The Town of Neepawa
Zoning By-law

By-Law No. 3239-26

THE TOWN OF NEEPAWA
BYLAW NO. 3239-26

BEING A BY-LAW OF THE TOWN OF NEEPAWA TO REGULATE THE USE AND DEVELOPMENT OF LAND.

WHEREAS Section 68 of *The Planning Act* requires a municipality to adopt a zoning bylaw that is generally consistent with the development plan bylaw in effect in the municipality;

AND WHEREAS, under Part 4 Division 1 of *The Planning Act*, the Neepawa and Area Planning District has, by bylaw, adopted the Neepawa and Area Planning District Development Plan;

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

1. That Bylaw No. 3184-18 as amended, is repealed.
2. That Zoning Bylaw No. 3239-26 attached is hereby adopted.
3. That this Bylaw shall be known as the Town of Neepawa Zoning By-law
4. That this Bylaw shall come into force on the date of Third Reading.

DONE AND PASSED in Council duly assembled at the Town of Neepawa, Manitoba, this 6th day of October, 2026.

TOWN OF NEEPAWA

Mayor, Brian Hedley

CAO, Colleen Synchyshyn

READ A FIRST TIME this 19th day of May 2026.

READ A SECOND TIME this 1st day of September, 2026.

READ A THIRD TIME this 6th day of October, 2026.

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PART 1 ADMINISTRATION

1.1 TITLE

This By-law shall be known as the Town of Neepawa Zoning By-law.

1.2 SCOPE

This by-law applies to all lands in the Town of Neepawa as indicated on Map 1 of Schedule A of this By-law.

1.3 EFFECTIVE DATE

This By-law shall be in full force and effect when it is given third reading by the Town of Neepawa Council.

1.4 APPLICATION

This by-law regulates:

a. The construction, erection, alteration, enlargement or placing of buildings and structures;

b. The establishment, alteration, or enlargement of uses of land, buildings and structures; and

c. All other forms of development not included above.

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

1.5 USE AND DEVELOPMENT OF LAND AND BUILDINGS MUST COMPLY

Within the Town of Neepawa, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated, removed, demolished, or placed, except in accordance with this by-law.

1.6 RESTRICTIONS IN OTHER BY-LAWS OR FEDERAL AND PROVINCIAL LAWS

Whenever a provision of another by-law or 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 inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

1.7 ENFORCEMENT

a. The administration and enforcement of this By-law, or any resolution or Order enacted by the Council under The Act or any regulation made thereunder, shall be in accordance with the Act under the responsibility of the Neepawa Area Planning District (NAPD).

b. An existing building, structure or use which was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this By-law and amendment thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure, or use remains illegals hereunder, unless otherwise provided for herein.

1.8 UNITS OF MEASUREMENT

All dimensions provided for in this By-law reflect Imperial measurements. An Imperial / Metric conversion table is provided below.

CONVERSION TABLE	
IMPERIAL TO METRIC	METRIC TO IMPERIAL
1 Foot = 0.3048 M	1 M = 3.281 Feet
1 Mile = 1.6093 KM	1 KM = 0.6214 Miles
1 Acre = 4046.9 SQ. M	1 SQ M = 10.764 SQ. Feet
1 Acre = 0.40468 Ha	1 Ha = 2.4711 Acres

1.9 DEVELOPMENT PERMITS

1.9.1 WHEN DEVELOPMENT PERMITS ARE REQUIRED

A development permit is required for any of the following, except as otherwise provided for in this by-law:

a. The erection, construction, enlargement, structural alteration or placing of a building or structure, permanent or temporary;

b. The enlargement, structural alteration, or conversion of any building or structure;

c. The establishment of a use of a site, land or a building or structure;

d. The alteration, extension, or enlargement of a use of a site, building or structure, including changes to an approved conditional use;

e. The relocation, removal or demolition of any building or structure;

f. The increase or decrease of the average grade of a yard by six (6) inches or more in height including retaining walls;

g. Sand and Gravel Operations from which more than ten (10) cubic yards of quarry materials are removed annually and is operated for any purpose except in the personal use of an owner who is a natural person; or

h. any other development as defined in The Act.

1.9.2 WHEN DEVELOPMENT PERMITS ARE NOT REQUIRED

A development permit is not required for the following, however, all items listed in this provision shall be subject to the requirements of this By-law:

a. Incidental alterations;

b. Agricultural cropping of land; or

c. The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:

   (i) fences, gates, or other enclosures less than six feet (6 ft.) in height;

   (ii) signs listed in Section 5.3;

   (iii) outdoor lighting;

   (iv) flagpoles;

   (v) sheds and buildings for the storage of domestic equipment and supplies with a floor area of less than one hundred square feet (100 sq. ft.);

(vi) garden houses or children's play equipment and playhouses;

(vii) private communication facilities;

(viii) unenclosed patios at grade level, walks and terraces; and

(ix) general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by six inches (6") or more in height.

1.9.3 OTHER PERMITS AND LICENSES

It is the applicant/owner's responsibility to obtain all necessary permits, licenses and approvals relating to the building and site from the property authorities, including but not limited to: electrical, plumbing, occupancy, sewer and water, lot grade, signage, blasting, and any other approvals, licenses and permits, as may be required to comply with applicable municipal, provincial and federal regulations.

1.9.4 PERMIT APPLICATION REQUIREMENTS

In addition to the requirements of any By-Law of the Town of Neepawa or any other provincial regulations, all applications for a development permit:

a. Shall be made by the owner or owners of the subject site or parcel in question, or by a person authorized in writing by them;

b. Shall be accompanied by plans drawn to scale showing the following:

(i) the shape and dimensions of the parcel to be used or built on;

(ii) the location and dimensions of existing buildings and structures, if any;

(iii) the location and dimensions of any proposed building, structure, enlargement or alteration;

(iv) 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

(v) vehicular access, utility connections, parking areas, loading areas, or signage (where applicable);

c. Shall be accompanied by the fee prescribed by the Town of Neepawa; and

d. Shall include such other information as required by the Council or Board, including:

(i) existing or proposed building or structural alterations;

(ii) existing or proposed use of the building and land;

(iii) the number and location of automobile parking spaces and loading spaces;

(iv) the number of families, dwelling units or rental units the building is designed to accommodate;

(v) conditions existing on site;

(vi) current copies of relevant titles, easements, or caveats;

(vii) a survey certificate prepared by a Manitoba Land Surveyor, within five (5) years of the date of the application; and

(viii) such other matters as may be necessary to determine conformance with and provide for the enforcement of this by-law.

1.9.5 REQUIREMENTS FOR INDUSTRIAL AND COMMERCIAL DEVELOPMENT PERMITS

Prior to the approval of a development permit, all commercial and industrial development permit applications shall be reviewed by the Designated Officer regarding the site plan to determine approval of same with any required modifications. The issuance of a development permit does not preclude the need for other required Municipal or Provincial permits. The Designated Officer reserves the right to review the application with the municipal CAO and/or Council. This review may include:

a. Building design with respect to environmental issues;

b. Building orientation to achieve compatibility with surrounding land uses;

c. Landscaping;

d. Access locations; and

e. Infrastructure development.

1.9.6 DEVELOPMENT PERMIT VALIDITY

The following provisions apply to permit validity:

a. When an application for a development permit has been approved, the development to be carried out shall conform in all respects to the terms, provisions and specification of the permit as finally approved;

b. Unless a development permit is suspended, cancelled, or specified by the Designated Officer to remain in effect for less than twelve (12) months, a development permit remains in effect for twelve (12) months from the date of issue; and

c. Prior to its expiry date, a development permit may be extended by the Designated Officer for an additional period or periods of not more than twelve (12) months, however, if one or more of the following situations has occurred and the subject development has not commenced, the permit shall not be extended:

   (i) the development standards pertaining to the development have changed since the development permit was issued;

   (ii) the land use considerations involved with the development permit have changed;

   (iii) the development permit does not conform to any amendment to the development plan;

   (iv) the development permit does not conform to any amendment of the zoning by-law; or

   (v) any other consideration which, in the opinion of Council, makes the development permit now inappropriate.

1.10 BUILDING PERMITS

The following provisions apply to building permits:

a. Unless otherwise provided for herein, building permits issued prior to the effective date of this by-law shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with; and

b. No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law applying to the zone in which it is to be located.

1.11 SITE USAGE

Except where otherwise provided for in this By-Law, there shall only be one (1) main building or one (1) main use on a zoning site. Where any land or building is used for more than one purpose all provisions of this By-Law relating to each use shall be satisfied. Where there is conflict such as in

the case of a site area and frontage, the higher or more stringent standards shall prevail, except where otherwise approved by Council.

1.12 BUILDING LOT GRADES

No building or structure shall be erected without first obtaining from the Designated officer written instructions as to the grade for the building or structures to be erected, which shall be in accordance with the Town's Regulation of Lot Grading and Drainage By-law. It shall be the continuing obligation of the property owner to maintain building grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less than any flood protection levels.

1.13 DEMOLITION, REMOVAL OR RELOCATION OF BUILDINGS

a. Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and regrading of the site shall be undertaken within ninety (90) days from the issuance of said permit. This period may be extended for a further ninety (90) days, at the discretion of the Designated Officer, due to unusual circumstances such as inclement weather or road restrictions.

b. No building, structure, or part thereof shall be moved to any other location unless that building, structure or part thereof is made to conform to the regulations of this By-Law applicable to the Zone to which it is to be moved.

c. Before moving a building, structure, or portion of a building to a new location, the owner shall review Policy OP-050 of the Town regarding the moving of buildings and enter into an agreement with the Town outlining an undertaking of the owner to pay all damages arising out of the move and such other items and conditions as a Designated Officer deems necessary.

1.14 RESPONSIBILITIES

1.14.1 THE DESIGNATED OFFICER

The Designated Officer shall have authority to:

a. Issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *the Act*;

b. Refuse to issue a development permit where:

   (i) the development permit application, or any information accompanying the development permit application, is incorrect or incomplete;

   (ii) the proposed building, structure or use does not, to the Designated Officer's knowledge, comply with this zoning by-law, the Building By-law, the Manitoba Building Code or with any other law; or

   (iii) Revoke a development permit where the development permit was issued in error.

c. Defer approving an application for a development permit as provided for in t*he Act*:

   (i) which would result in a violation of this zoning by-law or any by-law of the Town of Neepawa; or

   (ii) to any person who has failed to pay any fees owing to the NAPD under the zoning by-law.

d. Make a minor variance order, without the need for a public hearing, for any proposed change that varies:

   (i) any height, distance, area, size or intensity of use requirement in the zoning by-law by no more than fifteen (15) percent; or

   (ii) the number of parking spaces required by the zoning by-law by no more than fifteen (15) percent.

1.14.2 COUNCIL

Subject to provisions of *the Act*, the Council is responsible for:

a. Enactment of this by-law;

b. Considering the adoption of proposed amendments or the repeal of this by-law;

c. Acting as a variation board; and

d. Approving or rejecting conditional use applications and may revoke the authorized conditional use for any violation of any conditions imposed by it.

1.14.3 PLANNING DISTRICT BOARD

Subject to the provisions of *the Act*, the Board is responsible for:

a. Administering and enforcing the provisions of this by-law;

b. Administering and enforcing the provisions of the *Neepawa and Area Planning District Development Plan* and *the Act*, where applicable;

c. Processing applications to be submitted to Council for amendments, variation orders and conditional uses and the collection of fees as provided for herein; and

d. Establishing a schedule of fees as provided for in this by-law.

1.14.4 THE OWNER

Every owner shall:

a. Permit the Designated Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law and shall not obstruct or interfere with the Designated Officer in the discharge of their duties under this by-law;

b. Not erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of an application; and

c. After a development application has been approved and the permit issued, obtain the written approval of the Designated Officer before doing any work at variance with the approved documents filed.

1.15 ZONING BY-LAW AMENDMENTS

Subject to the procedures required under *The Act,* an amendment to this By-Law may be initiated by resolution of Council, or by an application to the Designated Officer by the owner of the subject site or by another party, acting on behalf of the owner, with written consent of the owner.

1.16 SUBDIVISION

Applications for the subdivision of a site may be made by the owner, or by another party acting on behalf of the owner with written consent, and shall be subject to the following provisions:

a. No parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the Zone in which the site is located;

b. Council may, as provided for in *the Act,* vary the regulations as they apply to an individual site, subject to complying with the objectives and policies of the NAPD Development Plan;

c. An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized; and

d. In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the NAPD Development Plan and the provisions of *the Act* where applicable.

1.17 APPLICATION FOR AMENDMENTS, VARIANCES AND CONDITIONAL USES

An application for an amendment, variance or conditional use to this by-law must be in the proper form and must be accompanied by the fee prescribed by the NAPD. The application must also be accompanied by:

a. Plans drawn to scale showing:

   (i) the shape and dimensions of the affected property;

   (ii) the location and dimensions of existing buildings and structures; and

   (iii) the location and dimensions of the proposed building, structure enlargement or alteration.

b. For multi-unit and multi-tenant developments, identification of garbage, loading and emergency vehicle access should be included in the plan;

c. A description of the use or uses of each existing and proposed building or structure, or of the land and the area to be occupied by each use;

d. A description of the reason why the variance, conditional use, or amendment to this by-law is being requested;

e. Any other information required by the Designated Officer to determine compliance with, and to provide for enforcement of, this by-law;

f. Applications specific to a conditional use or a variance shall not be approved unless the applicant can demonstrate that the proposal:

   (i) will be compatible with the general nature of the surrounding area;

   (ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area;

   (iii) is generally consistent with the applicable provisions of the Development Plan, this by-law and any Secondary Plan.

g. Additional conditions may be imposed to the affected site necessary to meet the requirements of this subsection;

h. Specific to a variance application, the applicant must also demonstrate that the proposal is the minimum modification of the zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property.

i. Council shall decide whether to reject or accept an amendment application within 60 days of receipt of the application.

1.18 CONDITIONAL USE

1.18.1 INTENT

A conditional use is the use of a building, structure or use of land that may be unique in its characteristics or operation, which could have an impact on abutting or adjacent properties. In accordance with the provisions of *the Act,* conditional uses are listed as "Conditional" within the use tables of this By-law.

1.18.2 EXPIRY

The approval of Council in accordance with the provisions of *the Act* shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. Council may extend this deadline:

a. for a period not longer than twelve (12) months if an application is received before the expiry of the original deadline; and

b. for a second period not longer than twelve (12) months, if an application is received before the expiry of the first extension.

1.18.3 EXISTING CONDITIONAL USE

Where an existing use listed as permitted or conditional under a previous by-law and amendments thereto, is listed as conditional under this By-law, it shall be considered a legally existing conditional use and be subject to the Conditional Uses Section of this by-law and provisions of *the Act.*

1.18.4 MODIFICATION TO AN EXISTING CONDITIONAL USE

Any modification of a conditional use, including the modification of any condition imposed on the approval of a conditional use, shall be subject to the same process required to approve a new conditional use.

1.19 VARIANCES

1.19.1 INTENT

Where a person is of the opinion that this Zoning By-law injuriously or adversely affects him/her, his/her property or his/her rights, he/she may apply for an order to vary the application of the Zoning By-law with respect to the following:

a. The site and other requirements contained in the Use and Site Requirements and Bulk Regulations Sections herein;

b. Requirements for parking and signs;

c. Requirements for projections into yards; or

d. Other matters specified in *the Act.*

A variance order must not be made if it makes a change of land use other than a temporary change of land use for a period of not more than five (5) years, or a change of land use to a use that is substantially similar to a use permitted under the zoning by-law. Variances will not be approved for anything more than is necessary to deal with the adverse effects of the by-law.

1.19.2 EXPIRY

A variance order will expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. Council may extend this deadline:

a. for a period not longer than twelve (12) months, if an application is received before the expiry of the original deadline; and

b. for a second period not longer than twelve (12) months, if an application is received before the expiry of the first extension.

1.19.3 EXISTING VARIANCE ORDERS

Where a building, structure or use established by a variance order under the previous Zoning By-law and amendments thereto and exists as a permitted order at the date of the adoption of this By-law or amendments thereto, it shall be considered as legally conforming.

1.19.4 MINOR VARIANCES

The Designated Officer may approve, in accordance with *the Act,* minor variances by no more than what is defined in t*he Act,* governing height, distance, area, size or intensity of use requirement and/or the number of parking spaces required by this Zoning By-law.

1.20 DEVELOPMENT AGREEMENTS

Where an application is made under this By-law, or as otherwise permitted in *the Act,* the Council may require the owner of the affected land, building or structure to enter into a development agreement, as a condition to its enactment in respect of the affected property or any contiguous land owned or leased by the owner. The provisions of said agreement shall be in accordance with *The Act.*

1.20.1 CAVEATS

A development agreement pursuant to this section may be registered in the Land Titles Office in the form of a caveat against the Certificate of Title for the land that is the subject of the development agreement. A caveat registered pursuant to this section shall be discharged by the municipality when the requirements and conditions of the development agreement have been met.

1.21 NON-CONFORMING USES

Non-conformity means a building, structure, site, parcel of land or use of land which lawfully existed prior to the effective date of this by-law or amendments thereto but does not conform to the provisions contained within this By-law or amendments thereto.

A non-conforming use shall be regulated in accordance with and subject to the provisions of *the Act*, unless otherwise provided for herein. Any fees made to the Designated Officer for the issuance of a certificate of non-conformity in accordance with *the Act*, or the acceptable form of application shall be determined by the NAPD.

1.21.1 DISCONTINUANCE OF NON-CONFORMING USE

A non-conforming use of land, or the intensity of the use of land may be continued but if the non-conforming use, or non-conforming intensity of use, has been discontinued for a period of twelve (12) consecutive months or more, any future use of the land shall conform to the provisions of this Zoning By-law. Council may authorize a variance to extend this timeline by no more than twelve (12) additional months.

1.21.2 CHANGES TO A NON-CONFORMING BUILDING, STRUCTURE, USES OR PARCEL

The Designated Officer may permit construction in respect of an existing non-conforming building or structure provided the construction does not increase the non-conformity and the building or structure otherwise conforms to the zoning by-law, other by-laws and any approved variance orders.

The Designated Officer may permit the use of an existing non-conforming parcel of land for any permitted use under the zoning by-law and, if all other requirements of the by-law such as yards, building height, and floor area are met, construct or alter a building on the land.

Council may permit the following changes to existing non-conforming buildings, structures, uses or parcels of land by variance, subject to the provisions of *the Act*:

a. Maintenance or reconstruction, structural alteration or addition to a building or structure beyond that described in 89(1) of *the Act*;

b. An increase in the intensity of an existing non-conforming use; and

c. Erection or location of permitted accessory buildings, structures and uses in accordance with the Use Tables of this zoning by-law.

Where any of the above changes do not result in the elimination of the non-conformity, the subject building, structure, use or parcel of land shall retain its non-conforming status.

1.21.3 REPAIR OR REBUILD

If a non-conforming building or structure is damaged or destroyed to the extent of more than 50% of the assessed market value (as shown on the current assessment roll of the Municipality) of the building or structure, the building or structure shall not be repaired or rebuilt except in conformity

with the Zoning By-law, unless a variance order has been obtained authorizing the repair or rebuilding of the non-conforming building or structure.

1.22 CHANGE OF OWNERSHIP

The use of land or use of a building or structure is not affected by reason only of a change of ownership, tenancy or occupancy of the land, building or structure.

1.23 ACQUISITION OF LAND

A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of the acquisition of land for a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

1.24 FEES

Fees for amendments to this zoning by-law, variance orders, conditional use orders, development permits, building permits, zoning amendments, zoning memorandums, appeals and any other applicable document shall be established by the Neepawa and Area Planning District by by-law or resolution.

1.25 ORDER TO REMEDY CONTRAVENTION

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

PART 2 DEFINITIONS

2.1 RULES OF CONSTRUCTION

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

a. Words, phrases and terms defined herein shall be given the defined meaning.

b. Words, phrases and terms not defined herein, but defined in *the Act* and the Building, Electrical, or Plumbing By-laws of the Town of Neepawa, shall be construed as defined in such Act and By-Laws.

c. Words, phrases, and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Town of Neepawa shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.

d. The phrase "used for" includes "arranged for", "designed for", maintained for or "occupied for".

e. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:

   (i) "and" indicates that all the connected items, conditions, provisions, or events shall apply in any combination.

   (ii) "or" indicates that the connected items, conditions, provisions, or events may apply singly or in combination.

   (iii) "either-or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

   (iv) the word "includes" shall not limit a term to the specific example but is intended to extend the meaning to all instances or circumstances of like kind or character.

2.2 DEFINITIONS IN THE PLANNING ACT

Terms not defined in this by-law which are defined in *The Planning Act (the Act)* have the meaning provided in that act.

2.3 ZONING MAPS

2.3.1 MAP

The location and boundaries of the zones listed in Section 6.1 are shown upon a series of Zoning Maps attached hereto, marked as Schedule "A" within this By-law. Said Zoning Maps form a part of this By-law. All notations, references, and other information shown therein, together with any amendments made by amending By-laws from time to time and shown therein, together with amendments to boundaries in the case of any street, lane, or public utility right-of-way closing, shall be as much a part of this By-law as if the matters and information set for by said Zoning Maps were fully described herein.

2.3.2 BOUNDARY DETERMINATION

Should uncertainty or dispute arise relative to the precise location of the boundary of any zoning district, as depicted on the Zoning Maps, the location shall be determined by the following:

a. Where a zoning district boundary is shown as approximately following the centreline of streets, highways, lanes, pipelines, railway lines, utility easements, rights-of-ways, streams, rivers, or other public thoroughfares, it shall be deemed to follow the centreline thereof.

b. Where a street is closed, the land formerly comprising the street or lane shall be included within the zone of the adjoining land provided that if the said street or lane was a zone boundary, between two or more different zones, the new boundary shall follow the centreline of that closed street or lane.

c. Notwithstanding that streets, lanes and public utility rights-of-way may be within zone boundaries, the regulations contained in this By-Law shall not be deemed to be applicable to said streets, lanes and public rights-of-way.

d. Where a zoning district boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the zoning district for that portion of the zoning district boundary which approximates the site boundary.

e. Where a zoning district boundary is shown approximately following municipal limits, it shall be deemed to be following municipal limits.

f. Where a zoning district is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow the said line. In the event of a change in the said line, it shall be deemed as moving with that line.

g. Where a zoning district boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed.

h. Where features on the ground do not correspond with those shown on the Zoning Map or in other circumstances not mentioned above, the Designated Officer shall interpret the zoning district boundaries.

i. Where a zoning district boundary is not located in conformity with a. or b., and in effect divides or splits a registered parcel of land into more than one zoning district:

   (i) the disposition of the said boundaries shall be determined by dimensions indicated on the Zoning Maps or by measurements directly scaled from the Zoning Maps; and

   (ii) each such portion of the said parcel of land shall be used in accordance with the applicable zoning district regulations of this By-Law as if it were a separate site.

2.4 DEFINITIONS

Where the following terms appear in this by-law, they have the meaning provided as follows:

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

"Accessory" means a use, building or structure that is natural and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the principal use of the site, building, or structure to which it is accessory. A use shown as a conditional use in the Use Table cannot be accessory to a use shown as a permitted use for the same zone

"Act, the" means *The Planning Act*, C.C.S.M. c. P80 and amendments thereto.

"Agricultural Fairground" means a use where farm produce, equipment, vehicles and/or livestock may be displayed for judging or displayed periodically for sale, where livestock, or other farm-related shows may be held, or sports events may be held occasionally, and which may include crop and demonstration farm plots and conservation and education demonstrations, and occasionally a midway or a place of amusement.

"Agricultural Implement Sales, Service and Repair" means a use that includes the sale, service and repair of goods associated with the agricultural sector. This includes farm equipment, machinery and similar goods.

"Agricultural Processing Plants and Facilities" means a facility where agricultural products – meats, grains, legumes, poultry, swine, honey, etc. – is collected, sported, washed, cleaned, or otherwise processed into finished or semi-finished products.

"Agricultural Products, Storage and Distribution" means the storage or distribution of agricultural products to wholesale outlets, retailers or for additional processing.

"Agricultural Uses, Specialized" means the use of land for apiculture, floriculture, horticulture, including market gardening, orchards, tree farming, and similar agricultural activities on a commercial basis.

"Agricultural Uses" means the use of land for agricultural purposes such as cultivation and pasturage, and including related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting and the storage and selling of crops, but not including livestock operations.

"Agro-Related Business and Manufacturing" means a commercial or industrial establishment providing goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, grain terminals and similar uses.

"Airport" means any area of land which is used or intended for use for the landing or take off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights of way, including taxiways, aircraft storage and tie-down areas, hangars, and other related buildings and open spaces.

"Alteration, Structural" means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders. Changes or replacements in the structural parts of a building including, but not limited to, the following:

a. An addition on the exterior of a building such as an open porch;

b. Alteration of interior partitions in all types of buildings; or

c. Replacements of, or changes in, the capacity of utility pipes, ducts or conduits.

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

a. Adding or enlarging windows or doors in exterior walls;

b. Replacement of building facades; or

c. Strengthening the load bearing capacity in not more than ten percent (10%) of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

"Anhydrous Ammonia Storage Facility" means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer.

"Animal Hospitals and Veterinary Clinics" means a use that involves the care and treatment of animals, either for limited durations or extended periods of care.

"Animal Keeping" means a use where less than ten (10) Animal Units (cumulative across species) of livestock (excluding pets) are sheltered, bred, raised, or sold. This use includes stables.

"Animal Pounds and Kennels" means a use that involves the care, temporary lodging and/or breeding of domestic animals that does not include hospitalization. This use does not include the care, temporary lodging and/or breeding of livestock animals (see definition for livestock).

"Animal Unit" means the number of animals of a particular category of livestock that will excrete seventy-three (73) kg of total nitrogen in a twelve (12) month period.

"Arts Centres, Galleries and Libraries" means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, recordings and films for public use. This includes public libraries, art galleries, exhibitions, museums and similar uses.

"Basement" means the portion of a building or structure which is wholly or partially below grade, having above grade no more than six feet (6 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of four feet (4ft.).

"Bed and Breakfast Home" means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

"Board" means the District Board of Neepawa and Area Planning District as established under *the Act*.

"Building Materials Sales and Storage" means the use of the premises for the storage, sale and service of building materials including furnishings, plumbing, outdoor uses and similar.

"Bulk" means the following:

a. The size (including height or building and floor area) of buildings of structures;

b. The size of the zoning site (including the area, width and depth of site) upon which a building is located, and the number of dwelling units or rooms within such building in relation to the size of the zoning site;

c. The location of exterior walls of buildings in relation to site lines, to other walls of the same building, to legally required windows, or to other buildings; and

d. All open areas relating to buildings or structures and their relationships thereto.

"Camping and Tenting Grounds" means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and recreation vehicle equipment.

"Cannabis Retail Store" means the premises specified in a retail cannabis license, administered by the Province of Manitoba, where the retail sale of cannabis is authorized.

Carport" means a roofed enclosure used for the storage or parking of motor vehicles with no greater than 60% of the total perimeter enclosed by walls, doors or windows.

"Car/Truck Wash" means a facility for the cleaning of automobiles or other motor vehicles, whether operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

"Cemetery" means land used or dedicated to the internment of human or animal remains, including columbariums, mausoleums, mortuaries and associated maintenance facilities when operated in conjunction with, and within the boundaries of such cemetery.

"Child Care Facility" means a building or portion of a building used for the provision of care, for remuneration or rewards, to a child apart from their parents or guardians for a period in any one day. The operations meet all applicable provincial regulations and requirements.

"Child Care (Home-based)" means the accessory use of a portion of a dwelling unit for the provision of child care services by a resident of the dwelling, for remuneration or rewards, to a

child apart from their parents or guardians for a period in any one day, up to a maximum of eight (8) children. The operation meets all applicable provincial legislation and regulations.

"Community Centres or Community Clubs" means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. This includes a municipal community hall, multi-purpose civic centre, cultural centre and similar.

"Concrete, Cement and Asphalt Batching Plants" means the production and manufacture of concrete, cement or asphalt from raw materials.

"Contractor's Establishments" means a building or part of a building or land area for the construction or storage of materials, equipment, tools, products and vehicles.

"Council" means the Council of the Town of Neepawa.

"Courthouse" means a building housing judicial courts and administrative services.

"Dangerous Goods or Agrichemical Storage Facility" means the use of land or premises for the storage, sale or distribution of synthetic or petroleum-based fluids, chemicals, fertilizers, and other potentially hazardous or noxious materials, primarily on a wholesale basis. This use does not include Anhydrous Ammonia Storage Facilities.

"Derelict Vehicle" means a vehicle other than a new and unused vehicle that is not in operating condition, is kept in the open, has been abandoned or is kept primarily for salvaging or selling parts therefrom of for sale as scrap metal.

"**Designated Officer**" means the person appointed by the Board in accordance with the provisions of *the Act* to carry out the power and responsibility to administer, interpret and enforce the provision of this By-Law and *the Act.*

"**Development Permit**" means a permit issued under this zoning by-law, authorizing development, and may include a building permit.

"Development Plan" means the Neepawa and Area Planning District Development Plan and all amendments thereto.

"Drinking Establishments" means an establishment or portion of an establishment licensed by the Government of Manitoba under *The Liquor and Lotteries Act,* where the principal purpose is the sale of alcoholic beverages to the public, for consumption on the premises.

"Drive-in or Drive-thru Establishments" means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages, or services.

"Driveway" means a direct motor vehicle access from a parking space to a street.

"Dwelling" means any building or structure, or portion thereof, designed for and intended to be used for residential occupancy. A dwelling does not include establishments for commercial accommodation, recreational vehicles, motor home, park model trailers or other vehicles designed for temporary accommodation, or any other vehicle as define in the Highways Traffic Act.

"Dwelling Unit" means a building or portion thereof designed as a single housekeeping unit and intended to be used as for residential occupancy that contains cooking, sleeping and sanitary facilities. A dwelling unit shall not contain more than one (1) kitchen.

"Dwelling, Low Density Multiple Unit" means a building containing three or more dwellings, typically one story, horizontal arrangements and may include row houses, triplexes, and similar.

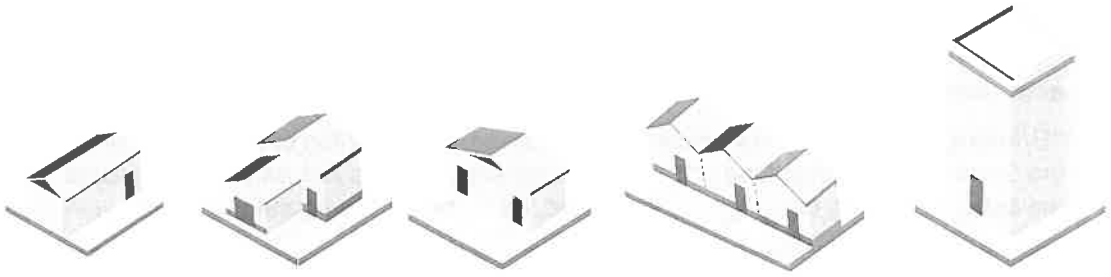
"Dwelling, Manufactured Home (Mobile Home)" means a factory built dwelling unit that is capable of being transported on its own chassis and running gear by towing or other means and certified prior to the placement on the lot in accordance with CSA-Z240-MH Series Standard, or successor standards and includes complete plumbing, electrical and heating systems. The removal of the wheels, chassis, or the permanent or semi-permanent attachment of a foundation shall not change the classification.

"Dwelling, Moderate Density Multiple Unit" means a building containing three (3) or more dwellings which are typically two or more storeys in height and may include apartment buildings or condominium buildings and similar.

"Dwelling, Modular Home" means a factory-built dwelling that is constructed in one or more modules in accordance with the *Manitoba Building Code* and in compliance with CSA-A-277 standard for factory-built buildings. Modular homes meet all standards to be treated equivalently to site-built homes and are designed to be assembled on-site on a permanent foundation such as a full basement or crawl space. Once installed they are considered real property and not intended to be moved. **However**, when designed to be placed on a Z-240.10.1 site preparation, foundation and installation of buildings standard, they shall be deemed to be and treated to the same zoning requirements as a Dwelling Manufactured Home (Mobile Home).

"Dwelling, Single Unit" means a building or structure containing only one (1) dwelling that is separate from any other dwelling or building. This Use Class includes ready-to-move (RTM) dwellings and modular home dwellings on permanent foundations but does not include a Manufactured Home.

"Dwelling, Two Unit" means a single building or structure containing two (2) separate dwelling units, separate from any other dwelling or building. This includes duplexes and side-by-side dwellings but does not include a secondary suite.



From left to right: manufactured home, single unit dwelling, two-unit dwelling, low density multiple unit dwelling, moderate density multiple unit dwelling.

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

"Exhibition Grounds" means a use of land, or building, or structure where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and a place of amusement.

"Extension" means an increase in the amount of existing floor area used for an existing use, within an existing building.

"Farm Buildings or Structures" means any buildings or structures existing or erected on land used principally for agricultural activities, but not including dwellings.

"Financial Institutions" means a use related to financial services including banks, credit unions, trust companies, insurance agencies, investment services and similar.

"Fuel Sales" means an establishment operated at a fixed location at which gasoline or any other motor vehicle engine fuel is offered for sale to the public.

"Funeral Home" means a facility for the storage of deceased human bodies, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

"Garage" means a building or portion thereof used for the storage or parking of motor vehicles with greater than 60% of the total perimeter enclosed by walls, doors or windows.

"General Manufacturing" means the assembly, fabrication, processing and/or packaging of goods and materials within an enclosed building, or outdoors that may generate higher levels of nuisance and may include outside storage. This use may include operations that produce excessive noise, vibration, odour or any other means of nuisance.

"Golf Courses and Driving Ranges" means a tract of land laid out for playing the game of golf or for the purposes of a driving range, either accessory to or principal in nature. This term does not include miniature golf courses.

"Grade" means the average level of finished ground adjoining a building or structure at all exterior walls (as determined by the Designated Officer).

"Hazard Land" means property or areas that are deemed unsafe for development due to naturally occurring processes, including flooding, erosions, unstable slopes, or other physical conditions. In respect of flooding, hazard lands include lands that would be flooded by a 200-year flood or the flood of record, whichever is greater and as specified by the applicable provincial authority.

"**Height**" means, when used in reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

a. The highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than twenty (20) degrees; or

b. The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of twenty (20) degrees or more, provided that in such cases the ridge line of the roof shall not extend more than five feet (5 ft.) above the building height.

"Home Occupations" means an occupation or activity carried on as an accessory use incidental to the residential use of an infill dwelling unit.

"Home Industries" means a small scale, often light industrial activity, conducted for profit that is clearly incidental, subordinate, and secondary to the residential use of the property. These uses, such as small repairs and the like, must comply with the zoning by-laws limiting noise, traffic and structural changes.

"Horticultural and Garden Supply Establishments" means an establishment used for the outdoor storage and display or sale of plants, trees and other materials. This use includes greenhouses or garden centres.

"Hospital" means an institution that maintains and operates facilities for inpatient care with overnight stays, including, but not limited to, x-ray, laboratories, and surgery rooms for the diagnosis, care, and treatment of human illness, injury, and disease (either physical or mental). Out-patient care may also be provided.

"Hotel" means a use where accommodation is provided for transient lodgers, in an individual room or apartment, with or without cooking facilities. Accessory uses may include, but are not limited to, restaurants, licensed drinking establishments, banquet halls, meeting rooms and similar.

"Infill Housing" means the creation of residential dwelling units on residential sites located in established neighbourhoods, either on existing vacant lots or with the demolition of an existing structure to accommodate the construction of a new structure. Infill housing may include single unit dwellings, duplexes as well as multi-unit dwellings.

"Institutional Care Facility" means a premise which is intended for the training, treatment, rehabilitation, housing, care, and/or supervision of persons requiring medical assistance. Uses include nursing homes, personal care homes, retirement homes, assisted living centres, and similar.

"Junk Yards" means an open are where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled.

"Landscaping" means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which are designed to enhance the visual amenity of a site or to provide a screen between sites in order to mitigate objectionable features between them.

"Lane" means, for the purpose of this Zoning By-law, a public right-of-way which affords only a secondary means of vehicular access to abutting property.

"Laundromat" means an establishment used for dry cleaning and laundry services.

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

"Livestock means:

a. cattle, horses, sheep, swine, poultry and bees, or

b. animals of a kind raised for meat production or products from the animals and includes breeding stock of those animals.

"Livestock Auction Marts" means an enclosure or structure designed or used for holding livestock for purposes of sale and transfer by auction, consignment, or other means.

"Loading Space" means an off-street space on the same zoning site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane.

"Lodges or Private Clubs" means a hall or meeting place of a local branch for the members of an association, organization or society.

"Manufactured Home Park" means a unique residential community designed to accommodate manufactured homes. The property owner retains ownership of the land and leases spaces for the placement of the manufactured homes, subject to *The Residential Tenancies Act*.

"Medical Clinic" means a building or part thereof, other than a hospital, used by medical professionals and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health, but does not include overnight accommodation or operating rooms.

"Motel" means a use, not over two storeys in height, where sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Accessory uses including, but are not limited to, restaurants, licenced drinking establishments, banquet halls and meeting rooms.

"Music Conservatory" means an educational facility used for the study of music or the arts.

"Offices" means a building or portion thereof, used for the practice of a profession, business or public administration that may include administrative and clerical functions. A service to clients may also be provided, such as insurance brokerages or travel agencies.

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

"**Owner**" means an owner as defined in *the Act*.

"Parking and Loading Areas" means an area where vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a principal use.

"**Parking Area**" means an open area of land other than a street or lane, or an area within a structure used for the parking of vehicles.

"**Parking Space**" means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

"Parks, Picnic Areas, Playgrounds and Recreational Trails" means a development of public land specifically designed or reserved for the general public for active or passive recreational use and including landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park.

"**Party Wall**" means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

"Patio" means a hardscaped at-grade surface, either attached to or detached from the main building, used for outdoor dining, lounging or recreation.

"Places of Worship" means a building, structure or part thereof that is used as a place of public worship. This includes churches, mosques, synagogues, temples and similar.

"**Planned Unit Development**" means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting or building, mixture of building/structure types and/or land uses, together with useable open spaces.

"**Principal Building**" means a structure on a site used to accommodate the principal use.

"**Principal Use**" means the primary or predominant activity on any lot or within any building or structure.

"Private Communication Facility" means outdoor equipment and structures for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communication signals. These facilities may include antennae, aerials, receiving dishes, transmission masts or towers.

"Protective and Emergency Service" means a development which is required for the public protection of personal and property from injury, harm, or damage, together with the incidental storage of equipment and vehicles. This includes fire stations, police stations, ambulance services and training facilities.

"**Public Road**" means a road allowance or other legally surveyed road vested in the name of Her Majesty the Queen in Right of Manitoba, and maintained by Manitoba Infrastructure or the Rural Municipality, as the case may be.

"Public Utilities and Buildings" means any federal, provincial or municipal system, works, plant, pipeline, equipment or services and facilities intended to provide public utility service to the general public and would include typical facilities and uses such as government offices, courthouses, postal distribution offices, manpower and employment offices, and similar.

"Recreation Facilities (Indoor and Outdoor)" means a building, structure or area used for recreational, athletic, or leisure activities that is owned, operated, or maintained by a public authority or a community non-profit organization, and is not operated for private profit. This use shall include animal sanctuaries, interpretive areas, arenas, gymnasiums, fitness centres, a soccer complex, ball diamonds, skate parks, and similar.

"Recreation Facility, Commercial" – means a building or part of a building in which recreational, athletic, or leisure activities are provided primarily for private financial gain, and includes fitness centres, indoor sports facilities, racquet courts, dance studios, and similar establishments.

"Recycling Depot" means an enclosed building including associated outdoor storage areas where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, metals, paper, rags, rubber tires and bottles.

"Rendering Plants and Abattoirs" means a use involving the slaughtering and processing of animals.

"Rental Storage Establishments" means a facility that supplies storage for rent to the public, such as self-storage units and mini warehouses.

"**Repair**" means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.

"Residential Care Facility" means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related to the operator but does not include an institutional care facility.

"Restaurants and Lounges" means a use primarily involved in the preparation and sale of food to be sold to the general public for consumption on or off the premises.

"Retail Establishments" means a use that involves the same or rental of new or used products directly to the general public. Also includes incidental personal services but does not include an auction establishments or wholesale establishments.

"Riding Academies or Stables" means a use associated with farming/ranching that involves the training of horses and riders and may including riding stables.

"Rooming House" means a converted single unit dwelling intended for three (3) or more tenants occupying separate bedrooms, but where other areas are shared amongst the tenants. Bedrooms may be locked from the outside and typically each occupant has their own rental agreement with the landlord. A rooming house must meet the requirements of the National Building Code and Manitoba amendments.

"Schools" means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at all levels.

"Secondary Suite, Attached" means a self-contained accessory dwelling unit within, or attached to a single-unit dwelling. A secondary suite has its own separate cooking, sleeping, and bath/toilet facilities and has direct access to the outside without passing through any part of the single-unit dwelling unit. This use does not include two-unit dwellings, multi-unit dwellings, rooming houses, or group homes.

"Secondary Suite, Detached" means a self-contained accessory dwelling unit separate from but on the same lot as a single-unit dwelling. A detached secondary suite has its own separate cooking, sleeping, and bath/toilet facilities. This use does not include two-unit dwellings, multi-unit dwellings, rooming houses, or group homes. Typical types of detached secondary suites include garden suites and carriage houses (above a garage).

"Setback" means the distance that a development or portion thereof must be set back from the lot line.

"Shipping Container" means a prefabricated metal container or structure having a floor, ceiling or roof, walls and a door(s) that is specifically designed for storage of goods and materials while under transport by ship, rail or truck. For the purpose of this definition, a shipping container may or may not have wheels and does not include a motor vehicle or transport trailer. Shipping containers may also be known as cargo containers, intermodal containers and sea-cans.

"Sign" means any text or image which is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure.

Notwithstanding anything else in this By-Law, the following terms are defined for the purposes of Part 5 Accessory Signs.

"Abandoned Sign" means any sign which no longer correctly identifies a business or the products or services offered on the site where the sign is located, or any sign which is not in a readable state or is in disrepair.

"Awning Sign" means an awning which incorporates a sign painted on, or affixed flat to the surface of the awning and which does not extend vertically or horizontally beyond the limits of the awning. The awning may or may not be illuminated.

"Billboard Sign" means an advertising sign.

"Bulletin Board" means a sign or permanent character, but with moveable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which the bulletin board is located and maintained (e.g. school, church, community centre and similar uses).

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

"Canopy Sign" means a canopy or free-standing canopy which utilizes or incorporates a sign.

"Construction Identification Sign" means a temporary sign erected by an individual or a firm on the premises undergoing construction, and upon which the sign use identifies a construction project and information relative thereto such a, but not limited to project managers, major contractors, safety status, etc.

"Copy" means letters, graphics, or characters that comprise the sign message.

"Copy Area" means that area of a sign covered by a single rectangle drawn around the extremities of the message contained on the sign.

"Digital Sign" means a sign that uses electronic screens, light emitting diodes, or similar technology. Digital signs may include (but are not limited to) digital reader boards or digital static copy screens.

"Electronic Sign" means a sign or a component of a sign that can be changed by electrical or electronic means. Electronic signs include those with digital or animated copy, or signs that use light-emitting diodes, liquid crystal displays, video monitors, or any other electronic technology where the sign copy is not static.

"Fascia or Wall Sign" means a sign, or individual letters attached to, marked or inscribed on, or erected or placed against a wall, or other surface, whether forming part of a building or not, and having the exposed face of the sign on a place approximately parallel to the plane of such wall or other surface and projecting not more than five feet (5 ft.) from the face of such wall.

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

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

"Inflatable Sign" means an inflated three-dimensional device that may incorporate a sign and is anchored or affixed to a building or site and is approved as a mobile sign.

"Marquee Sign" means a sign attached to a permanent roof-like structure (a marquee) that is attached to and supported by a building, typically projecting over an entrance and extending over public property. These signs are designed to display changeable, often illuminated, information about the establishment (e.g. movies, performances, or events).

"Mobile Sign" means a temporary advertising sign which is mounted on a wheeled trailer, vehicle, stand, or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed using removable characters, panels, or by electronic means.

"Projecting Sign" means a sign, other than a fascia or canopy sign, the exposed face of faces of which are not necessarily parallel to a wall and which is attached to a building and extends as a projection of a line of that building or beyond the surface exterior wall of the said building, or beyond the surface of that portion of the building, to which it is attached.

"Real Estate Sign" means a temporary sign erected on a property to advertise that the premises, or a portion thereof, is for sale, lease or rent, or that has been sold.

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

"Sandwich Board Sign" means a freestanding temporary sign in the shape of the letter 'A' used for advertising purposes, also referred to as a folding sign.

"Sign Form" means the physical shape or sign construction and includes the following:

a. **"Attached"** means a sign that is attached to the exterior of a building. These may include fascia, awning, banner, marquee, blade, volumetric, canopy, projecting, banner, or other attached forms.

b. **"Freestanding"** means a sign that is supported by a vertical column or columns placed in the ground with the sign surface area above ground level independent from any building or structure, including signs attached to a fence, or temporary signs. This may include pylons, pedestals, monuments, and other free-standing forms.

c. **"Temporary Sign"** means a sign which is mounted on a wheeled trailer, vehicle, stand, or similar support structure and designed to be readily moved.

"Sign Height" means the vertical distance measured from the highest point of the sign or sign structure to grade.

"Sign Surface Area" means the area of a sign covered by a single rectangle drawn around the extremities of the message contained on the sign and, in the case of a multi-face sign, comprises half of the total of all sign faces.

"Sign Type" means the purpose or reason the sign is being erected, constructed, or used and includes:

a. **Advertising"** means a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered whether located on-site on the same premises or at a different off-site location, including a billboard sign.

b. **"Directional"** means a sign which directs the public to, or denotes the name of a thoroughfare, route, educational institution, public building, historical site, or hospital; a sign which directs and regulates traffic; a sign which denotes any public or transportation facility; a sign which gives direction to a private premises or its vehicular use area; or a sign that indicates vehicular access to or egress from a parking or loading area;

c. **"Event/Occasional"** means a temporary sign used to identify or draw attention to a temporary event.

d. **"Identification"** means a sign that identifies a building or use by name, logo, or street address and which sets forth no other advertisement.

"Temporary Sign" means a sign not permanently anchored to a footing below grade or permanently affixed to, or painted on a building, structure, or mobile apparatus, with or without a structural frame, and on which the sign expresses relation to an activity, use, or event and is intended for a limited period of display. Temporary signs are designed to be readily removed and shall include garage sale signs, construction identification signs, open house real estate signs, event signs, sandwich board signs, and mobile signs.

"Window Sign" means a sign that is painted on, attached to, or installed upon a window for the purpose of being viewed from outside the premises.

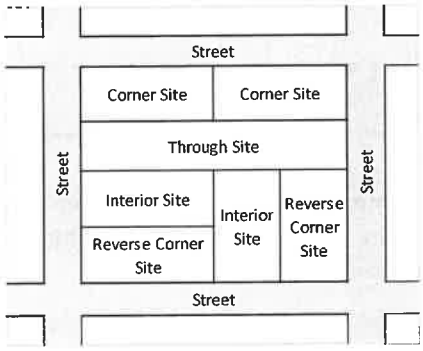
"Site" means a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a certificate of title or in more than on certificate of title provided they are in the same ownership.

"Site Corner" means a site that abuts the intersection of two or more public streets or that abuts the approximately perpendicular intersection of two (2) or more frontages of the same public street.

"Site, Interior" means a site with frontage on only one (1) public street.

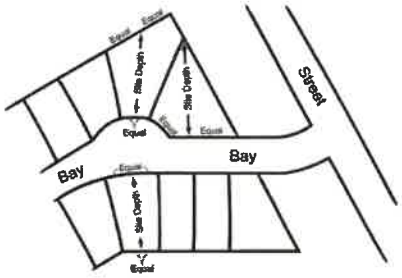
"Site, Reverse Corner" means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.

"Site, Through" means a site that abuts two or more public streets but does not abut the intersection of those streets. A through site shall be deemed to have two front site lines.



"**Site Area**" means the computed amount of gross land area contained within the site lines.

"Site Depth" means the depth of the site from the street, measured as the horizontal distance between the centre points in the front and rear site lines, generally equal to the horizontal length of the site depth line.



"Site Frontage" means all that portion of a site fronting on a street and measured between side site lines.

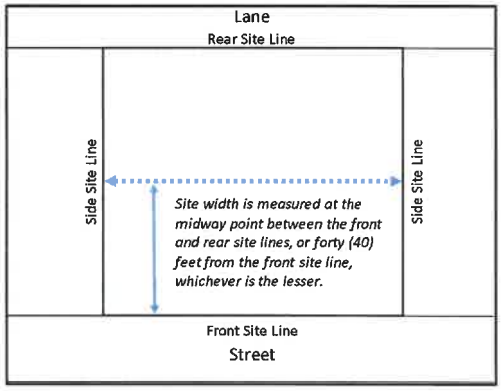
"**Site Line**" means one of the boundaries of a site, which include:

a. **"Front**" means that boundary of a site along an existing or designated street. For a corner site, it is the continuation of the front site line of the abutting interior site. Where an irregular shaped site cannot have its site lines defined by this definition, the front site line shall be determined by the Designated Officer.

b. **"Rear"** means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten feet (10 ft.) in length within the site, parallel to and at the maximum distance from the front site line.

c. **"Side"** means that boundary of a site which is not a front or rear site line.

"Site Width" means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or forty feet (40 ft.) from the front site line, whichever is the lesser.



"Solar Energy System, Commercial" means a solar energy system designed and built to provide electricity for commercial sale and distribution to the electrical grid. This use includes solar energy farms and generating stations.

"Solar Energy System, On-Site" means a solar energy system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. This use includes rooftop collectors and backyard systems.

"Storage, outdoor" means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale and do not constitute outdoor display, by locating them outside.

"**Storey**" means that portion of any building which is stated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include any portion of a building below a storey having its floor level not more than six (6) ft. above grade and is located immediately above the basement where applicable.

"Street" means a public thoroughfare or highway but does not include a lane.

"Transportation Terminals and Facilities" means a use that involves the transfer, temporary storage, and distribution of cargo where trucks and trains load and unload on a routine and ongoing basis. This also includes incidental office and warehouse uses.

"Vehicle Circulation Aisle" means an on-site vehicular aisle or driveway intended to provide internal vehicle movement and access to parking spaces, building entrances, or designated drop-off or pick-up areas for passengers, and which is not intended primary for the loading or unloading of goods, materials of equipment.

"Vehicle Related Business including Sales, Service, Showrooms and Repair" means any establishment involved in the display, sale, rental, lease, repair and/or routine maintenance as well as associated retail sales, of motor vehicles or motor vehicle parts.

"Vehicle Wrecking and Storage" means a site upon which two (2) or more vehicles of any kind, which are incapable of being operated have been placed for the purpose of obtaining parts for recycling or resale.

"Warehouses and Storage Establishments" means a permanent facility for the storage of products, supplies, and equipment within an enclosed building.

"Waste Disposal Ground" means a parcel of land that is used for the disposal of solid or industrial waste. This includes landfills, dumps, and septic disposal sites.

"Wastewater Treatment Facility" means a system used to collect, store, treat, distribute and dispose of wastewater and includes the facilities and services associated with the management of wastewater.

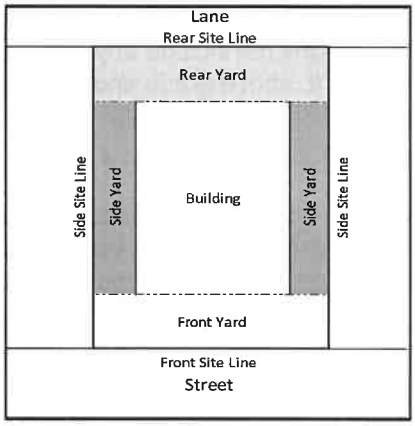
"Water Treatment Facility" means a system used to pump, store, treat and distribute drinking water, and includes the facilities and services used in the provision of drinking water.

"Wholesale Establishments" means a facility where goods are distributed or sold to industrial, commercial or institutional retailers, or to other wholesalers, for resale or redistribution, but where goods are not sold to the public.

"Wind Energy Generating System (On-Site/Rooftop)" – 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.

a. **"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 the portion of a site that in unoccupied from any portion of a building or structure and unobstructed from the ground to the sky unless otherwise permitted in this By-law. Yards are measured using the horizontal distance between any site line and the closest wall of a building or structure along a line perpendicular to the site line.



"**Yard, Front**" means the portion of the lot abutting the front site line extending across the full width of the site, situated between the front site line and the nearest wall of the principal building, not including any projections.

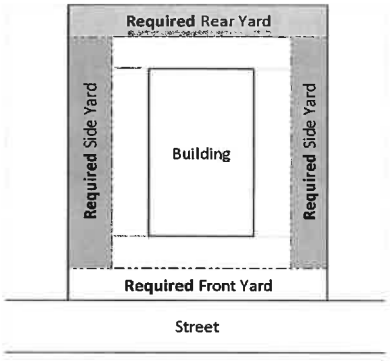
"**Yard, Rear**" means the portion of the site abutting the rear site line extending across the full width of the site, situated between the rear site line and the nearest wall of the principal building, not including any projections.

"**Yard, Side**" means the portion of a lot abutting a side site line extending from the front yard to the rear yard. The side yard is situated between the side site line and the nearest wall of the principal building, not including any projections.

"**Yard, Interior Side**" means a Side Yard which is adjacent to another zoning site, or to a lane separating the side yard from another zoning site. In the case of a Planned Unit Development, an interior side yard is the space between the walls of adjacent buildings or structures.

"**Yard, Corner Side**" means a Side Yard that abuts a public street or roadway, as seen on a Corner Lot or Reverse Corner Lot.

"**Yard, Required**" means the minimum distance that the development, or a specific portion of a development, must be setback from a site line and where no building or any part of a building may be located, except as provided for in this By-law. Required yards are measured from a front, rear, or side site line towards the interior of the site.



PART 3 GENERAL REGULATIONS

3.1 REGULATION OF USES

No site, land, building or structure shall be used or occupied except for a use which:

a. Is listed in the Use Tables as:

   (i) A permitted principal use and its accessory uses; or

   (ii) A conditional principal use and its accessory uses; or

b. Is an approved Temporary Use.

3.2 SETBACK STANDARDS FOR INFILL

Development of infill properties will respect and reinforce the general physical patterns and character of established neighbourhoods with respect to

a. patterns of streets, blocks and lanes, parks and public building sites;

b. general size and configuration of lots;

c. heights, massing, scale, and type of dwelling unit compatible with that permitted by the Zoning By-Law or nearby residential properties;

d. prevailing building types;

e. setbacks of buildings from the street or streets, side and rear yard setbacks;

f. continuation of special landscape or built form features that contribute to the unique character of the neighborhood; and

g. conservation of heritage buildings, structures, or landscapes.

In cases where infill opportunity exists on properties which vary from local patterns in terms of lot size, configuration and/or orientation in established neighborhoods, the following will be in effect:

a. building heights, massing and scale must be appropriate for the site and be generally compatible with those uses permitted by the zoning applied to adjacent residential or nearby properties;

b. will front onto existing or newly created public streets; and

c. will locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

3.3 ACCESSORY BUILDINGS, STRUCTURES OR USES

a. No accessory building or structure shall be erected on any zoning site:

   (i) Prior to the time of construction of the principal building to which it is accessory; or

   (ii) Prior to the establishment of the principal use of the land where no principal building or structure is required;

b. Where an accessory building or structure is structurally attached to a principal building, it shall be subject to, and must conform to all regulations of this By-law for the principal building;

c. Where an accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to accessory buildings or structures;

d. No detached accessory buildings or structures may be located in front of the principal building or structure in the Residential Zones;

e. Accessory buildings may be located in any required yard of the principal building or use, except a required front yard or as provided elsewhere herein;

f. Accessory buildings and structures shall be finished with durable, weather resistant material (such as, but not limited to, paint, siding, etc.) to the satisfaction of the Designated Officer; and

g. Unless otherwise stated, the total maximum area of a zoning site that can be used for accessory buildings or structures shall be twelve percent (12%) of the total site, or nine hundred square feet (900 sq. ft.) in total area, whichever is smaller.

h. Refer to Section 7.18 for further provisions specific to Canvas and Tent Structures.

3.4 TEMPORARY BUILDINGS, STRUCTURES OR USES

The following provisions shall apply to all temporary uses in all zones:

a. A construction camp or other such temporary work camps, tool shed, travel trailer, or other buildings, structures or uses, including the storage of building materials and supplies, incidental to work in progress shall be permitted provided that these buildings, structures or uses remain necessary for work in progress which has not been finished or abandoned. Uses established under this provision shall be removed within one (1) month of completion of the construction or development on the site;

b. A development permit for the above noted temporary building, structure or use, excluding the temporary storage of building materials and supplies, shall be required and subject to such terms and conditions as may be required by Council or the Designated Officer. Council reserves the right to cancel any Development Permit if the temporary building, structure or use is not required any longer or is found to be detrimental to public health and/or welfare;

c. Each development permit issued for a temporary building, structure or use, shall be valid for a period of not more than six (6) months and may not be renewed or re-issued for more than one additional successive period at the same location;

d. In all cases, temporary buildings and structures shall not exceed one thousand square feet (1,000 sq. ft.) in total area and one storey or fifteen feet (15 ft.) in height, and:

   (i) May be used as an office space for the contractor or developer;

   (ii) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and

   (iii) Shall not be detrimental to public health, safety, convenience and general welfare.

e. A temporary living quarter or camp in the "MH" Industrial Heavy Zone is subject to the owner providing:

   (i) A temporary potable water supply and sewage collection and storage system satisfactory to Council and approved, where required, by the Province;

   (ii) A general location map and a site plan showing the location of approved dwelling structures, roads, storage, parking and open areas, all to be approved by Council;

(iii) Adequate parking space, street lighting and signage;

(iv) Manitoba Sustainable Development approval with respect to site location and surrounding land uses such as industrial buildings, sewage lagoons and open or closed waste disposal grounds, etc., where applicable;

(v) Temporary dwellings units and food service buildings for temporary living quarter camps shall not exceed sixteen hundred square feet (1,600 sq. ft.) and one storey or fifteen feet (15 ft.) in height, and no basements; and

(vi) With respect to a temporary living quarters camp, each development permit shall be valid for a period of not more than fifteen (15) months and may not be renewed or re-issued for more than two (2) additional successive periods at the same location.

3.5 DWELLING UNITS PERMITTED ON A PARCEL

No person may be issued a development permit to construct more than one dwelling unit on a parcel of land, unless otherwise permitted in this By-law.

3.6 OUTSIDE STORAGE

a. All outside storage shall be kept in a tidy and orderly fashion and not produce a noxious, offensive or unsafe condition;

b. Outside storage shall not be permitted in any required yard that abuts a street or lane;

c. Outside storage shall not include derelict vehicles or trailers. This does not include the proper temporary storage of vehicles and trailers still in a functioning condition and used periodically. In Residential Zones, the parking of campers, trailers, motor homes, etc. shall be contained within the approved off-street parking areas;

d. All outside storage shall be screened by opaque fencing at least six feet (6 ft.) in height;

e. Where permitted, outside storage of goods and materials shall not project above the height of a required fence; and

f. Outside storage of goods and materials in the Industrial, Commercial and Agricultural Zones may be permitted, provided that:

(i) The storage is located to the rear of the line adjacent to and parallel with the front wall of the building;

(ii) The outside storage shall not be greater than seventy-five percent (75%) of the total site area; and

(iii) The outside storage shall not be permitted in front of the principal building, or in the case of a corner site, not in the side yard facing the street.

3.7 EXTERNAL SOLID FUEL FIRED HEATING APPLIANCES

No solid fuel fired heating appliances, designed to be external to the building they heat, shall be allowed as accessory buildings in any zone.

3.8 MUNICIPAL SERVICING

As per the requirements under the Town's Management & Regulation of Waterworks and Wastewater systems By-Law, all principal buildings, and detached secondary suites (if applicable), on a site serviced by public sewer, water or hydro distribution shall be connected to such services. Sites serviced by a municipal water and wastewater systems shall be connected to such systems when they become available. If a water and/or wastewater collection system is installed in an area not previously serviced by a water and or wastewater collection system, an owner of land in that area must:

a. Connect to the water and/or wastewater collection system; and

b. Take any private water or wastewater management system out of service and decommission it.

Before the earlier of:

a. the end of the two (2) year period after the installation of any public water and/or wastewater mains have been installed; or

b. the closing date for the sale of the property by the owner to a third party.

3.9 BASEMENT DWELLING UNIT

Any basement dwelling unit shall comply with the provisions of this By-Law, any other by-law of the Town, The Buildings Act, and any other Act having jurisdiction.

3.10 PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS

All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations, controls and setbacks stipulated in the relevant legislation and/or regulations and other policies established by the appropriate Provincial authorities.

A Functional Design Study was completed for PTH 16 through Neepawa. The study includes long range planning for the potential future four-laning of PTH 16, intersection improvements, access rationalization, service roads and acquisition of additional right-of-way. To ensure development does not compromise highway safety and to preserve the integrity of the provincial highway, traffic impact analysis and on-highway improvements may be required, as well as consideration for future highway enhancement requirements.

Notwithstanding any other provision of this by-law, the following chart outlines relevant sections within this by-law whereby a provincial permission or permitting is (or may be) applicable for development or works that have the potential to impact provincial highways and roads.

Applicable Subsection		Requirement - Permit or Permission
1.9.2	**When Development Permits Are Not Required**	A permit may be required for structures or construction within the control area adjacent to a declared provincial highway.
1.13	**Demolition, Removal or Relocation of Buildings**	A permit may be required for demolition or removal of structures within the controlled area adjacent to a declared provincial highway, unless replaced within the same footprint.
3.4	**Temporary Buildings, Structures or Uses**	At the discretion of the appropriate provincial authority, a permit may be required for temporary buildings within the controlled area adjacent to a declared provincial highway.

Applicable Subsection		Requirement - Permit or Permission
3.8	Municipal Servicing	Permission is required for utility installations above or below ground within a declared highway right-of-way, and permits may be required for installations within the controlled area of a declared highway.
3.21	Fences	A permit may be required for non-agricultural fences within the controlled area of a declared provincial highway.
5.2	Signs Not Subject to This By-Law	A permit is required for signs within the controlled area of a declared provincial highway, and if approved, must comply with the Department's Advertising Sign Design and Location Standards.
5.3	Signs Not Requiring a Development Permit	
7.11	Home Business	A permit is required to intensify an existing highway access, or to change/intensify the use of an existing structure within the controlled area adjacent to a declared provincial highway (excluding the section of PTH 16 where the Town of Neepawa is the authority responsible for structure setbacks and to the Neepawa Provincial Access Road).
7.11.1	Home Occupations	
7.11.2	Home Industries	
7.16	Private Communication Facilities	A permit may be required for structures within the controlled area adjacent to a provincial highway. Communication towers should be set back sufficiently to avoid impacting the highway right-of-way if they should fail.
7.19	Solar Energy Systems	A permit may be required for structures located in the controlled area adjacent to a provincial highway

3.11 NOXIOUS OR OFFENSIVE USES

Nothing in this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law 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, except where otherwise provided for in this By-law. Where the potential for noxious or offensive land use impacts related to a development proposal is unclear, the Designated Officer may require the applicant to submit additional information and/or studies assessing said impacts on adjacent land uses, to the satisfaction of Council, prior to the issuance of a Development Permit.

3.12 PUBLIC ROAD ACCESS

a. All uses of land, buildings and structures must have legal access to an improved, all-weather public street.

b. All sites shall have frontage on a street, but not a lane.

c. Notwithstanding subsection 3.12 a. and b., where it is deemed reasonable and appropriate, Council may permit a use to be established or a building to be constructed upon a site having its required frontage on a private road or lane provided that it intersects with a street.

d. Where reasonable and appropriate, new development sites shall be served by an internal road network with internal access points to reduce the direct frontage impact onto the provincial highway system.

3.13 MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions relating to each use shall be satisfied. Where there is a conflict such as in the case of a site area and frontage, the higher or more stringent requirements shall prevail.

3.14 PUBLIC UTILITIES, SERVICES AND BUILDINGS

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any Public Utility Service, Building or Protective and Emergency Service, as defined in this By-law. The requirements of such public works or public services shall be of a standard compatible with the adjacent area and any building or structures erected in any zone complies with the yard and area requirements applicable to the zone.

3.15 DEVELOPMENT OF NEW SUBDIVISIONS

In order that the public benefit of growth is diffuse, new subdivisions are required to provide a certain level of amenity, as provided for in *The Act.* These may include dedication of lands for open space, parks and community infrastructure.

a. A subdivision shall not be approved unless Council has by resolution given its recommendation with or without conditions. A developer may also have to enter into an agreement with the municipality to address any of the following requirements:

   (i) standard of workmanship for utilities;

   (ii) dedication of land;

   (iii) phasing of development;

   (iv) financial commitments to the public;

   (v) the posting of bonds to guarantee project completion; and

   (vi) any other matter deemed necessary by the municipality.

b. New development may also require concept plans that may demonstrate the following:

   (i) general design layout and efficient provisions of infrastructure;

   (ii) compatibility with other building uses and transportation corridors; and

   (iii) landscaping design features for open space, vehicle access, access for services and pedestrian access

c. Legal surveys shall be prepared and dimensioned to include metric units.

3.16 PARTY WALLS

A building divided into units of residential, commercial, or industrial uses may be subdivided along vertical party walls to permit the sale of individual units. The applicable side yard bulk requirements shall be considered fulfilled for those side site lines contained within the party walls.

3.17 SUBDIVISION OF ATTACHED DWELLINGS

An existing site containing more than one (1) attached dwelling unit, including duplexes and row housing, may be split to provide individual sites to one or more of the attached dwelling units, provided that:

a. Any new site line shall be a straight line between the front and rear site lines, located in such a way that the party wall of two adjacent units shall form part of the new site line. Where a site line is unable to be straight due to the irregular shape of the site, the location of new site line shall be determined by the conditions of any subdivision approval and verified by the Designated Officer;

b. Each site created shall have frontage on a street, except in the case of a bare land condominium development as outlined in *The Condominium Act* where the common site elements containing roads shall be deemed to be a street for the purposes of this provision;

c. Each created site may only accommodate one (1) dwelling unit;

d. Each site created must provide at least one (1) parking space with access to the required parking space directly from a public lane or street;

e. No side yard is required along a party wall; and

f. Notwithstanding the minimum bulk requirements found in Table 6.2, each new site must provide a minimum site area of twenty-four hundred square feet (2,400 sq. ft.) and a minimum site width of twenty (20 ft.).

3.18 AREA AND YARD REQUIREMENTS

Except as herein provided, the following special provisions shall apply in all Zones to ensure adequate site and required yard requirements:

a. Where yard requirements cannot be determined due to peculiar lot configuration, topography or architectural or site arrangement, the Designated Officer has the authority to make the determination;

b. The owner of a site shall maintain the minimum site area, site width, site depth and yards and other open spaces required herein for any use;

c. No yard requirement of a zoning site may be applied so as to satisfy the yard requirements of another zoning site;

d. Yards provided for a building or structure existing on the effective date of this By-law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this By-law, unless varied;

e. All yards and other open spaces required for any use shall be located on the same zoning site as the use; and

f. Yards shall not be required on a site which is used for horticultural purposes or for public recreational purposes.

3.19 PROJECTIONS INTO REQUIRED YARDS

The following elements may project into or exist within a required yard as provided for in Table 3.1 below. Unless otherwise stated, all standards refer to the size or extent of a feature from a building or structure into a required yard.

Table 3.1 – Projections into Required Yards
"P" = permitted
"NP" = not permitted
"n/a" = not applicable

Projection	Standards			
	Front Yard	Side Yard	Rear Yard	Height
Architectural Elements				
Open Terraces, Steps and Stairs	P	P no closer than 2 ft. from side site line	P	Maximum 4 ft.
Building features including Chimneys, Bay Windows, Alcoves or Vestibules not exceeding fifty (50) sq. ft. in area.	P Maximum 5 ft.	P Maximum 2 ft. (d) (e)	P Maximum 5 ft.	n/a
Eaves, Gutters, Canopies and Awnings	P Maximum 5 ft.	P Maximum 2 ft., but no closer than 1 ft. from side site line	P Maximum 5 ft.	n/a
Decks	P Maximum 5 ft.	P No closer than 2 ft. from side site line	P No closer than 5 ft. from rear site line	n/a
Landscaping and Site Elements				
Trees, Shrubs and similar	P	P	P	n/a
Trellises, flagpoles, lighting fixtures, lampposts and similar	P	P	P	n/a
Uncovered walks and driveways	P	P	P	n/a
Fences, walls, retaining walls, screening and hedges	P Not over 3 ft. above the average level of the adjoining ground	P Not over 6 ft. above the average level of the adjoining ground	P	(a)
Fences for the purposes of compounds, garbage enclosures, lumber yards and similar	P	P	P	6 ft.
Open parking or loading spaces	P	P	P	(b)
Recreational/Play Equipment	P	P	P	n/a
Private Communication Facilities (c)	NP	NP	P No closer than 3 ft. to the side or rear site lines	No more than 3 ft. above the maximum principal building height

NOTES

a. The provisions of **Section 3.21** – Fences shall apply.

b. The provisions of **Part 4** – Parking and Loading shall apply.

c. For private communication facilities on the roof of commercial, institutional, or industrial buildings, or residential buildings three stories or more in height, the base of the instrument shall not be higher than two feet (2 ft.) above the nearest point of the roof and the dish shall not be closer than one foot (1 ft.) from the edge of the building.

d. Building features are only permitted to project into a required side yard of at least four feet (4 ft.).

e. Where permitted, building features permitted to project into a required side yard shall be no larger than six square feet (6 sq. ft.) in area.

3.20 HEIGHT EXCEPTIONS

In determining whether a development conforms to the maximum height permissible in any zone, the following elements shall not be considered for the purpose of height determination and, therefore, may penetrate the maximum height limit:

a. Chimneys and flues;

b. Steeples or domes;

c. Elevator and stair bulkheads;

d. Water tanks;

e. Flagpoles, aerials and spires; or

f. Parapet walls not more than four feet (4 ft.) above the roof line.

3.21 FENCES

Fences, hedges, and similar structural or landscaping features are permitted as accessory structures in all zones. All fences and similar structures shall be constructed in accordance with the following provisions:

a. Fences constructed in any front, side or rear yard shall be limited to six feet (6 ft.) in height unless otherwise noted herein;

b. Fences constructed in front of the front wall of a principal building shall be limited to three feet (3 ft.) in height;

c. Fences within the **RM-1, RM-2, CC, CH, I, MH** and **ML** zones constructed for the purpose of creating a compound for the proposed use as a garbage enclosure, construction establishment or a lumber yard shall be limited to six feet (6 ft.).

d. Fences shall not be constructed out of debris, junk or waste materials;

e. Trees, shrubs and similar vegetation placed to form a fence or screen shall meet the provisions of this section; and

f. Notwithstanding any other provision found within this By-law, security fencing (including electric, barbed wire, razor wire or other deterrents) shall be prohibited in the Residential, Institutional and Commercial Central Zones.

3.22 CORNER VISION ALIGNMENTS

Notwithstanding anything else contained in this By-law, at the intersection of two or more streets, no fence, wall, structure, hedge, shrubs, or other landscape features shall be erected or placed in such a manner as to produce a fence effect or obstruction greater than two and on-half feet (2 ½ ft.) within a triangular shaped area bounded by two (2) site lines, each of which is adjacent to a street, with a straight line connecting the two (2) site lines at points no closer than ten feet (10 ft.) from the intersection of the site lines.

3.23 ENVIRONMENTAL CONSIDERATIONS FOR NEW DEVELOPMENT

Based on the following planning principles, changes to the built environment need to be environmentally friendly, and as a result new development may be subject, where it is feasible to include on-site facilities to manage storm water, rain and snow fall to:

a. Protect and improve the health of the natural ecosystem;

b. Support biodiversity;

c. Support the use of renewable energy;

d. Reduce the consumption of natural resources;

e. Preserve and enhance the urban forest;

f. Reduce the risks to life, health, safety, property, and the ecosystem health that are associated with flooding, unstable slopes, erosion and contaminated lands; and

g. Reduce the adverse effects of storm water and snow melt, based on a hierarchy of wet weather flow practices, starting at the in-source, then conveyance and finally end-of-pipe solutions.

3.24 STANDARDS FOR EDGES OF ZONES ABUTTING OTHER ZONES

Regardless of whether (or not) an existing lane or drainage way exists between differing zones, a buffer is required:

a. when an industrial use abuts a residential use;

b. when a parking or loading area accessory to a commercial or other non-residential use is within twenty feet (20 ft.) of an abutting residential use; or

c. when a commercial use is adjacent to a lot in a residential zone, or a lot in a residential use.

Buffers shall conform to the following specifications:

a. A wall, berm, fence, or dense vegetative screen with a minimum height of six feet (6 ft.), at the time of installation of planting, and must be maintained at all times.

b. the side site line on the street side of a reverse corner site (of a site as mentioned above) shall have the required side yard increased to twenty-five feet (25 ft.).

3.25 HAZARD LANDS

In accordance with the regulations of the Neepawa and Area Planning District Development Plan, development on hazard lands must meet the following provisions:

a. Development in areas with an elevation less than 354 metres above sea level on the Town of Neepawa Elevation Flood Map in **Appendix II** shall be restricted to open space and agricultural uses, and all development applications shall be issued at the discretion of the Designated Officer; and

b. Development in areas with an elevation greater than 354 metres above sea level on the Town of Neepawa Elevation Map **Appendix II** may be permitted, provided that any discernable hazards can be eliminated or the use is a of a type that is compatible with future flood events.

c. An applicant shall, upon the request of Council or the Designated Officer, submit evidence prepared by a licensed professional engineer of the Province of Manitoba to support an application for development. Such evidence may include evidence of bank stability, design of flood prevention works and evaluation of effects on flood stages, velocities and the potential impacts of development on neighbouring lands and properties.

d. Uses for storage of hazardous materials which are buoyant, flammable, explosive, or may be injurious to human, animal or plant life shall not be permitted if its location there has the potential to create a hazardous condition or endanger life and/or property.

e. Where a specific flood hazard has not been identified, but a waterway, stream, watercourse or waterbody may present a flood risk, the Designated Officer may enforce a minimum thirty (30) metre setback from the top of the bank for all structures, with greater setbacks required where geotechnical studies indicate unstable slopes or high groundwater tables.

f. Development shall be directed away from all lands which would, within a fifty (50) year period, be eroded or become unstable due to the action of water contained in an adjacent waterway or waterbody, unless proven otherwise by a geotechnical report from an engineering investigation shows these limits may be reduced.

g. No permanent buildings or structures, except for fences and pools, shall be built in areas which are subject to flooding by a two hundred (200) year flood, unless the owner or applicant provides sufficient information prepared by a qualified consultant; or said structures are built on lands above, or raised to the two hundred (200) year flood protection level.

3.26 ACCESSIBILITY STANDARDS FOR ADAPTABLE HOUSING

Enhanced adaptable housing design guidelines provide a higher standard of adaptability and accessibility in residential buildings. Adaptable housing considerations are modest improvements to accessibility and adaptability in residential buildings that make it easier for people to "remain in place" as they age, and experience illness or injury.

Newly constructed residential buildings are encouraged to provide basic adaptable housing standards. However, pending changes whereby the Manitoba Code will prescribe and enforce accessible code requirements for adaptable dwelling units, the use of the following guidelines is voluntary and is intended to assist the objectives of universal physical access. Voluntary guidelines for ground-orientated housing include:

a. Dwelling access – at least one no-step entrance with overhang;

b. Circulation – hallway widths at a minimum of three and one-half feet (3 ½ ft.); no steps between, or within rooms and a turning radius of five and one-half (5 ½) to six (6) feet, in at least one bedroom and kitchen.

3.27 HERITAGE RESOURCES

The Town of Neepawa recognizes the importance of preserving and protecting its heritage resources and will consider their conservation, stewardship and enhancement in land use planning and development decisions.

a. Development, land use activities, or demolition that may endanger an identified heritage resource shall not proceed without review and approval.

b. As a condition of subdivision, development, or demolition approval, applicants may be required to demonstrate that heritage resources will not be adversely affected or that appropriate mitigation measures have been proposed and approved.

c. Mitigation measures required to protect heritage resources shall be at the developer's expense and completed before development begins. Such costs shall not exceed one percent (1%) or the total development cost.

d. Sites with heritage value or potential heritage value, may be considered for designation as municipal heritage sites or heritage conservation zones under *The Heritage Resources Act* in accordance with provincial land use policies.

e. The Town will support the formation and operation of a Municipal Heritage Committee in order to identify, commemorate and protect heritage resources and provide advice on heritage matters.

f. The Town may refer proposed development, subdivision, land use changes, demolition, or other activities which may affect identified heritage resources to a Municipal Heritage Committee and the Manitoba Historic Resources Branch for review and comment.

PART 4 PARKING AND LOADING

4.1 GENERAL PARKING AND ACCESS REGULATIONS

a. No person shall construct, relocate, alter or close an access or driveway approach without first obtaining a permit from the Town under the Town's Private Approach By-Law. No permit shall be issued for an access to a parking space that is contrary to this By-Law, any other by-law of the Town, or any other legislation.

b. All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by variation order to locate elsewhere than on the same zoning site with the building, structure or use served. When located on a different site, the parking lot site shall be located no farther than three hundred and twenty-eight feet (328 ft.) from the zoning site if serves;

   (i) As a condition of a variance order, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements. The agreement shall be registered as a caveat against both properties.

c. Lighting provided for parking areas shall be shielded and directed away from adjoining residential areas and generally confined to the site;

c. All accessory off-street parking areas shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences to prevent vehicles from encroaching onto adjacent property;

d. The surface of an accessory off-street parking area, and the access driveways thereto shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or a public sidewalk;

e. Accessory off-street parking areas provided for a use shall be used exclusively for the parking of employees, occupants, patrons or visitors of such use, unless otherwise permitted herein, and shall not be used for motor vehicle repair work or similar such uses;

f. When any building, structure or use in existence one the effective date of this By-law is subsequently damaged or destroyed, and is reconstructed or re-established, the accessory off-street parking spaces maintained at the time of such damage or destruction shall be restored or continued in operation;

g. When a building is enlarged or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension or new use in accordance with the regulations of this section;

h. Accessory off-street parking spaces in existence on the effective date of this By-law or amendments thereto shall not be further reduced below the parking requirements for a similar new building or use under the provisions of this Section;

i. Off-street parking areas in any Residential Zone shall be subject to the following additional requirements:

   (i) All required off-street parking spaces shall be accommodated within off-street parking areas (approved surface areas). These areas shall not include the use of the front yard or boulevard unless approval has been given;

   (ii) Off-street parking areas shall only be allowed in the required front yard in cases where the side yard is not sufficiently wide enough for a driveway, or where there is no access to the rear of the site by means of a lane or street. Where approved, front yard off-street parking areas shall have a minimum width of nine feet (9 ft.) and a maximum width of thirty feet (30 ft.), and in no case shall the width exceed fifty percent (50%) of the frontage of the site that it serves.

j. Where a common parking area, other than a driveway, abuts an **RSU, RS, RT, RMH**, or **RM-1** zone, the property owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than three feet (3 ft.) or more than six feet (6 ft.) in height along that portion of the parking area boundary which abuts the said **RSU, RS, RT, RMH**, or **RM-1** zone, unless an exclusion is granted by way of any agreement with the Town.

k. Existing access driveways, with existing principle dwellings, in the **RS** and **RT** zones shall be surfaced with either compacted granular materials, asphalt, concrete or paving bricks for that portion of the driveway leading from the travelled portion of the public road to the private property boundary (i.e. the boulevard portion);

l. Newly created access driveways, whether approved under the Town's Private Approach By-Law for existing **RS** and **RT** zones, or those created to facilitate a new or replacement principle dwelling, or to serve a new development, shall be surfaced with asphalt, concrete or paving bricks for that portion of the driveway leading from the travelled portion of the public road to the private property boundary.

m. Access driveways and designated off-street parking space in the **RM-1** and **RM-2** zones shall be hard surfaced with either asphalt, concrete or paving bricks.

n. Access driveways in any other zone:

   (i) shall be hard surfaced with either asphalt, concrete, or paving bricks, if the access is from a public roadway or street that is hard surfaced with asphalt, concrete, or similar; or

   (ii) may be suitably surfaced with gravel, crushed rock, or other aggregate material when the property fronts on a public roadway or street with a gravelled surface.

o. Designated off-street parking and loading spaces in the **CC, CH, I, MI** and **MH** zones:

   (i) intended for use by patrons, customers, occupants, or the general public, including a vehicle circulation aisle shall be hard surfaced with asphalt, concrete or paving bricks;

   (ii) when not intended for patron of customer use, but for operational use by employees, deliveries, servicing, freight operations, the parking and loading spaces need not be hard surfaced, provided such areas are:

      I. clearly delineated;

      II. designed to prevent the migration of dust, mud, or debris onto adjacent parking areas, sidewalks, or public roadways; and

      III. maintained in satisfactory condition.

4.2 PARKING SPACE DIMENSIONS

a. Parking space dimensions may vary depending on the angle measured perpendicular to the axis of the access aisle of the space provided. The dimensions of parking spaces shall be in accordance with Table 4.1 – Parking Dimensions.

b. Where an aisle serves two (2) different types of angled parking, which are located across from each other, the largest required access aisle shall be provided.

c. Where access to a parking space is directly from a street or lane, the width of the adjacent street or lane may be computed as part of the required aisle width.

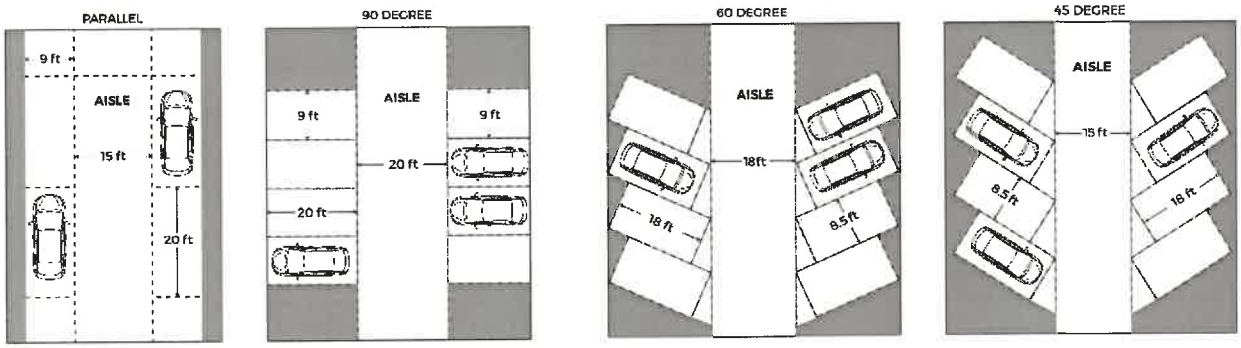
d. The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas.

e. Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space. Other than in this instance, an aisle or driveway shall not mean a street or lane.

f. The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle.

g. Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking lot layout, accessibility, lighting, aesthetic appearance, service vehicle access and snow removal.

Table 4.1 – Parking Space Dimensions			
Angle of Parking	**Width**	**Length**	**Aisle**
Parallel	9 ft.	20 ft.	15 ft.
90 degrees	9 ft.	20 ft.	20 ft.
60 degrees	8.5 ft.	18 ft.	18 ft.
45 degrees	8.5 ft.	18 ft.	15 ft.



Parallel *90-degree* *60-degree* *45-degree.*

4.3 GENERAL LOADING REGULATIONS

a. The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles and shall not be used to satisfy any accessory off-street parking space requirements or portion thereof.

b. Accessory off-street loading spaces shall not be permitted in a required front yard, side yard or any special side yard along a zone boundary, unless otherwise provided for herein.

c. For all uses in the commercial zones, the number of accessory loading spaces shall be one (1) loading space for every five thousand square feet (5,000 sq. ft.) of area for each use on a site.

d. Loading spaces in the commercial and industrial zones shall be thirty-five feet by twelve feet (35 ft. by 12 ft.) in size.

4.4 PARKING AND LOADING SPACES REQUIRED

No person shall erect, enlarge, or change the use of a site without providing and maintaining a minimum number of parking and/or loading spaces in accordance with the table below.

Table 4.2 – Required Off-Street Parking and Loading Spaces

Use	Minimum Number of Parking Spaces	Minimum Number of Loading Spaces
Residential Uses		
Apartment Unit when part of a Commercial Development	One (1) space per dwelling unit	N/A
Bed and Breakfast Home	One (1) space per dwelling unit, plus one (1) space per each guest room	
Dwelling, Single Unit	One (1) space per dwelling unit	
Dwelling, Two-Unit	One (1) space per dwelling unit	
Dwelling, Low Density Multiple Unit	One (1) space per dwelling unit **(a)**	
Dwelling, Moderate Density Multiple Unit	One and one-half (1.5) spaces per dwelling unit **(a) (b)**	
Dwelling, Manufactured Home	One (1) space per dwelling unit **(c)**	
Secondary Suite (attached or detached)	One (1) space per dwelling unit	
Rooming House	One (1) space for every sleeping unit	
Residential Care Unit	One (1) space for every three (3) sleeping units & one (1) space per employee on shift	
Other Residential Uses	As determined by Council	
Commercial Uses		
Restaurants and Drinking Establishments	One (1) space per 400 sq. ft. of gross floor area - Minimum six (6) spaces	One (1) per 5,000 sq. ft. of gross floor area
General Commercial or Retail	One (1) space per 500 sq. ft. of gross floor area - Minimum two (2) spaces	
Arts and Cultural Centres	One (1) space per 500 sq. ft. of gross floor area - Minimum two (2) spaces	One (1) per 10,000 sq. ft. of gross floor area
Community Centres and Halls	One (1) space per 100 sq. ft. of gross floor area used for assembly	
Recreation Facility		
Medical Clinics	Four (4) spaces for every doctor on shift or four (4) for every examination room, whichever is greater.	One (1) per 20,000 sq. ft. of gross floor area
Community Resource Centres	One (1) space per 500 sq. ft. of gross floor area	
Offices		
Protective Emergency Services		
Hotels, Motels	One (1) space per room	N/A
All other Commercial uses	Minimum two (2) spaces	One (1) per 5,000 sq. ft. of gross floor area

Industrial Uses		
General Industrial Uses	One (1) space per 1,000 sq. ft. of gross floor area	One (1) space for uses up to and including 5,000 sq. ft. of gross floor area
		Two (2) spaces for uses 5,001 sq. ft. up to and including 15,000 sq. ft. of gross floor area
		Three (3) spaces for uses 15,001 sq. ft. up to and including 40,000 sq. ft. of gross floor area
		One additional space for each 25,000 sq. ft. of gross floor area or portion thereof exceeding 40,000 sq. ft.
Institutional, Agricultural and Open Space Uses		
Agri-Business Use	One (1) space per 5 employees or 1,000 sq. ft. of gross floor area, whichever is greater	One (1) space per 20,000 sq. ft. of gross floor area
Outdoor Recreation Uses	One (1) space per five (5) seats or ten (10) ft. of linear bench space in assembly area. Where there are no fixed seats, one (2) space per 100 sq. ft. of area Minimum ten (10) spaces	N/A
Indoor Recreation Uses	One (1) space for each five (5) persons permitted under the occupant load limit Minimum ten (1) spaces	One (1) per 20,000 sq. ft. of gross floor area
School (Elementary and Junior)	One (1) space for every two (2) academic staff and one (1) space for every four (4) employees	One (1) per 10,000 sq. ft. of gross floor area
School (Highschool)	One (1) space for every two (2) academic staff, one (1) space for every four (4) employees, and one (1) for every six (6) students	
Institutional Care Facilities	One (1) space per ten (10) sleeping units and one (1) space per three (3) employees on shift	
Places of Worship and Funeral Homes	One (1) space for each five (5) persons permitted under the occupant load limit Minimum ten (10) spaces	

TABLE NOTES

a. For multiple unit dwellings with shared parking facilities, one and one-half (1 ½) parking spaces per dwelling unit shall be required and twenty percent (20%) of the required parking spaces shall be unassigned guest parking readily available to an entrance of the building to be served.

b. When the computation of the number of accessory off-street parking spaces required by this By-law results in a fractional parking amount, any fraction less than one-half of a parking space may be disregarded, whereas a fraction of one-half or more of a parking space shall be counted as one parking space.

c. In the case of a Manufactured Home Park, each manufactured home space shall require one (1) parking space. A side yard of two feet (2 ft.) is required for all manufactured home spaces or site parking areas, except where a manufactured home parking space is adjacent to a parking space on a neighbouring manufactured home, the minimum side yard for that parking space may be reduced to zero feet (0 ft.).

4.5 ACCESSIBLE PARKING SPACE DIMENSIONS

Each accessible parking space must be in accordance with the following:

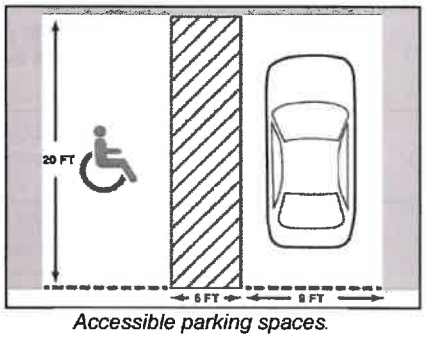
a. A minimum of nine feet (9 ft.) feet in width and twenty feet (20 ft.) feet in length, plus a five foot (5 ft.) wide adjacent access aisle. Two (2) accessible parking spaces may be served by one access aisle;

b. An accessible route must be provided from the accessible parking to an accessible entrance that is at least three feet (3 ft.) wide including curb ramps, sidewalks. Accessible ramps must not be located adjacent to the access aisle, nor in the parking stall;

c. Each accessible parking space must be accompanied by signage reserving the space for use by persons with disabilities;

d. An accessible parking space must be located within two hundred (200 ft.) of a major building entrance; and

e. At least one curb ramp must be located within one hundred feet (100 ft.) horizontal feet of any entrance that is not a main service entrance.



Accessible parking spaces.

4.6 ACCESSIBLE PARKING SPACES REQUIRED

Except for single-unit dwellings, two-unit dwellings, manufactured homes, secondary suites and home-based businesses, all uses must provide accessible parking spaces in accordance with the table below, based on the total required parking spaces in Table 4.2.

Table 4.3 – Required Off-Street Accessible Parking Spaces

Total Required Parking Spaces (as per Table 4.2)	Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	4
75 to 100	6
101 to 150	8
151+	5% of total (minimum 10)

PART 5 ACCESSORY SIGNS

Signs are regulated in this by-law in order to achieve compatibility among adjacent properties and the public realm, including through measures intended to sufficiently provide for building/business identification. Signs are organized in this By-law by the various *types* and *forms* they may take.

The following regulations are applicable to development throughout the Town of Neepawa, regardless of the specific zone within which a site is located, unless otherwise noted.

5.1 GENERAL SIGN REGULATIONS

The following provision shall apply to all accessory signs erected or maintained within the Town of Neepawa in all Zones except wherein otherwise provided for in this By-law:

a. Unless otherwise stated in this Part, no person shall erect a sign or sign structure without first obtaining a development permit from the Designated Officer and no development permit to erect a sign shall be issued unless the sign regulations in this By-Law have been satisfied.

b. Billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning lot on which that sign is located may only be allowed in zones where an Advertising sign is allowed as a permitted or conditional use. Such signs must also be constructed in accordance with the Zone-Specific Sign Standards Table 5.2;

c. Other than normal maintenance, which includes changes to sign copy, the construction, erection, alteration, relocation, or repair of any sign, shall be in compliance with the provisions of this Part, unless exempted by this By-law;

d. Where a sign contravenes this By-Law, the Designated Officer may, by notice in writing, order the property owner, or the person responsible for the contravening sign to take such measures as are specified in the notice to bring the sign into compliance, or to remove the sign;

e. Where a building is occupied by more than one (1) business (multiple occupancy) with a common exterior access(s) and visibly appear as a single primary building, all exterior signage shall comply with the total permitted per building face;

f. No accessory sign shall exceed twenty-five percent (25%) of the area of the front façade of the principal building to which it is accessory;

g. The Designated Officer may permit signs of types that are not specified in this By-Law under the sign type regulations that more closely reflect the characteristics of the unspecified sign.

h. Signs shall be subject to provincial regulation in the designated controlled area of a Provincial Road or Provincial Trunk Highway (i.e. signs within one-hundred and twenty-five feet (125 ft.) of PTH 5 and PTH 16). Provincial requirements included provincial permit approval and compliance with advertising sign design and location standards.

Notwithstanding the foregoing:

(i) the Town of Neepawa is responsible for structure setbacks adjacent to that portion of PTH 16 west of the east junction of PTH 5 (outside the 1,000 ft. control circle centered at the PTH 16/PTH 5E intersection) to the western municipal boundary as well as for structure setbacks adjacent to the Neepawa Town Provincial Access Road;

(ii) where regulations of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by a Provincial Authority, the more stringent regulations shall apply.

5.2 SIGNS NOT SUBJECT TO THIS BY-LAW

The following signs are not subject to the regulations of this By-law; however, this shall not relieve the owner or responsible party from erecting and maintaining the signs in a safe condition:

a. Signs required to be maintained by law or governmental order, rule, or regulation including signs or a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossings, danger, and other emergency signs;

b. Historical plaques or markers authorized by Council, including non-advertising memorial signs, commemorative signs, corner stones, or tablets of non-combustible material when built into or attached to the walls of a building or other structure, provided they bear only the name of the owner, the name and use of the building, the date of erection of the building, and/or reading matter commemorating a person or event;

c. Signs required for the direction and convenience of the public not exceeding six square feet (6 sq. ft.) in area including signs which identify rest rooms, parking areas, entrance and exit signs or events;

d. Street decorations, community bulletin boards, or community billboards installed by the Town;

e. Election signs, during Federal, Provincial, Municipal and School Board campaign periods and up to seven (7) days after the election; and

f. Decorative signs or flags that are located on private property, such as seasonal banners, garden signs or ornamental yard displays provided they do not advertise a business or service, and do not pose a safety hazard or obstruct traffic visibility.

5.3 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The following signs are permitted and may be installed without the issuance of a development permit but must adhere to all other applicable zoning regulations found herein:

a. Civic Addressing - one building identification sign not exceeding one and one-half square feet (1 ½ sq. ft.) in area;

b. Residential Neighborhood Identification - one residential neighbourhood identification sign, provided that approval for the design, location, maintenance, and erection is granted by Council;

c. Institutional Building Identification - one building identification sign not exceeding fifty square feet (50 sq. ft.);

d. Real Estate – one (1) temporary fascia or free-standing real estate sign for the sale of property only and not to exceed a maximum of thirty square feet (32 sq. ft.) in area, and where said sign is freestanding, no higher than six feet (6 ft.) above grade. The sign must be removed within fifteen (15) days of the conclusion of the purpose which the sign was erected;

e. Construction / Development – one (1) non-illuminated construction or development sign not to exceed a maximum of thirty-two square feet (32 sq. ft.) in surface area to be located within the zoning site in areas where there is active construction and development activity or attached to a fence or hoarding with a maximum height of twenty feet (20 ft.). The sign shall be permitted from the date a development application is approved for the construction project, and a building permit is issued, until the point of substantial completion, unless otherwise stated by Council;

f. Industrial Zones – for any permitted or conditional use, one (1) identification or business sign, attached or freestanding, with one square foot (1 sq. ft.) of sign surface area for each linear foot of site width, but not exceeding thirty-two square feet (32 sq. ft.);

g. Official public notice signs;

h. Temporary - signs not exceeding thirty-two square feet (32 sq. ft.) in sign surface area, or

banners related to civic, non-commercial health, safety or welfare campaigns, or to campaigns for educational or religious organizations, with a maximum height of twelve feet (12 ft.). The signs must be removed within fifteen (15) days following the date of the event and the signs are not to be erected earlier than the official date of the commencement of the noted campaigns;

i. Any sign that cannot be seen from off the premises.

j. Mobile signs not exceeding limits discussed in Table 5.2 and/or Section 5.9;

k. Garage sale signs provided that they are located on the same zoning site and only for the duration of the sale.

l. A sandwich board sign or a produce sign.

5.4 SIGN MAINTENANCE AND ABANDONED SIGNS

The following provisions apply to sign maintenance and abandoned signs within the Town of Neepawa:

a. Signs and sign structures shall be maintained and kept in good state of repair;

b. All abandoned signs must be demolished or removed from the property to which they are associated;

c. Where a business service or activity ceases to operate, the associated business identification signage must be removed or relocated within thirty (30) days; and

d. When an owner of a sign can no longer be located and the sign no longer correctly identifies, directs attention to, or includes a person, lessor, owner, advertising of a business, product, event, or activity conducted, or product available on the premises where the sign is displayed, or the Designated Officer deems a sign structure to be abandoned or in disrepair, or its content to be obsolete, an order may be sent by registered mail to the owner or responsible party, ordering its repair, removal, or update within thirty (30) days of the date of notice. Failure to comply with such order may result in the removal of the sign by the Town at the expense of the owner or the party responsible.

5.5 PROHIBITED SIGNS

The following signs shall be prohibited in all Zones:

a. animated signs;

b. roof signs;

c. inflated display signs; and

d. painted signs on fences or roofs.

e. an abandoned sign, subject to Section 5.4;

f. signs or sign structures which obstruct or materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad or pedestrian crossing or corridor, so as to cause an unsafe condition;

g. signs interfacing with, or obstructing the view of an authorized traffic sign, signal, or device, or any sign capable of being confused with such a traffic sign, signal or device;

h. signs displaying flashing elements, lights, beams, or rotating beams in connection with any sign display or resembling an emergency light;

i. signs that are animated, or move in whole, or in part in a swinging motion; or

j. signs that are located on, over, or above any land or right-of-way, or sidewalk owned by the Town, unless specifically permitted by this By-law or approved by Council.

5.6 SIGN TYPES AND FORMS

The following table outlines the different sign types and sign forms that are associated with one another in this By-law:

Table 5.1 – Permitted Sign Types and Forms

Sign Type	Sign Form	Examples
Advertising	Attached	Wall-mounted billboard, building banner, window graphics 
	Freestanding	Roadside billboard, digital pylon board, community bulletin board, mobile 
	Temporary	Vehicle or trailer mounted, coroplast promo signs, sandwich boards, real estate 
Directional	Attached	Fascia, awning, canopy, blade, Marquee, projecting, window, wall mounted arrows or directional signs 
	Freestanding	Pedestal, pole, parking lot signs, trail markers 
	Temporary	Event directional, sandwich boards, event signage 
Event / Occasional	Temporary	Banners, flags, sandwich boards, event signage 
Identification (Building or Use)	Attached	Fascia, awning, canopy, blade, marquee, projecting, window 
	Freestanding	Pedestal, pole 
	Temporary	"Coming Soon" signs, construction or development identification signs 

5.7 ZONE SPECIFIC SIGNS STANDARDS

All accessory signs, where permitted or conditional, must comply with the standards shown in Table 5.2 Zone Specific Sign Standards, and the associated yard setbacks where applicable. For the purposes of this By-law, signs are grouped according to their type and form. For a description of the different signs types and sign forms, see Table 5.1.

Table 5.2 – Zone Specific Sign Standards

ZONES	SIGN TYPES PERMITTED	SIGN FORMS PERMITTED	MAXIMUM		MINIMUM
			SURFACE AREA	HEIGHT	SETBACK FROM SITE LINES
RSU RS RT RMH RR2	Identification – Building or Use (b)	Attached or Freestanding	5 sq. ft.	Below top floor ceiling	5 ft.
	Directional (b)	Attached or Freestanding	12 sq. ft.	6 ft.	
RM1 RM2 I	Identification – Building or Use (b)	Attached or Freestanding	50 sq. ft.	If attached, below the top floor ceiling. If freestanding, 35 ft.	
	Directional (b)	Attached or Freestanding	12 sq. ft.	6 ft.	
CC CH	Advertising (b)	Freestanding	200 sq. ft.	25 ft.	10 ft.
		Temporary	50 sq. ft.	10 ft.	3 ft.
	Identification – Building or Use (b)	Attached	25% of the front façade of the principal building, for single occupancy, to a maximum of 200 sq. ft.; Combined maximum of 600 sq. ft. for multiple occupancy.	Below top floor ceiling	
		Freestanding	250 sq. ft. for first 100 ft. of street frontage and each 100 ft. thereafter.	35 ft.	
	Directional (b)	Attached or Freestanding	1 sign per entrance or exit, 12 sq. ft. per sign; 2 signs per combined entrance/exit, 12 sq. ft./sign	Below top floor ceiling	
	Event/Occasional	Attached or Freestanding	50 sq. ft.	35 ft.	
ML MH	Advertising (b)	Freestanding	200 sq. ft.	25 ft.	10 ft.
		Temporary	50 sq. ft.	10 ft.	3 ft.
	Identification – Building or Use (b)	Attached	1 square foot per linear foot of site width, not exceeding 100 sq. ft. in area.	Below top floor ceiling	
		Freestanding		35 ft.	
	Directional (b)	Attached or Freestanding	1 sign per entrance or exit, 12 sq. ft./sign; 2 signs per combined entrance/exit; 12 sq. ft./sign	Below top floor ceiling	

AR AR-R AR-M AR-C AR-O O	Advertising (a)	Freestanding	200 sq. ft.	25 ft.	10 ft.
		Temporary	50 sq. ft.	10 ft.	3 ft.
	Identification – Building or Use (b)	Attached or Freestanding	50 sq. ft.	35 ft.	
	Directional (b)	Attached or Freestanding	12 sq. ft.	35 ft.	

TABLE NOTES

a. Any freestanding sign shall be no closer than three feet (3 ft.) from a site line, or in the case of a corner site, no closer than ten feet (10 ft.) from any street side of the site.

b. Any projecting sign shall have a minimum height above-grade to the bottom edge of the sign of at least nine feet (9 ft.).

5.8 ADDITIONAL STANDARDS IN RSU, RS, RT, RM-1, RM-2, RMH, RR2

The following shall also apply to signs in residential zones:

a. A maximum of one (1) sign is permitted for an approved home-based business (Section 7.11), or permitted non-residential use;

   (i) No more than two different home-based business signs will be approved or allowed for each residential block;

b. Up to two (2) non-commercial signs (i.e. political, personal, advocacy-related), including flags displayed as a form of expression, may be displayed on a residential property;

   (ii) Flags (with the exception of flags of any nation or government) are considered signs when they ae used to communicate a message, such as political views, personal beliefs, or affiliations. As such they are counted toward the maximum number of allowable signs per residential site.

c. All residential signs:

   (i) shall be located entirely on private property (not on trees of on the public boulevard);

   (ii) shall be non-illuminated and non-electronic; and

   (iii) shall be maintained in good repair, securely mounted, and not a hazard or visual blight.

d. Mobile signs are not permitted.

5.9 ADDITIONAL STANDARDS FOR MOBILE SIGN TYPES

All mobile signs shall be developed in accordance with the following provisions:

a. Mobile signs are only permitted in Commercial, Industrial and Institutional Zones;

b. Mobile signs shall not be used as a permanent means of signage unless placed on an approved foundation;

c. A mobile sign shall comply with the yard regulations of the zone within which it is located;

d. No mobile sign shall be located within ten feet (10 ft.) from the nearest part of any exit or entrance driveway or within a required off-street parking space;

e. Where a lot borders a single public street, only one (1) mobile sign shall be permitted;

f. Where a lot borders more than a single public street, one (1) mobile sign shall be permitted for each frontage; and

g. No mobile sign may be established within fifty feet (50 ft.) of another mobile sign on the same zoning site, and no property owner may erect more than one (1) mobile sign per tenant on a zoning site. The maximum number of mobile signs on a zoning site at any one time may not exceed two (2), regardless of the number of individual tenants located on that zoning site.

h. Mobile signs on adjacent sites must be separated from each other by a minimum of fifty feet (50 ft.) measured along the street right-of way, unless the narrowness of the site frontages or other restrictions in this By-Law make that separation impossible, in which case the signs must be separated as far apart as reasonably possible.

i. No mobile sign shall be illuminated or electrified or have a rotating beam or beacon.

j. A mobile sign must be contained within the zoning lot on which it is located, not encroaching within any right-of-way and no mobile sign shall be located, erected, or placed on Town-owned property, except signs that have received prior approval from the Town.

k. No person shall erect a mobile sign unless the sign displays the name and contact information of the erector, in clear legible lettering, located in such a place in the sign that it can be easily read.

l. Mobile signs shall have a maximum surface area of sixty-five square feet (65 sq. ft.) and a maximum allowed height of eight feet (8 ft.) measured from grade to the highest point of the sign.

5.10 ADDITIONAL STANDARDS FOR ADVERTISING SIGNS / BILLBOARD SIGNS (OFF-SITE)

a. Advertising/Billboard signs are not permitted in **RSU, RS, RT, RMH, RM-1, RM-2, RR2, or I** zones.

b. Advertising/Billboard signs are a Conditional Use in the **CC, CH, MI, MH, AR, AR-R, AR-M, AR-C** and **AR-O** and **O** zones.

c. Where adjacent lots are in a related use, and the lots have cross-access easement and/or shared parking arrangements so that they have the appearance and function of a single lot development, signage that is accessory to a principal use on any of the lots will not be considered accessory and not and Advertising / Billboard sign simply because it is erected on the other of the lots.

5.11 ADDITIONAL STANDARDS FOR ILLUMINATED SIGNS

a. No illuminated sign shall be placed in a yard that abuts a lot line of an **RSU, RS, RT, RMH, RR2, RM-1** or **RM-2** zone.

5.12 ADDITIONAL STANDARDS FOR SIGNS USING DIGITAL SCREENS

Digital copy signs and digital reader boards must:

a. Obtain conditional use approval;

b. Have six (6) second minimum hold times and 0.25 second maximum transition times;

c. Only display static images before instantaneously transitioning to another static image and not exhibit moving, flashing or animated content;

d. Not exceed 3.2 lux above ambient light condition brightness levels;

e. Use automatic dimming technology;

f. Comply with the latest edition of Transportation Association of Canada's "Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines"

g. No digital copy sign or digital reader board shall be placed in a yard that abuts a lot line of an **RS, RT, RMH, RR2, RM-1** or **RM-2** zone.

PART 6 ZONES

6.1 ESTABLISHMENT OF ZONES

In order to carry out the intent and purpose set forth in this by-law, and that of the Neepawa and Area Planning District Development Plan, the zone names and abbreviations in this section are hereby established. The descriptions of zones contained in this section are intended to assist in selecting the appropriate zone for different types of land, and to assist in identifying the intended character of each district. Whenever there is a conflict between any zone description and a substantive requirement in other sections of this By-law, the substantive requirements shall apply.

6.1.1 RESIDENTIAL ZONES

a. **The Residential Unserviced Zone (RSU)** provides for the development of low-density single unit dwellings on sites not serviced by municipal sewer and/or water.

b. **The Residential Single Unit Zone (RS)** provides for the development of single unit residential dwellings.

c. **The Residential Two-Unit Zone (RT)** provides for the development of two-unit residential dwellings including duplexes and side-by-sides.

d. **The Residential Multi-Unit 1 Zone (RM1)** provides for the development of low-density multi-unit dwellings such as triplexes, multiplexes, and row housing.

e. **The Residential Multi-Unit 2 Zone (RM2)** provides for the development of moderate density multi-unit dwellings such as apartment buildings.

f. **The Residential Manufactured Home Zone (RMH)** provides for the development of manufactured homes within a manufactured home park for sale or lease by owner.

g. **The Residential Rural Zone (RR2)** provides for the development of non-farm residential dwellings, not serviced by Town sewer and/or water.

6.1.2 COMMERCIAL ZONES

a. **The Commercial Central Zone (CC)** provides for the development of appropriate land in the Town's central business district to allow it to be multi-functional in nature and develop as the most intensive retail, business and administrative area in the Town of Neepawa.

b. **The Commercial Highway Zone (CH)** provides for the development of those businesses requiring large site areas to allow retail and personal services adjacent to major highways in out-lying areas of the Town and to serve the needs of the travelling public.

6.1.3 INDUSTRIAL ZONES

a. **The Industrial Light Zone (ML)** provides for development of uses and activities that are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside the enclosed building.

b. **The Industrial Heavy Zone (MH)** provides for developments which may have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due the nuisance factors including appearance, noise, odour, emissions, or dangerous or hazardous goods.

6.1.4 INSTITUTIONAL ZONES

The Institutional Zone (I) provides for development and accommodation of government, educational, and institutional uses on large tracts of land in public or semi-public areas.

6.1.5 *AGRICULTURAL AND OPEN SPACE ZONES*

a. **The Agricultural Restricted Zone (AR)** provides or agricultural uses and activities on a restricted basis in areas within the Town of Neepawa limits while avoiding potential land uses which could inhibit future growth.

b. **The Agriculture Restricted Residential Zone (AR-R)** preserves agricultural land in an un-fragmented state for future residential development within the Town of Neepawa.

c. **The Agriculture Restricted Industrial Zone (AR-M)** preserves agricultural land in an un-fragmented state for future industrial development within the Town of Neepawa.

d. **The Agriculture Restricted Commercial Zone (AR-C)** preserves agricultural land in an un-fragmented state for future commercial development within the Town of Neepawa.

e. **The Agriculture Restricted Open Space Zone (AR-O)** preserves agriculture land in an un-fragmented state for future open space development within the Town of Neepawa.

f. **The Open Space Zone (O)** provides for natural and recreational uses and protects sensitive areas within the Town of Neepawa limits.

6.2 RESIDENTIAL ZONE REGULATIONS

6.2.1 *RESIDENTIAL USE TABLE*

No land shall be used or occupied and no structure shall be erected, altered, used, or occupied hereafter for any use in any Residential Zone in which such land or structure is located, including any new use or expansion of an existing use except in conformity with Table 4.1 – Residential Use Table, with the exception of uses lawfully established prior to the effective date of this By-law.

Table 6.1 - Residential Use Table

P = Permitted C = Conditional - = Not Permitted * = Use Specific Standards Apply	Residential Zones							
USE	RSU	RS	RT	RM-1	RM-2	RMH	RR2	REF
Arts Centres, Galleries and Libraries	-	-	-	P	P	-	-	
Bed and Breakfast Home for three (3) or more persons.	-	C*	C*	P*	P*	-	C*	7.12
Bed and Breakfast Home for two (2) or fewer persons.	P*	P*	P*	P*	P*	-	P*	7.12
Child Care Facilities	C*	C*	C*	P*	P*	C*	C*	7.9
Community Centres or Community Clubs	C	C	C	P	P	C	C	
Convenience Stores	-	-	C	C	C	-	-	
Dwelling, Low Density Multiple Units	-	-	-	P	P	-	-	
Dwelling, Manufactured Home	-	-	-	-	-	P*	-	6.2.3
Dwelling, Moderate Density Multiple Units	-	-	-	-	P	-	-	
Dwelling, Single Unit	P	P	P	P	P	-	P	
Dwelling, Two Unit	-	-	P	P	P	-	-	
Hostel for eight (8) or more persons	-	-	-	-	C	-	-	
Hostel for seven (7) or fewer persons	-	-	-	C	C	-	-	

Table 6.1 - Residential Use Table

P = Permitted C = Conditional - = Not Permitted * = Use Specific Standards Apply	Residential Zones							
USE	**RSU**	**RS**	**RT**	**RM-1**	**RM-2**	**RMH**	**RR2**	**REF**
Institutional Care Facilities	-	-	C	C	P	-	-	
Manufactured Home Parks	-	-	-	-	-	P*	-	6.2.3
Music Conservatories	-	-	-	C	C	-	-	
Parks, Picnic Areas, Playgrounds and Recreational Trails	P	P	P	P	P	P	P	
Places of Worship	C	C	C	P	P	C	C	
Private Clubs or Halls	C	C	C	P	P	-	-	
Public Utilities and Buildings	P*	P*	P*	P*	P*	P*	P*	3.14
Residential care facility for five (5) or more persons.	-	-	C	C	P	-	-	
Residential care facility for four (4) or fewer persons.	C	-	C	C	P	-	-	
Rooming Houses	-	-	C*	C*	C*	-	C*	7.15
Schools	C	-	P	P	P	-	-	
ACCESSORY								
Animal Keeping	-	-	-	-	-	-	C*	7.7
Canvas & Tent Structures	P*	P*	P*	P*	P*	P*	P*	7.18
Child Care (Home Based)	P*	P*	P*	P*	P*	-	P*	7.10
Covered Patios	P	P	P	P	P	P	P	
Greenhouses (Private)	P	P	P	P	P	P	P	
Home Industries	C*	C*	C*	C*	C*	-	C*	7.11.2
Home Occupations	P*	P*	P*	P*	P*	P*	P*	7.11.1
Off Street Parking Area	P*	P*	P*	P*	P*	P*	P*	Part 4
Offices	-	-	-	-	-	P	-	
Playhouses	P	P	P	P	P	P	P	
Private Communication Facilities	P*	P*	P*	P*	P*	P*	P*	7.16
Private Garages and Carports	P	P	P	P	P	P	P	
Secondary Suite, Attached	C*	C*	P*	P*	P*	-	P*	7.8.1
Secondary Suite, Detached	C*	C*	C*	C*	C*	-	C*	7.8.2
Sheds and Toolhouses	P	P	P	P	P	P	P	
Signs								
- Identification – Building/Use	P*	P*	P*	P*	P*	P*	P*	Part 5
- Directional	P*	P*	P*	P*	P*	P*	P*	
Solar Energy System, Commercial	-	-	-	-	-	-	-	7.19
Solar Energy System - On-Site	P*	P*	P*	P*	P*	P*	P*	7.19
Summer Houses (Gazebos, Sunrooms and Screen Rooms)	P	P	P	P	P	P	P	
Swimming Pools	P*	P*	P*	P*	P*	P*	P*	7.1

6.2.2 *RESIDENTIAL BULK TABLE*

No person may erect a building or structure in any residential zone unless the building or structure complies with the Residential Bulk Table and any other regulations in this section.

Table 6.2 – Residential Bulk Table

ZONE	USE TYPE	SITES		YARDS					OTHER		
		Area (sq. ft.)	Width (ft.)	Front (ft.) (f)	Side (ft.)		Rear (ft.)		Building Distance (ft.)	Max Height (ft.) (e)	Minimum Dwelling Unit Area (sq. ft.)
					Int.	Corner (h)	Lane	No Lane			
RSU	Principal	15,000	75	25	15		25		-	36	800
	Accessory	-	-		4 (i)	10	4	2	4	12	-
RS	Principal	4,000	40		4 (d)	10 (d)	25		-	36	800
	Accessory	-	-		4 (i)	10	4	2	4	12	-
RT	Principal	6,000 (c)	60 (c)		4 (c)(d)	10 (c)	25		-	36	800
	Accessory	-	-		4 (i)	10	4	2	4	12	-
RM-1 (a)(g)	Principal	10,000	75		10(b)	10(b)	25	30	-	45	800
	Accessory	-	-		4 (i)	10	4	2	4	12	-
RM-2 (a)	Principal	12,000	100		15(b)	15(b)	25	30	-	45	800(j)
	Accessory	-	-		4 (i)	10	4	2	4	12	-
RMH 4.2.3	Manufactured Home Park	-	200	20					-	36	-
	Manufactured Home Space	4,000	40	15	4	10	15		-		-
	Accessory	-	-		4 (i)		4	2	4	12	-
RR2	Principal	87,120	150	30	15		25		-	36	800
	Accessory	-	-		4 (i)	10	4	2	4	12	-

TABLE NOTES

a. For group buildings located on one site, the yards on the boundary of the site shall not be less than those required in the zone in which the site is located, nor shall the distance between buildings within the site be less than the sum of two required front, side or rear yards or a combination of two of these yards, depending upon the arrangement and relationship of the buildings.

b. Or one half (1/2) of the height of the building, whichever is greater.

c. For Two-Unit Dwellings subdivided with separate titles for each unit, the minimum site area shall be three thousand square feet (3,000 sq. ft.). The minimum site width shall be thirty feet (30 ft.), and the minimum side yard may be reduced to zero feet (0 ft), when the side site line is completely within a party wall.

d. Where vehicular access is obtained from the front street, one of the side yards for a single-unit dwelling or both of the side yards for a two-unit dwelling shall be increased to a minimum width of ten feet (10 ft.) clear of all projections, except eaves and gutters, in order to be used as required parking space or a passage to the rear yard.

e. An accessory building or structure shall not exceed the height of the principal building or structure.

f. Where a new single-unit, two-unit or multi-unit dwelling or addition to a dwelling is proposed on a street, the proposed structure must be developed with a front yard setback consistent with the average of the existing front yard on the length of that street. The setback shall be determined by the average setback of the dwelling on either side of the proposed dwelling, and in the case of a corner site, the average of the two nearest properties on the same street, as determined by the Designated Officer.

g. For row house type dwellings, the minimum lot size shall be twenty-four hundred square feet (2,400 sq. ft.). and the minimum lot width shall be twenty-five feet (25 ft.).

h. For reverse corner sites, the minimum street side yard shall be fifteen feet (15 ft.).

i. When located to the rear of the principal building and the rear of the principal building of the adjacent site in which case the side yard may be reduced to two feet (2 ft.) clear of all projections.

j. For the development of moderate density multi-unit dwellings such as apartment buildings, the minimum dwelling unit area shall be no less than four hundred square feet (400 sq. ft.).

6.2.3 SPECIAL REGULATIONS FOR MANUFACTURED HOME PARKS

All manufactured home park developments shall meet the requirements noted in Residential Bulk Table 6.2 and the following provisions:

a. Internal roadways within Manufactured Home Parks shall be as follows:

   (i) The main collector road of the internal roadway system shall have a right-of-way minimum width of fifty feet (50 ft.),

   (ii) All other roads within the internal road system shall have a minimum width of twenty-five feet (25 ft.);

b. A buffer area at least twenty feet (20 ft.) in width shall be provided within and adjacent to the perimeter of a manufactured home park property boundary;

c. The buffer area provided in clause (b) shall be developed as an area suitable landscaped with trees, shrubs, grass and similar horticultural features;

d. The buffer area may be crossed by an access right-of-way a minimum of fifty feet (50 ft.) in width containing a driveway, a minimum of twenty-five feet (25 ft.) in width, from a street to the internal roadway system;

e. The buffer area shall contain no use other than permitted by clause (c) and (d) above;

f. A manufactured home park shall contain a common recreational area or open space as follows:

   (i) The common recreational area or open space shall contain a minimum of five percent (5%) of the manufactured home park area;

   (ii) The common recreational area or open space shall not be part of the buffer area provided in clause (b);

   (iii) The common recreational area or open space shall be bordered by a fence or hedge where it abuts any part of the internal road network;

g. A manufactured home space shall be provided with the following:

   (i) A sewer and water connection;

   (ii) An electrical service outlet; and

   (iii) An adequate base support for the manufactured home.

h. Where provided, a walkway shall have a minimum width or ten feet (10 ft.).

6.3 COMMERCIAL AND INDUSTRIAL ZONE REGULATIONS

6.3.1 *COMMERCIAL AND INDUSTRIAL USE TABLE*

No new use or expansion of an existing use in any commercial or industrial zone may be established except in conformity with Table 6.3 – Commercial and Industrial Use Table.

Table 6.3 – Commercial and Industrial Use Table

P = Permitted C = Conditional - = Not Permitted * = Use Specific Standards Apply	Commercial		Industrial		
USE	**CC**	**CH**	**ML**	**MH**	**REF**
Agricultural Implement Sales, Service and Repair	C	P	P	P	
Agricultural Processing Plants and Facilities	-	-	-	C	
Agricultural Products Sales, Distribution and Storage	-	P	P	P	
Agro-Related Business and Manufacturing	-	C	P	P	
Aircraft Sales and Service			P	P	
Airport	-	-	P	P	
Anhydrous Ammonia Storage Facilities	-	-	C*	C*	7.4
Animal Hospitals and Veterinary Clinics	C	P	C	P	
Animal Pounds and Kennels	-	-	-	C	
Antique Stores	P	P	-	-	
Arenas	P	P	-	-	
Arts Centres, Galleries, Libraries and Museums	P	C	-	-	
Auction Marts (not including livestock auction marts)	C	C	P	P	
Boat Service, Sales and Repair	C	P	P	P	
Building Materials Sales and Storage (not including lumber or wood)	C	P	P	C	
Business Supply Establishments	P	C	P	-	
Cannabis Retail	P*	P*			7.20
Car/Truck Washes	P	P	P	-	
Child Care Facility	P*	C*	C*	C*	7.9
Commercial or Trade School	P	C	-	-	
Community Centres or Community Clubs	P	P	-	-	
Concrete, Cement and Asphalt Batching Plants	-	-	-	C	
Contractor's Establishments	C	P	P	P	
Dangerous Goods or Agrichemical Storage Facilities	-	-	C*	C*	7.5
Drinking Establishments	P	C	-	-	
Drive-in or Drive-thru Establishments	C*	P*	P*	P*	7.21
Dwelling, Low Density Multiple Units	C	-	-	-	
Dwelling, Moderate Density Multiple Units	C	C	-	-	
Existing Uses	P	P	P	P	
Financial Institutions	P	C	-	-	
Fuel Sales	P	P	P	P	

Table 6.3 – Commercial and Industrial Use Table

P = Permitted C = Conditional - = Not Permitted * = Use Specific Standards Apply	Commercial		Industrial		
USE	CC	CH	ML	MH	REF
Funeral Home	P	P	-	-	
General Manufacturing	-	-	C	P	
Golf Courses and Driving Ranges	-	P	-	-	
Grain Elevators and Agricultural Storage Facilities	-	-	-	P	
Horticultural and Garden Supply Establishments	-	P	P	P	
Hotels	P	C	-	-	
Indoor Recreation Facilities	P	P	-	-	
Laundromat	P	P	P	P	
Light Industrial	-	C	P	-	
Lodges or Private Clubs	P	P	-	-	
Lumber and Wood Sales and Storage	P	P	P	P	
Mini-Golf	-	P	-	-	
Motels	C	P	-	-	
Music Conservatories	P	C			
Offices	P	C	P	P	
Parking and Loading Areas	P	P	P	P	Part 4
Parks, Picnic Areas, Playgrounds and Recreational Trails	P	P	P	P	
Places of Worship	P	C	-	-	
Planned Unit Development	C*	C*	-	-	7.14
Protective and Emergency Services	P	P	P	P	
Public Utilities and Buildings	P*	P*	P*	P*	3.14
Pulp and Paper Processing	-	-	-	P	
Recreation Facility, Commercial	C	P			
Recreational Vehicle Service, Sales and Repair	P	P	P	P	
Rendering Plants and Abattoirs	-	-	-	C	
Rental Storage Establishments	-	P	P	P	
Restaurants and Lounges	P	P	-	-	
Retail Establishments	P	P	-	-	
Seed Distribution, Sales and Storage	-	C	P	P	
Stock Yards	-	-	-	C	
Theatres and Cinemas	P	C	-	-	
Transportation Terminals and Facilities	-	P	P	P	
Vehicle Related Businesses including Sales, Service, Showrooms and Repair	P	P	P	P	
Vehicle Wrecking and Storage	-	-	-	C	
Warehouses and Storage Establishments	-	-	P	P	
Wastewater Treatment Facilities	-	-	-	C*	7.2

Table 6.3 – Commercial and Industrial Use Table

P = Permitted C = Conditional - = Not Permitted * = Use Specific Standards Apply	Commercial		Industrial		
USE	**CC**	**CH**	**ML**	**MH**	**REF**
Water Treatment Facilities	-	-	-	C	
Wholesale Establishments	P	P	P	-	
ACCESSORY					
Accessory dwelling unit for watchman or caretaker employed upon the premises	-	-	P	P	
Accessory Dwelling Units in Second Storey or Rear of Commercial	P*	P*	-	-	Note (a)
Accessory Retail Services	-	-	C	C	
Any building or structure, excluding dwellings, necessary for the operation, maintenance and administration of a use.	P	P	P	C	
Canvas & Tent Structures	P*	P*	P*	P*	7.18
Covered Patios	P	P	-	-	
Greenhouses	P	P	-	-	
Incinerators	C	C	C	C	
Off Street Parking Areas	P*	P*	P*	P*	Part 4
Outside Storage	C	P	P	P	
Parabolic Dish Antennae	P	P	P	P	
Playhouses	P	P	-	-	
Private Garages or Carports	P	P	P	P	
Sheds or Toolhouses	P	P	-	-	
Shipping Containers	P*	P*	P*	P*	7.17
Signs					Part 5
- Advertising - On-Site	P*	P*	P*	P*	
- Advertising - Off-Site	C*	C*	C*	C*	
- Identification – Building/Use	P*	P*	P*	P*	
- Directional	P*	P*	P*	P*	
- Event or Occasional	P*	P*	-	-	
Solar Energy System, Commercial	C*	C*	P*	P*	7.19
Solar Energy System - On-Site	P*	P*	P*	P*	7.19

TABLE NOTES

a. Dwellings shall only be permitted as part of a building which contains a principal commercial use. Residences located on the main floor shall be restricted to the rear half of the building.

6.3.2 *COMMERCIAL AND INDUSTRIAL BULK TABLE*

No person may erect a building or structure in any Commercial or Industrial Zone unless the building or structure complies with the Commercial and Industrial Bulk Table and any other regulations in this section.

Table 6.4 – Commercial and Industrial Bulk Table

ZONE	USE	SITES		YARDS					OTHER	
		Area (sq. ft.) % of site	Width (ft.)	Front (ft.)	Side (ft.)		Rear (ft.)		Building Distance (ft.)	Max Height (ft.)
					Int.	Corner	Lane	No Lane		
CC	Principal (b)	2,500	25	0	0	10	20	25	-	45
	Accessory	15% (d)	-						4	(a)
CH	Principal (b)	20,000	100	45	12	12	20	25	-	36
	Accessory	15% (d)	-						4	(a)
ML	Principal	6,000	50	15	5	15	5	5	-	45
	Accessory	15% (d)	-	(c)	5				10	(a)
MH	Principal	7,500	75	20	15				-	60
	Accessory	15% (d)	-	(c)	5				10	(a)

TABLE NOTES

a. The maximum height of accessory buildings and structures shall not exceed the height of the principal building or structure.

b. Moderate Density Multi-Unit Dwellings in the **CC** and **CH** Zones are subject to the bulk requirements of the **RM-2** Zone in Table 6.2 Residential Bulk Tables.

c. Accessory structures in the **ML** and **MH** Zones may only be located to the side or the rear of the principal building or structure.

d. The minimum area for accessory dwelling units shall be four-hundred square feet (400 sq. ft.).

6.4 INSTITUTIONAL, AGRICULTURAL AND OPEN SPACE REGULATIONS

6.4.1 *INSTITUTIONAL, AGRICULTURAL AND OPEN SPACE USE TABLE*

No new use or expansion of an existing use in any institutional, agricultural or open space zone may be established except in conformity with Table 6.5 –Institutional, Agricultural and Open Space Use Table.

Table 6.5 – Institutional, Agricultural and Open Space Use Table

P = Permitted C = Conditional - = Not Permitted * = Use Specific Standards Apply	Inst.	Agriculture and Open Space						
USE	I	AR	AR-R	AR-M	AR-C	AR-O	O	REF
Agricultural Fairground	-	-	-	-	-	-	C	
Agricultural Uses	-	P	P	P	P	P	P	
Agricultural Uses, Specialized	-	P	P	P	P	-	-	
Animal Hospitals and Veterinary Clinics	-	C	-	C	C	-	-	
Animal Pounds and Kennels	-	P	-	C	C	-	-	
Arts Centres, Galleries and Libraries	P	-	-	-	-	P	P	
Camping and Tenting Grounds	-	-	-	-	-	P	P	
Cemeteries	-	-	-	-	-	-	C	
Child Care Facility	P*	-	-	-	-	-	-	7.9
Community Centres or Community Clubs	P	C	C	C	C	C	C	
Community Resource Centres	P	-	-	-	-	-	-	
Dwelling, Single Units	-	C	C	-	-	-	-	
Golf Courses and Driving Ranges	-	-	C	-	P	P	P	
Gun Clubs and Ranges	-	-	-	C	-	-	C	
Horticultural and Garden Supply Establishments	-	C	C	P	P	C	-	
Hospital	P	-	-	-	-	-	-	
Hostels for seven (7) or fewer children or adults	P	-	-	-	-	-	-	
Indoor Recreation Facilities	-	-	-	-	C	P	P	
Institutional Care Facilities	P	-	-	-	-	-	-	
Medical Clinic	P	P	P	-	-	-	-	
Mushroom Farms	-	P	-	P	P	-	-	
Music Conservatories	P	-	-	-	-	P	P	
Offices	P	-	-	-	-	-	-	
Outdoor Recreation Facilities	P	-	-	-	-	P	P	
Parks, Picnic Areas, Playgrounds and Recreational Trails	P	P	P	P	-	P	P	
Places of Worship	P	-	-	-	-	-	-	
Planned Unit Development	C*	-	-	-	-	-	-	7.14
Public Parking Areas	P	-	-	-	-	-	-	
Public Swimming Pools	P	-	-	-	-	P	P	
Public Utilities and Buildings	P*	P*	P*	P*	P*	P*	P*	3.14
Recreation Facility, Commercial	-	C	-	C	C	C	C	
Residential Care Facilities	P	-	-	-	-	-	-	
Riding Academies and Stables	-	P	C	C	C	C	C	
Sand, Gravel and Mineral Extraction Operations	-	C*	-	-	-	C*	C*	1.9.1 (g)
Schools	P	-	-	-	-	-	-	

Table 6.5 – Institutional, Agricultural and Open Space Use Table

P = Permitted C = Conditional - = Not Permitted * = Use Specific Standards Apply	Inst.	Agriculture and Open Space						
USE	**I**	**AR**	**AR-R**	**AR-M**	**AR-C**	**AR-O**	**O**	**REF**
Waste Disposal Grounds	-	C*	-	-	-	-	-	7.3
Water Treatment Facilities	-	P	P	P	P	P	P	
ACCESSORY								
Animal Keeping	-	C*	C*	C*	C*	C*	C*	7.7
Any building or structure, excluding dwellings, necessary for the operation, maintenance and administration of a permitted or conditional use.	P	P	P	P	P	P	P	
Canvas & Tent Structures	P*	P*	P*	P*	P*	P*	P*	7.18
Child Care (Home Based)	-	C*	C*	-	-	-	-	7.10
Covered Patios	-	P	P	P	P	P	P	
Farm buildings and structures	-	P	P	P	P	P	P	
Farm Dwellings	-	P	P	P	P	P	P	
Greenhouses	-	P	P	P	P	P	P	
Home Occupations	-	P*	P*	P*	P*	P*	P*	7.11.1
Home Industries	-	C*	C*	C*	C*	C*	C*	7.11.2
Incinerators	-	C	C	C	C	C	C	
Individual sewage disposal units subject to the approval of the authority having jurisdiction	-	P	P	P	P	P	P	
Off Street Parking Areas	P*	P*	P*	P*	P*	P*	P*	Part 4
Outside Storage	-	P	-	P	C	-	-	
Playhouses	-	P	P	P	P	P	P	
Private Communications Facilities	P*	P*	P*	P*	P*	P*	P*	7.16
Private Garages or Carports	-	P	P	P	P	P	P	
Sheds or Toolhouses	-	P	P	P	P	P	P	
Shipping Containers	P*	P*	P*	P*	P*	P*	P*	7.17
Signs								
- Advertising – On-Site	-	P*	P*	P*	P*	-	-	
- Advertising – Off-Site	-	C*	C*	C*	C*	-	-	Part 5
- Identification – Building/Use	P*	P*	P*	P*	P*	P*	P*	
- Directional	P*	P*	P*	P*	P*	P*	P*	
Solar Energy System, Commercial	P*	-	-	-	-	-	-	7.19
Solar Energy System, On-Site	P*	P*	P*	P*	P*	P*	P*	7.19
Storage of goods used or produced by agricultural activities unless such storage is excluded by the zone regulations	-	P	P	P	P	P	P	
Summer Houses (Gazebos, Sunrooms or Screen Rooms)	-	P	P	P	P	P	P	
Swimming Pools	-	P*	P*	P*	P*	P*	P*	7.1

6.4.2 *INSTITUTIONAL, AGRICULTURAL AND OPEN SPACE BULK TABLE*

No person may erect a building or structure in any institutional, agricultural or open space zone unless the building or structure complies with the Institutional, Agricultural and Open Space Bulk Table and any other regulations in this section.

Table 6.6 – Institutional, Agricultural and Open Space Bulk Table

ZONE	USE	SITES		YARDS					OTHER	
		Area (acres) (d)	Width (ft.)	Front (ft.)	Side (ft.)		Rear (ft.) (b)		Building Distance (ft.)	Max Height (ft.)
					Int.	Corner	Lane	No Lane		
I	Principal (c)	7000 sq. ft.	60	25	10	15	20	25	4	45
	Accessory	-	-				5	2	10	(c)
AR	Principal (c)	40	300	125	25	125	25		-	45
	Accessory	-	-	(a)			5		20	
AR-R	Principal	20	300	125	15	125	25		-	
	Accessory	-	-	(a)			5		20	
AR-M	Principal	20	300	125	15	125	25		-	
	Accessory	-	-	(a)			5		20	
AR-C	Principal	5	300	125	15	125	25		-	
	Accessory	-	-	(a)			5		20	
AR-O	Principal	5	300	125	15	125	25		-	
	Accessory	-	-	(a)			5		20	
O	Principal	5	300	125	15	125	25		-	
	Accessory	-	-	(a)			5		20	

TABLE NOTES

a. The minimum front and side yard requirements for accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal use of the site.

b. Where the rear yard in an **AR, AR-R, AR-M, AR-C**, or **AR-O** Zone abuts a municipal road, the required rear yard shall be one hundred and twenty-five feet (125 ft.).

c. The maximum height of accessory buildings and structures shall not exceed the height of the principal building or structure.

d. Nothing in this table shall relieve an owner from meeting the provincial requirements for on-site septic wastewater (minimum two (2) acres in area and minimum one hundred and ninety-eight feet (198 ft.) in site width).

PART 7 USE-SPECIFIC REGULATIONS

7.1 SWIMMING POOLS AND HOT TUBS

Private swimming pools, hot tubs, and similar structures with a water depth of greater than two (2) ft., shall be allowed as a permitted accessory use to a residential use (including when located on a farm) provided that:

a. They meet the siting requirements of accessory structures for the zone in which they are located;

b. A development permit is issued under this By-Law;

c. The pool area is protected by a fence with lockable gates and a minimum height of 6 ft. to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from crawling underneath;

d. Hot tubs shall have a rigid cover;

e. Outdoor pools and hot tubs are not permitted to be located in the front yard; and

f. Nothing in this subsection shall relieve any such structure from complying with the requirements under the local Building Bylaw or applicable provincial regulations including *The Buildings Act* and *The Public Health Act.*

7.2 STANDARDS FOR SEWAGE TREATMENT SITES (LAGOON)

A mutual separation distance of 300 m. (1,000 ft.) shall be maintained between a dwelling and a sewage treatment site or lagoon.

7.3 STANDARDS FOR WASTE DISPOSAL SITES

A mutual separation distance of 400 m. (1,320 ft.) shall be maintained between a dwelling and a waste disposal site.

7.4 SEPARATION DISTANCES FOR ANHYDROUS AMMONIA STORAGE FACILITIES

Anhydrous Ammonia Storage Facilities shall be located at a minimum distance of:

a. Five thousand feet (5,000 ft.) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens' homes, and other institutional facilities;

b. Five thousand feet (5,000 ft.) away from any village or settlement centre;

c. One thousand, six hundred and fourty feet (1,640 ft.) from any dwelling;

d. One hundred and sixty feet (160 ft.) away from any creek, stream, or environmentally sensitive area; and

e. Three hundred and thirty feet (330 ft.) from the edge of the right-of-way of a Provincial Road or Highway.

7.5 SEPARATION DISTANCES FOR DANGEROUS GOODS OR AGRICHEMICAL STORAGE FACILITIES

Dangerous goods or agrichemical storage facilities shall be located at a minimum distance of 50 m. (165 ft.) from the site property lines in the **RR, RS** and **I** zones.

7.6 STANDARDS FOR WIND ENERGY GENERATING SYSTEMS (ON-SITE/ROOFTOP)

An on-site/rooftop Wind Energy Generating System must meet all of the following standards:

a. it is set back at least twenty feet (20 ft.) from the front building line, or, in the case of corner lots, at least fifteen feet (15 ft.) from the front and side lot line;

b. it is limited to a total turbine height of no more than fifteen feet (15 ft.) above the rooftop; and

c. it is safely and securely attached to the rooftop in compliance with the Federal and Provincial Building Codes.

7.7 ANIMAL KEEPING

All Animal Keeping, where allowed, must meet the following standards:

a. Animal Keeping shall only be considered as an accessory use to a principal or accessory residential use;

b. In **RR2, AR**, **AR-R**, **AR-M** and **AR-C** zones, livestock shall be allowed on a site subject to each of the following:

   (i) One (1) hog, goat, or sheep (on a minimum two (2) acre site);

   (ii) Four (4) horses (on a minimum two (2) acre site);

   (iii) Twenty (20) chickens; either-or

   (iv) Ten (10) turkeys, ducks, or geese;

c. In the **O** and **AR-O** zones, livestock shall not exceed 0.67 Animal Units (AU) per acre, to no more than ten animal units (10 AU) in total;

d. The number of AU for the calculation of Animal Keeping shall be determined in accordance with the table provided in **Appendix I**;

e. A minimum setback of twenty-five feet (25 ft.) from all property lines shall be required for all pens, coops, aviaries, hutches, and similar enclosures or free-range areas; and

f. The keeping of livestock animals shall not interfere with the use and enjoyment of adjacent land uses as determined by the Designated Officer.

7.8 SECONDARY SUITES

All secondary suites:

a. shall comply with the Manitoba Building and Plumbing Codes;

b. shall only be permitted on lots containing an owner-occupied single unit dwelling as the principal use; and

c. shall not be subdivided from either the principal single unit dwelling (if attached), or the principal single unit dwelling site (if detached).

7.8.1 *ATTACHED SECONDARY SUITES*

An Attached Secondary Suite is allowed as an accessory use to a single unit dwelling provided that:

a. The minimum site area for a site with an attached secondary suite shall be no less than four thousand square feet (4,000 sq. ft.);

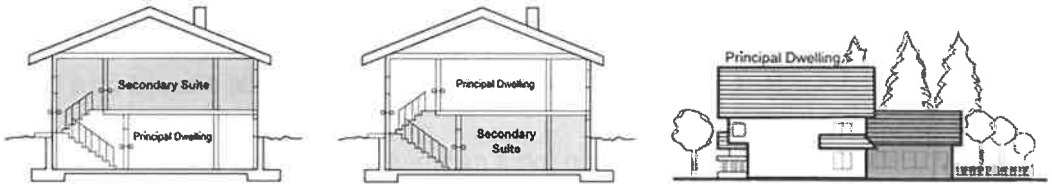
b. Excluding the garage floor area and common space, an attached secondary suite shall be no larger than eighty percent (80%) of the total floor area of all storeys of the principal dwelling unit, or eight hundred square feet (800 sq ft), whichever is less.

c. An attached secondary suite shall contain a minimum of two (2) rooms, one of which must be a bathroom;

d. Only one (1) entrance to the dwelling shall be visible from the front street, unless the residence already contained an additional street-facing entrance prior to the creation of the secondary suite;

e. Only one (1) attached secondary suite is permitted per single unit dwelling, per site. Where a site already contains a single unit dwelling with a detached secondary suite, an attached secondary suite shall not be permitted; and

f. Attached secondary suites shall not be subdivided from the principal single unit dwelling.



Styles of Attached Secondary Suites (from left to right): a suite above the main floor, a basement suite and a suite added as an addition.

7.8.2 *DETACHED SECONDARY SUITES*

A Detached Secondary Suite is allowed as an accessory use to a single unit dwelling provided:

a. The minimum site area for a site with a detached secondary suite shall be no less than five thousand square feet (5,000 sq. ft.) in size;

b. Excluding the garage floor area and common space, an attached secondary suite shall be no larger than eighty percent (80%) of the total floor area of all storeys of the principal dwelling unit, or eight hundred square feet (800 sq ft), whichever is less.

c. A detached secondary suite shall comply with all yard requirements applicable to principal buildings on site, except where an existing building (garage) is converted into a detached secondary suite;

d. All detached secondary suites shall have vehicular access via an existing driveway;

e. A detached secondary suite shall be connected to the municipal water and sewer systems;

f. Only one (1) detached secondary suite is permitted on a site. Where a site already contains a single unit dwelling with an attached secondary suite, a detached secondary suite shall not be permitted;

g. A detached secondary suite cannot be a manufactured home; and

h. A detached secondary suite shall not be subdivided from the principal unit dwelling site.



Styles of Detached Secondary Suites (from left to right): a converted garage suite, a suite above a garage (often referred to as a carriage suite) and a standalone suite (typically smaller than a converted garage suite).

7.9 CHILD CARE FACILITY

In addition to all standards applicable to the zone where the use is located, the following standards apply to all child care facilities:

a. Each child care centre must provide a drop-off / pick-up are to ensure the safety of individuals and to ensure that vehicles dropping off or picking up do not interfere with the smooth traffic flow on adjacent public streets.

b. All child care facilities must comply with provincial licensing.

7.10 CHILD CARE – HOME BASED

In addition to the other requirements of this By-Law, the following standards apply to home-based childcare operations.

a. A licensed, home-based child care operation is considered a home-based business and is permitted as an accessory use within a single dwelling unit, in accordance with provincial licensing;

b. No other home-based businesses may be conducted within the premises;

c. Hours of operation must be limited to hours between 6:00 a.m. and 7:00 p.m.;

d. Limited to no more than eight (8) children; and

e. A pick-up / drop-off area must be provided, which may be a driveway, to ensure the safety of the children when entering and exiting the premises;

7.11 HOME BUSINESSES

No greater than two (2) home businesses shall be permitted on any one residential block.

7.11.1 HOME OCCUPATIONS

A Home Occupation means an accessory use which:

a. Shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood;

b. The owners and operators of the home occupation must be residents of the dwelling unit (no employees are allowed);

c. Shall be subject to the sign requirements of the zone;

d. Shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling unit involved;

e. Shall not exceed a maximum floor area of three hundred square feet (300 sq. ft.) or twenty percent (20%) of the principal building floor area, whichever is the lesser;

f. 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 official use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the official use are to be stored;

h. Any work or activity conducted on the premises in connection with the home occupation shall be carried out entirely within the residential dwelling unit, with no outside storage or display;

i. A home occupation shall not include social escort services, tow-truck operations, or any general or convenience retail operations, however in the case of retail sales or distribution, the owner/operator of a home occupation may offer 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 as ancillary to the home occupation. For example, a hairdresser offering hair care products for sale; and

j. The home occupation shall not create nuisance by 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.

7.11.2 HOME INDUSTRIES

A Home Industry shall comply with the following regulations:

a. The Home Industry shall operate as a secondary use and be carried out in a building that is accessory to a dwelling unit and does not exceed a floor area of nine hundred square feet (900 sq. ft.);

b. The employment of household and non-household members is allowed as part of the Home Industry to a maximum of three (3) persons;

c. The selling of goods or services related to the Home Industry is allowed;

d. The character and scale of the Home Industry shall not create offensive or objectionable impacts on any adjoining sites;

e. Outside storage of goods and materials is allowed as part of the Home Industry if the storage is located to the rear of a line adjacent to and parallel with the front wall of the building;

f. Shall be subject to the sign requirements of the zone;

g. There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units;

h. The Home Industry shall comply with all environmental and public health standards of the Province of Manitoba. If Council determines that a proposed Home Industry may conflict with these standards, the application shall be referred to the appropriate Provincial department(s) prior to issuing a Development Permit; and

i. In addition to the information generally required for a Development Permit, each application for a Development Permit for a proposed Home Industry shall include a description of the official use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the official use are to be stored.

7.12 BED AND BREAKFAST HOMES

A Bed and Breakfast Home shall comply with the following regulations:

a. The operator of the bed and breakfast home must reside on the premises and must use it as their principal residential dwelling;

b. The maximum number of guest rooms is the number of bedrooms existing in the structure, minus one for occupancy by the owners/operators of the facility;

c. No cooking facilities are permitted in guest rooms;

d. A bed and breakfast home shall not change the aesthetic character of the neighbourhood in which it is located, nor shall it generate an excess of vehicular traffic that is otherwise uncharacteristic of the neighbourhood;

e. Approved smoke and carbon monoxide (CO) alarms shall be required:

   (i) in every bedroom or bedroom suite; and

   (ii) in the common corridor of every storey or floor level, even if no bedroom or bedroom suite is provided on that storey or floor level;

f. The smoke/co alarms are to be electrically hard wired to each other in cases where major renovations are to take place; and

g. An approved 2.20 kg (4.85 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.

7.13 CONDOMINIUM DEVELOPMENT (MULTI-UNIT)

Condominium developments are characterized by the individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways, and equipment held by the condominium corporation. Condominium developments shall be regulated by the following provisions:

a. In bare land condominium developments, each bare land unit, as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a zoning site as defined by this By-Law, for the purposes of determining site area and width, yards, and other requirements;

b. In bare land condominium developments, common elements, as defined in *The Condominium Act,* which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes, but not including pedestrian walkways or off-street vehicle parking areas, shall be considered streets, where such thoroughfares are over thirty-three feet (33 ft.) in width; and

c. In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-unit dwelling.

7.14 PLANNED UNIT DEVELOPMENTS

A Planned Unit Development is primarily a major land development project that, because of its size of complexity, high density, mixture of land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan.

a. There are many possible innovative projects that can occur within a Planned Unit Development, including, but not limited to:

   (i) Comprehensive redevelopment, including mixed use projects;

   (ii) Condominium developments that propose a mixture of different land uses and dwelling types;

   (iii) Townhouse and apartment projects containing two or more principal buildings and characterized by diverse designs;

   (iv) Alternative subdivision layouts; and

(v) Shopping centres, commercial and industrial developments utilizing common elements to address common needs including parking, access, etc.

b. While specific regulations in a Zoning District shall not directly apply to Planned Unit Developments, the project shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of building separation, parking, height and other regulations and regulations of this By-Law.

c. An application for a Planned Unit Development shall include normal development permit regulations as well as an impact assessment study and/or engineering study that outlines the following information:

(i) economic, social, and environmental benefits to the community;

(ii) the effect on the general character of the area and adjacent areas;

(iii) the effect on the general environment including, but not necessarily limited to, drainage, groundwater, and erosion;

(iv) the effect on Municipal services and the street system;

(v) an overall landscaping plan as well as area(s) identified for dedication to the Town as public park (if required); and

(vi) such additional information as required by Council.

d. The density of development shall not be increased from the normal density per gross hectare (acre) permitted in the Zoning District in which the proposed Planned Unit Development is located.

e. Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Land Titles office.

7.15 ROOMING HOUSES

All rooming houses must meet the off-street parking provisions outlined in Table 4.2, as well as the following standards:

a. Where permitted, the maximum cumulative area of the bedroom units within a rooming house shall be limited to fifty percent (50%) of the gross floor area of the dwelling (not including a garage) or eight (8) units, whichever is lesser; and

b. A rooming house must meet all requirements of the Building Code and attain all appropriate municipal and provincial permits prior to occupancy.

7.16 PRIVATE COMMUNICATION FACILITIES

Private communication facilities are permitted in all zones as an accessory use in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located or erected, with the following exceptions:

a. A private communication facility is not subject to the height requirements for accessory structures;

b. A private communication facility may be located in any rear or side yard in any zone. It may also be located in the front yard of Institutional, Agricultural and Open Space Zones; and

c. A private communication facility shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from grade to the uppermost point of its extension.

7.17 SHIPPING CONTAINERS

Shipping containers may be permitted on a temporary basis in residential, commercial and institutional districts within front, rear, and side yards for a maximum period of 90 days and when authorized by the Designated Officer and subject to terms and conditions set out in the Development Permit. Shipping containers may be allowed in industrial, commercial highway, agricultural and open space districts as follows:

a. If on-site for fewer than ninety (90) days per calendar year:

   (i) Shall be classified as a Temporary Use.

   (ii) Shall be located to the rear and/or side of the principal building.

b. If on-site for more than ninety (90) days per calendar:

   (i) Shall be classified as an accessory building and subject to the relevant provisions of this Zoning By-law or as a principal building and subject to the relevant provisions of this Zoning By-law.

c. For sites, less than two and one-half (2 ½) acres there shall be no more than two (2) storage containers; for sites between two and one-half (2 ½) acres and five (5) acres there shall be no more than 4 storage containers; and for sites greater than five (5) acres there shall be no more than six (6) storage containers within the **CH, MH & ML** Zones;

d. Notwithstanding the provisions above, no more than one (1) shipping container no greater than twenty (20) feet in length, shall be permitted in the **CC** Zone;

e. All shipping containers shall be painted the same colour as the principal building on site;

f. Shipping containers shall be properly anchored and maintained in good repair;

g. Shall be prohibited from being used for human habitation;

h. Shall not block, obstruct, or reduce exits, windows, parking spaces, or driveways; and

i. Shall not be stacked.

7.18 CANVAS AND TENT STRUCTURES

Canvas buildings and tent structures may be permitted on a seasonal basis in residential, commercial and institutional districts subject to district regulations regarding placement of accessory buildings, but shall not be allowed at any time within the portion of a property between the front building wall and any public street right-of-way unless authorized by the Designated Officer and subject to terms and conditions set out in the Development Permit.

Canvas buildings and tent structures may be permitted in all zoning districts as follows:

a. If on-site for fewer than ninety (90) days per calendar year:

   (i) Shall be classified as a Temporary Use.

   (ii) Shall be located to the rear and/or side of the principal building.

b. For sites, less than two and one-half (2 1/2) acres there shall be no more than two (2) canvas or tent structures; for sites between two and one-half (2 1/2) acres and five (5) acres there shall be no more than four (4) canvas or tent structures; and for sites greater than five (5) acres there shall be no more than six (6) canvas or tent structures in the **CC, CH, ML & MH** Zones;

c. Number of Canvas and Tent Structures shall comply with the Maximum size of Accessory buildings, Structures or Uses as stated in Table 6.2 when within the **RMH, RS-U, RS, RT, RM-1, RM-2 & RR-2** zones.

d. If on-site for more than ninety (90) days per calendar:

(i) Shall be classified as an accessory building and subject to the relevant provisions of this Zoning By-law or as a principal building and subject to the relevant provisions of this Zoning By-law.

Note: Further provisions contained in Section 3.3 Accessory Buildings, Structures or Uses.

7.19 SOLAR ENERGY SYSTEMS

All solar energy systems must meet the following standards:

a. Any solar energy system not connected to a building shall adhere to the same setbacks and height restrictions for accessory buildings for the zone in which the installation is situated;

b. A roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the principal structure;

c. A solar collector that is mounted on a roof may project a maximum of five (5) ft. from the surface of the roof but may not extend beyond the outermost edge of the roof; and

d. A solar energy system that is mounted on a wall may project a maximum of two feet (2 ft.) from the surface of the wall and must be located a minimum of eight feet (8 ft.) above grade.

7.20 CANNABIS RETAIL STORE

Cannabis retail stores shall comply with the following provisions:

a. shall be located at a minimum distance of five hundred feet (500 ft.) from all existing public and private schools and child care services; and

b. adherence to all provincial requirements including the successful completion of the application process, entering into a Retailer Agreement with Manitoba Liquor and Lotteries (MBLL), and be issued a License from the Liquor, Gaming and Cannabis Authority of Manitoba (LGCA).

7.21 DRIVE-THRU ESTABLISHMENTS

Drive-thru establishments must comply with the following provisions;

a. Existing parking or loading stalls must not be utilized as part of a drive-thru lane;

b. No drive-thru establishment may be located on a site adjacent to a residential use, unless the drive-thru establishment is separated from the residential use by an intervening building, public lane, or public street;

c. All drive-thru establishments shall require a minimum site depth of one hundred feet (100 ft); and

d. Stacking space shall be provided as follows:

(i) Drive-Thru Food Services - a minimum of six (6) in-bound stacking spaces shall be provided for vehicles approaching the establishment service window. A minimum of one (1) out-bound stacking space shall be provided on the exit side of each service position, and shall be located so as not to interfere with service to the next vehicle;

(ii) Automated Teller Machines – a minimum of three (3) in-bound stacking spaces shall be provided;

(iii) Stacking spaces shall be a minimum of eighteen (18 ft.) long and ten feet (10 ft.) wide; and

(iv) Stacking spaces shall be located so as not to interfere with the regular flow of traffic from required off-street entrances and exits, or parking lanes and spaces.

PART 8 - ZONING MAP

Town of Neepawa

Zoning By-Law
No. 3239-26

RM of Rosedale

4
15-15-W

34
14-15-W

29
14-15-W

27
14-15-W

Municipality of North Cypress-Langford

Whitemud River

Park Lake

Stony Creek

Franklin Creek

Lake Irwin

Zones

- AR - Agricultural Restricted Zone
- AR-C - Agricultural Restricted-Commercial Zone
- AR-O - Agricultural Restricted-Open Space Zone
- AR-R - Agricultural Restricted-Residential Zone
- CC - Commercial Central Zone
- CH - Commercial Highway Zone
- I - Institutional Zone
- MH - Industrial Heavy Zone
- ML - Industrial Light Zone
- O - Open Space Zone
- RM-1 - Residential Multi-Unit 1 Zone
- RM-2 - Residential Multi-Unit 2 Zone
- RMH - Residential Mobile/Modular Home Zone
- RR2 - Residential Rural Zone
- RS - Residential Single Unit Zone
- RS-U - Residential Unserviced Zone
- RT - Residential Two Unit Zone

Ancillary Features

- Municipal Boundary
- Survey Parcels
- PTH
- PR
- Railway
- Lakes and Rivers

0 175 350 700 Metres

0 500 1,000 2,000 Feet

N

DATE: 2026-09-24

Manitoba
Community Planning Services
Municipal and Northern Relations

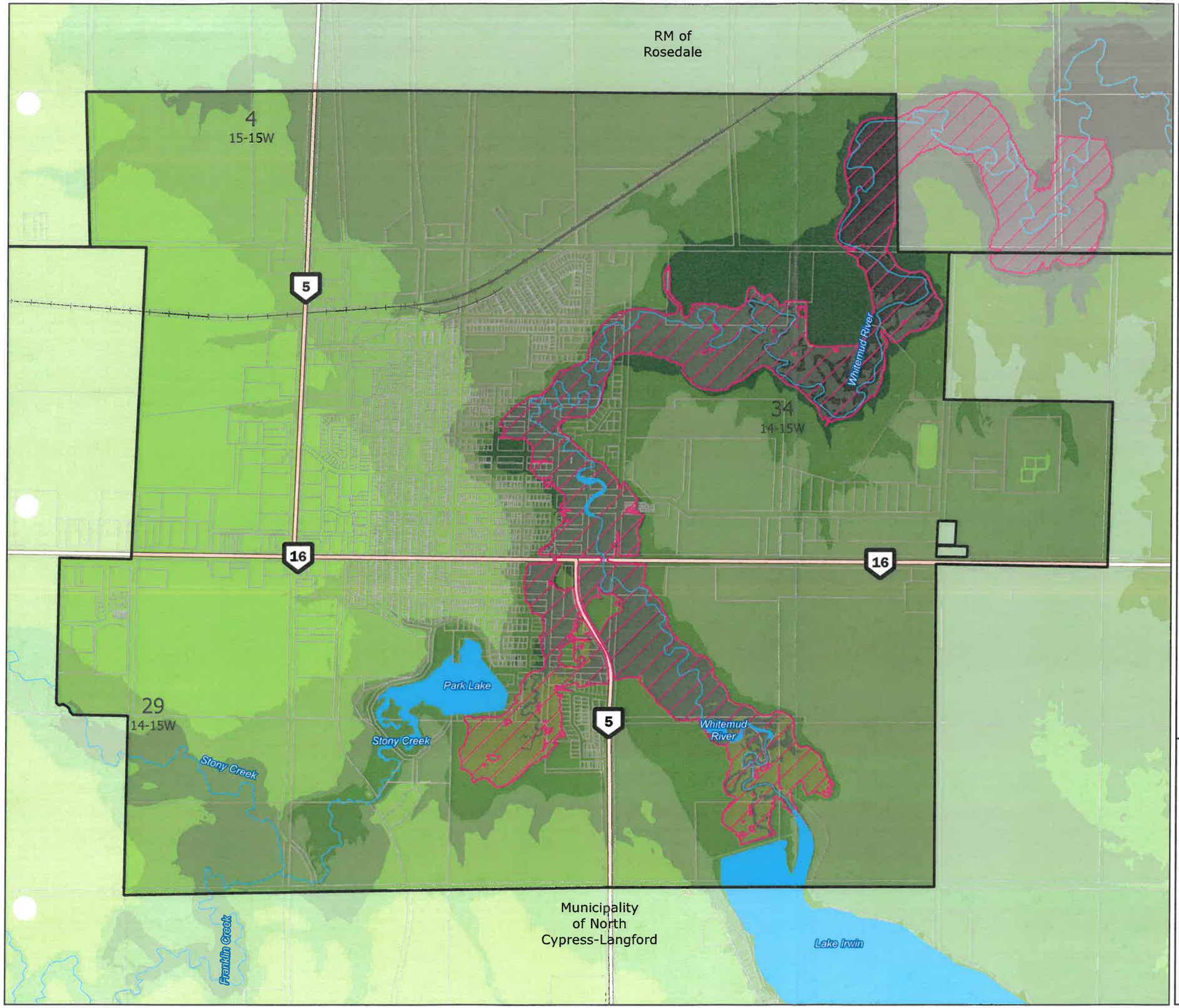
APPENDIX I – ANIMAL UNIT TABLE

Animal Unit Calculation Table		
Type of Operation	**Animal Units Produced by One Animal**	**Livestock Producing One Animal Unit**
Dairy		
Milking Cows, including associated livestock	2.0	0.5
Beef		
Beef Cows, including associated livestock	1.25	0.8
Backgrounder	0.5	2.0
Summer Pasture/replacement heifers	0.625	1.6
Feeder cattle	0.769	1.3
Hogs		
Sows, farrow to finish	1.25	0.8
Sows, farrow to weanling	0.25	4.0
Sows, farrow to nursery	0.313	3.2
Weanlings	0.033	30.0
Growers/Finishers	0.143	7.0
Boars (artificial insemination operations)	0.2	5.0
Chickens		
Broilers	0.005	200.0
Roasters	0.01	100.0
Layers	0.0083	120.0
Pullets	0.0033	300.0
Broiler Breeder Pullets	0.0033	300.0
Broiler Breeder Hens	0.01	100.0
Turkeys		
Broilers	0.01	100.0
Heavy Toms	0.02	50.0
Heavy Hens	0.01	100.0
Horses		
Mares, including associated livestock	1.333	0.75
Sheep		
Ewes, including associated livestock	0.20	5.0
Feeder Lambs	0.063	16.0

Town of Neepawa

Elevation Flood Map

Zoning By-Law 3239-26



Water

- 1:200 Year Flood Extent
- Lakes and Rivers

Elevation

Metres above sea level

- ≤ 345
- 346 - 353
- 354 - 361
- 362 - 369
- 370 - 377
- ≥ 378

Ancillary Features

- Municipal Boundary
- Tax Assessment Parcel
- PTH
- PR
- Railway

N

Meters

0 250 500 1,000

0 500 1,000 2,000

Feet

Spatial Reference:
NAD 1983 UTM Zone 14N
Date: 2026-08-20

Manitoba
Community Planning Services
Municipal and Northern Relations