

**Village of  
Montrose**

**Zoning Bylaw  
2008**

**SCHEDULE 'A'**

## TABLE OF CONTENTS

<b>PART 1</b>	<b>INTERPRETATION</b>	<b>Page(s)</b>
101	Title	1
102	Application	1
103	Definitions	1-5
<b>PART 2</b>	<b>ADMINISTRATION</b>	<b>6-7</b>
201	Administration	6
202	Prohibition	6
203	Violation	6
204	Penalty	6
205	Severability	6
206	Non-conforming Uses and Siting	6
207	Appeal Procedure	6-7
208	Repeal	7
209	Effective Date	7
<b>PART 3</b>	<b>GENERAL PROVISIONS</b>	<b>8-15</b>
301	Lot Area	8
302	Minimum Floor Area	8
303	Setbacks from Bodies of Water	8
304	Uses Permitted in All Zones	8
305	Screening and Fences	9
306	Buildings Per Lot	9
307	Home Occupation	9-10
308	Siting and Height Exceptions	10-11
309	Parking Requirements	11-13
310	Parking Requirements for Existing Buildings	13
311	Off-street Loading Facilities	13
312	Garbage Storage Areas	14
313	Boarders and Lodgers	14
314	Swimming Pool Setbacks and Coverage	14
315	In-law Suites and Garden Flats	14-15
316	Visibility – Corner Lots	15
<b>PART 4</b>	<b>ESTABLISHMENT OF ZONES</b>	<b>16-29</b>
401	Zones	16
<b>402</b>	<b>Residential 1 Zone (Single Family)</b>	<b>17-18</b>
402.1	Application	17
402.2	Permitted Uses	17
402.3	Minimum Lot Area	17
402.4	Lot Width	17

402.5	Setbacks	17
402.6	Signs	17
402.7	Lot Coverage	18
402.8	Height	18
402.9	Minimum Building Width	18
402.10	Parking	18
402.11	Temporary Vehicle Shelters	18
<b>403</b>	<b>Residential 2 Zone (Multiple Family)</b>	<b>19-20</b>
403.1	Application	19
403.2	Permitted Uses	19
403.3	Minimum Lot Area	19
403.4	Lot Width	19
403.5	Density	19
403.6	Services	19
403.7	Setbacks	19
403.8	Lot Coverage	20
403.9	Height	20
403.10	Parking	20
403.11	Signs	20
403.12	Minimum Building Width	20
<b>404</b>	<b>Residential 2(d) Zone (Duplex only)</b>	<b>21-22</b>
404.1	Application	21
404.2	Permitted Uses	21
404.3	Minimum Lot Area	21
404.4	Lot Width	21
404.5	Density	21
404.6	Services	21
404.7	Setbacks	21
404.8	Lot Coverage	21
404.9	Height	21
404.10	Parking	22
404.11	Signs	22
404.12	Minimum Building Width	22
<b>405</b>	<b>Commercial 1 Zone (General Commercial)</b>	<b>23-24</b>
405.1	Application	23
405.2	Permitted Uses	23
405.3	Minimum Lot Area	23
405.4	Density	24
405.5	Setbacks	24
405.6	Signs	24
405.7	Lot Coverage	24
405.8	Height	24
405.9	Parking and Loading	24

<b>406</b>	<b>Commercial 2 Zone (Warehouse Commercial)</b>	<b>25</b>
406.1	Application	25
406.2	Permitted Uses	25
406.3	Other Provisions	25
<b>407</b>	<b>Parks and Recreational Zone</b>	<b>26</b>
407.1	Application	26
407.2	Permitted Uses	26
407.3	Setbacks	26
407.4	Parking	26
<b>408</b>	<b>Institutional and Community Facilities Zone</b>	<b>27-28</b>
408.1	Application	27
408.2	Permitted Uses	27
408.3	Minimum Lot Area	27
408.4	Setbacks	27
408.5	Lot Coverage	27
408.6	Height	28
408.7	Parking	28
<b>409</b>	<b>Rural Zone</b>	<b>29</b>
409.1	Application	29
409.2	Permitted Uses	29
409.3	Minimum Lot Area	29
409.4	Setbacks	29
409.5	Lot Coverage	29
409.6	Parking	29
<b>Appendix</b>		
Appendix A	Visibility – Corner Lots (Illustration)	30

## Village of Montrose Zoning Bylaw

### Bylaw 670

A bylaw to regulate the location and use of buildings and structures and the use of land, including the surface of water, within the Village of Montrose and for that purpose to divide the area into zones pursuant to the provisions of the *Local Government Act*,

The Council of the Village of Montrose, in open meeting assembled, hereby enacts as follows:

101. Title

This Bylaw may be cited as “Zoning Bylaw 2008”.

102. Application

This bylaw shall apply to all lands, including the surface of water, within the boundaries of the Village of Montrose.

103. Definitions

In this bylaw, unless the context otherwise requires:

“accessory building or structure” means a detached building or structure which is subordinate to the principal use of the same lot; or to a principal use of a building or structure located on the same lot;

“automobile service station” means a commercial establishment which supplies fuel, oil and minor accessories for automobiles at retail direct to the customer, and provides for cleaning, servicing and making minor repairs essential to the operation of a vehicle, excluding body repairs;

“average finished grade” means the finished level of ground averaged at the perimeter of the exterior foundation of a building or structure;

“bed and breakfast” means temporary tourist accommodation which is incidental and subordinate to a single family dwelling use and which contains up to three guest rooms intended primarily for the accommodation of a maximum of 6 members of the travelling public, and which may include limited food service to the guests;

“boarder or lodger” means a person who pays to occupy a sleeping room, with or without individual toilet facilities, in a dwelling unit otherwise occupied by persons who are related by blood, marriage, adoption or foster parenthood; but does not include a guest in a bed and breakfast operation;

“building” means any structure used or intended for supporting or sheltering any use or occupancy by persons, animals or property, and which is permanently affixed to the land;

“community sewer system” means a sewage collection and disposal system operated and maintained by the Village;

“community water system” means a system of waterworks serving two or more parcels and which is owned, operated and maintained by the Village of Montrose;

“Council” means the Council of the Village of Montrose;

“drive-in restaurant” means an eating establishment with facilities for attracting and servicing prospective customers traveling in motor vehicles which can be driven onto the premise and where the customer may remain in the vehicle for service;

“dwelling unit” means one or more rooms used or intended to be used for the residential accommodation of one family when such room or rooms contain(s) kitchen, bathroom and sleeping facilities for one family;

“dwelling, multiple family” means a residential building other than a hotel or motel, containing three or more separate dwelling units;

“dwelling, single family” means a detached building having independent exterior wall, containing only one dwelling unit and excludes mobile, manufactured and modular homes;

“dwelling, two family” means a detached building having independent exterior walls and containing only two separate dwelling units and excludes mobile, manufactured and modular homes.

“exterior side lot line” means the lots line or lines, other than the front or rear lot lines, common to the lot and a street;

“family” means an individual or two or more persons related by blood, marriage, adoption or foster parenthood, or a group of 5 or fewer persons who are not necessarily related, and who are living together in one dwelling unit;

“fence” means a linear structure which provides a separating, protective or confining barrier;

“front lot line” means the lot line or lines common to the lot and a fronting street or, where there is more than one fronting street, the front lot line as determined by the Building Inspector as the lot line or lines common to the lot and the fronting street towards which the majority of buildings on adjacent lots are faced;

“front yard” means that portion of a lot which extends the full width of the lot and is located between the front lot line and the front setback requirement of the respective zone;

“garden flat” means a detached secondary dwelling unit located on the same lot as a single family dwelling, where the unit is occupied by persons related to the owner of the single family dwelling;

“garden shed” means a structure not exceeding 10m<sup>2</sup>, that is not affixed to a permanent foundation, and that is used or intended only for storage;

“gross lot area” means the total area of a lot taken in a horizontal plane;

“height” means the vertical distance measured from the average finished grade to the highest point of building or structure;

“home occupation” means an occupation carried on for gain by the residents of the lot, where the occupation is an extension of a hobby, or is a service or similar undertaking which is secondary to the use of the dwelling unit for residential purposes;

“in-law suite” means a self contained secondary dwelling unit which includes kitchen, bathroom and sleeping facilities, located within a single family dwelling, and which is occupied by persons related to the owner of the single family dwelling;

“interior side lot line” means the lot line or lines, not being the front or rear lot line, common to the lot and an adjacent lot or to the lot and a lane;

“lane” means a public thoroughfare other than a street which is not less than 6 m nor more than 7.6 m wide and which provides a secondary means of access to a lot or lots;

“lot” means a parcel as defined in the *Local Government Act*, and includes any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

“lot coverage” means the area of the lot covered by buildings or structures located on the lot, expressed as a percentage of the gross lot area;

“lot depth” means the horizontal distance between the front and rear lot lines, measured along the centre line between the two side lot lines;

“lot line” means a legal boundary of a lot;

“lot width” means the horizontal distance measured between the side lot lines at a right angle to the centre line between the two side lot lines at a point 6 m from the front lot line;

“manufactured home” means a building that is manufactured in a factory for transport, assembly, and completion as a residence, including placement on a foundation, and is certified as being constructed to the requirements of the CSA National Standard CAN/CSA-Z240 or A277 but is not designed to be transported on its own wheels or undercarriage;

“mobile home” means a manufactured unit consisting of one or more sections each towable on its own chassis, including those units commonly referred to as either a single-wide or double-wide mobile home constructed to the CAN/CSA-Z240 MH Series, and designed for permanent or semi-attachment to land;

“modular home” means a detached dwelling unit conforming to the CAN/CSA A277-90 standard which is completely constructed in a factory but is not designed to be transported on its own wheels or undercarriage;

“natural boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long and continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to the nature of the soil itself as determined by the Building Inspector;

“open fencing” means fencing which is constructed of wire, chain linking, or other translucent material;

“personal service use” means a retail premise which caters to consumer personal needs and includes tailors, dressmakers, shoe repairs, photographers, barber and beauty shops, salons, and similar uses;

“public service use” means a use providing the public with fire, police and ambulance protection services, or any one or more of those services;

“public utility use” means a use providing for the essential servicing of an area with water, sewer, electrical power, telephone and similar utilities, but does not include office and administrative facilities or electrical substations associated with such utilities;

“rear lot line” means the lot line or lines opposite to and most distant from the front lot line or, where the rear portion of the lot is bounded by intersecting side lot lines, the rear lot line shall be deemed to be the point of such intersection;

“screening” means a fence, wall, berm, vegetative barrier or similar buffer, and any combination thereof, that effectively obstructs the view of, or physical access to, a lot or portion thereof except by means of a gate or other similar opening;

“shopping centre” means a group of commercial establishments which are planned, designed and developed as an entity and which have an off-street parking area provided on the same lot;

“street” means a highway, road, bridge, viaduct, and any other way open to public use, but does not include a lane, or a private right of way on private property;

“swimming pool” means any constructed or prefabricated pool, whether situated above or below surrounding ground level, used or intended to be used for swimming, bathing or wading, having a surface area exceeding 14 m<sup>2</sup> and a depth of more than 0.5 m, and which is situated on privately owned real property;

“take-out restaurant” means an eating establishment where food, refreshments and beverages are served to customers primarily for the purpose of being consumed elsewhere;

“temporary vehicle shelter” means a free-standing structure consisting of a rigid frame covered only by a tarpaulin, which is used or intended to be used only to cover motor vehicles, and other vehicles as defined in the Motor Vehicle Act, (including recreational vehicles), and boats;

“Village “ means the Village of Montrose;

“watercourse” means any natural or man-made depression with definable banks serving to give direction to a current of water, including seasonal freshet flow, as determined by the Building Inspector;

“yard, exterior side” means the area of setback required from the exterior side lot line;

“yard, front” means the area of setback required from the front lot line;

“yard, interior side” means the area of setback required from the interior side lot line;

“yard, rear” means the area of setback required from the rear lot line.

## PART 2 – ADMINISTRATION

### 201. Administration

- (1) The Building Inspector or such other person as may be appointed by Council resolution is authorized to enforce this bylaw
- (2) Persons appointed under Section 201(1) are hereby authorized to enter, at all reasonable time, upon any properties subject to the provisions of this bylaw to determine whether the provisions of this bylaw are being complied with.

### 202. Prohibition

Subject to the provisions of the *Municipal Act* respecting non-conforming uses, land shall not be used nor shall building or structures be used, constructed, reconstructed, altered, moved or extended contrary to the provisions of this bylaw.

### 203. Violation

Any person who suffers or permits any act or thing to be done in contravention of this bylaw, or who neglects to do or refrains from doing any act or thing which is required by this bylaw, shall be deemed to have violated the provisions of this bylaw.

### 204. Penalty

Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a fine not exceeding \$2000, plus the cost of the prosecution. Each day during which such violation is continued shall be deemed to constitute a new and separate offence.

### 205. Severability

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

### 206. Non-conforming Uses and Siting

Buildings or structures lawfully under construction or existing on the effective date of this bylaw, the use or siting of which does not conform to this bylaw, are subject to the provisions of the *Local Government Act* which regulate non-conforming uses and siting.

### 207. Appeal Procedure

- (1) A Board of Variance established by bylaw shall hear and determine appeals within its jurisdiction in accordance with the provisions of the *Local Government Act*.

- (2) Council may, on the application of an owner of land, issue a development variance permit that may, in respect of the land covered in the permit, vary the provisions of this bylaw. The provisions of a development variance permit prevail over any provision of this bylaw in the event of conflict, except that a development variance permit shall not vary the use or density of land from that specified in this bylaw, or a flood plain specification.

208. Repeal

Village of Montrose Bylaw 505 and all amending bylaws are repealed.

209. Effective Date

This bylaw shall come into full force and effect on the date of final adoption.

## PART 3 – GENERAL PROVISIONS

### 301. Lot Area

- (1) Lots in existence prior to the effective date of this bylaw are not required to comply with minimum lot area and minimum lot width requirements outlined in the respective zones. However, such lots shall comply with all other provisions of this bylaw as well as any other applicable bylaws, Acts or other statutes.
- (2) A lot which is reduced in size by the dedication of land to a public body in order to accommodate a necessary public service, road or utility shall be deemed to be in conformity with the minimum lot area requirements of this bylaw.
- (3) The minimum lot area requirements for the R1, R2, R2(d), C1, C2 and ICF zones apply if the lot is provided with both community water and sewer services. If both services are not provided to a lot in any of the aforementioned zones, the Minimum Lot Area requirements for these zones shall be as follows:
  - (a) with either wither community water or sewer services provided to the lot – 1,250 m<sup>2</sup>;
  - (b) with no community services provided to the lot – 4,000 m<sup>2</sup>;

### 302. Minimum Floor Areas

- (1) The minimum floor areas for a dwelling unit a multiple family dwelling shall be as follows:
  - (a) 40 m<sup>2</sup> within each bachelor unit;
  - (b) 50 m<sup>2</sup> within each dwelling unit with one or more separate bedrooms.

### 303. Setbacks from Bodies of Water

Subject to any other bylaw or statute which may be more restrictive, no building or structure shall be constructed or located within 10 m of the natural boundary of a surface body of water or watercourse.

### 304. Uses Permitted in All Zones

- (1) except as otherwise stated in this bylaw, the following uses are permitted in all zones:
  - (a) public parks and playgrounds
  - (b) public utility uses with the exception of administrative offices, repair and open or enclosed storage facilities associated therewith;
  - (c) highways and streets.
- (2) Uses permitted in Section 304(1) shall be subject to the regulations of the zone within which they are located, with the exception of minimum lot area and minimum lot width requirements.

305. Screening and Fences

- (1) The maximum height of screening and fences is:
  - (a) 1.3 m if located within the front yard setback area or the exterior side yard setback area;
  - (b) 2.0 m if not located within the front yard setback area or the exterior side yard setback area.
- (2) Notwithstanding subsection (1), open fencing shall not be restricted as to height or location on any lot which is within a C1, C2, PR, ICF, or RU zone.
- (3) Electric fences are prohibited in all zones, and barbed wire shall not be used in a residential zone, or on any portion of a fence which is less than 2 m from the adjacent ground level in any other zone.
- (4) For the purposes of the setback requirements in Sections 402.5, 403.7, 404.7, 405.5, 407.3, 408.4 and 409.4, a fence shall not be deemed to be a structure.

306. Buildings Per Lot

Except as otherwise provided in Section 316 (In-law Suites and Garden Homes), a maximum of one single family dwelling shall be permitted on any lot in the R1 (Single Family Residential) zone.

307. Home Occupation

- (1) A home occupation shall:
  - (a) except in the case of a family child care operation, be conducted entirely within a dwelling unit or an accessory building, or both a dwelling unit and an accessory building, including all storage associated with the home occupation;
  - (b) provide no visible evidence from the exterior that any such occupation is being conducted on the premise, with the exception of one non-illuminated name plate or sign, not more than 0.3 m<sup>2</sup> in area;
  - (c) except in the case of a bed and breakfast or family child care operation, not occupy a total area greater than 25 percent of the finished floor area of the principle dwelling unit on the lot, whether or not the home occupation is located entirely within that dwelling unit;
  - (d) generate no vibration, noise, heat, glare or radiation detectable from beyond the lot on which the dwelling is located;
  - (e) produce no odours, toxic or noxious matter or any electrical interference or traffic congestion;

- (f) except as otherwise provided in subsection (3), employ only residents of the dwelling within which the occupation is being conducted.

(2) Bed and Breakfast Operations

Bed and breakfast operations are permitted as home occupations if:

- (a) they meet the criteria set out in subsection (1);
- (b) they do not exceed 3 guest rooms, or accommodate more than 6 guests at any one time;
- (c) they provide one off-street parking space per guest room, and
- (d) the owner occupies the principle dwelling unit.

(3) Family Child Care Operations

Family child care operations are permitted as home occupations if they:

- (a) meet the criteria set out in clauses (b) to (e) of subsection (1);
- (b) do not employ on the premises at any time more than one person who is not a resident of the dwelling within which the family child care is provided;
- (c) provide day care for a maximum of 7 children, and
- (d) otherwise meet the requirements of Part 7 of the *Community Care Facility Act*.

308. Siting and Height Exceptions

- (1) Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line may be reduced by not more than 0.6 m, provided such reduction shall apply only to the projecting feature.
- (2) Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front, rear or exterior side lot line may be reduced by not more than 1.2 m, and the required minimum distance to an abutting interior side lot line may be reduced by not more than 0.6 m, provided that in each case such reduction shall apply only to the projecting feature.
- (3) Free-standing lighting poles, warning devices, antennas other than dish antennas, masts, utility poles, wires and flag poles except as limited in other bylaws, may be sited on any portion of a lot at the sole responsibility of the owner or utility company. Dish antennas shall be located in conformity with the siting and height restrictions established for buildings and structures within the respective zone in which it is located.

- (4) Except as otherwise provided in this or other bylaws, canopies or awnings may be constructed in the commercial zone within .6 m of the existing curb line subject to maintaining a minimum of 2.8 m clearance from street level.
- (5) The maximum heights of buildings and structures permitted elsewhere in this bylaw may be exceeded for retaining walls, radio and television antennas, church spires, belfries and domes, monuments, chimneys and smoke stacks, flag poles, stadium bleachers, lighting poles, apartment elevator enclosures, stair towers and scenery lofts.
- (6) Setbacks from the interior side lot line shall not apply to strata parcels under a registered plan pursuant to the *Strata Property Act* where there is a common wall shared by two or more dwellings within a building.
- (7) Garden sheds are permitted within 0.6 m of the rear lot line and interior side lot line, provided that snow and water drainage from the shed is contained within the lot on which the garden shed is located.

309. Parking Requirements

- (1) Minimum off-street parking spaces and facilities shall be provided in accordance with the following table (grouped according to land use categories):

**Use**

**Parking Requirements**

Residential Uses

- (a) Single family and two family dwelling.

Two spaces per dwelling unit. Not more than one space may be located so that it does not permit unobstructed access to and egress from that space to a public thoroughfare at all times.

- (b) Multiple family dwelling.

Two spaces per dwelling unit.

Residential Uses

- (c) Financial institutions; funeral parlours, laundries, laundromats and dry cleaners; personal service uses; retail stores and shops; automobile service stations, car washes; bus depots; medical and dental clinics and veterinarian services.

One space per 20 m<sup>2</sup> of gross floor area.

- (d) Taxi stands

One space for every taxi plus one space for every office employee.

- (e) Bowling alleys; pool halls, arcades

One space per 35 m<sup>2</sup> of gross floor

- and similar entertainment centres. area or one space for every 4 players (at capacity), whichever is greater.
- (f) Business, administrative and professional offices; government offices. One space per 30 m<sup>2</sup> of gross floor area.
- (g) Eating and drinking establishments. One space per 3 seats (at capacity).
- (h) Shopping centres. One space per 3 seats (at capacity).
- (i) Take-out and drive-in restaurants. 15 spaces (minimum) plus one Space for every 3 seats.

### Institutional Uses

- (j) Church and church halls; clubs, lodges and similar fraternal organizations, libraries, art galleries, museums and similar cultural facilities. One space per 4 seats or one space per 35 m<sup>2</sup> available for use by patrons, whichever is greater.
- (k) Hospitals, other public health care facilities, sanitariums, convalescent homes for the aged. One space per 90 m<sup>2</sup> of gross floor area.
- (l) Public and private day schools where the student body is entirely younger than the legal driving age. Ten spaces plus one space per employee.
- (m) Other public and private day schools and similar educational facilities. Ten spaces plus one space per employee plus one space per 10 students plus one space for every 3 beds in an associated dormitory or residential facility.
- (n) Public service uses, public utility uses, and municipal works yards and maintenance facilities. One space per 3 employees on a maximum working shift.

### Recreational Uses

- (o) Arenas, rinks, swimming pools, tennis courts, bowling greens and stadiums. One space per 4 seats plus one space for every 4 players or participants.

- (2) Where a building or property contains more than one function or use, the required number of parking spaces shall be the sum of the requirements of each function.
- (3) Where a use is not specifically mentioned, the parking requirement shall be the same as for a similar use mentioned in subsection 309(1).
- (4) Required spaces shall be provided on the same lot as the building or use for which they are required, or alternatively, on another lot part of which is within 100 m of the subject building or use, provided that the two lots are located within the same zone and provided that a legal commitment satisfactory to the Village is provided to ensure that the lot is used only for parking that serves the subject building or use.
- (5) Each parking space shall be not less than 2.5 m wide, 5.5 m long, and 2.5 m high when located on an open parking lot; and the width of each parking space shall be increased to 3 m where such parking space is adjacent to any side wall, post, pillar or other such obstruction.
- (6) Except as provided for in subsection 309(1)(a), each parking space shall be located so as to permit unobstructed access to and egress from that space to a public thoroughfare at all times.
- (7) With the exception of one and two family dwellings and campground uses, parking areas and access routes thereto shall be surfaced with asphalt, concrete or some similar durable dust free material and all parking spaces shall be clearly marked.
- (8) The number of access or egress points from each parking area to a fronting street shall not exceed two.
- (9) Where any development abuts Highway 3B or other controlled access highway as defined in Provincial Legislation, parking standards must be in accordance with Ministry of Transportation requirements.

### 310. Parking Requirements for Existing Buildings

For parking existing before adoption of this bylaw, the non-conforming uses and siting provisions in the *Local Government Act* shall apply.

### 311. Off-Street Loading Facilities

- (1) Off-street loading facilities for commercial uses involving the receipt and delivery of goods or materials by vehicles shall be provided as follows:
  - (a) one space for the first 500-m<sup>2</sup> gross floor area or fraction thereof, plus 1 additional space for each additional 2,000 m<sup>2</sup> of gross floor area or fraction thereof.
- (2) Off-street loading facilities shall:
  - (a) be provided on the same lot as the subject use;
  - (b) be set back a minimum of 6 m from the designated fronting street;

- (c) have a minimum of 30 m<sup>2</sup> in area, 3 m in width and 4 m in height for each space;
- (d) not project into any street, lane or public thoroughfare;
- (e) have unobstructed vehicular access to a public street or lane;
- (f) have a durable dust free surface.

### 312. Garbage Storage Areas

- (1) Notwithstanding any other provision of this bylaw, there shall be provided on every lot within each zone an accessible area of sufficient size to accommodate the storage of all garbage, other refuse, or recyclable material generated on that lot in such container or containers as are necessary or as are required by any other bylaw.
- (2) Where a garbage storage area is provided in the front yard or exterior side yard of a lot, screening or fencing shall be placed or erected in such manner as to screen the garbage containers and storage area from view of persons on adjacent public lands, except that this requirement shall not apply to any site which has been designated by Council resolution or bylaw as a recycling depot.

### 313. Boarders and Lodgers

- (1) Subject to subsection (2), where a dwelling unit otherwise occupied only by two or more persons who are related by blood, marriage, adoption or foster parenthood, not more than 2 boarders or lodgers shall be permitted to reside in the dwelling unit in addition to those persons who are so related.
- (2) Subsection (1) shall not apply where a bed and breakfast operation is located within the dwelling unit as provided for in Section 307(2).

### 314. Swimming Pool Setbacks and Coverage

- (1) The minimum required setback for swimming pools in all zones shall be:
  - (a) from a front lot line 6 m;
  - (b) from an interior side lot line 1.5 m;
  - (c) from an exterior lot line 3 m;
  - (d) from a rear lot line 1.5 m.
- (2) The area of uncovered swimming pools shall not be included in calculating the maximum lot coverage of buildings and structures prescribed elsewhere in this bylaw.

### 315. In-law Suites and Garden Flats

In-law suites and garden flats are permitted in the R1 and RU zone provided they conform to the following requirements.

- (a) A maximum of one suite or one garden flat is permitted per single family dwelling.

- (b) One off street parking space must be provided for the in-law suite or the garden flat.
- (c) The owner must occupy the single family dwelling.
- (d) The garden flat must not exceed 65 m<sup>2</sup> in gross floor area, and conform to the setback requirements that apply to an accessory building.
- (e) The garden flat must be connected directly to the community water system and the community sewer system.

316. Visibility – Corner Lots

No landscaping, screening, fencing, building or structure shall be planted, erected or maintained to a height greater than 1.3 m above the established grade of the street within:

- (a) the triangular portion of a lot formed by the intersecting front or rear lot lines and an exterior side lot line at a street corner and a line joining points along those lot lines 6 m from their point of intersection; or
- (b) the triangular portion of a lot formed by the intersecting front or rear lot lines and an exterior side lot line at a lane corner and a line joining points along those lot lines 3 m from their point of intersection.

## PART 4 – ESTABLISHMENT OF ZONES

### 401. Zones

- (1) For the purpose of this bylaw, the area within the Village is divided into the following zones:

<u>Short Form</u>	<u>Zone Title</u>	<u>Zone Description</u>
R1	Residential 1	Single Family Residential
R2	Residential 2	Multiple Family Residential
R2(d)	Residential 2(d)	Duplex Only
C1	Commercial 1	General Commercial
C2	Commercial 2	Warehouse Commercial
PR	Parks and Recreational	
ICF	Institutional and Community Facilities	
RU	Rural	

- (2) The extent and boundary of each zone is shown on the Zoning Map attached hereto as Schedule A and forming part of this bylaw.
- (3) When a zone boundary is indicated as following a road allowance or a watercourse, the centre line of such road allowance or watercourse shall be the zone boundary.
- (4) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Zoning Map.

## **402 RESIDENTIAL 1 ZONE (Single Family)**

402.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Residential 1 Zone.

### **402.2 Permitted Uses**

- (1) Single family dwelling
- (2) Home occupations
- (3) In-law suites
- (4) Garden flats
- (5) Accessory building and structures.

### **402.3 Minimum Lot Area**

The minimum lot area for a lot provided with both community water and sewer services shall be 560 m<sup>2</sup>. The minimum area for a lot which is not provided with both community water and sewer services shall be as prescribed in Section 301(3).

### **402.4 Lot Width**

The minimum lot width shall be 18 m.

### **402.5 Setbacks**

Except as otherwise provided in Section 402.11, the minimum required setbacks for buildings and structures shall be as follows:

- |     |                                |  |
|-----|--------------------------------|--|
| (a) | from the front lot line        | 6m or 20 percent of the lot depth, whichever is the lesser;  |
| (b) | from an interior side lot line | 1.5 m except for walls with windows to habitable rooms, in which case the minimum setback shall be 2.4m; |
| (c) | from an exterior side lot line | 6 m;   |
| (d) | from a rear lot line           | 7.5 m except that an accessory building may be located to within 1.5 m from a rear lot line.             |

### **402.6 Signs**

No signs or billboards are permitted within the Residential 1 Zone other than:

- (a) a sign for a home occupation or a personal identification sign which is in conformity with the provisions of subsection 307(1)(b); and
- (b) a free standing sign referring to the rental or sale of the property on which the sign is displayed, provided that the sign does not exceed 0.6 m<sup>2</sup> in area.

402.7 Lot Coverage

Buildings and structures together shall not cover more than 35 percent of the gross lot area.

402.8 Height

The maximum permitted height shall be as follows:

- (a) principal buildings 9.0 m
- (b) accessory buildings 4.5 m

402.9 Minimum Building Width

The minimum width of a principal building shall be 5.5 m.

402.10 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310.

402.11 Temporary Vehicle Shelters

The minimum required setbacks for temporary vehicle shelters shall be as follows:

- (a) from the front line not closer to the front lot line than the nearest face of the principal building;
- (b) from the interior side lot line 0.6 m;
- (c) from an exterior side lot line a distance which is not more than 4 m from the nearest face of the principal building and not less than 2 m from the exterior lot line;
- (d) from a rear lot line 0.6 m.

## **403      RESIDENTIAL 2 ZONE (Multiple Family)**

403.1      Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in Residential 2 Zone.

### 403.2      Permitted Uses

- (1)      Multiple family dwelling;
- (2)      Buildings and structures which are accessory to a multiple family dwelling;
- (3)      Existing single and two family dwellings and accessory buildings and structures thereto shall be deemed to be uses in conformity with the provisions of this bylaw and may be extended, expanded or structurally altered in compliance with the provisions of the Residential 1 Zone. Should any such be destroyed by any means beyond the control of the owner it may be replaced and rebuilt to same extent in its former location or, if the owner chooses, in conformity with the provisions of the Residential 1 Zone;
- (4)      Home occupations if located within a single or two family dwelling;
- (5)      Notwithstanding clause (4), an electronic cottage industry is a permitted use anywhere in the R2 zone if it meets the criteria for a home occupation in Section 307(1).

### 403.3      Minimum Lot Area

The minimum lot area shall be 1,000 m<sup>2</sup>.

### 403.4      Lot Width

The minimum lot width shall be 20 m.

### 403.5      Density

A minimum site area of 280 m<sup>2</sup> shall be required for every dwelling unit located on the lot.

### 403.6      Services

All multiple family dwellings shall be connected to both community water and sewer services.

### 403.7      Setbacks

No building or structure shall be located within:

- (a)      7.5 m of a front or rear lot line;
- (b)      5 m of an interior or exterior side lot lone.

403.8 Lot Coverage

Buildings and structures together shall not cover more than 50 percent of the gross lot area.

403.9 Height

The maximum permitted height shall be as follows:

- (a) principal buildings 10.5 m
- (b) accessory buildings 4.5 m

403.10 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310.

403.11 Signs

No signs or billboards are permitted within the Residential 2 Zone other than:

- (a) a sign for a home occupation or a personal identification sign which is in conformity with the provisions of subsection 307(1)(b), and
- (b) a free standing sign referring to the rental or sale of the property on which the sign is displayed, provided that the sign does not exceed 0.6 m<sup>2</sup> in area.

403.12 Minimum Building Width

The minimum width of a principal building shall be 5.5 m.

**404     RESIDENTIAL 2(D) ZONE – Duplex only [R2(d)]**

404.1     Subject to the compliance with the General Provisions in Part 3, the following provisions shall apply in the Residential 2(d) Zone.

404.2     Permitted Uses

- (1)     Single family dwellings
- (2)     Two family dwellings
- (3)     Home Occupations
- (4)     Accessory buildings and structures.

404.3     Minimum Lot Area

The minimum lot area shall be 465 m<sup>2</sup>.

404.4     Lot Width

The minimum lot width shall be 15 m.

404.5     Density

A minimum site area of 230 m<sup>2</sup> shall be required for every dwelling unit located on the lot.

404.6     Services

The duplex shall be connected to both community water and sewer services.

404.7     Setbacks

The minimum required setback for buildings and structures shall be as follows:

- (a) From the front lot line                     6 m
- (b) From the rear lot line                       6 m
- (c) From the exterior side lot line           6 m
- (d) From an interior side lot line           3 m

404.8     Lot Coverage

Buildings and structures together shall not cover more than 38 percent of the lot area.

404.9     Height

Height shall be in accordance with section 403.9.

404.10 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310.

404.11 Signs

Signs shall be in accordance with section 403.11. Any awning sign in use when this bylaw comes into effect may be continued in use, but if removed for any reason must be replaced by a sign which complies with section 403.11.

404.12 Minimum Building Width

The minimum width of a principal building is 5.5 m.

**405      COMMERCIAL 1 ZONE (General Commercial)**

405.1      Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in Commercial 1 Zone.

405.2      Permitted Uses

- (1)      Automobile service stations, automobile repair facilities (excluding auto body repairs), car washes, motor boat repair facilities, small engine repair facilities;
- (2)      Automotive sales licensed under the provisions of the *Motor Dealer Act* ;
- (3)      Bus depots, taxi stands;
- (4)      Business, administrative, professional and government offices and/or storage facilities;
- (5)      Clubs, lodges and fraternal organizations;
- (6)      Eating and drinking establishments including take-out and drive-in restaurants;
- (7)      Financial institutions;
- (8)      Laundromats and dry cleaning establishments;
- (9)      Libraries, art galleries, museums and similar cultural facilities;
- (10)     Medical and dental clinics, and veterinarian services;
- (11)     Municipally operated parking lots and structures;
- (12)     Personal service uses;
- (13)     Post offices;
- (14)     Public service use;
- (15)     Retail stores and shops;
- (16)     Shopping centres;
- (17)     One or more residential dwelling units located in combination with a permitted non-residential use provided that:
  - (a) any dwelling unit is within the same building as the non-residential use;
  - (b) the entrance to every dwelling unit is separate from the entrance to any non-residential use;
  - (c) the minimum floor area is 50 m<sup>2</sup> per dwelling unit;
  - (d) the residential use is located above or behind a non-residential use.
- (18)     Accessory building or structures.

405.3      Minimum Lot Area

The minimum area for a lot provided with both community water and sewer services shall be 230 m<sup>2</sup> . The minimum area for a lot which is not provided with both community water and sewer services shall be as prescribed in Section 301(3).

#### 405.4 Density

A minimum site area of 110m<sup>2</sup> shall be required for every dwelling unit located on the lot.

#### 405.5 Setbacks

(1) The minimum required setback for buildings and structures shall be as follows:

- |  |  |
|--|--|
| (a) From the front lot line  | 6 m or 20 percent of the lot depth, whichever is the lesser.   |
| (b) From the rear lot line   | 6 m or 20 percent of the lot depth, whichever is lesser, except that a roof over a loading area may extend to the rear lot line if supported by columns or piers only. |
| (c) From an exterior side lot line                                   | 6 m.   |
| (d) From an interior side lot line which is adjacent to another zone | 3 m.   |

(2) Fuel pumps for an automobile service station or similar use shall be set back a minimum of 4.5 m from any lot line.

#### 405.6 Signs

- (1) Signs which are attached to a building shall not project more than 1 m above the highest point of the building nor more than 1 m horizontally from the face of the building.
- (2) The visible surface area of any sign in the Commercial Zone shall not exceed 5 percent of the facade area of a building which faces the front line.

#### 405.7 Lot Coverage

Buildings and structures together shall not cover more than 50 percent of the gross lot area.

#### 405.8 Height

The maximum permitted height shall be as follows:

- |                         |        |
|-------------------------|--------|
| (a) Principal Buildings | 10.5 m |
| (b) Accessory Buildings | 4.5 m. |

#### 405.9 Parking and Loading

Parking and loading shall be in accordance with the provisions of Sections 309, 310 and 311.

**406**      **COMMERCIAL 2 ZONE (Warehouse Commercial)**

406.1      Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Commercial 2 Zone.

406.2      Permitted Uses

In addition to those uses set out in Section 405.2 for the Commercial 1 Zone, the following uses shall also be permitted in the Commercial 2 Zone (Warehouse Commercial):

(1) Warehousing and wholesale distribution.

406.3      Other Provisions

The provisions for Minimum Lot Area, Density, Setbacks, Signs, Lot Coverage, Height, and Parking and Loading in the Commercial 1 Zone (General Commercial) set out in Sections 405.3 to 405.9 inclusive shall apply in the Commercial 2 Zone (Warehouse Commercial).

## **407 PARKS AND RECREATIONAL ZONE**

Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Parks and Recreational Zone.

### **407.1 Permitted Uses**

- (1) Arenas, rinks, swimming pools, tennis courts, bowling greens, golf courses, playing fields, stadiums and similar active open or enclosed recreational areas and facilities;
- (2) Campgrounds and day camps;
- (3) Community halls;
- (4) Fairgrounds and amusement parks;
- (5) Public and private parks and playgrounds;
- (6) Accessory buildings and structures.

### **407.2 Setbacks**

No building or structure excepting playground equipment shall be located within:

- (a) 6 m of a front line;
- (b) 4.5 m of an interior or exterior side lot line or a rear lot line.

### **407.3 Parking**

Parking shall be in accordance with the provisions of Sections 309 and 310.

## **408 INSTITUTIONAL AND COMMUNITY FACILITIES ZONE**

Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Institutional and Community Facilities Zone.

### **408.1 Permitted Uses**

- (1) Churches and church halls;
- (2) Clubs, lodges and similar fraternal organizations of a charitable or philanthropic nature;
- (3) Community care facilities serving more than 8 persons;
- (4) Community halls;
- (5) Government offices, public utility use including repair and open or enclosed storage facilities associated therewith; municipal works yards and maintenance facilities, post offices;
- (6) Hospitals and other public health facilities;
- (7) Libraries, art galleries, museums and similar cultural facilities;
- (8) Public and private day schools;
- (9) Public service uses;
- (10) Accessory buildings and structures.

### **408.2 Minimum Lot Area**

The minimum area for a lot provided with both community water and sewer services shall be 460 m<sup>2</sup>. The minimum area for a lot which is not provided with both community water and sewer services shall be as prescribed in Section 301(3).

### **408.3 Setbacks**

No building or structure shall be located within:

- (a) 6 m of a front lot line;
- (b) 1.5 m of an interior side lot line;
- (c) 4.5 m of an exterior side lot line;
- (d) 6 m of a rear lot line.

### **408.4 Lot Coverage**

Buildings and structures together shall not cover more than 40 percent of the gross lot area.

408.5 Height

The maximum permitted height shall be as follows:

- (a) Principal Buildings 12 m;
- (b) Accessory Buildings 4.5 m.

408.6 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310.

## **409**      **RURAL ZONE**

409.1      Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Rural zone.

### 409.2      Permitted Uses

- (1)    Single family dwellings;
- (2)    Garden flats;
- (3)    Home occupations;
- (4)    In-law suites;
- (5)    Accessory buildings and structures.

### 409.3      Minimum Lot Area

The minimum lot area shall be 2 ha.

### 409.4      Setbacks

No building or structure shall be located within;

- (a)    6 m of a front lot line;
- (b)    1.5 m of an interior side lot line, an exterior side lot line or a rear lot line.

### 409.5      Lot Coverage

Buildings and structures together shall not cover more than 33 percent of the gross lot area.

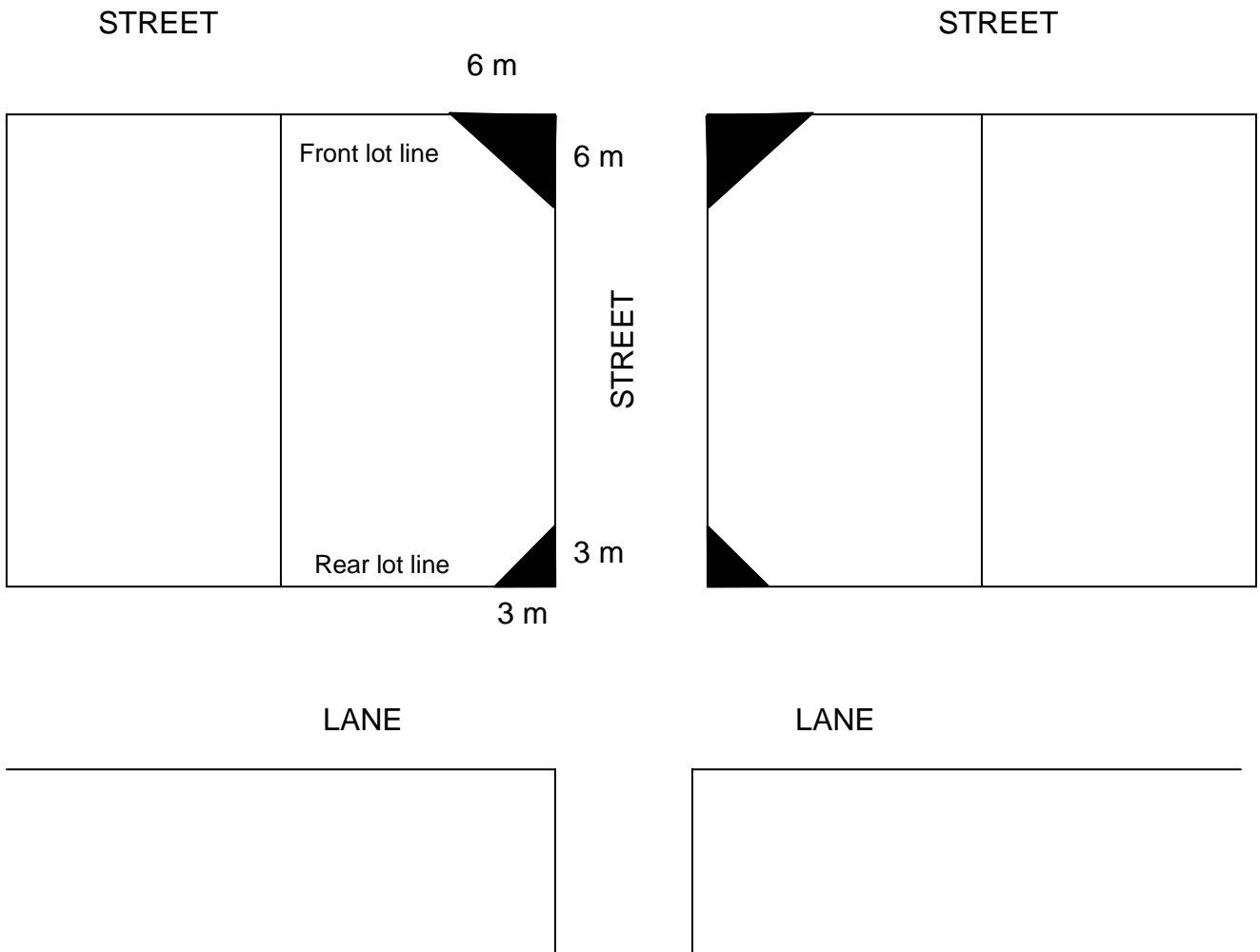
### 409.6      Parking

Parking shall be in accordance with the provisions of Sections 309 and 310.

# Appendix A

## VISIBILITY – CORNER LOTS (Section 316)

Illustration of sight triangles (not to scale)



**Village of  
Montrose**

**Zoning Bylaw  
2008**

**SCHEDULE 'B'**