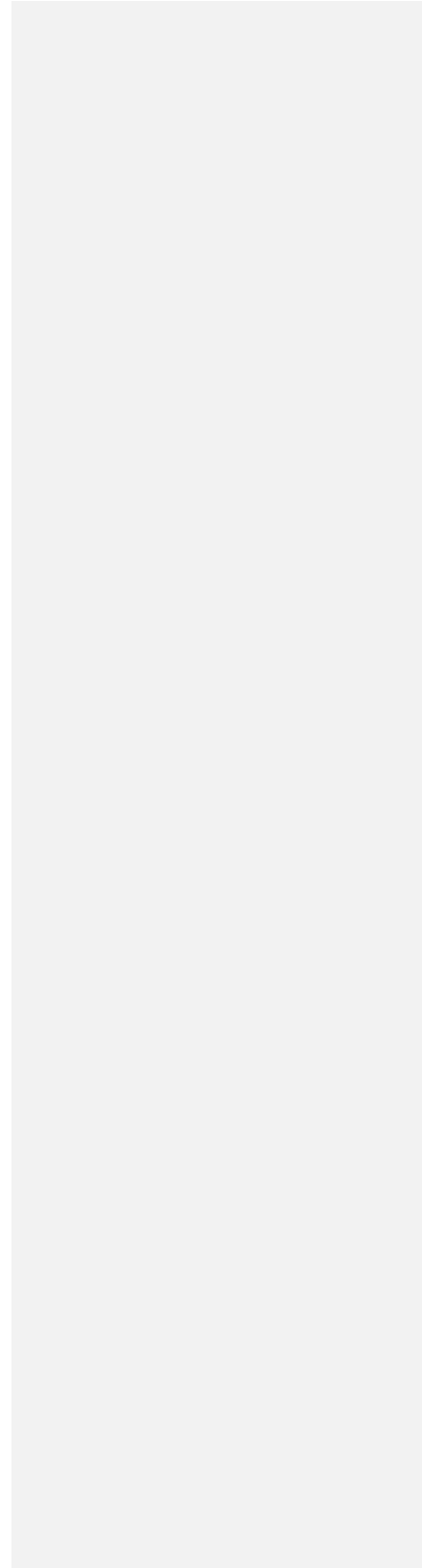


DRAFT  
The Town of Niverville  
Zoning By-law



BEING THE TOWN OF NIVERVILLE BY-LAW NO. XXXX

BEING a By-law of the Town of Niverville to regulate the use and development of land.

WHEREAS, The Planning Act provides that the council of a municipality may enact a zoning By-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, The Planning Act provides that the council of a municipality shall enact a zoning By-law upon the adoption of a development plan;

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

THAT By-law No. 201, being the Town of Niverville Zoning By-law, 1997, as amended, is hereby repealed and replaced with By-law No. \_\_\_\_\_.

This By-law shall come into full force on, from and after the date on which it received third reading by the Council.

DONE and PASSED in Council assembled this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2008.

\_\_\_\_\_

Mayor

\_\_\_\_\_

Chief Administrative Officer

Received 1st reading this \_\_\_\_ day of \_\_\_\_\_ A.D. 2008.

Received 2nd reading this \_\_\_\_ day of \_\_\_\_\_ A.D. 2008.

Received 3rd reading this \_\_\_\_ day of \_\_\_\_\_ A.D. 2008.

## "PART I" – TITLE, INTENT / PURPOSE AND DIVISIONS OF BY-LAW

### TITLE

1 This By-law shall be known and may be cited as "The Town of Niverville Zoning By-law".

### INTENT AND PURPOSE

- 2 The regulations established by this by-law and deemed necessary in order:
- a. To ensure general conformance with the objectives and policies of the Town of Niverville Development Plan
  - b. To outline the powers and duties of Council, the Development Officer and the landowner and/or developer as they relate to this By-law
  - c. To regulate the following:
    - i. all buildings and structures erected hereafter;
    - ii. all uses or changes in use of all buildings, structures and land established hereafter;
    - iii. all structural alterations or relocations of existing buildings and structures occurring hereafter; and
    - iv. all enlargements or additions to existing buildings, structures and uses
  - d. To promote orderly and thoughtful development of real property and development in the Town, in order to promote the health, safety and general welfare of the Town.

### DIVISIONS OF BY-LAW

3.1 This By-law is divided into **PARTS** as follows:

**PART I** – Title, intent, purpose and division of by-law

**PART II** – Definitions

**PART III** – Administration

**PART IV** - General Provisions

**PARTS V – X** - Zones

## **"PART II" - DEFINITIONS**

### **RULES OF CONSTRUCTION**

- 1.1 The following rules of construction apply to the text of this By-law:
- a. Words, phrases and terms are as defined within this By-law;
  - b. Words, phrases and terms not defined within this By-law shall be as defined in The Planning Act, Municipal Act, Buildings and Mobile Homes Act and/or the Building, Electrical or Plumbing By-laws of the Town of Niverville;
  - c. Words, phrases and terms neither defined within this By-law nor in the Building, Electrical or Plumbing By-laws of the Town of Niverville shall be given their normative meaning except where Council determines the context clearly indicates a different meaning;
  - d. The phrase "used for" includes "arranged for", "designed for", or "occupied for";
  - e. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
    - (i) "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
    - (ii) "or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.
    - (iii) "either-or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
  - f. The word "includes" or "including" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.
- 2.1 Where any land, building or structure is use for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is conflict the more restrictive regulation shall prevail, except as otherwise approved by Council.

## **DEFINITIONS - GENERAL**

### **ABUT (OR ABUTTING)**

- 3.1 "**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.

### **ACCESSORY**

- 3.2 "**Accessory**" when it is used in this By-law, shall have the meaning as accessory use.

### **ACCESSORY BUILDING**

- 3.3 "**Accessory building**" means a subordinate building located on the same zoning site as the principal building or use, the use of which is 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 paragraph (a) above.

### **ACCESSORY USE OR STRUCTURE**

- 3.4 "**Accessory use or structure**" means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities which are permitted by variation to locate elsewhere than on the same zoning site with the building, structure or use served.

### **ENABLING ACT**

- 3.5 "**Enabling Act**" means *The Planning Act*, S.M. 2005, Chapter 30 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

### **ALTER OR ALTERATION**

- 3.6 "**Alter or alteration**" means a change or modification to an existing building, structure or use which unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

### **ALTERATIONS INCIDENTAL**

- 3.7 "**Alterations, incidental**" means:

- a. Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
  - i. an addition on the exterior of a residential building, such as an open porch;
  - ii. alteration of interior partitions in all types of buildings; or
  - iii. replacement of, or changes in, the capacity of utility pipes, ducts or conduits.
- b. Changes or replacements in the structural parts of a building, including but not limited to the following:
  - i. adding or enlarging windows or doors in exterior walls;
  - ii. replacement of building facades; or
  - iii. strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.

**AREA AFFECTED**

3.8 "Area, the" means all that land within the boundaries defined in **PART III** of this By-law.

**AWNING, CANOPY OR MARQUEE**

3.9 "**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.

**BASEMENT**

3.10 "**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.

**BUFFER STRIP**

3.11 "**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**

3.12 "**Building**" means a building as defined in *The Act*.

**BUILDING, MAIN OR PRINCIPAL**

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

### **BUILDING HEIGHT OF**

3.14 "**Building, height of**" means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip gambrel roof.

### **BULK**

3.15 "**Bulk**" means the following:

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

### **CAMPING AND TENTING GROUNDS**

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

### **CARPORT**

3.17 "**Carport**" means an attached building open on two sides for the shelter of privately owned automobiles.

### **CEMETERY**

3.18 "**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.

### **CHILD CARE SERVICES**

3.19 "**Child care services**" means the provision of care for remuneration or reward to a child apart from his or her own parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours:

- a. "**Drop-in babysitting service**" means the provision of supervision on a temporary basis being equal to the period of time while the child is with the babysitting service of children in a commercial or institutional building while the parents or guardians of the children undertake some form of short term activity, such as shopping, entertainment, education or similar activities in close proximity to the place the child is under supervision on a temporary basis.
- b. "**Home day care**" means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), with access to an outdoor recreation area.

- c "Group day care" means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.

#### **CLUB, RECREATION**

- 3.20 "Club, recreational" means a non-profit corporation chartered by the *Canada Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases land or buildings or a portion thereof; the use of such premises being restricted primarily to the principal use, which is a generally recognized sport or recreational activity, such as curling, squash, badminton or tennis. This can include private clubs.

#### **COMPLETELY ENCLOSED**

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

#### **CONDITIONAL USE**

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

#### **CONDOMINIUM**

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

#### **CONDOMINIUM, BARE LAND UNIT**

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

#### **CONDOMINIUM UNIT**

- 3.25 "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**

- 3.26 "Council" means the Council of the Town of Niverville.

#### **CURB CUTTING**

- 3.27 "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.

#### **DENSITY**

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

#### **DESIGNATED OFFICER**

- 3.29 "Designated officer" means the Chief Administrative Officer or person so designated by Council.

### **DEVELOPMENT OFFICER**

3.30 "**Development officer**" means the officer appointed by the Council in accordance with the provisions of *The Act*.

### **DEVELOPMENT PLAN**

3.31 "**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.

### **ELEVATION/ LOT GRADE**

3.32 "**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.

### **ENLARGEMENT**

3.33 "**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**

3.34 "**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.

### **EXTENSION**

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

### **FAMILY**

3.36 "**Family**" means one or more persons related by blood or marriage or common law marriage or group of not more than four persons who may not be related by blood or marriage occupying a dwelling unit and living together as a single housekeeping unit.

### **FLOOR AREA**

3.37 "**Floor area**", as applied to bulk regulations, means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centre line of party walls. In particular, the floor area of a building or buildings shall include:

- a. Basements for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- b. Floor space used for mechanical equipment (with structural headroom of six (6) feet or more) except equipment, open or enclosed, located on the roof;
- c. Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior

unroofed steps or stairs; and

- d. Penthouses, mezzanines, and attics where there is a structural headroom of seven (7) feet or more.

#### **GARAGE**

- 3.38 "**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.

#### **GRADE**

- 3.39 "**Grade**", as applying to the determination of building or structure height, means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

#### **GRAIN STORAGE STRUCTURE**

- 3.40 "**Grain storage structure**" means any structure which is designed to store any type of grain.

#### **GROUP HOME**

- 3.41 "**Group home**" means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical conditional, or legal status, require a group living arrangement for their well being.

#### **GROUP RESIDENCE**

- 3.42 "**Group residence**" means a group home for five (5) or more residents.

#### **INDOOR PARTICIPANT RECREATION SERVICE**

- 3.43 "**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.

#### **INFILL DEVELOPMENT**

- 3.44 "**Infill development**" means the building of homes, businesses and public facilities on unused and underutilized lands within the existing urban areas which are currently serviced with municipal infrastructure common to the applicable land zoning, including but not limited to, asphalt roads, street lights, electricity and municipal sewer and / or water systems.

#### **KENNEL**

- 3.45 "**Kennel**" means any premises on which more than two (2) animals are boarded, bred, trained or cared for, 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.

### **LANE**

3.46 **Lane**" means a street not over thirty-three (33) feet in width.

### **MOTOR HOME**

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

### **OFFENSIVE OR OBJECTIONABLE**

3.48 **"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 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.

### **OPEN SPACE**

3.49 **"Open space"** means that required portion of a zoning site at ground level, applicable to specific listed uses, unoccupied by principal or accessory buildings and available to all the occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, unless otherwise provided for herein, but shall be useable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space.

### **OUTDOOR PARTICIPANT RECREATION SERVICE**

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

### **OWNER**

3.51 **"Owner"** means an owner as defined in *The Act*.

### **PARCEL OF LAND**

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

### **PARKING AREA**

3.53 **"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**

3.54 "**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 SPACE**

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

### **PARTY WALL**

3.56 "**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.

### **PERMITTED USE**

3.57 "**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**

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

### **PLANNED UNIT DEVELOPMENT**

3.59 "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.

### **PORTABLE GARAGE**

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

### **PRIVATE EDUCATION SERVICE**

3.61 "**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. This Use Class includes dormitory and accessory buildings.

### **PRIVATE POOL**

3.62 "**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 60 cm (**24 inches**) and that is located on the property of a single family dwelling.

### **PUBLIC EDUCATION SERVICE**

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

### **PUBLIC LIBRARY AND CULTURAL EXHIBIT**

3.64 "**Public library and cultural exhibit**" 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**

3.65 "**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**

3.66 "**Public utility**" means any system, works, plant equipment or services which furnishes services and facilities available at approved rates to or for the use of the public, including but not limited to:

- a. Communication, by way of telephone, telegraph, wireless or television;
- b. Public transportation, by bus or other vehicle;
- c. Production, transmission, delivery or furnishing of water, gas or electricity to the public at large;  
or
- d. Collection of sewage, garbage or other waste.

### **PUBLIC UTILITY BUILDING**

3.67 "**Public utility building**" means a building used by a public utility.

### **RELIGIOUS ASSEMBLY**

3.68 "**Religious assembly**" means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

### **REPAIR**

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

### **RESIDENTIAL CARE FACILITY**

- 3.70 "**Residential care facility**" means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.

### **SITE**

- 3.71 "**Site**" means an area of land consisting of one or more abutting lots (see also "site, zoning").

### **SITE, AREA**

- 3.72 "**Site, area**" means the computed area contained within the site lines.

### **SITE, CORNER**

- 3.73 "**Site, corner**" means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

### **SITE, COVERAGE**

- 3.74 "**Site, coverage**" means that part of percentage of the site occupied by buildings, including accessory buildings. Structures which are below the finished site grade, including sewage lagoons, water reservoirs, parking structures below grade and similar structures, shall not be included in site coverage.

### **SITE, DEPTH**

- 3.75 "**Site, depth**" means the horizontal distance between the centre points in the front and rear site lines (see figures 1 & 2).

### **SITE, FRONTAGE**

- 3.76 "**Site, frontage**" means all that portion of a zoning site fronting on a street, lane or right-of-way and measured between side site lines (see figures 1 & 2). If the site frontage cannot be determined the development officer will establish the frontage

### **SITE, INTERIOR**

- 3.77 "**Site, interior**" means a site other than a corner site or a through site (see figure 1 & 2 for other types).

### **SITE, KEY**

- 3.78 "**Site, key**" means the first site to the rear of a reversed corner site (see figures 1 & 2).

### **SITE LINES**

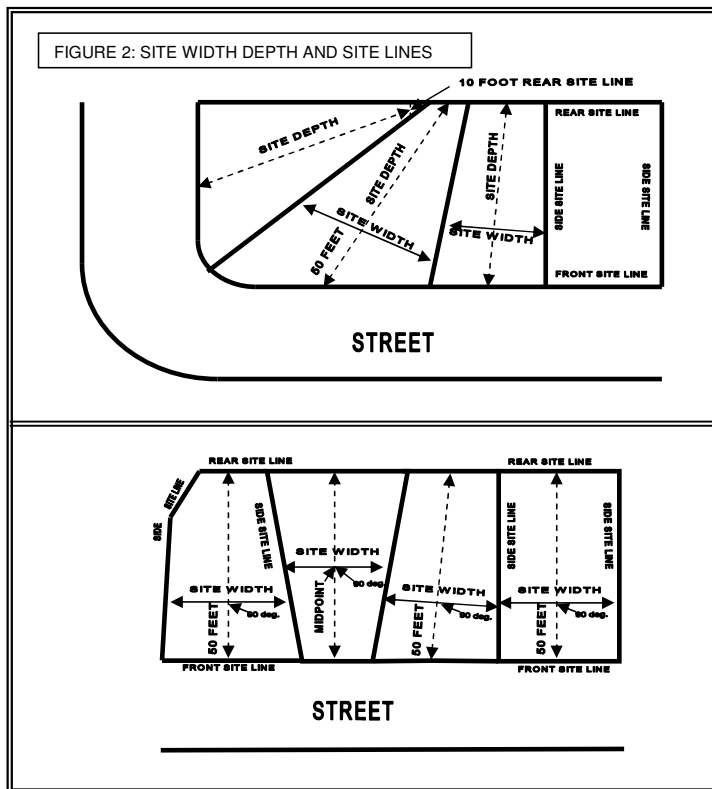
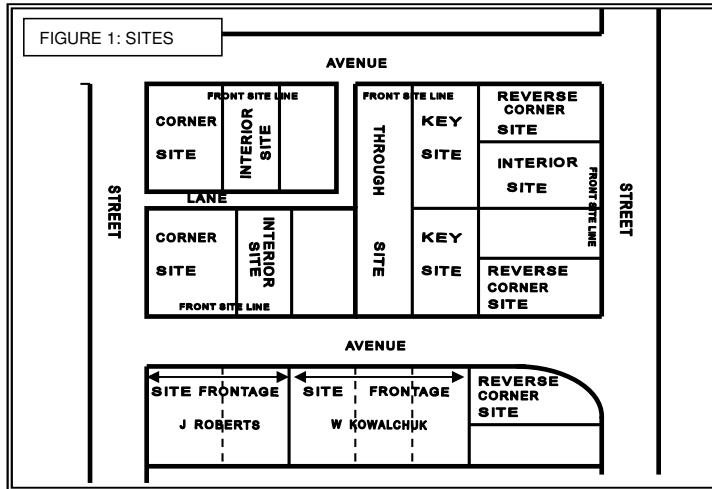
- 3.79 "**Site lines**" means as follows (see figures 1 & 2):
- a. "**Front site line**" means that boundary of a site which is along an existing or designated street, lane or right-of-way. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, in which case the front site line shall be that

line which is the continuation of the front site line of the interior site.

- b. **"Rear site line"** means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
- c. **"Side site line"** means any boundary of a site which is not a front or rear site line.
- d. Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

**SITE, REVERSE CORNER**

- 3.80 **"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 (see figures 1 & 2).



### **SITE, THROUGH**

3.81 "**Site, through**" means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed front site lines (see figures 1 & 2).

### **SITE, WIDTH**

3.82 "**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 (see figures 1 & 2).

### **SITE, ZONING**

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

### **STOREY**

3.84 "**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.

### **STOREY, FIRST**

3.85 "**Storey, first**" means the storey with its floor closest to grade and having its ceiling more than six (6) feet above grade.

### **STOREY, SECOND**

3.86 "**Storey, second**" means the storey located immediately above the first storey.

### **STREET**

3.87 "**Street**" means a public roadway having a right-of-way at least 10.06 m (33 feet) in width that affords the principal means of access to abutting land.

### **STRUCTURE**

3.88 "**Structure**" means anything constructed, built or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

### **TEMPORARY BUILDINGS AND USES**

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

### **TOT LOT**

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

## USE

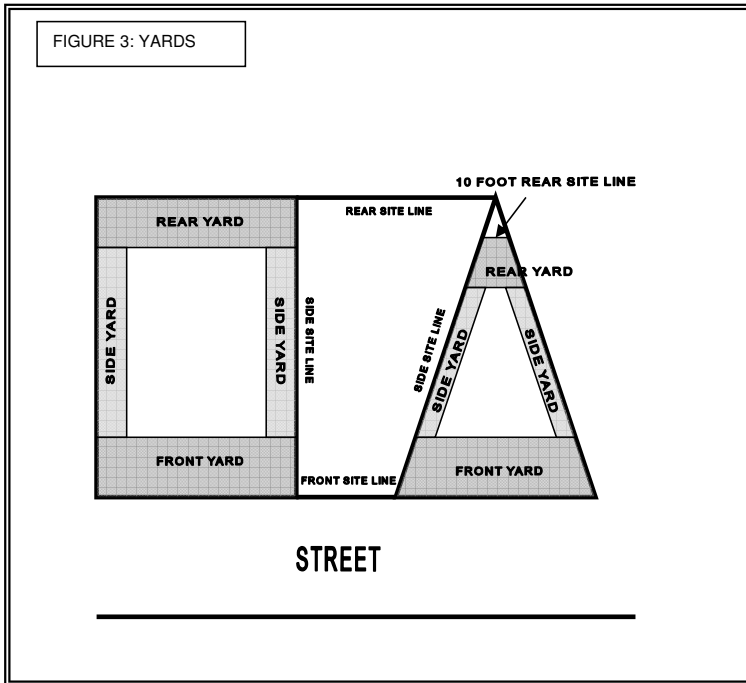
3.91 "Use" means:

- 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.

## YARD, REQUIRED

3.92 "**Yard, required**" means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirement for the zone in which such zoning site is located (see figure 3).

- a. "**Yard, required, corner side**" means a side yard which adjoins a street.
- b. "**Yard, required, front**" means a yard extending along the full length of the front site line between the side site lines.
- c. "**Yard, required, interior side**" means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.
- d. "**Yard, required, rear**" means a yard extending along the full length of the rear site line between the side site lines.
- e. "**Yard, required, side**" means a yard extending along the side site line from the required front yard to the required rear yard.



## **SIGN DEFINITIONS**

### **SIGN**

- 4.1 "**Sign**" means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:
- Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
  - Is used to identify, direct attention to, or advertise; and
  - Is visible from outside a building but shall not include show windows as such.

### **SIGN, ADVERTISING**

- 4.2 "**Sign, advertising**" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.

#### **SIGN, ANIMATED**

- 4.3 "Sign, animated" means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.

#### **SIGN, AWNING**

- 4.4 "Sign, awning" means a non-illuminated sign painted or stenciled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable, or capable of being folded against the wall or supporting building.

#### **SIGN, BULLETIN BOARD**

- 4.5 "Sign, bulletin board" means a sign of permanent character, but with moveable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which sign is maintained, e.g. school, church, community centre bulletin board sign and similar uses.

#### **SIGN, BUSINESS**

- 4.6 "Sign, business" 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.

#### **SIGN, CONSTRUCTION**

- 4.7 "Sign, construction" means a sign which identifies a construction project and information relative thereto.

#### **SIGN, DIRECTIONAL**

- 4.8 "Sign, directional" means on-premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.

#### **SIGN, ELECTRIC**

- 4.9 "Sign, electric" means any sign containing electrical wiring or light built into the sign face which are intended for connection to an electrical energy source.

#### **SIGN, FASCIA OR WALL**

- 4.10 "Sign, fascia or wall" means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.

#### **SIGN, FREESTANDING**

- 4.11 "Sign, freestanding" means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

**SIGN, IDENTIFICATION**

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

**SIGN, ILLUMINATED**

4.13 "**Sign, illuminated**" means a sign designed to give forth any artificial light or reflect light from an artificial source.

**SIGN, MARQUEE**

4.14 "**Sign, marquee**" means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

**SIGN, MURAL**

4.15 "**Sign, mural**" means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.

**SIGN, OFFICIAL**

4.16 "**Sign, official**" means a sign required by, or erected pursuant to the provisions of Federal, Provincial or Municipal legislation.

**SIGN, PORTABLE**

4.17 "**Sign, portable**" means a sign greater than 0.50 sq.m. (**5.38 sq. ft.**) in area that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner that the sign can be readily relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

**SIGN, PROJECTING**

4.18 "**Sign, projecting**" means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

**SIGN, REAL ESTATE**

4.19 "**Sign, real estate**" means a sign advertising the sale, rental or lease of the premises on which it is maintained.

**SIGN, ROOF**

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

**SIGN, SURFACE AREA**

4.21 "**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; excluding the necessary supports or uprights on 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 three (3) feet from another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of unequal area.

#### **SIGN, TEMPORARY**

- 4.22 "Sign, temporary" means a sign with or without a structural frame and intended for a limited period of display, and shall include a mobile sign, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

#### **USE CLASS DEFINITIONS**

- 5.1 The following were used to identify use categories:
- a. The use classes group individual land uses into a specified number of classes with common functional or physical impact characteristics
  - b. The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zones of this By-law
  - c. The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular use class.
  - d. Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may deem that the use conforms to and is included in that Use Class which is considered to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zone.

#### **RESIDENTIAL USE CLASSES DEFINITIONS**

##### **DWELLING**

- 5.2 "Dwelling" means a building or portion thereof designed for residential occupancy.

##### **DWELLING, SINGLE-FAMILY**

- 5.3 "Dwelling, single-family" means a detached building designed for and used by not more than one (1) family.

##### **DWELLING, TWO-FAMILY**

- 5.4 "Dwelling, two-family" means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.

### **DWELLING, THREE AND FOUR FAMILY**

- 5.5 "**Dwelling, three and four family**" means a detached or semi-detached triplex, four plex, town or row type building designed for and used by not more than three (3) or four (4) families, each having exclusive occupancy of a dwelling unit.

### **DWELLING, MULTIPLE-FAMILY**

- 5.6 "**Dwelling, multiple-family**" means a building containing five (5) or more dwelling units, each unit designed for and used by not more than one (1) family.

### **DWELLING UNIT**

- 5.7 "**Dwelling unit**" means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping dwelling unit with cooking, eating, living, sleeping and sanitary facilities.

### **INSTITUTIONAL RESIDENCE**

- 5.8 "**Institutional residence**" means a use which is intended for the training, treatment and rehabilitation, housing, care and/or supervision of persons requiring medical assistance. This Use Class includes nursing homes, personal care homes, residential care homes and rehabilitation homes.

### **RESIDENTIAL-RELATED CLASSES**

#### **BED AND BREAKFAST**

- 6.1 "**Bed and breakfast**" means a principal dwelling where sleeping accommodations with or without light meals is provided to members of the travelling public for remuneration.

#### **COMMUNITY RECREATION SERVICE**

- 6.2 "**Community recreation service**" means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.

#### **GARDEN SUITE**

- 6.3 "**Garden suite**" means a temporary, separate living unit that is not attached to the principal residence but is located on a lot containing an existing single unit dwelling, and is intended for the use of hosted person(s) with identified special needs.

#### **GROUP HOME**

- 6.4 "**Group home**" means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical conditional, or legal status, require a group living arrangement for their well being.

#### **GROUP RESIDENCE**

- 6.5 "**Group Residence**" means a group home for five (5) or more residents.

### **HOME OCCUPATION**

- 6.6 "Home occupation" means a use which:
- a. Is carried on in a dwelling unit or its permitted accessory building.
  - b. Is carried on solely by the members of the family residing at the same dwelling unit without the employment of other persons.
  - c. Is incidental to or secondary to the use of the dwelling unit.
  - d. There is no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein.
  - e. In the opinion of the Council is not offensive or obnoxious or create a nuisance.
  - f. Does not cause the generation of undue traffic and congestion in the neighbourhood.

### **HOME INDUSTRY**

- 6.7 "Home industry" means non offensive light manufacturing activities and small businesses that may be permitted as a second use, in addition to the principal use.

### **HOUSE, BOARDING, LODGING OR ROOMING**

- 6.8 "House, boarding, lodging or rooming" means a building or portion thereof, other than a hotel or motel without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and family.

### **RELIGIOUS ASSEMBLY**

- 6.9 "Religious assembly" means a building or a group of buildings used or proposed to be used for conducting organized religious services and accessory uses associated with the use.

### **COMMERCIAL/ INDUSTRIAL USE CLASSES**

#### **AGRICULTURAL IMPLEMENT SALES AND SERVICE**

- 7.1 "Agricultural implements 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.

#### **AMUSEMENT HALL / THEATRE**

- 7.2 "Amusement hall or theatre" means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use class includes arcades and pool halls but does not include Carnivals.

#### **AUTOMOTIVE AND EQUIPMENT REPAIR SHOP**

- 7.3 "Automotive and Equipment Repair Shop" means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale,

installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops, but does not include body repair and paint shops.

#### **AUTOMOTIVE AND RECREATIONAL VEHICLE SALES**

- 7.4 “**Automotive and recreational vehicle sales**” means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sales parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.

#### **BAR / LOUNGE**

- 7.5 “**Bar/Lounge**” means a structure or part of a structure designed, maintained and operated primarily for the dispensing of alcoholic beverages and may include the selling of food and/or snacks. If the bar/lounge is part of the larger dining facility it shall be defined as that part of the structure so designated and/or operated.

#### **BUSINESS SUPPORT SERVICE**

- 7.6 “**Business support service**” means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

#### **COMMERCIAL SCHOOL**

- 7.7 “**Commercial school**” means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty, culture, dancing or music schools.

#### **RETAIL STORE**

- 7.8 “**Retail store**” means a development used for the retail sale of those goods required by area residents or employees. Typical uses include food stores, clothing stores, drug stores, variety/ convenience stores selling confectionary, beverages, pharmaceutical and personal care items, hardware printed matter and similar uses.

#### **VEHICLE/ EQUIPMENT RENTALS**

- 7.9 “**Vehicle / equipment rentals**” means a development used for the rental of new or used automobiles, light trucks and utility trailers, tools, appliances, recreational craft, office machines, furniture, light construction equipment, This Use Class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities

#### **CUSTOM MANUFACTURING**

- 7.10 “**Custom manufacturing**” means a use for small-scale on-site production / manufacture of goods. This use class includes kitchen cabinet shops, welding, metal fabrication and other similar uses.

### **DRIVE-IN ESTABLISHMENT**

- 7.11 "**Drive-in establishment**" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle. This use class includes restaurants, coffee shops, ATM and other similar uses.

### **EATING AND DRINKING ESTABLISHMENT**

- 7.12 "**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, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

### **FLEET SERVICE**

- 7.13 "**Fleet service**" means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use Class includes ambulance services, taxi services, bus line, messenger and courier services.

### **FUNERAL SERVICE**

- 7.14 "**Funeral service**" means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.

### **GAS BAR/ SERVICE STATION**

- 7.15 "**Gas bar/ service station**" means a development used for the retail sale of gasoline, other petroleum products, auto accessories, automobile servicing and other similar uses.

### **HOTEL**

- 7.46 "**Hotel**" means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

### **JUNK YARD**

- 7.17 "**Junk yard**" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This Use Class includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.

### **LOADING SPACE**

- 7.18 "**Loading space**" means an off-street space on the same zoning site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane or other appropriate means of access.

## **MOTEL**

- 7.19 "**Motel**" means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

## **PERSONAL SERVICE SHOP**

- 7.20 "**Personal service shop**" means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing. This Use Class may include such establishments as barber shops, beauty parlours, hair-dressing shops, valets and depots for collecting dry cleaning and laundry.

## **PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICE**

- 7.21 "**Professional financial and office support services**" means a development primarily used for the provision of professional management, administration, consulting and financial services. Typical uses include the office of lawyers, accountants, engineers and architects; offices for real estate and insurance firms; clerical, secretarial, employment, call services and similar office support services; banks, credit unions, loan offices and similar financial uses.

## **STORAGE BUILDING AND WAREHOUSE**

- 7.22 "**Storage buildings and warehouse**" means a development exclusively used for indoor and outdoor storage of goods, material and merchandise. This use Class does not include automobile wrecking yards, salvage yards, scrap metal yards or the storage of hazardous goods or waste.

## **TRANSPORTATION TERMINAL**

- 7.23 "**Transportation terminal**" means a development where commercial passenger vehicles pick up and discharge fare paying passengers or a development used for the sale, rental, repair or storage of commercial vehicles. This use class includes vehicle repair shops, eating and drinking areas, gas bars, retail sales and service stations.

## **VETERINARIAN SERVICES**

- 7.24 "**Veterinarian services**" means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include outdoor pens, runs and enclosures.

## **AGRICULTURAL USE CLASSES**

### **SPECIALIZED AGRICULTURE**

- 8.1 "**Specialized agriculture**" means the use of land and sale of apiculture, floriculture, horticulture, including market gardening, orchards and tree farming and similar agricultural activities on a commercial basis.

### **FARMSTEAD DWELLING**

- 8.2 "**Farmstead Dwelling**" means a dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.

## **"PART III" - ADMINISTRATION**

### **SCOPE**

#### **WHEN EFFECTIVE**

- 1.1 This By-law shall be in full force and effect when it is given third reading by the Council of the Town of Niverville.

#### **THE AREA**

- 1.2 The Area to which Zoning By-law shall apply shall be all of the Town of Niverville.

#### **RESPONSIBLE AUTHORITY**

- 1.3 (a) The authority responsible for the enactment of this By-law shall be the Council, in accordance with the provisions of *The Act*; and
- (b) Subject to the provisions of *The Act*, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended, supplemented, changed or repealed.

#### **RESPONSIBILITIES OF COUNCIL**

- 1.4 Subject to the provisions of *The Act*, the Council is responsible for:
- (a) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- (b) Acting as a Variation Board; and
- (c) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it.

### **AMENDMENTS**

#### **PROCEDURE**

- 2.1 Subject to the procedure required under *The Act*, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. Application fees will be determined by Council via a special by-law.

#### **DECISION BY COUNCIL**

- 2.2 Council shall notify the applicant four (4) days in advance of the meeting, at which time it shall review all the facts presented, and any representation by the applicant, study the facts presented, make its findings and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of *The Act*.

#### **CONDITIONAL USE**

- 3.1 The development and execution of this By-law is based upon the division of the area into zones, within which the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however that there are certain uses deemed conditional uses which, because of their

unique characteristics cannot properly be classified in any particular zone without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Such uses fall into two categories:

- (a) Uses publicly operated or traditionally associated with the public interest;
- (b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities; and
- (c) If the proposed use occurs within the control area of a Provincial Highway, the application will be referred to Traffic Board or Manitoba Infrastructure and Transportation to establish additional requirements.

#### **APPLICATION**

- 3.2 An application for conditional use shall be processed and approved or rejected in accordance with the provisions of *The Act*.

#### **FILING AN APPLICATION**

- 3.3 The application shall be filed with the Council and shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council.

#### **EXPIRY OF APPROVAL**

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

#### **EXITING CONDITIONAL USE**

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

#### **CHANGES TO AN EXISTING CONDITIONAL USE**

- 3.6 Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of *The Act*. A conditional use application is required when an existing conditional use is enlarged, expanded or extended to occupy a greater floor and/or greater area of the site upon which said use is located, except as otherwise permitted by this By-law.

#### **VARIATIONS**

##### **THE RIGHT TO APPLY**

- 5.1 Any person may apply for a variation order, in accordance with the provisions of *The Act*.
- 5.2 An application for a variation order shall include all required information and fees, as determined by Council.

## **DEVELOPMENT AGREEMENT**

### **AGREEMENT WITH TOWN OF NIVERVILLE**

6.1 Where an application is made for the amendment of this By-law, or as otherwise permitted in *The Act*, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Town of Niverville in respect of that land as well as contiguous land owned or leased by the applicant.

### **AGREEMENT TO COMPLY WITH ACT**

6.2 The provisions of said agreement shall be in accordance with *The Act*.

## **THE DEVELOPMENT OFFICER**

### **DUTIES**

7.1 The Development Officer as appointed by the Town of Niverville may:

- (a) Issue development permits in accordance with the provisions of this By-law, the Building By-law and the Maintenance and Occupancy By-laws

### **POWERS**

7.2 The Development Officer may:

- (a) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto, subject to the provisions of section 7.1;
- (b) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law;
- (c) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
- (d) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

### **DEFER APPROVAL OF PERMITS**

7.3 At the request of Council, the Development Officer shall:

- (a) Defer approving an application for a development permit:
  - (i) As provided for in *The Act*;
  - (ii) Which could result in a violation of this By-law or any By-law of the Town of Niverville; or
  - (iii) To any person who has failed to pay any fees due and owing to the Town of Niverville.

## **DEVELOPMENT PERMIT/ BUILDING PERMIT**

### **PERMIT REQUIRED**

8.1 The owner of his agent shall obtain all necessary permits as required by the Council and other government agencies

### **WHEN REQUIRED**

8.2 An application for a development permit / building permit is required for the following:

- (a) The erection or construction or placement of any building, or structure, except fences and ornamental light standards (see definition in **section 3.88, PART II**);
- (b) The addition, extension, structural alteration or conversion of any building or structure;
- (c) The relocation or removal or demolition of any building or structure; excepting any non-taxable farm building;
- (d) The use of vacant buildings or structures; or
- (e) The change of use of land, buildings or structures.

### **REQUIREMENTS**

8.3 In addition to the requirements of any By-law of the Town of Niverville or any other provincial regulations, all applications for a development permit shall:

- (a) Be accompanied by a plan, drawn to scale, showing *The Actual* dimensions and shape of the site to be built upon, the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations;
- (b) Include such other information as may be required by the Council, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats; a surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law; and
- (c) No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.

## **BUILDING PERMITS**

### **PERMITS ISSUED PRIOR TO BY-LAW**

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

## **BUILDING TO BE MOVED**

9.2 No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law applying to the zone in which it is located.

## **NON-CONFORMITY**

### **DEFINITION**

10.1 "**Non-Conformity**" means one, or a combination of one or more, of the following:

- (a) A site or parcel of land;
- (b) A building or structure;
- (c) A use of a building or structure;
- (d) A use of land; or
- (e) A sign, 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.

### **NON-CONFORMITIES**

10.2 Non-conformities are hereby classified as:

- a. Any lawful use of building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-law or amendments thereto;
- b. A non-conforming building or structure means any lawful building or structure which does not comply with one or more of the applicable zone regulations on the effective date of this By-law or amendments thereto;
- c. A non-conforming site or parcel of land means any lawful site or parcel of land which does not comply with the bulk requirement of the affected zone on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership; and
- d. A non-conforming sign means any lawful sign which does not comply with one or more of the applicable zone bulk regulations on the effective date of this By-law or amendments thereto.

### **GENERAL PROVISIONS**

10.3 A non-conforming use and a non-conforming building or structure use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Act*, unless otherwise provided for herein.

### **STRUCTURAL ALTERATIONS**

10.4 Pursuant to provisions of *The Act*, a structural alteration shall not be made to a non-conforming

building or structure or a building or structure containing a non-conforming use, unless said alteration conforms to the requirement of this By-law, does not increase the degree of non-conformity, unless an appropriate variation order has been obtained.

#### **REPAIR OR REBUILDING**

- 10.5 Pursuant to *The Act*, where Council determines that a building or structure is damaged or destroyed more than fifty percent (50%) of its replacement value above its foundation, the said building or structure must not be repaired or rebuilt, but only in conformity with the zoning by-law and any variance approved under this **PART**.

#### **NON-CONFORMING PARCEL**

- 10.6 No building or structure may be erected on a non-conforming parcel of land unless:
- (a) The required yards are provided as set forth in the Bulk Table of the zone in which the parcel of land is located; or
  - (b) Where a variation order for such yard requirements is granted.

A variation order shall not be required where a site or parcel is being increased in size or area so as to decrease its non-conformity, even though the enlarged site or parcel does not conform to the site area and site width requirements of this By-law. The enlargement of said site or parcel shall not cause an increase in non-conformity of an abutting or adjoining site or parcel.

#### **NON-CONFORMING SIGNS**

- 10.7 A non-conforming sign shall be subject to all the provisions of this **PART** relating to non-conformities, except as provided hereafter:
- (a) A change in the subject matter represented on a sign shall not be considered a change of use; and
  - (b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
    - (i) The creation of a new non-conformity or increase in the degree of non-conformity; or
    - (ii) An increase in the sign surface area; or
    - (iii) An increase in the degree of illumination.

#### **CERTIFICATE AND FEES**

- 10.8 Any fees made to the Development Officer for the issuance of a certificate in accordance with *The Act* shall be determined by Council.

#### **INTERPRETATION AND APPLICATION**

- 11.1 In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

#### **RELATION TO OTHER BY-LAWS**

- 11.2 Whenever provisions of any By-law of the Town of Niverville or any other requirement of the Provincial

or Federal Government impose overlapping regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

#### **PREVIOUS VIOLATIONS**

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

#### **SITE REDUCED**

- 11.4 A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

#### **VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW**

- 11.5 A building or structure or use established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order, be deemed to conform to the provisions of this By-law.

#### **"A", "OS", "I", "R1", "R1S", "R1A", "R1AS", "R2", "R2S", "R3", "R4", "RE", "RCC", "C1", "C2", "C2A", "CML", "M1" OR "M" ZONES**

- 11.6 Whenever the terms "A" Zone, "OS" Zone, "I" Zone, "R1" Zone, "R1S" Zone "R1AS" Zone, "R1A" Zone, "R2" Zone, "R2S" Zone, "R2A" Zone "R3" Zone, "R4" Zone, "RE" Zone, "RCC" Zone, "C1" Zone, "C2" Zone "C2A" Zone, "CML" Zone "M1" Zone or "M" Zone are used, they shall be deemed to refer to all Zones containing the same letter in their names.

#### **PUBLIC UTILITIES AND SERVICES**

- 12.1 Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of a public service such as police or fire protection. Public utilities, as defined by this By-law, shall be listed as a Conditional Use in all Zones. Yard, area and height requirements for proposed public utilities shall be determined by Council and should be of a standard compatible to the zone in which the public utility is proposed.

#### **PUBLIC MONUMENTS AND STATUARY**

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

#### **DEVELOPMENT PERMIT FEES**

- 14.1 Cost to be borne by applicants will be determined by council as a condition to development. This fee can be waived by council if deemed necessary.

#### **ENFORCEMENT**

- 15.1 The enforcement of this By-law, or any resolution or Order enacted by the Council under *The Act* or any regulation made there under shall be in accordance with *The Act*.

## **MUNICIPAL SERVICES**

### **CONNECTING TO MUNICIPAL SERVICES**

- 16.1 All principal buildings constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services. Sewer and water connections shall be made within the time limit specified in the Town of Niverville Sewer and Water By-law and any amendments thereto.
- 16.2 The use of existing services shall occur via infill development, as defined in, **section 3.44** of **PART II** of this document, prior to consideration of other new development.

## **DUTIES OF THE OWNER**

### **RESPONSIBILITY**

- 17.1 Neither the granting of a development permit nor the approval of the drawing and specifications nor inspection shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Town of Niverville.

### **PERMITS REQUIRED**

- 17.2 Every owner shall:
- a. Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this By-law;
  - b. After the development application has been approved of the Development Officer before doing any work at variance with the approved documents filed; and
  - c. Be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

### **NO DEVELOPMENT PERMITS REQUIRED**

- 17.3 No development permit from the Town of Niverville is required under this By-law for the developments listed below, provided that such developments shall comply with the Permitted Use and regulations of this By-law. This does not relieve the applicant or landowner from obtaining approvals from other government agencies. For a development listed below, the Development Officer shall advise the applicant that no permit is required and return the submission, including any fees paid. Developments exempted from applications are as follows:
- a. Regular maintenance and repair of any development provided it does not include structural alterations.
  - b. Private driveways and patios which are accessory to a development, that do not include any work on public road allowance such as curb cuts, culvert extensions and hard topping of driveway on road allowance
  - c. A fence, wall, or gate not exceeding six and fifty-six one-hundredths (**6.56**) ft. in height.

- d. An accessory building that:
  - i) is less than 10.00 sq. m. (**107.64 sq. ft.**) in area;
  - ii) does not exceed fifteen (**15**) ft. or one storey in height;
  - iii) is not considered a hazard by the Development Officer; and
  - iv) is not a portable garage.
- e. An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than 0.61 m. (**2.00 ft.**) above grade unless it is anchored to the building.
- f. Landscaping where the existing grade and natural surface drainage pattern is not materially altered.
- g. The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (**30**) days of substantial completion or as determined by the Development Officer.
- h. The following types of signs are exempt, but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
  - i. signs of less than six and 46 one-hundredths (**6.46**) sq. ft. in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
  - ii. memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
  - iii. signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
  - iv. one real estate sign; and
  - v. election campaign signs during Federal, Provincial, Municipal and School Board election periods and up to seven (**7**) days after the election.
- (i) The use of vacant farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.

**RESIDENTIAL USE CLASS PERMITS NOT REQUIRED**

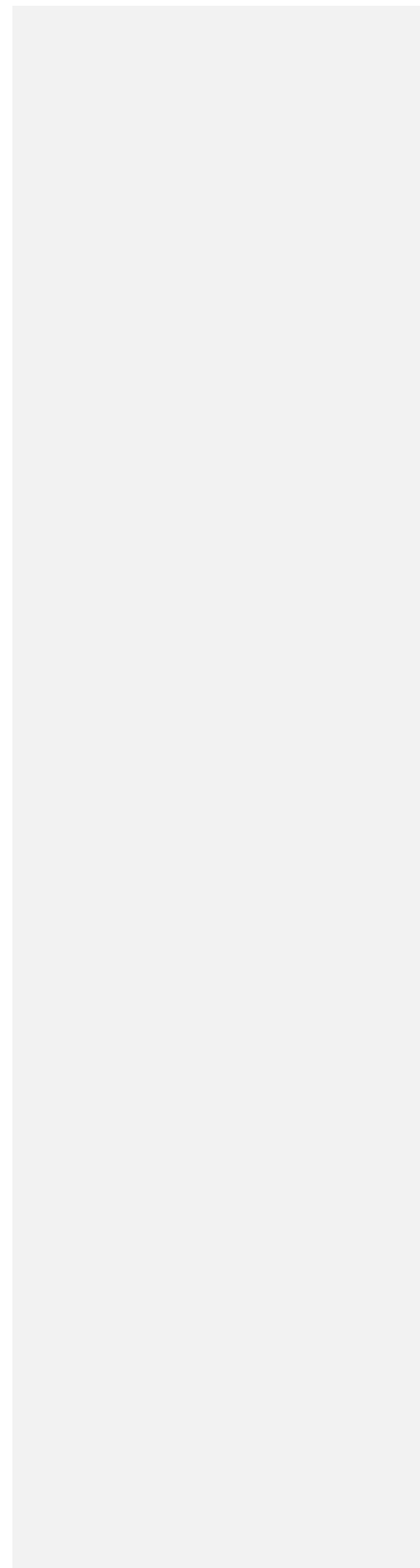
17.4 The following types of non-illuminated signs may be erected or constructed without a Development Permit in Residential Zones:

- a. A freestanding residential on-site for identification not exceeding two (**2**) square feet in sign area;
- b. For home occupations in the Residential Zones: limited to one (**1**) sign, being a maximum size of two (**2**) feet X three (**3**) feet and attached to the building face;
- c. For home industries in the Rural Estate Residential Zone: to be limited to one (**1**) sign as follows:
  - (i) A maximum size of two (**2**) feet x three (**3**) feet, when free standing; or
  - (ii) A maximum size of three (**3**) feet x five (**5**) feet, when located behind the house setback line and attached to the front wall of an accessory building.

- d. Temporary signs, including real estate signs, construction signs, election signs, garage sale signs and similar signs.

**FEES**

- 18.1 Council shall, by By-law, establish a fee schedule for variations, zoning amendments, zoning memoranda, conditional use orders, non-conforming certificates and other appropriate documents.



## **PART "IV" - GENERAL PROVISIONS**

### **REGULATIONS OF USE**

The general provisions shall apply to all Zones listed herein unless otherwise specifically stated.

### **GENERAL REGULATIONS OF USE**

- 1.1 With the exception of **Section 12.1** of **PART III** of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:
- a. is listed in the zone as:
    - i) a permitted use development; or
    - ii) a conditional use development, subject to approval as such
  - b. is an accessory use, building or structure.
  - c. has been granted a use variance as per provisions of *The Act*.

### **ONE DWELLING UNIT PER PARCEL/ HOLDING**

- 1.2 There shall be a maximum of one (1) dwelling unit per lot or parcel of land, except for the following:
- a. Two Family Dwellings, Townhouse Dwellings, Multiple Family Dwellings or Temporary Additional Dwellings as provided for in this By-law.

### **MULTIPLE USES**

- 1.3 Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

### **BULK USE TABLES**

- 1.4 Bulk Use tables list all uses that are:
- a. "P", Permitted;
  - b. "C", Conditional; and
  - c. "-", Not Permitted
- in **ALL** Zones. All listed uses are subject to the provisions contained therein.
- 1.5 The provisions pertaining to **PARTS V - XI** shall regulate:
- a. All structures erected hereafter;
  - b. All uses of land and structures established hereafter;
  - c. All structural alterations or relocations of existing structures occurring hereafter; and
  - d. All enlargement of, or additions to existing structures, or uses.

## **ACCESSORY USES**

- 1.6 Accessory developments in all zones are permitted when accessory to a permitted use and conditional when accessory to a conditional use. Said accessory buildings or structures shall be subject to the following requirements in addition to the specific requirements for each zone listed below:
- a. Yard requirements for accessory buildings and structures shall be subject to the regulations of that Zone.
  - b. No accessory building or structure shall be used as a dwelling unit, except as otherwise stated within.
  - c. Where any building or structure on a site is attached to a principal building on the site it shall be subject to and shall conform to all requirements applicable to the main building.
  - d. Accessory buildings or structures shall not be located within a dedicated easement right-of-way.
  - e. Accessory buildings or structures will not be constructed prior to the establishment of the principal building to which it is accessory with the exception of a temporary use (see **section 5.1 & 5.2 of this PART**).
  - f. The establishment of portable garages as an accessory use will also require a permit when permitted in the specified zone
  - g. Maximum of two (2) detached accessory buildings or structures can be associated with any permitted use.
  - h. Maximum of one (1) attached accessory building or structure can be associated with any permitted use.
  - i. The establishment of a school hut when accessory to a permitted / conditional use in a given zone will require prior approval from council with respect to bulk requirements.
  - j. Total of all accessory uses cannot exceed seventy-five percent (75%) of the primary use.
  - k. Accessory uses / structures located on through sites shall have yard requirements established by resolution of council.
  - l. Accessory use parking (see **PARKING as per Table II of this PART**); and
  - m. Signs as permitted and regulated (see **Section 2 of this PART**).

## **ACCESSORY BUILDING, STRUCTURES AND USES**

- 1.7 Accessory buildings, structures and uses shall be limited to those listed in **Table I: PERMITTED ACCESSORY USES**, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with the character and use of the subject Zone.

<b>TABLE I PERMITTED ACCESSORY USES (see also section 1.8 of this PART)</b>	
<b>category</b>	<b>permitted accessory uses</b>
<b>A</b>	birdfeeder / birdhouse
	clothesline and structure
	conservatory, private
	covered patio, private
	flagpole
	garage / carport, private
	gazebo
	greenhouse, private
	lawn ornament
	lighting fixture
	outdoor cooking facility, private
	play / sports structure, private
	portable garage (see section 1.6(f) of Part IV)
	reception equipment excl. towers, private (satellite dishes as per section 11.1 of Part IV of this By-law)
	shed
	sign, on-site (as per Section 2 of Part IV of this By-law)
	solar panel, private
	solid waste storage structure, private
swimming pool, private, or hot tub (as per section 4.1 of Part IV of this By-law)	
refuse and garbage area	
<b>B</b>	dwelling for the caretaker or owner (the establishment of this accessory use will require a resolution of Council)
<b>C</b>	sign, on-site (as per Section 2 of Part IV of this By-law)
	storage compound / area to store goods used / produced on-site
<b>D</b>	retail business / service related to principal use
<b>E</b>	schools, private
<b>F</b>	incinerator (subject to proper approvals)
<b>G</b>	storage of merchandise normally incidental to a business/ manufacturing
<b>H</b>	production, processing, cleaning, servicing, altering, testing, repair or produced goods and personal service
<b>I</b>	retail, commercial or other use incidental to a permitted /conditional use

**ADDITIONAL RESIDENTIAL RELATED ACCESSORY USES, BUILDINGS AND STRUCTURES**

1.8 In addition to the general requirements above the exterior finish of all accessory buildings in excess of one hundred (100) sq. ft. in area shall blend in with adjacent residential buildings.

## **OPEN SPACE ZONE ACCESSORY BUILDING AND USES PERMITTED**

1.9 In the Open Space Zones, accessory uses, buildings and structures shall be determined by Council

## **SIGN REGULATIONS - GENERAL**

2.1 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 **PART** except wherein otherwise stated:

- a. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- b. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a rail road grade crossing.
- c. No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- d. No flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within one hundred (**100**) feet of any residential zone or Provincial Roads and Provincial Trunk Highways.
- e. All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (**30**) days following such condition, may be removed by the Town at the owner's expense.
- f. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (**2**) feet from one another.
- g. It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town, and all signs shall adhere to all the setback requirements of the commercial zone in which they are located.
- h. The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- i. No advertising billboard or other type of display sign shall be constructed in any **Zone** without the approval of the Council, except as otherwise stated herein.
- j. The following signs shall not be subject to the provisions of this **PART**, except wherein otherwise stated herein:
  - i. Signs posted by duly constituted public authorities in the performance of their public duties;

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

**COMMERCIAL/ INDUSTRIAL RELATED USE SIGNS**

- 2.2 a. In the **"C1" Downtown Commercial Zone** signs shall be permitted as follows:
- i. one illuminated or non-illuminated fascia identification or business sign identifying any use contained on the building or structure, signs having an aggregate sign surface area not exceeding twenty (20) percent of the surface of the wall to which they are attached;
  - ii. one illuminated or non-illuminated free-standing business or identification sign, having a maximum height not exceeding twenty-five (25) ft.; located in the required front yard, but no part of such sign shall be located nearer the front or side site lines than one (1) foot, the total aggregate sign surface area not to exceed thirty-two (32) sq. ft.;
  - iii. one illuminated or non-illuminated business or identification sign not exceeding forty (40) sq. ft. may be erected on the roof of the building containing the business it identifies, which sign shall not be in addition to a fascia sign but as an alternative thereof;
  - iv. advertising signs shall be conditional use in the **"C1" Downtown Commercial Zone**.
- b. In the **"C2" - Highway Commercial Zone "C2A" Restricted Highway Commercial Zone** and the **"CML" Commercial Industrial Zone** signs shall be permitted as follows:
- i. one illuminated or non-illuminated fascia identification sign surface area not to exceed one (1) sq. ft. for each ft. of site width of the property on which it is located, but not exceeding a total aggregate sign surface area of one hundred (100) sq. ft., for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate identification sign.
  - ii. any identification or business sign permitted in **subclause (i)** above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (100) sq. ft.
  - iii. advertising and other signs not provided for in **subclauses (i) and (ii)**, above, shall be conditional uses

2.3 The following signs shall be permitted in the **Industrial Zones**:

- a. One illuminated or non-illuminated fascia business or identification sign identifying any use contained on the building or structure, but not exceeding a total aggregate sign surface area of one hundred (**100**) sq. ft., for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate identification sign.
- b. Any identification or business sign permitted in clause (a) above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (**100**) sq. ft.
- c. Bulletin board signs shall be permitted to a maximum size of thirty-two (**32**) square feet.
- d. Advertising signs shall be conditional uses, the size of which shall be determined by Council.
- e. In addition to the sign regulations listed herein, the sign controls listed in **Section 2.of PART IV** shall apply to these **Industrial Zones**.

#### **SIGNS IN THE “RCC” RECREATIONAL COMMUNITY COMPLEX ZONE**

2.4 In the “**RCC**” **Recreational Community Complex Zone**, any sign that does not conform to the signs identified in **PART IV**. General signs shall be determined by Council.

#### **AGRICULTURAL USE CLASS SIGNS**

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

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

#### **PARKING**

#### **GENERAL REQUIREMENTS**

3.1 When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this Section of the By-law as follows:

**TABLE II:  
OFF STREET PARKING REGULATIONS**

<b>Parking Use Classes</b>	<b>Number of Parking Spaces Required</b>
<b><u>Residential and Residential-Related Classes</u></b>	
Bed and Breakfast Home	1 per dwelling unit or sleeping accommodation units
Institutional Residence	1 per each 2 dwelling or sleeping units
Multiple family dwelling	1.5 per each dwelling unit
Single attached dwelling	1 per dwelling unit
Single family dwelling	1 per dwelling unit
Semi-detached dwelling	1 per dwelling unit
Townhouse dwelling	1 per dwelling unit
Two family dwelling	1 per dwelling unit
<b><u>Commercial / Industrial Related Classes</u></b>	
Hotel and Motel	1 per dwelling unit or guest room
Eating and drinking establishments	1 per ever 4 seats or 1 for every 100 sq. ft. of floor area, which ever is the larger
Convenience and general retail	1 per every 200 sq. ft. of floor area
All other commercial uses	1 for every 250 sq. ft of floor area
<b><u>Other</u></b>	
Indoor participant recreation service, religious assembly, outdoor participant recreation service, private club, public library, cultural exhibit, recreation service	1 per every 5 seating spaces or 10 feet of bench. Where there are no fixed seats, 1 space for each 100 sq. ft.
Health related	2 per every bed
Public and private education service	1.5 per classroom plus 1 for each 100 sq. ft. of floor area devoted to public use
Government service	1 per every 550 sq. ft. of floor area
Child care service	1 per 2 employees
Funeral service	1 per 5 seating places

- 3.2 Where a proposed use is not listed above, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Development Officer shall make his/her own determination as to the regulation.
- 3.3 Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- 3.4 In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

**ADDITIONAL REQUIREMENTS FOR THE RESIDENTIAL USE CLASS**

- 8.1 In addition to the requirements above the following residential parking related requirement:
- a. Where a common parking area, provided for residents of a multiple-family dwelling abuts an “R1” or “R1A” SINGLE FAMILY RESIDENTIAL ZONE or an “R2” TWO FAMILY RESIDENTIAL ZONE, a solid fence or hedge not less than four (4) feet or more than six (6) feet in height shall be constructed and maintained along any portion of the parking area boundary which abuts the said zones.
  - b. For home industrial uses, see section 8.1 of PART VI;
  - c. For home occupation uses, see section 7.1 of PART VI; and
  - d. No parking is permitted in the front yard except in the case of single family or two family dwelling where parking spaces are permitted in driveways located in the required front yard.

**ADDITIONAL PARKING AND LOADING SPACES FOR COMMERCIAL/ INSTITUTIONAL USE CLASS AND RECREATIONAL COMMUNITY COMPLEX ZONE**

- 3.6 Parking in the Commercial/ Institutional use class as well as the “RCC” RECREATIONAL COMMUNITY COMPLEX ZONE shall be held to the following:
- a. Off-street parking spaces, each at least nine (9) ft. x twenty (20) ft., shall be provided as follows:
    - (i) Museums - one parking space for each four hundred (400) square feet of gross floor area;
    - (ii) Motels and hotels - one (1) parking space for each dwelling unit or guest room;
    - (iii) Bowling alleys – three (3) parking spaces per alley;
    - (iv) Places of assembly, including spas, clubs and lodges – one (1) parking space for each two hundred (200) square feet of floor area used for assembly or recreation;
    - (v) Personal service shops, general retail, and service establishments - one parking space for each 200 square feet of floor area.
  - b. Off-street parking spaces, each at least nine (9) ft. x twenty (20) ft., shall be provided as follows:
    - (i) Auditoriums and funeral parlours – one (1) parking space for each six (6) seats in the principal assembly area, but not less than ten (10) spaces;
    - (ii) Other conditional uses - one (1) parking space for each employee on the maximum shift.
  - c. Other requirements may be established by Council through appropriate amendments.
  - d. Parking shall be permitted in the required accessory front yard to within five (5) feet of the front site line for all uses.

**PARKING SPACES**

- 3.7 All parking spaces shall be provided on the same zoning site as the principal use.

**ACCESSIBLE PARKING SPACES**

- 3.8 Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with disabilities. For each such space:
- (a) the width of each required accessible space must be a least ten (10) ft.; and for every ten (10) accessible parking spaces required to be provided, at least one (1) space must be a minimum of eight (8) ft. wide and must have an adjacent loading and maneuvering area of at least eight (8) ft.;
  - (b) must be located within two hundred (200) ft. of major building entrances used by residents, employees, or the public; and
  - (c) must include signage reserving the space for the use by persons with disabilities.
- 3.9 At least one (1) curb ramp must be located within one hundred (100) feet of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.
- 3.10 Accessible parking space requirements are as follows:

**ACCESSIBLE PARKING SPACE REQUIREMENTS**

Total Required Parking Spaces	Min. No. of Accessible Parking Spaces Required
1-26	1
27-51	2
52-76	3
77-101	4
102-151	5
152-200	6

**LOADING SPACES FOR COMMERCIAL/ INDUSTRIAL USE CLASS and “RCC” ZONE**

- 4.1 The following table indicates the required loading spaces for all industrial uses:
- a. Off-street loading spaces, each at least twelve (12) ft. x thirty-three (33) ft. with a fourteen (14) ft. vertical clearance, shall be provided as follows:
    - (i) Clubs - one loading space when floor area is in excess of seven thousand five hundred (7,500) square ft.;
    - (ii) Bowling alleys, radio stations, rinks and similar amusements - one loading space when floor area is in excess of seven thousand five hundred (7,500) square ft.;
    - (iii) Uses not classified above and primarily concerned with the handling of goods - one space for each seven thousand five hundred (7,500) square ft. of floor area, in any case not to be less than one (1) loading space.
  - b. Off-street loading spaces, each at least twelve (12) ft. x thirty-three (33) ft. with a fourteen (14) ft. vertical clearance, shall be provided as follows:
    - (i) Auditoriums and funeral parlours - one loading space when floor area is in excess of ten thousand (10,000) sq. ft.;
    - (ii) Trucking terminals – one (1) loading space per loading area.

Floor area of building	Minimum Number of Loading Spaces
Up to and including 5,000 sq. ft.	1 loading space
5,001 sq. ft. up to and including 15,000 sq. ft.	2 loading spaces
15,001 sq. ft. up to and including 40,000 sq. ft.	3 loading spaces
Over 40,000 sq. ft.	1 parking space for each additional 25,000 square feet or portion thereof.

**TEMPORARY BUILDINGS AND USES**

**TEMPORARY BUILDINGS / USES GENERAL PROVISIONS**

5.1 The provisions of this Section shall apply to all Zones:

**TEMPORARY USES**

5.2 Notwithstanding any provisions elsewhere contained in this By-law, the Council may permit, subject to such conditions as it may see fit to impose, and for a period of twelve (12) months which may be renewed before expiry subject to approval of Council, the temporary use of lands, buildings or structures not in conformity with the requirements of this By-law, if, in Council's opinion, the amenity or sanitary conditions of property in the vicinity will not be adversely affected thereby. If the proposed use occurs within the control area of a Provincial Highway, the application will be referred to The Highway Traffic Board or Manitoba Infrastructure and Transportation to establish additional requirements.

Temporary buildings, structures and uses may also be considered for the following:

- a. Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction on the same zoning site may be permitted on a temporary basis subject to the issuance of a Development Permit for both the principal building and the temporary use and subject to such additional requirements as Council may deem necessary from time to time;.
- b. A Development Permit for a temporary building, structure, or use shall be subject to such terms and conditions as required by Council with fees as set out in the Fee Schedule;
- c. Each Development Permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location;
- d. In all cases, temporary buildings and structures shall not exceed one thousand (1000) sq. ft. in area and one (1) storey or fifteen (15) feet in height; and
  - (i) May be used as office space for the contractor of developer;
  - (ii) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and

- (iii) Shall not be detrimental to the health, safety, convenience and general welfare.
- e. Notwithstanding the provisions of this Section, temporary signs shall be permitted on the same zoning site without a Development Permit for a period not exceeding six (6) months unless otherwise approved by Council.

**YARD REQUIREMENTS**

- 6.1 a. Yards provided for a building or structure existing on the effective date of this By-Law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this By-law;
- b. All yards and other open spaces required for any use shall be located on the same zoning site as the use;
- c. When a site is to be occupied for a permitted use without a building or structure, the yards shall be provided and maintained, except that the side yards shall not be required on a site which is used for horticultural purposes or for public recreational purposes;
- d. Required yards shall be provided and maintained in accordance with the provisions of paragraphs (a) and (b) above and shall be unobstructed from ground level to the sky, except for those obstructions set forth in the following:
  - (i) For a main building, architectural features such as chimneys, bay windows, alcoves, canopies and awnings, eaves and eaves troughs may extend or project into a required side yard to a point not closer than two (2) feet to the side site line except when the side yard requirement is (0) feet in which case the projection by overhang by no more than (2) feet, and may extend or project into a required front yard or rear yard not more than five (5) feet;
  - (ii) For an accessory building the architectural features as noted in (i) shall not encroach into an adjoining yard;
  - (iii) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard or required front yard for a distance of not more than five (5) feet;
  - (iv) Fences, hedges and landscape architectural features placed in such a manner as to produce a fence effect, shall be permitted in all required yards of corner lots if maintained at a height of not more than two and one-half (2 1/2) feet in the front yard and at a height of not more than six (6) feet in the rear and side yards; and
  - (v) A parking area as regulated in sections 3.1 - 3.10 of this PART may be located in a side or rear yard.

**RETENTION OF BULK REGULATIONS**

- 7.1 It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open spaces allocated to a use as per requirements of this By-law shall not be virtue of change of ownership, or for any other reason, be used to satisfy the required yard, other open space, or minimum site area requirements for any other use.

**AREA AND YARD REQUIREMENTS**

- 7.2 Except as herein provided, the following special provisions shall apply in all zones to ensure adequate site and required yard requirements:

- a. Where a site is occupied for a use permitted in a **Commercial Zone** and has no buildings or structures therein, the required yards for the zone within which it is located shall be provided and maintained.
- b. No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the required front yard requirement on the street on which such corner site has its frontage at the time this Zoning By-law becomes effective.
- c. It shall be a continuing obligation of the owner to maintain the minimum required site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open space allocated to a use as per requirements of this Zoning By-law shall not, by virtue of change of ownership, or for any other reason, be used to satisfy the yard, and other open space, or minimum site area requirements for any other use.
- d. The yard requirements shall be set forth in the **BULK TABLES** of each zone.
- e. Required Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of that zone.
- f. All required yards and other open space required for any use shall be located on the same site as the use.

**FRONT YARD EXCEPTIONS**

- 7.3 Where sites shall be provided and maintained in accordance with the provisions of this PART, these shall be unobstructed from ground level to the sky, except as set forth in the **BULK TABLES** of the affected Zones and as follows:
- a. Eaves may project into any required front, side or rear yard, a distance of not more than three (3) ft., provided that in no case shall an eave project within three (3) ft. of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) ft., provided the width of such side yard is not reduced to less than three (3) ft.
  - b. Fire escapes may extend or project into any required front, side or rear yard not more than four (4) ft.
  - c. Open, unenclosed stairways or balconies above the first floor, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) ft. and such balconies may extend into a required front yard not more than two and one-half (2 ½) ft.
  - d. Open, unenclosed porches, or platforms, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard not more than four (4) ft. provided the width of a required side yard is not reduced less than three (3) ft.
  - e. Open work ornamental fences, uncovered walks, arbours, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3 ½) ft. above the average ground level adjacent thereto. An open work type railing not more than three and one-half (3 ½) ft. in height may be installed or constructed on any balcony, stairway, porch, platform or landing place.

- f. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed two and one-half (2 ½) ft.
- g. Landscape features, such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (f) above.
- h. Name plates, signs, as permitted and regulated in this **PART**, or signs for lease or rental of the premises on which they are located as permitted in this **PART**, shall be allowed in any required front, side or rear yard.
- i. Open work ornamental fences, hedges, landscape architectural features or guard rails shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2 ½) ft. in width shall be deemed adequate for such an access.

#### **HEIGHT EXCEPTIONS**

- 7.4 The provisions of the zones shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing useable floor space.

#### **PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS**

- 8.1 All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations and controls stipulated in the Highways Department Act and other policies established by the Manitoba Infrastructure and Transportation.

#### **NOXIOUS OR OFFENSIVE USES**

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

#### **VEHICULAR ORIENTED USES**

##### **APPLICABILITY**

- 10.1. The following Commercial / Industrial Use Class developments shall comply with the regulations of this Section of the By-law:
- a. Drive-In Food Services;
  - b. Gas Bars;
  - c. Service Stations;
  - d. Rapid Drive-Through Vehicle Services; and
  - e. Automated Teller Machines (ATM).

##### **DEVELOPMENT REGULATIONS**

- 10.2 Vehicular-oriented uses shall be located only where the Development Officer or Council is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.

- 10.3 The minimum frontage shall be one hundred (**100**) feet
- 10.4 Service Stations and Rapid Drive-Through Vehicle Services shall have a minimum site depth of one hundred (**100**) feet.
- 10.5 Stacking space shall be provided as follows:
- a. For Drive-In Food Services and other Commercial Use Class developments having a drive-up service window, a minimum of six (**6**) 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.
  - b. For Rapid Drive-Through Vehicle Services, a minimum of five (**5**) in-bound and three (**3**) 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 ten (**10**) in-bound and five out-bound stacking spaces shall be provided.
  - c. For Automated Teller Machines, a minimum of three (**3**) in-bound stacking spaces shall be provided, as measured from the teller window or automated teller machine (ATM).
  - d. All stacking spaces shall be a minimum of eighteen (**18**) ft. long and ten (**10**) ft. wide. Stacking lanes shall provide sufficient space for turning and manoeuvring.
  - e. 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.
- 10.6 Gas Bars and Service Stations shall comply with the following additional regulations:
- a. All pump islands and underground storage tanks shall be located at least twenty (**20**) ft. from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
  - b. Refuelling areas are not permitted in a required parking area.
  - c. A canopy over a pump island may extend to within ten (**10**) ft. of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section of the By-law.

#### **SATELLITE DISHES**

- 11.1 Satellite dishes and related equipment are subject to the following:
- a. shall be located at ground level or above ground on a free standing structure, shall be placed to the rear of the rear wall of the main building or structure; or
  - b. are permitted on the roof of either the main building or the roof of a suitable accessory building such as a garage; and
  - c. shall neither contain any advertising signs or devices nor shall they be illuminated
- 11.2 Where a person can demonstrate to the satisfaction of Council that a satellite dish complying with these regulations is unable to receive proper reception, Council may waive the above requirements.

## "PART V" - ZONES

### ZONING

1. In order to carry out the intent and purpose set forth in **section 2** of **PART I ADMINISTRATION**, the following zones are hereby established in the Area:

a. Residential:

- i. "R1" Single Family Residential Zone;
- ii. "R1S" Small Lot Single Family Residential Zone
- iii. "R1A" Compact Single Family Residential Zone
- iv. "R1AS" Compact Small Lot Single Family Residential Zone
- v. "R2" Two Family Residential Zone
- vi. "R2S" Small lot Two Family Residential Zone
- vii. "R2A" Four Family Residential Zone
- viii. "R3" Multiple Family Residential Zone
- ix. "R4" Multiple Family Hi-Rise Residential Zone
- x. "RE" Rural Estate Residential Zone
- xi. "RCC" Recreational Community Complex Zone

2. Commercial / Industrial :

- i. "C1" Downtown Commercial Zone;
- ii. "C2" Highway Commercial Zone;
- iii. "C2A" Restricted Highway Commercial Zone
- iv. "CML" Commercial Industrial Zone
- v. "M" Industrial Zone;
- vi. "M1" Restricted Industrial Zone;

3. Open Space:

- i. "OS" Park and Open Space Zone;

4. Agricultural:

- i. "A" Limited Agricultural Zone.

### ZONING MAP

2.1 The location and the boundaries of the zones listed in **Section 1** above are shown upon a Zoning Map attached hereto, marked as **APPENDIX "A"** to this By-law. All notations, references and other information shown therein, together with any amendments made by amending By-laws from time to time and shown therein, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided by *The Act*, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

### DIMENSIONS AND SCALE

2.2 The scale and all dimensions of the Zoning Map are in feet (ft.).

## **REGISTERED PLANS**

- 2.3 All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

## **ZONE BOUNDARIES**

### **INTERPRETATION OF ZONE BOUNDARIES**

- 3.1 In the interpretation of the boundaries of the zones as shown on the Zoning Maps the following rules shall apply:
- a. Notwithstanding that streets, lanes and public utility rights-of-way may be within 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;
  - b. Boundaries indicated as following the centre lines of streets, highways or lanes shall be construed to follow such centre lines or as otherwise indicated on a map;
  - c. Boundaries indicated as following site lines on a registered plan shall be construed as following such site lines;
  - d. Boundaries indicated as following the Town's limits shall be construed as following the Town's limits;
  - e. Boundaries indicated as following the centre line of railway lines or railway rights-of-way or public utility lines or rights-of way shall be construed to be midway between the main tracks or the centre of the right-of-way, or as otherwise shown on **APPENDIX "A"** attached hereto;
  - f. If a street or lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane shall be included within the zone of the adjoining land provided that if the said street or lane was a zoning boundary between two or more different zones, the new zoning boundary shall be the closed street or lane.

## **“PART VI” - RESIDENTIAL ZONES**

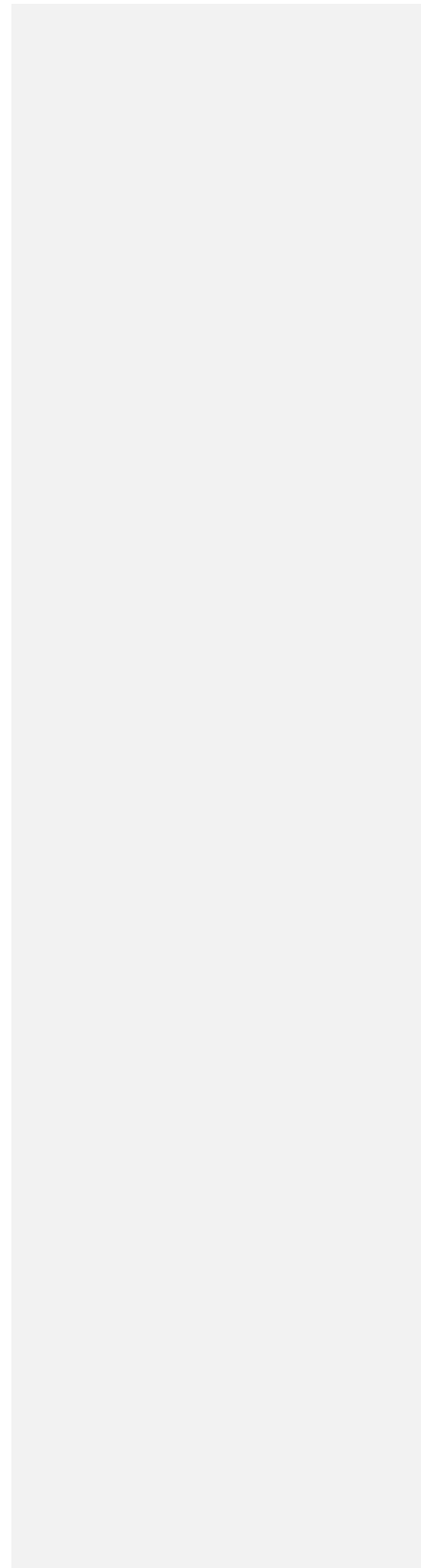
### **INTENT AND PURPOSE**

1. The following Residential Zones are hereby established in order to carry out the intent and purpose of the Town of Niverville Development Plan:
  - (a) **“R1A” COMPACT SINGLE FAMILY RESIDENTIAL ZONE** provides areas for low density, single family dwellings and associated or compatible uses.
  - (b) **“R1AS” COMPACT SMALL LOT SINGLE FAMILY RESIDENTIAL ZONE** provides for areas that are small lots with minimal side yard requirements.
  - (c) **“R1” SINGLE FAMILY RESIDENTIAL ZONE** provides areas for low density, single family dwellings and associated or compatible uses.
  - (d) **“R1S” SMALL LOT SINGLE FAMILY RESIDENTIAL ZONE** provides for single family dwellings on smaller lots.
  - (e) **“R2” TWO FAMILY RESIDENTIAL ZONE** provides areas for low and medium density, single and two family dwellings and associated or compatible uses.
  - (f) **“R2A” FOUR FAMILY RESIDENTIAL ZONE** provides areas for single storey, attached, four family dwellings and associated or compatible uses.
  - (g) **“R2S” SMALL LOT TWO FAMILY RESIDENTIAL ZONE** provides for two-family dwellings on smaller more compact lots.
  - (h) **“R3” MULTIPLE FAMILY RESIDENTIAL ZONE** provides for low, medium and high density single and two and multiple family dwellings and associated or compatible uses.
  - (i) **“R4” MULTIPLE FAMILY HI-RISE RESIDENTIAL ZONE** provides for apartment buildings that are a maximum of eight (8) stories in height.
  - (j) **“RE” RURAL ESTATE RESIDENTIAL ZONE** provides areas for single family dwellings on larger sized suburban lots.

### **BULK REQUIREMENTS**

Bulk requirements for these zones are shown in the following tables

Table 1



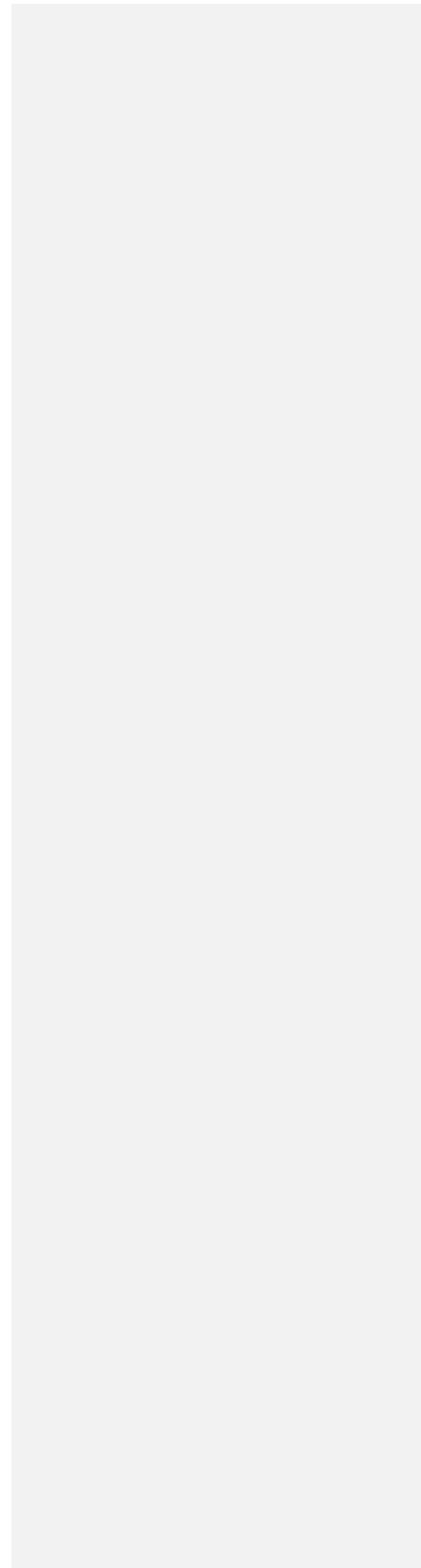
3.1 An above ground electric or barbed wire fence shall be prohibited in all Residential Zones.

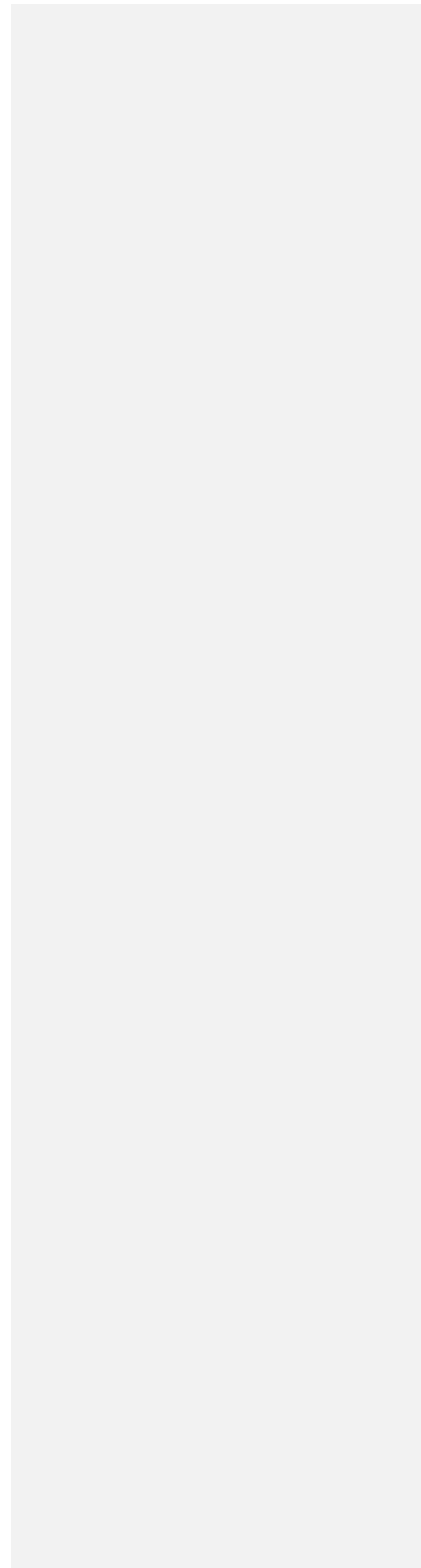
**PRIVATE SWIMMING POOLS AND HOT TUBS**

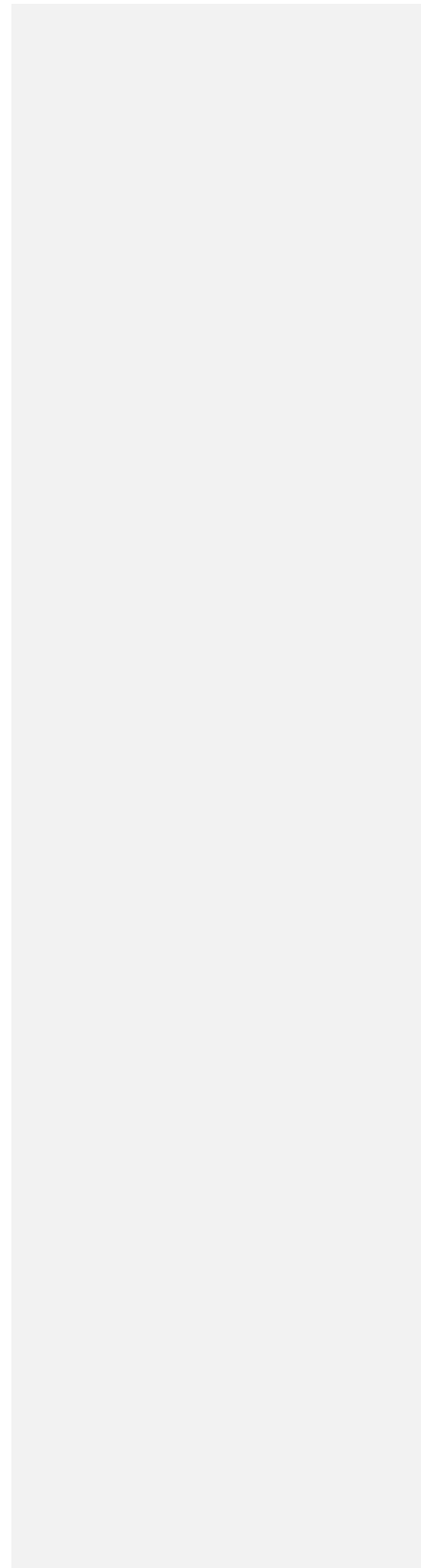
4.1 This section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use:

- a. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings and uses as set forth in **TABLE VI -2: RESIDENTIAL SITE REQUIREMENTS** of this **PART**. In no case shall an outdoor pool or hot tub be located closer than five (5) feet to any side or rear site line;
- b. All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
  - (i) it shall have a minimum height of six (6) feet including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
  - (ii) there shall be no openings other than an entry to a building at a gate and it shall be so constructed as to prevent a child from crawling under either the fence or gate;
  - (iii) where a chain link fence is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
  - (iv) the enclosure surrounding an outdoor pool shall be maintained in good repair.
- c. Notwithstanding **section 4.(1)(a)** of this **PART**, open decks and open stairways associated with the outdoor pools or hot tubs may project to within two (2) ft. of any side or rear site line;
- d. Semi-private pools, which are not located on the property of a single family dwelling and used solely by the occupant of said dwelling or his guests, are subject to the regulations governing swimming pools under the Public Health Act.
- e. Nothing in this Section shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or separation requirements contained in regulations under The Building and Mobile Homes Act, Public Health Act or other applicable statutes.

Insert table 2







## **OTHER PROVISIONS**

### **CONDOMINIUM DEVELOPMENT**

- 5.1 Three types of condominium development can occur in the Town of Niverville:
- a. Bareland condominiums where the common elements as defined in the *Condominium Act* containing roads shall be deemed to be a street for the purpose of determining site and yard requirements;
  - b. Condominiums as part of a planned unit development, subject to **section 6.1** of this **PART**. Under this section, bare land condominiums utilizing higher density of development and reduced widths of common element for road purposes, will also be allowed; and
  - c. Condominiums as part of multiple family dwellings and including multi storey developments, meeting the requirements of the respective zones.

### **SUBDIVISION OF ATTACHED DWELLINGS**

- 5.2 A lot with a two-family dwelling located in either the "**R2**" **TWO FAMILY RESIDENTIAL ZONE** or the "**R2S**" **TWO FAMILY SMALL LOT RESIDENTIAL** or the "**R3**" **MULTIPLE FAMILY DWELLING ZONE** or a row-type dwelling located in the "**R2A**" **FOUR FAMILY RESIDENTIAL ZONE** may be split into two or more lots provided the following regulations are complied with:
- a. any new lot line shall be a straight line between the front and rear lot lines, located in such a manner that the party wall of two adjacent units shall form part of the new lot line. Where the new lot line is unable to form a straight line due to the irregular shape of the lot, the location of that new lot shall be determined by the conditions of any subdivision approval and verified by a Manitoba Land Surveyor.
  - b. each lot created shall have frontage on a street, lane or right-of-way; except in the case of a bare land condominium unit development, where the common elements as defined in the *Condominium Act* that contain roads shall be deemed to be a street for the purpose of this section.
    - (i) For the purposes of interpreting the requirements of the appropriate Zones, individual condominium units shall be deemed a site for the purposes of interpreting zoning by-law requirements, including party wall developments as noted in **section 5.1a.** above.
  - c. the permitted use for each lot created shall be for one attached single-family dwelling unit only; and
  - d. all applicable provisions of the Town of Niverville Building By-Law shall be complied with.
- 5.3 Notwithstanding the minimum requirements of **TABLE VI-2**, any parcel created pursuant to this Section shall have a minimum site area of two thousand (**2,000**) sq. ft. and a minimum site width of twenty (**20**) feet. No side yard is required along a party wall.
- a. each lot created shall provide not less than one (**1**) parking space to be located in the side or rear yard and having access directly to either a public lane, street or right-of-way. Where, due to space or access limitations, the required parking spaces cannot be located in the side or

rear yard, Council may approve parking spaces in the front yard and may establish conditions for such parking spaces; and

- b. all applicable provisions of the Town of Niverville Building By-law shall be complied with.

#### **RESIDENTIAL PLANNED UNIT DEVELOPMENT**

6.1 An application for the establishment of residential planned unit development as provided for in **TABLE V-1** shall be accompanied by an impact study, prepared and submitted by the applicant and containing the following information:

- a. a site plan showing the development proposed for the site and phasing which is proposed for the development;
- b. a sketch showing adjacent land uses and roads;
- c. a concise statement as to the general benefits of the development to the community as a whole;
- d. the effect on neighbourhood structures and the general residential character of any adjacent neighbourhood;
- e. the effect on the natural environment such as surface and subsurface of the land, increase in surface run-off and flooding, soil erosion and vegetation;
- f. safety and general welfare;
- g. the effect on town sewer, waterworks and other municipal services;
- h. the tax benefit to the community (tax base, assessments and land values); and
- i. such additional information as may, in Council's opinion, be necessary for the review of the proposal.

6.2 Notwithstanding **section 1.2** of **PART IV**, a residential planned unit development may contain two or more principal residential structures and may vary the provisions of **TABLE VI-2: RESIDENTIAL SITE REQUIREMENTS**, subject to the following criteria:

- a. the minimum site area for a residential planned unit development shall be twenty thousand (20,000) sq. ft.;
- b. side, front and rear yards equal to the requirements of the zone in which the planned unit development is located, shall be maintained;
- c. the developer will be required to enter into a Development Agreement with the Town of Niverville which will also address any other requirements necessary for the establishment of a residential planned unit development.

#### **HOME OCCUPATIONS**

7.1 Home occupations shall be allowed in the Residential Zones subject to the following conditions:

- a. The principal use on the site shall be established as residential and be the permanent

residence of the owner operator of the proposed use. The activity is to be conducted entirely within the dwelling unit or accessory building;

- b. signs are to be limited to one: maximum size of two (2) ft. x three (3) ft., non-illuminated, and attached to the building face;
- c. has no exterior display; no exterior storage of products or materials, and no other exterior indication of the home occupation or variation of the residential character;
- d. no generation of obnoxious or offensive noise or smell beyond the subject property boundaries; the principal or accessory buildings except as provided for hereon;
- e. home occupations involving the use of toxic materials (e.g. silk screening processes) shall require a conditional use permit from the Town of Niverville;
- f. no generation of undue traffic and congestion in the neighbourhood;
- g. off-street parking to be provided;
- h. operation to be limited to a maximum to two (2) work vehicles on premises;
- i. applicant to successfully obtain a business license from the Town of Niverville.

Home occupations may include the following:

- i. **Building trades:** cabinetry, carpentry, electrical, flooring, foundation, plumbing, roofing, stucco, tiling and masonry, overhead door installation.
- ii. **Crafts:** small scale production and sale, dried and silk flower arrangements, handicrafts, jewellery, wooden crafts.
- iii. **Food Services:** small scale production, Watkins sales and the like, vegetable, prepared food and produce sales, catering.
- iv. **Professional:** employment agency, engineering consultant, income tax service, insurance brokerage, investment planning/marketing/sales, nutritional consultant, travel agency.
- v. **Sales:** small scale inventory
- vi. **Services:** janitorial services, therapeutic massage, carpet cleaning, office equipment repair, dental equipment repair

## **HOME INDUSTRIES**

8.1 In order that the business initiatives of the residents are not unreasonably discouraged, non offensive light manufacturing activities and small businesses may be permitted as a second use, in addition to the principal use, on a site zoned "**RE**" **RURAL ESTATE RESIDENTIAL ZONE**. In order to accommodate the limited demand for such uses, these shall be subject to the following criteria:

- a. The activity is to be conducted entirely within the dwelling unit or any building;
- b. The principal use on the site shall be established as residential and be the permanent residence of the owner operator of the proposed use;
- c. The second use will not generate unacceptable amounts of noise, odour or traffic; create unsightly appearances or other disturbances that may be deemed unsuitable in a Rural Estate Residential Zone;

- d. The proposed use will not create a potential for conflict with activities that would normally occur in the Rural Estate Residential Zone.
- e. Signs to be limited to one (1) as follows:
  - i. a maximum size of two (2) ft. x three (3) ft., non-illuminated when free standing;
  - ii. a maximum size of three (3) ft. x five (5) ft. when located to the rear of the house set back line and attached to an accessory building;
  - iii. Exterior storage of products or materials to be limited to the rear yard and shielded from public view so as not to be visible from the road by a structure high enough to afford adequate screening, being a minimum of six (6) ft. in height.
- g. Off street parking to be provided;
- h. Operations with more than two (2) work vehicles on-site require a conditional use order from the Town of Niverville;
- i. Exterior finishes of any accessory building shall blend in with adjacent buildings;
- j. The size of the accessory building being used for this activity is limited to a square footage not greater than that of the principal residential dwelling;
- k. Applicant to successfully obtain a business license from the Town of Niverville.

**GARDEN SUITES**

It is the intent of this section to provide standards and conditions for the placement of a temporary, detached, removable self contained one family dwelling unit on the same site as the principal dwelling, for occupancy by an elderly parent(s) or other family member(s) requiring or providing care and assistance.

- 9.1 Only owner-occupiers of the principal dwelling are permitted to install garden suites, subject to the following:
  - a. Garden suites are only allowed as a conditional use in the **“RE” RURAL ESTATE RESIDENTIAL ZONE**;
  - b. The additional dwelling shall be temporary in nature, blend in with adjacent residential dwellings and is to be removed upon the cessation of the occupancy for which it is intended;
  - c. Hydro and municipal services shall be connected to existing facilities upon approval of the affected authorities;
  - d. The temporary dwelling shall be built on a one (1) floor design, be a maximum of six hundred (600) sq. ft. in area and have all facilities located on this level;
  - e. The additional dwelling unit shall be located in the rear yard of the zoning site, maintain a separation distance of ten (10) feet to principal dwelling and be in compliance with side and rear yard requirements as set out in **TABLE VI - 2: RESIDENTIAL SITE REQUIREMENTS**;
  - f. A Development Agreement shall be entered into with the Town of Niverville;

- g. Either parent(s) of family members will domicile this temporary dwelling as long as their health permits. In the event of cessation, it will be incumbent upon the owner to inform the Town of Niverville in writing within thirty (30) days of the temporary dwelling becoming vacant. Removal of the building or a change in use shall occur within six (6) months of the above noted date of notification to the Town of Niverville.

**DEVELOPMENT APPLICATION FOR MULTIPLE FAMILY RESIDENTIAL**

- 10.1 A development application for multiple family dwellings in the "**R3**" **MULTIPLE FAMILY RESIDENTIAL ZONE**, in addition to complying with **sections 1 and 2** of **PART IV**, shall be accompanied by plans drawn to scale showing the following:
- a. The exact shape and dimensions of the zoning site to be built upon, verified by a surveyor's certificate, prepared by a Manitoba Land Surveyor, indicating the location of any existing structures, and where there is an existing structure on the adjoining site, the location of the nearest wall of said structure;
  - b. A site plan indicating the proposed building or buildings to be erected or altered;
  - c. The intended use of each building or part thereof, the number of storeys and gross floor area;
  - d. The location of entrance and loading points to existing and proposed structures;
  - e. The location of all curb cuts, driveways, parking areas, and loading areas, and the method of illumination;
  - f. The location and type of landscaping, walls, fences and screening;
  - g. Typical floor plans and elevations of proposed buildings and structures;
  - h. The number of dwelling units that a building is designed to accommodate;
  - i. The location of all outside facilities for waste disposal, and the location of fire hydrants;
  - j. All pedestrian walks, malls and open areas for use by tenants or the public;
  - k. The location, size, height and orientation of all signs other than flat signs on building facades; and
  - l. The type of ground surfacing to be used at various locations.

## "PART VI" - COMMERCIAL ZONES

### COMMERCIAL ZONES

#### INTENT AND PURPOSES

- 1.1 The Commercial Zones established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of commercial development in the Area in keeping with the provisions of the Development Plan.

#### ZONES

- 2.1 In order to carry out the intent and purpose of Section 1 above, there are hereby established the following zones:
- a. **"C1" DOWNTOWN COMMERCIAL ZONE** which provides appropriate lands for the development of intensive retail, business, service and administrative uses, considered part of the central business area.
  - b. **"C2" HIGHWAY COMMERCIAL ZONE** which provides appropriate lands for those businesses requiring large sites for uses such as servicing the motoring public and requiring direct access to a highway.
  - c. **"C2A" RESTRICTED HIGHWAY COMMERCIAL ZONE** which accommodates a limited range of commercial, recreational, and public land uses that require larger sites and a high degree of visibility from the travelling public.
  - d. **"CML" COMMERCIAL / INDUSTRIAL LIMITED ZONE** provides for an appropriate intermixture of industrial and commercial lands for those businesses requiring large sites, servicing the motoring public and requiring direct access to a highway.

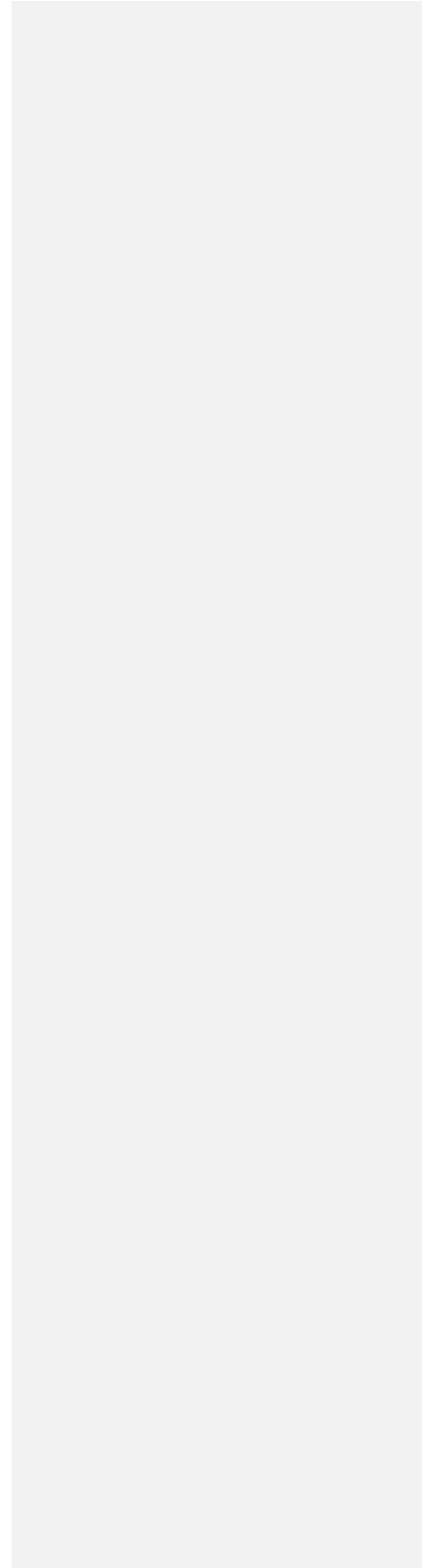
#### GENERAL PROVISIONS

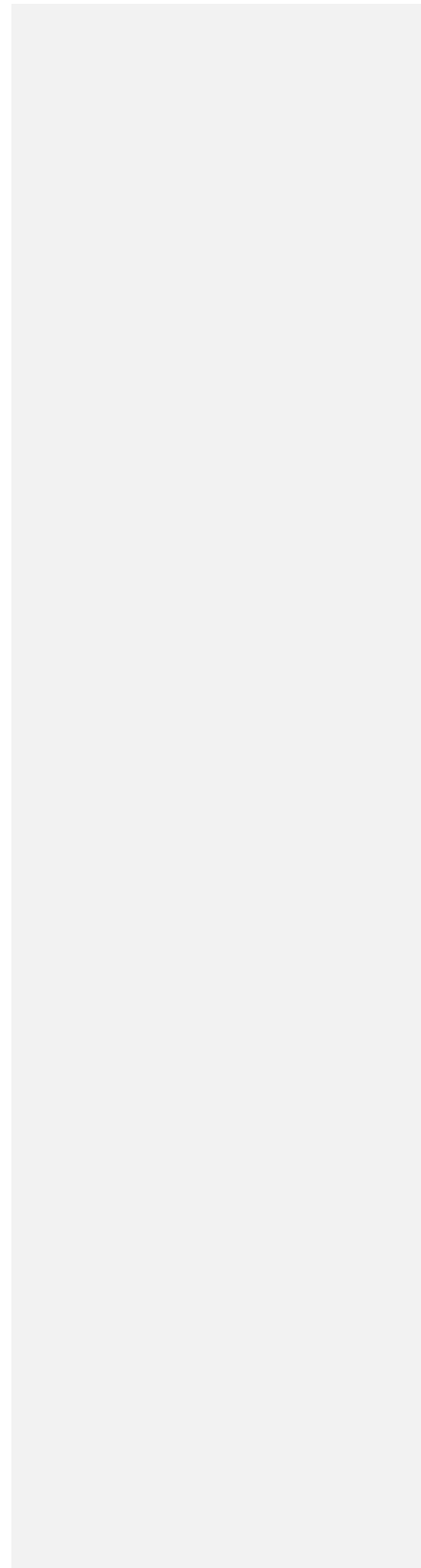
- 3.1 The general provisions applying to all **Commercial Zones** are contained within this **PART**. Also applying to these zones are the provisions of "**PART II**" - **DEFINITIONS**, "**PART III**" - **ADMINISTRATION**, "**PART IV**" - **GENERAL PROVISIONS** and zoning map as per "**APPENDIX A**".

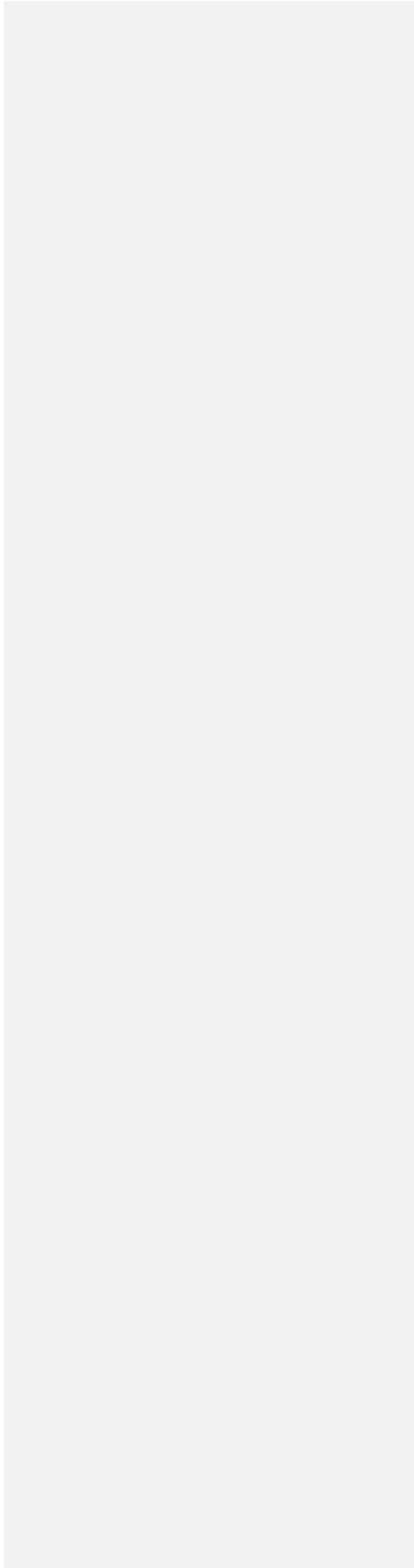
#### INTERPRETATION OF REGULATIONS

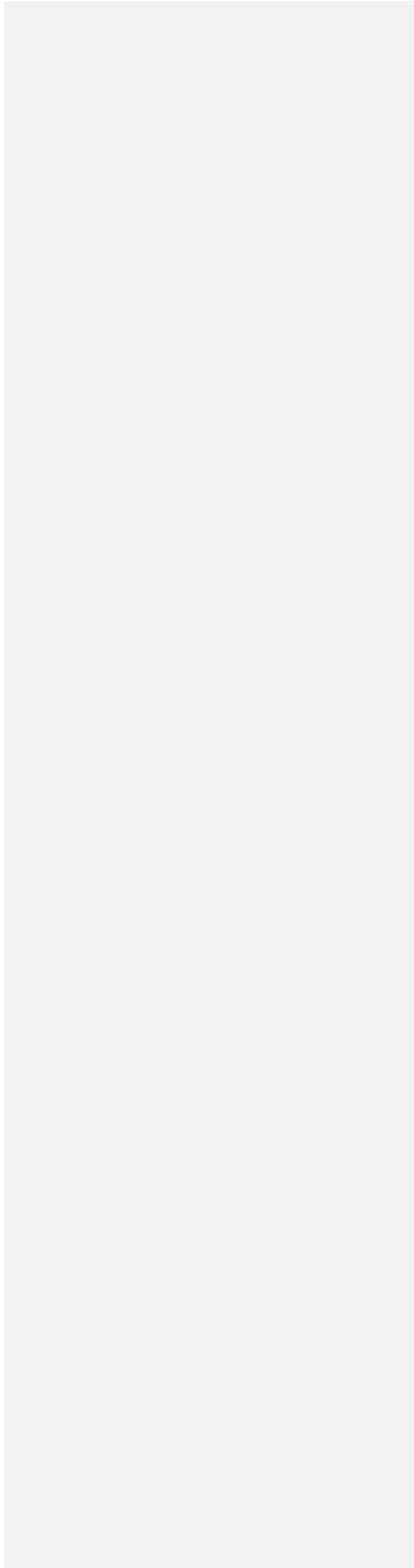
- 4.1 In their interpretation and application, the provisions of this **PART** shall be held to be the minimum requirements is satisfy the intent and purpose as set forth in **Section 1** above.

Insert table 3









**BULK REGULATIONS**

5.1 The commercial bulk regulations shall be as set forth **TABLE VI – II: COMMERCIAL BULK TABLE.**

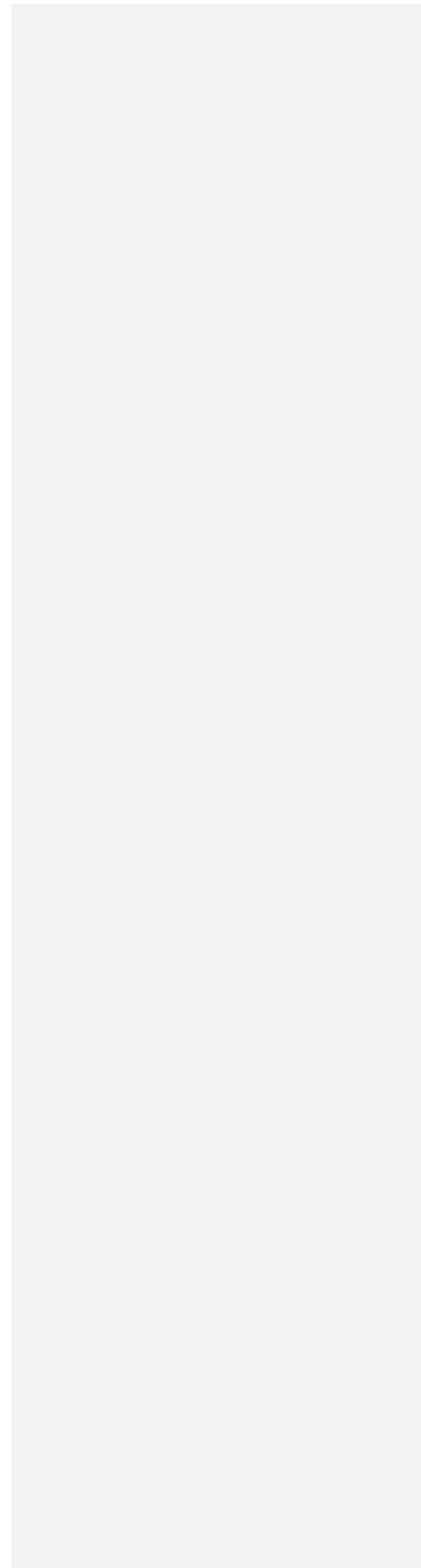
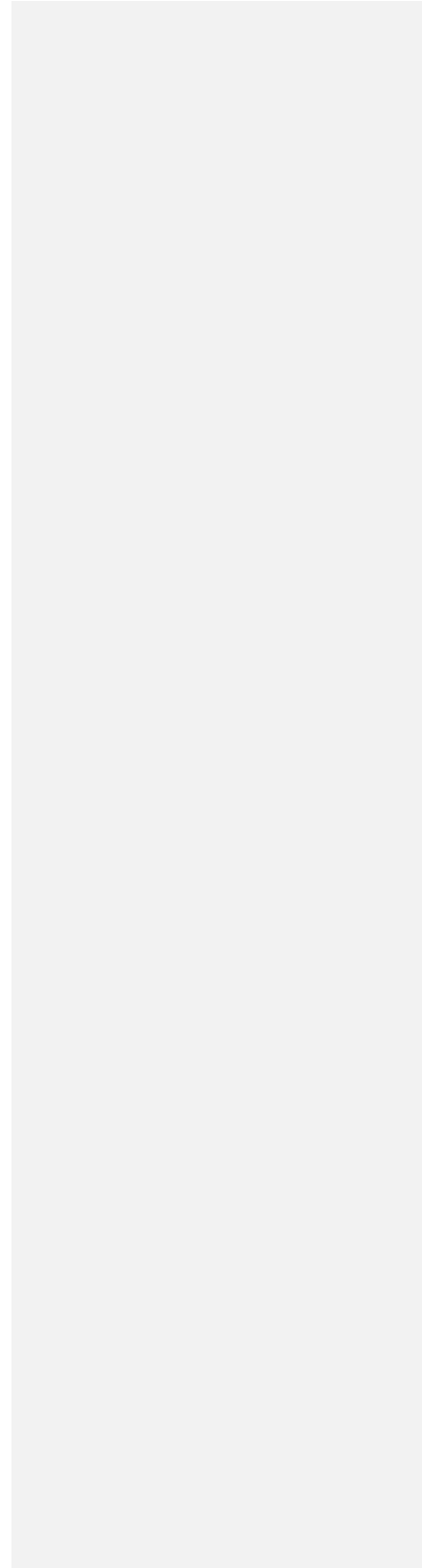
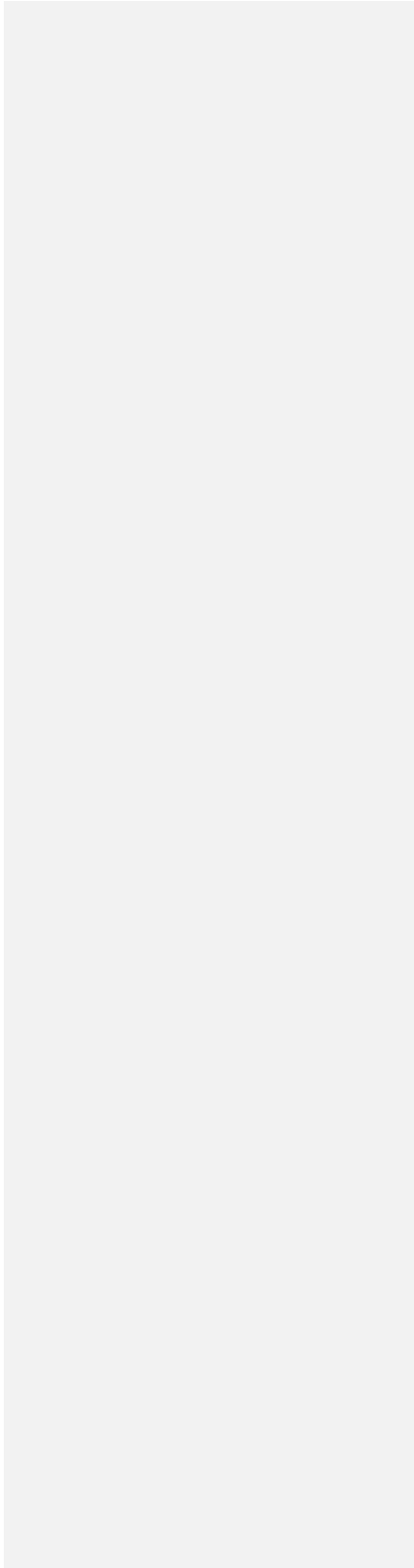


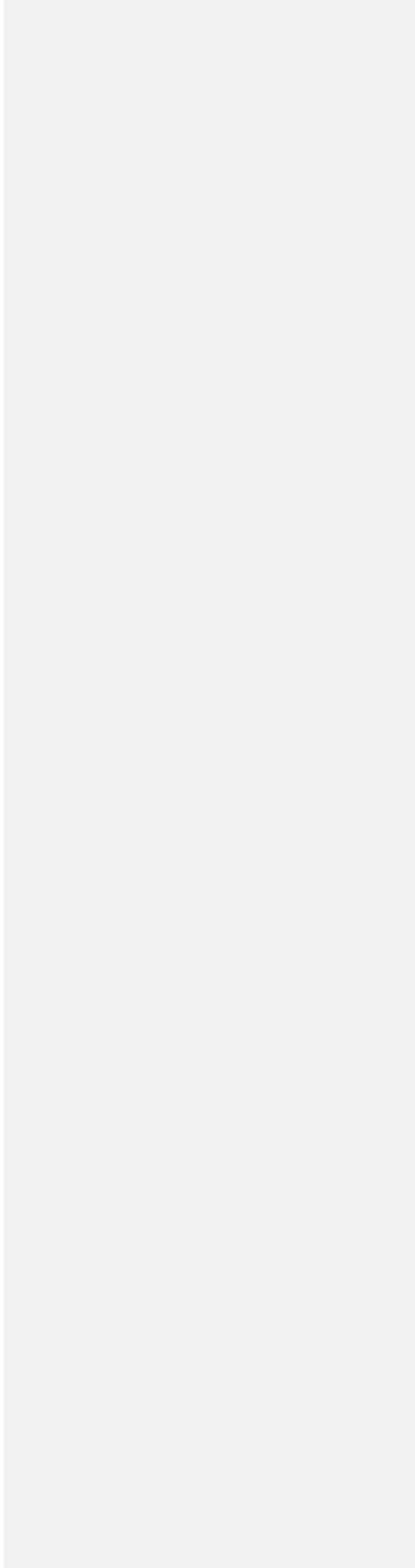
Table 4

Town of Niverville  
Commercial Zone

VI- 7







- a. Side yards as indicated on Table VI-II e.g. 5/15 shall mean a five (5) ft. side yard on one side and a fifteen (15) ft. side yard applied to the opposite side yard.
- b. The minimum required front yard requirement for permitted accessory buildings and structure shall be the same as the minimum required front yard requirement for the principal use of the site.
- c. In the case of a required reversed corner site, there shall be a minimum required side yard of fifteen (15) feet on the street side of the reversed corner site, if the key site is not in a **Commercial or Industrial Zone**.
- d. In the case of a corner site, there shall be a minimum required side yard of ten (10) feet on the street side of the corner site, if the adjacent interior site is not in a **Commercial or Industrial Zone**.
- e. The required side yard for an accessory building or structure located to the side of the principal building or structure shall be the same as the required side yard for the principal building or structure.
- f. Where a dwelling unit is contained within a commercial building the required rear yard shall be twenty (20) feet.

**Comment [AML1]:** These comments correlate to the foot notes in the table

**PUBLIC BUILDING HEIGHT**

- 5.2 Public buildings may be erected to a height not exceeding seventy-five (75) feet provided the minimum front, side and rear yard requirements of the zones in which they are located are increased by fifty percent (50%).

**STORAGE OR DISPLAY OF MERCHANDISE**

- 5.3 There shall be no storage or outdoor display of merchandise in the required front, side and rear yards of the "C1" **DOWNTOWN COMMERCIAL ZONE**, except for storage in the required front and rear yards for the following uses: Automobile and Trailer Sales, Automobile Service Station, and Agricultural implement Sales and Services. These exceptions must maintain the accessory rear yard requirements and a one (1) ft. front yard.

**Comment [AML2]:** Reference back to the use table to ensure consistency with the terminology.

**USES INCIDENTAL TO CONSTRUCTION**

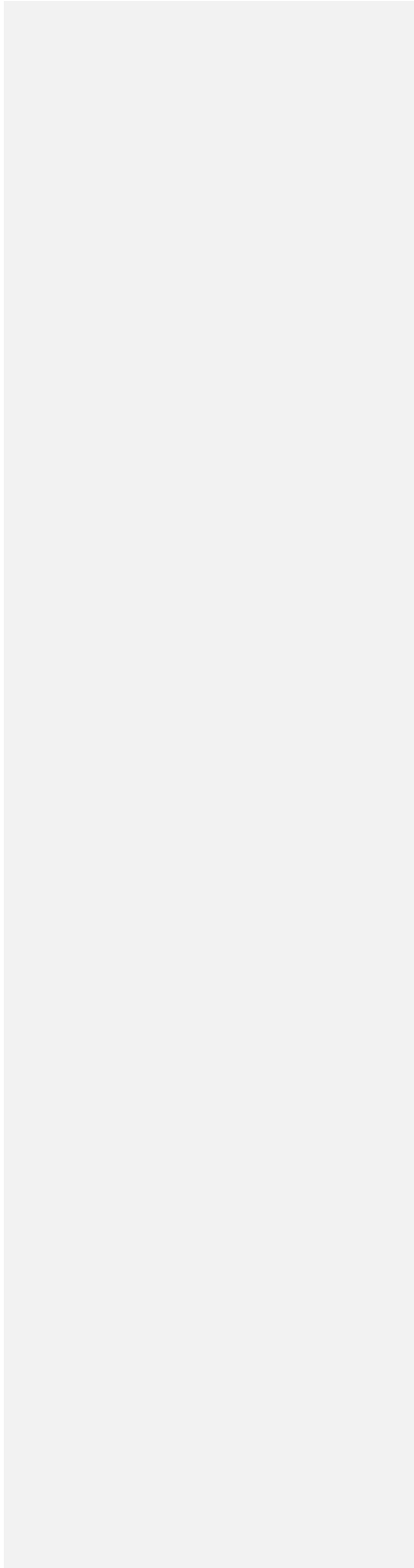
- 5.4 A construction camp or other such temporary work camp, a travel trailer, scaffold or other building or structure incidental to the construction including storage of building materials and supplies, shall be permitted provided that these uses are permitted only for so long as the same are necessary for work in progress which has neither been finished nor abandoned. This use is subject to the issuance of a development permit.

**SITE SIZE REQUIREMENTS**

- 5.5 The site size requirements shall be as set forth in the **BULK TABLE** to each **Commercial Zone**.

**THROUGH SITE - MAY BE TWO SITES**

- 5.6 A through site having a depth of two hundred (200) ft. or more may be assumed to be two sites with the rear line of each approximately equidistant from the front site lines, provided all area and yard requirements are complied with.



## **"PART VII" - INDUSTRIAL ZONES**

### **INDUSTRIAL ZONE**

#### **INTENT AND PURPOSE**

- 1.1 The Industrial Zones established in this By-law is intended to provide sufficient land in suitable locations to meet the needs of industrial development in The Area in keeping with the provisions of the Town of Niverville Development Plan.

#### **ZONES**

- 1.2 In order to carry out the intent and purpose of Section 1, above, there is hereby established the following Zones:
- a. **"M" INDUSTRIAL ZONE** which provides for manufacturing, processing, distribution, transportation and warehouse uses. Excluded are uses which in Council's opinion may be detrimental to adjoining or nearby uses or creates an undue nuisance factor, however, a certain level of nuisance factors must be accepted a characteristic of the use.
  - b. **"M1" RESTRICTED INDUSTRIAL ZONE** which provides for industrial uses which are compatible with nearby residential or commercial uses. Industrial uses are permitted which carry on their operation in such a manner that no nuisance factor is created or emitted and outside open storage for products or raw material is considered unsuitable for the zone.

#### **GENERAL PROVISIONS**

- 3.1 The general provisions applying to the **INDUSTRIAL ZONES** are contained within this **PART**. Also applying to this zone is the provisions of **"PART II" - DEFINITIONS**, **"PART III" - ADMINISTRATION**, **"PART IV" - GENERAL PROVISIONS** and **APPENDIX "A"**.

#### **INTERPRETATION OF REGULATIONS**

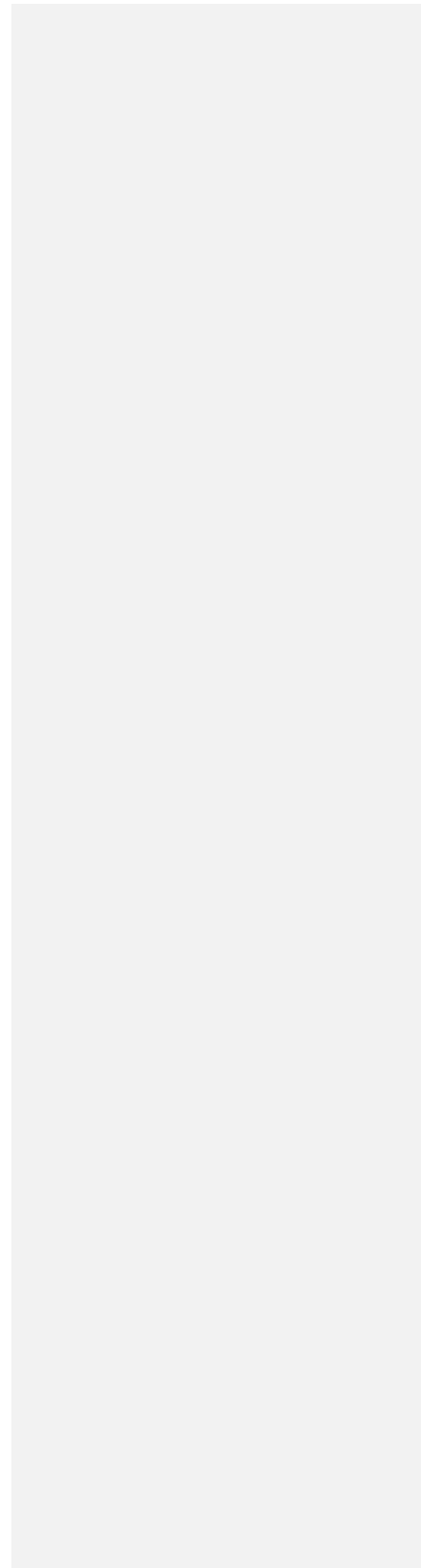
- 4.1 In their interpretation and application, the provisions of this **PART** shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in Section 1 of this **PART**.

#### **BULK REGULATIONS**

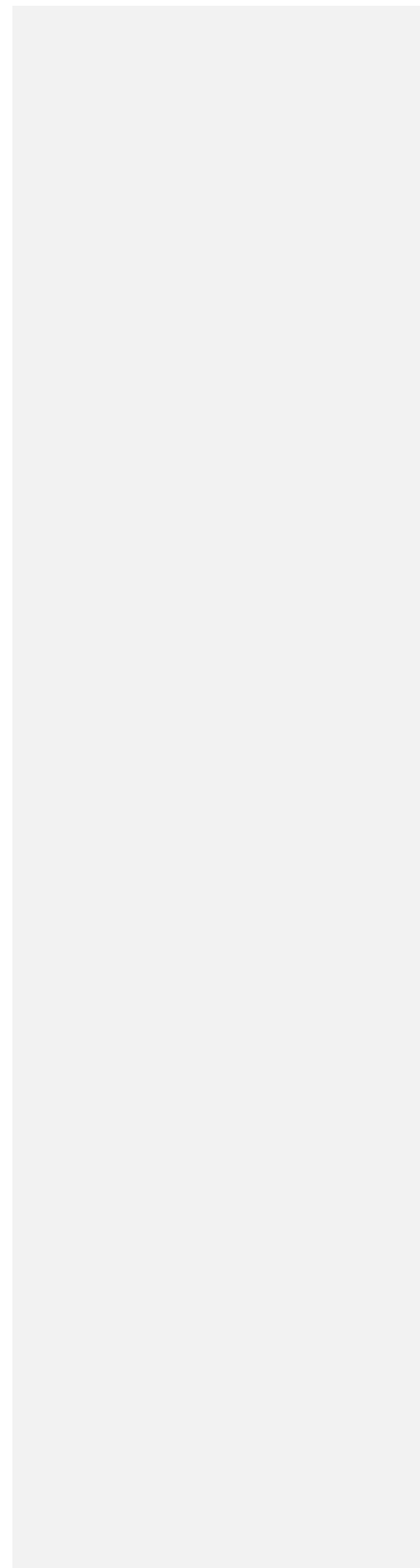
#### **INDUSTRIAL BULK TABLE**

- 8.1 The Industrial bulk regulations shall be as set forth in TABLE VII - I, INDUSTRIAL USE AND BULK TABLE and in this Section.

Insert tables 5



Insert table 6



### **SPECIAL YARDS ALONG ZONE BOUNDARIES**

- 8.9 The following special yard requirements shall apply along residential zone boundaries:
- a. When a side site line in an **Industrial Zone** abuts a side site line in an adjacent **Residential Zone**, the required front yard requirements of the **Residential Zone** shall extend for a distance of one hundred (**100**) feet into the **Industrial Zone** and a required side yard of twenty-five (**25**) feet in width shall be provided along the side site line in the **Industrial Zone**.
    - i. The required side yard provided shall not be used for accessory off-street loading, or storage of materials, or processing of any kind, except where a solid fence six (**6**) ft. high is provided and maintained along the site line abutting the **Residential Zone** boundary; and
    - ii. Parking spaces with the required front yard shall not be permitted within ten (**10**) ft. of the said **Residential Zone** boundary.
  - (b) Where a side site line in an **Industrial Zone** abuts a rear lot line in an adjacent **Residential Zone**, a required side yard of twenty-five (**25**) ft. shall be provided in the **Industrial Zone** along the rear site line.
  - (c) Where a rear site line in an **Industrial Zone** abuts a side or rear site line in an adjacent **Residential Zone**, a required rear yard of fifty (**50**) ft. in depth shall be provided along the rear site line.
  - (d) Where a boundary yard as described in paragraphs (a), (b), and (c) is provided, a compact hedge, row of shrubbery or a solid fence six (**6**) ft. in height shall be provided and maintained along the site line abutting the **Residential Zone** boundary.

### **OPEN SPACE**

- 8.10 Where the **Industrial Zone** boundaries abut an **Agricultural** or **Commercial Zone** there shall be a minimum required side or rear yard of fifteen (**15**) feet for the adjoining **Industrial Zone** except where a greater required side or rear yard is provided for elsewhere herein.

## **“PART VIII” – RECREATIONAL COMMUNITY COMPLEX**

### **INTENT AND PURPOSE**

- 1.1 The **“RCC” RECREATIONAL COMMUNITY COMPLEX ZONE** established in this By-law is intended to provide a mixed use area that will accommodate a combination of commercial, residential and public recreational uses in keeping with the provisions of the Town of Niverville Development Plan.

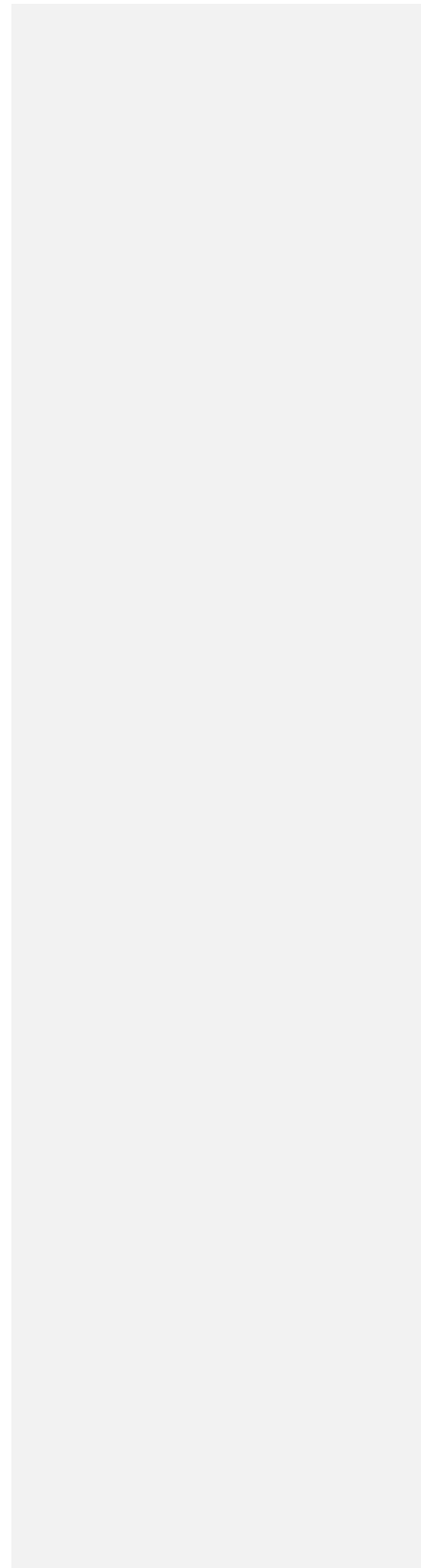
### **GENERAL PROVISIONS**

- 21 The general provisions applying to the **“RCC” RECREATIONAL COMMUNITY COMPLEX ZONE** are contained within this **PART**. Also applying to this zone are the provisions of **“PART II” - DEFINITIONS**, **“PART III” - ADMINISTRATION**, **“PART VI” – GENERAL PROVISIONS** and **APPENDIX “A”**.

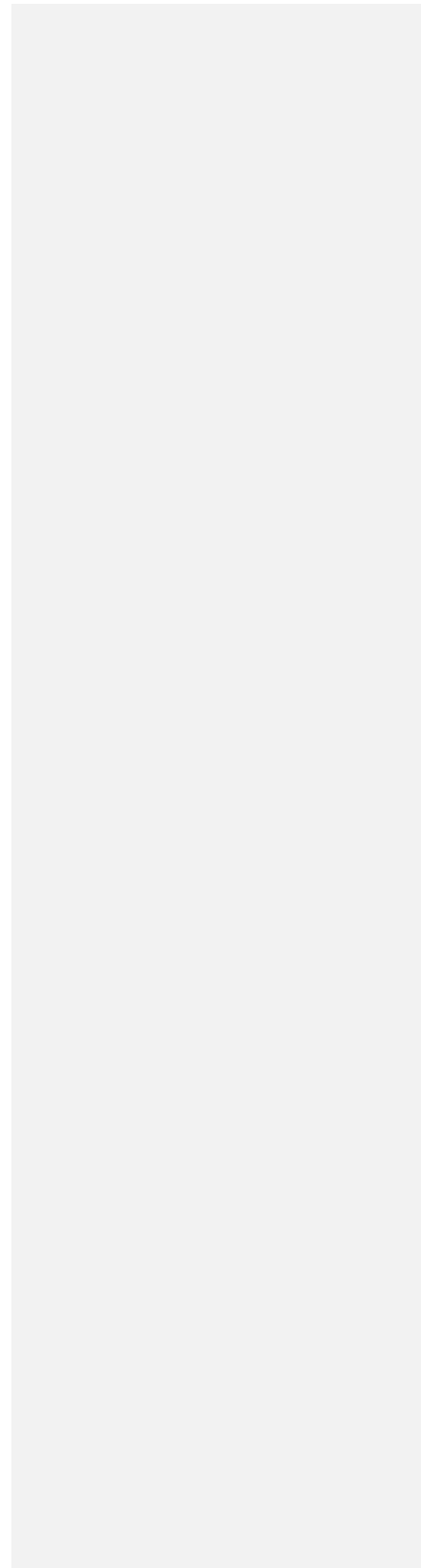
### **GENERAL USE REGULATIONS AND BULK REQUIREMENTS TO BE ESTABLISHED BY COUNCIL**

- 6.2 Because of the unique nature of this zone, uses of land and the establishment of bulk requirements in the **“RCC” RECREATIONAL COMMUNITY COMPLEX ZONE** will be established by Council upon application for the specific use proposed.

Insert table 8 permitted uses



Insert table 9



## **"PART XI" – PARKS AND OPEN SPACE ZONE**

### **INTENT AND PURPOSE**

- 1.1 The "OS" **PARKS AND OPEN SPACE ZONE** established in this By-law is intended to provide sufficient land in suitable locations to accommodate governmental, educational, institutional and public recreational uses in keeping with the provisions of the Town of Niverville Development Plan.

### **GENERAL PROVISIONS**

- 2.1 The general provisions applying to the "OS" **PARKS AND OPEN SPACE ZONE** are contained within this **PART**. Also applying to this zone are the provisions of "**PART II**" - **DEFINITIONS**, "**PART III**" - **ADMINISTRATION**, "**PART VI**" - **GENERAL PROVISIONS** and **APPENDIX "A"**.

### **INTERPRETATION OF REGULATIONS**

- 3.1 In their interpretation and application, the provisions of this **PART** shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in **Section 1** of this **PART**.

### **GENERAL USE REGULATIONS**

- 3.2 No land shall be used, or occupied and no structure shall be erected, altered, used or occupied, hereinafter for an use in the "OS" **PARKS AND OPEN SPACE ZONE** in which such land or structure is located other than a used listed on **TABLE IX – I: PARKS AND OPEN SPACE USE AND BULK TABLE** with the following exception:

- (a) Uses lawfully established prior to the effective date of this By-law.

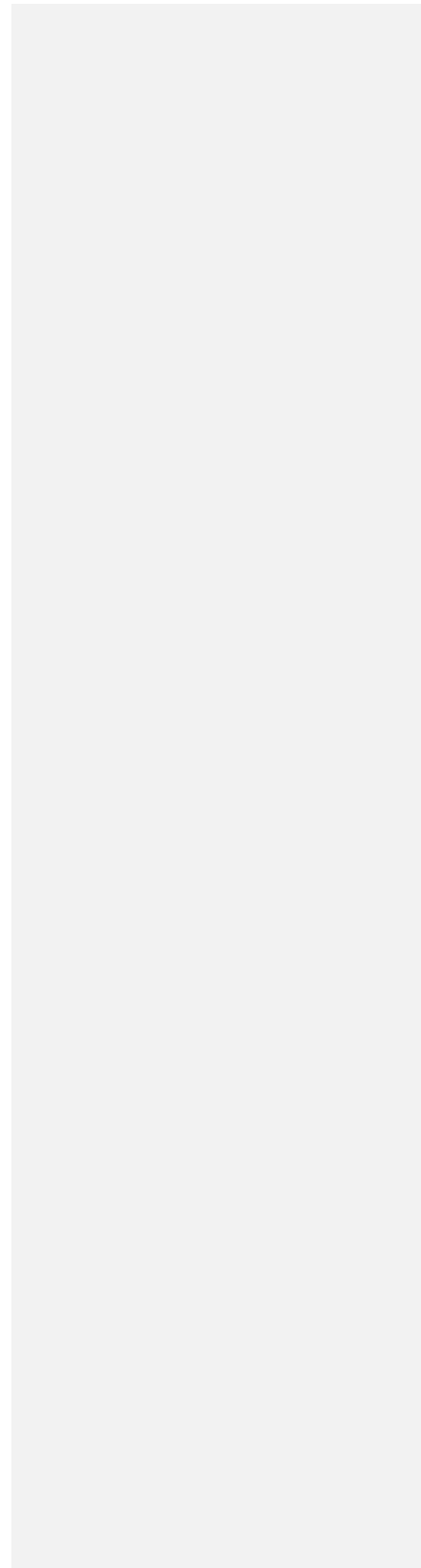
### **CONDITIONAL USE**

- 6.3 Any use listed as a **Conditional Use** in **TABLE IX - I** shall comply with the provisions as set forth in **Section 3**, "**PART III**" – **ADMINISTRATION**.

### **BULK REGULATIONS**

- 6.4 The "OS" **PARKS AND OPEN SPACE ZONE** bulk regulations shall be as set forth in **TABLE IX – I: PARKS AND OPEN SPACE USE AND BULK TABLE** and in this Section.

Insert table 9a



## **"PART X" - LIMITED AGRICULTURAL ZONE**

### **INTENT AND PURPOSE**

- 1.1 The **"A" LIMITED AGRICULTURAL ZONE** established in this By-law is intended to preserve existing agricultural lands in an unfragmented state, allow for the continued use of lands for agricultural purposes until such time as these areas are needed for future urban development, keeping with the provisions of the Town of Niverville Development Plan.

### **GENERAL PROVISIONS**

- 2.1 The general provisions applying to the **"A" LIMITED AGRICULTURAL ZONE** are contained within this **PART**. Also applying to this zone are the provisions of **"PART II" - DEFINITIONS**, **"PART III" - ADMINISTRATION**, **"PART VI" - GENERAL PROVISIONS** and **APPENDIX "A"**.

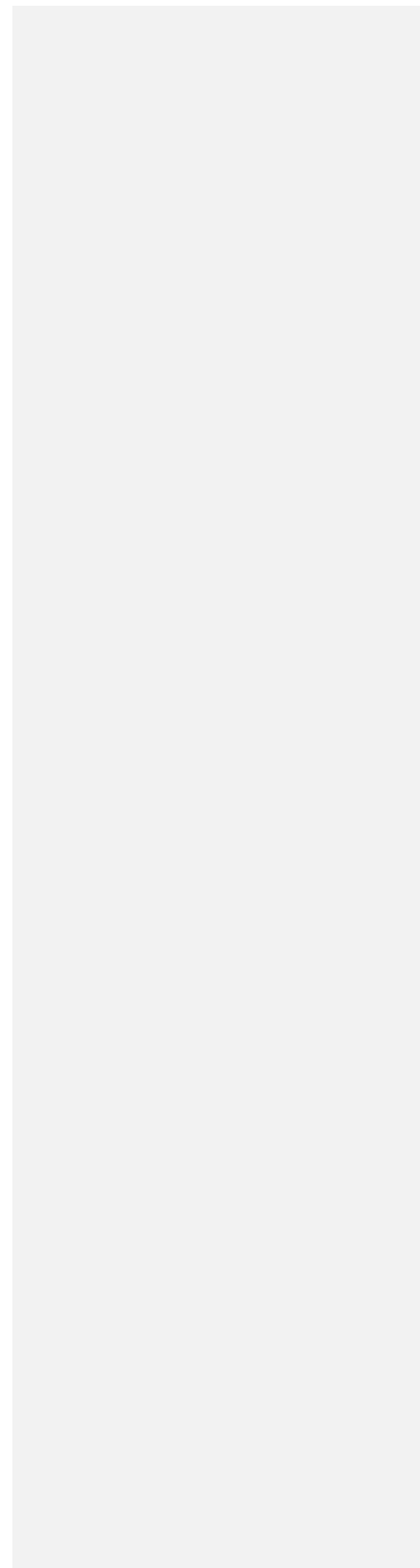
### **INTERPRETATION OF REGULATIONS**

- 3.1 In their interpretation and application, the provisions of this **PART** shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in **Section 1** of this **PART**.

### **GENERAL USE REGULATIONS**

- 4.1 No land shall be used, or occupied and no structure shall be erected, altered, used or occupied, hereinafter for any use in the **"A" LIMITED AGRICULTURAL ZONE** in which such land or structure is located other than a used listed in **TABLE X – I: LIMITED AGRICULTURAL USE TABLE** with the following exception:
- (a) Uses lawfully established prior to the effective date of this By-law.

Insert table 10a



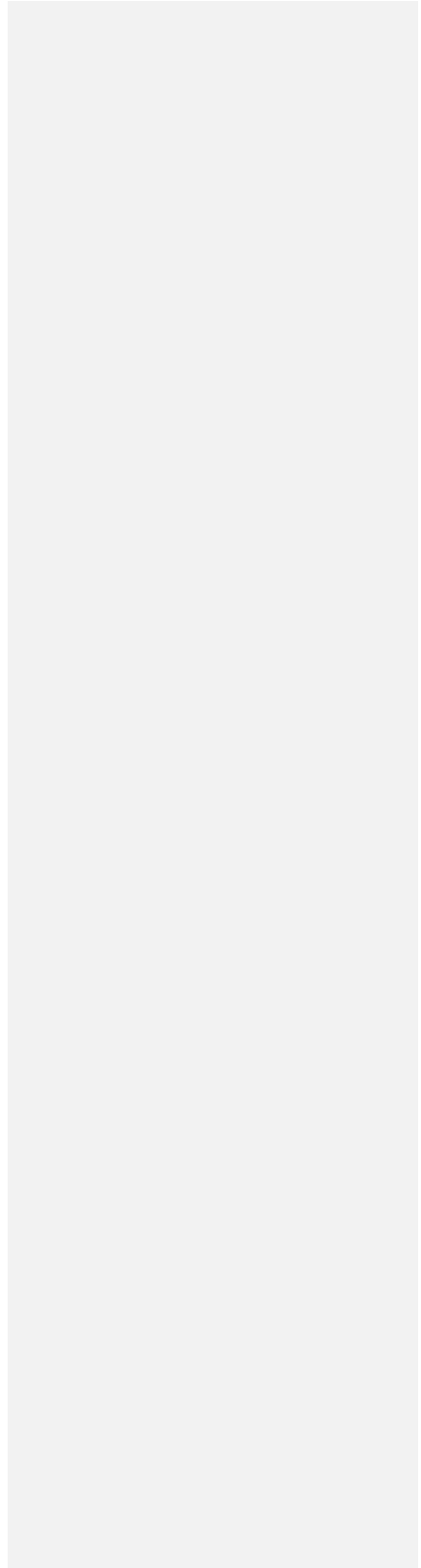
**CONDITIONAL USE**

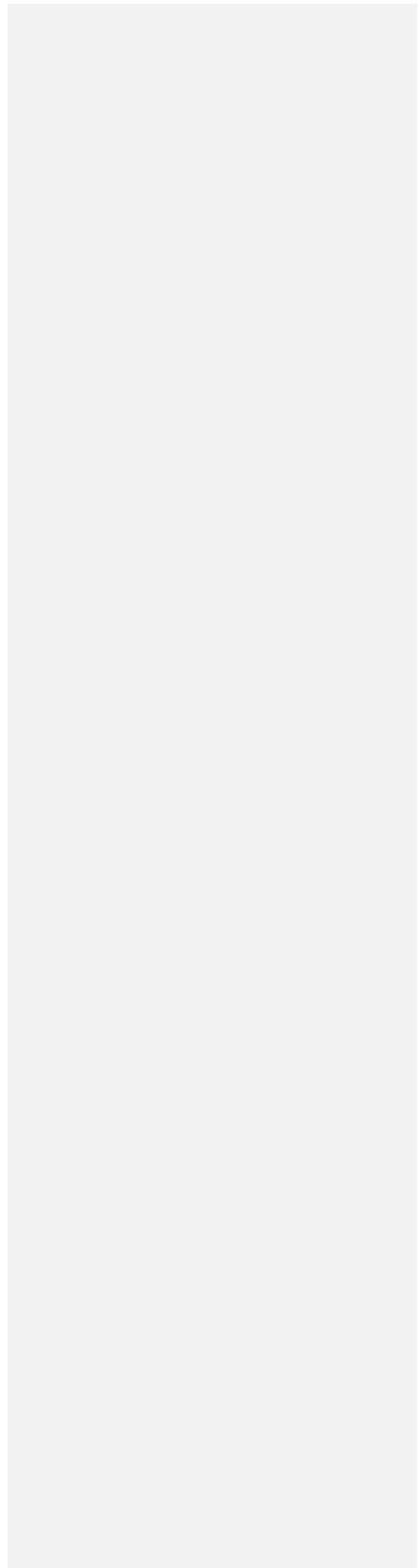
- 4.2 Any use listed as a **Conditional Use** in **TABLE IX - I** shall comply with the provisions as set forth in **Section 3, "PART III" – ADMINISTRATION.**

**LIMITED AGRICULTURAL BULK TABLE**

- 4.3 The Agricultural bulk regulations shall be as set forth in **TABLE X – II: LIMITED AGRICULTURAL BULK TABLE** and in this **Section.**

Insert table 10





TOWN OF NIVERVILLE  
ZONING BY-LAW  
BEING  
BY-LAW NO. 201 OF  
THE TOWN OF NIVERVILLE

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  - (12) Projections into Required Yards
  - (13) Height Exceptions
  - (14) Accessory Building and Uses Permitted

- (15) Through Site - May be Two Sites
- (16) Noxious or Offensive Uses
- (17) Only One Main Building or Use on Site
- (18) Multiple Uses
- (19) Sign Regulations - General

Part VI COMMERCIAL ZONES

1. Commercial Zones

- (1) Intent and Purpose

2. Zones

- (1) Downtown Commercial Zone
- (2) Highway Commercial Zone

3. General Provisions

4. Interpretation of Regulations

- 5. (1) Scope of Regulations

6. Use Regulations

- (1) Commercial Use Table
  - (2) General Use Regulations
  - (3) Conditional Use
  - (4) Accessory Uses
- TABLE VI - I COMMERCIAL USE TABLE

7. (1) Temporary Buildings and Uses

- (2) May Be Permitted
- (3) Terms and Conditions
- (4) Validation Period
- (5) Size of Buildings

8. (1) Bulk Regulations

- TABLE VI - II COMMERCIAL BULK TABLE
- (2) Retention of Bulk Regulations
  - (3) Area and Yard Requirements
  - (4) Front Yard Exceptions
  - (5) Projections into Required Yards
  - (6) Parking and Loading Spaces
  - (7) Parking for Commercial Use
  - (8) Signs
  - (9) Public Building Height
  - (10) Storage or Display of Merchandise
  - (11) Accessory Buildings and Structures
  - (12) Height Exceptions
  - (13) Uses Incidental to Construction
  - (14) Accessory Building and Uses Permitted
  - (15) Subdividing Land
  - (16) Site Size Requirements
  - (17) Through Site - May Be Two Sites
  - (18) Noxious or Offensive Uses
  - (19) Sign Regulations - General
  - (20) Only One Main Building or Use on a Site
  - (21) Multiple Uses

Part VII INDUSTRIAL ZONES

1. Industrial Zones

- (1) Intent and Purpose

2. Zones

- (1) Industrial Zone
- 3. General Provisions
- 4. Interpretation of Regulations
- 5. Scope of Regulations
- 6. Use Regulations
  - (1) Industrial Use Table
  - (2) General Use Regulations
  - (3) Conditional Use
  - (4) Accessory Use
- 7.
  - (1) Temporary Buildings
  - (2) May Be Permitted
  - (3) Terms and Conditions
  - (4) Validation Period
  - (5) Size of Buildings
- 8. Bulk Regulations
  - (1) Industrial Bulk Table  
TABLE VII - I INDUSTRIAL USE AND BULK TABLE
  - (2) Retention of Bulk Regulations
  - (3) Area and Yard Requirements
  - (4) Front Yard Exceptions
  - (5) Projections into Required Yards
  - (6) Loading Spaces
  - (7) Parking Spaces
  - (8) Signs
  - (9) Special Yards Along Zone Boundaries
  - (10) Open Space
  - (11) Height Exceptions
  - (12) Accessory Building and Uses Permitted
  - (13) Noxious or Offensive Uses
  - (14) Sign Regulations - General
  - (15) Only One Main Building or Use on a Site
  - (16) Multiple Uses
  - (17) Subdividing Land

Part VIII INSTITUTIONAL ZONE

- 1. Institutional zone
  - (1) Intent and Purpose
- 2. Zone
- 3. General Provision
- 4. Interpretation of Regulations
- 5. Scope of Regulations
- 6. Use Regulations
  - (1) Institutional Use Table
  - (2) General Use Regulations  
TABLE VIII - I INSTITUTIONAL USE TABLE
  - (3) Conditional Use
  - (4) Accessory Uses, Buildings and Structures
- 7.
  - (1) Temporary Buildings and Structures
  - (2) May Be Permitted
  - (3) Terms and Conditions
  - (4) Validation Period
  - (5) Size of Buildings
- 8.
  - (1) Bulk Regulations

TABLE VIII - II INSTITUTIONAL BULK TABLE

- (2) Retention of Bulk Regulations
- (3) Subdividing Land
- (4) Lot Size Requirements
- (5) Area and Yard Requirements
- (6) Projections into Required Yards
- (7) Height Exceptions
- (8) Accessory Building and Uses Permitted
- (9) Signs
- (10) Sign Regulations - General
- (11) Accessory Uses, Buildings and Structures Permitted in Yards
- (12) Only One main Building or Use on a Site
- (13) Multiple Uses
- 9. (1) Parking

Part IX PARK, OPEN SPACE, HERITAGE SITES and SCHOOL ZONE

- 1. Parks, Open Space, Heritage Sites and School Zone
    - (1) Intent and Purpose
  - 2. Zone
  - 3. General Provisions
  - 4. Interpretation of Regulations
  - 5. (1) Scope of Regulations
  - 6. (1) Use Regulations
    - (2) General Use Regulations
    - (3) Conditional Use
    - (4) Accessory Use
  - 7. (1) Temporary Buildings and Uses
    - (2) May Be Permitted
    - (3) Terms and Conditions
    - (4) Validation Period
    - (5) Size of Buildings
  - 8. (1) Bulk Regulations
- TABLE IX - PARK, OPEN SPACE, HERITAGE and SCHOOL ZONE USE AND BULK TABLE
- (2) Retention of Bulk Regulations
  - (3) Signs
  - (4) Parking
  - (5) Area and Yard Requirements
  - (6) Projections into Required Yards
  - (7) Height Exceptions
  - (8) Accessory Building and Uses Permitted
  - (9) Noxious or Offensive Uses
  - (10) Sign Regulations - General
  - (11) Only One Main Building or Use on a Site
  - (12) Multiple Uses

Part X LIMITED AGRICULTURAL ZONE

- 1. Agricultural Zone
  - (1) Intent and Purpose
- 2. Zone
  - (1) Limited Agricultural Zone
- 3. General Provisions

- 4. Interpretation of Regulations
- 5. (1) Scope or Regulations
- 6. (1) Use Regulations
  - (2) General Use Regulations
  - TABLE X - I LIMITED AGRICULTURAL USE TABLE
  - (3) Conditional Use
  - (4) Accessory Uses, Buildings and Structures
- 7. (1) Temporary Buildings and Uses
  - (2) May Be Permitted
  - (3) Terms and Conditions
  - (4) Validation Period
  - (5) Size of Buildings
- 8. (1) Bulk Regulations
  - TABLE X - II LIMITED AGRICULTURAL BULK TABLE
  - (2) Provincial Trunk Highways and Provincial Roads
  - (3) Retention of Bulk Regulations
  - (4) Subdividing Land
  - (5) Multiple Uses
  - (6) Noxious or Offensive Uses
  - (7) Signs
  - (8) Sign Regulations - General
  - (9) Area and Yard Requirements
  - (10) Only One Main Building or Use on a Site
  - (11) Development on Zoning Site only

Part XI REPEAL

Part XII EFFECTIVE DATE

Part XIII APPENDIX "A" of By-law 201 Town of Niverville