholesaling and warehousing uses within enclosed buildings. This Zone is intended to accommodate uses which may cause nuisances for other land uses.

**"RI" Rural Industrial Zone:** This zone identifies existing industrial establishments in the rural area of the municipality and provides flexibility for these landowners to alter existing uses as listed in the Bulk Table attached to this zone.

**"LI" Light Industrial:** This zone is intended to provide for light manufacturing, processing, servicing, storage, wholesale, warehouse and distribution operations with all operations contained within an enclosed building with some limited outside storage. This zone is intended to accommodate industrial uses that will not generate an excess of noise, smoke, odour, vapour, dust or other emissions or require extensive outdoor storage. Such uses include business incubator space, research and development, micro-brewing, cabinetry/carpentry shops, small manufacturing operations, use-related office space and like uses. This zone does not permit more intensive uses such as vehicle storage compounds, contractor's equipment storage yards or wrecking yards etc.

## OPEN SPACE ZONE

**"OS" Open Space Zone:** this zone provides areas where the primary land uses are buffer areas, public parks, cemeteries, recreation facilities, schools and school grounds.

## PLANNED UNIT DEVELOPMENT ZONE

**"PUD" Planned Unit Development Zone:** this zone provides for planned unit development encompassing more than one (1) building on a site (e.g. bare land condominium development), small home subdivisions and multi-building mixed-use developments in areas designated for residential, commercial and industrial development. Bulk requirements will be contained within Development Agreements unique to each such development.

#### 4.1.1 ZONING MAPS

1. The location and the boundaries of the zones listed in **Section 4.1** are shown upon zoning maps attached hereto, marked as **Schedule “A”** to this By-law. Said zoning maps form part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in this section, shall be as much a part of the By-law as if the matters and information set forth by the said zoning maps were fully described herein.

#### 4.1.2 INTERPRETATION OF ZONE REQUIREMENTS

##### INTERPRETATION

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

##### USES

2. The Principal Use Table that encompasses all zones list uses that are:
  - "P" - Permitted;
  - "C" - Conditional; or
  - "—" - Not permitted

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

3. No land shall be used or occupied, and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed in the Use Table for the subject zone.

##### USES NOT LISTED

4. Uses of land, buildings, or structures not listed in the Use Tables for "AG" and "AL" Zones are not allowed. Similarly, uses of land, buildings or structures not listed in the other Use Tables are not allowed.

##### DIMENSIONAL STANDARDS

5. Site and other requirements shall be as set forth in the **BULK USE REQUIREMENTS TABLE** for each zone. The requirements set forth therein shall apply to all uses, structures or buildings.

#### 4.1.3 PERMITTED AND CONDITIONAL USES

##### 4.1.3.1 TABLE 4 - 1: PRINCIPAL USE TABLE – ALL ZONES

USES	Agricultural		Commercial		Residential						PUD	Industrial			SO	Parking Group (Table 3-2)
	AL	AG	C	CH	RR	RRs	RS	RT	RM1	RM2	RMH	I	RI	LI		
<b>AGRICULTURAL</b>																
Agricultural operations (except livestock operations)	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agriculture, indoor	P	P	C	C	-	-	-	-	-	-	-	-	P	P	P	9
Agriculture, indoor – On Lot 2, Plan 47743	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Agriculture, specialized	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Livestock operations producing less than 400 a.u. (new)	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Livestock operations producing less than 400 a.u. (expanding)	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Livestock operations producing more than 400 a.u. (new)	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Livestock operations producing more than 400 a.u. (expanding)	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>AGRICULTURAL RELATED</b>																
Agri-business	C	C	C	P	-	-	-	-	-	-	-	-	-	C	P	9
Agriculture industry	C	C	C	C	-	-	-	-	-	-	-	-	C	-	-	6
Equestrian establishment	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Farmers market / outdoor market	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-
Anhydrous ammonia facilities	C	C	-	-	-	-	-	-	-	-	-	C	C	-	-	9
Auctioneering establishment – livestock	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	7
<b>CHILDCARE</b>																
Community day care	-	-	P	-	-	-	-	-	-	-	-	-	-	-	C	5
Group day care	C	C	P	-	C	C	C	C	-	-	-	-	-	-	C	5
<b>COMMERCIAL SALES AND SERVICE</b>																
ATMs – standalone	-	-	P	P	-	-	-	-	-	-	-	-	-	P	-	-
Automotive and recreational vehicle (RV) sales, service and repair	-	-	P	P	-	-	-	-	-	-	-	P	P	P	-	6
Bakery/Food Processing	-	-	P	P	-	-	-	-	-	-	-	P	-	P	-	9
Commercial resort	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-
Drive-through and Drive-in establishment	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	9
Eating and drinking establishment	-	-	P	C	-	-	-	-	-	-	-	-	-	-	-	8

USES	Agricultural		Commercial		Residential						PUD	Industrial			SO	Parking Group (Table 3-2)
	AL	AG	C	CH	RR	RRs	RS	RT	RM1	RM2	RMH	I	RI	LI		
Government service	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-
Hotel / motel	-	-	P	C	-	-	-	-	-	-	-	-	-	-	-	12
Industrial vehicle and equipment sales, service and rental	-	-	-	P	-	-	-	-	-	-	-	-	P	-	P	6
Information technology	-	-	P	P	-	-	-	-	-	-	-	-	-	-	P	6
Personal service shop	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	6
Professional, financial and office support services	-	-	P	-	-	-	-	-	-	-	-	-	-	-	P	6
Residential – commercial mixed use	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail – convenience store	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	5
Retail – large	-	-	P	C	-	-	-	-	-	-	-	-	-	-	C	6
Retail – lumberryard / building material incl. outdoor storage	-	-	P	P	-	-	-	-	-	-	-	-	P	-	C	-
Retail – small	-	-	P	-	-	-	-	-	-	-	-	-	P	-	C	6
Retail and services – restricted	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	6
Shopping centre / strip mall	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	5
Warehouse sales / storage incl. mini warehouse and self-storage	-	-	C	P	-	-	-	-	-	-	-	-	P	P	P	-
General Storage	-	-	C	C	-	-	-	-	-	-	-	-	C	C	C	7
<b>COMMUNITY</b>																
Clinic	-	-	P	-	-	-	-	-	-	-	-	-	-	-	P	5
Emergency services	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	6
Funeral service	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	6
Hospital	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	4
Indoor recreation facility	-	-	P	-	-	-	-	-	-	-	-	-	-	-	C	P
Outdoor amusement establishment - existing	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	13
Outdoor amusement establishment - new	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	13
Outdoor participant recreation service - existing	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	13
Outdoor participant recreation service - new	-	-	C	C	-	-	-	-	-	-	-	-	-	-	P	13
Parks, public reserves, open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Place of assembly - new	C <sup>(a)</sup>	-	P	-	-	-	-	-	-	-	-	-	-	-	P	8

USES	Agricultural		Commercial		Residential						PUD	Industrial			SO	Parking Group (Table 3-2)	
	AL	AG	C	CH	RR	RRs	RS	RT	RM1	RM2	RMH	I	RI	LI			
Place of assembly - existing	C	C	P	-	-	-	-	-	-	-	-	-	-	-	-	C	8
Spectator entertainment establishment	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	C	8
Religious facility - new	C <sup>(a)</sup>	-	P	-	P	P	C	-	-	-	-	-	C	-	C	-	8
Religious facility - existing	P	P	P	-	P	P	P	-	-	-	-	-	C	-	-	-	8
<b>DWELLINGS</b>																	
Single unit	P	P	C	-	P	P	P	P	-	-	-	-	-	-	-	-	1
Two unit	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	1a
Multiple Unit (low to medium density/2 storey maximum)	-	-	C	-	-	-	-	-	P	P	-	-	-	-	-	-	2
Multiple Unit (medium to high density/3 or more storeys)	-	-	C	-	-	-	-	-	-	P	-	-	-	-	-	-	2
Group home	-	-	-	-	C	C	C	C	-	-	-	-	-	-	-	-	4
Mobile home, single unit	P	P	-	-	C	-	-	-	-	-	P	-	-	-	-	-	1
Previously occupied to be moved	P	P	-	C	C	C	C	-	-	-	-	-	-	-	-	-	1
Institutional residence	-	-	C	-	-	-	-	-	-	P	-	-	-	-	-	-	4
<b>EDUCATION</b>																	
Education service – public	-	-	C	-	-	-	C	-	-	-	-	-	-	-	C	C	10
Education service - private	-	-	P	-	-	-	-	-	-	-	-	-	-	-	C	-	10
Education service – private existing (applicable to "AL" and "AG" zones only)	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10
<b>MANUFACTURING</b>																	
Manufacturing – light	C	C	C	C	-	-	-	-	-	-	-	-	P	C	P	-	9
Manufacturing – heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	9
<b>NATURAL RESOURCES</b>																	
Aggregate, mineral and top soil extraction	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9
Forestry use	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>PUBLIC WORKS AND UTILITIES</b>																	
Public utilities service - basic	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Public utilities service - enhanced	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

USES	Agricultural		Commercial		Residential						PUD	Industrial			SO	Parking Group (Table 3-2)	
	AL	AG	C	CH	RR	RRs	RS	RT	RM1	RM2	RMH	I	RI	LI			
Public works yard	P	P	-	-	-	-	-	-	-	-	-	-	P	-	-	-	9
Recycling collection centre	C	C	C	-	-	-	-	-	-	-	-	-	P	C	-	-	-
Wind generating systems	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>RECREATION</b>																	
Camping and tenting grounds	C	-	-	C	-	-	-	-	-	-	-	-	-	-	-	P	1
<b>OTHER USES</b>																	
Animal and veterinary clinics	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	6
Cemeteries - new	-	-	P	-	P	P	C	-	-	-	-	-	-	-	-	C	9
Cemeteries - existing	P	P	-	-	P	P	C	-	-	-	-	-	-	-	-	C	9
Concrete and asphalt batching plants	C	C	-	-	-	-	-	-	-	-	-	-	C	C	-	-	9
Contractor service	C	C	P	P	-	-	-	-	-	-	-	-	P	P	P	-	9
Crematorium	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	9
Bulk Fuel and chemical storage / sales	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	9
Processing use	-	-	-	-	-	-	-	-	-	-	-	-	P	C	C	-	9
Salvage operation / yard	C	C	-	-	-	-	-	-	-	-	-	-	C	C	-	-	9
Planned unit developments	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	13
Research & Development	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	9
Kennel	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	6
Pet Services	C	C	P	-	-	-	-	-	-	-	-	-	P	-	P	-	
<b>TRANSPORTATION</b>																	
Airfields / airports	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9
Bulk fuel and chemical storage / sales	C	C	-	C	-	-	-	-	-	-	-	-	C	-	-	-	9
School bus storage and maintenance	-	-	C	-	-	-	-	-	-	-	-	-	P	-	-	-	9
Trucking terminals and freight services	-	-	-	P	-	-	-	-	-	-	-	-	P	-	-	-	9

(a) When contiguous to a "RR" or "RRs" zone only

## 4.2 AGRICULTURAL ZONES

The following Bulk Use Requirements apply to the Agricultural Zones:

### 4.2.1 REGULATION OF LIVESTOCK OPERATIONS

1. Animal units shall be calculated using **TABLE 4-4** of this By-law.

### MUTUAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS

2. A mutual separation distance shall be maintained between a livestock operation and any dwelling or designated areas as per **TABLE 4 - 3**.
3. The separation distances are to be calculated based on the residences and the designated areas in existence on the date the municipality receives an application to expand or establish the livestock operation or establish a dwelling.

### NOTICE OF PUBLIC HEARING FOR LIVESTOCK OPERATIONS

4. Variances for separation distances between livestock operations and dwellings or designated areas must notify the livestock operation from which the separation distance is required.

#### 4.2.1.1 TABLE 4 - 2: AGRICULTURAL ZONES BULK USE TABLE

USES / USE CLASSES  Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS				
		Site Area (ac)	Site Width (ft)	Front Yard (ft) <sup>1</sup>	Side Yard (ft) <sup>1,2</sup>	Rear Yard (ft) <sup>1</sup>
Accessory uses (see <b>TABLE 3-5 and Section 3.2.6</b> )	AL	N / A		as required for the main use		
	AG					
Aggregate, mineral and topsoil extraction operation	AL	10	300	125	50	50
	AG					
Agri-business	AL	5	300	125	25	25
	AG					
Agriculture, indoor	AL	80	600	125	25	25
	AG					
Agriculture Industry	AL	5	300	125	50	50
	AG					
Agricultural operations, not including livestock operations	AL	80	600	125	25	25
	AG					
Agriculture, specialized	AL	10	300	75	25	30
	AG					
Airfields / airports	AL	10	200	125	50	50
	AG					
Anhydrous ammonia facility (see also section 3.1.4.3)	AL	5	330	330	50	50
	AG					
Animal and veterinary service	AL	2	200	125	25	25
	AG					

USES / USE CLASSES  Refer to TABLE 4-1 to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS				
		Site Area (ac)	Site Width (ft)	Front Yard (ft) <sup>1</sup>	Side Yard (ft) <sup>1,2</sup>	Rear Yard (ft) <sup>1</sup>
Auctioneering establishment - livestock	AL	5	300	125	50	50
	AG					
Cemetery - new	AL	2	200	125	25	25
	AG					
Cemetery - existing	AL	2	200	125	50	50
	AG					
Concrete asphalt batching plant	AL	2	200	125	50	50
	AG					
Camping and tenting grounds	AL	2	200	125	25	25
	AG					
Contractor service	AL	2	200	125	25	25
	AG					
Kennel	AL	10	200	125	50	50
	AG					
Dwelling, single-unit: incl. mobile homes and previously occupied to be moved (subject to separation distances as per TABLE 4 - 3) <sup>3</sup>	AL	2	200	125	25	25
	AG					
Equestrian establishment (subject to separation distance requirements as per TABLE 4 - 3; see also TABLE 4 - 4 for calculation of animal units (a.u.))	AL	5	300	125	25	25
	AG					
Government service	AL	2	200	125	25	25
	AG					
Group daycare	AL	2	200	125	25	25
	AG					
Education service – private	AL	2	200	125	25	25
	AG					
Forestry use	AL	80	600	125	25	25
	AG					
General storage	AL	5	300	125	25	25
	AG					
Livestock production operations producing less than 400 a.u. – new (subject to separation distance requirements as per TABLE 4 - 3; see also TABLE 4 - 4 for calculation of animal units (a.u.))	AG	80	600	164	164	164
	AL					
Livestock production operations producing less than 400 a.u. – expansion of existing operations only (subject to separation distance requirements as per TABLE 4 - 3; see also TABLE 4 - 4 for calculation of animal units (a.u.))	AG	80	600	164	164	164
	AL					
Livestock production operations producing 400 a.u. or more – new (subject to separation distance requirements as per TABLE 4 - 3; see also TABLE 4 - 4 for calculation of animal units (a.u.))	AG	80	600	164	164	164
	AL					
Livestock production operations producing more than 400 a.u. – expansion of existing operations only <sup>4</sup> (subject to separation distance requirements as per TABLE 4 - 3; see also TABLE 4 - 4 for calculation of animal units (a.u.))	AG	80	600	164	164	164
	AL					
Manufacturing - light	AL	5	300	125	50	50
	AG					

USES / USE CLASSES  Refer to TABLE 4-1 to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS				
		Site Area (ac)	Site Width (ft)	Front Yard (ft) <sup>1</sup>	Side Yard (ft) <sup>1,2</sup>	Rear Yard (ft) <sup>1</sup>
Outdoor amusement establishment - existing	AL	5	300	125	50	50
	AG					
Outdoor participant recreation service - existing	AL	5	300	125	50	50
	AG					
Pet Services	AL	2	200	125	25	25
	AG					
Parks, public reserves and open space	AL					
	AG					
Public utility service – basic	AL					as determined by Council
	AG					
Public utility service - enhanced	AG					
	AL					
Recycling / waste collection centre, private	AL	5	300	125	50	50
	AG					
Religious facility - existing	AL					
	AG					
Religious facility – new (only when contiguous to a "RR" or "RRs" Zone)	AL	2	200	125	25	25
	AG					
Salvage operation / yard	AL	10	300	125	50	50
	AG					
Public works yard	AL	5	300	125	25	25
	AG					
Public utility service	AL					as determined by Council
	AG					
Kennels	AL	2	200	75	25	30
	AG					
Solar energy generation station / system	AL					as determined by Council
	AG					
Wind energy generation station / system	AL					as determined by Council
	AG					

<sup>1</sup> When fronting or adjacent to a Provincial Trunk Highway (P.T.H.) and / or a Provincial Road (P.R.), the required Provincial permits shall establish the front, side or rear yards. Variation orders in these cases shall not be required.

<sup>2</sup> When adjacent to a municipal road allowance, the front and / or side yard shall be increased to one hundred and twenty-five (125) ft.

<sup>3</sup> When a farmstead dwelling is subdivided, excepting when the residual parcel is **80** acres or more, the residual parcel must be forty (**40**) acres or ninety percent (**90%**) of the original parcel size, whichever is the larger. Provided no additional titles result, the residual can be achieved by consolidation with an adjacent parcel.

<sup>4</sup> Existing livestock operations may be allowed to expand on an existing site of less than eighty (**80**) acres provided that there is compliance with all environmental regulations and separation distances.

4.2.1.2 TABLE 4 - 3: LIVESTOCK SEPARATION DISTANCES

Size of Livestock Operation in Animal Units	Separation Distance in Meters (Feet) From Single Residence		Separation Distance in Meters (Feet) From Designated Areas in Development Plan	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility
<b>10 – 100</b>	200 (656)	100 (328)	800 (2,625)	530 (1,739)
<b>101 – 200</b>	300 (984)	150 (492)	1200 (3,937)	800 (2,625)
<b>201 – 300</b>	400 (1,312)	200 (656)	1600 (5,249)	1070 (3,511)
<b>301 – 400</b>	450 (1,476)	225 (738)	1800 (5,906)	1200 (3,937)
<b>401 – 800</b>	500 (1,640)	250 (820)	2000 (6,561)	1330 (4,364)
<b>801 – 1,600</b>	600 (1,968)	300 (984)	2400 (7,874)	1600 (5,249)
<b>1,601 – 3,200</b>	700 (2,297)	350 (1,148)	2800 (9,186)	1870 (6,135)
<b>3,201 – 6,400</b>	800 (2,625)	400 (1,312)	3200 (10,499)	2130 (6,988)
<b>6,401 – 12,800</b>	900 (2,953)	450 (1,476)	3600 (11,811)	2400 (7,874)
<b>&gt;12,800</b>	1000 (3,281)	500 (1,640)	4000 (13,123)	2670 (8,760)

4.2.1.3 TABLE 4 - 4: ANIMAL UNIT TABLE

LIVESTOCK TYPE	AU Produced by One Livestock	Livestock Producing One AU
<b>Dairy</b>		
Milking cows, including associated livestock	2	0.5
<b>Beef</b>		
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
<b>Pigs</b>		
Sows, farrow to finish (110-115 kg)	1.25	0.8
Sows, farrow to weanling (up to 5 kg)	0.25	4
Sows, farrow to nursery (23 kg)	0.313	3.2
Weanlings (5-23 kg)	0.033	30
Growers/finishers (23-113 kg)	0.143	7
Boars (artificial insemination operations)	0.2	5
<b>Chickens</b>		
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
<b>Turkeys</b>		
Broilers	0.01	100
Heavy toms	0.02	50
Heavy hens	0.01	100
<b>Horses</b>		
Mares, including associated livestock	1.333	0.75
<b>Sheep</b>		
Ewes, including associated livestock	0.2	5
Feeder lambs	0.063	16
<b>Other livestock or operation type</b>		
Please inquire with your regional agricultural engineer or livestock specialist		
Source: Farm Practices Guidelines		

TABLE 4-4a: ACCESSORY ANIMAL UNITS TABLE

ANIMAL UNITS BY ACCESSORY LIVESTOCK TYPE		
ACCESSORY LIVESTOCK TYPE	Animal Units Produced by One Animal	Number of Animals to Produce One Animal Unit
Alpacas, llamas	0.17	6
Bison – cows and associated livestock	1.25	0.8
Ducks—growing for meat	0.017	58
Ducks—mature	0.024	42
Emu	0.06	16
Geese—growing for meat	0.024	42
Geese—mature	0.045	22
Goats – miniature	0.22	4.5
Goats—mature	0.111	9
Goats—with associated livestock	0.14	7
Horses—large	1	1
Horses—small to medium	0.667	1.5
Horses—miniature	0.222	4.5
Mink	0.005	219
Ostrich	0.14	7
Ponies—all	0.4	2.5
Rabbits—does (includes associated bucks and litters)	0.1	10
Source: Manitoba Agriculture; April 2022		

## 4.3 COMMERCIAL ZONES

1. The following Bulk Use Requirements apply to the Commercial Zones:

4.3.1.1 TABLE 4 - 5: COMMERCIAL ZONES BULK USE TABLE

Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS				
		Site Area (sq. ft.)	Site Width (ft)	Front Yard (ft) <sup>1,2,3</sup>	Side Yard (ft) <sup>1,3</sup>	Rear Yard (ft) <sup>1</sup>
Accessory uses (see <b>TABLE 3-5</b> and <b>Section 3.2.6</b> )	C	N / A		50	5	10
	CH			50	10	10
Agricultural operations	C	40000	150	50	25	25
Agriculture, indoor	C	40000	150	50	25	25
	CH					
Agri-business	C	40000	150	50	25	25
	CH					
Agriculture industry	C	40000	150	50	25	25
	CH					
Animal and veterinary clinics	C	5000	50	50	5	25
ATMs - standalone	C	3000	30	50	5	25
	CH					
Automotive and recreational vehicle (RV) sales, service, rental, repair	C	20000	100	50	10	25
	CH					
Automobile service station (see additional requirement <b>b</b> ) below)	CH	40000	150	50	25	25
Bakery/Food Processing	C	5000	50	25	5	25
	CH					
Camping and tenting grounds	CH	40000	150	50	25	25
Clinic	C	5000	50	50	5	25
Commercial resort	C	20000	100	50	10	25
	CH					
Contractor service	C	20000	100	50	10	25
	CH					
Kennel	C	5000	50	50	5	25
Dwellings – single unit	C	7200	60	50	5	25
Dwellings – multiple unit (4 units) add 1000 sq. ft. of site area for each additional dwelling unit)	C	10000	100	50	10	25
Dwellings – previously occupied to be moved	C	7200	60	50	5	25
Emergency services	C	as determined by Council				
	CH					
Hospital	C	40000	150	50	25	25
Indoor recreation facility	C	5000	50	50	5	25
Institutional residence	C	5000	50	50	5	25
Community day care	C	5000	50	50	5	25
Group day care	C	5000	50	50	5	25
Drive in / rapid drive through establishments	C	10000	100	50	10	25
	CH	40000	150	50	25	25

Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS				
		Site Area (sq. ft.)	Site Width (ft)	Front Yard (ft) <sup>1,2,3</sup>	Side Yard (ft) <sup>1,3</sup>	Rear Yard (ft) <sup>1</sup>
Eating and drinking establishment	C	5000	50	50	5	25
	CH	10000	100	50	10	25
Education service – public and private	C	5000	50	50	5	25
	C	5000	50	50	5	25
Farmers market / outdoor market	CH	10000	100	50	10	25
Funeral service	C	10000	100	50	10	25
	C	5000	50	50	5	25
Government service	CH	10000	100	50	10	25
	C	40000	150	50	25	25
Hotel / motel	CH	40000	150	50	25	25
Industrial vehicle and equipment sales	CH	5000	50	50	5	25
Information technology	CH	10000	100	50	10	25
Manufacturing - light	C	5000	50	50	5	25
	CH	10000	100	50	10	25
Parks, public reserves and open space	C	<b>as determined by Council</b>				
	CH	<b>as determined by Council</b>				
Pet Services	C	5000	50	25	10	25
Place of assembly	C	20000	100	50	10	25
Personal service shop	C	5000	50	50	5	25
Professional, financial and office support service	C	5000	50	50	5	25
Public utility service - basic	C	<b>as determined by Council</b>				
	CH	<b>as determined by Council</b>				
Religious facility	C	20000	100	50	10	25
Residential – commercial mixed use	C	10000	100	50	10	25
Retail – convenience store	C	5000	50	50	5	25
Rapid drive through vehicle service	C	15000	100	50	25	25
	CH	10000	100	50	10	25
Retail - large	CH	40000	150	50	25	25
Retail - small	C	5000	50	50	5	25
Retail and services - restricted	C	5000	50	50	5	25
Shopping centre / strip mall	C	10000	100	50	10	25
Spectator entertainment establishment	C	10000	100	50	10	25
Warehouse, sales / storage incl. mini warehouse and self-storage	C	10000	100	50	10	25
	CH	40000	150	50	25	25
Storage facility	C	10000	100	50	10	25
	CH	40000	150	50	25	25

1. When fronting or adjacent to a Provincial Trunk Highway (**P.T.H.**) and / or a Provincial Road (**P.R.**), the required Provincial permits shall establish the front, side or rear yards. Variation orders in these cases shall not be required.
2. When located in the central business area of the community, the minimum required yard could be reduced to zero (**0**) ft. to provide direct access to buildings from public sidewalks.
3. When located in the central business area of the community, the minimum required side yard can be reduced to zero (**0**) ft. to allow for common walls and strip mall type development.

## ADDITIONAL REQUIREMENTS

- a) Front yard setbacks within the “C” and “CH” zones should match the average of the neighbouring two (2) adjacent commercial structures on either side of the subject site. In cases when a commercial structure is replacing an existing home in the Main Street Areas this requirement does not apply.
- b) Service station fuel pumps shall be located a minimum of fifteen (15) feet (4.5 metres) from any site line and thirty (30) feet (9.1 metres) from the front site line.
- a) Yard requirements for Commercial Uses adjacent to Residential Zones shall be in accordance with **Section 3.1.1** of this By-law.

## 4.4 RESIDENTIAL ZONES

1. The following Bulk Use Requirements apply to the Residential Zones:

4.4.1.1 TABLE 4 - 6: RESIDENTIAL ZONES BULK USE TABLE

USES / USE CLASSES  Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS					
		Site Area (ac / sq. ft.)	Site Width (ft)	Front Yard (ft) 1	Side Yard (ft) 1,3	Rear Yard (ft) 1,2	
Accessory uses (see <b>TABLE 3-5</b> and <b>Section 3.2.6</b> )	RR	N / A	as required for the main use				
	RRs		30	2	2 <sup>2</sup>		
	RS		30	2	2 <sup>2</sup>		
	RT		30	2	2 <sup>2</sup>		
	RM1		30	2	2 <sup>2</sup>		
	RM2		30	2	2 <sup>2</sup>		
	RMH		see <b>TABLE 3 - 4</b>				
Cemetery	RR	18000	150	30	25	25	
	RRs						
	RS						
Commercial resort	RR	4 ac	200	125	25	25	
	RR						
Dwellings, single unit	RR	2 ac	200	75	25	25	
	RRs	0.5 ac	100	50	15	25	
	RS	6000	45	25	4	25	
	RT	8500	65	25	5	25	
Dwellings <sup>5</sup> , two unit	RT	8500	65	25	5	25	
Dwellings <sup>5</sup> multiple units (low to medium density/2 storey maximum)	RM1	10000 <sup>4</sup>	100	30	15	25	
	RM2						

USES / USE CLASSES	ZONES	MINIMUM REQUIREMENTS				
		Site Area (ac / sq. ft.)	Site Width (ft)	Front Yard (ft) 1	Side Yard (ft) 1,3	Rear Yard (ft) 1,2
Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use						
Dwellings multiple units (medium to high density/3 or more storeys)	<b>RM2</b>	10000 <sup>4</sup>	100	30	15	25
Dwellings, mobile home, single unit	<b>RR</b>	2 ac	200	75	25	25
	<b>RMH</b>	<b>see TABLE 3 -5</b>				
Dwellings, previously occupied to be moved	<b>RR</b>	2 ac	200	75	25	25
	<b>RRs</b>	0.5 ac	100	50	15	25
	<b>RS</b>	6000	45	25	4	25
	<b>RT</b>	8500	65	25	5	25
Education service - public	<b>RS</b>	24000	200	30	15	25
Group daycare	<b>RR</b>	2 ac	200	75	25	25
	<b>RRs</b>	0.5 ac	100	50	15	25
	<b>RS</b>	6000	45	30	4	2
	<b>RT</b>	8500	65	30	5	25
Group homes	<b>RR</b>	2 ac	200	75	25	25
	<b>RRs</b>	0.5 ac	100	50	15	25
	<b>RS</b>	6000	45	30	4	25
	<b>RT</b>	8500	65	30	5	25
Institutional home	<b>RM2</b>	24000	200	30	15	25
Parks, public reserves and open spaces	<b>ALL</b>					
Public utility service - basic	<b>ALL</b>	<b>as determined by Council</b>				
Indoor recreation facilities	<b>ALL</b>					
Religious facility	<b>RR</b>	2 ac	200	75	25	25
	<b>RRs</b>	1 ac	100	75	15	25
	<b>RS</b>	12000	100	30	15	25

- 1 When fronting or adjacent to a Provincial Trunk Highway (**P.T.H.**) and / or a Provincial Road (**P.R.**), the required Provincial permits shall establish the front, side or rear yards. Variation orders in these cases shall not be required.
- 2 When the accessory use is a garage that obtains access from a lane, the rear yard shall be ten (**10**) feet.
- 3 When located on a corner site, the minimum side yard on the street side of the site shall be twelve (**12**) feet for all principal and accessory buildings and structure (for all zones excepting “**RR**” and “**RRs**” Zones)
- 4 The site area listed is for four (4) dwelling units; the site must increase by one thousand (**1000**) sq. ft. for each additional unit.
- 5 See **section 3.1.7** for minimum site area and site width requirements when subdividing attached townhouses, row type multiple family and two unit dwellings.

## EXCEPTIONS TO BULK REQUIREMENTS

- a) Existing zoned sites shall not be subdivided to a lot width and / or area measuring less than the average of the adjacent three (**3**) lots on either side of the subject lot on the same side of the street.
- b) When a new dwelling is established on a site adjacent to sites with existing dwellings, the new dwelling must have a front yard consistent with the average of the adjacent three (**3**) front yards on either side

of the subject site. For a corner lot, the average setback for the three nearest properties on the same block will be used for calculating the required front yard.

c) When a site contains two main buildings, the separation between main buildings shall be at least the distance of the two interior side yards required within the applicable zone.

## 4.5 INDUSTRIAL ZONES

1. The following Bulk Use Requirements apply to the Industrial Zones:

4.5.1.1 TABLE 4 - 7: INDUSTRIAL ZONES BULK USE TABLE

USES / USE CLASSES Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS				
		Site Area (ac / sq. ft.)	Site Width (ft)	Front Yard (ft) 1	Side Yard (ft) 1,2,3	Rear Yard (ft) 1,2,3
Accessory uses (see <b>TABLE 3-5 and Section 3.2.3</b> )	I	N / A			as required for the main use	
	RI					
	LI					
Agriculture, indoor	I	40000	150	50	25	25
	RI					
	LI					
Agri-business	I	40000	150	50	25	25
	RI					
	LI					
Agriculture industry	I	3 ac	200	330	50	50
	RI					
Anhydrous ammonia facilities (see <b>section 3.1.4.3</b> )	I	3 ac	200	330	50	50
	RI					
	LI					
Automotive and Recreational Vehicle (RV) Sales, Repair and Service	I	30000	200	50	15	25
	LI					
	RI					
Bakeries/Food Processing	I	12000	100	30	15	25
	LI					
Concrete and asphalt batching plants	I	40000	150	50	25	25
	RI					
Contractor service	I	20000	100	50	10	25
	RI					
	LI					
Crematorium	I	40000	150	50	25	25
	RI					
Fuel tank storage	I	3 ac	200	75	50	50
	RI					

USES / USE CLASSES  Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use	ZONES	MINIMUM REQUIREMENTS								
		Site Area (ac / sq. ft.)	Site Width (ft)	Front Yard (ft) 1	Side Yard (ft) 1,2,3	Rear Yard (ft) 1,2,3				
Industrial Vehicle Sales, Repair and Service	I	30000	200	50	15	25				
	LI									
Manufacturing light	I	12000	100	30	15	25				
	RI									
	LI									
Manufacturing heavy	I	40000	150	50	25	25				
	RI									
Parks, public reserves and open space	I	as determined by Council								
	RI									
Pet Services	I	5000	100	30	10	25				
	LI									
Processing use	I	20000	100	50	10	25				
	RI									
	LI			30	10					
Public utility service - basic	I	as determined by Council								
	RI									
Public works yard	I									
	RI									
Recycling collection centre - private	I	20000	100	50	10	25				
	RI									
	LI									
Religious facility (new and existing)	I	12000	100	30	15	25				
	RI									
	LI									
Research & Development	I	10000	100	30	15	25				
	RI									
	LI									
Retail – lumber yard / building materials incl. outdoor storage	I	40000	150	50	25	25				
	RI									
	LI									
Retail – Limited Outdoor Storage	I									
	RI									
	LI									
Storage facility	I	20000	100	50	10	25				
	RI									
	LI									
Salvage operation / yard	I	40000	150	50	25	25				
	RI									
School bus storage and maintenance	I	40000	150	50	25	25				
	RI									
Truck Terminals and Freight Stations	I	30000	200	50	25	50				
	RI									

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- 1 When fronting or adjacent to a Provincial Trunk Highway (**P.T.H.**) and / or a Provincial Road (**P.R.**), the required Provincial permits shall establish the front, side or rear yards. Variation orders in these cases shall not be required.
- 2 Yard requirements adjacent to Residential Zones shall be in accordance with **Section 3.1.1** of this By-law.
- 3 When adjacent to a municipal road allowance, the front and / or side yards shall be increased to one hundred and twenty-five (**125**) ft. with the exception of the urban areas of Grunthal, Blumenort, Kleefeld, Mitchell or New Bothwell.

## 4.6 OPEN SPACE ZONE

4. The following Bulk Use Requirements apply to the Open Space Zone:

4.6.1.1 TABLE 4 - 8: OPEN SPACE ZONE BULK USE TABLE

USES / USE CLASSES  Refer to <b>TABLE 4-1</b> to determine Permitted or Conditional Use	MINIMUM REQUIREMENTS Acres (ac) Feet (ft)				
	Site Area (ac / sq. ft.)	Site Width (ft)	Front Yard (ft) 1,2	Side Yard (ft) 1,2	Rear Yard (ft) 1
Accessory uses (see <b>TABLE 3 - 5</b> and <b>Section 3.2.6</b> )	N / A		as required for the main use		
Camping and tenting grounds	4 ac	200	50	15	25
Cemetery	20000	150	30	15	25
Community day care	12000	150	50	15	25
Group day care	7200	60	50	15	25
Education service - public	24000	200	50	15	25
Indoor recreation facility	18000	150	50	15	25
Parks, public reserves and open space	as determined by Council				
Place of assembly	12000	150	50	15	25
Public utility service - basic	as determined by Council				
Recreational facilities incl. rinks, pools, etc.					
Spectator entertainment establishment	12000	150	50	15	25

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- 1 When fronting or adjacent to a Provincial Trunk Highway (**P.T.H.**) and / or a Provincial Road (**P.R.**), the required Provincial permits shall establish the front, side or rear yards. Variation orders in these cases shall not be required.
- 2 When adjacent to a municipal road allowance, the front and / or side yards shall be increased to one hundred and twenty-five (**125**) ft.

## 4.7 PLANNED UNIT DEVELOPMENT ZONE

1. The following Bulk Use Requirements apply to the Planned Unit Development Zone:

4.7.1.1 TABLE 4 - 9: PLANNED UNIT DEVELOPMENT ZONE USE TABLE

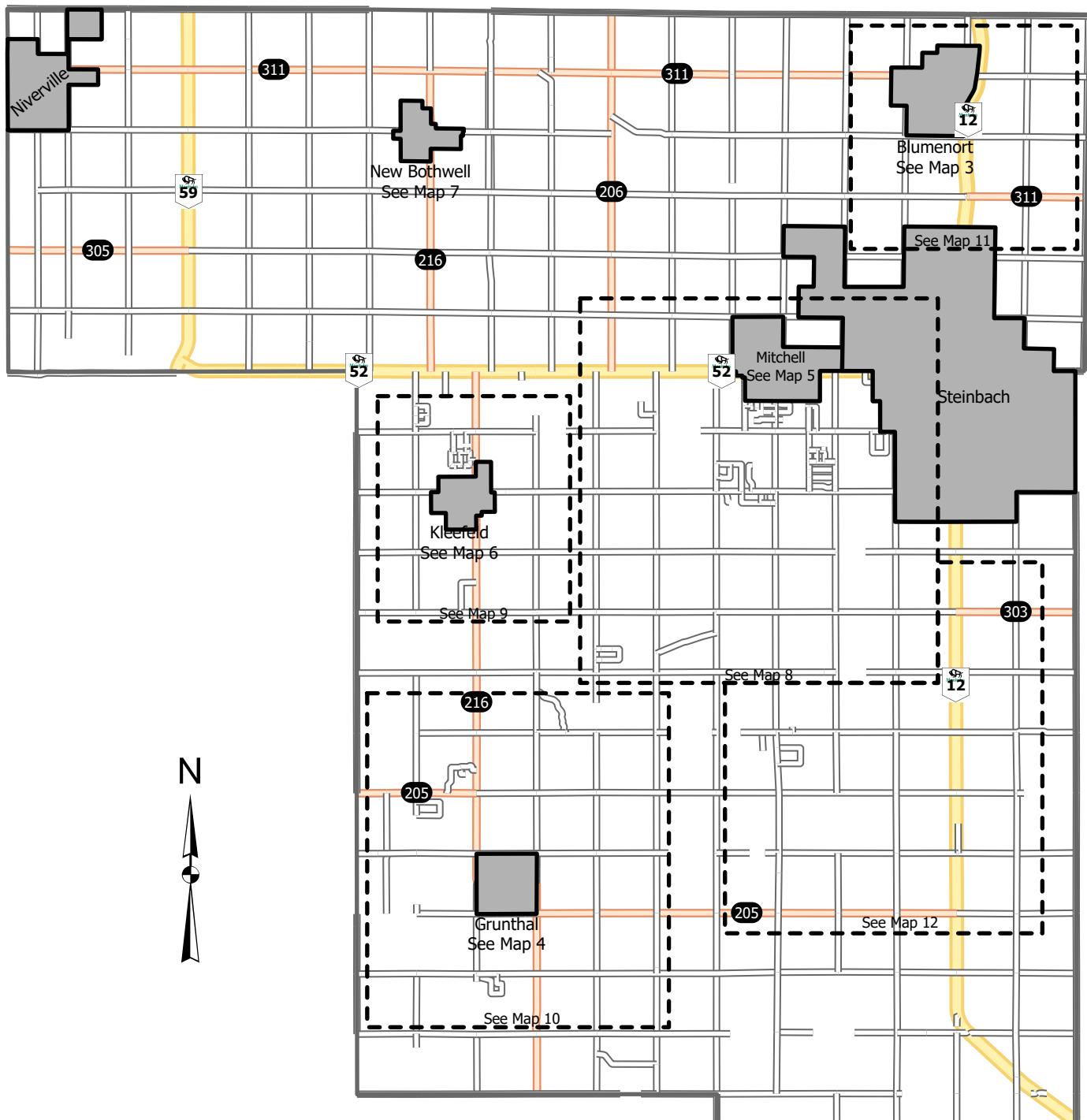
USES / USE CLASSES	MINIMUM REQUIREMENTS Acres (ac) Feet (ft)				
	Site Area (ac / sq. ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
Accessory uses (see <b>TABLE 3 - 5</b> and <b>Section 3.2.6</b> )	N / A		as required for the main use		
Bare land condominium developments including residential, small home, commercial and industrial (see <b>section 3.2.11.1</b> )					
Commercial and industrial developments including uses such as shopping centres				as determined by Council via appropriate agreements	
Planned Unit Developments incorporating a mixture of land uses					
Small home developments					
Parks, public reserves and open space				as determined by Council	
Public utility service - basic				as determined by Council	

## 5 SCHEDULE “A” – ZONING MAPS

- Map 1** Index Map
- Map 2** RM of Hanover
- Map 3** LUD of Blumenort
- Map 4** LUD of Grunthal
- Map 5** LUD of Mitchell
- Map 6** Kleefeld
- Map 7** New Bothwell
- Map 8** Rural Area 1
- Map 9** Rural Area 2
- Map 10** Rural Area 3
- Map 11** Rural Area 4
- Map 12** Rural Area 5

# Index Map

# Map 1

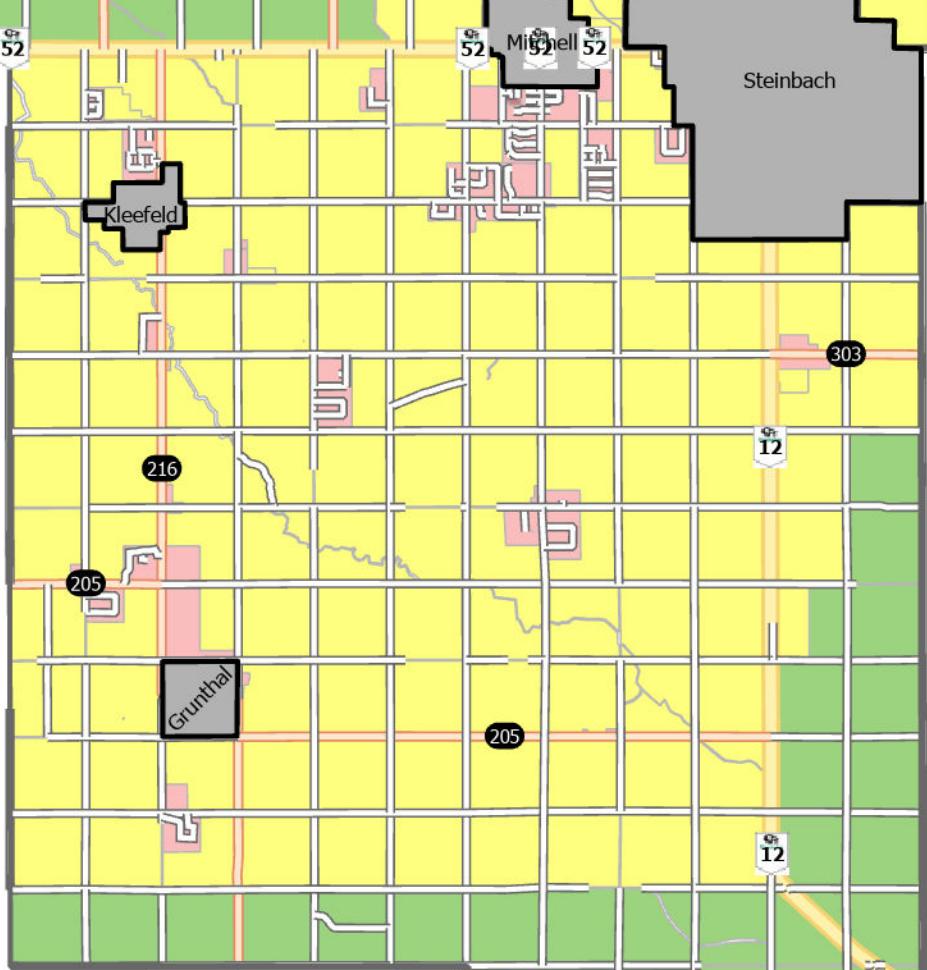


RM of Hanover:  
Zoning By-Law



No. 2418-18

Schedule "A" To By-Law No. 2418-18



## RM of Hanover: Zoning By-Law

No. 2418-18

Schedule "A" To By-Law No. 2418-18  
Revised: January 15, 2026



**LUD of Blumenort**  
Schedule "A"  
to By-Law No. 2418-18  
As Amended

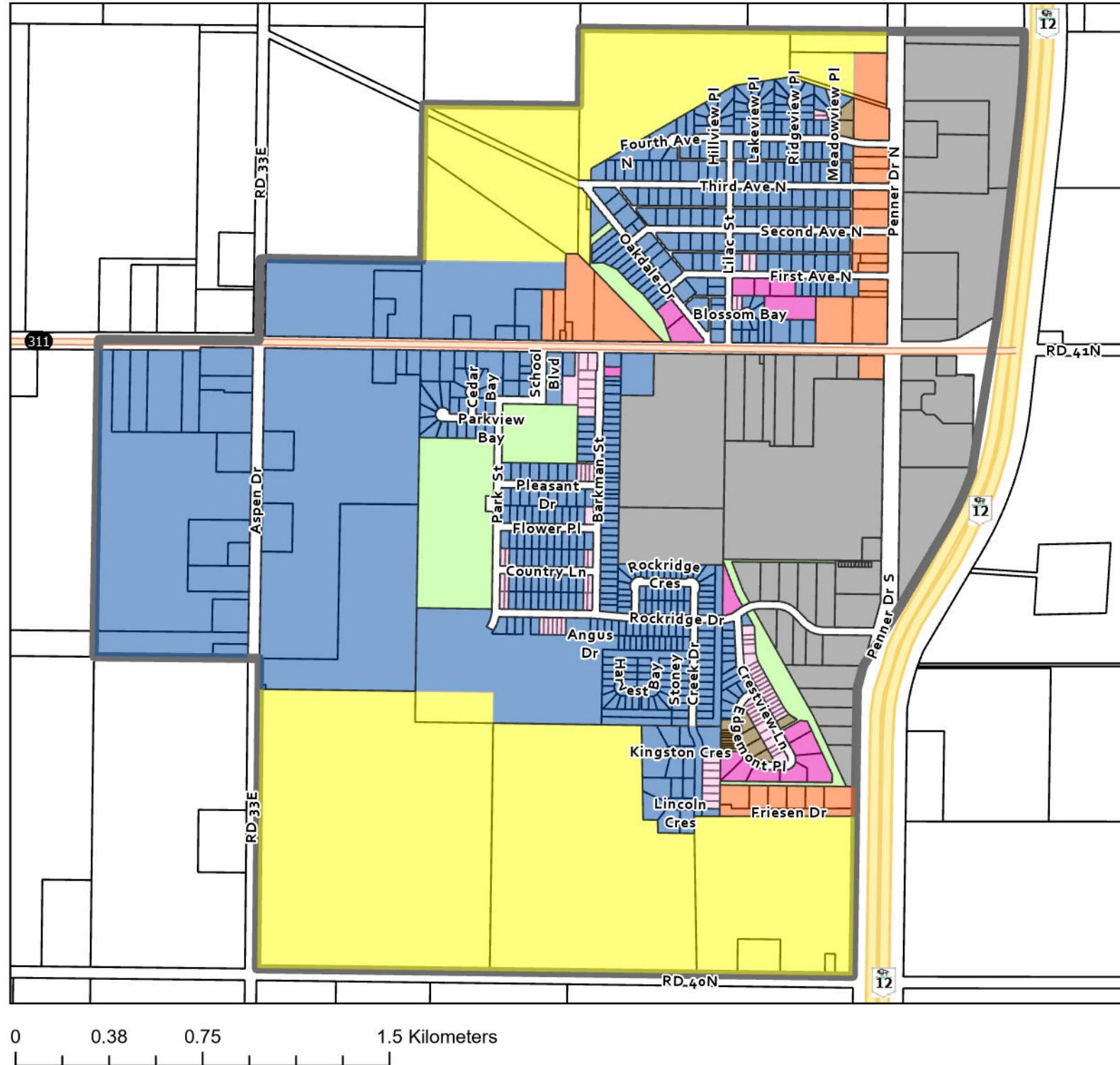
- Agriculture Limited Zone
- Commercial Zone
- Industrial Zone
- Open Space Zone
- Residential - Multiple Unit 1 Zone
- Residential - Multiple Unit 2 Zone
- Residential - Single Unit Zone
- Residential - Two Unit Zone



**RM of Hanover**  
**Zoning By-Law**  
**No. 2418-18**

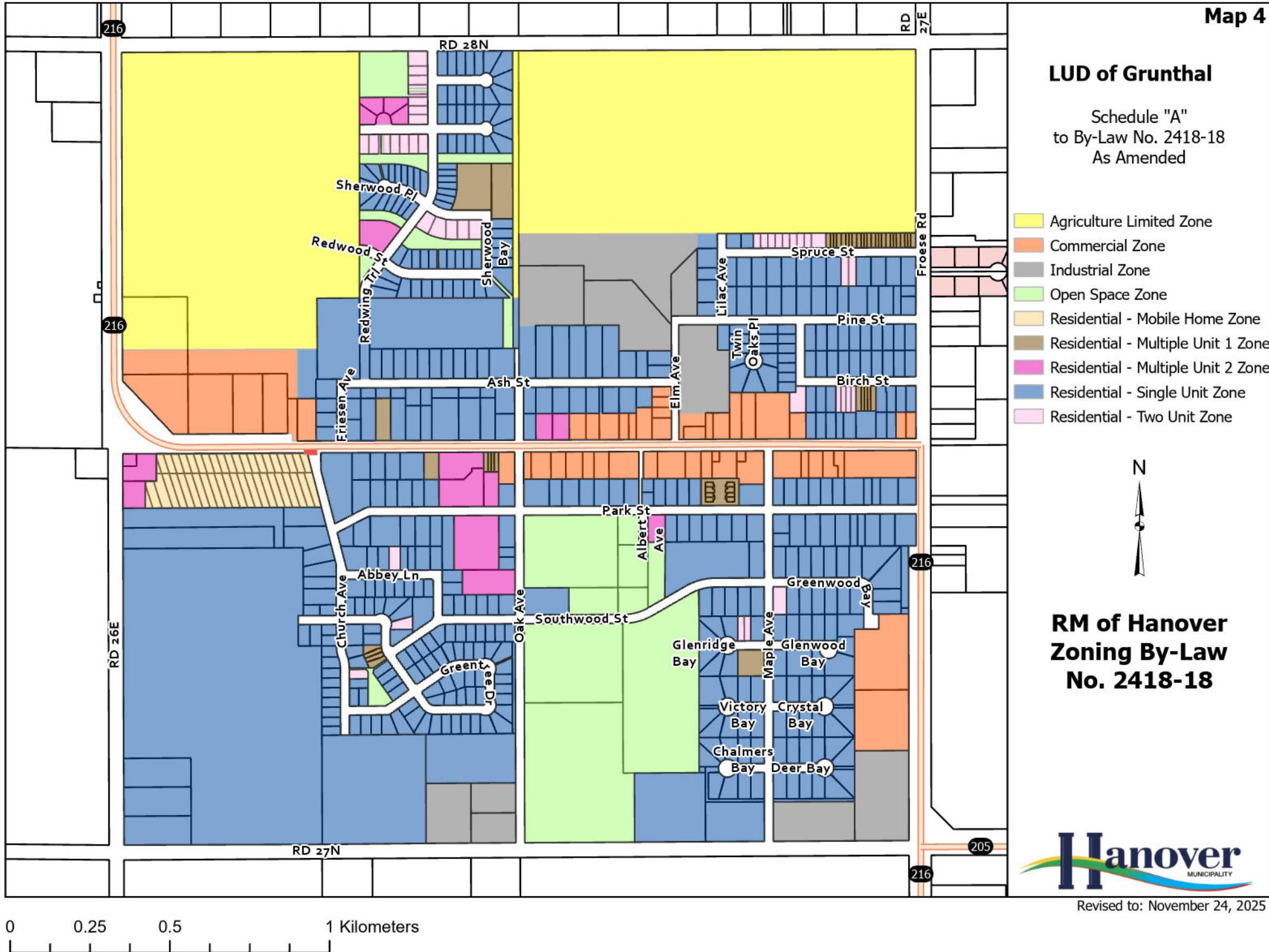


Revised: June 24, 2024



## LUD of Grunthal

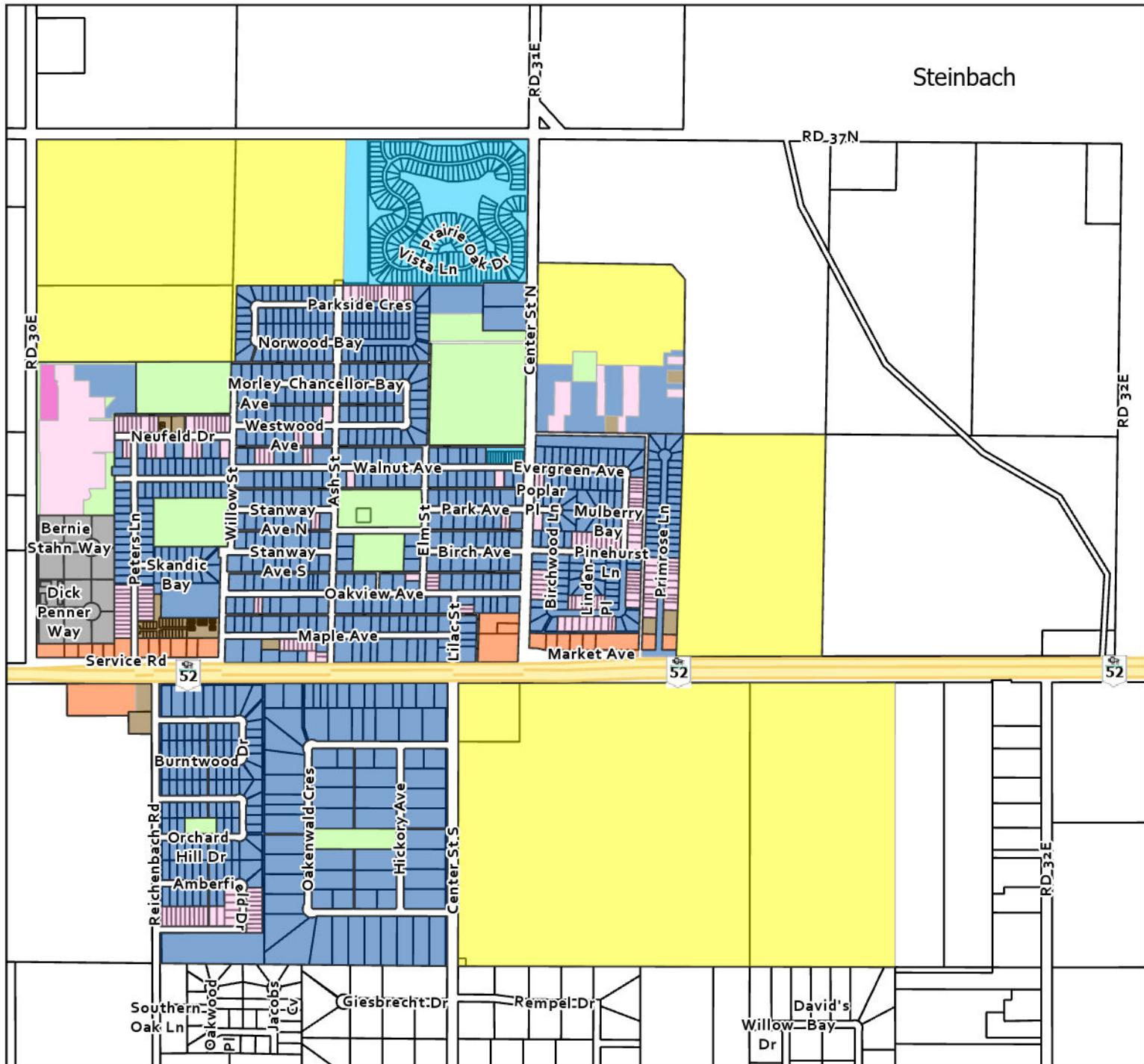
Schedule "A"  
to By-Law No. 2418-18  
As Amended



**RM of Hanover  
Zoning By-Law  
No. 2418-18**



Revised to: November 24, 2025



### LUD of Mitchell

Schedule "A"  
to By-Law No. 2418-18  
As Amended



- Agriculture Limited Zone
- Commercial Zone
- Industrial Zone
- Open Space Zone
- Planned Unit Development Zone
- Residential - Multiple Unit 1 Zone
- Residential - Multiple Unit 2 Zone
- Residential - Single Unit Zone
- Residential - Two Unit Zone

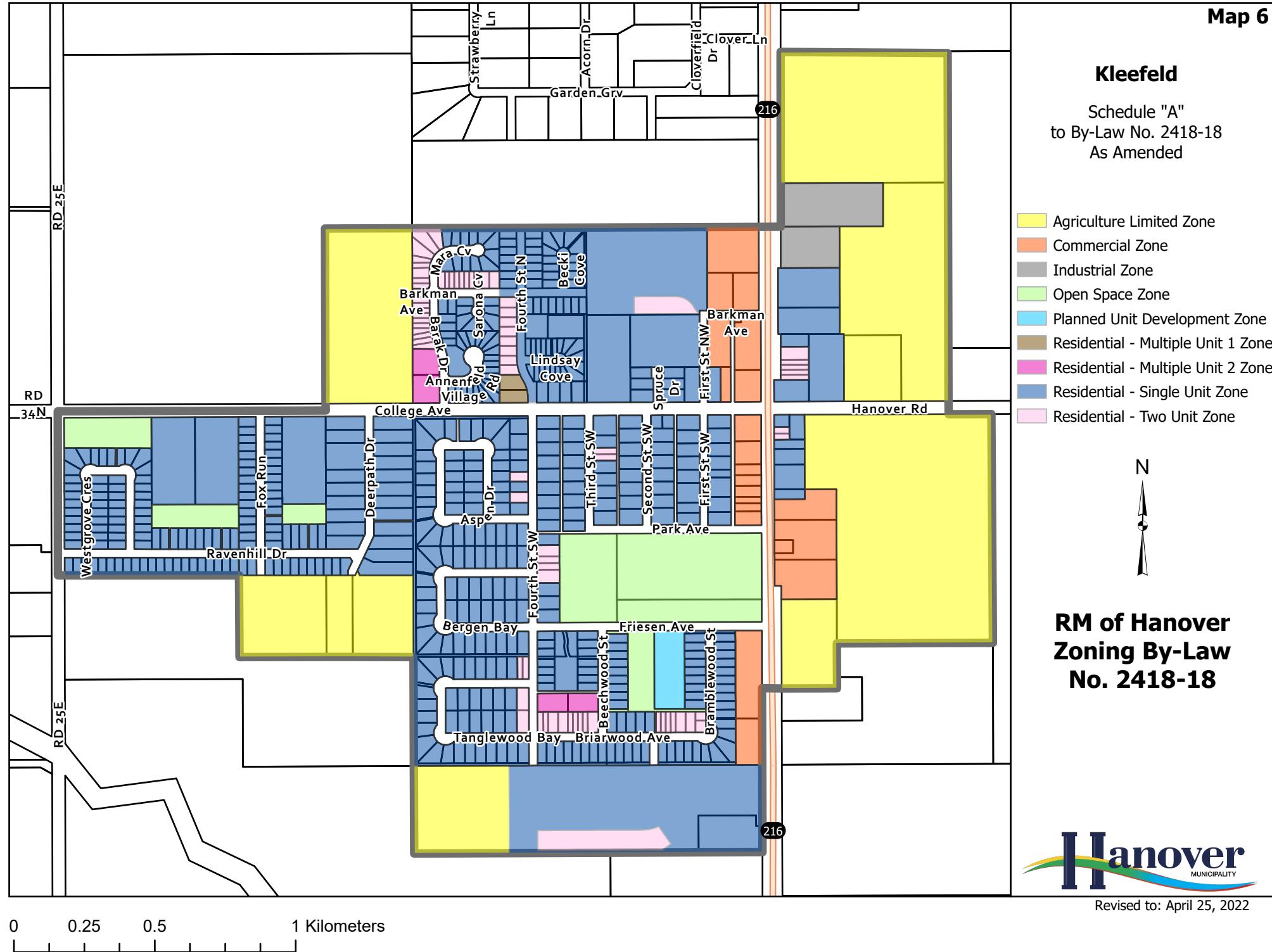
### RM of Hanover Zoning By-Law No. 2418-18

Revised to: January 20, 2026

## Map 6

## Kleefeld

Schedule "A"  
to By-Law No. 2418-18  
As Amended



# **RM of Hanover Zoning By-Law No. 2418-18**

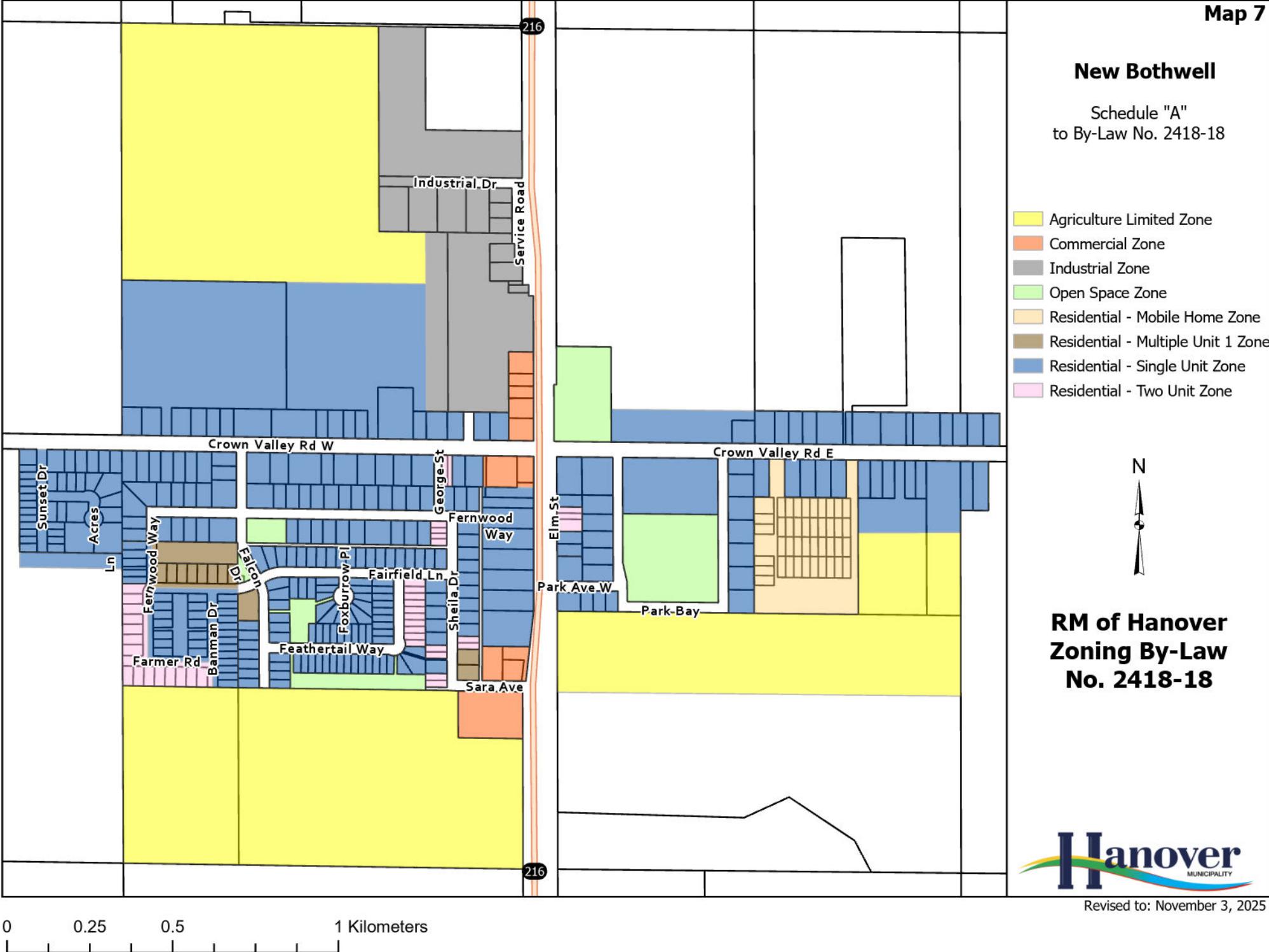


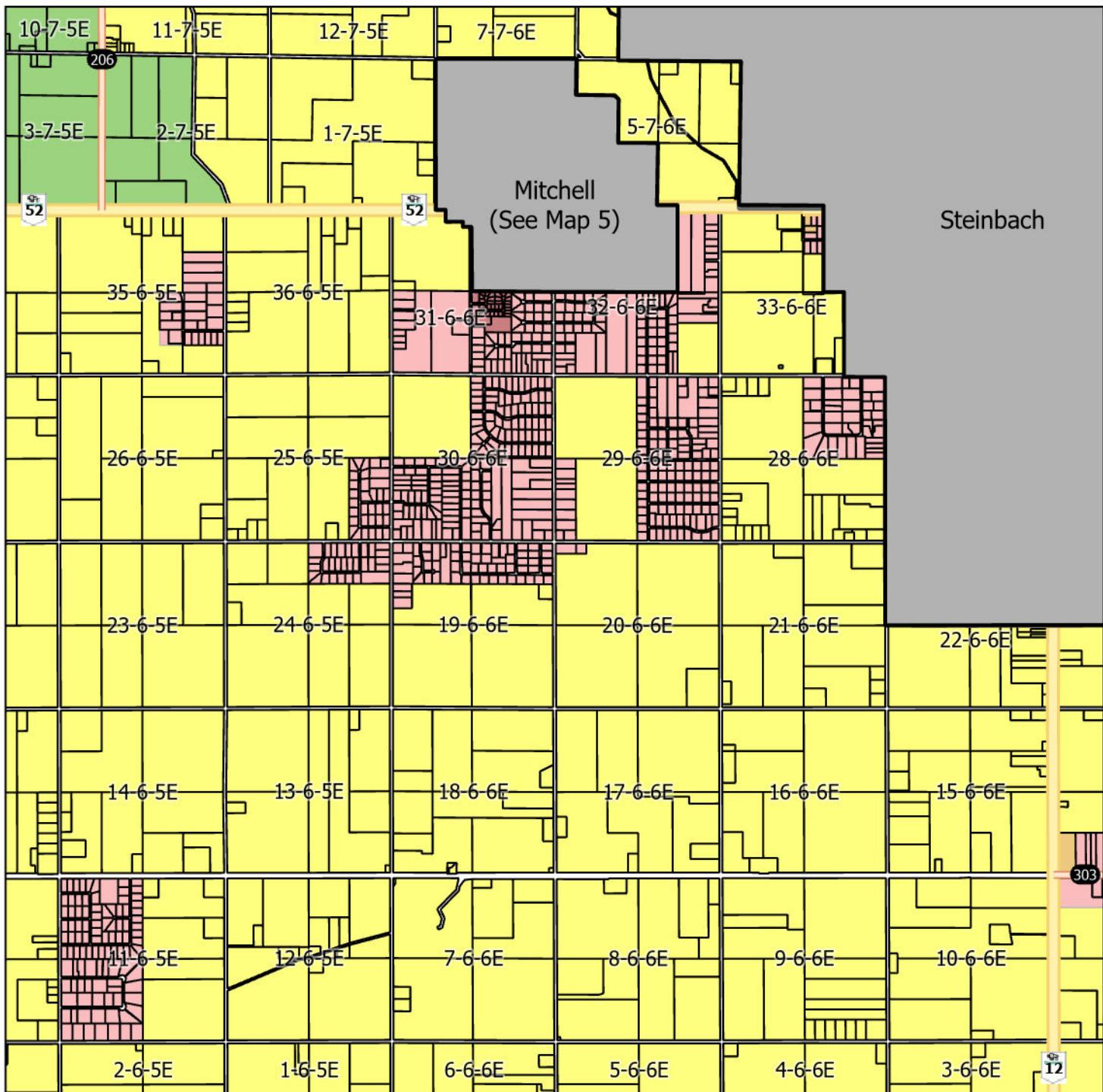
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Revised to: April 25, 2022

**New Bothwell**

Schedule "A"  
to By-Law No. 2418-18





### Rural Area 1

Schedule "A"  
to By-Law No. 2418-18

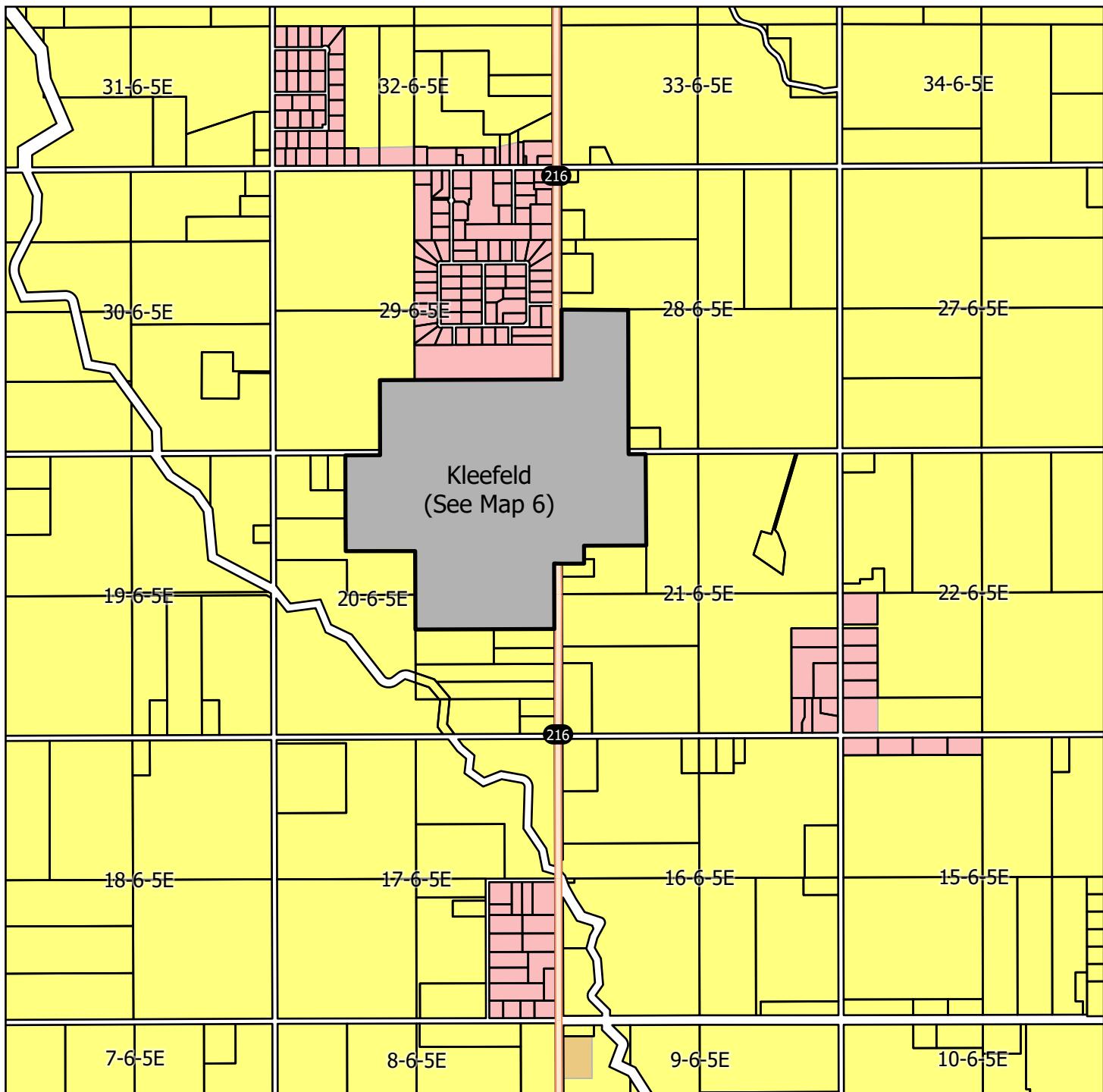
### Map 8

- Agriculture General Zone
- Agriculture Limited Zone
- Rural Industrial Zone
- Rural Residential Serviced Zone
- Rural Residential Zone



**RM of Hanover  
Zoning By-Law  
No. 2418-18**





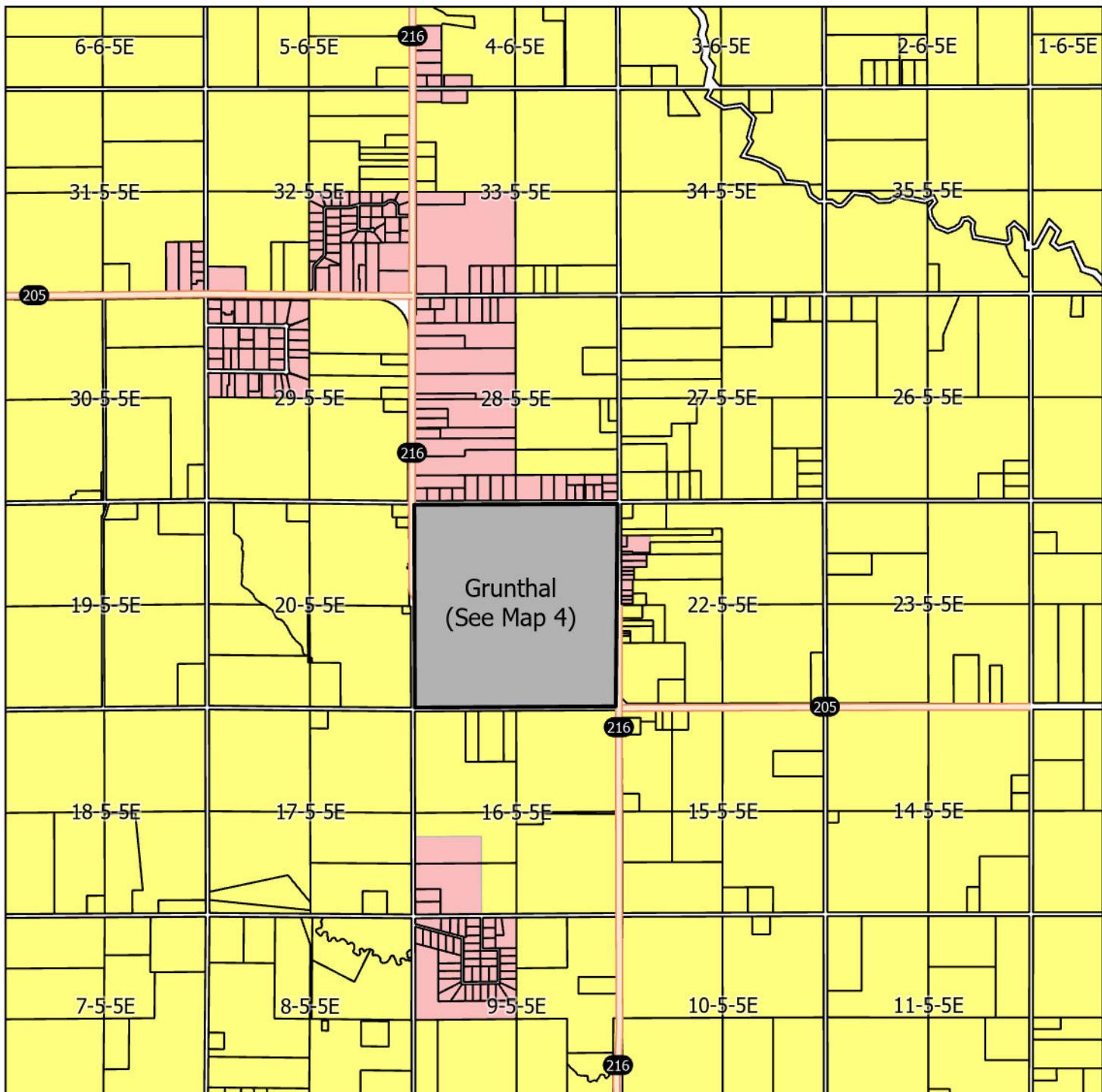
### Rural Area 2

Schedule "A"  
to By-Law No. 2418-18

- Agriculture Limited Zone
- Rural Industrial Zone
- Rural Residential Zone



**RM of Hanover  
Zoning By-Law  
No. 2418-18**



Rural Area 3

Schedule "A"  
to By-Law No. 2418-18

Agriculture Limited Zone  
Rural Residential Zone

Map 10

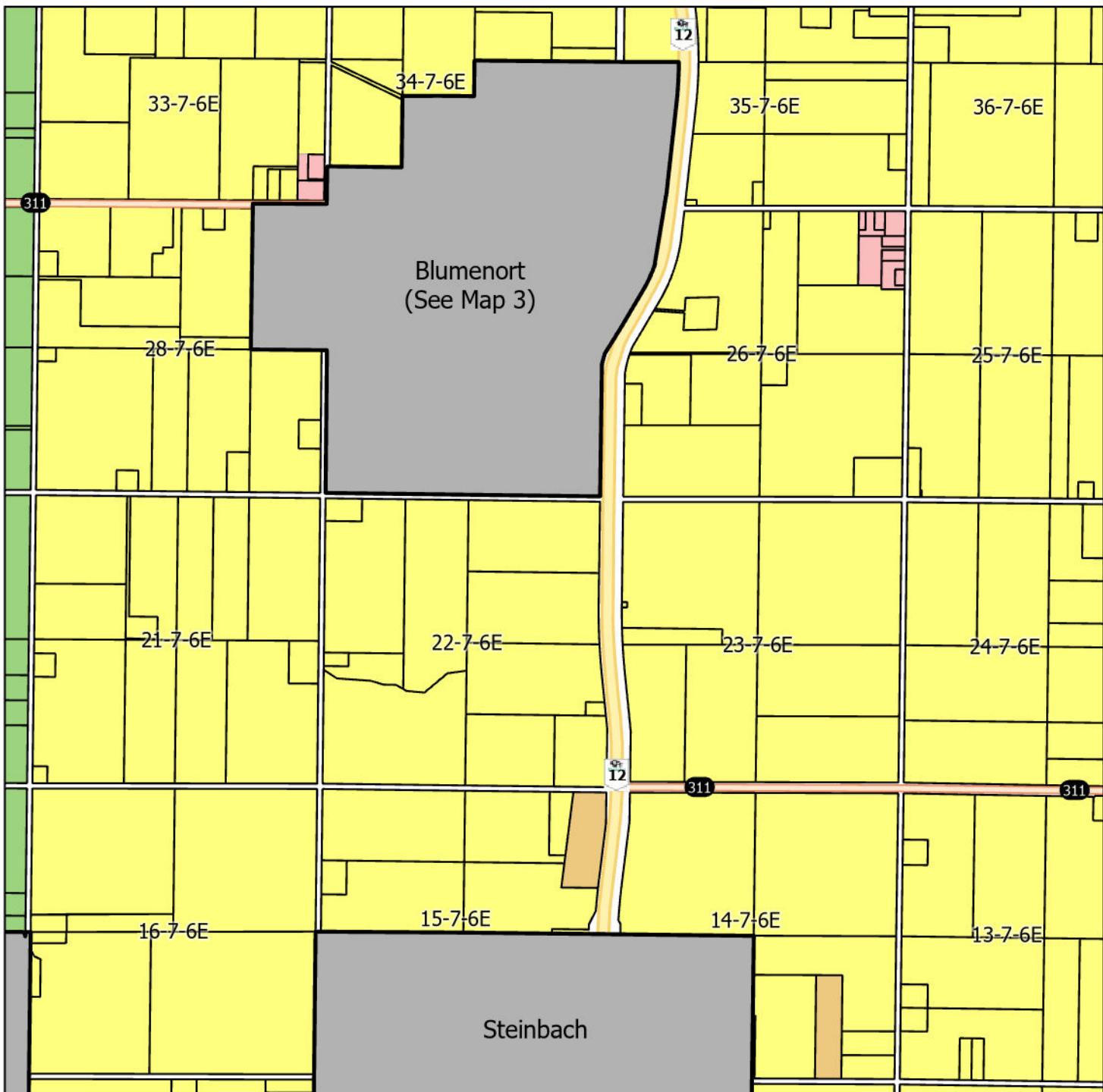
**RM of Hanover  
Zoning By-Law  
No. 2418-18**



4 Kilometers

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Revised: September 24, 2024



**Rural Area 4**

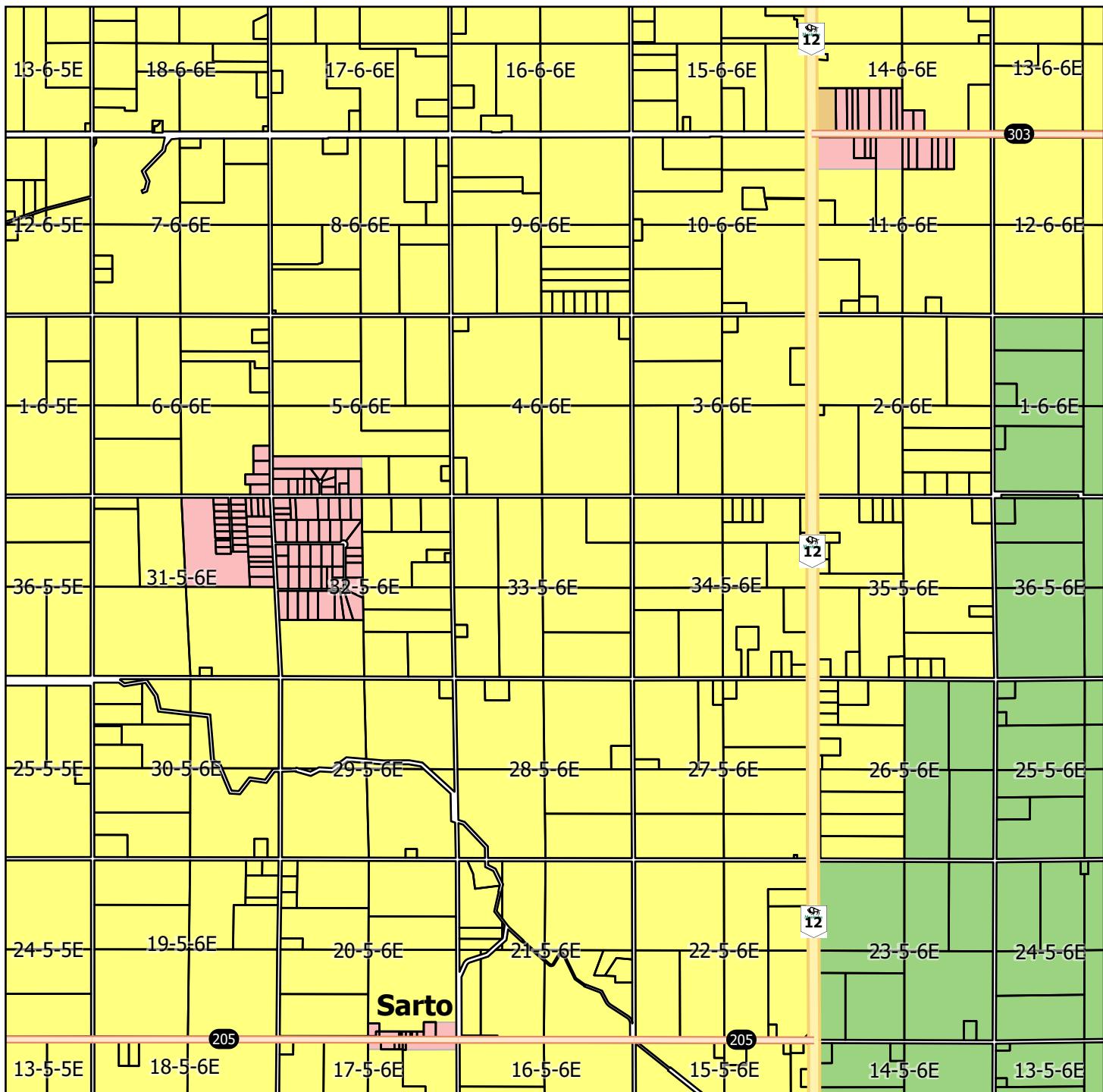
Schedule "A"  
to By-Law No. 2418-18

- Agriculture General Zone
- Agriculture Limited Zone
- Rural Industrial Zone
- Rural Residential Zone

**Map 11**

**RM of Hanover  
Zoning By-Law  
No. 2418-18**





Rural Area 5

Map 12

Schedule "A"  
to By-Law No. 2418-18

- Agriculture General Zone
- Agriculture Limited Zone
- Rural Industrial Zone
- Rural Residential Zone

**RM of Hanover  
Zoning By-Law  
No. 2418-18**

