

Rural Municipality of St François Xavier
Zoning By-law

Schedule “A”

to

Zoning By-law 26-2018

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1 SCOPE

1.1 Name

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

1.2 Geography

1. This By-law applies to all lands in the RM of St. François Xavier.

1.3 Purpose

This By-law regulates:

1. The construction, erection, alteration, enlargement or placing of buildings and structures; and
2. The establishment, alteration or enlargement of uses of land, buildings and structures.

1.4 Power

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 this By-law, and only after all required permits have been obtained by the owner.
2. Whenever a provision of another By-law or a By-law 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.
3. Nothing in this By-law, or in development permit, approval of a conditional use, variation order or other approval issued under this By-law or under *The Planning Act*, shall be constructed as authorization for the carrying out of any activity, which is a nuisance due to noise, odour, emission, vibration or other cause.

1.5 Contents

The contents of this By-law include:

1. Scope outlines the Operative, Administrative and Interpretive Clauses.
2. General Regulations and Governing Uses outlines General Regulations and Governing Uses for all Zoning Districts.
3. General Bulk Requirements outlines the General Bulk Requirements for all Zoning Districts.
4. Use and Bulk Tables outlines the Zoning Districts, Permitted and Conditional Uses and Bulk Regulations for all Zoning Districts.
5. Rules for Specific Uses outlines additional regulations for land uses.

2 GENERAL REGULATIONS GOVERNING USES

2.1 General

1. With the exception of Section 10.2.2 of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:
 - a. Is listed in the Zoning District clauses as:
 - i. A permitted use development;
 - ii. Is an accessory use, building or structure.
 - b. Is an accessory use, building or structure.
 - c. Has been granted a use variance as per *The Planning Act*.
2. In addition to the minimum requirements of the Bulk Tables for each zone, the following requirements shall also apply:
 - a. Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.
3. Unless otherwise provided for in this By-law, there shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
 - a. Dwelling units that are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation;
 - b. Two family dwellings or multiple family dwellings as provided for in this By-law; and
 - c. Communal farm dwellings for communal groups (e.g. Hutterite colonies).
4. This By-law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. Office buildings, warehouse maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.

2.2 Existing Uses, Buildings and Structures

1. 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.
2. 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
3. The enlargement, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform to all requirements of this By-law.
4. 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. These provisions are subject to the following:
 - a. 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 this By-law.

5. 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 legal non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities. The following shall apply:
 - a. A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;
 - b. A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
 - c. A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
 - d. A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than 50 percent of its replaceable value above the foundation; and
 - e. Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision, which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

2.3 Permitted Uses, Buildings and Structures

1. 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.

2.4 Conditional Uses

1. The classification of uses as conditional is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
2. 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.

2.5 Accessory Uses, Buildings and Structures

1. 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 Section 2.5(3)).
2. 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 building permit has been obtained for the main building.
3. 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 Section 9 - Rules for Specific Uses, if the accessory building or structure contributed significantly to an intensification or expansion of the conditional use.
4. If proposed near a provincial highway, Manitoba Infrastructure and Transportation should be circulated with the conditional use request to ensure the integrity of the provincial highway system is maintained.

5. Except as otherwise regulated in this By-law, accessory buildings, structures and uses in all zones, shall be subject to the following regulations:
 - a. 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;
 - b. Detached accessory buildings or structures shall not be located in any front yard of the principal use, except where the property is zoned for Agriculture (AG and AL) or as provided for elsewhere herein;
 - c. No permanent construction shall be allowed within 15 feet of the property line of an existing cemetery; and
 - d. In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.
6. Accessory buildings or structures shall be subject to the regulations for that Zoning District.

2.5.1 Accessory Buildings, Structures for Respective Zones

1. Accessory buildings, structures, and uses include the following, in all zones:
 - a. Incinerators and individual sewage disposal systems;
 - b. Private communications, such as television, radio antennas, aerials and satellite dishes;
 - c. Garages, storage buildings and such other accessory buildings;
 - d. Home based businesses, as regulated in Section 9.5;
 - e. Signs, as permitted and regulated in Section 10.5;
 - f. Car Brokers, as a conditional use, as regulated in Section 9.14;
 - g. Home Industries, as a conditional use, as regulated in Section 9.7.2.
2. Accessory buildings, structures, and uses include the following, in the Agricultural Zoning Districts; "RS" - Residential Single-Family Zone, "RV" - Residential Village Zone and "RR" – Rural Residential Zone:
 - a. A children's playhouse, garden house, bunk house, private swimming pool (open or closed) and gazebo;
 - b. A private garage, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;
 - c. Home day-care and group day-care;
3. In addition to Accessory buildings, structures and uses identified in Section 2.5.1 (1) and (2), the following accessory buildings, structures and uses are included in the Agricultural Zoning Districts:
 - a. A farm dwelling, including a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;
 - b. Staff dwelling, to include a single-family dwelling, two-family dwelling, dormitory and mobile home, when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use;
 - c. Farm buildings or structures for the operation and maintenance of an agricultural activity;
 - d. 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;
 - e. Airstrips and related storage facilities which are necessary to farm operation. These strips may be subject to Transport Canada requirements;
 - f. Rail cars, semi-trailers and other similar containers; and

- g. Canvas buildings.
4. In addition to Accessory buildings, structures and uses identified in Section 2.5.1 (1) and (2), the following accessory buildings, structures and uses are included in the “RR” – Rural Residential Zone:
 - a. Accessory uses as approved by Council including garages, storage sheds, decks and such other similar uses;

2.6 Zoning Designations

The use of zones established in this By-law is intended to provide sufficient land in suitable locations to meet the needs of the community and the provisions of the *White Horse Plains District Development Plan*.

1. The Zoning District Maps are included in the Appendix of this By-law, which divides the municipality into Zoning Classifications and specifies regulations applying to particular lands.
2. The Use & Bulk Tables outlines uses that are permitted or conditional in each Zoning District.
3. All uses, whether listed as permitted or conditional, must meet the relevant requirements as outlined in Section 2 – General Regulations Governing Uses and Section 9 - Rules for Specific Uses.
4. Uses of land in the municipality are regulated in accordance with the designations shown in Table 2.1.

Table 2.1: Classification of Zones

Residential Zoning Districts		
RS	Residential Single-Family	To accommodate serviced single-family dwellings, two-family dwellings and associated or compatible uses in an urban setting.
RV	Residential Village	To accommodate serviced single-family dwellings, two-family dwellings and associated or compatible uses in a village setting.
RR	Rural Residential	To accommodate serviced single-family dwellings and associated or compatible uses in a rural setting.

Commercial Zoning Districts		
CC	Commercial Central	To accommodate commercial, residential, office and service uses within the central commercial areas of the urban and village centres.
CH	Commercial Highway	To accommodate high quality commercial development along major roadways.
Industrial Zoning District		
MG	Industrial General	To accommodate a wide range of general industrial uses within the municipality
Agricultural Zoning Districts		
AL	Agricultural Limited	To accommodate limited agricultural and rural activities in proximity to residential or other sensitive areas.
AG	Agricultural General	To accommodate general agricultural uses or other rural uses that are related to or compatible with
Community Zoning Districts		
I	Institutional	To accommodate public and privately owned facilities of an institutional, governance or community
HZ	Holding Zone	To protect land for future community growth for residential, commercial, industrial, institutional or other related development.
PR	Open Space Recreation	To accommodate active and passive recreational uses and landscaped buffers

2.7 Parking and Loading

2.7.1 Parking and Loading Requirements

General

1. When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this section of the By-law.
2. Where a proposed use is not listed in Table 3.2, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Development Officer shall make his/her own determination as to the regulation.
3. Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
4. In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand

study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

5. No licensed trucks with a registered gross vehicle weight greater than 6804kg (15,000 lb) shall be parked on a property in the RV and RS zones.

2.7.2 Parking and Loading Development Standards

1. Except as provided in Table 12.1 each required non-residential off-street parking space shall be a minimum of 2.6 meters (8.5 feet) in width, and a minimum of 5.5 meters (18 feet) in length, exclusive of access drives or aisles, ramps, or columns. Such spaces shall have a vertical clearance of at least 2 meters (6.5 feet). For parallel parking, the length of the parking spaces which shall be increased to 6.7 meters (22 feet), except for an end space with an open end shall be a minimum of 5.5 meters (18 feet). For parking spaces other than parallel parking spaces, up to 15 percent of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.5 meters (15 feet).

Table 3.2: Off Street Parking Regulations

Use Class	Types of Use	Parking Spaces Required
Residential and Residential-Related Use Classes	Bed and Breakfast Home	1/Sleeping Accommodation
	Residential Care Facility	1/each 2 Dwelling or Sleeping Units
	Mobile Home Dwelling	1/Dwelling Unit
	Multiple Family Dwelling	1.2/Dwelling Unit
	Single-family Dwelling	1/Dwelling Unit
	Two Family Dwelling	1/Dwelling Unit
Commercial Use Classes	Hotel and Motel	1/Guest Room or Sleeping Unit
	Eating and Drinking Establishment	1/4 Seats or 1/9.29 square meters (100 square feet) of floor area, whichever is greater
	Retail Services	1/18.6 square meters (200 square feet) of floor area
	All Other Commercial Establishments	1/23 square meters. (250 square feet) of floor area
Industrial Use Classes	All Industrial Establishments	1/92.9 square meters (1,000 square feet) of floor area or 1/5 employees, whichever is greater
Agricultural Use Classes	Agri-Business and Agricultural Implement Sales and Service Establishments	1/93 square meters (1,000 square feet) of floor area or 1/5 employees, whichever is greater
Community Services Use Classes	Religious Assembly, Outdoor Participant Recreation Facility, Private Club, Public Library and Cultural Exhibit, and Community Recreation Service	1/5 Seating spaces or 3 meters (10 feet) of bench space. Where there are no fixed seats, 1/each 9 square meters (100 square feet) of floor area devoted to the assembly room floor area

Use Class	Types of Use	Parking Spaces Required
	Extended Medical Treatment Service	2/Bed
	Public and Private Education Service	1.5/Classroom, plus 1/each 9 square meters (100 square feet) of floor area devoted to public use
	Government Service Child Care Service and Funeral Service	1/51 square meters (550 square feet) of floor area, 1/2 Employees, and 1/5 Seating places

2. Aisles shall be a minimum of 7 meters (23 feet) wide for 90 degree parking, 5.5 meters (18 feet) wide for 60 degree parking, and 3.6 meters (12 feet) wide for 45 degree and parallel parking.
3. Except as otherwise provided for in this By-law, no parking spaces shall be within the first 4.6 meters (15 feet) of a required front yard.
4. For Residential Zoning Districts and Residential-Related Use Class developments, the required parking spaces shall be wholly provided on the same site as the principal building. For all other uses, the parking spaces shall be located not more than 100 meters (330 feet) from the principal building, unless otherwise approved by Council. Such distance shall be measured along an accessible public roadway from the nearest point of the parking area to the nearest point of the site where the principal building or use is located.
5. Every off-street parking and loading space provided or required in the “CC”: Commercial Central or “CH”: Commercial Highway Zoning Districts shall be hard surfaced if such area lies in front of the principal building.
6. Every off-street parking and loading space provided or required in the “CC” - Commercial Central or “CH”: Commercial Highway, including the access thereto, shall be hard surfaced if the access is from a public roadway which is hard surfaced. Any area at the rear of the principal building provided or required for off-street parking and loading space in the “CC”: Commercial Central, “CH”: Commercial Highway or “MG”: Industrial General Zoning Districts need not be hard surfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter onto the public roadway.
7. Where off-street parking for fifty or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area. Landscaped open space in the parking areas shall be provided in the minimum amount of 1.5 square meters (16 square feet) for each parking space. The required landscaping shall not be located in one area, and shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.
8. A parking area having eight or more parking spaces and which is visible from an abutting site in a Residential District shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.

2.7.3 Bicycle Parking

1. Within the “CC” -: Commercial Central or “CH”: Commercial Highway Zoning Districts all uses shall provide a minimum of 4 lockable bicycle parking spaces. When more than 30 vehicular parking

spaces are required as per the Off-Street Parking Requirements a further lockable bicycle parking space shall be provided for each additional 20 vehicular parking spaces.

2. Lockable bicycle parking spaces shall be located in a visible, well-lit area with safe access to building entrances.

2.7.4 Off Street Loading

1. When any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with the following:
 - a. For all Commercial Zoning Districts and Commercial Use Class developments excluding Professional Services:
 - b. For all Professional, Financial and Support Services, as well as all Industrial, Basic Service, or Community, Educational, Recreational and Cultural Service Use Class developments:
 - i. One space shall be required for less than 464 square meters (5,000 square feet), two spaces for 464 square meters (5,000 square feet) to 1,486 square meters (16,000 square feet) and one space for each additional 2,322 square meters (25,000 square feet).
2. All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants or occupants. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks, or boulevards.
3. Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Development Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway. In no case shall the space be less than 27.8 square meters (300 square feet), or less than 2.6 meters (8.5 feet) wide, or have less than 3.6 meters (12 feet) of overhead clearance.

2.8 General Development Regulations

2.8.1 Applicability

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

2.8.2 Access to Sites

1. Permits for developments within control areas adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be required from the appropriate Provincial government agency.

2.8.3 Building Grade

1. No building or structure, including accessory structures shall be erected without first obtaining from the Development Officer written instructions as to the grade for the building or structures to be erected, which shall be in accordance with any applicable lot grade By-laws or regulations. It shall be the continuing obligation of the property owner to maintain building grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less than the Flood Protection Level.

2.8.4 Construction on Road Allowance

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

2.8.5 Composting

1. The composting of private household material is permitted within all Zoning Districts. For the composting of any other material, with the exception of composting livestock manure and composting of deadstock that are regulated by the Province of Manitoba, Council may require a detailed engineering study from the applicant certifying that the proposed composting operation meets or exceeds all applicable regulations.

2.8.6 Connecting to Municipal Services

1. All new principal buildings, and major accessory buildings as defined by the Development Officer, constructed on a site that is serviced by Municipal sewer or water shall be connected to such services.

2.8.7 Excavation, Stripping and Grading

1. For the purpose of this section of the By-law, excavation shall mean excavation other than for construction or building purposes, including but not limited to topsoil stripping and the construction of artificial bodies of water.
2. A person wishing to excavate, strip or grade land shall:
 - a. Comply with Municipal By-laws, as amended, that regulate the excavation, stripping or grading of land; and
 - b. Provide the following details in his/her development permit application:
 - i. The location and area of the site on which the excavation, stripping or grading is to take place;
 - ii. The existing land use and vegetation;
 - iii. The type and dimensions of the excavation to be made, and the effect on existing drainage patterns; and
 - iv. The condition in which the excavation is to be left when the operations are complete, or the final disposition to be made of the area from which the topsoil is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening the creation of erosion or dust from the land.
3. The Development Officer shall consider every application for a permit to excavate land, and shall not issue a permit unless he/she is satisfied that:
 - a. The operation will be carried out so as to create a minimum of dust and environmental disturbance; and
 - b. The operation is one which, in the opinion of the Development Officer, is reasonable, and/or necessary for the use and development of the land in question.
4. The Development Officer may require as a condition of issuing a permit to excavate land, that the applicant take the precautions and follow the methods prescribed by the Development Officer for the prevention or control of dust or any other nuisance caused by the proposed operation, and for the reclamation of the site if required.

2.8.8 Fences

1. A fence shall be permitted in a required yard or on the boundaries of a required yard provided it complies with the fence regulations of this By-law.
2. A fence in a Residential Zoning District:
 - a. Shall not include electric fences or barbed wire fences; and
 - b. Shall not be higher, measured from the general ground level at a distance of 0.6 meters (2 feet) from within the lot line of the site on which the fence is to be constructed, than 1 meters (4 feet) in a required front yard; and 2 meters (6 feet) in a required side or rear yard.
3. Notwithstanding the regulations of this Section, the permitted height of a fence can be increased or decreased at the discretion of the Development Officer to reflect the grade of surrounding sites.
4. A fence in all non-residential Zoning Districts, excluding the Agricultural Zoning Districts:
 - a. Shall not include electric fences or barbed wire fences except in the case of Commercial and Industrial Use Class developments where the top 0.6 meters (2 feet) of the fence can be barbed wire for security purposes; and
 - b. Shall not be higher than 1.22 meters (4 feet) in a required front yard; and 1.98 meters (6.506 feet) in a required side or rear yard.
5. Notwithstanding the above, the maximum height of a fence for Public Education Service, Private Education Service, Public Utility Service or Public Park Use developments shall be 3.05 meters (10 feet), excepting chain link fences for which there shall be no height limitation.
6. Notwithstanding the above, for Industrial and Commercial Use Class developments:
 - a. The maximum height of a fence located in a rear yard shall be 3.66 meters (12 feet); and
 - b. Outside storage shall not be allowed to project above the height of the fence.
7. Notwithstanding the above, the permitted height of a fence can be increased or decreased at the discretion of the Development Officer to reflect the grade of surrounding sites.
8. An electric fence in the "RR" - Rural Residential and Agricultural Zoning Districts where an approved development is located but shall not include electrified barbed wire fences.

2.8.9 Hazardous Materials Storage

1. No commercial-related or industrial-related Bulk Storage Facility, Agricultural Crop Protection Warehouse or Agricultural Product Storage shall be located within:
 - a. 804 meters (2,640 feet) of the settlement centre of St. François Xavier;
 - b. 304 meters (1,000 feet) of a building used for human occupancy; and
 - c. 99 m. (325 ft.) from the edge of the rights-of-way of Provincial Trunk Highways, Provincial Roads as well as all Provincial Access Roads.

2.8.10 Height of Features

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

2.8.11 Land Drainage

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

2.8.12 Landscaping

1. This section applies to the following Use Class developments: Commercial, Industrial, Community Services and Residential Use Class Developments (excluding Single-family Dwellings).
2. A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Development Officer.
3. A landscaping plan shall contain the following information for the site and adjacent boulevards:
 - a. All physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, and paving; and
 - b. All shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size.
4. Notwithstanding the regulations of Section 2.9.12 (2) of this By-law, the Development Officer may consider an application if, in his/her opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information.
5. In the event that planting material required in an approved development is inappropriate or fails to survive, the Development Officer may allow or require alternative materials to be substituted.
6. All plant material required shall be hardy to the location on the site where they are planted. The horticultural standards of the Canadian Nursery Trades Association shall be used as a reference in selecting plants.
7. The applicant shall be responsible for landscaping and proper maintenance. The Development Officer shall require, as a condition of approval, that the applicant provide an irrevocable letter of credit in the amount of 100 percent of the estimated landscaping cost, the condition of the said irrevocable letter of credit being that, if the landscaping is not completed in accordance with this By-law and the plan within one growing season after the completion of the development, then the amount required to complete the landscaping shall be paid to the Municipality from the said irrevocable letter of credit.
8. Where landscaping is required as part of any Commercial Use Class development, trees shall be provided on the basis of a minimum one tree for each 41 square meters (450 square feet) of any required yard at grade.
9. All required yards and all open spaces on Commercial and Industrial Use Class developments, excluding parking spaces, on-site circulation, outdoor storage, display and service areas, shall be landscaped in accordance with the landscaping plan. This shall include appropriate screening of utility facilities.
10. For Commercial Use Class developments, deciduous trees shall be at least 63 millimeters (2.5 inches) caliper when planted and evergreen trees shall have a minimum height of 2 meters (8 feet) when planted.
11. A garbage collection area, an open storage area, or an outdoor service area, which is visible from an abutting site in a Residential District, or from a public roadway other than a lane, shall be

fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan. Such fence or screen planting shall be maintained to provide effective screening from the ground to a height of 2 meters (6 feet).

12. In the case of bulk outdoor storage, including but not limited to lumber yards and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view, shall be substituted for the regulations of Section 2.9.12 (11) of this By-law.
13. Where, because of conditions not conducive to good horticultural practices, a screen planting cannot reasonably be expected to survive, the Development Officer shall require a masonry wall, wood fence or earth berm, or combination thereof, to be substituted for the regulations of Section 2.9.12 (9) of this By-law.
14. Any screen planting required shall consist of evergreen trees or shrubs, or flowering trees or shrubs, or both. All screen plantings shall be maintained to provide effective screening from the ground to a height of 2 meters (6 feet).
15. Plant materials located within 6 meters (20 feet) of a public street must be of a salt-tolerant species.

2.8.13 Lighting of Sites

Outdoor lighting for any development:

1. Shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices.
2. All light fixtures shall be full cutoff such that no portion of the lamp extends below the lowest point of the lamp housing.
3. If ground mounted, the maximum height shall be 10 meters (35 feet).
4. Wall-mounted lights must have fully shielded luminaries to direct all light downward.

2.8.14 Moving of Structures

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

2.8.15 Noxious or Offensive Uses

1. Nothing in this bylaw or in a development permit, approval of a conditional use, variance order
2. or other approval issued under this bylaw 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. This shall not be interpreted as to prohibit those Conditional Uses specifically permitted in a zone.

2.8.16 Outdoor Solid Fuel Heating or Generating Systems Buildings or Structures

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

1. No person shall install an outdoor solid fuel heating or generating system building or structure without first obtaining a development permit from the Development Officer and no development permit to install an outdoor solid fuel heating or generating system building or structure shall be issued unless all the regulations of this By-law have been satisfied.
2. No outdoor solid fuel heating or generating system building or structure shall be located in the settlement centre of St. François Xavier, or within 1.6 kilometers (1 mile) of the boundaries thereof.
3. Outdoor solid fuel heating or generating system buildings or structures are considered accessory uses and shall be developed in accordance with Section 2.5 of this By-law.
4. Notwithstanding Section 2.9.16 (3) of this By-law, an outdoor solid fuel heating or generating system building or structure shall be located:
 - a. Behind the rear wall of the principal building on the site;
 - b. At least 15 meters (50 feet) clear of all projections from the principal building or other accessory buildings or structures on the site; and
 - c. At least 15 meters (50 feet) from any lot line.
5. The outdoor solid fuel heating or generating system building or structure shall be developed in accordance with CSA building regulations, applicable Provincial building code regulations and the *National Building Code*.
6. Notwithstanding Section 2.9.10 of this By-law, the minimum height of any chimney that is part of an outdoor solid fuel heating or generating system building or structure shall be 3 meters (11 feet).
7. The minimum separation space between an outdoor solid fuel heating or generating system appliance and the walls and ceiling of any building or structure within which it is located shall 1.5 meters (5 feet).

2.8.17 Private and Semi-Private Swimming Pools and Hot Tubs

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

1. They shall meet Provincial regulations.
2. They shall be considered as being accessory to a permitted use and shall be developed in accordance with Section 2.5 of this By-law.

2.8.18 Projections into Yards

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

1. Uncovered walks, wheelchair ramps, trellises, flagpoles, lighting fixtures and lampposts.
2. Verandas, porches, eaves, shade projections, unenclosed steps, cantilevers, chimney or parts of a chimney, belt courses, sills, together with any other architectural features which, in the opinion of the Development Officer, are of a similar character, provided such projections do not exceed 0.6 m. (2 ft.).
3. Bay, oriel, or similar windows, provided that such projections do not exceed 0.6 meters (2 feet).
4. Balconies, provided such projections do not exceed 0.6 meters (2 feet).
5. Any loading space required under the regulations of this By-law, provided it shall not be in a required front yard.
6. An off-street parking area when comprised of parking spaces required under this By-law, provided that no parking area in any Zoning District shall be located within the first 6 meters (20 feet) of a

required front yard or front separation space. This shall not prohibit the use of a required front yard for such walkways and driveways as the Development Officer considers necessary.

2.8.19 Storage of Goods and Chattels

In the Residential Zoning Districts no person shall keep in any part of a site:

- a. Any commercial vehicle, loaded or unloaded, of a maximum weight exceeding 6,804 kilograms. (15,000 pounds) gross vehicle weight;
- b. Any dismantled or wrecked vehicle for more than fourteen consecutive days unless otherwise authorized under any applicable derelict vehicle By-laws or regulations;
- c. Any object or chattel which, in the opinion of the Development Officer or Council, is unsightly or tends to adversely affect the amenities of the area.
- d. Any above-ground or below-ground Bulk Storage Facility.

2.8.20 Special Setbacks

1. No dwelling unit shall be located within 402 m. (1,320 ft.) of the boundary of any active waste disposal ground unless:
 - a. A Certified Professional Engineer of Manitoba determines that there will be no migration of methane gas; and
 - b. Approval has been obtained from the Provincial Authority.
2. No dwelling unit shall be located within 457 m. (1,500 ft.) of the boundary of a Municipal sewage lagoon.
3. No dwelling unit shall be located within 15 meters (50 feet) from the edge of a right-of-way established for the transmission of high-pressure natural gas or the transmission of hydroelectricity in excess of 100 kilovolts.
4. No dwelling unit shall be located within 30 meters (100 feet) from the edge of a railway right-of-way that is in active use.
5. No dwelling unit or farm building shall be located within an area that has been designated as a high or medium quality aggregate area by the Province unless the site has been reviewed by the Province and a recommendation provided that would allow development to proceed.
6. No dwelling unit shall be located within 152 meters (500 feet) from any active Natural Resource Development.
7. Any development proposal to establish a dwelling unit, farm building or structure that exceeds a height of 30 meters (100 feet), or to establish a shelterbelt or similar obstruction within the flight approaches of an Aircraft Landing Field for a distance of 1.6 kilometers (1 mile), shall be deemed to be a conditional use.
8. Notwithstanding other provisions of the By-law, a dwelling unit within 500 meters (1,640 feet) of the property limits of an active quarry site shall be deemed a conditional use.
9. No building, structure, parking area, shelterbelt, hedge or stockpiling of materials exceeding a height of 0.9 meters (3 feet) above grade shall be located within a triangular area of any lot adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 3 meters (10 feet) along each lot line from the point of intersection.
10. For the purpose of side yard regulations, the following dwellings that have common party walls shall be considered as one building occupying one lot: Two Family Dwellings and Multiple Family Dwellings. Side yard regulations shall not apply along the common party walls.
11. In the case of a corner lot, the front yard shall be the yard abutting the front lot line.

12. Despite Section 2.9.20 (11) of this By-law, the Development Officer may require any corner lot to provide an additional front yard or yards other than that required, having regard to the orientation and access of adjacent developments.
13. The Development Officer may require double fronting lots to provide a front yard on each public roadway, other than a lane, provided that at least one front yard shall be provided.
14. Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.
15. In areas where a specific flood risk level has not been identified, buildings shall be set back from all waterways a distance of at least 10 times the height of the bank above the ordinary high water mark (OHWM) or 60 metres (200 feet), whichever is greater, as determined by the Development Officer in consultation with provincial officials. These limits may be reduced, at the discretion of Council if verified by an engineering analysis.

2.8.21 Temporary Buildings and Uses

1. A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.
2. Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve months and may not be renewed for more than one successive period at the same location.
3. In all cases, temporary buildings and structures shall not exceed 92 square meters (1,000 square feet) in area and one storey or 4.5 meters (15 feet) in height, and:
 - a. May be used as an office space for the contractor or developer;
 - b. May be used as a temporary placement of concrete and asphalt batch plants that are incidental to and necessary for highway construction and maintenance;
 - c. Shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or construction workers;
 - d. Shall not have any associated base materials such as levelled gravel or concrete slab; and
 - e. Shall not be detrimental to the public health, safety, convenience and general welfare, nor detract from the aesthetic value of the neighbourhood.
4. Notwithstanding the regulations of this section of the By-law, a temporary development permit shall be issued for a Carnival development provided its maximum permitted duration on a site, which includes the installation and removal of all equipment and structures thereon, is five days.

FABRIC SHELTERS

5. Fabric shelters require a development permit and are subject to the provision of this Section. Additionally, they are subject to the following:
 - a. Must be kept in good condition at all times;
 - b. May not be placed in any required yard and must meet the dimensional standards for accessory structures in the zone in which they are placed;
 - c. Must be located on the same piece of land as the main building that they serve; and
 - d. Must be installed solely in a driveway leading to a parking space or at the location of the parking space itself and cannot be located within a front yard (can be beside the house).
6. Fabric shelters are intended to be used for sheltering vehicles, equipment or people from snow and ice during the winter months and UV rays and other elements during summer months.

7. Each zoning site is permitted to have 1 (one) temporary car shelter or fabric shelter. Within agricultural zoning districts, additional shelters, to a maximum of three (3), may be granted at Council's discretion through an additional development permit(s).
8. At the discretion of the Development Officer, based on a proposed shelter's size, engineering or quality, a temporary car shelter may be considered to be permanent and therefore subject to Sections 2.5 and 9.1.

2.9 Performance Standards

2.9.1 Performance Standards for Industrial Use Class Developments

Applicability

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

Emission of Air and Water Contaminants

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

Noise

3. No activity or operation shall cause, or permit to be caused, a noise level at or inside the lot line of a site in a Residential Zoning District which exceeds the regulations of the Province of Manitoba pursuant to *The Environment Act* and regulations pertaining thereto, or applicable municipal noise By-laws or regulations.

Appearance

4. Any use or activity in the "MG": Industrial General Zone shall comply with the following appearance standards:
 - a. All outdoor service, assembly, trash collection and storage areas including the trucking yards associated with such activities shall be located to the rear or sides of the principal building. Loading and trash collection facilities serving office, warehouse and similar developments, where the handling or assembly of goods is carried on within a building, shall be allowed to the rear, sides or front of the principal building;
 - b. Outside display areas are permitted to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site; and
 - c. The Development Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public roadway, or from adjacent sites if, in his/her opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of the said Zoning District.

2.9.2 General Performance Standards for Residential Use Class Developments

Residential uses shall comply with the following standards:

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

2.9.3 General Performance Standards for Commercial Uses

Commercial uses shall comply with the following standards:

1. All commercial developments:
 - a. Shall be designed to:
 - i. Convey an image of cohesive appearance and architectural character;
 - ii. Ensure that offices, reception and public use areas are easily identifiable and visible from the public roadway; and
 - b. Shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
2. The Development Officer or Council may require that the appearance of walls exposed to public view from beyond the site of a commercial development be combined with other materials where, in his/her or the Council's opinion, such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.
3. The location of the principal building on a site of a commercial development shall take into account:
 - a. The setbacks and building placements on adjacent sites; and
 - b. The micro-climatic effects including shading of adjacent buildings or sites.
4. Garbage collection, loading, storage or outdoor service areas for commercial developments shall be developed in accordance with Section 2.9.12 (11) of this By-law and the following:
 - a. All outdoor storage shall be related to the business on the site.
 - b. There shall be no outdoor storage of objects or chattels which, in the opinion of the Development Officer or Council are unsightly or adversely affect the character or appearance of the site or surrounding developments.

2.9.4 Design Review Committee

1. As part of the development application process, new construction and additions to existing buildings within the Settlement Centre, excluding single-family dwellings and their accessory structures, will be subject to review and recommendation by the Design Review Committee. The Design Review Committee will review the proposed development for its adherence to the Community Hub principals set out the *St. François Xavier Settlement Centre Secondary Plan*, Section 2.15 of the *White Horse Plains Planning District Development Plan*, and any pertinent sections of this By-law.

2.10 Hazardous and Unsuitable Lands (Including Lands Subject to Flooding) for Development

2.10.1 Development Restrictions

1. Notwithstanding the provisions contained in this By-law, Council may prohibit or restrict development of an area of land for user permitted in a zone of the area has been identified either by Council or other agencies as being subject to flooding, erosion, bank instability, landslide, subsidence, is marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.
2. No dwelling shall be located within 402 meters (1320 feet) of the boundary of any active or inactive waste disposal ground or sewage lagoon established by the RM of St. François Xavier.
3. Permanent structures shall be setback from all water courses a distance of a least 10 times the height of the bank above ordinary high water mark (OHWM) or 60 meters (196 feet), whichever is greater. These limits may be reduced, at the discretion of Council, if verified by an engineering analysis.
4. No building or structure shall be erected after the effective date of this By-law, or amendments thereto, on any land which may be subject to flooding by the 200 year flood or the flood of record, whichever is greater, unless the following can be provided:
 - a. Evidence satisfactory to Council that the site to be developed is not subject to flooding by the 200 year flood or the flood of record, whichever is greater;
 - b. Approval from Council that public facilities and services can be provided and landfill may be carried on if required for development;
 - c. If requested by Council, a recommendation from the appropriate Provincial Department that the site can be safely developed; and
 - d. In no case shall a dwelling, mobile home or other habitable building be permitted in any area subject to flooding by the 200 year flood, unless some special provisions or arrangements with regard to the site or the type or design of building to be erected are made and then only, if, in the opinion of Council, it is suitable to the circumstances.

2.10.2 Flood Risk Areas

1. Notwithstanding the provisions contained in this By-law, Council may prohibit or restrict development of an area of land for user permitted in a zone of the area has been identified either by Council or other agencies as being subject to flooding, erosion, bank instability, landslide, subsidence, is marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.
2. No person shall construct, erect or locate any building or structure other than a fence on lands subject to the 200 year flood or the flood of record, whichever is greater in accordance with Sections 2.10.3 & 2.10.4 of this By-law and in accordance with a building or development permit; or
3. No person shall make any addition to or reconstruct any building or structure other than a fence within a floodway fringe area except in accordance with Sections 2.10.3 & 2.10.4 and in accordance with a building or development permit.
4. Council shall, prior to the issuance of a development permit, consult with Provincial Government officials from any relevant department.
5. The Development Officer may require that the applicant provide, at his/her own expense, such

flood levels, elevations, or other geotechnical data as may be required for its determination with respect to subsections 2.10.1, 2.10.2 and 2.10.4.

2.10.3 Flood Proofing Criteria

Flood proofing criteria for buildings and structures shall be as follows:

1. Every structure that is located within the flood risk area, other than an accessory structure referred to in Section 2.10.4 shall be:
 - a. Constructed on a site raised by fill; or
 - b. Supported by piles.
2. If a building or structure that is constructed on a site raised by fill has a basement or cellar, the site shall be raised by impervious fill and:
 - a. The elevation of the main floor shall be at least 0.3 meters (1 foot) above the applicable Flood Protection Level; and
 - b. If the site is pervious, the design of the building or structure shall be certified by a Professional Engineer as being capable of withstanding hydrostatic and uplift pressures by static water level at the Flood Protection Level.
3. If a building or structure that is constructed on a site raised by fill has no basement or cellar:
 - a. The elevation of the main floor shall not be less than the applicable Flood Protection Level; and
 - b. The top of the fill shall not be more than 0.3 meters (1 foot) below the applicable Flood Protection Level.
4. If a building or structure is raised on piles:
 - a. The building or structure shall be so constructed that it will not be buoyant when the water surface of any flood that may occur is higher than the bottom of the horizontal members supporting the structure; and
 - b. The elevation of any floor containing finished space shall be at least 1 meter (3.3 feet) above the applicable Flood Protection Level.

2.10.4 Flood Proofing Criteria for Accessory Buildings or Structures

Every accessory building or structure shall comply with the flood proofing criteria herein established:

1. If an accessory building or structure is an attached garage, a livestock barn, granary, farm machinery, shed or other building used for the storage or agricultural produce, or a workshop or shed used for the storage of immovable equipment or material or hazardous material:
 - a. The floor elevation of the building or structure shall not be more than 0.3 meters (1 foot) below the applicable Flood Protection Level; and
 - b. The top of the fill shall not be more than 0.6 meters (2 feet) below the applicable Flood Protection Level.
2. If the building or structure is a detached garage:
 - a. The floor elevation shall not be more than 0.3 meters (1 foot) below the applicable Flood Protection Level;
 - b. If constructed of wood, wood by-products or any other material susceptible to water damage, the building or structure shall be supported by a foundation constructed of water resistant material, and the top of the foundation shall not be more than 0.5 meters (1.6 feet) below the Flood Protection Level applicable to the site; and

- c. Any immovable equipment or material or hazardous material stored in the building or structure shall be stored 1 meter (3.3 feet) above the floor level.
- 3. If the structure is a livestock barn or animal housing facility the floor elevation shall not be less than the applicable Flood Protection Level.
- 4. If the structure is a storage tank for fuel oil, gasoline or other similar liquid the structure shall be situated 0.6 metres (2 feet) above the applicable Flood Protection Level.

3 GENERAL BULK REQUIREMENTS

3.1 General

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 part of the By-law.

3.2 Corner Vision Triangles

1. In all Residential Districts, accessory buildings and structures shall be located on a site as follows:
 - a. No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of 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 10 feet along each property boundary from the point of intersection.

3.3 Projections into Yards

1. 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 50 percent of the required yard depth to a maximum projection of 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 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 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 4 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet; and
 - d. Portable buildings not exceeding 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 1 foot is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling.

3.4 Double Frontage Sites

1. Within the "RS" - Residential Single-Family Zone and "RV" - Residential Village Zone, 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 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 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.

4 AGRICULTURAL ZONING DISTRICTS

4.1 Intent and Type of Agricultural Zones

“AG” – Agricultural General Zone

- Support and strengthen the agricultural industry in the RM of St. François Xavier and provide flexibility and opportunity for farm operators to engage in a variety of farming practices;
- Protect the agricultural industry and its land resources in recognition of agriculture’s contribution to the economy, lifestyle and character of the RM of St. François Xavier;
- Provide opportunities under the conditional use process to diversify uses within the agricultural area to include agri-related commercial or industrial enterprises serving the agriculture sector.

4.1.1 Livestock Operations Overview for the “AG” – Agricultural General Zone

- Livestock Operations less than 300 AU are permitted, subject to Section 9.9 of this By- law;
- Livestock Operations of a size of 300 AU or greater are deemed to be a conditional use, subject to Section 9.9 of this By-law;

“AL” – Agricultural Limited Zone

- Accommodate continued limited agricultural use of undeveloped land in the areas immediately adjoining the designated Settlement Centres in the *White Horse Plains Development Plan*;
- Limit the potential for land use conflicts between incompatible uses by restricting the establishment of new or expanding livestock operations near settlement areas.

4.1.2 Livestock Operations Overview for the “AL” – Agricultural Limited Zone

1. Livestock Operations may be kept on a limited basis, subject to conditional use approval;
2. Livestock Operations greater than 200 AU are not permitted in the “AL” – Agricultural Limited Zone,

4.2 Agricultural Zoning District Site Requirements

The following tables describe the bulk requirements for uses in the Agricultural Zoning Districts. Lower-case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed at the end of the Use & Bulk table, which form part of the requirements within these zones.

Table 4.1: 'AG' Agricultural General Zone – Use & Bulk Table

AGRICULTURAL GENERAL: AG ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Agricultural Activities, General	80	600	125	50	50
Livestock Operations of a size of less than 300 Animal Units (AU). (Subject to Section 9.9 of this By-law)	80	600	125	50	50
CONDITIONAL USES – Subject to Note 2					
Advertising signs, exceeding 50 square feet in area	-	-	As determined by Council		
Agricultural Activities, Specialized	5	200	125	25	25
Agricultural Crop Protection Warehouse	2	200	75	25	25
Agricultural Product Storage	2	200	75	25	25
Agricultural Supplies and Sales	2	200	75	25	25
Aircraft Landing Field	10	300	125	25	25
Auctioneering Establishment	2	200	75	25	25
Campgrounds	2	200	75	25	25
Cemeteries	2	200	75	25	25
Dwellings: Single-Family (Subject to note (4))	2	200	75	25	25
Dwellings: Secondary Suite (Subject to Section 9.5)					
Contractor Establishment	2	200	75	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (Subject to note (1) & Section 2.9.9)	2	200	75	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (Subject to note (1) & Section 2.9.9)	2	200	75	25	25
Home Industries (Subject to Section 9.7.2)	2	200	75	25	25
Livestock Operations of a size of 300 Animal Units (AU) or greater. (Subject to Section 9.9 of this By-law)	80	600	125	50	50

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (Subject to note (1))	2	200	75	25	25
Mining Operation	2	200	75	25	25
Public Works Compounds and Buildings (Subject to note (1))	2	200	75	25	25
Recreation Facilities	2	200	75	25	25
Religious Assemblies (Subject to note (5))	2	200	75	25	25
Riding Academies and Stables	2	200	75	25	25
Small Animal Breeding and Boarding Establishment	2	200	75	25	25
Vacation Farm Operation	2	200	75	25	25
Veterinary Clinics (Subject to note (1))	2	200	75	25	25
Waste Disposal Sites	2	200	75	25	25
Wind Turbine Generator Stations (WTGS) (Subject to note (3) & Section 9.18)	16	835	(c)	(c)	(c)

4.2.1 Additional Regulations for the AG – Agricultural General Zone:

1. Agri-Commercial and Industrial Uses

These types of uses may be allowed in the “AG” Agricultural General Zone only if no suitable site is available in a designated settlement center, in accordance with the provisions of the *White Horse Plains Planning District Development Plan*.

2. Maximum Site Area

The maximum site area for all non-agricultural uses and all conditional uses (unless specifically noted otherwise) shall be 10 acres, unless physical features of the site, such as drains, shelterbelts, etc. indicate that slightly larger site would be appropriate.

3. Wind Turbine Generating Station (WTGS)

Each wind turbine generator station (WTGS) site shall be used for the location of the wind turbine generator tower(s) and/or the associated buildings and infrastructure. This is the principal use of the (WTGS) site and it shall be limited to a maximum site area of 160 acres. The land within the (WTGS) site that is not used for the facility may be used for compatible agricultural activities provided provisions of this By-law are maintained. In addition to the bulk requirements of Table 4.1, the yards and separation distances shall be as follows:

- a. All tower yards shall be (1.1) times the total height of the tower plus rotor from any other titled property, including the boundary of a railway right-of-way. Note exception, this setback distance with respect to the title property lines shall be 400 feet for wind turbines

- located where the property line(s) nearest to any given wind turbine define and separate properties belonging to the same landowner with a lease of the same type and duration;
- b. All tower yards shall be (1.1) times the total height of the tower plus rotor from all government road allowances, any other public roads and Provincial roads. The location of these towers within greater highway control areas shall be (1.5) times the height of the tower plus rotor when adjacent to Provincial Highways and shall be subject to the approval of the Province of Manitoba within the control areas adjacent to the provincial highway system;
 - c. All tower yards that do not coincide with a title property boundary or road allowance shall be equal to the height of the tower plus the rotor in depth;
 - d. All accessory uses yards (front, side and rear) associated with the (WTGS) shall be 135 feet in depth;
 - e. The tower base shall be one and one half (1.5) times the total height of the tower plus rotor from dwellings associated with the (WTGS);
 - f. The tower base shall be one (1) times the total height of the tower plus rotor from non-dwelling principal structures;
 - g. The tower base shall be (1640 feet) from all dwellings or other habitable buildings (e.g. motel) not associated with the (WTGS); and
 - h. The tower base shall be one half mile (2640 feet) from a designated urban area, rural residential area or a seasonal recreation area.

4. Additional Requirements

In addition to the minimum requirements of Table 4.1, the following requirements shall also apply:

- a. Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- b. Maximum allowable height for all accessory buildings and structures shall be 18 feet;
- c. Minimum dwelling unit area shall be 1,000 square feet for a residential building.
- d. Maximum non-residential area for an accessory building shall be 2500 square feet.

5. Religious Assemblies

Religious Assemblies in the "AG" Agricultural General Zone shall only be permitted as accessory use to a primary agricultural use.

Table 4.2: 'AL' Agricultural Limited Zone – Use & Bulk Table

AGRICULTURAL LIMITED: AL ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Agricultural Activities (General)	40	600	125	50	50
Contractor Establishment	2	200	75	25	25
CONDITIONAL USES – Subject to Note 2					
Advertising signs, exceeding 50 square feet in area	-	-	As determined by Council		
Agricultural Activities, Specialized	5	270	125	25	25
Agricultural Crop Protection Warehouse	2	200	75	25	25
Agricultural Product Storage	2	200	75	25	25
Agricultural Supplies and Sales	2	200	75	25	25
Auctioneering Establishment	2	200	75	25	25
Campgrounds	2	200	75	25	25
Cemeteries	2	200	75	25	25
Dwellings: Single-Family (Subject to note (4))	2	200	75	25	25
Dwellings: Secondary Suite (Subject to Section 9.5)					
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (Subject to note (1))	2	200	75	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration – (Subject to note (1))	2	200	75	25	25
Home Industries (Subject to Section 9.7.2)	2	200	75	25	25
Livestock Operations of a size of 200 Animal Units (AU) or less. (Subject to Section 9.9 of this By-law)	40	600	125	50	50
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (Subject to note (1))	2 (b)	200	75	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations – (Subject to note (1))	2 (b)	200	75	25	25
Mining Operation	2	200	75	25	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Public Works Compounds and Buildings (Subject to note (1))	2 (b)	200	75	25	25
Recreation Facilities	2	200	75	25	25
Religious Assemblies – (Subject to note (3))					
Riding Academies and Stables	2	200	75	25	25
Telecommunications	2 (b)	200	75	25	25
Vacation Farm Operation	2	200	75	25	25
Veterinary Clinics (Subject to note (1))	2 (b)	200	75	25	25
Waste Disposal Sites	2	200	75	25	25

4.2.2 Additional Regulations for the AL – Agricultural Limited Zone:

1. Agri-Commercial and Industrial Uses

These types of uses may be allowed in the “AL” Agricultural Limited Zone only if no suitable site is available in a designated settlement center, in accordance with the provisions of the *White Horse Plains Planning District Development Plan*.

2. Maximum Site Area

The maximum site area for all non-agricultural uses and all conditional uses (unless specifically noted otherwise) shall be 10 acres, unless physical features of the site, such as drains, shelterbelts, etc. indicate that slightly larger site would be appropriate.

3. Religious Assemblies

Religious Assemblies in the “AL” Agricultural Limited Zone shall only be permitted as accessory use to a primary agricultural use.

4. Additional Requirements

In addition to the minimum requirements of Table 4.2 the following requirements shall also apply:

- a. Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- b. Maximum allowable height for all accessory buildings and structures shall be 18 feet;
- c. Minimum dwelling unit area shall be 1,000 square feet for a residential building.
- d. Maximum non-residential area for an accessory building shall be 2500 square feet.

5 RESIDENTIAL ZONING DISTRICTS

5.1 Intent and Type of Residential Zone

The Residential Zoning Districts established in this By-law are intended to provide sufficient land for various types of residential development within the RM of St. François Xavier in keeping with the provisions of the *Development Plan*.

“RS” – Residential Single-Family Zone

- Provides for the development of serviced single-family detached dwellings on smaller urban lots;

“RV” – Residential Village Zone

- Provides for the development of serviced single-family detached dwellings on urban lots;

“RR” – Rural Residential Zone

- Provide for the development of large lot single-family detached dwellings in a rural type setting on private services;

5.2 Residential Zoning District Site Requirements

The following tables describe the bulk requirements for uses in the Residential Zoning Districts. Lower-case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed at the end of the Use & Bulk table, which form part of the requirements within these zones.

Table 5.1: ‘RS’ Residential Single-Family Zone – Use & Bulk Table

RESIDENTIAL SINGLE-FAMILY: RS ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Dwellings: Single-Family (Subject to note (2))	15,000	80	30	10	25
Parks or Playgrounds	1,000	20	-	-	-
CONDITIONAL USES					
Bed and Breakfast Establishments, with a maximum of 4 suites	15,000	80	30	10	25
Clubs, Private or Public	15,000	80	30	10	25
Cultural Facilities, including auditoriums, community clubs, halls, libraries, museums, theatres and historic sites	15,000	80	30	10	25
Daycare Facilities	20,000	100	30	10	25
Dwellings: Two-Family	20,000	100	30	10	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Dwellings: Secondary Suite (Subject to Section 9.5)					
Emergency Services, including police and fire stations	10,000	80	30	10	25
Hobby Poultry (Subject to Section 9.4)					
Institutional Buildings, including schools, Residential Care Facility	20,000	100	30	10	25
Planned Unit Developments	As determined by Council				
Recreation Facilities	15,000	80	30	10	25
Religious Assemblies	10,000	80	30	10	25
ACCESSORY USES					
Subject to Section 2.5	-	-	-	5	5

5.2.1 Additional Regulations for the RS – Residential Single-Family Zone:

1. Front Yard

Excluding reversed corner lots, where sites comprising 40 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block.

2. Additional Requirements

In addition to the minimum requirements of Table 5.1, the following requirements shall also apply:

- a. Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- b. Maximum allowable height for all accessory buildings and structures shall be 18 feet;
- c. Minimum dwelling unit area shall be 1,000 square feet for a residential building.
- d. Maximum non-residential area for an accessory building shall be 800 square feet.

3. Yards Adjacent to Highways

Properties adjacent to highways shall maintain 125 feet frontage on PTH 1 and PTH 26 and 75 feet on all other Provincial Roads, subject to regulation by the Province.

4. Accessory Structures

- a. The maximum number of accessory structures on any site is 2.

Table 5.2: 'RV' Residential Village Zone – Use & Bulk Table

RESIDENTIAL VILLAGE: RV ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Dwellings: Single-Family (Subject to note (2))	20,000	80	30	10	25
Parks or Playgrounds	1,000	20	-	-	-
CONDITIONAL USES					
Bed and Breakfast Establishments, with a maximum of 4 suites	20,000	80	30	10	25
Clubs, Private or Public	20,000	80	30	10	25
Cultural Facilities, including auditoriums, community clubs, halls, libraries, museums, theatres and historic sites	25,000	80	30	10	25
Daycare Facilities	20,000	100	30	10	25
Dwellings: Two-Family	20,000	100	30	10	25
Dwellings: Multiple Family (Subject to Section 9.6)	20,000	100	25	15	25
Dwellings: Secondary Suite (Subject to Section 9.5)					
Emergency Services, including police and fire stations	10,000	80	30	10	25
Institutional Buildings, including schools, Residential Care Facility	25,000	100	30	10	25
Planned Unit Developments	As determined by Council				
Recreation Facilities	20,000	80	30	10	25
Religious Assemblies	10,000	80	30	10	25
Hobby Poultry (Subject to Section 9.4)					
ACCESSORY USES					
Subject to Section 2.5	-	-	-	5	5

5.2.2 Additional Regulations for the RV – Residential Village Zone:

1. Front Yard

Excluding reversed corner lots, where sites comprising 40 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block.

2. Additional Requirements

In addition to the minimum requirements of Table 5.2, the following requirements shall also apply:

- a. Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- b. Maximum allowable height for all accessory buildings and structures shall be 18 feet;
- c. Minimum dwelling unit area shall be 1,000 square feet.
- d. Maximum non-residential area for an accessory building shall be 800 square feet.

3. Yards Adjacent to Highways

Properties adjacent to highways shall maintain 125 feet frontage on PTH 1 and PTH 26 and; 75 feet on all other Provincial Roads, subject to regulation by the Province.

4. Accessory structures

- a. The maximum number of accessory structures on any site is 2.

Table 5.3: ‘RR’ Rural Residential Zone – Use & Bulk Table

RURAL RESIDENTIAL: RR ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Dwellings: Single-Family	2	200	75	15	25
Parks or Playgrounds	2	200	75	15	25
CONDITIONAL USES					
Bed and Breakfast Establishments, with a maximum of 4 suites	2	200	75	15	25
Daycare Facilities	2	200	75	15	25
Dwellings: Secondary Suite (Subject to Section 9.5)					
Hobby Poultry (Subject to Section 9.4)					
Institutional Buildings, including schools, Residential Care Facility	2	200	75	15	25
Planned Unit Developments	As determined by Council				
Recreation Facilities	2	200	75	15	25
Religious Assemblies	2	200	75	15	25
Wind Turbine: Personal Use	2	200	75	15	25
ACCESSORY USES					
Subject to Section 2.5	-	-	-	25	10

5.2.3 Additional Regulations for the RR – Rural Residential Zone:

1. Additional Requirements

In addition to the minimum requirements of Table 5.3, the following requirements shall also apply:

- a. Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- b. Maximum allowable height for all accessory buildings and structures shall be 18 feet;
- c. Minimum dwelling unit area shall be 1,000 square feet for a residential building.
- d. Maximum non-residential area for an accessory building shall be 1500 square feet.

2. Yards Adjacent to Highways

Properties adjacent to highways shall maintain 125 feet frontage on PTH 1 and PTH 26 and; 75 feet on all other Provincial Roads, subject to regulation by the Province.

6 COMMERCIAL ZONING DISTRICTS

6.1 Intent and Type of Commercial Zone

The Commercial Zoning Districts established in this By-law are designed to allow different intensities of commercial development in appropriate locations based on the intent of the zones as described below and in accordance with the *White Horse Plains Planning District Development Plan*.

“CC” – Commercial Central Zone

- This zone provides locations, characteristically small in size, either within or abutting residential zones, for low intensity commercial, office, service and institutional establishments meant to service the needs of the immediate neighbourhood. Development in this zone will be of compatible scale and sensitive to existing development both on the arterial street it shares with residential uses and the surrounding residential neighbourhood.

“CH” – Commercial Highway Zone

- This zone provides locations for commercial uses that provide goods and services to the residents of the municipality and region that are dependent upon automobile access and are exposed to high traffic volumes and access to appropriate transportation thoroughfares and considers the impact of commercial uses under this zone on any adjoining residential uses. Within this zone, attention is paid to ensuring adequate traffic management measures, adequate parking, and site landscaping considerations for aesthetic purposes so as to minimize impact on adjoining development, transportation corridors and any adjoining residential uses.

6.2 Commercial Zoning District Requirements:

The following tables describe the bulk requirements for uses in the Commercial Zoning Districts. Lower-case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed at the end of the Use & Bulk table, which form part of the requirements within these zones.

Table 6.1: 'CC' Commercial Central Zone – Use & Bulk Table

COMMERCIAL CENTRAL: CC ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Banks and Financial Services	3,000	30	25	10	25
Bars and Taverns	3,000	30	25	10	25
Convenience Stores	3,000	30	25	10	25
Cultural Facilities, including auditoriums, community clubs, halls, libraries, museums, theatres and historic sites	3,000	30	25	10	25
Daycare Facilities	3,000	30	25	10	25
Eating and Drinking Establishment, excluding Drive-Through Establishments	3,000	30	25	10	25
Emergency Services, including police and fire stations	3,000	30	25	10	25
Entertainment Facility	3,000	30	25	10	25
Government Services	3,000	30	25	10	25
Hospitals and Residential Care Facility	20,000	100	25	15	25
Medical/Dental Offices	3,000	30	25	10	25
Parks or Playgrounds	3,000	30	25	10	25
Professional Services	3,000	30	25	10	25
Retail Services	3,000	30	25	10	25
Recreation Facilities	3,000	30	25	10	25
CONDITIONAL USES					
Advertising signs, exceeding 50 square feet	As determined by Council				
Agricultural Supplies and Sales	3,000	30	25	10	25
Automobile Services	3,000	30	25	10	25
Automobile Sales / Rental	3,000	30	25	10	25
Automobile Repair / Service Stations	3,000	30	25	10	25
Building Supplies and Lumber Yards	3,000	30	25	10	25
Business Support Services	3,000	30	25	10	25
Car Wash			25	10	
Catering Establishments	3,000	30	25	10	25
Clubs, Private or Public	3,000	30	25	10	25
Custom Manufacturing Establishments	3,000	30	25	10	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Dwellings: Multiple-Family (Subject to Section 9.6).	20,000	100	25	15	25
Funeral Services	3,000	30	25	10	25
Equipment Rental and Sales	3,000	30	25	10	25
Hardware Stores	3,000	30	25	10	25
Hotels and Motels	3,000	30	25	10	25
Institutional Uses	20,000	100	25	15	25
Eating and Drinking Establishments, including Drive-Through Facilities	3,000	30	25	10	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (Subject to note (1))	3,000	30	25	10	25
Non-Accessory Parking	3,000	30	25	10	25
Personal Services	3,000	30	25	10	25
Recycling Collection Area	3,000	30	25	10	25
Religious Assemblies	3,000	30	25	10	25
Scientific, Technological, or Communication Establishment	3,000	30	25	10	25
Storage Facilities. Compounds	3,000	30	25	10	25
Taxis and Couriers	3,000	30	25	10	25
Theatres and Cinemas, excluding Drive-In	3,000	30	25	10	25
Veterinary Clinics (Subject to note (3))	3,000	30	25	10	25
Warehouses	3,000	30	25	10	25
ACCESSORY USES					
Subject to Section 2.5	-	-	25	10	10

6.2.1 Additional Regulations for the CC –Commercial Central Zone:

1. Additional Requirements

In addition to the minimum requirements of Table 6.1, the following requirements shall also apply:

- a. Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- b. Maximum allowable height for all accessory buildings and structures shall be 18 feet;
- c. Minimum dwelling unit area shall be 500 square feet for a residential building.
- d. Maximum non-residential area for an accessory building shall be 800 square feet.

2. Yards Adjacent to Highways

Properties adjacent to highways shall maintain 125 feet frontage on PTH 1 and PTH 26 and; 75 feet on all other Provincial Roads, subject to regulation by the Province. Commercial Central Zone Accessory Uses and Parking

3. Veterinary Clinics

Veterinary Clinics within the CC zone are limited to those treating household pets.

4. The following regulations govern accessory buildings, structures, and uses within In the Commercial Central Zoning District.
 1. An accessory dwelling unit must meet the following:
 - a. Are located above the principal commercial use;
 - b. Area a minimum of 37.2 square meters in floor area.
 2. No accessory building or structure shall be constructed on any Commercial Central Zone site:
 - a. Prior to the time or construction of the principal building to which it is accessory, or;
 - b. Prior to the establishment of the principal use of the land where no principal building is required.
 3. Accessory off-street parking and loading spaces as required and regulated in Section 2.8 of this By-law.
 4. Signs as regulated in Section 10.5 of this By-law.
 5. Accessory structures or buildings may be attached to the principal building by means of a breezeway.

Table 6.2: ‘CH’ Commercial Highway Zone – Use & Bulk Table

COMMERCIAL HIGHWAY: CH ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Agricultural Activities, Specialized	15,000	100	25	10	25
Automobile Sales / Rental	15,000	100	25	10	25
Business Support Services	15,000	100	25	10	25
Car Wash	15,000	100	25	10	25
Catering Establishments	15,000	100	25	10	25
Community Halls	15,000	100	25	10	25
Custom Manufacturing Establishments	15,000	100	25	10	25
Eating and Drinking Establishments, including Drive-Through Facilities					
Educational Training Facilities	15,000	100	25	10	25
Entertainment Facility	15,000	100	25	10	25
Government Services	15,000	100	25	10	25
Hospitals and Residential Care Facility	20,000	100	25	15	25
Hotels and Motels	15,000	100	25	10	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (Subject to note (1))	15,000	100	25	10	25
Medical/Dental Offices	15,000	100	25	10	25
Mini-Warehouse and Self-Storage	15,000	100	25	10	25
Parks or Playgrounds	15,000	100	25	10	25
Personal Services	15,000	100	25	10	25
Professional Services	15,000	100	25	10	25
Recreation Facilities	15,000	100	25	10	25
Retail Services	15,000	100	25	10	25
Small Animal Breeding and Boarding Establishment	15,000	100	25	10	25
Storage Facility, Compound	15,000	100	25	10	25
CONDITIONAL USES					
Advertising signs, exceeding 50 square feet in area	-	-	As determined by Council		
Agricultural Crop Protection Warehouse	2 (b)	200	75	25	25
Agricultural Machinery Parts and Equipment, Manufacturing, Repairs, Sales and Service	15,000	100	25	10	25
Agricultural Supplies and Sales	15,000	100	25	10	25
Auctioneering Establishment	15,000	100	25	10	25
Autobody Repair	15,000	100	25	10	25
Automobile Services	15,000	100	25	10	25
Automobile Repair / Service Stations	15,000	100	25	10	25
Campgrounds	15,000	100	25	10	25
Contractor Establishment	15,000	100	25	10	25
Cemeteries	15,000	100	25	10	25
Clubs; Private or Public	15,000	100	25	10	25
Equipment Rental and Sales	15,000	100	25	10	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (Subject to note (1))	15,000	100	25	10	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (Subject to note (1))	15,000	100	25	10	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (Subject to note (1))	15,000	100	25	10	25
Religious Assemblies	15,000	100	25	10	25
Mobile Home Sales / Rentals	15,000	100	25	10	25
Scientific, Technological, or Communication	15,000	100	25	10	25
Shipping Containers (Subject to Section 9.8)					
Trucking Operation	15,000	100	25	10	25
Truck Stop	15,000	100	25	10	25
Veterinary Clinics	15,000	100	25	10	25
ACCESSORY USES					
Subject to Section 2.5	-	-	25	10	10

6.2.2 Additional Regulations for the CH –Commercial Highway Zone:

1. Height Requirements

In addition to the minimum requirements of Table 6.3, the following requirements shall also apply:

- Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- Maximum allowable height for all accessory buildings and structures shall be 18 feet;

2. Yards Adjacent to Highways

Properties adjacent to highways shall maintain 125 feet frontage on PTH 1 and PTH 26 and; 75 feet on all other Provincial Roads, subject to regulation by the Province.

3. Side Yards

A minimum side yard of 3 meters (10 feet) shall be required where a site abuts the lot line of a site in the “RS”: - Residential Single-Family, and “RV”: - Residential Village zones.

4. Parking

No parking shall be permitted within the first 4 meters (15 feet) of a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.

5. Loading, Storage, Trash Collection

Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 2.8 of this By-law.

6. Abutting Residential Use

If the rear or side lot lines of a site abut a Residential or Residential-Related Use Class development or a lane serving a Residential or Residential-Related Use Class development and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 9.17 of this By-law.

7. Dwellings

A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if:

- a. It is occupied by the owner/operator or a site watchperson or caretaker, if necessary, or;
- b. The said permitted use or conditional use is the primary ground floor use.

8. Siting

The siting and access for the following developments shall be to the satisfaction of the Development Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadway:

- a. Eating and Drinking Establishments, including drive-through facilities;
- b. Bars and Taverns;
- c. Automobile Repair / Service Stations;
- d. Retail Services;
- e. Banks and Financial Services

9. Site Coverage

The maximum site area coverage including the principal and all accessory buildings and structures in the CC zone shall be sixty percent 60%.

10. Multiple Buildings and Uses

The following policies govern instances in which multiple uses are accommodated on a site:

- a. More than one (1) principal building may be located on one (1) parcel provided that the yard requirements for each building are fulfilled without overlap with other yards;
- b. A multiple-unit building shall be considered one (1) building for the purposes of establishing yard requirements;
- c. A Planned Building Group as approved by Council need not fulfill subsection 7, above.

11. Development into Required Yards

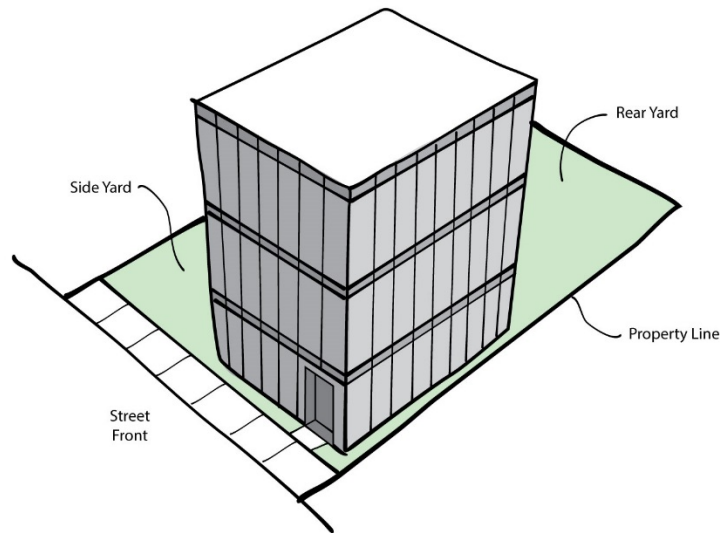
The following developments are permitted in the required yards:

- a. Architectural features including chimneys, steps, eaves and decks;
- b. Landscape features including trees, fences, walls, lighting and signs;
- c. Parking and loading areas, sidewalks and driveways;
- d. Outside storage of materials, but not in any front yard, corner side yard or yard abutting a Residential or Open Space Recreational Zone; and
- e. The restrictions in Subsection (d) above does not apply to the display of farm machinery, automobiles, trucks or trailers or to lawnmowers, snowmobiles, and the like.

12. Walkways for Persons with Disabilities

Commercial or institutional developments within a commercial zone containing more than one principal building on a single parcel of land must provide an unobstructed pathway or walkway between all principal buildings for persons with disabilities. The width of such a walkway or pathway will be no less than 0.9 meters.

Figure 1: Commercial Site Layout: Yard Illustration



13. Entranceway Requirement

Each principal building must have clearly defined, highly visible entranceways and to enhance the importance of the entranceway must contain two (2) of the following features:

- a. A canopy, a roof overhang, an arch, an outdoor patio, a display window, a peaked roof form, architectural tile-work or mouldings integrated in the building design;
- b. Corrugated metal panels and tilt-up concrete panels must not be the predominant building material on any principal façade visible from an abutting public street.

14. Landscaping Standards

- a. The garbage collection area of any commercial use shall be located at the rear of the building and will be visually screened from the back land or any other thoroughfare.
- b. When a commercial use is developed adjacent to a lot in a residential zone, or a lot in residential use, whether or not an existing lane or drainage way exists, a buffer is required that conforms to the following specifications:
 - i. A wall, berm, fence or dense vegetative screen with a minimum height of 1.2 meters at the time of installation, or planting and must be maintained at all times,
 - ii. An interceding side yard of a minimum of 3.0 meters, and
 - iii. In the case of a corner lot, a 4.6 meters wide interceding yard is required.

7 INDUSTRIAL ZONING DISTRICT

7.1 Intent and Type of the Industrial Zone

The Industrial Zoning District is intended to provide sufficient lands, site and building performance standards for a range of industrial/ manufacturing land uses within designated locations in the RM of St. François Xavier. This By-law contains one industrial zone designed to allow appropriate locations and dimensional standards for a variety of industrial uses based on criteria defined below.

“MG” – Industrial General Zone

- This zone provides land for the development of warehouse and other low impact industrial uses that are deemed compatible with other nearby residential or commercial uses. Industrial uses are permitted which carry on their operations in such a manner that no nuisance factor is created or emitted.

Table 7.1: ‘MG’ Industrial General Zone – Use & Bulk Table

INDUSTRIAL GENERAL: MG ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Agricultural Machinery Parts and Equipment, Manufacturing, Repairs, Sales and Service	1	100	25	10	25
Agricultural Activities, Specialized	1	100	25	10	25
Agricultural Product Storage	1	100	25	10	25
Agricultural Supplies and Sales	1	100	25	10	25
Automobile Services	1	100	25	10	25
Automobile Sales / Rental	1	100	25	10	25
Building Supplies and Lumber Yards	1	100	25	10	25
Business Support Services	1	100	25	10	25
Car Wash	1	100	25	10	25
Catering Establishments	1	100	25	10	25
Contractor Establishment	1	100	25	10	25
Custom Manufacturing Establishments	1	100	25	10	25
Eating and Drinking Establishments, including Drive-Through Facilities	1	100	25	10	25
Educational Training Facilities	1	100	25	10	25
Entertainment Facility	1	100	25	10	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Emergency Services, including police and fire	1	100	25	10	25
Equipment Rental and Sales	1	100	25	10	25
Funeral Services	1	100	25	10	25
Government Services	1	100	25	10	25
Hospitals and Residential Care Facility	1	100	25	10	25
Household Repair Services	1	100	25	10	25
Mini-Warehouse and Self-Storage	1	100	25	10	25
Mobile Home Sales / Rentals	1	100	25	10	25
Personal Services	1	100	25	10	25
Recreation Facilities	1	100	25	10	25
Trucking Operation	1	100	25	10	25
Veterinary Clinics (Subject to note (8))	1	100	25	10	5
CONDITIONAL USES					
Abattoir	3,000	30	15	5	25
Advertising signs, exceeding 50 square feet	-	-	As determined by Council		
Agricultural Crop Protection Warehouse	1	100	25	10	25
Aircraft Landing Field	10	300	125	25	25
Auctioneering Establishment	1	100	25	10	25
Automobile Repair / Service Stations	1	100	25	10	25
Broadcasting and Motion Picture Studio	1	100	25	10	25
Clubs, Private or Public	1	100	25	10	25
Contractor Establishment	1	100	25	10	25
Industrial Equipment and Sales	1	100	25	10	25
Hotels and Motels	1	100	25	10	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (Subject to note (1))	1	100	25	10	25
Recycling Depot	1	100	25	10	25
Religious Assemblies	1	100	25	10	25
Shipping Containers (Subject to Section 9.8)	-	-	-	-	-
Small Animal Breeding and Boarding Establishment	1	100	25	10	25
Storage Facility, Compound	1	100	25	10	25
ACCESSORY USES					
Subject to Section 2.5	-	-	-	10	10

7.1.1 Additional Regulations for the MG – Industrial General Zone:

1. Height Requirements

In addition to the minimum requirements of Table 7.1, the following requirements shall also apply:

- a. Maximum allowable height for all principal buildings and structures shall be 35 feet and not exceed 2.5 storeys;
- b. Maximum allowable height for all accessory buildings and structures shall be 18 feet;

2. Yards Adjacent to Highways

Properties adjacent to highways shall maintain 125 feet frontage on PTH 1 and PTH 26 and; 75 feet on all other Provincial Roads, subject to regulation by the Province.

3. Parking

No parking shall be permitted within the first 4.5 meters (15 feet) of a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.

4. Performance Standards

All developments shall comply with Section 2.10 of this By-law.

5. Storage of Goods and Materials

When outside storage of goods and materials is required:

- a. The storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
- b. The storage shall not project above the height of the wall or fence; and
- c. A solid fence shall be provided and maintained in a condition that is acceptable to the Development Officer.

6. Environmental and Public Health Regulations

The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Development Officer is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.

7. Dwelling

A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

8. Veterinary Clinics

Veterinary Clinics within the MG zone are limited to those treating livestock.

8 COMMUNITY ZONING DISTRICTS

8.1 Intent and Type of Industrial Zone

The Community Zoning Districts established in this By-law are intended to provide sufficient land for various types of public open space, recreation, park and institutional development within the RM of St. François Xavier in keeping with the provisions of the *White Horse Plains Planning District Development Plan*.

“HZ” – Holding Zone

- This zone is intended to preserve open land anticipated to be required for future development.

“I” – Institutional Zone

- This zone provides land for the establishment of public institutional uses and facilities with the Municipality.

“PR” – Parks & Recreation Zone

- This zone provides land for establishment of public parks and recreation areas and facilities within the Municipality.

Table 8.1: ‘HZ’ Holding Zone – Use & Bulk Table

HOLDING ZONE: HZ ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Agricultural Activities, General	15,000	600	125	50	50
Farmstead Dwelling	15,000	200	75	25	25
Emergency Services, including police and fire stations	15,000	100	25	10	25
Parks or Playgrounds	5000	100	25	10	25
CONDITIONAL USES					
Agricultural Activities, Specialized	15,000	100	25	10	25
Agricultural Supplies and Sales	15,000	100	25	10	25
Campgrounds	15,000	100	25	10	25
Contractor Establishment	15,000	100	25	10	25
Dwellings: Single-Family	15,000	100	25	10	25
Recreation Facilities	15,000	100	25	10	25
Religious Assemblies	15,000	100	25	10	25
Riding Academies and Stables	15,000	100	25	10	25
Small Animal Breeding and Boarding Establishment	15,000	100	25	10	25

ACCESSORY USES					
Subject to Section 2.5	-	-	25	10	25

8.1.1 Additional Regulations for the HZ – Holding Zone:

1. Building Height

The maximum building height regulation of 5 meters (15 feet) shall apply to buildings or structures that are accessory to a Non-Commercial Farm.

2. Council’s Decision

Council shall not approve any development which, in its opinion would:

- a. Substantially alter the existing state of the land;
- b. Require structures, footings or foundations that cannot be removed or relocated at a nominal cost to the applicant or owner; or
- c. Be prejudicial to the future economical subdivision, servicing and development of the subject land for future urban uses on a planned basis.

3. Length of Time

Council may specify the length of time a use is permitted in this Zone having regard for the future servicing or development of general residential, recreational, institutional, industrial or commercial development on the subject land.

4. Campground

A dwelling unit is allowed in conjunction with a Campground development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

Table 8.2: ‘I’ Institutional Zone – Use & Bulk Table

INSTITUTIONAL ZONE: I ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Cultural Facilities, including auditoriums, community clubs, halls, libraries, museums, theatres and historic sites	5,000	50	25	10	25
Daycare Facilities	5,000	50	25	10	25
Educational Training Facilities	5,000	50	25	10	25
Emergency Services, including police and fire stations	5,000	50	25	10	25
Government Services	5,000	50	25	10	25
Hospitals and Residential Care Facility	5,000	50	25	10	25
Parks or Playgrounds	5,000	50	25	10	25
Religious Assemblies	5,000	50	25	10	25
Schools Private or Public	5,000	50	25	10	25

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
CONDITIONAL USES					
Advertising signs, exceeding 50 square feet in area	-	-	As determined by Council		
Cemeteries	5,000	50	25	10	25
Clubs, Private or Public	5,000	50	25	10	25
Funeral Services	5,000	50	25	10	25
Professional Services	5,000	50	25	10	25
Recreation Facilities	5,000	50	25	10	25
ACCESSORY USES					
Subject to Section 2.5	-	-	50	10	10

Table 8.3: 'PR' Parks & Recreation Zone – Use & Bulk Table

PARKS & RECREATION ZONE: PR ZONE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
PERMITTED PRINCIPAL USES					
Cultural Facilities, including auditoriums, community clubs, halls, libraries, museums, theatres and historic sites	-	-	50	10	25
Daycare Facilities	-	-	50	10	25
Educational Training Facilities	-	-	50	10	25
Emergency Services, including police and fire stations	-	-	50	10	25
Government Services	-	-	50	10	25
Hospitals and Residential Care Facility	-	-	50	10	25
Parks or Playgrounds	-	-	50	10	25
Religious Assemblies	-	-	50	10	25
Schools Private or Public	-	-	50	10	25
CONDITIONAL USES					
Advertising signs, exceeding 50 square feet in area	-	-	As determined by Council		
Cemeteries	-	-	50	25	25
Clubs, Private or Public	-	-	50	10	25

MINIMUM REQUIREMENTS					
	SITE SIZE		REQUIRED YARDS		
	Site Area (Square Feet)	Site Width (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
Funeral Services	-	-	50	10	25
Professional Services	-	-	50	10	25
Recreation Facilities	-	-	50	10	25
ACCESSORY USES					
Subject to Section 2.5	-	-	50	10	10

9 RULES FOR SPECIFIC USES

9.1 Accessory Uses, Buildings and Structures

1. Accessory developments are permitted when accessory to a permitted use.
2. Accessory developments are conditional when accessory to a conditional use.
3. Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the building and is not an accessory building.
4. No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory.
5. No accessory building or structure shall be used as a dwelling unit.
6. In the Residential Zoning Districts, accessory buildings and structures shall be located on a site as follows:
 - a. Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building; and
 - b. Where the accessory building is detached from the principal building, it shall not be located closer than 3 m. (10 ft.) clear of all projections to the principal building, nor shall it be located closer to a public roadway than the front wall of the principal building.
 - c. Accessory buildings or structures shall be subject to the regulations for that Zoning District.

9.2 Specific Uses

9.2.1 Applicability

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

9.2.2 Anhydrous Ammonia Facilities

1. An Anhydrous Ammonia Facility shall comply with the following regulations.
 - a. It shall be located at least:
 - i. 1,524 meters (5,000 feet) from the settlement centre of St. François Xavier,
 - ii. 792 meters (2,600 feet) from any Residential, Residential-Related, Basic Service and Community, Educational, Recreational and Cultural Service Use Class developments located outside the settlement centre of St. François Xavier,
 - iii. 99 meters (325 feet) from the edge of the rights-of-way of a Provincial Trunk Highway or Provincial Road.

9.3 Accessory Uses, Buildings and Structures

Except as otherwise regulated in this By-law, accessory buildings, structures and uses in all zones, shall be subject to the following regulations:

1. 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 Bylaw applicable to the main building or structure;

2. Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
3. In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.
4. Accessory buildings or structures shall be subject to the regulations for that Zoning District.

9.3.1 Accessory Buildings, Structures for Respective Zones

1. Accessory buildings, structures, and uses include the following, in all zones:
 - a. Incinerators and individual sewage disposal systems;
 - b. Private communications, such as television, radio antennas, aerials and satellite dishes;
 - c. Garages, storage buildings and such other accessory buildings;
 - d. Home based businesses, as regulated in Section 9.5;
 - e. Signs, as permitted and regulated in Section 10.5.

9.4 Hobby Poultry

The following regulations shall apply to Hobby Poultry:

1. Hobby Poultry may be permitted as a conditional use in rear yards which are completely fenced to a maximum of six (6) hens.
2. All hens must be kept in a humane, secure coop with an outdoor enclosure.
3. The coop and enclosure must meet the following standards:
 - a. located in the rear of the lot behind the dwelling and not located within the Accessory Use setbacks;
 - b. positioned a minimum of 5.0 metres (16.4 feet) from any neighbouring property's windows or doors;
 - c. built at grade level, and is no more than 2.0 metres (6.6 feet) in height;
 - d. provide at least 0.37 square metres (4.00 square feet) per hen of floor area within the coop and 0.92 square meters per hen (10.00 square feet) of exterior area (within the enclosure);
 - e. maximum size of coop and hen enclosure combined is 8.3 square metres (90.00 square feet) in area;
 - f. provide one perch and one nest per hen;
 - g. enclosure must be covered entirely on all sides and top by chicken-grade fencing; and
 - h. coop must have adequate weather proofing and enclosure must be predator-proof.
4. Hobby Poultry uses are subject to inspection by the Development Officer to confirm sanitary and safety of residents and poultry, the state of the coop and enclosure, and other matters deemed pertinent.

9.5 Secondary Suites

Secondary Suites are subject to the following regulations:

1. Secondary Suites may be established as a conditional use in single-family dwellings as per the Use Tables in each Zoning District. Secondary Suites may be located within the principal dwelling or detached from the principal dwelling and must comply with the following regulations:
 - a. Secondary suites shall comply with requirements of the *National Building Code* and Manitoba Amendments;

- b. Secondary suites are not permitted in association with a multiple-family or two-family residence;
 - c. A minimum of one off-street parking space must be provided for each secondary suite.
2. For Secondary Suites within a principal dwelling:
- a. Not more than one (1) Secondary Suite shall be permitted within a principal dwelling.
 - b. The property containing a Secondary Suite shall be zoned for residential or agricultural use and contain a permanent habitable single-family (detached) dwelling.
 - c. The principal dwelling must be an existing permanent structure.
 - d. The principal dwelling is to be occupied by the owner of the property.
 - e. Within the Residential Zoning Districts, maximum floor area shall not exceed 40% of the total habitable floor space of the principal dwelling or 861.1 square feet (80 sq. metres), whichever is the lesser.
 - f. An exterior, private amenity space such as a deck or patio should be provided for the Secondary Suite.
3. For Detached Secondary Suites:
- a. Not more than 1 Secondary Suite shall be permitted on an established zoning site.
 - b. The exterior of the secondary suites should incorporate building materials, textures, and colours that are similar to those found on the principal dwelling.
 - c. The zoning site containing the Secondary Suite shall be zoned for residential or agricultural use and contain a permanent habitable single-family (detached) dwelling.
 - d. The principal dwelling is to be occupied by the owner of the property.
 - e. Maximum floor area shall be:
 - i. Within the Residential Zoning Districts, not greater than 861.1 square feet (80 sq. metres), and shall not exceed the maximum site coverage for ancillary structures as permitted within the zoning by-law.
 - ii. Within the Agricultural Zoning Districts, not greater than 1500 square feet (139.3 sq. metres), and shall not exceed the maximum site coverage for ancillary structures as permitted within the zoning by-law.
 - f. Building height (Maximum):
 - i. Detached Secondary Suite (above Grade): 26.2 feet (8 metres)
 - ii. Detached Secondary Suite (at Grade): 16.4 feet (5 metres)
 - g. Setbacks (Minimum):
 - i. From Front Lot Line: must be equal to or greater than the minimum setback from the front property line for a principal dwelling within the same zone.
 - ii. From Rear Lot Line: must be equal to or greater than the minimum setback from the rear property line for a principal dwelling within the same zone.
 - iii. Where a property backs onto a public lane, public right-of-way, public park, or a property zoned for commercial or industrial uses, the setback from the Rear Lot Line may be equal to or greater than 9.8 feet (3 metres).
 - h. From Side Lot Line:
 - i. Must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone.
 - i. From Exterior Side Lot Line:
 - i. Must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same zone.

- j. Separation from the Principal Dwelling (Minimum): 10 feet (3 metres)

9.6 Multiple Family Developments

Multiple-family developments of 4 or more units must comply with the following standards:

1. When a required side yard or required rear yard of a multiple family development is adjacent to a single-family zone or dwelling the required side yards shall be increased to 6 metres (20 feet) and/or the required rear yard shall be increased to 9.1 metres (30 feet);
2. Any parking area or loading area which is visible from a single-family dwelling shall provide opaque fencing, masonry wall and/or landscaped screening at least 1.2 metres (4 feet) in height.
3. Garbage enclosures and collection areas which are visible from public streets and/or Residential Zoning Districts shall be enclosed within opaque fencing, a masonry wall and/or landscaped screening at least 6 feet (1.8 metres) in height.
4. If landscaped screening cannot reasonably be expected to survive in a proposed location the Development Officer may require that opaque fencing, a masonry wall, and/or an earthen berm be utilized.
5. If landscaped screening is provided it shall consist of coniferous trees or shrubs and/or deciduous trees and shrubs. Landscaping must be maintained to provide effective screening to a height of 6 feet (1.8 metres).
6. Prior to issuing a building permit for any Multiple Family Dwelling a site plan must be approved by the Development Officer as detailed in Section b. The site plan must demonstrate compliance with this by-law and show the location and design of the building, including building elevations, landscaping, garbage enclosures, snow storage, fencing, vehicular approaches, parking areas and lighting.
7. Council may require additional site and design criteria for multiple family developments in a Development Agreement.

9.7 Home-Based Businesses

A Home Based-Business shall comply with the following regulations:

1. They shall be conducted by a person or persons residing in the dwelling.
2. The Home-Based Business shall only be allowed in conjunction with a dwelling unit, and shall not change the principal character or external appearance of the dwelling unit involved.
3. The Home-Based Business shall not include automotive service uses, tow-truck operations or construction equipment storage.
4. Home-based businesses shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood.
5. Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed:
 - a. 5 persons in any Agricultural Zone; and
 - b. 2 persons in any other zone
6. In all zones except the "AG" Agricultural General zone, there can be no processing or outside storage of goods or materials; and in the "AG" Agricultural General Zone, the location of all exterior processing and storage shall be subject to Council approval.
7. Not more than 1,000 square feet of floor area may be devoted to the business.

8. One business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding:
 - a. in the rural zones, 50 square feet;
 - b. in the urban zones, 8 square feet.
9. If a Home-Based Business is used for instructional classes, there shall not be more than eight (8) pupils at a time.
10. They shall not generate undue traffic congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance.
11. In the urban zones, the residential character of the property shall be maintained.

9.7.1 Bed and Breakfast Homes

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

1. There shall be no exterior display or advertisement larger than 0.5 square meters (6 square feet) in the settlement centre of St. François Xavier, and 3 square meters (32 square feet) in other areas, provided that no sign shall be illuminated and any sign must be compatible with the residential character of the area.
2. The Bed and Breakfast Home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
3. The Bed and Breakfast Home shall be operated by a live-in owner and shall not change the principal residential character or external appearance of the dwelling unit.
4. The Bed and Breakfast Home shall have a maximum of three bedrooms or bedroom suites
5. Meals shall be limited to the owner-occupants of the Bed and Breakfast Home and resident guests therein with no cooking facilities allowed in the bedrooms or bedroom suites.
6. In addition to the parking regulations for the primary use, one additional on-site parking space shall be provided for each bedroom or bedroom suite.
7. An approved 2 kg. (5 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.
8. All Bed and Breakfast Homes must be operated in accordance with all plans and documents approved as part of the application.

9.7.2 Home Industries

A Home Industry shall comply with the following regulations:

1. The Home Industry shall be in contravention of this Zoning By-law unless it conforms to the Municipal Licensing By-law and amendments thereto.
2. The Home Industry shall only be allowed in conjunction with a dwelling unit and be carried out in a building that is accessory to a dwelling unit and does not exceed a floor area of 232 square meters (2,500 square feet).
3. The employment of family and non-family members is allowed as part of the Home Industry to a maximum of five (5) persons.
4. The selling of goods or services related to the Home Industry is allowed.
5. The character and scale of the Home Industry shall not create offensive or objectionable impacts on any adjoining sites.
6. Outside storage of goods and materials is allowed as part of the Home Industry, subject to the following:

- a. The storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b. The storage area shall be fenced or screened from public view to the satisfaction of the Development Officer or Council; and
 - c. The storage shall not project above the height of the fence or screening.
7. Notwithstanding Section 10.5 of this By-law, the Home Industry may have one identification sign with a maximum area of 0.7 square meters (8 square feet), indicating the name of the occupant and/or Home Industry of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
 8. There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.
 9. The Home Industry shall not be permitted if, in the opinion of the Development Officer, such use would be more appropriate located in another Zoning District having regard for, among other matters, potential traffic generation and potential interference with the character of the area.
 10. The Home Industry shall comply with all environmental and public health standards of the Province of Manitoba. If Council determines that a proposed Home Industry may conflict with these standards, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.
 11. In addition to the information regulations of Section 10.6 of this By-law, each application for a development permit for a proposed Home Industry shall include a description of the use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the use are to be stored.
 12. A permit for a Home Industry is not transferable to a new homeowner.
 13. All Home Industries must be operated in accordance with all plans and documents approved as part of the application.

9.8 Shipping Containers

Notwithstanding the other regulations of this By-law the following provisions shall apply to shipping containers:

1. Shall require a conditional use permit in the "CH" and "MG" Zoning Districts, shall be a permitted use in the "AG" and "AL" Zoning Districts and shall not be placed within any Residential Zoning Districts;
2. Shall not be the sole structure on any property;
3. Shall only be used for accessory storage to a permitted use, and shall not be used for human habitation, display, advertising, screening, or fencing;
4. Shall only be located to the side or the rear of the permitted use provided that it is:
5. Screened from view from any public street and abutting properties;
6. Complies with the site coverage and setback requirements of the zone;
7. Not located in any required yard; and
8. Not located in any required parking areas or landscape buffer.
9. Shall be included in all calculations for the purpose of determining maximum site coverage.
10. Shall be kept in good condition, free from graffiti, rust, peeling paint and any other form of visible deterioration;

11. Shall not be stacked one on top of the other;
12. The maximum number of shipping containers on any property shall be limited to 2;
13. Notwithstanding the above, when actively used for the transportation of goods and materials within the “CH” and “MG” Zoning Districts no maximum shall apply; and
14. Notwithstanding the above, a shipping container may be permitted for temporary storage on construction sites in accordance with Section 2.9.21.

9.9 Livestock Operations

9.9.1 New and Expanding Livestock Operations

The provisions of this section shall apply to new and expanding livestock operations:

1. The number of animal units (AU) represented by a livestock operation shall be determined in accordance with Table 9.1.
2. To assist in the interpretation of this By-law, the total number of existing and proposed animal units (AU) cumulative across all species, of a livestock operation, shall be determined in accordance with Table 9.1.
3. The provisions of this By-law are dependent upon a determination of the production capacity of a livestock operation, which shall be based upon the intensity of use as measured by animal units (AU) in accordance with Table 9.1 by multiplying the number of animals that be accommodated in the facility by the animal unit produced by one livestock.
4. Livestock operations including animal housing structures and manure storage facilities shall be setback 100 meters (328 feet) from property lines.
5. No manure storage facility shall be constructed or located within 100 meters (328 feet) of surface water which is standing or flows either perennially or intermittently beyond the site of the facility.
6. Requirements for setback and separation distances, as provided for herein, shall be measured from the closest point of the barn, feedlot or high density feeding area including any related manure storage facility, to the property boundary, residence designated area boundary or water body, as the case may be.
7. Separation distance prescribed in Table 9.2 must be maintained mutually between all new or expanding livestock operation as well as siting of new rural residences in proximity to existing livestock operations and:
 - a. Areas designated in the *White Horse Plains Planning District Development Plan* as:
 - i. Settlement Centre Policy Areas;
 - ii. Rural Residential Policy Areas; or
 - iii. Business Policy Areas; or
 - b. Residences not associated with the livestock operation; and
 - c. Non-farm residential subdivisions.
8. Any application for a new or expanding livestock operation proposed within a separation distance as prescribed in Table 9.2 shall not be approved unless the separation distance has been varied by Council by means of issuing variation order(s).
9. Council shall refer all applications involving 300 or more animal units to the Minister and request that a Technical Review Committee be appointed to review the proposed application.
10. When reviewing any conditional use application for a livestock operation Council shall take the following into consideration:
 - a. The type of operation;

- b. Location in relation to neighbouring land uses;
 - c. The size of the operation including:
 - i. The maximum number of animals; and
 - ii. The size of the area.
 - d. The source of water supply and proposed consumption levels;
 - e. The proposed manure storage and disposal system;
 - f. The nature of the land base;
 - g. Local resident concerns;
 - h. The Technical Review Committee report and recommendations;
 - i. The potential impacts to Provincial highways and Municipal road systems;
 - j. Provincial guidelines and regulations governing livestock operations; and
 - k. Whether there is a need for a development agreement to be entered into between the proponent and the municipality dealing with conditions such as:
 - i. The timing of construction of any proposed buildings or structures; and
 - ii. The control of traffic.
 - iii. The construction and maintenance of roads, fencing, landscaping, shelterbelts, manure storage facility covers or site drainage works by or at the expense of the proponent;
 - iv. The size of the site area.
 - l. Livestock operations shall be subject to the setbacks; limitations and any other requirements presented in any Provincial Acts or Regulations.
 - m. Council may, as a condition of approval, require covers on manure storage facilities to minimize emission or odour, as per *The Planning Act*.
11. Livestock operations shall be subject to the setbacks, limitations and any other requirements presented in any Provincial Acts or Regulations, including the following documents:
- a. Manitoba Farm Practices Guidelines
 - b. Livestock Manure and Mortalities Management Regulations

9.9.2 Livestock Operations – Mutual Separation Regulations

1. Except for the dwelling unit of the operator of the Livestock Operation, mutual separation distances shall be maintained between Livestock Operations and a dwelling unit or applicable designated area as per the *White Horse Plains Planning District Development Plan* and be in accordance with Table 9.2.
2. Livestock operations which carry on normal farming practices and are compliant with this By-law and provincial acts will be protected from nuisance claims by any other person for any odour, noise, dust, smoke or other disturbance and have the right to carry on their operation and existence without fear of restriction by new land uses. Council must make any new land uses within designated areas that fall within the mutual separation distance of a livestock operation aware of these prior rights of existing agricultural uses. All newly created lots within designated areas that fall within the mutual separation of a livestock operation shall, by means of caveat registration on title, attach the above noted information. Council shall also make land owners seeking a building permit for a dwelling unit within designated areas that fall within the mutual separation distance of a livestock operation aware of the aforementioned prior rights of existing agricultural uses.

9.9.3 Livestock Operations Producing 299 or Less Animal Units

9.9.3.1 General

All new or expanding Livestock Operations that produce less than 300 Animal Units shall:

1. Meet or exceed all applicable Provincial and Federal government environmental and health regulations in force at the time of the permit application;
2. Obtain a development permit from Council prior to any development activity taking place on the site; and
3. Meet or exceed any applicable site regulations.

9.9.3.2 Mutual Separation Regulations

1. Except for the dwelling unit of the operator of the Livestock Operation, mutual separation distances shall be maintained between Livestock Operations and a dwelling unit or designated residential or recreational area in accordance with Table 9.2.

9.9.4 Livestock Operations Producing 300 or Greater Animal Units

9.9.4.1 Development Permit Applications

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

9.9.5 Livestock Operations Deemed Conditional Uses

1. Livestock operations are deemed to be a conditional use when the size of the operation reaches 300 animal units or greater (cumulative across species).

9.9.5.1 Conditional Use Hearing

1. Where a conditional use hearing is required, Council will not set a hearing date until all of the development permit application information as specified in Section 10.6 of this By-law has been submitted by the applicant to the Designated Officer.
2. Prior to any hearing of an application for a conditional use permit to establish or expand a Livestock Operation Council shall place a public notice in accordance with *The Planning Act*.
3. An application for a conditional use permit shall be processed and approved or rejected in accordance with *The Planning Act*. If warranted, Council may consider imposing the following conditions:
 - a. Measures to ensure conformity with the applicable provisions of the *White Horse Plains Development Plan*, the *RM of St. François Xavier Zoning By-law*;
 - b. Measures to implement recommendations made by the Technical Review Committee;

- c. Requiring covers on manure storage facilities;
- d. Requiring shelter belts to be established;
- e. Requiring the owner of the affected property to enter into a development agreement dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters:
 - i. The timing of construction of any proposed buildings or structures;
 - ii. The control of traffic.
 - iii. The construction and maintenance of roads, fencing, landscaping, shelterbelts, manure storage facility covers or site drainage works by or at the expense of the proponent;
 - iv. The payment of a sum of money to the municipality to be used to construct anything mentioned in sub-clause (iii).

Table 9.1: Animal Unit Summary Table

		A.U. Produced By One Livestock	Livestock Producing One A.U.
Dairy	Milking Cows, including associated livestock	2.0	0.5
Beef	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2.0
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3

Hogs	Sows, farrows to finish	1.25	0.8
	Sows, farrows to weanling	0.313	3.2
	Sows, farrows to nursery	0.25	4.0
	Weanlings	0.033	30
	Growers/Finishers/Biotechs/Feeders	0.143	7.0
	Boars (artificial insemination operations)	0.2	5.0
Chickens	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses (PMU)	Mares, including associated livestock	1.333	0.75
	Feedlot	1.00	1
Sheep	Ewes, including associated livestock	0.2	5
	Feeder lambs	0.063	16
Goats	All	0.14	7.14
Elk	Calves	0.05	20
	Cows	0.53	1.89
	Bulls	0.77	1.29
Bison	Calves	0.25	4
	Adults	1.00	1

Table 9.2: Separation Distances for Livestock Operations

Animal Units (A.U.) ^a	Minimum Distance (feet / meter)			
	From Single Residence or Non-farm Residential Subdivision		From Designated Areas	
	To Earthen Storage	To Buildings	To Earthen Storage	To Buildings
10 - 100	754ft. / 230 m.	377 ft. / 115 m.	3,019 ft. / 920 m.	2,000 ft. / 610 m.
101 - 200	1132 ft. / 345 m.	566 ft. / 173 m.	4,528 ft. / 1,380 m.	3,019 ft. / 920 m.
201 – 300	1,508 ft. / 460 m.	754 ft. / 230 m.	6,036 ft. / 1,840 m.	4,037 ft. / 1,231 m.
301 - 400	1,697 ft. / 518 m.	849 ft. / 259 m.	6,792 ft. / 2,070 m.	4,528 ft. / 1,380 m.
401 - 800	1,885 ft. / 575 m.	943 ft. / 288 m.	7,545 ft. / 2,300 m.	5,018 ft. / 1,530 m.
801 -1600	2,262 ft. / 690 m.	1,132 ft. / 345 m.	9,055 ft. / 2760 m.	6,036 ft. / 1,840 m.
1601 - 3200	2,642 ft. / 805 m.	1,320 ft. / 403 m.	10,564 ft. / 3,220 m.	7,055 ft. / 2,151 m.
3201 - 6400	3,019 ft. / 920 m.	1,509 ft. / 460 m.	12,074 ft. / 3,680 m.	8,036 ft. / 2,450 m.
6401 - 12800	3,396 ft. / 1,035 m.	1,697 ft. / 518 m.	13,582 ft. / 4,140 m.	9,055 ft. / 2,760 m.
12801 and greater	3,773 ft. / 1,150 m.	1,887 ft. / 575 m.	15,091 ft. / 4,600 m.	10,074 ft. / 3,071 m.

Table 9.2 Footnotes

- a) Refer to Table 9.1 for number of animals;
- b) Residences, excluding the residences of the owner/operator of the livestock operation;
- c) Areas designated in the *White Horse Plains Planning District Development Plan* as Settlement Centre Policy Area, Rural Residential Policy Area or Business Policy Area;
- d) The distance to buildings includes barns, animal housing facilities including seasonal feeding area and non-earthen manure storage such as a tank or other facility not made out of earth for storing manure, and includes all permanent equipment or structures in or by which is moved to or from the storage facility;
- e) Separation distances do not apply to expansion of or development within designated areas in the *White Horse Plains Planning District Development Plan* as Settlement Centre Policy Area, Rural Residential Policy Area, or Business Policy Area but shall apply if one of the above-mentioned designation expands.

9.10 Natural Resource Developments

1. The Natural Resource Development shall not excavate aggregate, topsoil or peat moss closer than the distances from any lot line, single dwelling or shore of a river, lake or stream other than what is outlined in *The Mines and Minerals Act*.
2. Where any Natural Resource Development abuts the lot line of a site in the RM of St. François Xavier or any Rural Residential designated area as indicated in the *White Horse Plains Development Plan*, a 30 m. (100 ft.) landscaped yard shall be required.
3. A dwelling unit is allowed provided it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
4. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required side or rear yard.
5. When outside storage of goods and materials is required:

- a. The storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building; and
 - b. A solid fence shall be provided and maintained in a condition acceptable to the Development Officer.
6. Any fuel storage areas established on the site shall comply with *Manitoba Regulation 97/88R* respecting Storage and Handling of Gasoline and Associated Products.
 7. Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.
 8. The Natural Resource Development shall comply with all environmental and public health regulations of the Province of Manitoba. If the Development Officer believes a proposed Natural Resource Development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.

9.11 Non-Commercial Farms

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

1. The minimum site area for the Non-Commercial Farm shall be 2 hectares (5 acres).
2. The use of land or structures for the Non-Commercial Farm shall be limited to 1.33 Animal Units per 0.8 hectares (2 acres) of land.
3. The maximum size for the Non-Commercial Farm shall be less than 10 Animal Units.
4. Farm buildings or structures shall be a minimum distance of 30.48 meters (100 feet) from any lot line.
5. The keeping of animals on a site:
 - a. Shall not be allowed in front of the dwelling unit in any Residential District;
 - b. Shall not interfere with the use and enjoyment of adjacent land uses.
6. For the purposes of this section of the By-law, the calculation of Animal Units shall be cumulative across the species as determined on the basis of the Animal Units Conversion Table (Table 9.1), or as determined by the Province of Manitoba.
7. A Non-Commercial farm can only be developed in conjunction with a Single-family Dwelling.
8. All Non-Commercial Farms must be operated in accordance with all plans and documents approved as part of the application.

9.12 Planned Unit Developments, Residential

A Planned Unit Developments shall comply with the following regulations:

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

- e. Such additional information as required by Council.
3. The minimum site area for a Planned Unit Development shall be 4.05 hectares (10 acres).
4. The density of development shall not be increased from the normal density per gross hectare (acre) permitted in the Zoning District in which the proposed Planned Unit Development is located.
5. Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Land Titles office.
6. An overall landscaping plan shall be prepared.
7. Any public park areas shall be dedicated to the Municipality.

9.13 Small Animal Breeding and Boarding Establishment

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

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

9.14 Car Brokers

A Car Broker shall comply with the following regulations:

1. The Car Broker operation shall not change the principal character or external appearance of the dwelling unit involved.
2. The Car Broker operation shall be limited to the purchase and sale of used passenger vehicles and light trucks only.
3. Except as hereinafter provided, the vehicles that are for sale shall be parked or stored at the rear of the dwelling unit on the site so as to be entirely screened from public view.
4. Notwithstanding Section 9.14 (3) of this By-law, a maximum of one vehicle may be put on display for sale in the front yard of the site on which a Car Broker operation is located at any one time.
5. Notwithstanding Section 9.14 (4) of this By-law, on the site on which a Car Broker operation is located there shall be no vehicles put on display for sale within any Municipal road right-of-way.
6. Notwithstanding Section 9.14 (4) of this By-law, if the Car Broker operation is adjacent to a Provincial Trunk Highway Provincial Road or Provincial Access Road, the vehicles put on display for sale thereon shall be setback in accordance with *The Highways and Transportation Act* and *The Highways Protection Act*.
7. The site on which a Car Broker operation is located shall be kept in a tidy, well-maintained manner to the satisfaction of the Development Officer.
8. A storage area having six or more passenger vehicles and/or light trucks that are visible from a roadway or an abutting Residential District that is within 198 meters (650 feet) from the storage area shall be fenced and/or have a screen planting, to the satisfaction of the Development Officer.

9. The Car Broker operation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zoning District in which it is located.
10. The Car Broker operation shall be operated solely by the members of the family residing at the same dwelling unit on the site where the Car Broker operation is located without the employment of other persons.
11. Any exterior display or advertisement of the Car Broker operation shall:
 - a. Not exceed 0.4 square meters (4 square feet) in area;
 - b. Not be illuminated; and
 - c. Be compatible with the character of the area.
12. The dimensions of signage advertising the sale of vehicles shall not exceed 21 centimeters (8 inches) by 28 centimeters (11 inches).
13. The Car Broker operation shall have all outdoor lighting located and arranged on the site so that no rays of light are directed at any adjacent sites.
14. The maximum number of passenger vehicles and light trucks for sale at any one time shall be limited to six (6) vehicles.
15. All Car Brokers must be operated in accordance with all plans and documents approved as part of the application.

9.15 Vehicular – Oriented Uses

9.15.1 Applicability

1. All vehicular-orientated commercial use developments shall comply with the regulations of this section of the By-law, including:
 - a. Drive-Through Food Services;
 - b. Automobile services
 - c. Rapid Drive-Through Vehicle Services; and
 - d. Automated Teller Machines.

9.15.1.1 Development Regulations

1. Vehicular-oriented uses shall be located only where the Development Officer or Council is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.
2. The minimum frontage shall be 30 meters (100 feet).
3. Service Stations and Rapid Drive-Through Vehicle Services shall have a minimum site depth of 30 meters (100 feet).
4. Stacking space shall be provided as follows:
 - a. For Drive-In Food Services and other Commercial Use developments having a drive-up service window, a minimum of six in-bound stacking spaces shall be provided for vehicles approaching the drive-up service window. One out- bound stacking space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle;
 - b. For Rapid Drive-Through Vehicle Services, a minimum of five in-bound and three out-bound stacking spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of ten in- bound and five out-bound stacking spaces shall be provided;
 - c. For Automated Teller Machines, a minimum of three in-bound stacking spaces shall be provided measured from the teller window or automated teller machine;

- d. All stacking spaces shall be a minimum of 5 meters (18 feet) long and 3 meters (10 feet) wide. Stacking lanes shall provide sufficient space for turning and maneuvering; and
 - e. All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.
5. Automobile Services shall comply with the following additional regulations:
- a. All pump islands and underground storage tanks shall be located at least 6 meters (20 feet) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site;
 - b. Refuelling areas are not permitted in a required parking area;
 - c. A canopy over a pump island may extend to within 3 meters (10 feet) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this section of the By-law.

9.16 Wayside Pits and Quarries

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

1. They shall be located at least:
 - a. 1,524 meters (5,000 feet) from the settlement centre of St. François Xavier;
 - b. 792 meters (2,600 feet) from any Residential, Residential-Related, Basic Service and Community, Educational, Recreational and Cultural Service Use Class developments located outside the settlement centre of St. François Xavier; and
 - c. 99 meters (325 feet) from the edge of the rights-of-way of a Provincial Trunk Highway or Provincial Road.

9.17 Standards for Edges of Zones Abutting Other Zones

When an industrial use abuts a residential use, or when a parking or loading area accessory to a commercial or other non-residential use is within 20 feet of an abutting residential use; or when a commercial use is adjacent to a lot in a residential zone, or a lot in residential use, whether or not an existing lane or drainage way exists, a buffer is required that conforms to the following specifications:

1. A wall, berm, fence or dense vegetative screen with a minimum height of 6 feet must be maintained at all times; and
2. The required side yard of the new use shall be increased to 25 feet.

9.18 Wind Turbine Generating Stations Development Provisions

In addition to the other requirements in this Zoning By-law found in Table 4.1 the following provisions shall apply to the development of Wind Turbine Generator Stations (WTGS) as conditional uses on sites within the "AG" - Agricultural General Zone. Agricultural land uses may co-exist with (WTGS) on these parcels.

1. A conditional use application to establish one or more wind turbine generator station(s) (WTGS) may include one or more turbine(s) on a parcel of land or a network of turbines and associated structures located on different parcels of land at different locations in the municipality respectively, provided that all structures will be operated by the same corporate entity. For the purposes of this By-law, an application involving more than one parcel of land and (WTGS) shall be processed as one application, with the provision that a separate conditional approval shall be issued for each separate parcel of land and/or (WTGS).

2. Proponents of a wind turbine generator station (WTGS) shall submit, to the Development Officer a detailed site plan showing the location of all wind turbines, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system as part of the conditional use application. Proposals for additional infrastructure will require additional conditional use approval.
3. Proponents of a (WTGS) are responsible for obtaining any required Federal and/or Provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure and Transportation and Manitoba Conservation, prior to the issuance of a development permit.
4. When locating a proposed wind turbine in the vicinity of any registered or certified airport all Transport Canada regulations or recommendations for certified airports regarding height and location of surrounding buildings and structures shall be followed.
5. A development permit shall be obtained prior to the commencement of construction.
6. The colour scheme of a commercial wind turbine and associated signage affixed to the structure shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway. Both of these items must be dealt with in a manner consistent with any applicable Federal Government regulations.
7. All private single wind turbine systems located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from the property line a minimum distance equal to its total height, measured from the ground to the extent of its rotors.
8. The WTGS facility shall be separated by a distance of two thousand six hundred and forty feet (2640 feet) from any Wildlife Management Area or Provincial Park.

10 ADMINISTRATION

10.1 Approval Required for Development

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

10.2 Other Legislation

10.2.1 Compliance

1. A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
 - a. The regulations of the National Building Code as well as applicable
 - b. Municipal building regulations and Provincial building code regulations;
 - c. The *White Horse Plains Planning District Development Plan*;
 - d. Any other appropriate Federal, Provincial or Municipal legislation; and
 - e. The conditions of any caveat, covenant, site plan, development agreement, variation order or conditional use order, easement or other instrument affecting a building or land.
2. Whenever provisions contained in any appropriate Federal, Provincial or Municipal legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.
3. Whenever the provisions of a special agreement or development agreement entered into between Council and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern.
4. The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.

10.2.2 Public Utilities and Services

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

10.3 Responsibilities and Duties

10.3.1 Responsibilities of Council

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

1. The adoption or rejection of proposed subdivisions and road closures.
2. Holding public hearings dealing with subdivisions and road closures.
3. Assisting the Planning District Board as requested.
4. The enactment of this By-law.
5. The adoption or rejection of proposed amendments or the repeal of this By-law.
6. Approving or rejecting variation order applications.

7. Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.
8. Administering and enforcing those provisions of *The Planning Act*, where applicable.
9. Establishing a schedule of fees and charges for development and building permits. Until all applicable fees and charges have been paid in full, no action needs to be taken on any application.

10.3.2 Duties of the Owner

1. Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any relevant By-laws of the RM of St. François Xavier.
2. Every owner shall:
 - a. Permit the Development Officer to enter any building or premises for the purpose of administering or enforcing this By-law at all reasonable times and with the consent of the owner in accordance with this By-law;
 - b. After the development application has been approved and the permit issued, notify the Development Officer and obtain his/her approval before doing any work at variance with the approved documents filed;
 - c. Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, plumbing, blasting, street, occupancy, on-site waste management, electrical, highways, and all other permits required in connection with the proposed work; and
 - d. Comply with all applicable Provincial and Federal government legislation including any permits, certificates and/or licenses.

10.3.3 Authority and Responsibility of the Development Officer

10.3.3.1 Establishment and Appointment

1. The Development Officer shall be any person appointed by Council on behalf of the RM of St. François Xavier.

10.3.3.2 Development Officer Duties and Responsibilities

The Development Officer:

1. Shall review each development permit application to ascertain whether it conforms to the adopted *White Horse Plains Planning District Development Plan* and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.
2. May refer a development permit application to any municipal, provincial or federal department or any other agency or body, deemed appropriate to obtain comments on the application.
3. Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this By-law unless he/she uses his/her discretion pursuant to Section 10.10 of this By-law.
4. May give notice of his/her decision on applications for development as follows:

- a. Where an application has been approved, notice to the applicant shall be given in writing by ordinary mail; or
 - b. Where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.
5. Shall receive, review and process development applications.
 6. May determine or reduce (as per Section 10.10) required yards.
 7. Shall perform other such duties as described or implied elsewhere in this By-law or required by Council.
 8. An owner or applicant who is unsatisfied with a decision or order of the Development Officer may request Council to review the decision or order by written notice within 14 days after the person receives the decision or order.
 9. After giving the person a reasonable opportunity to be heard, Council may confirm, vary, substitute or cancel the order or decision.

10.3.3.3 *Entry for Inspection and Other Purposes*

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

10.3.3.4 *Variance to Regulations*

1. The Development Officer may approve, with or without conditions, a minor variation not to exceed ten percent (10 percent) of the regulations of this By-law governing height, distance, area, size or intensity of use regulations.

10.3.3.5 *Public Inspection of Applications*

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

10.3.3.6 *Maintenance and Inspection of By-law*

The Development Officer shall:

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

10.4 Development Permits

10.4.1 Development Permits (Not Required)

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

1. Regular maintenance and repair of any development provided it does not include structural alterations.
2. Private driveways and patios which are accessory to a development.
3. A fence, wall, or gate not exceeding 1.98 meters (6 feet) in height.
4. An accessory building that:
 - a. Is less than 11.1 square meters (120 square feet) in area;
 - b. Does not exceed 4.5 meters (15 feet) or one storey in height; and
 - c. Is not considered a hazard by the Development Officer.
5. An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than 0.6 meters (2 feet) above grade unless it is anchored to the building.
6. Landscaping where the existing grade and natural surface drainage pattern is not materially altered.
7. The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within 30 days of substantial completion or as determined by the Development Officer.
8. The following types of signs are exempt, but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
 - a. Signs of less than 0.6 square meters (6 square feet) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
 - b. Memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
 - c. Signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
 - d. One real estate sign;
 - e. Election campaign signs during Federal, Provincial, Municipal and School Board election periods and up to seven (7) days after the election; and
 - f. Non-illuminated directional signs, each sign not to exceed 0.5 square meters (5 square feet) in sign area.
9. The use of farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.
10. When a change in land use is from one agricultural activity to another, excluding livestock operations.

10.4.2 Development Permits (Permitted Use)

The following information shall be submitted with an application for (Permitted Use) developments, and the appropriate application form fully and accurately completed with information included as follows:

1. The municipal address of land and buildings presently occupying the site, if any.
2. A status of Title that has been issued within thirty (30) days of the application.
3. A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
4. The applicant's name, address and interest in the land.
5. A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site.
6. Description of the work to be performed with respect to:
 - a. Change in current occupancy of land use; or
 - b. Description of proposed development or building operations.
7. Identification of the scale of the development with respect to:
 - a. Gross floor area of the development in square metres;
 - b. Area of the site covered in square metres;
 - c. Height of the structure in metres; and
 - d. Number of floors or storeys.
8. The estimated value, in dollars, of the proposed work.
9. A site plan, at a minimum scale of 1:500, showing the following:
 - a. A directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
 - b. Setbacks, separation distances and yard dimensions;
 - c. The location of all buildings or structures in relation to property lines; and
 - d. Dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.
10. Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes.
11. If required by the Development Officer, a site plan at a minimum scale of 1:500, showing:
 - a. The location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
 - b. The location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any.
12. Floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas.
13. Elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100.
14. Number of parking and loading spaces required and provided.
15. A building location certificate.
16. A site plan and description of the proposed water supply and wastewater management systems.

10.4.3 Development Permits (Conditional Use)

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

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

10.4.4 Sign Permits

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

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

10.5 Signs

10.5.1 Intent

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

10.5.2 Location

1. 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, signal or device;
2. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing;

3. It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the setback requirements of the zone in which they are located; and
4. The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate provincial authority.

10.5.3 Rotating Beam or Flashing Signs

1. No beam or rotating beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.

10.5.4 Maintenance

1. All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the municipality at the owner's expense.

10.5.5 Exceptions

The following signs shall not be subject to the provisions of this By-law, except wherein otherwise noted:

1. Signs posted by duly constituted public authorities in the performance of their public duties.
2. Flags or emblems of a political, civic, educational or religious organization.
3. Temporary signs in place for not more than six (6) months at a time.
4. Signs like "No Trespassing," "Notice," "Beware of Dog" and the like.
5. Construction signs.
6. Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit.
7. Identification sign, provided in the "RS" - Residential Single-Family Zone and the "RV" - Residential Village Zone shall be a maximum size of four (4) square feet; with the exception that a home-based business may erect one business sign, either freestanding or affixed to the wall of a principal or accessory building, provided it does not exceed:
 - a. In the "AG" - Agricultural General Zone, "AL" - Agricultural Limited Zone and "RR" - Rural Residential Zone, 32 square feet; and
 - b. In the "RS" - Residential Single-Family Zone and "RV" - Residential Village Zone, 12 square feet in any location other than the required front yard, and 8 square feet in the required front yard.
8. "AG" - Agricultural General Zone and "AL" - Agricultural Limited Zone and "CH" - Commercial Highway Zone; maximum size of 50 square feet in all other Commercial, Industrial, Community and Mixed Used Zoning Districts; and a maximum size of 8 square feet in the Residential Zoning Districts
9. Real estate signs.

10.6 Development Permit Applications

10.6.1 General Application Submission Conditions

1. An application for a development permit shall not be considered to have been received until the applicant has submitted all information required pursuant to this section of the By-law, and any information specifically required pursuant to the regulations of the applicable Zoning District or any other section of this By-law and until the applicant has paid the appropriate fee.
2. Despite Section 10.6.1 (1) of this By-law, the Development Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this section of the By-law.
3. The Development Officer may require an applicant to submit such additional information as he/she considers necessary to verify the compliance of the proposed use or development with the regulations of this By-law.
4. Despite Section 10.4.1 of this By-law, a development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.
5. The approval of any application, drawings, or the issuing of a development permit shall not prevent the Development Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this By-law.
6. Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until the applicant corrects such information.
7. Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
8. Unless otherwise specified in this By-law, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Development Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

10.6.2 Special Information Requirements for Application Submissions

1. When an application for a development permit is submitted to the Development Officer for the development of a site abutting a water course and Municipal drain, the Development Officer may require, in consultation with a Certified Professional Engineer of Manitoba, information regarding the existing and proposed grades. The final grades shall be to the satisfaction of the Development Officer and in accordance with any applicable Municipal Lot Grade By-laws.
2. Despite anything contained herein, the Development Officer may require a detailed engineering study of the soil conditions prepared by a Certified Professional Engineer of Manitoba prior to the issuance of a development permit or the construction of any development abutting a water course and Municipal drain. The engineering study shall contain evidence of:
 - a. Test borings;
 - b. Ground water piezometer test;
 - c. Slope indicators where necessary;
 - d. Identification of any sub-surface mining operations;
 - e. River erosion analysis; and
 - f. Surface erosion analysis.
3. The detailed engineering study shall conclude with the registered Professional Engineer certifying that the foundations proposed for the development are designed with full knowledge of the soil conditions and the proposed siting of the development upon this site.

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

10.6.3 Conditions Attached to a Development Permit

1. Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.
2. Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal, provincial and federal government regulations, and matters raised at the conditional use hearing.
3. Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.
4. Council may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - a. To construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;
 - b. To specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction, or payment for the construction thereof or improvements thereto;
 - c. To install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
 - d. To repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and
 - e. To construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.
 - f. Council may require any agreement entered into pursuant to this Section to be caveated against the title to the site at the Land Titles Office.

10.7 Enforcement and Penalties

10.7.1 Offenses

1. Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure:
 - a. Contravenes; or
 - b. Causes, suffers or permits a contravention of, any provision of *The Planning Act*, a development permit, a development agreement or this By-law; commits an offense.

2. Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto:
 - a. For which a development permit is required but has not been issued or is not subsisting under this By-law; or
 - b. In contravention of a condition of a development permit issued under this By- law;

10.7.2 Penalties

1. Fines and penalties will be imposed as per *The Planning Act*.

10.7.3 Suspension or Revocation of the Development Permit

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

10.8 Rezoning Amendments

10.8.1 Text and Mapping Amendments

1. Any person applying to amend any part of this By-law shall apply in writing to the Development Officer, furnishing reasons in support of the application and requesting that the Development Officer submit the application to Council.
2. If a person applies to Council in any manner for an amendment to any part of this Zoning By-law, Council shall require him/her to submit his/her application to the Development Officer in accordance with the provisions of this section of the By- law before it considers the amendment proposed by such person.
3. Any person applying to amend Part II – General regulations Governing Uses of this By-law to change the Zoning District governing any land shall apply in writing to the Development Officer and submit the following to the Development Officer:
 - a. A status of Title which has been issued no later than 30 days prior to the receipt of the amendment application by the Development Officer;
 - b. A signed letter indicating the following:
 - i. The applicant's name, signature, address;
 - ii. The reasons for applying;
 - iii. Rationale in support of the application, and;
 - iv. A statement stating that he/she is willing to pay for all costs incurred by the Municipality in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs;
 - c. The appropriate application fee.

10.8.2 Review and Processing of Amendments

1. Upon receipt of an application for a rezoning amendment, the Development Officer shall forward the application to Council for review.

2. If Council deems it appropriate to give the application first reading, the Development Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zoning District. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zoning District and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
 - a. Relationship to and compliance with the *White Horse Plains Planning District Development Plan* and the Respective Municipal Council policies;
 - b. Compatibility with surrounding development in terms of land use function and scale of development;
 - c. Traffic impacts;
 - d. Relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
 - e. Relationship to Municipal land, right-of-way or easement regulations;
 - f. Effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - g. Necessity and appropriateness of the proposed Zoning District in view of the stated intentions of the applicant;
 - h. Relationship to the documented concerns and opinions of area residents regarding the application;
 - i. Groundwater and soil conditions; and
 - j. Topographical, physical and natural features.
3. The Development Officer may prepare a written report on the proposed amendment and advise the applicant of the hearing date.
4. The Development Officer, in his/her discretion, may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
5. Council in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Development Officer for his/her report and recommendation.
6. Every rezoning application shall be accompanied by the required fee as set out by Council.
7. When a Development Agreement is to be entered into between the Council and the applicant, the applicant shall pay to the RM of St. François Xavier, in addition to any other fee required pursuant to this or any other By-law, a Development Agreement fee.

10.8.3 Notification of Amendments

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

10.9 Conditional Uses

1. Where a use is classified as a conditional use and exists as an allowable use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.
2. Any change in a conditional use shall be subject to the provisions of this section and the appropriate provisions of *The Planning Act*.

3. An owner or his/her agent may file an application to use land for a use listed as a conditional use in this By-law.
4. An application for approval of a conditional use shall be filed with the Development Officer and shall be in such form and accompanied by such information and fees as determined by the respective member municipality Council.
5. Council may request the Development Officer to prepare a written report that identifies potential impacts. The analysis shall, among other things, consider the following impact criteria:
 - a. Relationship to and compliance with the *White Horse Plains Planning District Development Plan*;
 - b. Compatibility with surrounding development in terms of land use function and scale of development;
 - c. Traffic impacts;
 - d. Relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
 - e. Relationship to Municipal land, right-of-way or easement regulations;
 - f. Effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - g. Relationship to the documented concerns and opinions of area residents regarding the application;
 - h. Groundwater and soil conditions; and
 - i. Topographical, physical and natural features.
6. Prior to consideration by Council of a conditional use application, the Development Officer shall place a public notice in compliance with *The Planning Act*.
7. An application for a conditional use shall be processed and approved or rejected in accordance with *The Planning Act*. If warranted, Council may consider imposing conditions to ensure that the proposed development will not significantly impact the municipality. This could include:
 - a. Additional buffering measures such as increased yard setbacks, berms and fencing;
 - b. Performance standards dealing with such potential impacts as noise, odour and vibration;
 - c. Limiting the hours of operation;
 - d. Imposing design and siting regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance;
 - e. The owner/applicant upgrading certain municipal services such as roads and ditches;
 - f. A letter of credit related to municipal improvements such as road or drainage works;
 - g. Liability insurance protecting the municipality from any future legal claims, including environmental contamination to water sources; or
 - h. The owner/applicant entering into a development agreement with the Municipality.
8. The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve months.
9. Unless otherwise provided in a Conditional Use Order, all approved conditional uses:
 - a. Shall be operated in accordance with all plans and documents submitted as part of the application; and
 - b. Shall comply with all other applicable provisions of this By-law.

10.10 Variation Orders

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

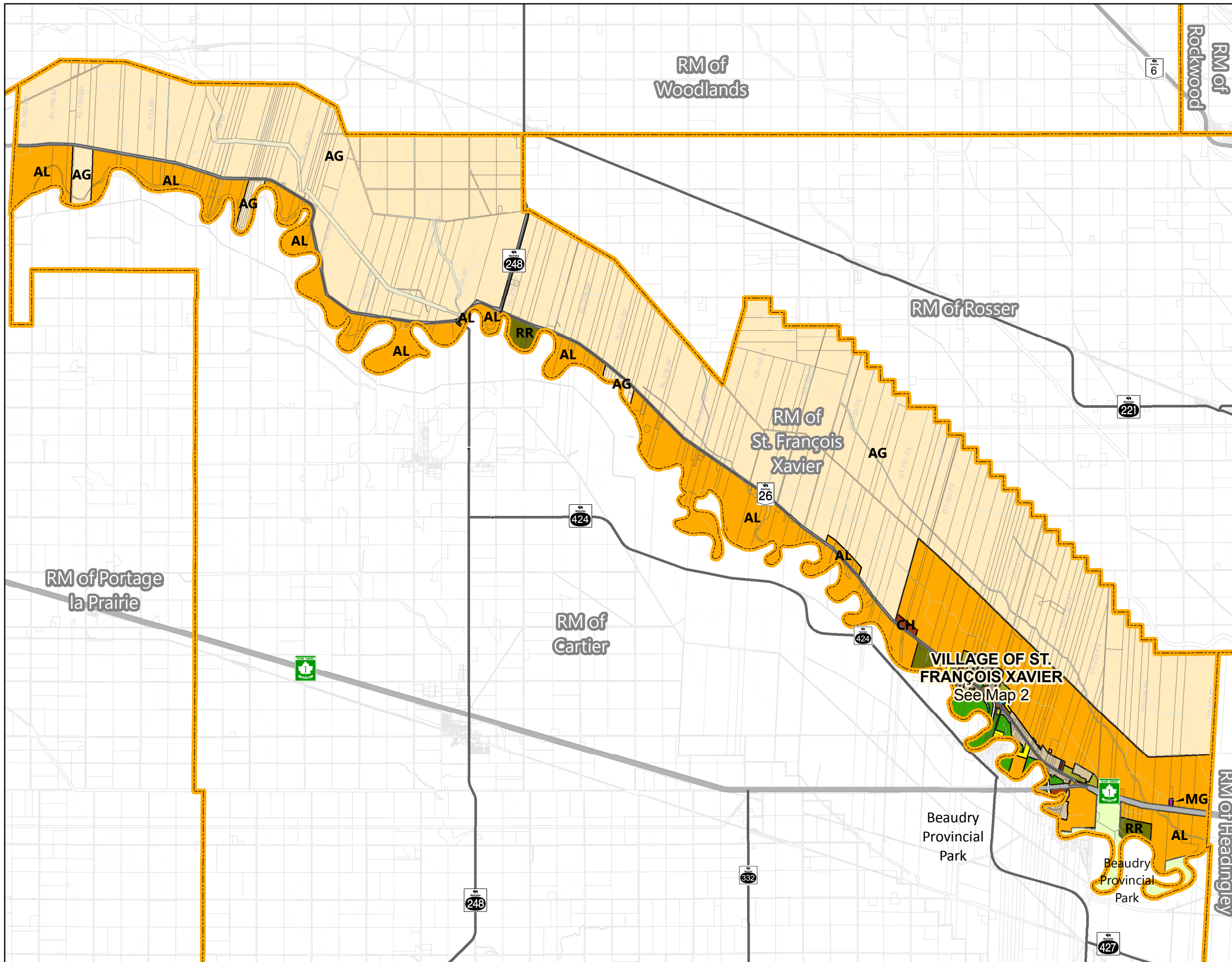
10.11 Subdivisions

1. Subject to the provisions of this Section, no parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the Zoning District in which the site is located.
2. Council may, as provided in *The Planning Act*, vary the regulations as they apply to an individual site, subject to complying with the objectives and policies of the *White Horse Plains Planning District Development Plan*.
3. An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.
4. In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the *White Horse Plains Planning District Board Development Plan*, and the provisions of *The Planning Act*, where applicable.

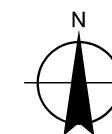
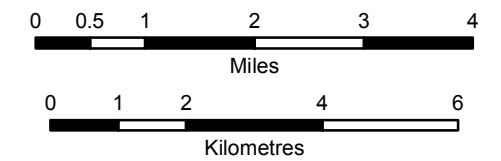
11 ZONING MAPS

RM of St. Francois Xavier Zoning By-Law 26-2018

Map 1: St. Francois Xavier



- Municipal Boundary
 - Provincial Trunk Highway
 - Provincial Road
 - Assessment Parcels
 - Provincial Park
- Zones**
- AG - Agricultural General Zone
 - AL - Agricultural Limited Zone
 - CC - Commercial Central Zone
 - CH - Commercial Highway Zone
 - HZ - Holding Zone
 - MG - Industrial General Zone
 - I - Institutional Zone
 - PR - Parks & Recreation Zone
 - RS - Residential Single-Family Zone
 - RV - Residential Village Zone
 - RR - Rural Residential Zone

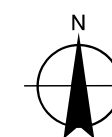
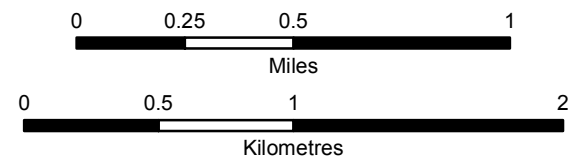


RM of St. Francois Xavier Zoning By-Law 26-2018

Map 2: Village of St. Francois Xavier



- Municipal Boundary
 - Provincial Trunk Highway
 - Provincial Road
 - Water Features
 - Assessment Parcels
 - Provincial Park
- Zones**
- AG - Agricultural General Zone
 - AL - Agricultural Limited Zone
 - CC - Commercial Central Zone
 - CH - Commercial Highway Zone
 - HZ - Holding Zone
 - MG - Industrial General Zone
 - I - Institutional Zone
 - PR - Parks & Recreation Zone
 - RS - Residential Single-Family Zone
 - RV - Residential Village Zone
 - RR - Rural Residential Zone



12 DEFINITIONS

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

1. **Abattoir** means a building, structure, or part thereof, used for the slaughtering of animals and related activities.
2. **Abut or abutting** means immediately continuous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site or piece of land, and shares a lot line or boundary line with it.
3. **Accessibility** means the ability of persons with disabilities to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.
4. **Accessory, Building Structure or Use** means, when used to describe a use, building or structure, said use, building or structure is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
5. **Accessory Suite** means an accessory dwelling unit added to or created within a single-family residence that provides basic requirements for living, sleeping, cooking and sanitation.
6. **Act, the Planning** means *The Planning Act*, being Chapter 30 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
7. **Aggregate** means quarry mineral that is used solely for construction purpose as a constituent other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.
8. **Aggregate Quarry** means a quarry from which aggregate is extracted.
9. **Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector.
10. **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This use does not include Livestock Operations or Natural Resource Developments.
11. **Agricultural Crop Protection Warehouse** means a facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticide, and fertilizers. This use does not include Anhydrous Ammonia Facilities.
12. **Agricultural Implement Sales and Service** means a building and open space area used for display, sale and rental of new or used farm implements that includes repair work.
13. **Agricultural Industries** mean industries that support agricultural activities including: seed cleaning plants, grain elevators, fertilizer plants, feed mills, abattoirs, auction marts and bulk fertilizer, but not anhydrous ammonia or bulk propane.
14. **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.
15. **Aircraft Landing Field** means any area of land or water that is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.
16. **Airport and Associated Facilities** means land or water which is used or intended for the landing or take-off of aircraft and any associated areas which are used or intended for use

- for airport buildings or other airport facilities or right-of-ways including taxi-ways, aircraft storage and hangars.
17. **Alteration** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
 18. **Anhydrous Ammonia Facility** means an area used for the storage of anhydrous ammonia that is commonly used as a fertilizer.
 19. **Animal Unit (A.U.)** means the number of animals of a particular category of livestock that will excrete 73 kg. (160 lb.) of nitrogen in a twelve month period.
 20. **Applicant** means a registered owner or an owner's authorized agent, who has filed an application subject to the provisions of this By-law.
 21. **Aquifer** means a water-bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.
 22. **Area, the** means all that land within the limits of the RM of St. François Xavier
 23. **Auction Mart** means a building or site used for auctions.
 24. **Auctioneering Establishment** means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
 25. **Autobody Repair** means a use conducted entirely within an enclosed building for the repair and painting of automobile and truck bodies, but shall not include mechanical repairs, servicing or automobile wrecking except when accessory to body repair, and shall not include the permanent storage of more than three (3) vehicles and said vehicles shall be in working condition and shall be regularly used in the repair operations.
 26. **Automobile Services** means a premise for auto body repair, gas bars, laundry or car washes, sales areas, service stations, and wrecking yards.
 27. **Automobile Service Station** means a premise used for the retail sale of parts, goods and products for the servicing, maintenance and operation of automobiles, small motors and recreational vehicles; and where automobiles, small motors and recreational vehicles may be serviced and repaired; and may include muffler shops, tune-up shops, lube and oil shops and the like and shall not include the permanent storage of more than three (3) motor vehicles and such vehicles shall be in working condition and shall be regularly used in the operation of the service station.
 28. **Automobile Wrecking** means the dismantling or wrecking of used motor vehicles, trucks, heavy machinery or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, machinery or their parts.
 29. **Automotive and Equipment Repair Shop** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but does not include body repair and paint shops.
 30. **Automotive and Recreational Vehicle Sales** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This use includes automobile dealerships, car rental agencies and motorcycle dealerships.

31. **Attached**, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.
32. **Automated Teller Machine** means a device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card.
33. **Awning or Canopy** means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.
34. **Basement or Cellar** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.8 m. (6 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.2 m. (4 ft.).
35. **Bed and Breakfast Home** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.
36. **Bedrooms** means a habitable room located within a dwelling unit that is used primarily for sleeping.
37. **Bedroom Suites** means a bedroom located within a dwelling unit that contains washroom facilities for the exclusive use of the occupants thereof.
38. **Blank Walls** means exterior walls containing no windows, doors or other similar openings.
39. **Broadcasting and Motion Picture Studio** means a development used for the production or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.
40. **Buffer Strip** means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.
41. **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.
42. **Building Inspector** means the officer or employee of the Municipality or Planning District charged with the duty of enforcing the Municipal Building By-law and any applicable Provincial and National Building Codes or regulations.
43. **Building Material Sales** means a development used for the wholesale or retail sale of goods related to the construction of buildings.
44. **Building Permit** means a permit issued by the Municipality authorizing the construction or alteration of all or part of any building or structure in accordance with the applicable codes and standards.
45. **Bulk Fuel Storage Tank** means a tank used for the bulk storage of petroleum products or other flammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.
46. **Bulk House** means a rough simple building providing sleeping quarters, usually for temporary or seasonal workers.
47. **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, fuels, gases, minerals, pipes, gravel, fertilizers, and grain. This use does not include Anhydrous Ammonia Facilities.
48. **Business Support Service** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of

- minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.
49. **Calliper** means the trunk diameter of a tree measured at a point 300 mm. (12 in.) above the top of the root ball.
 50. **Campground** means a parcel of land planned and improved to accommodate recreational vehicles, tents, tent trailers or other camping accommodations used as temporary dwellings for travel, recreational and vacation uses.
 51. **Car Broker** means a development used for the retail purchase and sale of used passenger vehicles from a single detached dwelling unit. The use does not include Automotive and Equipment Repair Shops, Automotive and Recreational Vehicle Sales and/or Convenience Vehicle Rentals.
 52. **Carport** means an attached building open on 2 sides for the shelter or privately owner automobiles.
 53. **Carnival** means a temporary use of land, buildings or structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes circuses and midways.
 54. **Cellar** See Basement.
 55. **Cemetery** means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.
 56. **Child Care Service** means a development licensed by the Province of Manitoba to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools and play schools.
 57. **Club, Private** means association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.
 58. **Club, Recreational** means association consisting of persons who are bona fide members paying annual dues, which owns, or leases land or buildings or a portion thereof; the use of such premises being restricted primarily to the principal use, which is a generally recognized sport or recreational activity, such as curling, squash, badminton or tennis.
 59. **Community Recreation Service** means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.
 60. **Commercial Rental Unit** means a single commercial space available on the market as a self-sufficient, independent unit, equipped, zoned and intended to be used for commercial purposes.
 61. **Commercial Resort** means a commercial recreation establishment which may consist of one or more buildings containing single or multiple family dwelling units, recreational facilities and service facilities which are used on an intermittent and seasonal basis. Other facilities which may be part of the resort development includes: a campground, a hotel, a retail store,

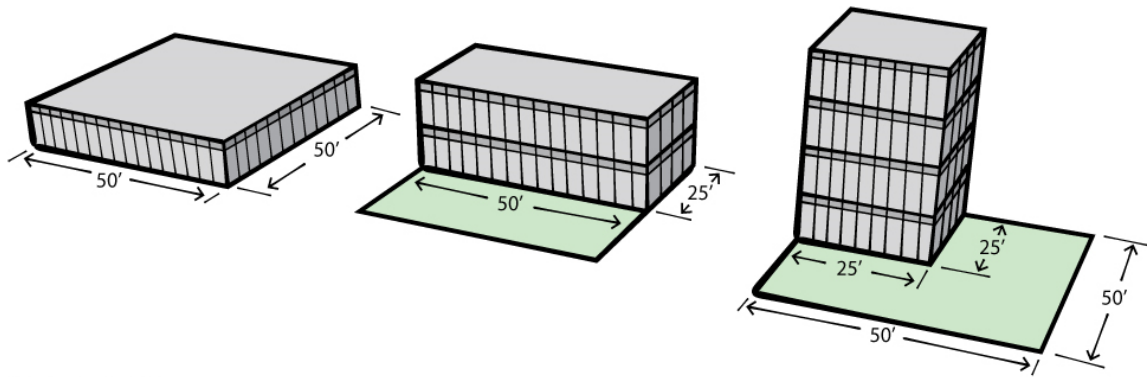
- an eating and drinking establishment, a marina, a golf course and other outdoor recreation game courts, areas and trails.
62. **Commercial School** means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.
 63. **Common Element** means all property within a condominium except the condominium units.
 64. **Community Service Club** means a non-profit corporation chartered by *The Canada Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns or leases land, a building, or a portion thereof, the use of such premises being restricted primarily to meeting, community and related activities.
 65. **Communal Farm Dwelling** means a residence in connection with a farm operation carried out on the same or an adjacent parcel by a religious colony or other association by or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.
 66. **Composting** means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.
 67. **Conditional Use** means those uses of land, buildings or structures which may be permitted in a particular Zoning District but only at the discretion of the respective member municipal Council in accordance with *The Planning Act*.
 68. **Condominium** means individual ownership of a unit in a multiple unit structure where expenses common to all parties are shared.
 69. **Condominium, Bare Land Unit** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.
 70. **Condominium Unit** means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.
 71. **Conference Centre** means a building, or part of a building, in which the main use is lecture auditorium or meeting facility for the exclusive use of conference or convention participants, and in which accommodation and meals for conference or convention participants may be included.
 72. **Confined Livestock Area** means an outdoor, non-grazing area where livestock are confined by fences or other structures and includes a feedlot, paddock, corral, exercise yard, hoop structure and holding area.
 73. **Conservation** means a careful preservation and protection of something, especially, planned management of natural resources to prevent exploitation, destruction, or neglect.
 74. **Construction or Constructed** means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.
 75. **Contractor Establishment** means land and/or buildings intended for the storage of equipment and materials and the performance of work related to the provision of contracting businesses such as construction, plumbing, electrical and landscaping.

76. **Convenience Food Store** means a food store intended to serve the day to day needs to the residents of the neighbourhood in which it is located.
77. **Convenience Vehicle Rentals** means a development used for the rental of new or used automobiles, light trucks and utility trailers. This use includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities.
78. **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.
79. **Copy** means the letters, graphics or characters which make up the message on sign face.
80. **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the copy.
81. **Council** means the Council of the RM of St. François Xavier.
82. **Cultivated Land** means land that is prepared and used for the growing of crops.
83. **Cultural Establishment** means an establishment used for display, storage, restoration or events related to art, literature, music, history or science. This term refers to uses such as art galleries, theatres, libraries, auditoriums, museums, archives and interpretive centres.
84. **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods.
85. **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.
86. **Density** means the total number of dwelling units divided by the total area of land to be developed; expressed in gross acres.
87. **Design Flood Level** means the one in two hundred (200) year flood level, or flood of record (whichever is greater), used to establish the Flood Risk Area.
88. **Development** Standard means any rules that this By-law places on any type of development or any type of use so as to create a desired effect which may be, but is not limited to accessibility, aesthetics, or public safety.
89. **Development Agreement** means a contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.
90. **Development Officer** means the Development Officer as appointed by Council on behalf of the RM of St. François Xavier in accordance with *The Planning Act*.
91. **Development Permit** means a permit issued by Council or the Development Officer on behalf of the RM of St. François Xavier authorizing development, and may include a building permit.
92. **Development Plan** means the *White Horse Plains Planning District Development Plan adopted by By-law* and as amended.
93. **Drive-Through Facility** means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.
94. **Driveway** means a private road giving access from a public way to a building on abutting grounds.
95. **Dugout** means an earthen excavation designed to collect and store runoff.

96. **Dwelling** means a building or portion thereof designed for residential occupancy, including:
97. **Dwelling, Multiple Family** means a building containing three (3) or more dwelling units, each unit designed for and used by not more than one (1) family, each having exclusive occupancy of a dwelling unit.
98. **Dwelling, Single Attached** means one of a group of up to four Single-family Dwellings that are attached, with each dwelling unit having an independent entrance directly from the outside.
99. **Dwelling, Single-family** means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building. This Use Class includes a manufactured home dwelling, ready-to-move dwelling and modular home dwelling, but not a Mobile Home Dwelling.
100. **Dwelling, Two Family** means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.
101. **Dwelling Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household.
102. **Dwelling Unit Area** means the total floor area of the dwelling unit contained within the outside surface of the exterior walls. This calculation shall exclude basement or other areas that are below-grade.
103. **Earthen Storage Facility** means a structure built primarily from soil, constructed by excavating or forming dikes, and used to retain livestock manure.
104. **Eating and Drinking Establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This use does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.
105. **Educational Establishment** means an establishment providing academic and/or technical instruction and may include supplementary cafeterias, book stores, amusement activities, recreation facilities, instructional functions, community assembly uses, conference facilities, and residences.
106. **Elevation, Lot Grade** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.
107. **Emergency Services** means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency supplies/equipment which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.
108. **Enlargement** means an addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.
109. **Environmental Impact Statement** means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

110. **Equestrian Establishment** means a facility engaged in the training of horses or the operation of a horse riding academy or horse riding stables.
111. **Equipment Rental and Sales** means a development used for the rental or sale of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.
112. **Erect** means when used in this By-law, includes building, construction, reconstruction and relocation, and without limiting the generality of the word, also includes:
- i. any preliminary physical operation, such as excavating, filling or draining;
 - ii. altering any existing building or structure by an addition, enlargement, extension or other structural change; and
 - iii. any work which requires a building permit under the Building By-law of the RM of St. François Xavier.
113. "**Erected**" and "**Erection**" shall have corresponding meanings.
114. **Extended Medical Treatment Service** means a development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes, and auxiliary hospitals.
115. **Family** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single-housekeeping unit.
116. **Farm Building/Structure** means a building or structure which does not contain a residential occupancy and which is (a) associated with and located on land devoted to the practice of farming and (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence and (c) has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use).
117. **Farm Produce Outlet** means a building or structure where farm produce is sold in season.
118. **Farm Staff Housing** means a residential dwelling used exclusively for the purpose of housing farm staff on a seasonal basis.
119. **Farmstead Abandoned** means an area of land upon which at some previous time a farm dwelling and other structures related to the farm operation were located but from which such buildings have been removed or have deteriorated to such an extent as to be, unusable.
120. **Farmstead Dwelling** means any dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.
121. **Farmstead Existing** means an area of land upon which is situated a farm dwelling and other structures related to the farm operation which are useable and may or may not be contained within a defined shelter belt.
122. **Field Storage** means solid livestock manure that is stored in the open air other than in a manure storage facility.
123. **Financial Services** means a building or part of a building in which people are employed to provide financial services such as banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and accountants.

124. **Fitness Center** means a building or part of a building in which a person's physical well-being is enhanced; including
- i. Individual: a premise where the personal needs of an individual can be accommodated, including health clubs and personal gyms;
 - ii. Group: a premise where instructional classes are provided to groups of people, including aerobic and martial arts studios.
125. **Fleet Service** means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use includes ambulance services, taxi services, bus line, messenger and courier services.
126. **Flood** means a temporary rise in stream flows or water levels due to any source or cause that results in inundation of the areas adjacent to the watercourse or water body.
127. **Floodplain** means the area adjoining a river or stream which has been or may be covered by flood water.
128. **Flood Proofed** means the measures taken to ensure that a structure or building is safe from the effects of flooding and includes: no openings of any kind such as windows, doors and vents, or electrical meeting equipment etc. shall be permitted below the flood datums.
129. **Flood Protection Level** means a level of 0.6 m (2 ft.) above the Design Flood Level.
130. **Flood Risk Area** means that land adjacent to a watercourse that is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway that may be subjected to periodic flooding or inundation of floodwaters.
131. **Floodway Area** means that area which would be flooded to a depth of one (1) metre or more at the Design Flood Level.
132. **Floodway Fringe Area** means that area which would be flooded to a depth of less than one (1) metre at the Design Flood Level.
133. **Floor Area Ratio** means the numerical value of the gross floor area of the building or structure located upon the building site, excluding:
- i. basement areas used exclusively for storage or service to the building;
 - ii. parking areas below grade, and
 - iii. floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site



Floor Area Ratio

A floor area ratio (FAR) of 1.0 depicted in three ways: a single-storey building occupying the entire lot; a two-storey building occupying one-half the lot; and a four-storey building occupying one-quarter of the lot. The total floor area is equal to the lot size in each case.

Figure 2: Floor Area Ratio

- 134. **Frontage** means all that portion of a site fronting on a street and measured between side lot lines.
- 135. **Fuel Tank Storage** means a tank for the bulk storage of petroleum products or other inflammable liquids which are being legally kept in a retail store or storage tank which is incidental to the primary use of the premises.
- 136. **Funeral Service** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This use includes funeral homes, undertaking establishments and includes cremation and interment services.
- 137. **Garden House** means a small ornamental building in a garden, usually one-storey and consisting of one room.
- 138. **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.
- 139. **Garage, Private** means an accessory building or portion of a principal building used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles.
- 140. **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:
 - i. livestock operations as defined;
 - ii. storage, handling or processing of agricultural products for the general public in return for remuneration; or
 - iii. sales or servicing (in return for remuneration) of agricultural equipment or agricultural building.
- 141. **General Industrial** means development used principally for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair

- operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with adjacent land uses; the storage or transshipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.
142. **General Industrial** and **Business Farm Diversification Operations** means any manufacturing, processing, service, storage, wholesale, retail sales, and distribution use for an active farming operation that is diversifying their on-farm economic activity.
143. **Government Service** means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, jails, postal distribution offices, manpower and employment offices, and social service offices.
144. **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.
145. **Grain Storage Structure** means any structure which is designed to store any type of grain.
146. Greenhouse, Plant and Tree Nursery means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.
147. **Group Home** means a residential dwelling in which not more than ten (10) unrelated persons, exclusive of supervisory staff, live as a residential unit under the responsible supervision consistent with the particular requirements of its residents. The home is licensed under all applicable Provincial legislation and is in compliance with Municipal By-laws and amendments thereto.
148. **Groundwater** means water below the surface of the ground.
149. **Habitable Room** means any room in a structure other than a non-habitable room.
150. **Hazard Land** means land where actual effect of hazards have occurred, and without limiting the generality of the word, hazard includes but is not limited to the following:
- i. flooding of watercourses or water bodies except local ponding;
 - ii. erosion or cutting of land due to action of water in an adjacent watercourse or water body;
 - iii. landslides including mud slides;
 - iv. subsidence; and
 - v. local ponding due to improper surface drainage.
151. **Hazardous Materials** means materials that are buoyant, flammable, explosive or toxic.
152. **Heavy Equipment Repair** and Maintenance establishment used for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.
153. **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:
- i. the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
 - ii. the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.5 m. (5 ft.) above the maximum permitted building height of the Zoning District.

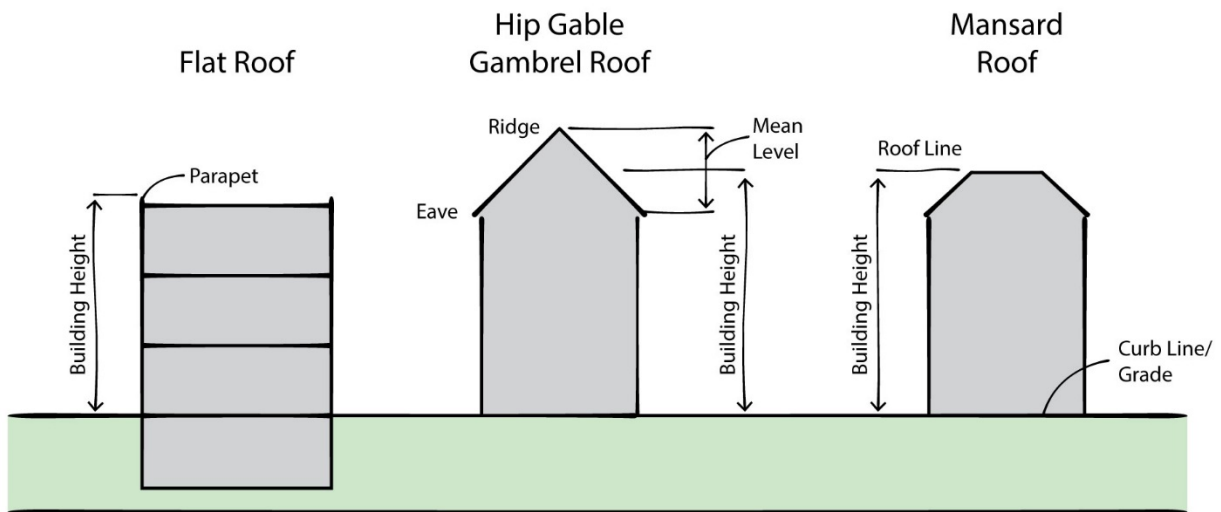


Figure 3: Roof Types

154. **Home-Based Business** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
155. **Home Industry** means an industry or profession carried out in a building accessory to a dwelling and is generally in keeping with the trade or calling of the occupant.
156. **Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms and Personal Services.
157. **House Boarding, Lodging, or Rooming** means a building or portion thereof other than a hotel or motel without cooking facilities where lodging, or lodging and meals, for three or more people exclusive of the proprietor and his family are provided compensation.
158. **Household** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.
159. **Household Repair Service** means a development used for the provision of repair services to goods, equipment and appliances normally found within a dwelling unit. This use includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.
160. **Industrial Service Shop** means a use where heavy equipment and machinery, such as tractors, graders and farm machinery, are repaired and serviced.
161. **Industrial Vehicle and Equipment Sales and/or Rentals** means a development used for the sale, rental and repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.

162. **Institution** means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular object or cause, but does not include Private Clubs.
163. **Institutional** means relating to an established organization or corporation (such as a bank or university), especially of a public character.
164. **Junk Yard** means premises where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.
165. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a site or to provide a screen between sites in order to mitigate objectionable features between them.
166. **Lane** means a public street not over thirty-three (33) feet in width which is intended for local site access.
167. **Livestock** means animals or poultry not kept exclusively as pets, excluding bees.
168. **Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10 Animal Units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.
169. **Loading Space** means an off-street space or berth on the same site with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.
170. **Lockable Bicycle Parking Space** means a provision for one bicycle made with sturdy theft-proof materials which can safely accommodate a bicycle and provides provision for safe attachment of a user's bicycle lock. Lockable Bicycle Parking Spaces may be provided on an individual basis or on multi-bicycle racks.
171. **Lot, Corner** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135 degrees.
172. **Lot, Double Fronting** means a lot which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the lot.
173. **Lot, Interior** means any lot other than a corner lot or through lot.
174. **Lot, Reverse Corner** means a corner lot, the flanking street lot line of which is a continuation of the front lot line of the first lot to its rear.
175. **Lot, Through** means a lot having a pair of opposite lot lines along two streets. On a through lot, both street lines shall be deemed front lot lines.
176. **Lot Line, Front** means the property line a lot abutting a public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the lot lines abutting a public roadway.
177. **Lot Line, Rear** means either the lot line which is furthest from and opposite the front lot line, or, where there is no such lot line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.
178. **Lot Line, Side** means the property line of a lot other than a front lot line or rear lot line.

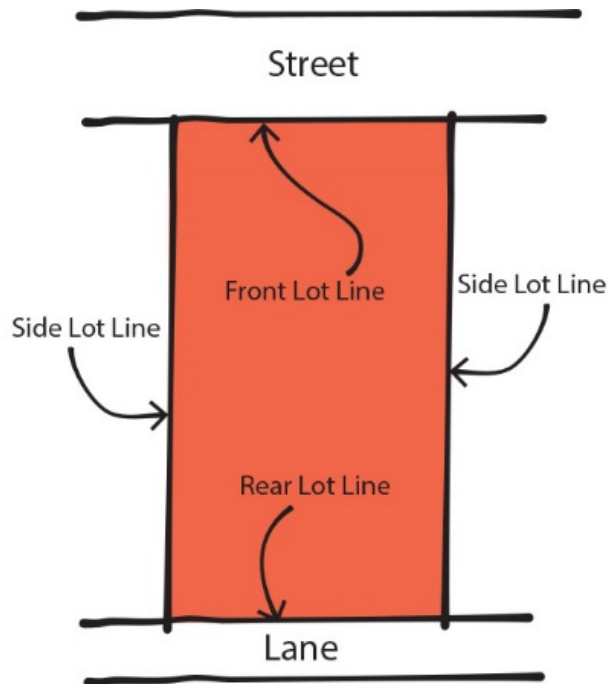


Figure 4: Lot Lines

179. **Manufactured Home Dwelling** means a factory built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with Canadian Standards Association (CSA) building regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.
180. **Manufacturing, General** means a use which mechanically transforms materials or substances into new products, including the assembly of component parts but does not include chemical manufacturing.
181. **Meteorological Tower (MET Tower)** includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a wind energy system.
182. **Manure Storage Facility** means a structure, earthen storage facility, tank or other facility for storing manure or where it is stored, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include:
 - i. a field storage site;
 - ii. a vehicle or other mobile equipment used to transport or dispose of manure;

- iii. a gutter or concrete storage pit used to store liquid or semi-solid manure for less than thirty days;
 - iv. a collection basin; or
 - v. a composting site for manure or mortalities.
183. **Mineral Exploration** means the activity of searching for new mineral deposits.
184. **Mini-Warehouse and Self-Storage** means an enclosed facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas also include vehicle storage for recreational vehicles, boats and other vehicles. No other business or service may be allowed to operate out of a rented storage space.
185. **Mobile Catering Food Service** means a development using a fleet of vehicles for the delivery and sale of food to the public.
186. **Mobile Home Dwelling** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*. For the purpose of this By-law, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a Mobile Home Dwelling shall not change the classification.
187. **Mobile Home Site** means a site in a mobile home subdivision that may be purchased for the placement of a mobile home.
188. **Mobile Home Subdivision** means a parcel of land subdivided into mobile home sites that may be sold for the placement of mobile homes.
189. **Modular Home Dwelling** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.
190. **Motel** means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Services.
191. **Motor Home** means a certified and licensed vehicular structure, as defined in *The Highway Traffic Act* that is used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.
192. **Municipal Engineer** means the Municipal Engineer as appointed by the respective member municipal Council for the RM of St. François Xavier.
193. **Municipality** means the Municipal Corporation of the RM of St. François Xavier (see also 'Respective Municipal Council').
194. **Natural Resources** means industrial materials and capacities (as mineral deposits and waterpower) supplied by nature.
195. **Natural Resource Development** means a development for the on-site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the

- site. Typical uses in this class include gravel pits, sandpits, and stripping of topsoil and peat moss. This use does not include the processing of raw materials transported to the site.
196. **Non-Accessory Parking** means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.
 197. **Non-Commercial Farm** means a development for small scale, non-commercial agricultural pursuits ancillary to rural residential uses. This use shall be developed so as not unduly interfere with the general enjoyment of adjacent property. Animals shall only be kept for the use or enjoyment of the householder.
 198. **Non-Conforming Building Structure** means any lawful building or structure which does not comply with one or more of the applicable site requirements on the effective date of this By-law or amendments thereto.
 199. **Non-Conforming Sign** means any lawful sign which does not comply with one or more of the applicable site requirements on the effective date of this By-law or amendments thereto.
 200. **Non-Conforming Site** or Parcel of Land means any lawful site or parcel of land which does not comply with the site area, site width or site depth on the effective date of this Bylaw, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership.
 201. **Non-Conforming Use** means any lawful use of a building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use requirements of the district in which it is located, either on the effective date of this By-law or amendments thereto.
 202. **Non-Conformity** means a parcel of land or site, a building or structure, or a use which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.
 203. **Non-Habitable Room** means a space in a structure providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.
 204. **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
 205. **Obnoxious Use** means a use which, by its nature or operation creates a nuisance or is offensive by reason of the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
 206. **Offensive** or **Objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the respective member municipal Council may be or become hazardous or injurious with regards to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal peaceful enjoyment of any land, building or structure.

207. **Off-Road Vehicle** means any wheeled or tracked motor vehicle designed or adapted for cross- country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and includes motorcycles, all-terrain vehicles, mini-bikes, dirt-bikes and trail-bikes, dune or sport buggies, snowmobiles, and amphibious vehicles.
208. **Open Space** means that required portion of a site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, but shall be usable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. To the extent prescribed in these regulations, balconies, roof and other like above grade level areas may also be considered as open space.
209. **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.
210. **Owner** means a person who is owner of a freehold estate in the Municipality and includes a person who is an owner jointly with another person, and a person who is registered under *The Condominium Act* as the owner, as defined in that *Act*, of a unit under that *Act*.
211. **Parcel of Land** means the aggregate of all land described in any manner in the certificate of title.
212. **Parking Area, Public** means a parking area used for temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.
213. **Parking Space** means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.
214. **Party Wall** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.
215. **Passenger Vehicles** means a motor vehicle that is designed, constructed or adapted for the principal purpose of transporting passengers, but excludes off-road, motor home, trailer, travel trailer and truck vehicles.
216. **Performance Standard** means a standard to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.
217. **Personal Services** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual (one on one) and personal needs of persons and includes such establishments as barber shops, salons, janitorial, catering, cleaning and garment services, photographic, and clothing rental.
218. **Planned Unit Development (Residential)** is a major land development project which, because of its size or complexity, higher density, mixture of land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan..
219. **Portable Building** means a shed or a subordinate building or structure, and may include a cabana or gazebo, which is detached and located in the rear yard, not to be used for human habitation.
220. **Premises** means an area of land, including a site, with or without buildings or structures.

221. **Principal Building** means any building on a site that contains permitted principle uses, as opposed to buildings which contain only accessory uses or buildings used for storage or uses which support a principle use.
222. **principal Use** means the primary or predominant use of any lot, building or structure.
223. **Private Club** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.
224. **Private Education** Service means a development for instruction and education that is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a Home-Based Business. This use includes dormitory and accessory buildings.
225. **Private Pool** means an artificially constructed basin, lined with concrete, fibreglass, vinyl or like material, that is capable of containing a water depth greater 60 cm. (24 in.) and that is located on the property of a single-family dwelling.
226. **Processing Use** means a development used for the extraction, treatment, preparation, packaging, transportation, handling and storage of raw materials and other minerals.
227. **Professional Services** means a building or part of a building in which persons are employed for the provision of professional services such as medical services (including clinics), dental, legal, real estate agents, clerical, office services, insurance brokers and consultants.
228. **Public Education Service** means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This use includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.
229. **Public Library and Cultural Exhibit** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.
230. **Public Park** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.
231. **Public Utility Service** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, and includes all such carried on by or for the owner of a public utility or a Municipality or the Province of Manitoba. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, water treatment plants, lift stations, garbage transfer and compacting stations and waste recycling plants.
232. **Rapid Drive-Through Vehicle Service** means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically

- remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or specialty repair establishments.
233. **Ready-To-Move Structure** means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation.
234. **Recreation Facilities** means any form of play, amusement, or relaxation used as a pastime, diversion, exercise, or other resource, such as games, sports, hobbies and associated equipment used for such, whether publicly facilitated or on private property.
235. **Recreational Vehicles** means a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
236. **Recreational Vehicle Park** means any premises which is used or designed for temporary accommodation of two or more recreational vehicles whether or not a charge is made for such accommodation.
237. **Recycling Depot** means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.
238. **Religious Assembly** means a place of worship and related activities, but does not include assembly within dwellings.
239. **Repair** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
240. **Residential Care Facility** means the use of a building or structure, or portion thereof, maintained for the expressed or implied purpose of providing residential care or a transitional service to persons not related by blood or marriage to the operator.
241. **Restricted Area** means that area on a corner site formed by the intersecting street lines and a straight line joining points, with said street lines 3 metres from the point of intersection of the street lines.

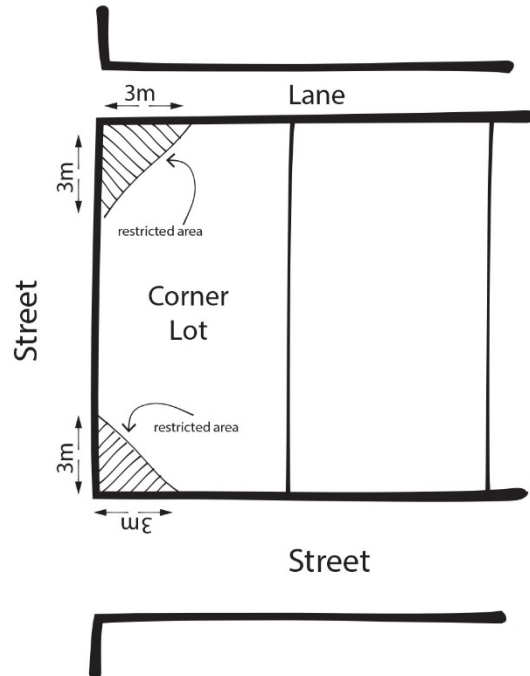


Figure 5: Restricted Area

- 242. **Retail Services** means a building or part of a building in which persons are employed in the sale of goods to customers and includes uses such as hardware, mail order, clothing, groceries, office equipment, drug stores, convenience stores, appliances, electronics, books, gifts, second hand goods and may include incidental repairs.
- 243. **Rooming House** means a house where lodgings are provided for rent, Also see 'House, boarding'.
- 244. **Scientific, Technological, or Communication Establishment** means a building or group of buildings in which are located facilities for scientific research, experiential education, investigation, testing, experimentation or communication.
- 245. **Secondary Plan** means a plan adopted by By-law in accordance with *The Planning Act* to guide development or redevelopment in a defined area within the municipality or planning district.
- 246. **Secondary Suite** means a self-contained accessory dwelling unit located either within a permanent single-family detached dwelling, or an accessory building, on a single zoning site. A Secondary Suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from, and not shared with, the principle dwelling. The use does not include Two Family or Multiple Family housing. A Secondary Suite does not include a mobile home unit.
- 247. **Separation Distance** means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.
- 248. **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy.
- 249. **Service Station** means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories.

Service Stations may include Eating and Drinking Establishments. Typical uses include truck stops and highway service stations.

250. **Setback** means the distance that a development or a specified portion of it must be set back from a lot line.
251. **Shed** see **Portable Building**.
252. **Shipping container** means an intermodal freight container that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving of goods and materials. For the purpose of this definition a shipping container does not have wheels and does not include a truck body, trailer or transport trailer.
253. **Sign** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.
- i. Advertising Sign: a sign directing attention to a business, commodity, service or entertainment undertaken elsewhere on the site where the sign is maintained.
 - ii. Animated Sign: any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign
 - iii. Bulletin Board: a permanent sign with movable letters and numbers not associated with a commercial enterprise but giving information relating to The Planning Activities of and on the same site as a religious assembly, community centre, school or other public uses.
 - iv. Business Sign: a sign directing attention to a business, conducted on the site where the sign is maintained.
 - v. Directional Sign: on-premises or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.
 - vi. Fascia or Wall Sign: any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular portion. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the space between said buildings.
 - vii. Flashing Sign: an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.
 - viii. Free Standing Sign: a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
 - ix. Identification Sign: a sign that identifies the owner, resident, business or the street address and which set forth no other advertisement or business information.
 - x. Illuminated Sign: a sign designed to give forth any artificial light or reflect light from an artificial source.
 - xi. Mural Sign: a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.
 - xii. Mobile Sign: a sign structure mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated

- to another location, and which may include copy that can be changed through the use of removable characters or panels.
- xiii. Official Sign: a sign required by, or erected pursuant to, the provisions of Federal, Provincial or Municipal legislation.
 - xiv. Off-Site Sign: a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.
 - xv. On-Site Sign: a sign that identifies the business, owner, and resident of the street address or directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same zoning site where the sign is maintained.
 - xvi. Real Estate Sign: a sign displaying real estate copy for the purpose of buying or selling real estate.
 - xvii. Temporary Sign: a sign identifying temporary activities including, construction project signs and real estate signs advertising and located on a specific premises.
254. **Sign Alteration** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.
255. **Sign Area** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.
256. **Sign Height** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
257. **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.
258. **Site** means an area of land consisting of one or more abutting lots.
259. **Site Area** means the computed area contained within the site lines.
260. **Site Coverage** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade, including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screened porches or verandas, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.
261. **Site Depth** means the average horizontal distance between the front and rear lot lines of the site.
262. **Site Lines**
- i. Front Site Lines: that boundary of a site which is along an existing or designated street.
 - 1. Rear Site Line: that boundary of a site which is most nearly parallel to the front site line.
 - ii. Side Site Line: any boundary of a site which is not a front or rear site line.
 - iii. Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.
263. **Site Plan** means a map or series of maps drawn to scale showing some or all of the following information: proposed and existing buildings, structures, alterations and additions,

roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Development Officer or the respective member municipal Council for any proposed development.

264. **Site Requirements**

- i. The size (including height of building and floor area), of buildings or structures;
- ii. The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
- iii. The location of exterior walls of buildings in relation to site lines, to other walls of the same building, to legally required windows, or to other buildings; and
- iv. All open areas relating to buildings or structures and their relationships thereto.

265. **Site Types**

- i. Corner Site: a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- ii. Key Site: the first site to the rear of a reverse corner site.
- iii. Reverse Corner Site: a corner site where the side site line adjacent to the street is a continuation of the front site line of the first to its rear (key site).
- iv. Through Site: a site having a pair of opposite site lines along two more or less parallel streets. The front site line shall be determined by the Development Officer.

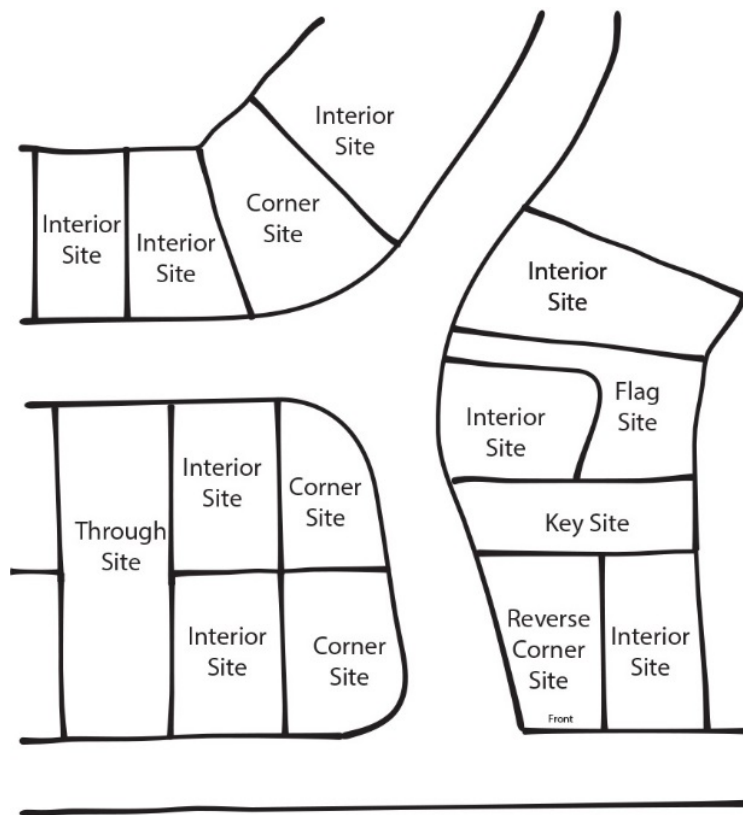


Figure 6: Site Types

266. **Site Width** means the horizontal distance between the side lot lines of a site, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 15 meters (50 feet) from the front lot line, and the lesser of these distances is the site width.
267. **Site Zoning** means a parcel of land with frontage on a street (excluding a lane) and of at least sufficient size to provide the minimum requirements for use, area, yards, and other open spaces as are herein required.
- 268.
269. **Sleeping Unit** means a habitable room, or a group of two or more habitable rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.
270. **Small Animal Breeding and Boarding Establishment** means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.
271. **Specialized Agricultural Activities** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis.
272. **Stacking Space** means an on-site queuing area for a passenger vehicle that is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.
273. **Storage, General** means a development used exclusively for the indoor or outdoor storage of goods, materials and merchandise.
274. **Storage, Temporary** means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This use does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards, or the storage of hazardous goods or waste.
275. **Storage Compound** means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities and salvage yards.
276. **Storey** means the portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a cellar. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than six (6) feet.
277. **Storey, First** means the storey with its first floor closest to grade and having its ceiling more than six feet above grade.
278. **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.6 meters (2 feet) above the floor of such storey.
279. **Storey, Second** means the storey located immediately above the first storey.
280. **Street** means a public roadway having a right-of-way at least 10 meters (33 feet) in width that affords the principal means of access to abutting land.
281. **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

282. **Surface Water** means any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.
283. **Temporary Buildings and Uses** means an incidental use, building or structure for which a development permit has been issued for a limited time only.
284. **Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.
285. **Towers** means a tall framework or structure of unusually great height in proportion to its width and depth used for observation, signalling, communications etc. when the permitted height of the main building is exceeded for the district in which it is located.
286. **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.
287. **Trailer** means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.
288. **Travel Trailer** means a certified and licensed portable vehicle designed for carrying persons as temporary accommodation for recreational purposes that is towed by a motor vehicle.
289. **Trucking Operation** means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses.
290. **Truck Stop** means a development located on a major transportation route designed to service both the trucking industry and the general public that includes but is not limited to large vehicle parking, automotive repair eating and drinking areas, gas bar, retail sales, and service station as accessory uses, and may also include a range of services to accommodate the trucking industry such as bathroom, shower and rest facilities.
291. **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.
292. **Utility (Public or Private)** means any system, works, plant, equipment or service which furnishes services and facilities available at approved rates to or for the use of the general public, including:
- i. Communication, by way of telephone, telegraph, wireless or television;
 - ii. Public transportation, by bus or other vehicles;
 - iii. Production, transmission, delivery, or furnishings of water, gas and electricity to the public at large; and
 - iv. Collection and fuel ta of sewage, garbage of other waste.
293. **Vacation Farm Operation** means an accessory development to a farm operation that provides temporary accommodations with or without meals to members of the travelling public for remuneration.

294. **Variation Order** means the altering of any of the regulations found in this By-law in accordance with *The Planning Act*.
295. **Veterinary Clinic** means a facility designed for the care and treatment of domestic animals, household pets or livestock, under the supervision of a doctor of veterinary medicine. The boarding of animals is limited to short-term care incidental to the treatment of the animals.
296. **Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.
297. **Wayside Pit and Quarry** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a project such as a road construction contract that is not located on the road right-of-way.
298. **Watercourse** means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.
299. **White Horse Plains Planning District Board** means the White Horse Plains Planning District
300. **Board** as established under *The Planning Act*.
301. **Wildlife and Conservation Reserve** means land that has been designated by Provincial legislation for the protection and conservation of wildlife. This use includes Wildlife Management Areas.
302. **Wind Turbine Generating Station (WTGS)** means a structure that converts wind energy to electrical energy, including but not limited to a wind charger or wind turbine. A publicly-operated WTGS may include one or more structures that individually or collectively produce more than a total of 150 Kilowatts (150 kilowatts) based upon the nameplate rating capacity, and that are connected to the provincial or local electrical transmission grid for commercial purposes and includes the associated transformers and power transmission lines.
303. **Wind Turbine** means a development on a leased or owned site that is comprised of, but not limited to, one or more wind turbine generator towers that convert wind energy to electrical energy for private use or sale and may include research or meteorological towers, collector grids, substations and other associated or compatible accessory operations.
304. **Yard** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law.
305. **Yard, Required** means an open area, on the same site as a building or structure, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the district in which it is located.

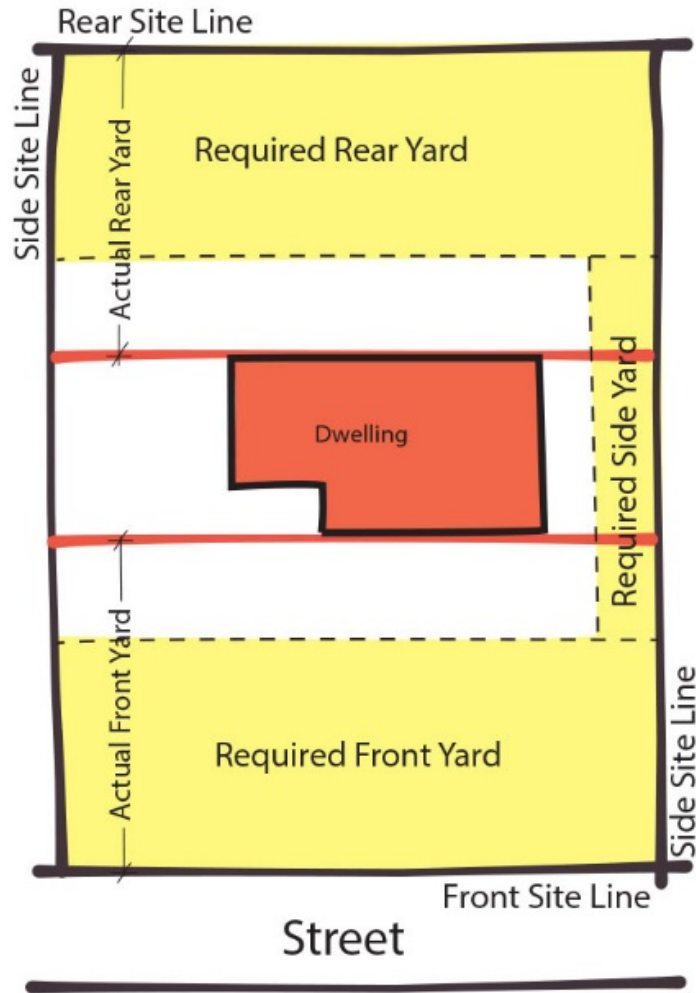


Figure 7: Required Yards

306. **Yard, Required - Front** means a yard extending all the full length of the front lot line between the side lot lines. All front yard regulations found in this By-law shall be measured from the front lot line.
307. **Yard, Required - Rear** means a yard extending along the full length of the rear lot line between the side site lines.
308. **Yard, Required - Side** means a yard extending along the side lot line from the front yard to the rear yard.
309. **Zoning District** means a section contained in Parts IV to IX of this By-law which regulates the use and development of land as depicted on the Zoning District Map.