

RURAL MUNICIPALITY OF THOMPSON

**ZONING BY-LAW
NO. 3/08**

 **Landmark**

Planning & Design Inc.

298 Waterfront Drive
Winnipeg, Manitoba R3B 0G5

Phone: 204.453.8008

Fax: 204.453.6626

e-mail: landmkpd@mts.net

THE RURAL MUNICIPALITY OF THOMPSON BY-LAW NO. 3/08

A By-law of the RM of Thompson, 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 Thompson.

WHEREAS pursuant to the provisions of Subsection 40(1) of the *The Planning Act* (the *Act*), the Morden-Stanley-Thompson-Winkler (MSTW) Planning District, which includes the RM of Thompson, has, by By-law, adopted *The MSTW Planning District Development Plan By-law 4-05*;

AND WHEREAS Section 68 of the *Act* provides that a Municipal Council within a Planning District must adopt a zoning by-law that is generally consistent with the Development Plan by-law;

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

1. *The RM of Thompson Zoning By-law No. 11/95*, and all amendments thereto, are hereby rescinded.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 Thompson Zoning By-law*.
4. The *RM of Thompson 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 Miami, Manitoba, this ____ day of _____, A.D. 200__.

Reeve

Chief Administrative Officer

Read a First time this ____ day of _____, A.D. 200__.

Read a Second time this ____ day of _____, A.D. 200__.

Read a Third time this ____ day of _____, A.D. 200__.

Certified a true copy of By-law No. ____ of the RM of Thompson.

Chief Administrative Officer

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

BEING *SCHEDULE "A"*

ATTACHED TO BY-LAW NO. 3/08

OF

THE RURAL MUNICIPALITY OF THOMPSON

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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 RM of Thompson 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 *MSTW Planning District Development Plan*.
- 2) To outline the powers and duties of RM of Thompson Council (Council), the MSTW 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 Zoning District 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.
- 2) There shall be a maximum of one dwelling unit per lot or parcel of land, except for the following:

- a) Single Family Dwellings, Two Family Dwellings, Townhouse Dwellings, Multiple Family Dwellings or Temporary Additional Dwellings or Mobile Home Dwellings as provided for in this By-law; and
 - b) 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 47.0, outlines the General Administrative Clauses, General Development Regulations and Special Land Use Regulations.
- 3) Part III, comprising of Section 48.0 to Section 55.0, outlines the Zoning District clauses.
- 4) Part IV comprises the Zoning District 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 Thompson 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.

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 Thompson 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 Thompson 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 Zoning District in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a 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 Zoning District 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 Zoning District 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.
- 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 Non-Conforming Certificate in accordance with provisions of *the Act*, and in so doing, must provide adequate documentation to support the application.

3.0 Zoning District Map Interpretation

- 1) The Zoning District Maps are Part IV of this By-law, which divide the RM of Thompson into Zoning Districts and specifies regulations applying to particular lands.

3.1 Zoning District Boundaries

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

- 1) Where a Zoning District 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 Zoning District boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the

- boundary of the Zoning District for that portion of the Zoning District boundary which approximates the site boundary.
- 3) Where a Zoning District boundary is shown approximately following Municipal limits, it shall be deemed to be following Municipal limits.
 - 4) Where a Zoning District 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 Zoning District 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 Zoning District 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 Zoning District Map or in other circumstances not mentioned above, the Designated Officer shall interpret the Zoning District boundaries. Any such decision may be appealed to Council.
 - 8) Where a Zoning District 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 Zoning District:
 - a) the disposition of the said boundaries shall be determined by dimensions indicated on the Zoning District Maps or by measurements directly scaled from the Zoning District Maps; and
 - b) each such portion of the said parcel of land shall be used in accordance with the applicable Zoning District 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 Zoning District 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 Zoning District as the abutting land.

- 3) Despite Section 3.2 (2), where such abutting lands are governed by different Zoning Districts, the centre line of the public right-of-way shall be deemed to be the Zoning District 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 *MSTW 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 Thompson 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* and amendments thereto.
- 4) **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.
- 5) **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 nitrogen in a twelve month period.
- 6) **Aquifer** means a water bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.

- 7) **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.
- 8) **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.).
- 9) **Bedrooms** means a habitable room located within a dwelling unit that is used primarily for sleeping.
- 10) **Bedroom Suites** means a bedroom located within a dwelling unit that contains washroom facilities for the exclusive use of the occupants thereof.
- 11) **Blank Walls** means exterior walls containing no windows, doors or other similar openings.
- 12) **Board** means the Board of the MSTW Planning District as established under the *Act*.
- 13) **Buffer Strip** means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.
- 14) **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.
- 15) **Building Permit** means a permit issued by the RM of Thompson authorizing the erection, placement, alteration, addition to or enlargement of a building, pursuant to the RM of Thompson Building By-law.
- 16) **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.
- 17) **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.
- 18) **Carpport** means an attached accessory building that is open on two sides for use as a shelter of motor vehicles.

- 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 Zoning District 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 Municipal Corporation of the RM of Thompson.
- 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 Board in accordance with the *Act*.
- 31) **Development Permit** means a permit issued by the RM of Thompson authorizing a development pursuant to this By-law, and may include a building permit.
- 32) **Development Plan** means the *MSTW 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) **Environmental Impact Statement** means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.
- 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 Buildings or Structures** means a building or part thereof that does not contain a dwelling unit and which is associated with and located on land devoted to the practice of farming, and used for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.

- 41) **Field Storage** means solid livestock manure that is stored in the open air other than in a manure storage facility.
- 42) **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.
- 43) **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.
- 44) **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.

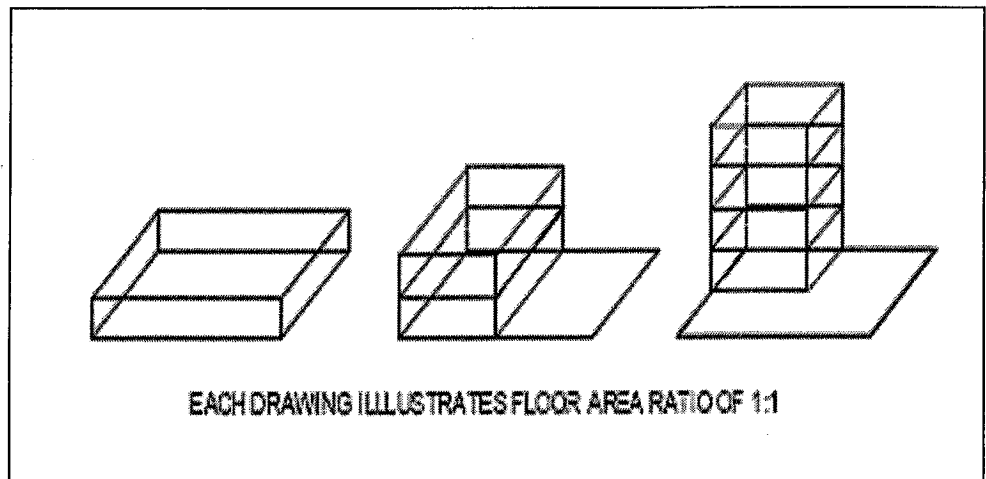


Figure 1. Floor Area Ratio

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

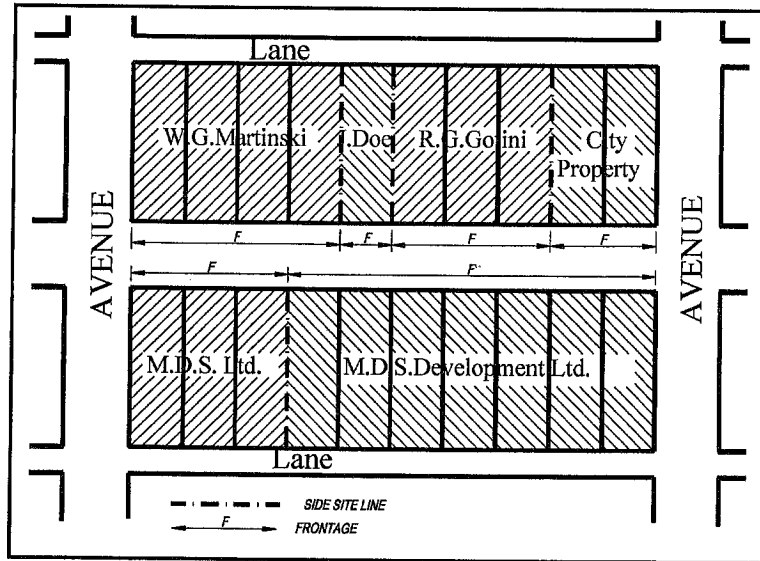


Figure 1. Frontage

- 46) **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.
- 47) **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.

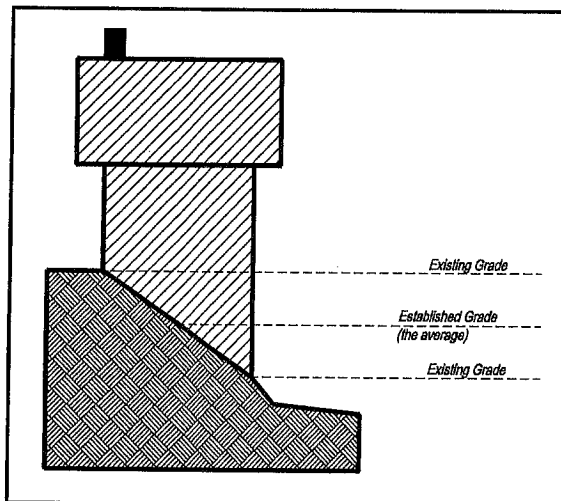


Figure 2. Established Grade of a Building

- 48) **Grain Storage Structure** means any structure which is designed to store any type of grain.

- 49) **Groundwater** means water below the surface of the ground.
- 50) **Habitable Room** means any room in a dwelling other than a non-habitable room.
- 51) **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:
- a) 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
 - b) 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 Zoning District.

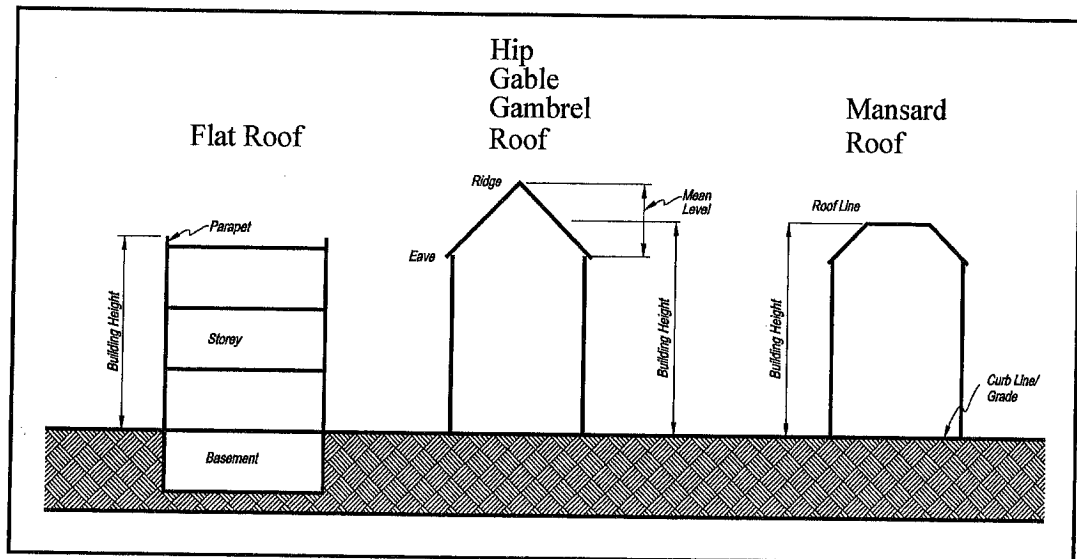


Figure 3. Height of Buildings

- 52) **Household** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.
- 53) **Institution** means a building or part of a building used for a Residential Related purpose by an organized body or society for promoting a particular object or cause, but does not include Private Clubs.
- 54) **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.

- 55) **Livestock** means animals or poultry not kept exclusively as pets, excluding bees.
- 56) **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.
- 57) **Lot, Corner** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.
- 58) **Lot, Double Fronting** means a lot which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the lot.
- 59) **Lot, Interior** means any lot other than a corner lot or through lot.
- 60) **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.

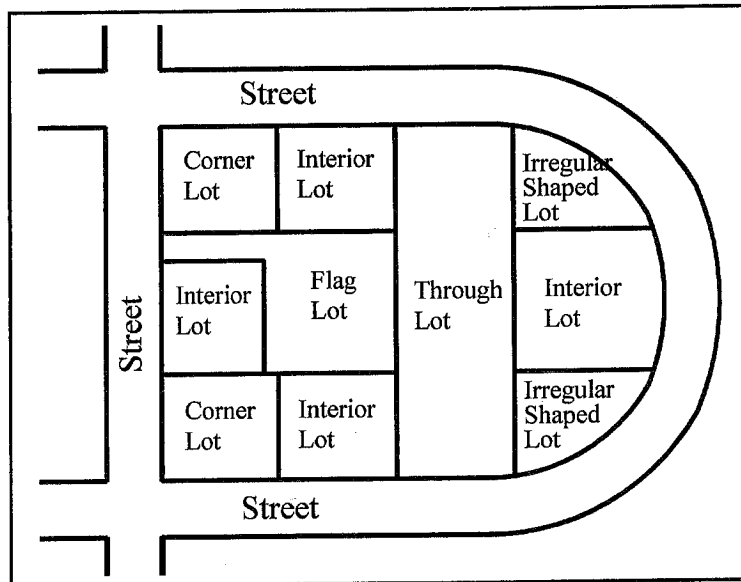


Figure 4. Lot Types

- 61) **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.
- 62) **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.
- 63) **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.
- 64) **Lot Line, Side** means the property line of a lot other than a front lot line or rear lot line.

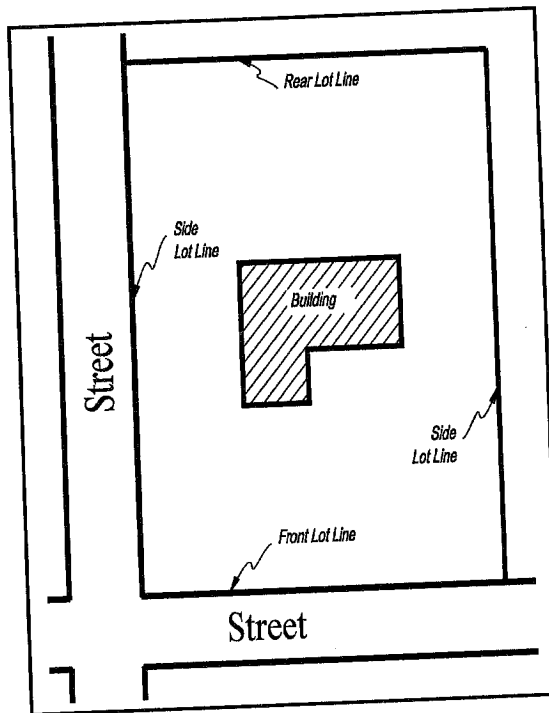


Figure 5. Lot Lines

- 65) **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.

- 66) **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.
- 67) **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.
- 68) **Mobile Home Site** means a site in a mobile home subdivision that may be purchased for the placement of a mobile home.
- 69) **Mobile Home Subdivision** means a parcel of land subdivided into mobile home sites that may be sold for the placement of mobile homes.
- 70) **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.
- 71) **Molehill** means a manure storage facility for manure in which manure is mechanically forced through a pipe and becomes mounded.
- 72) **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.
- 73) **Municipal Engineer** means the Municipal Engineer as appointed by Council for the RM of Thompson.

- 74) **Municipality** means the Municipal Corporation of the RM of Thompson.
- 75) **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.
- 76) **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- 77) **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.
- 78) **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.
- 79) **Oriel Windows** means a type of bay or bow window that projects out from an upper storey of a dwelling unit.
- 80) **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.
- 81) **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.
- 82) **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.
- 83) **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.

- 84) **Pollution** the presence in the water or soil of substances or contaminants that are foreign to or in excess of the natural constituents of the water or soil, or that adversely affects the uses of the water or soil.
- 85) **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.
- 86) **Repair** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
- 87) **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.
- 88) **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy.
- 89) **Setback** means the distance that a development or a specified portion of it must be set back from a lot line.
- 90) **Site** means an area of land consisting of one or more abutting lots.
- 91) **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.

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

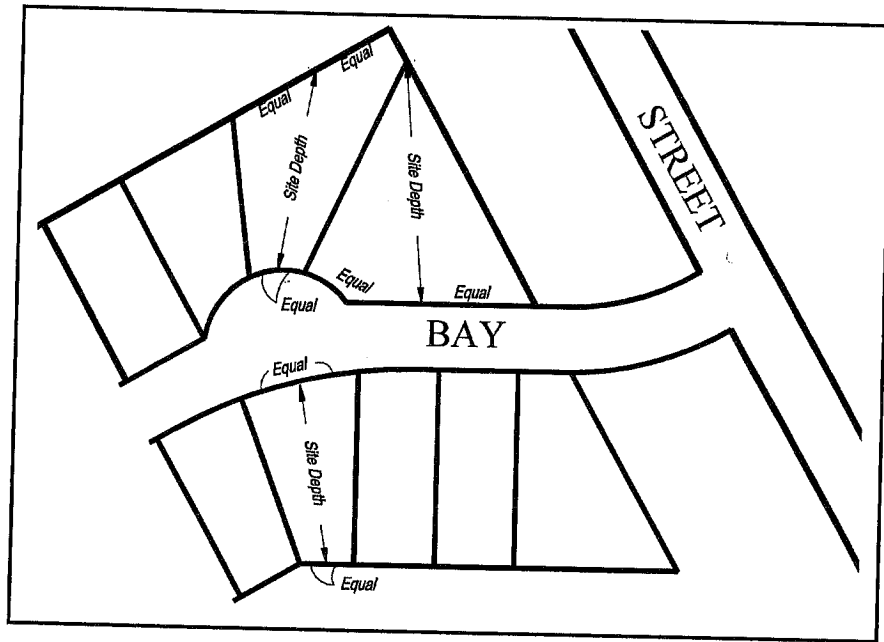


Figure 6. Site Depth

- 93) **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.

- 94) **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.

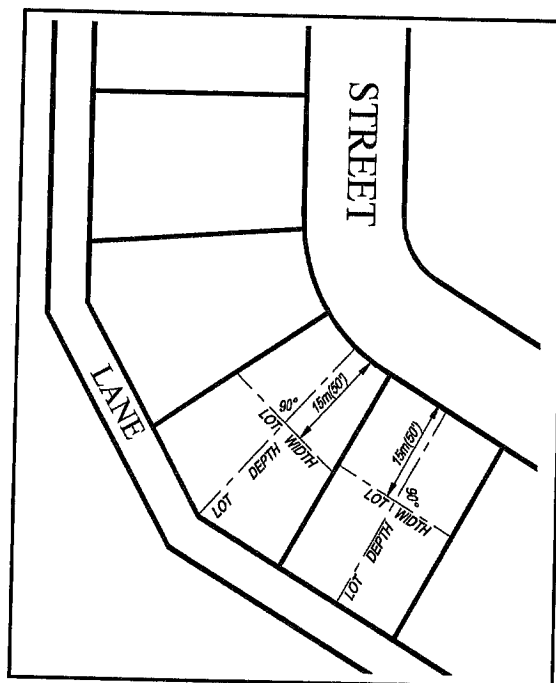


Figure 7. Site Width

- 95) **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.
- 96) **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.
- 97) **Solid Manure** means manure that contains more than 25.00 percent solid matter and does not flow when piled.
- 98) **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.
- 99) **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.
- 100) **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.
- 101) **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.
- 102) **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.
- 103) **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.
- 104) **Temporary Buildings and Uses** means an incidental use, building or structure for which a development permit has been issued for a limited time only.
- 105) **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.
- 106) **Trailer** means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.
- 107) **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.
- 108) **Truck** means a motor vehicle that is constructed or adapted to carry goods, wares, merchandise, freight or commodities, but not passengers.
- 109) **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.

- 110) **Variation Order** means the altering of any of the regulations found in this By-law in accordance with the *Act*.
- 111) **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.
- 112) **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.
- 113) **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.
- 114) **Yard, Rear** means a yard extending along the full length of the rear lot line from the front yard to the rear yard.
- 115) **Yard, Side** means a yard extending along the side lot line from the front yard to the rear yard.

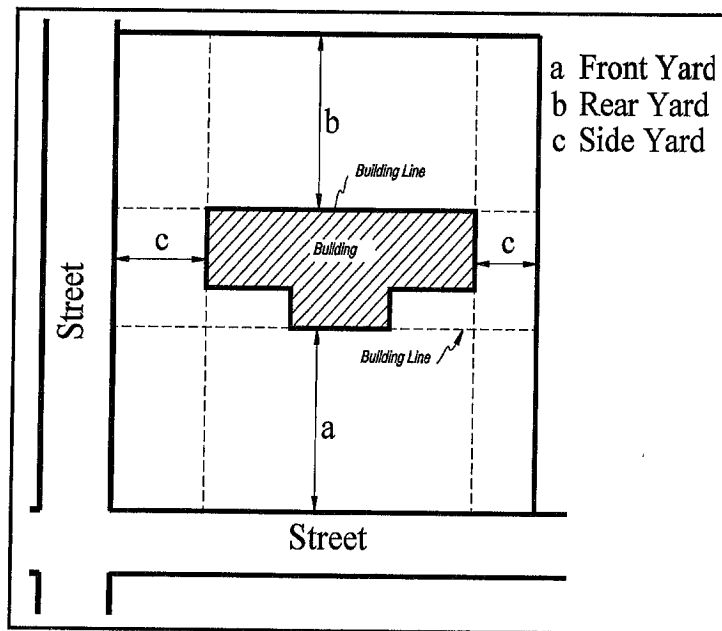


Figure 8. Yards

- 116) **Zoning District** means a Section contained in Part II of this By-law which regulates the use and development of land as depicted on the Zoning District 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) **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.
- 2) **Copy** means the letters, graphics or characters which make up the message on sign face.
- 3) **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the copy.
- 4) **Free Standing Sign** means any sign supported independently of a building and permanently fixed to the ground.
- 5) **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.
- 6) **Height (sign)** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
- 7) **Official Sign** means a sign required by, or erected pursuant to, the provisions of Federal, Provincial or Municipal legislation.
- 8) **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.
- 9) **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.

- 10) **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.

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 Zoning Districts 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 Zoning District.

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 premises 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) **Mobile Home Park** means an area of land with required improvements and utilities upon which three or more mobile home spaces are located and have been approved by the Municipality.
- 5) **Multi-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.
- 6) **Planned Unit Development** means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting or buildings, mixture of housing types and /or land uses, useable open spaces, and the preservation of significant natural features.
- 7) **Semi-Detached Dwelling** means the whole of a building divided vertically into two separate dwelling units, each of which has an independent entrance.
- 8) **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.
- 9) **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.
- 10) **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) **Farm Staff Housing** means a residential dwelling used exclusively for the purpose of housing farm staff on a seasonal basis.

- 3) **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.
- 4) **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.
- 5) **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.
- 6) **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building and which is clearly incidental or accessory to the residential use of the dwelling unit.
- 7) **Temporary Additional Dwelling or Mobile Home Dwelling** means a dwelling unit or 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 and mechanical repair of automobiles, motorcycles,

snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but does not include body repair and paint shops.

- 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 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 private or non-profit 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 includes: 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 Service** 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) **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods.
- 15) **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.
- 16) **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.
- 17) **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.
- 18) **Fleet Service** means a development using a fleet of vehicles for the deliver 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.
- 19) **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.

- 20) **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.
- 21) **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.
- 22) **General Retail Store** means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pet sales and grooming, 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.
- 23) **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.
- 24) **Greenhouse, Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.
- 25) **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.
- 26) **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.

- 27) **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.
- 28) **Mobile Catering Food Service** means a development using a fleet of vehicles for the delivery and sale of food to the public.
- 29) **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.
- 30) **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, motor-cross, and miniature golf establishments.
- 31) **Outfitter** means any land or premises used for outdoor recreational purposes relating to hunting, fishing and other similar pursuits.
- 32) **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.
- 33) **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.
- 34) **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.
- 35) **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.
- 36) **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.
- 37) **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.
- 38) **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.
- 39) **Truck Stop** means a highway oriented commercial operation that may include multiple uses such as eating and drinking areas, gas bar, retail sales, service station, vehicle repair, and other similar or related uses primarily intended to service the travelling public and trucking industry.
- 40) **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.
- 41) **Trucking Operation** means the use of land, buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transportation trailers and/or buses.
- 42) **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.
- 43) **Wind Energy Generation Systems** means any device or group of devices such as a wind charger, windmill or wind turbine that convert wind energy

to electrical energy whether it is for personal use or for generation of power for sale by a private commercial enterprise.

- 44) **Wind Energy Generation System Accessory Facilities** means facilities, equipment, machinery and other devices necessary to the proper operation and maintenance of a wind energy generation system, including, but not limited to access roads, collector and feeder lines and power substations.

7.4 Industrial Use Classes

- 1) **Automobile Wrecking Yard** means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 2) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities as determined by the Designated Officer 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.
- 3) **Concrete Batching Plant** means a plant where the ingredients for making concrete are stored, conveyed, measured and discharged for use by mixing or transportation equipment.
- 4) **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.
- 5) **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.
- 6) **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.

- 7) **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.
- 8) **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 batching plants.
- 9) **Small Scale Industries** mean light manufacturing, assembly or distribution of ready made products on a small scale. As a rule, industries in this category are secondary to the agriculture operation, if not, they should not be of such a size that they create traffic problems or impact negatively on the surrounding area.
- 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 Production Operations or Natural Resource Developments.
- 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) **Equestrian Establishment** means a facility engaged in the training of horses or the operation of a horse riding academy or horse riding stables.
- 11) **Farm Produce Outlet** means a building or structure where farm produce is sold in season.
- 12) **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.

- 13) **Game Farm** means a development with less than 10.00 Animal Units where wild animals such as elk are held in captivity, pursuant to Provincial government legislation.
- 14) **Irrigation Dugouts and Ponds** means areas where surface water flows or stands on private land for use by an agricultural operator.
- 15) **Livestock Production 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.

For the purpose of this By-law:

- a) **Livestock Production Operation, Existing** shall mean those Livestock Production Operations that existed prior to the effective date of this By-law and are proposing to expand; and
 - b) **Livestock Production Operation, New** shall mean those Livestock Production Operations that are proposed for development after the effective date of this By-law.
- 16) **Residential Related Farm** means a development for small scale, Residential Related 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.

7.6 Natural Resource Development Use Classes

- 1) **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.
- 2) **Mineral Exploration** means the activity of searching for new mineral deposits.
- 3) **Natural Resource Development** 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 gravel pits, sandpits, and stripping of topsoil and peat moss. This Use Class does not include the processing of raw materials transported to the site.

- 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.

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, 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) **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.
- 4) **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, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, paintball games, riding stables and fitness trails.
- 5) **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.
- 6) **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.
- 7) **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.

- 8) **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.
- 9) **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.
- 10) **Religious Assembly (home-based)** means a house or multiple family unit that also serves as a place of communal worship and related activities.
- 11) **Religious Assembly (non-home-based)** means a place of worship and related activities that may take place in a church, chapel, mosque, temple, synagogue, parish hall, convent, monastery, or other similar facility, but not in a house or multiple family unit.
- 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 either the Municipality or the Board as an authorized officer of Council or the Board.

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 *MSTW 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) Excluding Livestock Production Operations, the Designated Officer may approve, with or without conditions, a minor variation not to exceed ten percent (10%) 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) Administering and enforcing those provisions of the *Act*, where applicable.
- 3) Considering the adoption or rejection of proposed amendments or the repeal of this By-law.
- 4) Approving or rejecting variation order applications.
- 5) Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.
- 6) Establishing a schedule of fees.

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 those provisions of the *Act*, where applicable.
- 2) Prescribing and regulating fees and charges to be paid by any person in respect to services rendered in accordance with Section 21 of the *Act*.
- 3) Hearing objections to this By-law and amendments thereto in accordance with the *Act*.

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 Thompson.
- 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. 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 11.61 sq. m. (125 sq. ft.) in area;
 - 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 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 Zoning District 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.
- 16) For developments not connecting to municipal services, information on the proposed water supply and wastewater management systems that demonstrates the availability of an adequate water supply to support the development and the ability to meet applicable Provincial government on-site wastewater management system requirements.

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) 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 Requirements for Applications

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 Thompson 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. If required, the engineering study may be required to include evidence derived from:

- a) test borings (including hydro-carbon analysis);
- b) ground water piezometer test;
- c) slope indicators where necessary;
- d) identification of any sub-surface mining operations;
- e) water 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 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 permit require that an applicant enter into an agreement or an

interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:

- a) to construct, or pay for the construction of, or improvement to, 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 that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
 - d) to repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and
 - e) to construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.
- 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 contravenes; or 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 Rezoning 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 may 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 Zoning District governing any land shall apply in writing to the Designated Officer and if required by the Designated Officer 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 Zoning District. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zoning District and not on the merits of any particular development proposal. The analysis may, among other things, consider the following impact criteria:
 - a) relationship to and compliance with the *MSTW 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 Zoning District 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) Changing to a different or adding another conditional use, increasing the size of the building, structure, operation, use or area by ten (10) percent or more within a site affected by a conditional use and/or a change in any condition previously imposed by Council in the authorization of the 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 may be required to, among other things, consider the following impact criteria:
 - a) relationship to and compliance with the *MSTW 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*.
- 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.

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 Zoning District 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 *MSTW 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 *MSTW Planning District Development Plan*, and the provisions of the *Act*, where applicable.

GENERAL DEVELOPMENT REGULATIONS

20.0 General Development Regulations Applicability

- 1) The General Development Regulations apply to any development on any site, irrespective of the Zoning District 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, excluding rain gutters provided such projections do not exceed 0.91 m. (3.00 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 Zoning District shall be located within the 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.

23.0 Accessory Uses, Buildings and Structures

- 1) Accessory developments shall be subject to the regulations of the Zoning District in which the principal building is located and:
 - a) shall be permitted when accessory to a permitted use; and
 - b) shall be conditional when accessory to a conditional use.
- 2) 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.
- 3) 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.
- 4) Despite Section 25.0(1) of this By-law, accessory buildings or structures for Residential Use Class developments shall be located on a site as follows:
 - a) where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the 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 to a public roadway than the front wall of the principal building.
- 5) No accessory building or structure shall be used as a dwelling unit, except as provided for in this By-law.
- 6) In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.

24.0 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) may be used as a temporary placement of concrete and asphalt batch plants that are incidental to and necessary for highway construction and maintenance.
 - c) shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or construction workers; and
 - d) shall not be detrimental to the public health, safety, convenience and general welfare, nor detract from the aesthetic value of the neighbourhood.

- 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.

25.0 Height

- 1) In determining whether a development conforms to the maximum height permissible in any Zoning District, 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.

26.0 Access to Sites

- 1) Permits for developments adjacent to Provincial Truck Highways, Provincial Roads and Provincial Access Roads shall be required from the appropriate Provincial government agency.

27.0 Moving of Structures

- 1) No person shall move any structure or part thereof off his/her property to any other location within the municipality unless that structure or part is made to conform to the regulations of this By-law applicable to the Zoning District to which it is to be moved and the structure or part as determined by the Designated Officer will be similar to, or better than, the standard of surrounding development in terms of building materials.

- 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) Within one (1) year 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.

28.0 General Performance Standards for Residential Use Classes

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.

29.0 Development Restricted

29.1 Noxious or Offensive Uses

- 1) Nothing in this By-law or the issuance of a development permit, conditional use order or variation order or any 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.

29.2 Land Unsuitable for Development

- 1) No buildings or structures shall be built in an area that has been identified either by Council or other agencies as being subject to flooding by a 100 year flood, unless the development proponent demonstrates to the satisfaction of Council that measures will be taken to protect the development from flood damage.
- 2) Where development is proposed in an area that, in the opinion of the Designated Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the development proponent may be required to provide additional measures, including the provision of sufficient fill around the

building, to provide an additional measure of protection from flood damage.

- 3) No building or structure shall be built in an area that is subject to erosion, bank instability, landslide, subsidence, is marshy or unstable, or is otherwise hazardous or unsuitable by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.

29.4 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 152.40 m. (500.00 ft.) from any active Natural Resource Development.
- 7) With the exception of buildings or structures directly associated with an Aircraft Landing Field, no building or structure shall be constructed adjacent to the said Aircraft Landing Field unless it conforms to the following height regulations:
 - a) Buildings or structures located at the end of a runway shall not exceed 0.35 m. (1.00 ft.) vertical for each 12.19 m. (40.00 ft.) horizontal relative to the elevation at the end of the runway and starting at a point that is 60.96 m. (200.00 ft.) from the end of the said runway; and

- b) Buildings or structures located along the sides of a runway shall not exceed 0.35 m. (1.00 ft.) vertical for each 2.13 m. (7.00 ft.) horizontal relative to the elevation at the sides of the said runway and starting at a point that is 30.48 m. (100.00 ft.) from the edges of the said runway.

29.5 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 Multi-Family Dwellings. Side yard regulations shall not apply along the common party walls.

29.6 Hazardous Materials Storage

- 1) No Bulk Storage Facility, Agricultural Crop Protection Warehouse or Agricultural Product Storage shall be located within:
 - a) 1.61 km. (1.00 mile) of the boundaries of the Local Urban District of Miami;
 - b) 804.65 m. (2,640.00 ft.) of the RR: Rural Residential Zoning District;
 - c) 304.80 m. (1,000.00 ft.) of a building used for human occupancy; and
 - d) 100.00 m. (328.08 ft.) from the edge of the rights-of-way of Provincial Trunk Highways, Provincial Roads and Provincial Access Roads.

29.7 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 Municipal regulations.

29.8 Shelterbelts

- 1) No shelterbelts, as determined by the Designated Officer, shall be placed within 38.10 m. (125.00 ft.) of a municipal road right-of-way.

29.9 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.
- 30 A license to Construct Drainage Works from Manitoba Stewardship is required for any drainage works undertaken on any lands where it is proposed to alter or divert the natural course of a watercourse and affect lands outside town limits

29.10 Tree Removal

- 1) Any removal of live trees from a shelterbelt or from within 60.96 m. (200.00 ft.) of the banks of any water body, river, creek or drain or the clearing of more than 0.81 ha. (2.00 ac.) of land or the drainage of a natural slough or swamp shall require a development permit issued by Council which may:
 - (a) contain an expiry date for the permit;
 - (b) specify the manner in which trees may be removed or land drained;
 - (c) specify the manner in which trees or drainage is to be disposed of; and/or
 - (d) included such other provisions as, in Council's opinion, are in the public interest.

30.0 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.

31.0 Connecting to Municipal Services

- 1) All new principal buildings constructed on a site that is serviced by Municipal sewer or water shall, where feasible, be connected to such services.

SPECIAL LAND USE REGULATIONS

32.0 Applicability

- 1) The Special Land Use Regulations apply to the uses listed irrespective of the Zoning District in which they are located. Where these regulations appear to be in conflict with the Zoning District 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 Zoning District.

33.0 Home Industries

A Home Industry shall comply with the following regulations:

- 1) The Home Industry shall operate as a secondary use to a dwelling unit.
- 2) The employment of family and non-family members is allowed as part of the Home Industry to a maximum of five (5) persons.
- 3) The selling of goods or services related to the Home Industry is allowed.
- 4) The character and scale of the Home Industry shall not create offensive or objectionable impacts on any adjoining sites.
- 5) Outside storage of goods and materials is allowed as part of the Home Industry if the storage is located to the rear of a line adjacent to and parallel with the front wall of the building.
- 6) The Home Industry may have one identification sign with a maximum area of 2.97 sq. m. (32.00 sq. ft.), indicating the name of the occupant and/or Home Industry of the occupant and 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 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.
- 9) In addition to the information regulations 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.

34.0 Home Occupations

A Home Occupation shall comply with the following regulations:

- 1) The Home Occupation shall not include social escort services, automotive service uses and tow-truck operations.
- 2) The Home Occupation shall be owned by the member(s) of the family residing at the dwelling unit and can have a maximum of two on-site employees.
- 3) The Home Occupation may have one identification sign not exceeding 1.49 sq. m. (16.00 sq. ft.) in area, 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.
- 4) 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.
- 5) A Home Occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 55.74 sq. m. (600.00 sq. ft.).
- 6) The Home Occupation shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another Zoning District having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.
- 7) 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.

35.0 Bed and Breakfast Homes

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

- 1) 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.

- 2) 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.

36.0 Planned Unit Developments

A Planned Unit Development shall comply with the following regulations:

- 1) Specific regulations in a Zoning District 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 density of development shall not be increased from the normal density per gross hectare (acre) permitted in the Zoning District in which the proposed Planned Unit Development is located.
- 4) 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.
- 5) An overall landscaping plan shall be prepared.
- 6) Any public park areas shall be dedicated by the municipality.

37.0 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 vehicles and light trucks only.
- 3) Except as hereinafter provided, the passenger vehicles and light trucks 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 41.0(3) of this By-law, a maximum of four passenger vehicle or light truck 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 41.0(4) of this By-law, on the site on which a Car Broker operation is located there shall be no passenger vehicles and light trucks put on display for sale within any Municipal road right-of-way.
- 6) Notwithstanding Section 41.0(4) of this By-law, if the Car Broker operation is adjacent to a Provincial Trunk Highway Provincial Road, Provincial Access Road or Main Market Road, the passenger vehicles and light trucks put on display for sale thereon shall be setback in accordance with *The Highway & Transportation Act* and *The Highway 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) The Car Broker operation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zoning District in which it is located.
- 9) 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 and can have a maximum of one on-site employee.
- 10) Any exterior display or advertisement of the Car Broker operation shall:
 - a) not exceed 1.49 sq. m. (16.00 sq. ft.) in area;
 - b) not be illuminated; and
 - c) be compatible with the character of the area.
- 11) 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.

- 12) The maximum number of passenger vehicles or light trucks for sale at any one time shall be limited to six vehicles.

38.0 Temporary Additional Dwellings

A Temporary Additional Dwelling shall comply with the following regulations:

- 1) The Temporary Additional 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 Additional Dwelling shall be constructed in accordance with CSA and applicable building code regulations.
- 3) The Temporary Additional Dwelling shall comply with all site regulations applicable to the Zoning District in which the Single Family Dwelling is located or is proposed to be located.
- 4) The Temporary Additional Dwelling shall be removed by the property owner upon the cessation of its approved occupancy by Council.
- 5) The installation of a Temporary Additional 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 Additional Dwelling deemed necessary to protect adjacent sites and the public welfare.

39.0 Residential Related Farms

A Residential Related Farm shall comply with the following regulations:

- 1) The minimum site area for the Residential Related Farm shall be 2.02 ha. (5.00 acres).
- 2) The use of land or structures for the Residential Related Farm shall be limited to 1.33 Animal Units per 0.80 ha. (2.00 acres) of land.
- 3) The maximum size for the Residential Related 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 RR: Rural Residential Zoning District; 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 Table 3 in Appendix D, or as determined by the Province of Manitoba.
- 7) A Residential Related Farm can only be developed in conjunction with a Single Family or Farmstead Dwelling.

40.0 Livestock Production Operations

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

40.1 General

- 1) When considering permit applications for Livestock Production Operations, the Designated Officer and Council shall consider:
 - a) the size of the operation and its location in relation to neighbouring land uses;
 - b) topographical, physical and natural features of the area (i.e. treed, windbreaks, open crop, soil types, water table, etc.);
 - c) the groundwater conditions;
 - d) local resident concerns;
 - e) the proposed water supply and water supply requirements;
 - f) the potential impacts generated by the operation on the Provincial highway and Municipal road systems; and
 - g) Provincial guidelines and regulations.
- 2) Where a Livestock Production Operation is located within 804.65 m. (2,640.00 ft.) of one or more other Livestock Production Operations, and where these operations are owned, operated or controlled by the same person, including a corporation, co-operative, partnership or limited partnership, or where they share common manure storage facilities and raise the where they raise the same type of livestock, they shall be deemed to be one Livestock Production Operation for the purposes of this By-law.
- 3) All new or expanding Livestock Production 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 RM of Thompson 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 Production Operation; and
- e) ensure manure storage facilities must be designed, built and operated in conformity with all relevant Provincial regulations.

40.2 Livestock Production Operations Producing up to and Including 299 Animal Units.

40.2.1 Mutual Separation Regulations

- 1) Except for the dwelling unit of the operator of the Livestock Production Operation, mutual separation distances shall be maintained between Livestock Production Operations and a dwelling unit (including a rural residence) or designated residential or recreational area in accordance with Table 3:

TABLE 3
Mutual Separation Regulations

Size of Livestock Operation in Animal Units	Minimum Separation Distance			
	From Single Residence		From Designated Residential or Recreational Area	
	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility
10 to 100	200.00 m. (656.00 ft.)	100.00 m. (328.00 ft.)	800.00 m. (2,625.00 ft.)	530.00 m. (1,739.00 ft.)
101 to 200	300.00 m. (984.00 ft.)	150.00 m. (492.00 ft.)	1,200.00 m. (3,937.00 ft.)	800.00 m. (2,625.00 ft.)
201 to 299	400.00 m. (1,312.00 ft.)	200.00 m. (656.00 ft.)	1,600.00 m. (5,249.00 ft.)	1,070.00 m. (3,511.00 ft.)

40.3 Livestock Production Operations Producing More Than 299 Animal Units

40.3.1 Mutual Separation Regulations

- 1) Except for the dwelling unit of the operator of the Livestock Production Operation, mutual separation distances shall be maintained between Livestock Production Operations and a dwelling unit (including a rural residence) or designated residential or recreational area in accordance with Table 4:

TABLE 4
Mutual Separation Regulations

Size of Livestock Operation in Animal Units	Minimum Separation Distance			
	From Single Residence		From Designated Residential or Recreational Area	
	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility
300 to 400	450.00 m. (1,476.00 ft.)	225.00 m. (738.00 ft.)	1,800.00 m. (5,906.00 ft.)	1,200.00 m. (3,937.00 ft.)
401 to 800	500.00 m. (1,640.00 ft.)	250.00 m. (820.00 ft.)	2,000.00 m. (6,561.00 ft.)	1,330.00 m. (4,364.00 ft.)
801 to 1600	600.00 m. (1,968.00 ft.)	300.00 m. (984.00 ft.)	2,400.00 m. (7,874.00 ft.)	1,600.00 m. (5,249.00 ft.)
1601 to 3200	700.00 m. (2,297.00 ft.)	350.00 m. (1,148.00 ft.)	2,800.00 m. (9,186.00 ft.)	1,870.00 m. (6,135.00 ft.)
3201 to 6400	800.00 m. (2,625.00 ft.)	400.00 m. (1,312.00ft.)	3,200.00 m. (10,499.00 ft.)	2,130.00 m. (6,988.00 ft.)
6401 to 12800	900.00 m. (2,953.00 ft.)	450.00 m. (1,476.00 ft.)	3,600.00 m. (11,811.00 ft.)	2,400.00 m. (7,874.00 ft.)
12801+	1,000.00 m. (3,281.00 ft.)	500.00 m. (1,640.00 ft.)	4,000.00 m. (13,123.00 ft.)	2,670.00 m. (8,760.00 ft.)

40.4 Development Permit Applications

- 1) For Livestock Production Operations that produce more than 300 Animal Units, in addition to the standard development application submission regulations, the applicant may also be requested to submit the following information:
 - 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;

- g) analyses of geology, aquifers, and groundwater supply, soils and soil profiles, crop production/nitrogen/phosphorus utilization, and surface drainage relative to the proposed operation;
- h) a report from the Technical Review Committee indicating whether the proposed Livestock Production Operation complies with the Manitoba Farm Practices Guidelines;
- i) a letter signed by the applicant and agricultural engineer (or other qualified professional) certifying the contents of all information submitted as part of the application; and
- j) the appropriate application fee including public notification costs.

40.5 Animal Units

- 1) For the purposes of this Section of the By-law, the calculation of Animal Units shall be cumulative across the species pursuant to Table 5 in Appendix D, or as determined by the Province of Manitoba.

40.6 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 44.4 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, Council shall give notice of the hearing by regular mail to affected ratepayers in accordance with the *Act*. The notice shall advise affected ratepayers of the date, time and place of the hearing and the intent of the application. The applicant shall be responsible for all public advertising costs.
- 3) An application for a conditional use permit shall be processed and approved or rejected in accordance with the *Act*. If warranted, Council may want to consider imposing development conditions to ensure that the proposed Livestock Production Operation will not negatively impact the community. This could include:
 - a) the protection of a watercourse, or other body of water;
 - b) the nature and frequency of soil testing;
 - c) the regulation for covered manure storage;
 - d) additional buffering measures such as increased yard setbacks;
 - e) specific performance standards dealing with odour control such as the planting of trees or shelterbelts around open storage areas to reduce the movement of air over manure surfaces;
 - f) the construction of a fence around proposed manure storage facilities for safety purposes;

- g) the owner/applicant upgrading certain Municipal services such as roads and ditches;
- h) a letter of credit related to Municipal improvements such as road or drainage works; and
- i) liability insurance protecting the Municipality from any future legal claim relating to the operation of the Livestock Production Operation.
- j) the proponent providing Council or the Designated Officer with a copy of the construction permit for the manure storage facility issued by Manitoba Conservation prior to developing the livestock site.

40.7 Refusal of a Conditional Use Permit

- 1) Council may refuse a conditional use permit for a Livestock Production Operation if, in its opinion, the proposal:
 - a) does not comply with the regulations of this By-law; and/or
 - b) does not comply with applicable provincial regulations.

41.0 Anhydrous Ammonia Facilities

- 1) An Anhydrous Ammonia Facility shall be located at least:
 - a) 1.61 km. (1.00 mile) from the RG: Residential General Zoning District;
 - b) 792.48 m. (2,600.00 ft.) from any Residential, Basic Service and Community, Educational, Recreational and Cultural Service Use Class developments; and
 - c) 100.00 m. (328.08 ft.) from the edge of the rights-of-way of a Provincial Trunk Highway, Provincial Road or Provincial Access Road.

42.0 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) 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.

43.0 Natural Resource Developments

43.1 Development Permit Applications

- 1) In addition to the standard development application submission regulations, an applicant proposing to establish a Natural Resource Development on a site shall also submit the following information:
 - a) the corporate identity and proof of property ownership or lease arrangements;
 - b) a legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers;
 - c) the owner's (and applicant if different from owner) name, address, signature and interest in the land;
 - d) a description of existing land uses immediately adjacent to the site;
 - e) a description of the proposed operation, including:
 - (i) site preparation measures to accommodate the proposed operation;
 - (ii) location and size of proposed equipment storage areas as well as aggregate, topsoil or peat moss stock pile areas;
 - (iii) access and egress locations on the site;
 - (iv) site security and public safety provisions thereon;
 - (v) infrastructure servicing needs;
 - (vi) existing and anticipated final grades of the excavated land;
 - (vii) drainage and water storage provisions;
 - (viii) analyses of topography, geology, aquifers, groundwater supply, soils and soil profiles relative to the proposed operation;
 - (ix) landscaping provisions; and
 - (x) the condition in which the site is to be left when the proposed operation is complete, or the final disposition to be made of the area from which the topsoil or peat moss is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected, preventing, controlling or lessening the creation of

erosion or dust from the land, removing goods and materials from the site and providing for site security and public safety measures.

43.2 Natural Resource Development Regulations

- 1) The Natural Resource Development shall not excavate aggregate, topsoil or peat moss closer than the distances from any lot line, Single-Family Dwelling or shore of a river, lake or stream than what is outlined in *The Mines and Minerals Act*.
- 2) Where any Natural Resource Development abuts the lot line of a site in a Rural Settlement Centre Policy Area or Rural Residential Policy Area as indicated in the *MSTW Planning District Development Plan*, a 30.48 m. (100.00 ft.) landscaped yard shall be required.
- 3) A dwelling unit is allowed provided it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 4) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required side or rear yard.
- 5) When outside storage of goods and materials is required the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building.
- 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 Highway and Transportation Act*.
- 7) Any fuel storage areas established on the site shall comply with Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 8) 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.
- 9) The Natural Resource Development shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer believes a proposed Natural Resource Development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.

43.3 Conditional Use Hearing

- 1) A conditional use application for a proposed new or expanding Natural Resource Development shall be processed and approved or rejected in accordance with the *Act*. If warranted, Council may want to consider imposing development conditions to ensure that the proposed Natural Resource Development will not negatively impact the community. This could include:
 - a) the protection of a watercourse, or other body of water;
 - b) additional performance standards over and above what is being proposed by the applicant dealing with such matters as noise and dust control, site security and public safety provisions as well as landscaping and site rehabilitation measures thereon;
 - c) the owner/applicant upgrading certain Municipal services such as roads and ditches;
 - d) a letter of credit related to Municipal improvements such as road or drainage works; and
 - e) liability insurance protecting the Municipality from any future legal claim relating to the Natural Resource Development.

44.0 Wind Energy Generating Systems

Prior to the construction of Wind Energy Generation Systems, plans illustrating the siting location of each Wind Energy Generation Systems device and associated works including accessory buildings or structures, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system must be submitted to the Municipality for site approval and shall conform to the following criteria:

- a) In addition to satisfying the minimum yard requirements, all Wind Energy Generation Systems shall be setback a minimum of one and one half (1.5) times the total height of the Wind Energy Generation Systems from all dwelling units and accessory buildings.
- b) In addition to satisfying the minimum yard requirements, newly constructed residences in the vicinity of a Wind Energy Generation Systems shall be separated a minimum of one and one half (1.5) times the total height of the nearest Wind Energy Generation Systems. This setback is deemed to be a required yard for the purposes of this by-law and variances may be considered provided all affected residences are notified of the variation hearing.
- c) The total height of any Wind Energy Generation Systems shall be the distance measured between the ground and the uppermost point extension of any rotor blade.

- d) Any proposed Wind Energy Generation Systems sites located adjacent to a provincial highway (PTH) or a provincial road (PR) shall be circulated to Manitoba Infrastructure and Transportation for review and shall be subject to the requirements of the regulations affecting those highways.
- e) Proponents of Wind Energy Generation Systems are responsible for obtaining any required Federal and/or Provincial government permits or approvals from any agencies and a copy must be remitted to the Municipality.
- f) Where a proponent locates a Wind Energy Generation Systems on land not under their ownership, they will be required to enter into an easement agreement with the owner of the property in order to secure on-going access to the Wind Energy Generation Systems.
- g) Where in the opinion of the Municipality, the setbacks or separation distances referred to in this section are not sufficient to reduce the potentially negative impact of Wind Energy Generation Systems due to the proposed number or density of Wind Energy Generation Systems, the existing number or density of other uses in the general vicinity, the proximity to a public road or any other reasons that the Municipality believes is relevant, Council may increase/decrease the required setbacks and separation distances.
- h) The facility shall be separated by a distance of 1,609.340 m. (5,280.00 ft.), of any area which has been designated and declared a Wildlife Management Area, Provincial Park, Ecological Reserve, and/or Protected Area by the Province of Manitoba.

PART III

ZONING DISTRICTS

45.0 Intent of Zoning Districts

The Zoning Districts established in this By-law are intended to provide sufficient land for various types of land uses and developments in the RM of Thompson in keeping with the provisions of the *MSTW Planning District Development Plan*. The Zoning Districts as outlined in Chart 1 (Appendix A) are hereby established.

46.0 Permitted and Conditional Uses and Accessory Uses, Buildings and Structures

46.1 Permitted and Conditional Uses

- 1) Chart 2 (Appendix B) outlines uses that are permitted or conditional in each Zoning District.
- 2) All uses, whether listed as permitted or conditional, must meet the relevant requirements as outlined in PART II of this By-law.
- 3) All uses listed in Chart 2 (Appendix B) that include a cross reference listing to Use Specific Standards must meet those requirements as noted in the relevant section of the By-law.

46.2 Accessory Uses, Buildings and Structures

- 1) Accessory uses, buildings, or structures means a use, building or structure that is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building as determined by the Designated Officer, and located on the same lot or site.
- 2) Allowable accessory uses, buildings or structures shall be determined by the Designated Officer.
- 3) Accessory uses, buildings or structures shall comply with Section 24.0.

47.0 Bulk Regulations for Zoning Districts

- 1) Chart 3 (Appendix C) outlines the bulk regulations for each Zoning District.

48.0 Additional Regulations for All Permitted and Conditional Uses

- 1) All uses, buildings and structures shall be developed in accordance with the Municipal Lot Grade By-law, if applicable.
- 2) 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 Highway and Transportation Act*.
- 3) Water supply, sewage disposal and waste management for all developments within the Municipality shall be provided in accordance

with *The Environment Act, The Public Health Act and The Drinking Water Safety Act.*

49.0

Additional Regulations for the RG: Residential General Zoning District

- 1) Where dwelling units are to be developed in accordance with a bare land condominium, the minimum site area, site width and yard requirements shall not apply to individual condominium units. However, the front and rear walls of any condominium building shall be setback a minimum distance of 7.62 m. (25.00 ft.) from the front and rear property boundaries of the condominium lot, and the side walls shall be setback a minimum distance of 1.52 m. (5.00 ft.) from the side boundary of the condominium lot as determined by the Designated Officer.
- 2) Where a garage is attached to a dwelling unit the side yard adjacent to the garage may be reduced to 1.52 m. (5.00 ft.).
- 3) The minimum site area for Multiple Family Dwellings shall be 929.00 sq. m. (10,000 sq. ft.) plus 92.90 sq. m. (1,000.00 sq. ft.) for each dwelling unit in excess of four (4) units.
- 4) For lots that have a site depth of 30.48 m. (100.00 ft.) or less, the minimum front yard shall be 6.10 m. (20.00 ft.)

50.0

Additional Regulations for the CH: Commercial Highway Zoning District

- 1) No parking shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within the first 4.57 m. (15.00 ft.) of a required side yard from the front property line. 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 as determined by the Designated Officer.
- 2) Any fuel storage areas established on the site shall comply with 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 a permitted or conditional Commercial or Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, as determined by the Designated Officer.
- 5) Buildings, structures and hedges adjacent to Provincial Trunk Highway Nos. 3 and 23 shall be setback in accordance with The Highways Protection Act.

- 6) Siting and access provisions for proposed permitted and conditional use developments shall maintain the safety and transportation function of any Provincial Trunk Highways.
- 7) A minimum yard of 15.24 m. (50.0 ft.) shall be required where a site abuts the lot line of a Residential Use Class development.

51.0 Additional Regulations for the CC: Commercial Central Zoning District

- 1) The minimum site area for Multiple Family Dwellings shall be 929.00 sq. m. (10,000 sq. ft.) plus 92.90 sq. m. (1,000.00 sq. ft.) for each dwelling unit in excess of four (4) units.
- 2) Any fuel storage areas established on the site shall comply with 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.

52.0 Additional Regulations for the MG: Industrial General Zoning District

- 1) A minimum yard of 15.24 m. (50.0 ft.) shall be required where a site abuts the lot line of a Residential Use Class development.

53.0 Additional Regulations for the AR: Agriculture Restricted Zoning District

- 1) A dwelling unit, including a Single-Family Dwelling, Two Family Dwelling and 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.
- 2) The following Agricultural Use Class developments shall be subject to the site regulations listed under column AR: 'Other' in the Bulk Regulations Table in Appendix C.
 - 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
- 3) Maximum height regulations do not apply to farm buildings.
- 4) New residential lots created under Policy 4.3(11) of the MSTW

Planning District Development Plan By-law No. 4-05 shall be subject to the site regulations listed under column AR: 'Other' in the Bulk Regulations Table in Appendix C

54.0 Additional Regulations for the AG: Agriculture General Zoning District

- 1) A dwelling unit, including a Single-Family Dwelling, Two Family Dwelling and 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.
- 2) The following Agricultural Use Class developments shall be subject to the site regulations listed under column AG: 'Other' in the Bulk Regulations Chart 3 in Appendix C.
 - 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.
- 3) Maximum height regulations do not apply to farm buildings.
- 4) No feed pen shall be located in any required yard.
- 5) New residential lots created under Policy 4.3(11) of the MSTW Planning District Development Plan By-law No. 4-05 shall be subject to the site regulations listed under column AG: 'Other' in the Bulk Regulations Table in Appendix C

55.0 Additional Regulations for RMH: Residential Mobile Home District

- 1) Mobile Home Parks shall comply with the regulations outlined in Table 5:

TABLE 5
Mobile Home Park Site Requirements

	With Septic Field Sewage Disposal Systems	With Holding Tanks sewage Disposal Systems	With Serviced Water Supply and Sewage Disposal System
Min. Site Area for Mobile Home Park	2.42 ha. (6.00 ac.)	0.81 ha. (2.00 ac.)	0.81 ha. (2.00 ac.)
Min. Mobile Home Site Area	3,716.00 sq. m. (40,000.00 sq. ft.)	929.00 sq. m. (10,000.00 sq. ft.)	371.60 sq. m. (4,000.00 sq. ft.)
Min. Mobile Home Site Width	45.72 m. (150.00 ft.)	24.38 m. (80.00 ft.)	15.24 m. (50.00 ft.)
Min. Mobile Home Site Depth	60.96 m. (200.00 ft.)	36.57 m. (120.00 ft.)	30.38 m. (100.00 ft.)
Min. Side to Side Clearance Between Mobile Homes	9.14 m. (30.00 ft.)	9.14 m. (30.00 ft)	9.14 m. (30.00 ft)
Min. End to End Clearance Between Mobile Homes	9.14 m. (30.00 ft)	9.14 m. (30.00 ft)	9.14 m. (30.00 ft)
Min. Width of Roadways: Open Ditch - Curb & Gutter - Lane -	20.12 m (66.00 ft.) 15.24 m. (50.00 ft.) 10.67 m. (35.00 ft.)	20.12 m (66.00 ft.) 15.24 m. (50.00 ft.) 10.67 m. (35.00 ft)	20.12 m (66.00 ft.) 15.24 m. (50.00 ft.) 10.67 m. (35.00 ft)
Min, Width of Roadway Surface	7.32 m. (24.00 ft.)	7.32 m. (24.00 ft)	7.32 m. (24.00 ft)
Min. Distance from Mobile Home to Roadway	6.10 m. (20.00 ft.)	6.10 m. (20.00 ft.)	6.10 m. (20.00 ft.)
Min. Distance from Mobile Home to Public Street or Mobile Home Park Boundary	9.14 m. (30.00 ft)	9.14 m. (30.00 ft)	9.14 m. (30.00 ft)

PART IV

ZONING DISTRICT MAPS

APPENDIX A
ZONING DISTRICTS TABLE

APPENDIX A – Districts Table

Zone District	District Name	Description of Zone District
ER	Environmental/Recreational	To accommodate environmental and recreational needs of the RM of Thompson.
RR	Residential Rural	To accommodate single family dwellings and associated or compatible uses in a rural setting.
RG	Residential General	To accommodate one and two family residential development and other compatible and related uses in Miami.
RMH	Residential Mobile Home	To accommodate the development and placement of mobile home dwellings and associated or compatible uses.
CH	Commercial Highway	To accommodate commercial, industrial and associated or compatible uses along the major roads within the RM of Thompson.
CA	Commercial Agricultural	To accommodate agricultural related retail and commercial services uses in a rural setting.
CC	Commercial Central	To accommodate urban related commercial uses within Miami and other urban areas.
MB	Industrial Business	To accommodate light industrial and related businesses which carry out their operations primarily within an enclosed building and with limited outdoor storage or operational characteristics.
MG	Industrial General	To accommodate a wide range general industrial uses within the RM of Thompson.
AR	Agriculture Restricted	To accommodate limited agricultural activities in areas that are near villages and other pockets of population or other sensitive areas.
AG	Agricultural General	To accommodate general agricultural uses or other rural uses that are related to or compatible with agriculture and rural living.

APPENDIX B
PERMITTED AND CONDITIONAL USE TAB

Use Classes	Agricultural		Industrial		Residential			Environmental /Recreational	Commercial			Use Specific Standards
	AR	AG	MB	MG	RR	RG	RMH		ER	CC	CA	
	Page Ref.											
Auctioneering Establishment	27	C	C	C					C	C	C	
Automotive and Equipment Repair Shop	27	C	P	P					P			
Automotive and Recreational Vehicle Sales	28		C	C					P		P	
Broadcasting and Motion Picture Studio	28		C	C					C		C	
Business Support Service	28			P					P		P	
Car Broker	28	P	P			P						Sec. 37.0
Carnival	28	C	C	C				C	C			
Commercial Resort	28	C	C					C				
Commercial School	29			P					P			
Convenience Vehicle Rental	29			P					P			
Custom Manufacturing Establishment	29	P	P	P					P	P	P	
Drive-Through Food Service	29			P					C			
Eating and Drinking Establishment	29			P					P			
Equipment Rental and Sales	29	C	P	P				C	C		C	
Fleet Service	29			P					P		P	
Funeral Service	29			P					C			
Gas Bar	30											
General Contractor Service	30	P	P	P					P	P	P	
General Retail Store	30								C			
General Storage	30			P					P			
Greenhouse, Plant & Tree Nursery	30	P	P			C			P	C	P	
Health Service	30						C		P		P	
Hotel	30								P			
Household Repair Service	31			P			C		P			
Mobile Catering Food Service	31			P					P		P	
Motel	31								P		P	
Outdoor Amusement Establishment	31	C	C						C		C	
Outfitter	31											
Personal Service Shop	31					C	C		P			
Professional/Financial/Office Support Service	31			P	P				P			

P - Permitted Use C - Conditional Use	Agricultural		Industrial		Residential			Environmental /Recreational	Commercial			Use Specific Standards
	AR	AG	MB	MG	RR	RG	RMH		ER	CC	CA	
Use Classes	Page Ref.											
Rapid Drive-Through Vehicle Service	31			P								P
Recycling Depot	31		C	C								C
Service Station	32			P								P
Small Animal Breeding/Boarding	32	P	P	P	C					C	C	C
Spectator Entertainment Establishment	32											P
Truck Shop	32			P								P
Truck and Mobile Home Sales/Rentals	32			C								P
Trucking Operation	32	P	P	P								P
Warehouse Sales	32			P								P
Wind Energy Generation System	32	P	P									P
Wind Energy Generation System Accessory Facilities	33	P	P									P
Community Services Use Class												
Child Care Service	38				C	P	C					P
Community Recreation Service	38	C	C			P						P
Indoor Participant Recreation Service	38	C	C									C
Outdoor Participant Recreation Service	38	C	C									C
Private Club	38	C	C			C						C
Private Education Service	38	C	C		P	P						
Public Education Service	38	C	C		P	P						
Public Library and Cultural Exhibit	39					P						P
Public Park	39	P	P		P	P	P					P
Religious Assembly (home-based)	39				P	P						
Religious Assembly (non-home-based)	39					P						
Tourist Campsite	39	C	C		C	P						P
Industrial Use Class												
Automobile Wrecking Yard	33		C									
Bulk Storage Facility	33	C	C	C	C							C
Concrete Batching Plant	33			C	P							C
General Industrial	33			C	P							C
Industrial Vehicle and Equipment Sales/ Rentals	33			C	P							C

APPENDIX C
BULK TABLE

PENDIX C – Bulk Table

	Agricultural				Industrial			Residential				Commercial				Environmental/Regional
	AR		AG		MB	MG	RR	RG	RMH	CC	CH	CA	ER			
	Residential Agricultural	Other Uses	Residential Agricultural	Other Uses												
Permitted and Conditional Uses																
Site Area (min. ha./ac.)(sq.m./sq.ft.)	40 ac.	2 ac.	80 ac.	2 ac.	25 ac.	1.33ac	2ac.	6000sqft	See Table 5	6000sqft	1.33ac	5.00ac	1ac			
Site Width(min.m./ft.)	300 ft.	200 ft.	600 ft.	200ft.	75 ft.	200 ft.	200 ft.	50 ft.	See Table 5	50 ft.	200 ft.	300 ft.	200 ft.			
Front Yard (min. m./ft.)	125 ft.	125 ft.	125 ft.	75 ft.	25 ft.	125 ft.	125 ft.	25 ft. (a)	See Table 5	0 ft.	125 ft.	125 ft.	75 ft.			
Rear Yard (min. m./ft.)	25 ft.	25 ft.	25 ft.	25 ft.	10ft.	25 ft.	50 ft.	20 ft.	See Table 5	20 ft.	25 ft.	25 ft.	25 ft.			
Side Yard (min. m./ft.)	25 ft.	25 ft.	25 ft.	25 ft.	10ft.	25 ft.	25 ft.	10 ft.	See Table 5	10 ft.	25 ft.	10ft.	10ft.			
Corner Side Yard (min. m./ft.)	-	-	-	-	15 ft.	25 ft.	-	15 ft.	See Table 5	15 ft.	25 ft.	25 ft.	15 ft.			
Building Height (max. m./ft.)	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	35 ft.	35 ft.	35 ft.	See Table 5	35 ft.	35 ft.	35 ft.	45 ft.			
Dwelling Area (min. sq. m./ft.)	-	-	-	-	-	-	800sq.ft.	800sq.ft.	-	-	-	-	-			
Floor Area Ratio (max)	-	-	-	-	1.00	1.00	-	-	-	-	1.00	-	-			
Accessory Uses, Buildings and Structures																
Front Yard (min. m./ft.)	125 ft.	75 ft.	125 ft.	75 ft.	25 ft.	50 ft.	125 ft.	25 ft.	20ft.	-	50 ft.	50 ft.	75 ft.			
Rear Yard (min. m./ft.)	5ft.	10ft.	10ft.	10ft.	10ft.	10ft.	50 ft.	5ft.	10ft.	20 ft.	10ft.	10ft.	10ft.			
Side Yard (min. m./ft.)	5ft.	10ft.	10ft.	10ft.	10ft.	5ft.	25 ft.	5ft.	5ft.	-	5ft.	5ft.	10ft.			
Corner Side Yard (min. m./ft.)	-	-	-	-	15 ft.	25 ft.	-	-	10ft.	-	25 ft.	25 ft.	-			
Building Height (max. m./ft.)	30 ft.	30 ft.	30 ft.	30 ft.	45 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	45 ft.			
Building Area (max. %)	-	-	-	-	-	-	5%	10%	10%	-	-	-	-			

(a) For lots that have a site depth of 30.48 m. (100.00 ft.) or less, the minimum front yard is 6.10 m. (20.00 ft.)

APPENDIX D
ANIMAL UNIT INVENTORY LIST

Table 3
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	1.2500	0.8000
Backgrounder	0.5000	2.0000
Summer Pasture/Replacement Heifers	0.6250	1.6000
Feedlot Cattle	0.7690	1.3000
Hogs		
Sows, farrow to finish	1.2500	0.8000
Sows, farrow to weanling	0.3130	3.2000
Sows, farrow to nursery	0.2500	4.0000
Weanlings	0.0330	30.0000
Growers/Finishers	0.1430	7.0000
Boars	0.2000	5.0000
Chickens		
Broilers	0.0050	200.0000
Roasters	0.0100	100.0000
Layers	0.0083	120.0000
Pullets	0.0033	300.0000
Broiler Breeder Pullets	0.0033	300.0000
Broiler Breeder Hens	0.0100	100.0000
Turkeys		
Broilers	0.0100	100.0000
Heavy Toms	0.0200	50.0000
Heavy Hens	0.0100	100.0000
Horses		
Mares, including associated livestock	1.3330	0.7500
Sheep		
Ewes, including associated livestock	0.2000	5.0000
Feeder Lambs	0.0630	16.0000
Other livestock or operation type		
Please inquire with your regional agricultural engineer or livestock specialist		