

**RURAL MUNICIPALITY OF SWAN RIVER  
BY-LAW NO. 2383-04**

**BEING a By-Law of the Rural Municipality of Swan River  
to regulate the use and development of land.**

WHEREAS Subsection 39(1) of *The Planning Act* provides that the council of a municipality may enact a zoning by-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, pursuant to the provisions of Subsection 27(1) of *The Act*, **The Swan Valley Planning District** has, by by-law, adopted **The Swan Valley Planning District Development Plan**;

AND WHEREAS Subsection 32(2) of *The Act* provides that the council of a municipality shall enact a zoning by-law upon the adoption of a development plan;

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

1. This by-law shall be known as the **Rural Municipality of Swan River Zoning By-Law**.
2. The Zoning By-Law, attached hereto and marked as Schedule "A" is hereby adopted.
3. The By-Law No. 2178, being a by-law of the Rural Municipality of Swan River to adopt the Rural Municipality of Swan River Zoning By-Law and all amendments thereto, are hereby repealed.
4. This By-Law shall take force and effect on the date of third reading.

DONE and PASSED in Council duly assembled at the Rural Municipality of Swan River, this 12<sup>th</sup> day of June, A.D. 2007.

  
\_\_\_\_\_  
Earl K. Fullerton, Reeve

  
\_\_\_\_\_  
Betty Nemetchek, Chief Administrative Officer

Read a First Time this 27<sup>th</sup> day of July, A.D. 2004

Read a Second Time this 22<sup>nd</sup> day of May, A.D. 2007

Read a Third Time this 12<sup>th</sup> day of June, A.D. 2007

**RURAL MUNICIPALITY  
OF  
SWAN RIVER**

**ZONING BY-LAW  
NO. 2383-04**

**THE RURAL MUNICIPALITY OF SWAN RIVER BY-LAW NO. 2383-04**

BEING a by-law of **The Rural Municipality of Swan River** to regulate the use and development of land.

WHEREAS, *Subsection 39(1) of The Planning Act* provides that the council of a municipality may enact a zoning by-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, pursuant to the provisions of *Subsection 27(1) of The Act*, **The Swan Valley Planning District** has, by by-law, adopted ***The Swan Valley Planning District Development Plan***;

AND WHEREAS, *Subsection 32(2) of The Act* provides that the council of a municipality shall enact a zoning by-law upon the adoption of a development plan;

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

1. This by-law shall be known as the **Rural Municipality of Swan River Zoning By-law**.
2. The Zoning By-law, attached hereto and marked as SCHEDULE "A" is hereby adopted.
3. The By-law No. 2178, being a by-law of The Rural Municipality of Swan River to adopt the Rural Municipality of Swan River Zoning By-law and all amendments thereto are hereby repealed.
4. This By-law shall take force and effect on the date of third reading.

DONE AND PASSED in Council duly assembled at The Rural Municipality of Swan River, Manitoba this 12<sup>th</sup> day of June, 2007 A.D.

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Reeve

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Chief Administrative Officer

READ A FIRST TIME THIS 27th day of July A.D. 2004

READ A SECOND TIME THIS 22nd day of May A.D. 2007

READ A THIRD TIME THIS 12th day of June A.D. 2007

**RURAL MUNICIPALITY  
OF SWAN RIVER  
ZONING BY-LAW**

**BEING SCHEDULE "A"  
TO  
BY-LAW NO. 2383-04  
OF**

**THE RURAL MUNICIPALITY  
OF SWAN RIVER**

Prepared for:

THE RURAL MUNICIPALITY OF SWAN RIVER

By:

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and

Cochrane Engineering Ltd.

July 2004

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## **PART 1: SCOPE**

- 1.1 This By-law shall be known as the **Rural Municipality of Swan River Zoning By-law**.
- 1.2 This By-law applies to all lands in The Rural Municipality of Swan River indicated on **Maps 1 to 5 of Appendix “A”** to this By-law.
- 1.3 This By-law regulates:
- (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner. Legal non-conforming buildings, structures and uses that were lawfully in existence before this By-law or prior to any amendment to this By-law, may continue to exist in accordance with the provisions of *The Planning Act*.
- 1.5 Whenever a provision of another by-law of The Rural Municipality of Swan River or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this By-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

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

### **2.1 Regulation of Uses**

- 2.1.1 Subject to subsection 2.1.5 of this PART, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
    - (i) a permitted use;
    - (ii) a conditional use, subject to approval as such; or
  - (b) is an accessory use.
- 2.1.2 All listed uses shall be interpreted in accordance with PART 9: INTERPRETATION and shall be dealt with in accordance with procedures outlined in PART 5: RULES FOR SPECIFIC USES, PART 6: GENERAL REGULATIONS FOR ALL ZONES, and PART 7: ADMINISTRATION.
- 2.1.3 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.1.4 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following dwellings or dwelling units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation, and two-family dwellings as provided for in this By-law.
- 2.1.5 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this By-law.
- 2.1.6 Electric transmission lines and structures and pipelines of a public utility are deemed to be in compliance with this By-law if they are carried out, constructed and operated in accordance with federal and provincial law.

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

- 2.2.1 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.
- (a) All legally erected 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, and

- (b) The enlargement, expansion, 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.

2.2.2 An existing use, building or structure which is classified as a conditional use in this By-law or amendments thereto and which legally existed at the date of adoption or amendment of 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 in the zone in which the use, building or structure is located, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.

- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
- (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 7.

2.2.3 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law and which legally existed at the date of adoption or amendment of this By-law, shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.

- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use in the zone in which the use is located;
- (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 fifty percent (50%) of its replacement 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**

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

- 2.4.1 The classification of uses as conditional uses 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.
- 2.4.2 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 and section 7.8 of PART 7.

## 2.5 Accessory Uses

- 2.5.1 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 as provided under subsection 2.5.2 of this PART).
- 2.5.2 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 development permit has been obtained for the main building.
- 2.5.3 An accessory use, building or structure may be accessory to a permitted or conditionally approved use. However, where conditional use approval is required, no accessory use, building or structure shall be constructed or located on the site prior to review and approval by Council of a conditional use application in accordance with PART 7 of this By-law and the requirements of *The Planning Act*.
- 2.5.4 A farm dwelling shall be permitted as an accessory use to a permitted or conditionally approved agricultural operation in the “**AG**” Agricultural General Zone.

## 2.6 Zones

- 2.6.1 Uses of land in the Municipality are regulated in accordance with the following zones:

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

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

(b) “**GD**” General Development Zone

This zone provides for a mixture of residential, commercial, industrial and recreational uses within the urban communities of Durban and Kenville.

(c) “**RR5**” Residential Rural Zone

This zone provides for non-farm residential development where the keeping of livestock such as horses, cows, poultry and like animals is permitted for hobby use.

(d) “**RR2**” Residential Rural Zone

This zone provides for non-farm residential development by plan of subdivision only and where the keeping of livestock is limited to horses.

(e) **“RS-15”** Residential Single Family Zone

This zone provides for the development of single-family dwellings on existing small holdings in the fringe areas of urban centres.

(f) **“CH”** Commercial Highway Zone

This zone provides for appropriate land to accommodate those businesses requiring large site areas and to provide retail and personal services adjacent to major transportation routes to serve the needs of the traveling public.

(g) **“MR”** Industrial Rural Zone

This zone provides land for industrial development for uses requiring a rural location in terms of space requirements and independent of municipal sewer and water services where a certain level of nuisance factors must be accepted as characteristic of the use. Wherever practical these are located as far as possible from residential areas and in such a way as to minimize any detrimental effect on other land uses.

and those zones are established as shown on **Maps 1 to 5** of **Appendix “A”** of this By-law.

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

## PART 3: GENERAL BULK REQUIREMENTS

### 3.1 Application of Bulk Requirements

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for the zone in which the use is situated as set out in the applicable Use and Bulk Tables and other requirements of this By-law.

### 3.2 Existing Substandard Parcels of Land

Any site or parcel of land which was lawfully in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this By-law, may be used or developed for any permitted or conditional use within the zone in which the site or parcel exists, provided that;

- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
- (b) All administrative requirements for the issuance of development permits and approval of conditional use and/or variation applications as provided for in *The Planning Act* and PART 7 of this By-law are complied with; and
- (c) All required yards and separation distances as required by this By-law are complied with.

### 3.3 Open Space Along Rural Roadways

Areas adjacent to rural roads shall be kept clear of features which would contribute to snow drifting on the roadway, or which would represent a safety hazard to motorists. Within areas which are zoned “**AG**” Agricultural General Zone, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other improved municipal road:

- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences or wooden rail fences which are at least seventy-five percent (75%) open in character, all types of signs, excluding advertising signs, which are less than fifty (50) square feet in surface area, and small shelters for children at school bus stops;
- (b) No excavation such as a dugout or gravel pit shall be located within the required yard;
- (c) No substantial planting, such as a shelterbelt or hedge exceeding a height of three (3) feet that may interfere with the functioning of the road system shall be located within the required yard;
- (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood that may interfere with the functioning of the road system shall be located within the required yard; and
- (e) Corner vision triangles shall be maintained at the road corners of all sites adjacent to the road intersections within the “**AG**” Agricultural General Zone. The corner vision triangle shall be a triangular area measured one hundred twenty-five (125) feet from the road corner of the site along each site line adjacent to the road. No wall, fence, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed within these corner vision triangles.

### 3.4 Urban Corner Vision Triangles

In order to provide for a reasonable measure of traffic safety within the **"GD"** Zone, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

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

### 3.5 Projections into Required Yards

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

- (a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser;
- (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser, provided that no more than ten (10) square feet of area within any required yard is occupied by these types of projection;
- (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be three (3) feet, and the maximum height of a fence in any required side or rear yard shall be six (6) feet; and
- (d) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from a site line, and a separation distance of three (3) feet is maintained from any dwelling. Subsection 7.6.3 of PART 7 herein, identifies uses, buildings and structures exempt from the requirement for a development permit.

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

The minimum distance between the principal building and any other building other than provided for in clause 3.5(d) of this PART shall be ten (10) feet in the **"AG"** Zone and six (6) feet in the **"GD"**, **"RR5"**, **"RR2"** and **"RS-15"** Zones.

### 3.7 Double Frontage Sites

Within the **"GD"** 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 two hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and

- (b) Where the site depth is two hundred (200) feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.

### **3.8 Unconventional Sites**

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

### **3.9 Landlocked Sites**

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



## PART 4: USE AND BULK TABLES

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

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
<b>PERMITTED USES</b>					
Advertising Signs, less than 50 sq. ft. in area	-	-	50(c)	25	25
Agricultural Activities, General	80	1,000	125	25	25
Agriculture Activities, Specialized (d)	2	200	125	25	25
Dwellings, Farm and Non-farm (e)	2(f)	200	125	25	25
Livestock Production Operations of fewer than 300 Animal Units (AUs) (g) (See Part 5)	80(h)	1,000	125	25	25
Market Gardens, Nurseries or Greenhouses (i)	2	200	125	25	25
Public Utilities (See 2.1.5 and 2.1.6)	Not Applicable				
<b>CONDITIONAL USES</b>					
Advertising Signs, exceeding 50 sq. ft. in area (i)	-	-	125	25	25
Agriculture Related Industries or Processing Plants (i)	10	400	125	25	25
Aircraft Landing Areas (i)	10	200	125	25	25
Auction Marts (i)	2(f)	200	125	25	25
Automobile Service Stations, including accessory restaurants or commercial stores (i)	2	200	125	25	25
Campgrounds (i)	2(f)	200	125	25	25
Cemeteries (i)	2(f)	200	125	25	25
Community Halls (i)(j)	2(f)	200	125	25	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers (i)	2(f)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (i)(j)	2	200	125	25	25
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (i)(j)	2(f)	200	125(k)	25(k)	25(k)

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

USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
Establishments for the sales, storage or distribution of chemical fertilizers, herbicides, pesticides, fungicides, insecticides and similar uses (i)					
- Anhydrous Ammonia	5	300	125(k)	25(k)	25(k)
- Other	2	200	125(k)	25(k)	25(k)
Establishments related to the harvesting of natural resources such as forestry (i)	2(f)	200	125	25	25
Exhibition Grounds (i)	2	200	125	25	25
Fur Farms (i)	2(f)	200	125	25	25
Golf Courses (i)	40	660	125	25	25
Guest Houses, Outfitting Cabins, Lodges and similar uses	2	200	125	25	25
Kennels (i)	2(f)	200	125	25	25
Livestock Production Operations of 300 Animal Units (AUs) or more, irrespective of location (g) (see 5.2 to 5.5)	80(h)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (i)(j)	2(f)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (i)	2(f)	200	125	25	25
Museums or Historic Sites (i)	2(f)	200	125	25	25
Public Works Compounds and Maintenance Buildings (i)	2(f)	200	125	25	25
Recreation Facilities, including associated uses (i)	2	200	125	25	25
Religious Institutions (i)(j)	2(f)	200	125	25	25
Riding Academies and Stables (i)	2	200	125	25	25
Sewage Lagoons (i)	2	200	125	25	25
Surface Mining Operations, including gravel pits (i)	2	200	125	25	25
Telecommunications Towers (i)	2(f)	200	125	25	25
Trucking Establishments (i)(j)	2(f)	200	125	25	25
Veterinary Clinics (i)	2(f)	200	125	25	25
Waste Disposal Sites (i)	2	125	25	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	125	25	25

- (a) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto, of the provincial highway authorities shall apply.
- (b) Except for cemeteries, where a side or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side or rear yard shall be one hundred twenty-five (125) feet.
- (c) Where an advertising sign is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto of the provincial highway authorities shall apply.
- (d) Apiaries shall be considered as a conditional use when proposed to be located within one (1) mile of designated urban communities identified on **MAP 1 of Appendix "A"** of this By-law.
- (e) Residential subdivisions (farm and non-farm) in the **"AG"** Zone are allowed only in accordance with the Residential Development General Provisions of The Swan Valley Planning District Development Plan.
- (f) The maximum site area shall be ten (10) acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (g) New or expanding livestock production operations are deemed to be a conditional use when the total number of Animal Units (AUs) inclusive of all animal species, is three hundred (300) or more. Livestock production operations of less than three hundred (300) Animal Units (AUs) that are in close proximity to dwellings, recreation areas and designated urban communities identified on **MAP 1 of Appendix "A"** of this By-law are regulated as outlined in section 5.4 of this By-law. Applications to establish new or expand existing livestock production operations as permitted or conditional uses must be made on the forms prescribed by Council and provide information required under PART 5 of this By-law. Each approved livestock production operation may be required to file an annual manure management plan with Manitoba Conservation and The Rural Municipality of Swan River at the request of Council.
- (h) Notwithstanding the minimum site area requirement specified in this TABLE, there shall be sufficient land available for livestock production operations to properly accommodate manure disposal, in accordance with the provisions of the *Manitoba Farm Practices Guidelines*.
- (i) Where the site of the proposed development is located within one thousand (1,000) feet of a Provincial Trunk Highway, or within one half (1/2) mile of a highway intersection, the proposal may be referred to Manitoba Transportation and Government Services for review and comment.
- (j) These types of uses may be allowed in the **"AG"** Agricultural General Zone only if Council is satisfied that no suitable site is available in an urban community or designated commercial or industrial area, in accordance with the provisions of The Swan Valley Planning District Development Plan.
- (k) For separation distances for hazardous materials, including but not necessarily limited to anhydrous ammonia storage facilities see section 5.8 of PART 5.

**TABLE 4-2: “GD” GENERAL DEVELOPMENT ZONE – USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS(a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
<b>PERMITTED USES</b>					
Accommodation Facilities, including Hotels and Motels	15,000	100	30	15	25
Advertising Signs less than 50 sq. ft. in area	-	-	30	15	15
Bakeries	15,000	100	30(c)	15(c)	25
Campgrounds	20,000	100	30	15	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	15,000	100	30(c)	15(c)	25
Dwellings, single-family	15,000	100	30	15	25
Dwellings, mobile home	15,000	100	30	15	25
Dwellings, modular home	15,000	100	30	15	25
Dwellings, two-family	15,000	100	30	15	25
Emergency Services, including police and fire stations	15,000	100	30(c)	15(c)	25
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	15,000	100	30(c)	15(c)	25
Establishments for the sale of goods or services, provided that all storage is within a fully enclosed building	15,000	100	30(c)	15(c)	25
Exhibition Grounds	20,000	100	30	15	25
Food or Beverage Service Establishments	15,000	100	30(c)	15(c)	25
Home Day Care Facilities, accommodating up to 8 children	15,000 (c)	100(c)	30	15	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	30	15	25
Nurseries or Greenhouses	15,000	100	30	15	25
Parks or Playgrounds	1,000	20	-	-	-
Public Utilities	15,000 (d)	100(d)	30 (c)(d)	15 (c)(d)	25(d)
Recreation Facilities	15,000	100	30(c)	15(c)	25
Religious Institutions	15,000	100	30(c)	15(c)	25
Residential Care Facilities, providing service for up to 4 persons	15,000	100	30	15	25
Storage Buildings and Warehouses, for non-hazardous materials	15,000	100	30	15	25

**TABLE 4-2: “GD” GENERAL DEVELOPMENT ZONE – USE AND BULK TABLE**

USES	MINIMUM REQUIREMENTS(a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
<b>CONDITIONAL USES</b>					
Advertising Signs exceeding 50 sq. ft in area	-	-	30	15	25
Boarding or Rooming Houses with 3 or more boarders	15,000	100	30	15	25
Dwellings, multiple-family	30,000	100	30	15	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	30	15	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration	15,000	100	30	15(e)	25(e)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures, including bulk fuel establishments	15,000	100	30	15(e)	25(e)
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	30(c)	15(c)	25
Group Day Care Facilities accommodating 9 children or more	15,000	100	30	15	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	30(c)	15(c)	25
Public Works Compounds and Maintenance Buildings	15,000	100	30	15	25
Residential Care Facilities, providing service to 5 persons or more	15,000	100	30	15	25
Sewage Lagoons	15,000	100	30	15	25
Storage Facilities and Compounds, Exterior, non-hazardous materials	15,000	100	30(c)	15(c)	25
Trucking Establishments	15,000	100	30	15	25
Veterinary Clinics	15,000	100	30	15	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	(f)	5(g)(h)	5(g)(h)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet, except for grain storage structures, fuel and fertilizer storage tanks and church steeples;
  - ii) Maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet, if accessory to a residence, and twenty-four (24) feet if accessory to a non-residential use, except for grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers; and
  - iii) Minimum dwelling unit area shall be six hundred (600) square feet for a residential building, and four hundred (400) square feet for dwelling units in a multiple-family dwelling or an accessory residential suite within a commercial building.
- (b) Where the site line is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto, of the provincial highway authorities shall apply.
- (c) When located in the central business area of the community, the minimum required yard shall be five (5) feet.
- (d) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a building or structure separation distance of seven (7) feet is maintained from all site lines.
- (e) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.
- (f) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (g) In the case of buildings or structures, which are accessory to residential uses, when located entirely to the rear of the principal building, the minimum required side yard and rear yard for accessory buildings and structures shall be three (3) feet.
- (h) Where an accessory building is used for the storage of a motor vehicle, the wall fronting on to a public lane which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane.

**TABLE 4-3: RESIDENTIAL RURAL USE TABLE**

For the purpose of this TABLE: “P” means Permitted Use “C” means Conditional Use “-” means Use is Prohibited	ZONES		
	RR5	RR2	RS-15
Agricultural Activities including nurseries and market gardening but excluding Livestock production operations except as provided elsewhere in this By-law	P	-	-
Churches and Halls	P	C	C
Day Care Facilities - Home Care accommodating up to 8 children - Group Care, accommodating 9 or more children	P C	P C	P C
Dwellings - Mobile Home - Modular Home - Single-Family - Two-Family	P P P -	P P P -	- P P C
Grocery and Variety Stores	C	C	C
Mobile Home Parks	C	C	-
Parks, Playgrounds and Recreation Areas	P	P	P
Public Utilities	P	P	P
Private Stables	C	C	-
Residential Care Facilities - Providing Care Facilities for up to 4 persons - Residential care Facilities to 5 persons or more	P C	P C	P C
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	P	P	P

**TABLE 4-4: RESIDENTIAL RURAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (feet <sup>2</sup> ) & acres	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Agricultural Activities including nurseries and market gardening but excluding livestock operations except as provided elsewhere in this By-law - RR5 - RR2 - RS-15	5 acres - -	300 - -	125 - -	25 - -	25 - -
Dwellings, including single-family dwelling, mobile or modular home - RR5 - RR2 - RS-15	5 acres 2 acres 15,000 sq. ft.	300 200 100	125 125 30	25 25 15	25 25 25
Two-family dwellings - RS-15	30,000 sq. ft.	100	30	15	25
Mobile Home Parks	5 acres 5 acres	300 300	125 60	25 25	25 25

**TABLE 4-4: RESIDENTIAL RURAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (feet <sup>2</sup> ) & acres	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
- RR5 - RR2 - RS-15	-	-	-	-	-
Parks, Playgrounds and Recreational Areas (b) - RR5 & RR2 - RS-15	2 acres 0.5 acres	200 100	60 30	25 15	25 25
Public Utilities - RR5 & RR2 - RS-15	2 acres 0.5 acres	200 100	125 30	25 15	25 25
Private Stables (c) - RR5 & RR2 - RS-15	5 acres -	300 -	250 -	50 -	50 -
All other permitted and conditional uses in the Residential Zones - RR5 & RR2 - RS-15	2 acres 15,000 sq ft	200 100	125 30	15 15	25 25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>					
- RR5 - RR2 - RS-15	- - -	- - -	125 60 30	25 25 15	25 25 5

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- (i) In the “**RR5**” and “**RR2**” Zones where the required front yard is less than one hundred twenty-five (125) feet, the front yard shall be increased to one hundred twenty-five (125) feet if the site fronts on a municipal road;
  - (ii) In the “**RR5**” and “**RR2**” Zones where a side yard is on a corner site and abuts a municipal road allowance, the side yard shall be increased to one hundred twenty-five (125) feet;
  - (iii) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the setback requirements and changes thereto, of the provincial highway authorities shall apply;
  - (iv) Where sites comprising fifty (50%) percent or more of the entire frontage are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage provided such average is less than the minimum front yard required in the zone in which the site is located; and
  - (v) The minimum dwelling unit area shall be six hundred (600) square feet for a residential building.



- (b) Moveable playground equipment and park furniture are permitted obstructions in yards when located within and confined to a recreational site.
- (c) The site area to permit a residence (together with well and septic field), animal confinement facility (private stable) for sheltering animals, exercising yard and manure storage area, shall not be less than five (5) acres subject to the following:
  - (i) A maximum of two (2) Animal Units (AUs), cumulative across species, shall be permitted in the “RR5” Zone;
  - (ii) A maximum of two horses may be permitted in the “RR2” Zone. Notwithstanding this provision two horses each may be permitted on Parcel 1, Plan No. 1344 and Parcels 1, 2, 3 and 4 of Plan No. 1495 and nine horses on Lot 9, Plan No. 2514 as per Development Agreement filed by way of Caveat No. 36782 DLTO;
  - (iii) A further two (2) acres shall be required for each additional Animal Unit;
  - (iv) The animal confinement facility (private stable) and the manure storage areas shall be separated a distance of two hundred fifty (250) feet from any dwelling (other than the dwelling on the same site), fifty (50) feet from the site boundary and two hundred fifty (250) feet from a public highway;
  - (v) The paddock or animal exercising yard or enclosure should be fifteen (15) feet from the site boundaries; and
  - (vi) Notwithstanding, the above provisions, in the event that a dwelling is later located on adjacent site(s) nearer to said private stable it shall not become a non-conforming building nor shall it become a non-conforming use and may be enlarged and maintained.

**TABLE 4-5: COMMERCIAL HIGHWAY AND INDUSTRIAL RURAL USE TABLE**

For the purpose of this TABLE “P” means Permitted Use “C” means Conditional Use “-” means Use is Prohibited	ZONES	
	CH	MR
Advertising Signs	P	P
Alfalfa Pelletization Plants	-	C
Auction Marts, non-livestock	P	P
Auction Marts, livestock	C	C
Automobile, Mobile Home or Recreational Vehicle Sales and Service	P	P
Automobile Body Shops	C	C
Automobile Service Stations, including any accessory restaurants or convenience stores	P	P
Batch Concrete Plant	C	C
Building Contractors’ Establishments	P	P
Building Supply Establishments	P	P

**TABLE 4-5: COMMERCIAL HIGHWAY AND INDUSTRIAL RURAL USE TABLE**

<b>For the purpose of this TABLE</b> <b>“P” means Permitted Use</b> <b>“C” means Conditional Use</b> <b>“-” means Use is Prohibited</b>	<b>ZONES</b>	
	<b>CH</b>	<b>MR</b>
Bulk Fuel Stationary Storage and Sales	C	C
Camping and Tenting Grounds	C	-
Commercial and Industrial Uses not listed elsewhere in this TABLE but deemed by Council to be readily identifiable, in general terms for the “CH” and “MR” Zones as being similar to permitted or conditional uses of land, buildings or structures	C	C
Communication Facilities	C	C
Compacting Feed Plants	-	C
Construction Yards and Shops	C	C
Earth Moving Contractors	C	C
Fabricating Establishments for agricultural equipment or agricultural structures	C	C
Feed Mills and Seed Cleaning Plants	-	C
Fertilizer and Farm Supplies, sales and storage	C	C
Food Processing Establishments	C	C
Gift Shops and Craft Shops	P	-
Grain Terminals	-	C
Greenhouses and Nurseries	P	P
Implement Sales and Service	P	P
Industrial Service Shops	C	C
Motels or Hotels	P	-
Public Utilities and Services	P	P
Recycling Depots	C	C
Recreation Facilities	P	-
Restaurants	P	-
Seed Crushing and Fiber Processing Plants	-	C
Straw Board Plants	-	C
Truck Terminals	P	P
Veterinary Clinics	P	P
	C	C

**TABLE 4-5: COMMERCIAL HIGHWAY AND INDUSTRIAL RURAL USE TABLE**

For the purpose of this TABLE "P" means Permitted Use "C" means Conditional Use "-" means Use is Prohibited	ZONES	
	CH	MR
Warehousing Establishments		
Welding, Fabrication or Machine Shops	C	C
Woodworking Establishments	C	C
Wood Processing Plants	-	C
Wrecking Establishments	-	C
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	<b>P</b>	<b>P</b>

**TABLE 4-6: COMMERCIAL HIGHWAY AND INDUSTRIAL RURAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (acres)	Front Yard (a)	Side Yard (b)	Rear Yard (b)
Advertising Signs	-	-	(c)	10	10
Alfalfa Pelletization Plants	10	400	50	50	100
Communication Facilities	1	150	50	20	25
Compacting Feed Mills	10	400	50	50	100
Feed Mills and Seed Cleaning Plants	4	300	50	50	75
Gift Shops and Craft Shops	1	150	50	20	25
Grain Terminals	8	400	75	50	75
Public Utilities and Services	1	100	50	15	25
Seed Crushing and Fiber Processing Plants	40	660	50	50	100
Straw Board Plants	40	660	75	75	125
Wood Processing Plants	10	400	50	50	100
Wrecking Establishments	5	350	75	75	100
All other permitted and conditional uses in the "CH" and "MR" Zones	2	200	50	25	25

**TABLE 4-6: COMMERCIAL HIGHWAY AND INDUSTRIAL RURAL BULK TABLE**

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (acres)	Front Yard (a)	Side Yard (b)	Rear Yard (b)
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>					
Commercial Uses	-	-	(c)	10	10
Industrial Uses	-	-	(c)	20	20

- (a) Setback requirements are as in this TABLE, except on sites fronting on Provincial Trunk Highways, and Provincial Roads where setbacks shall be increased in accordance with the control line established by *Manitoba Transportation and Government Services* unless the proposed use is relieved of compliance by the provincial highway authorities. Setback requirements on sites fronting on municipal roads shall be one hundred and twenty-five (125) feet unless varied, except where the municipal road is an internal subdivision road where the requirement of this TABLE applies.
- (b) When the side or rear yard, as the case may be, abuts a provincial trunk highway, the setback requirements shall be increased in accordance with the control line established by *Manitoba Transportation and Government Services* unless the proposed use is relieved of compliance by the provincial highway authorities. Side or rear yard setback requirements adjacent to municipal roads shall be one hundred and twenty-five (125) feet or as varied, except where the municipal road is an internal subdivision road where the requirements of this TABLE applies.
- (c) The minimum required front yard for accessory buildings or structures shall be the same as the minimum required front yard for the principal building or structure, with the exception of fuel dispensing pumps, which shall be located at least twenty-five (25) feet from the front site line and canopies, sheltering fuel dispensing areas, which shall be located at least twenty-five (25) feet from any site line.

## PART 5: RULES FOR SPECIFIC USES

### 5.1 Home-based Businesses

Home-based businesses are governed by the following rules:

- (a) They shall be carried on in a dwelling unit or mobile home or its permitted accessory building;
- (b) They shall be carried on principally by the members of the family residing at the same dwelling unit or mobile home;
- (c) Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed:
  - i) ten (10) persons in the “**AG**” Zone, and
  - ii) two (2) persons in the other zones;
- (d) In all zones except the “**AG**” Zone, there can be no processing or outside storage of goods or materials, and in the “**AG**” Zone, the location of all exterior processing and storage shall be subject to Council approval;
- (e) Not more than forty (40%) percent of the floor area may be devoted to the home-based business in all zones;
- (f) One business sign, either freestanding or affixed to the wall of a principal or accessory building is permitted, not exceeding
  - i) in the “**AG**” Zone, thirty-two (32) square feet;
  - ii) in all other zones, ten (10) square feet in any location;
- (g) They shall not generate undue traffic or congestion, or if located in the vicinity of a provincial highway, should not impair the safe and efficient operation of the highway;
- (h) They shall not by reason of emission of odours, dust, smoke, noise, gas, fumes, cinders, light, vibrations, refuse matter, or water carried wastes become offensive or obnoxious or create a nuisance beyond any site line;
- (i) In the “**RR5**”, “**RR2**”, “**RS-15**” and “**GD**” Zones, the residential character of the property shall be maintained; and
- (j) A bed and breakfast is a permitted accessory use.

### 5.2 Livestock Production Operations

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

5.2.2 Where a livestock production operation is located within one half mile of one or more other livestock production operations, and where these operations are on separate land parcels, and where these operations share a common manure storage facility, they shall be deemed to be one combined larger

livestock production operation for the purposes of interpreting the number of Animal Units (AUs) and the associated requirements of the By-law.

5.2.3 Livestock production operations shall be setback from property lines in accordance with **TABLE 5-1**.

**TABLE 5-1: SETBACK DISTANCES FROM PROPERTY LINES (FEET)**

To animal housing structures	328
To manure storage facility	328

5.2.4 To assist in the interpretation of this By-law, the total number of existing and proposed Animal Units (AUs) of a livestock production operation, cumulative across species, shall be determined in accordance with TABLE 5-2 of this PART.

5.2.5 The provisions of this By-law are dependent upon a determination of the production capacity of a livestock production operation, which shall be based upon the intensity of use as measured by Animal Units determined in accordance with TABLE 5-2 by multiplying the number of animals by the Animal Unit produced by one livestock.

5.2.6 No manure storage facility shall be constructed or located within three hundred twenty-eight (328) feet of surface water which is standing or flows either perennially or intermittently beyond the site of the facility.

**TABLE 5-2: ANIMAL UNIT SUMMARY TABLE**

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

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

### 5.3 Livestock Production Operations Deemed Conditional Uses

Livestock production operations are a conditional use when the size of the operation exceeds three hundred (300) Animal Units, irrespective of location.

### 5.4 Livestock Production Operations in Proximity to Residences and Designated Areas

The criteria outlined in **TABLE 5-3**, shall apply to all new and expanding livestock production operations in proximity to residences and designated areas as well as siting of new rural residences in proximity to existing livestock production operations.

**TABLE 5-3: CRITERIA FOR SITING LIVESTOCK OPERATIONS**

Animal Units (AUs)	Separation Distance (feet)			
	From a Residence (a)		From Designated Areas (b)	
	To Earthen Storage	To Buildings (d)	To Earthen Storage	To Buildings (d)
10-100	656	328	2,625	1,739
101-200	984	492	3,937	2,625
201-300	1,312	656	5,249	3,511
301-400	1,476	738	5,906	3,937
401-800	1,640	820	6,562	4,364
801-1,600	1,969	984	7,874	5,249
1,601-3,200	2,297	1,148	9,186	6,135
3,201-6,400	2,625	1,312	10,499	6,988
6,401-12,800	2,953	1,476	11,811	7,874
>12,800	3,281	1,640	13,123	8,760

- (a) Residences, excluding the residence of the owner/operator of the livestock operation.
- (b) “Designated Areas” means areas designated as a residential, seasonal residential or recreation area, the corporate limits of a town, village or city, or the limits of an unincorporated local urban district.
- (c) The distance to buildings includes barns, confined livestock areas and non-earthen manure storage such as above or below grade structures that may be covered or uncovered.

Notwithstanding the above criteria, livestock production operations within two (2) miles of the Town of Swan River and one (1) mile of designated areas will be subject to the policies of the Development Plan.

Livestock production operations of greater than nine (9) AUs in existence as of the date of the adoption of the Development Plan may be permitted to expand to three hundred (300) AUs as conditional uses.



## 5.5 Application Requirements

5.5.1 Where conditional use approval for a new or expanding livestock production operation is required, the application shall be accompanied by, in addition to the information required by subsection 7.6.6 of PART 7 herein:

- (a) General plans, specifications and descriptions, for
  - i) the animal housing facilities including the manure handling system,
  - ii) the manure storage facilities including storage and odour control, and
  - iii) land application of manure;
- (b) A site plan showing the location of animal housing, manure storage and other related facilities and their distances from property boundaries; and
- (c) Type of existing and proposed livestock and number of Animal Units (AUs).

5.5.2 Council may approve the livestock production operation subject to conditions provided for in *The Planning Act*, which consists of:

- (a) measures to ensure conformity with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law;
- (b) one or both of the following measures intended to reduce odors from the livestock operation:
  - (i) requiring covers on manure storage facilities,
  - (ii) requiring shelterbelts to be established;
- (c) requiring the owner of the affected property to enter into a development agreement dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters:
  - (i) the timing of construction, of any proposed building,
  - (ii) the control of traffic,
  - (iii) the construction or maintenance – at the owner’s expense – of roads, traffic control devices, fencing, landscaping, shelterbelts or the drainage works required to service the livestock operation,
  - (iv) the payment of a sum of money to the planning district or municipality to be used to construct anything mentioned in subclause (iii).

## 5.6 Accessory Livestock Production Operations

Livestock confinement facilities located on small rural holdings and accessory to a non-farm rural residence with a capacity of up to nine (9) Animal Units (AUs), cumulative across species, may be established subject to the following requirements:

- (a) The animal confinement facilities and manure storage facilities shall be separated a distance of five hundred (500) feet from the Town of Swan River and Villages of Benito and Bowsman and the designated urban communities of Durban and Kenville as shown on **Map 1, Appendix "A"** of this By-law and any existing recreation area and two hundred fifty (250) feet from any dwelling other than the dwelling of the operator on the same site; and
- (b) The site area is not less than five (5) acres.

The separation distance of two hundred fifty (250) feet shall also apply to siting of new rural residences in proximity to existing accessory livestock production operations. Notwithstanding clause 5.6(b) above, additional lands may be required, particularly at the upper threshold levels of AUs to satisfy environmental requirements for the storage, handling and disposal of manure.

## 5.7 Special Limitations Governing Development of Farm Buildings, Structures and Dwellings

- 5.7.1 No dwelling, mobile or modular home shall be constructed or located within one thousand five hundred (1,500) feet of the site of any municipal sewage lagoon and one thousand three hundred twelve (1,312) feet of a solid waste disposal site.
- 5.7.2 No dwelling, mobile or modular home shall be constructed or located within five hundred (500) feet of a commercial bulk fuel facility or a farm bulk chemical supply facility and one thousand (1,000) feet of an inland grain terminal and two thousand six hundred forty (2,640) feet of a stationary anhydrous ammonia storage tank.
- 5.7.3 No building, dwelling, mobile or modular home or farm building or structure shall be located within three hundred twenty-eight (328) feet of the edge of the right-of-way of any railway, unless the structure is required for railway operations, or requires railway service.
- 5.7.4 No building, dwelling, mobile or modular home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Mines Branch, unless the site has been further reviewed by that Branch and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling, mobile or modular home, a separation distance of five hundred (500) feet shall be provided between the building location and any active mining area.
- 5.7.5 Any proposal to establish any building, structure, dwelling, mobile or modular home or farm building or structure which exceeds a building height of ten (10) feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing area for a distance of one (1) mile, shall be deemed to be a conditional use, and shall be subject to the approval of Council.

## 5.8 Hazardous Materials Storage

5.8.1 No bulk farm chemical supply warehouse, commercial bulk fuel facility or fertilizer storage facility shall be located within five hundred (500) feet of a building used for human occupancy or individual residence and no inland grain terminal shall be located within one thousand (1,000) feet of a building used for human occupancy or individual residence.

5.8.2 No stationary anhydrous ammonia storage tank shall be located within:

(a) Two thousand six hundred forty (2,640) feet of any “**GD**” General Development Zone, any designated residential area, any existing recreation area and any building used for human occupancy or individual residence; and

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

## 5.9 Variation of Separation Distances

Minimum separation distances may be reduced through the application for a minor variation or variation order as prescribed in PART 7 of this By-law and *The Planning Act*.

## **PART 6: GENERAL REGULATIONS FOR ALL ZONES**

### **6.1 Land Subject to Flooding**

- 6.1.1 No buildings or structures, except for fences, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of The Swan Valley Planning District Development Plan.
- 6.1.2 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional flood proofing measures such as but not necessarily limited to the provision of sufficient fill around the building to provide an additional measure of protection from flood damage.
- 6.1.3 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to mitigate the hazard to an acceptable level.
- 6.1.4 No land use activity shall be conducted in any zone unless such precautionary measures, satisfactory to Council, to safeguard and prevent water and atmospheric pollution, including enrichment of natural waters with organic nutrients or sediments, are incorporated into the proposed land use activity. Council may seek the advice of appropriate government agencies on the adequacy of the proposed preventative measures.

### **6.2 High Water Table Areas**

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

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

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

### **6.4 Building Removal**

Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

### **6.5 Road Access**

No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road except as provided for in section 3.9 of PART 3.

## 6.6 Public Monuments and Cairns

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

## 6.7 Signs

- 6.7.1 The following accessory signs are permitted in any zone without the issuance of a development permit:
- (a) One identification sign not exceeding four (4) square feet in surface area per residential dwelling;
  - (b) One identification sign not exceeding thirty-two (32) square feet in surface area per site for religious institutions and other non-residential buildings;
  - (c) One business sign directing attention to a business not exceeding thirty-two (32) square feet in surface area for commercial or industrial sites;
  - (d) Mobile or temporary signs not to exceed thirty-five (35) square feet in sign surface area per side for the purpose of advertising a social, community, family related event or directing attention to a business provided the sign is located on the same site as the event, is separated sixty (60) feet from a residential area, setback three (3) feet from site lines or fifteen (15) feet from corner site lines of intersecting streets and is permitted for a period of thirty (30) days which time may be extended by Council for an additional thirty (30) day period;
  - (e) One bulletin board not exceeding sixteen (16) square feet in surface area per site for religious institutions, schools, community centres, etc.;
  - (f) One temporary real estate or construction sign not exceeding sixteen (16) square feet in surface area per site;
  - (g) Temporary posters, bulletins, legal notices and the like;
  - (h) Directional signs for parking and loading; and
  - (i) "No hunting" or "No trespassing" signs not to exceed ten (10) square feet in sign surface area.
- 6.7.2 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing and every sign shall conform with the requirements of this By-law and the provincial highway authority when located within the highway control areas adjacent to Provincial Trunk Highways and Provincial Roads.
- 6.7.3 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business or service and have not been removed or relocated within thirty (30) days following such condition may be removed by the Municipality at the owner's expense.

## **6.8 Temporary Buildings and Uses**

6.8.1 Temporary buildings, structures and uses of land are permitted on a site in connection with road construction or construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:

- (a) offices for the contractor or developer or project supervisor;
- (b) accommodation for a caretaker;
- (c) storage of materials and equipment; and
- (d) temporary accommodations, field offices and temporary concrete and asphalt plants necessary for road construction projects, provided that a minimum separation distance of one thousand three hundred twenty (1,320) feet is provided between an asphalt or concrete plant and the nearest habitable dwelling or residence.

6.8.2 A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods.

6.8.3 Notwithstanding section 3.5 of PART 3, a wheelchair ramp may extend into the required yard of a residence, subject to the issuance of a development permit.

## **6.9 Road Allowances**

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 requirements of this By-law as if the said future road allowance was already in existence.

## **6.10 Basement Accommodations**

A dwelling unit or living accommodation for a boarder shall not be located in a basement unless it complies with the provisions of The Manitoba Building Code with regard to various features, including but not limited to floor area, room height, stairs, egress, fire separation, sanitary facilities, windows and smoke alarms.

## **6.11 Noxious or Offensive Uses**

Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas vibration or noise. If the use is permitted in the subject zone, satisfactory measures shall be undertaken to mitigate or eliminate such effects and necessary licensing shall be obtained from Manitoba Conservation as required.

## **6.12 Mobile Home Provisions**

All mobile homes which are either newly sited or relocated within The Rural Municipality of Swan River after the effective date of this By-law shall conform to C.S.A. standards pertaining to construction, site preparation, foundation and anchorage. The undercarriage of all mobile homes shall be fully concealed by skirting which is either pre-finished or painted to complement the mobile home.

## **PART 7: ADMINISTRATION**

### **7.1 Administration and Enforcement**

In the administration and enforcement of this By-law The Rural Municipality of Swan River authorizes and directs the Board of The Swan Valley Planning District to proceed under PART 8.

### **7.2 Responsibilities of Council**

Subject to the provisions of *The Planning Act*, the Council of The Rural Municipality of Swan River is responsible for the enactment or repeal of this By-law in accordance with the provisions of *The Planning Act* and:

- (a) Considering the adoption or rejection of proposed amendments to this By-law;
- (b) Considering the approval or rejection of applications for conditional use and variations;
- (c) Considering the revocation of any approved conditional use as a result of any violation by the owner of any conditions specified by Council on the conditional use order; and
- (d) Establishing a schedule of fees as provided for in section 7.10 of this PART.

### **7.3 Responsibilities of the Board**

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

- (a) Administering and enforcing the provisions of this By-law;
- (b) Administering and enforcing those provisions of *The Planning Act*, where applicable;
- (c) In accordance with provisions of *The Planning Act*, establishing a schedule of fees and charges for development permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application; and
- (d) Process applications to be submitted to Council for amendments, variations and conditional uses and the collection of fees as provided for herein.

### **7.4 Responsibilities of the Development Officer**

Subject to the provisions of *The Planning Act*, the Development Officer shall be the person appointed as such by the Board of The Swan Valley Planning District who on behalf of The Rural Municipality of Swan River shall:

- (a) Receive and review applications for development permits;
- (b) Issue development permits and otherwise administer and enforce the provisions of this By-law and *The Planning Act*, where the proposed development of land, buildings or structures conforms with this By-law, other by-laws of The Rural Municipality of Swan River, and any applicable regulations of the provincial and federal governments;
- (c) Receive and process applications for amendments to this By-law, conditional use orders and variation orders;

- (d) Issue zoning memoranda and any other documents as may be necessary for the administration and enforcement of this By-law;
- (e) Allow or refuse minor variations (up to 10%) of stated setback requirements of this By-law as authorized by and in accordance with the provisions of *The Planning Act*; and
- (f) Exercise the powers of remedy and enforcement set out in PART 8 herein.

## **7.5 Responsibilities of the Owner**

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

- (a) The preparation of all applications, forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this By-law and *The Planning Act*;
- (b) Obtaining all necessary permits and approvals which may be required by The Rural Municipality of Swan River, the Board, or any agencies or departments of the provincial government, prior to the commencement of construction, or the change of use of any land, building or structure;
- (c) Ensuring that all work is completed in accordance with the approved application and development permit;
- (d) Obtaining the written approval of the Development Officer before doing any work at variance with the approved development permit; and
- (e) Permitting the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this By-law, and shall not molest, obstruct, or interfere with the Development Officer in the discharge of his duties under this By-law.

## **7.6 Development Permits**

7.6.1 A development permit is required for any of the following:

- (a) Subject to subsection 7.6.2 of this PART, the erection, construction, enlargement, structural alteration or placing of a building or structure;
- (b) The establishment of a use of land or a building or structure;
- (c) The change of a use of land or a building or structure from the existing use to a use which is not a permitted use; and
- (d) The alteration or enlargement of an approved conditional use.

7.6.2 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided in subsection 7.6.3 of this PART. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location approval and similar approvals.



7.6.3 A development permit is not required for the following:

- (a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
  - i) fences,
  - ii) signs (not including advertising signs where they are conditional uses),
  - iii) lighting,
  - iv) flagpoles,
  - v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area of one hundred (100) square feet or more,
  - vi) communications aerials or antennas,
  - vii) garden houses or children's playhouses,
  - viii) water supply wells and private sewage disposal systems,
  - ix) unenclosed patios, and
  - x) temporary signs and notices including real estate signs; and
- (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.

7.6.4 Notwithstanding the development permit exemptions listed in subsection 7.6.3 of this PART, all such exempted activities shall be subject to all other requirements of this By-law and of any government department, including the highway control areas adjacent to provincial trunk highways and provincial roads.

7.6.5 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.

7.6.6 An application for a development permit shall be accompanied by plans drawn to scale showing the following:

- (a) The shape and dimensions of the site to be used and built on;
- (b) The location and dimensions of existing buildings and structures and their distances from property lines;
- (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
- (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
- (e) Vehicular access and utility connections;

and shall include any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this By-law.

7.6.7 An application for a development permit shall be accompanied by the fee prescribed by the Board of The Swan Valley Planning District.

- 7.6.8 Despite apparent compliance with this By-law, the Development Officer may refuse to issue a development permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with The Swan Valley Planning District Development Plan, the municipal building by-law, or with any other by-law.
- 7.6.9 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this By-law.
- 7.6.10 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.
- 7.6.11 The Development Officer may revoke a development permit
  - (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the building by-law, or any other by-law; or
  - (b) Where the development permit was issued in error.

## **7.7 Application for Amendment**

- 7.7.1 An application for an amendment to this By-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 7.7.2 An application for amendment shall be accompanied by plans drawn to scale showing the following:
  - (a) The shape and dimensions of the land affected;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of this By-law.

- 7.7.3 An application for an amendment to this by-law shall be accompanied by the fee prescribed by the Council of The Rural Municipality of Swan River.
- 7.7.4 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.
- 7.7.5 On receipt of an application for amendment, Council may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or agency for its review and comment.

## **7.8 Application for Variances and Conditional Uses**

- 7.8.1 An application for a variation or approval of a conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.
- 7.8.2 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in subsection 7.6.6 of this PART.
- 7.8.3 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Board or Council.
- 7.8.4 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 7.8.5 On receipt of an application for a variation or approval of a conditional use in proper form, the Municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or authority for its review and comment.
- 7.8.6 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 7.8.7 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.
- 7.8.8 The validity of a conditional use or variation shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the approval by Council unless the approval is renewed prior to the expiry, at the discretion of Council, for an additional period not exceeding twelve (12) months.
- 7.8.9 Except as provided for in subsection 2.2.2 of PART 2 herein, any change in the circumstances of a conditional use shall be subject to the provisions of subsections 7.8.1 through 7.8.8 of this PART and the provisions of *The Planning Act*.

## **7.9 Development Agreements**

- 7.9.1 In accordance with the provisions of *The Planning Act*, where an application is made for the amendment of this Zoning By-law, Council may require the owner or the person entitled to be registered as an owner of the land, building, or structure to which the amendment will apply, as a condition to its enactment, to enter into a development agreement with The Rural Municipality of Swan River in respect of that land as well as contiguous land owned or leased by the applicant.
- 7.9.2 Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with The Rural Municipality of Swan River, in accordance with the provisions of *The Planning Act*.
- 7.9.3 A development agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in *The Planning Act*.

## **7.10 Fee Schedule**

- 7.10.1 The fees shall be as established by Council for any amendment, conditional use order, variation order, zoning memorandum or non-conforming use certificate to this By-law.
- 7.10.2 The Board shall, by by-law, establish a fee schedule for development permits and other charges to be paid by any person for services rendered by any employee of the Board.

## **PART 8: ENFORCEMENT**

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

- 8.1.1 The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
- (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this By-law or *The Planning Act*;
  - (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
  - (c) Make copies of anything related to the inspection, remedy, enforcement, or authorized action.
- 8.1.2 The Development Officer must display or produce on request identification showing his or her official capacity.
- 8.1.3 In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in clauses 8.1.1 (a) and (c) of this PART without the consent of the owner or occupant.

### **8.2 Order to Remedy Contravention**

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

### **8.3 Review by the Board**

- 8.3.1 A person who receives an order under section 8.2 of this PART may request the Board of The Swan Valley Planning District to review the order, by written notice given within fourteen (14) days after the date the order is received.
- 8.3.2 After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

#### **8.4 Enforcement and Penalties**

- 8.4.1 The enforcement of this By-law or any resolution or order enacted by the Board under *The Planning Act* or any regulation made thereunder shall be in accordance with *The Planning Act*.
- 8.4.2 Any penalty imposed for a violation of this By-law shall be in accordance with *The Planning Act*.

## PART 9: INTERPRETATION

### 9.1 Footnotes

The footnotes are part of this By-law.

### 9.2 Permitted Uses

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

### 9.3 Definitions

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

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

**"Accessory building, structure or use"**, means a building, structure or use which:

- (a) Is subordinate to, incidental to, and serves the principal building, structure or use;
- (b) Is customarily subordinate in area, extent, or purpose to the principal building, structure or use served;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use served; and
- (d) Is located on the same site as the principal building, structure or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same site with the building, structure or use served.

**"Accessory"**, when it is used in this By-law, shall have the same meaning as accessory use.

**"Act, Planning"**, means *The Planning Act*, R.S.M. 1987, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba and all amendments thereto.

**"Agricultural activities, general"**, means a use of land for agricultural purposes including farming, pasturage, and the necessary accessory uses for packing, storing or treating the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

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

**"Agriculture Related Industries"**, means industries that provide support services for agricultural activities and includes seed cleaning plants, grain elevators, fertilizer plants, feed mills, abattoirs, auction marts, implement sales and service, and bulk fuel and fertilizer.

**"Aircraft Landing Area"**, means any area of land which is used or intended for use for the landing or take off of aircraft, along with any appurtenant areas used or intended for use as airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage or tie-down areas, hangars and other related buildings and open spaces.

**"Alteration"**, means a change or modification to an existing building, structure or use.

**"Alterations, structural"**, means, for the purpose of this By-law, any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**"Automobile, mobile home or recreational vehicle sales and service "**, means an open area, used for the display, sale or rental of new or used automobiles, mobile homes or recreational vehicles and where repairs are made they shall generally be done within a completely enclosed building.

**"Automobile service station"**, means a building or portion thereof and land used for supplying fuel, oil and minor accessories and making repairs to motor vehicles at retail direct to the customer, and where repairs are made, they shall generally be done within a completely enclosed building.

**"Basement"**, means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade as approved.

**"Bed and Breakfast Establishment"**, means a building or portion thereof, other than a hotel or motel, where lodging, or lodging and meals, are provided for compensation, exclusive of the proprietor and his family.

**"Board"**, means the Board of The Swan Valley Planning District as established under *The Planning Act*.

**"Boarding or rooming houses"**, means a building or portion thereof, other than a hotel or motel, where lodging, or lodging and meals, are provided for compensation, exclusive of the proprietor and his family.

**"Building"**, means, for the purpose of this By-law, a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

**"Building, height of"**, means the total number of storeys in the building or the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

**"Building, principal"**, means the structure in which the principal use of the site is conducted.

**"Bulk"**, means the term used to describe the size of a building or structure or land, and their relationship to each other, and therefore includes:

- (a) The size (including height of building and floor area) of buildings or structures;
- (b) The size of the site (including area and width of site) upon which a building is located, and the number of dwelling units or rooms within such building in relation to the size of the zoning site;
- (c) The location of exterior walls of buildings in relation to site lines, or to other buildings; and
- (d) All open areas relating to buildings or structures and their relationship thereto.

**"Camping and tenting grounds"**, means an area of land designed and improved to accommodate travel trailers, motor homes, tent trailers, tents and other camping accommodations on a temporary basis for recreation and vacation purposes.

**“Cemetery”**, means land for the burial of the deceased and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**“Conditional use”**, means for the purpose of this By-law, a use which, because of its unique characteristics and the impact which it may have on nearby premises, will be subject to special consideration and approval procedures which will take into account the public need for the proposed use at a given location, as well as any mitigative measures deemed appropriate by Council.

**“Council”**, means the Council of The Rural Municipality of Swan River.

**“Day care”**, means as follows:

- (a) **Group day care**, means the provision of child care services to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area; and
- (b) **Home day care**, means the provision of child care services in a family dwelling unit with access to an outdoor recreation area, in which the owner or tenant resides, or churches or halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8). Determination of licensing shall be the responsibility of the owner/operator of the service and the provincial authority.

**“Development Officer”**, means a person appointed by The Swan Valley Planning District Board who is responsible for those duties as provided for herein.

**“Dwelling”**, means a building or portion thereof designed for residential occupancy in accordance with the provisions of *The Buildings and Mobile Homes Act*.

**“Dwelling unit”**, means one (1) or more rooms in a building used or intended to be used by one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

**“Dwelling, farm”**, means a single-family dwelling, mobile or modular home, which is the principal residence of the owner or operator of a permitted or conditionally approved agricultural activity, and which is located on the same site as the agricultural activity.

**“Dwelling, non-farm”**, means a single-family dwelling, mobile or modular home on a site used for residential purposes, regardless of the owner’s occupation, and found in the “AG” Agricultural General Zone.

**“Dwelling, single-family”**, means a detached building designed, used or intended to be used exclusively for occupancy by one (1) family.

**“Dwelling, two-family”**, means a detached building designed, used or intended to be used by two (2) families, with each family having exclusive occupancy of a dwelling unit.

**“Dwelling, multiple-family”**, means a building containing three (3) or more dwelling units, each unit designed for use by one (1) family.

**“Enlargement”**, means an addition to the floor area of an existing building, an increase in the size of any structure, or an increase in that portion of an area of land occupied by an existing use.

**“Existing”**, means existing on the effective date of this By-law.



**"Family"**, means one or more persons related by blood or marriage or common-law marriage occupying a dwelling unit, or a group of not more than four (4) unrelated persons, living together and maintaining a common household, which shall be deemed to exist if all members thereof have access to all parts of the dwelling.

**"Farm Building or Structure"**, means any building or structure designed for and used principally for agricultural activities, but does not include a dwelling.

**"Garage"**, means a building or portion thereof in which a motor vehicle is stored, repaired, washed or serviced.

**"Guest House"**, means a fully furnished and equipped dwelling for rental purposes to hunting parties, snowmobilers, family reunions, family vacations or just an overnight stay providing country living.

**"Home-based business"**, means an accessory use which is carried on principally by the members of the family residing at the same dwelling unit or mobile home or its permitted accessory building and is incidental to or secondary to the principal residential use.

**"Hotel"**, means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or suite, with or without cooking facilities, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

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

**"Kennel"**, means premises on which more than two (2) dogs or cats at least four (4) months of age are maintained, boarded, bred, trained, or cared for, in return for remuneration, or are kept for the purpose of sale, with the exception of animal pounds and veterinary clinics.

**"Lane, public"**, means a public thoroughfare not over thirty-three (33) feet in width in public ownership which affords only a secondary means of access to abutting property.

**"Livestock Operation"**, means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, & includes all associated manure collection facilities, but does not include an auction mart.

**"Mobile home"**, means a factory-built transportable dwelling which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of The Buildings and Mobile Homes Act, Chapter B93, C.C.S.M., and amendments thereto.

**"Mobile home park"**, means an area of land upon which mobile home spaces are rented to individual mobile home owners, and which has been approved by Council.

**"Modular home"**, means a pre-fabricated portable dwelling unit similar to but distinct from a mobile home, in that a modular home does not have a chassis designed to accommodate wheels. Modular homes are designed to be transported to a site on a flatbed truck and may be folded, collapsed or telescoped when in tow, and which may be extended on the site for additional interior space. Modular homes are distinct from ready-to-move dwellings in that they are not designed or constructed to the same building code requirements.

**"Motel"**, means a building not over two storeys in height wherein sleeping accommodation is provided for transient lodgers, in which there is an exit from individual rooms or suites directly to the outdoors, and may include accessory uses such as restaurants, beverage rooms, banquet halls, and meeting rooms.

**"Non-conformity"**, means one, or a combination of more than one, of the following:

- (a) A site or an area of land;
- (b) A building or structure;
- (c) A use of a building or structure;
- (d) A use of land; or
- (e) A sign;

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.

**"Open Space"**, shall mean that required portion of a site at ground level unoccupied by principal or accessory buildings and available to all the occupants of the building.

**"Owner"**, means an owner as defined in *The Planning Act*.

**"Parcel of land"**, means a parcel as defined in *The Planning Act*.

**"Public utility"**, means any system, works, plant, pipeline, equipment or service which furnishes services and facilities available at approved rates to or for the use of the general public, including but not limited to:

- (a) Communication, by way of telephone, telegraph, wireless or television;
- (b) Public transportation, by bus or other vehicles;
- (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- (d) Collection of sewage, garbage or other waste.

**"Recycling depot"**, means a building where waste materials such as paper, plastic and metals are collected and separated for storage and transfer to market.

**"Residential care facility"**, means the use of any building or structure, or part thereof, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision, or transitional services to persons not related by blood, marriage or adoption to the operator, nor to each other, but does not include a facility licensed or designated as an institution by The Manitoba Health Services Commission.

**"Sign"**, means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;

- (b) Is used to identify, direct attention to, or advertise;
- (c) Is visible from outside a building, but shall not include show windows as such; and
- (d) May include the following types:
  - (i) **advertising sign**, means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained, including a billboard sign;
  - (ii) **bulletin board sign**, means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained, e.g., school, church, community centre, etc.;
  - (iii) **business sign**, means an accessory sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same site where the sign is maintained;
  - (iv) **construction sign**, means a sign which identifies a construction project and information relative thereto;
  - (v) **identification sign**, means an accessory sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement;
  - (vi) **real estate sign**, means a sign advertising the sale, rental or lease of the premises on which it is maintained; and
  - (vii) **mobile sign**, means any structure designed for transport, which is placed or maintained at one (1) particular location for the express purpose and intent of promoting or conveying an advertising message. The removal of the wheels from such a sign does not change the inherent portability which was part of the design.

**"Sign surface area"**, means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the sign surface area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. Where a sign has two (2) faces placed back to back and at no point more than three (3) feet from one another, the sign surface area of the sign may be taken as the sign surface area of one (1) face.

**"Site"**, means an area of land which:

- (a) is occupied, or intended to be occupied, by a principal building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this By-law;
- (b) Has frontage on a street or has any lawful means of public access satisfactory to the Council; and
- (c) Is of sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

**"Site area"**, means the computed area contained within the site lines.

**"Site, corner"**, means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

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

**"Site, interior"**, means a site other than a corner site or a through site.

**"Site lines"**, means as follows:

- (a) **Front site line**, means that boundary of a site which is along an existing or designated street. For a corner site, the front site line shall be that line which is the continuation of the front site line of any abutting interior site, or in the case of a corner site which is abutted by two interior sites, the front site line shall be the site line which is shorter, otherwise the Development Officer may select the front site line;
- (b) **Rear site line**, means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line;
- (c) **Side site line**, means any boundary of a site which is not a front or rear site line; and
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

**"Site, through"**, means a site having a pair of opposite site lines along two (2) more or less parallel streets.

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

**"Street"**, means for the purpose of this By-law, a thoroughfare in public ownership which provides the principal means of access to abutting property.

**"Structure"**, means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, light standards and similar items.

**"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, swamp, wetland and marsh, but not including a dugout on the property of an agricultural operation. For the purpose of the definition "surface water", where the By-law requires a use, building or structure to be set back a certain distance from the surface water, that distance shall be measured from the high water mark of the surface water or from the nearest and highest bank of the surface water, whichever is further from the surface water.

**"Use"**, means:

- (a) Any purpose for which a building or structure or an area of land may be designed, arranged, intended, maintained or occupied; or
- (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on an area of land.

**"Wrecking Establishment"**, means the dismantling or wrecking of used motor vehicles, trailers or agricultural implements, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, agricultural implements or their parts.

**"Yard, required"**, means an open area, on the same site with a building or structure, which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein, and which extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such site is located.

- (a) **Yard, front**, means a yard extending along the full length of the front site line between the side site lines;
- (b) **Yard, rear**, means a yard extending along the full length of the rear site line between the side site lines;
- (c) **Yard, side**, means a yard extending along the side site line from the front yard to the rear yard;
- (d) **Yard, corner side**, means a side yard which adjoins a public street; and
- (e) **Yard, interior side"** means a side yard which is located adjacent to another site, or to a lane separating such side yard from another site.

## 9.4 Zoning Boundaries

9.4.1 The following rules of interpretation shall apply to the boundaries of the zones shown on the maps comprising **Appendix "A"** of this By-law:

- (a) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines; and
- (b) boundaries indicated as approximately following site limits as shown on a registered plan or by reference to the *Dominion Government Survey* shall be construed to follow such site limits.

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



# **APPENDIX “A”**

## **ZONING MAPS**

**Attached to**

**BY-LAW NO. 2383-04**

**of**

**THE RURAL MUNICIPALITY  
OF SWAN RIVER**

# **APPENDIX “B”**

## **METRIC CONVERSION TABLE**



# APPENDIX "B"

## METRIC CONVERSION TABLE

FEET	METRES	SQ. FEET	SQ. METRES
1.0	0.30	4	0.37
3.0	0.91	10	0.93
5.0	1.52	16	1.49
6.0	1.83	32	2.97
7.0	2.13	35	3.25
10.0	3.05	50	4.65
15.0	4.57	100	9.29
20.0	6.10	400	37.16
24.0	7.32	600	55.74
25.0	7.62	1000	92.90
30.0	9.14	15000	1393.50
33.0	10.06	20000	1858.00
40.0	12.19	30000	2787.00
50.0	15.24		
60.0	18.29		
75.0	22.86		
100.0	30.48		
125.0	38.10		
150.0	45.72		
164.0	49.99		
200.0	60.96	<b>ACRES</b>	<b>HECTARES</b>
250.0	76.20		
300.0	91.44	0.5	0.20
328.0	99.97	1	0.40
350.0	106.68	2	0.81
400.0	121.92	5	2.02
492.0	149.96	8	3.24
500.0	152.40	10	4.05
656.0	199.95	40	16.19
660.0	201.17	80	32.38
738.0	224.94		
820.0	249.94		
984.0	289.92		
1000.0	304.80	<b>MILES</b>	<b>KILOMETRES</b>
1148.0	349.91		
1312.0	399.90	0.5	0.80
1320.0	402.34	1.0	1.61
1476.0	449.88	2.0	3.22
1500.0	457.20		
1640.0	499.87		
1739.0	530.05		
1969.0	600.15		
2297.0	700.13		
2625.0	800.10		
2640.0	804.67		
2953.0	900.07		
3281.0	1000.05		
3511.0	1070.15		
3937.0	1200.00		

**APPENDIX "B"**  
**METRIC CONVERSION TABLE ...**

<b>FEET</b>	<b>METRES</b>
4364.0	1330.15
5249.0	1599.90
5906.0	1800.15
6135.0	1869.95
6562.0	2000.10
6988.0	2129.94
7874.0	2400.00
8760.0	2670.05
9186.0	2799.89
10499.0	3200.01
11811.0	3599.99
13123.0	3999.89