

3.16 The “MH” Industrial - Heavy Zoning District

The “MH” Industrial - Heavy Zoning District is hereby established in this by-law and it is intended to provide areas (generally located around the developed limits of the urban communities of Kemnay and Alexander) to accommodate a wide variety of both light and heavy manufacturing, agricultural processing, storage and transportation industries. The keeping of any livestock in the “MH” zone is prohibited.

3.16.1 “MH” Industrial - Heavy Zoning District Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

i) Accessory Shipping Containers

In the “MH” Industrial – Heavy Zone, an “accessory shipping container” as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the permitted or conditionally approved industrial use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a **Development Permit** and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Tent Like Structures

In the “MH” Industrial - Heavy Zone, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-hundred and fifty (250) square feet shall be subject to the issuance of a **Development Permit** and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a **Development Permit** and **Building Permit** and must meet all other requirements of the zoning by-law.

iii) Accessory Dwelling Unit

In the “MH” Industrial – Heavy Zone, one (1) attached or detached accessory dwelling unit and its associated accessory buildings may be developed as a permitted accessory use on the same parcel as the principal use of the property which it serves. The accessory dwelling unit must in all cases satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for the accessory dwelling unit shall be seven hundred 700 sq/ft (65.03sq/m).

iv) Accessory Telecommunications Towers

In the “MH” Industrial – Heavy Zone, an accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.10 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

b) Conditional Accessory Uses, Buildings and Structures

c) Prohibited Accessory Uses Buildings and Structures

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.11: USE & SITE REQUIREMENTS: “MH” INDUSTRIAL – HEAVY ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (d) (f) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq/ft)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq/ft in size)	-	-	25 (d)	15 (d)	15 (d)
Agro-commercial and agro-industrial businesses (with indoor and/or outdoor storage) involving sales, storage, service, processing, manufacturing, repair or distribution of agricultural and agricultural-related products, supplies, equipment or structures and includes seed plants and grain elevators and veterinary clinics	40,000	150	25	15	25 (j)
Asphalt Mixing Plants and Products	40,000	150	25	15	25
Automobile, Boat and Trailer Sales and Service	40,000	150	25	15	25
Automobile Service Stations	40,000	150	25	15	25
Bulk Fuel and Oil Sales and Storage	15,000	100	25	15	25
Carpentry and Woodworking Shops	7,000	70	25	15	25
Concrete Batch Plants / Earth Moving Contractors	40,000	150	25	15	25
Concrete Products Manufacturing Establishments	20,000	100	25	15	25
Contractor’s Establishments - With outdoor storage - With indoor storage only	10,000	100	25	15	25
	7,000	70	25	15	25
Fire and Police Stations	7,000	70	25	15	25
Machine Shop	7,000	70	25	15	25
Manufacturing, Non-Hazardous Chemicals	20,000	100	25	15	25
Manufacturing, Indoor federally licensed cannabis cultivation, processing and packaging facilities and related activities).	40,000	150	25	15	25
Manufacturing, General	7,000	70	25	15	25
Moving, Storage and Warehousing	7,000	70	25	15	25
Nurseries and Greenhouses	20,000	100	25	15	25
Public Utilities (g)	5,000	50	25	15	25
Public Works Compounds and Maintenance Buildings	20,000	100	25	15	25
Recreation Facilities (Bowling Alleys, Cinemas, etc	7,000	70	25	15	25
Restaurants and Drive-In Eating Establishments	20,000	100	25	15	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000	100	25	15	25
Truck Terminals	20,000	100	25	15	25
Wholesale Office Sales and Storage	7,000	70	25	15	25
Wood Processing Establishments	7,000	70	25	15	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq/ft in size)	-	-	25 (d)	15 (d)	15 (d)
Automobile Wrecking Establishments	40,000	150	25	15	25
Industrial Service Shop	40,000	150	25	15	25
Junk Yard	40,000	150	25	15	25

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	SITE SIZE		REQUIRED YARDS		
	Area (sq/ft)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Manufacturing, Hazardous Chemicals	40,000	150	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law)	-	-	(e)	3	2
NOTES: ³ For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law. ⁴ Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes for Table 3.11: “MH” Industrial - Heavy Zone:

- (a) i) The maximum allowable height for all buildings and structures shall be 30 feet (two storeys) except for architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
 - (i) Minimum required site area shall be two (2) acres;
 - (ii) Minimum required site width shall be two hundred (200) feet;
 - (iii) Minimum required side yard shall be thirty (30) feet.
- (c) In the **“MH” Industrial – Heavy Zone**, more than one principal industrial building or industrial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (d) Under authority of applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from provincial authority having jurisdiction.
- (e) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (f) Where a side or rear yard of a site in the **“MH” Industrial - Heavy Zone** abuts the boundary of another zone, the yard requirements shall be increased by 50 percent.
- (g) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

- (h) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (i) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (j) Where an agro-commercial or agro-industrial business is located adjacent to a rail line and relies on it for product inputs or for shipping processed or finished goods, the minimum required rear yard setback is zero feet.