

3.5 Additional Requirements for Specific Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zoning district in which the use is located, additional standards for specific uses may apply and are set out in **PART 4** of this By-law and must be met, except as may otherwise be provided for in this By-law through a Conditional Use or Variance Order.

3.6 “AG” Agriculture General Zoning District Purpose and Intent

The “AG” Agriculture General Zoning District is hereby established in this zoning by-law and is intended to:

- (a) Support and strengthen the agricultural industry in the municipality and to provide flexibility and opportunity for farm operators and livestock producers to engage in a full range of farming practices; and
- (b) Protect the agricultural industry and its land resources in recognition of the contribution of agriculture to the economy, lifestyle and character of the municipality.
- (c) Protect the environmental carrying capacity of the land base to sustain the range of uses associated with this zoning district.
- (d) Allow for a limited amount of non-agricultural uses, provided the primary use of the land is agriculture.

3.6.1 “AG” Agriculture General Zone – Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory Animal Housing Facilities located on conditionally approved small rural land holdings such as a “riding academy and stables” or a “non-farm dwelling” site shall be allowed as a permitted accessory use. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **PART 4, Table 4.1** of this by-law and shall not exceed one animal unit per acre of site area and shall be subject to the following additional requirements:
 - i. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of all General Development Zones, Rural Residential Zones and/or Seasonal Recreation Zones and three hundred and twenty-eight (328) feet away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads, and seventy-five (75) feet from the side and rear limits of limits of the property on which they are sited.
 - ii. Notwithstanding the nine (9) animal unit cap (cumulative across species) referred to in this section, where a conditionally approved riding academy and stables or non-farm dwelling site proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 6** of this by-law and shall be required to satisfy the use and bulk requirements for a “livestock operation” in the “AG” Agricultural General Zone as set out in **PART 4** this by-law as well as having to satisfy other provisions of **PART 5** of this by-law.

- ii) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.
- iii) Accessory Place of Worship
In the **"AG" zone**, an "accessory place of worship" which is located on the same site and in direct support of either a permitted or conditionally approved agricultural activity or livestock operation may be developed and shall be treated as a permitted accessory structure.
- iv) Accessory Shipping Containers
In the **"AG" Zone**, an "accessory shipping container" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site and in all cases it shall be located to the rear of the principal dwelling on the site. All accessory shipping containers as provided for herein shall be subject to the issuance of a **Development Permit** and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).
- v) Accessory Signs as provided for in **PART 2** of this By-law.
- vi) Accessory Tent Like Structures
In the **"AG" Zone**, an "accessory tent-like structure" as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as a permitted or conditionally approved general or specialized agricultural activity, livestock operation, farm or non-farm dwelling site. All accessory tent-like structures greater than one-hundred and eight (108) square feet shall be subject to the issuance of a **Development Permit**.
- vii) Farm dwellings, Mobile and/or Modular Homes when located on the same parcel of land as the agricultural operation to which they are accessory.
- viii) Home-based business activities shall be developed in accordance with the requirements of **PART 4** of this by-law.
- ix) Personal Telecommunications Tower used to support ancillary devices such as but not limited to citizens' band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as a permitted accessory structure. All such personal telecommunications tower structures shall be set back from all property lines a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

b) Conditional Accessory Uses Buildings and Structures

- i) Accessory Farm Based Air Landing Strips and Related Storage Facilities
 - a) In the **"AG" Zone**, all newly siting accessory farm-based air landing strips and their related storage facilities may be developed as a conditionally approved accessory use only when they are located on and forming part of a permitted or

conditionally approved agricultural operation subject to the following additional requirements:

- 1) The minimum parcel size required for a permitted or conditionally approved agricultural operation wanting to develop an accessory farm-based air land strip and its associated storage facilities shall be 80 acres and the site shall have a minimum width of one-thousand (1,000) feet;
 - 2) The accessory farm-based air landing strip and any related storage facilities shall be setback a minimum of 300 feet from all property lines of the site on which it is located;
 - 3) No newly siting accessory farm-based air landing strip and any related storage facilities shall be developed within 1 mile of the limits of the urban communities of Kemnay and Alexander and all rural residential zone(s).
 - 4) Existing farm-based air landing strips and their related storage facilities which do not comply with the minimum use and bulk and siting and setback requirements as set out in this section shall be deemed to be an approved accessory use as they existed on the date of the adoption of this by-law.
- b) Notwithstanding anything in this By-law, all accessory farm-based air landing strips and their related storage facilities shall be subject to Transport Canada requirements and/or recommended guidelines (where applicable) and it shall be the responsibility of the proponent to investigate the need for any required permits, approval or licenses as may be required from Transport Canada.

ii) Secondary Suite

Not more than one “secondary suite” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site as the principal dwelling to which it is accessory. The accessory dwelling unit may be a detached dwelling unit or be located within and/or forming part of either an existing or newly proposed permitted “farm dwelling” or conditionally approved “non-farm dwelling”. Notwithstanding the siting and setback requirements for “accessory uses” as provided for in **Table 3.2 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.2** herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.

c) **Prohibited Accessory Uses Buildings and Structures**

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.2: USE & SITE REQUIREMENTS: “AG” AGRICULTURE GENERAL ZONE	MINIMUM REQUIREMENTS (a) (q) (s)				
	SITE SIZE		REQUIRED YARDS		
	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq/ft in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, General	80	1,000	125	25	25
Livestock Operations with a capacity between 10 to 299 Animal units (AUs) (cumulative across species) (e) (See also PARTS 4 and 6 herein)	80 (d)	1,000	125(i)	25 (i)	25 (i)
Market Gardens, Nurseries or Greenhouses	2	200	125	25	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq/ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Agricultural Activities, Specialized (c) (n)	2	200	125	25	25
Agro-Commercial/Industrial Manufacturing Establishments	2 (f)	200	125	25(s)	25(s)
Agricultural sales or service	2 (f)	200	125 (g)	25 (g)	25 (g)
Aircraft Landing Facilities	10	99	125	25	25
Auction Marts	2 (f)	200	125	25	25
Bulk Farm Chemical Supply and/or Bulk Fuel Supply Establishments	2(e)	200	125(g)	25(g)(s)	25(g)(s)
Body Shops, Salvage Yards and Automobile Wrecking Operations	2 (f)	200	125	25	25
Campgrounds	2 (f)	200	125	25	25
Cemeteries	2 (f)	200	0	0	0
Crematoria	2	200	25	25	25
Community Halls (r)	2 (f)	200	125	25	25
Contracting Establishments	2	200	125	25	25
Earth Moving Contractors	3	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, including grain storage elevators, vegetable storage structures, abattoirs, seed plants, feed mills and similar uses.	2	200	125 (g)	25(g)(s)	25(g)(s)
Exhibition Grounds	2	200	125	25	25
Kennels and Fur Farms	2 (f)	200	125	25	25
Livestock Operations with a capacity of 300 animal units (AU's) or more (cumulative across species) (e) (See also PARTS 4 and 6 of this By-law)	80 (d)	1,000	125(i)	25 (i)	25 (i)
Manufacturing, Indoor provincially licensed cannabis cultivation, processing and packaging facilities and their related activities).	2 (f)	200	125	25	25
Motor Vehicle or Agriculture Equipment Service	2 (f)	200	125	25	25
Motor Vehicle or Agricultural Equipment Salvage or Wrecking Establishments, and Existing Auto Body Repair Shop at the date of adoption of this By-law	2(f)	200	125	25	25

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Museums or Historic Sites	2 (f)	200	125	25	25
Natural Resource Extraction, Surface Mining and Aggregate Quarries	2	200	125	50	50
Non-Farm and Farm Dwellings (m) (t)	2 (f)	200	125	25	25
Oil Field Battery Facilities (l)	2	200	125	25	25
Place of Worship (p)	2 (f)	200	125	25	25
Public Utilities, Public Works Compounds and Buildings	2 (f)	200	125	25	25
Recreation Facilities, Exterior, such as golf courses, campgrounds, exhibition grounds, race tracks, rifle ranges, parks, and similar types of uses	2(f)	200	125	25	25
Riding Academies and Stables (m)	2	200	125	25	25
Sewage Lagoons and Treatment Facilities	5	200	125	25	25
Trucking Establishments	2 (f)	200	125	25	25
Veterinary Clinics	2 (f)	200	125	25	25
Waste Disposal Sites	10	500	125	25	25
Water Supply and /or Treatment Facilities	2(f)	200	125	25	25
Wildlife Management Areas	2	200	125	25	25
Wind Energy Generation Stations (WEGS) (j)	7	550	125(k)	125(k)	125(k)
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, buildings and structures (See also PARTS 2 and 4 of this by-law)	-	-	125	25	25
NOTES: ¹ For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law. ² Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.2: “AG” Agriculture General Zone:

- (a) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from provincial authority having jurisdiction.
- (b) Except for cemeteries where a site or rear site line is adjacent to a government road allowance or other municipal road, the minimum required yard shall be 125 feet.
- (c) Apiaries or bee colonies shall be considered as a conditional use when proposed to be located within 1 mile of all rural residential zone(s) and the urban communities of Kemnay, Alexander and Beresford.
- (d) Notwithstanding the minimum site area requirement specified in **TABLE 3.2 herein**, all newly siting or expanding livestock operations shall have access to (either by direct ownership or lease) and use of sufficient lands to accept the application of all of the livestock manure generated by the operation in a

sustainable manner on an annual basis in accordance with the provisions of the **Livestock, Manure & Mortalities Management Regulation 42/98**, as amended and the Nutrient Management Regulation 62/2008, as amended.

- (e) New or expanding livestock operations are deemed to be a conditional use regardless of their location when the total number of animal units (AUs) being produced, inclusive of all animal species, is equal to or greater than three hundred (300) animal units (AUs) cumulative across species. All livestock operations located in the **"AG" Agriculture General Zone** producing 10 or more animal units (cumulative across species) shall also be subject to the requirements of **PART 4** of this by-law.
- (f) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a slightly larger site would be appropriate.
- (g) Anhydrous ammonia storage facilities shall be set back 350 feet from any public roadway, and shall be separated by a distance of 1,000 feet from any individual residence or building of human occupation except for the residence or building of human occupation of the operator or caretaker and shall be separated by a distance of 2,640 feet from any residential area and public buildings.
- (h) Where two municipal roads intersect the minimum required yard shall be 200 feet measured from the centre line of the intersection.
- (i) Notwithstanding the requirements of **Table 3.2 herein**, all animal housing facilities shall be setback a minimum of 50 metres (164 feet) from the property boundaries of the livestock operation and all feedlots and manure storage facilities shall be setback a minimum of 100 metres (328 feet) from the property boundaries of the livestock operation.
- (j) Additional Requirements for Siting Wind Energy Generation Stations:
In addition to satisfying the minimum requirements of **Table 3.2 of PART 3 herein**, the following additional requirements shall also apply to the development of wind energy generation stations (WEGS).
 - i. Each wind energy generation station (WEGS) facility shall be dedicated only to the location of the wind energy generation station tower and/or the associated accessory buildings and infrastructure. The wind turbine tower is the principal use of the (WEGS) site but the land within the (WEGS) site that is not used for the facility may be used for compatible agricultural activities provided all other provisions of this by-law are satisfied.
 - ii. No portion of a (WEGS) tower, including its blade assembly shall extend beyond the limits of the site on which it is located unless the affected property owner has provided written authorization to the WEGS developer and Development Officer.
 - iii. All accessory buildings and structures associated with and located on the same site as a Wind Energy Generation Station (WEGS) tower shall be set back a minimum of 125 feet from all property lines of the site on which the (WEGS) is located. Where the site is located within the controlled areas of the provincial highway system, the proponent shall be responsible for obtaining required permits from provincial authority having jurisdiction.
 - iv. A (WESG) project involving more than one site and/or parcel of land may be processed at the same time. However, separate conditional use applications and any resulting conditional use orders shall be issued for each separate site containing one or more wind energy generation station tower.
 - v. Proponents of a wind energy generation station (WEGS) development shall submit to the Development Officer a detailed site plan showing the location of all wind turbine towers, electrical lines (above or below ground), on-site roads and driveways providing access to the public road

system and setback information to adjacent development as part of the conditional use application.

- vi. Proponents of a (WEGS) development 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 and all provincial authority having jurisdiction, prior to the issuance of a **Development Permit** and any required **Building Permits**.
- vii. When locating a proposed wind energy generation station tower in the vicinity of an airport all Transport Canada regulations regarding lighting, height and location of buildings and structures shall be satisfied.
- viii. A **Development Permit** and **Building Permit** (if required) shall be obtained prior to the commencement of construction.
- ix. All signage and/or lighting affixed to a commercial Wind Energy Generation Station (WEGS) towers shall be subject to the approval of Council. Any illumination of the facility shall be arranged so that it does not create glare at any nearby property or public roadway.
- x. A private wind energy generation station (WEGS) located on the same site and in direct support of either a permitted or conditionally approved single private agricultural activity or private residential activity shall be treated as an accessory structure. This structure shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of extension of its rotors.
- xi. The total height of all (WEGS) towers shall be the distance measured from the ground to the uppermost point of the extension of any rotor blade.

(k) Minimum Separation Distances Between Wind Energy Generation Stations and Adjacent Development:

In addition to satisfying the minimum requirements of **Table 3.2 of PART 3** herein, the following additional **mutual** separation distances set out below shall also apply to both land uses cited in each clause).

- i. All (WEGS) tower bases shall be separated a minimum distance of one thousand six hundred and forty feet from all dwellings and other habitable buildings (e.g. motel) located on all lands except as provided in clause ii (below).
- ii. All (WEGS) tower bases shall be separated a minimum distance of one and one half (1.5) times the total height of the tower plus rotor from employee accommodation buildings built and owned by the WEGS company/operator which are located on leased or owned lands which are part of the wind farm development.
- iii. All (WEGS) towers shall be separated a minimum of 1.5 times their total height from any other titled property including the boundary of a railway right-of-way, government road allowance or provincial road or provincial trunk highway. Where a (WEGS) is proposed within the control area of a provincial road or provincial trunk highway, they shall be subject to the approval of the provincial authority having jurisdiction.
- iv. All (WEGS) tower bases shall be setback a minimum two hundred (200 feet) from the ordinary high water level of a lake or water course.
- v. All WEGS) tower bases shall be setback a minimum of one half mile (2640 feet) from all zoned urban areas, rural residential areas and/or seasonal recreation areas.

- (l) Oil field battery facilities shall be considered a conditional use only when they are proposed to be located or expanded within one half mile of any dwelling or habitable structure, otherwise they shall be deemed a permitted use.
- (m) Animal housing facilities located on small rural land holdings such as a “riding academy and stable” or a single “farm dwelling” site or “non-farm dwelling” site shall be allowed as a permitted accessory use in all agricultural zones. In such circumstances, each site shall be allowed to accommodate a maximum of up to nine (9) animal units (cumulative across species) as calculated from **Table 4-1 of PART 4** of this by-law and shall be subject to the following additional requirements:
 - 1)
 - a) The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet (152.4 meters) from the limits of the communities of Kemnay and Alexander, all rural residential zone(s) and three hundred and twenty-eight (328) feet (100m) away from all residences other than the owner’s residence located on the same site as the animal housing facility and any manure stored onsite, adjacent motels, restaurants and community buildings. In addition, all animal housing facilities and any manure stored onsite shall be setback a minimum of 125 feet from all public roads and seventy-five (75) feet from the side and rear limits of the property on which they are sited.
 - b) The maximum amount of livestock which may be kept within a small rural land holding such as a riding academy and stables or single farm or non-farm dwelling site shall not exceed 0.75 Animal Units (AU) per two (2) acres of site area, to a maximum of nine (9) Animal Units (cumulative across species).
 - 2) Notwithstanding subsection 1) b) (above), where a conditionally approved riding academy and stables proposes to keep ten (10) or more animal units (cumulative across species), they shall be deemed to be a “livestock operation” as defined in **PART 6** of this by-law and shall be subject to the use and site requirements for a “livestock operation” as set out in **TABLE 3.2 of this PART** as well as the requirements of **PART 4** of this by-law.
- (n) Council or the Rural Municipality of Whitehead may require the proponent to provide it with a physical site plan and/or a business plan as part of the conditional use application to assist in determining support for this type of land use.
- (o) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (p) Newly siting facilities of this type shall generally be directed to existing urban settlement centers but may be allowed in the **‘AG’ AGRICULTURE GENERAL ZONE** if Council is satisfied that no suitable site is available in an existing urban community.
- (q) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (r) Where it is necessary to place a building or structure adjacent to a railway for purposes of railway service (loading), then the minimum side and/or rear yard requirement for that building or structure shall be 0 feet.

- (s) The maximum allowable height for all buildings and structures shall be 30 feet (two storeys), with the exception of silos, grain or fuel storage structures, telecommunications towers, water towers, church spires and flagpoles.
- (t) The minimum dwelling unit area shall be 700 square feet (65.03 sq/m) for single dwelling unit farm and/or non-farm dwellings, mobile homes and/or modular homes.