

CONTINUING CONSOLIDATION
BY-LAW NO. 6642

AS AMENDED BY BY-LAWS 6654, 6672, 6673, 6694, 6695, 6700, 6701, 6702, 6703, 6707, 6713, 6717, 6727, 6735, 6737, 6745, 6755, 6756, 6760, 6765, 6772, 6776, 6783, 6788, 6793, 6794, 6800, 6806, 6808, 6811, 6813, 6827, 6828, 6829, 6839, 6841, 6845 and 6846.

BEING A BY-LAW of The City of Brandon for the purpose of adopting rules and regulations pertaining to establishing zones within the City and regulating the use of properties within said zones.

WHEREAS The Planning Act, R.S.M. 1987, c.P80, requires a municipality to adopt a zoning by-law;

AND WHEREAS the Council of the City of Brandon deems it expedient and in the best interests of the municipality to adopt a zoning by-law;

NOW THEREFORE the Council of the City of Brandon, in regular session assembled, enacts as follows:

PART I: INTERPRETATION AND DEFINITIONS

DIVISION I: SCOPE

1. SCOPE

- (a) This by-law shall be known as the City of Brandon "Zoning By-law".
- (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/modular homes;
 - (2) the enlargement, alteration, or conversion of buildings and structures; and
 - (3) the establishment, change, extension, and enlargement of uses of land, buildings, and structures.
- (d) No land, building, or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated, removed, demolished, or placed except in accordance with this by-law.
- (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, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under the Act, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration, or other cause.

DIVISION II: INTERPRETATION

2. INTERPRETING ZONING REGULATIONS

- (a) Permitted and conditional uses are outlined in table form within the rules for each zone. The bulk and siting requirements for each use are also outlined in table form within the rules for each zone. Use, bulk, and siting requirements are also located in Part III: GENERAL RULES.
- (b) 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.
- (c) Whenever the terms R Zone, C Zone or M Zone are used, they shall be deemed to refer only to residential, commercial or industrial zones respectively
- (d) The following abbreviations contained in this by-law are intended to have the following meanings:
 - (1) n/a = not applicable
 - (2) max. = maximum
 - (3) m = metre(s)
 - (4) m² = square metre(s)
 - (5) ha = hectares

3. ZONES

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

- (1) RLL Residential Large Lot Zone
- (2) RSF Residential Single Family Zone
- (3) RLD Residential Low Density Multiple Family Zone
- (4) RMD Residential Moderate Density Multiple Family Zone
- (5) RHD Residential High Density Multiple Family Zone
- (6) RMH Residential Mobile/Modular Home Zone

- (7) CN Commercial Neighbourhood Zone
- (8) CG Commercial General Zone
- (9) CR Commercial Restricted Zone
- (10) CAR Commercial Arterial Zone
- (11) CHW Commercial Highway Zone
- (12) CCC Commercial Central Core Zone

- (13) MR Industrial Restricted Zone
- (14) MG Industrial General Zone
- (15) MH Industrial Heavy Zone

3.
 - (16) EI Educational and Institutional Zone
 - (17) A Agricultural Zone
 - (18) PR Parks and Recreation Zone
 - (19) OS Open Space Zone
 - (20) DR Development Reserve Zone
 - (21) FP Floodplain Overlay Zone
 - (22) Railway Protection Overlay Zone
 - (23) Historic Properties Overlay Zone
 - (24) Downtown Promenade Overlay Zone
 - (25) Commercial Priority Areas Overlay Zone

and these zones are established as shown on zone maps comprising Appendix "A" and Maps 1 and 2 of Appendix "C" of this by-law.

[AM. B/L 6772]

4. **INTERPRETING THE ZONE MAPS**

- (a) The dimensions of the zone maps are metric.
- (b) All plan references on the zone maps pertain to registered plans filed in the Brandon Land Titles Office.
- (c) Zone boundaries indicated as following the centerlines of streets, highways, lanes, rights-of-way, streams, and rivers shall be construed to follow such centerlines.
- (d) Zone boundaries indicated as following the centerlines of railway lines shall be construed to lie along the centerlines of the main tracks.
- (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) Notwithstanding that streets, lanes, and utility rights-of-way may be within zone boundaries, the rules contained in this by-law shall not be deemed to be applicable to streets, lanes, and utility rights-of-way.
- (g) Notwithstanding subsection (f), where a street or lane shown on a zone map is lawfully closed and conveyed to an adjoining land owner, the land formerly comprising the street or lane shall be rezoned to be consistent with one or both of the abutting sites.

5. **OVERLAY ZONES**

Overlay zones apply additional rules to specific lands. These rules add to the conventional rules for each zone, applicable to a particular site. Where the conventional rules applicable to a site appear to be in conflict with the overlay zone rules applicable to the site, the overlay zone rules shall take precedence.

6. **DEFINITIONS**

- (a) Terms not defined in this by-law which are defined in the Act, have the meaning provided in that Act.

6. (b) The following definitions apply to the text of this by-law:
- (1) “Accessory” means, where used to describe a use, building, or structure, that the use, building, or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory, but a use shown as a conditional use in the use tables cannot be accessory to a use shown as a permitted use for the same zoning designation.
 - (2) “Act” means The Planning Act, R.S.M. 1987, c.P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
 - (3) “Airport” means 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.
 - (4) “Architectural feature” means a decorative feature applied to the exterior of a building wall, which is not part of the foundation.
 - (5) “Assembly area” means the use of an area of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational, or similar purposes.
 - (6) “Automotive service station” means a building or portion thereof and land used for supplying 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.
 - (7) “Awning” means 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.
 - (8) “Balcony” means an unenclosed platform projecting from the upper storeys of a building.
 - (9) “Basement” means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below grade level.
 - (10) “Board” means the Board of The Brandon and Area Planning District as established pursuant to the Act, and pursuant to an Order-in-Council issued under the authority of the Lieutenant Governor in Council for the Province of Manitoba on January 23, 1980.
 - (11) “Boarding house” means a building or portion thereof, other than a hotel or motel, without cooking facilities in each rooming unit, where lodging, or lodging and meals, are provided for compensation. Boarding houses may also include fraternity and sorority houses, bed and breakfasts and hostels.
[AM. B/L 6772]
 - (12) “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

6. (b) (13) “Campground” means a site of land 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.
- (14) “Car wash” means a building or portion thereof wherein facilities are provided for the washing, cleaning, and polishing of automobiles.
- (15) “Cemetery” means land 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.
- (16) “Collection depot” means a location for the collection of recyclable material, such as glass, paper, cardboard, metal cans, plastic, grass, or leaves in containers and in a location acceptable to the City Engineer.
- (17) “Columbaria” or “columbarium” means a structure to provide for the placement of cremated human remains.
- (18) “Commercial conversion” means the conversion of a portion of an existing dwelling to a commercial use. The converted building must retain at least one dwelling unit, occupied by the owner of the building.
- (19) “Community resource centre” means an office or offices, meeting room, assembly area, or similar facility for the use of a not-for-profit organization or organizations. The use of the facility by the organization or organizations may include, but not be limited to, the daily operations of the organization, periodic meetings by the organization or other group, provision of a service, and the delivery of resource information to the community at large.
- (20) “Council” means the Council of the City of Brandon.
- (21) “Day care, group” means the provision of child care services to 9 or more children not over 12 years of age.
- (22) “Day care, home” means 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 12 years of age. The number of children shall not exceed 8.
- (23) “Deck” means an unenclosed platform exceeding 0.6 m in height above grade, and any unenclosed platform of wooden construction with a height of 0.6m or less above grade, but not a balcony.
[AM. B/L 6772]
- (24) “Density” means the total number of dwelling units divided by the total area of land to be developed, expressed in hectares.
- (i) Low density refers to a density not exceeding 40 dwelling units per hectare.
 - (ii) Moderate density refers to a density greater than 40 dwelling units per hectare but not exceeding 86 dwelling units per hectare.
 - (iii) High density refers to a density greater than 86 dwelling units per hectare but not exceeding 148 dwelling units per hectare.

6. (b) (25) "Development Officer" means the officer appointed by the Board in accordance with the provisions of the Act.
- (26) "Development Plan" means the Brandon and Area Planning District Development Plan adopted by By-law No. 62/2/97, and amendments thereto.
- (27) "Dwelling" means a building or portion thereof designed for residential occupancy.
- (i) Single family dwelling means a detached building designed for and used by not more than 1 family including a modular home on a permanent foundation in accordance with the Manitoba Building Code as long as it is compatible with homes in the area (shape/footprint), as determined by the Development Officer.
[AM. 6701]
 - (ii) Two family dwelling, means a detached or semi-detached building designed for and used by not more than 2 families, each having exclusive occupancy of a dwelling unit.
 - (iii) Multiple family dwelling means a building containing 3 or more dwelling units, each unit designed for and used by not more than 1 family.
- (28) "Dwelling unit" means 1 or more rooms in a building designed for 1 or more persons as a single housekeeping unit, with cooking, eating, living, sleeping, and sanitary facilities.
- (29) "Enlargement" means an addition to the floor area of an existing building or structure, or an increase in that portion of a site of land occupied by an existing use.
- (30) "Extension" means an increase in the amount of existing floor area used for an existing use, within an existing building.
- (31) "Family" means a group of persons living together as a single housekeeping unit, with full access to all parts of the dwelling unit.
[AM. B/L 6828]
- (32) "Floor area" means 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:
- (i) basements when used for residential, commercial, or industrial purposes, but not including space used for storage, or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
 - (ii) floor space used for mechanical equipment (with structural headroom of 2.0 m or more) except equipment, open or enclosed, located on the roof;
 - (iii) elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
 - (iv) penthouses, mezzanines, and attics where there is a structural headroom of 2.1 m or more.

6. (b) (33) "Fraternity or sorority house" means a building maintained by a recognized fraternity or sorority affiliated with an academic or professional college or university or other recognized institute of higher learning and occupied exclusively by fraternity members, staff, and up to 2 non-members.
- (34) "Garage" means a building or portion thereof in which a motor vehicle is, or motor vehicles are, or are intended to be, stored, repaired, washed, or serviced.
- (35) "Grade" means the average level of the finished ground surface adjacent to the exterior walls of a building.
- (36) "Habitable room" means 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.
- (37) "Hall" means a private or public assembly area, such as, but not limited to, clubs, lodges, and banquet halls.
- (38) "Height" means 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 mean height level between eaves and ridge for a gable, hip, or gambrel roof.
- (39) "Hotel" means a building or part thereof wherein 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.
- (40) "Junk/salvage yard" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk/salvage yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.
- (41) "Landscape design standards" means the current landscape design standards of the City, as attached hereto as Appendix "B" to the by-law.
[AM. B/L 6772]
- (42) "Lane" means 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 9.0 m.
- (43) "Livestock production operation" means 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:
- (i) cattle wintering operations;
 - (ii) livestock auction markets;
 - (iii) agricultural fairs;
 - (iv) livestock sale yards, in which livestock may be kept for a period not exceeding 10 days; or
 - (v) the existing operations and facilities of the Government of Canada Agricultural Experimental Farm and Livestock Research Station.

6. (b) (44) "Loading space" means an off-street space on the same site with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials, and which has access to a street or lane.
- (45) "Low intensity agricultural activities" means the non-intensive use of lands, buildings, or structures for the production of crops.
- (46) "Manufacturing"
- (i) Light manufacturing 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 woodworking shops, printing facilities and seed companies.
 - (ii) Limited manufacturing includes manufacturing, assembly and processing of products and goods in an enclosed and/or outdoor facility, from which little or no emissions are generated during the normal course of operations. Uses include machine shops, mobile/modular home manufacturers and concrete plants.
 - (iii) Heavy manufacturing includes manufacturing, assembly and processing of products and goods in an enclosed and/or outdoor facility, from which significant emissions may be generated during the normal course of operations, as well as operations with extensive outdoor operations and/or storage. Uses include foundries, chemical plants and refineries.
- (47) "Mobile home" means 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, R.S.M. 1987, c.B93 and amendments thereto.
- (48) "Mobile/modular home park" means a site of land upon which mobile/modular home spaces are provided in accordance with this by-law.
- (49) "Mobile/modular home space" means a space in a mobile/modular home park for the placement of a mobile or modular home.
- (50) "Modular home" means 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.
[AM. B/L 6701]
- (51) "Motel" means a building or part thereof, not over 2 storeys in height wherein 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.

6. (b) (52) "Owner" means an owner as defined in the Act.
- (53) "Parking area" means an open area of land other than a street or lane, or an area within a structure, used for the parking of vehicles, accessory to a principal use.
- (54) "Parking facility" means a parking area as the principal use, and includes parking spaces and aisles, and may include access driveways of a site, serving a use or uses on adjacent or nearby sites, available for public use whether free or for compensation.
- (55) "Parking space" means that part of a site, building or structure on or in which a single vehicle may be parked.
- (56) "Partition" means an interior non-load bearing wall one storey or part storey in height.
- (57) "Party wall" means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed, or adapted to be occupied by different persons or businesses.
- (58) "Places of worship" include, but are not limited to, churches, synagogues, mosques, and temples.
- (59) "Planned unit development" means a planned unit development as defined in the Act.
- (60) "Public Walkway" means a path or lane included for use of pedestrians only and located other than within a street right-of-way.
- (61) "Recreation facility, indoor" means a private or public facility in which athletic activities take place, and may include, but are not limited to, indoor rinks, gymnasiums, and fitness clubs.
- (62) "Recreation facility, outdoor" means a private or public facility, in which athletic activities take place, and may include, but are not limited to, outdoor rinks, baseball diamonds, tennis courts, and lawn bowling.
- (63) "Recycling Centre" means a centre for the collection, sorting, temporary storage, minor bailing, and distribution of recyclable material, such as glass, paper, cardboard, metal cans, and plastic.
- (64) "Satellite dish" means 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.
- (65) "Secondary suite" means a self contained dwelling unit, primarily intended for use by an extended family member, which is located within a detached building in which the principal use is a single family dwelling.
- (66) "Sign" means any text or image which is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure.
- (i) "Advertising sign" means a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same site where the sign is maintained, including a billboard sign.

6. (b) (66) (ii) "Awning sign" means a sign attached to or painted on an awning, projecting and supported by a building.
- (iii) "Bulletin board sign" means 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, e.g. school, place of worship, community centre, and similar uses.
- (iv) "Construction sign" means a sign which identifies a construction project and construction information relative thereto.
- (v) "Development sign" means a sign which identifies the proposed development of land, or the proposed redevelopment of land, building, or a structure, and information relative thereto.
- (vi) "Fascia sign" means any 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.
- (vii) "Identification sign" means a sign that identifies the business, institution, owner or resident, and/or the street address, and which sets forth no other advertisement.
- (viii) "Mobile sign" means any designed to be easily relocated and capable of being secured once the unit is in place and includes those signs commonly referred to as trava-signs. Includes trailers and immobilized vehicles featuring prominent advertising.
[AM. B/L 6772]
- (ix) "Projecting sign" means any 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, but shall not include a mobile sign.
- (x) "Real estate sign" means a sign advertising the sale, rental, or lease of the premises on which it is maintained.
- (xi) "Roof sign" means any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- (xii) "Temporary sign" means a sign with or without a structural frame and intended for a limited period of display, and shall include a mobile sign.
- (67) "Sign surface area" means 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 1.0 m 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.
[AM. B/L 6772]

6. (b) (68) “Site” means an area of land which:
- (i) is a whole lot or block in a registered plan of subdivision; or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership;
 - (ii) 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;
 - (iii) has frontage on a street, or has any lawful means of access satisfactory to the City Engineer, or as otherwise provided for herein; and
 - (iv) 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.
- (69) “Site area” means the area contained within the site lines.
- (70) “Site, corner” means a site situated at the intersection of 2 streets, but not including a lane, the interior angle of such intersection not exceeding 135 degrees.
- (71) “Site depth” means the horizontal distance between the center points in the front and rear site lines.
- (72) “Site frontage” means all that portion of a site fronting on a street and measured between side site lines.
- (73) “Site, interior” means a site other than a corner site or a through site.
- (74) “Site, key” means the first site to the rear of a reversed corner site.
- (75) “Site lines”
- (i) “Front site line” means:
 - A. the boundary of a site along an existing or designated street, but not a lane;
 - B. for a corner site, the continuation of the front site line of the abutting interior site.
 - (ii) “Rear site line” means:
 - A. that boundary of a site which is most nearly parallel to the front site line;
 - B. where the side site lines intersect, such as a triangular site, a line 3.0 m in length within the site, parallel to and at the maximum distance from the front site line;
 - (iii) “Side site line” means any boundary of a site which is not a front or rear site line.
 - (iv) Where it is not possible to determine site lines according to these definitions, they shall be determined by the Development Officer.
- (76) “Site, reverse corner” means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.

6. (b) (77) "Site, through" means a site having a pair of opposite site lines along 2 more or less parallel streets, but not a lane. Therefore, a through site shall be deemed to have 2 front site lines.
- (78) "Site width" means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or 12.0 m from the front site line, whichever is the lesser.
- (79) "Special needs housing" means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care, supervision, and other services for a transitional period to persons not related by blood, marriage, or adoption to the operator nor to each other, but does not include a personal care, retirement or convalescent home.
- (80) "Storey" means 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 2m above grade.
[AM. B/L 6772]
- (81) "Street" means any public right-of-way, including a highway, providing primary access to an abutting site, used as a public thoroughfare for 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 Land Titles Office and includes all lanes and alleys.
- (82) "Structural alteration" means 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:
- (i) adding or enlarging windows or doors in exterior walls;
 - (ii) replacement of building facades; or
 - (iii) strengthening the load bearing capacity, in not more than 10% of the total floor area, to permit the accommodation of a specialized unit of machinery or equipment.
- (83) "Structure" means a thing constructed or erected with a fixed location on or below grade or attached to something with such a fixed location, and includes but is not limited to buildings, walls, fences, signs, billboards, light standards, and antennas.
- (84) "Terrace" means an unenclosed platform with a maximum height of 0.6 m above grade.
- (84.1) "Urban Design Standards and Guidelines" means the current design standards and guidelines of the City as attached hereto as Appendix "C" to the by-law.
[EN. B/L 6772]
- (85) "Use" means:
- (i) Any purpose for which a building or other structure or site of land may be designed, arranged, intended, maintained, or occupied; or
 - (ii) Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a site of land.
- (86) "Utility" means any corporation, company, 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 communication and signal services.

6. (b) (87) "Video store, adult" means 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.
- (88) "Yard" means an open area between the exterior wall of a building and the boundaries of the site on which it is located.
- (89) "Yard, required" means 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.
- (i) "Required front yard" means a yard extending along the full length of the front site line between the side site lines.
- (ii) "Required side yard" means a yard extending along the side site line from the required front yard to the required rear yard.
- (iii) "Required interior site side yard" means a side yard which is adjacent to another site, or to a lane separating such side yard from another site, or to the wall of a building adjacent to the wall of another building in a planned unit development.
- (iv) "Required corner site side yard" means the side yard of a corner site that abuts a street, but not a lane.
- (v) "Required rear yard" means a yard extending along the full length of the rear site line between the side site lines.

PART II: USES**7. REGULATION OF USES**

- (a) No land, building or structure shall be used or occupied except for a use which:
 - (1) is listed in the use tables which apply to such land, building, or structure as:
 - (i) a permitted use;
 - (ii) a conditional use, subject to approval as such;
 - (2) is an accessory use; or
 - (3) is not listed in the use tables, but may be approved as a conditional use by Council if it is deemed by Council to be compatible with the zone and is in accordance with the development plan.
- (b) Where land or a building or structure is used for more than one use, all provisions of this by-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.

8. CONDITIONAL USES

- (a) A conditional use may be approved by Council in accordance with the Act and this by-law.
- (b) A use of land, 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 land, building, or structure, shall be deemed an approved conditional use.
- (c) The change, structural alteration, extension, or enlargement of an approved conditional use, building, or structure shall not take place unless such change, structural alteration, extension, or enlargement is approved as a conditional use.

9. ACCESSORY USES

- (a) 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.
- (b) 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 use of the land, building, or structure to which it is accessory.
- (c) Notwithstanding subsection (b), 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.

PART III: GENERAL RULES

10. APPLICATION OF RULES

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

11. DEVELOPMENTS SUBJECT TO HIGHWAYS REGULATIONS

The Development Officer shall determine if development permit applications are subject to the statutory requirements governing highways in Manitoba. Where a development permit application is subject to provincial legislation, the owner or owners may be required to seek the approval of Manitoba Highways and Transportation or its designate prior to a development permit being issued.

12. DEVELOPMENTS SUBJECT TO AIRPORT ZONING REGULATIONS

The Development Officer shall determine if development permit applications are subject to *Brandon Airport Zoning Regulations* as provided by Transport Canada or its designate. Where a development permit application is subject to the *Brandon Airport Zoning Regulations*, the owner or owners may be required to seek the approval of Transport Canada or its designate prior to a development permit being issued.

13. YARD AND SITE REQUIREMENTS

- (a) The owner or owners shall maintain the minimum site area and yards required herein for any use. Furthermore, 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) A building on a through site shall have a front yard on each street in accordance with the front yard requirements of the zone in which the site is located.
- (c) The front yard requirement for a site, as outlined in the bulk and siting tables for each zone, may be relaxed when the existing buildings on both sides of the site, or on one side of a site situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees, have front yards less than the minimum required. In these circumstances, the front yard for the site shall be within 10% of the average existing front yards of the neighbouring buildings.
[AM. B/L 6772]
- (d) Where more than one principal building or structure will exist on a site, the 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 yards.
- (e) Where dwelling units are erected or constructed above commercial or industrial uses, no side yards are required other than as specified for the commercial or industrial building; however, if the dwellings contain window, door, or other openings in the side walls, side yards may be required for fire separation purposes in accordance with relevant building code standards.

13. (f) A site area or 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.

14. SPECIAL RULES 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, the following rules shall apply:
- (1) A special front yard shall be provided:
 - (i) of equal or greater depth from the front site line as the required front yard of the adjacent R Zone; and
 - (ii) extending 15.2 m into the interior of the site from the zone boundary.
 - (2) A special side yard of at least 3.0 m in width shall be provided for all principal and accessory buildings and structures adjacent to the R Zone boundary.
- (b) Where a side site line in a M Zone abuts a side site line in an adjacent R Zone, the following rules shall apply:
- (1) A special front yard shall be provided:
 - (i) of equal or greater depth from the front site line as the required front yard of the adjacent R Zone; and
 - (ii) extending 30.4 m into the interior of the site from the zone boundary.
 - (2) A special side yard of 7.6 m in width shall be provided for all principal and accessory buildings and structures adjacent to the R Zone boundary.
- (c) Outdoor storage, outdoor operations, and accessory off-street loading shall not be permitted within the special front yard or side yard required in subsection (a) or (b);
[AM. B/L 6772]
- (d) Parking spaces shall not be permitted within the special front and side yard required in subsection (a) or (b).
- (e) A solid opaque fence 1.2 m 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 special front yard required in subsections (a) and (b); and a solid opaque fence 1.8 m in height shall be provided and maintained along the remaining portion of the side site line which forms the zone boundary.
- (f) Where a side site line in a C or EI Zone abuts a rear site line in an adjacent R Zone, the following rules shall apply:
- (1) A side yard of at least 3.0 m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.

14. (g) Where a side site line in a M Zone abuts a rear site line in an adjacent R, PR, or OS Zone, the following rules shall apply:
- (1) A side yard of at least 3.0 m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.
[AM. B/L 6772]
- (h) A solid opaque fence 1.8 m in height shall be provided along the entire side site line which forms the zone boundary described in subsections (f) and (g).
- (i) Where a rear site line in a C or EI Zone abuts a side or rear site line in an adjacent R Zone, the following rules shall apply:
- (1) A rear yard of at least 7.6 m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.
- (j) Where a rear site line in a M Zone abuts a side or rear site line in an adjacent R, PR or OS Zone, the following rules apply:
- (1) A rear yard of at least 15.2 m shall be provided for all principal and accessory buildings and structures adjacent to the zone boundary.
[AM. B/L 6772]
- (k) A solid opaque fence 1.8 m in height shall be provided along the rear site line which forms the zone boundary described in subsections (i) and (j).
- (l) Where permitted, outdoor storage of goods and materials shall not project above the height of a fence required in subsection (h) or (k).
15. **PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**
- (a) The obstructions listed as ‘P’ in ‘TABLE 1: PERMITTED OBSTRUCTIONS IN REQUIRED FRONT YARDS’ shall not be considered to be obstructions, and shall not be considered in the determination of any required front yard. Obstructions listed as ‘NP’ shall not be permitted in any required front yard.

TABLE 1: PERMITTED OBSTRUCTIONS IN REQUIRED FRONT YARDS					
OBSTRUCTION	ZONES				
	R	C	M	EI	PR, OS, A, DR
Terraces no closer than 0.6m	P	P	P	P	P
Ramps and steps: not exceeding 1.5 m in height	P	P	P	P	P
Balconies: projecting no more than 1.5 m	P	P ⁽¹⁾	NP	NP	NP
Stairways between principle building and front site line	NP	NP	NP	NP	NP
Chimneys, bay windows, alcoves, and similar projections: projecting no more than 1.5 m; maximum floor area of 4.6 m ²	P	P	P	P	P

TABLE 1: PERMITTED OBSTRUCTIONS IN REQUIRED FRONT YARDS					
OBSTRUCTION	ZONES				
	R	C	M	EI	PR, OS, A, DR
Overhanging eaves and gutters: projecting no more than 1.5 m	P	P	P	P	P
Uncovered walks, driveways, trees, trellises, and similar landscape elements	P	P	P	P	P
Play equipment and components of an outdoor recreation facility: no closer than 1.5 m to site line	P	P	P	P	P
Fences and retaining walls: <ul style="list-style-type: none"> • Not exceeding 1.0 m in height - see sections 14, 16, 19 • Not exceeding 1.2 m in height - see sections 14, 16, 19 	P NP	NP P	NP P	NP P	NP P
Parking spaces - see section 22 ⁽²⁾	P ⁽³⁾	P	P	P	P
Loading spaces - see section 22	NP	NP	P	P	NP
Signs - see sections 22, 23	P	P	P	P	P
Temporary signs – see section 24	P	P	P	P	P
Exterior wall finishing: to a maximum depth of 0.08 m	P	P	P	P	P
Architectural features	P	P	P	P	P
Satellite dishes - see section 28	P	P	P	P	P
Aircraft landing strips	NP	NP	NP	NP	P

Notes to Table 1:

- (1) Where the required yard is a minimum width of 6.0 m.
- (2) Garages and similar structures are subject to siting requirements for accessory buildings and structures.
- (3) In RLL, RSF, and RLD zones only, where the side yard is not sufficiently wide for a parking space, and where no access to the rear of the site by means of a street is possible. In these instances, permanent parking for no more than 2 vehicles may be provided.

[AM. B/L 6737 and 6772]

- 15. (b) The obstructions listed as 'P' in 'TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS' shall not be considered to be obstructions, and shall not be considered in the determination of any required side yard. Obstructions listed as 'NP' shall not be permitted in any required side yard.

TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS					
OBSTRUCTION	ZONES				
	R	C	M	EI	PR, OS, A, DR
Terraces no closer than 0.6m	P	P	P	P	P
Ramps and steps: not exceeding 1.5 m in height	P	P	P	P	P
Balconies: <ul style="list-style-type: none"> • No closer than 1.2 m to site line • Projecting no more than 1.5 m 	P P	NP P ⁽¹⁾	NP NP	NP P	NP P ⁽⁶⁾
Decks: no closer than 0.6 m to site line	P	NP	NP	NP	P
Stairways: no closer than 0.6 m to site line	P	P	P	P	P
Chimneys, bay windows, alcoves, and similar projections: <ul style="list-style-type: none"> • Projecting no more than 0.6 m; no closer than 0.6 m to site line; maximum floor area 1.8 m² • Projecting no more than 1.5 m; maximum floor area 4.6 m² 	P ⁽²⁾ NP	P NP	NP P	NP P	NP P
Overhanging eaves and gutters: <ul style="list-style-type: none"> • Projecting no more than 0.6 m; no closer than 0.3 m to site line • Projecting no more than 1.5 m 	P ⁽²⁾ NP	P NP	NP P	NP P	NP P
Uncovered walks, driveways, trees, trellises, and similar landscape elements	P	P	P	P	P
Play equipment and components of an outdoor recreation facility: no closer than 1.5 m to site line	P	P	P	P	P
Fences and retaining walls: not exceeding 1.8 m in height - see sections 14, 16, 19	P	P ⁽³⁾	P ⁽⁴⁾	P	P
Parking spaces - see section 22 ⁽⁵⁾	P	P	P	P	P
Loading spaces - see section 22	NP	NP	P	P	P
Signs - see sections 22, 23	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾
Temporary signs - see section 24	NP	NP	P	NP	NP
Exterior air conditioning units, heat pumps, pool filters, and similar mechanical equipment, no closer than 4.6 m to an openable window of a habitable room on an adjoining site	P	P	P	P	P
Exterior wall finishing: to a maximum depth of 0.04 m	P	P	P	P	P

TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS					
OBSTRUCTION	ZONES				
	R	C	M	EI	PR, OS, A, DR
Architectural features	P	P	P	P	P
Outdoor storage - see section 17	NP	P	P	P	P
Outdoor industrial operations - see section 17	NP	NP	P	NP	NP
Aircraft landing strips	NP	NP	NP	NP	P

Notes to Table 2:

- (1) Where the required yard is a minimum width of 3.0 m.
- (2) In a side yard 1.2 m or greater.
- (3) A barbed wire extension, adding a maximum additional height of 0.3 m, is permitted in MG and MH Zones.
- (4) Garages and similar structures are subject to siting requirements for accessory buildings and structures.
- (5) Only fascia signs and those signs permitted in 23(a) shall be permitted in an interior side yard.
- (6) Where the required yard is a minimum width of 4.6 m.

[AM. B/L 6737 and 6772].

- 15. (c) The obstructions listed as 'P' in 'TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS' shall not be considered to be obstructions, and shall not be considered in the determination of any required rear yard. Obstructions listed as 'NP' shall not be permitted in any required rear yard.

TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS					
OBSTRUCTION	ZONES				
	R	C	M	EI	PR, OS, A, DR
Terraces no closer than 0.6m	P	P	P	P	P
Ramps and steps: not exceeding 1.5 m in height	P	P	P	P	P
Balconies: • No closer than 0.6 m to site line • Projecting no more than 1.5 m	P P	NP P ⁽¹⁾	NP NP	NP P	NP P ⁽¹⁾
Decks: no closer than 0.6 m to site line	P	P	NP	NP	P
Stairways: no closer than 0.6 m to site line	P	P	P	P	P

TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS					
OBSTRUCTION	ZONES				
	R	C	M	EI	PR, OS, A, DR
Chimneys, bay windows, alcoves, and similar projections: projecting no more than 1.5 m; maximum floor area of 4.6 m ²	P	P	P	P	P
Overhanging eaves and gutters: projecting no more than 1.5 m; no closer than 0.3 m to site line	P	P	P	P	P
Uncovered walks, driveways, trees, trellises, and similar landscape elements	P	P	P	P	P
Play equipment and components of an outdoor recreation facility: no closer than 1.5 m to site line	P	P	P	P	P
Fences and retaining walls: not exceeding 1.8 m in height - see sections 14, 16, 19	P	P ⁽²⁾	P ⁽³⁾	P	P
Parking spaces - see section 22 ⁽⁴⁾	P	P	P	P	P
Loading spaces - see section 22	NP	P	P	P	P
Signs - see sections 22, 23	NP	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾
Temporary signs - see section 24	NP	NP	P	P	P
Exterior air conditioning units, heat pumps, pool filters, and similar mechanical equipment: no closer than 4.6 m to an openable window of a habitable room on an adjoining site	P	P	P	P	P
Exterior wall finishing: to a maximum depth of 0.08 m	P	P	P	P	P
Architectural features	P	P	P	P	P
Outdoor storage - see section 17	NP	P	P	P	P
Outdoor industrial operations - see section 17	NP	NP	P	NP	NP
Satellite dishes - see section 28	P	P	P	P	P
Aircraft landing strips	NP	NP	NP	NP	P

Notes to Table 3:

- (1) Where the required yard is a minimum width of 6.0 m.
- (2) A barbed wire extension, adding a maximum additional height of 0.3 m, is permitted in MG and MH Zones.
- (3) Garages and similar structures are subject to siting requirements for accessory buildings and structures.
- (4) Only fascia signs are a permitted obstruction.

[AM. B/L 6737 and 6772]

15.1 EXTERIOR STAIRWAYS

Exterior stairways exceeding 1.5m in height are not permitted to be located between a principal building and a front or corner side site line.

[EN. B/L 6772]

16. ELECTRIC FENCES

Electric fences shall only be permitted in MG, MH and A Zones.

17. OUTDOOR STORAGE AND INDUSTRIAL OPERATIONS

(a) With the exception of automobile, truck, RV, marine and farm implement sales and rental:

(1) outdoor storage shall not be permitted in any required yard that abuts a street, but not a lane; and

(2) storage and utility areas shall be screened by opaque fencing of a height of 1.8m.

[AM. B/L 6772]

(b) Outdoor industrial operations and storage of raw materials shall only be permitted in MH 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 side yard on a corner site.

(c) Lighting of utility areas shall be contained on the site and not spill over to adjoining properties.

[EN. B/L 6772]

18. REFUSE CONTAINERS

Refuse containers shall be screened by opaque fencing, equal in height to the refuse container.

19. CORNER VISIBILITY TRIANGLES

Notwithstanding anything elsewhere contained in this Part, at the intersection of streets, except in the CCC Zone, 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 0.8 and 2.5 m within a triangular shaped area bounded by:

(a) two site lines, each of which is adjacent to a street; and

(b) a straight line, connecting the two site lines at points no closer than 3.0 m from the intersection of the site lines.

[AM. B/L 6772]

20. HEIGHT EXCEPTIONS

In all zones the following shall not be considered as obstructions, and therefore, may penetrate 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 1.2 m in height above the roof of the building; or
- (e) Communication towers.
[EN. B/L 6772]

21. TEMPORARY BUILDINGS, STRUCTURES AND USES

- (a) Temporary buildings, structures, and uses of land are permitted on a site in connection with construction and development on the site or a nearby site, subject to the issuance of a development permit 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) Temporary buildings, structures, and uses shall not be detrimental to public health, safety, convenience, and general welfare.
- (c) A development permit for a temporary building, structure, or use shall be subject to such terms and conditions as required by the Development Officer.
- (d) Each development permit issued for a temporary building, structure, or use shall be valid for a period of not more than 6 months and may not be renewed for more than two successive periods at the same location.
- (e) Temporary buildings and structures shall not exceed 93 m² in area and 1 storey or 4.5 m in height.

22. PARKING AND LOADING

- (a) Accessory off street parking and loading spaces shall be provided and maintained in accordance with 'TABLE 4: REQUIRED PARKING AND LOADING SPACES'.
- (b) Notwithstanding subsection (a), in the CCC Central Core Commercial Zone, 1 parking space shall be provided for each 46.5 m² of floor area.

TABLE 4: REQUIRED PARKING AND LOADING SPACES		
USE	NUMBER OF PARKING SPACES REQUIRED, MINIMUM	NUMBER OF LOADING SPACES REQUIRED, MINIMUM
Hotels and motels	1 for each unit	N/A
Arts and cultural centres	1 for each 46.5 m ² of floor area	1 for a floor area of 929-9,289 m ² and 1 for every additional 9,290 m ² (or fraction thereof)
Community centres and halls ⁽¹⁾	1 for each 9.2 m ² of floor area used for recreation or assembly	1 for a floor area of 929-9,289 m ² and 1 for every additional 9,290 m ² (or fraction thereof)
Theatres	1 for each 4 seats	
Outdoor stadiums and grandstands ⁽¹⁾	1 for each 4 seats	
Funeral homes ⁽¹⁾	1 for each 5 seats, 10 minimum	
Places of worship ⁽¹⁾	1 for each 5 seats in the principal assembly area, minimum 10 spaces, 1 for every 20 students of a residential school, and 1 for each 3 employees	
Banks and bank machines	1 for each 46.5 m ² of floor area	
Community resource centres		
Government offices and facilities		
Police and fire stations		
Laboratories		
Offices		
Medical clinics		4 for each doctor or 4 for each office, whichever is greater
Commercial establishments	1 for each 30.5 m ² of floor area in excess of 93 m ² , 2 spaces minimum	1 for each 1,860 m ² of floor area (or fraction thereof) up to 7,429 m ² , and 1 for every additional 4,640 m ² (or fraction thereof)
Personal services		
Auction markets		
Eating and drinking places	1 for each 4 seats or 1 for each 4.6 m ² of customer service area, whichever is greater, 6 spaces minimum	

TABLE 4: REQUIRED PARKING AND LOADING SPACES		
USE	NUMBER OF PARKING SPACES REQUIRED, MINIMUM	NUMBER OF LOADING SPACES REQUIRED, MINIMUM
Manufacturing	1 for each 93.0 m ² of floor area	1 for 1,860 m ² of floor area (or fraction thereof); 1 for each additional 1,860 m ² (or fraction thereof) up to 9,290 m ² ; 1 for each additional 4,650 m ² (or fraction thereof)
Farm products distribution and sales		
Warehouses and storage facilities		
Utilities and public works buildings primarily devoted to the storage of mechanical equipment	1 for each 465 m ² of floor area	
Indoor recreation facilities	5 for each bowling alley or curling sheet, 1 for each 9.2 m ² of floor area used for recreation, and 1 for each employee	1 for a floor area of 1,860-18,579 m ² , and 1 for every additional 18,580 m ² (or fraction thereof)
Outdoor recreation facilities	Minimum 10 spaces	N/A
Single family dwelling	1 for each dwelling unit	N/A
Two family dwelling		
Mobile and modular homes		
Secondary suite		
Boarding and rooming houses	1 for each rooming unit, and 1 for the owner or operator	
Multiple family dwellings	1.5 for each dwelling unit, 20% of which shall be unassigned guest parking readily accessible	
Special needs housing	1 for each 3 rooming or dwelling units, 1 for the owner or operator, and 1 for each 3 employees	
Elementary and junior high schools	1 for each 2 academic staff, 1 for each 4 employees and 1 for every 6 students at design capacity	1 for a floor area of 929-9,289 m ² , and 1 for every additional 9,290 m ² (or fraction thereof)
High schools		
Universities and community colleges		
Business and technical schools, training centres		
Bus and rail passenger terminals	Minimum 10 spaces	To be determined by Council
Other uses	As determined by Council except that all conditional uses shall be decided by Council pursuant to the provisions of the Act.	

[AM. B/L 6772]

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 0.5 m length of such seating type shall be counted as 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 1 seat for every 0.6 m² of assembly area.*
- (2) *A business in a CN Commercial Neighbourhood Zone, which, in the opinion of the Development Officer, will generate minimum parking requirements which can be accommodated on adjacent streets without impact upon neighbouring properties, may have the minimum parking space requirements waived at the discretion of the Development Officer for an unlimited period of time. Such waiver is subject to review by the Development Officer should complaints be received from occupants or owners of adjacent properties and the Development Officer, at the Officer's discretion, may compel compliance with the paved parking provisions of this section.*

- 22. (c) Of the total number of parking spaces required in (a), a minimum number shall be accessible to persons with disabilities, in accordance with 'TABLE 5: REQUIRED ACCESSIBLE PARKING SPACES'.

TABLE 5: REQUIRED ACCESSIBLE PARKING SPACES	
Total Number of Parking Spaces, Required in 22(a)	Minimum Number of Accessible Parking Spaces
Less than 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

- (d) When the computation of the number of accessory off-street parking spaces required in subsection (a) or (b) results in a requirement of a fractional parking space, a fraction of 1/2 or more of a parking space shall be counted as 1 parking space.

- 22. (e) When a building or structure accommodates more than 1 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.
- (f) 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.
- (g) 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.
- (h) All accessory off-street parking and loading spaces shall be located on the same site as the use served.
- (i) When parking requirements cannot be met on site, a variation will not be required in the CCC Central Core Commercial Zone.
[EN. 6737]
- (j) Parking spaces shall be sized in accordance with 'TABLE 6: MINIMUM PARKING AREA REQUIREMENTS'.

TABLE 6: MINIMUM PARKING AREA REQUIREMENTS				
Type of Parking		Width	Length ⁽¹⁾	Minimum aisle width
Angled parking	75 to 90 degrees	2.7 m	6.1 m	6.1 m
	50 to 74 degrees	2.7 m	6.1 m	5.5 m
	Less than 50 degrees	2.7 m	6.1 m	3.7 m
Accessible parking - angled		3.9 m	6.1 ⁽²⁾	Same as above
Parallel parking		2.7 m	6.7 m	3.0 m
Accessible parking - parallel		3.9 m	6.7 m	3.0 m

Notes to TABLE 6:

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

22. (k) Loading spaces shall be of a minimum size of 3.7 x 7.5 m.
- (l) Each parking and loading space shall have:
- (1) Clear access to an aisle, of a width in accordance with 'TABLE 6: MINIMUM PARKING AREA REQUIREMENTS'. The aisle shall have clear access to a street or other parking area by means of an access driveway.
 - (2) Where the space is accessed directly from a street, clear access to the street by means of an access driveway, provided the street exceeds the minimum width required of an aisle.
- (m) Notwithstanding paragraph (l) (2), in R Zones no more than 2 parking spaces may share an access driveway, when the spaces are located in a tandem arrangement, providing the 2 parking spaces are for the use of only 1 dwelling unit.
- (n) Access driveways shall be a minimum width of:
- (1) 6.1 m, for two-way traffic; and
 - (2) 3.0 m, for one-way traffic.
- (o) Parking and loading areas shall be surfaced with either asphalt, concrete or paving brick within one year of the date of occupancy:
- (1) except in MG, MH, PR, OS, A and DR zones; or
 - (2) except where parking and loading areas are accessed directly from a gravel street or lane or private road in existence at the time of adoption of this by-law.
[AM. B/L 6772]
- (p) Except for single and two family dwellings, parking areas shall be illuminated to provide a satisfactory degree of security, and lighting shall be arranged so that it does not illuminate directly onto adjoining sites or streets.
- (q) Except for single and two family dwellings, parking and loading areas shall be provided with fencing, bumper guards, wheel stops, or masonry walls to prevent a vehicle from encroaching onto adjacent sites.
- (r) Bumper guards, wheel stops, masonry walls, or ornamental fences shall be maintained in good condition at all times, and shall have no signs attached thereto other than those permitted in subsection (s).
- (s) Signs for a parking or loading area shall conform to the following regulations:
- (1) Signs designating entrances and exits are limited to a maximum size of 0.6 m² in sign surface area, and to 1 sign for each entrance or exit;
 - (2) 1 sign of a maximum of 3.0 m² in sign surface area designating the conditions of parking and identity of the parking area; on a corner site, 2 such signs - 1 facing each street, but not a lane, are permitted;
 - (3) Freestanding signs shall not be closer than 0.3 m to any site line; and
 - (4) All accessible parking spaces must be clearly marked in accordance with the City of Brandon Traffic By-law.
[EN. B/L 6772]

22. (t) Accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons, or visitors of such uses.
- (u) An accessory loading space provided for a use shall be solely for the loading and unloading of vehicles and shall not be used to satisfy the space requirements for any accessory off-street parking space, or portion thereof.
- (v) An accessory parking or loading space shall not be used for vehicle repair work.
- (w) 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.

23. **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 single family dwellings, two family dwellings and mobile/modular homes, 1 identification sign not exceeding 0.13 m² in sign surface area, that may indicate the name of the occupant and the civic address of the dwelling. On a corner site, one identification sign facing each street, but not a lane, shall be permitted;
 - (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 materials 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 and/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 current City of Brandon policy and the Federal and Provincial provisions under The Elections Act;
 - (7) in EI, PR and OS Zones, illuminated or non-illuminated directional signs not exceeding 2.8 m² in sign surface area;
 - (8) signs as described in subsection 22(s);
 - (9) in R Zones, a single sign of less than .50m² advertising an event on the same site as that on which the sign is located, for a period of time not exceeding 48 hours, on a maximum of three occasions each year; and
[EN. B/L 6772]
 - (10) mobile signs for use at community or charitable events, for a maximum of 10 days.
[EN. B/L 6772]

- (b) All other types of signs shall conform to the requirements in 'TABLE 7: SIGN REQUIREMENTS'.
- (c) Notwithstanding subsection (b), other types of signs and advertising may be permitted at the discretion of Council.

TABLE 7: SIGN REQUIREMENTS				
SIGN TYPE	ZONES	TOTAL SIGN SURFACE AREA ⁽¹⁾	HEIGHT	LOCATION/SETBACK
Identification sign - freestanding type	R Zones ⁽³⁾	3.0 m ² maximum	4.5 m maximum	Minimum 1.5 m setback
	C and M Zones	38.0 m ² maximum ⁽⁶⁾	13.0 m maximum	Minimum 1.5 m setback ⁽²⁾
Identification sign - fascia type	R Zones ⁽³⁾	3.0 m ² maximum	N/A	1 per building face
	C and M Zones	Maximum 20% of the area of the building face	Not to exceed 1 m above the parapet or roof line	0.3 m maximum extension from building face; not to extend beyond any site lines
Identification sign - freestanding or fascia type	EI, PR, and OS Zones	9.3 m ² maximum	4.5 m maximum ⁽⁴⁾	Minimum 1.5 m setback ⁽⁴⁾
	A Zones	2.3 m ² maximum		
Identification sign - for neighbourhoods or subdivisions	R Zones	Design approved by Council		
Identification sign - roof type	CAR, CHW, MG, and MH Zones	20% of the area of the building face, maximum 38.0 m ²	18.5 m maximum	Shall not project beyond the building face of the building on which it is mounted.
Bulletin board	All zones	1.7 m ² maximum	4.5 m maximum ⁽⁴⁾	Minimum 1.5 m setback ⁽⁴⁾
Bulletin board w/ advertising sign	EI, PR, and OS Zones	40 m ² maximum	13.0 m maximum ⁽⁴⁾	Minimum 1.5 m setback ⁽⁴⁾
Advertising sign - freestanding type	CN, CG, CAR, CHW, CCC, and M Zones	92.0 m ² maximum	13.0 m maximum	Not permitted in any required yard
Advertising sign - roof type	CAR, CHW, MG, and MH Zones	92.0 m ² maximum	18.5 m maximum	Shall not project beyond the building face of the building on which it is mounted

TABLE 7: SIGN REQUIREMENTS				
SIGN TYPE	ZONES	TOTAL SIGN SURFACE AREA ⁽¹⁾	HEIGHT	LOCATION/SETBACK
Projecting signs	C and M Zones	12.0 m ² maximum	2.6m minimum ⁽⁵⁾ 12.0m maximum Not to exceed 1m above parapet or roof line	No portion of a projecting sign shall encroach more than 3.6m into the required yard, or have a horizontal clearance of less than 0.6m from that portion of a street used by vehicular traffic
Awning signs	C, M, PR, and OS Zones	Maximum 20% of the area of the building face shall not exceed 1.5m ² for each 1m of total length of awning	On awning or canopy	No portion of an awning sign shall project beyond the site lines

Notes to Table 7:

- (1) See "Sign surface area" definition for further determination of surface area.
- (2) A freestanding sign may be located directly adjacent to any site line, provided the sign is designed in such a manner that it does not produce a sight obstruction between the heights of 0.8m and 2.5m above the average level of the ground and that this space remain unobstructed.
- (3) For all uses except single and two family dwellings. For multiple family dwellings, only one sign per building face may indicate the name, address and telephone number of the landlord or leasing agent.
- (4) When of a freestanding type.
- (5) Minimum height shall be measured from grade or sidewalk level to the lowest point on the sign or supporting structure.
- (6) Any site with a building area of greater than 10000m² shall be permitted one additional sign or an additional surface area of 38m² on an existing freestanding identification sign for each additional 10000m² of building area.

[AM. B/L 6772]

- 23. (d) A building or site may have more than 1 sign, provided the total sign surface area set forth for each type of sign is not exceeded.
- (e) A building located on a corner site is considered to have two building faces, and the total sign surface area is calculated separately for each building face.
- (f) The total sign surface area for all fascia and roof signs combined cannot exceed 20% of each building face.
- (g) A sign which is animated, flashing, or contains an operating rotating beam or beacon shall not be permitted in a R, CN, CR, MR, EI, PR, OS, DR, or A Zone. Where permitted, such signs shall not be located within 92.0 metres of any R Zone boundary.

23. (h) 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.
- (i) 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 30 days after notice has been given by the Development Officer, and if in default, the City may remove the sign and charge the owner for the removal costs.
- (j) Within the Historic Properties Overlay Zone and Downtown Promenade Overlay Zone, signs shall not cover Architectural Details such as, but not limited to, arches, sills, mouldings, cornices and transom windows.
- (k) No mobile sign or portion thereof may be converted into a permanent sign, or incorporated into an existing permanent sign.
- (l) Signs located on public rights-of-way are subject to the City of Brandon Traffic By-law No. 5463.
- (m) 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.
- (n) No sign shall be placed in a manner that, in the opinion of a Development Officer or the City of Brandon, may obstruct any window opening, door opening, passageway, fire escape, walkway, vehicular driveway, or similar feature, or the vision of persons using roads or sidewalks on City rights-of-way abutting the property.
- (o) When a sign no longer directs persons to or advertises a business, lessor, owner, product or activity conducted, or product in existence or available on the property where the sign is displayed (or in existence on a separate property when indicated on an advertising sign), the owner of the property shall remove the sign face and/or letters within 14 days.

[EN. B/L 6772]

24. TEMPORARY SIGNS

- (a) Temporary signs shall conform to the requirements in 'TABLE 8: TEMPORARY SIGN REQUIREMENTS'.

TABLE 8: TEMPORARY SIGN REQUIREMENTS						
TYPE OF SIGN	ZONE	MAX. SIGN SURFACE AREA (M ²)	MAX. HEIGHT (M)	LOCATION ⁽⁵⁾	NUMBER OF SIGNS	DEVELOPMENT PERMIT DURATION
Real Estate	All zones	2.0	1.8 ⁽¹⁾	1.0 m setback from site line	1 per street frontage	N/A
Development	All zones	5.0	4.5 ⁽¹⁾	1.0 m setback from site line	1 per street frontage	6 months ⁽²⁾
Construction	All zones	5.0	6.0 ⁽¹⁾	1.0 m setback from site line	1 per construction site	Until construction completed ⁽²⁾⁽³⁾

TABLE 8: TEMPORARY SIGN REQUIREMENTS						
Mobile signs ⁽⁶⁾	C (excepting CR), M, and EI Zones	6.0	2.5	1.0 m setback from site line; 25.0 m separation from another mobile sign; 30.0m separation from any residential zone boundary	1 per site ⁽⁴⁾	A maximum duration of 6 months or during intervals of one or more months, totaling no more than 6 months in a calendar year
Sandwich Board	C and M Zones	0.56	0.91	Contained within site	1 per business	N/A

Notes to Table 8:

- (1) *When of a freestanding type.*
- (2) *Unless the duration of the permit is extended by the Development Officer.*
- (3) *Not to be issued prior to the approval of a development permit.*
- (4) *Except where more than 1 business or use occupies a building, each business or use may have a mobile sign, up to a maximum of 3 mobile signs per site, maintaining minimum separation distance.*
- (5) *No sign may be located so as to obstruct a required parking space required under Section 22 of this by-law.*
- (6) *Any mobile sign regulation in Table 8 may be relaxed or waived at the discretion of a Development Officer if, in the opinion of the Development Officer, exceptional or extenuating circumstances require that a mobile sign be located in such a way that it would normally contravene the regulations.*

[AM. B/L 6772]

24. (b) In addition to the above regulations, mobile signs shall comply to the following regulations:

- (1) A property must have a minimum site frontage of 25.0m to qualify for a mobile sign. For sites less than 25.0m, adjacent properties may be combined to form a site of 25.0m, provided the applicant has written consent from the property owners since they will not be able to use a temporary sign during the month that the sign is located on the site, or for a period of two months following the removal of the sign.
- (2) Multiple tenancy properties may have up to three mobile signs providing that there is 25.0m of site frontage for each sign, and that the signs are separated from each other by 25.0m. For purposes of interpreting the table above, each 25.0m of frontage shall be deemed to be a separate location.
- (3) No freestanding mobile sign shall be located within 3.0 m of any access to a site, within 3.0 m from any intersection, within 3.0 m from any fire hydrant, or within 4.0 m of a street curb, unless the height of the sign is less than .8 m above average ground height.

[AM. B/L 6772]

24. (c) In addition to the above regulations, sandwich boards shall:
- (1) Be placed on private site at the location closest to the building wall at the site line;
 - (2) Be weighted in an appropriate manner to secure the sign;
 - (3) Not impede pedestrian traffic, especially at intersections and crosswalks;
 - (4) Advertise only the adjacent business and shall not contain any third party advertising;
 - (5) Be removed from the location daily in conjunction with the hours of operation for the business; and
 - (6) May not be located within a required parking space.
- [AM. B/L 6772]
- (d) Temporary signs may be illuminated, but shall not be of a flashing type.
- (e) Notwithstanding the provisions of Table 8 of this By-Law, owners or tenants providing proof of ownership of a mobile sign located on property as of the date of the passing of this By-law to the satisfaction of a Development Officer, may register such mobile signs which they own, to be erected on the same property which they own or lease, prior to April 1, 2005. As a condition of registration, such mobile signs shall be required to obtain a sign permit. Such signs which are registered may be used continuously up to and including July 1, 2005 provided all other provisions of Sections 23 and 24 of this By-law are complied with. After July 1, 2005, registered portable signs must comply with the provisions of Table 8. Any relocation of an existing sign due to non-compliance with an existing regulation must comply with the amended By-Law regulations.
- (f) Persons applying for a mobile sign permit to locate such a sign on property other than that which is owned or leased by the applicant, shall require the written consent of the property owner prior to the permit being issued.
- [EN. B/L 6772]

25. **LANDSCAPING**

Landscaping shall be required in accordance with the Landscape Design Standards.

26. **MUNICIPAL SERVICES**

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

27. **STREET, LANE, OR ROAD**

- (a) Where it shall deem fit, the Council may permit a use of land or a building to be constructed upon sites having frontage on a private lane or road provided that the lane or road intersects with a street.
- (b) No building or structure shall be erected upon any land designated for a future road allowance. Any development adjacent to the future road allowance shall comply with the requirements of this by-law as if the future road allowance was already in existence.

28. 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. No portion of the satellite dish shall be located closer than 1.5 m to the site line;
 - (2) 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 1.0 m; and
 - (3) 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.
- (b) Where the owner can demonstrate to the satisfaction of Council that strict compliance with the requirements specified in subsection (a) would prevent effective reception of a satellite signal, these requirements shall not apply. In such cases, Council shall determine a suitable position and height which, in its opinion, would least affect the owners of adjacent sites.
- (c) Where a satellite dish is structurally attached to a building, the Development Officer may require a professional engineer or other qualified person to certify the structural stability and safety of the installation.

29. KEEPING OF PIGEONS

No person shall erect, construct, place, relocate or maintain in any zone any pigeon coop, or any structure intended for the keeping of pigeons, unless the following requirements can be fulfilled:

- (a) No portion of the pigeon coop and fenced area shall be permitted:
- (1) in the front yard of the site;
 - (2) in the side and rear yards unless located in accordance with the bulk and site requirements for accessory buildings and structures for the particular zone;
 - (3) within 9.0 m of any school, place of worship, dwelling or other premises used for human habitation or occupancy; and
 - (4) on a site having a site area less than 558.0 m².
- (b) The construction, erection, placement, relocation and maintenance of any structure intended for the keeping of pigeons is allowed only if in accordance with the City's Animal Control By-law.

30. SECONDARY SUITES

Where listed in the use tables as a conditional use, secondary suites shall conform to the following regulations:

- (a) Secondary suites may be located only in detached single family dwellings and shall occupy no more than 25 % of the floor area of a dwelling, to a maximum of 50 m², including the area of the basement;

- 30. (b) In order to accommodate a secondary suite, the principal building must have a floor area, including the area of the basement, of a least 100 m²;
- (c) No more than 1 secondary suite may be located in any detached single family dwelling;
- (d) The floor area occupied by a secondary suite shall be considered as part of the principal building;
- (e) A secondary suite shall contain no more than 2 bedrooms;
- (f) No more than 3 persons may occupy a secondary suite;
- (g) 1 off-street parking space, sited in accordance with section 22, shall be required for a secondary suite;
- (h) Where a secondary suite has an entrance which is separate from that of the principal dwelling, the entrance may only be located on a side or rear wall of the principal dwelling;
- (i) Section 55 of this by-law shall apply to the review and approval of use applications for secondary suites; and
- (j) No secondary suite shall be permitted in a boarding house.
[EN. B/L 6828]

31. LIVESTOCK PRODUCTION OPERATIONS

- (a) An application for a livestock production operation as a conditional use shall be accompanied by a calculation of animal units (A.U.), determined by 'TABLE 9: CALCULATION OF ANIMAL UNITS (A.U.)'.
- (b) To calculate the number of animal units for a livestock production operation, multiply the number of head by A.U. in that category. For examples, 20 milking cows x 2.0 A.U. produced by 1 livestock = 40 animal units.
- (c) Livestock production operations shall comply with all other regulations and must abide by any approvals granted by all jurisdictions. Where conflict arises between regulations, the most stringent standard shall apply.

TABLE 9: CALCULATION OF ANIMAL UNITS (A.U.)		
TYPE OF OPERATION	ANIMAL UNITS PRODUCED BY 1 LIVESTOCK	LIVESTOCK PRODUCING 1 ANIMAL UNITS
Dairy ● Milking cows, including associated livestock	2.000	0.5
Beef ● Beef cows, including associated livestock ● Backgrounder ● Summer pasture/replacement heifers ● Feeder cattle	1.250 0.500 0.625 0.769	0.8 2.0 1.6 1.3

TABLE 9: CALCULATION OF ANIMAL UNITS (A.U)		
Hogs		
• Sows, farrow to finish	1.250	0.8
• Sows, farrow to weanling	0.313	3.2
• Sows, farrow-nursery	0.250	4.0
• Weanlings	0.033	30.0
• Growers/finishers	0.143	7.0
• Boars (artificial insemination operations)	0.200	5.0
Chickens		
• Broilers	0.0050	200.0
• Roasters	0.0100	100.0
• Layers	0.0083	120.0
• Pullets	0.0033	300.0
• Broiler breeder pullets	0.0033	300.0
• Broiler breeder hens	0.0100	100.0
Turkeys		
• Broilers	0.010	100.0
• Heavy toms	0.020	50.0
• Heavy hens	0.010	100.0
Horses		
• Mares, including associated livestock	1.333	0.75
Sheep		
• Ewes, including associated livestock	0.200	5.0
• Feeder lambs	0.063	16.0
	ANIMAL UNITS PRODUCED BY 1000 kg LIVE ANIMAL WEIGHT	kg LIVE ANIMAL WEIGHT PRODUCING 1 ANIMAL UNIT
Other livestock (except poultry)	2.5	400
Other poultry	7.5	130

32. PLANNED UNIT DEVELOPMENT

- (a) Applications for a planned unit development must receive written approval from City Council, in accordance with the provisions set out herein, prior to proceeding.
- (b) For a planned unit development, the provisions of the bulk and siting tables for the particular zone, as well as the General Rules, with the exception of this Section shall not apply. However, the design of a planned unit development shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, accessory off-street parking and loading spaces, and other requirements and standards established in this by-law.

32. (c) An application for the establishment of a planned unit development shall be accompanied by the following information:
- (1) Those requirements normally required for the issuance of a development permit as listed in subsection 52(f);
 - (2) For all types of planned unit developments, an impact study 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; and
 - (vi) the effect on transportation systems.
- (d) For planned unit developments of a commercial or industrial nature, Council may also require the impact study to address:
- (1) economic costs and benefits to the City; and
 - (2) effect on City sewer, waterworks, and storm drainage systems, including a cost-benefit analysis;
- (e) In reviewing such applications, Council may require such additional information as may be necessary for review of the proposal.

PART IV: RULES FOR EACH ZONE**DIVISION I: RULES FOR RESIDENTIAL DISTRICTS****33. RESIDENTIAL ZONES**

The following residential zones are hereby established:

(a) RLL Residential Large Lot Zone

The RLL Residential Large Lot Zone provides for the development of low density single family dwellings on large lots with or without City sewer and water services.

(b) RSF Residential Single Family Zone

The RSF Residential Single Family Zone provides for the development of low density single family dwellings on City serviced sites.

(c) RLD Residential Low Density Multiple Family Zone

The RLD Residential Low Density Multiple Family Zone provides for the development of low density 2, 3 and 4 family dwelling units, on City serviced sites.

(d) RMD Residential Moderate Density Multiple Family Zone

The RMD Residential Moderate Density Multiple Family Zone provides for the development of medium rise, moderate density multiple family dwellings, such as apartment buildings, garden apartments, stacked town or row type dwellings, on City serviced sites.

(e) RHD Residential High Density Multiple Family Zone

The RHD Residential High Density Multiple Family Zone provides for the development of high rise, high density apartment buildings, on City serviced sites.

(f) RMH Residential Mobile/Modular Home Zone

The RMH Residential Mobile and Modular Home Zone provides for an area for the placement of mobile and/or modular homes on spaces within a mobile/modular home park, which are sold or leased to the mobile/modular home owner or owners, within a plan registered in the Land Titles Office.

34. RESIDENTIAL USE REGULATIONS

TABLE 10: RESIDENTIAL USE TABLE lists all uses that are:

P - Permitted;

C - Conditional; and

NP - Not permitted.

TABLE 10: RESIDENTIAL USE TABLE						
Uses	Zones					
	RLL	RSF	RLD	RMD	RHD	RMH
Personal care, retirement and convalescent home	C	C	C	C	C	NP
Planned unit developments	C	C	C	C	C	C
Utilities and services						
• Utilities and public works	P	P	P	P	P	P
• Reservoirs and water towers	P	P	P	P	P	P
• Police and fire stations	P	P	P	P	P	P

[AM. B/L 6772, B/L 6838

35. RESIDENTIAL BULK AND SITING REQUIREMENTS

Except as set out in section 37, development in all residential zones shall conform to the bulk and siting requirements set out in 'TABLE 11: RESIDENTIAL BULK AND SITING REQUIREMENTS'.

TABLE 11: RESIDENTIAL BULK AND SITING REQUIREMENTS ⁽¹⁹⁾												
Permitted and conditional uses	Bulk and siting requirements											
	Minimum								Maximum			
									Building Height ⁽¹⁷⁾			
	Site area (m ²)	Site width (m)	Front yard (m) ^{(1) (2)}	Side yard ⁽²⁾		Rear yard ⁽²⁾		Dwelling unit area (m ²) ⁽⁴⁾	Distance from other building (m)	Height (m)	Storeys	Units/ha
			Interior (m)	Corner (m)	Lane (m)	No lane (m)						
Single family dwellings in RLL Zones	4048 ⁽³⁾	22.8	7.6	4.6	4.6	9.1	9.1	75.0 ⁽⁴⁾	N/A	11	2 ½	2.5
Single family dwellings in RLD zones	232	7.6 ⁽⁷⁾	6.0	1.2 ^{(5) (7)}	3.0 ⁽⁶⁾	7.6	7.6	75.0 ⁽⁴⁾	N/A	11	2 ½	17
Single family dwellings in all other zones	372	12.1	6.0	1.2 ^{(5) (7)}	3.0 ⁽⁶⁾	7.6	7.6	75.0 ⁽⁴⁾	N/A	11	2 ½	17
Semi-detached dwellings	232	7.6	6.0	1.2 ^{(5) (7) (8)}	3.0 ⁽⁶⁾	7.6	7.6	75.0	N/A	11	2 ½	35
All other RSF Zone Uses	372	12.1	6.0	1.2 ^{(5) (7)}	3.0 ⁽⁶⁾	7.6	7.6	75.0	N/A	11	2 ½	17
All other RLL Zone uses	4048 ⁽³⁾	22.8	7.6	4.6	4.6	9.1	9.1	75.0	N/A	11	2 ½	N/A
Mobiles/Modular Homes in RMH with separate titles	372	12.1	4.6	1.2	3.0 ⁽⁶⁾	4.6 ⁽¹⁸⁾	4.6	N/A	N/A	5.5	1½	17

TABLE 11: RESIDENTIAL BULK AND SITING REQUIREMENTS ⁽¹⁹⁾												
Permitted and conditional uses	Bulk and siting requirements											
	Minimum								Maximum			
	Site area (m ²)	Site width (m)	Front yard (m) ^{(1) (2)}	Side yard ⁽²⁾		Rear yard ⁽²⁾		Dwelling unit area (m ²) ⁽⁴⁾	Distance from main building (m)	Building Height ⁽⁷⁾		Units/ha
				Interior (m)	Corner (m)	Lane (m)	No Lane (m)			Height (m)	Storeys	
All other RLD Zone uses	232	7.6 ⁽⁷⁾	6.0	1.2 ^{(5) (7)}	3.0 ⁽⁶⁾	7.6	7.6	38.0	N/A	11	2 ½	40
All other RMD Zone uses	670	18.2	6.0	3.0 ⁽⁹⁾	3.0 ^{(6) (9)}	7.6	9.1	38.0	N/A	14	3	86 ⁽¹²⁾
All other RHD Zone uses	930	30.4	6.0	4.6 ⁽⁹⁾	4.6 ⁽⁹⁾	4.6	6.0 ⁽¹⁶⁾	38.0	N/A	43	12	148 ⁽¹²⁾
Accessory Uses	N/A	N/A	7.6	1.2 ^{(8) (10)}	3.0 ^{(6) (11) (14)}	1.5 ⁽¹³⁾	0.6 ⁽¹⁴⁾	N/A	1.2	4.0 ⁽¹⁵⁾	N/A	N/A

Notes to Table 11:

- (1) Front yard requirements may be relaxed in accordance with subsection 13(c).
- (2) For group buildings located on one site, see subsection 13(d).
- (3) Or as required by provincial regulations for private sewage disposal systems, whichever is greater.
- (4) Floor area exclusive of basements, cellars, and accessory buildings and structures
- (5) The minimum side yard requirement for that portion of the principal building 2 storeys or more shall be 1.8 m.
- (6) The side yard on the street side of a reversed corner site shall be 4.6 m.
- (7) Where a property does not abut a public lane, vehicle access may be obtained from the front street, 1 of the side yards shall be increased to a minimum width of 3 m, clear of all projections, except eaves and gutters, in order to be used as a required parking space except where the access is to an attached garage or carport in which case the minimum side yards shall be the same as that required for the main building.
- (8) A side yard, on the side having a common party wall, may be reduced to 0 m, provided the side site line is completely contained within the common party wall.
- (9) Or ½ the height of the building, whichever is lesser.
- (10) 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 side yard may be reduced to 0.3 m, clear of all projections.
- (11) 4.6 m in an RHD Zone.
- (12) These maximum figures may be increased 20% where provisions are made for landscaping features, on site at grade, equivalent to 5% of the developers' construction costs.
- (13) The minimum rear yard setback for accessory buildings which do not have direct access onto a lane shall be 0.6 m. Direct access is when the overhead door faces the public lane or angles away from the lane no more than 45 degrees.
- (14) When an accessory building or structure is located in the required rear yard of a reversed 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 key site, nor closer than 1.5 m to the rear site line, if there is no lane.

Notes to Table 11 (con't):

- (15) An accessory building or structure shall not exceed the height of the principal building or structure.
- (16) Where the site abuts a RLL or RSF zone, the minimum rear yard shall be 7.6 m.
- (17) The maximum building height shall be the lesser of either metres or storeys.
- (18) Where the rear yard is adjacent to a residential zone with a higher rear yard requirement, the higher rear yard requirement of the neighboring zone will apply.
- (19) The maximum site coverage of all buildings, including garages and other accessory buildings, is 60%.

[AM. B/L 6701, 6737 and 6772]

36. SPECIAL DEVELOPMENT STANDARDS FOR BARE LAND CONDOMINIUM DEVELOPMENTS

- (a) Bare land condominium developments in R zones shall be subject to the following requirements:
 - (1) Building separations for buildings within a bare land condominium shall be in accordance with TABLE 11.
 - (2) Yard requirements for buildings or structures adjacent to the boundary of the site affected by the bare land condominium plan shall be a minimum of 7.6 m except for obstructions as provided in TABLES 1, 2 and 3.
 - (3) All other regulations and requirements of this Division shall apply to the site affected by the bare land condominium plan.

37. SPECIAL DEVELOPMENT STANDARDS FOR RMH ZONES

- (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) Each mobile/modular home where spaces are not on individual titles shall be placed upon the mobile/modular home space so that the mobile/modular home has:
 - (1) a minimum separation of 2.4 m from another mobile/modular home;
 - (2) a minimum front yard of 4.5m;
 - (3) on a corner mobile/modular home space, a minimum side yard on the street side of the mobile/modular home space of 3.0 m;
 - (4) a minimum separation of 3.0 m from a buffer area, common recreational area, or storage compound; and
 - (5) a minimum rear yard of 4.5m, except where the rear yard is adjacent to a buffer area, where the rear yard may be reduced to 3.0m.

[AM. B/L 6701]

- (b.1) Each mobile/modular home, where the spaces are on individual titles, shall be placed upon the mobile/modular home space in accordance with TABLE 11.

[EN. B/L 6701]

37. (c) 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 6.0 m in width;
 - (2) shall be landscaped with trees, shrubs, grass, and other horticultural features as shown on the plans submitted in accordance with subsection 52(f);
 - (3) may be crossed by:
 - (i) a roadway, with a minimum width of 7.4 m; and
 - (ii) a road right-of-way, with a minimum width of 15.2 m; and
 - (4) shall contain no other use.
- [AM. B/L 6701]
- (d) A mobile/modular home park shall contain a common recreational area which:
- (1) shall comprise an area no less than 5% of the mobile/modular home park area;
 - (2) shall not be part of the buffer area provided for in subsection (c); and
 - (3) shall be bordered by a fence or hedge where it abuts any part of the internal roadway system.
- (e) A mobile/modular home park shall contain a storage compound for the use of residents of the mobile/modular home park.
- (f) Internal roadways within a mobile/modular home park shall be as follows:
- (1) the roadway shall be surfaced with concrete or asphalt, and have a minimum width of 7.4 m; and
 - (2) the roadway shall have a right-of-way with a minimum width of 15.2 m.
- (g) A public walkway, where provided, shall have a minimum width of 3.0 m.
- (h) Plans for mobile/modular home parks must be approved by the Brandon and Area Planning District and City of Brandon Administration.

DIVISION II: RULES FOR COMMERCIAL DISTRICTS

38. COMMERCIAL ZONES

The following commercial zones are hereby established:

(a) CN Commercial Neighbourhood Zone

The CN Commercial Neighbourhood Zone provides land, characteristically small in size, either within or abutting residential zones, to provide goods and services to satisfy the daily household or personal needs of the average family.

(b) CG Commercial General Zone

The CG Commercial General Zone provides land 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.

(c) CR Commercial Restricted Zone

The CR Commercial Restricted Zone provides land for a limited number of uses, on sites with special relationships to adjacent neighbourhoods and/or area of heritage or cultural significance. To provide design control over buildings within the CR zone, all uses are conditional.

(d) CAR Commercial Arterial Zone

The CAR Commercial Arterial Zone provides land for those businesses serving the needs of the larger city market and traveling public, which require visibility and access from major thoroughfares.

(e) CHW Commercial Highway Zone

The CHW Commercial Highway Zone provides land 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.
[AM. 6737]

(f) CCC Commercial Central Core Zone

The CCC Commercial Central Core Zone provides land in the central core for a diverse range of commercial, business, and administrative uses, as well as social and cultural amenities, serving Brandon and the larger region.

39. COMMERCIAL USE REGULATIONS

'TABLE 12: COMMERCIAL USE TABLE' lists all uses that are:

P - Permitted; and

C - Conditional; and

NP - Not permitted.

Uses not listed in the table may be approved by Council as conditional uses, in accordance with subsection 7(a)(3).

TABLE 12: COMMERCIAL USE TABLE						
USES	ZONES					
	CN	CG	CR	CAR	CHW	CCC
Accessory uses	P	P	C	P	P	P
Animal <ul style="list-style-type: none"> • Animal boarding and pounds • Veterinary clinics 	NP NP	NP P	NP NP	C P	C C	NP NP
Arts and cultural centres	C	P	NP	P	C	P
Assembly places <ul style="list-style-type: none"> • Community centres, halls and theatres • Outdoor stadiums and sports complexes • Funeral homes 	C NP NP	P C P	NP NP NP	P C P	C C C	P C NP
Automotive/Truck/Farm/RV/Marine <ul style="list-style-type: none"> • Automotive service stations • Marine and RV repair • Truck and farm implement repair • Truck washes 	C NP NP NP	P C NP NP	NP NP NP NP	P P C C	P P P P	P C NP NP
Banks and bank machines	P	P	C	P	P	P
Child care <ul style="list-style-type: none"> • Home and group day care 	P	P	NP	P	C	P
Commercial <ul style="list-style-type: none"> • Auction markets • Farmer's markets • Personal services • Commercial establishments- under 2790 m² • Commercial establishments- 2790 m² and over • Adult video store 	NP NP P C NP NP	P C P P NP C	NP NP C C NP NP	P P P P C C	C P C C C NP	P P P P C C
Community resource centres	C	P	C	P	C	P
Communications <ul style="list-style-type: none"> • Radio and television studios • Communications towers 	NP NP	P P	NP NP	P P	C P	P P
Dwellings <ul style="list-style-type: none"> • Dwelling units - 1st storey • Dwelling units - 2nd storey and above • Multiple family dwellings • Multiple family dwellings - as part of a commercial development • Detached dwelling unit(s) and/or mobile/modular home(s) supportive of a permitted principal use • Existing dwellings established at the time of adoption of this by-law 	C C NP NP	P P P P	NP C NP NP	NP P NP C	NP NP NP NP	NP P NP P
	C	C	NP	C	C	C
	C	C	P	C	C	C

TABLE 12: COMMERCIAL USE TABLE						
USES	ZONES					
	CN	CG	CR	CAR	CHW	CCC
Eating and drinking places • Restaurants • Bars, nightclubs, and taverns	C NP	P P	NP NP	P P	P C	P P
Government offices and facilities	C	P	C	P	P	P
Hotels and motels	NP	NP	NP	P	P	P
Laboratories	NP	P	NP	P	C	P
Manufacturing • Accessory manufacturing of goods for sale • Outdoor assembly of goods for sale	NP NP	C C	NP NP	C P	C C	NP NP
Offices	C	P	C	P	C	P
Parking facilities • Surface lots • Above and below ground structures	P NP	P P	NP NP	P P	P NP	P P
Places of worship	P	P	NP	P	C	P
Planned unit developments	NP	C	C	C	C	C
Recreational facilities • Parks and playgrounds • Outdoor recreation facilities • Indoor recreation facilities • Amusement and billiard parlours, bowling alleys • Drive-in theatres	P NP C NP NP	P C P P NP	NP NP NP NP NP	P P P P P	P C C C C	P C P P NP
Recycling • Collection depot • Recycling centres	P NP	P C	NP NP	P C	P C	P C
Schools • Business and technical schools, training centres • Kindergartens and nurseries	NP P	P P	C NP	P P	C C	P P
Special needs housing	C	C	NP	NP	NP	C
Personal care, retirement and convalescent homes	NP	P	NP	NP	NP	P
Outdoor storage - as a principal use	NP	C	NP	C	C	NP
Warehouses and storage facilities	NP	C	NP	C	C	C

TABLE 12: COMMERCIAL USE TABLE						
USES	ZONES					
	CN	CG	CR	CAR	CHW	CCC
Transportation ● Taxi and courier services, including parking and repair ● Truck Terminals ● Bus terminals	NP NP NP	C NP P	NP NP NP	C C P	NP P P	NP NP P
Utilities and services ● Utilities and public works ● Reservoirs and water towers ● Water treatment plants ● Police and fire stations	P P P P	P P P P	C C C C	P P P P	P P P P	P P P P

[AM. B/L 6737, B/L 6827]

40. **COMMERCIAL BULK AND SITING REQUIREMENTS**

Development in all commercial zones shall conform to the bulk and siting requirements set out in 'TABLE 13: COMMERCIAL BULK AND SITING REQUIREMENTS'.

TABLE 13: COMMERCIAL BULK AND SITING REQUIREMENTS											
Permitted and conditional uses	Bulk and siting requirements										
	Minimum									Maximum	
										Building Height ⁽¹⁴⁾	
	Site area (m ²)	Site width (m)	Front yard (m) ^{(1) (2) (3)}	Side yard ⁽³⁾		Rear yard ⁽³⁾		Dwelling unit area (m ²) ⁽⁴⁾	Distance from main building (m)	Height (m)	Storeys
			Interior (m) ⁽²⁾	Corner (m)	Lane (m)	No lane (m) ⁽²⁾					
Uses in CN Zones	232	7.6	6	1.5 ⁽⁵⁾	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁹⁾	38	N/A	11	2 ½
Multiple family dwellings, special needs housing in CG Zones	781	21	7.6	4.6	4.6	7.6	9.1	38	N/A	14	3
All other uses in CG Zones	139	4.6	0	0 ⁽⁸⁾	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁹⁾	38	N/A	14	3
Uses in CR Zones	232	7.6	6	1.5 ⁽⁵⁾	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁹⁾	38	N/A	9	2
Uses in CAR Zones	372	12.1	12.1	1.5	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁹⁾	38	N/A	11	2 ½
Uses in CHW Zones	465	15.2	12.1	1.5	3.0 ⁽⁶⁾	6.0 ⁽⁷⁾	7.6 ⁽⁹⁾	N/A	N/A	11	2 ½
Uses in CCC Zones	232.0	7.6	0	0 ⁽⁸⁾	0	0	0	38	N/A	46	15
Accessory uses	N/A	N/A	^{(10) (13)}	^{(10) (13)}	^{(10) (13)}	1.5 ^{(11) (13)}	0.6 ^{(11) (13)}	38	2.4	⁽¹²⁾	N/A

[AM. B/L 6737, B/L 6827]

Notes to Table 13:

- (1) *Front yards requirements may be relaxed in accordance with subsection 13 (c).*
- (2) *Where the site abuts a residential zone, the front, side, and rear yard requirements shall be subject to section 14.*
- (3) *For group buildings located on one site, see subsection 13 (d).*
- (4) *When dwelling units are permitted or conditional uses.*
- (5) *2.5 m for buildings 2 or more storeys in height.*
- (6) *The minimum side yard on the street side of a reversed corner site abutting a R District shall be 4.6 m.*
- (7) *The required rear yard may be reduced to 1.5 m if all the required parking and loading spaces are provided elsewhere on the site; however where a dwelling unit is contained within a commercial building the required rear yard shall be 6.0 m.*
- (8) *Where a side yard is provided it shall be not less than 1.5 m.*
- (9) *The required rear yard may be reduced to 3.0 m if all the required parking and loading spaces are provided elsewhere on the site; however where a dwelling unit is contained within a commercial building the required rear yard shall be 7.6 m.*
- (10) *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 of the site, unless otherwise provided for herein:*
 - a) *In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1 m;*
 - b) *In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5 m; and*
 - c) *Notwithstanding anything else contained herein, in the case of a free standing canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0 m.*
- (11) *Where permitted, a dwelling, mobile, or 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.*
- (12) *An accessory building or structure shall not exceed the height of the principal building or structure.*
- (13) *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 the yard requirements for the principal building shall apply and notwithstanding anything else contained herein, 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, the minimum front and side yard requirements for the canopy shall be 0 m.*
- (14) *The maximum building height shall be the lesser of either metres or storeys.*

[AM. B/L 6772]

40.1 SPECIAL DEVELOPMENT STANDARDS FOR RESIDENTIAL BARE LAND CONDOMINIUM DEVELOPMENTS

- (a) Residential bare land condominium developments in C zones shall be subject to the following requirements:
 - (1) Building separations for buildings within a bare land condominium shall be in accordance with TABLE 13.
 - (2) Yard requirements for buildings or structures adjacent to the boundary of the site affected by the bare land condominium plan shall be a minimum of 7.6 m except for obstructions as provided in TABLES 1, 2 and 3.
 - (3) All other regulations and requirements of this Division shall apply to the site affected by the bare land condominium plan.

[EN. B/L 6772]

40.2 SPECIAL STANDARDS FOR CONDITIONAL USES IN THE “CR COMMERCIAL RESTRICTED ZONE

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

- (1) In addition to the requirements of Section 55 of this by-law, an application for approval of a conditional use shall be accompanied by:
 - (i) a lot grading and drainage plan,
 - (ii) a plan of ingress and egress to the property,
 - (iii) a letter describing efforts that have been undertaken to reflect the design suggestions set out in the City of Brandon’s *Urban Design Standards and Guidelines*.
- (2) Prior to applying for approval of a conditional use, the applicant must participate in a neighbourhood meeting that will be organized and facilitated by a Community Planner. The Community Planner shall provide notice of the neighbourhood meeting to all property owners within 100meters of the CR Zone, at least 14 days prior to the date of the meeting.
- (3) All exterior lighting must be of low intensity and directed away from any neighbouring properties containing a dwelling unit.
- (4) Notwithstanding Section 23, each property shall contain no exterior signage, with the following exceptions:
 - (i) a single freestanding sign with a maximum height of 1.5m and a maximum sign surface area of 2.0m².
 - (ii) a single fascia sign facing directly towards 18th Street, located no higher than the building’s eaves, and with a maximum sign surface area of 3.0m².
 - (iii) for corner properties, one additional fascia sign facing directly towards the avenue, located no higher than the building’s eaves, and with a maximum sign surface area of 2.0m².
- (5) No more than 50% of a sign’s area may consist of removeable copy.
- (6) The footprint of all principal and accessory buildings shall not exceed 60% of the site area.

[EN. B/L 6827]

DIVISION III: RULES FOR INDUSTRIAL ZONES

41. INDUSTRIAL ZONES

The following zones are hereby established:

(a) MR Industrial Restricted Zones:

The MR Industrial Restricted Zone provides for those uses that are compatible with nearby residential or commercial uses, including those 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.

(b) MG Industrial General Zones:

The MG Industrial General Zone provides for a greater range of uses than the MR zone, including those 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. MR zone type uses, as well as limited manufacturing, is encouraged.

(c) MH Industrial Heavy Zones:

The MH Industrial Heavy Zone provides for the widest range of uses, including those 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, MH 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 MH zones.

42. INDUSTRIAL USE REGULATIONS

'TABLE 14: INDUSTRIAL USE TABLE' lists all uses that are:

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

Uses not listed in the table may be approved by Council as conditional uses, in accordance with subsection 7(a)(3).

TABLE 14: INDUSTRIAL USE TABLE			
Uses	Zones		
	MR	MG	MH
Accessory uses	P	P	P
Agricultural ● Farm products distribution and sales	C	P	P

TABLE 14: INDUSTRIAL USE TABLE			
Uses	Zones		
	MR	MG	MH
Animal <ul style="list-style-type: none"> ● Animal boarding and pounds ● Veterinary clinics 	C P	P P	P C
Assembly places <ul style="list-style-type: none"> ● Community centres, halls, and theatres ● Outdoor stadiums and sports complexes 	P C	P C	C C
Automotive/Truck/Farm/RV/Marine <ul style="list-style-type: none"> ● Automotive service stations ● Marine and RV repair ● Truck and farm implement repair ● Truck washes 	P P C P	P P P P	P P P P
Banks and bank machines	P	P	P
Cemeteries	NP	NP	C
Child care <ul style="list-style-type: none"> ● Home and group day care 	P	P	C
Commercial <ul style="list-style-type: none"> ● Auction markets ● Personal services ● Commercial establishments- under 2790 m² ● Commercial establishments- 2790 m² and over 	P P P C	P P P C	P NP C C
Communications <ul style="list-style-type: none"> ● Radio and television studios ● Communications towers 	P P	P P	NP P
Eating and drinking places <ul style="list-style-type: none"> ● Restaurants ● Bars, nightclubs and taverns 	P C	P P	C C
Government offices and facilities	P	P	P
Mineral extraction operations, private and municipal quarries	P	P	P
Laboratories	P	P	P
Industrial uses <ul style="list-style-type: none"> ● Light manufacturing ● Limited manufacturing ● Heavy manufacturing ● Industrial and/or agricultural chemical production ● Industrial and/or agricultural chemical storage/distribution ● Explosive manufacture and/or storage ● Junk and salvage yards 	P NP NP NP NP NP NP	P P NP NP C NP NP	P P P C C C P

TABLE 14: INDUSTRIAL USE TABLE

Uses	Zones		
	MR	MG	MH
Offices	P	P	NP
Parking facilities ● Surface lots, above and below structures	P	P	P
Places of worship	C	C	NP
Planned unit developments	C	C	C
Recreational facilities ● Parks and playgrounds ● Outdoor recreation facilities ● Indoor recreation facilities ● Amusement and billiard parlors, bowling alleys ● Drive-in theatres	P C P P NP	P C P P NP	C C C C C
Recycling ● Collection depot ● Recycling centres	P C	P P	P P
Dwellings ● Detached dwelling unit(s) and/or mobile/modular home(s) supportive of a permitted principal use ● Existing dwellings established at the time of adoption of this by-law	C C	C C	C C
Schools ● Business and technical schools, training centres ● Kindergartens and nurseries	P P	P P	P C
Storage ● Outdoor storage - as a principal use ● Warehouses and storage facilities ● Storage of recycled tires	C C NP	P P C	P P P
Transportation ● Airports and heliports ● Taxi and courier services, including parking and repair ● Truck terminals ● Bus terminals ● Rail terminals and yards	NP P C P NP	P P P P P	P P P NP P
Utilities and services ● Utilities and public works ● Reservoirs and water towers ● Water treatment plants ● Police and fire stations ● Sewage treatment plants and lagoons ● Boiler/steam plants ● Steam/thermal generating plants ● Waste disposal, landfills, and garbage incineration - excluding toxic materials ● Disposal toxic materials ● Maintenance yards	P P P P NP C NP NP NP P	P P P P C P C C C NP P	P P P P P P C C P C P

43. **INDUSTRIAL BULK AND SITING REQUIREMENTS**

Development in industrial zones shall conform to the bulk and siting requirements set out in 'Table 15: INDUSTRIAL BULK AND SITING REQUIREMENTS'.

TABLE 15: INDUSTRIAL BULK AND SITING REQUIREMENTS										
Permitted and conditional uses	Bulk and siting requirements									
	Minimum							Maximum		
	Site area (m ²)	Site width (m)	Front yard (m) <small>(1) (2) (3)</small>	Side yard ⁽³⁾		Rear yard ⁽³⁾		Dwelling unit area (m ²) ⁽⁴⁾	Distance from main building (m)	Height (m)
Interior (m) ⁽¹⁾				Corner (m)	Lane (m)	No lane (m) (1)				
Uses in MR Zones	558	15.2	4.5	1.5	4.5	1.5	3.0	38.0	N/A	14
Uses in MG Zones	697	22.8	6.0	4.5	4.5	1.5	3.0	38.0	N/A	31
Uses in MH Zones	4048	30.4	15.2	7.6	7.6	7.6	9.1	38.0	N/A	46
Accessory uses	N/A	N/A	^{(5) (6)}	3.0 ⁽⁶⁾	4.5 ^{(6) (7)}	1.5	3.0	N/A	3.0	⁽⁸⁾

Notes to Table 15

- (1) Where the site abuts a R Zone, the yard requirements shall be subject to section 14
- (2) Front yard requirements may be relaxed in accordance with subsection 13(c)
- (3) Group buildings located on one site shall be subject to subsection 13(d).
- (4) When dwelling units are permitted or approved conditional uses.
- (5) Accessory buildings shall be located to the side or to the rear of the main or principal building.
- (6) 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, unless otherwise provided for herein:
 - a) In the case of fuel pumps, the minimum front and side yard requirements shall be 6.1 m;
 - b) In the case of underground fuel storage tanks, the minimum front and side yard requirements shall be 1.5 m; and
 - c) Notwithstanding anything else contained herein, in the case of a free standing canopy extending over fuel pumps, the minimum front and side yard requirements shall be 0 m.
- (7) The minimum side yard on the street side of a corner site in an MH Zone shall be 7.6 m.
- (8) An accessory building or structure shall not exceed the height of the principal building or structure.

DIVISION IV: RULES FOR EDUCATIONAL AND INSTITUTIONAL ZONES

44. **EDUCATIONAL AND INSTITUTIONAL ZONES**

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

45. **EDUCATIONAL AND INSTITUTIONAL USE REGULATIONS**

'TABLE 16: EDUCATIONAL AND INSTITUTIONAL USE TABLE' lists all uses that are:

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

Uses not listed in the table may be approved by Council as conditional uses, in accordance with subsection 7(a)(3).

TABLE 16: EDUCATIONAL AND INSTITUTIONAL USE TABLE	
Uses	Zone
Accessory uses	P
Arts and cultural centres	P
Assembly places <ul style="list-style-type: none"> • Community centres, halls and theatres, outdoor stadiums and sports complexes 	P
Banks and bank machines, supportive of a permitted principal use	C
Boarding houses, supportive of a permitted principal use	C
Child care <ul style="list-style-type: none"> • Home and group day care 	P
Cemeteries	P
Commercial <ul style="list-style-type: none"> • Limited commercial supportive of a permitted principal use 	C
Community resource centres	P
Dwellings <ul style="list-style-type: none"> • Detached dwelling unit(s) and/or mobile/modular home(s) supportive of a permitted principal use • Existing dwellings established at the time of adoption of this by-law 	C C
Eating and drinking places, supportive of a permitted principal use	C
Government offices and facilities	P
Hospitals	P
Parking facilities <ul style="list-style-type: none"> • Surface lots, above and below ground structures 	P
Places of worship	P

[AM. 6737]

TABLE 16: EDUCATIONAL AND INSTITUTIONAL USE TABLE	
Uses	Zone
Planned unit developments	C
Recreational facilities <ul style="list-style-type: none"> • Parks and playgrounds, outdoor recreation facilities 	P
Recycling <ul style="list-style-type: none"> • Collection depot 	P
Schools <ul style="list-style-type: none"> • Kindergartens and nurseries, • Elementary, junior and high schools, universities and community colleges 	P P
Special needs housing	P
Personal care, retirement and convalescent homes	P
Utilities and services <ul style="list-style-type: none"> • Utilities and public works • Reservoirs and water towers • Water treatment plants • Police and fire stations 	P P P P

46. EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS

Development in Educational and Institutional Zones shall conform to the bulk and siting requirements set out in 'Table 17: EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS'.

TABLE 17: EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS											
Permitted and conditional uses	Bulk and siting requirements										
	Minimum								Maximum		
	Site area (m ²)	Site width (m)	Front yard (m) ⁽¹⁾ <small>(2) (3)</small>	Side yard ⁽³⁾		Rear yard ⁽³⁾		Dwelling unit area (m ²) ⁽⁴⁾	Distance from main building (m)	Building Height ⁽¹⁰⁾	
				Interior (m) ⁽¹⁾	Corner (m)	Lane (m)	No lane (m) ⁽¹⁾			Height (m)	Storeys
School, college, and university campuses	(5)	(5)	0.3 ⁽⁶⁾	0 ⁽⁶⁾	0.3 ⁽⁶⁾	0.3 ⁽⁶⁾	0.3 ⁽⁶⁾	38	N/A	(7)	N/A

TABLE 17: EDUCATIONAL AND INSTITUTIONAL BULK AND SITING REQUIREMENTS											
Permitted and conditional uses	Bulk and siting requirements										
	Minimum								Maximum		
	Site area (m ²)	Site width (m)	Front yard (m) ⁽¹⁾ (²)(³)	Side yard ⁽³⁾		Rear yard ⁽³⁾		Dwelling unit area (m ²) ⁽⁴⁾	Distance from main building (m)	Building Height ⁽¹⁰⁾	
				Interior (m) ⁽¹⁾	Corner (m)	Lane (m)	No lane (m) ⁽¹⁾			Height (m)	Storeys
Other uses in EI Zones	670	18.2	7.6	3	4.6	6	7.6	38	N/A	18	5
Accessory uses	N/A	N/A	(⁸)	(⁸)	(⁸)	1.5	0.6	38	2.4	(⁹)	N/A

Notes to Table 17:

- (1) Where a site abuts a R Zone, yard requirements shall be subject to section 14
- (2) Front yard requirements may be relaxed in accordance with subsection 13 (c).
- (3) Group buildings located on one site shall be subject to subsection 13 (d).
- (4) When dwelling units are permitted or approved conditional uses.
- (5) The site area and site width for a school, college, or university campus shall be determined by Council, except where specific reference is made in this section.
- (6) Yard requirements for a school, 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, the height shall not normally exceed the width of the street plus the building setback; where the building or structure is located adjacent to 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.
- (10) The maximum building height shall be the lesser of either metres or storeys.

DIVISION V: RULES FOR PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE, AND OPEN SPACE ZONES

47. ZONES

The following zones are hereby established:

- (a) PR Parks and Recreation Zone

The PR Parks and Recreation Zone provides for land for public and private parks and recreation purposes. This includes indoor and outdoor natural and human-made amenities, as well as undeveloped lands that contribute positively to the human and natural environment.

47. (b) A Agricultural Zone

The A Agricultural Zone provides for the conservation of land for appropriate agricultural uses, as well as the retention of the natural and scenic beauty of the City.

(c) DR Development Reserve Zone

The DR Development Reserve Zone provides for the preservation of existing agricultural lands in an unfragmented state for future development consistent with the Development Plan.

(d) OS Open Space Zone

The OS Open Space Zone provides for the conservation of:

- (1) Publicly owned lands with physical development limitations or scenic beauty, to be retained in an undeveloped state;
- (2) Privately owned lands used for golf courses, utility rights-of-way, and other uses with an open space character; and
- (3) Lands serving to buffer different types of land uses.

48. **PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE, AND OPEN SPACE USE REGULATIONS**

'TABLE 18: PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE AND OPEN SPACE USE TABLE' lists all uses that are:

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

Uses not listed in the table may be approved by Council as conditional uses, in accordance with subsection 7(a)(3).

TABLE 18: PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE AND OPEN SPACE USE TABLE				
Uses	Zones			
	PR	A	DR	OS
Accessory uses	P	P	P	P
Agricultural				
• Low intensity agricultural activities	NP	P	P	C
• Livestock production operations	NP	C	NP	NP
• Farm products distribution and sales	NP	C	NP	NP

TABLE 18: PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE AND OPEN SPACE USE TABLE				
Uses	Zones			
	PR	A	DR	OS
Animal <ul style="list-style-type: none"> Animal boarding and pounds Veterinary clinics 	NP NP	P P	NP NP	NP NP
Arts and cultural centres	P	NP	NP	NP
Assembly Places <ul style="list-style-type: none"> Community centres, halls, and theaters Outdoor stadiums and sports complexes Rally site 	C P P	NP C P	NP NP P	NP NP P
Cemeteries	P	NP	NP	P
Commercial <ul style="list-style-type: none"> Farmer's markets Limited commercial, supportive of a permitted principal use 	P C	C C	NP C	NP C
Communications <ul style="list-style-type: none"> Communications towers 	P	P	NP	C
Government offices and facilities	C	NP	NP	C
Mineral extraction operations <ul style="list-style-type: none"> Private and municipal quarries 	NP	C	NP	NP
Recreational facilities <ul style="list-style-type: none"> Athletic camps Campgrounds Parks and playgrounds Outdoor recreation facilities Indoor recreation facilities Golf courses Gun clubs and firing ranges Arboreta, botanical gardens, and zoos Keystone Centre Riding academies and stables Drive-in movie theaters 	P P P P P P C P P C C	NP NP P C NP P NP P NP P NP	NP NP NP NP NP NP NP NP NP NP NP	NP C P C C P C NP NP C NP
Recycling <ul style="list-style-type: none"> Collection depot 	P	P	NP	P
Dwellings <ul style="list-style-type: none"> Detached dwelling unit(s) and/or mobile/modular homes supportive of a permitted principal use Existing dwellings established at the time of adoption of this by-law 	NP C	C C	NP C	NP C

TABLE 18: PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE AND OPEN SPACE USE TABLE				
Uses	Zones			
	PR	A	DR	OS
Special needs housing - in existing dwellings	NP	C	C	NP
Utilities and services				
• Utilities and public works	P	P	P	P
• Reservoirs and water towers	C	P	NP	C
• Water treatment plants	C	NP	NP	C
• Police and fire stations	P	P	P	P
• Sewage treatment plants and lagoons	NP	NP	NP	C
Westbran Employment Development Centre	NP	NP	NP	P

[AM. 6737]

49. PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE, AND OPEN SPACE BULK AND SITING REQUIREMENTS

Development in Parks and Recreation, Agricultural and Open Space Zones shall conform to the bulk and siting requirements set out in 'Table 19: PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE, AND OPEN SPACE BULK AND SITING REQUIREMENTS'.

TABLE 19: PARKS AND RECREATION, AGRICULTURAL, DEVELOPMENT RESERVE, AND OPEN SPACE BULK AND SITING REQUIREMENTS											
Permitted and conditional uses	Bulk and siting requirements										
	Minimum							Maximum			
	Site area (ha)	Site width (m)	Front yard (m) (1) (2) (3)	Side yard (1) (3)		Rear yard (1) (3)		Dwelling unit area (m ²) (4)	Distance from main building (m)	Building Height (10)	
				Interior (m) (3)	Corner (m)	Lane (m)	No Lane (m)			Height (m)	Storeys
Uses in PR Zones	N/A	N/A	7.6	4.6	4.6	6.0	7.6	N/A	N/A	11	2½
Uses in A Zones	16.0	91.4	38.1	4.6	38.1	7.6 (5)	7.6 (5)	38.0	N/A	14	3
Uses in DR Zones	16.0	91.4	38.1	4.6	38.1	7.6 (5)	7.6 (5)	38.0	N/A	14	3
Uses in OS Zones	N/A	N/A	7.6	4.6	4.6	6.0	7.6	N/A	N/A	11	2 ½
Accessory uses	N/A	N/A	(6)	(6)	(6)	1.5	1.5	75.0 (7)	7.6 (8)	(9)	N/A

Notes to Table 19:

- (1) For buildings and structures only .
- (2) Front yard requirements may be relaxed in accordance with subsection 13 (c).
- (3) Group buildings located on one site shall be subject to subsection 13 (d).
- (4) When dwelling units are permitted or approved conditional uses.
- (5) Where the rear yard in an A or DR Zone abuts a municipal road, the required rear yard shall be 38.0 m.
- (6) 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
- (7) 38.0 m² for a dormitory unit, in an athletic camp or similar facility.
- (8) 3.0 m in PR and OS Zones.
- (9) An accessory building or structure shall not exceed the height of the principal building or structure.
- (10) The maximum building height shall be the lesser of either metres or storeys.

DIVISION VI: RULES FOR OVERLAY ZONES

50. FLOODPLAIN OVERLAY ZONE

- (a) The purpose of the Floodplain Overlay Zone is to provide for regulation of land which is subject to flooding.
- (b) In the area designed as 'floodway' on the *Flood Risk Areas Map* contained in the Development Plan, only those uses listed below, and which are also permitted in the zone for which the site is designated, shall be permitted:
 - (1) Parks, playgrounds, and outdoor recreation facilities, not including any principal or accessory buildings; and
 - (2) Public works, utilities, water treatment plants, and similar facilities.
- (c) In the area designated as 'floodway fringe' on the *Flood Risk Areas Map* contained in the Development Plan, only those uses listed below, and which are also permitted in the zone for which the site is designated, shall be permitted:
 - (1) Parks, playgrounds, and outdoor recreation facilities;
 - (2) Public works, utilities, water treatment plants, and similar facilities;
 - (3) Any use of a site approved as of the date of this by-law where the principal building already exists; and
 - (4) New development, provided it is constructed in accordance with appropriate flood proofing measures.

50. (d) In the floodway fringe any existing building may be replaced or expanded subject to appropriate flood proofing measures being provided, and subject to the bulk and siting requirements for that particular zone.
- (e) For the purposes of this by-law, appropriate flood proofing measures shall mean:
- (1) All buildings shall be designed to prevent structural damage by floodwaters;
 - (2) The first floor of all buildings with basements shall be constructed at least 0.9 metres above the design flood level as shown on the Brandon Area Flood Risk Map prepared under The Canada-Manitoba Flood Damage Reduction Program. The finished grade elevation for buildings with basements shall be at least 0.6 metres above the design flood level. The first floor of buildings without basements shall be at least 0.6 metres above the design flood level. The finished grade for buildings without basements shall be at least 0.3 metres above the design flood level. Alternative methods of flood protection may be considered provided that they provide an equivalent level of protection.

51. **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) Except where a resource has been extracted or is determined to be uneconomical to extract, in those areas designated 'high' on the Aggregate Resources Map contained in the Development Plan, only those uses listed below, and which are also permitted in the zone for which the site is designated, shall be permitted:
- (1) Parks, playgrounds, outdoor recreation facilities, low intensity agricultural operations and outdoor storage as a principal use, not including any principal or accessory buildings.
- (c) Except where a resource has been extracted or determined to be of low value in consultation with Manitoba Department of Energy and Mines, in those areas designated 'medium' on the Aggregate Resources Map contained in the Development Plan, only those uses listed below, and which are also permitted in the zone for which the site is designated, shall be permitted:
- (1) Parks, playgrounds, outdoor recreation facilities, low intensity agricultural operations and outdoor storage as a principal use, not including any principal or accessory buildings.

51.1 **RAILWAY PROTECTION OVERLAY ZONE**

- (a) The purpose of the Railway 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 will be permitted within 30 metres of a railway right-of-way.
- (c) Commercial or industrial buildings or structures that are not serviced by rail, will not be permitted in the following areas:
- (1) Within 15 metres of the railway right-of-way where the track speed is more than 65 km/hour;
 - (2) Within 12.2 metres of the railway right-of-way where the track speed is 65 km/hour or less;
 - (3) Within 9.1 metres of the railway right-of-way where the track speed is 40 km/hour or less;
 - (4) Within 4.5 metres of the railway right-of-way for uses other than a thru track.

- (d) The property owner of any property adjacent to a railway right-of-way will be required to build and maintain a 1.8 metre chain link fence along the common property line with the railway right-of-way. This requirement will be activated by development on the property.
- (e) Notwithstanding the above noted provisions of Section 51.1, 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

[EN. 6737]

51.2 HISTORIC PROPERTIES OVERLAY ZONE

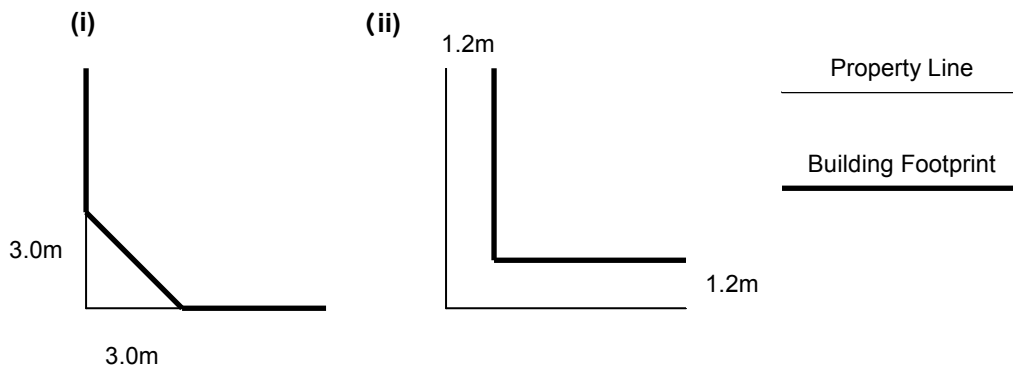
- (a) The purpose of the Historic Properties Overlay Zone is to allow the opportunity for historic properties, other than those with provincial or municipal heritage designation to be conserved and restored.
- (b) In the areas designated on the Historic Properties Overlay Zone Map, the following provisions apply:
 - (i) The original architectural detailing shall be preserved where possible. Simple reconstruction and duplication of characteristic façade elements are options for new construction.
 - (ii) Building additions and renovations will be sympathetic to the original building façade by maintaining similar rooflines, construction styles and techniques.
 - (iii) Windows will be compatible with the architecture of the building in style, size, and placement.

51.3 DOWNTOWN PROMENADE OVERLAY ZONE

The purpose of the Downtown Promenade Overlay Zone, is to allow for the preservation and conservation of existing heritage areas, as well as encourage new development that is designed to fit into the existing urban setting

51.3.1 Commercial Area

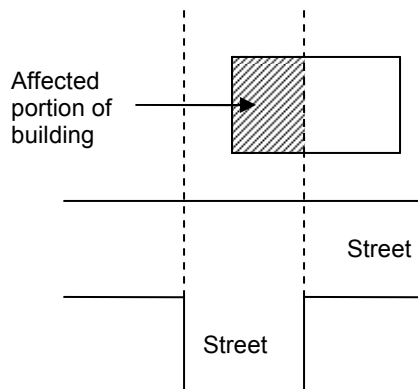
- (a) Not excepting Section 13 of this By-Law, corner lots in the Commercial Area of the Downtown Promenade Overlay Zone shall have minimum front and side yard setbacks of either (i) or (ii), illustrated below.



- (b) Where the Commercial Area corresponds with the CG Zone, setbacks on front and corner side yards are 3.0m or as specified in Table 13, whichever requirement is greater.
- (c) The height requirement for a site, as outlined in the bulk and siting table for each zone, shall be within 25% of the average heights of neighbouring buildings
- (d) The distinguishing original qualities and character of heritage buildings will be maintained and reintroduced where possible.
- (e) Backlit awnings are not permitted.
- (f) Fascia signs shall not be located at a greater or lesser height than fascia signs on an adjacent building, unless otherwise approved by a Development Officer.
- (g) One projecting sign, of a maximum size of .75 m² will be permitted.

51.3.2 Railway Area

- (a) Where any portion of a building is located so as to be in line with a street which terminates at an intersection adjoining the property upon which it is located (illustrated below), maximum building height for that portion shall be 9.1m.



- (b) Where a site abuts a site in an R Zone, all parking areas shall be screened from the adjacent residential area by an opaque fence or landscaping features of a height of 1.8m, or .9m if located in a required front yard.
- (c) Where a site abuts Pacific Avenue, the maximum building height shall be 9.1m.
- (d) Only temporary identification, awning, and projecting signs are permitted.

51.4 COMMERCIAL PRIORITY AREAS OVERLAY ZONE

- (a) The purpose of the Commercial Priority Areas Overlay Zone as identified on the map attached hereto as Map 2 of Appendix "C" of the by-law, is to allow for compatibility between commercial development and neighbouring properties, as well as providing for a comfortable pedestrian environment for the purposes of creating a positive image for the City of Brandon.

- (b) Where commercial developments are adjacent to or directly across a street or public lane from an R, EI, or PR Zone, they shall conform to the setbacks for that neighbouring Zone, and be suitably buffered with landscaping elements that conform with the City of Brandon Landscape Design Standards.
- (c) Signage other than that specifically required by law is not permitted within a required parking space.
- (d) All HVAC equipment, trash collection, trash compaction, and other service functions must be screened from all property lines, sidewalks, and on-site pedestrian pathways by an opaque fence or landscape feature, equal in height to the equipment, or 1.8m in height, whichever is lesser. When located in a required front yard, minimum height of the fence or landscape feature may be .9m.
- (e) Awning signs, projecting signs, fascia signs, and roof type signs are permitted only when complying with the definition of identification signs as set out in this Zoning By-Law.

[EN. B/L 6772]

PART V: ADMINISTRATION**52. DEVELOPMENT PERMITS**

- (a) A development permit is required for any of the following:
- (1) Subject to subsection (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 land or a building or structure; and
 - (5) The change, extension, or enlargement of a use of land, or a use of a building or structure.
- (b) Notwithstanding subsection (a), a development permit is not required for the following:
- (1) The establishment of a home-based business that conforms with the City of Brandon Business Licensing By-law; or
 - (2) The erection, construction, enlargement, alteration, relocation, or placing of the following as accessory structures:
 - (i) Fences, gates, arbors, and similar structures;
 - (ii) Lighting;
 - (iii) Flagpoles;
 - (iv) Signs as described in subsection 23(a);
 - (v) Satellite dishes and radio antennas, as regulated in section 28;
 - (vi) Sheds and buildings for the storage of domestic equipment and supplies with a floor area less than 10.0 m²;
 - (vii) Children's play equipment and playhouses;
 - (viii) Components of an outdoor recreation facility;
 - (ix) Unenclosed walks and terraces; and
 - (x) Retaining walls.
- (c) Despite not requiring a development permit, all things listed in subsection (b) shall be subject to the requirements of this by-law.

52. (d) An application for a development permit shall be made by the owner or owners.
- (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) A surveyor's certificate, prepared by a Manitoba Land Surveyor;
 - (2) Current copies of relevant titles, easements, and caveats;
 - (3) Approvals in accordance with Standard Development Requirements;
 - (4) Plans, drawn to scale, showing the following:
 - (i) The shape and dimensions of the site to be built upon, verified by a surveyor's certificate, indicating the size and location of existing buildings and structures, and where there is an existing building or structure on the adjoining site, the location of the nearest wall of the building or structure;
 - (ii) The location and dimensions of the proposed building, structure, enlargement or structural alteration;
 - (iii) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
 - (iv) For residential uses, the number of families, dwelling units or rental units the building is designed to accommodate;
 - (v) Existing site conditions;
 - (vi) Parking and loading areas;
 - (vii) Utility connections;and any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this by-law.
- [AM. 6737]
- (g) An application for a development permit shall be accompanied by the fee prescribed by the Board.
- (h) No person shall use or occupy any land, 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.

52. (i) At the request of the City or the Board, the Development Officer shall defer approving an application for a development permit:
- (1) As provided for in *The Planning Act*;
 - (2) Which would result in a violation of this by-law or any by-law of the City; or
 - (3) To any person who has failed to pay any fees due and owing to the City or the Board under this by-law.
- (j) Despite apparent compliance with this by-law, the Development Officer may refuse to issue a development permit where the proposed building, structure, or use does not to the Development Officer's knowledge comply with the Building By-law or with any other law.
- (k) A development permit may be revoked by the Development Officer:
- (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, the Building By-law, or any other law; or
 - (2) Where the development permit was issued in error.

53. **DEVELOPMENT OFFICER**

- (a) The Development Officer shall be the person appointed as such by the Board.
- (b) The Development Officer, on behalf of the City, shall issue development permits and otherwise administer and enforce the provisions of this by-law and *The Planning Act*, where applicable.
- (c) The Development Officer is authorized to issue zoning memoranda, non-conforming use certificates, or such other documents necessary for the administration and enforcement of this by-law.
- (d) The Development Officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed 10% of the required yard provisions.
- (e) The Development Officer shall exercise the powers of remedy and enforcement set out in Part VI: ENFORCEMENT.

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

- (a) Subject to the procedure required under *The Planning Act*, an amendment may be initiated by resolution of intention by the Council, or by application to the Development Officer by the owner or owners of the site proposed to be changed.

54. (b) An application for an amendment shall be accompanied by:
- (1) The plans and information as described in subsection 52(f); and
 - (2) The fee prescribed by the Board.
- (c) Following such consultation, review, and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

55. **APPLICATIONS FOR VARIANCES AND CONDITIONAL USES**

- (a) An application for a variation may be made by any person to the Development Officer.
- (b) An application for an approval of a conditional use shall be made to the Development Officer by the owner or owners of the site.
- (c) An application for a variation or approval of a conditional use shall be accompanied by:
- (1) The plans and information as described in subsection 52(f); and
 - (2) The fee prescribed by the Board.
- (d) On receipt of an application for a variation or approval of a conditional use in proper form, the Development Officer may, prior to scheduling a hearing date, refer the application to any utility corporation, government department, or authority for its review and comment.

PART VI: ENFORCEMENT**56. ENTRY FOR INSPECTION AND OTHER PURPOSES**

- (a) The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
 - (1) enter the land, building, or structure at any reasonable time for the purpose of inspection, enforcement, and/or action authorized by this by-law or *The Planning Act*.
 - (2) request that anything be produced to assist in inspection, remedy, enforcement, or authorized action; and
 - (3) make copies of anything related to the inspection, remedy, enforcement, or authorized action.
- (b) Every owner shall permit the Development Officer to enter any land, building, or structure at any reasonable time for the purpose of administering or enforcing this by-law and shall not molest, obstruct, or interfere with the Development Officer in the discharge of his or her duties under this by-law.
- (c) The Development Officer must display or produce on request identification showing his or her official capacity.
- (d) In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice to enter at a reasonable time and may do the things referred to in subsections (a) and (b) without the consent of the owner or occupant.

57. ORDER TO REMEDY CONTRAVENTION

- (a) If the Development Officer finds that a person is contravening this by-law or *The Planning Act*, the Development Officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.
- (b) The order may:
 - (1) direct a person to stop doing something, or to change the way in which the person is doing it;
 - (2) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected, altered, enlarged, relocated, or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
 - (3) state a time within which the person must comply with the directions; and
 - (4) state that if the person does not comply with the directions within the time stated, the City may take action or measure at the expense of the person.

58. REVIEW BY BOARD

- (a) A person who receives an order under section 57 may request the Board to review the order, by written notice given within 14 days after the date the order is received.
- (b) After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute, or cancel the order or decision.

PART VII: PENALTIES

59. LIABILITY OF OWNERS TO CONVICTION

- (a) Pursuant to Subsection 81(1) of the Act, any person who violates, contravenes, disobeys or refuses, omits, neglects, fails to observe, obey, or comply with any or all provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 in the case of an individual or \$5,000.00 in the case of a corporation or, in the case of an individual, to imprisonment for a term not exceeding 6 months, or to both such fine and such imprisonment.
- (b) Pursuant to Subsection 81(4) of the Act, where such contraventions, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the person is guilty of a separate offence for each day that it continues.

PART VIII: REPEAL

60 By-law No. 5128, and all amending by-laws thereto, are hereby repealed and the rules of repeal provisions as set out in the City’s Legislative Standards By-law are hereby applied.

61. This by-law shall come into full force and take effect on the day following its adoption.

DONE AND PASSED by the Council of the City of Brandon duly assembled this 9th day of April, A.D. 2001.

 “R. C. Atkinson”
 MAYOR

 “C.R. Arvisais”
 CITY CLERK

Read a first time this	22nd	day of	January	A.D. 2001
Read a second time this	12th	day of	March	A.D. 2001
Read a third time this	9th	day of	April	A.D. 2001

I, Conrad Robert Arvisais, City Clerk of the municipality of The City of Brandon DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 6642, as amended by By-laws 6654, 6672, 6673, 6694, 6695, 6700, 6701, 6702, 6703, 6707, 6713, 6717, 6727, 6735, 6737, 6745, 6755, 6756, 6760, 6765, 6772, 6776, 6783, 6788, 6793, 6794, 6800, 6806, 6808, 6811, 6813, 6827, 6828, 6829, 6839, 6841, 6845 and 6846.

C.R. Arvisais, CITY CLERK