

# ***Town of Morris***



**ZONING BY-LAW #05-12**



TOWN OF MORRIS  
BY-LAW # 05/12

Being a Bylaw of the Town of Morris to regulate the use and development of land within the Town of Morris.

WHEREAS Part 5, subsection 68 of *The Planning Act*, states; a municipal council must adopt a zoning by-law that is generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality.


AND WHEREAS, pursuant to the provisions of Section 40 (2) of said *Planning Act*, the Town of Morris has adopted a Development Plan;

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

1. This By-Law shall be known as "The Town of Morris Zoning By-Law #05/12"
2. The zoning provisions and regulations, hereto attached and forming part of this by-law, are hereby adopted
3. By-Law # 05/12, being a by-law to adopt The Town of Morris Zoning By-Law, and hereby repealing the "Planning Scheme for the Town of Morris By-Law #07/97"
4. This by-law shall come into full force and effect on, from and after the 12<sup>th</sup> day of November, 2012.

DONE AND PASSED in Council duly assembled this 12th day of November 2012.

  
Mayor

  
Chief-Administrative Officer

Read a first time this 27<sup>th</sup> day of September, 2012.  
Read a second time this 12<sup>th</sup> day of November, 2012.  
Read a third time this 12<sup>th</sup> day of November, 2012.

.....  
I, Brigitte Doerksen, Chief Administrative Officer for the Town of Morris, Do hereby certify that this is a true and correct copy of By-Law # 05/12 duly passed on the 12<sup>th</sup> day of November by the Council of the Town of Morris.

Dated this 14<sup>th</sup> day January 2013 A.D.

  
Brigitte Doerksen, Chief Administrative Officer

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## PART 1 - DEFINITIONS

### RULES OF CONSTRUCTION

1. (1) The following rules of construction apply to the text of this By-law:
  - (a) Words, phrases and terms not defined herein but defined in the Act and the Building, Electrical or Plumbing By-laws of the Town of Morris shall be construed as defined in such Act and By-laws.
  - (b) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Town of Morris shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.

### DEFINITIONS

2. (1) **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 principal 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 uses, buildings and structures as shown in the Site Requirements 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 the same as the required yards for the principal building.
- (2) **"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.
- (3) **"ACT, THE"** means The Planning Act, being CHAPTER 30 of the Continuing Consolidations of the Statutes of Manitoba, and amendments thereto.
- (4) **"AGRICULTURAL CROPPING"** means the use of land for farming agricultural crops including grain, specialty and berry crops, haying and grazing fields.

- (5) **"AGRICULTURE, SPECIALIZED"** means the intense use of small parcels of land for agriculture, floriculture, horticulture including market gardening, orchards and tree farming and similar agricultural activities.
- (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.
- (7) **"ALTERATION, STRUCTURAL"** means the construction or reconstruction of supporting elements of a building or structure, such as bearing walls, columns, joists, beams or girders. For the purpose of this By-law, structural alteration shall not include the following alterations:
- (a) the addition of an open deck or porch;
  - (b) the alteration of interior non-load bearing components;
  - (c) the replacement of, or change in, utility pipes, ducts or conduits;
  - (d) adding or enlarging windows or doors;
  - (e) replacement of building facades;
  - (f) strengthening the load bearing capacity, in not more than ten (10) percent of the total floor area to permit a specialized unit of machinery or equipment; and
  - (g) other non-structural maintenance, repair or renovation.
- (8) **"AREA, THE"**, means all the lands within the boundaries of the Town of Morris.
- (9) **"AUTOMOBILE BODY SHOP"** means a building wherein the repair and painting of vehicles takes place.
- (10) **"AUTOMOBILE SERVICE STATION"** means a building or portion thereof and land used for supplying fuel, oil and minor accessories for automotive vehicles at retail direct to the customer, and for making repairs, maintenance and storage.
- (11) **"AUTOMOBILE WRECKING"** means the dismantling or wrecking of used automotive vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- (12) **"AUTOMOTIVE"** includes any automobile, truck, motorcycle, marine vehicle, snowmobile, all terrain and other recreational vehicles.

- (13) **"AUTOMOTIVE OR TRAILER SALES AREA"** means an open area, used for the display, sale or rental of new or used automotive vehicles or trailers, and where repairs are made they shall be done within a completely enclosed building.
- (14) **"BASEMENT"** means a storey or storeys of a building located below the first storey.
- (15) **"BED AND BREAKFAST"** means a building or portion thereof, other than a hotel or motel, where lodging or lodging and meals are provided for compensation for person(s) exclusive of the proprietor and family.
- (16) **"BUILDING"** for the purpose of this By-law, means any structure having a roof supported by columns or walls used or intended for supporting or sheltering any use or occupancy, and includes any additions thereto or extension thereof.
- (17) **"BUILDING HEIGHT"** means the total number of stories 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 or gambrel roof.
- (18) **"BUILDING, MAIN OR PRINCIPAL"** means a building in which is conducted the principal use of the site on which it is situated.
- (19) **"BUILDING PERMIT"** means a document authorizing erection, placement, alteration, addition to or enlargement of a building issued pursuant to the Building By-law of the Town. A development permit issued pursuant to this By-law may include a building permit.
- (20) **"BULK FUEL AND CHEMICAL STORAGE"** means the use of land for the storage, sale or distribution of synthetic or petroleum based fluids or chemicals, fertilizers, and other potentially hazardous or noxious materials, primarily on a wholesale basis.
- (21) **"CAMPING AND TENTING GROUNDS"** means an area 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.
- (22) **"CHILD CARE SERVICES"** means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any day exceeding three (3) hours but not exceeding fourteen (14) hours; and includes the following:
- (a) **"Home Day Care"** means the provision of child care services in a dwelling unit to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed six (6), and the facility shall have access to an outdoor recreation area;



- (22) (b) **"Group Day Care"** means the provision of child care services for more than six (6) but not more than twelve (12) children not over twelve (12) years of age in a provincially licensed facility with access to an outdoor recreation area; and
- (c) **"Community Day Care"** means the provision of child care services for more than twelve (12) children in a provincially licensed facility with access to an outdoor recreation area.
- (23) **"CLUB, RECREATIONAL"** means a non-profit corporation or an association consisting or persons who are bona fide members paying annual dues, which owns or leases land or buildings or portion thereof, the use of such premises being restricted to a principal leisure or recreational activity.
- (24) **"CONDITIONAL USE"** means the use of land or building which may be allowed in any particular zone as provided for in this Zoning By-law.
- (25) **"CONDOMINIUM"** means a condominium as established under the provisions of The Condominium Act and for the purposes of this by-law, the area of a bare land condominium plan shall be deemed to be a zoning site.
- (a) **"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 and for the purposes of this by-law, a bare land unit in a bare land condominium plan shall not be deemed to be a zoning site.
- (b) **"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.
- (26) **"CONVENIENCE FOOD STORE"** means a food store intended to serve the day to day needs of the residents of the neighbourhood in which it is located.
- (27) **"COUNCIL"** means the Council of the Town of Morris.
- (28) **"DENSITY"** means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.
- (29) **"DEVELOPMENT"** means:
- (a) the carrying out of the construction, erection or placing of any building, structure or excavation or other operation on, over or under land; or
- (b) the making of any change in the use or intensity of use of any land or buildings or premises.



- (30) **"DEVELOPMENT OFFICER"** means the Officer appointed by the Council to perform the duties identified in Section 7 of PART 2. Also referred to as the Building Inspector.
- (31) **"DEVELOPMENT PERMIT"** means a permit issued under this Planning Scheme authorizing development, and may include a building permit.
- (32) **"DRIVE-IN ESTABLISHMENT"** means an establishment with facilities for attracting and servicing prospective customers in automotive vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.
- (33) **"DWELLING"** means a building or portion thereof designed for residential occupancy, but does not include mobile homes.
- (34) **"DWELLING, FARMSTEAD"** means a residence which, is or was the principal residence of the owner or operator of a permitted or conditional agricultural activity and which is located on the same site as the agricultural activity.
- (35) **"DWELLING, MULTIPLE-FAMILY"** means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.
- (36) **"DWELLING, SINGLE-FAMILY"** means a detached building designed for and used by one (1) family.
- (37) **"DWELLING, TWO-FAMILY"** means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
- (38) **"DWELLING UNIT"** means one (1) or more rooms in a building designed for and used by one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (39) **"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.
- (40) **"GARAGE"** means an accessory building or portion of a principal building designed and used for the shelter or storage of one or more motor vehicles and includes a carport.
- (41) **"GRADE"** means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Compliance Officer.
- (42) **"GROSS FLOOR AREA"** means the sum of the total areas of the floors of a building measured from the exterior of walls or from the center line of walls separating buildings. Usually included in the calculations are basement space, elevators and stairwells, balconies, mezzanines and accessory buildings, except those used for off street parking.

- (43) **"GROUP HOME"** means a residence that is licensed for the accommodation of less than nine (9) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well being.
- (44) **"HOME OCCUPATION"** means any occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- (45) **"HOTEL, MOTOR HOTEL OR MOTEL"** means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities and may include accessory restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
- (46) **"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.
- (47) **"INDUSTRY, HEAVY"** means processing and manufacturing uses which cannot be classified as light industrial uses as defined herein.
- (48) **"INDUSTRY, LIGHT"** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any site line of the site on which the use is located.
- (49) **"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. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.
- (50) **"KENNEL"** means any premises on which more than two (2) dogs and cats 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.
- (51) **"LANE"** means a street not over thirty-three (33) feet in width, which affords only a secondary means of access to abutting sites and which is not intended for general traffic circulation.
- (52) **"LIVESTOCK"** means farm animals kept for the use, propagation or profit and includes, but is not limited to, dairy and cattle, swine, hogs, bison, goats, horses, poultry, sheep, rabbits and other exotic animals not kept exclusively as pets.

- (53) **"LIVESTOCK OPERATION"** means a permanent or semi-permanent facility or non-grazing area where animals are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include;
- i. an auction mart;
  - ii. an operation for the slaughter or processing of livestock;
  - iii. an operation for the grading or packing of livestock or livestock products;
  - iv. an operation for transporting livestock or livestock products;
  - v. an agricultural fair; or
  - vi. a livestock sales yard where livestock are kept no longer than three days.
- (54) **"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, lane or other appropriate means of access.
- (55) **"MOBILE HOME"** means a structure which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the structural standards of The Buildings and Mobile Homes Act, and amendments thereto.
- (56) **"MOBILE HOME PARK"** means an area of land with required improvements and utilities upon which three or more mobile home spaces are provided and have been approved by the Council.
- (57) **"MOBILE HOME SPACE"** means a space in a mobile home park for the placement of a mobile home.
- (58) **"MOBILE HOME SUBDIVISION"** means an area of land subdivided in accordance with Part 8 of the Act to provide sites for mobile homes.
- (59) **"NON-CONFORMITY"** means one, or a combination of the following:
- (a) A site or an area of land;
  - (b) A building or structure;
  - (c) A use of a building or structure;
  - (d) A use of land; or
  - (e) A sign

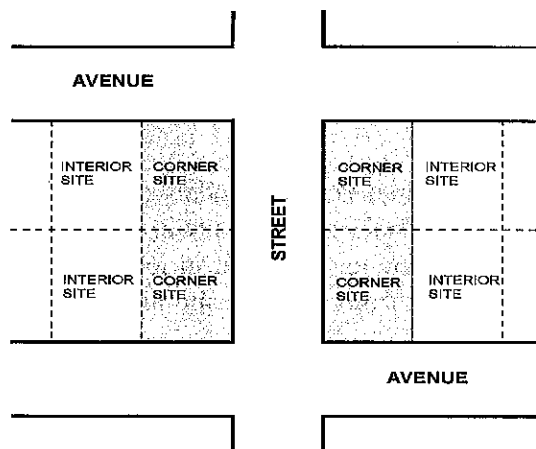
which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

- (60) **"NON-CONFORMING USE"** means any lawful use of a building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use requirements of the zone in which it is located, either on the effective date of this By-law or amendments thereto.
- (61) **"NON-CONFORMING BUILDING OR STRUCTURE"** means any lawful building or structure which does not comply with one or more of the applicable site requirements on the effective date of this By-law or amendments thereto.
- (62) **"NON-CONFORMING SITE OR PARCEL OF LAND"** means any lawful site or parcel of land which does not comply with the site area, site width or site depth 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.
- (63) **"NON-CONFORMING SIGN"** means any lawful sign which does not comply with one or more of the applicable site requirements on the effective date of this By-law or amendments thereto.
- (64) **"OCCUPANCY"** means the use or intended use of a building or structure or part thereof for the shelter or support of persons, animals or property.
- (65) **"OPEN SPACE"** means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and structures and available to all the occupants of the premises and shall be useable for landscaping, recreational space and other leisure activities normally carried on outdoors.
- (66) **"OWNER"** means a person who appears by the records of the proper Land Titles Office to have any right, title, estate or interest in land and includes the agent of such a person in possession or occupation of the land with the express or implied consent of the owner.
- (67) **"PARCEL OF LAND"** means the aggregate of all land described in any manner in a Certificate of Title.
- (68) **"PARKING AREA"** means an open area of land, other than a street or lane, or an area within a building or structure used for the parking of vehicles.
- (69) **"PARKING GROUP"** means the group, as identified on TABLE 9-2 "PARKING GROUP TABLE", which specifies the number of parking spaces which must be provided for each use.
- (70) **"PARKING SPACE"** means a space on a parking area or zoning site for the temporary parking or storage of a vehicle.

- (71) **"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.
- (72) **"PERFORMANCE STANDARD"** means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land, buildings or structures.
- (73) **"PERMITTED USE"** means the use of land or a building or structure provided in this Planning Scheme for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of this By-law.
- (74) **"PLANNED UNIT DEVELOPMENT"** means a land development project planned as an entity in accordance with a unitary site plan which permits flexibility in siting of buildings, mixture of housing types and/or land uses, useable open spaces, and the preservation of significant natural features.
- (75) **"PUBLIC UTILITY"** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, including but not limited to:
- (a) Communication, by way of telephone, telegraph, radio, wireless or television;
  - (b) Conveyance of persons or goods over rail or streets or by bus, truck 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;
- either directly or indirectly, to or for the public and includes all such carried on by or for the owner or a municipality of the Government of Manitoba, and declared to be a public utility pursuant to the terms of The Public Utility Board Act, R.S.M. 1987, C.P280.
- (76) **"PUBLIC UTILITY BUILDING"** means a building used by a public utility.
- (77) **"PUBLIC WORKS YARD"** means a site primarily used for the maintenance, repair and storage of equipment, vehicles and other goods used by a public utility or government agency in the delivery of its service and may include accessory administrative offices.
- (78) **"REPAIR"** means the renewal or reconstruction of any part of an existing building or structure for the purpose of its maintenance or restoration.

- (79) **"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.
- (80) **"RETAIL BUSINESS/SERVICE"** means the use of a building, structure or site in which goods and/or personal services are sold directly to the public as opposed to the wholesale storage and disposal of such commodities and which does not have any potentially offensive or hazardous effects beyond its site or building limits. For the purpose of this By-law, a junk yard shall not be considered a retail business or service.
- (81) **"SENIOR CITIZEN HOME"** means a multiple-family dwelling or a building containing individual rooms where elderly people live independent of personal care.
- (82) **"SHOPPING CENTRE"** means a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants, containing three or more separated spaces for lease or occupancy of commercial uses or business or professional offices.
- (83) **"SIGN"** means any writing (including letter, word or numeral), pictorial representation (including illustrations or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:
- (a) 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;
  - (b) is used to identify, direct attention to, or advertise; and
  - (c) is visible from outside a building but shall not include show windows as such.
- (84) **"SIGN, OFF-SITE"** 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.
- (85) **"SIGN, FACIA 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 portion. A facia sign shall also mean any sign attached to the walls of two or more buildings and spanning the space between said buildings.
- (86) **"SIGN, FLASHING"** means an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.
- (87) **"SIGN, FREESTANDING"** means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

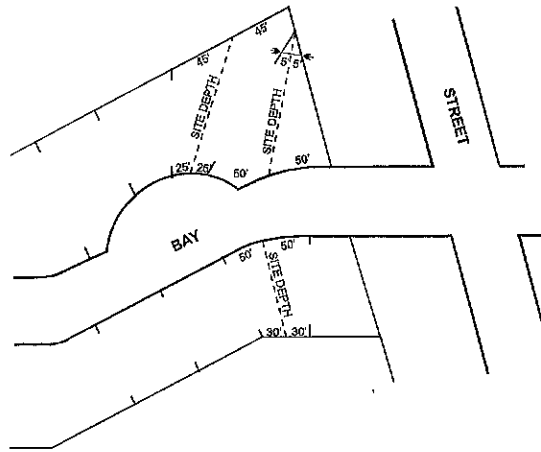
- (88) **"SIGN, ILLUMINATED"** means a sign designed to give forth any artificial light or reflect light from an artificial source.
- (89) **"SIGN, ON SITE"** means a sign that identifies the business, owner, resident of the street address or directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same zoning site where the sign is maintained.
- (90) **"SIGN, TEMPORARY"** means a sign with or without a structural frame intended for a limited period of display.
- (91) **"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 color 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 one (1) yard from one another, the sign surface area of the sign shall be taken as the surface area of the larger face if the two faces are of unequal area.
- (92) **"SITE"** means a zoning site as defined herein unless the context indicates otherwise.
- (93) **"SITE AREA"** means the computed area contained within the site lines.
- (94) **"SITE, CORNER"** means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.



- (95) **"SITE COVERAGE"** means the area, measured as a percentage of the total site area, which is occupied by a principal or accessory building, or structure.



- (96) **"SITE DEPTH"** means the horizontal distance between the centre points of the front and rear site lines.



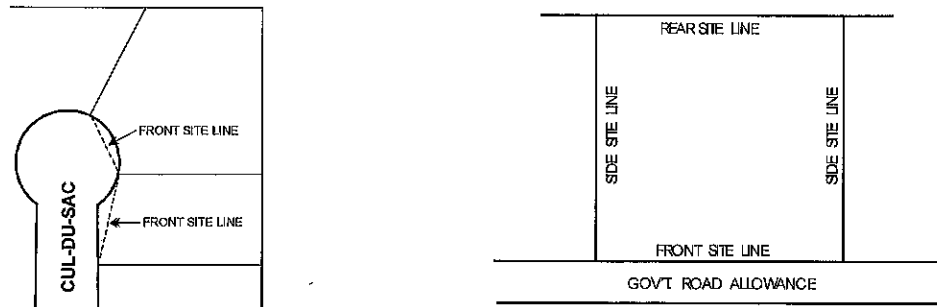
- (97) **"SITE FRONTAGE"** means all that portion of a zoning site fronting on a street and measured between side site lines.

- (98) **"SITE, INTERIOR"** means a site other than a corner site or a through site.

- (99) **"SITE LINES"** mean as follows:

- (a) **"Front Site Line"** means that boundary of a site which is along an existing or designated street. For a corner site, the front site line shall be that which has the shortest boundary along a street, unless determined otherwise by the Development Officer;
- (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;

- (99) (d) The following sketch illustrates the foregoing definitions of the site lines:

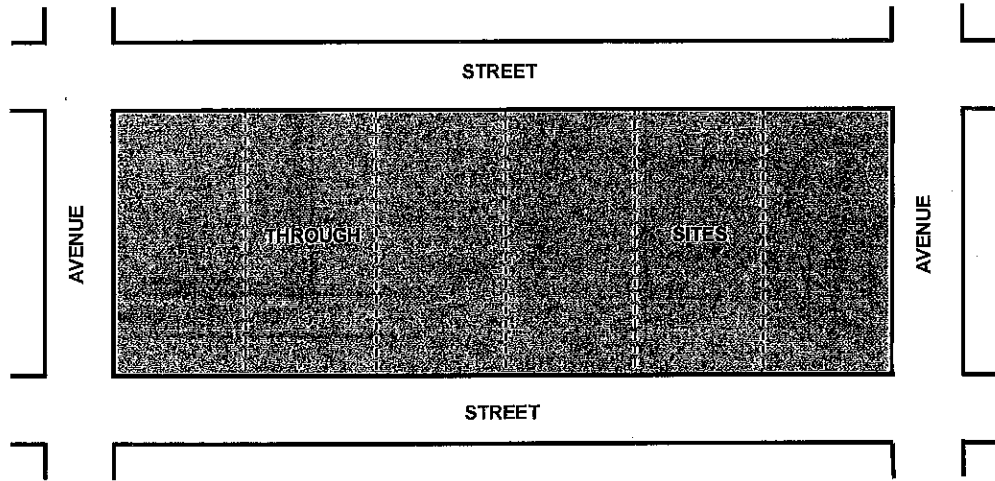


- (e) Where the front site line is a curve, as in a cul-de-sac or curved street, the front site line shall be deemed to be formed by a straight line joining the two points where the side site lines meet the edge of the road allowance; and
- (f) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Compliance Officer.

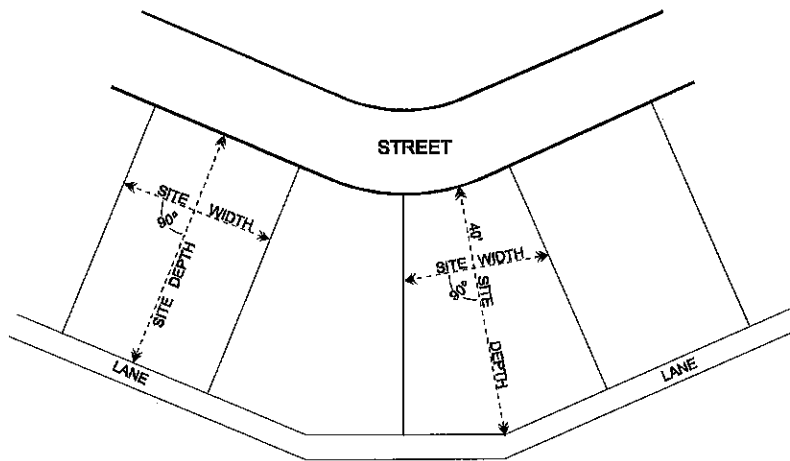
(100) **"SITE REQUIREMENTS"** means the following:

- (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.

- (101) **"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.



- (102) **"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 forty (40) feet from the front site line, whichever is the lesser.

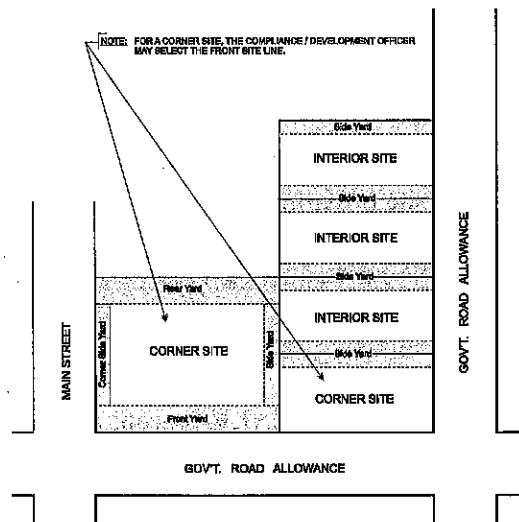
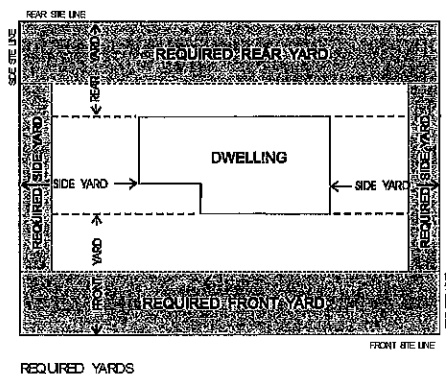


- (103) **"SITE, ZONING"** means an area of land with frontage on a street (excluding a lane) and is of at least sufficient size to provide the minimum requirements of this By-law for a permitted or conditional use in the zone where it is located.

- (104) **"STREET"** for the purpose of this By-law means any public highway, road allowance, lane, bridge, thoroughfare or way or part thereof which serves to provide access to a site.
- (105) **"STRUCTURE"** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on or below the ground and includes buildings, walls, fences, signs, wells, pipelines, transmission lines, light standards and similar items.
- (106) **"TRAVEL TRAILER"** means a vehicle used or intended to be used as a transient living accommodation facility for travel, recreation, business, trade, vacation and construction work which is designed for frequent moves but not for long-term residential occupancy and which:
- (a) Is capable of being transported on its own chassis and running gear by towing or other means;
  - (b) Is placed on the chassis or body of a motor vehicle; or
  - (c) Forms part of a motor vehicle.
- (107) **"USE"** means:
- (a) Any purpose for which a building or structure or an area 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 structure or on an area of land.
- (108) **"USE, MAIN OR PRINCIPAL"** means the major or principal use conducted on a zoning site or within a building or structure.
- (109) **"VEHICLE, DERELICT"** means a passenger vehicle, truck, recreational vehicle or travel trailer which has been intentionally abandoned for a period of six months or is not capable of being registered for immediate road use.
- (110) **"WHOLESALE"** means a business establishment which sells more than fifty (50) percent of its goods and merchandise to retail and other businesses and not primarily to the public at large.

(111) **"YARD"** means a part of a zoning site not occupied by the main building, structure or use.

- (a) **"Yard, required"** means a yard extending along a site line to a depth or width (measured from site line or wall) specified in the yard requirements for the zone in which such zoning site is located. Said yard shall not have any buildings or structures placed or uses conducted thereon, except as otherwise provided for herein;
- (b) **"Yard, required corner side"** means a required side yard which adjoins a street;
- (c) **"Yard, required front"** means a required yard extending along the full length of the front site line between the side site lines;
- (d) **"Yard, required interior side"** means a required 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 another building in a planned unit development;
- (e) **"Yard, required rear"** means a required yard extending along the full length of the rear site line between the side site lines; and
- (f) **"Yard, required side"** means a yard extending along the side site line from the required front yard to the required rear yard.



(114) **"ZONING MEMORANDUM"** means a notice issued by the Town certifying that a building, structure, use or parcel of land complies with the provisions of this By-law.

## **PART 2 - ADMINISTRATION**

### **SCOPE OF THE BY-LAW**

#### **TITLE**

1. (1) This By-law shall be known as "The Town of Morris Zoning By-Law No. 05-09".

#### **AREA OF APPLICATION**

1. (2) The provisions of this By-law shall apply to all land within the limits of the Town of Morris.

#### **INTENT AND PURPOSE**

1. (3) The intent and purpose of this By-law is to establish various zones in the community in order to accommodate and regulate development. These zones are depicted on Map One attached to and being part of this by-law and established as Appendix "A" of this By-law.
1. (4) The regulations and provisions established by this By-law are deemed necessary in order to:
  - (a) Provide for the most appropriate use of land, buildings and structures;
  - (b) Provide adequate open spaces for light and air, and to serve as a measure of prevention against the spread of fires;
  - (c) Assure adequate standards of development so that overcrowding, unhealthy living conditions and parking congestion will be kept to a minimum;
  - (d) Prevent the overloading of municipal services;
  - (e) Conserve and stabilize the value of property;
  - (f) Provide for the health, safety and general welfare of the residents of Morris; and
  - (g) To define the powers and responsibilities of Council and the Development Officer.

1. (5) This By-law shall regulate the following:

- (a) All buildings and structures erected hereafter;
- (b) All uses of buildings, structures and land established hereafter;
- (c) All structural alterations or relocations of existing buildings and structures occurring hereafter;
- (d) All enlargements of or additions to existing buildings, structures, or uses; and
- (e) The change of use of land, buildings or structures.

## **INTERPRETATION AND APPLICATION**

### **MINIMUM REQUIREMENTS**

2. (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**

2. (2) Whenever provisions of any by-laws of the Town of Morris or any other requirements of the Provincial or Federal Government impose overlapping regulations over the use of land, buildings or structures or contain any requirements covering any of the same subject matter contained herein, the most restrictive or highest requirements shall govern.

### **COMPLIANCE WITH OTHER REQUIREMENTS**

2. (3) The granting of a development permit in compliance with the provisions of this By-law shall not in any way relieve the person obtaining such permit from full responsibility of complying with the requirements of any other Municipal, Provincial or Federal statutes, by-laws, regulations or orders or those of any of their agencies.

### **PREVIOUS VIOLATION**

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



### **VARIATION ORDER PRIOR TO BY-LAW**

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

### **CONDITIONAL USE PRIOR TO BY-LAW**

2. (6) Where a lawfully existing building, structure or use is classified as a conditional use by virtue of enactment of this By-law or amendment thereto, it shall be considered to be a lawfully existing conditional use.

### **RESPONSIBLE AUTHORITY**

2. (7) (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**

2. (8) Subject to the provisions of The Act, the Council is responsible for:
- (a) The enactment, repeal and amendment of this By-law;
- (b) Administering and enforcing the provisions of this By-law and those provisions of The Act, where applicable;
- (c) Acting as a Variation Board;
- (d) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any conditions imposed by it;
- (e) Establishing a schedule of fees as provided for in Section 13 of this PART; and
- (f) Appointment of a Development Officer to administrate the provisions of this By-law and related matters.

## **PLANNING COMMISSION**

2. (9) A Planning Commission may be established in accordance with the provisions of The Act (section 31) to advise and assist Council in responding to planning matters.

## **AMENDING THE BY-LAW**

### **PROCEDURE**

3. (1) Subject to the provisions of The Act, this Zoning By-Law may be amended as follows:
- (a) A person may apply to have this By-law amended, by applying in writing, giving reasons in support of the application and paying a fee as determined by the Council;
  - (b) Council may at any time initiate an application to amend this By-law;
  - (c) All applications to amend the By-law shall be in a specified form, and shall include:
    - (i) an application fee, if prepared by Community Planning Services;
    - (ii) a drawing of the proposed area to be amended; and
    - (iii) reasons for the proposed amendment.
  - (d) Where the Council is of the opinion that a by-law amendment is applicable to and for the benefit of the Town at large, Council may direct that the fee be returned to the applicant;
  - (e) All amendments shall be made by by-law in accordance with Section (80) of The Act.

### **DECISION BY COUNCIL**

3. (2) (a) Council shall give notice and hold a public meeting according to Section 163-174 of The Act, at which time it shall review all of the facts presented, and any representation, study the facts presented, make its findings and determination in writing and shall transmit a copy thereof to all persons who made representations to the meeting. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of The Act; and
- (b) Subject to the procedures required under Section 77 (5) of The Act, anyone objecting to any amendment which has been given second reading by Council may file that objection with the Municipal Board or the board of a district, as the case may be, and the board shall hold a hearing according to the provisions of The Act.

## **DEVELOPMENT AGREEMENT WITH TOWN**

### **NEED FOR DEVELOPMENT AGREEMENT**

4. (1) Where an application is made for a zoning amendment or for subdivision approval and any of the following activities are necessary:
- (a) construction of a public street to give access to the proposed development;
  - (b) the installation of utilities or other public works to serve the proposed development;
  - (c) the provision of associated features or facilities such as those outlined in Section 150 of The Act; or
  - (d) the provision of a dedication or a general levy, if required;

Council may require that the applicant enter into a development agreement with the Town prior to final approval.

### **REGISTRATION**

4. (2) The development agreement pursuant to Section 151(1) may be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.

### **NO DISCHARGE**

4. (3) A caveat registered pursuant to Section 151(1) runs with the land and binds the owner of the land affected by it, and the owner's heirs, executors, administrators, successors and assigns.

## **CONDITIONAL USES**

### **INTENT**

5. (1) In all zones established in this By-law, permitted uses of land, buildings and structures are established on the basis of their compatibility with the land base and neighbouring uses. It is recognized, however, that there are certain uses, deemed conditional uses, which because of their unique characteristics cannot be permitted without consideration of the impact of these uses upon neighbouring land and the public need for the particular use at a particular location.

## **PROCEDURE**

5. (2) For the reasons outlined in Subsection 5(1) above, The Act provides that Council may establish conditional uses in its zoning by-law and sets forth a public procedure for dealing with such uses. The procedure is set out as follows:
- (a) A person may apply for approval of a conditional use, by applying to the Council of the Municipality in writing, giving reasons in support of the application and paying a fee ( Section 103 (4) of the Act) as determined by Council.
  - (b) All applications for a conditional use shall be in a specified form and shall include:
    - (i) an application fee;
    - (ii) a duplicate certificate of title of the land;
    - (iii) a site plan showing the development proposed for the site and the area affected; and
    - (iv) reasons in support of the proposed conditional use.
  - (c) At the discretion of Council, an impact statement or study containing or dealing with some or all of the following information may be required:
    - (i) a concise statement as to the general benefits of the development to the community as a whole;
    - (ii) the effect on the general character of the area and adjacent areas;
    - (iii) the effect on the skyline, views and vistas in all directions;
    - (iv) the effect on the general environment, including such matters as surface and subsurface of the land, pollution of groundwater, erosion, surface run-off emissions, noise pollution or vibration and similar;
    - (v) safety and general welfare;
    - (vi) the effect on municipal servicing and street systems;
    - (vii) economic benefits to the community (cost/benefit analysis); and
    - (viii) such additional information as necessary to satisfy concerns related to the proposed development or use.
  - (d) All applications for a conditional use shall be processed and approved or rejected in accordance with Section 103 of The Act.
  - (e) Approval of a conditional use shall expire and cease to have effect if not acted upon within 12 months of the approval date. A 12 month renewal may be considered by Council (Section 110 (1) (2) of The Act).

### **CHANGES TO CONDITIONAL USES**

5. (3) The following changes to an approved conditional use shall be subject to the procedures and provisions of this Section and The Act:
- (a) changing to a different or adding another conditional use;
  - (b) reducing the parcel size, replacing existing buildings or increasing the size of the building, structure, operation, use or area within a parcel affected by the conditional use; and
  - (c) a change in any condition previously imposed by Council in the authorization of the conditional use.

Where the changes other than those listed above are proposed, conditional use approval under this Section shall not be required.

### **CONDITIONS OF APPROVAL**

5. (4) Council may impose conditions on a conditional use which serve to secure the objectives of the Zoning By-Law and more specifically meet the general development standards of the subject zone. Such conditions may include, but are not limited to:
- (a) Safeguards to control potentially dangerous, noxious or offensive effects such as:
    - (i) noise or vibration
    - (ii) odour, smoke, dust or other airborne particles;
    - (iii) radiation, fire or explosive materials;
    - (iv) heat, humidity or glare; and
    - (v) toxic and noxious matters including waste.
  - (b) Hours of operation and other performance standards as required;
  - (c) Design and siting requirements including:
    - (i) the provision of open space, landscaping, planting, screening and buffering including fences;
    - (ii) off-street parking and loading areas;
    - (iii) outdoor storage and display areas;
    - (iv) grading and surface drainage;
    - (v) lot surfacing;
    - (vi) pedestrian and vehicular circulation systems including entrances and exits;
    - (vii) outdoor lighting;

- 5. (4) (c)
  - (viii) signs;
  - (ix) refuse and garbage storage;
  - (x) location of buildings, structures within the site; and
  - (xi) building design and architectural appearances.
- (d) Upgrading of municipal services including sewer, water, drainage, transportation and other services and systems as required or for the provision of individual on-site servicing; and/or
- (e) Other matters deemed necessary by Council to ensure a desirable and compatible development.

## **VARIATIONS**

### **INTENT**

- 6. (1) Where a person is of the opinion that this By-law injuriously or adversely affects him, his property or his rights, he may apply for an order to vary the application of the By-law with respect to the following:
  - (a) the site and other requirements contained in the Use Tables and Site Requirement Tables herein;
  - (b) requirements for parking, loading and signs;
  - (c) requirements for projections into yards; and
  - (d) other matters specified in Section 97 (1) (2) of The Act.

In no case, however shall a variation be approved that will adversely affect the general environment, amenity and convenience of the Town as a whole or the character and value of adjacent properties.

### **PROCEDURE**

- 6. (2) A person may apply at any time to vary the requirements of this By-law, by applying in writing, giving reasons in support of the application and paying fees as determined by Council, in accordance with the following guidelines:
  - (a) All applications for a variation order shall be in a specified form and shall include:
    - (i) an application fee; and
    - (ii) supporting material and reasons for the variation.

6. (2) (b) Variation applications shall be submitted to the Development Officer; and
- (c) Minor variation applications, not exceeding ten (10) percent of the requirements of this By-law governing front, side, rear or any other yard, may be decided upon by the Development Officer. Such applications shall be processed in accordance with Part 6 of The Act.

## **DEVELOPMENT OFFICER**

### **APPOINTMENT**

7. (1) The office of the Development Officer is hereby established and shall be filled by a person appointed by Council. The Development Officer is hereby declared to be an authorized officer of the Council.

### **DUTIES**

7. (2) The Development Officer shall:
- (a) assist and advise the public with respect to the requirements of the Zoning By-law and other pertinent legislation;
  - (b) keep and maintain for the inspection of the public, during office hours, a copy of this By-law, all amendments and other related information and ensure that copies of the same are available to the public at a charge established by Council;
  - (c) receive all completed applications for a development permit, variation orders, conditional use orders, and amendments to this By-law and issue development permits in accordance with Section 8 of this PART and other provisions to this By-law;
  - (d) permit or refuse minor variations to the requirements of this By-law in accordance with Section 6 of this PART and Sections 94-110 of The Act; and
  - (e) undertake other development related duties as determined by Council.



## **POWERS**

### **7. (3) The Development Officer:**

- (a) shall consider and decide upon all applications which constitute a "Permitted Use" in a zone and comply in all respects with the requirements of that zone. The Development Officer may approve such applications and issue a development permit;
- (b) shall refer, with recommendations, to Council all applications for development permits involving:
  - (i) amendments to this By-law;
  - (ii) new conditional uses and changes to conditional uses as per Subsection 5.(3) of this PART;
  - (iii) variations from zone requirements in excess of ten (10) percent;
  - (iv) matters requiring the specific approval of Council pursuant to this By-law; and
  - (v) any other matter which may require Council's attention;
- (c) may refuse all other development permit applications in contravention of this By-law citing reasons for refusal. Discretion can be exercised and the Development Officer may refer to Council any application which should receive Council's decision;
- (d) may enter any building or premises at all reasonable hours in the performance of duties with respect to this By-law;
- (e) may issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of Section 4 of PART 9 of this By-law; and
- (f) may issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

## **PERMIT DEFERRAL**

### **7. (4) At the request of Council, the Development Officer shall:**

- (a) defer approving an application for a development permit:
  - (i) as provided for in Section 147-148 of The Act;
  - (ii) which would result in a violation of this By-law or any by-law of the Town of Morris; or
  - (iii) to any person who has failed to pay any fees owing to the Town of Morris under this By-law.

## **DEVELOPMENT PERMITS**

### **PERMITS REQUIRED**

8. (1) Except as provided in Subsection (3) below, no development shall be commenced unless a development permit has been issued.

### **APPLICATION**

8. (2) Subject to Subsection (3) below, an application for a development permit is required for the following:
- (a) the erection or construction or placement of any permanent building or structure;
  - (b) the addition, enlargement, structural alteration or conversion of any building or structure;
  - (c) the relocation, removal or demolition of any building or structure, including accessory buildings and structures, exceeding one hundred and twenty-five (125) square feet in floor area;
  - (d) the use of vacant land, building or structure;
  - (e) the change of use of land, building, or structure; or
  - (f) the increase or decrease of the average grade of a site by six (6) inches or more in height.

### **PERMIT NOT REQUIRED**

8. (3) The following developments shall not require a development permit provided such development complies with all applicable provisions of this By-law and any other applicable by-law of the Town:
- (a) the carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
  - (b) the temporary use of a site or the erection or construction of temporary buildings or structures excepted under Section 4 of PART 9 of this By-law;
  - (c) the construction or maintenance of that part of a public works placed in or upon a public works easement;

8. (3) (d) the carrying out by the Town of Morris any operation for the maintenance or improvement of a public works, including the inspection, repair or renewal thereof;
- (e) the erection, placement, enlargement, structural alteration, relocation or use of any building or structure, excluding satellite dishes, not exceeding 120 square feet that is normally incidental or accessory to a dwelling as the principal building or use;
- (f) general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by six (6) inches or more in height;
- (g) the construction or erection of certain non-illuminated signs as outlined under Clause 1.(8)(d) of PART 9 of this By-law; and
- (h) the operation of a home occupation in accordance with Subsection 1.(6) of PART 9 of this By-law.

#### **APPLICATION FORMAT**

8. (4) (a) An application for a development permit required under this By-law shall be made to the Development Officer in writing in the prescribed form and shall be accompanied by a site plan and such other plans and specifications as may reasonably be necessary to consider the development proposal.
- (b) An application for a development permit shall be accompanied by the following:
- (i) a site plan showing:
    - (A) the site boundaries, with dimensions;
    - (B) the location of all existing and proposed buildings, structures or uses of the land;
    - (C) floor plans, elevations, exterior views and sections of proposed buildings or structures;
    - (D) the existing and proposed access points to the site;
    - (E) the location of off-street parking and loading, if required;
    - (F) the location of all easements and/or rights-of-way; and
    - (G) any additional information the Development Officer and/or Council consider necessary for processing and evaluating the application.
  - (ii) a non-refundable application fee as established by Council;
  - (iii) proof of ownership or authority to apply for a development permit; and
  - (iv) the estimated commencement and completion dates.

- 8 (4) (c) In the case of a development application for a building containing multiple dwelling units, such as multiple-family dwellings, senior citizen homes, group homes, school or university residences, residential care facilities and the like, in addition to those items identified in clause (b) above, the application shall include the following information:
- (i) verification of dimensions of zoning site, existing buildings or structures and location of nearest wall of building or structure on adjacent sites, by way of a surveyor's certificate prepared by a Manitoba Land Surveyor;
  - (ii) the intended use of each building, structure or part thereof and the number of dwelling units;
  - (iii) the location and type of landscaping, walls, fences and screening and method of site illumination;
  - (iv) all pedestrian walks, malls and open areas for use by tenants or the public;
  - (v) the location, size, height and orientation of all signs other than facia or wall signs;
  - (vi) the type of ground surfacing to be used at various locations; and
  - (vii) the location of nearest fire hydrants.
- (d) The Development Officer or Council may deal with an application for a development permit and make a decision thereon without all of the information required by this Subsection if, in their opinion, the nature of the development is such that certain information is not necessary.

#### **BUILDING PERMIT**

8. (5) Except as provided in Subsection 8(6) below, a building permit is not valid unless a valid and subsisting development permit, where such a permit is required, has been issued.

#### **EXISTING BUILDING PERMIT**

8. (6) 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.

#### **APPLICATION**

8. (7) Subject to the provisions of Part 9 of The Act, an application for a development permit should be made within 60 days of the receipt of the completed application.

### **RIGHT TO REVOKE DEVELOPMENT PERMIT**

8. (8) A development permit may be revoked if:

- (a) there is a contravention of any condition under which the permit was issued;
- (b) the permit was issued in error; or
- (c) the permit was issued on the basis of incorrect information.

### **VALIDITY OF DEVELOPMENT PERMIT**

8. (9) (a) When an application for a development permit has been approved, the development to be carried out shall conform in all respects to the terms, provisions and specifications of the permit as finally approved;

(b) Unless a development permit is:

- (i) specified by the Development Officer to remain in effect for less than 12 months; or
- (ii) suspended or cancelled

a development permit remains in effect for 12 months from the date of its issue;

(c) Prior to its expiry date a development permit may be extended by the Development Officer for an additional period of not more than 12 months, however, if one or more of the following situations has occurred and the subject development has not commenced, the permit shall not be extended:

- (i) the development standards pertaining to the development have changed since the development permit was issued;
- (ii) the land use considerations involved with the development permit have changed;
- (iii) the development permit does not conform to amendments to the development plan;
- (iv) the development permit does not conform to amendments of the Zoning By-Law; or
- (v) any other consideration which, in the opinion of Council, makes the development permit now inappropriate.

## **DUTIES OF THE OWNER**

### **DUTIES OF THE OWNER**

9. (1) Every owner shall:

- (a) be responsible for the preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this Zoning By-law and The Planning Act.
- (b) after the development application has been approved and the permit issued, notify the Development Officer and obtain approval before doing any work at variance with the approved documents filed;
- (c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licences relating to the buildings, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work; and
- (d) permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this Zoning By-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of any duties under this By-law.

## **NON-CONFORMITIES**

### **INTENT**

10.(1) The enactment of this Zoning By-Law or any amendment does not affect any building, structure, land or use of land that was lawfully in existence prior to the coming into force of the By-law or amendment thereto. Non-conformities shall be regulated in accordance with Sections 86-93 of The Act, unless otherwise provided for herein.

### **CONTINUANCE**

10.(2) Any building, structure, use or parcel of land which was lawfully in existence or which was lawfully under construction prior to the adoption of this By-law or amendments thereto, but because of its size, nature, location or other factor does not meet the requirements of this By-law, shall be permitted to continue to exist.

### **DISCONTINUANCE**

- 10.(3) A non-conforming use of land, or a non-conforming use of a building or structure may be continued but if that use is discontinued for a period of twelve (12) consecutive months or more, any future use of the land, building or structure shall conform with the provisions of this By-law.

### **CHANGES**

- 10.(4) Council may permit the following changes to existing non-conforming buildings, structures, uses or parcels of land by variation order subject to the provisions of Section 92 (1) The Act:
- (a) maintenance, reconstruction (if in compliance with Subsection 10.(5)), structural alteration or addition to a building or structure provided that yard, site coverage and parking requirements of the subject zone are complied with;
  - (b) erection or location of a permitted or conditional building, structure or use on a non-conforming parcel;
  - (c) erection or location of permitted accessory buildings, structures and uses in accordance with TABLE 9-1 of this By-law; or
  - (d) enlargement or re-subdivision of a non-conforming parcel having the effect of reducing the existing non-conformity.

Where any of the above changes do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its own non-conforming status as per Section 10.(2) above.

### **REPAIR OR REBUILD**

- 10.(5) If a non-conforming building or structure is damaged or destroyed to the extent of more than 50% of the assessed market value (as shown on the current assessment roll of the Town) of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with this By-law.

### **CHANGE OF OWNERSHIP**

- 10.(6) The use of land, building or structure is not affected by reason only of a change of ownership, tenancy or occupancy of the land, building or structure.



## **CERTIFICATE**

- 10.(7) Fees to be paid to the Town for the issuance of a non-conforming certificate in accordance with the provisions of Section 87 of 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.
- 11.(2) Whenever provisions of any By-law of the Town of Morris or any other requirements of the Provincial or Federal Governments impose overlapping regulations on the use of land or buildings or site regulations or contain any restrictions covering any of the same matter contained herein, the most restrictive or highest requirement shall govern.
- 11.(3) Unless otherwise provided for herein, an existing building, structure or use which was illegal under the provisions of any By-law in force on the effective date of this Zoning By-Law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of any By-law, said building, structure or use remains illegal hereunder.

## **ENFORCEMENT**

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

## **FEES**

13. Fees for amendments to this By-law, variation orders, conditional use orders, development permits, non-conforming certificates and zoning memorandums shall be established by resolution as Council deems advisable.

## **PART 3 - GENERAL PROVISIONS**

### **INTENT AND PURPOSE**

1. The provisions of this Part are intended to apply to all zones within the Town except wherein otherwise stated.

### **GENERAL SITE PROVISIONS**

#### **ZONING SITE**

2. (1) No development shall take place and no development permit shall be issued by the Development Officer, unless the development occurs on a zoning site as defined in this By-law.

#### **BUILDING GRADE**

2. (2) No building or structure shall be erected without first obtaining written instructions from the Development Officer as to grade for the building or structure to be erected, nor shall the average grade of any site be raised or lowered by six (6) inches or more without the approval of the Development Officer in accordance with Section 7 of PART 2 of this By-law. When allowing the raising or lowering of grade by six (6) inches or more, the Development Officer shall take into consideration available flood level information, street elevation, installation of services, elevation of adjacent sites, drainage, appearance and other pertinent factors.

#### **BUILDINGS PER SITE**

2. (3) There shall be only one main building or one main use on a zoning site, except as provided in Section 2 of PART 9 of this By-law. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling and their accessory buildings, structures and uses.

#### **SUBDIVIDING**

2. (4) Except as otherwise provided for in the By-law, no parcel of land shall hereafter be divided into sites unless each resultant site conforms with the requirements of this By-law.

## **SITE REQUIREMENTS**

2. (5) Except as otherwise provided herein, the owner shall maintain the minimum site area, site width, site depth, yards and other open spaces required for any use in any zone. Furthermore, the minimum site area, site width, site depth, yard and open space allocated to a use as required by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards or other open space requirements for any other use.

## **VIOLATION OF PROVISIONS**

2. (6) No building or structure shall be added to, altered, enlarged, or reconstructed, and no site shall be reduced in area or yard requirements if such addition, reconstruction, enlargement, reduction or alteration will cause violation of any provisions of this By-law.

## **PUBLIC WORKS**

2. (7) A site area, site width, site depth, or required yard reduced below the minimum requirements of this By-law by virtue of a public works, shall be deemed to conform to the requirements of this By-law.

## **MUNICIPAL SERVICES**

2. (8) All principal buildings or structures constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services.

## **BUILDING RELOCATION**

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

## **DEVELOPMENT RESTRICTED**

## **UNSUITABLE FOR DEVELOPMENT**

3. (1) Notwithstanding the provisions contained in this By-law, the Council may prohibit or restrict the development of an area of land for a use permitted in a zone if the area has been identified either by Council or other agencies as a flood risk area or being subject to erosion, bank instability, landslide, subsidence, marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.

### **NOXIOUS, HAZARDOUS OR OFFENSIVE USES**

3. (2) Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious, hazardous or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise unless the use is permitted in the subject zone, satisfactory measures are undertaken to mitigate or eliminate such effects and necessary licensing has been obtained from Manitoba Conservation, as required.

### **PUBLIC SERVICES**

#### **PUBLIC MONUMENTS**

4. (1) Nothing in this By-law shall be so interpreted as to interfere with the maintenance and erection of public monuments, statuary and similar historic or memorial markers.

#### **PUBLIC WORKS**

4. (2) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public works, as defined by this By-law, or public service such as police and fire protection provided that the requirements of such public works or public services are of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

### **STREETS**

#### **FUTURE ROAD ALLOWANCE**

5. (1) No building or structure shall be erected upon any land designated for a future road allowance by Council. Any development adjacent to said future road allowance shall comply with the requirements of the By-law as if the said future road allowance was already in existence.

### **OTHER PROVISIONS**

#### **BASEMENT DWELLING UNIT**

6. (1) A basement dwelling unit shall comply with the provisions of this By-law, the Buildings and Mobile Homes Act, and any other by-law or act having jurisdiction.

## **PART 4 - GUIDE TO ZONES, ZONING MAP AND TABLES**

### **ZONES**

1. The provisions of this By-law shall apply to all lands within the boundaries of The Town of Morris which lands, for the purpose of this By-law, are hereby divided into the following zones:

	<u>SYMBOL</u>	<u>ZONE</u>
RESIDENTIAL	"RS"	Residential - Single Family Zone
	"RT"	Residential - Two Family Zone
	"RM"	Residential - Multiple Family Zone
	"RMH"	Residential - Mobile Home Zone
	"RL"	Residential Large Lots
COMMERCIAL	"CC"	Commercial - Central Zone
	"CL"	Commercial - Linear Zone
	"CH"	Commercial - Highway Zone
	"CN"	Commercial - Neighbourhood Zone
INDUSTRIAL	"ML"	Industrial - Light Zone
	"MH"	Industrial - Heavy Zone
OTHERS	"I"	Institutional Zone
	"OR"	Open Space/Recreation Zone
	"AR"	Agriculture - Restricted Zone

### **ZONING MAPS**

#### **PART OF BY-LAW**

2. (1) The location and the limits of the zones listed in Section 1 above are shown upon a Zoning Map attached hereto and marked APPENDIX "A" to this By-law. Said Zoning Map forms part of this By-law. All notations, references and other information shown thereon, together with any amendments made from time to time and shown thereon, together with any amendments to limits in the case of any street, lane or public works right-of-way closing, as provided in this Section, 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**

2. (2) All dimensions of the Zoning Map are in feet.

## **REGISTERED PLAN**

2. (3) All plan references on the Zoning Map pertain to plans filed in the Winnipeg Land Titles Office.

## **ABBREVIATIONS**

2. (4) The abbreviations noted on the Zoning Map mean the following:

- (a) "Ave." means Avenue;
- (b) "Blk." means Block;
- (c) "Dr." means Drive;
- (d) "E.P.M." or "E" means East of the Principal Meridian;
- (e) "Pcl." means Parcel;
- (f) "Pl." means Plan or Place, when pertaining to a street;
- (g) "Rge." means Range;
- (h) "Sec." means Section;
- (i) "S.P." means Special Plot Plan;
- (j) "St." means Street;
- (k) "Tp." or "Twp." means Township;
- (l) "P.R." means Provincial Road; and
- (m) "P.T.H." means Provincial Trunk Highway.

## **INTERPRETATION OF ZONE LIMITS**

2. (5) In the interpretation of the limits of the zones as shown on the Zoning Map, the following rules shall apply:

2. (5) (a) Heavy broken lines represent the zone limits. Where the zone limit is broken by the name of a street, it shall be construed that the limit continues through the name of the street;
- (b) Notwithstanding that streets, lanes, walkways, public squares, public works rights-of-way or other means of commuting may be within zone limits, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes, walkways, public squares, public works rights-of-way or other means of communications;
- (c) Zone limits shown as approximately following the limits or centrelines set forth below shall be construed to follow said limits or centrelines:
- (i) public streets or lanes;
  - (ii) lot, site or property lines;
  - (iii) limits of the Town;
  - (iv) railway lines or rights-of-way; and
  - (v) public works lines or rights-of-way.
- (d) If a street, lane, walkway, public square, public works right-of-way or other means of commuting shown on the Zoning Map is lawfully closed, the land formerly comprising the right-of-way shall be included within the zone of the adjoining land provided that if the said right-of-way was a zone limit between two or more different zones, the new zone limit shall be the former centreline of the closed right-of-way.
- (e) Where the application of the above rules does not determine the exact location of the limits of a zone, the Council either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the limits shall fix the portion in doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as the measurements and directions as the circumstances may require.

## **ZONE REQUIREMENTS**

### **INTERPRETATION**

3. (1) In their interpretation and application the provisions of this By-law, shall be held to be the minimum requirements, except wherein otherwise noted.

## **USES**

3. (2) USE AND SITE TABLES 5-1 through 8-1 in this By-law, list all uses that are:

- (a) "P" - Permitted; or
- (b) "C" - Conditional;

in respective zones. All listed uses shall be interpreted in accordance with PART 1 - DEFINITIONS; shall be dealt with in accordance with procedures outlined in PART 2 - ADMINISTRATION and shall be subject to the provisions contained in PART 3 - GENERAL PROVISIONS and PART 9 - SPECIAL USES AND PROVISIONS.

## **TABLES**

3. (3) No land shall be used or occupied and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed on the subject zone Table.

## **USES NOT LISTED**

3. (4) Uses of land, buildings or structures not listed in the zone Table may be allowed if:

- (a) the use was lawfully established prior to the effective date of this By-law in which case the use shall be dealt with as a non-conforming use, structure or building in accordance with Section 10 of PART 2 - ADMINISTRATION; or
- (b) the use, in the opinion of Council, falls into a general use category established in the zone Table. Such uses shall be permitted uses where the general use category is "Permitted" and conditional uses where the general use category is "Conditional" in that zone.

## **SITE REQUIREMENTS**

3. (5) Site and other requirements shall be as set forth in TABLES 5-2 through 8-2. The requirements set forth therein shall apply to all uses, structures or buildings.

## **SPECIAL USE PROVISIONS**

3. (6) PART 9 of this By-law contains special provisions, exceptions and requirements for special uses applicable in all zones, except where otherwise noted. The following should be referred to when dealing with application of or interpretation on:



3. (6) (a) Accessory Buildings, Structures and Uses including:

- home occupations
- parking, entrance and loading requirements
- sign regulations

(b) Height Exceptions and Special Restrictions

(c) Alternate Forms of Development including:

- condominiums
- planned unit development
- multiple uses
- subdivision of attached dwellings

(d) Yards and Special Yards, and

(e) Temporary Uses, Buildings and Structures.

**MEASUREMENTS**

3. (7) If the conversion between metric and imperial measurements pertaining to a development permit application is not exactly as prescribed in this By-law, the Development Officer may apply metric or imperial measurement to the development permit application.

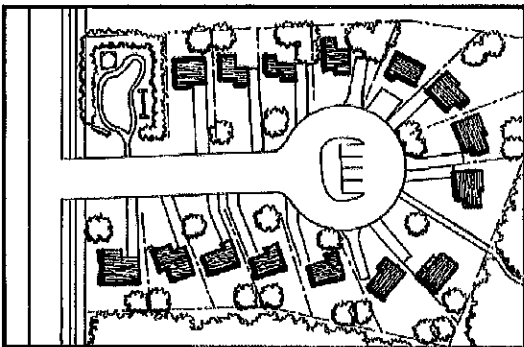
## PART 5 – RESIDENTIAL

### INTENT AND PURPOSE

1. The following Residential Zones are hereby established in order to carry out the intent and purpose as described below:

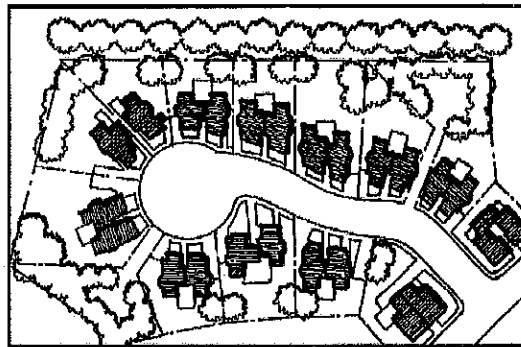
#### "RS" RESIDENTIAL - SINGLE FAMILY ZONE

The "RS" Residential - Single Family Zone provides areas for low density, single family dwellings and associated or compatible uses.



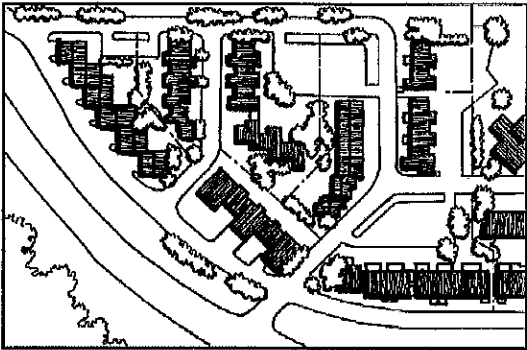
#### "RT" RESIDENTIAL - TWO FAMILY ZONE

The "RT" Residential - Two Family Zone provides areas for low and medium density, single and two family dwellings and associated or compatible uses.



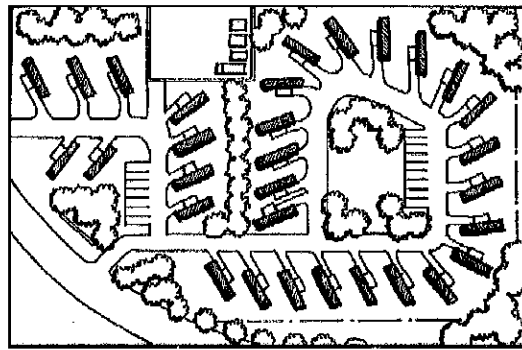
**"RM" RESIDENTIAL - MULTIPLE  
FAMILY ZONE**

The "RM" Residential - Multiple Family Zone provides areas for medium and high density two and multiple family dwellings and associated or compatible uses.



**"RMH" RESIDENTIAL -  
MOBILE HOME ZONE**

The "RMH" Residential - Mobile Home Zone provides areas for mobile home parks and subdivisions for mobile homes and associated or compatible uses.



**"RL" RESIDENTIAL LARGE LOTS**

The "RL" Residential Large Lots should be of a size greater than one acre to allow for a larger residence and possible shop/garage.

**TABLE 5-1**  
**RESIDENTIAL USE TABLE**

Legend:        P - Permitted  
                  C - Conditional  
                  - - Not Applicable/Not Permitted

<u>USES PERMITTED</u>		<u>RESIDENTIAL ZONES</u>				<u>MINIMUM PARKING REQUIREMENTS</u>
Uses		RS	RT	RM	RMH	Parking Group No. (See Table 9-2)
1.	<u>Accessory</u> Uses, Buildings and Structures (See 9-1)	(See Table 9-1)				-
2.	<u>Assembly</u> , including churches & religious institutions; community halls; and recreational clubs	C	C	C	-	7/10
3.	<u>Child Care Services</u>					
	a) Community or Group	C	C	P	-	7
	b) Home	P	P	P	C	7
4.	<u>Dwellings</u>					
	a) Single Family	P	C	-	-	1
	b) Two Family	-	P	P	-	1
	c) Multiple Family	-	P	P	-	2/3 Seniors Homes
	d) Boarding, Rooming and Lodging Houses	-	-	P	-	4
	e) Group Homes	C	C	P	-	5
	f) Residential Care Facilities	-	-	C	-	5
	g) Bed & Breakfast	C	C	C	-	4
	h) Tea House	C	C	C	-	10
5.	<u>Mobile Homes</u>					
	a) Parks & Subdivisions	-	-	-	P	1
6.	<u>Open Space</u>					
	a) playgrounds, tot lots and similar uses	P	P	P	P	20
	b) buffer strips, public reserves and walkways	P	P	P	P	20
7.	<u>Planned Unit Development and Bare Land Unit Condominiums</u> (See 9-2)					
		C	C	C	C	20
8.	<u>Public Utilities</u>	P	P	P	P	20
9.	<u>Temporary Uses Buildings and Structures</u> (See 9-4)	P	P	P	P	20

**TABLE 5-2**  
**RESIDENTIAL SITE REQUIREMENTS**

ZONES	PERMITTED OR CONDITIONAL USES AS PER TABLE 5-1	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS		
		SITE		YARD				Dwelling Unit Area (Sq. Ft.)	Site Coverage (%)	Building Height (Ft.) (See 9-1)
		Area (Sq. Ft.)	Width (Ft.)	Front (Ft.)	Side (Ft.)		Rear (Ft.)			
					Interior	Corner				
RS	Single Family Dwellings <sup>h,i</sup> Accessory Buildings & Uses Other "RS" Uses	5,000 - 5,000 <sup>e</sup>	50 - 50 <sup>e</sup>	25 25 25	5 <sup>a</sup> 5 <sup>b</sup> 5	12 12 <sup>c</sup> 12	25 2 <sup>d</sup> 5	800 - -	40 10 40	30 15 30
RT	Two Family Dwellings <sup>h,i</sup> Accessory Buildings & Uses Other "RT" Uses	7,500 - 5,000 <sup>e</sup>	75 - 50 <sup>e</sup>	25 25 25	5 <sup>a</sup> 5 <sup>b</sup> 5 <sup>a</sup>	12 12 <sup>b</sup> 12	25 2 <sup>d</sup> 25	500 - 500	50 10 50	30 15 30
RM	Multiple Family Dwellings (excepting Three & Fourplexes) Accessory Buildings & Uses Two-Family Three and Fourplexes Other "RM" Uses	10,000 <sup>d</sup> - 6,000 9,000 7,500 <sup>e</sup>	100 - 60 75 <sup>e</sup>	25 25 25 25 25	15 15 <sup>b</sup> 5 <sup>a</sup> 5 <sup>a</sup> 5 <sup>a</sup>	15 15 <sup>b</sup> 12 15 12	25 2 <sup>d</sup> 25 25 25	400 - 500 500 800	60 10 50 60 50	45 <sup>a</sup> 15 30 <sup>f</sup> 35 30 <sup>f</sup>
RMH	Mobile Home Parks Accessory Buildings & Uses <sup>a</sup> Mobile Home Subdivisions Accessory Buildings & Uses <sup>h,m</sup>	See N/A 4,500 N/A	Section N/A 50 N/A	2 of this 20 20 <sup>k</sup> 20	Part 5 <sup>b</sup> 5 <sup>l,m</sup> 5 <sup>n</sup>	for 10 10 10	Mobile 2 10 2	Home Park N/A 700 N/A	Site 10 40 10	Requirements 15 15 15
RL	Residential Large Lots	1 acre	100	25	See o)		25	1000	40	30

a) When no public lane is located at the rear of a site and no garage is attached to the house, one side yard shall be a minimum of twelve (12) feet.  
b) Where an accessory building is located to the rear of the main building the interior and corner side yard for the accessory building may be reduced to two (2) feet provided it does not abut a front yard.  
c) Playgrounds, tot lots, public utilities and similar uses do not require a minimum site area or width.  
d) Plus one thousand (1,000) square feet for each dwelling unit in excess of 4.  
e) or three (3) stories, whichever is the lesser  
f) or one (1) storey, whichever is the lesser  
g) When no public lane is located at the rear of a site and no garage is attached to the principal building one side yard shall be a minimum of fifteen (15) feet.  
h) A development permit shall not be required for detached accessory buildings or structures that are less than one hundred and twenty-five (125) square feet in floor area provided that said building or structure complies with yard and height requirements, detached accessory building shall be located a minimum of ten (10) feet (wall to wall) from the principal building on the site.  
i) Subject to site coverage maximum, the total floor area of accessory buildings and structures on any zoning site shall not exceed one thousand (1,000) square feet.  
j) Except for outdoor pools and hot tubs, which shall be located a minimum of five (5) feet from any side or rear site line.  
k) Mobile home hitch to be removed at time of final site installation, front setback is measured from front of building to property boundary.  
l) Main entrance door to the mobile home to be on the wide side of the lot.  
m) Maximum entry/exit landing size for five (5) foot side yard to be nine (9) square feet.  
n) Any accessory building to match exterior design aesthetics of the main building.  
o) Council to require siting of house compatible for possible future subdivision and densification of the area.

## **MOBILE HOME REGULATIONS**

### **MOBILE HOME PARKS**

2. (1) The minimum area dimensions and setback requirements for mobile home park developments are outlined in TABLE 5-3 "MOBILE HOME PARK REQUIREMENTS".
2. (2) No mobile home park shall be established or expanded without the approval of Council. Scaled and dimensioned plans of the mobile home park shall be submitted to Council for approval and shall show mobile home spaces, internal roads and walkways, buffers, storage areas, recreation areas, drainage, sewer and water services and may include other amenities such as recreational facilities and convenience stores.
2. (3) All mobile home parks shall provide:
  - (a) a central open space area equivalent to two hundred (200) square feet per mobile home space or twenty-four hundred (2400) square feet, whichever is greater;
  - (b) an all weather surface internal roadway to serve all mobile homes with a minimum twenty-four (24) foot wide driving surface and forty (40) foot total width;
  - (c) one (1) parking space on each mobile home space;
  - (d) storage of refuse and garbage in a sanitary manner at a location readily accessible to all mobile homes but not more than five hundred (500) feet from any mobile home;
  - (e) illumination of all roadways and walkways to standards approved by Council; and
  - (f) clear marking of the boundaries of each mobile home space and identification of each space by a numbered sign.

**TABLE 5-3**  
**MOBILE HOME PARK REQUIREMENTS**

Site Area, Minimum for Mobile Home Park	1 acre
Maximum Density	6 mobile homes per acre
Minimum area of each Mobile Home Space	4,500 sq. ft.
Minimum width of each Mobile Home Space	45 ft.
Minimum depth of each Mobile Home Space	100 ft.
Minimum side to side clearance between Mobile Homes (porches, carports, additions and projections are considered to be part of the Mobile Home)	10 ft.
Minimum end to end clearance between Mobile Homes	30 ft.
Minimum distance from Mobile Home to roadway	10 ft.
Minimum distance from Mobile Home to public street or mobile home park boundary	30 ft. <sup>(a)</sup>
Dwelling Unit Area, Minimum	400 sq. ft.

(a) In the case of provincial trunk highways and provincial roads, greater setbacks may be required.

2. (4) All mobile homes to be placed on a mobile home space shall:

- (a) meet all structural standards as determined by The Buildings and Mobile Homes Act and amendments thereto;
- (b) be connected to the Town sewer and water system;
- (c) be placed on a permanent foundation and anchored to said foundation in accordance with Mobile Home Structural Standards and Permits Regulation 96/87 R and amendments thereto; and
- (d) have painted, durable skirting to screen the view of the foundation supports and under the carriage of the mobile home within sixty (60) days of location on the mobile home space.

2. (5) The type of accessory uses, buildings and structures permitted in mobile home parks shall be as set forth in Section 1 of PART 9.

2. (6) The site and other requirements for accessory uses, buildings and structures for mobile home parks are the same as for mobile home subdivisions, and are outlined in TABLE 5-2. In mobile home parks these requirements shall be interpreted as applying to a "mobile home space" rather than a "site".

### **MOBILE HOME SUBDIVISIONS**

#### **2. (7) Additional Requirements**

All mobile homes to be placed on a mobile home site shall:

- (a) meet all structural standards as determined by The Buildings and Mobile Homes Act and amendments thereto;
- (b) be connected to the Town sewer and water system;
- (c) be placed on a permanent foundation and anchored to said foundation in accordance with the National Building Code and the Mobile Home Structural Standards Z240 and amendments thereto; and
- (d) have painted, durable skirting to screen the view of the foundation supports and under the carriage of the mobile home within sixty (60) days of location on the site;
- (e) age of the mobile home to be no more than ten (10) years older than the development permit issue date, and/or Council approval;



- 2. (7) (f) meet exterior aesthetic design to match existing mobile home community, and/or Council approval.
- 2. (8) The type of accessory uses, buildings and structures permitted in mobile home subdivisions shall be as set forth in Section 1 of PART 9.

## **PART 6 - COMMERCIAL**

### **INTENT AND PURPOSE**

1. The following Commercial Zones are hereby established in order to carry out the intent and purpose as described below:

#### **"CC" COMMERCIAL - CENTRAL ZONE**

This zone provides for appropriate land in the Town's central commercial area to allow it to be multi-functional in nature and develop as an intensive, retail, business social, cultural and administrative area of Town.

#### **"CH" COMMERCIAL - HIGHWAY ZONE**

This zone provides for appropriate land for those businesses requiring large site areas, to provide retail and personal services adjacent to major streets and highways to serve the needs of the travelling public. Some light industrial uses may also be appropriate.

#### **"CL" COMMERCIAL - LINEAR ZONE**

This zone primarily provides land for strip commercial development along major thoroughfares. It is intended to provide for a range of commercial uses developed in a manner which does not create a traffic hazard on adjacent major streets or conflict with adjacent residential areas.

#### **"CN" COMMERCIAL - NEIGHBOURHOOD ZONE**

This zone provides land, characteristically small in area, either within or abutting residential zones, for the retailing of commodities to satisfy the daily household and personal needs of persons residing in the adjacent neighbourhood.

**TABLE 6-1**  
**COMMERCIAL USE TABLE**

Legend:      P - Permitted  
                  C - Conditional (See 2-5)  
                  -- Not Applicable/Not Permitted

<u>USES PERMITTED</u>		<u>COMMERCIAL ZONES</u>				MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		CN	CC	CH	CL	
1.	<u>Accessory</u> Uses, Buildings and Structures (See 9-1)	(See Table 9-1)				-
2.	<u>Accommodation</u>					
	a) Hotels, Motels	-	P	P	C	4 + 10
	b) Camping & Tenting Grounds	-	-	C	-	20
	c) Bed & Breakfast	-	P	P	P	4
3.	<u>Agricultural Products</u>					
	a) Farm Implement Sales & Service with incidental assembly	-	-	C	-	9
	b) Garden Supply Sales; Greenhouses and Nurseries	-	C	P	C	6
	c) Storage, handling, cleaning and processing of agricultural products	-	C	C	-	6
4.	<u>Animals</u>					
	a) Hospitals and Veterinary Clinics	-	C	P	C	13
	b) Kennels	-	-	C	-	16
	c) Animal Sales, Grooming and Accessory	-	P	C	C	9
5.	<u>Auction Marts</u> excluding livestock	-	-	P	-	8
6.	<u>Assembly</u>					
	a) Community Halls, Libraries, Museums, Churches and similar uses	-	C	P	C	10/20
	b) Business Colleges, Trade or Vocational Training Centres	-	C	C	C	10/20
7.	<u>Business and Government Offices and Banks</u>					
	a) municipal and post office; police; fire stations and similar	-	P	P	P	8
	b) business and professional offices; medical and dental offices; banks and similar	-	P	P	P	8

USES PERMITTED		COMMERCIAL ZONES				MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		CN	CC	CH	CL	
8.	<u>Group and Community Day Care &amp; Group Homes</u>	-	C	-	C	7
9.	<u>Other Retail Business/Services</u>					
	a) Those Retail uses not listed elsewhere in this Table, excluding b) through h) below	-	P	C	C	8
	b) Exterminators and Machine Shops	-	C	C		8
	c) Newspaper Publishing; Funeral Homes; Radio and TV stations, studios and towers	-	P	P	-	8/10
	d) Mobile Homes and Travel Trailer including sales, rental and service	-	-	P	-	6
	e) Convenience Store under 1200 sq. ft. in area	P	P	P	P	7
	f) Laundries; dry cleaning	C	P	C	-	11
	g) Ceramic Shops with associated production	-	C	-	C	8
	h) Funeral Homes	-	C	C	-	8
10.	<u>Eating and Drinking Places</u>					
	a) All except Drive-in establishments	-	P	P	P	10
	b) Drive-in Establishments	-	C	P	C	20
11.	<u>Recreation</u>					
	a) Bowling alleys, Recreational clubs and cinemas	-	P	C	C	10/15
	b) Amusement Centres, including billiards and video games	-	C	-	C	8
	c) Miniature Golf; Driving Ranges and Pitch & Putt	-	-	C		20
	d) Drive-in Theatres	-	-	C	-	20
12.	<u>Transportation</u>					
	a) Bicycle, motorcycle, cart, etc. sales, rental and service	-	P	C	C	6/9
	b) Bus terminals, Taxi & Courier Services	-	P	P	C	7/16
	c) Automotive businesses including: compounds, tire and parts, sales & service; Service Stations	-	P	P	C	6/9/14
	d) Car Washes	-	P	P	C	6/9/14
	e) Automotive Body Shops	-	P	P	-	14
	f) Truck and Rail Terminals; Public Works Yards	-	-	C	-	16

<u>USES PERMITTED</u>		<u>COMMERCIAL ZONES</u>				MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		CN	CC	CH	CL	
13.	<u>Building Materials and Contractors</u> a) Building Supply stores; Contractors Establishments	-	C	P	C	8
14.	<u>Light Industry</u> including warehousing, storage and assembly when totally enclosed with limited outdoor display	-	C	C	-	8
15.	<u>Wholesale</u> a) Wholesale Businesses including: sales and storage	-	P	P	C	9
16.	<u>Warehousing</u> Storage facilities for non-explosive, non-toxic and non-flammable goods excluding: Junk Yards and Automobile Wrecking	-	C	C	-	8
17.	<u>Dwellings</u> Multi-Family Dwellings with or without associated commercial uses	-	P	C	C	2/3 Seniors Homes
18.	<u>Open Space</u> including Athletic Fields, Parks, Playgrounds, Public Reserves and similar	P	P	P	P	20
19.	<u>Public Utilities</u>	P	P	P	P	-
20.	<u>Off-street Parking Areas</u>	P	P	P	P	-
21.	<u>Planned Unit Development and Bare Land Unit Condominiums (See 9-2)</u>	-	C	C	C	20
22.	<u>Temporary Buildings and Uses Structures (See 9-4)</u>	P	P	P	P	-

**TABLE 6-2**  
**COMMERCIAL SITE REQUIREMENTS**

ZONES	PERMITTED OR CONDITIONAL USES AS PER TABLE 6-1	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS		
		SITE		Width (Ft.)	Front <sup>d</sup> (Ft.)	YARD <sup>a</sup>			Site Coverage (%)	Building Height (Ft.) (See 9-1)
						Side (Ft.)		Rear (Ft.)		
CN	Accessory Buildings & Uses <sup>f</sup> Other "CN" Uses	- 5,000	- 50	25 <sup>b</sup> 25	5 <sup>b</sup> 10	15 15	5 <sup>b</sup> 25	10 40	15 30	
CC	Accessory Buildings & Uses <sup>f</sup> Automotive, sales & service; Building Materials, sales & storage; Truck Terminals; churches; Warehouse Facilities; and Hotels & Motels Multiple-Family Dwellings Other "CC" Uses	- 15,000 10,000 <sup>g</sup> 2,500	- 100 100 25	0 <sup>b</sup> 30 20 0	0 <sup>b</sup> 15 15 0	0 <sup>b</sup> 20 20 0	5 <sup>b</sup> 25 25 25	10 80 80 -	15 45 45 30	
CH	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (see 9-4) Accessory Buildings & Uses <sup>f</sup> Automotive businesses; Mobile Homes; Travel Trailer Sales & Services; and Hotels & Motels Other "CH" Uses	- - 40,000 15,000	- - 150 100	- - 40 <sup>c</sup> 40 40	- 15 25 15	- 30 60 30	- 15 25 25	- 10 50 40	- 15 30 15	
CL	Open Space, Public Works, Off-Street Parking Areas & Temp. Uses (see 9-4) Accessory Buildings & Uses <sup>f</sup> Other "CL" Uses	- 8,000	- 65	- 20 20	- 10 <sup>b</sup> 5 <sup>e</sup>	- 15 15	- 10 <sup>b</sup> 20	- 10 50	- 15 30	

- a) See 9-3 for yards adjacent to residential zones.  
b) Except that service station fuel pumps shall be located a minimum of fifteen (15) feet from any site line.  
c) Except that service station fuel pumps may be located thirty (30) feet from the front or side site line.  
d) Minimum front yard requirements contained herein do not relieve the owner of compliance with Manitoba Infrastructure and Transportation setback requirements where applicable.  
e) When no public lane is located at the rear of the site and no garage is attached to the side of the principal building, one side yard shall be a minimum of fifteen (15) feet.  
f) Detached accessory buildings shall be located a minimum of ten (10) feet from the principal building on the site.  
g) Plus one thousand (1,000) square feet for each dwelling unit in excess of 4.

## **PART 7 - INDUSTRIAL**

### **INTENT AND PURPOSE**

1. The Industrial Zones established in this By-law are intended to provide sufficient land for a wide range of industrial and related uses in suitable locations within the Town. The following Industrial Zones are hereby established in order to carry out the intent and purpose as described below:

#### **"ML" INDUSTRIAL - LIGHT ZONE**

The purpose of this zone is to provide for light manufacturing, assembling, processing distribution, wholesaling and warehouse uses. Excluded are uses which have the potential to create a serious nuisance factor. This zone should function as a buffer or transition between heavy industrial and other uses.

#### **"MH" INDUSTRIAL - HEAVY ZONE**

The purpose of this zone is to provide for a wide range of industrial uses where a certain level of nuisance factor must be anticipated as characteristic of the use. Wherever practical, "MH" uses are located as far as possible from residential zones and in such a way as to minimize any detrimental effect on other uses of land.

**TABLE 7-1**  
**INDUSTRIAL USE TABLE**

Legend :        P - Permitted  
                  C - Conditional (See 2-5)  
                  - - Not Applicable/Not Permitted

<u>USES PERMITTED</u>		<u>INDUSTRIAL ZONES</u>		MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		ML	MH	
1.	<u>Accessory</u> Uses, Buildings and Structures (See 9-1)	(See Table 9-1)		
2.	<u>Agriculture</u>			
	a) Feed, Seed, Grain and Vegetable			
	i) Sales, Storage and Distribution	C	P	8/20
	ii) Manufacturing and Processing	-	P	8/20
	b) Bulk Fuel and Chemical			
	i) Sales, Storage and Distribution excluding Anhydrous Ammonia	C	P	8/20
	ii) Manufacturing	-	C	8/20
	c) Garden Supply Sales, Nurseries and Greenhouses	P	P	8/20
	d) Livestock Processing and Production			
	i) Abattoirs, Rendering Plants, Dead Stock Removal, and Stock Yards	-	C	8/20
	ii) Dairy Products and Meat Packaging and processing including poultry slaughtering	C	C	8/20
	iii) Poultry Hatcheries	C	C	8/20
	e) Farm Implements, Farm Buildings and Structures			
	i) Manufacturing	C	P	9
	ii) Assembly, Sales, Storage and Distribution	P	P	9
	f) Pesticides, Herbicides and Fungicides			
	i) Sales, Distribution and Storage	C	C	8/20
	ii) Manufacturing and Processing	-	C	8/20
3.	<u>Animals</u> Kennels, Hospitals, Vet Clinics, Pounds and Shelters	C	C	8
4.	<u>Auction Marts</u>	C	C	8



<u>USES PERMITTED</u>		<u>INDUSTRIAL ZONES</u>		MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		ML	MH	
5.	<u>Building Materials and Contractors</u>			
a)	Building Supply and Materials Sales and Storage, Prefabricated Building Assembly and Manufacturing	P C	P P	8/20 8/20
b)	Contractor's Establishments			
c)	Concrete Plants, Cement Batching and Product Manufacturing	-	C	8/20
d)	Asphalt and Asphalt Product, Brick and Tile Manufacturing	-	C	8/20
6.	<u>Other Manufacturing and Assembly with associated sales</u>			
a)	Other Light Industry, not listed elsewhere in this Table, including: Warehousing and Storage facilities for non-flammable, non-toxic or non-explosive goods	P	P	9
b)	Other Heavy Industry, not listed elsewhere in this Table, including: Scrap Metal & Junk Yards	-	C	9
7.	<u>Office Buildings</u> including laboratories, medical and dental research or testing facilities and government	C	C	8/13
8.	<u>Transportation</u>			
a)	Automotive & Travel Trailer Assembly, Parts Manufacturing including: farm implements and mobile homes	C	P	9
b)	Sales, Rental and Service of automobiles, motorcycles, snowmobiles, etc.	P	P	8/14
c)	Automotive Body Shops	P	P	8/14
d)	Automobile Service Stations	P	P	8/14
e)	Truck Terminals & Freight Stations	P	P	9
f)	Public Works Yards	P	P	9
g)	Automobile Wrecking	-	C	16
9.	<u>Public Utilities</u>	P	P	20
10.	<u>Planned Unit Development and Bare Land Unit Condominiums</u> (See 9-2)	C	C	20
11.	<u>Temporary Buildings, Structures and Uses</u> (See 9-4)	P	P	-

<u>USES PERMITTED</u>		<u>INDUSTRIAL ZONES</u>		MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		ML	MH	
12.	<u>Recreation</u>			
a)	Athletic camps and Recreational Clubs, Golf Courses, Driving Ranges & Miniature Golf; Curling, Indoor Skating and Hockey Rinks; and Amphi-theatres;	C	C	20
b)	Tennis and similar courts, Outdoor/indoor	P	P	20
c)	Horticultural and Zoological Gardens	C	C	20
d)	Recreational Resorts Concession Stands and Amusement Parks; Skateboard Parks, Ball Diamonds and Soccer Fields	C	C	20

**TABLE 7-2**  
**INDUSTRIAL SITE REQUIREMENTS**

ZONES	PERMITTED OR CONDITIONAL USES AS PER TABLE 7-1	MINIMUM REQUIREMENTS					MAXIMUM Building Height (Ft.) (See 9-1)
		SITE		YARD <sup>a,b</sup>			
		Area (Sq. Ft.)	Width (Ft.)	Front (Ft.)	Side (Ft.) Interior	Rear (Ft.) Corner	
ML	Public Utilities & Temporary Uses (See 9-4) Accessory Buildings & Uses <sup>d</sup> Other "ML" Uses	- - 7,500	- - 75	- 20 20	- 10 10 <sup>c</sup>	- 15 15	- 25 45
MH	Public Utilities & Temporary Uses (See 9-4) Accessory Buildings & Uses <sup>d</sup> Other "MH" Uses	- - 10,000	- 0 100	- 20 20	- 15 15	- 15 15	- 30 75

- a) See 9-3 when adjacent to residential zones.  
b) Greater separation distances may be required by regulations under The Buildings and Mobile Homes Act and shall supersede stated yard requirements.  
c) Except that service station fuel pumps shall be located a minimum of fifteen (15) feet from any site line.  
d) Detached accessory buildings shall be located a minimum of ten (10) feet from the principal building on the site.

## **INDUSTRIAL DEVELOPMENT STANDARDS**

2. The development of a site in an Industrial Zone shall conform to the standards outlined in subsections (1) and (2) below, as applicable. Council may require further performance and development standards, as necessary, through the Conditional Use procedures under Section 5 of Part 2 herein, and by virtue of a development agreement under Section 4 of Part 2 herein.
2. (1) "ML" - Light Industrial Zone
  - (a) In the "ML" Zone, all production operations shall be conducted entirely within an enclosed building; and
  - (b) Outside storage of goods and materials may be permitted provided:
    - i) the storage is located to the rear of a line adjacent to and parallel with the front wall of the building;
    - ii) the storage shall not project above the height of a wall or fence; and
    - iii) a wall or fence shall be maintained in good condition and repair.
2. (2) "MH" - Heavy Industrial Zone
  - (a) In the "MH" Zone, outside operations and storage are not permitted in the required front yard; and
  - (b) Where a fence is required, outside storage shall not project above the height of the fence.

## **PART 8**

# **INSTITUTIONAL, OPEN SPACE/RECREATION AND AGRICULTURE**

### **INTENT AND PURPOSE**

1. The following zones are hereby established in order to carry out the intent and purpose as described below:

#### **"I" INSTITUTIONAL ZONE**

The "I" Zone provides areas for concentrations of governmental, educational, institutional, and similar public or semi-public uses.

#### **"OR" OPEN SPACE/RECREATION ZONE**

This zone provides areas for recreational purposes, either public or private uses such as arenas, clubs, recreational centres, museums or rinks. It would include land for public parks and privately or publicly owned lands used for golf courses and may include land used as a buffer.

#### **"AR" AGRICULTURAL RESTRICTED ZONE**

This zone provides for agricultural uses and activities on a limited basis in areas adjacent to the built up areas of Town in order to avoid land use conflicts and to preserve those lands for future urban expansion.

# TABLE 8-1

## INSTITUTIONAL, OPEN SPACE/RECREATION

### AND AGRICULTURE USE TABLE

Legend: P - Permitted

C - Conditional (See 2-5)

-- Not Applicable/Not Permitted

<u>USES PERMITTED</u>		<u>ZONES</u>			MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		I	OR	AR	
1.	<u>Accessory Uses, Buildings and Structures</u> (See 9-1)	(See Table 9-1)			-
2.	<u>Agriculture</u>				
	a) Cropping	-	-	P	-
	b) Specialized Agriculture including: Nurseries and Greenhouses; Landscape Gardeners including: Storage of top soil and sod	-	-	C	9/16
3.	<u>Animals</u> Kennels, Hospitals, Vet Clinics. Pounds and Shelters	-	-	C	13/16
4.	<u>Assembly</u>				
	a) Art Centres, Galleries, Concert Halls, Libraries and Museums	P	P	-	8/10/20
	b) Auditoriums; Grandstands; Sports Complexes; Race Tracks; Stadiums, and Community Hall	-	P	-	8/10/20
	c) Agricultural Exhibition Grounds and Buildings	-	P	P	8/10/20
5.	<u>Government and Offices</u>				
	a) Court House; Administration Buildings and Offices including: Municipal, Police and similar	P	-	-	8/16
	b) Sewage Treatment Plants; Lagoons; and Public Works Yards	-	-	C	8/16

USES PERMITTED		ZONES			MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		I	OR	AR	
6.	<u>Hospitals</u> Including Clinics, Dormitories and Residences for Staff	P	-	-	4
7.	<u>Mineral Extraction</u> Operations for clay, gravel or sand including: crushing, screening, washing, and processing	-	-	C	16
8.	<u>Radio and Television Towers</u>	-	-	P	20
9.	<u>Recreation</u>				
	a) Athletic camps and Recreational Clubs; Public Swimming and Wading Pools; Golf Courses, Driving Ranges & Miniature Golf; Curling, Indoor Skating and Hockey Rinks; and Am-phi-theatres	-	P	C	20
	b) Tennis and similar courts, outdoor/indoor	P	P	C	20
	c) Horticultural and Zoological Gardens; Artificial Lakes	-	P	P	20
	d) Gun Ranges; Riding Academies and Stables	-	C	C	20
	e) Camping and Tenting Grounds; Recreational Resorts Concession Stands and Amusement Parks; Public Boat Docks, Launches and Marinas	-	C	C	20
10.	<u>Religious</u>				
	a) Institutions; Churches; and associated residential schools	P	-	-	10/20
	b) Cemeteries; Crematoria; and Mausoleums	P	-	P	10/20

<u>USES PERMITTED</u>		<u>ZONES</u>			MINIMUM PARKING REQUIREMENTS Parking Group No. (See Table 9-2)
Uses		I	OR	AR	
11.	<u>Schools</u>				
a)	Colleges; Professional Schools including: associated staff and student residences and dormitories	P	-	C	19
b)	Elementary, Junior High and High Schools	P	-	-	Elementary - 17 Jr. High/High - 18
c)	Group Day Care, Nursery Schools	P	-	-	7
12.	<u>Dwellings</u>				
a)	Farmstead Dwellings	-	-	C	1
b)	Residential Care Facilities; Senior Citizen Homes; and similar	P	-	-	5
c)	Group Homes	P	-	-	5
13.	<u>Open Space</u> Buffer Strips; Public Reserves; Walkways and similar	P	P	P	20
14.	<u>Public Areas</u> including athletic fields; picnic areas; tot lots; playgrounds	P	P	P	20
15.	<u>Public Utilities</u>	P	P	P	20
16.	<u>Temporary Buildings, Structures and Uses</u> (See 9-4)	P	P	P	-



**TABLE 8-2**  
**INSTITUTIONAL, OPEN SPACE/RECREATION**  
**AND AGRICULTURE SITE REQUIREMENTS**

ZONES	PERMITTED OR CONDITIONAL USES AS PER TABLE 8-1	MINIMUM REQUIREMENTS						MAXIMUM REQUIREMENTS			
		SITE		Width (Ft.)	Front (Ft.)	YARD <sup>a</sup>		Rear (Ft.)	Dwelling Unit Area (Sq. Ft.)	Site Coverage (%)	Building Height (Ft.) (See 9-1)
		Area (Sq. Ft.)	Interior			Side (Ft.)	Corner				
I	Open Space, Public Works & Temporary Uses (See 9-4) Accessory Buildings & Uses <sup>b</sup> Residential Care Facilities, Seniors and Group Homes Other "I" Uses	- - 8,000 20,000	- - 60 100	- 25 25 25	- 2 5 15	- 12 12 15	- - 1,200 -	- - 25 25	- 10 40 60	- 15 35 50	
AR	Open Space, Public Works & Temporary Uses (See 9-4) Accessory Buildings & Uses <sup>b</sup> Farmstead Dwellings General and Specializes Agricultural Uses Other "AR" Uses	- - 2 acres 20 acres 5 acres	- - 200 600 200	- 50 50 50 25	- 5 15 15 25	- 15 15 15 25	- - 600 -	- 5 25 25 25	- 10 - - -	- - - - -	
OR	Open Space, Public Works & Temporary Uses (See 9-4) Accessory Buildings & Uses <sup>b</sup> Other "OR" Uses	- - 40,000	- - 200	- 30 25	- 5 15	- 15 15	- - -	- 5 25	- 10 50	- 20 35	

- a) Where applicable, all yards shall comply with the control lines established by the Department of Highways unless the proposed use is relieved of compliance by the said department.  
b) Detached accessory buildings shall be located a minimum of ten (10) feet from the principal building on the site.

## **PART 9**

### **SPECIAL USES AND PROVISIONS**

#### **ACCESSORY BUILDINGS, STRUCTURES AND USES**

##### **GENERAL**

1. (1) Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this Section and the Use Table and Site Requirement Table of the zone in which the accessory buildings, structures and uses are to be located.

##### **LOCATION AND USE**

1. (2) Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
  - (a) Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
  - (b) Detached accessory buildings or structures shall not be located closer than ten (10) feet to any main building or structure;
  - (c) In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way;
  - (d) No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure; and
  - (e) Accessory buildings or structures shall not be used for human habitation except in the case of a permitted accessory dwelling, mobile home or dwelling unit, or in the case of temporary accommodation for a caretaker, watchman and other workers employed on the same construction site.

##### **TYPES PERMITTED**

1. (3) Accessory buildings, structures and uses shall be limited to those listed on TABLE 9-1 "ACCESSORY USE TABLE", 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.

**TABLE 9-1**  
**ACCESSORY USE TABLE**

Legend:     P - Permitted  
               C - Conditional  
               -- Not Permitted

USE, BUILDING OR STRUCTURE	ZONE					
	All R	All C	All M	I	OR	AR
<b>A.     PERMITTED WHEN INCIDENTAL OR ACCESSORY TO A DWELLING OR MOBILE HOME OR DWELLING UNIT.</b>						
1.     Children's playhouse, private greenhouse, summerhouse or conservatory, private swimming pool, open or enclosed (See Subsection 1(5)).	P	P	-	-	-	P
2.     Home Occupations (See Subsection 1(6)).	P	P	-	-	-	P
3.     Permanent Outdoor Barbeques and similar cooking facilities.	P	P	-	-	-	P
4.     The keeping of domestic animals, in accordance with municipal by-laws, and associated structures.	P	P	-	-	-	P
5.     Private garage, carport, covered patio, tool-house, shed or similar building for storage of domestic equipment and supplies.	P	P	-	-	-	P
6.     Incidental outdoor storage of materials associated with a residential use.	P	P	-	-	-	P
7.     Miscellaneous domestic structures such as playground and sports equipment, laundry poles and platforms, flagpoles and birdhouses, pads for mechanical or electrical equipment and similar uses.	P	P	-	-	-	P

USE, BUILDING OR STRUCTURE	ZONE					
	All R	All C	All M	I	OR	AR
B. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO ALL USES, EXCEPT AS OTHERWISE NOTED.						
1. Shelterbelts, fences, hedges, lighting fixtures and similar landscape architectural features.	P	P	P	P	P	P
2. Refuse/Garbage Storage Areas and Structures.	P	P	P	P	P	P
3. On-site Signs (See Subsection 1(8)).	P	P	P	P	P	P
4. Off-Street Parking and Loading Areas (See Subsection 1(7)).	P	P	P	P	P	P
5. Private reception equipment such as satellite dishes, (See Subsection 1(4)) television and radio antenna, aerials and similar.	P	P	P	P	P	P
6. Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein.	pa	P	P	P	P	P
7. Open Space, including athletic fields, parks and areas and similar	P	P	P	P	P	P
C. PERMITTED WHEN INCIDENTAL OR ACCESSORY TO SPECIFIC USES OR IN CERTAIN ZONES AS NOTED.						
1. Where municipal services are not available or feasible, private sewage disposal and water supply systems, subject to the approval of Council.	-	P	P	-	P	P

USE, BUILDING OR STRUCTURE	ZONE					
	All R	All C	All M	I	OR	AR
2. Any building or structure, excluding dwellings and mobile homes, necessary for the operation, maintenance and administration of a permitted or conditional use.	P	P	P	P	P	P
3. Production, processing, cleaning, servicing, altering, testing, repair or storage of goods normally incidental to an operation conducted by the owners.	-	P	P	-	-	P
4. Retail Business/Service and Other Permitted/Conditional Commercial Uses when incidental to the main commercial or industrial use.	-	P	P	-	-	-
5. Administrative and Business Offices.	-	P	P	P	P	P
6. Fuel Pumps and associated structures when incidental to a Service Station.	-	P	P	-	-	-
7. Sales and service areas associated with a Retail Business/Service.	-	P	P	P	P	P
8. Off-site Signs (See Subsection 1.(8)).	-	C	C	-	-	C
9. Except when a dwelling is the main use, a dwelling unit for the commercial owner/operator or for an institution/industrial site watchman or caretaker, if necessary.	-	C <sup>b</sup>	C <sup>b</sup>	C <sup>b</sup>	-	-

- a) Outdoor storage compounds permitted for residential mobile home parks only.
- b) An accessory dwelling unit for the owner/operator is permitted only when contained within the same building as the main use provided that:
  - i) no more than fifty (50) percent of the total building floor area is occupied by the dwelling unit; and
  - ii) the dwelling unit is not located in the front half (1/2) of the main floor area facing the street.

### **PARABOLIC SATELLITE DISH ANTENNA**

1. (4) Satellite dish antenna and related equipment shall be subject to the following regulations:
- (a) Satellite dish antenna located at ground level or above ground on a freestanding structure shall be located to the rear of the rear wall of the main building or structure;
  - (b) Satellite dish antennae are permitted on the roof of either the main building or the roof of a suitable accessory building such as a garage;
  - (c) Except in all Commercial and Industrial Zones, satellite dish antenna and related equipment shall not contain any advertising signs or devices nor shall they be illuminated.

### **PRIVATE SWIMMING POOLS AND HOT TUBS**

1. (5) (a) This Section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use.
- (b) Outdoor swimming pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant Site Requirement Table. In no case, however, shall an outdoor pool or hot tub be located closer than five (5) feet to any side or rear site line.
- (c) All outdoor swimming 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 or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
  - (iii) where other than chain link 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 swimming pool shall be maintained in good repair.
  - (v) hot tub lockable cover to prevent unauthorized entry.
- (d) Notwithstanding the provisions of Subsection 3(2) of PART 9, open decks and open stairways associated with outdoor swimming pools or hot tubs may project to any side or rear site line.

1. (5) (e) Semi-private swimming pools, when not located on a single-family dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing swimming pools under The Public Health Act.
- (f) Nothing in this Subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under The Buildings and Mobile Homes Act, Public Health Act or other applicable statutes.

### **HOME OCCUPATIONS**

1. (6) (a) Subject to the issuance of a development permit, a home occupation may be permitted as an accessory use to a residential use provided that:
  - (i) It is carried on in a dwelling unit or mobile home or its accessory building by the members of the family residing there with no more than two additional employees;
  - (ii) In the case of retail sales or distribution, it offers articles for sale which are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers;
  - (iii) There is no exterior display, no exterior storage of materials, containers, or finished or unfinished products, and no other exterior indication that the building is being used for any other purpose other than that of a dwelling, except for an identification sign as permitted under Clause 1(8)(d) of this Part;
  - (iv) The premises is not used for manufacturing, welding or other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter, light or heat, other than that normally associated with a dwelling, nor shall it create or cause any fire hazard, electrical interference or traffic congestion on the street;
  - (v) The site provides for the off-street parking of all vehicles associated with the dwelling and the home occupation; and
  - (vi) No more than twenty-five percent (25%) of the total gross floor area (dwellings and accessory building) shall be devoted to home occupations.
- (b) If a home occupation creates a situation where, in the opinion of Council:
  - (i) materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
  - (ii) customers' or clients' vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or

- 1.(6) (b) (iii) it contravenes any of the other requirements outlined in Clause 1.(6)(a) above;

It shall be considered evidence that the home occupation has become a primary business and such business shall cease in the subject zone.

### **PARKING AND LOADING**

1. (7) (a) The parking, loading and entrance requirements are intended to promote traffic safety, avoid improper entrance ways and prevent traffic congestion caused by parking and loading on the streets.

### **GENERAL PROVISIONS FOR OFF-STREET PARKING**

1. (7) (b) Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the particular zone where the use is located and the following provisions:
- (i) All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than 300 feet from the zoning site it serves. As a condition of variation, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements.
  - (ii) The off-street parking spaces may be open to the sky or enclosed within a structure;
  - (iii) The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. They may be paved with either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material;
  - (iv) Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lanes;
  - (v) An accessory open off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times.
  - (vi) When a building is enlarged or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located;



1. (7) (b) (vii) The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work;
- (viii) Where a parking area, other than a driveway, abuts an "RS" Residential - Single Family Zone or "RT" Residential - Two Family Zone, the owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than four (4) or more than six (6) feet in height along any portion of the parking area boundary which abuts the said "RS" or "RT" zones;
- (ix) In "RS" and "RT" Districts, parking accessory to single and two-family dwellings shall be limited to the following, providing and that the total number of all vehicles does not exceed six (6):
- (A) a maximum of four (4) passenger vehicles and trucks having a registered gross vehicle weight less than 15,000 lbs.
  - (B) recreations vehicles;
  - (C) one (1) travel trailer or (1) motor home; and
  - (D) one (1) truck with a registered gross vehicle weight greater than 15,000 lbs., provided that approval is granted for a conditional use; and
- (x) The accessory off-street parking required as part of a commercial use is intended for the purpose of storing vehicles for sale or service and shall not be used for the storage of derelict vehicles.

#### **NUMBER OF PARKING SPACES REQUIRED**

1. (7) (c) Accessory off-street parking for all uses shall be provided according to TABLE 9-2 "PARKING GROUP TABLE." The parking group for each use shall be identified on the Use and Site Requirement Tables in each zone. For the purpose of computing the off-street spaces, the following shall apply:
- (i) In cases where floor area is the unit for determining the required number of accessory off-street parking spaces, said total floor area shall not include any area used for parking or loading within the principal building or structure and shall not include any area used for incidental service storage, mechanical equipment, heating systems and similar uses;
  - (ii) In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each two (2) feet of such seating facilities shall be counted as one (1) seat for the purpose of determining the accessory off-street parking;
  - (iii) In cases where a place of public assembly has both fixed seats and open assembly area, the requirements shall be computed separately for each type and added together;

1. (7) (c) (iv) In cases where movable seats or chairs are used in a place of public assembly, and a determination of seating capacity is required, said seating capacity shall be determined on a basis of one (1) seat for every seven (7) square feet of assembly area;
- (v) In the "CC" Commercial - Central Zone, the accessory off-street parking requirements, as provided for herein, for new or expanding permitted or conditional uses may be waived by Council;
- (vi) When the computation of the number of accessory off-street parking spaces required by this By-law results in a requirement of a fractional parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one (1) parking space;
- (vii) Where the symbol "+" appears under the Parking Group No. in the Tables, it shall be interpreted to mean that both listed requirements shall be added together to arrive at the number of spaces required; and
- (viii) Where the symbol "/" appears, as in "8/12", under the Parking Group No. in the Tables, it shall be interpreted to mean that, after calculation of each requirement, the greater of the requirements listed shall apply, except where it is indicated that one such number only applies to a specified use.

#### **PARKING AREA DESIGN**

1. (7) (d) The layout and design of accessory off-street parking areas shall be as follows:
- (i) The minimum dimensions for off-street accessory parking areas shall be in accordance with TABLE 9 - 3 "PARKING AREA DIMENSIONS";
- (ii) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
- (iii) Each parking area shall have a vertical clearance of at least seven and a half (7.5) feet from floor to grade; and
- (iv) The angle of parking shall be measured between the centreline of the parking space and the centreline of the aisle. Where the angle of parking varies from that set forth in TABLE 9-3, the Development Officer shall determine which set of requirements shall apply.

#### **GENERAL PROVISIONS FOR OFF-STREET LOADING**

1. (7) (e) All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:
- (i) Each off-street loading space shall have access to a public street or lane;

1. (7) (e) (ii) Each off-street loading space shall be not less than twelve (12) feet in width nor have less than twelve (12) feet overhead clearance. In no case shall the length of the loading space be such that a vehicle in the process of loading or unloading shall project into any street or lane;
- (iii) The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles; and, except as provided in Subsection 1.(7)(f) below, shall not be used to satisfy any accessory off-street parking requirements or portion thereof;
- (iv) When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
- (v) When the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading space, any fraction less than one-half ( $1/2$ ) of a loading space may be disregarded, whereas a fraction of one-half ( $1/2$ ) or more of a loading space shall be counted as one (1) loading space.

## TABLE 9-2

### PARKING GROUP TABLE

Parking Group  
as per Use  
Table \_\_\_\_\_

Number of Parking Spaces Required

1 .....	1 Space per dwelling unit
2 .....	1.5 Space per dwelling unit
3 .....	1 Space per 4 dwelling units
4 .....	1 Space per bed
5 .....	1 Space per 3 beds
6 .....	1 Space per 1000 sq. ft. of retail floor area
7 .....	1 Space per 200 sq. ft. of gross floor area
8 .....	1 Space per 500 sq. ft. of gross floor area
9 .....	1 Space per 800 sq. ft. of gross floor area
10 .....	1 Space per 4 seats for public use
11 .....	1 Space per 3 washing machines
12 .....	1 Space per 40 sq. ft. of water surface area
13 .....	4 Spaces per dentist, doctor or veterinarian
14 .....	3 Spaces per service bay
15 .....	5 Spaces per sheet of ice or alley
16 .....	1 Space per employee
17 .....	2 Spaces per classroom
18 .....	5 Spaces per classroom
19 .....	10 Spaces per classroom
20 .....	- To be determined by Council