



# **ZONING BY-LAW**

**By-law No. 7124**

**ENACTED AND ADOPTED THIS  
18<sup>TH</sup> DAY OF JANUARY, 2016**

**An online version of this by-law is available at  
[www.brandon.ca/zbl](http://www.brandon.ca/zbl).**

**NOTICE**: Please consult the Planning & Buildings Department at 638 Princess Avenue or by calling 204-729-2110 regarding enquiries of this by-law.

This document is available in alternate formats upon request. Please contact the Planning & Buildings Department at 638 Princess Avenue or by calling 204-729-2110.

*This version is current as of July 20, 2022.*

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## LIST OF AMENDMENTS

This is a continuing consolidation of the City of Brandon Zoning By-law No. 7124 as amended, and prepared for the purpose of convenience only. For accurate reference, the original of this by-law and any other City of Brandon by-law should be consulted. Copies of original City of Brandon by-laws are available at the Office of the City Clerk, 410 – 9<sup>th</sup> Street.

The following table lists all of the amending by-laws to the City of Brandon Zoning By-law, in ascending adoption date order, beginning with the adoption of this by-law. This list is updated on a regular basis.

By-law No.	File No.	Affected Sites/Provisions	Date Adopted
7124	Z-01-15-B	City of Brandon Zoning By-law	January 18, 2016
<i>City of Brandon Zoning By-law No. 7124 amended by:</i>			
7135	Z-03-15-B	231 Rosser Avenue East—IR → RLD	April 4, 2016
7134	Z-04-15-B	6701 & 8055 Richmond Avenue East—DR → IH	April 18, 2016
7136	Z-05-15-B	Section 49; Tables 4, 9, 10, 12, 14 and 19	June 6, 2016
7138	Z-01-16-B	1620 Braecrest Drive—CG → RLD	June 20, 2016
7142	Z-02-16-B	2335 Patricia Ave—DR → RMH	July 18, 2016
7150	Z-04-16-B	2105 Brandon Avenue—PR → RMD	September 19, 2016
7149	Z-03-16-B	1955 – 34 <sup>th</sup> Street—AG80 → RLD	February 6, 2017
7155	Z-06-16-B	Subsection 6(b); Section 38; Table 15	March 6, 2017
7156	Z-07-16-B	Multiple sites owned by the City of Brandon	March 6, 2017
7177	Z-01-17-B	1890 – 65 <sup>th</sup> Street East—DR → IH	July 17, 2017
7194	Z-03-17-B	701 – 17 <sup>th</sup> Street East—DR → IG	January 22, 2018
7201	Z-04-17-B	1035 & 1209 Richmond Avenue—EI → CAR	March 5, 2018
7188	Z-02-17-B	3500 McDonald Avenue—A and PR → CG	August 13, 2018
7214	Z-02-18-B	700 Maryland Avenue—OS → EI	September 4, 2018
7212	Z-03-18-B	General text update	September 17, 2018
7216	Z-04-18-B	609 – 39 <sup>th</sup> Street—DR → RSD	September 17, 2018
7208	Z-01-18-B	1700 – 30 <sup>th</sup> Street—DR → RSD, RLD, and OS	October 1, 2018
7217	Z-05-19-B	1015 – 13 <sup>th</sup> Street—RLD → CN	December 3, 2018
7234	Z-01-19-B	2605 and 2611 Rosser Avenue—RLD → RMD	July 15, 2019
7235	Z-02-19-B	2222 Currie Boulevard—RMH → CAR	July 15, 2019
7239	Z-03-19-B	Text updates related to the Downtown Brandon Secondary Plan	July 15, 2019
7241	Z-04-19-B	2211 Portola Drive—RLD and PR → RMD	September 16, 2019

By-law No.	File No.	Affected Sites/Provisions	Date Adopted
7246	Z-05-19-B	East side of 200-400-blocks of 21 <sup>st</sup> Street—EI → RMD 1837 Princess Avenue—EI → RLD 2003 Princess Avenue—EI and RLD → EI 2021 Victoria Avenue—CAR → EI	October 7, 2019
7247	Z-06-19-B	Part of 1910 Bell Avenue—DR → CAR Part of 1910 Hamilton Avenue—A → CAR	October 7, 2019
7248	Z-07-19-B	General text update	October 7, 2019
7256	Z-09-19-B	235 Glen Avenue—CAR → RMH	May 11, 2020
7265	Z-01-20	Updates to floodplain regulations	May 11, 2020
7267	Z-02-20	Part of 1901 and 1955 – 34 <sup>th</sup> Street—AG80 (Cornwallis) → RSD and PR	May 11, 2020
7254	Z-08-19-B	1501 Moreland Drive—DR → RMH	July 13, 2020
7271	Z-05-20	400 – 17 <sup>th</sup> Street North—OS → CAR	August 10, 2020
7218	Z-06-18-B	660 – 7 <sup>th</sup> Street and 725 Van Horne Avenue—IR → RMD	September 8, 2020
7275	Z-06-20	1504 – 10 <sup>th</sup> Street—RLD → RMD	September 8, 2020
7278	Z-07-20	135, 141, 143 and 147 – 18 <sup>th</sup> Street—CR → DMU	September 8, 2020
7226	Z-07-18-B	700 – 33 <sup>rd</sup> Street East—DR → IH	December 21, 2020
7292	Z-08-20	2 Outback Drive—DR → RLD	April 19, 2021
7293	Z-09-20	733 – 17 <sup>th</sup> Street East—DR → IG	May 17, 2021
7270	Z-04-20	1230 – 18 <sup>th</sup> Street North—RLL → RSD and OS	June 21, 2021
7306	Z-05-21	1901 and 1955 – 34 <sup>th</sup> Street; 1906 – 26 <sup>th</sup> Street—AG80 (Cornwallis) → RLD	July 12, 2021
7301	Z-03-21	Lot 1, Plan 48496 BLTO—PR → RMH	August 16, 2021
7304	Z-06-21	General text update	August 16, 2021
7305		Rezoning of various properties	August 16, 2021
7296	Z-02-21	1528/1534 Princess Avenue—CG → DMU	November 1, 2021
7316	Z-08-21	1910 Bell Avenue—RSD → RLD	November 1, 2021
7311	Z-07-21	2210 Maryland Avenue—DR → EI, PR, and DR	November 15, 2021
7303	Z-04-21	Lane, Block 10 Plan 15 BLTO—RLD → RMD	March 21, 2022
7269	Z-03-20	1501 Moreland Drive—DR → RMD and PR	July 18, 2022
7334	Z-03-22	Section 58 (downtown residential update)	July 18, 2022

**PART I: INTERPRETATION, ADMINISTRATION AND ENFORCEMENT**

**DIVISION 1: INTERPRETATION**

**1. SCOPE**

- (a) This by-law may be cited by its long title (“City of Brandon Zoning By-law”), its short title (“Zoning By-law”), or its by-law number (“By-law No. 7124”), and any such citation is to be taken as meaning this by-law as amended.
- (b) This by-law shall apply to all of the City of Brandon.
- (c) This by-law regulates
  - (1) the construction, erection, or placement of buildings, structures, and mobile or modular homes,
  - (2) the enlargement, alteration, or conversion of buildings and structures, and
  - (3) the establishment, change, extension, and enlargement of uses of sites, buildings, and structures.
- (d) No site, 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.
- (e) Buildings, structures, and uses which were lawfully in existence before this by-law, or an amendment to it came into effect, may continue to exist in accordance with the provisions of the Act.
- (f) Whenever a provision of another by-law, or an agreement with the City, 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 contradictory regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.
- (g) Nothing in this by-law shall exempt any person from complying with the requirements or from obtaining any license, permission, permit, authority, or approval required by this by-law or any other by-law of the City or any law of Canada or the Province of Manitoba. Where requirements in this by-law are in conflict with those of other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.
- (h) If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law shall remain valid.

Schedule A, City of Brandon Zoning By-law

1. (i) No use shall otherwise be permitted which is or would reasonably be injurious to the neighbourhood residents, or which would interfere with the reasonable use and enjoyment of their property, due to the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance under common law or any applicable law or by-law. [EN. B/L 7212]

**2. INTERPRETING ZONING REGULATIONS**

- (a) Permitted and conditional uses are outlined in table form within the regulations for each zone. The bulk and siting requirements for each use are also outlined in table form within the regulations for each zone. Use, bulk and siting requirements are also located in PART II: GENERAL PROVISIONS.
- (b) Where a use is not identified within the regulations for a zone, the use is a prohibited use in that zone.
- (c) The use tables and the bulk and siting tables within the rules for each zone may contain reference footnotes. These footnotes immediately follow the above noted tables and are deemed to be part of this by-law.
- (d) Whenever the terms R Zone, C Zone, D Zone or I Zone are used, they shall be deemed to refer only to residential, commercial, downtown or industrial zones respectively.

[AM. B/L 7239]

- (e) The following abbreviations contained in this by-law are intended to have the following meanings:

°	=	degree
ha	=	hectare
m	=	metre
m <sup>2</sup>	=	square metre
max.	=	maximum
min.	=	minimum
N/A	=	not applicable
- (f) Where any requirement of this by-law results in a fraction of a unit,
  - (1) Where a provision of this by-law is expressed as a whole number, the result shall be rounded to the nearest whole number, and
  - (2) Where a provision of this by-law is expressed with one (1) decimal place, the result shall be rounded to the nearest first decimal place.

Schedule A, City of Brandon Zoning By-law

2. (g) Where two or more regulations are equally applicable, all provisions shall apply or, where compliance with all applicable provisions is not possible, the most restrictive provisions shall apply. However, where an exception, note or overlay applies, that exception, note or overlay shall prevail.
- (h) Where a use has not been identified within a newly constructed building but a regulation imposes a requirement premised on that use being in the building, the requirement applies as though the actual area occupied by the use is in the building, so that the intent and meaning of the by-law is implemented.
- (i) Illustrations may be provided throughout this by-law for clarification and convenience only. Where an illustration appears to be in conflict with the written regulations applicable to a site, the written regulations shall prevail.
- (j) Any reference to one gender in this by-law includes all gender expressions, and words in the singular include the plural. [AM. B/L 7304]
- (k) Notwithstanding any of the above directions, final interpretation of any aspect of this by-law is to be determined by the Director.



Schedule A, City of Brandon Zoning By-law

**3. ZONES**

Uses of sites in the City are regulated in accordance with the following classes of zones:

<b>Zone Code</b>	<b>Zone Name</b>
RLL	Residential Large Lot
RSD	Residential Single Detached
RLD	Residential Low Density
RMD	Residential Moderate Density
RHD	Residential High Density
RMH	Residential Mobile/Modular Home
CN	Commercial Neighbourhood
CR	Commercial Restricted
CG	Commercial General
CAR	Commercial Arterial
CHW	Commercial Highway
DCB	Downtown Central Business
DMU	Downtown Mixed Use
IR	Industrial Restricted
IG	Industrial General
IH	Industrial Heavy
EI	Educational and Institutional
A	Agricultural
PR	Parks and Recreation
OS	Open Space
DR	Development Reserve
	Floodplain Overlay
	Aggregate Deposit Overlay
	Railway Protection Overlay

Effective on the passing of this by-law, all residential and industrial zones shall be renamed as above. Any change to a zone name does not constitute rezoning of property within such zones. All zones are established as shown on the zoning maps included in this by-law. [AM. B/L 7239]

**4. INTERPRETING THE ZONING MAPS**

- (a) The dimensions of the zoning maps are metric.
- (b) All plan references on the zoning maps pertain to registered plans filed in the Brandon Land Titles Office.
- (c) Zone boundaries indicated as following the centrelines of street, highway, lane and railway rights-of-way, streams, and rivers shall be construed to follow such centrelines. Where a street or lane is closed, the zone boundary shall follow the centreline of that closed street or lane.
- (d) Though street and lane rights-of-way may be within zone boundaries, the provisions of this by-law shall not be deemed to be applicable within open street and lane rights-of-way.
- (e) Zone boundaries indicated as following site lines, section lines, quarter section lines, and City limit lines shall be construed to follow such lines.
- (f) Where a site is divided into more than one zone, each portion of the site shall be used in accordance with the provisions of the applicable zone. However, the zone boundary shall not be treated as a site line.

**5. OVERLAY ZONES**

Overlay zones apply additional regulations to specific sites. These regulations add to the conventional regulations for each zone, applicable to a particular site. Where the conventional regulations applicable to a site are in conflict with the overlay zone regulations applicable to the site, the overlay zone regulations shall prevail.

6. DEFINITIONS

- (a) Terms not defined in this by-law but which are defined in the Act shall have the meaning provided in the Act.
- (b) The following definitions apply to the text of this by-law:
- Abutting**—where two sites share a common site line.
- Accessory use**—an activity customarily incidental, related, appropriate and clearly subordinate to the principal use of the site or building.
- Act**—The Planning Act, C.C.S.M. c. P80, and amendments thereto.
- Adult uses**—includes adult bookstores, adult video stores, adult theaters, or adult live entertainment establishments.
- Adult video store**—a retail outlet selling or renting material of a sexual nature in the form of videos, magazines, toys or other devices designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of specified human body areas.
- Airport**—any area of land or water 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**—a change, modification, or replacement in the parts of an existing building, structure, or use, which does not increase the exterior dimensions with respect to height and area, including, but not limited to, adding or enlarging windows or doors in exterior walls, replacement of building façades, or strengthening the load bearing capacity, to permit the accommodation of a specialized unit of machinery or equipment.
- Animal boarding and pounds**—a use where domesticated animals, excluding livestock, are bred, raised, groomed, trained or kept, for a fee on a temporary basis, and may include outdoor facilities.
- Animation**—the use of movement or some element thereof, to depict action or create a special effect or scene.
- Architectural feature**—a decorative feature applied to the exterior of a building wall.
- Arts and cultural centre**—a use where visual or performing arts are displayed or presented.
- Assembly area**—a use consisting of a gathering of persons for civic, political, travel, religious, social, educational, recreational, or similar purposes.
- Automobile**—a motor vehicle that requires a Class 5 Manitoba driver’s license or equivalent to operate as regulated by the Province of Manitoba.

6. (b) **Automotive service station**—a use where a site is used for supplying and storage of fuel, oil, and minor accessories, as well as making repairs to motor vehicles. Uses may also include, but not be limited to, convenience stores and car washes.
- Awning**—any roof-like structure, which may be constructed as an integral part of a building or attached in such manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over an entrance way or a window.
- Balcony**—an unenclosed platform projecting from the upper storeys of a building.
- Bank**—a use where financial services are provided, including the deposit, keeping, lending or exchange of money, and shall also include a trust company and credit union.
- Bank machine**—a machine, either freestanding or embedded in a building, providing services of a bank, and shall include machines installed as a drive-through facility.
- Basement**—the portion of a building below the first storey and partly or wholly underground.
- Boarding house**—a detached dwelling that is owner occupied, as defined in The Manitoba Building Code adopted under The Buildings and Mobile Homes Act, C.C.S.M. c. B93, in which living accommodation is provided for compensation. A boarding house shall have at least four (4) and no more than eight (8) sleeping units or tenants. [AM. B/L 7172, AM. B/L 7212]
- Boiler/steam plant**—a use where steam is produced for the purposes of either climate control of buildings or facilitating manufacturing activities.
- Building**—any structure used or intended for supporting or sheltering any use or occupancy.
- Bus terminal**—a use where City buses or commercial carriers pick up or drop off passengers, and shall include passenger and accessory freight loading areas, and information and ticket sales offices. [AM. B/L 7239]
- Campground**—a site planned and improved to accommodate camping trailers, pick-up coaches, motorized homes, tents, tent trailers, or other camping accommodations used for travel, recreational, and vacation uses.
- Car wash**—a use where automobiles are washed, cleaned and polished.
- Carport**—a garage that is not fully enclosed.
- Cemetery**—a site for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums, and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.
- Certificate of site completion**— a certificate issued to the applicant of a development permit upon completion of all improvements on a site or, for phased developments, a portion of a site, in accordance with the development permit. [EN. B/L 7212]
- Collection depot**—a location for the collection of recyclable material, such as glass, paper, cardboard, metal cans, plastic, grass, or leaves in containers.
- Columbarium**—a structure to provide for the placement of cremated human remains.

6. (b) **Commercial conversion**—the conversion of a portion of an existing dwelling to a commercial use. The converted building must retain at least one (1) dwelling unit, occupied by the owner of the building.
- Commercial establishment**—a business predominantly offering the retail sale of goods to clients, such use not already listed elsewhere in this by-law. For the purposes of bulk and siting requirements, a commercial establishment shall also mean the entire building or groups of buildings at a site meant to contain one or more commercial businesses within such building or buildings.
- Convention and exhibition centre**— a use where permanent facilities are provided for meetings, seminars, conventions, product and trade fairs and similar exhibitions.
- Council**—the Council of the City of Brandon.
- Courier service**—a business established to deliver mail and parcels, using either automobiles or trucks, for compensation, and shall include parking, repair and dispatch facilities.
- Day care, group**—the provision of child care services to nine (9) or more children not over twelve (12) years of age.
- Day care, home**—the provision of child care services in a dwelling unit, in which the owner or tenant resides, or places of worship, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8).
- Deck**—a structure consisting of an unenclosed platform, raised above grade, but does not include a balcony or porch.
- Density**—the total number of dwelling units divided by the total area of land to be developed.
- Development Plan**—the Brandon and Area Planning District Development Plan, 2013, adopted by By-law No. 95-01-12, and amendments thereto.
- Dormitory**—a residence for students and staff of a university or community college.
- Director**—the Director of the Planning & Building Safety Department, and any of his or her delegates.
- Drive-through facility**—a use where products or services are provided or dispensed through an attendant or a window or an automated machine, to persons remaining in motor vehicles that are in a designated queuing space, and may be in combination with other uses.
- Driveway**— a direct motor vehicle access from a parking space to a street.
- Dwelling**—a building or portion thereof designed for residential occupancy.
- Dwelling, detached**—a building containing only one (1) dwelling unit.
- Dwelling, duplex**—a building containing two (2) dwelling units with both dwelling units occupying the same site.
- Dwelling, multiple**—a building containing three (3) or more dwelling units, other than a row house dwelling.

6. (b) **Dwelling, row house**—a building with three (3) or more dwelling units joined side by side (or occasionally side to back), such as a townhouse, but not having any other dwellings either above or below. Each unit may or may not occupy its own site.
- Dwelling, semi-detached**—a building containing two (2) dwelling units with each dwelling unit occupying its own site.
- Dwelling unit**—one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities.
- Electric vehicle charging station**—equipment to transfer electrical power to a battery or other energy storage device in an electric vehicle. In accordance with the SAE J1772 standard, there are four levels of electric vehicle charging stations:
- 1) Level 1—also known as slow charging, up to 120V AC;
  - 2) Level 2 – also known as medium charging, up to 240V AC; and
  - 3) Levels 3 and 4 – also known as fast charging or DC fast charging, using DC equipment with higher power ratings. [EN. B/L 7304]
- Enlargement**—an addition to the floor area of an existing building or structure, or an increase in that portion of a site occupied by an existing use.
- Extension**—an increase in the amount of existing floor area used for an existing use, within an existing building.
- Farm implement**—large equipment operated to facilitate on-field agricultural activities and may either be self-driven, towed or carried on a trailer, such as tractors and combines.
- Farm product**—a good used to facilitate or maintain production of crops or livestock, such as livestock feed and agricultural fertilizer.
- Fence**—a structure, not being a building, intended for the purpose of total or partial physical and/or visual separation or enclosure of a property or portion thereof. Materials used to construct a fence are limited to wood, masonry materials, metal, pre-cast manufactured perforated or decorative concrete blocks or panels, and any combination thereof. A fence can also be a solid wall, not being part of a building, intended for the purpose of total or partial physical and/or visual separation or enclosure of a property, excluding any retaining walls.
- Fence, security**— a fence where materials used for its construction include barbed wire. [EN. B/L 7212]
- Flashing**—a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.
- Floodplain diked protection area**—includes lands protected from flooding by the City dike system designed to withstand a 1:200 year flood event. [AM. B/L 7265]
- Floodplain ecological preserve area**—includes all lands at or below the 1:100 year flood event. [AM. B/L 7265]
- Floodplain parks and recreation area**—includes all lands above the 1:100 year flood event elevation not protected by the City dike system. [AM. B/L 7265]

6. (b) **Floor area**—the sum of the gross horizontal areas of all the storeys and basements of all buildings and structures on a site, measured from the exterior face of the exterior walls or from the centreline of party walls. In particular, the floor area of a building or structure, unless herein otherwise provided for, shall include the following:
- 1) Basements when used for residential, commercial, or industrial purposes;
  - 2) Floor space used for mechanical equipment with structural headroom of 2.0m or more;
  - 3) Interior elevator shafts and stairwells; and
  - 4) Penthouses, mezzanines and attics where there is a structural headroom of 2.0m or more.

Roof or basement space used for the storage or housing of mechanical or central heating equipment, as well as accessory off-street parking and loading areas, shall not be included as floor area.

**Frame effect**—a visual effect on an electronic sign applied to a single frame to transition from one message to the next.

**Garage**—a building or portion thereof in which a motor vehicle is, or is intended to be, parked by on-site residents, businesses, employees, clients or guests.

**Grade**—the average level of the finished ground surface adjacent to the exterior walls of a building.

**Gutter**—a structure along a roof eave meant to collect and channel water from a roof, or a channel at the side of a street for leading off surface water.

**Habitable room**—any room used, or intended to be used, for living, sleeping, cooking, or eating purposes, or any combination thereof, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets, storage rooms, and rooms in basements used only for recreational purposes.

**Hall**—a private or public assembly area, such as, but not limited to, clubs, lodges, and banquet halls.

**Height**—the vertical distance measured from grade to the highest point of the building or structure. In reference to a building, height will be measured to the surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip, or gambrel roof. (See Figure 1.)

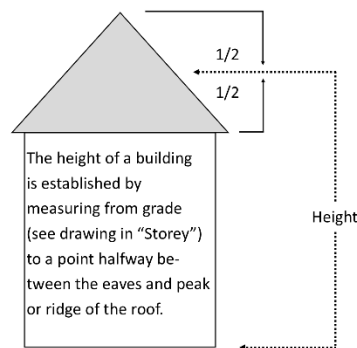


Figure 1: Determining height of a building with a gable or hip roof.

6. (b) **Heliport**—an area of land, water or structure used or intended to be used for the landing and takeoff of helicopters with appurtenant buildings and facilities.
- Home-based business**—a business accessory to a dwelling unit, its garage or its accessory building and operated by a permanent resident of the dwelling unit.
- Hotel**—a use where accommodation is provided for transient lodgers, in an individual room or apartment, with or without cooking facilities. Permitted incidental uses may include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms, and meeting rooms.
- Junk or salvage yard**—an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk or salvage yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.
- Laboratory**—a use where scientific research is conducted which may involve biological or chemical agents.
- Lane**—a street constructed and intended to provide a secondary means of access to and service at the rear or side of dwellings, businesses, and other buildings, and having a width of not more than 9.0m.
- Livestock production operation**—any agricultural operation where animals are fed in pens, buildings, or in areas or enclosures not normally used for grazing or pasturing of livestock. The following are not subject to the requirements for livestock production operations unless they create a pollution problem:
- 1) Cattle wintering operations;
  - 2) Livestock auction markets;
  - 3) Agricultural fairs;
  - 4) Livestock sale yards, in which livestock may be kept for a period not exceeding 10 days; or
  - 5) The existing operations and facilities operated by the Government of Canada.
- Live work unit**—a dwelling unit where a business other than a permitted home based business is operated by one or more residents and up to two employees. The work portion of the dwelling unit is considered accessory and shall not exceed 50% of the floor area of the dwelling unit.
- Loading space**—an off-street space on the same site with a building, or contiguous to a group of buildings, for the temporary parking of a motor vehicle while loading or unloading merchandise or materials, and which has access to a street or lane.
- Low intensity agricultural activities**—the non-intensive use of sites, buildings, or structures for the production of crops.
- Manufacturing, heavy**—includes manufacturing, assembly and processing of products and goods in an enclosed or outdoor facility, from which significant emissions may be generated during the normal course of operations, as well as operations with extensive outdoor operations or storage. Uses include, but are not limited to, foundries, chemical plants and refineries.



6. (b) **Manufacturing, light**—includes manufacturing, assembly and processing of products and goods entirely contained within an enclosed facility, from which little or no emissions are generated during the normal course of operations, and outdoor storage is minimal. Uses include, but are not limited to, woodworking shops, printing facilities and seed companies.
- Manufacturing, limited**—includes manufacturing, assembly and processing of products and goods in an enclosed or outdoor facility, from which little or no emissions are generated during the normal course of operations. Uses include, but are not limited to, machine shops, mobile or modular home manufacturers and concrete plants.
- Manufacturing of goods for sale**—light manufacturing where goods are produced for sale in an associated commercial use on site. Goods produced for sale on site may also be sold off site. Uses include but are not limited to microbreweries, bakeries and artisan shops. [EN. B/L 7212]
- Mobile home**—a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted, and which conforms to the structural standards of The Buildings and Mobile Homes Act, C.C.S.M. C. B93 and amendments thereto.
- Mobile/modular home park**—a site upon which mobile/modular home spaces are provided in accordance with this by-law.
- Mobile/modular home space**—a space in a mobile/modular home park for the placement of a mobile or modular home.
- Modular home**—a portable dwelling unit similar to but distinct from a mobile home, in that it may be folded, collapsed or telescoped when in tow, whose chassis is not designed to accommodate wheels, but which may be extended for additional space.
- Motel**—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. Permitted incidental uses include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms, and meeting rooms.
- Motor vehicle**—a motor vehicle as defined by the Province of Manitoba.
- Office**—a building or part 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, travel agencies, and community resource centres. [AM. B/L 7304]
- Owner**—as defined in the Act which states that, in relation to property, a person who is the owner of a freehold estate in the property, and includes a person who is an owner with another person as joint tenant or tenant in common of a freehold estate, a person who is the registered owner of a unit under The Condominium Act, and a real owner as defined in The Municipal Assessment Act.

6. (b) **Parking area**—an open area of land other than a street or lane, or an area within a structure, used for the parking of motor vehicles, accessory to a principal use.
- Parking facility**—an area used for the parking of motor vehicles, and includes parking spaces, aisles and site ingress and egress, developed at grade or in or on a building or structure, serving a use or uses on abutting or nearby sites, available for public use whether free or for compensation.
- Parking space**—that part of a site, building or structure on or in which a single motor vehicle may be parked.
- Partition**—an interior non-load bearing wall one storey or part storey in height.
- Party wall**—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.
- Pawn shop**—a commercial establishment where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where such property may be redeemed by the seller in a fixed period of time or sold to the general public. [AM. B/L 7239]
- Personal service**—a business predominantly providing a service directly to a client, such as a hair salon, a spa or a dry-cleaning business. The sale of goods, if applicable, shall be accessory to and related to the service business.
- Place of worship**—includes, but is not limited to, a church, synagogue, mosque, and temple.
- Planned unit development**—a large, integrated development, developed under a site design analysis, and located on a single site or contiguous sites. A planned unit development provides an alternative to standards in this by-law, providing higher standards and amenities that contribute to greater community benefits which are not typically achieved under the standards established in this by-law.
- Porch**—a structure that is unenclosed, has a roof, stands against the side of a building that faces a street but not a lane, and provides access to the first storey of the building. [AM. B/L 7212]
- Principal use**—a primary activity of the site or building based on the proportion of gross floor area.
- Property**—land and improvements on land, and includes an interest in land or an improvement on land, and air, surface and subsurface rights and interests in respect of land.
- Public walkway**—a path or lane included for use of pedestrians only and located other than within a street.
- Radiocommunications facility**—a structure that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.
- Rail terminal and yard**—an area of land where freight or passenger trains are stored, switched, loaded or unloaded.
- Recreation facility, indoor**—a private or public facility in which athletic activities take place within a building or structure, and may include, but are not limited to, indoor rinks, gymnasiums, and fitness clubs.

6. (b) **Recreation facility, outdoor**—a private or public facility at which athletic activities take place outside a building or structure, and may include, but are not limited to, outdoor rinks, baseball diamonds, tennis courts, and lawn bowling.
- Recycling centre**—a centre for the collection, sorting, temporary storage, minor baling, and distribution of recyclable material, such as glass, paper, cardboard, metal cans, and plastic.
- Satellite dish**—an antenna capable of receiving a signal directly from a satellite and, for the purpose of this by-law, will be considered to be a structure even if it is mounted upon a trailer or other movable platform.
- Secondary Plan**—a by-law adopting a secondary plan for a planning district or municipality under Part 4 of the Act.
- Secondary suite**—a dwelling unit that is self-contained, subsidiary to, and located on the same site as a single detached dwelling that is owner occupied. The types of secondary suites which shall be permissible are the following:
- 1) Attached suite, meaning a dwelling unit located in the same building as a single detached dwelling;
  - 2) Garage suite, meaning a detached dwelling unit located either above or beside a detached garage; and
  - 3) Detached suite, meaning a dwelling unit detached from both a single detached dwelling and a detached garage.
- Shipping container**—a container designed to store and transport cargo by ship, rail, or truck, whether or not it is actually used for such a purpose. Shipping containers may also be known as cargo containers, intermodal containers, and sea cans. For the purposes of this by-law, a shipping container does not have wheels, and does not include a motor vehicle.
- Sign**—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.
- Sign, awning**—a sign attached to or painted on an awning, projecting and supported by a building.
- Sign, bulletin board**—a sign of permanent character, but with removable letters, words, or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered within the site upon which such sign is maintained, such as at a school, place of worship, community centre, and similar uses.
- Sign, electronic**—a sign or portion thereof that displays graphics, text or other information in static or animated form, using illumination devices such as light bulbs and light emitting diodes (LEDs), which may change automatically. Electronic signs include projected images or messages onto buildings or other objects.
- Sign, electronic off-premises**—an electronic sign used in the manner of an off-premises sign.
- Sign, electronic on-premises**—an electronic sign used in the manner of an on-premises sign. [AM. B/L 7304]

6. (b) **Sign, fascia**—a sign attached against the surface of, or against or within a recess in the wall, a column, or other perpendicular portion of a building in a position essentially parallel to the wall, column, or other perpendicular portion. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.
- Sign, off-premises**—a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained, including a billboard sign.
- Sign, on-premises**—a sign that identifies the business, institution, owner or resident, or the street address, on the same site where the sign is maintained.  
[AM. B/L 7304]
- Sign, mobile**—a type of temporary sign as defined in the City of Brandon Temporary Sign By-law.
- Sign, projecting**—a sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the building or beyond the surface of that portion of the building to which it is attached and projects, in whole or in part, onto a street and shall include any sign located on its own base which is either situated on, or projects onto, a street.
- Sign, roof**—a sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- Sign, sandwich board**—a type of temporary sign as defined in the City of Brandon Temporary Sign By-law.
- Sign surface area**—the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding any pole type supports or uprights on which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than 1.0m from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.
- Site**—an area of land which
- 1) is a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a single certificate of title,
  - 2) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with such open spaces as are required by this by-law,
  - 3) has frontage on a street, or has any lawful means of access satisfactory to the City Engineer, or as otherwise provided for in this by-law, and
  - 4) is of sufficient size to provide for the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

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6. (b) **Site, corner**—a site situated at the intersection of two streets, but not including a lane, the interior angle of such intersection not exceeding 135 degrees. (See Figure 2.)
- Site, interior**—a site other than a corner site or a through site. (See Figure 2.)
- Site, reverse corner**—a corner site with the flanking street’s site line which is substantially a continuation of the front site line of the first site to its rear. (See Figure 2.)
- Site, through**—a site having a pair of opposite site lines along two more or less parallel streets, but not a lane. A through site shall be deemed to have two front site lines. (See Figure 2.)

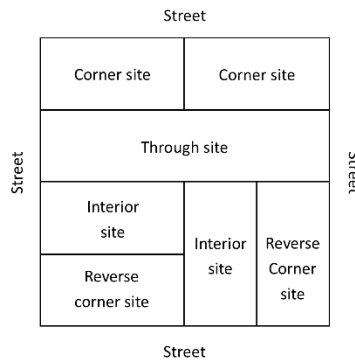


Figure 2: Corner, interior, reverse corner, and through sites.

**Site area**—the area contained within the site lines.

**Site depth**—the horizontal distance between the centre points in the front and rear site lines.

**Site frontage**—all that portion of a site fronting on a street and measured between side site lines.

**Site line**—the boundary of a site. Where it is not possible to determine site lines according to these definitions, they shall be determined by the Director.

**Site line, front**—the site line along an existing or designated street, but not a lane. For a corner site, it is the continuation of the front site line of the adjacent interior site.

**Site line, side**—any site line which is not a front or rear site line.

**Site line, rear**—the site line which is most nearly parallel to the front site line. Where the side site lines intersect, such as a triangular site, a line 3.0m in length within the site, parallel to and at the maximum distance from the front site line shall be deemed the rear site line.

**Site width**—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 12.0m from the front site line, whichever is the lesser. (See Figure 3.)

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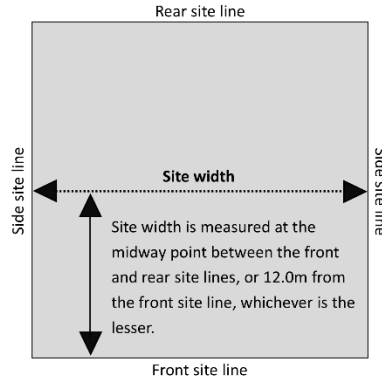


Figure 3: Determining site width.

6. (b) **Snow disposal facility**—a location where snow is stored as part of a snow removal process or operation.
- Special needs housing**—the use of any dwelling unit to provide for one or more persons who require specific services to support them in maintaining their home and their personal well-being. [AM. B/L 7304]
- Steam/thermal generating plant**—a building or portion thereof used for the production of electrical power, and the method of production is through the creation of heat or steam.
- Storey**—that portion of any building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include any portion of the building below a storey having its floor level not more than 2.0m above grade. (See Figure 4.)

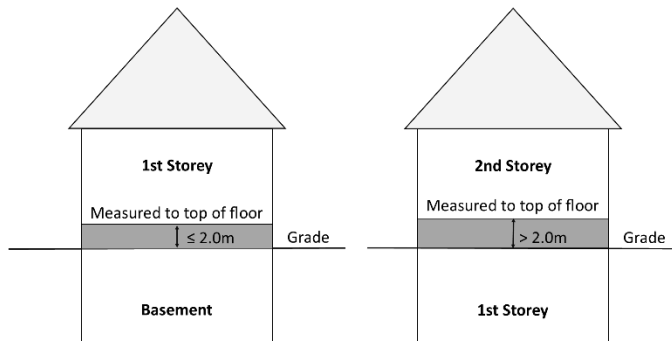


Figure 4: Determining the number of storeys in a building. The building to the left is considered a one-storey building as the top of the upper floor is no more than 2.0m above grade. The building to the right is considered a two-storey building as the top of the upper floor is more than 2.0m above grade.

**Street**—any public right-of-way, including a highway, providing primary access to an abutting site, used as a public thoroughfare for motor vehicles and pedestrians including streets under construction or repair, and where the context so requires, includes the whole of the area between the boundaries of the streets as recorded in the Brandon Land Titles Office and includes all lanes.

6. (b) **Structure**—anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, communications facilities, and similar items.
- Temporary building or structure**—a building or structure that is located on a site to facilitate the construction or development of the site on which such a building or structure is located.
- Thermally assisted drying and disinfection (TADD) system**—a system which uses elevated temperatures to disinfect livestock transport motor vehicles.
- Taxi service**—a taxicab business as defined under the Taxi By-law, and shall include parking, repair and dispatch facilities.
- Terrace**—an unenclosed at-grade level space.
- Truck**—a motor vehicle that requires a Class 1 or 3 Manitoba driver’s license or equivalent to operate as regulated by the Province of Manitoba.
- Truck terminal**—a building or portion thereof where trucks as common carriers are dispatched for compensation, or where freight handling facilities is provided.
- Truck wash**—a use that provides for the washing, cleaning, and polishing of trucks.
- University and community college**—a use where post-secondary education programs are provided for enrolled students by an educational institution authorized by the Province of Manitoba, and includes dormitory, food, athletic, and recreation services for students and staff as well as research facilities.
- Use**—any purpose for which a building, structure or site may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or site.
- Utility**—any corporation, City department, or other legal entity established for the purpose of and engaged in supplying of a service to the community at large through the distribution or collection of electrical energy, steam, gas, water, wastewater, solid waste, refuse, or the supply of radiocommunication services.
- Warehouse and storage facility**—a building or portion thereof for the storage or distribution of goods.
- Water body**—a body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them.
- Yard**—an open area between the exterior wall of a building and the boundaries of the site on which it is located.
- Yard, required**—an open area, on the same site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line or wall to a depth or width, measured from the site line or wall, specified in the yard requirement for the zone in which such site is located.
- Yard, required front**—a required yard extending along the full length of the front site line between the side site lines. (*See Figure 5.*)

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6. (b) **Yard, required side**—a required yard extending along the side site line from the required front yard to the required rear yard. (See Figure 5.)  
**Yard, required corner side**—a required side yard of a corner site that abuts a street, but not a lane. (See Figure 5.)  
**Yard, required interior side**—a required side yard which is adjacent to another site, or to a lane separating such side yard from another site. (See Figure 5.)  
**Yard, required rear**—a required yard extending along the full length of the rear site line between the side site lines. (See Figure 5.)

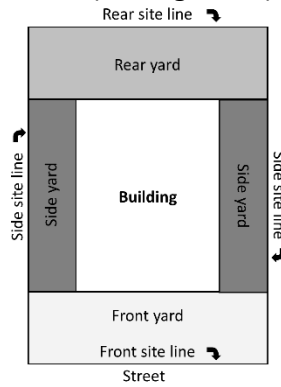


Figure 5: Front, side and rear yards.



**DIVISION 2: ADMINISTRATION**

**7. DIRECTOR OF PLANNING & BUILDING SAFETY**

- (a) The Director shall be the designated employee or officer in accordance with section 184 of the Act to carry out the power and responsibility to administer, interpret and enforce the provisions of this by-law and the Act.
- (b) The Director may issue zoning memoranda, non-conforming use certificates, or such other documents necessary for the administration and enforcement of this by-law.
- (c) The Director may grant or refuse a minor variance in accordance with section 11 of this by-law as well as the Act.
- (d) The Director is authorized to process and approve a minor subdivision application in accordance with the Act.
- (e) The Director shall exercise the powers of remedy and enforcement set out in DIVISION 3: ENFORCEMENT.

**8. DEVELOPMENT PERMITS**

- (a) A development permit is required for any of the following:
  - (1) Subject to subsection 8(e), the erection, construction, or placement of a building, structure, or mobile/modular home;
  - (2) The enlargement, alteration, or conversion of any building or structure;
  - (3) The relocation, removal, or demolition of any building or structure;
  - (4) The establishment of a use of a site, a building or structure;
  - (5) The change, extension, or enlargement of a use of a site, a building or structure;
  - (6) The removal of soil or vegetation from a site, the excavation of a site, or the deposit or stockpiling of soil or material on a site; and
  - (7) Any other development as defined in the Act.

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8. (b) Notwithstanding subsection 8(a), a development permit is not required for the following:
- (1) Radiocommunications facilities, but subject to the “City of Brandon Antenna Systems Protocol” adopted by the City, in compliance with Industry Canada’s Client Procedures Circular 2-0-03, Issue 5 and subsequent amendments [AM. B/L 7212]; or
  - (2) The erection, construction, enlargement, alteration, relocation, or placing of the following as accessory structures:
    - (i) Accessory buildings for the storage of domestic equipment and supplies with a floor area of less than 10.0m<sup>2</sup>;
    - (ii) Children’s play equipment and playhouses;
    - (iii) Components of an outdoor recreation facility;
    - (iv) Fences, gates, arbors, and similar structures;
    - (v) Flagpoles;
    - (vi) Lighting;
    - (vii) Unenclosed walks and terraces;
    - (viii) Satellite dishes and radio antennae, as regulated in section 43;
    - (ix) Signs as described in section 28 and subsection 31(a); and
    - (x) Temporary buildings and structures as described in subsection 41(a).
- (c) Despite not requiring a development permit, all things listed in subsection 8(b) shall be subject to the requirements of this by-law.
- (d) An application for a development permit shall be made by the owner of the subject site or by another party with written consent by the owner.
- (e) The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or any other permit required in connection with the proposed work.
- (f) An application for a development permit shall be accompanied by
- (1) information prescribed in a development permit application checklist, and
  - (2) the fee adopted by Council.
- (g) No person shall use or occupy any site, building, or structure, or erect, construct, enlarge, alter, relocate, remove, demolish, or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.

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8. (h) The Director shall withhold or refuse issuance of a development permit
- (1) As provided for in the Act,
  - (2) Where the proposal would result in a violation of this by-law, as well as any other law or City by-law, or
  - (3) To any person who has failed to pay any fees due and owing to the City under this by-law or any other City by-law.
- (h.1) The Director may withhold or refuse issuance of a development permit where the site
- (1) Does not comply with this by-law,
  - (2) Does not comply with any previously issued development permit on the same site, or
  - (3) Does not have a certificate of site completion for a previously issued development permit on the same site. [EN. B/L 7212]
- (i) Where a development permit is withheld under clause 8(h)(1), 8(h)(2), or subsection 8(h.1), and the applicant does not take measures to enable the development permit to be issued, the development permit shall be cancelled sixty (60) days after the date of which the development permit application was accepted or as otherwise provided for in the Act. [AM. B/L 7212]
- (j) Where a development permit is withheld under clause 8(h)(3), the development permit shall be cancelled six (6) months after the date of which the development permit was ready to be issued.
- (k) A development permit may be revoked by the Director
- (1) Where any information accompanying the development permit application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this by-law or any other law or City by-law, or
  - (2) Where the development permit was issued in error.
- (l) Work under a development permit shall commence within one (1) year of the issuance of the development permit. Construction shall be carried out in accordance with all provisions of this by-law, all provisions as described on approved plans and the development permit, including the anticipated completion date which, as determined by the Director, shall be the development permit expiry date.

**9. APPLICATIONS FOR ZONING BY-LAW AMENDMENTS**

- (a) Subject to the procedure required under the Act, an amendment to this by-law may be initiated by resolution by Council, or by application to the Director by the owner of the subject site or by another party, acting on behalf of the owner, with written consent of the owner.
- (b) An application for an amendment shall be accompanied by
  - (1) information prescribed in a zoning by-law amendment application checklist, and
  - (2) the fee adopted by Council.

**10. APPLICATIONS FOR SUBDIVISIONS**

- (a) An application for a subdivision of a site may be made by the owner of the subject site or by another party, acting on behalf of the owner, with written consent of the owner.
- (b) A subdivision application shall be accompanied by
  - (1) information prescribed in a subdivision application checklist, and
  - (2) the fee adopted by Council.

**11. APPLICATIONS FOR VARIANCES**

- (a) An application for a variance may be made by the owner of the subject site or by another party, acting on behalf of the owner, with written consent of the owner.
- (b) An application for a variance shall be accompanied by
  - (1) information prescribed in a variance or conditional use application checklist, and
  - (2) the fee adopted by Council.
- (c) A variance application shall not be approved unless the applicant can demonstrate that the proposal
  - (1) will be compatible with the general nature of the surrounding area,
  - (2) 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,
  - (3) is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property, and
  - (4) is generally consistent with the applicable provisions of the Development Plan, any applicable Secondary Plan and this by-law.

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**11.** (d) Only the provisions of PART II: GENERAL PROVISIONS and PART III: PROVISIONS FOR EACH ZONE may be subject to a variance order.

(e) Additional conditions may be imposed to the affected site necessary to meet the requirements of subsection 11(c).

**12. APPLICATIONS FOR CONDITIONAL USES**

(a) An application for approval of a conditional use may be made by the owner of the subject site or by another party, acting on behalf of the owner, with written consent of the owner.

(b) An application for approval of a conditional use shall be accompanied by  
(1) information prescribed in a variance or conditional use application checklist, and  
(2) the fee adopted by Council.

(c) An application for approval of a conditional use shall not be approved unless the applicant can demonstrate that the proposal  
(1) will be compatible with the general nature of the surrounding area,  
(2) 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, and  
(3) is generally consistent with the applicable provisions of the Development Plan, this by-law and any applicable Secondary Plan.

(d) Additional conditions may be imposed to the affected site necessary to meet the requirements of subsection 12(c).

**13. PUBLIC OUTREACH**

- (a) In addition to the notification requirements for public hearings as set forth in the Act, public outreach shall be required for any of the following:
  - (1) Any subdivision which is not a minor subdivision as defined under the Act;
  - (2) A text or zoning map amendment to this by-law;
  - (3) Any variance which is not a minor variance as defined within the Act; and
  - (4) A conditional use as required in this by-law.
  
- (b) Notwithstanding subsection 13(a), public outreach is not required for the following:
  - (1) Any subdivision which is not a minor subdivision as defined in the Act, which is within an approved Secondary Plan or Neighbourhood Plan;
  - (2) A zoning map amendment to this by-law within an approved Secondary Plan or Neighbourhood Plan;
  - (3) A zoning map amendment to this by-law for any commercial or industrial use within an appropriately classified area and not located within 100m of any residences; and
  - (4) A variance or conditional use to this by-law not resulting in the increase of intensity or density of the use of a site.
  
- (c) Further to subsection 13(a) and notwithstanding subsection 13(b), public outreach is required for all conditional uses within the CR Zone.
  
- (d) Where public outreach is required, the applicant shall provide notification in writing of the application to residents within the surrounding area. The methods and extent of notification may vary based on the intensity or density of the application.
  
- (e) Methods for providing written notice to residents within the surrounding area may include, but are not limited to, the following:
  - (1) Distributing notices either by mail or in person;
  - (2) Placing notices in common community areas;
  - (3) Posting the property with an early notification sign; and
  - (4) Advertising in advance and holding a public open house, workshop or meeting.
  
- (f) The contents of a written notice or early notification sign shall include the following:
  - (1) The nature and description of the proposal;
  - (2) Site and elevation plans (if applicable);
  - (3) Date, time and location of public meeting (if required); and
  - (4) Contact information for the applicant.

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- 13.** (g) Prior to the public hearing being scheduled, the applicant shall provide a community participation report to the Director, and the report shall include the following:
- (1) Method(s) of notification;
  - (2) A list of properties that were notified;
  - (3) A summary of comments or concerns;
  - (4) A summary of any efforts to address those comments or concerns; and
  - (5) If a public meeting is held, the date and location of the meeting.

**14. USES**

- (a) No site, building or structure shall be used or occupied except for a use which is
- (1) listed in the use tables which apply to such site, building, or structure as
    - (i) a permitted use, or
    - (ii) a conditional use, subject to approval as such, or
  - (2) is an accessory use.
- (b) Notwithstanding subsection 2(b), a use not listed in the use tables may be approved by way of a variance provided the use meets the intent of the zone.
- (c) A use of site, building, or structure lawfully in existence at the date of enactment of this by-law which is listed as a conditional use in the use tables applicable to such site, building, or structure shall be deemed an approved conditional use.
- (d) The change, alteration, extension, or enlargement of an approved conditional use, building, or structure shall not take place unless such change, alteration, extension, or enlargement is approved as a conditional use.
- (e) Subject to all other requirements of this by-law, an accessory building or structure is permitted in any zone when accessory to a principal use which is a permitted or approved conditional use in that same zone, and for which a development permit has been issued.
- (f) No accessory use shall be established, and no accessory building or structure shall be constructed, erected, relocated, or placed, prior to the establishment of the principal use of the site, building or structure to which it is accessory.
- (g) Notwithstanding subsection 14(f), an accessory garage or storage building may be constructed, erected, relocated, or placed for the purpose of storage of materials and equipment for use during construction of the principal building, provided that a development permit has been obtained for the principal building.

**DIVISION 3: ENFORCEMENT**

**15. ENTRY FOR INSPECTION AND ENFORCEMENT**

- (a) The Director may enter a site, a building or a structure
  - (1) to conduct an inspection to determine if a person is complying with any of the following:
    - (i) this by-law; or
    - (ii) the terms or conditions of a permit, approval or order made or issued under the Act or this by-law, and
  - (2) to take any action authorized under the Act or this by-law to enforce or remedy a contravention of any matter referred to in clause 15(a)(1).
  
- (b) When conducting an inspection, the Director may
  - (1) request that anything be produced to assist in the inspection,
  - (2) make copies of anything related to the inspection, and
  - (3) on providing a receipt, remove a record, document or other item related to the inspection.
  
- (c) No person may interfere with Director who is conducting an inspection or enforcement action pursuant to this by-law or the Act
  
- (d) An inspection or enforcement action under this Division shall take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the site, building or structure. The Director may enter the site or building in question only with the consent of the occupier or under authority of a warrant issued under section 177 of the Act.
  
- (e) The Director shall, upon request, produce identification showing that he or she is authorized by the City to conduct the inspection or enforcement action.
  
- (f) In an emergency, or in extraordinary circumstances, the Director is not required to give reasonable or any notice to enter the site, building or structure, and may take any inspection or enforcement action without the consent of the owner or occupier of the site, building or structure and without a warrant.



**16. ORDER TO REMEDY CONTRAVENTION**

- (a) The Director may issue a written order requiring the person to remedy the contravention if the Director finds that a person is contravening
  - (1) this by-law, or
  - (2) the terms or conditions of a permit, approval or order made or issued under the Act or this by-law.
  
- (b) The order may
  - (1) direct the person to stop doing something, or to change the way in which the person is doing it,
  - (2) direct the person to take any action or measure necessary to remedy the contravention and, if necessary, to prevent a recurrence of the contravention,
  - (3) state a time within which the person must comply with the order, and
  - (4) state that if the person does not comply with the order within the specified time, the City may take any action required to remedy the contravention, without further notice, and at the expense of the person. [AM. B/L 7212]

**17. REVIEW BY BY-LAW COMPLIANCE STANDARDS COMMITTEE**

- (a) A person against whom an order is made under this section may submit a request to the By-law Compliance Standards Committee to review same by making a written request to the City Clerk no later than fourteen (14) days after the date on which the order was made.
  
- (b) After receiving the written request to review the order, a hearing shall be held no later than 15 days following the filing of the request whereby the Committee shall receive representations from the appellant and the Director and may confirm, vary or rescind the order. [AM. B/L 7212]
  
- (c) Any person affected by a decision or order of the Committee on an appeal made to it, may appeal from a decision or order to a judge of the Court of Queen's Bench. [EN. B/L 7212]

**18. PENALTIES**

- (a) Every person is guilty of an offence who contravenes
  - (1) this by-law, or
  - (2) the terms or conditions of a permit, approval or order made or issued under the Act or this by-law.
  
- (b) When a contravention continues for more than one day, the person is guilty of a separate offence for each day the offence continues.
  
- (c) If a corporation commits an offence under subsection 18(a), a director or officer of the corporation who authorized, permitted or acquiesced in the commission of the offence is also guilty of an offence and is liable on summary conviction to the penalties set out in clause 18(d)(1), whether or not the corporation has been prosecuted or convicted.
  
- (d) Every person who is guilty of an offence under this by-law is liable, on summary conviction,
  - (1) in the case of an individual, to a fine of not more than \$5,000.00, or imprisonment for a term of not more than six (6) months, or both, and
  - (2) in the case of a corporation, to a fine of not more than \$20,000.00.

**PART II: GENERAL PROVISIONS**

**DIVISION 1: APPLICATION OF REGULATIONS**

**19. APPLICATION OF REGULATIONS**

Except where otherwise noted, this part shall apply to all sites, buildings, structures, and uses in all zones in the City.

**20. LAWFULLY NON-CONFORMING DWELLING UNITS**

Dwelling units established without the proper approvals prior to April 9, 2001 shall be deemed lawfully non-conforming under this by-law. Dwelling units deemed as lawfully non-conforming under this by-law shall meet the requirements of the Building Safety and Property Standards By-law.

**21. DEVELOPMENTS SUBJECT TO PROVINCIAL AND FEDERAL REGULATIONS**

The Director shall determine if development permit applications are subject to statutory requirements and regulations as provided by the Province of Manitoba or the Government of Canada. Where a development permit application is subject to provincial or federal legislation, the owner, prior to a development permit being issued, may be required to seek the approval of the provincial or federal authority having jurisdiction, and provide proof of approval from the authority having jurisdiction.

## DIVISION 2: OBSTRUCTIONS AND SPECIAL YARDS

### **22. YARD REQUIREMENTS**

- (a) The owner of a site shall maintain the minimum site area and yards required herein for any use. The minimum site area and yards allocated to a use as required by this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum yard or site area requirements for any other use.
- (b) Where more than one principal building or structure will exist on a site, the required yards on the boundary of the site shall not be less than the yards required in the zone in which the site is located, nor shall the distance between the buildings or structures be less than the sum of the required interior side yards.
- (c) Where dwelling units are erected or constructed above commercial uses, no side yards are required other than as specified for the commercial building.
- (d) A site area, site width or required yard reduced below the minimum requirements of this by-law by virtue of a public work, street, or utility shall be deemed to conform to the requirements of this by-law.

### **23. SPECIAL REGULATIONS FOR ZONE BOUNDARIES**

- (a) Where a side site line in a C or EI Zone abuts a side site line in an adjacent R Zone, a special side yard of at least 3.0m in width along the entire side site line shall be provided for all principal and accessory buildings and structures adjacent to the R Zone boundary.
- (b) Where a side site line in an I Zone abuts a side site line in an adjacent R Zone, a special side yard of 7.6m in width along the entire side site line shall be provided for all principal and accessory buildings and structures adjacent to the R Zone boundary.
- (c) Outdoor storage, outdoor operations, parking areas and loading spaces shall not be permitted within the special side yard required in subsection 23(a) or (b).
- (d) A solid opaque fence 1.2m in height shall be provided and maintained along the side site line which forms the zone boundary extending from the front site line to the depth of the required front yard of the subject site, and a solid opaque fence 1.8m in height shall be provided and maintained along the remaining portion of the side site line which forms the zone boundary.

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- 23.**
- (e) Where a side site line in a C or EI Zone abuts a rear site line in an adjacent R Zone, a side yard of at least 3.0m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.
  - (f) Where a side site line in an I Zone abuts a rear site line in an adjacent R, PR, or OS Zone, a side yard of at least 3.0m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.
  - (g) A solid opaque fence 1.8m in height shall be provided along the entire side site line which forms the zone boundary described in subsections 23(e) and (f).
  - (h) Where a rear site line in a C or EI Zone abuts a side or rear site line in an adjacent R Zone, a rear yard of at least 7.6m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.
  - (i) Where a rear site line in an I Zone abuts a side or rear site line in an adjacent R, PR or OS Zone, a rear yard of at least 15.2m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.
  - (j) A solid opaque fence 1.8m in height shall be provided along the rear site line which forms the zone boundary described in subsections 23(h) and (i).
  - (k) Where permitted, outdoor storage of goods and materials shall not project above the height of a fence required in subsection 23(g) or (j).

**24. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

- (a) The obstructions listed as “P” in TABLE 1: PERMITTED OBSTRUCTIONS IN REQUIRED FRONT YARDS shall be permitted in a required front yard. Obstructions listed as “NP” shall not be permitted in the required front yard.

<b>TABLE 1: PERMITTED OBSTRUCTIONS IN REQUIRED FRONT YARDS</b>					
<b>Obstruction</b>	<b>Zones</b>				
	<b>R</b>	<b>C, D</b>	<b>I</b>	<b>EI</b>	<b>PR, OS, A, DR</b>
Aircraft landing strips	NP	NP	NP	NP	P
Architectural features	P	P	P	P	P
Balconies—no part of balcony, including eaves, <ul style="list-style-type: none"> <li>• Closer than 4.0m to site line</li> <li>• Projecting no more than 1.5m</li> </ul>	P NP	NP P	NP P	NP P	NP P
Chimneys, bay windows, alcoves, and similar cantilevered projections—each projection projecting no more than 1.5m, maximum floor area of 4.6m <sup>2</sup> ; total combined projections on each storey shall not exceed 40.0% of the length of the façade, excluding the façade of a single-storey attached garage	P	P	P	P	P
Decks	NP	NP	NP	NP	NP
Exterior wall finishing—to a maximum depth of 0.08m	P	P	P	P	P
Overhanging eaves and gutters—projecting no more than 0.6m	P	P	P	P	P
Play equipment and components of an outdoor recreation facility—no closer than 1.5m to site line	P	P	P	P	P
Porches—no part of a porch, except for an additional 0.6m for overhanging eaves and gutters, <ul style="list-style-type: none"> <li>• Closer than 4.6m to site line</li> <li>• Closer than 3.0m to site line</li> </ul>	P NP	NP P	NP P	NP P	NP P
Ramps and steps—not exceeding 1.5m in height	P	P	P	P	P
Terraces, uncovered walks, driveways, trees, trellises, and similar landscape elements	P	P	P	P	P

[AM. B/L 7212, AM. B/L 7239]

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24. (b) The obstructions listed as “P” in TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS shall be permitted in a required side yard. Obstructions listed as “NP” shall not be permitted in any required side yard.

<b>TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS</b>					
<b>Obstruction</b>	<b>Zones</b>				
	<b>R</b>	<b>C, D</b>	<b>I</b>	<b>EI</b>	<b>PR, OS, A, DR</b>
Aircraft landing strips	NP	NP	NP	NP	P
Architectural features	P	P	P	P	P
Balconies, including eaves: <ul style="list-style-type: none"> <li>• No closer than 1.2m to interior site line or 1.5m to corner site line</li> <li>• Projecting no more than 1.5m</li> </ul>	P	NP	NP	NP	NP
	P	P <sup>(1)</sup>	NP	P	P
Chimneys, bay windows, alcoves, and similar cantilevered projections—each projection projecting no more than 1.5m but no closer than 0.6m to site line, maximum floor area of 4.6m <sup>2</sup> ; total combined projections on each storey shall not exceed 40.0% of the length of the façade, excluding the façade of a single-storey attached garage	P	P	P	P	P
Decks—no closer than 0.6m to site line	P <sup>(3)</sup>	NP	NP	NP	P
Exterior air conditioning units, heat pumps, pool filters, and similar mechanical equipment—no closer than 4.6m to an operable window of a habitable room on an adjacent site	P	P	P	P	P
Exterior wall finishing—to a maximum depth of 0.04m	P	P	P	P	P
Play equipment and components of an outdoor recreation facility—no closer than 1.5m to site line	P	P	P	P	P
Porches—no part of a porch, except for an additional 0.6m for overhanging eaves and gutters, closer than 1.5m to corner site line or 1.2m to interior site line	P	P	P	P	P
Ramps and steps—not exceeding 1.5m in height	P	P	P	P	P
Stairways: no closer than 0.6m to interior site line	P	P	P	P	P

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<b>TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS</b>					
<b>Obstruction</b>	<b>Zones</b>				
	<b>R</b>	<b>C, D</b>	<b>I</b>	<b>EI</b>	<b>PR, OS, A, DR</b>
Overhanging eaves and gutters: <ul style="list-style-type: none"> <li>Eaves projecting no more than 0.6m; gutters no closer than 0.3m to site line</li> <li>Projecting no more than 1.5m</li> </ul>	P <sup>(2)</sup>	P	NP	NP	NP
Terraces, uncovered walks, driveways, trees, trellises, and similar landscape elements	P	P	P	P	P

Notes to Table 2:

- (1) Where the required side yard is a minimum width of 3.0m.
- (2) Where the required side yard is a minimum width of 1.2m.
- (3) Decks may be built up to the side site line provided that the side site line adjacent to the deck is completely contained within a common party wall.

[AM. B/L 7212, AM. B/L 7239, AM. B/L 7248]

24. (c) The obstructions listed as “P” in TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS shall be permitted in a required rear yard. Obstructions listed as “NP” shall not be permitted in any required rear yard.

<b>TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS</b>					
<b>Obstruction</b>	<b>Zones</b>				
	<b>R</b>	<b>C, D</b>	<b>I</b>	<b>EI</b>	<b>PR, OS, A, DR</b>
Aircraft landing strips	NP	NP	NP	NP	P
Architectural features	P	P	P	P	P
Balconies, including eaves <ul style="list-style-type: none"> <li>No closer than 6.0m to site line for any dwellings on separate titles except in the RLL Zone</li> <li>No closer than 1.2m to site line for all other dwelling types</li> <li>Projecting no more than 1.5m</li> </ul>	P	NP	NP	NP	NP
	P	NP	NP	NP	NP
	P	P <sup>(1)</sup>	NP	P	P <sup>(1)</sup>



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<b>TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS</b>					
<b>Obstruction</b>	<b>Zones</b>				
	<b>R</b>	<b>C, D</b>	<b>I</b>	<b>EI</b>	<b>PR, OS, A, DR</b>
Chimneys, bay windows, alcoves, and similar cantilevered projections—each projection projecting no more than 1.5m, maximum floor area of 4.6m <sup>2</sup> ; total combined projections on each storey shall not exceed 40.0% of the length of the façade, excluding the façade of a single-storey attached garage	P	P	P	P	P
Decks—no closer than 0.6m to site line	P	P	NP	NP	P
Exterior air conditioning units, heat pumps, pool filters, and similar mechanical equipment—no closer than 4.6m to an openable window of a habitable room on an adjacent site	P	P	P	P	P
Exterior wall finishing—to a maximum depth of 0.08m	P	P	P	P	P
Overhanging eaves and gutters—eaves projecting no more than 0.6m	P	P	P	P	P
Play equipment and components of an outdoor recreation facility—no closer than 1.5m to site line	P	P	P	P	P
Ramps and steps—not exceeding 1.5m in height	P	P	P	P	P
Stairways—no closer than 0.6m to site line	P	P	P	P	P
Terraces, uncovered walks, driveways, trees, trellises, and similar landscape elements	P	P	P	P	P

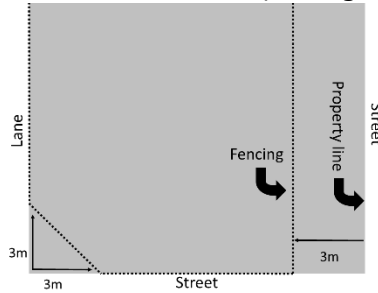
*Notes to Table 3:*

- (1) *Where the required side yard is a minimum width of 6.0m.*
- (2) *A barbed wire extension, adding a maximum additional height of 0.3m, is permitted in the IG and IH Zones.*

[AM. B/L 7212, AM. B/L 7239]

**25. CORNER VISIBILITY TRIANGLES**

Notwithstanding anything else contained in this by-law, at the intersection of streets, no fence, wall, structure, hedge, shrubs, or other landscape element shall be placed in such a manner as to produce a fence effect or obstruction between the heights of 0.8m and 2.5m 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 3.0m from the intersection of the site lines. (See Figure 6.)



*Figure 6: Corner visibility triangle at the intersection of streets and lanes.*

**DIVISION 3: PARKING**

**26. REQUIRED PARKING AND LOADING SPACES**

- (a) Accessory off-street parking and loading spaces shall be provided and maintained in accordance with TABLE 4: REQUIRED PARKING AND LOADING SPACES.

<b>TABLE 4: REQUIRED PARKING AND LOADING SPACES</b>		
<b><i>Use</i></b>	<b><i>Minimum Number of Required Parking Spaces</i></b>	<b><i>Minimum Number of Required Loading Spaces</i></b>
Detached dwellings	One (1) for every dwelling unit	N/A
Duplex dwellings		
Mobile and modular homes		
Row house dwellings with each dwelling unit on separate titles		
Secondary suites		
Semi-detached dwellings		
Multiple dwellings	One (1) for every dwelling unit with one (1) or fewer bedrooms and a dwelling unit area of 51.0m <sup>2</sup> or less; or One-and-a-half (1.5) for every dwelling unit with two (2) or more bedrooms or a dwelling unit area greater than 51.0m <sup>2</sup> , 10% of which shall be unassigned guest parking readily accessible	N/A
Row house dwellings with dwelling units not on separate titles		
Boarding houses		
Special needs housing		
Boarding houses	One (1) for every three (3) sleeping rooms, one (1) for the owner	One (1) for every 1,860.0m <sup>2</sup> of floor area up to 7,429.0m <sup>2</sup> , and one (1) for every additional 4,640.0m <sup>2</sup>
Special needs housing	One (1) for every three (3) residents, owner and/or employees	
Auction markets	One (1) for every 30.5m <sup>2</sup> of floor area in excess of 93.0m <sup>2</sup> , two (2) spaces minimum	
Commercial establishments		
Personal services		

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<b>TABLE 4: REQUIRED PARKING AND LOADING SPACES</b>		
<b><i>Use</i></b>	<b><i>Minimum Number of Required Parking Spaces</i></b>	<b><i>Minimum Number of Required Loading Spaces</i></b>
Eating and drinking places	One (1) for every four (4) seats or one (1) for every 4.6m <sup>2</sup> of customer service area, whichever is greater, six (6) spaces minimum	
Banks and bank machines	One (1) for every 46.5m <sup>2</sup> of floor area	One (1) for a floor area of 1,860.0-18,579.0m <sup>2</sup> , and one (1) for every additional 18,580.0m <sup>2</sup>
Government offices and facilities		
Laboratories		
Offices		
Police and fire stations		
Medical clinics	Four (4) for every doctor or four (4) for every office, whichever is greater	
Hotels and motels	One (1) for every unit	N/A
Farm products distribution and sales	One (1) for every 93.0m <sup>2</sup> of floor area	One (1) for 1,860.0m <sup>2</sup> of floor area up to 9,290.0m <sup>2</sup> ; one (1) for each additional 4,650.0m <sup>2</sup>
Manufacturing		
Warehouses and storage facilities		
Utilities and public works buildings primarily devoted to the storage of mechanical equipment	One (1) for every 465.0m <sup>2</sup> of floor area	
Bus and rail passenger terminals	Ten (10) spaces	To be determined by the Director
Elementary and junior high schools	One (1) for every two (2) academic staff, one (1) for every four (4) employees	One (1) for a floor area of 929.0-9,289.0m <sup>2</sup> , and one (1) for every additional 9,290.0m <sup>2</sup>
High schools	One (1) for every two (2) academic staff, one (1) for every four (4) employees and one (1) for every six (6) students	
Business and technical schools, training centres	One (1) for every two (2) academic staff, one (1) for every four (4) employees, and one (1) for every five (5) students	
Universities and community colleges		

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<b>TABLE 4: REQUIRED PARKING AND LOADING SPACES</b>		
<b>Use</b>	<b>Minimum Number of Required Parking Spaces</b>	<b>Minimum Number of Required Loading Spaces</b>
Arts and cultural centres	One (1) for every 46.5m <sup>2</sup> of floor area	
Community centres and halls <sup>(1)</sup>	One (1) for every 9.2m <sup>2</sup> of floor area used for assembly centres	
Convention and exhibition centres		
Funeral homes <sup>(1)</sup>	One (1) for every 5 seats, 10 minimum	
Outdoor stadiums and grandstands <sup>(1)</sup>	One (1) for every four (4) seats	
Theatres		
Places of worship <sup>(1)</sup>	One (1) for every 5 seats in the principal assembly area, 10 minimum, and one (1) for every three (3) employees	
Indoor recreation facilities	Five (5) for every bowling alley or curling sheet, one (1) for every 9.2m <sup>2</sup> of floor area used for recreation, and one (1) for every employee	One (1) for a floor area of 1,860.0-18,579.0m <sup>2</sup> , and one (1) for every additional 18,580.0m <sup>2</sup>
Outdoor recreation facilities	Ten (10) spaces	N/A
Other uses	As determined by the Director except that all conditional uses shall be decided by Council pursuant to the Act	

Notes to Table 4:

- (1) *In stadiums, sports arenas, places of worship, and similar assembly areas in which those in attendance occupy benches, pews, or other similar seating facilities, each 0.5m length of such seating type shall be counted as one (1) seat for the purpose of determining the accessory off-street parking spaces. In cases where an assembly area has both fixed seats and open assembly area, the requirements shall be computed separately for each type and added together. In cases where movable seats or chairs are used in an assembly area, seating capacity shall be determined on a basis of one (1) seat for every 0.6m<sup>2</sup> of assembly area.*

[AM. B/L 7304]

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26. (b) A business in a CN Zone which will likely generate minimum parking requirements which can be accommodated on adjacent streets without impact upon neighbouring sites, may have the minimum parking space requirements under TABLE 4: REQUIRED PARKING AND LOADING SPACES waived in writing at the discretion of the Director for an unlimited period of time. Such written waiver is subject to review by the Director should complaints be received from occupants or owners of adjacent sites and the Director may require compliance with the provisions of this Division.
- (c) When a building or structure accommodates more than one permitted or approved conditional use, the requirements for accessory off-street parking spaces for the whole building or structure shall be the sum of the required number of accessory parking spaces for the separate parts of the building or structure occupied by the separate uses.
- (d) Of the total number of parking spaces required in TABLE 4: REQUIRED PARKING AND LOADING SPACES and subsection 26(c), a minimum number shall be accessible parking spaces in accordance with TABLE 5: REQUIRED ACCESSIBLE PARKING SPACES.

<b>TABLE 5: REQUIRED ACCESSIBLE PARKING SPACES</b>	
<b><i>Total Number of Required Parking Spaces</i></b>	<b><i>Minimum Number of Accessible Parking Spaces</i></b>
Twenty-five (25) or less	One (1)
Twenty-six (26) to fifty (50)	Two (2)
Fifty-one (51) to seventy-five (75)	Three (3)
Seventy-six (76) to one hundred (100)	Four (4)
One hundred and one (101) to one hundred and fifty (150)	Five (5)
One hundred and fifty-one (151) to two hundred (200)	Six (6)
Two hundred and one (201) to three hundred (300)	Seven (7)
Three hundred and one (301) to four hundred (400)	Eight (8)
Four hundred and one (401) to five hundred (500)	Nine (9)
Five hundred and one (501) to one thousand (1,000)	2% of total
Over one thousand (1,000)	Twenty (20) plus one (1) for every one hundred (100) over one thousand (1,000) required parking spaces

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26. (e) When a use, building, or structure is enlarged, or a use is extended or changed, the number of accessory parking and loading spaces shall reflect the enlarged use, building, or structure, or extended or changed use.
- (f) When any building, structure, or use in existence prior to the adoption of this by-law is subsequently damaged or destroyed, and is reconstructed, re-established, or repaired, the accessory off-street parking or loading spaces maintained at the time of such damage or destruction shall be restored or continued in operation.
- (g) Off-street parking is not required for accessory uses, buildings or structures. [EN. B/L 7212]

27. **MINIMUM PARKING AND LOADING AREA REQUIREMENTS**

- (a) Parking spaces shall be sized in accordance with TABLE 6: MINIMUM PARKING AREA REQUIREMENTS.

<b>TABLE 6: MINIMUM PARKING AREA REQUIREMENTS</b>				
<b>Type of Parking</b>		<b>Width<sup>(1)</sup></b>	<b>Length<sup>(1)</sup></b>	<b>Minimum Aisle Width</b>
Angled parking	75 to 90 degrees	2.7m	6.1m	6.1m
	50 to 74 degrees			5.5m
	Less than 50 degrees			3.7m
Angled accessible parking		3.9m	6.1m <sup>(2)</sup>	Same as above
Parallel parking		2.7m	6.7m	3.0m
Parallel accessible parking		3.9m	6.7m	3.0m

Notes to Table 6:

- (1) *The dimensions of each parking space shall be exclusive of access driveways, aisles, ramps and columns, landscaped areas, and office or work areas.*
- (2) *Notwithstanding note (1), the length of an angled accessible parking space may be reduced so that accessible parking spaces may conform to intermeshing parking patterns.*

- (b) Loading spaces shall be of a minimum size of 3.7m x 7.5m.
- (c) Driveways shall have a minimum width of
- (1) 6.1m for two-way traffic, and
- (2) 3.0m for one-way traffic.

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- 27.** (d) Each parking and loading space shall have
- (1) clear unobstructed access to an aisle, of a width in accordance with TABLE 6: MINIMUM PARKING AREA REQUIREMENTS, the aisle having clear access to a street or another parking area by means of a driveway, or
  - (2) where the parking or loading space is accessed directly from a street or lane, clear unobstructed access to the street or the lane by means of a driveway.
- (e) Notwithstanding clause 27(d)(2), parking is not permitted in any area between a front site line and a principal building in R Zones, except in a non-required parking space on a driveway used to gain direct access to a required parking space, garage or carport of a detached, semi-detached or row house dwelling. [AM. B/L 7212]
- (f) Notwithstanding subsection 27(e), one (1) additional non-required parking space extended from a driveway may be developed in a required front yard of a detached dwelling or a dwelling accessed from a private road. [AM. B/L 7212]
- (i) Loading spaces are not permitted in any required front or side yard in R, C and D Zones, as well as in any required rear yard in R Zones. [AM. B/L 7239]

## **28. PARKING AND LOADING AREA SIGNAGE**

- (a) Signs designating entrances and exits are limited to a maximum size of 0.6m<sup>2</sup> in sign surface area, and to one (1) sign for every entrance or exit.
- (b) One (1) sign of a maximum of 3.0m<sup>2</sup> in sign surface area designating the conditions of parking and identity of the parking area are permitted; on a corner site, two (2) such signs, one (1) facing each street, but not a lane, are permitted.
- (c) All accessible parking spaces must be clearly marked in accordance with the City of Brandon Traffic By-law and signed in accordance with The Accessibility for Manitobans Act and its associated regulations.
- (d) All visitor parking spaces must be clearly marked and signed.
- (e) Freestanding signs shall not be closer than 0.3m to any site line.



**29. OTHER PARKING REQUIREMENTS**

- (a) All accessory off-street parking and loading spaces shall be located on the same site as the use served, and such spaces shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such uses. However, the Director may allow some or all of the required off-street parking to be provided on an alternate site subject to the following criteria:
- (1) At the Director's discretion, the alternate site is abutting or is directly across the street or lane from the site, or, where the site is located in a D Zone, the alternate site is within 400m walking distance of the site; [AM. B/L 7239]
  - (2) At the Director's discretion, the demand for parking spaces for the uses is not likely to occur at the same time;
  - (3) The total supply of parking on the subject and alternate sites meets the minimum parking requirements for both sites;
  - (4) The alternate site is available for a time period equal to that of the approved uses;
  - (5) A safe and convenient pedestrian connection is provided between the subject and alternate sites;
  - (6) The alternative parking arrangement does not detrimentally affect the existing neighbourhood character; and
  - (7) The alternative parking arrangement shall be secured by way of an easement agreement registered on the titles of both the subject and alternate sites. [AM. B/L 7212]
- (b) Parking and loading areas and driveways shall be surfaced with either asphalt, concrete or paving brick prior to issuance of a certificate of site completion or within one (1) year of the issuance of the development permit, whichever is sooner, except
- (1) in IG, IH, PR, OS, A and DR zones,
  - (2) where loading spaces are in a storage area enclosed with a fence in the rear yard of a site, or
  - (3) where parking and loading areas are accessed directly from a gravel street, lane or private street in existence at the time of adoption of this by-law. [AM. B/L 7212]
- (c) Except for detached, semi-detached and duplex dwellings, parking and loading areas shall be provided with barrier curbs, fencing, bumper guards, wheel stops, or masonry walls to prevent a motor vehicle from encroaching onto abutting sites or streets.
- (d) Bumper guards, wheel stops, masonry walls, or fences shall be maintained in good condition at all times, and shall have no signs attached to such structures other than those permitted in section 28.

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29. (e) Accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of motor vehicles and shall not be used to satisfy the space requirements for any accessory off-street parking space.
- (f) An accessory parking or loading space shall not be used for motor vehicle repair work.
- (g) Buildings or structures may be permitted within parking areas as shelters for guards, attendants, or watchmen; however, said buildings or structures shall not occupy any required accessory parking or loading spaces.

**30. DOWNTOWN PARKING REQUIREMENTS**

- (a) Notwithstanding TABLE 4: REQUIRED PARKING AND LOADING SPACES, accessory off-street parking in D Zones shall be provided in accordance with the following:
- (1) Off-street parking is not required for all uses in the DCB Zone;
  - (2) Off-street parking is not required for all non-residential uses in the DMU Zone; and
  - (3) A minimum of one (1) off-street parking space shall be provided for each residential dwelling unit developed in a new building in the DMU Zone, but off-street parking is not required for developing dwelling units in an existing building in the DMU Zone.
- (b) Where parking requirements are exempt under subsection 30(a), accessible parking must be included within parking facilities in accordance with TABLE 5: REQUIRED ACCESSIBLE PARKING SPACES.
- (c) Drive-through facilities shall not be permitted in D Zones.
- (d) Notwithstanding Subsection 30(a), where a proposed use generates over fifty (50) parking spaces, according to Table 4, that cannot be provided on site, the Director may require a parking management study to demonstrate solutions to the additional parking demand and mitigate negative impacts on the area parking supply.

[AM. B/L 7239]

DIVISION 4: SIGNAGE

**31. SIGNS**

- (a) Unless otherwise specified, the following types of signs shall be permitted without a development permit; however, this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
- (1) For detached, semi-detached and duplex dwellings, and mobile/modular homes, one (1) on-premises sign not exceeding 0.2m<sup>2</sup> in sign surface area that may indicate the name of the occupant and the civic address of the dwelling. On a corner site, one (1) on-premises sign facing each street, but not a lane, shall be permitted; [AM. B/L 7304]
  - (2) Signs required to be maintained by law or governmental order, rule, or regulation;
  - (3) Commemorative or memorial signs or tablets of bronze, brass, stone, or other non-combustible material when built into or attached to the walls of a building or other structure provided such tablets bear no more than the name of the owner, the name and use of the building, the date of erection of the building, or imagery or text commemorating a person or event;
  - (4) Barber poles, where such a use is permitted, when affixed to a building or structure;
  - (5) Signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger, and other emergency signs;
  - (6) Campaign signs pursuant to the City of Brandon Traffic By-law, The Canada Elections Act and The Elections Act (Manitoba);
  - (7) In EI, PR and OS Zones, illuminated or non-illuminated directional signs not exceeding 2.8m<sup>2</sup> in sign surface area;
  - (8) Signs as described in section 28; and
  - (9) All signs that are regulated by the City of Brandon Temporary Sign By-law.
- (b) All other types of signs shall conform to the requirements in TABLE 7: SIGN REQUIREMENTS.

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31. (c) Notwithstanding subsection 31(b), other types of signs and off-premises may be permitted at the discretion of Council.

<b>TABLE 7: SIGN REQUIREMENTS</b>				
<i>Sign Type</i>	<i>Zones</i>	<i>Total Sign Surface Area</i>	<i>Height</i>	<i>Location</i>
On-premises sign, freestanding	R Zones <sup>(1)</sup>	Maximum 3.0m <sup>2</sup>	Maximum 4.5m	Minimum 1.5m from site line
	C and I Zones	Maximum 38.0m <sup>2</sup> <sup>(2)</sup>	Maximum 13.0m	Minimum 1.5m from site line <sup>(3)</sup>
	D Zones	Maximum 7.0m <sup>2</sup> , maximum 3.0m <sup>2</sup> for multiple dwellings in the DMU Zone	Maximum 2.5m	0.0m setback <sup>(4)</sup>
On-premises sign, fascia	R Zones <sup>(1)</sup>	Maximum 3.0m <sup>2</sup>	N/A	1 per building face
	C and I Zones	Maximum 20% of the area of the building face	Not to exceed 1.0m above the parapet or roof line	Maximum 0.3m extension from building face, not to extend beyond any site lines
	D Zones	Maximum 20% of the area of the building face, maximum 3.0m <sup>2</sup> for multiple dwellings in the DMU Zone	Not to exceed 1.0m above the parapet or roof line	Maximum 0.3m extension from building face
On-premises sign, freestanding or fascia <sup>(5)</sup>	EI, PR, and OS Zones	9.3m <sup>2</sup> maximum	Maximum 4.5m <sup>(6)</sup>	Minimum 1.5m from site line
	A Zones	2.3m <sup>2</sup> maximum		
On-premises sign for public neighbourhoods or subdivisions	All Zones	Design approved by Council		
On-premises sign for private residential subdivisions or multiple-building developments	R and C Zones	Maximum 3.0m <sup>2</sup>	Maximum 2.0m	Minimum 1.5m from site line

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<b>TABLE 7: SIGN REQUIREMENTS</b>				
<b><i>Sign Type</i></b>	<b><i>Zones</i></b>	<b><i>Total Sign Surface Area</i></b>	<b><i>Height</i></b>	<b><i>Location</i></b>
On-premises sign, roof	CAR, CHW, IG and IH Zones	20% of the area of the building face, maximum 38.0m <sup>2</sup>	Maximum 18.5m	Shall not project beyond the building face of the building on which it is mounted
Off-premises sign, freestanding	CG, CAR, CHW, and I Zones	Maximum 92.0m <sup>2</sup>	Maximum 13.0m	Not permitted in any required yard
Off-premises sign, roof	CAR, CHW, IG and IH Zones	Maximum 92.0m <sup>2</sup>	Maximum 18.5m	Shall not project beyond the building face of the building on which it is mounted
Projecting signs	C (except CG) and I Zones	Maximum 12.0m <sup>2</sup>	Minimum 2.6m, maximum 12.0m, not to exceed 1m above parapet or roof line <sup>(7)</sup>	No portion of a projecting sign shall project beyond the site lines
	CG and D Zones			If permitted, no portion of a projecting sign shall encroach more than 3.6m into a street, or have a horizontal clearance of less than 0.6m from that portion of a street used by vehicular traffic
Awning signs	C (except CG), I, PR and OS Zones	Maximum 20% of the area of the building face, not exceeding 1.5m <sup>2</sup> for each 1.0m of total length of awning	On awning or canopy	No portion of an awning sign shall project beyond the site lines
	CG and D Zones			If permitted, no portion of an awning sign shall encroach more than 3.6m into a street, or have a horizontal clearance of less than 0.6m from that portion of a street used by vehicular traffic

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Notes to Table 7:

- (1) *For all uses except detached, semi-detached and duplex dwellings, and row house dwellings with dwelling units on separate titles. For row house dwellings with dwelling units not on separate titles, and multiple dwellings, only one (1) sign per building face may indicate the name, address and telephone number of the landlord or leasing agent.*
- (2) *Any site with a floor area of greater than 10,000.0m<sup>2</sup> shall be permitted one additional sign or an additional sign surface area of 38.0m<sup>2</sup> on an existing freestanding on-premises sign for every additional 10,000.0m<sup>2</sup> of floor area.*
- (3) *A freestanding sign may be located directly adjacent to any site line, provided the sign does not produce a sight obstruction between the heights of 0.8m and 2.5m above grade where the sign is located.*
- (4) *Freestanding signs shall also adhere to Note 2 of TABLE 14: DOWNTOWN BULK AND SITING REQUIREMENTS.*
- (5) *On a PR Zone site with a site area greater than 30.0ha, a freestanding on-premises sign with sponsor recognition is permitted with a maximum sign surface area of 40.0m<sup>2</sup> and a maximum height of 13.0m.*
- (6) *Where the sign is a freestanding sign only.*
- (7) *Minimum height shall be measured from grade or sidewalk level to the lowest point on the sign or supporting structure.*

[AM. B/L 7304]

- 31.**
- (d) A building or site may have more than one (1) sign, provided the total sign surface area for each type of sign is not exceeded.
  - (e) Notwithstanding subsection 31(d), a building or site in a C (except for CR), I or EI Zone may have only one (1) bulletin board sign with a maximum sign surface area of 4.7m<sup>2</sup> as part of a freestanding on-premises sign or a fascia on-premises sign. [AM. B/L 7212, AM. B/L 7304]
  - (f) Notwithstanding subsection 31(d), a building or site in an D Zone may have only one (1) bulletin board sign with a maximum sign surface area of 4.7m<sup>2</sup> as part of a freestanding on-premises sign, a fascia on-premises sign or a projecting sign. [AM. B/L 7304]
  - (g) The total sign surface area for all fascia and roof signs combined shall not exceed 20% of each building face.

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- 31.** (h) An electronic sign as well as any other sign which is animated, flashing, or contains an operating rotating beam or beacon shall not be permitted in an R, CN, CR, PR, OS, DR, or A Zone, as well as any heritage building, site or streetscape.
- (1) Where permitted, such signs shall not be located within 92.0m of the boundary of any R Zone.
  - (2) Clause 31(h)(1) shall not apply to an electronic on-premises sign that is not visible from any R Zone site within 30.0m of the electronic on-premises sign.
  - (3) Clause 31(h)(1) shall not apply to an electronic off-premises sign that is not visible from any R Zone site within 92.0m of the electronic off-premises sign. [AM. B/L 7212, AM. B/L 7304]
- (i) No sign shall be erected, re-erected, or structurally altered which may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device.
- (j) All signs and sign structures shall be maintained in good condition and repair. All signs which are not maintained in good condition and repair, or are abandoned, shall be removed or repaired within thirty (30) days after notice has been given by the Director, and if in default, the City may, without further notice, remove the sign and charge the owner for the removal costs.
- (k) No mobile sign or portion thereof may be converted into a permanent sign, or incorporated into an existing permanent sign.
- (l) All signs shall be maintained structurally sound and free from all hazards caused or resulting from decay or failure of structural members, fixtures, lighting or appurtenances. All sign area, background, copy and lighting shall be maintained in readable and clean condition, and the site of the sign shall be maintained free of weeds, debris and rubbish.
- (m) No sign shall be placed in a manner that, in the opinion of the Director, may obstruct any window opening, door opening, passageway, fire escape, walkway, vehicular driveway, or similar feature, or the vision of persons using streets or sidewalks abutting the site.
- (n) When a sign no longer directs persons to or advertises a business, owner, tenant, product or activity conducted, or product in existence or available on the site where the sign is displayed (or in existence on a separate site when indicated on an off-premises sign), the owner shall promptly remove the sign face or letters within fourteen (14) days of such change.

**32. ELECTRONIC SIGNS**

- (a) Clause 31(h)(1) and subsections 33(b) and 33(d) shall not apply to electronic on-premises sign components displaying only fuel prices on the site of an automotive service station or only time and temperature. [AM. B/L 7304]
- (b) Where an electronic sign except for an electronic on-premises sign component described in subsection 32(a) is installed on a site, no bulletin board sign, mobile sign or sandwich board sign shall be permitted on the site. [AM. B/L 7304]
- (c) An electronic sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions so that the electronic sign is not a nuisance or safety issue as determined by the Director.
- (d) An electronic sign may be single-sided or double-sided.
- (e) All electronic signs shall comply with the latest edition of Transportation Association of Canada's "Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines", subject to the approval of the City Engineer. [AM. B/L 7212]

**33. ELECTRONIC ON-PREMISES SIGNS**

- (a) An electronic on-premises sign may be located only in the CG, CAR, CHW, D, I and EI Zones.
  - (1) The electronic on-premises sign may display animation and frame effects, but flashing shall not be permitted.
- (b) Notwithstanding subsections 31(h) and 33(a), an electronic on-premises sign may be located on a site in the RMD or RHD Zone provided that the principal use of the site is not residential in nature.
  - (1) Clauses 31(h)(1) and (2) shall still apply.
- (c) One (1) electronic on-premises sign may be located on a site.
  - (1) The site shall have a minimum site frontage of 30.0m.
  - (2) The electronic on-premises sign shall be at least 30.0m from another electronic on-premises sign.
  - (3) No electronic on-premises sign shall be located on a site that already has an electronic off-premises sign.
- (d) The maximum sign surface area of an electronic on-premises sign shall be 4.7m<sup>2</sup>.  
[AM. B/L 7304]



**34. ELECTRONIC OFF-PREMISES SIGNS**

- (a) All electronic off-premises signs shall require conditional use approval.
- (b) An electronic off-premises sign may be located only where off-premises signs are permitted in accordance with TABLE 7: SIGN REQUIREMENTS.
- (c) An electronic off-premises sign shall only display static images before instantaneously transitioning to another static image. Animation, frame effects, flashing and the appearance of any movement whatsoever shall not be permitted.
- (d) One (1) electronic off-premises sign may be located on a site.
  - (1) The electronic off-premises sign shall be at least 92.0m from another electronic off-premises sign.
  - (2) No electronic off-premises sign shall be located on a site that already has an electronic on-premises sign.
- (e) The maximum sign surface area of an electronic off-premises sign shall be 18.6m<sup>2</sup>.

[AM. B/L 7212, AM. B/L 7304]

**DIVISION 5: OTHER USES IN RESIDENTIAL DWELLINGS**

**35. SECONDARY SUITES**

- (a) Where permitted, a site shall have not more than one (1) secondary suite.
- (b) Secondary suites shall not be separated from the principal detached dwelling upon the site through subdivision.
- (c) Secondary suites and boarding houses shall not be located on the same site.
- (d) Sites containing a secondary suite shall provide a minimum of two (2) off-street parking spaces.
- (e) Where listed in the use tables as a permitted use, attached suites shall conform to the following regulations:
  - (1) The maximum floor area occupied by an attached suite shall not exceed 40% of the floor area of the principal detached dwelling upon the site, excluding the garage floor area and common space, or 80.0m<sup>2</sup>, whichever is less; and
  - (2) Where an attached secondary suite has an exterior entrance separate from that of the principal detached dwelling upon the site, the entrance to the suite shall be located on a side or rear wall of the principal dwelling.
- (f) Where listed in the tables as a conditional use, garage suites and detached suites shall conform to the following regulations:
  - (1) The maximum floor area of the garage suite or detached suite shall not exceed 70.0m<sup>2</sup>, or 60% of the floor area of the principal single detached dwelling, whichever is less;
  - (2) Garage suites and detached suites shall only be located to the rear of a detached single detached dwelling;
  - (3) Required yards for garage and detached suites shall be in accordance with those for a single detached dwelling in the same zone;
  - (4) Notwithstanding clause 35(f)(3), where the rear of a site abuts a lane, the minimum required rear yard for a garage suite or detached suite shall be 3.0m;
  - (5) Garage suites and detached suites shall be located a minimum of 3.0m from the principal detached dwelling upon the site;
  - (6) The maximum height of a building with a garage suite located above a detached garage shall be 6.5m, or the height of the principal detached dwelling, whichever is less;
  - (7) The maximum height of a building with a detached suite, or a garage suite located beside a detached garage, shall be 4.0m; and

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35. (f) (8) The minimum site area containing either a garage suite or a detached suite shall be 367.0m<sup>2</sup>.

**36. HOME-BASED BUSINESSES**

- (a) A home-based business shall operate fully within a dwelling unit, its garage or its accessory building, and, except for a motor vehicle used for the business or sign in accordance with this by-law, there shall be no external indication of a home-based business on the site.
- (b) The character of the zoning district in which the home-based business is located shall not be detrimentally affected by any environmental impact or public safety concerns generated by the use.
- (c) For the purposes of this by-law, daycares, secondary suites and boarding houses shall not be deemed to be home-based businesses.
- (d) A home-based business may occur in any dwelling unit, secondary suite, or mobile/modular home but not in a boarding house.
- (e) A site with a home-based business may have no more than one (1) non-resident employee or non-resident business partner working on the property where the home-based business is located. [AM. B/L 7304]
- (f) A site with a home-based business may have a maximum of one (1) motor vehicle associated with the home-based business, and such a motor vehicle shall be consistent with the general nature of a residential area, including but not limited to cars, sport utility vehicles and minivans.

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36. (g) All sites with home-based businesses shall conform to the requirements set out in TABLE 8: HOME-BASED BUSINESS REQUIREMENTS.

<b>TABLE 8: HOME-BASED BUSINESS REQUIREMENTS</b>	
On-site clients	Maximum two (2) clients at a time, or, for an instructional service, maximum five (5) pupils at a time <sup>(1)</sup>
Parking <sup>(2)</sup> <ul style="list-style-type: none"> <li>• Clients                             <ul style="list-style-type: none"> <li>○ Bed &amp; breakfast, or</li> <li>○ Other clients</li> </ul> </li> <li>• Business motor vehicle, or non-resident employee</li> </ul>	Minimum one (1) parking space for every guest room Maximum two (2) parking spaces <sup>(3)</sup> Maximum one (1) parking space
Maximum floor area <ul style="list-style-type: none"> <li>• Dwelling unit</li> <li>• Garage and accessory building</li> </ul>	Total 30.5m <sup>2</sup> or 25% of the dwelling unit and, where applicable, a secondary suite, but not including an attached garage, whichever is less <sup>(1)</sup> Total 46.5m <sup>2</sup> except for required parking in a garage
Signage <sup>(4)</sup>	Maximum one (1) non-illuminated fascia sign on a site up to 0.2m <sup>2</sup> in sign surface area indicating the name of the business

Notes to Table 8:

- (1) *The maximum number of guests and floor area of a bed and breakfast shall be determined as conditions of conditional use approval.*
- (2) *In addition to any other required parking spaces on the site for dwelling units and secondary suites, where applicable.*
- (3)
  - a) *For sites where required parking spaces are accessed only from a front site line, parking spaces for clients may be within the required front yard of the site and may be in a tandem arrangement with other required parking spaces, provided that the parking spaces for clients have clear unobstructed access to a street.*
  - b) *For multiple and row house dwelling sites, on-site visitor parking spaces may be counted as parking spaces for clients.*
- (4) *Permitted only in detached, semi-detached and duplex dwellings, and mobile/modular homes.*

## DIVISION 6: OTHER SITE PROVISIONS

### **37. HEIGHT EXCEPTIONS**

In all zones, the following shall not be considered as obstructions and therefore may exceed the maximum height as specified in the bulk and siting tables for each zone:

- (a) Chimneys and flues;
- (b) Elevator and stair bulkheads;
- (c) Flagpoles, aerials, antennae, and spires;
- (d) Parapet walls not more than 1.2m in height above the roof of the building where the parapet wall faces a street but not a lane; or
- (e) Radiocommunications facilities.

### **37.1 MANUFACTURING OF GOODS FOR SALE**

Manufacturing of goods for sale shall comply with the following requirements:

- (a) The gross floor area of the use shall be no more than 465.0m<sup>2</sup>;
- (b) At least 10% of the gross floor area shall be dedicated to an associated commercial use; and
- (c) Notwithstanding subsection 37.1(a), where the gross floor area of the associated commercial use exceeds 930.0m<sup>2</sup>, the manufacturing gross floor area shall be less than the gross floor area of the associated commercial use. [EN. B/L 7212]

**38. OUTDOOR STORAGE AND INDUSTRIAL OPERATIONS**

- (a) With the exception of motor vehicle, marine and farm implement sales and rental, outdoor storage shall not be permitted in any required yard that abuts a street, but not a lane, and storage and utility areas shall be screened by opaque fencing of a height of 1.8m.
- (b) Outdoor industrial operations and storage of raw materials shall only be permitted in IH Zones, subject to the following conditions:
  - (1) The outdoor industrial operations and storage of raw materials shall not be greater than 75% of the total site area; and
  - (2) The outdoor industrial operations and storage of raw materials shall not be permitted in the required front yard or the required corner side yard.
- (c) Lighting of utility areas shall be arranged so that it does not illuminate directly onto adjacent sites or streets.
- (d) Where permitted by right or by approved conditional use, a snow disposal facility shall not be located within the following areas:
  - (1) 350.0m of the boundary of any R Zone; and
  - (2) 200.0m of any water body.
- (e) All snow disposal facilities shall comply with the latest edition of Transportation Association of Canada's "Syntheses of Best Management Practices Road Salt Management: Snow Storage and Disposal Guidelines".

**38.1 ELECTRIC VEHICLE CHARGING STATIONS**

- (a) Levels 1 and 2 electric vehicle charging stations are permitted as accessory uses in all zones, and may be placed to charge electric vehicles parked in required parking spaces.
- (b) Levels 3 and 4 electric vehicle charging stations are permitted where automotive service stations are also permitted, either as an accessory use or as part of an automotive service station.
  - (1) Where installed as an accessory use, Levels 3 and 4 electric vehicle charging stations may be placed to charge electric vehicles parked in required parking spaces.

[EN. B/L 7304]

**39. FENCES AND RETAINING WALLS**

- (a) Fences and retaining walls shall, in any zone, be no more than
  - (1) 1.2m in height in any required front yard, and
  - (2) 1.8m in height in any required side or rear yard.
  
- (b) Security fences are permitted in a C (except for CN and CR) or I Zone subject to the following:
  - (1) The barbed wire extensions
    - (i) are at least 1.8m above grade,
    - (ii) are no more than 2.4m above grade,
    - (iii) shall not project beyond the site,
    - (iv) shall not abut any R Zone site,
    - (v) are not adjacent to any street except a lane, and
    - (vi) are no closer to a front or corner side site line than a principal building, or in any required front or corner side yard, whichever is greater; and
  - (2) A landscaped buffer or an alternative design for the security fence is provided for any portion of security fence parallel to and visible from a street but not a lane, unless there is an existing residential use across the lane.
  
- (c) Electric fences shall only be permitted in IG, IH and A Zones.
  
- (d) None of the restrictions under this section shall apply to a correctional facility in the EI Zone. [AM. B/L 7212]
  
- (e) Notwithstanding Subsection 39.(a), where a corner or reverse corner site has a detached or semi-detached dwelling, said dwelling's front entrance faces the corner or reverse corner side yard, and, if applicable, the driveway to the dwelling's required parking space is from the corner or reverse corner side yard, the maximum height of a fence in the site's required front yard, except within the required corner or reverse corner side yard, shall be 1.8m, and the maximum height of a fence in the site's required corner or reverse corner side yard shall be 1.2m. [EN. B/L 7304]

**40. REFUSE CONTAINERS**

- (a) All uses shall be provided with refuse containers on the same site as the use. The provision of a shared refuse container on an abutting site may be considered provided a shared waste disposal agreement is secured by way of an easement agreement registered on all affected titles.
- (b) Refuse containers shall be screened by opaque fencing, equal in height to the refuse container.

**41. TEMPORARY BUILDINGS, STRUCTURES AND USES**

- (a) Temporary buildings, structures, and uses are permitted on a site in connection with construction or development on the site, provided that a development permit is issued and valid for the construction and development of the site, and only for the following purposes:
  - (1) Office space for the contractor, developer, or project supervisor;
  - (2) Temporary accommodation for a caretaker or watchman; or
  - (3) Storage of construction materials and equipment.
- (b) Notwithstanding subsection 41(a), a temporary building used as a classroom is permitted, subject to a development permit, on a site where a school already exists.
- (c) Temporary buildings, structures, and uses shall not be detrimental to public health, safety, convenience, and general welfare.
- (d) Temporary buildings, structures, and uses established under subsection 41 (a) shall be removed within one (1) month of the completion of construction or development on the site.
- (e) Temporary buildings and structures shall not exceed 93.0m<sup>2</sup> in gross floor area and one (1) storey or 5.5m in height.



**42. SHIPPING CONTAINERS**

Shipping containers shall only be permitted where outdoor storage, rail terminals and yards, and truck terminals are permitted by right or by approved conditional uses, or serving as temporary buildings or structures on a site in accordance with subsection 41(a).

**42.1 EXTERIOR UTILITY CABINETS**

Exterior utility cabinets, where connected to overhead utility facilities in a street, are permitted within the required rear or interior side yard of a site in an R Zone subject to the following:

- (a) Minimum 0.3m setback from a rear or interior side site line, clear of all projections, if the cabinet is no more than 1.8m in height and does not have any horizontal dimension exceeding 1.0m;
- (b) Minimum 1.2m setback from a rear or interior side site line if the cabinet is no more than 1.8m in height and has any horizontal dimension exceeding 1.0m but not exceeding 2.0m; and
- (c) The same setback requirements as a principal building from a front, corner side, or reverse corner side site line, or from all sites lines if the cabinet is more than 1.8m in height or has any horizontal dimension exceeding 2.0m. [AM. B/L 7212]

**43. SATELLITE DISHES**

- (a) No person shall erect or maintain in any zone any satellite dish antenna, unless the following requirements can be fulfilled:
  - (1) A satellite dish is permitted within any side yard or rear yard of a site, except where it may obstruct the light or view from the window of a habitable room of a building located on an adjacent site;
  - (2) Despite clause 43(a)(1), no portion of the satellite dish shall be located closer than 1.5m to the site line;
  - (3) Where a satellite dish is structurally attached to a principal or accessory building, the vertical clearance between the exterior roof finish and the bottom extremity of the dish shall not exceed 1.0m; and
  - (4) Where a satellite dish is structurally attached to a mast, truss, or other similar freestanding structure, the clearance between grade and the bottom extremity of the dish shall not exceed the height of the principal building.

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- 43.** (b) Where the owner can demonstrate to the satisfaction of the Director that strict compliance with the requirements specified in subsection 43(a) would prevent effective reception of a satellite signal, these requirements shall not apply. In such cases, the owner shall provide an alternative location for approval, with a suitable position and height that least affects the owners of adjacent sites.

**44. URBAN AND LANDSCAPE DESIGN**

Design of sites, landscaping, buildings and structures shall be in accordance with SCHEDULE C: URBAN & LANDSCAPE DESIGN STANDARDS MANUAL.

**45. LIVESTOCK PRODUCTION OPERATIONS**

No livestock production operations shall be permitted in the City.

**46. MUNICIPAL SERVICES**

All principal buildings and structures constructed on a site served by public or private water, wastewater, storm sewer, or hydro distribution shall be connected to such services. Water, wastewater, and storm sewer connections shall be made within the time limit specified in the City of Brandon Water and Wastewater Control By-law.

**47. STREETS AND LANES**

- (a) All sites shall have frontage on a street, but not on a lane.
- (b) Notwithstanding subsection 47(a), where Council shall deem it reasonable and appropriate, Council may permit a use to be established or a building to be constructed upon sites having frontage on a private road provided that the private road intersects with a street, but not a lane.
- (c) Where a private road is provided to serve a residential development, the road shall be registered as a common element as defined in The Condominium Act (Manitoba).
- (d) All private roads shall be hardsurfaced, and shall be developed in accordance with the latest edition of the Transportation Association of Canada's "Geometric Design Guide for Canadian Roads" as supplemented by the City of Brandon's "Roadway Design Standards".
- (e) All other standards for private roads shall be in accordance with section 3 of Schedule B of Regulation 137/2006 under the Act.

47. (f) No building or structure shall be erected upon any site designated for a future street. Any development adjacent to the future street shall comply with the requirements of this by-law as if the future street was already in existence.

**48. PLANNED UNIT DEVELOPMENTS**

- (a) For a planned unit development, the provisions of the bulk and siting tables for the particular zone, as well as this Part, shall not apply, with the exception of this section. The design of a planned unit development shall produce an environment of stable and desirable character and shall incorporate higher standards and amenities that contribute to greater community benefits which are not typically achieved under the standards established in this by-law.
- (b) A conditional use application for the establishment of a planned unit development shall be accompanied by the following information:
- (1) Those requirements normally required for a conditional use application as listed in subsection 12(b);
  - (2) The proposed alternative standards and the existing standards that will be superseded by the alternative standards; and
  - (3) A site design analysis which addresses the following:
    - (i) The general benefits of the development to the community as a whole;
    - (ii) The effect on any adjacent neighbourhoods;
    - (iii) The effect on the skyline, views, and vistas in all directions;
    - (iv) The effect on the natural environment, such as surface and sub-surface water resources, increases in surface run-off and flooding, soil erosion, and vegetation;
    - (v) The effect on safety and general welfare;
    - (vi) The effect on transportation systems;
    - (vii) The effect on City water, wastewater, and storm drainage systems; and
    - (viii) The economic costs and benefits to the City.

**PART III: PROVISIONS FOR EACH ZONE**

**DIVISION 1: RESIDENTIAL**

**49. RESIDENTIAL ZONES**

The following residential zones are hereby established:

<b><i>Code</i></b>	<b><i>Zone Name</i></b>	<b><i>Description</i></b>
RLL	Residential Large Lot	Provides for the development of low density detached dwellings on large sites with or without City sewer and water services
RSD	Residential Single Detached	Provides for the development of low density detached, semi-detached or duplex dwellings on City serviced sites
RLD	Residential Low Density	Provides for the development of low density detached, semi-detached, duplex, row house and multiple dwellings with up to four (4) dwelling units on City serviced sites
RMD	Residential Moderate Density	Provides for the development of medium rise, moderate density buildings with multiple dwellings on City serviced sites
RHD	Residential High Density	Provides for the development of high-rise, high density buildings with multiple dwellings on City serviced sites
RMH	Residential Mobile/Modular Home	Provides for an area for the placement of mobile or modular homes on spaces within a mobile/modular home park, which are sold or leased to the mobile/modular home park owner, within a plan registered in the Brandon Land Titles Office

**50. RESIDENTIAL USE REGULATIONS**

TABLE 9: RESIDENTIAL USE TABLE lists all uses in the following manner:

- P = Permitted;
- C = Conditional use; and
- NP= Not permitted.

<b>TABLE 9: RESIDENTIAL USE TABLE</b>						
<b>Uses</b>	<b>Zones</b>					
	<b>RLL</b>	<b>RSD</b>	<b>RLD</b>	<b>RMD</b>	<b>RHD</b>	<b>RMH</b>
Assembly areas	C	C	C	C	C	C
Boarding houses	C	C	C	C	C	NP
Child care						
• Home day care	P	P	P	P	P	P
• Group day care	C	C	C	C	C	C
Commercial						
• Personal services, commercial establishments and offices supportive of a permitted principal use	NP	NP	NP	NP	C	NP
• Commercial conversions	C	C	C	C	C	C
Communications—radiocommunications facility	P	P	P	P	P	P
Dwellings						
• Detached dwellings	P	P	P	P	P	NP
• Semi-detached dwellings	NP	C	P	P	P	NP
• Duplex dwellings	NP	C	P <sup>(1)</sup>	P	P	NP
• Row house and multiple dwellings						
○ Buildings with four (4) or fewer dwelling units located on a corner site	NP	NP	P	P	P	NP
○ Buildings with four (4) or fewer dwelling units located on an interior site	NP	NP	C	P	P	NP
○ Buildings with five (5) or more dwelling units on a site	NP	NP	NP	P	P	NP
• Mobile/modular homes	NP	NP	NP	NP	NP	P
• Secondary suites						
○ Attached suites	P	P	P	P	P	NP
○ Garage suites	C	C	C	C	C	NP
○ Detached suites	C	C	C	C	C	NP
Government offices and facilities	C	C	C	C	C	C
Personal care, retirement and convalescent homes	C	C	C	C	C	NP
Places of worship	C	C	C	C	C	C
Planned unit development	C	C	C	C	C	C

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<b>TABLE 9: RESIDENTIAL USE TABLE</b>						
<b>Uses</b>	<b>Zones</b>					
	<b>RLL</b>	<b>RSD</b>	<b>RLD</b>	<b>RMD</b>	<b>RHD</b>	<b>RMH</b>
Recreational facilities • Parks and playgrounds	P	P	P	P	P	P
Recycling • Collection depot	P	P	P	P	P	P
Schools • Kindergartens and nurseries	C	C	C	C	C	C
Special needs housing • Three (3) or fewer persons per dwelling unit • Four (4) or more persons per dwelling unit	P C	P C	P C	P C	P C	P C
Utilities and services • Police and fire stations • Reservoirs and water towers • Utilities and public works	P P P	P P P	P P P	P P P	P P P	P P P

*Notes to Table 9:*

- (1) *On a corner site or a site with a minimum site width of 15.2m, otherwise a conditional use.*

[AM. B/L 7212, AM. B/L 7248]

Schedule A, City of Brandon Zoning By-law

**51. RESIDENTIAL BULK AND SITING REQUIREMENTS**

Development in all residential zones shall conform to the bulk and siting requirements set out in TABLE 10: RESIDENTIAL BULK AND SITING REQUIREMENTS.

Permitted and conditional uses	Minimum								Maximum			
	Site area (m <sup>2</sup> )	Site width (m)	Front yard (m) <sup>(2)(3)</sup>	Side yard (m) <sup>(3)</sup>		Rear yard (m) <sup>(3)</sup>		Dwelling unit area (m <sup>2</sup> ) <sup>(4)</sup>	Distance from principal building (m)	Height <sup>(5)</sup>		Density (units/ha)
				Interior	Corner	Lane	No lane			Height (m)	Storeys	
Detached dwellings in RLL Zone	4,048.0 <sup>(6)</sup>	22.8	7.6	4.6	4.6	9.1	9.1	75.0 <sup>(7)</sup>	N/A	11	2.5	N/A
Detached dwellings in RSD Zone	273.0	9.1	6.0	1.2 <sup>(8)</sup>	3.0 <sup>(9)</sup>	7.6	7.6 <sup>(10)</sup>	75.0 <sup>(7)</sup>	N/A	11	2.5	N/A
Detached dwellings in all other zones	232.0	7.6	6.0	1.2 <sup>(8)</sup>	3.0 <sup>(9)</sup>	7.6	7.6 <sup>(10)</sup>	75.0 <sup>(7)</sup>	N/A	11	2.5	N/A
Dwellings on separate titles with common party walls	232.0	7.6	6.0	1.2 <sup>(8)(11)</sup>	3.0 <sup>(9)</sup>	7.6	7.6 <sup>(10)(11)</sup>	75.0	N/A	11	2.5	N/A
All other RLL Zone uses	4,048.0 <sup>(6)</sup>	22.8	7.6	4.6	4.6	9.1	9.1	75.0	N/A	11	2.5	N/A
All other RSD Zone uses	273.0	9.1	6.0	1.2 <sup>(8)</sup>	3.0 <sup>(9)</sup>	7.6	7.6	75.0	N/A	11	2.5	N/A
All other RLD Zone uses	232.0	7.6	6.0	1.2 <sup>(8)</sup>	3.0 <sup>(9)</sup>	7.6	7.6	18.0	N/A	11	2.5	N/A
All other RMD Zone uses	670.0	18.2	6.0	3.0 <sup>(12)</sup>	3.0 <sup>(9)</sup>	7.6	7.6	18.0	N/A	14.0 <sup>(13)</sup>	3.0 <sup>(13)</sup>	86.0
All other RHD Zone uses	930.0	30.4	6.0	4.6	4.6	4.6	6.0 <sup>(14)</sup>	18.0	N/A	43.0	12.0	148.0
Mobile/modular homes in RMH Zones with separate titles	372.0	12.1	4.5	1.2	3.0 <sup>(9)</sup>	4.5	4.5 <sup>(15)</sup>	N/A	N/A	5.5	1.5	N/A
Accessory Uses <sup>(16)</sup>	N/A	N/A	7.6	1.2 <sup>(11)(17)(18)</sup>	3.0 <sup>(19)(20)</sup>	1.5 <sup>(21)</sup>	0.6 <sup>(20)</sup>	N/A	1.2	4.0	N/A	N/A

**Notes to Table 10:**

- (1) The maximum site coverage of all buildings, including garages and other accessory buildings, is 60%.
- (2) For any portion of the principal building on a RSD or RLD site that is not a garage or carport, the required front yard may be reduced by up to 25% of the average front yards of buildings on the adjacent sites, but shall be no less than 4.6m. For any portion of the principal building on a RMD or RHD site that is not a garage or carport, the required front yard may be reduced to 4.6m.
- (3) For group buildings located on one site, see subsection 22(b).
- (4) Where permitted, the cumulative area of the sleeping rooms for a boarding house shall be limited to a maximum of 50% of the gross floor area of the dwelling.
- (5) The maximum building height shall be the lesser of either metres or storeys.
- (6) Or as required by provincial regulations for private sewage disposal systems, whichever is greater.
- (7) Floor area exclusive of basements, cellars, and accessory buildings and structures.
- (8) Where motor vehicle access is obtained from the front street, one of the required side yards shall be increased to a minimum of 3.0m, clear of all projections, except eaves and gutters, in order to be used as a required parking space. Where the access is to an attached garage or carport, however, the required side yards shall be the same as that required for the principal building.

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Notes to Table 10 (continued):

- (9) *The required corner side yard of a reverse corner site shall be a minimum of 4.6m. Where identified in an approved neighbourhood plan and in consultation with utility companies, the required corner side yard may be reduced to 2.0m.*
- (10) *The required yard may be reduced to 6.0m, clear of all projections except for overhanging eaves and gutters, provided that all the required parking and loading spaces are provided elsewhere on the site and site access is exclusively from the front site line.*
- (11) *A required side yard or rear yard, on the side having a common party wall, may be reduced to 0.0m, provided the side or rear site line is completely contained within the common party wall.*
- (12) *The required interior side yard may be reduced to 1.2m if the building contains four (4) or less dwelling units, and is no greater than 11.0m or 2.5 storeys, whichever is less, in height.*
- (13) *The maximum building height may be increased to 19.0m or 4.0 storeys, whichever is less, for sites with an area greater than 3,500.0m<sup>2</sup>.*
- (14) *Where the site abuts a RLL or RSD zone, the required rear yard shall be a minimum of 7.6m.*
- (15) *Where the rear yard is adjacent to a residential zone with a greater required rear yard, the greater required rear yard of the neighboring zone shall apply.*
- (16) *No accessory building or structure shall exceed the height and site coverage of the principal building on the same site.*
- (17) *Except when located to the rear of the principal building on the site and to the rear of the principal building on the nearest adjacent site, in which case the required side yard may be reduced to 0.3m, clear of all projections.*
- (18) *The minimum required interior side yard for accessory buildings which have direct access onto a lane shall be 1.5m.*
- (19) *Minimum 4.6m in the RHD Zone.*
- (20) *When an accessory building or structure is located in the required rear yard of a reverse corner site, the building or structure shall not be located nearer to the street side site line than 80% of the required front yard of the interior site abutting the rear site line of the subject site, nor closer than 1.5m to the rear site line, if there is no lane between the sites.*
- (21) *The minimum required rear yard for accessory buildings which do not have direct access onto a lane shall be 0.6m.*

[AM. B/L 7212, AM. B/L 7304]



**52. SPECIAL DEVELOPMENT STANDARDS IN THE RMH ZONE**

- (a) Each mobile/modular home space shall be provided with the following:
  - (1) A sewer and water connection;
  - (2) An electrical service outlet; and
  - (3) An adequate base support for the mobile/modular home.
  
- (b) Where mobile/modular home spaces are not on individual titles, the mobile/modular home shall be placed upon a mobile/modular home space so that the mobile/modular home has
  - (1) a minimum front yard of 4.5m,
  - (2) a minimum separation of 2.4m from another mobile/modular home,
  - (3) on a corner mobile/modular home space, a minimum side yard of 3.0m on the side of the mobile/modular home facing a street or private road,
  - (4) a minimum separation of 3.0m from a buffer area, common recreational area, or storage compound, and
  - (5) a minimum rear yard separation of 4.5m, except where the rear yard is adjacent to a buffer area, where the minimum rear yard shall be 3.0m.
  
- (c) Each accessory building or structure where mobile/modular home spaces are not on individual titles shall be placed upon a mobile/modular home space so that the accessory building or structure has
  - (1) a minimum front yard of 4.5m,
  - (2) a minimum separation of 1.2m from the mobile/modular home on the same mobile/modular home space,
  - (3) a minimum separation of 2.4m from another mobile/modular home,
  - (4) on a corner mobile/modular home space, a minimum side yard of 3.0m on the side of the accessory building or structure facing a street or private road,
  - (5) a minimum separation of 0.6m from a buffer area, common recreational area, or storage compound, and
  - (6) a minimum rear yard of 0.6m.
  
- (d) Mobile/modular homes, and their accessory buildings or structures, located on mobile/modular home spaces with individual titles shall be placed upon the mobile/modular home space in accordance with TABLE 10: RESIDENTIAL BULK AND SITING REQUIREMENTS.

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- 52.** (e) When a buffer area is provided, it will be within and adjacent to the perimeter of the mobile/modular home park site boundary. The buffer area
- (1) shall be at least 6.0m in width,
  - (2) shall be landscaped in accordance with SCHEDULE C: URBAN & LANDSCAPE DESIGN STANDARDS MANUAL,
  - (3) may be crossed by a public or private road right-of-way, and
  - (4) shall contain no other use.
- (f) A mobile/modular home park shall contain a common recreational area which shall
- (1) comprise an area no less than 5% of the mobile/modular home park area,
  - (2) not be part of the buffer area provided for in subsection 52(e), and
  - (3) be bordered by a fence or hedge where it abuts any part of the mobile/modular home park's private road system.
- (g) A mobile/modular home park shall contain a storage compound for the use of residents of the mobile/modular home park.
- (h) Internal roadways within a mobile/modular home park shall be hardsurfaced and developed in accordance with subsection 47(d) within a right-of-way with a minimum width of 15.2m.
- (i) A pathway, where provided, shall have a minimum width of 2.5m.

**DIVISION 2: COMMERCIAL**

**53. COMMERCIAL ZONES**

The following commercial zones are hereby established:

<b><i>Code</i></b>	<b><i>Zone Name</i></b>	<b><i>Description</i></b>
CN	Commercial Neighbourhood	Provides sites, characteristically small in size, either within or abutting residential zones, to provide goods and services to satisfy the daily household or personal needs of residents
CR	Commercial Restricted	Provides sites for a limited number of uses, on sites with special relationships to adjacent neighbourhoods or areas of heritage or cultural significance
CG	Commercial General	Provides sites adjacent to the central business area and at appropriate locations adjacent to residential zones, for a variety of commercial uses, on sites smaller or with less visibility than those in the CAR Zone
CAR	Commercial Arterial	Provides sites for those businesses serving the needs of the larger city market and traveling public which require visibility and access from major thoroughfares
CHW	Commercial Highway	Provides sites for businesses that cater to the traveling public and the transportation industry along the Trans-Canada Highway. Other types of highway commercial development may be allowed in this zone if no other sites are available, and the development is compatible with the CHW Zone

**54. COMMERCIAL USE REGULATIONS**

TABLE 11: COMMERCIAL USE TABLE lists all uses in the following manner:

P = Permitted;  
 C = Conditional use; and  
 NP= Not permitted.

<b>TABLE 11: COMMERCIAL USE TABLE</b>					
<b>Uses</b>	<b>Zones</b>				
	<b>CN</b>	<b>CR</b>	<b>CG</b>	<b>CAR</b>	<b>CHW</b>
Animal					
• Animal boarding and pounds	NP	NP	NP	C	C
• Veterinary clinics	NP	NP	P	P	C
Arts and cultural centres	C	NP	P	P	C
Assembly places					
• Community centres and halls	C	NP	P	P	C
• Convention and exhibition centre	NP	NP	NP	C	C
• Outdoor stadiums and sports complexes	NP	NP	C	C	C
• Funeral homes	NP	NP	P	P	C
• Places of worship	P	NP	P	P	C
Automotive/Truck/Farm/Marine					
• Automotive service stations					
o with no underground fuel storage tanks, or with above-ground fuel storage tanks each less than 5,000L	C	NP	P	P	P
o with underground fuel storage tanks, or with above-ground fuel storage tanks each 5,000L or greater	C	NP	C	C	C
• Marine and recreational vehicle repair	NP	NP	C	P	P
• Truck and farm implement repair	NP	NP	NP	C	P
• Truck washes	NP	NP	NP	C	P
Banks and bank machines	P	P	C	P	P
Child care—home and group day care	P	P	NP	P	C
Commercial					
• Auction markets	NP	NP	P	P	C
• Farmer’s markets	NP	NP	C	P	P
• Personal services	P	C	P	P	C
• Commercial establishments—under 4,645.0m <sup>2</sup> gross floor area	C	C	P	P	C
• Commercial establishments—4,645.0m <sup>2</sup> gross floor area and over	NP	NP	NP	C	C
• Adult video store	NP	NP	C	C	NP

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<b>TABLE 11: COMMERCIAL USE TABLE</b>					
<b>Uses</b>	<b>Zones</b>				
	<b>CN</b>	<b>CR</b>	<b>CG</b>	<b>CAR</b>	<b>CHW</b>
Communications					
• Radio and television studios	NP	NP	P	P	C
• Radiocommunications facility	P	P	P	P	P
Dwellings					
• Dwelling units					
○ 1 <sup>st</sup> storey and basement	C	NP	P	NP	NP
○ 2 <sup>nd</sup> storey and above	C	C	P	P	NP
• Row house and multiple dwellings	NP	NP	P	NP	NP
• Row house and multiple dwellings as part of a commercial development	NP	NP	P	C	NP
• Detached dwelling or mobile/modular home supportive of a permitted principal use	C	NP	C	C	C
Eating and drinking places					
• Restaurants	C	NP	P	P	P
• Bars, night clubs and taverns	NP	NP	P	P	C
Government offices and facilities	C	C	P	P	P
Hotels and motels	NP	NP	NP	P	P
Laboratories	NP	NP	P	P	C
Manufacturing					
• Manufacturing of goods for sale	NP	NP	P	P	C
• Outdoor assembly of goods for sale	NP	NP	C	P	C
Offices	C	C	P	P	C
Parking facilities					
• Surface lots	P	NP	P	P	P
• Above- and below-ground structures	NP	NP	P	P	NP
Personal care, retirement and convalescent homes	NP	NP	P	NP	NP
Planned unit development	NP	C	C	C	C
Recreation					
• Parks and playgrounds	P	NP	P	P	P
• Indoor recreation facilities	C	NP	P	P	C
• Outdoor recreation facilities	NP	NP	C	P	C
• Amusement and billiard parlours, bowling alleys	NP	NP	P	P	C
• Drive-in theatres	NP	NP	NP	P	C
Recycling					
• Collection depot	P	NP	P	P	P
• Recycling centres	NP	NP	C	C	C
Schools					
• Business and technical schools, training centres	NP	C	P	P	C
• Kindergartens and nurseries	P	NP	P	P	C

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TABLE 11: COMMERCIAL USE TABLE					
Uses	Zones				
	CN	CR	CG	CAR	CHW
Special needs housing					
• Three (3) or fewer persons per dwelling unit	C	NP	P	NP	NP
• Four (4) or more persons per dwelling unit	C	NP	C	NP	NP
Storage					
• Outdoor storage	NP	NP	C	C	C
• Warehouses and storage facilities	NP	NP	C	C	C
Transportation					
• Bus terminals	NP	NP	P	P	P
• Taxi and courier services, including parking and repair	NP	NP	C	C	NP
• Truck terminals	NP	NP	NP	C	P
Utilities and services					
• Police and fire stations	P	C	P	P	P
• Reservoirs and water towers	P	C	P	P	P
• Utilities and public works	P	C	P	P	P
• Water treatment plants	P	C	P	P	P

[AM. B/L 7212, AM. B/L 7304]

### 55. COMMERCIAL BULK AND SITING REQUIREMENTS

Development in all commercial zones shall conform to the bulk and siting requirements set out in TABLE 12: COMMERCIAL BULK AND SITING REQUIREMENTS.

TABLE 12: COMMERCIAL BULK AND SITING REQUIREMENTS											
Permitted and conditional uses	Minimum								Maximum		
	Site area (m <sup>2</sup> )	Site width (m)	Front yard (m) <sup>(1)(2)</sup>	Side yard (m) <sup>(1)(2)</sup>		Rear yard (m) <sup>(1)(2)</sup>		Dwelling unit area (m <sup>2</sup> ) <sup>(3)</sup>	Distance from principal building (m)	Height <sup>(4)</sup>	
				Interior	Corner	Lane	No lane			Height (m)	Storeys
Uses in CN Zones	232.0	7.6	6.0 <sup>(5)</sup>	1.5	3.0 <sup>(6)</sup>	6.0 <sup>(7)</sup>	7.6 <sup>(8)</sup>	18.0	N/A	11.0	2.5
Row house and multiple dwellings, and special needs housing, in CG Zones	781.0	21.0	6.0 <sup>(5)</sup>	4.6	4.6	7.6	9.1	18.0	N/A	14.0 <sup>(10)</sup>	3.0
All other uses in CG Zones	139.0	4.6	0.0	0.0 <sup>(9)</sup>	3.0 <sup>(6)</sup>	6.0 <sup>(7)</sup>	7.6 <sup>(8)</sup>	18.0	N/A	14.0	3.0
Uses in CR Zones	232.0	7.6	6.0 <sup>(5)</sup>	1.5	3.0 <sup>(6)</sup>	6.0 <sup>(7)</sup>	7.6 <sup>(8)</sup>	18.0	N/A	9.0	2.0
Uses in CAR Zones	372.0	12.1	3.0	1.5	3.0 <sup>(6)</sup>	6.0 <sup>(7)</sup>	7.6 <sup>(8)</sup>	18.0	N/A	14.0 <sup>(10)</sup>	3.0
Uses in CHW Zones	465.0	15.2	12.1	1.5	3.0 <sup>(6)</sup>	6.0 <sup>(7)</sup>	7.6 <sup>(8)</sup>	N/A	N/A	14.0 <sup>(10)</sup>	3.0
Accessory uses	N/A	N/A	<sup>(11)(12)</sup>	<sup>(11)(12)</sup>	<sup>(11)(12)</sup>	1.5 <sup>(12)(13)</sup>	0.6 <sup>(12)(13)</sup>	18.0	2.4	<sup>(14)</sup>	N/A

Notes to Table 12:

- (1) For sites abutting an R Zone site, see also section 23.
- (2) For group buildings located on one site, see subsection 22(b).
- (3) Where dwelling units are permitted or approved conditional uses.
- (4) The maximum building height shall be the lesser of either metres or storeys.

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Notes to Table 12 (continued):

- (5) *For any portion of the principal building that is not a garage or carport, the required front yard may be reduced by up to 25% of the average front yards of the adjacent sites, but shall be no less than 4.6m.*
- (6) *The minimum side yard on the street side of a reverse corner site abutting an R Zone shall be 4.6m.*
- (7) *Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 1.5m if all the required parking and loading spaces are provided elsewhere on the site.*
- (8) *Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 3.0m if all the required parking and loading spaces are provided elsewhere on the site.*
- (9) *Where a side yard is provided, it shall be not less than 1.5m.*
- (10) *The maximum building height may be increased to 19.0m or 4.0 storeys, whichever is less, for sites with an area greater than 3,500.0m<sup>2</sup>.*
- (11) *The minimum interior side yard requirements for permitted accessory buildings and structures shall be the same as the minimum interior side yard requirements for the principal building on the site, and accessory buildings and structures shall be located no closer to any front or corner side site line than the principal building, unless otherwise provided for herein:
  - a) *In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1m;*
  - b) *In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5m; and*
  - c) *Notwithstanding anything else contained herein, in the case of a freestanding canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0.0m.**
- (12) *Accessory buildings and structures may be attached to the principal building by means of a breezeway, extended roof, or similar structure. In each case, the accessory building or structure shall be considered as being a part of the principal building, and, notwithstanding anything else contained herein, the yard requirements for the principal building shall apply, except in the case of a canopy extending over the fuel pumps of an automotive service station or a canopy covering a walkway from the street to the principal building, where the minimum front and side yard requirements for the canopy shall be 0.0m.*
- (13) *Where permitted, a dwelling or mobile/modular home supportive of a permitted principal use shall have a minimum rear yard requirement of 6.0 m where there is a lane to the rear of the site and 7.6 m where there is no lane to the rear of the site.*
- (14) *An accessory building or structure shall not exceed the height of the principal building or structure.*

[AM. B/L 7212, AM. B/L 7304]

**56. SPECIAL DEVELOPMENT STANDARDS IN THE CR ZONE**

Conditional uses in the CR Zone shall be subject to the following requirements:

- (a) In addition to the requirements of subsection 12(b) of this by-law, an application for approval of a conditional use may be required as prescribed in the conditional use application checklist.
  - (b) All exterior lighting must be of low intensity and directed away from any neighbouring properties containing a dwelling unit.
  - (c) Notwithstanding PART II: GENERAL PROVISIONS, DIVISION 4: SIGNAGE, each site shall contain no exterior signage, with the following exceptions:
    - (1) One (1) freestanding on-premises sign with a maximum height of 1.5m and a maximum sign surface area of 2.0m<sup>2</sup>;
    - (2) One (1) fascia on-premises sign facing directly towards 18<sup>th</sup> Street, located no higher than the building's eaves, and with a maximum sign surface area of 3.0m<sup>2</sup>;
    - (3) For a corner site, one (1) additional fascia sign facing directly towards the street perpendicular to 18<sup>th</sup> Street, located no higher than the building's eaves, and with a maximum sign surface area of 2.0m<sup>2</sup>; and
    - (4) No more than 50% of a sign's area may consist of removable copy.
- [AM. B/L 7304]
- (d) The footprint of all principal and accessory buildings shall not exceed 60% of the site area.



**DIVISION 3: DOWNTOWN**

**57. DOWNTOWN ZONES**

The following downtown zones are hereby established:

<b>Code</b>	<b>Zone Name</b>	<b>Description</b>
DCB	Downtown Central Business	Provides sites in the downtown core for a mixture of specialty retail, entertainment, restaurant, and personal service uses to enable a vibrant pedestrian oriented street life
DMU	Downtown Mixed Use	Provides sites surrounding the Central Business area for a mixture of high density residential uses and commercial uses generally focusing on commerce and employment such as traditional retail, offices, institutional, and personal services

**58. DOWNTOWN USE REGULATIONS**

TABLE 13: DOWNTOWN USE TABLE lists all uses in the following manner:

- P = Permitted;
- C = Conditional use; and
- NP= Not permitted.

<b>TABLE 13: DOWNTOWN USE TABLE</b>		
<b>Uses</b>	<b>Zones</b>	
	<b>DCB</b>	<b>DMU</b>
Animal—Veterinary clinics	NP	C
Arts and cultural centres	P	P
Assembly places		
• Community centres and halls	P	P
• Convention and exhibition centre	C	C
• Funeral homes	NP	C
• Outdoor stadiums and sports complexes	C	C
• Places of worship	NP	P
Banks	P	P
Child care—home and group day care		
• 1 <sup>st</sup> storey	C	P
• 2 <sup>nd</sup> storey and above	P	P

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<b>TABLE 13: DOWNTOWN USE TABLE</b>		
<b>Uses</b>	<b>Zones</b>	
	<b>DCB</b>	<b>DMU</b>
<b>Commercial</b> <ul style="list-style-type: none"> <li>• Auction markets</li> <li>• Commercial establishments—under 4,645.0m<sup>2</sup> gross floor area</li> <li>• Commercial establishments—4,645.0m<sup>2</sup> gross floor area and over</li> <li>• Farmer’s markets</li> <li>• Pawn shops</li> <li>• Personal services</li> </ul>	NP P C P NP P	C P C P C P
<b>Communications</b> <ul style="list-style-type: none"> <li>• Radio and television studios</li> <li>• Radiocommunications facility</li> </ul>	P P	P P
<b>Dwellings</b> <ul style="list-style-type: none"> <li>• Dwelling units               <ul style="list-style-type: none"> <li>○ 1<sup>st</sup> storey and basement, new buildings</li> <li>○ 1<sup>st</sup> storey and basement, existing buildings</li> <li>○ 2<sup>nd</sup> storey and above</li> </ul> </li> <li>• Live work units</li> <li>• Row house and multiple dwellings               <ul style="list-style-type: none"> <li>○ New buildings</li> <li>○ Existing buildings</li> </ul> </li> <li>• Row house and multiple dwellings as part of a commercial development               <ul style="list-style-type: none"> <li>○ New buildings</li> <li>○ Existing buildings</li> </ul> </li> </ul>	p <sup>(1)</sup> NP P P NP NP p <sup>(1)</sup> NP	p <sup>(1)(2)</sup> p <sup>(2)</sup> P P p <sup>(1)(2)</sup> p <sup>(2)</sup> p <sup>(1)(2)</sup> p <sup>(2)</sup>
<b>Eating and drinking places</b> <ul style="list-style-type: none"> <li>• Restaurants</li> <li>• Bars, night clubs and taverns</li> </ul>	P P	P P
<b>Hotels and motels</b>	P	P
<b>Laboratories</b>	NP	C
<b>Manufacturing</b> <ul style="list-style-type: none"> <li>• Manufacturing of goods for sale</li> <li>• Outdoor assembly of goods for sale</li> </ul>	p <sup>(3)</sup> NP	P NP
<b>Offices, including government offices</b>	P	P
<b>Parking facilities</b> <ul style="list-style-type: none"> <li>• Surface lots</li> <li>• Above-ground structures</li> <li>• Below-ground structures</li> </ul>	NP C P	C C P
<b>Personal care, retirement and convalescent homes</b>	NP	P

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<b>TABLE 13: DOWNTOWN USE TABLE</b>		
<b>Uses</b>	<b>Zones</b>	
	<b>DCB</b>	<b>DMU</b>
Recreation		
• Amusement and billiard parlours, bowling alleys	P	P
• Indoor recreation facilities	P	P
• Outdoor recreation facilities	NP	C
• Parks and playgrounds	P	P
Recycling—collection depot	NP	P
Schools		
• Business and technical schools, training centres, universities and community colleges	P	P
• Kindergartens and nurseries	C	P
Special needs housing		
• Three (3) or fewer persons per dwelling unit	C	P
• Four (4) or more persons per dwelling unit	C	C
Storage		
• Outdoor storage	NP	NP
• Warehouses and storage facilities—basement	NP	P
Transportation		
• Bus terminals	C	P
• Truck terminals	NP	NP
Utilities and services		
• Police and fire stations	NP	P
• Reservoirs and water towers	NP	NP
• Utilities and public works	C	P
• Water treatment plants	NP	NP

*Notes to Table 13:*

- (1) *The maximum total floor area of the dwelling units shall not exceed 50% of the total floor area of the 1<sup>st</sup> storey, and the dwelling units shall be located in the rear of the building to allow portions of the building directly facing a street (front or side yard) to be developed for non-residential uses.*
- (2) *Where a site is adjacent to a Commercial Corridor as identified in The Downtown Brandon Secondary Plan, this use shall be a conditional use.*
- (3) *Where alcoholic beverages are produced, only if the associated commercial use includes a tasting room or an eating or drinking place, otherwise a conditional use.*

[AM. B/L 7212, AM. B/L 7304, AM. B/L 7334]

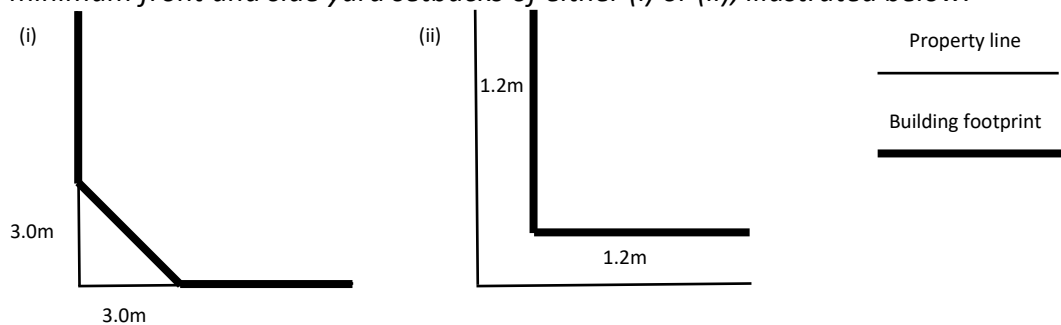
**59. DOWNTOWN BULK AND SITING REQUIREMENTS**

Development in all downtown zones shall conform to the bulk and siting requirements set out in TABLE 14: DOWNTOWN BULK AND SITING REQUIREMENTS.

Permitted and conditional uses		Site area (m <sup>2</sup> )	Site width (m)	Front yard (m) <sup>(1)(2)</sup>	Side yard (m) <sup>(1)</sup>		Rear yard (m) <sup>(1)</sup>		Dwelling unit area (m <sup>2</sup> ) <sup>(3)</sup>	Distance from principal building (m)	Height <sup>(4)</sup>		Density (units/ha)
					Interior	Corner <sup>(2)</sup>	Lane	No lane			Height (m)	Storeys	
Uses in DCB and DMU Zones	Min.	232.0	7.6	0.0	0.0 <sup>(6)</sup>	0.0	0.0 <sup>(7)</sup>	0.0 <sup>(8)</sup>	18.0	N/A	N/A	2.0 <sup>(9)</sup>	N/A
	Max.	N/A	N/A	3.0 <sup>(5)</sup>	N/A	3.0 <sup>(5)</sup>	N/A	N/A	N/A	N/A	46.0	14.0	N/A
Row house and multiple dwellings in DMU Zones	Min.	781.0	21.0	0.0	0.0 <sup>(6)</sup>	0.0	6.0	7.6	18.0	N/A	N/A	2.0	86 <sup>(10)</sup>
	Max.	N/A	N/A	3.0 <sup>(5)</sup>	N/A	3.0 <sup>(5)</sup>	N/A	N/A	N/A	N/A	46.0	14.0	N/A
Accessory uses	Min.	N/A	N/A	<sup>(13)(14)</sup>	<sup>(13)(14)</sup>	<sup>(13)(14)</sup>	1.5 <sup>(14)</sup>	0.6 <sup>(14)</sup>	N/A	2.4	N/A	N/A	N/A
	Max.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<sup>(15)</sup>	N/A	N/A

Notes to Table 14:

- (1) For group buildings located on one site, the minimum distance separation between buildings shall be 6.0m.
- (2) Notwithstanding the other regulations in this table, corner lots shall have minimum front and side yard setbacks of either (i) or (ii), illustrated below.



- (3) Where dwelling units are permitted or approved conditional uses.
- (4) The maximum building height shall be the lesser of either metres or storeys.
- (5) Buildings may have a setback beyond the maximum distance if the space is used as a public/semi-public amenity area such as an outdoor café, pocket park, arcade, courtyard, square, or plaza.
- (6) Where a side yard is provided, it shall be not less than 1.5m.s
- (7) Where a dwelling unit is contained within a commercial building, the required rear yard shall be 6.0m.
- (8) Where a dwelling unit is contained within a commercial building, the required rear yard shall be 7.6m.
- (9) Notwithstanding this minimum building height requirement, one (1) storey is allowed for sites on the north side of Pacific Avenue.
- (10) If the minimum density calculation results in an odd number of units, the calculation may be rounded down to the nearest even number of units.

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Notes to Table 14 (continued):

- (11) *Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 1.5m if all the required parking and loading spaces are provided elsewhere on the site.*
- (12) *Where a dwelling unit is not contained within a commercial building, the required rear yard may be reduced to 3.0m if all the required parking and loading spaces are provided elsewhere on the site.*
- (13) *The minimum interior side yard requirements for permitted accessory buildings and structures shall be the same as the minimum interior side yard requirements for the principal building on the site, and accessory buildings and structures shall be located no closer to any front or corner side site line than the principal building, unless otherwise provided for herein:*
  - a) *In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1m;*
  - b) *In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5m; and*
  - c) *Notwithstanding anything else contained herein, in the case of a freestanding canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0.0m.*
- (14) *Accessory buildings and structures may be attached to the principal building by means of a breezeway, extended roof, or similar structure. In each case, the accessory building or structure shall be considered as being a part of the principal building, and, notwithstanding anything else contained herein, the yard requirements for the principal building shall apply, except in the case of a canopy extending over the fuel pumps of an automotive service station or a canopy covering a walkway from the street to the principal building, where the minimum front and side yard requirements for the canopy shall be 0.0m.*
- (15) *An accessory building or structure shall not exceed the height of the principal building or structure.*

DIVISION 4: INDUSTRIAL

**60. INDUSTRIAL ZONES**

The following industrial zones are hereby established:

<b>Code</b>	<b>Zone Name</b>	<b>Description</b>
IR	Industrial Restricted	Provides for industrial uses that are compatible with nearby residential or commercial uses, including industrial operations which take place entirely within enclosed buildings, generate minimal truck traffic, and generate little or no noise, smoke, odour, vapour, dust or other undesirable emissions. Light manufacturing, warehousing and office park type developments in landscaped surroundings are encouraged.
IG	Industrial General	Provides for a greater range of uses than the IR Zone, including industrial operations which may incorporate outdoor operations and storage, generate truck traffic, and generate a moderate degree of noise, smoke, odour, vapour, dust or other emissions. IR Zone type uses, as well as limited manufacturing, is encouraged.
IH	Industrial Heavy	Provides for the widest range of industrial uses, including industrial operations that have the potential to generate significant levels of emissions, such as noise, odour, smoke, fumes or vibration, handle environmentally hazardous materials, generate considerable truck traffic, as well as those uses that incorporate extensive outdoor operations and storage, as part of their normal operations. Wherever practical, IH Zone uses shall be separated from residential zones and other uses to reduce conflict. Heavy manufacturing, toxic waste disposal facilities and junk and salvage yards shall be limited to IH Zones.

**61. INDUSTRIAL USE REGULATIONS**

TABLE 15: INDUSTRIAL USE TABLE lists all uses in the following manner:

- P = Permitted;
- C = Conditional use; and
- NP= Not permitted.

<b>TABLE 15: INDUSTRIAL USE TABLE</b>			
<b>Uses</b>	<b>Zones</b>		
	<b>IR</b>	<b>IG</b>	<b>IH</b>
Agricultural—farm products distribution and sales	C	P	P
Animal			
• Animal boarding and pounds	C	P	P
• Veterinary clinics	P	P	C
Assembly places			
• Community centres and halls	P	P	C
• Outdoor stadiums and sports complexes	C	C	C
• Places of worship	C	C	NP
Automotive/Truck/Farm/Marine			
• Automotive service stations			
○ with no underground fuel storage tanks, or with above-ground fuel storage tanks each less than 5,000L	P	P	P
○ with underground fuel storage tanks, or with above-ground fuel storage tanks each 5,000L or greater	C	C	C
• Marine and recreational vehicle repair	P	P	P
• TADD system	C	P	P
• Truck and farm implement repair	C	P	P
• Truck washes	P	P	P
Banks and bank machines	P	P	P
Cemeteries	NP	NP	C
Child care—home and group day care	P	P	C
Commercial			
• Auction markets	P	P	P
• Commercial establishments—under 4,645.0m <sup>2</sup> gross floor area	P	P	C
• Commercial establishments—4,645.0m <sup>2</sup> gross floor area and over	C	C	C
• Manufacturing of goods for sale	P	P	C
• Personal services	P	P	NP
Communications			
• Radio and television studios	P	P	NP
• Radiocommunications facility	P	P	P

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<b>TABLE 15: INDUSTRIAL USE TABLE</b>			
<b>Uses</b>	<b>Zones</b>		
	<b>IR</b>	<b>IG</b>	<b>IH</b>
Eating and drinking places			
• Bars, night clubs and taverns	C	P	C
• Restaurants	P	P	C
Government offices and facilities	P	P	P
Laboratories	P	P	P
Mineral extraction operations—private and municipal quarries	C	P	P
Industrial uses			
• Explosive manufacture or storage	NP	NP	C
• Heavy manufacturing	NP	NP	P
• Industrial and agricultural chemical production	NP	NP	C
• Industrial and agricultural chemical storage or distribution	NP	C	C
• Light manufacturing	P	P	P
• Limited manufacturing	NP	P	P
Offices	P	P	NP
Parking facilities—surface lots, above- and below-ground structures	P	P	P
Planned unit development	C	C	C
Recreation			
• Amusement and billiard parlours, bowling alleys	P	P	C
• Drive-in theatres	NP	NP	C
• Indoor recreation facilities	P	P	C
• Outdoor recreation facilities	C	C	C
• Parks and playgrounds	P	P	C
Recycling and waste disposal			
• Collection depot	P	P	P
• Disposal of toxic materials	NP	NP	C
• Junk and salvage yards	NP	NP	P
• Recycling centres	C	P	P
• Waste disposal, landfills, and garbage incineration—excluding toxic materials	NP	C	P
Schools			
• Business and technical schools, training centres	P	P	P
• Kindergartens and nurseries	P	P	C
Storage			
• Outdoor storage	C	P	P
• Snow disposal facility	C	P	P
• Storage of recycled tires	NP	C	P
• Warehouses and storage facilities	C	P	P



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<b>TABLE 15: INDUSTRIAL USE TABLE</b>			
<b>Uses</b>	<b>Zones</b>		
	<b>IR</b>	<b>IG</b>	<b>IH</b>
Transportation			
• Airports and heliports	NP	P	P
• Bus terminals	P	P	NP
• Rail terminals and yards	NP	P	P
• Taxi and courier services, including parking and repair	P	P	P
• Truck terminals	C	P	P
Utilities and services			
• Boiler/steam plants	C	P	P
• Maintenance yards	P	P	P
• Police and fire stations	P	P	P
• Reservoirs and water towers	P	P	P
• Sewage treatment plants and lagoons	NP	C	P
• Steam/thermal generating plants	NP	C	C
• Utilities and public works	P	P	P
• Water treatment plants	P	P	P

[AM. B/L 7212, AM. B/L 7248]

**62. INDUSTRIAL BULK AND SITING REQUIREMENTS**

Development in all industrial zones shall conform to the bulk and siting requirements set out in TABLE 16: INDUSTRIAL BULK AND SITING REQUIREMENTS.

TABLE 16: INDUSTRIAL BULK AND SITING REQUIREMENTS									
Permitted and conditional uses	Minimum							Maximum	
	Site area (m <sup>2</sup> )	Site width (m)	Front yard (m) <sup>(1)(2)</sup>	Side yard (m) <sup>(1)(2)</sup>		Rear yard (m) <sup>(1)(2)</sup>		Distance from principal building (m)	Height (m)
				Interior	Corner	Lane	No lane		
Uses in IR Zones	558.0	15.2	3.0	1.5	3.0	1.5	3.0	N/A	14.0
Uses in IG Zones	697.0	22.8	6.0	3.0	3.0	1.5	3.0	N/A	31.0
Uses in IH Zones	4048.0	30.4	6.0	3.0	3.0	7.6	9.1	N/A	46.0
Accessory uses	N/A	N/A	<sup>(3)</sup>	<sup>(3)</sup>	<sup>(3)</sup>	1.5	3.0	3.0	<sup>(4)</sup>

**Notes to Table 16:**

- (1) For sites abutting an R Zone site, see also section 23.
- (2) For group buildings located on one site, see subsection 22(b).
- (3) The minimum interior side yard requirements for permitted accessory buildings and structures shall be the same as the minimum interior side yard requirements for the principal building on the site, and accessory buildings and structures shall be located no closer to any front or corner side site line than the principal building, unless otherwise provided for herein:
  - a) In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1m;
  - b) In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5m; and
  - c) Notwithstanding anything else contained herein, in the case of a freestanding canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0.0m.
- (4) An accessory building or structure shall not exceed the height of the principal building or structure.

[AM. B/L 7212]

**DIVISION 5: EDUCATIONAL AND INSTITUTIONAL**

**63. EDUCATIONAL AND INSTITUTIONAL ZONES**

The EI Educational and Institutional Zone provides for concentrations of governmental, educational, and institutional uses on large sites.

**64. EDUCATIONAL AND INSTITUTIONAL REGULATIONS**

TABLE 17: EDUCATIONAL AND INSTITUTIONAL USE TABLE lists all uses in the following manner:

- P = Permitted;
- C = Conditional use; and
- NP= Not permitted.

<b>TABLE 17: EDUCATIONAL AND INSTITUTIONAL USE TABLE</b>	
<b>Uses</b>	<b>Zone</b>
	<b>EI</b>
Arts and cultural centres	P
Assembly places	
• Community centres and halls	P
• Convention and exhibition centre	C
• Outdoor stadiums and sports complexes	P
• Places of worship	P
Banks and bank machines, supportive of a permitted principal use	C
Cemeteries	P
Child care—home and group day care	P
Commercial—personal services, commercial establishments and offices supportive of a permitted principal use	C
Communications—radiocommunications facility	P
Eating and drinking places, supportive of a permitted principal use	C
Government offices and facilities	P
Hospitals	P
Parking facilities	
• Above- and below-ground structures	P
• Surface lots	P
Personal care, retirement and convalescent homes	P
Planned unit development	C
Recreation	
• Outdoor recreation facilities	P
• Parks and playgrounds	P

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<b>TABLE 17: EDUCATIONAL AND INSTITUTIONAL USE TABLE</b>	
<b>Uses</b>	<b>Zone</b>
	<b>EI</b>
Recycling—collection depot	P
Schools	
• Elementary, junior and high schools	P
• Kindergartens and nurseries	P
• Universities and community colleges	P
Special needs housing	P
Utilities and services	
• Police and fire stations	P
• Reservoirs and water towers	P
• Utilities and public works	P
• Water treatment plants	P

[AM. B/L 7212, AM. B/L 7304]

**65. EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS**

Development in all commercial zones shall conform to the bulk and siting requirements set out in TABLE 18: EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS.

TABLE 18: EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS												
Permitted and conditional uses	Minimum									Maximum		
	Site area (m <sup>2</sup> )	Site width (m)	Front yard (m) <sup>(1)(2)</sup>	Side yard (m) <sup>(1)(2)</sup>		Rear yard (m) <sup>(1)(2)</sup>		Dwelling unit area (m <sup>2</sup> ) <sup>(3)</sup>	Distance from principal building (m)	Height <sup>(4)</sup>		
				Interior	Corner	Lane	No lane			Height (m)	Storeys	
Schools, universities and community colleges	(5)	(5)	0.3 <sup>(6)</sup>	0.0 <sup>(6)</sup>	0.3 <sup>(6)</sup>	0.3 <sup>(6)</sup>	0.3 <sup>(6)</sup>	0.3 <sup>(6)</sup>	18.0	N/A	(7)	N/A
Other uses in EI Zones	670.0	18.2	3.0	3.0	3.0	6.0	7.6	18.0	18.0	N/A	18.0	5.0
Accessory uses	N/A	N/A	(8)	(8)	(8)	1.5	0.6	18.0	2.4	(9)	N/A	N/A

**Notes to Table 18:**

- (1) For sites abutting an R Zone site, see also section 23.
- (2) For group buildings located on one site, see subsection 22(b).
- (3) Where dwelling units are permitted or approved conditional uses.
- (4) The maximum building height shall be the lesser of either metres or storeys.
- (5) The site area and site width for a school, community college, or university campus shall be determined by Council, except where specific reference is made in this section.
- (6) Yard requirements for a school, community college, or university campus shall apply only to above-grade construction or installation, and shall in no way limit below-grade construction or installation.
- (7) There is no height limit, except where a building or structure is located adjacent to a street, in which case the height shall not exceed the sum of the required yard and the width of the street. Where the building or structure is located adjacent to two (2) streets, the wider street shall be used to establish the height.
- (8) The minimum front and side yard requirements for permitted accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal use, building, or structure.
- (9) An accessory building or structure shall not exceed the height of the principal building or structure.

[AM. B/L 7212]

**DIVISION 6: OPEN SPACES**

**66. OPEN SPACES ZONES**

The following zones are hereby established:

<b>Code</b>	<b>Zone Name</b>	<b>Description</b>
A	Agricultural	Provides for the conservation of sites for appropriate agricultural uses, as well as the retention of the natural and scenic beauty of the City.
DR	Development Reserve	Provides for the preservation of existing agricultural sites in an unfragmented state for future development consistent with the Development Plan and any applicable Secondary Plan.
OS	Open Space	Provides for the conservation of publicly owned sites with physical development limitations or scenic beauty to be retained in an undeveloped state, privately owned sites used for utility rights-of-way and other uses with an open space character, and sites serving to buffer different types of uses.
PR	Parks and Recreation	Provides for sites for public and private parks and recreation purposes. This includes indoor and outdoor natural and human-made amenities, as well as undeveloped sites that contribute positively to the human and natural environment.

**67. OPEN SPACES USE REGULATIONS**

TABLE 19: OPEN SPACES USE TABLE lists all uses in the following manner:

- P = Permitted;
- C = Conditional use; and
- NP= Not permitted.

<b>TABLE 19: OPEN SPACES USE TABLE</b>				
<b>Uses</b>	<b>Zones</b>			
	<b>A</b>	<b>DR</b>	<b>OS</b>	<b>PR</b>
Agricultural				
• Farm products distribution and sales	C	NP	NP	NP
• Low intensity agricultural activities	P	P	C	NP
Animal				
• Animal boarding and pounds	P	NP	NP	NP
• Veterinary clinics	P	NP	NP	NP
Arts and cultural centres	NP	NP	NP	P

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<b>TABLE 19: OPEN SPACES USE TABLE</b>				
<b>Uses</b>	<b>Zones</b>			
	<b>A</b>	<b>DR</b>	<b>OS</b>	<b>PR</b>
Assembly places				
• Community centres and halls	NP	NP	NP	C
• Convention and exhibition centre, on a site with a site area greater than 30.0ha	NP	NP	NP	P
	C	NP	NP	P
• Outdoor stadiums and sports complexes	P	P	P	P
• Rally site				
Cemeteries	NP	NP	P	P
Commercial				
• Farmer's markets				
• Personal services, commercial establishments and offices supportive of a permitted principal use	C	NP	NP	P
	C	C	C	C
Communications—radiocommunications facility	P	P	P	P
Government offices and facilities	NP	NP	C	C
Mineral extraction operations—private and municipal quarries	C	NP	NP	NP
Recreation				
• Athletic camps	NP	NP	NP	P
• Campground	NP	NP	C	P
• Parks and playgrounds	P	NP	P	P
• Indoor recreation facilities	NP	NP	C	P
• Outdoor recreation facilities	C	NP	C	P
• Golf courses	P	NP	P	P
• Gun clubs and firing ranges	NP	NP	C	C
• Arboreta, botanical gardens and zoos	P	NP	NP	P
• Riding academies and stables	P	NP	C	C
• Drive-in theatres	NP	NP	NP	C
Recycling—collection depot	P	NP	P	P
Utilities and services				
• Police and fire stations	NP	NP	NP	NP
• Reservoirs and water towers	P	NP	C	C
• Sewage treatment plants and lagoons	NP	NP	C	NP
• Utilities and public works	P	P	P	P
• Water treatment plants	NP	NP	C	C

**68. OPEN SPACES BULK AND SITING REQUIREMENTS**

Development in the A, DR, OS and PR Zones shall conform to the bulk and siting requirements set out in TABLE 20: OPEN SPACES BULK AND SITING REQUIREMENTS.

TABLE 20: OPEN SPACES BULK AND SITING REQUIREMENTS										
Permitted and conditional uses	Site area (ha)	Site width (m)	Front yard (m) <sup>(1)</sup>	Minimum				Distance from principal building (m)	Maximum	
				Side yard (m) <sup>(1)</sup>		Rear yard (m) <sup>(1)</sup>			Height <sup>(2)</sup>	
				Interior	Corner	Lane	No lane		Height (m)	Storeys
Uses in A Zones	16.0	91.4	38.1	4.6	38.1	7.6	7.6	N/A	14.0	3.0
Uses in DR Zones	16.0	91.4	38.1	4.6	38.1	7.6	7.6	N/A	14.0	3.0
Uses in OS Zones	N/A	N/A	3.0	3.0	3.0	6.0	7.6	N/A	11.0	2.5
Uses in PR Zones	N/A	N/A	3.0	3.0	3.0	6.0	7.6	N/A	11.0	2.5
Accessory uses	N/A	N/A	(3)	(3)	(3)	1.5	1.5	7.6 <sup>(4)</sup>	(5)	N/A

*Notes to Table 20:*

- (1) For group buildings located on one site, see subsection 22(b).
- (2) The maximum building height shall be the lesser of either metres or storeys.
- (3) The minimum front and side yard requirements for permitted accessory buildings and structures shall be the same as the minimum front and side yard requirements for the principal use, building, or structure.
- (4) Minimum 3.0m in PR and OS Zones.
- (5) An accessory building or structure shall not exceed the height of the principal building or structure.

[AM. B/L 7212]



**DIVISION 7: OVERLAY ZONES**

**69. FLOODPLAIN OVERLAY ZONE**

- (a) The purpose of the Floodplain Overlay Zone is to regulate sites that are at risk of flooding as indicated on Reference Map 7 in the Development Plan.
- (b) Notwithstanding all other use tables in this by-law, only the following uses shall be permitted on sites within the floodplain ecological preserve area:
  - (1) Passive recreational uses with minimal disturbance to riverbank habitat, such as walking or cross-country ski trails; and
  - (2) Public works, utilities, water treatment plants, and similar facilities.
- (c) Notwithstanding all other use tables in this by-law, only the following uses shall be permitted on sites within the floodplain parks and recreation area:
  - (1) Parks, playgrounds, outdoor recreation facilities, and flood resistant recreational structures including but not limited to shelters, gazebos, stages, lighting, signage, and furnishings;
  - (2) Temporary recreation buildings that may be relocated in a high water event; and
  - (3) Public works, utilities, water treatment plants, and similar facilities.
- (d) For sites within the floodplain diked protection area, new development may occur in accordance with the rest of this by-law along with the following requirements:
  - (1) Construction of basements, including crawl spaces, is prohibited; and
  - (2) Prior to the City issuing a development permit, the owner executes a save harmless agreement with the City.

[AM. B/L 7265]

**70. AGGREGATE DEPOSIT OVERLAY ZONE**

- (a) The purpose of the Aggregate Deposit Overlay Zone is to protect medium and high quality aggregate deposits from incompatible development.
  
- (b) Within sites in Full Service Areas identified in the East Brandon Industrial Area Secondary Plan, uses in accordance with TABLE 15: INDUSTRIAL USE TABLE may be developed despite the “Medium” and “High” designations in Reference Map 8: Aggregate Resources in the Development Plan. Mineral and aggregate extraction operations may still occur if:
  - (1) Staging of municipal servicing provides a greater-than-15-year timeframe to complete mineral and aggregate extraction and post-extraction site rehabilitation as an interim use; and
  - (2) The mineral and aggregate extraction operation will cover less than 35% of the site, allowing the remainder of the site to be developed for a compatible, serviced use.
  
- (c) Within sites designated “Medium” in Reference Map 8: Aggregate Resources in the Development Plan and outside the Full Service Areas identified in the East Brandon Industrial Area Secondary Plan, where a resource has not yet been extracted from a site except where the resource is determined by the provincial authority having jurisdiction to be of low value, notwithstanding all other use tables in this by-law, only the following uses shall be permitted:
  - (1) Parks, playgrounds, and outdoor recreation facilities, but not including any buildings;
  - (2) Low intensity agricultural operations, but not including any buildings; and
  - (3) Outdoor storage, but not including any buildings.

[AM. B/L 7248]

**71. RAILWAY PROTECTION OVERLAY ZONE**

- (a) The purpose of the Railway Protection Overlay Zone is to ensure that development is compatible with railway operations as there is the possibility that the safety, health and welfare of residents could be adversely affected by railway activities.
- (b) No dwelling units shall be permitted within 30.0m of a railway right-of-way.
- (c) Commercial or industrial buildings or structures that are not serviced by rail shall not be permitted in the following areas:
  - (1) Within 15.0m of the railway right-of-way where the track speed is more than 65km/h;
  - (2) Within 12.2m of the railway right-of-way where the track speed is 65km/h or less;
  - (3) Within 9.1m of the railway right-of-way where the track speed is 40km/h or less;
  - (4) Within 4.5m of the railway right-of-way for uses other than a through track; and
  - (5) Within 3.0m of the railway right-of-way for buildings or structures to the north of Pacific Avenue in the Downtown Brandon Secondary Plan area, where the reduction in the required setback is mitigated by a grade separation of at least 2.5m between the building or structure and the nearest railway track. The minimum grade separation may be met on site through the construction of an engineered crash berm or wall.
- (d) Notwithstanding subsection 71(c), the following are permitted within the Railway Protection Overlay Zone:
  - (1) Unoccupied buildings, such as a garage; and
  - (2) Commercial or industrial buildings or structures serviced by the railway.
- (e) The owner of any site adjacent to a railway right-of-way shall be required to build and maintain a chain link fence 1.8m in height along the common site line with the railway right-of-way. This requirement shall be activated immediately upon development on the site.