

CONTINUING CONSOLIDATION
BY-LAW NO. 6642

AS AMENDED BY BY-LAWS 6654, 6672, 6673, 6694, 6695, 6700, 6701, 6702, 6703, 6707, 6713, 6717, 6727, 6735, 6737, 6745, 6755, 6756, 6760, 6765, 6772, 6776, 6783, 6788, 6793, 6794, 6800, 6806, 6808, 6811, 6813, 6827, 6828, 6829, 6839, 6841, 6845, 6846 and 6959.

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

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

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

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

PART I: INTERPRETATION AND DEFINITIONS

DIVISION I: SCOPE

1. SCOPE

- (a) This by-law shall be known as the City of Brandon "Zoning By-law".
- (b) This by-law shall apply to all of the City of Brandon.
- (c) This by-law regulates:
 - (1) the construction, erection, or placement of buildings, structures, and mobile/modular homes;
 - (2) the enlargement, alteration, or conversion of buildings and structures; and
 - (3) the establishment, change, extension, and enlargement of uses of land, buildings, and structures.
- (d) No land, building, or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, relocated, removed, demolished, or placed except in accordance with this by-law.
- (e) Buildings, structures, and uses which were lawfully in existence before this by-law, or an amendment to it, came into effect may continue to exist in accordance with the provisions of the Act.
- (f) Whenever a provision of another by-law, or an agreement with the City, or a law or regulation of the provincial or federal government, contains a restriction governing the same subject matter contained in this by-law, or imposes contradictory regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.
- (g) Nothing in this by-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under the Act, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration, or other cause.

DIVISION II: INTERPRETATION

2. INTERPRETING ZONING REGULATIONS

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

3. ZONES

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

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

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

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

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

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

[AM. B/L 6772]

4. INTERPRETING THE ZONE MAPS

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

5. OVERLAY ZONES

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

6. DEFINITIONS

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