

**Rural Municipality of Elton
By-law No. 1499**

Being a by-law of the Rural Municipality of Elton to regulate the use and development of land.

WHEREAS Section 68 of The Planning Act, C.C.S.M. c. P80, provides that the council of a municipality must enact a zoning by-law that is generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality;

AND WHEREAS pursuant to the provisions of Subsection 40(1) of The Act, the Brandon and Area Planning District has, by by-law, adopted the Brandon and Area Planning District Development Plan 2013;

AND WHEREAS the Act provides that the council of a municipality shall enact a zoning by-law upon the adoption of a development plan for the area;

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

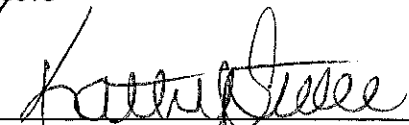
1. This By-law shall be known as the Rural Municipality of Elton Zoning By-law.
2. The Zoning By-law attached hereto and marked as SCHEDULE "A" is hereby adopted.
3. By-law 1240 of the Rural Municipality of Elton and all amendments thereto are hereby repealed.

DONE AND PASSED IN COUNCIL ASSEMBLED AT THE COUNCIL CHAMBERS OF THE RURAL MUNICIPALITY OF ELTON AT FORREST, IN THE PROVINCE OF MANITOBA, THIS 10th DAY OF JUNE, A.D. 2014.

Rural Municipality of Elton



Reeve

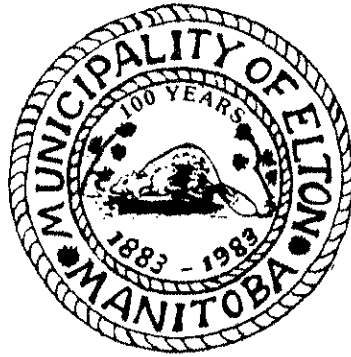


Chief Administrative Officer

Read a first time this 5th day of May, A.D. 2014.

Read a second time this 10th day of June, A.D. 2014.

Read a third time this 10th day of June, A.D. 2014.



Rural Municipality of Elton

Zoning By-law No. 1499
Schedule "A"

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PART ONE
DEFINITIONS

1. RULES OF CONSTRUCTION

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

- (1) Words, phrases and terms defined herein shall be given the defined meaning;
- (2) 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 Elton shall be construed as defined in such Act and By-Laws;
- (3) Words, phrases and terms not defined herein nor defined in the Act and the Building, Electrical or Plumbing By-Laws of the Rural Municipality of Elton shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicated a different meaning;
- (4) The phrase “used for” includes: “arranged for”; “maintained for”; “designed for”; or “occupied for”;
- (5) Unless the context clearly indicates to the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and”, “or”, or “either-or”, the conjunctions shall be interpreted as follows:
 - a) “and” indicates that all the connected items, conditions, provisions or events shall apply;
 - b) “or” indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and
 - c) “either-or” indicated that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (6) The word “includes” 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.

2. DIVISIONS OF BY-LAW

This By-Law is divided into eight (8) Parts. A number-lettering system has been used throughout the By-Law. The number-lettering system is illustrated as follows:

ONE	Part
1.	Section
1. (1)	Subsection
1. (1) a)	Paragraph
1. (1) a) i)	Clause
1. (1) a) i) A)	Point

3. DEFINITIONS

- (1) Accessory when it is used in this By-Law shall have the same meaning as accessory use.
- (2) Accessory Building means a subordinate building located on the same site as the principle building or use, the use of which is incidental and accessory to that of the principle building or use including:
 - a) Accessory Building, Attached means an accessory building which is attached to the principle building and in determining the required yards, the attached accessory building shall be treated as part of the main building;
 - b) Accessory Building, Detached means an accessory building which is not attached to the principle building and in determining the required yards, the requirements for accessory uses, buildings and structures as shown in the Bulk Requirements Tables shall be used; and
 - 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.
- (3) Accessory Use or Structure means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities which may be permitted by variation to locate elsewhere than on the same site with the principal building, structure or use served.
- (4) Act, The means the Planning Act, S.M. 2005, Chapter 30, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
- (5) Agricultural Activities means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- (6) Aircraft Landing Area means any area of land or water which is intended for use for the landing or take-off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxi-ways, aircraft storage and tie-down areas, hangars and other related buildings, structures and open spaces.
- (7) 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.

- (8) **Alterations, Incidental** means:
- a) Changes or replacements in the non-structural parts of a building or structure, including the following:
 - i) an addition to the exterior of a building, such as an open porch;
 - ii) alteration of interior partitions 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 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 (10) percent of the total floor area, to permit the accommodation of a specialized unit of machinery or equipment.
- (9) **Animal Units** means an amount of animal waste or waste equivalent, as set out in Section 11 of PART FIVE of this By-Law.
- (10) **Antenna, Satellite Dish** means an antenna capable of receiving a signal directly from a satellite located beyond a major portion of the earth's atmosphere and for the purpose of this By-Law, will be considered to be a structure even if it is mounted upon a trailer or other moveable platform.
- (11) **Area, The** means all the land within the boundaries of the Rural Municipality of Elton.
- (12) **Authority Having Jurisdiction** means the Brandon and Area Planning District Board and any person designated by it to administer and enforce this By-law and other By-laws of the R.M. of Elton the Authority Having Jurisdiction is empowered to enforce regarding the construction, maintenance and occupancy of buildings and property.
- (13) **Basement** (or cellar) means that portion of a building which is partially underground.
- (14) **Board** means the Board of the Brandon and Area Planning District as established under The Act.
- (15) **Building** means a building as defined in the Act.
- (16) **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 surface if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gable roof.
- (17) **Building, Principal** means a building in which is conducted the principal use of the site on which it is situated.

- (18) **Bulk** means the following:
- a) The size of buildings or structures (including height of building and floor area);
 - b) The size of the site (including its area and width) upon which a building is located;
 - c) The number of dwelling units or rooms within a building in relation to the size of the site;
 - d) The location of exterior walls of buildings in relation to site lines, or to other buildings; and
 - e) All open areas relating to buildings or structures and their relationships thereto.
- (19) **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 exceeding three (3) hours but not exceeding fourteen (14) hours, including:
- 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, not over twelve (12) years of age. The number of children shall not exceed eight (8), having access to an outdoor recreation area; and
 - 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.
- (20) **Church** means a building or structure, or group of buildings or structures which are primarily intended for the conducting of organized religious services and accessory uses such as church offices and manses associated therewith.
- (21) **Club, Private, Non-Profit** means a non-profit corporation chartered by the Canadian 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; the use of such premises being restricted to members and their guests.
- (22) **Conditional Use** means the conditional use of land or building as defined in the Act.
- (23) **Council** means the Council of the Rural Municipality of Elton.
- (24) **Development Plan** means the Brandon and Area Planning District Development Plan adopted by By-Law No. 95-01-12 and amendments thereto.
- (25) **Dwelling** means a building or portion thereof designed for residential occupancy, including:
- a) **Single Family Dwelling** means a detached building designed for and used by only one (1) family;

- b) **Two-Family Dwelling** means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit;
 - c) **Mobile Home** means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted which conforms to the structural standards of The Building and Mobile Homes Act, Chapter B93, S.M. 1977 and amendments thereto;
 - d) **Modular Home** means a portable dwelling unit similar to but distinct from a mobile home, in that it may be folded, collapsed or telescoped when in tow, whose chassis is not designed to accommodate wheels, but which may be extended for additional space when located on a mobile home space;
 - e) **Multiple Family Dwelling** 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; and
 - f) **Ready-to-Move Unit (R.T.M.)** means a dwelling fabricated off-site and in accordance with Part 9 of The Manitoba Building Code, which is designed to be placed upon a basement or cement foundation and does not include a modular unit or mobile home.
- (26) **Dwelling, Farm** means a dwelling located on a parcel of land on which the principal use is farming. The owner or occupier of such dwelling does not have to be involved in the activity of farming.
- (27) **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.
- (28) **Enlargement** means an addition to the size of an existing building or structure or an increase in the area of a site.
- (29) **Extension** means an increase in the amount of existing floor area used for an existing use, within an existing building.
- (30) **Family** means a group of persons living together as a single house-keeping unit with full access to all parts of the dwelling.
- (31) **Farm Buildings or Structures** means any buildings or structures existing or erected on land used primarily for agricultural activities but not including dwellings.
- (32) **Farm Site** means an area of land that was used or is being used as the place of residence of the owner and/or operator of a farm, and shall contain two of the following features:
- a) an existing farm dwelling or evidence that a farm dwelling formerly existed on the site;

- b) a well that is or has been used for domestic purposes; and/or
 - c) an existing shelter belt or tree bluff.
- (33) **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 site, measured from the exterior faces of the exterior walls or from the centreline of party walls. The floor area of a building or buildings shall include basements when used for residential, commercial or industrial purposes, but shall not include space used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces.
- (34) **Frontage, Entire** means all of the site or sites fronting on one side of a street between intersecting or intercepting streets or between a street and a right-of-way, waterway, end of a dead-end street or municipal boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
- (35) **Garage or Carport, Private** means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.
- (36) **Home Occupation** means an accessory use which:
- a) is carried on in a dwelling unit or a mobile home or its accessory building, except as provided herein;
 - b) is carried on solely by the members of the family residing at the same dwelling unit or mobile home with the employment of up to two (2) other persons, except as provided for herein;
 - c) is incidental to or secondary to the use of the dwelling unit or mobile home;
 - d) has 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, it is not offensive or obnoxious nor creates a nuisance; and
 - f) does not cause the generation of undue traffic and congestion in the neighborhood.
- (37) **Hotel** means a building or a part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Accessory uses include restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- (38) **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 proprietors and their family.

(39) **Lane** means, for the purpose of this By-Law, a public Right-of-Way not exceeding 30 feet (9.14 metres) in width which affords only a secondary means of vehicular access to abutting property.

(40) **Livestock Production Operation** means any agricultural operation where animals are fed in pens, buildings or in areas (enclosures) not normally used for grazing or pasturing of livestock.

The following are not subject to the requirements for livestock production operations unless, in the opinion of the Council, they create a pollution problem:

a) Cattle wintering operations;

b) Livestock auction markets;

c) Agricultural fairs;

d) Livestock sale yards, in which livestock may be kept for a period not exceeding ten days; or

e) the existing operations and facilities of the Government of Canada Agricultural Experimental Farm and Livestock Research Station.

(41) **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 or similar organizations.

(42) **Mobile Home Park** means a parcel of land upon which mobile home spaces are provided and have been approved by Council.

(43) **Mobile Home Space** means a space in a mobile home park for the placement of a mobile home.

(44) **Motel** means a building or group of buildings, or part thereof, not over two (2) stories 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 out-of-doors with access to grade level. Permitted accessory uses include restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

(45) **Non-Conformity** means for the purposes of this By-Law, the definition assigned thereto in Section 10 of PART TWO - "ADMINISTRATION".

(46) **Ordinary High Water Mark** means the water line where a river, lake or watercourse is in its normal state, without reference to the extraordinary freshets of the winter or spring or the extreme drought of the summer or autumn.

(47) **Owner** means an owner as defined in the Act.

(48) **Parcel of Land** means a parcel as defined in the Act.

- (49) **Parking Space** means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.
- (50) **Personal Services** means the use of any 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 includes such establishments as barber shops, salons, funeral parlours, janitorial, catering, financial, legal and medical service (including clinics), shoe repair and dressmaking shops.
- (51) **Premises** means an area of land with or without buildings.
- (52) **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 general public, including:
- 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.
- This does not include offices or areas for the storage of equipment, supplies or vehicles.
- (53) **Resource Related Use** means agriculture, quarrying, oil extraction, forestry, fishing, trapping, hunting, outdoor recreation, hydro and wind energy production.
- (54) **Residential Care Facility** means the use of a building or part of a building, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by a department or agency of the Government of Manitoba.
- (55) **Retail Services** means the use of a building or part of a building by persons who are engaged in the sale of goods to customers, and includes uses such as hardware, mail order, clothing, appliances, electronics, books, gifts and second hand goods, and may include incidental repairs.
- (56) **Secondary Suite** means a self-contained dwelling unit, which is located within but separate from a single-family home or above a detached garage. Secondary suites include a separate entrance with a kitchen, bathroom, living and sleeping space.
- (57) **Sign** means any writing (including letter, word or numeral) pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or structure, but shall not include show windows, including:

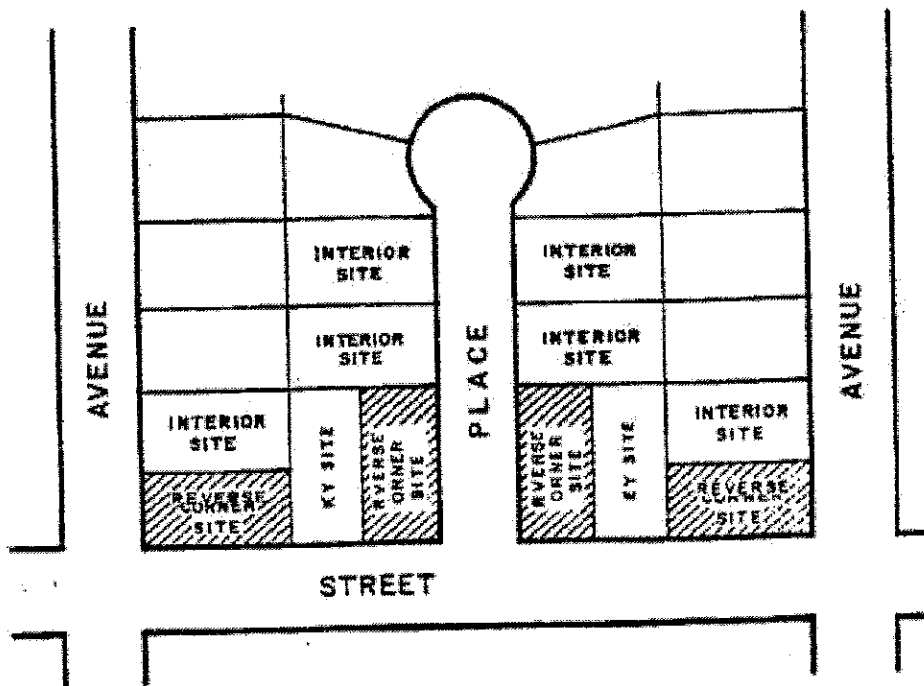
- a) **Advertising Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the same site where the sign is maintained;
 - b) **Bulletin Board** means a sign of permanent character, but with moveable letters, words or numerals indicating the names of persons associated with, or events conducted upon the same site where the sign is maintained;
 - c) **Business Sign** means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same site where the sign is maintained;
 - d) **Construction Sign** means a sign which identifies a construction project and information relating to it;
 - e) **Identification Sign** means a sign that identifies the owner, resident or the street address of a premises and which sets forth no other advertisement; and
 - f) **Real Estate Sign** means a sign advertising the sale, rental or lease upon the same site where the sign is maintained.
- (58) **Site** means an area of land which:
- a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with such open spaces as are required by this By-Law;
 - b) has frontage on a street, or has any lawful means of access satisfactory to Council; and
 - c) is of sufficient size to provide for the minimum requirements of this By-Law for a permitted or conditional use in a zone where the use is located.
- (59) **Site Area** means the computed area contained within the site lines.
- (60) **Site, Corner** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- (61) **Site Frontage** means all that portion of a site fronting on a street and measured between the side site lines.
- (62) **Site Lines** means as follows:
- a) **Front Site Line** means that boundary of a site which is along an existing of designated street, For a corner site, the Authority having jurisdiction 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 site lines intersect, such as a triangular site, a line 10 feet (3.05 metres) in length within the site, parallel to and a maximum distance from the front site line; and

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

Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be as determined by the Authority having jurisdiction.

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

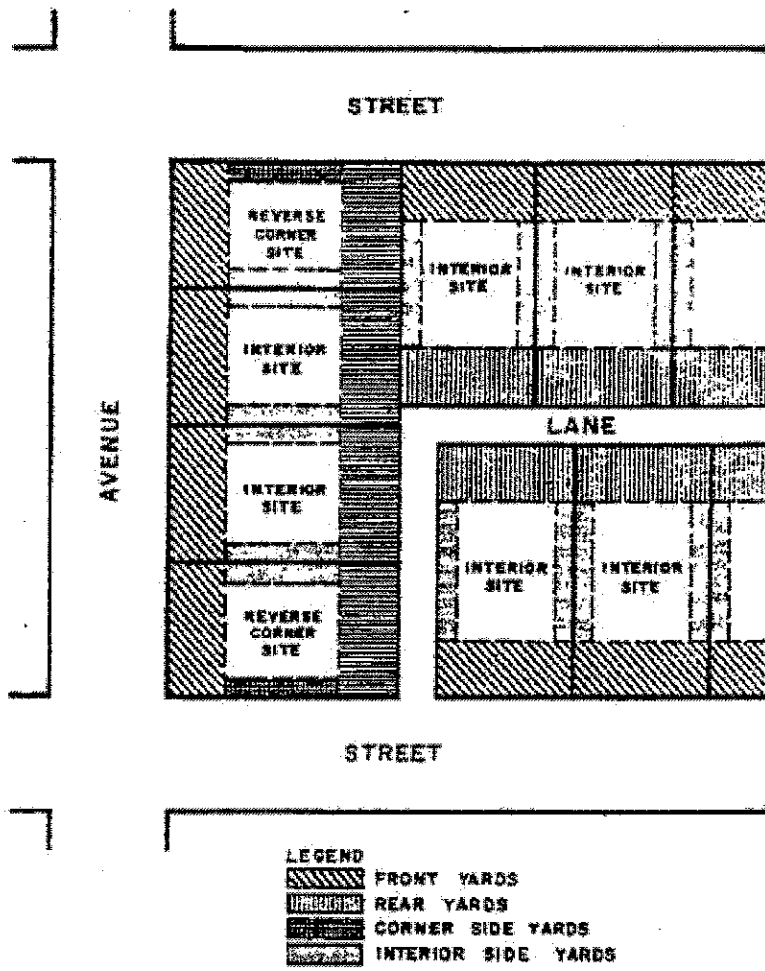
The following sketch illustrates the foregoing definitions of sites:



- (64) **Site, Through** means a site having a pair of opposite site lines along two more or less parallel streets. On a through site, both street lines shall be deemed to be front site lines.
- (65) **Site Width** means the horizontal distance between the side site lines, measured at right angles to the side site lines, or 40 feet (12.19 metres) from the front site line, whichever is the lesser.
- (66) **Specialized Agricultural Activities** means agricultural activities such as agriculture, floriculture, horticulture (including strawberry farms), and activities of a like nature which require small acreages of land as the principal use of the site and which are deemed to be bona fide farming operations.

- (67) **Street** means, for the purposes of this By-Law, a public right-of-way, including a highway, which affords primary improved vehicular access to abutting property, and shall include a street under construction for which a development agreement has been entered into. This definition shall not include a lane or a walkway.
- (68) **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.
- (69) **Use** means:
- a) Any purpose for which a building or structure or an area of land may be designed, arranged, intended, maintained or occupied; or
 - b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure on an area of land.
- (70) **Yard** means an open area on the same site with a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein.
- (71) **Yard, Required** means a yard extending along a site line or wall to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such site is located.
- (72) **Yard, Corner Side** means a side yard which adjoins a street.
- (73) **Yard, Front** means a yard extending along the full length of the front site line between the side site lines.
- (74) **Yard, Interior Side** means a side yard which is adjacent to another site, or to a lane separating such side yard from another site.
- (75) **Yard, Rear** means a yard extending along the side site line from the front yard to the rear yard.
- (76) **Yard, Side** means a yard extending along the side site line from the front yard to the rear yard.

The following sketch illustrates the foregoing definitions of yards:



PART TWO

ADMINISTRATION

1. **SCOPE**

(1) Title

This By-Law shall be known as “The Rural Municipality of Elton Zoning By-Law.”

(2) 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 Elton.

(3) Area Affected

This Zoning By-Law shall apply to all of the lands within the Rural Municipality of Elton.

(4) 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 Brandon and Area Planning District Development Plan;
- b) In accordance with the provisions contained herein, regulate the following:
 - i) All buildings and structures erected hereafter;
 - ii) All uses of buildings, structures and land established hereafter;
 - iii) All structural alterations or relocations of existing buildings and structures occurring hereafter;
 - iv) All enlargements or additions to existing buildings, structures or uses; and
 - v) The change of land use, buildings or structures.

(5) Responsibilities of Council

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

- a) The enactment of this By-Law;
- b) The adoption of amendments or the repeal of this By-Law;
- c) Approving or rejecting variance applications;
- d) Approving or rejecting conditional use applications, and may revoke the authorized use of any violation of any conditions imposed by it, and

(6) Responsibilities of the Board

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

- a) Administering and enforcing the provisions of this By-Law;
- b) Administering and enforcing those provisions of the Act, where applicable;
- c) In accordance with Section 21 (3) of the Act, establishing a schedule of fees and charges to be paid for services provided by the district, including licences, permits, certificates and other approvals and documents issued by the district.. Until all applicable fees and charges have been paid in full, no action shall be taken on any application; and
- d) Processing applications to be submitted to Council for amendments, variation orders and conditional uses and the collection of fees as provided for herein.

2. AMENDMENTS

Subject to the procedure required under the Act, an amendment to this By-Law 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 By-Law and all required information shall be made to the Board.

3. CONDITIONAL USES

- (1) The development and execution of this By-Law are 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 be properly 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 a nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities.

(2) Application

- a) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of the Act.
- b) The application made to Council shall be filed with the Board and shall be accompanied by a site plan and other information as the Council may prescribe.

(3) Expiry of Approval

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

(4) Existing Conditional Use

Where an existing conditional use was lawfully in existence prior to the adoption of this By-Law, it shall be considered as a legally existing conditional use.

- (5) Any extension of an existing conditional use shall be subject to the same provisions for a new conditional use as provided in the Act.

4. VARIATIONS

- (1) Any person may apply for a variance, in accordance with the provisions of the Act.
- (2) An application for a variance and all required information and fees shall be made to the Authority having jurisdiction.

5. DEVELOPMENT AGREEMENTS

Where an application is made for the amendment of 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 R.M. of Elton in respect of that land as well as contiguous land owned or leased by the applicant. The provisions of said agreement shall be in accordance with the Act.

6. THE AUTHORITY HAVING JURISDICTION

(1) Duties and Responsibilities

The Authority having jurisdiction, on behalf of the R.M. of Elton, may:

- a) Issue development permits where the development and use of land, buildings or structures conforms to the adopted Development Plan and the provisions of this By-Law and amendments thereto;

- b) Administer and enforce the provisions of this By-Law;
- c) Administer and enforce the provisions of the Act, where applicable; and
- d) Take no action on any application until all applicable fees and charges have been paid in full.

(2) Powers

The Authority having jurisdiction may:

- a) Enter any building or premises at all reasonable hours in the performance of his duties with respect to this By-Law;
- b) Issue development permits for the temporary use of the buildings, structures or land pursuant to the provisions of this By-Law;
- c) Issue zoning memoranda or such documents necessary for the administration or enforcement of this By-Law; and
- d) Grant or refuse, in accordance with the provisions of the Act, a minor variance not to exceed 10 percent of the requirements of this By-Law governing front, side, rear and any other yard.

7. DEVELOPMENT PERMITS

(1) Permit Required

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

(2) When Required

- a) Subject to Subsection (3) of this Section, a development permit is required for the following:
 - i) The erection, construction or placement of buildings and structures;
 - ii) Structural alterations, including additions to buildings and structures;
 - iii) The relocation, removal or demolition of buildings and structures;
 - iv) The use of land for the purpose of extracting sand and gravel;
 - v) The use of vacant land, buildings and structures; and
 - vi) The change in use of land, buildings and structures.

(3) When Not Required

A development permit is not required for the following:

- i) The erection, construction or placement of fences, signs (except advertising signs), ornamental lighting, and farm buildings and structures;
- ii) Structural alterations, including enlargements and incidental alterations to farm buildings and structures;

- iii) The relocation, removal or demolition of farm buildings and structures;
- iv) The use of vacant farmland, farm buildings and structures for permitted agricultural activities; and
- v) The change in use of land, buildings or structures from one permitted agricultural activity to another.

(4) Requirements

In addition to the requirements of any By-Laws of the Brandon and Area Planning District or the R.M. of Elton or any other provincial regulations, all applications for development permits 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 alteration; and
 - b) Include such other information as may be required by the Council or Board, including: existing or proposed use of the building or land; the number and location of automobile parking spaces and loading spaces; 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 or provide for the enforcement of this By-Law.
- (5) No person shall erect, locate, repair, use, or occupy any building, land, or structure contrary to any development permit or the material furnished in support of the application.

8. BUILDING PERMITS

(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) Building to be Moved

No building or structure shall be moved in whole or in part to any location unless every portion of the building or structure is made to conform to the regulations of this By-Law applying to the zone in which it is located or where a variation order has been issued pursuant to the provisions of the Act.

9. **NON-CONFORMITY**

(1) Definition

“Non-Conformity” means one, or a combination of one or more, of the following:

- a) An area of land;
- b) A building or structure;
- c) A use of a building or structure; or
- d) A use of land

which lawfully existed prior to the effective date of this By-Law or amendments thereto, but which does not conform to the provisions contained within this By-Law or amendments thereto.

(2) Classification

a) Non-Conforming Area of Land

A “non-conforming area of land” means any lawful parcel which does not comply with the site area or site width requirements 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 larger contiguous holding in the same ownership;

b) Non-Conforming Use

“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.

(3) Provisions of the Act

Non-conforming uses shall be regulated in accordance with and be subject to the provisions of the Act, unless otherwise provided for therein.

(4) Non-Conforming Area of Land

A building or structure may only be erected on a non-conforming area of land, or a non-conforming area of land may only be used if:

- a) The required yards are provided as set forth in the bulk regulations of the zone in which the land is located; or
- b) A variation order for such yard requirements is granted.

(5) Certificate and Fees

Any fees paid to the Authority having jurisdiction for the issuance of a certificate in accordance with Section 87 of the Act shall be determined by the Board.

10. INTERPRETATION AND APPLICATION

(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 forth herein.

(2) Relation to Other By-Laws

Whenever provisions of any By-Law of the R.M. of Elton or the Brandon and Area Planning District or any other regulations of the Provincial or Federal Governments impose overlapping regulations over the use of land, buildings or structures, the most restrictive or highest regulations shall govern.

(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 this By-Law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-Law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-Law, said building, structure or use remain illegal hereunder.

11. DUTIES OF THE OWNER

- (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Authority having jurisdiction shall in any way relieve the owner of the responsibility of complying with the requirements of this By-Law or of any relevant By-Laws of the R.M. of Elton or of the Brandon and Area Planning District.

Every owner shall:

- a) Permit the Authority having jurisdiction to enter any building 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 Authority having jurisdiction 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 Authority having jurisdiction before doing any work at variance with the approved documents files; 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, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

12. 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.

PART THREE
GENERAL PROVISIONS

1. INTENT

The general provisions contained in this PART shall apply to all zones except wherein otherwise provided.

2. PROJECTIONS INTO REQUIRED YARDS

(1) The following items may be located in a required yard:

- a) trees, shrubs and gardens;
- b) fences, walls and retaining walls;
- c) flagpoles, accessory signs and lighting fixtures; and
- d) sidewalks, driveways and parking spaces,

except that in no case may a wall, fence or a planting create a wall like effect higher than 3.5 feet (1.07 metres) in the front yard or 6 feet (1.83 metres) in the side or rear yards.

(2) The following items may project up to 50% of the required yard:

- a) open, unenclosed and uncovered porches, decks, terraces, balconies, fire escapes and stairways; and
- b) architectural features including chimneys, bay windows, alcoves, canopies, awnings, eaves and gutters.

3. ONLY ONE PRINCIPAL BUILDING OR USE PER SITE

There shall only be one principal building or one principal use on a site except wherein otherwise stated.

4. 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 a conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

5. BUILDING REMOVAL

Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe and sanitary condition to the satisfaction of the Authority having jurisdiction.

6. BUILDING GRADE

All new main buildings shall have a ground surface elevation as approved by the Authority having jurisdiction.

7. FRONT YARD EXCEPTIONS

The front yard exception provides an opportunity to average the front yard requirement in areas where infill development is proposed in an existing block. The average may be used where the existing buildings located in a block have front yards that are less than the minimum required and is applied as follows:

Where sites comprising 40 percent or more of the entire frontage of the block (including 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. However, where the sites on both sides of the subject site have been developed, the front yard may be varied to the average of the two adjacent front yards if that average is less than the required front yard.

8. MUNICIPAL SERVICE CONNECTION

All principal buildings constructed or located on a site or mobile home space serviced by public or private sewer, water or hydro distribution shall be connected to such services. Septic tank or chemical disposal systems may be installed subject to the approval of all of the authorities having jurisdiction.

9. ACCESSORY OFF-STREET PARKING AND LOADING

- (1) All accessory off-street parking and loading areas and spaces shall be on the same site as the use served;
- (2) Accessory off-street parking and loading areas, spaces and the access driveways thereto shall be designed in such a manner that there will be no free flow of water onto adjacent properties;

- (3) When a building is enlarged or a use extended or changed, the accessory parking and loading requirements for the enlargement, extension or new use shall be provided in accordance with the requirements of this Section and those of the specific zone involved;
- (4) An accessory off-street parking space shall be a minimum of 8 feet (2.44 metres) wide and 20 feet (6.1 metres) long; and
- (5) A minimum of 1 parking space shall be provided for each dwelling unit.

10. ACCESSORY BUILDINGS, STRUCTURES AND USES

Any use or building which is permitted or may be approved by virtue of this By-Law includes any building, structure or use accessory thereto subject to the fulfillment of all requirements contained herein.

11. SATELLITE DISH ANTENNA REQUIREMENTS

No person shall erect or maintain in any zone any satellite dish antenna, unless the following requirements can be fulfilled:

- (1) A satellite dish is permitted within any side yard or rear yard of a site, except where it may obstruct the light or view from the window of a habitable room of a building located on an adjacent site. No portion of the satellite dish shall be located closer than 5 feet (1.5 metres) to the site line;
- (2) Where a satellite dish is structurally attached to a principal or accessory building, the vertical clearance between the exterior roof finish and the bottom extremity of the dish shall not exceed 3.28 feet (1 metre); and
- (3) Where a satellite dish is structurally attached to a mast, truss, or other similar freestanding structure, the clearance between grade and the bottom extremity of the dish shall not exceed the height of the principal building.
 - b) Where the owner can demonstrate to the satisfaction of Council that strict compliance with the requirements specified in subsection (a) would prevent effective reception of a satellite signal, these requirements shall not apply. In such cases, Council shall determine a suitable position and height which, in its opinion, would least affect the owners of adjacent sites.
 - c) Where a satellite dish is structurally attached to a building, the Authority having jurisdiction may require a professional engineer or other qualified person to certify the structural stability and safety of the installation.

12. SIGNS

- (1) 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, or any highway or street intersection or railroad grade crossing;
- (2) No sign shall be placed in a manner that will obstruct visibility at an intersection of two roads or a road and a railway or in any manner which may create a danger to the public;
- (3) No rotating beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purposes;
- (4) No flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within 300 feet (91.44 metres) of any residential area or Provincial Roads and Provincial Trunk Highways;
- (5) All signs and sign structures shall be kept in repair and in a proper state of preservation. Signs which have become obsolete because of discontinuation of the business, service or activity, and have not been removed within 30 days following such condition, may be removed by the Municipality at the owner's expense;
- (6) It shall be unlawful to erect or maintain any sign on, over or above any 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 setback requirements of the zone in which they are located;
- (7) A change in the subject matter represented on a non-conforming sign shall not be considered a change in use, and a 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 an increase in the sign's surface area; and
- (8) The placing of a sign structure within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.

13. TEMPORARY BUILDINGS AND USES

- (1) May be permitted
 - a) Notwithstanding any provisions contained elsewhere in this By-Law, temporary buildings, structures and uses for construction materials or equipment, both incidental to an necessary to construction in the same zone may be permitted on a temporary basis subject to the issuance of a development permit and subject to such terms and conditions as may be required in each zone provided for herein; and

- b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six months and may not be renewed for more than two successive periods at the same location.

(2) Size of Buildings

In all cases, temporary buildings and structures:

- a) May be used as office space for the contractor or developer;
- b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
- c) Shall not be detrimental to the public health, safety, convenience and general welfare.

14. MOBILE HOME STANDARDS

All mobile homes must meet all structural standards as determined by The Buildings and Mobile Homes Act, Chapter B93, S.M. 1987 and amendments thereto.

15. BASEMENT DWELLING UNIT

A basement dwelling unit shall comply with the provisions of this By-Law, the Buildings and Mobile Homes Act, Chapter B93, S.M. 1987 and any other By-Law or Act having jurisdiction.

16. STREET, LANE OR ROAD FRONTAGE

The Council shall permit a use of land or buildings to be constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street and where such private lane or road is not part of the site.

17. 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.

18. RETENTION OF BULK REQUIREMENTS

- (1) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, yards and other open spaces required herein for any use as long as it remains in existence.

(2) Subdividing Land

No area of land hereafter be divided into sites, unless each site conforms with the regulations of the zone in which it is located.

(3) Area and Yard Requirements

Except wherein otherwise provided, the following shall apply in all zones:

- a) The yard requirements shall be as set forth in the BULK TABLES as provided for herein;
- b) Yards provided for a building or structure, existing on the effective date of this Zoning By-Law or amendments thereto, shall not be reduced, or further reduced if already less than the minimum requirements of the zone in which the building or structure is situated; or
- c) All yards and other open space required for any use shall be located on the same site as the use.

19. REDUCED SITES AND YARDS

Where a residual area of land has a site width, area, or as in the case of an existing developed site, a yard, less than the minimum site width, area or yard requirements of this By-Law as a result of an acquisition of adjoining land or right therein in accordance with subsection 121(7) of the Act, the remaining site width, area or yard shall be deemed to comply with the requirements of this By-Law.

20. DWELLING UNIT LOCATION WITH RESPECT TO PUBLIC UTILITIES AND TRANSPORTATION FACILITIES

- (1) No dwelling unit shall be located within 1500 feet (457.2 metres) of a public sewage lagoon;
- (2) No dwelling unit shall be located within 1320 feet (402.34 metres) of a sanitary landfill site unless it can be demonstrated by a professional Engineer, registered in the Province of Manitoba, that there will be no migration of methane gas;
- (3) No dwelling shall be located within 50 feet (15.24 metres) from the edge of a right-of-way established for the transmission of high pressure natural gas or the transmission of hydro electricity in excess of 100 kilovolts; and
- (4) No dwelling unit or other habitable building shall be located within 100 feet (30.48 metres) of the edge of a railway right-of-way.

21. DESIGNATED HISTORICAL SITES

A development permit for development of a site located adjacent to land designated as "Historical Site" in the Brandon and Area Planning District Development Plan shall not be issued unless the applicant can demonstrate to Council's satisfaction that the proposed development will not endanger or degrade the adjacent historical site.

22. LANDS SUBJECT TO FLOODING AND EROSION

- (1) The intent of these provisions is to minimize the expense and hardship to individual property owners and the general public as a result of damages caused by flooding and erosion;
- (2) The minimum separation of all permanent buildings from waterways shall be a distance equal to 10 times the height of the bank above channel grade, or 200 feet (60.96 metres) from the edge of the bank, whichever is greater;
- (3) Notwithstanding the provisions contained herein, an applicant may be required to demonstrate to Council's satisfaction that, in the case where land is adjacent to a waterway, any development of such land will not be subject to flooding; and
- (4) In areas that are subject to erosion, no development shall be permitted on land that will normally be eroded away within a 50 year period unless the applicant can demonstrate to Council's satisfaction that the erosion will be halted.

23. EXISTING BUILDING AND STRUCTURES

All buildings and structures existing at the effective date of this By-Law and amendments thereto are deemed to conform to the bulk requirements of the zone in which said buildings and structures are situated. Any relocation or reconstruction of said buildings and structures shall conform to the bulk requirements of the zone in which they are located unless varied by a variation order. If there is a non-conforming yard, an expansion or addition to the existing building or structure may be permitted, provided the non-conformity is not increased.

24. PUBLIC UTILITIES

Nothing in this By-Law shall be interpreted as to interfere with the location, construction, maintenance and operation of the facilities of any public utility that are of a standard comparable with the adjacent area as determined by the Council and that any building or structure erected in any zone complies with the yard and area requirements provided for in the Bulk Tables in the zone in which the building or structure is located.

25. SECONDARY SUITES

- (1) Secondary suites shall be subject to the following regulations:
 - a) Only one secondary suite may be established on a single-family lot, either within the principle dwelling, or as an addition to principle dwelling or above a detached garage. Stand-alone secondary suites are not permitted;

GENERAL PROVISIONS

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- b) Secondary suites shall be no larger than 40% of the total gross floor area of the dwelling or 800 square feet (74.32 square metres), whichever is less;
- c) Only one entrance door shall be located on the front of a principle dwelling and garage. Where a secondary suite has an entrance separate to the main entrance to the principle dwelling or garage, the entrance shall be located on the side or rear of the principle dwelling or garage;
- d) Two on-site parking spaces must be available on lots which contain a secondary suite; and
- e) A secondary suite shall not be utilized for home occupations, child care services, residential care dwellings or residential care facilities by the secondary suite occupant.
- f) A secondary suite may be occupied by a person assisting or being assisted in a caregiving capacity.

PART FOUR

ZONES

1. ZONES ESTABLISHED

In order to carry out the intents and purpose set forth in Subsection (4) of Section 1 of PART TWO "ADMINISTRATION", the following zones are hereby established:

- "AG80" Agricultural General Zone;
- "GD" General Development Zone;
- "RG1" Residential General 1 Zone;
- "RG2" Residential General 2 Zone;
- "RR2" Rural Residential Zone; and
- "RC" Rural Commercial Zone.

2. ZONING MAPS

The location and boundaries of the zones listed in Section 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 and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in Section 3 of this Part, shall be as much a part of this By-Law as if the matters and information set forth by said Zoning Maps were fully described herein.

(1) Dimensions and Scale

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




(2) Registered Plans

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

(3) Abbreviations

The abbreviations noted on the Zoning Maps and the text means the following:

- a) "**Blk.**" means Block;
- b) "**Pcl.**" means Parcel;
- c) "**Pt.**" means Part
- d) "**R**" or "**Rge.**" means Range;

- e) "R.M. of" means the Rural Municipality of;
- f) "Sec." means Section;
- g) "Tp." or "Twp." means Township;
- h) "W.P.M." or "W" means West of the Principal Meridian;
- i) "C.T." means Certificate of Title;
- j) "S.S." means Special Survey;
- k)  means Provincial Road;
- l)  means Trans-Canada Highway; and
- m)  means Provincial Trunk Highway.

3. **BOUNDARIES**

(1) 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 the 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 the public utility rights-of-way may be within zone boundaries, the regulations contained in this By-Law shall 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 to follow 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 and property holding lines;
- e) Boundaries indicated as following the Municipalities limits shall be construed as following the Municipalities limits;
- f) Boundaries indicated as following the centreline of railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case may be;
- g) Boundaries indicated as following the edge of said streams and rivers at the ordinary high water mark; and
- h) If a street, lane or Municipal Road Allowance shown on the Zoning Map is lawfully closed, then the land formerly comprising the street, lane or

Municipal Road Allowance shall be included within the zone of the land which surrounds it. If the said street, lane or Municipal Road Allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centre line of the closed street, lane or Municipal Road Allowance.

PART FIVE

AGRICULTURAL GENERAL ZONE

1. INTENT AND PURPOSE

The Agricultural General Zone established in this By-Law is intended to provide sufficient land in suitable locations to allow agricultural uses to occur in such a fashion as to maximize the use of agricultural land and minimize conflicts with non-agricultural uses. In order to carry out the intent and purpose of this Section, the following zone is hereby established.

(1) "AG80" AGRICULTURAL GENERAL ZONE.

This zone provides for general agricultural-uses and other uses related to or compatible with agriculture and which are carried out on large parcels of land.

2. GENERAL PROVISIONS

The general provisions applying to the AGRICULTURAL GENERAL Zone are contained within this PART. Also applying to this PART are the provisions of PART ONE - "DEFINITIONS", PART TWO - "ADMINISTRATION", PART THREE - "GENERAL PROVISIONS", PART FOUR - "ZONES, and "APPENDIX A".

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

- (1) In the Agricultural General Zone, accessory uses, buildings, or structures include the following:
- a) A children's playhouse, garden house, private greenhouse, summer house, private conservatory and private swimming pools, open or enclosed;
 - b) 1 farm dwelling, including a single-family dwelling or a mobile home when on the same site with a permitted or conditional agricultural use;
 - c) Staff dwelling, to include a mobile home (or a single family dwelling if the farm dwelling is a mobile home) when on the same site with permitted or conditional agricultural use and other permitted or approved uses, where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or conditional use or as a residence for someone assisting or being assisted in a caregiving capacity and must be removed if operations cease;
 - d) Farm buildings or structures for the operation and maintenance of an agricultural activity;

- e) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zone regulations;
- f) A private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
- g) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
- h) Home day care and group day care;
- i) Home based business;
- j) Accessory signs are permitted and regulated in Section 8 of this PART and Section 12 of PART THREE - "GENERAL PROVISIONS";
- k) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas and other private utilities; and
- l) Aircraft landing areas and related buildings for the keeping of aircraft.

(2) Accessory Buildings, Structures and Uses

Accessory building, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

- a) Where an accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-Law applicable to the main building or structure.
- b) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
- c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.

(3) Home Based Business

- a) Notwithstanding the requirements of subsection 3(43) of PART ONE - "DEFINITIONS", a home based business in a Agricultural General Zone may include:
 - i) More than 2 employees who are not family members;
 - ii) Business signs when either free-standing or affixed to an exterior wall of a principal or accessory building or structure not excluding 32 square feet (2.97 square metres) in area; and
 - iii) Activities related to the home based business, which are conducted outside the residence or accessory buildings shall be deemed to be a conditional use on Table Five - 1.
- b) Not more than 40 percent of the gross floor area shall be devoted to a home based business in any dwelling unit or mobile home in the Agricultural General Zone.

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- c) 100 percent of accessory buildings may be devoted to a home based business in the Agricultural General Zone.

4. PERMITTED OBSTRUCTIONS INTO A REQUIRED YARD

- (1) Required yards, as provided for in TABLE FIVE - 2 "AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS", shall be maintained clear of obstructions except as follows:
- a) Agricultural activities excluding buildings and structures;
 - b) Fences and hedges subject to the following:
 - i) No fence or hedge which may act as a wind break shall be located within 125 feet (38.1 metres) of the edge of any road allowance; and
 - ii) No fence or hedge which may act as a wind break or obstruction to visibility near an uncontrolled intersection shall be located within an area formed by the intersecting road lines and a straight line joining points on the said road lines 125 feet (38.1 metres) from the point of intersection of the road lines.
 - c) Temporary storage of vehicles and equipment incidental to a principal use; and
 - d) Satellite dish antennas, except that in no instance shall a satellite dish antenna be placed in a manner which will obstruct visibility at an intersection of two roads or a road and a railway or in any manner which may create a danger to the public.

5. NOXIOUS OR OFFENSIVE USES

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

6. MULTIPLE USES

With the exception of non-farm sites, any land or building in the Agricultural General Zone may be used for more than one principal use provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

7. SIGN REGULATIONS

- (1) The following signs are deemed to be accessory signs and shall be permitted in the Agricultural General Zone:
- a) Signs posted by duly constituted public authorities in the performance of their public duties;

- b) Flags or emblems of a political, civic, educational or religious organization;
 - c) Temporary signs as may be authorized by Council;
 - d) "No Trespassing" or identification signs not exceeding 4 square feet (0.37 square metres);
 - e) Construction signs when placed on construction sites and not exceeding 25 square feet (2.32 square metres);
 - f) Signs required for direction and convenience of the public including signs which identify restrooms or parking entrances or exits, not exceeding 5 square feet (0.47 square metres) in area;
 - g) Real estate signs which advertise the sale, rental or lease of a building, structure, site, or part thereof.
 - h) Business signs not exceeding 32 square feet (2.97 square metres); and
 - i) Bulletin boards up to a maximum size of 32 square feet (2.97 square metres).
- (2) An advertising sign not exceeding 1,000 square feet (92.9 square metres) shall be a conditional use in the Agricultural General Zone and shall be provided for in TABLE FIVE-2 of this PART;
- (3) Unless otherwise provided for herein, signs shall be set back from a site line a minimum of 3 feet (0.91 metres); and
- (4) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Agricultural General Zone.

8. AGRICULTURAL GENERAL ZONE USES TABLE

TABLE FIVE - 1 "AGRICULTURAL GENERAL ZONE USES" lists all uses that are:

- a) "P" - Permitted;
- b) "C" - Conditional; and
- c) "NP" - Not Permitted.

in the Agricultural General Zone. All listed uses are subject to the provisions contained herein.

TABLE FIVE - 1
AGRICULTURAL GENERAL ZONE USES

AGRICULTURAL GENERAL ZONE	
PERMITTED USES	AG80
Accessory Uses, Buildings and Structures except Home Based Business where there is outside storage	P
General Agricultural Activities	P
Livestock Production Operations, as provided for in Table Five – 4 (a)	P
Public Utilities	P
Residential Care Facilities within a dwelling unit where the owner or operator of the facilities a permanent resident for: - 4 or fewer persons who are post-mentally ill, mentally retarded or otherwise developmentally disabled or who are wards of or under a childcaring agency as defined by applicable legislation of the Province of Manitoba	P
Schools, Churches and Community Halls	P
Temporary Buildings and Uses (See Section 13 of PART THREE - “GENERAL PROVISIONS”)	P
Advertising Signs (Billboards)	P
CONDITIONAL USES	
Livestock Production Operations, as provided for in Table Five-4	C
All other uses deemed by Council to be compatible in the Agricultural General Zone and in accordance with the Brandon and Area Planning District Development Plan	C

- (1) Explanations and Exceptions Forming Part of TABLE FIVE – 1
- a) Livestock operations established after the effective date of this By-Law are not permitted within 5280 feet (1609.34 metres) of the City of Brandon (excluding the Brandon Airport) and the Settlement Centre of Forrest identified on maps one, four, five and six. Livestock operations established prior to the effective date of this By-Law, located within 5280 feet (1609.34 metres) of the City of Brandon (excluding the Brandon Airport) identified on maps one, five and six may expand to 100 animal units. Livestock operations established prior to the effective date of this By-Law,

located within 5280 feet (1609.34 metres) of the Settlement Centre of Forrest identified on maps one and four may expand to 50 animal units.

9. AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS

- (1) TABLE FIVE - 2 "AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS" sets forth the bulk requirements for uses in the Agricultural General Zone in which they are permitted or conditional uses.

TABLE FIVE - 2

AGRICULTURAL GENERAL ZONE BULK REQUIREMENTS

		MINIMUM REQUIREMENTS				
PERMITTED OR CONDITIONAL USES	ZONE	Site Area Acres (hectares)	Site Width ft. (m.)	Front (a) Yard ft. (m.)	Side (a) Yard ft. (m.)	Rear (a) Yard ft. (m.)
Accessory Uses, Buildings and Structures	AG80	N/A	N/A	125 (38.1)	25 (7.62)	25 (7.62)
Advertising Signs	AG80	N/A	N/A	125 (38.1)	5 (1.52)	5 (1.52)
Agricultural Activities -General	AG80	80 (32.37) (f)	1320 (402.34)	125 (38.1)	25 (7.62)	25 (7.62)
Agricultural Industries	AG80	2 (0.81)	200 (60.96)	125 (38.1) (c)	25 (7.62) (c)	25 (7.62) (c)
Aircraft Landing Areas	AG80	20 (8.094)	200 (60.96)	125 (38.1)	50 (15.24)	50 (15.24)
Non-Farm Dwellings	AG80	2 (0.81) (d)	200 (60.96)	125 (38.1)	25 (7.62)	25 (7.62)
Public Utilities	AG80	1 (0.405)	100 (30.48)	125 (38.1)	15 (4.572)	15 (4.572)
Sand and Gravel Operations as provided for in Subsection 13.(2) of this PART	AG80	2 (0.81)	200 (60.96)	125 (38.1)	25 (7.62) (e)	25 (7.62) (e)
Waste Disposal Grounds and Sewage Lagoons	AG80	2 (0.81)	100 (30.48)	125 (38.1)	50 (15.24)	50 (15.24)
All Other Uses	AG80	2 (0.81)	200 (60.96)	125 (38.1)	25 (7.62)	25 (7.62)

(2) Explanations and Exceptions Forming Part of TABLE FIVE - 2

- a) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centres of intersections of same shall have a setback in accordance with the Highway Protection Act and the Highway Department Act or as varied from time to time;
- b) Where a side or rear yard abuts a Government Road Allowance, the minimum required yard shall be 125 feet (38.1 metres);
- c) Where a stationary anhydrous ammonia storage container is adjacent to a municipal road or provincial highway, the minimum required yard shall be 300 feet (91.44 metres);
- d) i) The maximum site area of a non-farm dwelling site shall be 10 acres (4.05 hectares), except where treed shelterbelts, fence lines or other similar physical features and natural topographic features define the area of an existing farm site greater than 10 acres (4.05 hectares) in which instance the greater site area shall apply and
 ii) Where a small parcel of land existed prior to the effective date of this By-Law and was on record in the Land Titles Office it may be used for a non-farm dwelling provided such parcel of land, in Council's opinion, will not sustain an agricultural activity and provided the provisions of the Brandon and Area Planning District Development Plan are complied with, and
- e) A minimum separation distance of 165 feet (50.29) metres shall be provided between sand and gravel extraction operations and any dwelling, institution, personal care facility, eating establishment or building where accommodation is to be provided, other than that of the owner or operator of the sand and gravel operation.
- f) Where a non-farm dwelling site is subdivided from a parcel where there are general agricultural activities on the residual area of the parcel, the minimum site area for the parcel shall be the residual area.

10. Livestock Production Operations

- (1) Any reference in this By-Law to Animal Units (A.U.) shall use TABLE FIVE - 3 to determine the number of animal units.

TABLE FIVE - 3
ANIMAL UNITS (A.U.)

TYPE OF OPERATION	ANIMAL UNITS (A.U.)
Dairy Cattle	
Milking Cows (including associated livestock)	2.0
Beef Cattle	

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Beef Cows (including associated livestock)	1.25
Backgrounder	0.50
Summer pasture / replacement heifers	0.625
Feeder Cattle	0.769
TYPE OF OPERATION	ANIMAL UNITS (A.U.)
Hogs	
Sows, farrow to finish	1.25
Sows, farrow to weanling	0.25
Sows, farrow to nursery	0.313
Weanlings	0.033
Growers / finishers	0.143
Boars (artificial insemination operations)	0.2
Chickens	
Broilers	0.005
Roasters	0.01
Layers	0.0083
Pullets	0.0033
Broiler Breeder Pullets	0.0033
Broiler Breeder Hens	0.01
Turkeys	
Broilers	0.01
Heavy Toms	0.02
Heavy Hens	0.01
Horses (PMU)	
Mares (including associated livestock)	1.333
Sheep	
Ewes (including associated livestock)	0.20
Feeder lambs	0.063

Example: To calculate the number of animal units for a livestock production operation, multiply the number of head by A.U. in that category: Eg. 20 milking cows X 2.0 A.U. per head = 40 animal units.

- (2) Livestock production operations must comply with all other regulations and must abide by any approvals granted by all jurisdictions. Where conflict arises between regulations, the most stringent standard will apply.
- (3) The following siting criteria will apply and must be confirmed prior to an application for development permit or conditional use being accepted:

TABLE FIVE - 4

LIVESTOCK PRODUCTION OPERATION SITING CRITERIA

Size of Livestock Operation in Animal Units	Separation Distance in Feet (Metres) from a Residence		Separation Distance in Feet (Metres) from a Designated Area		Permitted (P) Conditional (C) Not Permitted (NP) In the AG Zone
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility or Non-earthen Manure Storage Facility	
10 – 100	1,312 (400)	656 (200)	3,938 (1,200)	2,609 (795)	P
101 – 200	1,968 (600)	984 (300)	5,905 (1,800)	3,938 (1,200)	P
201 – 300	2,624 (800)	1,312 (400)	7,874 (2,400)	5,267 (1,605)	C
301 – 400	2,952 (900)	1,476 (450)	8,859 (2,700)	5,905 (1,800)	C
401 – 800	3,280 (1,000)	1,640 (500)	9,842 (3,000)	6,546 (1,995)	C
801 – 1,600	3,936 (1,200)	1,968 (600)	11,811 (3,600)	7,874 (2,400)	C
1,601 – 3,200	4,594 (1,400)	2,296 (700)	13,779 (4,200)	9,203 (2,805)	C
3,201 – 6,400	5,250 (1,600)	2,624 (800)	15,749 (4,800)	10,482 (3,195)	C
6,401 – 12,800	5,906 (1,800)	2,952 (900)	17,717 (5,400)	11,811 (3,600)	C
12,801 +	6,562 (2,000)	3,280 (1,000)	19,685 (6,000)	13,140 (4,005)	C

- (4) Explanations and exceptions forming part of Table Five - 4
 - a) Excludes the residence of the owner/operator.
 - b) “ Designated Area” means any “GD” General Development, “RG1” Residential General, “RG2” Residential General or “RR2” Residential Rural Zone as provided for herein, or any area designated as Rural Residential, Residential, General Development or Mobile Home Park in the Development Plan or amendments thereto.
 - c) For a dwelling, the distance shall be measured from the livestock barn or manure storage facility, whichever is closer, to the dwelling; and for a “Designated Area”, from the livestock barn or waste storage facility, whichever is closer, to the boundary of the “Designated Area ”.

- d) Due to fluctuating operational requirements and/or circumstances beyond the control of the livestock production operator, the maximum number of Animal Units on site may vary temporarily by up to 10 percent.
- (5) The minimum setback for a livestock production operation from any site line shall be 125 feet (38.1 metres).
- (6) All new livestock production operations shall be located adjacent to an existing all weather road. Should circumstances warrant the development of undeveloped government road allowance, the Council may require the applicant to develop the road at their expense to the minimum standards set by Council. New access points to any government road allowance require the prior approval of Council.
- (7) When considering an application for a conditional use to establish a new or enlarge an existing livestock production operation as a conditional use pursuant to Section 4 of PART TWO - "ADMINISTRATION", Council shall consider such factors as:
 - i) The type of operation;
 - ii) The size of the operation, including the maximum number of animals;
 - iii) The manure management system, including the handling, storage and disposal of manure;
 - iv) Reports from various Government Departments including Agriculture, Environment and Natural Resources;
 - v) Documentation of an agreement for the use of additional land for manure disposal over and above that owned by the applicant shall be a condition where applicable; and
 - vi) Whether or not the operation will have a detrimental effect on neighbouring land uses.
- (8) Council may require a development agreement as a condition of the conditional use order to specify such conditions as Council deem necessary.
- (9) a) Mortalities must be disposed of through approved rendering facilities. Where mortalities are not removed from the livestock production operation within 24 hours, they must be refrigerated until such time as proper disposal is made; and
 - b) Burning or burial of mortalities is not permitted in the Rural Municipality of Elton.
- (10) Odors from livestock production operations or their relative components may be monitored, and where in the opinion of Council they are deemed to be offensive or obnoxious, Section 5 of this PART shall apply.
- (11) The maximum number of A.U.'s for small holdings associated with non-farm dwellings as provided for in TABLE FIVE - 1 shall be 0.5 A.U. per acre, up to a maximum of 5 A.U.'s per holding.

11. LIVESTOCK MANURE STORAGE

(1) Approved livestock operations will be required to implement the following measures intended to reduce odours from manure storage as part of the livestock operation:

- a) Require straw cover or some other means of cover over manure storage facilities, in the event of odor emission that is greater than normal, in the opinion of Council; and
- b) Establish a shelter belt, which includes at least two rows of trees of a type approved by Council planted on all sides of the manure storage facility.

12. OTHER PROVISIONS

(1) Mutual Separation of Anhydrous Ammonia Storage Containers and Residences

- a) In no instance shall a dwelling and a stationary anhydrous ammonia storage container be located within 1650 feet (502.92 metres) of each other, except where the dwelling unit is that of the owner or operator of the anhydrous ammonia facility; and
- b) In no instance shall a stationary anhydrous ammonia storage container be located within 2640 feet (804.67 metres) of a "GD" General Development, "RG1" Residential General, "RG2" Residential General or "RR2" Residential Rural zone as provided for herein, or an area designated for General Development, Residential, Residential Rural 2 or Mobile Home Park purposes in the Development Plan.

(2) Sand and Gravel Operations

- a) Sand and gravel operations shall be subject to the conditions imposed on them by Council through consultation with appropriate authorities;
- b) An application for a sand and gravel extraction operation shall include the submission of a site plan showing the manner in which extraction or development will occur, and the proposed use(s) of the area after the extraction operation has been totally or partially mined to depletion;
- c) The minimum front, side and rear yard requirements for sand and gravel operations as established in TABLE FIVE - 2 of this PART shall also apply to the stockpiling of extracted material on the sand and gravel pit site; and
- d) A minimum separation distance of 165 feet (50.29 metres) shall be provided between any dwelling, care facility or institution, and any sand and gravel resource assigned a "Stop" or "Caution" status in the Brandon and Area Planning District Development Plan, unless the applicant can demonstrate to Council's satisfaction through scientific testing methods that the extent of the sand and gravel resource is less than that identified in the Development Plan, in which case the minimum separation distance shall be 165 feet (50.29 metres) from the newly-defined limit of the resource.

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PART SIX

RURAL SETTLEMENT ZONES

1. INTENT AND PURPOSE

The Rural Settlement Zones established in this By-Law provide for the development of the established rural settlements in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zones are hereby established:

(1) “GD” GENERAL DEVELOPMENT ZONE

This zone provides for a mix of residential, industrial, commercial, recreational and institutional uses in an orderly and compatible manner.

(2) “RG1” RESIDENTIAL GENERAL ZONE

This zone provides for residential and compatible uses on smaller lots in the existing settlement centres.

(3) “RG2” RESIDENTIAL GENERAL ZONE

This zone provides for residential and compatible uses on minimum two acre lots in the settlement centres.

2. GENERAL PROVISIONS

The provisions applying to the RURAL SETTLEMENT ZONES are contained within this PART. Also applying to these zones are the provisions of PART ONE - “DEFINITIONS”, PART TWO - “ADMINISTRATION”, PART THREE - “GENERAL PROVISIONS”, PART FOUR - “ZONES” and “APPENDIX A”.

3. ACCESSORY USES, BUILDINGS AND STRUCTURES

(1) In the Rural Settlement Zones accessory uses, buildings, or structures include the following:

- a) Secondary Suite
- b) A children’s playhouse, private greenhouse, private conservatory and private swimming pools, open or enclosed;
- c) A private garage, carport, covered patio, toolhouse, shed or other similar building;
- d) Incinerators subject to the approval of the authority having jurisdiction;

- e) Accessory signs as permitted and regulated in Section 9 of this PART and Section 12 of PART THREE - "GENERAL PROVISIONS", and other private utilities;
- f) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas in accordance with the requirements of Section 11 in PART THREE - "GENERAL PROVISIONS" and other private utilities;
- g) Home based business with no outside storage; and
- h) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business or personal services if conducted by the same owner as the principal use.

(2) Accessory Buildings, Structures and Uses

Accessory buildings, except as otherwise regulated in this 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 or structure;
- b) Detached accessory buildings or structures shall not be located in any front yard of the principal use except as provided for elsewhere herein; and
- c) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of tools and materials for use during construction of the main building or structure.

4. HOME BASED BUSINESS

- (1) Not more than 40 percent of the gross floor area or 800 square feet (74.32 square metres), whichever is less shall be devoted to a home based business in any dwelling unit or mobile home.
- (2) A business sign for a home based business either free-standing or affixed to an exterior wall of a main or accessory building shall not exceed 8 square feet (0.74 square metres) in surface area.
- (3) 100 percent of the gross floor area, up to 800 square feet (74.32 square metres) in accessory buildings may be devoted to a home based business.

5. PROJECTIONS INTO REQUIRED YARDS

Architectural features including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of 50 percent of the affected required yard.

6. NOXIOUS OR OFFENSIVE USES

Notwithstanding anything herein contained, no use shall be permitted in any zone of this PART where that use may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

7. MULTIPLE USES

Except as provided for in Section 7 of this PART, any land or building in the Rural Settlement Zones may be used for more than one principal use provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

8. SIGN REGULATIONS

- (1) The following signs shall be permitted in the Rural Settlement Zones:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) Temporary signs as may be authorized by Council;
 - d) "No Trespassing" or identification signs not exceeding 3 square feet (0.28 square metres);
 - e) Construction signs when placed on construction sites and not exceeding 25 square feet (2.32 square metres);
 - f) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits, not exceeding 5 square feet (0.47 square metres);
 - g) Real estate signs not exceeding 10 square feet (0.93 square metres) which advertise the sale, rental or lease of a building, structure, site, or part thereof;
 - h) Business signs as permitted only in the "GD" General Development Zone shall not exceed 8 square feet (0.74 square metres) and not be closer than 2 feet (0.61 metres) from any site line, except as provided for in Subsection a) of this Section; and
 - i) Bulletin boards (fixed or mobile) not exceeding 32 square feet (2.97 square metres) and not closer than 2 feet (0.61 metres) from any site line.
- (2) Business advertising signs and bulletin boards (fixed or mobile) not exceeding 32 square feet (2.97 square metres) and not closer than 2 feet (0.61 metres) from any site line shall be permitted only in the "GD" General Development Zone, except as provided for above.

(3) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Rural Settlement Zones.

9. RURAL SETTLEMENT USES TABLE

(1) TABLE SIX - 1 "RURAL SETTLEMENT USES" lists uses that are:

- a) "P" - Permitted;
- b) "C" - Conditional; and
- c) "NP" - Not Permitted.

in the Rural Settlement Zones. All listed uses are subject to the provisions contained herein.

**TABLE SIX - 1
RURAL SETTLEMENT USES**

GENERAL DEVELOPMENT ZONE	GD
PERMITTED USES	
Accessory Uses, Buildings and Structures (see Subsection 3 of this Part)	P
Advertising Signs (see Subsection 9(2) of this Part)	P
Child Care Services Home Day Care	P
Churches	P
Community Centres and Clubs	P
Dwellings Single and Two Family Dwellings	P
Mobile Homes and Modular Homes (b)	P
Dwellings located at the rear or above a commercial or industrial building (a)	P
Home Based Business (See Subsection 4 of the Part)	P
Libraries and Museums	P
Parks and Playgrounds	P
Restaurants	P
Drinking Establishment	P
Convenience Stores	P
Day Care Centres	P
Hotels or Motels	P
Offices	P
Medical/Dental Clinics	P
Retail Sales	P
CONDITIONAL USES	

All other uses deemed by Council to be compatible in the General Development Zone and in accordance with the Brandon and Area Planning District Development Plan	C
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TABLE SIX - 1 (Cont'd)
RURAL SETTLEMENT USES

RESIDENTIAL GENERAL -ZONES		
	RG1	RG2
PERMITTED USES		
Accessory Uses, Buildings and Structures (see Subsection 3 of this Part)	P	P
Child Care Services Home Day Care	P	P
Churches	P	P
Community Centres and Clubs	P	P
Dwellings Single Family Dwellings Two Family Dwellings Mobile Homes and Modular Homes (b)	P P P	P P NP
Home Based Business (See Subsection 4 of this Part)	P	P
Parks and Playgrounds	P	P
CONDITIONAL USES		
All other uses deemed by Council to be compatible in the Residential General Zones and in accordance with the Brandon and Area Planning District Development Plan	C	C

- (a) When a dwelling is contained in a commercial or industrial building in the General Development Zone, at least one-half of the first floor of such building must be used for commercial or industrial purposes.
- (b) Mobile homes are not permitted in the rural settlement centre of Forrest as identified on maps one and four.

11. RURAL SETTLEMENT BULK REQUIREMENTS

- (1) TABLE SIX - 2, "RURAL SETTLEMENT BULK REQUIREMENTS" sets forth the bulk requirements for uses in the Rural Settlement Zones in which they are permitted or conditional uses.

TABLE SIX - 2

RURAL SETTLEMENT BULK REQUIREMENTS

PERMITTED OR CONDITIONAL USES	ZONES	MINIMUM REQUIREMENTS				
		Site Area sq. ft. (sq. m.)	Site Width ft. (m.)	Front Yard ft. (m.)	Side Yard ft. (m.)	Rear Yard ft. (m.)
Accessory Uses, Buildings and Structures (a)	GD, RG1, RG2	N/A	N/A	30(d)	15 (4.57)	15 (4.57)
Dwellings: Single Family (b) Two Family (b)	GD, RG1	15,000 (1393.55)	100 (30.48)	15 (4.57)	15 (4.57)	15 (4.57)
	RG2	87,120 (8093.71)	200 (60.96)	15 (4.57)	15 (4.57) (e)	15 (4.57)
	GD, RG1	30,000 (2787.1)	150 (45.72)	15 (4.57)	15 (4.57)	15 (4.57)
	RG2	87,120 (8093.71)	200 (60.96)	15(4.57)	15 (4.57) (e)	15 (4.57)
Mobile Homes and Modular Home (b)	GD, RG1	15,000 (1393.55)	100 (30.48)	30 (9.14)	15 (4.57)	15 (4.57)
Other Uses Listed in TABLE SIX - 1, (a)(c)	GD, RG1	15,000 (1393.55)	100 (30.48)	30 (9.14)	15 (4.57)	15 (4.57)
	RG2	87,120 (8093.71)	200 (60.96)			

(2) Explanations and Exceptions Forming Part of TABLE SIX - 2

- (a) The minimum building separation for accessory buildings and structures and for other uses listed in TABLE SIX - 1 shall be 15 feet (4.57 metres).
- (b) The minimum floor area of a single-family dwelling, two-family dwelling, mobile home or modular home shall be 600 square feet (55.74 square metres) for each dwelling unit;
- (c) The minimum floor area of a dwelling unit which is accessory to a commercial or industrial use shall be 400 square feet (37.16 square metres); and
- (d) The minimum required front yard for gas pumps shall be 20 feet (6.1 metres).
- (e) Dwellings established after the effective date of this By-Law, on parcels with a lot width of 200 feet (60.96 metres) or greater, shall provide one side yard of at least 115 feet (35.05 metres) in order to enable future subdivision and rezoning when services become available.

12. PARKING REQUIREMENTS

- (1) A minimum of one on-site parking space shall be provided for each dwelling unit in the Rural Settlement Zone.
- (2) For all other uses, the number of on-site parking spaces required shall be as follows:
 - a) One parking space for every 1,000 square feet (92.9 square metres) of floor area for all other uses.

13. OUTSIDE STORAGE

- (1) In the "GD", General Development Zone, outside storage of goods and materials incidental to a commercial or industrial use shall be permitted, provided that:
 - a) Such storage is not located in any required front yard;
 - b) On a site adjacent to a residential area, dwelling unit, modular home or a mobile home, outside storage shall be effectively screened from the view of the adjacent residence by a wall, fence or hedge, unless it can be demonstrated to Council's satisfaction that such storage will not be obnoxious or detrimental to the adjacent residential area, dwelling unit, modular home or mobile home; and
 - c) The storage shall not project above the height of the wall, fence or hedge.

14. SEPARATION FROM SAND AND GRAVEL RESOURCES

- (1) A minimum separation distance of 500 feet (152.4 metres) shall be provided between any land to be zoned "GD" - General Development, "RG1" or "RG2" - Residential General Zone, or land to be subdivided within the "GD" General Development, "RG1" or "RG2" Residential General Zone for the purpose of establishing a dwelling or building where accommodation is to be provided, and any aggregate resource deposit assigned a "Stop" or "Caution" development status in the Brandon and Area Planning District Development Plan, except:
 - a) Where the applicant can demonstrate to the satisfaction of Council and Manitoba Energy and Mines that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 500 feet (152.4 metres) from the newly-defined limit of the deposit; or
 - b) Where a suitable buffer, acceptable to Council and Manitoba Energy and Mines, is included as part of the proposed development, in which case the minimum separation distance may be reduced to not less than 250 feet (76.2 metres).

- (2) An acceptable buffer, as provided for in paragraph (1) b) above, may include one or more of the following features:
- a) earthen beams;
 - b) impenetrable fences; and/or
 - c) dense tree screens.
- (3) In assessing the adequacy of a proposed buffer as provided for in subsections (1) and (2) above, the Council, in consultation with the Manitoba Energy and Mines, shall consider such factors as:
- a) The type of existing or proposed aggregate operation, including its production volumes, mining, processing equipment, traffic volumes, and layout;
 - b) the depth and extent of the aggregate deposit;
 - c) Whether the aggregate operation is of an ongoing or intermittent nature;
 - d) The slope requirements for rehabilitation of the gravel pit;
 - e) The topographic relief of the gravel pit;
 - f) The hours of operation of the gravel pit; and
 - g) The existing or proposed location(s) of stockpiles and equipment.
- (4) Where the land has been zoned and subdivided for General Development purposes prior to the adoption date of By-Law 1024, a minimum separation distance of 165 feet (50.29 metres) shall be provided between any new dwelling, care facility, institution, eating establishment or building where accommodation is to be provided, and any aggregate resource deposit assigned a "Stop" or "Caution" development status in the Development Plan, unless the applicant can demonstrate to the satisfaction of Council and the Manitoba Energy and Mines, that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 165 feet (50.29 metres) from the newly defined limit of the deposit.

PART SEVEN

RESIDENTIAL RURAL ZONE

1. INTENT AND PURPOSE

The Residential Rural Zone established in this By-Law is intended to accommodate non-farm residential uses located in rural areas on small holdings designed in a "cluster" pattern, in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zone is hereby established:

(1) "RR2" RESIDENTIAL RURAL ZONE

This zone provides for non-farm residential development and related compatible uses. The keeping of livestock is not permitted in this zone.

2. GENERAL PROVISIONS

The general provisions applying to the RESIDENTIAL RURAL ZONE are contained within this PART. Also applying to this PART are the provisions of PART ONE - "DEFINITIONS", PART TWO - "ADMINISTRATION", PART THREE - "GENERAL PROVISIONS", PART FOUR - "ZONES", and "APPENDIX A".

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

(1) In the Residential Rural Zone, accessory uses, buildings, or structures include the following:

- a) Secondary Suite;
- b) A children's playhouse, private greenhouse, private conservatory and private swimming pools, open or enclosed;
- c) A private garage, carport, covered patio, toolhouse, shed or other similar building;
- d) Incinerators subject to the approval of the authority having jurisdiction;
- e) Accessory signs as permitted and regulated in Sections 4 and 8 of this PART and Section 12 of PART THREE - "GENERAL PROVISIONS";
- f) Private communications utilities such as television and radio antennas, aerials or satellite dish antennas subject to the requirements of Section 11 in PART THREE - "GENERAL PROVISIONS";
- g) Home based business with no outside storage; and
- h) Home day care services.

(2) Accessory Buildings, Structures and Uses

Accessory buildings, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

- a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-Law applicable to the main building;
- b) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
- c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way; and
- d) No accessory building shall be erected prior to the erection of the main building except where it is necessary for the storage of tools and materials for use during construction of the main building.

4. HOME BASED BUSINESS

- (1) Not more than 40 percent of the gross floor area or 800 square feet (74.32 square metres), whichever is less, shall be devoted to a home based business in any dwelling unit or mobile home.
- (2) A business sign for a home based business, either free-standing or affixed to an exterior wall of a main or accessory building, shall not exceed 8 square feet (0.74 square metres) in surface area.
- (3) 100 percent of the gross floor area, up to 800 square feet (74.32 square metres), in accessory buildings, may be devoted to a home based business.

5. NOXIOUS OR OFFENSIVE USES

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

6. SIGN REGULATIONS

- (1) The following signs shall be permitted in the Residential Rural Zone:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) Temporary signs as may be authorized by Council;

- d) "No Trespassing" or identification signs not exceeding 3 square feet (0.28 square metres);
 - e) Construction signs when placed on construction sites and not exceeding 25 square feet (2.32 square metres);
 - f) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits, not exceeding 5 square feet (0.47 square metres) in area;
 - g) Real estate signs not exceeding 10 square feet (0.93 square metres) which advertise the sale, rental or lease of a building, structure, site, or part thereof;
 - h) Business signs as provided for in Section 4 of this PART not exceeding 8 square feet (0.74 square metres);
 - i) Bulletin boards not exceeding 8 square feet (0.74 square metres); and
 - j) Where a free-standing sign is located in a required yard, it shall not be closer than 5 feet (1.52 metres) to the site lines.
- (2) Advertising signs shall not be permitted in the Residential Rural Zone.
- (3) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Residential Rural Zone.

7. RESIDENTIAL RURAL USES TABLE

TABLE SEVEN - 1 "RESIDENTIAL RURAL USES" lists all uses that are:

- a) "P" - Permitted; and
- b) "C" - Conditional

in the Residential Rural Zone. All listed uses are subject to the provisions contained herein.

TABLE SEVEN-1
RESIDENTIAL RURAL USES

RESIDENTIAL RURAL ZONE	
PERMITTED USES	RR2
Accessory Uses, Buildings, Structures and Business Signs (See Section 3 of this Part)	P
Home Based Business (See Section 4 of this Part)	P
Mobile Homes	P
Parks, Playgrounds and Tot-lots owned by the R.M. of Elton	P
Residential Care Facilities within a dwelling unit when the owner or operator of the facility is a permanent resident for: - 4 or fewer persons who are post-mentally ill, mentally retarded or otherwise developmentally disabled or who are wards or under a child-caring agency as defined by applicable legislation of the Province of Manitoba	P
Single Family Dwellings	P
CONDITIONAL USES	
All other uses deemed by Council to be compatible in the Residential Rural Zone and in accordance with the Brandon and Area Planning District Development Plan	C

8. RESIDENTIAL RURAL BULK REQUIREMENTS

- 1) TABLE SEVEN-2, "RESIDENTIAL RURAL BULK REQUIREMENTS" sets forth the bulk requirements for uses in the Residential Rural Zone in which they are permitted or conditional uses.

TABLE SEVEN-2
RESIDENTIAL RURAL BULK REQUIREMENTS

PERMITTED OR CONDITIONAL USES	ZONES	MINIMUM		REQUIREMENTS		
		Site Area Acres (hectares)	Site Width ft. (m.)	Front (a) Yard (b) ft. (m.)	Side (a) Yard (b) ft. (m.)	Rear (a) Yard (b) ft. (m.)
"RR2" Residential Rural Uses	"RR2"	2 (0.81)	150 (45.72)	30 (9.14)	30 (9.14) (e)	30 (9.14)
Accessory uses, buildings	"RR2"	NA	NA	30 (9.14)	15 (4.57)	15 (4.57)

and structures					(c)	(c)
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(2) Explanations and Exceptions Forming Part of TABLE SEVEN-2

- a) Buildings, structures and hedges adjacent to provincial roads, major provincial highways and centres of intersections of same shall have a setback in accordance with the Highways Protection Act and the Highways Department Act, or as varied from time to time.
- b) Where the front, side or rear yard abuts a Municipal Road Allowance, the minimum yard requirements shall be 125 feet (38.1 metres).
- c) The minimum distance between main buildings and other accessory buildings shall be 15 feet (4.57 metres).
- d) The minimum dwelling unit area shall be 600 square feet (55.74 square metres).
- e) Dwellings established after the effective date of this By-Law, on parcels with a lot width of 200 feet (60.96 metres) or greater, shall provide one side yard of at least 115 feet (35.05 metres) in order to enable future subdivision and rezoning when services become available.

9. OTHER PROVISIONS

(1) Separation From Livestock Production Operations Existing in an Agricultural Zone

The mutual separation distance between dwellings and livestock production operations as established in FIVE - 4 of PART FIVE - "AGRICULTURAL GENERAL ZONE" shall apply to the Rural Residential Zone.

(2) Separation From Sand and Gravel Resources

- a) A minimum separation distance of 500 feet (152.4 metres) shall be provided between land to be zoned for Residential Rural purposes or land to be subdivided for the purpose of establishing a dwelling, institution or care facility, and any aggregate resource deposit assigned a "Stop" or "Caution" development status in the Brandon and Area Planning District Development Plan, except:
 - i) Where the applicant can demonstrate to the satisfaction of Council and Manitoba Energy and Mines that, through scientific testing methods, the extent of aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 500 feet (152.4 metres) from the newly-defined limit of the deposit; or
 - ii) Where a suitable buffer, acceptable to Council and Manitoba Energy and Mines, is included as part of the proposed development, in which case the

minimum separation distance may be reduced to not less than 250 feet (76.2 metres).

- b) An acceptable buffer, as provided for in clause a) ii) above, may include one or more of the following features:
 - i) earthen berms;
 - ii) impenetrable fences; and/or
 - iii) dense tree screens.
- c) In assessing the adequacy of the proposed buffer as provided for in paragraph a) and b) above, the Council, in consultation with Manitoba Energy and Mines, shall consider such factors as:
 - i) The type of existing or proposed aggregate operation, including its production volumes, mining and processing equipment, traffic volumes, and layout;
 - ii) The depth and extent of the aggregate deposit;
 - iii) Whether the aggregate operation is of an ongoing or intermittent nature;
 - iv) The slope requirements for rehabilitation of the gravel pit;
 - v) The topographic relief of the area;
 - vi) The hours of operation of the gravel pit; and
 - vii) The existing or proposed location(s) of stockpiles and equipment.
- d) Where the land has been subdivided and zoned for Residential Rural purposes prior to the adoption date of this By-Law, a minimum separation distance of 165 feet (50.29 metres) shall be provided between any new dwelling or other habitable building and any aggregate resource deposit assigned a "Stop" or "Caution" Development status in the Development Plan unless the applicant can demonstrate to the satisfaction of Council and Manitoba Energy and Mines that, through scientific testing methods, the extent of the aggregate deposit is other than that which is indicated in the Development Plan, in which case the minimum separation distance shall be 165 feet (50.29 metres) from the newly defined limit of the deposit.

(3) Separation From Hazardous Uses

- a) A minimum separation distance of 2640 feet (804.67 metres) shall be provided between "RR2" zone and a stationary anhydrous ammonia storage container; and
- b) No individual dwelling or other habitable building shall be located within 1650 feet (502.92 metres) of a stationary anhydrous ammonia storage container.

PART EIGHT

Rural Commercial Zone

1. INTENT AND PURPOSE

The Rural Commercial Zone established in this By-Law is intended to provide sufficient land in suitable locations to meet the needs of agricultural-related commercial development in keeping with the provisions of the Development Plan. In order to carry out the intent and purpose of this Section, the following zone is hereby established.

(1) "RC" RURAL COMMERCIAL ZONE.

This zone provides for resource related uses that are directly related to agriculture and rural areas which may otherwise be unsuitable for location in an urban area and do not require piped services such as water and sewer as typically provided in an urban area.

2. GENERAL PROVISIONS

The general provisions applying to the RURAL COMMERCIAL ZONE are contained in this PART. Also applying to this zone are the provisions of PART ONE - "DEFINITIONS", PART TWO - "ADMINISTRATION", PART THREE - "GENERAL PROVISIONS", PART FOUR - "ZONES, and "APPENDIX A".

3. ACCESSORY USES, BUILDINGS OR STRUCTURES

In the Rural Commercial Zone, accessory uses, buildings, or structures include the following:

- a) Incinerators subject to the authority having jurisdiction;
- b) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and business occupancies if conducted by the same owner as the principal use;
- c) Accessory off-street parking and loading areas;
- d) Accessory signs as permitted and regulated in Section 8 of this PART;
- e) Single-family dwellings or mobile homes where necessary to house a caretaker or owner and his family; and
- f) Private communication utilities such as television and radio antennas, aerials or satellite dish antennas in accordance with the requirements of Section 11 of PART THREE - "GENERAL PROVISIONS", and other private utilities.

- (2) Accessory buildings, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:
- a) Where an accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-Law applicable to the main building or structure.
 - b) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
 - c) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way; and
 - d) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of tools and materials for use during construction of the main building or structure.

4. PROJECTIONS INTO REQUIRED YARDS

Required yards shall be provided and maintained in accordance with the provisions of this PART and shall be unobstructed from ground level to the sky, except as follows:

- a) Architectural features including eaves, chimneys, fire escapes and open, unenclosed stairways, balconies, porches and platforms not covered by a roof or canopy may project into any required yard up to a maximum of 50 percent of the affected required yard; and
- b) Name plates and signs, as permitted and regulated in this PART, shall be allowed in any required front, side or rear yard.

5. NOXIOUS OR OFFENSIVE USES

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

6. MULTIPLE USES

Any land or building in the Rural Commercial Zone may be used for more than one (1) principal use, provided the requirements of Section 4 of PART THREE - "GENERAL PROVISIONS" are met.

7. PARKING FOR COMMERCIAL USE

Parking shall be permitted in any required yard for all uses.

8. SIGN REGULATIONS

- (1) The following signs shall be permitted in the Rural Commercial Zone:
 - a) Identification or business signs attached to the main building;
 - b) One free-standing identification or business sign may be located in any required yard for each permitted or conditional use; and
 - c) Advertising signs not exceeding 1000 square feet (92.9 square metres) and not located closer than 2 feet (0.61 metres) from any site line.
- (2) Free-standing signs (fixed or mobile) shall not be located closer than 2 feet (0.61 metres) from any site line.
- (3) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (4) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted:
 - a) Signs posted by duly constituted public authorities in the performance of their public duties;
 - b) Flags or emblems of a political, civic, educational or religious organization;
 - c) "No Trespassing" signs;
 - d) Construction signs when placed on construction sites;
 - e) Signs required for direction and convenience of the public, including signs which identify restrooms or parking entrances or exits; and
 - f) Real estate signs which advertise the sale, rental or lease of a building, structure, site, or part thereof.
- (5) In addition to the sign regulations of this PART, the provisions of Section 12 of PART THREE - "GENERAL PROVISIONS" shall apply to signs in the Rural Commercial Zone.

9. RURAL COMMERCIAL ZONE USES TABLE

TABLE EIGHT - 1 "RURAL COMMERCIAL ZONE USES" lists all uses that are:

- a) "P" - Permitted; and
- b) "C" - Conditional

in the Commercial Agricultural Zone. All listed uses are subject to the provisions contained herein.

TABLE EIGHT - 1

RURAL COMMERCIAL ZONE USES

RURAL COMMERCIAL ZONE	
PERMITTED USES	RC
Accessory Uses, Buildings and Structures (See Section 3 of this Part)	P
Advertising Signs (See Section 8 of this Part)	P
Agricultural parts and hardware sales and service	P
Public Utilities	P
Truck and Farm Implement and Machine Sales and Repair Shops (a)	P
Veterinary Clinics and Hospitals	P
Welding Shops	P
CONDITIONAL USES	
All other uses deemed by Council to be compatible in the Commercial Agricultural Zone and in accordance with the Brandon and Area Planning District Development Plan	C
Resource-Related Use	C

- a) The storage of derelict or wrecked vehicles and trailers is not permitted.

10. RURAL COMMERCIAL ZONE BULK REQUIREMENTS

- (1) TABLE EIGHT - 2 "RURAL COMMERCIAL ZONE BULK REQUIREMENTS" sets forth the bulk requirements for uses in the Rural Commercial Zone in which they are permitted or conditional uses.

TABLE EIGHT - 2

RURAL COMMERCIAL ZONE BULK REQUIREMENTS

USE	ZONE	MINIMUM		REQUIREMENTS		
		Site Area Acres (hectares)	Site Width ft. (m.)	Front (a) Yard ft. (m.)	Side (a) Yard ft. (m.)	Rear (a) Yard ft. (m.)
Accessory Uses, Buildings and Structures	RC	N/A	N/A	40 (12.19) (c)	15 (4.57)	15 (4.57)
Advertising Signs	RC	NA	NA	(b)	(b)	(b)
All other uses (b)	RC	1 (0.4)	150 (45.72)	40 (12.19)	15 (4.57)	15 (4.57)

(2) Explanations and Exceptions Forming Part of TABLE EIGHT - 2

- a) i) Where the site abuts a highway, the minimum yard requirement shall be in conformance with the regulations of the authority having jurisdiction.
- ii) Where the site abuts a Municipal Road Allowance, except where a service road is provided adjacent to the Road Allowance, the minimum yard requirement shall be 125 feet (38.1 metres).
- b) i) Where the front, side or rear yard of a site containing a stationary anhydrous ammonia storage container is adjacent to a municipal road or a provincial highway, the minimum yard requirement shall be 300 feet (91.44 metres).
- ii) The requirements for advertising signs are as provided for in Section 8 of this PART.
- c) The minimum front yard requirement for gas pumps shall be 20 feet (6.1 metres).

11. OTHER PROVISIONS

(1) Location of Buildings and Yards

Except as herein provided, the following special provisions shall apply in the Rural Commercial Zone to ensure adequate site and yard requirements:

- a) No building or structure shall be located on a corner site in such a manner as to reduce the front yard requirement on the street on which such corner site has its frontage; and
- b) All yards and other open spaces required for any use shall be located on the same site as the use.

(2) Separation of Anhydrous Ammonia Storage Containers for Residences

- a) In no instance shall a stationary anhydrous ammonia storage container be located within 1650 feet (502.92 metres) of a residence or dwelling other than that of the owner or operator; and
- b) In no instance shall a stationary anhydrous ammonia storage container be located within 2640 feet (804.67 metres) of a "GD" General Development, "RG1" or "RG2" Residential General or "RR2" Residential Rural Zone as provided for herein, or an area designated for Residential Rural, Residential or Mobile Home Park purposes in the Brandon and Area Planning District Development Plan or amendments thereto.

(3) Outside Storage

In the Rural Commercial Zone, outside storage of goods and materials incidental to a permitted or conditional use shall be permitted, provided that such storage is not located in any required front yard, except for the display of new and used vehicles and farm implements.