

3.7 “AR” Agriculture Restricted Zoning District Purpose and Intent

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

- (a) Support existing agricultural operations and livestock operations at their existing size and intensity of land use in recognition of the important contribution these land uses are to the economy, lifestyle and character of the municipality.
- (b) Newly siting or expanding livestock operations are prohibited in the “AR” Agriculture Restricted Zone.
- (c) Allow for a limited amount of non-agricultural uses, provided the primary use of the land is agriculture.
- (d) Provide lands for future planned urban-type land uses subject to both a development plan amendment and complimentary zoning amendment.
- (e) Protect the environmental carrying capacity of the land base to sustain the range of uses associated with this zoning district.

3.7.1 “AR” Agriculture Restricted 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:
 - 1. The animal housing facility and any manure stored onsite shall be separated a minimum distance of five hundred (500) feet from the limits of Kemnay and alexander, all rural residential zone(s) 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) 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 “AR” zone, an “accessory religious institution” 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 **“AR” 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 **“AR” 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) 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 secondary 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 3.3 of this PART**, all secondary suites shall satisfy all of the siting and setback requirements of **PART 3, Table 3.3** 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 3.3: USE & SITE REQUIREMENTS: “AR” AGRICULTURE RESTRICTED ZONE	MINIMUM REQUIREMENTS (m) (o) (r)				
	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
Agricultural Activities, Specialized	5	200	125	25	25
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) (l)	2	200	125	25	25
Agro-Commercial/Industrial Manufacturing Establishments	2 (f)	200	125	25	25
Agricultural sales or service	2 (f)	200	125 (g)	25 (g)	25 (g)
Auction Marts	2 (f)	200	125	25	25
Campgrounds	2 (f)	200	125	25	25
Cemeteries	2 (f)	200	0	0	0
Crematoria	2(f)	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(f)	200	125 (g)	25(g)	25(g)
Exhibition Grounds (n)	2	200	125	25	25
Kennels and Fur Farms	2 (f)	200	125	25	25
Livestock Operations (<u>Existing</u>) at the size (in animal units, cumulative across species) as they existed on the date this by-law came into effect (e) (See also PARTS 4 and 6 herein)	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
Museums or Historic Sites	2 (f)	200	125	25	25
Natural Resource Extraction, Surface Mining and Aggregate Quarries	2	200	125	50	50
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Non-Farm and Farm Dwellings (k) (q)	2 (f)	200	125	25	25
Oil Field Battery Facilities (j)	2	200	125	25	25
Outdoor Recreation Facilities such as parks, trails, race tracks, rifle ranges and similar types of uses (p)	2	200	125	25	25
Public Utilities, 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

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	Area (Acres)	Width (feet)	Front (feet) (a)	Side (feet) (a) (b)	Rear (feet) (a) (b)
Riding Academies and Stables (k)	2	200	125	25	25
Veterinary Clinics	2 (f)	200	125	25	25
Water Supply and /or Treatment Facilities	2(f)	200	125	25	25
Wildlife Management Areas	2	200	125	25	25
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 3.3: “AR” Agriculture Restricted 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 a designated residential area, rural residential area, seasonal recreation area and/or urban community.
- (d) Notwithstanding the minimum site area requirement specified in **TABLE 3.3 herein**, all existing and/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) Newly siting and expanding livestock operations of any size are **prohibited** in the **“AR” Agriculture Restricted Zone**.
- (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 3.3 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) 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.
- (k) 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 all “GD” General Development zones, “RR” Rural Residential zones herein 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 3.3 of this PART** as well as the requirements of **PART 4** of this by-law.
- (l) Council 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.
- (m) 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.
- (n) Newly siting facilities of this type shall generally be directed to existing urban and rural settlement centers but may be allowed in the “**AR**” **Agriculture-Restricted Zone** if Council is satisfied that no suitable site is available in an existing urban community.

- (o) 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.
- (p) All mobile and modular homes must meet all structural standards as determined by *The Buildings and Mobile Home Act*, as amended.
- (q) The minimum dwelling unit area shall be 700 square feet (65.03 sq/m) for a single-unit farm and/or non-farm dwelling, mobile home and/or modular home.
- (r) 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.