
Guide to Zoning By-Laws in Manitoba

Presentation to AMM Convention

November 24, 2015



Project Team & Committee

Project Team

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Project Background

History

- *Template Zoning By-Law for Municipalities in Rural Manitoba (1999)*
- For “first-generation” zoning
- Need for new *Municipal Planning Guide for Zoning By-laws in Manitoba*

Project Scope

- Practical guidance on the role and function of zoning
- Meets needs of rural areas & smaller urban municipalities in MB
- Primary audience of municipal officials
- Also for the public and development community



Top: Morden (Morden Tourism, 2015) and
Bottom: Steinbach (Steinbach Online, 2014)

Project Objectives

- A simplified approach to uses & zones
- Predictability & transparency
- Enforceability
- Follows best practices in zoning
- Complies with legislation
- Implements Provincial policy goals for community development & land-use planning

Timeline

TASK	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
Project Start Up	RESEARCH & WRITING							
Research	RESEARCH & WRITING	RESEARCH & WRITING						
Consultation with Stakeholders	STAKEHOLDER CONSULTATION & PRESENTATIONS	STAKEHOLDER CONSULTATION & PRESENTATIONS	STAKEHOLDER CONSULTATION & PRESENTATIONS					
Stakeholder Workshop - June 10			STAKEHOLDER CONSULTATION & PRESENTATIONS					
Guide Draft #1			RESEARCH & WRITING	STEERING COMMITTEE MEETING				
Stakeholder Report-back					STAKEHOLDER CONSULTATION & PRESENTATIONS			
Revisions					RESEARCH & WRITING	RESEARCH & WRITING	RESEARCH & WRITING	RESEARCH & WRITING
Guide Draft #2							STEERING COMMITTEE MEETING	
Present at AMM Convention								STAKEHOLDER CONSULTATION & PRESENTATIONS
Submit Completed Guide								STEERING COMMITTEE MEETING



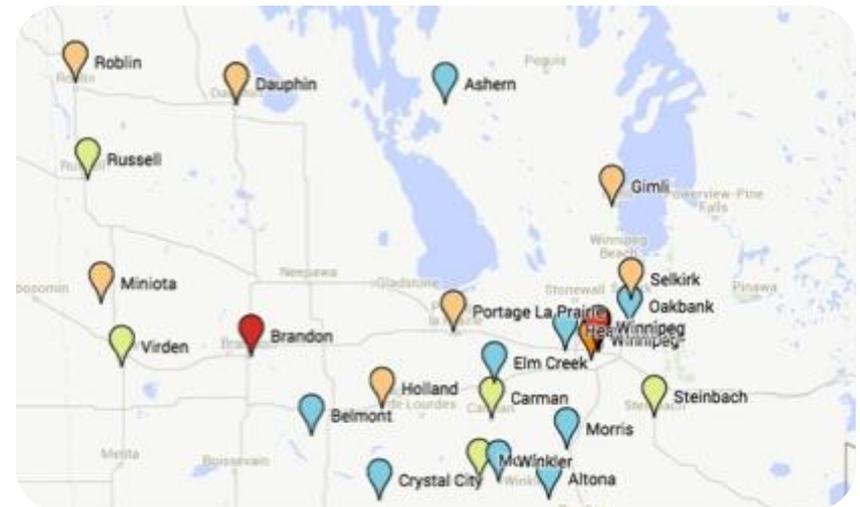
RESEARCH & WRITING

STAKEHOLDER CONSULTATION & PRESENTATIONS

STEERING COMMITTEE MEETING

Stakeholder Consultation

- Municipal & Planning District Officials
- Steering Committee
- Community Planning Regional Managers
- Other Provincial Departments
- Planning Consultants



What we heard

Clear. Short. Simple.

- Understandable
- More consistently organized
- Shorter (less pages)
- Include illustrations
- Adaptable for local context & needs

What we heard

Get the fundamentals right

- Concepts, terminology
- Principles
- Procedures
- Roles & responsibilities
- Rules that are easy to enforce

What we heard

Consistent but Adaptable

- Greater consistency across the province
- Adaptable to local circumstances and priorities
- Provide options on different styles of tables, etc.

MUNICIPAL PLANNING GUIDE FOR
ZONING BY-LAWS IN MANITOBA

THE GUIDE

Project Background

3 components to the *Guide*:

A. Introduction To Zoning

B. Reference Binder

C. Plug-In Zoning Tools

INTRODUCTION TO ZONING

INTRODUCTION TO ZONING

COMPONENT A

Topics

1. Introduction
2. Requirements of a Zoning By-Law
3. Adopting & Amending a Zoning By-Law
4. Administration & Enforcement
5. Definitions

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PART 1: Introduction

1. The Purpose of Zoning
2. What is a Zoning By-Law?
3. Contents of a ZBL
4. Roles & Responsibilities

Roles and Responsibilities

The process of adopting, amending, or administering a zoning by-law involves the following primary participants:

Municipalities and Municipal Councils

The elected officials of the community are ultimately responsible for adopting or amending a zoning by-law. A municipal council is also responsible for administering and enforcing the zoning by-law. This includes reviewing and approving applications for development, making decisions on applications for variances and conditional uses, and by-law enforcement. Where a municipality belongs to a planning district, the board of the district is responsible for the administration and enforcement of the zoning by-law (except for approval of variances or conditional uses).

A municipality can designate some of these responsibilities to a **planning district**, a **planning commission** or a **designated employee or officer** (see below).

Note: In some cases, municipalities act as developers themselves to develop property on the land they own. In this case, they must follow the same rules and procedures as other [landowners or developers](#).

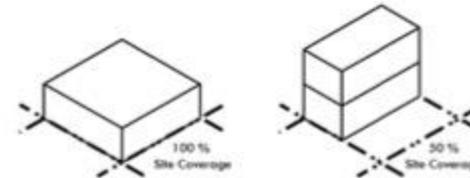


PART 2: Requirements of a Zoning By-Law

1. Dividing the Area into Zones
2. Prescribing Permitted & Conditional Uses
3. Establishing a System of Development Permits & Procedures

Site Coverage

Zoning by-laws can regulate the coverage on a site [71(3)(d)]. This is usually expressed in a *maximum* percentage of the site that can be covered by structures. Limiting maximum site coverage can allow for taller building development (for example, a one storey building with 100% site coverage has the same floor area as a two storey building with 50% site coverage) and leave more open space between buildings.



Required Yards

Zoning by-laws can regulate yard size and the location of buildings on parcels of land [71(3)(d)]. A standard method zoning by-laws use to regulate the location of buildings on a site is through required minimum yards. A yard is an open area between the exterior wall of a building and the boundaries of the site (site lines) on which the building is located.

Required yard *minimums* can be used, for example, to maintain spaces between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from adjacent buildings.

Alternately, required yard *maximums* can be used to encourage building construction in close proximity to sidewalks or other buildings. This strategy might be used in pedestrian-oriented commercial areas.

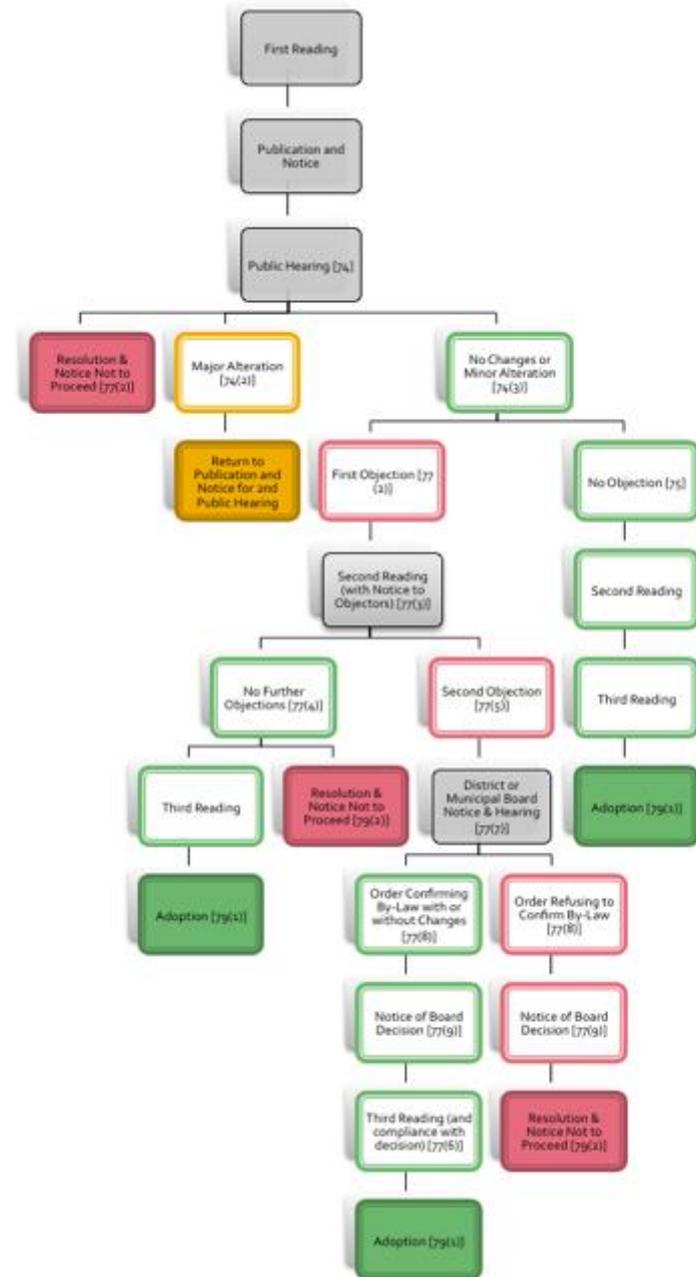
Tip: If the required yard minimum and maximum standards are set at the same distance, this distance becomes a *build-to line* that all buildings in the zone must follow.

BULK TABLE (1.2)		Institutional			
Site Dimensions	Site Area (Min)	0.5 acres	Building Height	Height (Min)	-
	Site Area (Max)	-	Building Height	Height (Max)	42 ft.
	Site Width (Min)	200 ft.	Accessory or Secondary Buildings & Structures	Front Yard (Minimum)	NP
	Site Width (Max)	-		Side Yard (Minimum)	2 ft.
	Site Coverage (Max)	20%		Rear Yard (Minimum)	2 ft.
Required Yards Principal Building	Front Yard (Max)	25 ft.	Separation from P. B.	6 ft.	
	Front Yard (Min)	-	Accessory Height (Max)	14 ft.	
	Side Yard (Min)	12 ft.			
	Side Yard (Max)	-			
	Rear Yard (Min)	25 ft.			

Figure 4. Required Yards for Principal Building

PART 3: Adopting and Amending a Zoning By-Law

1. Adopting a Zoning By-Law
2. Amending a Zoning By-Law
3. Process for Adopting or Amending a Zoning By-Law



PART 4: Administration and Enforcement

1. Variances
2. Conditional Uses
3. Development Agreements
4. Enforcement

PART 4: Administration and Enforcement

Variances

A zoning by-law applies general regulations to the entire municipality or planning district in the case of a district-wide zoning by-law. However, as a general by-law, it may not be able to adequately deal with unusual or unique conditions of specific properties.

There may be locations where the standard regulations in a zone impose an unreasonable limitation on the development or use of a site due to its particular characteristics, including parcels of land that:

- Are odd-shaped (narrower at one end, for example).
- Have other physical characteristics that make complying with the requirements of a zoning by-law impractical or unreasonable (a steep slope cuts off part of the yard, for example).

Any landowner who believes that a zoning by-law *adversely* affects a piece of property can apply for an order varying specific provisions of the zoning by-law as they apply to the affected property [94(1)].

Example: An owner of an odd-shaped parcel of land in a residential neighbourhood might not be able to provide a required minimum 15-foot side yard in order to build a house. This person is entitled to seek a variance from the zoning by-law regulations that result in undue hardship for this property.

Four Variance Requirements

Variance applications must only be approved if the variance meets the following four requirements:

1. **Compatibility:** The proposed variance will be compatible with the general nature of the surrounding area,
2. **No Detrimental Effect:** The proposed variance will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area,
3. **Minimum Modification:** The proposed variance is the minimum modification required to relieve the **injurious affect** of the zoning by-law on the applicant's property (for example, a variance cannot vary a requirement by 25% if only 10% is necessary), and
4. **Consistency:** The proposed variance is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law [97(1)].

PART 5: Definitions

1. General Guidelines for Definitions
2. Notes for Specific Words

PART 5: Definitions

The following section will provide municipalities and planning districts with guidance on the definitions section of zoning by-laws.

General Guidelines for Definitions

What Should Be Defined?

There are three reasons to define a term in the definitions section of the zoning by-law:

1. **To remove ambiguity** (for example, **corner parcel** means a zoning site situated at the intersection of 2 streets);
2. **To standardize a form of shorthand** (for example, **The Act** refers to *The Planning Act*);
3. Where a term has a **specific meaning** in the zoning by-law (for example, **dwelling** means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities).

Do Not Define Common Terms

Do not define common terms in a zoning by-law. There is usually no need to define, for example, a playground or a cemetery. Defining common terms could actually increase ambiguity in the by-law because the definition takes precedence over the common understanding of the term.

Plain Language

Definitions should be written using plain language (to the greatest possible extent). Use simple words and short sentences. Definitions should not contain the word or term that they are trying to define.

Example: Do not say, "*Farm* means a farm yard or farm homestead..."

Consistent with Legislation

Generally, definitions should be consistent with *The Planning Act* and other legislation that has already defined a term (see an exception with the word **building**, below).

Example: *Livestock operation* is defined in *The Planning Act*. Do not include a custom definition for livestock operation in the zoning by-law.

Improper Terminology

The Definition section should only include definitions of terms that are found in the text of the zoning by-law. Municipalities (or planning districts, in the case of a district-wide zoning by-law) should review the list of definitions to make sure that all terms are necessary and appropriate.

REFERENCE BINDER

OF MODEL ZONING LANGUAGE

REFERENCE BINDER

COMPONENT B

Objectives

- Update the 1999 Zoning By-Law Template
- Cover the range of common MB zones
- Set out a consistent structure
- User-Friendly
- A starting point (more in Plug-Ins)
- To be adapted for local needs

HOW TO USE THIS ZONING BY-LAW (FOR LANDOWNERS)

This zoning by-law regulates the use, size, height, and location of buildings on properties within the [Name of Municipality or Planning District with a District-Wide Zoning By-Law]. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

Step One

What zone is your property located in?

- Use the Zoning Map [in Schedule A] to determine the zoning for your property.
- Reference [Part 3: Zones] for a description of the intent of that particular zone.
- Look in your area's Development Plan to confirm your proposal fits with its policies.

Step Two

What uses are permitted in your zone?

- Find the column with the zone of your property in the **Use Table** in [Part 3: Zones]
- Uses marked with the letter [P] are Permitted Uses and may be developed once you have received a Development Permit.
- Uses marked with the letter [C] are Conditional Uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a [*] have use-specific requirements that are provided in [Part 4: Use-Specific Standards].

Step Three

How and where can development be built on a property in your zone?

- Find the column with the zone of your property on the **Bulk Table** in [Part 3: Zones]
- The Bulk Table provides information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the General Rules and Regulations [Part 2] and the Definitions [Part 6].

Step Four

What kind of permits do you need?

- In most cases, you will need a Development Permit before you start any change in land use or any development (including construction of a building) on a property.
- Check the Administration section [Part 5] to see if your planned development is exempt from needing a Development Permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning by-law and other applicable by-laws.
- If you need a Development Permit, fill out a Development Permit Application and submit it to the [Name of Municipality or Planning District].
- You are responsible for finding out any additional permits that are required for your development, including Building Permits [and Plumbing Permits, Electrical Permits, Demolition Permits, etc.].

Reference Binder: 7 Parts

1. Applicability and Scope
2. General Regulations
3. Zones
4. Use-Specific Standards
5. Administration
6. Definitions
7. Zoning Maps

PART 1: Applicability and Scope

Document Style:

- Plain text = model by-law
- Square [brackets] = to be changed
- Blue text box & *italics* = explanatory
- Simple numbering system



1

PART 1: Applicability and Scope

This section provides the standard legal content that provides the proper applicability and scope for the zoning by-law. Note: only include the name of the Planning District in the case of a District-Wide Zoning By-Law.

- 1.1 Title**
This by-law shall be known as the [Name of Municipality or Planning District] Zoning By-Law.
- 1.2 Scope**
This by-law applies to all lands in the [Name of Municipality or Planning District] as indicated on Map 1 [of Schedule A] of this by-law.
- 1.3 Application**
This by-law regulates:
 - a) The construction, erection, alteration, enlargement or placing of buildings and structures;
 - b) The establishment, alteration, or enlargement of uses of land, buildings and structures; and
 - c) All other forms of development not included above.
- 1.4 Use and Development of Land and Buildings Must Comply**
Within the [Name of Municipality or Planning District], 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.
- 1.5 Restrictions in Other By-Laws or Federal and Provincial Laws**
Whenever a provision of another by-law or 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 inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.
- 1.6 Does Not Promote Nuisance**
Nothing in this by-law, or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law 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

- Principal Buildings, Structures & Uses
- Secondary / Accessory Buildings, Structures & Uses
- Required Yards
- Temporary Buildings, Structures & Uses

2 PART 2: General Regulations

This section provides the general rules and regulations that apply throughout the area (regardless of zone). Generally, provisions in this section cannot be varied because they are not site-specific.

For more information on general rules and regulations in a zoning by-law, see Parts 1 and 2 of the Introduction to Zoning By-Laws.

The following regulations shall apply to all use and development of land and buildings in the [Municipality or Planning District (in the case of a district-wide zoning by-law)], except where otherwise noted in this By-law.

2.1 Regulation of Uses

No land, building or structure shall be used or occupied except for a use which:

- is listed in the Use Table [Table 1] as:
 - A Permitted Principal Use;
 - A Permitted Secondary Use;
 - A Conditional Principal Use, subject to approval as such;
 - A Conditional Secondary Use, subject to approval as such;
- is an Accessory Use.
- is a Temporary Use.

2.2 Multiple Uses or Provisions

Where land, a building, or a structure is used for more than one purpose, all provisions of this By-law relating to each use must be satisfied. Where more than one provision in this By-law is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

2.3 Secondary Uses and Structures

No secondary use or structure shall be established except those in compliance with the following regulations:

- No secondary use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary;
- The area of land or buildings used or occupied for secondary uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site;
- No land, building, or structure shall be used or occupied for any secondary use after the use or uses to which it is secondary have been discontinued.

2.4 Accessory Buildings and Structures

No accessory building or structure shall be constructed or erected, except those in compliance with the following regulations:

PART 3: Zones



PR Parks and
Recreation



RM Residential
Mixed



AG Agriculture
General



CN Commercial
Neighbourhood



AL Agriculture
Limited



CC Commercial
Central



RR Rural Residential



HC Highway
Corridor



GD General
Development



M Industrial



RS Residential



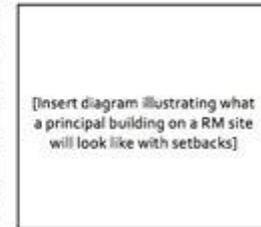
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Use & Bulk Tables Style Option #1

- Each zone on one page
- Intent of zone
- Easy to understand
- Room for images

RM – Residential Mixed

Intent: This zone is intended for a more populated, mostly residential area. There may be some mixed-use development and corner store commercial use. The zone covers the range of uses, required yards, and building heights found in the area's mature neighbourhoods that are adjacent to commercial streets and downtown areas [Reg. 2.1.4, 2.2.3].



USE TABLE (1.1)	RM
PERMITTED PRINCIPAL USES	Use-Specific Standard
Dwelling, Single-Unit	-
Dwelling, Two-Unit*	4.4
Dwelling, Multi-Unit*	4.5
Inn (up to 12 rooms)	-
School	-
Office (Small)	-
Retail (Small)	-
Childcare Facility	-
Restaurant	-
Funeral Home	-
Fire or Police Station	-
Library or Cultural Facility	-
Place of Worship	-
CONDITIONAL USES	
Recreation Centre or Facility	-
Park	-
Cemetery	-
Drinking Establishment	-
PERMITTED ONLY AS SECONDARY USES	
Bed and Breakfast*	4.2
Home-Based Business*	4.6

* = Use-Specific Standard Applies

BULK TABLE (1.2)		Residential Mixed		RM	
Site Dimensions	Site Area (Min)	2,500 s.f.	Building Heights	Height (Min)	-
	Site Area (Max)	20,000 s.f.	Accessory or Secondary Buildings & Structures	Height (Max)	42 ft.
	Site Width (Min)	30 ft.			
	Site Width (Max)	100 ft.			
	Site Coverage (Max)	70%			
Front Yard (Min)	6 ft.*	Front Yard (Minimum)		NP	
Required Yards: Principal Building	Front Yard (Max)	18 ft.	Side Yard (Minimum)	0 ft.	
	Side Yard (Min)	6 ft.	Rear Yard (Minimum)	0 ft.	
	Side Yard (Max)	-	Separation from P. B.	6 ft.	
	Rear Yard (Min)	3 ft.	Accessory Height (Max)	14 ft.	

NP: Accessory / secondary structures are not permitted in this part of the yard.

Use & Bulk Tables

Style Option #2

- All zones on one table
- Organized categorically
- Symbols for specifics
- Bulk tables in metric & imperial

Table 1.1: Use Table													
Note: The values in this table are an example only. They should be determined based on local circumstances.													
Uses	PR	AG	AL	RR	GD	RS	RM	CH	CC	HC	M	I	USS*
Agriculture	General Agriculture		P	P									
	Livestock Operation(10-299 AU)		P*	C*									Plug-In
	Livestock Operation (300+ AU)		C*										Plug-In
	Animal Keeping (<10 AU)		P*	P*	<u>C</u> *								4.1
	Garden Centre / Nursery			P		P			P		P		
	Agri-Business		C	C							C	C	
Residential	Dwelling, Single-Unit		C	C	P	P	P	P					
	Dwelling, Two-Unit					P*	P*	P*					4.4
	Dwelling, Multi-Unit					C*		P*	P*	P*		<u>P</u> *	4.5
Lodging	Bed and Breakfast		<u>P</u> *					4.2					
	Inn (up to 12 rooms)					P		P	P	P			
	Hotel (no room limit)							P	P	P			
Office	Home-Based Business		<u>P</u> *				4.6						
	Office (Small)					P		P	P	<u>P</u>	<u>P</u>	P	
	Office (Large)					C			C	C	<u>P</u>	<u>P</u>	P
Retail	Retail (Small)					P		P	P	P		<u>P</u>	
	Retail (Large)					C		C	C	C	P		
	Outdoor Market		<u>P</u>	<u>P</u>		P			C	C			
	Restaurant					P		P	P	P			
	Drinking Establishment					C		C	C	P	P		
	Drive-Through Facility								C	C	P		

P = Permitted | C = Conditional | Underline = only as a secondary use | * = Use-Specific Standard Applies

PART 4: Use-Specific Standards

- Arranged for easy referencing
- Additional use-specific standards in Plug-in component



4

PART 4: Use-Specific Standards

This section provides regulations for specific uses that have standards that go beyond the basic requirements for development in each zone. Uses with use-specific standards are indicated with a * symbol in the Use Table in the previous section. Additional Use-Specific Standards are included in the Plug-In Zoning Topics component of this Guide. More information can be found in the section for use-specific standards in Part 2 of the Introduction to Zoning By-Laws.

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this By-law or by a Conditional Use or Variance Order:

Animal Keeping

4.1 Standards for Animal Keeping

The following requirements must be met for all cases where livestock or other animals (excluding pets) are sheltered, bred, raised, or sold and where the amount of animals kept on one site do not meet or exceed 20 Animal Units (AU), cumulative across species (see the Plug-In section for Livestock Operations for a table that determines animal units):

- A maximum of 1 Animal Unit (cumulative across species) is permitted for every (8,994) meters² (12) acres) of site area
- The keeping of livestock must adhere to all other local, Provincial and Federal health and agriculture regulations in addition to the standards in this By-Law;
- Any ground-level structure intended for the keeping of animals must maintain a minimum setback of (4.5) meters (15) feet) from any site line;
- Animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from spreading onto abutting properties.

Bed and Breakfast

4.2 Standards for Bed and Breakfasts

A bed and breakfast shall only be allowed on a site in a zone in which it is a Permitted or Conditional Use if it meets all of the following requirements:

- The operator must reside within the principal residence to which the Bed and Breakfast is an accessory use;
- No more than (8) patrons shall be accommodated within 1 dwelling;
- No more than (5) bedrooms shall be used for the bed and breakfast operation;
- (1) additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation; and
- Signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located.

Campground or RV Park

4.3 Standards for Campgrounds or RV Parks

A campground or recreational vehicle (RV) park must meet the following standards:

PART 5: Administration

- Administration & Enforcement
- Development Permits
- Other Permits
- Etc.



5

PART 5: Administration

This section sets up a system of procedures for administering the zoning by-law. The by-law must include provisions that set out when development permits are required. It also must establish the role of a development officer, if required. The Planning Act now includes specific provisions for zoning by-law enforcement. Therefore, it is not necessary to repeat parts of the Planning Act in this section. More information on zoning administration and enforcement can be found in Part 4 of The Introduction (Component A).

This By-Law shall be administered in accordance with the provisions of The Act and this PART.

5.1 Administration and Enforcement

In the administration and enforcement of this by-law, the (Municipality or Planning District) shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of The Planning Act.

This is the part of the by-law that sets out a system of development permits. Municipalities and planning districts should review these provisions to make sure they include types of development for which permits will be issued and exclude those items for development where they do not want to issue permits. See The Introduction (Component A) for more information on development permits.

5.2 When Development Permits are Required

A development permit is required for any of the following, except as otherwise provided for in this by-law:

- The erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;
- The establishment of a use of land or a building or structure;
- 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
- The alteration or enlargement of an approved conditional use.

5.3 Development Permits and Other Permits

The issuance of a development permit in respect of building or structure does not affect the obligation to obtain a building permit or other permit where required under the building by-law, or another law, by-law or regulation, for such a building or structure.

5.4 When Development Permits are Not Required

A development permit is not required for the following:

- Incidental alterations;
- Agricultural cropping of land;
- The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - Fences, below (6) feet in height,
 - Signs, not including advertising signs where they are conditional uses,

PART 6: Definitions

Define words only:

1. To remove ambiguity
2. To standardize shorthand
3. Where a term has a specific meaning in the by-law



6

PART 6: Definitions

This section includes the definitions used in most basic zoning by-laws. More specialized definitions are included under the topic areas in the Plug-in Zoning Topics section of this Binder. For more information on definitions for zoning by-laws, see Part 5 in the Introduction to Zoning By-Laws.

6.1 Definitions in the Planning Act

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

6.2 Definitions in this By-Law

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

Accessory means a use or structure that is naturally and normally incidental to a principal use or structure that is on the same site, and is subordinate in purpose or area to this principal use or structure.

Alterations, Incidental means changes or replacements in the non-structural parts of a building or structure, including, but not limited to the following:

- (i) an addition, alteration, removal, reconstruction or replacement on the **nonstructural** exterior of a residential building;
- (ii) an addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor;
- (iii) alteration of non-load bearing interior partitions in all types of buildings;
- (iv) replacement of, or changes in, the capacity of utility pipes, ducts or conduits;
- (v) replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased;
- (vi) the addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves;
- (vii) replacement of exterior building facades.

Alterations, Structural means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

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

Building, Principal means a structure on a zoning site used to accommodate the main use.



SCHEDULE A: ZONING MAPS

Insert the map of the area—divided into zones—on this page. The map should follow the zoning map checklist below.

Zoning Map Checklist

All zoning maps should meet the criteria in this checklist:

- All zone names (or abbreviations) match the labels on the map.
- Maps include a legend.
- Maps are drawn at a scale that clearly show the boundaries of different zones. At least one map should show the entire area covered by the zoning by-law. If the area covered by the zoning by-law is large, several maps may be required to clearly show the zone boundaries. Areas with more detailed zoning can be shown on inset maps or separate detailed maps.
- Maps have legal references: SECT/TWP/RGE and/or plan numbers.
- Maps include major street names and geographical features (e.g. railways, water bodies, parks).
- Maps have standard colours and/or patterns that can be differentiated without difficulty.
- The locations of waste disposal areas, sewage lagoons, airstrips and their related buffer areas are shown on a map (this helps to ensure new envelopment meets necessary separation distances).

Note: Contact your local Community and Regional Planning office for more advice on mapping.

PART 7: Maps

Zoning Map Checklist

PLUG-IN SECTIONS

OF ZONING TOOLS

PLUG-IN ZONING TOOLS

COMPONENT C

PREFACE

This is the third of three components of the *Municipal Planning Guide for Zoning By-Laws in Manitoba*:

- A) The Introduction to Zoning (The Introduction)
- B) The Reference Binder of Model Zoning Language (The Binder)
- C) The Plug-In Sections of Zoning Tools (The Plug-Ins)

The Guide is intended to meet the needs of rural areas and smaller urban municipalities in Manitoba (outside of Winnipeg and Brandon).

This component contains plug-in zoning tools, arranged by topic. The main topics relate to the main provincial land use policy areas in the [Provincial Planning Regulation](#) of the Planning Act. Each section includes a brief explanation of the tool and sample zoning language that may be inserted into the *Reference Binder* or into an existing by-law.

The Plug-Ins include some sections and topics that are often required in a zoning by-law as well as others that are discretionary. For example, municipalities that have agricultural areas require regulations and standards for livestock operations that implement the policies in the development plan. Other rules and standards that may be required include topics such as mining and extraction, highways, waste sites, riparian areas, flood risk areas, hazard lands, and storage of dangerous goods and chemicals.

Please Note: the wording and standards used in this *Guide* are examples only and may need to be revised to comply with the policies, objectives and particular community needs outlined in the local development plan and any existing secondary plan for the area.

Objectives

- Covers topics that are often required or discretionary in ZBLs
- Organized by topic areas
- Correspond to sections in Provincial Planning Regulation
- Provide zoning language to implement development plan policies for:
 - Housing
 - Main Streets
 - Environmental Performance
 - And more...

Plug-Ins: 9 Parts

1. General Development
2. Water
3. Renewable Resources & Recreation
4. Agriculture
5. Mineral Resources
6. Industries & Infrastructure
7. Transportation
8. Settlement Areas
9. Appendices

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General Development

- Fences
- Outdoor Lighting
- Parking
- Loading
- Lot Grading
- Portable Garages
- Private Communications
- Shipping Containers
- Signs
- Swimming Pools & Hot Tubs
- Zoning Overlays

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
Projecting (small)	PR, GD, RM, SN	(0.5) square meters (5 square feet) maximum area for a single face	Must not project more than (1.5) m (5 ft) from the wall to which the sign is affixed.	
Projecting (large)	CC, HC, M, I	(2) square meters (22.5 square feet) maximum area for a single face	Must not project more than (2) m (6.5 ft) from the wall to which the sign is affixed. Illumination and flashing lights are permitted, following the standards for signs.	
Free-Standing (small)	AG, AL, RR, GD, RS, RM, PR	Maximum Height (from grade): (2) m (6.5 ft).	Not permitted for home-based businesses.	

Water

- Riparian and Wetland Areas
- Flood Risk Areas and Hazard Lands

Water

Riparian and Wetland Areas

ESSENTIAL

Riparian areas are areas of land on the banks of or near a water body that are capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas.

The Provincial Planning Regulation of The Planning Act requires a development plan to include policies to protect riparian areas. Municipalities should incorporate riparian protection regulations in their zoning by-laws that follow the specific policies in the development plan.



According to provincial policies, development must be prohibited within 100 feet (30 metres) of all natural water bodies and waterways, except for development that creates only minor disturbances, like docks, pathways, and boathouses. Development must also be prohibited within at least 50 feet (15 metres) of artificial retention ponds and first and second order drains.

For more guidance on zoning for riparian and wetland areas, see the Manitoba Planning Resource Guide entitled [Planning for the Protection of Riparian Areas](#).

Riparian and Wetland Areas: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a Zoning By-Law.

1.1 Riparian and Wetland Areas

No development shall occur within [30] meters ([100] feet) of a natural water body, waterway (including an ephemeral stream), wetland, or a third (or higher) order drain, except if the development is permitted as an exception under [1.2]. No development shall occur within [15] meters ([50] feet) of a first or second order drain, or artificially created retention pond, except if the development is permitted as an exception under [1.2]. No expansion of any existing use is permitted within the riparian area.

1.2 Exceptions to Riparian Setbacks

Notwithstanding the restrictions in [1.1], development that creates minor disturbances to the natural vegetative cover of riparian areas (such as docks, boathouses, and pathways) and buildings or structures intended for flood or erosion control, may be allowed within the riparian and wetland area, provided no more than 25% of the length of a lot's shoreline is affected.

Renewable Resources & Recreation

- Solar Energy
- Wind Energy Generating Systems
- Open Space Zone

Renewable Resources, Heritage and Recreation

Wind Energy Generating Systems

RECOMMENDED

Municipalities can encourage the development of wind power by allowing Wind Energy Generating Systems (WEGS) as permitted or conditional uses in appropriate zones. In order to facilitate wind farm development in an area, zoning by-laws should include use-specific standards for these devices.

It is best practice to make commercial wind energy generating systems Conditional Uses in appropriate zones (like in an Agricultural Zone, where they could be secondary uses to the primary use of agriculture). This allows councils, boards and planning commissions to hear public representation and consider each energy system on a site-specific basis. It also gives these authorities the opportunity to require developers to meet specific conditions (or enter into a development agreement) to address any concerns raised at the public hearing.

Definitions for Wind Energy Systems: It is recommended that wind energy generating systems be defined based on their use as either commercial wind energy generating systems or on-site wind energy generating systems.

For more information, see the [Report on Land Use Planning for Wind Energy Systems in Manitoba](#).

Note: Wind turbines also have specific setback requirements from [Provincial Highways](#).

Associated Policies

-  Agricultural Land
-  Climate Change Mitigation
-  Economic Development
-  Sustainable Infrastructure

Wind Energy Generating Systems: Model Zoning Plug-in

ZONES

To enable these regulations, the line below should be added to the ZONES section of a Zoning By-Law.

Uses	Natural Reserve	Ag. General	Rural Res.	Res. Service	Res. Mature	Com. Street	Com. Cent.	Hwy Cor.	Heavy Mfg. Zone
	NR	AG	RR	RS	RM	CS	CC	HC	M
Wind Energy Generating System (Commercial)	C*	C*							
Wind Energy Generating System (On-Site / Rooftop)		P*	P*			P*	P*	P*	P*

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as secondary use

USE-SPECIFIC STANDARDS

To enable these regulations, one or more of provisions below may be adapted for local circumstances and added to the USE-SPECIFIC STANDARDS section of a Zoning By-Law.

Wind Energy Generating System (Commercial)

1.1 Conditions for Wind Energy Generating Systems (Commercial)

Agriculture

- Zoning for Agriculture
- Livestock Operations
- Specialized Agriculture
- Apiary (Beekeeping)
- Urban Agriculture

Agriculture

It is essential for Manitoba municipalities to protect their agricultural lands. A secure and productive land base provides food security, employment, and economic stability.

The following zoning by-law tools can be used to limit the fragmentation of prime agricultural land and encourage sustainable farming operations.

Livestock Operations

All new or expanding livestock operations involving 300 or more animal units must be listed as Conditional Uses in a zoning bylaw [72]. Livestock producers must complete a site assessment and go through the provincial technical review process [111].

Operations with fewer than 300 animal units can be listed as either Permitted or Conditional uses in a zoning bylaw. Proposals with less than 300 animal units do not have to go to a provincial technical review [111].

The Provincial Planning Regulation of The Planning Act sets out the number of animal units (AU) produced by one animal (for different categories of livestock common in Manitoba).²⁶

***Note:** To find out the AU produced by uncommon animals (including rabbits, alpacas, etc.), livestock operators and zoning administrators can obtain an Expanded Animal Unit Table from Manitoba Agriculture, Food, and Rural Development.

Siting and Setback Requirements for Livestock Operations

Zoning by-laws must include siting and setback standards for livestock operations that conform to the standards in the area's development plan as well as requirements of the livestock operations policies in part 5 of the Provincial Planning Regulation.

Zoning bylaws must outline the mutual separation distances (using a minimum separation distances table) between existing, expanding or proposed livestock operations and **designated areas**. Applications to vary such distances may be considered by council to accommodate special circumstances.

Designated Area means an area designated for use as an urban centre, settlement centre, rural residential area, cottage area, park area or recreational area in the applicable development plan (**Note:** this definition is from the Provincial Planning Regulation and cannot be changed in the zoning by-law).

Siting and Setback Requirements for Small Livestock Operations

Farms with less than 10 animal units are not considered to be livestock operations. These small farms do not have to keep required separation distances from designated areas (beyond the standard bulk requirements in the zoning by-law). However, all individuals with livestock of any size are now required to register their animals with Manitoba's Livestock Registry (these regulations help to protect both people and livestock in the case of a flood or a disease outbreak).

See the [Planning for Agriculture: Planning Resource Guide](#) for more information about Livestock Operations and zoning.

ESSENTIAL



Mineral Resources

- Mining and Extraction

Mineral Resources

Mineral resources are a vital part of Manitoba's economy; mineral resources are the second leading primary resource sector in the province, after agriculture.

Mining and Extraction

RECOMMENDED

Zoning by-laws should contain provisions for mining and aggregate extraction operations that implement the policies in an area's development plan. Municipalities where mining is common may wish to make a zone specifically for mining and extraction operations. Other areas may simplify their zoning by-laws by using a heavy manufacturing zone to cover mining and extraction operations.

A mining and extraction operation should be listed as a Conditional Use so that a council or board may impose conditions or a development agreement on the operation. The conditions could include requirements for haul routes, outdoor lighting, hours of operation, etc.

Mining and Extraction: Model Zoning Plug-In

ZONES

To enable these regulations, the line below should be added to the ZONES section of a Zoning By-Law.

Uses	Natural Reserve	Ag. General	Rural Res.	Res. Service	Res. Mature	Com. Street	Com. Cent.	Hwy Cor.	Heavy Mfg. Zone
	NR	AG	RR	RS	RM	CS	CC	HC	M
Mining and Extraction	C*	C*							

P = Permitted | C = Conditional | * = Use-Specific Standard Applies

USE-SPECIFIC STANDARDS

To enable these regulations, the terms below should be added to the USE-SPECIFIC STANDARDS section of a Zoning By-Law.

Mining and Extraction

1.1 Standards for Mining and Extraction Operations

A Development Permit shall be required for any development of a commercial mining or extraction operation. Before a Development Permit is issued, an applicant must provide the [Municipality or Planning District] with the following:

- In the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations;
- A plan showing areas and means for goods and waste transportation;
- A site plan showing the operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection; and
- A plan for the rehabilitation and intended use(s) of the site upon completion of the operation phase, subject to Provincial Regulations.

Industries and Infrastructure

- Aerodromes (including Airfields & Airports)
- Home Industries
- Oil Batteries
- Pipelines
- Storage of Dangerous Goods and Chemicals
- Waste Sites
- Environmental Development Standards

Storage of Dangerous Goods and Chemicals

Agricultural, agri-business and industrial operations may require the storage of dangerous goods and chemicals. Zoning can help to reduce the risk to human life in the event of a fire or other disaster at one of these storage sites by requiring minimum separation between storage buildings and dwellings.



These minimum separation distances should be implemented with use-specific standards, which place the responsibility on those storing dangerous goods. The standards in this Guide are taken from the [Agrichemical Warehousing Standards Association User Guide \(2011\)](#). Note: Anhydrous ammonia plants and other dangerous goods storage sites also have specific setback requirements from [Provincial Highways](#).

Storage of Dangerous Goods and Chemicals: Model Zoning Plug-in

USE TABLE

To enable these regulations, the lines below should be added to the **USE TABLE** of a Zoning By-Law.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Anhydrous Ammonia Storage Facility		C*									C*	
Dangerous Goods or Agrichemical Storage Facility		C*	C*							C*	C*	

P = Permitted | C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

USE-SPECIFIC STANDARDS

To enable these regulations, the terms below should be added to a by-law's **USE-SPECIFIC STANDARDS**.

Anhydrous Ammonia Storage Facility

1.1 Separation Distances for Anhydrous Ammonia Storage Facilities

Anhydrous Ammonia Storage Facilities shall be located at a minimum distance of:

- 1500 meters (15,000 feet) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens' homes, and other institutional facilities;
- 1500 meters (15,000 feet) away from any village or settlement centre;
- 500 meters (1,640 feet) from any dwelling;
- 50 meters (160 feet) away from any creek, stream, or environmentally sensitive area;
- 100 meters (330 feet) from the edge of the right-of-way of a Provincial Road or Highway.

Dangerous Goods or Agrichemical Storage Facility

1.2 Separation Distances for Dangerous Goods or Agrichemical Storage Facilities

Dangerous Goods or Agrichemical Storage Facilities shall be located at a minimum distance of 50 meters (165 feet) from the sites lines in the **PR**, **RS**, **RM**, **CN**, **CC** and **I** zones.

Transportation

ESSENTIAL

Highways

The *Provincial Planning Regulation of The Planning Act* requires municipalities to include policies about development setbacks from highways in their development plans. Zoning by-laws should contain provisions to implement these policies.

According to provincial regulations, special provincial permits are required for developments within Statutory Control Areas that are within certain proximity (see below) of the edge of a Provincial Highway right-of-way or the centre of highway intersections.

For more information on highway setbacks for development, see the Manitoba [Transportation Planning Resource Guide](#), the *Highways Protection Act* and *The Highways and Transportation Act*.

Highways: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of provisions below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a Zoning By-Law.

1.1 Development Setbacks from the Edge of Highways

No Development Permit will be issued for a development within [75] meters ([250] feet) of a major highway or within [38] meters ([125] feet) of a limited access highway, measured from the edge of the right-of-way, without first obtaining a special permit from the Province of Manitoba.

1.2 Development Setbacks from Highway Intersections

No Development Permit will be issued for a development within the **statutory control area** without first obtaining a special permit from the Province of Manitoba.

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a Zoning By-Law.

Statutory Control Area means the area within 450 meters (1500 feet) of a major highway intersection or within 150 meters (500 feet) of all other highway intersections, measured in a circle from the centre of the intersection.

Transportation

- Highways
- Railways
- Active Transportation and Mixed-Use Development Parking Incentives
- Pedestrian Area Zoning Overlay

Settlement Areas

- Cluster Development
- Secondary Suites
- Incentive Zoning (Bonusing)
- Inclusionary Zoning (for Affordable Housing)
- Mobile Homes
- Planned Unit Developments (PUDs)
- Established Street Standards
- Heritage District Overlay

Settlement Areas

OPTIONAL

Cluster Development

Cluster development is a form of rural residential development where houses are grouped together (in "clusters" or "conservation subdivisions") rather than being dispersed throughout a development site.

Cluster development can help to reduce the fragmentation of agricultural land and can be accompanied with regulations to ensure that agricultural land or open space adjacent to the residences will remain usable for future generations. These regulations work most effectively if residents have an agreement to collectively share and manage the open space that would have been privately owned in regular rural residential development patterns (this agreement can be kept using a structure similar to condominium tenure).

Zoning by-laws can permit—or require—cluster development in rural residential areas by using a Cluster Development [Zoning Overlay](#), which will have specific regulations that all development inside the overlay must follow.

For more information, see the Manitoba Conservation Subdivision Design Manual.



Figure 1: Standard Large Lot Subdivision (Left) vs. Cluster Development (Right)

QUESTIONS, COMMENTS?