

**RURAL MUNICIPALITY
OF MINTO-ODANAH**

ZONING BY-LAW NO. 4/20

THE RURAL MUNICIPALITY OF MINTO-ODANAH

BY-LAW NO. 4/20

BEING A by-law of the RURAL MUNICIPALITY OF MINTO-ODANAH to regulate the use and development of land.

WHEREAS, Section 68 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, under Part 4 Division 1 of The Planning Act, the Tanner's Crossing Planning District has, by by-law, adopted the Tanner's Crossing Planning District Development Plan;

NOW THEREFORE, the Council of the R. M. of Minto-Odanah, in meeting duly assembled, enacts as follows:

1. By-laws No. 1/04 and No. 2/04 as amended are repealed
2. The Zoning by-law No. 4/20 attached is hereby adopted
3. The By-law shall be known as the Rural Municipality of Minto-Odanah Zoning By-law
4. This By-law shall come into force on the date of Third Reading

DONE AND PASSED in Council duly assembled in the Town of Minnedosa, Manitoba, this ___ day of (month) 2021.

(name) Reeve

Aaron Robertson, CAO

READ A FIRST TIME this ___ day of (month), 2020

READ A SECOND TIME this ___ day of (month), 2020

READ A THIRD TIME this ___ day of (month), 2021

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SCHEDULE A: ZONING MAP 1

PART 1: SCOPE

- 1.1 This By-law shall be known as the Rural Municipality of Minto-Odanah Zoning By-Law.
- 1.2 This By-law applies to all lands in the Rural Municipality of Minto-Odanah.
- 1.3 This By-law regulates:
 - (a) the construction, erection, alteration, enlargement or placing of buildings, structures, and mobile homes; and
 - (b) the establishment, alteration or enlargement of uses of land, buildings, structures and mobile homes.
- 1.4 No land, building, structure or mobile home shall be used or occupied, and no building, structure or mobile home shall be constructed, erected, altered, enlarged or placed, except in accordance with this By-law, and only after all required permits have been obtained by the owner.
- 1.5 Whenever a provision of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this By-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this By-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under The Planning Act, shall be construed as authorization for the carrying out of any activity, which is a nuisance due to noise, odour, emission, vibration or other cause.

PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES

- 2.1 No land, building, structure or mobile home shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
 - (i) a permitted principal use;
 - (ii) a conditional use, subject to approval as such; or
 - (b) is an accessory use.
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) Dwelling units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation;
 - (b) Communal farm dwellings for cultural groups such as hutterite colonies; or
 - (c) In unique circumstances, and subject to approval by Council, a mobile home may be placed on any rural parcel in any Agricultural Zone, as a second dwelling unit occupied by a relative of the owner, provided that it complies with all requirements of this By-law.
- 2.4 This By-law shall be interpreted so as not to interfere with the construction, erection and location of the distribution facilities of a public utility. Office buildings, warehouse, maintenance or storage compounds and telecommunications towers operated by a public utility shall be subject to the provisions of this By-law.
- 2.5 The installation of electric transmission lines and structures, and pipelines are deemed to be in compliance with this By-law if they are carried out, constructed and operated in accordance with federal and provincial law.

Existing Uses, Buildings and Structures

- 2.6 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist. Any proposal to enlarge or expand, or replace if destroyed, is subject to Sections 86-93 of the Planning Act that govern Non-conforming uses.

- (a) All buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.
 - (b) The enlargement, expansion, change in use, or replacement of an existing use, building or structure shall be subject to the issuance of a development permit in accordance with Sections 7.2 to 7.12, and shall conform to all requirements of this By-law.
- 2.7 An existing use, building or structure which is classified as a conditional use in this By-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist. Any proposal to enlarge or expand, or replace if destroyed, is subject to Sections 86-93 of the Planning Act that govern Non-conforming uses.
- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this By-law; and
 - (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with Sections 7.21 to 7.26 of this By-law.
- 2.8 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this By-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of The Planning Act governing non-conformities.
- (a) A non-conforming use, structure, or building shall be allowed to continue to exist, and may be changed to a permitted use;
 - (b) Notwithstanding Section 2.6(a), where a non-conforming building or structure is removed or destroyed by more than 50 percent of its replacement value above the foundation, it shall not be re-established at the same location.
 - (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use
 - (d) Other provisions of The Planning Act govern non-conforming uses, buildings and structures, including a provision, which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.

Permitted Uses, Buildings and Structures

- 2.9 Where a use, building or structure is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit as provided for in Sections 7.2 to 7.12, and provided that the use, building or structure complies with all requirements of this By-law.

Conditional Uses

- 2.10 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources, or may place additional demands on municipal infrastructure.
- 2.11 Where a use, building or structure is provided for as a conditional use by this By-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to Sections 7.21 to 7.26 and the specific requirements of The Planning Act pertaining to conditional uses.

Accessory Uses

- 2.12 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory, except as provided in Section 2.14.
- 2.13 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit as required by Sections 7.2 to 7.12 has been obtained for the main building. The Primary building must be built within 2 years from the date of the development permit, or at the discretion of Council, the accessory garage or storage building shall be demolished and the land cleared of debris from said demolished building.
- 2.14 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however no accessory use or building shall be constructed or located on the site prior to review and approval by Council in accordance with Sections 7.21 to 7.26, if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.

Zoning Classifications

- 2.15 Uses of land in the municipality are regulated in accordance with the following zoning classifications:

“AG” Agricultural (General) Zone

Provides for a full range of agricultural uses and activities, including livestock operations and preserves land for agricultural purposes.

“AL” Agricultural (Limited) Zone

Provides for agricultural uses and activities on a restricted basis in areas in order to avoid potential land uses conflicts with livestock operations. This zone also provides for the preservation of land for agricultural purposes and various rural land uses that are compatible with agricultural activities.

“AML” Agricultural (Moderately Limited) Zone

Provides for the preservation of land for agricultural purposes and various rural land uses that are compatible with each other and the specific sensitive nature of the zone’s natural resources and adjacent land uses. This zone provides for new and expansion of existing livestock operations in a limited manner.

“GD” General Development Zone

Provides for a compatible and orderly mix of urban land uses and activities, including residential, commercial and industrial uses that are better located in unincorporated urban centres, hamlets or small rural settlements.

"RR" Rural Residential Zone

Provides for small-holding, non-farm residential development, not typically serviced by municipal water and/or sewer.

“CH” Highway Commercial 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.

All of those classifications are established as shown on MAP 1 comprising Schedule A of this By-law.

2.16 The permitted and conditional uses prescribed for sites within each zoning class are those set out in the Use and Bulk Tables in PART 4 of this By-law.

PART 3: GENERAL BULK REQUIREMENTS

- 3.1 No land, building, structure or mobile home shall be used or occupied, and no building, structure or mobile home shall be constructed, erected, altered, enlarged or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for each zone and use in the Use and Bulk Tables and the other requirements of this By-law.

Open Space along Rural Roadways

- 3.2 Areas adjacent to rural roads shall be kept clear of features which would contribute to snow drifting problems on the roadway, or which would represent a safety hazard to motorists. Within areas which are zoned **[any Agricultural Zone]**, the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to a municipal road, provincial highway or an improved or unimproved government road allowance:
- (a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least 75 percent open in character, signs less than 64 square feet in surface area, small shelters for children at school bus stops, and underground installations such as wells and septic disposal systems;
 - (b) No excavation such as a dugout or gravel pit shall be located within the required yard, unless specifically approved by Council;
 - (c) No substantial planting, such as a shelterbelt or hedge exceeding a height of 3 feet shall be located within the required yard; and
 - (d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required yard.

Projections and Features in Yards

- 3.3 Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as follows:
- (a) Open, unenclosed stairs and landings may extend into any required front or rear yard to a maximum distance of 10 feet, and there shall be no limitation on the construction of unenclosed wheelchair ramps;
 - (b) Open, unenclosed stairs and landings may extend into any required side yard to a maximum distance of 5 feet, provided that a minimum separation of 5 feet is provided along any site line, and there shall be no limitation on the construction of unenclosed wheelchair ramps;

- (c) Projections of a building, including eaves, and similar features may extend into any required yard up to a distance of 2.5 feet;
- (d) Projections of a building, including canopies, awnings and similar features may extend into any required yard up to a distance of 10 feet;
- (e) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to a distance of 2.5 feet, provided that the maximum floor area of such projecting elements along any one wall does not exceed 16 square feet;
- (f) Open decks may project into any required yard up to a maximum distance of 10 feet, provided that a minimum separation of 5 feet is provided along any site line;
- (g) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be 3 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet; and
- (h) Portable buildings not exceeding 100 square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of 2 feet is maintained from the site line, and a separation distance of 4 feet is maintained from any dwelling.

Corner Vision Triangles

- 3.4 In order to provide for a reasonable measure of traffic safety within the "GD" General Development Zone and the "RR" Rural Residential Zone, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:
- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of 3 feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 10 feet along each property boundary from the point of intersection.

Double Frontage Sites

- 3.5 Within the "GD" General Development Zone, where a site has frontage along two more or less parallel streets, the following provisions shall apply:
- (a) Where the site depth is greater than 200 feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and

- (b) Where the site depth is 200 feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the development officer, based on the arrangement of existing buildings in the immediate area.

PART 4: USE AND BULK TABLES

Purpose of Zones

- 4.1 The use zones established in this By-Law are intended to provide sufficient land in suitable locations to meet the needs of the municipality and the provisions of the Tanner's Crossing Planning District Development Plan.
- 4.2 The "AG" Agricultural (General) Zone is hereby established in this Zoning By-Law and is intended to;
- (a) Support and strengthen the agricultural industry in the Rural Municipality of Minto-Odanah and to provide flexibility and opportunity for farm operators to engage in a variety of farming practices;
 - (b) Protect the agricultural industry and its land resources in recognition of agriculture's contribution to the economy, lifestyle and character of the Rural Municipality of Minto-Odanah; and
 - (c) Provide for a review process for large-scale livestock production operations, and operations which are in close proximity to communities or other dwellings, in accordance with the provisions of the Development Plan.
- 4.3 The "AL" Agricultural (Limited) Zone which is located adjacent to the boundary of the Town of Minnedosa, is intended to allow for general agricultural activities, and to provide for a high level of control over the development of livestock operations in close proximity to the Town of Minnedosa, in order to minimize livestock nuisance factors within the Town.
- 4.4 The "AML" Agricultural (Moderately Limited) Zone is intended to allow for general agricultural activities, and to provide for a moderate or secondary level of control over livestock operations in the vicinity of the Town, by establishing a lower threshold for the size of livestock operations to be administered as a conditional use.
- 4.5 The "GD" General Development Zone is hereby established in this By-law and is intended to provide for community development within the small communities of Bethany and Clanwilliam, Moore Park, and Cordova, in accordance with the provisions of the Tanner's Crossing Planning District Development Plan.
- 4.6 The "RR" Rural Residential Zone is hereby established in this By-law and is intended to provide for rural residential development within specified areas.
- 4.7 The "CH" Highway Commercial Zone is hereby established in the By-law and is intended to provide for commercial development generally serving the needs of the travelling public.

TABLE 4-1: “AG” AGRICULTURAL (GENERAL) ZONE, “AL” AGRICULTURAL (LIMITED) ZONE, AND “AML” AGRICULTURAL (MODERATELY LIMITED) ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
PERMITTED USES					
Accessory Uses, Buildings, and Structures (l)	-	-	125	25	25
Agricultural Activities, General	80	1,000	125	25	25
Agricultural Activities, Specialized (c) <ul style="list-style-type: none"> • Market Gardens • Nurseries & Tree Farms • Greenhouses • Apiaries 	2	200	125	25	25
Livestock Operations: “AG” – up to 249 AU “AL” – up to 10 AU “AML” - up to 99 AU	80(e)	1,000	125	25	25
Museums or Historic Sites (f)(n)	2(h)	200	125	25	25
Public Works Compounds and Maintenance Buildings (f)	2(h)	200	125	25	25
Recreation Facilities (f)(g)	2	200	125	25	25
Telecommunications Towers(f)(k)	2(h)	200	125	25	25
CONDITIONAL USES					
Advertising signs, over 64 sq. ft. in area	-	-	As determined by Council		
Accessory Attached Secondary Suites within the Principal Dwelling, either upstairs, downstairs or the main floor	-	-	-	-	-
Accessory Attached Secondary Suites ; either a Garden House or Coach House	-	-	125	25	25
Aircraft Landing Areas (f)	10	200	125	25	25
Auction Marts (f)	2(h)	200	125	25	25
Cannabis Processing	2(h)	200	125	25	25
Campgrounds (f)	2(h)	200	125	25	25
Cemeteries (f)	2(h)	200	125	25	25
Community Halls (f)(g)	2(h)	200	125	25	25
Earth Moving Contractors (f)	2(h)	200	125	25	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (f)(g)(l)(j)	2	200	125	25	25
Establishments for the sales, storage, service	2(h)	200	125(h)	25(h)	25(h)

TABLE 4-1: “AG” AGRICULTURAL (GENERAL) ZONE, “AL” AGRICULTURAL (LIMITED) ZONE, AND “AML” AGRICULTURAL (MODERATELY LIMITED) ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (a)(b)	Rear Yard (feet) (a)(b)
or distribution of agricultural supplies, equipment or structures(f)(g)(i)(j)					
Fur Farms	2(h)	200	125	25	25
Golf Courses (f)	40	1,000	125	25	25
Kennels	2(h)	200	125	25	25
Livestock Operations in “AG” Zone at or above 250 AU (d)	80(e)	1,000	125	25	25
Livestock Operations in “AL” Zone between 10 – 100 AU (d)	80(e)	1,000	125	25	25
Livestock Operations in “AML” Zone at or above 100 AU (d)	80(e)	1,000	125	25	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments (f) (g)	2(h)	200	125	25	25
Motor Vehicle or Agricultural Equipment Body Shops, Salvage or Wrecking Operations (f)	2(h)	200	125	25	25
Non-Farm Dwellings (f)	2(h)	200	125	25	25
Regional Health Care Facilities (f)(m)	2	200	125	25	25
Religious Institutions (f) (g)	2(h)	200	125	25	25
Sewage Lagoons (f)	2	200	125	25	25
Surface Mining Operations, incl. gravel pits and other mineral extraction operations (f)	2	200	125	25	25
Trucking Establishments (f)(g)	2(h)	200	125	25	25
Veterinary Clinics (f)	2(h)	200	125	25	25
Waste Disposal Sites (f)	2	200	125	25	25
Wind Energy Generation Facilities (k)	2	200	125	25	25

The following footnotes form part of this TABLE 4-1:

- (a) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the required yard shall be specified by the Provincial highway authority, instead of the relevant provision of this Table.
- (b) Where a side site line or rear site line is adjacent to a government road allowance or other municipal road, the minimum required side yard or minimum required rear yard shall be 125 feet, as the case may be.

- (c) Apiaries shall be considered as a conditional use when proposed to be located within 1 mile of a residential or cottage area, or within 1/2 mile of a dwelling not associated with the operation.
- (d) Refer to Sections 5.1 to 5.7 of this By-law for additional provisions which apply to the establishment and/or expansion of livestock operations, and riding academies and stables.
- (e) Notwithstanding the minimum site area requirement specified in this Table, there shall be sufficient land available for livestock production operations to properly accommodate manure disposal, in accordance with the provisions of the Manitoba Farm Practices Guidelines.
- (f) Where the site of the proposed development is located within 1,000 feet of a Provincial Highway, or within 1/2 mile of a highway intersection, the proposal shall be referred to the Provincial Government authority for Manitoba roads and highways for review and comment.
- (g) These types of uses may be allowed in the "AG" AGRICULTURAL (GENERAL) ZONE, "AL" AGRICULTURAL (LIMITED) ZONE, and the "AML" AGRICULTURAL (MODERATELY LIMITED) ZONE only if the Board of the Tanner's Crossing Planning District is satisfied that no suitable site is available in a community, in accordance with the provisions of the Tanner's Crossing Planning District Development Plan, and only if the development proposal complies with the provisions of the Development Plan.
- (h) The maximum site area shall be 10 acres, unless physical features of the site, such as natural drains, shelterbelts, etc. indicate that a larger site would be appropriate.
- (i) Anhydrous ammonia storage facilities shall be set back 330 feet from any public roadway, and shall be separated by a distance of 2,640 feet from any dwelling or cottage.
- (j) Sections 5.9.1 and 5.9.2 describe special limitations for hazardous materials storage, including agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage and anhydrous ammonia facilities, in proximity to habitable buildings and other zones.
- (k) Commercial telecommunications facilities, and small scale wind powered energy generation facilities which primarily provide energy to an agricultural operation, shall be separated by a distance of one and one half (1.5) times the maximum height of the structure from any dwelling or mobile home. For commercial wind turbine generating facilities (not accessory to an agricultural operation), the site requirements shall be as specified in Section 5.12 of this By-law.
- (l) Accessory buildings, structures and uses shall include the following, when located on the same site or parcel of land as a permitted use or conditionally approved agricultural use:

- (i) Farm dwellings or mobile homes occupied by members of the farm family or employees associated with the agricultural operation,
 - (ii) Accessory farm buildings and structures, including grain storage structures, machinery storage structures, and livestock confinement facilities, provided that such livestock confinement facilities are not specifically provided for as a conditional use in this By-law,
 - (iii) Accessory domestic structures such as private garages and swimming pools,
 - (iv) Home based businesses as provided for in section 5.11 of this By-law.
 - (v) Solar panel(s) for domestic use.
- (m) Accessory buildings shall include those facilities which are essential to the operation of the health care facility, and shall not include privately-owned medically related facilities, such as clinics and pharmacies.
- (n) types of uses may be allowed in the “AG” AGRICULTURAL (GENERAL) ZONE, “AL” AGRICULTURAL (LIMITED) ZONE, and the “AML” AGRICULTURAL (MODERATELY LIMITED) ZONE] only if Council deems it necessary.

TABLE 4-2: “GD” GENERAL DEVELOPMENT ZONE – USE & BULK TABLE					
	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
PERMITTED USES					
Accessory Uses, Buildings and Structures (j)	-	-	(h)	5 (i)	5(l)
Bakeries	15,000(c)	100(c)	25	15(c)	25
Clubs, Private or Public	15,000(c)	100(c)	25	15(c)	25
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	15,000(c)	100(c)	25	15(c)	25
Day Care Facilities	15,000(c)	100(c)	25	15(c)	25
Dwellings, Single-Family	7,500(c)	75(c)	25	10(c)	25
Dwellings, Mobile Home (d)	7,500 (c)	75(c)	25	10(c)	25
Dwellings, Two-Family	7,500(c)	75(c)	25	10(c)	25
Emergency Services, including police and fire stations	15,000(c)	100(c)	25	15(c)	25
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, and funeral homes	15,000(c)	100(c)	25	15(c)	25
Establishments for the sale of goods or services, provided that all storage	15,000(c)	100(c)	25	15(c)	25

TABLE 4-2: “GD” GENERAL DEVELOPMENT ZONE – USE & BULK TABLE					
	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
is within a fully enclosed building					
Food or Beverage Service Establishments	15,000(c)	100(c)	25	15(c)	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	15,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Public Utilities	15,000(ce)	100(ce)	25(e)	15(ce)	25(e)
Public Works Compounds and Maintenance Buildings	15,000	100	25	15	25
Recreation Facilities	15,000(c)	100(c)	25	15(c)	25
Religious Institutions	15,000(c)	100(c)	25	15(c)	25
Residential care facilities, providing service to up to 4 persons	15,000(c)	100(c)	25	15(c)	25
Storage Buildings and Warehouses, for non-hazardous materials	15,000(c)	100(c)	25	15(c)	25
CONDITIONAL USES					
Accessory Attached Secondary Suites within the Principal Dwelling, either upstairs, downstairs or the main floor	-	-	-	-	-
Accessory Secondary Suites ; either a Garden House or Coach House	-	-	125	25	25
Accommodation Facilities, including Hotels and Motels	15,000	100	25	15	25
Advertising Signs over 64 sq. ft.	-	-	As determined by Council		
Bed and Breakfast Establishments, Boarding or Rooming Houses	15,000	100	25	15	25
Earth Moving Contractors and Ready-Mix Concrete Suppliers	15,000	100	25	15	25
Dwellings, Multiple-Family	(f)	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration (g)	15,000	100	25	15	25
Establishments for the sales, storage, service or distribution of agricultural	15,000	100	25	15	25

TABLE 4-2: “GD” GENERAL DEVELOPMENT ZONE – USE & BULK TABLE					
	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
supplies, equipment or structures (g)					
Establishments for the sale of goods and services, where there is exterior storage of products	15,000	100	25	15	25
Fuel Sales & Storage Establishments (g)	15,000	100	25	15	25
Manufacturing, Fabricating, Machining, Processing or Repair Establishments	15,000	100	25	15	25
Residential Care Facilities, providing service to 5 persons or more	15,000	100	25	15	25
Storage Facilities and Compounds, Exterior, non-hazardous materials	15,000	100	25	15	25
Sewage Lagoons	15,000	100	25	15	25
Trucking Establishments	15,000	100	25	15	25
Veterinary Clinics	15,000	100	25	15	25
All other uses that Council deem to be compatible with the “GD” Zone	15,000(c)	100(c)	25	15(c)	25

The following footnotes form part of this TABLE 4-2:

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
 - (i) Maximum allowable height for all principal buildings and structures shall be 30 feet, except for grain storage structures, fuel and fertilizer storage tanks, church steeples, and telecommunication towers.
 - (ii) Maximum allowable height for all accessory buildings and structures shall be 12 feet, if accessory to a residence, and 18 feet if accessory to a non-residential use, except for grain storage structures, fuel and fertilizer storage tanks, and private telecommunications towers.
 - (iii) Minimum dwelling unit area shall be 600 square feet for a residential building, and 400 square feet for an accessory residential suite within a commercial building.

- (b) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the required yard shall be specified by the Provincial highway authority, instead of the relevant provision of this Table.
- (c) Where the site is serviced by a municipal sewer system or a private holding tank approved by provincial authorities, the minimum bulk requirements shall be as follows:
 - (i) Minimum required site area - 7,500 square feet
 - (ii) Minimum required site width - 75 feet
 - (iii) Minimum required side yard - 10 feet, except for the street side of a corner site, in which case the minimum required side yard shall be 15 feet, or where the height of the building exceeds 20 feet, in which case the minimum required side yard shall be 15 feet.
- (d) For mobile home sites, there shall be an open space at least 20 ft. by 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. Mobile Homes shall meet CSA Z240 certification, with units older than 4 years subject to inspection.
- (e) Where the proposed development consists of a building or structure less than 100 square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of 7 feet is maintained from all site lines.
- (f) The minimum required site area for the first 3 dwelling units shall be 15,000 square feet, and the minimum required site area shall increase by an additional 1,000 square feet for each additional dwelling unit above 3 units.
- (g) Sections 5.9.1 and 5.9.2 describe special limitations for hazardous materials storage, including agricultural chemical supply warehouses, inland grain terminals, bulk fuel or fertilizer storage and anhydrous ammonia facilities, in proximity to habitable buildings and other zones.
- (h) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (i) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public lane or public street.
- (j) The keeping of livestock, Apiaries, and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock shall not be permitted within the "GD" General Development Zone.

TABLE 4-3: 'RR' RURAL RESIDENTIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres) (Sq Feet)	Site Width (feet)	Front Yard (feet) (d)	Side Yard (feet) (d)	Rear Yard (feet) (b)
PERMITTED USES					
Accessory Uses, Buildings and Structures (d) (e) (f) (g)	-	-	(c)	10	10
Dwellings, Single-Family	2	200	30	25	25
Dwellings, Single-Family (Lake Ave.)	5000 sq ft	50	25	7.5	25
CONDITIONAL USES					
Accessory Attached Secondary Suites within the Principal Dwelling, either upstairs, downstairs or the main floor	-	-	-	-	-
Accessory Attached Secondary Suites ; either a Garden House or Coach House	-	-	125	25	25
Mobile Homes (h)	2	200	30	25	25

The following footnotes form part of this TABLE 4-3:

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
 - (i) Maximum allowable height for all principal buildings and structures shall be 30 feet.
 - (ii) Maximum allowable height for all accessory buildings and structures shall be 18 feet.
 - (iii) Minimum dwelling unit area shall be 600 square feet for a single family dwelling or mobile home.
- (b) Where a site line is adjacent to a Provincial Trunk Highway or Provincial Road, the required yard shall be specified by the Provincial highway authority, instead of the relevant provision of this Table.

- (c) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (d) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock is only permitted when the site area exceeds 3.0 acres in size, and only to a maximum of 1 Animal Unit for each acre of site area, unless more animal units are authorized by Council as a conditional use. Accessory animal housing facilities shall be set back a minimum distance of 125 ft. from the any site line, and a minimum distance of 500 ft. from the shoreline of Minnedosa Lake and the Little Saskatchewan River.
- (e) Garages, fences, lighting, flagpoles, sheds, private antennas, play structures, patios, decks, gazebos, landscaping, bed and breakfast establishments with three or fewer guest rooms, residential care facilities with four or fewer residents, and day cares supervising eight or fewer children will be considered permitted accessory uses, buildings or structures. Other similar uses, buildings or structures may be considered as Accessory Uses when approved by council.
- (f) Bed and breakfast establishments with more than four or more guest rooms, residential care facilities with five or more residents, and day cares supervising nine or more children will be considered conditional accessory uses.”
- (g) The maximum size for any one accessory building is 1,600 square feet. The maximum total square footage for all accessory buildings located on one site is 2,000 square feet.
- (h) Mobile Homes shall meet CSA Z240 certification, with units older than 4 years subject to inspection

TABLE 4-3 "CH" HIGHWAY COMMERCIAL ZONE - USE & BULK TABLE

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (b)	Side Yard (feet) (b)	Rear Yard (feet) (b)
PERMITTED USES					
Accessory Uses, Buildings and Structures (d)(e)	-	-	(c)	10	10
Accommodations Facilities, including Hotels and Motels	1	100	125	25	25
Automotive Service Stations and Repair Establishments	1	100	125	25	25
Convenience Stores	1	100	125	25	25
Restaurants, including Drive-In Establishments	1	100	125	25	25

CONDITIONAL USES					
Advertising Signs over 64 sq. ft. (b)	-	-	As determined by Council		
Truck Terminals	2	200	125	25	25
All other uses that serve the travelling public, at the discretion of Council.	1	100	125	25	25

The following footnotes form part of this TABLE 4-3:

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
 - (i) Maximum allowable height for all principal buildings and structures shall be 30 feet.
 - (ii) Maximum allowable height for all accessory buildings and structures shall be 18 feet, except for private telecommunications towers.
 - (iii) Minimum dwelling unit area shall be 400 square feet for an accessory residential suite within a commercial building.
- (b) Where a development is within the control area of a Provincial Trunk Highway or Provincial Road, the required yard shall be specified by the Provincial highway authority, instead of the relevant provision of this Table.
- (c) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (d) Accessory uses include:
 - (i.) A mobile home or a dwelling unit or suite within a commercial building, and related domestic accessory structures on the same site.
 - (ii.) Storage of goods and equipment on the same site as the principal use.
- (e) The keeping of livestock and/or the construction of buildings or other structures or enclosures for the purposes of keeping livestock shall not be permitted within the “CH” Highway Commercial Zone.

PART 5: REQUIREMENTS FOR SPECIFIC USES

Livestock Operations

The provisions of this PART shall apply to the establishment or enlargement of livestock production operations, and shall also apply to the keeping of livestock on rural residential parcels and other similar uses (such as boarding stables or riding stables, etc.) within the municipality.

5.1 General Provisions

5.1.1 The provisions of this PART do not apply to grazing areas.

5.1.2 Existing livestock operations which are of a size that would be classified as a conditional use by the provisions of this By-law, are deemed to be a legally existing conditional use, and may be replaced if they are 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 operations are 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 elsewhere in this By-law.

5.1.3 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.

5.1.4 Where a livestock operation is located within one half mile of one or more other livestock operation(s), and where these operations are under affiliated ownership, management or control, or where they share common infrastructure such as manure storage facilities and/or piped water supply from a common private source, they shall be deemed to be one combined larger operation for the purposes of this By-law.

5.1.5 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 5-1, and may be altered from time to time by provincial authorities, without requiring an amendment to this By-law.

TABLE 5-1: ANIMAL UNIT CONVERSION FACTORS

Type of Livestock		A.U. Produced By One 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
Hogs	Sows, farrow to finish	1.250
	Sows, farrow to weanling	0.313
	Sows, farrow to nursery	0.250
	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
	Feeder Lambs	0.063
Other Livestock and Poultry		As determined by Mb. Agriculture

5.1.6 Requirements for separation distances, as provided for in this By-law, shall be measured from the closest point of the animal housing facility or manure storage facility to the residence or community boundary, as the case may be.

5.2 “AG” Agricultural (General) Zone

Within those areas which are zoned as “AG” Agricultural (General) Zone on MAP 1 of this By-law, the following provisions shall apply to the establishment or enlargement of livestock operations, animal housing facilities and the keeping of livestock on small acreage parcels.

5.2.1. Any proposal to establish or expand a livestock operation and/or an animal housing facility of up to 249 Animal Units shall be it is in conformance with all of the other provisions of this By-law.

- 5.2.2 Any proposal to establish or expand a livestock operation and/or an animal housing facility of 250 Animal Units or more in capacity or occupancy, shall be deemed to be a conditional use and shall be administered in accordance with The Planning Act and Sections 7.21 to 7.26 of this By-law.
- 5.2.3 The minimum separation distance requirements of Section 5.5 and the other provisions of this PART shall govern the location and/or the maximum capacity or occupancy of any livestock operation.
- 5.2.4 The maximum amount 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, as a permitted accessory use. Proposals to establish more livestock may be considered as a conditional use, subject to the other provisions of this PART.

5.3 “AL” Agricultural (Limited) Zone

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 other livestock facilities, and the keeping of livestock on small acreage parcels.

- 5.3.1 The maximum capacity and/or occupancy of a new livestock operation or an animal housing facility shall be 10 Animal Units, as a permitted use.
- 5.3.2 Any proposal to establish or expand a livestock operation and/or an animal housing facility between 10 and 100 Animal Units in capacity or occupancy shall be deemed to be a conditional use, and shall be administered in accordance with The Planning Act and Sections 7.21 to 7.26 of this By-law.
- 5.3.3 The minimum separation distance requirements of Section 5.5 and the other provisions of this PART shall govern the location and/or the maximum capacity or occupancy of any livestock operation.
- 5.3.4 The maximum amount 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, as a permitted accessory use. Proposals to establish more livestock may be considered as a conditional use, subject to the other provisions of this PART.

5.4 “AML” Agricultural (Moderately Limited) Zone

Within the area which is zoned as “AML” Agricultural (Moderately Limited) Zone, the following provisions shall apply to the establishment or enlargement of livestock operations, animal housing facilities, and the keeping of livestock on small acreage parcels:

- 5.4.1 The maximum capacity and/or occupancy of a livestock operation or an animal housing facility shall be 100 Animal Units, as a permitted use.

- 5.4.2 Any proposal to establish or expand a livestock operation and/or an animal housing facility with a capacity or occupancy of 100 Animal Units or larger in capacity or occupancy, shall be deemed to be a conditional use, and shall be administered in accordance with The Planning Act and Sections 7.21 to 7.26 of this By-law.
- 5.4.3 The minimum separation distance requirements of Section 5.5 and the other provisions of this PART shall govern the location and/or the maximum capacity or occupancy of any livestock operation.
- 5.4.4 The maximum amount of livestock within rural residential parcels or small acreage non-farm parcels shall not exceed one animal unit per acre of site area, to a maximum of 10 Animal Units, as a permitted accessory use. Proposals to establish more livestock may be considered as a conditional use, subject to the other provisions of this PART.

5.5 Mutual Separation Distance Requirements

- 5.5.1 The minimum separation distance requirements of TABLE 5-2 and TABLE 5-3 shall apply to the establishment or expansion of any feedlot, animal housing facility, or earthen manure storage facility, and shall mutually apply to the establishment of any new or expanding designated rural residential area, designated recreational area, or designated general development area (community), and to any new residence in the Rural Municipality, excluding a residence associated with the livestock operation or facility.

TABLE 5-2: MUTUAL 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
10 to 100	1,200	600
101 to 200	1,800	900
201 to 300	2,600	1,300
301 to 400	2,800	1,400
401 to 800	3,200	1,600
801 to 1,600	3,800	1,900
1,601 to 3,200	4,400	2,200
3,201 to 6,400	5,200	2,600
6,401 to 12,800	5,800	2,900
Over 12,801	6,400	3,200

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

TABLE 5-3: MUTUAL 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
101 to 200	4,700	3,100
201 to 300	6,300	4,200
301 to 400	7,000	4,700
401 to 800	7,800	5,200
801 to 1,600	9,400	6,300
1,601 to 3,200	11,000	7,300
3,201 to 6,400	12,600	8,400
6,401 to 12,800	14,100	9,400
Over 12,801	15,700	10,500

* "Designated Area" means the following:

- a) Any area in the Rural Municipality that is designated “General Development Area”, “Rural Residential Area” and “Rural Commercial Area” in the Tanner’s Crossing Planning District Development Plan, and
- b) The boundary of the Town of Minnedosa.

5.6 Setback Requirements

5.6.1 The minimum setback distance factors of TABLE 5-4 shall apply to the establishment or expansion of any feedlot, animal housing facility, or earthen manure storage facility.

TABLE 5-4: MINIMUM SETBACK DISTANCE REQUIREMENTS

Type of Livestock Facility	Minimum Setback Distance from any Property Boundary
Barns, and similar buildings for housing livestock*	165 feet
Feedlots and Seasonal Feeding Areas, Earthen manure storage facilities	330 feet
Grazing Areas	0 feet

* 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.

5.6.2 Where an existing barn, feedlot or high density seasonal feeding area does not comply with the setback requirements described in TABLE 5-4, it may be expanded or enlarged, provided that the expansion or enlargement substantially occurs in a direction away from the property boundary.

5.6.3 No new barn, feedlot or high density seasonal feeding area shall be established or expanded 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.

5.6.4 Any existing feedlot or animal housing facility which is located within 1,000 feet of the Little Saskatchewan River or Minnedosa Lake may be expanded to a maximum size of 100 Animal Units in capacity or occupancy as a permitted use, provided that a minimum setback of 330 feet is maintained from the River or Lake. Any proposal for expansion or enlargement of a feedlot or animal housing facility to a capacity or occupancy of more than 100 animal units shall be administered as a conditional use, in accordance with The Planning Act and Sections 7.21 to 7.26 of this By-law.

5.7 Special Provisions Related To Livestock Operations

In addition to the requirements described above, the following requirements shall also apply to the establishment or expansion of any livestock operation:

- 5.7.1 No livestock operation or animal housing facility shall be established or expanded in an area which is subject to flooding, as determined by the Provincial Government Authority responsible for flooding.
- 5.7.2 Within areas which have been identified as “known groundwater sensitivity areas” on MAP 1, livestock operations shall be allowed as a permitted use up to a capacity or occupancy of 150 Animal Units. Any proposal for an operation larger than 150 Animal Units shall be administered as a conditional use, in accordance with The Planning Act and Sections 7.21 to 7.26 of this By-law.
- 5.7.3 No new livestock operation or animal housing facility shall be permitted on soils determined by detailed soil survey acceptable to the Province, 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 acceptable to the Province at a scale of 1:50,000 or better.

General

- 5.8.1 In addition to the other provisions of this By-law, the minimum separation distance requirements of Section 5.5 shall govern the location of any proposed dwelling or mobile home to be established or located in any Agricultural Zone, and shall also apply to any proposal to establish or expand any designated rural residential area, any designated general development area or any designated recreational area.
- 5.8.2 No dwelling or mobile home or other habitable building shall be constructed or located within 1,320 feet of any municipal sewage lagoon or solid waste disposal site.
- 5.8.3 No dwelling or mobile home or other habitable building shall be constructed or located within 1,320 feet of an anhydrous ammonia storage tank or an agricultural bulk chemical supply facility.
- 5.8.4 No building, dwelling, mobile home or farm building or structure shall be located within 300 feet of the edge of the right-of-way of any pipeline regulated by The National Energy Board, unless specific approval has been granted by the National Energy Board.
- 5.8.5 No building, dwelling, mobile home or farm building or structure in any Agricultural Zone shall be located within 100 feet of the edge of the right-of-way of any railway, unless the structure is required for railway operations, or requires railway service.

- 5.8.6 No building, dwelling, mobile home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Provincial Department responsible for aggregate and mine operations, unless the site has been further reviewed by that department and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling or mobile home, a separation distance of 500 feet shall be provided between the building location and any active mining area.
- 5.8.7 Any proposal to establish any building, structure, mobile home or farm building or structure which exceeds a building height of 10 feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing area for a distance of one mile, shall be deemed to be a conditional use and subject to the approval of Council.
- 5.8.8 No habitable dwelling, mobile home or other habitable building shall be constructed or located within a distance of 1,320 feet of the structural tower supporting a commercial wind turbine generating facility.

Hazardous Materials Storage

- 5.9.1 No new agricultural chemical supply warehouse, inland grain terminal, bulk fuel or fertilizer storage facility or anhydrous ammonia storage facility shall be located within:
- (a) 1,320 feet of a building used for human occupation;
 - (b) 1/2 mile of a "RR" Rural Residential Zone or "GD" General Development Zone or residentially designated area within the Town of Minnedosa;
 - (c) 330 feet of a municipal road or provincial highway.
- 5.9.2 Expansion any existing facility which is located within the separation distances described in Section 5.19 shall be deemed to be a conditional use, and shall be subject to the approval of Council.

Home Based Business

- 5.10 Home-based businesses will be governed by the following rules:
- (a) They shall be conducted by a person or persons residing in the dwelling;
 - (b) Persons employed or otherwise engaged on the same site as the business who do not reside in the dwelling may not exceed:
 - (i) 5 persons in any Agricultural Zone,

- (ii) 2 persons in any other zone;
- (c) In any Agricultural Zone, the location of all exterior processing and storage shall be subject to Council approval. In all other zones, there can be no outside processing or outside storage of goods or materials,
- (d) In any Agricultural Zone there can be no more than 3,000 square feet of floor area devoted to the business as a permitted accessory use. Any proposed business over 3000 square feet will need a resolution from Council approving said business. In any other Zone there can be no more than 1,000 square feet of floor area devoted to the business,
- (e) One business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding
 - (i) in any Agricultural Zone, 64 square feet;
 - (ii) in all other zones, 32 square feet in any location other than the required front yard, and 10 square feet in the required front yard;
- (f) They shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance.
- (g) In the "GD" General Development Zone and "RR" Rural Residential Zone, the residential character of the property shall be maintained.

Home Occupation

5.11 A Home Occupation shall comply with the following regulations:

- (a) The Home Occupation shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood.
- (b) The Home Occupation shall be owned by the member(s) of the family residing at the dwelling unit and can have a maximum of two on-site employees.
- (c) Shall be subject to the sign requirements of the zone.
- (d) The Home Occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling unit involved.
- (e) A Home Occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 300 square feet.
- (f) The Home Occupation shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another Zoning District having regard for, among other matters, potential traffic generation and potential

interference with the residential character of the area.

- (g) In addition to the information generally required for a Development Permit, each application for a Development Permit for a proposed Home Occupation shall include a description of the commercial use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the commercial use are to be stored.
- (h) In the case of retail sales or distribution, it offers articles for sale which are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers.
- (i) The home occupation shall not create nuisance by the way of dust, noise, vibration, smoke, odour, litter, light or heat nor shall it create or cause any fire hazard, electrical interference or traffic congestion in the neighbourhood.

Standards For Wind Energy Generating Systems

5.12 A commercial Wind Energy Generating System tower shall be considered as a conditional use on parcels of land zoned for agriculture and may co-exist with agricultural uses on these lands and must meet the following standards:

- (a) It is set back no less than 1.5 times the total turbine height from the property line and any public road or railway right of way. This setback distance can be reduced to .5 times the total turbine height where the property line(s) nearest to any given turbine define and separate properties belonging to the same landowner with a lease of the same type and duration;
- (b) It is set back no less than 100 feet from a water body or waterway;
- (c) The minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 1320 feet;
- (d) The minimum separation distance between a commercial wind energy generating system tower and the nearest **GD** or **RR** Zone shall be 2640 feet;
- (e) It contains no commercial advertising other than the manufacturer's or owner's name or logo;
- (f) It contains no artificial lighting other than the lighting that is required by federal and provincial regulation; and
- (g) As part of their development permit application, proponents for Wind Energy Generation Systems must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground) on-site roads and driveways providing access to the public road system.

Secondary Suites

5.13 Secondary Suites requirements are as follows:

- (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 Municipality, 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.

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.

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.

PART 6: MISCELLANEOUS REGULATIONS

Land Subject to Flooding

- 6.1 No building or structure, except for fences, shall be constructed or placed in the vicinity of creeks or streams which are subject to flooding by a one in 200 year flood, unless the owner provides sufficient information prepared by a qualified consultant, which in the opinion of Council, is sufficient to demonstrate compliance with the provisions of the Tanner's Crossing Planning District Development Plan.
- 6.2 Where development is proposed on a site which is known to the Development Officer to be subject to ponding due to snowmelt or heavy rainfall events, the owner must provide additional measures, including sufficient fill around the building, which in the opinion of Council are necessary to provide a measure of protection from flood damage.
- 6.3 No permanent building shall be constructed or placed on land which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.

Site Reduced by Road Widening

- 6.4 Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this By-law. However, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

Building Removal

- 6.5 Upon completion of removal or demolition of a building from a site, any excavation shall be filled, the ground shall be levelled, and the site shall be put in a safe condition to the satisfaction of the Development Officer. In the "GD" General Development Zone and the "RR" Rural Residential Zone, the Council may require that the former foundation be removed to provide suitable conditions for the construction of a new building. Non-permeable fill may be required at the discretion of Council.

Road Access

- 6.6 No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road. In unique circumstances, Council may

approve the creation of a site with no frontage along a public road, provided that there is a suitable legal arrangement for the provision of access to the site.

Service Connections

- 6.7 Where a site in the "GD" General Development Zone, "RR" Rural Residential Zone, or the "CH" Commercial Highway Zone is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

Public Monuments and Cairns

- 6.8 Nothing in this By-law shall be so interpreted as to interfere with the establishment of public monuments and cairns, provided that such structures do not create a hazard for nearby roadways or development, in the opinion of Council.

Signs

- 6.9 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing, and every sign shall conform with the requirements of the Provincial highway authority when located within the highway control areas adjacent to Provincial Trunk Highways and Provincial Roads.
- 6.10 All signs and their support structures shall be kept in good repair. Signs, which have become obsolete because of the discontinuance of the business service and have not been removed or relocated within 30 days following such condition, may be removed by the Municipality at the owner's expense.

Temporary Buildings & Uses

- 6.11 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
- a) office(s) for the contractor or developer or project supervisor;
 - b) accommodation for a caretaker or construction employees;
 - c) storage of materials and equipment; or
 - d) temporary production facilities for concrete or asphalt related to road construction projects, provided that a minimum separation distance of 1,320 feet is provided to the nearest habitable building.
- 6.12 A development permit for a temporary building or structure or use shall be valid for 6 months and may be renewed at the discretion of the Development Officer.

PART 7: ADMINISTRATION

Administration and Enforcement

7.1 In the administration and enforcement of this By-law, the Rural Municipality of Minto-Odanah authorizes and directs the board of the Tanner's Crossing Planning District to proceed under Part 8.

Development Permits

7.2 A development permit is required for any the following:

- a) the erection, construction, enlargement, structural alteration or placing of a building, structure, or mobile home, other than those described in Section 7.4;
- b) the establishment of a use of land or a building or structure;
- c) the change of a use of land or a building or structure;
- d) the alteration or enlargement of an approved conditional use.
- e) the construction or installation of any feedlot or animal housing facility, including barns and board corrals, except for enclosures established by wire fencing;
- f) Notwithstanding clause (e), the establishment of a wire fencing enclosure for a feedlot or seasonal feeding area with a capacity or occupancy of more than 250 animal units in the "AG" Agricultural (General) Zone, or over 100 animal units in the "AML" Agricultural (Moderately Limited) Zone, or over 10 animal units in the "AL" Agricultural (Limited) Zone.

7.3 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building, structure, or mobile home, except as provided herein. 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 or mobile home, 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 licences, environmental approvals, highway access and structure location approvals and similar approvals.

7.4 A development permit is not required for the following:

- (a) the erection, construction, enlargement, structural alteration or placing of any accessory agricultural building less than 100 square feet in floor area within any Agricultural Zone.
- (b) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - a) fences,

- b) signs less than 64 square feet in surface area,
 - c) lighting,
 - d) flagpoles,
 - e) sheds and buildings for the storage of domestic equipment and supplies, which are less than 100 square feet in floor area,
 - f) private communications aerials or antennas,
 - g) children's play structures less than 100 square feet,
 - h) water supply wells and private sewage disposal systems,
 - i) unenclosed patios and other landscaping features,
 - j) temporary signs and notices, including real estate signs;
- (c) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.
- 7.5 Despite not requiring a development permit, all things listed in 7.4 shall be subject to the requirements of this By-law, and to the requirements of any government department, including the highway control areas adjacent to Provincial Trunk Highways and Provincial Roads.
- 7.6 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.
- 7.7 An application for a development permit shall be accompanied by plans drawn to scale showing the following:
- (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 the proposed building, structure, enlargement or alteration, 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) vehicular access and utility connections that may be required to service the building;
 - (f) An application for approval of a development permit and/or a conditional use for a livestock operation and/or an animal housing facility shall be accompanied by a site plan showing the following information:
 - a) the size and location of all animal housing facilities and manure storage facilities;
 - b) distances to property boundaries from the facilities; and
 - c) existing and proposed drainage features in the vicinity of these facilities;

- d) 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, and
 - e) 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, and estimated distances to the nearest 2 dwellings to the facility, other than dwellings associated with the operation;
 - f) and shall include any other information required by the development officer to determine compliance with, and to provide for enforcement of, this By-law.
- 7.8 An application for a development permit shall be accompanied by the fee prescribed by the Tanners Crossing planning District.
- 7.9 Despite apparent compliance with this By-law, the development officer may refuse to issue a development permit where the proposed use, building, structure or mobile home does not, to the development officer's knowledge, comply with the building by-law or with any other law, subject to Sections 8.6 and 8.7.
- 7.10 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure or mobile home, except in accordance with an approved development permit (where required), and with this By-law.
- 7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the development officer. No work shall vary from the approved application and drawings without the prior written authorization of the development officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.
- 7.12 The development officer may revoke a development permit
- a) where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this By-law, the building by-law, or any other law; or
 - b) where the development permit was issued in error.

Development Officer

- 7.13 The development officer shall be the person appointed as such by the Board of the Tanner's Crossing Planning District.
- 7.14 The development officer, on behalf of the municipality, shall issue development permits and otherwise administer and enforce the provisions of this By-law and The Planning Act, where applicable.
- 7.15 The development officer shall exercise the powers of remedy and enforcement set

out in Part 8.

- 7.16 The development officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed 15 percent of the required yard provisions.

Application for Amendment

- 7.17 An application for an amendment to this By-law, including a change to the maps, may be initiated by Council, or may be made to the development officer by the owner or owners of the land in question, or by a person authorized in writing by them.

- 7.18 An application for amendment shall be accompanied by plans drawn to scale showing the following:

- (a) the shape and dimensions of the land affected;
- (b) the location and dimensions of existing buildings and structures;
- (c) the location and dimensions of any proposed building, structure, enlargement or alteration;
- (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;

and shall include any other information required by the development officer to determine compliance with, and to provide for enforcement of, this By-law.

- 7.19 An application for an amendment shall be accompanied by the fee prescribed by the Tanners Crossing planning District.

- 7.20 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to the Tanners Crossing Planning District, which shall decide whether or not to start the procedures for enactment of an amendment, and which shall include a referral to the Province of Manitoba for review and comment, in accordance with the provisions of The Planning Act.

Applications for Variations & Conditional Uses

- 7.21 An application for a variation or approval of a conditional use shall be made to the development officer by the owner or owners of the site, or by a person authorized in writing by them.

- 7.22 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in Section 7.7, and in the case of a livestock production operation, by the information described in Sections 5.1 to 5.7, and any such information as may be required by Council.

- 7.23 An application for a variation or a conditional use shall be accompanied by the fee prescribed by the Tanners Crossing Planning District.

- 7.24 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by The Planning Act.
- 7.25 On receipt of an application for a variation or a conditional use in proper form, the municipality may, prior to the hearing date prescribed under The Planning Act, refer the application to any other government department or authority for its review and comment.
- 7.26 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of The Planning Act.

PART 8: ENFORCEMENT

Entry for Inspection and Other Purposes

- 8.1 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;
 - c) make copies of anything related to the inspection, remedy, enforcement or authorized action;
 - d) in the case of livestock confinement facilities, the development officer shall strictly follow all biosecurity and animal health precautions as specified by an accredited veterinarian.
- 8.2 The development officer must display or produce on request identification showing his or her official capacity.
- 8.3 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 8.1(a) and (c) without the consent of the owner or occupant.

Order to Remedy Contravention

- 8.4 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.
- 8.5 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.

Review by the Board

- 8.6 A person who receives an order under Section 8.4 or who is refused a permit under Section 7.9 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 8.4 or decision under Section 7.9 is made.
- 8.7 After giving the person a reasonable opportunity to be heard, the board may confirm, vary, substitute or cancel the order or decision.

PART 9: INTERPRETATION

Zoning Boundaries

- 9.1 The following rules of interpretation shall apply to the boundaries of the zoning classification shown on the maps comprising Schedule A of this By-law:
- (a) boundaries indicated as approximately following municipal boundaries shall be construed to follow such boundaries;
 - (b) boundaries indicated as approximately following the centrelines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centrelines;
 - (c) boundaries indicated as approximately following site limits as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such site limits.
- 9.2 If a street, lane or government road allowance is lawfully closed, then the land formerly comprising the street, lane or government road allowance shall be included within the zone of the land, which surrounds it. If the said street lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street, lane or government road allowance.

Groundwater Sensitivity Areas

- 9.3 The shaded areas on MAP 1 representing groundwater sensitivity areas are derived from information provided by the Provincial Government Department responsible for groundwater sensitivity, and are believed to be reasonably accurate. Where there is some question as to whether or not a specific proposal is located in an area which is considered to be a groundwater sensitivity area, the provisions of this By-law related to groundwater sensitivity may be disregarded only if the owner can provide sufficient information, obtained through on-site investigations including test drilling, which indicates that groundwater sensitivity conditions do not exist at the specific location.

Permitted Uses

- 9.4 Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use which appears as a conditional use for the same zoning classification.

Definitions

- 9.5 Terms not defined in this By-law which are defined in The Planning Act, have the meaning provided in that Act.
- 9.6 Where the following terms appear in this By-law they have the meaning provided as follows:

200-year flood - means a flood that can be expected to occur, on average, once in 200 years, or specifically a flood that has a one percent chance of being equalled or exceeded in any year.

accessory - where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zoning classification. Where an accessory building or structure is attached to a principal building or structure by means of a foundation, wall or roof, it shall be deemed to part of the principal building or structure.

advertising sign - means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on an adjacent site under the same ownership) where the sign is maintained.

aircraft landing area - includes all open spaces, buildings and structures used in connection with the landing or take-off of aircraft.

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 unit – means an animal unit as defined in Manitoba Regulation 42/98 being the Livestock Manure and Mortalities Management Regulation, and which is used as a means of measuring the size of various livestock production operations.

building - means, for the purposes of this By-law, any fully or partially enclosed structure which is used or intended to be used for supporting or sheltering any use or occupancy, shall also include a mobile home or other unregistered vehicle.

building, height of - means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.

bulk - means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines;

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

communal farm dwelling - means a residence in connection with a farm operation carried out on the same or an adjacent site by a religious colony or other association by or on behalf of the occupants of the residence, and includes all associated cooking, eating, living, sleeping and sanitary facilities.

dwelling unit - means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

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 outlet - means premises authorized under license for the retail sale of cannabis products.

dwelling, single-family - means a detached building designed for and used by only one family.

dwelling, two-family - means a detached or semi-detached building designed for and used by 2 families, with each family having exclusive occupancy of a dwelling unit.

dwelling, multiple-family - means a building containing three or more dwelling units, with each unit designed for and used by one family, with each family having exclusive occupancy of a dwelling unit.

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.

(a) **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.

- (b) **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.

family - means one or more persons related by blood, adoption, marriage or common-law marriage, or a group of no more than five unrelated persons living together as a single housekeeping unit.

farm building - means any building or structure used primarily 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.

general agricultural activities - means a use of land for agricultural purposes, including the production of cereal crops, forage crops, and special crops such as oilseeds and legumes; 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 for remuneration of agricultural equipment or agricultural buildings.

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.

home based business - means an accessory use which is carried on for gain principally by an occupant of the dwelling unit, within an accessory building or structure, and is incidental to or secondary to the residential use of the dwelling unit.

home occupation – means an accessory use which is carried on for gain principally by an occupant of a dwelling unit, within the dwelling unit, or an accessory building or structure, and is incidental to or secondary to the residential use of the dwelling. Home occupations are understood to be of a more minor nature than home based businesses and are governed by section 5.11.

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

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.

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.

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.

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.

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;
- c) Collection of sewage, garbage or other waste.

residential care facility - means a building in which residential accommodation, plus supervision, care or treatment, are provided by a person or persons employed for that purpose.

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.

site - means an area of land which:

- (a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;
- (b) has frontage on a street which has a minimum right-of-way width of 50 feet, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (c) is of sufficient size to provide for the minimum requirements of this By-law for a permitted or conditional use in a zone where the use is located.

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

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

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

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

front site line - means:

- a) the boundary of a site along a street or highway;
- b) for a corner site, the narrowest frontage, or the continuation of the front site line of the abutting interior site.

rear site line - means:

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

side site line - means any boundary of a site, which is not a front or rear site line.

Where it is not possible to determine site lines according to these definitions, the development officer shall determine them.

site width - means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at 40 feet from the front site lines, whichever is less. In the case of non-rectangular parcels in the "AG" Agricultural (General) Zone, the site width shall be

measured at the existing or proposed location of the principal building, provided that the site has at least 40 feet of frontage on a public road.

specialized agricultural activities - means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

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

surface watercourse – means the channel in or bed on which surface water flows or stands, 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.

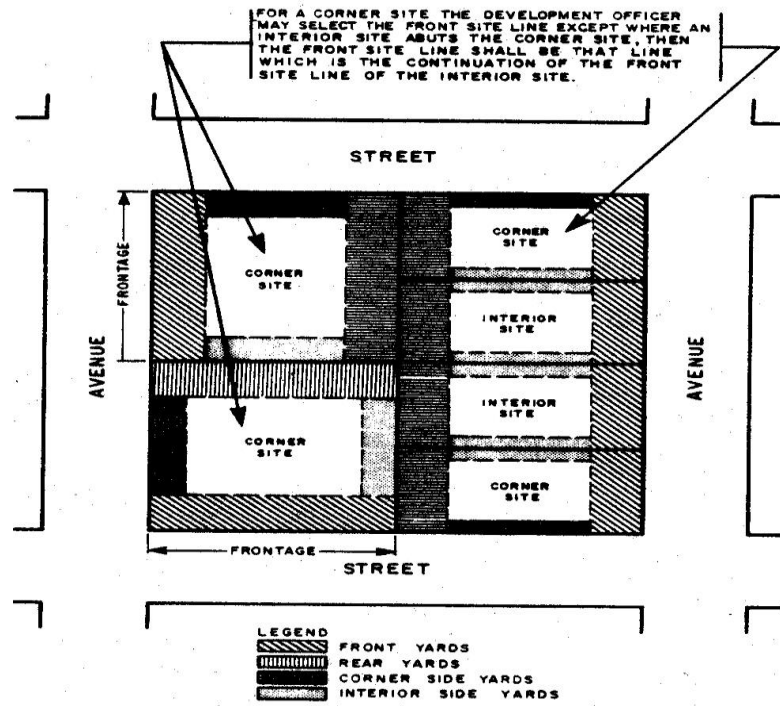
use - means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

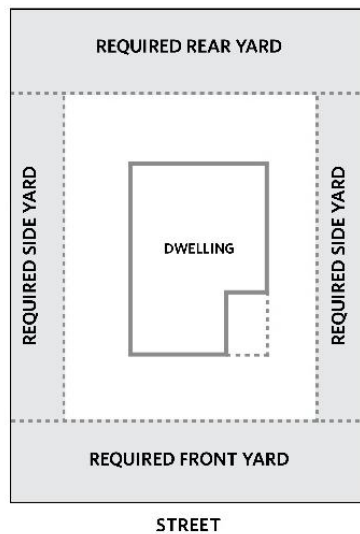
wind energy generating system – means an electrical generating facility comprised of a wind turbine and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a sub-station, temporary or permanent wind-monitoring tower(s) and access road(s).

- a) “Wind Energy Generating System (Commercial)” – is a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.
- b) “Wind Energy Generating System (On-Site Use)” – is a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) and not used to produce power for resale.
- c) “Total Turbine Height” means the height from finished grade to the highest vertical point of the swept rotor arc, in the case of a wind turbine with a horizontal axis rotor.

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

yard, required - means the yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building or structure may be located, except as provided in this By-law.





yard, required, front - means a yard extending along the full length of the front site line between the side site lines;

yard, required, rear - means a yard extending along the full length of the rear site line between the side site lines;

yard, required, side - means a yard extending along the side site line from the required front yard to the required rear yard;

yard, required, corner side - means a side yard which is adjacent to a street;

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.

THIS BY-LAW is hereby adopted and shall come into force on, from, and after the date on which it receives third reading by the Council.

DONE AND PASSED in Council duly assembled at the Rural Municipality of Minto-Odanah, Manitoba this 11th day of May, 2004 A.D.

Reeve

Chief Administrative Officer

Received First Reading this ___ day of _____, 2020

Received Second Reading this ___ day of _____, 2020

Received Third Reading this ___ day of _____, 2020