

Cottage Lot Development – Manitoba Parks

Manitoba Parks – Cottage Program, is the jurisdiction having authority over development within Manitoba's provincial parks and is the office responsible for the administration and issuance of development approvals. The information contained within this document outlines development restrictions for cottage lot development and applies to both Crown lands and private lands within provincial parks.

More general information on the cottage program can be found in the Cottager's Handbook – a convenient reference document to provide cottagers with information on lease administration or activities on vacation home lots. The Cottager's Handbook can be found online at **www.ManitobaParks.com**.

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Permit Requirements

In accordance with The Provincial Parks Act, a Site Plan Permit (SPP) must be obtained prior to erecting, placing or constructing a new building or structure, replacing an existing building or structure, or altering an existing building or structure on a vacation home lot in a provincial park. In some instances, a Building Permit may also be required, depending on the size and use of a building that is being proposed.

Manitoba Parks will review site plan permit applications to ensure proposed structures adhere to the development requirements (predominantly size and location) as set out within this document. Manitoba Parks works collaboratively with Inspection Technical Services (ITS), the office responsible for reviewing building permit applications within provincial parks, who will ensure proposed developments are compliant with the Manitoba Building Code.

Complete development applications are submitted to Manitoba Parks, which will include the building permit application and all associated documents. Manitoba Parks will process the

application and facilitate a review of the building permit application with ITS. Once all reviews are complete, Manitoba Parks will issue final approved documents, including the building permit (if applicable).

Building Permits – Inspection Technical Services

As the jurisdiction having authority, Manitoba Parks determines when a building permit is required. A building permit is generally required for the following:

- Structures where intended use is for use is for either living, sleeping, cooking, recreation and/or sanitation (shower/washroom).
- Multi-level structures, including lofts
- Open decking attached to a structure
- Boathouses and boat ports
- Open decking supporting a pergola or enclosed roof structure
- Structural modifications, including new roof trusses, new foundations, lifting and leveling or increasing the size and/or adding window or doors

A Site Plan Permit and a Building Permit are not required for repairs and maintenance such as re-shingling and painting; however, cottage owners may require a Provincial Park Permit. Contact the local district office to confirm if such a permit is required for these types of projects.

Provincial Park Permits

A Provincial Park Permit (Park Permit) is issued by the local district office at no charge. The following is a list of work typically conducted on a vacation home lot that would require a permit:

Proposed Work	Park Permit Required	Site Plan Permit Required
Installation of a holding tank*	X	
Removal of trees within the side buffer	X	
Landscaping projects	X	
Shoreline erosion control	X	
Demolition	X	
Driveway construction	X	
Drilling - cottage foundations, dock pipes, wells, directional waterlines	X	

* Note: holding tanks must be registered with the Environment Branch prior to obtaining a Park Permit.

Applications

More information on the application process and application forms can be found online at www.ManitobaParks.com.

Penalties for Constructing without Prior and Proper Approvals

It is unlawful for cottage owners to construct a new building, alter, replace or add to an existing structure, or develop the lot or respective adjacent public reserve without first obtaining written approval. Failure to obtain the necessary approvals prior to construction may result in a Stop Work Order and enforcement action under The Provincial Parks Act.

The cottage owner or occupier is responsible for development on their vacation home lot and should ensure that all paperwork being submitted, either by them or by their authorized agent, is accurate and correct. Construction on the lot must be in accordance with the plans submitted and development located where indicated on the site plot plan.

Non-Conforming Structures

Where a building or structure has lawfully existed but does not conform to the guidelines contained within this document, the structure shall be considered an existing non-conforming building or structure. Non-conformities may be the result of one or more of the following: size, use and/or location. In general, non-conforming structures will be allowed to remain; however, Manitoba Parks will review non-conformities on a case-by-case basis and may provide direction.

Manitoba Parks will typically require a non-conformity to be brought into compliance if the following situations occur:

- Where Manitoba Parks has determined that major repairs to foundation, roof and/or walls is more than 50 per cent of the structure.
- Lift and levels where the location of the structure is non-compliant.
- Complete replacement of non-conforming structure, new development to conform to current development guidelines.

Permit Expiry

After obtaining a Site Plan Permit, the construction of the proposed building structure or work must begin within six months of the date of permit issuance and be completed to lock up stage within twelve months of that date. If your Site Plan Permit has expired and you have not started your proposed project, you may be required to reapply. Please contact Manitoba Parks for more information.

Survey Staking Certificates

Manitoba Parks will not be responsible for finding or verifying the location of lot boundaries or projected lot lines for the purposes of lot development or encroachment matters.

Survey Requirements

A survey certificate conducted of a vacation home lot, prepared by a qualified Manitoba Land Surveyor, is to be included with a development application for the following:

- Main cottage structure

Corner Pin Survey Staking Certificates will be valid for one year and *Building Location Survey Staking Certificates* will be valid for five years, or at the discretion of Manitoba Parks.

NOTE: *Manitoba Parks will not waive survey requirements based on rationale that a neighbouring lessee has obtained the services of a surveyor who may have determined common lot boundaries. It will be the responsibility of an applicant to submit a complete application.*

Additional Survey Information

Prior consideration should be given as to the purpose of the survey. For example, if it is likely that you will be unable to visually see from pin to pin, due to topography, vegetation or distance, a corner pin staking certificate may not be beneficial in determining setbacks and additional staking may be required. Alternatively, a Building Location Certificate (BLC) may be more beneficial as it provides more detailed information. If you have any questions regarding obtaining a survey, it is recommended you speak to a Manitoba Land Surveyor or Manitoba Parks.

Staking Certificate

As defined by the Association of Manitoba Land Surveyors, “A staking certificate, prepared by a Manitoba Land Surveyor, documents the placing of survey monuments on the limits of a particular parcel of land. It indicates the dimensions of the property and reports any building encroachments from or onto adjacent lands.”

Building Location Certificate (BLC)

As defined by the Association of Manitoba Land Surveyors, “A BLC is a legal document prepared by a Manitoba Land Surveyor which shows the exact dimensions and positions of the land and buildings on a particular property. It reports any encroachments onto or from adjoining properties. No survey monuments are placed on the limits of the property, unless specifically requested.”

Water Supply Systems**Wells**

Prior to installing a well, cottage owners must complete and submit to Manitoba Parks, an Application for Well. If the location of your well is on your surveyed lot, there will be no annual fee charged. However, if the well is located on Crown land, an annual charge will appear on the annual invoice. The construction, operation, repair and monitoring of private water systems remains the responsibility of the system owner.

When considering the location of a new well, it must be:

- Set back 26 feet from any onsite wastewater management system (i.e., holding tanks)
- Set back from a marsh or drainage route to avoid contamination.

Note: *Wells may not be permitted in subdivisions where a central water system is present.*

Onsite Wastewater Management Systems (OWMS)

If a cottage owner is considering a new installation or alteration to an existing Onsite Wastewater Management System (OWMS), please check the OWMS Program website to find information on regulatory requirements, design and installation standards, and registration forms. Cottage owners may also contact the local Environment Officer for any questions or require assistance. Information regarding the use or care of an OWMS can be found on the website and in the Homeowner's Manual for Onsite Wastewater Management Systems.

Links:

www.manitoba.ca/sd/envprograms/wastewater/index.html

www.manitoba.ca/sd/ece/contact.html

Holding Tanks

In early 2019, Manitoba Parks along with the Inspection Technical Services Branch, conducted a formal review regarding the matter of decks being built over existing holding tanks. This review has concluded with clarification having been received from the National Research Council (NRC) of Canada and its interpretation as to how the National Plumbing Code of Canada (NPC) applies to holding tanks and set back distances from buildings. Direction has been received that confirms the following:

- Decks cannot be constructed above an existing holding tank or similarly, a holding tank cannot be installed under a building or an attached/detached deck as part of the plumbing system.
- The plumbing system is required to exit the building (which includes decking) and maintain a minimum of one meter setback distance.
- The holding tank, to which the plumbing system connects, can not be located within one meter of the building or deck.
- Set back distances are measured from the vertical edge of the building or deck to the outer wall of the tank (as opposed to the holding tank's lid).

The review of development applications now take into consideration this new direction. The location of a holding tank is considered when applications are received, for development of lift and levels, cottage additions or outbuildings (guesthouses), where proposed structures have new plumbing fixtures that will tie into an existing non-conforming holding tanks.

In the event a vacation home lot has a holding tank located beneath a deck or cottage, existing holding tanks are considered existing non-conforming and are typically allowed to remain if no development is proposed.

Grand Beach Provincial Park

The guidelines for Grand Beach have been amended to establish acceptable maximum exterior dimensions for cottages in Grand Beach, allowing cottagers to have one and a half storey cottages with a usable upper level. Some limitations on exterior cottage size are necessary to recognize the relatively small lot sizes, the high density nature of the Grand Beach cottage subdivision, and the population increase that will result in the sub-division from the construction of larger cottages. No variances are issued for Grand Beach.

1. Minimum vacation home size/2 exit doors

The minimum allowable floor area of a vacation home at Grand Beach is 320 ft² (29.7 m²). At least two exit doors out of the cottage at different locations are recommended.

2. Maximum building coverage

The total footprint of a vacation home (single-storey or 1 1/2-storey units), including all roofed porches (but not including un-roofed decks and patios), may be 30 per cent of the total area of the lot to a maximum of 922 ft² (85.7 m²) (this applies only to lots with a gross area of 3,075 ft² (285.7 m²) or more).

30' x 75' lot	-	30% of 2,250 ft ²	=	675 ft ² (62.7 m ²)
33' x 75' lot	-	30% of 2,475 ft ²	=	742 ft ² (68.9 m ²)
38' x 75' lot	-	30% of 2,850 ft ²	=	855 ft ² (79.4 m ²)
41' x 75' lot	-	30% of 3,075 ft ²	=	922 ft ² (85.7 m ²)
33' x 100' lot	-	maximum size	=	922 ft ² (85.7 m ²)

Furthermore:

- (a) The outside stud line (i.e., the outer edge of exterior 2 x 4 wall framing) shall be used in calculating total footprint.
- (b) All ground areas covered by a roof shall be included in floor area calculations, except for normal eaves and overhangs up to 2 ft. (61 cm) wide.

3. Outbuildings

The maximum outbuilding coverage per lot is 80 ft² (7.4 m²) and is limited to one single storey storage shed, with the maximum side-wall height not exceeding 8 ft. (2.4 m) above existing grade level. This accessory building is not used in calculating the maximum aggregate size of development on the lot. However, this allotment cannot be used to increase the allowable vacation home size. Two-level outbuildings are not permitted. The provision of a toilet and washroom facilities as part of the storage shed is permissible if all other requirements, including those under *The Environment Act*, are met.

4. Patios

Patio and deck sizes are no longer restricted (provided they are not roofed).

5. 1 1/2-storey units

- (a) The maximum allowable height of the main floor, measured from the top of the main floor to the top of the floor of the second storey is 10 feet (3.05 m).
- (b) The maximum allowable height of the second floor, if present, measured from the top of the second floor to the exterior peak of the roof is 12 feet (3.66 m).
- (c) The maximum allowable roof pitch is 12:12. At least two opposing sides of the roof must be pitched, and the base of the pitched roof sides must be immediately next to the second storey floor joists.
- (d) A maximum of two dormers are allowed, each with a maximum exterior width of 7 feet (2.13 m).

Note: No maximum square footage exists for the interior size of the second storey of a 1 1/2 storey vacation home, provided the exterior size of the building conforms to the specifications listed above.

For complex designs, where the application of these guidelines is not clear-cut, case-by-case interpretations will be made by Manitoba Conservation so as to be consistent with the intent and principles of these guidelines. The overall cottage volume of a complex design should not exceed that usually allowed by the above guidelines.

6. Crawl spaces and basements

- (a) The maximum allowable crawl space (pony wall) height from the average existing natural grade level to the bottom of the main floor joists is 3 feet (.91 m), or 4 feet (1.22 m) to the top of the joists.
- (b) No basements may be built, or excavation may take place, except minimal excavation on sloped sites where the volume of built-up material is at least equal to the volume of excavated material; or in situations where the original height of the grade is restored with alternate material (e.g. if top soil and organic material is removed beneath the building).
- (c) Installation of sump pumps will normally not be allowed and will require special approval if they are needed in unusual circumstances.

7. Fences

- (a) Fences must be located no closer than 12 ft. (3.7 m) from the surveyed front lot line.
- (b) The maximum allowable fence height in front of or beside a cottage is 4 feet (1.22 m).
- (c) The maximum allowable fence height allowed on the side of a lot behind a cottage, or along the back of a lot is 6 feet (1.83 m).

8. Cottage location and side-yard limitations

- (a) All development, including decks, landings, stairs, roof overhangs, etc., shall be within lot boundaries and as set out below.
- (b) When a cottage is placed on a lot, it must be aligned visually with the rest of the cottages on the street in question, and must be within the range of 18-25 ft. (5.5-7.6 m) from the front lot line, unless otherwise specified by Manitoba Conservation. Any variation owing to natural features or existing circumstances shall be at the discretion of the Director of Parks and Natural Areas Branch.
- (c) Decks must be located no closer than 12 ft. (3.7 m) from the surveyed front lot line.
- (d) A new cottage or cottage addition shall be located so that no exterior sidewall is closer than 4 ft. (1.2 m) to the adjacent side lot line of a neighbouring lot. This is in keeping with fire safety

measures as specified in the Manitoba Building Code.

9. Sidewall window and screened area limitations

- (a) Manitoba Building Code requirements that apply to new construction regulate the allowable total window and screened opening area in a cottage sidewall according to the distance of the sidewall from the adjacent side lot line of a neighbouring lot. This distance is referred to below as the "side yard width."
- (b) The total area of windows and screened openings in a cottage sidewall that faces an adjacent neighbouring lot should not exceed the areas outlined in the following table. The maximum allowable total areas of windows and screened opening are expressed as percentages of the total areas of the sidewalls in which the openings occur.
- (c)

Side yard width – 4 ft. (1.2 m)	8 per cent of total sidewall area
Side yard width – 5 ft. (1.5 m)	9 per cent of total sidewall area
Side yard width – 6 ft. (1.8 m)	11 per cent of total sidewall area
Side yard width – 7 ft. (2.1 m)	13 per cent of total sidewall area
Side yard width – 8 ft. (2.4 m)	17 per cent of total sidewall area
Side yard width – 9 ft. (2.7 m)	21 per cent of total sidewall area

Side yard width – 10 ft. (3.0 m)
25 per cent of total sidewall
area

*Note: As a general guide in
calculating window and adjacent
sidewall areas for common
cottage designs:*

- I. window measurements are taken from the inside of the window frames (i.e., inside of jamb/sill).
- II. sidewall length measurements is the total outside length of the wall, and sidewall height measurement is from the

bottom of the exterior wall (ground level if crawl spaces is sheathed) to the finished ceiling height inside.

- (d) The lot holder is responsible for ensuring that construction meets these requirements.