THE TOWN OF MINNEDOSA

ZONING BY-LAW NO. 2567

THE TOWN OF MINNEDOSA
BY-LAW NO. 2567

BEING A BY-LAW OF THE TOWN OF MINNEDOSA TO REGULATE THE USE OF AND DEVLEOPMENT OF LAND

WHEREAS Subsection 39(1) of The Planning Act provides that the Council of a municipality may enact a Zoning By-Law which generally conforms to a development plan adopted for the area;

AND WHEREAS pursuant to the provisions of Subsection 27(1) of The Planning Act, the Board of The Tanner's Crossing Planning District has, by By-Law, adopted The Tanner's Crossing Planning District Development Plan.

AND WHEREAS, Subsection 32(2) of The Planning Act provides that the council of a municipality shall enact a zoning By-Law upon the adoption of a development plan;

NOW THEREFORE, the Council of The Town of Minnedosa, in meeting duly assembled, enacts as follows:

1. The Zoning By-Law attached hereto and marked as "Schedule A", is hereby adopted;
2. This By-Law shall be known as "The Town of Minnedosa Zoning By-Law."
3. This By-Law shall take force and effect on the date of third reading.
4. The Minnedosa Zoning By-Law No.2452, and all amendments thereto are hereby repealed.

DONE AND PASSED in Council assembled at the Council Chamber of The Town of Minnedosa at Minnedosa in the Province of Manitoba, this 3rd day of December A.D., 2019.

Frank Taylor, Deputy Mayor

Cindy Marzoff, CAO

Read a first time this 10th day of September, A.D., 2019
Read a second time this 3rd day of December, A.D., 2019
Read a third and final time this day of 3rd day of December, A.D. 2019

THE TOWN OF MINNEDOSA
ZONING BY-LAW

BEING SCHEDULE "A"
OF
BY-LAW NO. 2567
OF

THE TOWN OF MINNEDOSA

Prepared for:
THE TOWN OF MINNEDOSA

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Carberry, MB

October 23, 2019

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1. PART 1 - SCOPE

1.1 THE BY-LAW

1.1.1 This By-law shall be known as ***"The Town of Minnedosa Zoning By-law"***.

1.1.2 This By-law shall be in full force and effect on the day that it is given third reading by the Council of The Town of Minnedosa.

1.1.3 This By-law shall apply to all land in The Town of Minnedosa, except for land within public streets and lanes as described in Section 2.3.4.

1.1.4 No building, structure, land or mobile home shall be used and no building, structure or mobile home shall be constructed, erected, located, relocated, enlarged, structurally altered or moved unless it conforms to the provisions of this By-law, and only after all permits have been obtained by the owner.

1.2. INTENT AND PURPOSE

1.2.1 The intent and purpose of this By-law are to implement the objectives and policies of **The Tanner's Crossing Planning District Development Plan** and to establish various zones in the community in order to accommodate and regulate development. These zones are shown on **Zoning Map 1** attached to and being part of this By-law and established as APPENDIX A - ZONING MAPS of this By-law.

1.2.2 The regulations and provisions established by this By-law are deemed necessary in order to:

(a) Provide for appropriate uses of land, buildings and structures;

(b) Provide adequate open spaces for light and air, and to serve as a measure of prevention against the spread of fires;

(c) Provide for adequate standards of development so that overcrowding, unhealthy living conditions and parking congestion will be kept to a minimum;

(d) Minimize the overloading of municipal services;

(e) Provide a measure of protection for the value of property; and

(f) Provide for the health, safety and general welfare of the residents of Minnedosa.

1.2.3 This By-law shall regulate the following:

(a) All buildings and structures, including mobile homes, erected hereafter;

(b) All uses of land, buildings, structures and mobile homes established hereafter;

(c) All structural alterations, or relocations of existing buildings, structures and mobile homes occurring hereafter;

(d) All enlargements of, or additions to existing buildings, structures, mobile homes, or land uses; and

(e) The change in use of all land, buildings, structures and mobile homes.

2. PART 2 - ZONES

2.1 ZONES

In order to carry out the intent and purpose as set forth in Section 1 of this By-law, the following zones are hereby established in The Town of Minnedosa:

(a) **"RS"** Residential Single Zone;

(b) **"RMH"** Residential Mobile Home Zone;

(c) **"RM"** Residential Multiple Zone;

(d) **"RS-U"** Residential Unserviced Zone;

(e) **"RLL"** Residential Large Lot Zone;

(f) **"CC"** Commercial Central Zone;

(g) **"CH"** Commercial Highway Zone;

(h) **"CA"** Commercial Agro Zone;

(i) **"ML"** Industrial Light Zone;

(j) **"MH"** Industrial Heavy Zone;

(k) **"I"** Institutional Zone;

(l) **"OR"** Open Space/Recreational Zone; and

(m) **"AL"** Agricultural (Limited) Zone.

2.2 ZONING MAPS

2.2.1 The location and boundaries of the zones listed in Section 2.1 are shown on **Zoning Maps 1** attached hereto, and marked as APPENDIX A - ZONING MAPS to this By-law. The said Zoning Maps form a part of this By-law. All notations, references and other information shown therein, together with any amendments made by amending by-laws from time to time and shown therein, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing as provided in Section 2.3 of this Part, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Maps were fully described herein.

2.2.2 The scale and all dimensions of the Zoning Maps are in feet.

2.2.3 All plan references on the Zoning Maps pertain to registered plans filed in the Neepawa Land Titles Office.

2.2.4 The abbreviations noted on the Zoning Maps mean the following:

(a) **Pcl.** means **"Parcel"**;

(b) **Pt.** means **"Part"**;

(c) **RGE**. means **"Range"**;

(d) **R.M.** means **"Rural Municipality"**;

(e) **SEC.** means **"Section"**;

(f) **TWP.** means **"Township"**; and

(g) **W.P.M.** means **"West of Principal Meridian"**.

2.3 INTERPRETATION OF ZONE BOUNDARIES

2.3.1 Heavy solid lines represent the zone boundaries. Where the zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street.

2.3.2 Boundaries indicated as approximately following:

(a) the centrelines of public utility rights-of-way;

(b) the centrelines of streets, highways or lanes;

(c) the centrelines of railways or rivers;

(d) shoreline of the lake;

(e) lot, site or property boundaries; or

(f) Municipal limits;

shall be construed as following those lines or limits.

2.3.3 If a street, lane, walkway, or public utility right-of-way shown on the Zoning Maps is lawfully closed, the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zone boundary on its centreline, then the zone boundary shall be the former centreline.

2.3.4 Although streets and lanes are shown within the areas zoned on the Zoning Maps of this By-law, the provisions of this By-law shall not apply to streets and lanes until such time as they may be lawfully closed. Development within the streets and lanes shall be governed by any traffic by-law that may be adopted by the Council of The Town of Minnedosa.

3. PART 3 - RESIDENTIAL ZONES

3.1 INTENT AND PURPOSE

The Residential Zones established in this By-law are intended to provide areas for various types of residential development, and to regulate development within these areas.

3.2 ZONES

3.2.1 **"RS" Residential Single Zone** primarily accommodates the development of municipally serviced single unit dwellings, along with other uses, which may be considered acceptable within residential neighbourhoods.

3.2.2 **"RMH" Residential Mobile Home Zone** primarily accommodates the development of municipally serviced areas for mobile home occupancy.

3.2.3 **"RM" Residential Multiple Zone** primarily accommodates municipally serviced residential developments of three dwelling units or more.

3.2.4 **"RS-U" Residential Unserviced Zone** primarily accommodates single dwellings on larger parcels of land which are not typically serviced by municipal sewer and water services.

3.2.5 **"RLL" Residential Large Lot Zone** accommodates single dwellings in designated areas on lots of 2 acres or larger in size, which are not typically serviced by municipal sewer and water services.

3.3 PERMITTED AND CONDITIONAL USES

3.3.1 Table 3-1 lists all uses that are permitted or conditional in the Residential Zones.

3.3.2 No land shall be used or occupied and no building, structure or mobile home shall be erected, relocated, altered, enlarged, used or occupied hereafter for any use in any Residential Zone other than a use listed as permitted or conditional uses in Table 3-1.

Table 3-1: Residential Use Table

LIST OF USES **Legend:** **P: Permitted Use** **C: Conditional Use** **NP: Not Permitted Use**	**ZONES**				
	RS	**RMH**	**RM**	**RS-U**	**RLL**
Accessory Uses, Buildings and Structures, other than those listed below:	P	P	P	P	P
- Accessory attached secondary suites within the Principal Dwelling, either upstairs, downstairs or the main floor.	P	NP	NP	P	P
- Accessory detached secondary suite; either a Garden Suite or Coach House	C	NP	NP	C	C

LIST OF USES **Legend:** **P: Permitted Use** **C: Conditional Use** **NP: Not Permitted Use**	**ZONES**				
	RS	**RMH**	**RM**	**RS-U**	**RLL**
- Accessory Bed and Breakfast Facilities, or Boarding Accommodation with a maximum of 2 revenue suites, within the principal dwelling	P	P	NP	P	P
- Accessory Home Day Care Facilities, to a maximum of 8 children, within the principal dwelling	P	P	P	P	P
- Accessory Home Based Business, where all aspects of the operation are undertaken within a completely enclosed building **(See Section 3.5)**	P	P	P	P	P
- Accessory Home Based Business, where there is exterior storage or processing operations, or where there is processing or storage of hazardous materials **(See Section 3.5)**	C	C	C	C	C
- Accessory Residential Care Facilities to a maximum of 8 persons, within the principal dwelling	P	P	P	P	P
Assembly Facilities for Clubs or Halls	C	C	C	C	C
Bed and Breakfast Establishments, Boarding, Rooming and Lodging Houses (more than 2 revenue suites)	C	C	C	C	C
Dwellings:	-	-	-	-	-
- Existing Cottages or Cabins [(a)]	NP	NP	NP	P	NP
- Single Dwellings	P	NP	P	P	P
- Two Dwellings, including duplexes and semi-detached units	C	NP	P	C	C
- Multiple Dwellings, including row housing, town houses, garden apartments, and containing 3 or more dwelling units [(b)]	NP	NP	P	NP	NP
- Mobile Homes [(c)] (CSA Z240 or equivalent)	NP	P	NP	NP	P

LIST OF USES Legend: P: Permitted Use C: Conditional Use NP: Not Permitted Use	ZONES				
	RS	RMH	RM	RS-U	RLL
- Modular Homes [(d)] (CSA A277 or equivalent)	P	P	NP	P	P
Group Day Care Facilities	C	C	C	C	C
Funeral Homes	C	NP	NP	NP	NP
Public Parks, Buffers, and Walkways	P	P	P	P	P
Personal Services	P	P	P	P	P
Personal Care homes	NP	NP	P	NP	NP
Playgrounds and Tot Lots	P	C	C	C	C
Religious Institutions, including churches, chapels, temples, church halls, and church educational facilities	C	C	C	C	C
Residential Care Facilities (more than 8 persons)	C	C	C	C	C
Senior Citizens' Homes and Personal Care Homes	NP	NP	P	NP	NP

The following footnotes form part of Table 3-1:

(a) A group of existing cottages and cabins, originally built for seasonal use on relatively small lots which were developed on the east side of the river valley and shown on a Plan of Subdivision. That part of Minnedosa was originally developed along public roads but lacked municipal sewer and water services. More recently Council has added temporary water supply services and public toilets. The existing development includes those original cottages and cabins as well as newer recreational dwellings and the recreation area was drawn on a 2019 Plan of Survey which shows the location of individual cottages on both the smaller and larger lots, along with public roads within the existing development. It is the intention of Council that the existing cottages and cabins which were built along Lily Lane, Tulip Lane, Peony Lane, Daffodil Lane, Carnation Lane, and parts of both Daisy Lane and Orchid Lane, as shown on a zone overlay on the zoning map, shall be allowed continued use and enlargement subject to the following requirements:

Principal Buildings in overlay area:

- A maximum total area for principal buildings on existing lots in the zone overlay will be determined by the size of the existing lot and application of the required yards,
- The required yards and setbacks to be maintained include a front yard of 20 feet, a side yard of 5 feet, and a rear yard of 15 feet,
- A maximum height of 25 feet for all principal buildings.

Accessory uses, buildings and structures in overlay area:

- Tool houses, garages, sheds and storage buildings are limited to a maximum number of two

and total combined floor area of 500 sq. ft.,

- Accessory buildings are limited to a maximum building height of 15 feet and a minimum side yard requirement of 2.0 feet,
- Sidewalks, fences, decks, patios, retaining walls, gazebos, statuary, flagpoles, lighting fixtures, play structures, trees, shrubs, and similar landscaping features are to be allowed within reason given the small lot sizes,
- Parking spaces, antennas, satellite dishes, signs, garbage disposal containers are to be allowed,
- Private wells and on-site sewage disposal systems may be allowed subject to provincial regulations,
- Guest homes, bunkhouses, RV parking, and similar uses will not be allowed within the area of smaller lots used by the pre-existing cottage and cabin development.

(b) Bare-Land Condominium Developments shall be subject to the provisions of Section.

(c) Mobile Homes shall meet CSA Z240 certification, with units older than 4 years subject to inspection, and Mobile Home Parks shall be subject to the provisions of Section 3.9.

(d) Modular Homes shall meet CSA A277 certification, built within the last 2 years, have a minimum width of 24 feet and a minimum total area of 700 sq. ft., and secured to a typical perimeter foundation so that it complies with the Manitoba Building Code

3.4 ACCESSORY USES, BUILDINGS AND STRUCTURES

3.4.1 In the Residential Zones, a permitted accessory use, building or structure includes, but is not limited to, the following items, subject to the siting limitations of Section 3.6 and 3.7**:**

(a) A private garage, carport, covered patio, tool house, shed or other similar building for the storage of domestic equipment;

(b) A private swimming pool, greenhouse, garden house, conservatory, child's playhouse, or child's play structure;

(c) A home based business, subject to the provisions of Section 3.5;

(d) Sidewalks, fences, decks, patios, retaining walls, gazebos, statuary, flagpoles, lighting fixtures, trees, shrubs and similar landscaping features;

(e) Accessory off-street parking areas as required and regulated in Section 3.8;

(f) Antennas, satellite dishes, windmills, and solar panels;

(g) Signs, subject to the provisions of Section 7.19;

(h) Refuse and garbage disposal containers, which in the case of multi-family dwellings, shall be subject to the approval of the development officer with regard to location on the site; and

(i) Private wells, and in the case of sites in the **"RS-U"** and **"RLL"** Zones, private sewage disposal systems, subject to the approval of the appropriate provincial authority.

3.4.2 No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building, unless the accessory building or structure is required for the storage of equipment or material needed for the construction of the principal building. Temporary buildings for storage may be approved under a

temporary use permit.

3.4.3 A maximum of three accessory buildings may be permitted on a residential zoning site.

3.4.4 The maximum size of any one accessory building shall not exceed the lesser of 1000 sq. ft. or 10 percent of the total site area.

3.4.5 Shipping containers of any design or construction are prohibited for use as an accessory building in residential areas.

3.4.6 Electric and barbed wire fences are prohibited in residential areas.

3.4.7 Outdoor storage of junk items, piles of debris, or waste materials (such as wooden pallets) are all prohibited in residential areas.

3.5 HOME BASED BUSINESSES

Home based businesses shall be subject to the following requirements:

(a) A home based business shall be approved by development permit.

(b) A home based business shall be incidental to and subordinate to the residential use of a dwelling unit or mobile home; and not more than five hundred (500) square feet of floor area shall be devoted to home based businesses in any dwelling unit or accessory building thereto;

(c) A home based business shall not by reason of emission of odour, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried wastes become offensive or obnoxious or create a nuisance beyond any site line;

(d) There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home based business or variation of the residential character of the principal or accessory building, (with the exception of one business sign not exceeding sixteen (16) square feet in area), unless specifically approved by Council as a conditional use;

(e) A home based business shall be carried on entirely within the dwelling unit or within an accessory building, and any exterior operations shall be specifically approved by Council as a conditional use;

(f) A home based business shall not cause the generation of undue traffic and congestion in the neighbourhood;

(g) A home based business shall be principally conducted by the members of the family residing in the same dwelling unit; and

(h) A home based business shall be in compliance with provincial legislation, such as the Public Health Act.

3.6 RESIDENTIAL BULK REGULATIONS

3.6.1 The Residential Bulk Regulations shall be as set forth in Table 3-2 and shall apply to all permitted and conditional uses. These regulations are intended to provide for adequate space for the buildings, vehicular parking, private outdoor recreation areas and landscaping amenities, as well as to provide for convenient access for vehicles and

pedestrians, for sufficient space for natural light and air to penetrate all windows, and to provide setbacks from site lines as a measure for privacy, maintenance of the building or structure, and fire protection.

3.6.2 Not more than one principal building or principal use and its accessory buildings or structures shall be permitted on one residential zoning site, with the exception of mobile homes and modular homes in a mobile home park.

3.6.3 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.

3.6.4 No parcel of land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in Table 3-2.

3.6.5 No required yard shall be reduced below the minimum requirements as set forth in Table 3-2, unless a variation order is approved by Council.

Table 3-2: Residential Bulk Table

PERMITTED AND CONDITIONAL USES	MINIMUM REQUIREMENTS [a][b]						
	Site Area (sq. ft.)	Site Width (ft.)		Front Yard (ft.)	Side Yard (ft.)		Rear Yard (ft.)
		Interior	Corner		Interior	Corner	
Accessory Uses, Buildings and Structures [c][d]	-	-	-	25[e]	5[g][h][i]	[j][l]	2[k][l]
Assembly Facilities for Clubs or Halls [n]	9,000[m]	75	75	25[e][f]	5[h][j]	[j]	25
Bed and Breakfast Establishments and Boarding, Rooming and Lodging Houses [n]	9,000[m]	75	75	25[e][f]	5[g][h][j]	[j]	25
Single Dwellings [n][o]	6,000	50[k]	60[k]	25[e][f]	5[g][h][j]	[j]	25
Two Dwellings [n][o][p]	6,000	50[l]	60[l]	25[e][f]	5[g][h][j][l]	[j]	25
Multiple Dwellings	7,500[q]	75	75	25[e][f]	5[g][h]	[j]	25
Modular Homes [n][o]	6,000[m]	50[m][k]	60[m][k]	25[e][f]	5[g][h]	[j]	25
Mobile Homes and Modular Home Sites in Mobile Home Subdivisions and Parks	6,000	50	60	20[e][f]	5[r]	10[r]	10
Day Care Facilities or Funeral Homes [n]	9,000[m]	75	75	25[e][f]	5[g][h][j]	[j]	25
Parks, Playgrounds and Tot Lots	2,000	20	20	25[e]	5	[j]	25

PERMITTED AND CONDITIONAL USES	MINIMUM REQUIREMENTS [a][b]						
	Site Area (sq. ft.)	Site Width (ft.)		Front Yard (ft.)	Side Yard (ft.)		Rear Yard (ft.)
		Interior	Corner		Interior	Corner	
Personal Services	6,000	50	60[m]	25[e][f]	5[g][h]	[j]	25
Public Utility Buildings	5,000	50	60	25[e]	5[g][h]	[j]	25
Religious Institutions [n]	10,000[m]	100	100	25[e][f]	5[g][h][j]	[j]	25
Residential Care Facilities (more than 2 persons) [n]	9,000[m]	75	75	25[e][f]	5[g][h][j]	[j]	25
Senior Citizens' Homes and Personal Care Homes	10,000	100	100	25[e][f]	5[h]	[j]	25

The following notations and exceptions form part of Table 3-2:

(a) The minimum floor area of all dwelling units, including modular and mobile homes, shall be seven hundred (700) sq. ft., except for suites within senior citizens' homes and personal care homes.

(b) The maximum height for all buildings and structures in all Residential Zones shall be as follows:

(i.) Maximum of thirty-five (35) ft. for all principal buildings; and

(ii.) Maximum of fifteen (15) ft. for all accessory buildings and structures;

With the exception of flagpoles, antennae and church spires. Refer to Section 10.3 for definition of building height.

(c) Where an accessory building or structure is attached to the principal building by features such as foundations, walls or roof systems, the minimum required yards shall be the same as for the principal building, unless otherwise provided for in Section 3.7.

(d) Detached accessory buildings shall be separated from the principal building and any other accessory building on the same site by a minimum distance of four (4) feet.

(e) Corner vision triangles shall be maintained at the street corners of all sites located adjacent to street intersections within all Residential Zones. The corner vision triangle shall be a triangular area measured ten (10) feet from the street corner of the site along each site line adjacent to the street. No structure, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed to exceed a height of three (3) feet within these corner vision triangles.

(f) The minimum required front yard may be adjusted as follows:

(i.) Where the two (2) nearest adjacent dwellings have an existing front yard that is less than the requirements of Table 3-2, then the required front yard shall be the average of these existing front yards; and

(ii.) In order to provide for additional flexibility for siting complex buildings, up to twenty-five (25) square feet of floor area may be allowed to project into the required front yard, per dwelling unit.

(g) Where an interior site is not adjacent to a lane, one of the side yards shall be a minimum of ten (10) feet in width, clear of all projections, except eaves and gutters, in order to accommodate the required vehicular parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a parking space, garage or carport is located to the side or rear of the principal building, or as part of the principal building.

(h) The minimum required side yard shall be adjusted as follows:

(i.) Where the height of the building is in excess of twenty (20) feet above average grade, the minimum required interior side yard shall be ten (10) feet; and

(ii.) Where the side wall of the building contains any window in excess of twenty (20) square feet in area, the minimum required interior side yard shall be ten (10) feet at that portion of the building which contains the window.

(i) Where the accessory building is located entirely to the rear of the main building the minimum required interior side yard shall be two (2) feet.

(j) When located on a corner site, the minimum required side yard on the street side of the site for all principal and accessory buildings and structures shall be fifteen (15%) percent of the actual site width to a maximum requirement of fifteen (15) feet.

(k) Where there is a public lane provided at the rear of the site, the minimum required rear yard for an accessory building shall be two (2) feet, except in the case of private garages where the vehicle door faces the lane, in which case the minimum required rear yard shall be ten (10) feet.

(l) Notwithstanding footnotes (j) and (k), where the rear yard of a corner site is bordered by the front yard of an adjacent site to its rear, all accessory buildings and structures (excluding fences) shall be set back a distance of fifteen (15) feet from the side site line along the street, within a distance of fifteen (15) feet from the common site line separating the two sites.

(m) These minimum site area and minimum site width requirements are intended to establish the standard for new residential subdivisions at the periphery of the community. Where existing residential lots are being subdivided or developed, the minimum site area requirement shall be six thousand (6,000) square feet, and the minimum site width requirement shall be fifty (50) feet.

(n) For sites in the **"RS-U"** Zone, the minimum required site area shall be six thousand (6,000) square feet in order to accommodate private sewage disposal systems subject to provincial regulations, and the minimum required site width shall be fifty (50) feet and the minimum required side yard shall be seven and one half (7.5) feet.

(o) For sites in the **"RLL"** Zone, the minimum required site area shall be two (2) acres, the minimum required site width shall be two hundred (200) feet, the minimum required front yard shall be fifty (50) feet (unless otherwise required by the provincial highways authority), and the minimum required side and rear yards shall be twenty (20) feet.

(p) In the case of two unit dwellings, each unit may occupy a separate site, in which case the minimum required site area shall be three thousand, five hundred (3,500) sq. ft., the minimum required site width shall be thirty-five (35) ft. and the minimum required side yard along the party wall shall be zero (0) ft.

(q) The minimum required site area shall be seven thousand five hundred (7,500) square feet for multiple unit dwellings (with three or four units), and shall increase by an additional one thousand (1,000) square feet for each additional dwelling unit above 4 dwelling units.

(r) For mobile home sites, there shall be an open space at least twenty (20) ft. by fifty (50) ft. adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.

3.7 PERMITTED PROJECTIONS AND FEATURES IN REQUIRED YARDS

3.7.1 All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:

(a) Open terraces and decks, and exterior stair landings, not exceeding a height of four (4) feet above grade, provided that the following minimum separations are maintained:

(i.)twenty (20) feet from any front site line;

(ii.)five (5) feet from the side site line on the street side of a corner site; and

(iii.)two and one half (2.5) feet from any interior side site line;

(b) Eaves, gutters, canopies, awnings, and other similar building elements, provided that they do not project any more than two and one half (2.5) feet into any required yard. Where the minimum required yard for accessory buildings is less than five (5) feet, eaves and gutters may project to a maximum of fifty percent (50%) of the minimum required yard;

(c) A canopy or awning over a front stairway or landing may project into a required front yard, provided that the maximum area of coverage does not exceed one hundred (100) square feet, the maximum projection into the front yard does not exceed twelve (12) feet and provided that the stairway or landing is unenclosed by walls or partial walls;

(d) Chimneys, alcoves, bay windows and similar features provided that they do not project any more than two and one half (2.5) feet into any required yard, and provided that the maximum floor area of such projecting elements along any one wall does not exceed sixteen (16) square feet, with the exception of a projection into a required front yard as provided in Table 3-2 footnote (f);

(e) Uncovered sidewalks and patios, driveways and accessory parking spaces, at grade level, provided that at least one permanent automobile parking space per dwelling unit shall be at a location other than the required front yard, for single dwellings and two dwellings;

(f) Trees, shrubs, trellises, arbours, retaining walls, wheelchair access ramps, flagpoles, lighting fixtures, and similar landscaping features (retaining walls subject to provisions of Section 7.8);

(g) Fences, walls and hedges, provided that the height of these features does not exceed:

(i.)three (3) feet within any required front yard; and

(ii.)six (6) feet within any required side yard or within any required rear yard;

(h) Accessory buildings up to fifty (50) square feet in area and up to seven (7) feet in height may be located within any required rear yard or interior side yard entirely to the rear of the principal building, and where the building is larger than fifty (50) square feet, it shall be in conformance with Table 3-2; and

(i) Signs subject to General Provisions in Section 7.

3.8 PARKING REQUIREMENTS IN RESIDENTIAL ZONES

3.8.1 For all permitted and conditional uses in the Residential zones, accessory off-street parking shall be provided and maintained in accordance with this section.

3.8.2 Accessory off-street parking spaces shall be provided and maintained in accordance with Table 3-3.

3.8.3 Accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is approved for parking spaces located elsewhere.

3.8.4 Every parking space shall be a minimum width of nine (9) feet and shall be a minimum length of twenty (20) feet.

Table 3-3: Residential Parking Table

USES	MINIMUM PARKING SPACE REQUIREMENTS*
Assembly Facilities	1 per 100 sq. ft. of floor area
Boarding, rooming and lodging houses, and bed and breakfast	1.0 per suite
Parks, Playgrounds, Tot Lots and Buffer Strips	0
Public utility buildings	1
Single dwellings	1
Mobile and Modular Homes	1
Two dwellings	2
Multiple dwellings containing 3 or more dwelling units	1.5 per dwelling unit
Religious Institutions and Funeral Homes	1 per 10 permanent seats
Senior Citizens' Homes and Personal Care Homes	1 per 3 suites
All other permitted and conditional uses	1

USES	MINIMUM PARKING SPACE REQUIREMENTS*
***Note:** Where the computation of the number of required accessory off-street parking spaces results in a requirement of a fraction of a parking space it shall be counted as one parking space.	

3.8.5 Parking areas shall be designed and constructed so that all drainage is directed towards an existing drainage system along an existing street, lane or other public land intended for that purpose, and shall not direct drainage onto neighbouring private property.

3.8.6 Where an accessory parking lot requires the use of an internal vehicular circulation system, the design of the parking lot, including all exits and entrances, shall conform to the provisions of Section 7.9 and shall be subject to the approval of the Development Officer.

3.8.7 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of this section.

3.8.8 For multiple-family dwellings, accessory parking spaces shall generally be provided at a location other than the required front yard, unless Council specifically approves the location of parking spaces within the required front yard.

3.9 MOBILE HOME PARKS

3.9.1 Mobile home parks may be considered for development within any area which is specifically zoned for mobile home development. New mobile homes shall be eligible for approval, but mobile homes 4 years or older shall subject to inspection by the Development Officer/Building Inspector and pre-approval by Council.

3.9.2 Proposals for the development of a mobile home park shall be submitted to Council for review and shall include information with respect to the following matters:

(a) The proposed arrangement and dimensions of mobile home sites, roadways, buffers and other areas;

(b) The proposed location of all service networks, including water supply and sewage piping systems, energy distribution (hydro and natural gas) and telephone services, as well as street lighting and other features;

(c) Proposed site grading and drainage systems; and

(d) Any other matter the Council considers relevant to the proposed development.

3.9.3 Mobile home parks shall conform with the following criteria:

(a) The size and dimensions of each mobile home space shall conform with the requirements of Table 3-2;

(b) The minimum width of a right-of-way for a roadway shall be fifty (50) feet, and the roadway system shall conform with generally recognized engineering and planning standards.

3.9.4 Every mobile home space in a mobile home park shall be developed in accordance with the following:

(a) Approved service connections shall be provided to The Town of Minnedosa water and sewer systems;

(b) A maximum of one mobile home is allowed on each mobile home space;

(c) An approved base support shall be provided for the mobile home;

(d) Approved service connections to other utilities and services shall be provided;

(e) A minimum of one on-site parking space shall be provided for each mobile home;

(f) Solid skirting designed to match the décor of the mobile home, shall be provided and maintained in a satisfactory condition; and

(g) Additions shall be designed to match the décor of the mobile home.

3.9.5 Accessory buildings, structures and uses shall be permitted and governed by other provisions of this Part, and the mobile home space boundaries shall be deemed to be site lines for the purposes of establishing required yards for accessory buildings and structures.

3.10 BARE-LAND CONDOMINIUMS

3.10.1 Bare-land condominium developments may be considered within any area which is zoned **"RM"** Residential Multiple Dwelling Zone, subject to the specific approval of Council.

3.10.2 Proposals for bare-land condominium development, including a concept plan, shall be submitted to Council for review and shall include information with respect to the following matters:

(a) The proposed arrangement and dimensions of building lots, roadways, buffers and other areas;

(b) The proposed location of all service networks, including water supply and sewage piping systems, energy distribution (hydro and natural gas) and telephone services, as well as street lighting and other features;

(c) Proposed site grading and drainage systems; and

(d) Any other matter the Council considers relevant to the proposed development.

3.10.3 Roadways within a bare-land condominium development shall have a minimum right-of-way width of twenty-five (25) feet.

3.10.4 The following special setback requirements shall govern the development of a bare-land condominium development:

(a) The boundary of each bare-land condominium unit which abuts the private access roadway or public street shall be deemed to be a front site line, the dwelling shall

be set back a minimum distance of twenty (20) feet from the front site line, and this space shall be deemed to be a required front yard;

(b) The boundary of each bare-land condominium unit which is generally opposite to and most nearly parallel with the front site line described above shall be deemed to be a rear site line, the dwelling shall be set back a minimum distance of twenty (20) feet from the rear site line, and this space shall be deemed to be a required rear yard; and

(c) Other unit boundaries within a bare-land condominium are deemed to be side site lines, and where two or more dwelling units are connected by a party wall or other major structural element, the setback requirement shall be zero (0) feet along the common boundary, otherwise, the dwelling shall be set back a distance of five (5) feet from the side site line. This space shall be deemed to be a required side yard, except where the said side yard is a corner side yard, which shall be a minimum of ten (10) feet in width.

3.10.5 Every bare-land condominium dwelling unit shall be developed in accordance with the following:

(a) Approved service connections shall be provided to The Town of Minnedosa water and sewer systems;

(b) Approved service connections to other utilities and services (such as electrical and communications) shall be provided; and

(c) A minimum of one on-site parking space shall be provided for each dwelling unit.

3.10.6 Accessory buildings, structures and uses shall be permitted and governed by other provisions of this Part, and the bare-land condominium unit boundaries shall be deemed to be site lines for the purposes of establishing required yards for accessory buildings and structures.

3.11 SECONDARY SUITES

3.11.1 SECONDAY SUITES: ATTACHED AND DETACHED

(a) Lots containing secondary suites must contain a minimum of 2 off-street parking spaces.

(b) An exterior, private amenity space such as a deck or patio shall be provided for the secondary suite, and have a minimum area of 80 sq. ft. and a minimum dimension of 5.0 ft.

(c) No roof decks are allowed above the living area of a secondary suite.

(d) A secondary suite shall not be utilized as a home based business, a care home, or a neighbourhood rehabilitation home.

(e) For secondary suite approval, the owner must include a site plan with an application to the Town, which site plan must provide:

(i.) A lot grading plan

(ii.) The location and details of the proposed sewer and water connections.

(iii.) The location and the design of the proposed secondary suite, including building elevations, floor plans, materials exterior lighting, windows, doors, balconies, patios, outdoor space, fencing, parking, and landscaping.

3.11.2 SECONDARY SUITES, ATTACHED

(a) The principal dwelling is to be occupied by the owner of the property.

(b) Not more than 1 Attached Secondary Suite shall be permitted within a principal dwelling.

(c) The maximum size of an Attached Secondary Suite may be no more than 33 percent of the living area of the dwelling, or 800 square feet, whichever is less.

(d) The applicable yard requirements and setbacks for the principal building will apply to any building enlargement for the secondary suite.

3.11.3 SECONDARY SUITES, DETACHED

(a) The minimum site area for a Detached Secondary Suite shall be no less than 5000 square feet.

(b) The maximum floor area of the Detached Secondary Suite shall be no more than 800 square feet.

(c) The minimum floor area of the Detached Secondary Suite shall be no less than 350 square feet.

(d) The Detached Secondary Suite must contain a minimum separation distance from the principal building of 10 feet.

(e) The minimum front yard and side yard setbacks for a detached secondary suite shall be the same as for the principal dwelling.

(f) The minimum rear yard setback shall be 5 feet for that portion of the accessory building used as a detached secondary suite.

(g) Subdivision of land which results in a separate land title for the detached secondary suite will not be permitted.

4. PART 4 - COMMERCIAL AND INDUSTRIAL ZONES

4.1 INTENT AND PURPOSE

The Commercial Zones and Industrial Zones established in this By-law are primarily intended to provide areas for various types of commercial and industrial development, and to regulate development within these areas.

4.2 ZONES

4.2.1 **"CC" Commercial (Central) Zone** - This zone provides for appropriate land in the Town's central business area to allow it to be multi-functional in nature, and to develop as the most intensive retail, business, social, cultural and administrative area of the Town.

4.2.2 **"CH" Commercial (Highway) Zone** - This zone provides for appropriate land at suitable locations to accommodate those businesses requiring large site areas and/or providing retail services adjacent to major transportation routes to serve the needs of the travelling public.

4.2.3 **"CA" Commercial (Agro) Zone -** This zone provides for appropriate land at suitable locations for the development of commercial businesses which provide goods and services to agricultural producers. Other compatible commercial or industrial developments may also be allowed in this zone.

4.2.4 **"ML" Industrial (Light) Zone -** This zone provides land for the development of warehouse and other low impact industrial uses that are reasonably compatible with nearby residential, commercial, or institutional uses. Industrial uses are permitted which carry on their operations in such a manner that no significant nuisance factor is created or emitted.

4.2.5 **"MH" Industrial (Heavy) Zone -** This zone provides for a wide range of industrial uses where a certain level of nuisance factor must be accepted as characteristic of the use. Wherever possible, these uses should be located in such a way as to minimize any detrimental effect on other uses of land.

4.3 PERMITTED AND CONDITIONAL USES

4.3.1 Table 4-1 lists all uses that are permitted or conditional in the Commercial Zones and Industrial Zones.

4.3.2 No land shall be used or occupied and no building or structure shall be erected, relocated, altered, enlarged, used or occupied hereafter for any use in any Commercial Zone or in any Industrial Zone other than a use listed as permitted or conditional in Table 4-1.

4.3.3 In addition to the provisions of this By-law, various industrial operations may require an assessment under the Environment Act.

Table 4-1: Commercial and Industrial Use Table

LIST OF USES **Legend:** **P: Permitted** **C: Conditional** **NP: Not Permitted**	**ZONES**				
	CC	**CH**	**CA**	**ML**	**MH**
Accessory Uses, Buildings and Structures, listed below:	-	-	-	-	-
- Accessory accommodations for railway employees	P	P	P	P	P
- Accessory Processing or Fabrication Facilities, non- hazardous, when incidental to a permitted use or approved conditional use	NP	NP	NP	NP	C
- Accessory Processing or Fabrication Facilities, involving hazardous or toxic materials, including chemicals or plastics processing	NP	C	C	C	C
- Accommodations Facilities, including Hotels and Motels	C	C	C	C	C
Advertising Signs (Billboards) to be approved by Council resolution	P	P	C	NP	NP
Agricultural Related:	-	-	-	-	-
- Agricultural Chemical Supply, Storage and Distribution Facilities	NP	NP	C	C	C
- Agricultural Implements, Equipment or Structures, Sales and Service	NP	NP	P	C	P
- Agricultural Produce Processing Facilities, including Dairies, Distilleries, Feed Mills, or Flour Mills	NP	NP	NP	C	C
- Agricultural Produce Storage Facilities, including Grain Elevators or Terminals, and Agricultural Warehouses	NP	NP	NP	C	P
- Agricultural Supply Businesses not described elsewhere in this Table (See Storage, Warehousing for Agricultural Chemicals)	C	C	P	C	P
- Nurseries or Greenhouses	NP	C	P	P	P
Animal Care Facilities:	-	-	-	-	-
- Boarding Facilities, including kennels and pounds	NP	NP	C	C	P
- Grooming and other similar services	P	P	P	C	NP
- Veterinary Clinics	NP	NP	P	C	P
Assembly Facilities, including Auditoriums, Community Centres, Clubs and Halls	P	C	P	P	P

LIST OF USES **Legend:** **P: Permitted** **C: Conditional** **NP: Not Permitted**	ZONES				
	CC	**CH**	**CA**	**ML**	**MH**
Auction Sales Facilities (excluding livestock facilities)	C	C	P	C	NP
Automotive, including Automobiles, Trucks, Trailers and Recreational Vehicles (boats, motorcycles, snowmobiles):	-	-	-	-	-
- Body Shops	C	C	P	P	P
- Sales Facilities	P	P	P	P	P
- Service Stations	P	P	P	P	P
- Specialty Shops, including Parts Supply and Tires	P	P	P	P	P
- Washing Establishments	C	P	P	NP	NP
- Wrecking Establishments	NP	NP	NP	C	C
Building and Construction Related:	-	-	-	-	-
- Building Contractors' Establishments, including Plumbers or Electricians Service Shops	P	P	P	P	P
- Building Supply Sales, including Lumber Yards	P	P	P	P	P
- Excavating Contractors or Ready Mix Concrete Supply	NP	NP	NP	C	P
- Fabrication Facilities for Building Components, including cabinets and windows	NP	C	C	P	P
- Prefabrication Establishments for buildings, including Ready-to-Move Houses	C	C	C	C	P
Cleaning Establishments, including Dry Cleaners or Laundromats	P	P	C	NP	NP
Clinics or Laboratories, Dental, Medical or Optical	P	P	NP	NP	NP
Convenience Stores	P	P	P	NP	NP
Cultural Facilities, including art galleries, libraries, and museums	P	NP	NP	NP	NP
Food or Beverage Service Establishments, including Restaurants (including Drive-In or Drive-Through establishments)	P	P	P	C	C
Food Processing Establishments, including Bakeries	P[(a)]	C	C	C	P
Financial Institutions, including Banks and Credit Unions	P	NP	NP	NP	NP
Fuels, Bulk, Sales and Storage	NP	NP	NP	NP	P

LIST OF USES **Legend:** **P: Permitted** **C: Conditional** **NP: Not Permitted**	ZONES				
	CC	**CH**	**CA**	**ML**	**MH**
Gravel Pits	NP	NP	NP	NP	C
Machine Shops or Welding Shops	NP	C	P	C	P
Manufacturing, Fabricating or Processing Establishments:	-	-	-	-	-
- For Non-hazardous materials	NP	C	C	C	P
- For Chemicals, Plastics or Hazardous materials,	NP	NP	NP	NP	C
Offices, including Business, Professional, Health Care or Governmental (including Court Houses)	P	C	NP	NP	NP
Newspaper or Printing Establishments	P	C	C	P	P
Personal Service Shops, Barber Shops, Beauty Parlours and similar uses	P	C	C	C	C
Group Child Care Facilities	C	C	C	NP	NP
Funeral Homes	P	P	NP	NP	NP
Instruction Services	P	C	C	C	NP
Public Utilities, Public Services and Public Works:	-	-	-	-	-
- Fire or Police Stations	P	P	C	NP	NP
- Public Utility Buildings	C	C	P	P	P
- Maintenance Compounds for Equipment or Vehicles	C	NP	NP	C	P
- Treatment Plants for Water Supply or Sewage Disposal Systems	C	NP	NP	P	P
- Water Supply Reservoirs	C	NP	NP	P	P
Recreation and Entertainment:	-	-	-	-	-
- Arcades and Similar Amusement Enterprises	P	C	C	NP	NP
- Billiard Parlours and Bowling Alleys	P	P	NP	NP	NP
- Indoor facilities, including ice hockey arenas	P	C	NP	NP	NP
- Miniature Golf Courses	C	P	NP	NP	NP
- Parks and Buffer Areas	P	P	P	P	P
- Theatres and Cinemas	P	C	NP	NP	NP

LIST OF USES **Legend:** **P: Permitted** **C: Conditional** **NP: Not Permitted**	ZONES				
	CC	**CH**	**CA**	**ML**	**MH**
Recycling, Scrap or Salvage Facilities	NP	NP	C	C	C
Religious Institutions, including Churches and Church Halls	P	C	C	NP	NP
Residential Uses:	-	-	-	-	-
- Residential apartments, dwelling units or suites above the main floor or in the rear portion of the main floor of a principal building	P	C	NP	NP	NP
- Existing Single-Family Dwellings	C[(b)]	NP	NP	NP	NP
- Multiple-Family Dwellings	C	NP	NP	NP	NP
Retail Establishments, including Grocery Stores, Hardware Stores, Furniture Stores, and sales of other commodities not listed elsewhere on this Table, provided all storage areas are within a building	P	C	NP	NP	NP
Service and Repair Shops, including appliance repair	P	P	P	P	P
Storage, Warehousing, and/or Distribution Facilities:	-	-	-	-	-
- Storage Facilities, Outdoor, for hazardous materials or products (including bulk agricultural chemicals)	NP	NP	NP	C	C
- Storage, Warehousing, and/or Distribution Facilities for non-hazardous materials or products	NP	NP	P	P	P
Studios, arts, broadcasting or photographic	P	P	NP	NP	NP
Transportation Related:	-	-	-	-	-
- Bus Depots or Terminals	P	P	P	C	NP
- Bus Storage Facilities	C	C	NP	P	P
- Courier or Taxi Services	P	P	P	C	NP
- Parking Lots or Parking Structures	C	P	P	P	P
- Railway Freight and Marshalling Yards and Service Buildings	NP	NP	NP	C	P
- Truck Terminals	NP	NP	P	C	P
- Truck Wash Facilities (for large trucks)	NP	NP	P	C	P

The following footnotes form part of Table 4-1:

(a) Where the floor area exceeds five thousand (5,000) square feet, the use shall be deemed a conditional use.

(b) Where an existing single-family dwelling is removed or destroyed, it may be replaced by another single-family dwelling, provided that a conditional use order is approved by Council, and provided that it will be in compliance with the bulk requirements of Sections 3.6 and 3.7.

4.4 ACCESSORY USES, BUILDINGS AND STRUCTURES

In the Commercial and Industrial Zones, a permitted accessory use, building or structure includes, but is not limited to, the following:

(a) Land, buildings or structures used for the storage of goods customarily offered for sale in connection with a permitted or conditional commercial use, subject to the provisions of Section 4.5;

(b) Land, buildings or structures used for the storage of goods or equipment required for or produced by any manufacturing process in connection with a permitted or conditional industrial use, subject to the provisions of Section 4.5;

(c) Facilities for incidental processing, cleaning, servicing, altering, testing or repair of merchandise normally offered for sale in connection with a permitted or conditional commercial or industrial use;

(d) Business or administrative offices associated with the principal use;

(e) Accessory off-street parking and loading facilities as required in Section 4.8;

(f) Tanks and related structures for the storage and dispensing of fuels in conjunction with any business establishment involved with retail fuel sales, or in conjunction with any fleet of vehicles subject to any provincial approvals;

(g) Sidewalks, fences, decks, patios, retaining walls, gazebos, statuary, flagpoles, lighting fixtures, trees, shrubs and other landscaping features;

(h) Signs, subject to the provisions of Section 7;

(i) In the case of a permitted residential use, those accessory uses, buildings and structures as provided in Section 3.4;

(j) Antennas, including satellite dish antennas, windmills and solar panels;

(k) Refuse and garbage disposal containers, which shall be subject to the approval of the Development Officer with regard to location on the site; and

(l) Private wells, and in the case of unserviced sites, private sewage disposal systems, subject to the approval of the appropriate provincial authority.

4.5 ACCESSORY EXTERIOR DISPLAY, STORAGE, AND PROCESSING

4.5.1 Exterior display areas for products sold by a business may be allowed in any Commercial Zone or any Industrial Zone, provided that:

(a) Such display areas do not create a safety hazard or obstruct the visibility of pedestrians or motorists, in the opinion of Council;

(b) Such display areas do not create an unusual hazard such as fire, or other nuisance to neighbouring properties;

(c) Such display areas are maintained in a neat and tidy condition, and do not become overgrown with weeds or have accumulations of rubbish or debris; and

(d) Such areas do not reduce the amount of parking or loading space required by the provisions of Section 7.9

4.5.2 Exterior storage areas for industrial equipment and bulk commodities shall not occur within any required front yard or required corner side yard.

4.5.3 In the **"CC"** Commercial (Central) Zone, exterior storage areas for equipment and bulk commodities shall be enclosed by a fence at least 6 feet in height.

4.5.4 Exterior processing operations which generate significant amounts of noise or other nuisance shall not be allowed in the **"CC"** Commercial (Central) Zone, the **"CH"** Commercial (Highway) Zone or the **"ML"** Industrial (Light) Zone.

4.6 COMMERCIAL AND INDUSTRIAL BULK REGULATIONS

4.6.1 The Commercial and Industrial Bulk Regulations shall be as set forth in Table 4-2 and shall apply to all permitted and conditional uses. These regulations are intended to ensure that the site area, site width and yards will be adequate to allow space for the buildings as well as parking and loading areas appropriate for each zone.

4.6.2 Where more than one principal building, structure or use is to be developed on a site, each building, structure or use shall conform with the requirements of this By-law, as if it existed on a separate site.

4.6.3 In the case of multi-tenant buildings, such as commercial malls, the minimum required site area and minimum required site width shall be the total of the requirements for each use in the building, and the minimum required yards shall be those for the most restrictive use. The minimum required interior side yard shall be zero (0) feet where multi-tenant uses occupy one building.

4.6.4 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.

4.6.5 No parcel of land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in Table 4-2.

4.6.6 No required yard shall be reduced below the minimum requirements as set forth in Table 4-2**,** unless a variation order is approved by Council.

Table 4-2: Commercial and Industrial Bulk Table

PERMITTED AND CONDITIONAL USES (a)(b)	MINIMUM REQUIREMENTS[a][b]				
	Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Accessory Uses, Buildings and Structures [c]	-	-	[d][e][f][g]	5[d][f][g][h][i]	5([f][g][i]
Accommodations Facilities including Hotels and Motels	20,000	100	25[e]	15	15
Agricultural Implements, Equipment or Structures: Manufacture or Sales and Service	40,000	150	75[e][j]	15	15
Automobile Service Stations	10,000	100	50[e]	15	15
Building Materials Sales	20,000	150	75[e][j]	15	15
Truck Terminals	40,000	150	75[e][j]	15	15
All Other Permitted or Conditional Uses in the "CC" Commercial (Central) Zone	3,000	25	0	0[k]	25[l]
All Other Permitted or Conditional Uses in the "CH" Commercial (Highway) Zone	20,000	100	75[e][j]	15	15
All Other Permitted or Conditional Uses in the "CA" Commercial (Agro) Zone	20,000	100	75[e][j]	15	15
All Other Permitted or Conditional Uses in the "ML" Industrial (Light) Zone	10,000	100	25[e][f]	5[f][i][m]	5[f][i]
All Other Permitted or Conditional Uses in the "MH" Industrial (Heavy) Zone	30,000	100	75[e][f][j]	15[f]	15[f]

The following notations and exceptions form part of Table 4-2:

(a) Accessory residential dwelling units shall not be permitted.

(b) The maximum height for all buildings and structures shall be thirty-five (35) feet, with the exception of grain elevator complexes, storage tanks for fuels, fertilizers and grain, and with the exception of features such as antennas, flagpoles, church spires, and chimneys.

(c) Where an accessory building or structure is attached to the principal building by features such as foundations, walls or roof systems, the minimum required yards shall be the same as for the principal building.

(d) In the case of accessory buildings or structures, the required front and corner side yards shall be the same as the required front and side yards on the street side of a corner site for the principal building or structure.

(e) Corner vision triangles shall be maintained at the street corners of all sites located adjacent to street intersections within all Commercial Zones and all Industrial Zones, except the **"CC"** Commercial (Central) Zone. The corner vision triangle shall be a triangular area measured ten (10) feet from the street corner of the site along each site line adjacent to the street. No structure, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed to exceed a height of three (3) feet within these corner vision triangles.

(f) Where buildings are to be developed adjacent to a railway line, and require proximity to the railway for loading or unloading of supplies or products, the required yard adjacent to the railway shall be zero (0) feet.

(g) Gasoline pumps shall have a minimum setback of fifteen (15) feet from any site line and ten (10) feet from any building.

(h) Within the **"CC"** Central (Commercial) Zone, the minimum required side yard for accessory buildings and structures shall be zero (0) feet, notwithstanding any other provision of this By-law.

(i) Where the boundary of a site in the **"CH", "ML",** or **"MH"** zones is coterminous with the side site line or rear site line of a site in a Residential Zone, the principal and accessory buildings or structures shall be set back fifteen (15) feet from the common site line.

(j) Where all of the required parking and loading spaces are provided elsewhere on the site, the minimum required front yard shall be twenty-five (25) feet.

(k) The side site line may be located within a party wall or other joint wall system, but where an interior side yard is provided, it shall be a minimum width of four (4) feet.

(l) The required rear yard may be reduced to five (5) feet, provided that all required parking and loading spaces are provided elsewhere on the site, and provided that the rear portion of the building does not contain a dwelling unit.

(m) Where there is no lane, one of the required side yards shall be a minimum of fifteen (15) feet in width to provide for vehicular access to the rear of the site, or accommodate loading facilities and incidental exterior storage of materials.

4.7 PERMITTED PROJECTIONS AND FEATURES IN REQUIRED YARDS

All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in required yards unless otherwise specified:

(a) Parking and loading areas as required and regulated by Section 7.9;

(b) Exterior display, storage or processing areas, subject to the provisions of Section 4.5;

(c) Fences and walls provided that the height of these features does not exceed:

  (i.) three (3) feet above grade in any required front yard or in any required corner side yard, and does not exceed eight (8) feet above grade in any required rear yard or in any required interior side yard within any Commercial Zone; and

  (ii.) eight (8) feet above grade within any required yard in any Industrial Zone;

(d) Signs subject to the provisions of Section 7.19;

(e) Open terraces and decks, and exterior stairs and landings, not exceeding a height of four (4) feet above grade, provided that the following minimum separations are maintained in all zones except the **"CC"** Commercial (Central) Zone:

(i.) twenty (20) feet from any front site line;

(ii.) five (5) feet from any side site line; and

(iii.) five (5) feet from any rear site line;

(f) Eaves, gutters, canopies, awnings, and other similar building elements, provided that they do not project any more than two and one half (2.5) feet into any required yard. Where the minimum required yard for accessory buildings is less than five (5) feet, eaves and gutters may project to a maximum of fifty percent (50%) of the minimum required yard;

(g) Chimneys, alcoves, bay windows and similar features provided that they do not project any more than two and one half (2.5) feet into any required yard, and provided that the maximum floor area of such projecting elements along any one wall does not exceed sixteen (16) square feet;

(h) Uncovered sidewalks and patios, driveways and accessory parking spaces at grade level; and

(i) Trees, shrubs, trellises, arbours, retaining walls, wheelchair access ramps, flagpoles, lighting fixtures, and similar landscaping features. (Retaining walls subject to provisions of Section 7.8.)

4.8 COMMERCIAL AND INDUSTRIAL PARKING AND LOADING

4.8.1 For all permitted and conditional uses in the Commercial and Industrial Zones, accessory off-street parking and loading shall be provided and maintained in accordance Table 4-3 and the provisions of this Section.

4.8.2 Where a development consists of more than one use, the minimum number of parking spaces required shall be the total of the requirements for each use, and in the case of multi-tenant buildings such as commercial malls, the minimum number of parking and loading spaces provided shall be the total of the requirements for each tenant in the building.

4.8.3 All required permanent accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is approved for parking spaces located elsewhere.

4.8.4 Every parking space shall be a minimum width of nine (9) feet and shall be a minimum length of twenty (20) feet.

4.8.5 Parking areas shall be designed and constructed so that all drainage is directed towards an existing drainage system along an existing street, lane or other public land intended for that purpose, and shall not direct drainage onto neighbouring private property.

4.8.6 Where an accessory parking lot requires the use of an internal vehicular circulation system, the design of the parking lot, including all exits and entrances, shall conform to the provisions of Section 7.9, and shall be subject to the approval of the Development Officer.

4.8.7 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of this section.

4.8.8 For all permitted and conditional uses in the Commercial and Industrial Zones, except the **"CC"** Commercial (Central) Zone, a minimum of one off-street loading space shall be provided, and shall be a minimum of twelve (12) feet by sixty (60) feet, with access to a street or lane. Within the **"CC"** Commercial (Central) Zone, a minimum of one off-street loading space, measuring twelve (12) feet by twenty (20) feet and directly accessible from a street or lane, shall be provided for each building which exceeds one thousand (1,000) square feet in floor area.

Table 4-3: Commercial and Industrial Parking Table

USES	MINIMUM PARKING SPACE REQUIREMENTS [(a)]
Accommodations Facilities, including Motels and Hotels	1 per individual suite or room unit[(b)] plus 1 per each employee
Assembly Uses, including Auditoriums, Religious Institutions and similar facilities	1 per every 10 seats[(b)]
Food and Beverage Service Establishments, including Coffee Shops, Restaurants or Beverage Rooms	1 per every 4 seats in the customer service area[(b)]
Residential Apartments, Dwelling Units or Suites	1 per dwelling unit or suite
All Other Permitted and Conditional Uses in the "CH" Commercial (Highway) Zone	1 space per employee plus 1 space per 500 sq.ft. of floor area
All Other Permitted and Conditional Uses in the "CA" Commercial (Agro) Zone	1 space per employee plus 1 space per 500 sq. ft. of floor area
All Other Permitted and Conditional Uses in the "ML" Industrial (Light) Zone	1 space per employee plus 1 space per 500 sq.ft. of floor area[(c)]
All Other Permitted and Conditional Uses in the "MH" Industrial (Heavy) Zone	1 space per employee plus 1 space per 2,000 sq.ft. of floor area[(c)]

The following footnotes form part of Table 4-3:

(a) Where the computation of the number of required accessory off-street parking spaces results in a requirement of a fraction of a parking space, it shall be counted as one parking space.

(b) These requirements do not apply to uses within the **"CC"** Commercial (Central) Zone.

(c) Where a facility has employees working on a shift basis, the minimum parking requirement shall be one hundred fifty (150%) percent of the required parking space requirement for the shift involving the most employees.

5. PART 5 - INSTITUTIONAL AND OPEN SPACE/RECREATIONAL ZONES

5.1 INTENT AND PURPOSE

The Institutional Zone and Open Space/Recreational Zone established in this By-law are intended to accommodate various institutional, open space, and recreational developments, and to regulate development within these areas.

5.2 ZONES

5.2.1 **"I" Institutional Zone -** This Zone is primarily intended to accommodate major institutional facilities in the community, including schools and hospitals.

5.2.2 **"OR" Open Space/ Recreational Zone -** This Zone is primarily intended to provide areas of land for the purpose of accommodating the present and future requirements of community recreation facilities, to provide a buffer between incompatible land uses, and to preserve areas deemed to be unsuitable for intensive development.

5.3 PERMITTED AND CONDITIONAL USES

5.3.1 Table 5-1 lists all uses that are permitted or conditional in the Institutional and Open Space/Recreational Zones.

5.3.2 No land shall be used or occupied and no building or structure shall be erected, relocated, altered, used, enlarged or occupied hereafter for any use in any Institutional Zone or Open Space/Recreational Zone other than a use listed as permitted or conditional in Table 5-1.

Table 5-1: Institutional and Open Space/Recreational Use Table

LIST OF USES **Legend:** **P: Permitted** **C: Conditional** **NP: Not Permitted**	**ZONES**	
	I	**OR**
Accessory Uses, Buildings and Structures	P	P
Assembly Facilities, including Auditoriums, Community Halls, Grandstands, Clubs, Halls, Drop-In Centres, Fitness Centres and similar uses	P	P
Cemeteries, Public	NP	P
Clinics or Laboratories, Dental, Medical or Optical	P	NP
Cultural Facilities, including Art Galleries, Libraries and Museums	P	P
Exhibition Grounds	NP	P
Group Day Care Facilities	P	C

LIST OF USES **Legend:** **P: Permitted** **C: Conditional** **NP: Not Permitted**	ZONES	
	I	**OR**
Hospitals	P	NP
Institutions such as Personal Care Homes, Senior Citizens' Homes, Convalescent Homes and similar uses	P	NP
Offices, Governmental or Health Care and Court Houses	P	NP
Parks, Natural Areas and Buffer Areas	P	P
Public Utilities, Public Services and Public Works	-	-
- Fire or Police Stations	P	NP
- Public Utility Buildings	P	P
- Maintenance Compounds for Equipment or Vehicles	NP	C
- Treatment Plants for Water Supply or Sewage Disposal (excluding lagoons)	NP	P
- Water Supply Reservoirs	NP	P
Recreational Facilities, including Arenas, Athletic Fields, Golf Courses, Campgrounds and Playgrounds	NP[(a)]	P
Archery or Firearms Clubs or Ranges	NP	C
Religious Institutions, including churches, chapels, temples, church halls and church educational facilities	P	C
Schools, Private or Public	P	NP
Telecommunications Towers	NP	C

The following footnote forms part of Table 5-1:

(a) Recreational Facilities are "Permitted" in school sites.

5.4 ACCESSORY USES, BUILDINGS AND STRUCTURES

In the Institutional Zone and Open Space/Recreational Zone, an accessory use, building or structure includes, but is not limited to, the following:

(a) Buildings or structures required for the operation or maintenance of any institutional, recreational or other use which is permitted or conditional in the zone;

(b) Accessory commercial uses, such as restaurants, cafeterias, concession stands and pro shops, related to a permitted or conditional use;

(c) Accessory off-street parking as required in Section 5.7;

(d) Signs as provided in Section 7.19;

(e) Sidewalks, fences, decks, patios, retaining walls, gazebos, statuary, flagpoles, lighting fixtures, trees, shrubs and other landscaping features;

(f) Antennas, including satellite dish antennas, windmills and solar panels;

(g) Refuse and garbage disposal containers, which shall be subject to the approval of the Development Officer with regard to location on the site;

(h) Private wells, and in the case of unserviced sites, private sewage disposal systems, subject to the approval of the appropriate provincial authority;

(i) An accessory dwelling unit as part of an institutional or recreational building; and

(j) Where the property contains a dwelling unit, those accessory buildings, structures and uses normally accessory to a residential use, as provided in Section 3.4.

5.5 INSTITUTIONAL AND OPEN SPACE/RECREATIONAL BULK REGULATIONS

5.5.1 The Institutional and Open Space/Recreational Bulk Regulations shall be as set forth in Table 5-2 and shall apply to all permitted and conditional uses.

5.5.2 Where more than one principal building, structure or use is to be developed on a site, each building, structure or use shall conform with the requirements of this By-law, as if it existed on a separate site.

Table 5-2: Institutional and Open Space/Recreational Bulk Table

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS[a]				
	Site Area (sq. ft.)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Accessory uses, Buildings and Structures	-	-	25[b]	[c]	[c]
All permitted and conditional uses in the "I" Institutional Zone	10,000	100	25[b]	15	25
All permitted and conditional uses in the "OR" Open Space/Recreational Zone	20,000[d]	100[d]	25[b]	15	25

The following footnotes form part of Table 5-2:

(a) The maximum height of all buildings and structures shall be thirty-five (35) feet, with the exception of features such as antennas, chimneys and church spires.

(b) Corner vision triangles shall be maintained at the street corners of all sites located adjacent to street intersections within the Institutional Zone and Open Space/Recreational Zone. The

corner vision triangle shall be a triangular area measured ten (10) feet from the street corner of the site along each site line adjacent to the street. No structure, hedge, shrub or other landscaping feature which would substantially diminish the visibility of motorists shall be allowed to exceed a height of three (3) feet within these corner vision triangles.

(c) In the case of accessory buildings or structures, the minimum required side yard and the minimum required rear yard shall be five (5) feet. Where an accessory building or structure is attached to the principal building by features such as foundations, walls or roof systems, the minimum required yards shall be the same as for the principal building.

(d) There shall be no minimum required site area or minimum required site width for features such as buffers and open space areas along roadways and river systems.

5.5.3 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.

5.5.4 No land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in Table 5-2.

5.5.5 No required yard shall be reduced below the minimum requirements as set forth in Table 5-2, unless a variation order is approved by Council.

5.6 PERMITTED PROJECTIONS AND FEATURES IN REQUIRED YARDS

All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in yards unless otherwise specified:

(a) Parking areas as required in Section 5.7, except that parking areas within one hundred and fifty (150) feet of the Little Saskatchewan River shall be subject to the prior approval of Council;

(b) Fences and walls provided that the height of these features does not exceed three (3) feet above grade in any required front yard or in any required corner side yard, and does not exceed eight (8) feet above grade in any required rear yard or in any required interior side yard;

(c) Signs subject to the provisions of Section 7.19;

(d) Open terraces and decks, and exterior stairs and landings, not exceeding a height of four (4) feet above grade, provided that a minimum separation of fifteen (15) feet from any front or rear site line is maintained, and a minimum separation of five (5) feet from any side site line is maintained;

(e) Eaves, gutters, canopies, awnings, and other similar building elements, provided that they do not project any more than two and one half (2.5) feet into any required side or rear yard, and four (4) feet in the required front yard;

(f) A canopy or awning over an entrance sidewalk or stairway may be provided and may be allowed to project to the front site line, provided that it does not exceed a width of ten (10) feet, and provided that the sheltered area is open and not enclosed with any kind of a wall structure;

(g) Chimneys, alcoves, bay windows and similar features provided that they do not project any more than four (4) feet into any required yard, and provided that the maximum floor area of such projecting elements along any one wall does not exceed fifty (50) square feet;

(h) Uncovered sidewalks and patios, driveways and accessory parking spaces at grade level; and

(i) Trees, shrubs, trellises, arbours, retaining walls, wheelchair access ramps, flagpoles, lighting fixtures, and similar landscaping features.

5.7 PARKING

5.7.1 For all permitted and conditional uses in the Institutional Zones and Open Space/Recreational Zones, accessory off-street parking shall be provided and maintained in accordance with Table 5-3 and the provisions of this Section.

5.7.2 Where a development consists of more than one use, the minimum number of parking spaces required shall be the total of the requirements for each use.

5.7.3 All required accessory off-street parking spaces shall be located on the same site as the use served, unless a variation order is obtained for parking spaces located elsewhere.

5.7.4 Every parking space shall be a minimum width of nine (9) feet and shall be a minimum length of twenty (20) feet.

5.7.5 Parking areas shall be designed and constructed so that all drainage is directed towards an existing drainage system along an existing street, lane or other public land intended for that purpose, and shall not direct drainage onto neighbouring private property.

5.7.6 Where an accessory parking lot requires the use of an internal vehicular circulation system, the design of the parking lot, including all exits and entrances, shall conform to the provisions of Section 7.9, and shall be subject to the approval of the Development Officer.

5.7.7 When a building or structure is enlarged or a use is changed, the accessory off-street parking spaces shall be provided for the enlargement, change, or new use, in accordance with the provisions of this Section.

Table 5-3: Institutional and Open Space/Recreational Parking Table

USES	MINIMUM PARKING SPACE REQUIREMENTS*
Assembly Uses, including Auditoriums and Community Halls	1 per every 100 sq. ft. of floor area
Clinics	5 per every physician or health care professional
Group Day Care Facilities	1 per every 5 children
Hospitals	2 per patient bed
Institutions such as Personal Care Homes and Senior Citizen Homes	1 per 3 permanent occupants

USES	MINIMUM PARKING SPACE REQUIREMENTS*
Religious Institutions	1 per every 10 permanent seats
Schools, Elementary	2 per classroom
Schools, Senior High	5 per classroom
All Other Permitted and Conditional Uses in the "I" Institutional Zone	1 space per 500 sq. ft. of floor area
All Other Permitted and Conditional Uses in the "OR" Open Space/Recreational Zone	1 space per 500 sq. ft. of floor area
*****Note: Where the computation of the number of required accessory off-street parking spaces results in a requirement of a fraction of a parking space it shall be counted as one parking space.	

5.8 SPECIAL PROVISIONS FOR THE "OR" OPEN SPACE/RECREATIONAL ZONE

5.8.1 Accessory water supply and wastewater disposal systems for any nearby industrial use shall be permitted, subject to any provincial approvals that may be required.

5.8.2 Parking areas and open storage areas may be considered for approval, at the discretion of Council.

5.8.3 Tree clearing activities affecting an area in excess of two (2) acres shall be considered as a conditional use, requiring the prior review and approval of Council. Council may require the proponent to seek expert advice related to such activities, including measures to stabilize slopes and control erosion.

6. PART 6 - AGRICULTURAL (LIMITED) ZONE

6.1 INTENT AND PURPOSE

The Agricultural (Limited) Zone established in this By-law is intended to accommodate limited agricultural activities, and to regulate development within these areas, in the interest of providing for the health and well-being of residents of the Town of Minnedosa, and to preserve agricultural land in large tracts for future urban development, as demand arises.

6.2 ZONES

"AL" Agricultural (Limited) Zone: The "AL" Agricultural (Limited) Zone primarily accommodates farming activities within existing agricultural areas in the Town, at a scale deemed appropriate for lands within an urban centre.

6.3 PERMITTED AND CONDITIONAL USES

6.3.1 Table 6-1 lists all uses that are permitted or conditional in the Agricultural (Limited) Zone.

6.3.2 No land shall be used or occupied and no building or structure shall be erected, relocated, altered, used, enlarged or occupied hereafter for any use in the Agricultural (Limited) Zone other than a use listed as permitted or conditional in Table 6-1.

Table 6-1: Agricultural (Limited) Use Table

LIST OF USES **Legend:** **P: Permitted** **C: Conditional**	**ZONES**
	AL
Accessory Uses, Buildings and Structures	P
Accessory Advertising Signs (Billboards)	C
Agricultural Activities:	-
- General Agricultural Activities	P[(a)]
- Specialized Agricultural Activities, including market gardens, nurseries and Greenhouses	P[(b)]
- Livestock Operations	[(a)]
Auction Marts for Livestock	C
Cemeteries, Public	P
Dwellings, Non-Farm[(c)]	C
Gravel Pits	C

LIST OF USES **Legend:** **P: Permitted** **C: Conditional**	**ZONES**
	AL
Kennels	C
Public Utility Buildings or Structures	C
Recreational Facilities, outdoor	C
Religious Institutions, including Churches	C
Riding Academies and Stables	C
Sewage Treatment Plants and Lagoons	C
Telecommunications Towers	C
Wind Energy Generating Facilities	C

The following footnotes form part of Table 6-1:

(a) Specific provisions and limitations governing the keeping of livestock are provided in Section 6.7, including factors relating to the size of the operation and its distance from other development.

(b) Apiaries shall be considered as a conditional use.

(c) Non-Farm Dwellings shall be subject to the provisions of the Tanner's Crossing Planning District Development Plan.

6.4 ACCESSORY USES, BUILDINGS AND STRUCTURES

In the Agricultural (Limited) Zone, an accessory use, building or structure includes the following:

(a) Farm buildings and farm structures when incidental to a permitted or conditional agricultural use;

(b) Farm dwellings or mobile homes when incidental to a permitted or conditional agricultural use;

(c) Storage facilities for goods or equipment used on or produced on the same site or on other property under the same ownership;

(d) Sidewalks, fences, decks, patios, retaining walls, gazebos, statuary, flagpoles, lighting fixtures, trees, shrubs and other landscaping features;

(e) In the case of a permitted residential use, those accessory uses, buildings and structures as provided in Section 3.4 and home based businesses subject to Section 3.5;

(f) Signs as provided in Section 7.19;

(g) Antennas, including satellite dish antennas, windmills and solar panels; and

(h) Private wells and private sewage disposal systems, subject to the approval of the appropriate provincial authority.

6.5 AGRICULTURAL (LIMITED) BULK REGULATIONS

6.5.1 The Agricultural (Limited) Zone Bulk Regulations shall be as set forth in Table 6-2 and shall apply to all permitted and conditional uses.

6.5.2 The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use.

6.5.3 No land shall be subdivided into sites, unless each site conforms with the bulk regulations as set forth in Table 6-2.

6.5.4 No required yard shall be reduced below the minimum requirements as set forth in Table 7-1.

6.5.5 Shelterbelts shall be set back a distance of one hundred twenty-five (125) feet from government road allowances, unless otherwise approved by Council.

Table 6-2: Agricultural (Limited) Bulk Table

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS[(a)]				
	Site Area (acres)	Site Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Accessory uses, Buildings and Structures	-	-	125[(b)]	25[(b)]	25[(b)]
General Agricultural Activities	80 acres	1,000	125[(b)]	25[(b)]	25[(b)]
All other permitted and conditional uses	2 acres	200	125[(b)]	25[(b)]	25[(b)]

The following footnotes form part of Table 6-2:

(a) The maximum height of all buildings and structures shall be thirty-five (35) feet, with the exception of grain storage bins and features such as antennas, barns, chimneys and church spires.

(b) When located adjacent to a Provincial Trunk Highway or Provincial Road, the minimum required yard requirements shall be determined by the provincial highway authority.

(c) For any dwelling or mobile home which is proposed to be constructed or located within the **"AL"** Agricultural (Limited) Zone, the minimum separation distance from any livestock operation and/or animal housing facility shall be provided, in accordance with the provisions of Section 6.7.9**.**

(d) The minimum front yard, side yard and rear yard requirements for animal housing facilities shall be as required by Table 6-6 and any other provisions of this Section.

6.6 ERMITTED PROJECTIONS AND FEATURES IN REQUIRED YARDS

All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space. The following features are permitted to be located in yards unless otherwise specified:

(a) Open terraces and decks, and exterior stairs and landings, not exceeding a height of four (4) feet above grade;

(b) Eaves, gutters, canopies, awnings, and other similar building elements, provided that they do not project any more than two and one half (2.5) feet into any required yard;

(c) Chimneys, alcoves, bay windows and similar features provided that they do not project any more than two and one half (2.5) feet into any required yard, and provided that the maximum floor area of such projecting elements along any one wall does not exceed sixteen (16) square feet;

(d) Uncovered sidewalks and patio, driveways and accessory parking spaces, at grade level;

(e) Trees, shrubs, trellises, arbours, retaining walls, wheelchair access ramps, flagpoles, lighting fixtures, and similar landscaping features;

(f) Fences and walls, provided that the height of these features does not exceed:

  (i.) three (3) feet within any required front yard or required corner side yard, and

  (ii.) six (6) feet within any required interior side yard or within any required rear yard; and

(g) Signs subject to the provisions of Section 7.19.

6.7 KEEPING OF LIVESTOCK

The provisions of this Section shall apply to the keeping of livestock and the establishment and/or expansion of livestock related facilities and structures.

6.7.1 No land, building or structure shall be used for the keeping of livestock within any zone in the Town of Minnedosa, except land within the "**AL**" Agricultural (Limited) Zone, and except for other livestock-related development as provided for in this By-law (such as veterinary clinics and agricultural exhibition grounds), unless otherwise authorized by Council.

6.7.2 A livestock grazing area may be approved by a Development Permit in the **"AL"** Agricultural (Limited) Zone, subject to review of Council .

6.7.3 A permit from Manitoba Infrastructure is required for any structure (excluding agricultural fencing) proposed within the "controlled areas" adjacent to PTH 10 and PTH 16.

6.7.4 Any existing livestock operation which is of a size that would be classified as a conditional use by the provisions of this By-law, is deemed to be a legally existing conditional use, and may be replaced if it is removed or destroyed, provided that the replacement is commenced within a period of 5 years, subject to the issuance of a development permit. Where such existing operation is proposed to be enlarged or expanded, or replaced after a period of 5 years, the enlargement, expansion or replacement shall be subject to the provisions and limitations for conditional use as specified in Section 8.8 of this By-law.

6.7.5 Any conditional use order or variation of a requirement for a livestock operation approved under the existing or any previous zoning by-law will continue to be in full force and effect.

6.7.6 For the purposes of determining the size of livestock operations, the system of "animal units" as adopted by the Province of Manitoba shall be used. The conversion factors for animal units are provided for general reference in Table 6-3, and may be altered from time to time by provincial authorities, without requiring an amendment to this By-law.

Table 6-3: Animal Unit Conversion Factors

Type of Livestock		A.U. Produced By One (1) Livestock
Dairy	Milking Cows, including associated livestock	2.000
Beef	Beef Cows, including associated livestock (cow/calf pair),	1.250
	Backgrounders	0.500
	Summer pasture / replacement heifers	0.625
	Feeder Cattle	0.769
Hog	Sows, farrow to finish	1.250
	Sows, farrow to weanling	0.250
	Sows, farrow to nursery	0.313
	Weanlings	0.033
	Feeders	0.143
	Boars (artificial insemination)	0.200
Chickens	Broilers	0.0050
	Roasters	0.0100
	Layers	0.0083
	Pullets	0.0033
	Broiler Breeder Pullets	0.0033
	Broiler Breeder Hens	0.0100
Turkeys	Broilers	0.010
	Heavy Toms	0.020
	Heavy Hens	0.010
Horses	PMU Mares, including associated livestock	1.333
Sheep	Ewes, including associated livestock	0.200

Type of Livestock		A.U. Produced By One (1) Livestock
	Feeder Lambs	0.063
Other Livestock and Poultry		As determined by Manitoba Agriculture

6.7.7 Requirements for separation distances, as provided for in this section, shall be measured from the closest point of the animal housing facility or manure storage facility to a residence or zoned area, as the case may be.

6.7.8 Within those areas which are zoned as **"AL"** Agricultural (Limited) Zone, the following provisions shall apply to the establishment or enlargement of livestock operations and/or animal housing facilities, and the keeping of livestock on small acreage parcels.

(a) The maximum capacity and/or occupancy of a livestock operation or an animal housing facility shall be 10 animal units, as a permitted use.

(b) Any proposal to establish or expand a livestock operation and/or an animal housing facility between 10 and 100 animal units in capacity and/or occupancy shall be deemed to be a conditional use, and shall be administered in accordance with The Planning Act and Section 8.8 of this By-law.

(c) The minimum separation distance requirements of Section 6.7.9 and the other provisions of this PART shall govern the location and/or the maximum capacity or occupancy of any feedlot, animal housing facility or earthen manure storage facility.

(d) The keeping of livestock within rural residential parcels or small acreage non-farm parcels shall not exceed 1 animal unit per 1 acre of site area, to a maximum of 10 animal units, including grazing operations. Proposals to establish more livestock may be considered as a conditional use, subject to the other provisions of this Part.

6.7.9 The minimum separation distance requirements of Table 6-4 and Table 6-5 shall apply to the establishment or expansion of any feedlot, animal housing facility or earthen manure storage facility, and to the establishment of any new residence in the **"AL"** Agricultural (Limited) Zone, with the exception of a residence associated with the livestock facility.

Table 6-4: Minimum Separation Distance Requirements From a Single Residence

Size of Livestock Operation or Animal Housing Facility (Animal Units)	Minimum Separation Distance From Single Residence (feet)*	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility
Less than 10	600	600

Size of Livestock Operation or Animal Housing Facility (Animal Units)	Minimum Separation Distance From Single Residence (feet)*	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility
10 to 100	1,200	600

*****Does not include any residence associated with the livestock operation.

Table 6-5: Minimum Separation Distance Requirements From a Designated Area

Size of Livestock Operation or Animal Housing Facility (Animal Units)	Minimum Separation Distance from Designated Areas (feet)**	
	To a Feedlot and/or an Earthen Manure Storage Facility	To an Animal Housing Facility
Less than 10	600	600
10 to 100	3,100	2,000

******"Designated Area" means any area which is designated for residential development by the Tanner's Crossing Planning District Development Plan.

6.7.10 The minimum setback distance factors of Table 6-6 shall apply to the establishment or expansion of any feedlot, animal housing facility or earthen manure storage facility.

Table 6-6: Minimum Setback Distance Requirements

Type of Livestock Facility	Minimum Setback Distance From Any Property Boundary
Barns, and similar buildings for housing livestock[(a)]	165 feet
Feedlots and Seasonal Feeding Areas, Earthen manure storage facilities	330 feet
Grazing Areas[(b)]	0 feet[(b)]

The following footnotes form part of Table 6-6:

(a) The minimum setback requirement for small-scale facilities housing 10 Animal Units or less shall be 125 feet from a public road, and 25 feet from any other property boundary.

(b) Refer to Section 6.7.2 for limitations in proximity to areas which are zoned for residential development.

6.7.11 Where an existing feedlot or animal housing facility does not comply with the setback requirements described in Table 6-6, it may be expanded or enlarged, provided that the

expansion or enlargement substantially occurs in a direction away from the property boundary.

6.7.12 No new feedlot or animal housing facility shall be established within a distance of 330 feet of the ordinary high water mark of any surface watercourse, nor within 1,000 feet of the ordinary high water mark of the Little Saskatchewan River or Minnedosa Lake.

6.7.13 No new feedlot or animal housing facility shall be established in an area which is subject to flooding, as determined by Manitoba Water Stewardship.

6.7.14 No new livestock operation or animal housing facility shall be permitted on soils determined by detailed soil survey, with a scale of 1:50,000 or better, to have an agricultural capability of Class 6 or 7, or unimproved organic soils as described under the Canada Land Inventory. If detailed soil survey information is not available for the area of the proposed development, the applicant may be required to provide a detailed soils survey for the site at a scale of 1:50,000 or better.

7. PART 7 - GENERAL PROVISIONS

7.1 INTENT AND PURPOSE

In addition to the specific requirements established in other Parts of this By-law related to specific zones, the intent of this Part is to establish general provisions related to a variety of issues concerning the development of land, buildings and structures in The Town of Minnedosa. The general provisions contained in this Part shall apply to all Zones unless otherwise provided for herein.

7.2 NUMBER OF BUILDINGS AND USES PER SITE

There shall be only one principal building or one principal use on a zoning site in the Residential Zones unless otherwise provided for herein. For example a residential zoning site in the **"RS"** Zone shall contain only one single dwelling. In all other zones, where more than one principal building, structure or use is proposed, each building, structure or use shall conform with the requirements of this By-law, as if it were to be developed on a separate zoning site. This provision shall not apply to special purpose sites which are under the ownership of The Town of Minnedosa, such as the heritage village.

7.3 NOXIOUS OR OFFENSIVE USES

Nothwithstanding anything herein contained, Council may prohibit or restrict any use or development in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. If the use is permitted in the subject zone, satisfactory measures shall be undertaken to mitigate or eliminate such effects, and where required, appropriate approvals from provincial authorities shall be obtained.

7.4 SPECIAL LIMITATIONS IN VICINITY OF SEWAGE LAGOONS

No dwelling or other habitable building, such as a motel or hotel, and no food or beverage service establishment shall be located within a distance of one thousand, three hundred twenty (1,320) feet of a municipal sewage lagoon.

7.5 LAND DEEMED UNSUITABLE FOR DEVELOPMENT

7.5.1 Notwithstanding the provisions contained elsewhere in this By-law, Council may prohibit or restrict the development of an area of land for a use permitted in any zone, if the area has been identified either by Council or other government authority as being a flood risk area, or subject to specific risks of slope instability or landslide, or is otherwise unsuitable for a proposed use or development due to low-lying topography or marsh conditions.

7.5.2 If Council approves the development at a location where some degree of risk is apparent, Council may require that the design and construction of the development be supervised and certified by a professional engineer.

7.6 LAND NEAR WATERBODIES AND/OR SUBJECT TO FLOODING

7.6.1 Where the development of a building or structure is proposed on property which, in the

opinion of Council, may be subject to flooding, the proposal shall be submitted to *Manitoba Water Stewardship* for a specific review and report, prior to the issuance of any development permit. In general, this shall include any land which is within one hundred fifty (150) feet of the river within the built-up area of the community, and may extend for a further distance in the westerly portion of the community.

7.6.2 Where the report contains recommendations with respect to flood protection measures, including specifications for building or structure location, design of foundation system, elevation of floor level, provision of fill, or any other matter, these recommendations shall be incorporated into the development as specific requirements of approval, and the development shall conform with these requirements.

7.6.3 Should the activity or development involve construction along or alteration to the shoreline of a water course, or is over or in the water course, a review by *Manitoba Water Stewardship* is required and an authorization from the Department of Fisheries and Oceans Canada may be necessary.

7.7 BUILDING GRADE AND SITE DRAINAGE

Applications for development permits shall be accompanied by a diagram illustrating the final site grade and proposed drainage of the site, unless deemed unnecessary by the Development Officer. The grade for all principal buildings and structures and the proposed site drainage system shall be approved by the appropriate Town of Minnedosa representative prior to the commencement of construction. Any site drainage into the existing highway drainage system will require a permit from Manitoba Infrstructure.

7.8 RETAINING WALLS

A development permit shall be required prior to the construction of any retaining wall where the height difference between the grade on each side of the wall exceeds four (4) feet at any point along the wall. The Development Officer may require that the design and/or construction of the retaining wall be certified by a professional engineer.

7.9 PARKING LOT DESIGN

All parking lots shall conform to the provisions of this By-law, and shall conform to the dimensional requirements of the following Table 7-1 and Figure 7-1:

Table 7-1: Parking Area Dimensions

MINIMUM REQUIREMENTS				
a	**b**	**c**	**d**	**e**
Angle of Parking (degrees)	**Width of Stall (ft)**	**Width of Aisle (ft)**	**Depth Perpendicular To Aisle (ft)**	**Width Parallel to Aisle (ft)**
30	9	12	15	17
45	9	12	18	12
60	9	20	20	10

MINIMUM REQUIREMENTS				
a	**b**	**c**	**d**	**e**
Angle of Parking (degrees)	**Width of Stall (ft)**	**Width of Aisle (ft)**	**Depth Perpendicular To Aisle (ft)**	**Width Parallel to Aisle (ft)**
90	9	24	20	9

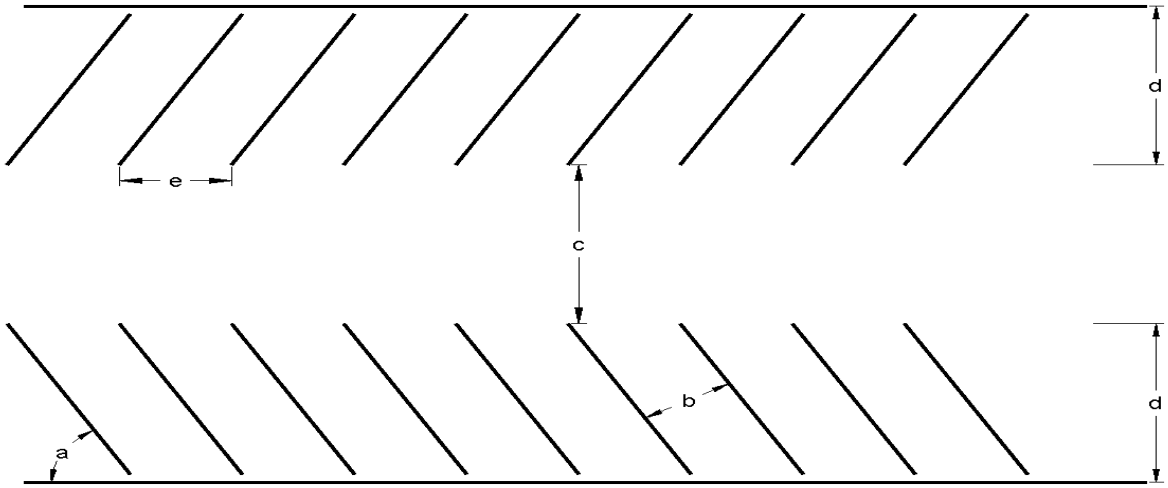

Figure 7-1: Parking Area Dimensions Diagram

7.10 BUILDING RELOCATION OR REMOVAL

7.10.1 No building, structure or mobile home shall be relocated in whole or in part to any other location, unless every portion of the building, structure or mobile home is positioned to conform to the requirements of this By-law.

7.10.2 Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, any well shall be capped, the ground shall be leveled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer. In the case of agricultural buildings, the development officer may not require the removal of the old foundation.

7.11 TEMPORARY BUILDINGS, STRUCTURES AND USES

7.11.1 A temporary office, tool shed, travel trailer, scaffolding or other building, structure or use, including the storage of building materials and supplies, incidental to work in progress, shall be permitted provided that these buildings, structures or uses contain no permanent foundations and remain necessary for work in progress which has not been finished or abandoned.

7.11.2 Temporary asphalt plants or concrete plants for construction projects may only be established in the **"MH"** Industrial (Heavy) Zone or the **"AL"** Agriculture (Limited) Zone, and shall not be located within one thousand five hundred (1,500) feet of a permanently occupied dwelling.

7.12 DOUBLE FRONTAGE SITES

In the case of a double frontage site, where two boundaries of the site coincide with two streets which are generally parallel, the required yards shall be determined as follows:

(a) Where the site depth is less than two hundred (200) feet, one of the site lines shall be deemed to be a rear site line, in the judgment of the Development Officer, for the purposes of establishing a required rear yard on the site, and wherever possible, this designation shall be consistently applied among the adjoining sites; or

(b) Where the site depth exceeds two hundred (200) feet, both site lines shall be deemed to be front site lines and the site shall have two required front yards.

7.13 UNCONVENTIONAL SITES

Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of Section 10, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

7.14 LANDLOCKED SITES

7.14.1 In unique circumstances, Council may permit development on a site which does not have frontage on a public street, provided that an acceptable means of vehicular access is provided to the satisfaction of Council, and Council may require that acceptable legal arrangements be established for the long-term use of such access.

7.14.2 For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side and rear site lines of a landlocked site.

7.15 MUNICIPAL SERVICES

All principal buildings constructed on any site serviced by municipal sewer or water systems, shall be connected to such services. Where any such service does not exist, the owners of all principal buildings shall be required, as soon as it is considered expedient by Council, to connect to such services after they are installed along the adjacent street.

7.16 PUBLIC FACILITIES

7.16.1 Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the service networks or distribution systems of any public utility or public works.

7.16.2 All office buildings, centralized treatment or processing facilities, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to the provisions of this By-law.

7.16.3 Where any site requirement, including site area, site width, required yard or parking, is reduced below the requirements of this By-law as a result of land acquired for any street, lane, public utility, public works, or public park area or buffer, it shall be deemed to conform to the requirements of this By-law.

7.17 PUBLIC MONUMENTS AND STATUARY

The erection of public monuments, statuary and similar historic or commemorative structures shall be subject to the approval of Council.

7.18 RESIDENTIAL SIGN REGULATIONS

7.18.1 The following accessory signs are permitted in the Residential Zones and may be installed without the issuance of a development permit:

(a) One identification sign not exceeding four (4) square feet in surface area per site;

(b) One bulletin board not exceeding twenty (20) square feet in surface area per site for religious institutions;

(c) One temporary real estate sign not exceeding sixteen (16) square feet in surface area per site;

(d) One temporary construction sign not exceeding thirty-two (32) square feet in surface area per site; and

(e) Temporary posters, bulletins, legal notices and the like.

7.18.2 The following accessory signs are permitted in the Residential Zones, subject to the issuance of a development permit, and subject to location approval on the site by the Development Officer:

(a) One identification sign not exceeding thirty-two (32) square feet in surface area per site for multiple-family dwellings, religious institutions and other non-residential uses;

(b) One business sign for a home based business not exceeding sixteen (16) square feet; and

(c) Temporary or mobile signs for one period not exceeding seventy-two (72) hours per site per year.

7.18.3 No sign located in a residential zone shall:

(a) Contain any animated components or any internal illumination, or any flashing, rotating flashing, rotating or scintillating lights, or

(b) Be installed at a location where it would obstruct visibility of motorists or pedestrians, or create any other safety hazard or be confused with any traffic control device.

7.19 COMMERCIAL AND INDUSTRIAL SIGN REGULATIONS

The following signs are permitted in the Commercial and Industrial Zones and may be installed without the issuance of a development permit:

(a) One temporary real estate sign or construction sign not exceeding thirty-two (32) square feet in surface area per site;

(b) Directional signs for parking and loading areas; and

(c) Temporary posters, bulletins, legal notices and the like.

7.19.1 All other signs shall be subject to the issuance of a development permit as follows:

(a) The development officer may issue a permit for any sign to be attached to a building, up to a maximum sign surface area of twenty-five percent (25%) of the front façade of the principal building, or for any freestanding sign up to a total of two hundred (200) square feet per site; and

(b) Any sign which adds to the total signage of a building or property, beyond the provisions of Clause (a) above, shall be subject to review and approval by Council resolution prior to the issuance of a development permit.

7.19.2 Individual advertising signs (billboards) shall not exceed a sign surface area of two hundred (200) square feet, unless otherwise approved by Council resolution.

7.19.3 No sign shall:

(a) contain any rotating beam or beacon; or

(b) be installed at a location where it would obstruct visibility of motorists or pedestrians or create any other safety hazard or be confused with any traffic control device.

7.20 INSTITUTIONAL SIGN REGULATIONS

7.20.1 The following signs are permitted in the Institutional Zone and Open Space/Recreational Zone and may be installed without the issuance of a development permit:

(a) One identification sign not exceeding fifty (50) square feet in surface area per site;

(b) One bulletin board not exceeding thirty-two (32) square feet in surface area;

(c) One temporary real estate sign or construction sign not exceeding thirty-two (32) square feet in surface area per site;

(d) Directional signs for parking and loading areas; and

(e) Temporary posters, bulletins, legal notices and the like.

7.20.2 Identification signs and other signs shall be subject to the issuance of a development permit, and the location of the signs shall be subject to the approval of the development officer.

7.20.3 No sign shall:

(a) Contain any rotating beam or beacon or any animated components or flashing or scintillating lights; or

(b) Contain any rotating beam or beacon or any animated components or flashing or scintillating lights; or

(c) Be installed at a location where it would obstruct visibility of motorists or pedestrians, or create any other safety hazard or be confused with any traffic control device.

7.21 AGRICULTURAL AREA SIGN REGULATIONS

7.21.1 The following signs are permitted in the Agricultural (Limited) Zone and may be installed without the issuance of a development permit:

(a) One identification sign not exceeding sixty-four (64) square feet in surface area per site;

(b) One temporary real estate sign or construction sign not exceeding thirty-two (32) square feet in surface area per site;

(c) Temporary posters, bulletins, legal notices and the like; and

(d) No Trespassing or No Hunting signs, to a maximum size of eight (8) square feet per sign.

7.21.2 No sign shall:

(a) Contain any rotating beam or beacon or any animated components or flashing or scintillating lights; or

(b) Be installed at a location where it would obstruct visibility of motorists or pedestrians or create any other safety hazard or be confused with any traffic control device.

7.22 SWIMMING POOLS

7.22.1 A swimming pool means an artificially constructed basin, lined with concrete, fiberglass, vinyl, or like material, that is capable of containing water depth greater than 24 inches (60 cm).

7.22.2 A professional engineer must certify all in-ground pools, while hot tubs and above-ground pools must be CSA approved.

7.22.3 All swimming pool installations are subject to the requirements herein as well as the safety regulations of the Manitoba Building Code.

7.22.4 A swimming pool may be located in the side or rear yard of a residential property but located no closer than 2 feet (0.6 m) from the rear property line and 1 foot (0.3 m) from the side property line and 4 feet (1.2 m) from the wall of any dwelling unit.

7.22.5 The mechanical equipment serving a swimming pool may not be located in any required front yard and may not be located any closer than 15 feet (4.6 m) to an operable window of a neighbouring residence; note that having a fence between the mechanical equipment and a neighbouring residence window does not reduce or remove this setback requirement.

7.22.6 A fence or barrier must enclose all outdoor pools as follows:

(a) Have a minimum vertical height of 5 feet (1.5 m) and maximum vertical height of 6 feet (1.8 m);

(b) Designed not to allow access through or under the structure;

(c) Restrict access through the fence/barrier by means of a self-closing gate which has a minimum of height of 5 feet (1.5 m), designed to cause the gate to become

secured with a lockable latch in order to prevent unauthorized entry, with the latch installed so that it cannot be easily reached or activated from outside the gate(s);

(d) Where chain link fence is used, the mesh size does not exceed 2 inches (50 mm) and the wire is at least number 11 gauge;

(e) Where other than chain link is used, the outside surface of the fence or gate is relatively smooth so as not to provide foot or toe holds to enable climbing over the structure; and

(f) No person shall operate an outdoor swimming pool unless the fence and gate are maintained in good repair.

7.23 EXISTING USES

It is intended that all land uses that existed at the time of adoption of this by-law will be allowed to continue to exist and to be enlarged or expanded up to the limits set in this by-law. The zones shown on the map attached to this by-law were created to recognize the land uses already established within the limits of the Town of Minnedosa and the principle applied was “zone as to use”. Land use surveys were conducted to confirm existing uses where the working by-law committee was unsure of the nature of any existing land use and zone lines on the map were adjusted as thought necessary at the time. The zone overlay in the area of existing cabins and cottages was established to recognize the existing development and by-law requirements were adjusted to allow that particular development to continue to exist and be expanded to limits set in the residential zone of this by-law.

8. PART 8 - ADMINISTRATION

8.1 RELATIONSHIP WITH OTHER BY-LAWS AND REQUIREMENTS

8.1.1 Wherever the provisions of any other by-law of The Town of Minnedosa or any requirement of the Provincial or Federal Government impose overlapping regulations over the use and /or development of land, buildings or structures, the most restrictive regulation shall govern.

8.1.2 The issuance of a development permit in accordance with the provisions of this By-law does not relieve the person obtaining such permit from full responsibility of compliance with any other Municipal, Provincial or Federal requirement or regulation, nor from full responsibility for obtaining any specific approval or permit that may be required by any other government department or agency.

8.2 RESPONSIBILITIES OF COUNCIL

Subject to the provisions of *The Planning Act*, the Council is responsible for the enactment of this By-Law, and:

(a) Considering the adoption or rejection of proposed amendments to this By-law;

(b) Considering the approval or rejection of applications for conditional use and variations; and

(c) Considering the revocation of any approved conditional use as a result of any violation by the owner of any conditions specified by Council on the conditional use order.

8.3 RESPONSIBILITIES OF THE OWNER

8.3.1 The owner shall be responsible for the preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this by-law and *The Planning Act.*

8.3.2 The owner shall obtain all necessary permits and approvals which may be required by The Town of Minnedosa, the Board or any agencies or departments of the provincial government, prior to the commencement of construction, or the change of use of any land, building or structure.

8.3.3 The owner shall ensure that all work and inspections are completed in accordance with the approved application and development permit.

8.3.4 The owner shall obtain the written approval of the Development Officer before doing any work at variance with the approved development permit.

8.3.5 The owner shall permit the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this By-law, and shall not molest, obstruct or interfere with the Development Officer in the discharge of his/her duties under this By-law.

8.4 RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

8.4.1 Subject to the provisions of *The Planning Act*, the Council or Board of The Tanner's Crossing Planning District, shall appoint a Development Officer, who on behalf of The Town of Minnedosa, shall:

(a) Receive and review applications for development permits;

(b) Issue development permits where the proposed development of land, buildings or structures conforms with this By-law, other by-laws of The Town of Minnedosa, and any applicable regulations of the provincial and federal governments;

(c) Receive and process applications for amendments to this By-law, conditional use orders and variation orders;

(d) Issue zoning memoranda and any other documents as may be necessary for the administration and enforcement of this By-law; and

(e) Allow or refuse such minor variations to the requirements of this By-law as authorized by and in accordance with the provisions of *The Planning Act*.

8.4.2 At the direction of Council or the Board, the Development Officer shall withhold approving an application for a development permit:

(a) As provided for in *The Planning Act*; or

(b) Which would result in a violation of this By-law, or any other By-law of The Town of Minnedosa or The Tanner's Crossing Planning District Development Plan.

8.4.3 The Development Officer may enter and inspect any buildings or premises at any reasonable hour in order to determine conformance with this By-law, as provided for in Section 9.

8.5 DEVELOPMENT PERMITS

8.5.1 No person shall erect, locate, relocate, use or occupy any land, building or structure contrary to any approved development permit or the material furnished in support of the application.

8.5.2 An approved development permit is required for the following:

(a) The erection, construction, placement or relocation of any building, structure or mobile home, with the exception of those buildings and structures described in Section 8.5.3;

(b) The enlargement, extension, structural alteration or conversion of any building, structure, or mobile home, with the exception of those buildings and structures described in Section 8.5.3;

(c) The use of vacant land, buildings or structures;

(d) The change of use of land, buildings or structures;

(e) The construction of accessory detached buildings and structures exceeding one hundred (100) square feet in floor area, or five hundred (500) square feet in the case of agricultural buildings in the **"AL"** Agricultural (Limited) Zone; and

(f) The demolition or removal of buildings over one hundred (100) square feet in floor area, or five hundred (500) square feet for agricultural buildings.

8.5.3 Subject to Section 8.5.4, an application for a development permit is not required for the following:

(a) The construction or placement of accessory, detached buildings and structures not greater than one hundred (100) square feet in floor area;

(b) The construction or placement of accessory agricultural buildings or structures less than five hundred (500) square feet in floor area in the **"AL"** Agricultural (Limited) Zone; except for the construction or installation of any animal housing facility for livestock, which shall be subject to the issuance of a development permit.

(c) The maintenance or restoration of building components, including repainting and similar operations under a value of $5,000.00;

(d) Incidental alterations of buildings and structures including:

(iv.) alteration of interior non-structural walls;

(v.) replacement or minor changes of interior or exterior finishes;

(vi.) replacing windows or doors;

(vii.) replacement or minor changes of the capacity of pipes, ducts or conduits; or

(viii.) strengthening the load bearing capacity of a particular feature to permit the installation of a specialized unit of machinery or equipment;

(e) The installation of sidewalks, exterior steps, fences, trees, hedges, shrubs, planters, fountains, flagpoles, handicapped access ramps, railings, trellises, and similar landscaping features (except that a development permit is required for retaining walls in accordance with Section 7.8);

(f) The installation of specialized machinery and equipment, such as air conditioning systems;

(g) The erection of one identification sign not exceeding four (4) square feet in surface area per site;

(h) Temporary signs such as posters, legal notices and real estate or construction signs not exceeding sixteen (16) square feet in surface area; and

(i) The installation of private water wells and sewage disposal systems, which shall be subject to approval of *Manitoba Conservation*.

8.5.4 Although a development permit shall not be required for those items specified in Section 8.5.3, this does not relieve the owner of the responsibility of ensuring that such items are installed in accordance with the provisions of this By-law and any other by-law of The Town of Minnedosa, or regulation of the provincial or federal government.

8.5.5 An application for a development permit shall be accompanied by the prescribed application fee, and is not considered to be in a complete form until such fees have been received by the Development Officer.

8.5.6 An application for a development permit shall be accompanied by drawings, drawn to scale, to illustrate the following information:

(a) The shape and dimensions of the site to be used or built on;

(b) The location and dimensions of existing buildings and structures;

(c) The location and dimensions of all proposed buildings or structures, including separation distances from site boundaries;

(d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

(e) The location of all proposed vehicular access points and parking spaces within the site;

(f) The proposed finished grade and drainage of the site after completion of construction and landscaping;

(g) Proposed connections to sewer, water, hydro and telephone services;

(h) Typical floor plan(s) of the proposed building or structure; and

(i) Any other information that may be required by Council or the Development Officer, including copies of surveyors certificates, easements, certificates of title, drainage plans, traffic studies or special engineering studies as may be required for consideration of any proposal for development under this By-law.

(j) An application for approval of a development permit and/or a conditional use for a livestock operation and/or animal housing facility shall also be accompanied by written information describing the type and number of livestock to be confined, the typical time period each year of the livestock confined in the facility, the estimated distances to the nearest 2 dwellings to the facility, other than dwellings associated with the operation, the proposed water supply system for the operation, and the location of any nearby drinking water sources or infrastructure, such as wells, reservoirs and rural pipelines.

8.5.7 All proposed development shall be in accordance with the application and drawings submitted to the Development Officer. No work shall be undertaken at variance with the approved application and drawings without the prior written authorization of the Development Officer.

8.5.8 The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location (where necessary) approvals and similar approvals.

8.6 AMENDMENTS

8.6.1 An amendment to this By-law may be initiated by the Council or by an application submitted by one or more owners of land within the area proposed to be changed.

8.6.2 An application for an amendment to this By-law shall be made in writing to the Development Officer, and shall be accompanied by the following information:

(a) A preliminary site plan indicating the general nature of the proposed development;

(b) A written outline of reasons in support of the application; and

(c) Any other information as may be required by the Development Officer or Council.

8.6.3 The application and report of the Development Officer, and at the discretion of the Development Officer, a draft amending by-law, shall be presented to Council for consideration within thirty (30) days of the date of the application.

8.6.4 If it is determined that the proposed amendment is in compliance with The Tanner's Crossing Planning District Development Plan, and if Council considers it advisable to proceed with the adoption of the amendment, Council may proceed with the amendment in accordance with the provisions of *The Planning Act*.

8.7 DEVELOPMENT AGREEMENTS

8.7.1 In accordance with The Planning Act, where an application is made for the amendment of this Zoning By-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition to its enactment, to enter into a development agreement with The Town of Minnedosa in respect of that land as well as contiguous land owned or leased by the applicant.

8.7.2 Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with The Town of Minnedosa, in accordance with The Planning Act.

8.7.3 A development agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in The Planning Act.

8.8 CONDITIONAL USE

8.8.1 This By-law is based upon the division of The Town of Minnedosa into zones, within which zones the uses of land, buildings and structures are substantially compatible. There are certain uses deemed conditional uses which, because of their unique characteristics, cannot be permitted in any particular zone without consideration in each case, of the impact of those uses upon neighbouring land and/or the public need for the specific use at a particular location.

8.8.2 An application for a conditional use may be initiated by an owner of land who proposes to establish a use which is classified as a conditional use under the provisions of this By-law.

8.8.3 An application for conditional use shall be made in writing to the Development Officer, and shall be accompanied by:

(a) A site plan showing the development proposed for the site;

(b) A written outline of reasons in support of the proposed conditional use; and

(c) Such other information as may be required by the Development Officer or Council.

8.8.4 Conditional use applications shall be processed in accordance with the provisions of *The Planning Act.*

8.8.5 Council may approve or reject any application for a conditional use. Any approval may be subject to such terms and conditions as Council deems appropriate in accordance with *The Planning Act*, including provisions dealing with matters such as:

(a) The provision of various landscaping features, including planting areas, fences, and other features to improve the appearance of the property or provide a measure of buffering;

(b) Vehicular circulation, parking and loading areas;

(c) Outdoor storage, display or processing areas;

(d) Ground surfacing and drainage; and

(e) The arrangement of features such as lighting and signage.

8.8.6 Any substantial change in the circumstances of a conditional use, including the enlargement of a building, structure or a site, shall be subject to the provisions of this section. Minor incidental expansions of existing conditional uses may be approved at the discretion of Council without following the process outlined in *The Planning Act*.

8.8.7 The validity of a conditional use shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of approval by Council, unless it is renewed prior to the expiry date, at the discretion of Council, for an additional period not exceeding twelve (12) months.

8.8.8 Where a use is classified as a conditional use under this By-law or amendments thereto, and exists as a permitted use at the date of the adoption of this By-law or any amendment to this By-law, it shall be considered as a legally existing conditional use.

8.9 VARIATIONS

8.9.1 Any person may apply for a variation order in accordance with provisions of *The Planning Act*.

8.9.2 An application for a variation order shall be made in writing to the Development Officer, and shall be accompanied by:

(a) A site plan showing the arrangement of existing and proposed development for the site;

(b) A written outline of reasons in support of the proposed variation order; and

(c) Such other information as may be required by the Development Officer or Council.

8.9.3 Variation orders shall be processed in accordance with the provisions of *The Planning Act*.

8.9.4 Council may approve or reject any application for a variation order. Any approval may be subject to such terms and conditions as the Council deems appropriate in accordance

with *The Planning Act*.

8.9.5 A variation order shall expire and cease to have any effect if it is not acted upon within 12 months of the date of approval by the Council unless it is renewed prior to the expiry date at the discretion of the Council for an additional period not exceeding 12 months.

8.9.6 A building, structure, use or site established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order, be deemed to conform to the provisions of this By-law.

8.10 NON-CONFORMITIES

8.10.1 A non-conforming use, structure or site shall be subject to the provisions of *The Planning Act*, unless otherwise provided herein or varied in accordance with The Act.

8.10.2 Where the existing use of a building, structure or land does not conform to the provisions of this By-law at the time of its adoption, the use may be continued but may not be changed to a different non-conforming use unless otherwise varied in accordance with the provisions of *The Planning Act*.

8.10.3 A change of ownership, tenancy or occupancy of any land, building, or structure shall not be deemed to affect the use of land, building or structure for the purposes of this section.

8.10.4 Where the non-conforming use of land, building or structure has been discontinued for more than 12 consecutive months, it shall not be used thereafter except in conformity with the provisions of this By-law unless a variance is granted for an additional 12 months in accordance with the provisions of *The Planning Act*.

8.10.5 Where a structure that does not conform to the provisions of this By-law and is destroyed or damaged to an extent that in the opinion of Council is fifty percent or more of the replacement value of the structure above its foundation, the structure shall not be repaired or rebuilt except in conformity with the provisions of this By-law unless otherwise varied in accordance with the provisions of *The Planning Act*.

8.10.6 No building or structure may be erected on a non-conforming site unless the required yards are provided as set forth in the bulk table of the zone in which the site is located. Sites must be on record in the Land Titles Office at the effective date of adoption of this By-law or amendments thereto.

8.10.7 Where the use of a building or structure does not conform to the provisions of this By-law, the building or structure may be structurally altered, or size or intensity of the use may be increased, in accordance with the provisions of *The Planning Act*.

8.11 EXISTING BUILDINGS

Where a building has been legally erected prior to the effective date of this By-law or amendments thereto it shall be deemed to meet the bulk requirements of this By-law regarding the required yards for the site. Any enlargements or structural alterations to a building or reconstruction of a building shall conform to the requirements of this By-law or as varied.

9. PART 9 - ENFORCEMENT

9.1 GENERAL ENFORCEMENT PROVISIONS

The provisions of *The Planning Act* shall govern any administrative proceedings related to the enforcement of this By-law.

9.2 ENTRY FOR INSPECTION AND OTHER PURPOSES

9.2.1 The development officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:

(a) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this By-law or *The Planning Act*;

(b) request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and

(c) make copies of anything related to the inspection, remedy, enforcement or authorized action.

9.2.2 The development officer must display or produce on request identification showing his or her official capacity.

9.2.3 In an emergency or in extraordinary circumstances, the development officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in Section 9.2.1(a) and (c) above without the consent of the owner or occupant.

9.3 ORDER TO REMEDY CONTRAVENTION

9.3.1 If the development officer finds that a person is contravening this By-law or *The Planning Act*, the development officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the development officer, the circumstances so require.

9.3.2 The order may:

(a) direct a person to stop doing something, or to change the way in which the person is doing it;

(b) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure or portion thereof that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;

(c) state a time within which the person must comply with the directions; and

(d) state that if the person does not comply with the directions within the time stated, the municipality will take the action or measure at the expense of the person.

9.4 REVIEW BY THE BOARD

9.4.1 A person who receives an order under Section 9.3 or who is refused a permit under

Section 8.4 may request the Board of the Tanner's Crossing Planning District to review the matter, by written notice given within 14 days after the date the order under Section Section 9.3 or decision under Section 8.4 is made.

9.4.2 After giving the person a reasonable opportunity to be heard, the board may confirm, vary, substitute or cancel the order or decision.

10. PART 10 - INTERPRETATION AND DEFINITIONS

10.1 INTERPRETATION AND APPLICATION

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

10.2 RULES OF CONSTRUCTION

The following rules of construction apply to the text of this By-law:

(a) Words, phrases and terms defined herein shall be given the defined meaning;

(b) Words, phrases and terms not defined herein but defined in *The Planning Act,* or in any building, electrical or plumbing by-laws of The Town of Minnedosa shall be construed as defined in *The Act* or by-laws;

(c) Words, phrases and terms neither defined herein nor *in The Planning Act* nor in the building, electrical or plumbing by-laws of The Town of Minnedosa shall be given their usual and customary meaning (as may be found in a dictionary), except where, in the opinion of Council, the context clearly indicates a different meaning;

(d) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;

(e) The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning to all other instances or circumstances of similar, kind or character; and

(f) Where a dimensional requirement is expressed herein by a digital figure followed by "ft.", the "ft." represents feet; where a requirement is expressed by a digital figure followed by "sq. ft.", the "sq. ft." represents square feet; and where a requirement is expressed by a digital figure followed by "ac.", the "ac." represents acres.

10.3 DEFINITIONS

The following definitions shall be used for the purposes of interpreting and administering this By-law:

ABUT – means immediately contiguous to or physically touching, and when used with respect to a site means that site physically touches upon another site or piece of land, and shares a lot line or boundary line with it.

ACCESSORY BUILDING, STRUCTURE OR USE - means a building, structure or use established or erected in conjunction with or subsequent to the establishment of a principal building, structure or use approved under this By-law, and which is subordinate or incidental to, and located on the same zoning site, as a principal building, structure or use. An exception may be made in the case of parking facilities, which may be authorized to locate elsewhere by a variation order.

AGRICULTURAL ACTIVITIES, GENERAL - means a use of land for agricultural purposes, including the production of cereal crops, forage crops, and special crops such as oilseeds and legume; and including accessory structures for storing or processing the agricultural commodities produced on the owner's property; but does not include the following:

(a) livestock operations;

(b) storage or processing of agricultural products for the general public in return for remuneration, or

(c) sales or servicing of agricultural equipment or agricultural buildings for remuneration.

AGRICULTURAL ACTIVITIES, SPECIALIZED – means intensive agricultural uses of land on small acreages, including apiculture, horticulture and greenhouses, floriculture, market gardening and nurseries.

ALTERATION - means a change or modification to an existing building, structure or use which does not materially increase the exterior dimensions with respect to height or area.

ALTERATION, STRUCTURAL - means a structural alteration as defined in The Planning Act, and includes construction or alteration of supporting elements of a building or structure, including foundations, load bearing walls, columns, beams, joists or girders.

ANIMAL HOUSING FACILITY - means a barn or an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes seasonal feeding areas, but does not include feedlots or grazing areas.

ANIMAL KEEPING - means a land use where animals are sheltered, bred, raised, or sold; this use includes structures such as corrals, stables, kennels, or pounds and includes all types of animals including pets in limited numbers, and livestock where less than 10 animal units (cumulative across species) are kept.

ANIMAL HOSPITALS AND VETERINARY CLINICS – means a use that involves the care and treatment of animals, including pets and livestock, either for limited durations or extended periods of time.

ANIMAL UNIT – means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12 month period**.**

ASSISTED LIVING FACILITY – means a system of housing and limited care that is designed for individuals who need some assistance with daily activities but do not require the

level of care found in a nursing or personal care home. Typically assistance is provided with bathing, dressing, grooming, medications, and meal preparations.

AUTOMOBILE WRECKING - means the dismantling or wrecking of used motor vehicles, trailers, or farm implements, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, trailers, farm implements, or their parts.

BASEMENT - means that portion of a building or structure which is wholly or partly below grade and lies below the finished level of the floor directly above.

BED AND BREAKFAST ESTABLISHMENT - means a building or portion thereof, other than a hotel or motel, where lodging or lodging and meals are provided for compensation, exclusive of the proprietor and his family, similar in service to rooming and boarding houses.

BOARD - means the elected representatives of member Councils who operate as the decision-making body of the Tanner's Crossing Planning District as established under the Planning Act.

BUILDING - means, for the purpose of this By-law, any structure used or intended for supporting or sheltering any use or occupancy, and for the purposes of this By-law, shall also include a mobile home.

BUILDING, HEIGHT OF - means the vertical distance measured from grade to the highest point of a roof surface of a flat roof, to the deck of a mansard roof, and to the mean height between eaves and ridge of a gable, hip or gambrel roof.

BULK - means the following:

(a) the size of buildings or structures in terms of floor area and height;

(b) the area and width of the site upon which a building or structure is located;

(c) the number of dwelling units within a building in relation to the area of the site;

(d) the location of exterior walls of buildings or structures in relation to site lines or to other buildings or structures; and

(e) all open spaces relating to buildings or structures and their relationship thereto.

CANNABIS – means products derived from the cannabis plant used for medical or recreational purposes, also known as marijuana, some of which contain the psychoactive drug tetrahydrocannabinol (THC); cannabis is subject to the Cannabis Act of Canada as well as provincial legislation.

CANNABIS CULTIVATION AND PROCESSING - means the growing of cannabis plants and harvesting materials from those plants, as well as associated activities, including a cannabis nursery and varying scales of cultivation and processing (such as Standard and Micro Cultivation as well as Standard and Micro Processing). The growing, harvesting, manufacturing, packaging, and labelling of cannabis products destined for sale to consumers and the intra-industry sale of these products is regulated by various levels of government.

CANNABIS RETAIL STORE OR OUTLETS - means premises authorized under license for the retail sale of cannabis products.

CHILD CARE SERVICES - means the provision of care to a child for remuneration or reward for a period in any one day not exceeding fourteen hours:

(a) **Home Day Care -** means the provision of child care service to a maximum of eight children, not over twelve years of age, in a dwelling unit in which the owner or tenant resides, or in churches, halls, or community centres, with access to an outdoor recreation area; and

(b) **Group Day Care -** means the provision of child care service to nine or more children not over the age of twelve in a provincially licensed facility with access to an outdoor creation area.

CONDITIONAL USE - means, for the purpose of this By-law, a use which, because of its unique characteristics and the impact which it may have on nearby premises, will be subject to special consideration and approval procedures which will take into account the public need for the proposed use at a given location, as well as any mitigative measures deemed appropriate by Council.

CONDOMINIUM - means a condominium as established under the provisions of The Condominium Act and for the purposes of this By-law, the area of a bare-land condominium plan shall be deemed to be a zoning site. Condominium refers to shared ownership of real property, in which each owner holds title to a specific unit, and has a share of the common elements (ex. roof, parking area, lobby, heating and cooling equipment), as well as any common assets (ex. personal property like laundry machines, lawn furniture). Common elements of a bare-land bungalow development may include internal roadways, visitor parking areas, plus underground services like electrical, sewer and water.

COTTAGE or CABIN - means a dwelling constructed and used as a secondary or intermittent place of residence for seasonal vacations and recreational purposes, and not used as a permanent year-round residence.

COUNCIL - means the Council of The Town of Minnedosa.

DEVELOPMENT OFFICER - means a person appointed by the Tanner's Crossing Planning District Board who is responsible for those duties as provided for herein.

DEVELOPMENT PERMIT - means a permit issued under this Zoning By-law authorizing development, and may include a building permit.

DRIVE-IN ESTABLISHMENT - means an establishment with facilities for attracting and servicing prospective customers traveling in automobiles, which are driven onto the site and where the customer may or may not receive service in the vehicle, but does not include a drive - in theatre.

DWELLING - means a building designed for residential occupancy in accordance with the provisions of the Manitoba Building Code and The Buildings and Mobile Homes Act and includes mobile homes and modular homes, plus the following:

(a) **Dwelling, Farm** - means a dwelling 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 as the agricultural activity;

(b) **Dwelling, Multiple** - means a building containing three (3) or more dwelling units, with each dwelling unit being designed for exclusive use by one (1) occupant;

(c) **Dwelling, Single** - means a detached building containing one (1) dwelling unit designed for single occupancy;

(d) **Dwelling, Two** - means a detached or semi-detached building containing two (2) dwelling units, with each occupant having exclusive use of one dwelling unit.

(e) **Dwelling, Secondary Suite** - means a self-contained accessory dwelling unit to be located within a permanent single detached dwelling on a single zoning site. A Secondary Suite contains a single housekeeping unit and has a separate access, cooking, sleeping, and sanitary facilities which are separate from and not shared with the occupants of the principal dwelling. This residential use does not include duplex housing, semi-detached housing, or apartment housing.

(f) **Dwelling, Coach House** – means a secondary suite located either above a detached private garage (above grade), or, in a single-storey accessory dwelling attached to the side or rear of a detached private garage (at grade). A Coach House has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.

(g) **Dwelling, Garden Suite** – means a secondary suite contained in a separate (detached) single-storey building, positioned at grade and to the rear of an existing principal building on a single zoning site. A Garden Suite shall be accessory to the principal residential use on the site which must be a permanent single detached dwelling.

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 size of a zoning site occupied by an existing use.

FARM BUILDING OR STRUCTURE - means any building or structure designed for and used for agricultural activities, but does not include a dwelling.

FEEDLOT - means a fenced area where livestock are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.

GARAGE, PRIVATE - means an accessory building or portion of a principal building used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger automobiles, as well as for the storage of other personal property.

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.

GROUP HOME - means a private residence for individuals with complex health needs, usually used for children or young people who cannot live with their families, and also people with chronic disabilities which may be adults or seniors.

HOME-BASED BUSINESS - means an accessory use which is carried on for gain principally by an occupant of the dwelling unit, within the dwelling unit or any permitted accessory building or structure, and is incidental to or secondary to the residential use of the dwelling unit.

KENNEL - means any premises on which more than a total of five (5) animals at least six months of age are maintained, boarded, bred, trained, or cared for, in return for remuneration or are kept for the purpose of sale. A kennel does not include a veterinary clinic, an animal hospital or an animal pound.

LANE - means, for the purpose of this By-law, a public right-of-way which is not as wide as a street, and which affords only a secondary means of vehicular access to abutting property.

LIGHT INDUSTRIAL – means the manufacture or processing, modifying, blending, or fabricating of previously processed or manufactured materials into a complete product. This use does not include operations that produce excessive noise, vibration, odour, or any other means of nuisance, and does not include hazardous, combustible, or explosive materials.

LIVESTOCK CONFINEMENT FACILITY – means a building, pen, corral or other non-grazing area confined by fences and/or topography.

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, or publicly owned agricultural exhibition ground.

LOADING SPACE - means an off-street space on the same site as a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane

MOBILE HOME - means a pre-fabricated portable dwelling unit that is designed and built to CSA Z240 (or equivalent) standards, which is capable of being transported as a unit 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 intended to be used as a dwelling unit.

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 SITE - means a site in a mobile home subdivision which may be purchased by an individual for the placement of a mobile home.

MOBILE HOME SPACE - means a space in a mobile home park which may be rented 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 HOME – means a prefabricated single dwelling unit designed to CSA A277 (or equivalent) standards (similar to but distinct from a mobile home), consisting of one or more modules, and containing a framework that does not include wheels or towing tongue. Modular homes are designed to be transported to a building site and may be folded, collapsed, or telescoped when in tow and placed on a permanent foundation so as to be substantially affixed to the site and connected to all required utilities, thereby making it immobile housing**.**

NON-CONFORMITY - means one, or a combination of two or more, of the following:

(a) A site or parcel of land;

(b) A building or structure; or

(c) A use of a building, structure, or land;

which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

NURSING HOME – means a facility that provides care and assistance to residents 24 hours a day, 7 days a week, on a long term basis and which may be a private business.

OPEN SPACE - means that portion of a zoning site at ground level which is required to be unoccupied by principal or accessory buildings, as provided for by this By-law. Open Space may be landscaped and developed with various accessory structures, such as fences, as provided for herein.

OUTSIDE STORAGE – means the storage of merchandise, goods, inventory, materials, equipment, or other items that are not intended for immediate sale, by locating them outside.

PARCEL OF LAND - means a parcel as defined in *The Planning Act*.

PARKING LOT - means an open area of land used for the temporary parking of motor vehicles which is available for public use whether free or for compensation, or which is an accommodation for clients, customers, employees, or visitors.

PARKING SPACE - means a space on a parking lot or on a zoning site which is used for the temporary parking or storage of a motor vehicle.

PERMITTED USE - means the use of land or a building or structure provided in this By-law for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of this By-law.

PERSONAL CARE HOME – means a facility that provides care and assistance to individuals 24 hours a day, 7 days a week, on a long term basis, often owned and operated by the province.

PERSONAL SERVICES – means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as massage parlors, barber shops, beauty parlors, hairdressing shops, hand laundries, shoe repair and shoe-shining shops, tailoring and dressmaking shops, valets and depots for collecting dry cleaning and laundry.

PRINCIPAL BUILDING - means a structure on a site used to accommodate the principal use.

PRINCIPAL USE – means the primary or predominant activity on any lot or within any building or structure.

PUBLIC ROAD – means a road allowance, right-of-way, or other legally surveyed road invested in the name of the Queen in Right of Manitoba, and maintained by the province or the municipality, as the case may be.

PUBLIC UTILITY - means any system, works, plant, equipment or services which furnishes services and facilities for the use of the general public, including:

(a) Communication by way of telephone, telegraph, or television;

(b) Production, transmission, delivery or furnishing of water, gas, or electricity; and

(c) Collection of sewage, garbage or other waste.

RECYCLING DEPOT means a premises where waste materials such as paper, plastic and metals are collected and separated for storage, sale and transfer to market, and where all activities including storage are carried out entirely within an enclosed building.

RESIDENTIAL CARE FACILITY - means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission. A Residential Care Facility may be a halfway type home, rehabilitation home, hostel, or group foster home which provides meals, residential services, care and supervision for more than two adults or children, who are under the care of a child care agency, or who may be post mentally ill, mentally retarded or otherwise developmentally disabled.

ROOMING OR BOARDING HOUSE – means a private dwelling that offers either Rooming (i.e. lodging only) or Boarding (i.e. lodging with meals and cleaning) for a fee.

SEASONAL FEEDING AREA - means an outdoor non-grazing area where livestock are kept for the purpose of providing supplemental or total feed requirements on a seasonal basis, and where manure builds up such that mechanical removal and land application is required but does not include a feedlot.

SECONDARY SUITE, ATTACHED – defined as an accessory dwelling unit added or created within a single-family residence that provides basic requirements for living, sleeping, cooking, and sanitation. Only one secondary suite, either attached or detached, shall be allowed per zoning lot**.**

SECONDARY SUITE, DETACHED – defined as a dwelling unit that is accessory to, but not attached to a single family dwelling and provides basic requirements for living, sleeping, cooking and sanitation. Only one secondary suite, either attached or detached shall be allowed per zoning site.

SIGN - means any written, numeric, symbolic or pictorial representation, illustration, emblem, banner, pennant or any other figure of similar character which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on the exterior of a building or structure, or is temporarily supported by other features such as props or wheels, and which is used to identify or advertise, but shall not include display windows; and includes:

(a) **Advertising Sign -** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained;

(b) **Bulletin Board -** means a sign of permanent character, but with movable letters, words, or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which the sign is maintained;

(c) **Business Sign -** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same site where the sign is maintained;

(d) **Identification Sign -** means a sign that identifies the owner, resident or the street address and which sets forth no other advertisement;

(e) **Mobile Sign -** means any structure designed for transport, which is placed or maintained at one (1) particular location for the expressed purpose and intent of promoting or conveying an advertising message. The removal of the wheels from such a sign does not change the inherent portability which was part of the design; and

(f) **Temporary Signs -** means signs of a temporary nature, such as those advertising the sale, rental or lease of the premises on which it is maintained, or the construction of buildings.

SITE AREA - means the computed area contained within the site lines.

SITE, CORNER - means a site situated at the intersection of two 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 LINE - means any boundary of a site, including:

(a) **Front Site Line** - means that boundary of a site which is along an existing or designated street. For a corner site, the front site line shall be the shortest site line which abuts a street;

(b) **Rear Site Line** - means that boundary of a site which is most nearly parallel to the front site line, and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten feet in length within the site, parallel to and at the maximum distance from the front site line;

(c) **Side Site Line** - means any boundary of a site which is not a front or rear site line; and

(d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

SITE, THROUGH - means a site having a pair of opposite site lines along two more-or-less parallel streets.

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 forty (40) feet distant from the front site line, whichever is the lesser.

SITE, ZONING - means an area of land which, unless provided for elsewhere herein, has frontage on a street and is of at least sufficient size to provide the minimum requirements for use, area, yards and other open spaces as are herein required.

STREET - means, for the purposes of this By-law, a public right-of-way wider than a lane, the title of which is vested in the Government of Manitoba but may be maintained by the municipality, and which provides the principal means of access to abutting property.

STRUCTURE - means, for the purposes of this By-law, anything constructed or erected with a fixed location on the ground, or affixed to something having a fixed location on the ground.

SURFACE WATERCOURSE – means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout 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.

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.

YARD, REQUIRED - means that portion of a site adjacent to a site line which is required to be an unobstructed open space, except as otherwise permitted herein. A required yard extends along a site line to a depth or width (measured perpendicularly from the site line) specified in the yard requirement for the zone in which such site is located.

(a) **Yard, Required, Front -** means a yard extending along the full length of the front site line between the side site lines;

(b) **Yard, Required, Rear -** means a yard extending along the full length of the rear site line between the side site lines;

(c) **Yard, Required, Side -** means a yard extending along the side site line from the required front yard to the required rear yard;

(d) **Yard, Required, Corner Side -** means a side yard which is adjacent to a street; and

(e) **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.

APPENDIX A - ZONING MAPS

ATTACHED TO

BY-LAW NO. 2567

OF

THE TOWN OF MINNEDOSA

APPENDIX B – METRIC CONVERSION TABLES

ATTACHED TO

BY-LAW NO. 2567

OF

THE TOWN OF MINNEDOSA

APPENDIX B

METRIC CONVERSION TABLES

FEET	METERS	SQ. FEET	SQ. METERS
2	0.61	4	0.37
2.5	0.76	8	0.74
3	0.91	16	1.49
4	1.22	20	1.86
5	1.52	25	2.32
6	1.83	32	2.97
7	2.13	50	4.65
7.5	2.29	64	5.95
8	2.44	100	9.29
9	2.74	200	18.58
10	3.05	400	37.16
12	3.66	500	46.45
15	4.57	600	55.74
16	4.88	1000	92.90
17	5.18	2000	185.80
18	5.49	3000	278.70
20	6.10	3500	325.15
24	7.32	5000	464.50
25	7.62	6000	557.40
35	10.67	7500	696.75
40	12.19	9000	836.10
50	15.24	10000	929.00
60	18.29	15000	1393.50
75	22.88	20000	1858.00
100	30.48	30000	2787.00
125	38.10	40000	3716.00
150	45.72	-	-
200	60.96	-	-
500	152.40	-	-
1000	304.80	-	-
1500	457.20	-	-

ACRES	HECTARES
2	0.81
5	2.02
80	32.38