



The Municipal Planning Guide to Zoning Bylaws in Manitoba

Component C: Plug-In Sections of Zoning Tools



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PLUG-IN SECTIONS OF ZONING TOOLS

MUNICIPAL PLANNING GUIDE TO ZONING BYLAWS IN MANITOBA
COMPONENT C

November 2015

PREFACE

This is the third of three components of the *Municipal Planning Guide to Zoning Bylaws 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 bylaw.

The Plug-Ins include some sections and topics that are often required in a zoning bylaw 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.

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General Development Plug-Ins

Fences

Fences: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Measuring Fence Height

Fence height is measured from the highest part of the fence to the point where the fence post enters grade. Where a fence is located on top of a retaining wall, the height to the fence shall include the height of the retaining wall measured from the finished grade.

1.2 Projections into Required Yards

Fences are permitted in all **required yards** and can be placed up to the property line.

1.3 Prohibited Materials

Fences shall:

- a) Not be electrified, except as an accessory to a permitted agricultural use in the **AG** zone.
- b) Not contain barbed wire, except as an accessory to a permitted industrial or agricultural use in the **AG**, **HC** or **M** zones.
- c) Not contain scrap metal or industrial waste material.
- d) Not be made of chain link if located in a front yard within the **RS**, **RM**, **CN** or **CC** zones.

1.4 Maximum Fence Height

No fence shall exceed the following heights:

Standards	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Fence Height: Front Yard (Maximum)	3m (10ft)	3m (10ft)	3m (10ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	1m (3 ft)	2.5m (8 ft)	3m (10ft)	3m (10ft)
Fence Height: Side and Rear Yards (Maximum)	3m (10ft)	3m (10ft)	3m (10ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2m (6 ft)	2.5m (8 ft)	3m (10ft)	3m (10ft)

Outdoor Lighting

Improper outdoor lighting can cause conflicts between neighbouring land uses (for example, if glare from an outdoor light shines into neighbouring buildings or outdoor spaces).

Municipalities that want to regulate outdoor lighting through their zoning bylaws can adapt the following provisions. These provisions are intended to address the most common reasons for conflict over lighting in a simple manner that avoids complicated calculations and specialized terminology.

Outdoor Lighting: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 **Outdoor Lighting**

Outdoor lighting is only allowed if the following standards are met:

- a) Any outdoor lighting (other than those exempted [in provision (c)] below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device.
- b) The maximum permitted height of a light fixture is [nine metres]([30 feet]).
- c) These standards do not apply to federally-regulated or provincially-regulated buildings and structures (including the lighting required for airports and towers).

Parking

Minimum Parking Standards

Zoning bylaws often include minimum off-street parking standards to ensure that businesses, offices, and public institutions provide parking for their employees or customers, thereby reducing reliance and demand for on-street parking and other public parking facilities.

Despite these benefits, minimum parking standards can negatively affect the walkability and desired densities of urban centres (by potentially encouraging surface parking lots that may be larger than necessary). Minimum parking standards in mature areas can also create challenges for infill development where there may not be enough space on a development site to meet the requirements.

If councils decide to require minimum parking standards, they should consider using [incentive zoning](#) to allow developers to reduce these requirements if they provide some of the following public benefits:

- Bicycle Parking
- Car-Share / Car Co-op Parking Spot
- Parking Layout for Pedestrian Safety or Parking Behind Buildings
- Mixed-Use Development or Shared Parking Credits (where there are different operation hours for different uses that share a lot)

Cash-in-lieu of Parking

Municipalities could consider allowing developers the option to pay cash-in-lieu of parking if the required parking standards cannot be met. The money that developers pay into the cash-in-lieu of parking program could go towards the development of central municipally-owned parking facilities. The cash-in-lieu system is intended to assist planning in established areas like downtowns, where accommodating parking on site may be neither practical nor desired.

Maximum Parking Standards

Instead of parking minimums, some urban communities are now including maximum parking standards in zoning bylaws.

These standards can help to limit the size of surface parking lots and encourage customers and employees to use active transportation or public transportation. In turn, this can help to reduce traffic congestion throughout the urban area.

Parking: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Minimum Parking

Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated by Table [1] for uses within the Use Categories indicated on Table [1.1 in *The Binder*]. All accessory off-street parking spaces shall be located on the same site as the principal use, unless specifically permitted to locate elsewhere. There are no parking requirements for zones not included in the table.

Table 1: Minimum Off-Street Parking Requirements

Use Category	RR	GD	RS	RM	CN	CC	HC	M	I	Unit
Residential	1.0	1.0	1.0	1.0	0.5	0.5	-	-	-	Per Dwelling
Lodging	1.5	1.0	1.5	1.0	1.0	1.0	1.0	-	-	Per Bedroom
Office	2.0	1.5	1.5	1.5	1.0	0.5	1.5	1.5	0.5	Per 100 m ² (1075 sq ft.)
Retail	3.0	1.5	3.0	1.5	1.0	1.0	2.5	2.5	1.0	Per 100 m ² (1075 sq ft.)
Civic	1.0	1.0	1.0	1.0	0.5	0.5	-	-	0.5	Per 100 m ² (1075 sq ft.)
Education	1.0	1.0	1.0	1.0	0.5	0.5	-	-	0.5	Per 100 m ² (1075 sq ft.)

1.2 Parking Requirements Based on Floor Area

Where parking requirements are based on the “floor area” of the use, the term “floor area” means the gross floor area of the principal building, excluding:

- a) Any area used for parking within the principal building
- b) Any area used for incidental service storage, mechanical equipment, or similar uses

1.3 Parking Stall and Aisle Specifications

Off-street parking spaces shall meet the parking stall and aisle specifications in Table [2]. If the proposed spaces are designed at an angle that is not in Table [2], use the specifications for the angle that is closest.

Table 2: Parking Stall and Aisle Specifications

Angle	Configuration	Minimum Stall Dimensions		Minimum Aisle Width	
		Stall Width (a)	Stall Depth (b)	Two - Way (c)	One - Way (c)
90° (Head-In)		[2.75] m (9 ft)	[5.5] m (18 ft)	[6.7] m (22 ft)	[6.0] m (20 ft)
60° (Angled)		[2.75] m (9 ft)	[5.5] m (18 ft)	[7.3] m (24 ft)	[5.5] m (18 ft)
45° (Angled)		[2.75] m (9 ft)	[5.5] m (18 ft)	[7.3] m (24 ft)	[3.7] m (12 ft)
0° (Parallel)		[2.75] m (9 ft)	[5.5] m (18 ft)	[6.7] m (22 ft)	[3.7] m (12 ft)

1.4 **Barrier-Free Parking Spaces**

Barrier-Free parking spaces shall be provided according to the minimum number of spaces specified by Table [3]. Each barrier-free parking space shall have a minimum width of [3.5] meters ([11.5] feet) and a minimum length of [seven] meters ([23] feet). Barrier-free parking spaces shall be located within close proximity and access to the principal building entrance. Barrier-free spaces must be clearly marked and reserved for the exclusive use of people with mobility issues.

Table 3: Required Barrier-Free Parking Spaces

Number of Off-Street Parking Spaces on a Zoning Site	Minimum Number of Barrier-Free Parking Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of [10] spaces

1.5 **Surface and Maintenance**

An off-street parking area and its access driveways shall be surfaced and drained so that there will be no free flow of water onto public sidewalks or adjacent properties [other than through a drain, ditch or swale]. The surface for an off-street parking area in any zone may be constructed of [asphalt], [concrete], or [permeable paving blocks]. The surface for an off-street parking area in the [RR] and [RS] zones may also be constructed out of [gravel], [crushed rock] or [other aggregate material].

1.6 **Landscaping and Buffering**

If a **surface parking lot** or accessory parking area abuts a public street, the owner must screen the perimeter of the parking area from public view. The screening must be:

- a) A [wall], [fence], or [landscaped hedge] a minimum of a [one] meter (three feet) high; OR
- b) A planting bed a minimum of [two] metres (six feet) wide, planted with a minimum of one shrub every [0.75] metres (2.5 feet) [and] one shade tree every [7.5] metres (25 feet).

1.7 **Location**

An accessory parking area must comply with the minimum yard requirements for the zone in which the parking area is located.

1.8 **Maximum Parking Spaces**

The number of accessory off-street parking spaces for any building or use shall not exceed the amount determined as follows:

- a) For parking lots of less than [20] spaces, the number of parking lots may not be more than [150] per cent of the minimum number of spaces identified in Table [1], not

including accessible spaces. (For example, a 10-unit hotel in the RM zone would have to provide a minimum of 10 parking spaces up to a maximum of 15 spaces).

- b) For parking lots of more than [20] and less than [50] spaces, the number of parking lots may not be more than [120] per cent of the minimum number of spaces identified in Table [1], not including accessible spaces. (For example, a 30-unit residential building in the CC zone would have to provide a minimum of 30 parking spaces up to a maximum of 36 spaces).
- c) For parking lots of more than [50] spaces, the number of parking lots may not be more than [110] per cent of the minimum number of spaces identified in Table [1], not including accessible spaces.

1.9 Landscaping for Large Parking Areas

If a surface parking lot or accessory parking area is a size of [40] or more parking stalls, it must provide a planted median, to the specifications in provision [1.6(b)], between every block of [10] stalls (see [Figure 1]).

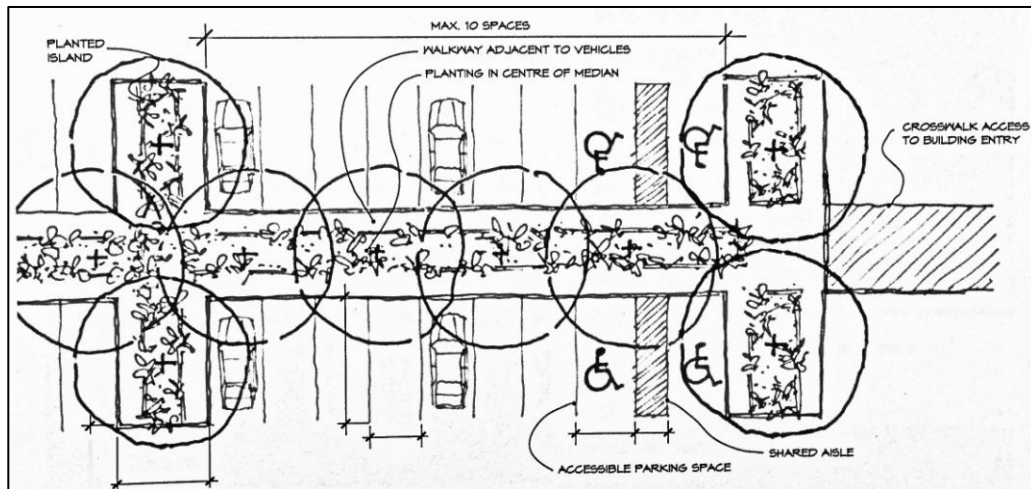


Figure 1: Landscaping for Large Parking Areas (HTFC Planning & Design, 2005)

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Parking Structure					C			P	P	P	P	P
Parking, Surface Lot					C			C		C	C	C

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

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Parking Structure means an enclosed structure or facility where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a *principal use*. The facility may be above, below, or partially below ground and includes parking garages and parking decks.

Parking, Surface Lot means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a *principal use*.

Loading

Loading: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Minimum Loading Spaces

Loading spaces shall be provided according to the minimum number of spaces as calculated by Table [4] for uses within the Use Categories indicated on Table [1.1 in The Binder]. There are no loading requirements for zones not included on the table.

Table 4: Minimum Required Loading Spaces

Use Category	GD	RM	CN	CC	HC	M	I	Unit
Residential	-	-	-	-	-	-	-	Per Dwelling
Retail & Office (> than 10,000 sq. ft.)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	Per 1860m ² (20,000 sq. ft.) of floor area of primary building
Civic (> than 10,000 sq. ft.)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	Per 2800m ² (30,000 sq. ft.) of floor area of primary building
Industrial	1.0	1.0	1.0	1.0	1.0	1.0	1.0	Per 1860m ² (20,000 sq. ft.) of floor area
Other	-	-	-	-	-	-	-	

1.2 Loading Space Standards

A required off-street loading space shall meet the following minimum standards:

- It shall have minimum dimensions of [nine] meters long, [3.5] meters wide, with [4.25] meters vertical clearance ([30] feet long, [12] feet wide and [14] feet vertical clearance)
- It shall have access to a lane or street
- It shall be provided on the same site as the principal building or use but not in the required front yard

Lot Grading

Municipalities may have rules for lot grading in a separate Lot Grading Bylaw. If not, they may include provisions, such as the ones below, in a zoning bylaw.

Lot Grading: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Maintaining Grades for Drainage

The landowner shall establish and maintain lot **grading** for adequate drainage so that there will be no free flow of water onto public sidewalks or adjacent properties [other than through a drain, ditch or swale].

1.2 Lot Grading

No person shall proceed with any work that may alter or otherwise change the **grading** of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent property without first obtaining a development permit.

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Grading means the shaping or sloping of land.

Portable Garages

Many municipal and planning district officials in Manitoba say portable garages can be challenging to regulate. Portable garages are intended to protect vehicles from sunlight and weather. These shelters can become unsightly from prolonged exposure to the elements or lack of maintenance. If the municipality does not address “unsightliness” through a Property Standards Bylaw, the following zoning bylaw plug-in could be used to help address some of these concerns.

Portable Garages: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Standards for Portable Garages

The installation of a portable garage shall be allowed as an accessory use subject to the following rules:

- a) a portable garage is not allowed within the required front yard of a site
- b) a portable garage must meet the requirements for accessory building side and rear yard requirements
- c) a portable garage must not exceed the height restrictions for accessory buildings in the zone in which it is located
- d) a portable garage must be placed on a driveway or parking space
- e) a portable garage must be kept in good condition, any rip in the fabric must be repaired
- f) a maximum of [one] portable garage is allowed on a site

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.*

Portable garage means a temporary structure intended to store goods or materials that may consist of metal or steel frame and is covered by such material as canvas, plastic, polyethylene, various types of fabric or similar materials.

Private Communications Facilities

Private communications facilities, which include satellite dishes, antennas, and towers, can either be regulated using the standard rules for accessory uses or by adding some regulations that specifically address some of the unique attributes of private communications facilities. Model language for private communications facilities is provided below.

Note: Proponents of a telecommunications tower are responsible for obtaining any required federal and/or provincial permits or approvals from agencies such as but not limited to Transport Canada, NAV Canada, Manitoba Hydro, Manitoba Infrastructure and Transportation, and Manitoba Conservation and Water Stewardship, prior to the issuance of a development permit and any required building permits.

Private Communications Facilities: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Private Communications Facilities

A private communications facility may be allowed as an accessory use in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located or erected, with the following exceptions:

- a) A private communications facility is not subject to the height requirements for accessory structures
- b) A private communications facility may be located in any rear or side yard in any zone. It may also be located in any front yard in the **AG** and **RR** zones
- c) A private communications facility shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from grade to the uppermost point of its extension
- d) A private communications facility may be located on the roof of a building; however if it is located on the roof of a building in the **AG**, **RR**, or **RS** Zones, the weight (including all support apparatus) shall not exceed [75] pounds

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Private Communications Facilities means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

Shipping Containers (“Sea Cans”)

Many municipal and planning district officials in Manitoba say that they have had challenges trying to regulate shipping containers. Shipping containers are being used as storage for commercial and industrial facilities. Repurposed containers are also being used as dwelling units and self-storage facilities. The following zoning bylaw plug-in can be used to help regulate such uses.

Shipping Containers: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Standards for Shipping Containers

A shipping container must adhere to the following standards:

- a) A shipping container used for storage must meet the requirements for accessory buildings in the zone in which it is located. Shipping containers, when stacked, must not exceed the maximum height for accessory buildings for the zone
- b) A shipping container used as a dwelling must meet the requirements for dwelling units in the zone in which it is located (*as well as the requirements necessary to receive a building permit*)
- c) A shipping container may be used for temporary storage or emergency purposes, provided it meets the requirements for temporary buildings and structures in this bylaw

Signs

Municipalities may consider regulating signage for the purpose of preventing unsightly and detrimental development, reducing hazards to pedestrian and vehicular traffic, preventing signs from obscuring one another due to size, and securing certain standards of design for the community.

Municipalities may have rules for signs in a separate signage bylaw or they may include provisions, such as the ones below, in a zoning bylaw.

Signs: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Signage Regulations

The following provisions shall apply to all signs erected or maintained within the [Municipality or Planning District], except wherein otherwise stated:



- a) signs and sign structures may be allowed as accessory uses in accordance with the Sign Requirements Table [Table 5], subject to the issuance of a development permit, except as provided in [Section 1.2 of] this zoning bylaw
- a) all signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected
- b) billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning lot on which that sign is located may only be allowed in zones where Advertising Sign is a Permitted or conditional use. Such signs must also be constructed in accordance with the Sign Requirements Table [Table 5], and subject to the issuance of a development permit
- c) no sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display
- d) no sign may contain flashing lights or digital images unless specifically allowed in the Sign Requirements Table [Table 5]. All signs with flashing lights or digital images are prohibited within [30] metres ([100] feet) of **RR**, **RS**, or **RM** zones
- e) no sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the [Municipality or Municipalities within the Planning District] without a development permit
- f) the placing of signs within the **controlled area** of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority (*use in conjunction with the plug-in section for Highways*)
- g) all signs and sign structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within [30] days following notice by the [designated employee or officer]




1.2 **Signs Not Requiring a Development Permit**




The following signs shall not require a development permit. However, they must still comply with any applicable standards in this bylaw:




- a) signs posted by duly constituted public authorities in the performance of their public duties
- b) flags or emblems of a political, civic, educational or religious organization
- c) commemorative or memorial signs or tablets
- d) temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar
- e) **mobile signs (small)** not exceeding [0.5] m² (5 ft²) in surface area (for a single sign face)
- f) **awning signs** with signage originally incorporated in the design or awning material
- g) residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding [three] square feet each in surface area
- h) signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding [0.5] m² (5 ft²) in sign surface area

Table 5: Sign Requirements

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration								
Fascia (small)	<table border="0"> <tr> <td>AG</td> <td>AL</td> </tr> <tr> <td>RR</td> <td>GD</td> </tr> <tr> <td>RS</td> <td>RM</td> </tr> <tr> <td>PR</td> <td></td> </tr> </table>	AG	AL	RR	GD	RS	RM	PR		[0.5] square meters ([5] square feet) maximum area for a single face	A sign in the [RR] or [RS] zones may only be illuminated during business hours.	
AG	AL											
RR	GD											
RS	RM											
PR												
Fascia (large) or Marquee	<table border="0"> <tr> <td>PR</td> <td>GD</td> </tr> <tr> <td>CN</td> <td>CC</td> </tr> <tr> <td>HC</td> <td>M</td> </tr> <tr> <td>I</td> <td></td> </tr> </table>	PR	GD	CN	CC	HC	M	I		[10] per cent of the area of the wall to which sign is affixed	Illumination and flashing lights are permitted, following the standards for signs.	
PR	GD											
CN	CC											
HC	M											
I												

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
<p>Projecting (small)</p>	<p>PR GD RM CN</p>	<p>[0.5] square meters (5 square feet) maximum area for a single face</p>	<p>Must not project more than [1.5] m (5 ft) from the wall to which the sign is affixed.</p>	
<p>Projecting (large)</p>	<p>CC HC M I</p>	<p>[2] square meters (21.5 square feet) maximum area for a single face</p>	<p>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.</p>	
<p>Free-Standing (small)</p>	<p>AG AL RR GD RS RM PR</p>	<p>Maximum Height (from grade): [2] m (6.5 ft).</p>	<p>Not permitted for home-based businesses.</p>	

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
Free- Standing (large)	<div style="display: flex; flex-wrap: wrap; gap: 5px;"> <div style="background-color: #92d050; padding: 2px;">AG</div> <div style="background-color: #c44e52; padding: 2px;">GD</div> <div style="background-color: #800000; padding: 2px;">CC</div> <div style="background-color: #808080; padding: 2px;">HC</div> <div style="background-color: #404040; padding: 2px;">M</div> </div>	<p>[11] square meters (118 square feet) maximum area for a single face.</p> <p>Maximum Height (from grade): [10.5] m (34 ft).</p>	<p>Illumination and flashing lights are permitted, following standards.</p> <p>Not permitted in a required yard abutting an [RR], [RS], or [RM] zone.</p> <p>Minimum setback from a property line must be [33] per cent the height of the sign.</p>	
Awning	<div style="display: flex; flex-wrap: wrap; gap: 5px;"> <div style="background-color: #408040; padding: 2px;">PR</div> <div style="background-color: #c44e52; padding: 2px;">GD</div> <div style="background-color: #800000; padding: 2px;">CN</div> <div style="background-color: #800000; padding: 2px;">CC</div> <div style="background-color: #808080; padding: 2px;">HC</div> <div style="background-color: #404040; padding: 2px;">M</div> <div style="background-color: #0000ff; padding: 2px;">I</div> </div>	<p>[10] per cent of the area of the wall to which awning is affixed</p>		
Mobile (small)	<div style="display: flex; flex-wrap: wrap; gap: 5px;"> <div style="background-color: #408040; padding: 2px;">PR</div> <div style="background-color: #c44e52; padding: 2px;">GD</div> <div style="background-color: #ff8c00; padding: 2px;">RM</div> <div style="background-color: #800000; padding: 2px;">CN</div> <div style="background-color: #800000; padding: 2px;">CC</div> <div style="background-color: #0000ff; padding: 2px;">I</div> </div>	<p>Maximum Height: [1.4] m ([4.5] ft).</p>	<p>One sign may be placed within public right-of-way immediately adjacent to a commercial use during regular hours of operation.</p>	

Type of Sign	Permitted in Zones	Maximum Area	Additional Conditions	Illustration
<p>Mobile (large)</p>	<p>AG AL GD HC M</p>	<p>[4.5] square meters (48 square feet) maximum area for a single face</p> <p>Maximum height (from grade): [3] m ([10] ft).</p>	<p>Must not include any flashing lights.</p> <p>Maximum of one sign per property.</p> <p>Only allowed to occupy one parking space where there is no practical alternative.</p>	
<p>Digital</p>	<p>CC HC M I</p>	<p>[7] square meters (75 square feet) maximum area for a single face</p>	<p>Not permitted in a required yard abutting an [RR], [RS], or [RM] zone.</p> <p>Images must have a minimum hold time of [6] seconds.</p>	
<p>Inflatable</p>	<p>PR HC M I</p>	<p>[5] meters ([16.5] feet) maximum height from grade</p>	<p>Only [1] inflatable sign shall be permitted per site.</p> <p>Only allowed as a temporary sign that may be displayed for no more than [15] days within a [6] month period.</p>	

USE TABLE

To enable these regulations, the line below should be added to the USE TABLE of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Advertising Sign		<u>C*</u>			<u>C*</u>				<u>C*</u>	<u>C*</u>	<u>C*</u>	

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

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Sign means any writing, illustration, or emblem, which directs attention to a building, use, business, commodity, service, or entertainment.

Sign, Advertising 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 located.

Sign, Fascia means a sign [or individual letters] attached to or inscribed on a wall or other surface and having the exposed face of the sign on a plane approximately parallel to the plane of such wall or other surface [and projecting not more than [0.5] metres from the face of such wall]. May include a sign attached to a marquee.

Sign, Projecting means a sign attached to a building, which extends perpendicularly beyond the surface of that portion of the building to which it is attached.

Sign, Free-Standing means a sign supported by one or more poles, braces or anchors that are placed permanently in the ground and that are independent from any building or other structure. Free-standing signs may include (but are not limited to) billboard signs and signs that are attached to fences.

Sign, Awning means a sign that is incorporated into the material of an awning.

Sign, Mobile means a sign which is mounted on a trailer, stand, or other support structure which is designed in such a manner that the sign can be readily taken down or relocated, and which may include copy that can be changed through the use of removable characters, panels, or by electronic means.

Sign, Digital means a sign that uses electronic screens, light emitting diodes, or similar technology. Digital signs may include (but are not limited to) digital reader boards or digital static copy screens.

Sign, Inflatable means a three-dimensional device that is designed to be filled with air or gas, which may or may not incorporate writing, illustrations, or emblems.

Swimming Pools and Hot Tubs

To ensure public safety, particularly the safety of small children, municipalities may want to include specific provisions for swimming pools and hot tubs.

Note: *Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of a dwelling or their guests, are subject to the regulations governing swimming pools under The Public Health Act and the Manitoba Building Code.*

Swimming Pools and Hot Tubs: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Swimming Pools and Hot Tubs

Swimming pools, hot tubs, and similar structures with a water depth of greater than two (2) feet, shall be allowed as a permitted accessory use to a residential use (including when located on a farm), recreational, or commercial development provided that:

- a) they meet the siting requirements of accessory structures for the zone in which they are located
- b) the pool area is protected by a **fence** with lockable gates and a minimum height of [1.83] meters ([six] feet) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from crawling underneath
- c) a [development permit] is issued under this bylaw
- d) nothing in this subsection shall relieve any such structure from complying with the requirements under the [local Building Bylaw] or applicable provincial regulations including *The Buildings and Mobile Homes Act* and *The Public Health Act*

Zoning Overlays

Zoning overlays are not the same as zones. Zoning overlays are a set of special modifying rules for a specified area (such as a heritage district) that are placed “on top” of the base regulations or standards set out for a particular area. The rules in both the zone and the overlay apply; when they regulate the same thing, the most stringent standard will apply.

A zoning overlay area may cover only part of a zone or it may overlap the boundaries of two or more zones. The boundaries of the overlay areas should be clearly indicated on a zoning map. Zoning overlays should always follow the community’s vision set out in a development plan or secondary plan.

Potential zoning overlays include:

- **Transit-Oriented Development Overlay** (within a 500 metre radius of a transit hub): can reduce off-street parking requirements, encourage mixed-use development, and increase height limits.
- [Pedestrian Area Overlay](#) (on zoning sites adjacent to identified pedestrian corridors): can increase requirements for pedestrian amenities (including benches, lighting, tree and awnings), require commercial entrances from the sidewalk, etc.
- [Heritage District Overlay](#) (for recognized heritage areas): could regulate design details for buildings and sites and require pedestrian amenities listed above.
- [Riparian Area Overlay](#) (riparian areas adjacent to waterways): could limit the removal and disturbance of natural vegetation and restrict development within the riparian zone that could result in: the contribution of nutrients, deleterious chemicals or materials to water bodies or the riparian area; an acceleration of erosion or bank instability; or an impact on any in-stream flows needed to maintain a healthy aquatic ecosystem. Development setbacks in this overlay area should follow those in the area’s development plan or the Provincial Planning Regulation.

Note: As overlays increase the need for cross-referencing, they should be used sparingly.

Zoning Overlay: Model Zoning Plug-In

MAPS

Zoning overlay areas must be established by outlining the area within the overlay on a Map in [Schedule A] of the zoning bylaw.



Figure 1: Sample Zoning Overlay area (area in red)

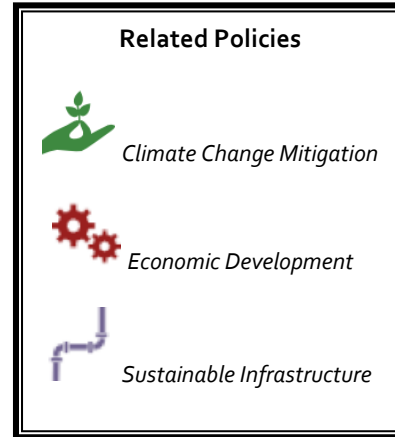
Water

Flood Risk Areas and Hazard Lands

The Provincial Planning Regulation of *The Planning Act* requires municipalities to include policies to restrict development in flood risk areas and hazard lands in their development plans. Municipalities should incorporate regulations in their zoning bylaws to implement the specific policies in the development plan.

According to provincial policies, development must not occur in flood risk areas unless risks are eliminated or ways are identified to ensure that:

- a) no additional risk to life, health or safety is created as a result of development
- b) buildings and structures, including septic fields, are protected from the risks related to flooding, erosion, and bank instability
- c) water flow, velocities, and flood levels will not be adversely altered, obstructed or increased as a result of development [5.2.1]



Manitoba Infrastructure and Transportation requires a minimum flood protection level of 0.61 meters (two feet) above a flood level equalling the **design flood**, a recorded flood exceeding the **design flood**, or a flood specified by the Hydrologic Forecast and Water Management Mid-Division of Manitoba Infrastructure and Transportation.

Flood Risk Areas and Hazard Lands: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of the provisions below may be adapted for the conditions in the planning area and added to the **GENERAL REGULATIONS** section of a zoning bylaw.

1.1 Hazard Lands

Development is prohibited on land that is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise hazardous by virtue of its soil or topography, unless a geotechnical engineering report showing that the development may occur without creating any additional risks is submitted to the [Municipality or Planning District] at the time of application for a development permit.

1.2 Flood Risk Areas

Development is prohibited on land that is within 0.61 meters (two feet) of the high-water mark of the **design flood**, a recorded flood exceeding the **design flood**, or a flood specified by Manitoba Infrastructure and Transportation, unless an engineering report showing the development, with flood protection, may occur without creating any additional risks is submitted to the [Municipality or Planning District] at the time of application for a development permit.

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** in a zoning bylaw.

Design Flood means a flood magnitude on a water body that, on average, is expected to occur once during a one hundred year period. (**Note:** *This definition is from the Provincial Planning Regulation.*)

Riparian and Wetland Areas

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 bylaws to implement 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 [Planning for the Protection of Riparian Areas](#) Planning Resource Guide.

Riparian and Wetland Areas: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Riparian and Wetland Areas

No development shall occur within the area [30] meters ([100] feet) upslope from the normal high water mark of a natural water body, waterway, wetland, or a third (or higher) order drain, except if the development is permitted as an exception under [1.2] or [1.4]. 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] or [1.4].

1.2 Exceptions to Riparian Setbacks

Notwithstanding the restrictions in [1.1], developments that create minor disturbances to the natural vegetative cover of riparian areas (such as docks, boathouses, and pathways) may be allowed within the riparian and wetland area, provided no more than 25 per cent of the length of a lot's shoreline is affected.

1.3 Protection of Important Areas

No development shall occur [60] meters ([200] feet) upslope from the normal high water mark of a water body or waterway identified in the [name of the local development plan] as being socially, historically or culturally important, being designated under an enactment, or containing unique aquatic assemblages and species. The natural vegetative cover must be retained or rehabilitated within these areas.

1.4 No Alteration of Wetlands

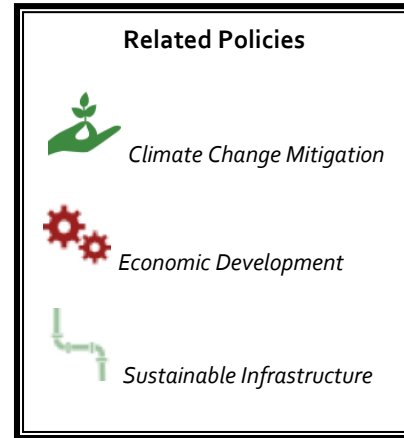
Development shall not result in alteration to permanent, semi-permanent or coastal wetlands by the consolidation of wetlands or by ditching, filling, pumping, subsurface drainage or other works or means, unless it is for the purpose of flood mitigation. Flood mitigation must maintain the natural boundaries of permanent, semi-permanent or coastal wetlands.

Renewable Resources and Recreation

Solar Energy

Municipalities can encourage the development of solar energy by allowing solar collectors as permitted or conditional uses in appropriate zones. In order to facilitate solar energy development in an area, zoning bylaws should include use-specific standards for solar collector devices.

Note: Where solar energy systems are used, it may also be advisable to consider regulations that limit or restrict vegetation and structures on adjacent properties from blocking solar access.



Solar Energy: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Solar Collector (Commercial)		<u>C*</u>	<u>C*</u>						<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>
Solar Collector (On-Site Use)	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>

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

USE-SPECIFIC STANDARDS

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

Solar Collectors

1.1 Standards for Solar Collectors

A commercial Solar Collector must meet the following standards:

- a) any solar collector not connected to a building shall adhere to the same setbacks and height restrictions for secondary/accessory buildings in the zone in which the installation is situated
- b) a roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure
- c) a solar collector that is mounted on a roof may project a maximum of [1.5] meters (6.5 feet) from the surface of the roof and must not extend beyond the outermost edge of the roof
- d) a solar collector that is mounted on a wall may project a maximum of [0.6] meters (two feet) from the surface of that wall and must be located a minimum of [2.4] meters (eight feet) above grade

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Solar Collector means a panel or other solar energy device with the primary purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating.

Solar Collector, Commercial means a solar collector designed and built to provide electricity for commercial sale and distribution to the electricity grid (ex: a solar farm).

Solar Collector, On-Site Use means a solar collector intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. **Rooftop Solar Collectors** are a type of **On-Site Use Solar Collectors**.

Solar Collector, Rooftop means a roof mounted solar collector and associated equipment for converting solar energy to power.

Wind Energy Generating Systems

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 bylaws 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](#).



Wind Energy Generating Systems: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Wind Energy Generating System Tower (Commercial)	C*	C*	<u>C*</u>									
Wind Energy Generating System (On-Site Use / Rooftop)		<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>C*</u>				<u>C*</u>	<u>P*</u>	<u>P*</u>	<u>C*</u>

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

USE-SPECIFIC STANDARDS

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

Wind Energy Generating System Tower (Commercial)

1.2 Standards for Wind Energy Generating System Tower (Commercial)

A commercial Wind Energy Generating System tower must meet the following standards:

- it is set back no less than [1.5] times the **total turbine height** from the property line and any public road or railway right of way
- it is set back no less than [30] meters ([100] feet) from a water body or waterway

- c) the minimum separation distance between a **commercial wind energy generating system** tower and the nearest habitable building shall be [500] meters ([1640] feet)
- d) it contains no commercial advertising other than the manufacturer's or owner's name or logo
- e) it contains no artificial lighting other than the lighting that is required by federal and provincial regulation
- f) as part of their development permit application, proponents for Wind Generation System must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system

Wind Energy Generating Systems (On-Site / Rooftop)

1.3 Standards for Wind Energy Generating Systems (On-Site / Rooftop)

An on-site Wind Energy Generating System must meet all of the following standards:

- a) it is set back at least [six] meters ([20] feet) from the front building line, or, in the case of corner lots, at least [4.5] meters ([15] feet) from the front and side lot line
- b) it is limited to a total turbine height of no more than [4.5] meters ([15] feet) above the rooftop
- c) it is safely and securely attached to the rooftop in compliance with the National and Provincial Building Codes

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Wind Energy Generation System means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise.

Wind Energy Generating System, Commercial means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

Wind Energy Generating System, On-Site Use means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. **Rooftop Wind Energy Generation Systems** are a type of **On-Site Use Wind Energy Generating System**.

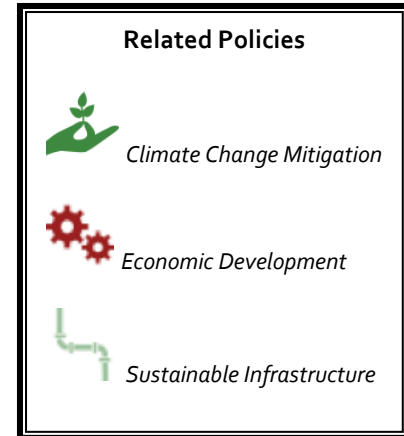
Wind Energy Generation System, Rooftop means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

Total Turbine Height means the height from finished grade to the highest vertical point of a wind turbines rotor blades.

Open Space Zone

Municipalities with an interest in maintaining the sustainability of renewable resources, while ensuring a balance between conservation and development can support this interest by identifying renewable resource areas and protecting them from incompatible development, fragmentation and degradation.

Municipalities can protect natural areas by giving them a specific open space (OS) zone that prohibits permanent structures and other forms of development that may disturb or damage the plants or animals found in the area. This zone may also be used to provide open space buffers between incompatible uses in more urban environments (in places where the range of uses allowed in the Parks and Recreation zone should not be considered). As no permanent principal structures are permitted in this zone, there are no site or bulk requirements.



Why Use this Tool?

The open space (OS) zone is intended to preserve natural land and significant wildlife habitats and protect them from incompatible land uses. It can also help to offset and abate the potential problems of soil erosion, pollution, and climate change. Furthermore, an open space zone can preserve land that provides opportunities for aesthetic enjoyment, recreational use, tourism, cultural and heritage appreciation and sustainable development.

Note: Some zoning bylaws in Manitoba use the open space zone interchangeably with a Parks and Recreation zone; however, these zones should be distinct because the range of uses allowed in the Parks and Recreation zone (ex: golf courses) should not be permitted in land covered by an open space zone, like naturally preserved woodlands.

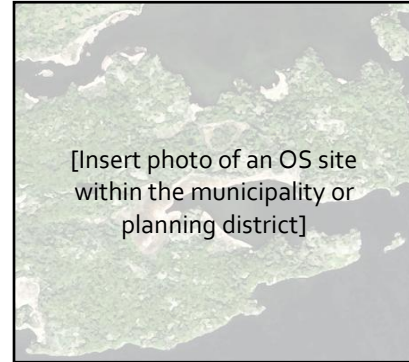
Open Space Zone: Model Zoning Plug-In

ZONES

See the following page for a full sample use and bulk table for an OS – open space zone.

OS – Open Space

Intent: This zone is intended to preserve natural land and significant wildlife habitats and protect it from incompatible land uses. Permanent buildings or structures are not permitted in this zone. This zone can be used for lands unsuitable for development because of flooding or erosion concerns. Activities such as wildlife viewing, ecotourism, hunting, trapping, and harvesting may be allowed in this zone [Provincial Planning Regulation, 1.4.3, 4.1.4].



USE TABLE (1.1)	OS
PERMITTED PRINCIPAL USES	Use-Specific Standard
Park	-
Ecological Reserve	-
Conservation Area	-
CONDITIONAL USES	
PERMITTED ONLY AS SECONDARY USES	
* = Use-Specific Standard Applies	

BULK TABLE (1.2)		Open Space	OS
Site Dimensions	Site Area (Min)	NP	Building Heights Height (Min) Height (Max)
	Site Area (Max)	NP	
	Site Width (Min)	NP	Accessory or Secondary Buildings & Structures Front Yard (Minimum) Side Yard (Minimum) Rear Yard (Minimum) Separation from PB Accessory Height (Max)
	Site Width (Max)	NP	
	Site Coverage (Max)	NP	
Required Yards: Principal Building	Front Yard (Min)	NP	-
	Front Yard (Max)	NP	-
	Side Yard (Min)	NP	-
	Side Yard (Max)	NP	-
	Rear Yard (Min)	NP	-
NP: Structures are not permitted in this area			

Agriculture

It is essential for Manitoba municipalities and planning districts to protect agricultural lands. A secure and productive land base provides food security, employment, and economic stability. The following tools can be used to limit the fragmentation of prime agricultural land and encourage sustainable farming operations.

Policies for Agricultural Areas

A development plan must have specific policies for agricultural areas and uses regarding [livestock operations](#), residential subdivision, [specialized agriculture](#), agro-commercial and agro-industrial activity. These policies must be consistent with the [Provincial Planning Regulation](#).

Subdivision of Agricultural Land

To minimize fragmentation of land designated for agricultural use, such land must be maintained in a minimum parcel size of at least 80 acres (32 ha) (generally) [Reg 3.1.4]. Land designated for agricultural use may only be subdivided into a parcel smaller than 80 acres in these circumstances:

- a) a [specialized agricultural operation](#) ... which requires a smaller land holding
- b) an existing farmstead site that is no longer required as part of an agricultural operation (because the associated farmland has been acquired by another agricultural operation), or because subdivision of the farmstead site is necessary to allow the agricultural producer to continue to reside in the existing farm residence upon retirement
- c) a single lot subdivision for residential purposes is required for an individual who significantly participates in the agricultural operation on an ongoing basis and derives an income from it
- d) a single lot subdivision is proposed for rural residential purposes, but only if the proposal is in a planning area that has experienced continuous population decline over the previous fifteen years
- e) a single lot subdivision is proposed for a commercial or industrial use that is intended to
 - i. provide services, machinery, equipment or goods specifically required by ag operations
 - ii. or, store or process products grown or raised by an agricultural operation, but only if it is demonstrated that due to the nature or activity of the use it is essential that it be located in an agricultural area
- f) a single lot subdivision is proposed for a parcel of land that has been physically isolated by such things as a transportation route or a water course, but only if the parcel is of a size, shape or nature that makes farming physically impractical [Reg 3.1.5]

Only 1 subdivision per 80 acre title is permitted for the circumstances described in clauses a) to d) (above) [Reg 3.1.6].

Note: *Non-agricultural parcels created must a) not be wasteful of agricultural land; b) should, if possible, be directed away from prime agricultural land and existing livestock operations; and c) if applicable, must be confined to the existing shelterbelt that forms part of a farmstead site [Reg 3.1.7].*

Importance for Zoning

These policies are primarily implemented during the subdivision process. However, they have several implications related to [zoning for agriculture](#). See the following section for more information on this topic.

Zoning for Agriculture

Zoning bylaws implement the agricultural policies in the local development plan and any applicable secondary plan. This section explains how zoning may be used to implement these policies.

Site Area

The minimum site area in the Agriculture General (AG) and Agriculture Limited (AL) zones should reflect the policies in the development plan. The Binder sets the minimum site area at 80 acres for general agriculture activities, with an exception for other uses that may utilize smaller site sizes (based on policies in the Provincial Planning Regulation and the local development plan).

Permitted and Conditional Uses

Permitted and conditional uses should reflect the policies in the development plan, particularly in regards to [livestock operations](#) and agro-commercial or agro-industrial uses.

Agro-Commercial and Agro-Industrial Uses

Agro-commercial and agro-industrial single lot uses include commercial and industrial developments that provide services, machinery, equipment or goods specifically required by farm operations, or store or process products grown or raised by an agricultural operation.

These types of developments may need to be located in the designated agricultural area to serve the farming public. The need to locate the proposed development in an agricultural area must be demonstrated.

If more than a single lot is required for an agro-commercial or agro-industrial use, then these developments should be directed toward designated commercial and industrial areas where they can be more efficiently serviced.

All agro-commercial and agro-industrial subdivisions must not be wasteful of agricultural land and, if possible, should be directed away from prime agricultural land. Where applicable, the subdivided lot should not extend beyond an existing shelterbelt or other physical attribute that confines the site. ([Planning for Agriculture Planning Resource Guide](#), p. 22).

Livestock Operations

Zoning bylaws must include regulations for livestock operations that are consistent with the livestock operation policy in the planning district or municipality's development plan [72(1)].

A **livestock operation** is "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, and includes all associated manure collection facilities, but does not include an auction mart" (*The Planning Act*).



Livestock Operations (300 or more Animal Units in size)

If the livestock operation policy designates an area as a place where livestock operations may be allowed, the zoning bylaw for that area must designate all newly proposed or expanding livestock operations involving 300 or more animal units (cumulative across species) as a conditional use [72(2)(a)]. 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).

For livestock operations 300 or more animal units in size, livestock producers must complete a site assessment and go through the provincial technical review process [111].

Note: To find out the AU produced by uncommon animals (including rabbits, alpacas, etc.), livestock operators and zoning administrators can contact Manitoba Agriculture, Food, and Rural Development.

Livestock Operations (between 10 and 299 Animal Units in size)

Operations with fewer than 300 animal units may be listed as either Permitted or Conditional uses in a zoning bylaw, provided the conditional use threshold is consistent with the local development plan [72(2)(b)]. Proposals with less than 300 animal units are not subject to a provincial technical review [111].

Siting and Setback Requirements for Livestock Operations

Zoning bylaws must include siting and mutual 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 **single residences** or **designated areas** (see definition). Applications to vary such distances may be considered by council to accommodate special circumstances.

Animal Keeping (less than 10 Animal Units in size)

Sites with less than 10 animal units (cumulative across species) are not considered to be livestock operations. The Provincial Planning Regulation does not require minimum mutual separation distances for uses with less than 10 animal units. However, municipalities may identify mutual separation standards for uses where less than 10 AU (cumulative across species) are kept.

All individuals with livestock of any size are now required to register their animals following Manitoba's [Animal Premises Identification Regulation](#), which falls under the authority of *The Animal Diseases Act* (this regulation help to protect 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.

Livestock Operations: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Livestock Operation ([10] to [299] AU)		P*	C*									
Livestock Operation (300 or more AU)		C*										

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

USE-SPECIFIC STANDARDS

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

Livestock Operations

1.1 Standards for Livestock Operations

Livestock operations shall:

- a) Meet the separation distances as stipulated in the development plan and based on the animal unit calculations and criteria outlined in Tables [6 and 7]. Mutual separation distances to single residences will be measured to the building itself; separation distances to designated areas will be measured to the boundaries of the designated areas found in the development plan, not the buildings within.
- b) Be subject to the following conditions, if imposed by council:
 - i. Measures to ensure conformity with the development plan, [secondary plan] and zoning bylaw.
 - ii. Either or both of the following measures to reduce odours from the operation:
 - a. covering manure storage facilities
 - b. the establishment of shelterbelts
 - iii. Enter into a development agreement regarding one or more of the following:
 - a. the timing of construction
 - b. the control of traffic
 - c. the construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts
 - d. the payment of a sum of money to the board or council to be used by the board or council to construct any of the items mentioned above

1.2 Additional Standards for Large Livestock Operations

In addition to the standards in [1.1], an application for approval of a livestock operation involving 300 or more animal units (cumulative across species) shall:

- a) be sent to the minister for referral to the Technical Review Committee for review
- b) be subject to the following condition (if imposed by council): measures to implement recommendations of the Technical Review Committee

Table 6: Animal Units By Category of Livestock

Animal	Type	Animal Units (AU) produced by one animal	Number of animals to produce one AU
Dairy	Milking Cows, including associated livestock	2	0.5
Beef	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture / replacement heifers	0.625	1.6
	Feeder Cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.25	0.8
	Sows, farrow to weanling	0.25	4
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers / finishers	0.143	7
	Boars (artificial insemination operations)	0.2	5
Chickens	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses	Mares, including associated livestock	1.333	0.75
Sheep	Ewes, including associated livestock	0.2	5
	Feeder Lambs	0.063	16

For example, a beef operation with 80 beef cows is equivalent to 80×1.25 animal units produced by one cow = 100 AU.

Note: These numbers are the same as those in Appendix # 2 in the Provincial Planning Regulation under *The Planning Act*. They may **not** be changed in a zoning bylaw.

Table 7: Minimum Separation Distances for Siting Livestock Operations

Size of Livestock Operations in Animal Units (A.U.)	Separation Distance in Metres (Feet) from Single Residence		Separation Distance in Metres (Feet) from Designated Areas	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility
10-100	200 (656)	100 (328)	800 (2625)	530 (1739)
101-200	300 (984)	150 (492)	1200 (3937)	800 (2625)
201-300	400 (1,312)	200 (656)	1600 (5,249)	1070 (3,511)
301-400	450 (1,476)	225 (738)	1800 (5,906)	1200 (3,937)
401-800	500 (1,640)	250 (820)	2000 (6,561)	1330 (4,364)
801-1600	600 (1,968)	300 (984)	2400 (7,874)	1600 (5,249)
1601-3200	700 (2,297)	350 (1,148)	2800 (9,186)	1870 (6,135)
3201-6400	800 (2,625)	400 (1,312)	3200 (10,499)	2130 (6,988)
6401-12,800	900 (2,953)	450 (1,476)	3600 (11,811)	2400 (7,874)
>12,800	1000 (3,281)	500 (1,640)	4000 (13,123)	2670 (8,760)

Note: These numbers are the same as those in Appendix # 1 in the Provincial Planning Regulation under *The Planning Act*. Municipalities **may** set their own mutual separation distances that go beyond these requirements, provided they follow the area's development plan.

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 *[This definition is from the Provincial Planning Regulation]*.

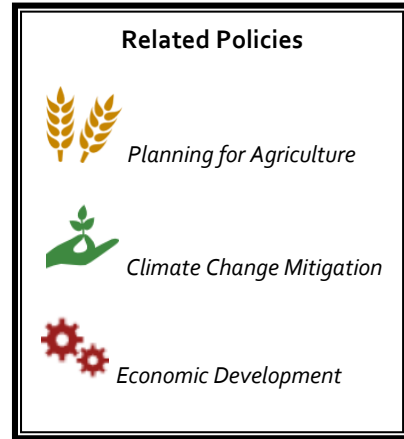
Livestock Operation means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart *[This definition is from The Planning Act]*.

Single Residence means a dwelling that is not on the same lot as a livestock operation and includes a residence that is lawfully under construction or for which a permit of construction has been issued. *[This definition is from the Provincial Planning Regulation]*.

Specialized Agriculture

Specialized agriculture operations are agricultural operations in which high value, lower volume, intensively managed agricultural products are produced. This includes, for example, fruit and vegetable production, a nursery, or a greenhouse. It may also include small processing facilities for these crops. These operations may sell products directly to the consumer by means of roadside stands or farm stores, u-pick operations, farmers’ markets and direct sales to restaurants or retail outlets.

Specialized agricultural operations typically utilize smaller areas of land than general agricultural operations. The Provincial Planning Regulation says that “land designated for agricultural use may be subdivided into a smaller parcel than what is permitted” (a minimum of 80 acres) if it is a “specialized agricultural operation” that “requires a smaller land holding” [Reg 3.1.5 (a)].



However, the Provincial Planning Regulation limits the subdivision of agricultural land to a maximum of one subdivision per 80-acre title for residential or specialized agricultural uses. Development plans will include policies that are generally consistent with these regulations. To implement such policies, a zoning bylaw may include specialized agriculture on smaller parcels as a conditional use in the agricultural zones.

Note: In order to prevent the fragmentation of agricultural land, planning authorities can request business plans or other information that supports the feasibility and validity of the proposed business when considering Specialized Agriculture proposals. Manitoba Agriculture, Food and Rural Development (MAFRD) can provide special business development advice to assist with these applications.

Specialized Agriculture: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	RS	RM	CM	CC	HC	M	I
Specialized Agriculture		C*	C*								

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

DEFINITIONS

To enable these regulations, the term below should be added to the **DEFINITIONS** section of the bylaw.

Specialized Agriculture means an agricultural operation in which high value, lower volume, intensively managed agricultural products are produced on a smaller land holding than the minimum size required for general agriculture.

Apiary (Beekeeping)

Municipalities may want to regulate apiaries (beekeeping) as a use that is distinct from other uses related to animal keeping or farming. In *The Binder* (Component B), beekeeping is part of the general agriculture use and should not be listed separately in zones where general agriculture is allowed (however, it could be listed as a separate use where general agriculture is not allowed, as below).

The following model zoning plug-in should be adapted so that they are consistent with the agricultural policies in the local development plan. All beekeeping must also be consistent with the requirements in *The Bee Act*, including the requirement that a person in possession of bees must be registered as a beekeeper [*The Bee Act*, 2(1)].



Note: The model zoning plug-in includes a provision that requires requeening if aggressive behaviour occurs. While requeening could be required as an effort to modify bee behaviour, the outcome may not be completely successful due to factors outside of the beekeeper's control (such as weather). This is particularly important in municipalities where apiaries are allowed in Rural Residential zones where the potential for conflict is much greater (for instance, bees will forage for water and may gravitate toward pools and fountains).

Apiary: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Apiary (Beekeeping)				<u>C*</u>								<u>C*</u>

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

USE-SPECIFIC STANDARDS

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

Apiary (Beekeeping)

1.1 Standards for Apiaries

An apiary must meet all of the following standards:

- a) in the **RR** and **I** zones, no hives shall be located within [7.5] meters ([25] feet) of a site line unless located in compliance with the following:
 - a. the hive's base is set at a minimum height of [2.5] meters ([8] ft) above grade; or
 - b. it is located behind a solid fence or hedge [2] meters ([6] feet) in height located parallel to an adjacent property line and extending a minimum of [6] meters ([20] feet) horizontally behind the hive in either direction
- b) every landowner who allows the keeping of bees on their property has the duty to ensure the maintenance of the beehives. The bees must be requeened if they swarm or show signs of aggressive behaviour

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of the zoning bylaw.

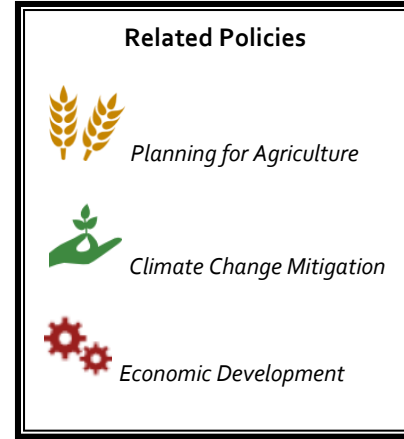
Apiary means any place where bees are kept *[This definition is from The Bee Act]*.

Urban Agriculture

Urban agriculture is the practice of cultivating food in or around a village, town, or city (along with associated food processing and distribution). Urban agriculture includes land uses like community gardens, beekeeping, animal keeping, and food growing that is usually at a distinctly smaller scale than agricultural practices outside urban centres. Because of this difference in scale and intensity, municipalities should consider including specific zoning regulations for urban agriculture to encourage this practice (following the policies and objectives in the local development plan).

Why Use This Tool?

It is expected that rising fuel costs and climate change may place an increased demand on the production and protection of local food sources. If utilized properly, urban agriculture will be an important tool that will help to meet this demand. Urban agriculture helps to produce food for local consumption, which reduces the distance that food travels and ensure a more secure food source for Manitobans [Provincial Planning Regulation, S. 3]. Urban agriculture may also help to utilize vacant land in urban areas, absorb stormwater runoff, and contribute to economic development and food security.



For more information on urban agriculture, see [Growing Food Security in Manitoba Communities: A Policy Guide for Manitoba Municipalities](#).

Urban Agriculture: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	GD	RS	RM	CN	CC	HC	M	I	PR
Animal Keeping				<u>C*</u>	<u>C*</u>		<u>C*</u>	<u>C*</u>	<u>C*</u>
Apiary (Beekeeping)				<u>C*</u>	<u>C*</u>			<u>C*</u>	<u>C*</u>
Community Garden	P*	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>			<u>P*</u>	<u>P*</u>
Urban Farm	<u>C*</u>			<u>P*</u>	<u>P*</u>		<u>P*</u>	<u>P*</u>	<u>P*</u>

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

USE-SPECIFIC STANDARDS

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

Animal Keeping**1.1 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 are less than 10 Animal Units (AU), cumulative across species (*see the plug-in section for [livestock operations](#) for a table that determines animal units*):

- a) a maximum of one Animal Unit (cumulative across species) is permitted for every [8,094] meters² ([two] acres) of site area
- b) the keeping of animals must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this bylaw
- c) any ground-level structure intended for the keeping of animals is only permitted in the [rear yard] of a site and must maintain a minimum setback of [4.5] meters ([15] feet) from any site line
- d) in the [CN] and [CC] zones, animals and structures intended for the keeping of animals shall only be allowed on the rooftop of a building [ex: a rooftop chicken coop, if there are no other bylaws prohibiting chickens in urban areas]
- e) 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 emanating onto abutting properties

Apiary (Beekeeping)**1.2 Standards for Apiaries**

An apiary must meet all of the following standards:

- a) In the [PR] and [I] zones, no bee hive shall be located within [7.5] meters ([25] feet) of a site line unless located in compliance with the following:
 - a. the hive's base is set at [2.5] meters ([eight] feet) or greater above finished grade or
 - b. the hive is located behind a solid fence or hedge [two] meters ([six] feet) in height located parallel to an adjacent property line and extending a minimum of [six] meters ([20] feet) horizontally behind the hive in either direction.
- b) In the [CN] and [CC] zones, hives shall only be allowed on the rooftop of a building more than [10] meters ([33] feet) in height.

Community Garden**1.3 Standards for Community Gardens**

Community gardens must meet all of the following standards:

- a) community gardens shall not be larger than [2320] meters² ([25,000] square feet), except in a [PR] or [I] zone
- b) accessory buildings for community gardens must meet the accessory building bulk requirements for the zone in which they are located
- c) compost must be maintained in a way that limits nuisance odors to adjacent properties. Compost piles or structures must be located a minimum of [one] meter ([three] feet) away from any site line
- d) on-site sales are limited to sales of plants or produce generated on site

Urban Farm**1.4 Standards for Urban Farms**

An urban farm must meet all of the following standards:

- a) a development permit application for an urban farm that involves any of the following activities must be accompanied with a plan that addresses how the activities will be managed to mitigate impacts on surrounding land uses and natural systems:
 - i. the processing of food produced on site
 - ii. the use of heavy equipment such as tractors
- b) greenhouses, compost structures, hoop houses, and similar structures are permitted as accessory structures, provided they conform to the applicable bulk requirements for accessory buildings and structures for the relevant zone
- c) compost must be maintained in a way that limits nuisance odors to adjacent properties
- d) on-site sales are limited to sales of plants or produce generated on site

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of the zoning bylaw.*

Animal Keeping is a use where livestock or other animals (excluding pets) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables, kennels and aquaculture operations.

Community Garden means an area managed by a non-profit organization, a community-based entity or a public entity where members of the community may grow plants for beautification, education, recreation, community distribution or personal use.

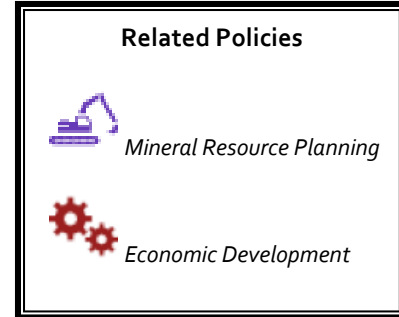
Urban Farm means a site or building within a settlement centre where fruits, vegetables, and other plant products are grown, washed, or packaged for wholesale or retail sales. This use is distinct from animal keeping.

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

Zoning bylaws 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 simply list mining and extraction operations as conditional uses in specific zones where mining is appropriate (such as an AG zone) in accordance with policies in the applicable development plan, as well as provincial regulations and guidelines.



Note: *The Provincial Planning Regulation considers mineral exploration and development as an interim land use and states, "If extraction of minerals ceases on land, the surface of which was prime agricultural land before the extraction began, the land must be rehabilitated to the same average soil quality for agriculture as is found on the surrounding lands" (Reg 8.1.7).*

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

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
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.

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:

- a) in the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations
- b) a plan showing areas and means for goods and waste transportation
- c) 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
- d) 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 and Airports)

The Federal Government regulates airfields and airports under the [Aeronautics Act](#). Municipalities are not allowed to pass bylaws that infringe upon the jurisdiction of the Federal Government. However, several court cases provide clarity on the ability of zoning bylaws to address areas that come under federal authority.

In the case of **Venchiarutti v. Longhurst**, the Ontario Court of Appeal ruled that a gravelled private airstrip could be created even though a municipal zoning bylaw tried to prevent its construction.

However, in the case of **Quebec (Attorney General) v. Lacombe**, the municipality was able to prevent the construction of an aerodrome on one part of a lake through their zoning bylaw, which did permit aerodromes on other parts of the lake. The municipality's right to do this was upheld by the Supreme Court of Canada. The judge concluded:

A municipality must be able to establish reasonable limits to ensure that uses of its territory are compatible with one another where no activities falling under the core of a protected federal power are actually impaired and there is no inconsistency with federal legislation.

Whether in the case of a pilot training school that is authorized to operate in an urban environment or in one involving low-level float plane takeoffs over a public beach, the governments that are closest to citizens and have jurisdiction over land use planning should have reasonable latitude to act where the central government fails to do so or proves to be indifferent [emphasis added].

They have such latitude as a result ... of the narrower test for protection, that of impairment [Quebec v. Lacombe, 185].

This means that a municipality may be able to influence the specific location of a land use or development that falls within federal jurisdiction (such as an aerodrome) if the municipality provides several different options without excessively restricting its use or development. But because of the legal ambiguity of doing so, municipalities should generally avoid zoning uses that fall within federal and provincial jurisdiction unless it is a matter of particular importance.

Home Industries

A municipality may want a way to differentiate between **Home-Based Businesses** (or Home Occupations) and **Home Industries**. Unlike regular home occupations, home industries may generate noise, odours, and traffic, etc. that could have an impact on neighbouring properties.

Home Industry: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Home Industry		<u>P*</u>	<u>P*</u>	<u>C*</u>								

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 the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.

Home Industry

1.1 Standards for Home Industries

A Home Industry may be allowed in zones where it is a Permitted Secondary Use or a Conditional Secondary Use only if the following standards are met:

- a) in the **RR** zone, exterior storage of products or materials must be limited to the [Rear Yard].
The storage shall not project above the height of a fence or screening
- b) in the **RR** zone, the area used to carry out the Home Industry shall not occupy more than [100] square meters ([1076] square feet)
- c) signage for the Home Industry shall be located on the subject property and limited to one non-illuminated (or [indirectly illuminated]) sign not to exceed:
 - i. [three] square meters ([32] square feet) in the **AG** or **AL** zones; or
 - ii. [1.5] square meters ([16] square feet) in the **RR** zone
- d) a Home Industry shall be conducted by a resident or residents of the dwelling unit to which the Home Industry is secondary, and may employ a maximum of:
 - i. [five] non-resident persons in the **AG** or **AL** zones; or
 - ii. [two] non-resident persons in the **RR** zone
- e) the proponent of the Home Industry [must] obtain a development permit before establishing or expanding a Home Industry on a site
- f) in the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a development permit will be issued

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Home Industry means a light manufacturing operation that is carried out as a secondary use on the same site as a dwelling.

Oil Batteries

Oil operations fall under federal and provincial jurisdiction. Therefore, a municipality has limited authority to influence land use decisions for oil operations.

However, some municipalities have included provisions for oil batteries in their zoning bylaws because oil producers have some flexibility in locating their facilities in a manner that meets provincial regulations as well as local concerns (see the discussion in the [aerodromes](#) plug-in section for more information). The following model zoning plug-in may be adapted for use in such circumstances.

Oil Batteries: Model Zoning Plug-In

USE TABLE

To enable these regulations, the line below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Oil Battery		C	C									

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

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Oil Battery means a system or arrangement of tanks or other surface equipment that receives fluid from, or delivers fluid to, one or more wells, and includes an injection plant, a pump station and equipment or a device designed to separate the fluid into oil, gas, and water and to measure the amount of oil, gas and water. *[This definition is from The Oil and Gas Act].*

Pipelines

Zoning can help to reduce the risk to human life in the event of a pipeline explosion or leak by requiring a setback from oil and natural gas pipelines to new development.

For more information, see [Land Use Planning For Pipelines: A Guideline for Local Authorities, Developers, and Pipeline Operators](#) (Canadian Standards Association, 2004).



Pipelines: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, the provision below may be adapted for local circumstances and added to the **GENERAL REGULATIONS** section of a zoning bylaw.

1.1 Development Near Pipelines

Development shall not occur within [200] meters (650 feet) of the centre line of a pipeline unless a proximity agreement has been signed between the pipeline operator and the landowner that waives or reduces this requirement.

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 bylaw.

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 bylaw'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 ([5,000] feet) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens' homes, and other institutional facilities
- [1500] meters ([5,000] 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 **RR** **RS** **RM** **CN** **CC** and **I** zones.

Waste Sites

The Provincial Planning Regulation includes policies stating that solid waste facilities must be sited in an ecologically sound and cost-effective manner, in order to meet present and future demands for waste disposal in an area [Reg 6.3.2]. Municipalities and planning districts must include generally consistent policies in their development plans. Zoning bylaws can include regulations for separation distances for lagoons or solid waste disposal sites to implement these policies.



Note: Waste sites are subject to provincial review and approval. Provincial standards for waste disposal sites are set out in the [Waste Disposal Grounds Regulation M.R. 150/91](#). Standards for wastewater treatment facilities are set out in the [Water Works, Sewerage and Sewage Disposal Regulation M.R. 331/88 R](#).

Waste Sites: Model Zoning Plug-In

USE TABLE

To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Sewage Treatment Site (Lagoon)	C*	C*	C*									
Solid Waste Disposal Site (Landfill)	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 the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.

Sewage Treatment Site (Lagoon)

1.1 Standards for Sewage Treatment Sites (Lagoon)

A mutual separation distance of [300] meters ([1,000] feet) shall be maintained between a dwelling and a sewage treatment site or lagoon.

Solid Waste Disposal Site

1.2 Standards for Waste Disposal Sites

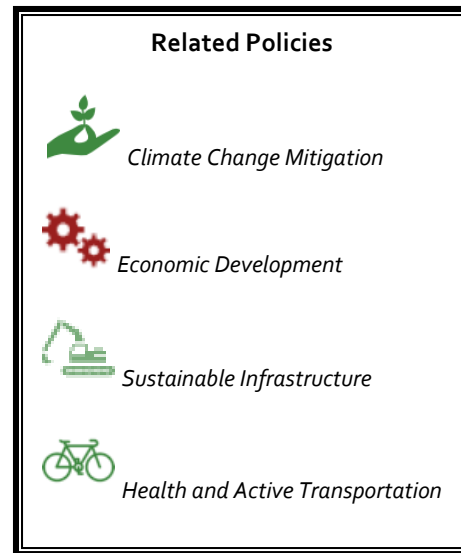
A mutual separation distance of [400] meters ([1,320] feet) shall be maintained between a dwelling and a waste disposal site.

Environmental Development Standards

Zoning bylaws can encourage developers to incorporate improved environmental development standards in their industrial, residential, institutional and commercial developments. Sustainable design can save municipalities and owners significant costs in the long term.

The environmental development standards below can be required as Use-Specific Standards for certain types or scales of development in a municipality. Alternately, the standards could be used to incent environmental performance in certain sensitive areas of a municipality (along riparian areas, near wetlands, etc.) for all types of development.

This tool can be combined with [incentive zoning](#) to give bonuses for sustainable development.



Model Zoning Plug-In: Environmental Standards

GENERAL REGULATIONS

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

1.1 Permeable Pavement and Surfacing

The area of a site covered by permeable pavement and surfacing (including the use of interlocking pavers and crushed stone) shall not be counted towards the parcel's total **site coverage**.

1.2 Rooftop Gardens and Green Roofs

The area of a building covered by rooftop gardens and other "green roof" material shall not be counted towards the parcel's total **site coverage**.

1.3 Carpooling and Green Vehicles

For every [20] standard required parking spaces, every site in the **HC** and **M** zones must provide one preferential parking space (located in a convenient location in close proximity to an entrance) for use only by any of the following types of vehicle:

- car pool vehicles
- electric vehicles or hydrogen-fuelled vehicles
- gas / electric hybrid vehicles or Smart Cars

Preferential parking spaces shall count towards the site's total required parking spaces.

1.4 District Energy System

As part of a development agreement, [Council] may require landowners to connect buildings to a District Energy System or to make provision for future connection to this system.

Or, to implement a pick-list system of environmental development standards for certain uses.

1.5 Environmental Development Measures

Before any development permit will be issued [for development with a ground floor area over [4,100] square meters (one acre)] [in the HC M CC or I zones] a landowner must demonstrate to the satisfaction of the Development Officer that the proposed development will achieve a minimum of [five] points from any combination of items on the Environmental Development Measures Table [Table 8]. The Development Officer may require documentation, including plans or written support from qualified professionals, as part of the development proposal.

Table 8: Environmental Development Measures

Environmental Measure	Points	Required Documentation
Bicycle Amenities	1	Construction plans showing bike storage, bike parking and employee shower
Energy Efficient Building	1	Proof that a new construction or renovation is a five per cent improvement over Manitoba Energy code or ANSI/ASHRAE/ES standards
LEED Standards	1	Construction plans showing new construction or major renovation in compliance with the LEED Standards of the Green Building Council of Canada
	3	Compliance with LEED Silver Certification
	5	Compliance with LEED Gold or Platinum Certification
Green Building Products	1	Construction plans showing that 25 per cent of all materials used for new construction or renovations are Manitoba Green Building Products
Green Industries	1	Quarterly reports or sales catalogue that shows 40 per cent of products or sales are for qualifying green products
	2	Quarterly reports or sales catalogue that shows 75 per cent of products or sales are for qualifying green products
Green Roof	1	Construction plans showing vegetated roof on 25 per cent min of total roof area – with drainage and planting details
	2	Construction plans showing vegetated roof on 50 per cent min of total roof area – with drainage and planting details
Heat Island Reduction	1	Construction plans showing 25 per cent of all on-site non-roof hardscape areas will be covered by either shade tree canopy or solar reflective paving and roofing
Hydro Power Smart Commercial Incentives	1	Construction plans showing proof of qualification for current Hydro Power Smart Commercial Incentives
Renewable Energy Sources	2	Construction plans showing proof of on-site solar, geothermal, or wind energy generation that will supply at least five per cent of the building's annual energy needs
Water-efficient Landscaping	2	Construction plans showing water re-use for irrigation system

Transportation

Highways

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



According to provincial regulations, special provincial permits are required for developments within Controlled 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](#) and [The Highways Protection Act](#).

Highways: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Development Setbacks from Highway Intersections

All development within the **Controlled Area** of a provincial road or provincial trunk highway shall require a permit from the applicable provincial authority.

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Controlled Area means the area between the limited access highway or freeway and the **control line** in relation thereto (*this definition is from [The Highways Protection Act](#)*).

Control Line is defined in [The Highways Protection Act](#). In the majority of cases (some exceptions exist), existing statutory control areas in relation to highway classifications are shown in the table below.

CONTROL LINES	
Classification	Distance From Right of Way Edge
Limited Access Highway	38.1 or 76.2 metres
All Others	38.1 metres
CONTROL CIRCLES	
All Highways	Distance From Intersection Centre
	457.2/304.8/152.4 metres (control circle radii will vary)

Figure 2: General Control Line / Circle Dimensions (Transportation Planning Resource Guide, p. 15)

Railways

Many towns and cities in Manitoba grew up around railway corridors. Although their role has changed, these corridors continue to play an essential role in the province's economy. Municipalities should recognize these benefits while acknowledging that trains carry some goods that can pose potential dangers to land and the safety of residents.

To minimize risk to residents, municipalities should establish development plan policies for development in proximity to railway operations. Zoning bylaws can implement these policies by requiring development setbacks from railways. The zoning bylaw could allow for reduced setback standards for developers that include adequate safety barriers that can be considered during the development permit process.



Areas with major rail corridors or locations prone to danger (ex: where urban centres are located at the bottom of hills or near sharp turns) should consider restricting all development in these locations.

For more information, see the Federation of Canadian Municipalities' [Guidelines for New Development in Proximity to Railway Operations](#).

Railways: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Development Setbacks from Railways

No development of [residential dwelling units] shall be permitted within [300] meters ([1000] feet) of a freight rail yard, within [30] meters ([100] feet) of a railway main line, or within [15] meters ([50] feet) of a branch line or spur line, measured from the property line of the railway to the face of the residential building.

Active Transportation and Mixed-Use Development Parking Incentives

The Provincial Planning Regulation of *The Planning Act* encourages municipalities to include policies in their development plans to facilitate “active and environmentally sustainable forms of transportation, such as walking, cycling and public transit” [Reg 7.2.1].

The zoning bylaw can implement these development plan policies by including some of the following provisions.

Active Transportation and Mixed-Use Parking Incentives: Model Zoning Plug-In

GENERAL REGULATIONS

To enable these regulations, one or more of the provisions below may be adapted for local circumstances and added to the [parking](#) requirements in the **GENERAL REGULATIONS** section of a zoning bylaw.

1.1 Bicycle Parking Requirement

One lockable bicycle space must be provided for every [five] required automobile parking spaces in a new development.

1.2 Reductions to Parking Requirements

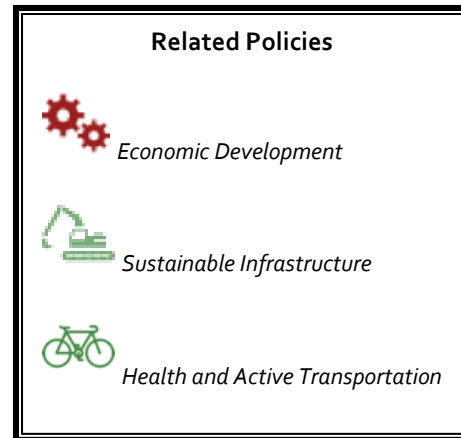
At the owner’s option, the off-street parking requirements in Table [1] may be reduced by following one of the requirements below:

- a) In buildings that contain more than one different use function (for example, a building with retail on the main floor and residential above), the number of minimum parking spaces [in Table [1]] is reduced to [75] per cent of the total sum of the parking spaces (of the different functions) that would normally be required.
- b) The [Development Officer] may vary the parking requirements on a site by up to [10] per cent if the Applicant prepares a Parking Management Plan that provides reasons a lower amount of automobile parking is adequate to meet the needs of the proposed development (for example, due to the proximity of other public parking areas, public transportation, car share programs, or bicycle parking).

OPTIONAL: ZONING OVERLAY

Zoning bylaws with parking requirements could consider using an urban infill area [zoning overlay](#), which will have specific regulations within a buffer area that is drawn around all mature areas on a zoning map.

Different parking standards will apply within this overlay.



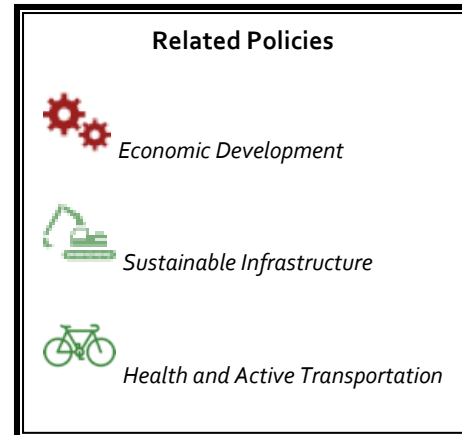
Pedestrian Area Zoning Overlay

Planning districts or municipalities can use a [zoning overlay](#) to implement development plan or secondary plan policies to encourage pedestrian activity in parts of the planning area.

Why Use This Tool?

Zoning can help to improve the quality of the pedestrian realm by requiring new development to follow standards for sidewalks, landscaped areas, patios, and storefronts (for example). Possible provisions include:

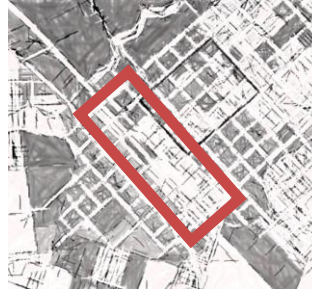
- requiring sidewalks for new residential subdivisions and commercial areas
- requiring primary entrances to open onto sidewalks on main streets instead of on to parking lots
- limiting blank walls on commercial streets
- requiring buildings in the overlay area to be located within close proximity to the sidewalk



Pedestrian Area Zoning Overlay: Model Zoning Plug-In

MAPS

Zoning overlay areas must be established by outlining the area within the overlay on a Map in [\[Schedule A\]](#) of the zoning bylaw.



GENERAL REGULATIONS

Zoning overlays can then modify standards in the other parts of the zoning bylaw specifically for the area within the zoning overlay.

1.1 Pedestrian Area Overlay Provisions

The following provisions will apply for all sites located within the pedestrian area overlay [\[Schedule A\]](#). Where the general regulations or bulk standards in this bylaw appear to be in conflict with the rules for an overlay zone, the rules for the overlay zone shall prevail:

- a minimum of [\[60\]](#) per cent of the width of the front wall of a principal building on a site within the pedestrian area overlay must be clear glass
- blank walls exceeding [\[20\]](#) feet in length are prohibited on all sides of a principal building adjacent to a sidewalk
- the first storey of a principal building within the pedestrian area overlay may only contain a use within the [\[Office/Retail\]](#) or [\[Civic and Civil Support\]](#) use categories (on Table [\[1.1\]](#))

- e) the largest entryway into a principal building within the pedestrian area overlay must be located on the front site line. For corner sites, the largest entryway into a principal building may be located on the side site line adjacent to a street
- f) there are no required parking minimums within the pedestrian area overlay
- g) parking shall be located behind the principal building or in a way that is not visible from adjacent sidewalks
- h) sidewalks at least [two] meters wide ([six] feet) must be provided along the front site line of all sites within the pedestrian area overlay

Settlement Areas

Cluster Development

Cluster development is a form of residential development where houses are grouped together in clusters (or “conservation subdivisions”) rather than being dispersed throughout a development site. Cluster development may take place in any residential zone.

Cluster development 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 residential developments (this agreement can be kept using a condominium-style tenure).

To enable cluster development, a municipality or planning district should start with policies and guidelines for conservation subdivisions in a development plan or secondary plan. These plans should specify the minimum required percentage of open space to be set aside and protected for each development. They may also include standards for maximum permitted densities and guidelines for the ownership of open space and maintenance of conservation areas.

Zoning bylaws can encourage cluster development in rural areas by using alternative development standards to allow residential development on smaller lots, provided a shared wastewater system is in place. This tool may be combined with a [zoning overlay](#), which will have specific regulations for development inside the overlay. For more information, see [Managing Change in Rural Manitoba: A Manual for Conservation Subdivision Design](#) (2015).

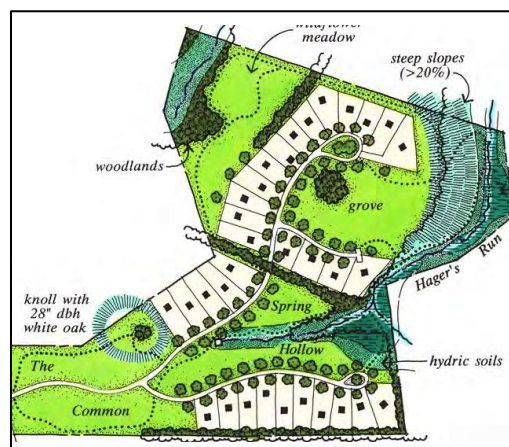
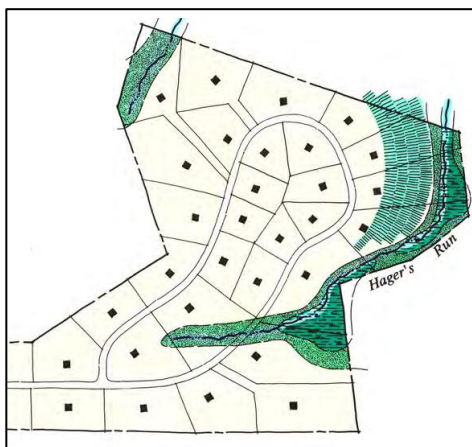
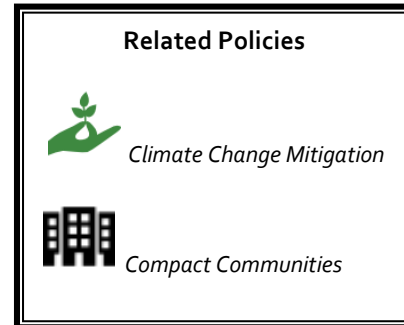


Figure 3: Standard Large Lot Subdivision (Left) vs. Cluster Development (Right) (Arendt, *Managing Change in Rural Manitoba: A Manual for Conservation Subdivision Design*, 2015)

Secondary Suites

A **secondary suite** is a dwelling unit that is located either within a permanent dwelling or in a detached building on the same parcel. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping, and sanitary facilities which are separate from and not shared with those of the principal dwelling.

The three most common types of secondary suites are:

- **Basement Suites:** a secondary dwelling unit below the main floor of a **single-unit dwelling**).
- **Coach House** (“Laneway House”): a secondary dwelling unit above a detached garage.
- **Garden Suite** (“Granny Flat”): a ground-level secondary dwelling unit, which is located in a separate building on the same lot as a **single-unit dwelling**.



A secondary suite should not be confused with a **two-unit dwelling**.

Secondary Suites as Permitted or Conditional Uses

Municipalities need to consider whether they want to allow secondary suites as Permitted or conditional uses. Municipalities wishing to make it easier for landowners to develop secondary suites should consider making secondary suites permitted uses in all residential zones. Alternately, making secondary suites conditional uses will allow councils to consider each application on a case-by-case basis.

Best Practice: Secondary Suites

“In Steinbach, Manitoba, secondary suites are a permitted use in most residential zones, as well as in the commercial community zone. A building permit is required and the suite must conform to the Manitoba Building Code. Steinbach enacted this bylaw in September 2010, in response to a community need for safe, affordable housing. Steinbach has developed an information and guidelines brochure on its secondary suites program, to help educate those considering building a unit, or those who already have one and wish to bring it up to code.” ([Municipal Planning Guidelines for Secondary Suites](#), p. 15)

Unit Size

Municipalities will have to carefully consider what unit size restrictions they place on secondary suites.

Maximum Unit Sizes: *Municipalities may want to set maximum unit sizes (which can be done through use-specific standards) for secondary suites in order to ensure that these suites actually remain secondary to the primary dwelling. Setting relatively low maximum unit sizes in use-specific standards can also be used to ease concerns about having too many people living in one secondary suite. Homeowners wishing to develop larger secondary suites could apply for a variance.*

Minimum Unit Sizes: *The multiple occupancy requirements in the building code already address the health and safety concerns related to small unit sizes. Setting minimum unit sizes in a zoning bylaw can discourage secondary suites—particularly for houses with smaller basements or detached garages.*

Required Yards

Municipalities should be careful not to make the required minimum yards or separation distances (between a principal building and accessory/secondary buildings) too large, as this would limit the sites where secondary suites could be accommodated.

Parking

Most municipalities require an additional parking spot on lots with a secondary suite. This can ease neighbourhood concerns that secondary suites will add to on-street parking. Areas with plentiful on-street parking could remove this requirement in order to keep development costs down for secondary suites.

Tenants

Zoning bylaws cannot specify who is allowed to live in a secondary suite. Such a regulation would be discriminatory. For example, a zoning bylaw cannot state that a secondary suite is permitted solely for occupation by a relative of an occupant of the principal residence.

See the Manitoba [Municipal Planning Guidelines for Secondary Suites](#) for more advice on secondary suites.

Secondary Suites: Model Zoning Plug-In

USE TABLE

To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Secondary Suite		<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>					

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 the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.

Secondary Suites

1.1 Standards for Secondary Suites

Secondary suites are only permitted if they comply with the following regulations:

- a) Not more than [one] secondary suite shall be permitted on a single zoning site.
- b) A minimum of [one] off-street parking space must be provided for each secondary suite, in addition to the parking required for the principal building.
- c) The maximum floor area of the secondary suite shall not exceed [80] square meters ([860] square feet) or [40] per cent of the total habitable floor space of the principal building (whichever is the lesser).
- d) Detached secondary suites must follow the setback standards for accessory buildings and structures in the Siting Table.

DEFINITIONS

*To enable these regulations, the terms below should be added to the **DEFINITIONS** section of the zoning bylaw.*

Secondary Suite means a second dwelling unit detached from, attached to or within a principal building, that provides basic requirements for living, sleeping, cooking and sanitation.

Incentive Zoning (Bonusing)

The Planning Act permits zoning bylaws to modify specific development requirements if a development contains certain public benefits (which also must be specified), such as affordable housing [71(7)]. This gives developers the incentive to include the public benefits in their development.

In larger urban centres, the incentives are often in the form of “density bonuses,” which allow developers to build at a higher density than the maximum allowed in the zoning bylaw. These bonuses can be used on the same project that provides the public benefit or could be “banked” as credits for future projects by the same developer. Some municipalities also set up a system where these credits can be sold to other developers; this system can benefit non-profit development organizations that often provide public benefits in their projects.

Potential incentive zoning strategies include:

- **Reduced Lot Requirements** in exchange for **Cluster Development**: Municipalities that want to encourage [cluster developments](#) could allow developers to reduce the minimum or maximum bulk requirements in exchange for providing public open space, habitat conservation areas, or other public benefits.
- **Height Bonuses** in exchange for **Affordable Housing**: Municipalities could give developers a height bonus, allowing them to build units to a greater height than the prescribed maximum, if they also provide affordable housing.
- **Greenfield Development Bonuses** in exchange for **Infill Development**: Municipalities that have underutilized land inside urban areas could set up a system where developers would be required to build infill housing in order to get bonus credits needed to develop on greenfield sites outside the current urban limits.



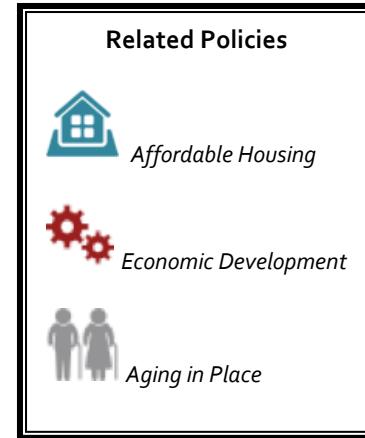
Inclusionary Zoning (for Affordable Housing)

The Planning Act section 71.5 says that a zoning bylaw may require that a specified percentage of the dwelling units within a new residential development offer affordable housing to low and moderate-income households [71(5)].

This tool is called **inclusionary zoning**.

Why Use This Tool?

Inclusionary zoning policies intend to provide affordable housing on a permanent basis to a wider mix of incomes in all new residential developments and, thereby, a more affordable range of housing across the entire community.



Inclusionary zoning is also meant to address a gap in the affordable housing stock to meet the needs of individuals or families who have incomes that exceed social housing requirements, but are too low to access market rate housing.

Defining “Affordable Housing”

In order to implement Inclusionary zoning, *The Planning Act* requires municipalities to define “affordable housing” in the zoning bylaw (or the manner for determining if housing is affordable housing) [71(6)].

Manitoba Housing recommends that for housing to be considered affordable, “The amount spent on shelter should not exceed 30 per cent of a household’s income before tax.” For more information, see [HomeWorks: A housing strategy and policy framework for Manitoba](#).

Municipalities should, however, define affordable housing (or specify the manner for determining what is affordable housing) based on local context and needs, which can differ from one community to the next. This definition should be based on the affordable housing policies and goals set out in the development plan.

Note: Some municipalities may also choose to create an *Affordable Housing Strategy* that further details actions or tools to meet such policies and goals.

Mandatory or Incentive-Based Inclusionary Zoning

Mandatory Inclusionary zoning requires developers to build some housing that will sell or be rented below market prices. Mandating a fixed percentage of affordable housing in new developments ensures that all developers are treated in a consistent and equitable way. Research shows that a housing set-aside of 10 per cent up to 20 per cent has been found to be effective. However, municipalities are free to establish their own set-aside (ex: required percentage of affordable housing units) and thresholds (ex: limiting the bylaw to new residential developments of over 10 units), based on the municipality’s local context and conditions.

Inclusionary zoning can also be paired with [incentive zoning](#) to encourage developers to include affordable housing. Using this strategy, developers can receive development credits or bonus density in exchange for providing affordable housing units [71(7)].

Development Agreements for Affordable Housing

A development agreement that deals with the provision of affordable housing may contain terms and conditions respecting the number, type, and extent of the dwelling units and the measures that are required to be taken and maintained so that the housing remains affordable over the long term [150.1]. These measures may include:

- Limits on sale prices or a formula for rate increases on rents to protect long-term unit affordability
- Administration: to ensure that occupancy and affordability controls are appropriately managed

Best Practice: Inclusionary Zoning

The City of Langford, British Columbia won the 2008 Canada Mortgage and Housing Corporation's (CMHC) Housing Award for its Inclusionary Zoning requirement. For every 10 market-priced homes developers build in Langford, they are required to build 1 affordable home (which is priced at 60 per cent of the market value). As an incentive to build affordable housing, the city (and CMHC) gives developers density bonuses, streamlined development approvals, mortgage pre-approvals and free administrative support.

Inclusionary Zoning: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Mandatory Affordable Housing

[15] per cent (round to nearest) of all residential units in the following developments, including projects undertaken in phases, must be **affordable housing dwelling units**:

- a) new residential construction, regardless of the type of dwelling unit
- b) new mixed-use development with a residential component
- c) renovation of a multiple-unit dwelling that increases the number of residential units from the number of units in the original structure
- d) Development that includes the conversion of an existing single-unit dwelling into a multiple-unit dwelling or condominium
- e) Development that will change the use of an existing building from non-residential to residential (**Note:** With a 15 per cent affordable housing requirement, no affordable housing would be required for one, two, or three unit developments. Four-to-nine unit developments would be required to provide one unit of affordable housing and so on.)

1.2 Affordable Housing Plan

Developments that are required to provide affordable housing dwelling units under section [1.1] are also required to provide an Affordable Housing Plan when applying for a development permit. This Affordable Housing Plan must contain the following information concerning the development:

- a) A general description of the development. Note whether the units will be rented or sold.
- b) The total number of market-rate units and affordable housing units.
- c) The [square footage] of each market-rate unit and each affordable housing unit.
- d) The number of bedrooms in each market-rate unit and each affordable housing unit.

- e) A diagram of where each market-rate unit and each affordable housing unit will be located in the development.
- f) The estimated sale price or monthly rent of each market-rate unit and each affordable housing unit.
- g) A description of how sale or rental of affordable units will be marketed to eligible households.
- h) A description of the covenants or restrictions that will be placed on affordable housing units to preserve them as affordable housing for a period of at least [30] years.
- i) A phasing plan stating the number of market-rate units and affordable housing units in each phase of the project (only include if the construction of the units will be done in phases).

1.3 Criteria for Affordable Housing Units

An Affordable Housing Development must comply with the following criteria:

- a) Affordable housing units in the development must be mixed—and not segregated from—market-rate units.
- b) The exterior appearance of the affordable housing units in a development shall be using materials and finishes with substantially the same type and quality as the market-rate units.
- c) If the development is phased, the affordable housing units shall be phased concurrently with the market-rate units.

1.4 Development Permits for Affordable Housing Developments

The [Municipality or Planning District] shall not issue a development permit for a development that requires affordable housing units until the proponent provides an Affordable Housing Plan that complies with the Criteria for Affordable Housing Units.

Incentive-Based Affordable Housing

For incentive-based affordable housing, the provisions above should be incorporated with the incentive zoning tool that gives development credits or density bonuses for developments that choose to include a set number of affordable housing units.

DEFINITIONS

To enable these regulations, here is an example of terms that could be added to the **DEFINITIONS** section of a zoning bylaw.

Affordable Housing means... [Each municipality or planning district must establish its own definition of affordable housing based on local conditions. This definition should be precise so that developers know what standards they must meet. Municipalities or planning districts should aim to set an affordable housing limit where the sum of rent and utilities (or, when units are sold: mortgage, amortization, taxes, insurance and condominium fees) constitute no more than [30] per cent of gross annual household income for a household of the size that may occupy the unit in question].

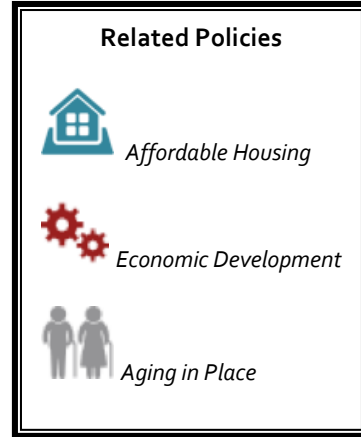
Affordable Housing Plan means a plan prepared by an applicant for a development that includes **Affordable Housing** dwelling units that outlines and specifies the development's compliance with the applicable requirements of this bylaw.

Mobile Homes

Mobile homes are a significant part of the affordable housing stock in many Manitoba municipalities.

As discussed in *The Introduction* (Part 5), zoning bylaws should avoid regulating housing based on construction type (ex: “stick-built,” “RTM,” “Manufactured”). They should also avoid setting minimum size restrictions on dwellings, which can impact affordable housing availability (and would prohibit small mobile homes, for example). Instead, the model zoning language below provides a way to ensure that construction and habitability standards are met even if the dwellings were built outside the municipality.

When regulating mobile homes, the most important aspect for a zoning bylaw to address is whether the dwelling is going to be permanently or temporarily located on a zoning site. The model zoning language below includes additional provisions for permanent dwellings. Mobile homes intended for temporary or seasonal use may be treated as a **temporary building**, which must follow the provisions in the General Regulations section of the Zoning Binder.



Mobile homes are commonly clustered together in a mobile home park. Municipalities may want to consider **alternative development standards** to allow for smaller lots and higher densities in these developments than may be allowed in rural residential or low-density residential zones.

Mobile Homes: Model Zoning Plug-In

USE TABLE

To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Mobile Home		<u>P*</u>	<u>P*</u>	P*	P*	P*						
Mobile Home Park				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 the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.

Mobile Homes

1.1 Standards for Mobile Homes

Mobile homes require a development permit. No mobile home located in the [Municipality or Planning District] shall receive a development permit unless it complies with the following regulations:

- a) all mobile homes, even those constructed outside the municipality, must meet the structural standards in *The Buildings and Mobile Homes Act* [and any local Building or Mobile Home Bylaw]
- b) a mobile home, when located permanently on a site, shall:

- i) be connected to municipal sewer and water services when such services are available on the site
- ii) be placed and anchored on a permanent foundation
- iii) have skirting that screens the view of the foundation supports or wheels

Mobile Home Park

1.2 Standards for Mobile Home Parks

A mobile home park must meet the following standards:

- a) more than one mobile home may be permitted on an approved mobile home park site
- b) a mobile home park must provide a roadway with a driving surface a minimum of [five] meters ([16.5] feet) wide with an all-weather surface that serves all dwellings [that meets the municipal roadway lighting and surface water drainage standards]
- c) a mobile home park must provide clear identification of each dwelling space and its boundaries
- d) a mobile home park must provide a centrally located common park space or recreation area equivalent to a minimum area of [40] square meters (430 square feet) per dwelling space
- e) an application for a mobile home park must be accompanied with a detailed site plan, including:
 - i) location of the site boundaries
 - ii) foundations, pads, or mobile home sites
 - iii) accessory buildings
 - iv) internal roads
 - v) sidewalks and active transportation paths
 - vi) vehicle parking
 - vii) systems supplying electrical power, water and sewage disposal

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Mobile Home means a portable dwelling unit that is designated to be used as a living quarters or as accommodation for travel, recreation, or vacation purposes and that:

- a) is capable of being transported on its own chassis and running gear by towing or other means, or
- b) is placed on the chassis or body of a motor vehicle, or
- c) forms part of a motor vehicle

Note: This definition is from [The Buildings and Mobile Homes Act](#). A zoning bylaw definition of mobile home should be consistent with this definition.

Planned Unit Developments (PUDs)

Planned Unit Developments (PUDs) are land development projects that are built as an entity in accordance with a comprehensive site plan that is presented by a developer to a board or council. PUDs can be a useful tool for larger mixed-use developments because they give municipalities and developers flexibility in siting of buildings, mix of uses and housing types, usable open spaces and the preservation of significant natural features through customized site-specific standards.

However, if used improperly, the PUD system can become a way to circumvent the rules and intent in a zoning bylaw.

In best practice, PUDs should be:



- **Conditional Uses.** Zoning bylaws should treat PUDs as conditional uses, not permitted uses. This will ensure public involvement in the development review and the opportunity for municipalities to impose appropriate conditions or development agreements. As a condition of approval, a proponent is required to prepare a comprehensive site development plan for public review.
- **Only For Large Sites.** Zoning bylaws should set a minimum size for Planned Unit Developments. This will ensure that PUDs are not used as a way to “spot-zone” an individual lot in an attempt to circumvent the development standards in the zoning bylaw.
- **Subject to Design Review:** To ensure that the new development standards are appropriate for achieving the community’s long-term vision, PUDs should be made subject to a special design review process. This process could involve a design review committee or the services of planning and design professionals retained by the council or board.

The *Planning Act* no longer specifically refers to Planned Unit Developments. If municipalities want to permit PUDs, they should use the following provisions.

Planned Unit Developments: Model Zoning Plug-In

USE TABLE

To enable these regulations, the lines below should be added to the **USE TABLE** of a zoning bylaw.

Uses	PR	AG	AL	RR	GD	RS	RM	CN	CC	HC	M	I
Planned Unit Development				C*	C*	C*	C*	C*	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 the **USE-SPECIFIC STANDARDS** section of a zoning bylaw.

Planned Unit Development

1.1 Standards for Planned Unit Developments

A planned unit development:

- a) may only be established on a zoning site or proposed development larger than [six] hectares ([15] acres) in size
- b) the uses and standards of a Planned Unit Development must be generally consistent with the desired character for the area as set out in the [development plan, secondary plan and the uses and standards in the zones adjacent to the site]
- c) an application for a planned unit development shall be considered as a conditional use application, subject to the conditional use provisions of this bylaw and *The Planning Act*
- d) an application for a planned unit development must be accompanied with a detailed site plan, including:
 - a. location of the site boundaries
 - b. planned location, height, and types of use of buildings and structures
 - c. planned location of internal roads and entrances to site
 - d. planned location of sidewalks and active transportation paths
 - e. planned locations of communal and public facilities and spaces
 - f. planned locations of fencing, lighting, trees, shrubs, groundcover and plantings
 - g. planned location of vehicle parking
 - h. planned location of systems supplying electrical power, water, and collection of sewage and waste
 - i. lot grading
 - j. a list of all instances on the site where the bulk standards of the proposed buildings and structures do not comply with the requirements of this zoning bylaw
 - k. other information as required by the [council or board]

DEFINITIONS

To enable these regulations, the terms below should be added to the **DEFINITIONS** section of a zoning bylaw.

Planned Unit Development means a land development project planned as an entity in accordance with a unitary site plan, which permits flexibility in siting of buildings, mix of uses and housing types, usable open spaces and the preservation of significant natural features.

Established Street Standards

Established street standards set the rules of a zoning site based on the buildings on the adjacent sites. For example, a zoning bylaw can use this tool to set a front yard requirement for a new infill building that is the same as the front yards of existing buildings on the same block.

Why Use This Tool?

Established street standards are a simple tool municipalities can use to encourage infill development in mature neighbourhoods that will be compatible with the existing buildings in the area. Mature neighbourhoods and older buildings are essential to a municipality's stock of affordable housing and business space. They also are an important part of a municipality's history and distinct character.



Established street standards can preserve the character of a neighbourhood without requiring the creation of a new zone with area-specific setbacks. The tool could also be applied when determining the front yard requirement for a building that was destroyed and is being rebuilt or where an addition is being built on an existing building in a mature neighbourhood.

This tool may be combined with a [zoning overlay](#), which may set boundaries on the areas that may use Established Street Standards as an alternative to the base zone's bulk standards.

Established Street Standards: Model Zoning Plug-In

GENERAL REGULATIONS

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

1.1 Established Street Standards for Front Yards

Where a new [dwelling or principal building] or an addition to a [dwelling or principal building] is proposed within a street block or a portion of a street block where at least [80] per cent of the lots have been developed with principal structures, and the minimum front yard required by the Bulk Table [1.2] is inconsistent with the majority of existing front yards for developed sites on the street block, the new structure [must] be developed with a front yard consistent with the [minimum or average] of the existing front yards within that block or portion of the block. In the case of a corner site, either the [minimum or average] of the yard for the two nearest properties on the same block or for all the properties facing the same street on the same block may be used for calculating the required yard.

OPTIONAL: ZONING OVERLAY

Zoning bylaws with parking requirements could consider using a mature area [zoning overlay](#), which will have specific regulations within a buffer area that is drawn around all mature areas on a zoning map. The established street standards above will then only apply within this overlay.

Heritage District Zoning Overlay

Areas with a distinct historic area or group of heritage buildings may consider using a heritage district [zoning overlay](#) to provide specific development regulations for this area (that may cover several different underlying zones).

Planning districts or municipalities can use zoning to encourage the preservation of a heritage district by setting rules to retain heritage buildings, offering incentives for adaptive reuse, and by providing design standards so that new construction respects the style of existing buildings. These zoning regulations should follow the applicable policies, objectives and design guidelines in the local development plan and any existing secondary plan (or Heritage District Guidelines document).

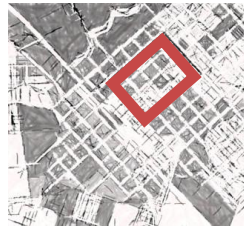


Note: *The Planning Act says a zoning bylaw may contain provisions regulating the design details of buildings and building sites and the establishment of committees to approve design details [71(3)]. Municipalities with a Historic District should consider establishing design criteria and a review committee.*

Heritage District Zoning Overlay: Model Zoning Plug-In

MAPS

Zoning overlay areas must be established by outlining the area within the overlay on a Map in the bylaw.



GENERAL REGULATIONS

Zoning overlays can then modify standards in the other parts of the zoning bylaw specifically for the area within the zoning overlay.

1.1 Heritage District Overlay Provisions

The following provisions will apply for all sites located within the heritage district overlay [Schedule A]. Where the provisions of the underlying zone in this bylaw appear to be in conflict with the rules for an overlay zone, the rules for the overlay zone shall prevail:

- a) where a building in an area to which a heritage overlay applies is removed or destroyed it must be rebuilt to the same building envelope and in the same location as existed prior to its removal or destruction
- b) there shall be no minimum [parking](#) requirements for sites located within the heritage district overlay; however, the maximum parking requirements will still apply (based on the parking requirements for the underlying zone)
- c) development within the heritage district overlay must comply with the design guidelines as established in [a Secondary Plan or Heritage District Guidelines document]
- d) no development may take place within the heritage district overlay prior to a design review [by the Heritage District Design Committee]

Appendices

Appendix A: Further Reading and Image Credits

Further Reading

- Affordability and Choice Today (ACT). (2009). *Alternative Development Standards: A Guide for Practitioners*. Ottawa: Federation of Canadian Municipalities (FCM).
- Alberta Government. (2014). *Efficient Use of Land Implementation Tools Compendium*. Calgary: Alberta Government.
- Alexander, C., Ishikawa, S., & Silverstein, M. (1977). *A Pattern Language: Towns, Buildings, Construction*. Oxford: Oxford University Press.
- Arendt, Randall. (2015). *Managing Change in Rural Manitoba: A Manual for Conservation Subdivision Design*. Municipal Government. Winnipeg: Province of Manitoba.
- CMAP. (2013). *Form-Based Codes: A Step-by-Step Guide for Communities*. Chicago: CMAP.
- CMHC. (2008). *Giving Pedestrians an Edge: Using Street Layout to Influence Transportation Choice*. Ottawa: CMHC.
- Elliott, D. (2008). *A Better Way to Zone: Ten Principles to Create More Livable Cities*. Washington: Island Press.
- Elliott, D., Goebel, M., & Meadows, C. (2012). *The Rules that Shape Urban Form*. Chicago: American Planning Association.
- Environmental Protection Agency (EPA). (2009). *Essential Smart Growth Fixes for Urban and Suburban Zoning Codes*. Chicago: United States EPA.
- FCM. (2013). *Guidelines for New Development in Proximity to Railway Operations*. Ottawa: Federation of Canadian Municipalities.
- Leisk, S. (2012, January/February). Zoning Bylaws: Human Rights and Charter Considerations Respecting the Regulation of the Use of Land. *The Municipal Lawyer Magazine*, 14-17.
- Manitoba Government. (2009). *Land Use Planning for Wind Energy Systems in Manitoba*. Manitoba Intergovernmental Affairs. Winnipeg: Province of Manitoba.
- Manitoba Government. (2011). *Municipal Planning Guidelines for Secondary Suites*. Manitoba Municipal Government. Winnipeg: Province of Manitoba.
- Manitoba Government. (2012). *Planning for Agriculture: Planning Resource Guide*. Manitoba Municipal Government. Winnipeg: Province of Manitoba.
- Manitoba Government. (2012). *Planning for Climate Change Adaptation: Planning Resource Guide*. Manitoba Municipal Government. Winnipeg: Province of Manitoba.
- Manitoba Government. (2012). *Planning for Climate Change Mitigation: Planning Resource Guide*. Manitoba Municipal Government. Winnipeg: Province of Manitoba.
- Manitoba Government. (2012). *Planning for the Protection of Riparian Areas: Planning Resource Guide*. Manitoba Municipal Government. Winnipeg: Province of Manitoba.
- Manitoba Government. (2011). *Transportation Planning: Planning Resource Guide*. Manitoba Municipal Government. Winnipeg: Province of Manitoba.
- Ontario Human Rights Commission. (2012). *In the Zone: Housing, Human Rights and Municipal Planning*. Retrieved 10 05, 2015, from Province of Ontario:

http://www.ohrc.on.ca/sites/default/files/In%20the%20zone_housing_human%20rights%20and%20municipal%20planning_o.pdf

- Smart Growth America. (2007). *Smart Growth Implementation Toolkit: Code and Zoning Audit*. New York: Smart Growth America.
- Talen, E. (2011). *City Rules: How Regulations Affect Urban Form*. Washington: Island Press.
- Wickersham, J., Wiggin, J., & Garber, G. (2007). Creative Zoning: Putting the Teeth in Your Planning. In E. Hamin, P. Geigis, & L. Silka, *Preserving and Enhancing Communities*. Amherst: University of Massachusetts Press.

Image Credits

- Arendt, Randall. (2015). *Cluster Development*. In *Managing Change in Rural Manitoba: A Manual for Conservation Subdivision Design*. Municipal Government. Winnipeg: Province of Manitoba.
- City of Chico (2012). *Zoning Overlay (Basemap)*. South Campus Historic District Map. Public Domain.
- Duany Plater-Zyberk & Company. (2015). *Parking Configurations*. In *SmartCode 9.2*. Creative Commons.
- HTFC Planning & Design. (2005). *Landscaping for Large Parking Areas*.
- HTFC Planning & Design. (2015). *Signs*.

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- OCHA. (2015). *Wheat Icon*. www.unocha.org
- Puppets. (2015). *Museum Icon*. Puppetscientists.com
- Freepik. (2015). *All Other Icons*. www.freepik.com

Appendix B: Interviewees

Consultation with stakeholders was an essential part of the *Municipal Guide to Zoning Bylaws in Manitoba*. To inform the Guide, administrators, planners, and other representatives from municipalities and planning districts around Manitoba were interviewed about issues and concerns related to zoning administration and bylaw enforcement, as well as suggestions on how to improve zoning bylaws in Manitoba in general.

We would like to thank the representatives from the organizations below who participated in interviews or workshops for this Guide.

Municipality and Planning District Representatives

- Brokenhead River Planning District
- City of Dauphin
- City of Morden
- City of Thompson
- East Interlake Planning District
- Lakeshore & Mountainview
- Macdonald-Richot Planning District
- Mid-West Planning District
- Municipality of Russell-Binscarth
- Portage La Prairie Planning District
- R.M. of Cartier
- R.M. of Gilbert Plains
- R.M. of Grey
- R.M. of Headingley
- R.M. of Louise
- R.M. of Morris
- R.M. of Prairie Lakes
- R.M. of Springfield
- R.M. of Stanley
- R.M. of Woodlands
- Red River Planning District
- Rhineland, Plum Coulee, Gretna, Altona
- Roblin Planning District
- South Central Planning District
- Town of Carman
- Town of The Pas
- Town of Virden

Regional Office Managers and Staff – MMG Community and Regional Planning

- Beausejour
- Brandon
- Morden
- Portage La Prairie
- Steinbach
- Selkirk
- Thompson
- Winnipeg

Other Provincial Departments, Levels of Government, Organizations

- City of Winnipeg Planning, Property & Development
- Manitoba Agriculture, Food and Rural Development (MAFRD)
- Manitoba Infrastructure and Transportation (MIT)
- PlaceMakers
- SPAR Planning Services