

Town of **ABERDEEN**  
**ZONING BYLAW**

# TOWN OF ABERDEEN

## ZONING BYLAW



Prepared for:

THE TOWN OF ABERDEEN

Prepared by:

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SASKATOON, SK



APRIL 2014

THE TOWN OF ABERDEEN

ZONING BYLAW 07-14

A Bylaw of the Town of Aberdeen adopt a Zoning Bylaw.

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


- (1) Pursuant to Section 34(1) of *The Planning and Development Act, 2007* the Council of the Town of Aberdeen hereby adopts the Town of Aberdeen Bylaw, identified as Schedule "A" to this Bylaw.
- (2) The Mayor and Town Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- (3) Bylaw No. 5/88, the Zoning Bylaw, and all amendments thereto, are hereby repealed.
- (4) This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

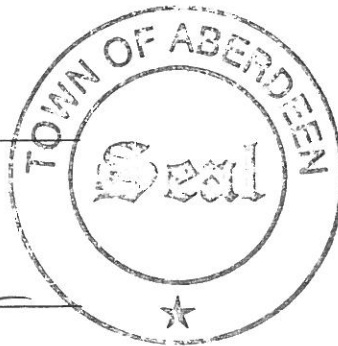
Read a First Time the 19 day of August, 2014

Read a Second Time the 21 day of October, 2014

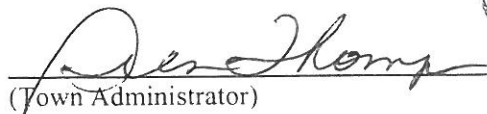
Read a Third Time the 21 day of October, 2014

Adoption of this Bylaw this 21 day of October, 2014

  
(Mayor)



SEAL

  
(Town Administrator)

Certified a True Copy of the Bylaw adopted by Resolution of Council  
On the 21 day of October, of the year 2014

**APPROVED**  
**REGINA, SASK.**  
APR 28 2015  
  
For: Assistant Deputy Minister  
Ministry of Government Relations


THE TOWN OF ABERDEEN

ZONING BYLAW

Being Schedule "A" to Bylaw No. 07-14  
of the Town of Aberdeen

  
\_\_\_\_\_  
(Mayor)



  
\_\_\_\_\_  
(Town Administrator)

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# 1 INTRODUCTION

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Under the authority of *The Planning and Development Act, 2007*, and Bylaw No. \_\_\_\_\_, the Official Community Plan of the Town of Aberdeen, the Council of the Town of Aberdeen in the Province of Saskatchewan, in open meeting, hereby enact as follows:

## 1.1 TITLE

This Bylaw shall be known and may be cited as the *Zoning Bylaw* of the Town of Aberdeen.

## 1.2 SCOPE

Development shall be permitted within the limits of the Town of Aberdeen only when in conformity with the provisions of this Bylaw subject to the right of appeal provisions of *The Act*.

## 1.3 PURPOSE

This is a Bylaw to control the use and development of the land in the municipality and assist in implementing the Official Community Plan for the Town of Aberdeen.

## 1.4 SEVERABILITY

If any section, clause or provision of this Bylaw, including anything shown on the *Zoning District Map*, is for any reason declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw as a whole or in part, other than the section, clause, provision or anything shown on the *Zoning District Map*, declared to be invalid.



## 2 INTERPRETATION

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Whenever in this Bylaw the following words or terms are used, they shall, unless the context otherwise provides, be held to have the following meaning:

**Accessory Building or Use** - shall mean a building or use which:

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

**Act** - shall mean *The Planning and Development Act, 2007*.

**Administrator** - shall mean the Administrator of the Town of Aberdeen.

**Adult Day Care** - shall mean an establishment for the placement, care and supervision of adults, but does not include the provision of overnight supervision.

**Adult Day Care - Type I** - shall mean an adult day care with up to five persons under supervision at any one time.

**Adult Day Care - Type II** - shall mean an adult day care with more than five persons under supervision at any one time.

**Alteration** - shall mean any structural change in, or addition to, a building or structure, and shall include a change from one type of use to another.

**Ambulance Station** - shall mean a facility for receiving requests for ambulance service and for the stationing of one or more ambulances until dispatched in response to calls for service, which is operated by a person or corporation having a valid and subsisting ambulance licence issued pursuant to *The Ambulance Act* and having a current contract with the Regional Health Authority.

**Ancillary Use** - shall mean 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.

**Animal Hospital** - shall mean a place used for the care and treatment of small and large animals involving out-patient care, medical procedures involving hospitalization, and the keeping of animals in outdoor pens.

**Apartment House** - shall mean a building divided into 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 motel.

**Bare Land Condominium** - shall mean a condominium divided into bare land units as defined in *The Condominium Property Act, 1993*.

**Bare Land Unit** - shall mean a bare land unit as defined within *The Condominium Property Act, 1993*.

**Bed and Breakfast Home** - shall mean a dwelling unit in which the occupants thereof use a portion of the dwelling unit for the purpose of providing, for remuneration, sleeping accommodation and one meal per day to members of the general public, for periods of one week or less, and in which:

- (a) not more than three bedrooms within the dwelling unit are used to provide such sleeping accommodation;
- (b) the dwelling unit is the principal residence of the person or persons receiving the remuneration and providing the sleeping accommodation and one meal per day; and,
- (c) the meal which is provided is served before noon each day.

**Building** - shall mean a structure constructed or placed on, in or over land but does not include a public highway.

**Building Bylaw** - shall mean any Bylaw of the Town of Aberdeen regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.

**Building Front Line** - shall mean the line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which faces the front site line.

**Building Height** - shall mean the vertical distance of a building measured from grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof (refer to Figure 2-1).

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

**Building Permit** - shall mean a permit issued under a Building Bylaw of the Town of Aberdeen authorizing the construction of all or part of a building or structure.

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

**Building Rear Line** - shall mean the line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.

**Building Side Line** - shall mean the line of the wall of the building, or any projecting portion of the building and production thereof excluding permitted obstructions, which faces the side site line.

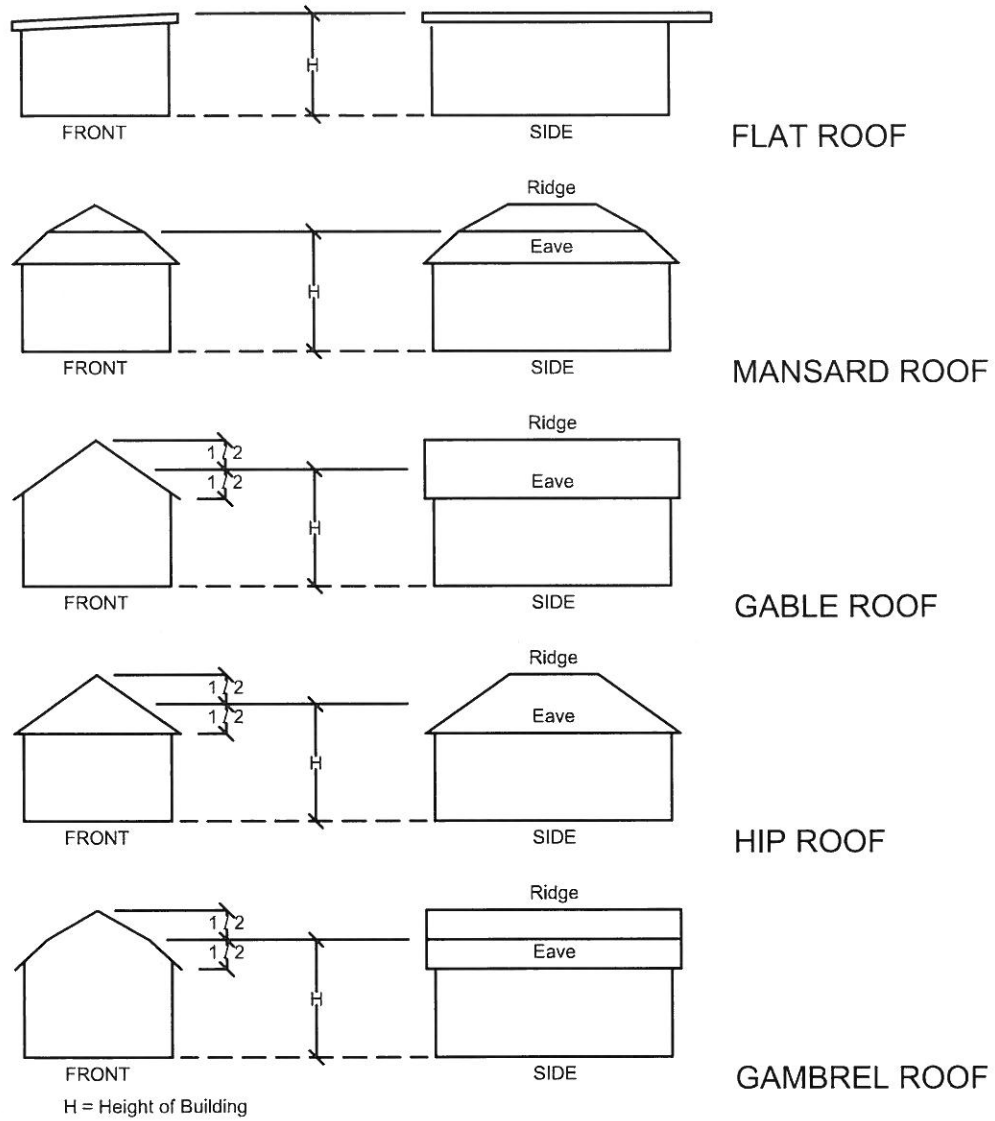


FIGURE 2-1: Interpretation of Building Height Measurement

**Carport** - shall mean a roofed enclosure for the parking of a motor vehicle or motor vehicles which has less than 60% of the total perimeter enclosed by walls, doors or windows and is attached to a principal building.

**Car Wash** - shall mean a building or portion of a building which is used for the washing of vehicles, including full service, automatic and hand operated facilities.

**Cemetery** - shall mean property used for the interment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

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

**Community Centre** - shall mean a building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.

**Construction Trades** - shall mean offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction of buildings.

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

**Corner Site** - shall mean a site at the intersection or junction of two or more streets.

**Council** - shall mean the Council of the Town of Aberdeen.

**Cultural Institution** - shall mean an establishment such as a museum, art gallery, library and similar facilities of historical, educational or cultural interest.

**Custodial Care Facility** - shall mean either:

- (a) a facility for the temporary detention or open custody of persons pursuant to the provisions of *The Youth Criminal Justice Act (Canada)* or *The Summary Offences Procedure Act, 1990 (Saskatchewan)*; or,
- (b) a facility for the accommodation of persons participating in a community training program pursuant to *The Correctional Services Act*.

in which the number of persons in detention, custody or residence does not exceed five.

**Day Care Centre** - shall mean a facility for the non-parental care of over four (4) preschool age children on a daily basis and licensed under *The Child Care Act*.

**Deck** - shall mean a raised open platform, with or without rails, attached to a principal building.

**Development** - shall mean the carrying out of any building, engineering, mining or other operations in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.

**Development Permit** - shall mean a document authorizing a development, issued pursuant to this *Zoning Bylaw*.

**Discretionary Use** - shall mean a use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, contained in this Bylaw.

**Dwelling** - shall mean a building used or intended for residential occupancy excluding a Mobile Home, but may include a Manufactured Home, Modular Home or Ready-to-Move Home, as herein defined.

**Dwelling Group** - shall mean a group of two or more detached one unit dwellings, two unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.

**Dwelling, Manufactured** - shall mean a factory-built, one or two section dwelling, conforming to CSA Standard CAN/CSA-Z240 and A277, and which is transported to the site for placement on a fixed approved foundation which complies with the requirements of the National Building Code.

**Dwelling, Modular** - shall mean a dwelling which is constructed of pre-fabricated parts, unit modules and/or finished sections built in a factory, and which are transported to the site for assembly on a fixed approved foundation which complies with the requirements of the National Building Code.

**Dwelling, Multiple Unit Apartment Style** - shall mean a building divided into three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence, but not hotels, motels or townhouses.

**Dwelling, Multiple Unit Townhouse** - shall mean a building divided into three or more dwelling units, with a common wall dividing the dwelling units throughout at least 40% of the depth of the entire structure, measured from the front to the rear building lines.

**Dwelling, Ready-to-Move (RTM)** - shall mean a ready-to-move one unit dwelling which is built to completion off-site using conventional lumber and building practices according to the current National Building Code of Canada, and which is transported to the site as a complete unit for placement on a fixed approved foundation which complies with the requirements of the National Building Code.

**Dwelling, Semi-Detached** - shall mean a dwelling unit on its own site, with a common wall dividing the two dwelling units through at least 30% of the depth of the entire structure, measured from the front to the rear building lines.

**Dwelling, Single Detached** - shall mean a detached building consisting of one dwelling unit as herein defined, but shall not include a mobile home as herein defined.

**Dwelling, Two-Unit** - shall mean a detached building divided into two dwelling units.

**Dwelling Unit** - shall mean a separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components. For the purposes of this definition, "kitchen components" include, but are not limited to, cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or other cooking appliances and kitchen tables and chairs.

**Educational Institution** - shall mean a post-secondary college, university or technical institution, but shall not include a private school.

**Efficiency Unit** - shall mean a dwelling unit in a multiple unit dwelling that contains no bedroom separate from a living room or living-dining room.

**Estimated Peak Water Level (E.P.W.L.)** - shall mean the calculated water level use to determine the flood hazard area. It is based on the 1:500 peak flow for rivers, and the higher of the 1:500 peak calm level or the 1:100 peak calm level with a 1:5 wind from the most critical direction for most lakes.

**Face Area, Sign** - shall mean the area of the single face of any sign and is calculated using the illustration in Figure 2-2.

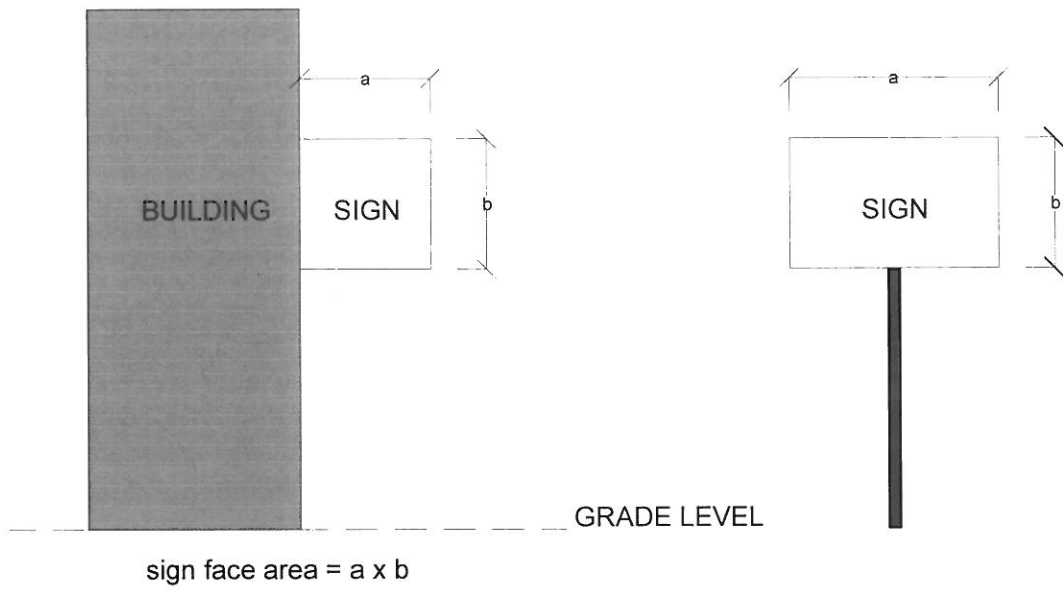
**Face Area, Total Sign** - shall mean the total amount of sign face area on a sign including all sides.

**Fence** - shall mean an artificially constructed barrier erected to enclose or screen areas of land.

**Financial Institution** - shall mean a bank, credit union, trust company, or similar establishment.

**Flankage** - shall mean the side site line of a corner site which abuts the street.

**Flood Hazard Area** - shall mean the area below the E.P.W.L.. The flood hazard area has two zones; the Flood Fringe and the Floodway.



**FIGURE 2-2: Calculation of Sign Face Area**

**Flood Fringe** - shall mean a zone within the flood hazard area where some types of development may occur if suitably flood-proofed. The flood fringe is typically defined as that portion of the flood hazard area where:

- (a) depth of inundation above natural ground is less than 1.0 metre;
- (b) flow velocities are less than 1.0 metre per second; and
- (c) encroachment (fill) into the flood fringe would raise upstream water levels by less than 0.3 metres.

**Floor Area** - shall mean the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit any private garage, porch, sunroom, unfinished attic or unfinished basement.

**Floodway** - shall mean a zone within the flood hazard area where typically only necessary infrastructure is allowed (e.g. water intakes and outfalls, bridge piers and abutments, etc.) or development that is of low value and non-obstructive (e.g. parks, nature areas, parking lots, and recreational trails). The floodway contains the deepest, fastest, and most destructive flood waters and is typically defined as that portion of the flood hazard area where:

- (a) depth of inundation above natural ground is more than 1.0 metre;
- (b) flow velocities are greater than 1.0 metre per second; and
- (c) encroachment (fill) into the flood fringe would raise upstream water levels by more than 0.3 metres

**Flood Proofing** - shall mean techniques or measures taken to permanently protect a structure or development from flood damage. These can include measures such as elevation building (e.g. building on fill or piers), constructing dykes, creating upstream storage, diversions and channelization.

**Frontage** - shall mean the side of a site abutting a street and, in the case of a corner site, the shorter of the sides is the frontage.

**Fuel Storage Tank, Above Ground** - shall mean a storage tank, any portion of which is above grade and containing gasoline, diesel fuel, or propane for retail sale or dispensing into motor vehicles.

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

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

**Garage, Storage** - shall mean a garage exclusively used for the storage of motor vehicles and where no repair facilities are maintained.



**Garage Suite** - shall mean a self contained dwelling unit which is attached to a detached garage on a site in which the principal use is a one unit dwelling.

**Garden Suite** - shall mean a self contained dwelling unit which is located in the rear or side yard of a site in which the principal use is a one unit dwelling.

**Gas Bar** - shall mean a building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

**Grade Level** - shall mean the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure. In the case of one-unit dwellings, two-unit dwellings and semi-detached dwellings with a walk-out basement, grade level shall be the average elevation of the finished surface of the ground adjacent to the side walls of the building.

**Hazard Land** - shall mean land which is subject to flooding, ponding, subsidence, landslides or erosion.

**Hazardous Material** - shall mean any product, substance or organism which, because of its quantity, concentration or risk of spill, or its physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the physical environment, to human health or to living organisms, including but not limited to:

- (a) Corrosives;
- (b) Explosives;
- (c) Flammable and combustible liquids;
- (d) Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases;
- (e) Gases, compressed, deeply refrigerated, liquified or dissolved under pressure;
- (f) Oxidizing substances; organic peroxides;
- (g) Poisonous (toxic) or infectious substances;
- (h) Radioactive materials;
- (i) Waste Dangerous Materials; and/or,
- (j) Any other environmentally hazardous substance.

**Health Care Clinic** - shall mean a facility or institution engaged in the provision of services for health maintenance, diagnosis or treatment of human pain, injury or other physical condition on an out-patient basis.

**Home Based Business** - shall mean an accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the buildings or site.

**Home Based Business - Type I** - shall mean a home based business owned and operated by a resident or residents of the dwelling unit.

**Home Based Business - Type II** - shall mean a home based business owned and operated by a

resident or residents of the dwelling unit, but where no more than one non-resident person may be employed on the site.

**Hotel** - shall mean a building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel.

**Intersection** - shall mean an area where two or more streets or lanes meet or cross at grade.

**Junk and Salvage Yards** - shall mean uses including, but not limited to, uses involved in salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle parts.

**Kennel, Boarding** - shall mean the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

**Kennel, Breeding** - shall mean the keeping of more than four dogs, cats or other domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

**Landscaping** - shall mean the changing, rearranging, or adding to the original vegetation of a site, including site grading, addition of topsoil, grass, trees, plants, sidewalks and other natural or decorative features.

**Lane** - shall mean a public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

**Light Manufacturing** - shall mean a light industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, including, but not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewellery, instruments, computers, electronic devices.

**Linear Park** - shall mean dedicated land developed in a linear fashion, between 15 and 35 metres in width, intended to facilitate pedestrian and cycling transportation, and may also facilitate the management of storm water.

**Loading Space** - shall mean a space, measuring at least 3.0 metres in width and 7.5 metres in depth, located on a site, and having access to a street or lane, in which a vehicle may park to load or unload goods.

**Lot** - shall mean an area of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.

**Lounge** - shall mean a room or area adjoining a restaurant that permits the sale of beer, wine or spirits for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted, either in the lounge or in the restaurant attached to the lounge.

**Mall** - shall mean a single story commercial building in which, up to six (6) permitted or

discretionary commercial uses are located together for their mutual benefit, each use having a separate entrance to the outside.

**Mayor** - shall mean the Mayor of the Town of Aberdeen.

**Medical, Dental and Optical Laboratories** - shall mean a place fitted with medical and scientific equipment and used for the conduct of medical, dental or optical investigations, experiments, and tests; or for the manufacture of medicines or medical aid devices, but does not include the manufacture of industrial chemicals.

**Membrane Covered Structure** - shall mean 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.

**Minister** - shall mean the member of the Executive Council who, for the time being, is assigned the administration of *The Planning and Development Act, 2007*.

**Mobile Home** - shall mean a trailer coach:

- (a) that is used as a dwelling all year round;
- (b) that has water faucets and shower or other bathing facilities that may be connected to a water distribution system;
- (c) that has facilities for washing and a water closet or other similar facility that may be connected to a sewage system; and,
- (d) that conforms to *Canadian Standards Association, Construction Standard No.Z240.2.1-1979* and amendments thereto.

**Mobile Home Court** - shall mean any parcel of land on which two or more occupied mobile homes are located and includes any structure used or intended to be used as part of the equipment of such mobile home court.

**Mobile Home, Double Wide** - shall mean a mobile home consisting of two sections, separately towable, but designed to be joined together into one building.

**Mobile Home, Single Wide** - shall mean a mobile home designed to be towed as a single load and less than 6.09 metres wide.

**Mobile Home Site** - shall mean an area of land in a mobile home court for the placement of a mobile home.

**Mobile Home Subdivision** - shall mean any residential subdivision of land containing lots under either freehold or leasehold tenure for the purpose of accommodating mobile homes in such a manner that each mobile home is situated on its own lot and in which all such lots, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

**Motel** - shall mean an establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or site and designed for use by the public, and may include a restaurant or licensed dining room.

**Municipal Facility** - shall mean land and/or structures owned by the Municipality including, but not limited to, land and/or structures used for the following:

- (a) Office and/or meeting space;
- (b) Storage of municipal equipment and/or supplies;
- (c) Recreation; and/or
- (d) Other institutional purposes.

**Municipality** - shall mean the Town of Aberdeen.

**Night Club** - shall mean a building or portion thereof, where beer, wine or spirits are served to patrons for consumption on the premises, with or without food, and where a designated area for entertainment or dancing during certain hours of operation may also be provided.

**Nonconforming Building** - shall mean a building:

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

**Nonconforming Site** - shall mean a site, consisting of one or more contiguous parcels, to which all required permits have been issued on the date that this Bylaw or any amendment to the Bylaw becomes effective, contains a use that conforms to the Bylaw, but the site area or site dimensions do not conform to the standards of the Bylaw for that use.

**Nonconforming Use** - shall mean a lawful specific use:

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

**Office and Office Building** - shall mean 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, transhipped, sold or processed.

**Official Community Plan** - shall mean the *Official Community Plan* for the Town of Aberdeen.

**Parking Lot** - shall mean an open area of land, other than a street, used for the temporary parking of more than four vehicles and available for public use whether free, for charge, or for accommodation of clients or customers.

**Parking, Off-street** - shall mean accommodation for the parking of vehicles off a public street or lane.

**Parking Space, Vehicle** - shall mean a space within a building or parking lot for the parking of one vehicle and which has access to a developed street or lane, having minimum dimensions of 2.7 metres wide by 6.7 metres deep with direct lane access; 3.0 metres wide by 6.7 metres deep for a parallel space; and 2.7 metres wide by 6.0 metres deep for all other.

**Permitted Use** - shall mean any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations applicable to that zoning district.

**Personal Care Home** - shall mean 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 Shops** - shall mean establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, photographic studios and other similar uses.

**Photography Studio** - shall mean a place used for portrait or commercial photography, including the developing and processing of film, and the repair or maintenance of photographic equipment.

**Place of Worship** - shall mean a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

**Preschool** - shall mean a facility which provides a program for preschool aged children.

**Public Hospital** - shall mean a hospital operated by the Regional Health Authority.

**Public Utility** - shall mean a government, municipality or corporation under Federal or Provincial statute which operates a public work.

**Public Work** - shall include:

- (a) systems for the production, distribution or transmission of electricity;

- (b) systems for the distribution, storage or transmission of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water; and/or,
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage.
- (e) telephone, internet, cable television or light distribution or transmission lines; and,
- (f) facilities for the collection, storage, movement and disposal of storm drainage.

**Recreational Facility, Commercial** - shall mean a recreation or amusement facility operated as a business and open to the general public for a fee.

**Recreational Facility, Public** - shall mean a recreation or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public.

**Recreation Vehicle** - shall mean a unit intended to provide temporary living accommodation for campers or travellers; built as part of, or to be towed by, a motor vehicle; and includes truck campers, motor homes, tent trailers and travel trailers.

**Recycling Collection Depot** - shall mean a building or structure used for collection and temporary storage of recyclable household material such as bottles, cans, plastic containers and paper.

**Residential Care Facility** - shall mean a licensed or approved group care facility governed by Provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

**Residential Care Facility - Type I** - shall mean a residential care facility in which the number of residents, excluding staff, does not exceed four.

**Residential Care Facility - Type II** - shall mean a residential care facility in which the number of residents, excluding staff, is more than four.

**Restaurant** - shall mean a place where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.

**Retail Store** - shall mean a place where goods, wares, or merchandise are offered for sale or rent, and may include the manufacturing of products to be sold on site, provided the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

**Rooming House** - shall mean a building that contains more than one rooming unit, including a boarding or lodging house.

**Rooming Unit** - shall mean a room or rooms for accommodation, other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw, with sleeping facilities but without private toilet facilities.

**Safe Building Elevation (S.B.E.)** - shall mean the level defined by the Ministry of Government Relations at time of subdivision and by municipal bylaw to which flood-proofing must be undertaken for developments in the flood hazard area. The S.B.E. is calculated as the Estimated Peak Water Level (E.P.W.L.) plus a freeboard value. The freeboard allows for uncertainties in the calculations, and for other possible hazards such as ice shoves, ice jams, and erosion. The Saskatchewan Watershed Authority usually recommends a freeboard of 0.5 m for most situations. For dykes used as flood-proofing, a freeboard of 0.6 m is usually recommended. In areas with high uncertainty in the hydrology or hydraulic response of the lake or river, a freeboard of up to 1.0 m may be recommended.

**School, Private** - shall mean a facility which meets Provincial requirements for elementary, secondary, or higher education, and which does not secure the majority of its funding from taxation or any governmental agency, and may include vocational and commercial schools, music or dance schools and other similar schools.

**School, Public** - shall mean a facility which meets Provincial requirements for elementary or secondary education, and which secures the majority of its funding from taxation.

**Screening** - shall mean a fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

**Service Station** - shall mean a place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed, but not including painting, body work and major repairs.

**Shipping Containers** - shall mean a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck.

**Shopping Centre** - shall mean a building, or group of buildings, located on the same site and managed as a single unit, in which individual spaces are leased to permitted or discretionary commercial uses for their mutual benefit, including the use of off-street parking and other joint facilities.

**Sight Triangle** - shall mean the triangular area formed, on corner sites, by the intersecting front and side site lines at a street intersection and the straight line joining said site lines at points which are a measured distance along said site lines (refer to Figure 2-3).

**Sign** - shall mean any device, letters, figures, symbols, emblems, or pictures which are affixed to, or represented directly or indirectly upon a building or structure, which identify or advertise any object, product, place, activity, person, organization or business; and which is visible on a street or public thoroughfare.

**Sign, Awning** - shall mean a sign made from canvas, plastic or similar non-rigid material affixed to a frame and attached to a building wall (refer to Figure 2-4(a)).

**Sign, Canopy** - shall mean a sign consisting of a rigid, multi-sided structure supported by columns or posts embedded in the ground (refer to Figure 2-4(b)).

**Sign, Directional / Information** - shall mean a sign giving directions, instructions or facility information but not including any advertising copy.

**Sign, Fascia** - shall mean 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 0.25 metres from such building or structure.

**Sign, Free-Standing** - shall mean a non-movable sign, not affixed to a building, and which is supported by a pole or similar structure.

**Sign, Marquee** - shall mean a sign that is mounted or painted on, or attached to an awning, canopy or marquee.

**Sign, Portable** - shall mean a portable, free-standing sign, mounted on a wide based frame, with a single sign face area no greater than 6.0 m<sup>2</sup>, which can be readily moved or transported to various locations (refer to Figure 2-4(c)).

**Sign, Projecting** - shall mean a sign which is wholly or partially dependent upon a building for support and which projects more than 0.25 metres beyond the wall of the building (refer to Figure 2-4(d)).

**Sign, Roof** - shall mean a sign that is mounted on the roof of a building, or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

**Sign, Temporary** - shall mean a removable sign erected for a period of time not exceeding six months.

**Site** - shall mean one or more contiguous lots under one ownership and used, or intended to be used, by a single principal use or principal building.

**Site, Corner** - shall mean a site at the intersection of two or more streets (refer to Figure 2-5).

**Site, Interior** - shall mean a site other than a corner site.

**Site Coverage** - shall mean that portion of the site that is covered by principal and accessory buildings.

**Site Line, Front** - shall mean the line that divides the site from the street. In the case of a corner site, the front site line shall mean the line separating the narrowest street frontage of the site from the street.



**Site Line, Rear** - shall mean the line at the rear of the site and opposite the front site line.

**Site Line, Side** - shall mean a site line other than a front or rear site line.

**Site, Through** - shall mean a site not more than one lot in depth, having a frontage on two streets more or less parallel (refer to Figure 2-5).

**Site Width** - shall mean for rectangular sites, the horizontal distance between the side boundaries of the site measured along the front site line. For non-rectangular sites, the average of the horizontal distances between the side boundaries of the site measured along the front and rear site lines (refer to Figure 2-6).

**Street** - shall mean a public thoroughfare which affords the principal means of access to the abutting property.

**Structural Alteration** - shall mean the construction or reconstruction of supporting elements of a building or other structure.

**Structure** - shall mean anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

**Suite, Garage** - shall mean a self-contained dwelling unit that is attached to a detached garage on a site on which the principal use is a single detached dwelling, and to which the suite is an accessory use.

**Suite, Garden** - shall mean a self-contained dwelling unit that is located in the rear or side yard of a site on which the principal use is a one unit dwelling, and to which the suite is an accessory use.

**Suite, Secondary** - shall mean a self-contained dwelling unit that is an accessory use to, and located within, a detached building in which the principal use is a single detached dwelling.

**Tavern** - shall mean a building or portion thereof where beer, wine, or spirits are served to patrons for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted.

**Temporary Building** - shall mean a building under 34 square metres in floor area without a foundation or footing, and that is to be removed upon expiration of a designated time period.

**Temporary Use** - shall mean a use established for a fixed period of time and that is to be discontinued upon the expiration of the time period specified for that use.

**Terrace** - shall mean a level, artificially surfaced area adjacent to a principal building, not covered by a roof, at or within 0.6 metres of the finished grade; including patios.

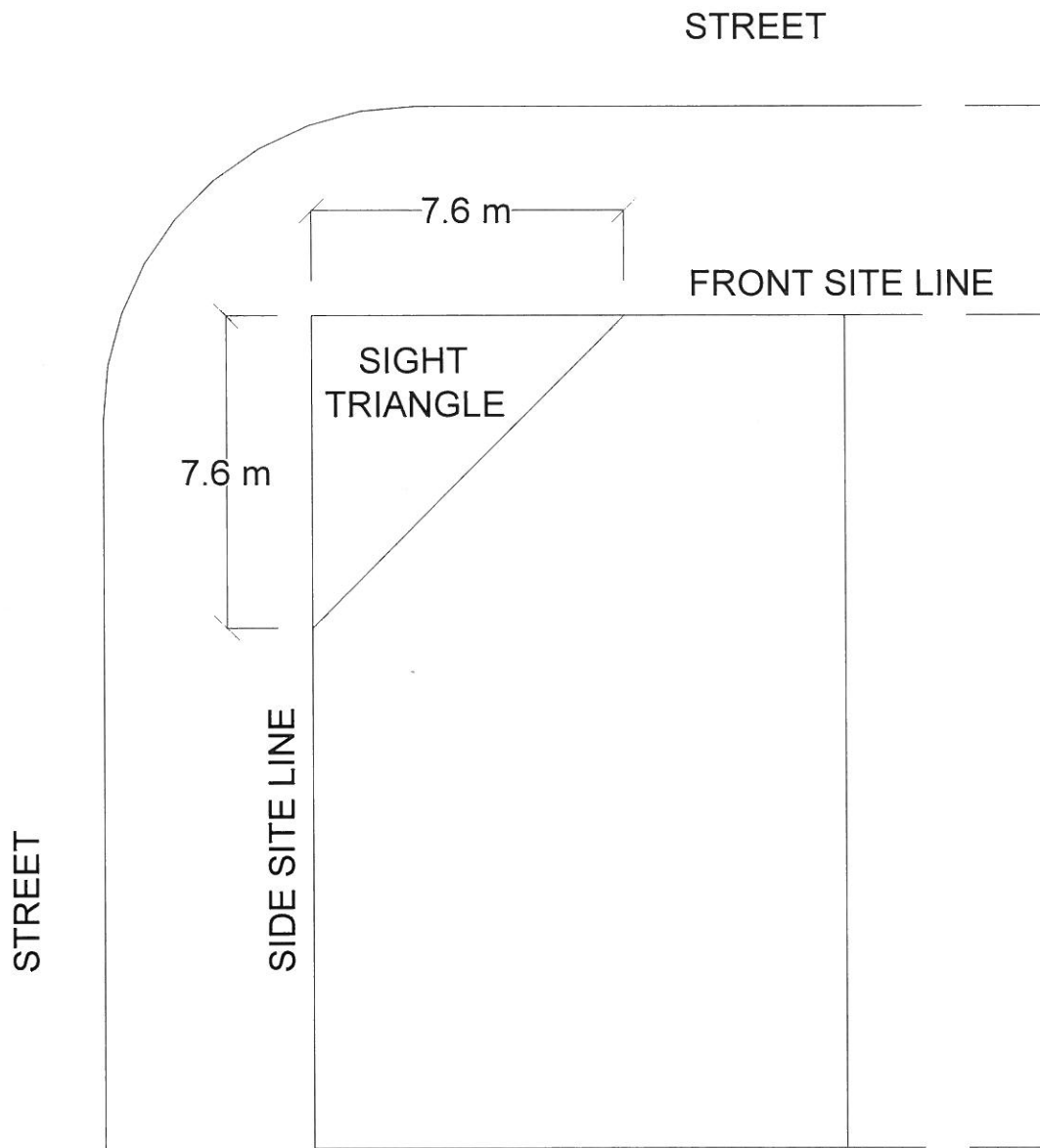


FIGURE 2-3: Sight Triangle

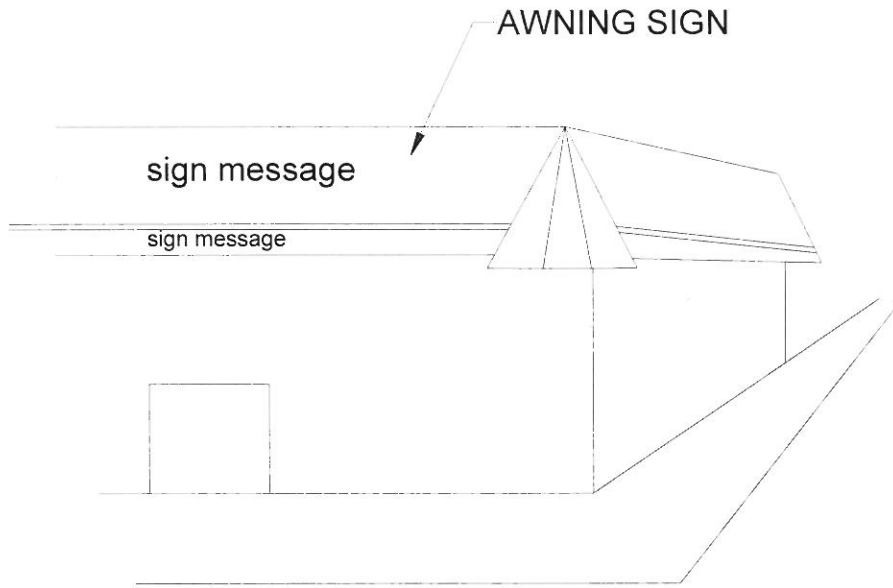


FIGURE 2-4(a): Illustration of Awning Sign

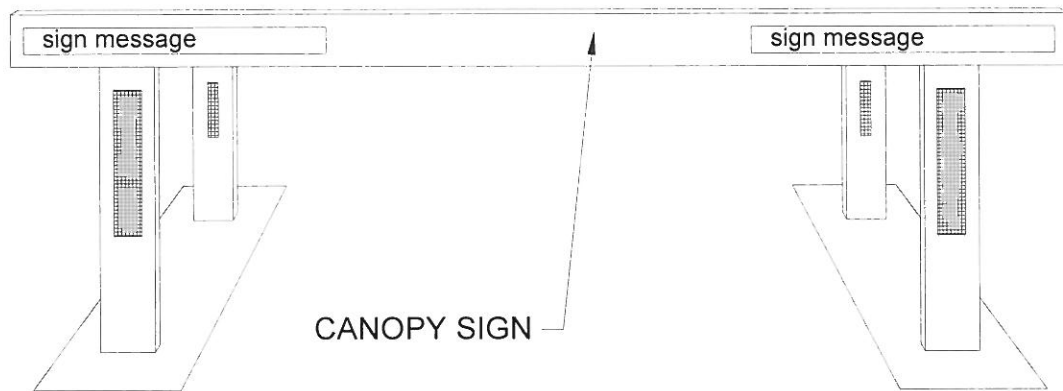


FIGURE 2-4(b): Illustration of a Canopy Sign

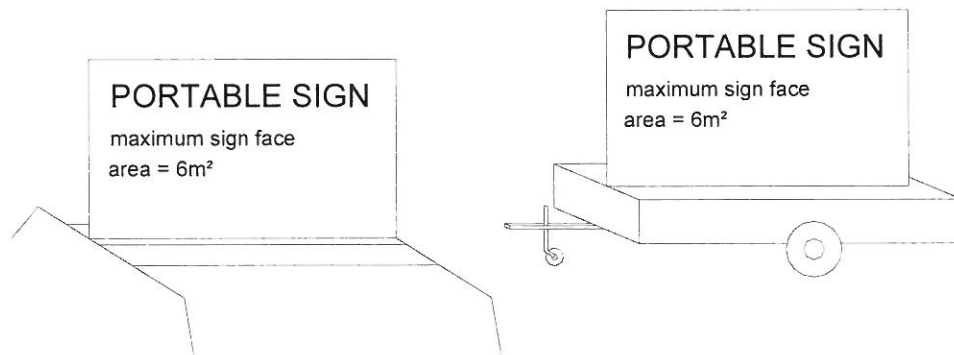


FIGURE 2-4(c): Illustration of Portable Signs

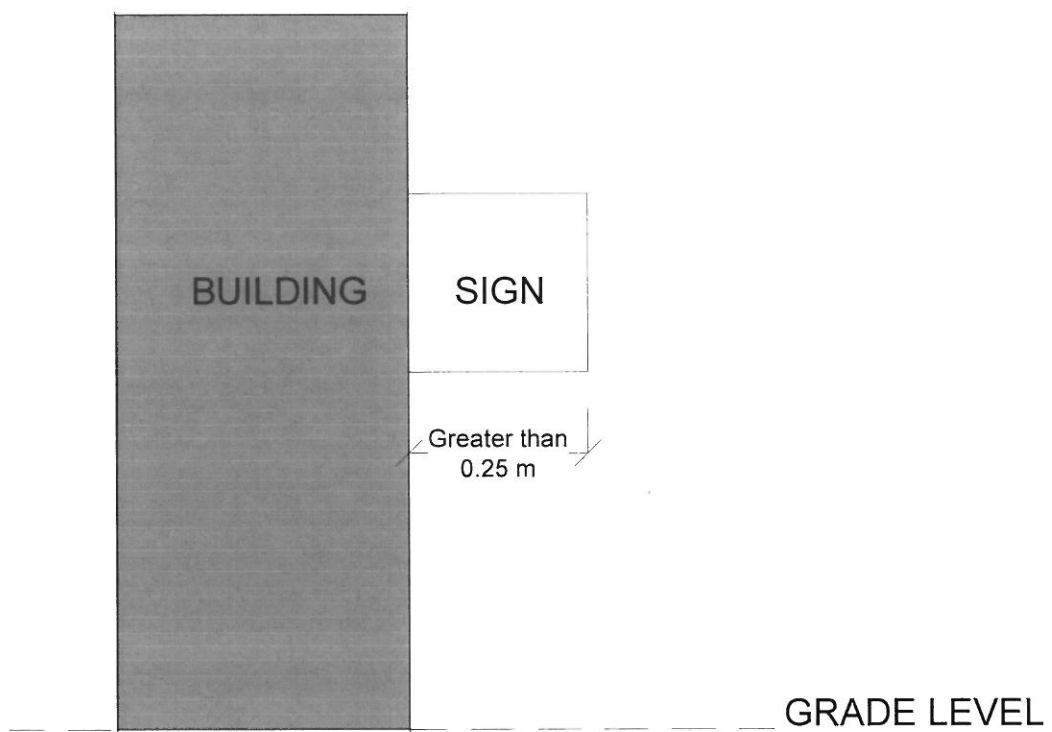


FIGURE 2-4(d): Illustration of a Projecting Sign

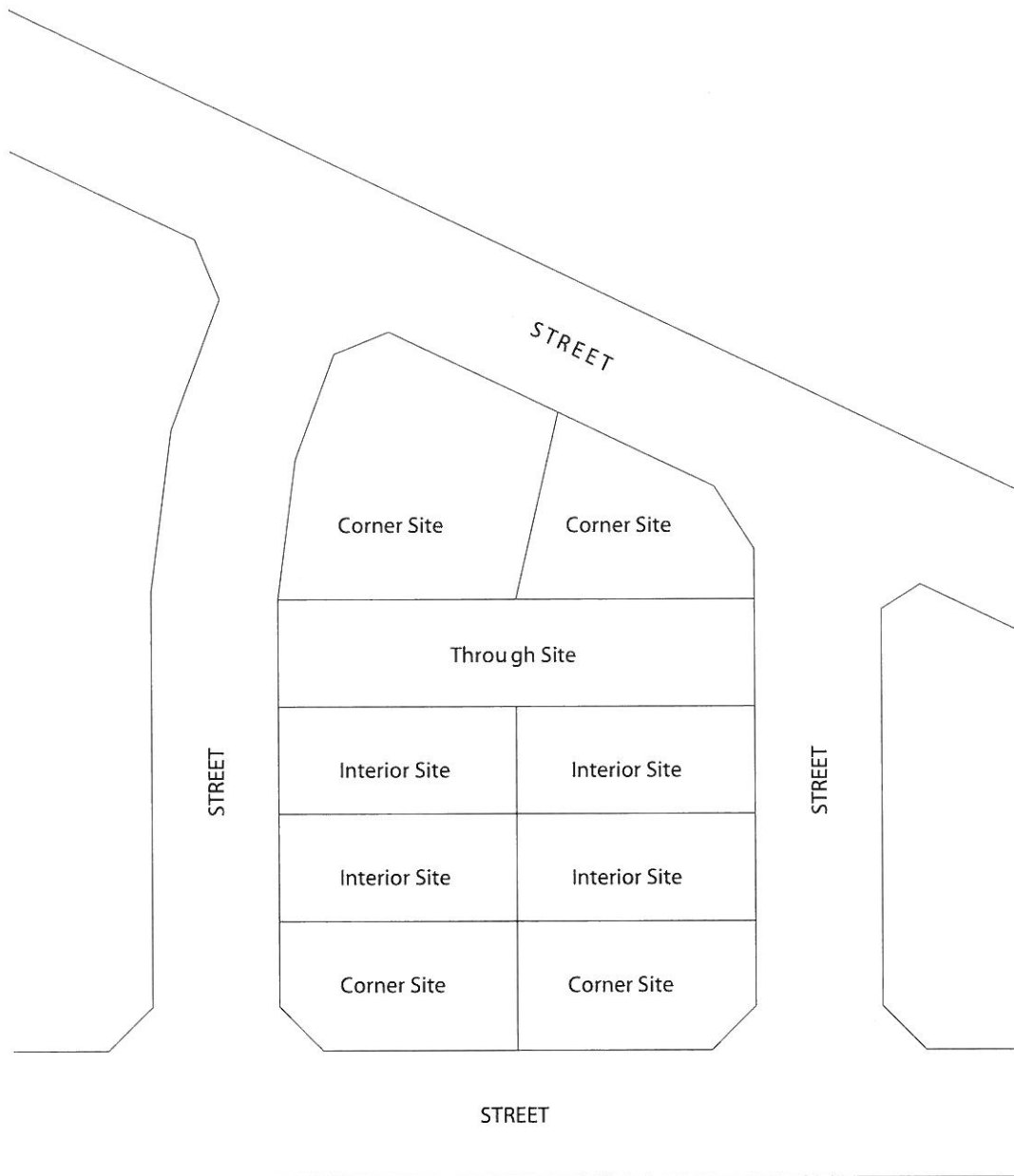


FIGURE 2-5: Illustration of Site Definition

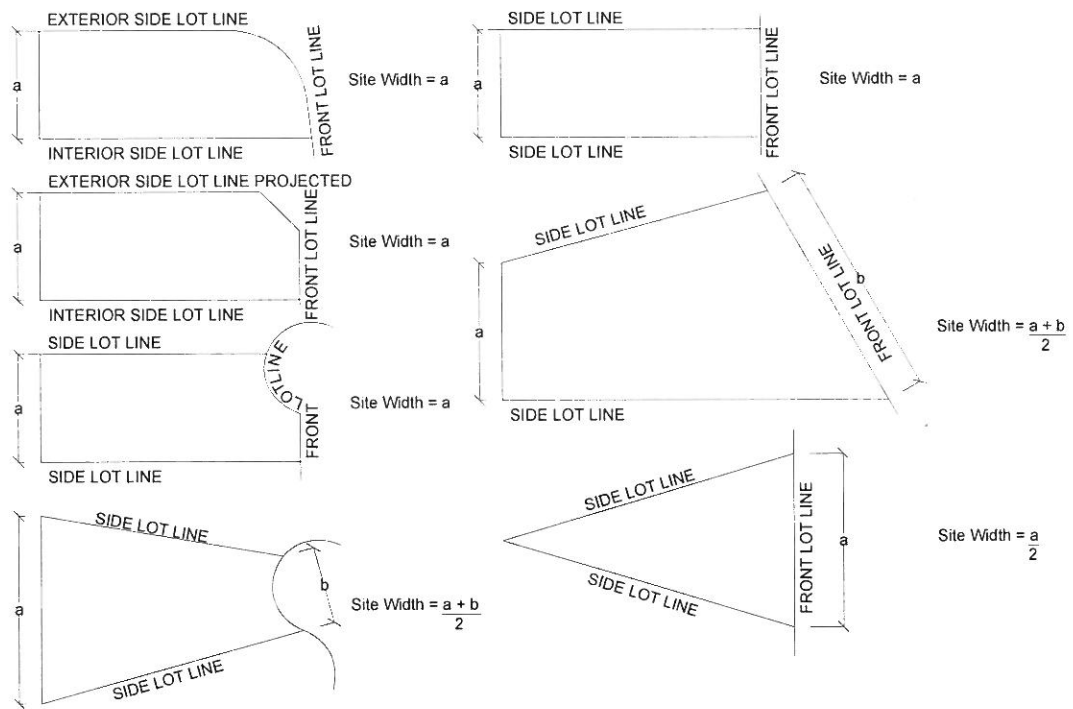


FIGURE 2-6: Illustrations of Site Width



**Theatre** - shall mean a place devoted to showing motion pictures or dramatic, dance, musical or other live performances.

**Tourist Campground** - shall mean a tract or parcel of land which provides for the location of tents or recreation vehicles used by travellers and tourists for overnight accommodation.

**Town** - shall mean the Town of Aberdeen.

**Townhouse, Street** - shall mean a dwelling unit on its own site, having direct access to the exterior, attached to two or more other dwelling units each on their own sites, with a common wall dividing the dwelling units throughout at least 40% of the depth of the entire structure.

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

**Use** - shall mean the purpose or activity for which a piece of land, or its building is designed, arranged, intended, occupied or maintained.

**Use, General Industrial** - shall mean any of the following activities:

- (a) the processing of raw or finished materials;
- (b) the manufacturing or assembly of goods, products or equipment;
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with non-industrial development;
- (d) the storage or transshipping of materials, goods and equipment, including warehouses;
- (e) the training of personnel in general industrial operations; and/or,
- (f) indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.

**Veterinary Clinic** - shall mean 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.

**Wall Height** - shall mean the vertical distance of a building measured at the outermost building face, from grade level to the top of the wall, not including the roof.

**Warehouse** - shall mean a building used primarily for the storage of goods and materials.

**Wholesale Establishment** - shall mean the sale of commodities to retailers or jobbers and shall

include the sale of commodities for the purpose of carrying on any trade or business.

**Yard** - shall mean an unoccupied space open to the sky on the same site with a building or structure

**Yard, Front** - shall mean the area between the side site lines and the front site line to the front building line.

**Yard, Rear** - shall mean the area between the side site lines, and the rear site line to the rear building line.

**Yard, Required** - shall mean a yard or yards required by this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

**Yard, Side** - shall mean the area between the front and rear yards and between the side site line and the side building line.

**Zoning District** - shall mean a specifically delineated area of the municipality within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.

## 3 ADMINISTRATION

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### 3.1 DEVELOPMENT OFFICER

- 3.1.1 The Development Officer shall administer this Bylaw.
- 3.1.2 The Development Officer shall be the Administrator of the Town of Aberdeen and any other person authorized, in writing, by the Administrator to act as a Development Officer for the purposes of this Bylaw and *The Act*.

### 3.2 DEVELOPMENT PERMITS

- 3.2.1 Except as provided in Section 3.2.2 no person shall undertake a development or commence a use unless a development permit has first been obtained. A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw subject to Sections 213 to 232 of *The Act*.
- 3.2.2 A development permit is not required for the following, but all other applicable provisions of this Bylaw are to be followed for:
- (1) the maintenance of a public work by the municipality or a public utility;
  - (2) the construction of a public work by the municipality;
  - (3) the installation of a public work on any street or other public right-of-way by the municipality;
  - (4) maintenance and repairs that do not include structural alterations;
  - (5) accessory buildings under 9.3 square metres in area.
- 3.2.3 The effective period for a development permit is 12 months. This period may be extended by the Development Officer for an additional 12 months if requested in writing by the permit holder. A development permit shall be automatically invalid:
- (1) if the proposed development is not commenced within 12 months from the permit issuance date, or
  - (2) 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.

3.2.4 A building permit shall not be issued unless a development permit, where required, has been granted. If a development permit is deemed void, a new building permit or sign permit is required in conjunction with the issuance of a replacement development permit.

3.2.5 An application for a development permit shall be processed concurrently with an application for a sign permit. The development permit shall take the form of a stamp affixed to the required sign permit.

### 3.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.3.1 Except in the case of applications for a sign permit, a portable sign license or a home based business, every application for a development permit shall be accompanied by the following:

- (1) the names, addresses and telephone numbers of the applicant, property owner and person or consultant who prepared the plans being submitted, including a local contact person.
- (2) the proposed use of the site or building to be constructed, or the proposed use of the existing building floor area to be altered or occupied, including the area of the proposed building or renovations.
- (3) the complete legal description and civic address of the subject property.
- (4) two copies of a site plan, drawn to scale with appropriate dimensions, showing the following information:
  - (a) north arrow, streets and lanes adjacent to the site, key plan showing nearby lot patterns, all property boundaries, identified frontage of site, site area, site elevations and the location of any existing buildings, structures, utility poles and wires, fire hydrants, underground utilities, easements, building encroachments, and the type and location of existing trees;
  - (b) the location and size of proposed buildings or structures, including all front, side and rear yard setback dimensions and the location of all doorways, walkways and pedestrian circulation areas; and,
  - (c) the location and size of all proposed parking spaces, aisles and vehicle circulation areas, loading spaces, and entrances and exits to the site.
- (5) two copies of scaled plans, showing the dimensioned floor plans and elevations, including both interior and exterior wall and floor dimensions and room areas and dimensions.

3.3.2 The Development Officer may require the submission of documentation relating to the requirements of Section 4.15 of this Bylaw, where relevant.

### 3.4 DEVELOPMENT PERMIT APPLICATION PROCESS

- 3.4.1 Applications for a development permit shall be submitted to the Development Officer in accordance with the requirements of this Bylaw.
- 3.4.2 The Development Officer shall issue a development permit for a development that complies in all respects with the requirements of this Bylaw, the *Official Community Plan* and *The Act*.
- 3.4.3 Where an application is made for a development permit with respect to a development for a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards and time limits prescribed by Council pursuant to Section 56(1)(c) and (d) of *The Act*.
- 3.4.4 Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.
- 3.4.5 The Development Officer may revoke a development permit where:
- (1) the development permit has been issued in error;
  - (2) an approved development for a permitted use is not being developed in accordance with the provisions of this Bylaw, or in accordance with the standards and conditions specified in the development permit;
  - (3) the approval of a proposed development for a discretionary use is deemed to be invalid; or,
  - (4) a development is subject to an agreement which has been cancelled by Council pursuant to Sections 65 or 69 of *The Act*.
- 3.4.6 The Development Officer shall give the reasons for denying or revoking a development permit.

### 3.5 DEVELOPMENT PERMIT APPLICATION FEES

- 3.5.1 Development permit application fees are outlined in Section 3.11.

### 3.6 DEVELOPMENT APPEALS BOARD

- 3.6.1 A Development Appeals Board of the Town of Aberdeen shall be appointed in accordance with Sections 213 to 227 of *The Act*.

### 3.7 RIGHT OF APPEAL

- 3.7.1 Where an application for a PERMITTED USE has been REFUSED, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Town of Aberdeen.
- 3.7.2 Where an application for a DISCRETIONARY USE has been APPROVED by Council, WITH PRESCRIBED SPECIAL DEVELOPMENT STANDARDS pursuant to this Bylaw, the applicant shall be advised that any development standards considered excessive, may be appealed to the Development Appeals Board of the Town of Aberdeen.
- 3.7.3 Where an application for a DISCRETIONARY USE has been REFUSED by Council, the applicant shall be advised that there is no appeal pursuant to Section 219(2) of *The Act*.
- 3.7.4 An application for a Development Permit for a PERMITTED USE shall be deemed to be refused when a decision thereon is not made within 40 days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made as provided in Section 3.7.1 as though the application had been refused at the end of the period specified in this subsection.
- 3.7.5 Where a person wishes to appeal to the Board, he/she shall file written notice of his/her intention to appeal with the secretary of the Board, together with a sum of not more than \$50.00 that the Board may specify to be applied to the expenses of the appeal.

### 3.8 MINOR VARIANCES

- 3.8.1 The Development Officer may grant a variance of up to ten percent (10%) of any yard requirement or minimum required distances between buildings for a use that is a permitted or discretionary use as specified in this Bylaw. All such variances shall be subject to the conditions and granted in accordance with the procedures contained in Section 60 of *The Act*.
- 3.8.2 The Development Officer shall maintain a registry of the location and all relevant details of the granting of such variances.
- 3.8.3 An application for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of \$50.00.

### 3.9 NONCONFORMING USES, BUILDINGS AND SITES

- 3.9.1 Non-conforming uses, non-conforming buildings and non-conforming sites shall be subject to Sections 88 - 93 inclusive of *The Act*.
- 3.9.2 No existing building, site or use 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 such conversion and is reasonably

equivalent to the S.I. standard herein established.

### 3.10 DISCRETIONARY USE APPLICATIONS

#### *3.10.1 Discretionary Use Application Process*

- (1) The following procedures shall apply to discretionary use applications:
  - (a) 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;
  - (b) 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;
  - (c) The Development Officer may request comments from other government agencies where applicable;
  - (d) The Development Officer will prepare a report concerning the application including recommendations that conditions be applied to an approval;
  - (e) 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;
  - (f) Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council;
  - (g) 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,
  - (h) 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.
  - (i) Where an application for a discretionary use is approved by resolution of Council, the Development Officer shall issue a development permit subject to any specified development standards prescribed by Council pursuant to Section 3.10.4.

- (j) Where an application for a discretionary use is approved by resolution of Council but the proposed development does not meet the zoning regulations for the applicable zoning district, the Development Officer shall:
  - (i) advise the applicant of Council's approval of the discretionary use application; and,
  - (ii) advise the applicant that the development permit application must be refused on the grounds of zoning non-compliance but that the applicant has the right of appeal.
- (k) The Development Officer shall maintain a registry of the location and all the relevant details respecting the granting of the discretionary use approval.

### *3.10.2 Terms and Conditions for Discretionary Use Approvals*

- (1) 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:
  - (a) site drainage of storm water;
  - (b) the location of buildings with respect to buildings on adjacent property;
  - (c) access to, number and location of parking and loading facilities including adequate access and circulation for pedestrian and vehicle traffic;
  - (d) appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;
  - (e) control of noise, glare, dust and odour;
  - (f) landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties;
  - (g) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;
  - (h) 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/or,
  - (i) intensity of use.
- (2) Council may approve discretionary use applications for a limited period of time



where it is considered important to monitor and re-evaluate the proposal and its conformance with the objectives of this Bylaw.

- (3) Council's approval of a discretionary use application is valid for a period of 12 months from the date of the approval. An approval shall be deemed to be invalid if the proposed use or proposed form of development has not commenced within that time or if the Council determines, within the 12 month period, that the proposed development is not proceeding in accordance with the terms and conditions of its approval. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.
- (4) Council may direct that a discretionary use permit extension be granted for an additional 12 month period by the Development Officer, upon request of the applicant.
- (5) If an approved discretionary use or form of development ceases to operate for a period of twelve (12) months or more, the discretionary use approval shall no longer be valid. The Development Officer shall advise the owner and Council when a prior approval is no longer valid.
- (6) Council may instruct the Development Officer to issue a notice of refusal to the applicant, where the applicant has been given adequate opportunity to alter the proposal to comply with the Bylaw. The notice shall state the reason for refusal.

### 3.10.3 General Discretionary Use Evaluation Criteria

Council will apply the following general criteria, and, where applicable, the use specific criteria in Section 3.10.4, 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.

#### *3.10.4 Use-Specific Discretionary Use Evaluation Criteria*

The Council will apply the following use specific criteria to the assessment of the suitability of an application for a particular discretionary use or discretionary form of development.

- (1) *Bus Terminals and Car Washes:*
  - (a) The location of the bus terminal or car wash 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 a minimal impact on the 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 or other emissions emanating from the operation; and/or,
    - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians.
  - (b) Bus terminals are also subject to Section 4.12.6.

(2) *Convenience Stores:*

- (a) Convenience stores should, where possible, be located on corner sites to facilitate access;
- (b) The location of the convenience store will only be favourably considered where it can be demonstrated that residential amenity will not be unreasonably compromised;
- (c) Vehicle car parking and access areas should not form a dominant element in the streetscape; and,
- (d) Any new parking and loading areas should be landscaped to improve the visual appearance of this site.

(3) *Community Service Uses, Clubs, Public and Commercial Recreation Facilities:*

- (a) Schools, clubs and places of worship should, where possible, be located on corner sites to facilitate access;
- (b) Public elementary and secondary schools should, where possible, be located adjacent to public open space;
- (c) The site should be accessible from a major road network to avoid heavy traffic volumes on residential access roads;
- (d) Consideration should be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units; and,
- (e) Vehicle car parking and access areas should not form a dominant element in the streetscape.

(4) *Dwelling Groups* - also refer to Section 4.12.5:

- (a) All parking areas, private garages or vehicular access to units or sites within a dwelling group should be from a roadway which is common property internal to the parcel;
- (b) All dwelling groups should have vehicular access to a public street from at least two points which are sufficiently separated to provide accessible ingress and egress in case of emergency;
- (c) The suitability of a proposal will be considered with respect to:

- (i) the capacity of the adjoining street system to handle the size and location of the development. The development will not cause excessive traffic to pass through adjoining low density residential development;
- (ii) the density of a dwelling group and building separations will be consistent with similar residential structures on separate subdivided parcels; and,
- (iii) bareland condominium proposals for dwelling groups will only be considered if there is provision for adequate common property on the parcel.

(5) *Multiple Unit Dwellings:*

- (a) Multiple unit dwellings may be developed where located on a second or higher floor over office, retail, restaurant, café and personal service use on the main floor;
- (b) The parking required for multiple unit dwellings is additional to the parking required for the commercial uses;
- (c) The suitability of a proposal will be considered with respect to :
  - (i) adherence to any concept plan prepared for the proposed development area, including the proposed location of all forms of multiple unit dwellings;
  - (ii) the convenience of parking; and,
  - (iii) appropriate size and quality of proposed dwelling units.

(6) *Night Clubs and Taverns:*

- (a) The location of the night club will only be favourably considered where it can be demonstrated that the use will have a minimal impact on the amenity of the surrounding district and adjacent areas and that these areas will not be unreasonably compromised;
- (b) The character of adjacent residential districts, along the zone interface, shall, where possible, be protected and maintained through the provision of buffer areas, separation distances and / or screening;
- (c) Night clubs and taverns shall maintain the character, density and purpose of the surrounding area and the district they lay within.

(7) *Shopping Centres and Malls:*

- (a) Malls and shopping centres shall have clearly defined pedestrian walkways

between the sidewalk and building entrances;

- (b) It must be demonstrated to the satisfaction of council that mitigation of vehicular traffic impacts has been addressed;
- (c) Parking lots, service areas, and loading zones shall be appropriately screened from view of the street;
- (d) Primary access to malls and shopping centres shall preferably be from a thoroughfare street system; and,
- (e) The number and location of vehicle entrances to a commercial development shall be consistent with the existing or anticipated design of adjacent streets and consideration shall be given to the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

(8) *Ambulance stations:*

- (a) The site shall be accessible from a major road network to avoid heavy traffic volumes on residential access roads.
- (b) Consideration shall be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units.
- (c) The character of adjacent residential uses shall be protected and maintained through the provision of buffer areas, separation distances and screening.

(9) *Restaurants, with or without associated lounges:*

- (a) Restaurants, with or without associated lounges, where possible, should be located near similar community and support facilities; and
- (b) The character of adjacent residential districts, along the zone interface, should, where possible, be protected and maintained through the provision of buffer areas, separation distances and / or screening.

(10) *Lumber yards, home improvement centres, building supply establishments and construction trades:*

- (a) The location of lumber yards, home improvement centres, building supply establishments and construction trades 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 a minimal impact on the 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 or 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/or,
  - (iv) utilization of hazardous substances.
- (b) All materials and goods used in conjunction with construction trades shall be stored within an enclosed building, or within an area hidden from view by screening.
- (11) *Auto body shops, construction trades, freight handling facilities, taxidermy and accessory tanning of hides, warehouses, light manufacturing, light industrial uses, 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 a minimal impact on the 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 or 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 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; and,
  - (d) No outside storage is permitted for a wholesale establishment.
- (12) *Light manufacturing:*
- (a) All materials and goods used in conjunction with light manufacturing plants shall be stored within an enclosed building, or within an area hidden from view by screening; and,
  - (b) All manufacturing and assembly operations in conjunction with a light

manufacturing plant shall be conducted within an enclosed building.

(13) *Indoor storage rental facilities, recycling and collection depots, and storage garages:*

- (a) The use shall be located where practical, in a non-highly visible area, and screened to avoid any adverse visual impact. Landscaping and screening acceptable to Council shall be provided in all yards facing a public roadway or properties in residential use.

(14) *Tourist campgrounds:*

- (a) Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained;
- (b) Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site and appropriately located and screened or landscaped to avoid any adverse visual impact from the road and within the development;
- (c) There shall be adequate manoeuvring space on-site; and
- (d) The prevention of on-street congestion caused by the ingress and egress of vehicles shall be considered.

(15) *Laundromats:*

- (a) The location of laundromats 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 a minimal impact on the surrounding, adjacent areas, particularly along the residential zone interface; and
- (b) Consideration shall be given to the area's municipal servicing capacity.

(16) *Golf courses:*

- (a) Consideration will be given to the compatibility of the golf course with adjacent land uses;
- (b) Insofar as possible, proposed golf courses shall respond to the natural topography and drainways of the site, and employ minimal clearing of native vegetation;
- (c) Buffers shall be provided to protect existing, adjacent neighbourhoods by mitigating the adverse impacts of sound, visibility and traffic;

- (d) Council will consider the following as an asset in the development of a golf course:
  - (i) maximum use of existing landforms and native grasses and vegetation;
  - (ii) an alternative water source to potable water; and,
  - (iii) water conserving irrigation systems.

(17) *Intensive agricultural uses (excluding livestock):*

- (a) The location of agricultural uses 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 a minimal impact on the 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 or 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.

(18) *Accessory Dwelling Units:*

- (a) Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment. An emergency exit must be provided in addition to the main entrance; and,
- (b) The minimum floor area of each dwelling unit shall be 28 square metres.

(19) *Junk & salvage yards and auto wreckers:*

- (a) Junk & salvage yards and auto wreckers shall be enclosed by an opaque or solid perimeter fence at least 2.0 m in height, and not more than five metres in height, with no material piled higher than the height of the perimeter fence; and,
- (b) The perimeter fence shall not be located in the required front yard. The required front yard shall be used for no other purpose than landscaping and necessary access driveways to the site.

(20) *Abattoirs:*

- (a) Shall be located at least 91.4 metres from residential areas, schools, hospitals, motels and restaurants.



(21) *Bulk Petroleum Tanks:*

- (a) Shall be located at least 91.4 metres from residential areas, schools, hospitals, motels.

(22) *Livestock auction facilities, meat packing plants, and stockyards:*

- (a) Shall be located at least 300 metres from all residential and community service districts.

3.11 FEES*3.11.1 Amendment of the Zoning Bylaw*

- (1) In addition to the fees outlined in Section 3.11.2(3), 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.
- (2) Council shall give notice of its intention to consider a Zoning Bylaw amendment pursuant to the provisions of Sections 207 to 211 of *The Act*.

*3.11.2 Application Fees*

- (1) An applicant for a development permit shall pay an application fee in accordance with the following:
  - (a) Permitted principal use: \$100.00
  - (b) Permitted accessory use: \$100.00
  - (c) Permitted ancillary use: \$100.00
  - (d) Discretionary principal use: \$200.00
  - (e) Discretionary accessory use: \$200.00
  - (f) Discretionary ancillary use: \$200.00
  - (g) 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 3.11.1 above.

- (2) Detailed review costs:
  - (a) General: Where a development or subdivision proposal involves a detailed review, a plan or Zoning Bylaw Amendment, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or 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.
  - (b) Items: Such costs may include Council meetings, legal and professional planning costs, municipal administration fees and site inspection fees, as determined by Council.
  - (c) Documentation: Such costs may be addressed and clarified in Council specified documents, including development and servicing agreements.
- (3) An applicant seeking amendment to the *Zoning Bylaw* shall pay the following fees:
  - (a) The costs of advertising associated with the application; and,
  - (b) The following fees, where applicable:
    - (i) Text amendments: \$200; and/or,
    - (ii) Map amendments:
      - Class 1 Districts: FUD, CS, PR
      - Class 2 Districts: C1, C2, M1
      - Class 3 Districts: R1, R2, R3, RMH

Zoning Map Amendments		To		
		Class 1	Class 2	Class 3
From	Class 1	\$100	\$200	\$500
	Class 2	\$100	\$200	\$300
	Class 3	\$100	\$200	\$300

Where an application to amend the *Zoning Bylaw* involves amendment within two or more of the above classes, the sum of the amendment fees shall apply for all classes, in addition to the fee for a text amendment, if applicable.

*3.11.3 Special Provisions for Contract Zoning Agreements*

- (1) A zoning designation which is subject to an agreement entered into pursuant to the provisions of Section 69 of *The Act* shall be indicated on the *Zoning District Map* by the addition of the Bylaw number authorizing agreement after the zoning district

designation.

### 3.12 ZONING COMPLIANCE, OFFENCES AND PENALTIES

- (1) Pursuant to Section 242(2) of *The Act*, the Development Officer may issue a zoning compliance order for development that contravenes this bylaw in order to achieve bylaw compliance.
- (2) 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 *The Act*.