



CITY OF DAUPHIN

BYLAW 18/2020

BEING A BYLAW OF THE CITY OF DAUPHIN TO AMEND ZONING BYLAW 04/2015 REGULATING THE USE AND DEVELOPMENT OF LAND

WHEREAS Section 80(1) of *the Planning Act* provides that the Zoning Bylaw may be amended;

NOW, THEREFORE, the Council of the City of Dauphin, in a meeting duly assembled, enacts as follows:

1. THAT Part 1.0 **INTERPRETATION AND DEFINITIONS** be amended as follows:

Section 1.2 **GENERAL DEFINITIONS**

Amend, substituting the following wording thereto:

BUILDING LOCATION CERTIFICATE – means a legal document prepared by a Manitoba Land Surveyor, which shows the exact dimensions and positions of the land and buildings on a particular property. It reports any encroachments onto or from adjoining properties.

Amend, substituting the following wording thereto:

FLEET SERVICES – means a central facility for the distribution, storage, loading and repair of a fleet of vehicles, with or without associated dispatch services and offices. Typical uses include, but are not limited to, courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services.

Add

STAKING CERTIFICATE – means a certificate, prepared by a Manitoba Land Surveyor, that documents the placing of survey monuments on the limits of a particular parcel of land. It indicates the dimensions of the property and reports any building encroachments from or onto adjacent lands.

Add

UP-TO-DATE – means that it is current, created, produced or verified within the previous 12 months, and contains all of the most recent information.

Amend, substituting the following wording thereto:

WAREHOUSE – means a permanent facility for the storage of products, supplies, and equipment within an enclosed building.

2. THAT Part 2.0 ADMINISTRATION be amended as follows:

Section 2.9 VARIANCE ORDERS

Add

2.9.2 Standards for Granting Variance Approval

1. According to the *Act*, after holding a Variance hearing, Council must make an Order:
 - a) rejecting the application; or
 - b) approving the application if the Variance proposed in the application
 - i) will be compatible with the general nature of the surrounding area;
 - ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and
 - iii) is generally consistent with the applicable provisions of the Development Plan Bylaw, the Zoning Bylaw and any secondary plan bylaw.
2. Council may impose conditions on a Variance Order which serve to secure the objectives of the Zoning Bylaw, 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;
 - vii) outdoor lighting;
 - viii) signs;
 - ix) refuse and garbage storage;
 - x) location of buildings and structures on 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 on-site servicing; and/or
 - e) Other matters deemed necessary by Council to ensure a desirable and compatible development.

Amend, substituting the following wording thereto:

2.9.3 Minor Variance

1. The Development Officer may, in accordance with the provisions of *The Planning Act*, grant or refuse, at his/her discretion, a Minor Variance not to exceed 15 percent of any height, distance, area, size, intensity of use or parking space requirement of this Bylaw.

Section 2.10 DEVELOPMENT PERMITS

Amend, substituting the following wording thereto:

2.10.1 General

6. A Development Permit for a temporary building, structure, or use approved as such under this Bylaw shall expire upon expiration of the date specified in the permit, unless before that expiration date an extension is granted by the Development Officer.

Amend, substituting the following wording thereto:

2.10.5 Development Permits Adjacent to a Provincial Highway

1. Under the *Transportation Infrastructure Act*, a permit is required from Manitoba Infrastructure to construct, modify, relocate, remove, or intensify the use of an access. A permit is also required from Manitoba Infrastructure to construct, modify, or relocate a structure or sign, or to change or intensify the use of an existing structure (including the alteration of existing buildings) within the controlled area of a provincial highway.

3. **THAT** Part 3.0 **ZONES** be amended as follows:

Amend, substituting the following wording thereto:

Section 3.5 INSTITUTIONAL ZONE (I)

1. The Institutional (I) Zone is intended to provide areas for concentrations of governmental, educational, places of worship and similar public or semi-public uses. Typical uses may include schools, colleges and universities, libraries, cultural facilities, hospitals, and large research facilities, as well as directly associated uses.

4. **THAT** Part 4.0 **USE REGULATIONS** be amended as follows:

Table 4.1 Permitted Uses

Amend

Personal Services to include "Office" for clarity.

Amend

Body Modification Establishment to include Specific Standard requiring businesses to meet Provincial requirements.

Amend

Recreational and Entertainment, Indoor to include "Cable" in Studio, Radio/TV/Cable/Motion Picture Broadcast & Production.

Section 4.5 USE SPECIFIC STANDARDS

Amend, substituting the following wording thereto:

4.5.2 Home-Based Business (HBB)

- 5.j) There must be no exterior indication of the existence of the home-based business, and no indoor display of the business visible from the outside, except that a home-based business may have one non-illuminated identification sign not exceeding 0.6 m² in area, provided the sign is attached to and parallel with a wall of the principal or accessory building or free standing.

Repeal

4.5.3 Group Living

1. No neighbourhood rehabilitation home or group home may be located within 152.4 m from another neighbourhood rehabilitation home or group home.

Amend, substituting the following wording thereto:

4.5.3 Storage Containers/ISO Containers

1. Storage Containers/ISO Containers are permitted in non-Residential Zones in accordance with the requirements for accessory structures in that zone, subject to fees as outlined in the City of Dauphin Fees & Charges Bylaw.

5. **THAT Part 5.0 DEVELOPMENT AND DESIGN STANDARDS** be amended as follows:

Amend

Table 5.1 **Bulk Requirements for Principal Buildings and Structures** to modify table design for clarity by grouping site and yard requirements.

Amend

Table 5.2 **Bulk Requirements for Accessory Buildings and Structures** to include note that clarifies that a residential use on a commercially zoned property would comply with residential zoning requirements.

Amend, substituting the following wording thereto:

Section 5.2 YARDS

5.2.1 General Requirements

- e) Minimum required yards contained in this Bylaw do not relieve the owner from compliance with the Provincial requirements or Manitoba Building Code requirements.

Section 5.3 ACCESSORY BUILDINGS, STRUCTURES AND USES

Amend, substituting the following wording thereto:

5.3.2 Location and Use

- b) To be classified as a detached garage, the building must first be either located 18.0 m from the front property line and 1.5 m behind the rear wall of the principal structure.

Amend, substituting the following wording thereto:

5.3.3 Garage Tents

1. Only one garage tent, with a maximum size of 26.76 m² (288 ft²) will be permitted in a side or rear yard in a residential zone, provided that the required setbacks are met for the yard.

Add

5.3.4 Private Swimming Pools and Hot Tubs

3. Outdoor pools and hot tubs are not permitted to be located in the front yard.

Section 5.4 TEMPORARY BUILDINGS, STRUCTURES AND USES

Amend, substituting the following wording thereto:

5.4.2 General Requirements for All Temporary Uses and Structures, Excluding Shipping Containers/ISO Containers

1. An approval issued by the Development Officer for a temporary use or structure can be issued subject a to the following general requirements, unless otherwise specified in this Bylaw:

Amend, substituting the following wording thereto:

Table 5.6 Parking Area Dimensions

The minimum distance between any part of an entrance/exit or combined entrance and exit and the intersection of street lines shall be 4.5 metres or 9.0 m from a stop condition at intersections.

Section 5.11 ALTERNATE FORMS OF DEVELOPMENT

5.11.5 Subdivision of Attached Dwellings

Add

- 1.g) A "o" lot line is permitted along subdivided party wall.

6. THAT Part 6.o VERMILLION RIVER FLOOD RISK AND CONSERVATION AREAS (HAZARD LANDS) be amended as follows:

Repeal

Section 6.8 APPLICATION TO CONSTRUCTION

1. An application for a Permit to construct a structure shall be made in a form prescribed by the Development Officer and shall include such of the following information as the Development Officer may require:
 - a) Plans and/or specifications of the structure;
 - b) A plan of survey certified by a Manitoba Land Surveyor showing the site boundary; and/or
 - c) The existing proposed ground elevations on the site where the structure is to be constructed.

Add

Section 6.8 APPLICATION FOR CONSTRUCTION

1. An application for a Permit to construct a structure shall be made in a form prescribed by the Development Officer and shall include such of the following information:
 - a) Plans and/or specifications of the structure;
 - b) A plan drawn to scale showing:
 - a. the lot and all lot dimensions;
 - b. the location of the proposed structure on the lot and the dimensions of the proposed structure;
 - c. the exact size and location of any existing buildings on the site;
 - d. An up-to-date surveyors staking certificate. At the discretion of the Development Officer an up-to-date building location certificate when the proposed work is an alteration or addition to a building shown on the building location certificate.
2. The applicant shall provide any other documentation requested by the Development Officer.

Repeal

Section 6.10 ESTABLISHMENT OF REFERENCE ELEVATION

1. Where a permit holder makes a written request for the establishment of a reference mark, the Development Officer may, after the receipt of the request, provide a reference elevation at or near the site of the structure.

Amend

Illustration 6.2 **Structure Built on Piles or Bearing Walls, Detached Garages** to change
0.61 m to 0.6 m.

DONE AND PASSED by the Council of the City of Dauphin in regular session assembled this 25th day of
January 2021.



Allen Dowhan, Mayor



Sharla Griffiths, City Manager

READ A FIRST TIME this 30th day of November 2020.
READ A SECOND TIME this 25th day of January 2021.
READ A THIRD TIME this 25th day of January 2021.