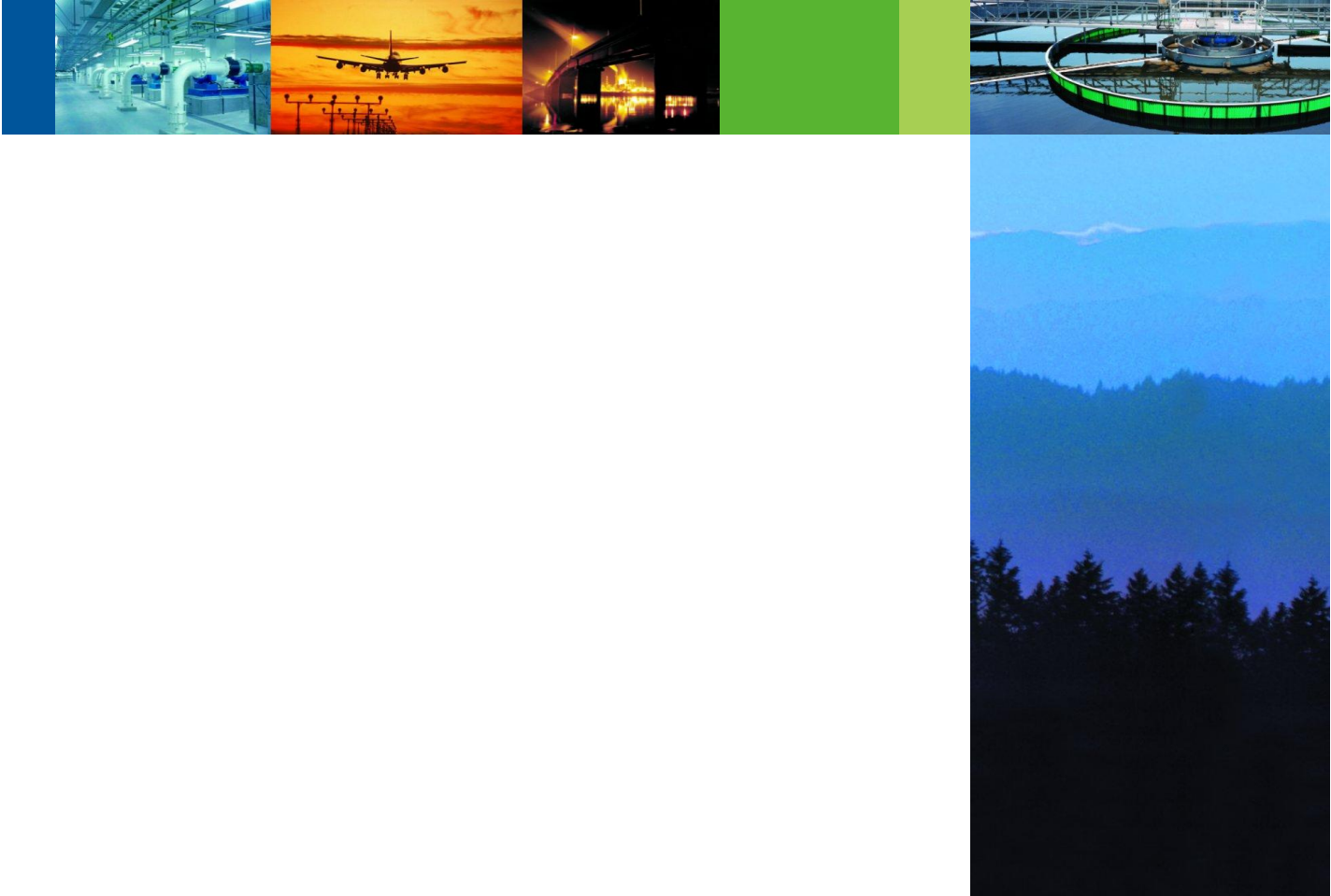


# Draft Report

## Town of Choiceland

### Zoning Bylaw

March 2013



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# 1 Introduction

## 1.1 AUTHORITY

Under the Authority of The Planning and Development Act, 2007, the Mayor and Council of the Town of Choiceland in the Province of Saskatchewan, in open meeting, hereby enact as follows:

## 1.2 TITLE

The Bylaw shall be known and may be cited as the “Zoning Bylaw” of the Town of Choiceland.

## 1.3 PURPOSE

- 1.3.1 The purpose of this Bylaw is to regulate development and to control the use of land in the Town of Choiceland.
- 1.3.2 The intent of this Bylaw is to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the Town:
  - a. to minimize land use conflicts
  - b. to establish minimum standards to maintain the amenity of the Town
  - c. to ensure development is consistent with the physical limitations of the land
  - d. to restrict development that places undue demand on the Town’s infrastructure.

## 1.4 SCOPE

Development shall hereafter be permitted within the limits of the Town of Choiceland only when in conformity with the provisions of this Bylaw.

## 1.5 SEVERABILITY

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





## 2 Definitions

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

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

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

**Administrator** - the Town Administrator of the Town of Choceland.

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

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

**Apartment** - a building divided into three or more dwelling units, unless otherwise defined, each of which is occupied or intended to be occupied as the permanent home or residence, not including a hotel, motel or rooming house.

**Bed and Breakfast** - a facility in a single detached dwelling, licensed as an itinerant use accommodation under *The Public Accommodation Regulations*, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the travelling public for a charge.

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

**Building, Accessory** - a subordinate building detached from a principal building, located on the same lot, the purpose of which is to enclose a use accessory to or part of the principal use.

**Building Bylaw** - a Bylaw of the Town of Choceland regulating the erection, alteration, repair, occupancy or maintenance of buildings and structures.

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

**Building Permit** - a permit issued under the Building Bylaw of the Town of Choceland, authorizing the construction of all or part of any building or structure.

**Building, Principal** - a building within which the principal use of the lot is housed or conducted.

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

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

**Community Centre** - a facility operated by the Municipality or a non-profit organization for meetings, recreational activities and similar uses and open to the general public.

**Council** - the Council of the Town of Choiceland.

**Day Care Centre** – a facility providing for the care, supervision and protection of children (or adults) but does not include the provision of overnight supervision.

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

**Development Permit** - a document issued by the Development Officer of the Town of Choiceland that authorizes development pursuant to this Bylaw, but does not include a building permit.

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

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

**Dwelling Unit** - one or more rooms that may be used or intended to be used as a residence, each unit having sleeping, cooking and toilet facilities.

**Dwelling, Duplex** - a building that is divided horizontally into two dwelling units.

**Dwelling, Multiple Unit** - a building divided into three or more dwelling units as defined here and shall include, amongst others, Town of Choiceland or row houses and apartments as distinct from a rooming house or boarding house, hotel and motel.

**Dwelling, Semi-Detached** - a building that is divided vertically with a common party wall with no openings which separates the entire structure into two dwelling units with separate exterior entrances for each unit.

**Dwelling, Single Detached** - a building containing one dwelling unit as defined here; and occupied or intended to be occupied as a permanent home or residence, including a modular home or ready to move (RTM) home when attached to its foundation on the lot, but not including a mobile home as defined.

**Dwelling, Townhouse (Row Housing)** - a building divided vertically into three or more attached dwelling units with common side walls under one roof, each having a separate exterior entrance.

**Family Child Care Home** - a child care facility located in a building where the principal use is a dwelling unit, and which is pursuant to *The Child Care Act*.

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

**Frontage** – the length of the front lot line.

**Garage, Private** - a building or part of a building or a carport used or intended to be used for the storage of motor vehicles for each dwelling unit to which the garage is accessory and wherein neither servicing nor repairing of such vehicles is carried on for remuneration.

**Garage, Public** - a building or part of a building other than a private garage, operated for remuneration, and which is used for the storage, care, repair, servicing, or equipping of motor vehicles or where such vehicles are kept for remuneration, hire, sale or display.

**Gas Bar** - a commercial facility predominately for the sale of gasoline, diesel and propane, and may offer the sale of other petroleum products, vehicle accessories, fast foods, dry goods and groceries.

**Grade Level** - the average elevation of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Gross Floor Area** - the total floor area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each storey below, at and above grade, excluding attics, balconies, boiler rooms, electrical or mechanical rooms, and basement areas used exclusively for parking or storage.

**Home Based Business** - a business, occupation, trade, profession, craft or an office for the administration of an off-site business customarily for gain conducted entirely within a residential building or accessory building by the residents, and where the use is clearly ancillary and secondary to the residential use and does not change the character of the dwelling nor create a public nuisance as a result of noise, traffic, pollution or parking.

**Hotel** - building or structure or part of a building or structure where sleeping accommodations are provided for tourists and travelers, and where a guest register is kept, but does not include a motel, rooming house or boarding house, or bed and breakfast.

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

**Lot** - an area of land with fixed boundaries under the same ownership and which is on record with the Information Services Corporation (ISC) by Certificate of Title.

**Lot Line, Front** - the boundary that divides the lot from the street, in the case of a corner lot, the front lot line shall mean the boundary separating the narrowest street frontage of the lot from the street.

**Lot Line, Rear** - the boundary at the rear of the lot and opposite the front lot line.

**Lot Line, Side** - a lot boundary other than a front or rear lot line.

**Mayor** - the Mayor of the Town of Choiceland.

**Minister** - the member of the Executive Council to whom, for the time being, is assigned the administration of *The Planning and Development Act, 1977*.

**Mobile Home** - a trailer coach that is used as a dwelling for a permanent or year round living; has water faucets, wash basin, a shower or bathtub, and a toilet that may be connected to a water distribution and sewage collection system; and which is certified by the manufacturer to comply with the Canadian Standards Association Code CSA-Z240.

**Mobile Home Park** - any lot of land on which two or more occupied mobile homes are located and includes any structure used or intended to be used as part of the equipment of such mobile home park, but does not include an industrial or construction camp or tourist campsite.

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

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

**Modular Home** - 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 one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.

**Motel** - a building or group of buildings on a lot designed and operated to provide individual rental units for the use of the traveling public, each unit containing at least a bedroom and bathroom and providing convenient access to a parking space for the use of the occupants of the unit.

**Non-Conforming Building** - a building:

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

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

**Non-Conforming Use** - a lawful specific use:

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

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

**Parking Space** - a space within a building or parking lot with convenient access to a public lane or street, for the parking of one automobile.

**Permitted Use** - a use of land or buildings or form of development that is prescribed in the Zoning Bylaw as a use that is allowed on a parcel.

**Personal Service Establishment** - a building or part of a building in which persons are employed in the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects, but excludes any adult or sexually explicit services.

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

**Public Work** - means:

- a. systems of the production, distribution or transmission of electricity
- b. systems for the distribution, storage or transmission of natural gas or oil
- c. facilities for the storage, transmission, treatment, distribution or supply of water
- d. facilities for the collection, treatment, movement or disposal of sanitary sewage or garbage

- e. microwave and cell phone tower communication facilities
- f. telephone, internet, cable television, optical cable or light distribution or transmission lines
- g. facilities for the collection storage, movement and disposal of storm drainage.

**Ready to Move (RTM) Home** - a new single detached dwelling constructed off lot to National Building Code or CSA –A277 standards to be moved onto a new permanent residential lot building foundation.

**Recycling and Collection Depot** - a building or structure intended to accommodate the collection, sorting, processing and temporary storage of recyclable household materials such as bottles, cans, plastic containers, electronics, paper and paint that would otherwise be considered waste; but does not include any outdoor processing or storage.

**Residential Care Facility** - a facility licensed under provincial statute to provide, in a residential setting, 24 hour long term residential, social, physical or personal care, including accommodation, meals, supervision or assistance for persons who have limits on ability for self-care or self-supervision, and who are unrelated to the operator or owner.

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

**Rooming or Boarding House** - a building containing more than one rooming unit.

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

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

**Service Station** - a building or part of a building used for the retail sale of lubricating oils and gasoline, and which may include the retail sale of motor vehicle accessories, the servicing and repair of motor vehicles, a restaurant, car wash, fast foods, dry goods, groceries or vehicle sales lot as accessory uses.

**Shopping Centre** - a group of permitted and discretionary uses located on the same lot in one or more buildings for mutual benefit including off-street parking and other joint facilities.

**Sign** - any device, letter, figure, symbol, emblem or picture, which is affixed to or represented directly or indirectly upon the exterior of a building, structure or a 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.

**Site** - one or more contiguous lots under one ownership and used, or intended to be used, by a single principal use or occupied by a building or a permitted group of buildings, and the customary accessory uses and open spaces belonging to the same.

**Special Care Home** - a facility licensed pursuant to *The Housing and Special-Care Homes Act* which provides full-time convalescent or chronic care to persons who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves, including nursing homes.

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

**Structure** - anything that is built, constructed or erected on, in or over land excluding sidewalks, pavement, curbs, open ground surface areas or is attached to something located on or in the ground.

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

**Tourist Campground** - a lot which provides for the location of tents or trailer coaches used by travellers and tourists for overnight accommodation.

**Town** - the Town of Choceland.

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

**Units of Measure** - units of measure in this Zoning Bylaw are metric abbreviated as follows:

m - metre  
m<sup>2</sup> - square metre(s)  
km - kilometres  
ha - hectare(s)

**Yard** - any part of a lot unoccupied and unobstructed by any buildings or structures.

**Yard, Front** - a yard extending across the full width of a lot between the front lot line and the nearest wall of the principal building or structure on the lot.

**Yard, Rear** - 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.

**Yard, Side** - a yard extending from the front yard to the rear yard between the side lot line and the nearest wall of the principal building or structure on the lot.





## 3 Administration

### 3.1 DEVELOPMENT OFFICER

The Town Administrator, including any person acting under the authority, direction and with written consent of the Town Administrator, shall be the Development Officer responsible for the administration of this Bylaw.

### 3.2 DEVELOPMENT PERMIT

- 3.2.1 No person shall undertake a development or commence a use unless a development permit has first been obtained, except as provided in Section 3.2.3.
- 3.2.2 A development permit cannot be issued in contravention of any provisions of the Zoning Bylaw or the Official Community Plan except as provided in an appeal pursuant to the Act.
- 3.2.3 A development permit is not required for the following, but all other applicable provisions of the Zoning Bylaw shall apply:
  - a. the construction or maintenance of a public work by the municipality or a public utility
  - b. the installation of a public work on any street or other public right-of-way by the municipality
  - c. a municipal facility installed and operated by the municipality
  - d. maintenance and repairs that do not include structural alterations
  - e. accessory buildings and structures less than 9.0 m<sup>2</sup> in area
  - f. fences
  - g. a temporary building, the sole purpose of which is incidental to the construction or alteration of a building for which a building permit has been granted.
- 3.2.4 A building permit shall not be issued unless a development permit, where required, has also been issued.
- 3.2.5 If the development or use authorized by a development permit is not completed within twelve months from the date of issue of a permit, the permit is deemed void unless an extension has been granted by the Development Officer for a permitted use or by Council for a discretionary use, prior to expiry.

### 3.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- 3.3.1 The application for a development permit shall be made to the Development Officer, on a prescribed form, in accordance with the requirements of this Zoning Bylaw.

- 3.3.2 The application shall be accompanied by two (2) copies of a site or building plan, drawn to scale, showing dimensions and locations of existing and proposed buildings and structures as well as all site lines. Where no new construction is proposed the applicant shall supply a written description of the proposed development in place of such plans.
- 3.3.3 Where the application is for a discretionary use the applicant shall, in addition, provide a written description of the proposed development, describing the intended use and operations, structures to be located on the site, required municipal services, and any other information that the Development Officer determines is necessary to fully review the proposed development.

### 3.4 REFERRAL TO COUNCIL

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

### 3.5 ISSUE OF PERMITS

- 3.5.1 Upon completion of the review of an application for development, the Development Officer shall:
- a. for a permitted use, issue a development permit for a development that complies in all respects with the requirements of the Zoning Bylaw, the Official Community Plan and the Act, incorporating any special regulations, performance standards or development standards as authorized by the Zoning Bylaw
  - b. for a permitted use, issue a refusal, where the application does not comply with a provision or regulations of the Zoning Bylaw, stating the reason for refusal and advising the applicant of the right to appeal
  - c. issue a refusal, where the application is for a use that is not provided for in the Zoning District in which the property is located
  - d. Where an application is made for a development permit with respect to a development of a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards and time limits prescribed by Council pursuant to Section 56 of the Act.
- 3.5.2 Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.
- 3.5.3 The Development Officer may revoke or suspend a development permit where an approved development is not being developed in accordance with the provisions of the Zoning Bylaw, or in accordance with the standards and conditions specified in the

development permit. The development permit shall not be reissued or reinstated until all deficiencies have been corrected.

- 3.5.4 The Development Officer shall give the reasons in writing for denying or revoking a development permit.

### **3.6 DISCRETIONARY USE DEVELOPMENT PERMIT PROCESS**

- 3.6.1 Applicants must file with the Development Officer a development permit application in accordance with Section 3.3.
- 3.6.2 The application will be examined by the Development Officer for conformance with the Official Community Plan, the Zoning Bylaw, and any other applicable policies and regulations.
- 3.6.3 The Development Officer may request comments from other government agencies or interested groups that may be considered appropriate.
- 3.6.4 The Development Officer will set a date for the meeting at which the application will be considered by Council and will give written notice by ordinary mail to assessed owners of property within a 75.0 m radius of the boundary of the application.
- 3.6.5 The Development Officer will prepare a report for Council concerning the application including recommendations of conditions that may be applied to an approval.
- 3.6.6 Council shall consider the application along with the recommendations of the Development Officer, and any written or verbal submissions received by Council.
- 3.6.7 Council shall make a decision on a discretionary use, by resolution, that approves or refuses the discretionary use on that lot, and that instructs the Development Officer to:
- a. issue a development permit incorporating any specific development standards set forth by Council, where the development will comply with the standards of the Zoning Bylaw, subject to the limitations of Section 56 of the Act and advising the applicant of any right of appeal that he/she may have
  - b. issue a development permit incorporating any specific development standards set forth by Council, where the applicant submits an amended application so that the development will comply with the standards of the Zoning Bylaw, subject to the limitations of Section 56 of the Act and advising the applicant of any right of appeal that he/she may have
  - c. issue a notice of refusal to the applicant, stating the reasons for the refusal, and advising the applicant of any right of appeal that he/she may have.

### 3.7 LIMITATIONS ON DISCRETIONARY USE APPROVALS

#### 3.7.1 Validity of Discretionary Permits

A new discretionary use approval is required from Council where Council has previously approved a discretionary use, or a specific discretionary intensity of use and:

- a. the use ceased and was replaced by another use
- b. the use ceased for a twelve (12) month period or more
- c. the use is not started within six (6) months of completion of the building required for the approved use
- d. a use requiring a construction of a building is not started within twelve (12) months
- e. the applicant applies to increase the specifically approved intensity of use.

#### 3.7.2 Time Limited Discretionary Use

Where Council has approved a discretionary use for a limited time as provided in the 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.

### 3.8 DEVELOPMENT APPEALS

- 3.8.1 Council shall appoint a Development Appeals Board in accordance with Sections 213 to 227 of the Act.
- 3.8.2 A person who wishes to appeal to the Development Appeals Board shall, within 30 days of receiving the permit or refusal, file a written notice of intention to appeal with the secretary of the Board, together with a sum of not more than \$50.00 that the Board may specific to be applied to the expenses of the appeal.
- 3.8.3 The Development Appeals Board has the powers given by the Act to allow variances to the standards of the Zoning Bylaw, including standards and conditions specified for a permitted use or a discretionary use.
- 3.8.4 Nothing in this Section allows a Development Appeals Board to vary a refusal to grant a use or an appeal for a use or intensity of use not permitted in a Zoning District.
- 3.8.5 Nothing in this Section allows a Development Appeals Board to vary a refusal by Council to approve a discretionary use or intensity of a discretionary use provided for in the Zoning Bylaw for a Zoning District.
- 3.8.6 An application for a development permit for a permitted use shall be deemed to be refused when the Development Officer has not issued a decision more than 40 days from the date

the application was received by the Development Officer in its complete and final form. An appeal may then be made as though the application had been refused at the end of 40 days.

### **3.9 FEE FOR ZONING AMENDMENT APPLICATION**

- 3.9.1 Where a person requests Council to amend the Official Community Plan or Zoning Bylaw, that person shall pay to the Municipality a fee equal to the costs associated with the public advertisement of the proposed amendment, pursuant to the requirements of Part X of the Act.
- 3.9.2 Council may undertake any additional public consultations that it considers desirable respecting a proposed amendment to the Official Community Plan or Zoning Bylaw, at its own cost.

### **3.10 FEE FOR DEVELOPMENT PERMITS**

- 3.10.1 An applicant seeking approval of a development permit application shall pay to the Municipality a fee of \$100.00.
- 3.10.2 There shall be no development permit application fee for accessory buildings to a residential use or for sign permits.

### **3.11 DISCRETIONARY USE APPLICATION FEES**

An applicant seeking approval of a discretionary use approval shall pay to the Municipality a fee of \$200.00. The application fee relates to application for both discretionary use approval and issuance of a development permit.

### **3.12 REFERRAL UNDER THE PUBLIC HEALTH ACT**

A copy of all approved development permit applications involving the installation of water and sanitary services shall be made available by the Development Officer, should such information be requested by provincial officials under the Public Health Act and Regulations.

### **3.13 MINOR VARIANCES**

- 3.13.1 The Development Officer may grant a variance of up to 10% of any yard requirement or minimum required distances between buildings for a use that is a permitted or discretionary use as specified in the Zoning Bylaw. All such variations shall be subject to the conditions and granted in accordance with Section 60 of the Act.

3.13.2 The Development Officer shall maintain a registry of the location and all relevant details of the granting of such variances.

3.13.3 An application for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of \$50.00.

**3.14 OFFENCES AND PENALTIES**

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

## 4 General Regulations

The following regulations shall apply to all Zoning Districts:

### 4.1 LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

- 4.1.1 Development must comply with the provisions of this Zoning Bylaw, whether or not a permit has been issued for the development.
- 4.1.2 Nothing in this Bylaw shall exempt any person from complying with the requirements of a building regulation Bylaw or any other Bylaw in force within the Town of Choiceland or from obtaining any license, permission, permit authority or approval required by this or any other bylaw of the Town of Choiceland. Where provisions in this Zoning Bylaw conflict with those of any other municipal, provincial or federal requirements; the higher or more stringent regulations shall prevail.

### 4.2 NON-CONFORMING BUILDINGS, SITES AND USES

- 4.2.1 Where a building has been erected on or before the effective date of this Zoning Bylaw on a site having less than the minimum dimensions or area, or having less than the minimum yards required by this Zoning Bylaw, the use may be continued and the building may be enlarged, reconstructed, 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 Zoning Bylaw
  - b. all other applicable provisions of this Zoning Bylaw are satisfied
  - c. issuing of a development permit required by this Zoning Bylaw.
- 4.2.2 Where a use or intensity of use is being undertaken for part of a lot or part of a building that conform to the bylaws in effect before this Zoning Bylaw or before an amendment to this Zoning 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.
- 4.2.3 Where a building was constructed or a lot created under a bylaw using the Imperial System of Measurement, a standard under that bylaw that was converted and rounded to an approximate metric measure in a subsequent bylaw, shall be deemed equivalent for the purpose of regulation of that lot or building.

### 4.3 FRONTAGE ON ROAD

No development permit shall be issued unless the lot intended to be used abuts or has frontage on an existing public road.

### 4.4 ESTABLISHED BUILDING LINES

Where a front building line in a residential district has been established by existing buildings in a block, and is less than 6.0 m from the street line, new construction may conform to the established building line, provided that the required front yard is not reduced to less than 4.5 m from the street line. Existing buildings where legally built are conforming with respect to the established building line.

### 4.5 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A LOT

Not more than one principal use shall be established and not more than one principal building shall be placed on any one lot, with the exception of schools, hospitals, recreational facilities, community centres, shopping centres, nursing homes, senior citizen homes, multiple unit dwellings and mobile home parks.

### 4.6 BUILDING TO BE MOVED

No building, including, but not limited to any residential, commercial or industrial building, shall be moved within or into the area covered by this Zoning Bylaw without first obtaining a development permit, subject to the standards required for new construction, and to obtaining any other required municipal or provincial permit.

### 4.7 DEMOLITION OF BUILDINGS

No building, residential or otherwise, shall be demolished within the area covered by this Zoning Bylaw without obtaining a development permit from the Development Officer.

### 4.8 GRADING AND LEVELLING OF LOTS

Any lot proposed for development shall be graded and levelled at the owner's expense as is necessary to provide for adequate surface drainage, which drainage shall not adversely affect adjacent property.

### 4.9 WATER SUPPLY AND WASTE DISPOSAL

- 4.9.1 Where available, every residence, and every building containing washroom facilities shall be connected to the municipal sewer and water supply system at the owner's expense.
- 4.9.2 Subject to the Acts and Regulations administered by the Ministries responsible for Health and Environment, no liquid, solid, or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto any land or into the air.



### 4.10 GEOTECHNICAL ANALYSIS REQUIRED

If a proposed development is to be located on a lot that may be subject to flooding, earth movement or instability, or is otherwise unsuitable for development or hazardous for a proposed use, Council may require that a geotechnical report be completed and approved by a Professional Engineer in the Province of Saskatchewan, as a condition of the issuance of the development permit. The report shall indicate the suitability of the lot, or lots, for development and any remedial measures required to ensure suitability or to ensure that the natural resource base is not irreparably altered. Remedial measures may be specified and conditions in the development permit.

### 4.11 REQUIRED YARDS AND OPEN SPACE

#### 4.11.1 Minimum Yards Required

No portion of any yard or open space required about any principal building or use shall provide any portion of a yard or open space for any other principal building or use.

#### 4.11.2 Permitted Projections in Required Yards

The following projections in required yards are permitted subject to the setback or construction requirements of the National Building Code:

- a. in any front or rear yard, a maximum projection from the main wall of 2.0 m for open balconies, open porches, decks, raised patios, open steps, fire escapes, lighting fixtures, or lamp posts
- b. in any side yard, the construction of an open deck not closer than 0.5 m from the side lot line
- c. in any yard, a maximum projection from the main wall of 0.7 m for the construction of a chimney, sill, cornice, roof overhang, gutters or fire escapes
- d. in any yard, the construction of wheelchair ramps to main floor level, hand rails, uncovered driveways or walkways.

#### 4.11.3 Side Yard Exception

For semi-detached or multiple unit dwellings, no side yard shall be required where dwelling units share a common party wall.

### 4.12 ACCESSORY BUILDINGS AND STRUCTURES

- 4.12.1 Accessory buildings and structures shall be subordinate to, and located on the same lot as the principal building or use, and used in conjunction with that principal use.
- 4.12.2 Except as specifically provided below, accessory buildings shall comply with the yard requirements for a principal building. Any accessory building must be located a minimum of 1.0 m from a principal building and if located in the side yard of the principal building, the side yard setback shall be a minimum of 0.75 m.

- 4.12.3 An accessory building or structure shall not be located in a front yard.
- 4.12.4 Only one carport, or private garage, not exceeding 60.0 m<sup>2</sup> is permitted.
- 4.12.5 No door that could give access for a vehicle to a private garage shall be located less than 1.5 m to a lane to which it gives direct access.
- 4.12.6 Accessory buildings of 9.0 m<sup>2</sup> in area or less are not subject to setback requirements provided that they are located completely in the rear of the lot.
- 4.12.7 Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building including compliance with all yard requirements of the principal building.

### 4.13 OUTDOOR STORAGE

In any Residential District:

- a. No front yard shall be used for the storage of unlicensed or uninsured motor vehicles or of materials or goods of any type
- b. No yard shall be used for the storage of hazardous material
- c. No yard or portion thereof shall be used for the storage of machinery not normally used for the maintenance of a residential property
- d. Outside storage of partially dismantled or inoperative motor vehicles is not permitted.

In Commercial and Industrial Districts, no outdoor storage shall be permitted in the required front yard of the lot, but this shall not limit the customary display of any goods permitted to be sold on the lot.

### 4.14 FENCES AND HEDGES

- 4.14.1 In Residential Districts, no fence, wall, hedge, or other closed landscaping shall be to a height of more than 1.0 m above grade level in any required front yard or more than 2.5 m above grade level in any required side or rear yard.
- 4.14.2 In Commercial and Industrial Districts, no fence, wall, hedge, or other closed landscaping shall be to a height of more than 1.0 m above grade level in any required front yard or more than 3.0 m above grade level in any required side or rear yard.

**4.15 RAILWAY CROSSINGS AND SIGHT DISTANCES**

Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 meters of the point of intersection of the centre line of both the railway and the street.

**4.16 OFF-STREET PARKING**

- 4.16.1 Off-street parking shall be provided in accordance with Table 4-1 below, and associated regulations. Except where specifically noted, all floor areas represent gross floor areas. One space is required for each rate unit or part of a unit.
- 4.16.2 In Residential Districts, off-street parking spaces shall be provided on the site on which the principal use to which the parking pertains is located.
- 4.16.3 Required off-street parking spaces in the C1 - Commercial District may be located on a separate site that is within a convenient walking distance to a maximum of 150 m of the principal building or use, provided such spaces are located within a Commercial or Industrial District.
- 4.16.4 Pursuant to Section 4.16.3, remote parking within a Commercial or Industrial District is permitted provided the owner of the principal use site registers an interest on the parking lot title to ensure that the land remains as a required parking lot in accordance with Section 235 of the Act.

**Table 4-1  
Off Street Parking Requirements**

<b>LAND USE</b>	<b>PARKING SPACES REQUIRED (minimum)</b>
<b>Residential</b>	
Dwelling unit, modular home, RTM home, mobile home	1 space / unit
Bed and breakfast home	1 space / guest room
Secondary suite	1 space / suite
<b>Community Service Uses</b>	
Elementary school	1 space / classroom
High school, college, private school, other educational facility	4 spaces / classroom

<b>LAND USE</b>	<b>PARKING SPACES REQUIRED (minimum)</b>
Hospital	1 space / 3 beds
Special care, residential care, nursing home	1 space / 5 client beds
Day care centre, pre-school	1 space / 20 m <sup>2</sup> of floor area
Places of worship, auditoriums, community centres	3 spaces / 10 fixed seats or 1 space / 20 m <sup>2</sup> of floor area, whichever is the greater
Library, museum, cultural institution	1 space / 37 m <sup>2</sup> of floor area
Lodges, fraternal organizations, social clubs	1 space / 37 m <sup>2</sup> of floor area
Public work	No requirement
<b>Recreational Uses</b>	
Ice rink, curling rink	4 spaces / sheet of ice
Arena	1 space / 10 seats
Parks and playgrounds	No requirement
<b>Commercial Uses</b>	
Retail store, shopping centre (entire area),	1 space / 28 m <sup>2</sup> of floor area
Convenience stores, confectioneries	1 space / 9 m <sup>2</sup> of floor area, minimum 5 spaces
Restaurant	1 space / 4 patron seats
Banks, studios , offices (all types)	1 space / 28 m <sup>2</sup> of floor area
Medical, dental, health care clinics	1 space / 28 m <sup>2</sup> of floor area
Theatres	3 space /10 seats
Lounge, beverage room, night club	1 space / 4 patron seats or 1 space/10 m <sup>2</sup> of floor area
Hotel, motel	1 space / guest room or motel unit
Personal service establishment	1 space / 28 m <sup>2</sup> of floor area

LAND USE	PARKING SPACES REQUIRED (minimum)
All other commercial land uses	1 space / 28 m <sup>2</sup> of floor area
<b>Industrial Uses</b>	
Repair service establishment	1 space / 28 m <sup>2</sup> of floor area
Lumber yards, home improvement centres	1 space / 50 m <sup>2</sup> of floor area
Industrial and manufacturing plants	1 space / 55 m <sup>2</sup> of floor area
Warehousing	1 space / 90 m <sup>2</sup> of floor area

**4.17 PAYMENT OF CASH-IN-LIEU OF REQUIRED OFF-STREET PARKING**

4.17.1 Pursuant to section 61 of the Act, Council may exempt any applicant for a use in the C1 – Commercial District from the requirement of providing off-street parking facilities, where in lieu thereof, the applicant pays or contracts to pay the Town of Choiceland the sum of money calculated by multiplying the number of off-street parking spaces that would otherwise be required by an assessment of 500 times the general mill rate for the year of the development permit.

4.17.2 A person who pays, or contract in writing to pay the required cash-in-lieu of providing off-street parking facilities associated with a development shall be deemed to have met the off-street parking requirements for that development.

**4.18 OFF-STREET LOADING**

4.18.1 In any Commercial or Industrial District, where the use of a building or site involves the receipt, distribution or dispatch of materials, goods or merchandise from vehicles, adequate space for such vehicles to stand during loading or unloading shall be provided on the site in conformity with the following schedule as shown in Table 4-2.

**Table 4-2  
Off Street Loading Area**

GROSS FLOOR AREA	LOADING SPACES REQUIRED
100 m <sup>2</sup> to 1,500 m <sup>2</sup>	1 loading space
1,501 m <sup>2</sup> to 3,000 m <sup>2</sup>	2 loading spaces
Over 3,000 m <sup>2</sup>	2 loading spaces plus 1 for each 6,000 m <sup>2</sup> (or part thereof over 3,000 m <sup>2</sup> )

- 4.18.2 All off-street loading spaces shall be located on the site and be of a sufficient size so that materials and commodities can be easily loaded or unloaded without creating interference with vehicular traffic on a public roadway.

## 5 Special Provisions

This Section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the District.

### 5.1 5.1 DISCRETIONARY USES

- 5.1.1 Discretionary uses and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
- a. site drainage of storm water
  - b. the location of buildings with respect to buildings on adjacent properties
  - c. the access to, number, surface treatment and location of parking and loading facilities including adequate access for pedestrian and vehicle traffic
  - d. vehicle access and egress points shall be provided in suitable locations so as to minimize traffic congestion and hazards
  - e. appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways
  - f. the control of noise, glare, dust, refuse litter and odour
  - g. the screening of parking, storage and other non-landscaped areas from adjacent properties and streets
  - h. landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties and to maintain the character and amenity of the neighbourhood.

### 5.2 HOME BASED BUSINESS

The following conditions apply to any home based business:

- 5.2.1 A home based business may be located in a single detached, semi-detached or duplex dwelling used as the owner's residence and shall be conducted entirely within the dwelling and not permitted in any accessory building.
- 5.2.2 A home based business shall not cause a variation in the residential character and appearance of the dwelling, accessory residential building, or property; except for permitted signage.
- 5.2.3 A home based business shall not create any conflict with the residential area in terms of noise, glare, dust, odour, electrical interference, parking, traffic, or disturbance that would be disruptive to the surrounding land uses.

- 5.2.4 Persons employed within the dwelling in the home based business shall be full time residents of the dwelling.
- 5.2.5 No more than 25% of the gross floor area of the principal building shall be used for a home based business.
- 5.2.6 A permit for a home based business shall be subject to the condition that the permit may be revoked at any time, if in the opinion of the Development Officer, the conditions under which the permit was originally issued are no longer met. Where a permit is revoked the use shall cease immediately.
- 5.2.7 Home based businesses may display one (1) fascia sign, not exceeding 0.4 m<sup>2</sup> in area, identifying the name of the home based business and such sign shall not be illuminated and shall be affixed to the principal building or located as close to the residence as possible.

### **5.3 BED AND BREAKFAST HOMES**

- 5.3.1 Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence.
- 5.3.2 Bed and breakfast homes shall be licensed by the Ministry of Health and shall have a fire safety inspection report prior to occupancy as a bed and breakfast home.
- 5.3.3 In issuing discretionary use approval for a bed and breakfast home, Council may specify up to a maximum of three (3) guest rooms and specify the location in the dwelling of the guest rooms. Any increase in the number of guest rooms shall require a new discretionary approval.
- 5.3.4 Bed and breakfast homes may display one (1) fascia sign, not exceeding 0.4 m<sup>2</sup> in area, identifying the name of the bed and breakfast and such sign shall not be illuminated and shall be affixed to the principal building or be located as close to the residence as possible.
- 5.3.5 Off-street parking shall be provided as in Section 4.16.

### **5.4 SECONDARY SUITES**

- 5.4.1 Secondary suites may be constructed within a single detached dwelling unit in a residential district.
- 5.4.2 There shall only be one secondary suite permitted in a single detached dwelling unit.



- 5.4.3 Secondary suites must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
- 5.4.4 Secondary suites must contain cooking, eating, living, sleeping and private toilet facilities.
- 5.4.5 Secondary suites shall not exceed 35% of the total floor space area, including basements of the dwelling unit.
- 5.4.6 Off-street parking shall be provided as in Section 4.16.

### **5.5 RESIDENTIAL CARE HOMES**

- 5.5.1 Where allowed as a discretionary use a residential care home may be developed in a single detached dwelling unit, subject to obtaining a provincial license, pursuant to the applicable act under which the home is proposed to operate.
- 5.5.2 The residential care home shall maintain the single detached character of the property consistent with the neighbourhood.
- 5.5.3 A residential care home shall meet all the regulations for a single detached dwelling unit as prescribed by the Zoning Bylaw.
- 5.5.4 The operator of the residential care home shall be a permanent resident of the dwelling licensed as a residential care home.
- 5.5.5 The operator shall ensure that adequate supervision and care is available at the home at all times.

### **5.6 FAMILY CHILD CARE HOMES**

- 5.6.1 Where allowed a family child care home may be developed in a single detached dwelling unit, subject to the Child Care Act.
- 5.6.2 The maximum number of child care spaces shall not exceed five (5).
- 5.6.3 The family child care home shall maintain the single detached character of the property consistent with the neighbourhood.
- 5.6.4 The family child care home shall meet all the regulations for a single detached dwelling unit as prescribed by the Zoning Bylaw.
- 5.6.5 The operator of the family child care home shall be a permanent resident of the dwelling.

**5.7 MODULAR HOMES AND READY TO MOVE (RTM) HOMES**

- 5.7.1 All modular homes and RTM homes shall be certified by the manufacturer to comply with CSA-A277.
- 5.7.2 All modular homes and RTM homes shall be placed on a permanent foundation at a standard comparable to a single detached dwelling.
- 5.7.3 Modular homes and RTM homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- 5.7.4 Modular homes and RTM homes shall have architectural features similar or complementary to adjacent and neighbouring homes.

**5.8 MOBILE HOMES**

- 5.8.1 All mobile homes shall be certified by the manufacturer to comply with CSA-Z240.
- 5.8.2 All mobile homes shall be permanently connected to any available water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- 5.8.3 All mobile homes shall be equipped with skirting complementary to the exterior of the mobile home with an accessible removable service panel.

**5.9 ROOMING HOUSES**

- 5.9.1 Rooming houses are subject to the site regulations of a single detached dwelling unit in the zoning district in which they are permitted.
- 5.9.2 Rooming house units shall provide a minimum of 14.0 m<sup>2</sup> of private living space.
- 5.9.3 Heated toilet facilities shall be provided on every floor of a rooming house where there is a rooming house unit.
- 5.9.4 Subject to Section 5.8.3, heated toilet facilities shall be provided for every six (6) rooming house units.

**5.10 SERVICE STATIONS AND GAS BARS**

- 5.10.1 Where a service station or gas bar is located on a corner site, the only point of access shall be located on the flanking street.
- 5.10.2 Fuel pumps and accessory equipment including any fuel sales kiosk on a pump island shall be located at least 6 m from any street line or other property boundary.
- 5.10.3 Except in the M – Industrial District, all automobile parts, dismantled vehicles and similar articles shall be stored within a building or visually screened.



# 6 Zoning District

For the purpose of this Bylaw, the Town of Choiceland is divided into the following Zoning Districts, the boundaries of which are shown on the “Zoning District Map”. Such districts may be referred to by the appropriate symbols.

**Table 6-1  
Zoning District Map Symbols**

<b>Symbols</b>	<b>Districts</b>
UR	Urban Reserve
CS	Community Services
R	Residential
C1	Commercial
C2	Highway Commercial
M	Industrial

## 6.1 ZONING DISTRICT MAP

The map, bearing the statement, “This is the Zoning District Map referred to in Bylaw No. XXXXX”, adopted by the Town of Choiceland signed by the Mayor and Town Administrator under the seal of the Town shall be known as the “Zoning District Map” and such map is hereby declared to be an integral part of this Bylaw.

## 6.2 BOUNDARIES OF THE ZONING DISTRICTS

- 6.2.1 The Boundaries of the Districts referred to together with explanatory legend, notation and reference are shown on the map entitled, “Zoning District Map”.
- 6.2.2 All streets, lanes, and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is located in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 6.2.3 In un-subdivided land, the boundaries of the districts shall be determined by the use of the scale shown on the map.

**6.3 UR - URBAN RESERVE DISTRICT**

The purpose of the UR - Urban Reserve District is to reserve un-subdivided and/or undeveloped lands for future development in compliance with the Official Community Plan.

**6.3.1 6.3.1 Permitted Uses**

The following uses are permitted in the UR-Urban Reserve District:

- a. agricultural uses such as crop farming, grazing, cultivation of land but not including the raising of animals or birds or intensive operations, such as feed lots, poultry or hog farms
- b. market gardens
- c. tree nurseries
- d. veterinary clinics and veterinary hospitals
- e. a maximum of two (2) dwelling units accessory to the principal use and for the use of owners, caretakers, or managers of the principal use
- f. home based businesses subject to Section 5.2
- g. public works, excluding storage yards.

**6.3.2 6.3.2 Discretionary Uses**

The following uses are discretionary uses in the UR – Urban Reserve District

- a. outdoor recreational uses including sports fields, parks, golf courses, curling and skating rinks
- b. tourist campgrounds
- c. cemeteries
- d. public works storage yards.

**6.3.3 6.3.3 Accessory Uses**

Accessory buildings and uses shall be permitted subject to Section 4.12.

**6.3.4 6.3.4 Site Development Regulations**

**Table 6-2  
UR – Urban Reserve District Site Development Regulations**

<b>Minimums</b>	<b>Recreational Uses, Tourist campgrounds</b>	<b>Veterinary Clinics, Hospitals, Cemeteries</b>	<b>Public Works</b>	<b>All Other Uses</b>
<b>Site Area</b>	4.0 ha	1.0 ha	No minimum	16.0 ha

<b>Minimums</b>	<b>Recreational Uses, Tourist campgrounds</b>	<b>Veterinary Clinics, Hospitals, Cemeteries</b>	<b>Public Works</b>	<b>All Other Uses</b>
<b>Yard, Front (m)</b>	15.0	15.0	No minimum	15.0

### 6.3.5 Signage

Signs and billboards are prohibited except for fascia signs showing the name of the occupants, information signs bearing no advertising, signs bearing notice of sale or lease or other information relating to a temporary condition affecting the premises and signs for home businesses (Section 5.2). No sign shall have an area exceeding 0.4 m<sup>2</sup>.

### 6.3.6 Standards for Discretionary Uses

Council will consider applications for discretionary use in the R - Residential District with respect to the applicable regulations and specific standards in Section 4 and Section 5.

### 6.3.7 Rezoning of Land

Council shall only consider a proposed rezoning of land from UR – Urban Reserve District to another land use with respect to the following criteria:

- a. sewer, water and utility services are available to service the development, if required
- b. the proposed development will not be inconsistent with any future use as outlined in the Official Community Plan
- c. the development will not require the development of new streets and utility lines except as may be provided in existing plans
- d. the proposal is not premature.

## 6.4 CS - COMMUNITY SERVICES DISTRICT

The purpose of the CS - Community Services District is to accommodate the orderly development of open spaces, recreational and institutional uses.

### 6.4.1 Permitted Uses

The following uses are permitted in the CS-Community Services District:

- a. community centres
- b. libraries, museums, historic and cultural institutions

- c. schools and other educational facilities
- d. law enforcement facilities
- e. fire halls
- f. municipal facilities
- g. places of worship and ancillary halls
- h. hospitals
- i. special care homes and nursing homes
- j. senior citizen homes
- k. group care facilities
- l. indoor and outdoor recreational uses such as arenas, golf courses, sports fields, curling rinks, skating rinks, tennis courts, and swimming pools
- m. natural and nature like open areas
- n. parks and playgrounds
- o. public works, excluding storage yards.

**6.4.2 Accessory Uses**

Accessory buildings and uses shall be permitted subject to Section 4.12.

**6.4.3 Site Development Regulations**

**Table 6-3  
CS – Community Service District Site Development Standards**

<b>Minimums</b>	<b>Schools, Parks, Playgrounds, Public Works</b>	<b>All Other Uses</b>
<b>Site Area (sq. m)</b>	No minimum	465.0
<b>Site Frontage (m)</b>	No minimum	15.0
<b>Yard, Front (m)</b>	No minimum	6.0.
<b>Yard, Rear (m)</b>	No minimum	7.5 or 25% of the depth of the site, whichever is the greater



<b>Minimums</b>	<b>Schools, Parks, Playgrounds, Public Works</b>	<b>All Other Uses</b>
<b>Yard, side (m)</b>	No minimum	3.0 or ½ the building height whichever is the greatest

#### 6.4.4 Off-Street Parking

Off-street parking shall be provided in accordance with Section 4.16.

#### 6.4.5 Signage

Signs and billboards shall be prohibited except for one (1) information sign for each building or use, not in excess of 2.0 m<sup>2</sup> in area.

### 6.5 R - RESIDENTIAL DISTRICT

The purpose of the R- Residential District is to provide for a mix of different densities of residential development and related uses.

#### 6.5.1 Permitted Uses

The following uses are permitted in the R-Residential District:

- a. single detached dwellings
- b. semi-detached and duplex dwellings
- c. home based businesses subject to Section 5.2
- d. secondary suites subject to Section 5.4
- e. family child care homes subject to Section 5.6
- f. outdoor recreational uses, such as sports fields, parks, playgrounds, and rinks
- g. public works buildings and structures, excluding offices, warehouses and storage yards.

#### 6.5.2 Discretionary Uses

The following uses are discretionary uses in the R-Residential District:

- a. multiple unit dwellings
- b. bed and breakfast homes subject to Section 5.3
- c. daycare centres and pre-schools
- d. senior citizens homes

- e. residential care homes subject to Section 5.5.
- f. modular and Ready to Move (RTM) homes subject to Section 5.7
- g. mobile homes subject to Section 5.8
- h. mobile home parks
- i. rooming houses subject to Section 5.9
- j. places of worship and ancillary halls
- k. lodges, fraternal organizations, social clubs.

**6.5.3 Accessory Uses**

Accessory buildings and uses shall be permitted subject to Section 4.12.

**6.5.4 Site Development Regulations**

**Table 6-4  
Residential District Site Development Regulations – Permitted Uses**

<b>Minimums</b>	<b>Single Detached, Duplex</b>	<b>Semi-Detached per Unit</b>	<b>Recreational Uses, Public Works</b>	<b>All Other Uses</b>
<b>Site Area (sq. m)</b>	360.0 with lane 450.0 without lane	255.0 with lane 315.0 without lane	No minimum	No minimum
<b>Site Frontage (m)</b>	12.0 with lane 15.0 without lane	8.5 with lane 10.5 without lane	No minimum	No minimum
<b>Yard, Front (m)</b>	6.0	6.0	No minimum	6.0
<b>Yard, Rear (m)</b>	6.0	7.5	No minimum	7.5
<b>Yard, Side (m)</b>	1.5	1.5	No minimum	3.0 or ½ of the building height whichever is the greater

**Table 6-5  
Residential District Site Development Regulations – Discretionary Uses**

<b>Minimums</b>	<b>Multiple Unit Apartments</b>	<b>Townhouses</b>	<b>Modular, RTM, Mobile Homes</b>	<b>All Other Uses</b>
<b>Site Area (sq. m)</b>	465.0	185.0 per unit	360.0 with lane 450.0 without lane	370.0 with lane 465.0 without lane
<b>Site Frontage (m)</b>	20.0	7.5 per unit	12.0 with lane 15.0 without lane	12.0 with lane 15.0 without lane
<b>Yard, Front (m)</b>	6.0	6.0	6.0	6.0
<b>Yard, Rear (m)</b>	7.5	7.5	6.0	4.5
<b>Yard, Side (m)</b>	3.0 or ½ of the building height whichever is the greater	1.5 per end unit	1.5	3.0 or ½ of the building height whichever is the greater
<b>Floor Area (sq. m)</b>	46.5 /unit Bachelor 30.0/unit	46.5 per unit	65.0	No minimum
<b>Site Coverage</b>	Interior lot – 50% Corner lot – 60%	50%	40%	40%

#### **6.5.5 Off-Street Parking**

Off-street parking shall be provided in accordance with Section 4.16.

#### **6.5.6 Signage**

Signs and billboards are prohibited except for signs for home businesses (Section 5.2) and bed and breakfast homes (Section 5.3); those showing the names of occupants; signs for each institutional building or use; signs bearing notice of sale or lease or other information relating to a temporary condition affecting the premises. No sign shall have an area exceeding 0.4 m<sup>2</sup>.

#### **6.5.7 Standards for Discretionary Uses**

Council will consider applications for discretionary use in the R - Residential District with respect to the applicable regulations and specific standards in Section 4 and Section 5.

### 6.6 CI - COMMERCIAL DISTRICT

The purpose of the C1 - Commercial District is to accommodate and regulate commercial development in the central business area.

#### 6.6.1 Permitted Uses

The following uses are permitted in the C1- Commercial District:

- a. banks, offices, studios
- b. bakeries with retail sales
- c. personal service establishments
- d. bus terminals
- e. hotels
- f. medical and dental offices
- g. printing and publishing offices
- h. restaurants, cafes and lounges
- i. retail stores and shopping centres
- j. service stations and gas bars subject to Section 5.9
- k. funeral homes and crematoriums
- l. broadcasting media and commercial communications studios and offices
- m. theatres, halls
- n. commercial entertainment establishments, not including skating or curling rinks
- o. licensed beverage rooms and other places for the sale and consumption of beer, wine and spirits with or without food
- p. libraries, cultural institutions
- q. lodges, fraternal organizations, clubs
- r. places of worship
- s. regional health services centres
- t. public works, excluding warehouses and storage yards
- u. a dwelling unit accessory to a permitted use and as an integral part of the main building for the use of caretakers, owners or managers provided they are located above or to the rear of the principal use with a separate street entrance and a fire exit separate from the required entrance from the street.

#### 6.6.2 Discretionary Uses

The following uses are discretionary uses in the C1- Commercial District:

- a. single detached dwelling units
- b. motels
- c. establishments for the sale, storage and servicing of motor vehicles, recreational vehicles, farm machinery or equipment

- b. veterinary clinics and veterinary hospitals
- c. lumber and building supply establishments
- d. public works warehouses and storage yards.

### 6.6.3 Accessory Uses

Accessory buildings and uses shall be permitted subject to Section 4.12.

### 6.6.4 Site Development Regulations

**Table 6-6  
C1 – Commercial District Site Development Regulations**

<b>Minimums</b>	<b>Permitted Uses and Discretionary Uses</b>
<b>Site Area (sq. m)</b>	Service stations – 930.0 Lumber and building supply establishments – 1500.0 All other – 230.0
<b>Site Frontage (m)</b>	Service Stations - 30.0 Lumber and building supply establishments – 45.0 All other - 7.5
<b>Yard, Front (m)</b>	Service stations - 7.5 All other – No requirement
<b>Yard, Rear (m)</b>	If the rear of the site abuts the R-Residential District without an intervening street or lane 6.0; otherwise no minimum
<b>Yard, Side (m)</b>	If the side of the site abuts R-Residential District without an intervening street or lane 1.5 or half the height of the building, whichever is the greatest; otherwise no minimum
<b>Floor Area (sq. m)</b>	Dwelling Unit - 45.0

### 6.6.5 Off-Street Parking

Off-street parking shall be provided in accordance with Section 4.16 and Section 4.17.

### 6.6.6 Off-Street Loading

Off-street loading shall be provided in accordance with Section 4.18.

### 6.6.7 Signage

Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs are subject to the following requirements:

- a. no more than one (1) sign shall be permitted on the premises
- b. no sign shall be in excess of 3.3 m<sup>2</sup> in area
- c. permitted signs may be double faced
- d. the maximum height of a permitted sign shall be 6.0 m
- e. no sign shall be illuminated unless the source of light is steady and suitably shielded.

### 6.6.8 Landscaping

Where a site abuts any Residential District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 metres through which shall not be used for any purpose except landscaping.

### 6.6.9 Standards for Discretionary Uses

Council will consider applications for discretionary use in the C1 - Commercial District with respect to the applicable regulations and specific standards in Section 4 and Section 5.

## 6.7 C2 - HIGHWAY COMMERCIAL DISTRICT

The purpose of the C2 - Highway Commercial District is to accommodate the orderly development of commercial establishments requiring medium to large lots catering to the community and the traveling public.

### 6.7.1 Permitted Uses

The following uses are permitted in the C2-Highway Commercial District:

- a. hotels, motels, rental cabins
- b. service stations, gas bars
- c. car and truck washes
- d. establishments for the sale, storage and servicing of motor vehicles, recreational vehicles and trailers, farm machinery and equipment
- e. restaurants, drive-in restaurants and other places for sale and consumption of food and related items
- f. commercial recreational establishments
- g. bus terminals
- h. wholesale trade stores, offices and warehouses
- i. nurseries, greenhouses

- j. veterinary clinics and veterinary hospitals
- k. public works, including warehouses and storage yards
- l. a dwelling unit accessory to a permitted use and as an integral part of the main building for the use of caretakers, owners or managers.

### 6.7.2 Discretionary Uses

The following uses are discretionary uses in the C2-Highway Commercial District:

- a. single detached dwelling units
- b. bulk fuel oil establishments and chemical supply establishments
- c. manufacturing and processing shops and associated storage facilities wherein applicable work activities are conducted wholly within enclosed buildings
- d. truck and freight terminals
- e. recycling and collection depots.

### 6.7.3 Accessory Uses

Accessory buildings and uses shall be permitted subject to Section 4.12.

### 6.7.4 Site Development Regulations

**Table 6-7**  
**C2 – Highway Commercial District Site Development Regulations**

Minimums	Motels, Service Stations	All Other Uses
Site Area (sq. m)	930.0	600.0
Site Frontage (m)	30.0	30.0
Yard, Front (m)	7.5	7.5
Yard, Rear (m)	10% of lot depth and adequate space for unloading facilities are required	10% of lot depth and adequate space for unloading facilities are required
Yard, Side (m)	3.0 or ½ of the building height whichever is the greater	3.0 or ½ of the building height whichever is the greater

Minimums	Motels, Service Stations	All Other Uses
Floor Area (sq. m)	N/A	Dwelling Unit - 45.0

**6.7.5 Off-Street Parking**

Off-street parking shall be in accordance with Section 4.16.

**6.7.6 Off-Street Loading**

Off-street loading shall be in accordance with Section 4.18.

**6.7.7 Signage**

Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs are subject to the following requirements:

- a. no more than two (2) signs shall be permitted on the premises
- b. no sign shall be in excess of 3.3 m<sup>2</sup> in area; however the tow signs may be combined and the total facial area shall not exceed 6.5 m<sup>2</sup>
- c. permitted signs may be double faced
- d. the maximum height of a permitted sign shall be 6.0 m
- e. no sign shall be illuminated unless the source of light is steady and suitably shielded

**6.7.8 Standards for Discretionary Use**

Council will consider applications for discretionary use in the C2 - Highway Commercial District with respect to the following criteria:

- a. the applicable regulations and specific standards in Sections 4 and Section 5
- b. the separation distance to residences, tourist facilities, and restaurants
- c. locations with direct access to a highway or highway frontage are preferred
- d. the proposed operation shall not emit levels of noise, odour, or dust not common to the other permitted uses in the C2 - Highway Commercial District
- e. no exterior storage of materials, goods or waste products is permitted except within a waste disposal bin for collection.



## 6.8 M - INDUSTRIAL DISTRICT

The purpose of the M - Industrial District is to accommodate the orderly development of industrial establishments permitting a reasonable level of outdoor storage and activity.

### 6.8.1 Permitted Uses

The following uses are permitted in the M - Industrial District:

- a. lumber and building supply establishments
- b. service stations
- c. establishments for the sale, storage or servicing of motor vehicles, trailers, farm machinery and other equipment
- d. autobody shops, machine shops
- e. recycling and collection depots
- f. car and truck washing establishments
- g. bulk fuel and oil establishments and chemical supply establishments
- h. petroleum products and storage yards
- i. wholesale trade stores, offices and warehouses
- j. truck and freight terminals
- k. warehouses and supply depots, including coal yards
- l. shops of plumbers, pipefitters, metal workers and other industrial tradespeople
- m. railway and ancillary functions
- n. veterinary clinics and hospitals
- o. public works
- p. a dwelling unit accessory to a permitted use and as an integral part of the main building for the use of caretakers, owners or managers.

### 6.8.2 Discretionary Uses

The following uses are discretionary uses in the M - Industrial District:

- a. visitor information centres
- b. grain elevators, feed mills, fertilizer and seed cleaning plants
- c. abattoirs
- b. tanneries and hide shops
- c. salvage yards, gravel yards, and stock yards
- d. manufacturing, processing and packing plants
- e. machine shops, foundry works, and boiler works.

### 6.8.3 Accessory Uses

Accessory buildings and uses shall be permitted subject to Section 4.12.

**6.8.4 Site Development Regulations**

**Table 6-8  
Industrial District Site Development Regulations**

<b>Minimums</b>	<b>Permitted and Discretionary Uses</b>
<b>Site Area (sq. m)</b>	1,000.0
<b>Site Frontage (m)</b>	30.0
<b>Yard, Front (m)</b>	4.5
<b>Yard, Rear (m)</b>	- 10% of lot depth except where the rear yard abuts a rail line in which case no rear yard is required
<b>Yard, Side (m)</b>	3.0
<b>Floor Area (sq. m)</b>	Dwelling Unit - 45.0

**6.8.5 Off-Street Parking**

Off-street parking shall be in accordance with Section 4.16.

**6.8.6 Off-Street Loading**

Off-street loading shall be in accordance with Section 4.18.

**6.8.7 Signage**

Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs are subject to the following requirements:

- a. no more than two (2) signs shall be permitted on the premises
- b. no sign shall be in excess of 3.3 m<sup>2</sup> in area; however the tow signs may be combined and the total facial area shall not exceed 6.5 m<sup>2</sup>
- c. permitted signs may be double faced
- d. the maximum height of a permitted sign shall be 6.0 m
- e. no sign shall be illuminated unless the source of light is steady and suitably shielded

### 6.8.8 Standards for Discretionary Use

Council will consider applications for discretionary use in the M - Industrial District with respect to the following criteria and applicable regulations and specific standards in Section 4 and Section 5:

- a. all uses in the District, that are subject to obtaining a provincial license, pursuant to the particular act under which the facility is proposed to operate
- b. the water servicing capacity is available to service the development without excessive impact on other uses being served by the system
- c. the potential for noise, dust, smoke and other emissions causing pollution has been effectively mitigated
- d. adequate separation exists from the development to residential and tourist service facilities
- e. access to truck routes, major streets and railway transportation, and railway spur sites is appropriate to the type of development.



# 7 Effective Date of the Bylaw

## 7.1 REPEAL

Bylaw No. 3/70 is hereby repealed.

## 7.2 COMING INTO FORCE

This Bylaw shall come into force on the date of final approval by the Minister.

\_\_\_\_\_  
Mayor

Seal of Town of Chociceland

\_\_\_\_\_  
Town Administrator

INTRODUCED AND READ a first time this      day of      , 2013.

READ A SECOND TIME this      day of      , 2013.

READ A THIRD TIME this      day of      , 2013.



# **A** **Appendix A - Zoning Bylaw**