

PART 6: Definitions

6.1 Definitions in *The Planning Act*

Terms not defined in this bylaw which are defined in *The Planning Act* have the meaning provided in that Act as follows:

Building includes a well, pipe line, conduit, cut, excavation, fill, transmission line and any structure or erection, and any part of any of those things, and also includes an addition to or extension of any building or any of those things and a chattel that is attached to, or installed in or on, any building or any of those things.

Conditional Use means a use of land or a building that may be permitted under a zoning by-law.

Construction includes

- (a) excavating, removing, filling and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;
- (b) erecting, extending, enlarging, placing, removing, locating and demolishing a building;
- (c) altering, renovating and reconstructing a building;
- (d) moving a building from one site to another; and
- (e) underpinning the foundation of a building.

Development means

- (a) the construction of a building on, over or under land;
- (b) a change in the use or intensity of use of a building or land;
- (c) the removal of soil or vegetation from land; and
- (d) the deposit or stockpiling of soil or material on land and the excavation of land.

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.

Owner, in relation to property, means a person who is the owner of a freehold estate in the property, and includes

- (a) a person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
- (b) a person who is the registered owner of a unit under *The Condominium Act*; and
- (c) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*.

Parcel of Land means the aggregate of all land described in any manner in a certificate of title.

Property means land and improvements on land, and includes

- (a) an interest in land or an improvement on land; and
- (b) air, surface and subsurface rights and interests in respect of land.

Sensitive Land" includes

- (a) land that is susceptible to flooding, permafrost, erosion or that has unstable slopes or poor drainage;
- (b) areas of special significance for animal, bird or plant life, including wetlands, forests and nesting areas; and
- (c) land on which any development is likely to harm ecological diversity.

Subdivision means the division of land by an instrument, including

- (a) a plan of subdivision, conveyance, deed, mortgage or grant; or
- (b) an agreement granting or extending a use of or right in land, directly or indirectly or by an entitlement to renewal, for a period of 21 years or more; but not including a lease respecting only floor space in a building.

6.2 Definitions in this By-law

Notwithstanding other definitions included in this by-law, where the following terms appear in this bylaw, they have the meaning as set out below:

Accessory means a use, building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the principal use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Siting Tables cannot be accessory to a use shown as a permitted use for the same zoning designation.

Accessory Shipping Container means a pre-fabricated structure which is designed for the shipping of goods via land, sea, rail or road and may include trailer bodies or other similar structures (including motor vehicle bodies) which have the wheels removed. An accessory shipping container shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use, building or structure to which it is accessory.

Accessory Tent-like Structure means a pre-manufactured or constructed structure or building that consists of a main frame covered by a canvas type material. An accessory tent-like structure shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use to which it is accessory.

Agro-Industrial Business means an establishment that provides goods or services to the agricultural sector, including (but not limited to) anhydrous ammonia sales, fertilizer sales and service establishments, farm equipment and machinery repair shops, feed operations, livestock auction marts, and commercial seed cleaning plants.

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

- (i) An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building
- (ii) An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor
- (iii) Alteration of non-load bearing interior partitions in all types of buildings
- (iv) Replacement of, or changes in, the capacity of utility pipes, ducts or conduits

- (v) Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased
- (vi) The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves
- (vii) Replacement of exterior building facades

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

Animal Confinement Facility means a barn or an outdoor area where livestock are confined by fences or other structures, and includes a seasonal feeding area but does not include a feedlot or grazing area.

Animal Keeping means a use where livestock or other animals (excluding pets) less than 10 *animal units* (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables and kennels.

Animal Unit means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12 month period as defined in the Provincial Planning Regulation - Manitoba Reg. 81/2011, as amended.

Bed and Breakfast Operation means accommodation for transient lodgers in individual rooms or apartments.

Board means the Mid-West Planning District Board.

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

Business and Personal Services establishments: means the occupancy or use of a building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

Cannabis and Related Terms

Cannabis means cannabis as defined in the Cannabis Act (Canada).

Manufacturing, Indoor provincially licensed cannabis cultivation, processing and packaging facilities and their related activities refers to a land use undertaken by person(s) and/or a corporate entity who holds a cannabis distributor licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

Cannabis Retail Establishment means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

Retail Cannabis Licence means a licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

Cannabis concentrate means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Cannabis-infused product means a product infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.

Cannabis Cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities including development of nursery stock (seed and seedlings).

Industrial Hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.

Cannabis Processing means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

Club refers to a building owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

Council means the Council of Hamiota Municipality.

Crematorium means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

Daycare means the use of premises for the care during the day for more than 8 children not residing on the premises. (See Regulation 62/86, Definition - full time child care centre)

Development Officer means a person appointed by the Mid-West Planning District Board who is responsible for those duties as provided for herein.

Drive-Through Facility means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

Dwelling means a building designed for residential occupancy in accordance with the provisions of the Manitoba Buildings and Mobile Homes Act and includes the following:

- (a) **dwelling, Farm** - means a single-unit dwelling, mobile home or modular home which is the principal residence of the owner or operator of a permitted or conditional agricultural activity, and which is located on the same site or a new site taken from the agricultural activity.
- (b) **dwelling, Multi-Unit** - means a building containing three (3) or more dwelling units, with each dwelling unit being designed for and used for the exclusive occupancy of one (1) dwelling;
- (c) **dwelling, Single-Unit** - means a detached building designed and used for the exclusive occupancy of one (1) dwelling.
- (d) **dwelling, Two-Unit** - means a detached or semi-detached building designed and used for two (2) families, with each dwelling having exclusive occupancy of a dwelling unit.
- (e) **Dwelling, Non-Farm** – means a single-unit dwelling, mobile home or modular home on a site used for residential purposes, regardless of the owner’s occupation, and found in the “**AG**” **Agricultural General Zone** or “**AR**” **Agriculture-Restricted Zone** .

Dwelling unit means one or more habitable rooms in a building designed for one or more persons living as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities.

Enlargement means an addition to the floor area of an existing building or structure, or an increase in that portion of land occupied by an existing use.

Farm Building/Structure means a building or structure, other than a dwelling, which does not contain a residential occupancy, located on a farm and used or to be used in the actual farming operation and which is:

- a) associated with and located on land devoted to the practice of farming and considered to be an *"Agricultural Operation"* and
- (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence and
- (c) has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use).

Feedlot means an outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing, but does not include

- a) A grazing area; or
- b) A seasonal feeding area.

First Storey means the uppermost storey having its floor level not more than 2 meters above grade.

General Agricultural Activities means a use of land for agricultural purposes, including production of field crops, apiculture, floriculture, horticulture and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

- (a) livestock operations,
- (b) storage, handling or processing of agricultural products for the general public in return for remuneration, or;
- (c) sales or servicing (in return for remuneration) of agricultural equipment.

Grade means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

Grazing Area means lands used for pasture or crop production on which livestock may be kept year-round or seasonally, and are fed primarily by direct consumption of plant material grown on the area, and where manure produced by those livestock does not accumulate such that mechanical removal is required.

Height means the total number of storeys in a building or the vertical distance measured from grade to: a) the highest point of the roof surface of a flat roof b) the deck or eaves of any other roof type

Home Based Business - Types:

- a) **home industry** means a small-scale manufacturing, repair or trade activity such as but not limited to a welding shop, plumber, electrician, carpentry or cabinet maker, auto repair mechanic or trucking operation and similar uses which are carried on in or from a dwelling or its accessory building for consideration and which is located on the same site and which is clearly secondary and incidental to the principal use of the property.
- b) **home occupation** means an occupation, trade, profession or craft such as but not limited to a hair salon, bed and breakfast operation, tea room, home day care operator, lawyer or accountant and similar uses which are carried on in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the principal use of the property.

One in Two-Hundred Year flood means a flood that can be expected to occur on average once in 200 years, or more specifically, a flood with a 0.5% chance of occurring in any given year..

Kennel means premises upon which more than 5 dogs or 10 cats, not including animals less than 4 months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

Manure Storage Facility - Types:

- a) **earthen manure storage facility** means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or retaining livestock manure, but does not include
 - 1) a collection basin;
 - 2) a field storage site; or
 - 3) a temporary composting site for manure.
- b) **non-earthen manure storage facility** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.

Mobile Home is a manufactured home constructed of single or multiple sections constructed as a portable dwelling (single unit dwelling) unit that is capable of being transported on its own chassis and running gear by towing or other means, and which is designed to be connected to external electrical, water and sewer facilities, and to be used as a single dwelling unit and comprises not more than one storey and at a minimum complies with CAN/CSA Z240 MH Series of Standards at the time of construction (under the Buildings and Mobile Home Act (as amended). Foundations for these homes are at a minimum constructed to CAN/CSA Z-240 Standards (Deformation Resistant Foundations).

Mobile Home Park means an area of land upon which mobile home spaces are rented to individual owners of mobile homes, and which has been approved by Council.

Mobile Home Space means a space in a mobile home park, which may be rented/leased by an individual for the placement of a mobile home.

Mobile Home Subdivision means an area of land which is subdivided into mobile home sites which may be sold for the placement of mobile homes.

Modular Homes are a pre-manufactured single unit dwelling built in a factory in one or more finished sections for transport to a site for installation. These dwelling units are similar to but distinct from a mobile home. Modular (pre-manufactured homes) are at a minimum certified to CAN/CSA A277 standards at the time of construction. Foundations for these types of buildings may be constructed as permanent foundations or other approved foundations.

Party Wall means a wall jointly owned and jointly used by 2 parties under easement agreement or by rite in law, and erected at or upon a line separating 2 parcels of land each of which is, or is capable of being a separate real estate entity.

Place of Worship means a building (ex: a church, chapel, mosque, synagogue, or temple) primarily used for religious purposes. **Principal Use** means the primary or predominant activity on any lot or within any building or structure.

Pole Type Structure / Building means a building or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Principal Building means a structure on a site used to accommodate the principal use. or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Public Utility means any system, works, building, plant equipment or service, excluding telecommunications towers (private for profit), wind energy generation stations (WEGS) and private for profit commercial scale solar energy generation systems, developed for the purpose of furnishing publicly used communication, transportation, transmission and collection services and facilities (including fire, police and EMS) that are available at approved rates to the inhabitants of the Hamiota Municipality.

Residential Care Facility means a building in which residential accommodation, plus supervision, care or treatment, is provided to 5 or more persons, by a person or persons employed for the purpose.

Secondary Suite means a self-contained detached or attached accessory dwelling unit located within and/or forming part of a permanent single-unit dwelling, farm dwelling or non-farm dwelling on a single zoning site. A secondary suite is comprised of a single dwelling 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. This accessory use does not include duplex housing, semi-detached housing, multiple-dwelling housing or apartment housing.

Sign means any writing (including letters, words, or numerals), pictorial representation (including illustration or decoration), emblem or logo (including device, symbol or trademark), banner, pennant or any other figure of similar character (excluding display windows) which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;
- (b) Is used to identify, direct attention to, or advertise;
- (c) Is visible from outside a building.

Sign Types

Address Sign means a sign, generally applied to a building wall that displays a building's address.

Advertising Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the zoning site where the sign is maintained.

Awning Sign means lettering applied directly on the Valance or other vertical portion of an awning.

Bulletin Board means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or event conducted upon, or products or services offered on the same zoning site upon which the bulletin board sign is maintained, e.g. school, church, community centre and similar uses.

Business Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.

Clearance means the height above the walkway, or other surface if specified, of the bottom edge of an element.

Construction Sign means a sign which identifies a construction project and information relative thereto.

Fascia or Wall Sign means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

Flashing Sign means an illustrated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.

Freestanding Sign means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

Identification Sign or Nameplate means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

Illuminated Sign means a sign designed to give forth any artificial light or reflect light from an artificial source.

Marquee Sign means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

Outdoor Display Case means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

Portable or Mobile Sign means a sign with or without a structural frame and intended for a limited period of display, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

Projecting Sign means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

Roof Sign means any sign erected, constructed and maintained wholly upon or over the roof of a building with the principal support on the roof structure.

Sidewalk Sign or Sandwich Board means a moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the sign surface area of the sign shall be taken as the surface areas of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

Temporary Sign means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration

not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this By-law, temporary signs shall not include portable signs.

Valance means the portion of an awning that hangs perpendicular to the sidewalk.

Window Sign means a sign placed or painted on the interior of a shopfront window or the window of a business door.

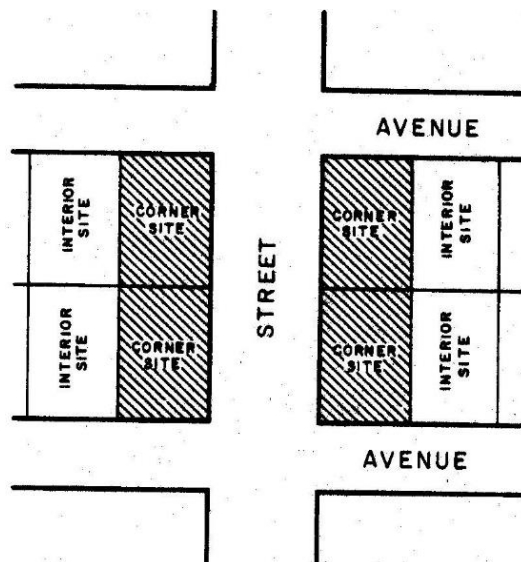
Yard Sign means a permanent freestanding sign in a Front Yard, including a supporting post or posts.

Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the total sign surface area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. Where a sign has two (2) faces placed back to back and are at no point more than three (3) feet from one another, the total sign surface area of the sign may be taken as the sign surface area of one (1) face of the sign.

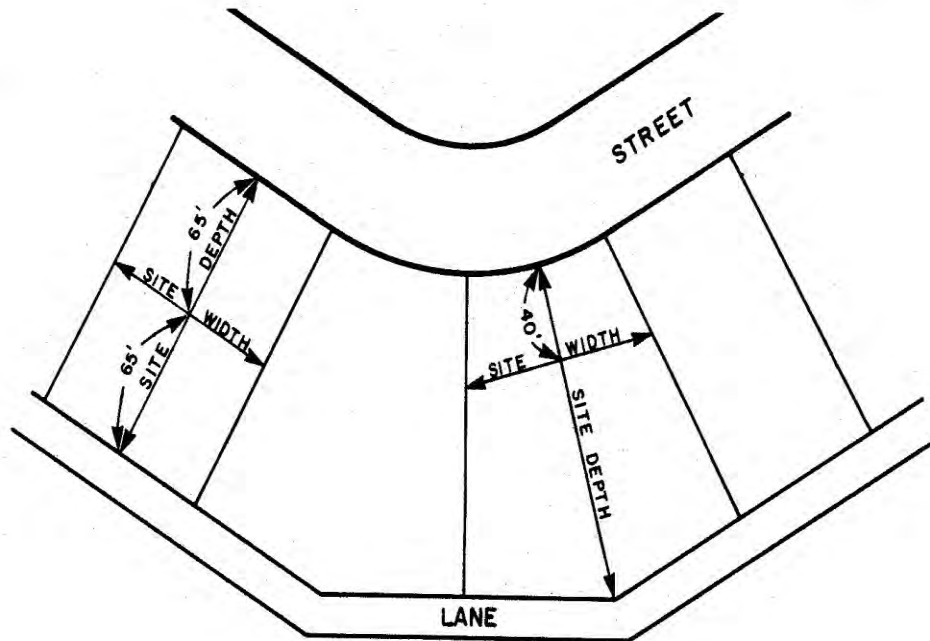
Site means an area of land which:

- (a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;
- (b) has frontage on a street, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (c) is of sufficient size to provide for the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

site, corner means a site situated at the intersection of 2 streets.



site depth means the horizontal distance between the centre points in the front and rear site lines.



site, interior means a site other than a corner site.

site lines

front site line means:

- (a) the boundary of a site along any/all streets or highways;
- (b) for a corner site, the continuation of the front site line of the abutting interior site.

rear site line means:

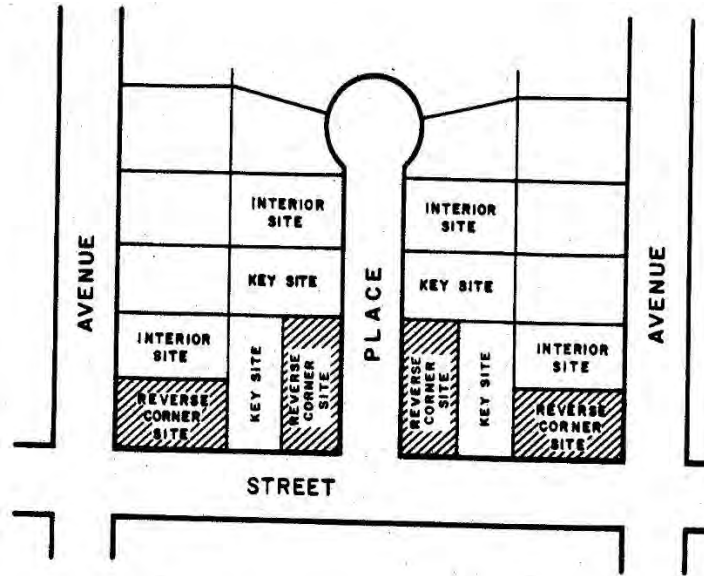
- (a) that boundary of a site which is most nearly parallel to the front site line;
- (b) where the side site lines intersect, a line 10 feet in length within the site, parallel to and at the maximum distance from the front site line.

side site line

- (a) means any boundary of a site which is not a front or rear site line.

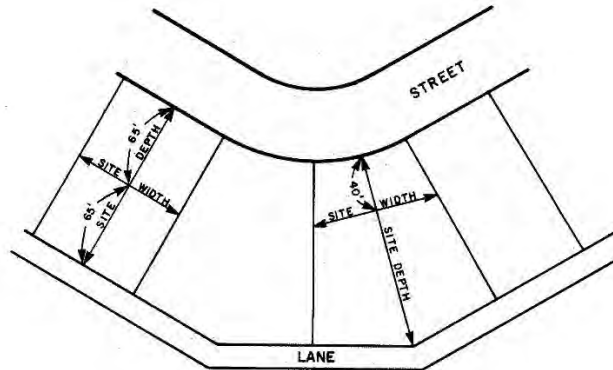
Where it is not possible to determine site lines according to these definitions, they shall be determined by the development officer.

Site, Reverse Corner means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.



Site, Through means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed front site lines.

Site, Width means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at 40 feet from the front site lines, whichever is less.



Specialized Agricultural Activities means agricultural activities such as apiculture, floriculture, horticulture, greenhouses, nurseries, market gardening and other activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a cellar.

Structure means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location. It includes, but is not limited to, buildings, walls, fences, signs, billboards, light

standards and antennas.

Surface Watercourse means the channel in or bed on which surface water flows or stands, but does not include a dugout, drain, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land or an infield ephemeral drain.

Surface Water means any body of flowing or standing water, whether naturally or artificially created, including, but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout or reservoir on the property of an agricultural operation. Where this By-law requires a use, building or structure to be set back a certain distance from “surface water”, that distance shall be measured from the ordinary high water mark of the surface water or from the nearest and highest bank of the surface water, whichever is further from the surface water.

Use means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

Wind Energy Generation Station (WEGS) means a site and facility that is comprised of, but not limited to, one or more wind turbine generator towers, and may include associated accessory operations and maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial enterprise. It must have a collective nameplate rating of 0.75 megawatt or greater and be connected to the transmission or a local distribution grid. The (WEGS) can be comprised of either a leased or an owned site.

Yard means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

yard, required means an open area, on the same zoning site with a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which it is located.

- (a) **yard, required, corner site** means a side yard which adjoins a street.
- (b) **yard, required, front** means a yard extending along the full length of the front site line between the side site lines (typically where access to the site is provided).
- (c) **yard, required, interior side** means a side yard which is adjacent to another site, or to a lane separating such side yard from another site.
- (d) **yard, required, rear** means a yard extending along the full length of the rear site line between the side site lines.
- (e) **yard, required, side** means a yard extending along the side site line from the required front yard to the required rear yard.

The following sketch illustrates the foregoing definitions of yards:

