

# **RURAL MUNICIPALITY OF GREY**

## **ZONING BY-LAW NO. 5/03**

### **CONSOLIDATED VERSION**

#### **OFFICE CONSOLIDATION**

September 2018

Prepared by

Rural Municipality of Grey  
Elm Creek, Manitoba

**June 18, 2008**

## **R.M. of Grey Zoning Bylaw No. 5/03**

### **PART 1: SCOPE**

- 1.1 This by-law shall be known as the **Rural Municipality of Grey Zoning By-law**.
- 1.2 This by-law applies to all lands in the Rural Municipality of Grey indicated on Map 1 of Schedule A to this by-law.
- 1.3 This by-law regulates:
  - (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law, and only after all required permits have been obtained by the owner.
- 1.5 Whenever a provision of another by-law or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this by-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

## **PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES**

### **Regulation of Uses**

- 2.1 Subject to 2.4, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
    - (i) a permitted principal use;
    - (ii) a conditional use, subject to approval as such; or
  - (b) is an accessory use.
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) dwelling units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation,
  - (b) two-family dwellings or multiple-family dwellings as provided for in this by-law, and
  - (c) mobile homes in a mobile home park which has been approved by Council.
- 2.4 This by-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this by-law.
- 2.5 Notwithstanding the minimum requirements prescribed for each zone and use in the Use and Bulk Tables, electric transmission lines and structures, and pipelines are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law.

### **Existing Uses, Buildings and Structures**

- 2.6 An existing use, building or structure which is classified as a permitted use, building or structure in this by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

- (a) All buildings and structures existing at the effective date of this by-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.
  - (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law.
- 2.7 An existing use, building or structure which is classified as a conditional use in this by-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law; and
  - (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 7.
- 2.8 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this by-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities (Sections 48-52 of *The Planning Act*).

### **Permitted Uses, Buildings and Structures**

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

### **Conditional Uses**

- 2.10 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development that, due to its inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- 2.11 Where a use, building or structure is provided for as a conditional use by this by-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses.

## Accessory Uses

- 2.12 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except under 2.14).
- 2.13 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.
- 2.14 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however, no accessory use or building shall be constructed or located on the site prior to review and approval by Council in accordance with PART 7, if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.

## Zoning Designations

- 2.15 Uses of land in the municipality are regulated in accordance with the following zone designations:

(a) **“AG”** *Agricultural General Zone*

This zone provides for general agricultural uses and other small holdings and non-farm development compatible with farming operations.

(b) **“AG-WF”** *Agricultural- Wind Farm Zone*

This zone provides for general agricultural uses, other small holdings, non-farm development compatible with farming operations and wind farms.

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(c) **“RR”** *Residential Rural Zone*

This zone provides for low density non-farm residential development on lots by plan of subdivision utilizing on site sewer and water services.

(d) **“GD”** *General Development Zone*

This zone provides for a mixture of residential, commercial, industrial and recreational uses within the communities of Haywood, Fannystelle and Culross.

(d) **“UR”** *Urban Residential Zone*

This zone provides for the development of a wide variety of housing types and associated or compatible uses in areas where suitable services and infrastructure are available or can be provided in the community of Elm Creek.

(e) **“CG” General Commercial Zone**

This zone provides for a wide variety of commercial uses in areas where suitable services and infrastructure are available or can be provided in the community of Elm Creek.

(f) **“MG” General Industrial Zone**

This zone provides for the development of a variety of industrial and related uses that present minimum conflict with adjacent uses in the community of Elm Creek.

(g) **“OR” Open Space/Recreation Zone**

This zone provides areas for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, land buffering differing types of land use and major utility rights-of-way that have an open space character.

(h) **“RS” Residential Suburban Zone**

This Zone provides for rural residential development outside the unincorporated Villages of Elm Creek and St. Claude. It permits various residential types, including Single-family Dwellings, Multiple-family Dwellings including senior citizen homes, and other non-residential but compatible uses. All residences or compatible uses must be connected to municipal water and sewer systems when available. When municipal sewer is not available, septic tanks may be used.

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These designations are established as shown on maps comprising Schedule A of this by-law.

2.16 The permitted and conditional uses prescribed for sites within each designation are those set out in the Use and Bulk Tables of this by-law.

**Accessory Buildings, Structures and Uses to Include**

2.17 (a) Accessory buildings, structures and uses include the following, in all zones:

- (i) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
- (ii) Private communications, such as televisions, radio antennas, aerials, satellite dishes and other utilities, and small and rooftop wind energy generating systems; as regulated in Part 5: Rules for Specific Uses;

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(b) Accessory buildings, structures and uses include the following in the **“AG” Agricultural General Zone**, **“AG-WF” Agricultural- Wind Farm Zone**, **“RR” Rural Residential Zone**, **“GD” General Development Zone**, **“UR” Urban Residential Zone**, and **“RS” Residential Suburban Zones** and when accessory to a dwelling existing as a Conditional Use in the **“CG” General**

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*Commercial Zone.*

- (i) A children’s playhouse, garden house, private swimming pool (open or closed) and gazebo;
  - (ii) A private garage, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;
  - (iii) Home daycare and group daycare;
  - (iv) Home based businesses, as regulated in Subsection 5.1 of Part Five – Rules for Specific Uses;
- (c) Accessory buildings, structures and uses include the following in the “**AG**” *Agricultural General Zone* and “**AG- WF**” *Agricultural- Wind Farm Zone*: } BL  
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- (i) A farm dwelling, including a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;
  - (ii) Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory and mobile home, when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
  - (iii) Farm buildings or structures for the operation and maintenance of an agricultural activity;
  - (iv) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;
- (d) Accessory buildings, structures and uses in all zones:

Accessory building, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

- (i) Where an accessory building or structure is attached to a main building or structure, it shall be subject to and shall conform to, all regulations of this By-Law applicable to the main building or structure;
- (ii) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
- (iii) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way
- (iv) Outdoor furnaces are not permitted in any zone other than the “**AG**” *Agricultural General Zone* and “**AG-WF**” *Agricultural- Wind Farm Zone* where they are permitted providing that no outdoor furnace shall be located closer to any lot line than 200 feet or within 1,000 feet of the communities of Elm Creek, Haywood, Fannystelle, Culross and St. Claude or any area zoned “**RR**” *Residential Rural Zone*. } BL  
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## PART 3: GENERAL BULK REQUIREMENTS

### Application of Bulk Requirements

- 3.1 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for each zone and use in the Use and Bulk Tables and the other requirements of this by-law.

### Existing Substandard Parcels of Land

- 3.2 Any site or parcel of land which was in existence at the date of adoption of this by-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this by-law, may be used or developed for any permitted or conditional use within the zone, provided that
- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
  - (b) All administrative requirements for the issuance of development permits and approval of conditional use applications as provided for in *The Planning Act* and PART 7 of this by-law are complied with; and
  - (c) All required yards and separation distances as required by this by-law are complied with.

### Open Space Along Rural Roadways

- 3.3 Areas adjacent to rural roads shall be kept clear of features which would contribute to snow drifting problems on the roadway, or which would represent a safety hazard to motorists. Within areas which are zoned "**AG**" *Agricultural General Zone*, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other municipal road:
- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least seventy-five percent (75%) open in character, signs less than fifty (50) square feet in surface area, and small shelters for children at school bus stops;
  - (b) No excavation such as a dugout or gravel pit shall be located within the required yard;
  - (c) Hedges and treed shelter belts are permitted in the front yard providing they do not create a traffic hazard or snow blockage;



- (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required yard; and
- (e) Notwithstanding clause (d) above, the temporary storage of bales may be permitted within the required front yard where suitable land is not available because of flooding, slope, etc., or where bale storage does not create a hazard or snow blockage;

### **Corner Vision Triangles**

3.4 Within all zones, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

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

### **Projections into Yards**

3.5 Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as follows:

- (a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser.
- (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser, provided that no more than ten (10) square feet of area within any required yard is occupied by these types of projection.
- (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be three (3) feet, and the maximum height of a fence in any required side or rear yard shall be six (6) feet; and
- (d) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of

one (1) foot is maintained from the site line, and a separation distance of three (3) feet is maintained from any dwelling.

### **Double Frontage Sites**

- 3.6 Within the communities of Elm Creek, Haywood, Fannystelle and Culross, where a site has frontage along two more or less parallel streets, the following provisions shall apply:
- (a) Where the site depth is greater than two hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
  - (b) Where the site depth is two hundred (200) feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.

### **Separation of Principal Building and Any Other Building**

- 3.7 The minimum distance between the principal building and any other building other than provided for in 3.5(d) shall be ten (10) feet in the “**AG**” zone and six (6) feet in all other zones.

### **Unconventional Sites**

- 3.8 Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART 9, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

### **Landlocked Sites**

- 3.9 In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided the said lane or road is at least twenty (20) feet in width and intersects with a street and is secured by means of a registered easement. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side or rear site lines of a landlocked site.

## PART 4: USE AND BULK TABLES

**TABLE 4-1: “AG” AGRICULTURAL GENERAL ZONE - USE AND BULK TABLE**

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a) (b)		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Agricultural Activities, General	80	1,000	125	25	25
Agricultural Activities, Specialized (c)	2	200	125	25	25
Livestock Production Operations (d) other than those described below (See Part 5)	80 (e)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
Public Utilities	2	200	125	25	25
<b>CONDITIONAL USES</b>					
Advertising Signs, exceeding 50 sq. ft. in area	-	-	As determined by Council		
Aircraft Landing Areas	10	200	125	25	25
Auction Marts	2(g)	200	125	25	25
Campgrounds	2(g)	200	125	25	25
Cemeteries	2(g)	200	125	25	25
Community Halls (f)	2(g)	200	125	25	25
Earth Moving Contractors	2(g)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (f)	2	200	125	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (f)	2(g)	200	125(h)	25(h)	25(h)
Establishments related to the harvesting of natural resources, such as forestry	2(g)	200	125	25	25
Exhibition Grounds	2	200	125	25	25
Fuel Sales and Storage **	2	200	125	25	25
Fur Farms	2(g)	200	125	25	25
Golf Courses	40	660	125	25	25
Kennels	2(g)	200	125	25	25
Livestock Production Operations in excess of 300 animal units, irrespective of location (See 5.2 to 5.13)	80(e)	1,000	125	25	25
Livestock Production Operations in proximity to a residence, residential area, recreational area or community (See 5.7 and 5.8)	80(e)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (f)	2(g)	200	125	25	25
Meteorological (Met) Towers ***	See Table 4-1.1 (A) Wind Energy Generating System (WEGS) Standards				
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations	2(g)	200	125	25	25
Museums or Historic Sites	2(g)	200	125	25	25
Non-Farm Dwellings or Mobile Homes	2(g)	200	125	25	25
Public Works Compounds and Maintenance Buildings	2(g)	200	125	25	25
Recreation Facilities, including associated uses	2	200	125	25	25
Religious Institutions (f)	2(g)	200	125	25	25
Riding Academies and Stables	5*	200	125	25	25
Sewage Lagoons	2	200	125	25	25
Surface Mining Operations, including gravel pits	2	200	125	25	25
Telecommunications Towers	2(g)	200	125	25	25
Trucking Establishments (f)	2(g)	200	125	25	25
Veterinary Clinics	2(g)	200	125	25	25

] BL 7/07

] BL 12/2010

] BL 11/04

Waste Disposal Sites	2	200	125	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES (See Subsection 2.17)</b>	-	-	125	25	25

\* Amendment Date: By-law 11/04 (January 19, 2005)

\*\* Amendment Date: By-law 7/07 (June 6, 2007)

\*\*\* Amendment Date: By-law 12/2010

- (a) Where a side site line is adjacent to a government road allowance or other municipal road, the minimum required side yard shall be one hundred twenty five (125) feet.
- (b) Where a rear site line is adjacent to a government road allowance or other municipal road, the minimum required rear yard shall be one hundred twenty-five (125) feet.
- (c) Apiaries shall be considered as a conditional use when proposed to be located within one (1) mile of a residential area.
- (d) Applications to establish new or expand existing livestock production operations as conditional uses must be made on the forms prescribed by Council and provide information required under PART 5 of this by-law.
- (e) Notwithstanding the minimum site area requirement specified in this table, there shall be sufficient land available for livestock production operations to properly accommodate manure disposal, in accordance with the provisions of the *Manitoba Farm Practices Guidelines* and the Livestock Manure and Mortalities Management Regulation under *The Environment Act*.
- (f) These types of uses may be allowed in the “**AG**” *Agricultural General Zone* only if Council is satisfied that no suitable site is available in an urban community, in accordance with the provisions of the Grey-St. Claude Planning District Development Plan.
- (g) The maximum site area shall be ten (10) acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (h) For separation distances for anhydrous ammonia storage facilities see 5.21.

**TABLE 4-1.1: “AG-WF” AGRICULTURAL- WIND FARM ZONE- USE AND BULK TABLE**

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a) (b)		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Agricultural Activities, General	80	1,000	125	25	25
Agricultural Activities, Specialized (c)	2	200	125	25	25
Livestock Production Operations (d) other than those described below (See Part 5)	80 (e)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
Meteorological (Met) Towers or Supervisory Control and Data Acquisition Systems (SCADA) Towers	See Tables 4-1.1 (A) & (B) Wind Energy Generating System (WEGS) Standards				
Public Utilities	2	200	125	25	25
Wind Energy Generating Systems	See Tables 4-1.1 (A) & (B) Wind Energy Generating System (WEGS) Standards				
Wind Energy Harvest Sites (Wind Farms)	See Tables 4-1.1 (A) & (B) Wind Energy Generating System (WEGS) Standards				
<b>CONDITIONAL USES</b>					
Advertising Signs, exceeding 50 sq. ft. in area	-	-	As determined by Council		
Aircraft Landing Areas	10	200	125	25	25
Auction Marts	2(g)	200	125	25	25
Campgrounds	2(g)	200	125	25	25
Cemeteries	2(g)	200	125	25	25
Community Halls (f)	2(g)	200	125	25	25
Earth Moving Contractors	2(g)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (f)	2	200	125	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (f)	2(g)	200	125(h)	25(h)	25(h)
Establishments related to the harvesting of natural resources, such as forestry	2(g)	200	125	25	25
Exhibition Grounds	2	200	125	25	25
Fuel Sales and Storage **	2	200	125	25	25
Fur Farms	2(g)	200	125	25	25
Golf Courses	40	660	125	25	25
Kennels	2(g)	200	125	25	25
Livestock Production Operations in excess of 300 animal units, irrespective of location (See 5.2 to 5.13)	80(e)	1,000	125	25	25
Livestock Production Operations in proximity to a residence, residential area, recreational area or community (See 5.7 and 5.8)	80(e)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (f)	2(g)	200	125	25	25
Meteorological (Met) Towers ***	See Table 4-1.1 (A) Wind Energy Generating System (WEGS) Standards				
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations	2(g)	200	125	25	25
Museums or Historic Sites	2(g)	200	125	25	25
Non-Farm Dwellings or Mobile Homes	2(g)	200	125	25	25
Public Works Compounds and Maintenance Buildings	2(g)	200	125	25	25
Recreation Facilities, including associated uses	2	200	125	25	25
Religious Institutions (f)	2(g)	200	125	25	25
Riding Academies and Stables	5*	200	125	25	25
Sewage Lagoons	2	200	125	25	25
Surface Mining Operations, including gravel pits	2	200	125	25	25

] BL 7/07

] BL 12/2010

] BL 11/04

Telecommunications Towers	2(g)	200	125	25	25
Trucking Establishments (f)	2(g)	200	125	25	25
Veterinary Clinics	2(g)	200	125	25	25
Waste Disposal Sites	2	200	125	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES (See Subsection 2.17)</b>	-	-	125	25	25

\* Amendment Date: By-law 11/04 (January 19, 2005)

\*\* Amendment Date: By-law 7/07 (June 6, 2007)

\*\*\* Amendment Date: By-law 12/2010

- (a) Where a side site line is adjacent to a government road allowance or other municipal road, the minimum required side yard shall be one hundred twenty five (125) feet.
- (b) Where a rear site line is adjacent to a government road allowance or other municipal road, the minimum required rear yard shall be one hundred twenty-five (125) feet.
- (c) Apiaries shall be considered as a conditional use when proposed to be located within one (1) mile of a residential area.
- (d) Applications to establish new or expand existing livestock production operations as conditional uses must be made on the forms prescribed by Council and provide information required under PART 5 of this by-law.
- (e) Notwithstanding the minimum site area requirement specified in this table, there shall be sufficient land available for livestock production operations to properly accommodate manure disposal, in accordance with the provisions of the *Manitoba Farm Practices Guidelines* and the Livestock Manure and Mortalities Management Regulation under *The Environment Act*.
- (f) These types of uses may be allowed in the “AG” Agricultural General Zone only if Council is satisfied that no suitable site is available in an urban community, in accordance with the provisions of the Grey-St. Claude Planning District Development Plan.
- (g) The maximum site area shall be ten (10) acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (h) For separation distances for anhydrous ammonia storage facilities see 5.21.

**TABLE 4-1.1 (A)** – See Schedule A

**TABLE 4-1.1 (B): WIND ENERGY GENERATING SYSTEM (WEGS) STANDARDS**

Item	Standards
Signage	No commercial ad signs- only name or logo on hub or nacelle
Lighting	Only as required by Federal/Provincial Regulations
Tower Type	Tubular Monopole
Power Lines	Underground
Turbine Color	Neutral shade with non-reflective matte finish

**TABLE 4-2: “RR” RESIDENTIAL RURAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Agricultural Activities, General but excluding livestock production operations	2 acres	200	125	25	25
Dwellings (c)					
Mobile Home	2 acres	200	125	25	25
Single-family	2 acres	200	125	25	25
Garden Suites (See Subsections 5.22 – 5.24)	-	-	-	25	25
Parks and Playgrounds	15,000	75	25	12	25
Public Utilities	15,000	75	25	12	25
<b>CONDITIONAL USES</b>					
Golf Courses	40 acres	500	125	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES (d)</b> (See Subsection 2.17)	-	-	(e)	5	5

- (a) The maximum height of all principal buildings and structures shall not exceed thirty (30) feet and the maximum height of all accessory buildings and structures (except for accessory flagpoles, antennae, etc.) shall not exceed twelve (12) feet.
- (b) Yard requirements for all buildings and structures, including signs, within one hundred twenty-five (125) feet of provincial trunk highways and provincial roads shall be determined by, and subject to, the approval of the provincial authorities, and the provisions of this TABLE shall not apply under these circumstances.
- (c) The minimum floor area for dwellings and mobile homes shall be six hundred (600) square feet.
- (d) Where the accessory building or structure is attached to the principal building or structure, it shall be deemed to be part of the principal building or structure and subject to the requirements governing the principal building or structure.
- (e) The minimum required front yard for accessory buildings or structures shall be the same as the minimum required front yard for the principal building or structure.

**TABLE 4-3: “GD” GENERAL DEVELOPMENT ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)(b)				
	SITE SIZE		REQUIRED YARDS (k)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Accommodation Facilities, including Hotels and Motels	15,000	100	25	15	25
Agricultural Activities, General including cropping and forage but not involving livestock or bees	20 acres	400	125	25	25
Bakeries	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Bed and Breakfast Establishments, with a maximum of 4 suites	15,000(b)	100(b)	25(c)	15(b)	25
Boarding or Rooming Houses, with a maximum of 4 suites	15,000(b)	100(b)	25	15(b)	25
Campgrounds	20,000	100	25	15	25
Clubs, Private or Public	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Day Care Facilities, accommodating up to 8 children	15,000(b)	100(b)	25	15(b)	25
Dwellings, single-family	15,000(b)	100(b)	25	15(b)	25
Dwellings, mobile home (d)	15,000(b)	100(b)	25	15(b)	25
Dwellings, two-family	15,000	100	25	15	25
Dwellings, multiple family	(e)	100	25	15	25
Emergency Services, including police and fire stations	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Exhibition Grounds	20,000	100	25	15	25
Food or Beverage Service Establishments	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	15,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Public Parking Areas	5,000	50	-	-	-
Public Utilities	15,000(b)(f)	100(b)(f)	25(c)(f)	15(b)(c)(f)	25(c)(f)
Recreation Facilities	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Religious Institutions	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
Residential Care Facilities, providing service for up to 4 persons	15,000(b)	100(b)	25	15(b)	25
Storage Buildings and Warehouses, for non-hazardous materials	15,000(b)	100(b)	25(c)	15(b)(c)	25(c)
<b>CONDITIONAL USES</b>					
Advertising Signs exceeding 50 sq. ft. in area	-	-	As determined by Council		
Boarding or Rooming Houses, with more than 4 suites	15,000	100	25	15	25
Day Care Facilities accommodating 9 children or more	15,000	100	25	15	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	25	15	25



Establishments for the storage, handling or processing of agricultural produce, in return for remuneration	15,000	100	25	15(g)	25(g)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including bulk fuel establishments	15,000	100	25	15(g)	25(g)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	25(c)	15(c)	25(c)
Garden Suites (See Subsections 5.22 – 5.24)	-	-	-	15(c)	25(c)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25(c)	15(b)(c)	25(c)
Public Works Compounds and Maintenance Buildings	15,000	100	25	15	25
Residential Care Facilities, providing service to 5 persons or more	15,000	100	25	15	25
Storage Facilities and Compounds, Exterior, non-hazardous materials	15,000	100	25	15	25
Sewage Lagoons	15,000	100	25	15	25
Trucking Establishments	15,000	100	25	15	25
Veterinary Clinics	15,000	100	25	15	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	(h)	5(b)(i)(j)	5 (l)(j)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet, except for grain storage structures, fuel and fertilizer storage tanks and church steeples.
  - ii) Maximum allowable height for all accessory buildings and structures shall be twelve (12) feet, if accessory to a residence, and eighteen (18) feet if accessory to a non-residential use, except for grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers.
  - iii) Minimum dwelling unit area shall be six hundred (600) square feet for a residential building, and four hundred (400) square feet for an accessory residential suite within a commercial building.
- (b) Where the site is serviced by a municipal sewer system or a private holding tank approved by *Manitoba Conservation*, the minimum bulk requirements shall be as follows:
- i) Minimum required site area - 5,000 square feet
  - ii) Minimum required site width - 50 feet
  - iii) Minimum required side yard - 5 feet, except for the street side of a corner site, in which case the minimum required side yard shall be fifteen (15) feet, or where the side wall contains a window with an area in excess of twenty (20) square feet, or where the height of the building exceeds twenty (20) feet, in which case the minimum required side yard shall be fifteen (15) feet.
- (c) When located in the central business area of the community, the minimum required yard shall be five (5) feet.

- (d) For mobile home sites in a mobile home park, there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (e) The minimum required site area for the first three (3) dwelling units shall be nine thousand (9,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) square feet for each additional dwelling unit above three (3) units.
- (f) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (g) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.
- (h) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (i) In the case of buildings or structures, which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet.
- (j) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane.
- (k) Yard requirements for all buildings and structures, including signs, within one hundred twenty-five (125) feet of provincial trunk highways and provincial roads shall be determined by, and subject to, the approval of the provincial authorities, and the provisions of this TABLE shall not apply under these circumstances.

**TABLE 4-4: “UR” URBAN RESIDENTIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)(b)				
	SITE SIZE		REQUIRED YARDS (m)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Dwellings, single-family	5,000	50	25	5(c)	25
Dwellings, mobile home	5,000	50	25	5(c)(d)	10
Dwellings, two-family (e)	7,500 (f)	75(f)	25	5(c)(f)	25
Dwellings, multiple-family, up to 8 dwelling units (e)	(g)	100	25	5(c)(h)	25
Parks or Playgrounds	1,000	20	-	-	-
Public Utilities	5,000(i)	50(i)	25(i)	5(c)(i)	25(i)
Religious Institutions	5,000	50	25	5(c)(h)	25
<b>CONDITIONAL USES</b>					
Clubs, Private or Public	5,000	50	25	5(c)	25
Cultural Facilities, including auditoriums, community clubs, libraries, museums, theatres, and historic sites	5,000	50	25	5(c)(h)	25
Dwellings, multiple-family, over 8 dwelling units (d)	(g)	100	25	5(c)(h)	25
Garden Suites (See Subsections 5.22 – 5.24)	-	-	-	5(c)(h)	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15(h)	25
Recreation Facilities	5,000	50	25	5(c)	25
Residential Care Facilities, providing service to 5 persons or more	7,500	75	25	5(c)	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25	5(c)(j)(l)	5(k)(l)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.
  - ii) Maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet.
  - iii) Minimum dwelling unit area shall be six hundred (600) square feet.
- (b) For all developments in the “UR” Zone not serviced by municipal sewage and water systems, the minimum required site area shall be fifteen thousand (15,000) square feet, the minimum required site width shall be one hundred (100) feet and the minimum required side yard shall be ten (10) feet.
- (c) When located on a corner site, the minimum required side yard on the street side of the site shall be fifteen (15) feet for all principal and accessory buildings and structures.
- (d) For mobile home sites in mobile home parks there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to the side of the mobile home containing

either the entrance or the main living room window, to be utilized for household exterior recreational use.

- (e) Where dwellings are to be developed in accordance with a bare land condominium concept, the minimum required site area, minimum required site width, and minimum required yards shall not apply to individual condominium units; however, the front and rear walls of the condominium structure shall be set back a minimum distance of twenty (20) feet from the front and rear boundaries of the condominium lot, and the side walls shall be set back a minimum distance of five (5) feet from the side boundary, unless one of the walls is a party wall, in which case the minimum required side yard shall be zero (0) feet.
- (f) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be three thousand five hundred (3,500) sq. feet, the minimum site width requirement shall be thirty-five (35) feet and where the two dwelling units are attached, the minimum side yard requirement along the party wall shall be zero (0) feet.
- (g) The minimum required site area for the first three dwelling units shall be nine thousand (9,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) sq. feet for each additional dwelling unit above three units.
- (h) Where the height of the building is in excess of twenty (20) feet above average grade the required side yard shall be half the height of the building.
- (i) Where the proposed development consists of a building or structure less than one hundred (100) sq. feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (j) When located entirely to the rear of the principal building, the minimum required side yard for accessory buildings and structures shall be three (3) feet.
- (k) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be three (3) feet.
- (l) Where an accessory building is used for the storage of a motor vehicle, the wall that contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane.
- (m) Yard requirements for all buildings and structures, including signs, within one hundred twenty-five (125) feet of provincial trunk highways and provincial roads shall be determined by, and subject to, the approval of the provincial authorities, and the provisions of this TABLE shall not apply under these circumstances.

**TABLE 4-5: “CG” GENERAL COMMERCIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)(k)*				
	SITE SIZE		REQUIRED YARDS (b)(j)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Accommodation Facilities, including Hotels and Motels	10,000	100	25(b)	25(c)	25(c)
Bakeries	5,000	50	25(b)	10(b)	25(b)
Clubs, Private or Public	5,000	50	25(b)	10(b)	25(b)
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	5,000	50	25(b)	10(b)	25(b)
Emergency Services, including police and fire stations	5,000	50	25(b)	10(b)	25(b)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	5,000	50	25(b)	10(b)	25(b)
Establishments for sale of goods and services*	5,000	50	25(b)	10(b)	10(b)
Exhibition Grounds	20,000	100	25	15	25
Food and beverage service establishments*	5,000	50	25(b)	10(b)	10(b)
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Printing or Publishing Establishments	5,000	50	25(b)	10(b)	25(b)
Public Parking Areas	5,000	50	-	-	-
Public Utilities	5,000(d)	50(d)	25(b)(d)	10(b)(d)	25(b)(d)
Recreation Facilities	5,000	50	25(b)	10(b)	25(b)
Religious Institutions	5,000	50	25(b)	10(b)	25(b)
<b>CONDITIONAL USES</b>					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Agricultural Commercial Facilities, including agricultural implement dealerships, feed, fertilizer and grain storage, sales and processing, machine shops and like uses.	10,000	100	25	15	25
Drive-Through Facilities or Businesses	5,000	50	25	10(b)	25(b)
Dwellings, single-family	5,000	50	25	5	25
Dwellings, two-family	7,500(e)	75(e)	25	5(e)	25
Dwellings, multiple-family, up to 8 dwelling units	(f)	100	25	5(g)	25
Dwellings, single-family, as an accessory building or use	5,000	50	25	5	25
Nurseries or Greenhouses	5,000	50	25(b)	10(b)	25(b)
Public Works Compounds and Maintenance Buildings	5,000	50	25(b)	10(b)	25(b)
Veterinary Clinics	10,000	100	25	15	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25(b)	5(g)(h)(i)	5(h)(i)

\* Amendment Date: By-law 7/05 (August 3, 2005)

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be thirty (30) feet, and the maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet, with the exception of church steeples and telecommunications towers.

- (b) When located in the central business area of the community, the minimum required yard shall be five (5) feet.
- (c) Where the exterior wall does not contain any exterior windows or entrances to individual suites, and where there is sufficient parking provided elsewhere, the minimum required yard shall be five (5) feet.
- (d) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (e) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be three thousand five hundred (3,500) sq. feet, the minimum site width requirement shall be thirty-five (35) feet and where the two dwelling units are attached, the minimum side yard requirement along the party wall shall be zero (0) feet.
- (f) The minimum required site area for the first three dwelling units shall be nine thousand (9,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) sq. feet for each additional dwelling unit above three units.
- (g) Where the height of the building is in excess of twenty (20) feet above average grade the required side yard shall be half the height of the building.
- (h) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane or street.
- (i) Where a building contains an accessory dwelling unit, the minimum required yard for that portion of the building containing the dwelling unit shall be fifteen (15) feet.
- (j) Yard requirements for all buildings and structures, including signs, within one hundred twenty-five (125) feet of provincial trunk highways and provincial roads shall be determined by, and subject to, the approval of the provincial authorities, and the provisions of this TABLE shall not apply under these circumstances.
- (k) Outdoor storage is permitted in the required front yard.\*

\* Amendment Date: By-law 7/05 (August 3, 2005)

**TABLE 4-6: “MG” GENERAL INDUSTRIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (g)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Bakeries	5,000	50	25(b)	10(b)	25(b)
Emergency Services, including police and fire stations	5,000	50	25(b)	10(b)	25(b)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments, not described elsewhere in this TABLE	5,000	50	25(b)	10(b)(e)	25(b)(e)
Nurseries or Greenhouses	5,000	50	25(b)	10(b)	25(b)
Parks or Playgrounds	1,000	20	-	-	-
Public Parking Areas	5,000	50	-	-	-
Public Utilities	5,000(d)	50(d)	25(b)(d)	10(b)(d)	25(b)(d)
Public Works Compounds and Maintenance Buildings	5,000	50	25(b)	10(b)	25(b)
Storage Buildings, Facilities, Compounds and Warehouses for Non-Hazardous Materials	5,000	50	25(b)	10(b)	25(b)
Veterinary Clinics	10,000	100	25	15	25
<b>CONDITIONAL USES</b>					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Earth Moving Contractors and Ready-Mix Concrete Suppliers	10,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration	10,000	100	25	15(e)	25(e)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures	10,000	100	25(b)	15(b)(d)	25(b)(d)
Establishments for the sale of goods and services, where there is exterior storage of products	10,000	100	25(b)	15(b)	25(b)
Fuel Sales and Storage Establishments	5,000	50	25(b)	10(b)	25(b)
Sewage Lagoons	20,000	100	25	15	25
Trucking Establishments	10,000	100	25	15	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25(b)(f)(g)	5(f)(g)	5(f)(g)

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be thirty (30) feet, and the maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet, with the exception of grain storage structures, fuel and fertilizer storage tanks and telecommunications towers.
- (b) Where the exterior wall does not contain any exterior windows or entrances to individual suites, and where there is sufficient parking provided elsewhere, the minimum required yard shall be five (5) feet.
- (c) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided

- that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (d) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the minimum required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.
  - (e) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane or street.
  - (f) Where a building contains an accessory dwelling unit, the minimum required yard for that portion of the building containing the dwelling unit shall be fifteen (15) feet.
  - (g) Yard requirements for all buildings and structures, including signs, within one hundred twenty-five (125) feet of provincial trunk highways and provincial roads shall be determined by, and subject to, the approval of the provincial authorities, and the provisions of this TABLE shall not apply under these circumstances.



**TABLE 4-7: “OR” OPEN SPACE/RECREATION ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)(b)(c)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Open Space, including athletic fields, picnic areas, tot lots, playgrounds, outdoor skating rinks, buffer strips, public reserves, walkways, undeveloped scenic or hazard lands and similar uses	5,000	50	25	10	25
Public Utilities	5,000	50	25	10	25
<b>CONDITIONAL USES</b>					
Assembly, including grandstands, sports complexes, race tracks, stadiums, community halls, agricultural exhibition grounds and buildings and similar uses	20,000	100	25	15	25
Public Works	5,000	50	25	10	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	As determined by Council		

- (a) Where a side site line is adjacent to a government road allowance or other municipal road, the minimum required side yard shall be one hundred twenty five (125) feet.
- (b) Where a rear site line is adjacent to a government road allowance or other municipal road, the minimum required rear yard shall be one hundred twenty-five (125) feet.
- (c) Yard requirements for all buildings and structures, including signs, within one hundred twenty-five (125) feet of provincial trunk highways and provincial roads shall be determined by, and subject to, the approval of the provincial authorities, and the provisions of this TABLE shall not apply under these circumstances.

**TABLE 4-8: “RS” RESIDENTIAL SUBURBAN ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)(b)				
	SITE SIZE		REQUIRED YARDS (m)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Dwellings, single-family	14,250	75	25	5 (b)	25
<b>CONDITIONAL USES</b>					
Dwellings, two-family (f)	15,200 (f)	80 (f)	25	5 (b)	25
Dwellings, multiple-family (g)	(g)	100	25	5 (b)(h)	25
Garden Suites (See Subsections 5.22-5.24)	-	-	-	5 (c)(h)	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25	5 (l)	5 (k)(l)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- (b) When located on a corner site, the minimum required side yard on the street side of the site shall be fifteen (15) feet for all principal and accessory buildings and structures.
- (c) When the accessory building or structure is attached to the principal building or structure, it shall be deemed to be part of the structure and subject to the requirements governed by the principle building or structures.
- (d) The minimum required front yard for accessory building or structures shall be the same as the minimum required front yard for the principal building or structure,
- (e) Where dwellings are to be developed in accordance with a bare land condominium concept, the minimum required site area, minimum required site width, and minimum required yards shall not apply to individual condominiums units; however, the front and rear walls of the condominium structure shall be set back a minimum distance of twenty (20) feet from the front and rear boundaries of the condominium lot, and the side walls shall be set back a minimum distance of five (5) feet from the side boundary, unless one of the walls is a party wall, in which case the minimum required side yard shall be zero (0) feet.
- (f) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be seven thousand six hundred (7,600) square feet, the minimum site width requirement shall be forty (40) feet and where the two dwelling units are attached, the minimum side yard requirement along the party wall shall be zero (0) feet.
- (g) The minimum required site area for the first three dwelling units shall be nine thousand (9,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) square feet for each additional dwelling unite above three units.
- (h) Where the height of the building is in excess of twenty (20) feet above average grade, the required side yard shall be half the height of the building.
- (i) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided

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- that the site is not adjacent to a required front yard or a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (j) When located entirely to the rear of the principal building, the minimum required side yard for accessory buildings and structures shall be three (3) feet.
  - (k) Yard requirements for buildings and structures, including signs, within one hundred twenty-five (125) feet of provincial trunk highways and provincial roads shall be determined by, and subject to, the approval of the provincial authorities, and the provisions of this TABLE shall not apply under these circumstances.

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## PART 5: RULES FOR SPECIFIC USES

### Home-based Businesses

- 5.1 Home-based businesses are governed by the following rules:
- (a) They shall be conducted by a person or persons residing in the dwelling;
  - (b) Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed:
    - i) 5 persons in the “**AG**” *Agricultural General Zone*, and
    - ii) 2 persons in any other zone;
  - (c) In all zones except the “**AG**” *Agricultural General Zone*, there can be no processing or outside storage of goods or materials;
  - (d) In the “**AG**” *Agricultural General Zone*, the location of all exterior processing and storage shall be subject to Council approval;
  - (e) Not more than six hundred (600) square feet of all floor area may be devoted to the business in all zones except the “**AG**” *Agricultural General Zone*.
  - (f) One business sign, either freestanding or affixed to the wall of a principal or accessory building is permitted, not exceeding
    - i) in the “**AG**” zone, thirty-two (32) square feet;
    - ii) in all other zones, ten (10) square feet in any location;
  - (g) They shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance;
  - (h) In the urban zones, the residential character of the property shall be maintained; and
  - (i) In all zones except the “**GD**” *General Development Zone* where a bed and breakfast is a permitted use, a bed and breakfast may be approved as an accessory use and is not subject to the floor area limitation set out in 5.1(e) herein.

### Livestock Production Operations

- 5.2 The provisions of this PART shall apply to livestock production operations, which shall be deemed to include barns and similar types of buildings along with related manure storage facilities, and also to include feedlots and similar fenced areas where livestock are confined solely for the purpose of growing and finishing, and are sustained by means other than grazing, including winter or seasonal feedlots.

- 5.3 Where a livestock production operation is located within one half mile 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 and limited partnership, or where they share common manure storage facilities, they shall be deemed to be one combined larger livestock production operation, rather than two or more separate operations, for the purposes of this by-law.
- 5.4 The provisions of this by-law are dependent upon a determination of the production capacity of a livestock production operation, which shall be based upon the intensity of use as measured by Animal Units determined in accordance with TABLE 5-1 by multiplying the number of animals by the animal units produced by one livestock.
- 5.5 For livestock production operations that are used only on a seasonal basis, such as winter feedlots, the intensity of the operation shall be reduced by a factor of fifty percent (50%), as half of the annual manure production will not occur within the facility.
- 5.6 No livestock confinement structure, excluding an open pasture, shall be constructed or located within three hundred twenty eight (328) feet of a surface watercourse, which flows either perennially or intermittently beyond the site of the facility.
- 5.7 Subject to the setback requirements from property lines and for siting of animal housing structures and manure storage facilities as contained in the *Farm Practices Guidelines* and the Livestock Manure and Mortalities Management Regulation under *The Environment Act*, no livestock production operation, except as provided in 5.13 herein, shall be established within
- (a) three hundred twenty eight (328) feet of a dwelling other than the dwelling(s) of the operator(s) of the operation; and
  - (b) one thousand three hundred twenty (1,320) feet of the community centres of Elm Creek, Haywood, Fannystelle, Culross and St. Claude, areas zoned “RR” and any designated or established recreation areas.

Where there are conflicting or overlapping provisions, the most restrictive requirements shall govern.

**TABLE 5-1: ANIMAL UNIT SUMMARY TABLE**

		<b>A.U. Produced by One Livestock</b>	<b>Livestock Producing One A.U.</b>
<b>Dairy</b>	Milking Cows, including associated livestock	2.000	0.5
<b>Beef</b>	Beef Cows, including associated livestock	1.250	0.8
	Backgrounder	0.500	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
<b>Hogs</b>	Sows, farrow to finish	1.250	0.8
	Sows, farrow to weanling	0.313	3.2
	Sows, farrow to nursery	0.250	4
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.200	5
<b>Chickens</b>	Broilers	0.0050	200
	Roasters	0.0100	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.0100	100
<b>Turkeys</b>	Broilers	0.010	100
	Heavy Toms	0.020	50
	Heavy Hens	0.010	100
<b>Horses (PMU)</b>	Mares, including associated livestock	1.333	0.75
<b>Sheep</b>	Ewes, including associated livestock	0.200	5
	Feeder Lambs	0.063	16
<p><b>The regional agricultural engineer or livestock specialist of Manitoba Agriculture and Food may be consulted for other livestock or operation type and interpretation of this TABLE.</b></p>			

**Note:** 1. To calculate the number of AUs for a particular operation, multiply the AU produced by one livestock by the number of animals. For example, for 200 animal beef cows including associated livestock equals  $1.25 \times 200 = 250$  AUs.

2. "Animal Unit" (A.U.) means the number of animals of a particular category that will excrete 73 kg (160.9 lbs.) of total nitrogen in a 12 month period.

### **Livestock Production Operations Deemed Conditional Uses**

5.8 Livestock production operations are deemed to be a conditional use under the following circumstances:

#### ***General Threshold***

(a) Where the size of the operation exceeds three hundred (300) animal units, irrespective of location.

#### ***Proximity to Communities, Residential Areas and Recreational Areas***

(b) Where the size of the operation exceeds one hundred (100) animal units, and the proposed location is within two (2) miles of the communities of Elm Creek, Haywood, Fannystelle, Culross and St. Claude or any area zoned "RR" and any designated or established recreational area.

(c) Where the size of the operation exceeds fifty (50) animal units, and the proposed location is within one (1) mile of the communities of Elm Creek, Haywood, Fannystelle, Culross and St. Claude or any area zoned "RR" and any designated or established recreational area.

(d) Where the size of the operation exceeds ten (10) animal units, and the proposed location is within one half (1/2) mile of the communities of Elm Creek, Haywood, Fannystelle, Culross and St. Claude.

#### ***Proximity to Other Rural Residences***

(e) Where the operation does not contain an earthen manure storage facility:

- i) operations in excess of ten (10) animal units which are proposed to be located within three hundred twenty-eight (328) feet of another dwelling or mobile home,
- ii) operations in excess of one hundred (100) animal units which are proposed to be located within four hundred ninety-two (492) feet of another dwelling or mobile home,
- iii) operations in excess of two hundred (200) animal units which are proposed to be located within six hundred fifty-six (656) feet of another dwelling or mobile home.

(f) Where the operation contains an earthen manure storage facility:

- i) operations in excess of ten (10) animal units, which are proposed to be located within six hundred fifty-six (656) feet of another dwelling or mobile home,
- ii) operations in excess of one hundred (100) animal units, which are proposed to be located within nine hundred eighty-four (984) feet of another dwelling or mobile home,
- iii) operations in excess of two hundred (200) animal units, which are proposed to be located within one thousand three hundred eleven (1,311) feet of another dwelling or mobile home.

### **Application Requirements**

5.9 It is a requirement of each livestock production operation approved as a conditional use for the applicant to demonstrate compliance with the *Farm Practices Guidelines* and the Livestock Manure and Mortalities Management Regulation under *The Environment Act*.

5.10 An application for a conditional use approval for a livestock production operation shall be accompanied by, in addition to the information required by 7.7:

- (a) Plans, specifications and descriptions, for
  - i) the housing facilities including the manure handling system,
  - ii) the storage facilities including storage, odour control, and
  - iii) land application of manure.
- (b) A site plan showing the location of housing, storage and other facilities and their distances from property boundaries.
- (c) Type of livestock and number of animal units.

5.11 Council may require that an application to establish a livestock production operation within a groundwater pollution hazard area, as identified in the Grey-St. Claude Planning District Development Plan, be accompanied by, in addition to, other information contained in this Part and 7.7, the following:

- (a) An engineering and hydro-geological assessment of soils, surface and groundwater site features; and
- (b) A description of mitigative measures to be undertaken to minimize the risk of soil and groundwater pollution.

5.12 Council may approve the livestock production operation subject to conditions as provided for in *The Planning Act*, and including (but not limited to) conditions having to do with:

- (a) protection of a watercourse or other body of water;
- (b) traffic generation;
- (c) protection of groundwater;
- (d) protection of soil;



- (e) the method of storage of manure and specifications for storage facilities;
- (f) drainage of the site;
- (g) the nature and frequency of testing of soil and water;
- (h) prevention of offensive odours;
- (i) the location and amount of land available for disposal of manure;
- (j) the method and manner of disposing of manure;
- (k) compatibility with neighbouring land uses;
- (l) effect on municipal assets and services such as roads;
- (m) disposal of mortalities;
- (n) requiring the operator to enter into an agreement respecting such matters; and
- (o) requiring the operator to pay the municipality's reasonable expenses of testing, monitoring and enforcing such matters.

### **Accessory Livestock Production Operations**

- 5.13 Livestock confinement facilities located on small rural holdings and accessory to a non-farm rural residence with a capacity of two (2) animal units for all livestock except horses where two (2) horses may be established subject to the following requirements:
- (a) The animal shelter and waste storage areas shall be separated a distance of five hundred (500) feet from the community centres Elm Creek, Haywood, Fannystelle, Culross and St. Claude and any designated residential or recreational area and three hundred twenty eight (328) feet from any dwelling other than the dwelling of the operator on the same site;
  - (b) The site area is not less than five (5) acres; and
  - (c) A further two (2) acres are required for each additional animal unit to a maximum of five (5) animal units.

### **Special Limitations Governing Development of Rural Buildings and Structures, including Farm Dwellings and Farm Buildings**

- 5.14 No dwelling or mobile home or other habitable building shall be constructed or located within one thousand five hundred (1,500) feet of the site of any municipal sewage lagoon or solid waste disposal site.
- 5.15 No dwelling or mobile home or other habitable building shall be constructed or located within one thousand (1,000) feet of the site of an anhydrous ammonia storage tank or a farm bulk chemical supply facility.
- 5.16 No building, dwelling, mobile home or farm building or structure shall be located within one hundred (100) feet of the edge of the right-of-way of any railway, unless the structure is required for railway operations, or requires railway service.
- 5.17 No building, dwelling, mobile home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Mines Branch, unless the site has been further reviewed by

that Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling or mobile home, a separation distance of five hundred (500) feet shall be provided between the building location and any active mining area.

- 5.18 Any proposal to establish any building, structure, mobile home or farm building or structure which exceeds a building height of ten (10) feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing area for a distance of one (1) mile, shall be deemed to be a conditional use, and shall be subject to the approval of Council.
- 5.19 Any dwelling or mobile home, other than the dwelling of the operator, is not permitted to be located within three hundred twenty-eight (328) feet of a livestock production operation (excluding an accessory livestock production operation).
- 5.20 Any dwelling or mobile home which is proposed to be located within the following distances of a livestock production operation shall be deemed to be a conditional use, and shall be subject to the approval of Council:
- (a) A residence which is proposed to be constructed or located within six hundred fifty-six (656) feet of any livestock production operation with an annual production capacity of ten (10) animal units;
  - (b) A residence which is proposed to be constructed or located within nine hundred eighty-four (984) feet of any livestock production operation with an annual production capacity of one hundred (100) animal units;
  - (c) A residence which is proposed to be constructed or located within one thousand three hundred eleven (1,311) feet of any livestock production operation with an annual production capacity of two hundred (200) animal units.

This provision shall not apply to any residence that is considered to be accessory to the livestock production operation, and occupied by the owner or employees of the facility.

### **Hazardous Materials Storage**

- 5.21 No bulk farm chemical supply warehouse, inland grain terminal (excluding existing inland grain terminals), bulk fuel or fertilizer storage or anhydrous ammonia storage container shall be located within:
- (a) One thousand (1,000) feet of a building used for human occupancy or individual residence with the exception of a dwelling or mobile home for the owner or operator;
  - (b) Two thousand six hundred forty (2,640) feet of a “RR”, “GD” or “UR” zone, or a designated residential or recreation area; and

- (c) Three hundred and twenty-eight (328) feet of a municipal road or provincial highway.

### **Garden Suites**

- 5.22 Only one (1) garden suite may be permitted per zoning site.
- 5.23 A garden suite shall only be placed in a rear yard and shall be no closer than 10 feet to any other residential dwelling as measured from wall to wall. A garden suite shall not contain a basement, shall rest on footings or similar supports and maximum floor area shall not exceed 800 sq. ft. The suite shall be connected to the sewer and water systems of the host family.
- 5.24 The required side yard adjacent to a street in the case of a corner site or a reversed corner site shall be increased by ten (10) feet.

### **Small Wind Energy Generating Systems**

- 5.25 Small wind energy generating systems shall be a permitted accessory use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:
  - (a) Wind Turbine Tower Height: There shall be no specific height limitation, so long as the total extended height meets sound and set-back requirements, Air Traffic Safety Regulations and does not exceed height recommendations of the manufacturer.
  - (b) Set-back: The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the wind system structure, including guy wire anchors, may extend closer than three (3) m (10 ft) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2 m (6 ft) above the guy wire anchors. Council may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on the current and future owners.
  - (c) Sound: The mean value of the sound pressure level from small wind energy generating systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 22 mpg (10m/s) and except during short-term events such as utility outages and/or severe wind storms. Applicants may apply for exemptions from this requirement with written authorization from the pertinent building owner (s) and tenants, if applicable.
  - (d) Soil Studies: For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.
  - (e) Signage: All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower,

building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

- (f) Access: Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.
- (g) Insurance: Additional insurance beyond homeowners' coverage shall not be required.
- (h) Compliance with Air Traffic Safety Regulations: Small wind energy generating systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lighted except as required by Navigation Canada.
- (i) Compliance with Manitoba Environment Act.
- (j) Compliance with International Building Code: Building permit applications for small wind energy generating systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted. Wet stamps shall not be required.
- (k) Compliance with Existing Electric Codes: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes, if applicable. This information frequently is supplied by the manufacturer.
- (l) Utility Notification: No grid-intertied small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnection switches covered under the electrical shall be exempt from this requirement.
- (m) Abandonment: If a wind turbine is inoperable for six consecutive months and owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operation condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower would then be subject to the Public Nuisance provisions of the municipality's by-laws.

If the proposed small wind energy generating system meets the above criteria, Council shall approve an application for the small wind energy generating system by right without a public hearing. For those proposed small wind energy generating systems that do not meet the above criteria, a zoning variance will be required.

### **Rooftop Wind Energy Generating Systems**

- 5.26 Rooftop wind energy systems shall be considered a permitted accessory use in all zoning classifications subject to certain requirements as set forth below.
- (a) Are set back at least 20 feet from the front building line, or in the case of corner lots, at least 15 from the front and side building line.
  - (b) Are limited to a height of no more than 15 above the roof or top of the parapet, whichever is greater.
  - (c) Comply with all noise limitations as per Section 5.25 (c).
  - (d) Are safely and securely attached to the rooftop in compliance with the National/Provincial Building Codes.

## PART 6: MISCELLANEOUS REGULATIONS

### **Land Subject to Flooding**

- 6.1 No buildings or structures, except for barbed wire fences, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of the Grey-St. Claude Planning District Development Plan.
- 6.2 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner 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.
- 6.3 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.

### **High Water Table Areas**

- 6.4 Groundwater conditions are highly variable throughout the municipality, and in some areas the groundwater table may be very close to the surface. Sufficient measures should be included in the design of the building to adequately protect basements from groundwater infiltration.

### **Site Reduced by Road Widening**

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

### **Building Removal**

- 6.6 Upon completion of removal or demolition 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 Development Officer.

## **Road Access**

- 6.7 No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road.

## **Service Connections**

- 6.8 In all zones except the “AG” Agriculture General Zone, where a site is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

## **Public Monuments and Cairns**

- 6.9 Nothing in this by-law shall be so interpreted as to interfere with the establishment of public monuments and cairns.

## **Signs**

- 6.10 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing.
- 6.11 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business or service and have not been removed or relocated within thirty (30) days following such condition may be removed by the Municipality at the owner’s expense.

## **Temporary Buildings and Uses**

- 6.12 Temporary buildings, structures and uses of land are permitted on a site in connection with road construction or construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
- (a) offices for the contractor or developer or project supervisor;
  - (b) accommodation for a caretaker;
  - (c) storage of materials and equipment; and
  - (d) accommodations, field offices and temporary concrete and asphalt plants necessary for road construction.
- 6.13 A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods.
- 6.14 A wheelchair ramp may extend into the required yard of a residence for as long as it is required by an occupant of the residence, subject to the issuance of a development permit.

## **PART 7: ADMINISTRATION**

### **Administration and Enforcement**

- 7.1 In the administration and enforcement of this by-law the municipality authorizes and directs the Board of the Grey-St. Claude Planning District to proceed under PART 8.

### **Development Permits**

- 7.2 A development permit is required for any of the following:
- (a) subject to 7.3, the erection, construction, enlargement, structural alteration or placing of a building or structure;
  - (b) the establishment of a use of land or a building or structure;
  - (c) the change of a use of land or a building or structure from the existing use to a use which is a permitted use; and
  - (d) the alteration or enlargement of an approved conditional use.
- 7.3 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided herein. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location approvals and similar approvals.
- 7.4 A development permit is not required for the following:
- (a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
    - i) fences,
    - ii) signs (not including advertising signs where they are conditional uses),
    - iii) lighting,
    - iv) flagpoles,
    - v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area of one hundred ten (110)\* square feet or more,
    - vi) communications aerials or antennas,
    - vii) garden houses or children's playhouses,
    - viii) water supply wells and private sewage disposal systems,
    - ix) unenclosed patios, and
    - x) temporary signs and notices including real estate signs;

**\* Amendment Date: By-law 11/04 (January 19, 2005)**



- (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.
- 7.5 Despite not requiring a development permit, all things listed in 7.4 shall be subject to the requirements of this by-law and any provincial requirements.
- 7.6 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.
- 7.7 An application for a development permit shall be accompanied by plans drawn to scale showing the following:
- (a) The shape and dimensions of the site to be used and built on;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
  - (e) Vehicular access and utility connections;
- and shall include any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this by-law.
- 7.8 An application for a development permit shall be accompanied by the fee prescribed by the Board of the Grey-St. Claude Planning District.
- 7.9 Despite apparent compliance with this by-law, the Development Officer may refuse to issue a development permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with the building by-law or with any other law.
- 7.10 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.
- 7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.
- 7.12 The Development Officer may revoke a development permit

- (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this by-law, the building by-law, or any other law; or
- (b) Where the development permit was issued in error.

### **Development Officer**

- 7.13 The Development Officer shall be the person appointed as such by the Board of the Grey-St. Claude Planning District.
- 7.14 The Development Officer, on behalf of the municipality, shall issue development permits and otherwise administer and enforce the provisions of this by-law and *The Planning Act*, where applicable.
- 7.15 The Development Officer shall exercise the powers of remedy and enforcement set out in PART 8.
- 7.16 The Development Officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed ten percent (10%) of the required yard provisions.

### **Application for Amendment**

- 7.17 An application for an amendment to this by-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 7.18 An application for amendment shall be accompanied by plans drawn to scale showing the following:
  - (a) The shape and dimensions of the land affected;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;and shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this by-law.
- 7.19 An application for an amendment shall be accompanied by the fee prescribed by the Board or Council.

- 7.20 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

### **Applications for Variances and Conditional Uses**

- 7.21 An application for a variation or approval of a conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.
- 7.22 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in 7.7, and in the case of a livestock production operation, by the information described in PART 5.
- 7.23 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Board or Council.
- 7.24 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 7.25 On receipt of an application for a variation or approval of a conditional use in proper form, the municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs and Trade or any other department or authority for its review and comment. Applications for home-based businesses and livestock production operations will be forwarded to Manitoba Transportation and Government Services for comment, if proposed adjacent to the provincial highway system.
- 7.26 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 7.27 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.

## **PART 8: ENFORCEMENT**

### **Entry for Inspection and Other Purposes**

- 8.1 The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
- (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law or *The Planning Act*,
  - (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
  - (c) Make copies of anything related to the inspection, remedy, enforcement or authorized action.
- 8.2 The Development Officer must display or produce on request identification showing his or her official capacity.
- 8.3 In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 8.1(a) and (c) without the consent of the owner or occupant.

### **Order to Remedy Contravention**

- 8.4.1 If the Development Officer finds that a person is contravening this by-law or *The Planning Act*, the Development Officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.
- 8.4.2 The order may:
- (a) Direct a person to stop doing something, or to change the way in which the person is doing it;
  - (b) Direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
  - (c) State a time within which the person must comply with the directions; and
  - (d) State that if the person does not comply with the directions within the time stated, the municipality will take the action or measure at the expense of the person.

### **Review by the Board**

- 8.5 A person who receives an order under 8.4 may request the Board of the Grey-St. Claude Planning District to review the order, by written notice given within fourteen (14) days after the date the order is received.
- 8.6 After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

## PART 9: INTERPRETATION

### Footnotes

9.1 The footnotes are part of this by-law.

### Permitted Uses

9.2 Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use that appears as a conditional use for the same zoning designation.

### Definitions

9.3 Terms not defined in this by-law, which are defined in *The Planning Act*, have the meaning provided in *The Act*.

9.4 Terms defined in 9.5 which appear in the Use and Bulk Tables in this by-law are shown in bold therein.

9.5 Where the following terms appear in this by-law they have the meaning provided as follows:

**accessory** – where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zoning designation.

**advertising sign** – means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on an adjacent site under the same ownership) where the sign is maintained.

**aircraft landing area** – includes all open spaces, buildings and structures used in connection with the landing or take-off of aircraft.

**behind the meter** – a generating system producing power for use on a grid-connected property, but which system may or may not be capable of sending power back into the utility grid.

**blade** – means the part of a wind turbine that is part of the airfoil assembly and that extracts, through rotation, kinetic energy from the wind.

**building** – has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill or transmission line.

**building, height of** - means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.

**bulk** – means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines.

**club** – refers to a building owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

**cottage** – means a dwelling for one family designed for and used as a secondary or intermittent place of residence for seasonal vacations and recreational purposes.

**dB(A)** – ‘dB’ means decibel and is a measurement for sound pressure. ‘A’ refers to a weighted adjustment of measured sound that matches perception by the human ear.

**dwelling unit** – means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**dwelling, single-family** – means a detached building designed for and used by only one family.

**dwelling, two-family** – means a detached or semi-detached building designed for and used by two (2) families, with each family having exclusive occupancy of a dwelling unit.

**dwelling, multiple-family** – means a building containing three or more dwelling units, with each unit designed for and used by one family, with each family having exclusive occupancy of a dwelling unit.

**family** – means one or more persons related by blood, adoption, marriage or common-law marriage, or a group of no more than seven (7) persons which includes unrelated persons, living together as a single housekeeping unit.

**farm building** – means any building or structure used primarily for agricultural activities, but does not include a dwelling.

**garden suite** – means a portable, self contained dwelling unit intended for occupancy by an elderly parent or relative of the host household placed on the site of an existing single detached dwelling, and removed when no longer occupied by the person it was established for.

**general agricultural activities** – means a use of land for agricultural purposes, including farming, dairying, pasture, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

- (a) livestock production operations;

- (b) storage, handling or processing of agricultural products for the general public in return for remuneration, or
- (c) sales or servicing (in return for remuneration) of agricultural equipment or agricultural buildings.

**habitable building** – means all structures or facilities designed to accommodate people including residential (single and multi-unit dwellings), commercial (office buildings and commercial outdoor plazas), institutional (hospitals, nursing homes, schools, churches, community centers, daycare centers) and recreational facilities (recreational centers, outdoor public recreational areas, travel trailer parks, campgrounds, playgrounds, picnic area), but not including accessory structures such as sheds.

**hundred year flood** – means a flood that can be expected to occur, on average, once in one hundred (100) years, or specifically a flood that has a one percent (1%) chance of being equaled or exceeded in any year.

**kennel** – means premises upon which more than five (5) dogs or ten (10) cats, not including animals less than four (4) months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

**kilowatt or (kW)** – means the measure of power for electrical current.

**livestock production operation** – means an agricultural operation where animals are fed in buildings or pens, or in outdoor non-grazing areas confined by fences, other structures or topography, but does not include:

- (a) a livestock auction mart,
- (b) an agricultural fair, or
- (c) a livestock sales yard where livestock are kept no longer than three (3) days.

**meteorological tower or wind monitoring tower** – are those towers that are erected primarily to measure wind speed and direction plus other data relevant to siting wind energy generating systems. The tower supports an anemometer, wind vane and other equipment to assess the wind resource at a set height above the ground.

**mobile home** – means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the *Buildings and Mobile Homes Act*.

**nacelle** – means the frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.

**noise waiver** – a waiver of the calculated noise level predicted to impact a given location.

**off-grid** – a stand-alone generating system not connected to or in any way dependent on the utility grid.



**operations & maintenance office (OMO)** – a local facility constructed for the purpose of operating and maintaining the wind farm including the storage of spare parts and consumable materials.

**outdoor furnace** – means any furnace constructed such that it is located out of doors beyond the outside walls of any building including any building to which it provides heat regardless of the type of fuel to be burned and the fuel source.

**participating property owner** – a property owner who is receiving, or has received, compensation in connection with the siting, development, or operation of a commercial wind farm.

**public utility** – means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

**residential care facility** – means a building in which residential accommodation, plus supervision, care or treatment, is provided by a person or persons employed for that purpose.

**rooftop wind energy generation system** – means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

**rotor** – means the blades and hub of the wind turbine that rotate during operation.

**rotor arc** – means the largest circumference traveled by the wind turbine's rotor blades.

**separation distance** – means the distance measured from the base of the wind turbine tower to any specified building, structure or natural features.

**setback** – means the distance measured from the base of the center of the wind turbine tower to a property line, road, or watercourse.

**site** – means an area of land which:

- (a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;
- (b) has frontage on a street which has a minimum right-of-way width of fifty (50) feet, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (c) is of sufficient size to provide for the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

**site area** – means the computed area contained within the site lines.

**site, corner** – means a site situated at the intersection of two (2) streets.

**site depth** – means the horizontal distance between the centre points in the front and rear site lines.

**site, interior** – means a site other than a corner site.

**site lines** – means:

**front site line** – means:

- (a) the boundary of a site along a street or highway;
- (b) for a corner site, the continuation of the front site line of the abutting interior site.

**rear site line** – means:

- (a) that boundary of a site which is most nearly parallel to the front site line;
- (b) where the side site lines intersect, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

**side site line** – means any boundary of a site which is not a front or rear site line.

Where it is not possible to determine site lines according to these definitions, they shall be determined by the Development Officer.

**site width** – means that horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at forty (40) feet from the front site lines, whichever is less.

**small wind energy generating system** – is a wind energy generating system which has a rated capacity of up to 300 kW and which primarily provides power to an on-site user.

**specialized agricultural activities** – means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

**structure** – means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location, and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.

**supervisory control and data acquisition system (SCADA) tower** – a free-standing tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition system.

**tower** – means the vertical structure above grade that supports the nacelle and rotor assembly, electrical generator and/or meteorological equipment.

**total turbine height** – means the height from finished grade to the highest vertical point of the swept rotor arc, in the case of a wind turbine with a horizontal axis rotor.

**use** – means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

**water body** – means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them. (From The Water Protection Act)

**wind energy generating system** – is an electrical generating facility comprised of wind turbines which have a rated capacity of over 300 KW and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a substation, temporary or permanent wind-monitoring tower(s) and access road(s).

**wind energy harvest site (wind farm)** – a wind energy harvest site is a location where an array of two or more commercial, grid-connected wind turbines are sited for the purpose of supplying electrical energy to the local electrical transmission utility (“grid”).

**wind turbine** – means a structure designed to convert wind energy into mechanical or electrical energy as a utility and includes the wind turbine tower, rotor blades and nacelle.

**yard** – means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

**yard, required** – means the yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this by-law.

## Zoning Boundaries

- 9.6 The following rules of interpretation shall apply to the boundaries of the zoning designations shown on the maps comprising Schedule A:
- (a) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines;
  - (b) boundaries indicated as approximately following site limits as shown on a registered plan or by reference to the *Dominion Government Survey* shall be construed to follow such site limits.
- 9.7 If a street, lane or government road allowance is lawfully closed, then the land formerly comprising the street, lane or government road allowance shall be included

within the zone of the land which surrounds it. If the said street, lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street, lane or government road allowance.

# SCHEDULE A

**Table 4-1.1(A) Wind Energy Generation System (WEGS) Standard**

<b>Item</b> (Defined as "Accessory Structure")	<b>Separation Distance from Habitable Building</b>	<b>Non-Participants Property Line Setback</b>	<b>Participants Property Line Setback</b>	<b>Setback from Road Right-of-Way Line</b>	<b>Separation Distance from Non-Dwelling Principal Structures</b>	<b>Minimum Setback from Water-course</b>	<b>Separation Distance from Town, Village or Hamlet Boundary</b>
Wind Turbine (measured from tower centre)	550 m	1.5 time total turbine height	May straddle property lines with agreement (b)	1.5 x total turbine height	Blade Length plus 10 m (b)	30 m	550 m
Met Tower (measured from nearest guy-wire anchor)	1 ¼ times total tower height	1 m / 3 ft. (c)	May straddle property lines with agreement (b)	5 m / 16 ft. (c)	5 m / 16 ft.		
SCADA Met Tower (Free-standing)	1 ½ time total tower height	3 m / 10 ft. (c)	May straddle property lines with agreement (b)	5 m / 16 ft. (c)	5 m / 16 ft.		
Operations and Maintenance Office (OMO)	In accordance with local zoning and code reqm' nts	In accordance with local zoning and code reqm' nts (c)	In accordance with local zoning and code reqm' nts (b)	In accordance with local zoning and code reqm' nts (c)	In accordance with local zoning and code reqm' nts	In accordance with local zoning and code reqm' nts	
Sub-station	In accordance with local zoning and code reqm' nts	In accordance with local zoning and code reqm' nts (c)	In accordance with local zoning and code reqm' nts (b)	In accordance with local zoning and code reqm' nts (c)	In accordance with local zoning and code reqm' nts	In accordance with local zoning and code reqm' nts	
Ancillary Equipment	In accordance with local zoning and code reqm' nts	In accordance with local zoning and code reqm' nts (c)	In accordance with local zoning and code reqm' nts (b)	In accordance with local zoning and code reqm' nts (c)	In accordance with local zoning and code reqm' nts	In accordance with local zoning and code reqm' nts	
<p>(a) i) In general, council may require a wind farm developer to enter into agreements to enable landowners within and adjacent to a wind farms to aerial spray                      ii) Wind farms will not be permitted on Crown lands in Provincial Parks, Ecological Reserves, Wildlife Management Areas and Protected Areas. Wind farm proposal within one mile of such designated areas will be referred to Manitoba Conservation for review and comment.                      (b) Towers proposed within 50 m – 200 m from a public road must demonstrate through risk assessment and mitigation measures that individual risk is minimized.                      (c) Road right-of-way setbacks shall apply to all property lines abutting roads.</p>							

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