

**RURAL MUNICIPALITY OF BROKENHEAD**

**BY-LAW NO. 1688**

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

WHEREAS Section 40(1) of The Planning Act, Chapter 29, S.M. 1975, provides that a Zoning By-law may be enacted by the Council of a Municipality;

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

BY-LAW 1688  
AS ADOPTED

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## **PART 1 - DEFINITIONS**

### **1.1 RULES OF CONSTRUCTION**

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

- (a) Words, phrases and terms defined herein shall be given the defined meaning.
- (b) Words, phrases and terms not defined herein but defined in the Act and the Building, Electrical or Plumbing By-laws of the Rural Municipality of Brokenhead shall be construed as defined in such Act and By-laws.
- (c) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of Brokenhead shall be given their usual and customary meaning except where, in the opinion of the Council, the context clearly indicates a different meaning.
- (d) The phrase "used for" includes "arranged for", "designed for", or "occupied for".
- (e) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
  - (i) "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
  - (ii) "or" indicates that the connected items, conditions provisions or events shall apply singly or in any combination.
  - (iii) "either-or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- (f) The words "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.

### **1.2 DEFINITIONS**

1.2.1 **ACCESSORY** when it is used in this By-law, shall have the meaning as accessory use.

1.2.2 **ACCESSORY BUILDING** means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:

- (a) **ACCESSORY BUILDING, ATTACHED** means an accessory building which is attached to the principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building.
- (b) **ACCESSORY BUILDING, DETACHED** means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Bulk Tables shall be used.

(c) ACCESSORY BUILDING, SEMI-DETACHED means an accessory building, which is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in paragraph (a) above.

1.2.3 ACCESSORY USE OR STRUCTURE means a use or structure on the same site with, and of a nature customarily secondary, incidental and subordinate to, the principal use or structure.

1.2.4 ACT, THE means The Planning Act, S.M. 1975, Chapter 29, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

1.2.5 *AGRICULTURAL OPERATION means an agriculture, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward, and includes:*

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

*(By-law 1949A)*

1.2.6 AGRICULTURAL IMPLEMENT SALES AND SERVICE means a building and open area, used for display, sale or rental of new or used farm implements and where minor incidental repair work is done.

1.2.7 AIRCRAFT LANDING STRIPS 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.

1.2.8 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.

1.2.9 ALTERATIONS, INCIDENTAL means:

- (a) Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
  - (i) an addition on the exterior of a residential building, such as an open porch;
  - (ii) alteration of interior partitions in all types of buildings; or

- (iii) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.
- (b) Changes or replacements in the structural parts of a building, including but not limited to the following:
  - (i) adding or enlarging windows or doors in exterior walls;
  - (ii) replacement of building facades; or
  - (iii) strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

*1.2.9.1 ANIMAL UNIT means the number of animals excreting 73 kilograms of nitrogen in a 12 month period. Animal unit equivalents are listed in Section 5.3.2 Table V "AL" Limited Agricultural Zone Use and Bulk Table. (eg. 1 milking cow, including associated livestock produces 2 animal units)*

*(By-law 1949A)*

- 1.2.10 AREA AFFECTED means all that land within the boundaries defined in Section 2.4 of this By-law.
- 1.2.11 AUTOMOBILE BODY SHOP means a building wherein the repair and painting of automobiles takes place.
- 1.2.12 AUTOMOBILE LAUNDRY means a building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.
- 1.2.13 AUTOMOBILE SERVICE STATION means a building or portion thereof and land used for supplying fuel, oil and accessories for motor vehicles and farm implements, and for making repairs, where such repairs are done within a completely enclosed building.
- 1.2.14 AUTOMOBILE, TRAILER OR FARM IMPLEMENT SALES AREA means an open area, used for the display, sale or rental of new or used automobiles, trailers or farm implements, 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.
- 1.2.15 AUTOMOBILE WRECKING means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 1.2.16 AWNING, CANOPY OR MARQUEE means any roof-like structure, which may be constructed as an integral part of a building or attached in such a manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over an entranceway or window.
- 1.2.17 BASEMENT OR CELLAR means a portion of a building between a floor and a ceiling that is located partly underground.
- 1.2.18 BUILDING means a building, as defined in the Act.
- 1.2.19 BUILDING, MAIN OR PRINCIPAL means a building in which is conducted the principal use of the site on which it is situated.
- 1.2.20 BUILDING, HEIGHT OF means the total number of storeys in a building or 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 gable, hip or gambrel roof.

- 1.2.21 BULK means the following:
- (a) The size (including height of building and floor area), of buildings or structures;
  - (b) The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
  - (c) The location of exterior walls of buildings in relation to site lines to other walls of the same building, to legally required windows, or to other buildings; and
  - (d) All open areas relating to buildings or structures and their relationships thereto.
- 1.2.22 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.
- 1.2.23 CARPORT means an attached building open on two sides for the shelter of privately owned automobiles.
- 1.2.24 CHILD CARE SERVICES 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.
- (a) HOME DAY CARE means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant. The number of children shall not exceed eight (8) and shall have access to an outdoor recreation area.
  - (b) GROUP DAY CARE means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.
- 1.2.25 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.
- 1.2.26 CONDITIONAL USE means a conditional use as defined in the Act.
- 1.2.27 CONDOMINIUM means a condominium as established under the provision of The Condominium Act.
- 1.2.28 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.

*For the purposes of this by-law a "bare land unit" in a bare land unit condominium plan as defined in The Condominium Act, shall be*

*considered a "site" as defined in Section 1.2.104 "Definitions" of the Rural Municipality of Brokenhead Zoning 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 not areas for parking of vehicles, shall be considered:*

*(1) a "street" as defined in Section 1.2.122 where such thoroughfare is over thirty-three (33) feet in width, and*

*(2) a "lane" as defined in Section 1.2.59 where such thoroughfare is not over thirty-three (33) feet in width.*

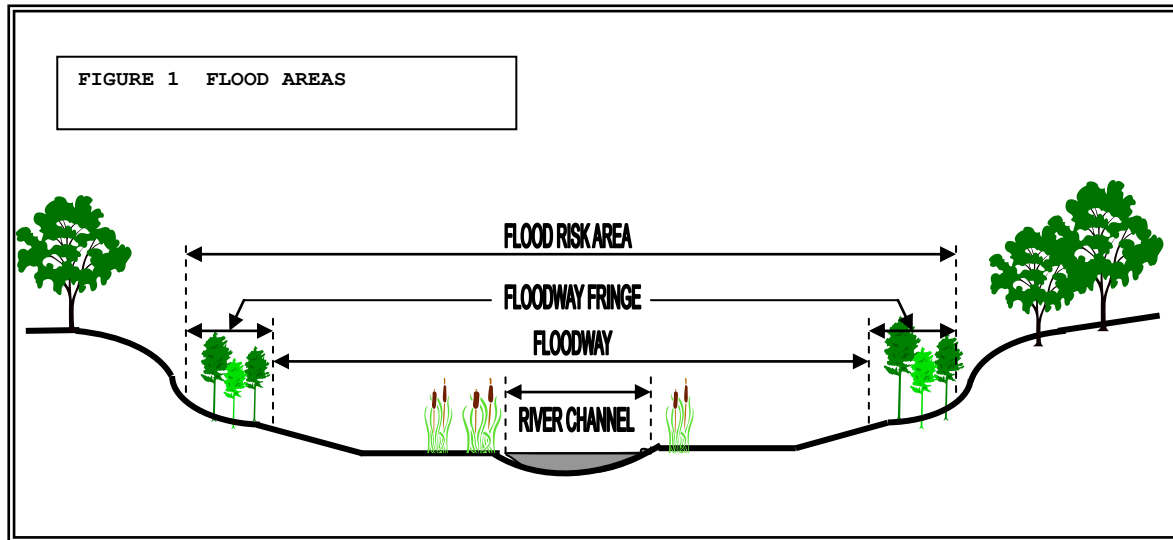
*For the purposes of determining front, rear and side yards and site lines for each respective site as shown on the said plan, those portions of the common element shown shaded or annotated on Appendix "A", attached hereto, shall be considered a "street" as defined in the said zoning by-law.*

*(By-law 1808)*

- 1.2.29 CONDOMINIUM UNIT means a part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.
- 1.2.30 COTTAGE, SEASONAL 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.
- 1.2.31 COUNCIL means the Council of the Rural Municipality of Brokenhead.
- 1.2.32 COURT means an open unoccupied space, other than a required yard, on the same zoning site with a building and bounded on two (2) or more sides by such building or buildings.
- 1.2.33 DENSITY means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.
- 1.2.34 DERELICT VEHICLE means any object which is not a new or unused vehicle; is not in operating condition; is not registered for the current year under the Highway Traffic Act; is kept in the open and the owner thereof has abandoned it or is keeping it primarily for the purposes of salvaging or selling parts therefrom. A derelict vehicle also includes the body chassis or a used motor vehicle and/or parts removed therefrom.
- 1.2.35 DEVELOPMENT OFFICER means the officer appointed by the District Board of The Brokenhead River Planning District in accordance with the provisions of the Act.
- 1.2.36 DEVELOPMENT PLAN means the Brokenhead River Planning District Development Plan adopted by By-law No.21 and amendments thereto.
- 1.2.37 DRIVE-IN ESTABLISHMENT means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.
- 1.2.38 DWELLING means a building of portion thereof designed for residential occupancy.

- 1.2.39 DWELLING, SINGLE-FAMILY means a detached building designed for and used by one (1) family.
- 1.2.40 DWELLING, TWO-FAMILY means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
- 1.2.41 DWELLING, MULTIPLE-FAMILY means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family, each having exclusive occupancy of a dwelling unit.
- 1.2.42 DWELLING, UNIT means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- 1.2.42.1 EARTHEN STORAGE FACILITY means a structure built primarily from soil, constructed by excavating or forming dykes, and used to retain livestock manure.  
(By-law 1949A)*
- 1.2.43 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.
- 1.2.44 EXTENSION means an increase in the amount of existing floor area used for an existing use, within an existing building.
- 1.2.44.1 FACTORY BUILT HOUSE(S) means a factory-built, manufactured, dwelling(s), 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.  
  
For purposes of this by-law, a "factory built house" shall not include a "mobile home" as defined herein.  
(By-law 1989)*
- 1.2.45 FAMILY means one or more persons related by blood or marriage or common-law marriage, including adopted and foster children, or a group of not more than four (4) persons who may not be related by blood or marriage, living together as a single housekeeping unit and also includes domestic servants.  
  
A housekeeping unit referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.
- 1.2.46 FARM BUILDINGS OR STRUCTURES means any buildings or structures existing or erected on land used primarily for agricultural activities, but not including dwellings.
- 1.2.47 FLOOD LEVEL means the 100 year flood level, the level of a known flood exceeding the 100 year flood, or a level as determined to be appropriate by Council in consultation with the Water Resources Branch.
- 1.2.48 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.





- 1.2.49 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:
- 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;
  - Floor space used for mechanical equipment (with structural headroom of six (6) feet or more) except equipment, open or enclosed, located on the roof;
  - Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
  - Penthouses, mezzanines, attics where there is a structural headroom of seven (7) feet or more.
- 1.2.50 GARAGE means a building or portion thereof in which a motor vehicle is, or motor vehicles are, stored, repaired, washed or serviced.
- 1.2.51 GARAGE, PRIVATE OR CARPORT 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.
- 1.2.52 GRADE (as applying to the determination of building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

- 1.2.53 GRAIN STORAGE STRUCTURE means any structure which is designed to store any type of grain.
- 1.2.54 HOME OCCUPATION means a use which:
- (a) Is carried on in a dwelling unit or mobile home or its permitted accessory building;
  - (b) Is carried on solely by the members of the family residing at the same dwelling unit or mobile home without the employment of other persons;
  - (c) Is incidental to or secondary to the use of the dwelling unit or mobile home;
  - (d) There is no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein;
  - (e) In the opinion of the Council is not offensive or obnoxious or creates a nuisance;
  - (e) Does not cause the generation of undue traffic and congestion in the neighbourhood.
- 1.2.55 HOTEL means a building or part thereof wherein accommodation is provided for transient lodgers, in 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.
- 1.2.56 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 his family.
- 1.2.57 JUNK 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. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.
- 1.2.58 KENNEL means any premise on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
- 1.2.59 LANE means a street thirty-three (33) feet or less in width.
- 1.2.60 LIVESTOCK means animals or poultry not kept exclusively as pets, excluding bees.*
- 1.2.61 LIVESTOCK AREA, CONFINED means an outdoor, non-grazing area where livestock are confined by fences or other structures, or topography, and includes a feedlot, paddock, corral, exercise yard and holding area.*
- 1.2.61.1 LIVESTOCK FEEDLOT means a fenced area where livestock are confined solely for the purposes of growing or finishing, and are sustained by means other than grazing.*
- 1.2.62 LIVESTOCK PRODUCTION OPERATION means an agricultural operation where livestock are confined, fed or raised 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;*
- (f) *Low density seasonal feeding areas (eg. Cattle wintering operation – 100 square metres or greater per mature animal); and*
- (g) *An operation for pasturing cattle.*

*(By-law 1949A)*

1.2.63 **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.

1.2.64 **LODGE** means a hall or meeting place of a local branch for the members of a fraternal order or society, such as Masons, Knights of Columbus, Elks, Eagles and similar organizations.

1.2.64.1 *MANURE STORAGE FACILITY means a structure, reservoir, earthen storage facility, molehill or tank for storing livestock manure, but does not include:*

- (a) *field storage,*
- (b) *a vehicle or other mobile equipment used for transportation or disposal of livestock manure, or*
- (c) *under-barn concrete storage pits used for short term containment of livestock manure.*

*(By-law 1949A)*

1.2.65 *MOBILE HOME means a factory-built, compact and transportable detached single-family dwelling with all the following characteristics:*

- (a) *Designed for long-term occupancy for the domestic use of one or more individuals living as a single housekeeping unit, containing and having cooking, eating, living, sleeping, and sanitary facilities, and with plumbing and electrical connections provided for attachment to outside systems.*
- (b) *Designed to be moved or transported after fabrication on its own wheels, other trailers, or detachable wheels.*
- (c) *Designed without provisions for its adaptation to a basement.*
- (d) *Designed and built in conformance to the Canadian Standards Association (CSA) Z240 series standards for mobile homes.*

*(By-law 1989)*

1.2.66 **MOBILE HOME PARK** means any premises which is designed for residential use and designed for the accommodation of two or more mobile homes as one-family dwellings, whether or not a charge is made for such accommodation.

1.2.67 *MOBILE HOME SITE means a zoning site within a residential mobile home subdivision for the placement of a mobile home or factory built house.*

- 1.2.67.1 *MOBILE HOME SPACE means a space in a residential mobile home park for the placement of a mobile home, and where permitted, the placement of a factory-built house.*
- 1.2.67.2 *MODULAR HOME means a dwelling, which is manufactured or fabricated off-site in two or more near-complete, standardized sections or units, and attached or joined together on a foundation at the building site.*  
*(By-law 1989)*
- 1.2.68 MOBILE HOME SUBDIVISION means an area of land subdivided to provide mobile home sites in accordance with the subdivision approval procedure under The Planning Act.
- 1.2.69 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.
- 1.2.70 NON-CONFORMITY means one, or a combination of one or more, of the following:
- (a) A site or parcel of land;
  - (b) A building or structure;
  - (c) A use of a building or structure;
  - (d) A use of land; or
  - (e) A sign;
- 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.
- 1.2.71 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 space or loading space, unless otherwise provided for herein, but shall be useable for landscaping, drying yards, 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.
- 1.2.72 OWNER means an owner as defined in the Act.
- 1.2.73 PARCEL OF LAND means a parcel as defined in the Act.
- 1.2.74 PARKING AREA means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.
- 1.2.75 PARKING AREA, PUBLIC means a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

- 1.2.76 PARKING SPACE means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle. A parking space shall be a minimum of eight (8) feet in width and eighteen (18) feet in length and shall have adequate provision for vehicular entry, exit and manoeuvrability.
- 1.2.77 PARTY WALL means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed and adapted to be occupied by different persons or businesses.
- 1.2.78 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.
- 1.2.79 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dressmaking shops, valets and depots for collecting dry cleaning and laundry.
- 1.2.80 PLANNED UNIT DEVELOPMENT means a planned unit development as defined in the Act.
- 1.2.81 PREMISES means an area of land with or without buildings.
- 1.2.82 PUBLIC UTILITY means any system, works, plant equipment or services which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the municipality, including but not limited to:
- (a) Communication, by way of telephone, telegraph, wireless or television;
  - (b) Public transportation, by bus or other vehicle;
  - (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
  - (d) Collection of sewage, garbage or other waste.
- 1.2.83 PUBLIC UTILITY BUILDING means a building used by a public utility.
- 1.2.84 REPAIR means the renewal or reconstruction of any part of an existing building or structure for the purpose of its maintenance or restoration.
- 1.2.85 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 of transitional services to more than 4 persons not related by blood, marriage or adoption to the operator or to each other.
- 1.2.86 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 tourist camp 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.

- 1.2.87 SENIOR CITIZEN HOME means a multiple unit dwelling or a building containing individual rooms where elderly people live independent of personal care.
- 1.2.88 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.
- 1.2.89 SIGN, ADVERTISING 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.
- 1.2.90 SIGN, 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.
- 1.2.91 SIGN, BUSINESS 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.
- 1.2.92 SIGN, CONSTRUCTION means a sign which identifies a construction project and information relative thereto.
- 1.2.93 SIGN, FACIA OR WALL 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 facia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.
- 1.2.94 SIGN, FLASHING 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.
- 1.2.95 SIGN, FREESTANDING means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
- 1.2.96 SIGN, IDENTIFICATION means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.
- 1.2.97 SIGN, ILLUMINATED means a sign designed to give forth any artificial light or reflect light from an artificial source.
- 1.2.98 SIGN, MARQUEE means a sign attached to a marquee, canopy or awning projecting from and supported by a building.
- 1.2.99 SIGN, PROJECTING means any sign other than a facia 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.

- 1.2.100 SIGN, REAL ESTATE means a sign advertising the sale, rental or lease of the premise on which it is maintained.
- 1.2.101 SIGN, ROOF means any sign erected, constructed and maintained wholly upon or over the roof of a building with the principal support on the roof structure.
- 1.2.102 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 two (2) feet 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.
- 1.2.103 SIGN, TEMPORARY means a sign with or without a structural frame and intended for a limited period of display, and shall include a mobile sign, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.
- 1.2.104 SITE means a zoning site as defined herein unless the context indicates otherwise.
- 1.2.105 SITE AREA means the computed area contained within the site lines.
- 1.2.106 SITE, CORNER means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- 1.2.107 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.
- 1.2.108 SITE DEPTH means the horizontal distance between the centre points in the front and rear site lines.
- 1.2.109 SITE FRONTAGE means all that portion of a zoning site on a street and measured between side site lines.
- 1.2.110 SITE, INTERIOR means a site other than a corner site or a through site (see sketches for other types).
- 1.2.111 SITE, KEY means the first site to the rear of a reversed corner site.
- 1.2.112 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 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 and in the case of a site in which the side lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the

maximum distance from the front site line.

- (c) SIDE SITE LINE means any boundary of a site which is not a front or rear site line.
- (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

1.2.113 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.

1.2.114 SITE THROUGH means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed front site lines.

1.2.115 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 forty (40) feet from the front site line, whichever is the lesser.

1.2.116 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.



FIGURE 2 SITES

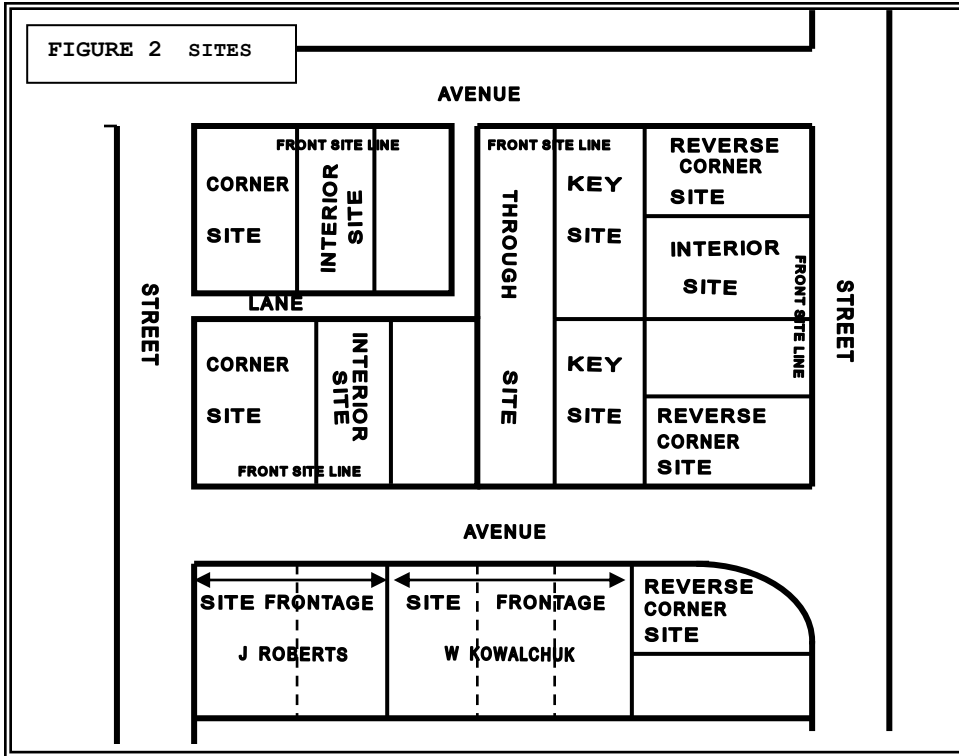
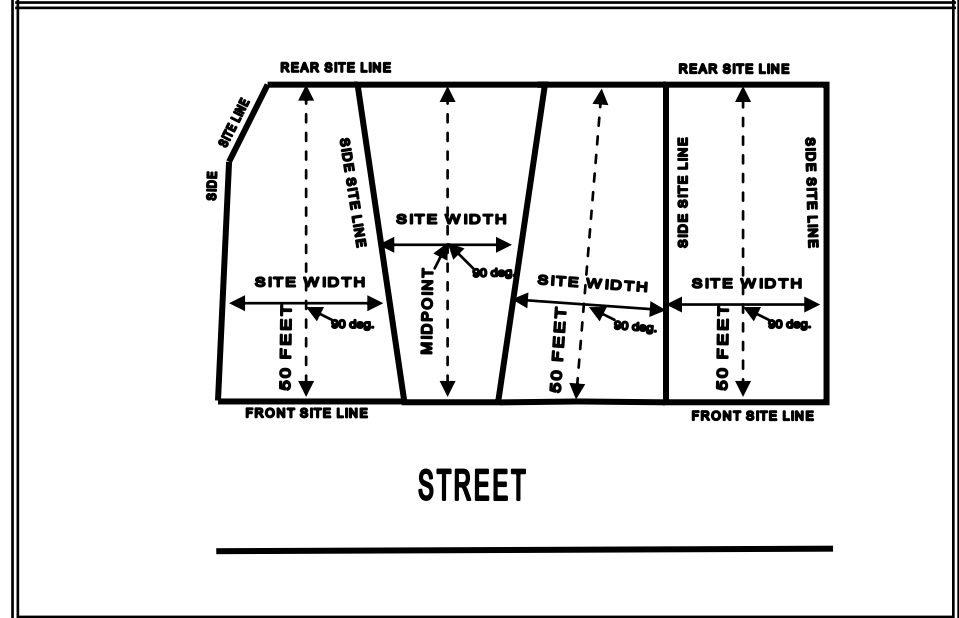
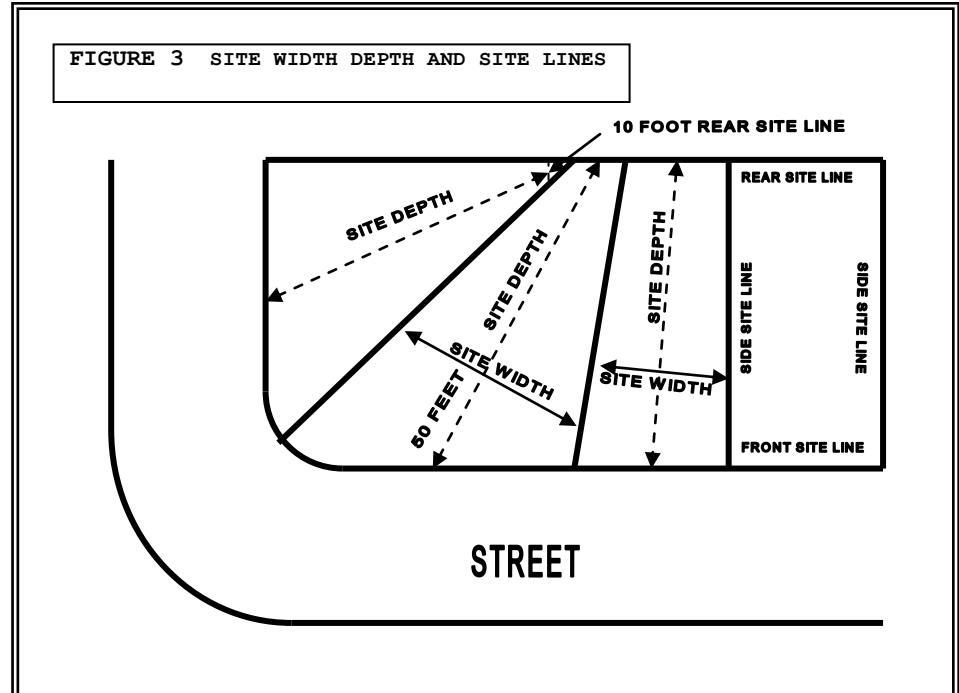


FIGURE 3 SITE WIDTH DEPTH AND SITE LINES



- 1.2.117 STABLE, PRIVATE means a detached accessory building for the keeping of cattle or horses owned by the occupant of the premises and not kept for remuneration, hire or sale.
- 1.2.118 STABLE, PUBLIC means a stable other than a private stable.
- 1.2.119 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. A basement shall be counted as a storey for the purpose of height measurements if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than six (6) feet.
- 1.2.120 STOREY, FIRST means the storey with its floor closest to grade and having its ceiling more than six (6) feet above grade.
- 1.2.121 STOREY, SECOND means the storey located immediately above the first storey.
- 1.2.122 STREET means a street as defined in the Act.
- 1.2.123 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.
- 1.2.123.1 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.*
- Which supports or which is capable of supporting plant life.*
- (By-law 1949A)*
- 1.2.124 TOT LOT means an area dedicated to public playground use for pre-school children.
- 1.2.125 TOWN OR ROW TYPE DWELLINGS, LOTTED means a single town or row type dwelling unit situated on a zoning site, the limits of which are designated on a plan of subdivision on record in the Winnipeg Land Titles Office.
- 1.2.126 TOWN OR ROW TYPE DWELLINGS, UNLOTTED means a number of town or row type dwelling units situated on a zoning site, where the buildings are part of a planned unit development and site lines are not designated for each building or building group.
- 1.2.127 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.

1.2.128 TRAVEL TRAILER PARK means a camping area, whether or not a rental or other charge is made, for the use thereof, that is maintained and use 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 tourist camp 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. A Tourist Camp shall not be combined with a Residential or Recreational Mobile Home Park but may be combined with a Travel Trailer Park as defined herein.

1.2.129 TOURIST CAMP SPACE means a space in a tourist camp for the placement of a camping unit.

1.2.130 USE means:

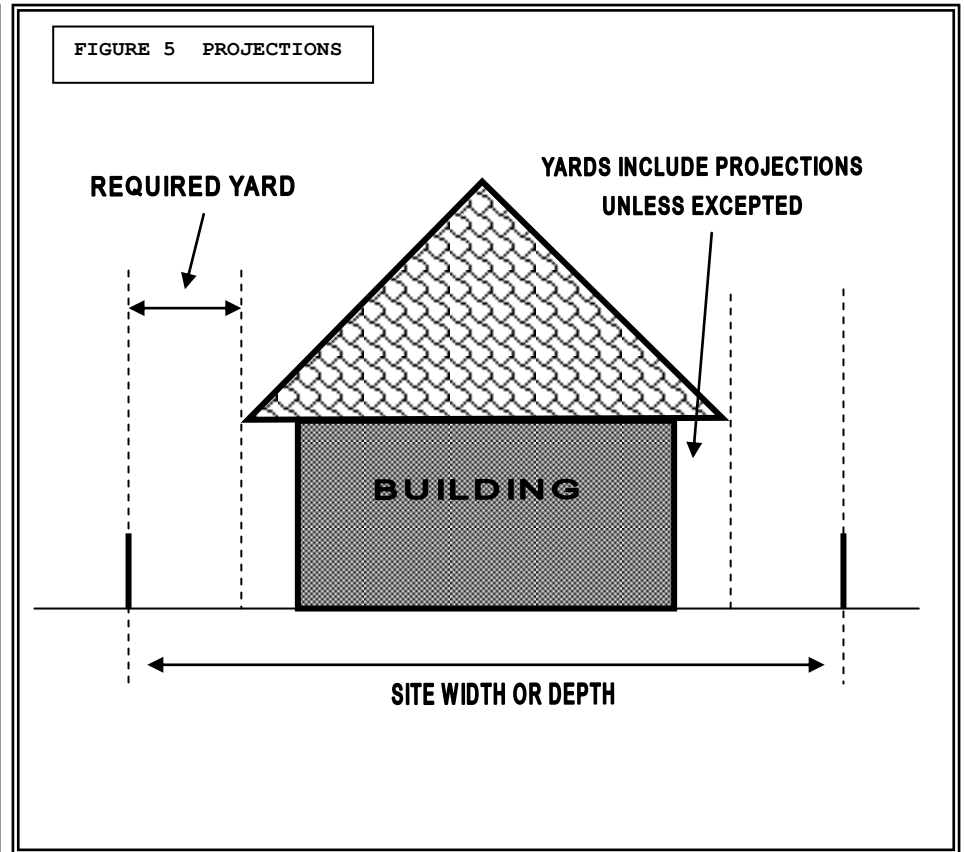
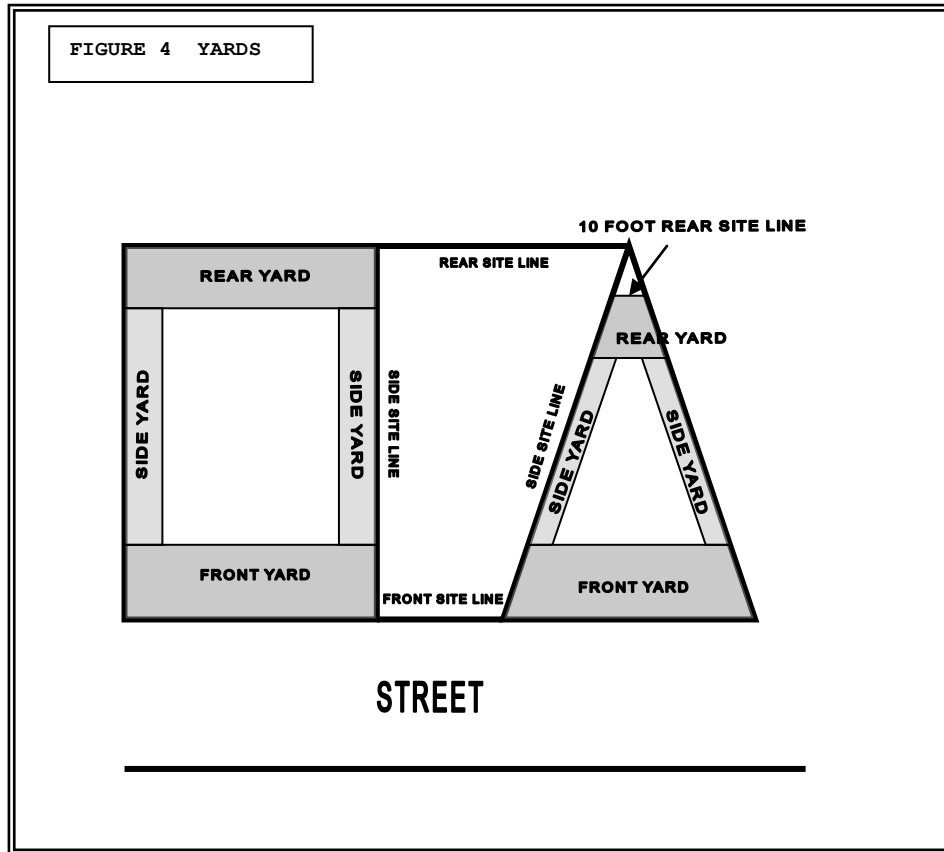
- (a) Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
- (a) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

*1.2.130.1 WASTE MANAGEMENT FACILITY 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.  
(By-law 1949A)*

1.2.131 YARD means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from the ground to the sky, except as otherwise permitted herein.

- (a) YARD, REQUIRED means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirement for the zone in which such zoning site is located.
- (b) YARD, CORNER SITE means a side yard which adjoins a street.
- (c) YARD, FRONT means a yard extending along the full length of the front site line between the side site lines.
- (d) 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.
- (e) YARD, REAR means a yard extending along the full length of the rear site line between the side site lines.

- (f) YARD, SIDE means a yard extending along the side site line from the required front yard to the required rear yard.
- (g) The following sketches illustrate the foregoing definitions of the required yards.



## **PART 2 – ADMINISTRATION**

### **2.1 SCOPE**

### **2.2 TITLE**

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

### **2.3 WHEN EFFECTIVE**

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

### **2.4 THE AREA**

The Area to which this Zoning By-law shall apply shall be all of The Rural Municipality of Brokenhead.

### **2.5 INTENT AND PURPOSE**

The regulations and provisions established by this By-law are deemed necessary in order to:

- (a) Implement the objectives and policies of the Brokenhead River Planning District Development Plan as it applies to the R.M. of Brokenhead;
- (b) To define and limit the powers and duties of the Council, the Development Officer; and
- (c) To regulate the following:
  - (i) All buildings and structures erected hereafter;
  - (ii) All uses of buildings, structures and land established hereafter;
  - (iii) All structural alterations and relocations of existing buildings and structures occurring hereafter;
  - (iv) All enlargements or additions to existing buildings, structures or uses; and
  - (v) All changes of use of land, buildings or structures.

### **2.6 RESPONSIBLE AUTHORITY**

- (a) The authority responsible for the enactment of this By-law shall be the Council, in accordance with the provisions of the Act; and
- (b) Subject to the provisions of the Act, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended, supplemented, changed or repealed.

## **2.7 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 ad a Variation Board;
- (c) Approving and issuing or rejecting conditional use applications, and may revoke the authorized conditional use for violation of any conditions imposed by it; and
- (d) Establishing a schedule of fees in accordance with the Act, as provided for in Section 2.20. Until all applicable fees have been paid in full no action shall be taken on any application.

## **2.8 PLANNING ADVISORY COMMITTEE**

Planning Advisory Committees may be established in accordance with the provisions of the Act.

## **2.9 AMENDMENTS**

### **2.9.1 PROCEDURES**

Subject to the procedure required under the Act, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 2.20.1 shall be made to the Council.

### **2.9.2 DECISION BY COUNCIL**

Council shall notify the applicant four (4) days in advance of the meeting, at which time it shall review all of the facts presented, and any representation by the applicant, study the facts presented, make its findings and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provision of the Act.

## **2.10 CONDITIONAL USE**

The development and execution of this By-law is based upon the division of the Area affected into zones, within which zones the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Such uses fall into two categories:

- (a) Uses publicly operated or traditionally associated with the public interest; and

- (b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities.

## 2.10.1 APPLICATION

An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of the Act.

## 2.10.2 FILING AN APPLICATION

The application shall be filed with the Council and shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council.

## 2.10.3 EXPIRY OF APPLICATION

The approval of Council, in accordance with eth provision of the Act, shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period of twelve (12) months.

## 2.10.4 EXISTING CONDITIONAL USE APPROVAL

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

## 2.10.5 CHANGES TO AN EXISTING CONDITIONAL USE

Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act.

An existing conditional use shall not be enlarged, expanded or extended to occupy a greater floor and/or greater area of the site upon which said use is located, except in conformity with the provision of this section and the zone in which said use is located.

## 2.11 VARIATIONS

2.11.1 Any person may apply for a variation order, in accordance with the provisions of the Act.

2.11.2 An application for a variation order and all required information and fees shall be made to Development Officer or other such person authorized by council. The Development Officer may grant variations in accordance with subsection 2.14 and shall refer all other applications to Council.

## 2.12 DEVELOPMENT AGREEMENT

### 2.12.1 AGREEMENT WITH RURAL MUNICIPALITY OF BROKENHEAD

Where an application is made for the amendment to this By-law, the Council may require the owner or the person entitled to be

registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Rural Municipality of Brokenhead in respect to that lands as well as contiguous land owned or leased by the applicant.

#### 2.12.2 AGREEMENT TO COMPLY WITH ACT

The provision of said agreement shall be in accordance with the Act.

### **2.13 THE DEVELOPMENT OFFICER**

#### 2.13.1 DUTIES

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

- (a) issue development permits in accordance with the provisions of this By-law; and
- (b) allow or refuse such minor variations not exceeding 10 percent of the requirements of this By-law governing front, side, rear or any other yard requirements as authorized by and in accordance with the provisions of The Act.

#### 2.13.2 POWERS

The Development Officer may:

- (a) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto, subject to provision of Section 2.13.3;
- (b) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law as provided for in The Act;
- (c) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
- (d) Issue zoning memoranda of such other documents necessary for the administration and enforcement of this By-law.

#### 2.13.3 DEFER APPROVAL OF PERMITS

At the request of Council or the Board, the Development Officer shall:

- (a) Defer approving an application for a development permit:
  - (i) as provided for in The Act;
  - (ii) which would result in a violation of this By-law or any By-law of the Rural Municipality of Brokenhead;



- (iii) to any person who has failed to pay any fees dues and owing to the Rural Municipality of Brokenhead or the Brokenhead River Planning District under this By-law.

## 2.14 DEVELOPMENT PERMIT

### 2.14.1 PERMIT REQUIRED

The owner or his agent shall obtain all necessary permits as required by the Council, District Board and other government agencies.

### 2.14.2 WHEN REQUIRED

An application for a development permit is required for the following:

- (a) The erection or construction or placement of any building, structure or mobile home, except fences and ornamental light standards and those buildings less than 150 square feet in area;  
NOTE: See definition of structure.
- (b) The addition, extension, structural alteration or conversion of any building or structure;
- (c) The relocation or removal or demolition of any building or structure;
- (d) The use of vacant buildings or structures;
- (e) The change of use of land, buildings or structures; or
- (f) The clearing of certain classes of land as specified in this By-law.
- (g) *The removal of topsoil as provided for in this by-law and the R.M. of Brokenhead Topsoil Licencing By-law.*

*(By-law 1949A)*

### 2.14.3 REQUIREMENTS

In addition to the requirements of any By-law of the Rural Municipality of Brokenhead or any other Provincial regulations, all applications for a development permit shall:

- (a) Be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations;
- (b) Include such other information as may be required by the Council, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the location of fire hydrants, waste disposal, entrances, loading points and curb cuts; method of illumination, size and location of signs; location and type of landscaping, fencing, screening and walkways; the number of families, dwelling units or

rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law; and

- (c) No person shall erect, locate, repair, use or occupy any buildings, land or structure contrary to any development permit or the material furnished in support of the application.

#### 2.14.4 COMBINED PERMITS

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

### 2.15 BUILDING PERMITS

#### 2.15.1 PERMITS ISSUED PRIOR TO BY-LAW

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

#### 2.15.2 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.

### 2.16 NON-CONFORMITY

#### 2.16.1 NON-CONFORMITIES

Non-conformities as defined by 1.2.70 herein, are hereby classified as:

#### 2.16.2 USES

Non-conforming use means any lawful use of a building, structure or parcel of land, or portion thereof, which does not conform to one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-law or amendments thereto;

#### 2.16.3 BUILDINGS OR STRUCTURES

A non-conforming building or structure means any lawful building or structure which does not comply with one or more of the applicable zone bulk regulations on the effective date of this By-law or amendments thereto;

#### 2.16.4 SITE OR PARCEL

A non-conforming site or parcel of land means any lawful site or parcel of land which does not comply with the site area, site width or site depth on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate

ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a large contiguous holding in the same ownership; and

#### 2.16.5 SIGNS

A non-conforming sign means any lawful sign which does not comply with one or more of the applicable zone bulk regulations on the effective date of this By-law or amendments thereto.

#### 2.16.6 GENERAL PROVISIONS

A non-conforming building, structure, land or sign shall be regulated in accordance with and subject to the provision of the Act, unless otherwise provided for herein.

#### 2.16.7 STRUCTURAL ALTERATIONS

Pursuant to the provisions of the Act, a structural alteration may be made to a non-conforming building or structure, provided that the said alteration conforms to the requirements of this By-law, or where such requirements may be varied by a variation order.

#### 2.16.8 REPAIR OR REBUILDING

Pursuant to the provision 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 variation order.

#### 2.16.9 NON-CONFORMING SITE OR PARCEL

A non-conforming parcel may be occupied by any building, structure or use provided:

- (a) That the building, structure or use is listed as a permitted or conditional use within the zone in which said use is located; and
- (b) That all other requirements of the zone in which the parcel is located are complied with; and/or
- (c) Variation orders have been obtained to alter the requirements within the particular zone.

#### 2.16.10 NON-CONFORMING SIGNS

A non-conforming sign shall be subject to all the provisions of this Part relating to non-conformities, except as provided hereafter:

- (a) A change in the subject matter represented on a sign shall not be considered a change of use; and
- (b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
  - (i) The creation of a new non-conformity or an increase in the degree of non-conformity; or

- (ii) An increase in the sign surface area; or
- (iii) An increase in the degree of illumination.

**2.16.11 PERMITTED ALTERATION OR CHANGES TO NON-CONFORMITIES**

Notwithstanding the provision of this subsection, a variation 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.

**2.16.12 CERTIFICATE AND FEES**

Any fees made to the Development Officer for the issuance of a certificate in accordance with the provisions of the Act shall be determined as set out in Section 2.20 herein.

**2.17.1 INTERPRETATION AND APPLICATION**

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

**2.17.2 RELATION TO OTHER BY-LAWS**

Whenever provisions of any By-law of the Rural Municipality of Brokenhead, the Brokenhead River Planning District or any other requirement of the Provincial or Federal Government, impose overlapping regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern. The Rural Municipality of Brokenhead shall only be responsible for enforcement of its own regulations; however, it may require proof of compliance with Federal or Provincial regulation prior to issuance of the applicable permit or certificate.

**2.17.3 PREVIOUS VIOLATIONS**

Unless otherwise provided for herein, an existing building, structure or use which was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of his 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 remains illegal hereunder.

**2.17.4 VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW**

A building or structure or use established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order, be deemed to conform to the provisions of this By-law.

**2.17.5 "A", "R", "C", "M" OR "P" ZONE**

Whenever the terms "A" Zone, "R" Zone, "C" Zone, "M" Zone or "P" Zone are used, they shall be deemed to refer to all zones containing

the same letter in their names.

## **2.18 ENFORCEMENT**

The enforcement of this By-law, or any resolution or order enacted by the Council under the Act or any regulation made thereunder shall be in accordance with The Act.

## **2.19 DUTIES OF THE OWNER**

### **2.19.1 RESPONSIBILITY**

Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or any relevant By-laws of the Rural Municipality of Brokenhead.

### **2.19.2 PERMITS REQUIRED**

Every owner shall:

- (a) Permit the Development Officer to enter any buildings or 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 duties under this By-law;
- (b) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and
- (c) Be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, private sewage disposal systems, plumbing, signs, blasting, street, occupancy, electrical, highways and all other permits required in connection with the proposed work.

## **2.20 FEE SCHEDULE**

The following is a schedule of the fees to be paid by any owner of land or person acting under his authority who wishes to acquire a zoning amendment, a zoning memorandum, conditional use order, non-conforming use certificate, development permit and/or variation order.

### **2.20.1 ZONING BY-LAW AMENDMENT**

\$100 plus fees and disbursements.

### **2.20.2 ZONING MEMORANDUM**

\$10 each.

2.20.3 NON-CONFORMING USE CERTIFICATE

\$10 each.

2.20.4 CONDITIONAL USE ORDER

\$30 each plus fees and disbursements.

2.20.5 DEVELOPMENT PERMIT

\$30 each except where a building permit has already been obtained for the same building on the same site.

2.20.6 VARIATION ORDER

\$30 for each order plus fees and disbursements.

## PART 3 - ZONING

### 3.1 ZONES

In order to carry out the intent and purpose set forth in Section 25 of Part 2 - Administration, the following zones are hereby established in the Area:

- (1) "RR" Rural Residential Zone
- (2) "RS" Seasonal Resort Zone
- (3) "R" Residential Zone
- (4) "RA" Suburban Zone
- (5) "A80" Rural and Agricultural Zone
- (6) "A40" Rural and Agricultural Zone
- (7) "AL" Limited Agricultural Zone
- (8) "CC" Central Commercial Zone
- (9) "CH" Highway Commercial Zone
- (10) "M" Industrial Zone
- (11) "P" Parks and Recreation Zone
- (12) *"R-MH-P" Residential Mobile Home Park*

*(By-law 1989)*

### 3.2 ZONING MAPS

The location and boundaries of the zones listed in Section 3.1 above are shown upon the Zoning Maps attached hereto, marked as "Appendix A" to this By-law. Said Zoning Maps form part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time thereon, together with any amendments to boundaries in the case of street, lane or public utility right-of-way closing, as provided in Section 3.2.4(g) of this Part, shall be as much a part of this By-law as if the matters and information set forth in the said Zoning By-law were fully described herein.

#### 3.2.1 DIMENSIONS AND SCALE

The scale and all dimensions of the Zoning Maps are in feet.

#### 3.2.2 REGISTERED PLANS

All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

#### 3.2.3 ABBREVIATIONS

The abbreviations noted on the Zoning Maps mean the following:

- (a) "Blk." means Block;
- (b) "Gov't Rd. All'ce" means Government Road Allowance;

- (c) "Pcl." means Parcel;
- (d) "Pt." means Part;
- (e) "Rge." means Range;
- (f) "R.M. of Brokenhead" means the Rural Municipality of Brokenhead;
- (g) "Sec." means Section;
- (h) "Twp." means Township;
- (i) "E.P.M." or "E" means East of the Principal Meridian;
- (j) "P.R." means Provincial Road; and
- (k) "P.T.H." means Provincial Trunk Highway.

#### 3.2.4 INTERPRETATION OF ZONE BOUNDARIES

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

- (a) Heavy broken 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.

### **3.3 GENERAL USE REGULATIONS APPLYING TO ALL ZONES**

The general provisions applying to all zones are contained within this Part. Also applying to these zones are the provisions of Part 1 - "Definitions", Part 2 - "Administration" and "Appendix A".

#### **3.3.1 INTERPRETATION OF REGULATIONS**

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.

#### **3.3.2 GENERAL**

No land shall be used or occupied and no structure shall be erected, altered, used or occupied hereinafter for any use in any zone in which such land or structure is located other than a use listed in the Use and Bulk Tables of the respective zone except:

- (a) Uses permitted by this Part; and
- (b) Uses lawfully established prior to the effective date of this By-law.

#### **3.3.3 TEMPORARY BUILDING AND USES**

The provisions of this section shall apply to all zones as follows:

- (a) Temporary buildings, structures and uses, which are incidental and necessary to construction in the same zone, may be permitted on a temporary basis, subject to the issuance of a development permit, for the following purposes:
  - (i) For storage of construction materials and equipment incidental and necessary for construction;
  - (ii) For office space for contractor or developer; and
  - (iii) For temporary accommodation for a caretaker, watchman and other workers employed on the same construction site.
- (b) Temporary buildings, structures and uses shall not be detrimental to the public health, convenience, general welfare and/or amenity of the zone in which said uses are located.
- (c) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.
- (d) A development permit for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

### 3.3.4 USE AND BULK TABLES

- (a) The use and bulk tables applicable to each zone of this by-law are intended to regulate the use and development of land within that zone. Any use listed as a permitted use in a given zone may be developed on any site within that zone provided all requirements are complied with. Conditional uses listed in a particular zone may be permitted subject to any additional conditions that may be applied by means of a conditional use order as provided for in The Act.
- (b) The use and bulk tables contained within this by-law have been constructed in such a manner that most requirements for a permitted or conditional use are listed on the table. The permitted and conditional uses of a given zone are listed vertically along the left hand side. The bulk regulations pertaining to a particular use, such as site area, yard, building, parking space and sign requirements are listed on the Table to the right of each permitted use. Where one requirement pertains to more than one use, the applicable requirement is that located in the space directly to the right of the use listed. Exceptions to specific requirements are footnoted and located at the bottom of the table or at the bottom of the continued table.

Projections from the main buildings, such as eaves and chimneys, although not permitted in themselves, are listed in the permitted use column. The yard requirements for projections are located on the table to the right of the projection listed and are the minimum distances that must be maintained from any projection to a site line on the site in which the building is located.

#### (c) Retention of Bulk Regulations

- (i) It shall be the continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence.
- (ii) The minimum site area, yards and other open spaces allotted 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 yard, other open space, or minimum site area requirements for any other uses.
- (iii) All yards and other open spaces required for any use shall be located on the same site as the use.
- (iv) Where a site is occupied for a use permitted in a zone and has no buildings or structures thereon, the required yards for the zone within which it is located shall be provided and maintained.
- (v) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner site has its frontage at the time this Zoning By-law becomes effective.

### 3.3.5 FRONT YARD EXCEPTIONS

Where sites comprising forty percent (40%) or more of the entire frontage of the block (excluding reverse corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block provided such average is less than the minimum front yard required in the Zone in which the site is located.

### 3.3.6 SUBDIVIDING LAND AND SITE SIZE REQUIREMENTS

- (a) No parcel of land shall hereafter be divided into sites, unless each site conforms with the regulations set forth in the bulk tables for the zone in which said parcel is located.
- (b) The site size requirements shall be as set forth in the bulk tables for the zone in which said site is located.

### 3.3.7 SITE REDUCED BY PUBLIC UTILITY, SERVICE OR STREET

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

### 3.3.8 PUBLIC UTILITIES 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 that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

### 3.3.9 CONNECTING TO MUNICIPAL SERVICES

All principal buildings constructed on a site served by a public or private sewer, water or hydro distribution system shall be connected to such services.

### 3.3.10 PUBLIC MONUMENTS AND STATUARY

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

### 3.3.11 SAND, GRAVEL, *TOPSOIL* AND MINERAL EXTRACTION OPERATIONS

- (a) Development of land shall be permitted on high quality or useable deposits of aggregate and quarry minerals, in accordance with the Brokenhead River Planning District Development Plan.
- (b) A development permit shall be required for the removal of quarry minerals or for the expansion of an existing extraction operation and shall include:
  - (i) In the case of Crown quarry minerals, proof of issuance of a Provincial Lease or Casual Permit under Manitoba Regulation 226/76 (Quarry Minerals Regulations, 1976);
  - (ii) A plan showing areas and means of disposing of overburden and routes for hauling the minerals;
  - (iii) A site plan showing the precise plan of operation, the manner in which extraction or development will occur, the means of visual buffering and noise and dust protection, and the intended use(s) of the site upon completion of the quarrying

phase;

(iv) A plan for rehabilitation of the site when exhausted and where applicable, subject to Manitoba Regulation 226/76.

(c) The Council shall prior to issuance of the above permit, consult with the provincial Mineral Resources Division.

(d) *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 Licencing By-law.*

*(By-law 1949A)*

### 3.3.12 BASEMENT DWELLING UNIT

A basement dwelling unit shall comply with the provision of this By-law, the Buildings and Mobile Homes Act Chapter B93, s.m. 1977, and any other By-law or Act having jurisdiction.

### 3.3.13 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 future road allowance shall comply with the requirements of the By-law as if the said future road allowance was already in existence.

### 3.3.14 NUMBER OF BUILDINGS PERMITTED PER SITE

There shall be only one main building or one main use on a zoning site except wherein otherwise stated. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling or one (1) multiple family dwelling and their accessory buildings as permitted on the Residential Use and Bulk Table.

### 3.3.15 MULTIPLE USES OF A SITE

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

### 3.3.16 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 operation 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. Structures commonly known as "satellite dishes" are not permitted to be attached to the roof or wall of a residence, private garage, or storage shed.

### 3.3.17 ACCESSORY BUILDINGS AND USES PERMITTED

Accessory buildings, except as otherwise regulated in the by-law, shall be subject to the following regulations:

- (a) Where the accessory building is attached to a main building it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
- (b) Detached accessory buildings shall not be located in any required yard, except a required rear yard or as provided for elsewhere herein.
- (c) No detached accessory building shall be located closer than ten (10) feet to any main building.
- (d) In no instance shall an accessory building be located within a dedicated easement right-of-way except as provided for by said easement or right-of-way.
- (e) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.
- (f) Where a through site has a depth of less than two hundred (200) feet, an accessory building not exceeding one (1) storey or fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall an accessory building project beyond the front yard line of an existing main building along the site width, less than twenty-five (25) feet from the street line

### 3.3.18 THROUGH SITE - MAY BE TWO SITES

A through site having a depth of two hundred (200) feet or more may be assumed to be two sites with the rear line of each approximately equidistant from the front site lines, provided all area and yard requirements are complied with.

### 3.3.19 NOXIOUS OR OFFENSIVE USES

Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise, unless such use is specifically permitted in that zone.

### 3.3.20 SIGN REGULATIONS

The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses.

The following shall apply in all zones except wherein otherwise stated:

- (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (b) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway

intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.

- (c) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes.
- (d) A flashing sign in or within three hundred (300) feet of any residential zone shall not be operated between the hours of 10 p.m. and 7 a.m.
- (e) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business, service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Municipality at the owner's expense.
- (f) 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 two (2) feet from one another.
- (g) It shall be unlawful to erect or maintain any sign on, over or above land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all signs shall adhere to all the requirements of the zone in which they are located.
- (h) The placing of signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (i) No advertising sign or other type of display sign shall be constructed in any zone without the approval of Council, except as otherwise stated herein.
- (j)
  - (i) Signs posted by duly constituted public authorities in the performance of their duties.
  - (ii) Flags or emblems of a political, civic, educational or religious organization.
  - (iii) Temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs.
  - (iv) "No trespassing" signs not exceeding three (3) square feet.
  - (v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
  - (vi) Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area.
  - (vii) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site or part thereof.

### 3.3.21 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.

### 3.3.22 FLOOD RISK AREAS AND HAZARD LANDS

(a) Notwithstanding any other provision of this By-law, Council may:

- (i) 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; or
- (ii) Where Council has determined that such hazards do not exist or where the proposed building or structure is to be located within the floodway fringe of a river, stream, drain or watercourse, or is otherwise subject to minor ponding or runoff, permit such lands to be developed provided that:
  - Each lot contains an adequate sized building site where:
    - the depth of flooding does not exceed 3.5 feet and all permanent structures are restricted to this area;
    - the resultant velocity of flood waters does not exceed four (4) feet per second;
    - the product of velocity and depth does not exceed seven (7);

The backwater effect from the development and from development of all other flood prone areas in accordance with these criteria is within the limits specified for the area by the Province.

- Permanent structures shall be protected from flooding by raising the building site to the flood protection level which is two (2) feet 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 six (6) inches for a horizontal distance of 15 feet from the building line and not more than one (1) foot vertically to four (4) feet horizontally thereafter.
- The elevation of the main floor shall be a minimum of one foot above the flood protection level.
- Basements (which are not recommended) if constructed, shall:
  - have the elevation of the basement floor not lower than the flood protection level by:
    - two feet if the fill material is pervious such as sand.
    - 5.5 feet if the fill material is impervious such as clay.
  - not contain habitable space.

- not be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic.
  - not contain any electrical circuit breaker panels.
  - be provided with a sump pump.
  - have back-up valves in the sewer pipes or pipes leading to a holding tank or disposal field.
- (b) Notwithstanding any other provision of this By-law, Council may;
- (i) Refuse a building and/or development permit where Council has determined that the proposed building or structure is to be located on land subject to erosion, bank instability, sloughing, or is to be located on low-lying wetlands having insufficient bearing strength to accommodate said building or structure; or
  - (ii) Require that the proposed building or structure be constructed and located in such a manner as to negate the effects of the hazard.
- (c) Notwithstanding any other provision of this By-law, Council may:
- (i) 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.
- (d) Council may require that the applicant provide, at his own expense, such flood levels, elevations, or other geotechnical data as may be required for its determinations with respect to subsection (a), (b) and (c) above.

**3.3.22(b) Building Elevations – SW ¼ 5-13-8E**

*Notwithstanding the requirements contained within Subsection 3.3.22(a) the following building regulations apply within the area described on a plan of subdivision prepared by Phillip Edward Stevens and sworn to by him in Winnipeg, August 17, 1987 and attached hereto as Appendix "A".*

- (i) Dwellings constructed on lots 1 to 16, both inclusive, of Block 1, shall be constructed upon lands having a natural elevation of 787.0 feet a.s.l., Canadian Geodetic Datum.*
- (ii) Dwellings constructed on lots 17 to 25, both inclusive, shall be placed on posts or piers in such a manner that the bottom of the floor joists or any horizontal member of the structure is constructed at 787.0 feet a.s.l., Canadian Geodetic Datum, or higher.*

*Where dwellings are to be constructed at grade, on slab or grade beam foundations, the building site shall be raised to a minimum elevation of 787.0 feet a.s.l. Canadian Geodetic Datum, for a horizontal distance of fifteen (15) feet from the outer walls of the dwelling.*



*Basements are not permitted to be constructed on said lots.*

- (iii) Where there is a dwelling in existence at the effective date of this by-law, it shall not be enlarged or increased in area unless the entire dwelling is made to conform to the requirements contained herein.*
- (iv) There are no minimum building elevation requirements for Block 2 and Block 3.*
- (v) All other building requirements of Subsection 3.3.22(a) except minimum building elevations, shall apply within the area described on Schedule "A", attached hereto.*

*(By-law 1739)*

**3.3.22(c) Building Elevations – Condominium Plan – SW ¼ 5-13-8E**

*Notwithstanding the requirements contained within Subsection 3.3.22(a) the following building regulations apply within the area described in Part 4 of this by-law as shown on Appendix "A" attached hereto.*

- (i) Dwellings constructed on Units 1 to 12 shall:*
  - (a) Be constructed upon lands having a natural elevation of 787.0 feet a.s.l., Canadian Geodetic Datum; or*
  - (b) Be placed on posts or piers in such a manner that the bottom of the floor joists or any horizontal member of the structure is constructed at 787.0 feet a.s.l., Canadian Geodetic Datum, or higher; or*
  - (c) Where dwellings are to be constructed at grade, on slab or grade beam foundations, the building site shall be raised to a minimum elevation of 787.0 feet a.s.l., Canadian Geodetic Datum, for a horizontal distance of fifteen (15) feet from the outer walls of the dwelling.*

*Basements are not permitted to be constructed on said lots, unless it can be demonstrated to the satisfaction of Council that basement flooding will not occur.*

*(By-law 1808)*

**3.4 SUBDIVISION OF LAND**

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

3.4.2 Approval of a subdivision of land is subject to the provisions contained in The Planning Act, the policies contained within the Brokenhead River Planning District Development Plan and amendments thereto. Parcels or lots resulting from said subdivision must conform with the site area and site width requirements of the zone in which they are located as established herein.

## PART 4 RESIDENTIAL ZONES

### 4.1 RESIDENTIAL ZONES INTENT AND PURPOSE

- 4.1.1 The residential zones established in this by-law are intended to provide sufficient land for various types of residential development in The Area in keeping with the provisions of the Development Plan.
- 4.1.2 The "R" Residential Zone provides for the development of single-family dwellings, two-family dwellings, mobile home dwellings and multiple-family dwellings within a "village" or "urban" context.
- 4.1.3 The "RA" Suburban Residential Zone provides for the development of single-family dwellings, two-family dwellings, mobile home dwellings and multiple-family dwellings within a suburban context.
- 4.1.4 The "RR" Rural Residential Zone provides for the development of single-family dwellings and mobile home dwellings in a "semi-rural" context.
- 4.1.5 The "RS" Seasonal Resort Zone provides for the development of single-family dwellings and mobile home dwellings in a recreational context.

*4.1.6 The "RSS" Special Seasonal Resort Zone provides zoning requirements to existing, previously unsubdivided developments. This zone will accommodate existing conditions which do not reflect current zoning requirements.*

*(By-law 1739)*

*4.1.6 The "R-MH-P" Residential Mobile Home Park zone provides for the permanent placement of mobile homes within a mobile home park and where appropriate, for travel trailer parks on a conditional use basis.*

*(By-law 1989)*

### 4.2 GENERAL PROVISIONS FOR RESIDENTIAL ZONES

The provisions applying to all residential zones are contained within this part. Also applying to these zones are the provisions of Part 1 - "Definitions", Part 2 - "Administration", Part 3 - "Zoning" and "Appendix A".

#### 4.2.1 CONDITIONAL USE

Any use listed as a "Conditional Use" in the Residential Zones, shall comply with the regulations set forth in Section 2.10, Part 2 - "Administration".

#### 4.2.2 ACCESSORY USES

- (a) In the Residential Zones accessory uses, buildings and structures shall be limited to the following:
- (i) a children's playhouse, garden house, gazebo, private greenhouse, summer house, private conservatory and private swimming pool, open or enclosed;

- (ii) a private garage, carport, covered patio, tool house, shed or other similar building;
- (iii) incinerators, subject to the approval of the authority having jurisdiction;
- (iv) accessory off-street parking areas as required and regulated in this Part;
- (v) signs as permitted and regulated in this Part;
- (vi) home occupations;
- (vii) refuse and garbage area separate from required parking areas, buffers and open spaces for multiple-family dwellings and other permitted or approved uses where the owner or occupants produce fifty-four (54) cubic feet or more of refuse per week. The location and size of the area within the zoning site shall be subject to the approval of the Council.
- (viii) animal shelters within the "RR2" Rural Residential Zone as regulated by this Part;
- (ix) satellite dishes, but only within the rear yard of the Residential Zones.

#### 4.2.3 HOME OCCUPATIONS

The provision of this Section shall apply to all Residential Zones. Home occupations shall conform with the following additional condition:

- (a) No more than forty percent (40%) of floor area is devoted to home occupations in any dwelling unit or mobile home or building accessory thereto.

#### 4.2.4 GENERAL REQUIREMENTS FOR MOBILE HOMES

- (a) *No person shall place, or cause to be placed, a mobile home within the Rural Municipality of Brokenhead for use as a dwelling, unless it complies with the provisions of this by-law. Temporary uses as provided for in Section 3.3.3 herein are excepted from this requirement.*
- (b) *All mobile homes shall be designed and built in conformance to the Canadian Standards Association (CSA) Z240 series standards for mobile homes and all revisions thereto, and shall be in conformance with all residential standards under The Manitoba Building Code.*
- (c) *There shall be no more than one mobile home per zoning site.*
- (d) *Mobile homes, when located permanently, shall:*
  - (i) *where there are no municipal water and sewer services adjacent to the site, be connected to a private sewage disposal system installed in accordance with this by-law and regulations under the Environment Act;*
  - (ii) *be anchored to a basement, foundation or concrete pad in accordance with C.S.A. Z240 series standards;*

- (iii) be connected to the hydro system with an approved electrical service outlet; and*
- (iv) be provided with skirting that extends from the bottom of the mobile home to the ground. The skirting shall have adequate ventilation and a removable panel that provides ready access to service connections.*
- (e) All structures and/or buildings such as porches, additions, carports, private garages and storage facilities shall be painted or pre-finished to complement the main structure and shall be maintained.*

#### **4.2.4.1 GENERAL REQUIREMENTS FOR MOBILE HOME PARKS**

##### **(a) Application**

*The owner or the owner's agent may file an application with the Development Officer for a residential mobile home park. The application shall be referred to Council for approval or rejection. No permit for the placement of a mobile home or factory-built home shall be issued until Council has approved the mobile home park.*

*The application for a residential mobile home park shall include the following:*

- (i) name and address of the applicant;*
- (ii) civic address and legal description of the subject property;*
- (iii) detailed plan of the proposed mobile home park, drawn at a scale of 1 inch equals 100 feet (1:1200 metric) or as acceptable to the Development Officer, indicating the following:*
  - location and dimension of all mobile home spaces (appropriately numbered) and statement of intended use of each mobile home;*
  - location, type and dimension of mobile home pads and on-site parking surface;*
  - dimension of setbacks between mobile homes and neighbouring buildings and mobile home park site lines;*
  - location and dimension of playgrounds and open space;*
  - location and dimension of service and utility areas;*
  - location, dimension and type of surface of all roads, driveways and pedestrian walkways;*
  - surface drainage pattern;*
  - location and dimension of sanitary conveniences, garbage storage and service buildings;*
  - design and method of on-site water distribution and sewage collection;*
  - design and location of hydro, telephone and gas lines;*
  - street lighting; and*

- means of fire protection.

(b) *Mobile Home Park Design Requirements*

- (i) *All roadways within the mobile home park shall be graveled or hard surfaced, properly maintained, and illuminated by lighting units approved by Council. Only temporary parking shall be allowed on roadways.*
- (ii) *Fuel oil and propane storage tanks shall be concealed from view by landscape screening.*
- (iii) *All service buildings shall be approved prior to construction, and shall be centrally located, no further than three hundred (300) feet from any dependent mobile home, and shall be provided with adequate light, heat and ventilation.*
- (iv) *Each mobile home park shall provide for the sanitary storage of garbage in a location readily accessible to all mobile homes.*
- (v) *Each mobile home park shall provide a minimum of 2,400 square feet or 200 square feet per mobile home, whichever is greater, of children's playground(s).*
- (vi) *The 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.*
- (vii) *Each mobile home space shall be clearly marked by corner posts or other satisfactory means, and identified by a number sign.*
- (viii) *There shall be no more than one mobile home per mobile home space.*

4.2.4.3 *EXISTING MOBILE HOME PARKS*

- (a) *Mobile home parks, which lawfully existed at the effective date of this amendment, shall have non-conforming rights in accordance with The Planning Act.*
- (b) *Where a lawfully existing mobile home park is being re-developed within the current boundaries of said park, the requirements of this by-law do not have to be adhered to, provided that the standard is being improved and the non-conformity decreased.*
- (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.*

*(By-law 1989)*

4.2.5 **PLANNED UNIT DEVELOPMENT (P.U.D.)**

For planned unit developments, the provisions of the Residential Use and Bulk Tables of this part shall not apply. The design shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, accessory off-street parking areas, and other requirements and standards established in this By-law.

In addition to the requirements of Section 2.10 and 2.14 respectively, an application for the establishment of a planned unit

development shall be accompanied by the following information prepared and submitted by the applicant:

- (a) Impact studies dealing with the following matters:
  - (i) A concise statement as to the general benefits of the development to the community as a whole;
  - (ii) Effect on neighbouring structure and the general residential character of any adjacent neighbourhood;
  - (iii) Effect on the skyline, views and vistas in all directions;
  - (iv) Effect on the natural environment, such as surface and subsurface of the land, pollution of groundwater, increase in surface run-off and flooding, soil erosion and vegetation;
  - (v) Safety and general welfare;
  - (vi) Sewer and storm drainage system;
  - (vii) Tax benefits to the community (tax base, assessments and land value);
  - (viii) Cost-benefit analysis; and
- (b) The Council may not require clause (viii) above if it deems such to be unwarranted.
- (c) The Council in reviewing such applications may require such additional information from the applicant as may be necessary for review of the proposal.

#### 4.2.6 AREA AND YARD REQUIREMENTS FOR TWO-FAMILY AND MULTIPLE-FAMILY DWELLINGS

- (a) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site.
- (b)
  - (i) A semi-detached two-family dwelling, a side-by-side or a duplex or a row-house may be subdivided into two or more attached single-family dwellings, through the common party wall.
  - (ii) Unless otherwise approved, the lots so created by subdividing the side-by-side or duplex, or row-house may only be used for the purpose of single-family dwellings, and the resulting site area and site width shall become the minimum site area and site width required for said dwelling.

*4.2.7 Sewerage requirements for "RS" Seasonal Resort Zones shall be limited to holding tank disposal system only.  
(By-law 1715)*

#### 4.2.8 SPECIAL SITE AND YARD REQUIREMENTS

- (a) *For purposes of interpreting the yard and site requirements of the Rural Municipality of Brokenhead Zoning By-law as they*

*pertain to the lands affected by a proposed Plan of Survey of Lot 2, Plan 27,629 W.L.T.O. the following shall apply:*

- (i) Proposed Parcel "D" as shown on Appendix "A", attached hereto, shall be construed as if it were a public road;*
- (ii) The easterly boundaries of proposed parcels A, B and C as shown on Appendix "A", attached hereto shall be deemed to be "front site lines"; and*
- (iii) Said provisions (i) and (ii) shall also apply to said lands subsequent to the registration of the proposed plan of survey in the Land Titles Office.*

*(By-law 1898)*

#### **4.2.9 TRAVEL TRAILER PARKS AND TOURIST CAMPS**

*General Requirements - Travel Trailer Parks and Tourist camps (See also Table VII – Siting Requirements Within a Travel Trailer Park)*

- (i) No person shall construct, operate or maintain a travel trailer park or tourist camp without first having obtained approval from the R.M. of Brokenhead and having registered the park or camp 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.*
- (ii) Tourist Camp may be combined with a Travel Trailer Park as defined herein.*
- (iii) Each travel trailer or tourist camp space shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign.*
- (iv) Every travel trailer park or tourist camp 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 campers but not more than 5000 feet from any travel trailer or camper, or by other means acceptable to Council.*
- (v) All service buildings within the travel trailer park or tourist camp shall be properly illuminated. Council may require that roadways be properly illuminated by lighting units where desirable.*
- (vi) 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 per travel trailer space or tourist camp space or a minimum area of 5,000 square feet, whichever is greater.*
- (vii) Cabanas are not to exceed the length of the travel trailer, excluding hitch assembly, or exceed 12 feet 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 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, but is to be self-supporting and not structurally attached to the travel trailer by any means.*
- (viii) Service buildings or structures intended for the common use of tourist camp or travel trailer park tenants, or for the administration of these facilities, such as washroom/shower building, office or store, 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 tourist camp. Such building*

*or structure including projections shall not be located nearer than a distance of fifteen (15) feet from the limits of any travel trailer or tourist camp space.*

- (ix) An identification name shall be given to each travel trailer park or tourist camp and posted in a suitable location on the site.*
- (x) Every travel trailer park and tourist camp shall have provision for on-site liquid waste storage facilities in the form of a holding tank for the use of tenants.*
- (xi) A mobile home shall not be permitted to locate on a travel trailer or camping unit space or within a travel trailer park or tourist camp except as provided for herein.*

#### **4.2.10 SPECIAL PROVISIONS - EXISTING TRAVEL TRAILER PARKS AND TOURIST CAMPS**

- (a) Travel Trailer Parks and Tourist Camps lawfully existing at the effective date of this by-law and which do not meet the requirements of this by-law, have non-conforming rights as provided by Section 2.16 herein. Subject to the requirements of the R.M. of Brokenhead Trailer By-law, a Travel Trailer Park or Tourist Camp, lawfully existing at the effective date of this by-law, may be redesigned or altered, without the necessity of a variation 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 tourist camp spaces is being decreased.*
- (b) A mobile home space, located within a travel trailer park or tourist camp and occupied by a mobile home, lawfully in existence at the effective date of this by-law may, subject to the R.M. of Brokenhead Trailer By-law, 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.*

*(By-law (2015-05))*

### **4.3 USE AND BULK REGULATIONS**

#### **4.3.1 INTENT AND PURPOSE**

- (a)** The Residential use and bulk regulations established herein are intended to ensure that the site area and yards will be adequate to allow space for the dwelling units, car parking, and recreational areas as well as to provide for convenient access for vehicles and pedestrians, sufficient space for natural light and air to penetrate all windows, and to provide setbacks for site boundaries to afford space for maintenance and privacy.
- (b)** For interpretation of the use and bulk tables see Section 3.3.4.
- (c)** The “R” Residential use and bulk regulations shall be as set forth in Section 4.3.2 - Table I, Residential Use and Bulk Table.
- (d)** The “RA” Suburban Residential use and bulk regulations shall be as set forth in Section 4.3.3 - Table II, Suburban Residential Use and Bulk Table.



- (e) The "RR" Rural Residential use and bulk regulations shall be as set forth in Section 4.3.4 - Table III, Rural Residential Use and Bulk Table.
- (f) The "RS" Seasonal Resort use and bulk regulations shall be as set forth in Section 4.3.5 - Table IV, Seasonal Resort Use and Bulk Table.
- (g) *The "RMH-P" Residential Mobile Home Park use and bulk regulations shall be as set forth in Section 4.3.6 – Table V, Residential Mobile Home Park Use and Bulk Table. (By-law 2015-05)*
- (h) *The "RSS" Special Seasonal Resort Use and Bulk Regulations shall be as set forth in Section 4.3.7 herein. (By-law 1739)*

**4.3.1.1 SPECIAL PROVISION FOR THE "RR" RURAL RESIDENTIAL DISTRICT**

*The Veterinary Clinic existing at the time of this by-law and associated parking area are permitted uses on Lots 2 and 3, Plan 18438 of the fractional NW of Section 31-12-8EPM, and may continue to occupy the described lands as a permitted use until such time as the veterinary clinic and parking area has been discontinued for a period of 12 months or more.*

*(By-law 1984)*

PERMITTED USES		MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS			
		N/A – Not applicable or not required							HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)	
		SITE AREA	SITE WIDTH	FRONT YARD	SIDE YARD	REAR YARD	UNIT FLOOR AREA	DISTANCE TO OTHER BUILDINGS ON SITE	NUMBER OF PARKING SPACES REQUIRED			
		(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(sq.ft.)	(ft.)		(ft.)	(%)	
Accessory buildings, uses and structures		N/A	N/A	30	5 <sup>b</sup>	2	NA/NA	10	N/A	15	15	One identification sign per dwelling unit not exceeding 4 sq. ft. per sign and if freestanding, not exceeding a height of 6 ft. above grade. Signs are not permitted to be attached to the roof of a building
Dwellings, single family serviced <sup>a</sup>		5,000	50	30	5 <sup>b</sup>	25	600/20	10	1 <sup>d</sup>	30	30	
Dwellings, single family unserviced <sup>a</sup>		20,000	100	30	5 <sup>b</sup>	25	600/20	10	1 <sup>d</sup>	30	20	
Dwellings, two family serviced <sup>a</sup> Unserviced <sup>a</sup>		7,500 30,000	75 150	30 30	5 <sup>b</sup> 5	25 25	600/20 600/20	10 10	2 <sup>d</sup> 2 <sup>d</sup>	30 30	50 30	
Projections from dwellings and other main buildings	Chimneys, eaves, fire escapes	N/A	N/A	26	3 12 <sup>c</sup>	22	NA/NA	10	N/A	N/A	N/A	N/A
	Open, unenclosed stairways and balconies (no roof)	N/A	N/A	26	5 10 <sup>c</sup>	22	NA/NA	10	N/A	N/A	N/A	N/A
	Open, unenclosed porches, platforms at or below level of first floor	N/A	N/A	20	3 12 <sup>c</sup>	15	NA/NA	10	N/A	N/A	N/A	N/A
Home day care		5,000	50	30	5 <sup>b</sup>	25	800/20	10	N/A	30	30	One identification sign per site not exceeding 8 sq. ft. per sign.
Home Occupations (See 4.2.3)		N/A	N/A	N/A	N/A	N/A	NA/NA	N/A	N/A	N/A	N/A	
Playgrounds, tot lots, public reserve, public walkway		N/A	N/A	N/A	N/A	N/A	NA/NA	N/A	N/A	N/A	N/A	
Fences and Hedges front yard other yards		N/A	N/A	N/A	N/A	N/A	NA/NA NA/NA	N/A	N/A	3.5 6 <sup>b</sup>	N/A	N/A

*(By-law 1720)*

- a** Serviced dwellings are those which are attached to a municipal sewage system or where there is a pumpout holding tank installed. Unserviced dwellings are those where sewage wastes are disposed of on site, except as previously noted.
- b** Side yard exceptions for single and two-family dwelling
- (i) The minimum side yard on the street side of a corner site shall be fifteen (15) feet.
  - (ii) In the case of an accessory buildings located to the rear of the main building the minimum side yard shall be two (2) feet unless the site is a corner site in which case the minimum side yard on the street side shall be fifteen (15) feet.
  - (iii) Without a lane at the rear of the site one side yard shall be fifteen (15) feet except where an attached garage or carport is provided at the side of the main building.
  - (iv) The minimum side yard for two (2) story dwelling and attached garage or carport shall be six (6) feet.
  - (v) On that side of a single wide mobile home containing the main entrance and/or window to the living room, the side yard shall be twenty (20) feet.
  - (vi) Fences and hedges located on the street side of a reversed corner site shall not exceed a height of 3.5 feet, unless set back a distance of fifteen (15) feet in which case said height shall not exceed six (6) feet.
- c** The greater distance shall apply on the street side of a corner site.
- d** The minimum standard for parking lots and parking spaces are depicted on Appendix "A" attached hereto.

## SECTION 4.3.2 (continued) TABLE I "R" RESIDENTIAL USE AND BULK TABLE (CONTINUED)

**RM OF BROKENHEAD # 1688**

CONDITIONAL USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA  (sq.ft.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.)	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA  (See also Section 3.3.20)
Religious institutions, churches, church halls	40,000	200	30	15	25	N/A	30	1 for every 5 <sup>d</sup> persons seating capacity	30	40	1 identification sign and 1 bulletin board per site, not exceeding 32 sq. ft. each
Multiple dwellings, serviced <sup>a</sup> Senior Citizens Homes	Minimum 10,000 sq.ft. plus 1,000 sq.ft. for each 1 bedroom unit plus 1,500 sq.ft. for each 2 bedroom unit plus 2,000 sq.ft. for each 3 or 4 bedroom unit	100	30	15	25	600 except senior citizens home which shall have a minimum of 500	15	1.5 per dwelling <sup>d</sup> unit, except senior citizens homes which require only .5 per dwelling unit	30	40	1 identification sign per dwelling unit, not exceeding 4 sq. ft. and 1 identification sign per multiple dwelling, not exceeding 32 sq. ft. each. Free standing signs, not exceeding a height of 6 ft. above grade.
Residential care facilities including care homes for the elderly and group homes for the retarded or mentally ill	40,000	200	30	15	25	N/A	15	1 for every 4 <sup>d</sup> residents plus 1 for each staff member on the maximum shift	30	40	1 identification sign not exceeding 8 sq. ft.
Boarding and rooming houses, serviced <sup>a</sup>	7,500	50	30	15	25	1,000	10	1 for each adult <sup>d</sup> resident including owner/operator	30	40	1 identification sign not exceeding 8 sq. ft.
Group day care when conducted within a building containing another conditional use	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 for each staff <sup>d</sup> member	N/A	N/A	1 identification sign not exceeding 8 sq. ft.

PERMITTED USES		MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS			
		N/A – Not applicable or not required							HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)	
		SITE AREA	SITE WIDTH	FRONT YARD	SIDE YARD	REAR YARD	UNIT FLOOR AREA	DISTANCE TO OTHER BUILDINGS ON SITE	NUMBER OF PARKING SPACES REQUIRED			
		(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(sq.ft.)	(ft.)		(ft.)	(%)	
Accessory buildings, uses and structures		N/A	N/A	30	5 <sup>b</sup>	2	NA/NA	10	N/A	15	15	One identification sign per dwelling unit not exceeding 8 sq. ft. per sign and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building
Dwellings, single family or mobile home, serviced <sup>a</sup>		7,500	75	30	5 <sup>b</sup>	25	600/20	10	1 <sup>d</sup>	30	30	
Dwellings, single family or mobile home unserviced <sup>a</sup>		15,000	100	30	5 <sup>b</sup>	25	600/20	10	1 <sup>d</sup>	30	30	
Dwellings, two family serviced <sup>a</sup> Unserviced <sup>a</sup>		10,000 30,000	100 150	30 30	5 <sup>b</sup> 5 <sup>b</sup>	25 25	600/20 600/20	10 10	2 <sup>d</sup> 2	30 30	50 50	
Projections from dwellings and other main buildings	Chimneys, eaves, fire escapes	N/A	N/A	26	3 12 <sup>c</sup>	22	NA/NA	10	N/A	N/A	N/A	N/A
	Open, unenclosed stairways and balconies (no roof)	N/A	N/A	26	5 10 <sup>c</sup>	22	NA/NA	10	N/A	N/A	N/A	N/A
	Open, unenclosed porches, platforms at or below level of first floor	N/A	N/A	20	3 12 <sup>c</sup>	15	NA/NA	10	N/A	N/A	N/A	N/A
Home day care		7,500	75	30	5 <sup>b</sup>	25	800/20	10	N/A	30	30	N/A
Home Occupations (See 4.2.3)		N/A	N/A	N/A	N/A	N/A	NA/NA	N/A	N/A	N/A	N/A	N/A
Playgrounds, tot lots, public reserve, public walkway		N/A	N/A	N/A	N/A	N/A	NA/NA	N/A	N/A	N/A	N/A	One identification sign per site not exceeding 8 sq. ft. per sign.
Fences and Hedges	front yard other yards	N/A	N/A	N/A	N/A	N/A	NA/NA	N/A	N/A	3.5 6 <sup>b</sup>	N/A	N/A

**(By-law 1720)**

- a** Serviced dwellings are those which are attached to a municipal sewage system or where there is a pumpout holding tank installed. Unserviced dwellings are those where sewage wastes are disposed of on site, except as previously noted.
- b** Side yard exceptions for single and two-family dwelling
- (i) The minimum side yard on the street side of a corner site shall be fifteen (15) feet.
  - (ii) In the case of an accessory buildings located to the rear of the main building the minimum side yard shall be two (2) feet unless the site is a corner site in which case the minimum side yard on the street side shall be fifteen (15) feet.
  - (iii) Without a lane at the rear of the site one side yard shall be fifteen (15) feet except where an attached garage or carport is provided at the side of the main building.
  - (iv) The minimum side yard for two (2) story dwelling and attached garage or carport shall be six (6) feet.
  - (v) On that side of a single wide mobile home containing the main entrance and/or window to the living room, the side yard shall be twenty (20) feet.
  - (vi) Fences and hedges located on the street side of a reversed corner site shall not exceed a height of 3.5 feet, unless set back a distance of fifteen (15) feet in which case said height shall not exceed six (6) feet.
- c** The greater distance shall apply on the street side of a corner site.
- d** The minimum standard for parking lots and parking spaces are depicted on Appendix "A" attached hereto.

SECTION 4.3.3 (continued) TABLE II "RA" SUBURBAN RESIDENTIAL USE AND BULK TABLE (CONTINUED) RM OF BROKENHEAD # 1688

CONDITIONAL USES		MINIMUM REQUIREMENTS N/A – Not applicable or not required							MAXIMUM REQUIREMENTS			
		SITE AREA  (sq.ft.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.)	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
Religious institutions, churches, church halls		40,000	200	30	15	25	N/A	30	1 for every 5 <sup>d</sup> persons seating capacity	N/A	N/A	1 identification sign and 1 bulletin board per site, not exceeding 32 sq. ft. each
Multiple dwellings, three and four units Row Housing	Serviced <sup>a</sup>	2,800 sq. ft. per dwelling unit	75	30	15	25	600	15	1.5 per dwelling <sup>d</sup> unit, except senior citizens homes which require only .5 per dwelling unit	30	N/A	1 identification sign per dwelling unit, not exceeding 4 sq. ft. and 1 identification sign per multiple dwelling, not exceeding 32 sq. ft. each. Free standing signs, not exceeding a height of 6 ft. above grade.
	Unserviced <sup>a</sup>	40,000	200	30	15	25	600	15		30	N/A	
Multiple dwellings, five or more units Senior Citizens Homes	Serviced <sup>a</sup>	Minimum 10,000 sq. ft. plus 1,000 sq. ft. for each bedroom unit plus 1,500 sq.ft. for each 2 bedroom unit plus 2,000 sq.ft. for each 3 or 4 bedroom unit	100	30	15	25	600 except senior citizens homed which shall have a minimum of 500	15		1 for every 4 <sup>d</sup> residents plus 1 for each staff member on the maximum shift	30	
	Unserviced <sup>a</sup>	Same as serviced but with a minimum of 40,000 sq.ft.	200	30	15	25		15				
Residential care facilities including care homes for the elderly and group homes for the retarded or mentally ill		40,000	200	30	15	25	N/A	15	1 for every 4 <sup>d</sup> residents plus 1 for each staff member on the maximum shift	30	N/A	1 identification sign not exceeding 32 sq. ft.
Boarding and rooming houses	Serviced <sup>a</sup>	7,500	75	30	15	25	1,000	10	1 for each adult <sup>d</sup> resident including owner/operator	30	N/A	1 identification sign not exceeding 8 sq. ft.
	Unserviced <sup>b</sup>	20,000	100									
Group day care when conducted within a building containing another conditional use		N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 for each staff <sup>d</sup> member	N/A	N/A	1 identification sign not exceeding 8 sq. ft.

PERMITTED USES		MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS			
		N/A – Not applicable or not required							HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)	
		SITE AREA (acres.)	SITE WIDTH* (ft.)	FRONT YARD (ft.)	SIDE YARD (ft.)	REAR YARD (ft.)	UNIT FLOOR AREA (sq.ft.)	DISTANCE TO OTHER BUILDINGS ON SITE (ft.)	NUMBER OF PARKING SPACES REQUIRED	(ft.)	(%)	
Accessory buildings, uses and structures		N/A	N/A	100	25 <sup>b</sup>	25	N/A	10	N/A	15	N/A	One identification sign per dwelling unit not exceeding 8 sq. ft. per sign and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building
Dwellings, single family or mobile home		2	200	75	25 <sup>b</sup>	25	600	10	1 <sup>d</sup>	30		
Private stables for horses and ponies when incidental to a residential use		2	200	125	50 <sup>b</sup>	25	N/A	25	N/A	30	1 per acre to maximum of 4	
Projections from dwellings and other main buildings	Chimneys, eaves, fire escapes	N/A	N/A	71	23 73 <sup>c</sup>	22	N/A	10	N/A	N/A	N/A	N/A
	Open, unenclosed stairways and balconies (no roof)	N/A	N/A	71	25 70 <sup>c</sup>	22	N/A	10	N/A	N/A	N/A	N/A
	Open, unenclosed porches, platforms at or below level of first floor	N/A	N/A	65	23 73 <sup>c</sup>	15	N/A	10	N/A	N/A	N/A	N/A
Home day care		2	200	75	25 <sup>b</sup>	25	800	10		30		
Home Occupations (See 4.2.3)		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Playgrounds, tot lots, public reserve, public walkway		N/A	N/A	75	25	25	N/A	10	N/A	30	N/A	One identification sign per site not exceeding 8 sq. ft. per sign.
Fences and Hedges	front yard other yards	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3.5 6.0	N/A	N/A

**a** Serviced dwellings are those which are attached to a municipal sewage system or where there is a pumpout holding tank installed. Unserviced dwellings are those where sewage wastes are disposed of on site, except as previously noted.

**b** Side yard exceptions for single and two-family dwelling

- (i) The minimum side yard on the street side of a corner site shall be fifteen (15) feet.
- (ii) In the case of an accessory buildings located to the rear of the main building the minimum side yard shall be two (2) feet unless the site is a corner site in which case the minimum side yard on the street side shall be fifteen (15) feet.
- (iii) Without a lane at the rear of the site one side yard shall be fifteen (15) feet except where an attached garage or carport is provided at the side of the main building.
- (iv) The minimum side yard for two (2) story dwelling and attached garage or carport shall be six (6) feet.
- (v) On that side of a single wide mobile home containing the main entrance and/or window to the living room, the side yard shall be twenty (20) feet.
- (vi) Fences and hedges located on the street side of a reversed corner site shall not exceed a height of 3.5 feet, unless set back a distance of fifteen (15) feet in which case said height shall not exceed six (6) feet.

**c** The greater distance shall apply on the street side of a corner site.

**d** The minimum standard for parking lots and parking spaces are depicted on Appendix "A" attached hereto.

**\*** *The minimum site width requirement for Block 3, as shown on Appendix "A" attached to By-law 1739 is established at 140 feet (Zoning Map No. 9). (By-law 1739)*



PERMITTED USES		MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS			
		N/A – Not applicable or not required							HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)	
		SITE AREA (sq.ft.)	SITE WIDTH (ft.)	FRONT YARD (ft.)	SIDE YARD (ft.)	REAR YARD (ft.)	UNIT FLOOR AREA (sq.ft.)	DISTANCE TO OTHER BUILDINGS ON SITE (ft.)	NUMBER OF PARKING SPACES REQUIRED	(ft.)	(%)	
Accessory buildings, uses and structures		N/A	N/A	30	5 <sup>a</sup>	2	N/A	10	N/A	15	15	One identification sign per dwelling unit not exceeding 8 sq. ft. per sign and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building
Dwellings, seasonal single family		15,000	75	50	15 <sup>a</sup>	25	600	10	1 <sup>c</sup>	30	30	
Projections from dwellings and other main buildings	Chimneys, eaves, fire escapes	N/A	N/A	46	13 22 <sup>b</sup>	22	N/A	10	N/A	N/A	N/A	N/A
	Open, unenclosed stairways and balconies (no roof)	N/A	N/A	46	5 20 <sup>b</sup>	22	N/A	10	N/A	N/A	N/A	N/A
	Open, unenclosed porches, platforms at or below level of first floor	N/A	N/A	40	3 22 <sup>b</sup>	15	N/A	10	N/A	N/A	N/A	N/A
Playgrounds, tot lots, public reserve, public walkway		N/A	N/A	30	5	2	N/A	10	N/A	30	N/A	One identification sign per site not exceeding 8 sq. ft. per sign.
Fences and Hedges	front yard other yards	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3.5 6 <sup>a</sup>	N/A	N/A
<i>Home Occupations (See Section 4.2.3) (By-law 1720)</i>		<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>

*a* Serviced dwellings are those which are attached to a municipal sewage system or where there is a pumpout holding tank installed. Unserviced dwellings are those where sewage wastes are disposed of on site, except as previously noted.

*b* Side yard exceptions for single and two-family dwelling

(i) The minimum side yard on the street side of a corner site shall be fifteen (15) feet.

(ii) In the case of an accessory buildings located to the rear of the main building the minimum side yard shall be two (2) feet unless the site is a corner site in which case the minimum side yard on the street side shall be fifteen (15) feet.

(iii) Without a lane at the rear of the site one side yard shall be fifteen (15) feet except where an attached garage or carport is provided at the side of the main building.

(iv) The minimum side yard for two (2) story dwelling and attached garage or carport shall be six (6) feet.

(v) On that side of a single wide mobile home containing the main entrance and/or window to the living room, the side yard shall be twenty (20) feet.

(vi) Fences and hedges located on the street side of a reversed corner site shall not exceed a height of 3.5 feet, unless set back a distance of fifteen (15) feet in which case said height shall not exceed six (6) feet.

*c* The greater distance shall apply on the street side of a corner site.

*d* The minimum standard for parking lots and parking spaces are depicted on Appendix "A" attached hereto.



SECTION 4.3.5 (continued) TABLE IV “RS” SEASONAL RESORT USE AND BULK TABLE (CONTINUED) **RM OF BROKENHEAD # 1688**

CONDITIONAL USES	MINIMUM REQUIREMENTS								MAXIMUM REQUIREMENTS		
	N/A – Not applicable or not required								HEIGHT (ft.)	SITE COVERAGE (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
	SITE AREA  (sq.ft.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED			
Religious institutions, churches, church halls	40,000	200	30	15	25	N/A	30	1 for every 5 <sup>c</sup> persons seating capacity	30	40	1 identification sign and 1 bulletin board per site, not exceeding 32 sq. ft. each
Group day care when conducted within a building containing another conditional or permitted use	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 for each staff <sup>c</sup> member	N/A	N/A	1 identification sign not exceeding 8 sq. ft.
<i>Golf Courses including accessory uses such as Club House and Pro Shop (By-law 1800)</i>	<i>5</i>	<i>300</i>	<i>50</i>	<i>85</i>	<i>25</i>	<i>1000</i>	<i>10</i>	<i>N/A</i>	<i>30</i>	<i>N/A</i>	<i>1 identification sign and 1 bulletin board per site not exceeding 32 sq. ft. each</i>
<i>Travel Trailer Park and Tourist Camp (By-law 2015-05)</i>	<i>43,563 (1 acre)</i>	<i>200</i>	<i>75<sup>1</sup></i>	<i>5<sup>2</sup></i>	<i>10</i>	<i>See Table VII</i>		<i>1.5 per Travel Trailer of Camping Space</i>	<i>N/A</i>	<i>8 units/acre</i>	<i>One lighted or unlighted fascia identification, or business sign having a sign surface area not exceeding 20 percent of the area of wall to which it is attached, and one lighted or unlighted free standing or overhanging identification, or business sign not exceeding 32 sq. ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted.</i>
<i>Camping and tenting grounds (By-law 2054-07)</i>	<i>43,563 (1 acre)</i>	<i>200</i>	<i>75<sup>1</sup></i>	<i>5<sup>2</sup></i>	<i>10</i>	<i>2400 sq.ft. for RV sites 800 sq.ft. for tent sites</i>	<i>10</i>	<i>1.5 per site</i>	<i>n/a</i>	<i>36 units/acre (average)</i>	

*1 Front yard setbacks shall be treated as buffer strips and shall be suitably landscaped. No development or storage of any kind shall be permitted within the front yard setback. Where frontage abuts and/or is opposite a RA” Suburban Residential Zone, the setback from the road may be reduced to 30 feet at the discretion of Council.*

*2 Sideyard exceptions: The minimum side yard on the street side of a corner site shall be 75 feet, except where the side yard abuts and/or is opposite a “RA” Suburban Residential Zone, the setback from the road may be reduced to 15 feet at the discretion of Council. In the case of permitted projections, the minimum side yard on the street side of a corner site shall be 73 feet, except where the side yard abuts and/or is opposite a “RA” Suburban Residential Zone, the setback from the road may be reduced to 12 feet at the discretion of Council. In the case of an accessory building located to the rear of the main building the minimum side yard shall be 2 feet unless the site is a corner site in which case the minimum side yard on the street side shall be 75 feet, except where the side yard abuts and/or is opposite a “RA” Suburban Residential Zone, the setback from the road may be reduced to 15 feet at the discretion of Council.  
(By-law 2015-05)*

PERMITTED USES	MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS		
	Site Area	Site Width	Front Yard	Side Yard	Rear Yard	# of Parking Spaces Required	Distance between Buildings on site (feet)	Site Coverage	Height	
	(sq.ft.)	(feet)	(feet)	(feet)	(feet)		(feet)	%	(feet)	
Accessory buildings, structures and uses	N/A	N/A	75 <sup>1</sup>	5 <sup>2</sup>	2 <sup>2</sup>	N/A	10	30	15	
Mobile Home Park (See Table VI of further regulations)	43,563 (1 acre)	200	75 <sup>1</sup>	5 <sup>2</sup>	10	1.5 per mobile home space	See Table VI	8 units/acre	N/A	
Fences, except barbed wire, razor wire and electrified	N/A								3.5 front yard 6 side yard 6 rear yard	
Home Day Car	N/A									
Home Occupations	N/A									
Playgrounds, tot lots, public reserve, public walkway, public park	N/A	N/A	30	5 <sup>2</sup>	5	10	N/A	30	30	
Permitted projections from dwellings and other principal buildings on site	Chimneys, eaves, fire escapes	N/A	N/A	73 <sup>1</sup>	3 <sup>2</sup>	7	N/A	10	N/A	N/A
	Open, unenclosed stairways and balconies (no roof)			73 <sup>1</sup>	3 <sup>2</sup>	7		10		
	Open, unenclosed porches, platforms at or below level of first floor			73 <sup>1</sup>	3 <sup>2</sup>	10		N/A, except as required by fire code		

- 1 Front yard setbacks:
- shall be treated as buffer strips and shall be suitably landscaped. No development or storage of any kind shall be permitted within the front yard setback; and
  - where frontage abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 30 feet at the discretion of Council.
- 2 Sideyard exceptions:
- minimum side yard on the street side of a corner site shall be 75 feet, except where the side yard abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 15 feet at the discretion of Council;
  - in the case of permitted projections, minimum side yard on the street side of a corner site shall be 73 feet, except where the side yard abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 12 feet at the discretion of Council; and
  - in the case of an accessory building located to the rear of the main building the minimum side yard shall be 2 feet unless the site is a corner site in which case the minimum side yard on the street side shall be 75 feet, except where the side yard abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 15 feet at the discretion of Council.

(By-law 1989)

CONDITIONAL USES	MINIMUM REQUIREMENTS							MAXIMUM REQUIREMENTS	
	Site Area  (sq.ft.)	Site Width  (feet)	Front Yard  (feet)	Side Yard  (feet)	Rear Yard  (feet)	# of Parking Spaces Required	Distance between Buildings on site (feet)	Site Coverage  %	Height  (feet)
Group Day Care when operated in conjunction with a Residential Mobile Home Park development	N/A	N/A	N/A	N/A	N/A	1 plus 1 for each employee	N/A	N/A	N/A
Travel Trailer Park and Tourist Camp when operated in conjunction with a Residential Mobile Home Park	43,563 (1 acre)	200	75 <sup>1</sup>	5 <sup>2</sup>	10	1.5 per Travel Trailer or Camping Space	See Table VII	8 units/acre	N/A

## 1 Front yard setbacks:

- shall be treated as buffer strips and shall be suitably landscaped. No development or storage of any kind shall be permitted within the front yard setback; and
- where frontage abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 30 feet at the discretion of Council.

## 2 Sideyard exceptions:

- minimum side yard on the street side of a corner site shall be 75 feet, except where the side yard abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 15 feet at the discretion of Council;
- in the case of permitted projections, minimum side yard on the street side of a corner site shall be 73 feet, except where the side yard abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 12 feet at the discretion of Council; and
- in the case of an accessory building located to the rear of the main building the minimum side yard shall be 2 feet unless the site is a corner site in which case the minimum side yard on the street side shall be 75 feet, except where the side yard abuts and/or is opposite a "RS" Seasonal Resort or RA" Suburban Residential Zone, the setback from the road may be reduced to 15 feet at the discretion of Council.

(By-law 1989)

**TABLE VI – SITING REQUIREMENTS WITHIN A MOBILE HOME PARK**  
*(Minimum unless other wise stated)*

<i>Mobile Home Park Space – 1 mobile home per space</i>	<i>40 feet wide</i>	<i>100 ft. deep</i>	<i>4,000 sq. ft. area</i>
<i>Mobile Home</i>	<i>No height minimum or maximum</i>		<i>600 sq. ft. area</i>
<i>Additions to Mobile Homes</i>	<i>Height not to exceed that of mobile home</i>		<i>250 sq. ft. maximum area</i>
<i>Separation Distance between Mobile Homes</i>	<i>15 ft. side to side</i>	<i>15 ft. end to end</i>	<i>10 ft. to accessory buildings</i>
<i>Setback of Mobile Homes form Roads</i>	<i>15 ft. from internal road</i>		<i>75 ft. from external road<sup>1</sup></i>
<i>Internal Roads</i>	<i>40 ft. right-of-way</i>		<i>24 ft. road surface</i>

*1 where the front and/or side yard abuts and/or is opposite a “RS” Seasonal Resort or RA” Suburban Residential Zone, the front yard setback from the road may be reduced to 30 feet and the side yard set back from the road may be reduced to 15 feet at the discretion of Council.*

**TABLE VII – SITING REQUIREMENTS WITHIN A TRAVEL TRAILER PARK**  
**(Minimum unless otherwise stated)**

<i>Travel Trailer or Camping Space – 1 travel trailer or camping unit per space</i>	<i>40 feet wide</i>	<i>60 ft. deep</i>	<i>2,400 sq. ft. area</i>
<i>Mobile Home</i>	<i>No height minimum or maximum</i>		<i>600 sq. ft. area</i>
<i>Additions to Mobile Homes</i>	<i>Height not to exceed that of mobile home</i>		<i>250 sq. ft. maximum area</i>
<i>Separation Distance between Travel Trailer or Camping Units</i>	<i>15 ft. side to side</i>	<i>15 ft. end to end</i>	<i>10 ft. to accessory buildings</i>
<i>Setback of Mobile Homes from Roads</i>	<i>15 ft. from internal road</i>		<i>75 ft. from external road<sup>1</sup></i>
<i>Internal Roads</i>	<i>40 ft. right-of-way – 2 way</i>		<i>24 ft. road surface – 2 way</i>
	<i>20 ft. right-of-way – 1 way</i>		<i>12 ft. road surface – 1 way</i>

*1 where the front and/or side yard abuts and/or is opposite a “RS” Seasonal Resort or RA” Suburban Residential Zone, the front yard setback from the road may be reduced to 30 feet and the side yard set back from the road may be reduced to 15 feet at the discretion of Council.  
 (By-law 1989)*

4.3.7 "RSS" – SPECIAL SEASONAL RESORT USE AND BULK REQUIREMENTS

4.3.7.1 PERMITTED AND CONDITIONAL USES

*Same as those uses listed in Subsection 4.3.5, Table IV – "RS" Seasonal Resort Use and Bulk Table.*

4.3.7.2 REQUIREMENTS

*Same as subsection 4.3.5 Table IV – "RS" Seasonal Resort Use and Bulk Table.*

4.3.7.3 SPECIAL PROVISIONS

- (a) *Notwithstanding Subsection 4.3.7.1 and 4.3.7.2 herein, the minimum site area and site width requirements for permitted or conditional uses established within the "RSS" Special Seasonal Resort Zone shall be the actual site area and site width of each respective lot as shown on the plan of subdivision attached hereto as Appendix "A" to this by-law.*
- (b) *Any alteration of lot boundaries subsequent to the enactment of this amending by-law shall hereafter conform to the requirements of Subsection 4.3.7.2 herein.*
- (c) *Notwithstanding Subsection 4.3.7.2, any building or structure lawfully in existence at the date of the registration of the said plan in the Winnipeg Land Titles Office shall be deemed to conform to the minimum yard and maximum height and site coverage requirements as set forth in Subsection 4.3.7.2 herein.*
- (d) *Where said existing building or structure does not conform to the requirements of Subsection 4.3.6.2, it shall not be subsequently enlarged or altered so as to increase the non-conformity, unless the provisions of Subsection 2.16.11 are complied with or unless a variation order has been first obtained. Where a building or structure is being replaced or relocated in its entirety it shall thereafter conform to the requirements of Subsection 4.3.7.2 herein. (By-law 1739)*
- (e) *No buildings and/or structures, other than structures relating to traffic control or drainage shall be constructed, erected or placed on any part of a "common element" on a Condominium Plan depicted as a "street" on Appendix "A", attached hereto. (By-law 1808)*

## SECTION 4.3.7

## TABLE VII "R3" MULTIPLE FAMILY RESIDENTIAL USE AND BULK TABLE

**RM OF BROKENHEAD # 1688**

PERMITTED USES		MINIMUM REQUIREMENTS N/A – Not applicable or not required							MAXIMUM REQUIREMENTS			
		SITE AREA  (sq.ft.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sq.ft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.)	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA  (See also Section 3.3.20)
Accessory buildings, uses and structures		N/A	N/A	30	5 <sup>a</sup>	2	N/A	10	N/A	15	15	One identification sign per dwelling unit not exceeding 4sq. ft. per sign and if freestanding, not exceeding a height of 6ft. above grade. Signs are not permitted to be attached to the roof of a building
Dwellings, single family (serviced)		5,000	50	30	5 <sup>b</sup>	25	600	10	1 <sup>c</sup>	30	30	
Dwellings, two-family (serviced)		7,500	75	30	5 <sup>b</sup>	25	600	10	1 <sup>c</sup>	30	40	
Dwellings, multiple-family (serviced)		10,000 plus 1,000 for each bedroom unit, 1,500 for each 2 bedroom unit, plus 2,000 for each 3 or 4 bedroom unit	100	30	15	25	600	15	1.5 per <sup>c</sup> dwelling unit	30	40	
Home Day Care		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Home Occupations (See 4.2.3)		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Projections from dwellings and other main buildings	Chimneys, eaves, fire escapes	N/A	N/A	26	3 12 <sup>b</sup>	22	N/A	10	N/A	N/A	N/A	N/A
	Open, unenclosed stairways and balconies (no roof)	N/A	N/A	26	5 10 <sup>b</sup>	22	N/A	10	N/A	N/A	N/A	N/A
	Open, unenclosed porches, platforms at or below level of first floor	N/A	N/A	20	3 12 <sup>b</sup>	15	N/A	10	N/A	N/A	N/A	N/A
Playgrounds, tot lots, public reserve, public walkway		N/A	N/A	30	5 <sup>a</sup>	25	N/A	N/A	N/A	N/A	N/A	One identification sign per site not exceeding 8 sq. ft. per sign.
Fences and Hedges front yard other yards		N/A	N/A	3 <sup>d</sup>	3 <sup>e</sup>	N/A	N/A	N/A	N/A	3.5 6 <sup>b</sup>	N/A	N/A
Condominium developments  (By-law 2132-14)		10,000 plus 1,000 for each bedroom unit, 1,500 for each 2 bedroom unit, plus 2,000 for each 3 or 4 bedroom unit	100	30	15	15	N/A	10	1.5 per <sup>c</sup> dwelling unit	30	40	One identification sign per dwelling unit not exceeding 4sq. ft. per sign and if freestanding, not exceeding a height of 6ft. above grade. Signs are not permitted to be attached to the roof of a building

## SECTION 4.3.7 (continued)

TABLE VII "R3" MULTIPLE FAMILY RESIDENTIAL USE AND BULK TABLE (CONTINUED) RM OF BROKENHEAD # 1688

CONDITIONAL USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA  (acres.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.)	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
Residential care facilities	10,000 plus 1,000 for each bedroom unit, 1,500 for each 2 bedroom unit, plus 2,000 for each 3 or 4 bedroom unit	100	30	15	25	500	15	1 for every 4 residents plus 1 for each staff member on the maximum shift	30		1 identification sign not exceeding 32 sq. ft.
Boarding and rooming houses	7,500	N/A	30	15	25	1,000	10	1 for each <sup>c</sup> adult resident including owner/operator	30		1 identification sign not exceeding 8 sq. ft.
Group day care when conducted within a buildings containing another conditional or permitted use	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 for each staff member <sup>c</sup>	N/A		
Religious institutions, churches, church halls	40,000	200	30	15	25	n/a	30	1 for every 5 <sup>c</sup> persons seating capacity	n/a		1 identification sign and 1 bulletin board per site, not exceeding 32 sq. ft. each
Home businesses other than those defined under Home Occupations when incidental and accessory to a residential use (By-law 2132-14)	N/A	N/A	30	5 <sup>a</sup>	2	N/A	10	1 <sup>b</sup>	15	15	One identification sign per dwelling unit not exceeding 4 sq.ft. per sign surface area and if free standing, not exceeding a height of 6 ft. above grade. Signs are not permitted to be attached to the roof of a building

*a* Side yard exceptions for single and two-family dwelling

(i) The minimum side yard on the street side of a corner site shall be fifteen (15) feet.

(ii) In the case of an accessory buildings located to the rear of the main building the minimum side yard shall be two (2) feet unless the site is a corner site in which case the minimum side yard on the street side shall be fifteen (15) feet.

(iii) Without a lane at the rear of the site one side yard shall be fifteen (15) feet except where an attached garage or carport is provided at the side of the main building.

(iv) The minimum side yard for two (2) story dwelling and attached garage or carport shall be six (6) feet.

(v) On that side of a single wide mobile home containing the main entrance and/or window to the living room, the side yard shall be twenty (20) feet.

(vi) Fences and hedges located on the street side of a reversed corner site shall not exceed a height of 3.5 feet, unless set back a distance of fifteen (15) feet in which case said height shall not exceed six (6) feet.

*b* The greater distance shall apply on the street side of a corner site.

*c* The minimum standard for parking lots and parking spaces are depicted on Appendix "C" attached hereto.

*d* For hedges only.

*e* For hedges on the street side of a corner site.

((By-law 2132-14)



**5.1 AGRICULTURAL ZONES INTENT AND PURPOSE**

- 5.1.1 The agricultural zones established in this By-law are intended to provide sufficient land for various types of agricultural development in The Area in accordance with the provisions of the Brokenhead River Planning District Development Plan.
- 5.1.2 The "AL" Limited Agricultural Zone provides for the restricted use of agricultural activities in areas where it is no longer possible to permit a full range of agricultural uses. Restrictions may be placed on the size and intensity of livestock production operations in this zone.
- 5.1.3 The "A40" Rural and Agricultural Zone provides for the agricultural uses in areas where, due to land fragmentation, a full range of agricultural activities is no longer desirable.
- 5.1.4 The "A80" Rural and Agricultural Zone provides for a full range of agricultural uses.

**5.2 GENERAL PROVISIONS FOR AGRICULTURAL ZONES**

The provisions applying to all agricultural zones are contained within this part. Also applying to these zones are the provisions of Part 1 - "Definitions", Part 2 - "Administration", Part 3 - "Zoning" and "Appendix A".

**5.2.1 CONDITIONAL USE**

Any use listed as a "Conditional Use" in the Agricultural Zones shall comply with the regulations set forth in Section 2.10, Part 2 - "Administration".

- (a) *When considering a conditional use application for a livestock production operation, Council shall review and consider the Farm Practices Guidelines for Hog, Poultry, Beef and Dairy Producers in Manitoba, as published by Manitoba Agriculture and Food, and may utilize same in evaluating the proposed site and establishing locational criteria for such operations.*
- (b) *Where Conditional Use Application is made for livestock Production Operation, it shall be accompanied by the following information:*
  - (i) *A completed copy of a Livestock Production Operation information form as prepared by the Manitoba Agriculture;*
  - (ii) *A site plan, drawn to scale, depicting site and/or property boundaries, existing and proposed buildings, manure storage facilities including field storage, location and ownership of spread fields, drains, watercourses and access points to the site;*
  - (iii) *In the case of livestock production operations of 200 animal units and greater, council may require that the application for a development permit be accompanied by an environmental assessment report for the proposed site and spread fields, which may include: a description of the manure handling system; nutrient and soil analysis of spread fields; analysis of geology, aquifers, groundwater supply and surface drainage; meteorological data and odour control; and a summary of performance standards and mitigation measures specific to the operation.*

*A development permit application is not considered to be complete unless it is accompanied by the required information. Costs of such reports are to be borne by the applicant.*

*(c) Council may impose conditions on livestock production operations such as:*

- (i) Siting of buildings and manure storage facilities;*
- (ii) Provincial approval of a permit for the manure storage facility, a Water Rights Licence being obtained if exceeding 5,500 Imp. gal./day, and registration of a manure management plan;*
- (iii) Financial contribution to infrastructure improvements;*
- (iv) Odour control measures;*
- (v) Confirmation of long term contracts for leased spread fields; and*
- (vi) Any other matters deemed relevant to council.*

*(By-law 1949A)*

#### 5.2.2 ACCESSORY USES

(a) In the Agricultural Zones accessory uses, buildings and structures shall be limited to the following:

- (i) a farm dwelling, to include only a single-family dwelling or a mobile home when on the same site with a permitted or approved agricultural activity;
- (ii) staff dwelling, to include only a single-family dwelling, two-family dwelling, dormitory or mobile home when on the same site with a permitted or approved agricultural activity and other permitted and approved uses where, in the opinion of Council, said dwelling is essential for the maintenance, operation and care of the permitted or approved use;
- (iii) buildings or structures for the operation and maintenance of an agricultural activity;
- (iv) storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zoning regulations;
- (v) a machine shop, repair shop, welding shop, garage or other similar use;
- (vi) signs as permitted and regulated herein;
- (vii) a private garage, carport, covered patio, toolhouse, shed or other similar buildings for the storage of domestic equipment and supplies;
- (viii) incinerators and individual sewage disposal systems subject to the authority having jurisdiction; and
- (ix) home occupations.

### 5.2.3 MOBILE HOMES

- (a) No mobile home shall be placed in the Rural Municipality of Brokenhead and used as a dwelling unless it meets all structural standards as determined by the Buildings and Mobile Homes Act, Chapter B93;
- (b) A mobile home dwelling, when located on a site, shall:
  - (i) be connected to a private sewage disposal system installed in accordance with regulations under the Clean Environment Act;
  - (ii) be anchored to a basement, foundation, or concrete pad in accordance with C.S.A. Z240; and
  - (iii) be connected to the hydro system with an approved electrical service outlet.
- (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.

## 5.3 USE AND BULK REGULATIONS

### 5.3.1 INTENT AND PURPOSE

- (a) The Agricultural use and bulk regulations established herein are intended to provide the opportunities for a variety of agricultural activities and ensure their protection from incompatible uses.
- (b) The “AL” Limited Agricultural use and bulk regulations shall be as set forth in Section 5.3.2, Tables V, “AL” Limited Agricultural Use and Bulk Table.
- (c) The “A40” Rural and Agricultural use and bulk regulations shall be as set forth in Section 5.3.3 – Table VI, “A40” Rural and Agricultural Use and Bulk Table.
- (d) The “A80” Rural and Agricultural use and bulk regulations shall be as set forth in Section 5.3.4 – Table VII, “A80” Rural and Agricultural Use and Bulk Table.
- (e) For interpretation of the use and bulk tables see section 3.3.4.

PERMITTED USES	MINIMUM REQUIREMENTS <i>N/A – Not applicable or not required</i>								MAXIMUM REQUIREMENTS		
	SITE AREA  (acres)	SITE WIDTH  (ft.)	FRONT YARD  (ft.) <sup>a</sup>	SIDE YARD  (ft.) <sup>b</sup>	REAR YARD  (ft.)	UNIT FLOOR AREA  (sq.ft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.) <sup>c</sup>	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.) <sup>e</sup>	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA  (See also Section 3.3.20)
Accessory buildings, uses and structures excluding dwellings	N/A	N/A	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	1 identification sign per dwelling unit not exceeding 8 sq. ft. in sign surface area and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building  For all other uses: One lighted or unlighted fascia identification, or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which it is attached, and one lighted or unlighted free standing or overhanging identification, or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted.
Accessory dwellings as provided for by sections 5.2.2 in this part	N/A	N/A	75 <sup>a</sup>	25 <sup>b</sup>	25	600	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Dwellings, single family or mobile home	40	660	75 <sup>a</sup>	25 <sup>b</sup>	25	600	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Dwellings, single family or mobile home when approved in accordance with Brokenhead River Planning District Development Plan	2	200 (By-law 1798)	75 <sup>a</sup>	25 <sup>b</sup>	25	600	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Agricultural Operations as defined herein, but excluding Livestock Production Operations	40	200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Projections from main buildings including eaves, balconies, porches, fire escapes and patios	N/A	N/A	65 <sup>a</sup>	15 <sup>b</sup>	15	N/A	10 <sup>c</sup>	N/A	N/A	N/A	
Barns, sheds, animal enclosures, dairy barns, silos, greenhouses, mushroom farms, apiary and aviary	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Home occupations (See 4.2.3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Home day care	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Livestock and Livestock Production Operations less than 10 Animal Units at a density not exceeding 1 Animal Unit per acre of a site are to a	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Playgrounds, tot lots, public reserve, public walkway	N/A	N/A	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	10	

(By-law 1949A)

a For the purpose of this section the terms used have a similar meaning to those terms used in Manitoba Regulation 34/75 and livestock waste units are computed in the following manner:

	TYPE OF OPERATION	LIVESTOCK WASTE UNIT
<u>Dairy Cattle</u> -	1 milk cow	1.0
	1 milk cow plus dry cows	1.2
	1 milk cow plus dry cows, replacement heifers, calves	1.4
<u>Beef Cattle</u> -	1 beef animal of feedlot capacity	0.36
	1 beef cow, plus replacement heifer, calves (all year drylot capacity)	0.7
	1 beef cow plus replacement heifers, calves (winterlot capacity)	0.42
	1 beef cow plus bulls, replacement heifers, calves (summer pasture only)	0.28
<u>Swine</u> -	1 sow (farrow-finish) plus boars, replacement gilts, sucking pigs to market	2.0
	1 sow (farrow –weanling) plus board, replacement gilts, sucking pigs to 40 pounds	0.8
	1 feeder pig (40 pounds to market) feeder barn capacity	0.2
<u>Turkeys</u> -	100 turkey broilers	0.85
	100 turkey feeders	1.5
	100 turkey hens in breeder flock	2.2
<u>Ducks</u> -	100 ducks	1.0
<u>Geese</u> -	100 geese	1.1
<u>Horses</u> -	1 horse	0.5
<u>Sheep</u> -	1 ewe, plus rams, lambs	0.1
<u>Rabbits</u> -	10 does, plus bucks, litters	0.4

b The minimum side yard on the street side of a corner site shall be seventy-five (75) feet.

c The maximum height shall exclude grain storage structures, grain augers, and other facilities directly required for processing grain. The minimum standards for parking lots and parking spaces are depicted on Appendix "C" attached hereto.

CONDITIONAL USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA	SITE WIDTH	FRONT YARD	SIDE YARD	REAR YARD	UNIT FLOOR AREA	DISTANCE TO OTHER BUILDINGS ON SITE	NUMBER OF PARKING SPACES REQUIRED <sup>d</sup>	HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
	(acres)	(ft.)	(ft.) <sup>a</sup>	(ft.) <sup>b</sup>	(ft.)	(sqft.)	(ft.) <sup>c</sup>		(ft.) <sup>e</sup>	(%)	
Home businesses, other than those defined under Home Occupations when incidental and accessory to a residential use	N/A	N/A	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	1 identification sign per dwelling unit not exceeding 8 sq. ft. in sign surface area and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building
Livestock production operations of 10 animal units or greater	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Landscape gardeners and landscape contractors	40	360	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	20 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Sand, gravel, topsoil and mineral extraction operations (See 3.3.11)	N/A	N/A	50 to edge of excavation including stockpiling of materials and overburden			N/A	10 <sup>c</sup>	N/A	15 <sup>e</sup>	N/A	For all other uses: One lighted or unlighted fascia identification, or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which it is attached, and one lighted or unlighted free standing or overhanging identification, or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted.
Sale of livestock, poultry and agricultural products produced and/or raised on the premises and accessory to a permitted or conditional use	N/A	N/A	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	5 <sup>d</sup>	30 <sup>e</sup>	N/A	
Kennels and animal boarding and care facilities	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Religious institutions, churches, church halls	2	200	75 <sup>a</sup>	25 <sup>b</sup>	25	1000	10 <sup>c</sup>	1 for every 5 persons seating capacity <sup>d</sup>	30 <sup>e</sup>	45	
Cemeteries (By-law 1695)	2	200	30 <sup>a</sup>	10 <sup>b</sup>	10	N/A	N/A	N/A	30 <sup>e</sup>	N/A	
Senior Citizens Homes	2	200	75 <sup>a</sup>	25 <sup>b</sup>	25	500	10 <sup>c</sup>	0.5 per dwelling unit <sup>d</sup>	30 <sup>e</sup>	30	
Camping and tenting grounds including travel trailer parks <sup>g</sup>	40	200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	1 per campsite <sup>d</sup>	30 <sup>e</sup>	N/A	
Interior storage of commercial and industrial products and supplies within vacant buildings <sup>h</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

a The minimum front yard abutting a Provincial Trunk Highway or Provincial Road may be 125 feet or greater. Permits are required from the Highway Traffic Board or Manitoba Highways and Government Services.

b The minimum side yard on the street side of a corner site shall be same as the minimum front yard. The minimum side yard abutting a Provincial Trunk Highway or Provincial Road may be 125 feet or greater. Permits are required from the Highway Traffic Board or Manitoba Highways and Government Services.

c The minimum separation between dwellings on the same site shall be 50 feet. The minimum distance between a dwelling and a livestock building shall be 200 feet for livestock operations of 200 animal units and greater or 50 feet for other livestock buildings, whether on the same site or an adjacent site.

d The minimum standards for parking lots and parking spaces are depicted on Appendix "C" attached hereto.

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

f Livestock operations of 200 animal units and greater shall not be located nearer than 1000 ft. to an adjacent dwelling (excluding the dwelling of the owner/operator on site), public park, campsite, trailer park or eating establishment. See also Table VII(a).

g Individual camp and sites shall be a minimum of 2400 square feet with a minimum width of 40 feet and a maximum density of 8 camp and trailer sites per acre.

h Vacant buildings are buildings which exist at the effective date of this by-law, and which are now vacant and obsolete, or become vacant or obsolete, and where in the opinion of Council, the conversion to industrial or commercial storage is necessary to maintain the building in a reasonable manner for the remainder of its economic life. Storage does not include the processing, sale, manufacture of or any external stockpiling of materials.



SECTION 5.3.3 (continued) TABLE VI "A40" RURAL AND AGRICULTURAL USE AND BULK TABLE (CONTINUED) RM OF BROKENHEAD # 1688

CONDITIONAL USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS											
	SITE AREA  (acres)	SITE WIDTH  (ft.)	FRONT YARD  (ft.) <sup>a</sup>	SIDE YARD  (ft.) <sup>b</sup>	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.) <sup>c</sup>	NUMBER OF PARKING SPACES REQUIRED <sup>d</sup>	HEIGHT  (ft.) <sup>e</sup>	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA  (See also Section 3.3.20)									
Marketing of poultry, fowl, rabbits, fish and frogs, including the slaughter and dressing of these animals provided they have been raised on the premises and such slaughter and dressing is done in an accessory building	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	1 identification sign per dwelling unit not exceeding 8 sq. ft. in sign surface area and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building									
Seed cleaning, grain storage and similar agri- business (By-law 1759)	40	60	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A										
Landscape gardeners and landscape contractors	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	For all other uses: One lighted or unlighted fascia identification, or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which it is attached, and one lighted or unlighted free standing or overhanging identification, or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted.									
Sand, gravel, topsoil and mineral extraction operations (See 3.3.11)	40	660	50 to edge of excavation including stockpiling of materials and overburden			N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A										
Horse racing track	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	1 for every 1000 sq. ft. of developed recreation area with a minimum of 20 spaces <sup>d</sup>	30 <sup>e</sup>	N/A										
Gun clubs, rifle and archery ranges																				
Parks, agricultural society grounds, playgrounds																				
Drag strip or vehicle race track																				
Airports and airstrips whether public or private																				
Bulk fertilizer mixing and storage facilities	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	45										
Livestock operations of 50 Animal Units and greater																				
Religious institutions, churches and church halls												2	200	75 <sup>a</sup>	25 <sup>b</sup>	25	1000	10 <sup>c</sup>	1 for every 5 persons seating capacity <sup>d</sup>	30 <sup>e</sup>
Cemeteries (By-law 1695)											2	200	30 <sup>a</sup>	10 <sup>b</sup>	10	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	45
Waste management facilities											40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	45
Home Businesses other than those defined under Home Occupations when incidental and accessory to a residential use (By-law 1720)	N/A	N/A	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A										
Camping and tenting grounds including travel trailer parks <sup>g</sup>	40	600	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	1 for each camp and trailer site <sup>d</sup>	30 <sup>e</sup>	N/A										
Interior storage of commercial and industrial products and supplies within vacant buildings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A										

- a The minimum front yard abutting a Provincial Trunk Highway or Provincial Road may be 125 feet or greater. Permits are required from the Highway Traffic Board or Manitoba Highways and Government Services.
- b The minimum side yard on the street side of a corner site shall be same as the minimum front yard. The minimum side yard abutting a Provincial Trunk Highway or Provincial Road may be 125 feet or greater. Permits are required from the Highway Traffic Board or Manitoba Highways and Government Services.
- c The minimum separation between dwellings on the same site shall be 50 feet. The minimum distance between a dwelling and a livestock building shall be 200 feet for livestock operations of 200 animal units and greater or 50 feet for other livestock buildings, whether on the same site or an adjacent site.
- d The minimum standards for parking lots and parking spaces are depicted on Appendix "C" attached hereto.



- e The maximum height shall exclude grain storage structures, grain augurs and other facilities directly required for processing grain.*
- f Livestock operations of 200 animal units and greater shall not be located nearer than 1000 ft. to an adjacent dwelling (excluding the dwelling of the owner/operator on site), public park, campsite, trailer park or eating establishment. See also Table VII(a).*
- g Individual camp and sites shall be a minimum of 2400 square feet with a minimum width of 40 feet and a maximum density of 8 camp and trailer sites per acre.*
- h Vacant buildings are buildings which exist at the effective date of this by-law, and which are now vacant and obsolete, or become vacant or obsolete, and where in the opinion of Council, the conversion to industrial or commercial storage is necessary to maintain the building in a reasonable manner for the remainder of its economic life. Storage does not include the processing, sale, manufacture of or any external stockpiling of materials.*

*(By-law 1949A)*

PERMITTED USES	MINIMUM REQUIREMENTS <i>N/A – Not applicable or not required</i>								MAXIMUM REQUIREMENTS		
	SITE AREA <i>(acres)</i>	SITE WIDTH <i>(ft.)</i>	FRONT YARD <i>(ft.)<sup>a</sup></i>	SIDE YARD <i>(ft.)<sup>b</sup></i>	REAR YARD <i>(ft.)</i>	UNIT FLOOR AREA <i>(sq.ft.)</i>	DISTANCE TO OTHER BUILDINGS ON SITE <i>(ft.)<sup>c</sup></i>	NUMBER OF PARKING SPACES REQUIRED <sup>d</sup>	HEIGHT <i>(ft.)<sup>e</sup></i>	SITE COVERAGE <i>(%)</i>	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA <i>(See also Section 3.3.20)</i>
<i>Accessory buildings, uses and structures excluding dwellings</i>	<i>N/A</i>	<i>N/A</i>	<i>75<sup>a</sup></i>	<i>25<sup>b</sup></i>	<i>25</i>	<i>N/A</i>	<i>10<sup>c</sup></i>	<i>N/A</i>	<i>30<sup>e</sup></i>	<i>N/A</i>	<i>1 identification sign per dwelling unit not exceeding 8 sq. ft. in sign surface area and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building</i>  <i>For all other uses: One lighted or unlighted fascia identification, or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which it is attached, and one lighted or unlighted free standing or overhanging identification, or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted.</i>
<i>Accessory dwellings as provided for by section 5.2.2 in this part</i>	<i>N/A</i>	<i>N/A</i>	<i>75<sup>a</sup></i>	<i>25<sup>b</sup></i>	<i>25</i>	<i>600</i>	<i>10<sup>c</sup></i>	<i>N/A</i>	<i>30<sup>e</sup></i>	<i>N/A</i>	
<i>Dwellings, single family or mobile home</i>	<i>80</i>	<i>1200</i>	<i>75<sup>a</sup></i>	<i>25<sup>b</sup></i>	<i>25</i>	<i>600</i>	<i>10<sup>c</sup></i>	<i>N/A</i>	<i>30<sup>e</sup></i>	<i>N/A</i>	
<i>Single family dwellings or mobile homes when located on a lot approved in accordance with Brokenhead River Planning District Development Plan</i>	<i>2</i>	<i>200</i>	<i>75<sup>a</sup></i>	<i>25<sup>b</sup></i>	<i>25</i>	<i>600</i>	<i>10<sup>c</sup></i>	<i>N/A</i>	<i>30<sup>e</sup></i>	<i>N/A</i>	
<i>Projections from main buildings including eaves, balconies, porches, fire escapes and patios</i>	<i>N/A</i>	<i>N/A</i>	<i>65<sup>a</sup></i>	<i>15<sup>b</sup></i>	<i>15</i>	<i>N/A</i>	<i>10<sup>c</sup></i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	
<i>Agricultural operations as defined herein, but excluding Livestock Production Operations</i>	<i>80</i>	<i>1200</i>	<i>75<sup>a</sup></i>	<i>15<sup>b</sup></i>	<i>25</i>	<i>N/A</i>	<i>10<sup>c</sup></i>	<i>N/A</i>	<i>30<sup>e</sup></i>	<i>N/A</i>	
<i>Barns, sheds, animal enclosures, dairy barns, silos, greenhouses, mushroom farms, apiary and aviary</i>	<i>80</i>	<i>1200</i>	<i>75<sup>a</sup></i>	<i>25<sup>b</sup></i>	<i>25</i>	<i>N/A</i>	<i>10<sup>c</sup></i>	<i>N/A</i>	<i>30<sup>e</sup></i>	<i>N/A</i>	
<i>Sale of livestock, poultry and agricultural products produced and/or raised on the premises and accessory to a permitted or conditional use</i>											
<i>Mink and fox farms</i>											
<i>Livestock production operations less than 200 Animal Units</i>											
<i>Animal boarding care and training facilities</i>											
<i>Home Occupations (See 4.2.3) (By-law 1720)</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	

(By-law 1949A)

SECTION 5.3.4 (continued) TABLE VII "A80" RURAL AND AGRICULTURAL USE AND BULK TABLE (CONTINUED) RM OF BROKENHEAD # 1688

CONDITIONAL USES	MINIMUM REQUIREMENTS								MAXIMUM REQUIREMENTS		
	N/A – Not applicable or not required								HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
	SITE AREA  (acres)	SITE WIDTH  (ft.)	FRONT YARD  (ft.) <sup>a</sup>	SIDE YARD  (ft.) <sup>b</sup>	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.) <sup>c</sup>	NUMBER OF PARKING SPACES REQUIRED <sup>d</sup>	(ft.) <sup>e</sup>	(%)	
Marketing of poultry, fowl, rabbits, fish and frogs, including the slaughter and dressing of these animals provided they have been raised on the premises and such slaughter and dressing is done within an accessory building	80	1200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	5	30 <sup>e</sup>	N/A	1 identification sign per dwelling unit not exceeding 8 sq. ft. in sign surface area and if freestanding, not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building  For all other uses: One lighted or unlighted fascia identification, or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which it is attached, and one lighted or unlighted free standing or overhanging identification, or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons and flashing signs are not permitted.
Seed cleaning, grain storage and similar agro-business (By-law 1759)	80	1200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Landscape gardeners and landscape contractors	80	1200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Sand, gravel, topsoil and mineral extraction operations (See 3.3.11)	80	1200	50 to edge of excavation including stockpiling of materials and overburden			N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Horse racing track	80	1200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	1 for every 1000 sq. ft. of developed recreational area, minimum of 20 spaces <sup>d</sup>	30 <sup>e</sup>	N/A	
Gun clubs, rifle and archery ranges											
Parks, agricultural society grounds, playgrounds											
Drag strip or vehicle race track											
Airports and airstrips whether public or private											
Bulk fertilizer mixing and storage facilities	80	1200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	N/A	
Livestock operations of 200 Animal Units and greater											
Home Businesses other than those defined under Home Occupations when incidental and accessory to a residential use (By-law 1720)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Religious institutions, churches and church halls	5	300	75 <sup>a</sup>	25 <sup>b</sup>	25	1000	10 <sup>c</sup>	1 for every 5 persons seating capacity <sup>d</sup>	30 <sup>e</sup>	45	
Camping and Tenting Grounds including travel trailer parks <sup>e,f</sup> (By-law 1764)	80	1200	75 <sup>a</sup>	25 <sup>b</sup>	25	N/A	10 <sup>c</sup>	1 per campsite <sup>d</sup>	N/A	60	
Interior storage of commercial and industrial products and supplies within vacant buildings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Cemeteries (By-law 1994)	2	200	30 <sup>a</sup>	10 <sup>b</sup>	10	N/A	10 <sup>c</sup>	N/A	30 <sup>e</sup>	45	
Vacation farms, including campsites, recreational vehicle sites and rental cabins, provided the vacation farm operation is on the same Certificate of Title as the farm operation and is accessory, incidental and secondary to the farming operation (By-law 1983)	N/A	N/A	75	50	50	N/A	10	1 per campsite, recreational vehicle site and rental cabin, plus 1 for every 1000 feet of developed recreational area	15	N/A	1 identification sign not exceeding 8 sq. ft. in surface area, and if freestanding not exceeding a height of 8 ft. above grade. Signs are not permitted to be attached to the roof of a building. Signs shall not overhang into a public street, lane or walkway. Rotating beacon and flashing signs are not permitted

- a *The minimum front yard abutting a Provincial Trunk Highway or Provincial Road may be 125 feet or greater. Permits are required from the Highway Traffic Board or Manitoba Highways and Government Services.*
- b *The minimum side yard on the street side of a corner site shall be same as the minimum front yard. The minimum side yard abutting a Provincial Trunk Highway or Provincial Road may be 125 feet or greater. Permits are required from the Highway Traffic Board or Manitoba Highways and Government Services.*
- c *The minimum separation between dwellings on the same site shall be 50 feet. The minimum distance between a dwelling and a livestock building shall be 200 feet for livestock operations of 200 animal units and greater or 50 feet for other livestock buildings, whether on the same site or an adjacent site.*
- d *The minimum standards for parking lots and parking spaces are depicted on Appendix "C" attached hereto.*
- e *The maximum height shall exclude grain storage structures, grain augurs and other facilities directly required for processing grain.*
- f *Livestock operations of 200 animal units and greater shall not be located nearer than 1000 ft. to an adjacent dwelling (excluding the dwelling of the owner/operator on site), public park, campsite, trailer park or eating establishment. See also Table VII(a).*
- g *Individual camp and sites shall be a minimum of 2400 square feet with a minimum width of 40 feet and a maximum density of 8 camp and trailer sites per acre.*
- h *Vacant buildings are buildings which exist at the effective date of this by-law, and which are now vacant and obsolete, or become vacant or obsolete, and where in the opinion of Council, the conversion to industrial or commercial storage is necessary to maintain the building in a reasonable manner for the remainder of its economic life. Storage does not include the processing, sale, manufacture of or any external stockpiling of materials.*

*(By-law 1949A)*

*This table is included for reference purposes only. If there is any discrepancy between this table and those contained in the Farm Practices Guidelines published by the Province of Manitoba, the latter apply.*

		<i>A.U. Produced By One Livestock</i>	<i>Livestock Producing One A.U.</i>
<u><i>Dairy</i></u>	<i>Milking cows, inc. Associated livestock</i>	<i>2.000</i>	<i>0.5</i>
<u><i>Beef</i></u>	<i>Beef cows, inc. associated livestock</i>	<i>1.250</i>	<i>0.8</i>
	<i>Backgrounder</i>	<i>0.500</i>	<i>2.0</i>
	<i>Summer pasture/replacement heifers</i>	<i>0.625</i>	<i>1.6</i>
	<i>Feeder Cattle</i>	<i>0.769</i>	<i>1.3</i>
<u><i>Hogs</i></u>	<i>Sows, farrow to finish</i>	<i>1.250</i>	<i>0.8</i>
	<i>Sows, farrow to weaning</i>	<i>0.313</i>	<i>3.2</i>
	<i>Sows, farrow to nursery</i>	<i>0.250</i>	<i>4.0</i>
	<i>Weanlings</i>	<i>0.033</i>	<i>30</i>
	<i>Growers/finishers</i>	<i>0.143</i>	<i>7.0</i>
	<i>Boars (artificial insemination operations)</i>	<i>0.200</i>	<i>5.0</i>
<u><i>Chickens</i></u>	<i>Broilers</i>	<i>0.0050</i>	<i>200</i>
	<i>Roasters</i>	<i>0.0100</i>	<i>100</i>
	<i>Layers</i>	<i>0.0083</i>	<i>120</i>
	<i>Pullets and broiler breeder pullets</i>	<i>0.0033</i>	<i>300</i>
	<i>Broiler breeder hens</i>	<i>0.0100</i>	<i>100</i>
<u><i>Turkeys</i></u>	<i>Broilers</i>	<i>0.010</i>	<i>100</i>
	<i>Heavy Toms</i>	<i>0.020</i>	<i>50</i>
	<i>Heavy Hens</i>	<i>0.010</i>	<i>100</i>
<u><i>Horses (PMU)</i></u>	<i>Mares, including associated livestock</i>	<i>1.333</i>	<i>0.75</i>
<u><i>Sheep</i></u>	<i>Ewes, including associated livestock</i>	<i>0.200</i>	<i>5.0</i>
	<i>Feeder lambs</i>	<i>0.063</i>	<i>16.0</i>

*Other Livestock or operation type* - *Please inquire with your regional agricultural engineer or livestock specialist.*

*Ref.: Appendix I, Farm Practices Guidelines for Hog Producers in Manitoba, Feb. 7 2000 edition.*

## PART 6 COMMERCIAL ZONES

### 6.1 COMMERCIAL ZONES INTENT AND PURPOSE

- 6.1.1 The Commercial Zones established in this by-law are intended to provide serviced land for central commercial development and provide for highway commercial use as per the Development Plan.
- 6.1.2 The "CC" Central Commercial Zone provides areas for the centralization of commercial uses in the community of Tyndall.
- 6.1.3 The "CH" Highway Commercial Zone provides areas for commercial uses adjacent to Provincial Trunk Highways within the R.M. of Brokenhead.

### 6.2 GENERAL PROVISIONS FOR COMMERCIAL ZONES

The provisions applying to all commercial zones are contained within this Part. Also applying to these zones are the provisions of Part 1 - "Definitions", Part 2 - "Administration", Part 3 - "Zoning" and "Appendix A".

#### 6.2.1 CONDITIONAL USE

Any use listed as a "Conditional Use" in the Commercial Zones shall comply with the regulations set forth in Section 2.10, Part 2, "Administration".

#### 6.2.2 ACCESSORY USES

- (a) In the Commercial Zones accessory uses, buildings and structures shall be limited to the following:
- (i) A dwelling unit or mobile home for a watchman or caretaker and his family who presence on the site is essential at all times;
  - (ii) a children's playhouse, garden house, private greenhouse, summer house when incidental to a (i) above;
  - (iii) a private garage, carport, covered patio, toolhouse, shed or other similar buildings;
  - (iv) incinerators and individual sewage disposal systems subject to the authority having jurisdiction;
  - (v) the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use and contained within a completely enclosed building;
  - (vi) apartment of dwelling unit when it is part of the principal building;
  - (vii) accessory off-street parking and loading areas as permitted and regulated in this Part; and
  - (vii) signs as permitted and regulated in this Part.

### 6.2.3 MULTIPLE USES

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.

### 6.2.4 OBNOXIOUS USES

Notwithstanding anything herein contained, no use shall be permitted in any zone under this Part which may be obnoxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

## 6.3 USE AND BULK REGULATIONS

### 6.3.1 INTENT AND PURPOSE

- (a) The Commercial use and bulk regulations established herein to ensure that the site area and yards will be adequate to allow space for downtown commercial area in the community of Tyndall and to provide for highway commercial uses with safe vehicle access and sufficient parking so that conflict with other highway vehicles is minimized.
- (b) The “CC” Central Commercial use and bulk regulations shall be as set forth in Section 6.3.2 – Table VIII, “CC” Central Commercial use and Bulk Table.
- (c) The “CH” Highway Commercial use and bulk regulations shall be as set forth in Section 6.3.3 – Table IX, “CH” Highway Commercial Use and Bulk Table.
- (b) For interpretation of the use and bulk tables see Section 3.3.4.





SECTION 6.3.2 (continued) TABLE VIII "CC" CENTRAL COMMERCIAL USE AND BULK TABLE (CONTINUED) RM OF BROKENHEAD # 1688

CONDITIONAL USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA  (sq.ft.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.)	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA  (See also Section 3.3.20)
Arenas, curling clubs, private clubs, dance halls, recreation halls, banquet halls, auditoriums	40,000	150	20	15	20	2000	10	1 for every <sup>d</sup> 4 persons seating capacity	35	60	One lighted or unlighted fascia or roof top identification, advertising or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which they are attached, and one lighted or unlighted free standing or overhanging identification, advertising or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons are not permitted. Flashing signs are not permitted where they would emit light directly onto an adjacent residence.
Farmers market or outdoor markets	5,000	50	20	5 <sup>c</sup>	20	600	10	2 <sup>d</sup>	35	60	
Building supply sales with outdoor storage	20,000 <sup>a</sup> 40,000	100	20	5 <sup>c</sup>	20	1,000	10	spaces plus 1 space for every 500 sq. ft. of sales and display area	35	60	
Bakeries	5,000 <sup>a</sup> 40,000	50	20	5 <sup>c</sup>	20	600	10		35	60	
Automotive and implement sales with outdoor display	40,000	150	20	5 <sup>c</sup>	20	2,000	10		35	60	
Dry cleaning establishment	5,000 <sup>a</sup> 40,000	50	20	5 <sup>c</sup>	20	1,000	10		35	60	
Automobile laundry	10,000 <sup>a</sup> 40,000	100	20	5 <sup>c</sup>	20	600	10	N/A	35	60	
Bus terminal	10,000	100	20	5 <sup>c</sup>	20	1,000	10	N/A	35	60	
Churches and funeral homes	10,000 <sup>a</sup> 40,000	150	20	5 <sup>c</sup>	20	1,000	10	1 for every <sup>d</sup> 5 persons seating capacity	35	60	
Parks, tot lots	N/A	N/A	20	5	20	N/A	10	N/A	35	60	
Animal hospital, veterinary clinic	5,000 <sup>a</sup> 20,000	500 100	20	25	25	1,000	10	5	35	40	
Accessory dwellings attached or contained within commercial buildings	N/A	N/A	20	5 <sup>c</sup>	25	600	10	1 space <sup>d</sup> for each dwelling unit	35	15	
Accessory dwellings, detached	N/A	N/A	30	5 <sup>c</sup>	25	600	10		35	15	
Shopping centres, malls, strip plazas	40,000	150	45	25	25	5,000	10	2 spaces <sup>d</sup> plus 1 space for every 250 sq.ft. of gross floor area	35	60	
<i>Dwellings, Single Family in accordance with Section 8.2.1.4 a) of the Development Plan (By-law 1788)</i>	<i>5,000</i>	<i>50</i>	<i>20</i>	<i>5<sup>c</sup></i>	<i>20</i>	<i>600</i>	<i>10</i>	<i>1 per site</i>	<i>30</i>	<i>30</i>	<i>One identification sign per dwelling unit not exceeding 4 sq.ft.</i>

a Only where the site is serviced by a municipal sewer system or where there is a pump out holding tank installed.

b Fuel pumps shall have a minimum front yard of 20 feet.

c Side yard exceptions:

(i) side yards on the street side of a corner or reversed corner site shall be a minimum of fifteen (15) feet and for projections, twelve (12) feet.

(ii) side yards abutting a residential zone shall be a minimum of fifteen (15) feet.

d Accessory parking is permitted within the required front yard. The minimum standards for parking lots and parking spaces are depicted on Appendix "C".

PERMITTED USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA (sq.ft.)	SITE WIDTH (ft.)	FRONT YARD (ft.)	SIDE YARD (ft.)	REAR YARD (ft.)	UNIT FLOOR AREA (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT (ft.)	SITE COVERAGE (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
Accessory buildings, uses and structures	N/A	N/A	125	15	15	N/A	10	N/A	30	15	One lighted or unlighted fascia or roof top identification, advertising or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which they are attached, and one lighted or unlighted free standing or overhanging identification, advertising or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons are not permitted. Flashing signs are not permitted where they would emit light directly onto an adjacent residence.
Restaurants and eating establishments including drive-ins	40,000	150	45 <sup>b</sup> except for pumps	15	15	1,000	10	1 space <sup>d</sup> each 500 sq.ft. of gross floor area	30	40	
Hotels, motels, taverns, lounges and pubs	40,000	150		15	15	2,000	10		30	40	
Automobile services stations including restaurants, and gas bars	40,000	300		15	15	1,000	10		30	40	
Automotive, recreational vehicle and implement sales, service and repair with outdoor display	40,000	150	125	15 <sup>c</sup>	15	1,000	10	2 spaces <sup>d</sup> plus 1 space for each 500 sq. ft. of sales and display area in excess of 1000 sq. ft.	30	40	
Mobile home and travel trailer sales											
Outdoor markets and farmers markets											
Building supply sales including outdoor storage, except in front yard											
Garden supply sales excluding bulk fertilizer sales, outside storage and display											
Miniature golf and driving ranges											
Drive-in banks and laundries											
Automobile laundry	20,000	100									
Gift shops											
Bus terminal or depot											
Veterinary clinic and animal hospital											
Projection from main buildings including eaves, balconies, fire escapes, porches, patios and canopies	N/A	N/A	120	12 <sup>c</sup>	12	N/A	N/A	N/A	N/A	N/A	N/A
<i>Home Occupations (See Section 4.2.3) (By-law 1720)</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>

*a* There shall be not more than 1 entrance and one exit per site having a minimum width each of 25 ft. or not more than 1 combined entrance and exit having a minimum width of 40 ft.

Entrances and exits shall be clearly marked and defined. Single entrances and exits shall not exceed 30 ft. in width. Combined entrances and exits shall not exceed 50 ft. in width.

*b* Fuel pumps shall have a minimum front yard of 25 feet.

*c* Side yard exceptions:

(i) side yards on the street side of a corner or reversed corner site shall be a minimum of twenty (20) feet and for projections, seventeen (17) feet.

(ii) side yards abutting a residential zone shall be a minimum of twenty (20) feet.

*d* The minimum standards for parking lots and parking spaces are depicted on Appendix "C" attached hereto.

CONDITIONAL USES	MINIMUM REQUIREMENTS								MAXIMUM REQUIREMENTS		
	N/A – Not applicable or not required										
	SITE AREA	SITE WIDTH	FRONT YARD	SIDE YARD	REAR YARD	UNIT FLOOR AREA	DISTANCE TO OTHER BUILDINGS ON SITE	NUMBER OF PARKING SPACES REQUIRED	HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
	(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(sqft.)	(ft.)		(ft.)	(%)	
Truck terminal or depot	40,000	150	125	15 <sup>c</sup>	15	1,000	10	2 <sup>d</sup> spaces plus 1 space for every 500 sq. ft. of sales and display area in excess of 1000 sq. ft.	35	40	One lighted or unlighted fascia or roof top identification, advertising or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which they are attached, and one lighted or unlighted free standing or overhanging identification, advertising or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons are not permitted. Flashing signs are not permitted where they would emit light directly onto an adjacent residence.
Travel trailer park, campsite											
Drive-in theatre											
Public garages and government administration buildings											
Commercial recreational facilities such as amusement parks, water slides and go-cart tracks											
Accessory dwellings detached	N/A	N/A	125	15	25	600	10	1 per <sup>d</sup> dwelling unit	35	15	One identification sign per dwelling unit not exceeding 4 sq. ft. per sign and if free standing, not exceeding a height of 6 ft. above grade. Signs are not permitted to be attached to the roof of a building.

## PART 7 INDUSTRIAL ZONES

### 7.1 INDUSTRIAL ZONES INTENT AND PURPOSE

7.1.1 The Industrial Zones established in this by-law are intended to provide sufficient space for a small range of industrial and related uses in suitable locations in the Area as per the provisions of the Development Plan.

7.1.2 The “M” Industrial Zone provides for a limited range of industrial development where a certain level of nuisance factors must be accepted as characteristic of the use.

### 7.2 GENERAL PROVISION FOR INDUSTRIAL ZONES

The provisions applying to all industrial zones are contained within this part. Also applying to these zones are the provisions of Part 1 – “Definitions”, Part 2 – “Administration”, Part 3 – “Zoning” and “Appendix A.”

#### 7.2.1 CONDITIONAL USE

Any use listed as a “Conditional Use” in Table X shall comply with the regulations set forth in Section 2.10, Part 2 – “Administration”.

#### 7.2.2 ACCESSORY USE

(a) In the Industrial Zone accessory uses, buildings or structures includes, but is not limited to, the following:

- (i) a garage, shed or building for storage incidental to a permitted or conditional use;
- (ii) Incinerators subject to the authority having jurisdiction, and which shall be incidental to the permitted or conditional use;
- (iii) 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;
- (iv) the production, processing, cleaning, altering, testing, repair, or storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principle use;
- (v) in all industrial zones, a dwelling unit or mobile home for a watchman or caretaker and his family if, in Council’s opinion, it is demonstrated that his presence on the same zoning site as the principal use is essential and necessary;
- (vi) a retail or commercial use listed as a conditional use which is incidental to a permitted or conditional use;
- (vii) accessory off-street parking or loading spaces as required and regulated in this Part; and
- (viii) signs as permitted and regulated in this Part.

### 7.2.3 MULTIPLE USES

When 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, as in the case of site area and site frontage, the higher or more stringent requirement shall prevail.

### 7.2.4 SPECIAL YARDS ALONG ZONE BOUNDARIES

The following special yard requirements shall apply along residential zone boundaries:

- (a) Where a side site line in an Industrial Zone abuts a side site line in an adjacent Residential Zone:
  - (i) the front yard requirement of the Residential Zone shall extend for a distance of one hundred (100) feet into the Industrial Zone, and a required side yard of twenty-five (25) feet in width shall be provided along the side site line in the Industrial Zone.
  - (ii) the side yard provided shall not be used for accessory off-street loading, or storage of materials, or processing of any kind, except where a solid fence of six (6) feet high is provided and maintained along the site line abutting the Residential Zone boundary.
  - (iii) parking spaces within the front yard shall not be permitted within ten (10) feet of the said zone boundary.
- (b) Where a side site line in an Industrial Zone abuts a side or rear site line in a adjacent Residential Zone, a side yard of twenty-five (25) feet shall be provided in the Industrial Zone along the rear site line.
- (c) Where a rear site line in an Industrial Zone abuts a side or rear site line in an adjacent Residential Zone, a required rear yard of fifty (50) feet in depth shall be provided along the side or rear site line.
- (d) Where a boundary yard as described in paragraphs (a), (b) and (c) is provide a compact hedge, row or shrubbery, or a solid fence of six (6) feet in height shall be provided and maintained along the site line abutting the Residential Zone boundary.
- (e) Where the boundary lines in an Industrial Zone and a Parks and Recreation or Commercial Zone are co-terminus, there shall be a minimum side or rear yard of fifteen (15) feet for the adjoining Industrial use except where a greater required side or rear yard is provided for elsewhere herein.

### 7.2.5 PARKING AND LOADING SPACES

All parking and loading spaces shall be located on the same zoning site.

## 7.3 USE AND BULD REGULATIONS

### 7.3.1

#### INTENT AND PURPOSE

- (a) The Industrial use and bulk regulation established herein are intended to ensure that the site area and yards will be adequate to allow space for the industrial uses, car parking, vehicle loading and unloading, and setbacks from site boundaries to minimize conflict with adjacent zones.
- (b) The “M” Industrial use and bulk regulations shall be as set forth in Section 7.3.2 – Table X, “M” Industrial Use and Bulk Table.
- (c) For interpretation of the use and bulk tables see Section 3.3.4.

PERMITTED USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA  (sq.ft.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.)	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA  (See also Section 3.3.20)
Accessory buildings, uses and structures	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 space for <sup>b</sup> every 1,000 sq. ft. of gross floor area plus 1 additional space for each 1,000 sq. ft. of floor area devoted to office or administrative use	30	15	
Any manufacturing, assembling or packaging industry conducted entirely within a completely enclosed building except class Fuses under the Manitoba Building Code	10,000 <sup>a</sup> 40,000	75 <sup>a</sup> 100	20	15	15	1000	10		30	60	One lighted or unlighted fascia or roof top identification, advertising or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which they are attached, and one lighted or unlighted free standing or overhanging identification, advertising or business sign not exceeding 32 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons are not permitted. Flashing signs are not permitted where they would emit light directly onto an adjacent residence.
Warehouse facilities for the storage, sale, and distribution of manufactured goods except fertilizers, explosives, flammable and toxic wastes											
Laboratories, testing, and research facilities											
Schools operating as a commercial enterprise											
Animal hospitals, veterinary clinics and pounds											
Equipment and vehicle rental											
Public buildings, public garages, police and fire stations, jails											
Machine shops, blacksmith shops, and repair shops											
Wholesale outlets, business supply stores											
Greenhouses and nurseries											
Auction markets, but not including livestock auction											
Arenas, stadiums, curling rinks, sports fields											
Construction materials and contractors establishments including: -sales and storage yards for building materials and contractors equipment -lumber and wood products manufacture -woodworking -prefabricated buildings and structures											
<b>Movie Production Studio and accessory uses pertaining to movie production – BL #2056-07</b>											
Projections from main buildings including eaves, balconies, fire escapes, porches, patios and canopies	N/A	N/A	15	12	12	N/A	N/A	N/A	N/A	N/A	
Any permitted or conditional use in "CC" or "CH" zone, except residences	See applicable zone for requirements.										

SECTION 7.3.2 (continued) TABLE X "M" INDUSTRIAL USE AND BULK TABLE (CONTINUED) **RM OF BROKENHEAD # 1688**

CONDITIONAL USES	MINIMUM REQUIREMENTS								MAXIMUM REQUIREMENTS		
	N/A – Not applicable or not required										
	SITE AREA	SITE WIDTH	FRONT YARD	SIDE YARD	REAR YARD	UNIT FLOOR AREA	DISTANCE TO OTHER BUILDINGS ON SITE	NUMBER OF PARKING SPACES REQUIRED	HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
(sq.ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(sqft.)	(ft.)		(ft.)	(%)		
Processing of agricultural, milk and meat products	10,000 <sup>a</sup> 40,000	75 <sup>a</sup> 150	20	15 including storage and outdoor manufacture or processing	15 including storage and outdoor manufacture or processing	1000	10	1 space for <sup>b</sup> every 1,000 sq. ft. of gross floor area plus 1 additional space for each 1,000 sq. ft. of floor area devoted to office or administrative use	30	60	One lighted or unlighted fascia or roof top identification, advertising or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which they are attached, and one lighted or unlighted free standing or overhanging identification, advertising or business sign not exceeding 64 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons are not permitted. Flashing signs are not permitted where they would emit light directly onto an adjacent residence.
Rendering plants, abattoirs and dead livestock removal											
Stock yards and livestock auction market											
Manufacture and bulk storage of fertilizer, chemicals, petroleum products, and gases											
Concrete and cement batching plants											
Food processing											
Asphalt storage and manufacture											
Warehouse facilities for the storage of fertilizers (does not include mixing) and explosives, flammable and toxic goods											
Mineral Extraction Operations including pits and quarries for the extraction of aggregate and stone including crushing, processing, screening and washing operations (See Sec. 3.3.11)											
Junk yards and recycling yards for bailing, collecting, sorting, and storing of scrap automotive bodies and parts, iron, junk metal, paper or rags											
Any manufacturing industry requiring outdoor storage of materials or manufactured product or where a part of the fabrication or processing is conducted out of doors											
Grain storage and handling facilities											
Seed cleaning											
Crematoriums and mausoleums											
Waste disposal grounds and public utilities											
Power generating plants											
Reservoirs, water towers and water treatment											
Foundries, casting and rolling mills											
Ore reduction, refining or smelting											



SECTION 7.3.2 (continued) TABLE X "M" INDUSTRIAL USE AND BULK TABLE (CONTINUED) **RM OF BROKENHEAD # 1688**

CONDITIONAL USES	MINIMUM REQUIREMENTS								MAXIMUM REQUIREMENTS		
	N/A – Not applicable or not required								HEIGHT	SITE COVERAGE	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
	SITE AREA (sq.ft.)	SITE WIDTH (ft.)	FRONT YARD (ft.)	SIDE YARD (ft.)	REAR YARD (ft.)	UNIT FLOOR AREA (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE (ft.)	NUMBER OF PARKING SPACES REQUIRED	(ft.)	(%)	
Any Permitted or conditional use in a "CC" or "CH" zone, except residences	See applicable zone for requirements										

- a Only where the site is serviced by a municipal sewer system and where there is a pump out holding tank installed.
- b The minimum standards for parking lots and parking spaces are depicted on Appendix "C" attached hereto.

## PART 8 PARKS, RECREATION AND INSTITUTIONAL ZONES

### 8.1 PARKS, RECREATION AND INSTITUTIONAL ZONES INTENT AND PURPOSE

The Parks, Recreation and Institutional Zone established in this By-law is intended to provide sufficient land in suitable locations to accommodate government, educational, institutional and public recreational uses in keeping with the provisions of the Development Plan.

8.1.2 The “P” Parks, Recreation and Institutional Zone provides for a wide range of recreational facilities where these facilities are deemed necessary or desirable for recreational pursuits.

### 8.2 GENERAL PROVISIONS FOR PARKS AND RECREATION ZONED

The provisions applying to all parks and recreation zones are contained within this part. Also applying to these zones are the provisions of Part 1 – “Definitions”, Part 2 – “Administration”, Part 3 – “Zoning” and “Appendix A”.

#### 8.2.1 CONDITIONAL USE

Any use listed as a “Conditional Use” in Table XI shall comply with the regulations set forth in Section 2.10, Part 2 – “Administration”.

#### 8.2.2 ACCESSORY USE

(a) In the Parks, Recreation and Institutional Zones accessory uses, buildings and structures shall be limited to the following:

- (i) buildings or structures incidental to a permitted or conditional use;
- (ii) buildings or structures for the operation, maintenance and administration of a permitted use;
- (iii) incinerators subject to the authority having jurisdiction and which shall be incidental to the permitted use;
- (iv) staff dwelling, to include only a single-family dwelling, two-family dwelling or mobile home when on the same site with a permitted or conditional use where, in the opinion of Council, said dwelling is essential for the maintenance, operation and care of the use;
- (v) home occupations; and
- (vi) signs as permitted and regulated in this Part.

### 8.3 BULK REGULATIONS

The “P” Parks, Recreation and Institutional use and bulk regulations shall be as follows and as set forth in Table XI which is the Parks, Recreation and Institutional Use and Bulk Table.

For interpretation of the use and bulk table see Section 3.3.4.

PERMITTED USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA  (sq.ft.)	SITE WIDTH  (ft.)	FRONT YARD  (ft.)	SIDE YARD  (ft.)	REAR YARD  (ft.)	UNIT FLOOR AREA  (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE  (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT  (ft.)	SITE COVERAGE  (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA  (See also Section 3.3.20)
Accessory buildings, uses and structures except dwellings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15	10	One lighted or unlighted fascia or roof top identification, advertising or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which they are attached, and one lighted or unlighted free standing or overhanging identification, advertising or business sign not exceeding 64 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons are not permitted. Flashing signs are not permitted where they would emit light directly onto an adjacent residence.
Arenas, auditoriums, stadiums, swimming pools, tennis courts	80,000	200	50	25	25	1000	10	1 for every 4 persons seating capacity plus 1 space for each 500 sq. ft. of floor area devoted to office or administrative use	30	40	
Athletic fields	80,000										
Museums	40,000										
Clubs, recreational	40,000										
Conservatory	20,000	100									
Canteens and takeout eating establishments when accessory to another permitted use											
Schools who curriculum comes under the jurisdiction of the provincial Department of Education	80,000	200	50	25	25	2,000	10	1.5 per <sup>a</sup> classroom	30	40	
Government administration buildings	40,000	200	30	25	25	1,000	10	1 for every <sup>a</sup> 500 sq. ft. of gross floor area	30	40	
Pavilions and picnic shelters	N/A	N/A	50	25	25	1,000	10		30	40	
Parks, playgrounds, picnic areas, public reserves											
Golf courses											
Zoological gardens, aquaria and aviaries	40,000	200									
Bicycle trails	N/A	N/A									
Historical Sites											
Curling clubs	40,000	200	50	25	25	1,000	10	4 for each <sup>a</sup> sheet of ice plus 1 for every 4 persons seating capacity	30	40	

## SECTION 8.3.2 (continued) TABLE XI "P" PARKS, RECREATION AND INSTITUTIONAL USE AND BULK TABLE (CONTINUED)

**RM OF BROKENHEAD # 1688**

CONDITIONAL USES	MINIMUM REQUIREMENTS N/A – Not applicable or not required								MAXIMUM REQUIREMENTS		
	SITE AREA (sq.ft.)	SITE WIDTH (ft.)	FRONT YARD (ft.)	SIDE YARD (ft.)	REAR YARD (ft.)	UNIT FLOOR AREA (sqft.)	DISTANCE TO OTHER BUILDINGS ON SITE (ft.)	NUMBER OF PARKING SPACES REQUIRED	HEIGHT (ft.)	SITE COVERAGE (%)	NUMBER OF SIGNS PER SITE AND SIGN SURFACE AREA (See also Section 3.3.20)
Gun clubs, ranges, archery range	80,000	200	50	25	25	1,000	10	1 for every <sup>a</sup> 1000 sq. ft. of developed recreational area (minimum of 20 spaces)	30	20	One lighted or unlighted fascia or roof top identification, advertising or business sign having a sign surface area not exceeding 20 per cent of the area of wall to which they are attached, and one lighted or unlighted free standing or overhanging identification, advertising or business sign not exceeding 64 sq.ft. on each sign surface area to a maximum height of 30 ft. above grade. Signs shall not overhang into a public street, lane or walkway. Rotating beacons are not permitted. Flashing signs are not permitted where they would emit light directly onto an adjacent residence.
Commercial recreational facilities such as amusement parks, waterslides, golf driving ranges, and miniature golf	40,000										
Go cart track and recreational vehicle courses or parks for dirt bikes and all terrain vehicles	40,000										
Riding academies	80,000										
Zoos, wildlife preserves and game farms	80,000										
Camping and tenting grounds, including travel trailer parks											
Accessory dwellings, detached	N/A	N/A	30	5	25	600	10	1 space <sup>a</sup> per dwelling unit	30	15	One identification sign per dwelling unit not exceeding 4 sq. ft. per sign and , if free standing, not exceeding a height of 6 ft. above grade. Signs are not permitted to be attached to the roof of a building.

<sup>a</sup> The minimum standards for parking lots and parking spaces are depicted on Appendix "C" attached hereto.

This By-law shall come into full force on, from and after the date on which it received third reading by the Council.

DONE and PASSED in Council assembled this 13th day of August A.D. 1985.

Clarence Baker  
Reeve

Wayne Omichinski  
Chief Administrative Officer

Received 1st reading this 23rd day of April A.D. 1985.

Received 2nd reading this 13th day of April A.D. 1985.

Received 3rd reading this 13th day of May A.D. 1985.

APPENDIX B  
METRIC EQUIVALENTS\*

LINEAR MEASURE				AREA MEASURE			
FEET	METRES	FEET	METRES	SQUARE FEET	SQUARE METRES	SQUARE FEET	SQUARE METRES
1	.305	40	12.192	4	.372	1,000	92.90
2	.61	45	13.716	8	.743	5,000	464.50
3	.914	50	15.240	32	2.973	10,000	929.0
3.5	1.067	60	18.288	64	5.946	12,000	1,114.80
4	1.219	75	22.860	100	9.290	20,000	1,858.0
5	1.524	100	30.480	250	23.225	40,000	3,716.0
6	1.829	115	35.052	500	46.450	80,000	7,432.0
8	2.438	120	36.576	600	55.74		
10	3.048	125	38.100				
12	3.658	150	45.720		SQUARE FEET	HECTARES	
15	4.572	200	60.960				
20	6.096	250	76.200				
25	7.620	300	91.440		40,000	.372	
26	7.925	500	152.400		80,000	.745	
30	9.144	660	201.168				
35	10.668	1000	304.800	ACRES	HECTARES	ACRES	HECTARES
				1	.405	20	8.094
				2	.809	40	16.187
				3	1.214	80	32.375
				5	2.023	100	40.469
				10	4.047	160	64.75

\*Rounded to three decimal places.  
Bylaw 1759