

THE RURAL MUNICIPALITY OF ROCKWOOD

**ZONING BY-LAW
NO. 17/09**

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THE RURAL MUNICIPALITY OF ROCKWOOD BY-LAW NO. 17/09

A By-law of the RM of Rockwood, in the Province
of Manitoba, to regulate and control the use and development
of land and buildings within the Municipal limits of the RM of Rockwood.

WHEREAS *The Planning Act* (the *Act*) provides that the Council of a Municipality may enact a Zoning By-law which generally conforms to a Development Plan adopted for the area;

AND WHEREAS pursuant to the provisions of the *Act*, the South Interlake Planning District which includes the RM of Rockwood has, by By-law, adopted *The South Interlake Planning District Development Plan By-law 1/02*;

AND WHEREAS the *Act* provides that the Council of a Municipality shall enact a Zoning By-law upon the adoption of a Development Plan for the area;

NOW THEREFORE the Municipal Council of the RM of Rockwood, in meeting duly assembled, enacts as follows:

1. *The RM of Rockwood Zoning By-law No. 14-85*, and all amendments thereto, are hereby rescinded.
2. The Zoning By-law, attached hereto and marked as Schedule "A", is hereby adopted.
3. This By-law shall be known as the *RM of Rockwood Zoning By-law*.
4. The *RM of Rockwood Zoning By-law* shall take force and effect on the date of Third Reading of this By-law.

DONE AND PASSED in Council assembled in Council Chambers, in Stonewall, Manitoba, this 28th day of July, A.D. 2010.

Reeve

Chief Administrative Officer

Read a First time this 12th day of August, A.D. 2009.

Read a Second time this 28th day of July, A.D. 2010.

Read a Third time this 28th day of July, A.D. 2010.

Certified a true copy of By-law No. _____ of the RM of Rockwood.

Chief Administrative Officer

**THE RURAL MUNICIPALITY OF ROCKWOOD
ZONING BY-LAW**

BEING *SCHEDULE “A”*

ATTACHED TO BY-LAW NO. 17/09

OF

THE RURAL MUNICIPALITY OF ROCKWOOD

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PART I

OPERATIVE AND INTERPRETATIVE CLAUSES

1.0 Title and Contents

1.1 Title

- 1) This By-law may be cited as the Rural Municipality (RM) of Rockwood Zoning By-law.

1.2 Intent and Purpose

The regulations established by this By-law are deemed necessary in order:

- 1) To ensure general conformance with the objectives and policies of the *South Interlake Planning District Development Plan*.
- 2) To outline the powers and duties of RM of Rockwood Council (Council), the South Interlake Planning District Planning Board (Planning Board), the Designated Officer and the landowner and/or developer as they relate to this By-law.
- 3) To regulate the following:
 - a) all buildings and structures erected hereafter;
 - b) all uses or changes in use of all buildings, structures and land established hereafter;
 - c) all structural alterations or relocations of existing buildings and structures occurring hereafter; and
 - d) all enlargements or additions to existing buildings, structures and uses.

1.3 Regulation of Uses

- 1) With the exception of Section 5.2 of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:
 - a) is listed in the Zone clauses as:
 - i) a permitted use development;
 - ii) a conditional use development, subject to approval as such;or
 - b) is an accessory use, building or structure.
 - c) has been granted a use variance as per Section 97(2) of *the Act*.
- 2) There shall be a maximum of one dwelling unit per lot or parcel of land, except for the following:

- a) dwelling units that are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation and deriving a significant income from it;
 - b) Single Family Dwellings, Two Family Dwellings, Townhouse Dwellings, Multiple Family Dwellings or Temporary Mobile Home Dwellings as provided for in this By-law; and
 - c) Mobile Home Dwellings in a mobile home park that has been approved by Council.
- 3) Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.

1.4 Contents of the By-law

The contents of this By-law include:

- 1) Part I, comprising of Section 1.0 to Section 7.0, outlines the Operative and Interpretive Clauses.
- 2) Part II, comprising of Section 8.0 to Section 53.0, outlines the General Administrative Clauses, General Development Regulations and Special Land Use Regulations.
- 3) Part III, comprising of Section 54.0 to Section 82.0, outlines the Zone clauses.
- 4) Part IV comprising the Zone Maps.

1.5 Headings and Titles

- 1) Despite any other provision of this By-law or any other By-law passed by Council to the contrary, headings and titles within this By-law shall be deemed to form part of the text of this By-law.

1.6 Interpretation

- 1) Words, phrases and terms defined herein shall be given the defined meaning.
- 2) Words, phrases and terms neither defined herein nor defined in By-laws of the RM of Rockwood shall be given their usual and customary meaning

except where, in the opinion of Council, the context indicates a different meaning.

- 3) The phrase *used for* includes *arranged for; maintained for; designed for; or occupied for*.
- 4) The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, *maximum* is used, in which case the maximum regulation shall apply.
- 5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions *and*, *or*, or *either-or*, the conjunctions shall be interpreted as follows:
 - a) *and* indicates that all the connected items, conditions, provisions or events shall apply;
 - b) *or* indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and
 - c) *either-or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 6) 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 the like kind or character.
- 7) Drawings and illustrations form part of this By-Law and are provided to assist in interpreting and understanding the By-Law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-Law, the text governs. (BL 3/13)
- 8) Where any requirement of this By-Law result in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half, is disregarded. (BL 3/13)
- 9) If a use is not specifically listed in the zones or deemed similar by the Designated Officer as provided for in Section 7.0 4) of this By-Law, the use is not permitted. (BL 3/13)

1.7 Units of Measurement

- 1) For convenience, this By-law contains both metric and imperial measurements. In cases where a discrepancy occurs between the metric and imperial standards, the metric unit shall prevail.

1.8 Effective Date

- 1) This By-law shall be in full force and effect when the Council of the RM of Rockwood has given it Third Reading.

1.9 Control of Development

- 1) No development, other than that designated in Section 11.1, shall be undertaken in the RM of Rockwood unless an application has been approved and the development permit has been issued.

1.10 Relationship to Former By-laws

- 1) The adoption of this By-law shall not prevent any pending or future legal action to deal with any existing land use violations.

1.11 Validity

- 1) Should a court of competent jurisdiction declare any Section or part of a Section of this By-law invalid, the same shall not affect provisions of the By-law as a whole or any part thereof beyond that which is declared invalid.

2.0 Non-Conforming Buildings, Structures, Lots and Uses

- 1) When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a development permit has been issued, and the enactment of the By-law would render the development in respect of which the permit was issued a non-conforming building, structure, lot, or use, the development permit continues in effect despite the enactment of the By-law.
- 2) Any lawful building or structure which does not conform to one or more of the applicable yard regulations of the Zone in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.
- 3) Any legal existing lot which does not conform to the minimum site area, site width, front yard or access regulations hereof for the Zone wherein it is located, shall be deemed to be a permitted lot and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.
- 4) Any lawful use of a building, structure or lot, or portion thereof, which does not conform to one or more of the applicable use regulations of the Zone in which it is located, either on the effective date of this By-law or

amendments thereto, shall be deemed to be a permitted use and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.

- 5) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of twelve consecutive months or more, any future use of the land or building shall conform to the provisions of this By-law.
- 6) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- 7) A non-conforming use of part of a building shall not be extended throughout the building and the building, whether or not it is a non-conforming building shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- 8) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - a) as may be necessary to make it a conforming building; or
 - b) as the Designated Officer considers necessary for the routine maintenance of the building or to make safe as per the building code.
- 9) Where a building or structure that does not conform to the provisions of this By-law or amendments thereto is destroyed or damaged to an extent that is 50.00 percent or more of the assessed value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the provisions of this By-law.
- 10) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.
- 11) Despite Section 2.0 (1) to Section 2.0 (10), as per the *Act* a non-conformity may be altered by way of variation order by Council.
- 12) Any owner may apply to the Designated Officer for a Certificate of Non-Conformity in accordance with the provisions of *the Act*.

3.0 The Zone Maps

- 1) The Zone Maps are Part IV of this By-law, which divide the RM of Rockwood into Zones and specifies regulations applying to particular lands.

3.1 Zone Boundaries

Should uncertainty or dispute arise relative to the precise location of the boundary of any Zone, as depicted on the Zone Maps, the location shall be determined by the following:

- 1) Where a Zone boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof.
- 2) Where a Zone boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zone for that portion of the Zone boundary which approximates the site boundary.
- 3) Where a Zone boundary is shown approximately following Municipal limits, it shall be deemed to be following Municipal limits.
- 4) Where a Zone boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof.
- 5) Where a Zone is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow the said line. In the event of a change in the said line, it shall be deemed as moving with that line.
- 6) Where a Zone boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed.
- 7) Where features on the ground are at variance with those shown on the Zone Map or in other circumstances not mentioned above, the Designated Officer shall interpret the Zone boundaries. Any such decision may be appealed to Council.
- 8) Where a Zone boundary is not located in conformity to the provisions of Section 3.1(1) to Section 3.1(7) of this By-law, and in effect divides or splits a registered parcel of land into more than one Zone:
 - a) the disposition of the said boundaries shall be determined by dimensions indicated on the Zone Maps or by measurements directly scaled from the Zone Maps; and
 - b) each such portion of the said parcel of land shall be used in accordance with the applicable Zone regulations of this By-law as if it were a separate site.

3.2 Right-of Way Boundaries

- 1) Despite anything contained in this By-law, no Zone shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by Council.
- 2) Where any public roadway is closed pursuant to the provisions of *The Municipal Act*, as amended, the land contained therein shall there upon be deemed to carry the same Zone as the abutting land.
- 3) Despite Section 3.2 (2), where such abutting lands are governed by different Zones, the centre line of the public right-of-way shall be deemed to be the Zone boundary.

4.0 Approval Required for Development

- 1) No person
 - a) shall commence, or cause or allow to be commenced, a development without a development permit which has been issued under the provisions of this By-law; or
 - b) shall carry on, or cause or allow to be carried on a development without a development permit which has been issued under the provisions of this By-law.

5.0 Other Legislation

5.1 Compliance

- 1) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
 - a) the regulations of the *National Building Code* as well as applicable Municipal building regulations and Provincial building code regulations;
 - b) the *South Interlake Planning District Development Plan*;
 - c) any other appropriate Federal, Provincial or Municipal legislation; and
 - d) the conditions of any caveat, covenant, site plan, development agreement, variation order or conditional use order, easement or other instrument affecting a building or land.
- 2) Whenever provisions contained in any appropriate Federal, Provincial or Municipal legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering

any of the same subject matter contained herein, the most restrictive or highest standard shall apply.

- 3) Whenever the provisions of a special agreement or development agreement entered into between the RM of Rockwood and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern.
- 4) The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.

5.2 Public Utilities and Services

- 1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any Public Utility Service or Protective and Emergency Service, as defined in this By-law.

6.0 Definitions

Terms and words in this By-law as defined in the *Act* have the meaning expressed therein. Other terms and words, unless the context otherwise requires, are defined below.

6.1 General Definitions

- 1) **Abut or abutting** means immediately continuous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site or piece of land, and shares a lot line or boundary line with it.
- 2) **Accessory** means, when used to describe a use, building or structure, said use, building or structure is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
- 3) **Act, the** means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

- 4) **Aggregate** means quarry mineral that is used solely for construction purpose as a constituent other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.
- 5) **Aggregate Quarry** means a quarry from which aggregate is extracted.
- 6) **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.
- 7) **Animal Unit (A.U.)** means the number of animals of a particular category of livestock that will excrete 73.00 kg. (160.93 lb.) of total nitrogen in a twelve month period.
- 8) **Aquifer** means a water bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.
- 9) **Attached**, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.
- 10) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.83 m. (6.00 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.22 m. (4.00 ft.).
- 11) **Bedrooms** means a habitable room located within a dwelling unit that is used primarily for sleeping.
- 12) **Bedroom Suites** means a bedroom located within a dwelling unit that contains washroom facilities for the exclusive use of the occupants thereof.
- 13) **Blank Walls** means exterior walls containing no windows, doors or other similar openings.
- 14) **Buffer Strip** means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.
- 15) **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.

- 16) **Building Permit** means a permit issued by the Municipality authorizing the construction or alteration of all or part of any building or structure, in accordance with the applicable codes and standards.
- 17) **Bulk Fuel Storage Tank** means a tank used for the bulk storage of petroleum products or other flammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.
- 18) **Calliper** means the trunk diameter of a tree measured at a point 300.00 mm. (12.00 in.) above the top of the root ball.
- 19) **Composting** means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.
- 20) **Conditional Use Order** means those uses of land, buildings or structures which may be permitted in a particular Zone but only at the discretion of Council in accordance with the *Act*.
- 21) **Condominium** means individual ownership of a unit in a multiple unit structure where expenses common to all parties are shared.
- 22) **Condominium Bare Land Unit** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.
- 23) **Condominium Unit** means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.
- 24) **Confined Livestock Area** means an outdoor, non-grazing area where livestock are confined by fences or other structures and includes a feedlot, paddock, corral, exercise yard, hoop structure and holding area.
- 25) **Construction or Constructed** means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.
- 26) **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.
- 27) **Council** means the Council of the RM of Rockwood.

- 28) **Cultivated Land** means land that is prepared and used for the growing of crops.
- 29) **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.
- 30) **Designated Officer** means the Designated Officer as appointed by the South Interlake Planning District Board on behalf of the Council for the RM of Rockwood in accordance with the *Act*.
- 31) **Development Permit** means a permit issued by the South Interlake Planning District on behalf of the RM of Rockwood authorizing development, and may include a building permit.
- 32) **Development Plan** means the *South Interlake Planning District Development Plan* adopted by By-law and as amended.
- 33) **Dugout** means an earthen excavation designed to collect and store runoff.
- 34) **Dwelling Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household.
- 35) **Dwelling Unit Area** means the total floor area of the dwelling unit contained within the outside surface of the exterior walls. This calculation shall exclude basement or other areas that are below-grade.
- 36) **Earthen Storage Facility** means a structure built primarily from soil, constructed by excavating or forming dikes, and used to retain livestock manure.
- 37) **Elevation, Lot Grade** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.
- 38) **Erosion** means the process by which the earth's surface is worn away by the action of the wind.
- 39) **Family** means one or more persons related by blood or marriage or common law marriage, or group of not more than four persons who may

not be related by blood or marriage occupying a dwelling unit and living together as a single housekeeping unit.

- 40) **Farm Building/Structure** means a building or structure which does not contain a residential occupancy and which is (a) associated with and located on land devoted to the practice of farming and (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence and (c) has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use).
- 41) **Farmer, Actively Engaged** means participation by an individual in the supervision and management of the farming operation, and the application of physical labour to the farming operation, unless the individual is precluded from doing so due to age or physical disability. (BL 28/10)
- ~~42) **Farmer, Significant Portion of Income** means 50% or more of gross income. Deleted (BL 3/13)~~
- 42) **Field Storage** means solid livestock manure that is stored in the open air other than in a manure storage facility.
- 43) **Flood Proofed** means the measures taken to ensure that a structure or building is safe from the effects of flooding and includes: no openings of any kind such as windows, doors and vents, or electrical meeting equipment etc. shall be permitted below the flood datums.
- 44) **Flood Risk Area** means that land adjacent to a watercourse that is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway that may be subjected to periodic flooding or inundation of floodwaters.
- 45) **Floor Area Ratio** means the numerical value of the gross floor area of the building or structure located upon the building site, excluding:
- basement areas used exclusively for storage or service to the building;
 - parking areas below grade, and
 - floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

- 45) **Frontage** means all that portion of a site fronting on a street and measured between side lot lines.

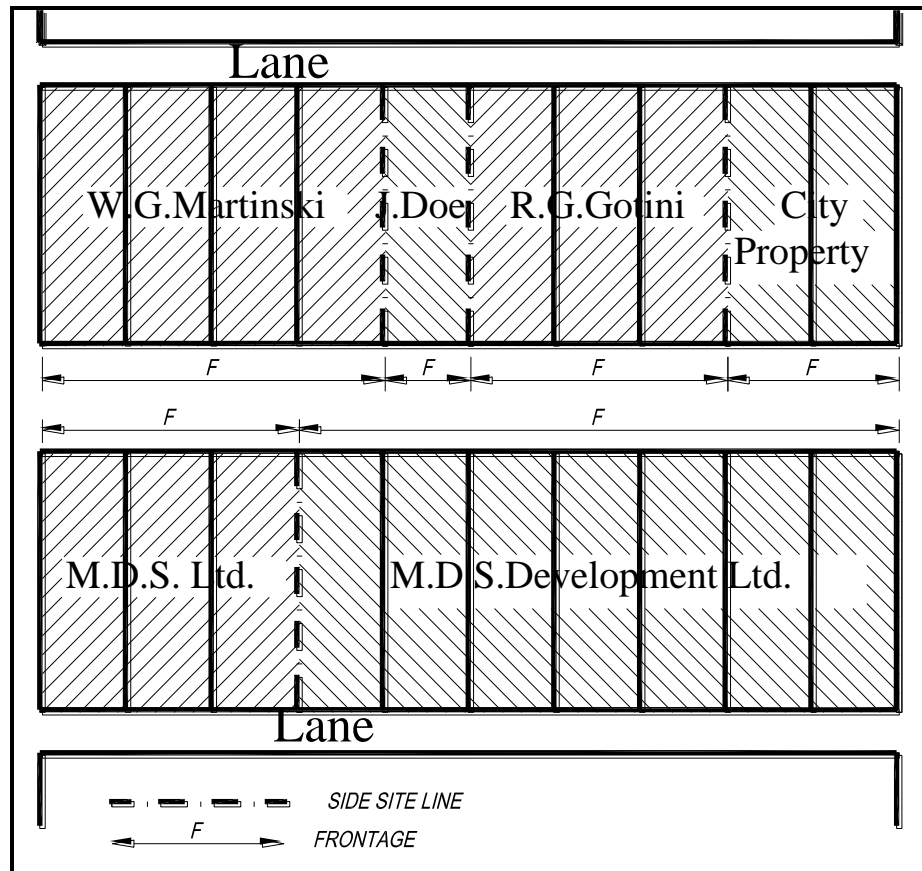


Figure 1. Frontage

- 46) **Fuel Tank Storage** means a tank for the bulk storage of petroleum products or other inflammable liquids which are being legally kept in a retail store or storage tank which is incidental to the primary use of the premises.
- 47) **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

- 48) **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.

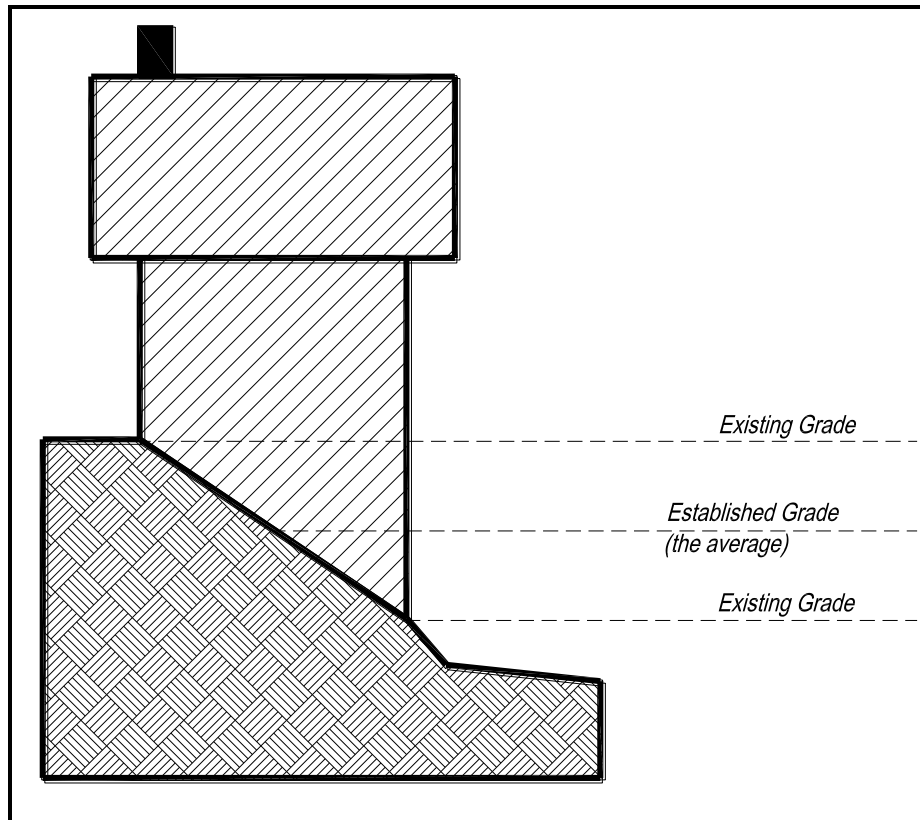


Figure 2. Established Grade of a Building

- 49) **Grain Storage Structure** means any structure which is designed to store any type of grain.
- 50) **Groundwater** means water below the surface of the ground.
- 51) **Habitable Room** means any room in a dwelling other than a non-habitable room.

- 52) **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:
- the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20.00 degrees; and
 - the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20.00 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.52 m. (5.00 ft.) above the maximum permitted building height of the Zone.

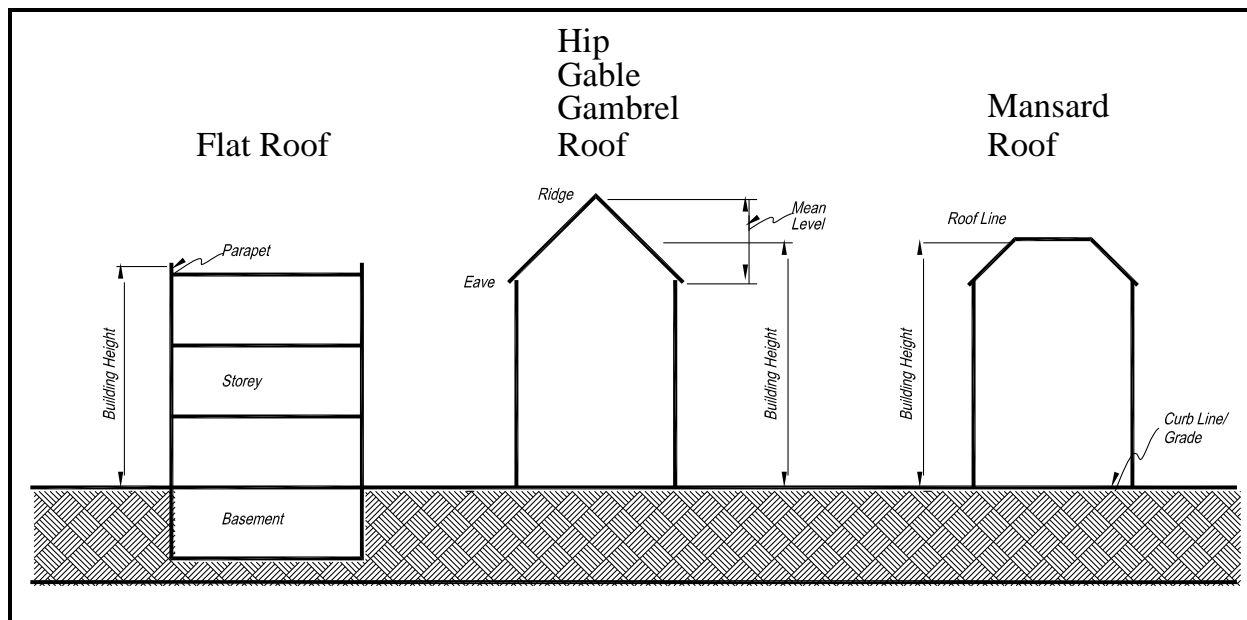


Figure 3. Height of Buildings

- 53) **Household** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.
- 54) **Institution** means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular object or cause, but does not include Private Clubs.
- 55) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a site or to provide a screen between sites in order to mitigate objectionable features between them.

- 56) **Livestock** means animals or poultry not kept exclusively as pets, excluding bees.
- 57) **Loading Space** means an off-street space or berth on the same site with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandize or materials, and which abuts upon a street, lane or other appropriate means of access.
- 58) **Lot, Corner** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.
- 59) **Lot, Double Fronting** means a lot which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the lot.
- 60) **Lot, Flag** means a lot so shaped and designed that the main building site is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street. (BL 3/13)
- 61) **Lot, Interior** means any lot other than a corner lot or through lot.
- 62) **Lot, Reverse Corner** means a corner lot, the flanking street lot line of which is a continuation of the front lot line of the first lot to its rear.

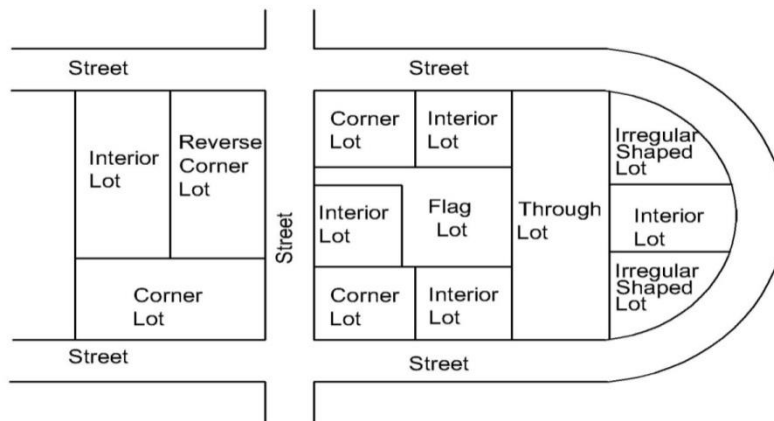


Figure 4. Lot Types (BL 3/13)

- 63) **Lot, Through** means a lot having a pair of opposite lot lines along two streets. On a through lot, both street lines shall be deemed front lot lines.
- 64) **Lot Line, Front** means the property line a lot abutting public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the lot lines abutting a public roadway.
- 65) **Lot Line, Rear** means either the lot line which is furthest from and opposite the front lot line, or, where there is no such lot line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.
- 66) **Lot Line, Side** means the property line of a lot other than a front lot line or rear lot line.

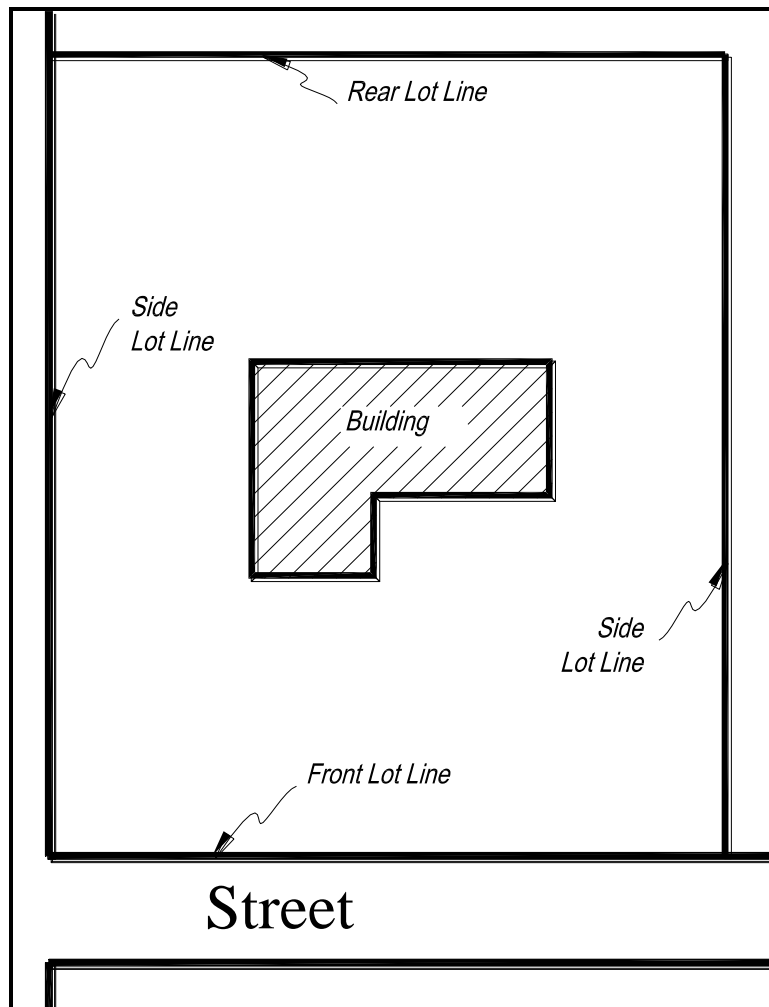


Figure 5. Lot Lines

- 67) **Manufactured Home Dwelling** means a factory built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with CSA building regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.
- 68) **Manure Management Plan** means a plan as defined in the Livestock Manure and Mortalities Management Regulation as a plan that is prepared on a form approved by the director and that provides for the storage and handling of manure produced in an agricultural operation and the land application, treatment or other acceptable use or disposal of the manure.
- 69) **Manure Storage Facility** means a structure, earthen storage facility, molehill, tank or other facility for storing manure or where it is stored, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include:
- a) a field storage site;
 - b) a vehicle or other mobile equipment used to transport or dispose of manure;
 - c) a gutter or concrete storage pit used to store liquid or semi-solid manure for less than thirty days;
 - d) a collection basin; or
 - e) a composting site for manure or mortalities.
- 70) **Mobile Home Park** means a parcel or land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved by Council.
- 71) **Mobile Home Site** means a site in a mobile home subdivision that may be purchased for the placement of a mobile home.
- 72) **Mobile Home Subdivision** means a parcel of land subdivided into mobile home sites that may be sold for the placement of mobile homes.
- 73) **Modular Home Dwelling** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building

or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.

- 74) **Molehill** means a manure storage facility for manure in which manure is mechanically forced through a pipe and becomes mounded.
- 75) **Motor Home** means a certified and licensed vehicular structure, as defined in *The Highway Traffic Act* that is used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.
- 76) **Municipal Engineer** means the Municipal Engineer as appointed by Council for the RM of Rockwood.
- 77) **Municipality** means the Municipal Corporation of the RM of Rockwood.
- 78) **Non-Habitable Room** means a space in a dwelling unit providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.
- 79) **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- 80) **Offensive or objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of Council may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.
- 81) **Off-Road Vehicle** means any wheeled or tracked motor vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and includes motorcycles, all-terrain vehicles, mini-bikes, dirt-bikes and trail-bikes, dune or sport buggies, snowmobiles, and amphibious vehicles.
- 82) **Oriel Windows** means a type of bay or bow window that projects out from an upper storey of a dwelling unit.

- 83) **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.
- 84) **Overburden** means clay which is excavated or disturbed within an aggregate extraction operation during quarrying or otherwise.
- 85) **Parcel of Land** means the aggregate of all land described in any manner in the certificate of title.
- 86) **Party Wall** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.
- 87) **Passenger Vehicles** means a motor vehicle that is designed, constructed or adapted for the principal purpose of transporting passengers, but excludes off-road, motor home, trailer, travel trailer and truck vehicles.
- 88) **Peat Moss** means a mass of partially carbonized plant tissue ranging in consistency from a turf to a slime that is commonly used as a fertilizer, stable litter or fuel or for making charcoal.
- 89) **Performance Standard** means a standard to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.
- 90) **Planned Area** means, with reference to a Aggregate Extraction Operation, the land described in the preamble and as shown as shaded attached to Schedule "A" to a development agreement between the Aggregate Extraction Operation owner/operator and the Municipality that is required as a condition of approval of a development permit for a Aggregate Extraction Operation.
- 91) **Pollution** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.
- 92) **Private Pool** means a artificially constructed basin, lined with concrete, fibreglass, vinyl or like material, that is capable of containing a water depth greater 60.00 cm. (24.00 in.) and that is located on the property of a single family dwelling.
- 93) **Ready-To-Move Dwelling** means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation.

- 94) **Rehabilitation** with regards to an aggregate extraction operation means the creation of landforms, land productivity and land uses that are in compliance with any applicable Secondary Plan for exhausted quarry sites or where there is no Secondary Plan, is compatible with existing land uses in the surrounding area.
- 95) **Repair** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
- 96) **Secondary Plan** means a plan adopted by by-law in accordance with the *Act* to guide the development or re-development in a defined area.
- 97) **Separation Distance** means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.
- 98) **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy.
- 99) **Setback** means the distance that a development or a specified portion of it must be set back from a lot line.
- 100) **Site** means an area of land consisting of one or more abutting lots.
- 101) **Site Coverage** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade, including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screened porches or verandas, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.

- 102) **Site Depth** means the average horizontal distance between the front and rear lot lines of the site.

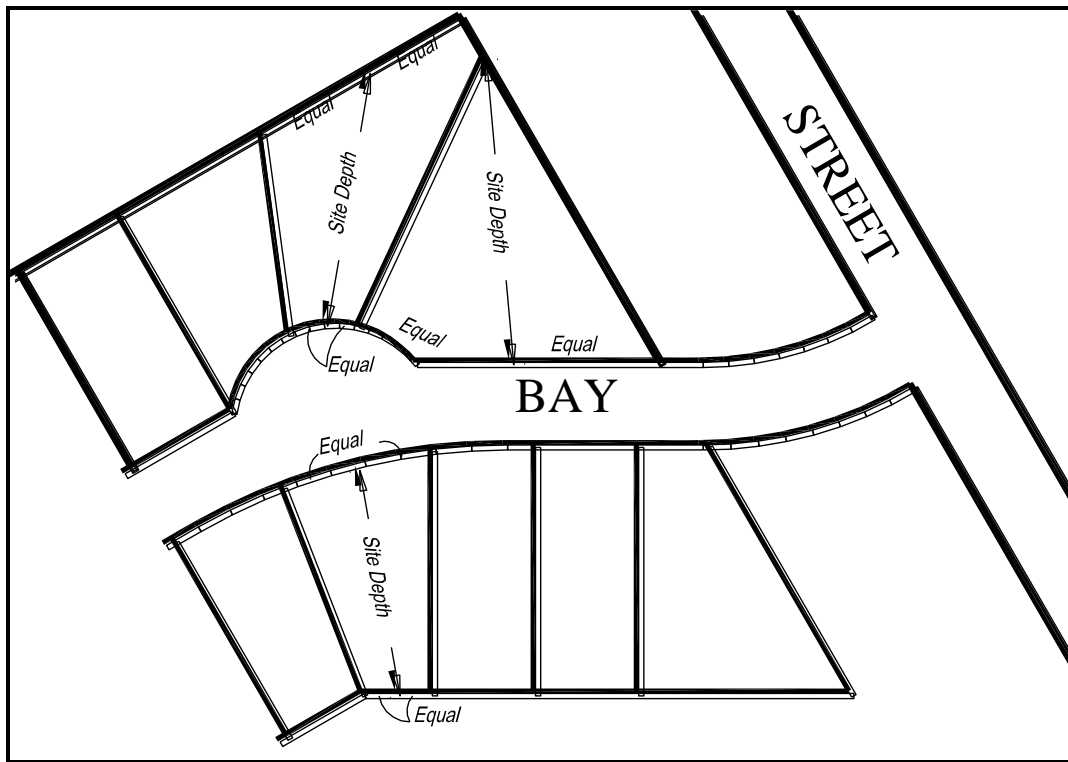


Figure 6. Site Depth

- 103) **Site Plan** means a map or series of maps drawn to scale showing some or all of the following information: proposed and existing buildings, structures, alterations and additions, roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Designated Officer or Council for any proposed development.

- 104) **Site Width** means the horizontal distance between the side lot lines of a site, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 15.24 m. (50.00 ft.) from the front lot line, and the lesser of these distances is the site width.

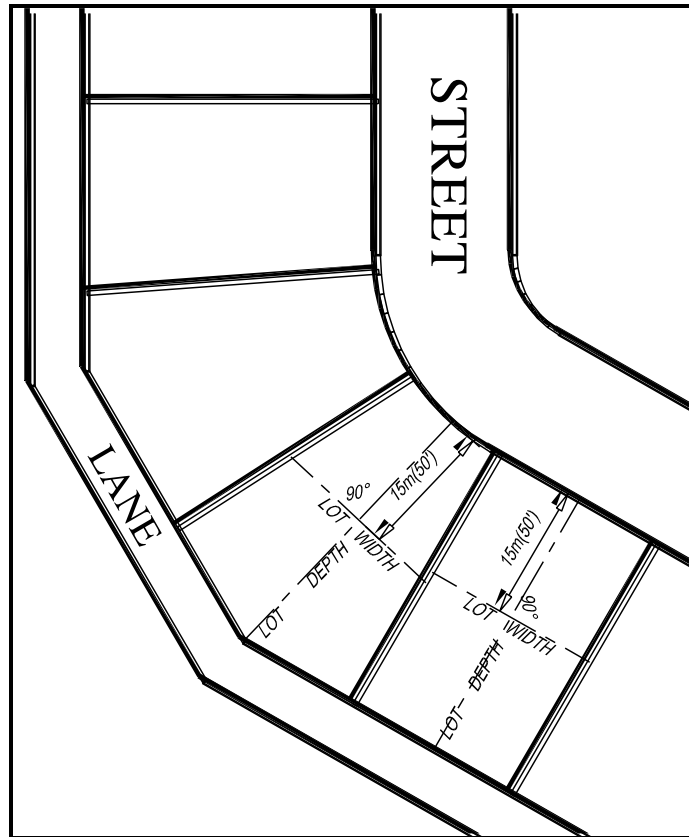


Figure 7. Site Width

- 105) **Sleeping Unit** means a habitable room, or a group of two or more habitable rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.
- 106) **Slurry Tank Storage Facility** means an above ground tank for the storage of livestock liquid manure that may be constructed from pre-cast concrete panels, reinforced cast-in-place concrete, glass lined steel panels or spiral wound coated steel.
- 107) **Solid Manure** means manure that contains more than 25.00 percent solid matter and does not flow when piled.
- 108) **South Interlake Planning District Board** means the South Interlake Planning District Board as established under *the Act*.

- 109) **Stacking Space** means an on-site queuing area for a passenger vehicle that is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.
- 110) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 m. (6.00 ft.) above grade, such basement shall be considered a storey for the purpose of this By-law.
- 111) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 m. (2.17 ft.) above the floor of such storey.
- 112) **Street** means a public roadway having a right-of-way at least 10.06 m. (33.00 ft.) in width that affords the principal means of access to abutting land.
- 113) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
- 114) **Surface Water** means any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.
- 115) **Temporary Buildings and Uses** means an incidental use, building or structure for which a development permit has been issued for a limited time only.
- 116) **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.
- 117) **Trailer** means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.
- 118) **Travel Trailer** means a certified and licensed portable vehicle designed for carrying persons as temporary accommodation for recreational purposes that is towed by a motor vehicle.

- 119) **Truck** means a motor vehicle that is constructed or adapted to carry goods, wares, merchandise, freight or commodities, but not passengers.
- 120) **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.
- 121) **Variance** means the altering of any of the regulations found in this By-law in accordance with the *Act*.
- 122) **Watercourse** means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.
- 123) **Yard** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law.
- 124) **Yard, Front** means a yard extending all the full length of the front lot line between the side lot lines. All front yard regulations found in this By-law shall be measured from the front lot line.
- 125) **Yard, Rear** means a yard extending along the full length of the rear lot line from the front yard to the rear yard.

- 126) **Yard, Side** means a yard extending along the side lot line from the front yard to the rear yard.

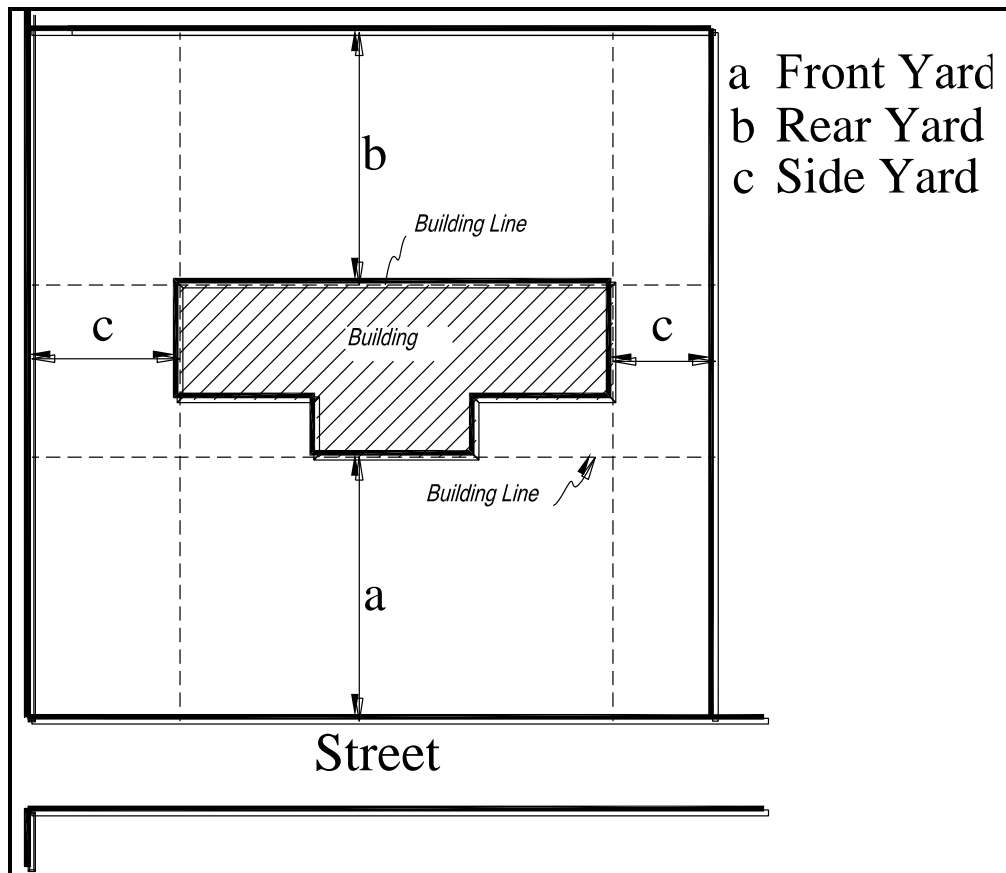


Figure 8. Yards

- 127) **Zone** means a Section contained in Part II of this By-law which regulates the use and development of land as depicted on the Zone Map comprising Part IV of this By-law.

6.2 Sign Definitions

Terms and works used in this By-law regarding the regulations of signs, unless the context otherwise requires, are defined as follows:

- 1) **Abandoned Sign** means any sign which no longer correctly identifies a business or the products and services offered on the site where the sign is located, or any sign which is not in a readable state.

- 2) **Animated Sign** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.
- 3) **Awning Sign** means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.
- 4) **Business Identification Sign** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.

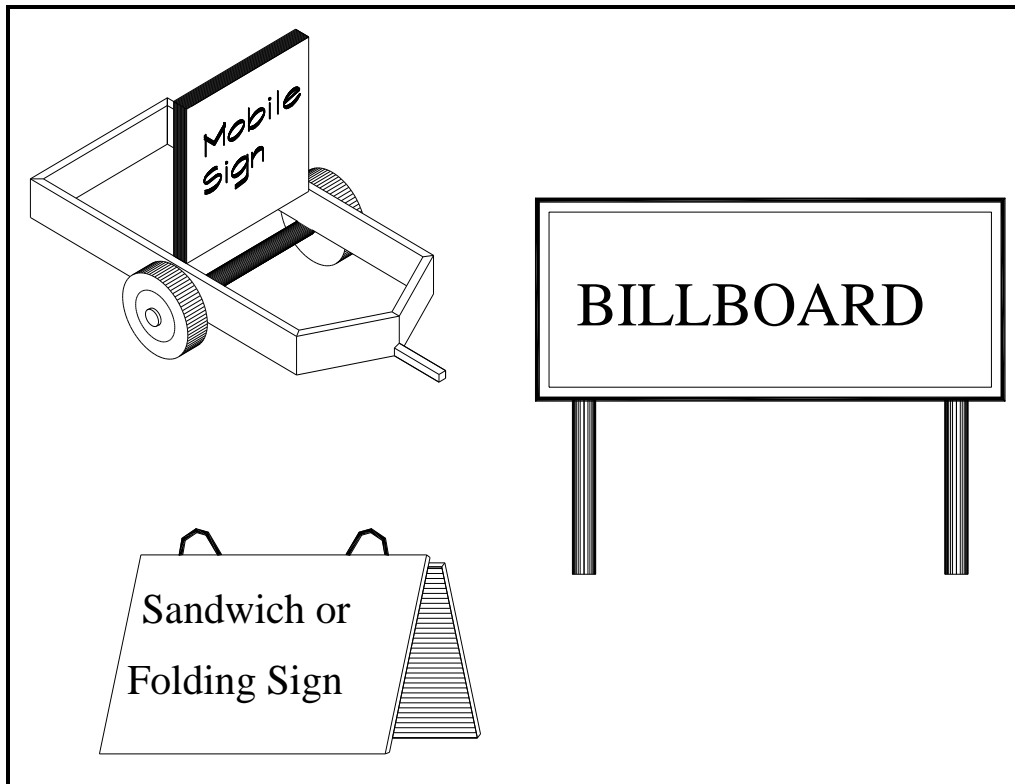


Figure 9. Types of Signs (Mobile, Sandwich, Billboard)

- 5) **Canopy Sign** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.

- 6) **Copy** means the letters, graphics or characters which make up the message on sign face.
- 7) **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the copy.
- 8) **Directional Sign** means on-premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.
- 9) **Electric Sign** means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.
- 10) **Fascia Sign** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00 cm. (15.75 in.) out from the wall or beyond the horizontal limits of the wall.
- 11) **Free Standing Sign** means any sign supported independently of a building and permanently fixed to the ground.
- 12) **General Advertising Sign** means a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment, or service provided on the premises where the sign is displayed, and general advertising has a similar meaning.
- 13) **Height (sign)** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
- 14) **Identification Sign** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.
- 15) **Illuminated Sign** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.
- 16) **Mural Sign** means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.

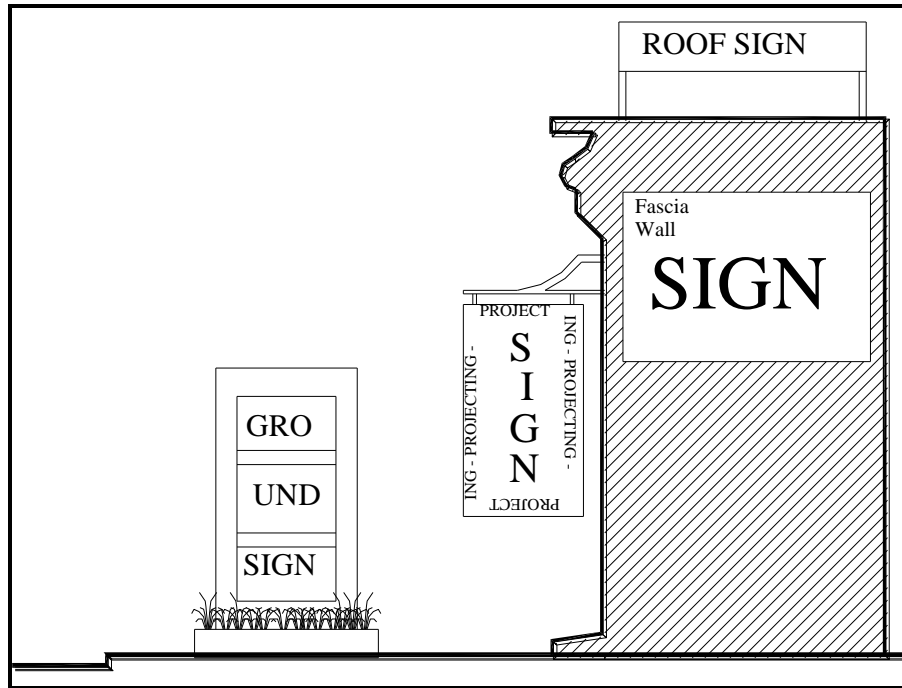


Figure 10. Types of Signs (Ground, Roof, Fascia, Projecting)

- 17) **Official Sign** means a sign required by, or erected pursuant to, the provisions of Federal, Provincial or Municipal legislation.
- 18) **Portable Sign** means a sign greater than 0.50 sq. m. (5.38 sq. ft.) in area that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.
- 19) **Projecting Sign** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.).
- 20) **Real Estate Sign** means a sign displaying real estate copy.
- 21) **Roof Sign** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.
- 22) **Sign** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person,

institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.

- 23) **Sign Alteration** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.
- 24) **Sign Area** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.
- 25) **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.
- 26) **Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.
- 27) **Warning Sign** means an on-premise sign providing a warning to the public, including such signs as *No Trespassing* or *Private Driveway* signs.

7.0 Use Class Definitions

- 1) The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.
- 2) The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zones of this By-law.
- 3) The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.

- 4) Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Designated Officer may deem that the use conforms to and is included in that Use Class which he/she considers to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zone.

7.1 Residential Use Classes

- 1) **Cottage Dwelling** means a permanent dwelling unit used as a part-time or seasonal residence.
- 2) **Institutional Residence** means a premise which is intended for the training, treatment, rehabilitation, housing, care and/or supervision of seniors. This Use Class includes nursing homes, personal care homes, residential care homes, attached housing and rehabilitation homes.
- 3) **Mobile Home Dwelling** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*. For the purpose of this By-law, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a Mobile Home Dwelling shall not change the classification.
- 4) **Multiple Family Dwelling** means a building containing three or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one family.
- 5) **Semi-Detached Dwelling** means the whole of a building divided vertically into two separate dwelling units, each of which has an independent entrance.
- 6) **Single Attached Dwelling** means one of a group of up to four Single Family Dwellings that are attached, with each dwelling unit having an independent entrance directly from the outside.
- 7) **Single Family Dwelling** means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building. This Use Class includes a manufactured home dwelling, ready-to-move dwelling and modular home dwelling, but not a Mobile Home Dwelling.

- 8) **Townhouse Dwelling** means a dwelling unit divided vertically into three or more attached dwelling units by fire separations, each of which has an independent entrance.
- 9) **Two Family Dwelling** means an attached or semi-detached building designed for and used by not more than two families, each having exclusive occupancy of a dwelling unit.

7.2 Residential-Related Use Classes

- 1) **Bed and Breakfast Home** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.
- 2) **Group Home** means a residential dwelling in which three to ten unrelated persons, exclusive of supervisory staff, live as a residential unit under the responsible supervision consistent with the particular requirements of its residents. The home is licensed under all applicable Provincial legislation and is in compliance with Municipal By-laws and amendments thereto.
- 3) **Guest Cabin** means a building accessory to and subordinate to a permitted residential use designed to provide additional sleeping quarters for occasional guests of the owner and without kitchen facilities.
- 4) **Home Industry** means an industry or profession carried out in a building accessory to a dwelling as a secondary use generally in keeping with the trade or calling of the occupant.
- 5) **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- 6) **Lodge** means development used for the accommodation of the public and may include self-contained cabins, cottages or housekeeping units.
- 7) **Secondary Suite** means a self-contained accessory dwelling unit located within a permanent single-family detached dwelling, on a single zoning site. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This use does not include duplex housing, semi-detached housing or apartment housing. (BL 3/13)

- 8) **Temporary Mobile Home Dwelling** means a Mobile Home Dwelling that is placed on the same site as a Single Family Dwelling on a temporary basis.

7.3 Commercial Use Classes

- 1) **Aircraft Landing Field** means any area of land or water that is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.
- 2) **Amusement Establishment** means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use Class includes arcades but does not include Carnivals or Indoor Participant Recreation Services.
- 3) **Animal Shelter and Veterinary Service** means a development used for the care and treatment of animals where the veterinary services primarily involve outpatient care and minor medical procedures. This Use Class includes pet clinics and veterinary offices.
- 4) **Auctioneering Establishment** means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
- 5) **Automotive and Equipment Repair Shop** means a development used for the servicing, painting and mechanical repair of automobiles, trucks, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, tire shops, automotive glass shops, upholstery shops, and paint and body repair shops.
(BL 3/13)
- 6) **Automotive and Recreational Vehicle Sales** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.
- 7) **Broadcasting and Motion Picture Studio** means a development used for the production or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.
- 8) **Business Support Service** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing,

duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

- 9) **Car Broker** means a development used for the retail purchase and sale of used passenger and light truck vehicles from a single detached dwelling unit. The Use Class does not include Automotive and Equipment Repair Shops, Automotive and Recreational Vehicle Sales and/or Convenience Vehicle Rentals.
- 10) **Carnival** means a temporary use of land, buildings or structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes circuses and midways.
- 11) **Commercial Resort** means a commercial recreation establishment which may consist of one or more buildings containing single or multiple family dwelling units, recreational facilities and service facilities which are used on an intermittent and seasonal basis. Other facilities which may be part of the resort development include: a camping and tenting ground, a hotel, a retail store, an eating and drinking establishment, a marina, a golf course and other outdoor recreation game courts, areas and trails.
- 12) **Commercial School** means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.
- 13) **Contractor's Yard** means a site or area of land occupied or used by a building or construction trade or operation wherein the outside storage of materials or storage and servicing of equipment is the principal use of the site.
- 14) **Convenience Retail Store** means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises which do not exceed 275.00 sq. m. (2,960.17 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

- 15) **Convenience Vehicle Rentals** means a development used for the rental of new or used automobiles, light trucks and utility trailers. This Use Class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities.
- 16) **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods.
- 17) **Drive-In Food Service** means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.
- 18) **Eating and Drinking Establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.
- 19) **Equipment Rentals and Sales** means a development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.
- 20) **Fleet Service** means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use Class includes ambulance services, taxi services, bus line, messenger and courier services.
- 21) **Funeral Service** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.
- 22) **Gas Bar** means a development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This Use Class does not include Service Stations.
- 23) **General Contractor Service** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation,

drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only.

- 24) **General Retail Store** means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use Class includes Convenience Retail Stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, pawn shops, massage parlours, adult entertainment establishments or adult video rental or sales stores. This Use Class includes the sale of domestic animal supplies.
- 25) **General Storage** means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This Use Class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards, or the storage of hazardous goods or waste.
- 26) **Greenhouse, Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.
- 27) **Health Service** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.
- 28) **Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms and Personal Services Shops.
- 29) **Household Repair Service** means a development used for the provision of repair services to goods, equipment and appliances normally found within a dwelling unit. This Use Class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

- 30) **Limited Contractor Service** means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, there are no accessory manufacturing activities, and no more than two service vehicles.
- 31) **Mini-Warehouse and Self-Storage** means an enclosed facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas also include vehicle storage for recreational vehicles, boats and other vehicles. No other business or service may be allowed to operate out of a rented storage space.
- 32) **Mobile Catering Food Service** means a development using a fleet of vehicles for the delivery and sale of food to the public.
- 33) **Motel** means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Service Shops.
- 34) **Non-Accessory Parking** means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.
- 35) **Outdoor Amusement Establishment** means a permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.
- 36) **Outfitter** means any land or premises equipped with Cottage Dwellings used or maintained for accommodation of the public for outdoor recreational purposes relating to hunting, fishing and other similar pursuits.
- 37) **Personal Service Shop** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats.

- 38) **Pet Cemetery** means a development of a parcel of land for the burial of household pets as determined by the Designated Officer.
- 39) **Professional, Financial and Office Support Service** means a development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.
- 40) **Rapid Drive-Through Vehicle Service** means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or speciality repair establishments.
- 41) **Recycling Depot** means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.
- 42) **Service Station** means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments. Typical uses include truck stops and highway service stations.
- 43) **Small Animal Breeding and Boarding Establishment** means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.
- 44) **Spectator Entertainment Establishment** means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, and theatres.
- 45) **Truck and Mobile Home Sales and/or Rentals** means a development used for the sale or rental of new or used trucks, motorhomes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.

- 46) **Trucking Operation** means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. This use class includes automotive repair, eating and drinking areas, gas bar, retail sales, and service stations as accessory uses.
- 47) **Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

7.4 Industrial Use Classes

- 1) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, fuels, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include Anhydrous Ammonia Facilities.
- 2) **General Industrial** means development used principally for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with adjacent land uses; the storage or transshipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.
- 3) **Industrial Vehicle and Equipment Sales and/or Rentals** means a development used for the sale, rental and repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.
- 4) **Light Industrial** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is

no production of heat or glare perceptible from any adjacent site. Typical uses include automotive body repair and paint shops, commercial manufacturing and research facilities.

- 5) **Portable Asphalt Plant** means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process.
- 6) **Portable Concrete Plant** means a plant that may be transported to or near a site wherein the concrete is to be utilized. It may include a main concrete cement storage bin or silo, a water weigh bin, a cement bin, and an aggregate bin.
- 7) **Processing Use** means a development used for the extraction, treatment, preparation, packaging, transportation, handling and storage of raw materials and other minerals. Typical uses include concrete plants.
- 8) **Small Scale Industrial – Farm Related** means light manufacturing, assembly or distribution of ready made products on a small scale that are used to diversify active farming operations.
- 9) **Small Scale Industrial – Non-Farm Related** means limited light industrial activity in rural areas on existing sites less than 4.05 hectares (10.00 acres) in size that are regulated through a development agreement.
- 10) **Storage Compound** means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities and salvage yards.
- 11) **Transport Terminal** means a development where commercial passenger vehicles pick up and discharge fare-paying passengers or a development used for the sale, rental, repair or storage of commercial vehicles.
- 12) **Wayside Pit and Quarry** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a project such as a road construction contract that is not located on the road right-of-way.

7.5 Agricultural Use Classes

- 1) **Abattoir** means a building, structure, or part thereof, used for the slaughtering of animals and related activities.

- 2) **Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.
- 3) **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Aggregate Extraction Operations.
- 4) **Agricultural Crop Protection Warehouse** means a facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticide, and fertilizers. This Use Class does not include Anhydrous Ammonia Facilities.
- 5) **Agricultural Implement Sales and Service** means a building and open space area used for display, sale and rental of new or used farm implements that includes repair work.
- 6) **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.
- 7) **Agriculture Support Industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills and seed plants. This Use Class does not include Bulk Storage Facilities or Anhydrous Ammonia Facilities.
- 8) **Anhydrous Ammonia Facility** means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer.
- 9) **Communal Farm Dwelling** means a residence in connection with a farm operation carried out on the same or an adjacent parcel by a religious colony or other association by or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.
- 10) **Composting** means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.

- 11) **Equestrian Establishment** means a facility engaged in the training of horses or the operation of a horse riding academy or horse riding stables.
- 12) **Farm Produce Outlet** means a building or structure where farm produce produced on-site is sold in season.
- 13) **Farmstead Dwelling** means any dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.
- 14) **Game Farm** means a development where elk, wild boar, bison, etc. with less than 10.00 animal units are held in captivity, pursuant to *The Livestock Industry Diversification Act* and *The Wildlife Act*.
- 15) **Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where at least 10.00 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.
- 16) **Non-Commercial Farm** means a development for small scale, non-commercial agricultural pursuits ancillary to rural residential uses. This Use Class shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.
- 17) **Specialized Agriculture** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis.
- 18) **Vacation Farm Operation** means an accessory development to a farm operation that provides temporary accommodations with or without meals to members of the travelling public for remuneration. This Use Class includes Tourist Campsites, Lodges and sites for motor homes or travel trailers.

7.6 Natural Resource Development Use Classes

- 1) **Aggregate Extraction Operation** means a development for the on-site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the site. Typical uses in this class include aggregate extraction operations, stone quarries and gravel pits. Typical accessory uses include offices, open or closed storage of equipment and supplies, sale of mineral and aggregate materials extracted on-site, stockpiling of mineral and aggregate materials extracted on-site, and

warehouses. This Use Class does not include the processing of raw materials transported to the site unless approved by the Designated Officer.

- 2) **Forestry Use** means the general raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of wood, pulpwood, lumber and other forestry products.
- 3) **Mineral Exploration** means the activity of searching for new mineral deposits.
- 4) **Wildlife and Conservation Reserve** means land that has been designated by Provincial legislation for the protection and conservation of wildlife. This Use Class includes Wildlife Management Areas.
- 5) **Wind Turbine Generating Station** means a development on a leased or owned site that is comprised of, but not limited to, one or more wind turbine generator towers that convert wind energy to electrical energy for private use or sale and may include research or meteorological towers, collector grids, substations and other associated or compatible accessory operations, including Agricultural Activities.
- 6) **Wind Turbine Personal Use** means a small scale wind turbine generator tower that converts wind energy to electrical energy for primarily private use.

7.7 Basic Service Use Classes

- 1) **Cemetery** means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.
- 2) **Extended Medical Treatment Service** means a development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes, and auxiliary hospitals.
- 3) **Government Service** means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, manpower and employment offices, correctional institutions, and social service offices.

- 4) **Protective and Emergency Service** means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency development which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.
- 5) **Public Utility Service** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, and includes all such carried on by or for the owner of a public utility or a Municipality or the Province of Manitoba. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage transfer and compacting stations and waste recycling plants.

7.8 Community, Educational, Recreational and Cultural Service Use Classes

- 1) **Child Care Service** means a development licensed by the Province of Manitoba to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools and play schools.
- 2) **Community Recreation Service** means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.
- 3) **Community Service Club** means a non-profit corporation chartered by *The Canada Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns or leases land, a building, or a portion thereof, the use of such premises being restricted primarily to meeting, community and related activities.
- 4) **Indoor Participant Recreation Service** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; paintball games; and racquet clubs.
- 5) **Outdoor Participant Recreation Service** means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses,

driving range, ski hills, sports fields, athletic fields, boating facilities, paintball games, riding stables and fitness trails.

- 6) **Private Club** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.
- 7) **Private Education Service** means a development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This Use Class includes dormitory and accessory buildings.
- 8) **Public Education Service** means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.
- 9) **Public Library and Cultural Exhibit** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.
- 10) **Public Park** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.
- 11) **Religious Assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

- 12) **Tourist Campsite** means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.

PART II

GENERAL ADMINISTRATIVE CLAUSES

8.0 Authority and Responsibility of the Designated Officer

8.1 Establishment and Appointment

- 1) The Designated Officer shall be any person appointed by the South Interlake Planning District Board on behalf of the Council of the RM of Rockwood to occupy the position of Designated Officer.

8.2 Designated Officer Duties and Responsibilities

The Designated Officer:

- 1) Shall review each development permit application to ascertain whether it conforms to the adopted *South Interlake Planning Development Plan* and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.
- 2) May refer a development permit application to any municipal, provincial or federal department or any other agency or body, deemed appropriate to obtain comments on the application.
- 3) Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this By-law unless he/she uses his/her discretion pursuant to Section 8.4 of this By-law.
- 4) May give notice of his/her decision on applications for development as follows:
 - a) where an application has been approved notice to the applicant shall be given in writing by ordinary mail; or
 - b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.
- 5) Shall receive, review and process variation, permitted use and conditional use order applications.
- 6) Shall perform other such duties as described or implied elsewhere in this By-law or required by the Planning Board or Council.

- 7) A person who is unsatisfied with a decision or order of the Designated Officer may request the Planning Board to review the decision or order by written notice within 14 days after the person receives the decision or order.
- 8) After giving the person a reasonable opportunity to be heard, the Planning Board may confirm, vary, substitute or cancel the order or decision.

8.3 Entry for Inspection and Other Purposes

- 1) The Designated Officer may, after giving reasonable notice to the owner or occupier of the land or a building or other structure to be entered:
 - a) enter the land, building or structure at any reasonable time for the purpose of administering or enforcing this By-law in accordance with the *Act*;
 - b) request that anything be produced to assist in inspection, remedy, or enforcement; and
 - c) make copies of anything related to the inspection, remedy, or enforcement.
- 2) The Designated Officer must display or produce on request identification showing his/her official capacity.
- 3) In an emergency or in extraordinary circumstances, the Designated Officer need not give reasonable notice or enter at a reasonable time and may undertake inspection, remedy or enforcement activities referred to in Section 8.3(1) of this By-law without the consent of the owner or occupant.

8.4 Variance to Regulations

- 1) The Designated Officer may approve, with or without conditions, a minor variation not to exceed 10.00 percent of the regulations of this By-law governing height, distance, area, size or intensity of use regulations.

8.5 Public Inspection of Applications

- 1) The Designated Officer shall ensure that a Register of Applications is maintained, and is made available to any interested person during normal office hours.

8.6 Maintenance and Inspection of By-law

The Designated Officer shall:

- 1) Make available to the public during normal office hours copies of this By-law and all subsequent amendments thereto.
- 2) Charge the specified fee for supplying to the public copies of this By-law.

9.0 Responsibilities of Council and the Planning District Board

9.1 Responsibilities of Council

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

- 1) The enactment of this By-law.
- 2) Considering the adoption or rejection of proposed amendments or the repeal of this By-law.
- 3) Approving or rejecting variation order applications.
- 4) Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.

9.2 Responsibilities of the Planning District Board

Subject to the provisions of the *Act*, the Planning District Board is responsible for:

- 1) Administering and enforcing the provisions of *this By-law*.
- 2) Administering and enforcing the provisions of *the Act*, where applicable.
- 3) Processing applications to be submitted to Council for amendments, variation orders and conditional uses and the collection of fees as provided herein
- 4) Establishing a schedule of fees and charges for development and building permits. Until all applicable fees and charges have been paid in full, no action need to be taken on any application.

10.0 Duties of the Owner

- 1) Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Designated Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any relevant By-laws of the RM of Rockwood.
- 2) Every owner shall:
 - a) permit the Designated Officer to enter any building or premises for the purpose of administering or enforcing this By-law at all reasonable times and with the consent of the owner in accordance with Section 8.3 of this By-law;
 - b) after the development application has been approved and the permit issued, notify the Designated Officer and obtain his/her approval before doing any work at variance with the approved documents filed; and
 - c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, plumbing, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

11.0 Development Classes

The following classes of development are hereby established.

- | | | |
|----|---------|--------------------------------|
| 1) | Class A | No Development Permit Required |
| 2) | Class B | Permitted Use |
| 3) | Class C | Conditional Use |

11.1 Class A Development (No Development Permit Required)

No development permit is required under this By-law for the developments listed below, provided that such developments shall comply with the Permitted Use and regulations of this By-law. This does not relieve the applicant or landowner from obtaining approvals from other government agencies. For a development listed below, the Designated Officer shall advise the applicant that no permit is required and return the submission, including any fees paid. Developments exempted from applications are as follows:

- 1) Regular maintenance and repair of any development provided it does not include structural alterations.
- 2) Private driveways and patios which are accessory to a development.

- 3) A fence, wall, or gate not exceeding 2.00 m. (6.56 ft.) in height
- 4) An accessory building that:
 - a) is less than 11.15 sq. m. (120.00 sq. ft.) in area; (*BL 28/10*)
 - b) does not exceed 4.57 m. (15.00 ft.) or one storey in height; and
 - c) is not considered a hazard by the Designated Officer.
- 5) An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than 0.61 m. (2.00 ft.) above grade unless it is anchored to the building.
- 6) Landscaping where the existing grade and natural surface drainage pattern is not materially altered.
- 7) The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within 30 days of substantial completion or as determined by the Designated Officer.
- 8) The following types of signs are exempt but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
 - a) signs of less than 0.60 sq. m. (6.46 sq. ft.) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
 - b) memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
 - c) signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
 - d) one real estate sign; and
 - e) non-illuminated directional signs, each sign not to exceed 0.50 sq. m. (5.38 sq. ft.) in sign area.
- 9) The use of vacant farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.
- 10) When a change in land use is from one agricultural activity to another, excluding livestock operations.

12.0 Development Permit Application Submissions

12.1 General Conditions

- 1) An application for a development permit shall not be considered to have been received until the applicant has submitted all information required pursuant to this Section of the By-law, and any information specifically required pursuant to the regulations of the applicable Zone or any other Section of this By-law and until the applicant has paid the appropriate fee.
- 2) Despite Section 12.1(1) of this By-law, the Designated Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section of the By-law.
- 3) The Designated Officer may require an applicant to submit such additional information as he/she considers necessary to verify the compliance of the proposed use or development with the regulations of this By-law.
- 4) Despite Section 11.1(4) of this By-law, a development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.
- 5) The approval of any application, drawings, or the issuing of a development permit shall not prevent the Designated Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this By-law.
- 6) Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until the applicant corrects such information.
- 7) Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
- 8) Unless otherwise specified in this By-law, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Designated Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

12.2 Class B Developments (Permitted Use)

The following information shall be submitted with an application for Class B (Permitted Use) developments, and the appropriate application form fully and accurately completed in accordance with the following regulations:

- 1) The municipal address of land and buildings presently occupying the site, if any.
- 2) A status of Title.
- 3) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
- 4) The applicant's name, address and interest in the land.
- 5) A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site.
- 6) Description of the work to be performed with respect to:
 - a) change in current occupancy of land use; or
 - b) description of proposed development or building operations.
- 7) Identification of the scale of the development with respect to:
 - a) gross floor area of the development in square metres;
 - b) area of the site covered in square metres;
 - c) height of the structure in metres; and
 - d) number of floors or storeys.
- 8) The estimated value, in dollars, of the proposed work.
- 9) A site plan, at a minimum scale of 1:500, showing the following:
 - a) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
 - b) setbacks and yard dimensions;
 - c) the location of all buildings or structures in relation to property lines; and
 - d) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.
- 10) Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes.
- 11) If required by the Designated Officer, a site plan at a minimum scale of 1:500, showing:

- a) the location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
 - b) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any.
- 12) Floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas.
 - 13) Elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100.
 - 14) Number of parking and loading spaces required and provided.
 - 15) A building location certificate, if required by the Designated Officer.
 - 16) A site plan and description of the proposed water supply and wastewater management systems.

12.3 Class C Developments (Conditional Use)

In addition to two copies of the information required for Class B (Permitted Use) developments, the applicant shall submit two copies of the following for Class C (Conditional Use) developments:

- 1) A plan showing the location of adjacent buildings and structures indicating the approximate height and number of storeys.
- 2) Excluding the Agricultural and Aggregate Extraction Operation Use Classes, a description of the exterior finishing materials to be used.
- 3) A written statement and other supportive material explaining the proposed development.

12.4 Sign Developments

The following information shall be submitted, in duplicate, with an application for a development permit for a sign, and the appropriate application form shall be fully and accurately completed:

- 1) The municipal address and legal description of the land or building where the sign is to be erected.
- 2) The applicant's name, address, telephone number and interest in the land.

- 3) The name of the business or development where the signs is to be erected.
- 4) Whether the development where this sign is to be erected is single business occupancy or multiple business occupancy development.
- 5) A letter from the owner of the property on which the sign is to be erected, or his/her agent, authorizing the applicant's sign development.
- 6) Two sets of working drawings for the proposed sign showing:
 - a) the overall dimensions of the sign, including all sign boxes and cabinets;
 - b) a description or illustration of the copy to be displayed on the sign;
 - c) the method of illumination, if any;
 - d) the materials from which the sign is to be constructed; and
 - e) method used to support the sign and the type of wall construction if the sign is anchored to a building.
- 7) Two sets of a sketch plan showing:
 - a) the location of the sign on the building;
 - b) the clearance from grade from the lowest portion of the sign;
 - c) maximum extension of the sign above the building roof or parapet wall;
 - d) the distance of the maximum projection of the sign beyond the building wall; and
 - e) any sidewalks, pedestrian passageways, or public roadways that the proposed sign will extend over.

13.0 Special Information Regulations

13.1 Slope and Soil Information

- 1) When an application for a development permit is submitted to the Designated Officer for the development of a site abutting a water course and Municipal drain, the Designated Officer may require, in consultation with a Certified Professional Engineer of Manitoba, information regarding the existing and proposed grades at 0.50 m. (1.64 ft.) contour intervals. The final grades shall be to the satisfaction of the Designated Officer and in accordance with the RM of Rockwood Lot Grade By-law, as amended.
- 2) Despite anything contained herein, the Designated Officer may require a detailed engineering study of the soil conditions prepared by a Certified Professional Engineer of Manitoba prior to the issuance of a development permit or the construction of any development abutting a water course and Municipal drain. The engineering study shall contain evidence of:
 - a) test borings;

- b) ground water piezometer test;
- c) slope indicators where necessary;
- d) identification of any sub-surface mining operations;
- e) river erosion analysis; and
- f) surface erosion analysis.

The detailed engineering study shall conclude with the registered Professional Engineer certifying that the foundations proposed for the development are designed with full knowledge of the soil conditions and the proposed siting of the development upon this site.

- 3) The Designated Officer may require the submission of a detailed engineering study as outlined in Section 13.1(2) of this By-law prior to the issuance of a development permit at any location within the Municipality which in the opinion of the Designated Officer or Certified Professional Engineer of Manitoba has unstable soil conditions.
- 4) The Designated Officer, having required a detailed engineering study of the soil conditions may, acting on the advice of the Certified Professional Engineer of Manitoba, apply conditions to the approval of the development permit to prevent erosion, stabilize soil conditions and ensure proper land drainage.

14.0 Conditions Attached to a Development Permit

- 1) The Designated Officer, the Planning Board or Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.
- 2) Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal, provincial and federal government regulations, and matters raised at the conditional use hearing.
- 3) The Designated Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.
- 4) The Designated Officer or Council may, as a condition of issuing a development or building permit, require the Owner or Applicant to agree to do all or any of the following: (BL 3/13)

- a) to construct, or pay for the construction of, a public roadway required to give access to the development;
 - b) to specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction, or payment for the construction thereof or improvements thereto;
 - c) to install, or pay for the installation of, utilities and land drainage, water and sanitary sewer lines that are required to serve the development and other benefitting areas as determined solely by the Municipality, or pay the recovery costs of services which have already been installed; and
 - d) to repair or reinstate, or to pay for the repair or reinstall, to original condition as determined by the Designated Officer, any street furniture, curbing, sidewalk, boulevard landscaping, tree planting or other similar features which may have been damaged or destroyed or otherwise harmed by the development or building operations upon the site.
- 5) The Designated Officer or Council may require any agreement entered into pursuant to Section 14.0 (4) of this By-law to be caveated against the title to the site at the Land Titles Office.

15.0 Enforcement and Penalties

15.1 Offenses

- 1) Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure:
 - a) contravenes; or
 - b) causes, suffers or permits a contravention of, any provision of the *Act*, a development permit, a development agreement or this By-law;commits an offense.
- 2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto:
 - a) for which a development permit is required but has not been issued or is not subsisting under this By-law; or
 - b) in contravention of a condition of a development permit issued under this By-law;commits an offense.

15.2 Penalties

- 1) Fines and penalties will be imposed as per the *Act*.

15.3 Suspension or Revocation of the Development Permit

- 1) The Designated Officer may suspend or revoke a development permit where:
 - a) the applicant fails to comply with the conditions of issuance of a permit; or
 - b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.
- 2) Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Designated Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

16.0 Zoning By-law Amendments

16.1 Text and Mapping Amendments

- 1) Any person applying to amend Parts I, II, III and IV of this By-law shall apply in writing to the Designated Officer, furnishing reasons in support of the application and requesting that the Designated Officer submit the application to the Council.
- 2) If a person applies to the Council in any manner for an amendment to Parts I, II, III and IV of this Zoning By-law, the Council shall require him/her to submit his/her application to the Designated Officer in accordance with the provisions of this Section of the By-law before it considers the amendment proposed by such person.
- 3) Any person applying to amend Part III of this By-law to change the Zone governing any land shall apply in writing to the Designated Officer and submit the following to the Designated Officer:
 - a) a status of Title which has been issued no later than 30 days prior to the receipt of the amendment application by the Designated Officer;
 - b) the applicant's name, signature, address and interest in the property;
 - c) a signed statement by the applicant stating that he/she is willing to pay for all costs incurred by the Municipality in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs;
 - d) the appropriate application fee; and

- e) a brief written statement by the applicant in support of his/her application, and his/her reasons for applying.

16.2 Review and Processing of Amendments

- 1) Upon receipt of an application for a rezoning amendment, the Designated Officer shall forward the application to Council for review.
- 2) If Council deems it appropriate to give the application first reading, the Designated Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zone. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zone and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
 - a) relationship to and compliance with the *South Interlake Planning District Development Plan* and Council policy;
 - b) compatibility with surrounding development in terms of land use function and scale of development;
 - c) traffic impacts;
 - d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
 - e) relationship to Municipal land, right-of-way or easement regulations;
 - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - g) necessity and appropriateness of the proposed Zone in view of the stated intentions of the applicant;
 - h) relationship to the documented concerns and opinions of area residents regarding the application;
 - i) groundwater and soil conditions; and
 - j) topographical, physical and natural features.
- 3) The Designated Officer may prepare a written report on the proposed amendment and advise the applicant of the hearing date.
- 4) The Designated Officer, in his/her discretion, may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Designated Officer.

- 5) Council, in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Designated Officer for his/her report and recommendation.
- 6) Every rezoning application shall be accompanied by the required fee as set out by the Planning Board or Council.
- 7) When a Development and/or Zoning Agreement is to be entered into between the Municipality and the applicant, the applicant shall pay to the Municipality, in addition to any other fee required pursuant to this or any other By-law, a Development and/or Zoning Agreement fee.

16.3 Notification of Amendments

- 1) Prior to consideration by Council of a proposed rezoning amendment, the Designated Officer shall place a public notice in compliance with the *Act*.

17.0 Conditional Uses

- 1) Where a use is classified as a conditional use and exists as an allowable use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.
- 2) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the *Act*.
- 3) An owner or his/her agent may file an application to use land for a use listed as a conditional use in this By-law.
- 4) An application for approval of a conditional use shall be filed with the Designated Officer and shall be in such form and accompanied by such information and fees as determined by Council.
- 5) Council may request the Designated Officer to prepare a written report that identifies potential impacts. The analysis shall, among other things, consider the following impact criteria:
 - a) relationship to and compliance with the *South Interlake Planning District Development Plan* and Council policy;
 - b) compatibility with surrounding development in terms of land use function and scale of development;
 - c) traffic impacts;
 - d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;

- e) relationship to Municipal land, right-of-way or easement regulations;
 - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - g) relationship to the documented concerns and opinions of area residents regarding the application;
 - h) groundwater and soil conditions; and
 - i) topographical, physical and natural features.
- 6) Prior to consideration by Council of a conditional use application, the Designated Officer shall place a public notice in compliance with the *Act*, with the exception of a Aggregate Extraction Operation or any conditional use in the ME: Industrial Extractive and MEH: Industrial Extractive Holding Zones where the notice of the hearing date shall be sent to every owner of property within three kilometers of the site of the proposed for development as determined by the Designated Officer.
- 7) An application for a conditional use shall be processed and approved or rejected in accordance with the *Act*. If warranted, Council may want to consider imposing conditions to ensure that the proposed development will not significantly impact the Municipality. This could include:
- a) additional buffering measures such as increased yard setbacks, berms and fencing;
 - b) performance standards dealing with such potential impacts as noise, odour and vibration;
 - c) limiting the hours of operation;
 - d) imposing design and siting regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance;
 - e) the owner/applicant upgrading certain municipal services such as roads and ditches;
 - f) a letter of credit related to municipal improvements such as road or drainage works;
 - g) liability insurance protecting the municipality from any future legal claims, including environmental contamination to water sources; or
 - h) the owner/applicant entering into a development agreement with the Municipality.
- 8) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve months.

- 9) A conditional use approval expires if the use begins operations within two (2) years of the date of approval but later ceases operations for three (3) consecutive years unless otherwise specified in the terms of approval due to special conditions.
- 10) Unless otherwise provided in a Conditional Use Order, all approved conditional uses:
 - a) shall be operated in accordance with all plans and documents submitted as part of the application; and
 - b) shall comply with all other applicable provisions of this By-law.

18.0 Variation Orders

- 1) Any person who is of the opinion that this By-law injuriously or adversely affects him/her or his/her property rights, may at any time apply for a variation order, in accordance with the provisions of the *Act*.
- 2) An application for a variation order shall be filed with the Designated Officer, and shall be in such form and accompanied by such information and fees as determined by the Designated Officer or Council.
- 3) Prior to consideration by Council of a proposed variation order, the Designated Officer shall place a public notice in compliance with the *Act*. Council may request the Designated Officer to prepare a written report that assesses the merits and implications of the proposed application.
- 4) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of the *Act*. As a condition of approval, Council may require that the owner/applicant enter into a development agreement with the Municipality.
- 5) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve months.

19.0 Subdivisions

- 1) Subject to Section 19.0 (2) and 19.0 (3) of this By-law, no parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the Zone in which the site is located.
- 2) Council may, as provided in the *Act*, vary the regulations as they apply to an individual site, subject to complying with the objectives and policies of the *South Interlake Planning District Development Plan*.

- 3) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.
- 4) In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the *South Interlake Planning District Development Plan*, and the provisions of the *Act*, where applicable.

GENERAL DEVELOPMENT REGULATIONS

20.0 Applicability

- 1) The General Development Regulations apply to any development on any site, irrespective of the Zone in which it is located.

21.0 Yards on Corner Lots and Double Fronting Lots

- 1) In the case of a corner lot, the front yard shall be the yard abutting the front lot line.
- 2) Despite Section 21.0(1) of this By-law, the Designated Officer may require any corner lot to provide an additional front yard or yards other than that required, having regard to the orientation and access of adjacent developments.
- 3) The Designated Officer may require a double fronting lots to provide a front yard on each public roadway, other than a lane, provided that at least one front yard shall be provided.

22.0 Projections into Yards

The following features may project into a required yard as provided for below:

- 1) Uncovered walks, wheelchair ramps, trellises, flagpoles, lighting fixtures and lampposts.
- 2) Verandas, porches, eaves, shade projections, unenclosed steps, cantilevers, chimney or parts of a chimney, belt courses, sills, together with any other architectural features which, in the opinion of the Designated Officer, are of a similar character, provided such projections do not exceed 0.61 m. (2.00 ft.).
- 3) Bay, oriel, or similar windows, provided that such projections do not exceed 0.61 m. (2.00 ft.).
- 4) Balconies, provided with such projections do not exceed 0.61 m. (2.00 ft.).
- 5) Any loading space required under the regulations of this By-law, provided it shall not be in a required front yard.
- 6) A parking area when comprised of parking spaces required under this By-law, provided that no parking area in any Zone shall be located within the first 4.57 m. (15.00 ft.) of a required front yard. This shall not prohibit the

use of a required front yard for such walkways and driveways as the Designated Officer considers necessary.

- 7) The Designated Officer may allow an obstruction or exception not listed in Section 22.0 1) to 6) of this By-Law, provided the obstruction or exception will have no greater impact on surrounding properties than those permitted. (BL 3/13)

23.0 Objects Prohibited or Restricted in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zones

No person shall keep in any part of a site in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zones:

- 1) Any loaded commercial vehicle of a maximum weight exceeding 6,804.00 kg. (15,000.00 lb.) gross vehicle weight or 12.19 m. (40.00 ft.) in length.
- 2) Any dismantled or wrecked vehicle for more than fourteen consecutive days unless otherwise authorized under *The Derelict Vehicle By-law*.
- 3) Any object or chattel which, in the opinion of the Designated Officer or Council, is unsightly or tends to adversely affect the amenities of the area.
- 4) Any above ground or below ground Bulk Storage Facility.

24.0 Fences

24.1 General

- 1) A fence shall be permitted in a required yard or on the boundaries of a required yard provided it complies with the fence regulations of this By-law.

24.2 Fences in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zones

A fence in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zones:

- 1) Shall not include electric fences or barbed wire fences.

- 2) Shall not be higher, measured from the general ground level at a distance of 0.61 m. (2.00 ft.) from within the lot line of the site on which the fence is to be constructed, than:
 - a) 1.22 m. (4.00 ft.) in a required front yard; and
 - b) 2.00 m. (6.56 ft.) in a required side or rear yard.
- 3) Notwithstanding the above, the permitted height of a fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.

24.3 Fences in the Other Zones, Excluding the RR: Rural Residential, AL: Agriculture Limited, and AG: Agriculture General Zones

A fence in the other Zones, excluding the RR: Rural Residential, AGL: Agriculture General Limited, and AG: Agriculture General Zones:

- 1) Shall not include electric fences or barbed wire fences except in the case of Commercial and Industrial Use Class developments where the top 0.60 m. (2.00 ft.) of the fence can be barbed wire for security purposes.
- 2) Shall not be higher than:
 - a) 1.22 m. (4.00 ft.) in a required front yard; and
 - b) 2.00 m. (6.56 ft.) in a required side or rear yard.
- 3) Notwithstanding the above, the maximum height of a fence for Public Education Service, Private Education Service, Public Utility Service or Public Park Use Class developments shall be 3.05 m. (10.00 ft.), excepting chain link fences for which there shall be no height limitation.
- 4) Notwithstanding the above, for Industrial and Commercial Use Class developments:
 - a) the maximum height of a fence located in a rear yard shall be 3.66 m. (12.00 ft.); and
 - b) outside storage shall not be allowed to project above the height of the fence.
- 5) Notwithstanding the above, the permitted height of a fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.

24.4 Fences in the RR: Rural Residential Zones

- 1) An electric fence is allowed in the RR: Rural Residential Zone where an approved Equestrian Establishment, Game Farm, Livestock Operation or Non-Commercial Farm Use Class development is located.

25.0 Accessory Uses, Buildings and Structures

25.1 General Regulations

- 1) Accessory developments are permitted when accessory to a permitted use.
- 2) Accessory developments are conditional when accessory to a conditional use.
- 3) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the building and is not an accessory building.
- 4) No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory.
- 5) No accessory building or structure shall be used as a dwelling unit.

25.2 Accessory Buildings in all Zones *(BL 28/10)*

- 1) No detached accessory building shall be located closer than 1.83 m. (6.00 ft.) to any main building measured from any projection nor shall it be located closer than 0.61 m. (2.00 ft.), measured from any projection, to any site line with the exception of corner lots. For corner lots, a detached accessory building shall not be located closer than 3.05 m (10.00 ft.), measured from any projection, to any lot line located adjacent to a street.
- 2) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- 3) Any garage that is either attached or free standing shall not have a door height exceeding 3.05 m. (10.00 ft.) in all Residential and Rural Settlement Centre Zones.

25.3 Accessory Buildings in the Other Zones

- 1) Accessory buildings or structures shall be subject to the regulations for that Zone.

- 2) Notwithstanding Section 25.3(1) of this By-law, the maximum height of accessory buildings or structures on a site which abuts a site in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zone shall not be greater than the height of the principal buildings permitted in the said abutting Zone.

(BL 28/10)

25.4 Temporary Buildings and Uses

- 1) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Designated Officer.
- 2) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve months and may not be renewed for more than one successive period at the same location.
- 3) In all cases, temporary buildings and structures shall not exceed 92.90 sq. m. (1,000.00 sq. ft.) in area and one storey or 4.57 m. (15.00 ft.) in height, 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, watchman or construction workers;
 - c) may be used as a temporary placement of concrete and asphalt batch plants that are incidental to and necessary for highway construction and maintenance; and
 - d) shall not be detrimental to the public health, safety, convenience and general welfare, nor detract from the aesthetic value of the neighbourhood.
 - e) unless stated in this By-Law or in the terms of the permit, the temporary use shall cease to operate 30 days after the approval of the permit.
 - f) all temporary signs associated with the temporary use or structure shall be removed when the activity ends. *(BL 3/13)*
 - g) the temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site. *(BL 3/13)*
 - h) if the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use. *(BL 3/13)*
 - i) tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property. *(BL 3/13)*
 - j) a temporary use is not permitted unless sufficient off-street parking is provided to accommodate anticipated parking needs associated with the temporary use. *(BL 3/13)*
- 4) Notwithstanding the regulations of this Section of the By-law, a temporary development permit shall be issued for a Carnival development provided its

maximum permitted duration on a site, which includes the installation and removal of all equipment and structures thereon, is five days.

26.0 Lighting of Sites

Outdoor lighting for any development within Urban Centres and Rural Settlement Centres:

- 1) Shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices.
- 2) If ground mounted, the maximum height shall be 10.67 m. (35.00 ft.).

27.0 Height

- 1) In determining whether a development conforms to the maximum height permissible in any Zone, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers or other erections which are considered to be similar by the Designated Officer.

28.0 Access to Sites

- 1) All access locations and curb crossings shall require the approval of the Designated Officer or Municipal Engineer. Permits for:
 - a) developments adjacent to Provincial Trunk Highways shall be required from the Highway Traffic Board; and
 - b) developments adjacent to Provincial Roads and Provincial Access Roads shall be required from Manitoba Infrastructure & Transportation.

29.0 Hard Surfacing of Parking and Loading Areas

- 1) Any area at the rear of the principal building provided or required for off-street parking and loading space in the CC: Commercial Central, CH: Commercial Highway, or CR: Commercial Recreation Zones or the MB: Industrial Business, MG: Industrial General or MX: Industrial Extractive Zones need not be hard surfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter onto the public roadway.

30.0 Landscaping

- 1) Excluding Single Family Dwellings, for any new Commercial, Industrial and Residential Use Class development, land not covered in buildings, parking areas, on-site circulation areas, outdoor storage areas or display areas shall be landscaped with grass, trees or shrubs within one (1) year of a building permit being issued or as determined by the Designated Officer.

31.0 Moving of Structures

- 1) No person shall move any structure or part thereof off his/her property to any other location unless that structure or part is made to conform to the regulations of this By-law applicable to the Zone to which it is to be moved.
- 2) Before moving a building or portion to a new location, the owner shall enter into an agreement with the Municipality containing an undertaking of the owner to pay all damages arising out of the move and such other terms and conditions as a Designated Officer deems necessary.
- 3) Upon completion of removal of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Designated Officer.

32.0 Parking

32.1 General

- 1) When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this Section of the By-law as follows:

TABLE 32.1.1
Off Street Parking Regulations

Use Class	Number of Parking Spaces Required
Residential and Residential-Related Use Classes Bed and Breakfast Home Institutional Residence Mobile Home Dwelling Multiple Family Dwelling Single Attached Dwelling Single Family Dwelling Semi-Detached Dwelling Townhouse Dwelling Two Family Dwelling	1.00/Sleeping Accommodation 1.00/each 2 Dwelling or Sleeping Units 1.00/Dwelling Unit 1.20/Dwelling Unit 1.00/Dwelling Unit 1.00/Dwelling Unit 1.00/Dwelling Unit 1.20/Dwelling Unit 1.00/Dwelling Unit
Commercial Use Classes Hotel and Motel Eating and Drinking Establishment Convenience and General Retail Stores All Other Commercial Establishments	1.00/Guest Room or Sleeping Unit 1.00/4 Seats or 1.00/9.29 sq. m. (100.00 sq. ft.) of floor area, whichever is greater 1.00/18.60 sq. m. (200.00 sq. ft.) of floor area 1.00/23.20 sq. m. (250.00 sq. ft.) of floor area
Industrial Use Classes All Industrial Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area
Agricultural Use Classes Agri-Business and Agricultural Implement Sales and Service Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater
Basic Service Use Classes and Community, Educational, Recreational and Cultural Service Use Classes Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Recreation Service Extended Medical Treatment Service Public and Private Education Service Government Service Child Care Service Funeral Service	1.00/5 Seating spaces or 3.05 m. (10.00 ft.) of bench space. Where there are no fixed seats, 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to the assembly room floor area 2.00/Bed 1.50/Classroom, plus 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to public use 1.00/51.10 sq. m. (550.00 sq. ft.) of floor area 1.00/2 Employees 1.00/5 Seating places

- 2) Where a proposed use is not listed above, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Designated Officer shall make his/her own determination as to the regulation.
- 3) Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- 4) In the case of the multiple use of a site, the Designated Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

32.2 Spaces and Aisles

- 1) Except as provided below, each required non-residential off-street parking space shall be a minimum of 2.60 m. (8.53 ft.) in width, and a minimum of 5.50 m. (18.04 ft.) in length, exclusive of access drives or aisles, ramps, or columns. Such spaces shall have a vertical clearance of at least 2.00 m. (6.56 ft.). For parallel parking, the length of the parking spaces which shall be increased to 7.00 m. (22.97 ft.), except than an end space with an open end shall be a minimum of 5.50 m. (18.04 ft.). For parking spaces other than parallel parking spaces, up to 15.00 percent of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.60 m. (15.09 ft.).
- 2) Aisles shall be a minimum of 7.00 m. (22.97 ft.) wide for 90.00 degree parking, 5.50 m. (18.04 ft.) wide for 60.00 degree parking, and 3.60 m. (11.81 ft.) wide for 45.00 degree and parallel parking.
- 3) For Residential and Residential-Related Use Class developments, the required parking spaces shall be wholly provided on the same site as the principal building. For all other uses, the parking spaces shall be located not more than 100.00 m. (328.08 ft.) from the principal building, unless otherwise approved by Council. Such distance shall be measured along an accessible public roadway from the nearest point of the parking area to the nearest point of the site where the principal building or use is located.
- 4) Except as otherwise provided for in this By-law, no parking spaces shall be within a required front yard.

33.0 Signs

33.1 General

- 1) No person shall erect a sign without first obtaining a development permit from the Designated Officer and no development permit to erect a sign shall be issued unless all the sign regulations of this By-law have been satisfied.
- 2) Where regulations of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by Manitoba Infrastructure & Transportation or The Highway Traffic Board, the more restrictive regulations shall apply.
- 3) Signs are considered accessory uses and shall be developed in accordance with Section 25.0 of this By-law.
- 4) No sign shall be erected, operated, used or maintained which:
 - a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Designated Officer or Council;
 - b) display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - c) allows a swinging motion;
 - d) except for Community Service Clubs, Religious Assemblies and General Advertising Signs, is not related to any business upon the site where the sign is located;
 - e) is located on a public right-of-way or sidewalk; and
 - f) contains a trademark or emblem other than a trademark or emblem that is registered or copyrighted in the name of the applicant.

33.2 Abandoned and Unlawful Signs

- 1) Where a Designated Officer finds a sign to be abandoned, the Designated Officer may, after resolution of Council, by notice in writing or by registered mail, order the registered owner, the person in possession of the site or building or the person responsible for the abandoned sign to remove the sign within twenty days after receipt of the notice, or take such measures as are specified in the notice to alter and refurbish the sign so that it correctly identifies the business, or the products and services offered on the site where the sign is displayed.

- 2) Where a sign contravenes the regulations of this By-law, Council may, by notice in writing, order the owner or the person responsible for the contravening sign to take such measures as are specified in the notice to alter the sign so that it complies with the regulations of this By-law, or remove the sign.
- 3) Failure to remove abandoned or unlawful signs, or to comply with the measures specified in the notice by Council, shall result in the removal of the sign by the Municipality with the owner or the person responsible for the contravening sign assuming liability for all removal costs.

33.3 Sign Regulations

- 1) Quality, aesthetic character, and finishing of sign construction shall be to the satisfaction of the Designated Officer or Council.
- 2) No signs shall be erected in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zones except those expressly provided for in this Section of the By-law.
- 3) Fascia signs shall not have letters over 0.60 m. (1.97 ft.) high and which exceed 80.00 percent of the building width.
- 4) Free standing signs are limited to no more than one per lot, except on a corner lot or through lot. The Designated Officer or Council may allow more than one free standing sign if warranted by the circumstances.
- 5) Where the architectural design and appearance of a building facade for a multiple business occupancy are uniform, signs or individual businesses located on the same facade shall, in the opinion of the Designated Officer or Council, be similar as to proportion, materials, and placement such that they present a pleasing architectural appearance.
- 6) No canopy sign shall be erected over a public thoroughfare which:
 - a) extends horizontally beyond a line drawn perpendicularly distant to and 0.60 m. (1.97 ft.) in from the line of the curb;
 - b) extends more than 2.00 m. (6.56 ft.) over the public thoroughfare;
 - c) is less than 3.00 m. (9.84 ft.) above the public thoroughfare measured from the lowest portion of such canopy;
 - d) is supported on posts or by braces, brackets or supports on or extending over a public thoroughfare except where the braces, brackets or supports are hidden from view and above the height of the roof line of the canopy;

- e) is constructed in such a manner that drainage from the canopy falls on any public thoroughfare.
- 7) No awning sign shall be erected over a public thoroughfare that:
 - a) extends more than 2.00 m. (6.56 ft.) over the public thoroughfare;
 - b) is less than 2.40 m. (7.87 ft.) above the public thoroughfare measured from the lowest portion of the awning including any fringe thereupon; or
 - c) is supported by pillars or posts or by braces, brackets or supports on or extending over such public thoroughfare except where the braces, brackets or supports are hidden and above the height of the roof line of the awning.
- 8) For the purposes of this Section of the By-law, where a lot is occupied by more than one business (i.e. multiple occupancy) each business shall be considered a separate business.
- 9) Signs shall be developed in accordance with the following regulations:

**TABLE 33.3.1
Sign Regulations**

Use Class	Types of Signs	Maximum Sign Area	Maximum Sign Height
Residential and Residential-Related	Identification Real Estate	0.37 sq. m. (4.00 sq. ft.) 1.49 sq. m. (16.00 sq. ft.)	3.05 m. (10.00 ft.) 6.10 m. (20.00 ft.)
Agricultural and Natural Resource	Identification	2.97 sq. m. (32.00 sq. ft.)	10.67 m. (35.00 ft.)
Commercial and Industrial	Business Identification (if attached to a building only)	25.00 percent of the building face for each business (with only the front wall of the building facing the public street being eligible), to a maximum of 18.58 sq. m. (200.00 sq. ft.) for single occupancy and a combined maximum of 55.74 sq. m. (600.00 sq. ft.) for multiple occupancy	10.67 m. (35.00 ft.)
	Business Identification (if free standing only)	18.58 sq. m. (200.00 sq. ft.) for a single occupancy site and 55.74 sq. m. (600.00 sq. ft.) for a multiple occupancy site	10.67 m. (35.00 ft.)
	Business Identification (if attached to a building and free standing)	37.16 sq. m. (400.00 sq. ft.) for a single occupancy site, 55.74 sq. m. (600.00 sq. ft.) for a multiple occupancy site of two businesses, 74.32 sq. m. (800.00 sq. ft.) for a multiple occupancy site of three businesses and 92.90 sq. m. (1,000.00 sq. ft.) for a multiple occupancy site of more than 3 businesses	10.67 m. (35.00 ft.)
Basic Service Use and Community, Educational, Recreational and Cultural Service	Identification Sign (if attached to a building or free standing)	2.32 sq. m. (25.00 sq. ft.) if the site abuts the site of a Residential Use Class development and 4.65 sq. m. (50.00 sq. ft.) in other Zones	10.67 m. (35.00 ft.)

- 9) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to portable signs:
- a) portable signs are only allowed in the CC: Commercial Central, CH: Commercial Highway or CR: Commercial Recreation Zones or the MB: Industrial Business or MG: Industrial General or AL: Agricultural Limited or AG: Agricultural General Zones;
 - b) a portable sign shall not be located, erected, placed or displayed on any site until a permit which outlines the sign identification number and expiry date, has been issued by the Designated Officer;
 - c) the portable sign shall be removed from the site upon the expiry date of the portable sign permit;
 - d) the maximum sign surface area of a portable sign is 4.65 sq. m. (50.00 sq. ft.);
 - e) there shall be no more than one portable sign per lot.
 - f) a portable sign shall comply with the yard regulations of the Zone within which it is located;
 - g) any flashing or scintillating portable signs shall not be located within 60.96 m. (200.00 ft.) of a RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zone boundary;
 - h) no portable sign shall be placed in such a way that it may interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
 - i) the maximum height of a portable sign shall be 3.05 m. (10.00 ft.) measured from grade to the highest part of the sign;
 - j) the maximum permitted duration for a portable sign on a site is ninety consecutive days per calendar year;
 - k) each business on a site with multiple occupancy shall be allowed to have one portable sign on the site for a maximum permitted duration of ninety consecutive days per calendar year; and
 - l) the applicant for the portable sign shall pay the applicable fees, sign a letter indicating that they will comply with these regulations, and agree to a date that the portable sign will be removed.
- 10) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to a temporary sign that provides information dealing with a land development project:
- a) the maximum sign surface area is 13.94 sq. m. (150.00 sq. ft.);
 - b) the sign shall comply with the yard regulations of the Zone within which it is located;
 - c) the sign shall be placed in such a way that it will not interfere with, obstruct the view of, or be confused with an authorized traffic signal,

- warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
- d) the sign is only allowed to be placed at the location of the land development project;
 - e) the sign shall be removed within thirty days of the last sale of any lots or buildings or at the discretion of the Designated Officer; and
 - f) the applicant shall pay the applicable fees and sign a letter indicating that they will comply with these regulations.
- 11) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to other temporary signs:
- a) the maximum sign surface area shall be 4.65 sq. m. (50.00 sq. ft.);
 - b) the sign shall comply with the yard regulations of the Zone within which it is located;
 - c) the sign shall be placed in such a way that it will not interfere with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
 - d) the sign shall be removed within seven days after the date of the advertised community event or at the discretion of the Designated Officer; and
 - e) the applicant shall pay the applicable fees and sign a letter indicating that they will comply with these regulations.
- 12) Notwithstanding the above, general advertising signs shall be considered a conditional use development and shall comply with the following regulations:
- i) The maximum sign surface area shall be 37.16 sq. m. (400.00 sq. ft.);
 - ii) The maximum sign height shall be 10.67 m. (35.00 ft.)
 - iii) No general advertising sign shall be placed in such a way that it will interfere with an authorized traffic signal, warning sign or other regulatory or informational device; and
 - iv) Council may impose additional conditions on the installation of a general advertising sign deemed necessary to protect adjacent sites and the public welfare.

34.0 Performance Standards for Industrial Use Class Developments

34.1 Applicability

All Industrial Use Class developments shall comply with the performance standards of this Section of the By-law and other requirements in applicable Federal, Provincial or Municipal legislation. Where in the opinion of the Designated Officer, a use may not comply with the said performance standards or requirements, he/she may require that the applicant submit a statement from a Certified Professional Engineer of Manitoba confirming that the proposed use satisfies the said performance standards or requirements.

34.2 Performance Standards

34.2.1 Emission of Air and Water Contaminants

- 1) No operations or activity shall emit air and water contaminants in excess of the standards prescribed by the Province of Manitoba pursuant to *The Environment Act* and the regulations pertaining thereto.

34.2.2 Noise

- 1) No activity or operation shall cause, or permit to be caused, a noise level at or inside the lot line of a site in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family, RC: Residential Comprehensive, RSC: Rural Settlement Centre, RR: Rural Residential and MHR: Mobile Home Residential Zones which exceeds the regulations of the Province of Manitoba pursuant to *The Environment Act* and regulations pertaining thereto, or the RM of Rockwood Noise By-law, as amended.

34.2.3 Appearance

- 1) All Industrial Use Class developments in the MB: Industrial Business Zone shall comply with the following appearance standards:
 - a) All loading, service, trash collection and accessory storage areas, and trucking yards shall be located to the rear or sides of the principal building, and shall be screened from view from any public roadway and from adjacent residential sites, by building walls, landscape materials, berms, fences or a combination thereof, from the ground to a height of 2.00 m. (6.56 ft.).
 - b) The Designated Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public

- roadway, or from adjacent sites if, in his/her opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of the said Zone.
- c) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Designated Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where, in his/her opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.
 - d) Access and loading shall not be located in the side yard.
 - e) Excluding driveway approaches, the first 4.57 m. (15.00 ft.) of the front yard shall be landscaped to the satisfaction of the Designated Officer.
 - f) Vehicle parking areas with more than 40 parking stalls shall include landscape medians to provide aesthetic relief to the satisfaction of the Designated Officer.
 - g) Business product display areas shall be setback a minimum of 9.14 m. (30.00 ft.) from the front yard.
- 2) Any use or activity in the MG: Industrial General Zone, MEH: Industrial Extractive Holding Area and ME: Industrial Extractive Zone shall comply with the following appearance standards:
- a) All outdoor service, assembly, trash collection and storage areas including the trucking yards associated with such activities shall be located to the rear or sides of the principal building. Loading and trash collection facilities serving office, warehouse and similar developments, where the handling or assembly of goods is carried on within a building, shall be allowed to the rear, sides or front of the principal building.
 - b) Outside display areas are permitted to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site.

35.0 General Performance Standards for Residential and Commercial Uses

35.1 General Performance Standards for Residential Uses

Residential uses shall comply with the following standards:

- 1) In any development, the design, use of exterior finishing materials and construction shall be to the satisfaction of the Designated Officer or Council who shall require, as far as reasonably practicable, that materials will be used which ensure that the standard of the buildings will be similar to, or better than, the standard of surrounding development. The Designated Officer or Council may require that the appearance of walls exposed to public view from beyond the site be improved where the appearance of such walls is inconsistent with the finishing standards of surrounding development.

35.2 General Performance Standards for Commercial Uses

Commercial uses shall comply with the following standards:

- 1) All commercial developments:
 - a) shall be designed to:
 - i) convey an image of cohesive appearance and architectural character;
 - ii) ensure that offices, reception and public use areas are easily identifiable and visible from the public roadway; and
 - b) shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
- 2) The Designated Officer or Council may require that the appearance of walls exposed to public view from beyond the site of a commercial development be combined with other materials where, in his or Council's opinion, such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.
- 3) The location of the principal building on a site of a commercial development shall take into account:
 - a) the setbacks and building placements on adjacent sites; and
 - b) the micro-climatic effects including shading of adjacent buildings or sites.
- 4) Garbage collection, loading, storage or outdoor service areas for commercial developments shall be developed in accordance with the following:
 - a) All outdoor storage shall be related to the business on the site.
 - b) There shall be no outdoor storage of objects or chattels which, in the opinion of the Designated Officer or Council, are unsightly or adversely affect the character or appearance of the site or surrounding developments.

36.0 Development Restricted

36.1 Noxious or Offensive Uses

- 1) Nothing in this By-law, or in a development permit, approval or a conditional use order, variation order or other approval issued under this By-law or under the *Act*, shall be construed as authorization for the carrying out of any activity that is a nuisance.

36.2 Flood Risk Areas and Hazard Lands

- 1) Notwithstanding any other provision of this By-law, the Designated Officer may:
 - (a) Refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council, is located within the floodway of a river, stream, drain, watercourse, or is low-lying, marshy, or subject to periodic flooding and where Council has determined that placement of said structure would impede the flow of water or floodwaters and/or create a hazard to life, limb or property; or
 - (b) Where Council has determined that the specific hazard has not been defined or where the proposed building or structure is to be located within the floodway fringe of a river, stream, drain or watercourse, or is otherwise subject to periodic flooding or runoff, permit such lands to be developed provided that:
 - (i) permanent structures shall be setback from all water courses a distance of at least 10 times the height of the bank above a channel grade or 59.74 m. (196.00 ft.), whichever is greater.
 - (ii) permanent structures shall be protected from flooding by raising the building site and access to the flood protection level which is 0.67 m. (2.00 ft.) above the flood level. The level of the surrounding fill at the building line shall not be less than the flood protection level, and shall not slope more than 15.24 cm. (6.00 in.) for a horizontal distance of 4.57 m. (15.00 ft.) from the building line and not more than 0.35 m. (1.00 ft.) vertically to 1.22 m. (4.00 ft.) horizontally thereafter.
 - (iii) the elevation of the main floor shall be a minimum of 0.35 m (1.0 ft.) above the flood protection level.

- (iv) basements, if constructed, shall:
 - have the elevation of the basement floor not lower than the flood protection level by: 0.67 m. (2.00 ft.) if the fill material is pervious such as sand; or 1.68 m. (5.50 ft.) if the fill material is impervious such as clay.
 - not contain habitable space.
 - not be used for storage or immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic.
 - not contain any electrical circuit breaker panels.
 - be provided with a sump pit.
 - have back-up valves in the sewer pipes or pipes leading to a holding tank or disposal field.
- 2) Notwithstanding any other provision of this By-law, the Designated Officer may:
 - (a) Refuse a building and/or development permit where Council has determined that the proposed building or structure is to be located on lands subject to erosion, bank instability, sloughing or is to be located on low-lying wetlands having insufficient bearing strength to accommodate said building or structure; or
 - (b) Require that the proposed building or structure be constructed and located in such a manner as to negate the effects of the hazard.
- (3) The Designated Officer may require that the applicant provide, at his/her own expense, such flood levels, elevations, or other geotechnical data as may be required for its determination with respect to subsections (1), (2) and (3) above.
- (4) Council may, prior to the issuance of a development permit, consult with Provincial Government officials.

36.3 Outdoor Solid Fuel Heating System Buildings or Structures

An outdoor solid fuel heating system building or structure shall comply with the following regulations:

- 1) No person shall install an outdoor solid fuel heating system building or structure without first obtaining a development permit from the Designated Officer and no development permit to install an outdoor solid fuel heating system building or structure shall be issued unless all the regulations of this By-law have been satisfied.
- 2) No outdoor solid fuel heating system building or structure shall be located in Stony Mountain, Balmoral, Gunton, Gross Isle or any RSC: Rural Settlement Centre Zone or within 1.00 km. (0.62 mile) of the boundaries thereof.
- 3) Outdoor solid fuel heating system buildings or structures are considered accessory uses and shall be developed in accordance with Section 25.0 of this By-law.
- 4) Notwithstanding Section 36.3(3) of this By-law, an outdoor solid fuel heating system building or structure shall be located:
 - a) Behind the rear wall of the principal building on the site.
 - b) At least 15.24 m. (50.00 ft.) clear of all projections from the principal building or other accessory buildings or structures on the site.
 - c) At least 15.24 m. (50.00 ft.) from any lot line.
- 5) The outdoor solid fuel heating system building or structure shall be developed in accordance with CSA building regulations, applicable Provincial building code regulations and the *National Building Code*.
- 6) Notwithstanding Section 27.0 of this By-law, the minimum height of any chimney that is part of a solid fuel heating system building or structure shall be 3.35 m. (11.00 ft.).
- 7) The minimum separation space between an outdoor solid fuel heating system appliance and the walls and ceiling of any building or structure within which it is located shall 1.52 m. (5.00 ft.).

36.4 Dwelling Setbacks

- 1) No dwelling unit shall be located within 402.34 m. (1,320.00 ft.) of the boundary of any active waste disposal ground unless:
 - a) a Certified Professional Engineer of Manitoba determines that there will be no migration of methane gas; and
 - b) approval has been obtained from Manitoba Conservation.

- 2) No dwelling unit shall be located within 457.20 m. (1,500.00 ft.) of the boundary of a Municipal sewage lagoon.
- 3) No dwelling unit shall be located within 15.24 m. (50.00 ft.) from the edge of a right-of-way established for the transmission of high-pressure natural gas or the transmission of hydro electricity in excess of 100 kilovolts.
- 4) No dwelling unit shall be located within 30.48 m. (100.00 ft.) from the edge of a railway right-of-way.
- 5) No dwelling unit or farm building shall be located within an area that has been designated as a high or medium quality aggregate area by the Manitoba Mines Branch, unless the site has been reviewed by that Branch and a recommendation provided that would allow development to proceed.
- 6) No dwelling unit shall be located within 500.00 m. (1,640.42 ft.) of any active Aggregate Extraction Operation. (BL 28/10)
- 7) Any development proposal to establish a dwelling unit, farm building or structure that exceeds a height of 30.48 m. (100.00 ft.), or to establish a shelterbelt or similar obstruction within the flight approaches of an Aircraft Landing Field for a distance of 1.61 km. (1.00 mile), shall be deemed to be a conditional use.
- 8) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.

36.5 Corner Vision Triangles

- 1) No building, structure, parking area, shelterbelt, hedge or stockpiling of materials exceeding a height of 0.91 m. (3.00 ft.) above grade shall be located within a triangular area of any lot adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 3.05 m. (10.00 ft.) along each lot line from the point of intersection.

36.6 Side Yard Exceptions

- 1) For the purpose of side yard regulations, the following dwellings that have common party walls shall be considered as one building occupying one lot: Two Family Dwellings, Semi-Detached Dwellings, Townhouse Dwellings and Multiple Family Dwellings. Side yard regulations shall not apply along the common party walls.

36.7 Hazardous Materials Storage

- 1) No commercial-related or industrial-related Bulk Storage Facility, Agricultural Crop Protection Warehouse or Agricultural Product Storage shall be located within:
 - a) 804.65 m. (2,640.00 ft.) of Stony Mountain, Balmoral, Gunton, Gross Isle or the RSC: Rural Settlement Centre and RR: Rural Residential Zones;
 - b) 304.80 m. (1,000.00 ft.) of a building used for human occupancy; and
 - c) 100.00 m. (328.08 ft.) from the edge of the rights-of-way of Provincial Trunk Highways, Provincial Roads and Provincial Access Roads.

36.8 Building Grade

- 1) No building or structure shall be erected without first obtaining from the Designated Officer written instructions as to the grade for the building or structures to be erected, which shall be in accordance with the RM of Rockwood Lot Grade By-law. It shall be the continuing obligation of the property owner to maintain building grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less than the flood protection level.

36.9 Composting

- 1) The composting of private household material is permitted within all Zones. For the composting of any other material, Council may require a detailed engineering study from the applicant certifying that the proposed composting operation meets or exceeds all applicable Provincial regulations.

36.10 Land Drainage

- 1) A development permit shall be required for any drainage works undertaken on any lands, where it is proposed to alter or divert the natural course of a watercourse.
- 2) Notwithstanding any other regulation of this By-law, the Designated Officer or Council may refuse a development permit for, or prohibit, any drainage works to be undertaken on lands where it has been determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

36.11 Rail Cars, Semi-Trailers or Similar Such Containers (BL 28/10)

- 1) Rail cars or semi-trailers, of similar such containers as determined by the Designated Officer shall comply with the following regulations:

If used for less than 90 days:

- a) Shall be classified as a Temporary Use.
- b) Shall be located to the rear of the principal building.
- c) Shall comply with Section 25.0 of this By-law.

If used for more than 90 days:

- a) Shall be classified as an Accessory Use.
- b) Shall be located to the rear of the principal building.
- c) Shall be placed on a secure and level foundation as determined by the Designated Officer.
- d) Shall be painted to match the colour of the principal building with no business identification signs as determined by the Designated Officer.
- e) For sites less than 1.0 ha. (2.27 ac.) there shall be no more than 2 rail cars or semi-trailers, or similar such containers; for sites between 1.0 ha. (2.27 ac.) and 2.0 ha. (4.94 ac.) there shall be no more than 4 rail cars or semi-trailers, or similar containers; and sites greater than 2.0 ha (4.94 ac.) there shall be no more than 6 rail cars or semi-trailers, or similar such containers.
- f) Shall provide a solid fence around the containers.
- g) Shall not stack the containers on top of other containers.
- h) Shall comply with Section 25.0 of this By-law.
- i) Shall only be allowed in the CH: Commercial Highway; MB: Industrial Business; MG: Industrial General; AL: Agricultural Limited; AL-1: Agricultural Limited Stonewall Vicinity; and AG: Agricultural General Zones.

36.12 Canvas Buildings (BL 28/10)

- 1) Canvas buildings or buildings with similar material as determined by the Designated Officer are allowed in any Zone and shall comply with regulations of this By-law set-out in Section 25: Accessory Use, Buildings and Structures as well as each Zone Site Regulations for Accessory Uses, Buildings and Structures.

37.0 Streets

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

38.0 Connecting to Municipal Services

- 1) All principal buildings requiring sewer and/or water services located on a site that is serviced by a municipal sewer and/or water system shall be connected to such system. *(BL 3/13)*

SPECIAL LAND USE REGULATIONS

39.0 Applicability

- 1) The Special Land Use Regulations apply to the uses listed irrespective of the Zone in which they are located. Where these regulations appear to be in conflict with the Zone regulations in which the use is either a permitted use or conditional use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the regulations in the Zone.

40.0 Vehicular - Oriented Uses

40.1 Applicability

- 1) The following Commercial Use Class developments shall comply with the regulations of this Section of the By-law:
 - a) Drive-In Food Services;
 - b) Gas Bars;
 - c) Service Stations;
 - d) Rapid Drive-Through Vehicle Services; and
 - e) Automated Teller Machines.

40.2 Development Regulations

- 1) Vehicular-oriented uses shall be located only where the Designated Officer or Council is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.
- 2) The minimum frontage shall be 30.48 m. (100.00 ft.).
- 3) Service Stations and Rapid Drive-Through Vehicle Services shall have a minimum site depth of 30.48 m. (100.00 ft.).
- 4) Stacking space shall be provided as follows:
 - a) For Drive-In Food Services and other Commercial Use Class developments having a drive-up service window, a minimum of six in-bound stacking spaces shall be provided for vehicles approaching the drive-up service window. One out-bound stacking space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
 - b) For Rapid Drive-Through Vehicle Services, a minimum of five in-bound and three out-bound stacking spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of twenty in-bound and five out-bound stacking spaces shall be provided.

- c) For Automated Teller Machines, a minimum of three in bound stacking spaces shall be provided measured from the teller window or automated teller machine.
 - d) All stacking spaces shall be a minimum of 5.49 m. (18.00 ft.) long and 3.05 m. (10.00 ft.) wide. Stacking lanes shall provide sufficient space for turning and manoeuvring.
 - e) All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.
- 5) Gas Bars and Service Stations shall comply with the following additional regulations:
- a) All pump islands and underground storage tanks shall be located at least 6.10 m. (20.00 ft.) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
 - b) Refuelling areas are not permitted in a required parking area.
 - c) A canopy over a pump island may extend to within 3.05 m. (10.00 ft.) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section of the By-law.

41.0 Home Industries

A Home Industry shall comply with the following regulations:

- 1) The Home Industry shall be in contravention of this Zoning By-law unless it conforms to the Municipal Licensing By-law and amendments thereto.
- 2) The Home Industry shall operate as a secondary use and be carried out in a building that is accessory to a dwelling unit and does not exceed a floor area of 232.25 sq. m. (2,500.00 sq. ft.).
- 3) The employment of family and non-family members is allowed as part of the Home Industry.
- 4) The selling of goods or services related to the Home Industry is allowed.
- 5) The character and scale of the Home Industry shall not create offensive or objectionable impacts on any adjoining sites.
- 6) Outside storage of goods and materials is allowed as part of the Home Industry, subject to the following:

- a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b) the storage area shall be fenced or screened from public view to the satisfaction of Council; and
 - c) the storage shall not project above the height of the fence or screening.
- 7) Notwithstanding Section 33.0 of this By-law, the Home Industry may have one identification sign with a maximum area of 1.49 sq. m. (16.00 sq. ft.), indicating the name of the occupant and/or Home Industry of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
- 8) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.
- 9) The Home Industry shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another Zone having regard for, among other matters, potential traffic generation and potential interference with the character of the area.
- 10) The Home Industry shall comply with all environmental and public health standards of the Province of Manitoba. If Council determines that a proposed Home Industry may conflict with these standards, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.
- 11) In addition to the information regulations of Section 12.0 of this By-law, each application for a development permit for a proposed Home Industry shall include a description of the use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the use are to be stored.
- 12) A permit for a Home Industry is not transferable to a new homeowner.
- 13) All Home Industries must be operated in accordance with all plans and documents approved as part of the application.

42.0 Home Occupations

A Home Occupation shall comply with the following regulations:

- 1) The Home Occupation shall be in contravention of this Zoning By-law unless it conforms to the Municipal Licensing By-law and amendments thereto.
- 2) The Home Occupation shall not include social escort services, automotive service uses and tow-truck operations.
- 3) Any work or activity conducted on the premises in connection with the home occupation shall be carried on entirely within the residential dwelling unit or entirely within a building accessory to that dwelling unit.
- 4) The Home Occupation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.
- 5) The home occupation shall be conducted solely by one or more of the residents living in the residential dwelling unit on the premises without the employment of any other person.
- 6) Notwithstanding Section 33.0 of this By-law, the Home Occupation may have one identification sign not exceeding 0.56 sq. m. (6.00 sq. ft.) in area within Urban Centres and Rural Settlement Centres and 1.49 sq. m. (16.00 sq. ft.) in other areas, indicating the name of the occupant and/or Home Occupation of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
- 7) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.
- 8) The Home Occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling unit involved. Indoor storage related to the business activity shall be allowed in either the dwelling or accessory building
- 9) A Home Occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 27.87 sq. m. (300.00 sq. ft.) or twenty percent (20%) of the floor area, whichever is lesser.
- 10) The Home Occupation shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another Zone having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.

- 11) In addition to the information regulations of Section 12.0 of this By-law, each application for a development permit for a proposed Home Occupation shall include a description of the office use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the office use are to be stored.
- 12) A permit for a Home Occupation is not transferable to a new homeowner.
- 13) In the case of retail sales, the home occupation offers commodities for sale which are limited to those produced or repaired on the premises.
- 14) In the case of rental premises, the home occupation applicant will be required to obtain the permission of the owner of the premises before a home occupation permit under this Section can be issued by the Designated Officer.
- 15) Home Occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood.
- 16) There shall be no outdoor business activity, or storage of material or equipment associated with the Home Occupation.
- 17) All Home Occupation must be operated in accordance with all plans and documents approved as part of the application.

43.0 Bed and Breakfast Homes

A Bed and Breakfast Home shall comply with the following regulations:

- 1) There shall be no exterior display or advertisement larger than 0.56 sq. m. (6.00 sq. ft.) in area within Urban Centres and Rural Settlement Centres and 1.49 sq. m. (16.00 sq. ft.) in other areas, provided that no sign shall be illuminated and any sign must be compatible with the residential character of the area.
- 2) The Bed and Breakfast Home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
- 3) The Bed and Breakfast Home shall be operated by a live-in owner as a secondary use only and shall not change the principal residential character or external appearance of the dwelling unit.
- 4) The Bed and Breakfast Home shall have a maximum of:

- a) three bedrooms or bedroom suites in the in the RS-1 or RS-2: Residential Single Family, RM: Residential Multiple Family and RSC: Rural Settlement Centre Zones; and
 - b) six bedrooms or bedroom suites in the RR: Rural Residential, CR: Commercial Recreation, LCR: Limited Commercial-Residential, AL: Agriculture Limited and AG: Agriculture General Zones.
- 6) Meals shall be limited to the owner-occupants of the Bed and Breakfast Home and resident guests therein with no cooking facilities allowed in the bedrooms or bedroom suites.
- 7) In addition to the parking regulations for the primary use, one additional on-site parking space shall be provided for each bedroom or bedroom suite.
- 8) Approved smoke alarms shall be required:
- a) in every bedroom or bedroom suite; and
 - b) in the common corridor of every storey or floor level, even if no bedroom or bedroom suite is provided on that storey or floor level.
- The smoke alarms are to be electrically hard wired to each other in cases where major renovations are to take place.
- 9) An approved 2.20 kg. (4.85 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.
- 10) All Bed and Breakfast Home must be operated in accordance with all plans and documents approved as part of the application.

44.0 Planned Unit Developments

A Planned Unit Developments shall comply with the following regulations:

- 1) Specific regulations in a Zone shall not directly apply to Planned Unit Developments. However, the project shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of building separation, parking, height and other regulations and regulations of this By-law.
- 2) An application for a Planned Unit Development shall include normal development permit regulations as well as an impact study that outlines the following information:
 - a) economic, social and environmental benefits to the community;
 - b) the effect on the general character of the area and adjacent areas;
 - c) the effect on the general environment including, but not necessarily limited to, drainage, groundwater and erosion;

- d) the effect on Municipal services and the street system; and
 - e) such additional information as required by Council.
- 3) The minimum site area for a Planned Unit Development shall be 4.05 ha. (10.00 acres).
- 4) The density of development shall not be increased from the normal density per gross hectare (acre) permitted in the Zone in which the proposed Planned Unit Development is located.
- 5) Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Land Titles office.
- 6) An overall landscaping plan shall be prepared.
- 7) Any public park areas shall be dedicated by the Municipality.

45.0 Private and Semi-Private Swimming Pools and Hot Tubs

A Private and Semi-Private Swimming Pool and Hot Tub shall comply with the following regulations:

- 1) They shall meet Provincial regulations.
- 2) They shall be considered as being accessory to a permitted use and shall be developed in accordance with Section 25.0 of this By-law.

46.0 Car Brokers

A Car Broker shall comply with the following regulations:

- 1) The Car Broker operation shall be operated as a secondary use only on the site, and shall not change the principal character or external appearance of the dwelling unit involved.
- 2) The Car Broker operation shall be limited to the purchase and sale of used passenger and light truck vehicles only.
- 3) Except as hereinafter provided, the passenger and light truck vehicles that are for sale shall be parked or stored at the rear of the dwelling unit on the site so as to be entirely screened from public view.

- 4) Notwithstanding Section 46.0(3) of this By-law, a maximum of one passenger and light truck vehicle may be put on display for sale in the front yard of the site on which a Car Broker operation is located at any one time.
- 5) Notwithstanding Section 46.0(4) of this By-law, on the site on which a Car Broker operation is located there shall be no passenger and light truck vehicles put on display for sale within any Municipal road right-of-way.
- 6) Notwithstanding Section 46.0(4) of this By-law, if the Car Broker operation is adjacent to a Provincial Trunk Highway, Provincial Road, or Provincial Access Road, the passenger and light truck vehicles put on display for sale thereon shall be setback in accordance with *The Highways and Transportation Act* and *The Highways Protection Act*.
- 7) The site on which a Car Broker operation is located shall be kept in a tidy, well-maintained manner to the satisfaction of the Designated Officer.
- 8) A storage area having six or more passenger and light truck vehicles that are visible from a roadway or an abutting site in the RS-1 and RS-2 Residential Single Family, RM: Residential Multiple Family, RC: Residential Comprehensive and RSC: Rural Settlement Centre Zones shall be fenced and/or have a screen planting, to the satisfaction of the Designated Officer.
- 9) The Car Broker operation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.
- 10) The Car Broker operation shall be operated solely by the members of the family residing at the same dwelling unit on the site where the Car Broker operation is located without the employment of other persons.
- 11) Any exterior display or advertisement of the Car Broker operation shall:
 - a) not exceed 0.56 sq. m. (6.00 sq. ft.) in area;
 - b) not be illuminated; and
 - c) be compatible with the character of the area.
- 12) The dimensions of signage advertising the sale of passenger vehicles shall not exceed 21.59 cm. (8.50 in.) by 27.94 cm. (11.00 in.).
- 13) The Car Broker operation shall have all outdoor lighting located and arranged on the site so that no rays of light are directed at any adjacent sites.

- 14) The maximum number of passenger and light truck vehicles for sale at any one time shall be limited to six vehicles.

47.0 Temporary Mobile Home Dwellings

A Temporary Mobile Home Dwelling shall comply with the following regulations:

- 1) The Temporary Mobile Home Dwelling shall be installed on a site for use either:
 - a) by an elderly parent(s) or other family member(s) of the owner-occupier of the on-site Single Family Dwelling requiring the care and assistance therefrom; or
 - b) as temporary accommodation by a property owner during which time a permanent Single Family Dwelling is being developed on the site.
- 2) The Temporary Mobile Home Dwelling shall be constructed in accordance with CSA and applicable building code regulations.
- 3) The Temporary Mobile Home Dwelling shall comply with all site regulations applicable to the Zone in which the Single Family Dwelling is located or is proposed to be located and shall be inspected annually by the Designated Officer.
- 4) The Temporary Mobile Home Dwelling shall be removed by the property owner upon the cessation of its approved occupancy by Council.
- 5) The installation of a Temporary Mobile Home Dwelling shall comply with the regulations of any appropriate Federal, Provincial or Municipal legislation.
- 6) Council may impose additional conditions on the installation of a proposed Temporary Mobile Home Dwelling deemed necessary to protect adjacent sites and the public welfare.

48.0 Non-Commercial Farms

A Non-Commercial Farm shall comply with the following regulations:

- 1) The minimum site area for the Non-Commercial Farm shall be 1.68 ha. (4.00 acres). *(BL 3/13)*
- 2) The use of land or structures for the Non-Commercial Farm shall be limited to 1.33 Animal Units per 0.80 ha. (2.00 acres) of land.

- 3) The maximum size for the Non-Commercial Farm shall be less than 10.00 Animal Units.
- 4) Farm buildings or structures shall be a minimum distance of 30.48 m. (100.00 ft.) from any lot line.
- 5) The keeping of animals on a site:
 - a) shall not be allowed in front of the dwelling unit in the RSC: Rural Settlement Centre Zone and the RR: Rural Residential Zone; and
 - b) shall not interfere with the use and enjoyment of adjacent land uses.
- 6) For the purposes of this Section of the By-law, the calculation of Animal Units shall be cumulative across the species as determined on the basis of Appendix 1, or as determined by the Province of Manitoba.
- 7) A Non-Commercial farm can only developed in conjunction with a Single Family Dwelling.

49.0 Livestock Operations

- 1) The regulations of this Section of the By-law shall apply to Livestock Operations.

49.1 General

- 1) When reviewing permit applications for Livestock Operations, the Designated Officer and Council shall consider:
 - a) the type and size of the operation and its location in relation to neighbouring land uses;
 - b) the source of water supply and proposed consumption levels;
 - c) the proposed manure storage and disposal system;
 - d) the nature of the land base
 - e) local resident concerns;
for livestock operations of a size of 300 A.U. or greater, the Technical Review Committee report and recommendations
 - e) the potential impacts generated by the operation on the Provincial highway and Municipal road systems;
 - f) Provincial guidelines and regulations governing Livestock Operations; and
 - i) whether there is a need for a development agreement to be entered into between the proponent and the RM of Rockwood dealing with such conditions as the timing of construction of any proposed buildings or structures; the control of traffic; and the construction

and maintenance of roads, fencing, landscaping, shelter belts, manure storage facility covers or site drainage works by or at the expense of the proponent.

- 2) Where a livestock operation is located within 800.0 m. (2,625.0 ft.) of one or more other livestock operations involving the same category of livestock and are owned by the same individuals, corporation, partnership or other entity, or where they share a common manure storage facility, they shall be deemed to be one livestock operation for the purposes of this By-law.
- 3) Where the proposed development is located within the vicinity of a Provincial highway, a copy of the proposal shall also be sent to Manitoba Infrastructure & Transportation for review and comment.

49.2 Livestock Operations Producing Fewer Than 300 Animal Units

49.2.1 General

- 1) All new or expanding Livestock Operations that produce fewer than 300 Animal Units shall:
 - a) meet or exceed all applicable Provincial and Federal government environmental and health regulations in force at the time of the permit application;
 - b) obtain a development or building permit from the Planning Board prior to any development activity taking place on the site;
 - c) meet or exceed any applicable site regulations;
 - d) have an adequate land base that is either owned or leased by the proponent to carry out the proposed Livestock Operation; and
 - e) manure storage facilities and confined livestock areas must be designed, built and operated in conformity with all relevant Provincial regulations.

49.2.2 Mutual Separation Regulations

- 1) Except for the dwelling unit of the operator of the Livestock Operation, mutual separation distances shall be maintained between Livestock Operations and a dwelling unit or designated residential or recreational area in accordance with Table 49.2.2.1:

TABLE 49.2.2.1
Mutual Separation Regulations

Animal Units	Minimum Distance			
	From Dwelling Unit		From Designated Residential or Recreational Area	
	To Earthen Storage Facility	To Animal Housing Facility and Non-Earthen Manure Storage Facility	To Earthen Storage	To Animal Housing Facility and Non-Earthen Manure Storage Facility
10 to 100	230.00 m. (755.00 ft.)	115.00 m. (377.00 ft.)	920.00 m. (3,018.00 ft.)	610.00 m. (2,001.00 ft.)
101 to 200	345.00 m. (1,132.00 ft.)	173.00 m. (568.00 ft.)	1,380.00 m. (4,528.00 ft.)	920.00 m. (3,018.00 ft.)
201 to 299	460.00 m. (1,509.00 ft.)	230.00 m. (755.00 ft.)	1,840.00 m. (6,037.00 ft.)	1,231.00 m. (4,039.00 ft.)

49.3 Livestock Operations Producing 300 or Greater Animal Units

49.3.1 Mutual Separation Regulations

- 1) Except for the dwelling unit of the operator of the Livestock Operation, mutual separation distances shall be maintained between Livestock Operations and a dwelling unit or designated residential or recreational area in accordance with Table 49.3.2.1:

TABLE 49.3.2.1
Mutual Separation Regulations

Animal Units	Minimum Distance			
	From Single Residence		From Designated Residential or Recreational Area	
	To Earthen Storage Facility	To Animal Housing Facility and Non-Earthen Manure Storage Facility	To Earthen Storage	To Animal Housing Facility and Non-Earthen Manure Storage Facility
300 to 800	575.00 m. (1,886.00 ft.)	288.00 m. (945.00 ft.)	2,300.00 m. (7,546.00 ft.)	1,530.00 m. (5,020.00 ft.)
801 to 1600	690.00 m. (2,264.00 ft.)	345.00 m. (1,132.00 ft.)	2,760.00 m. (9,055.00 ft.)	1,840.00 m. (6,037.00 ft.)
1601 to 3200	805.00 m. (2,641.00 ft.)	403.00 m. (1,322.00 ft.)	3,220.00 m. (10,564.00 ft.)	2,151.00 m. (7,057.00 ft.)
3201 to 6400	920.00 m. (3,018.00 ft.)	460.00 m. (1,509.00 ft.)	3,680.00 m. (12,074.00 ft.)	2,450.00 m. (8,038.00 ft.)
6401 to 12800	1,035.00 m. (3,396.00 ft.)	518.00 m. (1,700.00 ft.)	4,140.00 m. (13,583.00 ft.)	2,760.00 m. (9,055.00 ft.)
12801 plus	1,150.00 m. (3,773.00 ft.)	575.00 m. (1,887.00 ft.)	4,600.00 m. (15,092.00 ft.)	3,071.00 m. (10,076.00 ft.)

49.4 Development Permit Applications

- 1) For Livestock Operations that produce 300 Animal Units or greater, in addition to the standard development application submission regulations, the proponent for any new or expanding Livestock Operation may be required to provide the following information to the satisfaction of the Designated Officer and Council
 - a) a detailed description of the proposed operation;
 - b) the corporate identity and proof of property ownership;
 - c) a legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers;
 - d) the owner's (and applicant if different from owner) name, address, signature and interest in the land;
 - e) a site plan showing the location of housing, storage and other facilities relative to the boundaries of the site;
 - f) servicing needs; and

49.5 Manure Management Plans

- 1) Proponents, owners or operators of approved new or expanding Livestock Operations involving the production of 300 Animal Units or more shall submit a copy of the manure management plan to the RM of Rockwood Council upon request.

49.5 Animal Units

- 1) For the purposes of this Section of the By-law, the calculation of Animal Units shall be determined on the basis of Appendix 1, or as determined by the Province of Manitoba.

49.6 Conditional Use Hearing

- 1) Where a conditional use hearing is required, Council will not set a hearing date until all of the development permit application information as specified in Section 49.4 of this By-law has been submitted by the applicant to the Designated Officer.
- 2) Prior to any hearing of an application for a conditional use permit to establish a Livestock Operation in the AL: Agriculture Limited Zone or AG: Agriculture General Zone, Council shall place a public notice in accordance with the Act.
- 3) An application for a conditional use permit shall be processed and approved or rejected in accordance with the *Act*. If warranted, Council may consider imposing the following conditions:
 - a) measures to ensure conformity with the applicable provisions of the SIPD Development Plan, the Rockwood Zoning By-law and any secondary plan by-law;
 - b) measures to implement recommendations made by the Technical Review Committee;
 - c) requiring covers on manure storage facilities;
 - d) requiring shelter belts to be established;
 - e) requiring the owner of the affected property to enter into a development agreement dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters:
 - (i) the timing of construction of any proposed building,
 - (ii) the control of traffic,

- (iii) the construction or maintenance - at the owner's expense or partly at the owner's expense - of roads, traffic control devices, fencing, landscaping, shelter belts or site drainage works required to service the livestock operation,
- (iv) the payment of a sum of money to the RM of Rockwood to be used to construct anything mentioned in subclause (iii).

50.0 Anhydrous Ammonia Facilities *(BL 28/10)*

An Anhydrous Ammonia Facility shall comply with the following regulations:

- 1) It shall be located at least:
 - a) 1,524.00 m. (5,000.00 ft.) from Stony Mountain, Balmoral, Gunton, Gross Isle or any RSC: Rural Settlement Zones;
 - b) 792.48 m. (2,600.00 ft.) from any Residential, Residential-Related, Basic Service and Community, Educational, Recreational and Cultural Service Use Class developments located outside Stony Mountain, Balmoral, Gunton, Gross Isle or any RSC: Rural Settlement Centre Zones; and
 - c) 100.00 m. (328.08 ft.) from the edge of the rights-of-way of a Provincial Trunk Highway or Provincial Road.

51.0 Small Animal Breeding and Boarding Establishment

A Small Animal Breeding and Boarding Establishment shall comply with the following regulations:

- 1) They shall comply with all applicable Provincial and Municipal animal control and licensing By-laws.
- 2) The Small Animal Breeding and Boarding Establishment shall be carried out by an occupant of the dwelling unit.
- 3) One assistant, who is not a resident of the dwelling unit of the Small Animal Breeding and Boarding Establishment, may operate in and from the said dwelling unit.
- 4) If located within a Residential Use Class development, the Small Animal Breeding and Boarding Establishment shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling unit involved.
- 5) There shall be no retail sale of goods from within the dwelling unit of a Small Animal Breeding and Boarding Establishment.

- 6) The Small Animal Breeding and Boarding Establishment shall not create or become a nuisance by the way of noise, fumes, dust, odour, traffic or otherwise interfere with the use and enjoyment of adjacent land uses.

52.0 Aggregate Extraction Operations

52.1 Development Permit Applications

- 1) In addition to the standard development application submission regulations, an applicant proposing to establish an Aggregate Extraction Operation or the expansion of an existing Aggregate Extraction Operation shall also submit the following information:
 - a) In the case of Crown quarry minerals, proof of issuance of a Provincial Lease or Casual Permit under Manitoba Regulation 226/76 (Quarry Minerals Regulation, 1976) or a current copy of the certificate of title, searched and stamp dated not more than 30 days prior to the date of application ;
 - b) Key Map showing the subject property and surrounding lands;
 - c) Site Plan showing: the boundary of the subject property; identification of the area to be excavated and staging of the excavation; the location and use of existing and proposed buildings and structures on-site, and the location of existing buildings and structures on adjacent lands within 152.40 m. (500.00 ft.) of the site boundaries; the location of existing and proposed areas for separate stockpiling of topsoil, overburden stripping and aggregate; the location, width, height and description of existing and proposed landscaped buffers or berming; and existing and proposed entrances and exits, on-site roads and parking and loading areas;
 - d) Transportation Plan showing: the location of existing and proposed truck entrances and exits; the location of existing and proposed parking and loading areas; the proposed hauling route plan; and any additional information as requested by the Designated Officer pertaining to matters such as traffic volumes and on-going road maintenance projections;
 - e) Water Management Plan showing: surface water diversion, groundwater withdrawal, and storage and drainage plans; and an impact assessment of potential effects on water wells, springs, groundwater, surface watercourse and bodies, wetlands, woodlands, and fish and wildlife habitat, if required by the provincial or federal department(s) responsible for water protection, fish habitat and wildlife habitat;
 - f) Operational Plan specifying: security; proposed hours of operation; proposed blasting procedure; anticipated noise, dust and vibration

levels, means to control noise, dust and vibration; and insurance coverage; and

- g) Rehabilitation Plan highlighting: plans showing intended staging for progressive rehabilitation; and how the rehabilitation plan is in compliance with the provincial pit and quarry rehabilitation program standards and any standards established by the RM of Rockwood.

52.2 Rockwood Quarry Area

- 1) Establishment of new Aggregate Extraction Operation within the Rockwood Quarry Area as determined by the Designated Officer that is not zoned “ME” Industrial Extractive Zone shall require a zoning amendment to “ME” Industrial Extractive Zone prior to issuance of a development permit.

Concrete or asphalt batching plants to be located within the Rockwood Quarry Area as determined by the Designated Officer shall require a zoning amendment to “ME” Industrial Extractive Zone prior to obtaining conditional use approval and issuance of a development permit.

52.3 Agricultural Zones

- 1) Expansion of an existing Aggregate Extraction Operation into areas not included in an existing conditional use approval or establishment of new Aggregate Extraction Operation in the “AL”: Agricultural Limited or “AG”: Agricultural General Zones, outside of the Rockwood Quarry Area as determined by the Designated Officer, shall require conditional use approval prior to issuance of a development permit.

Concrete or asphalt batching plants to be located in the “AL”: Agricultural Limited or “AG”: Agricultural General Zones, outside of the Rockwood Quarry Area as determined by the Designated Officer, shall require conditional use approval prior to issuance of a development permit.

52.4 Review

- 1) Prior to the issuance of a development permit, the Municipality shall, where applicable, require proof of compliance with provincial regulations and legislation.

52.5 Conditions of Approval for Aggregate Extraction Operations

- 1) The owner/operator of a new or expanding Aggregate Extraction Operation shall be required to enter into a development agreement with the Municipality prior to issuance of a development permit. The development agreement shall be registered as a caveat against the title in the Land Titles Office, and shall cover the following:

(a) Bond of Indemnity or Letter of Credit

The Aggregate Extraction Operation owner/operator shall be required to deposit a Bond of Indemnity or Letter of Credit in the sum as established by municipal by-law, in the form and from an institution approved by the Municipality. The aforementioned shall be provided to the Municipality prior to commencement of any quarrying operations.

If part of said Bond of Indemnity or Letter of Credit has been used by the Municipality due to the Aggregate Extraction Operation owner/operator being in default, then the Aggregate Extraction Operation owner/operator shall deposit such further sums as may be required to maintain the minimum deposit as established by municipal by-law.

If for any reason the Bond of Indemnity or Letter of Credit is permitted to lapse or is reneged, then the Aggregate Extraction Operation owner/operator must immediately cease quarrying operations until such time as a new Bond of Indemnity or Letter of Credit has been placed with the Municipality. The Bond of Indemnity or Letter of Credit shall be retained in effect until such time as the Aggregate Extraction Operation owner/operator has completed all obligations pursuant to the development agreement, including the rehabilitation of the planned area.

(b) Indemnity:

The Aggregate Extraction Operation owner/operator shall indemnify and save harmless the Municipality from any claims, damages, costs or the like which the Municipality may be held liable for by virtue of the Aggregate Extraction Operation owner/operator carrying on quarrying operations in the development area.

Further, the parties agree that, if for any reason whatsoever, the development area is flooded by water, the Aggregate Extraction Operation owner/operator shall release the Municipality from any liability whatsoever concerning any damage the Aggregate Extraction Operation owner/operator may have suffered as a result of such property being flooded.

(c) Insurance:

The Aggregate Extraction Operation owner/operator shall obtain a Policy of Public Liability and Property Damage Insurance in the minimum amount per occurrence as established by municipal by-law, such insurance shall be in the form and with a company approved by the Municipality. A certified copy of such policy must be provided to the Municipality and approved by the Municipality prior to the commencement of development.

The Aggregate Extraction Operation owner/operator must, within thirty (30) days prior to its Policy of Insurance expiring, provide the Municipality with such evidence as may be required by the Municipality evidencing renewal of said Policy of Insurance and said Policy of Insurance must be carried in full effect at all times development is being conducted upon the development area.

(d) Construction Completion Certificate:

Upon completion of all services and development works, and the performance of obligations required by the development agreement, the Aggregate Extraction Operation owner/operator shall request inspection of services and development works by the Municipality to ensure compliance with the terms of the development agreement. Upon satisfactory completion, the Municipality shall issue a Construction Completion Certificate. The Aggregate Extraction Operation owner/operator shall be responsible for the maintenance of said services and development works in a condition satisfactory to the Municipality.

(e) Legal and Related Costs:

It shall be the responsibility of the Aggregate Extraction Operation owner/operator to pay to the Municipality all legal fees and disbursements on a solicitor and client basis incurred by the Municipality in connection with the preparation, carrying out and enforcement of the development agreement.

If the Aggregate Extraction Operation owner/operator is in default of a specified section within the development agreement, then the Aggregate Extraction Operation owner/operator shall be liable to a voluntary fine as established by municipal by-law.

(f) Licences:

It shall be Aggregate Extraction Operation owner/operator's responsibility to ensure that development and operation within the development area is in

compliance with the applicable municipal, provincial and federal laws and regulations.

It shall be the Aggregate Extraction Operation owner/operator's responsibility to obtain all necessary licences, including the necessary Aggregate Transportation Licence and Aggregate Mining Licence.

(g) Fees:

The Aggregate Extraction Operation owner/operator shall pay the Aggregate Mining Fees, Aggregate Transporting Fees and Quarrying fees as established by municipal by-law.

The Aggregate Extraction Operation owner/operator shall pay to the Municipality interest on any funds owed to the Municipality pursuant to the development agreement or pursuant to any applicable by-law of the Municipality including, but not limited to, the Municipality's Aggregate By-law, at a rate of interest determined by the Municipality and specified in the development agreement.

(h) Operation:

The Aggregate Extraction Operation owner/operator shall submit an Operations Plan on a yearly basis for review and acceptance by the Municipality, and shall comply with the following:

i) Blasting

The Aggregate Extraction Operation operator shall notify the Municipality of any intent to blast a minimum of 24 hours before blasting. A designated employee of the Municipality shall be permitted to enter the property and monitor the blasting. Blasting that exceeds the maximum level of vibration limits as established by provincial regulation or any Environmental Act License shall result in a fine being levied against the Aggregate Extraction Operation operator in an amount established by municipal by-law.

Blasting shall only occur in the planned area from Monday to Friday between the hours of 9:00 a.m. to 4:00 p.m. Notwithstanding the aforementioned:

- there shall be no blasting on statutory holidays; and

- emergency blasting may take place, subject to proper approvals under *The Mines and Mineral Act*.

ii) Hours of Operation

Aggregate extraction operations shall only operate from Monday to Friday between the hours of 6:00 a.m. to 10:00 p.m. and Saturday from 6:00 a.m. to 12:00 p.m. for crushing, loading and hauling and from 12:00 p.m. to 6:00 p.m. for loading and hauling.

iii) Statutory Holidays:

Notwithstanding the aforementioned, there shall be no Aggregate Extraction Operation permitted on statutory holidays, with the exception of July 1st where Aggregate Extraction Operation owner/operator can apply to the Municipality for a special one day permit to accommodate unique circumstances as determined by the Municipality.

iv) Haul Roads

The Natural Resource owner/operator shall only use roads designated by the Municipality and at no time shall it use any other roads other than those designated by the Municipality. The Natural Resource owner/operator shall also take all reasonable efforts to ensure that any independent contractor(s) hauling from any Aggregate Extraction Operation use only such roads as designated by the Municipality.

(j) Site Design, Maintenance and Security:

i) Earth Berms

The Natural Resource owner/operator shall construct an earth berm to standards acceptable to the Municipality.

ii) Flooding and Drainage

Provisions for drainage shall be in compliance with municipal and provincial government regulations.

iii) Garbage and Refuse Material

The Aggregate Extraction Operation owner/operator shall not collect garbage or refuse material, or dump any petroleum product or other pollutant in the development area. The Aggregate Extraction Operation owner/operator shall comply with all federal, provincial and environmental regulations pertaining to, but not limited to, petroleum storage and disposal.

iv) Security

The Aggregate Extraction Operation owner/operator shall install a steel gate at all entrances to the development area which shall be kept closed and locked to prevent access by the general public.

The berm and steel gate shall be constructed in such a fashion that

it shall be impracticable for vehicular traffic to travel between the gate and the edge of the berm.

v) Weed Control

Weeds shall be controlled pursuant to the requirements of the Municipality under *The Municipal Act*, *The Noxious Weed Act* or other laws of the Province of Manitoba. For this purpose, the top of the berm must be of sufficient size to permit a ½ ton truck to be driven on top of said berm for the purpose of spraying weeds.

(k) Rehabilitation:

It shall be the responsibility of the Aggregate Extraction Operation owner/operator to remit to the Province of Manitoba such levies or other amounts as may be required for restoration and rehabilitation of the development area.

The Aggregate Extraction Operation owner/operator shall commence rehabilitate once a maximum of 50% of the title area is open to excavation. The minimum standard of rehabilitation shall be in compliance with the Provincial pit and quarry rehabilitation program standards.

(l) Violation:

Should the Aggregate Extraction Operation owner/operator default on any of the terms and obligations of the development agreement, the Municipality shall provide the Aggregate Extraction Operation owner/operator with reasonable notice of such default or breach and require remedy within a specified time. If the default or breach is not remedied, the Municipality may:

- (i) advise the Aggregate Extraction Operation owner/operator in writing that all development in the development area must immediately cease until such time as the breach or default is remedied to the satisfaction of the Municipality, and the Municipality has acknowledged the remedy in writing;
- (ii) enter the development area or such other land as the Municipality may deem necessary and remedy the breach of the development agreement or remedy any other contravention of any law and all costs incurred by the Municipality in so doing, including administration costs of its employees, shall be the responsibility of the Aggregate Extraction Operation owner/operator; and
- (iii) levy a fine as established by municipal by-law for violation of blasting, hours of operation or days of operation.

52.6 Mining out Roads

- (1) Mining out mineral deposits in, upon or under common public roads and road allowances shall be in accordance with *The Highway Traffic Act*, *The Mines and Minerals Act* and *The Municipal Act*.

52.7 Limits to Development on Adjacent Lands

- (1) Notwithstanding the provisions of the “AL”: Agricultural Limited or “AG”: Agricultural General Zones, a dwelling unit within 500.00 m. (1,640.00 ft.) of the property limits of an active Aggregate Extraction Operation site shall be deemed a conditional use.

53.0 Wayside Pits and Quarries (BL 28/10)

New Wayside Pits and Quarries shall comply with the following regulations:

- 1) They shall be located at least:
 - a) 1,524.00 m. (5,000.00 ft.) from Stony Mountain, Balmoral, Gunton, Gross Isle, or any RSC: Rural Settlement Centre Zones;
 - b) 792.48 m. (2,600.00 ft.) from any Residential, Residential-Related, Basic Service and Community, Educational, Recreational and Cultural Service Use Class developments located outside Stony Mountain, Balmoral, Gunton, Gross Isle or any RSC: Rural Settlement Centre Zones; and
 - c) 100.00 m. (328.08 ft.) from the edge of the rights-of-way of a Provincial Trunk Highway or Provincial Road.

54.0 Secondary Suites (BL 3/13)

- 1) Secondary Suites shall comply with the following regulations:
 - a) The single family dwelling to which it is accessory is owner-occupied.
 - b) The secondary suite shall occupy no more than forty (40) percent of the gross floor area including the basement of the dwelling to a maximum of 80.00 sq. m. (861.1 sq. ft.).
 - c) No more than one (1) secondary suite shall be allowed in each single family dwelling.
 - d) Where a secondary suite has an entrance which is separate from that of the principal dwelling, the entrance shall only be located on a side or rear wall of the principal building.
 - e) No secondary suite shall have a floor area of less than 32.52 sq. m. (350.00 sq. ft.).
 - f) One (1) off-street parking space is required for a secondary suite in addition to at least one (1) off-street parking space for the principal dwelling.
 - g) In developing a secondary suite, the owner shall comply with all relevant requirements of the National Building Code including Province of Manitoba amendments, as amended from time to time.

PART III

ZONES

RESIDENTIAL ZONES

55.0 Residential Zones

55.1 Purpose

- 1) The Residential Zones established in this By-law are intended to provide sufficient land for various types of residential and related developments in the RM of Rockwood in keeping with the provisions of the *South Interlake Planning District Development Plan*.
- 2) The following Residential Zones are hereby established:
 - a) RS-1: Residential Single Family Zone
 - b) RS-2: Residential Single Family Zone
 - c) RM: Residential Multiple Family Zone
 - d) RC: Residential Comprehensive Zone
 - e) MHR: Mobile Home Residential Zone
 - f) RR: Rural Residential Zone

56.0 RS-1: Residential Single Family Zone

56.1 General Purpose

To establish a Zone primarily for serviced Single Family Dwellings and associated or compatible uses.

56.2 Permitted Uses

- 1) Home Occupation
- 2) Public Park
- 3) Single Family Dwelling

56.3 Conditional Uses

- | | |
|---------------------------------|-----------------------------------------|
| 1) Bed and Breakfast Home | 8) Private Education Service |
| 2) Child Care Service | 9) Protective and Emergency Service |
| 3) Community Recreation Service | 10) Public Education Service |
| 4) Home Industry | 11) Public Library and Cultural Exhibit |
| 5) Institutional Residence | 12) Public Utility Service |
| 6) Multiple Family Dwelling | 13) Religious Assembly |
| 7) Planned Unit Development | 14) Secondary Suite (BL 3/13) |
| | 15) Two Family Dwelling |

56.4 Site Regulations Permitted and Conditional Uses

- | | |
|---------------------|-----------------------------------------|
| 1) Site Area | min. 696.75 sq. m. (7,500.00 sq. ft.) |
| 2) Site Width | min. 21.34 m. (70.00 ft.) |
| 3) Front Yard | min. 9.14 m. (30.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 3.05 m. (10.00 ft.) |
| 6) Corner Side Yard | min. 3.05 m. (10.00 ft.) |
| 7) Site Coverage | max. 40.00% |
| 8) Building Height | max. 10.67 m. (35.00 ft.); 2.50 storeys |
| 9) Dwelling Area | min. 92.90 sq. m. (1,000.00 sq. ft.) |
| 10) Dwelling Width | min. 6.10 m. (20.00 ft.) |

56.5 Site Regulations Accessory Uses, Buildings and Structures

- | | |
|---------------------|---------------------------------------|
| 1) Site Area | N/A |
| 2) Site Width | N/A |
| 3) Front Yard | min. 9.14 m. (30.00 ft.) |
| 4) Rear Yard | min. 1.52 m. (5.00 ft.) |
| 5) Side Yard | min. 0.61 m. (2.00 ft.) (BL 28/10) |
| 6) Corner Side Yard | min. 3.05 m. (10.00 ft.) |
| 7) Site Coverage | N/A |
| 8) Building Height | max. 4.57 m. (15.00 ft.); 1.00 storey |
| 9) Building Area | max. 74.32 sq. m. (800.00 sq. ft.) |
| 10) Building Width | N/A |

56.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) Excluding reversed corner lots, where sites comprising 40.00 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block.
- 3) Notwithstanding the list of Permitted and Conditional Uses identified in Sections 56.2 and 56.3, a Mobile Home Dwelling is a Conditional Use in Grosse Isle as shown in Figure 6 of the Zoning Maps and a Permitted Use in Gunton as shown in Figure 7 of the Zoning Maps. (BL 3/13)

56.7 Additional Regulations for Conditional Use Only

- 1) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.

- 2) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 44.0 of this By-law.
- 4) A Multiple Family Dwelling shall be developed in accordance with Section 58.0 of this By-law.
- 5) The minimum site area for each Two Family Dwelling including a Duplex and Semi-Detached Dwelling shall be 929.00 sq. ft. (10,000.00 sq. ft.) with a minimum site width of 38.10 m. (125.00 ft.).

56.8 Additional Regulations for Accessory Uses, Buildings and Structures

- 1) All accessory uses, buildings and structures shall be developed in accordance with the RM of Rockwood Lot Grade By-law.
- 2) The maximum building area regulation of 74.32 sq. m. (800.00 sq. ft.) shall not apply to Private and Semi-Private Swimming Pools and Hot Tubs.

57.0 RS-2: Residential Single Family Zone

57.1 General Purpose

To establish a Zone primarily for serviced Single Family Dwellings and associated or compatible uses.

57.2 Permitted Uses

- 4) Home Occupation
- 5) Public Park
- 4) Single Family Dwelling

57.3 Conditional Uses

- | | |
|---------------------------------|-----------------------------------------|
| 1) Bed and Breakfast Home | 8) Private Education Service |
| 2) Child Care Service | 9) Protective and Emergency Service |
| 3) Community Recreation Service | 10) Public Education Service |
| 4) Home Industry | 11) Public Library and Cultural Exhibit |
| 5) Institutional Residence | 12) Public Utility Service |
| 6) Multiple Family Dwelling | 13) Religious Assembly |
| 7) Planned Unit Development | 14) Secondary Suite (BL 3/13) |
| | 15) Two Family Dwelling |

57.4 Site Regulations Permitted and Conditional Uses

- | | |
|---------------------|------------------------------------------|
| 1) Site Area | min. 1,045.13 sq. m. (11,250.00 sq. ft.) |
| 2) Site Width | min. 27.43 m. (90.00 ft.) |
| 3) Front Yard | min. 9.14 m. (30.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 3.05 m. (10.00 ft.) |
| 6) Corner Side Yard | min. 3.05 m. (10.00 ft.) |
| 7) Site Coverage | max. 40.00% |
| 8) Building Height | max. 10.67 m. (35.00 ft.); 2.50 storeys |
| 9) Dwelling Area | min. 92.90 sq. m. (1,000.00 sq. ft.) |
| 10) Dwelling Width | min. 6.10 m. (20.00 ft.) |

57.5 Site Regulations Accessory Uses, Buildings and Structures

- | | |
|---------------------|---------------------------------------|
| 1) Site Area | N/A |
| 2) Site Width | N/A |
| 3) Front Yard | min. 9.14 m. (30.00 ft.) |
| 4) Rear Yard | min. 1.52 m. (5.00 ft.) |
| 5) Side Yard | min. 0.61 m. (2.00 ft.) (BL 28/10) |
| 6) Corner Side Yard | min. 3.05 m. (10.00 ft.) |
| 7) Site Coverage | N/A |
| 8) Building Height | max. 4.57 m. (15.00 ft.); 1.00 storey |
| 9) Building Area | max. 74.32 sq. m. (800.00 sq. ft.) |
| 10) Building Width | N/A |

57.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) Excluding reversed corner lots, where sites comprising 40.00 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block.
- 3) Notwithstanding the list of Permitted and Conditional Uses identified in Sections 57.2 and 57.3, a Mobile Home Dwelling is a Conditional Use in Grosse Isle as shown in Figure 6 of the Zoning Maps and a Permitted Use in Gunton as shown in Figure 7 of the Zoning Maps. (BL 3/13)

57.7 Additional Regulations for Conditional Use Only

- 1) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.
- 2) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 44.0 of this By-law.
- 4) A Multiple Family Dwelling shall be developed in accordance with Section 58.0 of this By-law.
- 5) The minimum site area for each Two Family Dwelling including a Duplex and Semi-Detached Dwelling shall be 929.00 sq. ft. (10,000.00 sq. ft.) with a minimum site width of 38.10 m. (125.00 ft.).

57.8 Additional Regulations for Accessory Uses, Buildings and Structures

- 1) All accessory uses, buildings and structures shall be developed in accordance with the RM of Rockwood Lot Grade By-law.
- 2) The maximum building area regulation of 74.32 sq. m. (800.00 sq. ft.) shall not apply to Private and Semi-Private Swimming Pools and Hot Tubs.

58.0 RM: Residential Multiple Family Zone

58.1 General Purpose

To provide a Zone for the development of Multiple Family Dwellings, Townhouse Dwellings and Two Family Dwellings as well as associated or compatible uses.

58.2 Permitted Uses

- | | |
|-----------------------------|---------------------------|
| 1) Home Occupation | 5) Semi-Detached Dwelling |
| 2) Institutional Residence | 6) Townhouse Dwelling |
| 3) Multiple Family Dwelling | 7) Two Family Dwelling |
| 4) Public Park | |

58.3 Conditional Uses

- | | |
|--------------------------------------|-----------------------------------------|
| 1) Bed and Breakfast Home | 9) Private Education Service |
| 2) Child Care Service | 10) Protective and Emergency Service |
| 3) Community Recreation Service | 11) Public Education Service |
| 4) Convenience Retail Store | 12) Public Library and Cultural Exhibit |
| 5) Eating and Drinking Establishment | 13) Public Utility Service |
| 6) Health Service | 14) Religious Assembly |
| 7) Personal Service Shop | 15) Single Family Dwelling |
| 8) Planned Unit Development | |

58.4 Site Regulations Townhouse Dwellings

- 1) Site Area min. 278.70 sq. m. (3,000.00 sq. ft.)/unit
- 2) Site Width min. 9.14 m. (30.00 ft.)/unit
- 3) Front Yard min. 9.14 m. (30.00 ft.)
- 4) Rear Yard min. 7.62 m. (25.00 ft.)
- 5) Side Yard min. 3.05 m. (10.00 ft.)
- 6) Corner Side Yard min. 4.57 m. (15.00 ft.)
- 7) Site Coverage max. 60.00%
- 8) Building Height max. 10.67 m. (35.00 ft.)
- 9) Dwelling Area min. 55.74 sq. m. (600.00 sq. ft.)
- 10) Building Separation min. 3.05 m. (10.00 ft.)

58.5 Site Regulations Multiple Family Dwellings

- 1) Site Area See Section 59.7(2) of this By-law
- 2) Site Width min. 30.48 m. (100.00 ft.)
- 3) Front Yard min. 9.14 m. (30.00 ft.)
- 4) Rear Yard min. 7.62 m. (25.00 ft.)
- 5) Side Yard min. 4.57 m. (15.00 ft.)
- 6) Corner Side Yard min. 4.57 m. (15.00 ft.)
- 7) Site Coverage max. 60.00%
- 8) Building Height max. 13.72 m. (45.00 ft.); 3.00 storeys
- 9) Dwelling Area min. 37.16 sq. m. (400.00 sq. ft.)
- 10) Building Separation min. 3.05 m. (10.00 ft.)

58.6 Site Regulations: Accessory Uses, Buildings and Structures

- 1) Site Area N/A
- 2) Site Width N/A
- 3) Front Yard min. 9.14 m. (30.00 ft.)
- 4) Rear Yard min. 4.57 m. (15.00 ft.)
- 5) Side Yard min. 3.05 m. (10.00 ft.)
- 6) Corner Side Yard min. 4.57 m. (15.00 ft.)
- 7) Site Coverage max. 10.00%
- 8) Building Height max. 4.57m. (15.00 ft.)
- 9) Building Area N/A

58.7 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) The minimum site area regulation for Multiple Family Dwellings shall be 929.00 sq. m. (10,000.00 sq. ft.) for the first four dwelling units and 116.13 sq. m. (1,250.00 sq. ft.) for each additional dwelling unit.
- 3) Non-Residential Use Class developments shall be developed in accordance with Section 63.0 of this By-law.
- 4) The minimum site area for each Two Family Dwelling including a Duplex and Semi-Detached Dwelling shall be 929.00 sq. ft. (10,000.00 sq. ft.) with a minimum site width of 38.10 m. (125.00 ft.).

58.8 Additional Regulations for Conditional Uses Only

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 2) A Planned Unit Development shall be developed in accordance with Section 44.0 of this By-law.
- 3) A Single Family Dwelling shall be developed in accordance with Section 56.0 of this By-law.

59.0 RC: Residential Comprehensive Zone

59.1 General Purpose

To establish a Zone for housing and associated or compatible uses as part of a planned unit development that are further regulated through various site development and condominium agreements.

59.2 Permitted Uses 1) Community Recreation Service 2) Home Occupation 3) Public Park 4) Semi-Detached Dwelling 5) Single Family Dwelling		
59.3 Conditional Uses 1) Institutional Residence 2) Protective and Emergency Service 3) Single Attached Dwelling 4) Public Utility Service		
59.4 Site Regulations Permitted and Conditional Uses 1) Site Area min. 0.40 ha. (1.00 acre) 2) Site Width min. 38.10 m. (125.00 ft.) 3) Front Yard min. 7.62 m. (25.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 7.62 m. (25.00 ft.) 6) Corner Side Yard min. 7.62 m. (25.00 ft.) 7) Site Coverage max. 45.00% 8) Building Height max. 10.67 m. (35.00 ft.) 9) Dwelling Area min. 83.61 sq. m. (900.00 sq. ft.) 10) Dwelling Width min. 6.10 m. (20.00 ft.)		59.5 Site Regulations Accessory Uses, Buildings and Structures 1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 6.10 m. (20.00 ft.) 4) Rear Yard min. 3.05 m. (10.00 ft.) 5) Side Yard min. 1.20 m. (4.00 ft.) 6) Corner Side Yard min. 3.05 m. (10.00 ft.) 7) Site Coverage N/A 8) Building Area max. 1.00% 9) Building Height max. 4.57 m. (15.00 ft.) 10) Building Width N/A

59.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) The maximum gross density shall be 12.36 dwellings per hectare (5.00 dwellings per acre).
- 3) The separation space between buildings shall be provided as follows:
 - a) a minimum depth of 6.71 m. (22.00 ft.) in the front of a principal living room window or an on-site roadway, as depicted in Figure 12; and

- b) a minimum depth of 1.52 m. (5.00 ft.) in front of a habitable room window other than a principal living room window, a non-habitable window, entry or blank wall, as depicted in Figure 12.
- c) a minimum depth of 4.57 m. (15.00 ft.) in the rear separation space as determined by the Designated Officer as depicted in Figure 12.

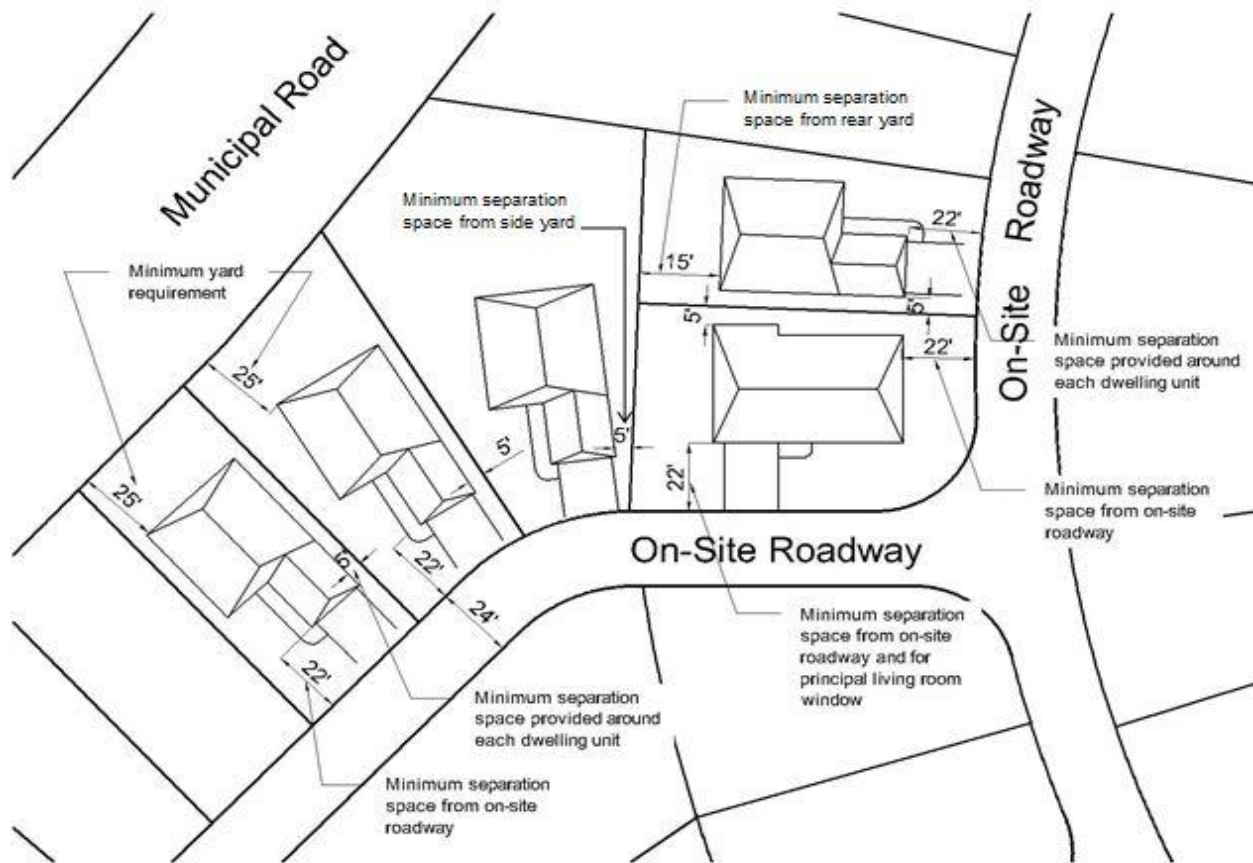


Figure 12. Separation Spaces (BL 3/13)

- 4) The minimum separation space in front of any windows, entry or similar opening shall be applied along the full length and height of the exterior wall of the room in which the particular opening or window is located.
- 5) The minimum separation distance between two residential buildings shall be double the separation space regulations as indicated in Section 59.6(3) of this By-law.
- 6) For developments that have more than ten dwelling units, the exteriors of the dwelling units shall provide individuality and variety of building design in terms of setbacks, entrances, elevations and finishing materials.
- 7) In addition to other submission regulations of this By-law, the following additional information shall be required:
 - a) the location of use of each proposed or existing building or structure;
 - b) the location of all doors and windows and the type;
 - c) the separation space between residential buildings;
 - d) floor plans and elevations of all proposed buildings and structures;
 - e) the total number of dwelling units and the gross floor area; and
 - f) the location, type and height of all proposed walls, fences, and landscaping.

60.0 MHR: Mobile Home Residential Zone

60.1 General Purpose

To provide a Zone in order to accommodate the development and placement of Mobile Home Dwellings and associated or compatible uses.

60.2 Permitted Uses

- 1) Home Occupation
- 2) Mobile Home Dwelling
- 3) Protective and Emergency Service
- 4) Public Park
- 5) Public Utility Service

60.3 Conditional Uses

- 1) Child Care Service
- 2) Community Recreation Service

60.4 Site Regulations: Permitted and Conditional Uses

- | | | |
|----|------------------|-----------------------------------------|
| 1) | Site Area | min. 4.05 ha. (10.00 acres) |
| 2) | Site Width | min. 60.96 m. (200.00 ft.) |
| 3) | Front Yard | min. 6.10 m. (20.00 ft.) |
| 4) | Rear Yard | min. 6.10 m. (20.00 ft.) |
| 5) | Side Yard | min. 3.05 m. (10.00 ft.) |
| 6) | Corner Side Yard | min. 4.57 m. (15.00 ft.) |
| 7) | Site Coverage | max. 40.00% |
| 8) | Building Height | max. 10.67 m. (35.00 ft.); 2.50 storeys |
| 9) | Dwelling Area | min. 46.45 sq. m. (500.00 sq. ft.) |

60.5 Site Regulations: Accessory Uses, Buildings and Structures

- | | | |
|----|------------------|------------------------------------|
| 1) | Site Area | N/A |
| 2) | Site Width | N/A |
| 3) | Front Yard | min. 6.10 m. (20.00 ft.) |
| 4) | Rear Yard | min. 6.10 m. (20.00 ft.) |
| 5) | Side Yard | min. 1.52 m. (5.00 ft.) |
| 6) | Corner Side Yard | min. 3.05 m. (10.00 ft.) |
| 7) | Site Coverage | N/A |
| 8) | Building Height | max. 6.10 m. (20.00 ft.) |
| 9) | Building Area | max. 74.32 sq. m. (800.00 sq. ft.) |

60.6 Additional Regulations for Permitted Uses Only

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) In the case of Mobile Home Dwelling sites within a mobile home park development:
 - a) the minimum site area requirement shall be 371.60 sq. m. (4,000.00 sq. ft.);
 - b) the minimum site width requirement shall be 12.19 m. (40.00 ft.); and
 - c) the separation spaces between Mobile Home Dwellings, including accessory uses, buildings and structures, shall be the same as the yard regulations.
- 3) Mobile Home Parks shall comply with the following regulations: *(BL 3/13)*
 - a) service buildings shall be centrally located and in no case shall they be located further than 91.44 m. (300.00 ft) from any mobile home dwelling, and they shall be provided with adequate light, heat and ventilation to the satisfaction of the Designated Officer;
 - b) where a municipal system for water supply and sewage disposal is available, each mobile home dwelling shall be connected to such system;

- c) tanks for the storage of fuel oil or propane shall be concealed from view by screening or other appropriate measures as determined by the Designated Officer;
- d) every mobile home park operator shall provide for the storage of refuse, garbage and debris in a sanitary manner that is located no further than 152.40 m. (500.00 ft.) from all mobile home dwellings;
- e) all roadways within a mobile home park shall be properly illuminated by lighting to the satisfaction of the Designated Officer;
- f) all roadways within a mobile home park shall be hard surfaced or graveled and properly maintained to the satisfaction of the Designated Officer;
- g) a park area with playground equipment to the satisfaction of the Designated Officer shall be provided in each mobile home park on the basis of 18.58 sq. m. (200 sq. ft.) per mobile home dwelling or 222.96 sq. m. (2,400 sq. ft.), whichever is greater;
- h) the mobile home park operator is responsible for providing and maintaining suitable landscaping on the site to the satisfaction of the Designated Officer;
- i) in addition to the information requirements set out in Section 12.0 of this By-Law, a person applying to establish a mobile home park in the RM of Rockwood shall also provide the following information:
 - i) the name and address of the landowner, owner, and applicant;
 - ii) the location of the proposed mobile home park;
 - iii) the size and shape of the mobile home dwelling sites;
 - iv) the proposed land drainage system;
 - v) the proposed design for water distribution and sewage collection and disposal;
 - vi) the location of the garbage storage;
 - vii) the means of vehicular and pedestrian access;
 - viii) the location of the public reserve park area and details on the proposed playground equipment;
 - ix) the location of any service buildings; and
 - x) an overall site plan.

61.0 RR: Rural Residential Zone

61.1 General Purpose

To provide a Zone for Single Family Dwellings and associated or compatible uses in a rural setting.

61.2 Permitted Uses

- | | |
|---------------------------------|-------------------------------------|
| 1) Community Recreation Service | 5) Protective and Emergency Service |
| 2) Cottage Dwelling | 6) Public Utility Service |
| 3) Public Park | 7) Single Family Dwelling |
| 4) Home Occupation | |

61.3 Conditional Uses

- | | |
|---------------------------|-----------------------------------------------------|
| 1) Bed and Breakfast Home | 6) Non-Commercial Farm |
| 2) Child Care Service | 7) Planned Unit Development |
| 3) Car Broker | 8) Secondary Suite (BL 3/13) |
| 4) Mobile Home Dwelling | 9) Small Animal Breeding and Boarding Establishment |
| 5) Home Industry | 10) Temporary Mobile Home Dwelling |
| | 11) Wind Turbine Personal Use |

61.4 Site Regulations: Permitted and Conditional Uses

- | | |
|--------------------|------------------------------------------------|
| 1) Site Area | min. 1.62 ha. (4.00 acres) |
| 2) Site Width | min. 91.44 m. (300.00 ft.) |
| 3) Front Yard | min. 38.10 m. (125.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Site Coverage | max. 10.00% |
| 7) Building Height | max 10.67 m. (35.00 ft.); 2.5 storeys |
| 8) Building Area | min. 92.90 sq. m. (1,000.00 sq. ft.) (BL 3/13) |

61.5 Site Regulations: Accessory Uses, Buildings and Structures

- | | |
|--------------------|---------------------------------------|
| 1) Site Area | N/A |
| 2) Site Width | N/A |
| 3) Front Yard | min. 38.10 m. (125.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Site Coverage | N/A |
| 7) Building Height | max. 6.10 m. (20.00 ft.) |
| 8) Building Area | max. 185.80 sq. m. (2,000.00 sq. ft.) |

61.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.
- 2) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 3) A Car Broker shall be developed in accordance with Section 46.0 of this By-law.
- 4) Water supply and sewage disposal shall be provided in accordance with *The Environment Act, The Public Health Act, The Water Protection Act and The Drinking Water Safety Act.*

- 5) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.
- 6) Despite Section 61.4 of this By-law, a Single Family Dwelling at Norris Lake as shown in Figure 3 of the Zoning Maps under Plan No. 9350 and Plan No. 15411 shall have a minimum site area of 0.16 ha. (0.40 ac.), minimum site width of 18.29 m. (60.00 ft.) and a minimum side yard of 3.05 m. (10.00 ft.) for any principal and accessory buildings. (BL 28/10)

61.7 Additional Regulations for Conditional Uses Only

- 1) A Planned Unit Development shall be developed in accordance with Section 44.0 of this By-law.
- 2) A Temporary Mobile Home Dwelling shall be developed in accordance with Section 47.0 of this By-law.
- 3) A Non-Commercial Farm shall be developed in accordance with Section 48.0 of this By-law.
- 4) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 51.0 of this By-law.

61.8 Additional Regulations for Accessory Uses, Buildings and Structures

- 1) The maximum building area regulation of 185.80 sq. m. (2,000.00 sq. ft.) shall not apply to Private and Semi-Private Swimming Pools and Hot Tubs.

COMMERCIAL ZONES

62.0 Commercial Zones

62.1 Purpose

- 1) The Commercial Zones established in this Bylaw are intended to provide sufficient land in appropriate locations for various types of commercial and related development in the RM of Rockwood in keeping with the provisions of the *South Interlake Planning District Development Plan*.
- 2) The following Commercial Zones are hereby established:
 - a) CC: Commercial Central Zone
 - b) CH: Commercial Highway Zone
 - c) CR: Commercial Recreation Zone

63.0 CC: Commercial Central Zone

63.1 General Purpose

To establish a District for commercial, residential, office and service uses within the central commercial areas of Stony Mountain, Balmoral, Gunton, Gross Isle and the Rural Settlement Centres.

63.2 Permitted Uses			
1)	Business Support Service	9)	Institutional Residence
2)	Child Care Service	10)	Personal Service Shop
3)	Eating and Drinking Establishment	11)	Professional, Financial and Office Support Service
4)	General Retail Store	12)	Protective and Emergency Service
5)	Government Service	13)	Public Library and Cultural Exhibit
6)	Health Service	14)	Public Park
7)	Home Occupation	15)	Public Utility Service
8)	Household Repair Service		
63.3 Conditional Uses			
1)	Amusement Establishment	10)	Indoor Participant Recreation Service
2)	Animal Shelter and Veterinary Service	11)	Mini-Warehouse & Self Storage
3)	Automotive and Equipment Repair (<i>BL 3/13</i>)	12)	Mobile Catering Food Service
4)	Broadcasting and Motion Picture Studio	13)	Motel
5)	Commercial School	14)	Multiple Family Dwelling
6)	Community Service Club	15)	Non-Accessory Parking
7)	Extended Medical Treatment Service	16)	Private Club
8)	Funeral Service	17)	Religious Assembly
9)	Hotel	18)	Spectator Entertainment Establishment
63.4 Site Regulations Permitted and Conditional Uses		63.5 Site Regulations Accessory Uses, Buildings and Structures	
1)	Floor Area Ratio max. 1.00	1)	Floor Area Ratio N/A
2)	Front Yard See Section 64.6(2) of this By-law	2)	Rear Yard min. 1.52 m. (5.00 ft.)
2)	Rear Yard min. 6.10 m. (20.00 ft.)	3)	Side Yard See Section 64.6(2) of this By-law
3)	Side Yard See Section 64.6(3) of this By-law	4)	Building Height max. 6.10 m. (20.00 ft.)
4)	Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys	5)	Site Coverage max. 15.00%
5)	Site Coverage max. 60.00%		

63.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) A minimum front yard of 3.05 m. (10.00 ft.) shall be provided except where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street as determined by the Designated Officer then buildings shall be built to the property line of the site.

- 3) A minimum side yard of 3.05 m. (10.00 ft.) shall be required where a site abuts the lot line of a site in the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family and RC: Residential Comprehensive Zones or a Residential Use Class development in the RSC: Rural Settlement Centre Zone.
- 4) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut the RS-1 and RS-2: Residential Single Family, RM: Residential Multiple Family, RC: Residential Comprehensive and RSC: Rural Settlement Centre Zones or a lane serving said Zones and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.
- 5) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 6) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 7) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if:
 - a) it is occupied by the owner/operator or a site watchperson or caretaker, if necessary; or
 - b) the said permitted use or conditional use is the primary ground floor use.

63.7 Additional Regulations for Conditional Uses Only

- 1) A Multiple Family Dwelling is allowed only in conjunction with a permitted use or conditional use development if the said permitted use or conditional use is the primary ground floor use. A Multiple Family Dwelling shall be developed in accordance with Section 58.0 of this By-law.

64.0 CH: Commercial Highway Zone

64.1 General Purpose

To establish a Zone for high quality commercial development along major roadways.

64.2 Permitted Uses			
1)	Automotive and Equipment Repair Shop	16)	Mini-Warehouse & Self Storage
2)	Automotive and Recreational Vehicle Sales	17)	Non-Accessory Parking
3)	Business Support Service	18)	Personal Service Shop
4)	Convenience Vehicle Rentals	19)	Professional, Financial, and Office Support Service
5)	Drive-In Food Service	20)	Protective and Emergency Service
6)	Eating and Drinking Establishment	21)	Public Park
7)	Gas Bar	22)	Public Utility Service
8)	General Retail Store	23)	Rapid Drive-Through Vehicle Service
9)	General Storage	24)	Service Station
10)	Government Service	25)	Spectator Entertainment Establishment
11)	Greenhouse, Plant and Tree Nursery	26)	Truck and Mobile Home Sales and/or Rentals
12)	Health Service	27)	Warehouse Sales
13)	Household Repair Service	28)	Agricultural Implement Sales and Service
14)	Equipment Rentals and Sales	29)	Trucking Operation
15)	Limited Contractor Service		
64.3 Conditional Uses			
1)	Agricultural Crop Protection Warehouse	10)	General Contractor Service
2)	Tourist Campsite	11)	Hotel
3)	Amusement Establishment	12)	Indoor Participant Recreation Service
4)	Auctioneering Establishment	13)	Motel
5)	Carnival	14)	Outdoor Amusement Establishment
6)	Commercial School	15)	Outdoor Participant Recreation Service
7)	Community Service Club	16)	Private Club
8)	Religious Assembly		
9)	Funeral Service		
64.4 Site Regulations Permitted and Conditional Uses		64.5 Site Regulations Accessory Uses, Buildings and Structures	
1)	Floor Area Ratio max. 1.00	1)	Floor Area Ratio N/A
2)	Site Width min. 30.48 m. (100.00 ft.)	2)	Site Width N/A
3)	Front Yard min. 7.62 m. (25.00 ft.)	3)	Front Yard min. 7.62 m. (25.00 ft.)
4)	Rear Yard min. 7.62 m. (25.00 ft.)	4)	Rear Yard min. 3.05 m. (10.00 ft.)
5)	Side Yard min. 3.05 m. (10.00 ft.)	5)	Side Yard min. 3.05 m. (10.00 ft.)
6)	Building Height max. 13.72 m. (45.00 ft.); 3.00 storeys	6)	Building Height max. 6.10 m. (20.00 ft.)

64.6 Additional Regulations for Permitted and Conditional Uses

- 1) A minimum yard of 7.62 m. (25.00 ft.) shall be required where a site abuts the lot line of a site in an existing or future Residential Area as indicated in the *South Interlake Planning District Development Plan*.
- 2) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut a Residential or Residential-Related Use Class development or a lane serving a Residential or Residential-Related Use Class development and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.
- 3) All exposed building faces shall have consistent and harmonious exterior finishing materials.
- 4) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 5) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 6) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.
- 7) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

64.7 Additional Regulations for Conditional Uses Only

- 1) The siting and access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways:
 - a) Drive-In Food Service
 - b) Eating and Drinking Establishment
 - c) Rapid Drive-Through Vehicle Service
 - d) General Retail Store
 - e) Automated Teller Machines
- 2) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

65.0 CR: Commercial Recreation Zone

65.1 General Purpose

To establish a Zone for high quality commercial tourism and resort developments in a rural or semi-rural setting.

65.2 Permitted Uses			
1)	Bed and Breakfast Home	7)	Indoor Participant Recreation Service
2)	Child Care Service	8)	Outdoor Amusement Establishment
3)	Convenience Retail Store	9)	Outdoor Participant Recreation Service
4)	Cottage Dwelling	10)	Personal Service Shop
5)	Eating and Drinking Establishment	11)	Public Park
6)	Health Service	12)	Public Library and Cultural Exhibit
65.3 Conditional Uses			
1)	Amusement Establishment	8)	Lodge
2)	Carnival	9)	Motel
3)	Commercial Resort	10)	Private Club
4)	Community Service Club	11)	Public Utility Service
5)	Gas Bar	12)	Spectator Entertainment Establishment
6)	Guest Cabin	13)	Tourist Campsite
7)	Hotel		
65.4 Site Regulations Permitted and Conditional Uses		65.5 Site Regulations Accessory Uses, Buildings and Structures	
1)	Site Area	min. 0.80 ha. (2.00 acres)	1) Site Area N/A
2)	Floor Area Ratio	max. 1.00	2) Floor Area Ratio N/A
3)	Site Width	min. 60.96 m. (200.00 ft.)	3) Site Width N/A
4)	Front Yard	min. 7.62 m. (25.00 ft.)	4) Front Yard min. 15.24 m. (25.00 ft.)
5)	Rear Yard	min. 7.62 m. (25.00 ft.)	5) Rear Yard min. 3.05 m. (10.00 ft.)
6)	Side Yard	min. 4.57 m. (15.00 ft.)	6) Side Yard min. 3.05 m. (10.00 ft.)
7)	Building Height	max. 10.67 m. (35.00 ft.); 2.50 storeys	7) Building Height max. 6.10 m. (20.00 ft.)
8)	Site Coverage	max. 50.00%	8) Site Coverage N/A

65.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 2) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 30.0 of this By-law. If the rear or side lot lines of a site abut a Residential or Residential-Related Use Class development or a lane serving a Residential or Residential-Related Use Class development and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 30.0 of this By-law.

- 3) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 5) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 6) Excluding reversed corner lots, where sites comprising 40.00 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block.

INDUSTRIAL ZONES

66.0 Industrial Zones

66.1 Purpose

- 1) The Industrial Zones established in this Bylaw are intended to provide sufficient land in appropriate locations for various types of industrial and related development in the RM of Rockwood in keeping with the provisions of the *South Interlake Planning District Development Plan*.
- 2) The following Industrial Zones are hereby established:
 - a) MB: Industrial Business Zone
 - b) MG: Industrial General Zone
 - c) ME: Industrial Extractive Zone
 - d) MEH: Industrial Extractive Holding Area Zone

67.0 MB: Industrial Business Zone

67.1 General Purpose

To establish a Zone for light industrial and related businesses which carry out their operations primarily within an enclosed building and with limited outdoor storage or operational characteristics.

67.2 Permitted Uses			
1)	Business Support Service	15)	Mobile Home Catering Services
2)	Commercial School	16)	Mini-Warehouse & Self Storage
3)	Custom Manufacturing Establishment	17)	Non-Accessory Parking
4)	Drive-In Food Service	18)	Professional, Financial and Office Support Service
5)	Eating and Drinking Establishment	19)	Protective and Emergency Service
6)	Fleet Service	20)	Public Park
7)	Funeral Service	21)	Public Utility Service
8)	General Storage	22)	Rapid Drive-Through Vehicle Service
9)	Government Service	23)	Religious Assembly
10)	Health Service	24)	Service Station
11)	Household Repair Service	25)	Spectator Entertainment Establishment
12)	Indoor Participant Recreation Service	26)	Trucking Operation
13)	Light Industrial	27)	Warehouse Sales
14)	Limited Contractor Service		
67.3 Conditional Uses			
1)	Amusement Establishment	8)	General Contractor Service
2)	Auctioneering Establishment	9)	Industrial Vehicle and Equipment Sales and/or Rentals
3)	Automotive and Equipment Repair Shop	10)	Personal Service Shop
4)	Automotive and Recreational Vehicle Sales	11)	Recycling Depot
5)	Broadcasting and Motion Picture Studio	12)	Transport Terminal
6)	Convenience Vehicle Rentals	13)	Truck and Mobile Home Sales and/or Rentals
7)	Equipment Rentals and Sales	14)	Wind Turbine Personal Use
67.4 Site Regulations Permitted and Conditional Uses		67.5 Site Regulations Accessory Uses, Buildings and Structures	
1)	Site Width min. 22.86 m. (75.00 ft.)	1)	Site Width N/A
2)	Floor Area Ratio max. 1.00	2)	Floor Area Ratio N/A
3)	Front Yard min. 7.62 m. (25.00 ft.)	3)	Front Yard min. 7.62 m. (25.00 ft.)
4)	Rear Yard min. 6.10 m. (20.00 ft.)	4)	Rear Yard min. 3.05 m. (10.00 ft.)
5)	Side Yard min. 3.05 m. (10.00 ft.)	5)	Side Yard min. 3.05 m. (10.00 ft.)
6)	Corner Side Yard min. 3.05 m. (10.00 ft.)	6)	Corner Side Yard min. 4.57 m. (15.00 ft.)
7)	Building Height max. 13.72 m. (45.00 ft.); 3.00 storeys	7)	Building Height max. 6.10 m. (20.00 ft.)

67.6 Additional Regulations for Permitted and Conditional Uses

- Where a site abuts the lot line of an existing or future Residential Area as indicated in the *South Interlake Planning District Development Plan*, a 7.62 m. (25.00 ft.) landscaped yard is required. This yard shall include a berm, fence and extensive landscaping to the satisfaction of the Designated Officer or Council.

- 2) Where a site abuts the lot line of an existing or future Residential Area as indicated in the *South Interlake Planning District Development Plan*, any buildings shall be setback a minimum of 15.24 m. (50.00 ft.) from the lot line.
- 3) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.
- 4) All developments shall comply with Section 34.0 of this By-law.
- 5) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 6) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 7) When outside storage of goods and materials is required:
 - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b) the storage shall not project above the height of the wall or fence; and
 - c) a solid fence shall be provided and maintained in a condition that is acceptable to the Designated Officer.
- 8) The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.
- 9) A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

68.0 MG: Industrial General Zone

68.1 General Purpose

To establish a Zone for a wide range general industrial uses within the RM of Rockwood.

68.2 Permitted Uses

- | | |
|-------------------------------------------|--------------------------------------------------------|
| 1) Business Support Service | 14) Light Industrial |
| 2) Commercial School | 15) Limited Contractor Service |
| 3) Custom Manufacturing Establishment | 16) Mobile Food Catering Service |
| 4) Drive-In Food Service | 17) Mini-Warehouse & Self Storage |
| 5) Eating and Drinking Establishment | 18) Non-Accessory Parking |
| 6) Fleet Service | 19) Professional, Financial and Office Support Service |
| 7) Funeral Service | 20) Protective and Emergency Service |
| 8) General Industrial | 21) Public Park |
| 9) General Storage | 22) Public Utility Service |
| 10) Government Service | 23) Rapid Drive-Through Vehicle Service |
| 11) Health Service | 24) Service Station |
| 12) Household Repair Service | 25) Trucking Operation |
| 13) Indoor Participant Recreation Service | 26) Warehouse Sales |

68.3 Conditional Uses

- | | |
|----------------------------------------------|-----------------------------------------------------------|
| 1) Abattoir | 14) General Contractor Service |
| 2) Agri-Business | 15) Industrial Vehicle and Equipment Sales and/or Rentals |
| 3) Agricultural Crop Protection Warehouse | 16) Personal Service Shop |
| 4) Agricultural Implement Sales and Service | 17) Private Club |
| 5) Agricultural Support Industry | 18) Processing Use |
| 6) Amusement Establishment | 19) Recycling Depot |
| 7) Auctioneering Establishment | 20) Storage Compound |
| 8) Automotive and Equipment Repair Shop | 21) Transport Terminal |
| 9) Automotive and Recreational Vehicle Sales | 22) Truck and Mobile Home Sales and/or Rentals |
| 10) Broadcasting and Motion Picture Studio | 23) Wind Turbine Generating Station |
| 11) Bulk Storage | 24) Wind Turbine Personal Use |
| 12) Convenience Vehicle Rentals | |
| 13) Equipment Rentals and Sales | |

68.4 Site Regulations Permitted and Conditional Uses

- | | |
|---------------------|-----------------------------------------|
| 1) Site Width | min. 22.86 m. (75.00 ft.) |
| 2) Floor Area Ratio | max. 1.00 |
| 3) Front Yard | min. 7.62 m. (25.00 ft.) |
| 4) Rear Yard | min. 3.05 m. (10.00 ft.) |
| 5) Side Yard | min. 3.05 m. (10.00 ft.) |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.) |
| 7) Building Height | max. 13.72 m. (45.00 ft.); 3.00 storeys |

68.5 Site Regulations Accessory Uses, Buildings and Structures

- | | |
|---------------------|--------------------------|
| 1) Site Width | N/A |
| 2) Floor Area Ratio | N/A |
| 3) Front Yard | min. 7.62 m. (25.00 ft.) |
| 4) Rear Yard | min. 3.05m. (10.00 ft.) |
| 5) Side Yard | min. 3.05 m. (10.00 ft.) |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.) |
| 7) Building Height | max. 6.10 m. (20.00 ft.) |

68.6 Additional Regulations for Permitted and Conditional Uses

- 1) Where a site abuts the lot line of an existing or future Residential Area as indicated in the *South Interlake Planning District Development Plan*, a 15.24 m. (50.00 ft.) landscaped yard is required. This yard shall include a berm, fence and extensive landscaping to the satisfaction of the Designated Officer or Council. As a minimum, this landscaping screen shall consist of an earthen berm of not less than 1.52 m. (5.00 ft.) in height and a width of not less than 2.50 m. (8.20 ft.). In cases where the landscaping screen is a hedge, it shall be a minimum of 1.52 m. (5.00 ft.) in height.
- 2) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.
- 3) All developments shall comply with Section 34.0 of this By-law.
- 4) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 5) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 6) When outside storage of goods and materials is required:
 - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b) the storage shall not project above the height of the wall or fence; and
 - c) a solid fence shall be provided and maintained in a condition acceptable to the Designated Officer.
- 7) The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer believes a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.
- 8) A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

69.0 ME: Industrial Extractive Zone

69.1 General Purpose

To provide for the establishment of new, or the continuation or expansion of existing Aggregate Extraction Operations and accessory uses as well as compatible non-aggregate extraction uses and accessory uses.

69.2 Permitted Uses 1) Aggregate Extraction Operation 2) Agricultural Activities (Excluding Buildings and Structures) 3) Mineral Exploration 4) Public Utility 5) Outdoor Participant Recreation Service (Excluding Buildings and Structures)			69.3 Conditional Uses 1) Bulk Storage Facility 2) General Contractor Service 3) Portable Asphalt Plant 4) Portable Concrete Plant 5) Processing Use 6) Wayside Pit and Quarry 7) Wildlife and Conservation Reserve 8) Wind Turbine Generating Station 9) Wind Turbine Personal Use		
69.4 Site Regulations Conditional Uses 1) Site Area min. 32.38 ha. (80.00 acres) 2) Site Width min. 201.17 m. (660.00 ft.) 3) Front Yard min. 22.86 m. (75.00 ft.) 4) Rear Yard min. 22.86 m. (75.00 ft.) 5) Side Yard min. 22.86 m. (75.00 ft.) 6) Corner Side Yard min. 22.86 m. (75.00 ft.) 7) Building Height max. 13.72 m. (45.00 ft.)See 67.6.1			69.5 Site Regulations Accessory Uses, Buildings and Structures 1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 22.86 m. (75.00 ft.) 4) Rear Yard min. 22.86 m. (75.00 ft.) 5) Side Yard 22.86 m. (75.00 ft.) 6) Corner Side Yard min. 22.86 m. (75.00 ft.) 7) Building Height max. 13.72 m. (45.00 ft.)See67.6.1		

69.6 Additional Regulations for Conditional Uses Only

- 1) An Aggregate Extraction Operation shall be developed in accordance with Section 52.0 of this By-law and any Municipal By-laws dealing with Aggregate Extraction Operations.
- 2) Notwithstanding the above maximum building height regulations, for any mechanical and processing equipment or use such as draglines, conveyors, crushers, screeners, silos, processing equipment, stockpiling materials, etc. and berms as determined by the Designated Officer that is associated with a conditional use, the maximum building height regulations do not apply.

- 3) Blasting activities within Aggregate Extraction Operations shall be set back a minimum of 15.24 m. (50.00 ft.) from all property lines, except where the property line is between two Aggregate Extraction Operations.

70.0 MEH: Industrial Extractive Holding Area Zone

70.1 General Purpose

To establish a Zone for future industrial extractive operations until site specific regulations are finalized with the RM of Rockwood and Provincial government agencies.

70.2 Permitted Uses 1) Agricultural Activities 2) Existing Single Family Dwelling			
70.3 Conditional Uses 1) Portable Asphalt Plant 2) Portable Concrete Plant 3) Wind Turbine Generating Station 4) Wind Turbine Personal Use			
70.4 Site Regulations Conditional Uses 1) Site Area min. 32.38 ha. (80.00 acres) 2) Site Width min. 201.17 m. (660.00 ft.) 3) Front Yard min. 22.86 m. (75.00 ft.) 4) Rear Yard min. 22.86 m. (75.00 ft.) 5) Side Yard min. 22.86 m. (75.00 ft.) 6) Corner Side Yard min. 22.86 m. (75.00 ft.) 7) Building Height max. 13.72 m. (45.00 ft.)		70.5 Site Regulations Accessory Uses, Buildings and Structures 1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 39.62 m. (130.00 ft.) 4) Rear Yard min. 60.96 m. (200.00 ft.) 5) Side Yard min. 39.62 m. (130.00 ft.) 6) Corner Side Yard min. 60.96 m. (200.00 ft.) 7) Building Height max. 13.72 m. (45.00 ft.)	

COMMUNITY SERVICE ZONES

71.0 Community Service Zones

71.1 Purpose

- 1) The Community Service Zones established in this Bylaw are intended to provide sufficient land in appropriate locations for community service developments of either a public or private nature in the RM of Rockwood in keeping with the provisions of the *South Interlake Planning District Development Plan*.
- 2) The following Community Service Zones are hereby established:
 - a) PR: Parks and Recreation Zone
 - b) I: Institutional Zone
 - c) SNR: Sensitive and Natural Resource Zone

72.0 PR: Parks and Recreation Zone

72.1 General Purpose

To establish a Zone for active and passive recreational uses and landscaped buffers.

72.2 Permitted Uses 1) Child Care Service 2) Community Recreation Service 3) Community Service Club 4) Indoor Participant Recreation Service 5) Outdoor Participant Recreation Service 6) Protective and Emergency Service 7) Public Library and Cultural Exhibit 8) Public Park			
72.3 Conditional Uses 1) Carnival 2) Eating and Drinking Establishment, only when integrated with another Permitted or Conditional Use development 3) Public Utility Service 4) Spectator Entertainment Establishment			
72.4 Site Regulations Permitted and Conditional Uses 1) Front Yard min. 12.19 m. (40.00 ft.) 2) Rear Yard min. 7.62 m. (25.00 ft.) 3) Side Yard min. 3.05 m. (10.00 ft.) 4) Corner Side Yard min. 4.57 m. (15.00 ft.) 5) Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys		72.5 Site Regulations Accessory Uses, Buildings and Structures 1) Front Yard min. 12.19m. (40.00 ft.) 2) Rear Yard min. 3.05 m. (10.00 ft.) 3) Side Yard min. 3.05 m. (10.00 ft.) 4) Corner Side Yard min. 4.57 m. (15.00 ft.) 5) Building Height max. 6.10 m. (20.00 ft.)	

73.0 I: Institutional Zone

73.1 General Purpose

To provide a Zone for public and privately owned facilities of an institutional, governance or community service nature.

73.2 Permitted Uses

- | | |
|---------------------------------|----------------------------------------|
| 1) Child Care Service | 7) Protective and Emergency Service |
| 2) Community Recreation Service | 8) Public Education Service |
| 3) Community Service Club | 9) Public Library and Cultural Exhibit |
| 4) Government Service | 10) Public Park |
| 5) Health Service | 11) Public Utility Service |
| 6) Private Education Service | 12) Religious Assembly |

73.3 Conditional Uses

- 1) Carnival
- 2) Cemetery
- 3) Eating and Drinking Establishment, only when integrated with another Permitted or Conditional Use development
- 4) Extended Medical Treatment Service
- 5) Funeral Service
- 6) Group Home
- 7) Indoor Participant Recreation Service, only when integrated with another Permitted or Conditional Use development
- 8) Institutional Residence
- 9) Outdoor Participant Recreation Service, only when integrated with another Permitted or Conditional Use development
- 10) Private Club
- 11) Professional, Financial and Office Support Service, only when integrated with another Permitted or Conditional Use development

73.4 Site Regulations Permitted and Conditional Uses

- | | |
|---------------------|-----------------------------------------|
| 1) Site Width | min. 30.48 m. (100.00 ft.) |
| 2) Floor Area Ratio | max. 1.00 |
| 3) Front Yard | min. 12.19 m. (40.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 3.05 m. (10.00 ft.) |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.) |
| 7) Building Height | max. 10.67 m. (35.00 ft.); 2.50 storeys |

73.5 Site Regulations Accessory Uses, Buildings and Structures

- | | |
|---------------------|---------------------------|
| 1) Site Width | N/A |
| 2) Floor Area Ratio | N/A |
| 3) Front Yard | min. 12.19 m. (40.00 ft.) |
| 4) Rear Yard | min. 3.05 m. (10.00 ft.) |
| 5) Side Yard | min. 3.05 m. (10.00 ft.) |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.) |
| 7) Building Height | max. 6.10 m. (20.00 ft.) |

74.0 SNR: Sensitive and Natural Resource Zone

74.1 General Purpose

To establish a Zone for lands unsuitable for development due to flooding, unstable, or poorly drained soils as well as areas with unique natural or wildlife habitats including Wildlife Management Areas.

74.2 Permitted Uses	
74.3 Conditional Uses	
1)	Agricultural Activities
2)	Greenhouse, Plant and Tree Nursery
3)	Outdoor Participant Recreation Service
4)	Public Park
5)	Public Utility Service
6)	Wildlife and Conservation Reserve
74.4 Site Regulations Conditional Uses	74.5 Site Regulations Accessory Uses, Buildings and Structures
1)	Front Yard min. 12.19 m. (40.00 ft.)
2)	Rear Yard min. 7.62 m. (25.00 ft.)
3)	Side Yard min. 7.62 m. (25.00 ft.)
4)	Corner Side Yard min. 7.62 m. (25.00 ft.)
5)	Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys
1)	Front Yard min. 12.19m. (40.00 ft.)
2)	Rear Yard min. 3.05 m. (10.00 ft.)
3)	Side Yard min. 3.05 m. (10.00 ft.)
4)	Corner Side Yard min. 4.57 m. (15.00 ft.)
5)	Building Height max. 6.10 m. (20.00 ft.)

74.6 Additional Regulations for Conditional Uses Only

- 1) The maximum building height regulation of 10.67 m. (35.00 ft.) shall not apply to farm buildings.
- 2) Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, *The Water Protection Act* and *The Drinking Water Safety Act*.
- 3) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.

MIXED USE ZONES

75.0 Mixed Use Zones

75.1 Purpose

- 1) The Mixed Use Zones established in this Bylaw are intended to provide sufficient land in appropriate locations for mixed use developments in the RM of Rockwood in keeping with the provisions of the *South Interlake Planning District Development Plan*.
- 2) The following Mixed Use Zones are hereby established:
 - a) LCR: Limited Commercial-Residential Zone

76.0 LCR: Limited Commercial-Residential Zone

76.1 General Purpose

To establish a Zone to accommodate and regulate the development of a small scale business operations and Single Family Dwellings where residents can operate a business and reside in the same location.

76.2 Permitted Uses 1) Home Industry 2) Home Occupation 3) Protective and Emergency Service 4) Public Park 5) Public Utility Service 6) Single Family Dwelling	
76.3 Conditional Uses 1) Animal Shelter and Veterinary Service 2) Bed and Breakfast Home 3) Car Broker 4) Child Care Service 5) Greenhouse, Plant and Tree Nursery 6) Limited Contractor Service 7) Secondary Suite (BL 3/13) 8) Small Animal Breeding and Boarding Establishment 9) Personal Service Shop 10) Wind Turbine Personal Use	
76.4 Site Regulations Permitted and Conditional Uses 1) Site Area min. 1.62 ha. (4.00 acres) 2) Site Width min. 91.44 m. (300.00 ft.) 3) Front Yard min. 22.86 m. (75.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 7.62 m. (25.00 ft.) 6) Corner Side Yard min. 7.62 m. (25.00 ft.) 7) Site Coverage max. 10.00% 8) Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys 9) Dwelling Area min. 74.32 sq. m. (800.00 sq. ft.) 10) Dwelling Width min. 6.10 m. (20.00 ft.)	76.5 Site Regulations Accessory Uses, Buildings and Structures 1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 22.86 m. (75.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 7.62 m. (25.00 ft.) 6) Corner Side Yard min. 7.62 m. (25.00 ft.) 7) Site Coverage N/A 8) Building Height max. 4.57 m. (15.00 ft.); 1.00 storey 9) Building Area max. 185.80 sq. m. (2,000.00 sq. ft.) 10) Building Width N/A

76.6 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.
- 2) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 3) Water supply and sewage disposal shall be provided in accordance with *The Environment Act, The Public Health Act, The Water Protection Act* and *The Drinking Water Safety Act*.

- 4) The maximum number of on-site employees for a Limited Contractor Service shall be two and shall be limited to owner operated businesses only.
- 5) Any materials related to a small scale business operation shall be kept within an enclosed building. These buildings shall be constructed and finished with durable materials and blend in with the surrounding residential development.
- 6) No more than two trucks with a maximum gross vehicle weight of 6,804.00 kg. (15,000.00 lb.) gross vehicle weight can be parked over night on any lot.

76.7 Additional Regulations for Conditional Uses Only

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 2) A Car Broker shall be developed in accordance with Section 46.0 of this By-law.
- 3) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 51.0 of this By-law.

76.8 Additional Regulations for Accessory Uses, Buildings and Structures

- 1) The maximum building area regulation of 185.80 sq. m. (2,000.00 sq. ft.) shall not apply to Private and Semi-Private Swimming Pools and Hot Tubs.

RURAL SETTLEMENT CENTRE ZONES

77.0 Rural Settlement Centre Zones

77.1 Purpose

- 1) The Rural Settlement Centre Zones established in this Bylaw are intended to provide sufficient land for various types of residential, commercial, industrial, recreational and community service developments in the Rural Settlement Centres in the RM of Rockwood in keeping with the provisions of the *South Interlake Planning Development Plan*.
- 2) The following Rural Settlement Centre Zones are hereby established:
 - a) RSC: Rural Settlement Centre Zone

78.0 RSC: Rural Settlement Centre Zone

78.1 General Purpose

To establish a Zone for various types of residential, commercial, industrial, basic service as well as community, educational, recreational and cultural service developments in the Rural Settlement Centres in the RM of Rockwood.

78.2 Permitted Uses

- | | |
|---------------------------------|-------------------------------------------------------|
| 1) Business Support Service | 9) Professional, Financial and Office Support Service |
| 2) Child Care Service | 10) Protective and Emergency Service |
| 3) Community Recreation Service | 11) Public Education Service |
| 4) Community Service Club | 12) Public Library and Cultural Exhibit |
| 5) Government Service | 13) Public Park |
| 6) Home Occupation | 14) Public Utility Service |
| 7) Personal Service Shop | 15) Semi-Detached Dwelling |
| 8) Private Education Service | 16) Single Family Dwelling |
| | 17) Two Family Dwelling |

78.3 Conditional Uses

- | | |
|------------------------------------------|--------------------------------------------|
| 1) Animal Shelter and Veterinary Service | 24) Household Repair Service |
| 2) Amusement Establishment | 25) Indoor Participant Recreation Service |
| 3) Automotive and Equipment Repair Shop | 26) Institutional Residence |
| 4) Bed and Breakfast Home | 27) Light Industrial |
| 5) Car Broker | 28) Limited Contractor Service |
| 6) Carnival | 29) Mini-Warehouse and Self Storage |
| 7) Cemetery | 30) Mobile Catering Food Service |
| 8) Commercial School | 31) Mobile Home Dwelling |
| 9) Convenience Retail Store | 32) Motel |
| 10) Convenience Vehicle Rentals | 33) Multiple Family Dwelling |
| 11) Custom Manufacturing Establishment | 34) Non-Accessory Parking |
| 12) Drive-In Food Service | 35) Non-Commercial Farm |
| 13) Eating and Drinking Establishment | 36) Outdoor Amusement Establishment |
| 14) Equipment Rentals and Sales | 37) Outdoor Participant Recreation Service |
| 15) Extended Medical Treatment Service | 38) Planned Unit Development |
| 16) Funeral Service | 39) Private Club |
| 17) Gas Bar | 40) Rapid Drive-Through Vehicle Service |
| 18) General Retail Store | 41) Religious Assembly |
| 19) General Storage | 42) Secondary Suite (BL 3/13) |
| 20) Greenhouse, Plant and Tree Nursery | 43) Service Station |
| 21) Health Service | 44) Spectator Entertainment Establishment |
| 22) Home Industry | 45) Temporary Mobile Home Dwelling |
| 23) Hotel | 46) Townhouse Dwelling |
| | 47) Warehouse Sales |

78.4 Site Regulations: Permitted and Conditional Uses (BL 28/10)	78.5 Site Regulations: Accessory Uses, Buildings and Structures (BL 28/10)
1) Site Area 1,393.50 sq. m. (15,000 sq. ft.) 2) Site Width min. 30.48 m. (100.00 ft.) 3) Front Yard min. 9.15 m. (30.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 3.05 m. (10.00 ft.) 6) Corner Side Yard min. 4.57 m. (15.00 ft.) 7) Site Coverage See Section 77.6(1) of this By-law 8) Building Height max. 10.67 m. (35.00 ft.); 2.50 storeys 9) Dwelling Area min. 92.90 sq. m. (1,000.00 sq. ft.)	1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 7.62 m. (25.00 ft.) [See also Section 78.8(2)] of this By-law 4) Rear Yard See Sections 77.8(1 and 2) of this By-law 5) Side Yard See Sections 77.8(1 and 2) of this By-law 6) Corner Side Yard See Sections 77.8(1 and 2) of this By-law 7) Site Coverage N/A 8) Building Height N/A 9) Building Area max. 92.90 sq. m. (1,000.00 sq. ft.)

78.6 Additional Regulations for Permitted and Conditional Uses

- 1) The maximum site coverage regulation for permitted use and conditional use developments shall be as follows:
 - a) For Residential Use Class developments, excluding Townhouse Dwellings and Multiple Family Dwellings, the maximum site coverage shall be 40.00 percent.
 - b) For Townhouse Dwellings, Multiple Family Dwellings and non-Residential Use Class developments, the maximum site coverage shall be 60.00 percent.
- 2) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.
- 3) Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *the Public Health Act*, *The Water Protection Act* and *The Drinking Water Safety Act*.
- 4) Where dwelling units are to be developed in accordance with a bare land condominium concept, the minimum site area, site width and yard requirements shall not apply to individual condominium units. However, the front and rear walls of the condominium structure shall be set back a minimum distance of 7.62 m. (25.00 ft.) from the front and rear boundaries of the condominium lot, and the side walls shall be set back a minimum distance of 1.52 m. (5.00 ft.) from the side boundary of the condominium lot.
- 5) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.

78.7 Additional Regulations for Conditional Uses Only

- 1) When outside storage of goods and materials is required:
 - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b) a solid fence shall be provided and maintained in a condition acceptable to the Designated Officer; and
 - c) the storage shall not project above the height of the wall or fence.

- 2) Any fuel storage areas established on the site shall comply with the regulations of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 3) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
- 4) A dwelling unit is allowed only in conjunction with Commercial and Industrial Use Class developments if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 5) In the case of a mobile home park development:
 - a) the minimum site area requirement shall be 0.80 ha. (2.00 acres); and
 - b) the minimum site width requirement shall be 60.96 m. (200.00 ft.).
- 6) In the case of Mobile Home Dwelling sites within a mobile home park development:
 - a) the minimum site area requirement shall be 371.60 sq. m. (4,000.00 sq. ft.);
 - b) the minimum site width requirement shall be 12.19 m. (40.00 ft.); and
 - c) the separation spaces between Mobile Home Dwellings, including accessory uses, buildings and structures, shall be as follows:
 - i) the minimum front separation space shall be 6.10 m. (20.00 ft.);
 - ii) the minimum rear separation space shall be 6.10 m. (20.00 ft.);
 - iii) the minimum side separation space shall be 3.05 m. (10.00 ft.); and
 - iv) the minimum corner side separation space shall be 4.57 m. (15.00 ft.).
- 7) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 8) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.
- 9) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 10) A Planned Unit Development shall be developed in accordance with Section 44.0 of this By-law.
- 11) A Car Broker shall be developed in accordance with Section 46.0 of this By-law.
- 12) A Temporary Additional Dwelling or Mobile Home Dwelling shall be developed in accordance with Section 49.0 of this By-law.
- 13) A Non-Commercial Farm shall be developed in accordance with Section 48.0 of this By-law.

78.8 Additional Regulations for Accessory Uses and Buildings

- 1) Notwithstanding Section 78.5 of this By-law, the minimum rear, side and corner side yard regulations for accessory uses, buildings and structures shall be as follows:
 - a) For Townhouse Dwellings, Multiple Family Dwellings and non-Residential Use Class

developments:

- i) the minimum rear yard shall be 7.62 m. (25.00 ft.);
- ii) the minimum side yard shall be 4.57 m. (15.00 ft.); and
- iii) the minimum corner side yard shall be 4.47 m. (15.00 ft.).

- 2) Notwithstanding Section 78.5 of this By-law, the minimum front, rear, side and corner side separation space regulations for accessory uses, buildings and structures in mobile home park developments shall be as follows:
- a) the minimum front separation space shall be 6.10 m. (20.00 ft.);
 - b) the minimum rear separation space shall be 1.52 m. (5.00 ft.);
 - c) the minimum side separation space shall be 1.52 m. (5.00 ft.); and
 - d) the minimum corner side separation space shall be 3.05 m. (10.00 ft.).
- 3) For Residential Use Class developments, accessory buildings and structures shall be located on a site as follows:
- a) where the accessory building is attached to a principal building, it shall be subject to, and shall conform to all regulations of this By-law applicable to the principal building; and
 - b) where the accessory building is detached from the principal building, it shall not be located closer than 3.05 m. (10.00 ft.) clear of all projections to the principal building, nor shall it be located closer than the front wall of the principal building.

URBAN HOLDING AREA ZONE

79.0 Urban Holding Area Zone

79.1 Purpose

- 1) The Urban Holding Area Zones established in this Bylaw are intended to designate lands in the RM of Rockwood that in time will become suitable for residential, commercial, industrial, recreational and industrial developments in keeping with the provisions of the *South Interlake Planning District Development Plan*.
- 2) The following Urban Holding Zones are hereby established:
 - a) UH: Urban Holding Area Zone

80.0 UR: Urban Holding Area Zone

80.1 General Purpose

To provide a Zone to reserve lands for future residential, recreational, institutional, commercial and industrial growth in the RM of Rockwood.

80.2 Permitted Uses 1) Agricultural Activities 2) Farmstead Dwelling 3) Protective and Emergency Service			80.3 Conditional Uses 1) Agricultural Implement Sales and Service 2) Equestrian Establishment 3) Greenhouse, Plant and Tree Nursery 4) Limited Contractor Service 5) Livestock Operation of up to and including 50 A.U. 6) Non-Commercial Farm 7) Outdoor Participant Recreation Service 8) Public Park 9) Public Utility Service 10) Single Family Dwelling 11) Small Animal Breeding and Boarding Establishment 12) Specialized Agriculture 13) Tourist Campsite		
80.4 Site Regulations Permitted and Conditional Uses 1) Site Area min. 8.09 ha. (20.00 acres) 2) Site Width min. 91.44 m. (300.00 ft.) 3) Front Yard min. 30.48 m. (100.00 ft.) 4) Rear Yard min. 15.24 m. (50.00 ft.) 5) Side Yard min. 15.24 m. (50.00 ft.) 6) Site Coverage N/A 7) Building Height max. 10.67 m. (35.00 ft.) 8) Dwelling Area N/A 9) Dwelling Width N/A			80.5 Site Regulations Accessory Uses, Buildings and Structures 1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 30.48 m. (100.00 ft.) 4) Rear Yard min. 15.24 m. (50.00 ft.) 5) Side Yard min. 15.24 m. (50.00 ft.) 6) Site Coverage N/A 7) Building Height max. 6.10 m. (20.00 ft.) 8) Building Area N/A 9) Building Width N/A		

80.6 Additional Regulations for Permitted Uses Only

- 1) Notwithstanding Section 80.4(1) of this By-law, the minimum site area regulation for a Farmstead Dwelling shall be 0.81 ha. (2.00 acres).

80.7 Additional Regulations for Conditional Uses Only

- 1) A Non-Commercial Farm shall be developed in accordance with Section 48.0 of this By-law.
- 2) A Livestock Operation shall be developed in accordance with Section 49.0 of this By-law.
- 3) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 51.0 of this By-law.
- 4) The maximum building height regulation of 10.67 m. (35.00 ft.) shall not apply to buildings or structures that are accessory to a Non-Commercial Farm.
- 5) Water supply, sewage disposal and waste management shall be provided in accordance with *The Environment Act, The Public Health Act, The Water Protection Act and The Drinking Water Safety Act*.
- 6) Council shall not approve any development which, in its opinion, would:
 - a) substantially alter the existing state of the land;
 - b) require structures, footings or foundations that cannot be removed or relocated at a nominal cost to the applicant or owner; or
 - c) be prejudicial to the future economical subdivision, servicing and development of the subject land for future urban uses on a planned basis.
- 7) Council may specify the length of time a use is permitted in this Zone having regard to the future servicing or development of general residential, recreational, institutional, industrial or commercial uses of the subject land.
- 8) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

AGRICULTURAL ZONES

81.0 Agricultural Zones

81.1 Purpose

- 1) The Agricultural Zones established in this Bylaw are intended to provide sufficient land for various types of agricultural and related developments in the RM of Rockwood in keeping with the provisions of the *South Interlake Planning District Development Plan*.
- 2) The following Agricultural Zones are hereby established:
 - a) AL: Agriculture Limited Zone
 - b) AL-1: Agricultural Limited Stonewall Vicinity Zone
 - b) AG: Agriculture General Zone

82.0 AL: Agriculture Limited Zone

82.1 General Purpose

To provide a Zone that accommodates agricultural activities in proximity to Stony Mountain, Balmoral, Gunton, Gross Isle, the Rural Settlement Centres and other sensitive areas.

82.2 Permitted Uses

- | | |
|------------------------------------------|-----------------------------|
| 1) Agricultural Activities | 7) Home Occupation |
| 2) Animal Shelter and Veterinary Service | 8) Non-Commercial Farm |
| 3) Farm Produce Outlet | 9) Public Utility Service |
| 4) Farmstead Dwelling | 10) Specialized Agriculture |
| 5) Government Service | 11) Single Family Dwelling |
| 6) Greenhouse, Plant and Tree Nursery | |

82.3 Conditional Uses

- | | |
|---------------------------------------------|------------------------------------------------------|
| 1) Aggregate Extraction Operation | 17) Home Industry |
| 2) Agri-Business | 18) Limited Contractor Service |
| 3) Agricultural Implement Sales and Service | 19) Livestock Operation |
| 4) Agricultural Product Storage | 20) Mobile Home Dwelling (BL 3/13) |
| 5) Agriculture Support Industry | 21) Outdoor Recreation Participant Service |
| 6) Auctioneering Establishment | 22) Outfitter |
| 7) Bed and Breakfast Home | 23) Protective and Emergency Service |
| 8) Bulk Storage Facility | 24) Public Park |
| 9) Car Broker | 25) Protective and Emergency Service |
| 10) Carnival | 26) Secondary Suite (BL 3/13) |
| 11) Cemetery | 27) Small Animal Breeding and Boarding Establishment |
| 12) Composting | 28) Small Scale Industrial – Farm Related |
| 13) Cottage Dwelling | 29) Small Scale Industrial – Non-Farm Related |
| 14) Equestrian Establishment | 30) Temporary Mobile Home Dwelling |
| 15) Group Home | 31) Tourist Campsite |
| 16) Guest Cabin | 32) Wind Turbine Personal Use |

82.4 Site Regulations for Agricultural and Residential Use Classes: Permitted and Conditional Uses

- | | |
|--------------------|---------------------------------|
| 1) Site Area | min. 32.37 ha. (80.00 acres) |
| 2) Site Width | min. 182.88 m. (600.00 ft.) |
| 3) Front Yard | min. 38.10 m. (125.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Building Height | max. 10.67 m. (35.00 ft.) |
| 7) Dwelling Unit | min. 74.32 sq. m. (800 sq. ft.) |

82.5 Site Regulations for Non-Agricultural and Non-Residential Use Classes: Permitted and Conditional Uses

- | | |
|--------------------|----------------------------|
| 1) Site Area | min. 0.80 ha. (2.00 acres) |
| 2) Site Width | min. 60.96 m. (200.00 ft.) |
| 3) Front Yard | min. 22.86 m. (75.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Building Height | max. 10.67 m. (35.00 ft.) |

82.6 Site Regulations: Accessory Uses, Buildings and Structures

- | | |
|--------------------|----------------------------|
| 1) Site Area | N/A |
| 2) Site Width | N/A |
| 3) Front Yard | min. 38.10 m. (125.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Building Height | max. 6.10 m. (20.00 ft.) |

82.7 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) A Non-Commercial Farm shall be developed in accordance with Section 48.0 of this By-law.

- 3) A Livestock Operation shall be developed in accordance with Section 49.0 of this By-law.
- 4) The maximum building height regulation of 10.67 m. (35.00 ft.) shall not apply to farm buildings.
- 5) Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, *The Water Protection Act* and *The Drinking Water Safety Act*.
- 6) A Mobile Home Dwelling is allowed when on the same site with a permitted use or conditional use development where, in the opinion of Council, the dwelling is essential for the maintenance, operation and care of the permitted use or conditional use.
- 7) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.
- 8) Despite Section 82.4 of this By-law, the site regulations for new residential lots created as per Policy 3.6, Policy 3.7, and Policy 3.8 in the *South Interlake Planning District Development Plan* shall be in accordance with Section 82.5 of this By-law.
- 9) Despite Section 82.4 of this By-law, the following Agricultural Use Class developments shall be subject to the site regulations listed under Section 82.5 of this By-law:
 - a) Agri-Business;
 - b) Agricultural Implement Sales and Service;
 - c) Agricultural Product Storage;
 - d) Agriculture Support Industry;
 - e) Farm Produce Outlet; and
 - f) Small Animal Breeding and Boarding Establishment.
- 10) A Group Home shall be operated by a live-in owner and only as a secondary use.

82.8 Additional Regulations for Conditional Uses Only

- 1) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.
- 2) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 3) A Car Broker shall be developed in accordance with Section 46.0 of this By-law.
- 4) A Temporary Mobile Home Dwelling shall be developed in accordance with Section 47.0 of this By-law.
- 5) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 51.0 of this By-law.
- 6) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the

- owner/operator or a site watchperson or caretaker, if necessary.
- 7) An Aggregate Extraction Operation shall be developed in accordance with Section 52.0 of this By-law.
- 8) Blasting activities within Aggregate Extraction Operations shall be set back a minimum of 15.24 m. (50.00 ft.) from all property lines, except where the property line is between two Aggregate Extraction Operations.

83.0 AL-1: Agriculture Limited Stonewall Vicinity Zone

83.1 General Purpose

To provide a Zone that accommodates agricultural activities in proximity to Stonewall.

83.2 Permitted Uses

- | | |
|------------------------------------------|---------------------------------------|
| 1) Agricultural Activities | 5) Greenhouse, Plant and Tree Nursery |
| 2) Animal Shelter and Veterinary Service | 6) Home Occupation |
| 3) Farm Produce Outlet | 7) Specialized Agriculture |
| 4) Farmstead Dwelling | 8) Single Family Dwelling |

83.3 Conditional Uses

- | | |
|---------------------------------------------|------------------------------------------------------|
| 1) Agricultural Implement Sales and Service | 15) Limited Contractor Service |
| 2) Agriculture Support Industry | 16) Livestock Operation to a maximum of 50 A.U. |
| 3) Auctioneering Establishment | 17) Non-Commercial Farm |
| 4) Bed and Breakfast Home | 18) Outdoor Recreation Participant Service |
| 5) Car Broker | 19) Outfitter |
| 6) Carnival | 20) Protective and Emergency Service |
| 7) Cemetery | 21) Public Park |
| 8) Composting | 22) Public Utility Service |
| 9) Cottage Dwelling | 23) Secondary Suite (BL 3/13) |
| 10) Equestrian Establishment | 24) Small Animal Breeding and Boarding Establishment |
| 11) Government Service | 25) Small Scale Industrial – Farm Related |
| 12) Group Home | 26) Small Scale Industrial – Non-Farm Related |
| 13) Guest Cabin | 27) Temporary Mobile Home Dwelling |
| 14) Home Industry | 28) Tourist Campsite |
| | 29) Wind Turbine Personal Use |

83.4 Site Regulations for Agricultural and Residential Use Classes: Permitted and Conditional Uses

- | | |
|--------------------|---------------------------------|
| 1) Site Area | min. 32.37 ha. (80.00 acres) |
| 2) Site Width | min. 182.88 m. (600.00 ft.) |
| 3) Front Yard | min. 38.10 m. (125.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Building Height | max. 10.67 m. (35.00 ft.) |
| 7) Dwelling Unit | min. 74.32 sq. m. (800 sq. ft.) |

83.5 Site Regulations for Non-Agricultural and Non-Residential Use Classes: Permitted and Conditional Uses

- | | |
|--------------------|----------------------------|
| 1) Site Area | min. 0.80 ha. (2.00 acres) |
| 2) Site Width | min. 60.96 m. (200.00 ft.) |
| 3) Front Yard | min. 22.86 m. (75.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Building Height | max. 10.67 m. (35.00 ft.) |

83.6 Site Regulations: Accessory Uses, Buildings and Structures

- | | |
|--------------------|----------------------------|
| 1) Site Area | N/A |
| 2) Site Width | N/A |
| 3) Front Yard | min. 38.10 m. (125.00 ft.) |
| 4) Rear Yard | min. 7.62 m. (25.00 ft.) |
| 5) Side Yard | min. 7.62 m. (25.00 ft.) |
| 6) Building Height | max. 6.10 m. (20.00 ft.) |

83.7 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) A Non-Commercial Farm shall be developed in accordance with Section 48.0 of this By-law.
- 3) A Livestock Operation shall be developed in accordance with Section 49.0 of this By-law.

- 4) The maximum building height regulation of 10.67 m. (35.00 ft.) shall not apply to farm buildings.
- 5) Water supply and sewage disposal shall be provided in accordance with *The Environment Act, The Public Health Act, The Water Protection Act* and *The Drinking Water Safety Act*.
- 6) A Mobile Home Dwelling is allowed when on the same site with a permitted use or conditional use development where, in the opinion of Council, the dwelling is essential for the maintenance, operation and care of the permitted use or conditional use.
- 7) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.
- 8) Despite Section 83.4 of this By-law, the site regulations for new residential lots created as per Policy 3.6, Policy 3.7, and Policy 3.8 in the *South Interlake Planning District Development Plan* shall be in accordance with Section 83.5 of this By-law.
- 9) Despite Section 83.4 of this By-law, the following Agricultural Use Class developments shall be subject to the site regulations listed under Section 83.5 of this By-law:
 - a) Agri-Business;
 - b) Agricultural Implement Sales and Service;
 - c) Agricultural Product Storage;
 - d) Agriculture Support Industry;
 - e) Farm Produce Outlet; and
 - f) Small Animal Breeding and Boarding Establishment.
- 10) A Group Home shall be operated by a live-in owner and only as a secondary use.

83.8 Additional Regulations for Conditional Uses Only

- 1) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.
- 2) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 3) A Car Broker shall be developed in accordance with Section 46.0 of this By-law.
- 4) A Temporary Mobile Home Dwelling shall be developed in accordance with Section 47.0 of this By-law.
- 5) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 51.0 of this By-law.
- 6) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

- 7) An Aggregate Extraction Operation shall be developed in accordance with Section 52.0 of this By-law.
- 8) Blasting activities within Aggregate Extraction Operations shall be set back a minimum of 15.24 m. (50.00 ft.) from all property lines, except where the property line is between two Aggregate Extraction Operations.

84.0 AG: Agriculture General Zone

84.1 General Purpose

To provide a Zone for general agricultural uses or other uses that is related to or compatible with agriculture.

84.2 Permitted Uses

- | | |
|---------------------------------------------|---------------------------------------------------------|
| 1) Agriculture Support Industry | 12) Forestry Use |
| 2) Agri-Business | 13) Greenhouse, Plant and Tree Nursery |
| 3) Agricultural Activities | 14) Home Occupation |
| 4) Agricultural Crop Protection Warehouse | 15) Livestock Operation of up to and including 125 A.U. |
| 5) Agricultural Implement Sales and Service | 16) Non-Commercial Farm |
| 6) Agricultural Product Storage | 17) Small Animal Breeding and Boarding Establishment |
| 7) Animal Shelter and Veterinary Service | 18) Specialized Agriculture |
| 8) Communal Farm Dwelling | 19) Single Family Dwelling |
| 9) Equestrian Establishment | 20) Wildlife and Conservation Reserve |
| 10) Farm Produce Outlet | |
| 11) Farmstead Dwelling | |

84.3 Conditional Uses

- | | |
|--------------------------------------------|-------------------------------------------------|
| 1) Aggregate Extraction Operation | 20) Mineral Exploration |
| 2) Aircraft Landing Field | 21) Mobile Home Dwelling (BL 28/10) |
| 3) Anhydrous Ammonia Facility | 22) Outdoor Participant Recreation Service |
| 4) Auctioneering Establishment | 23) Outfitter |
| 5) Bed and Breakfast Home | 24) Pet Cemetery |
| 6) Bulk Storage Facility | 25) Portable Asphalt Plant |
| 7) Car Broker | 26) Portable Concrete Plant |
| 8) Carnival | 27) Private Education Service |
| 9) Cemetery | 28) Protective and Emergency Service |
| 10) Composting | 29) Public Park |
| 11) Cottage Dwelling | 30) Public Utility Service |
| 12) Game Farm | 31) Recycling Depot |
| 13) Government Service | 32) Secondary Suite (BL 3/13) |
| 14) Group Home | 33) Small Scale Industrial – Farm Related |
| 15) Guest Cabin | 34) Small Scale Industrial – Non - Farm Related |
| 16) Home Industry | 35) Temporary Mobile Home Dwelling |
| 17) Livestock Operation- more than 125 A.U | 36) Tourist Campsite |
| 18) Limited Contractor Service | 37) Wayside Pit and Quarry |
| 19) Lodge | 38) Wind Turbine Generating Station |
| | 39) Wind Turbine Personal Use |

84.4 Site Regulations for Agricultural and Residential Use Classes: Permitted and Conditional Uses	84.5 Site Regulations for Non-Agricultural and Non-Residential Use Classes: Permitted and Conditional Uses	84.6 Site Regulations: Accessory Uses, Buildings and Structures
1) Site Area min. 32.38 ha. (80.00 acres) 2) Site Width min. 182.88 m. (600.00 ft.) 3) Front Yard min. 38.10 m. (125.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 7.62 m. (25.00 ft.) 6) Building Height max. 10.67 m. (35.00 ft.) 7) Dwelling Unit min. 74.32 sq. m. (800 sq. ft.)	1) Site Area min. 0.80 ha. (2.00 acres) 2) Site Width min. 60.96 m. (200.00 ft.) 3) Front Yard min. 22.86 m. (75.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 7.62 m. (25.00 ft.) 6) Building Height max. 10.67 m. (35.00 ft.)	1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 38.10 m. (125.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 7.62 m. (25.00 ft.) 6) Building Height max. 6.10 m. (20.00 ft.)

84.7 Additional Regulations for Permitted and Conditional Uses

- 1) A Home Occupation shall be developed in accordance with Section 42.0 of this By-law.
- 2) A Non-Commercial Farm shall be developed in accordance with Section 48.0 of this By-law.
- 3) A Livestock Operation shall be developed in accordance with Section 49.0 of this By-law.
- 4) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 51.0 of this By-law.
- 5) The maximum building height regulation of 10.67 m. (35.00 ft.) shall not apply to farm buildings.
- 6) Water supply and sewage disposal shall be provided in accordance with *The Environment Act, The Public Health Act, The Water Protection Act* and *The Drinking Water Safety Act*.
- 7) A Mobile Home Dwelling is allowed when on the same site with a permitted use or conditional use development where, in the opinion of Council, the dwelling is essential for the maintenance, operation and care of the permitted use or conditional use.
- 8) For any Forestry Use that is adjacent to the AL: Agriculture Limited, RSC: Rural Settlement Centre or RR: Rural Residential Zones, the minimum yard regulations shall be increased to 50.29 m. (165.00 ft.) for the yard(s) adjacent to any of these Zones.
- 9) Despite Section 84.4 of this By-law, the site regulations for new residential lots created as per Policy 3.6, Policy 3.7, and Policy 3.8 in the *South Interlake Planning Development Plan* shall be in accordance with Section 84.5 of this By-law.
- 10) Despite Section 84.4 of this By-law, the following Agricultural Use Class developments shall be subject to the site regulations listed under Section 84.5 of this By-law:
 - a) Agri-Business;
 - b) Agricultural Crop Protection Warehouse;
 - c) Agricultural Implement Sales and Service;
 - d) Agricultural Product Storage;

- e) Agriculture Support Industry;
- f) Anhydrous Ammonia Facility;
- g) Farm Produce Outlet; and
- h) Small Animal Breeding and Boarding Establishment.

11) A Group Home shall be operated by a live-in owner and only as a secondary use.

84.8 Additional Regulations for Conditional Uses Only

- 1) A Home Industry shall be developed in accordance with Section 41.0 of this By-law.
- 2) A Bed and Breakfast Home shall be developed in accordance with Section 43.0 of this By-law.
- 3) A Car Broker shall be developed in accordance with Section 46.0 of this By-law.
- 4) A Temporary Mobile Home Dwelling shall be developed in accordance with Section 47.0 of this By-law.
- 5) An Anhydrous Ammonia Facility shall be developed in accordance with Section 50.0 of this By-law.
- 6) An Aggregate Extraction Operation shall be developed in accordance with Section 52.0 of this By-law.
- 7) A Wayside Pit and Quarry shall be developed in accordance with Section 53.0 of this By-law.
- 8) A dwelling unit is allowed in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 9) Blasting activities within Aggregate Extraction Operations shall be set back a minimum of 15.24 m. (50.00 ft.) from all property lines, except where the property line is between two Aggregate Extraction Operations.

PART IV

ZONE MAPS

APPENDIX 1
ANIMAL UNIT INVENTORY LIST

Animal Unit (A.U.) Inventory List

Livestock	A.U. Produced by One Livestock	Livestock Producing One A.U.
Dairy Milking Cows, including associated livestock	2.0000	0.5000
Beef Beef cows, including associated livestock Backgrounder Summer Pasture/Replacement Heifers Feedlot Cattle	1.2500 0.5000 0.6250 0.7690	0.8000 2.0000 1.6000 1.3000
Hogs Sows, farrow to finish Sows, farrow to wean Sows, farrow to nursery Weanlings Growers/Finishers Boars	1.2500 0.2500 0.3130 0.0330 0.1430 0.2000	0.8000 4.000 3.200 30.0000 7.0000 5.0000
Chickens Broilers Roasters Layers Pullets Broiler Breeder Pullets Broiler Breeder Hens	0.0050 0.0100 0.0083 0.0033 0.0033 0.0100	200.0000 100.0000 120.0000 300.0000 300.0000 100.0000
Turkeys Broilers Heavy Toms Heavy Hens	0.0100 0.0200 0.0100	100.0000 50.0000 100.0000
Horses Mares, including associated livestock	1.3330	0.7500
Sheep Ewes, including associated livestock Feeder Lambs	0.2000 0.0630	5.0000 16.0000
Goats Goats	0.1400	7.0000
Other livestock or operation type Please inquire with your regional agricultural engineer or livestock specialist		