



NOTICE OF PUBLIC HEARING

UNDER THE AUTHORITY OF THE PLANNING ACT

On the date and at the time and location shown below, a PUBLIC HEARING will be held to receive representations from any persons who wish to make them in respect to the following matter:

BY-LAW NO. 820-20
Being an AMENDMENT to the TOWN OF NIVERVILLE
ZONING BY-LAW NO. 795-18, as amended.

Location: Niverville Centennial Arena, 1 Arena Road, Niverville, MB

Date & Time: July 21, 2020 at 7:00 p.m.

Applicant: Town of Niverville

Proposal: Below is a brief summary of the proposed changes. To view the full details of the Bylaw visit the Public Notices page on www.wheretheyoubelong.ca

- A. Determine lot sizes and minimum site area for subdivision of lots either with or without existing buildings for medium and high density residential zones and any lot other than a residential lot.
- B. Clarify standard used to determine permitted driveway width for lots that have an irregular approach.
- C. Add definition of Caretaker's Residence; a secondary use located within an existing primary building on a non-residential property occupied by the owner/operator or a site watchperson or caretaker who oversees or guards the operation, if necessary.
- D. Correct clerical error for minimum site width for 2 unit dwelling on Table 6 -5 RLD.
- E. Amend the lot sizes and minimum site area standards for row house type dwellings for Table 6-6 RMD to be consistent with subdivision standards.
- F. Amend the lot sizes and minimum site area standards for row house type dwellings for Table 6-7 RHD to be consistent with subdivision standards.
- G. Amend the lot sizes and minimum site area standards for row house type dwellings for Table 6-8 RMU to be consistent with subdivision standards.
- H. Amend Table 6-13 Industrial General Zone to add "Caretaker's Residence" as a secondary Conditional Use.
- I. Amend Table 6-14 Industrial Mixed Use to add "Other industrial use not listed".
- J. Add use-specific standards to Part 5 for Caretaker's Residence.

Area Affected: Town of Niverville

For Information Town of Niverville Box 267, Niverville, MB R0A 1E0
Contact: 204-388-4600 Email: planning@wheretheyoubelong.ca

Should you be unable to attend the Public Hearing, please forward your comments to the above noted email address by 5:00 p.m. on July 17, 2020.

A copy of the proposal and supporting material may be inspected at the location noted above during office hours, Monday to Friday. Copies may be made and extracts taken therefrom, upon request.

**TOWN OF NIVERVILLE
BY-LAW No. 820-20**

BEING a By-law of the Town of Niverville to amend Bylaw No. 795-18, Niverville's Zoning By-law;

WHEREAS, Section 80 of the Planning Act provides that a Zoning By-Law may be amended;

AND WHEREAS, it is deemed desirable and necessary to amend By-law No. 795-18;

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

- A. That Part 3: General Regulations, 3.5 Subdivision of Attached Dwellings and Buildings be amended as follows:

**“3.5 Subdivision of Lots With or Without Attached Dwellings
and Buildings**

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

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

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

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

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

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

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

- B. That Part 3: General Regulations, 3.18 Parking be amended as follows:

- "2. Driveways in Residential Zones shall be no more than 30 percent of the lot frontage or the frontage width of the attached accessory building (i.e. the garage), whichever is greater, to a maximum of 50% of the lot frontage. For lots that have an irregular approach (eg. cul de sac lot), the frontage used for determining maximum driveway width will be the one assigned by the Province."

- C. That Part 4: Definitions be amended to add the following:

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

- D. That Table 6-5 "RLD" Residential Low Density Zone is hereby amended to change the minimum site width on "Dwelling, Two-Unit" to 60 feet.

- E. That Table 6-6 "RMD" Residential Medium Density Zone, footnote number 19 is hereby amended to read:

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

- F. That Table 6-7 "RHD" Residential High Density Zone, footnote number 24 is hereby amended to read:

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

G. That Table 6-8 “RMU” Residential Mixed-Use Zone, footnote number 27 is hereby amended to read:

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

H. That Table 6-13 “MG” Industrial General Zone is hereby amended to add “Caretaker’s Residence” as a (secondary) Conditional Use:

Table 6-13 Industrial General Zone								
Use Class <small>P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use</small>	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard ¹ (ft)	Height (ft)	Site Coverage ³⁹ (%)	
Caretaker's Residence C*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	

I. That Table 6-14 “MM” Industrial Mixed Use Zone is hereby amended to add “Other industrial use not listed”:

Table 6-14 Industrial Mixed Use Zone								
Use Class <small>P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use</small>	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard ¹ (ft)	Height (ft)	Site Coverage ⁴² (%)	
Other industrial use not listed C	5,000	50	20	15	25	35	60	

J. That Part 5: Use-Specific Standards be amended to add the following:

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

“5.17 Standards for Caretaker’s Residence

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

- a) As a secondary conditional use in conjunction with a permitted industrial use class development;
- b) Must be occupied by the owner/operator or site watchperson or caretaker for the principal business located on site;
- c) Residential unit must be located within the primary building as a secondary use;

³⁹ Site coverage is cumulative for all buildings and structures.
⁴² Site coverage is cumulative for all buildings and structures.

- d) A minimum of two (2) on-site parking spaces must be provided for the caretaker's residence, in addition to the parking required for the principal business;
- e) The maximum floor area of the caretaker's residence shall not exceed 20% of the primary use floor space, up to a maximum of 600 square feet; and
- f) A building permit will be required for the development of a caretaker's residence and the development must conform to the Manitoba Building Code."

DONE AND PASSED in Council duly assembled at the Town of Niverville, in Manitoba, this day of July AD 2020.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 23rd day of June AD 2020.

Read a second time this day of AD 2020.

Read a third time this day of AD 2020.

Certified a true and correct
copy of By-law No.820-20
of the Town of Niverville
given 1st reading on this 23rd
day of June AD 2020.


for _____
Eric King, Chief Administrative Officer