KILLARNEY – TURTLE MOUNTAIN MUNICIPAL ZONING BY-LAW

BY-LAW NO. 2-2016





Killarney-Turtle Mountain



KILLARNEY-TURTLE MOUNTAIN MUNICIPAL ZONING BY-LAW NO. 2-2016

BEING A BY-LAW to regulate the use and development of land within the Municipality of Killarn - Turtle Mountain.

WHEREAS, Section 68 of the Planning Act, C.C.S.M., No. P80 requires the municipality to adopt Zoning By-law which is generally consistent with a development plan adopted for the area;

AND WHEREAS, pursuant to the Manitoba Planning Act, the Municipality of Killarney-Tur Mountain Council has by By-law adopted Killarney-Turtle Mountain Municipal Development Plan E law No. 25-2008;

NOW THEREFORE, the Municipality of Killarney-Turtle Mountain Council, in accordance w Section 68 of the Planning Act, in a meeting duly assembled adopt a municipal zoning By-law to l known as the Killarney-Turtle Mountain Municipal Zoning By-law No. 2-2016.

DONE AND PASSED by Council duly assembled this 11th day of January, 2017.

READ A FIRST TIME THIS 8th day of June A.D., 2016.

READ A SECOND TIME THIS 17th day of August A.D., 2016.

READ A THIRD TIME THIS 11th day of January A.D., 2017.

Mayor

Chief Administrative Officer

I, Karen Patterson, Chief Administrative Officer for the Municipality of Killarney-Turtle Mountair do hereby certify this to be a certified copy of the said original.

Karen Patterson, CAO

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PART 1: SCOPE OF BY-LAW

1.1 This By-law shall be known as the Killarney -Turtle Mountain Municipal Zoning By-law as adopted under the *Manitoba Planning Act* by the Killarney-Turtle Mountain Municipal Council as By-law No. 2-2016.

1.2 This By-law applies to all lands in the Municipality of Turtle Mountain, as indicated on zoning maps contained in Schedule "A" of this By-law.

1.3 This Zoning By-law regulates the use and development of land in the municipality and includes requirements for development in each zone, such as siting and setback standards, as established in this By-law.

1.4 This Zoning By-law regulates:

(a) The construction, erection, alteration, enlargement or placing of buildings and structures; and

(b) The establishment, alteration or enlargement of uses of land, buildings and structures.

1.5 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner.

1.6 Whenever a provision of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.

1.7 Nothing in this By-law, or in a development permit, approval of a conditional use or variation order, or other approval issued under this By-law or the Planning Act, shall be construed as authorization to establish any land use which is not compatible with adjacent development and the surrounding area or which is not consistent with applicable land use by-laws (i.e. development plan, zoning, or secondary plan).

1.8 By-law No. 2-2016[p1] is the first municipal zoning By-law enacted by the Municipality of Killarney - Turtle Mountain. The municipality has relied on older zoning by-laws (circa 1988) to regulate land use since amalgamating and prior to the adoption of this by-law.

PART 2: GENERAL REGULATIONS GOVERNING LAND USES, BUILDINGS AND STRUCTURES

Use of Land

2.1 Subject to **Section 2.4 and 2.5 of this PART**, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a land use which:

(a) Is listed in the Use and Bulk Tables which apply to such land, building or structure as:
(i) a permitted use;
(ii) a conditional use, subject to approval as such;

(b) Is a permitted or conditionally approved accessory use; or

(c) Is a use eligible for approval by variation order pursuant to The Planning Act (for example, a use not listed, but substantially similar to a permitted or conditionally use in a specific zone).

2.2 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.

2.3 There shall be a maximum of one (1) dwelling unit per site or parcel of land, except for the following:

(a) Farm dwelling(s) which are required by employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation,

(b) Two-unit dwellings or multiple-unit dwellings or mobile home or RV parks as provided for in this By-law, and

(c) Where secondary suites are permitted as an accessory use.

Existing Uses, Buildings and Structures

2.4 An existing use, building or structure which was established prior to the adoption of this By-law and which is provided for as a **permitted use, building or structure** by this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed subject to the following:

(a) All buildings and structures and uses existing at the effective date of this By-law as provided for above, are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.

(b) The enlargement, expansion, change in use, or replacement of existing buildings, structures or uses shall conform to all requirements of this By-law and may be subject to the issuance of a development permit and/or building permit, and;

2.5 An existing use, building or structure which was established prior to the adoption of this By-law, and which is classified as a **conditional use** by this By-law, shall be deemed to be an existing approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use subject to the following:

(a) Where an existing conditional use is changing to a permitted use, the change in use or replacement shall be subject to the issuance of a development permit and/or building permit, and shall conform with all requirements of this By-law; and

(b) Where an expansion of an existing conditional use, or changing to another conditional use is proposed, these changes shall require approval of Council following a public hearing, in accordance with **PART 7 of this By-law**.

NOTE: In respect of **PART 2, Sections 2.4 and 2.5** (above), see also **PART 3, Section 3.2 Bulk and Yard Requirements** of this By-law for additional information.

Non-Conforming Uses

2.6 An existing use, building or structure which **is not** provided for as a **permitted** or **conditional use**, building or structure by this By-law, shall be considered as a **non-conforming use, building or structure**, and shall be subject to the provisions of The Planning Act governing non-conformities:

(a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;

(b) A non-conforming use may be intensified (except for a variance to increase the number of animal units in a non-conforming livestock operation), but shall not be changed to a different non-conforming use;

(c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one (1) year. A change in ownership or tenancy of a non-conforming use shall **not** affect the non-conforming status.

(d) A non-conforming building or structure shall not be re-established if it is removed or destroyed above the foundation by more than fifty (50) percent of its replacement value; and

(e) Other provisions of *The Planning Act* governing non-conforming uses, buildings and structures apply, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be altered, including the authorization of building repairs or time extensions for an additional 12 months.

Permitted Uses

2.7 Where a use, building or structure is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit and/or building permit, and provided that the use, building or structure complies with all requirements of this By-law.

Conditional Uses

2.8 The classification of specific land uses as conditional uses is intended to provide for a special process of review (including a public hearing) and Council approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on existing development or resources located nearby.

2.9 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of The Planning Act pertaining to conditional uses and Part 6 of this By-law and the issuance of a development permit and/or building permit.

Similar Land Uses

2.10 Land uses which are not listed in the use and bulk tables in this By-law, but are substantially similar to either a permitted or conditionally approved use listed in the zone in which it is located, may be eligible for approval by variation, without an amendment to this By-law, provided that:

(a) The proposed land use is similar in type, size, and impact on surrounding land uses,

(b) The proposed development is compatible with existing development in the area (i.e. a commercial use in a commercial area),

(c) The approval of such land uses would not create a hardship for neighbours or the municipality, and

(d) The proposed land use and development can meet all other requirements in this By-law.

Accessory Uses, Buildings and Structures in ALL Zones

2.11 Except as provided under Section **2.12 (below) of this PART**, no accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the principal use of land, building or structure to which it is accessory (see definition of “accessory” in **PART 9, Section 9.2** of this By-law).

2.12 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the principal building, **provided** that a Building Permit and Development Permit has first been obtained for the principal building.

2.13 An accessory use, building or structure may be treated as a permitted or conditionally approved accessory building, structure or use that is accessory to a permitted or conditionally approved principal use; however, in the case of a use which is accessory to a conditional use building or structure, said accessory use shall not be located or constructed on the site prior to review and approval of the conditional use to which the accessory use is being proposed in accordance with **PART 7 of this By-law**.

2.14 A use identified as being a conditional use in the zone in which it is located cannot be accessory to a use listed as a permitted use for the same zoning district.

2.15 Where an accessory building or structure is attached to a principal building or structure by means of a foundation, wall or roof, it shall be deemed to be part of the principal building or structure and it shall conform with all requirements of this By-law applicable to the principal building or structure.

2.16 Detached accessory buildings or structures shall not be located in any required front yard of the principal use, except as may be provided for elsewhere in this By-law.

2.17 All detached accessory buildings shall be located a minimum of four (4) feet from the principal building located on the same zoning site.

2.18 In no instance shall an accessory building or structure be located within the boundaries of a dedicated easement or right-of-way.

2.19 Accessory buildings and structures proposed to be located within the established control areas adjacent to a provincial highway may require a permit from the provincial authority having jurisdiction.

2.20 Permitted accessory buildings, structures and uses include the following in **ALL ZONES**:

(a) Private sewage disposal systems (subject to approval by the provincial authority having jurisdiction) and private water supply wells.

2.21 In the "AG" AGRICULTURAL GENERAL ZONE AND "AL" AGRICULTURAL LIMITED ZONE, the following shall be treated as:

(a) **PERMITTED ACCESSORY USES**, buildings and structures in **all agricultural zone(s)** shall include the following:

(i) Farm dwellings, including a single-unit dwelling or a mobile or modular home, when located on the same parcel of land as the principal specialized or general agricultural use or a livestock operation as defined in **PART 9 of this by-law**;

(ii) Incinerators and solid fuel burning appliances, subject to the approval of the provincial authority having jurisdiction (where required) and satisfying the requirements of the Municipality's Building By-law;

(iii) Staff dwellings (to include single-family dwellings, multiple-family dwellings, dormitories and mobile homes) when located on the same zoning site as a permitted or conditionally approved general or specialized agricultural use including a livestock operation;

(iv) Agricultural buildings or structures needed for the operation and maintenance of a permitted or conditionally approved specialized or general agricultural use or livestock operation;

(v) Storage of goods used in or produced by agricultural activities when located on the same parcel with such activities, unless such storage is excluded by the zoning district requirements;

(vi) Privately owned non-commercial wind turbines located on the same site and in direct support of either a permitted or conditionally approved specialized or general agricultural operation, livestock operation or non-farm residential use shall be allowed in all agricultural zones as a permitted accessory structure and shall require approval by the municipality through the issuance of a Development Permit. Where a private land owner is producing power in excess of his/her personal needs, they may be able to sell this excess renewably produced power to Manitoba Hydro through an agreement with the utility;

a) All privately owned non-commercial wind turbine tower structures shall be setback from all property lines of the site on which it is located a minimum distance equal to 1.1 times its total height, measured from the ground to the uppermost point of the extension of its rotors.

(vii) A privately owned non-commercial telecommunications tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved general or specialized agricultural use including a livestock operation and farm or non-farm residential uses shall be set back from all property lines of the site on which it is located a minimum distance equal to 1.1 times its total height, measured from the ground to the uppermost point of its extension.

(viii) In all agricultural zone(s), **all signs** under 32 square feet in surface area shall be a treated as a permitted accessory use and all signs regardless of their size shall be set back a minimum of three (3) feet from any property line or in the case of a corner site, a minimum of twenty-five (25) feet from any street side of the site. No sign shall be erected or altered which would interfere with, or obstruct the view of, or be confused with any authorized traffic indicator, signal or device. **See also PART 3[k2], Section 3.25 of this By-law** for additional information pertaining to signs.

(ix) A children's playhouse, garden house, gazebo and children's shelter at a school bus stop;

(x) A private garage including portable/fabric shelters, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;

(xi) Home daycare and group daycare;

(xii) Home-based businesses when developed in accordance with **PART 6, Section 6.1 of this By-law**;

(xiii) Swimming Pools **(See PART 3, Section 23 of this By-law)** and note additional public safety requirements for approval under the Municipality's Building By-law).

(xiv) An animal housing facility located on small rural land holding such as a "riding academy and stable" or a single "non-farm dwelling" site shall be allowed as a permitted accessory use in all agricultural zones. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **Table 6-2 of PART 6 of this By-law** and shall be subject to the following additional requirements:

1) a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet (152.4 meters) from the limits of all **"GD" – General Development Zones**, **"RR" – Rural Residential Zones**, **"SR" Seasonal Recreation Zones and the limits of the communities of Killarney, Ninga and Holmfield**. Said animal housing facilities shall also be set back three hundred and twenty-eight (328) feet (100m) away from all residences other than the owner's residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads and seventy-five (75) feet from the side and rear limits of the property on which they are sited.

b) The maximum amount of livestock which may be kept within a small rural land holding such as a riding academy and stables or single non-farm dwelling site shall not exceed 0.75 Animal Units (AU) per two (2) acres of site area, to a maximum of nine (9) Animal Units (cumulative across species).

2) Notwithstanding subsection 1) b) (above), where a conditionally approved riding academy and stables proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a "livestock operation" as defined in **PART 9** of this by-law and shall be subject to the use and site requirements for a "livestock operation" as set out in **TABLE 5.1 or Table 5.2 (depending on the agricultural zone in**

which the use is located) of PART 5 of this By-law as well as the requirements of **PART 6** of this By-law.

(xv) In the agricultural zone(s), an accessory shipping container as defined in **PART 9 of this by-law** may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

(xvi) In the agricultural zone(s), an accessory tent-like structure as defined in **PART 9 of this by-law** may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site. All accessory tent-like structures greater than one-hundred and eight (108) square feet shall be subject to the issuance of a Development Permit.

(xvii) In the agricultural zone(s), an accessory religious institution which is located on the same site and in direct support of either a permitted or conditionally approved agricultural activity or livestock operation may be developed and shall be treated as a permitted accessory structure.

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in **All Agricultural zone(s)** shall include the following:

i) All newly siting accessory farm-based air landing strips and their related storage facilities but only when they are located on and forming part of a permitted or conditionally approved agricultural operation subject to the following additional requirements:

a) The minimum parcel size required for a permitted or conditionally approved agricultural operation wanting to develop an accessory farm-based air land strip and its associated storage facilities shall be 80 acres and the site shall have a minimum width of one-thousand (1,000) feet;

b) The accessory farm-based air landing strip and any related storage facilities shall be setback a minimum of 300 feet from all property lines of the site on which it is located;

c) No newly siting accessory farm-based air landing strip and any related storage facilities shall be developed within 1 mile of the limits of all urban communities, General Development Zones, “RR” - Rural Residential Zone(s) and “SR” – Seasonal Recreation Zones.

d) Existing farm-based air landing strips and their related storage facilities which do not comply with the minimum use and bulk and siting and setback requirements as set out in this section shall be deemed to be an approved conditionally approved accessory use as they existed on the date of the adoption of this by-law.

e) Notwithstanding anything in this By-law, all accessory farm-based air landing strips and their related storage facilities shall be subject to Transport Canada requirements and/or recommended guidelines (where applicable) and it shall be the responsibility of the proponent to investigate the need for any required permits, approval or licenses as may be required from Transport Canada.

ii) Not more than one secondary suite as defined in **PART 9** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed permitted or conditionally approved agricultural operation or non-farm dwelling site. Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **Table 5.1 and Table 5.2 of PART 5 of this By-law**, all secondary suites shall satisfy all of the siting and setback requirements that are applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 50% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authorities having jurisdiction prior to construction to determine the suitability of the site to support the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro and/or telephone services.

(b) In **All Agricultural zone(s)**, **all signs** greater than 32 square feet in surface area shall require conditional approval as an accessory structure and all signs regardless of their size shall be set back a minimum of three (3) feet from any property line or in the case of a corner site, a minimum of twenty-five (25) feet from any street side of the site. No sign shall be erected or altered which would interfere with, or obstruct the view of, or be confused with any authorized traffic indicator, signal or device. **(See PART 3[k3], Section 3.25 of this By-law for additional information pertaining to signs)**;

2.22 In the "GD" GENERAL DEVELOPMENT ZONE, the following shall be treated as:

(a) **PERMITTED ACCESSORY USES**, buildings and structures in the **"GD" General Development Zone** shall include the following:

i) A children's playhouse, garden house, private greenhouse, private conservatory and private swimming pool when located on the same zoning site as a residential use;

ii) A private garage, carport, covered patio, porch, tool house, shed or other similar additions and structures when located on the same zoning site as a residential use;

iii) Home-based businesses when developed in accordance with **PART 6, Section 6.1 of this by-law**;

iv) A privately owned non-commercial telecommunications tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use.

v) Structures for the operation, maintenance and administration of, or incidental to, a permitted parks and recreational use.

vi) A dwelling or mobile home located to the side or rear of the principal building for a watchman or caretaker whose presence on a permitted or conditionally approved commercial or industrial site is necessary at all times;

vii) Dwelling units, apartments or suites, when incidental to, and located above and/or to the rear of a permitted or conditionally approved commercial use;

viii) Retail outlets incidental to another permitted or conditional industrial or commercial use;

ix) Storage of goods, including buildings and structures in which said goods are stored, used in or produced by, manufacturing activities, unless such storage is excluded by the zone regulations;

x) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business of personal service or mercantile occupancy if conducted by the same ownership as the principal use;

xi) Accessory off-street parking;

Signs

xii) **All Signs** in the **"GD" – General Development Zone** with less than 32 square feet of total sign surface area shall be treated as permitted accessory structures and all signs regardless of their sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10 feet from the street side of the site.

(**See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) No sign shall be erected which shall interfere with or obstruct the view of, or be confused with any authorized traffic indicator, signal or device.

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"GD" General Development Zone** shall include the following:

i) Not more than one secondary suite as defined in **PART 9** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly developed single-family dwelling. Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **Table 5.3 of PART 5** of this By-law, all secondary suites shall satisfy all of the siting and setback requirements that are applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 50% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authorities having jurisdiction prior to construction to determine the suitability of the site to support the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro and/or telephone services.

ii) Incinerators and solid fuel burning appliances when secondary to an existing or newly proposed industrial use, subject to the approval of provincial authorities having jurisdiction and satisfying the requirements of the Municipality's Building by-law;

Signs

iii) **All Signs** in the **"GD" – General Development Zone** with more than 32 square feet of total sign surface area shall require conditional approval and all signs regardless of their sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10 feet from the street side of the site. (**See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) No sign shall be erected which shall interfere with or obstruct the view of, or be confused with any authorized traffic indicator, signal or device.

2.23 In the "RR" RURAL RESIDENTIAL ZONE**, a**ccessory buildings, structures and uses include the following:

(a) **PERMITTED ACCESSORY USES**, buildings and structures in the **"RR" Rural Residential Zone** shall include the following:

i) A children's playhouse, garden house, private greenhouse, private conservatory and private swimming pool when located on the same zoning site as a residential use;

ii) A private garage, carport, covered patio, porch, tool house, shed or other similar additions and structures when located on the same zoning site as a residential use;

iii) A privately owned non-commercial telecommunications tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use.

iv) Home-based businesses when developed in accordance with **PART 6, Section 6.1 of this By-law**;

v) **Signs**

a) Identification and business signs such as real estate signs and identification signs for cottages and single and multi-family dwellings providing there is no more than one non-illuminated sign not exceeding two square feet in sign surface area per zoning site;

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"RR" Rural Residential Zone** shall include the following:

i) Not more than one secondary suite as defined in **PART 9** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed single-family dwelling.

b) Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **Table 5.4. of PART 5**, all secondary suites shall satisfy all of the siting and setback requirements that are applicable to the principal dwelling within which the secondary suite is to be developed and the secondary suite shall not exceed 50% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authorities having jurisdiction prior to construction to determine the suitability of the site to support the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated

with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro and/or telephone services.

ii) Accessory tent-like structures in the **"RR" Rural Residential Zone** as defined in **PART 9** of this by-law may be allowed as a conditionally approved accessory structure but only when it is located on the same site as a single family, modular, mobile home and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory tent-like structures between one hundred and eight (108) square feet (10 sq/m) and two hundred and fifty (250) square feet (23.2sq/m) shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet (23.2sq/m) shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

iii) Where an animal housing facility is proposed on a site with a single-family dwelling, mobile or modular home as its principal use, the animal housing facility may be allowed as a conditionally approved accessory use in the **"RR" Rural Residential Zone**. In such circumstances, the maximum amount of livestock which may be kept on a rural residential site shall not exceed 1.33 Animal Units (AU) per two (2) acres of site area as calculated from **Table 6-1 of PART 6** of this by-law, to a maximum of three and a half (3.5) Animal Units (cumulative across species) and shall be subject to the following additional requirements:

a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of two hundred (200) feet (61m) away from all residences other than the owner's residence located on the same site as the animal housing facility and any manure stored onsite. In addition, any manure stored onsite shall be setback a minimum of thirty (30) feet (9.15m) from the side and rear limits of the property on which they are sited and shall also stored to the rear of the dwelling on the site.

Signs

iv) Bulletin board and identification signs for a non-residential building, structure or use or part thereof may be allowed as a conditionally approved accessory structure and shall be limited to one non-illuminated sign which does not exceed 18 square feet in sign surface area.

(c) **PROHIBITED ACCESSORY USES**, buildings and structures in the **"RR" Rural Residential Zone** shall include the following:

i) Advertising signs are prohibited in the **"RR" Rural Residential Zone.**

2.24 In the "SR" SEASONAL RECREATION ZONE, accessory buildings, structures and uses include the following:

(a) **PERMITTED ACCESSORY USES**, buildings and structures in the **"SR" Seasonal Recreation Zone** shall include the following:

i) A children's playhouse, garden house, private greenhouse, private conservatory and private swimming pool when located on the same zoning site as a residential or cottage use;

ii) A private garage, carport, covered patio, porch, tool house, shed or other similar additions and structures when located on the same zoning site as a residential or cottage use. In the case of tool houses and/or sheds no more than two (2) sheds per lot shall be allowed with each structure being no more than a maximum of 108 square feet;

iii) An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of a principal residential use of a site and shall be treated as a permitted accessory structure.

iv) Identification, business, direction signs or real estate signs for cottages and single and two-family or multi-family dwellings providing there shall be no more than one non-illuminated sign per zoning site not exceeding two square feet in sign surface area;

v) Building structures or uses accessory and incidental to a permitted or conditionally approved commercial uses, including boat docks;

vi) Accessory off-street parking;

vii) Home-based businesses when developed in accordance with **PART 6, Section 6.1 of this by-law**;

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"SR" Seasonal Recreation** shall include the following:

i) Not more than one secondary suite as defined in **PART 9** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and is located within and/or forming part of either an existing or newly proposed single-family dwelling.

a) Notwithstanding the siting and setback requirements for "accessory uses" as provided for in **Table 5.5 of PART 5**, all secondary suites shall satisfy all of the siting and setback requirements that are applicable to the principal dwelling within which the secondary suite is to be developed and the secondary suite shall not exceed 50% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed,

the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authorities having jurisdiction prior to construction to determine the suitability of the site to support the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro and/or telephone services.

ii) Bulletin board and identification signs for a non-residential building, structure or use or site or use part thereof shall be limited to one non-illuminated sign not exceeding 18 square feet in sign surface area.

iii) Staff dwellings when located on the same zoning site and in association with a commercial use. Said staff dwellings must be located in the side or rear yard of the principal commercial use of the zoning site.

iv) Where an animal housing facility is proposed on a site with a single-family dwelling, mobile or modular home as its principal use, the animal housing facility may be allowed as a conditionally approved accessory use in the **"SR" Seasonal Recreation Zone**. In such circumstances, the maximum amount of livestock which may be kept on a rural residential site shall not exceed 1.33 Animal Units (AU) per two (2) acres of site area as calculated from **Table 6-1 of PART 6** of this by-law, to a maximum of three and a half (3.5) Animal Units (cumulative across species) and shall be subject to the following additional requirements:

a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of two hundred (200) feet (61m) away from all residences other than the owner's residence located on the same site as the animal housing facility and any manure stored onsite. In addition, any manure stored onsite shall be setback a minimum of thirty (30) feet (9.15m) from the side and rear limits of the property on which they are sited and shall also stored to the rear of the dwelling on the site.

2.25 In the "RS" RESIDENTIAL SERVICED ZONE and "RU" RESIDENTIAL UNSERVICED ZONE, accessory buildings, structures and uses include the following:

(a) **PERMITTED ACCESSORY USES** buildings and structures in the **"RS" Residential Serviced Zone and "RU" Residential Un-Serviced Zone (excluding mobile home spaces in a mobile home park or mobile home sites in a mobile home subdivision,** shall include the following:

i) Home-based businesses when developed in accordance with **PART 6, Section 6.1 of this By-law**;

ii) **Signs**

Notwithstanding the requirements for accessory buildings, structures and uses in **Table 5.6 and 5.7 of PART 5 of this By-law**, the following requirements shall apply to all signs accessory to residential uses in the **"RS" and "RU" zones**:

a) For a single-family dwelling, two-family dwelling or modular homes, one (1) identification sign not exceeding one decimal five (1.5) square feet in sign surface area shall be permitted. On a corner site, one (1) identification sign facing each street shall be permitted;

b) Notwithstanding the requirements for accessory buildings, structures and uses in **Table 5.6 and 5.7 of PART 5 of this By-law**, the following requirements shall apply to all non-residential uses in the **"RS" and "RU" zones** to signs as accessory structures:

i) One freestanding identification sign not exceeding five (5) square feet in sign surface area, indicating only the name and address of the building, and the name, address and telephone number of the landlord or leasing agent. Said sign shall not project higher than fifteen (15) feet above the average level of the ground, and shall not obstruct the light or view from a window of a habitable room;

ii) One (1) identification facia sign, not exceeding five (5) square feet in sign surface area, indicating only the name and address of the building; on a corner site, two (2) such signs, one (1) facing each street, may be permitted;

iii) One (1) bulletin board per site, not exceeding fifteen (15) square feet in sign surface area; said sign shall not project higher than fifteen (15) feet above the level of the ground;

iv) One (1) area identification sign which is a sign that identifies a specific residential area, provided approval for design, location, maintenance and erection are granted by the Council;

v) One (1) non-illuminated business facia sign per approved business use, excluding home occupations, not exceeding thirty-two (32) square feet in sign surface area, indicating only the name and address of the business and building; on a corner site, two (2) such signs, one facing each street, may be permitted; and

vi) Illuminated mobile signs used for advertising or business purposes are prohibited in any residential zone.

(b) **PERMITTED ACCESSORY USES** buildings and structures in the **"RS" Residential Serviced Zone and "RU" Residential Un-Serviced Zone, specific to mobile home spaces in a mobile home park or mobile home sites in a mobile home subdivision,** shall include the following:

i) In mobile home parks and mobile home subdivisions, the following uses, buildings and structures shall be allowed as permitted accessory uses in required yards as set out below.

In Front Yards

(i) open terraces and steps not over four (4) feet above the average level of the adjoining ground;

(ii) chimney, bay window, open porch, balcony and first storey alcove or vestibule projecting five (5) feet or less, and having a floor area not exceeding fifty (50) square feet;

(iii) overhanging eaves and gutters, canopies and awnings projecting five (5) feet or less;

(iv) uncovered walks and driveways, trees, trellises, flagpoles, lighting fixtures and lamp posts;

(v) a fence, wall or retaining wall not over two and one-half (2 ½) feet above the average level of the adjoining ground;

(vi) shrubs and similar horticultural landscape features, provided that when they are placed in such a manner so as to produce a fence effect, the height provision stated in paragraph v) shall not be exceeded;

(vii) an open parking space or spaces, as regulated in **PART 3, Section 3.38 of this By-law** herein.; and

(viii) signs, as permitted and regulated in this **PART and PART 3, Section 3.25 of PART 3 of this by-law.**

In Side Yards

a) Where the side yards are four (4) feet or less, open terraces and steps less than four (4) feet above the average level of the adjoining ground are allowed but shall not project more than 50 % into a required side yard, but all such accessory structures shall be setback a minimum of 2 feet from the side yard limit of the mobile home space or mobile home site;

b) Where the side yards are greater than six (6) feet, chimneys, bay windows, first storey alcoves or a vestibule, projecting up to two (2) feet in front and rear yards but not closer than three (3) feet to side site lines and having a floor area not exceeding six (6) square feet; and

i) overhanging eaves and gutters projecting two (2) feet or less, but not closer than one (3) foot to the side site line;

ii) chimney, bay window, open porch, balcony and first storey alcove or vestibule projecting five (5) feet or less, and having a floor area not exceeding fifty (50) square feet;

iii) uncovered walks and driveways, tress and trellises, flagpoles, lighting fixtures and lamp posts;

iv) a fence, wall or retaining wall not over two and one-half (2 ½) feet above the average level of the adjoining ground;

v) overhanging eaves and gutters, canopies and awnings projecting five (5) feet or less;

vi) open balconies and decks, but not closer than two (2) feet to the side site line;

vii) an open parking space or spaces, as regulated in **Section 3.38 of PART 3 of this By-law**; and

viii) signs, as permitted and regulated in **Section 3.25 of PART 3 of this By-law**.

ix) An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of the principal residential use of a mobile home space or mobile home space. Notwithstanding the siting and setback requirements of **Table 5.6 and Table 5.7 of PART 5** of this By-law, all accessory telecommunication tower structures shall be set back from all mobile home site and/or mobile home space limits on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

In Rear Yards

i) open decks;

ii) chimney, breezeway, bay window, open porch, balcony and first-storey alcove, or vestibule, projecting five (5) feet or less and having a floor area not exceeding fifty (50) square feet;

iii) overhanging eaves and gutters, canopies and awnings projecting five (5) feet or less;

iv) uncovered walks and driveways, trees, trellises, flagpoles, lighting fixtures and lamp posts;

v) a fence, wall or retaining wall not over six (6) feet above the average level of the adjoining ground;

vi) a parking space or spaces, as regulated in **Section 3.38 of PART 3 of this By-law**; and

vii) parabolic dish antenna provided it and all its components are located entirely within the site on which it is located.

viii) A children's playhouse, garden house, private greenhouse, private conservatory and private swimming pool when located on the same zoning site as a residential or cottage use;

ix) A private garage, carport, covered patio, porch, tool house, shed or other similar additions and structures when located on the same zoning site as a residential or cottage use. In the case of tool houses and/or sheds no more than two (2) sheds per lot shall be allowed with each structure being no more than a maximum of 108 square feet;

(c) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"RS" Residential Serviced Zone and "RU" Residential Un-Serviced Zone** shall include the following:

(d) **PROHIBITED ACCESSORY USES**, buildings and structures in the **"RS" Residential Serviced Zone and "RU" Residential Un-Serviced Zone** shall include the following:

i) Tent like structures and shipping containers;

ii) **Signs**

(a) Signs which incorporate in any manner visible, flashing, scintillating or animated components are prohibited;

(b) Advertising signs are prohibited in all Residential Zones.

(c) No sign shall be erected or altered which, in Council's opinion, would interfere with, or obstruct the view of or be a hazard to the motoring public.

2.26 Accessory buildings, structures and uses include the following in the **"CG" Commercial General Zone:**

(a) **PERMITTED ACCESSORY USES,** buildings and structures in the **"CG" Commercial General Zone** shall include the following:

i) Accessory Caretaker / Watchman's Dwelling Unit
One (1) attached or detached caretaker / watchman's accessory dwelling unit may be developed as a permitted accessory use but only when located on the same parcel as the principal commercial use of the property. The caretaker / watchman's accessory dwelling unit must in all cases satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law (including parking), the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for the accessory dwelling unit shall be six-hundred (600) sq/ft (55.7sq/m). When the accessory caretaker / watchman's dwelling unit is located within the principal building, it shall in all cases be located above and/or behind the principal commercial use of the building.

ii) Accessory apartments / suites
Accessory apartments / suites may be developed as a permitted accessory use but only when located on the same parcel as the principal use commercial use of the property. The accessory apartments / suites must in all cases be located within the principal building behind and /or above the principal commercial use of the building and satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law (including parking), the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for each accessory apartment and or suite shall be four hundred (400) sq/ft (37.2 sq/m).

iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved commercial use. Notwithstanding the siting and setback requirements for Accessory Uses Buildings and Structures as set forth in **Table 5.8 of PART 5 of this By-law**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

iv) All Signs in the **"CG" – Commercial General Zone** with less than 32 square feet of total sign surface area shall be treated as permitted accessory structures. Notwithstanding the siting and setback requirements for accessory uses, buildings and structures as set forth in **Table 5.8 of Part 5 of this By-law,** all signs with less than 32 square feet of total sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10

feet from the street side of the site. (**See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) No sign shall be erected which shall interfere with or obstruct the view of, or be confused with any authorized traffic indicator, signal or device.

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"CG" Commercial General Zone** shall include the following:

i) Accessory Shipping Containers
An accessory shipping container as defined in **PART 9** of this by-law, may be sited as a permitted accessory structure but only when it is located on the same parcel as the permitted or conditionally approved commercial use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Tent Like Structures
An "accessory tent-like structure" as defined in **PART 9** of this by-law provided it is located on the same parcel as the commercial use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

i) All Signs in the **"CG" – Commercial General Zone** with more than 32 square feet of total sign surface area shall require conditional approval. Notwithstanding the siting and setback requirements for accessory uses, buildings and structures as set forth in **Table 5.8 of Part 5 of this By-law** all signs with more than 32 square feet of total sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10 feet from the street side of the site. (**See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) No sign shall be erected which shall interfere with or obstruct the view of, or be confused with any authorized traffic indicator, signal or device.

(c) **PROHIBITED ACCESSORY USES**, buildings and structures in the **"CG" Commercial General Zone** shall include the following:

2.27 Accessory buildings, structures and uses include the following in the **"MG" - Industrial General Zone:**

(a) **PERMITTED ACCESSORY USES,** buildings and structures in the **"MG" Industrial General Zone** shall include the following:

i) Accessory Shipping Containers
An "accessory shipping container" as defined in **PART 9** of this by-law, may be sited as a permitted accessory structure but only when it is located on the same parcel as the permitted or conditionally approved industrial use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Tent Like Structures
An "accessory tent-like structure" as defined in **PART 9** of this by-law provided it is located on the same parcel as the industrial use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

iii) Accessory Caretaker / Watchman's Dwelling Unit
One (1) attached or detached caretaker / watchman's accessory dwelling unit may be developed as a permitted accessory use but only when located on the same parcel as the principal industrial use of the property. The caretaker / watchman's accessory dwelling unit must in all cases satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law (including parking), the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for the accessory dwelling unit shall be six hundred (600) sq/ft (55.7sq/m). When the accessory caretaker / watchman's dwelling unit is located within the principal building, it shall in all cases be located above and/or behind the principal industrial use of the building.

iv) Accessory Telecommunications Towers
An "accessory telecommunication tower" used to support ancillary devices such as but not limited to citizens band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved industrial use. Notwithstanding the siting and setback requirements for Accessory Uses Buildings and Structures as set forth in **Table 5.9 of PART 5 of this By-law**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

iii) All Signs in the **"MG" – Industrial General Zone** with less than 32 square feet of total sign surface area shall be treated as permitted accessory structures. Notwithstanding the siting and setback requirements for accessory uses, buildings and structures as set forth in **Table 5.9 of Part 5 of this By-law,** all signs with less than 32 square feet of total sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10 feet from the street side of the site. (**See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) No sign shall be erected which shall interfere with or obstruct the view of, or be confused with any authorized traffic indicator, signal or device.

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"MG" Industrial General Zone** shall include the following:

i) All Signs in the **"MG" – Industrial General Zone** with more than 32 square feet of total sign surface area shall require conditional approval. Notwithstanding the siting and setback requirements for accessory uses, buildings and structures as set forth in **Table 5.9 of Part 5 of this By-law** all signs with more than 32 square feet of total sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10 feet from the street side of the site. **See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) No sign shall be erected which shall interfere with or obstruct the view of, or be confused with any authorized traffic indicator, signal or device.

(c) **PROHIBITED ACCESSORY USES,** buildings and structures in the **"MG" Industrial General Zone** shall include the following:

2.28 Accessory buildings, structures and uses include the following in the **"O" Open Space Zone:**

(a) **PERMITTED ACCESSORY USES,** buildings and structures in the **"O" Open Space Zone** shall include the following:

i) Buildings or structures for the operation, maintenance, and administration of parks and/or recreational uses including information buildings and concessions;

ii) Accessory off-street parking and loading areas as required and regulated in **Section 3.38 of PART 3 of this By-law**;

iii) Signs with less than 32 square feet of total sign surface area shall be treated as permitted accessory structures. Notwithstanding the siting and setback requirements for accessory uses, buildings and structures as set forth in **Table 5.10 of Part 5 of this By-law,** all signs with less than 32 square feet of total sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10 feet from the street side of the site. (**See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) Permitted signs include identification signs, bulletin board signs, signs required by governmental law, order, rule or regulation, memorial and/or commemorative plaques and the like built that are into the walls of a building or other structure.

iv) Accessory telecommunication towers subject to the following requirements:

a) Notwithstanding the siting and setback requirements for accessory structures and uses in the **"O" Open Space Zone** as set forth in **Table 5.10 of PART 5 of this By-aw**, the following requirements shall apply to all accessory telecommunication tower structures:

1) Where the Accessory telecommunications tower is located on the ground or affixed to a pole attached to the ground:

- The parabolic dish antenna shall be located to the rear of the rear wall of the principal building and on the same site as the principal building;

- The maximum height of the top of a parabolic dish antenna shall be no more than five (5) feet higher than the highest point of the roof of the principal building;

- A parabolic dish antenna shall not be located any closer to the side and rear site lines than five (5) feet; in the case of a corner side yard, the minimum distance from the street side shall be ten (10) feet; and

- In the case of a reverse corner site, a parabolic dish antenna shall be permitted in the rear yard provided that it is to the rear of the front wall of the principal building of the key site but shall not be any closer to the side and rear site line than five (5) feet.

2) In the case of public buildings and institutions:

- A parabolic dish antenna shall be permitted to be located on a roof of a principal building; and

- The base of the parabolic dish antenna shall not be higher than two (2) feet above the nearest point of the roof and the dish shall not be closer than one (1) foot from the edge of the building.

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"O" Open Space Zone** shall include the following:

(c) **PROHIBITED ACCESSORY USES,** buildings and structures in the **"O" Open Space Zone** shall include the following:

2.29 Accessory buildings, structures and uses include the following in the **"AUR" Agricultural Urban Reserve Zone:**

(a) **PERMITTED ACCESSORY USES,** buildings and structures in the **"AUR" – Agricultural Urban Reserve Zone** shall include the following:

i) Buildings or structures for the operation, maintenance, and administration of parks and/or recreational uses including information buildings and concessions;

ii) Accessory off-street parking and loading areas as required and regulated in **Section 3.38 of PART 3 of this By-law**;

iii) In the **"AUR" – Agricultural Urban Reserve Zone** signs with less than 32 square feet of total sign surface area shall be treated as permitted accessory structures. Notwithstanding the siting and setback requirements for accessory uses, buildings and structures as set forth in **Table 5.11 of Part 5 of this By-law,** all signs with less than 32 square feet of total sign surface area shall be set back a minimum of 3 feet from any property line and in the case of a corner site, all signs shall be set back a minimum of 10 feet from the street side of the site. (**See PART 3, Section 3.25 of this By-law** for additional information pertaining to signs);

a) Permitted signs include identification signs, bulletin board signs, signs required by governmental law, order, rule or regulation, memorial and/or commemorative plaques and the like built that are built into the walls of a building or other structure.

iv) Notwithstanding the siting and setback requirements for accessory structures and uses in the **"AUR" Agricultural Urban Reserve Zone** as set forth in **Table 5.11 of PART 5 of this By-law**, the following requirements shall apply to all accessory telecommunication tower structures:

1) Where the accessory telecommunications tower is located on the ground or affixed to a pole attached to the ground:

- The parabolic dish antenna shall be located to the rear or the rear wall of the principal building and on the same site as the principal building;
- The maximum height of the top of a parabolic dish antenna shall be no more than five (5) feet higher than the highest point of the roof of the principal building;
- A parabolic dish antenna shall not be located any closer to the side and rear site lines than five (5) feet; in the case of a corner side yard, the minimum distance from the street side shall be ten (10) feet; and
- In the case of a reverse corner site, a parabolic dish antenna shall be permitted in the rear yard provided that it is to the rear of the front wall of the principal building of the key site but shall not be any closer to the side and rear site line than five (5) feet.

(b) **CONDITIONALLY APPROVED ACCESSORY USES**, buildings and structures in the **"AUR" – Agricultural Urban Reserve Zone** shall include the following:

(c) **PROHIBITED ACCESSORY USES,** buildings and structures in the **"AUR" – Agricultural Urban Reserve Zone** shall include the following:

Temporary Uses, Buildings and Structures

2.30 Temporary uses, buildings and structures may be allowed in all zones as noted below and require approval by Development Permit.

(a) Temporary uses that are substantially similar in type, character, and effect as other permitted and conditional uses allowed in a specific zoning district may be allowed providing any such temporary uses will not have a detrimental effect on existing development in the surrounding area.

(b) Temporary uses would typically include construction yards or work camps located on the same site as development projects but could include temporary residential uses located on or near development sites for a specified period of time.

(c) Temporary buildings and structures could include contractors trailers, tool storage sheds, scaffolding, safety fences and netting, and outside storage of equipment, building materials or supplies all of which need be incidental to work occurring on-site and in support of project work in progress and not abandoned.

(d) Temporary buildings and structures shall not exceed 1000 square feet in area and not exceed one storey or 25 feet in height.

(e) Temporary buildings and structures may be used for on-site offices for architects, contractors, engineers, or developers with human habitation generally limited to the temporary accommodation of caretakers or watchmen.

(f) Temporary uses, buildings and structures (excluding materials and supplies stored outside) shall be approved by the issuance of Development Permit which shall be subject to such terms and conditions as may be required by the Development Officer, Building Inspector, and/or municipal Council.

(g) Asphalt and concrete batch plants.

(h) Each Development Permit issued for a temporary use, building and structure shall be valid for an initial period of one year and may be renewed or re-issued for a second one year period of time. Council may approve a longer validation period under extenuating circumstances but that decision would need to be supported with documentation from the development proponent explaining those circumstances.

Recreational Vehicles

2.31 For a temporary use involving location of recreational vehicles on titled lots in residential or recreational zones:

(a) A validation period of two (2) years may be approved for the temporary use of a licensed recreational vehicle (i.e. any 5th wheel trailer or park model built to CSA Z240 or similar standards) as accommodation for the land owner and his/her family while a permanent building is being constructed on their privately owned lot. The use of a recreational vehicle for temporary living accommodation may only be for a maximum two year period after which the vehicle must be removed off-site having been replaced with a seasonal cottage or year-round dwelling constructed during the validation period. The temporary living accommodation requires approval by Development Permit.

(b) The temporary use of a licensed recreational vehicle on titled lots may be further restricted to a shorter validation period which may be documented in a Developer`s caveat registered against the title; the lot owner will be responsible to check with the

developer or review their property title to ensure conformance with any validation period set by someone other than by Council in this By-law.

(c) Notwithstanding **Section 2.31 (a) herein**, the parking of a licensed recreational vehicle on a private lot will be allowed without a Development Permit or fee provided the vehicle is to be used for family vacation accommodation and is located on-site for a single period of 3 weeks or less in each calendar year.

(d) Storage of a licensed recreational vehicle on a private lot will also be allowed during the winter season and does not require a Development Permit or fee.

(e) Unlicensed recreational vehicles may, under the same time period restrictions as set forth under **Section 2.31 (a) herein**, be allowed as temporary accessory structures to be located on titled lots in a recreational zone subject to:

i) Any setback requirements in the applicable Zone in this By-law,
ii) Municipal and school board taxation; such units will be assessed and taxed as a building,
iii) Approval by Development Permit.

(f) For clarity, the temporary use of recreational vehicles on titled lots may be located on-site for limited periods of time (as noted above), but in no case shall they be allowed as the principal building on a lot or parcel of land.

2.32 A temporary use involving the parking of recreational vehicles on rented spaces in work camps located on a suitable parcel of land, in support of a specific development project being undertaken in the area, may be approved provided that:

(a) Such a temporary use receives Conditional Use approval with a validation period of two (2) years or less in duration; the conditional use order will be supported by a Development Permit issued by the Development Officer and, where necessary, a Development Agreement signed by Council and landowner,

(b) Satisfactory arrangements have been made with Council for public services including use of municipal roads, solid and liquid waste disposal, fire and police protection, as well as any needed health and education services,

(c) The site has access from the public road system for vehicular traffic and is protected from flooding by a surface water drainage system including culverts and swales,

(d) The site is adequately sized to accommodate internal roads, off-street parking, street lighting, common washroom and laundry facilities, garbage and recycling containers,

(e) The temporary use, buildings, and structures will be removed on completion of the development project which initiated the establishment of the temporary use and the site shall be remediated to its pre-temporary use condition.

Wheelchair Ramps

2.33 Notwithstanding requirements for projections into required yards found in **PART 3 of this By-law**, the temporary installation of a wheelchair ramp may be allowed subject to the issuance of a Development Permit for the temporary structure which may extend into any required yard of a residence for as long as the ramp is required by an occupant of the residence.

Public Utilities and Services

2.34 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. However, office buildings, warehouse, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.

(a) Oil and gas pipelines, electric transmission lines and structures are deemed to be in compliance with this By-law if they are carried out, constructed, operated and maintained in accordance with applicable federal and provincial law; and

(b) Commercial Wind Energy Generation Operations (WEGO) are deemed to be in compliance with this By-law if they are approved (i.e. federal/provincial environmental reviews) and operated under federal and provincial laws and are sited and developed in accordance with the requirements of the zoning district in which they are sited as set out in **PART 5 of this By-law**.

PART 3: GENERAL REGULATIONS FOR ALL ZONES

The following general requirements are intended to apply to development in all zoning districts, except where otherwise noted in specific zone requirements, and shall be applied to all approvals of development within the Municipality. Some, but not all, of the general requirements will apply to a specific application for development approval. The interpretation and application of the general requirements set out below, as well as the use and bulk requirements under a specific zoning district **(See PART 5 herein)**, shall be held to be the minimum requirements to satisfy the intent and purpose of this By-law unless varied on a case by case basis by Council.

Bulk and Yard Requirements

3.1 In order to maintain the rural or urban character of each of these respective parts of the Municipality, as well as a reasonable and consistent density of development, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed (unless varied by Council), except in accordance with the minimum site area, minimum site width and yard requirements prescribed for the zone in which the structure or use is located as set forth in the Use and Bulk Tables of **PART 5 of this By-law**, and the other requirements of this By-law. Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings.

3.2 Any site or parcel of land which was lawfully in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements applicable in the zone where the parcel is situated, may be used or developed for a permitted or conditionally approved use within the zone in which the site or parcel exists, provided that:

(a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;

(b) All administrative requirements for the issuance of a Development Permit and/or Building Permit and any required conditional use and/or variation permits as provided for in *The Planning Act* and **PART 7** of this By-law are obtained; and

(c) All required yards and separation distances as required by this By-law are satisfied.

Corner Vision Triangles

3.3 In order to provide for a reasonable measure of traffic safety within all General Development and Residential Zones, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

(a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

Projections into Yards

3.4 Required yards in all zones shall be maintained as open space areas on all sites, except as follows:

(a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to fifty (50) percent of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser **(See PART 2, Section 2.33 of this by-law regarding wheelchair ramps)**;

(b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to fifty (50) percent of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser, provided that no more than twenty (20) square feet of ground surface area within any required yard is occupied by these types of projection;

(c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that in residential areas the maximum height of a fence in any required front yard shall be three (3) feet, and the maximum height of a fence in any required side or rear yard shall be six (6) feet;

Double Frontage Sites

3.5 Within any zone, sites with frontage along two more or less parallel streets, the following provisions shall apply:

(a) Where the site depth is greater than two-hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and

(b) Where the site depth is two-hundred (200) feet or less, only one (1) site line shall be considered to be the front site line, and this determination shall be made by the development officer, based on the arrangement of existing buildings in the immediate area.

Front Yards

3.5 For odd-shaped parcels or lots in any zoning district, determining which yard is the front yard can be problematic. Generally, the front yard is considered to be the narrowest yard adjacent to the property line which fronts on a street. Odd-shaped parcels or lots can have frontage on more than one street and, in these cases, a determination shall be made by the Development Officer as to which yard will serve as the front yard for the purpose of approving development on-site.

Shoreline Sites

3.6 Sites along shorelines can change shape over time with wind and wave action on the body of water. Maps showing a site along a water body, or surveyor's plans locating the Ordinary High Water Mark at a particular point in time, can include irregular shorelines. In these cases, the Development Officer shall make a determination of the location of the average shoreline across the property to serve as a representation of the lakeside property line for the purpose of approving development on such sites.

Site Reduced by Road Widening

3.7 Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to be part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this By-law. However, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

Derelict or Unsafe Buildings

3.8 Buildings dangerous to public safety are addressed in the **Municipal Act** whereby municipal Council may determine, based on information provided by the Building Inspector, that a building, structure, or premises is dangerous to public safety by reason of its ruinous, dilapidated, unsafe, or unprotected condition. The registered owners of such buildings may be ordered under provincial legislation to remedy the offending condition or to demolish or remove the building, structure, or premises and level the site it occupies.

3.9 In accordance with other requirements of the **Municipal Act**, upon completion of the removal or demolition of a derelict or unsafe building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe condition to the satisfaction of the local Building Inspector who shall notify the

Municipality that the site owner has undertaken appropriate action to ensure public safety on the affected site.

3.10 Under companion legislation **(Buildings and Mobile Homes Act)**, the Building Inspector can identify a safety hazard in a building or portion of a building and subsequently order the property owner or contractor to take such steps necessary to remove the hazard so as to make the building or structure safe.

3.11 Those seeking development approvals for sites containing derelict or unsafe buildings will be required to address any existing building deficiencies prior to receiving a Development Permit under this By-law; property owners' plans to remedy such building deficiencies will need to accompany applications for development approvals.

Portable or Temporary Storage Structures

3.12 Portable or temporary structures designed for a limited life are commonly used for temporary storage. These storage structures typically require assembly on-site and are often made of light materials (like metal rods and vinyl coverings) for easy handling. Because of their design, these types of portable or temporary structures may suffer damage from weather conditions including high winds or snow loads. Where such structures may be allowed in the Municipality, those units so damaged may be repaired to their original state but not modified by the introduction of alternate building materials not included in the original design.

3.13 Larger portable or temporary structures (i.e. greater than one-hundred and eight (108) square feet such as those designed to store vehicles) may be approved within required side or rear yards provided that a separation distance of three (3) feet is maintained from site lines and six (6) feet from any dwelling and subject to the issuance of a Development Permit once every calendar year while the portable or temporary structure remains on-site.

3.14 Smaller portable or temporary structures not exceeding one-hundred and eight (108) square feet in floor area for the storage of domestic equipment do not require a development permit and may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from the site line, and a separation distance of three (3) feet is maintained from any dwelling.

Storage Buildings

3.15 Small storage sheds not exceeding one-hundred and eight (108) square feet in floor area for the storage of domestic equipment are allowed in all zones, without a Development Permit, but they must be located on-site within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from the site line, and a separation distance of three (3) feet is maintained from any dwelling.

3.16 Larger storage buildings (greater than one hundred and eight (108) square feet in floor area) proposed to be located on lots or parcels in urban areas require a Development Permit and they shall conform to all requirements for accessory buildings and structures in the applicable urban zone.

3.17 Large sheds for storage of agricultural equipment are allowed in the rural areas in the "AG" Zone and "AL" Zone; these buildings require a Development Permit and shall be located a minimum of 125 feet from any front property line and 25 feet away from side and rear property lines.

3.18 Large storage sheds intended for rural area locations must be pre-engineered buildings or material packages to be assembled on-site and may include pole barns, storage sheds, metal buildings like Quonset huts, and/or recycled shipping containers.

Fences

3.19 Fences in urban areas that adhere to any identified height restrictions set for an urban area zone **(See PART 5 of this By-law)** and will be located totally on property owned by the proponent may be established with a Development Permit.

3.20 Applications for approval of fences in urban areas being proposed for a location close to (i.e. within one foot but not touching) a property line, will need to be supported with reasonable information as to the exact location of the property line. Reasonable information will include the existence and identification on the ground of iron pins or monuments installed by a surveyor or accurate measurements from nearby survey pins. Prior to issuing a Development Permit, the Development Officer must be satisfied that existing property information or measurements are accurate and serve as a reasonable basis on which to proceed with construction of the fence on the proposed site.

3.21 Fences in urban areas that are to be located on established site lines (i.e. the legal limits of a parcel of land) shall require a Development Permit under this By-law and, depending on circumstances, the owner and any neighbouring owner may be required to secure a surveyor's plan to locate the site lines and enter into an agreement (setting down individual responsibilities and the sharing of costs for surveying, construction, maintenance, and demolition of such fences) as prepared by a lawyer. Any required development agreement shall be presented to the Development Officer prior to the issuance of the required permit(s) and, depending on content, such agreements may be required to be registered in the Land Titles Office on the title(s) of all of the parcels sharing said fencing.

3.22 Rural area fences established on or near property lines for the control of livestock or protection of farm buildings or equipment in rural zoning districts do not require a Development Permit.

Swimming Pools

3.23 Swimming pools with a water depth of greater than two (2) feet, including above-ground, in-ground, portable or permanent types, shall be allowed as a permitted accessory use to a residential use (including when located on a farm), recreational, or commercial development provided that:

a) The pool is located not closer than six (6) feet to any side or rear lot line;

b) The pool area is protected by a fence with lockable gates and of suitable construction and height to ensure public safety, particularly for the safety of small children and to guard against uninvited guests;

c) A Development Permit is issued under this By-law; and,

d) A Building Permit is issued under the local **Building By-law** and satisfies all applicable requirements of the **Manitoba Building Code**.

Public Monuments and Cairns

3.24 Nothing in this By-law shall be so interpreted as to interfere with the establishment of public monuments and cairns within the municipality in any zoning district.

Signs

3.25 Most, but not all, signs are allowed as either permitted or conditionally approved accessory structures in the urban and rural areas of the Municipality, but the following requirements shall also apply:

a) Home-based business signs shall be limited in size depending on their location in urban and rural zones **(See PART 6 of this By-law)**,

b) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing,

c) The placing of a sign structure within the control lines along roads and control circles at major intersections of a Provincial Road or Provincial Trunk Highway shall require a permit from the provincial authority having jurisdiction,

d) All signs and their support structures shall be kept in good repair. Signs which are in a state of disrepair, or which have become obsolete because of the discontinuance of the land use or advertised business or service, must be removed or relocated within thirty (30) days following these changes. After that 30 day grace period, sign

owners can expect a notification or compliance order from the Development Officer or Council requiring sign changes or removal within 30 days. Obsolete or damaged signs may be removed by the Municipality, at the owner's expense, following the 60 day grace and notification periods.

e) The following signs shall be allowed as permitted accessory structures in **All Zones** as permitted accessory uses without the need to obtain a Development Permit

i) Signs required to be maintained by law or governmental order, rule or regulation;

ii) Memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, and the date of erection of the building or reading matter commemorating a person or event;

iii) Signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger and other emergency signs;

iv) Non-illuminated campaign signs, pursuant to the Federal and Provincial provisions under the Elections Act;

v) One (1) non-illuminated temporary real estate sign for the sale of property only, not to exceed a maximum of thirty-two (32) square feet in sign surface area, and where said sign is freestanding, the maximum height above grade shall be six (6) feet; and

vi) One (1) non-illuminated temporary construction sign not to exceed a maximum of thirty-two (32) square feet in sign surface area, and when said sign is freestanding, the maximum height above grade shall be twenty (20) feet.

Private Water Supply and Sewage Disposal Systems

3.26 In situations where piped municipal water supply and/or wastewater collection and disposal services are not available, land owners may choose to construct private water supply and sewage disposal systems on their development site. Provincial regulations allow for a variety of on-site wastewater management systems which must be registered with the provincial authority having jurisdiction prior to their installation. Similarly, the provincial authority having jurisdiction should be consulted about private water supplies; provincial regulations require certain types of public and semi-public water supplies be approved by the provincial authority having jurisdiction. It is the responsibility of the land owner and/or developer to apply for all required provincial permits and/or approvals for any private water supply and sewage disposal system.

Service Connections

3.27 Where a site is serviced by municipal piped water or wastewater systems, no permanent principal building shall be constructed or placed on the site unless it is connected to such services.

Lands Subject to Flooding

3.28 No habitable buildings or structures shall be built in areas in the vicinity of creeks, streams and lakes where there is local flood knowledge or provincial information available about flooding by a one in a hundred year flood event, unless the owner provides sufficient information prepared by a qualified engineering consultant (retained at the owners expense) to demonstrate appropriate mitigation measures so as to be in compliance with the policies of the Municipality of Killarney - Turtle Mountain Development Plan. Those wishing to develop on property along a lake shore that is subject to flooding will be required to calculate a 100 year flood elevation by determining the highest elevation of water during flood conditions, adding two (2) feet for wave action and another two (2) feet for wind setup. Assistance in determining the practical on-site flood level, reflecting the 100 year flood event level plus wave/wind conditions, may be available from provincial agencies. The following additional provisions shall apply to development in the vicinity of creeks, streams and lakes to help minimize flood risk as follows:

(a) Activities such as dumping, excavation and/or clearing which will accelerate or promote dangerous erosion or bank instability shall be prohibited.

(b) Development shall not be permitted on lands subject to bank instability, landslides or subsidence.

(c) Development will not be permitted if, as a result of the development:

1. There is an added risk to life or safety; or
2. Water flow, flow velocities or stages are adversely altered, obstructed or increased.

(d) Where development is proposed in an area where there is local knowledge of ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional flood mitigation measures, including the provision of sufficient fill and use of lot grading around buildings and water-proofing of buildings to provide an additional measure of protection from flood damage.

(e) No permanent building shall be constructed or placed on land that is subject to subsidence or erosion by water, or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless an engineering investigation by a qualified professional engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba (APEGM) (retained at the owners expense) demonstrates to the satisfaction of Council that appropriate mitigation measures will be taken to deal with the unsuitability or hazard.

(f) The 100 year flood elevation for all areas of the municipality that may be subject to flooding may not be known. The Council may, in its absolute discretion, refuse a development and/or building permit for any permitted or conditional use if, in its opinion and/or upon advice from provincial authorities having jurisdiction, said use may be subject to flooding in any manner or degree. In areas where the flood hazard has not been established, all permanent structures shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 200 feet, whichever is greater, unless an engineering investigation by a qualified professional engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba (APEGM) (retained at the owners expense) demonstrates to the satisfaction of Council shows that these limits may be reduced.

High Water Table Areas

3.29 Groundwater conditions are highly variable throughout the Municipality, and in some areas the groundwater table may be very close to the surface. It is the owner's responsibility to provide sufficient measures in the design of the building to adequately protect basements from groundwater infiltration. Such measures may include but are not limited to the provision of sufficient fill around buildings and lot grading that ensures flow of surface water away from buildings during rainfall events, foundation water proofing.

Water Drainage

3.30 Where a proposed development involves the construction of water control works or drainage works as identified under the *Water Rights Act*, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

3.31 First and Second Order drains (i.e. those with one other or no other stream joining) are the responsibility of the municipality, while larger drains are the responsibility of the Province which has delegated that responsibility to many of the Conservation Districts. Developments proposed for locations adjacent to streams and rivers in the Municipality may need to be reviewed by the Municipality, Province, and/or Conservation District prior to receiving municipal approval through issuance of a Development Permit under this By-law.

3.32 Provincial drains and stream diversion projects are the responsibility of the Province; an example of the latter is the water diversion project adjacent to Pleasant Valley at the eastern end of Pelican Lake.

Steep Natural Slopes

3.33 Sensitive lands with steep natural slopes are typically found along lake and river valleys formed at end of the last glacial period. Given the type of soils left by glacial activity (such as shale banks), there can be issues with erosion and slumping on steep slopes, especially where water is allowed to infiltrate the slope material.

3.34 In recognition of the potential for bank instability in utilizing land with steep natural slopes for development, Council requires that applications for development on lands with a natural slope exceeding15% to be supported by a report written by an engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba (APEGM) (retained at the owners expense) attesting to the suitability of the proposed development on the proposed site, recommending mediation techniques to reduce opportunities for erosion and slumping, as well as engineered plans for construction of building foundations, retaining walls, driveways, private lanes, and public roads.

Land Gradients

3.35 Existing land gradients on private lots shall be maintained within a horizontal distance of four (4) feet of all site lines, unless otherwise approved by Council.

3.36 Where major earthworks involving excavations or retaining walls are being proposed, Council requires the owner to submit plans prepared by an engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba (APEGM) (retained at the owners expense) to support an application for development approval.

Road Access

3.37 No permanent building may be constructed or placed on a site which does not have frontage on a public street, private lane, or legal access to the public road system by way of an easement agreement / declaration of right of way.

Parking Requirements For All Zones

3.38 Accessory off-street parking spaces shall be provided and maintained in accordance with **Table3-1: "Zone Specific Minimum Parking Space Requirements"** (below).

TABLE 3-1: ZONE SPECIFIC MINIMUM PARKING SPACE REQUIREMENTS

ZONING DISTRICT	USE	MINIMUM NUMBER OF ACCESSORY PARKING SPACES REQUIRED
"AG" Agricultural General	All Residential Uses	One (1) parking space per dwelling unit)
"AL" Agricultural General	All Residential Uses	One (1) parking space per dwelling unit)
"GD" General Development	All Uses	One (1) parking space per dwelling unit or other principal use
"RR" Rural Residential	All Uses	One (1) parking space per dwelling unit or other principal use
"SR" Seasonal Recreation	All Uses	One (1) parking space per dwelling unit or other principal use
"RS" Residential Serviced	Single-family dwelling Two-family dwelling	One (1) parking space per dwelling unit
	Multiple-family dwellings (three or more units) a) i) ii)	One and one-half (1 ½) parking space per dwelling unit
	Other uses	As determined by Council except that all conditional uses shall be decided by Council pursuant to the provisions of the Act.
	Mobile Homes	One (1) parking space per dwelling unit
	Other Permitted or Conditionally Approved Uses	As determined by Council.
"RU" Residential Un-Serviced	Single-family dwelling Two-family dwelling	One (1) parking space per dwelling unit
	Multiple-family dwellings (three or more units) a) i) ii)	One and one-half (1 ½) parking spaces per dwelling unit
	Other Permitted or Conditionally Approved Uses	As determined by Council
"CG" Commercial General	All Commercial Uses	One (1) loading space for every 5,000 sq/ft of gross floor area
	Accessory Apartments, Suites or Dwelling Units Located Within a Commercial Building	One (1) parking space per dwelling unit
	Cultural and Religious Institutions	To be determined by Council based on the occupancy rating for the facility
	Hotels and/or Motels	One (1) parking space per room or suite
	Restaurants and Coffee Shops and the like	One (1) parking space for each 100 sq. ft. of gross floor area.
	Retail or Wholesale Stores	One (1) parking space for each 400 sq. ft. of floor area used for retail or wholesale purposes.
	Warehouse and/or Storage	One (1) parking space for each three (3) employees.

TABLE 3-1: ZONE SPECIFIC MINIMUM PARKING SPACE REQUIREMENTS

ZONING DISTRICT	USE	MINIMUM NUMBER OF ACCESSORY PARKING SPACES REQUIRED
	All Other Uses	One (1) parking space per 1,500 sq/ft of gross floor area but not less than two (2) per zoning site
"MG" Industrial General	Cafes, Coffee Shops	One (1) parking space for each 100 sq/ft of retail space
	All Industrial Uses except for warehousing and storage	One (1) parking space for each 1,500 sq/ft of gross floor area but not less than two (2) parking spaces per zoning site.
	Warehousing and Storage	One (1) parking space for each three (3) employees.
	All industrial uses up to 5,000 sq/ft of gross floor area	One (1) loading space
	All industrial uses 5,001 sq/ft of to 15,000 sq/ft gross floor area	Two (2) loading spaces
	All industrial uses 15,001 sq/ft to 40,000 sq/ft of gross floor area	Three (3) loading spaces
	All industrial uses over 40,000 sq/ft	Three (3) loading spaces plus one additional space for each additional 25,000 sq/ft or portion thereof exceeding 40,000 sq/ft of gross floor area
"O" Open Space	All Uses	As determined by Council
"AUR" Agriculture Urban Reserve	As determined By Council	As determined By Council

Footnotes Forming Part of Table 3-1:

a) For the purpose of computing the accessory off-street parking spaces, the following shall apply:

I) When the computation of the number of accessory off-street parking spaces required by this By-law results in a requirement of a fractional parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one (1) parking space.

II) Twenty percent (20%) of the required parking spaces shall be unassigned guest parking spaces readily available to an entrance of the building to be served.

b) All accessory off-street parking spaces may be open to the sky or enclosed within a structure.

c) All off street parking areas and their related access driveways shall be graded in a manner that ensures there will be no free flow of surface water onto adjacent properties or adjacent public sidewalks.

d) All accessory off-street parking spaces shall be located on the same zoning site as the use(s) served;

I) Subject to paragraph III) herein, no accessory off-street parking spaces shall be permitted in the front yard; and

II) Open accessory off-street parking spaces may be provided, for the permanent parking for not more than two (2) private passenger vehicles in the required front yard for single-family dwellings and two-family dwellings, only where a side yard is not sufficiently wide for a driveway and where no access to the rear of the site by means of a lane or street is possible. No parking of boats, trailers, campers or motor homes shall be permitted in the required front yard.

III) Open accessory off-street parking spaces may be provided, for the permanent parking for not more than two (2) private passenger vehicles in the required front yard for single-family dwellings and two-family dwellings, only where a side yard is not sufficiently wide for a driveway and where no access to the rear of the site by means of a lane or street is possible. No parking of boats, trailers, campers or motor homes shall be permitted in the required front yard.

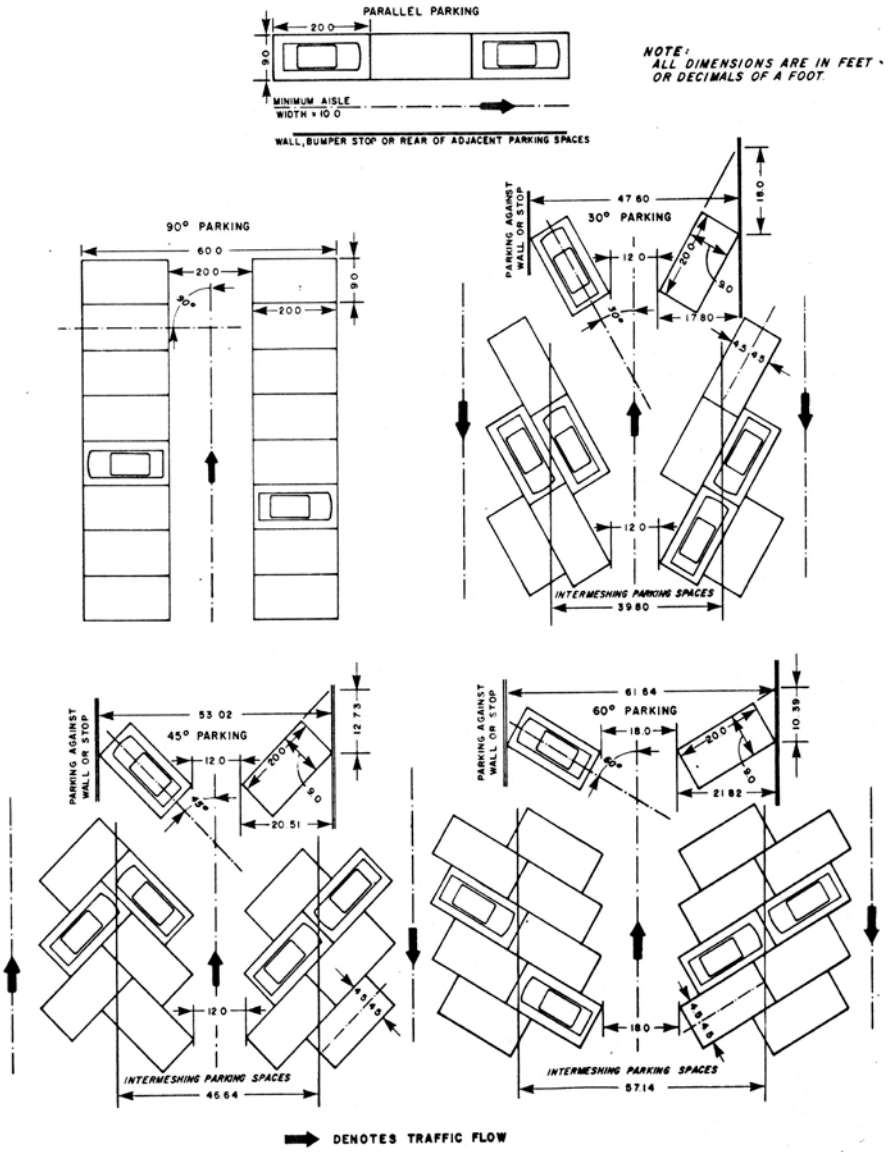
e) The layout and design of all multi-space parking areas shall satisfy the following criteria:

I) The layout and design of the accessory off-street parking area shall be in accordance with **Figure 3-1: "Design Standards For Parking Spaces"** (below);

II) The length of each parking space as specified in Figure 3-1 of this PART shall be exclusive of access driveways, aisles, ramps and columns;

III) Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lanes.

FIGURE 3-1: DESIGN STANDARDS FOR PARKING SPACES



f) An accessory open off-street parking area for a multiple-family dwelling shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences as approved by the Development Officer.

I) Bumper guards, wheel stops, masonry walls or ornamental fences shall be used on an accessory open off-street parking area in order to prevent a vehicle from encroaching onto public or private property; and

II) Bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times.

g) 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 regulations of **Section 3.38. of this PART**.

h) Accessory off-street parking spaces in existence on the effective date of this By-law or amendments thereto, and located on the same zoning site as the building or use served, shall not be further reduced below the parking requirements for a similar new building or use under the provisions of **Section 3.38 of this PART**.

Streets, Public Roads, and Private Lanes

3.39 A street, as defined in this By-law, is intended to provide access to private property from the public road system in Manitoba; the right-of-way for local streets must have a minimum width of 50 feet to allow for road construction, water drainage, public services (such as Hydro) as well as year-round maintenance including snow storage.

3.40 Most new roads in the Municipality will be public roads dedicated to public use, will be built to either provincial or municipal construction standards, including slopes of 6% or less, and will be maintained by either the Province or the municipality.

3.41 There are circumstances where private lanes may be approved. Potential development areas with steep natural slopes, where deeply cut water drainage channels or ravines are possible, may not be suitable for the construction of new public roads because of difficulties meeting slope requirements or costs needed meet road construction standards and/or maintenance year-round. In these types of circumstances, Council may approve the use of private lanes provided that the private lane:

a) serves a rural residential or recreational area developed for seasonal cottages or year-round dwellings,

b) intersects with a public road or street,

c) provides frontage for and access to private lots or parcels,

d) meets, in practical ways, most municipal road construction standards, including slope requirements,

e) meets minimum width requirements of 50 feet, or a lesser width to be specified in a Development Agreement to be registered on title, and

f) will be maintained year-round by private parties hired by cottage or lot owner associations, or under contract negotiated with the municipality.

3.42 To ensure access to private property from the public road system in Manitoba, provincial subdivision regulations require that every lot or parcel of land has frontage on a public road. In accordance with provincial regulations and other provisions in this By-law, the Development Officer may approve development on a Zoning site that has the required frontage on a private lane, provided that the private lane meets the requirements listed in **Section 3.37 of this PART** (above).

Development Near Watercourses

3.43 Building Setbacks: to assist with the provincial goal of retaining riparian areas along streams and lakes in the Municipality, Council may require that permanent buildings be setback from the water`s edge and may require a public reserve adjacent to waterbodies. The building setback will be determined on a case-by-case basis depending on the identification of the possibility for erosion or slumping to occur on-site.

3.44 Public Reserves: Council will, at its own discretion, decide on the need for and width of any public reserve along waterbodies in the Municipality. This is an important decision especially in situations where the municipality will ultimately be responsible for the maintenance of any public reserve created as a result of that decision. In situations where the Province will retain ownership and responsibility for the public reserve, Council`s decision will dutifully take into account any advice received from the Province. The location of any public reserve may be shown on a surveyor`s plan or shown as **"O" Open Space Zone** on the Zoning Map attached to this By-law.

Private Docks

3.45 Private docks are typically located at the water's edge near a dwelling or cottage, often below the ordinary high water mark, and in place just for the summer season. Accordingly, seasonal private docks shall be considered as a permitted accessory use and do not require a Development Permit issued by the Development Officer, **but** they do require approval by Council via a resolution.

3.46 While provincial and municipal permits are not required for docks on private land, it will be the responsibility of the landowner to consult with DFO by phone or on-line to determine whether their dock plans are lake-friendly and satisfy all applicable requirements of DFO's Operational Statement and therefore do not require DFO approval prior to installation adjacent to a water body in Manitoba.

3.47 Any dock proposed to be located on provincial Crown Land or Crown Reserve requires approval under the Crown Lands Act and an application and approval thereof to the provincial authority having jurisdiction is required.

Development Near Solid Waste Disposal Sites

3.48 No habitable building, commercial building or mobile home shall be constructed or located within 1320 feet of any active or abandoned solid waste disposal site, unless, it can be demonstrated to the provincial authority having jurisdiction by a qualified engineer/geotechnical specialist licensed to practice in Manitoba that there will be no unacceptable risks presented to health and life safety by the migration of dangerous gases or other substances or by unfavourable subsoil conditions. Provincial regulations also apply to development near waste disposal grounds.

Development Near Sewage Lagoons

3.49 No habitable building or mobile home shall be constructed or located within **1,500 feet** of any sewage lagoon approved for the treatment of liquid waste, including septage.

Development Near Hazardous Materials Storage

3.50 No dwelling or mobile home or other habitable building shall be constructed or located within **2,640 feet** of the site of an inland grain terminal, anhydrous ammonia storage tank or a bulk fuel, fertilizer or chemical storage facility, including agricultural chemical warehouses. All hazardous material storage facilities shall be setback a minimum of **350 feet** of any public roadway.

Development Near Areas with Potential for Aggregate Extraction

3.51 No building, dwelling, mobile home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Province of Manitoba, unless the site has been further reviewed by the Mines Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling or mobile home, a minimum separation distance of **500 feet** shall be provided between the building location and any active mining area, any area with a valid mineral quarry lease or which is identified by the Mines Branch as being a significant aggregate deposit.

Development Near Airports

3.52 Any building, structure, or planting (e.g. tree shelterbelt) exceeding thirty (30) feet in height which could be an obstruction within the flight approaches of any aircraft landing area within a distance of one **(1) mile** from the landing strip, shall be deemed to be a conditional use, and shall be subject to the approval of Council which will consult with federal agencies prior to granting any approvals for such development near airports.

Development Near Pipelines

3.53 Development near oil pipelines shall be setback a minimum of **30 metres (100 feet)** from pipeline right-of-ways. In addition, proximity agreements between the pipeline operator and landowners may be required in addition to being subject to the regulatory requirements of the provincial authority having jurisdiction.

3.54 When Council is approving new development adjacent to existing or proposed rights-of-way for water pipelines in the rural areas; Council will, on a case-by-case basis, seek the advice of provincial agencies to determine appropriate setbacks for new development.

3.55 To protect existing and proposed pipelines, Council will apply applicable setback requirements to prevent any permanent buildings from being located inappropriately on or near any pipeline right-of-way and may request additional information, including detailed location mapping, to be submitted with any application for subdivision or development approval.

Development Near The Provincial Highway System

3.56 For any new development (such as a structure, sign, or building) to be constructed near or adjacent to provincial highways or within the controlled areas established by the province adjacent to the provincial highway system, permits are required from the provincial authority having jurisdiction. The controlled areas vary in size depending on the provincial highway or provincial road, but proponents of development near highways should consult with Manitoba Infrastructure whenever development is proposed **within 125 feet of a major highway and 250 feet of a major highway intersection**.

3.57 Permits from the provincial authority having jurisdiction and/or the Municipality are also required for any new, modified, or relocated or change in use of a driveway providing access to a provincial road or provincial trunk highway.

Open Space Along Rural Roads

3.58 Areas adjacent to rural intersecting roads shall be kept clear of features which would contribute to snow drifting on the roadway, or which would represent a safety hazard to motorists and especially school buses. To avoid such issues, no long term stockpiling of materials, such as soil, gravel, bales or cordwood, shall be located within a required yard along a public road.

3.59 Within all agricultural zone(s), the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other municipal road:

a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least seventy-five (75) percent open in character, signs less than fifty (50) square feet in surface area, and small shelters for children at school bus stops;

b) No excavation such as a dugout or gravel pit shall be located within the required yard;

c) No substantial planting (such as a shelterbelt or hedge) exceeding a height of three (3) feet shall be located within the required yard;

Railways

3.60 Nothing in this By-law shall be interpreted so as to interfere with the normal railway operations and maintenance of railway tracks and rights-of-way.

3.61 Any railway office buildings, warehouse facilities, maintenance buildings, and storage areas shall be subject to the requirements of this By-law.

3.62 New residential development located outside of incorporated and unincorporated urban settlement centres shall be sited so that a **minimum setback of 30 metres (100 ft)** is achieved between the closest wall of new residential buildings and the edge of all railway rights-of-way.

3.63 Council may at its discretion also require new residential development located adjacent to railway right-of-ways to be buffered from noise and vibrations associated with normal railway activities through the installation (at the developer's expense) of one or more of the following: safety berms and/or noise attenuation fencing or plantings including shelterbets.

3.64 New or expanding non-residential development proposed near railway right-of-ways shall not be subject to the setback and protection requirements set out in **Section 3.61 and 3.63 of this PART** (above) and may be approved without a setback when direct access to railway services is required for business purposes.

3.65 New development near abandoned railway rights-of way shall not be subject to the setback and protection requirements set forth in **Section 3.61 thru to and including Section 3.63 of this PART** herein.

3.66 All existing development near railway lines shall be deemed to comply with the setback and protection requirements as set forth in **Sections 3.61 thru to and including Section 3.63 of this PART** herein. If existing development is modified, intensified enlarged or expanded, all such new development shall be set back from the railway right-of-way a distance at least equal to that of the existing use, building or structure.

Multiple Buildings on One Site

3.67 Where any land or building forming a single site is used for more than one purpose, the minimum zoning requirements relating to each use shall be satisfied (unless varied by Council). Where there is a conflict between the use and bulk requirements for each use, the higher or more stringent requirements shall prevail.

PART 4: GUIDE TO ZONES AND ZONING MAPS

Purpose of Zones

4.1 The zones established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of the community, and to be generally consistent with the policies of the Municipality of Killarney - Turtle Mountain Development Plan as well as being compatible with existing development in the community.

Zoning Districts

4.2 Uses of land in the municipality are regulated in accordance with the following zoning district classifications:

a) "AG" Agricultural General Zone - This zone is hereby established in this Zoning By-law and is intended to[K4]:

Support and strengthen the agricultural industry in the Municipality of Killarney - Turtle Mountain and to provide flexibility and opportunity for farm operators to engage in a wide variety of agricultural uses and farming practices including livestock operations; protect the agricultural industry and its land resources in recognition of agriculture's contribution to the economy, rural lifestyle and character of the Municipality of Killarney - Turtle Mountain; and provide opportunities under the Conditional Use process to diversify land uses within the agricultural area to include agro-related commercial or industrial enterprises.

b) "AL" Agricultural Limited Zone - This zone is hereby established in this Zoning By-law and is intended to[K5]:

Provide for general and specialized agricultural uses on a restricted basis including existing, newly siting or expanding livestock operations to a maximum of 230 AU (cumulative across species) within the protected buffer areas adjacent to the communities of Killarney, Ninga, Lean, Holmfield, Pelican and Killarney Lakes; and to preserve undeveloped lands located adjacent to existing urban settlements in relatively large parcels to accommodate future urban development.

c) "GD" General Development Zone - This zone is hereby established in this Zoning By-law and is intended to[K6]:

Provide for development of urban land uses in the small rural settlements of the Municipality including Ninga, Holmfield and Lena development activities such as residential, commercial, and industrial have not developed sufficiently to exhibit distinct zones. The intent is to provide for an efficient use of services and to minimize land use conflicts.

d) "RR" Rural Residential Zone - is hereby established in this Zoning By-law and is intended to:

Provide for development of low-density planned multi-lot rural residential development, outside of the community of Killarney and other rural settlement centres in the Municipality, intended for year round occupancy. Development of this type typically occurs by way of plan of subdivision involving lots sized so as to be capable of supporting individual on-site wastewater and potable water systems or municipal piped wastewater systems with or without municipal piped potable water systems.

e) "SR" Seasonal Recreation Zone - is hereby established in this Zoning By-law and is intended to:

Provide for development of a limited range of cottage, residential, recreational, and open space uses, related commercial activities, campgrounds, and marinas which are compatible with existing development and the natural environment (within and adjacent to the community of Killarney) and adjacent to the shore of Pelican Lake involving lots sized so as to be capable of supporting individual on-site wastewater and potable water systems or municipal piped wastewater systems with or without municipal piped potable water systems.

f) "RS" Residential Serviced Zone - is hereby established in this Zoning By-law and is intended to:

Provide for development within the community of Killarney for a broad range of low and moderate density residential development including single and two-dwelling unit, multi-dwelling unit, and mobile home development on lots serviced fully by municipal piped water and wastewater systems.

g) "RS-U" Residential Un-Serviced Zone - is hereby established in this Zoning By-law and is intended to:

Provide development areas within or adjacent to the community of Killarney for single-dwelling unit housing on lots serviced by individual on-site potable water and wastewater systems or communal wastewater collection and treatment systems.

h) "CG" Commercial General Zone - is hereby established in this Zoning By-law and is intended to:

Provide development areas, generally located in Killarney's central business area as permitted uses, which allow it to be multi-functional in nature and, to develop as the most intensive retail, business social, cultural and administrative area of the municipality. Additionally, this zone also provides areas for development of a range of other commercial and related uses as conditionally approved uses which are most appropriately located on major highways because of their large site requirements, nuisance characteristics, and/or because said uses serve the needs of the travelling public.

i) "MG" Industrial General Zone - is hereby established in this Zoning By-law and is intended to:

Provide development areas for a range of permitted light industrial and related uses that require larger parcels of land and/or highway access including warehouses and other low impact industrial uses that are reasonably compatible with nearby residential, commercial, or institutional uses. Additionally, this zone also provides land for certain conditionally approved heavy industrial uses where a certain level of nuisance factor must be accepted as characteristic of the use. Wherever possible, these heavy industrial uses should be located in such a way as to minimize and mitigate any detrimental effects that may occur on other nearby uses of land.

j) "O" Open Space Zone - is hereby established in this Zoning By-law and is intended to:

[K7]

Provide development areas for public parks, outdoor recreational facilities such as sports fields and golf courses, governmental, educational and institutional uses, areas set aside for long term conservation of undeveloped scenic and/or hazard lands, lands that serve to buffer adjoining land uses of different types and/or accommodate major utility rights-of-way that have an open space character.

k) "AUR" Agricultural Urban Reserve Zone - is hereby established in this Zoning By-law and is intended to:

Provides for the continuation of certain low-intensity agricultural activities on a restricted basis such as pasturing and field crop production in Killarney until such time as the land is required to facilitate the orderly expansion of urban type land uses within the community.

Zoning Maps

4.3 The geographical extent of each of the zoning districts set out above is shown on zoning maps comprising **Schedule "A" of this By-law**.

a) The said zoning map(s) form a part of this Zoning By-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws made from time to time and shown thereon, together with any amendments to the boundaries in the case of any street, lane or public utility right-of-way closing shall be as much a part of this By-law as if the matters and information set forth by the said zoning map(s) were fully described herein.

b) The scale and all dimensions of the zoning map(s) are in feet.

c) All plan references on the zoning map(s) pertain to registered plans filed in either the Brandon Land Titles Office or the Morden Land Titles Office.

d) The abbreviations noted on the zoning map(s) mean the following:

1. **Pcl.** means" Parcel";
2. **Pt.** means "Part";
3. **RGE.** means "Range";
4. **R.M.** means "Rural Municipality";
5. **SEC.** means "Section";
6. **PTH** means "Provincial Trunk Highway";
7. **TWP** means "Township"; and
8. **W.P.M.** means "West of Principal Meridian".

4.4 Interpretation of zoning district boundaries

(1) Heavy solid lines represent zoning district boundaries. Where a zoning district boundary is broken by the name of a street, it shall be construed that the limit continues through the name of the street.

(2) Zoning boundaries indicated as approximately following:

(a) the centerlines of railway or public utility rights-of-way;
(b) the centerlines of streets, highways or lanes;
(c) lot, site or holding lines; or
(d) municipal limits;

shall be construed as following those lines or limits.

(3) If a street or lane or railway or public utility right-of-way (hereinafter referred to as the feature) shown on a zoning map is lawfully closed, the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zone boundary on its centerline, then the zoning district boundary shall be the former centerline.

PART 5: USE AND BULK TABLES FOR ALL ZONES

Use and Bulk Tables

The permitted and conditional uses prescribed for zoning sites within each zoning district are those set out in the Use and Bulk Tables as set out below.

TABLE 5-1: "AG" AGRICULTURAL GENERAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	**Site Width (feet)**	**Front Yard (feet)** (j)	**Side Yard (feet)** (b) (j)	**Rear Yard (feet)** (b)(j)
PERMITTED USES					
Agricultural Activities (General) including pasturing of livestock (c) (d) (l)	80	1,000 [K8]	125	50	50
Agricultural Activities (Specialized) such as but not limited to Nurseries, Berry Farms, Apiaries, Market Garden Operations[K9], Tree Farms (c) (d)[K10] (l)	10[K11]	200	125	25	25[K12]
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	2	200	125	50	50
Livestock Operations **(newly siting or expanding)** to a maximum of 230 AU in size (cumulative across species) (c) (e) (f) (l) **(See also PART 6 of this By-law)**	80[K13]	1,000	125	25	25
Residential Care Facilities (including halfway type homes, rehabilitation homes, hostels and group foster homes providing care and supervision, meals and residential services) for a maximum of any combination of two or fewer adults/children	2 (a)	200	125	50	50
Riding Academies and Stables (to a maximum of 9 AU cumulative across species)	2	200	125	25	25[K14]
CONDITIONAL USES					
Aircraft Landing Areas	10	200	125	25	25
Anhydrous Ammonia and other Hazardous Fertilizer and/or Chemical Sales and Storage Facilities (g)	5	200	125	50	50
Auction Marts / Auction Grounds	2	200	125	25	25
Automobile, Implement, Trailer, Truck , Sales, Storage and Maintenance Facilities including Wrecking Establishments	5	200	125	50	50
Campgrounds	5[K15]	200	125	50	50
Cemeteries	2 (a)	200	125	50	50
Drive-In Theatres	2 (a)	200	125	25	25
Earth Moving Contractors	2	200	125	25	25
Establishments for the Storage, Handling or Processing of Agricultural Produce Including Grain	2	200	125	50	50

TABLE 5-1: "AG" AGRICULTURAL GENERAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	**Site Width (feet)**	**Front Yard (feet)** (j)	**Side Yard (feet)** (b) (j)	**Rear Yard (feet)** (b)(j)
Elevators and Seed Plants					
Establishments for the Sales, Storage or Distribution of Non-Hazardous Bulk Fertilizers, Agricultural Supplies, Equipment or Structures (h)	2	200	125	50	50
Exhibition or Fair Grounds	5[K16]	200	125	50	50
Kennels and/or Pounds	2 (a)	200	125	50	50
Livestock Operations **(newly siting or expanding)** 231 AU or more in size (cumulative across species) (c) (e) (f) (l) **(See also PART 6 of this By-law)**	80	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments serving the agricultural sector	2 (a)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage, Sales, Storage, or Wrecking Operations	2 (a) [K17]	200	125	25	25
Museums or Historic Sites	2 (a)	200	125	25	25
Natural Resource Extraction Operations, including but not limited to surface mining operations for minerals such as sand and gravel including harvesting, stockpiling, sales and trucking operations when they are specifically related to and located on the same site and directly supporting the principal natural resource extraction activity	2	300	125	50	50
Non-Farm Dwellings, mobile and modular homes (f) (l) (m)	2 (a)	200	125	50	50
Picnic Areas (Public or Private)	2 (a)	200	125	50	50
Public Utility Buildings, Public Works Buildings, Maintenance Yards, Garages and Compounds **(See also PART 2 Section 2.34 of this By-law)**	2 (a)	200	125	25	25
Riding Academies and Stables involving 10 or more animal units (cumulative across species)	80[K18]	1,000	125	25	25
Religious Institutions (k)	2 (a)	200	125	50	50
Residential Care Facilities (including halfway type homes, rehabilitation homes, hostels and group foster homes providing care and supervision, meals and residential services) for any combination of three or more adults/children	2 (a)	200	125	50	50
Outdoor Recreation Facilities	2 (a)	200	125	25	25
Sewage Lagoons (Public or Private)	5	300 [K19]	125	50	50
Surface Mining Operations, including gravel pits	2	200	125	25	25
Veterinary Clinics	2 (a)	200	125	30	25
Waste Disposal Grounds (Public)	5 [K20]	300	125	50	50
Wildlife and Forest Management Areas	1/2 acre	50	125	10	10[K21]
Wind Energy Generation Operations (WEGO) (h)	7	550	See footnote (h) forming part of this table		

TABLE 5-1: "AG" AGRICULTURAL GENERAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	**Site Width (feet)**	**Front Yard (feet)** (j)	**Side Yard (feet)** (b) (j)	**Rear Yard (feet)** (b)(j)
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (l)	-	-	125	50	50[K22]

NOTE:
[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "AG" Zoning District form part of TABLE 5-1 (above):

(a) The maximum site area shall be ten (10) acres, unless physical features of the site (such as natural drains, shelterbelts, etc.) would indicate that a larger site would, in the opinion of Council, be appropriate.

(b) Except for cemeteries, where a side or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side and/or rear yard shall be 125 feet.

(c) Staff dwellings in addition to the dwelling of the owner/operator, including single-family, two-family, dormitory and mobile homes may be located on the same site as either a permitted or conditionally approved general or specialized agricultural use or livestock operation when the staff dwelling(s) are associated with and essential to the maintenance, operation and care of the principal agricultural use.

(d) Apiaries shall be considered a conditional use if they are proposed to be sited within one-quarter (1/4) mile of an un-related residence (other than the owners home located on the same parcel) and the owner of the un-related residence has not provided written consent to the apiarist prior to commencement of development within the ¼ mile separation.

(e) Applications to establish new or expand existing livestock operations as either a permitted or conditional use (status depends on the size of the livestock operation as expressed in animal units (AU) cumulative across species) must be made on the forms prescribed by Council and provide information required under **PART 6 of this By-law**.

(f) Newly siting non-farm dwellings shall be subject to the minimum mutual separation distance requirements for livestock operations as set forth in **PART 6, Table 6.2 of this By-law** or as may be varied on a case by case by Council.

(g) Notwithstanding the requirements in **Table 5.1 of this PART** (above), all newly constructed anhydrous ammonia storage facilities, shall be set back a minimum of 350 feet from all public roadways and habitable dwellings (other than the dwelling of the owner or operator when located said dwelling is located on the same parcel as the anhydrous ammonia

storage facility), and shall be setback a minimum distance of 2,640 feet from the limits of any area designated or zoned for seasonal (cottage) or permanent residential development and all urban settlements.

(h) Commercial WEGO facilities may be allowed as a conditional use in the **"AG" Agricultural General Zone** and shall be subject to the issuance of a development permit.

(i) A Commercial (WEGO) may be developed in the municipality on land owned by the operator or land leased from the registered land owner.

(ii) Land owned or leased for WEGO may contain the wind turbine generator tower and/or the associated accessory buildings and infrastructure as well as compatible agricultural operations which may co-exist with WEGO provided all other provisions of this By-law are satisfied.

(iii) For the purposes of this by-law, an application for a WEGO development/project involving more than one site and/or parcel of land may be processed at the same time under a single Development Permit provided that Development Permit identifies each and every title affected by the proposed development. However, separate conditional use applications (which may be considered for approval at a consolidated conditional use hearing for all WEGO's in a project/development) and any resulting conditional use orders shall be issued for each separate parcel containing one or more wind energy generation operation (WEGO) tower.

(iv) WEGO developments shall be located a minimum of one half mile (2640 feet) from all urban centres within the municipality (Killarney, Ninga and Holmfield. This ½ mile setback shall also apply to lands zoned for "RR" - Rural Residential development as well as those lands zoned for urban-type land uses (i.e. "GD" - General Development and "SR" Seasonal Recreation development zones). This separation requirement may on a case by-case basis be varied by Council under circumstances acceptable to Council in accordance with the procedures for variations set out under the ***Planning Act*** **and PART 7 of this By-law**.

(v) For municipal approvals, proponents of any WEGO shall submit a detailed site plan showing the location of any wind energy generation devices (ex. wind turbines) associated buildings and structures, electrical lines (above ground or buried) private on-site roads, and driveways for access to the public road system.

(vi) Buildings and accessory structures forming part of any WEGO shall comply with the common front yard setback of 125 feet which applies to most land uses in the "AG" Agriculture General Zone adjacent to a public road in the municipality.

(vii) WEGO development located adjacent to provincial roads or highways will be subject to setback requirements set by the province and approvals from the authority having jurisdiction.

(viii) Proponents of a WEGO are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure, and Manitoba Sustainable Development, prior to the issuance of a development permit and any required building permits.

(ix) When locating a proposed wind turbine in the vicinity of an airport and/or private landing strip all Transport Canada regulations regarding height and location of proposed buildings and structures shall be satisfied.

(x) All signage affixed to a commercial WEGO shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway and subject to approval of Council.

(xi) A development permit required under this By-law and building permit (if required) shall be obtained prior to the commencement of construction of a WEGO.

(xii) Newly sited residences in the vicinity of a WEGO, other than the residence of the owner of the lands upon which a WEGO is located, shall be separated a minimum distance of 500 meters (or 1640 feet) from the nearest adjacent wind turbine tower constructed as part of a WEGO.

(xiii) The right-of-way for any commercial electrical transmission line may be located adjacent to property lines within a WEGO development.

(xiv) Wind turbines as part of a WEGO development shall be setback a minimum of one and one tenth (1.1) times the total height of the tower plus rotor from any property boundary, including the boundary of a railway right-of-way. Exception to this minimum setback distance with respect to property lines may be allowed where the property line nearest to any given wind turbine tower define and separate contiguous parcels within a WEGO leased to the same or different operator(s). In such instances, the minimum setback to the property line separating the wind turbine towers shall be reduced to six tenths (0.60) times the total height of the tower plus rotor.

(xv) Wind turbines shall be setback one and one tenth (1.1) times the total height of the tower plus rotor from all government road allowances, any other public road and Provincial Trunk Highways (PTH's) and Provincial Roads (PR's). Wind turbines taller than one and one tenth (1.1) times the total height of the tower plus rotor, to be located in provincial control areas adjacent to Provincial Trunk Highways and Provincial Roads, shall be subject to setbacks required by the Province.

(xvi) Wind turbines shall be setback a minimum distance of 500 meters or 1640 feet from any existing residence in the **"AG" Agricultural General Zone** with the exception of a residence located on lands owned or leased as part of a WEGO.

(xvii) A wind turbine located on the same site and in direct support of either a permitted or conditionally approved general or specialized agricultural use, livestock operation or private residential use shall be treated as an accessory structure. This structure shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of extension of its rotors.

(xviii) A wind turbine shall not be located within four hundred (400 feet) of the ordinary high water mark of a lake or marsh over 3 acres in size.

(xix) Wind turbines shall also adhere to setbacks from other types of development as follows:

(a) One and one half (1.5) times the total height of the tower plus rotor from a land owners dwelling(s) located on the same parcel as the WEGO;

(b) One and one tenth (1.1) times the total height of the tower plus rotor from non-dwelling principal structures (ex. hog barn) on the same or adjacent properties;

(c) 500 meters (1640 feet) from all dwellings or other habitable buildings (e.g. bed & breakfast or motel) not associated with the WEGO.

(d) Two times the total height from an electrical transmission right-of-way owned and/or operated by Manitoba Hydro.

(e) Wind turbines may be located a minimum of 25 feet from a property boundary (other than a road right-of-way) when the registered owners have granted their consent in writing and that consent is provided at the time of application for municipal approval of a proposed WEGO.

Note: For purposes of administration this By-law, the total height of a wind turbine shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.

(i) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(j) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

(k) Newly siting facilities of this type shall generally be directed to existing urban communities but may be allowed in the **"AG" - Agricultural General Zone** if Council is satisfied that no suitable site is available in an existing urban community.

(l) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

(m) All mobile homes shall meet or exceed the minimum requirements of the Manitoba Buildings and Mobile Homes Act and satisfy the requirements of all municipal by-laws of Killarney-Turtle Mountain.

TABLE 5-2: "AL" AGRICULTURAL LIMITED ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet) (j)	Side Yard (feet) (b) (j)	Rear Yard (feet) (b)(j)
PERMITTED USES					
Agricultural Activities (General) including pasturing of livestock (c) (d) (l)	80	1,000 [K23]	125	50	50
Agricultural Activities (Specialized) such as but not limited to Nurseries, Berry Farms, Apiaries, Market Garden Operations[K24], Tree Farms (c) (d)[K25] (l)	10[K26]	200	125	25	25[K27]
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	2	200	125	50	50
Livestock Operations **(Existing and Expanding)** to a maximum of 230 AU in size (cumulative across species) (c) (e) (f) (l) **(See also PART 6 of this By-law)**	80[K28]	1,000	125	25	25
Residential Care Facilities (including halfway type homes, rehabilitation homes, hostels and group foster homes providing care and supervision, meals and residential services) for a maximum of any combination of two or fewer adults/children	2 (a)	200	125	50	50
Riding Academies and Stables (to a maximum of 9 AU cumulative across species)	2	200	125	25	25[K29]
CONDITIONAL USES					
Aircraft Landing Areas	10	200	125	25	25
Anhydrous Ammonia and other Hazardous Fertilizer and/or Chemical Sales and Storage Facilities (g)	5	200	125	50	50
Auction Marts / Auction Grounds	2	200	125	25	25
Automobile, Implement, Trailer, Truck , Sales, Storage and Maintenance Facilities including Wrecking Establishments	5	200	125	50	50
Campgrounds	5[K30]	200	125	50	50
Cemeteries	2 (a)	200	125	50	50
Drive-In Theatres	2 (a)	200	125	25	25
Earth Moving Contractors	2	200	125	25	25
Establishments for the Storage, Handling or Processing of Agricultural Produce Including Grain Elevators and Seed Plants	2	200	125	50	50
Establishments for the Sales, Storage or Distribution of Non-Hazardous Bulk Fertilizers, Agricultural Supplies, Equipment or Structures (h)	2	200	125	50	50
Exhibition or Fair Grounds	5[K31]	200	125	50	50
Kennels and/or Pounds	2 (a)	200	125	50	50
Livestock Operations **(Newly Siting)** to a maximum of 230 AU in size (cumulative across species) (c) (e) (f) (l) **(See also PART 6 of this By-law)**	80	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or	2 (a)	200	125	25	25

TABLE 5-2: "AL" AGRICULTURAL LIMITED ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet) (j)	Side Yard (feet) (b) (j)	Rear Yard (feet) (b)(j)
Repair Establishments serving the agricultural sector					
Motor Vehicle or Agricultural Equipment Body Shops, Salvage, Sales, Storage, or Wrecking Operations	2 (a) [K32]	200	125	25	25
Museums or Historic Sites	2 (a)	200	125	25	25
Natural Resource Extraction Operations, including but not limited to surface mining operations for minerals such as sand and gravel including harvesting, stockpiling, sales and trucking operations when they are specifically related to and located on the same site and directly supporting the principal natural resource extraction activity	2	300	125	50	50
Non-Farm Dwellings, mobile and modular homes (f) (l) (m)	2 (a)	200	125	50	50
Picnic Areas (Public or Private)	2 (a)	200	125	50	50
Public Utility Buildings, Public Works Buildings, Maintenance Yards, Garages and Compounds **(See PART 2 Section 2.34 of this By-law)**	2 (a)	200	125	25	25
Riding Academies and Stables involving 10 or more animal units (cumulative across species)	80 [K33]	1,000	125	25	25
Religious Institutions (k)	2 (a)	200	125	50	50
Residential Care Facilities (including halfway type homes, rehabilitation homes, hostels and group foster homes providing care and supervision, meals and residential services) for any combination of three or more adults/children	2 (a)	200	125	50	50
Outdoor Recreation Facilities	2 (a)	200	125	25	25
Sewage Lagoons (Public or Private)	5	300 [K34]	125	50	50
Surface Mining Operations, including gravel pits	2	200	125	25	25
Veterinary Clinics	2 (a)	200	125	30	25
Waste Disposal Grounds (Public)	5 [K35]	300	125	50	50
Wildlife and Forest Management Areas	½ acre	50	125	10	10 [K36]
Wind Energy Generation Operations (WEGO) (h)	7	550	See footnote (h) forming part of this table		
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law) (l)	-	-	125	50	50 [K37]

NOTE:

[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "AL" Zoning District form part of TABLE 5-2 (above):

(a) The maximum site area shall be ten (10) acres, unless physical features of the site (such as natural drains, shelterbelts, etc.) would indicate that a larger site would, in the opinion of Council, be appropriate.

(b) Except for cemeteries, where a side or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side and/or rear yard shall be 125 feet.

(c) Staff dwellings in addition to the dwelling of the owner/operator, including single-family, two-family, dormitory and mobile homes may be located on the same site as either a permitted or conditionally approved general or specialized agricultural use or livestock operation when the staff dwelling(s) are associated with and essential to the maintenance, operation and care of the principal agricultural use.

(d) Apiaries shall be considered a conditional use if they are proposed to be sited within one-quarter (1/4) mile of an un-related residence (other than the owners home located on the same parcel) and the owner of the un-related residence has not provided written consent to the apiarist prior to commencement of development within the ¼ mile separation.

(e) Existing/expanding and newly siting livestock operations in the **"AL" – Agricultural Limited Zone** will be capped to a maximum of 230 animal units (AU) cumulative across species.

(f) Newly siting non-farm dwellings shall be subject to the minimum mutual separation distance requirements for livestock operations as set forth in **PART 6, Table 6.2 of this By-law** or as may be varied on a case by case by Council.

(g) Notwithstanding the requirements in **Table 5.2 of this PART** (above), all newly constructed anhydrous ammonia storage facilities, shall be set back a minimum of 350 feet from all public roadways and habitable dwellings (other than the dwelling of the owner or operator when located said dwelling is located on the same parcel as the anhydrous ammonia storage facility), and shall be setback a minimum distance of 2,640 feet from the limits of any area designated or zoned for seasonal (cottage) or permanent residential development and all urban settlements.

(h) Commercial WEGO facilities shall be allowed as a permitted use in the **"AL" Agricultural Limited Zone** and shall be treated therein as a permitted use but shall be subject to the issuance of a development permit.

(i) A Commercial (WEGO) may be developed in the municipality on land owned by the operator or land leased from the registered land owner.

(ii) Land owned or leased for WEGO may contain the wind turbine generator tower and/or the associated accessory buildings and infrastructure as well as compatible agricultural operations which may co-exist with WEGO provided all other provisions of this By-law are satisfied.

(iii) For the purposes of this by-law, an application for a WEGO development/project involving more than one site and/or parcel of land may be processed at the same

time under a single Development Permit provided that Development Permit identifies each and every title affected by the proposed development. However, separate conditional use applications (which may be considered for approval at a consolidated conditional use hearing for all WEGO's in a project/development) and any resulting conditional use orders shall be issued for each separate parcel containing one or more wind energy generation operation (WEGO) tower.

(iv) WEGO developments shall be located a minimum of one half mile (2640 feet) from all urban communities within the municipality (Killarney, Ninga and Holmfield. This ½ mile setback shall also apply to lands zoned for "RR" - Rural Residential development as well as those lands zoned for urban-type land uses (i.e. "GD" - General Development and "SR" Seasonal Recreation zones). This separation requirement may on a case by-case basis be varied by Council under circumstances acceptable to Council in accordance with the procedures for variations set out under the **Planning Act and PART 7 of this By-law**.

(v) For municipal approvals, proponents of any WEGO shall submit a detailed site plan showing the location of any wind energy generation devices (ex. wind turbines) associated buildings and structures, electrical lines (above ground or buried) private on-site roads, and driveways for access to the public road system.

(vi) Buildings and accessory structures forming part of any WEGO shall comply with the common front yard setback of 125 feet which applies to most land uses in the **"AL" Agricultural Limited Zone** adjacent to a public road in the municipality.

(vii) WEGO development located adjacent to provincial roads or highways will be subject to setback requirements set by the province and approvals from the authority having jurisdiction.

(viii) Proponents of a WEGO are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure, and Manitoba Sustainable Development, prior to the issuance of a development permit and any required building permits.

(ix) When locating a proposed wind turbine in the vicinity of an airport and/or private landing strip all Transport Canada regulations regarding height and location of proposed buildings and structures shall be satisfied.

(x) All signage affixed to a commercial WEGO shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway and subject to approval of Council.

(xi) A development permit required under this By-law and building permit (if required) shall be obtained prior to the commencement of construction of a WEGO.

(xii) Newly sited residences in the vicinity of a WEGO, other than the residence of the owner of the lands upon which a WEGO is located, shall be separated a minimum distance of 500 meters (or 1640 feet) from the nearest adjacent wind turbine tower constructed as part of a WEGO.

(xiii) The right-of-way for any commercial electrical transmission line may be located adjacent to property lines within a WEGO development.

(xiv) Wind turbines as part of a WEGO development shall be setback a minimum of one and one tenth (1.1) times the total height of the tower plus rotor from any property boundary, including the boundary of a railway right-of-way. Exception to this minimum setback distance with respect to property lines may be allowed where the property line nearest to any given wind turbine tower define and separate contiguous parcels within a WEGO leased to the same or different operator(s). In such instances, the minimum setback to the property line separating the wind turbine towers shall be reduced to six tenths (0.60) times the total height of the tower plus rotor.

(xv) Wind turbines shall be setback one and one tenth (1.1) times the total height of the tower plus rotor from all government road allowances, any other public road and Provincial Trunk Highways (PTH's) and Provincial Roads (PR's). Wind turbines taller than one and one tenth (1.1) times the total height of the tower plus rotor, to be located in provincial control areas adjacent to Provincial Trunk Highways and Provincial Roads, shall be subject to setbacks required by the Province.

(xvi) Wind turbines shall be setback a minimum distance of 500 meters or 1640 feet from any existing residence in the **"AL" Agricultural Limited Zone** with the exception of a residence located on lands owned or leased as part of a WEGO.

(xvii) A wind turbine located on the same site and in direct support of either a permitted or conditionally approved general or specialized agricultural use, livestock operation or private residential use shall be treated as an accessory structure. This structure shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of extension of its rotors.

(xviii) A wind turbine shall not be located within four hundred (400 feet) of the ordinary high water mark of a lake or marsh over 3 acres in size.

(xix) Wind turbines shall also adhere to setbacks from other types of development as follows:

(a) One and one half (1.5) times the total height of the tower plus rotor from a land owners dwelling(s) located on the same parcel as the WEGO;

(b) One and one tenth (1.1) times the total height of the tower plus rotor from non-dwelling principal structures (ex. hog barn) on the same or adjacent properties;

(c) 500 meters (1640 feet) from all dwellings or other habitable buildings (e.g. bed & breakfast or motel) not associated with the WEGO.

(d) Two times the total height from an electrical transmission right-of-way owned and/or operated by Manitoba Hydro.

(e) Wind turbines may be located a minimum of 25 feet from a property boundary (other than a road right-of-way) when the registered owners

have granted their consent in writing and that consent is provided at the time of application for municipal approval of a proposed WEGO.

Note: For purposes of administration this By-law, the total height of a wind turbine shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.

(i) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(j) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

(k) Newly siting facilities of this type shall generally be directed to existing urban communities but may be allowed in the **"AL" - Agriculture Limited Zone** if Council is satisfied that no suitable site is available in an existing urban community.

(l) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

(m) All mobile homes shall meet or exceed the minimum requirements of the Manitoba Buildings and Mobile Homes Act and satisfy the requirements of all municipal by-laws of Killarney-Turtle Mountain.

TABLE 5-3: "GD" GENERAL DEVELOPMENT ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (k) (l) (n)				
	SITE SIZE		**REQUIRED YARDS**		
	Site Area (sq. ft.)	**Site Width (feet)**	**Front Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**
PERMITTED USES					
Clubs, Private or Public	15,000	100	20	15	25
Community Facilities, including auditoriums, community clubs, halls, libraries, museums, theatres and historic sites	15,000	100	25	15	25
Day Care Facilities, accommodating up to eight (8) children	15,000	100	25	15	25
Drive-Through facilities or businesses	10,000	75	25	15	25
Dwellings, single-family including modular homes (j)	15,000	100	30	6 (p)	25
Dwellings, mobile home (j) (q)	15,000	100	30	6 (c) (p)	25
Dwellings, two-family (j)	15,000 (r)	100 (r)	30	10 (p) (r)	25
Dwellings, multiple-family (j)	20,000 (d)	100	30	10 (p)	25
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	15,000	100	30	6	25
Emergency Services, including police and fire stations	15,000	100	25	15	25
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	15,000	100	25	15	25
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	6,000	60	25	6	25
Exhibition Grounds	20,000	100	25	15	25
Food/Beverage Service Establishments	6,000	60	25	12	25
Government Administrative Buildings and Offices	7,500	65	25	12	25
Grain Storage Buildings Including Elevators and Mills	2 acres	100	20	10 (f)	25 (f)
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	1 acre	200	30	15	25
Lumber Sales, if completely enclosed in a building or structure	25,000	150	20	20	20
Motor Vehicle and Trailer Sales, Service Stations and Body Shops (f)	15,000 (g)[K38]	150	15 ft to (pumps) 25 ft to (bldgs)	15 ft to (pumps) 25 ft to (bldgs) (b)	15 ft to (pumps) 25 ft to (bldgs)
Parks or Playgrounds, Recreation Areas	5,000	50	25	6	25
Public Parking Areas	5,000	50	10	6	6
Public Utilities (e) (m)	5,000	50	25	15	25
Recreation Facilities	15,000	100	25	15	25
Religious Institutions	20,000	100	30	10	25
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential	15,000	100	30	10	25

TABLE 5-3: "GD" GENERAL DEVELOPMENT ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (k) (l) (n)				
	SITE SIZE		**REQUIRED YARDS**		
	Site Area (sq. ft.)	**Site Width (feet)**	**Front Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**
services, including care and supervision for two or fewer adults or children					
Senior Citizen Homes	20,000 (d)	100	20	20	20
CONDITIONAL USES					
Campgrounds	20,000	100	25	15	25
Boarding or Rooming Houses with more than four (4) suites	15,000	100	25	15	25
Day Care Facilities accommodating nine (9) children or more	15,000	100	25	15	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce	15,000	100	25	15 (f)	25 (f)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including card lock establishments	1 acre	150	35	20 (f)	20 (f)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	20	10 (f)	25 (f)
Bulk Fuel Yards, Bulk Oil Storage	25,000	150	20	20	20
Lumber Sales, if not completely enclosed in a building or structure	25,000	150	20	20 (f)	20 (f)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25	15	25
Motor Vehicle Wrecking Operations	1 acre	150	35	20	20
Nurseries or Greenhouses	15,000	100	25	15	25
Public Works Compounds and Maintenance Buildings **(See PART 2 Section 2.34 of this By-law)**	15,000	100	30	6	25
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for three or more adults or children	15,000	100	25	15	25
Trucking Establishments, Truck Terminals	1 acre	150	35	20	20
Veterinary Clinics	15,000	100	25	15	25
Warehouses and Storage Buildings for Non-Hazardous Materials	15,000	100	20	10	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (j)	-	-	(g)(o)	5(h)(o)	5(h)(i)(o)

NOTE:

[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "GD" Zoning District form part of TABLE 5-3 (above):

(a) **Maximum Height and Minimum Dwelling Unit Area Requirements**
In addition to the minimum requirements of **TABLE 5-3 of this PART**, the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet, except for grain storage structures, fuel and fertilizer storage tanks, church steeples and chimneys which may be higher subject to written approval by the Development Officer.

(ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet, if accessory to a residence except for flag poles and privately owned telecommunications towers used for personal non-commercial purposes which may be 36 feet high, and eighteen (18) feet if accessory to a non-residential use.

(iii) The minimum dwelling unit area for a single family dwelling or modular home is 600 square feet and 300 square feet for a secondary residential suite located within or attached to a single-family dwelling or modular home. The minimum individual dwelling unit floor area within a multi-family dwelling shall be 400 square feet and the maximum site coverage shall be 60 percent. The minimum individual dwelling unit area located within a commercial building shall be 400 square feet and in all cases, said residential dwelling unit shall be located above or behind the principal commercial use of the building.

(b) **Un-Serviced Zoning Sites**
Where a site is not serviced by a municipal piped sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area – 2 acres;

(ii) Minimum required site width – 200 feet;

(iii) Minimum required side yard – 30 feet.

(c) For mobile home sites, there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to one side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.

(d) The minimum required site area for the first three (3) dwelling units shall be 20,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above three (3) units.

(e) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.

(f) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.

(g) The minimum required front yard for accessory buildings and structures shall be the same, as the minimum required front yard for the principal building on the same site.

(h) In the case of buildings or structures, which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet.

(i) Where an accessory building is used for the storage of a motor vehicle, the wall of the building that contains the vehicular access door shall be set back a minimum distance of fifteen (15) feet from a public road or lane used for access to this building.

(j) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

(k) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

(l) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock is <u>prohibited</u> within the **"GD" General Development Zone.**

(m) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(n) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(o) All signs shall be setback a minimum of 5 feet from the limits of the parcel on which it they are located and to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of twelve (12) feet. **See also PART 2, Section 2.22 of this By-law)**.

(p) One side yard shall be twelve (12) feet where there is no public lane bordering the rear property-line of the zoning site.

(q) All mobile homes shall meet or exceed the minimum requirements of the Manitoba Buildings and Mobile Homes Act and satisfy the requirements of all municipal by-laws of Killarney-Turtle Mountain.

(r) For two-family dwellings subdivided with a separate title for each unit, the minimum site area for each dwelling unit shall be 7,500 sq. ft. and the minimum site width for each dwelling unit shall be 50 feet and the side yard on the side having a common party wall shall be reduced to zero (0) and the interior side site line must be completely contained within the common party wall.

TABLE 5-4: "RR" RURAL RESIDENTIAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (g) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	**Site Width (feet)**	**Front Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**
PERMITTED USES					
Dwellings, single-family	2 acres	200	30	30	25 (k)
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	2 acres	200	30	30	25
Historical Sites	1 acre	100	125	30	30
Recreation Facilities including public playgrounds, parks, picnic areas, tot lots,	20,000	100	30	20	25
Public Utilities (j) **(See also PART 2 Section 2.34 and 2.32 of this By-law)**	5,000	50	25	15	25
CONDITIONAL USES					
Dwellings, Mobile and Modular Homes (l)	2 acres	200	30	30	25 (k)
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (m)	-	-	(e) (n)	10 (n)	10 (f)(g) (n)

NOTE:
[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "RR" Rural Residential Zoning District form part of TABLE 5-4 (above):

(a) **Maximum Height and Minimum Dwelling Unit Area Requirements**
In addition to the minimum requirements of **Table 5.4** (above), the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.

(ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet, if accessory to a residence except for flagpoles and privately owned telecommunications towers used for personal non-commercial purposes which may be 36 feet high, and eighteen (18) feet if accessory to a non-residential use.

(iii) Minimum dwelling unit area shall be 1,000 square feet for a single-family dwelling, mobile or modular home and 400 square feet for a secondary residential suite located within a within or attached to a single dwelling-unit or modular home.

(b) **Serviced Sites**
Where a site is serviced by a municipal piped sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(i) Minimum required site area – 15,000 square feet;

(ii) Minimum required site width – 100 feet;

(iii) Minimum required side yard – 10 feet.

(iv) In the case of a multi-family dwelling site serviced by a municipal piped sewer system or private holding tank, the minimum required site area for the first three (3) dwelling units shall be twenty-thousand (20,000) square feet, and the minimum required site area shall increase by an additional one-thousand (1,000) square feet for each additional dwelling unit above three (3) units. In addition, the minimum site width shall be one hundred (100) feet and the minimum front, side and rear yard setbacks shall each be twenty (25) feet.

(c) For mobile home sites, there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.

(d) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same zoning site.

(e) In the case of buildings or structures, which are accessory to residential uses (except for vehicle garages as described in footnote (g) below), when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet.

(f) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of fifteen (15) feet from a public road or lane used for access to this building.

(g) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the minimum required yard shall be specified by the provincial highway authority, instead of the relevant provision of this Table.

(h) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

(i) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(j) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(k) Where the rear site line of a single family, mobile or modular home, two-family or multi-family dwelling site is along a shoreline of a lake or other water body, the minimum rear yard shall be zero (0) for accessory docks and/or boathouses only.

(l) All mobile homes shall meet or exceed the minimum requirements of the Manitoba Buildings and Mobile Homes Act and satisfy the requirements of all municipal by-laws of Killarney-Turtle Mountain.

(m) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

(n) All signs shall be setback a minimum of 5 feet from the limits of the parcel on which it they are located and to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of ten (10) feet. **(See also PART 2, Section 2.24 of this By-law)**.

TABLE 5-5: "SR" SEASONAL RESIDENTIAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (g) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	**Site Width (feet)**	**Front Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**
PERMITTED USES					
Dwellings, cottages	6,000	55	25	6	25 (k)
Dwellings, single-family including mobile and modular homes	6,000	55	25	6(c)	25 (k)
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	5,000	50	25	6	25
Public Utilities (j) **(See also PART 2 Section 2.34 of this By-law)**	5,000	50	30	10	25
Recreation Facilities including public playgrounds, parks, picnic areas, low intensity outdoor recreation facilities such as tennis courts, horseshoe pitches, lawn bowling courts, swimming pools	20,000	100	30	20	25
CONDITIONAL USES					
Campgrounds, including group camping facilities	4 acres	200	50	25	25
Dwellings, Two-Family	6,600	60	25	6	25 (k)
Dwellings, Multi-Family	10,000	75	25	10	25
Golf Courses, including related food and beverage concessions when located on the same site	30 acres	575	125	15	25
Golf Driving Ranges, including related food and beverage concessions when located on the same site	4 acres	200	50	25	25
Marinas , including associated food and beverage concessions when located on the same site	15,000	70	30	25	25 (k)
Nurseries or Greenhouses	12,000	110	30	20	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (n)	-	-	(d)(m)	5(e)(m)	5(e)(f)(m)

NOTE:

[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "SR" Seasonal Recreation Zoning District form part of TABLE 5-5 (above):

(a) **Maximum Height and Minimum Dwelling Unit Area Requirements**

In addition to the minimum requirements of **Table 5.5** (above), the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.

(ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet, if accessory to a residence except for flagpoles and privately owned telecommunications towers used for personal non-commercial purposes which may be 36 feet high, and eighteen (18) feet if accessory to a non-residential use.

(iii) Minimum dwelling unit area shall be 600 square feet for a single-family dwelling, mobile or modular home, 400 square feet per unit for two-family and multi-family dwellings and 400 square feet for cottages and a secondary residential suite located within or attached to a single-family dwelling or modular home.

(b) **Un-Serviced Sites**

Where a site is not serviced by a municipal piped sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(v) Minimum required site area – 2 acres;

(vi) Minimum required site width – 200 feet;

(vii) Minimum required side yard – 30 feet.

(c) For mobile home sites, there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.

(d) The minimum required front yard for accessory buildings and structures shall be the same, as the minimum required front yard for the principal building on the same site.

(e) In the case of buildings or structures, which are accessory to residential uses (except for vehicle garages as described in footnote (f) below), when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet.

(f) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of fifteen (15) feet from a public road or lane used for access to this building.

(g) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the minimum required yard shall be specified by the provincial authority having jurisdiction, instead of the relevant provision of this Table.

(h) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

(i) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(j) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(k) Where the rear site line of a single family, mobile or modular home, two-family and multi-family site is along a shoreline of a lake or other water body, the minimum rear yard shall be zero (0) for accessory docks and/or boathouses only.

(l) Where an area is developed or expanded for residential purposes (i.e. single family dwellings, modular or mobile homes, two-family and multi-family dwellings), no parcel shall be created or thereafter further re-subdivided for residential purposes unless each parcel intended for residential development conforms to the minimum site area and width requirements as set forth in **Table 5.5 of this PART.**

(m) All signs shall be setback a minimum of 5 feet from the limits of the parcel on which it they are located and to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of twelve (12) feet. **(See also PART 2, Section 2.24 of this By-law)**.

(n) Home-based businesses shall be prohibited in the zoning governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

TABLE 5-6: "RS" RESIDENTIAL SERVICED ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (g) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Sq. feet)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Cultural Facilities, including arts centres, galleries, museums, theatres, libraries and historic sites	5,000	50	25	5 (b)	25
Boarding, rooming, and lodging houses for two (2) or less persons	5,000	50	25	5 (b)	25
Dwellings, Single-Family including modular homes (l)	5,000	50	25	5 (b)	25
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	5,000	50	25	5	25
Playgrounds, tot lots and similar uses including buffer strips, public reserves and public walkways	5,000	50	25	5 (b)	25
Public Utilities (c) (j)	5,000	50	25	5 (b)	25
R.C.M.P. Barracks	5,000	50	25	5 (b)	25
CONDITIONAL USES					
Boarding, rooming, and lodging houses for three (3) or more persons	10,000	75	25	10	25
Community centres or community clubs	10,000	75	25	10	25
Convalescent homes, nursing care homes, rest homes, and similar uses	10,000	75	25	10	25
Convenience stores	6,600	60	25	10	25
Dwellings, Two-Family	6,600 (k)	60 (k)	25	10 (k)	25
Dwellings, Multi-Family	10,000	75	25	10	25
Group Day Care	6,600	60	25	10	25
Home Day Care facilities	5,000	50	25	5 (b)	25
Lodges	5,000	50	25	5 (b)	25
Mobile Home Parks and Mobile Home Subdivisions	See footnote (p) and Table 5.6.1				
Private non-profit clubs or halls	5,000	50	25	5(b)	25
Public Works Compounds and Maintenance Buildings **(See PART 2 Section 2.34 of this By-law)**	15,000	100	30	5 (b)	25
Religious Institutions, and related uses including non-residential schools incidental to a religious institution and offices and residences related to the administration of the religious institution	10,000	75	25	10	25
Residential care facilities for up to four (4) or fewer children or adults	7,500	65	25	10	25
Schools	5 acres	300	30	25	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (o)	-	-	(d)	5 (e)	5 (f)

NOTE:

[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "RS" Residential Serviced Zone form part of TABLE 5-6:

(a) **Maximum Height and Minimum Dwelling-Unit Area Requirements**
In addition to the minimum requirements of **Table 5.6**, the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet except for church steeples, chimneys, elevator and stair bulkheads and parapet walls above the roofline which may be higher subject to written approval by the Development Officer.

(ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet if accessory to a residence except for flagpoles and privately owned telecommunications towers used for personal non-commercial purposes which may be 36 feet high and eighteen (18) feet if accessory to a non-residential use.

(iii) The minimum required dwelling unit area shall be 600 square feet for a single-family dwelling and modular homes, 400 square feet per unit for two-family dwellings and 400 square feet for a secondary residential suite located within or attached to a single dwelling-unit or modular home.

(iv) The minimum required site area for the first four (4) dwelling units of a multi-family dwelling shall be 10,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above four (4) units.

(b) When located on a corner site, the minimum required side yard on the street side of the site shall be ten (10) feet for all principal and accessory buildings and structures.

(c) Where the proposed public utility development consists of a building or structure less than one-hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.

(d) The minimum required front yard for accessory buildings and structures shall be the same, as the minimum required front yard for the principal building on the same zoning site.

(e) In the case of buildings or structures which are accessory to residential uses (except for vehicle garages as described in footnote (f) below), when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet.

(f) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of fifteen (15) feet from a public road or lane used for access to this building.

(g) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

(h) Where a proposed development involves the construction of "water control works" or "drainage works" as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

(i) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

(j) For two-family dwellings subdivided with a separate title for each unit, the minimum site area for each dwelling unit shall be 3,300 sq. ft. and the minimum site width for each dwelling unit shall be 30 feet and the side yard on the side having a common party wall shall be reduced to zero (0) and the interior side site line must be completely contained within the common party wall.

(k) Where an area is developed or expanded for residential purposes (i.e. single family dwellings, modular or mobile homes, two-family and/or multi-family dwellings), no parcel shall be created or thereafter further re-subdivided for residential purposes unless each parcel intended for residential development conforms to the minimum site area and width requirements as set forth in **Table 5.6 of this PART.**

(l) The minimum front yard requirement for a zoning site, where there are existing buildings on the adjacent sites on both sides of the site, or on one side for a corner site, shall be modified from the front yard setback requirements of **Table 5.6** so as to be within ten (10) percent of the existing average front yards for the said adjacent buildings, provided said distance is less than the minimum bulk requirements of **Table 5.6**. The minimum front yard requirement noted herein may be used to determine the front yard requirement for a building that was destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation.

(m) All signs shall be setback a minimum of 5 feet from the limits of the parcel on which it they are located and to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of twelve (12) feet. **(See also PART 2, Section 2.25 of this By-law)**.

(n) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

(o) **Mobile Home Park And Mobile Home Subdivisions Bulk Regulations**

(i) A mobile home park shall have a minimum site width of two hundred and fifty (250) feet and shall not contain more than ten (10) mobile home spaces per gross acre.

(ii) For mobile home spaces which are in a mobile home park where mobile home spaces are developed on a parcel of land under one certificate of title in the Land Titles Office, the minimum mobile home space area shall be four thousand (4,000) square feet, and the minimum mobile home space width shall be forty (40) feet;

(iii) For mobile home zoning sites developed in a mobile home subdivision registered in the Land Titles Office with individual parcels being offered for sale or lease to mobile home owners, the minimum mobile home site area shall be five thousand (5,000) square feet, and the minimum mobile home site width shall be fifty (50) feet.

(iv) For both mobile home spaces in a mobile home park and mobile home sites located in a mobile home subdivision, the following yard requirements shall apply:

a) All yards shall be provided on the same mobile home space or mobile home site as the principal use; and

b) Accessory structures or buildings may be attached to the mobile home, in which case the accessory structure or building shall be considered as being part of the mobile home, and the yard requirements for the mobile home shall apply.

c) Yard requirements for mobile homes, in a mobile home park or mobile home subdivision, shall be provided in accordance with the **"Mobile Home Bulk Requirements Table 5.6.1"** set out below.

TABLE 5.6.1: "RS" RESIDENTIAL SERVICED ZONE - MOBILE HOME BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (c) (n)				
	Front Yard (feet)	**Rear Yard (feet)**		**Interior Side Yard (feet)**	**Corner Side Yard (feet)**
		With lane	**No lane**		
PERMITTED USES					
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	15	15	15	5	10
Mobile homes	15	15	15	5 (a)	10 (a)
All other permitted uses and conditional uses	15	15	15	5	10
ACCESSORY BUILDINGS, STRUCTURES AND USES					
Accessory uses, buildings and structures	15	5	2	4 (b)	10

The following footnotes for the Mobile Home Bulk Requirements Table 5.6.1 form part of TABLE 5-6.1:

a) i) On that side of a mobile home containing the main entrance and/or window to the living room, the minimum side yard shall be fifteen (15) feet.

ii) Subject to footnote a) i) above, where there is no lane to the rear of the mobile home site or space, one side yard shall be a minimum of ten (10) feet.

b) When located to the rear of the principal building and to the rear of the principal building of the adjacent site, in which case the side yard may be reduced to two (2) feet, clear of all projections.

c) Buffer Area
A buffer area at least twenty (20) feet in width shall be provided within and adjacent to the limits of a mobile home park.

d) Development Of The Buffer Area
(i) The buffer area provided in footnote c) above, shall be developed as an area suitably landscaped with trees, shrubs, grass and similar horticultural features as shown on the plans submitted pursuant to footnote (k) forming part of Table 5.6.1 herein;

(ii) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet in width, containing a driveway a minimum of twenty-five (25) feet in width, from a street to the internal roadway system; and

(iii) The buffer area shall contain no use other than permitted by clauses (i) and (ii) of footnote d) herein.

e) Location of Storage Compound
(i) A storage compound shall not be located within the buffer area provided in footnote c) above and the compound shall be located as shown on the plans submitted pursuant footnote (k) forming part of Table 5.6.1 herein.

f) Recreational Area
(i) A mobile home park shall contain a common recreational area or open space as follows:

a) The common recreational area or open space shall contain a minimum of five percent (5%) of the mobile home park area;

b) The common recreational area or open space shall not be part of the buffer area provided in footnote c) above; and

c) The common recreational area or open space shall be bordered by a fence or hedge where it abuts any part of the internal roadway system.

g) Mobile Home Park Internal Roadway System
(i) Internal roadways within a mobile home park shall be as follows:

a) The main collector road of the internal roadway system shall have a right-of-way a minimum fifty (50) feet in width; and

b) The entire internal roadway system shall be a minimum of twenty-five (25) feet in width.

h) Walkway

(i) A walkway, where provided, shall have a minimum width of ten (10) feet.

i) Off Street Parking

(i) Accessory off-street parking shall be provided and maintained in accordance with the following:

a) A minimum of one (1) parking space shall be provided for each mobile home space in a mobile home park. A minimum of one (1) parking space shall be provided for each mobile home site in a mobile home subdivision.

(ii) Minimum size of a parking space shall be nine (9) feet by twenty (20) feet; and

(iii) A parking space located on a mobile home space or site shall have a minimum side yard of two (2) feet except where it is adjacent to a parking space on the neighbouring mobile home space or site, in which case the side yard may be zero (0).

j) Required Services

(i) A mobile home space or site shall be provided with the following:

(ii) A sewer and water connection;

(iii) An electrical service outlet; and

(iv) An adequate base to support the mobile home. Each mobile home on a site or space shall be supported by a stand, capable of supporting the maximum anticipated load of a mobile home at all seasons without settlement or other movement. The type of stand on each space or site shall be by a means acceptable to Council and may require additional information or recommendations from the manufacturer of the mobile home.

k) Site Plan Requirements

(i) Plans submitted to Council for approval of a mobile home park shall be drawn to scale and fully dimensioned indicating landscaping, access roads, mobile home spaces, buffers, storage compounds, common recreational area, retention of surface run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-law.

l) By-law Compliance

(i) All mobile homes shall meet or exceed the minimum requirements of the Manitoba Buildings and Mobile Homes Act and satisfy the requirements of all municipal by-laws of Killarney-Turtle Mountain.

m) Home Based Businesses

(i) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in PART 6 of this By-law.

n) Proximity to Provincial Highway System

Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

TABLE 5-7: "RU" RESIDENTIAL UN-SERVICED ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (h)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. feet)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Boarding, rooming, and lodging houses for two (2) or less persons	15,000	75	25	15	25
Dwellings, single-family including modular homes	15,000	75	25	15	25
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	15,000	75	25	15	25
Playgrounds, tot lots and similar uses including buffer strips, public reserves and public walkways	15,000	75	25	15	25
Public Utilities (c)	15,000	75	25	15	25
Public Works	15,000	75	25	15	25
CONDITIONAL USES					
Community Centres or community clubs	15,000	75	25	15	25
Group Day Care Facilities	15,000	75	25	15	25
Home Day Care Facilities	15,000	75	25	15	25
Private non-profit clubs or halls	15,000	75	25	15	25
Religious Institutions	20,000	100	25	25	25
Residential care facilities	15,000	75	25	15	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (e) (g)	-	-	25	4 (d)	5 (d) (f)

NOTE:
[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "RS-U" Residential Single Dwelling Unit Un-Serviced Zoning District form part of TABLE 5-7:

(a) **Maximum Height and Dwelling Unit Area Requirements**
In addition to the minimum requirements of **Table 5.7**, the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet except for church steeples, chimneys, elevator and stair bulkheads and parapet walls above the roofline which may be higher subject to written approval by the Development Officer.

(ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet if accessory to a residence except for flagpoles and privately owned telecommunications towers used for personal non-commercial purposes which may be 36 feet high and eighteen (18) feet if accessory to a non-residential use.

(iii) The minimum required dwelling unit area shall be 800 square feet for a single-family dwelling and modular homes, 400 square feet for a secondary residential suite located within or attached to a single dwelling-unit or modular home.

(b) **Un-Serviced Sites**

Where a site is not serviced by a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(viii) Minimum required site area – 2 acres;

(ix) Minimum required site width – 200 feet;

(x) Minimum required side yard – 30 feet.

(c) Where the proposed public utility development consists of a building or structure less than one-hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.

(d) When located entirely to the rear of the principal building, the minimum required interior side yard for accessory buildings and structures shall be one (1) foot, clear of all projections except where there is a common party wall, in which the side yard may be reduced to zero when the side site line is completely within the common party wall.

(e) An accessory building or structure shall not exceed the height of the principal building or structure.

(f) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be two (2) feet.

(g) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

(h) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

TABLE 5-8: "CG" COMMERCIAL GENERAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (d) (f) (g) (h) (l)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (j)	Rear Yard (feet) (g)
PERMITTED USES					
Accommodation Facilities, including Hotels and Motels	12,000	100	0	0	20
Automobile, Bicycle, Boat, Mopeds, ATV's, Motorcycle and Snowmobile Sales, Storage and repair of new and/or used vehicles (e)	20,000	100	0	0	20
Building Materials, Tools and Equipment, Lumber and Wood Sales when totally enclosed within a completely enclosed building or within an area completely enclosed on all sides by a wall or fence not less than 6 feet in height.	20,000	100	45	10	20
Bus Terminals	1,800	15	0	0	20
Business Colleges, Trade or Vocational Schools	1,800	15	0	0	20
Clubs, Private or Public	12,000	100	45	10	20
Cultural Facilities, including auditoriums, churches community clubs and halls, libraries, museums, theatres and historic sites	12,000	100	0	0	20
Drive-Through Facilities or Businesses	5,000	50	25	10	20
Emergency Services including Police, Fire and Ambulance Stations (e)	12,000	100	45	10	20
Establishments for the provision of Personal Services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes, dental offices	5,000	50	25	10	20
Establishments for the retail sales of goods or services, provided that all storage is within a fully enclosed building	5,000	50	0	0	20
Existing Lawfully Established Uses That Existed Prior to Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	5,000	50	25	10	25
Food and/or Beverage Service Establishments, Including Cafes, Coffee Shops, Restaurants	1,800	15	0	0	20
Garden Supplies, Sales and Distribution, Seed Sales and Distribution	1,800	15	0	0	20
Gas Stations and related automobile service garages	20,000	100	45	10	20
Government, Administrative Buildings and Offices, including Post Offices	12,000	100	0	0	20
Miniature Golf Course, Driving Range, Rinks for Curling, Ice or Roller Skating, Indoor Cinemas, Billiards Parlours, Bowling Alleys and similar uses	12,000	100	45	10	20
Parks or Playgrounds, Picnic Areas	5,000	50	25	10	20
Public and Private Parking Areas	5,000	50	25	10	20
Public Utilities (c)	5,000	50	25	10	20
Public Works	15,000	100	25	15	25
Recreation Facilities	5,000	50	25	10	20
Storage Buildings and Warehouses for Non-Hazardous Materials	20,000	100	45	10	20

TABLE 5-8: "CG" COMMERCIAL GENERAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (b) (d) (f) (g) (h) (l)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (j)	Rear Yard (feet) (g)
Taxi or courier services (e)	5,000	50	25	10	20
Tire Sales and Installation	5,000	50	25	10	20
Vehicle Sales and Service (e)	15,000	100	25	15	25
Wholesale establishments, including sales, showrooms and related storage facilities	20,000	100	45	10	20
CONDITIONAL USES					
Auction Marts (excluding livestock auction marts)	20,000	100	45	10	20
Camping and Tenting Grounds	12,000	100	45	10	20
Contractors Establishments including Sales and Incidental Storage of Building Materials and Contractors Equipment	12,000	100	45	10	20
Day Care Facilities (Group or Home Day Care, Drop-in Baby-Sitting Services and Nurseries provided there is in the opinion of Council, a safe vehicular pick-up and drop-off area	5,000	50	25	10	20
Dry Cleaning Establishments	5,000	50	25	10	20
Establishments for the Sales, Storage and Distribution of Animal Feeds	12,000	100	45	10	20
Establishments for the Sale of Goods and Services, where there is exterior storage of products including lumber yards (e)	20,000	100	45	10	20
Greenhouses and Nurseries	12,000	100	45	10	20
Institutional Buildings, including hospitals, schools, court houses, personal care homes and senior citizen homes	12,000	100	45	10	20
Indoor Gun Clubs	5,000	50	25	10	20
Religious Institutions and related uses including non-residential schools incidental to a religious institution, offices and residence for the administration of the religious institution	12,000	100	45	10	20
Trucking Establishments, Truck Terminals, including Repair Shops, Rentals, Sales and Service (e)	20,000	100	45	10	20
Veterinary Clinics	5,000	50	25	10	20
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (k)	-	-	25 (i)	10 (i)	2

NOTE:

[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "CG" Commercial General Zoning District form part of TABLE 5-8:

(a) **Maximum Height and Dwelling Unit Area Requirements**
In addition to the minimum requirements of **Table 5.7**, the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (36) feet (three storeys) except for church steeples, chimneys, elevator and stair bulkheads, flag poles, spires or parapet walls above the roofline which may be higher subject to written approval by the Development Officer.

(ii) Maximum allowable height for all accessory buildings and structures shall not exceed the Principal Use on the zoning site to which it is accessory.

(iii) Each accessory apartment / suite shall have a minimum dwelling unit area of 400 sq/ft. (See **PART 3 of this By-law** for additional information).

(iv) An accessory caretaker / watchman's dwelling unit shall have a minimum dwelling unit area of 600 sq/ft. (See **PART 3 of this By-law** for additional information).

(b) **Un-Serviced Zoning Sites**
Where a site is not serviced by a municipal piped sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

(iv) Minimum required site area – 2 acres;

(v) Minimum required site width – 200 feet;

(vi) Minimum required side yard – 30 feet.

(c) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.

(d) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.

(e) No open storage shall be permitted in the front yard except for vehicle displays. Open storage may be permitted in a side or rear yard provided, where side or rear yards abut a public street or highway, the open storage is screened with a solid fence at least six (6) feet in height.

(f) The minimum front yard requirement for a zoning site, where there are existing buildings on the adjacent sites on both sides of the site, or on one side for a corner site, shall not vary more than ten (10) percent from the average existing front yards for the said adjacent buildings, provided said distance is less than the minimum bulk requirements. The minimum front yard requirements noted above may be used to determine the front yard requirement

for a building that was destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation.

(g) For groups of principal buildings located on one zoning site, the yards on the boundary of the site shall not be less than those required in the zone in which the site is located, nor shall the distance between buildings within the site be less than the sum of two of these required yards.

(h) Where a commercially zoned site is adjacent to a residentially zoned site or area, the side or rear yard of the commercially zoned site bordering the residential area shall be twenty (20) feet.

(i) The minimum side yard requirements for accessory buildings and structures shall be the same as the minimum side yard requirements for the principal building of the zoning site on which they are located. In the case of an automobile service station (gas station), the minimum front and side yard requirements for the fuel pumps shall be 20 feet each.

(j) Where there is a common party wall, the interior side yard shall be reduced to zero providing the entire interior side site line is contained within the common party wall.

(k) Home-based businesses shall be governed by the requirements for “Home-Based Businesses” as set out in **PART 6 of this By-law**.

(l) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

TABLE 5-9: "MG" INDUSTRIAL GENERAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (f) (j)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (d)	Side Yard (h)	Rear Yard (h)
PERMITTED USES					
Agricultural Machinery and Equipment Sales and Distribution with Minor Assembly, Parts, Service and Repair	12,000	100	20	15	20
Aircraft Sales and Service	20,000	100	20	15	20
Assembly, Storage, Sales and Distribution of Farm Buildings and Structures	12,000	100	20	15	20
Auction Marts, excluding livestock	12,000	100	20	15	20
Automotive, Motorcycle, Bicycle, Snowmobile, Marine, Aircraft, ATV Trailer and House Trailer and other Vehicle Parts, Sales, Storage, Repair, Service and rental of new and used vehicles	6,000	50	30	10	20
Automobile Service Stations (gas stations) and Garages	6,000	50	30	10	20
Cafes and Coffee Shops	6,000	60	30	10	20
Contractors' establishments, including sales and storage of building and landscaping material and equipment including electrical, insulation, drywall, eavestroughing, painting, decorating, roofing, stuccoing, HVAC, windows and like uses	12,000	100	20	15	20
Establishments for the sale and storage (indoor and or outdoor) and distribution of building materials including lumber yards (indoor and or outdoor)	12,000	100	20	15	20
Existing Uses Lawfully Established Prior to the Adoption of this By-law (See also PART 2, Sections 2.4 and 2.5 of this By-law)	6,000	50	20	10	20
Fertilizer (Solid) Sales, Distribution and Storage	12,000	100	20	15	20
Food or Beverage Service Establishments	6,000	100	45	10	25
Garden Supplies, Sales, Distribution, Storage (indoor and outdoor) and Manufacturing providing it is conducted within a completely enclosed building	6,000	50	20	10	20
Government administrative buildings and offices	6,000	50	25	10	25
Office Equipment and Furniture, Sales, Service and manufacturing providing it is conducted within a completely enclosed building	6,000	50	25	10	25
Public Utilities	5,000	50	25	10	20
Public Works Compounds and Maintenance Buildings (d)	6,000	50	25	10	20
Storage Facilities and Compounds (exterior) for Non-hazardous materials including lumber, building supplies, and contractors equipment (d)	6,000	50	25	10	20
Taxi or Courier Services	6,000	50	25	10	20
Tire Shops	6,000	50	25	10	20
Warehouse and Storage for Non-Hazardous, Non-Flammable and Non-Toxic Materials	12,000	100	20	15	20
Wholesale Establishments including Sales, Showrooms and Related Storage	12,000	100	20	15	20

TABLE 5-9: "MG" INDUSTRIAL GENERAL ZONE – USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (f) (j)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (d)	Side Yard (h)	Rear Yard (h)
CONDITIONAL USES					
Aircraft Manufacturing, Sales and Service	20,000	100	20	15	20
Agricultural Machinery and Equipment Manufacturing	12,000	100	20	15	20
Agricultural Feed Manufacturing and Processing, Sales, Distribution and Storage, including flour mills, grain elevators and terminals, Seed Cleaning and Drying Plants	20,000	100	20	15	20
Asphalt or Asphalt Products Manufacturing, Sales, Distribution and Storage	20,000	100	30	20	30
Auction Marts	12,000	100	25	15	20
Automotive, Motorcycle, Bicycle, Snowmobile, Marine, Aircraft, ATV Trailer and House Trailer and other Vehicle Manufacturing	12,000	100	25	15	20
Automobile Wrecking Yards and Scrap Yards	20,000	100	30	15	20
Bulk Fuel Sales, Including Card-Lock Facilities, Coal and Coke Sales Storage and Distribution	20,000	100	30	15	25
Concrete and Cement Batch Plants	20,000	100	30	20	30
Establishments for Bulk Processing, Distillation, Pulp or Fiber Reduction of Lumber and Wood Products	20,000	100	30	20	30
Fertilizer (Liquid) Manufacturing, Sales, Distribution and Storage and Fertilizer (Solid) Manufacturing	20,000	100	30	20	30
Kennels, including Pounds and Shelters, Boarding, Care and Training Facilities	6,000	50	20	10	20
Light manufacturing not otherwise identified in this Table producing negligible noise, dust, odour, emission or any other nuisance factor	6,000	50	20	10	20
Livestock Processing including Abattoirs, Meat Processing and Packaging, Milk Processing and Packaging of Dairy Products, and stockyards for the holding, sales and shipping of livestock	20,000	100	30	20	30
Manufacturing of Chemicals	20,000	100	30	20	30
Manufacturing of Farm Buildings and Structures	20,000	100	30	20	30
Poultry Hatcheries	20,000	100	30	20	30
Sand Blasting Operations (Indoor)	12,000	100	25	15	20
Sand Blasting Operations (Outdoor)	20,000	100	30	20	30
Sand and Gravel Sales and Stockpiling and related Aggregate Hauling When located on the same site	20,000	100	30	15	25
Trucking Establishments, Rail Yards, and Related Uses	20,000	200	30	15	30
Veterinary Clinics	6,000	50	20	10	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law (i)	-	-	(f)	10	2

NOTE:
1 Provisions of PART 2: General Regulations Governing Land Uses, Buildings and Structures, PART 3: General Regulations for all Zones and PART 6: Rules for Specific Uses of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 3 or PART 6 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "MG" Industrial General Zoning District form part of TABLE 5-9:

(a) **Maximum Height and Dwelling Unit Area Requirements**

i) In addition to the minimum requirements of **TABLE 5-9**, the maximum allowable height for all principal buildings and structures shall be forty five (45) feet, and accessory buildings and structures shall not exceed the height of the principal building or structure, with the exception of grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers which are accessory to a permitted or conditionally approved use.

ii) The maximum height of accessory buildings and structures shall not exceed the height of the principal building or structure.

iii) Accessory dwelling units are only permitted when they are located within or are accessory to an industrial building where there is industrial activity conducted in the front portion of the ground floor. Accessory dwelling unit(s) within or accessory to an industrial building shall be located in the rear portion of the ground floor and/or or on the 2nd or 3rd floor(s) or in the case of a detached accessory dwelling unit, located to the rear of the principal building on the zoning site to which it is accessory. In all cases, said accessory dwelling units are intended for occupancy by the owner of the industrial business located on the same zoning site, the operator of the industrial enterprise, a watchman or caretaker and his/her family.

iv) The minimum dwelling unit area for an accessory dwelling unit located within or accessory to an industrial building shall be 400 sq/ft.

(b) All manufacturing activities shall be conducted entirely within an enclosed building unless otherwise noted in **Table 5-9 of this PART.**

(c) Where **Table 5-9 of this PART**, indicates outdoor storage of goods and materials is supported, said outdoor storage of goods and materials shall conform to the following requirements:

(i) All outdoor storage of goods and materials shall be located to the rear of a line adjacent to and parallel with the front wall of the principal building on the zoning site on which the materials will be stored;

(ii) the storage area shall be totally enclosed by a wall or fence with a minimum height of six (6) feet, maintained in good condition and repair; and

(iii) the goods and materials stored shall not project above the height of the enclosing wall or fence.

(d) Notwithstanding the requirements of **Table 5-9 of this PART**, The minimum front yard requirement for a zoning site, where there are existing buildings on the adjacent sites on both sides of the site, or on one side for a corner site, shall not vary more than ten (10) percent from the average existing front yards for the said adjacent buildings, provided said distance is less than the minimum bulk requirements. The minimum front yard requirements noted herein may be used to determine the front yard requirement for a building that was

destroyed and is being rebuilt, or where an existing building is to have an addition made to it, or where a new building is to be constructed in an infilling situation.

(e) For a group of principal buildings located on one zoning site, the yards on the boundary of the site shall not be less than those required in the zone in which the site is located, nor shall the distance between buildings within the site be less than the sum of two of these required yards.

(f) The minimum required front yard for an accessory use, building or structure shall be the same as is required for the principal use on that zoning site.

(g) Front yards shall include landscaped green space adjacent to the street right-of-way, at least ten (10) feet in depth as measured from the front property line;

(h) Where adjacent to a residential zone, a side and/or rear yard of twenty (20) feet shall be provided.

(i) Home-based businesses shall be governed by the requirements for “Home-Based Businesses” as set out in **PART 6 of this By-law**.

(j) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

TABLE 5-10: "O" OPEN SPACE ZONE - USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (f)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Athletic Camps	5	300	25	15	25
Campgrounds	5	300	25	15	25
Community Centres or Community Clubs	5	300	25	15	25
Cultural Facilities, including Auditoriums, Community Halls, Libraries, Museums, Theatres, Cinemas and Historic Sites	5	300	25	15	25
Driving Ranges	5	300	25	15	25
Existing Uses Lawfully Established Prior to the Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	5	300	25	15	25
Fair and Exhibition Grounds	5	300	25	15	25
Golf Courses and Related Activities and Features	30	575	25	15	25
Golf courses, miniature	2	200	25	15	25
Government administrative buildings and offices	5	300	25	15	25
Horticultural Gardens	2	200	25	15	25
Parks or Playgrounds, Athletic Fields, Picnic Areas, Tot Lots and Similar Uses including Buffer Strips, Public Reserves and Public Walkways (d)	2	200	15	10	20
Public Utilities (b)	5,000 sq/ft	50	25	10	20
Recreation Fields, Grandstands, Arenas, and Similar Uses including Curling and Roller Rinks, Indoor and Outdoor Ice Skating/Hockey	5	300	25	15	25
Religious institutions including Non-Residential Schools, Halls, Offices and a residence for the administrator of the religious institution, Cemeteries and/or Mausoleums	5	300	25	15	25
Schools, Public or Private	5	300	25	15	25
School Bus Garages	5	300	25	15	25
Swimming Pools and/ or Wading Pools Operated by the Municipality					
Tennis Courts and Trampoline Centres					
Water Treatment Plants	5	300	25	15	25
CONDITIONAL USES					
Crematoriums	5	300	25	15	25
Dwelling, mobile home (e)	2	200	25	15	25
Dwelling, single family or modular home (e)	2	200	25	15	25
Hospitals and personal care facilities	5	300	25	15	25
Indoor Gun Clubs and Ranges	5	300	125	25	25
Kennels, including Pounds and Shelters, Boarding, Care and Training Facilities	5	300	25	15	25
Mineral Extraction Operations including crushing, screening, processing, washing, stockpiling and Sales	5	300	125	25	25

TABLE 5-10: "O" OPEN SPACE ZONE - USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (f)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Public Works Compounds and Maintenance Buildings	5	300	25	15	25
Reservoirs	5	300	25	15	25
Riding Academies and Stables (private or public)	5	300	25	15	25
Sewage treatment plants and lagoons	5	300	25	15	25
Zoological Gardens	5	300	25	15	25
ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law	-	-	(c)	(c)	2

NOTE:
[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "O" Open Space Zoning District form part of TABLE 5-10:

(a) **Maximum Height and Minimum Dwelling Unit Area Requirements**
In addition to the minimum requirements of **Table 5.10** (above), the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.

(ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet, if accessory to a residence except for flagpoles and privately owned telecommunications towers used for personal non-commercial purposes which may be 36 feet high, and eighteen (18) feet if accessory to a non-residential use.

(iii) Minimum dwelling unit area shall be 800 square feet for a single-family dwelling, mobile or modular home and 400 square feet for a secondary residential suite located within or attached to a single-family dwelling or modular home.

(b) Where the proposed development consists of a building or structure less than one-hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.

(c) The minimum required front yard and side yards for accessory buildings and structures shall be the same as the minimum required front and side yards for the principal building on the same zoning site unless otherwise provided for in this **PART**.

(d) The minimum requirements in of **Table 5-10 of this PART** do not apply to land used as buffers separating different types of land uses or land used for agricultural purposes, but do apply to buildings and structures.

(e) Home-based businesses shall be governed by the requirements for “Home-Based Businesses” as set out in **PART 6 of this By-law**.

(f) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

TABLE 5-11: "AUR" AGRICULTURAL URBAN RESERVE ZONE - USE & BULK REQUIREMENTS

	MINIMUM REQUIREMENTS (a) (f)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (b)	Rear Yard (feet)
PERMITTED USES					
Agricultural Activities, General including field and forage crops and other low intensity agricultural activities (excluding livestock operations)	5	300	25	15	25
Existing Uses Lawfully Established Prior to the Adoption of this By-law **(See also PART 2, Sections 2.4 and 2.5 of this By-law)**	5	300	25	15	25
Golf Courses and Related Activities and Features	30	575	125	15	25
Horticultural Gardens	2	200	25	15	25
Indoor Gun Clubs and Ranges	5	300	125	25	25
Market Gardening Operations, including Flower and Tree Farming	5	300	25	15	25
Nurseries and Greenhouse Operations	5	300	25	15	25
Parks or Playgrounds, Athletic Fields, Picnic Areas, Tot Lots and Similar Uses including Buffer Strips, Public Reserves and Public Walkways	2	200	15	10	20
Public Utilities (b)	5,000 sq/ft	50	25	10	20
Veterinary Clinics and Animal Hospitals	5	300	25	15	25
CONDITIONAL USES					
Athletic camps	5	300	25	15	25
Crematoriums, Cemeteries, Mausoleums	5	300	25	15	25
Dwelling, Mobile home (e)	2	200	25	15	25
Dwelling, Single family or modular home (e)	2	200	25	15	25
Fair and Exhibition Grounds	5	300	25	15	25
Grandstands, Race-Tracks, Arenas and Similar Uses	5	300	25	15	25
Kennels, including Pounds and Shelters, Boarding, Care and Training Facilities	5	300	25	15	25
Landscape Contractors including the Storage and Sales of Topsoil and Sod	5	300	25	15	25
Mineral Extraction Operations including crushing, screening, processing, washing, stockpiling and Sales	5	300	125	25	25
Public Works Compounds and Maintenance Buildings	5	300	25	15	25
Reservoirs	5	300	25	15	25
Riding Academies and Stables (private or public)	5	300	25	15	25
Sewage treatment plants and lagoons	5	300	25	15	25
Zoological Gardens	5	300	25	15	25

ACCESSORY BUILDINGS, STRUCTURES AND USES					
See PART 2, Section(s) 2.11 to 2.29 of this By-law	-	-	25	10	5

NOTE:
[1] Provisions of **PART 2: General Regulations Governing Land Uses, Buildings and Structures**, **PART 3: General Regulations for all Zones** and **PART 6: Rules for Specific Uses** of this by-law shall also apply in this zone. In the event of a conflict between the provisions of **PART 3** or **PART 6** and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.

The following footnotes for the "AUR" Agricultural Urban Reserve Zoning District form part of TABLE 5-11:

(a) **Maximum Height and Minimum Dwelling Unit Area Requirements**
In addition to the minimum requirements of **Table 5.11** (above), the following requirements shall also apply:

(i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.

(ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet, if accessory to a residence except for flagpoles and privately owned telecommunications towers used for personal non-commercial purposes which may be 36 feet high, and eighteen (18) feet if accessory to a non-residential use.

(iii) Minimum dwelling unit area shall be 800 square feet for a single-family dwelling, mobile or modular home and 400 square feet for a secondary residential suite located within or attached to a single-family dwelling or modular home.

(b) Where the proposed development consists of a building or structure less than one-hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.

(c) The minimum required front yard and side yards for accessory buildings and structures shall be the same as the minimum required front and side yards for the principal building on the same zoning site unless otherwise provided for in this **PART**.

(d) The minimum requirements in of **Table 5-11 of this PART** do not apply to land used as buffers separating different types of land uses or land used for agricultural purposes, but do apply to buildings and structures.

(e) Home-based businesses shall be governed by the requirements for "Home-Based Businesses" as set out in **PART 6 of this By-law**.

(f) Under authority of The Highways Protection Act and the Highways and Transportation Act where any structure or development is proposed under, below or at ground level within the control areas of the provincial highway system, permits must be obtained from the provincial authorities having jurisdiction.

PART 6: RULES FOR SPECIFIC USES

Home Based Business Activities

6.1 Within Killarney-Turtle Mountain Municipality, a "home industry" and "home occupation" are two distinct types of home based business activities which are recognized as legitimate accessory uses. Each of these two distinct types of home based business activities shall be governed by the following rules:

Home Industry

a) May be allowed as a **conditionally approved accessory use** in the **"GD" – General Development, "RR" – Rural Residential, "RU" Residential Un-Serviced, "O" Open Space and "AUR" Agricultural Urban Reserve Zone(s) as well as in all agricultural zone(s)** and shall be subject to the following additional rules:

i) A home industry shall be principally conducted by the members of the family residing in the dwelling located on the same site as the proposed home industry and any other persons employed or otherwise engaged in the home industry who do not reside in said dwelling may not exceed:

a) Two (2) employees in the in the "GD" – General Development, "RR" – Rural Residential, "RU" Residential Un-Serviced, "O" Open Space and "AUR" Agricultural Urban Reserve Zone(s);

b) Five employees in an agricultural zone;

ii) A home industry shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance.

iii) A home industry shall not unduly interfere with the general enjoyment of adjacent property.

i) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home industry is carried out shall be allowed and shall have a maximum sign surface area as follows:
ii) In all agricultural zones – 32 square feet
iii) In all other zones where a home based industry is allowed as conditionally approved accessory use – 16 square feet.

iv) Where a home industry is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be responsible for obtaining a required change in access use permit (i.e. joint use permit) from the Highway Traffic Board.

v) It shall be the responsibility of the proponent proposing to establish or expand a home industry to investigate the need to obtain a development permit and/or building permit from the Development Officer prior to the commencement of the development.

vi) A home industry shall be prohibited in the "SR" Seasonal Recreation zones, "CG" Commercial General Zones and "MG" Industrial General Zones;

Home Occupation

b) Shall be allowed as a **permitted accessory use** in the **"SR" – Seasonal Recreation, "GD" – General Development, "RR" – Rural Residential, "RS" - Residential Serviced, "RU" - Residential Un-Serviced, "O" - Open Space and "AUR" - Agricultural Urban Reserve Zone(s) as well as in all agricultural zone(s)** and will be subject to the following additional rules:

i) A home occupation shall be principally conducted by the members of the family residing in dwelling located on the same site as the proposed home occupation and any other persons employed or otherwise engaged in the home occupation who do not reside in said dwelling may not exceed:

a) Two (2) employees in the "GD" – General Development, "RR" – Rural Residential, "RS" Residential Serviced, "RU" Residential Un-Serviced, "O" Open Space and "AUR" Agricultural Urban Reserve Zone(s)

b) five employees in all agricultural zone(s);

ii) A home occupation shall not by reason of emission of odor, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried wastes become offensive or obnoxious or create a nuisance at or beyond any site line;

iii) There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as otherwise provided for herein;

iv) A home occupation shall not cause the generation of undue traffic and congestion in the neighborhood;

v) A home occupation shall be carried on entirely within the dwelling unit or within an accessory building located on the same site as the principal building to which it is accessory;

vi) Not more than six hundred (600) square feet of floor area shall be devoted to a home occupation in any dwelling unit or its accessory buildings located on the same site as the principal building thereto, or thirty percent (30%) of the total floor area of the dwelling, whichever is the lesser;

(a) Notwithstanding the maximum floor area limitations outlined in clause (vii) above, in the case of a home occupation involving the establishment or expansion of a bed and breakfast or boarding or lodging use, a maximum of four (4) suites per site shall be allowed;

i) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home occupation is carried out shall be allowed and shall have a maximum sign surface area as follows:
ii) In all agricultural zones – 32 square feet
iii) In all other zones where home based occupations are allowed as permitted accessory uses – 16 square feet.

vii) Where a home occupation is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be responsible for obtaining a required change in access use permit (i.e. joint use permit) from the Highway Traffic Board.

viii) It shall be the responsibility of the proponent proposing to establish or expand a home occupation to investigate the need to obtain a Development Permit and/or Building Permit from the Development Officer prior to the commencement of the development.

ix) A home occupation shall be prohibited in all **"CG" - Commercial General Zones and "MG" Industrial General Zones**;

Livestock Operations – General Provisions

6.2 The keeping of livestock is allowed in areas of the Municipality zoned **"AG" Agricultural General** and **"AL" Agricultural Limited** and, depending on a livestock operation's size, location, and situation, will be considered as either a permitted use or as a conditional use under this By-law.

a) All existing lawfully established livestock operations existing on the date of adoption of this By-law that have a capacity of up to 230 (AU) animal units (cumulative across species) that are located in the **"AG" – Agricultural General Zone** and/or **"AL" Agricultural Limited Zone** shall be treated as permitted uses.

b) All existing lawfully established livestock operations existing on the date of adoption of this By-law that have a capacity of 231 (AU) animal units or more (cumulative across species) that are located in the **"AG" – Agricultural General Zone** are deemed to be an approved conditional use, and may be replaced if they are removed or destroyed, subject to the issuance of a Development Permit. Where such existing operations are proposed to be enlarged or expanded however, the enlargement or expansion shall be subject to satisfying all of the requirements of this By-law and the requirements pertaining to a conditional use as set forth in the *Planning Act*. If a conditional use permit and any required variations are approved by Council for a newly siting or expanding livestock operation, the proponent will be required to obtain a Development

Permit from the Development Officer/Building Official of the Municipality prior to the commencement of construction.

c) All existing livestock operations in the **"AG" Agriculture General Zone and "AL" Agriculture Limited Zone**, single residences (not associated with a livestock operation) and designated areas that do not meet the 1) **Table 6-1: Minimum Setback Distances From Property Lines** requirements and/or 2**) Table 6-3: Minimum Separation Distances For Siting Livestock Operations** as set forth in **PART 6** herein, shall be deemed to possess a variation order for their current mutual separation distances as they existed on the date of adoption of this By-law.

d) In the **"AG" - Agricultural General Zone** and **"AL" - Agriculture Restricted Zone**, a conditional use order or variation of a requirement for siting and development of a livestock operation or for a farm or non-farm dwelling site or a designated area, approved under the previous zoning by-law will continue to be in full force and effect.

e) In the **"AG" - Agriculture General Zone** and **"AL" - Agricultural Limited Zone,** where two or more existing or proposed livestock operations involving the production of the same species of livestock are either:

   i) located within ½ mile (800m) of one another and are owned by the same individual, corporation, partnership or other entity, or

   ii) located within ½ mile (800m) of one another and share a common manure storage facility (regardless of ownership)

   they are deemed to be a single livestock operation, and the total number of existing or proposed animal units in each operation shall be added together for the purposes of interpreting the requirements of this by-law.

f) Municipal approval of all newly siting or expanding livestock operations 300 animal units or more in size (cumulative across species) shall be subject to a technical review of the proposal by a Provincial Technical Review Committee. The Committee's report must be completed and be provided to the Municipality a minimum of 30 days prior to Council scheduling, providing notice in accordance with the requirements of the *Planning Act* and holding the required Conditional Use Public Hearing on a proposed newly siting or expanding livestock operation that requires conditional approval.

g) The *Planning Act* further requires that no development or expansion of newly siting or expanding livestock operations shall take place until all required local and provincial approvals, permits, and licenses have been obtained for all livestock operations 300 (AU) or more animal units (cumulative across species) in size.

h) The *Planning Act* further stipulates that Council approval of all livestock operations requiring conditional approval shall NOT impose conditions respecting the storage, application, transport, or use of manure from a livestock operation. Council may however include conditions of approval including the following:

   i) conditions to ensure conformity with the applicable provisions of the Killarney-Turtle Mountain Development Plan By-law, this zoning by-law and any secondary plan in effect;

ii) conditions that implement recommendations of the Provincial Technical Review Committee; and

iii) Conditions intended to reduce odours from the livestock operation (i.e. manure storage facility covers and/or shelterbelts).

i) Additionally, all livestock operations as defined in the *Planning Act* regardless of their size must also be in compliance with all applicable provincial regulations. Manure storage facilities and spreading of manure are subject to provincial regulations including the requirement for all pig-based livestock operations (regardless of their size) and all other livestock operations greater than 300AU animal units (cumulative across species) to file an annual manure management plan. Livestock operations using large volumes of water (i.e., 25,000 litres or more per day) also require approval under provincial regulations.

j) No newly siting or expanding livestock operation or part thereof shall be established or expanded within a distance of 328 feet of the ordinary high water mark of any surface watercourse, sinkhole, spring or well.

k) The facilities of all newly siting or expanding livestock operations (i.e., manure storage facilities, and animal housing facilities shall be setback from the property lines of the livestock operation in accordance with the requirements of **Table 6-1 of this PART** (below).

TABLE 6-1: MINIMUM SETBACK DISTANCES FROM PROPERTY LINES

Type of Livestock Facility	**Minimum Setback Distance from any Property Boundary (Feet)**
Manure Storage Facilities	328
Animal Housing Facilities	164
NOTE: Where a parcel of land containing a livestock operation is being subdivided, all newly created parcels shall be of such a size and configuration so as to maintain a minimum 100 meter (328 feet) separation between any existing or proposed livestock confinement areas and manure storage facilities and all newly created property lines.	

l) For newly siting or expanding livestock operations located in the **"AG" - Agriculture General Zone** and **"AL" - Agriculture Limited Zone** requirements for measuring the **Minimum Separation Distances For Siting Livestock Operations** as provided for in **Table 6-3: and Table 6.4 respectively of PART 6** herein, shall be measured from the closest point of the facilities of a livestock operation to the adjacent single residence and/or designated area, as circumstances so require.

m) For the purposes of determining the size of a given livestock operation, the system of "animal units" as adopted by regulation by the Province of Manitoba shall be used. The conversion factors for animal units (AU's) are provided for general reference in **TABLE 6-2: Animal Unit Conversion Factors** of this PART (below), and may be altered from time to time by provincial authorities, without requiring an amendment to this By-law.

n) In the **"AG" - Agriculture General Zone** and **"AL" - Agriculture Limited Zone,** all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a sustainable manner on an annual basis in accordance with provincial regulations.

o) In the **"AG" - Agriculture General Zone** and **"AL" - Agriculture Limited Zone,** all newly siting or expanding livestock operations should not be located on soils determined by detailed soil survey acceptable to the Province, with a scale of 1:50,000 or better, to have an agricultural capability of Class 6 or 7, or unimproved organic soils as described under the Canada Land Inventory. If detailed soil survey information is not available for the area where a newly siting or expanding livestock operation is being proposed, the applicant may be required to provide the Provincial Technical Review Committee a detailed soils survey for the site at a scale of 1:50,000 or better. Where a proponent is required to provide this detained soils information, it may be possible to demonstrate that the soils are not Class 6, 7 or unimproved organic soils and may be able to support a livestock operation.

p) Within all communities including Killarney, Ninga, Holmfield, Wakopa, Bannerman, Lena Enterprise and Smith Hill, newly siting or expanding livestock operations are <u>prohibited.</u>

TABLE 6-2: ANIMAL UNIT CONVERSION FACTORS

Animal	Type	A.U. Produced by One Livestock	Livestock Producing One A.U.
Dairy	Milking Cows, including associated livestock	2.000	0.5
Beef	Beef Cows, including associated livestock Backgrounder Summer pasture/replacement heifers Feeder cattle	1.250 0.500 0.625 0.769	0.8 2 1.6 1.3
Hogs	Sows, farrow to finish Sows, farrow to weanling Sows, farrow to nursery Weanlings Growers/finishers Boars (artificial insemination operations)	1.250 0.250 0.313 0.033 0.143 0.200	0.8 4.0 3.2 30 7 5
Chickens	Broilers Roasters Layers Pullets Broiler Breeder Pullets Broiler Breeder Hens	0.0050 0.0100 0.0083 0.0033 0.0033 0.0100	200 100 120 300 300 100
Turkeys	Broilers Heavy Toms Heavy Hens	0.010 0.020 0.010	100 50 100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock Feeder Lambs	0.200 0.063	5 16
The calculation of animal units for a species of livestock not mentioned in this Table is to be determined by officials at Manitoba Department of Agriculture, Food and Rural Initiatives.			

Note: To calculate the number of animal units (AU) of a particular species, multiply the AU produced by one livestock by the number of animals. For example, for 200 animal beef cows including associated livestock equals 1.25 x 200 = 250 AUs.

Livestock Operation Development in the "AG" Agricultural General Zone

6.3 The keeping of livestock within areas of the Municipality zoned **"AG" Agriculture General** are subject to the following additional requirements:

a) any existing livestock operation shall be allowed to expand as a permitted use up to 230 (AU) animal units in size (cumulative across species) subject to the issuance of a Development Permit providing the livestock operation is developed in conformance with the requirements of the *Planning Act* and all of the other provisions of this By-law;

b) any newly siting or expanding livestock operation 231 (AU) animal units or greater in size (cumulative across species) will be considered as a conditional use and may be approved as such pursuant to the requirements of The Planning Act and **PART 7** of this By-law, including the requirement for a Technical Review Committee Report and a required Public Hearing held by Council;

TABLE 6-3: MINIMUM SEPERATION DISTANCES FOR SITING LIVESTOCK OPERATIONS IN THE "AG" AGRICULTURAL GENERAL ZONE

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

(*) A **"Single Residence"** does not include the residence of the owner and/or operator when the dwelling(s) are located on the same parcel as the livestock operation.

(**) A **"Designated Area"** means the following:

i) Newly siting or expanding livestock operations in close proximity to the urban communities of Killarney, Ninga and Holmfield are subject to the "designated area" mutual separation distances in Table 6.3 of this PART

ii) Newly siting or expanding livestock operations in close proximity to areas in the Municipality adjacent to Killarney and Pelican Lakes that are designated "Seasonal Recreation Area are subject to the "designated area" mutual separation distances in Table 6.3 of this PART.

Livestock Operation Development in the "AL" Agricultural Limited Zone

6.4 The keeping of livestock within areas of the Municipality zoned **"AL" Agriculture Limited** are subject to the following additional requirements:

a) Areas of the municipality zoned **"AL" Agricultural Limited** have been developed in accordance the Killarney-Turtle Mountain Development Plan in particular, PART 3, Policies 3.3.3.6 through to and including PART 3, Policy 3.3.3.9.of that document and utilize the minimum mutual separation distances established in the Provincial Planning Regulation as follows:

i) For areas of the municipality zoned **"AL" Agricultural Limited (**i.e., approximately three (3) miles around the community of **Killarney** and approximately one (1) mile around the LUD's of **Ninga** and **Holmfield** and the **"SR" Seasonal Recreation Areas adjacent to Killarney and Pelican Lakes)** the mutual separation distances applicable to **"DESIGNATED AREAS"** shall apply as set forth in **Table 6.4 of this PART**.

ii) For areas of the municipality zoned **"AL" Agricultural Limited** adjacent to the **"GD" General Development Zones** comprising the historic communities of **Bannerman, Lena, Smith Hill and Wakopa, all "RR" - Rural Residential Zones** and **single residences not associated with a livestock operation**, the mutual separation distances applicable to **"SINGLE RESIDENCES"** shall apply as set forth in **Table 6.4 of this PART**.

b) Livestock operation development in all areas zoned **"AL" Agricultural Limited** shall be subject to the following additional limitations:

i) existing livestock operations will be allowed to expand up to a maximum size of 230 (AU) animal units (cumulative across species) as a permitted use;

ii) new livestock operations may be allowed but restricted to a maximum size of 230 (AU) animal units or less (cumulative across species) subject to conditional use approval by Council in accordance with the requirements of **PART 7** of this by-law in accordance with the requirements of the *Planning Act*;

iii) all new and/or or expanding livestock operations greater than 230 (AU) animal units are prohibited.

TABLE6-4: MINIMUM SEPERATION DISTANCES FOR SITING LIVESTOCK OPERATIONS IN THE "AL" AGRICULTURAL LIMITED ZONE

Size of Livestock Operation in Animal Units (AU)	**Separation Distance in Meters (Feet) From a "Single Residence" (*)**				**Separation Distance in Meters (Feet) From a "Designated Area" (**)**			
	To Earthen Manure Storage Facility		To Animal Housing Facility and Non-earthen Manure Storage Facility		To Earthen Manure Storage Facility		To Animal Housing Facility and Non-earthen Manure Storage Facility	
10-100	200	(656)	100	(328)	800	(2,625)	530	(1,739)
101-200	300	(984)	150	(492)	1200	(3,937)	800	(2,625)
201-230	400	(1,312)	200	(656)	1600	(5,249)	1070	(3,511)
NOTE: In the "AL" Zone, newly siting or expanding livestock operations greater than 230 (AU) animal units (cumulative across species) are **PROHIBITED.**								

(*) A **"Single Residence"** does not include the residence of the owner and/or operator when the dwelling(s) are located on the same parcel as the livestock operation.

(**) A **"Designated Area"** means the following:

i) Newly siting or expanding livestock operations in close proximity to the urban communities of Killarney, Ninga and Holmfield are subject to the "designated area" mutual separation distances in Table 6.4 of this PART

ii) Newly siting or expanding livestock operations in close proximity to areas in the Municipality adjacent to Killarney and Pelican Lakes that are designated "Seasonal Recreation Area are subject to the "designated area" mutual separation distances in Table 6.4 of this PART.

Hazardous Materials Storage

6.5 Unless the specified distances below are varied by Council, no bulk farm chemical supply warehouse, inland grain terminal, bulk fuel or fertilizer storage, or anhydrous ammonia storage facility shall be located within:

(a) 2,640 feet of a building used for human habitation;

(b) 3,960 feet of a community with residential, commercial, or general development zones, including existing hospitals, schools, and homes for the aged;

(c) 330 feet of a municipal road or provincial highway, water wells, surface water bodies and source water protected areas.

(d) Or utilize sites which are subject to flooding or contain sensitive lands with high water tables or steep natural slopes.

Mobile Homes

6.6 In those zoning districts in Killarney-Turtle Mountain Municipality where they may be developed, mobile home units must conform to CAN/CSA-Z240 MH Series and have CSA registration numbers to be eligible for a Building Permit in accordance with the local Building By-law and Manitoba Building Code. Park model units must similarly conform to the applicable CSA standards to be eligible for a Building Permit.

(a) Should the mobile home or park model unit not have a registration number or demonstratable CSA Approval, there are requirements and costs for having the Office of the Fire Commissioner undertake an inspection of the unit and issue an approval form prior to the proponent applying for a Development Permit under this By-law and a Building Permit under the Building By-law. Further information about the requirements for determining unit conformity to noted CSA standards of construction are available from the Building Inspector.

(b) Mobile home or park model units located geographically outside the boundaries of the Municipality, but proposed to be relocated to a site within the Municipality, will need to be inspected by a qualified third party who shall, after undertaking a thorough inspection of the unit, prepare and submit a report to the Building Inspector on behalf of, and cost to, the proponent. That report will confirm or question conformity to applicable CSA standards and identify any safety hazards that require repair prior to occupancy. With a positive report on file, the Killarney and Area Development Officer will then be in a position to consider a Development Permit application under the Zoning By-law and the Building Inspector will be able to consider issuing a Building Permit in accordance with the local building By-law and provincial Building Code.

(c) Those responsible for mobile home or park model units being transported into the Municipality without the required local approvals, particularly those units which do not conform to CSA construction standards or lack required provincial permits and/or inspections, shall be issued a Contravention Order by the Building Inspector (in

accordance with Part 7 of this By-law) which will require removal of the offending unit from the Municipality at their cost.

Mobile Home and RV Parks

6.7 "Parks" for mobile homes and recreational vehicles such as "park models" (see **PART 9** of this By-law for definitions) may be located on sites zoned **"RS"** and **"RU"** provided those sites have been prepared for the long term parking of such homes and vehicles.

(a) Council has adopted Zoning requirements which govern the design, construction, and use of these types of "parks" and these standards are in addition to the requirements of local Building By-laws and the Manitoba Building Code.

(b) These "parks" will also be subject to Zoning requirements including:

i) building pads of adequate size which are surfaced with gravel, asphalt, or similar materials suitable for longer term use with the building or vehicle, and adequate space for the parking of private vehicle(s) as well as the addition of decks and small storage buildings,

ii) internal private roadway for access to the site from the public road system which is at least 30 feet in width, designed with surface water drainage, and contains a travel surface suitable for all season use,

iii) note that provincial subdivision regulations contain general requirements for all types of roads, including internal private roads, and the individual municipality may have adopted specific road construction standards,

iv) site services may include individual or common electrical power supply which meets Manitoba Hydro standards, individual or common water supply and/or sewage disposal system which meets Manitoba regulations, telephone and TV services, common washroom and laundry facilities, common storage areas for recreational vehicles like boats and quads, as well as an on-site office and storage buildings for the property manager,

v) mobile home and park model units shall be located on the "park" so as to adhere to the following minimum setbacks:

1. 20 feet from property boundaries
2. 20 feet between the main walls of adjacent units
3. 25 feet from any internal or public road.

(c) The establishment of "parks" for mobile homes and recreational vehicles will need conditional use approval by Council, while individual homes and vehicles to be located within the "park" will need approval by Development Permit which can be issued by the Development Officer. Such approvals will require a detailed site plan which includes the location of the site boundaries, building pads, accessory

buildings, internal roads, vehicle parking, and systems supplying electrical power, water supply, and sewage disposal.

PART 7: ADMINISTRATION

Administration and Enforcement Responsibilities

7.1 Killarney-Turtle Mountain Municipal Council shall be responsible for the administration and enforcement of this By-law. Council may direct the Development Officer / Building Official and/or municipal solicitor to proceed with enforcement pursuant to **Part 12** of the Planning Act. Costs associated with the administration and enforcement of this by-law shall be borne by the Municipality. Accordingly, the Development Officer / Building Official will seek the approval of Council prior to proceeding with an enforcement procedure which may require extra costs for the use of the municipal solicitor and the Manitoba court system to remedy a contravention of this Zoning By-law.

Development Permits

7.2 A development permit is required for most types of development including the following:

(a) The erection, construction, enlargement, structural alteration or placing of a building or structure;

(b) The establishment of a use of land or a building or structure;

(c) The change of a use of land or a building or structure from the existing use to a permitted or conditional use;

(d) The alteration or enlargement of an approved permitted or conditional use

(e) Farm buildings including bins, granaries, and machine sheds which are less than 6,459 square feet (600 sq/m) in floor area.

(f) Larger farm buildings over 6,459 sq. Ft (600 sq/m) require approval by Development Permit and may require a Building Permit depending on the intended use.

(g) Farm dwellings require both a Development Permit under this By-law and Building Permit under the municipal Building By-law.

7.3 Every owner shall be required to obtain a Development Permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided in Section 7.5 (below).

7.4 The issuance of a Development Permit in respect of a building or structure does not affect the obligation of the proponent to obtain a Building Permit or other permit where they are required under the Municipal Building By-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other local, provincial or federal permit or approval that may be required by any other administrative body, including business licences, environmental licenses, highway access and structures approvals, and similar approvals.

7.5 Notwithstanding **Section 7.2 of this PART**, a Development Permit is NOT required for the following:

(a) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.

(b) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:

(i) Some urban area fences and most rural area fences;

(ii) Signs (not including advertising signs in excess of 50 sq. ft. in area);

(iii) Lighting;

(iv) Flagpoles;

(v) Small sheds and buildings for the storage of domestic equipment which are less than 200 square feet in floor area.

(vi) Aerials, antennas, dishes, towers, or lines for television, radio, satellite, or communication services;

(vii) Garden houses or children's playhouses;

(viii) Water supply wells and onsite wastewater management systems which are subject to provincial approval;

(ix) Unenclosed patios; and

(x) Temporary signs and notices, including real estate signs.

7.6 Despite not requiring a Development Permit, all things listed in preceding Section shall be subject to the applicable zoning district requirements in this By-law.

7.7 An application for a Development Permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.

7.8 An application for a Development Permit shall be accompanied by plans drawn to scale showing the following:

(a) The shape and dimensions of the site to be used or built on;

(b) The location and dimensions of existing buildings and structures;

(c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;

(d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

(e) The location of vehicular access and utility connections; and

(f) The location of any proposed water wells or on-site sewage disposal systems.

and shall include any other information required by the Development Officer /Building Official to determine compliance with this By-law.

7.9 An application for a Development Permit shall be accompanied by the fee prescribed by Council.

7.10 Despite apparent compliance with this By-law, the Development Officer / Building Official may refuse to issue a Development Permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with the Municipality's Building By-law or with any other law. Any such refusal may be subject to a review as provided under **Sections 8.6 and 8.7 of PART 8 of this By-law**.

7.11 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with the requirements of this By-law.

7.12 All proposed development shall be in developed in accordance with the application and drawings submitted to and approved by the Development Officer / Building Official. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer / Building Official, and the owner shall ensure that all development is completed in accordance with the approved Development Permit.

7.13 The Development Officer / Building Official may revoke a Development Permit where:

a) Any information accompanying the Development Application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the Municipal Building By-law, or any other law; or

b) Where the Development Permit was issued in error.

Development Officer

7.14 The Development Officer / Building Inspector shall be the person appointed by Council to provide By-law administrative and inspection services for development within the boundaries of Killarney-Turtle Mountain Municipality, or for other municipalities under agreement with Council for the same type of services.

7.15 The Development Officer / Building Official, on behalf of Council, shall issue Development Permits and otherwise administer the provisions of this By-law and requirements of The Planning Act, where applicable, and this person may also be appointed as the Building Inspector to be responsible for issuing Building Permits and doing building inspections under the local Municipal Building By-law, in accordance with provincial legislation and Building Codes.

7.16 The Development Officer / Building Official shall, as directed by Council, exercise the powers of remedy and enforcement as set out in **Part 8 of this By-law**.

7.17 The Development Officer / Building Official is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed ten (10) percent of the minimum stated requirements of this By-law in accordance with the provisions of the *Planning Act* regarding minor variances.

7.18 For unconventional or land-locked parcels, the Development Officer / Building Official is authorized to determine which of the required yards are front, side, or rear yards for the purposes of issuing Development Permits; the Development Officer / Building Official will take note of the configuration of existing buildings on adjoining parcels to aid in the decision about which is the front yard.

Zoning By-law Amendments

7.19 An application for an amendment to this By-law, including a change to the text or maps, shall be made to the Development Officer / Building Official by the owner or owners of the land in question, or by a person authorized in writing by them.

7.20 An application for a map amendment (i.e. re-zoning) shall be accompanied by plans drawn to scale showing the following:

(a) The shape and dimensions of the land affected;

(b) The location and dimensions of existing buildings and structures;

(c) The location and dimensions of any proposed building, structure, enlargement or alteration;

(d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the Development Officer / Building Official to determine compliance with this By-law.

7.21 An application for an amendment shall be accompanied by the fee prescribed by Council.

7.22 Upon receipt of a completed application, Council will consider the application for either a text or map amendment and may consult with a land-use planner or branches of the provincial government which can supply advice about the proposed changes to the Zoning By-law.

7.23 Following such consultation, review and report (if any) as Council deems necessary, the application shall be considered by Council, which shall decide whether or not to start the procedures for enactment of an amendment and, as provided in the *Planning Act*, may do so only if the proposed amendment can be considered to be generally consistent with the intent and policies of the Killarney – Turtle Mountain Development Plan. Appeals of a Council decision on any zoning by-law amendment will be to the Manitoba Municipal Board.

Variances & Conditional Uses

7.24 An application for a variation or approval of a conditional use shall be made to the Development Officer / Building Official by the owner or owners of the site, or by a person authorized in writing by them.

7.25 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in **Section 7.8 of this PART**, and in the case of a livestock production operation, by the information described in **PART 6** of this By-law.

7.26 An application for a variation or a conditional use shall be accompanied by the fee prescribed by Council.

7.27 Where an application for a variation or conditional use has been submitted, a Public Hearing shall be held by Council, to receive representations from any person with respect to the proposal, and notice of the Public Hearing shall be given as required by *The Planning Act*.

7.28 On receipt of an application for a variation or approval of a conditional use in proper form, the Council may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Municipal Government or any other provincial department or authority for their review and comment. For example, notice of any development, proposed to be located adjacent to or near the provincial highway system, should be given to the provincial department having jurisdiction for review and comment prior to development.

7.29 In accordance with provisions of *The Planning Act*, Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances in accordance with the *Planning Act*, and issue a Variation or Conditional Use Order as may be necessary.

7.30 Council may subsequently revoke any conditional use approval as a consequence of any violation of conditions specified at the time of approval.

7.31 In spite of receiving approval from Council of any required Variation Order or Conditional Use Order, proponents of any development may also be required to obtain a Development Permit and/or Building Permit from the Municipality's Development Officer / Building Official as set forth in **Section(s) 7.2 through 7.18 of this PART**.

Subdivision of Land

7.32 The subdivision process enabled by *The Planning Act* normally results in the creation of a new title which is guaranteed by the Province of Manitoba after that title is registered in the applicable Manitoba Land Titles Office.

7.33 An application for subdivision requires the approval of Council as part of the legislated process and Council may grant its approval only when that application generally conforms to the policies of the Killarney – Turtle Mountain Development Plan By-law and the parcel requirements established by this Zoning By-law.

7.34 Any application for subdivision must also be approved the Approving Authority under provincial legislation.

7.35 Subdivision applications which propose to reconfigure the boundaries of existing lots or parcels are allowed and, like consolidations, are eligible for a shortened approval process.

Subdivision of Agricultural Land

7.36 Further to provisions found elsewhere in this By-law[K39] and the corresponding Development Plan, the subdivision of agricultural land for agricultural purposes may be approved by Council on a case-by-case basis provided that:

(i) The proposed parcel size is appropriate for the intended use in an agricultural area and, where necessary, a Variation Order is issued to recognize a parcel size less than the minimum size required in the applicable Zone,

(ii) Any proposed agricultural-related use or activities (including apiaries, greenhouses, market gardens, plant nurseries, or the keeping of animals or small numbers of livestock) are considered reasonable and acceptable in the rural areas where sustainable agriculture is a primary consideration.

(iii) A small holding is deemed appropriate in the rural area and not detrimental to neighbouring agricultural uses,

(iv) Any pre-existing or proposed dwellings on agricultural parcels or small holdings are deemed not to present any negative effects on nearby agricultural or livestock operations

Fee Schedule

7.37 Council shall establish a fee schedule for Development Permits and Building Permits, zoning amendments, conditional use orders, variation orders, non-conforming use certificates and zoning memorandums.

7.38 All fees in connection with the administration of this By-law shall be payable to Killarney-Turtle Mountain Municipality and shall be collected by the Development Officer / Building Official at the time an application is made for an amendment, conditional use order, variation order, non-conforming use certificate or zoning memorandum, as the case may be.

PART 8: ENFORCEMENT

Inspections

8.1 The Development Officer / Building Official may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:

(a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this By-law or *The Planning Act*.

(b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and

(c) Make copies of anything related to the inspection, remedy, enforcement or authorized action.

8.2 The Development Officer / Building Official may display or produce on request identification showing his or her official capacity.

8.3 In an emergency or in extraordinary circumstances, the Development Officer / need not give reasonable notice or enter at a reasonable time and may do the things referred to in Section 8.1 (a) and (c) above without the consent of the owner or occupant.

Contravention Order

8.4 If the Development Officer / Building Official finds that a person is contravening this By-law or The Planning Act, the Development Officer may by written Order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer / Building Official, the circumstances so require.

8.5 The order may:

(a) Direct a person to stop doing something, or to change the way in which the person is doing it;

(b) Direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;

(c) State a time period within which the person must comply with the directions; and

(d) State that if the person does not comply with the directions within the time period stated, Council will take the action or measures at the expense of the person directed or registered owner.

Review by Council

8.6 A person who receives an Order under **Section 8.4 of this PART**, or who is refused a permit under **Section 7.9 of PART 7**, may request the Municipality of Killarney - Turtle Mountain Council to review the matter, by giving written notice within fourteen (14) days after the date on the order issued under **Section 8.4 of this PART** or decision issued under **Section 7.10 of PART 7 of this By-law.**

8.7 After giving the person a reasonable opportunity to be heard, Council may vary, substitute or cancel the Order or decision as determined by Council in accordance with the policies and intent of the Killarney – Turtle Mountain Development Plan By-law and the requirements of this by-law.

Remedying Contraventions

8.8 If a person does not comply with an Order to remedy a contravention, Council may take any action or measure that is reasonable to remedy the contravention. Council will seek advice from their municipal solicitor about such actions under *The Planning Act*.

8.9 Council may apply to the Court of Queen's Bench for an injunction or other Order to enforce requirements of this zoning By-law or to restrain a contravention of this by-law.

8.10 *The Planning Act* defines offences and provides for penalties which can be invoked by the Court, including fines, imprisonment, or both.

8.11 A prosecution under *The Planning Act* must be commenced no later than two years after the day the alleged offence was committed.

PART 9: INTERPRETATION

Definitions

9.1 Terms not defined in this By-law which are defined in *The Planning Act*, have the meaning provided in that Act, or otherwise, as defined in a standard dictionary.

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

Accessory – where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the principal use, building or structure to which it is accessory.

Accessory Shipping Container - means a pre-fabricated structure which is designed for the shipping of goods via land, sea, rail or road and may include trailer bodies or other similar structures (including motor vehicle bodies) which have the wheels removed. An accessory shipping container shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use to which it is accessory.

Accessory Tent-like Structure - means a pre-manufactured or constructed structure or building that consists of a main frame covered by a canvas type material. An accessory tent-like structure shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use to which it is accessory.

Aircraft Landing Area – includes all runways, open spaces, buildings and structures used in connection with the landing or take-off of aircraft.

Agricultural Uses:

Agricultural Activities (General) – means a use of land for agricultural purposes, including production of field crops, apiculture, floriculture, horticulture and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

a) livestock operations, agricultural activities (specialized);
b) storage, handling or processing of agricultural products for the general public in return for remuneration, or;
c) sales or servicing (in return for remuneration) of agricultural equipment.

Agricultural Activities (Specialized) – means agricultural activities such as apiculture, floriculture, horticulture, greenhouses, nurseries, market gardening and other activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

Animal Unit - means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12 month period as defined in the Provincial Planning Regulation - Manitoba Reg. 81/2011, as amended.

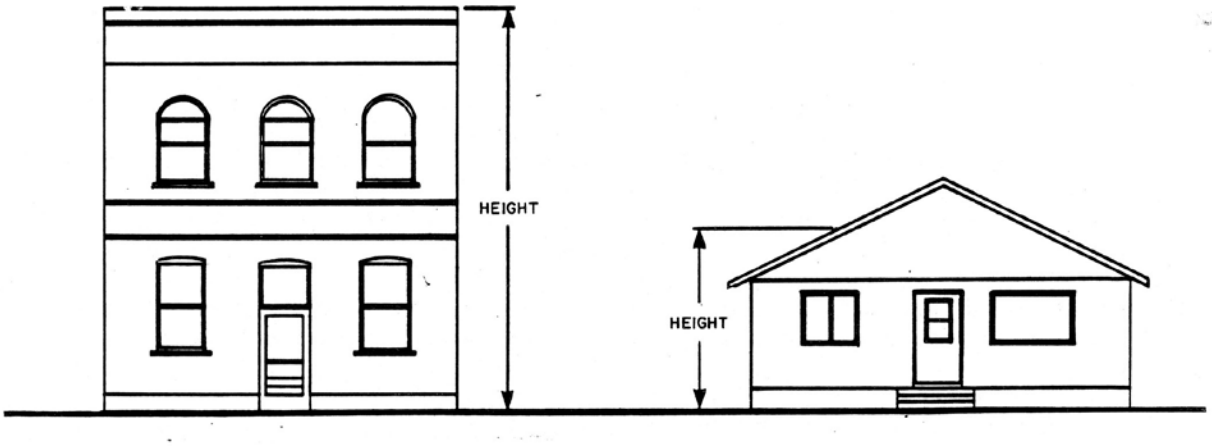
Building – means the results of construction activities including:

(a) A building or structure used or to be used for residential, commercial, industrial or agricultural purposes, or a combination of all or any of those purposes, or

(b) A prefabricated building or structure of the kind described in clause (a), or

(c) A mobile home or modular home.

Building, Height of – means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.



Bulk – means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines.

Club - refers to a building owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

Council - means the Council of Killarney-Turtle Mountain Municipality.

Daycare facility - means the use of premises for the care during the day of more than 8 children not residing on the premises.

Development Officer - means a person duly appointed by Council who is responsible for those duties as provided for herein.

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

Dwellings:

- **Dwelling Unit** – means one or more rooms used or intended to be used for residential purposes as a single housekeeping unit with cooking, sleeping and sanitary facilities, including units built completed on-site by conventional construction methods as well as ready-to-move (RTM) units built off-site and moved on-site. Such dwellings are built to a national building code standard on a permanent foundation and ready for residential occupancy.

- **Single-Family Dwelling** – means a detached building containing one dwelling unit used for residential purposes.

- **Two-Family Dwelling** – means a detached or semi-detached building containing two dwelling units where residents have exclusive occupancy of a dwelling unit, including a duplex.

- **Multiple-Family Dwelling** - means a building containing three (3) or more dwelling units, with each unit designed for and used by residents having exclusive occupancy of a dwelling unit, including a three-plex or four-plex.

- **Manufactured Homes (aka) modular home -** means a dwelling unit manufactured off-site and moved on-site as complete or partial units which may form single or multiple unit dwellings. A manufactured home does not contain a steel frame for moving, as does a mobile home. The terms “mini home”,” modular home”, or “factory built home” are sometimes applied to the sale of these manufactured units.

- **Mobile Home** - means a portable dwelling unit built to CAN/CSA -Z240 MH Series or equivalent standard of construction (with a manufacture’s label certifying compliance) which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be transported, which can be located on a prepared pad and may be jacked up or skirted, and which conforms to the provincial Buildings and Mobile Homes Act and noted national construction standards.

- **Mobile Home Park** - means an area of land upon which mobile home spaces are rented to individual owners of mobile homes, and which has been approved by Council.

- **Mobile Home Site** - means a site in a mobile home subdivision which, may be purchased by an individual for the placement of a mobile home.

- **Mobile Home Space** - means a space in a mobile home park, which may be rented by an individual for the placement of a mobile home.

- **Mobile Home Subdivision** - means an area of land which is subdivided into mobile home sites which may be sold for the placement of mobile homes.

- **Recreational Vehicle** - means a portable dwelling unit built to another CAN/CSA Z240 standard which is designed for temporary residential occupancy and typically used seasonally in Manitoba. A recreational vehicle may be licensed and insured for

travel on provincial roadways, contain holding tanks for water, sewage, and propane; the vehicle list includes travel trailers, motor homes, 5th wheel trailers, and campers. Other recreational vehicles such as "park models" are not eligible for travel licensing, designed without water or sewage holding tanks, need hook-ups to electrical power, water, and sewer services, but are constructed to be moved to a prepared site and used as a dwelling for extended periods of time over a number of years.

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

Farm Dwelling – means a single-family dwelling, mobile or modular home associated with and located on the same parcel as an agricultural operation which is considered as the principal land use. A farm dwelling is typically treated as an accessory use and is often located in the farmyard with accessory buildings along with a vegetable garden.

Farm Building – means any building or structure used primarily for agricultural activities in actual farming operations, but does not include a farm dwelling.

Farmstead – means the agricultural buildings and adjacent service areas providing the operational space for a farm, including animal barns, equipment or grain storage, repair shops, and sheds. A farmstead generally includes the farmyard (which contains the living space with a farm dwelling and smaller accessory buildings) and, in Manitoba, most farmsteads are protected from the prairie winds by a tree shelterbelt.

Feedlot - means an outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing, but does not include:

a) A grazing area; or

b) A seasonal feeding area.

Grazing Area - means lands used for pasture or crop production on which livestock may be kept year-round or seasonally, and are fed primarily by direct consumption of plant material grown on the area, and where manure produced by those livestock does not accumulate such that mechanical removal is required.

Home-Based Business Activity Types:

a) **Home Industry** - means a small-scale manufacturing, repair or trade activity such as but not limited to a welding shop, plumber, electrician, carpentry or cabinet maker, auto repair mechanic or trucking operation and similar uses which are carried on in or from a dwelling or its accessory building for consideration and which is located on the same site and which is clearly secondary and incidental to the principal use of the property.

b) **Home Occupation** - means an occupation, trade, profession or craft such as but not limited to a hair salon, bed and breakfast operation, tea room, home day care operator, lawyer or accountant and similar uses which are carried on in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the principal use of the property.

Hundred Year Flood - means a flood that can be expected to occur, on average, once in 100 years, or specifically a flood that has a one percent chance of being equalled or exceeded in any year.

Kennel - means premises upon which more than 5 dogs or 10 cats, not including animals less than 4 months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

Livestock – means animals not kept exclusively for pets including cattle, swine, horses, poultry, sheep, rabbits, and more exotic species (ex. emu, elk, bison, etc.)

Livestock Operation – means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include

a) an auction mart,
b) an agricultural fair, or
c) a livestock sales yard where livestock are kept no longer than three days.

Manure storage facility types:

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

    1. a collection basin;
    2. a field storage site; or
    3. a temporary composting site for manure.

b) **Non-Earthen Manure Storage Facility** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.

Pole Type Structure / Building - means a building or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Public Utility – means an organization, system, works, building, plant equipment or service incorporated to provide services to the public including water supply, sewage collection, electricity, telecommunication, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way at approved rates to residents of the Killarney-Turtle Mountain Municipality.

Residential Care Facility – means a building in which residential accommodation, plus supervision, care or treatment, is provided by a person or persons employed for that purpose.

Sign - means any writing (including letters, words, or numerals), pictorial representation (including illustration or decoration), emblem or logo (including device, symbol or trademark), banner, pennant or any other figure of similar character (excluding display windows) which:

(a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;

(b) Is used to identify, direct attention to, or advertise;

(c) Is visible from outside a building, but shall not include show windows as such; and

(d) May include the following types:

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

(ii) **Bulletin Board Sign**
means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained, e.g., school, church, community centre, etc.;

(iii) **Business sign**
means an accessory sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same zoning site where the sign is maintained;

(iv) **Identification Sign**
means an accessory sign that identifies the business, owner, or resident and/or the street address of the zoning site on which it is located and which sets forth no other advertisement;

(v) **Mobile Sign**
means any structure designed for transport, which is placed or maintained at one (1) particular location for the express purpose and intent of promoting or conveying an advertising message. The removal of the wheels from such a sign does not change the inherent portability which was part of the design;

(vi) **Temporary Sign**
means a sign identifying temporary activities including construction project signs, real estate signs, political signs and advertising signs (includes mobile signs) taking place on the same site or a different site on which the sign is located.

Sign Surface Area - means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the total sign surface area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. Where a sign has two (2) faces placed back to back and are at no point more than three (3) feet from

one another, the total sign surface area of the sign may be taken as the sign surface area of one (1) face of the sign.

Site – means an area of land which:

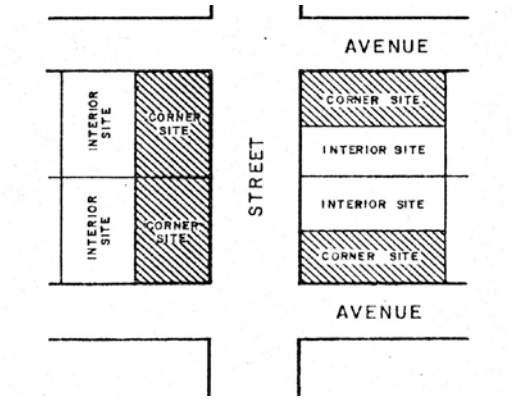
(a) Is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;

(b) Has frontage on a public street , or has any lawful means of access satisfactory to Council, or as otherwise provided for in this By-law; and

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

Site Area – means the computed area contained within the site lines.

Site, Corner – means a site situated at the intersection of two (2) streets.



Site Depth – means the horizontal distance between the centre points in the front and rear site lines.

Site Lines:

(a) **Front Site Line** – means

(i) The boundary of a site along a public street or highway;

(ii) For a corner site, the continuation of the front site line of the abutting interior site.

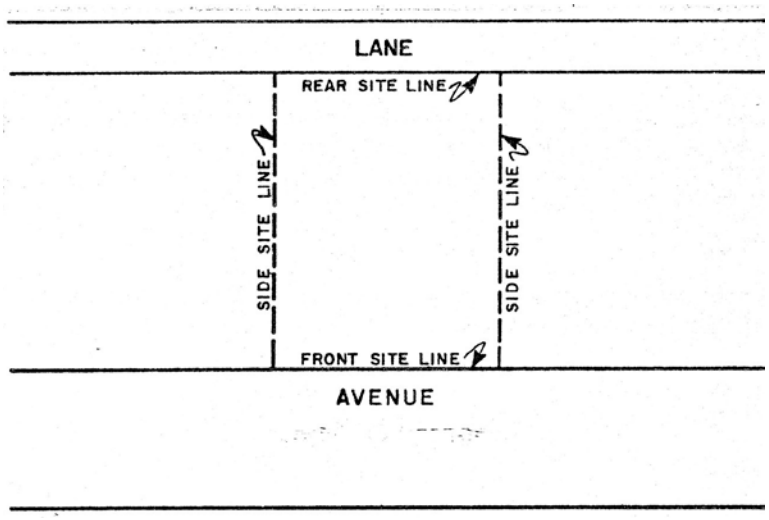
(b) **Rear Site Line** – means

(i) A boundary of a site which is most nearly parallel to the front site line;

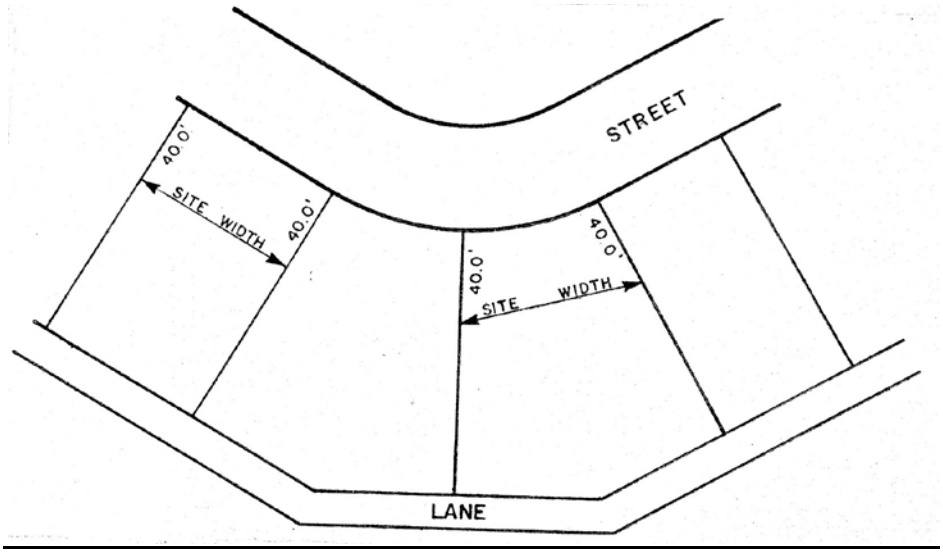
(ii) Where the side site lines intersect, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

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

Where it is not possible to determine site lines according to these definitions, the Development Officer shall determine them.



Site Width – means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at forty (40) feet from the front site lines, whichever is less.



Street – means a public highway, road allowance, lane, way, or thoroughfare (or any part thereof) which has a minimum right-of-way width of fifty (50) feet, and which provides the principal means of access to abutting property.

Structure – means a thing constructed or erected with a fixed location on or below the ground or attached to something with a fixed location, and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.

Surface Watercourse - means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.

surface water - means any body of flowing or standing water, whether naturally or artificially created, including, but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout or reservoir on the property of an agricultural operation.

Telecommunication Tower – means any guyed, monopole, or self-supported (lattice) tower or structure, erected and/or proposed to support one (1) or more antennae intended for transmitting and receiving forms of electronic communication, constructed and installed in accordance with current engineering standards; includes towers that might commonly be referred to as radio towers or satellite towers, but does not include aerials or parabolic dish antennae.

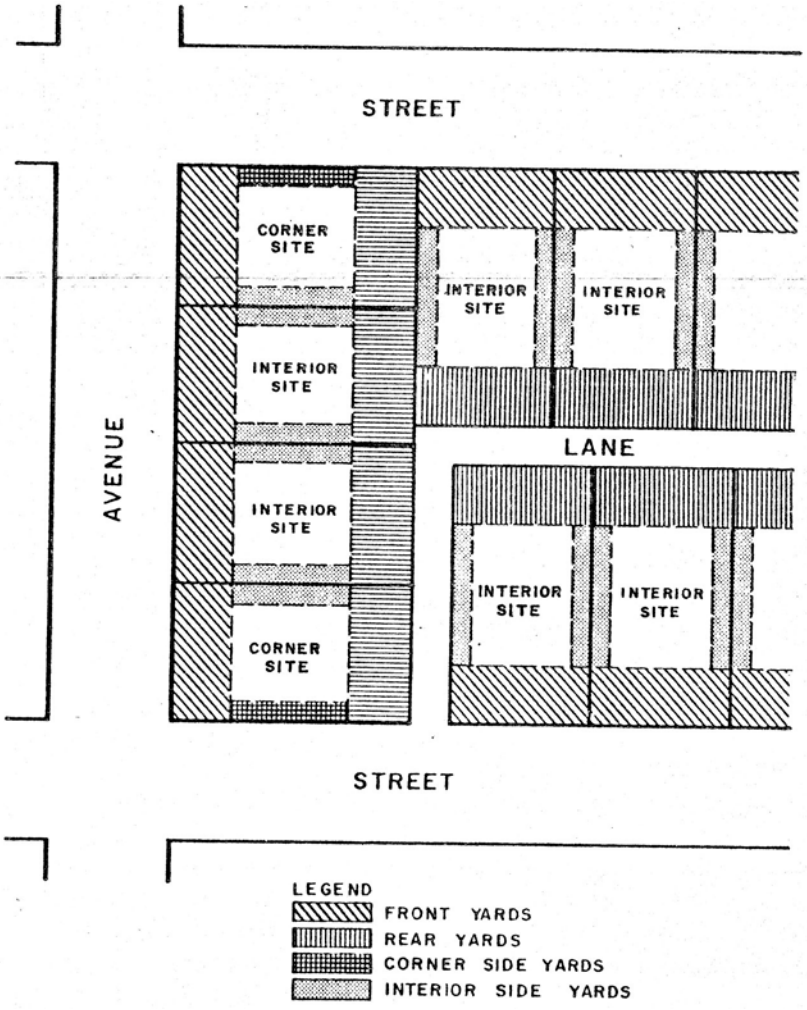
Use – means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or site.

Waterbody - means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them.

Wind Energy Generating Operation – means one or more devices such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy and that, singly or collectively, produce electricity which is subsequently distributed on the provincial electrical grid (Manitoba Hydro) for consumption on a commercial basis.

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

Yard, Required – means the yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this By-law.


STREET
AVENUE
CORNER SITE
INTERIOR SITE
INTERIOR SITE
INTERIOR SITE
CORNER SITE
INTERIOR SITE
INTERIOR SITE
LANE
INTERIOR SITE
INTERIOR SITE
STREET
LEGEND
FRONT YARDS
REAR YARDS
CORNER SIDE YARDS
INTERIOR SIDE YARDS

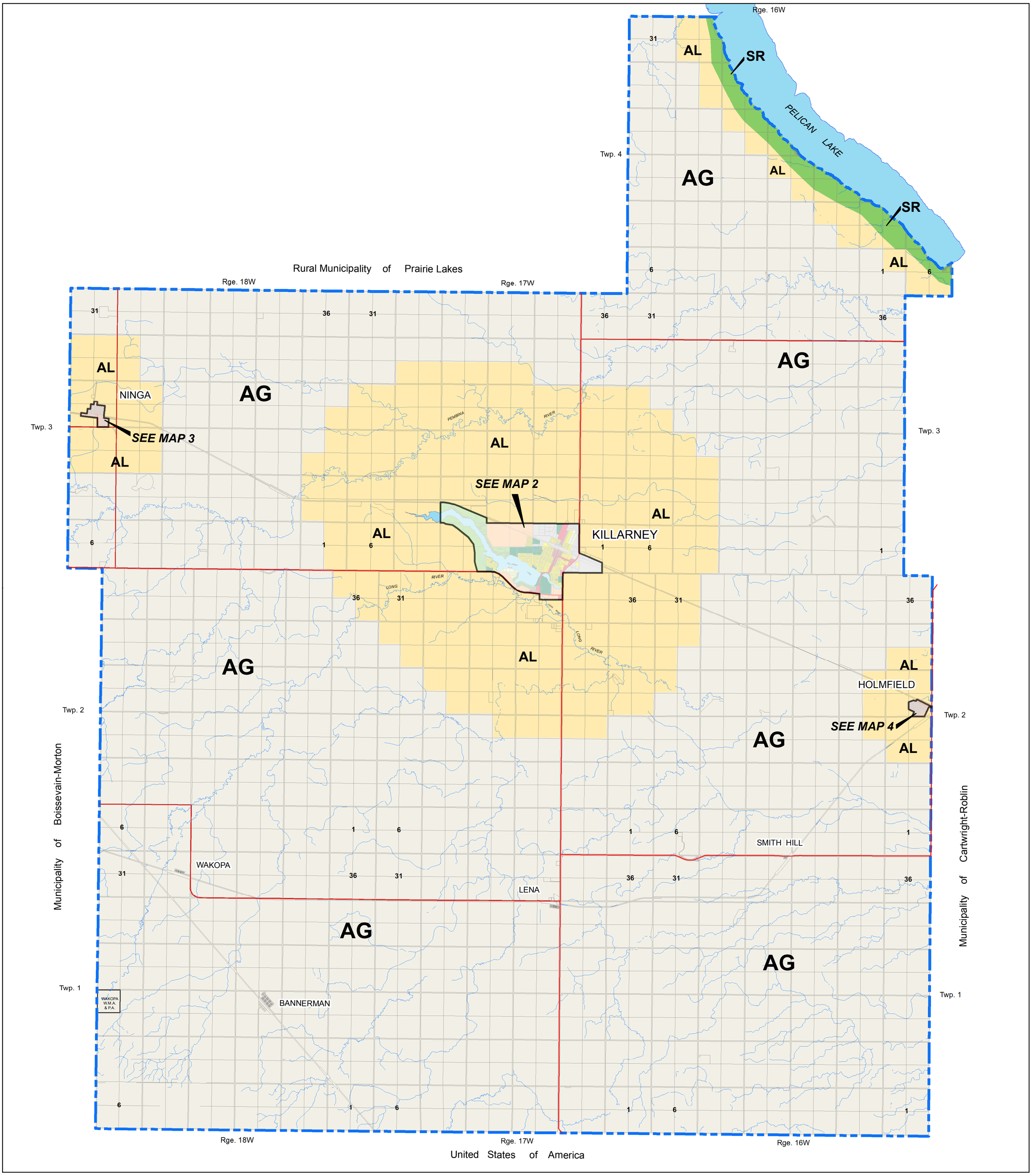
APPENDIX “A” - ZONING MAPS

MAP 1: Rural Areas – Killarney-Turtle Mountain

MAP 2: Community of Killarney

MAP 3: Community of Ninga

MAP 4: Community of Holmfield



Zoning Map 1

Appendix "A"
To
By-law No. 2-2016

Municipality of Killarney-Turtle Mountain

Legend:

AG	Agricultural General Zone
AL	Agricultural Limited Zone
SR	Seasonal Recreation Zone
	Limits of Zoning Maps - 2,3,4
	Killarney-Turtle Mountain Municipal Boundary

Kilometers 0 1 2 3
Miles 0 1 2

N

Manitoba
Indigenous and Municipal Relations
Community & Regional Planning

Date: May, 2016

Municipality of Killarney-Turtle Mountain

Appendix "A" To By-law No. 2-2016

Zoning Map 2

Legend:

"AUR"	Agricultural Urban Reserve Zone
"RR"	Rural Residential Zone
"RS"	Residential Serviced Zone
"RU"	Residential UN-Serviced Zone
"SR"	Seasonal Recreation Zone
"CG"	Commercial General Zone
"MG"	Manufacturing / Industrial Zone
"O"	Open Spacel Zone
	Limits of Zoning Map 2

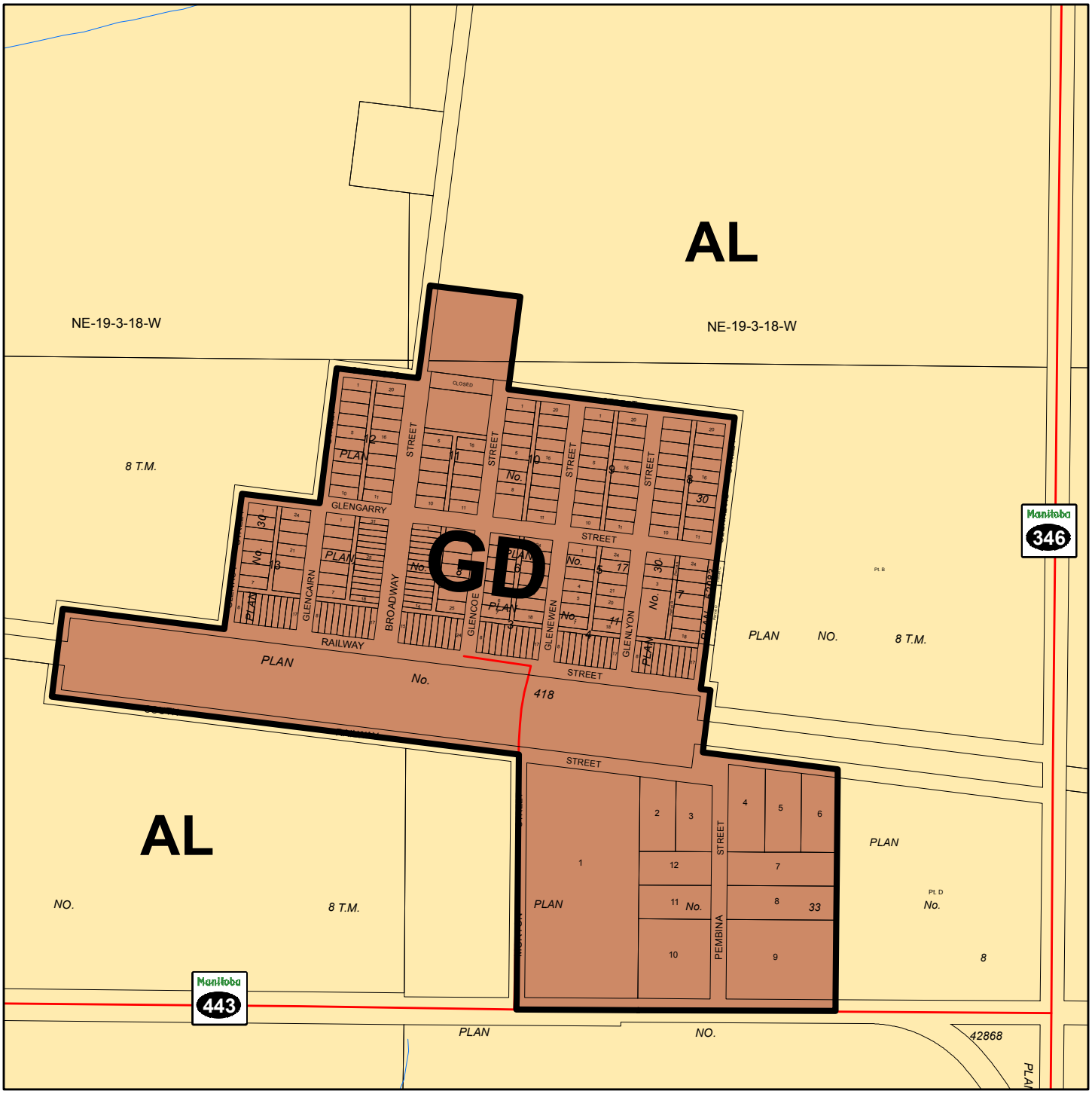
Meters
200 100 0 200
600 300 0 600
Feet

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Indigenous and Municipal Relations
Community & Regional Planning

Date: May, 2016



Zoning Map 3

Ninga

Appendix "A"
To
By-law No. 2-2016

Municipality of Killarney-Turtle Mountain

Legend:

- **"GD"** General Development Zone
- **"AL"** Agricultural Limited Zone
- Limits of Zoning Map 2

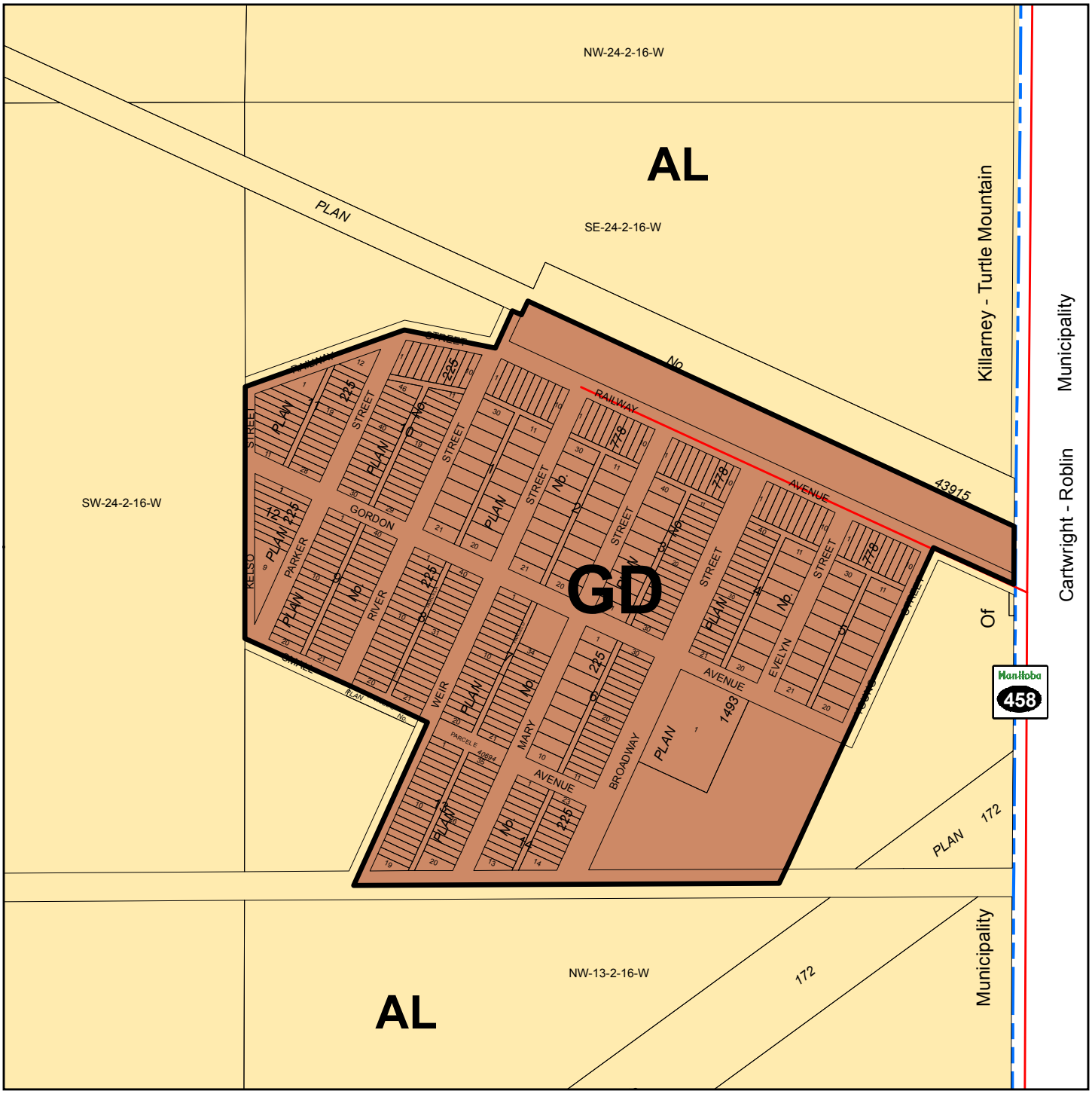
Meters
0 50 100 200
0 300 600
Feet

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Manitoba

Indigenous and Municipal Relations
Community and Regional Planning

Date: May, 2016



Zoning Map 4

Holmfield

Appendix "A"
To
By-law No. 2-2016

Municipality of Killarney-Turtle Mountain

Legend:

- **"GD"** General Development Zone
- **"AL"** Agricultural Limited Zone
- Limits of Zoning Map 4

Meters
0 75 150
0 250 500
Feet

N

Manitoba

Indigenous and Municipal Relations
Community & Regional Planning

Date: May, 2016