

Zoning Bylaw Proposed Amendments

<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Explanation</u>
<p>SECTION 1 INTRODUCTION The following sections/subsections are <i>amended</i> as follows:</p>		
<p><Nothing></p>	<p>SECTION 1 INTRODUCTION is amended by adding the following new subsection:</p> <p>“1.6 TRANSITIONAL – Sections 248 and 253 of <i>The Planning and Development Act, 2007</i> (hereinafter known as <i>the Act</i>) provides that every development plan, basic planning statement or zoning bylaw established pursuant to a previous Act continues in force so long as it is not inconsistent with <i>the Act</i> or any provincial land use policy or statement of provincial interest. Any reference in this bylaw to the Town of Lumsden “Basic Planning Statement” shall be taken to mean the Town of Lumsden “Official Community Plan. Unless stated otherwise in a specific amendment herein, references to “<i>The Planning and Development Act, 1983</i>” that appear in Bylaw 15-2002 (the Zoning Bylaw) are deemed to mean <i>The Planning and Development Act, 2007</i>.”</p>	<p>The Zoning Bylaw was approved in 2002 under <i>The Planning and Development Act, 1983</i>. The proposed amendment clarifies that the existing Zoning Bylaw and Basic Planning Statement continue in force in so far as they are not inconsistent with the provisions of <i>The Planning and Development Act, 2007</i>. The Basic Planning Statement is considered to be an Official Community Plan under the 2007 Act and references in the Zoning Bylaw to “the Basic Planning Statement” are deemed to mean “the Official Community Plan”.</p>

<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Explanation</u>
<p>The following amendments substitute references to sections of the former <i>Planning and Development Act, 1983</i> in the current bylaw with references to the applicable sections of the new Act and to provisions of the new Act as follows:</p>		
<p>SECTION 2 DEFINITIONS</p> <p>“ACT: <i>The Planning and Development Act, 1983</i>, Province of Saskatchewan, as amended from time to time.”</p>	<p>SECTION 2 DEFINITIONS is amended by deleting the definition of “ACT” and substituting the following thereto:</p> <p>“ACT: <i>The Planning and Development Act, 2007.</i>”</p>	<p>The amendment substitutes a reference to <i>The Planning and Development Act, 1983</i> with a reference to <i>The Planning and Development Act, 2007.</i></p>
<p>“PUBLIC WORKS: A facility as defined under <i>The Planning and Development Act, 1983.</i>”</p>	<p>SECTION 2 DEFINITIONS is amended by deleting the definition of “PUBLIC WORKS” and substituting the following thereto:</p> <p>“PUBLIC WORKS: A facility as defined under <i>The Planning and Development Act, 2007.</i>”</p>	<p>As above.</p>
<p>SECTION 3 ADMINISTRATION AND INTERPRETATION</p> <p>SECTION 3.7 MINOR VARIANCES SUBSECTION (e)</p> <p>“(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 82 of the Act.”</p>	<p>SECTION 3.7 MINOR VARIANCES is amended by deleting the words “Section 82” in subsection (e) and substituting the following:</p> <p>“Section 69”</p>	<p>The amendment substitutes a reference to a section of <i>The Planning and Development Act, 1983</i> with the applicable section of <i>The Planning and Development Act, 2007.</i></p>

<p>SECTION 3 ADMINISTRATION AND INTERPRETATION</p> <p>SECTION 3.19 SERVICING AGREEMENTS</p> <p>“Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to Section 143 of The Planning and Development Act, 1983. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.”</p>	<p>SECTION 3.19 SERVICING AGREEMENTS is amended by deleting the words “Section 143 of <i>The Planning and Development Act, 1983</i>” and substituting the following thereto:</p> <p>“Section 172 of <i>The Planning and Development Act, 2007</i>”</p>	<p>As above.</p>
<p>SECTION 3 ADMINISTRATION AND INTERPRETATION</p> <p>SECTION 3.19 SERVICING AGREEMENTS</p> <p>“According to Section 143(2) of <i>The Planning and Development Act, 1983</i>, the agreement may provide for:”</p>	<p>SECTION 3.19 SERVICING AGREEMENTS is amended by deleting the words “Section 143(2) of <i>The Planning and Development Act, 1983</i>” and substituting the following thereto:</p> <p>“Section 172(3) of <i>The Planning and Development Act, 2007</i>”</p>	<p>As above.</p>
<p>SECTION 3 ADMINISTRATION AND INTERPRETATION</p> <p>SECTION 3.15 OFFENCES AND PENALTIES</p> <p>“Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in <i>The Planning and Development Act, 1983</i>.”</p>	<p>SECTION 3.15 OFFENSES AND PENALTIES is deleted and the following is substituted thereto:</p> <p>“3.15 OFFENSES AND PENALTIES</p> <p>Any person who violates this bylaw is guilty of an offence and liable upon summary conviction, to penalties and subject to an order as stated in Section 243 of <i>the Act</i>.”</p>	<p>As above.</p>

<p>SECTION 3 ADMINISTRATION AND INTERPRETATION</p>	<p>SECTION 3.18 DEVELOPMENT AGREEMENTS is deleted and the following substituted thereto:</p>	<p>As above.</p>
<p>SECTION 3.18 DEVELOPMENT AGREEMENTS</p>	<p>“3.18 AGREEMENTS TO CARRY OUT PROVISIONS OF THE ZONING BYLAW</p>	
<p>“Council may request a developer to enter into a development agreement to ensure development conformity with the Basic Planning Statement and this bylaw, pursuant to Section 215 of <i>The Planning and Development Act, 1983</i>.”</p>	<p>Council may, pursuant to Section 235 of <i>the Act</i> enter into an agreement with any person where considered necessary to carry out the provisions of the Zoning Bylaw.”</p>	

<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Explanation</u>
<p>SECTION 2 DEFINITIONS The following definitions are <i>amended</i> as follows:</p>		
<p>“EXISTING: In place, or taking place, or with approvals and permits in place on the date of the adoption of this Bylaw.”</p>	<p>SECTION 2 DEFINITIONS is amended by deleting the definition of the term “EXISTING” and substituting the new definition of the term “EXISTING CONFORMING USE” following the definition of “CONDOMINIUM” as follows:</p> <p>“EXISTING CONFORMING USE: A use that was in place and with all approvals and permits in place on the effective date of Bylaw 15-2002, the Zoning Bylaw (For comparison refer to definition of Non-Conforming Use).”</p>	<p>The current definition is misnamed since what is being described by the current definition of “existing” is an existing conforming use. The definition is amended accordingly.</p>
<p>“LOT: An area of land with fixed boundaries on record in the Land Titles Office by Certificate of Title. For the purposes of this Bylaw the terms “lot” and “site” shall be deemed not to mean the same.</p>	<p>SECTION 2 DEFINITIONS is amended by deleting the definition of “LOT” and substituting the following thereto:</p> <p>“LOT: An area of land with fixed boundaries on record in the Land Titles Office by Certificate of Title.”</p>	<p>The amendment removes a contradiction in the current bylaw. Under the current bylaw a “site” is defined as an area of land consisting of one or more lots. Site area and frontage requirements in the districts apply to a “site” which may consist of one or more “lots”. Therefore, it is misleading and unnecessary to say that the terms “lot” and “site” mean the same. A site consisting of two or more lots is quite different from a lot. The sentence is therefore removed from the definition of “lot” to remove any possible confusion.</p>

<p>“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.”</p>	<p>SECTION 2 DEFINITIONS is amended by deleting the definition of “NON-CONFORMING USE” and substituting the following thereto:</p> <p>“NON-CONFORMING USE: Any use of land, building or structure lawfully existing or under construction where permits have been issued at the effective date of Bylaw 15-2002 (the Zoning Bylaw) or any amendment thereto, the use of which does not comply with all the regulations of this Bylaw governing the Zoning District in which it is located.”</p>	<p>The current definition is amended to clarify that a use may become non-conforming due to a passage of an amendment to the Zoning Bylaw and not just the initial bylaw.</p>
<p>“HOME OCCUPATION: 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 a Residential District.”</p>	<p>SECTION 2 DEFINITIONS is amended by deleting the term for “HOME OCCUPATION” and substituting definitions for the terms “HOME BASED BUSINESS, HOME BASED BUSINESS – TYPE I AND HOME BASED BUSINESS – TYPE II as follows:</p> <p>“HOME BASED BUSINESS: An occupation carried on by the residents of a dwelling unit ancillary to the principal residential use which does not change the residential character of the building or site.</p> <p>HOME BASED BUSINESS – TYPE 1: A home based business owned and operated solely by the resident or residents of the dwelling unit.</p> <p>HOME BASED BUSINESS – TYPE II: A home based business owned by the resident or residents of the dwelling unit, but where no more than one non-resident person may be employed on site.”</p>	<p>The amendment replaces the definition of the term “Home Occupation” with the more up-to-date and commonly used term “Home Based Business”. A distinction is made between a Type I business and a Type II business, which includes one non resident employee.</p>

<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Explanation</u>												
SECTION 2 DEFINITIONS The following definitions are <i>added</i> as follows:														
<Nothing>	<p>“ANCILLARY USE: A use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.”</p>	<p>The term is not a permitted or discretionary use in the current bylaw. The term is similar to the definition of “accessory use” but is different in that it is a secondary use that it is not necessarily supportive to a principal use and therefore can be a useful tool in the future to accommodate a broader range of secondary uses in zoning districts in the Town.</p>												
<Nothing>	<p>“ANIMAL UNIT: The kind and number of animals calculated in accordance with the following:</p> <table border="0" data-bbox="709 711 1507 906"> <tr> <td>a. 1 cow (plus calf to weaning)</td> <td>1 animal unit</td> </tr> <tr> <td>b. 1 bull, steer or heifer</td> <td>1 animal unit</td> </tr> <tr> <td>c. 1 horse (plus foal to weaning)</td> <td>1 animal unit</td> </tr> <tr> <td>d. 4 sheep or goats (plus lambs or kids to weaning)</td> <td>1 animal unit</td> </tr> <tr> <td>e. 4 pigs (plus litter to weaning)</td> <td>1 animal unit</td> </tr> <tr> <td>f. 100 chickens</td> <td>1 animal unit</td> </tr> </table>	a. 1 cow (plus calf to weaning)	1 animal unit	b. 1 bull, steer or heifer	1 animal unit	c. 1 horse (plus foal to weaning)	1 animal unit	d. 4 sheep or goats (plus lambs or kids to weaning)	1 animal unit	e. 4 pigs (plus litter to weaning)	1 animal unit	f. 100 chickens	1 animal unit	<p>The definition is added in line with other provisions of this amendment for the addition into the Zoning Bylaw of the regulations contained in Bylaw 5 – 2008 being a <i>Bylaw to Control the Keeping of livestock and Poultry within the Town Boundaries</i>.</p>
a. 1 cow (plus calf to weaning)	1 animal unit													
b. 1 bull, steer or heifer	1 animal unit													
c. 1 horse (plus foal to weaning)	1 animal unit													
d. 4 sheep or goats (plus lambs or kids to weaning)	1 animal unit													
e. 4 pigs (plus litter to weaning)	1 animal unit													
f. 100 chickens	1 animal unit													
<Nothing>	<p>“BED AND BREAKFAST HOME: a bed-and-breakfast facility in a single detached dwelling, licensed as an itinerant use accommodation under The Public Accommodation Regulations, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the travelling public for a charge.</p>	<p>The definition is needed to accommodate such uses in appropriate locations. (NOTE THAT DEFINITION COMES FROM MUNICIPAL AFFAIRS)</p>												
<Nothing>	<p>“EQUESTRIAN CENTRE: A facility at which horses are boarded, exercised or trained in equestrian skills or at which equestrian competitions are held.”</p>	<p>The definition of this use is needed since it is introduced by this amendment as a discretionary use in the Future Development District – FD.</p>												

<Nothing>	<p>“LIGHT MANUFACTURING: A light industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, including apparel, food, drapes, clothing and accessories, bedspreads, decorations, artificial plants, jewellery, instruments, computers, electronic devices and other similar products.”</p>	<p>The definition is intended to provide clarity for the approval of the new light manufacturing uses in the I1 – General Light Industrial District.</p>
<Nothing>	<p>“LIVESTOCK: Horses, cattle, pigs, goats, sheep, poultry and other similar animals.”</p>	<p>See above explanation for “animal unit”.</p>
<Nothing>	<p>“LANDSCAPING: means the modification and enhancement of a site through the use of any or all of the following elements:</p> <ul style="list-style-type: none"> (a) <i>hard landscaping:</i> means landscaping consisting of non-vegetative materials, such as brick, stone, concrete, tile and wood, but excluding monolithic concrete and asphalt. (b) <i>soft landscaping:</i> means landscaping consisting of vegetation, such as trees, shrubs, hedges and grass. (c) <i>architectural elements:</i> means landscaping consisting of wing walls, sculptures, etc. 	<p>The definition of this term is needed since it is being introduced by this amendment as a means to implement required landscaping standards in the C1, C2, C3, I1 and I2 Zoning Districts.</p>
<Nothing>	<p>“MEMBRANE COVERED STRUCTURE: A structure consisting of a frame that is covered with a plastic, fabric, canvas or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles, or other personal property. The term shall also apply to structures also commonly known as hoop houses, canopy covered carports, tent garages and can be fully or partially covered, but does not include gazebos or outdoor tents.”</p>	<p>The definition of this term is needed since it is being introduced by this amendment as a temporary or accessory building in all zoning districts and as a discretionary use in the CI, C2, C3 and I1 Zoning Districts.</p>
<Nothing>	<p>“NON-CONFORMING BUILDING: A building which is lawfully constructed or lawfully under construction and for which all required permits have been secured on the effective date of Bylaw 15-2002 (the Zoning Bylaw) or any amendment thereto but which does not comply with the Zoning Bylaw or any amendment thereto.”</p>	<p>The current definition is amended to clarify that a building may become non-conforming due to a passage of an amendment to the Zoning Bylaw and not just by the passage of the initial bylaw.</p>

<Nothing>	<p>“NON-CONFORMING SITE: A site consisting of one or more contiguous parcels, that on the effective date of Bylaw 15-2002 (the Zoning Bylaw) or any amendments thereto, contains a use that conforms to the bylaw or amendment, but the site area or dimensions do not conform to the standards of the Zoning Bylaw or amendment for that use.”</p>	<p>The definition is added to ensure that the Zoning Bylaw is consistent with the provisions of <i>The Planning and Development Act, 2007</i>, which recognizes and defines non-conforming sites. Prior to 2007, development of non-conforming sites was only possible if approved through appeal to the Development Appeals Board</p>
<Nothing>	<p>“OUTDOOR STORAGE COMPOUND: An area for the accessory storage of equipment, goods and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing states of the land. Typical items stored in this manner include, but are not limited to, vehicle or heavy equipment storage compounds.”</p>	<p>The definition of this term is needed since it is being added by this amendment as a discretionary use in the C2, C3 and I1 Zoning Districts.</p>
<Nothing>	<p>“SHIPPING CONTAINER: A prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck.”</p>	<p>The definition of the term is needed since it is being added by this amendment as a discretionary use in the C1, C2, C3 and I1 Zoning Districts.</p>
<Nothing>	<p>“BARE LAND CONDOMINIUM: a condominium divided into bare land units as defined within <i>The Condominium Property Act, 1993</i>.”</p>	<p>The definition is needed to accommodate bare land condominium development.</p>
<Nothing>	<p>“BARE LAND UNIT: A bare land unit as defined within <i>The Condominium Property Act, 1993</i>.”</p>	<p>The definition is needed to accommodate bare land condominium development.</p>

<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Explanation</u>
<p>SECTION 3: ADMINISTRATION AND INTERPRETATION The following sections/subsections are <i>amended</i> as follows:</p>		
<p>SECTION 3.5 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS</p> <p>“1. Every application shall include: (h) <u>Site Description</u> (i) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent; or (ii) A metes and bounds description prepared by the Regina Land Titles Office Registrar, which is accompanied by an accurate sketch;”</p>	<p>SECTION 3.5 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS is amended by deleting subsection 1 (h) <u>Site Description</u>.</p>	<p>The amendment is needed to clarify that an application for a development permit does not have to include a plan of proposed subdivision or metes and bounds description since the application is not for a subdivision approval. A metes and bounds description is no longer recognized as an acceptable method of land description in the land registration process.</p>
<p>SECTION 3.8 DEVELOPMENT NOT REQUIRING A PERMIT</p> <p>“1. The following developments shall be exempt from development permit requirements, but shall conform to all other bylaw requirements (e.g. building permits, setbacks, environmental development standards): (c) <u>Accessory Uses</u> (i) All accessory uses, unless otherwise specified in this bylaw.”</p>	<p>SECTION 3.8 DEVELOPMENT NOT REQUIRING A PERMIT is amended by deleting subsection 1 (c) and substituting the following thereto:</p> <p>“(c) <u>Accessory Uses</u> (i) All accessory uses, unless otherwise specified in this bylaw, including the placement of a temporary membrane covered structure for a period of not more than seven (7) days.”</p>	<p>The amendment provides that temporary membrane covered structures placed on a site temporarily are permitted as an accessory use in any zoning district and, as with all accessory uses, do not require a development permit. This is in comparison to membrane covered structures proposed by this amendment as a discretionary use in the C1, C2, C3 and I1 Zoning Districts which require resolution of Council and issuance of a development permit.</p>

<p>SECTION 3.11 STOP-WORK</p> <p>“(4) 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 a caveat under this bylaw (see Appendix B for sample Stop-Work order).”</p>	<p>SECTION 3.11 STOP-WORK is deleted and the following is substituted thereto:</p> <p>“3.11 ZONING COMPLAINECE</p> <p>Pursuant to Section 242 of The Act, the Development Officer may inspect any development suspected of contravening The Act, or any regulation or bylaw made pursuant to The Act. If it is determined that a contravention exists, the Development Officer may notify the owner in writing and instruct the owner to correct the contravention within a set time period. If for any reason the contravention has not been corrected within that time, the Development Officer may extend the time period or issue a zoning compliance order pursuant to Section 242(4) of The Act to achieve bylaw conformance.”</p>	<p>The amendment is intended to reflect the provisions of The Act which provide the legal authority for the issuance and administration of zoning enforcement orders.</p>
<p>SECTION 3.13 FEE FOR ZONING AMENDMENT APPLICATION</p> <p>“When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear <i>The Planning and development Act, 1983</i>ual cost of advertising such zoning amendment as permitted by <i>The Planning and Development Act, 1983</i>. Council also may require the applicant to pay all costs incurred in professional review of the application and in carrying out a public hearing.”</p>	<p>SECTION 3.13 FEE FOR ZONING AMENDMENT APPLICATION is deleted and the following is substituted thereto:</p> <p>“3.13 FEES</p> <p>(1) Amendment of the Zoning Bylaw</p> <p>In addition to an application fee, where a person requests Council to amend the Zoning Bylaw, that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment and the costs associated with providing direct written notice to owners of land that is the subject of the proposed amendment. Council may choose not to proceed with the advertising if it concludes that the proposed amendment is unsuitable or unnecessary.</p> <p>(2) Application fees:</p> <p>(a) An applicant for a development permit shall pay an application fee in accordance with the following:</p> <p>(i) Permitted principal use: \$50.00</p>	<p>The amendment updates the Town’s planning fees and brings them in line with those that are proposed in the R.M.’s new Zoning Bylaw.</p> <p>NOTE: Council can pass a fee bylaw under the Planning Act, but changes need to be advertised. The only difference is that Ministerial approval is not needed, meaning this only would benefit an RM in terms of timing.</p> <p>Fees should remain in the Zoning Bylaw.</p> <p>We did a quick review of the fees being charged around Regina and Saskatoon and for the most part, don’t believe they have been updated in a long time (except for the bylaws that Crosby Hanna has recently prepared around Saskatoon).</p>

- (ii) Permitted accessory use: \$50.00
- (iii) Permitted ancillary use: \$50.00
- (iv) Discretionary principal use: \$100.00
- (v) Discretionary accessory use: \$100.00
- (vi) Discretionary ancillary use: \$100.00
- (vii) Development Appeal Fee:
up to \$50.00 as specified by the
Development Appeals Board.

These fees shall be in addition to any fee required by Section 3.12.1 above.

- (b) An application for renewal of a discretionary use that was approved by Council for a limited time shall pay the appropriate application fees outlined in Section 3.13 (2).
- (c) Subdivision review for all subdivision applications:
 - (i) One Site: \$50.00
 - (ii) Two to Four Sites: \$150.00
 - (iii) Four or More Sites: \$250.00
- (d) Detailed review costs:
 - (i) General: Where a development or subdivision proposal involves a detailed Town review, a plan or Zoning Bylaw Amendment, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or Town legal and

professional planning advice, Council may require the applicant to pay the full cost of the additional application review and administration costs, as Council may determine by resolution.

- (ii) Items: Such costs may include Council meetings, Town legal and professional planning costs, municipal administration fees and Town site inspection fees, as determined by Council.
 - (iii) Documentation: Such costs may be addressed and clarified in Town Council specified documents, including development and servicing agreements.
- (e) Where a person applies to Council to amend the Zoning Bylaw, that person shall pay to the Municipality the following fees, where applicable:
- (i) Text amendments: \$400
 - (ii) Map amendments:
 Class 1 Districts: FD, PS
 Class 2 Districts: C1, C2, C3, I1, I2, M
 Class 3 Districts: RE, R1, R2, R3, RM

Zoning Map Amendments		To		
		Class 1	Class 2	Class 3
From	Class 1	\$200	\$400	\$800
	Class 2	\$200	\$400	\$800
	Class 3	\$200	\$400	\$600

	<p>Where an application to amend the Zoning Bylaw involves amendment within two or more of the above categories the sum of the amendment fees shall apply for all categories.</p> <p>These fees shall be in addition to any fee required by Section 3.12.1 above.”</p>	
<p>3.16 INSPECTION OF PREMISES</p> <p>“The Development Officer, or any official or employee of the Municipality acting under their direction, is hereby authorized to enter, at all reasonable hours, upon any property or premises in or about which there is reason to believe that the provisions of this Bylaw are not being complied with, and for the purpose of carrying out their duties under this bylaw.”</p>	<p>SECTION 3.16 INSPECTION OF PREMISES is deleted and the following is substituted thereto:</p> <p>“3.16 DEVELOPMENT PERMIT AND DISCRETIONARY USE PERMITS – INVALID</p> <p>(1) <u>Development Permit - Invalid</u></p> <p>A development permit shall be automatically invalid and Development shall cease, as the case may be:</p> <p>(i) if the proposed development is not commenced within 12 months from the permit issuance date, or</p> <p>(ii) if the proposed development is legally suspended, or discontinued, for a period of 12 or more months, unless otherwise indicated by Council or the development officer.</p> <p>(2) <u>Discretionary Use Approval - Invalid</u></p> <p>(i) Council or the development officer’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.</p> <p>(ii) If an approved discretionary use or form of development ceases to operate for a period of 12 months or more, the discretionary use approval shall no longer be valid.</p>	<p>Inspection provisions are handled under the new Section 3.11. We recommend the Town indicate conditions under which permits become invalid. These provisions are consistent with the R.M..</p>

<p>3.15 OFFENCES AND PENALTIES</p> <p>“Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in The Planning and Development Act, 1983.”</p>	<p>SECTION 3.15 OFFENCES AND PENALTIES is deleted and the following is substituted thereto:</p> <p>“3.15 OFFENCES AND PENALTIES:</p> <p>Any person who violates this Bylaw is guilty of an offence and is liable, on summary conviction, to the penalties provided by in Section 243 of the Act.”</p>	<p>Updates a Planning Act reference, and is consistent with the R.M.’s bylaw.</p>
<p>SECTION 3.22 CAVEATS</p> <p>“Council may require that development and servicing agreements and other documents be caveated on affected lands, to protect municipal and public interests.”</p>	<p>SECTION 3.22 CAVEATS is deleted and the following is substituted thereto:</p> <p>“3.22 INTERESTS</p> <p>Council may register an interest on a registered title to land based on an agreement entered into between the municipality and the registered owner of the land, as authorized by <i>the Act</i>, in order to protect the public interest.”</p>	<p>The amendment changes an outdated reference to “caveat” to “interest” in line with current terminology in the land registration process.</p>
<p><Nothing></p>	<p>SECTION 3 ADMINISTRATION AND INTERPRETATION is amended by adding a new subsection as follows:</p> <p>“3.23 DISCRETIONARY USE APPLICATIONS</p> <p>(1) General Discretionary Use Evaluation Criteria Council may apply the following general criteria and where defined, use-specific criteria, in the assessment of the suitability of an application for a discretionary use or discretionary form of development:</p> <p>(a) 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.</p> <p>(b) 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.</p> <p>(c) The proposal must demonstrate that it is not detrimental to the health, safety, convenience or general welfare of persons residing or</p>	<p>New discretionary uses are being proposed for addition to the Zoning Bylaw. This specific amendment is intended to provide clarity to Council in its consideration discretionary use applications.</p> <p>A set of evaluation criteria is being recommended for discretionary use approvals as well as a set of evaluation criteria to apply generally to the consideration of discretionary use approvals and a set of development standards that may be applied By the Council as a condition or conditions to a discretionary use approval.</p> <p>The proposed amendment will add greater clarity for Council and developers in the discretionary use approval process.</p>

working in the vicinity or injurious to property, improvements or potential development in the vicinity.

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

(e) 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.

(f) 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 that may currently generate traffic, noise, etc. not in keeping with the character of the adjacent area.

(g) 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.

(h) All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

(i) 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.

(2) Discretionary Use Application Process

(a) The following procedures shall apply to discretionary use applications:

(i) Applicants must file with the Development Officer a development permit application, a site plan, any other plans and information as required by the Development Officer and pay the required application and public hearing fees;

(ii) The application will be examined by the Development Officer for conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations;

(iii) The Development Officer may request comments from other government agencies where applicable;

(iv) The Development Officer will prepare a report concerning the application including recommendations that conditions be applied to an approval;

(v) The Development Officer will set a date for the meeting at which the application will be considered by Council and will give notice by ordinary mail to assessed owners of property within 75 metres of the boundary of the applicant's land. The Development Officer will prepare on-site notification posters which must be placed on the site by the Development Officer and must remain on the site until the application is considered by Council.

(vi) Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council;

(vii) 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,

(viii) The Development Officer shall notify the applicant of Council's decision by ordinary mail addressed to the applicant at the address shown on the application form.

(b) Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:

(i) site drainage of storm water;

(ii) the location of buildings with respect to buildings on adjacent properties;

(iii) access to, number and location of parking and loading facilities including adequate access and circulation for pedestrian and vehicle traffic;

(iv) appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;

(v) control of noise, glare, dust and odour;

(vi) landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties;

(vii) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;

(viii) 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 (ix) intensity of use.	
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<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Explanation</u>
<p>SECTION 4 GENERAL REGULATIONS The following sections/subsections are amended as follows:</p>		
<p>SECTION 4.7 NON-CONFORMING BUILDINGS USES AND SITES</p> <p>“(i) Any lawful use of land, an existing building or structure or any building lawfully under construction at the date of approval of this Bylaw, although such use, building or structure does not conform to the regulations of this Bylaw, shall be carried on in accordance with provisions of Section 76 to 81 inclusive, of <i>The Planning and Development Act, 1983</i>.</p> <p>(a) 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.</p> <p>(b) No existing site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the zoning district in which the site is located.”</p>	<p>SECTION 4.7 NON-CONFORMING BUILDINGS USES AND SITES is deleted and the following substituted thereto:</p> <p>“4.7 NON-CONFORMING BUILDINGS, USES AND SITES</p> <p>(1) The development and uses of non-conforming buildings, uses and sites shall be subject to the requirements of Sections 88-93 inclusive of <i>the Act</i>.</p> <p>(2) Structural repairs, alterations and additions to a non-conforming building are permitted if in conformity with the Zoning Bylaw and if the element of non-conformity is not increased.</p> <p>(3) Structural alterations or additions to a building accommodating anon-conforming use shall be permitted subject to Section 90 of <i>the Act</i>.</p> <p>(4) No existing building or site shall be deemed to be non-conforming by reason only of the conversion from the Imperial System of Measurement to the International System of Units (S.I.) where such nonconformity results solely from the conversion and is reasonably equivalent to the S.I. standard established herein.”</p>	<p>Item (b) in the current bylaw is deleted since it conflicts with the provisions of the Act respecting non-conforming sites. The aspect of nonconformity is established by the nonconformity of a site with zoning standards of the zoning district. However, the removal of Item (b) does not create a problem since the recognition of non conforming sites is assured by The Act as reflected by the new definition of non-conforming sites in this amendment.</p>
	<p>SECTION 4.8 RESTORATION TO A SAFE CONDITION is deleted and the following substituted thereto:</p> <p>“4.8 WIND TURBINES</p> <p>Wind turbines shall be prohibited in every zoning district in the municipality.”</p>	

<p>SECTION 4.17 PROHIBITED AND NOXIOUS USES</p> <p>“1 Keeping Livestock The keeping of livestock shall not be allowed except for permitted agricultural uses in the FD – Future Development Zoning District.</p>	<p>SECTION 4.17 PROHIBITED AND NOXIOUS USES is amended by deleting Section 1 Keeping Livestock and substituting the following:</p> <p>“1. Keeping Livestock The keeping of livestock is accommodated as a discretionary use in the FD - Future Development District.</p>	<p>This amendment proposes to change the current approach to regulating and controlling livestock in the Town. Keeping of livestock will be made a discretionary use in the FD District and regulations will be added to the district, consistent with the current provisions of Bylaw 5-2008 being <i>A Bylaw to Control the Keeping of Livestock and Poultry within the Town Boundaries</i>” to govern Council approvals. The Zoning Bylaw provides a better mechanism to regulate and enforce the keeping of livestock. Bylaw 5-2008 will be repealed.</p>
<p>SECTION 4.20 RAILWAY CROSSINGS AND SIGHT DISTANCES</p> <p>“Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 m (150 ft.) of the point of intersection of the centre line of both the railway and the street.”</p>	<p>SECTION 4.20 RAILWAY CROSSINGS AND SIGHT DISTANCES is amended by deleting the section and substituting the following thereto:</p> <p>“4.20 RAILWAY CROSSINGS AND SIGHT DISTANCES</p> <p>Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within a sight triangle determined in accordance with the recommended rail crossing sight distances for roadways of the Roads and Transportation Association of Canada. Site triangles shall be determined using the following diagram and table:”</p>	<p>The proposed amendment introduces an alternative approach to calculating building setbacks on lots adjacent to road and rail intersections based on the recommendation standards of the Roads and Transportation Association of Canada.</p>
<p>SECTION 4.26 SWIMMING POOLS</p> <p>“Notwithstanding anything contained in this Bylaw, a swimming pool is permitted as an accessory use to permitted uses in the residential districts, rural districts or a motel (motor hotel) in a highway commercial district in the side yard or rear yard of any lot if:</p>	<p>SECTION 4.26 SWIMMING POOLS is amended by adding the following new subsection:</p> <p>“(vi) every application for a development permit for a swimming pool in an area designated on Plan Map 4 of the Town’s Basic Planning Statement as Environmentally Sensitive, must be accompanied by a detailed site analysis prepared by a qualified professional in accordance with Section 11.3 of the Basic Planning</p>	<p>Great care should be taken regarding the placement of swimming pools on sloped land. The proposed amendment notes that an environmental and / or geotechnical analysis is needed in connection with the approval of swimming pools in areas of the Town</p>

<p>(i) 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, and</p> <p>(ii) the maximum height of such pool is 1.2 metres (4 feet) above the average finished grade level of the ground adjoining the pool and to within 4.5 metres (15 feet) of such pool, and</p> <p>(iii) 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 Section 5 of this bylaw, respecting accessory buildings, and</p> <p>(iv) every swimming pool shall be enclosed by a non-climbable fence of at least 1.8 metres (6 feet) in height and not more than 10 cm (3.9 in.) from the ground, and located at a distance of not less than 1.5 metres (5 feet) from the pool.</p> <p>(v) any deck attached to or abutting a swimming pool shall:</p> <p>(a) be considered as a part of the swimming pool</p> <p>(b) have a minimum side yard of .75 metres (2.5 ft.) if detached from the principal building and have a minimum distance of 1.2 metres (4 ft.) from the principal building.</p> <p>(c) have a minimum side yard of 1.5 metres (5 ft.) if attached to or abutting the principal building.”</p>	<p>Statement, or if in a designated SI+ Slope Instability area, in accordance with Section 5.20 of this Bylaw.”</p>	<p>designated as Environmentally Sensitive in the Town’s BPS or within the Slope Instability Overlay Zoning District.</p>
<p>SECTION 4.27 HOME OCCUPATIONS AND BUSINESSES</p> <p>“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 or that provide services or products that would detrimentally affect the viability of the Town Centre.”</p>	<p>SECTION 4.27 HOME OCCUPATIONS AND BUSINESS is deleted and the following substituted thereto:</p> <p>“4.27 HOME BASED BUSINESS</p> <p>(i) Without limiting the authority of the Development Officer to approve other types of home based business applications, the following uses are specifically permitted as home based businesses, subject to the applicable development standards:</p> <p>(a) art restoration;</p> <p>(b) beauty parlours, barber shops;</p> <p>(c) art and hand craft studios (e.g. painters, sculptors, potters and</p>	<p>It is anticipated that the Town will face increased requests for home based business in the future. This proposed amendment introduces a more comprehensive approach to the approval of home based business ventures by adding a set of development standards applicable to Type 1 and Type 2 Home Based Business.</p>

ceramic makers, carvers, blacksmiths, jewellers, furniture makers, print makers, weavers and other similar artists and crafts people;
(d) dressmaker, seamstress, or tailor;
(e) electrology, acupuncture, reflexology and massage therapy;
(f) the instruction of art, craft knowledge and skills, dancing, or music, limited to no more than three students at a time;
(g) office of a professional, or one who offers skilled services to clients and is not engaged in the sale of goods or products to clients;
(h) a photography studio;
(i) typing, word processing, and computer programming services.

(ii) Without limiting the authority of the Development Officer to deny applications for other types of home based businesses which do not meet the requirements of this Bylaw, the following uses are prohibited as home based businesses, whether or not applications for such uses would otherwise comply with the applicable standards of this Bylaw:

- (a) businesses utilizing large stationary industrial power tools by trade professionals and machinery, or businesses involved in the mass production of similar items or products;
- (b) restaurants or tea rooms;
- (c) health or fitness clubs;
- (d) headquarters or base of operations of a trucking, delivery, or towing operation;
- (e) hotels and hospitals;
- (f) laundry services;
- (g) motion picture or recording studios;
- (h) the painting, repairing, refitting, cleaning, refurbishing, or selling of motor vehicles or machinery;
- (i) rental services;
- (j) veterinary services, boarding or care of animals;
- (k) septic trucks;
- (l) welding or metal works.

(iii) The following development standards shall apply to all Type I Home Based Businesses:

- (a) No persons other than residents of the dwelling shall be employed in the home based business on the site.
- (b) Home based businesses shall be conducted entirely indoors, and no more than 25% of the gross floor area of the dwelling, including

the area of the basement and any attached garage, up to a maximum of 30 m², may be occupied by home based business.

(c) An attached garage or detached accessory building may be occupied by a home based business, provided that the total area devoted to home based businesses does not exceed 30 m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.

(d) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property except for one permitted sign with no greater area than 0.4 m² (about 4.3 ft²).

(e) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.

(f) No more than one business related vehicle with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres may be stored on or in the vicinity of the site.

(g) Regardless of the number of home based businesses that may be located on any one site, a total of no more than seven (7) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,000 kg, or by a vehicle with a total length of more than 6.0 metres.

(iv) The following development standard shall apply to all Type II Home Based Businesses:

(a) In accordance with the definition of a Type II Home Based Business, no more than one non-resident person shall be employed in relation to home based businesses on any one site.

(b) Home based businesses shall be conducted entirely indoors, and no more than 25% of the gross floor area of the dwelling including the area of the basement and any attached garage, up to a maximum of 40 m², may be occupied by home based businesses.

(c) An attached garage or detached accessory building may be occupied by home based businesses, provided that the total area devoted to home based businesses does not exceed 40 m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.

	<p>(d) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the building and property except for one permitted sign with no greater area than 0.4 m² (about 4.3 ft²).</p> <p>(e) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.</p> <p>(f) One off-street parking space shall be required for a non-resident employee, and this space may be located in a required front yard. Additional off-street parking spaces may be required, where in the opinion of the Development Officer, due to the nature of the business or the site, the provision of parking is necessary to maintain the residential character of the area. The siting and screening of all required parking spaces shall be undertaken to the satisfaction of Council.</p> <p>(g) No more than one business related vehicle with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres may be stored on or in the vicinity of the site.</p> <p>(h) Regardless of the number of home based businesses that maybe located on any one site, a total of no more than fourteen (14) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,000 kg, or by a vehicle with a total length of more than 6.0 metres.”</p>	
<p><Nothing></p>	<p>SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:</p> <p>“4.29 GARAGE AND YARD SALES</p> <p>(i) Garage or yard sales may be undertaken on any site in a Residential, Institutional or Public Service Zoning District provided the sale is conducted by a resident of the dwelling on the subject site, or by a non-profit group associated with a place of worship, public school, community association or other similar group or organization.</p> <p>(ii) No more than four (4) sales may be conducted from one site in</p>	<p>The amendment proposes to accommodate garage and yard sales as an allowable use within Residential and Public Service Districts subject to sales being conducted by residents and public service groups according to reasonable time limits and constraints.</p>

	<p>one calendar year, and any one sale may not last for more than three consecutive days.”</p> <p>(iii) Location of signs:</p> <p>(a) Signs can be placed on private property with the consent of the property owner, but must be placed in a location where they will not create a safety or traffic hazard.</p> <p>(b) Signs cannot be placed on public property. This includes boulevards, curb-side trees, street light standards, public signage, public mailboxes and intersections.</p> <p>(c) Signs must not reduce the visibility at a sight triangle.</p> <p>(d) Signs must not be in the shape of a stop sign, yield sign, or other directional sign, and the words STOP or any type of directional symbol must not be used.</p>	
<p><Nothing></p>	<p>SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:</p> <p>“4.30 MEMBRANE COVERED STRUCTURES</p> <p>(i) Anchored membrane covered structures up to 18.6 m² (250 ft²) shall be a discretionary accessory use in the Future Development District - FD and all residential zoning districts.</p> <p>(ii) Anchored membrane covered structures will be accommodated as a discretionary use in the Town Centre Commercial District – C1, General Commercial District – C2, Highway Commercial District – C3 and General Light Industrial District – I1.</p> <p>(iii) Applications for a development permit for an anchored membrane covered structure must include a drawing stamped by a Professional Engineer attesting to the fact that the structure meets Section 4 of the National Building Code and the structure must be accompanied by documentation that indicates it meets CSA Standard A660.</p> <p>(iv) In all cases, the placement of an anchored membrane covered structure must comply with the site and yard requirements for accessory buildings for the applicable Zoning District.</p> <p>(v) Temporary membrane covered structures may be placed on a site in any District for a period not to exceed seven (7) days in a calendar year to accommodate special events such as weddings, parties or community functions.”</p>	<p>The amendment proposes to provide for small membrane covered structures as a discretionary accessory use in the FD district and all residential districts, and a discretionary use (any size) in the C1, C2, C3 and I1 Zoning Districts, subject to compliance with identified development standards.</p> <p>NOTE: NORSEMAN INDUSTRIES SELLS STRUCTURES THAT MEET THIS STANDARD</p> <p>NOTE: We added the CSA A660 standard based on recent advice from a building inspector.</p>

<p><Nothing></p>	<p>SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:</p> <p>“4.31 OUTSIDE STORAGE AND WASTE MATERIAL STORAGE</p> <p>Outside storage areas, including the storage of garbage or waste materials, but not including household garbage, will be accommodated as a discretionary use in the Town Centre Commercial District – C1, General Commercial District – C2, Highway Commercial District – C3, and General Light Industrial District – I1, subject to the following development standards:</p> <p>(i) The storage use must be associated with an approved principal use of the site.</p> <p>(ii) No outside storage shall be located in the front yard, except for any neatly arranged items for sale.</p> <p>(iii) Outside storage in a side or rear yard shall be screened from adjacent sites with a fence at least 2 m (about 6.6 feet) in height, or a combination of fence and soft landscaping screening to a minimum of 2 m in height. Where adjacent to a public roadway, outdoor storage compounds shall provide a landscaped strip of at least 2.0 m in horizontal depth between the required fence and the road right of way.</p> <p>(iv) Unless otherwise directed by this Bylaw, waste material shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares.”</p>	<p>The amendment proposes to add outside storage and waste material storage as a discretionary use in the C2, C3 and I1 Zoning Districts subject to compliance with identified development standards.</p>
<p><Nothing></p>	<p>SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:</p> <p>“4.32 SHIPPING CONTAINERS</p> <p>(i) No shipping container shall be used, placed or stored on any lot other than a lot in the Town Centre Commercial District – C1, General Commercial District – C2, Highway Commercial District – C3 and General Light Industrial District – I1.</p> <p>(ii) A shipping container shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply</p>	<p>The amendment proposes to add shipping containers as a discretionary use in the C1, C2, C3 and I1 Zoning Districts subject to compliance with identified development standards.</p>

with the site requirements for accessory buildings for the applicable Zoning District.

(iii) All shipping containers must be sand blasted and repainted to a neutral colour prior to their placement above grade on a site.

(iv) Shipping containers shall not be placed in any front yard and shall be screened from view by a solid fence or hedge.

(v) When placed on a site pursuant to (iv), the shipping container shall:

(a) be located so as to not create a safety hazard.

(b) not be located on a public street or dedicated land.

(vi) Notwithstanding subsection (i), shipping containers may be placed temporarily on a site in any district:

(a) during construction on a site when the shipping container is utilized solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for construction on the site. The shipping container must be removed from the site upon completion of the construction; or,

(b) for the purpose of loading and unloading of items associated with the principal use; and,

(c) in any case, for a period of not more than 30 days unless an extension has been granted by the development officers to a maximum of 90 days.

(vii) When placed on a site pursuant to subsection (vi) the shipping containers shall:

(a) be located so as not to create a safety hazard; and,

(b) not be located on a public right-of-way or on dedicated land.

<p><Nothing></p>	<p>SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:</p> <p>“4.33 LANDSCAPING REQUIREMENTS:</p> <p>(1) General Landscaping Requirements:</p> <p>In the C2, C3, I1 and I2 Zoning Districts, Landscaping compliant with the rest of Subsection 4.33 shall be provided in the following areas:</p> <p>(i) The first three (3) metres of the minimum required front yard measured from the front property line.</p> <p>(ii) A strip of soft landscaping abutting the front of the principal building, where loading does not occur, to an average depth of two (2) metres.</p> <p>(iii) In the case of a corner site, the side yard abutting the flanking street to a minimum perpendicular width of three (3) metres.</p> <p>(2) Where this Bylaw specifies that landscaping is required, it shall be developed and maintained in accordance with the following standards and policies:</p> <p>(i) Plant material shall be species capable of healthy growth in the region and shall conform to the current Canadian Standards for Nursery Stock of the Canadian Nursery Landscape Association;</p> <p>(ii) Areas designated for planting shall be provided with an underground permanent irrigation system or other adequate means of irrigation commensurate with landscaping requirements, with at least one outside hose bi for each principal building. Commercial or industrial sites are required to use commercial grade irrigation products;</p> <p>(iii) Landscaping areas required to be provided within front or side yards shall not be used for any purpose except for signs or structures otherwise permitted, or driveways leading to a parking or loading facility;</p> <p>(iv) Required landscaping shall be completed in accordance with the approved landscape plan by the end of the construction season in which occupancy, partial occupancy, or use of the building or site</p>	<p>This section is added to provide for mandatory landscaping in commercial and industrial areas (except the C1 District).</p> <p>NOTE: No landscaping requirement is proposed for the C1 zone as much of the buildings are built right up to the sidewalk.</p>
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has taken place. When occupancy, partial occupancy, or use of the building or site has taken place after the end of the construction season, all required and approved landscaping shall be completed by June 1st of the following year. For the purposes of this section, 'construction season' means May 1st through October 31st of the same calendar year; and,

(v) Required and approved landscaping shall be suitably maintained in a neat and tidy condition at all times, and plant material installed or retained shall be maintained in healthy, vigorous condition at all times.

(3) The Development Officer shall not approve an application for a development permit in the event that:

(i) Any required landscape plans have not been submitted;

(ii) Any required landscape plans do not, in the opinion of the Development Officer, provide an adequate or suitable degree of landscaping necessary to enhance the visual amenity of the site or provide a visual screen where required by this Bylaw.

(4) Landscaping shall be a condition of the issuance of a development permit when the existing use of a building or structure is significantly enlarged, undergoes a significant capacity increase, or is changed to a new use.

(5) Any landscaping, including planting thereon, which is required to be provided by this Bylaw shall be maintained in a healthy growing condition or shall otherwise be replaced.

(6) Any land for landscaped open space shall be included in any calculation of site area, setbacks, density or yard requirements as required by this Bylaw.

(7) Requirements for Landscape Plans:

(i) When landscaping is required under this Bylaw, landscaping plans shall be attached to a development permit application and shall form part of that application. The landscape plans shall be prepared in accordance with Subsection 4.33(7)(ii).

(ii) Landscape Plan Submission Requirements:

(a) Two copies of every landscape plan must be submitted, to the satisfaction of the Development Officer, showing, to scale, physical

	<p>features, including existing and proposed grades, the size and type and location of plant material to be provided, the location of hard landscaping such as fences, retaining walls, walkways and curbs, and the details of the proposed irrigation system, including the location of any outside hose bibbs.</p> <p>(b) A declaration, signed by the property owner and applicant, shall be affixed to required landscape plans, specifically acknowledging that the landscaping specified on the plans is a condition of the issuance of a development permit for the property and that such development will be complete by the date set out in the development permit.</p>	
<NONE>	<p>SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:</p> <p>“4.34 BARE LAND CONDOMINIUMS:</p> <p>Regulations and development standards for uses and sites in all zoning districts shall also apply to uses and bare land units that are part of an approved bare land condominium plan.”</p>	<p>Section is added to accommodate bare land condominium development.</p>

<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Explanation</u>
<p>SECTION 5 ZONING DISTRICTS, OVERLAY AREAS AND ZONING MAPS The following sections/subsections are <i>amended</i> as follows:</p>		
<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD</p> <p>“5.5.1 Permitted Uses: (vii) Home occupations”</p>	<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD Subsection 5.5.1 Permitted Uses is amended by deleting “(vii) Home Occupations” and substituting the following in Section 5.5.2 Discretionary Uses:</p> <p>“(iv) Type I and Type II home based businesses, subject to the requirements of Section 4.27 (iii) and (iv) respectively.”</p>	<p>The amendment proposes to make Home Based Businesses a discretionary, rather than a permitted use, in the FD Zoning District, subject to the development standards contained in Section 4.27.</p>
<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD</p> <p>“5.5.2 Discretionary Uses: (iii) Keeping of Livestock, but excluding poultry farms, mushroom farms, fur farms, hatcheries, commercial dog kennels, and the keeping of hogs or any other intensive livestock operation.”</p>	<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD Subsection 5.5.2 Discretionary Uses is amended by deleting “(iii) Keeping of Livestock” and substituting the following thereto:</p> <p>“(iii) Keeping of Livestock, but excluding poultry farms, fur farms, hatcheries, commercial dog kennels and the keeping of hogs or any other intensive livestock operation, subject to Sections 3.23 and 5.5.7.”</p>	<p>The Town has requested that the Zoning Bylaw be amended to provide for the administrative mechanism to control and regulate the keeping of animals in Town. Bylaw 5-2008 is to be repealed. The amendment proposes to accommodate the keeping of animals in the FD Zoning District as a discretionary use. Applications for the keeping of animals in the FD District will be subject to the requirements of Section 3.23 Discretionary Use Application pertaining to fees, evaluation criteria and development standards for discretionary use applications and to the new Section 5.5.7 - Keeping of Livestock regulations which includes provisions of the to-be-repealed Bylaw 5-2008.</p>

<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD</p> <p>“5.5.2 Discretionary Uses: The following uses may be permitted in the Future Development District only by resolution of Council and only in locations specified by Council:</p> <ul style="list-style-type: none"> (i) Accessory dwellings (ii) Large accessory buildings (iii) Keeping livestock, but excluding poultry farms, mushroom farms, fur farms, hatcheries, commercial dog kennels, and the keeping of hogs or any other intensive livestock operation. 	<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD Subsection 5.5.2 Discretionary Uses is amended by adding the following:</p> <p>“(iv) equestrian centres, subject to Section 3.23 and 5.58.”</p>	<p>These uses are added as discretionary uses in the district to accommodate existing and future development.</p>
<p><Nothing></p>	<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD is amended by adding a new section as follows:</p> <p>“5.5.7 The Keeping of Livestock Animals and livestock shall be kept in such a way that surface water is properly managed and wells on the land are properly protected. The owner/operator must ensure that there is no runoff or impact on adjacent land uses and all waste material must be contained on site and disposed of at regular intervals. No person shall keep any livestock except in accordance with the following:</p> <ul style="list-style-type: none"> (i) No animal shall be allowed on a site less than 2 ha (4.94 acres) (ii) The maximum of one animal unit shall be allowed per 2 ha (4.94 acres) site.” 	<p>As noted above, Section 5.5.7 includes the current regulations contained in Bylaw 5 -2008 which is to be repealed.</p>

<p><Nothing></p>	<p>SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD is amended by adding a new section as follows:</p> <p>“5.5.8 Equestrian Centres</p> <p>(1) As a condition of discretionary use approval for an Equestrian Centre, Council shall prescribe:</p> <p>(i) A specified time limit, up to two years, for which the Equestrian Centre may be approved, so that Council may monitor and evaluate potential odours and the Equestrian Centre’s impact on the Town and surrounding development;</p> <p>(ii) A limit on the maximum number of animal units that can be boarded, trained or participate in competitions or events at the Equestrian Centre; and</p> <p>(iii) The method and frequency in which manure is managed and removed from the site, and the material used for bedding, such as wood shavings or straw; and</p> <p>(iv) Council may grant a discretionary use approval for an Equestrian Centre without a time limit, if during the two year temporary approval period, it has been demonstrated to Council that:</p> <ul style="list-style-type: none"> - The conditions of the original temporary approval and the regulations outlined in 5.5.8(2) have been met; and - the Equestrian Centre has had minimal negative impact on the Town and surrounding development, subject to Section 3.16(2)(ii). <p>(2) Regulations:</p> <p>(i) The owner or operator shall manage surface water properly so that surface water and runoff is contained within the site. Wood shavings</p> <p>(ii) Stalls shall be cleaned daily and bedding shall be cleaned daily.</p> <p>(iii) Manure stored on site should be composted and removed on a weekly basis.</p> <p>(iv) Parking: 2,023 m2 of parking and loading space is required</p>	<p>The amendment provides conditions and development standards for equestrian centres.</p>
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<p>SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE</p> <p>“Section 5.6.1 Permitted Uses: (iv) Home occupations”</p>	<p>SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE</p> <p>Section 5.6.1 Permitted Uses is amended by deleting “(iv) Home occupations” and substituting the following in Section 5.6.2 Discretionary Uses:</p> <p>“(iv) Type I and II home based businesses, subject to the requirements of Section 4.27 (iii) and (iv) respectively.”</p>	<p>The amendment proposes to make Home Based Businesses a discretionary, rather than a permitted use in the RE Zoning District, subject to the development standards contained in Section 4.27.</p>
<p>SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE</p> <p>“Section 5.6.3 Site Development Regulations (i) Minimum site frontage – 25 m (about 82 ft.)”</p>	<p>SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE</p> <p>Section 5.6.3 Site Development Regulations is amended by deleting subsection “(i) Minimum Site Frontage” and substituting the following thereto:</p> <p>“(i) Minimum site area and frontage: - Minimum site area: 0.4 ha (0.99 acre) - Minimum site frontage: 25 m (about 82 ft.)”</p>	<p>The amendment adds a minimum site area to the RE District regulations and provides that both the site area and frontage requirement may be adjusted upward based on the recommendations of any required geotechnical report for a development in the district.</p>
<p>SECTION 5.7 RESIDENTIAL DISTRICT – R1</p> <p>“Section 5.7.1 Permitted Uses: (v) Home occupations”</p>	<p>SECTION 5.7 RESIDENTIAL DISTRICT – R1</p> <p>Section 5.7.1 Permitted uses is amended by deleting subsection “(v) Home Occupations” and substituting the following in Section 5.7.2 Discretionary Uses:</p> <p>“(vi) Type I and Type II home based businesses, subject to the requirements of Section 4.27 (iii) and (iv) respectively.”</p>	<p>The amendment proposes to make Home Based Businesses a discretionary rather than a permitted use in the R1 Zoning District, subject to the development standards contained in Section 4.27.</p>
<p>SECTION 5.7 RESIDENTIAL DISTRICT – R1</p> <p>“(v) Minimum side yard – 3.0 m (about 10 ft.), unless on a corner site, the side yard abutting the street shall be 7.0 m (about 23 ft.),</p>	<p>SECTION 5.7 RESIDENTIAL DISTRICT – R1</p> <p>Section 5.7.3 Regulations for Site Development, is amended by deleting subsection (v) and substituting the following thereto:</p> <p>“(v) Minimum side yard – 3.0 m (about 10 ft.), unless on a corner site, the side yard abutting the street shall be 7.0 m (about 23 ft.), except that no side yard is required where a common wall divides two dwelling units.</p>	<p>The amendment provides for semi-detached dwellings. Since a property line runs along the dividing wall of a semi-detached dwelling, no side yard is possible.</p>

<p>SECTION 5.8 RESIDENTIAL MULTIPLE DISTRICT – R2</p> <p>“Section 5.8.1 Permitted Uses: (v) Home occupations”</p>	<p>SECTION 5.8 RESIDENTIAL MULTIPLE DISTRICT – R2 Section 5.8.1 Permitted Uses is amended by deleting “(v) Home occupations” and substituting the following in Section 5.8.2 Discretionary Uses:</p> <p>“(vii) Type I and Type II home based businesses, subject to the requirements of Section 4.27 (iii) and (iv) respectively.”</p>	<p>The amendment proposes to make Home Based Businesses a discretionary rather than a permitted use in the R2 Zoning District, subject to the development standards contained in Section 4.27.</p>
<p>SECTION 5.8 RESIDENTIAL MULTIPLE DISTRICT – R2</p> <p>Minimum side yard for semi-detached and duplex dwellings: “1.5 m (5 ft.) except on a corner site abutting a street then 3.6 m (about 12 ft.)”</p>	<p>SECTION 5.8 RESIDENTIAL DISTRICT – R2 Section 5.8.3 Regulations for Site Development, is amended by deleting the Minimum side yard for semi-detached and duplex dwellings and substituting the following thereto:</p> <p>“1.5 m (5 ft.) except on a corner site abutting a street then 3.6 m (about 12 ft.), except that no side yard is required where a common wall divides two dwelling units.”</p>	<p>The amendment provides for semi-detached dwellings. Since a property line runs along the dividing wall of a semi-detached dwelling, no side yard is possible.</p>
<p>SECTION 5.9 RESIDENTIAL HIGH DENSITY DISTRICT – R3</p> <p>“Section 5.9.1 Permitted Uses: (v) Home occupations”</p>	<p>SECTION 5.9 RESIDENTIAL HIGH DENSITY DISTRICT – R3 Section 5.9.1 Permitted Uses is amended by deleting “(v) Home occupations” and substituting the following in Section 5.9.2 Discretionary Uses:</p> <p>“(vii) Type I and Type II home based businesses, subject to the requirements of Section 4.27 (iii) and (iv) respectively.”</p>	<p>The amendment proposes to make Home Based Businesses a discretionary rather than a permitted use in the R3 Zoning District, subject to the development standards contained in Section 4.27.</p>
<p>SECTION 5.10 MOBILE HOME DISTRICT – RM</p> <p>“Section 5.10.1 Permitted Uses: (ii) Home based businesses”</p>	<p>SECTION 5.10 MOBILE HOME DISTRICT – RM Section 5.10.1 Permitted Uses is amended by deleting “(II) Home based businesses” and substituting the following in Section 5.10.2 Discretionary Uses:</p> <p>“(iii) Type I and Type II home based businesses, subject to the requirements of Section 4.27 (iii) and (iv) respectively.”</p>	<p>The amendment proposes to make Home Based Businesses a discretionary rather than a permitted use in the RM Zoning District, subject to the development standards contained in Section 4.27.</p>

<p>SECTION 5.11 TOWN CENTRE COMMERCIAL DISTRICT – C1</p> <p>“Section 5.11.2 Discretionary Uses: The following uses may be permitted in the TCC – Town Centre Commercial District but only by resolution of Council and only in locations specified by such resolution of Council: (i) Post office or postal terminal (ii) Parking lots or parking structures (iii) Newspaper offices and printing plants and services; (iv) Other innovative commercial uses deemed by Council to be consistent with the pedestrian-oriented, street level retail and services intent of the Town Centre Commercial District.”</p>	<p>SECTION 5.11 TOWN CENTRE COMMERCIAL DISTRICT – C1 Section 5.11.2 Discretionary Uses is amended by adding the following new subsections:</p> <p>“(v) Membrane covered structures, subject to Section 4.30. (vi) Shipping containers, subject to the requirements of Section 4.32.”</p>	<p>The amendment proposes to add membrane covered structures and shipping containers as a discretionary use in the C1 Zoning District subject to the development standards contained in Sections 4.30 and 4.32 respectively that may be attached by Council as a condition of a discretionary use approval.</p>
<p>SECTION 5.12 GENERAL COMMERCIAL DISTRICT – C2</p> <p>“Section 5.12.2 Discretionary Uses: The following uses may be permitted in the C2 – General Commercial District but only by resolution of Council and only in locations specified by such resolution of Council: (i) Trades as accessory uses to related retail sales.”</p>	<p>SECTION 5.12 COMMERCIAL DISTRICT – C2 Section 5.12.2 Discretionary Uses is amended by adding the following new subsections:</p> <p>“(ii) Membrane covered structures, subject to the requirements of Section 4.30. (iii) Outdoor storage, including the storage of garbage, subject to the requirements of Section 4.31. (vi) Shipping containers, subject to the requirements of Section 4.32.”</p>	<p>The amendment proposes to add membrane covered structures, outdoor storage compounds and shipping containers as a discretionary use in the C2 Zoning District subject to the development standards contained in Sections 4.30, 4.31 and 4.32 respectively that may be attached by Council as a condition of a discretionary use approval.</p>
<p>SECTION 5.13 HIGHWAY COMERCIAL DISTRICT – C3</p> <p>“Section 5.13.2 Discretionary Uses: There are no discretionary uses in this district.”</p>	<p>SECTION 5.13 HIGHWAY COMMERCIAL DISTRICT – C3 Section 5.13.2 Discretionary uses is deleted and the following substituted thereto:</p> <p>“5.13.2 Discretionary Uses: The following uses may be permitted in the C3 – Highway Commercial District but only by resolution of Council and only in locations specified by such resolution of Council: (i) Membrane covered structures, subject to Section 4.30. (ii) Outdoor storage, including the storage of garbage, subject to the requirements of Section 4.31. (iii) Shipping containers, subject to the requirements of Section 4.32.”</p>	<p>The amendment proposes to add membrane covered structures, outdoor storage compounds and shipping containers as a discretionary use in the C3 Zoning District subject to the development standards contained in Sections 4.30, 4.31 and 4.32 respectively that may be attached by Council as a condition of a discretionary use approval.</p>

<p>SECTION 5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – II</p> <p>“Section 5.14.1 Permitted Uses: (i) Lumber and building supply establishment; (ii) Auto body shops; (iii) Shops of plumbers, pipe fitters, metal workers, and other industrial trades people; (iv) Warehousing and supply depots; (v) Wholesaling establishments; (vi) Public works buildings and structures; (vii) Manufacturing and processing uses that are not noxious, and that pose no risk of accidental release of airborne contaminants; (viii) 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.”</p>	<p>SECTION 5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – II is amended by deleting subsection 5.14.1 Permitted Uses and substituting the following thereto:</p> <p>“5.14.1 Permitted Uses: (i) Retail stores associated with an approved permitted use in the district; (ii) Warehousing, supply depots and storage buildings; (iii) Wholesaling establishments; (iv) Public works buildings and structures; (v) Repair service shops; (vi) Pet grooming services, small animal clinics and hospitals; (vii) Art and handcraft studios (viii) 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.”</p>	<p>The Town has requested that consideration be given to an amendment that will accommodate a greater range of permitted and discretionary light industrial uses in the district. The current provision for “manufacturing and processing” is deleted and replaced with “light manufacturing” as a discretionary use. Light manufacturing is a defined term in the proposed amendment. The evaluation and approval of new discretionary use developments will be subject to Sections 5.14.7 and 3.23.</p>
<p><Nothing></p>	<p>SECTION 5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – II is amended by adding a new section as follows:</p> <p>“5.14.1A Discretionary Uses: (i) Light manufacturing; (ii) Recycling depots; (iii) Kennels; (iv) Membrane covered structures, subject to Section 4.30; (v) Outdoor storage, including the storage of garbage, subject to the requirements of Section 4.31; (vi) Shipping containers, subject to the requirements of Section 4.32; (vii) Service stations and car washes (viii) Auto body shops; (ix) Shops of plumbers, pipe fitters, metal workers and other industrial trades people; (x) Lumber and building supply establishments.”</p>	<p>As above.</p>

<p><Nothing></p>	<p>SECTION 5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – I1 is amended by adding a new section as follows:</p> <p>“5.14.7 Evaluation Criteria and Development Standards for Discretionary Uses:</p> <p>Discretionary industrial uses are subject to the evaluation criteria and development standards contained in Section 3.23 Discretionary Use Applications.”</p>	<p>The proposed amendment will provide the Town with the ability to consider the approval of new discretionary use light industrial development within the context of evaluation criteria provided by Section 3.23. As well the Town will be able to set conditions for development such as screening, landscaping, etc to soften the impact of new development on adjoining land use.</p>
<p>SECTION 5.17 PUBLIC SERVICE DISTRICT – PS</p> <p>“5.17.1 Permitted Uses: (iv) Public works and shall include water reservoirs and sewage treatment facilities.”</p>	<p>SECTION 5.17 PUBLIC SERVICE DISTRICT – PS is amended by deleting Section 5.17.1 Permitted Uses: “(iv) Public works and shall include water reservoirs and sewage treatment facilities” and substituting the following thereto:</p> <p>“(iv) Public works and utilities including municipal water reservoirs, sewage treatment facilities, maintenance yards and buildings.”</p>	<p>The use category for “public works” is broadened to be more inclusive and descriptive.</p>
<p>SECTION 5.2 ZONING DISTRICT MAPS</p>	<p>SECTION 5.2 ZONING DISTRICT MAPS referred to in Section 5.2 is amended by rezoning from I2 – Craft Industrial District to:</p> <p>PS – Public Service District Lot 2, Plan 95R54662 as shown on attached “Schedule A”.</p>	<p>The amendment is intended to accommodate existing park development on the subject land. The subject land is designated as Industrial on the. An amendment to the Industrial Development Policy in the OCP will be provided to accommodate the proposed rezoning.</p>

<p>SECTION 5.2 ZONING DISTRICT MAPS</p>	<p>SECTION 5.2 ZONING DISTRICT MAPS referred to in Section 5.2 is amended by rezoning by Contract from I2 – Craft Industrial District to:</p> <p>Highway Commercial District - C3 Lot 3, Plan 95R54662 Lots 5 & 6, Plan 98RA24489, and Lot Y, Plan 101906119 as shown on attached “Schedule A”.</p> <p>Contract Conditions: Auto body shops and sale of motor vehicles only; limit hours of operation to between 7 AM and 9 PM</p>	<p>The amendment is intended to accommodate a proposed development that includes the sale and restoration of antique vehicles on the subject land. Our previous amendment for this proposal rezoned the property to the General Light Industrial District.</p>
<p><NONE></p>	<p>BED AND BREAKFAST HOME PROPOSAL ON JAMES STREET</p> <p>REZONE TO C2 BY CONTRACT, WOULD NEED TO ADD RESTAURANTS AS A PERMITTED USE DELETE THE REQUIREMENT FOR DWELLING UNITS TO BE LOCATED ABOVE COMMERCIAL ESTABLISHMENTS.</p> <p>Contract Conditions: 4 Room Hotel, 30 seat Restaurant, preventative care such as massage and other forms of treatment plus a dwelling unit only.</p>	<p>The Bed and Breakfast Home (B & B)proposal on Lot 5, Block M, Plan AT39 is more than a B & B. Most Zoning Bylaws provide for B & B’s within residential districts, but they limit the number of beds (e.g. Saskatoon – 3), that meal must be served before noon, and sometimes the length of stay (e.g. 1 week). While the developers may market the business as a B & B, it would also include a day spa and a 30 seat restaurant. We would interpret this proposal as a Hotel, ...massage therapy, ... other forms of treatment, a restaurant and a dwelling unit (for the operators).</p>
<p><NONE></p>	<p>ALLOW FOUR-PLEX’S IN THE R1 DISTRICT?</p>	<p>We have worked on a similar question recently for the Town of Battleford. They have elected to limit the number of four-plex’s on a block face to one plus an additional one at Council’s discretion. The development of four-plex’s provides a more affordable type of housing, but also increases traffic (in alleys and on streets) and can result in more cars parked on the street.</p>