# VILLAGE OF BUENA VISTA

# Zoning Bylaw 2016

# THE VILLAGE OF BUENA VISTA

## Zoning Bylaw No. 7-16

1. Pursuant to Sections 45 of the *Planning and Development Act, 2007*, the Council of the Village of Buena Vista hereby adopts the Zoning Bylaw, identified as Schedule "A" to this Bylaw.

2. The Mayor and Administrator are here by authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.

3. Bylaw No. 3/91, and any amendments made thereto is hereby repealed.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 this 13 day of December 2016

Read a second time this 12 day of December 2017

Read a third time and passed this 12 day of December 2017

MAYOR

ADMINISTRATOR

SEAL



# THE VILLAGE OF BUENA VISTA

## Zoning Bylaw

## SCHEDULE "A" to Bylaw NO. 7-16

MAYOR

ADMINISTRATOR

SEAL

VILLAGE OF BUENA VISTA SASKATCHEWAN Seal

APPROVED
REGINA, SASK.
AUG 03 2018
Assistant Deputy Minister
Ministry of Government Relations

GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN
OFFICE OF
GOVERNMENT RELATIONS
THE MINISTER OF

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# 1. INTRODUCTION

## 1.1 AUTHORITY

Under the authority granted by *The Planning and Development Act, 2007*, the Mayor and Council of the Village of Buena Vista in the Province of Saskatchewan, in open meeting, hereby enacts as follows:

## 1.2 TITLE

This Bylaw shall be known and may be cited as the Zoning Bylaw of the Village of Buena Vista.

## 1.3 PURPOSE

.1 The purpose of this Bylaw is to regulate development and to control the use of land in the Village of Buena Vista in accordance with the Village of Buena Vista Official Community Plan Bylaw No. 7-16.

.2 The intent of this Zoning Bylaw is to provide for the amenity of the area within the Village of Buena Vista (hereinafter referred to as the Village) and for the health, safety, and general welfare of the inhabitants of Buena Vista and area:

a. To minimize land use conflicts;
b. To establish minimum standards to maintain the amenity of the Village;
c. To ensure development is consistent with the physical limitations of the land;
d. To restrict development that places undue demand on the Village for services; and,
e. To provide for land use and development that is consistent with the goals and objectives of the Village.

## 1.4 SCOPE

This Bylaw applies to all land included within the boundaries of the Village of Buena Vista. All development within the limits of the Village shall hereafter conform to the provisions of this Bylaw.

## 1.5 SEVERABILITY

A decision of a Court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this Bylaw.

## 2. DEFINITIONS

Whenever the subsequent words or terms are used in this Bylaw and the Village of Buena Vista Official Community Plan Bylaw No. 6-16, they shall have the following definition unless the context indicates otherwise.

### A

**Abattoir**: A facility for butchering or slaughtering animals, and to dress, cut, inspect meats, refrigerate, cure and manufacture by-products.

**Accessory**: A building or use that:

a. Is subordinate to and serves the principal building or principal use;
b. Is subordinate in area, mass, 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 assists the principal use; and
d. Is located on the same site as the principal building or use.

**Act:** *The Planning and Development Act, 2007*, Province of Saskatchewan, as amended from time to time.

**Administrator:** The Administrator of the Village of Buena Vista.

**Aggregate Resource**: Mineral materials including sand, gravel, clay, earth or mineralized rock, including recycled concrete.

**Agricultural:** A use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture.

**Alteration or Altered**: With reference to a building, structure or site means a change from one (1) major occupancy class or division to another, or a structural change such as an addition to the area or height, or the removal or part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any required means of egress or a change to the fixtures, equipment, cladding, trim, or any other items regulated by this Bylaw such as parking and landscaping.

**Ancillary Use:** A secondary and subordinate use to the principle use, which is specifically allowed, and may include an associated building that is pursuant to this Bylaw.

**Animal Clinic**: A building or part thereof used by a qualified veterinarian for the treatment of animal health needs where animals are not kept on the premises for surgery or kept overnight.

**Animal Hospital**: The premises of a veterinary surgeon where small, large domestic animals and livestock are treated or kept involving surgery and the keeping of animals in outdoor or indoor pens.

**(Animal) Veterinary Clinics:** A place for the care and treatment of small animals involving outpatient care and medical procedures involving hospitalization, but shall not include the keeping of animals in outdoor pens.

**Apartment Block**: A building containing three (3) or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence as distinct from a hotel or rooming house.

**Applicant:** A developer or person applying for a development permit under this Bylaw or for a subdivision approval to an approving authority under *The Planning and Development Act, 2007.*

**Attic:** That portion of a building situated wholly or in part within the roof and which is less than one-half (½) story.

**Automobile (Motor Vehicle):** A self-propelled passenger vehicle that usually has four (4) wheels and an internal-combustion engine, used for land transport.

**Auto Wrecker**: An area where motor vehicles as disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored or sold to the general public.

**Awning**: A structure that is mechanical and fabricated from plastic, canvas or metal that is spread across a frame designed to be attached to a wall and hung above a doorway or window.

## B

**Basement**: That portion of a building that is partly or wholly underground.

**Bed and Breakfast:** A dwelling unit, licensed as a tourist home under *The Tourist Accommodation Regulations, 1969*, in which overnight accommodation within the dwelling unit, along with one (1) meal served before noon, is provided to the traveling public for a charge.

**Billboard:** A private free standing sign, including supporting structure, which advertises goods, products, services, organizations, of facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

**Buffer:** A strip of land, vegetation or land use that physically separates two or more different land uses.

**Building:** A structure constructed on, in, or over land and used for the shelter or accommodation of persons, animals, goods, or chattels, and includes any structure covered by a roof supported by walls or columns.

**Building, Accessory:** (See Accessory).

**Building Bylaw:** A Bylaw of the Village of Buena Vista to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

**Building Height:** The vertical distance of a building measured from the grade level to the highest point of the roof.

**Building Permit:** A permit, issued under the Building Bylaw of the Village of Buena Vista, authorizing the construction of, or the addition to, any building but does not include a development permit.

**Building, Principal:** A building in which is conducted the main or primary use of the site on which said building is situated.

**Building Line, Established**: The average distance from the street line to the main wall of existing buildings on any side of any block where more than half the frontage of the block has been built on.

**Bulk Fuel Sales and Storage:** Includes land, buildings, and structure for the storage and distribution of fuels and oils including retail sales or key-lock operation.

**Business Support Services:** Activities intended to provide administrative, promotional or technical support for commercial and industrial activities.

**Bylaw:** The Village of Buena Vista Zoning Bylaw.

## C

**Campground:** An area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

**Cardlock Operation:** A petroleum dispensing outlet without full-time attendants.

**Carport:** A building or structure or part thereof, where at least 40% of the area of the perimeter is open and unobstructed by a wall, door, post or pier and which is used for the parking or storage of motor vehicles.

**Cemetery:** A cemetery or columbarium within the meaning of *The Cemeteries Act Chapter C-4, R.S.S. 1981*, as amended from time to time.

**Club:** A group of people organized for a common purpose, to pursue common goals, interest or activities, and usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws.

**Commercial Use:** The use of land, building(s), or structure(s) for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.

**Commercial/Industrial Use, Large Scale**: Commercial or Industrial land uses maintaining a lineal frontage in excess of 90 metres (295 ft.).

**Commercial/Industrial Use, Small Scale:** Commercial or Industrial land uses maintaining a lineal frontage of less than 90 metres (295 ft.).

**Community Facilities:** Buildings or facilities used for recreational, social, educational or cultural activities and that are owned by a municipal corporation, non-profit corporation or other non- profit organization.

**Compost:** Materials used in gardening, agriculture, landscaping, erosion control, wetland construction, and landfill cover.

**Concrete and Asphalt Plant:** An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production's process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

**Condominium**: Land, buildings, and units, including private and common property as defined under *The Condominium Property Act.*

**Conservation**: The planning, management and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment.

**Construction Trades:** Offices, shops and warehouses, with or without retail sales for trades associated with construction of buildings.

**Contractors Yard:** The yard of a contractor or company, including landscaping materials used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business.

**Convenience Store:** A store offering for sale primarily food products, beverages, personal care items, hardware and printed matter and which primarily provide a convenient day-to-day service to residents in the vicinity.

**Council:** The Council of the Village of Buena Vista.

**Cultural Institution:** Establishments such a museums, art galleries, libraries and similar facilities or historical, educational or culturally interests which are not commercially operated.

## D

**Day Care Centre:** An establishment providing for the care, supervision and protection of children or adults but does not include the provision or overnight supervision.

**Deck**: Any raised floor structure at least 0.31 metres (1 foot) above the average ground level upon which it is constructed, either adjacent to a building or free-standing with stairway, ramp, or similar access.

**Development:** The carrying out of any building, engineering, mining, or operations in, on, or over land, or making of any material change in the use or intensity of use of any building, or land, and shall include, but not be limited to, excavating, filling, grading or drainage of land.

**Development Officer:** A person appointed by the Village Council to act as a Development Officer to administer this Bylaw.

**Demolition Permit:** A permit issued for the removal or dismantling of a building or structure with the Village's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act.*

**Development Permit:** A document issued by the Council of the Village of Buena Vista that authorizes development pursuant to this Bylaw, but does not include a building permit.

**Directional Signage**: Signage located off-site providing direction to, and information about, a specific enterprise or activity which does not contain general advertising.

**Discretionary Use:** Uses or development of land, buildings, or other structures that may be permitted in a Zoning District only at the discretion of Council and which conforms to all discretionary use regulations and other regulations applicable to the district in which the use is located.

**Dwelling:** A building or part of a building intended for residential occupancy.

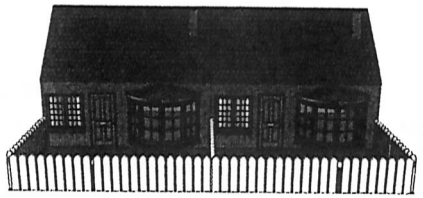
**Dwelling Unit:** One (1) or more habitable rooms used, or fully capable of being used as a residence, where each unit provides sleeping, cooking and toilet facilities.

**Dwelling, Duplex:** A building divided that is divided into two dwelling units with separate entrances and separated by a common party wall.

**Dwelling Group:** A group of single-detached, semi-detached, or multiple unit dwellings clustered on one (1) lot or site, built as one (1) development.

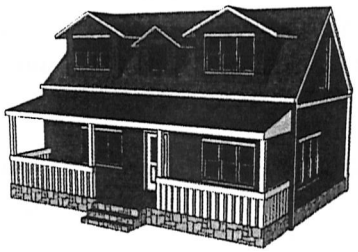
**Dwelling, Multiple Unit:** A building containing three or more dwelling units and shall include condominiums, townhouses, row houses, and apartments as distinct from a rooming house, hotel, or motel.

**Dwelling, Semi-Detached:** A building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roofline.



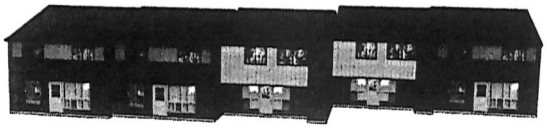
*Semi-Detached Dwelling*

**Dwelling, Single-Detached**: A building containing only one dwelling unit, and shall not include a mobile home as herein defined.



*Single-Detached Dwelling*

**Dwelling, Townhouse:** A dwelling, designed as one (1) cohesive building in terms of architectural design, which contains three (3) or more similar attached dwelling units each of which fronts on a street, has direct access to the outside at grade and is not wholly or partly above another dwelling.



*Town House Dwelling*

## E

**Educational Institution:** An establishment dedicated for the purpose of providing education and instruction in any branch of knowledge.

**Existing:** In place, or taking place, or with all approvals and permits in place on the date of the adoption of this Bylaw.

## F

**Farm Building/Yard:** Improvements such as barns, granaries, etc. used in connection with the growing and sale of trees, shrubs and sod or the raising or production of crops, livestock or poultry, fur production, bee keeping and situated on a parcel of land used for the farm operation.

**Fence:** A structure used to enclose or screen areas of land.

**Fill (Clean Fill):** Soil, rock or other material approved by the Village.

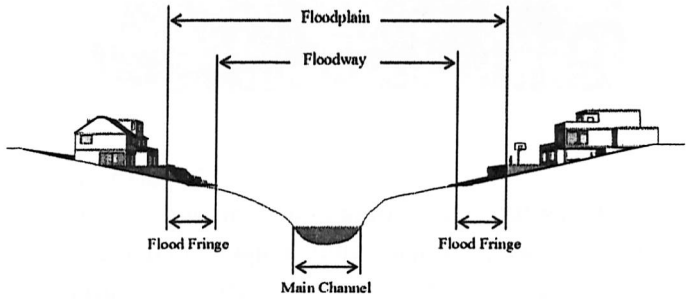
**Flanking**: Means to the side of a lot, parcel or site.

**Flood**: A temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

**Floodway:** The portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one (1) metre per second.

**Flood-proofed:** A measure, or combination of structural and non-structural measures, incorporated into the design of a structure which reduces or eliminates the risk of flood damage to a defined elevation.

**Flood Fringe**: The portion of the floodplain where the waters in the 1:500 year flood are projected to be less than a depth of one metre or a velocity of one metre per second.




*Cross-section of a Flood Fringe and Floodplain*

**Floor Area:** The maximum area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, open deck, unfinished attic, or unfinished basement or cellar and in a commercial or industrial building, any utility room.

**Future Land Use Map:** In its projections, the map specifies certain areas for residential growth and others for residential, industry, commercial and conservation. The Future Land Use Map for Buena Vista is attached as Appendix "A "in the Official Community Plan.

**Frontage (Lot Frontage):** The distance across the street side of a lot (a lot must front on a street), between the points where the side lines of the lot meet the street right-of-way or boulevard; or, where a lot is irregular in shape and is narrowest at the front street end, the width of the lot shall be measured parallel to the street line at the centre of the front lot line, and at a setback from the front lot line no greater than the minimum permitted building setback.

## G

**Garage, Private:** A building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing nor repairing of such vehicles are carried on for remuneration.

**Garage, Public**: A building or place where motor vehicles are stored or repaired for remuneration but does not include car washing establishments, an auto sales lot or an automobile service station.

**Garden Suite:** A second, small, dwelling on the site of a primary, single-family dwelling that accommodates one (1) or two (2) family members of the owner/occupants of the primary residence and is intended to allow the family to live independently but with the support nearby of the extended family.

**Gas Bar:** A building or place where fuel and automotive fluids are sold and may be added to a vehicle on the property, and which may have a convenience store and/or restaurant.

**Grade:** The average elevation of the natural ground level at the walls of a building or structure as determined by the elevation of the four outside corners of the building.

**Greenhouse, Commercial**: A building for the growing of flowers, plants, shrubs, trees and similar vegetation that are not necessarily transplanted outdoors on the same site, but are sold directly at wholesale or retail from the site.

**Greenhouse, Private:** A building for the growing of flowers, plant, shrubs, trees and similar vegetation that are transplanted outdoors on the same site containing such greenhouse(s), and where greenhouse products may not be offered for sale.

**Greenways:** Corridors or protected open spaces that are publicly or privately owned and managed for conservation and recreation purposes.

**Group Home:** (See Personal Care Home).

## H

**Hazardous Industry/Substance**: A substance that, because of its quality, concentration or physical, chemical or infectious characteristics, either individually or in combination with other substances on the site is an existing or potential threat to the physical environment, to human health or other living organisms.

**Hazard(ous) Land**: Land having inherent environmental hazards; land subject to flooding, earth movement, or slope instability, land with poor natural drainage, ground water seepage, erosion, steep slopes, rock formations, or other similar features.

**Health Service Facility (Health Clinic):** A building or part thereof used by qualified health service practitioners for the treatment of human health needs.

**Heritage Resource:** The history, culture and historical resources of an area and its residents.

**Highway Commercial:** Commercial activities normally located along highways, major roadways and in other locations considered strategic by the type of business involved serving the needs of local residents and the traveling public.

**Highway Sign Corridor**: A strip of land parallel and adjacent to a provincial highway, where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled *The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*, as may be amended from time to time.

**Home Occupation (Home Based Business):** An occupation, trade, profession, or craft customarily conducted for gain in a dwelling unit or accessory building by the resident or residents, which is clearly incidental and secondary to the principal use of the site and which does not create or become a public nuisance as a result of noise, traffic, pollution, or parking. Home occupations shall not occupy more than 25% of the total finished floor area of a dwelling unit in any Residential District.

**Hotel:** A building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travelers, and where a guest register or record is kept, but does not include a motel or rooming house.

## I

**Industrial Exclusionary Uses:** Refers to certain industrial activities that may be characterized as exhibiting a high potential for adversely affecting the safety, use, amenity or enjoyment of adjacent and nearby industrial and non-industrial sites due to their scale, appearance, noise, odour, emissions and hazard potential. Such activities are considered exclusionary when the only means of mitigating the associated negative effects on surrounding land uses is through spatial separation. Exclusionary uses would include but not be limited to the following: landfill; ethanol plant; transformer stations; uranium refineries; anhydrous ammonia storage; and distribution centres.

**Industrial Use:** The use of land, buildings or structures for the manufacturing, assembling, processing, fabrication, warehousing or storage of goods and materials.

**Industrial Park:** An area of land set aside for industrial development, usually located close to transport facilities, especially where more than transport mode coincides, i.e. highways, railroads, airports.

**Infill Development**: Re-development within existing areas or neighbourhoods.

**Institutional Use:** The use of land, buildings, or structures for religious, charitable, educational, health or welfare purposes and includes churches, public or private schools, nursery schools, hospitals, and special care.

## K

**Kennel, Boarding:** The temporary accommodation of more than four (4) dogs, cats or other domestic animals for commercial purposes.

**Kennel, Breeding**: The keeping of domestic animals, male and female, and which are more than twelve (12) months old, for breeding purposes.

**Kennel, Enclosure:** An accessory building or enclosure intended to house one (1) of more domestic animals.

## L

**Landfill:** A specially engineered site for disposing of solid waste on land, constructed so that it will reduce hazard to public health and safety.

**Landscaped Area**: An area not built upon and not used for any purpose other than as an open space that may include grass, shrubs, flowers, trees, and similar types of vegetation and may contain paths, walks, patios, fences and similar outdoor amenities, but does not include parking areas, parking lots, driveways or ramps.

**Land Use Zoning District:** Divisions identified in the Zoning Bylaw establishing permitted and discretionary uses of land or buildings with attendant regulations.

**Lane:** A secondary public thoroughfare intended primarily to give access to the rear or side of the abutting property.

**Livestock:** Domesticated animals used primarily as beasts of burden or for the production of fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion animals.

**Loading Space:** A space measuring at least 2.5 metres (8.20 ft.) in width and 8.5 metres (27.88 ft.) in depth, located on a lot, and having access to a street or lane, in which a vehicle may park to load or unload.

**Lot (see Site):** An area of land with fixed boundaries on record with the Information Services Corporation (ISC) by Certificate of Title. For the purposes of this Bylaw the terms "lot" and "site" shall be deemed not to mean the same.

**Lounge:** A room or area adjoining a restaurant set aside for the sale of beverage alcohol for consumption on the premises, with or without food, and where no area has been set aside for dancing or entertainment, either in the lounge or in the adjoining restaurant. The area of a lounge may not exceed 50% or the public assembly area in the adjoining restaurant, subject to Provincial Regulations.

## M

**Manufacturing Establishment:** A firm or business engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of components parts, the manufacturing of products and the blending of materials.

**Marquee:** A roof-like structure of a permanent nature which projects from the wall of a building that is independently supported by a system of columns or piers without walls over an entrance to a building.

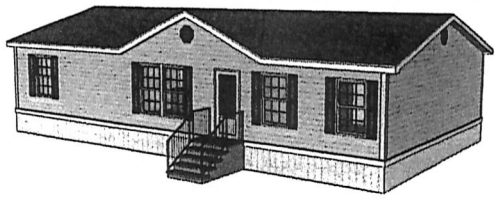
**Mayor**: The Mayor of the Village of Buena Vista.

**Minister:** The member of the Executive Council to whom for the time being is assigned the administration of *The Planning and Development Act, 2007.*

**Mini-Storage:** A commercial facility made up of more than one (1) unit in which customers can rent space to store possessions.

**Mixed-Use:** A mix of land uses that facilitate the mixing, rather than separation of, land uses in one distinctive environment, either vertically in the same building or horizontally adjacent. It is intended to be compatible with adjacent uses.

**Mobile Home**: A trailer coach that may be used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; has facilities for washing and a water closet or other similar facility that may be connected to a sewage system; and that conforms to the Canadian Standards Association Standard #Z240.



*Double-Wide Mobile Home*

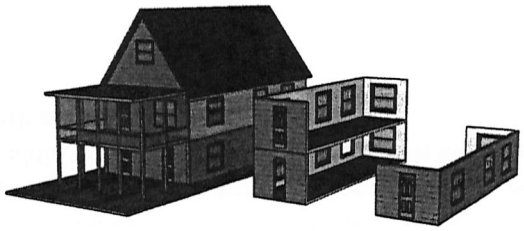
**Mobile Home Park:** A site under single management for the placement of two (2) or more mobile homes and shall include all accessory buildings necessary to the operation but does not include an industrial or construction camp or tourist campsite. For the purpose of this Bylaw the terms mobile home park and mobile home court shall be deemed to mean the same.

**Mobile Home Site:** An area of land in a mobile home park that is intended to be occupied by one mobile home and for exclusive use of its occupants with access to a driveway or a public street.

**Mobile Home Subdivision**: Any subdivision of land and the development thereof for the purpose of accommodating mobile homes in such a manner that each home is situated on its own site and in which all such sites, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

**Modular (Manufactured) Home**: A residential dwelling that is constructed off site in a yard or factory, in one (1) or more sections, transported to a site for permanent installation on a permanent

foundation (may have a basement), having architectural features similar to permanent residential dwellings built on site in the Village, and conforming to Canadian Standards Association (CSA) *Standard A277*.



*Modular (Manufactured) Home*

**Modular (Manufactured) Home Subdivision:** Any subdivision of land and the development thereof for the purpose of accommodating modular homes in such a manner that each home is situated on its own site and in which all sites, public open space, internal streets, buffer zones, and other amenity areas form a contiguous area of development.

**Motel or Motor Hotel:** A building or buildings consisting of a number of individual rental units, intended for the use of the traveling public, each containing at least a bedroom and bathroom, and each having convenient access to a parking space for the use of the occupants of the units and may or may not provide food service.

**Multiple-Unit Building:** A building containing two (2) or more distinct uses, each of which is allowed in the Zoning District in which the building is located.

**Multiple Complimentary (Vertically Integrated) Activities:** The accommodation of multiple complimentary activities which could be considered principal permitted uses under single or multiple ownership within one (1) or more buildings on a single parcel where these uses are considered to provide additional processing and/or the sale of manufactured goods produced onsite.

**Municipality:** The Village of Buena Vista.

**Municipal Reserve:** Dedicated lands that are provided to a municipality for public use, or that were dedicated as public reserve and transferred to a municipality pursuant to of *The Planning and Development Act, 2007.*

**Museum:** An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection or artifacts of historical interest.

## N

**Natural Areas:** An area relatively undisturbed by human activities and characterized by indigenous species including remnant or self-sustaining areas with native vegetation, water, or natural features.

**Non-Conforming Use:** Any use of land, building or structure lawfully existing or under construction where permits have been issued at the time of the passing of this Bylaw, the use of which does not comply with all the regulations of this Bylaw governing the Zoning District in which it is located.

**Noxious Use or Condition:** Any use or facility that causes or produces harmful or hazardous noise, vapours, smoke, dust (particles suspended in or transported by air), vibrations, electrical or electromagnetic fields, glare, or light.

## O

**Office or Office Building:** A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government in which no goods or commodities of business or trade are stored, trans-shipped, sold or processed.

**Official Community Plan (OCP):** The Village of Buena Vista Official Community Plan Bylaw No. 6-16, as per Section 32 of *The Planning and Development Act, 2007.*

**Open Space**: Passive and structure leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community, including parks, recreation and tourism nodes, and natural areas.

## P

**Parking Lot**: An open area, other than a street, used for the temporary parking of more than four (4) vehicles and available for public or private use.

**Parking Space:** A space within a building or parking lot for the parking of one (1) motor vehicle including convenient access to a public lane or street and shall be not less than 2.5 metres (8.20 ft.) wide and 5.5 metres (18.04 ft.) in length.

**Pasture:** A site that is used for the raising and feeding of livestock by grazing.

**Patio:** Any hard surface or floor structure less than 0.31 metres (1 foot) above the average ground level upon which it is constructed.

**Permitted Use:** The use of land, buildings or other structures that shall be permitted in a Zoning District where all requirements of this Zoning Bylaw are met.

**Person:** A person shall apply to an individual, association, firm, partnership, corporation, trust, or agent, and their heirs, executors, or other legal representatives of a person to whom the same can apply according to the law.

**Personal Care Home:** A facility licensed under the Personal Care Homes Act that provides long term residential, social and personal care, including accommodation, meals, supervision or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.

**Personal Service Trades:** A building or part of a building in which persons are employed in furnishing services and administering to customer's personal and or grooming needs, but does not include the provision of health related services.

**Places of Worship:** A building set aside by any religious organization for public worship. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

**Pond:** Any constructed containment of water for the purpose of landscape enhancement, keeping ornamental fish or aquatic plants, or for other similar purposes, but not a swimming pool.

**Principal Use:** The main or primary activity, for which a site or its buildings are designed, arranged, developed or intended, or for which is occupied or maintained.

**Public Work:** A facility as defined under *The Planning and Development Act, 2007* including a system, work, plant, equipment, or service, whether owned or operated by the Municipality, or by a corporation under Federal or Provincial statute, that furnishes any of the following services and facilities to, or for the use of, the inhabitants of the Village of Buena Vista:

- Communication by way of telephone lines, optical cable, microwave, and cable;
- Television services;
- Delivery of water, natural gas, and electricity;
- Public transportation by bus, rail, or other vehicle production, transmission;
- Collection and disposal of sewage, garbage, and other wastes; and
- Fire and police services.

## R

**Real-Estate Signage**: Signage directly associated with the sale of a property on which it is located and which maintains a gross surface area of less than 1.0 $m^2$ (10.76 $ft^2$).

**Recreational Use:** The use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks and curling rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and all similar uses, together with the necessary and accessory building sand structures; but does not include the racing of animals or motorized vehicles.

**Recreational Vehicle:** A vehicle, such as a camper or motor home, used for traveling and recreational activities.

**Recreational Vehicle (RV) Park:** An area of land, managed as a unit, providing short-term accommodation for motor homes and camping trailers, including accessory facilities such as administration offices and laundry facilities.

**Recycling Collection Depot (Neighbourhood):** A building or structure used for the collection and temporary storage of recyclable household material such as bottles, cans, plastic containers, paper and paint, but shall not include the processing of recyclable material other than compaction; the collection and storage of oil, solvents or other hazardous material; or outdoor compaction or storage.

**Recycling Collection Facility (Commercial):** A building or structure intended to accommodate the collection, sorting, processing and temporary storage of recyclable materials that would otherwise be considered waste. These types of uses include outdoor processing or storage.

**Redevelopment** (See Infill Development).

**Residence:** (See Residential Use).

**Residential Care Home:** A licensed or approved group care home governed by Provincial regulations that provide, in a residential setting, twenty-four (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.

**Residential Use**: The use of land, buildings, or structures for human habitation.

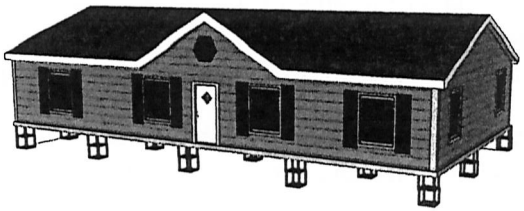
**Restaurant:** A building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. Limited facilities may be permitted to provide for a take-out food function provided that such a facility is clearly secondary to the primary restaurant use.

**Retail Store (Shop):** A building or part thereof, or a place, where goods, wares, merchandise, substances, or articles are offered or kept for sale or rent, and may include servicing and the manufacture of products on site for sale on the site so long as the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

**Right-Of-Way:** The land set aside for use as a roadway or utility corridor. Rights of way are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing mitigative features. Sometimes road rights of way are left vacant after the initial roadway facility is constructed to allow for future expansion.

**Rooming House (Boarding House):** A building which contains a room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw, where meals may or may not be provided, with sleeping facilities and with or without private toilet facilities.

**RTM (Ready to Move) Home:** A residential dwelling that is constructed off- site in a yard or factory to *National Building Code* and transported as a single unit to a site for permanent installation on a permanent foundation including a basement.



*RTM (Ready to Move) Home*

## S

**Satellite Dish:** A parabolic antenna utilized for the reception of satellite transmitted television or radio waves.

**Salvage Yard (Wrecking):** A parcel of land where second-hand, discarded or scrap materials are bought, sold, exchanged, stored, processed or handled. Materials include scrap iron, structural steel, rages, rubber tires, discarded goods, equipment, appliances or machinery.

**School:** An educational facility under the jurisdiction of a Board of Education, a college, university, or any other school established and maintained either wholly or partially at public expense, whether or not the same is a boarding school and includes any dormitory building accessory to such school.

**Secondary Suite**: A self-contained dwelling unit which is an accessory use to, and located within, a detached building in which the principal use is a one (1) unit dwelling.

**Self-Service Storage Facility**: A commercial business that rents or leases storage rooms, lockers, containers, modular storage units and/or outdoor space, for businesses and individuals to store and access their goods.

**Service Station**: A site used for the retail sale of lubricating oils and gasoline, automobile accessories, and for the servicing and repairing of motor vehicles essential to the operation of a motor vehicle; but does not include an auto body or painting shop, car sales lot, or a car washing establishment.

**Setback**: The distance required to obtain the front yard, rear yard or side yard provisions of this Bylaw.

**Shopping Centre:** A building or group of buildings located on one or more contiguous and/or non-contiguous lot or site, in which four (4) or more of the uses allowed in the Zoning District are co-located for their mutual benefit including the use of off-street parking and other joint facilities.

**Should, Shall or May;**

- Shall is an operative word which means the action is obligatory.
- Should is an operative word which means that in order to achieve plan objectives, it is strongly advised that the action be taken.
- May is an operative word meaning a choice is available, with no particular direction or guidance intended.

**Sign:** Any device, letter, symbol, emblem or picture, that is affixed to or represented directly or indirectly upon a building, structure, or a piece of land and that identifies or advertises any object, product, place, activity, person, organization, or business in such a way as to be visible to the public on any street, thoroughfare, or any other public place.

**Sign, Billboard:** A private free standing sign, including supporting structure, which advertises goods, products, services, organizations, of facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

**Sign, Canopy:** A sign attached to, or painted on an awning, canopy or freestanding canopy.

**Sign, Fascia**: A sign fastened to, or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 0.5 metres (1.64 ft.) from such building or structure.

**Sign, Freestanding:** A sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.

**Sign, Height**: The vertical distance measured from the highest point of the sign to grade level at the centre of the sign.

**Sign, Marquee:** A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.

**Sign, Off-Premises:** A sign which contains any message chosen by a person other than the person in control of the premises upon which the sign is located.

**Sign, Projecting (Awning):** A sign which is wholly or partially dependent upon a buildings for support and which projects more than 0.5 metres (1.64 ft.) from such building. (including Awning Signs).

**Sign, Temporary:** A sign which is not permanently installed or affixed in position, advertising a product or activity on a limited basis.

**Site**: An area of land, consisting of one (1) or more lots consolidated under a single certificate of title, considered as a unit devoted to a certain use or occupied by a building or a permitted group of buildings, and the customary accessories and open spaces belonging to the same.

**Site Area:** The total horizontal area within the site lines of a site.

**Site, Corner:** A site at the intersection of two (2) or more public streets, or upon two (2) parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side site lines) contain an angle of not more than one hundred thirty-five (135) degrees. In the case of a curved corner, the corner of the site shall be that point on the street at the point of intersection of the said tangents.

**Site Coverage:** The percentage of the site area covered by all the buildings above the ground level.

**Site Depth:** The horizontal distance between the front site and rear site lines, but where the front and rear site lines are not parallel the site depth is the length of a line joining the midpoint of such site lines.

**Site, Through:** A site other than a corner site, having separate frontages on two (2) streets. The front site line of a through site shall be determined by predetermined building lines.

**Site, Width:** The horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum front yard required for the district in which the site is located.

**Site Line:** Any boundary of a site.

**Site Line, Front**: The line separating the site from the street; for a corner site, the shorter line abutting a street; but in the case of a corner site with two (2) street lines of equal length, the front site line shall be designated by predetermined building lines.

**Site Line, Rear:** The site line at the rear of the site, opposite the front site line.

**Site Line, Side:** A site line other than a front or rear site line.

**Site Plan:** A plan showing the location of existing and proposed buildings on a site in relationship to the site lines.

**Special Care Facility (Home):** An institutionalized nursing home, supervisory care home, sheltered care home or other facility used for the purpose of providing supervisory care, personal care, and nursing care.

**Special Needs Housing**: Multiple unit dwellings or dwelling groups operated by a non-profit corporation or public authority and used exclusively for the domestic habitation of senior citizens, disabled persons, occupants of subsidized housing, or the cohabitant spouse and children of persons noted above.

**Storey:** That portion of a building, other than an attic or basement, between the upper surface of any floor and the upper surface of the floor next above.

**Storey, One-Half**: That portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.6 metres (5.25 ft.) and 2.3 metres (7.55 ft.) over a floor area which is not less than one-third (1/3) nor more than two-thirds (2/3) of the floor area of the story next below.

**Stakeholders**: Individuals, groups or organizations who have a specific interest or "stake" in a particular need, issue situation or project and may include members of the local community residents, community groups or local, Provincial and Federal governments.

**Street:** The whole and entire width of every highway, public road, or road allowance vested in Her Majesty in the right of the Province of Saskatchewan and shown as such on a plan of survey registered at the Information Services Corporation (ISC).

**Strip Mall (Mini Mall):** A building of not more than 604.0 $m^2$ (6501.61 $ft^2$) in gross floor area in which a minimum of three (3) and a maximum of six (6) of the permitted or discretionary uses of the Zoning District are located together for their mutual benefit.

**Structural Alteration:** The construction or reconstruction of supporting elements of a building or other structure.

**Structure:** Anything that is built, constructed or erected that is located on the ground or attached to something located on, or in the ground.

**Subdivision:** A division of land, and includes a division of a quarter section into legal subdivision as described in the regulations made pursuant to *The Land Surveys Act, 2000.*

**Swimming Pool:** Any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, or diving and having a depth of 0.61 metres (2.0 ft.) or more at any point.

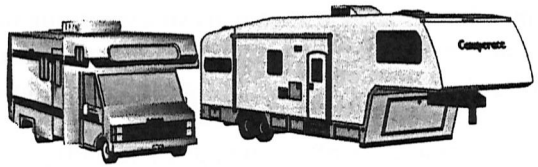
## T

**Tavern:** An establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted, subject to Provincial Regulations.

**(Tele)communication Facility**: A structure situated on a non-residential site that is intended for transmitting or receiving television, radio or cellular communications, excluding those used exclusively for dispatch communications.

**Tourist Campground**: An area of land, managed as a unit, providing short-term accommodation for tents, camping trailers, motor homes and campers, including accessory facilities such as administration offices and laundry faculties.

**Trailer (Camping), Motor Home:** Any vehicle designed, constructed or reconstructed in such a manner as will permit occupancy as a dwelling or sleeping place for one (1) or more persons, notwithstanding that its running gear is removed or jacked up, is used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways, and includes self-propelled and non-self-propelled vehicles.



*Motor Home – Camping Trailer*

**Trucking Firm Establishment**: The use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include an automobile service station, transportation sales or rental outlets.

## U

**Use:** The activity or purpose for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, occupied, or maintained.

**Used For:** Includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

**Utility Shed**: An accessory building or structure used for the storage of goods with a maximum floor area of 9.29 $m^2$ (100 $ft^2$).

## V

**Vehicle Repair and Maintenance Service Indoor:** Includes all land uses which perform maintenance services to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.

**Outdoor:** Maintenance services have all or any portion of their operations located outside of an enclosed building.

**Village:** The Village of Buena Vista.

**Village Administrator:** The Administrator of the Village of Buena Vista.

## W

**Warehouse:** A building used for the storage and distribution of wholesale goods and materials.

**Waste Disposal Facility, Liquid:** A facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

**Waste Disposal Facility, Solid:** A facility or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.

**Wind Energy Conversion System:** A system composed of a wind turbine, tower and associated control electronics with a capacity of less than 100 kilowatt (kW) for non-residential use or 10 kW for residential use. It will be considered an accessory use and is intended to provide on-site power for a principal use.

**Wind Turbine:** The individual component of a Wind Energy Conversion System that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters.

**Wind Turbine, Electrical:** An individual component of a Wind Energy Conversion System which converts kinetic wind energy to electrical energy through electric currents.

**Wind Turbine, Mechanical:** An individual component of a Wind Energy Conversion System which converts kinetic wind energy to mechanical energy through motion.

**Work Camp:** A temporary Industrial or Construction camp established for the purpose of providing accommodation for employees, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such a fashion as to provide sleeping, eating and other basic living facilities.

## Y

**Yard**: Open, uncovered space open to the sky on the same site with a building or structure.

**Yard, Front:** The area between the side site lines and the front site line to the front building line.

**Yard, Rear**: The area between the side site lines and the front site line to the rear building line (corner and interior).

**Yard, Required**: The minimum yard required by a provision of this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

**Yard, Side**: The area between the front and rear yards and between the side site line and the side building line (See Location and measurement of setbacks drawing).

# 3. ADMINISTRATION AND INTERPRETATION

## 3.1 DEVELOPMENT OFFICER

.1 The Administrator of the Village of Buena Vista shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Council designates from time to time.

.2 The Development Officer shall:

a. Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving, discretionary uses, development permit conditions, and development and servicing agreements;
b. Maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
c. Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
d. Collect development fees, according to the fee schedule established in this Bylaw or any other Development Fee Bylaw adopted by the Village; and,
e. Perform other duties as determined by Council.

.3 The Development Officer shall be empowered to make a decision regarding a development permit application for a Permitted Use..

## 3.2 COUNCIL

.1 Council shall make all decisions regarding discretionary uses, development and servicing agreements, and Zoning Bylaw amendments.

.2 Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Government Relations, prior to a decision being made by the Minister.

.3 Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with the Village of Buena Vista Official Community Plan.

## 3.3 APPLICATION FOR A DEVELOPMENT PERMIT

.1 Unless the proposed development or use is exempt from development permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:

a. Complete and submit a development permit application; and,
b. Receive a development permit for the proposed development.

.2 A development permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Village of Buena Vista Official Community Plan.

.3 Except where a particular development is specifically exempted by Section 3.4 of this Bylaw, no development or use shall commence without a development permit first being obtained.

## 3.4 DEVELOPMENT NOT REQUIRING A PERMIT

**.1 RESIDENTIAL ZONING DISTRICT**

a. Buildings and structures under 9.3 $m^2$ (100 $ft^2$) in area, which are accessory to a principal, residential use except where such dwelling is a discretionary use;
b. The television antennae or radio antennae; and/or,
c. Relocation of any residential or accessory building provided development standards are still met on the site.

**.2 COMMERCIAL ZONING DISTRICTS**

a. Buildings and structures 9.3 $m^2$ (100 $ft^2$) that are accessory to a permitted, principal, commercial use, except where such use is discretionary; and/or,

b. A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.

**.3 OFFICIAL USES**

Uses and buildings undertaken, erected, or operated by the Village.

**.4 INTERNAL ALTERATIONS**

a. **Residential Buildings**
Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on site; and,

b. **All Other Buildings**
Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.

**.5 LANDSCAPING**

Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

## 3.5 INTERPRETATION

.1 Where any provision of this Bylaw appears unclear, Council shall make the final Bylaw interpretation.

.2 All Bylaw requirements shall be based on the stated metric units. The imperial units shown in this Bylaw shall be approximate guidelines only.

## 3.6 COMPREHENSIVE DEVELOPMENT REVIEWS

.1 A Comprehensive Development Review may be completed prior to consideration of an application by Council by any person proposing to rezone for multi-parcel (greater than 4) residential, recreational, commercial, or industrial purposes. The purpose of this review is to identify and address social, environmental, health, and economic issues and to encourage the development of high quality residential, recreational, commercial, and industrial developments. The scope and required detail of the Comprehensive Development Review will be based on the scale and location of the proposed development, and address such areas as the following:

a. Proposed land use(s) for various parts of the area;
b. The effect on adjacent land uses and integration of the natural landscape regarding the planning and design of the area;
c. The location of, and access to, major transportation routes and utility corridors;
d. The provision of services respecting the planning for future infrastructure within the Municipality;
e. Sustainable development and environmental management practices regarding surface and groundwater resources, storm water management, flooding and protection of significant natural areas; and,
f. Appropriate information specific to the particular land use (residential, commercial or industrial).

.2 The Comprehensive Development Review must be prepared in accordance with the overall goals and objectives of the Village of Buena Vista Official Community Plan. Council shall not consider any development application until all required information has been received. The responsibility for undertaking all technical investigations and hosting public meetings as required shall be borne solely by the applicant.

## 3.7 DEVELOPMENT PERMIT PROCEDURE

.1 Where an application for a development permit is made for a permitted use in conformity with this Bylaw, *The Planning and Development Act, 2007*, and all other Village Bylaws, the Council shall hereby direct the Development Officer to issue a development permit.

.2 As soon as an application has been made for a development permit and prior to making a decision, the Development Officer may refer the application to whichever government agencies or interested groups Council may consider appropriate. The Development Officer

may also require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.

**.3** A copy of all approved development permit applications, involving the installation of water and sanitary services, shall be sent to the Regina Qu'Appelle Health Region.

**.4** Upon approval of a permitted or accessory use, the Development Officer shall issue a development permit for the use at the location and under such terms and development standards specified by the Official Community Plan and this Bylaw.

**.5** The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals Board on a permitted or accessory use application and any terms and conditions attached to an application.

**.6** A building permit, where required, shall not be issued unless a development permit has been issued, or is issued concurrently.

## 3.8 Discretionary Use Permit Procedure

**.1** The following procedures shall apply to discretionary use applications:

a. Applicants must file with the Development Officer the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required application and public hearing fees;
b. The application will be examined by the Development Officer for conformance with the Plan, this Bylaw, and any other applicable policies and regulations and shall advise the Council as soon as practical;
c. Council may refer the application to whichever government agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant;
d. The Development Officer will give notice by regular mail that the application has been filed to all the residents within 75 meters (246 ft.) from the property line in which the subject site is located and provide notification of an upcoming public hearing and an opportunity for them to provide written comment on the proposal;
e. The Development Officer will prepare a report concerning the application which may contain recommendations, including recommendations that conditions of approval be applied in accordance with Section 54 of *The Planning and Development Act, 2007;*
f. The Development Officer will set a date for the public hearing at which time the application will be considered by Council and if deemed necessary, provide notice to assessed owners of property indicating so within the information packages provided as part of the notification process;
g. Council shall consider the application together with the reports of the Development Officer and any written or verbal submissions received by Council;
h. Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site; and,
i. The applicant shall be notified of Council's decision by regular mail addressed to the applicant at the address shown on the application form.

**.2** Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the Zoning District in which they are located.

**.3** In approving a discretionary use application, Council may prescribe specific development standards with respect to that use or form of development, provided those standards are necessary to secure the following objectives:

a. The proposal, including the nature of the proposed site, the size, shape and arrangement of buildings, and the placement and

arrangement of lighting and signs, must be generally compatible with the height, scale, setbacks, and design of buildings in the surrounding area, and with land uses in the general area, including safeguards to prevent noise, glare, dust, or odour from affecting nearby properties;

b. The proposal must provide adequate access and circulation for the vehicle traffic generated, as well as providing an adequate supply of on-site parking and loading spaces; and,

c. The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.

**.4** Council may approve a discretionary use application for a limited time period where it is considered important to monitor and re-evaluate the proposal and its conformance with the provisions of this Bylaw.

**.5** Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a development permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.

**.6** Council's approval of a discretionary use application is valid for a period of 12 months from the date of the approval. If the proposed use or proposed form of development has not commenced within that time, the approval shall no longer be valid. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.

**.7** The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal any terms and conditions attached to a discretionary use application to the Development Appeals Board.

## 3.9 General Discretionary Use Evaluation Criteria

Council will apply the following general criteria, and where applicable, the specific criteria found in the respective Zoning District, in the assessment of the suitability of an application for a discretionary use or discretionary form of development.

**.1** The proposal must be in conformance with all relevant sections of the Official Community Plan and must demonstrate that it will maintain the character, density, and purpose of the Zoning District, where necessary through the provision of buffer areas, separation, and screening.

**.2** The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, schools, and other utilities, and community facilities.

**.3** The proposal must demonstrate that it is not detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property, improvements, or potential development in the vicinity.

**.4** The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.

**.5** The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible, further appropriate provisions shall be made so as to ensure no adverse parking or access effects occur.

**.6** Consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment, such as the cumulative effect of locating an activity on a site adjacent to or already accommodating an activity that may currently generate traffic, noise, etc. not in keeping with the character of the adjacent area.

**.7** Consideration will be given to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area.

**.8** All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

.9 Proposals for discretionary uses which may result in heavy truck traffic, particularly in commercial and industrial districts, should be located to ensure that such traffic takes access to or from major streets or designated truck routes.

## 3.10 Development Permit Application Fees

.1 An applicant seeking the approval of a development permit application shall pay the following fee: $100.00 or shall pay the required fee as set out in a separate Development Fee Bylaw of the Municipality.

.2 There shall be no development permit application fee for accessory buildings to a residential use, sign permits, licenses for home occupations, or other forms of business licenses.

.3 An applicant seeking a discretionary use approval shall pay the required non-refundable fee: $200.00 or shall pay the required fee as set out in a separate Development Fee Bylaw of the Village.

## 3.11 Fee for Zoning Amendment Application

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by *The Planning and Development Act, 2007.* Council also may require the applicant to pay all costs incurred in a professional review of the application and in carrying out a public hearing.

## 3.12 Concurrent Processing of Development Permits, Building Permits, and Business Licenses

A building permit, where required, shall not be issued unless a development permit has been issued, or is issued concurrently. Nothing in this Bylaw shall exempt any person from complying with a Building Bylaw, or any other Bylaw in force within the Municipality, or from obtaining any permission required by this, or any other Bylaw of the Municipality, the Province, or the Federal Government.

## 3.13 Referral Under the Public Health Act

The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved development permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under *The Public Health Act and Regulations.* The developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council that meets *The Public Health Act and Regulations* requirements.

## 3.14 Development Appeals Board

.1 Council shall appoint a Development Appeals Board consisting of three members, to hear and determine appeals in accordance with Section 213 to 227 inclusive, of *The Planning and Development Act, 2007.*

.2 **RIGHT OF APPEAL**

a. In addition to any other right of appeal provided by *The Planning and Development Act, 2007,* and any other Act, a person affected may appeal to the Board if there is:
   i. Alleged misapplication of the Zoning Bylaw in the issuance of a development permit;
   ii. A refusal to issue a development permit because it would contravene the Zoning Bylaw; or,
   iii. An issuance of a written order from the Development Officer.

b. There is no appeal pursuant to 3.14.2.a.ii if a development permit was refused on the basis that the use in the Zoning District for which the development permit was sought:
   i. Is not a permitted use or a permitted intensity of use;
   ii. Is a discretionary use or discretionary use of intensity that has not been approved by resolution by Council; or,
   iii. Is a prohibited use.

c. Appellants may appeal where they are of the opinion that development standards prescribed by Council with respect to a

discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw;

d. An appellant shall make the appeal pursuant to 3.14.2.a within thirty (30) days after the date of the decision; and,
e. The Development Officer shall make available to all interested persons copies of the provisions of *The Planning and Development Act, 2007*, respecting decisions of the Development Officer and right of appeal.

## 3.15 Minor Variance

**.1** The Development Officer may vary the requirements of this Bylaw subject to the following requirements:

a. A minor variance may be granted for the following only:
   i. Minimum required distance of a building from a lot line; and,
   ii. The minimum required distance of a building from any other building on the lot.
b. The maximum amount of a minor variance shall be 10% variation from the requirements of this Bylaw;
c. The development must conform to all other requirements of this Bylaw;
d. The relaxation of the Bylaw requirement must not injuriously affect a neighbouring property; and,
e. No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act, 2007.*

**.2** An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of $100.00.

**.3** Upon receipt of a minor variance application the Development Officer may:

a. Approve the minor variance;
b. Approve the minor variance and impose terms and conditions on the approval; or,
c. Deny the minor variance.

**.4** Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.

**.5** Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.

**.6** Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.

**.7** A decision to approve a minor variance, with or without terms and conditions, does not take effect:

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

**.8** If an assessed owner of a property having an adjoining property with the applicants land objects to the minor variance in writing to the Development Officer within the prescribed time period, the approval is deemed to be revoked and the Development Officer shall notify the applicant in writing:

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

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

**.10** The Development Officer shall maintain a record of all minor variance applications.

## 3.16 Non-Conforming Buildings, Uses, and Sites

.1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007.*

.2 No enlargement, additions, or reconstruction of a non-conforming use, building, or structure shall be undertaken, except in conformance with these provisions.

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

.4 Where a building has been erected on or before the effective date of this Bylaw on a site having less than the minimum dimensions or area, or having less than the minimum yards required by this Bylaw, the use may be continued and the building may be enlarged, reconstructed, repaired, or renovated pursuant to the rights granted by Section 91 to 93 of *The Planning and Development Act, 2007.* These rights are subject to the following:

a. The enlargement, reconstruction, repair, or renovation does not further reduce the required yards that do not conform to this Bylaw;
b. All other applicable provisions of this Bylaw are satisfied; and,
c. Issuance of a development permit required by this Bylaw.

## 3.17 Development Permit – Invalid

A development permit shall be automatically invalid and development shall cease, as the case may be:

a. If the development is not commenced within the period for which the permit is valid; or,
b. If the development is legally suspended, or discontinued, for a period of six (6) or more months, unless otherwise indicated by Council or the Development Officer.

## 3.18 Cancellation

Council or the Development Officer may cancel a development permit, and when cancelled, development shall cease:

a. Where the Development Officer or Council is satisfied that a development permit was issued based on false or mistaken information;
b. Where new information is identified pertaining to environmental protection, flood potential, or slope instability; and/or,
c. When a developer requests a development permit modification.

## 3.19 Stop-Work

The Development Officer may authorize action to stop any development which does not conform to this Bylaw, a development or servicing agreement, a development permit or condition, or an Interest Registered with ISC under this Bylaw.

## 3.20 Bylaw Compliance

Errors and/or omissions by any person administering or required to comply with the provisions of this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

## 3.21 Registering Interests

.1 As per Section 175 of *The Planning and Development Act, 2007,* the Municipality may register an interest based on a development levy agreement or servicing agreement in the land registry against the affected title.

.2 On registration of an interest based on a development levy agreement or servicing agreement, the rights and privileges in the development levy agreement:

a. Enure to the benefit of the Municipality; and,

b. Run with the land and are binding on the registered owner of the land the registered owner's heirs, executors, administrators, successor, and assigns.

## 3.22 Moving Buildings

No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a development permit from the Development Officer, unless such building is exempt under Section 3.4 of this Bylaw.

## 3.23 Temporary Development Agreements

.1 The Development Officer may issue a temporary development permit, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, oil and gas sector activities, temporary gravel operations, or asphalt plants.

.2 Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned.

## 3.24 Development Levy Agreements

.1 Council may pass a development levy bylaw pursuant to Section 169 to 170 of the *Act* to establish development levies to recover the capital costs of services and facilities.

.2 As per Section 171 of *The Planning and Development Act, 2007*, if the Council deems it is necessary to do so, the Council or Development Officer may require the development permit applicant to enter into a development levy agreement with the Municipality respecting the payment of the development levies.

## 3.25 Servicing Agreements

.1 Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to *the Act*.

.2 In accordance with Sections 172 to 176 inclusive of *The Planning and Development Act, 2007*, the agreement may provide for:

a. The undertaking and installation of storm sewers, sanitary sewers, drains, water mains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, graveled or paved streets and lanes, connections to existing services, area grading and leveling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing; and,

b. The payment of fees that the Council may establish as payment in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

# 4. General Regulations

The following regulations shall apply to all Zoning Districts in the Bylaw.

## 4.1 Licenses, Permits, and Compliance with Other Bylaws and Legislation

.1 In their interpretation and application, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare.

.2 Nothing in this Bylaw shall exempt any person from complying with the requirements of a building regulation Bylaw or any other Bylaw in force within the Village or law within Saskatchewan or Canada; or from obtaining any license, permission, permit, authority, or approval required by this or any other Bylaw of the Village or any law of Saskatchewan or Canada.

.3 Where requirements in this Bylaw conflict with those of any other municipal, provincial, or federal requirements, the provincial or federal requirements shall prevail.

## 4.2 Principal Use Established

In any Zoning District in this Bylaw, the principal use of the land must be established prior to any accessory buildings, structures, or uses being permitted.

## 4.3 Multiple Uses

Notwithstanding anything contained in this Bylaw, where any land, building, or structure is used for more than one (1) purpose, all provisions of this Bylaw relating to each use shall be complied with, but no dwelling shall be located within 3.0 meters (9.8 ft.) of any other building on the site except to a building accessory to such dwelling.

## 4.4 Uses Permitted in All Zoning Districts

.1 Nothing in this Bylaw shall prevent the use of any land as a public street or public park.

.2 Nothing in this Bylaw shall prevent the erection of any properly authorized traffic sign or signal, or any sign of notice of any local or other government department or authority.

.3 Nothing in this Bylaw shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities, essential to the operation of public works.

## 4.5 Number of Principal Buildings on a Site

.1 Only one (1) principal building shall be permitted on any one (1) site except for the following: parks, schools, hospitals, healthcare clinics, recreation facilities, special care homes, senior citizen homes, and approved dwelling groups, shopping centres, mobile homes in mobile home courts, and condominium developments.

.2 Multiple unit residential buildings (e.g. duplex, fourplex) are considered to be one (1) principal building under this Bylaw, and all other uses and buildings on the site must be accessory.

## 4.6 Accessory Buildings, Uses, and Structures

.1 Subject to all other requirements of this Bylaw, an accessory building, use, or structure is a permitted in any district when accessory to an established principal use which is a permitted or discretionary use in that same district, and for which a development permit has been issued.

.2 No accessory building may be constructed, erected, or moved on to any site prior to the time of construction of the principal building to which it is accessory.

.3 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.

## 4.7 Front Yard Reduction

Notwithstanding the minimum depth of front yard required by this Bylaw, where a site is situated between two sites each of which contains a principal building which projects beyond the standard required front yard depth, the front yard required on said site may be reduced to an average of the two established front yards on the adjacent sites; but not be less than 4.5 meters (14.8 ft.) in a residential district unless otherwise permitted in this Bylaw.

## 4.8 Frontage for Irregular Lots

Where the site frontage is along a cul-de-sac, curve or is irregular, the minimum site frontage shall be 11.0 meters (36 ft.) and the mean site width shall not be less than the minimum frontage for regular sites in the same Zoning District.

## 4.9 Permitted Yard Encroachments

.1 Where minimum front, side, or rear yards are required in any Zoning District, the following yard encroachments shall be permitted:

a. Uncovered and open balconies, terraces, verandas, decks, and patios may have a maximum projection from the main wall of 1.8 meters (5.9 ft.) into any required front or rear yard; and
b. Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations may project a distance of 0.6 meters (2 ft.) into any required yard.

## 4.10 Site Grading, Leveling, and Drainage

.1 Every development shall be graded and leveled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property, or the stability of the land:

a. All excavations or filling shall be re-vegetated immediately after other construction activities conclude, with a suitable ground cover as may be necessary to prevent erosion;
b. All vegetation and debris in an area to be re-graded or filled must be removed from the site prior to site grading and leveling;
c. All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the re-graded area, or re-located to a site approved by Council; and,
d. All drainage shall be directed towards natural water runs and shall not affect neighbouring properties.

## 4.11 Height of Buildings

Where a maximum height of buildings is specified in any Zoning District, the maximum height shall be measured from average grade level to the highest point on the building exclusive of any chimney or antenna.

## 4.12 Heritage Properties

Provincial and Municipal heritage properties subject to preservation agreements are subject to development review processes as defined by *The Heritage Property Act*. Provincial designations are afforded special protection, and any alterations and development must be reviewed and approved by the Heritage Committees of the Province of Saskatchewan.

## 4.13 Signage of Natural and Human Heritage Sites

Small plaques, markers, and interpretation signs will be encouraged on properties that have significant natural or human heritage resources, with the approval of the owner, and where the signage is appropriate in scale, design, and placement with the site and surrounding area, and does not cause safety concerns or negatively impact the heritage value of the site.

## 4.14 Signage (taken from existing)

.1 Temporary signs not exceeding 1.0 $m^2$ (10.7 $ft^2$) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

.2 Signage for subdivisions advertising the sale of a large number of lots, size, location, and duration of the sign shall be approved by Council.

.3 Signage for special events including size, location, and duration of signs shall be approved by Council.

## 4.15 Buffer Strips

Buffer strips are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage. Landscape buffers may be required to separate uses from adjacent properties, in which the approving authority will determine the size and width of the buffer.

## 4.16 Closings

In the event a dedicated street or lane shown on the Zoning District Map forming part of this Bylaw is closed, the property formerly in such street or lane shall be included within the Zoning District of the adjoining property on either side of such closed street or lane. If a closed street or lane is the boundary between two (2) or more different Zoning Districts, the new district boundaries shall be the former centre line of the closed street or lane.

## 4.17 Satellite Dishes

.1 Satellite dishes in excess of 1.0 meter (3.3 ft.) in diameter shall not be located in any front or side yard, and shall not be permitted to be erected on the roof of any principal building that is located within a residential district that is less than three (3) stories in height.

.2 Satellite dishes located in residential districts, which exceed 1.0 meter (3.3 ft.) in diameter shall only be erected on the roof of an accessory building if said accessory building is located entirely within a rear yard.

.3 Satellite dishes may be erected in commercial or industrial districts for communications purposes or re-broadcasting of television signals and subsection 4.17.1 shall not apply.

## 4.18 Private Garages, Carports, Sunrooms, Solariums, and Greenhouses

Private garages, carports, sunrooms, solariums, and greenhouses attached to main buildings by a substantial roof structure shall be considered as part of the main building and shall be subject to the regulations for the main building.

## 4.19 Trailers, Box Cars, Sea and Rail Containers

No person shall park or store on any part of a site, any unlicensed rail or sea container, truck, bus or coach body for the purpose of advertising or warehousing within any Zoning District.

## 4.20 Swimming Pools

.1 Notwithstanding anything contained in this Bylaw, a swimming pool is permitted as an accessory use to permitted uses in any residential district or a motel (motor hotel) in a commercial district, to be located in the side or rear yard of any lot/site if:

a. No part of such pool is located closer to any lot or street line than the minimum distance required for the principal building located on such lot;

b. The maximum height of such pool is 1.2 meters (3.9 ft.) above the average finished grade level of the ground adjoining the pool and within 4.5 meters (15 ft.) of such pool;

c. Every swimming pool shall be enclosed by a non-climbable fence of at least 1.8 meters (6 ft.) in height and not more than 10 cm from the ground, and located at a distance of not less than 1.5 meters (4.9 ft.) from the pool; and,

d. Any deck attached to or abutting a swimming pool shall be considered as part of the swimming pool.

.2 Any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions in the applicable Zoning Districts in Sections 7-16 of this Bylaw, respecting accessory buildings.

## 4.21 Disposal of Wastes

.1 Subject to all Acts and Regulations pertaining in any way to the storage, handling, and disposal of any waste material or used item, and except as permitted by these Acts and Regulations, no liquid, solid, or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto or beneath the surface of any land, or into the air.

.2 No development or use of land which requires solid or liquid waste disposal facilities shall be permitted unless those facilities are approved by Saskatchewan Health and the Saskatchewan Water Security Agency. Disposal of liquid, solid, or gaseous waste shall be governed by Acts administered by Saskatchewan Agriculture, Saskatchewan Environment, Saskatchewan Health and the Saskatchewan Water Security Agency.

## 4.22 Fence and Hedge Heights

.1 Subject to traffic sights lines, the following height limitations shall apply to fences, walls, chain-link fences, and hedges:

a. No hedge, fence, or other structure shall be erected past any property line;
b. In a required front yard, to a height no greater than 1.0 meter (3.3 ft.) above grade level;
c. In a required rear yard, to a height no greater than 2.0 meters (6.6 ft.) above grade level; and,
d. In the case of a corner lot, no wall, fence, hedge, shrub, or other structure shall exceed 0.75 meters (2.46 ft.) in height in an intersection sight triangle.

.2 Fencing material within residential zoning districts will be one of the following: wood; vinyl; chain link; brick stone; or wrought iron.

.3 Screening shall be provided in any new development where a lot used for commercial or industrial purposes abuts a residential district without an intervening street or lane. Such screening shall consist of a solid fence, hedge, or wall over 1.5 meters (5 ft.) in height in a side or rear yard and over 0.75 meters (2.5 ft.) in a front yard.

.4 The use of electrified fencing material is prohibited within the Village limits.

## 4.23 Solid and Waste Disposal Facilities

Municipal and commercial solid or liquid waste disposal facilities are subject to the following conditions:

a. The facility will be located as near as practical to the source of waste;
b. The facility will have undergone satisfactory review as required by Provincial Authorities for environmental assessment and operational design;
c. The facilities will be located at least 457 meters (1,500 ft.) for liquid and solid waste from any residence or recreational use;
d. The development of any new disposal sites shall take into consideration seasonal winds;
e. Adequate precautions shall be taken to prevent pollution of ground water by disposal operations;
f. Solid waste disposal facilities shall be located in proximity to an all-weather road; and,
g. Council may apply special standards for screening, fencing, and reclamation of the site.

# 5. Discretionary Use Standards for Development

## 5.1 Terms and Conditions for Discretionary Approvals

This section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the District. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards or criteria related to:

- Site drainage of storm water;
- The location of buildings with respect to buildings on adjacent properties;
- Access to, number, and location of parking and loading facilities;
- Appropriate space for vehicle movement in order to reduce disruption of traffic flows on adjacent roadways;
- Control of noise, glare, dust, and odour;
- Landscaping, screening, and fencing to buffer adjacent properties;
- The size, shape, and arrangement of buildings, and the arrangement of buildings, and the placement and arrangement of lighting and signs;
- Prescribed specified time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development; and,
- Intensity of use.

## 5.2 Home Occupations

Home occupations (home-based businesses) are subject to the following conditions:

- Home-based occupations and businesses will be accommodated provided that they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area, and not of a size that provide services or products that would detrimentally affect the viability of the neighbourhood.
- One home occupation shall be allowed per dwelling unit. Home occupations shall be conducted entirely within the dwelling or accessory building.
- One advertising display shall be allowed on the site or premise from which the home occupation is conducted. No LED or neon signs shall be allowed.
- There shall be no exterior display or storage of any merchandise or material relating to the home occupation.
- No equipment or process used in the home occupation shall create dust, noise, vibration, glare, fumes, odour, or air pollution that is detectable at or beyond the property line of the lot where the home occupation or business is located.
- Up to two (2) persons other than a resident of the dwelling unit may be engaged in any home occupation as an employee or a volunteer.
- The home occupation shall not cause or add to on-street parking congestion or cause an increase in traffic through residential zones.
  - No more than one business vehicle, for which off-street parking is provided, shall be operated in connection with the home occupation; and,
  - Parking of vehicles of employees hired for off-site jobs shall not be allowed at or in the vicinity of the dwelling unit.
- All business permits issued for home occupations shall expire on December 31 of the year issued. Home occupations are subject to the condition that the permit may be revoked at any time if, in the opinion of Council, the use is or has become detrimental to the amenities of adjoining properties and the neighbourhood.

## 5.3 Secondary Suites

Secondary suites are subject to the following conditions:

- Secondary suites may be constructed within a principal, single detached dwelling in a residential zone. Only one (1) secondary suite is permitted on each residential site.
- Secondary suites must be located within the principal dwelling and must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building. Secondary suites must contain cooking, eating, living, sleeping, and sanitary facilities.
- Secondary suites may not exceed 80 $m^2$ (861 $ft^2$) or 50% of the total floor space, including basements, and may not have more than two (2) bedrooms.

## 5.4 Modular Homes

Modular homes are subject to the following conditions:

- All modular homes shall be placed on a permanent concrete foundation at a standard comparable to a single detached dwelling.
  - All modular homes shall be multi-modular, with the width approximately equivalent to the length; and,
  - All modular homes shall complement adjacent and nearby dwellings.
- Modular homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- All other requirements of this Bylaw apply.

## 5.5 Bed and Breakfast Homes

Bed and breakfast homes are subject to the following conditions:

- Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence.
- No more than three (3) guest rooms shall be allowed in a bed and breakfast home.
- Only one sign, not exceeding 1.0 $m^2$ (10.76 $ft^2$) advertising the vacation farm or bed and breakfast home and located on site, is permitted.
- The only meal to be provided to registered guests shall be breakfast. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. All facilities shall meet public health regulations and be kept in a manner satisfactory to the Regional Health Authority.
- The operation of the bed and breakfast home shall be subordinate and incidental to the principal use of a single detached dwelling as an owner occupied residence.
- No one other than the occupant and his/her immediate family members may be involved or employed in the operation of the bed and breakfast home.

## 5.6 Day Care Centres and Pre-Schools

Day-care centres and pre-schools are subject to the following conditions:

- Day care centres and pre-schools may be approved as an accessory use or as a principal use.
- In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- Required parking spaces may be located in a required front yard.

## 5.7 Adult Day Cares

- Adult day care facilities may be approved as an accessory use or as a principal use.

- In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- Required parking spaces shall not be located in a required front yard.

## 5.8 RESIDENTIAL CARE HOMES

Residential care homes are subject to the following conditions:

- Residential care homes may be approved as an accessory use or as a principal use.
- In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- Required parking spaces may be located in a required front yard.
- No building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers.

## 5.9 CAMPGROUNDS

Campgrounds are subject to the following conditions:

- The operator of a campground shall provide the Development Officer with a plan of the campground, identifying any buildings, uses of land, and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, and material change in use of portions of land, or the filling or clearing of land shall require a development permit, and the operator shall submit for approval an amended plan incorporating the development.
- A campground shall have within its boundaries, a buffer area abutting the boundary of not less than 4.5 meters (15 ft.) which shall contain no buildings.
- The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 $m^2$ (1615 $ft^2$) in area with its corners clearly marked.
- One permanent sign located on site advertising the campground is permitted per site:
  - The facial area of a sign shall not exceed 0.5 $m^2$ (5.3 $ft^2$);
  - No sign shall be located in any manner that may obstruct or jeopardize the safety of the public; and,
  - Temporary signs not exceeding 1.0 $m^2$ (10.7 $ft^2$) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.
- No portion of any campsite shall be located within a roadway or required buffer area.
- Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area. The space provided for roadways within a campground shall be at least 7.5 meters (24.6 ft.) in width. No portion of any campsite, other use, or structure shall be located in any roadway.
- Each trailer coach shall be located at least 3.0 meters (10 ft.) from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- A campground may include as ancillary uses a laundromat or a confectionery designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- *The Public Health Act* shall be complied with in respect to all operations and development of the campground.

## 5.10 GARDEN SUITES

Garden suites are subject to the following conditions:

- There is no secondary suite in the primary residence.

- The garden suite dwelling unit is a temporary use and shall be permitted for a five-year term, which may be renewed at Council's discretion. The landowner shall enter into an agreement that the land shall not be considered for subdivision.
- The floor area of the garden suite dwelling shall not be less than 35 $m^2$ (377 $ft^2$) and not greater than 90 $m^2$ (969 $ft^2$). The garden suite shall not be located on a permanent foundation to allow the structure to be removed from the property when it is no longer required by a relative of the permanent resident.
- The maximum height of the garden suite shall not exceed 5.0 meters (16 ft.) from grade level and shall have only one story.
- Garden suite dwellings shall only be located on sites where the dwelling can be serviced by existing utilities and can be hooked up to the services of the host residence.
- Residents of the garden suite must have access to the rear yard amenities.
- The combined site coverage of the single detached dwelling and garden suite dwelling shall not exceed the maximum coverage permitted by this Zoning Bylaw, and the accessory dwelling shall be placed so that all other setback requirement of the Zoning Bylaw are met.
- A parking space shall be provided on site for the resident(s) of the garden suite dwelling.
- There shall be direct and separate access to the garden suite dwelling by on-site driveway, or by public roadway, or alley.

## 5.11 Above-Ground Fuel Storage Tanks

Above-ground fuel storage tanks are subject to the following conditions:

- Above-ground fuel storage tanks which meet the standards of the National Fire Code and which have a maximum capacity of 50,000 litres may be permitted in association with service stations, gas bars and other permitted industrial or commercial uses where the dispensing of fuel to vehicles is a standard aspect of the use.
- The total storage capacity for above-ground fuel storage tanks on any single service station or gas bar site shall not exceed:
  - 150,000 liters for flammable liquids (gasoline);
  - 100,000 liters for combustible liquids (diesel fuel); and,
  - 100,000 liters of propane.
- Above-ground fuel storage tanks shall be:
  - For uses other than service stations and gas bars, located at least 3.0 meters (10 ft.) from any property line or building, the 3.0 meter (10 ft.) separation distance may be reduced to 1.0 meter (3 ft.) for tanks with a capacity of 5,000 liters or less;
  - For service stations and gas bars, located at least 6.0 meters (20 ft.) from any property line or building;
  - Separated from each other and be accessible for firefighting purposes to the satisfaction of the Development Officer; and,
  - At least 15 meters (49 ft.) from the boundary of any site within a residential district.
- For uses other than service stations and gas bars, the dispensing equipment associated with above-ground fuel storage tanks shall be located at least 3.0 meters (10 ft.) from any property line, at least 7.5 meters (25 ft.) from any open flame or other ignition source, and at least 4.5 meters (15 ft.) from any door or window.
- For service stations and gas bars, the dispensing equipment associated with above-ground fuel storage tanks shall be located at least 6.0 meters (20 ft.) from any property line, at least 7.5 meters (25 ft.) from any open flame or other ignition source, and at least 4.5 meters (15 ft.) from any door or window.
- Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, guardrails, or other similar means.
- At service stations and gas bars, above-ground fuel storage tanks which are located in view of a front or flanking street shall be

landscaped or screened to the satisfaction of the Development Officer.

- The maximum height of an above-ground fuel storage tank shall be limited to the maximum permitted height of a free-standing sign in the Zoning District.
- Painted lettering or other forms of signage may be located on above-ground fuel storage tanks subject to the sign regulations in the Zoning District.

# 6. ZONING DISTRICTS AND ZONING MAP

## 6.1 ZONING DISTRICTS

For the purpose of this Bylaw, the Village of Buena Vista is divided into several Zoning Districts that may be referred to by the appropriate symbols. The uses or forms of development allowed within a Zoning District, along with regulations or standards which apply, are provided in the District schedules in this Section.

| | | | |
|---|---|---|---|
| **R1** | Residential Low Density District | **CS** | Community Service District |
| **R2** | Residential Low Density Topographical Limitation District | **FUD** | Future Urban Development |
| **R3** | Residential Medium Density District | **AR** | Agricultural Resource District |
| **R4** | Residential Large Lot Low Density District | **FH** | Flood Hazard Overlay |
| **C** | Commercial District | **SH** | Slope Hazard Overlay |
| **IND** | Cottage Industrial District | | |

## 6.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 7-16 adopted by the Village of Buena Vista, signed by the Mayor and by the Village Administrator under the seal of the Village, shall be known as the "Zoning District Map", and such map is hereby declared to be an integral part of this Bylaw.

## 6.3 BOUNDARIES OF THE ZONING DISTRICTS

**.1** The boundaries of the Districts referred to in this Bylaw, together with an explanatory legend, notations and reference to this Bylaw, are shown on the map entitled, "Zoning District Map."

**.2** Unless otherwise shown, the boundaries of Zoning Districts are site lines, centre lines of streets, lanes, road allowances, or such lines extended, and the boundaries of the Municipality.

## 6.4 HOLDING DESIGNATION

**.1** Where on the Zoning District Map the symbol for a Zoning District has suffixed to it the holding symbol "H"; any lands so designated on the map shall be subject to a holding provision in accordance with Section 71 of *The Planning and Development Act, 2007.*

**.2** Any lands subject to a holding provision shall only be used for the following uses:

a. Those uses existing on the land when the "H" is applied; and,
b. Public works.

# 7. Residential Low Density District – R1

The purpose of the Residential Low Density District (R1) is to accommodate primarily single-detached dwellings and limiting semi-detached and multi-unit dwellings.

**No person shall within any R1 – Residential Low Density District use any land or erect, alter, or use any building or structure, except in accordance with the following provisions:**

## 7.1 Permitted Uses

a. One single-detached dwelling, which includes an RTM;
b. Uses, buildings, and structures accessory to the foregoing permitted uses and located on the same site with the main use;
c. Playgrounds and swimming pools;
d. Public works, buildings and structures excluding offices, warehouses, storage yards and waste management or sewage facilities.

## 7.2 Discretionary Uses

**The following uses may be permitted in the R1 – Residential Low Density District only by resolution of Council and only in locations specified by Council. Discretionary use requirements can be found in Section 5.**

a. Modular homes (refer to section 5.4);
b. Home occupations (Home-based Businesses) (refer to section 5.2);
c. Semi-detached, duplex dwelling, fourplex, or townhouses;
d. Garden suites (refer to 5.10);
e. Secondary suites (refer to section 5.3);
f. Child day cares (refer to section 5.6)
g. Adult day cares (refer to section 5.7);
h. Bed and breakfast homes (refer to section 5.5);
i. Residential care homes (refer to section 5.8).

## 7.3 Site Development Regulations

**Public works shall have no minimum or maximum site regulations.**

| Permitted and Discretionary Uses: | Single Detached Dwelling and All Other Uses | Semi-Detached, Duplex Dwelling, Fourplex, and Townhouses | Playgrounds & Swimming Pools |
|---|---|---|---|
| Minimum site area | 0.2 hectares (2,000 $m^2$) | 0.2 hectares (2,000 $m^2$) | No minimum |
| Minimum floor area | 111 $m^2$ (1,200 $ft^2$) | 111 $m^2$ (1,200 $ft^2$) | No minimum |
| Minimum site frontage | 7.6 meters (25 ft.) | 7.6 meters (25 ft.) | No minimum |
| Maximum height | 8.5 meters (28 ft.) | 12 meters (39 ft.) | No maximum |
| Maximum site coverage | 40% and 50% on a corner site | 40% and 50% on a corner site | No maximum |
| Minimum front yard | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | 7.5 meters (24.6 ft.) |
| Minimum rear yard | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | No minimum |
| Minimum side yard | 1.5 meters (5 ft.) | 1.5 meters (5 ft.) | 3.0 meters (10 ft.) |

## 7.4 Accessory Buildings and Structures

| | |
|---|---|
| **Minimum yard setbacks** | A minimum 6.0 meters (20 ft.) from the front site line, 1.2 meters (4 ft.) from the principal building, and 0.8 meters (2.6 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 meters (12 ft.). |
| **Maximum floor area** | All accessory buildings shall not exceed 120 $m^2$ (1300 $ft^2$) in area. |
| **Maximum height** | 6.0 meters (20 ft.) from grade level to the underside of the eaves. |
| **Minimum rear yard** | All accessory buildings shall be located a minimum of 0.8 meters (2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 2.0 meters (6.5 ft.) from the site line abutting the lane. |

**.1** Garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building and shall not exceed the square footage of the main floor of the principal dwelling in size.

**.2** A carport, consisting of a roof and supporting columns or structures which are not permanent walls, is permitted to encroach into any required side yard as long as the supporting structures are set back a minimum of 0.3 meters (1 ft.) from the side lot line and the roof does not project past the side lot line.

**.3** A detached private garage is permitted in any side or rear yard, provided there is sufficient available space to comply with all other requirements in this section.

**.4** All activities related to artisan studios, crafts, and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

**.5** No attached structure (i.e. deck) shall have a total floor area greater than the main floor area of the principal building. In calculating the main floor area of a principal building, the area of an attached garage shall be excluded.

**.6** Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl, or other sheet material shall be permitted in a rear or side yard.

## 7.5 Fence and Hedge Height

Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fences and hedges:

a. No hedge, fence, or other structure shall be erected past any property line;
b. In a required front yard, to a height no greater than 1.0 meter (3.3 ft.) above grade level;
c. In a required rear yard, to a height no greater than 2.0 meters (6.5 ft.) above grade level; and,
d. Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 meters (6.5 ft.).

## 7.6 Signage

**.1** One (1) permanent sign is permitted per site. The facial area of a sign shall not exceed 0.5 $m^2$ (5.3 $ft^2$).

**.2** In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling.

**.3** No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

## 7.7 PARKING

Off-street parking requirements shall be provided in accordance with the following:

| | |
|---|---|
| Single detached, RTM, and modular homes | 2 spaces per dwelling. |
| Semi-detached, duplex dwellings, fourplex or townhouses | 2 spaces per dwelling. |
| Public works | No requirements. |
| Playgrounds and swimming pools | No requirements. |
| Day care centres and pre-schools | 1 space plus 1 additional space for every 10 persons enrolled in the facility. |
| Adult day cares | 1 space plus 1 space per 5 persons enrolled in the facility. |

## 7.8 OUTDOOR STORAGE

**.1** No outdoor storage shall be permitted in the required front yard of any residential site.

**.2** Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.

**.3** No yard shall be used for the storage or collection of hazardous material.

**.4** Council may require additional standards for the location, setback, or screening of any area devoted to the outdoor storage of vehicles, operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts, inoperable vehicles or machinery.

**.5** Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

## 7.9 SUPPLEMENTARY DISCRETIONARY USE STANDARDS

**.1** All discretionary uses shall follow the general discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.

**.2** All discretionary uses shall maintain the residential character of the area as much as possible.

**.3** Specific Discretionary Use Evaluation Criteria for ***Semi-Detached, Duplex Dwellings, Fourplex or Townhouses and Other Multi-Unit Dwellings:***

a. Council shall give consideration to the locations on major streets and that the development will not cause excessive traffic through existing low density residential areas.

**.4** Off-street parking spaces for day care centres, pre-school nurseries, and residential care facilities shall be located in a side or rear yard and be screened if they are adjacent to a site used for residential purposes.

# 8. Residential Low Density Topographical Limitation District – R2

The purpose of the Residential Low Density Topographical Limitation District (R2) is to accommodate primarily single-detached dwellings and related urban uses on existing lots which are not generally suited for further subdivision due to topographic, access or service limitations, etc.

**No person shall within any R2 – Residential Low Density Topographical Limitation District use any land or erect, alter, or use any building or structure, except in accordance with the following provisions:**

## 8.1 Permitted Uses

a. One single-detached dwelling, which includes an RTM;
b. Uses, buildings, and structures accessory to the foregoing permitted uses and located on the same site with the main use;
c. Playgrounds and swimming pools;
d. Public works, buildings and structures excluding offices, warehouses, storage yards and waste management or sewage facilities.

## 8.2 Discretionary Uses

**The following uses may be permitted in R2 – Residential Low Density Topographical Limitation District only by resolution of Council and only in locations specified by Council. Discretionary use requirements can be found in Section 5.**

a. Home occupations (Home-based Businesses) (refer to section 5.2);
b. Confectionaries;
c. Secondary suites (refer to section 5.3);
d. Child day cares (refer to section 5.6)
e. Adult day cares (refer to section 5.7);
f. Bed and breakfast homes (refer to section 5.5);
g. Residential care homes (refer to section 5.8).

## 8.3 Site Development Regulations

**Public works shall have no minimum or maximum site regulations.**

| Permitted and Discretionary Uses: | Single Detached Dwelling and All Other Uses | Playgrounds & Swimming Pools |
|---|---|---|
| Minimum site area | 870 $m^2$ (9,375 $ft^2$) | No minimum |
| Minimum floor area | 94 $m^2$ (1,000 $ft^2$) | No minimum |
| Minimum site frontage | 7.6 meters (25 ft.) | No minimum |
| Maximum height | 8.5 meters (28 ft.) | No maximum |
| Maximum site coverage | 40% and 50% on a corner site | No maximum |
| Minimum front yard | 6.0 meters (20 ft.) | 7.5 meters (24.6 ft.) |
| Minimum rear yard | 7.5 meters (25 ft.) | No minimum |
| Minimum side yard | 1.5 meters (5 ft.) | 3.0 meters (10 ft.) |

## 8.4 Accessory Buildings and Structures

| | |
|---|---|
| Minimum yard setbacks | A minimum 6.0 meters (20 ft.) from the front site line, 1.2 meters (4 ft.) from the principal building, and 0.8 meters (2.6 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 meters (12 ft.). |
| Maximum floor area | All accessory buildings shall not exceed 120 $m^2$ (1300 $ft^2$) in area. |
| Maximum height | 6.0 meters (20 ft.) from grade level to the underside of the eaves. |
| Minimum rear yard | All accessory buildings shall be located a minimum of 0.8 meters (2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 2.0 meters (6.5 ft.) from the site line abutting the lane. |

.1 Garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building and shall not exceed the square footage of the main floor of the principal dwelling in size.

.2 A carport, consisting of a roof and supporting columns or structures which are not permanent walls, is permitted to encroach into any required side yard as long as the supporting structures are set back a minimum of 0.3 meters (1 ft.) from the side lot line and the roof does not project past the side lot line.

.3 A detached private garage is permitted in any side or rear yard, provided there is sufficient available space to comply with all other requirements in this section.

.4 All activities related to artisan studios, crafts, and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

.5 No attached structure (i.e. deck) shall have a total floor area greater than the main floor area of the principal building. In calculating the main floor area of a principal building, the area of an attached garage shall be excluded.

.6 Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl, or other sheet material shall be permitted in a rear or side yard.

## 8.5 Fence and Hedge Height

Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fences and hedges:

a. No hedge, fence, or other structure shall be erected past any property line;
b. In a required front yard, to a height no greater than 1.0 meter (3.3 ft.) above grade level;
c. In a required rear yard, to a height no greater than 2.0 meters (6.5 ft.) above grade level; and,
d. Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 meters (6.5 ft.).

## 8.6 Signage

.1 One (1) permanent sign is permitted per site. The facial area of a sign shall not exceed 0.5 $m^2$ (5.3 $ft^2$).

.2 In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling.

.3 No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

## 8.7 PARKING

Off-street parking requirements shall be provided in accordance with the following:

| | |
|---|---|
| **Single detached, RTM, and modular homes** | 2 spaces per dwelling. |
| **Semi-detached, duplex dwellings, fourplex or townhouses** | 2 spaces per dwelling. |
| **Public works** | No requirements. |
| **Playgrounds and swimming pools** | No requirements. |
| **Day care centres and pre-schools** | 1 space plus 1 additional space for every 10 persons enrolled in the facility. |
| **Adult day cares** | 1 space plus 1 space per 5 persons enrolled in the facility. |

## 8.8 OUTDOOR STORAGE

**.1** No outdoor storage shall be permitted in the required front yard of any residential site.

**.2** Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.

**.3** No yard shall be used for the storage or collection of hazardous material.

**.4** Council may require additional standards for the location, setback, or screening of any area devoted to the outdoor storage of vehicles, operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts, inoperable vehicles or machinery.

**.5** Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

## 8.9 SUPPLEMENTARY DISCRETIONARY USE STANDARDS

**.1** All discretionary uses shall follow the general discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.

**.2** All discretionary uses shall maintain the residential character of the area as much as possible.

**.3** Off-street parking spaces for day care centres, pre-school nurseries, and residential care facilities shall be located in a side or rear yard and be screened if they are adjacent to a site used for residential purposes.

# 9. Residential Medium Density District – R3

The purpose of the Residential Medium Density District (R3) is to accommodate mid to high density residential development including semi-detached, townhouse, and other multi-unit dwellings.

**No person shall within any R3 – Medium Density District use any land, or erect, or use any building or structure except in accordance with the following provisions:**

## 9.1 Permitted Uses

a. One single-detached dwelling, including a RTM.

## 9.2 Discretionary Uses

**The following uses may be permitted in the R3 – Medium Density District only by resolution of Council and only in locations specified in such resolution of Council. Discretionary use requirements can be found in Section 5.**

a. Semi-detached and duplex dwellings;
b. Fourplex, or townhouses and other multiple unit dwellings;
c. Uses, buildings, and structures accessory to the foregoing permitted and located on the same site with the main use;
d. Playgrounds and swimming pools;
e. Modular homes (refer to section 5.4);
f. One secondary suites in single-detached dwellings (refer to section 5.3);
g. Apartments with no more than 6 dwelling units;
h. Condominiums with no more than 10 dwelling units;
i. Home occupations, home-based businesses (refer to section 5.2);
j. Child daycares (refer to section 5.6);
k. Adult daycares (refer to section 5.7);
l. Bed and breakfast homes (refer to section 5.5);
m. Residential care homes (refer to section 5.8);
n. Confectionary stores;
o. Public works, buildings and structures, excluding offices, shops, warehouses, storage yards and waste management or sewage facilities.

## 9.3 Site Development Regulations

**Public works shall have no minimum or maximum site requirements.**

| Permitted Uses: | Single Detached, RTM and Modular Homes | Semi-Detached and Duplex | Townhouse, Fourplex and Other Multiple Unit Dwellings | Public Playgrounds and Swimming Pools |
|---|---|---|---|---|
| Minimum site area | 460 $m^2$ (4,951 $ft^2$) | 1,000 $m^2$ (10,763 $ft^2$) total | 603 $m^2$ (6,490 $ft^2$) plus 93 $m^2$ (1000 $ft^2$) for each dwelling unit in excess of three (3) units | No minimum |
| Minimum floor area | 94 $m^2$ (1,000 $ft^2$) | 55 $m^2$ (592 $ft^2$) per dwelling unit | 46 $m^2$ (500 $ft^2$) per dwelling unit | No minimum |
| Minimum site frontage | 6.0 meters (20 ft.) | 7.6 meters (25 ft.) | 15 meters (49 ft.) | No minimum |
| Maximum height | 9.0 meters (30 ft.) for Principal Buildings | 9.0 meters (30 ft.) for Principal Buildings | 9.0 meters (29 ft.) (2 ½ Stories) | No maximum |
| Maximum site coverage | 40% and 50% on a corner site | 40% and 50% on a corner site | 40% and 50% on a corner site | No maximum |
| Minimum front yard | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | 7.6 meters (25 ft.) |
| Minimum rear yard | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | No minimum |
| Minimum side yard | 1.5 meter (5 ft.) | 1.5 meter (5 ft.) | 1.5 meter (5 ft.) | 3.0 meters (10 ft.) |

| Discretionary Uses: | Apartments with no more than 6 units | Condominiums with no more than 10 units | All Other Uses |
|---|---|---|---|
| Minimum site area | 1,700 $m^2$ (18,398 $ft^2$) | 275 $m^2$ (2,960 $ft^2$) per unit | 460 $m^2$ (4,951 $ft^2$) |
| Minimum floor area | 45 $m^2$ (484 $ft^2$) per unit | 45 $m^2$ (484 $ft^2$) per unit | 94 $m^2$ (1,000 $ft^2$) |
| Minimum site frontage | 15 meters (49 ft.) | 15 meters (49 ft.) | 6.0 meters (20 ft.) |
| Height | 12.0 meters (129 ft.) for Principal Buildings | 12.0 meters (129 ft.) for Principal Buildings | 9.0 meters (30 ft.) for Principal Buildings |
| Maximum site coverage | 40% and 50% on a corner site | 40% and 50% on a corner site | 40% and 50% on a corner site |
| Minimum front yard | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) |
| Minimum rear yard | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) | 6.0 meters (20 ft.) |
| Minimum side yard | 3.0 meters (10 ft.) | 1.5 meter (5 ft.) | 1.5 meter (5 ft.) |

## 9.4 Accessory Buildings and Structures

| | |
|---|---|
| Minimum Yard setbacks | A minimum of 6.0 meters (20 ft.) from the front site line, 1.2 meters (4 ft.) from the principal building, and 1.5 meters (4.9 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 meters (12 ft.). |
| Maximum floor area | All accessory buildings shall not exceed 120 $m^2$ (1300 $ft^2$) in area. |
| Maximum height | Accessory buildings shall not exceed 6.0 meters (20 ft.) in height from grade level to the underside of the eaves, and shall not be higher than the principal building. |
| Minimum rear yard | All accessory buildings shall be located a minimum of 0.8 meters (2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 2.0 meters (6.6 ft.) from the site line abutting the lane. |

**.1** Garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building and shall not exceed the square footage of the main floor of the principal dwelling in size.

**.2** A carport, consisting of a roof and supporting columns or structures which are not permanent walls, is permitted to encroach into any required side yard as long as the supporting structures are set back a minimum of 0.3 meters (1 foot) from the side lot line and the roof does not project past the side lot line.

**.3** One detached private garage is permitted in any side or rear yard, provided there is sufficient available space to comply with all other requirements in this section.

**.4** All activities related to artisan studios, crafts, and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin.

**.5** No attached structure (i.e. deck) shall have a total floor area greater than the main floor area of the principal building. In calculating the main floor area of a principal building, the area of an attached garage shall be excluded.

**.6** Temporary, fabric covered structures consisting of wood, metal, or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be permitted to locate in a side or rear yard.

## 9.5 Signage

**.1** One (1) permanent sign is permitted per site. The facial area of a sign shall not exceed 0.5 $m^2$ (5.3 $ft^2$).

**.2** In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling.

**.3** No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

## 9.6 Parking

Off-street parking requirements shall be provided in accordance with the following:

| | |
|---|---|
| Single detached, RTM, and modular homes | 2 spaces per dwelling. |
| Semi-detached, duplex, and multi-unit dwellings | 2 spaces per dwelling. |
| Public works | No requirement. |
| Playgrounds & swimming pools | No requirement. |

| | |
|---|---|
| **Townhouse, fourplex, and other multiple unit dwellings** | 1.5 spaces per dwelling. |
| **Bed and breakfast homes** | 1 space plus 1 space for each guest room. |
| **Residential care homes** | 1 space plus 1 space for each non-resident staff member. |
| **Day care centres and pre-schools** | 1 space plus 1 additional space for every 10 persons enrolled in the facility. |
| **Adult day cares** | 1 space plus 1 space per 5 persons enrolled in the facility. |

## 9.7 Outdoor Storage

**.1** No outdoor storage shall be permitted in the required front yard of any residential site.

**.2** Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.

**.3** No wrecked, partially dismantled, or inoperable vehicle or machinery shall be stored or displayed in any required yard. No yard shall be used for the storage or collection of hazardous material.

**.4** Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating condition, equipment, and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts.

**.5** Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

## 9.8 Standards for Discretionary Uses

**.1** All discretionary uses shall follow the general discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.

**.2** Off-street parking spaces for day care centres, pre-school nurseries, and residential care facilities shall be located in a side or rear yard and be screened if they are adjacent to a site used for residential purposes.

**.3** ***Dwelling Groups***:

a. The minimum side yard of 3.5 meters (11.5 ft.) or half the building height shall be measured from the closest main wall of the principal building closest to the side site line;
b. All principal buildings forming part of the group shall be located at least 3.5 meters (11.5 ft.) from any other principal building in the group;
c. The site area shall provide at least 370 $m^2$ (3,983 ft.) for each dwelling unit in the group located at grade level plus 65 $m^2$ (700 $ft^2$) for any dwelling unit located above the main floor; and,
d. Council may apply special development standards regarding yard requirements to reduce conflict with neighbouring uses.

**.4** Specific Discretionary Use Evaluation Criteria for ***Residential Care Homes:***

a. The development will be entirely consistent with the residential development on adjacent parcels.

# 10. Large Lot Low Density Residential District – R4

The purpose of the Large Lot Low Density Residential District (R4) is to provide for larger lower density residential lot development and related uses.

**No person shall within any R4 – Large Lot Low Density Residential District use any land or erect, alter, or use any building or structure except in accordance with the following provisions:**

## 9.1 Permitted Uses

a. One single-detached dwelling, which includes an RTM;
b. Uses, buildings, and structures accessory to the foregoing permitted uses and located on the same site with the main use;
c. Playgrounds and swimming pools;
d. Public works, buildings and structures excluding offices, warehouses, storage yards and waste management or sewage facilities.

## 10.1 Discretionary Uses

**The following uses may be permitted in the R4 – Large Lot Low Density Residential District only by resolution of Council and only in locations specified by Council. Discretionary use requirements can be found in Section 5.**

a. Home occupations (Home-based Businesses) (refer to section 5.2);
b. Garden suites (refer to 5.10);
c. Secondary suites (refer to section 5.3);
d. Child day cares (refer to section 5.6)
e. Adult day cares (refer to section 5.7);
f. Bed and breakfast homes (refer to section 5.5).

## 10.2 Site Development Regulations

**Public works shall have no minimum or maximum site regulations.**

| Permitted and Discretionary Uses: | Single Detached Dwelling and All Other Uses | Playgrounds & Swimming Pools |
|---|---|---|
| Minimum site area | 120 $m^2$ (1300 $ft^2$) for bungalow or bi-level with double attached garage<br>140 $m^2$ (1500 ft2) for two storey with double attached garage<br>0.2 ha (0.5 acres) | No minimum |
| Minimum floor area | 111 $m^2$ (1,200 $ft^2$) | No minimum |
| Minimum site frontage | 7.6 meters (25 ft.) | No minimum |
| Maximum height | 8.5 meters (28 ft.) | No maximum |
| Maximum site coverage | 40% and 50% on a corner site | No maximum |
| Minimum front yard* | 12.8 meters (42 ft.) | 7.5 meters (24.6 ft.) |
| Minimum rear yard | 6.0 meters (20 ft.) | No minimum |
| Minimum side yard | 3.0 meters (10 ft.) | 3.0 meters (10 ft.) |

*The following lots shall have a reduced minimum front yard of 10 meters (32.8 ft.):

Lot 19, Block/Parcel 1, Plan 101897983 Ext 0

Lot 20, Block/Parcel 1, Plan 101897983 Ext 0

## 10.3 Accessory Buildings and Structures

| | |
|---|---|
| **Minimum yard setbacks** | A minimum **6.0 meters (20 ft.)** from the front site line, 1.2 meters (4 ft.) from the principal building, and 0.8 meters (2.6 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 meters (12 ft.). |
| **Maximum floor area** | All accessory buildings shall not exceed 120 $m^2$ (1300 $ft^2$) in area. |
| **Maximum height** | 6.0 meters (20 ft.) from grade level to the underside of the eaves. |
| **Minimum rear yard** | All accessory buildings shall be located a minimum of 0.8 meters (2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 2.0 meters (6.5 ft.) from the site line abutting the lane. |

**.1** Garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building and shall not exceed the square footage of the main floor of the principal dwelling in size.

**.2** A carport, consisting of a roof and supporting columns or structures which are not permanent walls, is permitted to encroach into any required side yard as long as the supporting structures are set back a minimum of 0.3 meters (1 ft.) from the side lot line and the roof does not project past the side lot line.

**.3** A detached private garage is permitted in any side yard or rear yard, provided there is sufficient available space to comply with all other requirements in this section.

**.4** All activities related to artisan studios, crafts, and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

**.5** No attached structure (i.e. deck) shall have a total floor area greater than the main floor area of the principal building. In calculating the main floor area of a principal building, the area of an attached garage shall be excluded.

**.6** Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard.

## 10.4 Fence and Hedge Height

Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fences, and hedges:

a. No hedge, fence, or other structure shall be erected past any property line;
b. In a required front yard, to a height no greater than 1.0 meter (3.3 ft.) above grade level;
c. In a required rear yard, to a height no greater than 2.0 meters (6.5 ft.) above grade level; and,
d. Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 meters (6.5 ft.).

## 10.5 Signage

**.1** One (1) permanent sign is permitted per site. The facial area of a sign shall not exceed 0.5 $m^2$ (5.3 $ft^2$).

**.2** In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling.

**.3** No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

## 10.6 PARKING

Off-street parking requirements shall be provided in accordance with the following:

| | |
|---|---|
| Single detached, RTM, and modular homes | 2 spaces per dwelling. |
| Public works | No requirements. |
| Playgrounds and swimming pools | No requirements. |
| Day care centres and pre-schools | 1 space plus 1 additional space for every 10 persons enrolled in the facility. |
| Adult day cares | 1 space plus 1 space per 5 persons enrolled in the facility. |

## 10.7 OUTDOOR STORAGE

.1 No outdoor storage shall be permitted in the required front yard of any residential site.

.2 Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.

.3 No yard shall be used for the storage or collection of hazardous material.

.4 Council may require additional standards for the location, setback, or screening of any area devoted to the outdoor storage of vehicles, operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts, inoperable vehicles or machinery.

.5 Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

## 10.8 SUPPLEMENTARY DISCRETIONARY USE STANDARDS

.1 All discretionary uses shall follow the general discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.

.2 All discretionary uses shall maintain the residential character of the area as much as possible.

.3 Off-street parking spaces for day care centres, pre-school nurseries, and residential care facilities shall be located in a side or rear yard and be screened if they are adjacent to a site used for residential purposes.

# 11. Commercial District – C

The purpose of the Commercial District (C) is to continue to encourage cottage commercial by providing pedestrian orientated commercial activities and services.

**No person shall within any C –Commercial District use any land or erect, alter, or use any building or structure except in accordance with the following provisions:**

## 11.1 Permitted Uses

a. Banks, credit unions, and other financial institutions;
b. Administrative offices;
c. Barbers, hairdressers, and other similar personal services establishments;
d. Medical, dental, and other health care offices and clinics or health services;
e. Restaurants, cafes, coffee shops, and other similar fast food services;
f. Confectionaries and delicatessens;
g. Storefront retail stores and outlets;
h. Storefront bakeries, butcher shops, and similar food processing with on-site retail sales;
i. Theatres, assembly halls, places of worship, service clubs;
j. Commercial and public recreational establishments such as bowling alleys, arcades and fitness centres;
k. Licensed premises for the sale and consumption of alcoholic beverages;
l. Libraries, galleries, museums, and other similar cultural institutions;
m. Public transportation depots;
n. Outdoor markets and concessions (permanent, seasonal, or occasional);
o. Small-scale repair trades such as tailors, jewelers, art and hand craft shops and studios, craftspeople and similar trades, including retail sales of art and craft products;
p. Storefront construction trades without yards;
q. Buildings, structures or uses accessory to and located on the same site as the principal building or permitted use;
r. Public works buildings, offices and structures excluding warehouses, storage yards, and waste management or sewage facilities.

## 11.2 Discretionary Uses

**The following may be permitted in the C – Commercial District but only by resolution of Council and only in locations specified by such resolution of Council. Discretionary use requirements can be found in Section 5.**

a. Dwellings attached to and behind, or above, commercial establishments;
b. Lumber and building supply establishments;
c. Shops of plumbers, pipe fitters, metal workers and other industrial trades manufacturing and sales;
d. Funeral homes;
e. Other innovative commercial uses consistent with street level retail and services.

## 11.3 Site Development Regulations

**Public works shall have no minimum or maximum site requirements.**

| Permitted and Discretionary Uses: | Bus terminals, restaurants, licensed premises | All other uses |
|---|---|---|
| Minimum site area | 1,000 $m^2$ (10,763 $ft^2$) | 225 $m^2$ (2,422 $ft^2$) |
| Minimum site frontage | 20 meters (66 ft.) | 7.5 meters (25 ft.) |
| Minimum site coverage | No requirement | 75% |
| Minimum front yard | 7.5 meters (25 ft.) | No requirement |
| Minimum rear & side yard | No requirement except 7.5 meters (25 ft.) minimum rear and 3 meters (10 ft.) minimum side yard if abutting a Residential District without an intervening street or lane | No requirement except 7.5 meters (25 ft.) minimum rear and 1.5 meter (5 ft.) if abutting a Residential District without an intervening street or lane |
| Height | Principal buildings: 15 meters (49 ft.) | Principal buildings: 15 meters (49 ft.) |
| | Accessory buildings: Shall not be higher than the principal building | Accessory buildings: Shall not be higher than the principal building |

## 11.4 Accessory Buildings

.1 Setbacks for accessory buildings shall meet the same requirements as the principal use or building.

.2 Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard.

## 11.5 Signage

Signs and billboards shall be prohibited in the C1 – Core Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:

a. Two (2) permanent signs are permitted per site. The facial area of a sign shall not exceed 4.0 $m^2$ (43 $ft^2$);
b. No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
c. A sign may be double faced; and,
d. A sign shall not exceed 6 meters (20 ft.) in total height above the ground.

## 11.6 Parking

Off-street parking requirements shall be provided in accordance with the following:

| | |
|---|---|
| Stores and offices | 1 parking space for every 50 $m^2$ (538 $ft^2$) of gross floor area |
| Restaurants, other eating places | 1 parking space for every 10 seats provided for patrons |
| Theatres, places of assembly | 1 parking space for every 10 seats provided for patrons |
| Motels, motor hotels or hotels | 1 parking space for each unit |
| Service Stations | 1 ½ parking spaces for each service bay |
| Lumber and building supply establishments | 1 space per 50 $m^2$ (538 $ft^2$) of gross floor or 1 space per 3 employees, whichever is greater. |

| | |
|---|---|
| **All other uses** | 1 parking space for each 75 $m^2$ (807 $ft^2$) of building floor area |

## 11.7 Landscaping

Where a site abuts any Residential District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 meters (4.9 ft.) in width throughout which shall not be used for any purpose except landscaping.

## 11.8 Standards for Discretionary Uses

.1 All discretionary uses shall follow the general discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.

.2 Specific Discretionary Use Evaluation Criteria for ***Accessory Dwellings Attached To And Behind, or Above, Commercial Establishments***:

a. A maximum of one accessory dwelling unit attached to and behind, or above, a commercial establishment will be allowed;
b. The accessory dwelling shall be located in the principal building, with the front of the building at grade level always remaining a commercial use;
c. The accessory dwelling unit shall have an entrance separate from the commercial use and provide a fire exit secondary to the required entrance;
d. Dwelling units are permitted as long as the principal use is undergoing;
e. Dwelling units shall have a floor area smaller than or equal to the floor area in commercial use;
f. Minimum floor area for each dwelling unit shall be 45 $m^2$ (484 $ft^2$);
g. All dwelling units shall have an entrance separate from that of the commercial establishment;
h. Dwelling units shall be located above or at the rear and attached to the principal commercial use; and,
i. Accessory residential uses shall conform to the Provincial Public Health and Fire Regulations.

.3 Specific Discretionary Use Evaluation Criteria for ***Lumber Yards and Wholesale Trades***:

a. Development of these uses on other than the existing sites will be encouraged to locate on vacant land with adequate space.

.4 Specific Discretionary Use Evaluation Criteria for ***Building Supply Establishments, Construction*** **Trades*, Lumber Yards, Light Manufacturing, and Welding And Machine Shops***:

a. The location of the use will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have minimal impact on surrounding adjacent areas. Consideration may be given, but is not limited to, the following effects:
   i) Municipal servicing capacity;
   ii) Anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration and other emissions emanating from the operation;
   iii) Anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists, or pedestrians; and,
   iv) Utilization of hazardous substances.
b. All materials and goods used in conjunction with construction trades or with lighting manufacturing plants shall be stored within an enclosed building, or within an area hidden from view by screening;
c. Warehouses and freight handling facilities shall be accessible from a major road network to avoid heavy traffic volumes on access roads. Consideration shall be given to the location of entry and exit points to the site and their interrelation with existing intersections or land constraints;
d. No storage is permitted for a wholesale establishment; and,

e. All manufacturing and assembly operations in conjunction with a light manufacturing plant shall be conducted within an enclosed building.

**.5** Specific Discretionary Use Evaluation Criteria for ***Funeral Homes***:

a. A funeral home must be on a lot that abuts a major (Primary or Secondary) street, as identified in the Official Community Plan "Transportation Hierarchy" Reference Map;
b. A site with a funeral home must have a fence along the portion of the site line that abuts a residential site; and,
c. The building shall not contain facilities for cremation.

**.6** Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes an access to or from major streets or designated truck routes.

**.7** All operations related to construction trades, artisans, and craft shop offices shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

# 12. COTTAGE INDUSTRIAL DISTRICT – IND

The purpose of the Cottage Industrial District (IND) is to provide areas for industrial activities which have moderate potential for conflict with adjacent land uses and rely on access to prime traffic routes.

**No person shall within any IND - Cottage Industrial District use any land, or erect, alter, or use any building or structure except in accordance with the following provisions:**

## 12.1 PERMITTED USES

a. Business and/or professional offices;
b. Industrial parks containing a combination of permitted uses;
c. Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation;
d. Indoor repair, rental, servicing, storage, wholesale of any commodity and/or retail sales of any goods, materials and/or commodities excluding any hazardous materials;
e. Manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products that are not noxious;
f. Oilfield supply and service establishments;
g. Auto body shops;
h. Construction and other contractors, industrial trades, workshops, yards, plants, and/or offices;
i. Warehousing and supply depots;
j. Farm and Industrial machinery equipment and vehicle sales and service;
k. Trucking operations;
l. Semi-trailer and container parking lot including sea containers;
m. Lumber and building supply establishments;
n. Construction of RTM homes or agricultural building assembly area;
o. Motor vehicle, recreational vehicle, and/or mobile home sales and servicing and/or storage compound;
p. Commercial recycling depots;
q. Public works buildings and structures including offices, warehouses, storage, yards, and waste management or sewage facilities.

## 12.2 DISCRETIONARY USES

**The following uses may be permitted in the IND – Cottage Industrial District only by resolution of Council and only in locations specified in such resolution of Council. Discretionary use requirements are provided in Section 5.**

a. Bulk petroleum sales and storage (refer to Section 5.12);
b. Oilfield equipment parking lot and staging area;
c. Stockyards and auction marts;
d. Salvage yards and auto wreckers;
e. Meat processing plants/abattoirs;
f. Seed cleaning plants, feed mills and flour mills;
g. Fertilizer sales and storage;
h. Cement manufacturing;
i. Aggregate material storage or handling operations.

## 12.3 Site Development Regulations

**Public works shall have no minimum or maximum site requirements.**

| Permitted and Discretionary Uses: | Autobody Shops, Carwashes, Shops Of Industrial Tradesmen, Wholesales | All Other Uses |
|---|---|---|
| Minimum site area | 1,000m² (10,763 ft²) | 590 m² (6,350 ft²) |
| Minimum site frontage | 30 meters (98 ft.) | 20 meters (66 ft.) |
| Minimum front yard | 7.5 meters (25 ft.) | 7.5 meters (25 ft.) |
| Minimum rear yard | 10% of the depth of the lot | 6.0 meters |
| Minimum side yard | 3.0 meters (10 ft.) | 3.0 meters (10 ft.) |
| Maximum height | 15 meters (49 ft.) | 15 meters (49 ft.) |

## 12.4 Accessory Buildings

.1 Setbacks for accessory buildings shall meet the same requirements as the principal use or building.

.2 Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard.

## 12.5 Fence and Hedge Heights

.1 Screen fences shall be consistent and complement the quality of building design and materials of the primary building. Screening shall be provided where a lot used for commercial or industrial purposes abuts a Residential District without an intervening street or lane. Such screening shall consist of a solid fence, hedge, or wall over 1.5 meters (5 ft.) in height in a side or rear yard and over 0.75 meters (2.5 ft.) in a front yard.

.2 No fence in an Industrial District shall exceed 2.4 meters (7.8 ft.).

.3 No barbed wire or razor wire fences shall be allowed in an Industrial District.

## 12.6 Landscaping

.1 A landscaped strip of not less than 3.0 meters (10 ft.) in width throughout lying parallel and abutting the front site line shall be provided on every site.

.2 On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

.3 Where a site abuts any Residential District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 3.0 meters (10 ft.) in width throughout which shall not be used for any purpose except landscaping.

## 12.7 Parking

Off-street parking requirements shall be provided in accordance with the following:

| | |
|---|---|
| Warehouses or manufacturing activities | 1 parking space for each 90 m² (969 ft²) of gross floor area. |
| Principal buildings | 1 parking space for each 50 m² (538 ft²) of gross floor area, or 1 parking space for each 1.5 employees, whichever is greater. |

## 12.8 Loading Requirements

Where the use of a building or site involves the receipt, distribution, or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to stand for loading and unloading without restricting access to all parts of the site shall be provided on the site.

The minimum area of an individual loading space shall be 17 $m^2$ (183 $ft^2$).

## 12.9 Signage

Signs and billboards are prohibited in the IND – Cottage Industrial District except for signs advertising the principal use of the premises or the names of the occupants of the premises. Permitted signs shall be subject to the following regulations:

a. Two (2) permanent signs are permitted per site. The facial area of a sign shall not exceed 4.0 $m^2$ (43 $ft^2$);
b. No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
c. A sign may be double faced; and,
d. A sign shall not exceed 6 meters (20 ft.) in total height above the ground.

## 12.10 Outdoor Storage

**.1** No outdoor storage shall be permitted in the required front yard of any commercial or industrial site.

**.2** No yard shall be used for the storage or collection of hazardous material.

**.3** Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.

**.4** Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating condition, equipment, and machinery normally used for the maintenance of the property, vehicles or vehicular parts.

**.5** All outside storage shall be fenced and where the area abuts a residential area. All junk yards or auto wrecking yards shall be totally enclosed by a sturdy fence built to a minimum height of 2.0 meters (6.6 ft.) and constructed of material suitable to conceal from view the materials stored on site. No materials shall be stacked above the height of the fence.

**.6** All automobile parts, dismantled vehicles, storage drums and crates, stockpiled material, and similar articles and materials shall be stored within a building or suitably screened from public view.

## 12.11 Standards for Discretionary Uses

**.1** All discretionary uses shall follow the general discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.

**.2** Specific Discretionary Use Evaluation Criteria for ***Salvage Yards and Auto Wrecker Operations:***

a. This includes salvage yards, auto wreckers, auto repair shop, body shops and similar uses, all salvage vehicles and materials, vehicles waiting repair, salvage or removal and similar uses;
b. No vehicles or parts thereof shall be located in the front yard;
c. All salvage yards shall be totally hidden from the view of the travelling public, provincial highways ,any public road and adjacent residential development by utilizing any of the following measures:
    i. Distance and careful location;
    ii. Natural or planted vegetation;
    iii. An earth berm;
    iv. An opaque fence;
    v. A building; or,
    vi. Other appropriate methods approved by Council.

**.3** Specific Discretionary Use Evaluation Criteria for ***Meat Processing Plants/Abattoirs*:**

a. Shall be located at least 91.4 meters (300 ft.) from residential areas, schools, hospitals, motels and restaurants.

**.4** Specific Discretionary Use Evaluation Criteria for ***Oilfield Equipment Parking Lot and Staging Area:***

a. The designated truck access routes will not be primarily through residential areas.

**.5** Specific Discretionary Use Evaluation Criteria for ***Seed Cleaning Plants, Feed Mills And Flour Mills; Fertilizer Sales And Storage;***

***Cement Manufacturing; and Aggregate Material Storage or Handling Operations:***

a. The location of the use will only be favorably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given to:
   i) Municipal servicing capacity;
   ii) Anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration and other emissions emanating from the operation; and,
   iii) Anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists, or pedestrians.
b. Utilized designated truck access routes will not be primarily through residential areas;
c. Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes access to or from major streets or designated truck routes;
d. All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development;
e. The tanks are to be located 91.4 meters (300 ft.) from residential areas, schools, hospitals, motels, and restaurants.

## 12.12 Performance Standards

An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:

a. Noise - emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
b. Smoke - no process involving the use of solid fuel is permitted;
c. Dust or ash - no process involving the emission of dust, flying ash or other particulate matter is permitted;
d. Odour - the emission of any odorous gas or other odorous matter is prohibited;
e. Toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
f. Glare or heat - no industrial operation shall be carried out that would produce glare or heat noticed beyond the property line of the lot;
g. External storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the authority having jurisdiction. No storage shall be permitted in the front yard;
h. Industrial wastes - waste which does not conform to the standards established from time to time by Village Bylaws shall not be discharged into any Village sewers; and,
i. The onus of proving to Council's satisfaction that a proposed development does and will comply with these requirements, rests with the developer.

# 13. COMMUNITY SERVICE DISTRICT – CS

The purpose of the Community Service District (CS) is to provide areas for a wide range of community service related activities including social, recreational, institutional, parks and public service.

**No person shall, within any CS – Community Service District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:**

## 13.1 PERMITTED USES

a. Buildings, structures, or uses secondary or subordinate to, and located on the same site as, the principal use, shall be considered accessory uses and, may include commercial uses;
b. Elementary, high schools and other educational facilities;
c. Lodges, social clubs, service clubs;
d. Municipal offices, libraries, historic and cultural institutions, community halls;
e. Places of worship and assembly halls;
f. Child daycares;
g. Adult daycares;
h. Health facilities and special care homes;
i. Recreational - sports fields, parks, playgrounds, curling rinks, skating rinks, tennis courts, lawn bowling greens, swimming pools, and other similar uses. More than one recreational use may be permitted per site;
j. Golf courses;
k. Natural open areas;
l. Community gardens;
m. Pedestrian trails and bicycle pathways;
n. Skateboard parks or BMX bike-terrain;
o. Scenic lookout and interpretation facilities, rest stops, and other public trail facilities;
p. Public works buildings and structures excluding storage yards, warehouses, drainage ditches, culverts, and other drainage works, and shall include water reservoirs, waste management sites, and sewage treatment facilities.

## 13.2 DISCRETIONARY USES

**The following uses may be permitted in the CS – Community Service District only by resolution of Council and only in locations specified in such resolution of Council. Discretionary use requirements are provided in Section 5.**

a. Marinas;
b. Public boat docking facilities;
c. Campgrounds (refer to Section 5.9).

## 13.3 SITE DEVELOPMENT REGULATIONS

**Public works shall have no minimum or maximum site requirements.**

| Permitted and Discretionary Uses: | Elementary and Secondary Schools | Skating, Curling Rinks and Swimming Pools |
|---|---|---|
| Minimum site area | No minimum requirement | 1200 $m^2$ (12,916 $ft^2$) |
| Minimum site frontage | 15 meters (49 ft.) | 20 meters (66 ft.) |
| Maximum site coverage | 75% | No requirement |
| Minimum front yard | 7.5 meters (25 ft.) | 7.5 meters (25 ft.) |
| Minimum rear yard | 7.5 meters (25 ft.) | 7.5 meters (25 ft.) |
| Minimum side yard | 50% of the height of the building or 3.0 meters (10 ft.), whichever is greater | 1.5 meters (4.9 ft.) except on a corner site abutting a street then 3.6 meters shall be provided |

| All Other Uses | |
|---|---|
| Minimum site area | 450 m² (4,844 ft²) |
| Minimum site frontage | 15 meters (49 ft.) |
| Maximum site coverage | No requirement |
| Minimum front yard | 7.5 meters (25 ft.) |
| Minimum rear yard | 7.5 meters (25 ft.) |
| Minimum side yard | 50% of the height of the building or 3.0 meters, whichever is greater |

## 13.4 Accessory Buildings

| | |
|---|---|
| Minimum front yard | 7.5 meters (25 ft.) |
| Principal building | All accessory buildings shall be set back 1.2 meters (4 ft.) from the principal building |
| Maximum height | Accessory buildings shall not exceed 4.0 meters (13 ft.) in height from grade level to the underside of the eaves, and shall not be higher than the principal building |
| Minimum side yard | 0.8 meters (2.6 ft.) unless the side site line is abutting a street then the side yard shall be 3.6 meters (12 ft.) |
| Minimum rear yard | All accessory buildings with a door or doors opening onto a lane shall not be located less than 2.0 meters (6.6 ft.) from the site line abutting the lane |

## 13.5 Signage

.1 One permanent sign is permitted per site. The facial area of a sign shall not exceed 4.0 m² (43 ft²).

.2 Billboards are prohibited except for one information sign for each building or use and those bearing notices of special events and activities, or other information, relating to a temporary condition affecting the site. Such signs shall be approved by Council.

## 13.6 Parking

Off-street parking requirements shall be provided in accordance with the following:

| | |
|---|---|
| Elementary school | 1 parking space for each staff member. |
| High school | 1 parking space for each staff member, plus 1 parking space for every 10 students. |
| Churches and places of assembly | 1 parking space for each 50 m² (538 ft²) of floor area. |
| Special care homes | 1 parking space for each bed. |
| Institutional buildings, private clubs and lodges | 1 parking space for each 50 m² (538 ft²) of floor area. |
| Recreational buildings, sports facilities and fields | 1 parking space for each of every ten patrons or seats. |

## 13.7 Landscaping

.1 A landscaped strip of not less than 3.0 meters (10 ft.) in width throughout lying parallel and abutting the front site line shall be provided on every site.

.2 On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

**.3** Where a site abuts any Residential District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 meters (4.9 ft.) in width throughout which shall not be used for any purpose except landscaping.

## 13.8 Standards for Discretionary Uses

**.1** All discretionary uses shall follow the general discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.

**.2** Specific Discretionary Use Evaluation Criteria for ***Marinas:***

a. There shall be no discharge of water and/or contaminants into the water from boat maintenance or hull cleanring within the marina;
b. Marinal structures shall be maintained in a structurally sound and safe condition at all times;
c. There shall be no discharge of sewage or solid wastes into the waterbody; and,
d. The applicant shall supply the Development Officer a plan which includes a minimum:
    i. A description of operations, facilities and maintenance;
    ii. An oil or gas spill plan; and,
    iii. A waste disposal and litter management plan.

# 14. Future Urban Development - FUD

The purpose of the Future Urban Development District (FUD) is to limit development that may affect future growth of the Village by providing for temporary and transitional uses and activities.

**No person shall within any FUD – Future Urban Development District use any land, or erect, alter, or use any building or structure, except in accordance with the following provisions:**

## 14.1 Permitted Uses

a. Agricultural crop production and horticultural uses and buildings and structures customarily accessory to the use;
b. Commercial greenhouses, market gardens, and sod farms;
c. Uses, buildings and structures accessory to the principal building or use;
d. Recreational uses and sports grounds;
e. Recreational vehicle storage yards;
f. Public works buildings, and structures including offices, warehouses, storage, yards, and waste management or sewage facilities;

## 14.2 Discretionary Uses

**The following uses may be permitted in the FUD - Future Urban Development District but only by resolution of Council and only in locations specified in such resolution of Council. Discretionary use requirements are provided in Section 5.**

a. One single detached dwelling and buildings accessory to the principal use and occupied by the owner, manager or caretaker of the principal use;
b. Keeping of livestock, but excluding intensive livestock operations, poultry farms, hatcheries, or commercial kennels.

## 14.3 Site Development Regulations

**Public works shall have no minimum or maximum site requirements.**

| Permitted and Discretionary Uses | |
|---|---|
| Minimum site area | Existing, no subdivision or 16 hectares (39.5 acres) for agricultural uses |
| Minimum site frontage | 60 meters (197 ft.) abutting a highway or 6.0 meters (20 ft.) abutting a street |
| Minimum front yard | 15.0 meters (49 ft.) unless the property abuts a municipal road, then the setback is 60.0 meters (197 ft.) from the centerline of the municipal road |
| Minimum side yard | 7.5 meters (25 ft.) for a dwelling and buildings accessory thereto, except the minimum side yard abutting a public street shall be 10 meters (33 ft.) |
| Minimum rear yard | 10.0 meters for dwellings and buildings accessory thereto except that the minimum rear yard abutting a public street shall be 30.0 meters (98 ft.) |

## 14.4 Signage

.1 One (1) permanent sign is permitted per site. The facial area of a sign shall not exceed 1.0 $m^2$ (10.7 $ft^2$).

.2 In the case of a home occupation, an additional permanent sign is permitted.

.3 No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

## 14.5 Supplementary Regulations

.1 Council will consider the applications for discretionary use with respect to the following criteria:

a. The infrastructure servicing capacity is available to service the development without excessive impact on other uses being served by the system;
b. The proposed development will be consistent with any concept plans in force in the area and will not be inconsistent with the future use and development plans of the Village of Buena Vista Official Community Plan; and,
c. The development will not require the development of new streets and utility lines except as may be provided for in existing plans under Village of Buena Vista Official Community Plan and that the proposal is not premature.

**.2** Where a development is proposed at a location at which standard connection to the Village's existing sewer and water system is not feasible, the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council and meets *The Public Health Act and Regulations* requirements.

**.3** Any building or structure used for the habitation or shelter of animals permitted in this Zoning District shall be located a minimum distance of 76.0 meters (249 ft.) from an occupied dwelling situated on an adjoining site.

# 15. AGRICULTURAL RESOURCE DISTRICT - AR

The purpose of the Agricultural Resource District (AR) is to acknowledge the long term agricultural potential of the peripheral lands located with the Village's boundaries that will remain in the agricultural production for the foreseeable future.

**No person shall within any AR – Agricultural Resource District use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:**

## 15.1 PERMITTED USES

a. Agricultural crop production and horticultural uses and buildings and structures customarily accessory to the use;
b. Commercial greenhouses, market gardens, and sod farms;
c. Uses, buildings, and structures accessory to the principal building or use;
d. Public works buildings and structures including offices, warehouses, storage, yards, and waste management or sewage facilities.

## 15.2 DISCRETIONARY USES

**The following uses may be permitted in the AR - Agricultural Resource District but only by resolution of Council and only in locations specified in such resolution of Council. Discretionary use requirements are provided in Section 5.**

a. Keeping of livestock, but excluding intensive livestock operations, poultry farms, hatcheries, or commercial kennels.

## 15.3 SITE DEVELOPMENT REGULATIONS

**Public works shall have no minimum or maximum site requirements**

| Permitted and Discretionary Uses | |
|---|---|
| Minimum site area | 16 hectares (39.5 acres) for agricultural uses |
| Minimum site frontage | 60 meters (197 ft.) abutting a highway or 6.0 meters (20 ft.) abutting a street |
| Minimum front yard | 15 meters (49.2 ft.) unless the property abuts a municipal road, then the setback is 60 meters (197 ft.) from the centerline of the municipal road |
| Minimum side yard | 7.5 meters (25 ft.) for a dwelling and buildings accessory thereto, except the minimum side yard abutting a public street shall be 10 meters (32.8 ft.) |
| Minimum rear yard | 10.0 meters (32.8 ft.) for dwellings and buildings accessory thereto except that the minimum rear yard abutting a public street shall be 30 meters (98 ft.) |

## 15.4 SIGNAGE

.1 One permanent sign is permitted per site. The facial area of a sign shall not exceed 1.0 $m^2$ (10.7 $ft^2$).

.2 In the case of a home occupation, an additional permanent sign is permitted.

.3 No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

## 15.5 SUPPLEMENTARY DEVELOPMENT STANDARDS

**.1** Council will consider the applications for permitted and discretionary use with respect to the following criteria:

a. The infrastructure servicing capacity is available to service the development without excessive impact on other uses being served by the system;

b. The proposed development will be consistent with any concept plans in force in the area and will not be inconsistent with the future use and development plans of the Village of Buena Vista Official Community Plan; and,

c. The development will not require the development of new streets and utility lines except as may be provide for in existing plans under the Village of Buena Vista Official Community Plan and that the proposal is not premature.

**.2** Where a development is proposed at a location at which standard connection to the Village existing sewer and water system is not feasible, the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council and meets *The Public Health Act and Regulations* requirements. Domestic waste disposal systems located on the site and serving only the principal use will be a permitted use to that principal use.

**.3** Any building or structure used for the habitation or shelter of animals permitted in this Zoning District shall be located a minimum distance of 76.0 meters (249 ft.) from an occupied dwelling situated on an adjoining site.

# 16. Flood Hazard Overlay - FH

The intent of the Flood Hazard Overlay (FH) area is to restrict development in areas that are considered hazardous for development in order to minimize property damage due to flooding. The following regulations are intended to apply supplement standards for development in areas designated as flood hazard zones.

## 16.1 Defining the Boundary

For all proposed development in this cautionary area, the developer shall be required to contact Saskatchewan Water Security Agency to determine the 1:500 year return frequency flood event and necessary freeboard.

## 16.2 Site Regulations in the Flood Hazard Land Areas

**.1** Development of new buildings and additions to buildings in the flood way of the 1:500 year flood elevation of any watercourse or water body shall be prohibited.

**.2** If the development of new buildings or additions is approved in the flood fringe, flood-proofing to an elevation of 0.5 meters above the 1:500 year flood event will be required.

**.3** Placement of off-site fill in the flood fringe should be limited to that required for flood-proofing or flood risk management, in order to minimize displacement.

**.4** For a proposed development located within the flood fringe, Council may require the developer to undertake a flood study carried out by a qualified professional. The study shall determine the 1:500 flood elevation including the flood way and the flood fringe areas and any potential impacts and mitigative measures of the proposed development.

**.5** "Hazardous Substances and Waste Dangerous Goods" are prohibited, as defined by the Hazardous Substances and Waste Dangerous Goods Control Regulations of the Environmental Management and Protection Act of Saskatchewan.

## 16.3 Flood Proofing Regulations

**.1** A development permit shall not be issued for any land use, erection, alternation or use of any building or structure within the Flood Hazard Overlay area unless the site/development meets approved flood proofing measures 0.5 meters (1.6 ft.) above the 1:500 flood design elevation.

**.2** Any existing buildings may be replaced or expanded subject to appropriate flood proofing measure being provided.

**.3** For the purpose of this Bylaw, appropriate flood proofing measure shall mean:

a. That all buildings shall be designed to prevent structural damage by flood waters;
b. The first floor of all buildings shall be constructed above the designated flood design elevation; and,
c. All electrical and mechanical equipment within a building shall be located above the designated flood design elevation.

# 17. Slope Hazard Overlay - SH

The Intent of the Slope Hazard Overlay (SH) is to restrict development in areas that are considered hazardous for development for reasons of excessive soil erodability and/or ground instability. The following regulations are intended to apply supplementary standards for development in areas designated as having potential for instable soil conditions due to erosion or excessive slopes.

## 17.1 Defining the Area

**.1** No new development shall be permitted in any readily eroded or unstable slope area if the proposed development will be affected by or increase the potential hazard presented by erosion or slope instability.

## 17.2 Site Regulations in the Slope Hazard Area

**.1** Any application for a development permit on any parcel of land that lies wholly or partially within an area designated in the Slope Hazard Overlay (SH) must be accompanied by a detailed site analysis prepared by a geotechnical engineer registered in the Province of Saskatchewan. The site analysis shall indicate topography, surface drainage, geological, and geotechnical conditions at the site of the proposed development and related to the conditions of the general area as they relate to slope instability and erosion hazards.

**.2** The geotechnical engineer shall answer the following questions:

a. Will the proposed development be detrimentally affected by natural erosion or slope instability?

b. Will the proposed development increase the potential for erosion or slope instability that may affect the proposed development, or any other property?

**.3** Unless the geotechnical engineer can answer "no" in response to both of the above questions, further analysis will be required. The required analysis must define the hazard as it may affect the proposed development and any other potentially affected property. The engineering report will identify hazard mitigation measures including engineered works and other measures deemed to be effective in eliminating or managing anticipated erosion and slope stability impacts, and will identify and explain known and suspected residual hazards. The responsibility for monitoring and responding to monitored findings shall be resolved before approval is granted.

**.4** If such an evaluation is not done, or having been done, Council determines that excessive remedial or servicing measures are necessary to safely and efficiently accommodate the proposed development, Council shall not be required to approve the application for development.