

THE VILLAGE OF CHASE

BY-LAW NO.16

The Mayor and Council of the Village of Chase, in open meeting assembled enact as follows:

This By-Law may be cited as the "Village of Chase Zoning By-Law No16, 1970".

DIVISION ONE: PREAMBLE

100 Short Title

This By-Law may be cited for all purposes as the "Chase Zoning By-Law".

101 Purpose

This is to guide natural growth in an orderly way to the benefit of the community by ensuring the preservation of health, safety and convenience and the conservation of property values.

102 Definitions

All words and phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions as set forth in Division 2 of this By-Law.

103 Prohibition

Subject to the provisions of the Municipal Act respecting non-conforming uses, land shall not be used, buildings and structures constructed, altered, located or used, within the Village of Chase contrary to this By-Law.

104 Non-conforming Uses

A lawful use of premises existing at the time of the adoption of the Zoning By-Law, although such use does not conform to the provisions of Part XXI Division 3 of the Municipal Act.

105 Administration

- (a) The Village Clerk or such other person appointed by the Council shall administer this By-Law.
- (b) Persons appointed under subsection (a) may enter any building or premise at any reasonable time for the purpose of administering or enforcing this By-Law.
- (c) Persons appointed under subsection (a) shall not issue any permit for a building, structure or use which violates any of the provisions of this By-Law.

106 It shall be unlawful for any person to prevent or obstruct any official appointed under section 105 from the carrying out of their duties under this By-Law.

107 Removal or Renovation

Subject to section 715 of the Municipal Act, the Council may authorize the demolition, removal, or the bringing up to a standard specified in this By-Law, of any building, structure or thing, in whole or in part, that is in contravention of this By-Law.

108 Appeal

An appeal procedure under section 709 of the Municipal Act to a Board of Variance which shall be established by the Council is set forth in Division 10.

109 Penalty

- (a) Any person who violates the provisions of this By-Law is liable on summary conviction to a penalty not exceeding two hundred dollars, and also the cost of the prosecution.
- (b) Each day during which such violation is continued shall be deemed to constitute a new and separate offence.

DIVISION TWO: DEFINITIONS

In this By-Law unless the context otherwise requires:

ACCESSORY BUILDING means

- (1) a building, the use or intended use of which is ancillary to that of a principal building situated on the same lot.

AUTO or MOBILE HOME SALES (includes rentals) means an open area used for the display, sale or rental of new or used passenger motor vehicles or trailers in operable condition, and where no repair work is done except minor incidental repair of vehicles to be displayed, sold or rented on the premises.

DWELLING, MULTI-FAMILY means any building divided into not less than three dwelling units each of which is occupied, or intended to be occupied, as the permanent home or residence of one family as distinct from a hotel or motel unit.

DRIVE-IN BUSINESS means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven onto the site where such business is carried on and where normally the customer remains in the vehicle for service.

MEDICAL HEALTH OFFICER means the Medical Health Officer having jurisdiction in the municipality.

MOBILE HOME means a structure manufactured as a unit, intended to be occupied in a place other than that of its manufacture, and designed for dwelling purposes.

SERVICE STATION means any building or land used or intended to be used for the retail sale of motor fuels and lubricants and may include the servicing and minor repairing of motor vehicles and the sale of automobile accessories.

DIVISION THREE - LAND USE ZONES

300 For the purpose of the By-Law the area incorporated into the Village of Chase is hereby divided into the following zones:

1. A.1 Rural
2. R.1 Residential
3. M.1 Mobile Home
4. C.1 General commercial
5. C.2 Highway commercial
6. I.1 Industrial

as shown upon the plan entitled "Zoning Map of the Village of Chase" which, with all explanatory matter thereon, accompanies and is part of this By-Law; providing that such plan shall bear the following certificate duly signed by the Mayor and by the Clerk of the Municipality.

300 "This is the Zoning Map of the Village of Chase referred to in the Zoning By-Law of the Village of Chase No. 16 ."

Mayor S. Alex Brown Village Clerk Donald M. Heron.

DIVISION FOUR - A.1 RURAL

400 Permitted Uses

- (a) farming and ranching, but not the raising of hogs and fur bearing animals
- (b) buildings and dwellings accessory to the above use, but not commercial feed lots
- (c) animal hospitals, kennels and the keeping of bees, cattle and other stock
- (d) the keeping of pigeons and poultry

401 Number of Residences

Not more than one (1) single family dwelling or two family dwelling shall be permitted upon any site not devoted exclusively to farming, ranching or other agricultural purposes.

DIVISION FIVE -R.1 RESIDENTIAL

500 Permitted Uses

In a Residential Zone the use of land, buildings and structure is restricted to:

- (a) single family dwellings;
- (b) two family dwellings;
- (c) multi-family dwellings;
- (d) schools, churches and hospitals; providing the method of sewage disposal is satisfactory to the Medical Health Officer;
- (e) parks and playgrounds;
- (f) professional practice, homecraft or occupation, provided that the use is conducted by the resident and is confined to the interior of a dwelling and does not:
 - (i) create a nuisance by reason of sound, sight, smell, or electrical interference;
 - (ii) involve storage exterior to the dwelling of any materials used directly or indirectly in the processing or resulting from the processing of any product of such craft or occupation;
 - (iii) involve material or products that produce flammable or explosive vapours or gases under ordinary temperatures;
 - (iv) involve advertising or identification signs exceeding one (1) square foot in area.

501 Site Area

The minimum lot size shall be as in Schedule "A", providing that, where the parcel is not served by a community sewer system, there shall be sufficient area in the parcel to dispose of human and other wastes to the satisfaction of the Medical Health Officer.

502 Existing Subdivision

On parcels in the Residential Zone which are shown on a plan duly filed in the Land Registry Office prior to the passage of this By-Law which have less than the minimum area required in section 501, one unit of living accommodation is permitted on each such parcel if the method by which sewage is to be disposed of is satisfactory to the Medical Health Officer, provided that if the owner of such a parcel owns a contiguous parcel or parcels the requirements of section 501 apply.

503 Subdivision and Siting

Buildings and structures, in the case of a parcel which may be further subdivided, shall be sited so as to facilitate the future subdivision of the parcel or adjacent parcels of land.

504 Buildings Per Parcel

Not more than one building containing a dwelling unit or units shall be located on a parcel.

505 Lot Coverage

Buildings and structures shall not cover more than thirty-three percent of the site area.

506 Setback and Height

- (a) No part of the structure except uncovered steps, chimneys, eaves or a fence, shall be located within twenty feet of a front street line.
- (b) No part of the structure except uncovered steps, chimneys, eaves or a fence shall be located within ten feet of a side street line.
- (c) Where there is a rear lane, no building shall be located within five feet of any side lot line.
- (d) Where there is no developed rear lane, no building shall be located within ten feet on one side lot line and five feet of the other side lot line.
- (e) No part of the structure except uncovered steps, chimneys, eaves or a fence shall be built outside a plane sloping inward and upward at an angle of forty-five degrees from the vertical beginning at a line ten feet above the natural grade on side lot lines.
- (f) No part of the structure except uncovered steps, chimneys eaves or a fence shall be located within twenty-five feet of a rear lot line.
- (g) No part of the structure shall exceed thirty-five feet or three storeys in height.

507 Visibility

There shall be no obstruction to the line of vision by buildings or structures between the heights of three feet and ten feet above the established grade of streets within an area bounded by the centre lines of intersecting or intercepting streets and a line joining a point on each of the center lines eighty feet from their intersection.

508 Floor Area

The minimum Floor area for a dwelling unit is:

- (a) five hundred square feet for a single family, duplex or row house;
- (b) three hundred and fifty square feet for an apartment.

509 Parking

Off-street parking shall be provided according to Schedule "B".

DIVISION SIX: M.1 MOBILE HOMES

600 Permitted Uses

- (a) Mobile Home Courts or parks.
- (b) One Dwelling Unit for the owner, caretaker or watchman to be used in conjunction with the above.
- (c) Buildings and structures accessory to the above.
- (d) Parks and playgrounds

601 Regulations

All developments shall comply with the requirements of the Mobile

DIVISION SEVEN - C.I. GENERAL COMMERCIAL

700 Permitted Uses

- (a) Retail trade, including department and specialty stores, restaurants, commercial entertainment, theatres and coffee shops;
- (b) Places of public assembly including fraternal lodges;
- (c) Offices, including business and professional, mercantile and public administration;
- (d) Medical and dental clinics;
- (e) Franchised auto dealers, including sales and service;
- (f) Hotel and motel, church and library;
- (g) Undertaking establishments;
- (h) Wholesale commercial, where the structure has a primarily retail appearance and is oriented toward walk-in trade;
- (i) Service trade, including barber shops, beauty parlors, coin laundries, dry cleaner, printing and publishing, small appliance repair, and service stations;
- (j) Residential uses combined with the above.

701 Conditions of Use

Every business or undertaking shall be conducted within a completely enclosed building or structure except for parking, loading facilities, gasoline service station and storage.

702 Combined Commercial and Residential Use

- (a) Where a parcel is used for combined commercial and residential use, the residential use shall be:
 - i. contained in the same building;
 - ii. located over or behind the other use; and,
 - iii. have a separate entrance from outside.
- (b) The minimum floor area per dwelling unit shall be three hundred and fifty square feet.

703 Site Area

The minimum site area required is as Schedule "A".

704 Sewage Disposal

Notwithstanding the Schedule "A", which shall represent minimum areas, where the parcel is not served by a community sewer system, there shall be sufficient area in the parcel to dispose of human and other wastes to the satisfaction of the Medical Health Officer.

705 Lot Coverage

- (a) In the case of combined commercial and residential use, buildings, and structures shall not cover more than fifty percent of the site area.
- (b) In the case of motel and gasoline service station, buildings and structures shall not cover more than thirty percent of the site area.
- (c) Accessory buildings and structures shall not cover more than ten percent of the site area.

706 Setbacks and Heights

- (a) No part of the structure except uncovered steps, chimneys, eaves or a fence shall be located within the setback prescribed below:
 - Rear - i. Where there is no rear lane, fifteen feet from the rear property line;
 - ii. Where there is a rear lane, fifteen feet from the centre of the lane;
 - Side - i. Where there is no developed lane, ten feet along one

- side of the property line; and
- ii. Where a parcel abuts a residential zone the minimum setback shall be ten feet and the provisions of subsection (e) of section 50⁶ also apply.
- (b) Gasoline service pumps or pump islands shall be located not closer than fifteen feet to any property line.
- (c) No building shall exceed three storeys or thirty-five feet in height.
- (d) No accessory building or structure shall exceed twelve feet in height.

707 Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B".

708 Loading

A rear loading yard of minimum depth of twenty-five feet and a minimum width of fifteen feet shall be provided on the site for each building which shall have convenient vehicular access to and from a street or lane.

DIVISION EIGHT - C.2 HIGHWAY COMMERCIAL

800 Permitted Uses

- (a) Motels
- (b) Motor Hotels
- (c) Hotels
- (d) Drive-in restaurants
- (e) Drive-in theatres
- (f) Service stations on corner sites only
- (g) Retail lumber yards and building supplies
- (h) Drive-in banks and other drive-in businesses
- (i) Other uses concerned primarily in providing goods or services to the highway travelling public.

801 Condition of Use

The parking and paved areas of drive-in restaurants shall have a screen wall or "tight board" fence, not less than six feet nor more than ten feet high above the parking surface on all those parcel boundaries which abut parcels presently used for residential purposes.

802 Signs and Notices

A sign or signs not exceeding fifty square feet area in total, relating to business carried on in the premises, are permitted.

803 Site Area

The minimum site area shall conform to Schedule "A".

804 Sewage Disposal

Notwithstanding the Schedule "A" which shall represent minimum areas, where the parcel is not served by a community sewer system, there shall be sufficient area in the parcel to dispose of human and other wastes to the satisfaction of the Medical Health Officer.

805 Lot Coverage

Buildings and structures shall not cover more than thirty-three percent of the site area.

No part of the structure except uncovered steps, chimneys, eaves or a fence, shall be located within the setback prescribed below:

- (a) Front - Twenty-five feet from any highway on which the parcel abuts;
- (b) Rear - i. Where there is no rear lane fifteen feet from the rear property line;
ii. Where there is a rear lane fifteen feet from the centre line of the lane;
- (c) Side - Where a parcel abuts a Residential Zone, the minimum setback shall be fifteen feet and the provisions of subsection (e) of section 506 shall apply.

807 Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B".

808 Loading

Adequate space for loading, unloading and manuevring of trucks shall be provided on the site.

DIVISION NINE - I.1 INDUSTRIAL ZONE

900 Permitted Uses

The following classes of use and no others shall be permitted in this zone only if the use and operation proposed for a site may be conducted at all times so as to insure that no dangerous or objectionable condition may be apparent beyond any zone so used:

- (a) Manufacturing industry;
- (b) Service industry including the sale of petroleum products;
- (c) Warehousing and storage;
- (d) Coffee shop;
- (e) Dwelling units accessory to the main industrial purpose;
- (f) Sales and service including auto and mobile home sales lots.

901 Condition of Use

Every business or undertaking shall be conducted within a completely enclosed building or structure, except for outdoor display, rental, sales and storage yards, parking and loading facilities.

902 Waste Disposal

Where the parcel is not served by a community sewer system, there shall be sufficient area in the parcel to dispose of human and other wastes to the satisfaction of the Medical Health Officer.

903 Living Quarters

One dwelling unit in conjunction with industrial use for the accomodation of the owner, operator or an employee of the establishment is permitted. Such dwelling unit shall have a minimum floor area of three hundred and fifty square feet.

904 Setback and Height

- (1) No part of the structure except uncovered steps, chimneys, eaves or a fence shall be located within fifteen feet of a highway on which a parcel fronts; such setback shall only be used for landscaping or parking area.

- (2) No part of the structure except uncovered steps, chimneys, eaves or a fence, shall be located within the setback prescribed below:
- Rear - i. Ten feet from the rear property line;
 - ii. Where a rear property line in an Industrial Zone abuts a residential or rural zone, twenty feet from the rear lane, or rear property line;
 - Side - i. Where there is no developed rear lane, ten feet along one side of the property;
 - ii. Where a side property line in an Industrial Zone abuts a residential or rural zone, twenty feet from that side of the property line. No storage or industrial activity shall be conducted within this setback.
- (3) In the case of a corner lot, no building or structure or part thereof except a fence, shall be located within ten feet of a flanking highway.
- (4) No building or structure shall exceed fifty feet in height.

905 Screening

- (a) All industrial activity and storage not contained within a building shall be enclosed by a wall or a "tight board" fence not less than six feet high.
- (b) The provisions of this subsection do not apply to car, boat or trailer sales lots and gasoline service stations.

906 Junk Yard Storage

In a junk yard material not within a building shall not be piled higher than the enclosing wall or fence.

907 Parking

Off-street parking shall be provided and maintained in accordance with the provisions of Section "B".

908 Loading

Adequate space for loading, unloading and maneuvering of trucks shall be provided on the site.

DIVISION TEN - BOARD OF VARIANCE

1000 Establishment

The Board of Variance for the Village of Chase is hereby established and shall consist of three members appointed in the manner provided by section 708 of the Municipal Act.

1001 Secretary

The secretary of the Board of Variance is the Municipal Clerk or such other person appointed by the Council and he shall keep minutes of the hearings, records of expenses incurred and perform such other secretarial duties as may from time to time be required by the Chairman.

1002 Duties of the Board

- (1) The Board of Variance shall hear and determine any appeal;
 - (a) By a person who is aggrieved by a decision of any official charged with the enforcement of a zoning by-law or a by-law under section (5) of section 711 of the Municipal Act insofar as that decision relates to an interpretation of the by-law or by-laws or any portion thereof; and

- (b) With respect to matters mentioned in subsection (4) of Section 705 of the Municipal Act; and
- (c) By an applicant for a permit who alleges that enforcement of a zoning regulation with respect to sitting, size or shape of a building or of a structure would cause him undue hardship, in which case the Board may, to the extent necessary to give effect to its determination, exempt the applicant and subsequent owners of the building or structure from the applicable provisions of the zoning by-law; and
- (d) With respect to matters mentioned in subsection (3) of section 705 and subsection (7) of section 711 of the Municipal Act.

1003 Initiation of Appeal

- (a) Any person exercising the right of appeal shall mail to the Secretary a letter setting out in general terms the grounds upon which the appeal is made.
- (b) The appellant shall give an address to which all notices may be mailed.
- (c) The Secretary shall notify the Chairman and the Chairman shall set a date for the hearing of the appeal.
- (d) The Secretary shall, at least five days before the hearing, mail a notice stating the nature of the appeal and the time and place of the hearing to:
 - i. The members of the Board;
 - ii. The appellant at the address given by him; and
 - iii. The owners and occupiers of all real property located adjacent to the property with respect to which the appeal is being heard.
- (e) Public Notice of the hearing shall be given in the manner directed by the Board if the matter is deemed by the Board to be of sufficient importance.

1004 Procedure

- (1) A majority of the Board is a quorum.
- (2) The Chairman may from time to time appoint an Acting Chairman to preside in the absence of the Chairman.
- (3) The decision in writing of all or a majority of the members of the Board is the decision of the Board.
- (4) Procedures not otherwise provided for shall be as directed by the Board.

1005 Appeal

An appeal lies to a Judge of the County Court from a decision of the Board under clauses (a) and (b) of section 1002 but all other decisions of the Board are final and binding.

Read a first time this 27th day of November, 1969.

Read a second time this 15th day of January, 1970,

Read a third time this 23 day of April, 1970

Presented at a Public Meeting of the ratepayers of the Village of Chase this 14th day of May 1970.

RECONSIDERED AND ADOPTED this 14th day of May, 1970

S. Alex Brown
Mayor, S. Alex Brown.

Donald M. Heron
Clerk Donald M. Heron.

I hereby certify that this is a true copy of By-law No. 16 of the Village of Chase, cited as "Village of Chase Zoning By-law No.16, 1970".

Donald M. Heron
Clerk. Donald M. Heron.

A true copy of By-law No. 16
registered in the office of the Inspector
of Municipalities this 3rd day of
JUNE 1970.

Al. K. Smith
Deputy Inspector of Municipalities

SCHEDULE "A"

MINIMUM SITE AREA REQUIRED IN EACH ZONE

LEVEL OF SERVICES PROVIDED

ZONE USE	Community Water And Community Sewer System	Community Water But No Community Sewer System	Neither Community Water Or Sewer System
1) Single Family dwelling	6,000 sq. ft.	7,500* sq. ft.	21,780 sq.ft.
(A) Each Additional Unit	1,500 sq. ft.	2,500 sq.ft.	21,780 sq. ft.
2) Combined Commercial Plus One (1) Residential Use	3,000 sq. ft.	7,500 sq. ft.	21,780 sq. ft.
(A) Each Additional Dwelling Unit	3,000 sq. ft.	2,500 sq.ft.	21,780 sq. ft.
3) Hotel, Motel, Auto Court:			
(i) Site Area	12,000 sq. ft.	21,780 sq. ft.	21,780 sq. ft.
(ii) Area Per Unit	1,200 sq. ft.	2,178 sq. ft.	4,356 sq. ft.
4) Gasoline Service Station	10,000 sq. ft.	10,000 sq. ft.	21,780 sq. ft.

* see subdivision by-law

SCHEDULE "B"

OFF-STREET PARKING:

Off-street parking spaces for each building and use shall be provided in accordance with the following table and diagram of standard dimensions.

USE	PARKING REQUIREMENTS
Detached house Duplex Row house Apartment house Motel and auto court	One parking space per sleeping or living unit.
Hotel Boarding house	One parking space per two sleeping rooms.
Store Office Restaurant	One parking space per 500 square feet of gross floor area or fraction thereof.
Medical Clinic Dental Clinic	One parking space per 300 square feet of gross floor area or fraction thereof.
Industrial uses	One parking space per 2 persons employed.
School Church Theatre	One parking space per 10 auditorium church seats or per 15 of bench seating or fraction thereof, whichever is the greater.

SCHEDULE "E" (continued)

USE	PARKING REQUIREMENTS
Assembly halls Auditorium Fraternal buildings Lodges Community hall Dance hall Public libraries Funeral parlours	One parking space per 10 seats or one parking space per 100 square feet of floor area used for dancing or assembly whichever is the greater.
Hospital	Two parking spaces per 3 patient beds
Nursing home Rest home	One parking space per 2 patient beds
Taxi office	One parking space per each vehicle customarily operating from the office
Curling rink Roller rink Swimming pool	One parking space per 500 square feet of gross floor area, plus one parking space per 10 spectator seats.
Bowling Alley	Two parking spaces per alley.
Billard and pool halls	Two parking spaces per table.