

TOWN OF NIVERVILLE

ZONING BYLAW



Bylaw No. 795-18

December 18, 2018

This document is an office consolidation of By-Law no. 820-20 with By-Law no. 795-18 which has been prepared for the convenience of the user. The Community Planning Branch expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: OCTOBER 9, 2020

HOW TO USE THIS ZONING BY-LAW

This zoning bylaw regulates the use, size, height and location of buildings on properties within the Town of Niverville. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

Step One

What zone is your property located in?

- Use the Zoning Map in Schedule A to determine the zoning for your property.
- Reference [Part 6: Zones] for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal fits with the applicable policies in those documents.

Step Two

What uses are permitted in your zone?

- Find the column with the zone of your property in the **Bulk and Use Tables** in Part 6: Zones
- Uses marked with the letter [P] are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter [C] are conditional uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a [*] have use-specific requirements that are provided in Part 5: Use-Specific Standards.

Step Three

How and where can you develop properties in your zone?

- Find the column with the zone of your property in the **Bulk and Use Tables** in Part 6: Zones
- The Bulk Table provides information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the General Regulations [Part 3] and the Definitions [Part 4].

Step Four

What kind of permits do you need?

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- Check the Administration section [Part 2] to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning bylaw and other applicable bylaws.
- If you need a development permit, fill out a development permit application.
- You are responsible for finding out any other provincial or federal regulations applying to your development, as well as any other required local permits, including building permits, plumbing permits, electrical permits, demolition permits, etc.

THE TOWN OF NIVERVILLE BYLAW NO. 795-18

A bylaw of the Town of Niverville to regulate the use and development of land.

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

AND WHEREAS, under Part 4 Division 1 of *The Planning Act*, the Town of Niverville has, by bylaw, adopted the Town of Niverville Development Plan;

NOW THEREFORE, the Council of the Town of Niverville in meeting duly assembled, enacts as follows:

1. That Zoning Bylaw No. 795-18 attached is hereby adopted;
2. The Bylaw shall be known as the Town of Niverville Zoning ByLaw;
3. That Bylaw 663-08, as amended, is repealed;
4. That this Bylaw shall come into force upon Third Reading.

DONE AND PASSED in Council duly assembled at the Town of Niverville, Manitoba, this 18th day of December, 2018.

Mayor

Chief Administrative Officer

READ A FIRST TIME this 13th day of November, 2018.

READ A SECOND TIME this 18th day of December, 2018.

READ A THIRD TIME this 18th day of December, 2018.

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PART 1: Applicability and Scope

1.1 Title

This bylaw shall be known as the Town of Niverville Zoning Bylaw.

1.2 Scope

This bylaw applies to all lands in the Town of Niverville as indicated on the Zoning Map (Schedule A) of this bylaw.

1.3 Application

This bylaw regulates:

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

1.4 Use and Development of Land and Buildings Must Comply

Within the Town of Niverville, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this bylaw.

1.5 Restrictions in Other Bylaws or Federal and Provincial Laws

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

1.6 Does Not Promote Nuisance

Nothing in this bylaw or in a development permit, approval of a conditional use, variance order or other approval issued under this bylaw 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.

PART 2: Administration

This bylaw shall be administered in accordance with the provisions of *The Planning Act* and this PART.

2.1 Administration and Enforcement

In the administration and enforcement of this bylaw, the Town shall have all of the powers of inspection, remedy and enforcement provided under Part 12 of *The Planning Act*.

2.2 When Development Permits are Required

A development permit is required for any of the following, except as otherwise provided for in this bylaw:

- a) the erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary
- b) the establishment of a use of land or a building or structure
- c) the change of a use of land or a building or structure from the existing use to a use which is not a permitted use
- d) the alteration or enlargement of an approved conditional use

2.3 Development Permits and Other Permits

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

2.4 When Development Permits are Not Required

A development permit is not required for the following:

- a) incidental alterations
- b) agricultural cropping of land
- c) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - i) fences
 - ii) signs, not including advertising signs where they are conditional uses
 - iii) outdoor lighting
 - iv) flagpoles
 - v) sheds and buildings for the storage of domestic equipment and supplies with a floor area of less than 108 square feet (including sheds and buildings on skids)
 - vi) garden houses, pergolas or children's playhouses less than 108 square feet
 - vii) private communications facilities less than 20 feet tall or 2 feet in diameter
 - viii) unenclosed patios at ground level
 - ix) decks under 24 inches in height
 - x) hot tubs equipped with a lockable cover that is capable of supporting the weight of an adult walking across the top of a cover when closed

- xi) An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than 0.61 m. (2.00 ft.) above grade`
- d) Despite not requiring a development permit, all items in this provision shall be subject to requirements of this bylaw.

2.5 Applications for Development Permits

An application for a development permit:

- a) shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them
- b) shall be accompanied by plans drawn to scale showing the following:
 - i) the shape and dimensions of the parcel to be used or built on
 - ii) the location and dimensions of existing buildings and structures
 - iii) the location and dimensions of any proposed building, structure, enlargement or alteration
 - iv) the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use including vehicular access, utility connections, parking areas, loading areas, water, sewer, or signage (where applicable)
 - v) such items as may be requested by the Designated Officer
- c) shall be accompanied by the fee prescribed by the Town.

2.6 Existing Development Permits

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

2.7 Development Permit Expiry

A development permit shall expire and the right of an owner under that permit shall terminate if the work authorized by the permit is not commenced within twelve (12) months from the date of issuance of the permit, and completed within 24 months, or within any extensions in writing of that time period granted by the Designated Officer, and is not reasonably continued without interruption after the end of such period.

2.8 The Development Officer

In accordance with *The Planning Act* the position of the Development Officer is hereby established. The person appointed as Development Officer by the Chief Administrative Officer shall assume the role of the Development Officer for the for the purposes of *The Planning Act*.

2.9 Roles of the Development Officer

The Development Officer shall have the authority to:

- a) issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *The Planning Act*;
- b) refuse to issue a development permit where:
 - i) the development permit application, or any information accompanying the development permit application, is incorrect or incomplete;

- ii) the proposed building, structure or use does not, to the Designated Officer's knowledge, comply with this zoning bylaw, the Building Bylaw (if applicable) or with any other law;
- c) revoke or amend a development permit where the development permit was issued in error;
- d) make a minor variance order, without the need for a public hearing, for any proposed change that varies:
 - i) any height, distance, area, size of use requirement in the zoning bylaw by no more than 15 per cent;
 - ii) the number of parking spaces required by the zoning bylaw by no more than 15 per cent.

Disagreements regarding the interpretation of the Zoning By-Law may be forwarded to Council for clarification.

2.10 Responsibilities of Council

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

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

2.11 Application for Amendments, Variances and Conditional Uses

An application for a variance, or conditional use, or an amendment to this bylaw must be in the proper form and must be accompanied by the fee prescribed by the Town. The application must also be accompanied by:

- i) plans drawn to scale showing the shape and dimensions of the affected property;
- ii) plans drawn to scale showing the location and dimensions of existing buildings and structures;
- iii) plans drawn to scale showing the location and dimensions of the proposed building, structure, enlargement or alteration;
- iv) a description of the use or uses of each existing and proposed building or structure, or of the land and the area to be occupied by each use;
- v) a description of the reason why the variance, conditional use, or amendment to this bylaw is being requested;
- vi) any other information required by the Designated Officer to determine compliance with, and to provide for enforcement of, this bylaw.

2.12 Expiry of Approval

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

2.13 Subdivisions

Approval of a subdivision of land is subject to the provisions contained in *The Planning Act* and to the policies contained within the Town of Niverville Development Plan and amendments thereto. Parcels or lots resulting from said subdivision must conform to the site area and site width requirements of the zone in which they are located as established herein otherwise a variance may be required.

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

2.14 Development Agreement

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

2.15 Duties of the Owner

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

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

2.16 Existing Uses, Buildings and Structures

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

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

2.17 Previous Violations

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

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

2.18 Site Reduced

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

2.19 Non-Conformities

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

- 1) Any lawful building or structure which does not conform to one or more of the applicable yard requirements of the zone in which is it located, either on the effective date of this by-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such requirements;
- 2) Any expansion, addition, relocation or reconstruction of a non-conforming use or a non-conforming building or structure shall conform to the site requirements and parking and loading requirements of the zoning district in which it is located unless varied by a variance order pursuant to the provisions of the Planning Act;
- 3) Repairs or incidental alterations may be made to a non-conforming structure subject to approval and issuance of a development permit, where necessary;
- 4) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building;
- 5) Any owner may apply to the Designated Officer for a Zoning Memorandum in accordance with the provisions of the Planning Act;
- 6) Pursuant to the provisions of the Planning Act, where Council determines that a building or structure is damaged or destroyed fifty percent (50%) or more of its replacement value above its foundation, the said building or structure may be replaced or rebuilt, but only in conformation with this by-law or its amendments, or where such requirements are varied by a variance order;
- 7) Pursuant to the provisions of the Planning Act, a non-conforming parcel, meaning any lawful site existing at the adoption of this by-law which does not comply with the site area and/or site width herein, may be occupied by any building, structure or use provided:
 - a. That the building, structure or use is listed as a permitted or conditional use within the zone in which said use is located;
 - b. That all other requirements of the zone in which the parcel is located, such as yards, building height, and floor area, are met; and/or
 - c. Variance orders have been obtained to alter the requirements within the particular zone;
- 8) Notwithstanding the provision of this subsection, a variance order shall not be required where a non-conforming use, building, structure, sign or parcel is being altered so that the non-conformity is not increased even though the resulting alteration does not fully comply with the requirements set forth herein;
- 9) A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant or

unoccupied, and remains vacant and unoccupied for twelve (12) consecutive months must not be used after that time except in conformity with the Zoning By-law; and

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

2.20 Public Works and Services

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

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

2.21 Rules of Construction

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

- a) Words, phrases and terms are as defined within this by-law;
- b) Words, phrases and terms not defined within this by-law shall be as defined in The Planning Act, The Municipal Act, The Buildings and Mobile Homes Act, The Manitoba Building Code, the Building or Plumbing By-laws of the Town of Niverville (if any), and other appropriate provincial acts and regulations;
- c) Words, phrases and terms neither defined in this by-law nor in an applicable Building or Plumbing By-law or other appropriate provincial acts and regulations shall be given their usual and customary meaning except where Council determines the context clearly indicates a different meaning;
- d) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either-or," the conjunction shall be interpreted as follows:
 - i. "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination;
 - ii. "or" indicates that the connected items, conditions, provisions or events may apply singly but not in combination; and
 - iii. "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- e) The word "includes" or "including" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character; and
- f) The phrases "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."

2.22 Interpretation

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

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

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

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

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

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

- a) Heavy lines represent zone boundaries. Where the zone boundary is broken by the name of a street it shall be construed that the boundary continues through the name of the street;
- b) Notwithstanding that streets, lanes, and public utility rights-of-way may be within the zone boundaries, the regulations contained in this by-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;
- c) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed as following such centrelines;
- d) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines;
- e) Boundaries indicated as following the limits of an incorporated municipality shall be construed as following the limits of said municipality;
- f) Boundaries indicated as following the centrelines of railway lines or railway rights-of-way or public utility rights-of-way shall be construed to be midway between the main tracks or the centre of the rights-of-way, as the case may be;
- g) If a street, lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane or government road allowance shall be included within the zone of the adjoining land; however, if the said street or lane or government road allowance was a zoning boundary between two or more different zones, the new zoning boundary shall be the former centreline of the closed street or lane or government road allowance, except where the closed road is being transferred to an adjoining owner, in which case the boundary shall follow the limit of the consolidated property;
- h) Where the zoning of a single site or lot is split into more than one zoning district, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning district;

- i) All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office; and
- j) The abbreviations noted within the text or on the Zoning Maps mean the following:
 - i. "Blk." means Block;
 - ii. "Gov't Rd. All'ce" means Government Road Allowance;
 - iii. "Pcl." means Parcel;
 - iv. "Pt." means Part;
 - v. "Rge." means Range;
 - vi. "R.M." means Rural Municipality;
 - vii. "Sec." means Section;
 - viii. "Twp." means Township;
 - ix. "E.P.M." or "E" means East of the Principal Meridian;
 - x. "P.R." means Provincial Road;
 - xi. "P.T.H." means Provincial Trunk Highway;
 - xii. "dist." means distance;
 - xiii. "incl." means including;
 - xiv. "max" means maximum;
 - xv. "min" means minimum;
 - xvi. "sq.ft." means square feet;
 - xvii. "in" means inches when following a number;
 - xviii. "sq.m." means square metres; and
 - xix. "ft" means linear feet.

2.23 Enforcement

Where a Bylaw Enforcement Officer believes that a person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer or Designated Officer may commence proceedings against the person by issuing a violation ticket pursuant to the Bylaw Enforcement Act (778-17).

Specified penalties for any Bylaw offence are listed in the Town of Niverville Fees and Fines Schedule.

PART 3: General Regulations

The following regulations shall apply to all use and development of land and buildings in the Town of Niverville, except where otherwise noted in this bylaw.

3.1 Regulation of Uses

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

- a) Is listed in the Bulk and Use Tables [Part 6] as:
 - i) A Permitted Principal Use
 - ii) A Permitted Secondary Use
 - iii) A Conditional Principal Use, subject to approval as such
 - iv) A Conditional Secondary Use, subject to approval as such
- b) Is an Accessory Use
- c) Is a Temporary Use

3.2 Multiple Uses or Provisions

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

3.3 Secondary Uses and Structures

No secondary use or structure shall be established except those in compliance with the following regulations:

- a) no secondary use or structure shall be established prior to the establishment of the principal use of land, building or structure to which it is secondary;
- b) the area of land or buildings used or occupied for secondary uses on a site shall not exceed the area of land or buildings respectively used or occupied by principal uses on the same site;
- c) no land, building, or structure shall be used or occupied for any secondary use after the principal use(s) and structure(s) to which it is secondary have been discontinued; and
- d) the maximum number of secondary uses, buildings and structures on a residential lot shall be 1.

3.4 Accessory Buildings and Structures

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

- a) where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this bylaw applicable to the principal building or structure;
- b) where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this bylaw applicable to accessory buildings or structures;
- c) no accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the Town of Niverville; and

- d) the maximum number of accessory buildings or structures on a residential lot shall be 3.

An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this bylaw.

3.5 Subdivision of Lots With or Without Attached Dwellings and Buildings

A lot may be split into two or more lots provided the following regulations are complied with:

- a) any new lot line shall be a straight line between the front and rear lot lines, located in such a manner that the party wall of two adjacent units shall form part of the new lot line. Where the new lot line is unable to form a straight line due to the irregular shape of the lot, the location of that new lot shall be determined by the conditions of any subdivision approval and verified by a Manitoba Land Surveyor;
- b) each lot created shall have frontage on a street, except in the case of a bare land condominium unit development, where the common elements as defined in The Condominium Act that contain roads shall be deemed to be a street for the purpose of this section;
- c) For the purposes of interpreting the requirements of the appropriate Zones, individual condominium units shall be deemed a site for the purposes of interpreting zoning by-law requirements, including party wall developments as noted in above; and
- d) the permitted use for each lot created shall be for one attached single-family dwelling unit in residential zones.

Any residential lot created pursuant to this section shall be subject to the applicable bulk regulations for that zone notwithstanding the following:

- a) no side yard is required along the party wall;
- b) minimum site area of eighteen hundred (1,800) square feet; and
- c) minimum site widths for an individual row house-type dwelling unit is twenty (20) feet for interior lots and thirty feet (30) for end cap lots.

Any lot other than a residential lot, created pursuant to this section shall be subject to the applicable bulk regulations notwithstanding the following:

- a) no side yard is required along the party wall;
- b) minimum site area of eighteen hundred (1,800) square feet; and
- c) minimum site width of twenty (20) feet.

Each residential lot created pursuant to this section shall provide not less than two (2) parking spaces located in the side or rear yard with access directly to a public lane, street, or right-of-way. Where, due to space or access limitations, the required parking space cannot be located in the side or rear yard, Council may approve the parking space in the front yard with or without additional conditions for said parking space.

3.6 Required Yards

Required yards shall be free of buildings, except accessory buildings, which must conform to the other requirements of this bylaw.

Open, unenclosed projections, whether vertical or horizontal, such as stairs, landings, and unenclosed decks or balconies, may extend into the required yards for not more than 50 per cent of the required yard depth, up to a maximum of 10 feet (three metres), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.

3.7 Established Street Standards for Front Yards

Where a new dwelling or principal building or an addition to a dwelling or principal building is proposed within a street block or a portion of a street block where at least 80 per cent of the lots have been developed with principal structures, and the minimum front yard required is inconsistent with the majority of existing front yards for developed sites on the street block, the new structure must be developed with a front yard consistent with the minimum of the existing front yards within that block or portion of the block or determined by the Designated Officer. In the case of a corner site, either the minimum of the yard for the two nearest properties on the same block or for all the properties facing the same street on the same block may be used for calculating the required yard.

3.8 Temporary Buildings, Structures, or Uses

Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a development permit under the following conditions:

- a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by council; and
- b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than 6 months and may not be renewed for more than 6 months at the same location.

3.9 Road Access

No permanent building may be constructed or placed on a parcel which does not have legal access to an improved public road. Notwithstanding 3.12.

3.10 Service Connections

Where a parcel is served by municipal piped sewer or water, no permanent principal building or dwelling shall be constructed or placed unless it is connected to such services.

3.11 Public and Public Utilities

This bylaw shall be interpreted so as not to interfere with the construction, erection and location of a public or private utility's works, plant, pipes, cables, or equipment.

All lots may be required to provide an easement (or easements) in order to accommodate servicing associated with public and private utilities.

3.12 Bare Land Condominiums

Auto Courts

Single residential dwelling units may share a single driveway access to a public street through the use of an auto court layout (see Illustration 3) that complies with the following conditions:

- a) The minimum width of the surface of an auto court must be twenty (20) feet;
- b) Shared driveways must be surfaced with concrete, asphalt, or paving stone, or a combination of those materials;
- c) Individual driveways leading from the shared driveway to each dwelling unit must be at least twenty-three (23) feet long, as measured between the front of the garage or carport and the closest edge of the shared driveway;
- d) The design of the auto court must permit a passenger vehicle to back out of an individual driveway and turn ninety (90) degrees using the individual drive or intersecting street;
- e) The auto court design must comply with all off-street parking requirements applicable to single-family dwellings. In addition, each auto court design must provide one-half off-street parking space per dwelling unit, always rounding up to the next whole number, in a location other than a private driveway; and
- f) The maintenance and repair of shared driveways is the responsibility of the homeowner's association unless such driveways are constructed to Town street standards and the Town accepts responsibility for maintenance and repair during the development approval process.

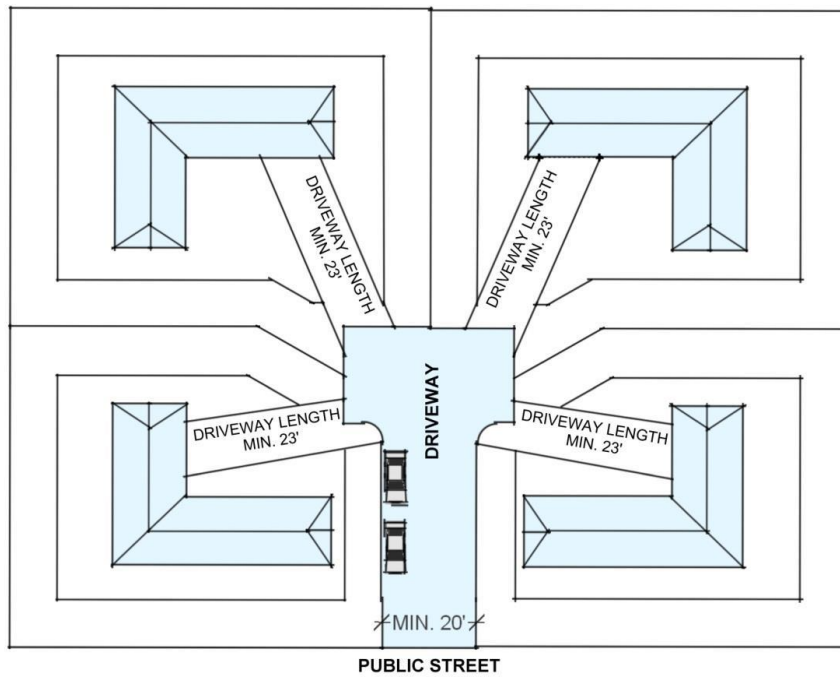


Illustration 3: Bare Land Condominium – Auto Courts

Loop Lane

Single residential dwelling units may share access to a public street through the use of a loop lane layout (see Illustration 4) that complies with the following conditions:

- a) The surface of the loop lane must be at least twenty (20) feet wide, and must be surfaced with concrete, asphalt, or paving stone, or a combination of those materials;
- b) No portion of the loop lane may extend more than two hundred and fifty (250) feet from the public street to which the loop lane gives access;
- c) The common area surrounded by the loop lane must be at least sixty (60) feet wide;
- d) Individual driveways leading from the loop lane to each home must be at least twenty three (23) feet long, as measured from the closest edge of the loop lane;
- e) Traffic on the loop lane must be one-way only and must be adequately signed as a one-way drive;
- f) Design of the loop lane must permit a passenger vehicle to back out of an individual driveway and turn ninety (90) degrees using only the individual driveway, the loop lane, or the intersecting public street;
- g) The loop lane design must comply with all off-street parking requirements applicable to single-family dwellings. In addition, each loop lane court design must provide one-half off-street parking space per dwelling unit, always rounding up to the next whole number, in a location other than a private driveway; and
- h) The maintenance and repair of the loop lane surface and the common area surrounded by the loop lane is the responsibility of the owner unless the loop lane is constructed to Town street standards and the Town accepts responsibility for maintenance and repair during the development approval process.

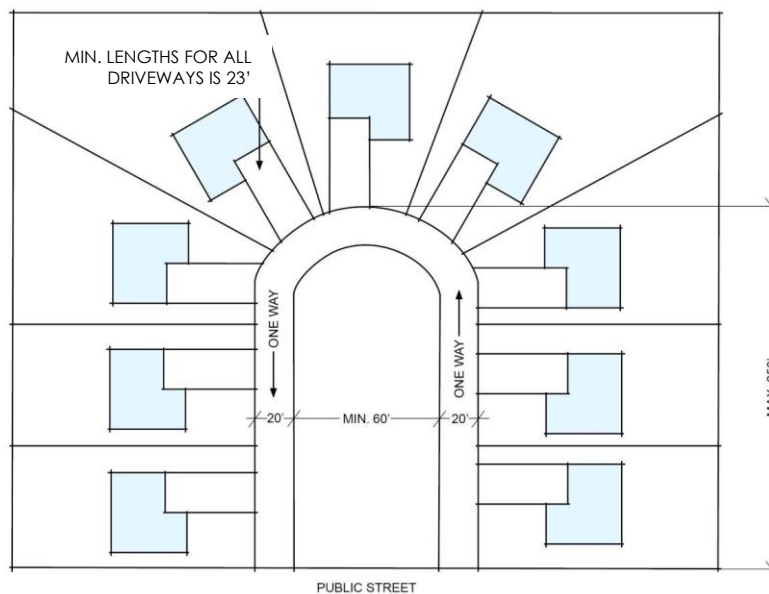


Illustration 4: Bare Land Condominium – Loop Lane

3.13 Setback Standards

- a) No dwelling unit shall be located within 1,000 feet (304.8 m) of the boundary of a municipal sewage lagoon.
- b) No dwelling unit shall be located within 1,320 feet (402.3 m) of a waste disposal site.
- c) Notwithstanding the minimum yard requirements provided in the Bulk Tables, buildings, structures, fences and plantings proposed within the control area adjacent to setback provincial highway will be subject to statutory requirements in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.

3.14 Air Conditioning Units, Pool Equipment and Compressors

Air conditioning units, pool equipment and/or compressors shall be subject to the following regulations:

- a) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
- b) Should be no closer than 5 feet (1.52 m) to a side site line in all Residential Zones.

3.15 Height Exceptions

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

3.16 Future Road Allowance Deemed Existing

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

3.17 Outdoor Lighting

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

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

3.18 Parking

When any new development is proposed, including a change of use of an existing development, or when any existing development is, in the opinion of the Designated Officer, substantially enlarged or increased in capacity, then provision shall be made for accessory off-street vehicular parking or garage spaces in accordance with the regulations and standards parking or garage spaces in accordance with the regulations and standards contained in this section as follows. All uses (including accessory uses) must meet the parking requirements.

| Table 3-1 | | |
|---|---|--|
| Minimum Parking Space Requirements | | |
| | Use Class* | Number of Parking Spaces Required |
| Residential | Single-Unit Dwelling, Semi-detached, Townhouse | 2.0 / Dwelling Unit |
| | Two-Unit Dwelling | 2.0 / Dwelling Unit |
| | Multi-Unit Dwelling | 2.0 / Dwelling Unit |
| | Secondary Suite | 2.0 / Dwelling Unit |
| | Residential Care Facility | 1.0 / Dwelling Unit |
| | Bed and Breakfast Facility | 1.0 / Dwelling or Sleeping Unit |
| Commercial | Hotel and Motel | 1.0 / Guest Room or Sleeping Unit |
| | Eating and Drinking Establishment | 1.0 / 4 seats or 1.0 per 100 sq.ft. (9.29 sq.m.) of dedicated eating area floor area, whichever is greater |
| | Convenience and Retail Sales Stores | 1.0 per 200 sq.ft. (18.6 sq.m.) of floor area |
| | All other Commercial Establishments | 1.0 per 250 sq.ft. (23.2 sq.m.) of floor area |
| | Commercial Buildings on Main Street in the Commercial Main Street zone | A credit of one parking space shall be provided per every 25 feet of applicant's property fronting on Main Street |
| Ind. Uses | Industrial Uses | 1.0 per 1,000 sq.ft. (92.9 sq.m.) of floor area or 1.0 per employee on maximum shift, whichever is greater |
| Other Uses | Indoor Participant Recreation Service, Place of Worship, Outdoor Participant Recreation Service, Funeral Service, Private Club, Library / Cultural Facility, and Community Centre | 1.0 per 5 seating spaces or 10 ft (3.05 m) of bench space. Where there are no fixed seats, 1.0 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to the assembly room floor area. |

| | |
|------------------------------------|--|
| Extended Medical Treatment Service | 2.0 per bed |
| Education Service | 2.0 per classroom, plus 1 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to public use |
| Government Service | 1.0 per 550 sq.ft. (51.1 sq.m.) of floor area |
| Child Care Service | 1.0 for every 1 employees, plus applicable loading |

****Where a proposed use is not listed above, the parking requirement shall be determined by the Designated Officer.***

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

1. Driveways in Residential Zones must be at least 23 feet in length (7 m) in order to ensure that the parked vehicle does not encroach upon the sidewalk or other public right of way;
2. Driveways in Residential Zones shall be no more than 30 percent of the lot frontage or the frontage width of the attached accessory building (i.e. the garage), whichever is greater, to a maximum of 50% of the lot frontage. For lots that have an irregular approach (eg. cul de sac lot), the frontage used for determining maximum driveway width will be the one assigned by the Province;
3. No person may park or store a vehicle on any part of any yard of a property unless that part is a driveway;
4. No more than six vehicles in total may be parked or stored in all yards in the Residential Single Unit and Residential Low Density zones;
5. No more than two recreational vehicles may be parked or stored in all yards in the Residential Single Unit and Residential Low Density zones;
6. All vehicles requiring a license by the Province of Manitoba to operate must possess a valid storage license in order to be stored on any property in any Residential zone;
7. From May 1 to October 31 of the same year, no person may park or store more than two recreational vehicles, motor homes or travel trailers on a driveway in the front yard of a property in the Residential Single Unit and Residential Low Density Zones;
8. No driveway in any Zone can encroach into a public right of way;
9. From November 1 to April 30 of the following year, no person may park or store a recreational vehicle, motor home or travel trailer on a driveway in the front yard of a property or on the Town road allowance;
10. No large vehicle with a GVWR of more than 4,536 kg (10,000 lbs) other than a recreational vehicle can park on an approved driveway or designated parking space in any yard of a property in the Residential Single Unit and Residential Low Density Zones;

11. Off-street parking requirements in the Commercial Main Street zone shall be reduced by the number of eligible parking spaces located immediately in front of the lot owned by the applicant. An eligible parking space is defined as one parking space for every 25 feet of property fronting Main Street;
12. In the case of a multiple use site, the Designated Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council that the complementary use of the parking facilities would warrant a reduction in the parking requirements;
13. Parking areas shall be provided with driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;
14. Parking areas must be constructed of concrete, asphalt, paving stones or other approved material as determined by the Designated Officer;
 - a. Should a property not be served by a public road that is hard-surfaced with asphalt or concrete, the above paragraph does not apply;
15. Where parking areas are provided in any zone and lighting facilities are provided, such lights shall be shielded and directed so as to reflect away from any adjoining residential area;
16. Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated by any street, lane or water course, a buffer of a design acceptable to the Designated Officer (e.g. a berm or fence) shall be provided; and
17. No sign shall be erected except:
 - (i) signs for the direction of traffic within the parking area, and
 - (ii) directional signs of not more than 5 square feet (0.46 sq.m.) in area at each point of entrance and exit.Such signs may bear the name of the business that the parking area is connected thereto.

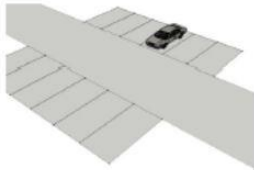
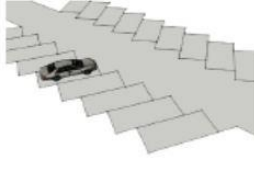


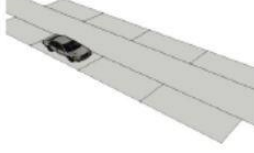
The layout and design of the parking area shall be as follows:

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

8.

Table 3-2

Parking Area Layout

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

3.19 Parking Spaces

All parking spaces shall be provided on the same zoning site as the principal use, unless otherwise approved by Council.

3.20 Accessible Parking Spaces

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

- a) Each accessible parking space:

- i. must be at least 11.5 ft (3.5 m) wide;
 - ii. must be located within 200 ft (61 m) of major building entrances used by residents, employees, or the public; and
 - iii. must include signage reserving the space for use by persons with mobility issues.
- b) At least one curb ramp must be located within 100 ft (31 m) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance; and
- c) The accessible parking space requirements are as follows:

| Table 3-3 Accessible Parking Space Requirements | |
|--|---|
| Total Number of Parking Spaces Required | Minimum Number of Accessible Parking Spaces Required |
| 0-4 | 0 |
| 5-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101+ | 4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces |

3.21 Visitor Parking Spaces

Visitor parking spaces shall be provided for all multi-family residential developments providing at least 7 units in the RHD zone. One visitor parking space must be provided for every 8 residential units.

3.22 Loading Requirements

Loading spaces shall be provided according to the minimum number of spaces as calculated by Table 3-4 for uses within the Use Categories indicated. There are no loading requirements for zones not included on the table.

Table 3-4: Minimum Required Loading Spaces

| Standards | PR | AL | RHD | RMU | CN | CC | MG | MMU | EI | Unit |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|---|
| Retail & Office (> than 10,000 sq. ft.) | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | Per 1860m ² (20,000 sq. ft.) of floor area of primary building |
| Civic (> than 10,000 sq. ft.) | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | Per 2800m ² (30,000 sq. ft.) of floor area of primary building |
| Industrial | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | Per 1860m ² (20,000 sq. ft.) of floor area |

Loading Space Standards

The owner or operator of the buildings or uses shall provide and maintain on the site adequate loading and unloading spaces above and beyond any other parking requirements as follows:

- a) Each loading or unloading space shall be at least 33 feet (10 m) long, 12 feet (3.7 m) wide and have a vertical clearance of at least 14 feet (4.3 m);
- b) It shall have access to a lane or street;
- c) It shall be provided on the same site as the principal building or use but not in the required front or corner side yard;
- d) Loading spaces are in addition to the total number of required off-street parking spaces.

3.23 Entrances and Exits for Auto-Oriented Businesses

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

| Table 3-5 Entrance and Exit Requirements | |
|--|------------------|
| Minimum width of an entrance or exit | 20 ft. (6.10 m) |
| Minimum width of a combined entrance and exit | 25 ft. (7.62 m) |
| Maximum width of an entrance or exit | 40 ft. (12.19 m) |
| Maximum width of a combined entrance and exit | 60 ft. (18.29 m) |
| Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane | 30 ft. (9.14 m) |
| Minimum distance between an entrance and exit if not combined | 30 ft. (9.14 m) |

3.24 Vehicular-Oriented Uses

The following uses shall comply with the regulations of this Section of the By-law:

- a) Drive-Through Food Services;
- b) Gas Bars;
- c) Service Stations;
- d) Car Washes (automatic and self-serve);
- e) Rapid Drive-Through Vehicle Services; and
- f) Automated Teller Machines (ATM).

Stacking space shall be provided as follows:

For Drive-Through Food Services and other Commercial Use Class developments having a drive-up service window, a minimum of four (4) in-bound stacking spaces shall be provided for vehicles approaching the drive-up service window. One out-bound stacking space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.

For Rapid Drive-Through Vehicle Services, a minimum of three (3) in-bound and one (1) out-bound stacking spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of five (5) in-bound and two (2) out-bound stacking spaces shall be provided for each service bay.

For Automated Teller Machines, a minimum of three (3) in-bound stacking spaces shall be provided, as measured from the teller window or automated teller machine (ATM).

All stacking spaces shall be a minimum of eighteen (18) ft. long and ten (10) ft. wide. Stacking lanes shall provide sufficient space for turning and manoeuvring.

All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.

Gas Bars and Service Stations shall comply with the following additional regulations:

All pump islands and underground storage tanks shall be located at least twenty (20) ft. from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.

Refuelling areas are not permitted in a required parking area.

A canopy over a pump island may extend to within ten (10) ft. of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section of the By-law.

Parking stalls provided at the pump island will count towards the overall parking requirement at the rate of 1 space for every 2 pumps.

3.25 Fences

Measuring Fence Height

Fence height is measured from the highest part of the fence to the point where the fence post enters grade. Where a fence is located on top of a retaining wall, the height to the fence shall include the height of the retaining wall measured from the finished grade.

Projections into Required Yards

Fences are permitted in all required yards and can be placed up to the property line.

Prohibited Materials

Fences shall:

- a) Not be electrified, except as an accessory to a permitted agricultural use in the Agriculture Limited zone.
- b) Not contain barbed wire, except as an accessory to a permitted industrial or agricultural use in the Agriculture Limited, Commercial Corridor, Industrial General or Industrial Mixed Use zones.
- c) Not contain scrap metal or industrial waste material.
- d) Not be made of any materials commonly associated with a seasonal or temporary snow fence.

Maximum Fence Height

No fence shall exceed the following heights:

| Standards | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | CMS | CN | CC | MG | MMU | EI |
|---|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|-----------|------------|-----------|
| Fence Height: Front Yard (Maximum) | 2.5m (8ft) | 2.5m (8ft) | 1m (3 ft) | 1m (3 ft) | 1m (3 ft) | 1m (3 ft) | 1m (3 ft) | 1m (3 ft) | 1m (3 ft) | 2.5m (8 ft) | 2.5m (8 ft) | 3m (10ft) | 2.5m (8ft) | 1m (3 ft) |
| Fence Height: Side and Rear Yards (Maximum) | 3m (10ft) | 3m (10ft) | 2m (6 ft) | 2m (6 ft) | 2m (6 ft) | 2m (6 ft) | 2m (6 ft) | 2m (6 ft) | 2m (6 ft) | 2.5m (8 ft) | 2.5m (8 ft) | 3m (10ft) | 3m (10ft) | 2m (6 ft) |

3.26 Exterior Wood Burning Furnaces

Exterior solid fuel burning furnaces will not be permitted within the Town of Niverville.

3.27 Private Communication Facilities

A private communications facility may be allowed as a secondary or accessory use in accordance with the minimum yard requirements for accessory structures in the zone in which it is to be located or erected, with the following exceptions:

- a) A private communications facility is not subject to the height requirements for accessory structures;
- b) A private communications facility may be located in any rear or side yard in any zone. It may also be located in any front yard in the Agriculture Limited and Rural Residential zones;
- c) A private communications facility 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 grade to the uppermost point of its extension;
- d) A private communications facility may be located on the roof of a building; however if it is located on the roof of a building in any Agriculture or Residential zone, the weight (including all support apparatus) shall not exceed 75 pounds (35 kg).

PART 4: Definitions

4.1 Definitions in *The Planning Act*

Terms not defined in this bylaw which are defined in *The Planning Act* have the meaning provided in that act.

4.2 Definitions in this Bylaw

Where the following terms appear in this bylaw, they have the meaning provided as follows:

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

Accessibility means that all individuals regardless of their physical abilities can safely and freely enter or use a space without obstacles such as facility design and infrastructure impeding movement.

Accessory means a use, building or structure that is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building, or structure to which it is accessory. A use shown as a conditional use in the Use Tables cannot be accessory to a use shown as a permitted use for the same zone.

- .1 **Accessory building** means a subordinate building located on the same zoning site as the principal building or use, the use of which is permitted, incidental and accessory to that of the principal building or use:
 - i. **Accessory Building, attached** means an accessory building which is attached to the principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building.
 - ii. **Accessory Building, detached** means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Bulk Tables shall be used.
 - iii. **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 (i) above.

A building, shed or other similar structure used for the purpose of storage and constructed on skids is considered to be an accessory building for the purpose of this By-law.

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

Adjacent means properties or uses that abut one another or are separated by a street or other publicly-dedicated right-of-way, canal, or railroad right-of-way.

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

Agricultural activity means a use of land for agricultural purposes including farming, pasturage, apiculture, horticulture, floriculture, and viticulture.

Agricultural building means a structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, occupant, employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises but does not include a dwelling.

Agricultural cultivation means the raising for consumption or commercial sale of agricultural vegetation, including vegetables, grains, fruits, plants, sod, trees, and other similar products.

Agricultural grazing means the practice of keeping cattle, sheep, horses, or other similar animals on fields for the purpose of grazing and does not include livestock operations as defined by The Planning Act.

Agricultural implement sales and services means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.

Alterations, incidental means:

Changes or replacements in the structural or non-structural parts of a building, including but not limited to the following:

1. adding or enlarging windows or doors in exterior walls;
2. replacement of building facades;
3. strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment; or
4. replacement of, or changes in, the capacity of utility pipes, ducts or conduits.

Amusement device means any equipment, machine or instrument that may be used or operated as a game, entertainment or amusement, and includes all marble machines, strength testing machines, pinball machines, skill-ball machines, mechanical grab machines, flipper games, shooting galleries, electronic dartboards, electronic games, mechanical rides, shuffleboards, billiard tables and other similar devices, but does not include video lottery terminals as licensed by the Province of Manitoba.

Amusement enterprise, indoor means a commercial establishment designed and equipped for assembly occupancy uses for the conduct of sports, exercise, and/or leisure-time activities within a fully enclosed building, uses of which include: arcade games, billiard and pool tables, bingo tables, bowling lanes, skating/roller rinks, go kart tracks, shooting ranges, and paintball arcades, and related amusements.

Amusement enterprise, outdoor means an outdoor facility whose main purpose is to provide the general public with entertainment or recreation, with or without charge, including amusement parks, batting cages, drive-in theatres, golf driving ranges, miniature golf courses, go-cart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, water parks, zoological parks, and similar uses.

Animal hospital or veterinary clinic means an establishment providing inpatient and outpatient services for domestic animals which might involve indoor facilities only, or both indoor and outdoor facilities, depending on the zoning district in which they are located.

Animal Keeping means a use where livestock or other animals (excluding domestic animals) less than 10 animal units (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables and kennels.

Animal Shelter means a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals.

Animal unit means the number of animals of a particular category of livestock that will excrete 160 lbs (73 kg) of total nitrogen in a twelve (12) month period.

Apiary means any place where bees are kept.

Applicant means, unless otherwise specified, a registered owner or an owner's authorized agent, who has filed an application subject to the provisions of this By-law.

Assisted living facility means a facility where meals, lodging, and continuing nursing care are provided for compensation, including nursing homes, retirement homes, and medical receiving homes, but excludes facilities providing medical diagnostic services or treatment by licensed physicians.

Auction room means a building or portion of a building used for the public sale of goods, merchandise, or equipment, other than livestock, vehicles or heavy equipment, to the highest bidder.

Auction yard means an outdoor place where vehicles or heavy equipment (operable or inoperable) are offered for sale to the highest bidder.

Auditorium, concert hall, theatre or cinema means an establishment devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

Auto / light truck / motorcycle, sales and rental means the storage, display, sale, lease, or rental of new or used vehicles, including automobiles, light trucks, motorcycles, and similar vehicles and may include repair and service. This use does not include junk or salvage operations. Light trucks include those with a gross vehicle weight of 14,000 pounds or less.

Auto parts and supplies, sales means an establishment that sells primarily new parts, tires, and other accessories for automobiles, light trucks, motorcycles,

recreational vehicles, boats, trailers, snowmobiles, and similar vehicles but does not include establishments dealing primarily in used parts, including junk or salvage operations.

Automated teller machine means a device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card.

Aviary means a place for keeping birds for the purpose of raising, exhibiting, or selling them.

Awning, canopy or marquee means any roof-like structure, which may be constructed as an integral part of a building or attached in such a manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over an entrance way or a window.

Bare land condominium means a condominium plan upon which one (1) or more units are defined by delineation of the horizontal boundaries of the unit without reference to any buildings.

Basement means a portion of a building between a floor and ceiling that is located partly underground, but with more than half of the floor to ceiling height thereof above the average grade of the adjoining ground.

Bay window means a large window or series of windows projecting from the outer wall of a building.

Bed and breakfast means a home-based business operated as an secondary use to a single- or multi-unit residential unit that provides temporary lodging to guests for a short time period, and that may also provide meals to those guests.

Board means The Municipal Board of Manitoba.

Boarder or roomer means a person who is provided lodging with or without meals at another's home for a fee or services.

Body modification establishment means a commercial establishment that provides physical body adornment by body piercing or tattooing including scarification and the insertion of implants but excluding piercing of the ear.

Buffer strip means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them. This may include areas of public reserve.

Building has the meaning provided in The Planning Act, except that it does not include a well, pipeline, excavation, cut, fill, or transmission line.

Building footprint means the square footage contained with-in the outside foundation and walls of a building. Concrete flat work including walks, porches, and patios are not included in the computation unless enclosed by a structure.

Building, main or principal means a building in which is conducted the principal use of the site on which it is situated.

Building Location Certificate means survey performed by a Manitoba Land Surveyor for the location of buildings on a property including any buildings or structures that encroach from neighbouring properties.

Bulk means the following:

1. The size (including height of building and floor area) of buildings or structures;
2. The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
3. The location of exterior walls of buildings in relation to site lines to other walls of the same building, to legally required windows, or to other buildings; and
4. All open areas relating to buildings or structures and their relationships thereto.

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

Bus depot means an area utilized by commercial carriers for pick-up or drop-off of passengers and associated freight transported by buses and by bus trailers, including *loading* and unloading areas, shelters, restrooms, concessions, benches, information offices, parking, ticket sales, *landscaping*, lighting and other such facilities and appurtenances.

Camping and tenting grounds means a parcel of land planned and improved to accommodate seasonal travel trailers, camping trailers, pick-up coaches, motorhomes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.

Cannabis means cannabis as defined in the Cannabis Act (Canada).

Cannabis distributor means a person who holds a cannabis distributor license issued under the Liquor, Gaming and Cannabis Control Act.

Cannabis retail store means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

Cannabis licence, retail means a licence issued under the Liquor, Gaming and Cannabis Control Act.

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

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

Cannabis local sale means (a) the sale of liquor from retail liquor premises or

licensed premises in a municipality; and (b) the sale of cannabis from a cannabis store in a municipality.

Cannabis Cultivation includes the following:

1. **Standard cultivation** means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.
2. **Micro-cultivation** means the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.
3. **Industrial hemp** means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.
4. **Nursery** means the growing of cannabis plants to produce starting material (seed and seedlings) and associated activities.

Cannabis processing includes the following:

1. **Standard processing** means the large-scale manufacturing, packaging and labelling of cannabis products designed for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.
2. **Micro-processing** means the small-scale manufacturing, packaging and labelling of cannabis products designed for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.¹

Canopy means a non-retractable, covered or enclosed rigid structural framework attached to and extending outward from the exterior wall of a building and any structures over petroleum pumps.

Caretaker's Residence means a dwelling unit as a secondary use located within an existing primary building on a non-residential property occupied by the owner/operator or a site watchperson or caretaker who oversees or guards the operation, if necessary.

Car wash means a facility for the cleaning of automobiles or other motor vehicles, whether operated by the public or by on-site employees.

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

Cemetery means land for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when

¹ From the Province of Manitoba Zoning for Cannabis Guide (January 2018)

operated in conjunction with and within the boundaries of such cemetery.

Cheque-cashing facility commonly known as a “payday loan” establishment, means a commercial establishment that engages in the business of cashing cheques, warrants, drafts, money orders, or other commercial paper serving the same purpose but does not include a bank, savings and loan, or credit union nor establishments selling retail consumer goods, where the cashing of cheques or money orders is incidental to the principal purpose of the business.

Child care services means the provision of care for remuneration or reward to a child apart from his or her own parents or guardians at a location other than the child's residence.

Clubhouse means a building having a bar and other facilities for the members of a club.

Community/Recreation Centre means a facility for recreational, social or multipurpose use where patrons are primarily participants and any spectators are incidental and attend on a non-recurring basis. Examples include recreation and leisure centres, community halls, and community centres.

Commercial school means an establishment, other than elementary or junior high schools, senior high schools, or colleges and universities, offering training or instruction in a trade, art, or occupation, including beauty schools, dance schools, and trade or vocational schools.

Community gardens means a public use of land for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Completely enclosed means a structure or building consisting of four (4) walls and a roof.

Conditional use means the use of land or building as provided for in *The Planning Act*.

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

Condominium, bare land unit means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

Condominium unit means a part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.

Council means the elected members of the Niverville Town Council.

Crematorium means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

Cultural centre means a *building* or portion of a *building* dedicated to the celebration and promotion of a cultural group or groups. A cultural centre is distinct from a private club on the basis of a broader range of *uses* typically available to customers and guests, including *restaurants, retail sales, personal services, theatres, and banquet halls*. In addition, customers and guests are not required to be members of a non-profit organization.

Curb cutting means the cutting or lowering of a curb, sidewalk, or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

Deck means an unenclosed roofless amenity area adjoining a building.

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

Designated Officer means the Chief Administrative Officer or person so designated by the Chief Administrative Officer.

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

Development application means any application in connection with a development or an approval, permit, order, by-law or amendment that allows or would allow a development.

Development Officer means the officer appointed by the Chief Administrative Officer in accordance with the provisions of *The Planning Act*.

Development permit means a permit authorizing a development that is subject to a zoning by-law as defined by *The Planning Act*, commonly referred to as a building permit when referencing the development of a building or structure. For clarification, a development permit is always required for all items regulated by the Zoning Bylaw even when a building permit is issued by another authority.

Development Plan means the *Town of Niverville Development Plan* as adopted by By-law, or any other development plan and amendments adopted and substituted therefore.

Dormitory means a building designed for or used as group living quarters for students of a school, and owned and managed by that school, or by a fraternity or sorority officially recognized by that school.

Drinking establishment means a building or portion of a building, which is licensed by the Government of Manitoba, where the principal purpose is the sale of alcoholic beverages to the public, for consumption on the premises.

Drive-through facility means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

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

Dwelling, Multi-Unit means a building, located on a single site, containing three or more dwellings (for example, row houses, town houses, or apartment buildings).

Dwelling, Single-Unit means a building, located on a single site, containing one dwelling.

Dwelling, Two-Unit means a building, located on a single site, containing two dwellings (for example, a duplex or a side-by-side).

Dwelling, Live-Work means a dwelling unit that includes working space accessible from the living area, regularly used by one or more of the residents of the dwelling unit, but does not include a home-based business.

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

Elevation/ Lot grade means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.

Emergency residential shelter means a facility where emergency temporary lodging is provided to persons who are homeless, due to indigence or disaster, operated by a public or non-profit agency, and where on-site supervision is provided whenever such shelter is occupied.

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

Environmental impact statement means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

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

Extension means an increase in the amount of existing floor area used for an existing use, within an existing building.

Family means a person or persons voluntarily associated, plus any dependents, living together as an independent, self-governing single-housekeeping unit.

Farmers' market means an occasional or periodic market held in an open

area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

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

Fitness or wellness centre, indoor means an establishment designed and equipped for assembly occupancy uses for the conduct of exercise and/or leisure-time activities within a fully enclosed building, uses of which include: gymnasiums and health clubs, wellness centres, weightlifting establishments, martial arts studios, fitness studios, yoga studios, dance studios, swimming pools, and related fitness and wellness activities.

Flag lot means a lot lacking the required minimum lot width or frontage on an existing or proposed street but having direct access to the street through a narrow leg of land to the balance of the lot which meets the required minimum lot width.

Fleet services means a central facility for the distribution, storage, loading and repair of a fleet of vehicles, with or without associated dispatch services and offices. Typical uses include, but are not limited to, courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services.

Floor area (main), as applied to bulk regulations, means the footprint measured from the exterior faces of the exterior walls or from the centre line of party walls. In particular, the floor area of a building or buildings shall include:

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

Floor area (total) means the sum total of all floors of all buildings of the zoning site.

Floor area ratio is computed as the combined gross floor area of all buildings on a lot or parcel, divided by the lot area, except that such floor area does not include any area used for parking within the principal building and does

not include any area used for incidental service storage, installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.

Freight or truck yard means an area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use also includes truck stops or fueling stations where diesel fuel is primarily sold.

Frontage means that part of a zoning lot fronting on a public road. For the purposes of frontage foot calculations, "frontage" includes all property lines abutting public roads.

Funeral chapel or mortuary means a facility for the storage of deceased human bodies prior to burial or cremation, or a *building* used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Gallery/museum means:

1. A commercial establishment engaged in the sale, loan, or display of paintings, sculpture, textiles, antiquities, or other works of art; or
2. A permanent facility, open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, or other works of art. This type of use is distinct from and does not include libraries.

Garage means an accessory building or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

General agriculture means an agricultural operation as defined in the Provincial Planning Regulation but does not include a livestock operation.

Golf course means a tract of land laid out with a course having nine (9) or more holes for playing the game of golf. This term does not include miniature golf courses nor does it include driving ranges that are not an accessory to a golf course.

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

Grading means the shaping or sloping of land.

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

Group home means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by

reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.

Hall means any building or portion of a building that is used for wedding receptions, private banquets, socials, or other functions.

Heavy equipment sales, service, and rental means a facility that is engaged in the sales and repair of heavy equipment typically used in agricultural, commercial or industrial operations, including tractors, trucks with a gross vehicle weight of over 14,000 pounds, semi-tractor trucks and/or trailers, harvesters, loaders and tracked vehicles as well as sales of parts, whether new or used, for heavy equipment.

Height includes the total number of storeys in a building or the vertical distance measured from grade to:

1. the highest point of the roof surface of a flat roof
2. the deck or eaves of any other roof type

Home-based business means an occupation or activity that is secondary to the use of the premises as a dwelling and that does not alter the exterior of the property or affect the residential character of the neighbourhood.

Home Industry means a light manufacturing operation that is carried out as a secondary use on the same site as a dwelling.

Hospital means an institution that maintains and operates facilities for inpatient medical care with overnight stays, including x-ray, laboratory, and surgical, for the diagnosis, care, and treatment of human illness, injury, and disease (physical or mental). Outpatient care may also be provided.

Hotel or motel means a building or portion of a building providing temporary accommodation in individual guest rooms or suites for a fee with or without provision for cooking in any individual guest room or suite.

Indoor participant recreation service means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; paintball games and racquet clubs.

Industrial, Heavy means a use of land that includes the assembly, fabrication, storage, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place.

Industrial, Light means a use of land that includes the assembly, fabrication, storage, or processing of goods and materials that do not create noise, fumes, odours, safety hazards outside of the structures in which the use takes place.

Infill development means the building of homes, businesses and public facilities on unused and underutilized lands within the existing urban areas which are currently serviced with municipal infrastructure common to the applicable land

zoning, including but not limited to, asphalt roads, street lights, electricity and municipal sewer and / or water systems.

Kennel means any indoor, enclosed premises on which more than three (3) domestic animals are boarded, bred, trained or cared for, on a daily or overnight basis, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital, or animal pound.

Landfill means a permanent facility, either publicly- or privately-owned, operated for the purpose of disposing of or composting solid waste.

Landscape or garden supplies means an establishment, including a building, part of a building or open space, for the display and/or sale of plants, trees, and other materials used in indoor or outside planting for retail sales and incidental wholesale trade.

Landscape/garden contractor or production means a location for the production of landscape materials, including commercial greenhouses or nurseries, and the wholesale sale of supplies, plants, trees and landscaping materials.

Lane, public means a thoroughfare not over thirty-three (33) feet in width in public ownership that affords only a secondary means of access to an abutting property.

Light truck means a truck or similar vehicle with a single rear axle and single rear wheels weighing less than 10,000 lbs.

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

Loading aisle means that portion of a loading facility that provides vehicular access to a loading space, not directly from a driveway. May be shared with a parking aisle.

Loading driveway means that portion of a loading facility that provides vehicular access from a public right-of-way to a loading space. May be shared with a parking driveway.

Loading space means that portion of a loading facility, excluding vehicle maneuvering areas such as aisles and driveways that will accommodate one motor vehicle.

Loading means an open area of land or an area within a structure, not including within a public right-of-way, used for the loading and unloading of materials, merchandise, or people from motor vehicles.

Lockable bicycle space means a stationary rack where bicycles can be fastened or secured to prevent theft.

Lot see parcel of land.

Lot of record means any parcel of land lawfully existing prior to the effective date of this By-law that does not comply with the applicable district dimensional standards for lots on the effective date of this By-law. A "lot of

record” may also be referred to as a “non-conforming lot.”

Medical, dental, optical, or counselling clinic means a facility for the provision of human health services and related activities such as preparation of castings, dentures, and x-rays, for patients without overnight accommodations, and accessory laboratory facilities. Each clinic shall be considered a single use regardless of the number of professional service providers sharing a clinic space.

Micro-brewery, distillery or winery means a small brewery, winery, or distillery operated in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption on-site or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

Mining and extraction means the extraction of minerals, sand, gravel, or ores, from their natural occurrences on affected land and distribution of extracted materials, including the excavation, processing or distribution of clay, gravel, stone or soils.

Mobile vending unit means:

a motor vehicle or trailer that is used to sell, offer or provide goods or services from the vehicle or from within the vehicle while it is parked on a roadway or the shoulder of a roadway; or

a mobile food unit as defined in the Food and Food Handling Establishments Regulation, Manitoba Regulation 339/88R.

Mobile home means a portable dwelling unit that is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached for transportation purposes, whether or not such structure actually has at any time such wheels, or is jacked up or skirted.

Mobile home park means a parcel of land upon which mobile home spaces are provided and have been approved by the designated Officer.

Mobile sign see Sign, mobile.

Motor home means a certified and licensed vehicular structure, as defined in *The Highway Traffic Act* that is used as temporary or seasonal accommodation for recreational purposes and being independent of municipal sewer, water and electrical services.

Non-conforming use (or non-conformity) means a sign, parcel of land, building, structure or use which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

Offensive or objectionable means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic

matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of Council or its Designated Officer may be or become hazardous or injurious in regards to health or safety, or which adversely affects the amenities of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

Office means the use of a building or a portion of a building for the provision of services to a business, an organization, or to the public. It does not include the manufacturing of any product or the retail sales of goods.

Office (Small) means a building or portion of a building where the office use occurs in a space with a ground floor area less than 5000 square feet (465 square meters).

Office (Large) means a building or portion of a building where the office use occurs in a space with a ground floor area equal to or greater than 5000 square feet (465 square meters).

Open space means the open, unobstructed space of a lot accessible to all occupants of any residential or commercial building or structure on the lot, which is suitable for recreation, gardens, or household service activities and used for the growth and maintenance of grass, flowers, bushes and other landscaping and may include any surface pedestrian walk, patio, pool or similar area, but does not include any driveway, ramp or parking area.

Outdoor participant recreation service means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, skate board park, rock climbing, outdoor tennis courts, unenclosed ice surface or rinks, athletic fields, picnic areas, boating facilities, outdoor swimming pools, bowling greens, paintball games, riding stables and fitness trails.

Outside operations means activities conducted outside that are directly related to, and in support of a permitted principal use on the site.

Outside storage means outside storage, but not display for sale, of goods and/or materials. Storage of materials in a structure with a roof, but no walls, is considered outside storage.

Owner means an owner as defined in *The Planning Act*.

Parcel of land means a parcel as defined in *The Planning Act*.

Park, plaza, square, playground means a development of public land specifically designed or reserved for the general public for active or passive recreational use and including landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic

grounds, pedestrian/bicycle paths and pathways, landscaped buffers, arboretums, botanical gardens, playgrounds, toboggan slides, skateboard parks, swimming pools, wading pools, and water features.

Parking aisle means that portion of a parking facility that provides vehicular access to a parking space, not directly from a driveway.

Parking area means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

Parking area, public means a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

Parking driveway means that portion of a parking facility that provides vehicular access from a public right-of-way to a parking space, or an aisle.

Parking facility means an open area of land or an area within a structure, not including an area or structure located within a public right-of-way, used for the parking of motor vehicles.

Parking space means a space on a parking area, public parking area or zoning site for the parking or storage of a vehicle.

Parking structure means an enclosed structure or facility where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a principal use. The facility may be above, below, or partially below ground and includes parking garages and parking decks.

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

Party wall means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

Passenger vehicle means a self-powered motor vehicle, other than a bus, commercial vehicle, motor home, or taxicab that is designed, used, or maintained primarily for the transportation of people on ordinary roads. This definition includes light trucks, vans, minivans, motorcycles, mopeds, scooters.

Patio means a hard-surfaced area adjoining a building.

Pawn shop means a place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan.

Performance standard means a standard established to control noise, glare, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or heat generated by, or inherent in, uses of land or buildings.

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

Personal care home means a multiple unit dwelling or building containing individual rooms where people live dependent on personal care.

Personal service shop means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including such establishments as barber shops, beauty salons, shoe repair shops, tailor and dressmaking shops, dry cleaning establishments and laundromats.

Pet day care means any indoor, enclosed premises on which up to three (3) domestic animals are boarded, bred, trained or cared for, on a daily basis, in return for remuneration.

Place of worship means a building (ex: a church, chapel, mosque, synagogue, or temple) primarily used for religious purposes.

Planned unit development means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in siting of buildings, mixture of housing types and land uses, useable open spaces and can include the preservation of significant natural features.

Porch (or veranda) means a covered shelter projecting in front of the entrance of a building.

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

Premises means an area of land with or without buildings.

Principal building means a structure on a site used to accommodate the principal use.

Principal building entrance means the entrance of any building, generally facing a sidewalk or public street, intended to accommodate the majority of public traffic.

Principal use means the primary or predominant activity on any lot or within any building or structure.

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

Private education service means a development for instruction and education which is not maintained at public expense and which may or may

not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation.

Private pool means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material that is capable of containing a water depth greater than 24 inches (60 cm) and that is located on a residential property.

Public education service means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.

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

Public park means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, interpretive centres, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.

Public Utility means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way. It does not include private for-profit or commercial-scale wind or solar energy generating systems.

Public utility building means a building used by a public utility.

Race track means a measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

Rapid drive-through vehicle service means development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within their vehicle or waits on the premises. Typical uses include automatic or coin operated car washes (including self-service car wash), rapid lubrication shops, or specialty repair establishments.

Real estate sales offices and model sales homes means an uninhabited dwelling unit temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in a particular residential

development and located within that development. Model homes may also incorporate sales or rental offices for dwellings within the development.

Recreational vehicle means any vehicle, other than an automobile or truck, with or without motive power, designed for recreational purposes, including but not restricted to a motorhome, boat, any off-road or all-terrain vehicle, and a trailer designed specifically for the transport of a recreation vehicle.

Recycling collection centre means a use that serves as a drop-off point for temporary storage for recoverable resources, such as newspapers, glassware, plastics, and metal cans. No processing of such items is allowed.

Recycling plant means a facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, or consolidated and packaged for transport from the facility. This facility is not a wrecking yard or a junkyard.

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

Research institution means an establishment or facility engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

Restaurant means an establishment primarily engaged in the preparation of food intended to be sold to the public for consumption on or off the premises. Restaurants may be licensed by the Government of Manitoba for the sale of alcohol; however, the sale of alcohol is incidental to the sale of food.

Retail means the use of a building or portion of a building where goods, wares, merchandise, or similar items (except cannabis) are offered for sale directly to the public.

Retail (small) means a building or portion of a building where the retail use occurs in a space with a ground floor area less than 5,000 square feet (465] square meters).

Retail (large) means a building or portion of a building where the retail use occurs in a space with a ground floor area equal to or greater than 5,000 square feet (465 square meters).

Road allowance means a registered public street right-of-way.

Roof line means the line made by the intersection of a wall of a building with a roof of the building.

School, elementary or middle means an accredited school under the sponsorship of a public, private, or religious agency providing instruction to students between the kindergarten and middle school levels.

School, senior high means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at the senior high school level.

Seasonal sales means the outside sale of seasonal merchandise, other than those sold at a farmer's market, such as Christmas trees, flags, kites, or arts and crafts.

Secondary means a use or structure that takes place on the same site as a principal use or structure that is not naturally and normally carried out as part of that principal use (ex: a daycare in an office building).

Secondary suite means a second dwelling unit attached to or within a principal building, that provides basic requirements for living, sleeping, cooking and sanitation.

Self-service storage facility means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property. Outdoor storage is limited to recreational vehicles, boats, and other vehicles.

Semi-detached housing means two dwellings, arranged side-by-side, contained in a single building with a single foundation, connected by a shared common wall. This type of development is designed and constructed as two dwelling units at initial construction. A semi-detached dwelling cannot contain a secondary suite.

Serviced lot means a lot with the ability to connect to a municipal sewer system.

Shipping container (or "sea can") refers to a portable shipping unit or truck box repurposed for commercial, agricultural, industrial or residential storage purposes.

Shopping centre means a facility that contains five (5) or more retail sales uses, and that may also contain other personal service uses, in a single building or attached buildings, or on adjacent lots, sharing common parking, and with a floor area greater than 50,000 square feet.

Single-room occupancy means a building, other than a hotel or hostel, which provides living units with separate sleeping areas and some combination of shared bath or toilet facilities. The building may or may not provide meals to guests for compensation, and may or may not have separate shared cooking facilities for residents. Single-room occupancy includes uses commonly called "rooming houses" and "boarding houses." Care, treatment or supervision must not be provided to any resident.

Site means a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

Site, corner means a site situated at the intersection of two streets.

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

Site, through means a site having a pair of opposite site lines along two more-or-less parallel streets.

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

Site, width means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at the front yard setback of the affected zone, whichever is the lesser. Site width is different from frontage.

Site, zoning means a parcel of land with frontage on a street, lane or right-of-way and of at least sufficient size to provide the minimum requirements for use, area, required yards.

Site area means the computed amount of gross land area contained within the site lines.

Site coverage means that part or percentage of the site occupied by buildings, including accessory buildings.

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

Site frontage means all that portion of a site fronting on a street, lane or right-of-way and measured between side site lines. If the site frontage cannot be determined the Designated Officer will establish the frontage.

Site line means one of the boundaries of a site, which include:

Site line, front means that boundary of a site along an existing or designated street. For a through site or corner site, the site lines along both streets shall be deemed front site lines. Where an irregular shaped site cannot have its site lines defined by this definition, the front site line shall be determined by the Designated Officer.

Site line, rear means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site

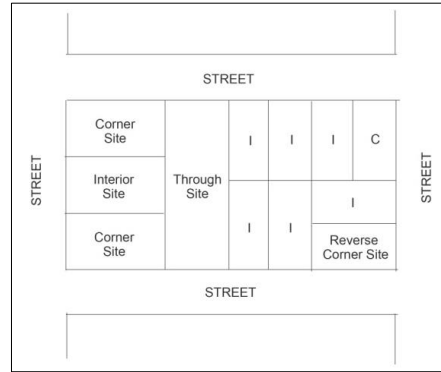


Figure 1: Sites Corner (C), Interior (I), Through and Reverse Corner

lines defined by this definition, the rear site line shall be determined by the Designated Officer.

Site line, side means any boundary of a site which is not a front or rear site line.

Solar collector means a panel or other solar energy device with the primary purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating.

Solar collector, commercial means a solar collector designed and built to provide electricity for commercial sale and distribution to the electricity grid (ex: a solar farm).

Solar collector, on-site use means a solar collector intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Solar Collectors are a type of On-Site Use Solar Collectors.

Solar collector, rooftop means a roof mounted solar collector and associated equipment for converting solar energy to power.

Spa means any premises, room or place in which the trade of massaging or other personal service is carried out for commercial purposes by an individual not registered with any professional association.

Special event (carnival, circus, fair, concert, or similar event) means a transportable group or aggregation or combination of rides, shows, performances, games, or concessions.

Specialized agriculture means an agricultural operation where intensively managed agricultural products are produced on a smaller land holding than the minimum size required for general agriculture.

Sports or entertainment arena/stadium, indoor means a fully-enclosed facility specifically intended for the viewing of public sports, concerts, circuses, and theatrical productions, where patrons attend on a recurring basis.

Sports or entertainment arena/stadium, outdoor means outdoor or partially-outdoor facilities specifically intended for the viewing of public sports, concerts, circuses, and theatrical productions, or exhibition grounds, where patrons attend on a recurring basis.

Stable or riding academy means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted. A stable may only contain ten (10) animal units or less.

Stable, private means a *building* or land where horses are sheltered, fed, or kept for personal use, accessory to a dwelling unit. A stable may only contain ten (10) animal units or less.

Stacking lane means an area of stacking spaces and driving lane which are provided for vehicles waiting for service that is physically separated from other

traffic and pedestrian circulation on the site and is located on private property.

Stacking space means an area within a stacking lane for vehicles waiting to order and/ or finish a transaction.

Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement.

Street means a public roadway having a right-of-way at least 33 feet (10 metres) in width that affords the principal means of access to abutting land.

Strip mall means a building containing three or more commercial uses which have been designed and developed as a continuous unit, and characterized by shared parking, the absence of a common interior walkway, and a linear orientation along a public road.

Structure means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location or on skids. It includes, but is not limited to, buildings, walls, fences, signs, billboards, light standards and antennas.

Substantial improvement means any repair, reconstruction, or improvement of a structure, for which the cost equals or exceeds 50 percent of the assessed value of the structure either:

1. Before the improvement or repair is started: or
2. If the structure has been damaged and is being restored, before the damage occurred.

Temporary building and use means an incidental use, building or structure for which a development permit has been issued for a limited time only.

Theatre means a building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances; a building or part of a building which is used for the commercial showing of films or presentation of live entertainment.

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

Towing and storage facility means a commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor or outdoor storage component for temporary storage of such vehicles or equipment, but may not include junked, salvage, or permanently inoperable vehicles or equipment.

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

Use means:

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

Vehicle means a motorized or non-motorized vehicle that is designed, constructed or adapted for the purpose of transporting passengers including off-road, motor home, trailer, travel trailer and truck vehicles.

Veranda see porch.

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

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

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

Wind energy generating system, rooftop means a roof mounted wind turbine(s) and associated equipment for converting wind energy to power.

Wrecking and salvage yard means any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also be included in this definition.

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

Yard required means the yard measured from a front, rear, or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this bylaw.

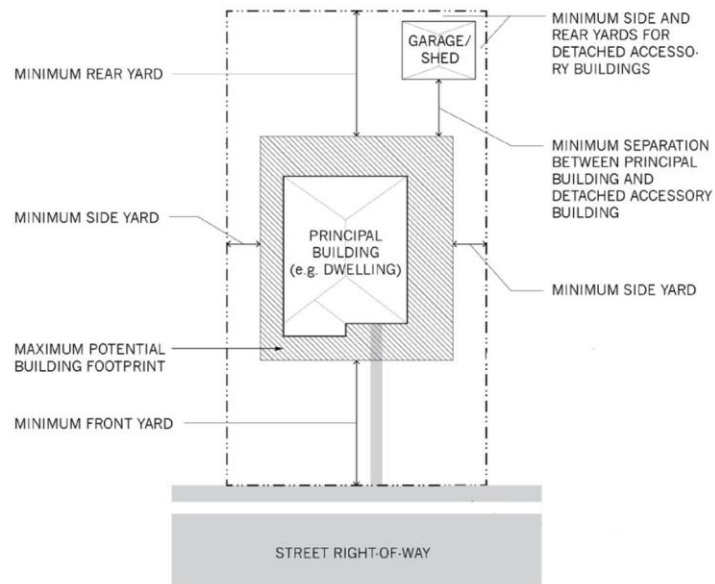


Figure 3: Yard Requirements

PART 5: Use-Specific Standards

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this bylaw or by a conditional use or variance order:

5.1 Standards for Animal Keeping

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|--|----|-----------|----|-----|-----|-----|-----|-----|-----|-----|----|----|----|-----|----|
| Animal Keeping | | <u>C*</u> | | | | | | | | | | | | | |
| P=Permitted C=Conditional *Use-Specific Standard Applies <u>Underline</u> =Only as a Secondary Use | | | | | | | | | | | | | | | |

The following requirements must be met for all cases where livestock or other animals (excluding pets) are sheltered, bred, raised, or sold and where the amount of animals kept on one site do not meet or exceed 10 animal units (AU), cumulative across species:

- a maximum of one animal unit (cumulative across species) is permitted for every two acres (8,094 meters²) of site area;
- the keeping of livestock must adhere to all other local, provincial and federal health and agriculture regulations in addition to the standards in this bylaw;
- any ground-level structure intended for the keeping of animals is only permitted in the rear yard of a site and must maintain a minimum setback of 15 feet (4.5] meters) from any site line; and
- animal feed must be properly stored in enclosed vessels, and areas or enclosures intended for the keeping of animals must be properly cleaned and maintained to prevent odours from spreading onto abutting properties.

5.2 Standards for Bed and Breakfasts

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|--|----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----|-----|----|----|----|-----|----|
| Bed and Breakfasts | | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | | | | | | | |
| P=Permitted C=Conditional *Use-Specific Standard Applies <u>Underline</u> =Only as a Secondary Use | | | | | | | | | | | | | | | |

A bed and breakfast shall only be allowed on a site in a zone in which it is a permitted or conditional use if it meets all of the following requirements:

- the operator must reside within the principal residence to which the Bed and Breakfast is an accessory use;
- no more than three bedrooms shall be used for the bed and breakfast operation;
- one additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation; and

- d) signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located.

5.3 Standards for Campgrounds or RV Parks

A campground or recreational vehicle (RV) park must meet the following standards:

- a) more than one camp space or recreational vehicle (RV) may be permitted on a site in a campground RV park;
- b) a campground or RV park must provide a roadway with an all-weather surface that serves all sites;
- c) a campground or RV park must provide storage of refuse in a sanitary manner at a location not more than 500 feet (150) meters from any site; and
- d) a campground or RV park must provide clear numbered identification of each camping space.

5.4 Standards for Two-Unit Dwellings

A two-unit dwelling shall have no required side yard (contrary to Tables 6.5 through 6.8) on a side that shares a party wall with a building on an adjacent site.

5.5 Standards for Multi-Unit Dwellings

A multi-unit dwelling shall:

- a) only be located above the first story of the building in the CC and CMS zones;
- b) have no required side yard (contrary to tables 6.5 through 6.8) on a side that share a party wall with a building on an adjacent site;
- c) minimum lot widths for row housing shall be as per Part 3: General Regulations 3.5 Subdivision of Lots With or Without Attached Dwellings and Buildings; and
- d) require a development Agreement with the Town of Niverville."

5.6 Standards for Home-Based Businesses

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|---------------------|----|---------------|-----------|--------------------------------|-----------|-----------|-----------|-----------------------------------|-----|-----------|----|----|----|-----|----|
| Home-Based Business | | <u>P*</u> | <u>P*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | | <u>C*</u> | | | | | |
| P=Permitted | | C=Conditional | | *Use-Specific Standard Applies | | | | Underline=Only as a Secondary Use | | | | | | | |

Home-based businesses must:

- a) be conducted by a person or persons residing in the dwelling;
- b) possess all municipal licenses and /or permits required to operate;
- c) not have processing or outside storage of goods in any Residential or Commercial zone;
- d) other than a Bed and Breakfast, not have more than 30 per cent of the total floor area of buildings on the site devoted to the business;

- e) have a maximum of one business identification sign, affixed to the wall of a principal or accessory building, not exceeding:
 - i) 40 square feet in zones AL and RR;
 - ii) 6 square feet, non-illuminated in all other zones where home-based businesses are allowed; and
- f) where the home-based business generates client or customer traffic, a Conditional Use permit will be required in accordance with the Planning Act.

5.7 Standards for Home Industries

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|-----------------|----|---------------|-----------|--------------------------------|-----|-----|-----|-----|-----------------------------------|-----|----|----|----|-----|----|
| Home Industries | | <u>C*</u> | <u>C*</u> | | | | | | | | | | | | |
| P=Permitted | | C=Conditional | | *Use-Specific Standard Applies | | | | | Underline=Only as a Secondary Use | | | | | | |

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

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

5.8 Standards for Planned Unit Developments

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|--------------------------|----|---------------|----|--------------------------------|-----|-----|-----|--|-----|-----|----|----|----|-----|----|
| Planned Unit Development | | | C* | C* | C* | C* | C* | C* | | C* | C* | C* | | | C* |
| P=Permitted | | C=Conditional | | *Use-Specific Standard Applies | | | | <u>Underline=Only as a Secondary Use</u> | | | | | | | |

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

A Planned Unit Development:

- a) May only be established as a conditional use on a residential- or commercial-zoned site or proposed development area, subject to the conditional use provisions of this by-law and *The Planning Act*;
- b) The uses and standards of a Planned Unit Development shall be generally consistent with the desired character for the area as set out in the Town of Niverville Development Plan and the uses and standards in the zones adjacent to the site;
- c) An application for a planned unit development must be accompanied with a detailed site plan, including:
 - i. location of the site boundaries;
 - ii. planned location, height, and types of use of buildings and structures;
 - iii. planned location of internal roads, parking areas and entrances to site and proposed construction materials;
 - iv. planned location of sidewalks and active transportation paths and proposed construction materials;
 - v. planned locations of communal and public facilities and open spaces;
 - vi. planned locations of fencing, lighting, trees, shrubs, groundcover and plantings;
 - vii. planned location of systems supplying electrical power, water, and collection of sewage and waste/recycling;
 - viii. lot grading;
 - ix. a list of all instances on the site where the bulk standards of the proposed buildings and structures do not comply with the requirements of this zoning bylaw;
 - x. must dedicate 10% of lands to the Town for the purpose of Open Space or provide the cash equivalent (at the discretion of the Designated Officer); and
 - xi. other information as required by Council.

5.9 Standards for Secondary Suites

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|------------------|----|---------------|-----------|--------------------------------|-----------|-----|-----|--|-----|-----|----|----|----|-----|----|
| Secondary Suites | | <u>P*</u> | <u>P*</u> | <u>P*</u> | <u>P*</u> | | | <u>P*</u> | | | | | | | |
| P=Permitted | | C=Conditional | | *Use-Specific Standard Applies | | | | <u>Underline=Only as a Secondary Use</u> | | | | | | | |

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

- a) Are only permitted in association with a single-unit dwelling;
- b) Not more than one (1) secondary suite shall be permitted on any site;
- c) The secondary suite must be attached to the principal dwelling;
- d) A minimum of two (2) on-site parking spaces must be provided for the secondary suite, in addition to the parking required for the principal building;
- e) The driveway and approach must be a minimum of 20 feet wide;
- f) The maximum floor area of the secondary suite shall not exceed 800 square feet (56 sq.m.) or 40% of the total assessed floor space of the principal building (whichever is the lesser);
- g) Only one entrance to the building may be located on the façade that faces the street unless the dwelling contained an additional street-facing entrance prior to the creation of a secondary suite. Access to the secondary suite can be provided via a common area such as a vestibule or similar (subject to the Manitoba Building Code); and
- h) A building permit will be obtained for the development of a Secondary Suite, and the development must conform to the *Manitoba Building Code*.

5.10 Standards for Shipping Containers

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

- a) Shall only be used for accessory purposes;
- b) A shipping container used for storage must meet the requirements for accessory buildings in the zone in which it is located;
- c) A shipping container must adhere to the Manitoba Building Code (if applicable, depending on use);
- d) Shall only be located in the rear yard ;
- e) Shall be included in all calculations to determine maximum site coverage;
- f) When stacked, shall not exceed the maximum height for accessory buildings for the zone;
- g) Notwithstanding the above, when actively used for the transportation of goods and materials within any Industrial zone no maximum height shall apply; and
- h) Notwithstanding the above, a shipping container may be permitted for temporary storage on construction sites in accordance with section 3.4.

5.11 Standards for Apiaries

An apiary must meet all of the following standards:

- a) In the AL zone, no bee hive shall be located within 25 feet (7.5 meters) of a site line.

5.12 Standards for Portable Garages

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

- a) A portable garage is only allowed within a side or rear yard of a site, on a driveway or parking space;
- b) A portable garage must meet the requirements for accessory building side and rear yard requirements;
- c) A portable garage must not exceed the height and area restrictions for accessory buildings in the zone in which it is located;
- d) The establishment of portable garages as an accessory use will also require an annual permit or license when permitted in the specified zone;
- e) A portable garage must be kept in good condition, subject to the opinion of the Designated Officer. Any rip in the fabric must be repaired; and
- f) A maximum of one (1) portable garage is allowed on a site.

5.13 Standards for Solar Collectors

A Solar Collector must meet the following standards:

- a) any solar collector not connected to a building shall adhere to the same setbacks and height restrictions for secondary/accessory buildings in the zone in which the installation is situated;
- b) a roof or wall-mounted solar collector shall not exceed, in size, the total square footage of the footprint of the principal structure;
- c) a solar collector that is mounted on a roof may project a maximum of 6.5 feet (1.5 m) from the surface of the roof and must not extend beyond the outermost edge of the roof;
- d) the appropriate engineering approvals, licences and permits must be obtained as required by the Designated Officer; and
- e) a solar collector that is mounted on a wall may project a maximum of two feet (0.6 m) from the surface of that wall within a side or rear yard.

5.14 Standards for Swimming Pools and Hot Tubs

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

- a) Be located a minimum of 5 feet from either the side or rear property line;
- b) The pool or hot tub area is protected by either:
 - a. In compliance with current Manitoba Building Code requirements, a fence with self-closing, lockable gates and a minimum height of 6 feet (1.83 m) to prevent unauthorized entry. The fence and gate

- must be constructed so as to prevent a child from climbing over or crawling underneath; and
- b. a lockable cover as per Manitoba Building Code and/or applicable Provincial regulations.

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

5.15 Standards for Wind Energy Generating Systems

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|-------------------------------|-----------|---------------|-----------|-----------|--------------------------------|-----------|-----------|-----------|--|-----------|-----------|-----------|-----------|-----------|-----------|
| Wind Energy Generating System | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> | <u>C*</u> |
| P=Permitted | | C=Conditional | | | *Use-Specific Standard Applies | | | | <u>Underline=Only as a Secondary Use</u> | | | | | | |

For agriculture or residentially-zoned properties, an on-site Wind Energy Generating System must meet all of the following standards:

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

5.16 Standards for Temporary Additional Dwellings

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|-------------------------------|----|---------------|----|-----|--------------------------------|-----|-----|-----|--|-----|----|----|----|-----|----|
| Temporary Additional Dwelling | | <u>C*</u> | | | | | | | | | | | | | |
| P=Permitted | | C=Conditional | | | *Use-Specific Standard Applies | | | | <u>Underline=Only as a Secondary Use</u> | | | | | | |

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

- a) The additional dwelling shall be temporary in nature. It shall be placed on a concrete pad foundation only, and is to be removed upon the cessation of occupancy for which it is intended;
- b) The front, side and rear yard requirements applicable to the principal dwelling shall be complied with in the placement of the additional dwelling unit;

- c) The unit shall meet all applicable codes for single-family detached dwellings or mobile homes;
- d) Hydro and sewer services shall, where feasible, be connected to existing facilities upon approval by local and provincial authorities;
- e) Sewage disposal for the additional unit shall be provided by means of a sewage holding tank, and in accordance with applicable provincial regulations; and
- f) Council may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.

5.17 Standards for Caretaker’s Residence

| Use | PR | AL | RR | RSU | RLD | RMD | RHD | RMU | RCC | CMS | CN | CC | MG | MMU | EI |
|-----------------------|----|---------------|----|--------------------------------|-----|-----|-----|---|-----|-----|----|----|-----------|-----|----|
| Caretaker’s Residence | | | | | | | | | | | | | <u>C*</u> | | |
| P=Permitted | | C=Conditional | | *Use-Specific Standard Applies | | | | <u>Underline</u> =Only as a Secondary Use | | | | | | | |

A caretaker’s residence must only be a secondary use that may be permitted subject to the following regulations:

- a) As a secondary conditional use in conjunction with a permitted industrial use class development;
- b) Must be occupied by the owner/operator or site watchperson or caretaker for the principal business located on site;
- c) Residential unit must be located within the primary building as a secondary use;
- d) A minimum of two (2) on-site parking spaces must be provided for the caretaker’s residence, in addition to the parking required for the principal business;
- e) The maximum floor area of the caretaker’s residence shall not exceed 20% of the primary use floor space, up to a maximum of 600 square feet; and
- f) A building permit will be required for the development of a caretaker’s residence and the development must conform to the Manitoba Building Code.

PART 6: Zones

6.1 Establishing Zones

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

| ZONE | ABBR. |
|--------------------------------|-------|
| Parks and Open Space | PR |
| Agriculture Limited | AL |
| Rural Residential | RR |
| Residential Single Unit | RSU |
| Residential Low Density | RLD |
| Residential Medium Density | RMD |
| Residential High Density | RHD |
| Residential Mixed Use | RMU |
| Recreational Community Complex | RCC |
| Commercial Main Street | CMS |
| Commercial Neighbourhood | CN |
| Commercial Corridor | CC |
| Industrial General | MG |
| Industrial Mixed Use | MMU |
| Educational and Institutional | EI |

6.2 Zoning Boundaries

The zones established above in Section 6.1 shall apply within the boundaries of the zones shown on the maps in Schedule A following these rules of interpretation:

- a) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall follow such lines;
- b) boundaries indicated as approximately following parcel limits as shown on a registered plan or by reference to the Dominion Government Survey shall follow such limits.

6.3 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Use Table[s] [Table 1.1]. Permitted uses are indicated on this table with the letter **P**. Conditional uses are indicated on this table with the letter **C**. Where a use is not listed and is not similar to, or accessory to, a permitted or conditional principal use, or a permitted or conditional secondary use, the use is not allowed in the zone.

6.4 Bulk Regulations

No land, building, or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in this bylaw.

6.5 Use-Specific Standards

Regardless of whether a use is allowed as a permitted or conditional use, and regardless of the zoning district in which the use is located, the additional standards for specific uses (in Part 5 of this by-law) must be met, except as otherwise provided in this by-law or by a Conditional Use or Variance Order.

PR – Parks and Open Space Zone

Intent: This zone is intended for land that is used as public parks, natural and recreation areas. This zone can be used to provide a buffer between potentially incompatible land uses or provide access to nature and play spaces in urban areas.

| Table 6-1 Parks and Open Space Zone | | | | | | | | |
|---|----------------------|-----------------|-----------------|----------------|----------------|----------------------|--------------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Maximum Requirements | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) ² | |
| Camping and Tenting Grounds | C | See Section 5.3 | | | | | | |
| Cemetery | P | 40,000 | 200 | 30 | 15 | 15 | 30 | n/a |
| Child Care Services | <u>C</u> | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Club, Private, Non-Profit & Recreational | C | 40,000 | 200 | 30 | 15 | 15 | 30 | 40 |
| Community Centre | P | 80,000 | 200 | 50 | 25 | 25 | 30 | n/a |
| Eating & Drinking Establishment | <u>C</u> | 40,000 | 200 | 30 | 15 | 15 | 30 | 40 |
| Funeral Service | C | 40,000 | 200 | 30 | 15 | 15 | 30 | 40 |
| Golf Course | C | 80,000 | 200 | 50 | 25 | 25 | 30 | n/a |
| Indoor Participatory Recreation Service | P | 10,000 | 80 | 50 | 25 | 25 | 30 | 40 |
| Library/Cultural Facility | <u>C</u> | 5,000 | 50 | 30 | 5 | 5 | 30 | 60 |
| Outdoor Participant Recreation Service | P | 10,000 | 80 | 50 | 25 | 25 | 30 | 40 |
| Public Park | P | n/a | n/a | 30 | 15 | 15 | 30 | n/a |
| Public Utility (inc. communication installations) | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | NP | 0 | 0 | 15 | n/a |

² Site coverage is cumulative for all buildings and structures.

AL – Agriculture Limited Zone

Intent: This zone is intended to preserve existing agricultural sites in an unfragmented state for future urban development. This zone can be used to provide for limited agricultural activities .

| Table 6-2 AL Agricultural Limited Zone | | | | | | | | |
|---|----------------------|-----------------|-----------------|----------------|----------------|-------------------|--------------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Max. Requirements | | |
| | Site Area (acres) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ³ (%) | |
| Animal Keeping | <u>C</u> * | 4 | 200 | 75 | 25 | 25 | 30 | 40 |
| Bed & Breakfast | <u>C</u> * | See Section 5.2 | | | | | | |
| Cereal and Special Crop Production | P | 80 | 1200 | 75 | 25 | 25 | 35 | n/a |
| Dwelling, Single-Family | C | 2 | 200 | 75 | 25 | 25 | 30 | 40 |
| Equestrian Establishment ⁴ | P | 4 | 200 | 75 | 25 | 25 | 30 | 40 |
| Farmstead Site | P | 2 | 200 | 75 | 25 | 25 | 30 | n/a |
| Garden Centre/Nursery | C | 2 | 200 | 75 | 25 | 25 | 30 | 40 |
| Group Home | C | 2 | 200 | 75 | 25 | 25 | 30 | 40 |
| Home-Based Business | <u>P</u> * | See Section 5.6 | | | | | | |
| Home Industry | <u>C</u> * | See Section 5.7 | | | | | | |
| Kennel | C | 4 | 200 | 75 | 25 | 25 | 30 | n/a |
| Public Utilities, including communication installations | C | n/a | n/a | 30 | 5 | 25 | n/a | n/a |
| Secondary Suite | <u>P</u> * | See Section 5.9 | | | | | | |
| Specialized Agriculture | C | 10 | 600 | 75 | 25 | 25 | 30 | n/a |
| Temporary Additional Dwelling | <u>C</u> * | 2 | 200 | 75 | 25 | 25 | 30 | n/a |

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

⁴ Equestrian establishments must meet Standards of Animal Keeping (Part 5)

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Max. Requirements | | |
|---|----------------------|------------------|-----------------|----------------|----------------|-------------------|--------------------------------|-----|
| | Site Area (acres) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ⁵ (%) | |
| Wind Energy Generating System | <u>C*</u> | See Section 5.15 | | | | | | |
| Accessory/Secondary Buildings & Structures ⁶ | P | n/a | n/a | 75 | 15 | 15 | 30 | n/a |
| Shipping Containers | <u>P*</u> | n/a | n/a | 75 | 15 | 15 | 30 | n/a |

⁵ Site coverage is cumulative for all buildings and structures.

⁶ Accessory buildings and structures cannot be located within 10 feet of the principal dwelling.

RR – Rural Residential Zone

Intent: This zone is intended to accommodate single unit dwellings on larger lots that are more rural in character. Lot sizes may be larger than those found elsewhere in the Town, but not so large as to be wasteful of land. Secondary Suites are permitted according to Use-Specific Standards.

| Table 6-3 RR Rural Residential Zone | | | | | | | | |
|--|-----------------------|-----------------|-----------------|----------------|----------------|----------------------|--------------------------------|-----|
| Use Class <small>P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use</small> | Minimum Requirements | | | | | Maximum Requirements | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) ⁷ | |
| Bed & Breakfast | <u>C</u> * | See Section 5.2 | | | | | | |
| Boarding, Fraternity and Sorority House | C | 40,000 | 100 | 50 | 15 | 25 | 35 | 40 |
| Child Care Services | <u>C</u> | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Dwelling, Single-Unit | P | 40,000 | 100 | 50 | 15 | 25 | 35 | 40 |
| Group Home ⁸ | <u>C</u> ⁱ | 40,000 | 100 | 50 | 15 | 25 | 35 | 40 |
| Home-Based Business | <u>C</u> * | See Section 5.6 | | | | | | |
| Home Industry | <u>C</u> * | See Section 5.7 | | | | | | |
| Planned Unit Development | C* | See Section 5.8 | | | | | | |
| Public Utilities, including communication installations | C | n/a | n/a | 30 | 5 | 25 | 30 | n/a |
| Secondary Suite | <u>P</u> * | See Section 5.9 | | | | | | |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | 75 | 5 | 5 | 20 | n/a |

⁷ Site coverage is cumulative for all buildings and structures.

⁸ A Group Home cannot be located within 500 feet of an existing Group Home

RSU – Residential Single Unit Zone

Intent: This zone is intended to accommodate residential dwellings of one units, and complementary uses. Secondary suites are permitted according to Use-Specific Standards.

| Table 6-4 Residential Single Unit Zone | | | | | | | | | |
|---|----------------------|-----------------|-----------------|-----------------------------|----------------|------------------------|-------------|---------------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | | | Maximum Requirements | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ⁹ (ft) | Rear Yard (ft) | Dwelling Unit (sq.ft.) | Height (ft) | Site Coverage (%) ¹⁰ | |
| Bed & Breakfast | <u>C</u> * | See Section 5.2 | | | | | | | |
| Boarding, Fraternity and Sorority House | C | 4,000 | 40 | 25 | 5/15 | 25 | 800 | 30 | 40 |
| Child Care Services | <u>C</u> | n/a | n/a | n/a | n/a | n/a | | n/a | n/a |
| Dwelling, Single-Unit | P | 4,000 | 40 | 25 | 5/15 | 25 | 800 | 30 | 40 |
| Group Home ¹¹ | C | 4,000 | 40 | 25 | 5/15 | 25 | | 30 | 40 |
| Home-Based Business | <u>C</u> * | See Section 5.6 | | | | | | | |
| Place of Worship | C | 4,000 | 40 | 25 | 15 | 15 | | 30 | 40 |
| Public Park | P | n/a | n/a | 30 | 5 | 25 | | n/a | n/a |
| Public Utilities, including communication installations | C | n/a | n/a | 30 | 5 | 25 | | 30 | n/a |
| School, elementary or middle | C | 4,000 | 40 | 25 | 5 | 25 | | 30 | 40 |
| Secondary Suite | <u>P</u> * | See Section 5.9 | | | | | | | |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | NP | 3 | 3 | | 15 | n/a |

⁹ If the garage is attached, a 5 foot side yard is required. If the garage is detached, a 5 foot side yard and a 15 foot side yard must be maintained.

¹⁰ Site coverage is cumulative for all buildings and structures.

¹¹ A Group Home cannot be located within 500 feet of an existing Group Home.

RLD – Residential Low Density Zone

Intent: This zone is intended to accommodate residential dwellings of one and two units, and complementary uses. This zone provides for a variety of housing types and affordability levels to accommodate a range of income levels, the ability to age in place and diverse market demands [Reg 2.1.2, 2.1.3, 2.2.1]. Secondary suites are permitted according to Use-Specific Standards.

| Table 6-5 Residential Low Density Zone | | | | | | | | | |
|---|----------------------|-----------------|-----------------|------------------------------|----------------|------------------------|----------------------|---------------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | | Maximum Requirements | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹² (ft) | Rear Yard (ft) | Dwelling Unit (sq.ft.) | Height (ft) | Site Coverage ¹³ (%) | |
| Bed & Breakfast | <u>C</u> * | See Section 5.2 | | | | | | | |
| Boarding, Fraternity and Sorority House | C | 4,000 | 40 | 25 | 5/15 | 25 | 800 | 30 | 40 |
| Child Care Services | <u>C</u> | n/a | n/a | n/a | n/a | n/a | | n/a | n/a |
| Dwelling, Single-Unit | P | 4,000 | 40 | 25 | 5/15 | 25 | 800 | 30 | 40 |
| Dwelling, Two-Unit ¹⁴ | <u>P</u> * | 4,000 | 60 | 25 | 5/15 | 25 | 800 | 30 | 50 |
| Group Home ¹⁵ | C | 4,000 | 40 | 25 | 5/15 | 25 | | 30 | 40 |
| Home-Based Business | <u>C</u> * | See Section 5.6 | | | | | | | |
| Place of Worship | C | 4,000 | 40 | 25 | 15 | 15 | 30 | 30 | 40 |
| Public Park | P | n/a | n/a | 30 | 5 | 25 | | n/a | n/a |
| Public Utilities, including communication installations | C | n/a | n/a | 30 | 5 | 25 | | 30 | n/a |
| School, elementary or middle | C | 4,000 | 40 | 25 | 5 | 25 | | 30 | 40 |
| Secondary Suite | <u>P</u> * | See Section 5.9 | | | | | | | |
| Accessory/Secondary Buildings & Structures ¹⁶ | P | n/a | n/a | NP | 3 | 3 | | 15 | n/a |

¹² If the garage is attached, a 5 foot side yard is required. If the garage is detached, a 5 foot side yard and a 15 foot side yard must be maintained.

¹³ Site coverage is cumulative for all buildings and structures.

¹⁴ Only semi-detached residential units permitted.

¹⁵ A Group Home cannot be located within 500 feet of an existing Group Home.

¹⁶ Accessory buildings and structures cannot be located within 10 feet of the principal dwelling.

RMD – Residential Medium Density Zone

Intent: This zone is intended to accommodate multiple unit dwellings providing between three and six units, as well as single and two-unit dwellings. The zone permits structures up to 3 storeys or 35 feet in height.

| Table 6-6 Residential Medium Density Zone | | | | | | | | | |
|---|----------------------|-----------------|-----------------|------------------------------|----------------|------------------------|-------------|---------------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | | | Max. Requirements | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹⁷ (ft) | Rear Yard (ft) | Dwelling Unit (sq.ft.) | Height (ft) | Site Coverage ¹⁸ (%) | |
| Bed & Breakfast | <u>C*</u> | See Section 5.2 | | | | | | | |
| Boarding, Fraternity and Sorority Houses | C | 7,500 | 75 | 30 | 15 | 25 | | 35 | 40 |
| Child Care Services | C | 7,500 | 75 | 30 | 5 | 25 | | 35 | 60 |
| Dwelling, Multi-Unit | P* | 10,000 | 100 | 30 | 15 | 25 | 600 | 35 | 60 |
| Dwelling, Single-Unit | C | 4,000 | 40 | 25 | 5/15 | 25 | 800 | 30 | 40 |
| Dwelling, Two-Unit ¹⁹ | C | 4,000 | 60 | 25 | 5/15 | 25 | 800 | 30 | 50 |
| Group Home ²⁰ | C | 7,500 | 75 | 30 | 5 | 25 | | 30 | 40 |
| Home-Based Business | <u>C*</u> | See Section 5.6 | | | | | | | |
| Place of Worship | C | 10,000 | 100 | 25 | 15 | 25 | | 35 | 40 |
| Planned Unit Development | <u>C*</u> | See Section 5.8 | | | | | | | |
| Public Park | P | n/a | n/a | 30 | 5 | 25 | | n/a | n/a |
| Public Utility | C | n/a | n/a | 30 | 5 | 25 | | 30 | n/a |
| Residential Care Facility | C | 10,000 | 100 | 30 | 15 | 25 | | 35 | 40 |

¹⁷ If the garage is attached, a 5 foot side yard is required. If the garage is detached, a 5 foot side yard and a 15 foot side yard must be maintained.

¹⁸ Site coverage is cumulative for all buildings and structures.

¹⁹ Minimum site width for an individual Row House-type dwelling unit is 20 feet for interior lots and 30 feet for end cap lots, with minimum site area of 1,800 sq. ft. for all lots.

²⁰ Group Home not to be located within 500 feet of an existing Group Home.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | | Minimum Requirements | | | | | Max. Requirements | |
|--|-----------|----------------------|-----------------|-----------------|-----------------------------|----------------|-------------------|---------------------------------|
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ²¹ (%) |
| Retail, Sales and Service | <u>C</u> | 10,000 | 100 | 30 | 15 | 25 | 35 | 40 |
| Secondary Suite | <u>P*</u> | See Section 5.9 | | | | | | |
| Accessory/Secondary Buildings & Structures | <u>P</u> | n/a | n/a | NP | 3 | 3 | 15 | n/a |

²¹ Site coverage is cumulative for all buildings and structures.

RHD – Residential High Density Zone

Intent: This zone is intended for multiple unit dwellings providing more than six units. The zone permits structures up to 3 storeys or 35 feet in height.

| Table 6-7 Residential High Density Zone | | | | | | | | | |
|---|----------------------|-----------------|-----------------|------------------------------|----------------|------------------------|------------------|---------------------------------|-----------------|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | | Max. Requirement | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ²² (ft) | Rear Yard (ft) | Dwelling Unit (sq.ft.) | Height (ft) | Site Coverage ²³ (%) | |
| Bed & Breakfast | <u>C</u> * | See Section 5.2 | | | | | | | |
| Child Care Services | C | 7,500 | 75 | 30 | 5 | 25 | | 35 | 60 |
| Dwelling, Single-Unit | C | 4,000 | 40 | 30 | 5/15 | 25 | 800 | 35 | 40 |
| Dwelling, Two-Unit | C | 4,000 | 60 | 30 | 5/15 | 25 | 800 | 35 | 60 |
| Dwelling, Multi-Unit ²⁴ | <u>P</u> * | 10,000 | 100 | 30 | 15 | 25 | 600 | 35 | 60 |
| Home-Based Business | <u>C</u> * | See Section 5.6 | | | | | | | |
| Place of Worship | C | 4,000 | 40 | 25 | 15 | 25 | | 35 | 40 |
| Planned Unit Development | <u>C</u> * | See Section 5.8 | | | | | | | |
| Public Park | P | n/a | n/a | 30 | 5 | 25 | | n/a | n/a |
| Public Utility | C | n/a | n/a | 30 | 5 | 25 | | 35 | n/a |
| Residential Care Facility | C | 10,000 | 100 | 30 | 15 | 25 | | 35 | 40 |
| Secondary Suite | <u>P</u> * | See Section 5.9 | | | | | | | |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | NP | 5 | 2 | | 15 | 15 ³ |

²² If the garage is attached, a 5 foot side yard is required. If the garage is detached, a 5 foot side yard and a 15 foot side yard must be maintained.

²³ Site coverage is cumulative for all buildings and structures.

²⁴ Minimum site width for an individual Row House-type dwelling unit is 20 feet for interior lots and 30 feet for end cap lots, with minimum site area of 1,800 sq. ft. for all lots.

RMU – Residential Mixed-Use Zone

Intent: This zone is intended for a more densely populated, primarily residential area. The zone will encourage medium to high density residential development as existing lower density residences are redeveloped. Limited commercial, institutional and supportive uses will be encouraged at a neighbourhood scale and with neighbourhood character. The zone encourages the pedestrian-friendly nature of a traditional grid development pattern. The zone covers the range of uses, required yards, and building heights found in the area's mature neighbourhoods that are adjacent to commercial streets and downtown areas [Reg 2.1.4, 2.2.3].

| Table 6-8 Residential Mixed-Use Zone | | | | | | | | |
|---|----------------------|-----------------|-----------------|------------------------------|----------------|-------------------|---------------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Max. Requirements | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ²⁵ (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) ²⁶ | |
| Bed & Breakfast | <u>C*</u> | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Boarding, Fraternity or Sorority | C | 5,000 | 50 | 30 | 15 | 25 | 35 | 40 |
| Child Care Services | C | 5,000 | 50 | 30 | 5 | 25 | 35 | 60 |
| Dwelling, Multi-Unit | P* | 10,000 | 100 | 30 | 15 | 25 | 35 | 60 |
| Dwelling, Single-Unit | P | 5,000 | 50 | 30 | 5/15 | 25 | 35 | 40 |
| Dwelling, Two-Unit ²⁷ | P* | 5,000 | 60 | 30 | 5/15 | 25 | 35 | 60 |
| Education Service | C | 10,000 | 100 | 30 | 15 | 25 | 35 | 40 |
| Group Home ²⁸ | C | 5,000 | 50 | 30 | 5 | 25 | 35 | 40 |
| Home-Based Business | <u>P*</u> | See Section 5.6 | | | | | | |
| Office (Small) | P | 5,000 | 50 | 30 | 15 | 25 | 35 | 40 |
| Outside Operations | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Personal Service Shop | P | 5,000 | 50 | 30 | 15 | 25 | 35 | 40 |
| Place of Worship | C | 5,000 | 50 | 30 | 15 | 25 | 35 | 40 |

²⁵ If the garage is attached, a 5 foot side yard is required. If the garage is detached, a 5 foot side yard and a 15 foot side yard must be maintained.

²⁶ Site coverage is cumulative for all buildings and structures.

²⁷ Minimum site width for an individual Row House-type dwelling unit is 20 feet for interior lots and 30 feet for end cap lots, with minimum site area of 1,800 sq. ft. for all lots.

²⁸ Group Home not to be located within 500 feet of an existing Group Home.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Max. Requirements | | |
|---|----------------------|-----------------|-----------------|-----------------------------|----------------|-------------------|---------------------------------|-----|
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) ²⁹ | |
| Planned Unit Development | C* | See Section 5.8 | | | | | | |
| Public Park | P | n/a | n/a | 30 | 5 | 25 | n/a | n/a |
| Public Utility | C | n/a | n/a | 30 | 5 | 25 | 35 | n/a |
| Residential Care Facility | C | 5,000 | 50 | 30 | 15 | 25 | 35 | 40 |
| Retail, Sales and Service | P | 5,000 | 50 | 30 | 15 | 25 | 35 | 40 |
| Secondary Suite | <u>P*</u> | See Section 5.9 | | | | | | |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | NP | 3 | 3 | 15 | n/a |

²⁹ Site coverage is cumulative for all buildings and structures.

RCC –Recreational Community Complex Zone

Intent: This zone is intended to provide a mixed use area that will accommodate a combination of commercial, residential, public recreational uses and signage which serve the whole community in keeping with the Town of Niverville Development Plan [Reg 2.2.3].

| Table 6-9 Recreational Community Complex Zone | | | | | | | | |
|---|-----------------------|--------------------|-----------------------|----------------------|----------------------|----------------|-------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | | Max. Requirements | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) | |
| To be established by Council | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |

CMS – Commercial Main Street Zone

Intent: This zone is intended for street-level commercial activity along Main Street, along with an appropriate mix of multi-unit housing and other compatible uses. The buildings in this zone are sited to encourage pedestrian activity with minimal setbacks from the street. The zone supports the rehabilitation and re-use of existing buildings, along with the preservation of heritage resources and significant structures [Reg 2.2.3].

| Table 6-10 Commercial Main Street Zone | | | | | | | | |
|--|------------------|----------------------|-----------------|-----------------|----------------|----------------|----------------------|---------------------------------|
| Use Class <small>P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use</small> | | Minimum Requirements | | | | | Maximum Requirements | |
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ³⁰ (%) |
| Business Support Services | P | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Cannabis, Retail or Production ³¹ | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Child Care Services | P | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| College or Trade School | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Club, Recreational (Private or Non-Profit) | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Custom Manufacturing Establishments | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Dwelling, Multiple Family | <u>C</u>* | See Section 5.5 | | | | | | |
| Eating & Drinking Establishment | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Funeral Service | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Hotel / Motel | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Household Repair Service | P | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |

³⁰ Site coverage is cumulative for all accessory buildings and structures.

³¹ Not to be located within 1000 ft of a School or Indoor- Outdoor Participant Recreation Service.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | | Minimum Requirements | | | | | Max. Requirements | |
|---|-----------------|----------------------|-----------------|-----------------|----------------|----------------|-------------------|---------------------------------|
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ³² (%) |
| Indoor Participant Recreation Service | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Kennel | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Library / Cultural Facility | P | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Liquor Sales | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Other commercial use not listed | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Outdoor Patio/Eating Area | <u>C</u> | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Outside Operations | <u>C</u> | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Personal Service Shop | P | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Public Utility | C | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Retail Sales & Service | P | 5,000 | 50 | 0 | 0 | 20 | 35 | 60 |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | NP | 3 | 3 | 15 | n/a |

CN – Commercial Neighbourhood Zone

Intent: This zone is intended to accommodate small, neighbourhood-scale commercial uses surrounded by residential areas that are compatible in scale and character with surrounding residential uses. The intent of this zone is to provide commercial services, typically located at the intersection of local streets, that will serve the immediate neighbourhood rather than the broader community. Limited on-site parking will be provided to accommodate demand.

| Table 6-11 Commercial Neighbourhood Zone | | | | | | | | |
|---|----------------------|-----------------|-----------------|----------------|----------------|-------------|---------------------------------|-----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | | Max. Requirements | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ³³ (%) | |
| Business Support Services | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Child Care Services | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| College or Trade School | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Club, Private, Non-Profit & Recreational | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Custom Manufacturing Facility | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Dwelling, Multiple Family | <u>C*</u> | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Eating & Drinking Establishment | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Health Service | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Household Repair Service | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Indoor Participant Recreation Service | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Library / Cultural Facility | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Other commercial use not listed | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Outdoor Patio/Eating Area | <u>C</u> | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Outside Operations | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |

³³ Site coverage is cumulative for all accessory buildings and structures.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | | Minimum Requirements | | | | | Max. Requirements | |
|--|-----------|----------------------|-----------------|-----------------|----------------|----------------|-------------------|---------------------------------|
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ³⁴ (%) |
| Personal Service Shop | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Planned Unit Development | C* | See Section 5.8 | | | | | | |
| Public Utility | C | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Retail Sales & Service | P | 5,000 | 50 | 20 | 5 | 20 | 35 | 60 |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | NP | 3 | 3 | 15 | n/a |

³⁴ Site coverage is cumulative for all buildings and structures.

CC – Commercial Corridor Zone

Intent: This zone is intended to serve commercial facilities located outside of a downtown area that require a larger site for high traffic or vehicle-related services and uses requiring direct access to a major arterial street or highway. [Reg 2.2.4]

| Table 6-12 Commercial Corridor Zone | | | | | | | | |
|---|----------------------|-----------------|-----------------|-----------------------------|----------------|-------------------|---------------------------------|----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Max. Requirements | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) ³⁵ | |
| Animal Shelter & Veterinary Service | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Auctioneering Establishment | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Automobile Service Station and Gas Bar | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Automobile, Recreational Vehicle or Farm Implement Sales/Rentals/Repairs | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Business Support Services | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Cannabis, Retail or Production ³⁶ | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Child Care Services | <u>P</u> | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Crematorium | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Custom Manufacturing Facilities | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Drive-Through Facility | <u>C</u> | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Dwelling, Multiple Family | <u>C</u> * | 6,000 | 100 | 25 | 10 | 15 | 35 | 50 |
| Eating & Drinking Establishment | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Emergency Service | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |

³⁵ Site coverage is cumulative for all buildings and structures.

³⁶ Not to be located within 1000 ft of a School or Indoor- Outdoor Participant Recreation Service.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Max. Requirements | | |
|---|----------------------|-----------------|-----------------|-----------------------------|----------------|-------------------|---------------------------------|-----|
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) ³⁷ | |
| Funeral Service | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Garages and Public Parking Areas | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Garden Centres and other seasonal businesses | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Hotel / Motel | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Indoor Participant Recreation Service | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Kennel | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Liquor Sales | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Other commercial use not listed | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Outdoor Amusement Establishment | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Outdoor Participant Recreation Service | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Outdoor Patio | <u>C</u> | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Outside Operations | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Personal Service Shop | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Planned Unit Development | C* | See Section 5.8 | | | | | | |
| Library / Cultural Facility | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Public Utility | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Retail Sales | P | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Self- Storage Facility | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |

³⁷ Site coverage is cumulative for all buildings and structures.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | | Minimum Requirements | | | | | Max. Requirements | |
|--|-------------------|----------------------|-----------------|-----------------|-----------------------------|----------------|-------------------|---------------------------------|
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard (ft) | Height (ft) | Site Coverage (%) ³⁸ |
| Shopping Centre/Strip Mall | C | 40,000 | 150 | 125 | 25 | 25 | 35 | 40 |
| Theatre | C | 6,000 | 50 | 25 | 10 | 15 | 35 | 50 |
| Accessory/Secondary Buildings & Structures | P | n/a | n/a | NP | 5 | 5 | 35 | n/a |
| Shipping containers | <u>C</u> * | n/a | n/a | 125 | 5 | 5 | 35 | n/a |

³⁸ Site coverage is cumulative for all buildings and structures.

MG – Industrial General

Intent: This zone is intended to accommodate all kinds of industrial uses (with associated shipping traffic) including construction, manufacturing, processing, distribution, transportation and warehouse uses. This zone includes developments that may by their nature cause a nuisance to other properties and are located so that industries can operate or expand safely without negatively affecting other development [Reg 1.1.3].

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | | Minimum Requirements | | | | | Max. Requirements | |
|---|-----------|----------------------|-----------------|-----------------|-----------------------------|-----------------------------|-------------------|---------------------------------|
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard ¹ (ft) | Height (ft) | Site Coverage ³⁹ (%) |
| Agrichemical Storage Facility | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Agricultural Processing Facility | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Chemical Processing and Storage | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Auctioneering Establishment (not including livestock) | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Automotive Equipment and Repair | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Bulk Storage | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Caretaker's Residence | <u>C*</u> | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Concrete Batch Plant or Asphalt Plant | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Contractors Yard | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Custom Manufacturing Establishments | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Emergency Service | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Fuel Yard (enclosed) | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |

³⁹ Site coverage is cumulative for all buildings and structures.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | | Minimum Requirements | | | | | Max. Requirements | |
|---|-----------|----------------------|-----------------|-----------------|-----------------------------|-----------------------------|-------------------|---------------------------------|
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard ¹ (ft) | Height (ft) | Site Coverage ⁴⁰ (%) |
| Manufacturing Use | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Portable Asphalt Plant | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Public Utility | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Recycling Facility | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Research Institution | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Salvage Operation / Yard | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Self-Service Storage Facility | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Sewage Treatment Site | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Trucking Operation | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Veterinary Offices | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Retail Sales | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Waste Disposal Site | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Any industrial use not specifically mentioned above | C | 7,500 | 50 | 20 | 20 | 25 | 35 | 60 |
| Accessory/Secondary Buildings & Structures ⁴¹ | P | n/a | n/a | NP | 15 | 15 | 30 | n/a |
| Shipping Containers | P* | n/a | n/a | NP | 15 | 15 | 30 | n/a |

⁴⁰ Site coverage is cumulative for all buildings and structures.

⁴¹ Accessory buildings or structures not permitted in Front Yard; 6 ft required separation from principal building.

MM – Industrial Mixed Use Zone

Intent: The Industrial Mixed Use zone allows for the co-location of low-impact industry, manufacturing, retail and service activities in a modern, mixed-use business park/employment centre development.

| Table 6-14 | | | | | | | | |
|---|----------------------|-----------------|-----------------|-----------------------------|-----------------------------|-------------------|---------------------------------|----|
| Industrial Mixed Use Zone | | | | | | | | |
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Max. Requirements | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard ¹ (ft) | Height (ft) | Site Coverage ⁴² (%) | |
| Agricultural Processing Facility | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Automobile Sales and Service | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Broadcasting & Motion Picture Studio | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Bulk Storage | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Contractors Yard | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Custom Manufacturing Establishments | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Crematorium | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Emergency Service | P | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Information Technology Use | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Kennel | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Contractor Yard | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Manufacturing Use | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Office (small) | P | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Office (Large) | P | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |

⁴² Site coverage is cumulative for all buildings and structures.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | | Minimum Requirements | | | | | Max. Requirements | |
|---|-----------|----------------------|-----------------|-----------------|-----------------------------|-----------------------------|-------------------|---------------------------------|
| | | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard ¹ (ft) | Rear Yard ¹ (ft) | Height (ft) | Site Coverage ⁴³ (%) |
| Other industrial use not listed | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Outside Operations | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Public Utility | P | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Research Institution | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| School, Commercial | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Self- Storage Facility | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Trucking Operation | C | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Retail Sales | P | 5,000 | 50 | 20 | 15 | 25 | 35 | 60 |
| Accessory/Secondary Buildings & Structures ⁴⁴ | P | n/a | n/a | NP | 15 | 15 | 35 | n/a |
| Shipping Containers | <u>P*</u> | n/a | n/a | NP | 15 | 15 | 35 | n/a |

⁴³ Site coverage is cumulative for all buildings and structures.

⁴⁴ Accessory buildings or structures not permitted in Front Yard; 6 ft required separation from principal building.

EI - Educational and Institutional Zone

Intent: This zone is intended for facilities, services and resources such as civic buildings, senior educational facilities, regional health facilities and other institutional uses that are accessible to the public [Reg 1.4.2].

| Table 6-15 Educational and Institutional Zone | | | | | | | | |
|---|----------------------|-----------------|-----------------|----------------|----------------|----------------------|---------------------------------|----|
| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Maximum Requirements | | |
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ⁴⁵ (%) | |
| Cemetery | C | 10,000 | 200 | 30 | 15 | 25 | 35 | 90 |
| Child Care Services | P | 10,000 | 100 | 30 | 15 | 15 | 35 | 40 |
| Club, Private, Non-Profit & Recreational | C | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Community Centre | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Dwelling, Multi-Unit ⁴⁶ | <u>C</u> | 10,000 | 100 | 30 | 15 | 15 | 35 | 40 |
| Eating & Drinking Establishment | <u>C</u> | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Education Service | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Emergency Service | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Extended Medical Treatment Service | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Funeral Service | C | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Hospital and Health Service | P | 10,000 | 100 | 30 | 15 | 15 | 35 | 40 |
| Indoor Participant Recreation Service | C | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Library / Cultural Facility | P | 10,000 | 100 | 30 | 15 | 15 | 35 | 40 |

⁴⁵ Site coverage is cumulative for all buildings and structures.

⁴⁶ Minimum site width for Row Houses is 30 feet.

| Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use | Minimum Requirements | | | | | Maximum Requirements | | |
|---|----------------------|-----------------|-----------------|----------------|----------------|----------------------|---------------------------------|-----|
| | Site Area (sq.ft.) | Site Width (ft) | Front Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Height (ft) | Site Coverage ⁴⁷ (%) | |
| Outdoor Participant Recreation Service | C | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Outside Operations | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Planned Unit Development | C* | See Section 5.8 | | | | | | |
| Public Park | P | n/a | n/a | 30 | 15 | 15 | n/a | n/a |
| Public Utility | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Place of Worship | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Research Institution | C | 10,000 | 100 | 30 | 15 | 15 | 35 | 40 |
| Residential Care Facility | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Retail Sales and Service | <u>C</u> | 10,000 | 100 | 30 | 15 | 15 | 35 | 40 |
| School, Senior | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| School, Elementary or Middle | P | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Spiritual and Cultural Retreats/Facilities | C | 10,000 | 200 | 30 | 15 | 15 | 35 | 40 |
| Accessory/Secondary Buildings & Structures ⁴⁸ | P | n/a | n/a | NP | 5 | 5 | 15 | n/a |
| Portable or Temporary Classrooms | C | n/a | n/a | 30 | 5 | 5 | 15 | n/a |

⁴⁷ Site coverage is cumulative for all buildings and structures.

⁴⁸ Accessory Buildings not permitted in the front yard. 6 foot separation from principal building required.

PART 7: Signage

7.1 Definitions

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

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

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

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

Sign means any writing, illustration, or emblem, which directs attention to a building, use, business, commodity, service, or entertainment.

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

Advertising or **Billboard Sign** means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same site where the sign is located.

Awning Sign means a sign that is incorporated into the material of an awning.

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

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

Digital Sign means a sign that uses electronic screens, light emitting diodes, or similar technology. Digital signs may include (but are not limited to) digital reader boards or digital static copy screens.

Fascia or **Marquee Sign** means a sign or individual letters attached to or inscribed on a wall or other surface and having the exposed face of the sign on a plane approximately parallel to the plane of such wall or other surface and projecting not more than 2 feet (0.6 metres) from the face of such wall. May include a sign attached to a marquee. A fascia sign shall

also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

Free-Standing Sign means a sign supported by one or more poles, braces or anchors that are placed permanently in the ground and that are independent from any building or other structure. Free-standing signs may include (but are not limited to) billboard signs and signs that are attached to fences.

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

Inflatable Sign means a three-dimensional device that is designed to be filled with air or gas, which may or may not incorporate writing, illustrations, or emblems.

Mobile Sign means a sign which is mounted on a trailer, stand, or other support structure which is designed in such a manner that the sign can be readily taken down or relocated, and which may include copy that can be changed through the use of removable characters, panels, or by electronic means.

Projecting Sign means a sign attached to a building, which extends perpendicularly beyond the surface of that portion of the building to which it is attached.

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

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

Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than 2 feet (0.61 m) from one another, the sign surface area of the sign shall be taken as the surface areas of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

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

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

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

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

7.2 General Sign Regulations

The regulations of this section are intended and designed to establish a minimum control of signs.

Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses.

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

- a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- b) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a rail road grade crossing.
- c) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- d) 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 one hundred (100) feet of any residential zone or Provincial Roads or Provincial Trunk Highways.
- e) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town at the owner's expense.
- f) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another.
- g) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Town unless such right is established

by agreement with the Town, and all signs shall adhere to all the setback requirements of the commercial zone in which they are located.

- h) No advertising billboard or other type of display sign shall be constructed in any Zone without the approval of the Council, except as otherwise stated herein.
- i) The following signs shall not be subject to the provisions of this PART, except wherein otherwise stated herein:
 - i. Signs posted by duly constituted public authorities in the performance of their public duties;
 - ii. Flags or emblems of a political, civic, educational or religious organization;
 - iii. Temporary signs as may be authorized by Council for not more than two (2) months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs;
 - iv. "No Trespassing" signs not exceeding three (3) sq. ft.;
 - v. Construction signs when placed on construction sites and not exceed twenty-five (25) sq. ft.; and
 - vi. Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) sq. ft. in area.
- j) No sign shall be located on town property unless written approval has been obtained from Council.
- k) Where permitted an advertising sign shall not be greater than fifty-five (55) ft. in horizontal dimension, eighteen (18) ft. in vertical dimension and shall not contain more than two (2) advertising signs per facing. The maximum height of advertising signs erected upon the ground shall not exceed forty (40) ft. above grade level at the base of such a structure.
- l) No flashing signs shall be permitted in any Zone without the approval of council. In any event no flashing sign shall be permitted within one hundred (100) ft. of any Residential Zone or Provincial Road and Provincial Trunk Highway.

Commercial/Industrial Related Use Signs

In the **Commercial Main Street** zone signs shall be permitted as follows:

- a) one illuminated or non-illuminated fascia identification or business sign identifying any use contained on the building or structure, signs having an aggregate sign surface area not exceeding twenty (20) percent of the surface of the wall to which they are attached;
- b) one illuminated or non-illuminated free-standing business or identification sign, having a maximum height not exceeding twenty-five (25) ft.; located in the required front yard, but no part of such sign shall be located nearer

the front or side site lines than one (1) foot, the total aggregate sign surface are not to exceed thirty-two (32) sq. ft.;

- c) one illuminated or non-illuminated business or identification sign not exceeding forty (40) sq. ft. may be erected on the roof of the building containing the business it identifies, which sign shall not be in addition to a fascia sign but as an alternative thereof;
- d) advertising signs shall be conditional use in the Commercial Main Street Zone.

In the **Commercial Corridor**, the **Industrial General** and the **Industrial Mixed Use** zones signs shall be permitted as follows:

- a) one illuminated or non-illuminated fascia identification sign surface area not to exceed one (1) sq. ft. for each ft. of site width of the property on which it is located, but not exceeding a total aggregate sign surface area of one hundred (100) sq. ft., for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate identification sign.
- b) any identification or business sign permitted in subclause (a) above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (100) sq. ft.
- c) advertising and other signs not provided for in subclauses (a) and (b), above, shall be conditional uses.

In the **Neighbourhood Commercial** zone, signs will be permitted as follows:

- a) One non-illuminated identification business sign attached to the building façade will be permitted; and
- b) All other signage will require the approval of Council.

The following signs shall be permitted in the **Industrial General and Industrial Mixed Use Zones**:

- a) One illuminated or non-illuminated fascia business or identification sign identifying any use contained on the building or structure, but not exceeding a total aggregate sign surface area of one hundred (100) sq. ft., for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate identification sign;
- b) Any identification or business sign permitted in clause (a) above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (100) sq. ft.;
- c) Bulletin board signs shall be permitted to a maximum size of thirty-two (32) square feet; and

- d) Advertising signs shall be conditional uses, the size of which shall be determined by Council.

Signs in the “RCC” Recreational Community Complex Zone

- a) In the “**RCC**” **Recreational Community Complex Zone**, any sign that does not conform to the signs identified in this part, will not be permitted. General signs shall be determined by Council.

Agricultural Use Class Signs

Signs in the agricultural use class shall be regulated as follows:

- a) There shall be not more than one (1) illuminated or non-illuminated identification sign having an area not exceeding one (1) square foot for each ten (10) feet of site frontage, with a maximum of one hundred (100) sq. ft.;
- b) Signs are permitted that pertain to the lease, sale or use of a site or building on which they are placed, and not exceeding a total of twelve (12) sq. ft.;
- c) Advertisement signs may be permitted as a conditional use in the **Agricultural Limited Zone**.

SCHEDULE A: ZONING MAPS

Map 1
