

SPECIAL LAND USE REGULATIONS

45.0 Applicability

- 1) The Special Land Use Regulations apply to the uses listed irrespective of the Zoning District in which they are located. Where these regulations appear to be in conflict with the Zoning District regulations in which the use is either a Permitted or a Conditional Use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the regulations in the Zoning District.

46.0 Temporary Additional Dwellings or Mobile Homes

- 1) It is the intent of this Section to provide standards and conditions for the placement of a Temporary Additional Dwelling or Mobile Home on the same site as the Single Family Dwelling for occupancy by an elderly parent(s) or other family members requiring care and assistance.
- 2) A Temporary Additional Dwelling or Mobile Home shall be subject to the following regulations:
 - a) Only owner-occupiers of the Single Family Dwelling are permitted to install a Temporary Additional Dwelling or Mobile Home.
 - b) The Temporary Additional Dwelling or Mobile Home shall be constructed in accordance with CSA and applicable building code regulations.
 - c) The Temporary Additional Dwelling or Mobile Home shall be registered at the Land Titles Office as a caveat. The caveat shall require that the Temporary Additional Dwelling or Mobile Home be placed on a temporary foundation only, and is to be removed upon the cessation of the occupancy of the elderly parent(s) or other family members requiring care and assistance.
 - d) The Temporary Additional Dwelling or Mobile Home shall comply with all site regulations applicable to the Zoning District in which the Single Family Dwelling is located.
 - e) The installation of a Temporary Additional Dwelling or Mobile Home shall comply with the regulations of any appropriate federal, provincial or municipal legislation.
 - f) Hydro, sewage disposal and water services shall, where feasible, be connected to existing facilities upon approval of local authorities.
 - g) Council may impose additional conditions on the installation of a Temporary Additional Dwelling or Mobile Home deemed necessary to protect adjoining properties and the public welfare.

47.0 Guest Cottage Dwellings

- 1) A Guest Cottage Dwelling shall comply with the following regulations:
 - a) it shall comply with all site regulations applicable to the Zoning District in which the Single Family Dwelling is located;
 - b) it shall have a maximum building area of 27.87 sq. m. (300.00 sq. ft.);
 - c) it shall only provide secondary and incidental accommodation for family members and guests of the occupants of the Single Family Dwelling;
 - d) it is not intended for exclusive occupancy by a family living independent from the occupants of the Single Family Dwelling;
 - e) it is not to be rented separately from the Single Family Dwelling, unless the Single Family Dwelling and Guest Cottage Dwelling are considered as a single Dwelling Unit;
 - f) it is not allowed to contain cooking facilities;
 - g) it is not allowed to be served by utilities that are independent of the Single Family Dwelling;
 - h) Owner-occupiers of the Single Family Dwelling shall apply annually to the RM of Armstrong for a Guest Cottage Dwelling Permit; and
 - i) Council may impose additional conditions on the installation of a Guest Cottage Dwelling deemed necessary to protect adjoining properties and the public welfare.

48.0 Non-Commercial Farms

- 1) A Non-Commercial Farm shall comply with the following regulations:
 - a) The use of land or structures for the grazing or keeping of farm animals shall be limited to 1.00 Animal Unit per 0.40 ha. (1.00 acre) of land area.
 - b) Any development with more than 2.00 Animal Units shall be a minimum distance of 152.40 m. (500.00 ft.) from the lot line of an existing residence.
 - c) They shall be located and developed on a site in such a manner that the keeping of animals does not interfere with the use and enjoyment of adjacent land uses.
 - d) An Animal Unit shall be determined on the basis of Table 52.6.1 in Appendix 1, or as determined by the Province of Manitoba.

49.0 Livestock Production Operations

49.1 General

- 1) When considering permit applications for Livestock Production Operations, the Development Officer and Council shall consider:
 - a) the type of operation and the type of livestock;
 - b) the size of the livestock operation;
 - c) topographical, physical and natural features of the area (i.e. treed, windbreaks, open crop, soil types, water table, etc.);
 - d) the direction of the prevailing winds for each season (the prevailing wind can vary between seasons) and air drainage (i.e. odour drift due to slope);
 - e) neighbouring land uses and the distances to non-compatible land uses; and
 - f) traffic generation and its impacts.

49.2 Livestock Production Operations Producing up to and Including 400 Animal Units

49.2.1 General

- 1) All new or expanding Livestock Production Operations that produce up to and including 400 Animal Units shall:
 - a) meet or exceed all applicable Provincial and Federal Government environmental and health regulations in force at the time of the permit application;
 - b) obtain a development or building permit from the RM of Armstrong prior to any development activity taking place on the site;
 - c) meet or exceed any applicable site regulations;
 - d) have an adequate land base to carry out the proposed Livestock Production Operation; and
 - e) manure retention areas must conform to all applicable Provincial and Federal Government regulations concerning the design and operation of manure storage facilities.

49.2.2 Site Regulations

- 1) Site regulations shall be in accordance with Table 49.2.2.1:

**TABLE 49.2.2.1
Livestock Siting Regulations**

Animal Units	Maximum Number of Residences (Within 1.0 mile)*	Minimum Distance			
		From Single Residence		From Designated Residential or Recreational Area	
		To Earthen Storage	To Buildings	To Earthen Storage	To Buildings
10 to 100	18	200.00 m. (656.17 ft.)	100.00 m. (328.08 ft.)	800.00 m. (2,624.67 ft.)	530.00 m. (1,738.85 ft.)
101 to 200	16	300.00 m. (984.25 ft.)	150.00 m. (492.13 ft.)	1,200.00 m. (3,937.01 ft.)	800.00 m. (2,624.67 ft.)
201 to 400	14	400.00 m. (1,312.34 ft.)	200.00 m. (656.17 ft.)	1,600.00 m. (5,249.34 ft.)	1,070.00 m. (3,510.50 ft.)

* Applies to new Livestock Production Operations only.

49.2.3 Manure Storage and Application

- 1) Manure storage facilities must conform to this Section and all applicable municipal, provincial and federal government regulations concerning the design and operation of manure storage facilities.
- 2) An operator shall not construct, modify or expand a manure storage facility except under the authority of a development permit issued by the Development Officer and/or Council and the necessary approvals obtained from the Province of Manitoba.

- 3) Manure storage facilities shall comply with the following regulations:
 - a) It shall be certified by a professional engineer licensed to practice in the Province of Manitoba.
 - b) It shall be located a minimum of 100.00 m. (328.08 ft.) from watercourses and wells used for domestic purposes.

- 4) In addition to Section 49.2.3(3), manure storage tank facilities shall comply with the following regulations:
 - a) It shall be bottom loaded.
 - b) It shall have a minimum capacity of 8 months storage.
 - c) It shall be monitored for seepage leaks.

- 5) The application of livestock manure shall comply with the following regulations:
 - a) The application of manure must be in accordance with the Farm Practices Guidelines.
 - b) The applicant must demonstrate to Council that an adequate amount of suitable land has been obtained for manure application.
 - c) Prior to manure application, the manure and receiving soil shall be tested in a manner acceptable to the Province of Manitoba.
 - d) The use of manure shall be in an acceptable amount as determined by soil testing so as not to overload the total nutrient requirements of the crop to be grown that year.
 - e) Where required by the Province of Manitoba and Council, a manure management plan shall be filed with the RM of Armstrong.
 - f) Site regulations for the application of manure shall be in accordance with Table 49.2.3.1:

**TABLE 49.2.3.1
Manure Application Site Regulations**

	From Watercourse, Spring or Well Used for Domestic Purposes			From Property Line	From Single Residence	From Designated Residential or Recreational Area
	Slope					
	Less Than 4%	4%-6%	6%-12%			
Irrigation	30.00 m. (98.43 ft.)	60.00 m. (196.85 ft.)	90.00 m. (295.28 ft.)	15.00 m. (49.21 ft.)	300.00 m. (984.25 ft.)	1,600.00 m. (5,249.34 ft.)
Surface Applied: no incorporation	30.00 m. (98.43 ft.)	60.00 m. (196.85 ft.)	90.00 m. (295.28 ft.)	10.00 m. (32.81 ft.)	150.00 m. (492.13 ft.)	800.00 m. (2,624.67 ft.)
Surface Applied: incorporation within 48 hours	20.00 m. (65.62 ft.)	40.00 m. (131.23 ft.)	60.00 m. (196.85 ft.)	10.00 m. (32.81 ft.)	75.00 m. (246.06 ft.)	400.00 m. (1,312.34 ft.)
Injection	5.00 m. (16.40 ft.)	10.00 m. (32.81 ft.)	15.00 m. (49.21 ft.)	3.00 m. (9.84 ft.)	15.00 m. (49.21 ft.)	75.00 m. (246.06 ft.)

49.3 Livestock Production Operations Producing More Than 400 Animal Units

49.3.1 General

- 1) All new and expanding Livestock Production Operations that produce more than 400 Animal Units shall comply with the regulations outlined in Sections 49.1 and 49.2, as well as the following regulations:
 - a) the manure management system shall control the release of odours into the air so that any nuisance is minimized;
 - b) to control odour, manure in an open pit storage shall be covered either by appropriate methods as recommended by Federal, Provincial or Municipal Government officials; and
 - c) all totally enclosed housing shall have properly designed and adjustable ventilation systems.

49.3.2 Site Regulations

- 1) Site regulations shall be in accordance with Table 49.3.2.1:

**TABLE 49.3.2.1
Livestock Siting Regulations**

Animal Units	Minimum Separation Distances			
	From a Single Residence		From a Designated Residential or Recreational Area	
	To Earthen Storage	To Buildings	To Earthen Storage	To Buildings
401 to 800	1,000 m 3,280.83 ft.	700 m 2,296.58 ft.	2,805.00 m. (9,202.76 ft.)	2,135.00 m. (7,004.59 ft.)
801 to 1200	2,210.00 m. (7,250.66 ft.)	1,910.00 m. (6,266.40 ft.)	3,205.00 m. (10,515.09 ft.)	2,405.00 m. (7,890.42 ft.)
1201 to 1600	2,210.00 m. (7,250.66 ft.)	1,910.00 m. (6,266.40 ft.)	3,605.00 m. (11,827.43 ft.)	2,675.00 m. (8,776.25 ft.)
1601 to 3200	2,210.00 m. (7,250.66 ft.)	1,910.00 m. (6,266.40 ft.)	4,005.00 m. (13,139.76 ft.)	2,945.00 m. (9,662.07 ft.)
3201 to 6400	2,210.00 m. (7,250.66 ft.)	1,910.00 m. (6,266.40 ft.)	4,405.00 m. (14,452.10 ft.)	3,215.00 m. (10,547.90 ft.)
6401 to 12800	2,210.00 m. (7,250.66 ft.)	1,910.00 m. (6,266.40 ft.)	4,805.00 m. (15,764.44 ft.)	3,485.00 m. (11,433.73 ft.)
12801+	2,210.00 m. (7,250.66 ft.)	1,910.00 m. (6,266.40 ft.)	5,205.00 m. (17,076.77 ft.)	3,755.00 m. (12,319.55 ft.)

49.4 Residential Separation Distance

- 1) Notwithstanding the dwelling of the operator of the Livestock Production Operation, the following residential separation distances shall be maintained between any dwelling and any livestock building or corral where livestock are confined, fed or raised:
 - a) 804.65 m. (2,640.00 ft.) for Livestock Production Operations up to, and including 800 Animal Units; and
 - b) 1,609.30 m. (5,280.00 ft.) for Livestock Production Operations of more than 800 Animal Units.

49.5 Development Permit Applications

- 1) For Livestock Production Operations that produce more than 400 Animal Units, in addition to the standard development application submission regulations, the applicant shall also submit the following information:
 - a) A detailed description of the proposed operation.
 - b) The corporate identity and proof of property ownership.
 - c) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
 - d) The owner's (and applicant if different from owner) name, address, signature and interest in the land.
 - e) Plans, specifications and descriptions, prepared or approved by an agricultural engineer or other qualified professional for:
 - i) the housing facilities including manure storage;
 - ii) the storage facilities including storage odour control; and
 - iii) the land application of manure.
 - f) A site plan showing the location of housing, storage and other facilities relative to the boundaries of the site.
 - g) Servicing needs.
 - h) Analyses of geology, aquifers, and groundwater supply, soils and soil profiles, crop production/nitrogen/phosphorus utilization, and surface drainage relative to the proposed operation.
 - i) A report from the Eastern Interlake Regional Technical Review Committee indicating whether the proposed Livestock Production Operation complies with the Farm Practices Guidelines for Producers in Manitoba and the Livestock Manure and Mortalities Management Regulation 42/98 under the *Environment Act*.
 - j) A letter signed by the applicant and agricultural engineer (or other qualified professional) certifying the contents of all information

- submitted as part of the application.
 k) The appropriate application fee including public notification costs.

49.6 Animal Units

- 1) An Animal Unit shall be determined on the basis of Table 49.6.1 in Appendix 1, or as determined by the Province of Manitoba.

49.7 Conditional Use Hearing

- 1) Council will not set a conditional use hearing date until all of the development permit application information as specified in Section 49.5 has been submitted by the applicant.
- 2) Prior to any hearing of an application for a conditional use permit to establish a Livestock Production Operation in the AL: Agriculture Limited Zoning District, AG: Agriculture General Zoning District or AI: Agriculture Intensive Zoning District, Council shall give notice of the hearing, by registered mail, to all residents and property owners within the distance specified in Table 49.7.1 of the boundaries of the proposed Livestock Production Operation and shall advise the resident or property owner of the date, time and place of the hearing and the intent of the application. The applicant shall be responsible for all public advertising costs.

**TABLE 49.7.1
 Conditional Use Permit - Public Notification Regulations**

Animal Units	AL: Agriculture Limited Zoning District	AG: Agriculture General Zoning District	AI: Agriculture Intensive Zoning District
51-100	0.40 km. (0.25 miles)	Not Applicable	Not Applicable
101-200	0.80 km. (0.50 miles)	Not Applicable	Not Applicable
401-600	Not Applicable	1.60 km. (1.00 mile)	Not Applicable
601-800	Not Applicable	2.40 km. (1.50 miles)	Not Applicable
801-1200	Not Applicable	3.20 km. (2.00 miles)	Not Applicable
1200 Plus	Not Applicable	4.80 km. (3.00 miles)	4.80 km. (3.00 miles)

- 3) An application for a Conditional Use Permit shall be processed and approved or rejected in accordance with the Act. If warranted, Council may want to consider imposing development conditions to ensure that the proposed

Livestock Production Operation will not negatively impact the community. This could include:

- a) The regulation for covered manure storage.
- b) The direct injection of manure.
- c) Additional buffering measures such as increased yard setbacks.
- d) Specific performance standards dealing with odour control, water contamination, manure spreading, composting, etc.
- e) The planting of trees or shelterbelts around open storage areas to reduce the movement of air over manure surfaces.
- f) The construction of a fence around proposed manure storage facilities for safety purposes.
- g) The owner/applicant upgrading certain municipal services such as roads and ditches.
- h) That due to soil conditions or high water table, earthen storage facilities are not permitted and that either below ground or above ground storage tanks including but not limited to concrete staves, reinforced cast-in-place concrete, glass lined steel panels or spiral wound coated steel are required.
- i) A letter of credit related to municipal improvements such as road or drainage works.
- j) Liability insurance protecting the Municipality from any future legal claim relating to the operation of the Livestock Production Operation.

49.8 Refusal of a Conditional Use Permit

- 1) Council may refuse a Conditional Use permit for a Livestock Production Operation if, in its opinion, the proposal:
 - a) does not comply with the requirements of this By-law;
 - b) does not comply with the Livestock Manure and Mortalities Management Regulation under the *Environment Act* or any other provincial regulations, as determined by the Eastern Interlake Regional Technical Review Committee;
 - c) cannot be adequately serviced by the municipal road and drainage system;
 - d) lacks adequate data or assurance that surface watercourses, groundwater and aquifer sources will not be adversely affected; and/or
 - e) poses an environmental danger to any unique or significant ecological or wildlife areas.

50.0 Anhydrous Ammonia Facilities

- 1) Anhydrous Ammonia Facilities shall be located at least:
 - a) 792.48 m. (2,600.00 ft.) from residential areas, schools, hospitals, churches and other institutional facilities;
 - b) 1,524.00 m. (5,000.00 ft.) from any village or settlement centre; and
 - c) 304.80 m. (1,000.00 ft.) from the centre line of a provincial highway.

51.0 Shoreline Development

- 1) Should a development involve construction along or alteration to the shoreline of water body or water course, or is in the water body or water course, a review by Manitoba Water Stewardship is required. In order to protect water quality, fish and fish habitat, the establishment and maintenance of a 10 - meter riparian area buffer along most water courses is recommended.