

UNOFFICIAL OFFICE CONSOLIDATION

R. M. OF LANSDOWNE
ZONING BY-LAW NO. 2074/00

AMENDING BY-LAWS INCLUDED IN THIS OFFICE CONSOLIDATION

[illegible]

THE RURAL MUNICIPALITY OF LANSDOWNE
ZONING BY-LAW

THE RURAL MUNICIPALITY OF LANSDOWNE

BY-LAW NO. 2074/00

BEING A BY-LAW to regulate the use and development of the land within the Rural Municipality of Lansdowne.

WHEREAS, Section 39 of The Planning Act, Chapter 29, S.M. 1975, provides that a Zoning By-law may be enacted by the Council of a Municipality.

AND WHEREAS, pursuant to Section 30 (14) of the Planning Act, the Neepawa and Area Planning District Board has by By-law adopted a Development Plan;

AND WHEREAS, Section 32 (2) of the said Act provides that a Zoning By-law shall be prepared upon the adoption of a Development Plan;

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

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PART I - DEFINITIONS

RULES OF CONSTRUCTION

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

DEFINITIONS

DEFINITIONS

2. (1) **"Accessory Building, Structure or Use"** means a building, structure or use which is subordinate and incidental to the permitted or conditional principal building or use respectively and is located on the same site as the principal building, structure or use.
2. (2) **"Act, Enabling"** means The Planning Act, R.S.M. 1987, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba and amendments thereto.
2. (3) **"Agricultural Activities"** means a use of land for agricultural purposes including farming dairying, pasturage, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
2. (4) **"Agricultural Implement Sales and Services"** means a building and open area, used for display, sale or rental of new or used farm implements and where repair work is done.
2. (5) **"Alter or Alteration"** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
2. (6) **"Automobile Body Shop"** means a building wherein the repair and painting of automobiles takes place.
2. (7) **"Automobile Service Station"** means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail directly to the customer and may include facilities for washing of vehicles.
2. (8) **"Automobile or Trailer Sales Area"** means an open area, used for the display, sale or rental of new or used automobiles or trailers and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers.
2. (9) **"Automobile Wrecking"** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

DEFINITIONS

- 2. (10) **"Bed and Breakfast Establishment"** means a single family dwelling unit in which overnight accommodation and breakfast is served for a fee, for a maximum of 10 people, other than family members at any one time, and where accommodation is provided in bedrooms only and meals are served from the existing kitchen/dining room area of the dwelling unit, and the rooms used for accommodation of guests do not contain individual self contained cooking, or food storage appliances and cooking of any form is prohibited in the rooms.
- 2. (11) **"Board"** means the Board of the Neepawa and Area Planning District as established under PART III of the Act.
- 2. (12) **"Building"** means a building as defined in the Act.
- 2. (13) **"Building, Main or Principal"** means a building in which is conducted the principal use of the site on which it is situated.
- 2. (14) **"Conditional Use"** means the use of land or building as provided for in the Act.
- 2. (15) **"Council"** means the Council of the R.M. of Lansdowne.
- 2. (16) **"Development Officer"** means the person appointed by the Board in accordance with the provisions of the Act.
- 2. (17) **"Development Plan"** means the Neepawa and Area Planning District Development Plan adopted by By-law No. 13 of the Neepawa and Area Planning District, and all amendments thereto.
- 2. (18) **"Dwelling"** means a building or portion thereof designed for residential occupancy, but does not include a travel trailer or mobile home.
 - (a) **"Dwelling-cottage"** means a dwelling designed for and used as a secondary or intermittent place of residence for seasonal vacations and recreational purposes.
 - (b) **"Dwelling-single-family"** means a detached building designed for and used by one (1) family.
 - (c) **"Dwelling-two-family"** means a detached or semi-detached building designed for and used by two (two) families, each having exclusive occupancy of a dwelling.

DEFINITIONS

2. (19) **"Dwelling Unit"** means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping dwelling unit with cooking, eating, living, sleeping and sanitary facilities.
2. (20) **"Enlargement"** means an addition to the floor area of an existing building or structure or an increase in that portion of a parcel of land or building occupied by an existing use.
2. (21) **"Extension"** means an increase in the amount of existing floor area used for an existing use, within an existing building.
2. (22) **"Floor Area"** means the sum of the gross horizontal areas of the several floors of a building or structure on the site measured from the exterior faces of the exterior walls or from the centre line of the party walls. The floor area of a building or buildings shall include basements when used for residential, commercial or industrial purposes, but not including space used for storage incidental recreation or housing of mechanical or central heating equipment, accessory off-street parking spaces, and attics where the head room is seven (7) feet or less.
2. (23) **"Home Occupation"** means a use which:
 - (a) is a business or occupation carried on in a dwelling unit or mobile home or its permitted accessory building, unless otherwise provided for herein;
 - (b) is carried on solely by the members of the family residing at the same dwelling unit or mobile home and except as provided for herein without the employment of other persons;
 - (c) has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation except a business sign of maximum 12 square feet and as provided for herein; and
 - (d) is not offensive or obnoxious nor creates a nuisance.
 - (e) the home occupation does not require more than twelve hundred (1200) square feet of building space.
2. (24) **"Farm Buildings or Structures"** means any buildings or structures existing or erected on land used principally for agricultural activities, but not including dwellings.

DEFINITIONS

- 2. (25) **"Garage, Private"** means an accessory building or portion of a principal building, if attached, used by the occupants of the premises for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.
- 2. (26) **"Kennel"** means any premises on which more than four (4) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
- 2. (27) **"Lane"** means, for the purpose of this Zoning By-law, a public right-of-way which affords only a secondary means of vehicular access to abutting property.
- 2. (28) **"Livestock"** means cattle, swine, horses, poultry, sheep, rabbits and similar animals. Recreational livestock means animals, which are not obnoxious or detrimental to the public health or welfare and are kept for recreational purposes only.
- 2. (29) **"Livestock Confinement Area"** means a holding area where livestock are fed and livestock or their wastes are confined in small areas for long periods of time including corrals, barns, manure storage structures, pens and the like, but does not include pastures.
- [2. (30) *"Livestock Operation" means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10 animal units are kept or raised, either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.*

The following additional types of development are not subject to the requirements for livestock operations unless, in the opinion of the Council, they create an unreasonable noise or odour problem for a prolonged period:

*Agricultural Fairs
Rodeo Grounds](B/L 2104/08)*

- 2. (31) **"Mobile Home"** means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted.

DEFINITIONS

- 2. (32) **"Motel"** means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- 2. (33) **"Owner"** means an owner as defined in the Act.
- 2. (34) **"Parcel of Land"** means a parcel of land as defined in the Act.
- 2. (35) **"Premises"** means an area of land with or without buildings.
- [2. (36) *"Public Utilities and Services" means any system, works, building, plant, equipment or services, excluding communication towers and wind turbine towers, for the purpose of furnishing publicly used services and facilities that are available at approved rates to the inhabitants of the Rural Municipality of Lansdowne, including but not limited to:*
 - (a) *Standard communication lines and associated poles*
 - (b) *Public transportation, by bus or other vehicle;*
 - (c) *Public water wells and public water purification systems*
 - (d) *Transmission, or delivery of water, gas or electricity to the public at large*
 - (e) *Public buildings and structures, and*
 - (f) *Public collection and storage of sewage, garbage or other waste.](B/L 2089/06)*
- 2. (37) **"Repair"** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
- 2. (38) **"Residential Care Facility"** means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.
- 2. (39) **"Site, Zoning"** means an area of land or portion thereof which:

DEFINITIONS

- (a) is occupied, or intended to be occupied, by a main building or group of such buildings and accessory buildings and structures, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-law;
 - (b) has site frontage on a street or has any means of access satisfactory to the Council as provided for herein; and
 - (c) is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.
2. (40) **"Sign"** means any writing (including letter, word or numeral) pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or structure but shall not include show windows, including:
- (a) Advertising Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained, including a billboard sign.
 - (b) Bulletin Board means a sign of permanent character, but with moveable letters, words or numerals indicating the names of persons associated with or events conducted upon the premises upon which the sign is maintained.
 - (c) Business Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same site where the sign is maintained.
 - (d) Construction Sign means a sign, which identifies a construction project and information relating to it.
 - (e) Identification Sign means a sign that identifies the owner, resident or the street address of a premise and which sets forth no other advertisement.
 - (f) Real Estate Sign means a sign advertising the sale, rental or lease of the premises on which it is maintained.
2. (41) **"Site Area"** means the computed area contained within the site lines.

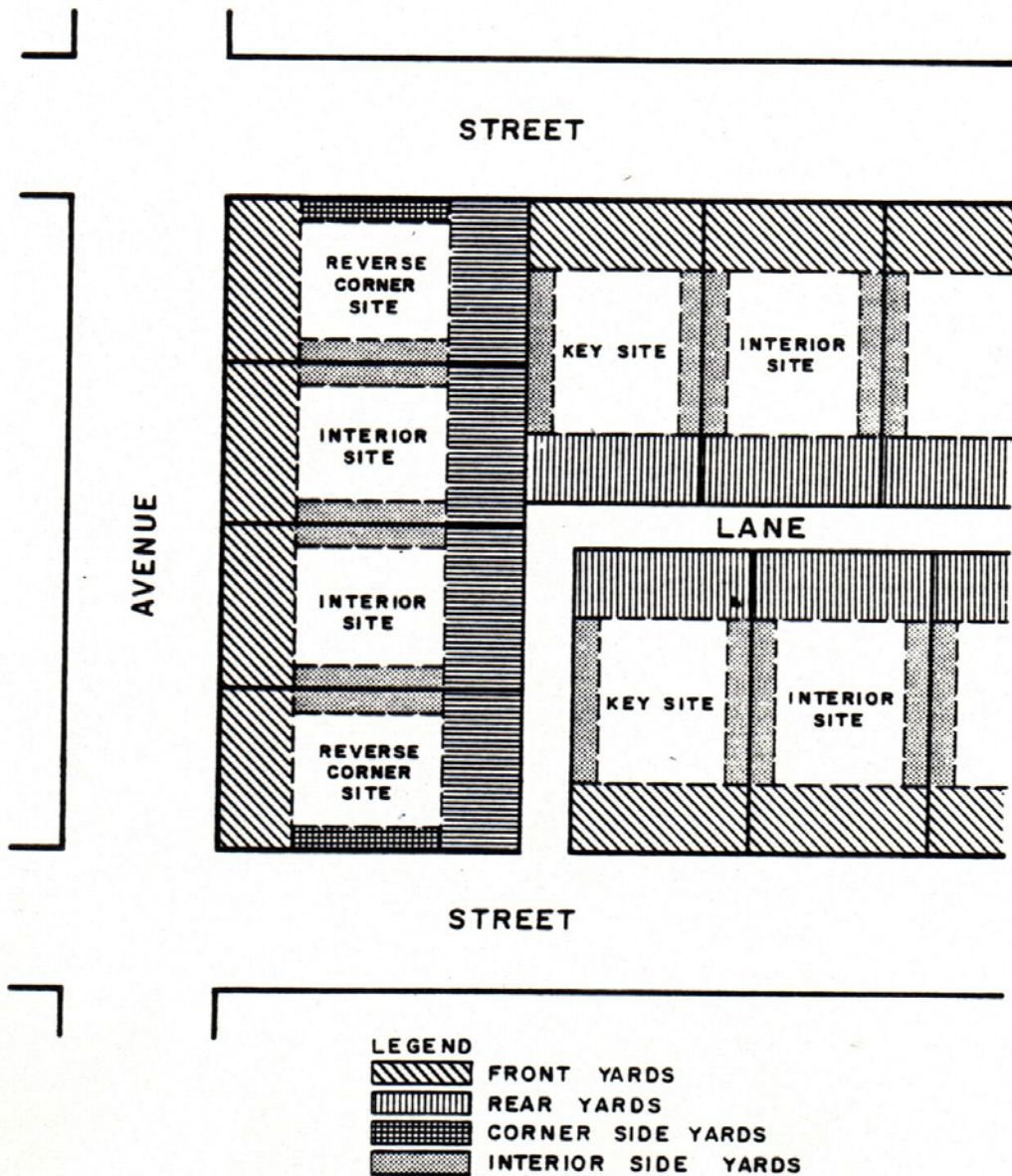
DEFINITIONS

2. (42) **"Site, Corner"** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
2. (43) **"Site Frontage"** means all portion of a site frontage on a street or as provided for herein and measured between side site lines.
2. (44) **"Site Lines"** means as follows:
 - (a) Front Site Line means that boundary of a site which is along an existing or designated street or private road as provided for elsewhere herein. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site of the interior site.
 - (b) Rear Site Line means that boundary of a site which is most nearly parallel to the front site lines and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front side line.
 - (c) Side Site Line means any boundary of a site, which is not a front or rear site line.
 - (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.
2. (45) **"Site, Reverse Corner"** means a corner site, the flanking street line of which is substantially a continuation of the front site line of the first site to its rear.
2. (46) **"Site, Through"** means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed to be front site lines.
2. (47) **"Site Width"** means the horizontal distance between the side site lines, measured at right angles to the side site lines, or forty (40) feet from the front site line, whichever is the lesser.
2. (48) **"Structure"** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, light standards and similar items.

DEFINITIONS

2. (49) **"Tea House"** means a permanent single-family dwelling developed or converted in whole or part (the residential portion of the dwelling may remain) to a commercial establishment which serves principally tea and to a lesser extent other non-alcoholic beverages and various buns or other snack food. The establishment will not contain restaurant kitchen equipment such as grills or walk-in freezers. The teahouse offers a light beverage and snack, with a pleasant experience, in a refreshing natural environment. Small gifts and crafts may be offered for sale in a teahouse.
2. (50) **"Use"** means:
 - (a) Any purpose for which a building or structure or an area of land may be designed, arranged, intended, maintained or occupied; or
 - (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on an area of land.
2. (51) **"Yard"** means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein.
2. (52) **"Yard, Required"** means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirements for the zone in which such zoning site is located.
2. (53) **"Yard, Corner Side"** means a side yard, which adjoins a street.
2. (54) **"Yard, Front"** means a yard extending along the full length of the front site line between the side site lines.
2. (55) **"Yard Required, Interior Side,"** means a side yard, which is adjacent to another zoning site or to a lane separating such side yard from another zoning site.
2. (56) **"Yard, Rear"** means a yard extending along the full length of the rear site line between the side site lines.
2. (57) **"Yard, Side"** means a yard extending along the side site line from the front yard to the rear yard.
2. (58) The following sketches illustrate the foregoing definitions of sites and yards:

DEFINITIONS



DEFINITIONS

- [2. (59) *“Animal Housing Facility” means a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes seasonal feeding areas, but does not include feedlots.*
- 2. (60) *“Animal Unit (AU)” means a unit of measure representing the number of animals excreting 73 kilograms of nitrogen in a 12 month period. Note Table set out in Section 11 of PART V of this By-law.*
- 2. (61) *“Feedlot” means a fenced area where livestock, while located on the farm, are confined solely to this structure for the purpose of growing or finishing, and are sustained totally by means other than grazing. This structure may be emptied for short periods of time during the year for cleaning, maintenance or livestock economic or management reasons.*
- 2. (62) *“Riparian Area” this is the area of land located on all sides of the water body that can be influenced by the rising and falling water levels in the water body, ground water and throughout the local drainage system. This influence may extend for some distance given the local topography and soils. The riparian area contains the green areas along side all water bodies and may include acute changes in slope, water-loving plants and trees.*
- 2. (63) *“Grazing Area” means land used for grazing or crop production for part of the year and seasonally for feeding livestock. Livestock are primarily sustained by direct consumption of feed grown on the area and sufficient land must be provided to ensure that the crop grown removes the nutrients supplied by the manure.*
- 2 (64) *“Specialized Agricultural Operation” means a commercial agricultural operation which generally produces higher value, lower volume agricultural products and due to its nature does not require a large land parcel size (for example, commercial fruit or vegetable production, greenhouses or apiaries). Generally these types of specialized operations sell products directly to the consumer. This can take a variety of forms such as roadside stands or farm stores, u-picks operations, farmers’ markets, and direct sales to restaurants or retail outlets.*
- 2. (65) *“Seasonal Feeding Area” means an outdoor non-grazing area where livestock are kept for the purpose of providing supplemental or total feed requirements on a seasonal basis, and where manure builds up such that mechanical removal and land application is required, but does not include a feedlot.*
- 2. (66) *“High Water Level” means a point on land that would be at the water’s edge when the water reaches the following level:*

DEFINITIONS

- (a) *in the case of a reservoir, the full supply level*
- (b) *in the case of a drain, the bank-full level*
- (c) *in the case of any other water body, the highest level to which the water usually rises each year and at which it remains long enough to change the characteristics of the land or vegetation on the land.](B/L 2104/08)*

PART II - ADMINISTRATION

SCOPE

TITLE

1. (1) This By-law shall be known as The Rural Municipality of Lansdowne Zoning By-law.

WHEN EFFECTIVE

1. (2) This By-law shall be in full force and effect when it is given third reading by the Council of the Rural Municipality of Lansdowne.

AREA AFFECTED

1. (3) This Zoning By-law shall apply to all lands within the Rural Municipality of Lansdowne.

INTENT AND PURPOSE

1. (4) The regulations and provisions established by this By-law are deemed necessary in order to:
 - (a) Implement the objectives and policies of the Neepawa and Area Planning District Development Plan;
 - (b) To define the duties of the Council, the Board and the Development Officer; and
 - (c) To establish requirements for the following uses, buildings or structures:
 - (i) buildings and structures erected hereafter;

ADMINISTRATION

- (ii) uses of buildings, structures and land established hereafter;
- (iii) structural alterations or relocations of existing buildings and structures occurring hereafter; and
- (iv) enlargements or additions to existing buildings, structures or uses.

RESPONSIBILITIES OF COUNCIL

- 1. (5) Subject to the provisions of the Act, the Council is responsible for:
 - (a) Enactment of this By-law;
 - (b) Considering the adoption of proposed amendments or the repeal of this By-law;
 - (c) Acting as a Variation Board;
 - (d) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it; and
 - (e) Establishing a schedule of fees as provided for in Section 10 of this PART.

RESPONSIBILITIES OF THE BOARD

- 1. (6) Subject to the provisions of the Act, the Board is responsible for:
 - (a) Administering and enforcing the provisions of this By-law;
 - (b) Administering and enforcing the provisions of the Development Plan and the Act, where applicable;
 - (c) In accordance with Section 19 (2) of the Act, establishing a schedule of fees and charges for permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application.

ADMINISTRATION

AMENDMENTS

2. Subject to the procedure required under the Act, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 10 of this PART shall be made to the Development Officer.

CONDITIONAL USE

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

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

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

The approval of Council in accordance with the provisions of the Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision unless it is renewed prior to the expiry date at the discretion of Council for an additional period of not exceeding twelve (12) months.

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

Any change in an existing conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act unless otherwise provided for herein.

ADMINISTRATION

VARIATIONS

4. (1) Any person may apply for a variation order, in accordance with the provisions of the Act. An application for a variation order and all required information and fees, as determined by the Variation Board, shall be made to the Development Officer.

DEVELOPMENT AGREEMENT

5. (1) Where an application is made for the amendment of this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Rural Municipality of Lansdowne in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with the Act.

DEVELOPMENT OFFICER

6. (1) The Board shall appoint a Development Officer, who on behalf of the Rural Municipality of Lansdowne may:
 - (a) Issue a development permit where the development of land, buildings or structures (excluding the clearing of land) conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto.
 - (b) Issue zoning memorandums or such other documents necessary for the administration and enforcement of this By-law.
 - (c) Allow or refuse, in his or her discretion and in accordance with the provisions of the Act, a minor variation not to exceed ten (10) percent of the requirements of this By-law governing front, side, rear or any other yard.
 - (d) At the request of Council or the Board, the Development Officer shall defer approving an application for a development permit:
 - (i) as provided for in the Act;

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- (ii) which would result in a violation of this By-law or any By-law of the Rural Municipality of Lansdowne; or
- (iii) to any person who has failed to pay any fees due and owing to the Rural Municipality of Lansdowne or the Board under this By-law.

PERMITS

- 7. (1) The owner or his agent shall obtain all necessary permits as required by the Board, Council or other government agencies.

DEVELOPMENT PERMITS REQUIRED

- 7. (2) An application for a development permit is required for the following:
 - (a) The erection, construction, placement, structural alteration or relocation of any building and structures including farm buildings and structures and non-farm commercial or industrial buildings.
 - (b) The change of a permitted or approved use of land, buildings or structures. (For example, the conversion of a residential dwelling to a commercial use).

REQUIREMENTS

- 7. (3) In addition to the requirements of any By-law of the Rural Municipality of Lansdowne or any other federal or provincial regulations, all applications for a development permit:
 - (a) Shall be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of building already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations; and
 - (b) May include such other information as required by the Council, including existing or proposed use of the building and land; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor and

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such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law; and

- (c) No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.

BUILDING PERMITS

- 8. (1) Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law and amendments thereto provided all the conditions under which the permit was issued are complied with.

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

DUTIES OF THE OWNER

- 9. (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the R.M. of Lansdowne.
- 9. (2) Every owner shall:
 - (a) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and
 - (b) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, plumbing, highways, and all other permits required in connection with the proposed work.

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FEE SCHEDULE

FEES

10. (1) Council shall by By-law establish a fee schedule for variations, zoning amendments, zoning memorandum, conditional use orders and other appropriate documents.

ENFORCEMENT

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

LIVESTOCK APPLICATION REQUIREMENTS

12. (a) *A development permit for approval of the development or expansion of a livestock operation must be made to the Council by the owner of the operation or by a person authorized in writing by the owner and must be accompanied by any material and payment of any fee required by the Council.*

- (b) *Information required for defining a Livestock Operation.*

Any development proposal for a new livestock operation or for the expansion of an existing livestock operation shall be subject to review by the CAO of the Municipality or Planning District Development Officer and possibly Council. In reviewing such development proposals, the Officer or Council shall take part or all of the following into consideration when defining the livestock operation;

- (a) *The type of operation;*
- (b) *Location of owned farm land and site plan of existing and new buildings in the proposed livestock operation;*
- (c) *The size of the operation, including the maximum number of animals;*

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- (d) *Water needs and supply type;*
- (e) *The provisions and location of the amount of suitable land available for disposal of manure;*
- (f) *When the operation produces less than 300 animal units supply; CLI soils class for agriculture, location of surface streams and flood risk within the area of the animal housing facility and manure storage facility in the greater surrounding area proposed for intensive use by the operation;*
- (g) *The on-site drainage system, fencing, landscaping, shelter belts, measures to reduce odour and off-site use and maintenance of roads;*
- (h) *Surrounding land use and compatibility with same, single uses (residential, etc.) and designated residential, recreation, urban areas and other livestock operations within a 3 kilometer radius;*

APPROVAL PROCESS FOR LIVESTOCK OPERATIONS UNDER 300 ANIMAL UNITS

- 13. (a) *Applications for new or expanded livestock operations shall be received by Chief Administrative Officer (CAO) of the Municipality or the Development Officer of the Planning District.*
- (b) *The Officer shall review the application with respect to applicable Development Plan policy, Development Plan livestock capacity maps and Zoning By-law requirements (note, an operation of this size does not require a manure management plan unless required by Manitoba Conservation. Where no manure plan is required the operation shall provide the amount of suitable land, recommended in the Farm Practices Guidelines, per animal unit produced in order to have enough land for manure application requirements.*
- (i) *Complying permitted use operations shall receive an approved Development permit.*

ADMINISTRATION

- (ii) *Operations that require conditional use approval shall be advised to apply for same. Where policy requires, the proposed application shall be sent to the Technical Review Committee for a report.*
- (iii) *Non complying proposals may mean rejection or the Development Officer may refer the application to Council and the Planning Board, depending on the issue, for a decision.*
- (c) *Notification of livestock operation approval shall be sent to all Provincial agencies involved with the application.*

APPROVAL PROCESS FOR LIVESTOCK OPERATIONS OF 300 OR MORE ANIMAL UNITS

- 14. (a) *Applications for new or expanded livestock operations shall be submitted to Council through the Chief Administrative Officer (C.A.O.) of the Municipality or the Development Officer of the Planning District.*
- (b) *A copy of the application and all accompanying material shall be immediately sent to the Minister of Intergovernmental Affairs.*
- (c) *The procedure defined in the Planning Act for processing, reviewing and approving livestock operation applications involving 300 or more animal units shall be used.](B/L 2104/08)*

PART III - GENERAL PROVISIONS

GENERAL PROVISIONS

1. (1) The General provisions applying to all ZONES are contained within this PART. Also applying to these zones are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", PART IV - "ZONES" and "APPENDIX A".

INTERPRETATION OF REGULATIONS

2. (1) In their interpretation and application, the provisions of each ZONE shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in each ZONE.

GENERAL USE REGULATIONS

3. (1) No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereinafter for any use in any ZONE in which such land, building or structure is located other than a use listed on the USE TABLE for that ZONE, and uses lawfully established prior to the effective date of this by-law.

PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS

4. (1) All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations and controls stipulated in the Highway Protection Act and the Highways Department Act and other policies established by the Department of Highways and Government Services as amended or waived from time to time.

AREA AND YARD REQUIREMENTS

5. (1) Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirement of the ZONE in which it is located.

GENERAL PROVISIONS

- (2) All yards and other open space required for any use shall be located on the same site as the use.

PUBLIC UTILITIES AND FACILITIES

6. (1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public works, public infrastructure, public park area, or public monuments.
- (2) All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to the provisions of this by-law.

DWELLING UNIT LOCATION WITH RESPECT TO SANITATION FACILITIES AND LAGOONS

7. (1) New habitable buildings shall not be located within fifteen hundred (1500) feet of an active or abandoned sanitary landfill site and dwelling units shall not be located within one thousand (1000) feet from a sewage lagoon or as recommended by the Department of Conservation, Environment Services Branch. Habitable buildings may be located within fifteen hundred (1500) feet of an abandoned sanitary landfill site only if it can be conclusively demonstrated by an engineering study, to the satisfaction of the Environmental Management Division, that methane gas generation will not create a problem in the building to be erected.

Said facilities shall also not be located within the same distance of an existing dwelling unit or habitable building.

EXISTING USES PERMITTED

7. (2) Existing uses legally established on the effective date of the adoption of this by-law or amendments thereto and not listed as permitted or conditional use in the Use Table of that zone shall be considered to be permitted uses in the zones in which they are located. Expansion of said uses shall be limited to the site associated with them on said effective date. At such time as the existing use ceases to exist on the site associated with it for a period of 12 months, unless it is renewed prior to that date at the discretion of council for an additional period not exceeding 12 months, the premises shall only be used for a use which may be permitted or conditional in the zone in which it occurs.

GENERAL PROVISIONS

RETENTION OF BULK REGULATIONS

8. (1) The owner shall maintain the minimum site area, yards and other open spaces required herein for any use. Furthermore, the minimum site area, site width, site depth, yards and other open spaces allocated to a use as required by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yard and other open space requirements for any other use.

EXISTING BUILDINGS

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

PHYSICAL HAZARDS

10. (1) Development in areas which, in the opinion of the Board or Council, may be subject to physical hazards shall generally be limited to agricultural or open space uses. Under special economic or social circumstances, the Council may permit more intensive development if the hazard is eliminated or protected against. Development in hazardous areas shall be subject to the following requirements:
 - (a) If the land is subject to flooding, all permanent structures shall be located on land which has been raised by fill to an elevation at least two (2) feet above the 100 year flood level.
 - (b) Land which may be eroded away within a period of 50 years shall be excluded from development unless it is demonstrated, to the satisfaction of the Council, that the erosion process has been halted.
 - (c) Development shall not be permitted on lands subject to bank instability, landslides or subsidence.
 - (d) All structures and services shall be protected against damage and shall be functional under hazard conditions.

GENERAL PROVISIONS

Notwithstanding the above, development will not be permitted if, as a result of the development;

- (a) There is an added risk to life or safety, or
- (b) Waterflow, flow velocities or stages are adversely altered, obstructed or increased.

Activities such as dumping, excavation, clearing, cultivation, or excessive grazing which will accelerate or promote dangerous erosion or bank instability shall be prohibited.

In areas where the specific hazard has not been defined, permanent structures shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 200 feet, whichever is greater unless an engineering investigation shows that these limits may be reduced.

PRIVATE LANE OR ROAD FRONTAGE

- 11. (1) The Council shall permit the use of land or buildings to be constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street.

RELATION TO OTHER BY-LAWS

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

[COMPLIANCE WITH THE WATER PROTECTION ACT

- 14. *All development, as applicable, shall be subject to compliance to The Water Protection Act and the Nutrient Management Regulation.](B/L 2104/08)*

GENERAL PROVISIONS

PART IV – ZONES

CLASSIFICATION OF ZONES

1. In order to carry out the intent and purpose set forth in subsection (4) of Section 1 of PART II – ADMINISTRATION, the following zones are hereby established in the Area:
 - (1) “AG80” Agricultural General Zone
 - (2) “RR2” Residential Rural Zone
 - (3) “RR4” Residential Rural Zone
 - (4) “GD” General Development Zone
 - [(5) “AGR” *Agricultural – Livestock Operation Restricted Zone*
 - (6) “AG80-L2” *Agricultural – Livestock Operation Limited 2 Zone*](B/L 2104/08)

ZONING MAPS

2. (1) The location and the boundaries of the zones listed in Section 1 above are shown upon a series of Zoning Maps attached hereto, marked as APPENDIX “A” to this By-law. Said Zoning Maps from a part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in subsection (4) of Section 2 and Section 3 of this PART, shall be as much a part of this By-law as if the matters and information set forth by said Zoning Maps were fully described herein.

DIMENSIONS AND SCALE

2. (2) The scale and all dimensions of the Zoning Maps are in feet or miles.

REGISTERED PLANS

2. (3) All plan references on the Zoning Maps pertain to registered plans filed in the Neepawa Land Titles Office.

ZONES

ABBREVIATIONS

2. (4) The abbreviations noted on the Zoning Maps mean the following:
 - (a) “Gov’t. Rd. All’ce.” means Government Road Allowance;
 - (b) “Pcl.” means Parcel;
 - (c) “Pt.” means Part;
 - (d) “Rge.” means Range;
 - (e) “Sec.” means Section;
 - (f) “Twp.” means Township; and
 - (g) “W.P.M.” or “W” means West of the Principal Meridian.

INTERPRETATION OF ZONE BOUNDARIES

3. (1) Boundaries indicated as approximately following:
 - (a) the centre lines of railways or public utility rights-of-way;
 - (b) the centre lines of streets, highways or lanes;
 - (c) lot, site or property ownership lines;
 - (d) municipal limits;
 - (e) the centre lines of streams or rivers; or
 - (f) the shorelines of lakes or other bodies of water shall be construed as following those lines or limits.
3. (2) If a street or lane or railway or public utility right-of-way shown on the Zoning Maps is lawfully closed, the land formerly comprising the feature shall be included within the ZONE of the land, which surrounds it.

ZONES

PART V - AGRICULTURAL ZONES

INTENT AND PURPOSE

1. The Agricultural Zones established in this By-law are intended to provide sufficient land for various types of rural development in The Area in keeping with the provisions of the Neepawa and Area Planning District Development Plan.

ZONING DISTRICT

2. In order to carry out the intent and purpose of Section 1 above, there is hereby established in The Area the following zoning districts:

"AG80" AGRICULTURAL GENERAL ZONE

3. (1) This Zone provides for the conservation of land for general and specialized agricultural activities, the science of cultivating the soil, producing crops, and livestock, developing natural resources, various rural land uses and retaining the natural beauty of rural areas.

["AGR" AGRICULTURAL-LIVESTOCK OPERATION RESTRICTED ZONE

- (2) *This zone provides for a buffer of land around Arden and other areas where only existing livestock operations (at the time of this amendment) are allowed with minimal expansion. This zone also provides for the preservation of land for general and specialized agricultural activities and various rural land uses that are compatible with agricultural activities.*

"AG80-L2" AGRICULTURAL – LIVESTOCK OPERATION LIMITED 2 ZONE

- (3) *This zone provides for the preservation of land for general and specialized agricultural activities and various rural land uses that are compatible with each other and the specific sensitive nature of the zone's natural resources and ecology. This zone provides for new and expansion of existing livestock operations but limited development of same. These livestock operation restrictions are found in the Neepawa and Area Development Plan RURAL POLICIES Section. [(B/L 2104/08)*

AGRICULTURAL ZONES

SCOPE OF REGULATIONS

4. (1) The provisions pertaining to this PART shall regulate:
- (a) All structures erected hereafter;
 - (b) All uses of land and structures established hereafter;
 - (c) All structural alterations or relocations of existing structures occurring hereafter;
 - (d) All enlargements or additions to existing structures or uses; and
 - (e) The change of use of land, buildings or structures.

AGRICULTURAL USE TABLE

5. The use of land within the Agricultural Zones shall be as set forth in TABLE V - 1, AGRICULTURAL USE TABLE, except wherein otherwise stated:

[AGRICULTURAL USE TABLE V-I

LEGEND: P – PERMITTED C - CONDITIONAL (-) - USE NOT PERMITTED USE	ZONES		
	AG80	AGR	AG80-L1
Accessory Uses, Buildings, and Structures (See Section 7 and 19 of this PART)	P	P	P
Agricultural Specialized Uses, as follows:			
Apiculture	P	P	P
Commercial Greenhouse	P	P	P
Market Gardening	P	P	P
Nurseries, Berry Crops	P	P	P
Agricultural Uses, as follows:			
Field Crops (e.g. grains, vegetables, oil seeds)			
Tame and Native Forage Production and Pasturing of Livestock in grazing areas on a seasonal basis (no Confinement Area)	P	P	P

AGRICULTURAL ZONES

[AGRICULTURAL USE TABLE V-I

USE	LEGEND: P – PERMITTED C - CONDITIONAL (-) - USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L1			
<i>Livestock Operations – (See Development Plan - Designations and policies) Existing livestock operations only, maximum 99 Animal Units</i>	<i>P</i>	<i>C</i>	<i>P</i>			
<i>Livestock Operations, maximum 800 Animal Units****</i>	<i>P*</i>	-	<i>P*</i>			
<i>Livestock Operations, maximum size limited to conditional Approval</i>	<i>P*</i>	-	-			
<i>Livestock Operations, existing – subject to Section 11 And 12</i>	<i>P****</i>	<i>C</i>	<i>P****</i>			
<i>Agro Education Centers</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Air Landing Strips and Related Storage Facilities (which are necessary to the agricultural or industrial establishments)</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Anhydrous Ammonia Storage, Sales and Related Facilities</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Asphalt Production Plant (B/L 1347/12)</i>	<i>C</i>	-	<i>C</i>			
<i>Automobile, Implement, Trailer, Sales and Related Facilities</i>	-	<i>C</i>	-			
<i>Automobile Wrecking Establishments</i>	<i>C</i>	-	<i>C</i>			
<i>Batch Concrete Plant</i>	<i>C</i>	-	<i>C</i>			
<i>Bed and Breakfast Establishments (within Farm and Rural Non-Farm Residences)</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Bulk Petroleum Products, Storage and Sales</i>	<i>C</i>	-	<i>C</i>			
<i>Camping and Tenting Grounds</i>	<i>C</i>	<i>P</i>	<i>C</i>			
<i>Cemeteries</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Chemical Warehouses-Pesticides/herbicides</i>	<i>C</i>	-	<i>C</i>			
<i>Churches, including all denominations, only when incidental to and developed on an existing farm</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Communication Towers</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Community Halls and Rinks, only when incidental to and developed on an existing farm</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Cottages</i>	<i>C</i>	-	<i>C</i>			
<i>Crop Pelletization Plants</i>	<i>C</i>	-	<i>C</i>			
<i>Exhibition Grounds</i>	-	<i>C</i>	-			
<i>Existing Uses, Buildings and Structures established prior to</i>						

AGRICULTURAL ZONES

[AGRICULTURAL USE TABLE V-I

USE	LEGEND: P – PERMITTED C - CONDITIONAL (-) - USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L1			
<i>the adoption of this By-law except all existing Conditional Uses and all uses identified in this Table as conditional (See Section 7(2) and 9(1) of Part III)</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Existing Industrial Uses</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Existing Rural Non-Farm Single-Family Dwellings</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Farm Vacation Establishments</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Fertilizer Sales and Storage (Non-hazardous, bags or Bulk supply contained within a building or structure)</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Game Farms (not for fenced hunting)</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Golf Courses</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Grain Elevators (inland terminals) and Vegetable Storage Buildings)</i>	<i>P</i>	<i>C</i>	<i>P</i>			
<i>Group Camps (i.e. Church, 4H, Boy Scouts, Girl Guides, etc.)</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Kennels, Pounds and Animal Clubs</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Livestock Auction Marts</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Picnic area, Parks, Recreational Trails and Other Recreational Trails and Other Recreational Activities</i>	<i>C</i>	<i>P</i>	<i>C</i>			
<i>Public Utilities and Buildings</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Rendering Plants and Abattoirs</i>	<i>C</i>	-	<i>C</i>			
<i>Residential Care Facilities including halfway type homes, rehabilitation homes, hostels, and group foster homes providing meals and residential services, including care and supervision for four or fewer adults or children who are under the care of a child caring agency and who may be post mentally ill, mentally retarded or otherwise developmentally delayed</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for five or more adults or children who are under the care of a child caring agency and who may be post mentally ill, mentally retarded or otherwise developmentally delayed</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Riding Stables and Academies</i>	<i>P</i>	<i>P</i>	<i>P</i>			

AGRICULTURAL ZONES

[AGRICULTURAL USE TABLE V-I

USE	LEGEND: P – PERMITTED C - CONDITIONAL (-) - USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L1			
<i>Rural Non-Farm Single-Family Dwellings including Mobile Homes and existing farm yard sites**</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Sand, Gravel and Mineral Extraction Operations</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Seed Plants</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Sewage Disposal Lagoons (public or private)</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Signs (See Section 20 of this PART)</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Signs Advertising (See Section 20 of this PART)</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Small scale industries, when the activity is located on a farm premises or single conditional non-farm residential site as follows (see Section 24 of this Part);</i>						
<i>Agro Trailer fabrication shops</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Agro welding shops</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Automotive refurbishing shops include associated sales</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>RTM (residence to move) operations</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Wood working shops</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Sawmills</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Tea Houses</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Tea Rooms</i>	<i>C</i>	<i>C</i>	<i>C</i>			
<i>Temporary Uses (See Section 8 of this PART)</i>	<i>P</i>	<i>P</i>	<i>P</i>			
<i>Waste Disposal Grounds</i>	<i>C</i>	-	<i>C</i>			
<i>Wildlife Preserves and Forest Management Areas</i>	<i>P</i>	-	<i>P</i>			
<i>Wind Turbine Generator Stations (WTGS) See Table V-II And Section 23 of Part V</i>	<i>C</i>	<i>C</i>	<i>C</i>			

*P** - Livestock Operations shall be a Conditional Use at over 200 animal unit capacity.

**** - Subdivision of land for non-farm dwellings and cottages shall be subject to Policies 1.3.23, 1.3.24, 1.3.25, 1.3.26 and The Neepawa Fringe Area, of the Neepawa and Area Development Plan.

*P**** -Livestock Operations shall be a conditional use at over 200 animal units. These existing operations are also subject to the Development Plan designations and policies. Also see Section 12.2 and 12.3 of this Part.

****** - Livestock operations greater than 800 animal units may be allowed as conditional use in the AG80-L2 zone it can satisfy policy 1.3.1 f) of the Neepawa and Area Development Plan.](B/2104/08)

AGRICULTURAL ZONES

*Subdivision of land for non-farm dwellings and cottages shall be subject to Policy 2.4, RURAL LAND USE AREA of the Neepawa and Area Planning District Development Plan.

CONDITIONAL USE

6. Any use listed as a "CONDITIONAL USE" in TABLE V - I shall comply with the regulations as set forth in Section 3. PART II - "ADMINISTRATION.

ACCESSORY USES, BUILDINGS AND STRUCTURES

7. (1) In the "AG80" Agricultural Zone, accessory uses, buildings, and structures shall be limited to the following:
- (a) Farm dwelling to include a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural activity;
 - (b) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory, and mobile home when on the same site with permitted or conditional uses where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
 - (c) Farm buildings and farm structures other than the main farm buildings for the use;
 - (d) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless storage is excluded by the zone or provincial regulations;
 - (e) A private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
 - (f) Incinerators, wells, and individual sewage disposal systems, subject to the approval of the authority having jurisdiction;
 - (g) Signs as permitted and regulated in Section 20 of this PART;
 - (h) Clubhouses and other related recreational structures on the grounds of private clubs, golf courses, and other like permitted or conditional recreational facilities;

AGRICULTURAL ZONES

- (i) Private swimming pools, children's playhouses, green houses or summer houses;
 - (j) Home occupations (see PART I, Section 23);
 - (k) Parabolic dish antenna, and
- 7. (2) (a) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

TEMPORARY BUILDINGS AND USES

- 8. (1) The provisions of this Section shall apply to the Agricultural Zone, AG80.

MAY BE PERMITTED

- 8. (2) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit, and:
 - (a) May be used as an office space for the contractor or developer;
 - (b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - (c) Shall not be detrimental to the public health, safety, convenience and general welfare.

TERMS AND CONDITIONS

- 8. (3) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.

VALIDATION PERIOD

- 8. (4) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

AGRICULTURAL ZONES

SIZE OF BUILDINGS

8. (5) In all cases, temporary buildings and structures shall not exceed 1000 square feet in area and one (1) storey or 15 feet in height.
- [8. (6) *A meteorological tower, used for climate research shall be allowed to be erected as a temporary use in the AG80 Zone, subject to Council's approval for a term not exceeding three (3) years and subject to the pertinent provisions of this By-law concerning Wind Turbine Generator Stations (WTGS) development found in PART V – AGRICULTURAL ZONES, clause (j) of Table V-II and Section 23.*

If the meteorological tower is to remain in place after the maximum three (3) year period it shall become a part of a (WTGS) through the approval process identified in PART V.](B/L 2089/06)

BULK REGULATIONS

9. (1) The Agricultural Bulk Regulations shall be as set forth in TABLE V - II, AGRICULTURAL BULK TABLE.

[AGRICULTURAL BULK TABLE V - II]

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft)	Side Yard(ft)	Rear Yard(ft)
Accessory Uses, Buildings and Structures	AG80 AGR AG80-L12	-	-	125	50	50
Agricultural Specialized Uses	AG80 AGR AG80-L2	20	330	125	125	125
Agricultural Use	AG80 AGR AG80-L2	80	660	125	125	125
Agricultural-Livestock Operations (animal housing facilities, barns, feedlots and earthen manure storage structures)(Subject to Section 11 and 12 of this PART)	AG80 AGR AG80-L2	80(h) 160(h) 80(h)	1000 1000 1000	325 325 325	325 325 325	325 325 325
Agro Education Centres	AG80 AGR AG80-L2	40	330	125	50	50
Air Landing Strips	AG80 AG80-L2	f	f	125f	125f	125f
Anhydrous Ammonia Storage, Sales and Related Storage (d)	AG80 AG80-L2	12	700	300	300	300
[Asphalt Production Plants (B/L1347/12)]	AG80	10	300	125	100	100]
Automobile Wrecking Establishments	AG80 AG80-L2	5	300	125	50	50
Bed & Breakfast Establishments	AG80 AGR AG80-L1	2(b)(c)	200	125	50	50

AGRICULTURAL ZONES

[AGRICULTURAL BULK TABLE V - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft)	Side Yard(ft)	Rear Yard(ft)
<i>Cemeteries</i>	<i>AG80 AG80-L2 AGR</i>	<i>2</i>	<i>200</i>	<i>125</i>	<i>50</i>	<i>50</i>
<i>Communication Towers (i)</i>	<i>AG80 AGR AG80-L2</i>	<i>5</i>	<i>400</i>	<i>125</i>	<i>125</i>	<i>125</i>
<i>Cottages(g)</i>	<i>AG80 AGR AG80-L1</i>	<i>2(b)(c)</i>	<i>200</i>	<i>125</i>	<i>50</i>	<i>50</i>
<i>Exhibition Grounds</i>	<i>AGR</i>	<i>10</i>	<i>300</i>	<i>125</i>	<i>50</i>	<i>50</i>
<i>Game Farms</i>	<i>AG80</i>	<i>80</i>	<i>1000</i>	<i>325</i>	<i>325</i>	<i>325</i>
	<i>AGR</i>	<i>80</i>	<i>1000</i>	<i>325</i>	<i>325</i>	<i>325</i>
	<i>AG80-L1</i>	<i>80</i>	<i>1000</i>	<i>325</i>	<i>325</i>	<i>325</i>
<i>Golf Course</i>	<i>AG80 AGR AG80-L1</i>	<i>50</i>	<i>575</i>	<i>125</i>	<i>50</i>	<i>50</i>
<i>Picnic Areas, Parks And Recreational Trails</i>	<i>AG80 AGR AG80-L2</i>	<i>2</i>	<i>200</i>	<i>125</i>	<i>50</i>	<i>50</i>
<i>Public Utilities and Buildings</i>	<i>AG80 AGR AG80-L2</i>	<i>0.5</i>	<i>100</i>	<i>125</i>	<i>25</i>	<i>25</i>
<i>Residential Care Facilities</i>	<i>AG80 AGR AG80-L2</i>	<i>2(b)(c)</i>	<i>200</i>	<i>125</i>	<i>50</i>	<i>50</i>
<i>Rural Non-Farm Single-Family Dwelling Including Mobile Homes(g)</i>	<i>AG80 AGR AG80-L2</i>	<i>2(b)(c)</i>	<i>200</i>	<i>125</i>	<i>50</i>	<i>50</i>
<i>Riding Stables and Academies</i>	<i>AG80 AGR AG80-L2</i>	<i>40</i>	<i>660</i>	<i>125</i>	<i>50</i>	<i>50</i>

AGRICULTURAL ZONES

[AGRICULTURAL BULK TABLE V - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft)	Side Yard(ft)	Rear Yard(ft)
<i>Small Scale Industries, when the activity is located on a farm premise or a single conditional on-farm residential site (See Section 23 of this PART): Agro Trailers Fabrication Shops</i>	AG80 AGR AG80-L2	5	250	125	70	70
<i>Automotive Refurbishing Shops including associated sales RTM (residence to move) operations Agro Welding Shops Woodworking Shops Sawmills</i>	5		250	125	70	70
<i>Tea Houses</i>	AG80 AGR AG80-L2	3(b)(c)	200	125	50	50
<i>Waste Disposal Grounds</i>	AG AG80-L2	15	500	125	100	100
<i>Wildlife and Forest Management Areas</i>	AG80 AG80-L2	80	660	125	50	50
<i>Wind Turbine Generator Stations (j)</i>	AG80 AGR AG80-L2	7	550	(j)	(j)	(j)
<i>Other Permitted and Conditional Uses provided for in Table V- 1 of this Part</i>	AG80 AGR AG80-L2	5	300	125	50	50

AGRICULTURAL ZONES

Explanations and Exceptions to the Bulk Requirement Table V-II are as follows:

- (a) (i) *Buildings and structures shall have a minimum front, side and/or rear yard of one hundred and twenty-five (125) feet when the yard is adjacent to a Government Road Allowance except for the following exceptions:*
 - *As defined in Table V-II, when more than one hundred and twenty-five (125) feet.*
 - *A sign shall have a minimum front, side, or rear yard of ten (10) feet or as required by the Highway Traffic Board or Manitoba Infrastructure and Transportation when located adjacent to a Government Road Allowance (see Clause (b) Section 20 of this PART).*
 - *A man-made shelterbelt of trees of any height that borders an access driveway, farmyard or farmland shall have a minimum front, side or rear yard of one hundred twenty-five (125) feet when located adjacent to a Government Road Allowance.*
 - *Setbacks for Buildings, Structures or hedges from provincial roads, major provincial highways and their centers of intersections shall be as required by the Highway Traffic Board or Manitoba Infrastructure and Transportation or as varied, or greater if required in the TABLE.*
- (b) *The maximum site area shall be 10 acres, or as defined by an existing shelterbelt.*
- (c) *Notwithstanding the requirements for non-farm dwellings, a non-farm dwelling may occupy a site more than 10 acres provided:*

That such an adverse situation was created by virtue of a public work, such as public right-of-way, ditch, dyke, railway, hydro transmission line, water reservoir or a public park or any other public utility of use of a like nature or by a natural river, stream, or lake, a shelterbelt, an established farmyard, or a natural topographic feature that should be contained within the site.
- (d) *Notwithstanding the above requirements, a stationary anhydrous storage container shall not be located within 350 feet of a residential dwelling (other than that of the owner or operator). A stationary anhydrous ammonia container shall not be located within one-half mile (2640 feet) of any area designated as “RR2” Rural Residential Zone, “CH” Commercial Highway Zone, “GD” General Development Zone.*
- (e) *The minimum yard requirements in this table apply to buildings and structures only unless otherwise indicated.*

AGRICULTURAL ZONES

- (f) *Notwithstanding anything in this PART, the air landing strips shall be subject to Transport Canada requirements where applicable.*
- (g) *The minimum floor area per dwelling unit shall be four hundred (400) square feet for cottages and single-family dwellings.*
- (h) *Each livestock operation requires the minimum suitable land base for annual manure disposal produced by the operation, as provided for in the guidelines of the Manitoba Farm Practices Guidelines for Livestock Producers and the provisions of the Livestock Manure and Mortalities Management Regulation. In no case shall the land base for the operation be less than required in the Table V-II, unless varied by Council. This land base must be owned by the producer or obtained through an agreement between the producer and other landowner(s). Proof of these agreements shall be provided to the Council from the producer upon request.*
- (i) *A communication tower shall be separated by a distance of one and one half (1.5) times the maximum height of the structure from a dwelling or mobile home.*
- (j) *Each wind turbine generator station (WTGS) site shall be used for the location of the wind turbine generator tower(s) and/or the associated buildings and infrastructure. This is the principal use of the (WTGS) site and it shall be limited to a maximum site area of 160 acres. The land within the (WTGS) site is not used for the facility may be used for compatible agricultural activities provided provisions of this by-law are maintained. All Wind Turbine towers and accessory uses shall have the following minimum yard and separation distance requirements:*

Yards

- i. *All tower yards shall be one (1) times the total height of the tower plus rotor from any other titled property boundary, including the boundary of a railway right-of-way. Note exception, this setback distance with respect to the title property lines shall be reduced to one half (0.5) the height of the tower plus rotor for wind turbines located within a (WTGS) where the property line(s) nearest to any given wind turbine define and separate properties belonging to the same landowner with a lease of the same type and duration.*
- ii. *All tower yards shall be one (1) times the total height of the tower plus rotor from all government road allowances, any other public road and Provincial roads. The location of these towers within greater control areas adjacent to Provincial Trunk Highways and Provincial Roads, shall be subject to the approval of the Province.*
- iii. *All tower yards that do not coincide with a title property boundary or road allowance shall be 135 feet in depth.*

AGRICULTURAL ZONES

- iv. *All accessory uses yards (front, side and rear) associated with the (WTGS) shall be 125 feet in depth.*

Separation Distances

- a. *The tower base shall be one and one half (1.5) times the total height of the tower plus rotor from dwellings associated with the (WTGS),*
- b. *The tower base shall be one (1) times the total height of the tower plus rotor from non-dwelling principal structures.*
- c. *The tower base shall be on quarter mile (1320 feet) from all dwellings or other habitable buildings (e.g. motel) not associated with the (WTGS),*
- d. *The tower base shall be one half mile (2640 feet) from an urban area or a “RR” Rural Residential zoned area.](B/L 2104/08)*

MULTIPLE USES

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

[SITING AND SEPARATION DISTANCE

- 11. (1) *The livestock operations policy of the Neepawa and Area Planning District Development Plan identifies the policies and land use designations that provide direction for the Board and Council’s approval of livestock operations. Each land use designation contains an animal unit capacity that defines the approximate maximum size of any livestock operation within that designation.*

This Zoning By-law contains both siting and separation provisions. These provisions define the siting distance that livestock operation animal housing structures including barns and manure storage facilities, must be from its own property boundaries, and the separation distance they must be from a single residence or the boundaries of a designated residential area, Seasonal Recreation Area, Park or Urban Center. These separation distances for locating livestock operations are founding the following Table V-III.

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SEPARATION DISTANCES FOR SITING LIVESTOCK OPERATIONS – TABLE V-III

Size of Livestock Operation in Animal Units	Separation Distance in Meters (Feet) From Single Residence		Separation Distance in Meters (Feet) From Designated ² Residential Areas, Recreational Areas, Parks or Urban Centres, or Regional Hospitals	
	To Earthen Manure Storage Facility or Feedlot	To Animal Housing Facility or Non-Earthen Manure Storage Facility ¹	To Earthen Manure Storage Facility or Feedlot	To Animal Housing Structure or Non-earthen Manure Storage Facility ¹
10 - 100	200 (656)	100 (328)	800 (2,625)	530 (1,739)
101 – 200	400 (1312)	150 (492)	1200 (3,937)	800 (2,625)
201 – 299	400 (1312)	200 (656)	1600 (5,249)	1070 (3,511)
300 – 400	450 (1476)	225 (738)	1800 (5,906)	1200 (3,937)
401 – 800	800 (2625)	250 (820)	2000 (6,561)	1330 (4,364)
801 – 1,600	800 (2625)	300 (984)	2400 (7,874)	1600 (5,249)
1,601 – 3,200	800 (2625)	350 (1148)	2800 (9,186)	1870 (6,135)
3,201 – 6,400	800 (2625)	400 (1312)	3200 (10,499)	2130 (6,988)
6,400 – 12,800	900 (2953)	450 (1476)	3600 (11,881)	2400 (7,874)
>12,800	1000 (3281)	500 (1640)	4000 (13,123)	2670 (8,760)

¹Includes above or below grade structures that may be covered or uncovered.

*New animal housing containing between 1 to 9 animal units shall be located a minimum of 500 feet from an urban center.

²Officially designated areas in a development plan.](B/L 2104/08)

[ANIMAL UNIT TABLE]

11. (2) **Use Table V-IV ANIMAL UNIT VALUES BY LIVESTOCK SPECIES** when determining the amount of animal units (A.U.) produced by a proposed livestock operation.

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ANIMAL UNIT VALUES BY LIVESTOCK SPECIES TABLE V-IV: Animal Unit Groups

<i>Animal</i>	<i>Type</i>	<i>AU Produced By One Livestock</i>	<i>Livestock Producing One AU</i>
<i>Dairy</i>	<i>Milking cows, including associated livestock</i>	<i>2,000</i>	<i>0.5</i>
<i>Beef</i>	<i>Beef cows, including associated livestock</i>	<i>1.250</i>	<i>0.8</i>
	<i>Backgrounder</i>	<i>0.500</i>	<i>2.0</i>
	<i>Summer pasture/replacement heifers</i>	<i>0.625</i>	<i>1.6</i>
	<i>Feeder cattle</i>	<i>0.769</i>	<i>1.3</i>
<i>Hogs</i>	<i>Sows, farrow to finish</i>	<i>1.250</i>	<i>0.8</i>
	<i>Sows, farrow to weanling (5 kg.)</i>	<i>0.25</i>	<i>4.0</i>
	<i>Sows, farrow to nursery (23 kg.)</i>	<i>0.313</i>	<i>3.2</i>
	<i>Weanlings</i>	<i>0.033</i>	<i>30.0</i>
	<i>Growers/finishers</i>	<i>0.143</i>	<i>7.0</i>
	<i>Boars (artificial insemination operations)</i>	<i>0.200</i>	<i>5.0</i>
<i>Chickens</i>	<i>Broilers</i>	<i>0.0050</i>	<i>200.0</i>
	<i>Roasters</i>	<i>0.0100</i>	<i>100.0</i>
	<i>Layers</i>	<i>0.0083</i>	<i>120.0</i>
	<i>Pullets</i>	<i>0.0033</i>	<i>300.0</i>
	<i>Broiler Breeder Pullets</i>	<i>0.0033</i>	<i>300.0</i>
	<i>Broiler Breeder Hens</i>	<i>0.0100</i>	<i>100.0</i>
<i>Turkeys</i>	<i>Broilers</i>	<i>0.010</i>	<i>100.0</i>
	<i>Heavy Toms</i>	<i>0.020</i>	<i>50.0</i>
	<i>Heavy Hens</i>	<i>0.010</i>	<i>100.0</i>
<i>Horses</i>	<i>Mares, including associated livestock</i>	<i>1.333</i>	<i>0.75</i>
<i>Sheep</i>	<i>Ewes, including associated livestock</i>	<i>0.200</i>	<i>5.0</i>
	<i>Feeder lambs</i>	<i>0.063</i>	<i>16.0</i>

Note: The calculations 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.

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SETBACKS FROM WATER BODIES AND COURSES

11. (3) *Within the following types of livestock operations;*
- (1) *All new livestock operations over nine (9) animal units.*
 - (2) *All expansions of livestock operations for three hundred (300) or more animal unit capacity.*
 - (3) *All expansions of livestock operations of over nine (9) animal units, but less than three hundred (300) animal units, and the original operation was built after April 15, 2004.*
 - (4) *All expansions of livestock operations of over nine (9) animal units, but less than three hundred (300) animal units, built before April 15, 2004, and can not meet Section 16(6) of the Environmental Act, Livestock Manure and Mortalities Management Regulation, as determined by Manitoba Conservation.*

All new confinement buildings and structures must meet all of the following criteria with respect to surface water bodies and water courses:

- a) *Be three hundred and twenty eight (328) feet (100 meters) outside and above the top of the water body's upper bank.*
- b) *Be above the high water level.*
- c) *Be outside and above the riparian area located along each side of the water body.*

MUTUAL SEPARATION DISTANCES AND GENERAL LIVESTOCK PROVISIONS

12. (1) (a) *New dwelling units including single residences, hotels, motels, eating establishments and hospitals, and also designated residential areas, season recreation areas, parks or urban areas shall be located no closer to a livestock operation than the separation distance required, in the Zoning By-law, between the livestock operation and that land use or designation. This shall constitute a mutual separation distance.*
- (b) *Variations may be issued to reduced separation distances found in the Zoning By-law, subject to requirements under Section 169(4) of the Act.*

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- (c) *A dwelling or mobile home incidental to the livestock operation is excluded from this mutual separation requirement.*
12. (2) *Existing livestock operations that are of a size that would be classified as a conditional use by the provisions of this By-law, are deemed to be a legally existing conditional uses, and may be enlarged or expanded, subject to the provisions and limitations of this By-law and the Development Plan.*
12. (3) *Existing livestock operations, located in the AG80, AGR, and AG80-L1 Zones, that are of a size that exceeds the limitation established by this By-law, are deemed to be non-conforming uses as of the date of adoption of this By-law, and may continue to exist and operate at the animal unit capacity at which they existed on that date, even if the existing number of animal units on the adoption date of this amendment were subsequently reduced below that number of animal units for more than 12 consecutive months, but a maximum of 36 months. Expansion of these operations will be governed by the provisions of the Planning Act.*
12. (4) *Any conditional use order or variation of a requirement for a livestock operation approved under the existing zoning by-law provisions will continue to be in full force and effect.*
12. (5) *Existing livestock operations and single residences or designated areas that do not meet the required mutual separation distance found in Table V-III shall be deemed to possess a variation order for their current separation distances.*
12. (6) *Where a livestock operation is located within one half mile of one or more other livestock operation(s), and where these operations are under affiliated ownership, management of control, or where they share common infrastructure such as manure storage facilities and/or piped water supply from a common private source, they shall be deemed to be one combined larger operation for the purposes of this By-law.*
12. (7) *For the purposes of determining the size of livestock operations or confinement facilities, the system of “animal units” as adopted by the Provincial Land Use Policy Regulation shall be used. The conversion factors for animal units are provided for general reference in TABLE V-4, and may be altered from time to time by Provincial authorities, without requiring an amendment to this By-law.*
12. (8) *The maximum amount of livestock within single rural residential parcels or single small acreage non-farm parcels shall not exceed 1 animal unit per 2 acres of site area.](B/L 2104/08)*

SUBDIVIDING LAND

13. No parcel of land shall hereafter be divided into sites, unless each site conforms with the regulations set forth in TABLE V - 2.

IRRIGATION

14. Irrigation operations shall be licensed in accordance with the Water Rights Act and shall require a development permit.

PROXIMITY OF BUILDINGS AND STRUCTURES TO AIR LANDING STRIPS

15. All buildings and structures, when being located in close proximity to licensed air landings strips, whether on the same property or adjoining property, shall be governed by the recommended Transport Canada regulations.

PROXIMITY OF DWELLING UNITS TO COMMERCIAL OR PUBLIC COMMUNICATIONS TOWERS AND AERIALS

16. A dwelling unit shall not be located within a horizontal distance from the tower or aerial, equivalent to the vertical height of the tower or aerial.

PROXIMITY OF DWELLING UNITS TO STATIONARY ANHYDROUS AMMONIA STORAGE TANKS

17. A single dwelling unit (including a mobile home, cottage, bed and breakfast) shall not be located within 350 feet of a stationary anhydrous ammonia tank container.

ACCESSORY BUILDINGS AND USES PERMITTED

18. Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

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

- (i) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.

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- (ii) Detached accessory buildings may be located in any required yard, of the principle building or use, except a required front yard or as provided for elsewhere herein.
- (iii) All detached accessory buildings shall be located a minimum of ten (10) feet from any dwelling unit. For the purposes of this By-law the ten (10) foot separation requirement shall be considered a required yard extending from the nearest wall of the detached accessory building to the nearest wall of the dwelling unit.
- (iv) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (v) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.

NOXIOUS OR OFFENSIVE USES

19. Notwithstanding anything herein contained, no use or expansion of an existing use shall be permitted in any Agricultural Zone under this PART, which in the opinion of Council may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. This shall not be so interpreted as to prohibit those uses specifically permitted in the "AG80" Agricultural Zone.

SIGNS

SIGN REGULATIONS

20. The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial and industrial uses.

The following shall apply in all zones of this PART except otherwise stated:

- (a) No sign shall be permitted in the Agricultural Zone except as follows:
 - (i) identification sign, maximum size of six (6) square feet.
 - (ii) business sign, maximum size of thirty-two (32) square feet.

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- (iii) real estate sign, maximum size of ten (10) square feet.
 - (iv) bulletin board sign, maximum size of thirty-two (32) square feet.
 - (v) directional sign; as required.
 - (vi) political signs on a temporary basis
 - (vii) advertising signs, as conditional use, in the "AG80" zone, maximum size of one hundred and sixty (160) square feet.
- (b) All types of signs that are free standing on a site shall be a minimum of ten (10) feet from any site boundary or as required by the Highway Traffic Board.
 - (c) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
 - (d) No sign or sign structure shall be located in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
 - (e) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
 - (f) No flashing signs shall be permitted in any zoning district without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
 - (g) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs, which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Municipality at the owner's expense.
 - (h) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another.
 - (i) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zone in which they are located.

AGRICULTURAL ZONES

STORAGE OF DERELICT AUTOMOBILES, PARTS AND OTHER MACHINERY

21. Notwithstanding anything in this PART, there shall be no storage of derelict automobiles, parts or any other machinery in any required front, side or rear yard unless approved by the Council.

SCREENING OF DERELICT AUTOMOBILES, PARTS AND OTHER MACHINERY

22. Where there is to be storage of derelict automobiles, parts and other machinery outside of a building a continuous compact hedge or continuous row of evergreen trees, which will create a hedge effect expected to attain a height of not less than six (6) feet or a six (6) foot high fence which can not be seen through shall be provided and maintained along the periphery of the storage area in a manner that conceals the stored materials from any public street or road or an adjacent land use.

[WIND TURBINE GENERATOR STATIONS (WTGS) DEVELOPMENT

23. *In addition to the other requirements in this Zoning By-law found in Tables V-I and V-II, the following provisions shall apply to the development of Wind Turbine Generator Stations (WTGS) as conditional uses on sites within the "AG80" zone. Agricultural land uses may co-exist with (WTGS) on these parcels.*
- a. A conditional use application to establish one or more wind turbine generator stations(s)(WTGS) may include one or more turbine(s) on a parcel of land or a network of turbines and associated structures located on different parcels of land at different locations in the Municipality respectively, provided that all structures will be operated by the same corporate entity. For the purposes of this By-law, an application involving more than one parcel of land and (WTGS) shall be processed as one application, with the provision that a separate conditional approval shall be issued for each separate parcel of land and/or (WTGS).*
 - b. Proponents of a wind turbine generator station (WTGS) shall submit, to the Development Officer, a detailed site plan showing the location of all wind turbines, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system as part of the conditional use application. Proposals for additional infrastructure will require additional conditional use approval.*
 - c. Newly sited residences in the vicinity of a (WTGS), other than the residence of the owner of the lands upon which a (WTGS) is located, shall be separated a minimum distance of one quarter mile (1320 feet) from the nearest adjacent wind turbine tower located in the (WTGS).*

AGRICULTURAL ZONES

- d. *Proponents of a (WTGS) 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 Transportation and Government Services, and Manitoba Conservation, prior to the issuance of a development permit.*
- e. *When locating a proposed wind turbine in the vicinity of any registered or certified airport all Transport Canada regulations for certified airports regarding height and location of buildings and structures shall be followed.*
- f. *A development permit shall be obtained prior to the commencement of construction*
- g. *The colour scheme of a commercial wind turbine and associated signage affixed to the structure 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. Both of these items must be dealt with in a manner consistent with applicable Federal Government regulations.*
- h. *All wind turbine systems located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or single private residential activity shall be treated as an accessory structure. This structure shall be set back from the property line a minimum distance equal to its total height, measured from the ground to the extent of its rotors.](B/L 2089/06)*

[SITING CRITERIA FOR SMALL INDUSTRIES ON FARM PREMISES]

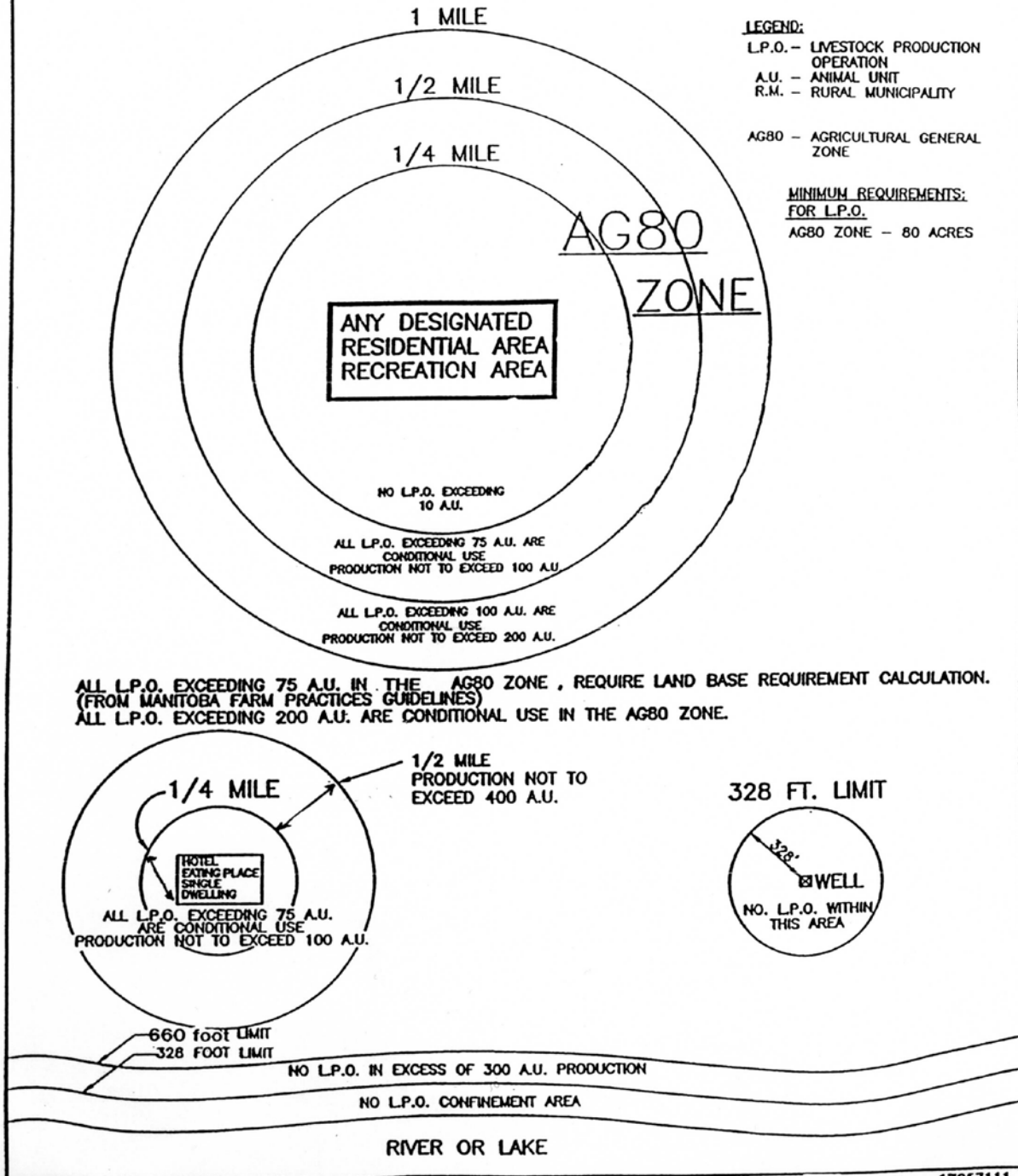
- 24. *When reviewing a Conditional Use Application for secondary small scale industrial operation, Council shall take the following into consideration:*
 - (i) *the type of operation and location on the farm premises can be sustained without adverse impact to the natural environment;*
 - (ii) *the character and scale of the operation does not create adverse impacts upon the use of adjoining land uses;*
 - (iii) *the type and location of the industrial uses does not require the Municipality to invest in new infrastructure to accommodate the operation;*
 - (iv) *the industrial activity to be located in the same yard site that serves the farm operation or adjacent to it or, the industrial uses is to be located on the same non-farm residential site but adjacent to the two acres required for the residence;*

AGRICULTURAL ZONES

- (v) *a small scale industry shall not be allowed in a multi-lot rural residential subdivision;*
- (vi) *the industrial activity does not include the creation of a new title separate from the title for the principal agricultural operation.*
- (vii) *all small scale industrial activities submitted for approval of Council in accordance with this By-law, shall be accompanied by supporting information describing the proposed use, a site plan identifying the location of the proposed use, all related buildings, storage areas and site access routes;*
- (viii) *conditional applications for small scale industrial uses approved by Council under this By-law, will require the preparation of building plans and specifications for the purpose of a building permit, to confirm all new or modified buildings, intended to accommodate the industrial activity, comply with building regulations.*

*That Zoning **MAP ONE** of the Rural Municipality of Lansdowne Zoning By-law No. 2074/00, as amended, is hereby deleted and replaced with a new Zoning MAP ONE that includes the original zones and the new zones “AGR” AGRICULTURAL-LIVESTOCK OPERATION RESTRICTED Zone, “AG80-L2” AGRICULTURAL-LIVESTOCK OPERATION LIMITED 2 Zone, as shown attached as Appendix “A”.] (B/L 2104/08).*

DIAGRAM EXPLAINING SECTION II LIVESTOCK PRODUCTION OPERATION LOCATIONAL AND CAPACITY REQUIREMENTS



PART VI - RESIDENTIAL RURAL ZONES

INTENT AND PURPOSE

1. In accordance with The Neepawa and Area Planning District Development Plan, the Residential Rural Zones in this By-law are intended to provide for small-holding non-farm residential development in a "cluster" pattern unrelated to existing urban settlements, and designated "RR2" Residential Rural Zone or "RR4" Residential Rural Zone. These zones will likely be surrounded by land used for agricultural production and thus new residents should be prepared to accept agricultural activities in close proximity to their residential property.

2. The following Residential Rural Zones are hereby established;

- (1) "RR2" RESIDENTIAL RURAL ZONE

"RR2" Residential Rural Zone shall be restricted to non-farm residential development and the keeping of livestock shall not be permitted in this zone.

- (2) "RR4" RESIDENTIAL RURAL ZONE

The "RR4" Residential Rural Zone shall be restricted to non-farm residential development and related compatible uses. Also included are incidental uses normally associated with small holding development such as facilities for the keeping of a small amount of livestock for personal and recreational use and other activities that are not obnoxious or detrimental to public health and welfare.

GENERAL PROVISIONS

2. The general provisions applying to the RESIDENTIAL RURAL ZONES are contained within this PART. Also applying to this PART are the provisions of PART I "DEFINITIONS", PART II "ADMINISTRATION", PART III "GENERAL PROVISIONS", PART IV "ZONES" and "APPENDIX A".

RESIDENTIAL RURAL ZONES

ACCESSORY USES, BUILDINGS AND STRUCTURES

3. (1) In the Residential Rural Zones accessory uses, buildings or structures include the following:
 - (a) A children's playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed;
 - (b) A private garage, carport, covered patio, toolhouse, shed or other similar building;
 - (c) Incinerators subject to the approval of the authority having jurisdiction;
 - (d) Accessory signs as permitted and regulated in Section 11 of this PART,
 - (e) Private communication utilities such as television and radio antennas, aerials or dishes.
 - (f) Buildings for the keeping of livestock for personal and recreational use in the "RR4" zone;
 - (g) Home occupations, where completely contained within a residence or its accessory building and complies with Part 1-2. 23.
 - (h) Home day care services; and
 - (i) Livestock for personal and recreational purposes only which, in the opinion of Council, are not obnoxious or detrimental to the public health or welfare (see Section 13.(1) of this PART), in the "RR4" zone only.

- (2) **Accessory Uses, Buildings and Structures**

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

- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
- (b) Detached accessory buildings or structures shall not be located in a front yard unless otherwise provided for herein;
- (c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way;

RESIDENTIAL RURAL ZONES

- (d) No accessory building shall be erected prior to the erection of the main building except where it is necessary for the storage of tools and materials for use during construction of the main building; and
- (e) No detached accessory building shall be located closer than fifteen (15) feet to any main building on the same site except as provided for in (b) of Explanations and Exceptions to Table VI-II.

HOME OCCUPATIONS

- 4. (1) No more than forty (40) percent or 1000 square feet, whichever is less, of the gross floor area shall be devoted to home occupations in any dwelling unit or mobile home. One hundred (100) percent of an accessory building may be devoted to a home occupation.
- (2) Business signs for home occupations, when either free-standing or affixed to an exterior wall of a main building or accessory building, shall not exceed eight (8) square feet in surface area.

NOXIOUS OR OFFENSIVE USES

- 5. (a) Notwithstanding anything contained herein, no use shall be permitted in any zone under this PART which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.
- (b) Livestock waste material shall be carefully managed and disposed of in order to minimize problems within the “RR4” Residential Rural Zone. When Council considers an animal confinement structure or area as being too small for the number of animals confined or mismanaged with regards to manure storage or disposal, then Council may obtain expert opinion, take the necessary action to cause the situation to be corrected, and seek to recover any costs incurred from the owner.

ONLY ONE DWELLING ON A SITE

- 6. Not more than one (1) one-family dwelling or one (1) mobile home and their accessory buildings and structures, as provided for in this PART, shall be permitted on one site.

RESIDENTIAL RURAL ZONES

RESIDENTIAL RURAL USES TABLE

7. TABLE VI-I "RESIDENTIAL RURAL USES" lists all uses that are:

- (a) "P" - Permitted;
- (b) "C" - Conditional; and
- (c) "-" - Not Permitted

in the Residential Rural Zones. All listed uses are subject to the provisions contained herein.

RESIDENTIAL RURAL USE TABLE VI - I

USE	LEGEND: P – PERMITTED C – CONDITIONAL - - NOT PERMITTED		ZONES	
	RR2	RR4		
Accessory Uses, Buildings and Structures (see Section 3 of this PART)	P	P		
Churches and Halls	C	C		
Existing Uses (See Section 7.(2) of PART III)	P	P		
General Stores and related facilities	C	C		
Historical Sites	P	P		
Public Utilities	P	P		
Recreational Facilities, Parks, Playgrounds and other like facilities owned or approved by Council	P	P		
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for adults or children to a maximum of 10 who are under the care of a child caring agency or who may be post mentally ill, mentally retarded or otherwise developmentally delayed	C	C		
Single-family dwelling including mobile homes	P	P		

RESIDENTIAL RURAL BULK REQUIREMENTS

8. (1) TABLE VI - II "RESIDENTIAL RURAL BULK REQUIREMENTS" sets forth the bulk requirements of uses in the Residential Rural Zones in which they are permitted or conditional uses.

RESIDENTIAL RURAL ZONES

RESIDENTIAL RURAL BULK TABLE VI - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS					
		MINIMUM					
		Site Area (acres)	Site Width (ft.)	Front Yard (a)(c) (ft.)	Side Yard (a)(c) (ft.)	Rear Yard (a)(c)	Dwelling Unit Area (sq.ft.)
Accessory Uses, Buildings and Structures	RR4 RR2	N/A	N/A	50	15(b)	15(b)	N/A
All Other Uses, including Existing Uses	RR2	2	200	50	30	30	600
All Other Uses, including Existing Uses	RR4	4	300	50	30	50	900
Public Utilities/Historical Sites	RR2 RR4	2	100	50	30	30	N/A

Explanations and Exceptions to the Bulk Requirements Table VI – II are as follows:

- (a) (i) Where the front, side or rear yard abuts a Municipal Road allowance, the minimum yard requirements shall be increased to one hundred and twenty-five (125) feet.
- (ii) Setbacks for buildings, structures and hedges from provincial roads, major provincial highways and their centres of intersections shall be in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time.
- (iii) The minimum front yard requirements for a zoning site, where there are existing buildings on the adjacent sites on both sides of a 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 requirement 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.
- (b) An accessory building for the housing of recreational livestock shall have a minimum side or rear yard of fifty (50) feet, and have a minimum separation from any dwelling of two hundred (200) feet, excluding the owner's or operator's

RESIDENTIAL RURAL ZONES

dwelling where the separation shall be a minimum of thirty (30) feet.

- (c) Fences that do not form a hedge or solid non-see-through structure may be erected with a (1) foot setback from the property boundary.

SEWAGE DISPOSAL AND STORAGE OF FUELS AND CHEMICALS

- 9.
 - (a) All sewage disposal systems shall be holding tanks or other system approved by Manitoba Environment; and
 - (b) Any storage of gasoline, fuel oil, propane, lubricants or chemicals shall be in an appropriate containment vessel, located in an area protected from puncture and spillage.

REMOVAL OF EXISTING VEGETATION

- 10. Where an excessive amount of existing vegetation has been removed from any particular area, or where significant areas of natural soil (excluding gardens) remain exposed for extended periods of time, Council may obtain expert opinion and take the necessary action to cause the situation to be corrected, and may seek to recover any costs incurred from the owner.

SIGNS

- 11. (1) The following signs shall be permitted in the Residential Rural Zones:
 - (a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - (b) Flags or emblems of a political, civic, educational or religious organization;
 - (c) Temporary signs as may be authorized by Council;
 - (d) "No Trespassing" or identification signs not exceeding three (3) square feet;
 - (e) Construction signs where placed on construction sites and not exceeding twenty-five (25) square feet;

RESIDENTIAL RURAL ZONES

- (f) Signs required for direction and convenience of the public, including signs which identify rest rooms or parking entrances or exists, not exceeding five (5) square feet in area;
 - (g) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site or part thereof;
 - (h) Business signs not exceeding eight (8) square feet;
 - (i) Bulletin boards not exceeding eight (8) square feet; and
 - (j) Identification signs;
 - (k) Where a free-standing sign is located in a required yard, it shall not be closer than five (5) feet to the site lines.
- (2) Advertising signs shall not be permitted in the Residential Rural Zones.
 - (3) In the Residential Rural Zone, any sign in excess of 10 square feet shall be a conditional use and shall be set back a minimum eight (8) feet from any property line or in the case of a corner site, a minimum of ten (10) feet from any street side of the site.
 - (4) 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.

PERMITTED OBSTRUCTIONS IN YARDS

- 12. (1) (a) Required yards shall be provided and maintained in accordance with the provisions of Section 5 of PART III, GENERAL PROVISIONS and shall be unobstructed from ground level to the sky with the following exceptions:
 - (i) open terraces, decks or steps not over four (4) feet above the average level of the adjoining ground; and projecting twelve (12) feet or less into the required yard;
 - (ii) chimney, bay window, first-storey alcove, or vestibule projecting five (5) feet or less into the yard, and having a floor area not exceeding fifteen (15) square feet;
 - (iii) Overhanging eaves and gutters, canopies and awnings projecting five (5) feet or less into the yard;

RESIDENTIAL RURAL ZONES

- (iv) Uncovered walks and driveways, trees, trellises, flagpoles, lighting fixtures and lamp posts;
- (v) a fence, wall or retaining wall not over four (4) feet above the average level of the adjoining ground in the front yard and not over 8 feet in the required side and rear yards;
- (vi) signs as regulated in Section 11 of this PART;
- (vii) an open off-street parking area; and
- (viii) incidental storage of material and operational vehicles where in Council's opinion, the said storage will not be detrimental to adjoining sites.

OTHER PROVISIONS

13. (1) Livestock

Livestock for non-commercial or recreational purposes may be kept in the "RR4" Zone, subject to the following conditions:

- (a) The livestock shall be kept only for the personal or recreational use of the owner or resident and the resident's family; and
- [(b) *The number of livestock shall not exceed that which will produce 0.30 animal units acre. The Animal Unit Table found in Section 11 - (2) PART V-IV Part V, AGRICULTURAL ZONES shall be used to determine animal units (A.U.) or equivalent.*](B/L 2104/08)

In no event shall the keeping of recreational livestock, including a building or fenced enclosure be permitted within fifty (50) feet of a property line or within two hundred (200) feet of a residential dwelling located on an adjacent parcel of land.

- (c) The livestock shall be maintained in a manner, which does not result in overgrazing of the premises, in the opinion of Council.
- (d) The keeping of such livestock shall not create any unacceptable nuisance factors, in the opinion of Council.
- (e) The livestock enclosures and shelters shall be maintained in a reasonable sanitary condition, particularly with respect to manure management practices, in the opinion of Council.

RESIDENTIAL RURAL ZONES

[(f) *A new Residential Rural Zone shall not be closer than the separation distance required in TABLE V-III OF PART V.*](B/L 2104/08)

(2) Separation From Sand and Gravel Resources

- (a) A minimum separation distance of five hundred (500) feet shall be provided between land to be zoned for Residential Rural purposes and any aggregate resource deposit defined and recommended as valuable for development by the Province, except where the Provincial Department recommends a lesser separation distance due to the existing physical factors or a required buffer.

(3) Separation From Hazardous Uses

- (a) A minimum separation distance of one-half (1/2) mile shall be provided between either a "RR2" Zone or a "RR4" zone and a stationary anhydrous ammonia storage container; and
- (b) No individual dwelling, care facility or other habitable building shall be located within five hundred (500) feet of a stationary anhydrous ammonia storage container.

(4) Separation From Flood Areas

The residential rural zones shall not be located within areas affected by flooding and one thousand three hundred and twenty (1320) feet of areas potentially affected by bank instability, or slumping.

(5) Separation From Waste Disposal Facilities

The rural residential zones shall not be located within one thousand three hundred and twenty (1320) feet of waste disposal ground or fifteen hundred (1500) feet of sewage lagoon.

RESIDENTIAL RURAL ZONES

PART VII - GENERAL DEVELOPMENT ZONE

INTENT AND PURPOSE

1. The General Development Zone established in this By-law provides for those areas in the Municipality such as unincorporated urban centres, hamlets or small rural settlements where development activities such as residential, commercial, and industrial have not developed sufficiently to exhibit distinct zones and to designate such areas in accordance with the Neepawa and Area Planning District Development Plan.

GENERAL DEVELOPMENT ZONE

2. The "GD" General Development Zone provides for the development of urban land uses in those areas mentioned in section 1 above.

USE TABLE

3. The use of land within the General Development Zone shall be as set forth in TABLE VII - 1, GENERAL DEVELOPMENT USE TABLE, except wherein otherwise stated.

GENERAL DEVELOPMENT USE TABLE VII - I

LEGEND: P – PERMITTED C - CONDITIONAL	ZONE
USE	GD
Accessory Uses, Buildings or Structures (see Section 4 of this PART)	P
Amusement Enterprises such as Bowling Alleys, Dance Halls or Theatres	P
Any Manufacturing or Industrial Use not otherwise provided for herein	C
Automobile Service Stations	P
Automobile or Trailer Sales Areas	P
Automobile Body Shop	C
Bakeries	P
Building Contractors' Yards	C
Churches	P
Dairies and Creameries	P
Drive-In Establishments, except Drive-In Theatres	P
Dry Cleaners and Laundries	P
Existing Uses, Buildings and Structures (see Section 7A and 9(1) of PART III)	P

GENERAL DEVELOPMENT ZONE

GENERAL DEVELOPMENT USE TABLE VII - I

LEGEND: P – PERMITTED C - CONDITIONAL	ZONE
USE	GD
Frozen Food Lockers	P
Fuel Yards and Bulk Oil Storage	C
Grain and Vegetable Storage Buildings	C
Grocery Stores	P
Hotels and Motels	P
Implement Dealers, Sales and Service	C
Lumber Sales, if completely enclosed in a building or structure	P
Lumber Sales, if not completely enclosed in a building or structure	C
Maintenance or public works yards and garages	C
Mobile Home Parks	C
Multiple-Family Dwellings	P
Single-Family Dwellings, Two-Family Dwellings and Mobile Homes	P
Painting Shops (Contractors)	P
Public Buildings	P
Recreation Areas, Parks and Playgrounds	P
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for four or fewer adults or children who are under the care of a child caring agency or who may be post mentally ill, mentally retarded or otherwise developmentally delayed	P
Residential Care Facilities including halfway type homes, rehabilitation homes, hostels and group foster homes providing meals and residential services, including care and supervision for five or more adults or children who are under the care of a child caring agency or who may be post mentally ill, mentally retarded or otherwise developmentally delayed	C
Restaurants, Coffee Shops and Dining Rooms	P
Retail Stores and Buildings	P
Sales Buildings and Showrooms	P
Schools, public or private	P
Senior Citizen Homes	P
Service Buildings and Service Shops	P
Truck Terminals	C
Veterinary Offices	P
Warehouses and Storage Buildings	C

GENERAL DEVELOPMENT ZONE

ACCESSORY USES, BUILDINGS AND STRUCTURES

4. (1) In the General Development Zone, accessory uses, buildings and structures shall be limited to the following:
 - (a) Those related to a dwelling, including a mobile home, may include:
 - (i) a children's playhouse, garden house, private greenhouse, summer house, and private swimming pools;
 - (ii) a private garage, carport, covered patio, porch, toolhouse, shed or other similar additions and structures;
 - (iii) home occupations (see PART I, defin. 2.23); and
 - (iv) Identification signs not exceeding four (4) square feet in area.
 - (b) Those related to parks or tot lots and the like may include:
 - (i) Structures and signs for the operation, maintenance and administration of, or incidental to, a permitted park and recreational use.
 - (c) Those related to commercial, industrial or institutional buildings and uses may include:
 - (i) Incinerators and individual sewage disposal systems, subject to the approval of the authority having jurisdiction;
 - (ii) A dwelling or mobile home for a watchman or caretaker whose presence on a permitted or conditional commercial or industrial site is necessary at all times;
 - (iii) Dwelling units, apartments or suites, when incidental to, and located above or to the rear of a permitted or conditional commercial use;
 - (iv) Retail outlets incidental to another permitted or conditional industrial or commercial use;
 - (v) 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 zoning regulations;

GENERAL DEVELOPMENT ZONE

- (vi) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business or personal service or mercantile occupancy if conducted by the same ownership as the principal use; and
 - (vii) Signs as defined in section 11 of this PART.
- 4. (2) Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:
 - (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building;
 - (b) Detached accessory buildings shall not be located in any required yard, except a required side or rear yard or as provided for elsewhere herein;
 - (c) No detached accessory building shall be located closer than ten (10) feet to any main building;
 - (d) In no instance shall an accessory building be located within a dedicated easement right-of-way; and
 - (e) Where a through site has a depth of less than two hundred (200) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than fifteen (15) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the frontage, but such accessory building need not be located more than thirty (30) feet from the street line.

BULK REGULATIONS

- 5. (1) The General Development bulk regulations shall be as set forth in this TABLE VII – II.

GENERAL DEVELOPMENT ZONE

GENERAL DEVELOPMENT BULK TABLE VII - II

PERMITTED OR CONDITIONAL USES	REQUIREMENTS				
	MINIMUM				
	Site Area (sq.ft.)	Site Width (ft.)	(c) Front Yard (ft.)	(e)(j)(d) Side Yard (ft.)	Rear Yard(j) (ft.)
Accessory Uses, Buildings or Structures (See Section 4(1) of this PART)			30	6	5(h)
Any Manufacturing or Industrial Use not otherwise provided for herein	20,000	100	20	10	25
Automobile or Trailer Sales Areas and Service Stations	20,000	150	15 pumps 25 bldgs.	15 pumps 15 bldgs.	15 pumps 15 bldgs.
Automobile Wrecking Establishments	1 acre	150	35	20	20
Building Contractor Yards	20,000	100	20	10	25
Churches	20,000	100	30	10	25
Fuel Yards, Bulk Oil Storage	25,000	150	20	20	20
Grain and Vegetable Storage Buildings	40,000	100	20	10	25
Implement Dealers, Sales and Service	1 acre	150	35	20	20
Lumber Yards	25,000	150	20	20	20
Multiple-Family Dwellings (a)	20000(b)	100	30	12(g)	25
Single-Family Dwellings, Two-Family Dwellings and Mobile Homes, Mobile Homes in Mobile Home Parks(i) Unserviced site	15000(f)	100(f)	30 15 in Mob.Home Park	12(g) 15 in Mob.Home Park	25
Recreation Areas, Parks and Playgrounds	Requirements as determined by Council				
Retail Stores and Buildings Sales Buildings and Showrooms Service Buildings and Service Shops	12,000	75	0	0	25
Schools, public or private	5 acres	200	30	10	25
Senior Citizens Homes	25,000	150	20	20	20
Truck Terminals	1 acre	150	35	20	20
Warehouses and Storage Buildings	15,000	100	20	10	25
All Other Uses	15,000	100	0	0	25

Explanations and Exceptions to the Bulk Requirements Table VII - 2 are as follows:

- (a) The minimum dwelling unit area for multiple-family dwellings shall be 400 sq. ft. and the maximum site coverage shall be 60 percent.

GENERAL DEVELOPMENT ZONE

- (b) 20,000 sq. ft. for the first 4 dwelling units plus 1,000 sq. ft. for each additional dwelling unit.
- (c) Front yard setbacks may be modified in accordance with Section 7 of this PART.
- (d)
 - (i) If a commercial or industrial use is adjacent to a residential dwelling, a side yard of 15 feet is required; and
 - (ii) Where located outside the downtown commercial area (as defined by Council), the side yard on the street side of a corner or reverse corner site shall be fifteen (15) feet.
- (e)
 - (i) Clear of all projections; and
 - (ii) In the case of a side yard on the street side of a corner or reversed corner site, there shall be a minimum side yard of twelve (12) feet.
- (f) The minimum required site width shall be fifty (50) feet and the minimum lot area shall be 5,000 square feet if the site is serviced with public sewage and water facilities.
- (g) The minimum required side yard shall be six (6) feet if the site is serviced with public sewage and water facilities, except where there is no public lane to the rear of the lot, one side yard shall be twelve (12) feet.

The minimum required rear yard shall be eight (8) feet where there is a rear lane.

- (h) Proposals for Mobile Home Parks must be submitted to Council for approval. These plans must be drawn to scale and fully dimensioned indicating access roads and internal roads (minimum 50 feet in width), perimeter buffer (20 feet in width within and adjacent to property line), mobile home spaces, storage compounds, common recreational area, guest parking, and drainage plan. All mobile home spaces must be provided with a holding tank or Municipal connection, an approved water supply, an electrical outlet, and an adequate foundation base. The Mobile Home Park shall have a street lighting system and any other services considered necessary for the public health and safety.

Notwithstanding anything herein, no detached accessory building shall be located nearer a mobile home, in a mobile home park that a distance of six feet, and detached accessory buildings shall be located only in the rear and side yards. Also, all attached structures and building with mobile homes such as porches, carports, skirting and storage facilities shall be painted or pre-finished and maintained so that the design, construction and maintenance, in the opinion of Council, will compliment the main structure.

GENERAL DEVELOPMENT ZONE

NUMBER OF BUILDINGS PERMITTED PER SITE

6. Not more than one (1) of the following uses and their accessory areas and buildings shall be permitted on one (1) zoning site:
- (i) single-family dwelling;
 - (ii) two-family dwelling; and
 - (iii) mobile home.

FRONT YARD EXCEPTIONS

7. Where sites comprising forty (40) per cent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths of the buildings shall establish the required front yards of the block provided such average is less than the minimum front yard required in the Zone in which the site is located.

PROJECTIONS INTO REQUIRED YARDS

8. (1) Required yards shall be unobstructed from ground level to the sky, except as follows:
- a) Eaves may project into any required front, side or rear yard a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided that the width of the unobstructed side yard is not reduced to less than three (3) feet;
 - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet;
 - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies may extend into a required front yard not more than thirty (30) inches;

GENERAL DEVELOPMENT ZONE

- (d) Open, unenclosed porches, decks or platforms, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet;
- (e) Openwork ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3 1/2) feet above the average ground level adjacent thereto. An openwork type railing not more than three and one-half (3 1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in clauses (c) and (d);
- (f) Fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3 1/2) feet;
- (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of clause (f) above;
- (h) Name plates, signs for lease or rental of the premises on which they are located shall be allowed in any required front, side or rear yard;
- (i) Open work ornamental fences, hedges, landscape architectural features or guard rails, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2 1/2) feet in width shall be deemed adequate for such access.

OUTSIDE STORAGE

- 9. (1) Outside storage of goods and materials may be permitted provided:
 - (a) The storage is not located in any required front yard;
 - (b) On a site adjacent to a residential area or a dwelling unit or a mobile home, outside storage shall be effectively screened from the view of the adjacent residences by a wall or fence, the design, location and height of which shall be approved by Council prior to the erection thereof; and

GENERAL DEVELOPMENT ZONE

- (c) The storage shall not project above the height of the wall or fence.

MULTIPLE USES

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

SIGNS

SIGN REGULATIONS

- 11. The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial and industrial uses.

The following shall apply in all zones of this PART except otherwise stated:

- (a) No sign shall be permitted in the General Development Zone except as follows:
 - (i) identification sign, maximum size of six (6) square feet.
 - (ii) business sign, maximum size of sixty-four (64) square feet.
 - (iii) real estate sign, maximum size of ten (10) square feet.
 - (iv) bulletin board sign, maximum size of thirty-two (32) square feet.
 - (v) directional sign; as required.
 - (vi) political signs on a temporary basis
 - (viii) advertising signs, as conditional use, in the "GD" zone, maximum size of one hundred and twenty (120) square feet.
- (b) All types of signs that are free standing on a site shall be a minimum of eight (8) feet from any site boundary or as required by the Highway Traffic Board.

GENERAL DEVELOPMENT ZONE

- (c) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (d) No sign or sign structure shall be located in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (e) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- (f) No flashing signs shall be permitted without the approval of the Council. In any event, no flashing sign shall be permitted within two hundred (200) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
- (g) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs, which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Municipality at the owner's expense.
- (h) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another.
- (i) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zone in which they are located.

NEW DEVELOPMENT

- 12. All new development shall be subject to the pertinent policies found in the Neepawa and Area Development Plan.

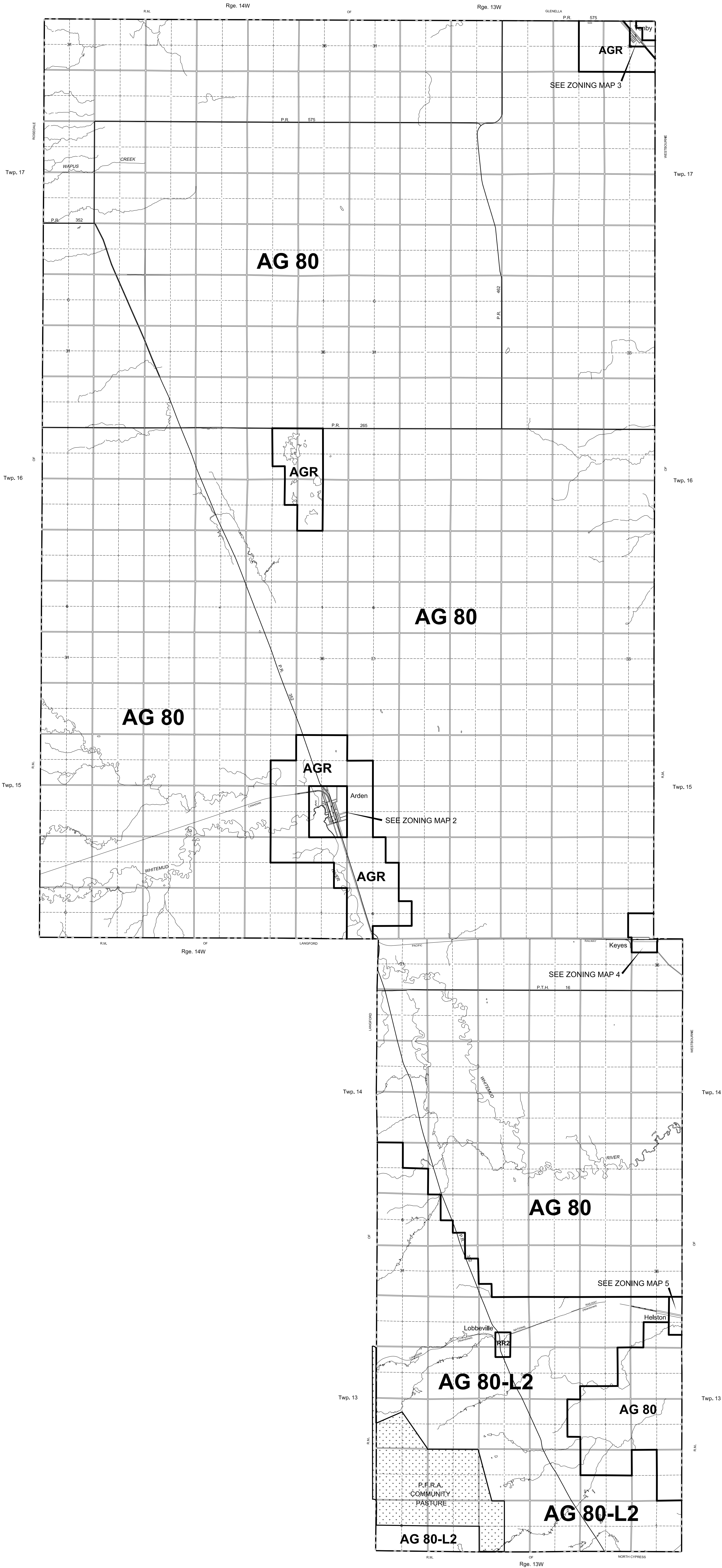
REQUIRED ON-SITE SEWAGE DISPOSAL SYSTEMS

- 13. All new or replacement on-site sewage disposal systems shall be holding pump out tanks in the Village of Arden.

GENERAL DEVELOPMENT ZONE

APPENDIX “A”

ZONING MAPS



Rural Municipality of Lansdowne

APPENDIX "A"

Zoning Map One
Of By-law No. 2104-08
Amending
Zoning Map One
of By-law No. 2074/00

- LEGEND:**
- "AG 80" - AGRICULTURAL GENERAL ZONE
 - "AGR" - AGRICULTURAL - LIVESTOCK OPERATION RESTRICTED ZONE
 - "AG80-L2" - AGRICULTURAL - LIVESTOCK OPERATION LIMITED-2 ZONE
 - "RR2" - RESIDENTIAL RURAL ZONE

- LIMIT OF THE ZONE
- - - MUNICIPAL LIMITS
- ▨ WILDLIFE MANAGEMENT AREA

MAP 1

**Rural Municipality
of Lundowne**

ARDEN

Appendix "A"

**Zoning Map Two
Of By-law No. 2074/00**

LEGEND:

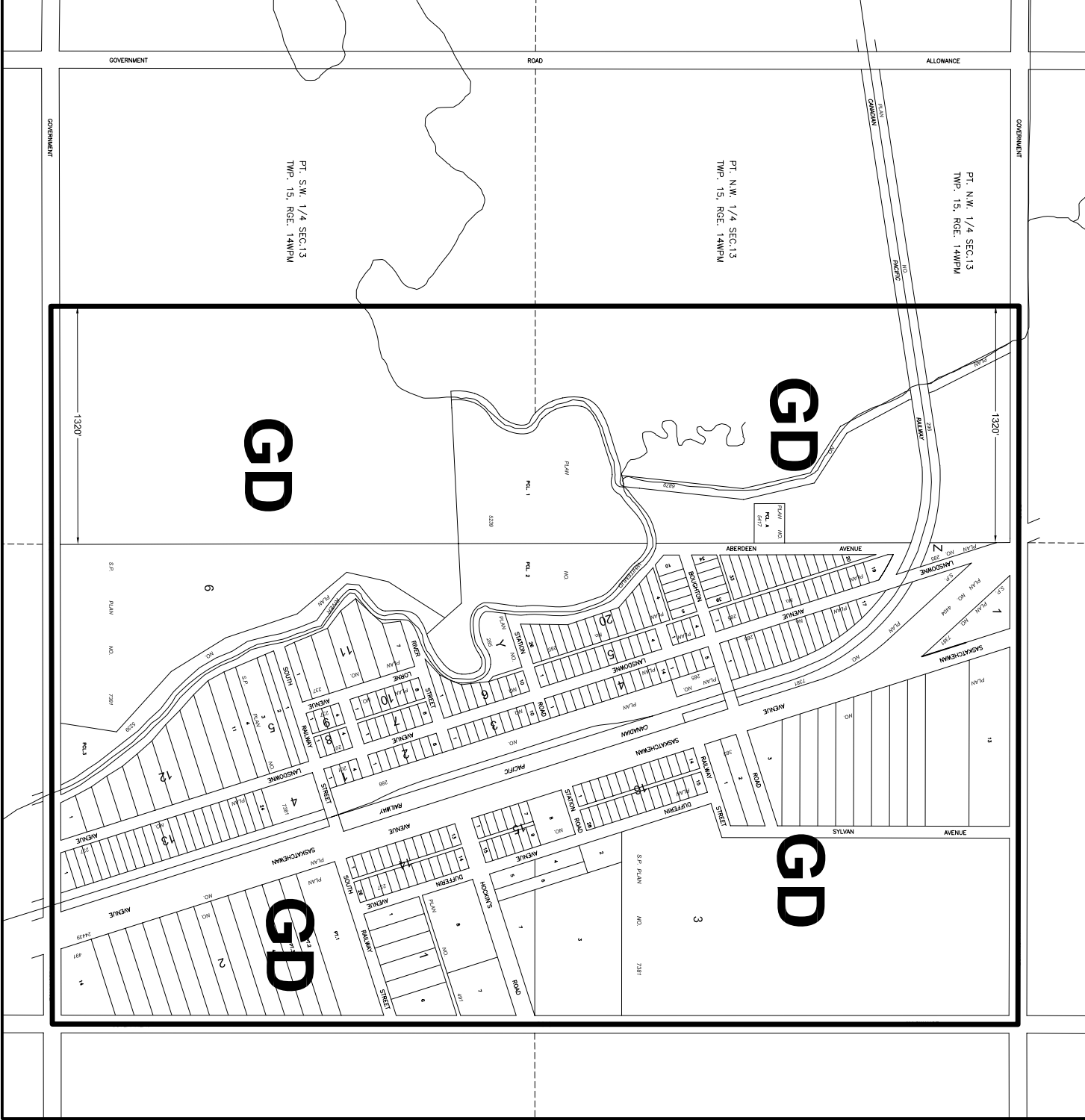
"GD" GENERAL DEVELOPMENT ZONE
LIMIT OF THE ZONE

MAP 2



Intergovernmental Affairs
Community Planning Services

DATE March, 2008 DRAWING NO. ZH1_Map 2
REVISED DRAWING NO.



**Rural Municipality
of Lundowne**


TENBY

Appendix "A"
Zoning Map Three
Of By-law No. 2074/00

LEGEND:

"GD" GENERAL DEVELOPMENT ZONE
LIMIT OF THE ZONE

MAP 3



400

0

800


121.92

0

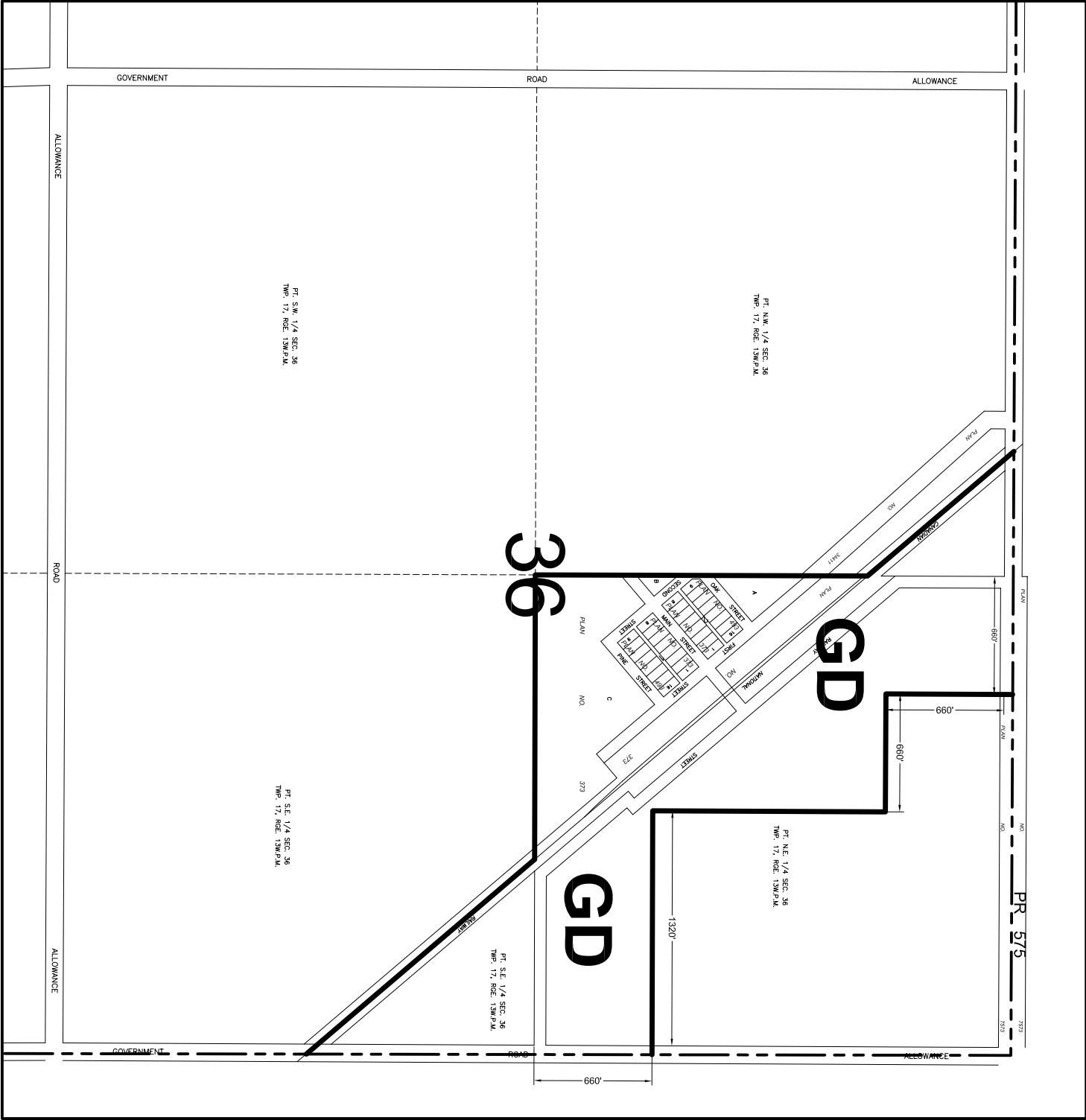
243.84

FEET

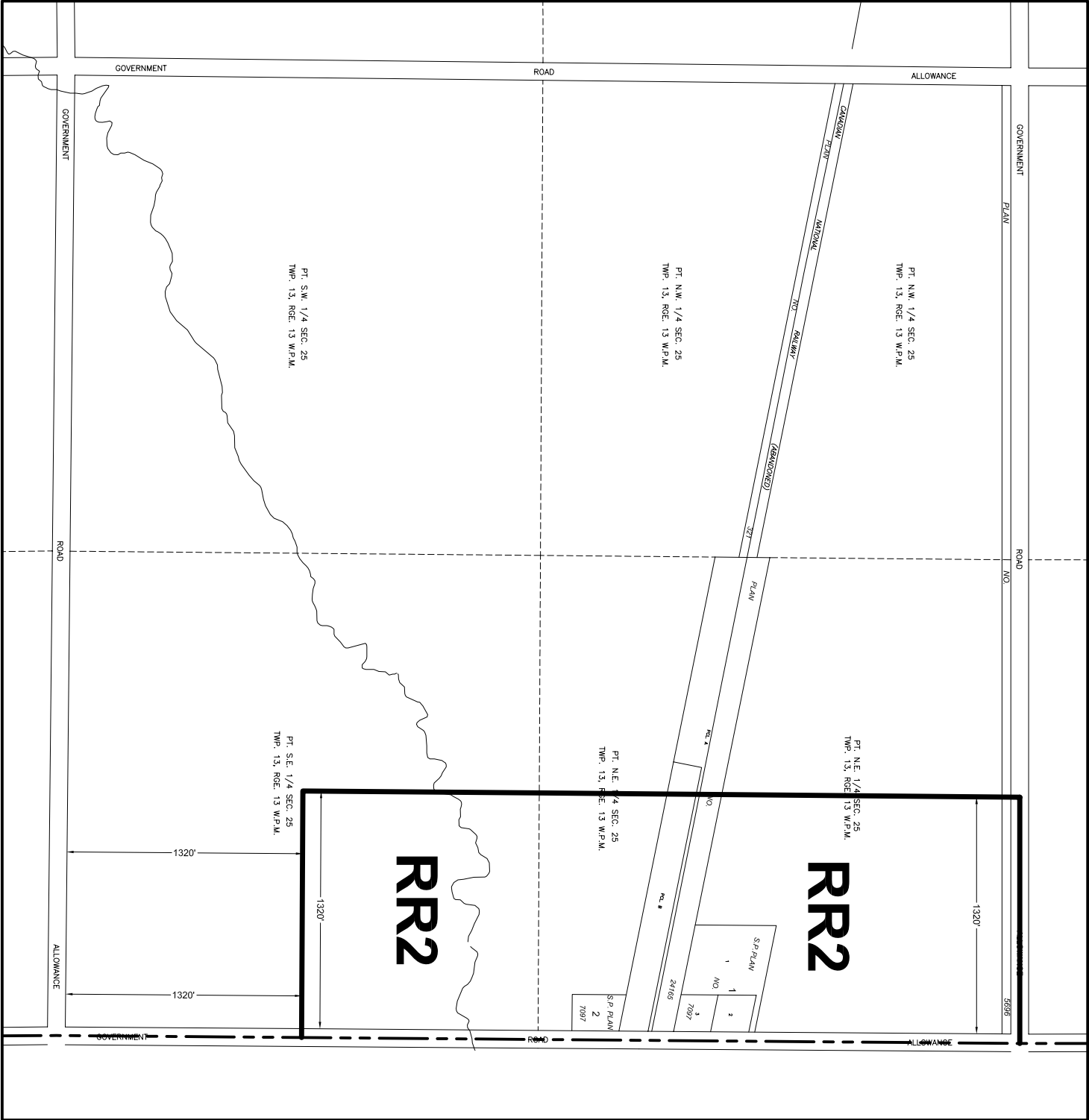
METERS



Municipality of Lundowne
Intergovernmental Affairs
Community Planning Services



DATE	March, 2008	DRAWING NO.	Zbl_Map 4
REVISED		DRAWING NO.	



Rural Municipality of Lundowne

HELSTON

Appendix "A"

Zoning Map Five Of By-law No. 2074/00

LEGEND:

"RR2" RESIDENTIAL RURAL ZONE
LIMIT OF THE ZONE

MAP 5



Inter-governmental Affairs
Community Planning Services

DONE AND PASSED in Council assembled this 12 th day of November, 2008.

Richard Funk
Reeve

Carol Henderson
Chief Administrative Officer

READ A FIRST TIME ON THIS 3rd DAY OF October A.D. 2008.

READ A SECOND TIME ON THIS 12th DAY OF November A.D. 2008.

READ A THIRD TIME ON THIS 12th DAY OF November A.D. 2008,

I, Carol Henderson, Chief Administrative Officer of the Rural Municipality of Lansdowne, do hereby certify that the above is a true and correct copy of By-law No. 2074/00 passed at a meeting of Council of the R. M. of Lansdowne on _____.

Chief Administrative Officer

THE RURAL MUNICIPALITY OF LANSDOWNE
BY-LAW NO. 3147/12

BEING A BY-LAW of the Rural Municipality of Lansdowne to amend the Rural Municipality of Lansdowne Zoning By-law No. 2074/00, as amended.

WHEREAS Section 80(1) of *The Planning Act* provides that a Zoning By-law may be amended;

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

1. PART V – **AGRICULTURAL ZONES** – AGRICULTURAL USE TABLE V-I is hereby amended to include “asphalt production plants” as a conditional use to be listed alphabetically in the table as shown in bold as follows:

AGRICULTURAL USE TABLE V-I

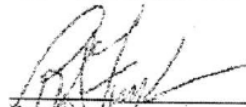
USE	LEGEND: P – PERMITTED C – CONDITIONAL (-) – USE NOT PERMITTED			ZONES		
	AG80	AGR	AG80-L2			
Asphalt Production Plant	C	-	C			

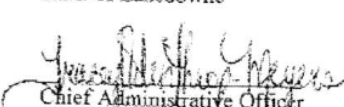
2. PART V – **AGRICULTURAL ZONES** – AGRICULTURAL BULK TABLE V – II is hereby amended by adding the requirements for “Asphalt Production Plants” to be listed alphabetically in the table as shown in bold as follows:

AGRICULTURAL BULK TABLE V - II

PERMITTED OR CONDITIONAL USES	ZONES	REQUIREMENTS				
		MINIMUM				
		Site Area (acres)	Site Width (ft.)	Front Yard(ft) (a)(e)	Side Yard(ft) (a)(e)	Rear Yard(ft) (a)(e)
Asphalt Production Plant	AG80	10	300	125	100	100

DONE AND PASSED IN COUNCIL duly assembled this 9th day of March, 2012


Reeve
R.M. of Lansdowne

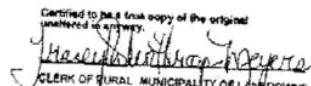

Chief Administrative Officer
R. M. of Lansdowne

RECEIVED FIRST READING ON THIS 9th DAY OF February, 2012.

RECEIVED SECOND READING ON THIS 9th DAY OF March, 2012.

RECEIVED THIRD READING ON THIS 9th DAY OF, March, 2012.

Certified to be a true copy of the original
submitted in support.


CLERK OF RURAL MUNICIPALITY OF LANSDOWNE