

# Town of LeRoy

## Bylaw No. 3/14

A BYLAW TO PROVIDE FOR THE TOWN OF LEROY TO ADOPT A ZONING BYLAW.

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A Bylaw of the Town of LeRoy to adopt a Zoning Bylaw.

The Council of the Town of LeRoy, in the Province of Saskatchewan, in open meeting assembled enacts as follows:

- 1) Pursuant to Section 34(1) of the *Planning and Development Act, 2007* the Council of the Town of LeRoy hereby adopts the Town of LeRoy Zoning Bylaw, identified as Schedule "A" to this Bylaw.
- 2) The Mayor and Town Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- 3) Bylaw No. 2/81, the Zoning Bylaw, and all amendments thereto, are hereby repealed.
- 4) This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the	<u>13</u>	day of	<u>February</u>	,	<u>2014</u>
Read a Second Time the	<u>14</u>	day of	<u>April</u>	,	<u>2014</u>
Read a Third Time the	<u>14</u>	day of	<u>April</u>	,	<u>2014</u>
Adoption of this Bylaw					
this	<u>14</u>	day of	<u>April</u>	,	<u>2014</u>

Brian Thoen  
(Mayor)

SEAL

Connie Porten  
(Town Administrator)

**Town of LeRoy  
Zoning Bylaw**

Being Schedule "A" to Bylaw No. 3/14

Brian Thoen  
(Mayor)

SEAL

Connie Porten  
(Town Administrator)

# **Town of LeRoy**

## Zoning Bylaw

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# **Part A – Introduction & Administration**

## **Section 1.0 INTRODUCTION**

### **Section 1.1 TITLE**

1.1.1  
This Zoning Bylaw shall be known as “The Town of LeRoy Zoning Bylaw” and may be referred to as the “Zoning Bylaw”.

### **Section 1.2 PURPOSE**

1.2.1  
The purpose of this Zoning Bylaw is to regulate the use of land and the locations and use of buildings and other structures in the Town of LeRoy so as to provide for the amenity of the Municipality and the health, safety and general welfare of the inhabitants.

1.2.2  
In all cases, this Zoning Bylaw is subject to the policies contained in the Official Community Plan and to the staging schedule of the Plan. No new zoning amendment will be permitted in any district except in accordance with those policies and the development staging schedule.

### **Section 1.3 METRIC SYSTEM**

1.3.1  
The System International (SI) Metric System of measurement is the final and binding system of measurement used in this Zoning Bylaw.

1.3.2  
No existing use, building or structure shall be deemed to be non-conforming by reason only of the conversion from the Canadian Imperial System of measurement to the System International Metric of measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.

### **Section 1.4 SCOPE**

1.4.1  
No building or structure shall hereafter be erected or structurally altered, nor shall any building, structure, land or premises hereafter be used in whole or in part within the limits of the Town, except in conformity with the provisions and regulations of this Zoning Bylaw.

1.4.2  
Where this Zoning Bylaw sets out two or more regulations that could apply to a situation, the most restrictive regulation shall apply.

#### 1.4.3

Where this Zoning Bylaw sets out both general and specific regulations that could apply to a situation, the specific regulation shall apply.

### **Section 1.5 LEGISLATIVE COMPLIANCE**

Compliance with the requirements of this Zoning Bylaw does not exempt any person from compliance with the requirements of any federal, provincial or municipal legislation, the requirements of any other Bylaw in force within the Municipality or from obtaining any permit, license, permission, authority or approval required by this or any other Bylaw of the Municipality in force from time to time. Nor does compliance exempt any person from compliance with any easement, covenant, agreement or contract affecting the development.

### **Section 1.6 APPLICATION OF REGULATIONS**

#### 1.6.1

The provision of this Zoning Bylaw shall not be so construed as to limit or interfere with the operation, replacement, and maintenance for public utility purposes, of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, oil pipe lines, sewer connections and sewer mains, and incidental appurtenances or the construction and installation of any such services on public road allowances.

#### 1.6.2

Nothing in this Zoning Bylaw shall be interpreted so as to interfere with the use of land for the construction, maintenance and operation of any essential public service (Fire Department, Municipal, Provincial or Federal police service). However, the Development Officer shall require that administrative buildings and buildings accessory thereto constructed by the agencies noted in this section are generally compatible with properties in the vicinity in terms of height, setbacks, landscaping, and parking.

### **Section 1.7 SEVERABILITY**

If any section, clause, or provision of this Zoning Bylaw, including anything shown on the maps attached to this Zoning Bylaw, is, for any reason, declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Zoning Bylaw as a whole or any part thereof, other than the section, clause, or provision, including anything shown on the maps attached to this Zoning Bylaw, so declared to be invalid.

**Section 1.8**  
**EFFECTIVE DATE OF THIS ZONING BYLAW**

This Zoning Bylaw repeals and replaces the Zoning Bylaw No. 2/12 and is adopted pursuant to *The Planning and Development Act, 2007*, (the Act) and shall come into force on the date of final approval by the Minister of Government Relations.

## Section 2.0 DEFINITIONS

For the purpose of this Zoning Bylaw, unless a contrary intention appears, certain terms or words shall be interpreted as follows:

Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes a corporation as well as an individual. The word "lot" includes the word "plot" or "parcel" or "site". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied".

### Abattoir

Means a slaughterhouse or place where animals are butchered.

### Above Ground Fuel Storage Tank

Means a storage tank, any portion of which is above grade and contains gasoline, diesel fuel, propane, or ethanol.

### Accessory Building or Use

Means a building or use which:

- a) is subordinate to and serves the principal building or principal use;
- b) is subordinate in area, extent and purpose to the principal building or principal use served;
- c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- d) is located on the same site as the principal building or principal use served.

### Act

Means *The Planning and Development Act, 2007*, as amended.

### Agricultural Sales and Service Facilities

Means a development used for the sale or rental of new or used tractors, combines, swathers, balers, seeders, and cultivators together with incidental maintenance services and the sale of parts and accessories. Typical uses include farm implement dealerships.

### Alteration

With reference to a building, structure or site, means:

- a) a change or rearrangement in the structural parts or in the existing facilities in any building or structure;
- b) any enlargement in any building or structure, whether by extending on a side or by increasing in building height;
- c) the moving of any building or structure from one location or position to another;
- d) a change from one use class to another; or
- e) any change which is affected by Electrical, Plumbing, and/or Building Code.

### Ancillary Use

Means a listed, permitted land use that is additional, secondary and complementary to a permitted principal use, but not accessory to the permitted principal use.

## Animal Unit

Means the kind and number of animals calculated in accordance with the following:

<i>Kind of Animal</i>	<i>Number That Equals One Animal Unit</i>
Poultry <ul style="list-style-type: none"> <li>• Hens, cockerels, capons</li> <li>• Chicks, broiler chicken</li> <li>• Turkeys, geese, ducks</li> <li>• Ostriches</li> <li>• Emus</li> </ul>	100 200 50 7 16
Hogs <ul style="list-style-type: none"> <li>• Boars, sows</li> <li>• Gilts</li> <li>• Feeder pigs</li> <li>• Weanling pigs</li> </ul>	3 4 6 20
Sheep <ul style="list-style-type: none"> <li>• Rams, ewes</li> <li>• Lambs</li> <li>• Goats, Llamas, Alpacas, etc.</li> </ul>	7 14 7
Cattle <ul style="list-style-type: none"> <li>• Cows, bulls</li> <li>• Feeder cattle</li> <li>• Replacement heifers</li> </ul> Calves	1 1.5 2 4
Horses <ul style="list-style-type: none"> <li>• Colts, ponies</li> <li>• Other than colts or ponies</li> </ul>	2 1
Other <ul style="list-style-type: none"> <li>• Bison cows, bison bulls</li> <li>• Bison calves</li> <li>• Elk, reindeer</li> <li>• Deer</li> </ul>	1 4 4 7

### **Amenity Space**

Means a land area set aside exclusively for the purpose of providing recreation space on the site (i.e. patio, balcony, terrace deck area, or internal building).

### **Amusement Establishments – Indoors**

Means a development providing facilities within an enclosed building for various table games or electronic games played by patrons for entertainment. Typical uses include billiard parlours, bowling alleys, roller skating rinks, simulated golf, electronic game arcades, and bingo halls. This class does not include Participant Recreation - Indoors, nor:

- a) such establishments which sell such devices, provided that such devices are not available on the premises for use on a commercial basis by the public; and
- b) establishments where such devices are made available as an accessory use provided that the floor area occupied by the device does not exceed 5% of the total leasable floor area of the establishment, but in no case shall the number of devices accessory to another use exceed four.

### **Amusement Establishments – Outdoors**

Means a permanent development providing facilities for entertainment and amusement activities, which primarily take place out-of-doors, where patrons are primarily participants. This use class does not include drive-in motion picture theatres, go-cart or motorcycle tracks, carnivals or circuses. Typical uses include amusement parks and miniature golf establishments.

### **Apartments**

Means a multiple unit dwelling containing five or more dwelling units arranged in a vertical or horizontal manner, which has a common entrance. This use class does not include townhouse dwellings.

### **Apartments – Main Floor Commercial**

Means a development consisting of one or more dwelling units contained within a building in which the dwelling units are arranged in a horizontal or vertical configuration with the first or main floor used for commercial purposes only.

### **Apartments – Senior Citizens**

Means a development consisting of five or more dwelling units contained within a building in which the dwelling units are arranged in a horizontal or vertical manner and is designed for and used exclusively by senior citizens (Age 55+).

### **Applicant**

Means a developer, landowner, or person with an enforceable proprietary interest, submitting an application for development.

### **Application for Development**

Means any application filed with any approving authority for any approval, authorization or permit which is a prerequisite to initiating development in the Municipality.

### **Assembly Plant or Facility**

Means a facility where products are assembled for sale or distribution via an arrangement of machines, equipment, and/or workers in which work passes from operation to operation in direct line until the product is assembled.

### **Attached Covered Patio**

Means a single storey patio which is covered with a permanent roof structure which may be enclosed by walls, windows or screens and which is not integrated into the dwelling unit by virtue of the extension of the dwelling unit's heating or cooling system or the removal of the exterior door between the patio and the dwelling unit. In addition, 50% of the walls must be openings and no basement may be constructed under the patio. Typically an attached covered patio would provide up to three-season use and would not provide fully furnished livable space.

### **Auctioneering Establishments**

Means a building, structure, or lot, or part thereof, used as a premises where goods and materials that are to be sold by public auction.

### **Auto and Minor Recreation Sales & Rental**

Means a development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services, sales of parts, automotive accessories, accessory recreational equipment and supplies. This use class typically includes but is not limited to automobile dealerships, car rental agencies and motorcycle dealerships. This use class does not include dealerships for the sale or rental of exclusively trucks or exclusively motor homes.

### **Automotive Maintenance**

Means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, detail shops, muffler shops, tire shops, automotive glass shops, and automotive upholstery shops. This use class does not include auto body repair and paint shops.

### **Autobody Repair and Paint Shops**

Means a development for the repairing and painting of automobiles.

### **Balcony**

Means a platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.

### **Bakery**

Means a place for baking or selling locally baked goods, including but not limited to breads, pastries, and cakes.

### **Basement**

Means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.85 m of its clear height which lies below the finished level of the floor directly above.

### **Bed and Breakfast**

Means a private residence within the whole of a residential use building that is operated to provide the travelling public with temporary accommodations including sleeping accommodations, meals, and other connected facilities within the occupant's dwelling.

### **Board**

Means the Development Appeals Board as established under this Zoning Bylaw and pursuant to the Act.

### **Boarding or Lodging Home**

Means a dwelling in which the proprietor supplies either room, or room and board, for compensation to no more than four persons and which is not open to the general public, as distinct from a hotel, motel or apartment building.

### **Buffer**

Means a strip of land, vegetation or a land use that physically separates two or more different land uses by a distance as identified in this Zoning Bylaw.

### **Building**

Means any structure constructed or placed on, in or over land, and including any structure covered by a roof and supported by walls or columns.

### **Building Bylaw**

Means any current bylaw of the Municipality which regulates the erection, alteration, repair, occupancy or maintenance of buildings and structures.

### **Building Height**

Means the vertical distance measured from the grade level in front of the building to:

- a) the highest point of a flat roof;
- b) the mean level between eaves and ridge of a pitched roof; or
- c) the deck line of a mansard roof.

### **Building Line – Established**

Means a line, parallel to the front site line (and, in the case of corner sites, a line, parallel to the side site line along the flanking street), and set back the average distance from the edge of the street to the main walls of the existing buildings on a side of any block of the street where more than half the lots have been built on.

### **Building Materials Sales and Storage**

Means a development that is used for the storage and sale of building, construction and hardware materials. Typical uses include hardware stores and retail building material supply stores.

### **Building – Principal**

Means a building which serves as the main or primary use of the site on which the building is situated.

### **Bulk Fuel Depots**

Means a development where refined or crude oil, fuel, or liquid or solid chemical is stored outdoors, and includes the storage of hazardous substances / dangerous goods, as defined by the Transportation of Dangerous Goods Act and the Major Industrial Accidents Council of Canada (MIACC). The development may include facilities for cleaning, blending or packaging of bulk oil, fuel, or chemicals, but does not include manufacture of the products.

### **Business Support Services**

Means a development used to provide support services to businesses that are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film-processing establishments, janitorial firms and office equipment sales and repair establishments.

## **Campground**

Means the seasonal operation of an area of land providing temporary short-term accommodation for cabins, tents, tent trailers, travel trailers, recreational vehicles and campers, used by visitors to the municipality and temporary construction workers.

## **Car/Truck Washes**

Means a building or portion of a building which is used for the washing of vehicles, including full service, automatic and hand operated facilities.

## **Cemeteries**

Means a development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums. Typical uses in this class include memorial parks, burial grounds and gardens of remembrance.

## **Club**

Means a group of people organized for a common purpose, to pursue common goals, interests or activities, usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws; and shall include lodges and fraternal organizations.

## **Commercial Accessory Dwelling**

Means the development of one dwelling unit contained within a building used primarily for commercial purposes and intended for use by the operator of one or more businesses in that building.

## **Commercial Education Facilities**

Means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. This use class does not include schools defined as public education or private education. Typical uses include computer training, secretarial, business, hairdressing, beauty culture, and dancing or music schools.

## **Community Facility**

Means a building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, or other non-profit organization. This use category includes:

- a) auditoriums;
- b) libraries;
- c) museums and art galleries;
- d) cemeteries; and
- e) other similar uses at the discretion of the Development Officer.

## **Contractor Facilities**

Means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales areas shall be accessory to the principal general contractor service use only. This use class does not include professional, financial and office support services.

## **Convention / Exhibition Facilities**

Means a development for the gathering of people and portable products and facilities in one large or a series of connecting or adjacent rooms or open areas.

### **Council**

Means the Council of the Town of LeRoy.

### **Day Care Centre**

Means a provincially licensed establishment providing for the care, supervision, protection and or education of children, but does not include the provision of overnight supervision. Uses typically include daycare centres, day nurseries, kindergartens, nursery schools and play schools.

### **Deck**

Means a raised open platform, with or without rails, attached to a principal building.

### **Density**

Means a measure of the intensity of development to the area of the site, including the number of units on a site measured in unit/area or floor area ratio, as the case may be.

### **Development**

Means the carrying out of any construction, engineering, mining or other operations in, on or over land, or the making of any material change in the use or the intensity of the use of any building or land.

### **Development Appeals Board**

Means a Board required by the Act to be established in every zoning bylaw, which may be a District Development Appeals Board if municipalities have authorized an agreement pursuant to subsection 214(3) of the Act.

### **Development Officer**

Means the Officer appointed by Section 3.1 of this Zoning Bylaw and pursuant to the Act.

### **Development Permit**

Means a permit, issued by the Development Officer, that authorizes development or the use of a building or site for the purpose stated in the permit.

### **Discretionary Use**

Means the use of land, a building or other structure that may be permitted in a district only at the discretion of and only at the location or locations and under the conditions specified by Council.

### **District (Zoning District)**

Means a defined area or district of the Municipality as set out in this Zoning Bylaw and shown on the Town of LeRoy Zoning Districts Map, Schedule Z-1.

### **Drive-in Business**

Means a facility for providing on-site service to customers while in their motor vehicles.

### **Dwelling – Duplex**

Means a residential development that contains only two dwelling units, with one being placed over the other in whole or in part with individual and separate entrances to each dwelling.

### **Dwelling – Multiple Unit**

Means a building divided into three or more dwelling units and shall include, among others, townhouse dwellings and apartment buildings, as distinct from a boarding, lodging or rooming house, hotel or motel.

### **Dwelling – Semi-Detached**

Means a residential development of two dwelling units joined side by side to one another with a common wall and each dwelling unit having at least one separate entrance.

### **Dwelling – Single Detached**

Means a detached building consisting of not more than one dwelling unit.

### **Dwelling – Townhouse**

Means a residential development of three or more separate dwelling units joined side by side, and/or with units being placed over top of other units in whole or in part, with common walls and individual and separate entrances to each dwelling.

### **Dwelling Group**

Means a group of two or more detached one unit dwellings, two unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.

### **Dwelling Unit**

Means a complete building or self-contained portion of a building used as a household, containing sleeping, cooking, and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building. This use does not include a room in a hotel, motel, hostel or any other development where rooms are rented on a short-term basis.

### **Entertainment / Drinking Establishment**

Means an enclosed establishment in which a fee is charged to the public for the provision of a performance, or a minimum fee is charged for admission to the facility or sale of any item, food or beverages therein, which includes the provision of a performance and, without limiting the generality of the foregoing, may include movie theatres, live theatres, and night clubs, but does not include casinos or bingo halls.

### **Equipment / Household Repair Shop**

Means a shop for servicing, repairing, installing or renting articles and equipment, including but not limited to:

- a) household and carpenter tools;
- b) locks and keys;
- c) radios and televisions; and
- d) small appliances.

This does not include any type of automotive or industrial repair or maintenance.

### **Equipment Rentals**

Means a development used for the rental of tools, appliances, recreation craft, office machines, furniture, home appliances, light construction equipment, or similar items, but does not include the rental of motor vehicles or industrial equipment.

### **Essential Public Services and Utilities**

Means a system, works, plant, equipment or service, whether owned or operated by or for the Municipality, or by a corporation under agreement with or under a franchise from the Municipality or under a Federal or Provincial statute, which furnishes services and facilities available at approved rates to or for the use of all the inhabitants of the Municipality, including but not limited to:

- a) systems for the production or distribution of electricity;
- b) systems for the distribution of natural gas or oil;
- c) facilities for the storage, transmission, treatment, distribution or supply of water;
- d) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- e) telephone or light distribution lines; or
- f) temporary facilities, operations and related structures for the construction of public infrastructure.

### **Family Child Care Home**

Means the principal place of residence of a family child care provider and shall further mean a provincially licensed place where the care and supervision of not less than three and not more than 12 children (including the children of the caretaker), who do not reside on the premises, is provided for less than 24 hours per day by a person other than a parent or parents of said children, for compensation.

### **Farming**

Means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

- a) the cultivation of land;
- b) the production of agricultural field crops;
- c) the production of fruit, vegetables, sod, trees, shrubs, and other specialty horticultural crops;
- d) the production of honey;
- e) the operation of agricultural machinery and equipment, including irrigation pumps; and
- f) the raising of livestock.

### **Fence**

Means an artificially constructed barrier erected to enclose or screen areas of land.

### **Financial Institution**

Means a bank, credit union, trust company, or similar establishment.

### **Flankage**

Means the side site line of a corner site which abuts the street.

### **Fleet Operations and Services**

Means development for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, messenger and courier fleets and/or taxis and buses, where such vehicles are not available for sale or long-term lease. This includes moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg but does not include service stations or truck sales/rentals/service.

### **Floor Area**

Means the total floor area of every room and passageway contained in a building, but not including the floor areas of basements, attics, walls, sheds, open porches or breezeways. Basement and attic floor areas shall be included only when they contain habitable rooms or storage.

### **Food Processing Plant**

Means a facility that includes operations by which raw foodstuffs are made suitable for consumption, cooking, or storage.

### **Frontage**

Means that part of a lot that abuts an improved public street.

### **Funeral Services**

Means a facility used for the preparation of the dead for burial, the purification and reduction of the human body by heat and the keeping of bodies other than in a cemetery and the holding of associated services. This includes funeral homes, crematoriums and mausoleums.

### **Garage – Private**

Means a garage used for storage purposes only, where no business, occupation or service is conducted, other than an approved home based business, and in which no space is rented for commercial vehicles to a non-resident of the premises.

### **Garage – Public**

Means any garage available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including painting, body work and major repairs.

### **Garage – Storage**

Means a garage exclusively used for the storage of motor vehicles for a fee and where no repair facilities are maintained.

### **Government Services**

Means a development providing for Crown Corporation, municipal, provincial or federal government services directly to the public. Typical uses include but are not limited to taxation offices, courthouses, postal stations, manpower and employment offices, and social service offices, which result in a significant client visitation. This does not include protective and emergency services, liquor stores, detention and correction services, and education services.

### **Grade Level**

Means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure. In the case of single detached, semi-detached and duplex dwellings with a walk out basement, grade level shall be the average elevation of the finished surface of the ground adjacent to the sidewalls of the building.

### **Greenhouse and Plant Nursery**

Means a development for the growing, acclimating, propagating, harvesting, displaying and selling of bedding, household, and ornamental plants and may include accessory uses related to the storing, displaying, and selling of gardening, nursery and related products.

### **Gross Floor Area**

Means the total floor area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each storey below, at and above grade, excluding the area used for off-street parking, loading, mechanical equipment, stairways or shafts.

### **Group Care Facility**

Means a facility for the temporary detention or open custody of persons pursuant to the provisions of The Young Offenders Act (Canada) or The Summary Convictions Procedures Act (Saskatchewan) or a community training residence as defined in The Corrections Act (Saskatchewan), and is located in a facility in which the number of persons residing in the facility at any one time is seven or more.

### **Hard Surfacing**

Means asphalt, concrete, paving stone or similar material satisfactory to the Development Officer. Crushed compacted rock or gravel shall not be considered to meet the requirements of hard surfacing.

## **Hazard Land**

Means land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within the flood plain of a river, stream or lake.

## **Hazardous Substance or Dangerous Goods**

Means any product, substance or organism which, because of its quantity, concentration or its physical, chemical or infectious characteristics, either individually or in combination with other substances is an existing or potential threat to the physical environment, to human health or to other living organisms, including:

- a) explosives;
- b) gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure);
- c) flammable and combustible liquids;
- d) flammable solids (including substances liable to spontaneous combustion and substances, which on contact with water, emit flammable gases);
- e) oxidizing substances and organic peroxides;
- f) poisonous and infectious substances;
- g) radioactive material;
- h) corrosives; or
- i) other substances of similar nature.

## **Health Services**

Means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical uses include medical and dental offices and diagnostic services.

## **Heavy Industrial Uses**

Means a development used principally for one or more of the following activities:

- a) the processing of raw materials;
- b) the manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- d) the storage or transshipping of materials, goods and equipment;
- e) the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to retail stores or other sales use classes defined in this Zoning Bylaw for resale to individual consumers; or
- f) the training of personnel in general industrial operations.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the general industrial use activities identified above.

## **Home Based Business**

Means any occupation, trade, profession or craft conducted for gain from a dwelling unit, which use is incidental and secondary to the residential use of the dwelling and does not change the character thereof.

## **Hotel**

Means a building or part of a building used as place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel, a boarding, lodging or rooming house.

### **Industrial Use – Hazardous**

Means an industrial use involving the manufacturing, storage, processing, transshipment, collection, treatment or disposal of hazardous materials or chemicals (specifically excluding agricultural fertilizer, herbicide or pesticide warehousing and/or sales facilities, depots for the collection of farm chemical containers, and ethanol and biodiesel plants and associated production facilities).

### **Infill Development**

Means development or redevelopment occurring on a vacant site following completion of the initial development of the area.

### **Intensive Livestock Operation (ILO)**

Means the operation or facilities for rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses or domesticated game animals, in such numbers that the facility and portion of a site used for the operation:

- a) will contain 100 or more animal units; and
- b) provides less than 370 m<sup>2</sup> of space for each animal unit contained therein.

### **Intersection**

Means an area where two or more public roadway allowances meet or cross at grade.

### **Junk and Salvage Yard**

Means uses including, but not limited to, uses involved in salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle and machinery parts.

### **Landscaping**

Means the modification and enhancement of a site through the use of any or all of the following elements:

- a) hard landscaping: means landscaping consisting of non-vegetative materials, such as brick, stone, concrete, tile and wood, but excluding monolithic concrete and asphalt;
- b) soft landscaping: means landscaping consisting of vegetation, such as trees, shrubs, hedges and grass; and
- c) architectural elements: means landscaping consisting of wing walls, sculptures, etc.

### **Lane**

Means a public road or thoroughfare registered by plan of survey which affords a secondary means of access to abutting properties.

### **Light Industrial Uses**

Means development used for small-scale on-site production, processing, manufacturing, assembly of semi-finished or finished goods, products or equipment. All on-site production is contained within the confines of the principal building or its accessory buildings. This use would also include the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the small scale manufacturing process, where such operations have impacts that are not incompatible with the surrounding non- industrial uses. Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the minor manufacturing use. Typical uses include, but

are not limited to, musical instrument or toy manufacturing, gunsmiths, pottery or sculpture studios, tinsmith shop, carpentry or cabinet shops.

### **Livestock Sales Facility**

Means a place for holding livestock and conducting sales of livestock where livestock are held no longer than 48 hours for any one sale.

### **Loading Space**

Means that part of a site or structure on which a single vehicle may be loaded or unloaded.

### **Lot**

Means a parcel of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.

### **Lot – Corner**

Means a lot with at least two adjacent sides abutting upon intersecting streets or other public spaces.

### **Lot – Interior**

Means a lot which either fronts on one street or opposite sides of two streets, and any other lot which is not a corner lot.

### **Lot Line**

Means a line of record bounding a lot that divides one lot from another or from a public street or any other public space.

### **Maintenance**

Means cleaning, painting, repair, or replacement of any defective parts in a manner that does not alter the basic design or structure.

### **Minister**

Means the Minister of the Executive Council to whom is assigned the administration of the Act.

### **Modular Home**

Means a manufactured home, certified by the manufacturer that it complies with the Canadian Standards Association Code CSA A277 and which:

- a) shall be built on a wood-web truss floor system;
- b) shall be finished and painted drywall; and
- c) shall be attached to a permanent foundation.

### **Modular Home Sales Facility**

Means a development used for the sale of modular homes, together with incidental maintenance services and the sale of parts and accessories.

### **Manure Storage Facility**

Means a confinement locale, constructed either as an open lot or enclosed, roofed structure, associated with modern livestock production facilities. Manure storage facilities are now classified primarily on the type and consistency of manure to be handled in the system (liquid and solid).

### **Motel**

Means a building or group of buildings on a site designed and operated to provide temporary accommodation and contains separate sleeping units, each of which is provided with an adjoining conveniently located parking stall.

### **Municipal Facility**

Means land and / or structures owned by the Municipality that are used for:

- a) office and meeting space;
- b) storage of municipal equipment and supplies;
- c) recreation; and
- d) other institutional purposes.

### **Municipality**

Means the Town of LeRoy.

### **Non-conforming Building**

Means a building that:

- a) is lawfully constructed or lawfully under construction, or in respect of which all required permits have been issued, at the date the Zoning Bylaw or any amendment to the Zoning Bylaw affecting the building or land on which the building is situated or will be situated becomes effective; and
- b) on the date the Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective does not, or when constructed will not, comply with the Zoning Bylaw.

### **Non-conforming Site**

Means a site, consisting of one or more contiguous parcels, that, on the date the Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective, contains a use that conforms to the Zoning Bylaw, but the site area or site dimensions do not conform to the standards of the Zoning Bylaw for that use.

### **Non-conforming Use**

Means a lawful specific use:

- a) being made of land or a building, or intended to be made of a building lawfully under construction, or in respect of which all required permits have been issued, at the date the Zoning Bylaw or any amendment to the Zoning Bylaw or any amendment to the Zoning Bylaw affecting the land or building becomes effective; and
- b) that on the date the Zoning Bylaw or any amendment to the Zoning Bylaw becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued, will not comply with the Zoning Bylaw.

### **Occupant**

Means a person residing at a property or a person entitled to the property's possession if there is no person residing there and a leaseholder.

### **Official Community Plan (OCP)**

Means the Official Community Plan Bylaw, as most recently amended, for the Town of LeRoy.

## **Open Space**

Means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighbouring such open space, provided that such areas may be improved with only those buildings, structures and other improvements that are designed to be incidental to the natural openness of the land, but not including street, off-street parking areas, storm water facilities or any other areas required to be set aside for buffers or recreation areas by any other sections of this Zoning Bylaw.

## **Owner**

Means any individual, firm, association, organization, co-partnership, corporation or trust having sufficient proprietary interest in the land to be developed in order to commence and maintain proceedings to subdivide the same under this Zoning Bylaw.

## **Parcel**

Means any quantity of land, consisting of one or more lots, that is capable of being described with such definiteness that its location and boundaries may be established.

## **Participant Recreation – Indoors**

Means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include, but are not limited to, athletic clubs, health and fitness clubs, recreational courses or training, curling, roller-skating and hockey rinks, swimming pools, paintball arenas, motocross track, riding area, and small bore rifle, pistol, or archery ranges, and racquet clubs.

## **Participant Recreation – Outdoors**

Means a development providing facilities, which are available to the public at large for sports and active recreation, conducted outdoors. This use class does not include amusement establishments. Typical uses include, but are not limited to, golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, archery ranges, riding stables and fitness trails.

## **Parking – Off-Street**

Means accommodation for the parking of vehicles off a public road or highway.

## **Parking Lot**

Means an open area of land, other than a street, used for the temporary parking of more than four vehicles and available for public use whether cost-free, for a fee or for accommodation of clients or customers.

## **Parking Space (Stall)**

Means a space exclusive of driveway, ramps or columns, but including convenient access to a public lane or street, for the parking of one motor vehicle.

## **Permit**

Means an official document or certificate issued by the authority having jurisdiction and authorizing performance of a specified activity.

### **Permitted Use**

Means the use of land, a building or other structure that is permitted in a district by this Zoning Bylaw and which conforms to the regulations applicable to the district in which the land, building or other structure is located.

### **Personal Service Establishment**

Means a development used for the provision of personal services to an individual, which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This use class includes barbershops, hairdressers, beauty salons, tanning salons, tailors, dressmakers, fitness center, shoe repair shops, minor appliance repair shops and dry cleaning establishments and laundromats.

### **Police, Fire and Emergency Services**

Means a development, which is required for the public protection of persons and property from injury, harm or damage, together with the incidental storage of emergency equipment and vehicles. An establishment in which vehicles equipped for transporting the injured or sick are stored and which may contain living quarters, offices, to assist in the delivery of the service. Typical uses include police stations, fire stations and ancillary training facilities.

### **Principal Building**

Means a building which:

- a) occupies the major or central portion of a site;
- b) is the chief or main building on a site; or
- c) constitutes, by reason of its use, the primary purpose for which the site is used.

### **Principal Use**

Means the main purpose for which a building, structure or site is used.

### **Professional Office**

Means a development primarily used for the provision of professional services but does not include financial institutions and business support services, health services or government services. Typical uses include the offices of lawyers, accountants, financial advisers, engineers, architects and photographers.

### **Public Education Services**

Means development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same site. This use class includes public and separate schools, community colleges, universities and technical and vocational schools, and their administrative offices. This use class does not include commercial education facilities.

### **Public Park / Playground**

Means development of public land specifically designed or reserved for the general public for active or passive recreation and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features.

### **Public Utility**

Means a government, municipality or corporation under Federal or Provincial statute which operates a public work.

## Public Works

Means:

- a) systems for the production, distribution or transmission of electricity;
- b) systems for the distribution, storage or transmission of natural gas or oil;
- c) facilities for the storage, transmission, treatment, distribution or supply of water;
- d) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- e) telephone, internet, cable television or light distribution or transmission lines;
- f) facilities for the collection, storage, movement and disposal of storm drainage; and
- g) temporary facilities, operations and related structures for the construction of public infrastructure.

## Recreational Vehicle Sales / Rentals / Service

Means a development used for the sale or rental of new or used motorhomes and recreational vehicles, together with incidental maintenance services and the sale of parts and accessories. This use class includes dealerships for the sale or rental of motor homes with a gross vehicle rating of 4,000 kg or greater.

## Recycling Depot

Means a development used for the collection and temporary storage of bottles, cans, newspapers, and similar household goods for reuse where all storage is contained within an enclosed building.

## Religious Assembly

Means a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other associated buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

## Resource Extraction Operation

Means operations and associated facilities related to the extraction of raw materials including, but not limited to: sand, gravel, clay, earth or mineralized rock found on or under a site. Such operations shall not be permitted within 0.5 km from a dwelling.

## Residential Care Home

Means a licensed or approved care home governed by Provincial regulations which is the primary place of residence of the care provider, that provides, in a residential setting, 24-hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual in which the number of residents, excluding staff, does not exceed four.

## Restaurants and Drinking Establishment

Means development where prepared food and beverages are offered for sale to the public from establishments which offer either eat-in, drive-through or take-out facilities. Typical uses include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tearooms, lunchrooms, refreshment stands, take-out restaurants and catering services, fast-food eateries and banquet facilities.

## Retail Store

Means development used for the retail sale of groceries, baked goods, beverages, household goods, furniture and appliances, hardware, printed matter, confectionery, family video rentals, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationery and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within retail stores. This use class does not include developments

used for the sale of gasoline, new or used vehicles, heavy agricultural and industrial equipment or second hand goods or developments defined as warehouse sales.

### **Roof**

Means the top enclosure, above or within the vertical walls of a building.

### **Roof Structure**

Means any enclosed structure on or above the roof of any part of a building.

### **Satellite Dish**

Means a parabolic antenna utilized for the reception of satellite-transmitted television and radio waves.

### **Screening**

Means the total or partial concealment of a structure or activity by a solid fence, wall, berm or soft landscaping.

### **Secondary Suite**

Means a self-contained, accessory dwelling unit located within a single detached dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit. This use class includes basement suites, garage suites and garden suites (suites developed in a building that is separate from the principal building but is not a garage). This use does not include duplex dwellings, semi-detached dwellings, apartment housing, or boarding and rooming houses.

### **Service Station**

Means a building or clearly defined space on a site for the retail sale of gasolines, lubricating oils and motor vehicle accessories, for the servicing and minor repairing of motor vehicles and for a restaurant or other eating establishment, but excluding motor vehicle sales lots as principal uses. All sales and storage of motor vehicle accessories or repairing and servicing shall be conducted within a building.

### **Setback**

Means the distance between the street line and the building line.

### **Setback Line**

Means the line that is established a minimum horizontal distance from the lot line and beyond which the building or part of a building is not permitted to extend toward the lot lines. All setbacks from public streets shall be measured from the proposed right-of-way width as shown on the adopted survey.

### **Shopping Centre**

Means a group of retail outlets, commercial business establishments or offices owned, developed and operated at a single location in a cluster, strip or mall type pattern, where off-street parking and other joint facilities are provided for mutual benefit. Typical uses include food stores, drug stores, personal service shops, hardware, financial services and department stores. Shopping centres may only contain uses which have been listed as permitted or approved as a discretionary use within the zoning district.

### **Sight Triangle**

Means the portion of land being bounded by the street lines for a distance to be determined by the Development Officer from their common point of intersection and the diagonal which joins the two extreme points.

## Sign

Means any object, device, display, or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organizations of nations, provincial, Municipality or any fraternal organizations; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. The following definitions refer to types of signs and interpretation of regulations relating to them:

- a) "Area of Sign" means the total surface area within the outer periphery of the said sign, and in the case of a sign comprised of individual letters or symbols shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;
- b) "Billboard" means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located;
- c) "Fascia Sign" means a sign placed flat and parallel to the face of the building so that no part projects more than 0.5 m from the building;
- d) "Free-standing Sign" means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
- e) "Portable Sign" means a sign, excluding temporary signs, which can be carried or transported from one site to another. This includes electric and changeable copy;
- f) "Projecting Sign" means a sign, which is attached to a building or structure so that part of the sign projects more than 0.5 m from the face of the building or structure. This includes theatre marquees; and
- g) "Temporary Sign" means a sign or banner that is not permanently installed or affixed, advertising a product.

## Site

Means one or more contiguous lots under one title and used, or intended to be used, by a single principal use.

## Site Area

Means the area of the land contained within the boundaries of the site as shown on a plan.

## Site – Corner

Means a site at the intersection or junction of two or more streets and where a side site line may be separated from the street by a buffer strip.

## Site Coverage

Means that portion of the site that is covered by principal and accessory buildings.

## Site Depth

Means the average distance between the front and rear site lines and, in the case of a triangular site, the perpendicular distance from the front site line to the apex of the angle formed by the intersection of the side site lines.

## Site Frontage

- a) for rectangular sites: means the horizontal distance between the side site lines of the site measured along the front site line.

- b) for non-rectangular Sites: means the average of the horizontal distances between the side site lines of the site measured along the front and rear site lines.

**Site – Interior**

Means a site other than a corner site.

**Site – Through**

Means a site not more than one lot in depth, having a frontage on two streets more or less parallel.

**Site Line – Front**

Means the boundary at the front of the site.

**Site Line – Rear**

Means the boundary at the rear of the site and opposite the front site line.

**Site Line – Side**

Means a site boundary other than a front or rear site line.

**Site Plan**

Means a plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, preserved open space, buildings, major landscape features, and locations of proposed utility lines.

**Site Width**

Means the average distance between the side site lines and, in the case of a triangular site, the perpendicular distance from the one side site line to the apex of the angle formed by the intersection of the front and rear site lines.

**Storage Compounds and Facilities**

Means a development used for the enclosed interior or screened and enclosed exterior storage of vehicles, tires, personal items, or products.

**Storey**

Means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**Storey, First (Main Floor)**

Means the storey with its floor closest to grade and having its ceiling 1.5 m or more above grade.

**Storey, Half**

Means a storey of which two opposite exterior walls are not more than 1.2 m in height.

**Storey, Second**

Means the storey located immediately above the first storey.

**Street**

Means a public thoroughfare, which affords the principal means of access to abutting properties. By type means:

- a) "arterial street", a street that serves major traffic flows between the principal areas of traffic generation with direct access to adjacent development being limited;
- b) "collector street", a street that serves traffic between local and arterial streets with access to adjacent development generally allowed;
- c) "local street", a street providing direct access to abutting properties along its length and not intended to carry through traffic, other than to adjoining streets; and
- d) "minor street" means a local street not exceeding 500 m in length (includes a cul-de-sac).

### **Storage Compound / Facility**

Means a development used for the enclosed interior or screened and enclosed exterior storage of vehicles, personal items, or products.

### **Structure**

Means anything constructed or erected that is located on or in the ground or attached to something located on or in the ground but not including pavements, walks, curbs, or open air surfaced areas.

### **Subdivision**

Means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or development.

### **Swimming Pool**

Means an artificially created basin intended to contain water for the use of persons for swimming, diving, wading or other similar activity, which is at least 600 mm in depth, and includes pools situated on top of the ground and hot tubs.

### **Telecommunications Facility**

Means:

- a) microwave towers, including mobile (cellular) phone towers and associated facilities;
- b) internet receiving and/or transmittal towers and associated facilities;
- c) radar stations;
- d) radio and television towers and associated facilities; and
- e) any other tower or structure used for receiving and/or transmitting electromagnetic radiation.

### **Temporary Relocatable Work Camp**

Means the development of one or more buildings for the purposes of housing workers of various contracting firms on a temporary basis, generally less than 10 years in length. This may include sleeping, food preparation, recreation, administration and parking areas required for the functioning of the camp. Typically, this use will be required to support the short-term housing demands of large-scale resource-based construction workforce for projects such as the commissioning or expansion of a mine or seasonal paving crews.

### **Trailer Coach**

Means any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

### **Truck Sales / Rentals / Service**

Means a development used for the sale or rental of new or used transport or industrial trucks and equipment, and automobiles together with incidental maintenance services and the sale of parts and accessories.

### Use

Means the purpose for which land, a building or other structure is arranged, designed or intended, or for which either land, a building or other structure may be occupied or maintained.

### Veterinary Services

Means a place for the care and treatment of small and/or large animals involving out-patient care and medical procedures involving hospitalization, and may include the temporary keeping of animals in outdoor pens.

### Warehouse Sales

Means development used for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials. This use class also includes developments used for the retail sale of food or a broad range of goods for personal or household use.

### Yard

Means a part of a lot upon or over which no building or structure other than a boundary fence is erected, unless otherwise hereinafter permitted.

### Yard – Front

Means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the building.

### Yard – Rear

Means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the building.

### Yard – Side

Means a yard extending across the front yard to the rear yard and situated between the side lot lines and the nearest portion of the building.

### Zoning Districts Map

Means the map delineating the boundaries of the districts set out in this Zoning Bylaw and marked "Schedule Z-1 Town of LeRoy Zoning Districts Map".

## **Section 3.0 ADMINISTRATION & ENFORCEMENT**

### **Section 3.1**

#### **AUTHORITY AND RESPONSIBILITY OF THE DEVELOPMENT OFFICER**

##### 3.1.1

A duly authorized Development Officer shall administer this Zoning Bylaw.

##### 3.1.2

The Municipal Administrator shall be the Development Officer responsible for the administration of this Zoning Bylaw and in their absence by such other persons as the Council designates from time to time. The Administrator may appoint a Development Officer subject to the approval of Council to whom duties in the administration of the Zoning Bylaw may be delegated.

### **Section 3.2**

#### **DEVELOPMENT PERMIT APPLICATIONS: PERMITTED USES**

##### 3.2.1

Applications for a development permit shall be submitted to the Development Officer in accordance with the requirements of this Zoning Bylaw.

##### 3.2.2

All applications for a development permit shall be submitted on the prescribed form (see Part D). Applications shall include all required information, and a non-refundable application fee, in accordance with Schedule A.

##### 3.2.3

All applications for a development permit shall include a scaled site plan showing, in detail, the following at a minimum:

- a) boundaries of the parcel including approximate dimensions;
- b) location and dimensions of existing buildings and structures;
- c) location of proposed activity on the property including proposed buildings and structures and distances from the property boundaries;
- d) location of all existing and proposed utilities; and
- e) location of all existing and proposed approaches, driveways, parking, and outdoor storage areas.

##### 3.2.4

The Development Officer shall issue a development permit for a permitted use that complies in all respects with the requirements of this Zoning Bylaw, other applicable Municipal bylaws, the Town of LeRoy OCP, Statements of Provincial Interest and the Act, and all amendments thereto.

##### 3.2.5

The Development Officer shall not issue a development permit if the proposed development does not meet the requirements of this Zoning Bylaw for the zoning district in which the development is located.

##### 3.2.6

Where an application for a development permit for a permitted use is not approved, the applicant shall be notified accordingly of the reasons for refusal (in writing) and shall be advised of any rights to appeal that refusal to the Development Appeals Board, subject to the provisions of the Act.

#### 3.2.7

No Development Permit shall be valid unless it conforms with the Zoning Bylaw and the provisions of the Act, and all amendments thereto.

#### 3.2.8

Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.

#### 3.2.9

The Development Officer is hereby authorized, after reasonable notice to the owner or occupant or apparent occupant of the property in question, to enter at all reasonable hours for the purposes of inspection.

#### 3.2.10

The Development Officer may revoke a development permit where:

- a) the development permit has been issued in error;
- b) an approved development is not being developed or operated in accordance with the provisions of this Zoning Bylaw, or in accordance with the standards and conditions specified in the development permit; or
- c) a development is subject to an agreement that has been canceled by Council pursuant to the Act.

#### 3.2.11

The Development Officer shall give the reasons for denying or revoking a development permit.

#### 3.2.12

If the development authorized by a development permit is not substantially commenced within one year from the date of issue, the permit shall be expired.

### **Section 3.3**

#### **NO DEVELOPMENT PERMIT REQUIRED**

A development permit is not required for the following activities, subject to conformance with all applicable provisions of this and other Municipal Bylaws and policies:

#### 3.3.1

The construction of a single storey accessory building with a gross floor area of 9.5 m<sup>2</sup> or less.

#### 3.3.2

Any facility installed and operated by the Municipality.

#### 3.3.3

The erection of any fence or gate.

#### 3.3.4

The development of a temporary building, the sole purpose of which is incidental to the erection, alteration, or marketing of a building for which a development permit has been issued and is still valid.

### 3.3.5

The carrying out of works of maintenance or repair to any building, if such works do not include structural alteration or major works or renovations, i.e. electrical, gas.

### 3.3.6

The use of any building or land attached to or used in conjunction with a dwelling for any purpose incidental to the enjoyment of the dwelling as such.

### 3.3.7

Maintenance and repair of public works.

### 3.3.8

The establishment of a home based business provided it complies with all other Bylaw requirements.

## **Section 3.4 MINOR VARIANCES**

### 3.4.1

All applications for a minor variance shall be submitted on the prescribed form and shall include a non-refundable application fee.

### 3.4.2

The Development Officer is authorized to approve, deny, or approve with conditions, any applications for minor variances, pursuant and subject to the Act. The conditions for doing so are outlined as follows:

- a) a minor variance may be granted for variation of:
  - 1) the minimum required distance of a building from the lot line; and
  - 2) the minimum required distance of a building to any other building on the lot.
- b) the maximum amount of the variance for the above shall be 10% of this Zoning Bylaw's requirements;
- c) the development shall conform to this Zoning Bylaw with respect to the use of land;
- d) the relaxation of this Zoning Bylaw shall not injuriously affect neighbouring properties; and
- e) no minor variance shall be granted for a discretionary use or discretionary form of development, or in connection with an agreement on rezoning entered into pursuant to the Act.

### 3.4.3

On receipt of an application for minor variance, the Development Officer shall:

- a) approve the minor variance;
- b) approve the minor variance and impose terms and conditions;
- c) refuse the minor variance; or
- d) refer the matter to Council.

### 3.4.4

Where the Development Officer imposes terms or conditions on an approval pursuant to subsection 3.4.3, the terms and conditions shall be consistent with the general development standards of this Zoning Bylaw.

### 3.4.5

Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.

### 3.4.6

Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed

owners of property having a common boundary with the applicant's land that is the subject of the application.

#### 3.4.7

The written notice required pursuant to subsection 3.4.6 shall:

- a) contain a summary of the application for minor variance;
- b) provide a reason for and an effective date of the decision;
- c) indicate that an adjoining assessed owner may, within 20 days, lodge a written objection with the Development Officer; and
- d) where there is an objection described in clause (c), advise that the applicant will be notified of the right of appeal to the Development Appeals Board.

#### 3.4.8

The written notice required pursuant to subsection 3.4.6 shall be delivered by regular mail or personal service.

#### 3.4.9

A decision approving a minor variance, with or without terms and conditions, does not take effect:

- a) in the case of a notice sent by mail, until 23 days from the date the notice was mailed; or
- b) in the case of a notice that is delivered by personal service, until 20 days from the date the notice was served.

#### 3.4.10

If an assessed owner of property having a common boundary with the applicant's land that is the subject of the application objects in writing to the Development Officer respecting the approval of the minor variance within the time periods prescribed in subsection 3.4.9, the approval is deemed to be revoked and the Development Officer shall notify the applicant in writing:

- a) of the revocation of approval; and
- b) of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving notice.

#### 3.4.11

If an application for a minor variance is refused or approved with terms and conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

## **Section 3.5**

### **DEVELOPMENT PERMIT APPLICATIONS: DISCRETIONARY USES**

#### 3.5.1

Council shall consider development applications for discretionary uses in accordance with the Act, and subject to the following regulations as outlined below.

#### 3.5.2

All applications made for a development permit with respect to a discretionary use shall be submitted on the prescribed form, shall include all required information, and shall include a non-refundable application fee, in accordance with Schedule A.

#### 3.5.3

In addition to the requirements of a development permit for a permitted use the Development Officer may require a letter describing the following aspects a discretionary use:

- a) an estimation of traffic volumes generated to the property as a result of the proposed use;
- b) lighting and signage requirements including identifying their location on the site plan;
- c) operational details including projected number of employees, seasons, days, and hours of operation;
- d) identification of safeguards that may be required to minimize nuisances to adjacent properties including dust, noise, and odours;
- e) identification of the source and assessment capacity of the available water supply to accommodate the proposed use; and
- f) method of disposal of solid and liquid waste generated from the use.

#### 3.5.4

The discretionary use application may be referred by the Development Officer to:

- a) any Municipal Department for review and comment; and
- b) Council for authorization to proceed with advertising and to establish a date for a public hearing to be held prior to final approval.

#### 3.5.5

All discretionary use applications are required to be posted once in the Municipal office prior to final approval by Council.

#### 3.5.6

All assessed landowners within 75 m of the boundary of the site for which application is being made shall be notified by registered mail or personal service of the application, and the date on which Council will hold a public hearing regarding the application. If, in the opinion of the Development Officer, it is warranted to notify assessed landowners within a greater distance of the boundary of the site, a wider notification may be required. All notification costs shall be borne by the applicant.

#### 3.5.7

At least seven days' notice shall be provided before the application is to be considered by Council.

All public notification shall contain the following information:

- a) the legal description and civic address of the land which is the subject of the application;
- b) the purpose of the proposed application; and
- c) the date, place, and time that Council will hold a public hearing on the application.

#### 3.5.8

Council will apply the following general criteria in the assessment of the suitability of an application for a discretionary use or discretionary form of development:

- a) the proposal must be in conformance with all relevant sections of the OCP and this Bylaw.
- b) site layout and density:

- 1) the scale and intensity of the proposed use must be relatively consistent with uses allowed in the Zoning District and with any existing uses and developments in the vicinity of the proposal;
  - 2) the size and location of buildings and improvements is to comply with the regulations set out in the Zoning District;
  - 3) any outside storage areas will be appropriately buffered and screened from adjoining land uses;
  - 4) retention or provision of vegetation and landscaping to enhance the appearance of the site; and
  - 5) signs will comply with sign requirements for the Zoning District and proposed use.
- c) the use must be capable of being serviced with existing municipal infrastructure, including:
- 1) water in terms of consumption and demand;
  - 2) sewer in terms of volume generated;
  - 3) storm drainage in terms of volume and where directed;
  - 4) solid waste in terms of volume and types created;
  - 5) utilities;
  - 6) schools; and
  - 7) roadways.
- d) traffic generation:
- 1) the volume and vehicle type of traffic generated by the use will not vary significantly from the existing traffic type and volume in the area;
  - 2) parking requirements for the use will not vary significantly from other uses in the vicinity; and
  - 3) access to and from the site must be located appropriately to avoid any traffic hazards.
- e) environmental and public safety:
- 1) types and volumes of goods and materials to be kept or stored on site must not pose any danger to the surrounding properties;
  - 2) emissions from the use in terms of noise, dust, odour, light will not adversely affect the environment or adjoining land uses;
  - 3) storm water runoff from the site will not adversely affect surface or ground water;
  - 4) fire protection requirements will not be significantly different than that required for surrounding uses;
  - 5) fuel wood or timber should be salvaged where appropriate; and
  - 6) preservation of existing wildlife habitat and wetlands should be considered.
- f) consultations:
- 1) Council will consider any comments received from the public relative to the proposal; and
  - 2) evidence of any applicable permit or approvals from the Ministries of Highways and Infrastructure, Environment, or Health.
- g) impact mitigation:
- 1) if the proposed use will create any negative effects in relation to the above criteria, consideration will be given to any measures that may mitigate those effects in making a decision on the proposal.

### 3.5.9

Council, after considering:

- a) the requirements of Section 3.5.8;
- b) any representations made at the public hearing;
- c) the OCP, or other regulatory plan or bylaw affecting the application and the provisions of this Zoning Bylaw;
- d) any other relevant information and documents, may proceed to:
  - 1) reject the application;
  - 2) approve the application;

- 3) approve the application for a limited time; or
- 4) approve the application with specific development standards.

#### 3.5.10

If Council refuses a discretionary use application, the Municipality shall not accept another application on the same land for the same or similar purpose until six months have passed after the date of such refusal.

#### 3.5.11

Where an application is received for multiple discretionary uses on the same site, the necessary advertising and review process may be completed together and concurrently at the discretion of the Development Officer. If however, in the opinion of the Development Officer the two uses require a separate review, they may be advertised and reviewed both separately, and/or consecutively.

#### 3.5.12

Upon approval of a discretionary use by Council, the Development Officer shall issue a development permit for the discretionary use at the location or locations and under the conditions specified by Council in its approval.

#### 3.5.13

Where Council does not approve an application for a development permit for a discretionary use, the decision by Council is final and binding, and the applicant shall be notified in writing of the decision by the Development Officer.

#### 3.5.14

Where an application for a discretionary use has been approved by Council with prescribed development standards and the applicant is of the opinion that the development standards prescribed exceed those necessary to secure the objectives of the Zoning Bylaw, the applicant may, within 30 days of the date of Council's approval, appeal those development standards which have been prescribed to the Development Appeals Board.

#### 3.5.15

Within any district, any existing use of land, building or structure which is listed as a discretionary use within the district shall not, as a result of the passage of this Zoning Bylaw, be non-conforming but shall be a permitted use at that location. The use of the land, building or structure at the location shall not be changed except in conformity with this Zoning Bylaw.

#### 3.5.16

Discretionary uses shall comply with the development standards for each Zoning District, as well as the Special Use Provisions (where applicable) that apply to each use, building or structure.

#### 3.5.17

##### Discretionary Use Development Standards

In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:

- a) site drainage of storm water;
- b) the location of buildings with respect to buildings on adjacent properties;
- c) access to, number and location of Parking and loading facilities;
- d) appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;
- e) control of noise, glare, dust, and odor; and
- f) landscaping, screening, and fencing to buffer adjacent properties.

## **Section 3.6 ZONING BYLAW COMPLIANCE CERTIFICATE**

### **3.6.1**

All applications for a Zoning Compliance Certificate shall be submitted on the prescribed form and shall include a non-refundable application fee, in accordance with Schedule A.

### **3.6.2**

The Development Officer may issue a Zoning Bylaw Compliance Certificate for any use, building or structure which is in conformance with this Zoning Bylaw or is deemed to be a legal non-conforming use, building or structure.

### **3.6.3**

The applicant for a Zoning Bylaw Compliance Certificate may be required to provide the Development Officer with information regarding the existing and past use of the land or buildings on the property, and a real property report prepared by a registered Saskatchewan Land Surveyor.

## **Section 3.7 AMENDING THE ZONING BYLAW**

### **3.7.1**

Council may amend this Zoning Bylaw in accordance with the Act.

### **3.7.2**

All applications for a Zoning Bylaw amendment shall be submitted on the prescribed form and shall (if for a purpose other than a clarification of an existing provision of this Zoning Bylaw) include a non-refundable application fee, in accordance with Schedule A.

### **3.7.3**

Applications for amendments to this Zoning Bylaw shall be submitted on the prescribed form, stating:

- a) reasons in support of the amendment;
- b) the legal description and civic address of the property as well as the contact information of the applicant and the registered owners of the property; and
- c) information regarding the surrounding land uses.

### **3.7.4**

At the discretion of the Development Officer, additional information may be required in order for Council to make a decision on the application.

### **3.7.5**

The amendment application may be referred by the Development Officer to:

- a) any Municipal Department for review and comment; and
- b) Council for first and second reading and to establish a date for a public hearing to be held prior to third reading.

### **3.7.6**

All amendment applications are required to be advertised once per week for two successive weeks in a newspaper circulating within the Municipality prior to third reading by Council. The first notice shall be placed no earlier than 21 days prior to the date set by Council for a public hearing regarding the proposed amendment. All advertising costs are to be borne by the applicant.

### 3.7.7

If the amendment involves the rezoning of land to a different zoning district, all land owners within 75 m of the boundary of the site for which application is being made shall be notified by registered mail of the application, and the date on which Council will hold a public hearing regarding the application. If, in the opinion of the Development Officer, it is warranted to notify assessed landowners within a greater distance of the boundary of the site, a wider notification may be required. All notification costs shall be borne by the applicant.

### 3.7.8

All public notification shall contain the following information:

- a) the legal description and civic address of the land which is the subject of the application (if applicable);
- b) the purpose of the proposed amendment;
- c) one or more places where a copy of the proposed amendment may be inspected by the public during reasonable hours;
- d) the date, place, and time that Council will hold a public hearing on the proposed amendment; and
- e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing.

### 3.7.9

Council, after considering any representations made at the public hearing, other relevant information and documentation, and/or the OCP, or other regulatory plan or bylaw affecting the application and the provisions of this Zoning Bylaw, may proceed to alter the proposed amendment, pass the proposed amendment, defer the amendment application for more information, or defeat the proposed amendment.

### 3.7.10

Any alterations to the amendment application are required to be re-advertised in accordance with Section 3.7.6 of this Zoning Bylaw and the Act.

### 3.7.11

If Council refuses an application for an amendment, the Municipality shall not accept another application on the same land for the same or similar purpose until six months have passed after the date of such refusal.

### 3.7.12

If deemed necessary, and in accordance with the provisions of the Act, the Municipality may initiate an amendment to this Zoning Bylaw affecting any parcel of land without the owner's consent.

### 3.7.13

Pursuant to Section 3.7.10, Council shall, prior to consideration of an application, notify the affected landowner in writing of the proposed amendment and provide a summary of the effects of the amendment.

## **Section 3.8 SUBDIVISIONS**

### 3.8.1

All applicants for subdivision should contact the Community Planning Branch of Saskatchewan Ministry of Government Relations.

## **Section 3.9 DEVELOPMENT AGREEMENTS**

### **3.9.1**

Pursuant to the Act, Council may authorize the use of development levies by adopting a Development Levies Bylaw. The purpose of the Development Levies Bylaw shall be to recover all or part of the municipality's capital costs of providing, altering, expanding or upgrading the following services associated, either directly or indirectly, with a proposed development:

- a) sewage, water, or drainage works;
- b) public highways and other municipal roads;
- c) parks; and
- d) recreational facilities.

## **Section 3.10 DEVELOPMENT APPEALS BOARD**

### **3.10.1**

Council shall appoint a Development Appeals Board or a District Development Appeals Board to hear appeals pursuant to and in accordance with the provisions of the Act.

### **3.10.2**

The Development Officer shall make available to all interested persons copies of the provisions of the Act, respecting decisions of the Development Officer and the right of appeal.

## **Section 3.11 NON-CONFORMING BUILDINGS AND USES**

### **3.11.1**

Any building or structure lawfully existing at the time of passing this Zoning Bylaw that is rendered non-conforming by the enactment of this Zoning Bylaw or any subsequent amendments, may be continued, transferred, or sold.

### **3.11.2**

Any use lawfully existing at the time of passing this Zoning Bylaw that is rendered non-conforming by the enactment of this Zoning Bylaw or any subsequent amendments, may be continued; but, where that use is discontinued for a period of at least 12 consecutive months, any future use of the land or building shall conform with any current Zoning Bylaw.

### **3.11.3**

A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations except those required by statute or bylaw are to be made to or in that building. Repairs, maintenance or installation that do not alter the size of the building or involve the rearrangement or replacement of structural supporting elements are not considered to be structural alterations.

### **3.11.4**

Any non-conforming building may continue to be used and any structural alterations and additions, which conform to the requirements of this Zoning Bylaw, may be made, but the element of non-conformity is not to be increased by those alterations or additions.

3.11.5

Where the extent of damage to a non-conforming building is more than 50% of the value of the building above its foundation, the building is not to be repaired or rebuilt except in accordance with this Zoning Bylaw.

## **Section 3.12 OFFENSES AND PENALTIES**

3.12.1

All offenses and penalties shall be subject to the provisions of the Act.

## **Section 3.13 ENFORCEMENT**

3.13.1

The Development Officer is authorized to undertake necessary actions in order to ensure compliance with this Zoning Bylaw, pursuant to the Act.

# Part B – Provisions & Regulations

## Section 4.0 GENERAL PROVISIONS

### Section 4.1 FRONTAGE ON ROAD

4.1.1  
No development permit shall be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts, or has frontage on an existing public road within the municipality that is developed and maintained to municipal standards.

### Section 4.2 FRONTAGE FOR IRREGULAR SITES

4.2.1  
The minimum site frontage on sites having a curved front site line shall be measured as the distance between the side site lines along a line drawn parallel to and 6.0 m from a tangent to the midpoint of the front site line.

### Section 4.3 FRONTAGE FOR THROUGH SITES

4.3.1  
Where in any district a site has more than one frontage, the front yard requirement for that district shall apply to both site lines.

### Section 4.4 SIGHT TRIANGLE

4.4.1  
In all residential districts, on all corner sites, and only with the sight triangle area situated thereon, being bounded by the street lines for a distance to be determined by the Development Officer from their common point of intersection and the diagonal which joins the two extreme points, no structure shall be erected, no driveway shall encroach, and no vegetation shall be permitted to grow to a height greater than 0.6 m above the grade of the streets that abut the site.

**Section 4.5  
ACCESSORY USES**

4.5.1  
Any use accessory to a lawful use is a permitted use.

4.5.2  
Detached accessory buildings located in residential main building side yards shall conform to all residential principal building regulations.

4.5.3  
On any corner site, no accessory building or structure shall be erected in or encroach on the required side yard which is adjacent to the street;

4.5.4  
No accessory building or structure shall be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory. This provision may be waived by the Development Officer in the case of planned and approved staging of development.

4.5.5  
An accessory building or structure on a site in a non-residential district which abuts a site in a residential district shall not be less than 1.5 m from the boundary of the site in the residential district.

4.5.6  
No accessory building may be placed in an area designated for required landscaping.

4.5.7  
Where a building on a site is attached to a principal building by a solid roof or by structural rafters, and where the solid roof or rafters extend at least one third of the length of the building wall that is common with the principal building, the building is deemed to be part of the principal building and is not an accessory building or structure.

4.5.8  
The installation and operation of a microwave satellite dish or solar collector and their supporting structures onto an accessory building may be permitted in all zoning districts.

4.5.9  
Regulations for accessory buildings in residential districts are as follows:

<b>ALL DISTRICTS</b>	
4.5.9.1 Max. Floor Area:	93 m <sup>2</sup> (or 46.5 m <sup>2</sup> per unit in any multiple unit dwelling). Accessory buildings shall not have a floor area greater than the main floor area of the principal building.
4.5.9.2 Max. Height:	4.0 m to the underside of the eaves and 5.25 m to the top of the roof
4.5.9.3 Front Yard:	No Accessory Use permitted in the front yard.
4.5.9.4 Rear Yard:	1.5 m setback if garage doors open on to lane, otherwise 0.3 m
4.5.9.5 Max. Rear Yard Coverage:	40%

4.5.9.6 Side Yard:	3.0 m on a corner site if garage doors open to the flanking street or lane, otherwise 0.3 m and provided that overhanging eaves shall be not less than 0.45 m from any site line.
4.5.9.7 Attached Garage:	A garage or accessory structure which is attached to the principal building shall be considered as part of the principal building and be subject to the regulations of the principal building.
4.5.9.8 Detached Garage:	Shall be not less than 1.2 m from the principal building.

## **Section 4.6 HEIGHT LIMITATIONS NOT APPLICABLE**

### 4.6.1

The height limitations of this Zoning Bylaw shall not apply to church spires, belfries, cupolas, and domes, not used for human occupancy, nor to grain elevators, chimneys, ventilators, skylights, water towers, bulkheads, monuments, flagpoles, solar energy facilities, windmills, radio communication antennae or similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height or area as is necessary to accomplish the purpose they are to serve, and provided that such structures are compatible with uses in the immediate vicinity.

## **Section 4.7 PERMITTED YARD ENCROACHMENTS**

### 4.7.1

The following yard encroachments are considered to be permitted, and shall not be considered in the yard dimension determination or site coverage in any required yard:

- a) any steps or staircases which are 1.6 m or less above grade level and which are necessary for access to a permitted building or for access to a site from a street or lane; and
- b) any trees, shrubs, walkways, trellises, or flag poles.

### 4.7.2

The following front yard encroachments are considered to be permitted, and shall not be considered in the yard dimension determination or site coverage in any required front yard:

- a) lighting fixtures and lampposts;
- b) raised patios and decks not more than 0.4 m above grade;
- c) overhanging eaves and gutters projecting not more than 1.0 m into a required front yard;
- d) raised patios and decks more than 0.4 m above grade, projecting not more than 1.8 m into a required front yard;
- e) canopies or balconies projecting not more than 1.8 m into a required front yard; and
- f) sills, belt courses, pilasters, or other similar vertical columns, cornices and chimneys projecting not more than 0.7 m into a required front yard.

### 4.7.3

The following rear yard encroachments are considered to be permitted, and shall not be considered in the yard dimension determination or site coverage in any required rear yard:

- a) raised patios and decks measuring not more than 0.6 m above grade, provided they are located at least 3.0 m from the rear site line;
- b) raised patios and decks measuring more than 0.6 m above grade, projecting not more than 3.0 m into a required rear yard;
- c) canopies and balconies projecting not more than 3.0 m into a required rear yard;
- d) accessory buildings, subject to all other requirements of the Zoning Bylaw;

- e) overhanging eaves and gutters, sills, belt courses, pilasters or other similar vertical columns, cornices and chimneys, projecting not more than 1.0 m into a required rear yard;
- f) on interior sites, enclosed private swimming pools when attached to the principal building, projecting not more than 3.0 m into a required rear yard; and
- g) laundry drying equipment, recreational equipment, and private swimming pools and tennis courts, when open to the sky.

#### 4.7.4

The following side yard encroachments are considered to be permitted, and shall not be considered in the yard dimension determination or site coverage in any required side yard:

- a) raised patios and decks not more than 0.6 m in height above grade;
- b) raised patios and decks more than 0.6 m in height above grade, and canopies and balconies, provided they do not project more than 1.8 m into a required side yard, nor into more than 25% of the width of a required side yard, whichever is less;
- c) sills, belt courses, pilasters or other similar vertical columns, cornices, eaves and chimneys, projecting not more than 0.5 m into a required side yard;
- d) accessory buildings, subject to all other requirements of the Zoning Bylaw; and
- e) laundry drying equipment, recreational equipment, and private swimming pools and tennis courts, when open to the sky.

### **Section 4.8 SUBSTANDARD SITES**

#### 4.8.1

Development may be permitted in any zoning district on a site that is substandard with regard to width, depth or area provided that such site was legally registered and existing at the time of final passage of the Zoning Bylaw, and provided the development meets all other requirements of the Zoning Bylaw.

### **Section 4.9 BUILDING LINES**

#### 4.9.1

Where a building line in any residential district has been established by existing buildings in a block, and is less than the specified front yard requirement, new construction may conform to the established building line provided that Council, by resolution or bylaw, permits confirmation to the established building line.

### **Section 4.10 MINIMUM SITE AREA**

#### 4.10.1

No site area shall be so reduced that the yards shall be smaller than prescribed by this Zoning Bylaw (unless a minor variance is approved); no portion of any yard shall provide any portion of a yard for any adjoining site.

### **Section 4.11 LOCATION AND SITING OF BUILDINGS**

#### 4.11.1

No principal building shall be located in any required front, side, or rear yard setback.

4.11.2

No accessory building or structure shall be located in any required front, side or rear yard setback.

**Section 4.12  
ONE PRINCIPAL BUILDING PER SITE**

4.12.1

Every building hereafter erected shall be located on a site as herein defined; and in no case shall there be more than one principal building on any single site, except for a dwelling group, shopping centres, industrial complexes, educational institutions, and public parks/playgrounds.

**Section 4.13  
SATELLITE DISH RECEIVERS / SOLAR PANELS / WIND CHARGER**

4.13.1

The installation and operation of a satellite dish, solar collector, wind charger, and their supporting structures on a principal building may be permitted in all zoning districts subject to the regulations outlined below:

- a) no side or front yard shall be used for the placement of a satellite-receiving dish that is greater than 0.92 m in diameter in a residential district;
- b) no satellite-receiving dish with a diameter of greater than 0.92 m shall be placed on the roof of any single detached, semi-detached, duplex dwelling, or accessory building;
- c) any solar panels, wind chargers, or associated operating structures attached to a building in a residential, commercial, or industrial district shall not exceed a height of 1.0 m above the highest point of the roof upon which it is located;
- d) in the case of a corner site, no satellite dishes with a diameter greater than 0.92 m shall be permitted in any portion of the rear yard which is within 3.0 m of the side property line adjacent to a flanking street unless appropriate screening is put in place to the satisfaction of the Development Officer;
- e) all structures, if freestanding, shall not exceed a height of 5.0 m above grade level;
- f) in all residential, commercial and community service districts, all structures, if attached to a principal building, shall not exceed a height of 1.0 m above the highest elevation of the roof surface of a flat roof, the decking of a mansard roof, or the top of a gable, hip or gambrel roof; and
- g) in all residential, commercial, and community service districts, all structures, if attached to or erected upon an accessory building, shall not exceed a height of 2.0 m above the highest elevation of the roof surface of a flat roof, the decking of a mansard roof, or the top of a gable, hip or gambrel roof of the accessory building.

**Section 4.14  
OUTDOOR STORAGE AND MAINTENANCE**

4.14.1

In no case shall storage of materials as cited in this section be permitted in the front yard of any site.

4.14.2

The regulations for outdoor storage and maintenance in residential districts are as follows:

- a) no side or front yards shall be used for the storage or collection of goods or commodities or other forms of materials; and
- b) no unlicensed vehicles may be stored in any side or front yard.

#### 4.14.3

In all commercial districts with the exception of C-HY Highway Commercial, all business shall be conducted and all goods stored wholly within an enclosed building except as required in the servicing of motor vehicles.

### **Section 4.15**

#### **NOXIOUS USES / FEDERAL AND PROVINCIAL ACTS & REGULATIONS**

##### 4.15.1

Notwithstanding any other relevant section of the Zoning Bylaw, no uses shall be permitted within the Municipality, which, by their nature or the materials used therein, contravenes any applicable Federal or Provincial Acts or Regulations.

### **Section 4.16**

#### **WASTE DISPOSAL**

##### 4.16.1

Subject to the Acts and Regulations administered by the Departments of Health and Environment, no liquid, solid or gaseous wastes shall be allowed to be discharged into any sewer, aquifer, stream, creek, river, lake, pond, slough, intermittent channel or other body of water, onto any land or into the air. No use shall produce smoke, ash, dust, fumes, vapours, gases or other forms of air pollution which could cause damage to the health of any person, animal or vegetation or which could cause excessive soiling. All materials or wastes which might cause fumes or dust which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored indoors or enclosed in appropriate containers to eliminate such hazards.

### **Section 4.17**

#### **HIGHWAY ACCESS**

##### 4.17.1

Any development fronting on a highway or arterial roadway may be required to include provisions for and development of a service road constructed adjacent and parallel to the highway or arterial roadway, at the discretion of the Development Officer or the Ministry of Highways and Infrastructure where applicable.

### **Section 4.18**

#### **VEHICLE ACCOMMODATION**

##### 4.18.1

No car, truck, bus, motor home, or travel trailer shall be used for permanent human habitation, whether or not the vehicle is mounted on wheels, with the exception in an approved campground. At no location on Municipal roads shall it be permitted to leave an unlicensed vehicle for more than 48 hours.

### **Section 4.19**

#### **GRADING AND LEVELING OF SITES**

##### 4.19.1

Any site proposed for development shall be graded and at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property. All lots being filled shall be cleared of debris, including brush and tree stumps, and shall be filled with a clean fill and/or topsoil to allow complete surface draining of the lot into natural drainage rights of way. No construction shall be permitted which creates or aggravates water stagnation or a drainage problem on adjacent properties.

No trees, brush, or debris shall be used as landfill or in lieu thereof, nor shall any land-filling operation be performed in such a manner as to cover existing trees and debris on any streets, lots, or otherwise.

## **Section 4.20 EXCAVATION, STRIPPING AND GRADING**

### 4.20.1

A development permit is required for the excavation of land.

### 4.20.2

For the purpose of determining what requires a development permit, excavation shall not include:

- a) any excavation for construction or building purposes associated with a valid development permit or a valid certificate of approval for subdivision; or
- b) any excavation or the removal of vegetation for maintenance or landscaping purposes on a site where a development permit has previously been issued.

### 4.20.3

Excavation shall include, but is not limited to, sand and gravel extraction, topsoil stripping, the grading of land for drainage purposes, the grading of land and the clearing of vegetation from land without a valid development permit or valid certificate of approval for subdivision.

### 4.20.4

A person wishing to excavate, strip or grade land shall provide the following information in their application for a development permit:

- a) the location and area of the site on which the excavation, stripping or grading is to take place, and the existing land use and vegetation, including tree surveys where deemed appropriate by the Development Officer; and
- b) the amount and type of vegetation, soil or other material to be removed or relocated, and the condition in which the land is to be left when the excavation is complete.

### 4.20.5

The Development Officer shall issue a development permit when satisfied that the excavation is necessary for the interim use, development or maintenance of the subject land, prior to a final concept plan, subdivision, or development permit being approved for the area, and considering the conservation of important natural areas and vegetation, the maintenance of effective drainage patterns, and the health and safety of persons in the area.

## **Section 4.21 UTILITIES**

### 4.21.1

The applicant shall arrange with the applicable servicing utility agencies for the underground installation of the utilities distribution supply line and service connectors. The applicant shall provide a written statement from each serving utility, which shall evidence compliance as stated herein. Streets which abut existing streets where overhead electric or telephone distribution supply lines have heretofore been installed may be supplied by any new service connections from these overhead lines, but any new service connection from the utility's overhead lines shall be installed underground. In cases where the total electrical and telephone load and service cannot be determined in advance, such as industrial parks, shopping centres, etc., perimeter utility poles may be used, but service to buildings from poles shall be underground.

## **Section 4.22**

## **SWIMMING POOLS**

### **4.22.1**

The Municipality assumes no liability for the use of a private swimming pool within municipal limits.

### **4.22.2**

When a private swimming pool is not attended by the owner or occupant, gates, doors and other entrances to the swimming pool area must be such that the private swimming pool is considered to be rendered safe and/or inaccessible when not supervised.

## **Section 4.23 SIGNS**

### **4.23.1 - Permit Not Required**

No permit is required for a sign which:

- a) is not visible from a public road or park;
- b) is erected by a government or school authority;
- c) concerns an election; and
- d) is less than 1.0 m<sup>2</sup>:
  - 1) solely identifies the address of a building or site on which the sign stands;
  - 2) advertises a sale or event-taking place on a particular day, provided the sign is erected no sooner than the day before the sale or event;
  - 3) offers for sale or rent the site on which it stands;
  - 4) advertises a product, service, or commodity offered for sale or rent on that site; and
  - 5) signs that, in the opinion of the Development Officer, are similar to those listed above.

A development permit is required for all signs other than those listed above.

### **4.23.2 - General Requirements:**

- a) a sign shall not project higher than the roof line of the building on the site on which it is located;
- b) where a sign projects over public property, a minimum clearance of 3.0 m above grade level shall be maintained. An encroachment agreement with the municipality shall be completed prior to the erection of such signs;
- c) notwithstanding Subsection 4.23.2(b), where a sign is located in or projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.6 m above grade level shall be maintained;
- d) a sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic;
- e) a sign shall not display any flashing lights or lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles;
- f) a sign shall be wholly upon the site of the land use or building for which the advertising on the sign refers;
- g) illuminated signs shall have an internal light source or an external light source shielded so that the light is directed only on the face of the sign;
- h) except for Subsections 4.23.2(b) and 4.23.3(b), a sign shall not project over the property line;
- i) notwithstanding the setback requirements of each land use district, a sign may be constructed within the minimum setback distance at the discretion of the Development Officer; and
- j) signs shall not obstruct any sight triangle.

### **4.23.3**

Fascia and Projecting Signs:

- a) no fascia or projecting sign shall be lower than 2.5 m above grade, except in the case of signs intended solely for the information of pedestrians in which case the height shall be determined by the Development Officer having regard to clarity and safety;
- b) no fascia sign shall project more than 0.5 m over a street or public property (see Subsection 4.23.2(b) above);
- c) the maximum size for fascia or projecting signs shall be 3.5 m<sup>2</sup>;
- d) only one projecting sign may be erected on each street frontage of a building, unless otherwise approved by the Development Officer; and
- e) signs may be double-faced.

#### 4.23.4

##### Freestanding Signs:

- a) no freestanding sign shall extend beyond 6.0 m above grade or be larger than 4.5 m<sup>2</sup> in area except in the Highway Commercial District (C-HY) and the Shopping Centre Commercial District (C-SC) where the maximum in all cases shall be 10.0 m in height and 10.0 m<sup>2</sup> in area;
- b) a freestanding sign, excluding its supporting structure, shall be a minimum of 3.0 m above grade level;
- c) only one freestanding sign may be erected on each of a site's boundaries with a street, except in the case of a shopping centre or a commercial area planned as a unit. In this case more than one freestanding sign may be permitted at the discretion of the Development Officer;
- d) freestanding signs shall be separated by a minimum distance of 15 m from each other;
- e) freestanding signs shall only be erected on sites to which their display relates except in the case of signs used solely by community organizations; and
- f) free-standing signs may be double-faced.

#### 4.23.5

##### Billboards:

- a) no part of any billboard shall project over municipal property;
- b) billboards shall be separated by a minimum distance of 100 m from each other;
- c) a maximum of one billboard shall be permitted per site and the location of any billboard shall be subject to the approval of the Development Officer having regard to traffic safety;
- d) the maximum permitted dimensions for a billboard advertising face shall be 4.0 m high and 8.0 m long;
- e) the maximum permitted height of a billboard advertising face and sign structure shall not exceed 6.0 m above the finished grade of the site upon which it is situated;
- f) no billboard shall employ flashing lights; and
- g) no part of the billboard shall be less than 2.5 m from the base of the sign structure.

#### 4.23.6

##### Portable Signs:

- a) only one portable sign may be placed on a site;
- b) a portable sign shall not be placed on or over any site boundary and shall not be placed on any road or land owned by the Municipality;
- c) no portable sign shall be higher than 2.0 m above grade or larger than 3.0 m<sup>2</sup>; and
- d) portable signs shall only be erected on sites to which their display relates.

#### 4.23.7

##### Awning Signs:

- a) awning signs shall only be permitted if the awning is a minimum of 2.5 m above the grade level; and
- b) any awning sign that encroaches over any road or land owned by the Municipality shall have an awning/canopy encroachment agreement.

#### 4.23.8

## Signs in Residential Areas

Only fascia and freestanding signs shall be permitted in residential areas. One fascia or freestanding sign may be permitted per site to advertise a business operated on the same site, subject to the following regulations:

- a) fascia signs:
  - 1) the maximum size for fascia signs shall be 2.0 m<sup>2</sup>;
  - 2) the sign shall not be located higher than the second storey; and
  - 3) signs shall only face a public roadway.
- b) free-standing signs:
  - 1) the maximum size for free-standing signs shall be 3.0 m<sup>2</sup>;
  - 2) the maximum height for free-standing signs shall be 1.5 m; and
  - 3) signs shall only face a public roadway.
- c) the number and size of signs may be increased, at the discretion of the Development Officer, for the following uses:
  - 1) apartments – senior citizens;
  - 2) day care centres;
  - 3) health services;
  - 4) personal service establishments; and
  - 5) professional offices.

### 4.23.9

#### Other Signs

The development authority may approve other signs subject to the provisions of Section 4.23.2.

## Section 4.24

### DEVELOPMENT ON HAZARD LANDS

#### 4.24.1

Where a proposed development of a building is to be located on land within 150 m of an area defined in the District Official Community Plan, the OCP, or any other land identified in consultation with the Saskatchewan Water Authority (SWA) as potential hazard land, the Development Officer shall require the applicant to submit sufficient topographic information to determine if the development will be within:

- a) the 1:500 flood hazard level; or
- b) 50 m of any slope that may be unstable.

#### 4.24.2

The Development Officer may require that, before a Development Permit be issued on hazard lands, the applicant submit a report prepared by a professional competent to assess the suitability of the site for a development described in 4.24.1 above and, which in the opinion of the Development Officer, shows that the proposed site and development is suitable with respect to the following where relevant:

- a) the potential for slope instability;
- b) the required mitigation measures for construction on slopes; and
- c) the required mitigation measures for construction on areas of high water tables.

#### 4.24.3

The Development Officer will require that before a permit is issued on hazard lands, in flood risk areas, as identified in 4.24.1(a) above, development shall be subject to the following:

- a) all development, redevelopment or major alterations and additions shall be adequately flood proofed to at least 0.5 m above the provincial safe building elevation;

- b) the bottom of the joists on the first floor, or the bottom surface of the slab on grade, of the building or structure shall be at least 0.5 m above the provincial safe building elevation;
- c) basements are prohibited, except where flood proofing is undertaken. The basement shall be designed to withstand any forces generated by flood water up to and including 0.5 m above the provincial safe building elevation;
- d) plumbing outlets may be permitted in basement below the provincial safe building elevation, provided they contain an automatic shut-off valve approved by the Plumbing Inspector;
- e) electrical outlets may be permitted in basements below the provincial safe building elevation, provided they contain an independent switch for each outlet. The main switch box, heating plants and air conditioning units shall be located above the provincial safe building elevation level plus freeboard; and
- f) foundations and walls of any building or structure shall be adequately flood proofed to at least 0.5 m above the provincial safe building elevation. All plans for development such shall be certified by a Professional Engineer or Architect.

## Section 5.0 PARKING AND LOADING PROVISIONS

### Section 5.1 OFF-STREET PARKING

#### 5.1.1 Parking Standards:

When any new development is commenced or when any existing development is enlarged or existing use changed, provision shall be made for off-street vehicular parking spaces in accordance with the standards described in the table below.

<b>Building or Site Use</b>	<b>Minimum number of spaces</b>
<b><i>Residential Use</i></b>	
Single Detached	1
Secondary Suite	1
Semi-Detached or Duplex	1 per dwelling unit
Modular Homes	1 per dwelling unit
Multiple Unit Buildings	1 per dwelling unit
<b><i>Public and Community Use</i></b>	
Elementary School	1 per classroom
High School	4 per classroom
Hospital	1 per 3 beds
Special Care Homes	1 per 5 beds
Community Halls	4 per 10 seats or 9.0 m <sup>2</sup> of gross floor area
Churches and Places of Worship	4 per 10 seats
Cultural Institutions	1 per 35 seats or 9.0 m <sup>2</sup> of gross floor area
Theatre	1 per 4 seats
Clubs	1 per 46 m <sup>2</sup> of gross floor area
<b><i>Recreational Use</i></b>	
Arena	1 per 25 seats
Curling Rink	4 per sheet of ice
Other	1 per 46 m <sup>2</sup> of gross floor area
<b><i>Commercial Use</i></b>	
Offices	1 per 46 m <sup>2</sup> of gross floor area
Restaurants, Cafes, and Licensed Beverage Rooms	1 per 4 seats
Hotels and Motels	1 per accommodation unit
Other Commercial	1 per 46 m <sup>2</sup> of gross floor area
<b><i>Industrial Use</i></b>	
Warehousing	1 per 90 m <sup>2</sup> of gross floor area
Other Industrial	1 per 55 m <sup>2</sup> of gross floor area or 1 per employee

#### 5.1.2 Parking for Non-Residential Uses:

Where in this Zoning Bylaw parking facilities are required, the parking area shall:

- a) have visible boundaries and be suitably drained;
- b) be provided on the same site;
- c) be surfaced in the same manner as abutting roadways and be clearly demarcated;
- d) Individual parking spaces shall have:
  - 1) a minimum width of 2.5 m and a minimum length of 5.5 m;
  - 2) clearly-marked approaches or driveways and be defined by a fence, curb or other suitable boundary designed to provide a neat appearance;
  - 3) an entrance driveway with minimum width of 7.5 m; and
  - 4) be constructed so that the location of vehicular approach ramps or driveways at the street line are no closer than 7.5 m from the point of intersection of two property lines at a street intersection.

#### 5.1.3 Parking for Residential Uses

Where in the Zoning Bylaw parking facilities are required for single detached and bare land condominium dwelling units, the parking area shall:

- a) be provided on the same site;
- b) have a minimum required area for each parking space of 15 m<sup>2</sup>, a minimum width of 2.5 m, and a minimum length of 5.5 m; and
- c) be constructed so that the location of vehicular approach ramps or driveways at the street line are no closer than 7.5 m from the point of intersection of two property lines at a street intersection.

## Section 5.2

### LOADING PROVISIONS

When any new development occurs or when any existing use is changed, enlarged or increased in capacity, a minimum of one off-street vehicular loading and unloading space shall be provided and maintained in accordance with the following provisions:

- a) the minimum number of off-street loading spaces shall be:
  - 1) for buildings with a gross floor area of 1300 m<sup>2</sup> or less, one loading stall shall be provided; and
  - 2) for buildings with a gross floor area of more than 1300 m<sup>2</sup> but less than 2500 m<sup>2</sup>, two loading stalls shall be provided; and
  - 3) for buildings with a gross floor area of more than 2500 m<sup>2</sup>, two loading stalls shall be provided, plus one additional loading stall for each 6500 m<sup>2</sup> of gross floor area over 2500 m<sup>2</sup>.
- b) loading stalls shall be a minimum width of 2.4 m and a minimum depth of 8.4 m, with a minimum clear height of 4.25 m;
- c) loading spaces must be located either within or abutting the building containing the use;
- d) no loading spaces shall be provided within a minimum front yard;
- e) loading spaces provided within the minimum side yard shall be open and uncovered; and
- f) every off-street loading space and access shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where hard surfacing is provided or required, it shall be constructed of concrete, asphalt or a similar durable, dust-free material.

## **Section 6.0 LANDSCAPING PROVISIONS**

### **Section 6.1 GENERAL PROVISIONS**

#### **6.1.1**

Where a site is adjacent to a residential, commercial or community district and streets, the front and side yards shall be landscaped to the satisfaction of Council or the Development Officer.

## **Section 7.0 SPECIAL USE PROVISIONS**

### **Section 7.1 FAMILY CHILD CARE HOMES**

#### **7.1.1**

Family child care homes may be approved as an accessory use in a single detached dwelling or a semi-detached dwelling and are subject to the following regulations:

- a) all family child care homes must be licensed and approved under Provincial statutes;
- b) all family child care homes must be inspected and approved by the Fire Inspector and the Building Inspector in order to ensure compliance with the National Building Code, and are subject to re-inspection at any reasonable time thereafter;
- c) all family child care homes shall provide at least 3.25 m<sup>2</sup> of fenced on-site outdoor play space, suitably maintained, for each child present in the home at any one time;
- d) an operator of a family child care home may have up to two persons who reside outside the dwelling employed, with or without compensation, in the operation of the family child care home, provided that one parking stall for the dwelling and one parking stall for every two employees is provided on the property; and
- e) in addition to the development standards of the zoning district, family child care homes that are listed as discretionary uses shall be reviewed and considered in accordance with Section 3.5 of the Zoning Bylaw.

### **Section 7.2 GROUP CARE FACILITIES**

#### **7.2.1**

Group care facilities may be approved as an accessory use to any non-residential use, or as a principal use, and are subject to the following regulations:

- a) all group care facilities must be licensed and approved under Provincial statutes;
- b) all group care facilities must be inspected and approved by the Fire Inspector and the Building Inspector in order to ensure compliance with the National Building Code, and are subject to re-inspection at any reasonable time thereafter;
- c) in any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling that would be inconsistent with the residential character of the building or property;
- d) required parking spaces may be located in a required front yard. Tandem parking spaces may be permitted where the site has no access to a lane. Surface parking and loading spaces for group care facilities shall be located at least 2.0 m from any bedroom window and at least 1.0 m from all other windows, doors and balconies;
- e) no building or structure used for the purpose of a group care facility shall be used for the purpose of keeping boarders or lodgers; and
- f) in addition to the development standards of the zoning district, group care facilities that are listed as discretionary uses shall be reviewed and approved in accordance with Section 3.5 of the Zoning Bylaw.

## **Section 7.3 RESIDENTIAL CARE HOMES**

### **7.3.1**

Residential care homes may be approved as an accessory use in a single detached dwelling, or a semi-detached dwelling, and are subject to the following regulations:

- a) all residential care homes must be licensed and approved under Provincial statutes;
- b) all residential care homes must be inspected and approved by the Fire Inspector and the Building Inspector in order to ensure compliance with the National Building Code and are subject to re-inspection at any reasonable time thereafter;
- c) in any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling that would be inconsistent with the residential character of the building or property;
- d) required parking spaces may be located in a required front yard. Tandem parking spaces may be permitted where the site has no access to a lane. Surface parking and loading spaces for residential care homes shall be located at least 2.0 m from any bedroom window and at least 1.0 m from all other windows, doors and balconies;
- e) no building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers;
- f) an operator of a residential care home may have up to two persons who reside outside the dwelling employed, with or without compensation, in the operation of the residential care home, provided that one parking stall for the dwelling and one parking stall for every two employees is provided on the property; and
- g) in addition to the development standards of the zoning district, residential care homes that are listed as discretionary uses shall be reviewed and approved in accordance with Section 3.5 of the Zoning Bylaw.

## **Section 7.4 SECONDARY SUITES**

### **7.4.1**

Secondary suites may be approved as an accessory use on a site developed with a single detached dwelling and are subject to the following regulations:

- A) the maximum floor area of a secondary suite shall not exceed 70 m<sup>2</sup>, except in the case of a basement suite, where the maximum floor area shall be limited to the floor area of the main floor of the principal dwelling;
- B) the minimum floor area of a secondary suite shall not be less than 30 m<sup>2</sup>;
- C) a secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling;
- D) only one of any type of secondary suite may be developed in conjunction with a principal dwelling.
- E) a secondary suite shall not be developed within the same principal building containing a Family Child Care Home or a Residential Care Home, nor within a building for which a Home Based Business has been permitted; and
- F) secondary suites shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

## **Section 7.5 SERVICE STATIONS**

### **7.5.1**

Service stations may be approved as a principal use and must meet the following regulations for approval:

- a) service stations shall only be permitted on corner lots, except where the access to the property is from a service road which services a highway or major roadway in the Municipality, or where the service station is an accessory use to the principal building or use (i.e. on a Shopping Centre site);
- b) any canopies over pump islands shall be a minimum of 3.0 m from any property line (such requirement does not limit the ability of the Municipality to require additional or greater setbacks in individual zoning districts);
- c) all automobile parts, dismantled vehicles and similar articles shall be stored within a building, except those sites located in a commercial district. In industrial sites, all outdoor storage shall be appropriately screened by landscaping or fencing;
- d) in addition to the development standards of the zoning district, service stations that are listed as discretionary uses shall be reviewed and approved in accordance with subsection 3.5 of the Zoning Bylaw;
- e) all above-ground fuel storage tanks shall be protected from vehicles with suitable posts, guardrails or other similar means;
- f) the maximum height of an above-ground fuel storage tank shall be limited to the maximum permitted height of a freestanding sign in the zoning district; and
- g) painted lettering or signage may be located on above-ground fuel storage tanks subject to the Zoning Bylaw.

## **Section 7.6 TEMPORARY RELOCATABLE WORK CAMP**

### **7.6.1**

Temporary relocatable work camps may be approved as a principal use and must meet the following regulations for approval:

- a) a development permit application must be submitted for the work camp that contains the following information, to the satisfaction of Council:
  - 1) the location, type and purpose of the camp which shall include a site plan specifying the number of buildings and their location;
  - 2) method of supplying water, sewage and waste disposal facilities, which must comply with provincial regulations;
  - 3) the number of persons proposed to live in the camp;
  - 4) the start date of construction, the date of occupancy and the removal date;
  - 5) reclamation measures once the camp is no longer needed;
- b) the developer is to maintain any existing natural buffers (trees, natural topography, etc.), where possible;
- c) the developer shall provide Council with information regarding the necessity of the work camp in attracting and attaining skilled workers;
- d) the developer shall be responsible for any roadway upgrades that may be required to support traffic generated by the proposed work camp; and
- e) the site shall provide adequate on-site parking to accommodate the temporary camp residents and associated support workers, to the satisfaction of Council.

## **Section 7.7 FARMING**

### **7.7.1**

Farming within municipal limits may include limited livestock operations under the following regulations:

- a) Intensive Livestock Operations, as defined by the Ministry of Agriculture, shall not be permitted;
- b) open liquid manure storage facilities shall not be permitted;
- c) The development of livestock facilities shall not be permitted within 500 m of a property zoned for residential uses; and

- d) as a condition of approval, Council shall specify the maximum number of animal units for which the approval is made, and may impose development standards to reduce the potential for conflict with neighbouring uses which specify the location of holding areas, buildings or manure storage facilities on the site.

## **Section 7.8 HOME BASED BUSINESSES**

### 7.8.1

Home Based Businesses, where allowed in a specific zoning district shall be subject to the following:

- a) home based businesses are clearly a secondary use and shall not create any conflict with the residential area in terms of emission of noise, glare, dust or odour which would be disruptive to any surrounding residential uses;
- b) home based businesses shall not result in any undue traffic or parking requirements in the residential area;
- c) the operator of the home based business is a resident of the dwelling unit and only one part-time employee, who is not a resident of the dwelling unit, may be employed at one time;
- d) home based businesses shall not have any exterior display of storage of materials and no exterior variation from the residential character of the building other than permitted signs;
- e) no home based business shall occupy more than a maximum of 25% of the gross building floor area of the principal building;
- f) the area used for retail sales shall not exceed 10% of the building gross floor area of the principal building; and
- g) home based businesses shall be conducted and contained entirely within the dwelling unit or accessory building or both.

## **Section 7.9 JUNK AND SALVAGE YARDS**

### 7.9.1

All salvage, junk, or scrap yards shall be enclosed by an opaque or solid perimeter fence at least 2.0 m in height, and not more than 4.0 m in height, with no material piled higher than the height of the perimeter fence.

### 7.9.2

The perimeter fence shall not be located in the required front yard. The required front yard shall be used only for landscaping and required driveway access to the site.

# Section 8.0 Zoning Provisions

## Section 8.1 GENERAL INTENT OF DISTRICTS

Where the general intent is outlined for any zoning district and doubt as to the purpose or intent of the district arises, the specific uses listed as permitted uses shall over-rule any other written intent.

## Section 8.2 CLASSIFICATION OF DISTRICTS

8.2.1  
The area within the boundaries of the Town of LeRoy shall be divided into zoning districts.

8.2.2  
The actual name of each zone provided for in the Zoning Bylaw is set out in Table 8.2.2, and the inclusion of the common names to the right is for convenience only.

ACTUAL NAME	COMMON NAME
R-SF	Single Family Residential
R-MF	Multiple Family Residential
C-G	General Commercial
C-HY	Highway Commercial
C-SC	Shopping Centre Commercial
I	Industrial
M-CS	Community Service
M-UR	Urban Reserve

8.2.3  
The permitted and discretionary uses are outlined in table format within the specific regulations for each zoning district. The development standards for each use are also contained within each section. Both the uses and specific standards for any given use may vary from one district to the next. Additional development standards and other provisions may be located within other sections of the individual zoning district regulations, and within other relevant portions of the Zoning Bylaw. Any reference to a specific section within the General Provisions, or Special Use Provisions does not limit the applicability of other relevant sections of the Zoning Bylaw.

### **Section 8.3 ZONING DISTRICTS MAP**

The zoning districts are delineated on a map titled “Schedule Z-1 – Town of LeRoy Zoning Districts Map”, and are part of the Zoning Bylaw.

### **Section 8.4 DETERMINING ZONING DISTRICT BOUNDARIES**

#### 8.4.1

A district boundary shown approximately at a lot, street or lane is at the boundary of the lot, street or lane.

#### 8.4.2

A district boundary shown approximately at the centreline of a street or lane is at the centreline of the street or lane.

#### 8.4.3

A district boundary shown within a lot, or on unsubdivided land, unless specifically noted, is fixed by the scale of the zoning map.

#### 8.4.4

A district boundary shown following approximately a shoreline or the centreline of a creek, stream or channel follows the shoreline or centreline and moves with any change in such shoreline.

#### 8.4.5

Where a single site or lot is divided into more than one zoning district, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning district.

### **Section 8.5 SPECIAL USE PROVISIONS**

#### 8.5.1

Where an additional section of the Zoning Bylaw is noted next to a permitted or discretionary use, i.e. “Family Child Care Homes (Section 7.1)”, such notation shall specify that additional requirements pertaining to that use are located within the noted section.

## Part C – Zoning Districts

### Section 9.0 SINGLE FAMILY RESIDENTIAL DISTRICT (R-SF)

The Single Family Residential District (R-SF) is designed to establish and preserve areas of primarily single-detached dwellings, while allowing for a mix of other accessory and compatible uses. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses in the R-SF District are outlined below:

9.1.1 Permitted Uses	9.1.2 Discretionary Uses
9.1.1.1 Essential Public Services and Utilities	9.1.2.1 Community Facilities
9.1.1.2 Public Parks and Playgrounds	9.1.2.2 Day Care Centres
9.1.1.3 Single Detached Dwellings	9.1.2.3 Duplex Dwellings
9.1.1.4 Uses Accessory to Permitted Uses	9.1.2.4 Family Child Care Homes (Section 7.1)
9.1.1.5 Uses Accessory to Discretionary Uses	9.1.2.5 Modular Homes
9.1.1.6 Home Based Businesses (Section 7.8)	9.1.2.6 Religious Assemblies
	9.1.2.7 Residential Care Homes (Section 7.3)
	9.1.2.8 Secondary Suites (Section 7.4)
	9.1.2.9 Semi-Detached Dwellings
	9.1.2.10 Townhouse Dwellings

### Section 9.2 R-SF DEVELOPMENT STANDARDS

#### 9.2.1 Minimum Lot Dimensions

USE	WIDTH	DEPTH
9.2.1.1 Duplex Dwellings	15 m	34 m
9.2.1.2 Essential Public Services and Utilities	No minimum lot sizes	
9.2.1.3 Public Parks and Playgrounds	No minimum lot sizes	
9.2.1.4 Semi-detached Dwellings		
a) Corner Lot	8.5 m	34 m
b) Interior Lot	7.5 m	34 m
9.2.1.5 Single Detached Dwellings and Modular Homes	15 m	34 m

#### 9.2.2 Minimum Setback Requirements

USE	FRONT	SIDE	REAR
9.2.2.1 Essential Public Services and Utilities	No setback requirements		
9.2.2.2 Public Parks and Playgrounds	No setback requirements		
9.2.2.3 Semi-Detached and Duplex Dwellings			
a) 1 & 1.5 Storey	6 m	1.0 m	6 m
b) 2 & 2.5 Storey	6 m	1.8 m	6 m
c) 3 Storey	6 m	2.5 m	6 m
d) Corner Lot (regardless of height)	6 m	3.0 m (flanking road)	6 m
9.2.2.4 Single Detached Dwellings and Modular Homes			
a) 1 & 1.5 Storey	6 m	1.0 m	6 m
b) 2 & 2.5 Storey	6 m	1.8 m	6 m
c) 3 Storey	6 m	2.5 m	6 m
d) Corner Lot (regardless of height)	6 m	3.0 m (flanking road)	6 m

Front setbacks may be varied in infill areas but shall be consistent, within 1 m, with the setback of development on adjacent sites and with the general context of the block face. In no case shall a front setback be reduced to less than 3 m.

#### 9.2.3 – Maximum Height

The maximum principal building height shall be 10.5 m and 3 storeys.

#### 9.2.4 – Maximum Site Coverage

The maximum land area that may be built upon shall be no more than 50%

#### 9.2.5 – Minimum Floor Area

The minimum floor area per dwelling unit shall be as follows:

- a) Single Detached Dwellings, 74 m<sup>2</sup>;
- b) Semi-Detached Dwellings, 42 m<sup>2</sup> per unit;
- c) Modular Homes, 74 m<sup>2</sup>; and
- d) Duplex Dwellings, 42 m<sup>2</sup> per unit.

#### 9.2.6 – Mean Site Width

Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

#### 9.2.7 – Increased Site Coverage

The total permitted site coverage may be increased for attached covered patios and decks or attached enclosed swimming pools by the percentage of the area covered by such patio, deck or swimming pool, but the total site coverage shall not exceed 60%.

#### 9.2.8 – Foundation

All Modular Homes shall be required to be located on a foundation which is capable of handling the anticipated load of the building.

#### 9.2.9 – Creation of Large Residential Lots

At the discretion of the Development Officer, subdivision proposals which include residential lots larger than 2000 m<sup>2</sup> in site area may require the submission of a concept illustrating how these properties could be functionally integrated into the town's urban form through further subdivision. Intended to ensure the adaptability of large sites to smaller lot residential land uses and/or other land uses, these concept submissions shall consider the rational extension of existing road networks and municipal services through or around these large sites.

## Section 10.0 MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-MF)

The Multiple Family Residential District is designed to establish and preserve areas of primarily multi-unit and higher density dwellings, while allowing for a mix of accessory and other compatible uses. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses in the R-MF District are outlined below:

10.1.1 Permitted Uses	10.1.2 Discretionary Uses
10.1.1.1 Apartments	10.1.2.1 Boarding or Lodging Homes
10.1.1.2 Apartments – Senior Citizens	10.1.2.2 Community Facilities
10.1.1.3 Duplex Dwellings	10.1.2.3 Family Child Care Homes (Section 7.1)
10.1.1.4 Essential Public Services and Utilities	10.1.2.4 Health Services
10.1.1.5 Public Parks and Playgrounds	10.1.2.5 Modular Homes
10.1.1.6 Semi-Detached Dwellings	10.1.2.6 Professional Offices
10.1.1.7 Single Detached Dwellings	10.1.2.7 Personal Service Establishments
10.1.1.8 Townhouse Dwellings	10.1.2.8 Religious Assemblies
10.1.1.9 Uses Accessory to Permitted Uses	10.1.2.9 Residential Care Homes (section 7.3)
10.1.1.10 Uses Accessory to Discretionary Uses	10.1.2.10 Home Based Businesses (Section 7.8)

## Section 10.2 R-MF DEVELOPMENT STANDARDS

### 10.2.1 Minimum Lot Dimensions

USE	WIDTH	DEPTH
10.2.1.1 Apartments	22.5 m	40 m
10.2.1.2 Duplex Dwellings	15 m	34 m
10.2.1.3 Essential Public Services and Utilities	No minimum lot sizes	
10.2.1.4 Public Parks and Playgrounds	No minimum lot sizes	
10.2.1.5 Semi-detached Dwellings		
a) Corner Lot	8.5 m	34m
b) Interior Lot	7.5 m	34 m
10.2.1.6 Single Detached Dwellings and Modular Homes	15.0 m	34 m
10.2.1.7 Townhouse Dwellings		

a) End Unit	6.0 m	34 m
b) Interior Unit	5.0 m	34 m

10.2.2  
Minimum Setback Requirements

USE	FRONT	SIDE	REAR
10.2.2.1 Apartments	6 m	2.5 m 3.0 m (flanking road)	6 m
10.2.2.2 Essential Public Services and Utilities	No setback requirements		
10.2.2.3 Public Parks and Playgrounds	No setback requirements		
10.2.2.4 Semi-Detached and Duplex Dwellings			
a) 1 & 1.5 Storey	6 m	1.2 m	6 m
b) 2 & 2.5 Storey	6 m	1.8 m	6 m
c) 3 Storey	6 m	2.5 m	6 m
d) Corner Lot (regardless of height)	6 m	3.0 m (flanking road)	6 m
10.2.2.5 Single Detached Dwellings and Modular Homes			
a) 1 & 1.5 Storey	6 m	1.2 m	6 m
b) 2 & 2.5 Storey	6 m	1.8 m	6 m
c) 3 Storey	6 m	2.5 m	6 m
d) Corner Lot (regardless of height)	6 m	3.0 m (flanking road)	6 m
10.2.2.6 Townhouse Dwellings			
a) End Unit	6 m	1.8 m	6 m
b) Interior Unit	6 m	0 m	6 m
c) Corner Lot (regardless of height)	6 m	3 m (flanking road)	6 m

Front setbacks may be varied in infill areas but shall be consistent, within 1m, with the setback of development on adjacent sites and with the general context of the block face. In no case shall a front setback be reduced to less than 3 m.

10.2.3 – Maximum Height

The maximum principal building height is 14m and 4 storeys.

10.2.4 – Maximum Site Coverage

The maximum land area that may be built upon shall be no more than 50%

10.2.5 – Maximum Residential Unit Density

The maximum number of residential units that may be developed shall be 100 units per hectare.

#### 10.2.6 – Minimum Floor Area

The minimum floor area per dwelling unit shall be as follows:

- a) Single Detached Dwellings, 74 m<sup>2</sup>;
- b) Semi-Detached Dwellings, 42 m<sup>2</sup> per unit;
- c) Modular Homes, 74 m<sup>2</sup>; and
- d) Duplex Dwellings, 42 m<sup>2</sup> per unit.

#### 10.2.7 – Minimum Amenity Space

The minimum amenity space per dwelling unit shall be 7.5 m<sup>2</sup>.

#### 10.2.8 – Mean Site Width

Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

#### 10.2.9 – Increased Site Coverage

The total permitted site coverage may be increased for attached covered patios and decks or attached enclosed swimming pools by the percentage of the area covered by such patio, deck or swimming pool, but the total site coverage shall not exceed 60%.

## Section 11.0 GENERAL COMMERCIAL DISTRICT (C-G)

The General Commercial District (C-G) establishes and preserves a central community district that is convenient and aesthetically attractive for a wide range of retail, financial, community, professional and residential uses, as well as places of recreation in a setting conducive to and safe for a high volume of pedestrian traffic. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses in the C-G District are outlined in the table below:

11.1.1 Permitted Uses	11.1.2 Discretionary Uses
11.1.1.1 Amusement Establishments - Indoor	11.1.2.1 Auto & Minor Recreation Sales / Rentals
11.1.1.2 Apartments – Senior Citizens	11.1.2.2 Automotive Maintenance
11.1.1.3 Apartments – Main Floor Commercial	11.1.2.3 Building Materials, Sales and Storage
11.1.1.4 Bakeries	11.1.2.4 Commercial Accessory Dwellings
11.1.1.5 Business Support Services	11.1.2.5 Car Washes
11.1.1.6 Community Facilities	11.1.2.6 Food Processing Plants
11.1.1.7 Convention / Exhibition Facilities (except for industrial/agricultural uses)	11.1.2.7 Funeral Services
11.1.1.8 Commercial Education Facilities	11.1.2.8 Group Care Facilities (Section 7.2)
11.1.1.9 Day Care Centres	11.1.2.9 Parking Lots / Facilities
11.1.1.10 Entertainment / Drinking Establishments	11.1.2.10 Residential Care Homes (Section 7.3)
11.1.1.11 Equipment / Household Repair Shops	11.1.2.11 Service Stations (Section 7.5)
11.1.1.12 Essential Public Services and Utilities	11.1.2.12 Telecommunications Facilities
11.1.1.13 Financial Institutions	11.1.2.13 Warehouse Sales / Facilities
11.1.1.14 Government Services	11.1.2.14 Temporary Relocatable Work Camps (Section 7.6)
11.1.1.15 Health Services	
11.1.1.16 Hotels / Motels	
11.1.1.17 Participant Recreation – Indoors	
11.1.1.18 Personal Service Establishments	
11.1.1.19 Professional Offices	

<b>11.1.1 Permitted Uses</b>	<b>11.1.2 Discretionary Uses</b>
11.1.1.20 Police, Fire and Emergency Services	
11.1.1.21 Public Parks and Playgrounds	
11.1.1.22 Religious Assemblies	
11.1.1.23 Restaurants / Drinking Establishments	
11.1.1.24 Retail Stores	
11.1.1.25 Uses Accessory to Permitted Uses	
11.1.1.26 Uses Accessory to Discretionary Uses	

**Section 11.2  
C-G DEVELOPMENT STANDARDS**

**11.2.1  
Minimum Lot Dimensions**

<b>USE</b>	<b>WIDTH</b>	<b>DEPTH</b>
11.2.1.1 Essential Public Services and Utilities	No minimum lot sizes	
11.2.1.2 Hotels and Motels	30 m	40 m
11.2.1.3 Public Parks and Playgrounds	No minimum lot sizes	
11.2.1.4 Service Stations	30 m	30 m
11.2.1.5 All Other Uses	7.5 m	30 m

11.2.2  
Minimum Setback Requirements

USE	FRONT	SIDE	REAR
11.2.2.1 Essential Public Services and Utilities	No setback requirements		
11.2.2.2 Public Parks and Playgrounds	No setback requirements		
11.2.2.3 All Other Uses	No setback requirements provided that all other requirements of this Zoning Bylaw have been met.		
11.2.2.4 Any Site Abutting a Residential District	All sites which abut a residential district shall have a minimum yard setback requirement of 3.0 m from the property line which abuts the residential property.		

11.2.3 – Maximum Height

The maximum principal building height is 16 m and four storeys.

11.2.4 – Maximum Site Coverage

There shall be no maximum site coverage provided that all other requirements of this Zoning Bylaw have been met.

11.2.5 – Maximum Residential Unit Density

The maximum number of residential units that may be developed shall be 100 units per hectare.

11.2.6 – Maximum Floor Area per Unit

There shall be no maximum gross floor area provided that all other requirements of this Zoning Bylaw have been met.

11.2.7 – Minimum Amenity Space

The minimum amenity space per dwelling unit shall be 7.5 m<sup>2</sup>.

11.2.8 – Mean Site Width

Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

11.2.9 – Apartment Buildings

Where an apartment building is combined with commercial uses on the main floor, there shall be no dwelling units permitted on the main floor. Residential uses shall have a direct entrance from the street separate from that of the commercial use.

## Section 12.0 HIGHWAY COMMERCIAL DISTRICT (C-HY)

The primary purpose of this district is to provide a corridor for commercial and limited light industrial development adjacent to highways for uses serving the travelling public, as well as residents. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses in the C-HY District are outlined in the table below:

<b>12.1.1 Permitted Uses</b>	<b>12.1.2 Discretionary Uses</b>
12.1.1.1 Amusement Establishments - Indoor	12.1.2.1 Agricultural Sales and Service Establishments
12.1.1.2 Amusement Establishments - Outdoor	12.1.2.2 Assembly Plants and Facilities
12.1.1.3 Auto & Minor Recreation Sales / Rentals	12.1.2.3 Auctioneering Establishments
12.1.1.4 Autobody Repair & Paint Shops	12.1.2.4 Junk and Salvage Yards
12.1.1.5 Automotive Maintenance	12.1.2.5 Bulk Fuel Depots
12.1.1.6 Bakeries	12.1.2.6 Commercial Accessory Dwellings
12.1.1.7 Building Materials Sales and Storage	12.1.2.7 Funeral Services
12.1.1.8 Business Support Services	12.1.2.8 Greenhouses and Plant Nurseries
12.1.1.9 Car Washes	12.1.2.9 Light Industrial Uses
12.1.1.10 Commercial Education Facilities	12.1.2.10 Livestock Sales Facilities
12.1.1.11 Community Facilities	12.1.2.11 Modular Home Sales Facilities
12.1.1.12 Convention/Exhibition Facilities	12.1.2.12 Telecommunications Facilities
12.1.1.13 Contractor Facilities	12.1.2.13 Recreational Vehicle Sales/Rentals /Service
12.1.1.14 Day Care Centres	12.1.2.14 Recycling Facilities
12.1.1.15 Entertainment / Drinking Establishments	12.1.2.15 Storage Compounds / Facilities
12.1.1.16 Equipment / Household Repair Shops	12.1.2.16 Truck Sales/Rentals/Service
12.1.1.17 Equipment Rentals	12.1.2.17 Veterinary Services
12.1.1.18 Essential Public Services and Utilities	12.1.2.18 Warehouse Sales / Facilities
12.1.1.19 Financial Institutions	
12.1.1.20 Fleet Operations and Services	
12.1.1.21 Government Services	

<b>12.1.1 Permitted Uses</b>	<b>12.1.2 Discretionary Uses</b>
12.1.1.22 Health Services	
12.1.1.23 Hotels / Motels	
12.1.1.24 Parking Lots / Facilities	
12.1.1.25 Participant Recreation – Indoor	
12.1.1.26 Personal Service Establishments	
12.1.1.27 Professional Offices	
12.1.1.28 Police, Fire and Emergency Services	
12.1.1.29 Religious Assemblies	
12.1.1.30 Restaurants / Drinking Establishments	
12.1.1.31 Retail Stores	
12.1.1.32 Recycling Depots	
12.1.1.33 Service Stations (Section 7.5)	
12.1.1.34 Uses Accessory to Permitted Uses	
12.1.1.35 Uses Accessory to Discretionary Uses	

## Section 12.2 C-HY DEVELOPMENT STANDARDS

### 12.2.1 Minimum Lot Dimensions

<b>USE</b>	<b>WIDTH</b>	<b>DEPTH</b>
12.2.1.1 Essential Public Services and Utilities	No minimum lot sizes	
12.2.1.2 Hotels and Motels	30 m	40 m
12.2.1.3 Public Parks and Playgrounds	No minimum lot sizes	
12.2.1.4 Service Stations	30 m	30 m
12.2.1.5 All Other Uses	15 m	30 m

12.2.2  
Minimum Setback Requirements

USE	FRONT	SIDE	REAR
12.2.2.1 Essential Public Services and Utilities	No setback requirements		
12.2.2.2 Public Parks and Playgrounds	No setback requirements		
12.2.2.3 All Other Uses	No setback requirements provided that all other requirements of this Zoning Bylaw have been met.		
12.2.2.4 Any Site Abutting a Residential District	All sites which abut a residential district shall have a minimum yard setback requirement of 1.5 m. from the property line which abuts the residential property.		

12.2.3 – Maximum Height

The maximum principal building height is 16 m and four storeys.

12.2.4 – Maximum Site Coverage

There shall be no maximum site coverage provided that all other requirements of this Zoning Bylaw have been met.

12.2.5 – Maximum Floor Area per Unit

There shall be no maximum gross floor area provided that all other requirements of this Zoning Bylaw have been met.

12.2.6 – Mean Site Width

Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

## Section 13.0 SHOPPING CENTRE COMMERCIAL DISTRICT (C-SC)

The primary purpose of this district is to provide an area for a variety of commercial, retail and personal services uses with all vehicular parking contained on-site and developed as a comprehensive shopping facility. This district is intended for locations within existing shopping districts, forming an extension of existing shopping districts, or in new shopping locations with direct highway access. Development is intended to balance the needs of the motoring public with those of the public arriving and moving around the site on foot. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses of the C-SC district are outlined in the table below:

<b>13.1.1 Permitted Uses</b>	<b>13.1.2 Discretionary Uses</b>
13.1.1.1 Amusement Establishments - Indoor	13.1.2.1 Auto & Minor Recreation Sales / Rentals
13.1.1.2 Amusement Establishments - Outdoor	13.1.2.2 Automotive Maintenance
13.1.1.3 Bakeries	13.1.2.3 Building Materials, Sales and Storage
13.1.1.4 Business Support Services	13.1.2.4 Car Washes
13.1.1.5 Community Facilities	13.1.2.5 Telecommunications Facilities
13.1.1.6 Convention / Exhibition Facilities (except for industrial/agricultural uses)	13.1.2.6 Veterinary Services
13.1.1.7 Commercial Education Facilities	13.1.2.7 Warehouse Sales / Facilities
13.1.1.8 Day Care Centres	
13.1.1.9 Entertainment / Drinking Establishments	
13.1.1.10 Equipment / Household Repair Shops	
13.1.1.11 Essential Public Services and Utilities	
13.1.1.12 Financial Institutions	
13.1.1.13 Government Services	
13.1.1.14 Health Services	
13.1.1.15 Hotels / Motels	
13.1.1.16 Parking Lots / Facilities	
13.1.1.17 Participant Recreation – Indoors	
13.1.1.18 Personal Service Establishments	

<b>13.1.1 Permitted Uses</b>	<b>13.1.2 Discretionary Uses</b>
13.1.1.19 Professional Offices	
13.1.1.20 Police, Fire and Emergency Services	
13.1.1.21 Public Parks and Playgrounds	
13.1.1.22 Recycling Depots	
13.1.1.23 Religious Assemblies	
13.1.1.24 Restaurants / Drinking Establishments	
13.1.1.25 Retail Stores	
13.1.1.26 Service Stations (Section 7.5)	
13.1.1.27 Shopping Centres	
13.1.1.28 Uses Accessory to Permitted Uses	
13.1.1.29 Uses Accessory to Discretionary Uses	

## Section 13.2 C-SC DEVELOPMENT STANDARDS

### 13.2.1 Minimum Lot Dimensions

<b>USE</b>	<b>WIDTH</b>	<b>DEPTH</b>
13.2.1.1 Essential Public Services and Utilities	No minimum lot sizes	
13.2.1.2 Hotels and Motels	30 m	40 m
13.2.1.3 Public Parks and Playgrounds	No minimum lot sizes	
13.2.1.4 Service Stations	30 m	30 m
13.2.1.5 All Other Uses	30 m	30 m

13.2.2  
Minimum Setback Requirements

USE	FRONT	SIDE	REAR
13.2.2.1 Essential Public Services and Utilities	No setback requirements		
13.2.2.2 Public Parks and Playgrounds	No setback requirements		
13.2.2.3 All Other Uses	No setback requirements provided that all other requirements of this Zoning Bylaw have been met.		
13.2.2.4 Any Site Abutting a Residential District	All sites which abut a residential district shall have a minimum yard setback requirement of 3.0 m. from the property line which abuts the residential property.		

13.2.3 – Maximum Height

The maximum principal building height is 16 m and four storeys.

13.2.4 – Maximum Site Coverage

There shall be no maximum site coverage provided that all other requirements of this Zoning Bylaw have been met.

13.2.5 – Maximum Floor Area per Unit

There shall be no maximum gross floor area provided that all other requirements of this Zoning Bylaw have been met.

13.2.6 – Mean Site Width

Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

## Section 14.0 INDUSTRIAL DISTRICT (I)

The purpose of this district is to establish and preserve areas for a wide range of industrial and manufacturing uses with some associated commercial and service establishments, but excluding incompatible uses which would create problems such as excessive noise, vibrations, odours or fumes. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses in the I District are outlined in the table below:

<b>14.1.1 Permitted Uses</b>	<b>14.1.2 Discretionary Uses</b>
14.1.1.1 Agricultural Sales and Service Facilities	14.1.2.1 Abattoirs
14.1.1.2 Assembly Plants and Facilities	14.1.2.2 Junk and Salvage Yards
14.1.1.3 Auto & Minor Recreation Sales / Rentals	14.1.2.3 Heavy Industrial Uses
14.1.1.4 Automotive Maintenance	14.1.2.4 Telecommunications Facilities
14.1.1.5 Autobody Repair & Paint Shops	14.1.2.5 Hotels and Motels
14.1.1.6 Building Materials Sales and Storage	14.1.2.6 Restaurants
14.1.1.7 Bulk Fuel Depots	14.1.2.7 Confectionaries
14.1.1.8 Business Support Services	14.1.2.8 Retail Stores
14.1.1.9 Car Washes	14.1.2.9 Dwellings for caretakers, owners or managers
14.1.1.10 Contractor Facilities	
14.1.1.11 Equipment / Household Repair Shops	
14.1.1.12 Essential Public Services and Utilities	
14.1.1.13 Fleet Operations and Services	
14.1.1.14 Funeral Services	
14.1.1.15 Government Services	
14.1.1.16 Greenhouses and Plant Nurseries	
14.1.1.17 Light Industrial Uses	
14.1.1.18 Livestock Sales Facilities	
14.1.1.19 Modular Home Sales Facilities	
14.1.1.20 Participant Recreation – Indoor	

<b>14.1.1 Permitted Uses</b>	<b>14.1.2 Discretionary Uses</b>
14.1.1.21 Police, Fire and Emergency Services	
14.1.1.22 Recreation Vehicle Sales/Rentals/ Service	
14.1.1.23 Recycling Depots	
14.1.1.24 Recycling Facilities	
14.1.1.25 Service Stations (Section 7.5)	
14.1.1.26 Storage Compounds / Facilities	
14.1.1.27 Truck Sales / Rentals / Service	
14.1.1.28 Uses Accessory to Permitted Uses	
14.1.1.29 Uses Accessory to Discretionary Uses	
14.1.1.30 Veterinary Services	
14.1.1.31 Warehouse Sales / Facilities	
14.1.1.32 Temporary Workcamp	

**Section 14.2**  
**I DEVELOPMENT STANDARDS**

14.2.1  
Minimum Lot Dimensions

<b>USE</b>	<b>WIDTH</b>	<b>DEPTH</b>
14.2.1.1 Essential Public Services and Utilities	No minimum lot sizes	
14.2.1.2 All Other Uses	30 m	40 m

14.2.2  
Minimum Setback Requirements

USE	FRONT	SIDE	REAR
14.2.2.1 Essential Public Services and Utilities	No setback requirements		
14.2.2.2 All Other Uses	7.5 m	4.5 m	7.5 m
14.2.2.3 Any Site Abutting a Railway	All sites which abut a railway shall have a minimum yard setback requirement of 7.5 m from the property line which abuts the railway corridor or use.		
14.2.2.4 Any Site Abutting a Residential District	All sites which abut a residential district shall have a minimum yard setback requirement of 7.5 m from the property line which abuts the residential property.		

14.2.3 – Maximum Height  
The maximum principal building height is 16 m and four storeys.

14.2.4 – Maximum Site Coverage  
The maximum land area that may be built upon shall be no more than 60%

14.2.5 – Mean Site Width  
Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

## Section 15.0 COMMUNITY SERVICE DISTRICT (M-CS)

The purpose of this district is to establish and preserve areas of administrative, cultural, institutional and utility uses. Permitted uses in the M-CS District typically attract visitors from all areas of the Municipality and Region. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses in the M-CS District are outlined in the table below:

15.1.1 Permitted Uses	15.1.2 Discretionary Uses
15.1.1.1 Community Facilities	15.1.2.1 Cemeteries
15.1.1.2 Essential Public Services and Utilities	15.1.2.2 Commercial Education Facilities
15.1.1.3 Government Services	15.1.2.3 Convention / Exhibition Facilities
15.1.1.4 Health Services	15.1.2.4 Greenhouses / Plant Nurseries
15.1.1.5 Participant Recreation – Indoor	15.1.2.5 Participant Recreation – Outdoor
15.1.1.6 Police, Fire and Emergency Services	15.1.2.6 Telecommunications Facilities
15.1.1.7 Public Education Services	15.1.2.7 Campgrounds
15.1.1.8 Public Parks and Playgrounds	
15.1.1.9 Religious Assemblies	
15.1.1.10 Uses Accessory to Permitted Uses	
15.1.1.11 Uses Accessory to Discretionary Uses	

## Section 15.2 M-CS DEVELOPMENT STANDARDS

### 15.2.1 Minimum Lot Dimensions

USE	WIDTH	DEPTH
15.2.1.1 Essential Public Services and Utilities	No minimum lot sizes	
15.2.1.2 All Other Uses	30 m	34 m

15.2.2  
Minimum Setback Requirements

USE	FRONT	SIDE	REAR
15.2.2.1 All Uses	No setback requirements		
15.2.2.2 Any Site Abutting a Residential District	All sites which abut a residential district shall have a minimum yard setback requirement of 3.0 m from the property line which abuts the residential property.		

15.2.3 – Maximum Height

The maximum building height is 12 m and three storeys.

15.2.4 – Maximum Site Coverage

The maximum land area that may be built upon shall be no more than 60%.

15.2.5 – Mean Site Width

Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

## Section 16.0 URBAN RESERVE DISTRICT (M-UR)

The purpose of this district is to identify specified undeveloped lands which may be required for future development. Council shall utilize the criteria identified in Section 3.5.8 to assess the suitability of discretionary use applications within the district. The permitted and discretionary uses in the Urban Reserve District are outlined in the table below:

16.1.1 Permitted Uses	16.1.2 Discretionary Uses
16.1.1.1 Essential Public and Utility Services	16.1.2.1 Community Facilities
16.1.1.2 Farming (Section 7.7)	16.1.2.2 Greenhouses / Plant Nurseries
16.1.1.3 Campgrounds	16.1.2.3 Participant Recreation – Indoor
16.1.1.4 Uses Accessory to Permitted Uses	16.1.2.4 Participant Recreation – Outdoor
16.1.1.5 Uses Accessory to Discretionary Uses	16.1.2.5 Public Parks and Playgrounds
	16.1.2.6 Religious Assemblies
	16.1.2.7 Resource Extraction Operations
	16.1.2.8 Telecommunications Facilities
	16.1.2.9 Temporary Relocatable Work Camps (Section 7.6)

### Section 16.2 M-UR DEVELOPMENT STANDARDS

#### 16.2.1 Minimum Lot Dimensions and Areas

USE	WIDTH	DEPTH
16.2.1.1 Essential Public Services and Utilities	No minimum lot sizes	
16.2.1.2 All Other Uses	Minimum 4 hectares	

16.2.2  
Minimum Setback Requirements

<b>USE</b>	<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>
16.2.2.1 Essential Public Services and Utilities	No setback requirements		
16.2.2.2 All Other Uses	7.5 m	7.5 m	7.5 m

16.2.3 – Maximum Height  
The maximum principal building height is 12 m and three storeys.

16.2.4 – Maximum Site Coverage

<b>USE</b>	<b>MAXIMUM SITE COVERAGE</b>
16.2.4.1 Essential Public Services and Utilities	No maximum site coverage
16.2.4.2 Community Facilities, Religious Assemblies, Greenhouses/Plant Nurseries or Participant Recreation (Indoor)	50%
16.2.4.3 Temporary Relocatable Work Camps	Up to 50% at the discretion of Council
16.2.4.4 All Other Uses	5%

## PART D – Schedules & Forms

### Fees Schedule (Schedule B)

**PART 1.0** – The required fee as set out in this Schedule shall accompany all planning and development applications.

#### Part 1.1 – FEES

Type of Application	Fee
1.1.1 – Minor Variance Permit	\$100.00
1.1.2 – Permitted Use Application	\$100.00
1.1.3 – Discretionary Use Application	\$150.00
1.1.4 – Zoning Memorandum Certificate	\$50.00 Per property
1.1.5 – Rezoning and Zoning Bylaw Amendment Application Fees (A refundable portion of 50% shall be returned to the applicant in the event that the application is cancelled or withdrawn prior to Council’s initial consideration of the application.)	\$500.00
1.1.6 – Official Community Plan Bylaw Amendment Application Fees (A refundable portion of 50% shall be returned to the applicant in the event that the application is cancelled or withdrawn prior to Council’s initial consideration of the application.)	\$500.00
1.1.8 – Advertising and Notification: A) Where the advertising and notification requirements of the Zoning Bylaw can be satisfied through notice posted in the Municipal Office, there shall be no fee. B) Where the advertising and notification requirements of the Zoning Bylaw cannot be satisfied through notice posted in the Municipal Office, the applicant shall bear all costs of advertisement and notification.	No fee  Borne by applicant

**Part 2.0** – Where the required fee is not listed in Schedule B, the fee shall be consistent with those fees listed in Part 1.0 for similar uses and developments within the same or similar use class.

**Part 3.0** – Where an application is substantially revised, the applicant, prior to the reconsideration of the application, shall pay a fee equal to fifty percent (50%) of the initial application fee specified in the fee schedule, except that such additional fee shall not be required in instances where improvements suggested by the Development Officer result in substantial revision.

**Land Use Map (Schedule Z-1)**

**Map of Mid-Sask Municipal Planning District (Schedule Z-2)**

**Development Permit Application (Form A)**

**Development Permit Application – Minor Variance (Form B)**