

TOWN OF NIVERVILLE
ZONING BY-LAW NO. 895-26

A By-law 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 By-law that is generally consistent with the development plan By-law in effect in the municipality;

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

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

- The Zoning By-law No. 895-26 attached is hereby adopted.
- The By-law shall be known as the Town of Niverville Zoning By-law.
- By-law No. 795-18, and all amendments thereto are repealed.
- This By-law shall come into force upon Third Reading.

DONE AND PASSED in Council duly assembled at the Town of Niverville, Manitoba, on

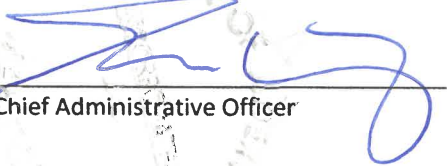
_____.

Mayor

Chief Administrative Officer

READ A FIRST TIME this 18th day of August 2026.
READ A SECOND TIME this _____ day of _____ 2026.
READ A THIRD TIME this _____ day of _____ 2026.

Certified a true copy of Bylaw No. 895-26
of the Town of Niverville, given 1st reading
on the 18th day of August AD 2026.



Chief Administrative Officer

TOWN OF NIVERVILLE ZONING BY-LAW



By-law No. 895-26

SECTION 1: HOW TO USE THIS ZONING BY-LAW.....	1
SECTION 2: APPLICABILITY AND SCOPE	3
2.1 Title.....	3
2.2 Scope	3
2.3 Application.....	3
2.4 Use and Development of Land and Buildings Must Comply	3
2.5 Restrictions in Other By-laws or Federal and Provincial Laws.....	3
2.6 Does Not Promote Nuisance	3
SECTION 3: ADMINISTRATION	4
1.1 Administration and Enforcement	4
3.1 When Development Permits are Required	4
3.2 Development Permits and Other Permits	4
3.3 When Development Permits are Not Required.....	4
3.4 Applications for Development Permits	5
3.5 Existing Development Permits	5
3.6 Development Permit Expiry.....	5
3.7 The Designated Officer	5
3.8 Roles of the Designated officer	6
3.9 Responsibilities of Council	6
3.10 Application for Amendments, Variances, and Conditional Uses.....	6
3.11 Expiry of Approval	7
3.12 Subdivisions	7
3.13 Development Agreement	7
3.14 Existing Uses, Buildings, and Structures	7
3.15 Site Reduced	7
3.16 Non-Conformities	7
3.17 Interpretation	8
3.18 Enforcement	10
SECTION 4: GENERAL REGULATIONS	11
4.1 Regulation of Uses	11
4.2 Multiple Uses or Provisions	11
4.3 Secondary Uses and Structures	11
4.4 Accessory Buildings and Structures	11
4.5 Required Yards	12
4.6 Temporary Buildings, Structures, or Uses	13
4.7 Road Access	13
4.8 Service Connections	13
4.9 Public utilities	14
4.10 Bare Land Condominiums.....	14
4.11 Setback Standards	16
4.12 Air Conditioning Units, Pool Equipment, and Compressors	16
4.13 Height Exceptions	16
4.14 Future Road Allowance Deemed Existing.....	16
4.15 Outdoor Lighting.....	16
4.16 Minimum Parking Requirements.....	17
4.17 Loading Requirements.....	23
4.18 Entrances and Exits for Auto-Oriented Businesses	24

4.19	Vehicular-Oriented Uses.....	24
4.20	Fences.....	25
4.21	Private Communication Facilities	26
4.22	Signage	27
SECTION 5: ZONES.....		30
5.1	Establishing Zones	30
5.2	Zoning Boundaries.....	33
5.3	Permitted and Conditional Uses.....	33
5.4	Bulk Regulations	38
SECTION 6: USE-SPECIFIC STANDARDS		44
1.1	Animal Keeping.....	44
6.1	Apiaries.....	44
6.2	Automobile, Recreational Vehicle, and Farm Implement Sales/ Rentals/ Repairs	44
6.3	Bed and Breakfast Establishments	44
6.4	Campgrounds or RV Parks	45
6.5	Caretaker’s Residence	45
6.6	Dwelling, Two-Unit.....	45
6.7	Dwelling, Multi-Unit	45
6.8	Home-Based Businesses	46
6.9	Home Industries	47
6.10	Manufactured Homes.....	47
6.11	Planned Unit Developments.....	48
6.12	Portable Garages	48
6.13	Secondary Suites	49
6.14	Shipping Containers.....	49
6.15	Solar Collectors.....	50
6.16	Swimming Pools and Hot Tubs	50
6.17	Wind Energy Generating Systems	51
SECTION 7: DEFINITIONS.....		52
7.1	Definitions in The Planning Act.....	52
7.2	Definitions in this By-law	52
SCHEDULE A: ZONING MAPS		76

SECTION 1: HOW TO USE THIS ZONING BY-LAW

This Zoning By-law regulates the use, size, height, and location of buildings on properties within the Town. 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 5: 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 Use Table in [Part 5: 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 not listed in the table will require an amendment to the Zoning By-law.
- Uses marked with use-specific requirements are provided in [Part 6: 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 Dimensional Standards Table in [Part 5: Zones](#).
- The Dimensional Standards 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 [Part 4: General Regulations](#) and [Part 7: Definitions](#).

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, demolition, additions, major landscaping) on a property.
- Check [Part 3: Administration](#) 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 By-law and other applicable By-laws.
- If you need a development permit, fill out a 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.

SECTION 2: APPLICABILITY AND SCOPE

2.1 TITLE

This By-law shall be known as the Town of Niverville Zoning By-law.

2.2 SCOPE

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

2.3 APPLICATION

This By-law 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.

2.4 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 By-law.

2.5 RESTRICTIONS IN OTHER BY-LAWS OR FEDERAL AND PROVINCIAL LAWS

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

2.6 DOES NOT PROMOTE NUISANCE

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

SECTION 3: ADMINISTRATION

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

1.1 ADMINISTRATION AND ENFORCEMENT

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

3.1 WHEN DEVELOPMENT PERMITS ARE REQUIRED

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

- 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 of land, a building, or structure.

3.2 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 By-law, or another By-law or regulation, for such a building or structure.

3.3 WHEN DEVELOPMENT PERMITS ARE NOT REQUIRED

- a) A development permit is not required for the following:
 - i) incidental alterations
 - ii) agricultural cropping of land
 - iii) the erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - 1) fences
 - 2) signs not specifically requiring a development permit
 - 3) outdoor lighting
 - 4) flagpoles on private property (in the front yard, not exceeding 30 feet in height, and maintaining a 3 ft side yard setback)
 - 5) sheds and buildings for the storage of domestic equipment and supplies with a floor area of less than 108 sq ft (including sheds and buildings on skids)
 - 6) garden houses and pergolas less than 108 sq ft
 - 7) children's playhouses/equipment
 - 8) private communications facilities less than 20 ft tall or 2 ft in diameter

- 9) unenclosed patios at ground level
 - 10) decks under 24 inches in height (attached or detached)
 - 11) pools, hot tubs, and similar above-ground structures with a water depth of 2 ft or less
 - 12) 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 2 ft above grade
- b) Despite not requiring a development permit, all items in this provision shall be subject to requirements of this By-law.

3.4 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, 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.

3.5 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.

3.6 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 has not started within 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.

3.7 THE DESIGNATED OFFICER

In accordance with *The Planning Act* the Designated Officer is hereby established. The Designated Officer shall be appointed by the Chief Administrative Officer.

3.8 ROLES OF THE DESIGNATED OFFICER

The Designated 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 By-law, the Building By-law (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 By-law by no more than 15%;
 - ii) the number of parking spaces required by the Zoning By-law by no more than 15%.

Disagreements regarding the interpretation of the Zoning By-law may be forwarded to the Chief Administrative Officer for interpretation.

3.9 RESPONSIBILITIES OF COUNCIL

Subject to the provisions of *The Planning Act*, 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.

3.10 APPLICATION FOR AMENDMENTS, VARIANCES, AND CONDITIONAL USES

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

- a) plans drawn to scale showing the shape and dimensions of the affected property.
- b) plans drawn to scale showing the location and dimensions of existing buildings and structures.
- c) plans drawn to scale showing the location and dimensions of the proposed building, structure, enlargement or alteration.
- d) 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.
- e) a description of the reason why the variance, conditional use, or amendment to this By-law is being requested.

- f) any other information required by the Designated Officer to determine compliance with, and to provide for enforcement of, this By-law.

3.11 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 in the opinion of the Designated Officer within 12 months of the date of decision unless it is renewed prior to the expiry date for an additional period of twelve months (subject to the *Planning Act*).

3.12 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.

3.13 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*.

3.14 EXISTING USES, BUILDINGS, AND STRUCTURES

A legally existing use (i.e. developed in compliance with the Zoning By-law in effect at the time of development), 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.

3.15 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.

3.16 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:

- a) Any lawful building or structure which does not conform to one or more of the applicable yard requirements of the zone in which it is 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;

- b) 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*;
- c) Repairs or incidental alterations may be made to a non-conforming structure subject to approval and issuance of a development permit, where necessary;
- d) 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;
- e) A person with an interest in a building, parcel of land, or operation involving the use of land may apply to the Designated Officer for a Zoning Memorandum in accordance with the provisions of *The Planning Act*;
- f) Pursuant to the provisions of *The Planning Act*, where Council determines that a building or structure is damaged or destroyed 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;
- g) 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:
 - i) That the building, structure, or use is listed as a permitted or conditional use within the zone in which said use is located;
 - ii) 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
 - iii) Variance orders have been obtained to alter the requirements within the particular zone;
- h) Notwithstanding the provision of this subsection, a variance order shall not be required where a legally 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;
- i) 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 12 consecutive months must not be used after that time except in conformity with the Zoning By-law; and
- j) A use that is accessory to a legally non-conforming use may continue as long as the legally non-conforming use exists.

3.17 INTERPRETATION

In the 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 Section 3: Administration, Section 4: General Regulations, Section 7: Definitions, and Schedule A: 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. Disagreements regarding the interpretation of the Zoning By-law may be forwarded to the Chief Administrative Officer for clarification.

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 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.

3.18 ENFORCEMENT

Where a By-law Enforcement Officer believes that a person has contravened any provision of this By-law, the By-law Enforcement Officer or Designated Officer may commence proceedings against the person pursuant to the *Town of Niverville Municipal By-law Enforcement By-law*.

SECTION 4: 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 By-law.

4.1 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 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

4.2 MULTIPLE USES OR PROVISIONS

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

4.3 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 unless approval in writing has been provided by the Designated Officer; and
- d) the maximum number of secondary uses, buildings, and structures on a residential lot shall be one.

4.4 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 or adjacent to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this By-law 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 By-law 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 in the RSL, RSU, RLD, and CMS zones shall be three with the exception of children's playhouses or play equipment not counting towards accessory totals.

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

4.5 REQUIRED YARDS

Required yards shall be free of buildings, except accessory buildings and structures, which must conform to the other requirements of this By-law.

4.5.1 Projections into Required Yards

- a) Open, unclosed 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% of the required yard depth, up to a maximum of 10 ft, except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.
- b) Enclosed projections, whether vertical or horizontal, such as chimneys, bay windows, alcoves, enclosed decks, decks with pergolas, and electrical meter enclosures may not extend into the required yards.
- c) Flagpoles may be placed in front or rear yards, with a minimum 3ft setback from side site line, up to a maximum height of 30 feet.
- d) Fences are permitted in all required yards and can be placed up to the property line.

4.5.2 Established Street Standards for Front Yards

Where a new dwelling or an addition to a dwelling is proposed within a street block or a portion of a street block where at least 50 per cent of the lots have been developed with principal structures, and the minimum front yard required by the Bulk Table is inconsistent with the majority of existing front yards for developed sites on the street block, the new structure should be developed (subject to the discretion of the Designated Officer), with a front yard consistent with the average of the existing front yards within that block or portion of the block. In the case of a corner site, either the average 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.

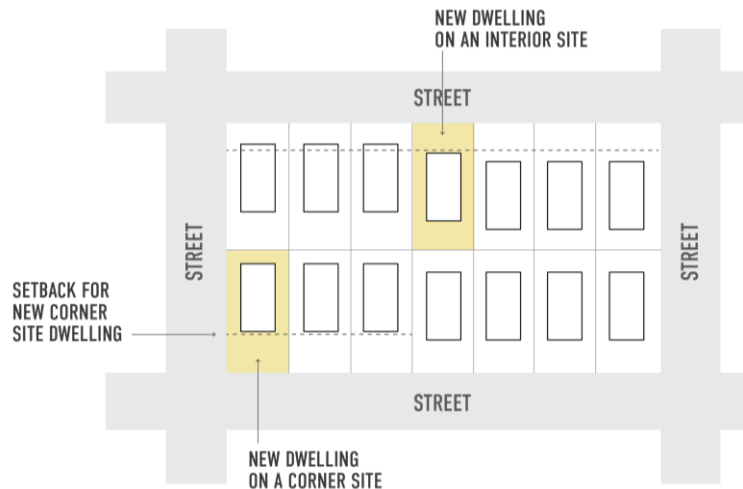


Figure 1: Established Street Standards for Front Yards

4.6 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 the Designated Officer; 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.

4.7 ROAD ACCESS

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

4.8 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.

Where an existing permanent principal building is not connected to municipal services and the property has municipal service connections available for connection, the principal building must connect to municipal services in the event their private services fail. "Fail" means that a replacement of the service is required, as repairs to existing services are permissible.

Where the density of a residential site is increasing from one to three or more units, either through subdivision of the lot or through the redevelopment and intensification of the lot, the new development must be connected to municipal piped sewer and water.

4.9 PUBLIC UTILITIES

- a) This By-law shall be interpreted so as not to interfere with the construction, erection, and location of a public and private utility's works, plant, pipes, cables, or equipment.
- b) All lots may be required to provide an easement (or easements) in order to accommodate servicing associated with public and private utilities.

4.10 BARE LAND CONDOMINIUMS

4.10.1 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 Figure 2) that complies with the following conditions:

- a) The minimum width of the surface of an auto court must be 20 ft;
- 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 23 ft 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 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.

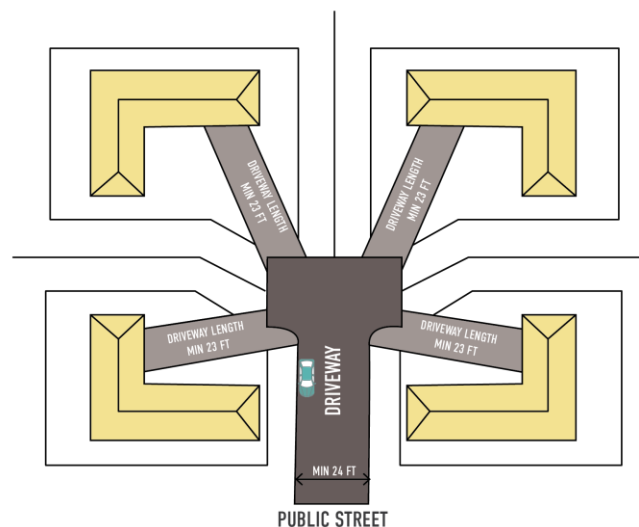


Figure 2. Bare Land Condominium – Auto Courts

4.10.2 Loop Lane

Single residential dwelling units may share access to a public street through the use of a loop lane layout (see Figure 3) that complies with the following conditions:

- a) The surface of the loop lane must be at least 24 ft 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 250 ft from the public street to which the loop lane gives access;
- c) The common area surrounded by the loop lane must be at least 60 ft wide;
- d) Individual driveways leading from the loop lane to each home must be at least 23 ft 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 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.

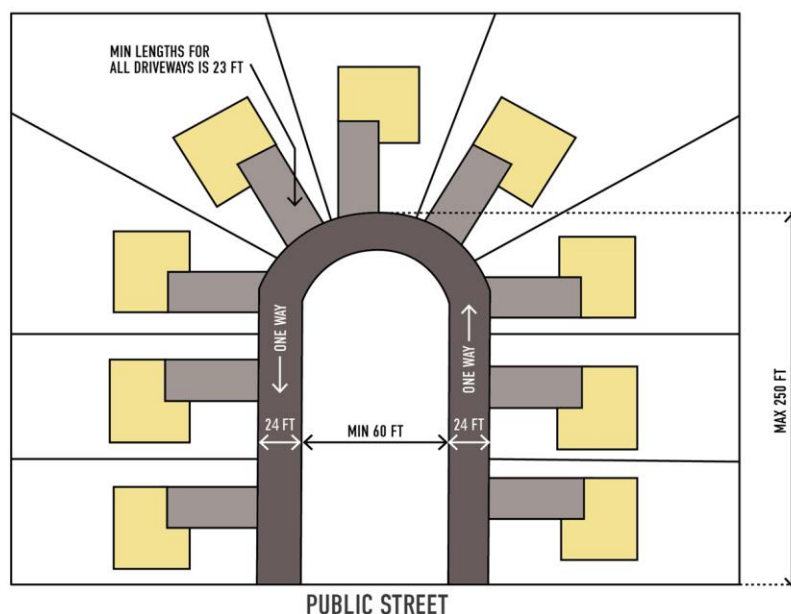


Figure 3. Bare Land Condominium - Loop Lane

4.11 SETBACK STANDARDS

- a) No dwelling unit shall be located within 1,000 ft of the boundary of a municipal sewage lagoon.
- b) No dwelling unit shall be located within 1,320 ft 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*.

4.12 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 ft to a side site line in all Residential Zones.

4.13 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.

4.14 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.

4.15 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 ft.
- 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).

4.16 MINIMUM PARKING REQUIREMENTS

- a) Accessory off-street parking spaces shall be provided according to the minimum number of spaces as calculated in Table 1.
- b) All accessory off-street parking spaces shall be located on the same site as the principal use, unless specifically permitted to locate elsewhere.
- c) When any new development is proposed, including a change of use of an existing development, or the expansion or intensification of an existing development, the minimum parking requirements must be met.
- d) Accessory off-street parking spaces may be surface or structured.

Table 1. Minimum Off-Street Parking Requirements

Minimum Parking Space Requirements		
Use	Use Class*	Number of Parking Spaces Required
Residential	Micro-suite	1.0 / Dwelling Unit
	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 or Sleeping Unit
	Bed and Breakfast Facility	1.0 / Dwelling or Sleeping Unit in addition to the primary use.
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 contiguous uninterrupted feet of applicant's property fronting on Main Street
Industrial	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	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.
*Where a proposed use is not listed above, the parking requirement shall be determined by the Designated Officer. Refer to Use Specific Standards for additional parking requirements.		

4.16.1 General Regulations

- a) Off-street parking requirements in the **CMS** 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 contiguous uninterrupted feet of property fronting Main Street (including the area in front of a fire hydrant, bump-outs, or similar features);
- b) 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 the Designated Officer that the complementary use of the parking facilities would warrant a reduction in the parking requirements;
- c) Parking lots shall be provided with driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;
- d) Parking areas must be constructed of concrete, asphalt, paving stones, or other approved material to the street edge, as determined by the Designated Officer, and may require a drainage plan stamped by a professional engineer registered in the province. Residential and commercial uses being substantially improved (i.e. greater than 50% of the assessed value of the property) must comply with this requirement, as determined by the Designated Officer;
- e) Should a property not be served by a public road that is hard-surfaced with asphalt or concrete, or be located within the AG zone, the above paragraph does not apply;
- f) Where parking areas are provided in any zone and lighting facilities are provided, such lights shall be shielded and directed so that illumination is cast away from any adjoining residential area; and
- g) 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.

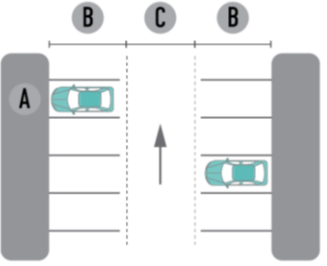
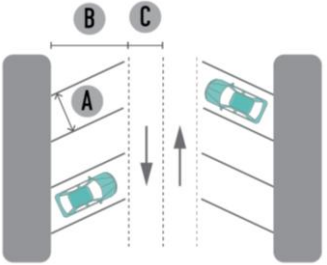
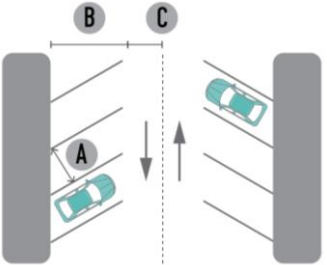
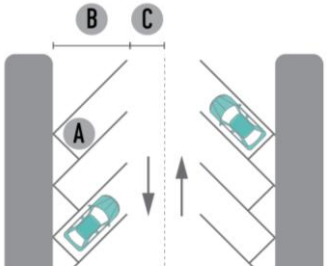
4.16.2 Parking Area Layout and Design

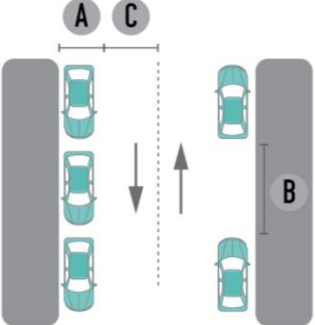
The layout and design of the parking area shall be as follows:

- a) The layout and design of the parking area shall be in accordance with
 - i) Table 2. Parking Area Layout;
 - ii) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns;
 - iii) 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;
 - iv) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;
 - v) The off-street parking area shall be provided with an access driveway with a minimum width of 10 ft to a street or lane;
 - vi) Except as provided for in iii), an aisle or driveway shall not mean a street or lane; and

- vii) 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.

Table 2. Parking Area Layout

Configuration	Angle	Minimum Stall Dimensions		Minimum Aisle Width (c)	
		Width (a)	Length (b)	Two-Way	One-Way
	75° - 90° (Head-In)	2.75 m (9 ft)	6.1 m (20 ft)	7.3 m (24 ft)	7.3 m (24 ft)
	60° - 75° (Angled)	2.75 m (9 ft)	6.1 m (20 ft)	7.3 m (24 ft)	5.5 m (18 ft)
	45° - 60° (Angled)	2.75 m (9 ft)	6.1 m (20 ft)	7.3 m (24 ft)	4.0 m (13 ft)
	30° - 45° (Angled)	2.75 m (9 ft)	6.1 m (20 ft)	7.3 m (24 ft)	3.7 m (12 ft)

	0° (Parallel)	2.75 m (9 ft)	6.7 m (22 ft)	7.3 m (24 ft)	3.7 m (12 ft)
---	------------------	---------------	---------------	---------------	---------------

4.16.3 Accessible Parking Spaces

In all zones except **RSL**, **RSU**, **RLD**, and **RMD**, and in addition to 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 disabilities, in accordance with the following requirements:

- a) Each accessible parking space:
 - i) must be at least 11.5 ft wide if in a parking area perpendicular or parallel to the roadway, or 9 ft wide with a 5 ft wide shared access aisle between two parking spaces (see Figure 3 below);
 - ii) must be located as part of the shortest accessible route, or within 200 ft of major building entrances used by residents, employees, or the public; and
 - iii) must include signage reserving the space for use by persons with disabilities using the International Pictogram of Access.
- b) At least one curb ramp must be located within 100 ft of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance; and
- c) Be provided as per the accessible parking space requirements as follows:

Table 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

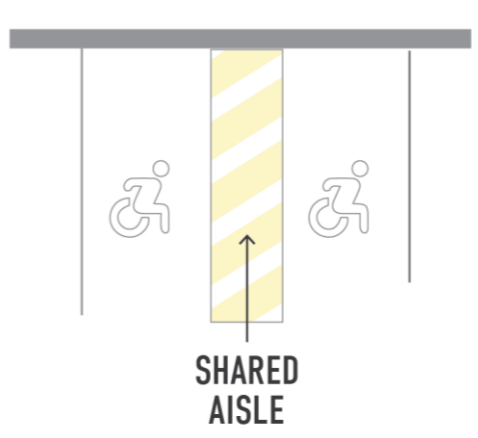


Figure 4: Shared Aisle for Accessible Parking

4.16.4 Visitor Parking Spaces

Visitor parking spaces shall be provided for all multi-unit residential and mixed-use developments with congregate parking areas/lots providing at least 7 residential units. One visitor parking space must be provided for every 8 residential units.

4.16.5 Residential Parking

The following regulations shall apply to all parking areas in **Residential Zones** as required by this By-law unless otherwise specified:

- a) Driveways in **Residential Zones** must be at least 23 ft in length in order to ensure that the parked vehicle does not encroach upon the sidewalk or other public right of way.
- b) Driveways in **Residential Zones** shall be no more than 30% 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. The portion of the driveway between the property line and the street boundary (curb/gravel or pavement) shall be no wider than the driveway at the property line. For lots that have an irregular approach (e.g. cul de sac lot), the driveway alignment between the property line and the street boundary cannot be outside the extension of the lot line. For properties on a radius, the measurement taken at the street boundary will be typically parallel to the measurement done at the property line (straight across).
- c) No person may park or store a vehicle on any part of any yard of a property unless that part is an improved driveway.
- d) No driveway in any zone can encroach into a public right of way.
- e) If the dwelling unit is 500 sq ft or less, the parking requirement for the dwelling unit is reduced from two to one.
- f) If a motor vehicle is made available for the shared and exclusive use of the residents of a multi-unit dwelling, then the total parking requirement is reduced by five (5) parking stalls for each motor vehicle provided.
- g) Parking stalls located within an individual, dedicated garage in a Multi-Unit Dwelling do not contribute towards the parking requirements as outlined in Table 1.

4.17 LOADING REQUIREMENTS

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

Table 4. Minimum Required Loading Spaces

Standards	RMU	CN	CC	MG	MMU	EI	Unit
Retail & Office (greater than 10,000 sq ft)	1.0	1.0	1.0	1.0	1.0	1.0	Per 20,000 sq ft of floor area of primary building
Civic (greater than 10,000 sq ft)	1.0	1.0	1.0	1.0	1.0	1.0	Per 30,000 sq ft of floor area of primary building
Industrial	1.0	1.0	1.0	1.0	1.0	1.0	Per 20,000 sq ft of floor area

4.17.1 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 ft long, 12 ft wide and have a vertical clearance of at least 14 ft,
- 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.

4.18 ENTRANCES AND EXITS FOR AUTO-ORIENTED BUSINESSES

High traffic areas, including but not limited to automobile service stations, public parking areas, shopping centres, 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 5. Entrance and Exit Requirements

Minimum width of an entrance or exit	20 ft
Minimum width of a combined entrance and exit	25 ft
Maximum width of an entrance or exit	40 ft
Maximum width of a combined entrance and exit	60 ft
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
Minimum distance between an entrance and exit if not combined	30 ft

4.19 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:

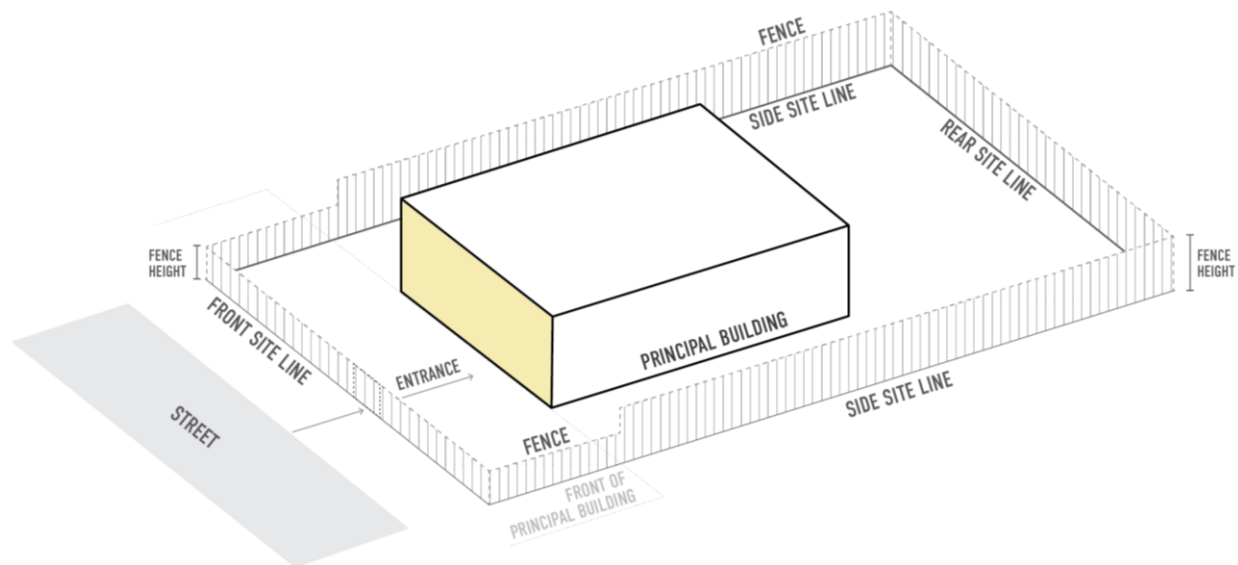
- g) For Drive-Through Food Services and other Commercial Use Class developments having a drive-up service window, a minimum of four in- bound stacking spaces shall be provided for vehicles approaching the drive-up service window. One out-bound stacking space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
- h) For Rapid Drive-Through Vehicle Services, a minimum of 3 in-bound and 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 5 in-bound and 2 out-bound stacking spaces shall be provided for each service bay.

- i) For Automated Teller Machines, a minimum of 3 in-bound stacking spaces shall be provided, as measured from the teller window, or automated teller machine (ATM).
- j) All stacking spaces shall be a minimum of 20 ft long and 10 ft wide. Stacking lanes shall provide sufficient space for turning and manoeuvring.
- k) 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:

- l) All pump islands and underground storage tanks shall be located at least 20 ft from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
- m) Refuelling areas are not permitted in a required parking area.
- n) A canopy over a pump island may extend to within 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.
- o) Parking stalls provided at the pump island will count towards the overall parking requirement at the rate of 1 space for every 2 pumps.

4.20 FENCES



4.20.1 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. The Designated Officer has discretion to establish the grade at which fence height is determined.

4.20.2 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 in any Residential or Commercial zone.
- 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.

4.20.3 Maximum Fence Height

No fence shall exceed the following heights:

Table 6. Fence Heights in All Zones

	PR	AL	RR	RSU	RSL	RLD	RMD	RHD	RMU	RCC	CMS	CN	CC	MG	MM	EI
Fence Height: Front Yard (Max)	8ft	8ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	8 ft	10 ft	8 ft	3 ft
Fence Height: Side and Rear Yards (Max)	10 ft	10 ft	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft	8 ft	8 ft	10 ft	10 ft	6 ft

4.21 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).

4.22 SIGNAGE

4.22.1 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 railroad grade crossing.
- c) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- d) No flashing signs shall be permitted in any zone without the approval of the Council (blinking or intermittent/flashing light, resemblance of an emergency light, or the illusion of such effects). In any event, no flashing sign shall be permitted within 100 ft 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 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 2 ft 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.
- h) No advertising billboard or other type of display sign shall be constructed in any Zone without the approval of the Designated Officer, 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 (not including election or real estate signs) as may be authorized by the Designated Officer for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction, and location of such signs;
 - iv) "No Trespassing" signs not exceeding 3 sq ft;
 - v) Construction signs when placed on construction sites and not exceed 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 5 sq ft in area.
- j) No sign shall be located on town property unless written approval has been obtained from the Designated Officer.
- k) Where permitted the maximum height of an advertising sign shall not exceed 40 ft above grade level at the base of such a structure.
- l) Billboards and other signs directing attention to a business, commodity, or message offered elsewhere than upon the same zoning lot on which that sign is located is a conditional use in all zones. Mobile and temporary advertising signs may be permitted in accordance with regulations in Temporary Signs, and may require a development permit.
- m) Illuminated signs shall be equipped with automatic dimming technology that adjusts the sign brightness in correlation with ambient light conditions, so as not to be a nuisance or safety issue.
- n) Within a parking area, 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 sq ft in area at each point of entrance and exit.
 Such signs may bear the name of the business that the parking area is associated with.

4.22.2 Temporary Signs

- a) A Temporary Sign on private property shall be removed within seven days after the date of the advertised community event or at the discretion of the Designated Officer.
- b) Temporary Signs on public property include, estate sale, open houses, election signs, construction signs, providing that:
 - i) The sign does not exceed 16 sq ft in area.
 - ii) The sign indicates the date of the event.
 - iii) The sign is not placed within 50 ft of an intersection.
 - iv) The sign is not placed on public property more than two days in advance of the event.

4.22.3 Commercial/Industrial Related Use Signs

In the **CMS**, **CC**, **MG** and **MM** zones promotional/identification signs are permitted as follows:

- a) A maximum of two (2) illuminated or non-illuminated fascia signs for any use contained in the building or structure, signs having a surface area not exceeding 50% of the surface of the wall to which they are attached or 100 sq ft per use (whichever is less);
- b) One illuminated or non-illuminated free-standing sign on the property, which would include any use contained on the property, having a maximum height not exceeding 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 1 ft, the total aggregate sign surface is not to exceed 32 sq ft per use;
- c) One sandwich board or sidewalk sign, not exceeding 12 sq ft, provided that they are removed daily and never situated on public property;
- d) Mobile signs are not permitted. If an existing mobile sign is discontinued or removed, the sign cannot be replaced with another mobile sign;

- e) An accessory building or structure shall not qualify for a separate sign; and
- f) Signs are not permitted on any roof.

In the **CN** zone, promotional/identification signs are permitted as follows:

- g) Up to two (2) signs, whether illuminated or non-illuminated, may be attached to the building façade and shall not exceed 100 sq ft per sign, per use contained within the building or structure;
- h) Illuminated signs shall only be permitted where the façade to which the sign is attached does not abut, face, or overlook a lot line adjoining a residential zoning district;
- i) One non-illuminated free-standing sign on the property, which would include any use contained on the property, having a maximum height not exceeding 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 1 ft, the total aggregate sign surface is not to exceed 32 sq ft per use;
- j) One sandwich board or sidewalk sign, not exceeding 12 sq ft, provided that they are removed daily and never situated on public property;
- k) Mobile signs are not permitted. If an existing mobile sign is discontinued or removed, the sign cannot be replaced with another mobile sign;
- l) An accessory building or structure shall not qualify for a separate sign; and
- m) Signs are not permitted on any roof.

In the **RCC** zone, promotional/identification signs are permitted as follows:

- n) All signage will require the approval of the Designated Officer.
- o) Mobile signs are not permitted.

In the **AL** Zone, signs are permitted as follows:

- p) One illuminated or non-illuminated identification sign having an area not exceeding 1 sq ft for each 10 ft of site frontage, to a maximum of 100 sq ft;
- q) A sign is permitted that pertains to the lease, sale, or use of a site or building on which it is placed, and is not exceeding a total of 12 sq ft;
- r) Mobile signs are not permitted; and
- s) Advertisement signs are not permitted.

In the **RMD** and **RHD** zones are permitted as follows:

- t) All signage will require the approval of the Designated Officer.
- u) Mobile signs are not permitted; and
- v) Advertisement signs are not permitted.

SECTION 5: ZONES

5.1 ESTABLISHING ZONES

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

Table 7: Zones

ZONE		INTENT
Parks and Open Space	PR	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
Agriculture Limited	AL	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.
Rural Residential	RR	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.
Residential Single Unit	RSU	This zone is intended to accommodate residential dwellings of one unit and complementary uses. Secondary suites are permitted according to Use-Specific Standards.
Residential Small Lot	RSL	This zone is intended to accommodate residential dwellings of one and two units, and complementary uses, on smaller lots.
Residential Low Density	RLD	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. Secondary suites are permitted according to Use-Specific Standards.
Residential Medium Density	RMD	This zone is intended to accommodate multiple unit dwellings providing between three and six units, as well as single and two-unit dwellings.
Residential High Density	RHD	This zone is intended for multiple unit dwellings providing more than six units.

Residential Mixed Use	RMU	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.
Recreational Community Complex	RCC	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.
Commercial Main Street	CMS	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.
Commercial Neighbourhood	CN	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.
Commercial Corridor	CC	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.
Industrial General	MG	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.
Industrial Mixed Use	MM	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.
Educational and Institutional	EI	This zone is intended for facilities, services, and resources such as civic buildings, educational facilities, regional health facilities and other institutional uses that are accessible to the public.

5.2 ZONING BOUNDARIES

The zones established above in 5.1 shall apply within the boundaries of the zones shown on the maps in Schedule A: Zoning Maps following these rules of interpretation:

- a) boundaries indicated as approximately following the centrelines 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.

5.3 PERMITTED AND CONDITIONAL USES

The uses prescribed for parcels within each zone are those set out in the Use Table as follows:

Table 8: Use Table

P = Permitted

C = Conditional

Underline = Only as a Secondary or Accessory Use

If blank, the use is Not Permitted.

U.S.S. = Use Specific Standard

USE	PR	AL	RR	RSL	RSU	RLD	RMD	RHD	RMU	RCC	CMS	CN	CC	MG	MM	EI	U.S.S.
Accessory Structure/Secondary Buildings and Structures	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Advertising Signs (Third Party)		<u>C</u>								<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Agrichemical Storage Facility														C			
Agricultural Processing Facility		<u>C</u>												C	C		
Animal Keeping		<u>C</u>															1.1
Animal Shelter, Kennel, or Pet Daycare		<u>P</u>	C								C	C	P	C	C		
Auctioneering Establishment													C	C	C		
Auctioneering Establishment (Not Including Livestock)													C	C	C		
Automobile Sales and Service													C	C	C		
Automobile Service Station and Gas Bar											C		P	C	C		
Automobile, Recreational Vehicle, and Farm Implement Sales/ Rentals/ Repairs													P	P			6.3
Bed and Breakfast		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>								6.3
Boarding, Fraternity, and Sorority House			<u>C</u>		<u>C</u>	C	C	C	C								
Broadcasting and Motion Picture Studio											C		C	C	C		
Bulk Storage		<u>C</u>												C	C		
Cannabis Cultivation, Production, and Processing		<u>C</u>												C	C		
Cannabis, Retail											C		C	C	C		
Camping and Tenting Grounds	C																6.4

USE	PR	AL	RR	RSL	RSU	RLD	RMD	RHD	RMU	RCC	CMS	CN	CC	MG	MM	EI	U.S.S.
Caretaker's Residence														<u>C</u>			
Cemetery	C															C	
Cereal and Special Crop Production		P															
Chemical Processing and Storage														C	C		
Childcare Services	<u>C</u>	C	<u>C</u>		<u>C</u>	<u>C</u>	C	C	C	C	P	P	P			P	
Club, Private, Non-Profit & Recreational	C									C	C	C	C			C	
Club, Recreational (Private or Non-Profit)	C									C	C	C	C				
College or Trade School										C	C	C				P	
Community Centre	P									C		C	C			P	
Concrete Batch Plant or Asphalt Plant														C	C		
Contractor's Yard														C	C		
Crematorium													C	C	C		
Custom Manufacturing Establishments		C									C	C	C	C	C		
Drive-Through Facility												<u>C</u>	<u>C</u>				
Dwelling, Single-Unit		C	P	p	P	P	C	C	P								
Dwelling, Two-Unit						P	C	C	P								6.6
Dwelling, Multi-Unit							P	P	P	C	C	<u>C</u>	<u>C</u>			<u>C</u>	6.7
Eating & Drinking Establishment	<u>C</u>									P	P	C	P	C	C	<u>C</u>	
Education Service									C	C	C	C	C	C	C	P	
Emergency Service										P			P	C	C	P	
Equestrian Establishment		C															
Farmstead Site		P															
Fuel Yard (Enclosed)		C												C	C		
Funeral Service	C										C	C	P			C	
Garden Centre/Nursery		C											C	C	C		
Garages and Public Parking Areas	C								C	C	C	C	C	C	C	C	

USE	PR	AL	RR	RSL	RSU	RLD	RMD	RHD	RMU	RCC	CMS	CN	CC	MG	MM	EI	U.S.S.
Garden Centres and Other Seasonal Businesses		<u>C</u>											C	C	C		
Golf Course	C																
Group Home		C	C		C	C	C		C								
Home-Based Business		<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>								6.8
Home Industry		<u>C</u>	<u>C</u>														6.9
Hospital																P	
Hotel/Motel											C		C				
Household Repair Service											P	C	C	C	C		
Indoor Participatory Recreation Service	P									P	C	C	C	C	C	P	
Information Technology Use											P	P	P	C	C		
Library/Cultural Facility	<u>C</u>									P	P	C	P			P	
Liquor Sales											C	C	C				
Manufacturing Use		<u>C</u>											C	C	C		
Medical / Therapy Clinic										C	P	P	P			P	
Office (Small)		<u>C</u>							P	P	C	C	C	C	C		
Office (Large)										C	C	C	C	C	C		
Other Commercial Use Not Listed										C	C	C	C				
Other Industrial Use Not Listed														C	C		
Outdoor Amusement Establishment													C				
Outdoor Patio/Eating Area										<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				
Outdoor Participant Recreation Service	P									P		C	C			C	
Outside Operations		P							C	P	<u>C</u>	C	C	C	C	C	
Personal Service Shop									P	P	P	C	P				
Place of Worship					C	C	C	C	C			C	C			P	
Planned Unit Development			C				C	C	C	C	C	C	C	C	C	C	6.11
Play Structure	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			P	
Portable Asphalt Plant														C			

USE	PR	AL	RR	RSL	RSU	RLD	RMD	RHD	RMU	RCC	CMS	CN	CC	MG	MM	EI	U.S.S.
Portable or Temporary Classrooms																<u>C</u>	
Professional / financial / office services									P		P	P	P				
Public Park	P				P	P	P	P	P							P	
Public Utilities, including communication installations	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	
Recycling Facility														C	C		
Research Institution												C	C	C	C	P	
Residential Care Facility							C	C	C			C				P	
Retail, Sales and Service									C	P	P	P	P	C	C	<u>C</u>	
Salvage Yard														C			
Schools, Private or Public																P	
Secondary Suite		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								6.13
Self-Storage Facility													C	C	C		
Sewage Treatment Site														C			
Shipping Container		<u>P</u>	<u>C</u>							<u>C</u>	<u>C</u>		<u>C</u>	<u>P</u>	<u>C</u>		6.14
Shopping Centre/ Strip Mall											C	C	C				
Solar Collectors	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	6.16
Specialized Agriculture		C															
Spiritual/ Cultural Retreats/ Facilities																C	
Theatre										C	C	C	C				
Trucking Operation														C	C		
Veterinary Office											C	C	C	C	C		
Warehouse													C	C	C		
Waste Disposal Site														C			
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>	<u>C</u>	6.16 7

5.4 BULK REGULATIONS

5.4.1 Dimensional Standards

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 By-law.

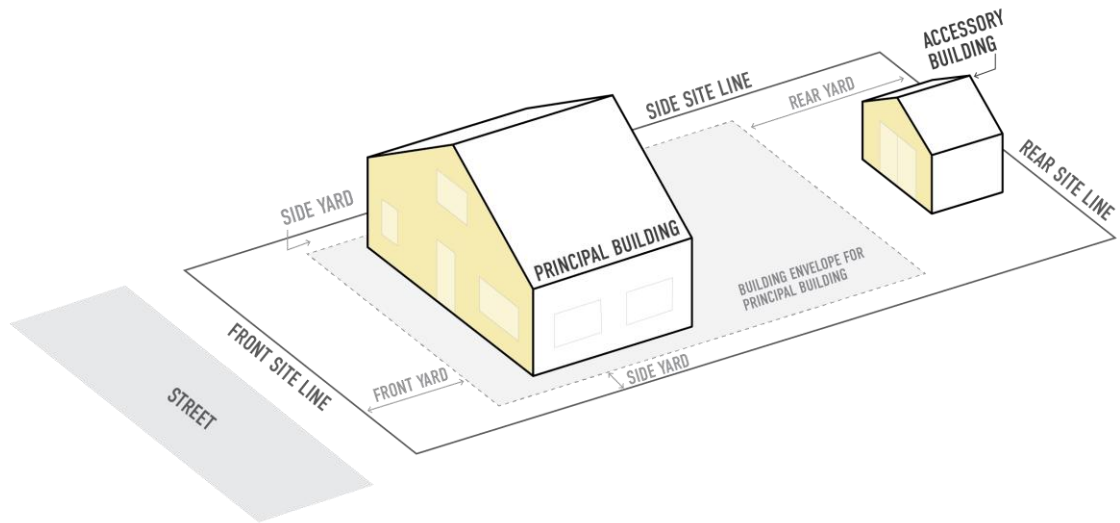


Table 8. Bulk Dimensional Standards for Zone Categories

ZONE	USE	SITE			YARD			FORM
		AREA (sq ft) (MIN)	WIDTH (sq ft) (MIN)	COVERAGE (%) (MAX) ^a	FRONT (ft) (MIN)	SIDE (ft) (MIN) ^b	REAR (ft) (MIN)	HEIGHT (ft) (MAX) ^c
PR	Community Centre	80,000	200	-	30	15	15	30
	Golf Course	80,000	200	-	30	25	25	30
	Indoor Participatory Recreation Service	10,000	80	40	30	5	5	30
	Library/ Cultural Facility	5,000	50	40	30	5	5	30
	Outdoor Participatory Recreation Service	10,000	80	40	30	25	25	30
	All Other PR Uses	40,000	200	40	30	15	15	30
	Accessory/Secondary Buildings and Structures	-	-	-	-	3	3	15
AL	Cereal and Special Crop Production	80 ac	1,200	-	75	25	25	35
	Animal Keeping, Kennels, or Equestrian Establishments ^d	4 ac	200	40	75	25	25	30
	All Other AL Uses	2 ac	200	40	75	25	25	30
	Accessory/Secondary Buildings and Structures ^e	-	-	-	75	15	15	30
RR	All RR Uses	40,000	100	40	50	15	25	35

^a Site coverage is cumulative for all buildings and structures (including Accessory Uses).

^b If a garage is attached to a residential use, a 5 ft side yard is required. If the garage is detached, a 5 ft side yard and a 15 ft side yard must be maintained.

^c If an accessory use is within a principle structure, the Maximum Height followed is of the principle use.

^d Must meet Use-Specific Standards of Animal Keeping

^e Accessory buildings and structures cannot be located within 3 ft of the principal dwelling.

ZONE	USE	SITE			YARD			FORM
		AREA (sq ft) (MIN)	WIDTH (sq ft) (MIN)	COVERAGE (%) (MAX) ^a	FRONT (ft) (MIN)	SIDE (ft) (MIN) ^b	REAR (ft) (MIN)	HEIGHT (ft) (MAX) ^c
	Accessory/Secondary Buildings and Structures ^f	-	-	5	75	5	5	20
RSL	All RSL Uses	3,000	30	50	25	4/15	25	30
	Accessory/Secondary Buildings and Structures	-	-		25	3	3	30
RSU	All RSU Uses	4,000	40	40	25	5/15	25	30
	Accessory/Secondary Buildings and Structures	-	-	10 ^g	-	3	3	15
RLD	Dwelling, Two-Unit ^h	4,000	60	50	25	5/15	25	30
	All Other RLD Uses	4,000	40	40	25	5/15	25	30
	Accessory/Secondary Buildings and Structures ⁱ	-	-	10 ^j	-	3	3	15
RMD	Dwelling, Multi-Unit	10,000	100	60	30	15	25	35
	Dwelling, Two-Unit ^k	4,000	60	50	25	5/15	25	30
	Dwelling, Single-Unit	4,000	40	40	25	5/15	25	30
	Place of Worship	10,000	100	40	30	5	25	30
	Residential Care Facility	10,000	100	40	30	5	25	30
	All Other RMD Uses	7,500	75	40	30	5	25	30

^f Accessory buildings and structures cannot be located within 3 ft of the principal dwelling.

^g May not exceed the floor area of the principal building.

^h Only semi-detached residential units permitted

ⁱ Accessory buildings and structures cannot be located within 10 ft of the principal dwelling.

^j May not exceed the floor area of the principal building.

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

ZONE	USE	SITE			YARD			FORM
		AREA (sq ft) (MIN)	WIDTH (sq ft) (MIN)	COVERAGE (%) (MAX) ^a	FRONT (ft) (MIN)	SIDE (ft) (MIN) ^b	REAR (ft) (MIN)	HEIGHT (ft) (MAX) ^c
	Accessory/Secondary Buildings and Structures	-	-	10 ^l	-	3	3	15
RHD	Childcare Services	7,500	75	60	30	5	25	35
	Dwelling, Single-Unit	4,000	40	40	30	5/15	25	35
	Dwelling, Two-Unit ^m	4,000	60	60	30	5/15	25	35
	Dwelling, Multi-Unit	10,000	100	60	30	15	25	40
	Place of Worship	4,000	40	40	25	15	25	35
	Residential Care Facility	10,000	100	40	30	15	25	40
	All Other RHD Uses	4,000	40	60	30	15	25	35
	Accessory/Secondary Buildings and Structures	-	-	15 ⁿ	-	3	3	15
RMU	Dwelling, Multi-Unit	10,000	100	60	25	15	25	40
	Dwelling, Two-Unit ^o	5,000	60	60	25	5/15	25	30
	Dwelling, Single-Unit	5,000	50	40	25	5/15	25	30
	Education Service	10,000	100	40	25	15	25	35
	All Other RMU Uses	5,000	50	60	25	15	25	35
	Accessory/Secondary Buildings and Structures	-	-	-	-	3	3	15

^l May not exceed the floor area of the principal building.

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

ⁿ May not exceed the floor area of the principal building.

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

ZONE	USE	SITE			YARD			FORM
		AREA (sq ft) (MIN)	WIDTH (sq ft) (MIN)	COVERAGE (%) (MAX) ^a	FRONT (ft) (MIN)	SIDE (ft) (MIN) ^b	REAR (ft) (MIN)	HEIGHT (ft) (MAX) ^c
RCC	<i>To be established by Council</i>							
CMS	All CMS Uses	5,000	50	60	0	0	20	40
	Accessory/Secondary Buildings and Structures	-	-	10 ^p	-	3	3	15
CN	All CN Uses	5,000	50	60	20	5	20	35
	Accessory/Secondary Buildings and Structures	-	-	-	-	3	3	15
CC	Shopping Centre/ Strip Mall	40,000	150	40	25	25	25	40
	Dwelling, Multi-Family	6,000	100	50	25	10	15	40
	All Other CC Uses	6,000	50	50	25	10	15	40
	Accessory/Secondary Buildings and Structures	-	-	10 ^q	-	5	5	40
MG	All MG Uses	7,500	50	60	20	15	25	35
	Accessory/Secondary Buildings and Structures	-	-	10 ^r	-	15	15	35
MMU	All MMU Uses	5,000	50	60	20	15	25	35
	Accessory/Secondary Buildings and Structures ^s	-	-	10 ^t	-	15	15	35
EI	Cemetery	10,000	200	90	30	15	15	35

^p May not exceed the floor area of the principal building.^q May not exceed the floor area of the principal building.^r May not exceed the floor area of the principal building.^s Accessory buildings and structures are not permitted in the Front Yard and are required to be separated 6 ft from principal building.^t May not exceed the floor area of the principal building.

ZONE	USE	SITE			YARD			FORM
		AREA (sq ft) (MIN)	WIDTH (sq ft) (MIN)	COVERAGE (%) (MAX) ^a	FRONT (ft) (MIN)	SIDE (ft) (MIN) ^b	REAR (ft) (MIN)	HEIGHT (ft) (MAX) ^c
	Dwelling, Multi-Unit ^u	10,000	100	40	30	15	15	35
	All Other EI Uses	10,000	100	40	30	15	15	35
	Portable or Temporary Classrooms	-	-	-	30	5	5	35
	Accessory Buildings and Structures ^v	-	-	10 ^w	-	3	3	15
ALL P USES	Public Parks/ Plazas/ Squares/ Playgrounds	-	-	-	30	5	5	30

^u Minimum site width for Row Houses is 30 ft.

^v Accessory Buildings are not permitted in the Front Yard and are required to be separated 6 ft from the principal building.

^w May not exceed the floor area of the principal building.

SECTION 6: 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 Section 6: of this By-law) must be met, except as otherwise provided in this By-law or by a Conditional Use or Variance Order.

1.1 ANIMAL KEEPING

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

- a) a maximum of one animal unit (cumulative across species) is permitted for every 2 ac of site area;
- b) the keeping of livestock must adhere to all other local, provincial, and federal health and agriculture regulations in addition to the standards in this By-law;
- c) 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 ft from any site line; and
- d) 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.

6.1 APIARIES

An apiary must meet all of the following standards:

- a) In the **AL** zone, no beehive shall be located within 25 ft of a site line.

6.2 AUTOMOBILE, RECREATIONAL VEHICLE, AND FARM IMPLEMENT SALES/ RENTALS/ REPAIRS

Automobile, recreational vehicle, and farm implement sales/rentals/repair services are subject to a Development Agreement.

6.3 BED AND BREAKFAST ESTABLISHMENTS

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:

- a) the operator must reside within the principal residence to which the Bed and Breakfast is an accessory use;
- b) no more than three bedrooms shall be used for the bed and breakfast operation;
- c) the principal residence must be a single unit dwelling regardless of the zone in which it is located;
- d) one additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation;
- e) signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located; and

- f) the operator must obtain an annual business licence.

6.4 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 ft from any site; and
- d) a campground or RV park must provide clear numbered identification of each camping space.

6.5 CARETAKER'S RESIDENCE

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 only 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 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 sq ft; 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*.
- g) Only one caretaker's residence is allowed per lot.

6.6 DWELLING, TWO-UNIT

A two-unit dwelling shall:

- a) not have a Secondary Suite;
- b) have no required side yard (contrary to Table 8) on a side that shares a party wall with a building on an adjacent site; and
- c) reduce the Minimum Lot Size requirement by half if the two-unit dwelling is ground-oriented (i.e. a 'side by side').

6.7 DWELLING, MULTI-UNIT

A multi-unit dwelling shall:

- a) only be between 3 to 6 units in the **RMD** zone;

- b) only be 7 or more units in the **RHD** zone;
- c) only be located above the first story of the building in the **CC** and **CMS** zones;
- d) only be associated with an Educational or Institutional use in the **EI** zone;
- e) have no required side yard (contrary to Table 8) on a side that shares a party wall with a building on an adjacent site;
- f) minimum lot widths for row housing shall be 20 ft for interior units, and 30 feet for end cap lots;
- g) have no required accessible parking for row housing constructed on individual lots;
- h) not have a Secondary Suite; and
- i) require a Development Agreement with the Town of Niverville.

For lots with four or more dwelling units, the Developer must ensure that 10% of the land, not including retention ponds or similar drainage infrastructure, remains as open space for the use of property occupants. The cash equivalent may be accepted at the discretion of the Designated Officer. Open Space must be a minimum block of 1,000 sq ft or greater to qualify as Open Space.

6.8 HOME-BASED BUSINESSES

Home-based businesses must:

- a) Be conducted by a person or persons residing in the dwelling;
 - i) If the resident operating the business is not the property owner, written consent from the owner is required.
 - ii) Only one non-resident employee may work on the premises regardless of the number of businesses that may be permitted for the residence.
- b) Possess all municipal licenses and/or permits, such as an annual business license, required to operate;
- c) Not have processing or outside storage of goods in any Residential zone;
- d) Other than a Bed and Breakfast, not have more than 30% 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 sq ft in zones **AL** and **RR**;
 - ii) 6 sq ft, non-illuminated in all other zones where home-based businesses are allowed;
- f) Businesses that generate traffic to the property are not permitted in stacked multi-unit dwellings;
- g) An accessory structure may be used for conducting a home-based business, provided that the structure complies with all other requirements of this By-law; and
- h) Not provide instructional classes for more than four pupils at a time.

6.9 HOME INDUSTRIES

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) possess all municipal licenses and/or permits, such as an annual business license, required to operate;
- c) The Home Industry will not create unsightly appearances or disturbances that may be deemed by Council as unsuitable;
- d) The Home Industry will not create a potential for conflict with activities that would normally occur in the affected zone;
- e) 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;
- f) In the **RR** zone, the area used to carry out the Home Industry shall not occupy more than 1,000 sq ft;
- g) 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 sq ft in the **AL** zone; or
 - ii) 16 sq ft in the **RR** zone;
- h) 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;
- i) On-site parking spaces for each employee must be provided; and
- j) 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.

6.10 MANUFACTURED HOMES

Manufactured Homes shall be subject to the following regulations:

- a) All manufactured homes must meet the structural standards in *The Buildings and Mobile Homes Act*;
- b) A manufactured home, when located permanently on a site, shall:
 - i) Be placed and anchored on a permanent foundation in accordance with the CSA Z240.10.1 Site Preparation, Foundation, and Anchorage for Manufactured Homes Standard;
 - ii) Have skirting that screens the view of the foundation supports.

6.11 PLANNED UNIT DEVELOPMENTS

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 is allowed on a site in a zone in which it is a permitted or conditional use if it meets all of the following requirements:

- a) 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.
- b) The application for a Planned Unit Development must be part of a Development Agreement and may require an Administrative Review.
- 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 By-law; and
 - x) any other information as required by the Designated Officer.

The Developer must ensure that 10% of the land remains as open space for the use of property occupants. The cash equivalent may be accepted at the discretion of the Designated Officer. Open Space must be a minimum block of 1,000 sq ft or greater to qualify as Open Space.

6.12 PORTABLE GARAGES

The installation of a portable garage shall be allowed as an accessory use with a development 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 setbacks;

- c) A portable garage must not exceed the height and area restrictions for accessory buildings in the zone in which it is located;
- d) 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
- e) A maximum of one portable garage is allowed on a site.

6.13 SECONDARY SUITES

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 secondary suite shall be permitted on any site;
- c) The secondary suite must be attached to the principal dwelling;
- d) A minimum of two 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 ft wide;
- f) The maximum floor area of the secondary suite shall not exceed 800 sq ft 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*.

6.14 SHIPPING CONTAINERS

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

- a) A shipping container must be an accessory use;
- 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, except for the **MM** and **MG** Zones, where it may be located in either the side or 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 4.47.

6.15 SOLAR COLLECTORS

A Solar Collector must meet the following standards:

- a) any freestanding 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 ft 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 2 ft from the surface of that wall within a side or rear yard.

6.16 SWIMMING POOLS AND HOT TUBS

Swimming pools, hot tubs, and similar structures capable of containing water to a depth greater than 2 ft (24 in) shall be permitted as accessory uses to a residential, recreational, or commercial development, provided that:

- a) They are located not less than 5 ft from any side or rear property line;
- b) Where required by the Town's Building By-law or applicable provincial legislation, all necessary permits have been obtained.

In addition to the above, swimming pools shall:

- c) Comply with the requirements of *The Manitoba Building Code*, including being enclosed by a fence that is a minimum height of 5 ft, or other approved barrier designed to prevent unauthorized access. Any gate shall be self-closing and feature a lockable latch. The enclosure shall be constructed so as to prevent a child from climbing over, through gaps, or underneath it. Outside surfaces must be smooth or designed to prevent handholds and footholds for children (non-scalable).

In addition to the above, hot tubs shall:

- d) Be enclosed by a fence or other approved barrier in accordance with *The Manitoba Building Code*, UNLESS the hot tub is equipped with a rigid, lockable cover that is capable of supporting the weight of an adult walking across it when in the closed position.

Nothing in this section shall exempt any swimming pool, hot tub, or similar structure from complying with all applicable requirements of the Building By-law, *The Manitoba Building Code*, *The Public Health Act*, and any other applicable provincial or municipal legislation.

6.17 WIND ENERGY GENERATING SYSTEMS

An on-site Wind Energy Generating System must meet all of the following standards:

- a) The system must be set back at least 20 ft from the front property line, or, in the case of corner lots, at least 15 ft from the front and side lot line;
- b) The system must be limited to a total turbine height of no more than 15 ft above the rooftop;
and
- c) The system must be safely and securely attached to the rooftop in compliance with the National and Provincial Building Codes as determined by the Designated Officer.

SECTION 7: DEFINITIONS

7.1 DEFINITIONS IN THE PLANNING ACT

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

7.2 DEFINITIONS IN THIS BY-LAW

Where the following terms appear in this By-law, they have the meaning provided as follows:

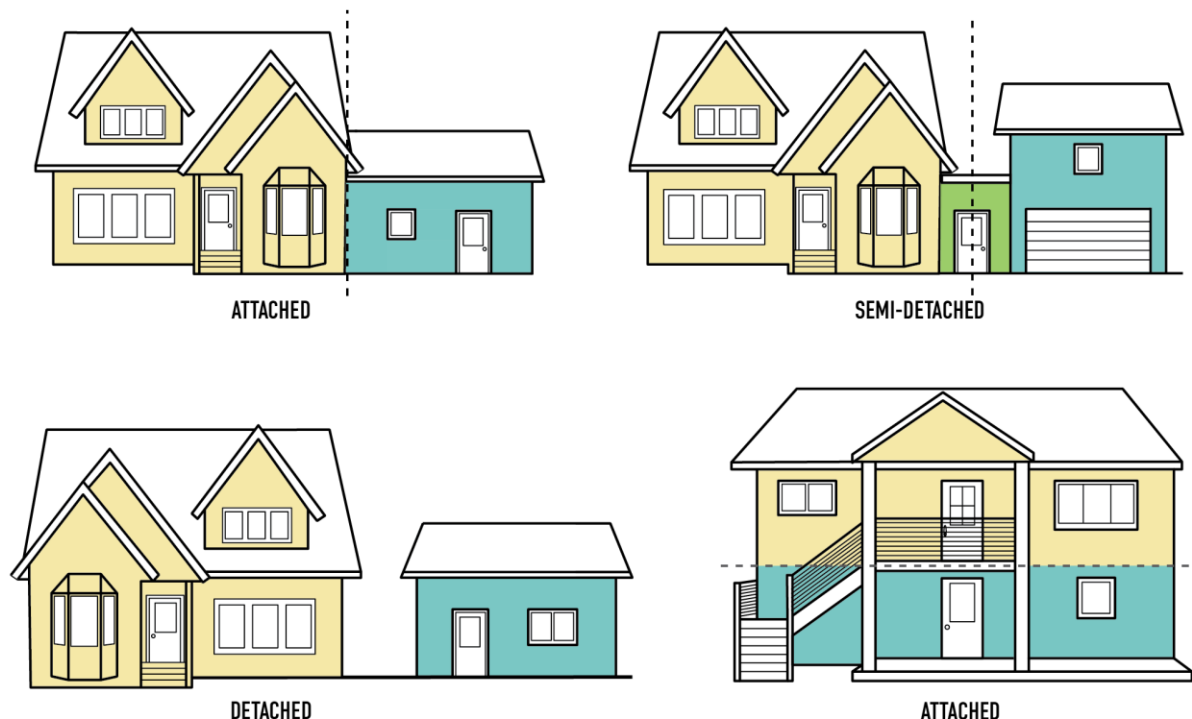
A

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.

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:



- a) **Accessory Building, attached** means an accessory building which is attached to the principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building.

- b) **Accessory Building, detached** means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Bulk Tables shall be used.
- c) **Accessory Building, semi-detached** means an accessory building which is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in *Accessory Building, Attached* 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, 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 pickup 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:

- a) Changes or replacements in the structural or non-structural parts of a building, including but not limited to the following:
 - i) adding or enlarging windows or doors in exterior walls;
 - ii) replacement of building facades;
 - iii) strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment; or
 - iv) 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 as per *Town of Niverville Animal Control By-law*) 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 month period.

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.

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 (ATM) 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.

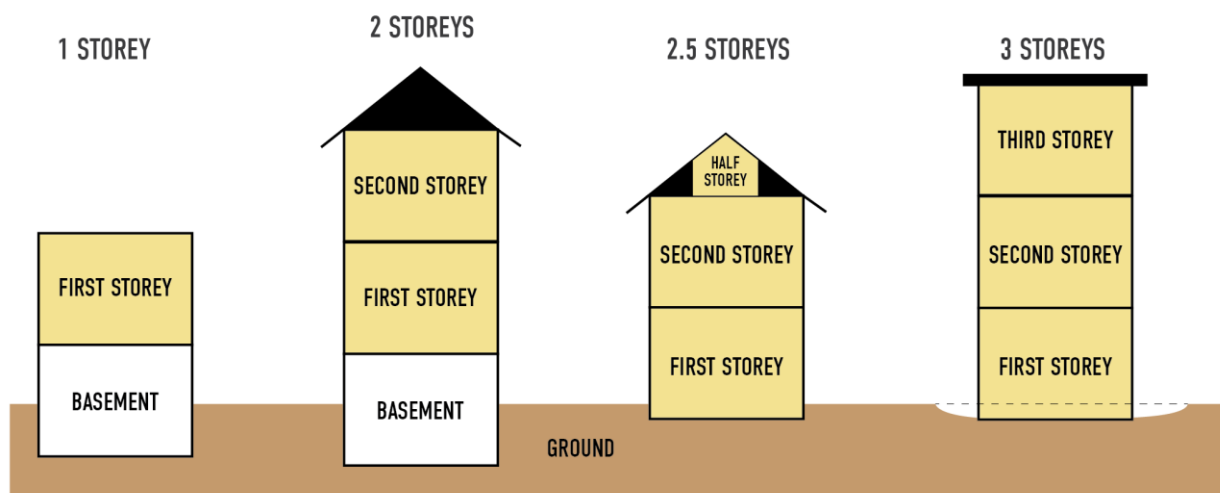
Aviary means a place for keeping birds for the purpose of raising, exhibiting, or selling them.

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.

B

Bare land condominium means a condominium plan upon which one 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 a secondary use to a single- or multi-unit residential unit that provides temporary lodging to guests for a short time period, not including short-term rentals, and that may also provide meals to those guests.

Board means The Municipal Board of Manitoba.

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

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 within 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 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.

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.

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.

Business Support Services: establishments primarily engaged in preparing documents, operating telephone call centres, operating business service centres, collecting unpaid claims, and providing credit information.

C

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:

- a) Standard cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.
- b) Micro-cultivation means the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.
- c) Industrial hemp means the growing of industrial hemp plants (those containing 0.3% THC or less) and associated activities.
- d) Nursery means the growing of cannabis plants to produce starting material (seed and seedlings) and associated activities.

Cannabis processing includes the following:

- a) 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.
- b) 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.²⁴

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.

Carport 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 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.

Childcare 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.

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

Clubhouse means a building that may have 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.

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*.

²⁴ From the Province of Manitoba Zoning for Cannabis Guide (January 2018)

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.

D

Deck means an attached or detached unenclosed free-standing roofless amenity area.

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 of 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*. For clarification, a development permit is always required for all items regulated by the Zoning By-law 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.

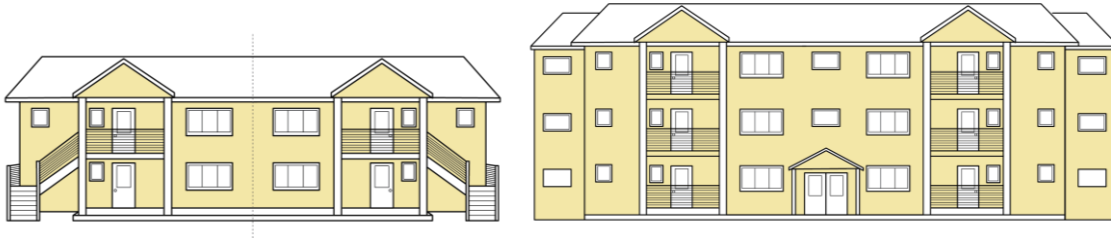
Drinking establishment means a building or portion of a building, which is licensed by the Government of Manitoba, where the principal purpose is the sale of alcoholic beverages to the public, for consumption on the premises.

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.

Drive Aisle means the area which provides circulation for vehicles within parkades and surface parking lots and does not include a street, path, driveway, or vehicle access.

Dwelling means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping, and sanitary facilities. The basement is not included in the floor area of a dwelling unit.

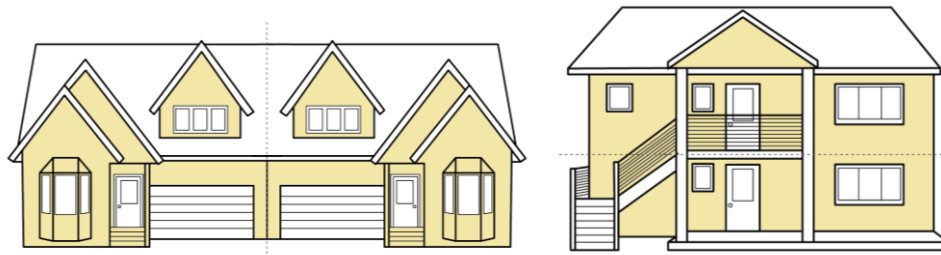
Dwelling, Multi-Unit means a building, located on a single site, containing three or more dwellings (for example, row houses, town houses, or apartment buildings).



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).



E

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, lunchrooms, 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.

Exterior or Outside Storage means the storage, but not display for sale, of goods or materials, outside of a principle or main building or structure on a lot.

F

Family means a group of two or more persons related by birth, marriage or adoption 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.

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, but not flankage on a corner lot.

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, not including a crematorium.

G

Gallery/museum means:

- a) A commercial establishment engaged in the sale, loan, or display of paintings, sculpture, textiles, antiquities, or other works of art; or
- b) 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.

Green space (see open space)

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 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.

H

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, Building means the vertical distance measured from finished grade to the applicable point on the structure, as follows:

- a) Single-detached and side-by-side duplex dwellings — For flat roofs, building height is measured to the highest point of the roof surface. — For all other roof types, height is measured to the highest point of the roof deck or eaves.

- b) Multi-storey buildings — For flat roofs, height is measured to the highest point of the roof surface. — For peaked, gabled, or pitched roofs, height is measured from the average finished grade to the highest point of the roof.
- c) Architectural projections — Architectural features such as parapets may project up to 5 feet above the maximum permitted height, provided they contain no habitable space. — Features such as mechanical penthouses, elevator overruns, and rooftop access structures are excluded from height calculations.

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.

I

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, streetlights, electricity and municipal sewer and / or water systems.

J

Junk/Scrap Yard means a lot and/or premises for the storage and/or handling and/or sale of scrap, salvaged or used materials, and may include including a secondary sales and service establishment or premises.

K

Kennel means any indoor, enclosed premises on which more than three 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.

L

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 33 ft 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 14,000 lbs.

Livestock means domesticated animals raised in agricultural settings to produce commodities such as meat, milk, eggs, wool, fur, honey, and leather, typically kept for profit or labour.

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 "legally non-conforming lot."

M

Manufacturing, Light (*see Industrial, Light*)

Manufacturing, Heavy (*see Industrial, Heavy*)

Medical, dental, optical, wellness, or counselling services means a facility for the provision of human health and wellness services (including physiotherapy and massage therapy services) and related activities for patients without overnight accommodations, including accessory laboratory facilities. Each facility shall be considered a single use regardless of the number of professional service providers sharing a 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.

Micro-suite means a self-contained dwelling unit designed as a single, open living space with no separate bedroom, containing its own kitchen and bathroom facilities, and having a floor area of 500 square feet or less. These units are only permitted within buildings containing seven or more dwelling units.

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

Manufactured home means a transportable, single- or multiple-section, one-storey dwelling that is constructed off-site, compliant with CSA standards and the *Buildings and Mobile Homes Act*, and may or may not be installed upon a permanent foundation (see further requirements in 6.10).

Mobile sign (*see Sign, mobile*)

Modular home means a prefabricated, factory-built house constructed in sections (modules), generally built indoors and transported to a permanent site for final assembly. Unlike manufactured homes, they are built to local building codes, and placed on permanent foundations.

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.

N

Non-conforming use (or non-conformity), legal 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.

O

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 sq ft.

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 sq ft.

Open space means the open, unobstructed space of a lot accessible by a walkway 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, parking area, or land drainage system.

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.

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, skateboard parks, rock climbing, outdoor tennis courts, outdoor pickleball 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*.

P

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 at ground level 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 development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes such establishments as barber shops, beauty salons and hairdressers, botox and tanning services, shoe repair shops, spas, tailors and dressmaking shops, dry cleaning establishments and laundromats.

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

Place of worship means a building (e.g., 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 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 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.

Q

R

Racetrack 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 sq ft.

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 sq ft.

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.

S

Salvage yard means any business that acquires, stores, and dismantles damaged, abandoned, or worn-out vehicles and machinery in order to sell or reuse parts and materials.

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 (e.g., 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.

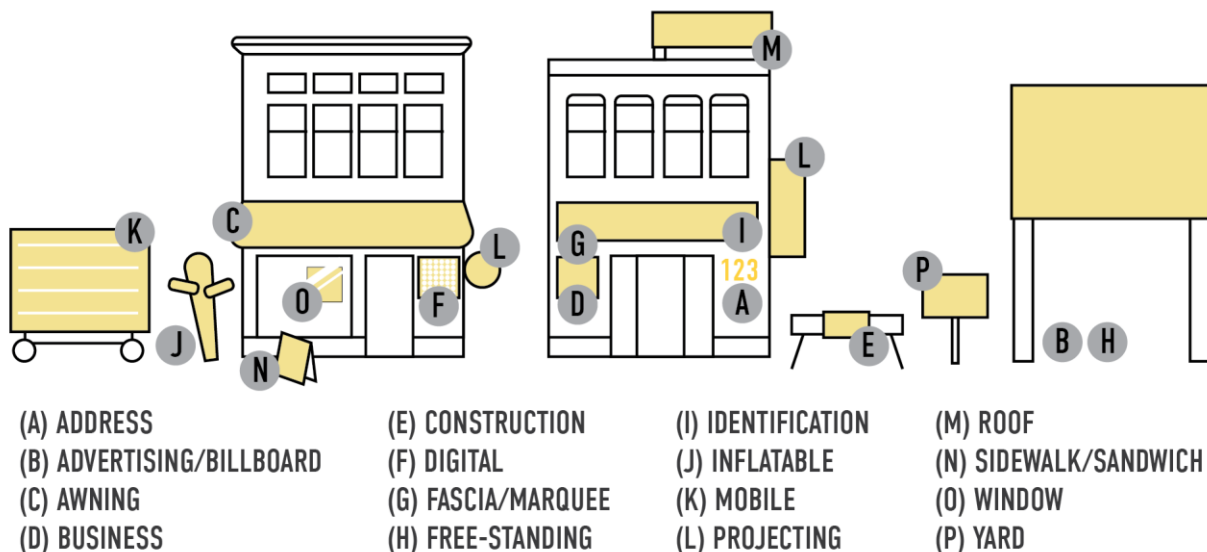
Serviced lot means a lot with the ability to connect to a municipal sewer system.

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 or more uses such as retail sales and personal services, on a single lot, sharing common parking.

Short Term Rental means a dwelling unit or secondary suite that is used in part or completely to provide sleeping accommodations for a rental period in exchange for payment, but does not include bed and breakfasts, hotels, or motels.

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 (including Third Party Signage) means any signage not being used as identification, meaning it is 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 other relevant information such as contractor identification and contact information.

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 ft 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 is portable, and 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 ft 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.

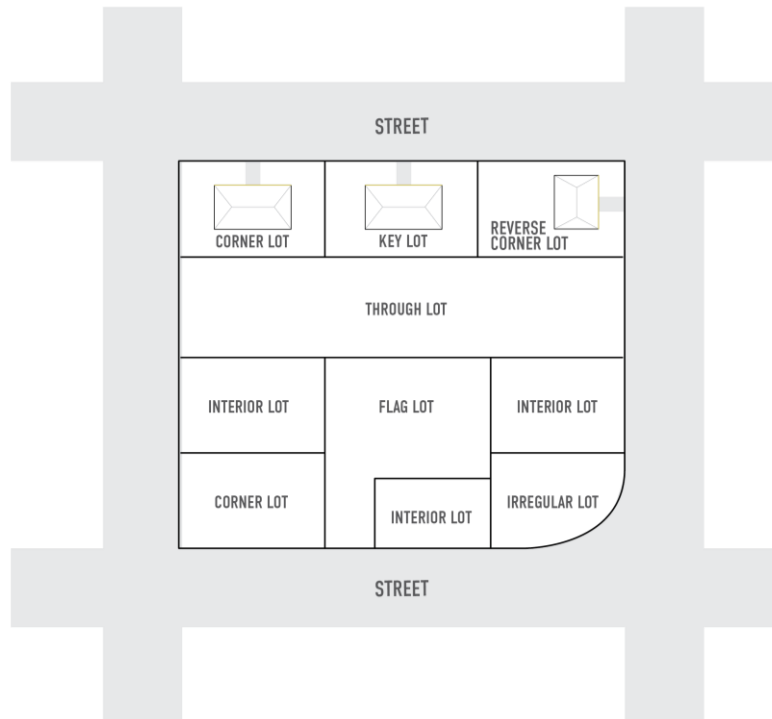
Temporary Sign means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time 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 mobile signs.

Window Sign means a sign, poster, or decal 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.

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/or 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 the combined area of all buildings and structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade including all enclosed and insulated decks, sunrooms, porches, and verandas, but excluding seasonal non-insulated structures covered, such as decks, screen porches or veranda, patios at grade, and similar projections

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

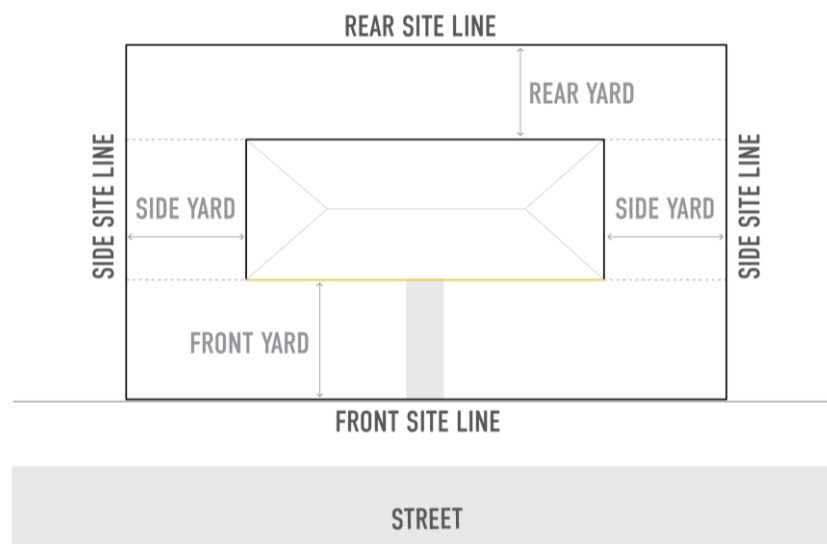
Site frontage means all that portion of a site fronting on a street, lane or right-of-way and measured between side site lines. If the site frontage cannot be determined the Designated Officer will establish the frontage.

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 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 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 (e.g., 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.

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.

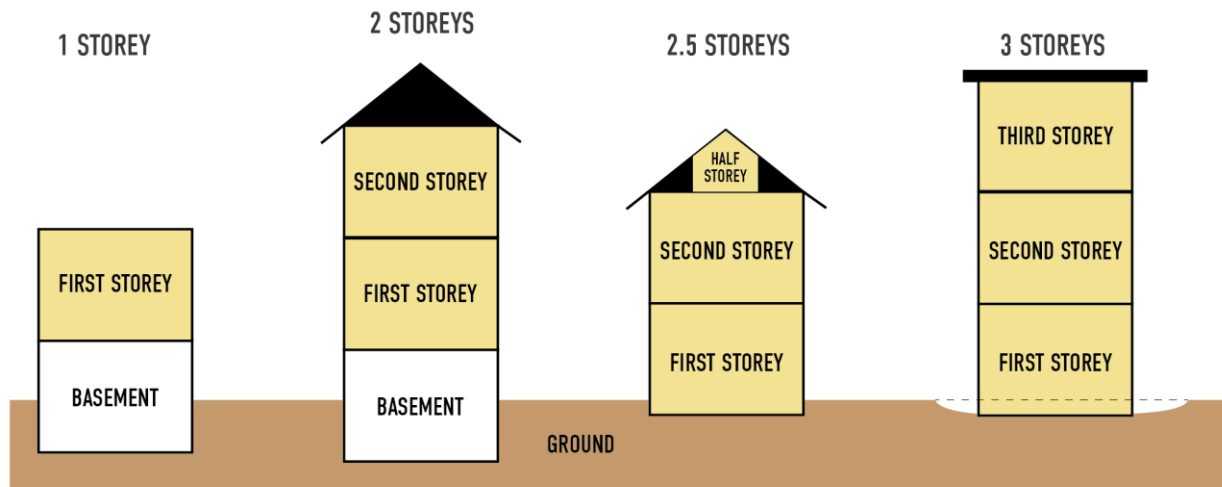
Stable or riding academy means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted.

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 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 that affords the principal means of access to abutting land.

Strip Mall means a building containing three or more commercial units 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, and antennas.

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

- a) Before the improvement or repair is started: or
- b) If the structure has been damaged and is being restored before the damage occurred.

T

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.

U

Use means:

- a) Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained, or occupied; or
- b) 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.

V

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

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*)

Veterinary Clinic (*see Animal Hospital*)

W

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.

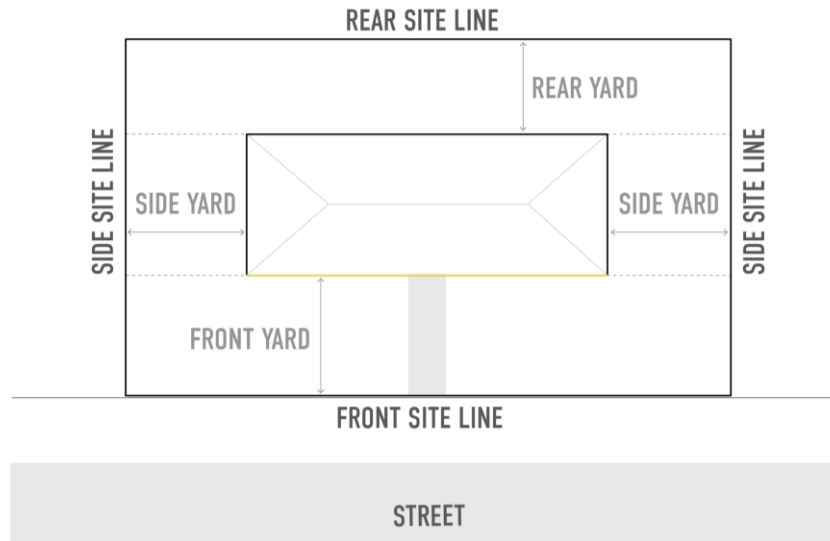
Wind energy generating system, on-site use means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale. Rooftop Wind Energy Generating Systems are a type of On-Site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

X

Y

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



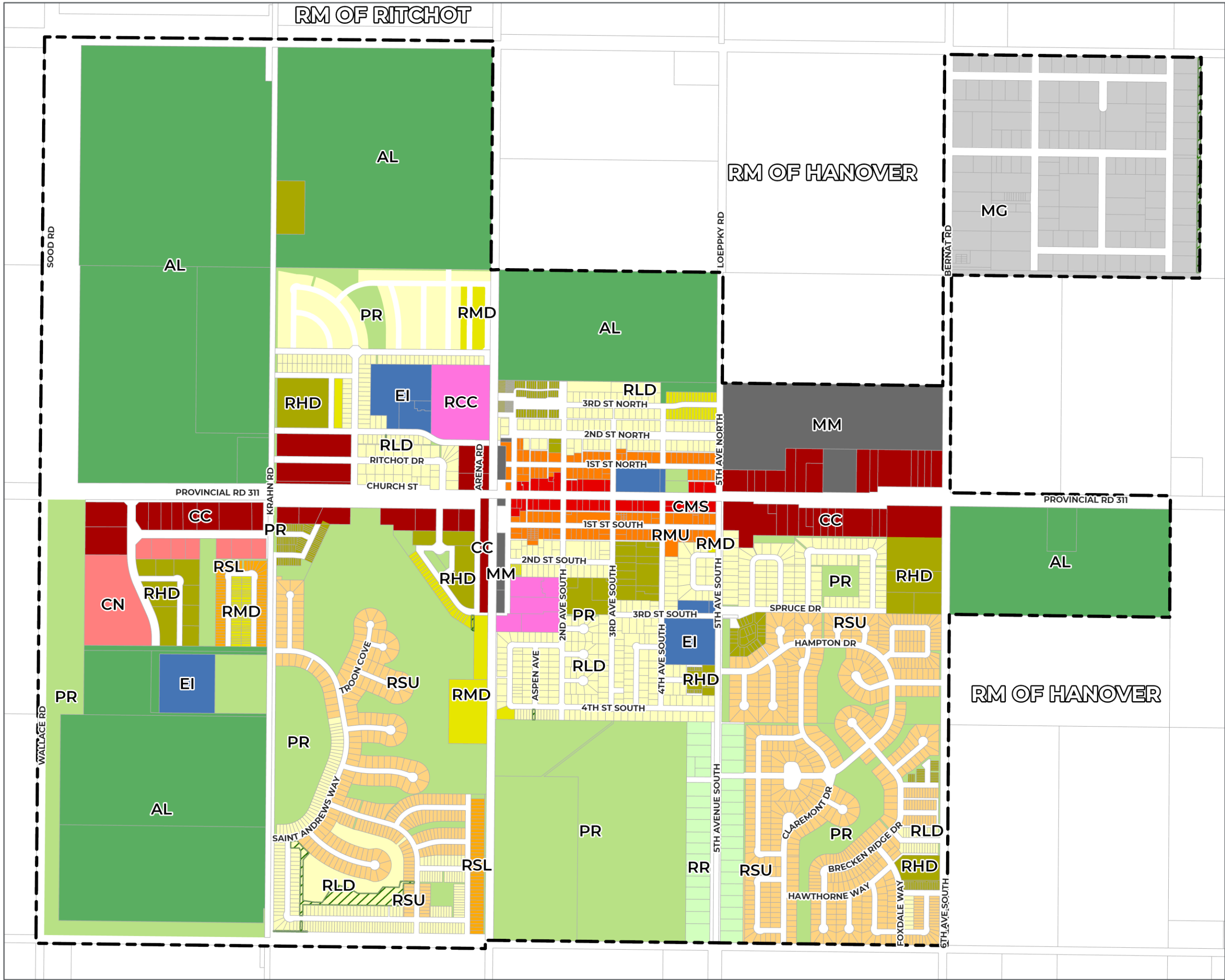
Yard required means the yard measured from a front, rear, or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this By-law.

Z

SCHEDULE A: ZONING MAPS

The zones established in Section 5: 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 centrelines 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.
- c) If a street or lane or railway or public utility right-of-way ('the feature') shown on the Zoning Map is lawfully closed, the land formerly comprising the feature shall be included within the zone of the land which surrounds it. If the said feature included a zone boundary on its centerline, then the zone boundary shall be the former centreline.



Town of Niverville - Zoning By-Law

Zone

- AL - Agriculture Limited
- RHD - Residential High Density
- RMD - Residential Medium Density
- RLD - Residential Low Density
- RMU - Residential Mixed Use
- RSL - Residential Small Lot
- RSU - Residential Single Unit
- RR - Rural Residential
- CC - Commercial Corridor
- CMS - Commercial Main Street
- CN - Commercial Neighbourhood
- EI - Educational and Institutional
- MG - Industrial General
- MM - Industrial Mixed Use
- PR - Parks and Open Space
- RCC - Recreational Community Complex
- Public Reserve

The accuracy & completeness of information shown on this drawing is not guaranteed. It will be the responsibility of the user of the information shown on this drawing to locate & establish the precise location of all existing information whether shown or not.



Coordinate System: NAD 1983 UTM Zone 14N
Scale: 1:13,500
(When plotted at 11"x17")

Data Sources:
- Province of Manitoba
- Open Street Map
- Google Earth

Project #: 4687.0006.01
Author: LS
Checked: JP
Status:
Revision:
Date: 2026 / 8 / 17

URBAN
SYSTEMS