Rural Municipality of Brokenhead Zoning By-law 2232-21

CONSOLIDATED VERSION WITH PROPOSED REVISIONS AS OF MAY 2026

How to Use This Zoning By-Law

This Zoning By-law regulates the use, size, height and location of buildings on properties within the Rural Municipality of Brokenhead. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

Step One **What zone is your property located in?**

- Use the **Zoning Maps** in Schedule A to determine the zoning for your property.
- Reference Parts 5 through 9 for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal fits with the applicable policies in those documents.

Step Two **What uses are permitted in your zone?**

- Find the **Bulk Table** for your zone (Parts 5-9).
- Uses marked with the letter [P] are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter [C] are conditional uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a [*] have use-specific requirements that are provided in Part 10: Use-Specific Standards.

Step Three **How and where can you develop properties in your zone?**

- Find the **Bulk Table** for your zone (Parts 5-9).
- The Bulk Table provides information on allowable height of buildings and structures, required setbacks, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the General Rules and Regulations [Part 3] and the Definitions [Part 2].

Step Four **What kind of permits do you need?**

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- Check the Administration section [Part 1] to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning by-law and other applicable by-laws.
- If you need a development permit, fill out a development permit application.
- You are responsible for finding out any other provincial or federal regulations applying to your development, as well as any other required local permits, including building permits [and plumbing permits, electrical permits, demolition permits, etc.].

The Rural Municipality of Brokenhead
BY-LAW No. 2232-21

BEING a By-law of the Rural Municipality of Brokenhead to regulate the use and development of land.

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

AND WHEREAS, *The Planning Act* provides that the Council of a Municipality shall enact a Zoning By-law upon the adoption of a development plan;

NOW THEREFORE, the Council of the Rural Municipality of Brokenhead, in meeting duly assembled, enacts as follows:

1. The Rural Municipality of Brokenhead Zoning By-law No. 2232-21 attached hereto is hereby adopted.
2. The Rural Municipality of Brokenhead Zoning By-law No. 1688 and the Village of Garson Zoning By-law No. 113 as amended are repealed.
3. This By-law shall take force and effect on the date of third reading of this by-law.

DONE and **PASSED** in Council assembled at the Rural Municipality of Brokenhead, Manitoba, this 23rd day of August A.D. **2022**.

Reeve

Sheila Mowat

Chief Administrative Officer

Received **1st** reading this 14th day of June A.D. **2022**.

Received **2nd** reading this 23rd day of August A.D. **2022.**

Received **3rd** reading this 23rd day of August A.D. **2022**.

"I certify that this photocopy is a true copy of the original document which does not give any indication of having been altered in any respect."

Table of Contents

Part 1: Administration **1**

1.1 Title 1

1.2 Scope 1

1.3 Application 1

1.4 Use and Development of Land and Buildings Must Comply 1

1.5 Restrictions in Other By-laws or Federal and Provincial Laws 1

1.6 Does Not Promote Nuisance 1

1.7 Administration and Enforcement 1

1.8 Development Permits and Other Permits 2

1.9 When Development Permits are Required 2

1.10 When Development Permits are Not Required 2

1.11 Applications for Development Permits 2

1.12 Existing Development Permits 3

1.13 Development Permit Expiry 3

1.14 The Development Officer 3

1.15 Responsibilities of Council 4

1.16 Application for Amendments, Variances and Conditional Uses 4

1.17 Expiry of Approval 4

1.18 Subdivisions 4

1.19 Development Agreement 5

1.20 Duties of the Owner 5

1.21 Existing Uses, Buildings and Structures 5

1.22 Previous Violations 5

1.23 Site Reduced 6

1.24 Non-Conformities 6

1.25 Public Works and Services 7

1.26 Connecting to Municipal Services 7

1.27 Rules of Construction 7

1.28 Interpretation 8

Part 2: Definitions **10**

2.1 General Definitions 10
2.2 Use Class Definitions 20
Part 3: General Rules and Regulations 31
3.1 Regulation of Uses 32
3.2 Multiple Uses or Provisions 32
3.3 Accessory Buildings and Structures 32
3.4 Area and Setback Requirements 33
3.5 Setback Standards 34
3.6 Projections into Required Setbacks (Principal Buildings Only) 34
3.7 Air Conditioning Units, Pool Equipment and Compressors 35
3.8 Height Exceptions 36
3.9 Future Road Allowance Deemed Existing 36
3.10 Road Access 36
3.11 Demolition and Removal of Buildings or Structures 36
3.12 Buildings to Be Moved 36
3.13 Temporary Buildings 36
3.14 Outdoor Lighting 37
3.15 Landscaping 37
3.16 Public Reserve Land 38
3.17 Riparian and Wetland Areas 38
3.18 Exceptions to Riparian Setbacks 38
3.19 Hazard Lands 38
3.20 Slope and Soil Information Requirements 39
3.21 Flood Risk Areas 39
3.22 Parking 41
3.23 Accessible Parking Spaces 43
3.24 Loading Requirements 44
3.25 Entrances and Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales 45
3.26 Fences – Residential Uses 45
3.27 Fences – Commercial and Industrial Uses 46
Part 4: Zoning Districts 47

4.1 Districts Established 47
4.2 Zoning Boundaries 47
4.3 Permitted and Conditional Uses 47
4.4 Bulk Regulations 48
4.5 Use-Specific Standards 48
Part 5: Residential Zones 49
5.1 Residential Zones 49
5.2 General Provisions for Residential Zones 49
5.3 Minimum Dwelling Size 49
5.4 Mobile Homes 49
5.5 Exceptions for Residential Zones (R1, R2 and R3) 49
5.6 Accessory Uses 49
5.7 Additional Requirements for Mobile Home Parks 57
Part 6: Commercial Zones 61
6.1 Commercial Zones 61
6.2 General Provisions for Commercial Zones 61
6.3 Accessory Uses 61
Part 7: Industrial Zones 65
7.1 Industrial Zones 65
7.2 General Provisions for Industrial Zones 65
7.3 Accessory Uses 65
Part 8: Parks and Recreation and Institutional Zones 68
8.1 Parks and Recreation and Institutional Zones 68
8.2 General Provisions 68
8.3 Accessory Uses 68
Part 9: Agricultural Zones 71
9.1 Agricultural Zones 71
9.2 General Provisions 71
9.3 Accessory Uses 71
9.4 Livestock Operations 76
Part 10: Use-Specific Standards 80
10.1 Planned Unit Developments 80
10.2 Home Industries 81

10.3 Home-Based Businesses 81
10.4 Bed and Breakfast Facilities 82
10.5 Secondary Suites (Attached and Detached) 83
10.6 Temporary Additional Dwellings 83
10.7 Portable Garages 84
10.8 Shipping Containers (Sea-cans) 84
10.9 Swimming Pools and Hot Tubs 84
10.10 Animal Keeping 85
10.11 Wind Energy Generating Systems 85
10.12 Industrial Performance Standards 86
10.13 Aggregate Extraction Operations 87
10.14 Topsoil Removal 87
10.15 Anhydrous Ammonia Facilities 87
10.16 Dangerous Goods or Agrichemical Storage Facility 88
10.17 Travel Trailers 88
10.18 Travel Trailer Parks and Camping and Tenting Grounds: 88
10.19 Cannabis Uses 91
10.20 Mixed Residential-Commercial Development 92
10.21 Short-Term Rentals 92
10.22 Off-Road Vehicle Tracks 92
10.23 Event Facilities 93
Part 11: Signage Regulations 94
11.1 Definitions 94
11.2 General Sign Regulations 96
Schedule A: Zoning By-law Maps

Part 1: Administration

1.1 Title

This by-law shall be known as “The Rural Municipality of Brokenhead Zoning By-law” (by-law).

1.2 Scope

This by-law applies to all lands in the Rural Municipality (R.M.) of Brokenhead as indicated on the Zoning Maps of this by-law.

1.3 Application

This by-law regulates:

a) the construction, erection, alteration, enlargement or placing of buildings and structures;
b) the establishment, alteration, or enlargement of uses of land, buildings and structures; and
c) all other forms of development not included above.

1.4 Use and Development of Land and Buildings Must Comply

Within the R.M. of Brokenhead, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law.

1.5 Restrictions in Other By-laws or Federal and Provincial Laws

Whenever a provision of another by-law or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

The R.M. of Brokenhead may require proof of compliance with federal or provincial regulations prior to issuance of the applicable permit or certificate.

1.6 Does Not Promote Nuisance

Nothing in this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

1.7 Administration and Enforcement

In the administration and enforcement of this by-law, the R.M. of Brokenhead shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of *The Planning Act* (the *Act*).

1.8 Development Permits and Other Permits

The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where required under the building by-law, or another law, by-law or regulation, for such a building or structure.

No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.

A development permit may also include a building permit and occupancy permit.

1.9 When Development Permits are Required

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

a) The erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;
b) The establishment of a use of land or a building or structure;
c) The relocation or removal or demolition of any buildings or structures;
d) The clearing of certain classes of land as specified in this by-law;
e) The removal of topsoil as provided for in this by-law and the R.M. of Brokenhead Topsoil Licensing By-law;
f) The change of a use of land or a building or structure; and
g) The alteration or enlargement of an approved conditional use.

1.10 When Development Permits are Not Required

A development permit is not required for the following:

a) Regular maintenance and repair of any development, provided it does not include structural alterations;
b) The erection, construction, enlargement, structural alteration or placing of structures not requiring a permit as per the R.M. of Brokenhead Building By-law; and
c) Despite not requiring a development permit, all items in (b) shall be subject to the requirements of this by-law, including setback requirements, and of any government department, including the highway controlled areas adjacent to provincial trunk highways and provincial roads.

1.11 Applications for Development Permits

An application for a development permit:

a) Shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them.
b) Shall be accompanied by plans drawn to scale showing the following:
    i. the shape and dimensions of the site to be used or built on;

ii. the location and dimensions of existing buildings, structures, wells and onsite wastewater management systems and their distances from site boundaries;
iii. the location and dimensions of any proposed building, well, onsite wastewater management system, structure, enlargement or alteration, including separation distances from site boundaries;
iv. the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
v. vehicular access and utility connections; and
vi. any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this by-law.

c) Shall be accompanied by the fee prescribed by the Rural Municipality of Brokenhead.

1.12 Existing Development Permits

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

1.13 Development Permit Expiry

A development permit shall expire and the right of an owner under that permit shall terminate if the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit, or within any extensions in writing of that time period granted by the Development Officer, and is not reasonably continued without interruption after the end of such period.

1.14 The Development Officer

The Brokenhead River Planning District Board shall appoint a Development Officer, who on behalf of the Rural Municipality of Brokenhead may:

a) Issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *The Planning Act.*
b) Refuse to issue a development permit where:
    i. The development permit application, or any information accompanying the development permit application, is incorrect or incomplete; or
    ii. The proposed building, structure or use does not, to the Development Officer's knowledge, comply with the Brokenhead River Planning District Development Plan, this Zoning By-law, the Building By-law or with any other law.
c) Revoke a development permit where the development permit was issued in error in accordance with *The Planning Act*.
d) Receive and process applications for amendments to this by-law, conditional use orders and variances.
e) Issue zoning memoranda, certificates of non-conformity, and any other documents as may be necessary for the administration and enforcement of this by-law.

f) Make a minor variance order, without the need for a public hearing, for any proposed change that varies:
    i. Any height, distance, size or intensity of use requirement in the zoning by-law by no more than 15%; or
    ii. The number of parking spaces required by the zoning by-law by no more than 15%.

1.15 Responsibilities of Council

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

a) Considering the adoption or rejection of proposed amendments or the repeal of this by-law;
b) Acting as a Variance Board;
c) Considering the approval or rejection of conditional use applications; and for revoking an authorized conditional use for violation of any additional conditions imposed by it; and
d) Establishing a schedule of fees.

1.16 Application for Amendments, Variances and Conditional Uses

An application for a variance, conditional use, or an amendment to this by-law shall:

a) Be accompanied by plans drawn to scale showing the following:
    i. The shape and dimensions of the parcel to be used or built on;
    ii. The location and dimensions of existing buildings and structures;
    iii. The location and dimensions of the proposed building, structure, enlargement or alteration;
    iv. The location and dimensions of any existing or proposed well and/or onsite wastewater management system;
    v. 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;
b) Be accompanied by a fee prescribed by the Brokenhead River Planning District Board or Rural Municipality of Brokenhead;
c) Be processed and approved or rejected in accordance with the provisions of the *Act;* and
d) Require a Development Agreement in accordance with the provisions of the *Act*, if the application would establish any multi-unit dwellings. Development Agreements may be required for other proposals, at Council's discretion.

1.17 Expiry of Approval

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

1.18 Subdivisions

Approval of a subdivision of land is subject to the provisions contained in *The Planning Act* and to the policies contained within the Brokenhead River Planning District Development Plan and

amendments thereto. Parcels or lots resulting from said subdivision must conform to the site area and site width requirements of the zone in which they are located as established herein.

Notwithstanding the fact that a parcel of land may exceed the minimum site area and site width requirements, the Council is not, in any manner, obligated to approve a subdivision of said parcel.

1.19 Development Agreement

Where an application is made for a subdivision, variance, conditional use or amendment to this by-law, the Council may require the owner to enter into a development agreement in accordance with the *Act.*

1.20 Duties of the Owner

Subject to the provisions of *The Planning Act*, the Owner is responsible for:

a) The preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this by-law and *The Planning Act*;
b) Obtaining all necessary permits and approvals which may be required by the Board, Council or any agencies or departments of the provincial or federal governments, prior to the commencement of construction, or the change of use of any land, building or structure;
c) Ensuring that all work is completed in accordance with the approved application and development permit;
d) Obtaining the written approval of the Development Officer before doing any work at variance with the approved development permit; and
e) Permitting the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this by-law, and shall not molest, obstruct, or interfere with the Development Officer in the discharge of his/her duties under this by-law.

1.21 Existing Uses, Buildings and Structures

An existing use, building or structure which is classified as a permitted use, building or structure in this by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

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

1.22 Previous Violations

Unless otherwise provided for herein, an existing building, structure or use that was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this by-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this by-law; and to the extent that, and in any manner that, said illegal building, structure or use is

in conflict with the requirements of this by-law, said building, structure or use shall remain illegal hereunder.

1.23 Site Reduced

An existing site area or site width or required setback reduced below the minimum requirements of this by-law by virtue of a public works or street shall be deemed to conform to the requirements of this by-law.

1.24 Non-Conformities

A non-conforming use and a non-conforming building, structure, parcel of land or sign shall be regulated in accordance with and subject to the provisions of the *Act*, unless otherwise provided for herein:

a) Any lawful building or structure which does not conform to one or more of the applicable setback requirements of the zone in which is it located, either on the effective date of this by-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such requirements.
b) Any expansion, addition, relocation or reconstruction of a non-conforming use or a non-conforming building or structure shall conform to the site requirements and parking and loading requirements of the zoning district in which it is located unless varied by a variance order pursuant to the provisions of the *Act.*
c) Repairs or incidental alterations may be made to a non-conforming structure subject to approval and issuance of a development permit, where necessary.
d) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.
e) Any owner may apply to the Designated Officer for a Non-Conforming Certificate in accordance with the provisions of the *Act*.
f) Pursuant to the provisions of the *Act*, where Council determines that a building or structure is damaged or destroyed fifty percent (50%) or more of its replacement value above its foundation, the said building or structure may be replaced or rebuilt, but only in conformation with this by-law or its amendments, or where such requirements are varied by a variance order.
g) Pursuant to the provisions of the *Act,* a non-conforming parcel, meaning any lawful site existing at the adoption of this by-law which does not comply with the site area and/or site width herein, may be occupied by any building, structure or use provided:
    i. That the building, structure or use is listed as a permitted or conditional use within the zone in which said use is located;
    ii. That all other requirements of the zone in which the parcel is located, such as setbacks, building height, and floor area, are met; and/or
    iii. Variance orders have been obtained to alter the requirements within the particular zone.

h) Notwithstanding the provision of this subsection, a variance order shall not be required where a non-conforming use, building, structure, sign or parcel is being altered so that the non-conformity is not increased even though the resulting alteration does not fully comply with the requirements set forth herein.

i) A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant or unoccupied, and remains vacant and unoccupied for twelve (12) consecutive months must not be used after that time except in conformity with the Zoning By-law.

j) A use that is accessory to a non-conforming use may continue as long as the non-conforming use exists.

1.25 Public Works and Services

Nothing in this by-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility, as defined by this by-law, or public service such as police and fire protection, provided that the requirements of such public utility or public service is of a standard compatible with the adjacent area as determined by the Development Officer and/or Council, and that any building or structure erected in any zone complies with the setback and area requirements applicable to the zone.

Nothing in this by-law shall be so interpreted as to interfere with the maintenance or erection of monuments, statuary, and similar structures.

1.26 Connecting to Municipal Services

All new principal buildings constructed on a site served by public sewer, water or hydro distribution must be connected to such services unless the specific use of such building does not require such services.

1.27 Rules of Construction

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

a) Words, phrases and terms are as defined within this by-law;

b) Words, phrases and terms not defined within this by-law shall be as defined in *The Planning Act, The Municipal Act*, *The Buildings and Mobile Homes Act*, *The Manitoba Building Code,* the Building or Plumbing By-laws of the Rural Municipality of Brokenhead or Brokenhead River Planning District (if any), and other appropriate provincial acts and regulations;

c) Words, phrases and terms neither defined in this by-law nor in an applicable Building or Plumbing By-law or other appropriate provincial acts and regulations shall be given their usual and customary meaning except where Council determines the context clearly indicates a different meaning;

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

i. “and” indicates that all the connected items, conditions, provisions or events shall apply in any combination;
ii. “or” indicates that the connected items, conditions, provisions or events may apply singly but not in combination; and
iii. “either-or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

e) The word “includes” or “including” shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character; and
f) The phrases “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”

1.28 Interpretation

In their interpretation and application, the provisions of this Part and the provisions of all zones established herein shall be held to be the minimum requirements to satisfy the intent and purposes set forth in each zone.

The general provisions applying to all zones are contained within Part 1: Administration, Part 2: Definitions, Part 3: General Rules and Regulations, and the Zoning Maps.

Drawings and illustrations form part of this by-law and are provided to assist in interpreting and understanding the by-law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the by-law, the text shall govern.

Tables form part of this by-law and provide regulatory standards, either to supplement the text or in place of text. Table headings, including column headings, row headings, and groupings of columns and rows, form part of this by-law and have legal effect. Table notes, located within the tables, indicate special situations that affect the application of standards to specific zoning districts and are also part of this by-law. Where any conflict or inconsistency arises between a table and the text of the by-law, the text shall govern.

The provisions of this by-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, *maximum* is used, in which case the maximum regulation shall apply.

In the interpretation of the boundaries of the zones as shown on the Zoning Maps, the following rules shall apply:

a) Heavy lines represent zone boundaries. Where the zone boundary is broken by the name of a street it shall be construed that the boundary continues through the name of the street;
b) Notwithstanding that streets, lanes, and public utility rights-of-way may be within the zone boundaries, the regulations contained in this by-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;
c) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed as following such centrelines;

d) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines;
e) Boundaries indicated as following the limits of an incorporated municipality shall be construed as following the limits of said municipality;
f) Boundaries indicated as following the centrelines of railway lines or railway rights-of-way or public utility rights-of-way shall be construed to be midway between the main tracks or the centre of the rights-of-way, as the case may be;
g) If a street, lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane or government road allowance shall be included within the zone of the adjoining land; however, if the said street or lane or government road allowance was a zoning boundary between two or more different zones, the new zoning boundary shall be the former centreline of the closed street or lane or government road allowance, except where the closed road is being transferred to an adjoining owner, in which case the boundary shall follow the limit of the consolidated property;
h) Where the zoning of a single site or lot is split into more than one zoning district, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning district;
i) All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office; and
j) The abbreviations noted within the text or on the Zoning Maps mean the following:
    i. "Blk." means Block;
    ii. "Gov't Rd. All'ce" means Government Road Allowance;
    iii. "Pcl." means Parcel;
    iv. "Pt." means Part;
    v. "Rge." means Range;
    vi. "R.M." means Rural Municipality;
    vii. "Sec." means Section;
    viii. "Twp." means Township;
    ix. "E.P.M." or "E" means East of the Principal Meridian;
    x. "P.R." means Provincial Road;
    xi. "P.T.H." means Provincial Trunk Highway;
    xii. "dist." means distance;
    xiii. "incl." means including;
    xiv. "max" means maximum;
    xv. "min" means minimum;
    xvi. "sq.ft." means square feet;
    xvii. "in" means inches when following a number;
    xviii. "sq.m." means square metres; and
    xix. "ft" means linear feet.

Part 2: Definitions

2.1 General Definitions

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

Accessibility means the ability of persons with mobility issues to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.

Accessory Use means a use incidental to, subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same site.

Act, The means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba and amendments thereto.

Aggregate means a quarry mineral that is used solely for construction purposes or as a constituent of concrete other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.

Agricultural Producer means a person who produces and markets an agricultural product.

Alter or Alteration means a change or modification to an existing building, structure or use which unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

Animal Confinement Facility means a barn or an outdoor area where livestock are confined by fences or other structures, and includes a seasonal feeding area but does not include a feedlot or grazing area.

Animal Unit (AU) means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12-month period.

Awning, Canopy or Marquee means any roof-like structure providing shelter or shade over an entranceway or window.

Basement or Cellar means a portion of a building between a floor and a ceiling that is located partly underground.

Blank Walls means exterior walls containing no windows, doors or other similar openings.

Buffer means an area of land that is intended to provide a means of separating two types of development that are generally incompatible. Typically buffers consist of tree-planted areas which provide a visual barrier between two types of development, and which also serve as a measure of controlling the movement of other nuisances, such as dust.

Building has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline,

excavation, cut, fill or transmission line.

Building, Principal means a structure on a zoning site used to accommodate the main use.

Cannabis means cannabis as defined in *The Cannabis Act* (Canada).

Cannabis Concentrate means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Cannabis-Infused Product means a product infused with cannabis that is intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, and tinctures.

Carport means an attached building open on two sides for the shelter of privately owned automobiles.

Coach House means a secondary dwelling unit above a detached garage.

Commercial Rental Unit means a single commercial space available on the market as a self-sufficient, independent unit, equipped, zoned and intended to be used for commercial purposes.

Common Element means all property within a condominium plan except the condominium units.

Conditional Use means a usage of land or a building that may be permitted under a zoning by-law subject to approval of a conditional use order. Conditional uses are uses that may have unique or varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.

Condominium means a condominium as established under the provision of *The Condominium Act*.

Condominium, Bare Land Unit means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan. A “bare land unit” shall be considered a “site” as defined in Part 2 of this by-law.

For the purposes of this by-law those “common elements” in a bare land unit condominium plan, which are ordinarily used for the passage of vehicles or pedestrians, including roads, road allowances, streets, lanes, bridges, but not including walkways intended solely for pedestrian use nor areas for parking of vehicles, shall be considered:

a) a “street” as defined herein where such thoroughfare is over 33 feet (10.06 m) in width, and
b) a “lane” as defined herein where such thoroughfare is not over 33 feet (10.06 m) in width.

For the purposes of determining front, rear and side yards and site lines for each respective site as shown on a plan, the common element shall be considered a “street” as defined in this zoning by-law.

Conservation Area means land that has been designated by provincial legislation for the protection and conservation of wildlife.

Council means the elected council for the Rural Municipality of Brokenhead.

Density means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.

Design Flood means a flood magnitude on a water body or waterway that, on average, is expected to occur once during a two-hundred-year period or the flood of record, whichever is greater.

Development means the construction of a building or the installation of services and utilities on, over or under land, a change in the use or intensity of use of a building or land, the removal of soil or vegetation from land, the deposit or stockpiling of material on land, and the excavation of land.

Development Officer means the officer appointed by the District Board of the Brokenhead River Planning District in accordance with the provisions of the *Act*.

Development Plan means the Brokenhead River Planning District Development Plan adopted by by-law and amendments thereto.

Double-Fronting Site means a site which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the site.

Duplex means two dwellings, contained in a single building, vertically connected with one unit above the other. This type of development is designed and constructed as two dwelling units at initial construction with separate entrances. It does not include a secondary suite.

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

Earthen Manure Storage Facility means a structure built primarily from soil, constructed by excavating or forming dykes, and used to retain livestock manure but does not include a collection basin, a field storage site, or a temporary composting site for manure.

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

Erosion in respect of land, means land that, within a 50-year period, may be eroded away or become unstable due to the action of water contained in an adjacent water body.

Factory Built House means a manufactured dwelling, whether modular (built in two or more sections) or unitary construction, which complies with the National Building Code and which is built off-site by a manufacturer having CAN/CSA-A277 “Procedure for Certification of Factory Built Houses” accreditation, but does not include “mobile home.”

Feedlot means an outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing, but does not include a grazing area or a seasonal feeding area.

Field Storage Site means an area where solid livestock manure is stored in the open air, but does not include an earthen manure storage facility or a non-earthen manure storage facility.

Flood Level means the 200-year flood level, the level of a known flood exceeding the 200-year flood, or

a level as determined to be appropriate by Council in consultation with the provincial authority having jurisdiction.

Flood Protection Level means the corresponding design flood level (200-year flood level or the flood of record, whichever is greater) plus 2 feet (0.6 m).

Flood Risk Area means the land adjacent to a lake, river or stream which is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway which requires approved flood protection measures due to periodic flooding or inundation by floodwaters.

Floor Area (as applied to bulk regulations) means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centreline of party walls. In particular, the floor area of a building or buildings shall include:

(a) Basements when used for residential, commercial or industrial purposes, but not including spaces used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
(b) Floor space used for mechanical equipment (with structural headroom of 6 feet (1.83 m) or more) except equipment, open or enclosed, located on the roof;
(c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
(d) Penthouses, mezzanines, attics where there is structural headroom of 7 feet (2.13 m) or more.

Frontage means all that portion of a zoning site fronting on a public road and measured between side site lines.

Garage, Private means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

Grade means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the municipality.

Grain Storage Structure means any structure which is designed to store any type of grain.

Grazing Area means an outdoor area where livestock are primarily sustained for part of the year by the direct consumption of feed grown on the area and manure does not accumulate such that mechanical removal or redistribution is required.

Height means the vertical distance measured from grade to the highest point of the roof structure if 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.

Heritage Resource means a heritage site, a heritage object, and any work or assembly of works of natural or human endeavour that is of value for its archaeological, paleontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in a form of sites or objects or a combination of them.

Incidental means a building, feature or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure, or use approved under this by-law, and is incidental to, and located on the same zoning site as, a principal or accessory use, and that has fewer impacts than an accessory use.

Industrial Hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.

Lane means a street 33 feet (10.06 m) or less in width.

Livestock means animals or poultry not kept exclusively as pets, excluding bees.

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

Local Sale means

(a) The sale of liquor from retail liquor premises or licensed premises in a municipality; and
(b) The sale of cannabis from a cannabis store in a municipality.

Manufactured Home means a factory built dwelling certified prior to the placement on the site as having been built as a modular home in accordance with Manitoba Building Code regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the site ready for occupancy apart from incidental operations and connections.

Mineral means a non-living substance that is formed by natural processes and is found on or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes peat, peat moss, mine tailings and substances that are prescribed as minerals but does not include agricultural soil, oil, natural gas or any other gas, surface or ground water or other substance not prescribed to be a mineral pursuant to *The Mines and Minerals Act.*

Mobile Home Park means any premises which is designed for residential use and designed for the accommodation of two or more mobile homes as single-unit dwellings, whether or not a charge is made for such accommodation.

Mobile Home Site means a zoning site within a residential mobile home park for the placement of a mobile home.

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

Non-Earthen Manure Storage Facility means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.

Noxious or Offensive Use means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

Nuisance means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Occupancy Permit means authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof in the municipality.

Onsite Wastewater Management System means all or part of a treatment system, holding system, or management system for sewage, wastewater, greywater, wastewater effluent or septage, including, but not limited to,

(i) an aerobic treatment unit,
(ii) a composting toilet system,
(iii) a disposal field,
(iv) a greywater pit,
(v) a holding tank,
(vi) a septic tank, and
(vii) a sewage ejector.

Open Space means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking or loading spaces, unless otherwise provided for herein, but shall be useable for landscaping, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above-grade level areas may also be considered as open space.

Owner means a person who is the owner of a freehold estate in the property, and includes:

a) A person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
b) A person who is registered under *The Condominium Act* as the owner, as defined in that Act, of a unit under that Act; and
c) A real owner, as defined in subsection 1(1) of *The Municipal Assessment Act.*

Parcel of Land means the aggregate of all land described in any manner in a certificate of title.

Parking Space means a space on a parking area or zoning site for the temporary parking or storage of a vehicle. A parking space shall be a minimum of 9 feet (2.75 m) in width and 18 feet (5.5 m) in length and shall have adequate provision for vehicular entry, exit and manoeuvrability.

Party Wall means a wall jointly owned and jointly used by two (2) parties under easement agreement or by right in law, and erected at or upon a line separating two (2) parcels of land each of which is, or is capable of being, a separate real-estate entity.

Performance Standards means a standard established to control noise, odour, smoke, toxic or noxious

matter, vibration and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.

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

Portable Garage means a temporary structure intended to store goods or materials that may consist of a metal or steel frame and is covered by such material as canvas, plastic, polyethylene, various types of fabric or similar materials.

Premises means an area of land with or without buildings.

Private Communications Facilities means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

Private Pool means an artificially constructed basin, lined with concrete, fibreglass, vinyl or like material, which is capable of containing a water depth greater than 24 inches (60 cm) and that is located on the property of a single-unit dwelling.

Quarry means a mine that is an open excavation from which quarry mineral is removed.

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

Required Setback means a minimum distance from a front, side, or rear property line, set out in the applicable dimensional standards table, which must remain free of buildings, except for building elements permitted to project into these areas as per this by-law.

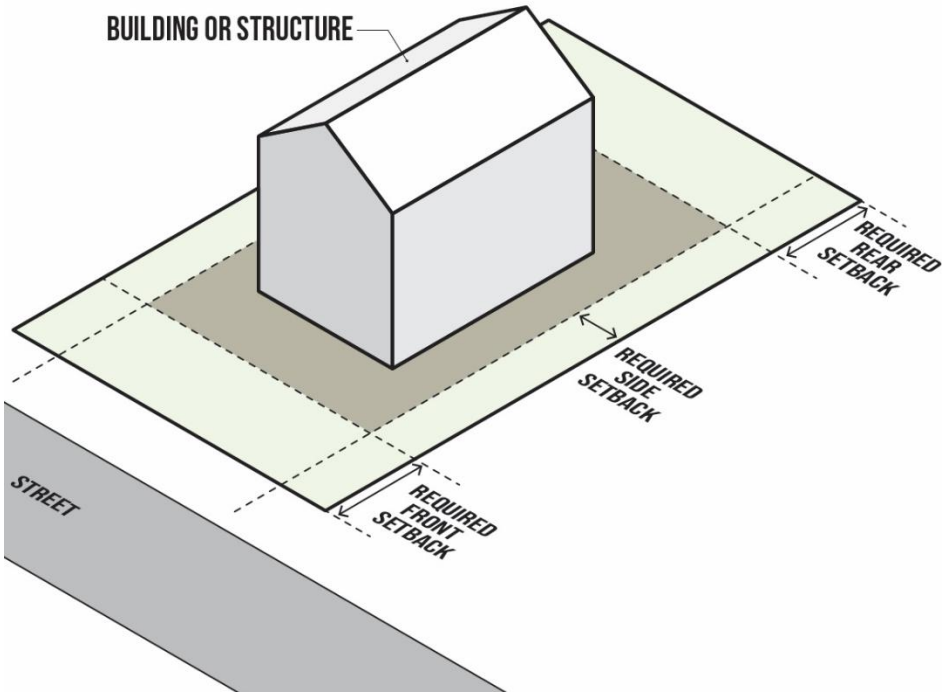


Figure 1: Diagram of required setbacks

Retail cannabis license means a license issued under *The Liquor, Gaming and Cannabis Control Act.*

Riparian Area means an area of land on the banks of or near a water body that, due to the influence of water, is capable of naturally supporting an ecosystem that is distinct from the ecosystem of the adjacent upland areas.

Seasonal Feeding Area means an outdoor area, other than a feedlot or grazing area, where

(a) livestock are given their supplemental or total feed requirements on a seasonal basis; and

(b) because of its accumulation, manure must be removed from the area by mechanical means from time to time.

Secondary means a use or structure that takes place on the same site as a principal use or structure that is not naturally and normally carried out as part of that principal use.

Semi-Detached Housing means two dwellings, arranged side-by-side, contained in a single building with a single foundation, connected by a shared common wall. This type of development is designed and constructed as two dwelling units at initial construction. It does not include a secondary suite.

Separation Distance means a distance to be maintained between two buildings or structures, measured from the nearest points of any structure or areas in which the uses are carried on.

Separation Space means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation and privacy.

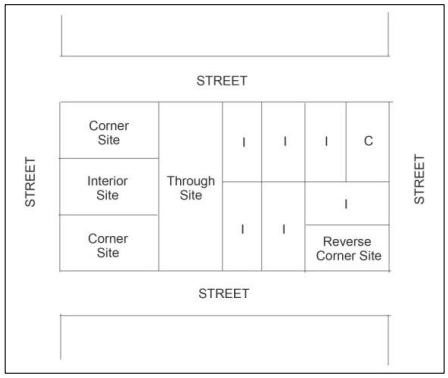
Settlement Area means the urban centres and designated rural residential and seasonal recreation areas.

Sign means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including devise, symbol, or trademark), banner, pennant or any other figure of similar character which:

(a) 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;
(b) Is used to identify, direct attention to, or advertise; and
(c) Is visible from outside a building but shall not include show windows as such.

Site means:

(a) A whole lot or block on a registered plan of subdivision; or
(b) 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.



Site, Corner means a site situated at the intersection of two (2) streets.

Site, Interior means a site other than a corner site or a through site.

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

Site, Through means a site having a pair of opposite site lines along two (2) more-or-less parallel streets.

Site Area means the computed area contained within the site lines.

Site Coverage means that part or percentage of the site occupied by buildings, including accessory buildings. Structures, which are below the finished site grade, including sewage lagoons, water reservoirs, parking structures below grade and similar structures, shall not be included in site coverage.

Site Depth means the horizontal distance between the centre points in the front and rear site lines.

Site Lines means as follows:

(a) **Front Site Line** means that boundary of a site which is along an existing or designated street. For a corner site or through site, the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site.

(b) **Rear Site Line** means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site lines defined by this definition,

the rear site line shall be determined by the Development Officer.

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

Site Width means the horizontal distance between the side lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or 40 feet (12.19 m) from the front site line, whichever is the lesser.

Site, Zoning means an area of land which:

(a) is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provision of this by-law, has frontage on a street; and

(b) in the case of a non-conforming site existing on the date of adoption of this by-law, has any lawful means of access satisfactory to the Council; and

(c) is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

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 a basement.

Street means a public road, or highway having a minimum width of 33 feet (10.06 m) and intended for vehicular use. Parks, easements, rights-of-way, squares and walkways are not considered to be streets for purposes of interpreting this by-law.

Structure means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

Surface Water means any body of flowing or standing water, whether naturally or artificially created, including, but not limited to, a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

Topsoil means the surface layer or "A" horizon of soil characterized by the natural enrichment or accumulation of organic matter and is further defined as:

a) Mineral Topsoil consisting predominantly of mineral matter with enrichment of less than 30% organic matter on a dry weight basis; and

b) Peat Topsoil consisting largely of organic residues accumulated under more or less water saturated conditions through the deposition and incomplete decomposition of primarily plant remains.

Tot Lot means an area dedicated to public playground use for pre-school children.

Total Turbine Height means the height from finished grade to the highest vertical point of a wind turbine's rotor blades.

Travel Trailer (including motor homes, tent trailers, and similar recreational vehicles) means a self-propelled vehicle or vehicles without a motive power designed to be drawn by a motor vehicle to be used as a transient living accommodation, facility for travel, recreation, business, trade, vacation and construction work, which is designed for frequent moves, but not for long-term residential occupation. Travel trailers are capable of being licensed under *The Highway Traffic Act*.

Use means:

a) Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

Variance means an administrative exception to the by-law's land use regulations, generally in order to remedy a deficiency which would prevent the property from complying with the zoning regulation.

Watercourse means the channel or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.

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

Yard, Corner Side means a side yard which adjoins a street.

Yard, Front means a yard extending along the full length of the front site line between the side site lines.

Yard, Interior Side means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

Yard, Rear means a yard extending along the full length of the rear site line between the side site lines.

Yard, Side means a yard extending along the side site line from the required front setback to the required rear setback.

Zoning District means a section contained in Parts 5-9 of this by-law which regulates the use and development of land as depicted on the Zoning Maps comprising Schedule A of this by-law.

2.2 Use Class Definitions

Accessory Building or Structure means a detached building or structure which is subordinate to or incidental to the principal building, structure or use on the same site.

Aggregate Extraction Operation means a zoning site, including accessory buildings and structures, used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a

concrete plant.

Agri-Business means an establishment that provides goods or services to the agricultural sector, including, but not limited to, farm equipment and machinery sales and repair shops, feed operations, livestock auction marts, and commercial seed cleaning plants.

Agricultural Operation means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes:

a) the production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops;
b) the use of land for livestock operations and grazing;
c) the production of eggs, milk and honey;
d) the raising of game animals, fur-bearing animals, game birds, bees and fish;
e) the processing necessary to prepare an agricultural product for distribution from the farm gate;
f) the operation of agricultural machinery and equipment, including the tillage of land and the application of fertilizers, manure, soil amendments and pesticides, whether by ground or aerial application; and
g) the storage, use or disposal of organic wastes for agricultural purposes.

Agricultural Operation, Communal means a principal agricultural operation that has more than two (2) dwelling units and various accessory uses intended to support and diversify the livelihood of its residents. Accessory uses may include, but are not limited to, multi-unit dwellings, commercial or industrial operations, education facilities, and places of worship.

Agricultural Processing Facility means one or more facilities or operations that transform, package, sort or grade livestock or livestock products, agricultural commodities, or plant or plant products, excluding forest products, into goods that are used for intermediate or final consumption, including goods for non-food use.

Aircraft Landing Strip means any area of land or water which is used or intended for use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use of aircraft landing strips or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces. Aircraft landing strips may be subject to Transport Canada regulations including, but not limited to, the *Aeronautics Act* and the *Canadian Aviation Regulations*.

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

Animal Keeping means a small-scale agricultural use secondary to a rural residential principal use. Animals shall be kept for the use or enjoyment of the occupant only.

Animal Shelter And Veterinary Service means a development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures. All animals shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.

Asphalt Plant means a plant where aggregate materials and asphalt are heated and mixed to produce a paving mix and includes stockpiling and storage of bulk materials used in the process.

Auctioneering Establishment means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. This use class does not include flea markets or livestock auction marts.

Automobile Body Shop means a building wherein the repair and painting of automobiles takes place.

Automobile Service Station means a building or portion thereof and land used for the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments. Typical uses include car washes, truck stops and highway service stations.

Automobile or Recreational Vehicle Sales/Rentals means an open area, used for the display, sale or rental of new or used automobiles, trailers, or recreation vehicles, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs for automobiles or trailers to be displayed, sold or rented on the premises.

Bed and Breakfast means a home-based business operated within a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

Broadcasting and Motion Picture Studio means a development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

Bulk Storage means the storage of chemicals, petroleum products or other flammable liquids in above-ground containers for subsequent resale to distributors, retail dealers or outlets.

Business Support Service means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture, computers, cellular phones, and machines. Typical Uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

Camping and Tenting Grounds means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses on a temporary basis.

Cannabis Distributor means a person who holds a cannabis distributor licence issued under *The Liquor, Gaming and Cannabis Control Act.*

Cannabis Retail Store means the premises specified in a retail cannabis license where the retail sale of cannabis is authorized.

Cannabis Standard Cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.

Cannabis Standard Processing means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

Cemetery means land used or intended to be used for the burial of the dead, and may include columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

Child Care Service means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day not exceeding fourteen (14) hours. This use includes an unlicensed home or group day care not exceeding four (4) children under age 12 (including the care provider's own children) and not exceeding an overall ratio of 4:1 children to caregivers; or a development licensed by the Province of Manitoba to provide daytime personal care and education to children, not including overnight accommodation. Typical uses include family and group child care homes, day care centres, nursery schools and play schools.

Club, Private, Non-Profit and Recreational means a non-profit corporation chartered by *The Canadian Business Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns or leases a building or portion thereof; and the use of such premises being restricted to members and their guests for fraternal, recreational, sport and similar activities.

Community Centre means a building or structure that provides facilities for indoor recreational activities and other community facilities such as meeting rooms or a library for use by the general public.

Concrete Batch Plant means a facility where water, Portland cement, and fine and coarse aggregates are mixed to form wet concrete, either in a mixer truck or a central mix drum and transferred to a truck for transport.

Contractor's Yard means a yard of any building trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work.

Convenience Store means a retail establishment which deals primarily in goods required by the inhabitants of a residential area to meet their day-to-day needs.

Cottage means a dwelling unit constructed and used as a secondary or temporary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.

Custom Manufacturing Establishments means development used for small scale on-site production of goods by hand manufacturing. Typical uses include furniture, jewelry, toy, clothing/shoe and musical instrument manufacturing, gunsmiths, carpentry and upholstery shops, and pottery and sculpture studios.

Drive-Through Facility means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages or services, including but not limited to a drive-through restaurant, coffee

shop or Automated Teller Machine (ATM)/bank.

Dwelling, Multi-Unit means a building, located on a single site, containing three (3) or more self-contained dwelling units with separate entrances.

Dwelling, Single-Unit means a detached building, located on a single site, containing one (1) dwelling unit.

Dwelling, Two-Unit means a duplex or semi-detached building, located on a single site, containing two self-contained dwelling units.

Eating And Drinking Establishment means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafés, delicatessens, tea rooms, banquet catering, lunch rooms and take-out restaurants. This does not include drive-through facilities which provide services to customers who remain in their vehicles, refreshment stands, or mobile catering food services.

Education Service means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere on the same zoning site. This use class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses.

Emergency Service means a development which is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of emergency equipment. Typical uses in this class include police stations, fire stations and ancillary training facilities.

Equestrian Establishment means a facility used for the training of horses and the operation of a horse-riding academy or horse-riding stables.

Event Facility means a development that is available for lease for private parties or special events. An event facility may contain indoor facilities and/or outdoor tents, and may include the sale of alcoholic beverages as well as the preparation and sale of food to the public for consumption within the premises.

Extended Medical Treatment Service means a development providing room, board and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes and auxiliary hospitals.

Farm Based Commerce means a class of business operations that are necessary to a principal farming operation and located on the same site. Farm based commerce may entail occupations or industries related and accessory to the farm only and are intended to diversify a farm's economic activity.

Farm Produce Outlet means a building or structure where farm produce is sold in season.

Farmstead Site means the portion of land of an agricultural operation, usually surrounded by a well-defined shelterbelt, that includes the habitable residence of the agricultural producer and the building and facilities associated with the agricultural operation.

Food Wholesaler means any business entity that sells food products to other businesses. A manufacturer can be a wholesaler if it sells its own product to retail stores. Food wholesalers can also be industrial-scale grocery stores that cater specifically to restaurants and groceries, selling bulk at wholesale prices.

Funeral Service means a development used for the preparation of the dead for burial or cremation and the holding of funeral services. This use class includes funeral homes, undertaking establishments and includes cremation and interment services.

Garden Centre, Farmers' Market and Produce Stand mean the outside display and sale of garden equipment and supplies, plants, seeds, vegetable and fruit produce, food items produced by vendors, and similar items.

Gas Bar means a development used for the retail sale of gasoline, other petroleum products and incidental auto accessories. This use class does not include service stations.

General Contractor Service means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal contractor services use only.

General Storage means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This use class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards or the storage of hazardous goods or waste.

Government Service means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, employment offices and social services offices.

Greenhouse, Plant and Tree Nursery means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

Group Home means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

Health Service means a development used for the provision of physical and mental health services on an out-patient basis. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling in nature. Typical uses include medical and dental offices, health clinics, and counselling services.

Home-Based Business means any business activity which includes manufacturing, sales, a commercial or professional operation, business service, trade, practice, office or use which is carried on or in or from a

dwelling unit and or its permitted accessory buildings, is intended as a profit making operation, and is clearly incidental to, accessory to, or secondary to the residential use of the dwelling unit. *(See Section 10.3 for Use Specific Standards.)*

Home Industry means light industrial operations and small businesses that may be permitted as a secondary use on the same site as a principal use. The land use associated with a home industry is more intense than those associated with a home-based business and may include some external noise, odour, light, or traffic impacts as well as the external storage of products or materials. *(See Section 10.2 for Use Specific Standards.)*

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 accessory uses may include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

House, Boarding, Lodging or Rooming means a building or portion thereof, other than a hotel or motel without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and their family.

Household Repair Service means a development used for the repair of goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

Indoor Participant Recreation Service means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; archery or shooting ranges; bowling alleys and racquet clubs.

Information Technology Use means the development, design, manufacture, packaging, storage or shipping of computer software, web hosting and data processing service and the design or research of computer, electronic and communication equipment. Uses such as server farms and like uses are included in this definition.

Kennel means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

Light Industrial Use means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas; and there is no production of heat or glare perceptible from any adjacent residential property. Typical uses include automotive body repair and paint shops and commercial manufacturing establishments. This use class does not include milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.

Limited Contractor Service means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, there are no accessory manufacturing activities and no more than two service vehicles.

Livestock Operation means a permanent or semi-permanent facility of non-grazing area where 10 or more animal units of livestock are confined, fed or raised either indoors or outdoors, but does not include:

a) An operation for the slaughter or processing of livestock;
b) An operation for the grading or packing of livestock or livestock products;
c) An operation for transporting livestock or livestock products;
d) A hatchery;
e) A livestock auction market; and
f) An operation for pasturing cattle.

Manufacturing Use means a use of land that includes the assembly, fabrication, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place. This use class includes milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.

Micro-Cultivation means the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.

Micro-Processing means the small-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

Mixed Residential-Commercial Development means a building containing at least one dwelling unit and one commercial use that is allowed in the zone in which the site is located, and wherein at least 50% of the ground floor is used for commercial purposes, and the residential portion of the building has an independent entrance from the outside.

Mobile Home means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site of wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*.

Motel means a building or part thereof, not over two (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 accessory uses include, but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

Natural Resource Development means a development for the on-site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the site. Typical uses in this class include forestry, gravel pits, sandpits, clay pits, and stripping of topsoil. This use class does not include the processing of raw materials transported to the site.

Neighbourhood Commercial means a small-scale neighbourhood-oriented commercial use which may be allowed within a residential zone subject to Council approval. Uses include convenience retail stores, health services, personal service shops, or professional, financial or office support services which would not significantly alter the residential character of the surrounding neighbourhood. Specialty food

services and eating establishments may also be allowed if less than 1,000 square feet (92.9 sq.m.). The establishment of a neighbourhood commercial use is listed as a conditional use in residential zones.

Outdoor Amusement Establishment means a commercial development providing facilities for entertainment and amusement activities which primarily takes place out of doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, racetracks, moto-cross and all-terrain vehicle tracks, miniature golf, outdoor concert facilities and similar uses.

Outdoor Participant Recreation Service means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, shooting ranges, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and trails.

Parking, Surface Lot means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily or overnight off-street parking as a principal use.

Personal Service Shop means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including such establishments as barber shops, beauty salons, shoe repair shops, tailor and dressmaking shops, pet grooming (not including kennels), dry cleaning establishments and laundromats.

Place of Assembly means a public or privately owned auditorium, hall or similar facility developed for the purpose of accommodating groups of persons for meetings, exhibitions, shows, trade fairs, public meetings, banquets, conferences and similar activities.

Planned Unit Development means a land development project planned as an entity in accordance with a unitary site plan.

Portable Asphalt Plant means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process

Professional, Financial and Office Support Service means a development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; office for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

Public Library and Cultural Exhibit means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

Public Park means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public

parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres and athletic fields.

Public Utility means any system, works, plant, pipeline, equipment, buildings or services and facilities available at approved rates to or for the use of the public, and includes all such carried on by or for the owner of a public utility or the municipality or the Province of Manitoba. Typical uses include water, gas and hydro facilities and services, waste disposal sites, sewage treatment plants and lagoons, composting sites, water treatment plants, lift stations, waste recycling plants, waste transfer stations, communication facilities including telephone, wireless, television and like uses.

Recycling Facility means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.

Religious Assembly means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. Accessory uses can include associated schools, day-care facilities, parish halls, cemeteries and like uses.

Research Institution means a facility established in accordance with government regulations and engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

Residential Care Facility means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision to more than five (5) persons. This Use Class includes nursing homes, personal care homes, residential care homes, rehabilitation homes and similar uses.

Resort, Commercial means a commercial recreational establishment, which may consist of one or more buildings containing single room, single or multiple dwelling units, recreational facilities and service facilities which are used on an intermittent and seasonal basis. Other facilities which may be part of the resort development include: a camping and tenting ground or travel trailer park, a motel, rental cabins, a retail store, an eating establishment, a marina, a golf course and other outdoor recreational game courts, areas and trails.

Retail Sales and Services mean developments used for the retail sale of groceries, baked goods, meats, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, computers, cell phones, stationary and similar goods from within an enclosed building. Associated services and repair including postal services, film processing, movie rentals and similar uses are included. This use class does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, cannabis, pawn shops, adult entertainment establishments or adult sales stores.

Salvage Operation/Yard means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This use class includes an automobile wrecking or dismantling yard and

such uses established entirely within an enclosed site.

Secondary Suite, Attached means a self-contained accessory dwelling unit located within a permanent single-unit detached dwelling on a single zoning site. An attached secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. Attached secondary suites include basement suites. This use does not include duplex housing, semi-detached housing, or apartment housing.

Secondary Suite, Detached means a self-contained accessory dwelling unit located in an accessory building on the same zoning site as a permanent single-unit detached dwelling. A detached secondary suite contains a single housekeeping unit and has its own cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. Detached secondary suites include coach houses. This use does not include duplex housing, semi-detached housing, or apartment housing.

Self-Service Storage Facility means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Shopping Centre/Strip Mall means a group of commercial establishments planned, developed and managed as an integrated unit. These can include, but are not limited to, groups of stores, services, associated facilities, eating establishments, warehouse sales and similar commercial uses utilizing common facilities such as parking, landscaping, signage and loading areas. Each business use must comply with Bulk Table requirements respecting permitted and conditional uses for the affected zone.

Short-Term Rental means the whole or part of an existing dwelling unit that is used to provide overnight accommodation to the traveling public for a period less than thirty consecutive nights.

Specialized Agriculture means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis and may require a smaller land holding.

Spectator Entertainment Establishment means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas and theatres.

Spiritual and Cultural Retreats/Facilities means a facility located in a rural setting which may include meeting and assembly spaces, kitchen facilities, dining rooms and/or dormitories for visitors staying onsite. This use may include ceremonial, educational or treatment uses and services.

Stable means a detached accessory building for the keeping of cattle or horses owned by the occupant of the premises.

Temporary Additional Dwelling means a dwelling unit or mobile home that is placed on the same site as a single-unit dwelling on a temporary basis. (*See Section 10.6 for Use Specific Standards.)*

Travel Trailer Park means a camping area, whether or not a rental or other charge is made for the use thereof, which is maintained and used primarily for:

(a) the accommodation of; and
(b) the use for camping purposes, during the whole or part of the months of May to October, both inclusive, by:
    i. automobile tourists; and
    ii. other non-residents of the municipality in which the campground is situated;

and includes any buildings or other structures or facilities intended for, or to be used for, cooking, personal cleanliness, washing, health or sanitation, or any one or more or all of those purposes.

Trucking Operation means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The use class includes automotive repair, eating and drinking areas, gas bar, retail sales and service stations as accessory uses.

Vacation Farm is an agri-tourism industry including campsites, rental units or bed and breakfast accommodations for visitors staying on the site for a limited duration and actively engaged in the agricultural operation during their stay.

Warehouse Sales means a development used for the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

Waste Disposal Site means the land, structures, monitoring devices, and any other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate or residuals from solid waste.

Wind Energy Generating System means any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is used for personal use or for generation of power for sale by an enterprise.

Wind Energy Generating System, Commercial means a wind energy generating system designed and built to provide electricity for commercial sale and distribution to the electricity grid.

Wind Energy Generating System, On-Site Use means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Wind Energy Generating Systems are a type of On-Site Use Wind Energy Generating System.

Wind Energy Generating System, Rooftop means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

Part 3: General Rules and Regulations

The following regulations shall apply to all use and development of land and buildings in the Rural Municipality of Brokenhead, except where otherwise noted in this by-law.

3.1 Regulation of Uses

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

a) Is listed in the Use Tables as:
   i. A Permitted Use; or
   ii. A Conditional Use, subject to approval as such; or
b) Is an accessory to a Permitted or Conditional Use.

3.2 Multiple Uses or Provisions

Where land, a building, or a structure is used for more than one purpose, all provisions of this by-law relating to each use must be satisfied. Where more than one provision in this by-law is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

A residential zoning site shall contain only one (1) principal building and its accessory buildings as permitted in Part 5, except in the case of multi-unit residential complexes which may include multiple residential buildings, and where otherwise allowed in this by-law.

3.3 Accessory Buildings and Structures

No accessory building or structure shall be constructed or erected, except those in compliance with the following regulations:

a) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure.
b) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures.
c) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the Rural Municipality of Brokenhead.
d) Detached accessory buildings shall not be located in any required setback except a required rear setback or as provided for elsewhere herein.
e) No detached accessory building shall be located closer than 10 feet (3.05 m) to any principal building, or closer than 3 feet (0.9 m) any other accessory building, including any projections.
f) In no instance shall an accessory building be located within a dedicated easement or right-of-way except as provided for by said easement or right-of-way.
g) Accessory buildings are permitted when accessory to a permitted use and conditional when accessory to a conditional use.
h) An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this by-law.

3.4 Area and Setback Requirements

Except as herein provided, the following regulations shall apply in all zones to ensure adequate site and setback requirements:

a) Where a use is established on a site and the existing site area or site width or required setback is reduced below the minimum requirements of this by-law by virtue of the development of a public work, street or public utility, the affected site area, site width and required setback shall be deemed to conform to the requirements of this by-law;
b) For the purpose of setback regulations, a semi-detached two-unit dwelling, a row-house or a multi-unit dwelling with common party walls shall be considered as one (1) building occupying one (1) site;
c) A semi-detached two-unit dwelling, a side-by-side or a row-house may be subdivided into two or more attached single-unit dwellings, through the common party wall. Where this is done the setback adjacent to the party wall is reduced to zero;
d) Unless otherwise approved, the lots so created by subdividing the side-by-side or row-house may only be used for the purpose of single-unit dwellings, and the resulting site area and site width shall become the minimum site area and site width required for said dwelling;
e) Where a site is occupied for a use permitted in a zone and has no building or structures thereon, the required setbacks for the zone within which it is located shall be provided and maintained, except in the case of sites located in the Parks and Recreation Zone;
f) setbacks provided for a building or structure, existing on the effective date of this zoning by-law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this by-law;
g) All setback and other open spaces required for any use shall be located on the same site as the use;
h) A through site may be required to meet the front yard setback of the zone in which it is located on both property lines fronting onto a street at the discretion of the Development Officer;
i) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, setbacks and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, site width, setbacks and other open spaces allocated to a use as per requirements of this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, setback and other open space requirements for any other use on another site;
j) Where sites comprising forty (40) percent or more of the entire frontage of the block are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front setback for the entire frontage of the block provided such average is less than the minimum front setback required in the zone in which the site is located; and
k) No land shall hereafter be divided into sites, unless each site conforms to the requirements set forth in the Bulk Table of the zone in which the land is located.

3.5 Setback Standards

a) No dwelling unit shall be located within 1,000 feet (304.8 m) of the boundary of a municipal sewage lagoon.
b) No dwelling unit shall be located within 1,320 feet (402.3 m) of a waste disposal site.
c) No dwelling unit shall be located within 100 feet (30.48 m) from the edge of a railway right-of-way that is in active use.
d) Notwithstanding the minimum setback requirements provided in the Bulk Tables, buildings, structures, fences and plantings proposed within the controlled area adjacent to a provincial highway will be subject to statutory requirements in accordance with *The Transportation Infrastructure Act*.

3.6 Projections into Required Setbacks (Principal Buildings Only)

Every part of a required setback shall be open and unobstructed from the ground level to the sky, except for trees, shrubs, gardens, fences, sidewalks and driveways, and as follows:

a) Architectural features, such as chimneys, bay windows, alcoves, canopies and awnings, eaves and gutters may extend into a required front, side or rear setback area a distance of not more than 2 feet (0.6 m) or 2 feet (0.91 m) from the property line, whichever is less;
b) Open, unenclosed and uncovered porches, decks or terraces, more than 2 ft (0.6 m) above grade, may project into a required front or rear setback area for a distance not exceeding 6 feet (1.83 m) or 3 feet (0.91 m) from the property line, whichever is less;
c) Open, unenclosed and uncovered porches, decks, patios or terraces, less than 2 ft (0.6 m) above grade, may extend to the side property line and may project into a required front or rear setback area for a distance not exceeding 6 feet (1.83 m) or 3 feet (0.91 m) from the property line;
d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear setback or required front setback for a distance of not more than 4 feet (1.22 m);

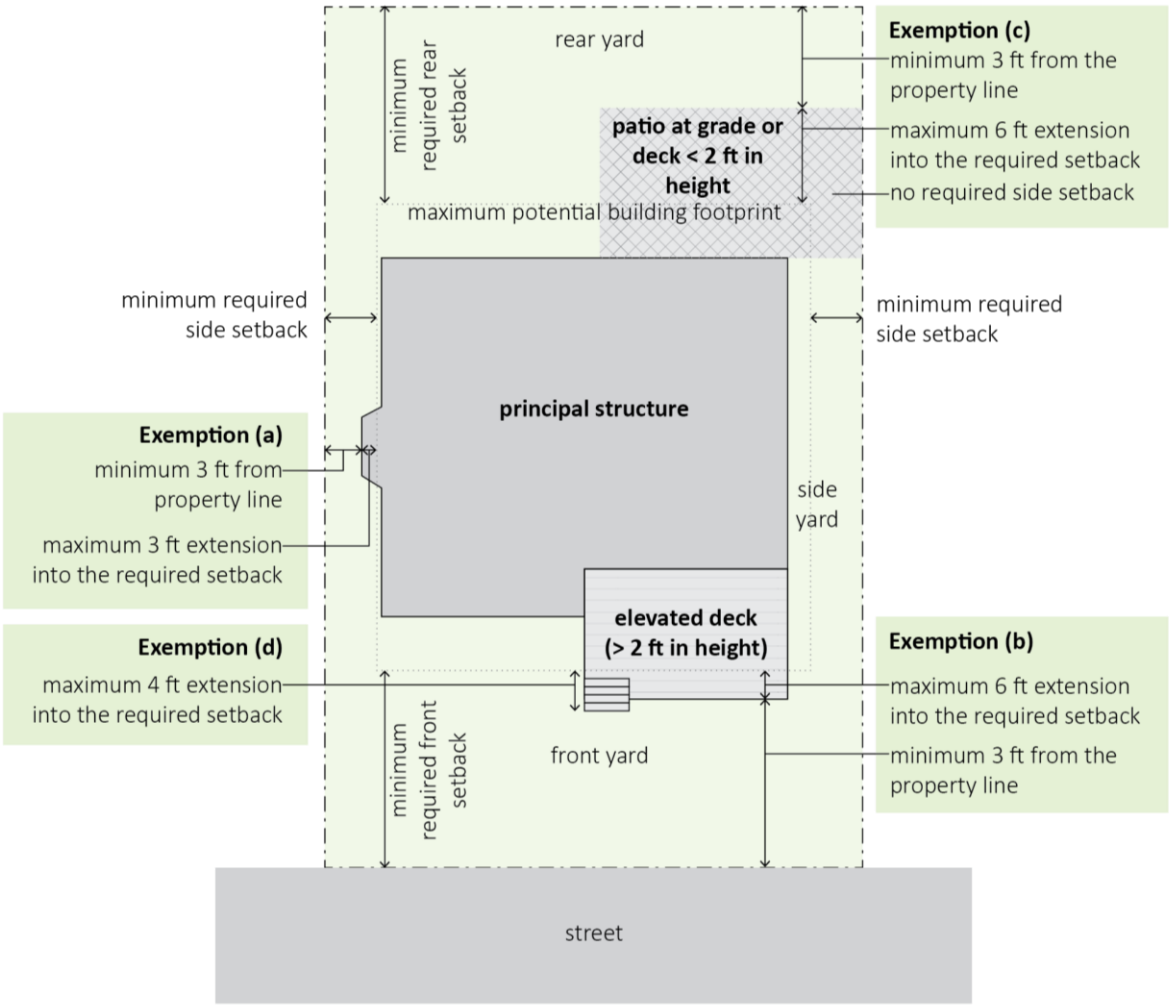


Figure 2: Setback Exemptions

e) Name plates and signs shall be allowed in any required front, side or rear setback, provided they comply with the requirements and regulations of this by-law (See also Part 11, Table 11-1); and

f) Fences, hedges, and landscape architectural features are permitted in all required setback if maintained at a height of not more than 3.5 feet (1.07 m) in the front yard and at a height of not more than 6 feet (1.83 m) in the rear and side yards. Fences and hedges located on the street side of a corner site shall not exceed a height of 3.5 feet (1.07 m), unless set back a distance of 15 feet (4.57 m), in which case said height shall not exceed 6 feet (1.83 m).

3.7 Air Conditioning Units, Pool Equipment and Compressors

Air conditioning units, pool equipment and/or compressors shall be accessory structures in all zones and shall be subject to the following regulations:

a) Shall be a minimum distance of 15 feet (4.57 m) to an openable window of a habitable room on an adjoining lot.
b) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
c) Should be no closer than 5 feet (1.52 m) to a side site line in all Residential Zones. In all other zones, it should be no closer than 10 feet (3.05 m) to a side site line.

3.8 Height Exceptions

The provisions of this by-law shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operations of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor space, and that they are setback sufficiently from a provincial highway right-of-way to not impact the right-of-way in case of a fall.

3.9 Future Road Allowance Deemed Existing

No building or structure shall be erected upon any land acquired by the Rural Municipality of Brokenhead or any other federal or provincial government agency and which has been designated for a future road allowance. Any development adjacent to said road allowance shall comply with the requirements of this by-law as if the said future road allowance was already in existence.

3.10 Road Access

No permanent building may be constructed or placed on a site which does not have direct access to a developed public road.

3.11 Demolition and Removal of Buildings or Structures

Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and re-grading of the site shall be undertaken within 90 days from the date of issuance of said permit. This period may be extended at the discretion of Council, due to unusual circumstances such as weather conditions and road restrictions.

3.12 Buildings to Be Moved

No building or structure shall be moved, in whole or in part, to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law applying to the zone in which it is located. Any request to move either an existing dwelling or accessory structure, to or from the RM of Brokenhead, requires written approval from the Council of the R.M. of Brokenhead.

3.13 Temporary Buildings

Temporary buildings and structures used for office space or the storage of construction materials or equipment, both incidental and necessary to development on the same zoning site, or incidental and necessary for highway construction and maintenance, may be permitted on a

temporary basis subject to the issuance of a development permit under the following conditions:

a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council; and
b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than two (2) successive six (6) month periods at the same location.

3.14 Outdoor Lighting

Outdoor lighting is only allowed if the following standards are met:

a) Any outdoor lighting (other than those exempted in provision (c) below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device.
b) The maximum permitted height of a light fixture is 30 feet (9.14 m) on private property.
c) These standards do not apply to:
    i. Federally and provincially-regulated buildings and structures (including the lighting required for airports and towers);
    ii. Light sources used to illuminate architecture, landscape features, pedestrian pathways or public art; or
    iii. The temporary use of lighting (for seasonal decorations or carnivals, for example).

See also Part 11: Signage Regulations.

3.15 Landscaping

The following applies to developments in Commercial, Industrial, Community, Educational, Recreational and Multi-Unit Residential Developments (excluding two-unit dwellings):

a) A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Development Officer or Designate.
b) A landscaping plan shall contain the following information for the site:
    i. All physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities and paving; and
    ii. All shrubs and trees, whether existing or proposed, labelled by their common name and size.
c) Landscaping should be integrated with the building architectural style, parking and stormwater management areas proposed on the property.
d) Species must comply with the RM of Brokenhead's Tree Planting Approved Plant List and be hardy, drought- and salt-tolerant, and resistant to the stresses of compacted soils and weather exposure.
e) Snow storage areas must be located so that piled snow does not damage plant material.

f) Plant materials should not obstruct views. Dense plant material between 3 feet (0.91 m) and 8 feet (2.44 m) from the ground must be avoided in critical areas for pedestrian and vehicular safety. Plant materials can not obstruct views to the street at access drives.
g) The applicant shall be responsible for landscaping and maintenance. Council may require landscaping be completed within two years after construction of the principal building or structure is completed. A letter of credit as insurance may be required to ensure landscaping is completed.
h) A minimum of 100 square feet (9.29 sq.m.) per unit of open space must be provided for multi-unit residential developments (excluding two-unit dwellings).
i) All side and rear site lines in the Industrial and Commercial zones which abut Residential or Parks and Open Space zones must be screened by a fence, hedge or evergreen trees which will extend a minimum of 6 feet (1.83 m) in height. Where chain link fencing is used, it shall be bordered by trees or hedges that, when planted, are expected to reach a height of not less than the height of the fence.

3.16 Public Reserve Land

Public reserve land shall only be used for:

a) A public park or recreation area;
b) A natural area;
c) A planted buffer strip or part thereof separating incompatible land uses; or
d) Public works.

3.17 Riparian and Wetland Areas

No development shall occur within 100 feet (30.5 m) from the ordinary high water mark of a natural water body, waterway, wetland, or a third (or higher) order drain, except if the development is permitted as an exception under 3.18. No development shall occur within 50 feet (15.2 m) of a first or second order drain, or artificially created retention pond, except if the development is permitted as an exception under 3.18. No expansion of any existing use is permitted within the riparian area.

3.18 Exceptions to Riparian Setbacks

Notwithstanding the restrictions in 3.17, development that creates minor disturbances to the natural vegetative cover of riparian areas (such as docks, boathouses, and pathways) and buildings or structures intended for flood or erosion control, may be allowed within the riparian wetland area, provided no more than 25% of the length of a lot's shoreline is affected.

3.19 Hazard Lands

Development is prohibited on land:

a) identified as "Flood Hazard Area" pursuant to the Brokenhead River Planning District Development Plan;
b) that is subject to subsidence or erosion by water or is marshy or unstable; or
c) is otherwise hazardous by virtue of its soil or topography,

unless a geotechnical engineering report undertaken by a professional engineer licensed to practice in the Province of Manitoba showing that the development may occur without creating any additional risks is submitted to the Brokenhead River Planning District at the time of the application for a Development Permit.

3.20 Slope and Soil Information Requirements

When an application for a development permit is submitted to the Development Officer for the development of a site abutting the Brokenhead River or other water courses and municipal drains, the application may be required to include, at the discretion of the Development Officer:

a) information regarding the existing and proposed grades to the satisfaction of the Designated Officer; and/or
b) a detailed engineering study of the soil conditions prepared by a registered professional engineer of Manitoba prior to the issuance of a development permit, certifying that the foundations proposed for the development were designed with full knowledge of the soil conditions and the proposed siting of the development upon the site.

3.21 Flood Risk Areas

Notwithstanding any other provision of this by-law, Council may:

a) refuse to issue a building and/or development permit where the proposed building or structure, as determined by Council, is to be located within the floodway of a river, stream, drain or watercourse, and where Council has determined that placement of said structure would impede the flow of flood waters and/or create a hazard to life, limb or property.
b) refuse a development permit for any drainage works to be undertaken on private lands where it has determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

The following provisions shall also apply:

a) Development is not permitted on land that is within 2 feet (0.67 m) of the high-water mark of the design flood unless a geotechnical engineering report undertaken by a professional engineer licensed to practice in the Province of Manitoba showing that the development may occur without creating any additional risks is submitted to the Brokenhead River Planning District at the time of the application for a Development Permit;
b) Permanent structures shall be protected from flooding by raising the building site with clean, impervious fill to the flood protection level which is 2 feet (0.67 m) above the flood level. The level of the surrounding fill at the building line shall not be less than the flood protection level, and shall not slope more than 6 inches (0.15 m) for a horizontal distance of 15 feet (4.57 m) from the building line and not more than 1 foot (0.30 m) vertically to 4 feet (1.22 m) horizontally thereafter;
c) The elevation of the main floor shall be a minimum of 1 foot (0.30 m) above the flood protection level;

d) Basements (which are not recommended) if constructed, shall:
    i. have the elevation of the basement floor not lower than the flood protection level by:
        a. 2 feet (0.61 m) if the fill material is pervious such as sand; and
        b. 5.5 feet (1.68 m) if the fill material is impervious such as clay;
    ii. not contain habitable space;
    iii. not be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic;
    iv. not contain any electrical circuit breaker panels;
    v. be provided with a sump pump; and
    vi. have back-up valves in the sewer pipes or pipes leading to a holding tank or disposal field.

3.22 Parking

When any new development is proposed, including a change of use of an existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this section as follows:

Table 3-1
Minimum Parking Space Requirements

	Use Class*	Number of Parking Spaces Required
Residential	Single-Unit[1] Dwelling[2]	1.0 / Dwelling Unit
	Two-Unit or Multi-Unit Dwelling[1]	1.5 / Dwelling Unit
	Mobile Home Dwelling	1.0 / Dwelling Unit
	Bed and Breakfast Facility	1.0 / Sleeping Accommodation
	Residential Care Facility	1.0 / each 2 dwelling or sleeping units
Commerci	Hotel and Motel	1.0 / Guest Room or Sleeping Unit
	Eating and Drinking Establishment	1.0 / 4 seats or 1.0 per 100 sq.ft. (9.29 sq.m.) of floor area, whichever is greater
	Convenience and Retail Sales Stores	1.0 per 200 sq.ft. (18.6 sq.m.) of floor area
	All other Commercial Establishments	1.0 per 250 sq.ft. (23.2 sq.m.) of floor area
Ind	Industrial Uses	1.0 per 1,000 sq.ft. (92.9 sq.m.) of floor area or 1.0 per 5 employees, whichever is greater
Other Uses	Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Funeral Service, Private Club, Public Library, Event Facility, and Cultural Exhibit, and Community Centre	1.0 per 4 seating spaces or 10 ft (3.05 m) of bench space. Where there are no fixed seats, 1.0 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to the assembly room floor area
	Extended Medical Treatment Service	2.0 per bed
	Education Service	1.5 per classroom, plus 1 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to public use
	Government Service	1.0 per 550 sq.ft. (51.1 sq.m.) of floor area
	Child Care Service	1.0 for every 2 employees, plus 1 for every 4 children in care

Notes:

1. *Excluding registered vehicles within an enclosed building, for any single-unit dwelling or two-unit dwelling in the R1, , R2, and R3 zones a maximum of 4 registered vehicles may be parked which could include the maximum of 1 travel trailer or 1 motor home or 1 cargo trailer and/or 1 truck with an empty vehicle weight of less than 6,804.00 kg. (15,000.00 lb.), or, provided that approval is granted by the Designated Officer, 1 truck with a registered gross vehicle weight greater than 6,804.00 kg. (15,000.00 lb.), providing that all setback requirements and other zoning regulations are complied with.*
2. *Excluding registered vehicles within an enclosed building, for any single-unit dwelling in the RR, RS, and RMHP zones a maximum of 6 registered vehicles may be parked which could include the maximum of 1 travel trailer or 1 motor home or 1 cargo trailer and/or 1 truck with a registered gross vehicle weight of less than 6,804.00 kg. (15,000.00 lb.), or, provided that approval is granted by the Designated Officer, 1 truck with a registered gross vehicle weight greater than 6,804.00 kg. (15,000.00 lb.), providing that all setback requirements and other zoning regulations are complied with.*
3. *Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer.*

The following regulations shall apply to all parking areas as required by this by-law:

a) In the case of a multiple use site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council that the complementary use of the parking facilities would warrant a reduction in the parking requirements;
b) Parking areas shall be provided with at least one entrance and one exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;
c) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles. It may be constructed of crushed stone, gravel, concrete, asphalt or other approved material;
d) Where parking areas are provided in any commercial, industrial or institutional zone and lighting facilities are provided, such lights shall be shielded and directed so as to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be shielded and directed so as to reflect away from any adjoining residential property;
e) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated therefrom by any street, lane or water course, a buffer of a design acceptable to the Council shall be provided;
f) No sign shall be erected except:
    (i) signs for the direction of traffic within the parking area, and
    (ii) directional signs of not more than 5 square feet (0.46 sq.m.) in area at each point of entrance and exit.

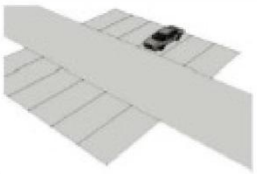
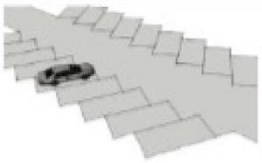
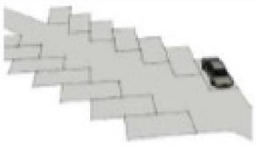
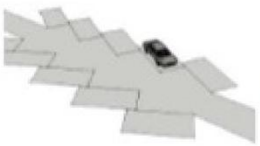
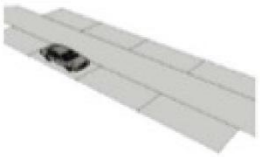
    Such signs may bear the name of the business that the parking area is connected thereto.

The layout and design of the parking area shall be as follows:

a) The layout and design of the parking area shall be in accordance with Table 3-1 "Minimum Parking Space Requirements" and Table 3-2 “Parking Area Layout”;
b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;
c) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;
e) The off-street parking area shall be provided with an access drive with a minimum width of 10 feet (3.05 m), to a street or lane;
f) Except as provided for in paragraph (c), an aisle or driveway shall not mean a street or lane; and
g) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access, and snow removal.

Table 3-2

Parking Area Layout

Configuration	Angle	Minimum Stall Dimensions		Minimum Aisle Width	
		Width	Length	Two Way	One Way
	75° - 90°	2.75 m (9 ft)	**6.1 m (20 ft)**	7.3 m (24 ft)	7.3 m (24 ft)
	60° - 75°	2.75 m (9 ft)	**6.1 m (20 ft)**	7.3 m (24 ft)	5.5 m (18 ft)
	45° - 60°	2.75 m (9 ft)	**6.1 m (20 ft)**	7.3 m (24 ft)	4.0 m (13 ft)
	30° - 45°	2.75 m (9 ft)	**6.1 m (20 ft)**	7.3 m (24 ft)	3.7 m (12 ft)
	Parallel	2.75 m (9 ft)	6.7 m (22 ft)	7.3 m (24 ft)	3.7 m (12 ft)

3.23 Accessible Parking Spaces

Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with mobility issues, in accordance with the following requirements:

a) Each accessible parking space:
   i. must be at least 11.5 ft (3.5 m) wide;
   ii. must be located within 200.0 ft (60.96 m) of major building entrances used by residents, employees, or the public; and
   iii. must include signage reserving the space for use by persons with mobility issues.

b) At least one curb ramp must be located within 100.0 ft (30.48 m) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance; and

c) The accessible parking space requirements are as follows:

Table 3-3

Accessible Parking Space Requirements	
Total Number of Parking Spaces Required	**Minimum Number of Accessible Parking Spaces Required**
1-25	1
26-50	2
51-75	3
76-100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces

3.24 Loading Requirements

For all buildings and uses involving regular and frequent receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, the owner or operator of the buildings or uses shall provide and maintain on the site adequate loading and unloading spaces as follows:

a) Each loading or unloading space shall be at least 30 feet (9.14 m) long, 12 feet (3.66 m) wide and have a vertical clearance of at least 14 feet (4.27 m);
b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet (6.10 m) wide contained on the site in which the spaces are located and leading to a street or lane located within the zone in which the use is located;
c) Loading and unloading areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles;
d) Off-street loading spaces shall not be permitted in a required corner side setback; and
e) The number of loading spaces shall be provided in accordance with the following:

Table 3-4
Minimum Loading Spaces

Area of Building	Minimum Loading Space
Less than **5,000** square feet	One (**1**) space
Exceeding **5,000** square feet but not more than **15,000** square feet	Two (**2**) spaces
Exceeding **15,000** square feet	Three (**3**) spaces

3.25 Entrances and Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales

Automobile service stations, public parking areas, drive-through facilities, and all vehicle/equipment sales shall require at least one entrance and one exit for vehicles, driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle. Access to sites for the titled uses for vehicles shall be only by way of entrances and exits provided in accordance with the following:

Table 3-5
Entrance and Exit Requirements

Minimum width of an entrance or exit	20 ft. (6.10 m)
Minimum width of a combined entrance and exit	25 ft. (7.62 m)
Maximum width of an entrance or exit	40 ft. (12.19 m)
Maximum width of a combined entrance and exit	60 ft. (18.29 m)
Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane	30 ft. (9.14 m)
Minimum distance between entrances and exits	30 ft. (9.14 m)

3.26 Fences – Residential Uses

A fence on a residential property:

a) shall not include electric fences or barbed wire fences;
b) shall not be higher than:
   i. 3.5 feet (1.07 m) in a required front setback, and
   ii. 6.5 feet (1.98 m) in a required side or rear setback

   measured from the highest part of the fence to the point where the fence post enters grade;
c) are permitted in all required setbacks and can be placed up to the property line; and
d) where located on the street side of a corner site shall not exceed a height of 3.5 feet (1.07 m), unless setback a distance of 15 feet (4.57 m) in which case the height shall not exceed 6 feet (1.83 m).

3.27 Fences – Commercial and Industrial Uses

A fence on all properties other than residential properties:

a) shall not include electric fences or barbed wire fences except in the case of a Commercial or Industrial zone where the top 2.0 feet (0.6 m) of the fence can be barbed wire for security purposes;
b) shall not be higher than:
    i. 4.0 feet (1.22 m) in a required front setback; and
    ii. 8.0 feet (2.44 m) in a required side or rear setback

    measured from the highest part of the fence to the point where the fence post enters grade;
c) are permitted in all required setbacks and can be placed up to the property line;
d) where located on the street side of a corner site shall not exceed a height of 3.5 feet, unless setback a distance of 15 feet (4.57 m) in which case the height shall not exceed 6 feet (1.83 m); and
e) outdoor storage shall not be allowed to project above the height of the fence.

Part 4: Zoning Districts

4.1 Districts Established

The zoning districts, district names and abbreviations shown in Table 4-1, and the locations and boundaries of the zoning districts shown on the Zoning Maps [Schedule A], are hereby established.

Table 4-1
Zoning Districts Established

Abbreviation	Zones
R1	Single-Unit Residential Zone
R2	Two-Unit Residential Zone
R3	Multi-Unit Residential Zone
RR	Rural Residential Zone
RS	Seasonal Recreation Zone
RMHP	Mobile Home Park Zone
CC	Central Commercial Zone
CH	Highway Commercial Zone
M	Industrial Zone
PR	Parks and Recreation Zone
I	Institutional Zone
AG	Agricultural General Zone
AL	Agricultural Limited Zone

4.2 Zoning Boundaries

The zones established above in Table 4-1 shall apply within the boundaries of the zones shown on the maps in Schedule A following these rules of interpretation:

a) Boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines; and

b) Boundaries indicated as approximately following parcel limits as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such parcel limits.

4.3 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Use Tables. In the Use Tables:

a) Permitted uses are indicated with the letter [P].

b) Conditional uses are indicated with the letter [C].

c) An asterisk symbol (*) indicates that a use specific standard applies.

d) An underline (e.g. P, C) indicates that the use may only be established as a secondary use. Where no minimum or maximum site requirements are provided in the bulk table for the proposed secondary use, the requirements are as per the principal use.

4.4 Bulk Regulations

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in the Bulk Regulations Tables or elsewhere in this by-law.

4.5 Use-Specific Standards

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the additional standards for specific uses [in Part 10 of this by-law] must be met, except as otherwise provided in this by-law or by a Conditional Use or Variance Order.

Part 5: Residential Zones

5.1 Residential Zones

The following residential zones are hereby established:

a) "**R1**" **Single-Unit Residential Zone** provides for the development of single-unit dwellings.
b)
c) "**R2**" **Two-Unit Residential Zone** provides for the development of two-unit dwellings.
d) "**R3**" **Multi-Unit Residential Zone** provides for the development of a range of residential dwellings.
e) **"RR" Rural Residential Zone** provides for the development of single-unit dwellings, generally reliant on onsite water and wastewater infrastructure, in a rural context.
f) **"RS" Seasonal Recreation Zone** provides for the development of campgrounds, resorts and cottage subdivisions.
g) "**RMHP**" **Residential Mobile Home Park Zone** provides for the development of a mobile home park.

5.2 General Provisions for Residential Zones

The following provisions apply to lands zoned R1, R2, R3, RR, RS and RMHP:

a) All provisions pertaining to residential zones within this part;
b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
c) Part 10: Use Specific Standards as applicable.

5.3 Minimum Dwelling Size

The minimum dwelling unit area of any dwelling shall be 800 square feet (74.3 m).

5.4 Mobile Homes

Mobile homes will not be permitted in the R1, R2, R3 or RR zones as a principal single-unit dwelling.

5.5 Exceptions for Residential Zones (R1, R2 and R3)

For single-unit and two-unit dwellings in the R1, R2 and R3 zones, the following side setback exceptions apply:

a) The minimum side setback on the street side of a corner site shall be 15 feet (4.57 m).
b) Without a lane at the rear of the site one side setback shall be ten (10) feet except where an attached garage or carport is provided at the side of the main building.
c) Fences and hedges located on the street side of a corner site shall not exceed a height of 3.5 feet (1.07 m), unless set back a distance of 15 feet (4.57 m) in which case said height shall not exceed 6 feet (1.83 m).

5.6 Accessory Uses

In the Residential Zones, accessory uses, structures and buildings include the following:

a) A children's playhouse, garden house, gazebo, private greenhouse, summer house, conservatory, swimming pool or hot tub,
b) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,

c) A private garage, carport, covered patio, shed or similar building,
d) A shipping container (“sea-can”) for storage purposes (Rural Residential zone only),
e) Accessory off-street parking areas,
f) Private communications facilities,
g) Signs as permitted and regulated in Part 11 of this by-law,
h) Refuse and garbage areas separate from required parking areas, buffers and open spaces for multi-unit dwellings and other permitted or approved uses. The location and size of the area within the zoning site shall be subject to the approval of Council, and
i) Other accessory uses and structures consistent with those permitted in the residential zones at the discretion of the Development Officer.

Table 5-1

R1 Single-Unit Residential Zone

The R1 zone provides for the development of single-unit dwellings in an urban context.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback [2] (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Bed & Breakfast	**C***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	**P**	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Unit (serviced[1])	**P**	7,500	75	30	5	25	30	40
Dwelling, Single-Unit (unserviced[1])	**P**	20,000	100	30	5	25	30	40
Dwelling, Single-Unit (small lot) [4]	**C**	5,000	50	25	5	25	30	40
Group Home	**C**	7,500	75	30	5	25	30	40
Home-Based Business	**P***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Park	**P**	n/a	n/a	30	5	25	n/a	n/a
Public Utility	**P**	n/a	n/a	30	5	25	30	n/a
Secondary Suite, Attached	**C***	n/a	n/a	30	5	15	30	n/a
Secondary Suite, Detached	**C***	n/a	n/a	30	5	15	30	n/a
Accessory buildings and structures	**P**	n/a	n/a	30	5	2	15	15[3]

[1] Serviced dwellings are those which are attached to a municipal sewage system. Unserviced dwellings are those where sewage wastes are disposed of onsite in accordance with the requirements of the provincial authority having jurisdiction.

[2] See Section 5.5

[3] Site coverage is cumulative for all accessory buildings and structures.

[4] For multi-lot developments creating three or more parcels, a maximum of 30% of parcels may be 50 ft wide. In such developments, a maximum of two parcels in a row may be 50 ft wide.

Table 5-2

R2 Two-Unit Residential Zone

The R2 zone provides for the development of two-unit dwellings in an urban context.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback [1] (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Bed and Breakfast	C*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	P	7,500	75	30	5	25	30	60
Dwelling, Single-Unit (serviced)	C	7,500	75	30	5	25	30	40
Dwelling, Two-Unit (serviced)	P	7,500	,75	30	5	25	30	60
Education Service	C	10,000	100	30	15	25	30	40
Group Home	C	7,500	75	30	5	25	30	40
Home-Based Business	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Neighbourhood Commercial	C	10,000	100	30	15	25	30	40
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Religious Assembly	C	40,000	200	30	15	25	30	40
Secondary Suite, Attached	C*	n/a	n/a	30	5	15	30	n/a
Secondary Suite, Detached	C*	n/a	n/a	30	5	15	30	n/a
Accessory buildings and structures	P	n/a	n/a	30	5	2	15	15[2]

[1] See Section 5.5

[2] Site coverage is cumulative for all accessory buildings and structures.

Table 5-3

R3 Multi-Unit Residential Zone

The R3 zone provides for the development of a range of residential dwellings.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		Minimum Requirements					Max. Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback [1] (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Bed & Breakfast	C*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	P	7,500	75	30	5	25	30	60
Dwelling, Multi-Unit	P	10,000	100	30	15	25	30	60
Dwelling, Single-Unit	C	7,500	75	30	5	25	30	40
Dwelling, Two-Unit	C	7,500	75	30	5	25	30	60
Education Service	C	10,000	100	30	15	25	30	40
Group Home	C	7,500	75	30	5	25	30	40
Home-Based Business	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
House, Boarding or Lodging	C	7,500	75	30	15	25	30	40
Mixed Residential-Commercial Development	C*	10,000	100	30	15	25	30	60
Neighbourhood Commercial	C	10,000	100	30	15	25	30	40
Planned Unit Development	C*	See Section 10.1						
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Religious Assembly	C	40,000	200	30	15	25	30	40
Residential Care Facility	C	40,000	200	30	15	25	30	40
Secondary Suite, Attached	C*	n/a	n/a	30	15	15	30	n/a
Secondary Suite, Detached	C*	n/a	n/a	30	15	15	30	n/a
Accessory buildings and structures	P	n/a	n/a	30	5	2	15	15[3]

[1] See Section 5.5

[2] Multi-Unit dwellings require a minimum site area of 10,000 square feet plus 1,000 sq.ft. for each dwelling unit.

[3] Site coverage is cumulative for all accessory buildings and structures.

Table 5-4

RR Rural Residential Zone

The RR zone provides for the development of single-unit dwellings, generally reliant on onsite water and wastewater infrastructure, in a rural context.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (acres)	Site Width (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Animal Keeping / Apiary / Stable	C*	4	200	75	25	25	30	40
Bed & Breakfast	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Unit	P	2	200	50	25	25	30	40
Group Home	C	2	200	50	25	25	30	40
Home-Based Business	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home Industry	C*	n/a	n/a	75	15	15	30	15
Planned Unit Development	C*	See Section 10.1						
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Secondary Suite, Attached	C*	n/a	n/a	75	15	15	30	n/a
Secondary Suite, Detached	C*	n/a	n/a	75	15	15	30	n/a
Short-Term Rental	C*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory buildings and structures	P	n/a	n/a	75	15	15	30	15

Table 5-5

RS Seasonal Recreation Zone

The RS zone provides for the development of campgrounds, resorts and cottage subdivisions.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (sq.ft)	Site Width (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Bed & Breakfast	**P***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Camping and Tenting Grounds	**C***	43,560	200	75	5	10	n/a	36 units/acre
Commercial Resort	**C**	43,560	200	75	5	10	30	30
Cottage	**P**	15,000	75	50	15	25	30	30
Dwelling, Single-Unit	**C**							
Event Facility	**C***	2 acres	200	50	25	25	30	40
Group Home	**C**	2 acres	200	50	25	25	30	40
Home-Based Business	**P***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Outdoor Participant Recreation Service	**C**	2 acres	200	50	25	25	30	n/a
Planned Unit Development	**C***	See Section 10.1						
Public Park	**P**	n/a	n/a	30	5	25	n/a	n/a
Public Utility	**P**	n/a	n/a	30	5	25	30	n/a
Secondary Suite, Attached	**C***	n/a	n/a	50	15	15	30	n/a
Secondary Suite, Detached	**C***	n/a	n/a	50	15	15	30	n/a
Short-Term Rental	**C***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Spiritual and Cultural Retreats/Facilities	**C**	2 acres	200	50	25	25	30	40
Travel Trailer Park	**C***	43,560	200	75	5	10	n/a	8 units/acre
Accessory buildings and structures	**P**	n/a	n/a	50	15	15	15	15

Table 5-6

RMHP Residential Mobile Home Park Zone

The RMHP zone provides for the development of a mobile home park.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		Minimum Requirements					Max. Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback [1] (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Child Care Services	C*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home-Based Business	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Mobile Home Park	P	1 acre	200	75	5	10	n/a	8 units/acre
Public Park	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Travel Trailer Park	C*	Secondary to a Residential Mobile Home Park						
Accessory buildings and structures	P	n/a	n/a	75	5	2	15	30[2]

[1] The minimum side setback on the street side of a corner site shall be fifteen (15) feet.

[2] Site coverage is cumulative for all accessory buildings and structures.

5.7 Additional Requirements for Mobile Home Parks

5.7.1 Development Permits

A Development Permit application for a residential mobile home park may be filed by the owner (or their agent) with the Development Officer and referred to Council for approval. The application and plans shall conform to all requirements of this by-law and include the following:

a) The name and address of the applicant(s);

b) The location, legal description of the property and the size of the proposed mobile home park;

c) Detailed, scaled drawings of the proposed mobile home park, with appropriate measurements, numbers and annotations, depicting the following:

i. All mobile home spaces (appropriately numbered), playgrounds, open space, service and utility areas;

ii. All proposed roadways and/or driveways, including the type of road surface and the location and means of vehicular and pedestrian access;

iii. The size, shape, and number of mobile home sites;

iv. The type of pad and on-site parking surface;

v. The drainage facilities for surface water in the area;

vi. The location of all proposed sanitary facilities, garbage storage and service buildings;

vii. The proposed design and method for onsite water distribution and sewage collection and for connection to the municipal systems;

viii. The design and location of hydro, telephone and gas lines, and street lighting;

ix. The fire protection for the area;

x. The relationship of each mobile home site to adjoining buildings and to the limits of the property within which the mobile home site is located; and

xi. The intended use of each mobile home.

5.7.2 Mobile Home Requirements

Mobile homes require a Development Permit. No mobile home located in the Rural Municipality of Brokenhead shall receive a Development Permit unless it complies with the following regulations:

a) No mobile home shall be placed in the R.M. of Brokenhead and used as a dwelling unless it meets all structural standards as determined by the *Buildings and Mobile Homes Act*, Chapter B93, as amended, Manitoba Building Code and Canadian Standards Association (C.S.A.) Mobile Home Structural Standards contained within CAN/CSA-Z240 MH and revisions thereto. Temporary buildings as provided for by Section 3.13 herein are excepted from this requirement.

b) A mobile home, when located permanently within a mobile home park, shall;
   i. Be connected to municipal sewer and water services when such services are available on the site;
   ii. Be provided with skirting extending from the bottom of the mobile home to the ground having adequate ventilation and a readily accessible, removable panel giving access to service connections; and
   iii. Be connected to the hydro system with an approved electrical service outlet. All utilities shall be underground.

c) All structures and/or buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained, and in the opinion of Council, will complement the main structure.

5.7.3 Park Requirements

In addition to the requirements specified in Table 5-6, the following site requirements shall also apply within mobile home parks:

Table 5-7
Mobile Home Park Requirements

Criteria	Minimum Requirements
Minimum site area of mobile home space	4,000 sq.ft. (371.6 sq.m.)
Minimum site width of mobile home space	40 ft (12.19 m)
Minimum side to side clearance between mobile homes (including additions and attachments) and between mobile homes and accessory buildings	10 ft (3.05 m)
Minimum end to end clearance between mobile homes	15 ft (4.57 m)
Minimum front setback for mobile home (measured from front site line)	10 feet (3.05 m)
Minimum mobile home dwelling unit area	600 sq.ft. (55.7 sq.m.)
Maximum number of accessory buildings	2
Maximum total size of all accessory buildings	600 sq.ft. (55.7 sq.m.)
Maximum height of accessory building	15 ft (4.57 m)

Minimum width of road right-of-way	40 ft (12.19 m)
Minimum width of roadway surface	24 ft (7.32 m)
Maximum number of mobile homes per site	1
Minimum number of parking spaces per site	1

Design and maintenance of the mobile home park must also provide for the following:

a) That portion of the mobile home park not occupied by mobile home pads, mobile home additions, common use and storage buildings, roads, walkways, driveways, car parking areas and any other developed facilities shall be sodded or seeded with grass and landscaped with suitable trees and shrubbery;
b) Service buildings shall be centrally located, and not be further than 300 feet (91.44 m) from any dependent mobile home, and shall be provided with adequate light, heat and ventilation. All service buildings shall be approved prior to construction;
c) All accessory structures such as patios, porches, additions and skirting shall meet the requirements of the Building By-law and shall be so designed and erected as to harmonize with the mobile homes;
d) Each mobile home space shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign;
e) The management of every mobile home park shall provide for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all mobile homes;
f) Tanks for the storage of fuel oil and propane shall be concealed from view by screening or other appropriate measures;
g) At least one (1) parking space shall be provided on each mobile home site. Only temporary parking is allowed on roadways;
h) All roadways within the mobile home park shall be hard surfaced and properly maintained;
i) All roadways within the mobile home park shall be properly illuminated by lighting units approved by Council;
j) A separate open area for a children's playground or sports field shall be provided on the basis of 200 square feet (18.6 sq.m.) per mobile home space or a minimum of 2,400 square feet (223.0 sq.m.), whichever is greater; and
k) Identification names shall be given to the mobile home park and the internal roads within the mobile home park and be posted at suitable locations on the site.

5.7.4 Existing Mobile Home Park Developments

a) Mobile home parks lawfully existing at the effective date of this by-law shall have non-conforming rights in accordance with *The Planning Act***;**
b) A mobile home park lawfully existing at the effective date of this by-law may be redesigned or altered without the necessity of a variance order, even though the full requirements of this by-law have not been complied with, provided that the non-conformity is being decreased and that the total number of mobile home spaces is not being increased; and

c) Where a lawfully existing mobile home park is being extended or expanded beyond the current boundaries of said park, the requirements of this by-law shall be adhered to insofar as it affects the expanded or newly extended area.

Part 6: Commercial Zones

6.1 Commercial Zones

The following commercial zones are hereby established:

a) "**CH**" **Highway Commercial Zone** provides for appropriate commercial uses adjacent to the main highways for the purpose of servicing the travelling public and for providing commercial space for those businesses which, by their nature, require a highway location for access purposes.

b) "**CC**" **Central Commercial Zone** provides land in the L.U.D. of Tyndall-Garson for the development of intensive retail, business, service and administrative uses.

6.2 General Provisions for Commercial Zones

The following provisions apply to lands zoned CC and CH:

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

b) All provisions pertaining to commercial zones within this part;

c) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and

d) Part 10: Use Specific Standards as applicable.

6.3 Accessory Uses

In the Commercial Zones, accessory uses, buildings and structures include the following:

a) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to business and personal service and mercantile occupancies if conducted by the same ownership as the principal use and contained within a completely enclosed building,

b) A children's playhouse, garden house, gazebo, private greenhouse, summer house, conservatory, swimming pool or hot tub,

c) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,

d) A garage, carport, covered patio, shed or similar building,

e) Accessory off-street parking areas,

f) Private communications facilities,

g) Signs as permitted and regulated in Part 11 of this by-law,

h) Off-street parking and loadings spaces as required in Sections 3.21-3.23,

i) Refuse and garbage areas separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and

j) Other accessory uses and structures consistent with those permitted in the commercial zones at the discretion of the Development Officer.

Table 6-1

CH Highway Commercial Zone

The CH zone provides for appropriate commercial uses adjacent to highways for the purposes of servicing the travelling public and for providing commercial space for those businesses which, by their nature, require a highway location for access ~~and/or display~~ purposes.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback [1] (ft)	Side Setback [1] (ft)	Rear Setback [1] (ft)	Height (ft)	Site Coverage (%)
Agri-Business	**P**	40,000	150	125	15	15	30	40
Animal Shelter & Veterinary Service	**P**							
Auctioneering Establishment	**C**							
Automobile Service Station and Gas Bar	**P**	40,000	300	45[2]	15	15	30	40
Automobile or Recreational Vehicle Sales/Rentals	**P**	40,000	150	125	15	15	30	40
Bulk Storage	**C**							
Drive-Through Facility	**P**							
Eating & Drinking Establishment	**P**							
Emergency Service	**P**							
Event Facility	**C***							
Food Wholesaler	**P**							
Funeral Service	**P**							
Garden Centres, Farmers' Markets & Produce Stands	**P**							
Government Service	**P**							
Greenhouse, Plant & Tree Nursery	**P**							
Hotel / Motel	**P**							
Kennel	**P**							
Outdoor Amusement Establishment	**C**							
Outdoor Participant Recreation Service	**C**							
Planned Unit Development	**C***	See Section 10.1						
Portable Asphalt Plant	**C**	40,000	150	125	25	25	30	40
Public Utility[3]	**P**							
Recycling Facility	**C**							
Self-Service Storage Facility	**P**							
Shopping Centre/Strip Mall	**C**	40,000	150	45	25	25	30	40
Trucking Operation	**P**	40,000	150	125	25	25	30	40
Warehouse Sales	**P**							
Wind Energy Generating System, On-Site/Rooftop	**C***	40,000	150	See Section 10.11				
Accessory buildings and structures	**P**	n/a	n/a	125	15	15	30	15

[1] The requirement for yards abutting a Provincial Trunk Highway (P.T.H.) or a Provincial Roads (P.R.) is subject to The Transportation Infrastructure Act. Approval may be required from the appropriate government department.

[2] Fuel pumps shall have a minimum front setback of 25 feet.

[3] See Sections 1.25 and 3.8.

Table 6-2

CC Central Commercial Zone

The CC zone provides for the development of retail, business, service and administrative uses in the L.U.D. of Tyndall-Garson.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		Minimum Requirements					Max. Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback [1,2] (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Automobile Service Station	P	10,000	100	20	5	5	35	60
Automobile or Recreational Vehicle Sales/Rentals	C	40,000	150	125	15	15	30	40
Broadcasting & Motion Picture Studio	C	5,000	50	20	5	20	35	40
Business Support Services	P	1,800	17	2	0	20	35	60
Cannabis Distributor	C*	1,800	17	2	0	20	35	60
Cannabis Retail Store	C*	1,800	17	2	0	20	35	60
Club, Private, Non-Profit & Recreational	P	5,000	50	20	5	20	35	60
Community Centre	P	40,000	150	20	15	20	35	60
Convenience Store	P	1,800	17	2	0	20	35	60
Custom Manufacturing Establishments	C	5,000	50	20	5	20	35	60
Drive-Through Facility	C	5,000	50	20	5	20	35	60
Dwelling, Multi-Unit	C	10,000	100	30	15	25	30	60
Eating & Drinking Establishment	P	5,000	50	20	5	20	35	60
Education Service	P							
Emergency Service	P							
Funeral Service	P	40,000	150	20	5	20	35	60
Gas Bar	P	10,000	100	20	5	5	35	60
Government Service	P	5,000	50	20	5	20	35	60
Health Service	P							
Hotel / Motel	P	20,000	100	20	5	5	35	60
Household Repair Service	P	1,800	17	2	0	20	35	60
Indoor Participant Recreation Service	P	5,000	50	20	5	20	35	60
Information Technology Use	C	1,800	17	2	0	20	35	60
Mixed Residential-Commercial Development	P*	10,000	100	30	15	25	30	60
Parking, Surface Lot	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Personal Service Shop	P	1,800	17	2	0	20	35	60
Place of Assembly	P	5,000	50	20	5	20	35	60
Planned Unit Development	C*	See Section 10.1						
Professional, Financial & Office Support Service	P	1,800	17	2	0	20	35	60
Public Library & Cultural Exhibit	P	5,000	50	20	5	20	35	60
Public Park	P	n/a	n/a	20	5	20	n/a	n/a
Public Utility[3]	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Research Institution	C	5,000	50	20	5	20	35	60
Residential Care Facility	C	20,000	100	20	15	20	35	60
Retail Sales & Service	P	1,800	17	2	0	20	35	60

Shopping Centre/Strip Mall	P	40,000	150	45	25	25	35	60
Spectator Entertainment Establishment	P	5,000	50	20	5	20	35	60
Accessory buildings and structures	P	n/a	n/a	30	5	5	15	10

[1] The minimum side setback on the street side of a corner site shall be two (2) feet.

[2] Or per the *Manitoba Building Code*, whichever is more restrictive.

[3] See Sections 1.25 and 3.8.

Part 7: Industrial Zones

7.1 Industrial Zones

The following industrial zone is hereby established:

a) "**M**" **Industrial Zone** provides for construction, manufacturing, processing, distribution, transportation and warehouse uses.

7.2 General Provisions for Industrial Zones

The following provisions apply to lands zoned M:

a) All provisions pertaining to industrial zones within this part;
b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
c) Part 10: Use Specific Standards as applicable.

7.3 Accessory Uses

In the Industrial Zone, accessory uses, buildings and structures include the following:

a) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to the principal use,
b) Storage of goods used in or produced by manufacturing activities on the same zoning site with such activities unless such storage is excluded by the zoning regulations,
c) A dwelling or mobile home for a watchman or caretaker if, in Council's opinion, it is deemed necessary and essential to be located on the same site as the principal use,
d) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
e) A garage, shed, sea-can (shipping container) or storage building incidental to a permitted or conditional use,
f) Off-street parking and loading spaces as required in Section 3.22-3.24,
g) Private communications facilities,
h) Signs as permitted and regulated in Part 11 of this by-law,
i) Refuse and garbage area separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
j) Other accessory uses and structures consistent with those permitted in the industrial zones at the discretion of the Development Officer.

Table 7-1

M Industrial Zone

The M zone provides for construction, manufacturing, processing, distribution, transportation and warehouse uses.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback [1] (ft)	Rear Setback [1] (ft)	Height (ft)	Site Coverage (%)
Aggregate Extraction Operation	**C***	40,000	150	20	15	15	30	60
Agrichemical Storage Facility	**C**	10,000	75	20	15	10	30	60
Agricultural Processing Facility	**C**							
Anhydrous Ammonia Facility	**C***							
Auctioneering Establishment	**C**							
Broadcasting & Motion Picture Studio	**P**							
Bulk Storage	**C**							
Cannabis Standard Processing	**C***							
Concrete Batch Plant or Asphalt Plant	**C**							
Contractors Yard	**P**	40,000	150	20	15	15	30	60
Custom Manufacturing Establishments	**P**	10,000	75	20	15	10	30	60
Emergency Service	**P**							
General Contractor Service	**P**							
General Storage	**P**							
Government Service	**P**							
Indoor Participant Recreation Service	**P**							
Information Technology Use	**C**							
Kennel	**P**							
Light Industrial Use	**P**							
Limited Contractor Service	**P**							
Manufacturing Use	**C**							
Micro-Cultivation, Cannabis	**C***							
Micro-Processing, Cannabis	**C***							
Portable Asphalt Plant	**C**							
Public Utility[2]	**P**							
Recycling Facility	**P**							
Research Institution	**C**							
Salvage Operation / Yard	**C**							
Self-Service Storage Facility	**P**							
Sewage Treatment Site	**P**	40,000	150	20	15	15	30	60
Trucking Operation	**P**	10,000	75	20	15	10	30	60
Warehouse Sales	**P**							
Waste Disposal Site	**C**	40,000	150	20	15	15	30	60
Any permitted or conditional use in the “CH” or “CC” zones	**P**	See Table 6-1 and 6-2 for requirements						

Accessory buildings and structures	**P**	n/a	n/a	20	15	15	30	15

[1] Side and rear setbacks for yards abutting a residential zone shall be a minimum of twenty (20) feet.

[2] See Sections 1.25 and 3.8.

Part 8: Parks and Recreation and Institutional Zones

8.1 Parks and Recreation and Institutional Zones

The following zones are hereby established:

a) "**PR**" **Parks and Recreation Zone** provides land to accommodate public recreational uses.
b) "**I**" **Institutional Zone** provides land to accommodate governmental, educational, and institutional uses.

8.2 General Provisions

The following provisions apply to lands zoned PR and I:

a) All provisions pertaining to Parks and Recreation and Institutional zones within this part;
b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
c) Part 10: Use Specific Standards as applicable.

8.3 Accessory Uses

In the PR and I zones, accessory uses, buildings and structures include the following:

a) A dwelling or mobile home for a watchman or caretaker if, in Council's opinion, it is deemed necessary and essential to be located on the same site as the principal use,
b) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
c) A garage, shed or storage building incidental to a permitted or conditional use,
d) Off-street parking and loading spaces as required in Section 3.22-3.24,
e) Private communications facilities,
f) Signs as permitted and regulated in Part 11 of this by-law,
g) Refuse and garbage areas separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
h) Other accessory uses and structures consistent with those permitted in the Parks and Recreation and Institutional zones at the discretion of the Development Officer.

Table 8-1

Parks and Recreation Zone

The PR zone provides land to accommodate public recreational uses.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		Minimum Requirements					Max. Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Cemetery	P	40,000	200	30	15	15	30	n/a
Club, Private, Non-Profit & Recreational	C	40,000	200	30	15	15	30	40
Community Centre	C	80,000	200	50	25	25	30	n/a
Event Facility	C*							
Indoor Participant Recreation Service	C							
Outdoor Amusement Establishment	C							
Outdoor Participant Recreation Service	C							
Public Park	P	n/a	n/a	30	15	15	n/a	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wind Energy Generating System	C*	40,000	200	See Section 10.11				
Accessory Buildings & Structures	P	n/a	n/a	30	5	5	15	10

Table 8-2

Institutional Zone

The I zone provides land to accommodate governmental, educational, and institutional uses.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (sq.ft.)	Site Width (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Height (ft)	Site Coverage (%)
Cemetery	**P**	40,000	200	30	15	15	30	90
Child Care Services	**P**	10,000	100	30	15	15	30	40
Club, Private, Non-Profit & Recreational	**P**	40,000	200	30	15	15	30	40
Community Centre	**P**	80,000	200	30	15	15	30	40
Eating & Drinking Establishment (when secondary to a permitted use)	**C**	See site requirements for permitted principal use						
Education Service	**P**	80,000	200	50	15	15	30	40
Emergency Service	**P**	40,000	200	30	15	15	30	40
Extended Medical Treatment Service	**P**	80,000	200	50	15	15	30	40
Funeral Service	**P**	40,000	200	30	15	15	30	40
Government Service	**P**							
Health Service	**P**	10,000	100	30	15	15	30	40
Planned Unit Development	**C***	See Section 10.1						
Public Library & Cultural Service	**P**	10,000	100	30	15	15	30	40
Public Park	**P**	n/a	n/a	30	15	15	n/a	n/a
Public Utility	**P**	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Religious Assembly	**P**	40,000	200	30	15	15	30	40
Research Institution	**C**							
Residential Care Facility	**P**							
Spiritual and Cultural Retreats/Facilities	**P**	80,000	200	30	15	15	30	40
Accessory Buildings & Structures	**P**	n/a	n/a	30	5	5	15	10

Part 9: Agricultural Zones

9.1 Agricultural Zones

The following zones are hereby established:

a) "**AG**" **Agricultural General Zone** provides for a full range of agricultural activities on large holdings.
b) "**AL" Agricultural Limited Zone** provides restrictions on the size and intensity of livestock operations and provides for limited agricultural activities in proximity to settlement and residential areas.

9.2 General Provisions

The following provisions apply to lands zoned AG and AL:

a) All provisions pertaining to agricultural zones within this part;
b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Maps [Schedule A]; and
c) Part 10: Use Specific Standards as applicable.

9.3 Accessory Uses

In the AG and AL zones, accessory uses, buildings and structures include the following:

a) Barns, sheds, animal enclosures, silos, and greenhouses,
b) Farm-gate sales of agricultural products produced and/or raised on the premises,
c) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
d) A garage, shed or storage building incidental to a permitted or conditional use,
e) A shipping container ("sea-can") for storage purposes only,
f) Private communications facilities,
g) Signs as permitted and regulated in Part 11 of this by-law,
h) Other accessory uses and structures consistent with those permitted in the agricultural zones at the discretion of the Development Officer.

Table 9-1

AG Agricultural General Zone

The AG zone provides for a full range of agricultural activities on large holdings.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (acres)	Site Width (ft)	Front Setback [1] (ft)	Side Setback [1] (ft)	Rear Setback [1] (ft)	Height[2] (ft)	Site Coverage (%)
Aggregate Extraction Operation	**C***	80	1200	50	50	50	30	n/a
Agri-Business	**P**	10	600	75	25	25	30	40
Agricultural Operation (excluding livestock operations)	**P**	80	1200	75	25	25	30	n/a
Agricultural Operation, Communal	**C**	80	1200	75	25	25	30	n/a
Agricultural Processing Facility	**C**	10	600	75	25	25	30	40
Animal Keeping	**P***	4	200	75	25	25	30	40
Aircraft Landing Strip	**C**	80	1200	75	50	50	n/a	n/a
Anhydrous Ammonia Facility	**C***	10	600	75	25	25	30	40
Cannabis Standard Cultivation	**C***	10	600	75	25	25	30	40
Cemetery	**P**	2	200	30	10	10	30	n/a
Child Care Services (secondary and incidental to a principal use)	**P***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Unit	**C**	2	200	75	25	25	30	40
Equestrian Establishment	**P**	4	200	75	25	25	30	40
Farm-Based Commerce	**C**	80	1200	75	25	25	30	n/a
Farm Produce Outlet	**C**	80	1200	75	25	25	30	n/a
Farmstead Site (on a lot approved in accordance with the Brokenhead River Planning District Development Plan)	**C**	2	200	75	25	25	30	n/a
Group Home	**C**	2	200	75	25	25	30	40
Home-Based Business	**P***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home Industry	**C***	n/a	n/a	75	25	25	30	15
Kennel	**C**	2	200	75	25	25	30	n/a
Livestock Operation[4] (less than 199 animal units)	**P**	80	1200	75	25	25	30	n/a
Livestock Operation[4] (200 animal units or more)	**C**							
Natural Resource Development	**C**	80	1200	75	25	25	30	n/a
Public Utility	**P**	n/a	n/a	30	5	25	n/a	n/a
Secondary Suite, Attached	**C***	n/a	n/a	75	15	15	30	n/a
Secondary Suite, Detached	**C***	n/a	n/a	75	15	15	30	n/a
Short-Term Rental	**C***	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Specialized Agriculture	**P**	10	600	75	25	25	30	n/a
Temporary Additional Dwellings	**C***	2	200	75	25	25	30	n/a

Vacation Farm (secondary and incidental to a farm operation and located on the same zoning site)	**C**	n/a	n/a	75	50	50	15	n/a
Wind Energy Generating System	**C***	80	1200	See Section 10.11				
Accessory buildings and structures	**P**	n/a	n/a	75	15	15	30	15[3]

[1] The requirement for yards abutting a Provincial Trunk Highway (P.T.H.) or a Provincial Roads (P.R.) is subject to The Transportation Infrastructure Act. Approval may be required from the appropriate government department.

[2] The maximum height shall exclude grain storage structures, grain augurs and other facilities directly required for processing grain.

[3] Site coverage is cumulative for all accessory buildings and structures.

[4] See Section 9.4.

Table 9-2

AL Agricultural Limited Zone

The AL zone provides restrictions on the size and intensity of livestock operations and provides for limited agricultural activities in proximity to settlement and residential areas.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies Underline = Only as a Secondary Use		**Minimum Requirements**					**Max. Requirements**	
		Site Area (acres)	Site Width (ft)	Front Setback [1] (ft)	Side Setback [1] (ft)	Rear Setback [1] (ft)	Height[2] (ft)	Site Coverage (%)
Aggregate Extraction Operation	C*	80	1200	50	50	50	30	n/a
Agri-Business	P	10	600	75	25	25	30	40
Agricultural Operation (excluding livestock operations)	P	80	1200	75	25	25	30	n/a
Agricultural Operation, Communal	C	80	1200	75	25	25	30	n/a
Agricultural Processing Facility	C	10	600	75	25	25	30	40
Animal Keeping	P*	4	200	75	25	25	30	40
Aircraft Landing Strip	C	80	1200	75	50	50	n/a	n/a
Anhydrous Ammonia Facility	C*	10	600	75	25	25	30	40
Bulk Storage	C							
Cannabis Standard Cultivation	C*	10	600	75	25	25	30	n/a
Cemetery	P	2	200	30	10	10	30	n/a
Child Care Services (secondary and incidental to a principal use)	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Unit	C	2	200	75	25	25	30	40
Equestrian Establishment	P	4	200	75	25	25	30	40
Event Facility	C*	2	200	75	25	25	30	40
Farmstead Site (on a lot approved in accordance with the Brokenhead River Planning District Development Plan)	C	2	200	75	25	25	30	n/a
Group Home	C	2	200	75	25	25	30	40
Home-Based Business	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home Industry	C*	n/a	n/a	75	25	25	30	15
Kennel	C	2	200	75	25	25	30	n/a
Livestock Operation[4] (expansions only; less than 199 animal units)	P	80	1200	75	25	25	30	n/a
Livestock Operation[4] (expansions only; 200 animal units or greater)	C	80	1200	75	25	25	30	n/a
Natural Resource Development	C	80	1200	75	25	25	30	n/a
Public Utility	P	n/a	n/a	30	5	25	n/a	n/a
Secondary Suite, Attached	C*	n/a	n/a	75	15	15	30	n/a
Secondary Suite, Detached	C*	n/a	n/a	75	15	15	30	n/a
Short-Term Rental	C*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Specialized Agriculture	C	10	600	75	25	25	30	n/a
Spiritual and Cultural Retreats/Facilities	C	10	600	75	25	25	30	40
Temporary Additional Dwelling	C*	2	200	75	25	25	30	n/a

Vacation Farm (secondary and incidental to a farm operation and located on the same zoning site)	**C**	n/a	n/a	75	50	50	15	n/a
Wind Energy Generating System	**C***	80	1200	See Section 10.11				
Accessory buildings and structures	**P**	n/a	n/a	75	15	15	30	15[3]

[1] The requirement for yards abutting a Provincial Trunk Highway (P.T.H.) or a Provincial Roads (P.R.) is subject to The Transportation Infrastructure Act. Approval may be required from the appropriate government department.
[2] The maximum height shall exclude grain storage structures, grain augurs and other facilities directly required for processing grain.
[3] Site coverage is cumulative for all accessory buildings and structures.
[4] See Section 9.4.

9.4 Livestock Operations

a) All operations of a size of 300 animal units or greater will require a technical review from the Provincial Technical Review Committee. Development applications will be evaluated based on the recommendation forthcoming from these reviews.
b) The number of animal units for a livestock operation shall be determined in accordance with Table 9-5.
c) All new or expanding livestock operations shall require application for a development permit. The application shall include the following information:
    i. Description of the proposed new or expanding livestock operation including:
        a. Number and type of animals;
        b. Number and type of animal housing and other buildings or structures related to the livestock operation;
        c. Type and size of manure storage facility;
        d. Method of manure application;
        e. Means of limiting manure runoff; and
        f. Means of odour control;
    ii. A site plan showing the location and distance from property lines of the following:
        a. Animal housing and other buildings or structures related to the livestock operation;
        b. Manure storage facility; and
        c. Well;
    iii. Where a proposed new or expanding livestock operation is 300 AU or greater in size, additional information may be required at the request of the Technical Review Committee. This information shall be certified by a qualified agricultural engineer or other professional acceptable to the TRC.
d) All proposed livestock operations shall meet the siting criteria outlined in Tables 9-3 and 9-4
e) New dwellings proposed in proximity to livestock operations shall comply with the mutual separation distance requirements as established in the Provincial Planning Regulation and The Environment Act. Proposed dwellings which are closer to a livestock operation, or feature thereof, than the minimum required distance shall not be permitted.
f) Council may impose the following conditions upon the approval of a conditional use order for livestock operations:
    i. Measures to ensure conformity with the applicable provisions of the Development Plan and Zoning By-law;
    ii. Measures to implement recommendations of the Technical Review Committee;
    iii. One or both of the following measures intended to reduce odours from the operation:
        a. Requiring a cover on manure storage facilities and/or;
        b. Requiring shelterbelts to be established;
    iv. Require the applicant to enter into a development agreement regarding one or more of the following matters:
        a. The timing of construction;
        b. The control of traffic;

c. The construction and maintenance of roads, fencing, landscaping, drainage works, shelterbelts and/or;
d. The payment of a sum of money to the Board or Council to be used by the Board or Council to construct any of the items mentioned in clause (iii) above.

g) Where the proposed new or expansion of an existing livestock operation is within one (1) mile of a Wildlife Management Area (WMA) as designated under the Province's Protected Areas Initiative, the application shall be circulated to the provincial authority having jurisdiction for review and comment.

h) The siting of new livestock facilities shall not be permitted within one-quarter (1/4) mile (0.4 kilometres) of the Ordinary High Water Mark (OHWM) of the Brokenhead River, Devil's Creek, Bear Creek and the Ladywood Ponds, as shown on the Waterway Protection Buffer on the Livestock Operation Policy Map in the Brokenhead River Planning District Development Plan.

i) The expansion of existing livestock facilities shall not be permitted within 328 feet (100 m) of the Ordinary High Water Mark (OHWM) of the Brokenhead River, Devil's Creek, Bear Creek and the Ladywood Ponds.

j) For both new and expanding operations, a setback of 328 feet (100 m) from other major water bodies/rivers and from all surface watercourses including roadside ditches and drains shall be required.

k) Where the proposed new or expansion of an existing livestock operation is less than 200 AU in size, the Development Officer may approve the application where satisfied the proposed livestock operation is in compliance with:
   i. The applicable provincial and federal regulations and guidelines according to statements from the responsible provincial agencies; and
   ii. The mutual separation distance requirements as established in the Provincial Planning Regulation and *The Environment Act.*

l) Where the proposed new or expansion of an existing livestock operation is between 200 AU and 300 AU, an application for a conditional use order must be made, in accordance with Section 1.16 of this by-law.

m) Where the proposed new or expansion of an existing livestock operation is greater than 300 AU, an application for a conditional use order must be made, in accordance with Section 1.16 of this by-law. A copy of the application and all supporting material shall be sent to the Minister as soon as reasonable practical in accordance with The Planning Act; and shall be referred to the Provincial Technical Review Committee (TRC) for review and consideration. Upon receipt of the TRC report, the Board shall proceed in accordance with The Planning Act. The Board or Council may only approve applications for conditional uses where:
   i. The Technical Review Committee has determined, based on the available information, that the proposed new or expanding livestock operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards; and
   ii. The Board or Council is satisfied that the proposed new or expanding livestock operation will be compatible with the general nature of the surrounding area, will not be detrimental to the health or general welfare of people living or working in

the surrounding area, or negatively affect other properties or potential development in the surrounding area; and is generally consistent with the applicable provisions of the development plan by-law, zoning by-law and any secondary plan.

9.4.1 Separation Distances for New Operations

No new operations are permitted within the AL – Agricultural Limited zone.

The following separation distances shall apply to all new livestock operations within the AG – Agricultural General zone:

Table 9-3
Separation Distances for New Operations

Size of Livestock Operation in Animal Units	Separation Distance in Feet (Metres) from a Residence		Separation Distance in Feet (Metres) from a Designated Area	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility
10 – 100	721.6 (220)	360.8 (110)	2,887.5 (880)	1,912.9 (583)
101 – 200	1,082.4 (330)	541.2 (165)	4,330.7 (1,320)	2,887.5 (880)
201 – 300	1,443.2 (440)	721.6 (220)	5,773.9 (1,760)	3,862.1 (1,177)
301 – 400	1,623.6 (495)	811.8 (247.5)	6,496.6 (1,980)	4330.7 (1,320)
401 – 800	1,804.0 (550)	902.0 (275)	7,217.1 (2,200)	4,800.4 (1,463)
801 – 1,600	2,164.8 (660)	1,082.4 (330)	8,661.4 (2,640)	5,795.9 (1,760)
1,601 – 3,200	2,526.7 (770)	1,262.8 (385)	10,104.6 (3,080)	6,748.5 (2,057)
3,201 – 6,400	2,887.5 (880)	1,443.2 (440)	11,548.9 (3,520)	7,686.8 (2,343)
6,401 – 12,800	3,248.3 (990)	1,623.6 (495)	12,992.1 (3,960)	8,661.4 (2,640)
> 12,800	3,609.1 (1,100)	1,804.0 (550)	14,435.3 (4,400)	9,636.0 (2,937)

9.4.2 Separation Distances for Expanding Operations

The following separation distances shall apply to all expanding livestock operations within the AG – Agricultural General Zone and AL –Agricultural Limited Zone:

Table 9-4
Separation Distances for Expanding Operations

Size of Livestock Operation in Animal Units	Separation Distance in Feet (Metres) from a Residence		Separation Distance in Feet (Metres) from a Designated Area	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility
10 – 100	656 (200)	328 (100)	2,625 (800)	1,739 (530)
101 – 200	984 (300)	492 (150)	3,937 (1,200)	2,625 (800)
201 – 300	1,312 (400)	656 (200)	5,249 (1,600)	3,511 (1,070)
301 – 400	1,476 (450)	738 (225)	5,906 (1,800)	3,937 (1,200)
401 – 800	1,640 (500)	820 (250)	6,561 (2,000)	4,364 (1,330)

801 – 1,600	1,968 (600)	984 (300)	7,874 (2,400)	5,269 (1,600)
1,601 – 3,200	2,297 (700)	1,148 (350)	9,186 (2,800)	6,135 (1,870)
3,201 – 6,400	2,625 (800)	1,312 (400)	10,499 (3,200)	6,988 (2,130)
6,401 – 12,800	2,953 (900)	1,476 (450)	11,811 (3,600)	7,874 (2,400)
> 12,800	3,281 (1,000)	1,640 (500)	13,123 (4,000)	8,760 (2,670)

Table 9-5

Calculation of Animal Units by Category of Livestock

		AU Produced By One Livestock	Livestock Producing One AU
Dairy	Milking cows (including associated livestock)	2	0.5
Beef	Beef cows (including associated livestock)	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder Cattle	0.769	1.3
Hogs	Sows, farrow to finish	1.25	0.8
	Sows, farrow to weanling	0.25	4
	Sows, farrow to nursery	0.313	3.2
	Weanlings	0.033	30
	Growers/finishers	0.143	7
	Boars (artificial insemination operations)	0.2	5
Chickens	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses	Mares (including associated livestock)	1.333	0.75
Sheep	Ewes (including associated livestock)	0.2	5
	Feeder lambs	0.063	16

Part 10: Use-Specific Standards

10.1 Planned Unit Developments

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Planned Unit Development			C*	C*	C*		C*	C*			C*		

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

A Planned Unit Development is a land development project that, because of its size and/or complexity, density, mixture of land uses or other characteristics, is built as an entity in accordance with a comprehensive site plan that is presented by a developer to a board or council.

A Planned Unit Development:

a) May only be established on a zoning site or proposed development area larger than 4 acres in size.
b) The uses and standards of a Planned Unit Development shall be generally consistent with the desired character for the area as set out in the Brokenhead River Planning District Development Plan and the uses and standards in the zones adjacent to the site. The design shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards or amenity, accessory off-street parking areas, and other requirements and standards established in this by-law.
c) An application for a Planned Unit Development shall be considered as a conditional use application, subject to the conditional use provisions of this by-law and the *Act.*
d) Council, in reviewing such applications, may require additional information from the applicant as may be necessary for review of the proposal including, but not limited to:
    i. Those requirements normally required for the issuance of a development permit under Part 1: Administration of this by-law;
    ii. The location and use of each existing and proposed building or structure and the use or uses to be contained therein;
    iii. The location of all exterior refuse storage facilities and the screening thereof;
    iv. The location of all exterior storage facilities and the screening thereof;
    v. The location of all driveways, accessory parking areas, accessory loading areas and the illumination for same;
    vi. The location of all pedestrian walks and open space areas;

vii. The location, type and height of all proposed walls, fences and landscaping;
viii. The types of surfacing, such as paving, turf, or gravel, to be used at various locations;
ix. Floor plans and elevations of all proposed buildings and structures;
x. The total number of dwelling units and the gross floor area; and
xi. Any other studies deemed necessary by Council.

10.2 Home Industries

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Home Industry				C*								C*	C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

A Home Industry may be allowed in zones where it is a Permitted Secondary Use or a Conditional Secondary Use only if the following standards are met:

a) The proponent of the Home Industry must obtain a development permit before establishing or expanding a Home Industry on a site.
b) The Home Industry will not create unsightly appearances or disturbances that may be deemed by Council as unsuitable.
c) The Home Industry will not create a potential for conflict with activities that would normally occur in the affected zone.
d) In the RR zone, exterior storage of products or materials must be limited to the rear yard. The storage shall be screened and shall not project above the height of a fence or screening.
e) In the RR zone, the area used to carry out the Home Industry shall not occupy more than 1,000 square feet (92.9 sq.m.).
f) Signage for the Home Industry shall be located on the subject property and limited to one non-illuminated (or indirectly illuminated) sign not to exceed:
    i. 32 square feet (3 sq.m.) in the AG and AL zones; or
    ii. 16 square feet (1.5 sq.m.) in the RR zone.
g) A Home Industry shall be conducted by a resident or residents of the dwelling unit to which the Home Occupation is secondary, and may employ a maximum of:
    i. 5 non-resident persons in the AG and AL zones; or
    ii. 2 non-resident persons in the RR zone.

    On-site parking spaces for each employee must be provided.
h) In the case of rental premises, the proponent will be required to obtain the permission of the owner of the premises before a development permit will be issued.

10.3 Home-Based Businesses

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Home-Based Business	P*	P*	P*	P*	P*	P*						P*	P*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

Home-Based Businesses are governed by the conditions imposed by Council and the following:

a) They shall be conducted by a person or persons residing in the dwelling;
b) In the R1, R2 and R3 zones there can be no processing or outside storage of goods or materials;
c) Not have more than forty (40) percent of the total floor area of buildings on the site devoted to the business;
d) One business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding 10 square feet (0.93 sq.m.);
e) The Home-Based Business shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance, and if located in the vicinity of a provincial highway should not impair the safe and efficient operation of the highway; and
f) A permit to establish a Home-Based Business is required. Application must be made to the Development Officer and include information detailing the proposed business and an indication of where any materials, equipment or vehicles associated with the office are to be stored.

10.4 Bed and Breakfast Facilities

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Bed and Breakfast	C*	C*	C*	P*	P*								

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

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

a) There will be no exterior display or advertisement larger than 4.0 sq.ft. (0.37 sq.m.) in area, no sign shall be illuminated and any sign must be compatible with the character of the area;
b) The Bed and Breakfast home shall not generate vehicular traffic or parking in excess of what is normally characteristic of the area;
c) The Bed and Breakfast home shall be operated by a live-in owner as a secondary use only, have a maximum of eight accommodation units, and shall not change the principal residential character or external appearance of the dwelling;
d) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in the guest rooms;
e) Catering to social functions is not permitted on site;
f) In addition to the parking for the primary use, one additional on-site parking space shall be provided for each accommodation unit; and
g) Approved smoke detectors shall be required:
    i. In every sleeping room in the Bed and Breakfast home; and
    ii. In the common corridor of every storey or floor level, even if no sleeping accommodation is provided on that storey or floor level. The smoke detectors are to be electronically hard-wired to each other in cases where major renovations are to take place.

10.5 Secondary Suites (Attached and Detached)

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Secondary Suite, Attached	C*	C*	C*	C*	C*							C*	C*
Secondary Suite, Detached	C*	C*	C*	C	C*							C*	C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

Secondary suites are only permitted if they comply with the following regulations:

a) Not more than one (1) secondary suite shall be permitted on a single zoning site;
b) The principal dwelling must be an existing permanent structure;
c) The principal dwelling must be occupied by the owner of the property;
d) A minimum of one (1) off-street parking space must be provided for each secondary suite, in addition to the parking required for the principal building;
e) The maximum floor area of the secondary suite shall not exceed 860 square feet (80 sq.m.) or 40% of the total habitable floor space of the principal building (whichever is the lesser);
f) A building permit will be obtained for the development of a Secondary Suite, and the development must conform to the *Manitoba Building Code.*

10.6 Temporary Additional Dwellings

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Temporary Additional Dwellings												C*	C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

Temporary additional dwellings will be considered as a conditional use within agricultural zones. The conditions and standards for temporary additional dwellings are as follows:

a) Only owner-occupiers of the principal dwelling are permitted to place a temporary additional dwelling;
b) The additional dwelling shall be temporary in nature. It shall be placed on a concrete pad and post foundation only, and is to be removed upon the cessation of occupancy for which it is intended;
c) The front, side and rear setback requirements applicable to the principal dwelling shall be complied with in the placement of the additional dwelling unit;
d) The unit shall meet all applicable codes for single-unit detached dwellings or mobile homes;
e) Hydro and sewer services shall, where feasible, be connected to existing facilities upon approval by local and provincial authorities;
f) Sewage disposal for the additional unit shall be provided by means of a sewage holding tank, and in accordance with applicable provincial regulations; and

g) Council may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.

10.7 Portable Garages

The installation of a portable garage shall be allowed as an accessory use with a permit as per the R.M. of Brokenhead Building By-law only if the following standards are met:

a) A portable garage is not allowed within the required front setback of a site;
b) A portable garage must meet the requirements for accessory building side and rear setbacks;
c) A portable garage must not exceed the height and area restrictions for accessory buildings in the zone in which it is located;
d) A portable garage must be placed on a driveway or parking space;
e) A portable garage must be kept in good condition. Any rip in the fabric must be repaired; and
f) A maximum of one (1) portable garage is allowed on a site.

10.8 Shipping Containers (Sea-cans)

Notwithstanding the other regulations of this by-law, the following provisions shall apply to shipping containers:

a) Shall only be used for accessory storage;
b) Shall be a maximum size of 9 ft by 40 ft;
c) Shall only be located in a side or rear yard provided that it is:
    i. Screened from view from any public street and abutting properties;
    ii. Painted with a complementary colour to the principal building within 21 days of placement, unless placed in the winter months in which case the sea-can will be painted within 30 days of suitable weather returning;
    iii. Complies with the site coverage and setback requirements of the zone;
    iv. Not located in any required setback; and
    v. Not located in any required parking areas or landscape buffer;
d) Shall be include in all calculations to determine maximum site coverage;
e) The maximum number of shipping containers on “RR” Rural Residential property shall be limited to 1;
f) Notwithstanding the above, when actively used for the transportation of goods and materials, within the “M” zones no maximum number of shipping containers shall apply; and
g) Notwithstanding the above, a shipping container may be permitted for temporary use on construction sites in any zone, provided it meets the requirements for temporary buildings and structures in this by-law.

10.9 Swimming Pools and Hot Tubs

Swimming pools, hot tubs and similar structures with a water depth of greater than 2 feet (0.61 m), shall be allowed as a permitted accessory use to a residential use, recreational or commercial development provided that:

a) They meet the siting requirements of accessory structures for the zone in which they are located;
b) The pool area is protected by a fence with lockable gates and a minimum height of 6 feet (1.83 m) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from climbing over or crawling underneath;
c) Hot tubs shall have a lockable cover; and
d) A Development Permit is issued under this by-law.

Nothing in this subsection shall relieve any such structure from complying with the requirements under the Building By-law or applicable provincial regulations including *The Manitoba Building Code* and *The Public Health Act.*

10.10 Animal Keeping

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Animal Keeping				C*								P*	P*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

Animal units shall be calculated according to Table 9-5. The Department of Agriculture shall provide animal unit calculations for any livestock not included within Table 9-5.

Livestock may be kept on lots in the rural residential zone and agricultural zones having less than 10 acres in size based on the following criteria:

Number of Permitted Animal Units:

< 4 ac	0 A.U.
4 ac – 6 ac	2 A.U.
>6 ac – 8 ac	3 A.U.
>8 ac – 10 ac	4 A.U.

Private Equestrian Establishments shall require, including residence, a site area of:

- A minimum of 4 acres for a maximum of 2 horses; and
- An additional 2 acres for each additional horse.

10.11 Wind Energy Generating Systems

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Wind Energy Generating System Tower (Commercial)										C*		C*	C*
Wind Energy Generating System (On-Site / Rooftop)								C*		C*		C*	C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

10.11.1 Standards for Wind Energy Generating System Tower (Commercial)

A commercial Wind Energy Generating System tower must meet the following standards:

a) it is set back no less than 1.5 times the total turbine height from the property line and any public road or railway right of way;
b) it is set back no less than 100 feet (30 m) from a water body or waterway;
c) the minimum separation distance between a commercial wind energy generating system tower and the nearest habitable building shall be 1640 feet (500 m);
d) it contains no commercial advertising other than the manufacturer's or owner's name or logo;
e) it contains no artificial lighting other than the lighting that is required by federal and provincial regulation; and
f) as part of their development permit application, proponents for Wind Generation Systems must submit a detailed site plan showing the location of all wind generating devices, associated accessory buildings or structures, electrical lines (above or below ground), and on-site roads and driveways providing access to the public road system.

10.11.2 Standards for Wind Energy Generating Systems (On-Site / Rooftop)

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

a) it is set back at least 20 feet (6.0 m) from the front building line, or, in the case of corner lots, at least 15 feet (4.5 m) from the front and side lot line;
b) it is limited to a total turbine height of no more than 15 feet (4.5 m) above the rooftop; and
c) it is safely and securely attached to the rooftop in compliance with the National and Provincial Building Codes.

10.12 Industrial Performance Standards

The following minimum standards apply to industrial uses in any zone:

a) Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to be perceptible at or beyond any site line. Exposed sources of light shall be shielded so as not to create a nuisance across any site line.
b) The storage, use or manufacture of flammable materials, solid or otherwise, shall be in accordance with the regulations of the National Fire Code.
c) The emission of smoke, odorous matter, gases, dust and other particulate matter shall be in accordance with provincial regulations.
d) The storage and handling of radioactive material shall be in accordance with the regulations contained in the Government of Canada Atomic Energy Control Regulations.
e) Notwithstanding anything herein contained, no use that may be noxious or offensive due to the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise shall be permitted in any zone unless the use is permitted in the subject zone or measures satisfactory to Council are undertaken to mitigate or eliminate such effects.
f) All portions of a lot except those used for buildings, parking, loading or outside storage where permitted shall be landscaped and maintained in good condition.
g) All side and rear lot lines of properties containing industrial structures or uses which abut residential or open space zones must be screened by a fence, hedge, or evergreen trees

which will extend a minimum of six (6) feet (1.83 m) in height. Where chain-link fencing is used, it shall be bordered by trees or evergreen hedges that, when planted, are expected to reach a height not less than the height of the fence.

10.13 Aggregate Extraction Operations

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Aggregate Extraction Operations									C*			C*	C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

A Conditional Use Order and Development Permit shall be required for any development or expansion of a commercial mining or extraction operation. In addition to the application requirements set out in sections 1.11 and 1.16, the applicant must also provide the Rural Municipality of Brokenhead with the following:

a) In the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations;
b) A plan showing areas and means of goods and waste transportation;
c) A site plan showing the operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection; and
d) A plan for the rehabilitation and intended use(s) of the site upon completion of the operation phase, subject to provincial regulations.

10.14 Topsoil Removal

A Development Permit shall be required in all agricultural zones for the stockpiling and removal of topsoil from any site and/or the expansion of any such operation, and shall be subject to the Rural Municipality of Brokenhead Topsoil Licensing By-law.

Council shall consult with the appropriate provincial departments prior to issuance of the above permit.

10.15 Anhydrous Ammonia Facilities

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Anhydrous Ammonia Facilities									C*			C*	C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

Anhydrous Ammonia Facilities shall be located at least:

a) 5,000 feet (1,524.0 m) from the lot line of any evacuation-sensitive facilities such as schools, hospitals, senior citizens' home, and other institutional facilities;
b) 5,000 feet (1,524.0 m) from any village or settlement centre;

c) 1,640 feet (500.0 m) away from any dwelling;
d) 160 feet (50 m) away from any creek, stream or environmentally sensitive area; and
e) 328 feet (100.0 m) from the edge of the right-of-way of a Provincial Road or Highway.

10.16 Dangerous Goods or Agrichemical Storage Facility

Dangerous Goods or Agrichemical Storage Facilities shall be located at a minimum distance of 328 feet (100.0 m) from the site lines of the following zones: R1, R2, R3, RR, RS, RMHP, I, and CC, unless there is written consent from neighbouring property owners.

10.17 Travel Trailers

The following standards shall apply to travel trailers:

a) Travel Trailers may not be established as a permanent principal use in any zone.
b) Travel Trailers may be approved as a temporary principal use by the Designated Officer in the RR, RS, AG and AL zones, subject to the following provisions:
   i. A validation period of up to two (2) years may be approved for the temporary use of a Travel Trailer as a dwelling while a permanent building is being constructed on a privately owned lot. The temporary living accommodation requires approval by Development Permit.
   ii. The temporary use of a Travel Trailer on titled lots may be further restricted to a shorter validation period which may be documented in a developer`s caveat registered against the title.
   iii. The Travel Trailer must comply with any applicable setback requirements.
c) The parking of a Recreational Vehicle on a private lot as an accessory use to an existing residential use will be allowed without a Development Permit or fee, provided the vehicle is to be used for vacation accommodation. Only one accessory Recreational Vehicle is permitted per site.
d) Storage of a Recreational Vehicle on a private lot is permitted and does not require a Development Permit or fee.

10.18Travel Trailer Parks and Camping and Tenting Grounds:

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Travel Trailer Parks/Camping & Tenting Grounds					C*	C*							

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

The general requirements for Travel Trailer Parks and Camping and Tenting Grounds are:

a) No person shall construct, operate or maintain a travel trailer park or camping and tenting ground without first having obtained approval from the R.M. of Brokenhead and having registered the park or grounds with the Municipality in the prescribed form. The applicant shall provide the Municipality with satisfactory plans and specifications in accordance with provisions in the R.M. of Brokenhead Trailer By-law.

b) Camping and tenting grounds may be combined with a Travel Trailer Park as defined herein.

c) Every travel trailer and camp site shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign.

Table 10-1

Travel Trailer Park and Camping and Tenting Grounds - Requirements

Criteria		Minimum Requirements
Travel Trailer or Camping Site		Area: 2,400 sq.ft. Width: 40 feet Depth: 60 feet
Mobile home dwelling unit area		600 sq.ft. min.
Additions to mobile homes		250 sq.ft. max.
Separation distance between Travel Trailer and Camping Units		15 ft side to side 15 ft end to end 10 ft to accessory bldgs
Setback of mobile homes from roads		15 ft from internal road 75 ft from external road[1]
Internal Roads	2-way:	40 ft right-of-way 24 ft road surface
	1-way:	20 ft right-of-way 12 ft road surface

[1]*where the front and/or side yard abuts and/or is opposite a RR, R1, R2 or R3 Zone, the front setback from the road may be reduced to 30 feet and the side setback from the road may be reduced to 15 feet at the discretion of Council*

d) Travel Trailer Parks and Camping and Tenting grounds shall comply with the dimensional requirements established in Table 10-1.
e) Every travel trailer park and camping and tenting ground shall have provision for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all travel trailers or camp sites but not more than 5,000 feet (1,524.0 m) from any travel trailer or camp sites, or by other means acceptable to Council.
f) All service buildings within the travel trailer park or camping and tenting grounds shall be properly illuminated. Council may require that roadways be properly illuminated by lighting units where desirable.
g) A separate open area for such purposes as a children's playground or sports field shall be provided on the basis of 200 square feet (18.6 sq.m.) per travel trailer or camp site space or a minimum of 5,000 square feet (464.5 sq.m.), whichever is greater.
h) Cabanas are not to exceed the length of the travel trailer, excluding hitch assembly, or exceed 12 feet (3.66 m) in width. Cabanas are to be self-supporting and not structurally attached to the travel trailer. Except for the roof and a 60 square foot (5.6 sq.m.) maximum change room or bathroom, cabanas may not be enclosed or sheeted in, but may be screened in only. The cabana roof may be extended over the travel trailer to a maximum width of 24 feet (7.32 m), but is to be self-supporting and not structurally attached to the travel trailer by any means.
i) Service buildings or structures intended for the common use of campground or travel trailer park tenants, or for the administration of these facilities, such as washroom/shower buildings, offices or stores, shall be permitted. A dwelling unit or mobile home shall be permitted when accessory and incidental to the operation of the travel trailer park or campground. The dwelling unit including projections shall not be located nearer than a distance of 15 feet (4.57 m) from the limits of any travel trailer or camp sites.
j) Every travel trailer park or camping and tenting ground shall have provision for onsite liquid waste storage facilities in the form of a holding tank for the use of tenants.
k) A mobile home shall not be permitted to locate on a travel trailer or camping unit space or within a travel trailer park or camping and tenting ground except as provided for herein.

10.18.1 Existing Travel Trailer Parks

The following apply to Travel Trailer Parks and Camping and Tenting Grounds lawfully existing at the effective date of this by-law:

a) Subject to the requirements of the R.M. of Brokenhead Travel Trailer By-law, a Travel Trailer Park or Camping and Tenting Ground lawfully existing at the effective date of this by-law may be redesigned or altered, without the necessity of a variance order, even though the full requirements of the by-law have not been complied with, provided that the non-

conformity is being decreased and that the total number of travel trailer or camp sites is being decreased.

b) A mobile home space, located within a travel trailer park or campground and occupied by a mobile home, lawfully existing at the effective date of this by-law, subject to the R.M. of Brokenhead Trailer By-law, may be re-occupied by another mobile home, provided the clearance and setback requirements are met.

c) Provincial public health and safety regulations and provincial building and fire codes may supersede the provisions of paragraph (a) and (b) above.

10.19 Cannabis Uses

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Cannabis Distributor							C*						
Cannabis Retail Store							C*						
Cannabis Standard Cultivation												C*	C*
Cannabis Standard Processing									C*				
Micro-cultivation									C*				
Micro-processing									C*				

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

The following standards apply to cannabis uses:

a) All residential premises within the Rural Municipality of Brokenhead are prohibited from growing a cannabis plant, except in the case of premises in respect of which a registration has been issued by Health Canada under Part 2 of the Access to Cannabis for Medical Purposes Regulation under the *Controlled Drugs and Substances Act* (Canada).

b) Where a premises has been authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulation under the *Controlled Drugs and Substances Act* (Canada), for the growing of a cannabis plant(s), the Owner or Occupier of the premises must register the premises with the Rural Municipality of Brokenhead as a residential cannabis production site.

c) All cannabis cultivation, processing and business (retail shops) shall be a Conditional Use under the Zoning By-law.

d) Any approved Conditional Use applications for cannabis cultivation, processing and business (retail) must enter into a development agreement within the Rural Municipality of Brokenhead.

10.20 Mixed Residential-Commercial Development

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Mixed Residential-Commercial Development			C*				P*						

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

The following standards apply to Mixed Residential-Commercial Developments:

a) The allowable non-residential uses within the development shall be limited to the permitted uses of the Zone in which the Mixed Commercial-Residential Development is located.

10.21 Short-Term Rentals

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Short-Term Rental				C*	C*							C*	C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

The following standards apply to Short-Term Rentals:

a) A maximum of one Short-Term Rental is permitted per site.
b) Short-Term Rentals shall only be permitted as a secondary use to a principal Single-Unit Dwelling.
c) No cooking facilities shall be allowed in bedrooms used for the Short-Term Rental.
d) The Short-Term Rental shall not change the principal residential character or external appearance of the principal Single-Unit Dwelling.
e) Short-Term Rentals shall require a Development Permit.

10.22 Off-Road Vehicle Tracks

The following standards apply to off-road vehicle tracks:

a) Off-road vehicle tracks for commercial use are not permitted.
b) A maximum of 4 off-road vehicles are permitted on the site at any given time.
c) Off road vehicle tracks shall be located a minimum of 152 m (500 ft) from any dwelling unit.
d) A minimum landscaped buffer of 9.14 m (30 ft) shall be required between an off road track and any abutting dwelling unit.
e) During all hours of operation, a responsible supervisor holding a valid first aid credential shall be on duty.
f) Dust control measures and all site ingress and egress to the site are subject to approval from the Designated officer.
g) The fueling, storage or repair of vehicles on site is prohibited.

10.23 Event Facilities

Use	R1	R2	R3	RR	RS	RMHP	CC	CH	M	PR	I	AG	AL
Event Facility					C*			C*		C*			C*

C = Conditional | * = Use-Specific Standard Applies | Underline = Only as a Secondary Use

The following standards apply to event facilities:

a) In the AL Zone, Event Facilities shall:
   i. Only be established as Secondary Uses
   ii. Only be established along roads with appropriate size and condition to handle the increased traffic
   iii. Have a maximum capacity of 150 guests
   iv. Not convert productive agricultural lands for any purpose, such as parking, buildings, or outdoor gathering
   v. Limit and mitigate impacts to productive agricultural lands
   vi. Not disrupt normal agricultural practices in the area, such as spraying, harvesting, and animal keeping
   vii. Be a minimum of 200 ft from side property lines

b) Applications for an Event Facility shall include:
   i. A site plan showing general vehicle access, emergency vehicle access, parking (location, sizes, and quantity), pathways, buildings and structures, exterior lighting, landscaping, and signage
   ii. Description and/or illustration of any sound or visual barriers/buffers
   iii. Description and/or illustration of any signage
   iv. Description of site maintenance and security
   v. Anticipated dates and hours of operation
   vi. Other matters deemed necessary

c) If approved, the landowner or applicant shall enter into a Development Agreement with the Municipality to cover matters outlined in this section.

Part 11: Signage Regulations

11.1 Definitions

Address Sign means a sign, generally applied to a building wall that displays a building's address.

Advertising Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere upon the same zoning site where the sign is maintained, including a billboard sign.

Apex means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

Awning Sign means lettering applied directly on the valance or other vertical portion of an awning.

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

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

Clearance means the height above the walkway, or other surface if specified, of the bottom edge of an element.

Construction Sign means a sign which identifies a construction project and information relative thereto.

Fascia or Wall 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 said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

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

Freestanding Sign means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

Identification Sign or **Nameplate** means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

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

Marquee Sign means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

Outdoor Display Case means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

Portable or Mobile Sign means a sign with or without a structural frame and intended for a limited period of display, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

Projecting Sign means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

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

Sidewalk Sign or **Sandwich Board** means a moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

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 colour forming an integral part of the display or used to differentiate such sign from the background against 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 2 feet (0.61 m) from one another, the sign surface area of the sign shall be taken as the surface areas 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.

Temporary Sign means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this by-law, temporary signs shall not include portable signs.

Valance means the portion of an awning that hangs perpendicular to the sidewalk.

Window Sign means a sign placed or painted on the interior of a shop front window or the window of a business door.

Yard Sign means a permanent freestanding sign in a Front Yard, including a supporting post or posts.

11.2 General Sign Regulations

The following provisions shall apply to all signs erected or maintained within the Rural Municipality of Brokenhead, except wherein otherwise stated:

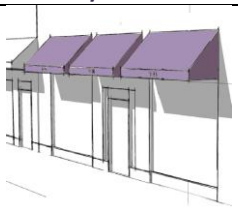
a) Signs and sign structures may be allowed as accessory uses in accordance with the Sign Requirements Table [Table 11-1], subject to the issuance of a Development Permit as required;
b) All signs, with the exception of civic addressing and yard/identification signs, shall comply with the minimum setback requirements for accessory structures in the zone in which they are to be located or erected;
c) Billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may only be allowed with Council approval. These signs must also be constructed in accordance with the Sign Requirements Table [Table 11-1] and subject to the issuance of a Development Permit;
d) No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
e) No sign may contain flashing lights or digital images unless specifically allowed in the Sign Requirements Table [Table 11-1]. All signs with flashing lights or digital images are prohibited within 100 feet (30 m) of residential zones;
f) No sign or structure shall be erected or maintained on, over or above any land or right-of-way belonging to the R.M. of Brokenhead without a Development Permit. This excludes civic addressing signs;
g) The placing of signs within the controlled area of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority; and
h) All signs and structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within 30 days following notice by the Development Officer.

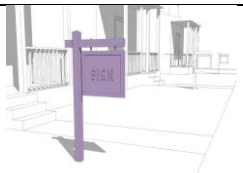
The following signs shall not require a Development Permit. However, they must still comply with any applicable standards in this by-law:

a) Signs posted by duly constituted public authorities in the performance of their public duties;
b) Flags or emblems of a political, civic, educational or religious organization;
c) Commemorative or memorial signs or tablets;
d) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
e) Awning signs with signage originally incorporated in the design or awning material;
f) Residential on-site identification signs or warning signs (such as “Private Property” signs and similar) not exceeding 3 sq.ft. (0.28 sq.m.) in surface area; and
g) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding 5 sq.ft. (0.46 sq.m.) in sign surface area.

Table 11-1

Sign Regulations

Sign Type	Specifications		Allowed in Zones	Permit Required
Address/Name	Quantity Area Width Height Depth Clearance	1 per address max 4.0 sq.ft. n/a n/a max 3.0 in n/a	All zones	No
 **Awning**	Quantity Area Width Depth Clearance Valance Height Dist. from Curb	1 per window n/a max equal to facade min 4.0 ft min 8.0 ft max 12.0 in min 2.0 ft	CC, CH M PR, I R2, R3, RS	Yes
Fascia/Wall	Quantity Area Width Depth Clearance	1 per business 1.5 sq.ft. per lin.ft. facade max 90% width of facade max 7.0 in min 7.0 ft	CC, CH M PR, I R2, R3, RS	No
Freestanding/Ground	Quantity Area Height Width Depth Clearance	1 per site single occupancy = max 100 sq.ft. multiple occupancy = max 300 sq.ft. ground = max 8.0 ft freestanding = max. 25.0 ft max 4.0 ft max 12.0 in ground = n/a freestanding = min 6.0 ft	CC, CH M PR, I AG, AL	Yes
Marquee	Quantity Area Width Depth Clearance Dist. from Curb	1 per business n/a entrance plus 2 ft per side min 4.0 ft; max 10 ft min 8.0 ft min 3.0 ft	CC, CH M PR, I	Yes
Outdoor Display Case	Quantity Area Width Height Depth Clearance	1 per business max 6.0 sq.ft. max 3.5 ft max 3.5 ft max 5.0 in min 4.0 ft	CC, CH M PR, I	No
Portable/Mobile	Quantity Area Width Height Depth Clearance	1 per site max 48.0 sq.ft. n/a max 10.0 ft n/a n/a	CC, CH M PR, I AG, AL	Yes

Sign Type	Specifications		Allowed in Zones	Permit Required
Projecting	Quantity Area Width Depth Clearance	1 per business max 4.0 sq.ft. max 4.0 ft max 4.0 ft min 8.0 ft	CC, CH M PR, I	Yes
Sidewalk/Sandwich	Quantity Area Width Height Depth Clearance	1 per business max 8.0 sq.ft. max 26 in max 42 in n/a n/a	CC, CH M PR, I	No
Window	Quantity Area Width Height Depth Clearance	1 per window max 25% of glass n/a n/a n/a min 3.0 ft	R1, R2, R3, RMHP CC, CH M PR, I	No
 **Yard/Identification**	Quantity Area Width Height Depth Clearance Apex	1 per site identification = max 6 sq.ft. max 3.0 ft max 2.0 ft (not incl. post) n/a min 3.0 ft to sign edge max 6.0 ft to top of post	All zones	No