

Village of Pierceland Zoning Bylaw

September, 2016

Schedule A

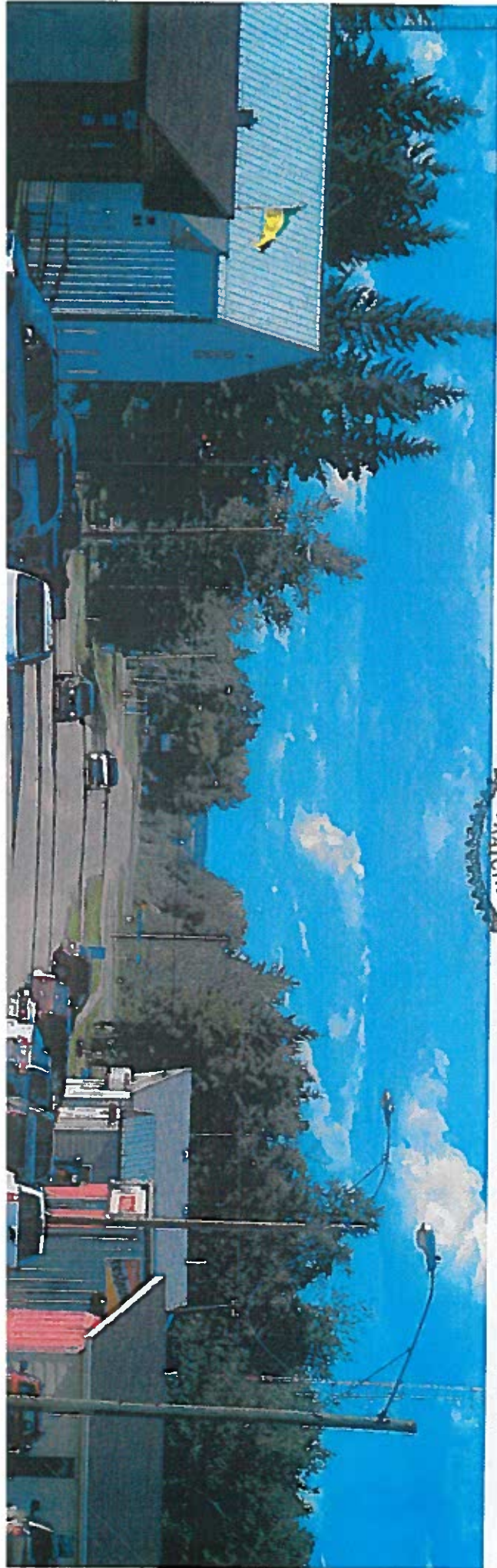


Mayor

This Schedule A forms part of Bylaw 66-2016



Administrator



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Part 1: Introduction

1.1. Title

1.1.1. This bylaw shall be known as the Zoning Bylaw of the Village of Pierceland.

for any reason, by an authority of competent jurisdiction, that decision shall not affect the validity of the bylaw as a whole, or any other part, section or provision of this bylaw.

1.2. Authority

1.2.1. Pursuant to Section 45 of *The Planning and Development Act, 2007*, the Council of the Village of Pierceland hereby adopts Zoning Bylaw (No. 7-13) of the Village of Pierceland.

1.3. Purpose

1.3.1. This is a bylaw to control the use and development of land in the Village of Pierceland and to assist in implementing the District and Village Official Community Plan.

1.4. Scope

1.4.1. All development within the limits of the Village of Pierceland shall be in conformity with the provisions of this bylaw.

1.5. Severability

1.5.1. If any part of this bylaw, including anything shown on the zoning map, is declared to be invalid

Part 2: Administration

2.1. Development Officer

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

2.1.2. The Development Officer shall:

- a) receive, record, and review development permit applications and issue decisions of Council or the development officer;
- b) maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
- c) post bylaws and amendments on the municipal website;
- d) make available, for public inspection during office hours, a register of all development;
- e) collect application and development fees; and
- f) perform other duties as determined by Council.

2.2. Council

2.1.3. The Development Officer shall be empowered to make a decision regarding:

- a) a development permit application for a "permitted use;" and
- b) minor variances of 10% or less.

2.2.1. Council shall make all decisions regarding discretionary uses and zoning bylaw amendments.

2.2.2. Council shall make a recommendation regarding all subdivision applications to the approving authority..

2.2.3. Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Act* and in accordance with the District Official Community Plan.

2.2.4. All applications fees related to this Bylaw will be set by Council by resolution.

2.3. Development Permit

2.3.1. Every person shall obtain a development permit before commencing any development within the Village, except as listed within this Bylaw.

2.3.2. The application shall have attached a layout or site plan, as required in the application form or by

the Development Officer, together with any information necessary to assess the application.

Development Not Requiring a Permit

2.3.3. The following forms of development shall not require a development permit but shall conform to this Bylaw:

- a) the erection of any fence, wall, gate that does not exceed 1.8 m (6 ft);
- b) the construction or placement of a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted;
- c) internal alterations and maintenance to a residential building, provided that the use, building footprint or intensity of use of the building including the number of dwelling units within the building or on the site does not change;
- d) landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted; or
- e) home occupations.

2.4. Referrals to the Council

2.4.1. The Development Officer may refer any application to Council for a decision on the interpretation of this Bylaw or regarding special conditions provided for in this Bylaw, and shall inform the applicant of the date and time when the Council will consider the matter. Council or the Development Officer may require the applicant to provide further information necessary to render a decision.

2.5. Building Permit Requirements

2.5.1. Nothing in this Bylaw shall exempt any person from complying with a building bylaw or any other bylaw in force within the Village; or from obtaining any permission required by this or any other bylaw of the Village or the Provincial or Federal Governments.

2.5.2. Where the provisions in this Bylaw conflict with those of any other municipal, provincial or federal requirement, the higher or more stringent standards shall prevail.

2.5.3. A building permit, where required, shall not be issued for a development until a development permit has been issued as required.

2.6. Development Permit Procedures

- 2.6.1. An application for a development permit shall be in the form prescribed by the Development Officer.
- 2.6.2. When an application for a development permit is made for a permitted or accessory use in conformity with this Bylaw, the Act and all other municipal bylaws, the Development Officer shall issue a development permit.
- 2.6.3. When an application has been made for a development permit and prior to making a decision, the Development Officer may refer the application to whichever government departments or agencies Council may consider appropriate. The Development Officer may also require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- 2.6.4. A development permit shall be issued for the use at the location and under such terms and development standards specified by the District Official Community Plan and this Bylaw.
- 2.6.5. The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals Board on a permitted or

accessory use application and any terms and conditions attached to an application.

2.6.6. A development permit shall be valid for one (1) year from the date of issue.

2.6.7. If development authorized by a development permit is not commenced within twelve (12) months of the date of issue, the permit ceases to be valid. A development permit extension may be granted for an additional twelve (12) month period by the Development Officer.

2.6.8. Where the Development Officer determines that a development is being carried out in contravention of any provision of the Act or any regulation, or any bylaw created pursuant to the Act, the Development Officer may issue a written order in accordance to provisions of Section 242 of the Act.

2.6.9. Where the Development Officer is satisfied that a development for which a permit has been suspended or revoked, will be carried out in conformity with the conditions of the permit and the requirements of this Bylaw the Development Officer may reinstate the development permit and notify the permit holder that the permit is valid and in force.

2.6.10. Unless otherwise specified in this bylaw, with every application for a development permit, a copy of a layout, or site plan, showing the dimensions of the site, the site size, the location on

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the site of any existing and all proposed development and the method and location of on-site sewage disposal facilities shall be submitted for approval to the Development Officer together with such other information as may be required in support of the application. The applicant must be the registered owner of the property or intended owner of the property documented by an accepted Offer to Purchase or Agreement to Purchase, or an authorized representative of the registered owner.

2.7. Development Permit Fee Schedule

2.7.1. An applicant for a development permit shall pay all fees as outlined by this bylaw as well as an application processing fee in accordance with the following:

- a) Permitted Use: \$100.00
- b) Discretionary Use: \$200.00
- c) Variation: \$50.00

2.8. Discretionary Use Application

Application Process

2.8.1. Applicants must file with the Development Officer the prescribed application form, a site plan, and any other plans and supplementary information as required by the Development Officer and pay the required application fee.

2.8.2. The application will be examined by the Development Officer for conformance with the District Official Community Plan, this Bylaw, and any other applicable policies and regulations and shall advise Council as soon as practical agencies, as Council may consider appropriate.

2.8.3. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the review to be undertaken by the applicant at their cost.

2.8.4. The Development Officer will provide written notice to all assessed landowners within 75 m of the subject property in rural areas and will provide a minimum of 21 days from the date of mailing for public comment prior to formal consideration of the application by Council.

2.8.5. Where an adjacent urban and rural municipality is within the 75 m radius of a subject property, written notice shall be provided to the municipal administration for comment.

2.8.6. Where a discretionary use is deemed by the Development Officer to have a potential significant effect upon assessed landowners along a transportation route, the area of notification shall be extended to include affected landowners along this route.

2.8.7. The Development Officer will prepare a report for Council concerning the application which may contain recommendations, including recommended conditions of approval to be applied in accordance with the Act.

2.8.8. The Council will set a date for the public meeting at which time Council will consider the application. Notice must be provided to all assessed landowners within 75 m of the subject property within the information packages provided as part of the notification process.

2.8.9. Council shall consider the application together with the reports of the Development Officer and any written or verbal submissions received by Council.

2.8.10. Council may approve the application, reject the application, or approve the application with conditions:

- a) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
 - b) the accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading;
 - c) the safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
 - d) any treatment given, as determined by Council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.
- 2.8.11. Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the Zoning District in which they are located.

2.8.12. Where Council has approved a discretionary use for a limited time as provided in this Bylaw, and that time has expired, that use of land or use of buildings on that property shall cease until such time as Council gives a new discretionary use approval and a new development permit is issued.

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

2.8.14. The applicant shall be notified of Council's decision by regular mail addressed to the applicant at the address shown on the application form and the applicant shall be advised of their right to appeal any terms and conditions attached to the approval of a discretionary use application to the Development Appeals Board.

2.8.15. The applicant may appeal to the District Appeals Board for variance to standards in the bylaw.

2.8.16. Council is deemed to have granted discretionary approval to an existing permitted use or specific intensity of use, that becomes a discretionary use as a result of the adoption or amendment of this Bylaw, as of the date that this Bylaw or amendment comes into effect.

2.9. Discretionary Use Evaluation Criteria

2.9.1. Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the zoning district in which

they are located. For the purposes of this Section applications shall be deemed to conform with the yard and other requirements of the district where such requirements are met as a result of a decision of the Development Appeals Board.

2.9.2. The following objectives must be considered in the review of discretionary use applications:

- a) the proposal must be in conformance with all relevant sections of the Official Community Plan and Zoning Bylaw, as well as any established concept plans or comprehensive development reviews;
- b) there must be a demand for the proposed use in the general area, and a limited supply of land currently available in the general area capable of accommodating the proposed use.
- c) the proposal must be capable of being economically serviced by community infrastructure including roadways and public transit systems, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities.
- d) the proposal must not be 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.

2.10. Comprehensive Development Review

2.10.1A Comprehensive Development Review

(CDR) is a document that would articulate and support a major development project, such as a new neighbourhood or an industrial park. The purpose of a CDR is to identify and address social, environmental, health and economic issues appropriately and to encourage the development of high quality developments. A CDR is intended to address the following topics:proposed land use(s) for various parts of the plan area;

- a) the effect of proposed development on adjacent land uses;
- b) the integration of the natural landscape regarding the planning and design of the area;
- c) the location of, and access to, major transportation routes and utility corridors;
- d) the provision of services, and the relationship to existing infrastructure within the Village;
- e) sustainable development and environmental management practices regarding surface and groundwater resources, storm water management, flooding and protection of significant natural areas; and

f) appropriate supplemental information specific to the particular land use.

2.10.2. The CDR must be prepared in accordance with the goals, objectives and policies of the District Official Community Plan.

2.10.3. The following items shall be included in the preparation of a CDR:

- a) identification of the purpose and objectives of the proposed development including an inventory of current land uses within the development review area and evidence of compliance with the District Official Community Plan policies and Zoning Bylaw regulations.
- b) identification of plan area characteristics including:
 - i) physical site characteristics, regional context, and the size and intensity of development proposed;
 - ii) an inventory of natural and heritage resources including screening of environmental, archaeological, and historically significant areas within and adjacent to the development;
 - iii) identification of potential hazard lands within the plan area and the proposed methods of mitigating the hazards; and
 - iv) identification of the potential impact of proposed development on existing infrastructure and adjacent land uses.
- c) identification of the concept for development including a thorough description and explanation,

illustrations, and any technical and professional analysis required to identify:

- i) proposed land uses;
- ii) the economic and social benefits and the impact on the development review area and the region providing evidence of positive community integration;
- iii) the subdivision design including phasing, identification of natural and constructed open space amenities, and allocation of Municipal and Environmental Reserve;
- iv) the identification of existing and required utility capacity including but not limited to power, natural gas, telecommunications, water supply, and onsite wastewater disposal systems;
- v) evidence that the carrying capacity of the soil within the plan area is sufficient to accommodate the proposed structures and waste water created by the development, and that the anticipated effect on the regional surface and groundwater systems quantity and quality is minimized; sufficient capacity to contain storm water and surface runoff locally to accommodate a 1:500 year flood event, with no significant increase in offsite flows resulting from development of the area;

- vi) the proposed buffering from, or integration with, adjacent land uses;
- vii) the impact of human activity and development on the natural environment and plans for the conservation, management and integration of existing natural features within the plan area;
- viii) a transportation plan for the area identifying road requirements, major commuting routes and the potential impact of development on current roadway infrastructure; and
- ix) the local capacity of fire and protective services, schools and other supportive community and recreational facilities.

2.10.4. Council may require that the applicant shall provide evidence of significant and effective public consultation acknowledging and attempting to incorporate the findings within the development proposal wherever possible to ensure that the development is perceived as beneficial to the area. The information required as part of the review process includes but is not limited to:

- a) submission of a consultation plan, identifying the program and timing of consultation;
- b) submission of a summary of findings, clearly identifying ideas and areas of support and

challenges presented through the consultation process; and

- c) identification of strategies to respond to the challenges presented within the consultation, and how potential solutions may be incorporated within the proposal.

2.11. Compliance with Other Bylaws

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

2.11.2. Nothing in this Bylaw shall exempt any person from complying with the requirements of a building bylaw or any other bylaw in force within the Village or law within the Province of Saskatchewan or Canada; or from obtaining any license, permission, permit, authority, or approval required by this or any other bylaw of the Village or any law of the Province of Saskatchewan or Canada. Where requirements in this Bylaw are in conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

2.12. District Appeals Board

Establishment

2.12.1. The District Board shall appoint a District Appeals Board in accordance with the Act within ninety (90) from the effective date of this Bylaw.

2.12.2. The District Appeals Board shall be composed of five members. All vacancies, as they

occur, shall be filled by a resolution of the District Board.

Duties

2.12.3. The District Appeals Board is bound by the District Official Community Plan.

2.12.4. The District Appeals Board may confirm, revoke, or vary the decision or development permit or any condition attached to any of these, or substitute a decision or order the issuance of a permit that it considers advisable except a decision of Council to approve or not approve the use of land for a discretionary uses, or to rezone or not rezone land..

2.12.5. The District Appeals Board shall adhere to the requirements of the Act.

2.12.6. The District Appeals Board shall elect one of its members as Chair, who may administer oaths, affirmations, or declarations.

2.12.7. The District Appeals Board shall keep records of its proceedings. These proceedings shall be filed in the municipal office and shall be a public record.

2.12.8. Where a member of the District Appeals Board has a pecuniary interest in the matter before the Board, that member is duty bound to declare a

conflict of interest and shall not take part in the proceedings or be entitled to vote on the matter.

2.12.9. The District Board may establish a separate bylaw to provide for the payment of remuneration to the board members in any amount that the District Board may determine.

Right to Appeal

2.12.10. The Act provides the right to appeal the Zoning Bylaw where a Development Officer:

- a) is alleged to have misapplied the Zoning Bylaw in issuing a development permit;
- b) Refuses to issue a development permit because it would contravene the Zoning Bylaw; or
- c) Issue an order, based on inspection, to the owner, operator, or occupant of land, buildings, or premises considered to contravene the Zoning Bylaw.
- d) Appellants also may appeal where they are of the opinion that development standards prescribed by the Village with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw and the District Official Community Plan. This right of appeal extends thirty days after the issuance or refusal of a development permit or order.

2.13. Variances

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

- a) A minor variance may be granted for the relaxation of the minimum required distance of a building from a lot line.
- b) The development must conform to all other requirements of this Bylaw.
- c) The relaxation of the bylaw requirement must not injuriously affect a neighbouring property.

2.13.2. A minor variance may be granted for the relaxation of the minimum required distance of a building from a lot line.

2.13.3. The maximum amount of a minor variance shall be 10% variation from the requirements of this Bylaw.

2.13.4. The development must conform to all other requirements of this Bylaw.

2.13.5. The relaxation of the bylaw requirement must not injuriously affect a neighbouring property.

2.13.6. An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by the required fee.

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

- a) approve the minor variance;
- b) approve the minor variance and impose terms and conditions on the approval; or
- c) refuse the minor variance.

2.13.8. Terms and conditions imposed by the Development Officer for a minor variance shall be consistent with the general development standards in this Bylaw.

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

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

2.13.11. The written notice shall contain:

- a) a summary of the application;
- b) reasons for and an the effective date of the decision;
- c) an indication that adjoining assessed owner may, within 20 days after the receipt of notice, lodge a

written objection with the council or development officer; and

- d) should there be an objection described in clause (c), text advising that the applicant will be notified of the right to appeal to the Development Appeals Board, and from that board, if necessary, to the Saskatchewan Municipal Board.

2.14. Zoning Bylaw Compliance Certificate

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

2.14.2. The applicant for a Zoning Bylaw Compliance Certificate shall provide the Development Officer with any information that may be required, including information on the existing and past use of the land or buildings on the property, and a Real Property Report prepared by a registered Saskatchewan Land Surveyor where applicable.

2.15. Amendment of the Zoning Bylaw

2.15.1. Council may amend this Bylaw at any time, upon its own initiative or upon request, provided that the amendments are in keeping with the intent of the District Official Community Plan.

2.15.2. Council shall require applicants requesting an amendment to this Bylaw, or approval of a discretionary use that requires advertisements, as per the Act, shall be at the cost of the applicant.

2.15.3. Where an application is made to rezone land to permit the carrying out of a specified proposal, the Village may, for the purpose of accommodating the request, enter into an agreement with the applicant pursuant to the Act.

2.15.4. The following provisions shall apply in the review of applications for rezoning by agreement:

- a) Terms of Agreement: The Village may enter into an agreement with the applicant setting out a description of the proposal and reasonable terms and conditions with respect to:
 - i) the uses of the land and buildings and the forms of development;
 - ii) the site layout and external design, including parking areas, landscaping, and entry and exit ways; and
 - iii) any other development standards considered necessary to implement the proposal, including all appropriate standards from the requested zoning district.
- b) Use Limitations: The Village may limit the use of the land and buildings to one or more of the uses

permitted or discretionary in the requested zoning district.

2.15.5. A zoning designation which is subject to an agreement entered into pursuant to the provisions of the Act shall be indicated on the Zoning Map by the addition of the bylaw number authorizing the agreement after the zoning district designation.

2.16. Offences and Penalties

Inspection

2.16.1. Where the Development Officer has reasonable grounds to believe that development of property contravenes any provision of the Zoning Bylaw, he/she may at a reasonable time, and with the consent of the owner, operator, or occupant, or having been refused consent, with a warrant, enter any land, building, or premises for the purposes of inspection.

Order by the Development Officer

2.16.2. Where the Development Officer has determined that a violation of this Bylaw has occurred, the Development Officer may issue an order to correct the violation pursuant to Section 242 of the Act.

2.16.3. The order shall specify the contravention, and may require the owner, operator, or occupant to do any or all of the following:

- a) discontinue the development;
- b) alter the development so as to remove the contravention;
- c) restore the land, building or premises to its condition immediately prior to the development;
- d) complete the work necessary to comply fully with the Zoning Bylaw.

2.16.4. The order shall specify the time when the actions required by Section 2.15.3 are to be complete and shall advise of the rights of appeal.

2.16.5. The Development Officer may register an interest against the title to the property, based on the order, and shall discharge the interest once the order is complied with.

2.16.6. The Development Officer may apply to the Court of Queen's Bench to enforce the order, or the

order as amended by the Development Appeal Board or the Saskatchewan Municipal Board on an appeal.

2.16.7. Any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in *The Act*.

2.17. Servicing Agreements

2.17.1. Where a development proposal involves a subdivision, the Village may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to the Act, Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.

2.17.2. The agreement may provide for:

- a) specifications for the installation and/or construction of all services within the proposed subdivision as required by Council;
- b) for the payment by the applicant of fees that Council may establish as payment in whole or in part for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, municipal roadway facilities, or park and recreation space facilities, located within or outside the proposed subdivision, and that directly or indirectly serve the proposed subdivision;
- c) time limits for the completion of any work or the payment of any fees specified in the agreement, which may be extended by agreement of the applicant and the Village;
- d) provisions for the applicant and the Village to share the costs of any work specified in the agreement; and
- e) any assurances as to performance that Council may consider necessary.

Part 3: General Regulations

3.1. Accessory Buildings

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

3.1.2. No accessory building or structure may be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory unless the accessory building is essential for the completion of the construction of the principal building and where a building and development permit for the principal use has been issued.

3.1.3. Where a building on a site is attached to a principal building by a solid roof or by structural rafters, and where the solid roof or rafters extend at least one third of the length of the building wall that is common with the principal building, the building is deemed to be part of the principal building.

3.1.4. Any accessory building located less than 1m from the principal building shall comply with the yard requirements for the principal building.

3.1.5. Accessory structures in non-residential districts are subject to the development regulations for the district.

3.1.6. An accessory building shall not be used as a dwelling and shall only be constructed after the principal dwelling has been constructed.

Location and Size of Accessory Buildings

3.1.7. Accessory buildings shall be subordinate to and located on the same lot as the principal use.

3.1.8. Accessory buildings on corner lots shall be subject to the side and front yard requirements of the principal building on those lot sides which abut streets.

3.1.9. Accessory buildings shall not be permitted in any required front yard.

3.1.10. Accessory buildings in a residential district in a required rear yard shall not occupy more than 66.9m² (720ft²) or 40% of the required rear yard.

3.1.11. Detached accessory buildings in a residential district shall be subject to the following requirements, unless the district already has front, rear and side yard requirements for that specific building:

a) Minimum front yard – the front building line of the principal building

b) Minimum rear yard – 1m (3.3 ft)

c) Minimum side yard - 1 m (3.3 ft)

3.1.12. Accessory buildings in a residential district that exceed 66.9m² (720ft²) shall be considered a discretionary use.

3.1.13. Accessory buildings for boilers, furnaces or other similar standalone devices used to heat or cool a building that are not part of the structure of the primary building and are placed separately on the lot shall not be permitted.

3.2. Non-Conforming Buildings, Uses and Structures

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

- a) the enlargement, reconstruction, repair or renovation does not further reduce the required yards that do not conform to this Bylaw;
- b) if the reconstruction or repair is such that the cost is more than 75% of the construction cost to

- replace the building above its foundation, the building is not to be reconstructed or repaired, except in accordance with the zoning bylaw and with a new development permit for the reconstruction;
- c) all other applicable provisions of this Bylaw are satisfied;
- d) issuing of a development permit required by this Bylaw;
- e) non-conforming residential buildings may be permitted in areas of the Village as outlined in this bylaw.

Non-conforming Uses

3.2.2. Where a use or intensity of use is being undertaken for part of a site or part of a building that conform to the bylaws in effect before this Bylaw or before an amendment to this Bylaw, that use may be continued. The use may not be enlarged, not relocated, or the part of the building housing the use may not undergo structural alteration as long as the use is continued, as provided for in Sections 89 and 90 of the Act. Any portion of the property or building may undergo development or reconstruction of the building for a use that does conform to the Bylaw.

3.2.3. As provided for in Sections 89 of the Act, a non-conforming use that has been discontinued for a period of 12 consecutive months or more on that site may not be continued.

3.3. Heritage Sensitivity and Critical Wildlife

Habitat

3.3.1. Where development is proposed in an area identified as containing critical wildlife habitat or heritage sensitive areas, the Development Officer may require the applicant provide additional information as required by *The Wildlife Habitat Protection Act (WHPA)* and *The Heritage Property Act* or any other relevant provincial regulations.

3.4. Development Along Hazard Lands

3.4.1. Development or subdivision proposed on or within 30 m (100 ft) of the crest of a slope greater than 20% shall require supporting evidence of slope stability by a Professional Engineer licensed to practice in the Province of Saskatchewan.

3.4.2. The Development Officer in consultation with a geotechnical engineer may impose conditions on a development permit, including but not limited to, engineered footings or specialized drainage and or

septic systems in an effort to protect against erosion and or stability of the bank.

3.4.3. Trees or vegetation shall not be cleared from any land within 20 m (66 ft) of any watercourse, water body, escarpment, or of the crest of a slope greater than 20%, where the removal could have a negative impact on the water body or bank stability.

3.4.4. Unless a report by a registered Professional Engineer licensed to practice in the Province of Saskatchewan proves that it is safe to waive the building setbacks the following setbacks shall apply for all developments along a coulee, ravine or valley with or without a permanent watercourse. The top of bank shall be that line where the gradient of the slope measured from the upland leading down to the bottom of the coulee, ravine or valley first exceeds 20%.

3.4.5. Where a site borders on or contains a water body the setback from the bank of the water body shall be determined by the Village but shall not be less than 30 m (98.4 ft) from a water body of 8 ha (20 ac) or more.

3.5. Development Along Roadways

3.5.1. On a corner lot in any district, no hedge, planting, tree, fence or other structure not being a building shall be erected, placed, or maintained within the

triangular area formed by the intersecting property lines and the straight line joining said property lines at points which are 7.5 m (24.6 ft) distant from the point of intersection, measured along said property lines, to a height greater than 1.0 m (3.3 ft).

3.5.2. Exceptions may be considered for existing or planned encroachments where traffic speed or regulation (signage) can be adjusted to provide safe intersection visibility or where an engineering study recommends alternatives acceptable to Council.

3.5.3. Fences constructed along any property line outside of a clear sight triangle shall be fully contained within the property boundaries.

3.6. Private Wastewater Treatment Facilities

3.6.1. Private wastewater treatment facilities are not permitted in areas of the Village which are serviceable from existing municipal wastewater lines.

3.6.2. The Development Officer, in conjunction with appropriate provincial regulatory agencies, shall determine the suitability of a site proposed for subdivision to accommodate a private wastewater treatment system within the subdivision review process.

3.6.3. Individual property owners are solely responsible for all fees associated with the regular inspection of individual wastewater disposal systems by a contracted, licensed professional, providing the Village with regular inspection reports.

3.6.4. The frequency of the inspection reports shall be 5 years unless more frequent inspections are required by Council in consultation with appropriate provincial regulatory agencies other qualified professionals as required, based upon:

- a) local soil conditions including its carrying capacity;
- b) density of development within and surrounding the development;
- c) proximity to existing multi-parcel country residential developments; and

d) the type of potable water supply located on adjacent properties.

3.6.5. Where an inspection report indicates that an individual onsite wastewater disposal system is not functioning properly, the property owner is responsible for undertaking all necessary improvements or repairs in a timely manner at his or her own expense.

3.7. Demolition of Buildings

3.7.1. No building shall be decommissioned or removed from a property within the area covered by this Bylaw without first obtaining a development permit from the Development Officer.

3.7.2. An application shall be submitted to the Development Officer along with any required fees and deposits including an explanation of the means by which it shall be decommissioned and disposed.

3.7.3. A building shall not be decommissioned or removed from a property until the Development Officer is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated.

3.7.4. The applicant shall deposit with the Development Officer such sum as is required by the Municipal Building Bylaw to cover the cost of restoring the site after the building has been demolished or removed

to such condition that it is, in the opinion of the Development Officer, not dangerous to public safety.

3.7.5. The methods of disposal of demolition debris shall be consistent with regulations from the Ministry of Environment.

3.7.6. Upon completion the demolition, the applicant shall notify the Development Officer to arrange for an inspection of the premises. If in the opinion of the Development Officer, the debris has been properly disposed of and the site has been restored to a condition satisfactory to the Development Officer, the sum deposited, or portion thereof, shall be refunded.

3.8. Site Development Regulations

Permitted Yard Encroachments

3.8.1. The following shall not be considered in the determination of setback distances within any yard:

- a) uncovered and open balconies, terraces, verandas, decks, and patios having a maximum projection from the main wall of 1.8 m (6 ft) into any required front or rear yard;
- b) window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 m (2 ft) into any required yard.

Uses of Objects Prohibited or Restricted in Yards

3.8.2. No development or use of land which requires the disposal of solid waste, liquid waste, gaseous waste or clean fill shall be permitted unless it has received all required federal, provincial or municipal approvals.

3.8.3. The storage of chemicals, fertilizers, and combustible materials are subject to the requirements of both the Federal and Provincial Governments. All necessary requirements and permits must be met and obtained prior the storage of hazardous substances.

Grading and Levelling of Sites

3.8.4. The Development Officer may require, as part of a servicing agreement, that an applicant submit a lot grading and drainage plan to the Village for approval.

3.8.5. Where a proposed development alters site drainage potentially affecting adjacent or downstream properties, the applicant shall be required to submit an engineered design for the proposed drainage works incorporating sufficient capacity to accommodate surface water runoff for a 1:50 year storm event with no incremental increase in offsite flows in excess of what would have been

generated from the property prior to the new development.

3.8.6. Drainage works shall be constructed at the owner's expense to provide for adequate surface water drainage that does not adversely affect adjacent properties, or the stability of the land.

3.8.7. All excavations or filling shall be re-vegetated immediately after other construction activities conclude, with a suitable ground cover as may be necessary to prevent erosion.

3.8.8. Where excavation or filling is proposed for any development in an area identified as a floodplain area, the Development Officer may consult and request comments from the Saskatchewan Watershed Authority prior to making a decision on the development permit application.

Building and Landscape Design and Maintenance

- 3.8.9. All sites at all times shall be maintained clean and free from waste and debris.
- 3.8.10. Outdoor storage is permitted in a side or rear yard in a residential district only when the goods or materials being stored are clearly accessory, temporary and incidental to the principal use of the property and properly screened.

Commercial and Industrial Landscape Requirements

- 3.8.11. The requirements contained herein shall apply to all new development on previously undeveloped commercial or industrial lands, where a change in the principal land use is proposed, or that new development significantly increases the intensity of use on the lands.
- 3.8.12. Development permit applications shall include a landscape plan to clearly indicate and accurately identify the following:
 - a) a site plan drawn to scale, including dimensions and distances, a north arrow and necessary interpretive legends;
 - b) boundaries and dimensions of the site; location and name of adjacent streets;
 - c) location of all buildings or structures and all structure-to-property line setbacks distances;

- d) location and type of all light fixtures both attached and detached;
 - e) the location of all attached and detached signage;
 - f) location of off-street parking and loading areas;
 - g) location of proposed screening including materials and height;
 - h) type and quantity of existing plant materials to be retained;
 - i) location of all soft landscaping proposed, identifying the common and botanical name, location, quantity and spacing;
 - j) any other information requested by the Development Officer to accurately and thoroughly evaluate the proposed development.
- 3.8.13. Every attempt should be made to preserve and protect existing trees and vegetation during construction.
- 3.8.14. All plant material shall be hardy and of a species capable of healthy growth in the Village of Pierceland.
- 3.8.15. All bulk outdoor storage of waste materials, unfinished goods, or unsightly elements shall be enclosed by buildings, or screened by landscape features, fences, or a combination thereof of above of at least 2 metres in height.

Lighting

3.8.16. All outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties; or interfere with the effectiveness of any traffic control devices or the vision or safety of motorists.

Building Height

3.8.17. In determining whether a development conforms to the maximum height permitted in any district, structures such as industrial processing towers, chimney stacks, monuments, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height.

3.9. Signage

3.9.1. No building, or lot shall be used and no sign shall be erected, altered, enlarged or maintained upon any property, lot, premise or street in any district, by any person, except in conformity with regulations outlined in the following sections:

3.9.2. The provisions of these regulations shall not be construed as to limit or interfere with the erection and maintenance on public streets, public lanes or public places of signs which are designed and intended for the safety or protection of the health and general welfare of the public, which are essentially for the maintenance and protection or efficient operation of public service and public property or which are primarily intended for direction of the public and identification of establishments or places of public service which are clearly not operated for the purpose of gain.

3.9.3. On any lot in any Residential District or Urban Reserve District, signs are only permitted as follows:

- a) Unless otherwise provided, only one permanent sign is permitted on any lot or building.
- b) Up to two temporary signs bearing notice of sale or lease, sale of produce or other information relating to a temporary condition affecting the property.

- c) Unless otherwise provided, permanent signs shall be fascia signs affixed to the principal building.
 - d) The maximum fascia area of any sign is 0.5 m² (5.8 ft²) unless otherwise specified.
 - e) The maximum height of freestanding signs is 2.5 m (8.2ft).
 - f) Freestanding signs are to be located at least three metres from any lot lines and not within any sight triangle.
 - g) Dwelling, multiple unit and non-residential uses may erect two signs, subject to the following:
 - i) One sign may be freestanding
 - ii) One sign may have a fascia area not exceeding 2.3 m² (24.8 ft²)
 - h) All signs shall be located wholly within the lot and shall not create visual obstructions or jeopardize public safety.
- 3.9.4. In Commercial and Industrial Districts the following regulations apply:
- a) Other than billboards signs, only signs advertising the principal use of the lot or building, or the principal products offered for sale may be located on any lot.
 - b) Billboard signs are not considered within the limits of the Village
- c) Illuminated signs shall have an internal light source or an external light source shielded so that the light is directed at the face of the sign and are limited to one (1) per street frontage.
 - d) All signs shall provide a minimum clearance of 3 m (9.8 ft) between the bottom of the sign and a street or sidewalk.
 - e) Canopy signs are limited to one (1) per street frontage.
 - f) Roof signs are limited to two (2) per building.
 - g) Projecting signs are limited to one per street frontage.
 - h) All signs except for canopy signs shall be located wholly within the lot lines of the lot in which they are located, except for signs located within the Mixed Use Centre and Mixed Use Node Districts.
 - i) The sign shall be located a minimum distance of 1m (3.3ft) from any lot line.
 - j) Specific Sign Regulations are found in Figure 1.

Figure 1 – Specific Sign Regulations

Sign Type	Regulations	Freestanding Sign
Fascia Sign	<p>For signs under 400 mm (15.7 in) in depth, the sign shall not extend past the edges of the wall on which it is attached or painted, otherwise the area shall not exceed 30% of the area of the wall to which it is attached.</p>	<ul style="list-style-type: none"> -The maximum total fascia area shall not exceed 40 m² (431 ft²) provided that no single face of such sign exceeds 20 m² (215 ft²) in area. -The maximum height is 12.6 m (41.3 ft). -The sign shall be located 1 m (3.3 ft) from any lot line.
Canopy Sign	<p>No part of the sign shall extend past the edges of the awning, canopy or freestanding canopy on which it is attached or painted.</p>	
Roof Sign	<ul style="list-style-type: none"> -Maximum fascia area of 20 m² (233.3 ft²) except 2 m² (23.3 ft²) in the Mixed Use Centre and Mixed Use Node Districts. -The sign shall not project more than 4.5 m (14.8 ft) above the roof. 	
Projecting Sign	<ul style="list-style-type: none"> -The maximum projection from a wall is 2.2 m (7.2 ft). -The maximum fascia area is 4 m² (46.7 ft²) except in the Mixed Use Centre or Mixed Use Node Districts where the sign shall not exceed 2 m² (23.3 ft²). -The height of the top of the projecting sign shall be higher than the top of the wall to which it is attached. 	

3.10. Parking and Loading

3.10.1. Parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, or the display, sale or storage of goods of any kind.

3.10.2. Required parking and loading facilities shall provide for and include an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, unloading and loading of motor vehicles all in relation to buildings and entry points to buildings on the site.

3.10.3. Where a proposed development will, from time to time, require pick-up or delivery of commodities, adequate space for loading and unloading shall be provided and maintained on the site to the satisfaction of the Council.

3.10.4. A loading space shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the site without backing to or from adjacent streets.

3.10.5. Parking stalls and loading spaces shall be so constructed that:

- a) every access to an off-street parking space or loading area shall be hard-surfaced if the access is from a street or public lane that is hard-surfaced;
- b) adequate access to, and exit from, each stall is provided at all times by means of maneuvering aisles designed to the satisfaction of the Council; and
- c) curb cuts will be provided and located as necessary to the satisfaction of the Council.

3.10.6. Parking lot design shall ensure that all grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Council.

Parking Area Provisions

3.10.7. The parking facility shall be located on the same site as the use for which it is intended. It shall be developed such that:

- a) it is accessible to the use and vehicles it is intended to serve;
- b) it includes landscaped areas and pedestrian walkways in accordance with Section 3.10.10;
- c) all parking facilities shall be maintained to the satisfaction of the Village by the owner of the property;
- d) each parking space within a parking facility shall be a minimum of 2.5 m (8.2 ft) wide and 6 m (19.7 ft) long except that parallel parking spaces shall be a minimum of 6.5 m (21.3 ft) long;
- e) where two or more uses are permitted on any one site the off-street parking requirements for each use shall be calculated as if each is a separate use and the total number of off-street parking spaces so calculated shall be provided; and
- f) 1 handicap parking space shall be provided for any required parking facility accommodating between 4 and 100 parking spaces. Each barrier free parking space within a parking facility shall be a minimum of 3.7 m (12.13 ft) wide and 7 m (22.96 ft) long.

3.10.8. Where a parking or loading area is associated with a commercial or industrial development, and the development property abuts property with any residential or institutional district, or abuts an adjacent road right-of-way, the parking or loading area shall have a landscaped screen sufficient to provide substantial interruption of view.

3.10.9. A parking area having 8 or more parking spaces and which is visible from an adjacent site in a residential district or from a road other than a lane shall be fenced or have a screen planting.

3.10.10. Where off-road parking for 30 or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area, unless otherwise decided by Council. Landscaped open space in the parking areas shall be provided in the minimum amount of 2.0 m² for each parking space. The required landscaping shall not be located in one area and shall be placed within the parking area so as to provide visual relief and break up large areas of parking into smaller cells.

3.10.11. Any off street parking facility shall be developed within 1 year of the completion of the development for which the development permit was issued.

3.10.12. Parking space requirements are outlined in Figure 2.

Figure 2.1 - Parking Space Requirements by Use

Use	Spaces Required
Agricultural Related	-1 parking space for every 46m ² (495ft ²) of building floor area, and 1 parking space for every 3 employees
Commercial, Alcohol Sales, Club,	
Commercial, Retail, Community Centre, Construction Trades, Cultural Institution, Educational	-1 parking space for every 46m ² (495ft ²) of park area, and 1 parking space for every 3 employees
Institution, Financial	
Institution, Gas Bar, Health Care Clinic, Office, Personal	
Service, Service Station, Shopping Centre, Veterinary Clinic,	
Amusement Park	
Bed and Breakfast,	
Hotel/Motel	

Figure 2.2 - Parking Space Requirements by Use

Use	Spaces Required
Campground, Car Wash, Correctional Facility, Forest	-1 parking space for every 3 employees
Product Processing, Sawmill, Portable, Tourist Camp, Tree Nursery, Warehouse, Wholesale	-1 parking space for every 3 employees plus 1 parking space for every 12 children
Day Care Centre, Establishment	
Dwellings (all), Garden Suite, Secondary Suite,	-1 parking space per dwelling unit
Food Service, Lounge, Night Club, Place of Worship	-1 parking space for every 17m ² (183ft ²) of building floor area
General Industrial	-1 parking space for every 46m ² (495ft ²) of building floor area, or 1 parking space for each 3 employees, whichever is greater
Golf Course	-50 parking spaces

Hospital, Special Care Home, Residential Care Facility,	- 1 parking space for every 3 employees, plus 1 visitor parking spaces for every 6 beds
Residential	- 1 parking space for each dwelling unit and 1 parking space for each basement suite or secondary suite
School (high school)	- 1 parking space for each staff member, plus 3 parking spaces for each classroom
School (other)	- 1 parking space for each staff member

3.10.13. If a use is not found in the preceding table, then there are no parking requirements.

Loading

3.10.14. The minimum size of an off street loading space shall be 17 m² (183 ft²).

3.10.15. In Commercial, Industrial and Mixed Use Districts, where the use of a building or lot involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided on the lot or on the land adjacent to the building in conformity with Figure 3.

Figure 3 - Loading Space Requirements

Gross Floor Area	Spaces Required
93m ² to 1,300m ² (1,001ft ² to 13,994ft ²)	1 loading space
1,301 m ² to 2,787m ² (13,995ft ² to 30,000ft ²)	2 loading spaces
Over 2,787m ² (30,000ft ²)	2 loading spaces plus 1 additional loading space for each 6503m ² (70,000ft ²) over 2,787m ² (30,000ft ²)

3.1.1. Municipal Services

Highways

3.1.1.1. Development adjacent to a provincial highway shall meet all provincial regulations respecting access to and the location of structures on the site.

Frontage and Access

3.1.1.2. A development permit shall not be issued for any use unless the site intended to be used, or upon which a building or structure is to be erected, abuts, or has frontage on a Village roadway or provincial highway.

3.1.1.3. All site access from municipal roadways shall be to the satisfaction of the Village Administrator with respect to location, design, and construction standards. The Village Administrator shall take into account safety and the physical capability of roads that are proposed to serve the development.

Approaches

3.1.1.4. All approaches shall be constructed in accordance with the engineering standards of the Village or as authorized by the Village Administrator.

3.1.2. Multi-Parcel Sites

3.1.2.1. Where a multi parcel site is used for one development, a proposal to separate the parcels into two or more sites requires a development permit for each of the resulting sites.

a) No development permit may be issued for a development creating more than one site as described in Clause (1) unless each of the sites will comply with the Bylaw with respect to the requirements of the District in which it is located.

b) A duplex may be subdivided along a party wall or firewall, and Council may relax or reduce any and all setbacks from property lines necessary for the subdivision to comply with the bylaw through a resolution of Council, to allow for the splitting of title of a duplex or multi-unit dwelling on multiple parcels of land if:

- i) the wall is built to a standard that would Council believes is suitable for the development's safety in regards to fire safety;
- ii) title to the building or buildings can be split by the Information Services Corporation and Land Titles;
- iii) the development will not negatively affect the character of the surrounding area.

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- c) A condominium complex may have their titles split after the creation of a condominium plan that meets all regulations of the Province (including all requirements of The Condominium Properties Act), Information Services Corporation (ISC) and Land Titles.

Part 4: Specific Regulations

4.1. Service Stations

- 4.1.1. On a corner lot, only one access shall be constructed on the flankage, at least 6 m (19.7 ft) from intersecting street corners.
- 4.1.2. Fuel pumps and other apparatus for dispensing or storage of fuel, located above ground level, shall be placed and constructed in conformance with Provincial regulations but shall not be placed less than 6 m (19.7 ft) from any lot line or street.
- 4.1.3. All automobile parts, dismantled vehicles, and similar articles or equipment are to be stored within a building or screened from public view.
- 4.1.4. All part of the lot to which vehicles have access are to be hard surfaced and drained.

4.2. Gas Bars

- 4.2.1. Where operated as the principal use on a lot, gas bars are subject to regulations and standards governing service stations.
- 4.2.2. Where a gas bar is allowed to operate in conjunction with another use on a lot, the following standards and regulations apply:
 - a) All fuel pumps and above ground storage tanks shall be placed and constructed in conformance

with Provincial regulations but shall not be placed less than 5 m (16.4 ft) from any building or the lot line or street.

4.3. Place of Worship

- b) The lot shall have at least two separate accesses at least 15 m (49.2 ft) apart.
- c) Access and standing for the fuel pumps shall not obstruct access to other required off-street parking spaces on the lot.
- 4.3.1. Places of worship shall be located on a corner lot.
- 4.3.2. The parking area is to be drained, landscaped and to be screened from abutting residential.

4.4. Shopping Centre

- 4.4.1. The development of a shopping centre is subject to the following:
 - a) The minimum lot area is 1,000 m² (10,764 ft²);
 - b) The maximum lot coverage is 50%;
 - c) Access is to be gained from an arterial street or a service road;
 - d) Access points shall be at least 30 m (98.4 ft) apart.
 - e) The lot shall be graded to provided drainage as approved by the Village Administrator;
 - f) Parking areas are to be hard surfaced with asphalt and clearly marked;

- g) The minimum lot frontage is 91 m (299 ft);
- h) The minimum front yard is 15 m (49.2 ft);
- i) The minimum side yard is 3 m (9.8 ft); and
- j) The minimum rear yard is 6 m (19.7 ft).

4.5. Home Occupation

- 4.5.1. The operation of the home occupation shall be subordinate and incidental to the principal use of the site as a resident occupied residence.
- 4.5.2. The use shall be conducted entirely within the residential dwelling unit and shall not have any exterior evidence of a secondary use on the site.
- 4.5.3. There shall be no outside storage or exterior display of goods, materials, or equipment associated with the applied use.
- 4.5.4. The character of the district which the home occupation is located shall not be disturbed by dust, noise, smoke or smell generated by the use.
- 4.5.5. Only the residents of the residential dwelling unit shall be employed in the home occupation.
- 4.5.6. No use shall cause an increase in the demand placed on one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a residential dwelling unit.

4.5.7. The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.

4.5.8. No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home occupation is located.

4.5.9. No external advertising shall be permitted relating to a home occupation.

4.5.10. No client visits are permitted.

4.6. Home Based Business

4.6.1. The operation of the home based business shall be subordinate and incidental to the principal use of the site as a resident occupied residence.

4.6.2. External advertising shall be in accordance with signage requirements provided in the General Regulations.

4.6.3. No use shall cause an increase in the demand placed on one or more utilities (water, sewer, electricity, telephone, garbage, etc.) such that the combined total consumption for a residential dwelling unit and its home based business substantially exceeds the average for residential dwelling units in the area.

4.6.4. Offsite parking shall not be allowed.

4.6.5. The character of the district in which the home occupation is located shall not be disturbed by dust, noise, smoke or smell generated by the use.

4.6.6. The outdoor storage of raw materials and unfinished goods associated with the home based business is prohibited.

4.6.7. No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home based business is located.

4.6.8. All permits issued for a home based business shall be subject to the provisions of Section 242 of The Act, if in the opinion of Council, the operation has not met the regulations and standards applicable to home based businesses contained in this Bylaw.

4.6.9. A Home Based Business shall not occupy more than 40% of the gross cumulative floor area of the principal dwelling and accessory buildings.

4.6.10. Any storage of materials or goods related to the operation of the home based business must be located within the principal dwelling and/or accessory building(s). No exterior storage is permitted.

4.6.11. Up to eight (8) onsite client visits per 24 hour period shall be permitted.

4.6.12. A Home Based Business shall be operated by the permanent resident(s) of the principal dwelling, and no more than 2, non-resident on site employees.

4.6.13. Up to 1 commercial vehicle used in association with a Home Based Business may be parked and/or stored on site.

4.7. Wind Energy Converter System

Application Requirements

4.7.1. Every application for a Development Permit for Wind Energy Converter shall be accompanied by:

- a) a scaled plan drawing representing the true shape and dimension of the lot to be used or upon which the development is proposed including proposed location of the WECS structure, its distance from all property lines, and buildings located on adjacent properties;
- b) the proposed elevation of the WECS structure including its height and blade clearance from the average ground level as well as adjacent property lines;
- c) the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots;

d) other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of this bylaw.

4.7.2. A Development Permit issued for a Wind Energy Converter System may require, as a condition of development approval, that it shall be the sole responsibility of the applicant to ensure that necessary mechanisms are in place to protect the public generally and the residents of the area in particular from any danger arising as a result of the construction or installation of the freestanding tower on the applicant's property. Prior to submitting the Development Permit application, it shall be the responsibility of the applicant to secure necessary approvals from various relevant federal as well as provincial agencies including NAV Canada and Transport Canada.

Development Standards

4.7.3. A Wind Energy Converter System structure shall be located so that the outside of the rotor's arc is a minimum of 7.6 m (25 ft) from the vertical projection of the parcel boundary.

4.7.4. A Wind Energy Converter System structure shall be located a distance of at least 1 times the total height of the WECS plus 20% from any dwelling unit.

4.7.5. A minimum vertical blade clearance from grade shall be of 7.6 m (25 ft) for Wind Energy Converter System structure.

- 4.7.6. A Wind Energy Converter System structure shall not exceed 24.4m (80ft).
- 4.7.7. Tower access shall be protected by means acceptable to the Development Officer and may include such things as a locked fence and anti-climbing devices. Subject to the requirements of any other federal or provincial regulation, the Wind Energy Converter System shall have a non-reflective, matte finish in a colour satisfactory to the Development Officer.
- 4.7.8. The Wind Energy Converter System structure shall not be used for advertising except for identification of the manufacturer.
- 4.7.9. No illumination of a Wind Energy Converter System structure shall be allowed unless required by Navigation Canada.
- 4.7.10. Wind Energy Converter System structures shall be located so that the sound level generated by the turbine shall not exceed 45 dB(A) (decibels) heard at any adjacent property boundary. The setback necessary to meet this requirement shall be determined by using the manufacturers Peak Acoustical Emission documentation.
- 4.7.11. No more than 1 Wind Energy Converter System structure shall be allowed per lot.

Part 5: Zoning District Designations

5.1. Administration

5.1.1. For the purpose of applying this bylaw, the Village is divided into zoning districts.

5.1.2. The boundaries of the zoning districts are shown on the Zoning Map in Appendix I which are attached to and form part of this bylaw. Unless otherwise shown on the map, the boundaries of the said districts are site lines, center lines or streets, lands, roads or such lines extended and the boundaries of the Village.

5.1.3. Regulations for the zoning districts are outlined in the following sections.

5.2. Large Lot Urban District (RL)

Intent

5.2.1. Large Lot Urban zones are intended to characterize existing large lot areas that may or may not have servicing. They may be considered as potential zones for redevelopment.



Regulations

5.2.2. The permitted and discretionary uses in the RL District are listed in Figure 4.

5.2.3. The development standards in the RL District are outlined in Figure 5.

Figure 4 - Permitted/Discretionary Uses in the RL District.

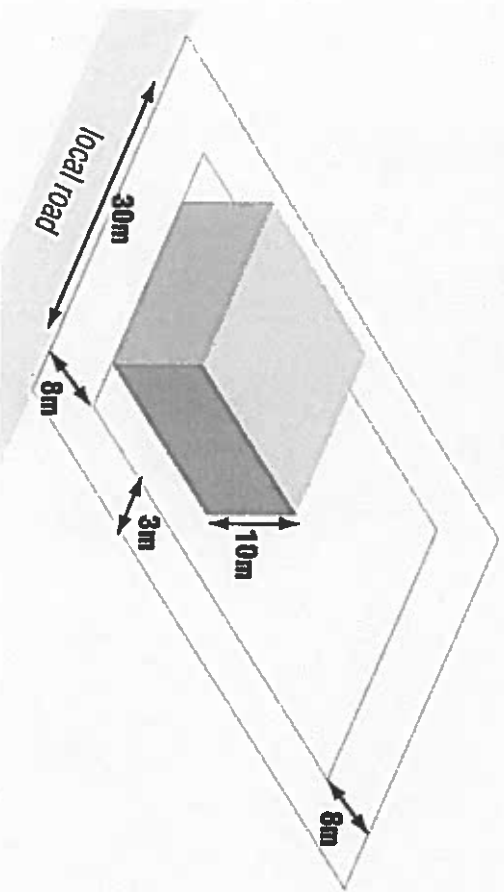
Principal Uses		Permitted/Discretionary
Dwelling, Mobile Home	P	P
Dwelling, Modular	P	P
Dwelling, Single Detached	P	P
Municipal Facility	P	P
Park	P	P
Place of Worship	D	D
School	D	D
Special Care Home	D	D
Tree Nursery	P	P
Accessory Uses		
Bed and Breakfast	P	P
Day Care Home	D	D
Garden Suite	P	P
Home Based Business	P	P
Kennel	D	D
Public Utility	P	P
Secondary Suite	P	P
Wind Energy Converter System	D	D

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 5 - Development Standards in the RL District

Min. Site Area	0.3 ha (0.7 ac)
Max. Site Area	N/A
Setbacks	
Front Yard	8 m (26.2 ft)
Side Yard	3 m (9.8 ft)
Rear Yard	8 m (26.2 ft)
Min. Building Footprint (residential)	82 m ² (882.6ft ²)
Max. Height	10 m (32.8 ft)
Max. Site Coverage	N/A
Min. Frontage	30 m (98.4 ft)

Figure 6 - Large Lot Urban Site



Discretionary Use Criteria

5.2.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.2.5. In addition to the above in 5.2.4, Places of Worship are to be located on corner lots.

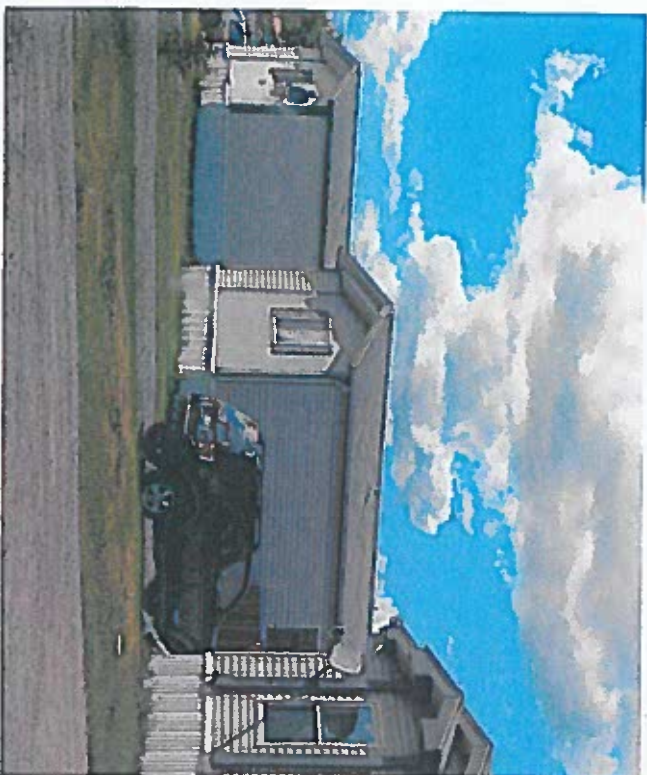
Other Regulations

5.2.6. No building or structure intended to house or shelter animals, allowed under the Animal Keeping Bylaw, shall be located within 15 m (49.2 ft) or any residential dwelling or lot line.

5.3. Mobile Homes District (RM)

Intent

5.3.1. Mobile Homes zones are intended to provide for the appropriate placement of mobile homes in a mobile home park setting.



Regulations

5.3.2. The permitted and discretionary uses in the RM District are listed in in Figure 7.

5.3.3. The development standards in the RM District are outlined in Figure 8.

Figure 7 - Permitted/Discretionary Use in the RM District

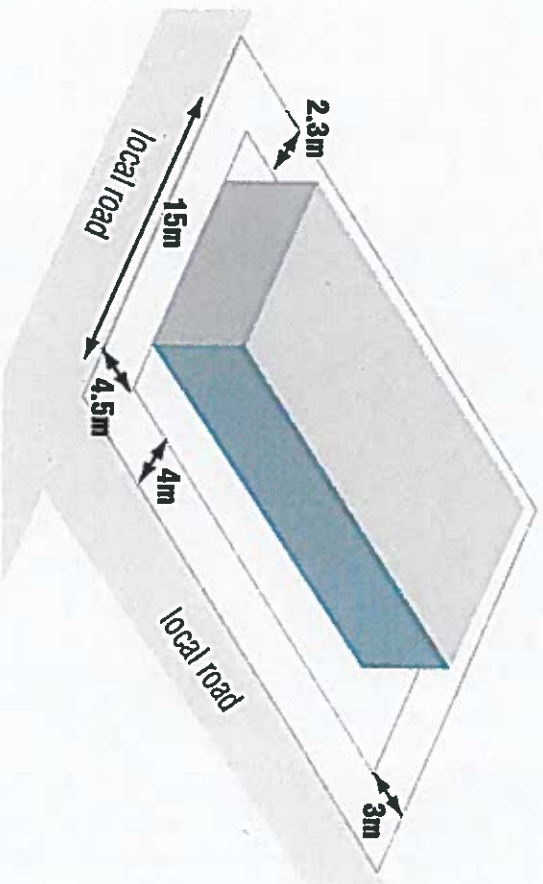
Principal Uses	Permitted/Discretionary
Communication Tower	D
Convenience Store	D
Dwelling, Mobile Home	P
Dwelling, Modular	D
Food Service	D
Mobile Home Park	D
Municipal Facility	P
Park	P
Recreation, Passive	P
Accessory Uses	
Day Care Home	D
Public Utility	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 8 - Development Standards in the RM District

Min. Site Area	465 m ² (5,005 ft ²) or, 2 ha (5 ac) for Mobile Home Park
Max. Site Area	N/A
Setbacks	
Front Yard	4.5 m (14.8 ft)
Side Yard	2.3 m (7.5 ft), or 4 m (13.1 ft) if flanking a road
Rear Yard	3 m (9.8 ft)
Min. Floor Area	N/A
Max. Height	10 m (32.8 ft)
Max. Site Coverage	N/A
Min. Frontage	15 m (49. Ft)

Figure 9 - Mobile Homes Site



Discretionary Use Criteria

5.3.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.3.5. In addition to the above in 5.3.4, Convenience Stores Food Services are to be located on corner lots.

5.3.6. In addition to the above in 5.3.4, Mobile Home Parks shall not locate on a parcel of less than 2ha (5ac).

Other Regulations

5.3.7. All Mobile Homes must have Canadian Standards Association certification.

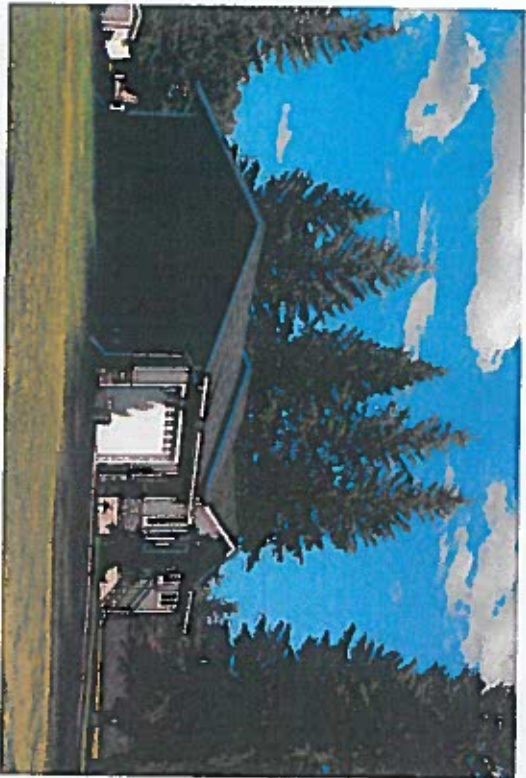
5.3.8. All Mobile Homes shall be skirted from the floor level to ground level with a material consistent with the finish of the Mobile Home

5.4. Single Family Detached District (R1)

Intent

5.4.1. Single Family Detached zones are intended to maintain existing housing stock and to ensure that residential development is compatible with adjacent residential and non-residential developments. This is also intended to provide another zoning option in new neighbourhoods.

5.4.3. The development standards in the R1 District are outlined in Figure 11.



Regulations

5.4.2. The permitted and discretionary uses in the R1 District are listed in Figure 10.

Figure 10 - Permitted/Discretionary Uses in the R1 District

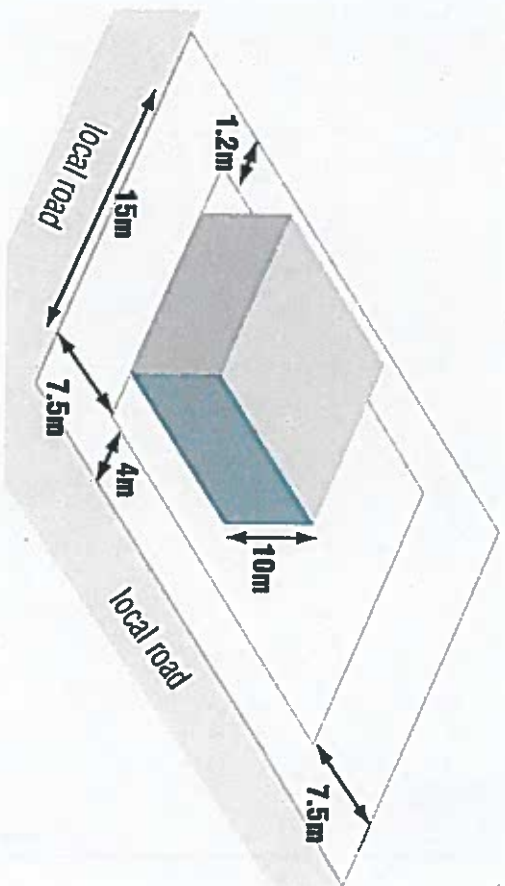
Permitted/Discretionary	
Principal Uses	
Dwelling, Single Detached	P
Municipal Facility	P
Park	P
Place of Worship	D
School	P
Special Care Home	D
Accessory Uses	
Day Care Home	D
Public Utility	P
Secondary Suite	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 11 - Development Standards in the R1 District

Min. Site Area	590 m ² (6,350.7
Max. Site Area	N/A
Setbacks	
Front Yard	7.5 m (24.6 ft)
Side Yard	1.2 m (3.9 ft), or 4 m (13.1 ft) if flanking a road
Rear Yard	7.5 m (24.6 ft)
Min. Building Footprint (residential)	
Without attached garage	100 m ² (1,076.4
With attached garage	90 m ² (968.8 ft ²)
Max. Height	10 m (32.8 ft)
Max. Site Coverage	40%
Min. Frontage	15 m (49.1 ft)

Figure 12 - Single Family Detached Site



Discretionary Use Criteria

5.4.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
 - b) Fit with the residential frontage typical of the community;
 - c) Evident recognition of the historic form and character of the neighbourhood; and
 - d) Evidence of significant community support for the proposed use.
- 5.4.5. In addition to the above in Section 5.4.4, Secondary Suites can be considered where appropriate secondary access can be provided.
- 5.4.6. In addition to the above in 5.4.4, Places of Worship are to be located on corner lots.

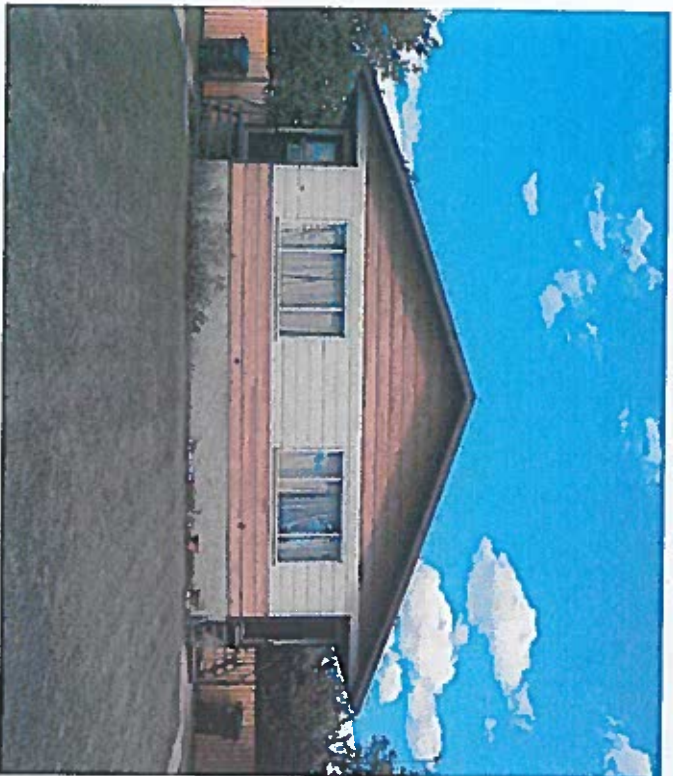
Other Regulations

5.4.7. Parking areas for Special Care Homes and Places of Worship are to be located in side or rear yards and shall be screened from adjacent residential areas.

5.5. Semi-Detached District (R2)

Intent

5.5.1. Semi-Detached zones are intended to conserve the general character of established neighbourhoods which have developed over time as a mixture of single detached dwellings, duplexes or side by side semi-detached units, and to provide another zoning option in new neighbourhoods.



5.5.2. The permitted and discretionary uses in the R2 District are listed in Figure 13.

5.5.3. The development standards in the R2 District are outlined in Figure 14.

Regulations

Figure 13 - Permitted/Discretionary Uses in the R2 District

Permitted/Discretionary	
Principal Uses	
Convenience Store	D
Dwelling, Modular	D
Dwelling, Multiple Unit	D
Dwelling, Semi-Detached	P
Dwelling, Single Detached	D
Dwelling, Townhouse	P
Municipal Facility	P
Special Care Home	D
Park	P
Place of Worship	D
School	P
Accessory Uses	
Day Care Home	D
Public Utility	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 14 - Development Standards in the R2 District

Min. Site Area		
Dwelling, Single Detached	465 m ² (5,005.2	Dwelling, Single Detached
Dwelling, Semi-Detached	385 m ² (4,144.1	Dwelling, Semi-Detached
Dwelling, Townhouse	205 m ² (2,206.6	Dwelling, Townhouse
Dwelling, Multiple Unit	800 m ² (8,611.1	Dwelling, Multiple Unit
Max. Site Area	N/A	
Setbacks		
Front Yard	4.5 m (14.8 ft), or 6 m (19.7 ft) where there is a front garage	
Side Yard	1.2 m (3.9 ft), or 4 m (13.1 ft) if flanking a road, or 0 if a common wall	
Rear Yard	7.5 m (24.6 ft)	
Min. Floor Area		
Dwelling, Single Detached	75 m ² (807.3 ft ²)	
Dwelling, Semi-Detached; Dwelling, Townhouse	52 m ² (559.7 ft ²)	
Dwelling, Multiple Unit	46 m ² (495.1 ft ²)	
Max. Height	14 m (45.9 ft)	
Max. Site Coverage		
Dwelling, Single Detached	40%	
Dwelling, Semi-Detached; Dwelling, Townhouse; Dwelling, Multiple Unit	50%	
Min. Frontage		
		Dwelling, Single Detached
		Dwelling, Semi-Detached
		Dwelling, Townhouse
		Dwelling, Multiple Unit
		12 m (39.4 ft)
		8 m (26.2 ft)
		7 m (23.0 ft)
		21 m (68.9 ft)

Figure 15 - Semi-Detached/Duplex Site (without front garages)

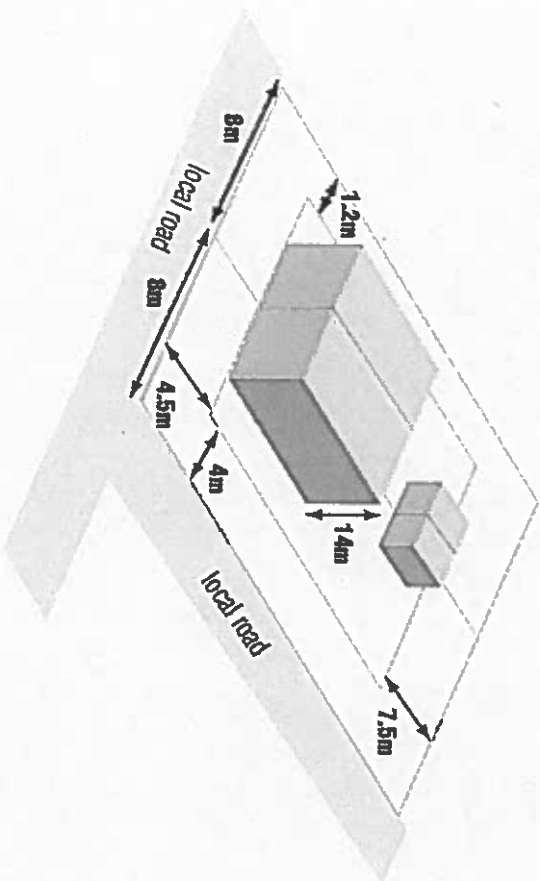
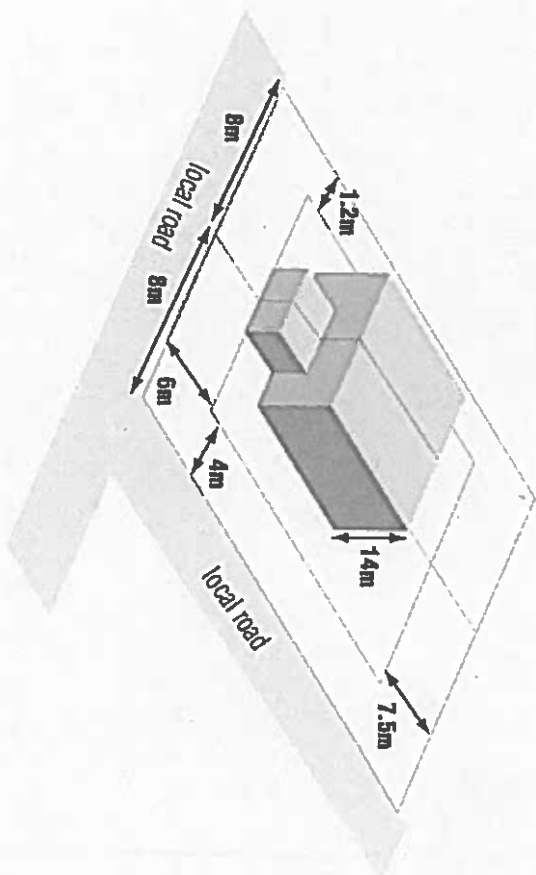


Figure 16 - Semi-Detached/Duplex Site (with front garages)



Discretionary Use Criteria

5.5.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.5.5. In addition to the above in 5.5.4, Convenience Stores, Multiple Unit Dwellings and Places of Worship are to be located on corner lots.

Other Regulations

5.5.6. Parking areas for Dwelling, Multiple Unit, Convenience Stores, Special Care Homes and Places of Worship are to be located in side or rear yards and shall be screened from adjacent residential areas.

5.6. Multiple Unit District (R3)

Intent

5.6.1. Multiple Residential zones are intended to regulate the location and standards for townhomes and fourplex dwellings, and to provide another zoning option in new neighbourhoods.

5.6.3. The development standards in the R3 District are outlined in Figure 18.



Regulations

5.6.2. The permitted and discretionary uses in the R3 District are listed in Figure 17.

Figure 17 - Permitted/Discretionary Uses in the R3 District

Principal Uses	Permitted/Discretionary
Dwelling, Multiple Unit	P
Dwelling, Semi-Detached	P
Dwelling, Townhouse	P
Municipal Facility	P
Special Care Home	P
Accessory Uses	
Club	D
Convenience Store	D
Day Care Centre	D
Day Care Home	D
Park	P
Public Utility	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 18 – Development Standards in the R3 District

Min. Site Area		
Dwelling, Single Detached	465 m ² (5,005.2	
Dwelling, Semi-Detached	385 m ² (4,144.1	
Dwelling, Townhouse	205 m ² (2,206.6	
Dwelling, Multiple Unit	800 m ² (8,611.1	
Max. Site Area	N/A	
Setbacks		
Front Yard	4.5 m (14.8 ft), or 6 m (19.7 ft) where there is a front garage	
Side Yard	1.2 m (3.9 ft), or 4 m (13.1 ft) if flanking a road, or 0 if a common wall	
Rear Yard	7.5 m (24.6 ft)	
Min. Floor Area		
Dwelling, Single Detached	75 m ² (807.3 ft ²)	
Dwelling, Semi-Detached; Dwelling, Townhouse	52m ² (559.7 ft ²)	
Dwelling, Multiple Unit	46m ² (495.1 ft ²)	
Max. Height	14 m (45.9 ft)	
Max. Site Coverage		
Dwelling, Single Detached	40%	
Dwelling, Semi-Detached; Dwelling, Townhouse; Dwelling, Multiple Unit	50%	
Min. Frontage		
Dwelling, Single Detached	12 m (39.4 ft)	
Dwelling, Semi-Detached	8 m (26.2 ft)	
Dwelling, Townhouse	7 m (23.0 ft)	
Dwelling, Multiple Unit	21 m (68.9 ft)	

Figure 19 - Multiple Unit Site (with townhouses)

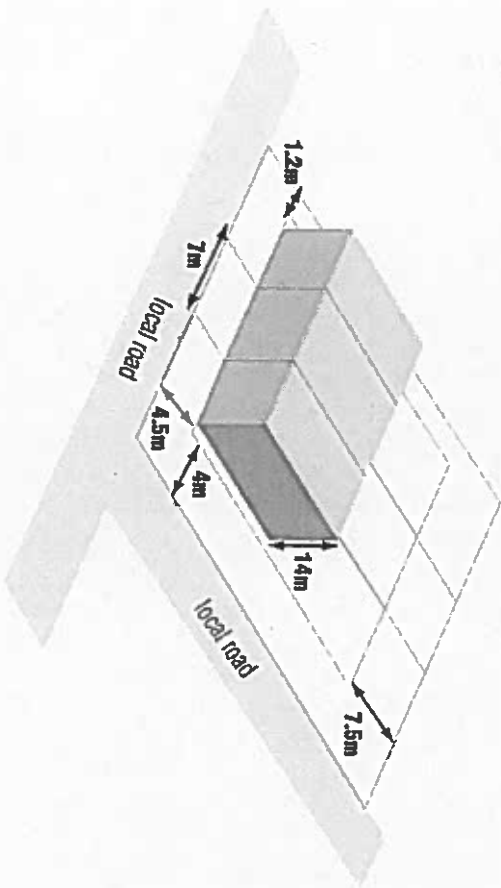
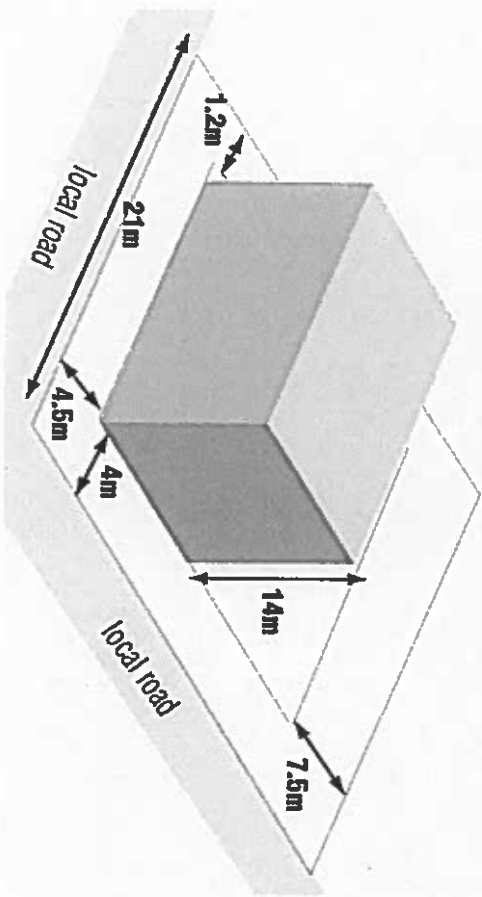


Figure 20 - Multiple Unit Site (with multiple unit building)



Discretionary Use Criteria

5.6.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.6.5. In addition to the above in 5.6.4, Club, Convenience Stores and Day Care Centres can be considered as an accessory use to a Multiple Unit Dwellings and are located on the main floor of the building.

Other Regulations

5.6.6. Parking areas for Multiple Unit and Special Care Homes are to be located in side or rear yards and shall be screened from adjacent residential areas. .

5.7. Mixed Use Centre District (MU1)

Intent

5.7.1. Mixed Use Centres are intended to locate in downtown areas and provide a high level of servicing and enhanced public realm, consisting primarily of commercial-related mixed use, institutional, residential, utilities and ancillary shops and services.

5.7.3. The development standards in the MU1 District are outlined in Figure 22.



Regulations

5.7.2. The permitted and discretionary uses in the MU1 District are listed in Figure 21.

Figure 21 - Permitted/Discretionary Uses in the MUI District

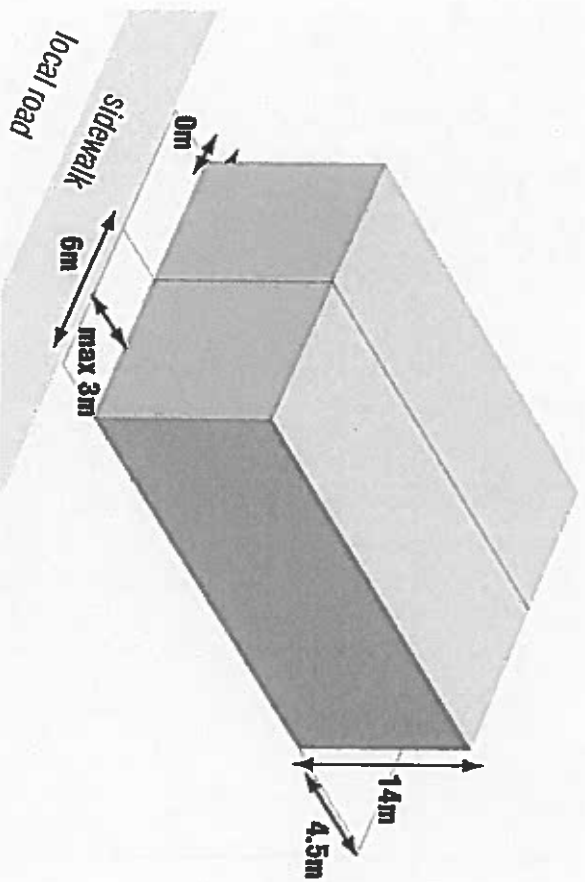
Principal Uses	Permitted/Discretionary
Alcohol Sales	D
Commercial, Retail	P
Community Centre	P
Cultural Institution	P
Day Care Centre	D
Dwelling, Multiple Unit	P
Dwelling, Semi-Detached	D
Dwelling, Townhouse	P
Financial Institution	P
Food Service	P
Health Care Clinic	P
Hotel/Motel	P
Lounge	D
Municipal Facility	P
Night Club	D
Non-Accessory Parking	D
Office	P
Personal Service	P
Theatre	P
Accessory Uses	
Public Utility	P

Buildings, structures or uses secondary and subordinate to permitted or discretionary use shall be considered accessory uses and permitted

Figure 22 - Development Standards in the MUI District

Min. Site Area	250 m ² (2,691.0)
Max. Site Area	N/A
Max. Floor Area Ratio	3.0
Setbacks	
Min. Front Yard	0
Max. Front Yard	3 m (9.8 ft)
Side Yard	0
Rear Yard	4.5 m (14.8 ft)
Min. Floor Area	N/A
Max. Height	14 m (45.9 ft)
Max. Site Coverage	N/A
Min. Frontage	6 m (19.7 ft)

Figure 23 - Mixed Use Centre Site



Discretionary Use Criteria

5.7.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.7.5. In addition to the above in 5.7.4, Alcohol Sales, Lounges and Night Clubs can be considered when fronting onto Main Street.

5.7.6. In addition to the above in 5.7.4, Semi-Detached Dwellings can be considered when not fronting onto Main Street.

Other Regulations

5.7.7. No parking areas will be considered in the front yard of a lot unless the lot is vacant and a permit for Non-Accessory Parking has been approved.

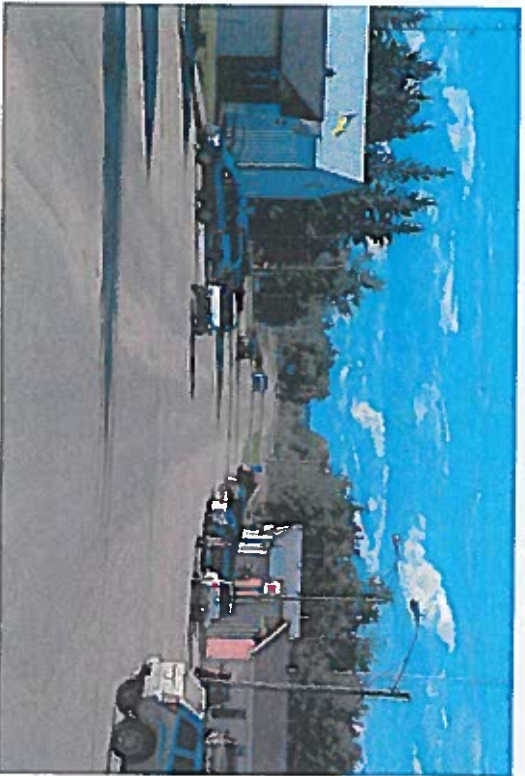
5.7.8. Commercial or office or residential uses are permitted on any floor, but no floor may contain a mix of residential and commercial/office uses.

5.7.9. No commercial/office use will be permitted above a residential floor.

5.8. Main Street District (MU3)

Intent

5.8.1. Main Streets are intended to accommodate primarily retail commercial, office and service uses suitable for the Main Street in the downtown, ensuring that infill developments and the retrofitting of historical buildings enhance the atmosphere.



Regulations

5.8.2. The permitted and discretionary uses in the MU3 District are listed in Figure 24.

5.8.3. The development standards in the MU3 District are outlined in Figure 25.

Figure 24 - Permitted/Discretionary Uses in the MU3 District

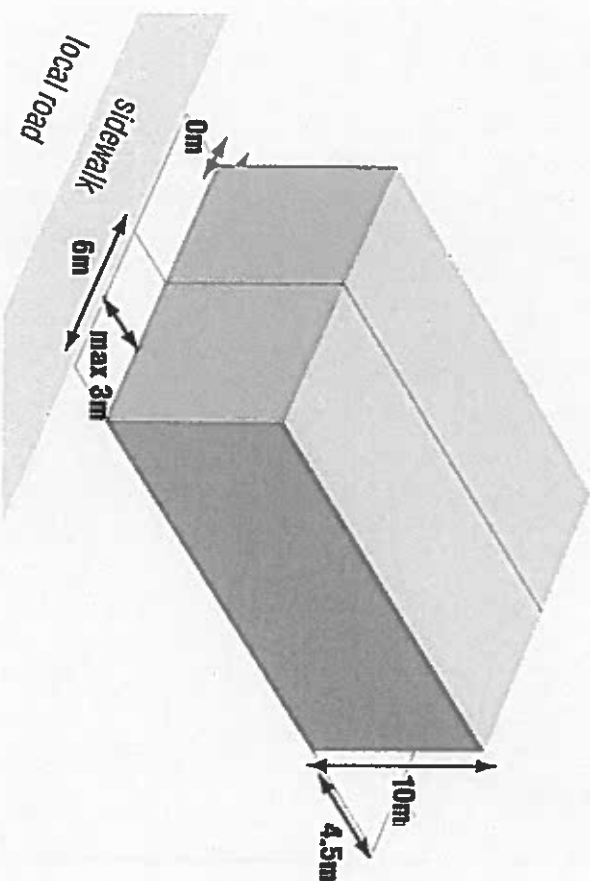
	Permitted/Discretionary
Principal Uses	
Alcohol Sales	D
Club	P
Commercial, Retail	P
Convenience Store	P
Cultural Institution	P
Day Care Centre	P
Dwelling, Multiple Unit	P
Dwelling, Semi-Detached	D
Dwelling, Townhouse	D
Financial Institution	P
Food Service	P
Health Care Clinic	P
Lounge	D
Municipal Facility	P
Office	P
Personal Service	P
Theatre	P
Accessory Uses	
Convenience Store	P
Public Utility	P

Buildings, structures or uses secondary and subordinate to permitted or discretionary use shall be considered accessory uses and permitted

Figure 25 - Development Standards in the MU3 District

Min. Site Area	250 m ² (2,691.0
Max. Site Area	N/A
Max. Floor Area Ratio	2.0
Setbacks	
Min. Front Yard	0
Max. Front Yard	3 m (9.8 ft)
Side Yard	0
Rear Yard	4.5 m (14.8 ft)
Min. Floor Area	N/A
Max. Height	10 m (32.8 ft)
Max. Site Coverage	N/A
Min. Frontage	6 m (19.7 ft)

Figure 26 - Main Street Site



Discretionary Use Criteria

5.8.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.8.5. In addition to the above in 5.8.4, Lounges can be considered when fronting onto Main Street.

- 5.8.6. In addition to the above in 5.8.4, Semi-Detached Dwellings and Townhouse Dwellings can be considered when not fronting onto Main Street.

Other Regulations

- 5.8.7. Commercial or office or residential uses are permitted on any floor, but no floor may contain a mix of residential and commercial/office uses.
- 5.8.8. No commercial/office use will be permitted above a residential floor.
- 5.8.9. Convenience Stores will only be considered an accessory use when located on the main floor of a Multiple Unit Dwelling.

5.9. Light Industrial District (M1)

Intent

5.9.1. Light Industrial zones are intended to provide for industrial and office uses that have no associated off-site impacts, with limited outdoor storage and to provide for industrial business sites for transition from heavier industrial uses to other uses.

Regulations

5.9.2. The permitted and discretionary uses in the M1 District are listed in Figure 27.

5.9.3. The development standards in the M1 District are outlined in Figure 28.

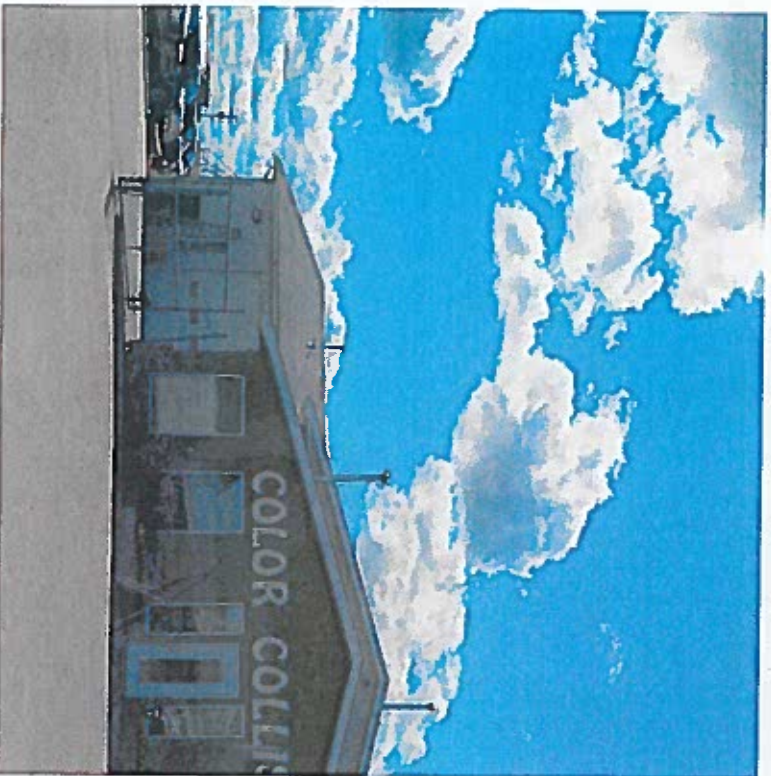


Figure 27 - Permitted/Discretionary Uses in the M1 District

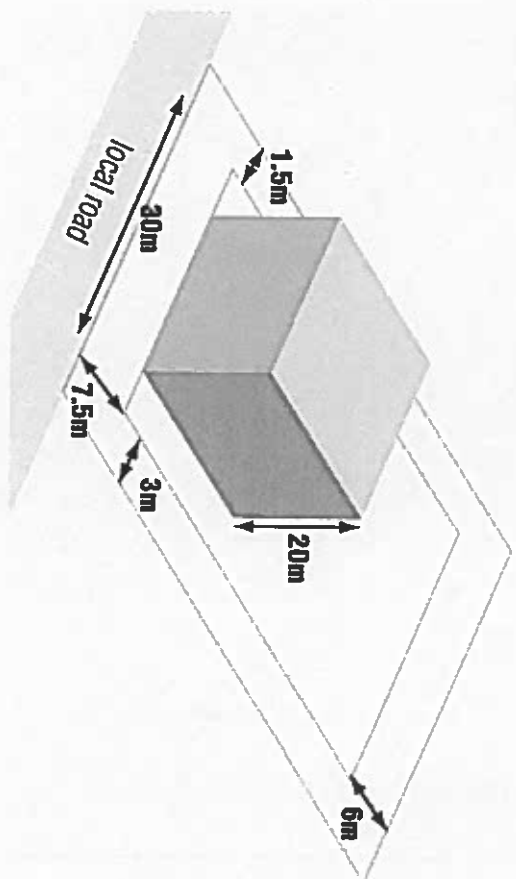
Permitted/Discretionary	
Principal Uses	
Agricultural Related	D
Auction Mart	P
Car Wash	P
Communication Towers	P
Construction Trades	P
Disposal Facility, Liquid	D
Forest Product Processing	D
Gas Bar	D
General Industrial	P
Municipal Facility	P
Recycling Collection Depot	P
Sawmill, Portable	D
Service Station	P
Veterinary Clinic	P
Warehouse	P
Wholesale Establishment	P
Accessory Uses	
Public Utility	P
Wind Energy Converter System	D

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 28 - Development Standards in the M1 District

Min. Site Area	5,000 m ² (53,819.6
Agricultural Related Commercial	1,000m ²
All other uses	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	7.5 m (24.6 ft) 1.5 m (4.9 ft), or 3 m (9.8 ft) if abutting a residential district
Side Yard	3 m (9.8 ft)
Rear Yard (with lane)	6m (19.7 ft)
Rear Yard (without lane)	N/A
Min. Floor Area	20 m (65.6 ft)
Max. Height	N/A
Max. Site Coverage	30 m (98.4 ft)
Min. Frontage	

Figure 29 - Light Industrial Site



Discretionary Use Criteria

5.9.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- Consistency with the character and scale of existing developments;
- Fit with the residential frontage typical of the community;
- Evident recognition of the historic form and character of the neighbourhood; and
- Evidence of significant community support for the proposed use.

5.9.5. In addition to the above in Section 5.9.4, Agricultural Related Commercial can be considered on a site of 5,000 m² (53,821 ft²) or more.

Other Regulations

- 5.9.6. All outdoor storage will be screened from view of a highway or a residential area.
- 5.9.7. Fuel pumps at Gas Bar's shall be a minimum of 6 m (19.7 ft) from any street or lot line.
- 5.9.8. All automobile parts, dismantled or partially dismantled vehicles and similar articles shall be stored inside or screened from public view by fencing.

5.10. Highway Commercial District (C1)

Intent

5.10.1. Highway Commercial zones are intended to provide suitable areas adjacent to major streets and highways for commercial uses (including large format retail) which are primarily vehicle oriented.



Regulations

- 5.10.2. The permitted and discretionary uses in the C1 District are listed in Figure 30.
- 5.10.3. The development standards in the C1 District are outlined in Figure 31.

Figure 30 - Permitted/Discretionary Uses in the C1 District

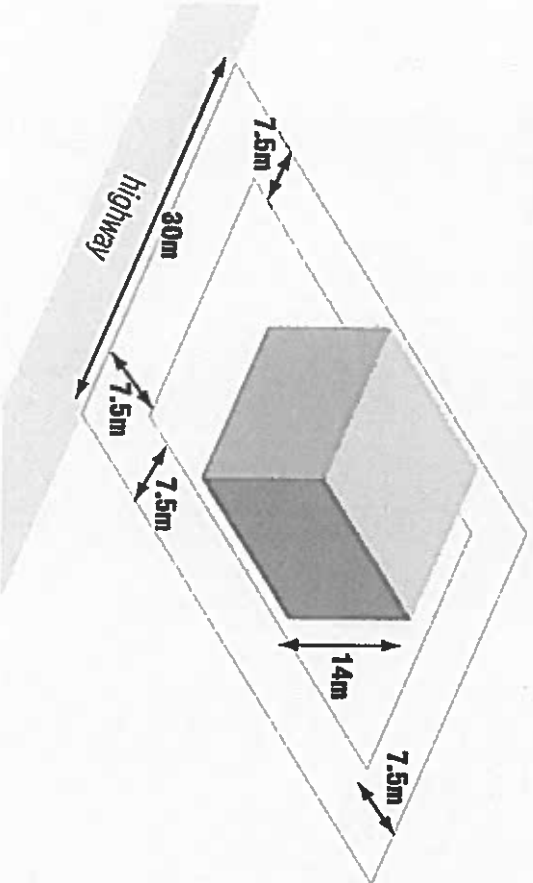
Principal Uses	Permitted/Discretionary
Agricultural Related	P
Alcohol Sales	D
Auction Mart	P
Car Wash	P
Commercial, Retail	P
Communication Towers	D
Convenience Store	P
Financial Institution	P
Food Service	P
Gas Bar	P
Health Care Clinic	D
Hotel/Motel	P
Municipal Facility	P
Personal Service	P
Service Station	P
Shopping Centre	P
Theatre	D
Veterinary Clinic	P
Accessory Uses	
Public Utility	P
Wind Energy Converter System	D

Buildings, structures or uses secondary and subordinate to the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 31 - Development Standards in the C1 District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	7.5 m (24.6 ft)
Side Yard	7.5 m (24.6 ft)
Rear Yard	7.5 m (24.6 ft)
Min. Floor Area	
Max. Height	N/A
Max. Site Coverage	14 m (45.9 ft)
Min. Frontage	50%
	30 m (98.4 ft)

Figure 33 - Highway Commercial Site



Discretionary Use Criteria

- 5.10.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:
- a) Consistency with the character and scale of existing developments;
 - b) Fit with the residential frontage typical of the community;
 - c) Evident recognition of the historic form and character of the neighbourhood; and
 - d) Evidence of significant community support for the proposed use.

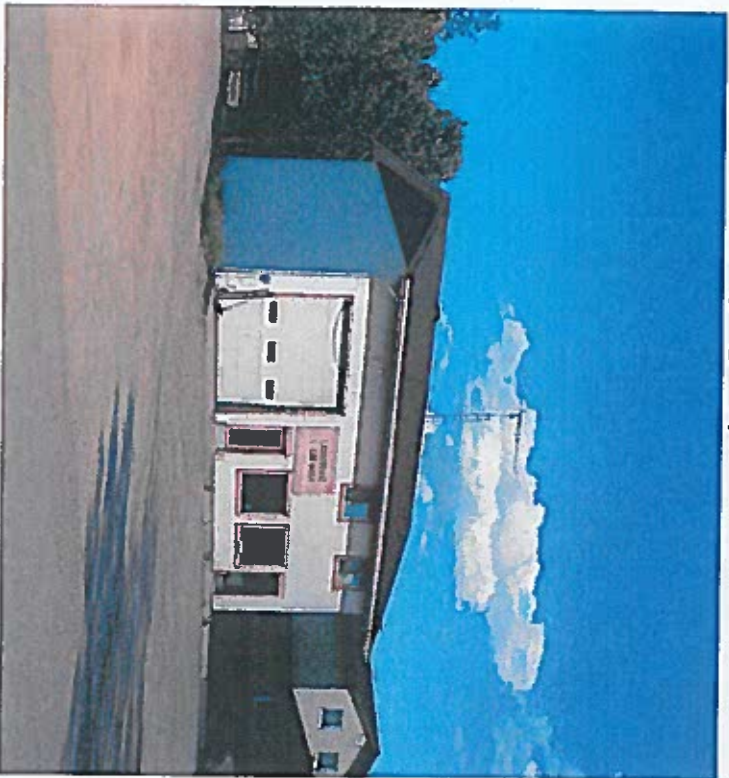
Other Regulations

- 5.10.5. Appropriate screening, to the satisfaction of Council, is required when a C1 district is adjacent to a residential area. This can include fencing and vegetation or a combination of the two.
- 5.10.6. Fuel pumps at Gas Bar's shall be a minimum of 6 m (19.7 ft) from any street or lot line.
- 5.10.7. All automobile parts, dismantled or partially dismantled vehicles and similar articles shall be stored inside or screened from public view by fencing.

5.11. Urban Commercial District (C2)

Intent

5.11.1. Urban Commercial zones are intended to provide areas for commercial uses throughout urban communities that cater to both pedestrian and vehicle traffic. This zone is not meant to be in Mixed Use Areas or along highways.



Regulations

5.11.2. The permitted and discretionary uses in the C2 District are listed in Figure 33.

5.11.3. The development standards in the C2 District are outlined in Figure 34.

Figure 33 - Permitted/Discretionary Uses in the C2 District

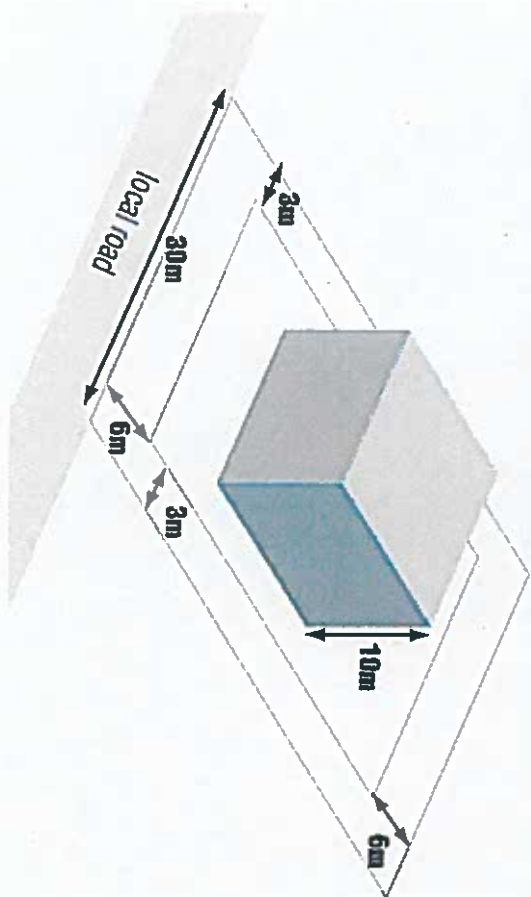
	Permitted/Discretionary
Principal Uses	
Alcohol Sales	D
Club	P
Commercial, Retail	P
Convenience Store	P
Day Care Centre	P
Financial Institution	P
Food Service	P
Gas Bar	P
Health Care Clinic	P
Hotel/Motel	D
Lounge	D
Municipal Facility	P
Office	P
Personal Service	P
Place of Worship	D
Recycling Collection Depot	D
Service Station	P
Accessory Uses	
Public Utility	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 34 - Development Standards In the C2 District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	6 m (19.7 ft)
Side Yard	3 m (9.8 ft)
Rear Yard	6 m (19.7 ft)
Min. Floor Area	N/A
Max. Height	10 m (32.8 ft)
Max. Site Coverage	40%
Min. Frontage	30 m (98.4 ft)

Figure 35 - Urban Commercial Site



Discretionary Use Criteria

- 5.11.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:
- a) Consistency with the character and scale of existing developments;
 - b) Fit with the residential frontage typical of the community;
 - c) Evident recognition of the historic form and character of the neighbourhood; and
 - d) Evidence of significant community support for the proposed use.

5.11.5. In addition to the above in Section 5.11.4, Alcohol Sales must be located at least 200m (656.2 ft) from any other Alcohol Sales use.

5.11.6. In addition to the above in 5.11.4, Places of Worship are to be located on corner lots.

Other Regulations

5.11.7. Fuel pumps at Gas Bar's shall be a minimum of 6 m (19.7 ft) from any street or lot line.

5.11.8. All automobile parts, dismantled or partially dismantled vehicles and similar articles shall be stored inside or screened from public view by fencing.

5.12. Institutional District (I)

Intent

5.12.1. Institutional zones are intended to provide for the location of public institutional facilities such as school, educational institutions, places of worship and health facilities.



Regulations

- 5.12.2. The permitted and discretionary uses in the I District are listed in Figure 36.
- 5.12.3. The development standards in the I District are outlined in Figure 37.

Figure 35 - Permitted/Discretionary Uses in the I District

Principal Uses	Permitted/Discretionary
Cemetery	P
Community Centre	P
Correctional Facility	D
Cultural Institution	P
Educational Institution	P
Health Care Clinic	D
Hospital	P
Institutional Camp	D
Municipal Facility	P
Place of Worship	P
Residential Care Facility	D
School	P
Special Care Facility	P
Accessory Uses	
Park	P
Public Utility	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 37 - Development Standards in the 1 District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	6 m (19.7 ft), or 20 m (65.6 ft) when abutting a residential district
Front Yard	6 m (19.7 ft), or 20 m (65.6 ft) when abutting a residential district
Side Yard	6 m (19.7 ft), or 20 m (65.6 ft) when abutting a residential district
Rear Yard	6 m (19.7 ft), or 20 m (65.6 ft) when abutting a residential district
Min. Floor Area	N/A
Max. Height	14 m (45.9 ft)
Max. Site Coverage	50%
Min. Frontage	30 m (98.4 ft)

Discretionary Use Criteria

5.12.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.13. Utility District (U)

Intent

5.13.1. Utility zones are intended to provide for the location of private and public utilities.

Regulations

5.13.2. The permitted and discretionary uses in the U District are listed in Figure 38.

5.13.3. The development standards in the U District are outlined in Figure 39.

Figure 38 - Permitted/Discretionary Uses in the U District

Principal Uses	Permitted/Discretionary
Communication Towers	D
Disposal Facility, Liquid	P
Disposal Facility, Solid	D
Municipal Facility	P
Park	P
Public Utility	P
Recycling Collection Depot	P
Wind Energy Converter Systems	D

Figure 39 - Development Standards in the U District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	6 m (19.7 ft)
Side Yard	6 m (19.7 ft)
Rear Yard	6 m (19.7 ft)
Min. Floor Area	N/A
Max. Height	10 m (32.8 ft)
Max. Site Coverage	N/A
Min. Frontage	N/A

Discretionary Use Criteria

5.13.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.14. Park District (P)

Intent

5.14.1. Park zones are intended to provide for both active and passive activities and link with existing parks and open spaces.



5.14.3. The development standards in the P District are outlined in Figure 41.

Regulations

5.14.2. The permitted and discretionary uses in the P District are listed in Figure 40.

Figure 40 - Permitted/Discretionary Uses in the P District

Principal Uses	Permitted/Discretionary
Park	P
Public Utility	P
Recreation, Passive	P

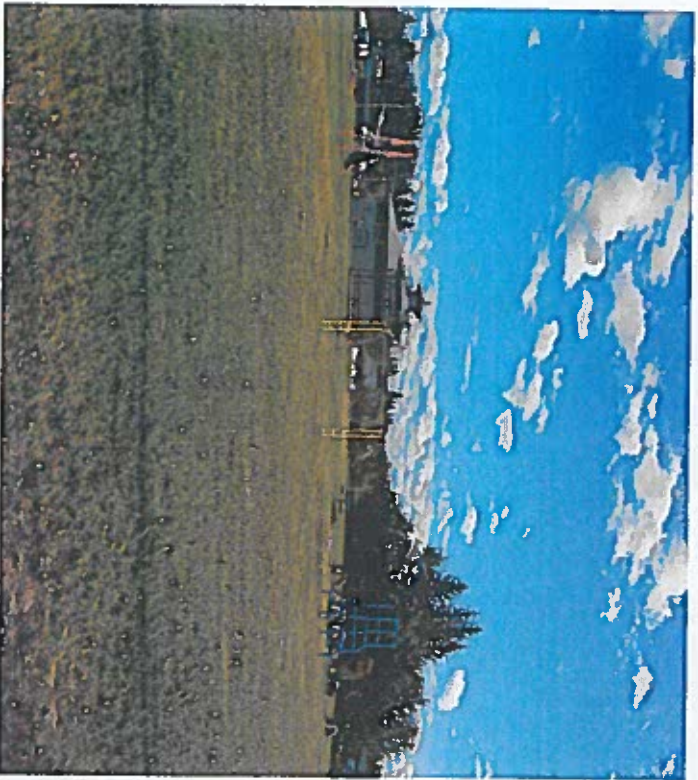
Figure 41 - Development Standards in the P District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	6 m (19.7 ft)
Side Yard	6 m (19.7 ft)
Rear Yard	6 m (19.7 ft)
Min. Floor Area	N/A
Max. Height	10 m (32.8 ft)
Max. Site Coverage	N/A
Min. Frontage	N/A

5.15. Open Space District (OS)

Intent

5.15.1. Open Space zones are intended, to preserve and enhance of open space and include limited public facilities



5.15.3. The development standards in the OS District are outlined in Figure 43.

Regulations

5.15.2. The permitted and discretionary uses in the OS District are listed in Figure 42.

Figure 42 - Permitted/Discretionary Uses in the OS District

Principal Uses	Permitted/Discretionary
Campground	D
Golf Course	P
Institutional Camp	D
Park	P
Recreation, Passive	P
Tourist Camp	D
Accessory Uses	
Public Utility	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 43 - Development Standards in the OS District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	6 m (19.7 ft)
Side Yard	6 m (19.7 ft)
Rear Yard	6 m (19.7 ft)
Min. Floor Area	N/A
Max. Height	10 m (32.8 ft)
Max. Site Coverage	N/A
Min. Frontage	N/A

Discretionary Use Criteria

5.15.4. The appropriateness of Discretionary Uses shall be determined based on the following criteria:

- a) Consistency with the character and scale of existing developments;
- b) Fit with the residential frontage typical of the community;
- c) Evident recognition of the historic form and character of the neighbourhood; and
- d) Evidence of significant community support for the proposed use.

5.16. Urban Reserve District (UR)

Intent

5.16.1. Urban Reserve zones are intended to maintain undeveloped land so that future urban growth can occur unencumbered..

Regulations

5.16.2. The permitted and discretionary uses in the UR District are listed in Figure 44.

5.16.3. The development standards in the UR District are outlined in Figure 45.

Figure 44 - Permitted/Discretionary Uses in the UR District

	Permitted/Discretionary
Principal Uses	
Dwelling, Single Detached	P
Public Utility	P
Accessory Uses	
Garden Suite	P
Home Based Business	P
Secondary Suite	P

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

Figure 45 - Development Standards in the UR District

Min. Site Area	N/A
Max. Site Area	N/A
Setbacks	
Front Yard	20 m (65.6 ft)
Side Yard	20 m (65.6 ft)
Rear Yard	20 m (65.6 ft)
Min. Floor Area	N/A
Max. Height	N/A
Max. Site Coverage	N/A
Min. Frontage	N/A

Part 6: Interpretation

6.1.1. **Accessory Use** means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use building

concessions and arcades, swimming pools, water slides, batting cages and other similar uses.

6.1.7. **Auction Mart** means buildings, structure, or lot, or part thereof, used as a premises where goods and material that are sold by public auction.

6.1.2. **Act** means The Planning and Development Act, 2007.

6.1.8. **Bed and Breakfast** means a dwelling unit in which the occupants thereof use a portion of the dwelling for the purpose of providing, for remuneration, sleeping accommodation and one meal per day to the members of the general public, for periods of two weeks or less, and in which: not more than three bedrooms within the dwelling are used to provide such sleeping accommodation; the dwelling is the principal residence of the persons receiving the remuneration and providing the sleeping accommodation and one meal per day; and the meal which is provided is served before noon each day.

6.1.3. **Administrator** means the administrator of the Village of Pierceland.

6.1.4. **Agricultural Related Commercial** means grain and seed storage, cleaning and drying; fertilizing mixing sales (subject to provincial regulations) livestock and poultry breeding services abattoirs; and other agriculturally related services.

6.1.5. **Alcohol Sales** means premises operated by a person who is licensed by the Saskatchewan Liquor and Gaming Authority to sell beer, wine or spirits for consumption off-site.

6.1.9. **Building** means an structure constructed or placed on, in or over land, but does not include a public roadway, sidewalk or driveway.

6.1.6. **Amusement Park** means development including go-cart, paint ball and miniature golf facilities,

6.1.10. **Building, Accessory** means a subordinate detached building appurtenant to a principal building or principal use and located on the same lot.

6.1.11. **Building Bylaw** means the Bylaw of the Village of Pierceland regulating the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

6.1.12. **Building Floor Area** means the sum of the habitable gross horizontal area of all floors of a building excluding in the case of a dwelling, the floor area used for and devoted to mechanical equipment, laundry, storage, swimming pools, private garage, porch veranda, or sunroom. All dimensions shall be measured between exterior faces of walls or supporting columns, or from the centre line of the walls or supporting columns separating two buildings. For the purpose of this Bylaw, the term 'storage' means the keeping or placing of trunks, luggage or similar articles in a place designed therefore, but shall exclude clothes closets, linen closets, broom cupboards, kitchen and bathroom cupboards of whatsoever nature.

6.1.13. **Building Footprint** means the sum of the habitable gross horizontal area of the main floor of a private dwelling excluding any private garage, porch, veranda, sun lounge, deck.

6.1.14. **Building Height** means the vertical distance measured from the 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.

6.1.15. **Building Permit** means a permit, issued under the Building Bylaw of the Village of Pierceland authorizing the construction or all or part of any structure.

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

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

6.1.18. **Cemetery** means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes or human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

6.1.19. **Club** means a group of people organized for a common purpose, to pursue common goal, 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.

6.1.20. **Commercial, Retail** means the sale or display of merchandise to the public, including the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment.

6.1.21. **Communications Towers** means a structure that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

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

6.1.23. **Comprehensive Development Review (CDR)** means a land use plan created by a land developer for a specific local area that identifies social, environmental, health and economic issues which the proposed development addresses.

6.1.24. **Concept Plan** means a plan appended to the District Official Community Plan, based upon legislative authority provided within *The Act* prepared by or for Village Council for the examination of the future land uses, essential services and facilities, transportation systems, development density and sequencing of development for areas of the Village exhibiting common future development opportunities and challenges, subsequent to designating land must be consistent with the District Official Community Plan.

6.1.25. **Condominium** means a multiple unit dwelling that is registered by condominium plan.

6.1.26. **Construction Trades** means 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.

6.1.27. **Convenience Store** means a retail commercial establishment supplying limited groceries and other daily household necessities to the immediate surrounding area.

6.1.28. **Corner Lot** means a lot at the intersection or junction of two or more streets.

6.1.29. **Correctional Facility** means either 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 a facility for the accommodation of persons participating in a community training program pursuant to *The Correctional Services Act*.

6.1.30. **Council** means the Council of the Village of Pierceland.

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

6.1.32. **Day Care Centre** means a child care facility, located in a non-residential building, for the

non-parental care of over four (4) preschool age children on a daily basis and licensed by the Province of Saskatchewan under The Child Care Act.

6.1.33. **Day Care Home** means a child care facility located in a building where the principal use is a dwelling unit, and which is licensed by the Province of Saskatchewan pursuant to The Child Care Act.

6.1.34. **Deck** means a raised platform with or without rails that may be attached to a principal building.

6.1.35. **Development** means the carrying out of any building, engineering, mining or operations in, on, or over land, or the making of any material change in the use of intensity of the use of any building, or land.

6.1.36. **Development Agreement** means the legal agreement between a developer and the Village which specifies the obligations and the terms and conditions for the approval of a development pursuant to provisions of *The Act*.

6.1.37. **Development Permit** means a permit issued pursuant to this Bylaw that authorizes development but does not include a Building Permit.

6.1.38. **Discretionary Use** means a use or development, specified in this Bylaw which may be allowed following application to and approval of, the Council, and which complies with the development standards contained in this Bylaw as required by Council.

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

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

6.1.41. **District Official Community Plan** means the North of Divide District Official Community Plan.

6.1.42. **Dwelling Unit** means a separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components, but does not include boarding houses or rooming units. 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.

6.1.43. **Dwelling, Mobile Home** means a factory built home that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis to be used as a one unit dwelling, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.

6.1.44. **Dwelling, Modular** mean an entire and transportable, single or multiple section single residential home that has its finished sections pre-built in a factory for transport to the site for installation, built according with the Canadian Standards Association Code CSA-A277 standard.

6.1.45. **Dwelling, Multiple Unit** means a building divided into four or more dwelling units as herein defined and shall include town or row houses and apartment houses but not hotel/motels.

6.1.46. **Dwelling, Semi-Detached** means a dwelling unit on its own site, attached to another dwelling unit on its own site, with a common wall dividing the two dwelling units throughout at least 40% of the length of the entire structure, measured from the front to the rear building lines.

6.1.47. **Dwelling, Single Detached** means a detached dwelling consisting of one dwelling unit, occupied or intended to be occupied as a permanent home or residence but shall not include a Dwelling, Modular or Dwelling, Mobile Home.

6.1.48. **Dwelling, Townhouse** means a dwelling unit on its own site, attached to three 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.

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

6.1.50. **Fence** means a structure used to enclose or screen areas of land.

6.1.51. **Financial Institution** means a bank, credit union, trust company or similar establishment.

6.1.52. **Food Service** means 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.

6.1.53. **Forest Product Processing** means a value-added processing operation that manufactures, packages, labels, distributes, or stores any forest products.

6.1.54. **Frontage** means the side of a lot abutting the street; in the case of a corner lot, the shorter sides shall be considered as the frontage. Where a pie shaped or non-rectangular lot is involved, the average width of the lot shall be considered as the

value for calculating the minimum frontage requirement of a lot.

6.1.55. **Garden Suite** means a detached one unit dwelling, mobile home or modular home, or secondary suite which is temporarily located within or in the yard of an existing residential dwelling unit intended to provide accommodation for a specific person or persons who are physically dependent on the residents of the existing residential dwelling unit or to provide accommodations for a caregiver of whom a specific person or persons residing in the existing residential dwelling unit is physically dependent.

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

6.1.57. **General Industrial** means 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

- d) 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.
- e) the storage or transshipping of materials, goods and equipment, including warehouses.
- f) the training of personnel in general industrial operations.
- g) indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.

6.1.58. **Golf Course** means a public or private area operated for the purpose of playing golf and may include accessory uses and facilities including but not limited to club houses, driving ranges and food and beverage facilities.

6.1.59. **Grade Level** means the finished ground elevation at the front of the building midway between the corners of the building.

6.1.60. **Health Care Clinic** means 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 outpatient basis.

6.1.61. **Home Based Business** means the conduct of a business from a residential dwelling unit or an accessory building where residents operate the business and the use is secondary to the residential use of the premises.

6.1.62. **Home Occupation** means an ancillary use to a residential unit carried on as an occupation conducted for gain in a dwelling unit solely by the resident or residents with no signage, customer parking or outside employees.

6.1.63. **Hospital** means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences.

6.1.64. **Hotel/Motel** means 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.

6.1.65. **Institutional Camp** means an area of land containing sleeping accommodations and facilities which are used to provide short term accommodation for persons engaged in passive or active recreation or leisure, which, without limiting the generality of the foregoing, shall include the following: children's camp or establishment, religious camp, artist's camp, retreat, educational camp, recreational camp, sports camp or other similar camp or establishment.

6.1.66. **Intersection** means an area where two or more streets cross, or meet, at grade.

6.1.67. **Kennel** means the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

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

6.1.69. **Lot** means an area of land under one title or ownership with fixed boundaries and which is of record in the Land Titles Office by Certificate of Title.

6.1.70. **Lot Coverage** means that portion of the lot that is covered by principal and accessory buildings.

6.1.71. **Lot Line, Front** means the line that divides the lot from the street. In the case of a corner lot, the front lot line shall mean the line separating the narrowest street frontage of the lot from the street.

6.1.72. **Lot Line, Rear** means the line at the rear of the lot and opposite the front lot line.

6.1.73. **Lot Line, Side** means a lot line other than a front or rear lot line.

6.1.74. Lounge means 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.

6.1.75. Mayor means the Mayor of the Village of Pierceland.

6.1.76. Minister means the member of the Executive Council to whom, for the time being, is assigned the administration of The Act.

6.1.77. Mobile Home Park means any tract or parcel of land on which two or more occupied mobile homes are permitted to be located whether or not a charge is paid for the use thereof, and includes any building or structure used or intended to be used as part of the equipment of such Mobile Home Park, but does not include an industrial or construction camp or any such tent or trailer coach that is not a mobile home.

6.1.78. Municipal Facility means land and/or structures owned by a municipality that are used for:

- a) office and meeting space;
- b) storage or municipal equipment and supplies;

- c) recreation; and
- d) other institutional uses.

6.1.79. Night Club means an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted.

6.1.80. Non-Accessory Parking means vehicular parking that is not primarily intended for the use of residents, employees, or clients of a particular development. Typical uses include surface parking lots and parking structures above or below grade.

6.1.81. Non-Conforming Building means a building:

- a) that is lawfully constructed or lawfully under constructed, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto 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 no or when constructed, will not comply with this Bylaw.

6.1.82. **Non-Conforming Use** means a lawful specific use:

- a) being made of land or a building or intended to make of a building lawfully under construction, or in respect to which all required permits have been issued, at the date this Bylaw or any amendments hereto affecting the land or building becomes effective; and
- b) that on the date this Bylaw or any amendments 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.

6.1.83. **Office** means 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 trade are stored, transhipped, sold or processed.

6.1.84. **Park** means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally significant areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation

areas, buffers, nature interpretation areas, and similar land uses.

6.1.85. **Parking Space** means a space within a building or parking lot for the parking of one automobile including convenient access to a public land or street.

6.1.86. **Permitted Use** means a use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations applicable to the zoning district.

6.1.87. **Personal Service** means an establishment engaged in providing the care of a person or their clothing, including barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, and photographic studios.

6.1.88. **Place of Worship** means 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.

- 6.1.89. **Principal Building** means a building which:
- a) occupies the major central portion of a site; or
 - b) is the main building among one or more buildings on the site; or
 - c) constitutes by reason of its use the primary purpose for which the site is used; and
 - d) there shall be no more than one principal building on each site unless specifically permitted otherwise in this Bylaw.

6.1.90. **Principal Use** means the main or primary activity for which a site or its buildings are designed, arranged, developed, or intended, or for which it is occupied or maintained. There shall be no more than one principal use on a site unless specifically permitted otherwise in this Bylaw.

6.1.91. **Public Utility** means a government, municipality or corporation under Federal or Provincial statute which operates a public work.

6.1.92. **Recreation, Passive** means a recreational land use that does not require significant development upon the site and does not lessen the natural character of the area.

- 6.1.93. **Recycling Collection Depot** means a building or structure used for collection and temporary storage of recyclable household material such as bottles, cans, plastic containers and paper. The following shall not be allowed at a recycling collection depot:
- a) processing of recyclable material other than compaction.
 - b) Collection and storage of paints, oil, solvents or other hazardous material.
 - c) outdoor compaction.

6.1.94. **Residential Care Facility** means 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.

6.1.95. **Sawmill, Portable** means a mill which is clearly of a temporary nature and is designed, constructed or manufactured to be moved from one place to another and does not rest upon a permanent foundation or permanent supports.

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 auto body repair and painting.

6.1.96. **School** means a body of pupils that is organized as a unit for educational purposes, that comprises one or more instructional groups or classes, together with the principal and teaching staff and other employees assigned to such body of pupils, and includes the land, buildings or other premises and permanent improvements used by and in connection with that body of pupils.

6.1.99. **Shopping Centre** means a building with more than one retail outlet, office and/or commercial establishment that is either a strip mall or enclosed shopping mall structure and must contain only the permitted and discretionary uses for the zone that it is constructed in.

6.1.97. **Secondary Suite** means a separate set of living quarters within a principal or secondary residential dwelling unit or accessory building whether occupied or not, containing independent and physically separate sleeping, sanitary and kitchen facilities. Kitchen facilities include but are not limited to cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or any other cooking appliances and kitchen tables and chairs.

6.1.100. **Should, Shall or May** means:

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

6.1.98. **Service Station** means a place where petroleum products are kept for retail sales for

6.1.101. **Sign** means any device, letter, figure, symbol, emblem, or picture, which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which identifies or

advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street or thoroughfare.

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

6.1.103. **Sign, Fascia** means 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 m (10 in) from such building or structure.

6.1.104. **Sign, Free-Standing** means a non-moveable sign not affixed to a building or structure and which is supported by a pole or similar structure.

6.1.105. **Sign, Projecting** means a sign which is wholly or partially dependent upon a building for support and which projects more than 0.25 m (10 in) from such building.

6.1.106. **Sign, Roof** means 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 of the deck line of a building with a mansard roof.

6.1.107. **Site** means one or more contiguous lots under one title and used, or intended to be used for a single principal use and principal building.

6.1.108. **Site Triangle** means a triangular shaped portion of land established at a street intersection bounded by the street lines and a line joining points on the street lines a distance of 7.5 m (24.6 ft) from the intersection.

6.1.109. **Special Care Home** means a nursing home, supervisory care home, sheltered care home or other facility used for the purpose of providing supervisory care, personal care or nursing care.

6.1.110. **Street** means a public thoroughfare which affords the principle means of access to the abutting property.

6.1.111. **Structure** means anything that is built, constructed or erected, located on the ground, or attached to something located on the ground.

6.1.112. **Structural Alteration** means the construction or reconstruction of supporting elements of a building.

6.1.113. **Theatre** means a building or structure for the performing arts or the showing of motion pictures.

6.1.114. **Tourist Camp** means a facility which has two or more cabins for the accommodation of the travelling public and may also have provision for the accommodation of trailers, tent trailers, tents and recreational vehicles.

6.1.115. **Tree Nursery** means the use of land for raising shrubs, trees and bedding plants.

6.1.116. **Veterinary Clinic** means 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

6.1.117. **Warehouse** means a building used primarily for the storage of goods and materials.

6.1.118. **Wholesale Establishment** means 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.

6.1.119. **Wind Energy Converter System** means up to one (1) wind energy system consisting of a wind turbine, tower, and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility power for a single site. A Wind Energy Converter System may be free standing or attached to a principal or accessory building. For the purpose of this Bylaw the following applies to WECS:

- a) **BLADE** means an element of a WECS rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.
- b) **BLADE CLEARANCE** means in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.
- c) **HORIZONTAL AXIS ROTOR** means a wind energy conversion system, typical of conventional or traditional windmills, where the rotor is mounted

- on a downward 5 percent angle to the earth's surface.
 - d) OVER SPEED CONTROL a device which prevents excessive rotor speed.
 - e) ROTOR'S ARC means the largest circumferential path traveled by a WECS' blade.
 - f) TOTAL HEIGHT means the height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.
 - g) TOWER means the structure which supports the rotor above grade.
 - h) VERTICAL AXIS ROTOR means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.
- 6.1.120. Yard means any part of a lot unoccupied and obstructed by any principal building.
- 6.1.121. Yard, Front means a yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building or structure on the lot.

6.1.122. Yard, Rear means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the principal building or structure on the lot.

6.1.123. Yard, Side means a yard extending across the full width of a lot between the side lot line and the nearest main wall of the principal building or structure on the lot.

6.1.124. Village means the Village of Pierceland.