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SECTION - 1 - INTRODUCTION

Under the authority granted by the Planning and Development Act, the Mayor and Council of the City of Weyburn, in the Province of Saskatchewan, in open meeting hereby enact as follows;

1.1 TITLE

The Bylaw shall be known and may be cited as the “Zoning Bylaw” of the City of Weyburn.

1.2 PURPOSE

The purposes of this Bylaw are to control the use of land to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants in the Urban Municipality of the City of Weyburn.

1.3 SCOPE

Development shall be permitted within the limits of the City of Weyburn only when in conformity with the provisions of this Bylaw, the City of Weyburn Development Plan, and The Planning and Development Act, 2007.

1.4 LEGISLATIVE INTENT

The regulations and requirements in this Bylaw are intended to implement the objectives, policies and strategies of the City of Weyburn Development Plan which are best addressed through zoning.

1.5 SEVERABILITY

- (1) If any Court declares the application or enforcement of any portion of this Bylaw to a particular property, building or structure to be invalid, that judgement shall not affect the application of that provision to any other property, building or structure which is not specifically included in the judgement.
- (2) a declaration by a Court that a section, clause or provision of this Bylaw, including anything shown on the Zoning Map is invalid, shall not affect the validity of the Bylaw or any part of the Bylaw other than the section, clause, or provision or part of the Zoning Map declared to be invalid.

1.6 FLOOD HAZARD WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection intended to be provided by this Bylaw is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study for river and lakeshore settings. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Bylaw does not imply that areas outside the flood hazard area boundaries will always be totally free from flooding or flood damages, nor shall this Bylaw create a liability on the part of, or be a cause of action against the City of Weyburn or any officer or employee thereof for any flood damages that may result from the reliance on this Bylaw.

SECTION - 2 - DEFINITIONS

For the purpose of this Bylaw, the definitions and interpretations given in this Section shall govern. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural include the singular number. The word “shall” is mandatory, the word “may” is permissive. The words “used” and “occupied” shall include the words intended and/or arranged and/or designed to be used or occupied.

ACCESSORY

A use, separate building, or structure, normally incidental, subordinate, exclusively devoted to and located on the same site as the principal use, building or structure, excluding a kennel, whether for private or commercial breeding or boarding purposes.

ACT

The Planning and Development Act., 2007.

ADULT ARCADE

an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified activities or specified anatomical areas.

ADULT RETAIL OUTLET/BOOKSTORE

an establishment with the principle purpose to offer for sale or rent, for any form of consideration, any of the following:

- a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or sexual anatomical areas; or
- b) instruments, devices, or paraphernalia, that are designed for use in connection with sexual activities.

ADULT CABARET

a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT MOTION PICTURE THEATRE

an establishment where, for any form of consideration, films, motion pictures, video cassettes, or other photographic reproductions are shown are characterized by an emphasis on the depiction or description of specific sexual activities or specified anatomical areas.

ADULT THEATRE

a theatre, concert hall, auditorium, or similar establishment characterized by live activities featuring the exposure of specified anatomical areas or by specified sexual activities.

ADJACENT OUTDOOR PLAY SPACE

an area of usable open space which is accessory to and located on the same site as a day care centre.

AMUSEMENT ARCADE

a building or part of a building where mechanical or electronic games are kept for the purpose of furnishing entertainment or amusement to the public, for a fee.

AWNING

A covering, typically of canvas stretched on a frame, projecting from a wall over a window or an entrance of a building.

AQUIFER

a confined or unconfined water-bearing subterranean body of water.

AQUIFER SENSITIVE AREA

an area from which water run-off or contaminants released on the surface directly recharges, enters, or migrates into an aquifer.

AUTOMOBILE SERVICE STATION

A building or place:

- a) where gasoline or other motor fuels are kept for sale and delivery directly into a motor vehicle, and may also include,
- b) the performance of minor repairs essential to the actual operation of motor vehicles and including the sale of goods usual to the trade, but
- c) shall not include painting or body work or any other use specifically referred to or defined in this bylaw.

BUILDING, SENIOR CITIZENS APARTMENT

a building solely containing units for the exclusive use of senior citizens.

BUILDING, MIXED-USE

a building containing residential uses and grade level approved commercial uses.

BED AND BREAKFAST HOME

An owner-occupied dwelling unit where short-term lodging rooms and meals are provided.

BILLBOARD

Any sign which advertises goods, products, services or facilities which are not necessarily related to the use or ownership of the property on which the sign is installed, or which directs persons to a different location from which the sign is installed

BOARDING, LODGING OR ROOMING HOUSE

Any building composed of the principal resident's accommodation and/or two or more rooming units intended for letting separately to the general public as sleeping accommodation.

BUFFER

The protection of one land use from another, or the mitigation or lessening of incompatibility between different land uses through the use of landscaping, open space or other features.

BUILDING

A structure used for the shelter or accommodation of persons, animals, goods or chattels.

BUILDING, APARTMENT

A building except as otherwise defined herein containing three or more dwelling units.

BUILDING, APARTMENT - LOW RISE

A building containing three or more dwelling units which building does not exceed eleven (11) metres in height.

BUILDING, DUPLEX

A building divided horizontally into two dwelling units.

BUILDING LINE, ESTABLISHED (in a block)

The average distance from the front site line to the main wall of existing buildings in any block where more than half the frontage on that side of the street has been built upon.

BUSINESS VEHICLE (HOME OCCUPATION)

Any vehicle to service a home occupation, which vehicle is in conformance with subsection 6.3.3 of this Bylaw, and the gross weight which does not exceed 2722 kilograms, the gross weight being the combined weight of a vehicle and of the load carried by the vehicle.

CANOPY

A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as metal, glass or plastic.

CAR WASH

A building or structure containing facilities for washing motor vehicles for the general public for a fee.

CHARITABLE ORGANIZATION

an organization recognized by the Canada Customs and Revenue agency (whether incorporated or not) as one that:

- (i) devotes all its resources to charitable activities carried on by the organization itself; and
- (ii) in which none of the organizers or members of the organization receive any direct benefit from the activities.

CHURCH (Religious Institution)

a building utilized by adherents to a religious faith for meeting, study, worship and recreation purposes.

CITY

City of Weyburn

CLINIC

A building, or part thereof, used by one or more qualified medical practitioners, dentists, chiropractors or osteopaths, for public medical, surgical, physiotherapeutic or human health purpose except when included in the operation of a hospital.

CLUB, PRIVATE

A building or part of a building used as a meeting place by an association of persons who are bona fide members paying dues, the use of such premises being restricted to members and their guests for social, recreational, or athletic purpose.

CLUB, COMMERCIAL

a building or part of a building used for the commercial operation of health, social, cultural or recreational activities.

COMMUNITY SERVICE INSTITUTIONS

Of or having to do with charity; furnished or provided by charity; dependent on or aided by charity.

COMMUNITY RECREATION FACILITY

A building or part of a building used by the community for social, recreational, or athletic activities, not operated for gain and which includes but is not limited to senior citizen centres and community centres, but does not include private clubs.

CONFECTIONERY STORE

a retail store not exceeding 150 square metres in gross floor area offering for sale primarily groceries, including a fast food outlet as an accessory use, and providing convenience service to the neighborhood.

COUNCIL

The Council of the City of Weyburn

CUSTOM WORKSHOP

A principal use in a building, or part of a building for the individual or customized assembly or fabrication of products or goods, as opposed to the manufacture or processing of standardized articles including, but without limiting the generality of the foregoing, cabinet makers, shoemakers, tailors, taxidermy shops, and upholstery shops.

DAY CARE CENTRE

Any facility, with the exception of a school, where care, protection, and supervision are provided:

- a) on a regular schedule of at least twice a week;
- b) to children under 18 years of age, including the children of the adult provider; and
- c) for more than two hours a day per any one child
- d) for which a license is required or has been obtained under the Child Care Act.

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 OFFICER

The Manager of Community Services.

DEVELOPMENT PERMIT

A permit, issued by Council or the Development Officer as the case may be, that authorizes development, but does not include a building permit.

DISCRETIONARY USE

A use, stated herein to be discretionary, is not automatically a permitted or lawful use, but may be permitted, in the discretion of Council, and upon such approval the use shall be permitted and lawful only at the location and only in accordance with conditions specified by Council at the time of approval, subject to the conditions of Section 3.6.

DISTRICT

A zone as identified by Section 3 of this Bylaw and the Zoning Map.

DWELLING

A building or part of a building that may be used as a permanent residence, including a factory-built home but excluding a mobile home.

DWELLING, CONVERTED

an existing building originally constructed as a detached dwelling unit, which may be used for more than one dwelling unit

DWELLING, DETACHED COMMERCIAL CONVERSION

A building as it existed as of March 1, 1993 (the date a survey was done), which was originally constructed as a detached dwelling and which has been converted to a use specified in subsection 6.2.6.3 (3).

DWELLING, MOBILE HOME

a trailer coach that is used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and a water closet or other similar facility that may be connected to a sewer system.

DWELLING UNIT

One or more habitable rooms, each unit having sleeping, cooking and toilet facilities, that may be used as a permanent residence.

DWELLING UNIT, ACCESSORY

A dwelling which is accessory to an approved non-residential use. Such dwelling unit shall be occupied either by the family of the owner of the non-residential use or by the family of a person employed in the operations of the use on the site.

DWELLING UNIT, APARTMENT

A dwelling unit in an apartment building.

DWELLING UNIT, APARTMENT - LOW RISE

A dwelling unit in a low-rise apartment building.

DWELLING UNIT, DETACHED

A building which contains only one dwelling unit. Where a Secondary Suite is a permitted use in a zone, a detached dwelling unit in that zone may also contain a Secondary Suite subject to the regulations of this Bylaw.

DWELLING UNIT, DUPLEX

A dwelling unit in a building divided horizontally into two dwelling units.

DWELLING UNIT, PLANNED GROUP OF

a dwelling unit in a planned group of dwellings.

DWELLING UNIT, SEMI-DETACHED

A dwelling in a building divided vertically into two dwelling units by a common wall extending from the base of the foundation to the roof line.

DWELLING UNIT, TRIPLEX

A dwelling in a building divided by common walls into three separate dwelling units

DWELLING UNIT, TOWNHOUSE

A dwelling unit in a building unit divided vertically into three or more attached dwelling units by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

ELEVATION

the vertical distance above or below mean sea level

FLOOD DISCHARGE, DESIGN

the rate at which flood water will flow instantaneously at the base flood elevation during a 1:500 year flood

FLOOD ELEVATION, DESIGN

the height of the flood discharge during a 1:500 year flood

FLOOD FRINGE

all that land in the floodplain not lying in a delineated floodway and where the depth of water is less than one metre and the velocity of the water is less than one metre per second

FLOODPLAIN

any land area, usually low lying, adjoining the channel of a stream or body of standing water, that has been or may be covered by floodwater

FLOOD PROOFING

- (i) with respect to a structure, the use of construction techniques or of design, or of devices, equipment or materials; and
- (ii) with respect to land, the adoption of measures to prevent damage to such structure or land by a 1:500 year design flood event

FLOODWAY

the channel of a river or other watercourse and the adjacent land areas where the majority of floodwaters of a 1:500 year flood will flow, and where flow velocities and depths are prohibitive to structural development

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.

FLOOR AREA, GROSS

The total area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure or from the center line of any common or party wall at the level of each storey below, at and above grade, excluding the area used for off street unloading, parking, mechanical equipment, stairways or shafts.

FLOOR AREA, GROSS LEASEABLE

The gross leaseable floor area in a shopping centre shall be the gross floor area designed for tenant occupancy and exclusive use, if any, expressed in square metres measured from the centre line or joint partition and exteriors of outside walls.

GARAGE, PRIVATE

A building or part of a building accessory to a dwelling unit used or intended to be used for the storage of motor vehicles and having a capacity of not more than three vehicle spaces for each dwelling unit to which the garage is accessory.

GAS BAR

An outlet comprised of gas pumps and a cashier building, selling motor fuels including propane and, as an accessory use, lubricating oils and automobile accessories.

GRADE

The average elevation of the finished ground level at the walls of a building

GRADE, FINISHED

The final elevation of the ground level at the walls of a building.

GRADE, NATURAL

The elevation of the ground surface in its natural state, before man made alterations.

GROUP CARE FACILITY

a supervised residential dwelling unit, licensed or approved under provincial statute, for the accommodation of persons, excluding staff, referred by hospitals, courts, government agencies or health professionals.

HALFWAY HOUSE

A residential building sponsored by an agency that seeks to help persons who have been imprisoned or otherwise institutionalized re-adjust to society.

HAZARDOUS MATERIAL

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

- (i) Corrosives;
- (ii) Explosives;
- (iii) Flammable and combustible liquids;
- (iv) Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases;
- (v) Gases, compressed, deeply refrigerated, liquified or dissolved under pressure;
- (vi) Oxidizing substances; organic peroxides;
- (vii) Poisonous (toxic) and infectious substances;
- (viii) Radioactive materials;
- (ix) Waste Dangerous Materials; and
- (x) Any other environmentally hazardous substance.

HEIGHT

The greatest vertical distance measured from the grade level to;

- a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater; and
- b) in the case of a pitched roof, a point midway between the eaves and the ridge.

In calculating the height of a building, any construction used as an ornament or for the mechanical operation of the building, such as a mechanical penthouse or a chimney, tower, cupola, steeple, or antenna, is not to be included.

HOME OCCUPATION

An occupation, profession, activity, or use that:

- (i) is conducted for monetary gain by the resident or residents;
- (ii) is clearly customary, incidental, and secondary use of a residential dwelling unit or accessory building located on the same site.
- (iii) does not alter the exterior of the property or affect the residential character of the neighborhood.

HOTEL

A building or part of a building kept, used or advertised as a place where sleeping accommodation with or without meals is provided for transient lodgers, and where guest register or record is kept, but does not include a motel, boarding, lodging or rooming house.

JUNK /SALVAGE YARDS

Uses involved in salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle parts.

JUNKED VEHICLE

Any automobile, tractor, truck, trailer or other vehicle that:

- (a) either:
 - (i) has no valid licence plates attached to it; or
 - (ii) is in rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
- (b) is located on private land, but that:
 - (i) is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the urban municipality in which the land is situated; and
 - (ii) does not form a part of a business enterprise lawfully being operated on that land.

KENNEL

A building used for the housing of dogs, cats or other small domestic animals. This may include an outdoor fenced area used for the sole purposes of exercise and containment of the aforesaid animals.

KENNEL, PRIVATE

A kennel which houses not more than three dogs, cats or other small domestic animals, none of which may be used for commercial breeding purposes.

KENNEL, COMMERCIAL BREEDING OR BOARDING PURPOSES

A kennel which houses two or more dogs, cats or other small domestic animals used for breeding purpose and or a temporary accommodation for boarding purposes.

LANE

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

LANDSCAPING

the modification and enhancement of a site through the use of the following elements:

- (i) Soft Landscaping - the use of living plant materials such as trees, shrubs, vines, hedges, flowers, grass and other ground covers plus the modification of the landform, such as by berming and terracing; or
- (ii) Hard Landscaping - non-vegetative materials such as brick, stone, decorative concrete, tile or wood and other materials used in landscape architecture, excluding asphalt for the purpose of surface paving.

LICENSED BEVERAGE ROOM

a room usually in a hotel(or associated with a restaurant), for which a license is required or has been obtained from the Saskatchewan Liquor & Gaming Authority, for the sale of beer, wine or spirits, with or without food, to persons of legal age or older. A Brew Pub may be considered a licensed beverage room if beverage alcohol is manufactured and consumed on site under a valid manufacturer's permit in accordance with the Alcohol Control Regulations.

LICENSED COCKTAIL ROOM

a room adjoining a licensed restaurant for which a license is required or has been obtained from the Saskatchewan Liquor & Gaming Authority, entitling the licensee to sell beer, wine or spirits for consumption, with or without food, in either the cocktail room or licensed dining room, by persons of legal age or older.

LICENSED RESTAURANT

a restaurant for which a license from the Saskatchewan Liquor & Gaming Authority is required or has been obtained, enabling it to sell beer, wine or spirits by the glass to persons of legal age or older when consuming a meal in the restaurant. It also includes a licenced dining room.

LOADING SPACE

An area of land provided for the temporary parking of a vehicle for purposes of loading or unloading materials, goods or products.

MINISTER

“Minister” means the member of the Executive Council to whom for the time being is assigned the administration of the Planning and Development Act.,2007.

MOBILE HOME

A trailer coach conforming to CSA Z240.21-M86 or later, that is used as a dwelling all the year round; has water faucets and shower or other bathing facility that may be connected to a water distribution system; and has facilities for washing and a water closet or other similar facility that may be connected to a sewerage system

MOBILE HOME PARK

a lot under single management, for the placement of two or more mobile homes.

MOBILE HOME SITE

a parcel of land within a mobile home park intended for the exclusive use of a mobile home and, such sites shall be clearly marked by permanent markers or other suitable means.

MOBILE HOME SUBDIVISION

an area in which one or more lots have been created under separate title for the sole purpose of the permanent placement of a mobile home for living accommodation as a principal use in a designated residential zoning district.

MOTEL

Shall mean a series of rooms intended for providing temporary sleeping accommodation to the public, each containing at least a bedroom and a bathroom, and each having convenient access to a parking space for the use of the occupant of the rooms.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of this Bylaw.

NIGHT CLUB

a building or part of a building where primarily evening and night time entertainment is provided, where beverage alcohol may be served to patrons for consumption on the premises, with or without food, and where a designated area for live entertainment or dancing during certain hours of operation is also provided. A Brew Pub may be considered a night club if beverage alcohol is manufactured and consumed on site under a valid manufacturer's permit in accordance with the Alcohol Control Regulations.

NURSING HOME - SEE SPECIAL CARE HOME**NURSERY SCHOOL**

a facility which is not subject to The Education Act and receives children who are not of compulsory school age, on a regular bases, for educational and social purposes.

ODOUR

for the purpose of this Bylaw, odour is a smell or scent (such as rotting garbage or an exceptionally strong perfume), which would be considered offensive or harmful to a person.

OFFICE

a place where non-retail business affairs are conducted for the following purposes:

- i) administration
- ii) sales
- iii) general business
- iv) professional services
- v) real estate; or
- vi) insurance offices

OWNER

a person recorded as such on official records and including a duly authorized agent or notary, a purchaser, person bequeathed by Will, judiciary or any other person having a vested or contingent interest in the property in question.

PARKING, OFF-SITE CAVEATED

a lot or a portion of a lot against which a caveat has been registered by the City under the provisions of Section 14 of this Bylaw.

PARKING LOT OR PARKING AREA, PUBLIC

An open area, other than a street or lane, used for temporary parking of automobiles and available for public use whether free, for compensation, or as an accommodation for clients and customers.

PARKING SPACE

A space, exclusive of driveways, ramps or columns, to park one vehicle.

PERMITTED USE

A permitted use in any zone is a lawful use in such zone.

PERSONAL CARE HOME

a facility licenced or approved under provincial or municipal regulations that provides long-term residential, social and personal care, including accommodation, meals, supervision or assistance for more than 10 persons, including children, who have some limits on ability for self-care, and are unrelated to the operator or owner, in a building with size and architectural style more consistent with a commercial operation.

PERSONAL CARE HOME - DETACHED DWELLING STYLE

a facility licenced or approved under provincial or municipal regulations that provides long-term residential, social and personal care, including accommodation, meals, supervision or assistance for not more than 10 persons, including children, who have some limits on ability for self-care, and are unrelated to the operator or owner, in a building with architectural style and size typical of a detached dwelling.

PERSONAL SERVICE ESTABLISHMENT

a building or part of a building where professional or personal services are provided for gain and where the retailing of goods, wares, merchandise, articles or things is only accessory to the provisions of such services, including but without limiting the generality of the foregoing, the following:

- (i) beauty salons and barber shops;
- (ii) tailor or seamstress shops;
- (iii) laundry or dry cleaning shops;
- (iv) shoe repair shops;
- (v) massage services;
- (vi) tanning beds

but not including the provision of health related services, services for sexual pleasure, or any use specifically defined or mentioned in this Bylaw. .

PLACE OF ENTERTAINMENT

Includes a motion picture or other theatre, billiard or pool rooms, bowling alley, ice or roller skating rink, and all places of amusement except a drive-in theatre and adult entertainment.

PLANNED GROUP OF DWELLING UNITS

A residential development with multiple buildings being developed as a single project on a site.

PRINCIPAL USE

The opposite to accessory use as defined in this Bylaw.

PUBLIC UTILITY

a system, work, plant, equipment or service, whether owned or operated by the City, or by a corporation under Federal or Provincial statute, which furnishes any of the following services and facilities to or for the use of all inhabitants of the City:

- (i) systems for the production, distribution or transmission of electricity;
- (ii) systems for the distribution, storage or transmission of natural gas or oil;
- (iii) facilities for the storage, transmission, treatment, distribution or supply of water;
- (iv) facilities for the collection, treatment, movement or disposal of sanitary sewage and garbage;
- (v) communication by way of telephone lines, optical cables and cable television services; or
- (v) public transportation by bus and railway, excluding the storage of buses in areas zoned residential;

that are owned or operated by the Crown or a municipality.

REPAIR SERVICE

A building or part of a building for servicing, repairing, installing, or renting things and equipment, including but without limiting the generality of the foregoing; radio or television service or repair, locksmith; small appliance service or repair; household and carpenter tool service or repair, but not including any other service or repair shop listed in Appendix A.

REPAIR SHOP

A building or part of a building where the provision of maintenance or repair of goods or equipment associated in the areas of automotive, building and specialized trade, construction, major appliances and farm machinery.

RESTAURANT

A building or part of a building where food is offered for sale, orders are taken or food is sold to the public for immediate consumption therein.

RESTAURANT DRIVE-IN

A building where food is offered for sale, orders are taken or food is sold to the public for consumption therein or within a motor vehicle which may be parked in a permitted parking space on the premises of the establishment.

RESTAURANT TAKE-OUT

An establishment where food is offered for sale, orders are taken or food is sold to the public solely for consumption off the premises of the establishment.

RETAIL STORE

A building or part of a building in which goods, wares, merchandise substances, articles or things are offered or kept for retail sale, but does not include any establishment otherwise defined herein or specifically named elsewhere in this Bylaw.

ROOMING HOUSE

a building that is the primary residence of the owner and in which rooming units are provided by the owner, for permanent occupancy and compensation, to persons not related by blood, marriage or adoption to the owner.

ROOMING UNIT

a room for only paid permanent accommodation that is not a dwelling unit or other form of accommodation defined elsewhere in this Bylaw and which:

- i) may or may not provide meals; and
- ii) makes no provision for cooking in any of the rooms occupied by the paying boarders

SCHOOL, PRIVATE

a facility which meets Provincial requirements for elementary, secondary, post-secondary or other forms of education or training, and which does not secure the majority of its funding from taxation or any government agency, and may include vocational and commercial schools, music, dance, martial arts, culture or other similar schools.

SCREEN

The technique by which a view of one site from another adjacent site is shielded, concealed or hidden by means of a fence, wall, hedge, berm or other features authorized in this Bylaw.

SECONDARY SUITE

A subordinate, self-contained dwelling unit within a detached dwelling unit. The total floor area of all stories of a secondary suite shall not be more than the 80% of the total floor area of all stories of the other dwelling unit, excluding the garage floor area and common spaces serving both dwelling units to a maximum total floor area of 80m².

SHOPPING CENTRE

Any group of more than five (5) permitted or discretionary commercial uses designed, developed and managed as a unit, as opposed to a business area comprising unrelated individual commercial establishments.

SIGN, ANIMATED

Any sign or part of a sign which changes physical position by a movement or rotation or which gives the visual impression of such movement or rotation.

SIGN, AWNING

a non-illuminated identification sign painted or affixed flat to the surface of an awning which does not extend vertically or horizontally beyond the limits of the awning.

SIGN, CANOPY

any sign attached to or constructed in or on a canopy.

SIGN, COPY AREA

The area of the smallest geometric figure which describes the area enclosed by the actual wording (including emblem) of the sign

SIGN, DIRECTIONAL

Any sign stating only safety or warning messages, traffic and / or parking directions or other instructions, directions, or orders to persons making use of the premises or site

SIGN, GROUND (FREE STANDING)

Any sign supported by one or more up-rights or braces placed in the ground and not attached to any building.

SIGN, HEIGHT

The vertical distance measured from the adjacent street curb, other than an elevated roadway, which permits the greatest height to the highest point of the said sign.

SIGN, IDENTIFICATION

A sign which is limited to the name, address, and civic address of a building, institution or person and to the activity carried on in the building or in the institution, or the occupation of the occupant

.

SIGN, ILLUMINATED

A sign which is lighted by means of maps or other lighting devices reflecting on the outside face of the sign.

SIGN, MARQUEE see **SIGN, CANOPY****SIGN, PORTABLE**

Any temporary sign that can be easily carried or transported from one site to another.

SIGN, PROJECTING

Any sign other than a wall sign, which is attached to a building and extends beyond the line of the said building or beyond the surface of that portion of the building to which it is attached more than 0.30 metres.

SIGN, ROOF

Any sign erected upon and above the roof of a building within the peripheral exterior dimensions of the building.

SIGN, ROTATION

Any sign or portion of a sign which moves in a revolving or similar manner.

SIGN

Any writing (including letter or work), pictorial representations (including illustrations or decorations), emblems (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar character which:

- a) is a structure or part thereof, or is attached to, painted on, or in any manner represented on a building
- b) is used to announce, direct attention to, or advertise, and
- c) is visible from outside the building

SIGN FACE

The entire area of a sign on which copy could be placed.

SIGN SURFACE AREA

The area of the smallest geometric figure which described the area enclosed by the sign face

SIGN, TEMPORARY

Any sign, banner, pennant, valance or advertising display, with or without frames, intended to be displayed for a short period of time.

SIGN, VERTICAL

That form of sign whose dimensions measured in a vertical direction exceed its dimensions measured horizontally.

SIGN, WALL (FASCIA)

Any sign attached against the surface of or against, or within a recess in the wall, a column or other perpendicular portion of a building and including that attached to the walls of two or more buildings and spanning the space or spaces between the said buildings.

SIGN, WINDOW

Any sign either painted on or attached to, or installed inside a window for the purpose of viewing from outside the premises. This does not include merchandise inside a window.

SITE

A lot, parcel or tract of land with fixed boundaries considered as a unit devoted to a certain use, or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

SITE COVERAGE

That percentage of area of the site covered by all buildings above ground level. Site coverage in each zone should be deemed to apply to only that portion of such site which is located within that zone.

SITE LINE, FRONT

The boundary that divides the site from the street; for a corner site, the shorter site line abutting a street; for a through site, the site boundary that abuts the street to the front of the main building shall be deemed to be the front site line.

SITE LINE, REAR

The boundary at the rear of the site and opposite the front site line.

SITE LINE, SIDE

A site boundary other than a front or rear site line.

SITE, THROUGH

A site bounded by streets on opposite sides.

SOCIAL SERVICE HOME

An agency or government operated home providing one or more of a variety of individual and family, social, counseling, welfare or referral service, including refugee, disaster and temporary relief services on site. These facilities are intended to provide only short-term accommodation, for up to 30 residents, and for a period of six months or less.

SPECIFIED ANATOMICAL AREAS

Any of the following:

- (i) less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola: or
- (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Any lawful sexual activities including:

- (i) human genitals in a state of sexual stimulation or arousal; or
- (ii) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STOREY

That portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building between the upper surface of the top-most floor and the roof line.

STREET

The whole and entire width of every public thorough fare which affords the principal means of access to abutting property but shall not include a lane.

STREET LINE

The line between a lot and a street.

STRUCTURE

Anything that is built, constructed or erected, located on or in the ground or attached to something located on or in the ground but not including curbs, pavements, walks or open air surfaced areas or moving vehicles.

STUDIO

A principal use in a building or part thereof used as the work place of any photographer or artist or for the instruction of art, music, languages or similar disciplines.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (i) before the improvement or repair is started; or
- (ii) if the structure has been damaged and is being restored, before the damaged occurred.

TRAILER COACH

Any vehicle having no motive power of its own but drawn or designed to be drawn on any public road by a motor vehicle and used or designed to be used as a dwelling or sleeping place for one or more persons. Such a conveyance shall be deemed to be a trailer coach whether mounted on wheels or dismounted from wheels and detached from its conveying vehicle.

USE

When used as a noun, means the purpose for which any land, buildings, structure or premises, or part of combination thereof, is arranged, designed or intended to be used and “uses” shall have a corresponding meaning. “Use” when used as a verb or “to use” shall have a corresponding meaning.

USE, PRINCIPAL

The main or primary use and chief purpose of land or structure, as distinguished from a secondary or accessory use.

USE, TEMPORARY

A use intended and authorized for limited duration in a land use zone.

VETERINARY CLINIC

a building or part of a building where one or more animal health professionals provide diagnosis and treatment to animals with temporary overnight accommodation for small animals only and may include such uses as reception areas, offices, x-ray facilities and minor operating rooms.

VEHICLE REPAIR ESTABLISHMENT

A building or place where motor vehicles are repaired or serviced.

WAREHOUSING

Establishments primarily engaged in the indoor and/ or outdoor storage of a general line of goods.

YARD

An open, uncovered space on a site appurtenant to a building and unoccupied by buildings or structures.

YARD, FRONT

A yard extending across the full width of a site between the front line of the site and the nearest main wall of the main building or structure on the site.

YARD, REAR

A yard extending across the full width of the site between the rear line of the site and the nearest main wall of the main building or structure on the site.

YARD, SIDE

A yard extending from the front yard to the rear yard between the side line of the site and the nearest main wall of the main building or structure, exclusive of any chimney breast.

SECTION - 3 - GENERAL PROVISIONS

3.1 CLASSIFICATION of ZONING DISTRICTS

For the purpose of this Bylaw, the City Of Weyburn is divided into the following zoning districts, the boundaries of which are shown on the Zoning Maps.

Symbols

RESIDENTIAL

- R1 - Residential Detached
- R2 - Residential Semi-Detached
- R3 - Residential Old Neighbourhood
- R3A - Residential Old Neighbourhood
- R4 - Residential Suburban Multiple Housing
- R5 - Residential Mobile Home
- RFM - Residential Fringe Mixed Use

COMMERCIAL

- NC - Neighborhood Commercial
- SV - Souris Valley Centre
- EP - Exhibition Park Mixed Use
- CBD - Central Business District
- CBDA - Central Business District
- RM - Riverfront Market Zone
- SC - Service Commercial
- SCA - Service Commercial
- MAC - Major Arterial Commercial
- HC - Highway Commercial

INDUSTRIAL

- LI - Light Industrial
- MI - Medium Industrial
- HI - Heavy Industrial

SPECIAL

- FW: Floodway
- UH: Urban Holding
- PW: Tatagwa Parkway
- DCD: Direct Control District
- C: Contract Zone

OVERLAY

- (F) Floor Area Ratio
- (FF, FF 1) Flood Fringe
- (H) Height
- (AP) Aquifer Protection

3.2 MAP OF ZONING DISTRICTS

- .1 The designation, locations and boundaries of land use zones established in this Section are as shown on the Zoning Maps included in Appendix D of this Bylaw.
- .2 The Zoning Districts, referred to in Section 3.1 are illustrated and bounded as shown on the Zoning Maps which are annexed hereto together with all explanations written on or appended, form part of this zoning Bylaw.

3.3 INTERPRETATION OF ZONE BOUNDARIES

When there is uncertainty as to the boundaries of any land use zone established on the Zoning Maps, the rules of interpretation provided in this subpart shall apply.

3.3.1 Centre Lines as Boundaries

Where land use zone boundaries appear to follow centre lines of streets, lanes, easements, railroads, they shall be construed as following such centre lines.

3.3.2 Property Lines as Boundaries

Where land use zone boundaries appear to follow street, lot property or similar lines, they shall be construed as following such lines.

3.3.3 Boundaries in or Adjacent to Bodies of Water

- a) Where land use zone boundaries appear to follow shorelines of bodies of water, they shall be construed as following the normal high water elevation or boundary.
- b) In the case of change in shorelines or course or extent of water, the boundaries shall be construed as moving with the change.
- c) In the case of the Floodway Zone and Flood Fringe Overlay Zone, the boundaries shall be the same as those shown on plans drawn under the Canada-Saskatchewan Flood Damage Reduction Program (FDRP). In the event of a conflict between the boundaries on the Zoning Maps, and the FDRP Maps, the boundaries on the latter maps shall prevail, except the areas protected by dykes and those areas filled to the 1:500 flood elevation after June, 1978 (the date the FDRP maps were prepared).
- d) Where the boundaries of the Floodway Zone conflict with the boundaries of any other underlying Zone, the boundaries of the Floodway Zone shall prevail.

3.3.4 Dimensions of Zone Boundary

Where the dimensions of a land use zone boundary are not otherwise indicated on or by the Zoning Map, the scale of the Zoning Map shall govern.

3.3.5 Variation of Actual Location from Mapped Location

Where physical or cultural features existing on the ground are at variance with those shown on or by the Zoning Maps, the actual location on the ground shall govern and the Zoning Maps shall subsequently be corrected.

3.3.6 Lot Numbers as Substitutes for Exact Boundaries

Where a zone boundary falls along a lot line, the Zoning Map shall indicate the lot numbers between which the exact boundary falls, but the Zoning Map need not show the exact lot boundary.

3.3.7 Action in Case of Uncertainty

Where the rules in Sections 3.3.1 to 3.3.6 fail to clarify the exact location of;

- a) a land use zone boundary; or
- b) the status of land;

as shown in the Zoning Maps, the Development Officer shall determine the location of the boundary or status of the land, in such a manner as to carry out the intent and purpose of the Zoning Bylaw. The maps shall be amended accordingly.

3.3.8 Properties With More Than One Zoning District

Where a site or building is divided into more than one zoning district, each portion of the site or building shall only be developed and used in accordance with the provisions of the applicable zoning district.

3.4 APPLICATION

3.4.1 More Restrictive Regulation Applies

Where a property is affected by any regulations in this Bylaw and by regulations of the Province of Saskatchewan or the Government of Canada, the regulations which are more restrictive shall prevail.

3.4.2 Provincial and Federal Statutes Apply

Notwithstanding any other provision of this Bylaw, no land shall be developed or used, and no structure erected or maintained in violation of any provincial or federal statute or regulations.

3.4.3 No building or Land Use in Violation of Bylaw

- (1) No building, structure or land use located within the City of Weyburn shall be developed, constructed, erected, changed, enlarged, reconstructed, placed or maintained, except in conformity with the provisions of this Bylaw and the Act.
- (2) In the case of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the appropriate portion of the structure or land being used.
- (3) No land shall be used, changed or maintained for any purpose except in conformity with the provisions of this Bylaw and the Act.

3.5 USE REGULATIONS

3.5.1 Land Use Tables

All uses of land or development of land in every land use zone must be made in accordance with the table of land uses for that particular land use zone.

3.5.2 Prohibited Uses

Except as specified in Subsection 3.5.3, a use that is not specifically listed in the use list for a particular zone as a Permitted Use or a Discretionary Use shall be classified as a Prohibited Use in that particular zone.

3.5.3 Classification Of Uses

- a) An applicant for a land use, whether or not specifically mentioned or defined in this Bylaw, shall provide such information as is deemed necessary by the Development Officer in order to determine the proper classification.
- b) The determination of the Development Officer as to the proper classification of any land use shall be final.

3.5.4 Uses Specifically Mentioned or Defined

Excepting in Section 14, Parking Standards, a use listed in Appendix A, shall be deemed not to be included in any general use category nor within any generic term defined in Section 2, Definitions.

3.6 BY-LAW TRANSITION

3.6.1 Zone Equivalencies

No differences between the regulations of the land use zones of this Bylaw and the Weyburn Bylaw No. 81-1430 shall affect the interpretation of this Bylaw.

3.6.2 Previous Development Permits

Notwithstanding any conflicts with the provisions of this Bylaw regulating:

- a) site size or site dimensions;
- b) maximum height;
- c) minimum yard setbacks; and
- d) the provision of amenity spaces;

where a development permit has been issued for a development, building or structure in accordance with the regulations of the Weyburn Zoning Bylaw No. 81-1430, the development, building or structure shall not as a result of the passage of this Bylaw be non-conforming to the regulations, but shall be permitted at that location. However, the use of the land, building or structure shall not be changed except in conformity with this Bylaw.

3.6.3 Prior Subdivision

Where a subdivision creating a site was approved prior to the date this Bylaw came into effect, but the dimensions of a site do not conform with the development regulations governing site size or site dimensions of this Bylaw applying to it on the date this Bylaw came into effect, the Development Officer may issue a development permit for a site which would have conformed with the regulations governing minimum site size and site dimensions of the equivalent land use zone of the Weyburn Bylaw No. 81-1430, provided the new development conforms to the regulations of this bylaw.

3.6.4 Existing Discretionary Uses Continue

Any existing use of land, building or structure in any land use zone which was approved as a Discretionary Use under any previous Weyburn Zoning Bylaw 81-1430 shall, following the passage of this Bylaw, continue to be a discretionary use at that location. However, the use of the land, building or structure shall not be changed or intensified except in accordance with this Bylaw.

3.6.5 Existing Permitted Uses Continue

Where a use of land, building in any land use zone was listed as Permitted Use under any previous Weyburn Zoning Bylaw 81-1430, but that use is now listed as a Discretionary Use in this Bylaw, that use may be continued at that location as a Permitted Use. However, any change in the use of the land, building or structure shall be in conformity with this Bylaw.

3.6.6 Former Permitted Uses - Now Discretionary

Land uses or developments in existence on a site that were listed as Permitted Uses under Zoning Bylaw 81-1430, but are now listed as Discretionary Uses under this Bylaw, shall be considered Permitted Uses, however, no alteration or enlargement of the land use or development shall take place without a discretionary use approval by Council.

3.6.7 Non-Conforming Buildings and Uses

Any lawful use of an existing building or any building lawfully under construction at the date of approval of this Bylaw, although such use, building does not conform to the regulation of this bylaw, shall be carried on in accordance with the provisions of The Planning and Development Act, 2007.

3.6.8 Conversion From Imperial Measurement

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

3.6.9 Overlay Zoning Districts

These regulations add to the regulations contained in the conventional zoning district applicable to a site. Where the conventional zoning district regulations applicable to a site appear to be in conflict with the overlay zone regulations applicable to a site, the overlay zone regulations shall take precedence.

3.7 HERITAGE PROPERTIES

The following buildings and sites are designated as heritage properties;

| No. | Title | Type | Civic Address | Lot | Block | Plan # |
|-----|------------------------------------|------|------------------------------------|------|------------------------------|----------|
| 1 | Canadian Imperial Bank of Commerce | P | 76 - 3 rd Street | 18 | 4 | 31899 |
| 2 | Moffet Place | M | 614 - 4 th Street | 1 | 2 | AU3775 |
| 3 | Signal Hill | M | 424 - 10 th Ave S.E. | | A | F4755 |
| 4 | Power House Museum | M | 411 Industrial Lane | | part of Parcel E | 60R27571 |
| 5 | Water Tower | M | 380 - 10 th Avenue S.E. | | N. 200.71m of LSD 11, Sec.16 | FZ 4755 |
| 6 | T.C. Douglas Centre | M | 400 - 10 th Avenue S.E. | | N. 200.71m of LSD 11, Sec.16 | FZ 4755 |
| 7 | Weyburn Court House | P | 301 Prairie Avenue | 1-5 | 44 | M4926 |
| 8 | The Powell House | M | 815 4 th Street S.E. | 4, 5 | 5 | AU3775 |

These properties are subject to a development review process as defined by the Heritage Property Act, Sections 23, 24, and 25. Prior to the owner of a designated heritage property undertaking the, demolition, or major alterations and/ or additions to the heritage property, approval must be obtained, in the case of:

- (1) Provincially Designated Properties (P)
Provincially Designated Properties (P)

Provincial designations are afforded special protection and any alterations and development must be reviewed and approved by the appropriate department of the Province of Saskatchewan. Section 44 of The Heritage Property Act applies to Provincial Heritage Property.

- (2) Municipal Designated Properties (M)

An application must be submitted to the Development Officer of the City and approval of Council is required before a permit can be issued.

Normal maintenance and repairs can be carried out at the owner's sole discretion provided that the characteristics that led to heritage designation are not significantly altered. The owner should consult the City of Weyburn, Building Department before any work is undertaken.

SECTION - 4 - ADMINISTRATION, ENFORCEMENT AND PENALTIES

4.1 DEVELOPMENT OFFICER

4.1.1 Appointment

- a) The office of the Development Officer is hereby established.
- b) The Development Officer shall be the Manager of Community Services.
- c) In the performance of his duties specified in Subsection 4.1.3, the Development Officer may be assisted by other officers and employees.

4.1.2 Assistants

Any person appointed pursuant to Subsection 4.1.1 (c) may be authorized by the Development Officer to act on his behalf.

4.1.3 Duties - The Development Officer;

- a) shall administer and interpret this Bylaw;
- b) may conduct inspections of property to obtain information relating to violations and to ensure compliance with this Bylaw;
- c) may enter upon any property during reasonable hours and with the permission of the owner, operator or occupant ,to inspect property in a manner that does not damage the property;
- d) may investigate complaints and violations, strive to prevent violations, as well as detect and secure the correction of the violations;
- e) may initiate lawful action necessary to insure compliance with or prevent violation of this Bylaw;
- f) shall maintain written records of all actions taken in relation to all complaints and violations;
- g) shall be responsible for the receipts of applications made under this Bylaw and the review for completeness and compliance with the Bylaw;
- h) shall maintain current and permanent files of all amendments to this

Bylaw;

- i) shall provide such administrative, technical and consultative assistance as may be required to any committee of Council or City official, in the exercise of their duties under this Bylaw; and
- j) shall perform such other duties that are required by this Bylaw.

4.2 DEVELOPMENT APPEALS BOARD

4.2.1 Establishment

The Development Appeals Board of the City of Weyburn is established.

4.2.2 Composition

The Development Appeals Board shall consist of nine members who shall be appointed in accordance with Section 92 of The Act.

4.2.3 Types of Appeal

- a) Any decision of the Development Officer may be appealed to the Development Appeals Board, and any decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board only in accordance with The Act.
- b) Nothing in this section authorizes a person to appeal a decision of the Council;
 - i) refusing to rezone his land; or
 - ii) rejecting an application for approval of a discretionary use or a discretionary form of development.

4.2.4 Procedure

In making an appeal to the Development Appeals Board, the procedure outlined in The Act shall apply.

4.2.5 Fee

When application is made to the Board for an appeal, it shall be accompanied by an application fee of \$50.00, which fee is not refundable.

4.2.6 Who May Appeal

- a) Any person may appeal to the Development Appeals Board, if that person;
 - i) believes that the Development Officer has misapplied this Bylaw in issuing a Development Permit;
 - ii) has been refused a Development Permit by the Development Officer because the permit would contravene this Bylaw; or

- iii) is of the opinion that the development standards prescribed upon approval of a Discretionary Use exceeds those necessary to secure the objectives of this Bylaw.
- b) The decision of the Development Officer to revoke a Development Permit may also be appealed.
- c) There is no appeal where the Development Officer refuses to issue a development permit because it would contravene this Bylaw with respect to the use of the land.
- d) Unless otherwise provided in this Bylaw, an appeal to the Development Appeals Board shall be processed by the Development Officer in accordance with the procedure specified in Figure 4.2.

4.2.7 Appeal Period

Every appeal shall be filed with the Board within 30 days of the date of the issuance or refusal to issue the Development Permit.

4.2.8 Development Appeals Board Decision

In accordance with the powers given to the board under Section 96 of The Act, it may:

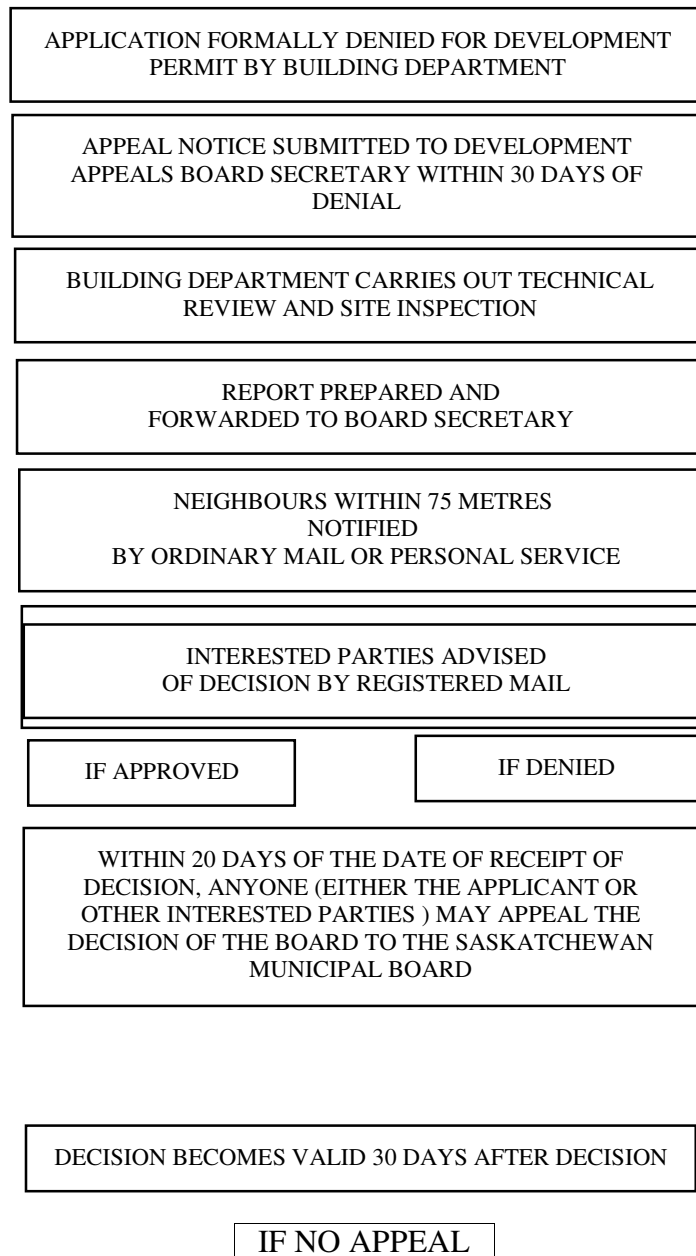
- a) confirm;
- b) revoke; or
- c) vary,

the decision of the Development Officer or Development permit or any condition attached to any of them, or substitute a decision or permit that it considers advisable.

4.2.9 Appeal to the Saskatchewan Municipal Board

Any decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board within 20 days after the receipt of a copy of the decision.

Figure 4.2: Development Appeals Process



If appealed within 20 days, Saskatchewan Municipal Board hearing will be held.

4.3 MINOR VARIANCES

4.3.1 The Development Officer may vary the requirements of this Bylaw subject to the following conditions:

- (1) a minor variance may be granted for variation only of:
 - b. the minimum required distance of a building from the lot line; and
 - c. the minimum required distance of a building to any other building on the lot;
- (2) the maximum amount of minor variance shall not exceed a 25% variation of the requirements of this Bylaw.
- (3) the development shall conform to this Bylaw with respect to the use of land;
- (4) the relaxation of this Bylaw shall not injuriously affect neighboring properties;
- (5) no minor variance shall be granted for a discretionary use, a discretionary form of development or in connection with an agreement on re-zoning entered into pursuant to Section 69 of The Planning and Development Act, 2007; and

4.3.2 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 \$100.00.

4.3.3 On receipt of an application for minor variance, the Development Officer may;

- (1) approve the minor variance;
- (2) approve the minor variance and impose terms and conditions on the approval; or
- (3) refuse the minor variance,

4.3.4 Where the Development Officer imposes terms and conditions on an approval pursuant to Subsection 3.3 (2), the terms and conditions shall be consistent with the general development standards in this Bylaw.

4.3.5 Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.

4.3.6 Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed owners of property having a common

boundary with the applicant's land that is the subject of the application.

4.3.7 the written notice required pursuant to subsection 4.3.6 shall:

- (1) contain a summary of the application for minor variance;
- (2) provide a reason for and an effective date of the decision;
- (3) indicate that an adjoining assessed owner may within 20 days, lodge a written objection with the Development Officer; and
- (4) where there is an objection described in Clause (3), advise that the applicant will be notified of the right of appeal to the Development Appeals Board.

4.3.8 The written notice required pursuant to subsection 4.3.6 shall be delivered:

- (1) by registered mail; or
- (2) by personal service.

4.3.9 A decision approving a minor variance, with or without terms and conditions, does not take effect:

- (1) in the case of a notice sent by registered mail, until 23 days from the date the notice was mailed;
- (2) in the case of a notice that was delivered by personal service, until 20 days from the date the notice was served.

4.3.10 If an assessed owner of property having a common boundary with the applicant's land that is the subject of the application objects, in writing, to the Development Officer respecting the approval of the minor variance within the time periods prescribed in Subsection 3.9, the approval is deemed to be revoked and the Development Officer shall notify the applicant in writing:

- (1) of the revocation of the approval; and
- (2) of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.

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

4.4. DEVELOPMENT PERMITS

4.4.1 No Development Without Development Permit

- a) Except where a particular development is specifically exempted by Section 4.7 of this Bylaw, no development of a permitted use shall commence without prior receipt of a development permit.
- b) Notwithstanding Subsection a), an approved building permit for a detached, semi-detached or duplex dwelling unit shall also constitute a development permit.
- c) No development of a discretionary use shall commence without the prior receipt of:
 - i) a development permit; and
 - ii) a building permit issued by the Building Department, where required.

4.4.2 Development Permit Requirements

- a) An application for a development permit shall be made to the Development Officer in a form specified by him.
- b) Every application for a development permit shall include the following information on the property which is the subject of the application:
 - i) owner, applicant, agent, engineer, architect, tenant, or contractor in charge of the project;
 - ii) civic address;
 - iii) legal description (lot, block, registered plan number and subdivision where applicable);
 - iv) signature on behalf of the owner; and
 - v) other details as specified on the development permit application.

4.4.3 Responsibilities of the Development Officer

- a) Where an application for a development permit is made for a permitted use, the Development Officer shall issue a development permit, where the development is in conformity with this Bylaw, the Act and all other City Bylaws.

- b) Notwithstanding Subsection a), where an application for a development permit is made for a discretionary use, the Development Officer shall process the application subject to the discretionary use procedure specified in Subsection 4.11.

4.4.4 Development Permit Applications

- a) Applications for a development permit shall be made to the Development Officer, and shall be in the prescribed form.
- b) Where an application is made for a development permit with respect to a discretionary use, the applicant shall undertake to pay the cost of advertising such application where the Council directs that such application be advertised.
- c) Where an application for a development permit is made for a discretionary use, the Development Officer shall advise the City Manager of the receipt of such application and the City Manager shall advise Council of the receipt of the application as soon as practicable following notification from the Development Officer.
- d) As soon as practicable after Council is advised that an application has been made for a development permit under paragraph c) of this Section, Council shall consider the application as one made to it to permit a discretionary use in accordance with Section 4.11. Prior to making a decision thereon, Council may refer the application, for review and report from Council, to such City officials, Council Committees, Government Agencies and interested groups as Council may consider appropriate and shall also direct that notice of the application be advertised by mailing a notice to all property owners within 75 metres of the property for which the application has been made.
- e) Upon approval of a discretionary use by Council, the Development Officer shall issue a development permit for the discretionary use at the location or locations and under the conditions specified by Council in its approval.

4.4.5 Application Review Criteria

In reviewing the application, the Development Officer shall evaluate the application based on the following factors;

- a) consistency with the general objectives and policies of the Development Plan;

- b) consistency with the objectives and policies of any applicable special study for the site; area or neighbourhood, with emphasis on;
 - i) land uses;
 - ii) intensity of development; and
 - iii) public facilities and services;
- c) consistency with the purposes and intents expressed in this Bylaw;
- d) potential adverse impact on;
 - i) adjacent property;
 - ii) the character of the neighborhood;
 - iii) the environment;
 - iv) traffic;
 - v) parking;
 - vi) public right-of-way; and
 - vii) other matters affecting public health and safety;
- e) suitability of the land for the proposed development.

4.5 WITHDRAWAL OF DEVELOPMENT PERMIT

4.5.1 Where any development, for which a development permit has been issued, is not being undertaken in accordance with this Bylaw, the Act, or other relevant City Bylaws, and in the case of a discretionary use, in accordance with development standards specified by Council, Council may direct that the Development Officer cancel or suspend the development permit.

4.5.2 A development permit suspended or cancelled pursuant to Subsection .1, shall be reissued or reinstated upon compliance with this Bylaw, the Act, any other relevant Bylaw or the development standards imposed by Council.

4.6 VALIDITY

Every development permit shall be valid for two years from the date it is issued by the Development Officer.

4.7 EXEMPTION FROM DEVELOPMENT PERMIT

Notwithstanding Subsection 4.1, no development permit shall be required for the following;

- a) maintenance or repair that does not require a Building Permit;
- b) the completion of a building or structure lawfully under construction at the date of approval of this Bylaw, provided that;
 - i) It is completed in compliance with its building permit, and
 - ii) Construction or reconstruction is commenced within six months of the date the last permit was issued.
- c) subject to Section 12, temporary facilities required for the duration of development operations for which a development permit has been issued;
- d) the maintenance and repair of public works services and utilities carried out by or on behalf of public authorities;
- e) accessory building with a floor area of less than 75 square metres; and
- f) the erection of fences.

4.8 ZONING BY-LAW COMPLIANCE CERTIFICATE

4.8.1 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.

4.8.2 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.

4.8.3 The application fee for a Zoning Bylaw Compliance Certificate shall be as set from time to time by resolution of City Council.

4.9 HOME OCCUPATION PERMIT

- 4.9.1 In addition to the requirements of Subsection 4.4.4 the following information shall be submitted with an application for a Home Occupation Permit.
- a) the location of dwelling unit where the home occupation will be conducted;
 - b) the total floor area of the dwelling unit;
 - c) area of room or rooms to be used in the conduct of the home occupation;
 - d) a sketch with dimensions showing the floor plan and the area to be used to conduct the home occupation;
 - e) a written description of the exact nature of the home occupation; and
 - f) a letter of approval for the home occupation from the property owner and/or property manager if the applicant is not the owner or property manager.
- 4.9.2 The Development Officer may waive the need to provide any of the items mentioned in clauses .1a) to f).
- 4.9.3 No operator of a home occupation shall deny the Development Officer or his designate the right to inspect the premise on which the home occupation is conducted.
- 4.9.4 Except as listed in Subsection 6.3.3(11), all applications for home occupations are considered controversial and shall be circulated for comment to assessed owners on the block face within 50 metres of the site on which the home occupation is to be conducted.
- 4.9.5 Applications for home occupations considered controversial as outlined in Subsection .4 shall be submitted by the Development Officer to City Council for approval along with his report and any correspondence from the assessed owners for or against the home occupation.
- 4.9.6 A declaration by the applicant stating that all of the applicable regulations shall be adhered to and form part of the certificate.
- 4.9.7 The Permit shall be used by the applicant to obtain a business license ,where required by the Licence Bylaw, from the City License Inspector.
- 4.9.8 The Development Officer may inspect the premise on which a home occupation is conducted during regular business hours to ensure compliance with these regulations.

4.9.9 Subsection .8 does not preclude the inspection of a premise after regular business hours to verify a reported violation of the home occupation regulations.

4.10 DEVELOPMENT PERMIT FOR A TEMPORARY USE

An application for a temporary use development permit described in Section 12, shall include the following information;

- a) where appropriate, the length of time the use is proposed;
- b) where appropriate, a description of toilet and other sanitary facilities that will be provided on the site and the written consent of the owners of the sanitary facilities granting the use for the required period; and
- c) a statement by the Regional Health Inspector, that the facilities meet health regulations.
- d) existing and proposed use;
- e) type of development whether a new development, an alteration, repair, addition, relocation or change in use;
- f) type of lot, whether interior or corner lot, and in the latter case, the intersecting street;
- g) a site plan indicating the location of all existing and planned improvements, parking and loading areas, and proposed landscaping; and
- h) other information specified elsewhere in this Section or as the Development Officer may reasonably require to ensure compliance with the provisions of this bylaw.

4.11 DISCRETIONARY USES

4.11.1 Intent

The Discretionary Use process is a mechanism by which the Council of the City determines a particular use or activity at a particular location:

- a) will be reasonably compatible with neighbouring uses; or
- b) may require specific conditions to ensure that it is compatible with other uses in the same land use zone, and in the vicinity of the subject property.

4.11.2 Application

The discretionary use provisions of this subsection shall apply to the following types of uses and activities:

- a) a use designated as a discretionary use in this Bylaw;
- b) developments that use hazardous materials; and
- c) any other use that may be specified by Council.

4.11.3 Application Requirements

- (1) In addition to the requirements of Subsection 4.4, every application for a discretionary use permit shall be made to the Development Officer and be accompanied by all of the following:
 - a) one copy of the site plan;
 - b) one copy of the landscape plan at the same scale as the site plan;
 - c) one copy of the floor plan and dimensions of each floor, and the elevation plan (except for existing buildings); and
 - d) written justification of the proposed discretionary use where requested by the Development Officer.
- (2) The Development Officer may waive the need to provide any of the items mentioned in clauses (1) a) to d).
- (3) The site plan mention in clause (1)a) shall indicate the following:
 - a) dimensions of all affected lands;
 - b) areas of the site that are unstable or have unusual soil conditions, such as a slough or previous waste disposal site;
 - c) other physical topographic features that may influence the development of the site;
 - d) the intended density, height, number of units, horizontal and vertical distribution of uses;
 - f) traffic circulation patterns including vehicle entry and exit points, as well as points of major pedestrian access to proposed buildings on the site, including walkways and drives;
 - g) the location of all required and optional fences;

- i) location and dimension of all existing and proposed buildings on the site;
- j) the location, dimension, and purpose of each existing and proposed easement;
- k) the location of existing and proposed utility services including water valves, catch basins and manholes. Rim and invert elevations of catch basins and manholes as well as pipe type and diameter shall also be shown;
- l) the street and lanes bordering on the property;
- m) the location, type and size of all signs;
- n) the location, type and orientation of all exterior lighting;
- o) the location of all parking and loading areas, including a summary of the number of parking stalls and labels indicating the dimensions;
- p) graphic scale, which shall be no smaller than 1:50;
- q) a north arrow; and
- r) a legend showing lot area and floor area.

The Development Officer may waive the need to provide some of the items mentioned in the above clauses

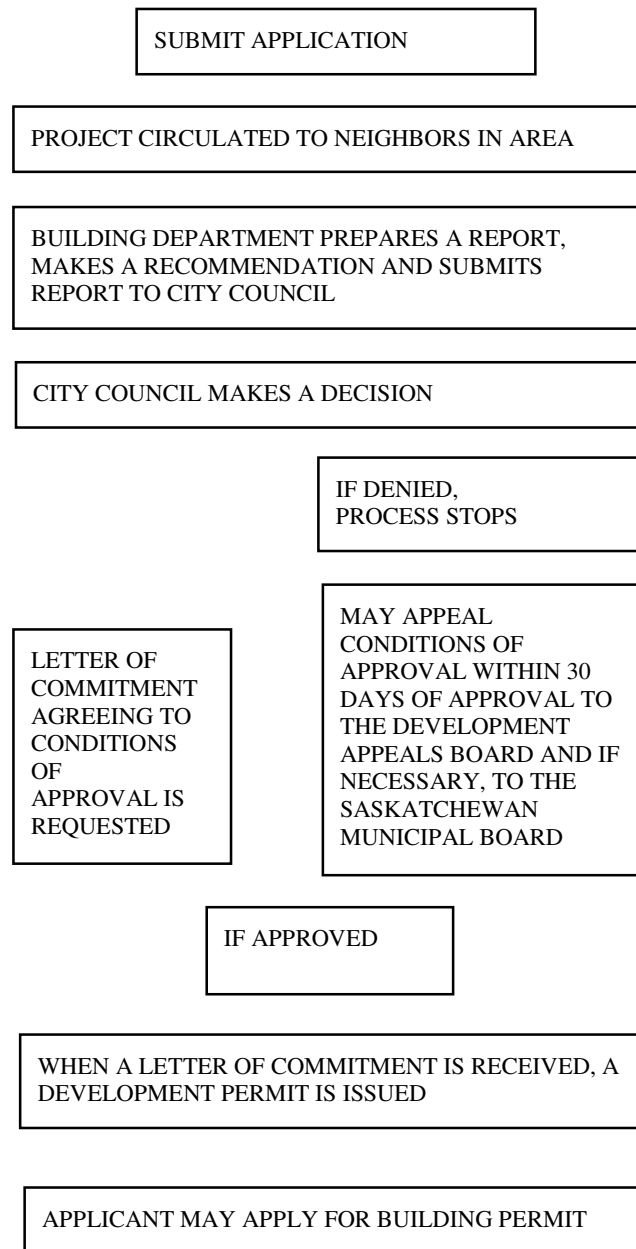
- (4) In the case of an application for a development that uses hazardous materials defined in Section 2, and mentioned in Section 5.1.(10), the application shall;
 - a) identify all hazardous substances and wastes, as defined in **The Hazardous Substances and Waste Dangerous Goods Regulations**, which are used or stored on the site.
 - b) identify other hazardous materials as defined in Section 2; and the impacts described in Section 5.2.8.
 - c) provide a description of the industrial use in terms of industry type, products produced, processing or manufacturing processes employed;
 - d) identify the environmental effects created by the development in terms of glare, air emissions, noise, solid waste, storm water, liquid waste, and hazardous substances;
 - e) identify mitigation measures to reduce or eliminate any of the environmental effects mentioned in clause d); and

- f) where required by the Development Officer, in the case where he believes the proposed development could present a serious environmental hazard to the City, provide an Risk Analysis prepared by a qualified engineer.
- g) the Risk Analysis in clause f) to be based on the following components:
 - i) site preparation and construction;
 - ii) process operation;
 - iii) raw material handling;
 - iv) energy-producing operations;
 - v) transportation requirements;
 - vi) potential accidents and hazards;
 - vii) waste disposal and control;
 - viii) monitoring.

4.11.4 Review Criteria Involving Hazardous Substances

- (1) In addition to the requirements of Subsection 4.4.5, the Development Officer shall evaluate the application together with a report and approval from the Fire Department and prepare the report to City Council based on the following factors involving hazardous substances. That application shall include a Risk Analysis that identifies;
 - a) the potential impacts of the proposed development on the City; and
 - b) appropriate measures to mitigate any adverse impacts.
- (2) The Risk Analysis shall be based on:
 - a) The Hazardous Substances and Waste Dangerous Goods Regulations;
 - b) sound planning and environmental engineering principles.

Figure 4.1: Process for Discretionary Use Applications



4.11.5 Administration Review

Unless otherwise provided in this Bylaw, an application for a discretionary use shall be processed by the Development Officer in accordance with the procedure specified in Figure 4.1, followed by a report and recommendation to City Council

4.11.6 Review and Action by City Council

City Council shall review the recommendation of the Development Officer and may;

- a) request further information from the Development Officer, or the applicant;
- b) approve the proposal as originally proposed;
- c) approve the proposal with modifications as required by Council or recommended by the Development Officer; or
- d) refuse the proposal

4.11.7 Time Limits

- (1) Council's approval of a discretionary use application shall be valid for a period of 12 months from the date of approval. If the proposed use or proposed form of development has not commenced within that time, the approval shall no longer be valid. The Development Officer shall advise the applicant. The applicant must re-submit an updated application to apply for re-approval.
- (2) If an approved discretionary use or form of development ceases to operate for a period of 24 months or more, the discretionary use approval shall no longer be valid. The Development Officer shall advise the owner by registered mail and inform Council when a prior approval is no longer valid.

4.11.8 Action by Development Officer

Upon approval of a discretionary use by Council, the Development Officer shall issue a development permit for the discretionary use at the location or locations and under the conditions specified in its approval.

4.12 SPECIAL DEVELOPMENT PERMITS

In addition to the requirements mentioned in Subsection 4.4, every application for development permit made in respect of a property located in a special zone shall comply with the requirements of this Subsection.

4.12.1 Development Permit for the Flood Fringe Overlay Zone

- a) An application for a development permit in the Flood Fringe Overlay Zone shall be accompanied by detailed drainage studies and plans drawn to metric scale showing;

- i) the nature, location, dimensions and elevation of the site; and
 - ii) the location of existing or proposed structures, fill, storage of materials, and drainage facilities.
- b) The elevation mentioned in clause a) i), shall be in relation to the mean sea level of the lowest floor of all structures, and to which any structure will be flood-proofed.
- c) All plans shall be certified by a registered professional engineer ,where required by the Development Officer, that the flood-proofing methods for any structure meet the flood-proofing requirements specified in the Weyburn Building Bylaw

4.12.2 Development Permit for the Aquifer Protection

- .1 An application for a development permit for a commercial or industrial use in the Aquifer area of the City shall be accompanied by:
- a) a complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
 - b) a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage, and to provide for control of spills;
 - c) a description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods;
 - d) evidence of approval where required by Saskatchewan Environment ,Saskatchewan Water Corporation and Fisheries and Oceans, Canada;
 - e) a description of site development measures to protect the Aquifers including proposed monitoring program; and
 - f) detailed hydrogeological report indicating underlying geology.
- .2 The Development Officer may waive the need for any information required in clauses d), e) and f) in consultation with the City Engineer.

4.13 SIGN PERMITS

4.13.1 Permanent Sign Permit

In addition to the requirements of Subsection 4.4, an application for a sign permit shall include the following information:

- (a) the names of the sign supplier and installer;
- (b) the type of sign desired, whether billboard, canopy/awning, free standing, projecting, roof, rotating, fascia (wall), portable or other;
- (c) number of sign faces;
- (d) the dimensions and height of each sign;
- (e) type of construction of sign;
- (f) whether illuminated or non-illuminated; and
- (g) any encroachment existing or anticipated after the installation of the requested sign.

4.13.2 Portable Sign Permit

Where an application is made for a portable sign, the following information shall be supplied in addition to the requirements of Subsections 4.4.2 and 4.13.1.

- (a) type of portable sign, whether illuminated or non-illuminated;
- (b) number of signs desired;
- (c) the time period for which each sign is required to be displayed at that specific location; and
- (d) name, address and telephone number of the owner of the portable sign.

4.14 ZONING AMENDMENTS

4.14.1 Purpose

- a) The Zoning Bylaw amendment process is a mechanism by which the City may, from time to time, bring this bylaw into conformity with the Development Plan or respond to changing conditions or needs of the City.

- b) The process described in this subsection shall apply to amendments to the text of the Zoning Bylaw and Zoning Maps.

4.14.2 Initiation

An amendment to the Zoning Bylaw may be initiated at the City by any of the following;

- a) any member of the general public upon application to the Development Officer;
- b) the Development Officer;
- c) The City Manager; or
- d) The City Council.

4.14.3 Pre-Application Consultation

Where a Zoning Bylaw amendment is sought by a member of the general public, the applicant shall meet with the Development Officer prior to submitting the application, to discuss informally, the;

- a) requirements of this section; and
- b) the nature of the proposed amendments.

4.14.4 Application Requirements

- (1) Every request for a Zoning Bylaw amendment shall:
 - a) be made to the Development Officer in a form provided by him; and
 - b) be accompanied by;
 - i) the applicable information required by Subsection 4.4.2;
 - ii) a reference or copy of the portion of the current provision of the Bylaw which is proposed to be amended;
 - iii) a statement of the text or a map showing the dimensions of the site to be re-zoned on the zoning map and the proposed new zone which is to be substituted;
 - iv) a written justification of the amendment, and why the application of the proposed zone or text is necessary;

- v) if directed by the Development Officer, an impact report outlining;
 - The relationship and compliance with the Development Plan or a planning study adopted by Council;
 - traffic impacts in terms of daily and peak hour trip generation and assignments;
 - impacts on and service requirements for water, sewage, and other utilities;
 - potential effect on stability, retention and rehabilitation of existing land uses in the area.
 - an assessment of impact on community services such as parks, recreation, fire and health; and
- vi) the staging, implementation schedule, and duration of construction for any proposed development associated with the amendment.

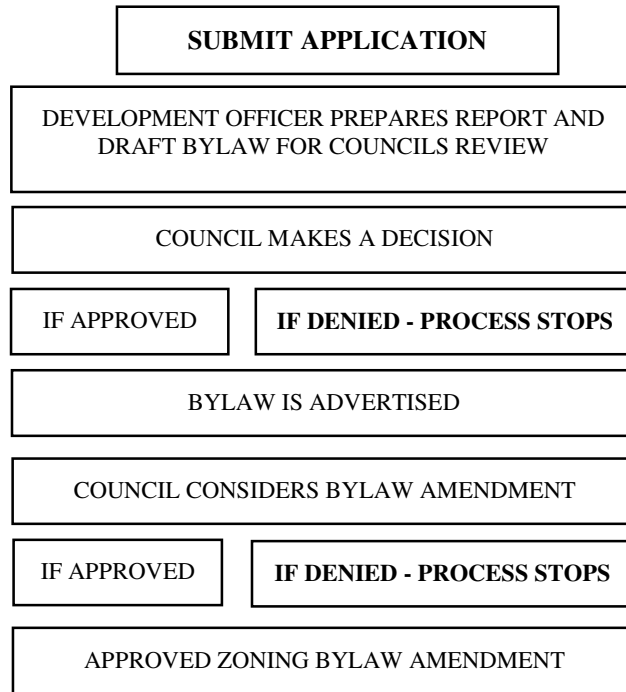
4.14.5 Administration Review

Unless otherwise provided in this Bylaw, an application for an amendment to the text or maps of the Zoning Bylaw shall be processed by the Development Officer in accordance with the procedure specified in Figure 4.2.

4.14.6 Review Criteria

In reviewing the application, the Development Officer shall evaluate the application based on the criteria outlined in Subsection 4.14.4 including any possible alternative locations in the City for the proposed development and prepare a report to the City Council.

Figure 4.2 Zoning Bylaw Amendment Process



4.14.7 Review and Action by City Council

City Council shall review the recommendation of the Development Officer and may;

- a) request further information from the Development Officer, or the applicant;
- b) approve the proposal as originally proposed;
- c) approve the proposal with modifications as recommended by the Development Officer; or
- d) refuse the proposal.

4.14.8 Effect of Refusal

No proposal which has been denied shall be resubmitted for a period of 12 months from the date of the Council's refusal.

4.15 COMPLIANCE WITH OTHER BYLAWS AND/OR LEGISLATION

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 City or from obtaining any license, permission, permit authority or approval required by this or any other bylaw of the City. Where provisions in the bylaw conflict with those of any other municipal or provincial requirement, the higher or more stringent regulations shall prevail.

4.16 ENFORCEMENT

4.16.1 Violation and Penalty

Any person who violates any provision of this Bylaw is guilty of an offence, and is liable on summary conviction to the penalties specified in Section 243 of The Planning and Development Act, 2007.

4.17 REGISTER

The Development Officer shall maintain as a public register in which shall be kept a record of all;

- a) permits, including compliance certificates, issued pursuant this Bylaw; and;
- b) discretionary use applications approved, with or without conditions, or refused by Council.

4.18 FEES

4.18.1 Required Fees

The fees for a zoning amendment shall be as set from time to time by resolution of Council.

4.18.2 Payment of Fees

- (1) Fees shall be payable at the time the application is filed with the Development Officer, and are not refundable.
- (2) Fees include the cost associated with;
 - a) newspaper advertisement;
 - b) Administrative costs in preparing, researching and processing the application and written report for City Council.

SECTION - 5 - GENERAL DEVELOPMENT REGULATIONS

PURPOSE OF THIS SECTION

- .1 This Section is designed to identify and provide regulations that are applicable to any land use or development on any site, irrespective of the land use zone in which it is located.
- .2 The Section is also intended, generally, to facilitate the implementation of the objectives of the Development Plan.

5.1 REGULATIONS APPLICABLE TO ALL LAND USES

5.1.1 Development Regulations

Every use or development of land or buildings shall comply with all development regulations of this section.

5.1.2 Irregular Lot Frontages

The minimum lot frontage on lots having a curved front lot line shall be measured as the distance between the side lot lines along a line drawn parallel to and 7.5 metres distance from a tangent to the midpoint of the front lot line.

5.1.3 Parking and Loading Regulations

Every use or development of land or buildings shall comply with all the requirements provided in Section 14 pertaining to the provision of parking and loading facilities. These regulations address issues such as minimum required parking spaces, and the screening of such areas.

5.1.4 Landscaping Regulations

Every use or development of land or buildings shall comply with all the landscape and buffer regulations provided in Section 15. The landscape and buffer regulations are the minimum required landscaping of developed land, and the minimum buffers between adjoining land use zones or incompatible land uses.

5.1.5 Sign Regulations

Every use or development of land or buildings shall comply with all the regulations and requirements of Section 16 dealing with signs. The sign regulations address issues such as the type, number, size, location, maximum area of signs, and types of signs that are permitted on a site.

5.1.6 Administrative and Procedural Regulations

Every use or development of land or buildings shall comply with all the administrative and procedural regulations of Section 4 dealing with procedures necessary to secure review and approval of a land use or development. Such regulations and restrictions address both procedural and technical requirements.

5.1.7 Exceptions To Height Requirements

- (1) Subject to Subsection (2), any height limitation in this Bylaw shall not apply to:
 - a) church spires, belfries, cupolas, penthouses and domes which are not used for human occupancy; or
 - b) chimneys, ventilators, skylights, water tanks, bulkheads, radio, television or microwave towers and antenna and similar features or necessary mechanical appurtenances usually situated above the roof level.
- (2) The features mentioned in Subsection (1) shall be erected only to such height or area as is necessary to accomplish the purpose they are to serve for the primary building, use or structure.

5.1.8 Environmental Protection Standards

Every use or development of land or building shall comply with all the regulations in this Subsection regarding the acceptable levels of nuisance such as lighting, noise, odour, heat, glare, and smoke that may be created.

(1) Purpose

The purpose of the environmental protection standards are to minimize or eliminate the effect of nuisances associated with land uses to be identified, and by so doing:

- a) prevent land use activities from being conducted in any manner that is dangerous, injurious, or objectionable to the City; and
- b) protect land use from arbitrary exclusion from certain zones and locations on the basis of past nuisance associated with the type of activity.

(2) Application

The environmental protection standards in this section shall be the minimum that all land use activities shall meet.

(3) Air Pollution

- a) no use or operation shall discharge into the atmosphere any air contaminants, visible emissions, smoke or particulate matter which exceed those measures prescribed by the Province of Saskatchewan under The Clean Air Act, and The Clean Air Regulations.
- b) no use, operation, or development shall cause or create the emission of odorous matter or vapour in amounts or quantities which exceed those measures prescribed by the Province of Saskatchewan under The Clean Air Act, and The Clean Air regulations .
- c) where the Province of Saskatchewan has determined that a use or development is in violation of The Clean Air Act or Regulations, the Development Officer may undertake Zoning Bylaw enforcement procedures.

(4) Electromagnetic Interference

No use or operation shall create any electromagnetic interference which adversely affects any operations or equipment other than those on the site where the disturbance originates.

(5) Fire and Explosion

- a) No materials use or operation which could decompose by detonations (such as explosives), shall be located less than 121.92 metres from a residential zone.
- b) Subsection a) shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.
- c) All activities and storage of flammable and explosive materials shall be provided with adequate safety and fire fighting equipment in accordance with the **City of Weyburn Fire Prevention Bylaw**.

(6) Heat

- a) No use or operation shall emit heat which increases the ambient air temperature by more than 3°C at the property line of any adjacent property, whether measured in the air, on the ground or in any structure on the adjacent property.

- b) Subsection a) does not apply to:
 - i) a parking lot;
 - ii) an automobile; or
 - iii) any building, architectural or landscaping feature which was previously approved by the Development Officer or Council.

(7) Glare

- a) No use, or building operation shall produce a direct or sky-reflected, dazzling light or reflection of that light beyond its lot lines including but not limited to exterior roof and/ or wall cladding. .
- b) Subsection a) shall not apply to:
 - i) signs or floodlighting of parking areas otherwise permitted by this Bylaw; or
 - ii) solar panels or other energy conservation features on the exterior of a building.

(8) Noise

- (1) All noise shall be muffled so that for an cumulative period of not more than 15 minutes in any hour at the lot line does not exceed the standards outlined in Table 5.2.
- (2) Except for the exempt classes mentioned in subsection (3) c), in no event shall the sound-pressure level of noise radiated continuously from a use or operation exceed at the lot line of the subject property, the values shown in Table 5.2.
- (3) The following noises shall be exempt from the provisions of this section:
 - a) noises from construction and maintenance activities between 7 a.m. and 11 p.m.;
 - b) noises from safety signals, emergency vehicles and equipment, warning devices and emergency pressure release valves;
 - c) noises from motor vehicles, such as automobiles, trucks, airplanes and railway; and

- d) ordinary domestic noises which are subject to The City of Weyburn Noise Bylaw.
- (4) All noise measurements shall be measured in A-weighted decibels (DBA), and made with a sound level meter which satisfies the requirement for Type 2 Sound Level Meter in the American National Specifications for Sound Level Meter.
- (5) Sound pressure levels shall be measured at the lot line, at a height of at least 4 feet above the ground surface.

| TABLE 5.2: MAXIMUM NOISE LEVELS | | |
|--|--|-------------------|
| LAND USE ZONE | Maximum Allowable Sound Pressure Noise Level (in decibels - DBA) | |
| | 7 a.m. to 11 p.m. | 11 p.m. to 7 a.m. |
| All Residential Zones | 60 | 55 |
| All Commercial Zones | 70 | 60 |
| All Other Zones Within 30 metres of a Residential Zone | 70 | 65 |
| All Other Zones | 85 | 75 |

(9) Odour

- (1) Except for uses and operations mentioned in subsection (2), no use shall generate any odour which reaches the property line either at ground level or at any habitable elevation of the abutting property.
- (2) The following types of odours shall be exempt from the requirements of subsection (1):
 - a) common domestic odours such as food preparation;
 - b) odours from temporary or seasonal agricultural harvesting activities; and
 - c) odours from construction and maintenance activities between 7 a.m. and 11 p.m.

(10) Hazardous Materials

- (1) The requirements of this section apply to all uses and operations involving one or more of the following:
 - a) micro-organism cultures;
 - b) pesticides;

- c) biological products;
 - d) hazardous materials defined in Section 2; and
 - e) infectious agents
- (2) All uses or operations involving such hazardous materials shall submit a written description of such materials and the operations involving the materials conducted on the property as required for discretionary uses in subsection 4.11.3 (4)

(11) Vibrations

No use or operation shall produce vibration, which measured at the ground level of the abutting property line, exceeds 0.0051 metres per second in particle velocity, using seismic or electronic vibration measuring equipment such as the Type 1553 Vibration Met.

(12) Waste Materials and Disposal

(1) No use or operation shall discharge toxic or noxious materials:

- a) across the boundaries of the site;
- b) through infiltration into the subsoil;
- c) into the sewage disposal system, except as otherwise provided by The Weyburn Sewer Service Bylaw; or
- d) into a stream.

(2) Subject to the Acts and Regulations administered by the Departments of Health and Environment, no liquid, solid or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pound, slough, intermittent drainage channel, or other body of water, onto any land or into the air.

(13) Exterior Lighting

(1) All exterior lighting on private property (excluding lighting within public right-of-ways and public properties) shall conform to the following requirements;

- a) the lighting fixture shall not be oriented in such a manner that the lighting element is visible from a property located within a residential zone. The use of shielded luminaries and careful fixture placement is encouraged to ensure compliance with this requirement;

- b) the amount of illumination from the exterior lighting, as measured at the property line, shall not exceed the levels specified in Table 5.3;
- c) the light fixtures shall not be located within any required landscaped buffer; and
- d) flashing, flickering or other lighting fixtures which may distract motorist shall not be used, except where permitted in Section 16 ,Sign Regulations, of this Bylaw.

| TABLE 5.3: MAXIMUM ILLUMINATION STANDARDS | |
|--|-----------------------------|
| COVERED PARKING, LOADING AND CIRCULATION AREAS | |
| Area | Night Light Intensity (lux) |
| General Parking and Pedestrian Circulation | 50 |
| Ramp and Corner | 10 |
| Entrance Area | 50 |
| Stairway | 10 |
| OPEN PARKING FACILITIES | |
| Surface Parking Area | 9 |
| BUILDING EXTERIORS | |
| Active Entrances | 50 |
| Inactive Entrances | 10 |
| Building Surroundings | 10 |

5.1.9 Parks and Playgrounds

Parks and playgrounds shall be permitted uses in all zones.

5.1.10 Minimum Yards Required

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

5.1.11 Number of Principal Buildings Permitted on a Site

Not more than one principal building shall be placed on any one site, with the exception of schools, hospitals, public recreation and exhibition facilities, nursing homes, senior citizen homes, planned group of dwelling units, shopping centres, and mobile home courts. Such exceptions shall be located on the site in such a manner that future subdivision of the site is not precluded.

5.1.12 Water and Sewage Services

No building or structure shall be constructed or reconstructed nor shall any building, structure or land be used unless served by public sewer and water facilities or exempted by statement from the Medical Health Officer for the City indicating that the proposed or existing sanitary facilities are satisfactory.

5.1.13 Abandoned Services and Driveways

- (1) Unless otherwise approved by Council, where a building is removed or demolished, the site is redeveloped or otherwise changed resulting in an existing driveway on the street side being abandoned, the owner shall pay the cost of the removal of the abandoned driveway and its replacement with curb and sidewalk to match the existing curb and sidewalk on that street.
- (2) Where a building has existing sewer and water services is removed or demolished and said services are abandoned for a period of six months or more, the owner shall pay the cost of disconnecting those services at the location of the mains.

5.1.14 Standards for Services

Public services to buildings provided by the City, their representatives or other public utility agencies must conform to the accepted standards of the City of Weyburn as may be set from time to time by resolution of Council.

5.1.15 Grading and Leveling of Site

- (1) Any site proposed for development shall, in the opinion of the Development Officer, be graded and leveled at the owner's expense to provide for adequate surface drainage which does not adversely affect adjacent property.
- (2) The finished grade may be specified by the Development Officer as a condition of any Development Permit. For the purposes of this Bylaw, the location at which the finished grade will be established for a building or structure shall be at a point 7.6 metres from the front site line, or at the discretion of the Development Officer, the average finished grade for sloping site based on one or more cross sectional measurements of the site.

5.1.16 Intersection Sight Line Control, and Driveway Development

(1) Intent

The regulations in this Subsection recognize the dual function of the City roadways to:

- a) move vehicular and pedestrian traffic between different parts of the City; and
- b) provide public access to individual properties located along the roadways.

As these functions have conflicting requirements, it is the intent of these regulations to maintain an appropriate balance.

(2) Application

Whenever a development site takes vehicular access from a roadway, the requirements in this subsection shall apply

(3) Intersection Sight Line Control

- a) Subject to the Weyburn Traffic Bylaw, every site shall provide a clear line of sight for motorists and pedestrians;
 - approaching a street intersection; or
 - exiting from driveways, walkway or lanes onto a street.
- b) Except as permitted in clause c), within the sight triangle bounded by the street lines and a line joining points on the street lines a distance of 7.6 metres from their point of intersection, there shall be no planting or structure over 750 millimetres high above the grade of the streets.
- c) In the CBD: Central Business District Zones, buildings located on corner sites shall provide a corner cut triangle at grade level for the first storey of not less than 3 metres along the street frontage and flankage.

5.1.17 Encroachments on Buffers and Easements

No structure shall encroach on a City easement, buffer strip, public reserve, municipal reserve, or environmental reserve, unless the prior approval of the City is obtained and an agreement entered into with the City pursuant to Section 215 of The Act.

5.1.18 Communication Antenna Support Structures

- (1) Communication support structures shall be discretionary uses in all zones.
- (2) These regulations supplement the regulations of the Department of Communications (Canada) for the construction or modification of radio communication antenna support structures.
- (3) These regulations apply to all communication antenna support structures.
- (4) Support structures mounted on buildings shall be considered a part of the principal structure and be subject to the height regulations provided for the building and land use zone.
- (5) Ground mounted support structures shall be:
 - a) located on the site so as to provide a minimum distance from all property lines equal to:
 - i) 20% of the height of the structure; or
 - ii) the distance between the base of the structure and the peripheral guy wire anchors; and
 - b) set back from other on-site and off-site towers and supporting structures far enough so that one tower will not strike another tower or supporting structure if the structure fails.
 - c) ground mounted support structures shall not be permitted in the front yard area.
- (6) All guy wire anchors shall be:
 - a) located entirely within the boundaries of the property and in no case less than the front yard setback requirements for that zone; and
 - b) located so as to provide a minimum of 3 metre horizontal setback from any overhead utility line.
- (7) Where communication antenna support structures are principal uses on a site a chain-link fence of not less than 2.44 metres high shall be provided around the structure and all access shall be provided through a locked gate.
- (8) A development permit is required for all communication support structures.

5.1.19 Construction Beneath Yards

Except in the case of an existing or required easement, yard setbacks are not required for construction or development that is completely below grade, and provided that the Development Officer may specify that a required yard, or any portion of a required yard be unobstructed or undisturbed below grade:

- (1) in order to preserve existing vegetation;
- (2) to provide an adequate growing environment for proposed or required landscaping; and
- (3) for the safety and/or stability of adjacent property.

5.2 PUBLIC USES PERMITTED IN ALL ZONES

5.2.1 This Bylaw permits the use of land or the use, construction or reconstruction, of a building or structure for the purpose of:

- a) a public utility;
- b) the Province of Saskatchewan, Government of Canada or City;
- c) the Province of Saskatchewan or Government of Canada established or exercising authority to construct a public utility under any general or specific statute of Saskatchewan or Canada; or
- d) any committee, board, commission or local authority established by Bylaw of the City,

5.2.2 Provided that;

- a) such use, building or structure shall comply with the applicable height, floor area ration, and yard regulations;
- b) there shall be no exterior storage of goods, materials or equipment in any Residential Zone; and
- c) such building or structure shall be designed and maintained in general harmony with the buildings and structures in that zone.

5.2.3 The Development Officer may refuse to issue a Development Permit where he considers the location of the development to be inconsistent with the goals and objectives of the Development Plan and/or the proposal would be detrimental to the health and public safety of the community.

5.3 OUTDOOR MERCHANDISE DISPLAY

5.3.1 Intent

The following regulations are intended to provide standards for the display of merchandise outside an enclosed building in order to preserve the character of the streetscape

5.3.2 Application

- a) These regulations apply to any land use in which the display for sale or rental of merchandise or equipment outside an enclosed building is an integral part of its operations
- b) The land uses referred to in Subsection (a) may include but are not limited to the following;
 - i) vehicle sales or rental
 - ii) prefabricated housing;
 - iii) monument sales;
 - iv) implement sales; and
 - v) used merchandise
- c) The land uses referred to in Subsection a) do not include the storage or display of;
 - i) inoperative vehicles or equipment; or
 - ii) other materials typically associated with junkyard or salvage operations
 - iii) materials that, in the opinion of the Development Officer would detract from the normal and intended character of the streetscape.

5.3.3 Display of Items

All items for display shall comply with the following regulations except where approved by the Development Officer in the cases of temporary special events or sale events:

- a) No item shall be displayed in a landscaped area.
- b) The display items shall not be located in a manner that will reduce the number or inhibit the use of parking stalls required to be provided on the property in accordance with the parking of this Bylaw.

- c) The display area shall be separated from any vehicular parking or circulation area by a minimum of 3 metres.
- d) The separation distance mentioned in subsection (c), shall be clearly marked by a physical separation such as a curb, fence, line of planters or paved area.

5.3.4 Visibility

No sign, screen, enclosure, buffer, landscape material, or display item shall interfere with onsite traffic visibility.

5.3.5 Fixtures

Where display items are removed from the display area, all support fixtures or structures used to display the goods shall be removed within 10 days of the removal of the goods.

5.3.6 Landscaped Buffer

Except for CBD and CBDA Zones a landscaped buffer shall be provided for the display facility in accordance with this Bylaw.

5.4 OUTDOOR STORAGE FACILITY

5.4.1 Intent

These regulations are designed to provide performance standards for the maintenance of outdoor storage facilities in order to:

- a) reduce adverse visual effects resulting from those facilities, and
- b) enhance public health and safety by preventing the contamination of the urban environment from materials transported directly and indirectly for the sites.

5.4.2 Application

- a) These regulations apply to all land uses in which any activity, except loading and parking, is located outdoors;
- b) The land uses referred to in subsection (a);
 - i) include, but are not limited to:
 - Contractor's storage yards;
 - Equipment yard; and
 - lumber yard; but

- ii) exclude;
 - storage yards for inoperative vehicles and equipment, or other materials commonly associated with a junk yard or salvage yard; and
 - storage of fuel, oil or gas in tanks connected to a heating plant on the premises.

5.4.3 Enclosure

The storage facility shall be completely screened by a solid wall or fence of at least 1.83 metres high, and in no case lower than the height of the materials in storage to a maximum height of enclosure and material of 2.44 metres.

5.4.4 Opening in Wall

- a) There shall be no more than one opening in the fence or wall facing any street for each 100 metres of fence length.
- b) The opening mentioned in Subsection (a) shall not exceed 6 metres in width, and shall be provided with a solid gate which must be kept closed except during the passage of vehicles for loading and unloading purposes.
- c) Where vehicles or equipment are stored, they shall be maintained in an operable condition, otherwise the facility shall be deemed a junk yard and shall be subject to the applicable requirements of respecting junk yards.

5.4.5 Location

- a) No outdoor storage facility shall be located on ;
 - i) open space;
 - ii) landscaped area; or
 - iii) landscaped buffer,which was previously designated or as specified by the Development Officer on the Development Permit.
- b) The storage items shall not be located in a manner that will reduce the number or inhibit the use of parking stalls required to be provided on the property in accordance with the parking regulations of this Bylaw.
- c) The storage are shall be separated from any vehicular parking or circulation area by a minimum of 3 metres.

- d) The separation distance mentioned in subsection (c), shall be clearly marked by a physical separation such as a curb, fence, line of planters or paved area.
- e) Neither;
 - i) the enclosure; nor
 - ii) the materials being stored shall interfere with on-site traffic visibility.

5.5 DAY CARE CENTRE/ NURSERY SCHOOL

5.5.1 Intent

The intent of the regulations in this Subsection is to ensure compatibility between the provision of day care/ nursery services and surrounding land uses. It is also intended to encourage the dispersion of those services throughout the City so that they are available at convenient locations.

5.5.2 Site Requirements

The most stringent lot area, coverage, frontage and yard regulations of the zone in which the use is located shall apply.

5.5.3 Health Requirements

An individual proposing to use any facility as a day care centre/nursery school shall apply for and receive health and fire certificates before a development permit may be issued.

5.5.4 Indoor Play Space Standards

- a) Each day care centre/nursery school shall provide indoor play space at the rate of;
 - i) 3.7 square metres for each child being cared for who is an infant (six weeks or more but not exceeding 18 months); and
 - ii) 3.25 square metres for each child being cared for who is of the age of 18 months or older.
- b) No more than 50% of the height of the walls of any room used as a play space shall be below grade level.

- c) Any room used as a play space shall be equipped with windows the glass surface area of which is not less than 10% of the room's floor area. A windowless room may be considered part of the play space if it adjoins a room with windows, on the condition that 60% of their dividing side is free and open. The adjoining room shall be no greater in area than the room having the windows.

5.5.5 Outdoor Play Space Standards

- a) All day care centres/nursery schools shall be required to have an Adjacent Outdoor Play Space allowing a minimum of 7 square metres of usable open space per child cared for.
- b) Outdoor Play Spaces, with the exception of school yards, shall be enclosed at all times by a well maintained fence with a minimum height of 1.2 metres. The fence shall present an interior surface making in non-climbable and all gates that give access to the outdoor play space shall be locked at all times.
- c) Where a day care centre/nursery school fronts upon an arterial street, the outdoor play space shall be located to the sides and to the rear of the building and shall not be permitted to be located in the front yard.
- d) Where a day care centre/nursery school is located on a corner lot at the intersection of two arterial streets, the outdoor play space shall be located in the rear yard of the structure and/or in the side yard away from the arterial street.
- e) Where a day care centre/nursery school is accessory to a multiple housing project, it must either have its own privately fenced play area, or where communal play area will be utilized in place of the private play area, it must be sufficiently fenced to comply with this Bylaw.

5.5.6 Parking and Loading Requirements

Day care centres/nursery schools shall provide parking and loading areas in compliance with Section 14 of this Bylaw.

5.5.7 Landscaping

- a) Landscaping compatible with the neighbouring residential properties and consistent with the neighbourhood character must be provided and maintained.

- b) Additional landscaping may be required to provide increased screening from adjacent dwelling units.

5.5.8 Maximum Number of Children

Where a day care centre / nursery school is located in a building constructed as a detached dwelling unit in any residential zone, it shall be restricted to a maximum of 12 children, including the children of the adult provider, provided that the facility meets the regulations under this section of the Bylaw. Such a facility shall also be occupied as a residence of the provider and who must obtain a Home Occupation Permit.

5.5.9 Space Requirement

No more than 1 day care centre / nursery school shall be allowed in a single block face in a residential zone.

SECTION - 6 - RESIDENTIAL ZONE REGULATIONS

PURPOSE OF SECTION

The purpose of this Section is to provide regulations and requirements that are relevant only to residential zones and specific residential uses and are intended to:

- .1 To prevent the detrimental effects to the use or development of adjacent properties or the general neighbourhood;
- .2 encourage the development of varying housing types to meet present and future needs.
- .3 protect the character and intent of the residential zones and neighborhoods in the City.
- .4 Identify locations for future residential development in the City, and to protect those areas from the encroachment of commercial and industrial uses.

These regulations supplement those provided in Sections 4 and 5.

6.1 REGULATIONS FOR ALL RESIDENTIAL ZONES

6.1.1 Front Yard Reductions

a) Centre Lot

Except the RFM: Residential Fringe Mixed Use Zone and subject to 6.1.1.b), when a lot is situated between two lots each of which contains a principal building which projects beyond the minimum required front yard depth, the front yard required on the centre lot may be changed to an average of the adjacent lots but not less than 6 metres.

b) Front Yard Depth Shall not Affect Reduction

The minimum front yard depths required for each zone in this subsection shall not prevent the reduction mentioned in subsection 6.1.1.a)

6.1.2 Building Lines

- (a) If the rear yard of one site in a block is adjacent to the front yard of the other sites in the block, then the rear yard of the site may be in line with the front yard of the remainder of the sites in the block, but in no case shall the said rear yard be less than 7.6 metres.
(Refer to Section 11.6 for accessory building requirements.)

- (b) On a corner lot in Residential Zones, the minimum side yard adjacent to the flanking street shall be 3.0 metres.

6.1.3 Side Yard Reductions

Notwithstanding the minimum depth of side yard required according to this bylaw, the side yards may be reduced to 1.2 metres on the following lots in a subdivision originally developed by Canada Mortgage and Housing using their side yard standards.

| LOT | BLOCK | REGISTER PLAN NO. | LOCATION |
|---------------|-------|-------------------|---------------|
| 3 to 24 Inc. | 1 | 61R23978 | Ash Drive |
| 1 to 22 Inc. | 2 | 61R23978 | Ash Drive |
| 24 to 39 Inc. | 2 | 61R23978 | Birch Drive |
| 41 to 43 Inc. | 2 | 61R23978 | Ash/Birch Dr. |
| 1 to 16 Inc. | 3 | 61R23978 | Birch Drive |
| 1 to 7 Inc. | 8 | 61R23978 | Ash Drive |
| A | 8 | 61R23978 | Ash Drive |

6.1.4 Outside Storage

In addition to any applicable regulations in this Bylaw, all outside storage in residential zones, whether principal use or accessory use, shall conform to the regulations in this Subsection.

(1) Unlicensed Vehicles

- a) A maximum of two unlicensed vehicles, including recreational vehicles, may be kept on a residential site, if stored;
- i) within a garage or enclosed carport;
 - ii) fully covered; or
- b) No unlicensed vehicle shall be kept in the required front yard
- c) Every unlicensed vehicle shall be maintained in operable condition. Where not so maintained, the vehicle shall be deemed a

junk vehicle pursuant to The Cities Act, as defined in this Bylaw and any other applicable Bylaws of the City of Weyburn.

(2) Building Materials

- a) Building materials such as bricks, concrete blocks and lumber shall not be stockpiled in the required front yard for more than seven days.
- b) The materials mentioned in subsection a) may be stockpiled temporarily in the rear yard or side yard for a period of not more than 12 calendar months

6.1.5 Permitted Yard Encroachments

(1) Window, Sill, Eave, Etc.

- a) A window, sill, belt course, cornice, eaves, gutter, bay window, chimney breast and similar non-structural architectural features may project a maximum of 600 millimetres into any required yard.
- b) The total yard space covered by all the projections mentioned in subsection a), taken on a horizontal plane through the widest projection, shall not exceed 2 square metres.
- c) Excepting that a bookcase, a cabinet or similar structural feature may project a distance of 600 millimetres into a required side yard provided that:
 - i) all projections on the building are located on one side only; and
 - ii) the total of a horizontal plane through the widest projections, does not exceed 2.4 square metres.

(2) Fire Escape

A fire escape may project 1.5 metres into any required yard, but not closer than 150 millimetres to a lot line.

(3) Balconies, Decks and Uncovered Platforms

- i) Except in the case of a reduction permitted in Subsection 6.1.1 and as permitted in 6.1.5(3) i), a balcony, deck or step may project 1.8 metres into any required front yard or 3.6 meters into any required rear yard area.

- ii) A step may project 1 metre into one of the required side yards.
- iii) An uncovered platform or deck that is not more than 300 millimetres in height does not require setbacks.

(4) Wheelchair Ramp

A wheelchair ramp may encroach into any required yard only on existing buildings and any single family residential buildings.

(5) Air Conditioner / Heat Exchanger

An air conditioner or heat exchanger shall not be located;

- i) closer to the front lot line than the front wall of the principal building, including any attached garage; and
- ii) closer than three metres to a door or window of a dwelling on an adjoining lot.

6.1.6 Fence

(1) Fence Height

Subject to the Intersection Sight Line Control guidelines in subsection 5.1.16, and other Bylaws of the City, the height of a fence above grade measured at any point along the fence line shall not exceed:

- a) 2.44 metres for the portion of the fence that does not extend beyond the foremost portion of the principal building on the site; and
- b) 0.75 metres for the portion of the fence that extends beyond the foremost portion of the principal building on the site.

6.1.7 Planned Group of Dwellings

Notwithstanding any other provisions of this bylaw, a planned group of dwelling units shall submit to the following regulations;

(1) Components

A planned group of dwelling units may consist of only the permitted and discretionary uses in the applicable Residential Zone.

(2) Development Standards

- a) The lot area of the grouped housing shall equal the total of the minimum lot area otherwise required for each dwelling unit.
- b) The lot coverage of the grouped housing shall not exceed the sum of the maximum lot coverage which is permitted for each dwelling unit in the application Residential Zone.
- c) The minimum required front, rear and side yard setbacks will be those of the applicable Residential Zone.
- d) Parking and Loading provisions shall be in accordance with Section 14 of this Bylaw.
- e) No building shall be closer to a front lot line than 7.6 metres nor to a side or rear lot line than 1.5 metres and no dwelling unit shall be closer than 3 metres to a side lot line or closer than 9 metres to a rear lot line. The minimum yard distance adjacent to a flanking street shall be 3 metres.

(3) Subdivision Standards

- a) Where a planned group of dwellings meets the development standards under 6.1.7(2) as a single project on a site, the approval of a subdividing instrument is allowed to accommodate orderly and beneficial phasing of development.
- b) Where a subdividing instrument is approved pursuant to 6.1.7(3)a), individual parcels within the planned group of dwellings are not required to meet minimum frontage, or maximum lot coverage requirements of the appropriate zone.
- c) The subdivision approving authority will exercise its discretion in determining if the phasing of a development is orderly and beneficial by considering :
 - i) the phasing of the development;
 - ii) in the case of a condominium, the allocation, joint use and maintenance of common property by the entire planned group of dwelling unites; and,
 - iii) the requirement for any agreements, easements, joint use, joint maintenance or servicing agreements between parcels.

6.1.8 Kennels

Subject to Subsection 11.1.4 e), in any Residential Zone except R4 and RFM, only one private kennel and/or exercise and containment area shall be permitted on any one site. It shall be situated in the rear half of the rear yard area no less than 3 metres from the adjoining property line, but in no case shall it be less than 9 metres from any adjoining residence.

6.1.9 Provisions For Open Space On Multi-Unit Residential Buildings

(1) Application

The regulations in this subsection shall apply to multi-unit residential developments.

(2) Landscaped Open Space For Apartment Buildings

- a) Except as provided in Subsection (2) b), landscaped open space shall be provided adjacent to apartment buildings on the same site and equal in area to 20% of the site area. Such open space shall not be used for purposes of parking, driveways, or loading.
- b) The landscaped open space required in Subsection (2) a), may be reduced to 10% for apartment and mixed use buildings in RFM Zones
- c) The Communal Amenity Area and Child Space in Subsections 6.1.9(3) b) and 6.1.9(4) c) may be included as part of the total open space mentioned in Subsection 6.1.9(2) a) and 6.1.9(2) b).

(3) Communal Amenity Area

- a) A communal amenity area shall be provided within a site containing the following types of dwelling units;
 - i) planned group of dwellings;
 - ii) apartments;
 - iii) low rise apartments;
 - iv) Senior citizens' apartments; or
 - v) Townhouses.
- b) A minimum of five percent of the total site area shall be allocated to the communal amenity area.

(4) Landscaped Open Space

- a) Appropriately located, designed and landscaped open spaces shall be provided for pre-school and school-aged children in a Planned Group of Dwelling Units.
- b) A minimum of 2.5 square metres per bedroom (excluding the master bedroom) shall be provided for this purpose, and distributed as follows:
 - i) one square metre for the use of preschool aged children; and
 - ii) 1.5 square metres for the use of school-aged children.
- c) The open spaces for pre-school aged and school-aged children shall be located separately on the site.
- d) The requirements of this section do not apply to senior citizens' apartments.

6.2 REGULATIONS FOR SPECIFIC RESIDENTIAL ZONES

6.2.1 RI : RESIDENTIAL DETACHED ZONE

.1 Purpose

This is the most restrictive residential area for the development of detached dwelling units. It is the principal zone for single family development in the suburban areas of the City. The standards in this zone are designed to preserve and protect the suburban residential community character of this area.

.2 Permitted Uses

- (1) Dwelling Unit, Detached
- (2) Home Occupation ³
- (3) School, Public
- (4) Secondary Suites

.3 Discretionary Uses

- (1) Auditorium, Institutional
- (2) Church (Religious Institution)
- (3) Community Recreation Facility
- (4) Day Care Centre ²
- (5) Nursery School ²
- (6) Personal Care Home, detached dwelling style ¹
- (7) Dwelling Unit, Ready to Move (RTM)

.4 Regulations

| Building Type | Site Area, min. M2 | Frontage, min M | Lot Coverage Max % | Front Yard min. M | Side Yard, min M | Rear Yard, min M | Height max M |
|--|-----------------------|--------------------|-----------------------|----------------------|---------------------|---------------------|-----------------|
| Detached Dwelling Unit | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11m * |
| All other principal buildings | 920 | 30 | 40 | 7.6 | 3.0** | 7.6 | 11m* |
| Personal Care Home - detached dwelling style | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11m* |

* unless otherwise specified on the zoning maps.

** * or ½ the average wall height whichever is greater, to a max. of 7.6 m.

.5 Notes

1. with not more than ten clients in a one unit dwelling, subject to the provisions of Section 6.3.2
2. subject to the provisions of Subsection 5.5
3. subject to the provisions of Section 6.3.3

6.2.2 R2, R2A: RESIDENTIAL SEMI-DETACHED ZONE

.1 Purpose

This zone permits semi-detached dwelling units and uses permitted in the RI Zone while recognizing the demand for the conversion of older, large detached dwellings to rental housing. It is designed to conserve the general character of the established neighborhoods and encourage the renewal of existing housing. The uses permitted in both the R2, and the R2A zones are identical, however the front and rear yard setback requirements are less in the R2A zone.

.2 Permitted Uses

- (1) Dwelling Unit, Detached
- (2) Dwelling Unit, Semi-Detached
- (3) Dwelling Unit, Duplex
- (4) Home Occupation ³
- (5) School, Public
- (6) Secondary Suites

.3 Discretionary Uses

- (1) Auditorium, Institutional
- (2) Bed and Breakfast Home ⁴
- (3) Boarding House
- (4) Church (Religious Institution)
- (5) Community Recreation Facility
- (6) Day Care Centre, ²
- (7) Dwelling Unit, Converted
- (8) Nursery School ²
- (9) Personal Care Home, detached dwelling style¹
- (10) Dwelling Unit, Ready to Move (RTM)

.4 R2 - Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage, max. % | Front Yard, min. M | Side Yard, min. M | Rear Yard, min. M | Height, max. M |
|--|--------------------------------|------------------|----------------------|--------------------|-------------------|-------------------|----------------|
| Detached Dwelling Unit | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11 m * |
| Semi-detached Dwelling Unit | 275 per unit | 7.5 per unit | 50 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Duplex Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Boarding House | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Personal Care Home - detached dwelling style | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11 m * |

| | | | | | | | |
|-------------------------------|-----|----|----|-----|---------|-----|--------|
| All other Principal Buildings | 920 | 30 | 40 | 7.6 | 3.0 * * | 7.6 | 11 m * |
|-------------------------------|-----|----|----|-----|---------|-----|--------|

* unless otherwise specified on the zoning maps

** or ½ the average wall height, whichever is greater, to a max. of 7.5 m

.5 R2A - Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage, max. % | Front Yard, min. M | Side Yard, min. M | Rear Yard, min. M | Height, max. M |
|---|-----------------------------------|---------------------|----------------------------|--------------------------|-------------------------|-------------------------|----------------------|
| Detached Dwelling Unit | 325 | 9 | 60 | 6.0 | 1.2 | 6.0 | 11 m * |
| Semi-detached Dwelling Unit | 275 per unit | 7.5 per unit | 50 | 6.0 | 1.5 end units | 6.0 | 11 m * |
| Duplex Dwelling Unit | 460 | 15 | 50 | 6.0 | 1.5 | 6.0 | 11 m * |
| Boarding House | 460 | 15 | 50 | 6.0 | 1.5 | 6.0 | 11 m * |
| Personal Care Home - detached dwelling style | 325 | 9 | 60 | 6.0 | 1.2 | 7.6 | 11 m * |
| All other Principal Buildings | 920 | 30 | 40 | 6.0 | 3.0 * * | 6.0 | 11 m * |

* unless otherwise specified on the zoning maps

** or ½ the average wall height, whichever is greater, to a max. of 7.5 m

.6 Notes

1. with not more than ten clients in a one unit dwelling, and five clients per dwelling in a semi-detached dwelling, subject to the provisions of Subsection 6.3.2
2. subject to the provisions of Subsection 5.5
3. subject to the provisions of Subsection 6.3.3
4. subject to the provisions of Subsection 6.3.1

6.2.3 R3, R3A: RESIDENTIAL OLDER NEIGHBORHOOD ZONE

.1 Purpose

The purpose of this zone is to provide stability for older neighborhoods and at the same time provide flexibility in building and design where redevelopment is desired. The objective is to also encourage the maintenance, conservation and renewal of the existing housing. It recognizes that some areas may be appropriate for apartment development. While the uses permitted in both R3 Zones are identical, the parking requirements in the R3A Zone is less restrictive reflecting the lesser need for vehicles closer to the work areas and services closer to the City core.

.2 Permitted Uses

- (1) Apartment Dwelling Units, low rise
- (2) Boarding House
- (3) Day Care Centre ³
- (4) Dwelling Unit, Converted
- (5) Dwelling Unit, Detached
- (6) Dwelling Unit, Duplex
- (7) Dwelling Unit, Fourplex
- (8) Dwelling Unit, Semi-Detached
- (9) Dwelling Unit, Triplex
- (10) Home Occupation ⁴
- (11) Personal Care Home ¹
- (12) Personal Care Home - detached dwelling style
- (13) School, Public
- (14) Secondary Suites

.3 Discretionary

- (1) Auditorium, Institutional
- (2) Ambulance Service Establishment ²
- (3) Apartment Dwelling Units
- (4) Apartment, Senior Citizens
- (5) Bed and Breakfast Home ⁵
- (6) Church (Religious Institution)
- (7) Club, Private
- (8) Community College
- (9) Community Recreation Facility
- (10) Community Service Institution
- (11) Dwelling Units, Planned Group of ⁶
- (12) Dwelling Units, Townhouse
- (13) Funeral Home
- (14) Group Care Facility
- (15) Halfway House
- (16) Hospital
- (17) Nursery School ³
- (18) School, Private
- (19) Social Service Home

- (20) University
- (21) Dwelling Unit, Ready to Move (RTM)

.4 Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage max. % | Front Yard, min. M | Side Yard, min. M | Rear Yard, min. M | Height, Max M |
|--|--------------------------------|------------------|---------------------|--------------------|-------------------|-------------------|---------------|
| Detached Dwelling Unit | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11 m * |
| Semi-detached Dwelling Unit | 275 per unit | 7.5 per unit | 50 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Duplex Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Boarding House | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Triplex Building Fourplex Building | 704 | 21 | 40 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Townhouse Dwelling Unit | 185 per unit | 6.0 per unit | 40 | 7.6 | 1.5 end units | 9.0 | 11 m * |
| Apartment Building | 822 | 22.5 | 40 | 7.6 | 3.6 * * | 9.0 | 16 m * |
| Personal Care Home | 822 | 22.5 | 40 | 7.6 | 3.6 * * | 9.0 | 11 m * |
| Personal Care Home - detached dwelling style | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11 m* |
| All other Principal Buildings | 920 | 30 | 40 | 7.6 | 3.0 * * | 7.6 | 11 m * |

- * unless otherwise specified on the zoning maps
- * * or ½ the average wall height, whichever is greater, to a max. of 7.5 m

.5 Notes

1. subject to the provisions of Subsection 6.3.2
2. in conjunction with Hospital
3. subject to the provisions of Subsection 5.5
4. subject to the provisions of Subsection 6.3.3
5. subject to the provisions of Subsection 6.3.1
6. subject to the provisions of Subsection 6.1.7

6.2.3(a) R3B: RESIDENTIAL OLDER NEIGHBOURHOOD ZONE

.1 Purpose

The purpose of this zone is to provide stability for older neighbourhoods and at the same time provide flexibility in building and design where redevelopment is desired. The objective is also to encourage the maintenance, conservation and renewal of the existing housing. It recognizes that some areas are appropriate for apartment and townhouse development, and that these sites require modified yard setbacks in order to meet site specific design considerations and to enhance the streetscape environment.

.2 Permitted Uses

- (1) Apartment dwelling units
- (2) Apartment dwelling units, low rise
- (3) Apartment, Senior Citizens
- (4) Dwelling Unit, Townhouse
- (5) Dwelling Unit, Fourplex
- (6) Dwelling Unit, Triplex
- (7) Home Occupation³
- (8) Personal Care Home⁵
- (9) School, Public
- (10) Secondary Suites

.3 Discretionary Uses

- (1) Auditorium, Institutional
- (2) Ambulance Service Establishment¹
- (3) Bed and Breakfast Home⁴
- (4) Church (Religious Institution)
- (5) Club, Private
- (6) Community Recreation Facility
- (7) Community College
- (8) Community Service Institution
- (9) Day Care Centre²
- (10) Dwelling Unit, Detached
- (11) Dwelling Unit, Duplex
- (12) Dwelling Unit, Planned Group of⁶
- (13) Dwelling Unit, Semi-Detached
- (14) Funeral Home
- (15) Group Care Facility
- (16) Halfway House
- (17) Hospital
- (18) Nursery School²
- (19) School, Private
- (20) Social Service Home
- (21) University

.4 Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage max. % | Front Yard, min. M | Side Yard, min. M | Rear Yard, min. M | Height, Max M |
|---|--------------------------------|------------------|---------------------|--------------------|-------------------|-------------------|---------------|
| Detached Dwelling Unit | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11 m * |
| Semi-detached Dwelling Unit | 275 per unit | 7.5 per unit | 50 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Duplex Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Converted Dwelling Boarding House | 460 | 15 | 40 | 7.6 | 1.5 | 7.6 | 11 m * |
| Triplex Building Fourplex Building | 704 | 21 | 40 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Townhouse Dwelling Unit | 185 per unit | 6.0 per unit | 40 | 3.0 | 1.5 end units | 6.0 | 11 m * |
| Apartment Building | 822 | 22.5 | 40 | 3.0 | 3.6 * * | 6.0 | 16 m * |
| Personal Care Home | 822 | 22.5 | 40 | 7.6 | 3.6 * * | 9.0 | 11 m * |
| Personal Care Home, detached dwelling style | 325 | 9 | 60 | 7.6 | 1.2 | 7.6 | 11 m * |
| All other Principal Buildings | 920 | 30 | 40 | 7.6 | 3.0 * * | 7.6 | 11 m * |

* unless otherwise specified on the zoning maps

* * or ½ the average wall height, whichever is greater, to a max. of 7.5 m

.5 Notes

1. in conjunction with Hospital
2. subject to the provisions of Subsection 5.5
3. subject to the provisions of Subsection 6.3.3
4. subject to the provisions of Subsection 6.3.1
5. subject to the provisions of Subsection 6.3.2
6. subject to the provisions of Subsection 6.1.7

6.2.4 R4: RESIDENTIAL SUBURBAN MULTIPLE HOUSING ZONE

.1 Purpose

The purpose of this zone is to regulate the location of higher density multiple housing in new areas of the City and give a variety of options to encourage developers to provide a mix of affordable housing for all including , low and moderate income as well as for special need groups.

.2 Permitted Uses

- (1) Apartment dwelling units
- (2) Apartment dwelling units, low rise
- (3) Apartment, Senior Citizens
- (4) Dwelling Unit, Fourplex
- (5) Dwelling Unit, Townhouse
- (6) Dwelling Unit, Triplex
- (7) Home Occupation ³
- (8) Personal Care Home ⁵
- (9) Personal Care Home - detached dwelling style
- (10) School, Public
- (11) Secondary Suites
- (12) Dwelling Unit, Planned Group of ⁶

.3 Discretionary Uses

- (1) Auditorium, Institutional
- (2) Ambulance Service Establishment ¹
- (3) Bed and Breakfast Home ⁴
- (4) Church (Religious Institution)
- (5) Club, Private
- (6) Community Recreation Facility
- (7) Community College
- (8) Community Service Institution
- (9) Day Care Centre ²
- (10) Dwelling Unit, Detached
- (11) Dwelling Unit, Duplex
- (12) Dwelling Unit, Semi-Detached
- (13) Funeral Home
- (14) Group Care Facility
- (15) Halfway House
- (16) Hospital
- (17) Nursery School ²
- (18) School, Private
- (19) Social Service Home
- (20) University

.4 Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage max. % | Front Yard, min. M | Side Yard, min. M | Rear Yard, min. M | Height, Max M |
|---|--------------------------------|------------------|---------------------|--------------------|-------------------|-------------------|---------------|
| Detached Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Semi-detached Dwelling Unit | 275 per unit | 7.5 per unit | 50 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Duplex Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Converted Dwelling Boarding House | 460 | 15 | 40 | 7.6 | 1.5 | 7.6 | 11 m * |
| Triplex Building Fourplex Building | 704 | 21 | 40 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Townhouse Dwelling Unit | 185 per unit | 6.0 per unit | 40 | 7.6 | 1.5 end units | 9.0 | 11 m * |
| Apartment Building | 822 | 22.5 | 40 | 7.6 | 3.6 * * | 9.0 | 16 m * |
| Personal Care Home | 822 | 22.5 | 40 | 7.6 | 3.6 * * | 9.0 | 11 m * |
| Personal Care Home, detached dwelling style | 420 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| All other Principal Buildings | 920 | 30 | 40 | 7.6 | 3.0 * * | 7.6 | 11 m* |

* unless otherwise specified on the zoning maps

* * or ½ the average wall height, whichever is greater, to a max. of 7.5 m

.5 Notes

1. in conjunction with Hospital
2. subject to the provisions of Subsection 5.5
3. subject to the provisions of Subsection 6.3.3
4. subject to the provisions of Subsection 6.3.1
5. subject to the provisions of Subsection 6.3.2
6. subject to the provisions of Subsection 6.1.

6.2.5 R5: RESIDENTIAL MOBILE HOME ZONE

.1 Purpose

The purpose of this zone is to provide for the development of subdivisions for the permanent placement of mobile homes and mobile home parks. It is intended to provide a reasonably high standard for this type of living accommodation.

.2 Permitted Uses

- (1) Dwelling Unit, Mobile Home
- (2) Home Occupation ²
- (3) Secondary Suites

.3 Discretionary Uses

- (1) Church (Religious Institution)
- (2) Community Recreation Facility
- (3) Day Care Centre ¹
- (4) Mobile Home Park
- (5) Dwelling Unit, Planned Group of 3
- (6) School, Public

.4 Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage, max. % | Front Yard, min. M | Side Yard, min. M | Rear Yard, min. M | Height, max. M |
|-------------------------------|--------------------------------|------------------|----------------------|--------------------|-----------------------|-------------------|----------------|
| Mobile Home Dwelling Unit | 325 | 9 | 60 | 7.6 | 1.5 each or 0.5 & 2.5 | 7.6 | 11 m * |
| All other Principal Buildings | 920 | 30 | 40 | 7.6 | 3.0 * * | 7.6 | 11 m * |

* unless otherwise specified on the zoning maps

* * or ½ the average wall height, whichever is greater, to a max. of 7.5 m

Where land on both sides of a Mobile Home Dwelling Unit are also Mobile Home Dwelling Units or a road/laneway, the side yard setbacks may be weighted 0.5m and 2.5m to better accommodate the placement of a side entrance patio or deck common to Mobile Home Dwelling Units. This side yard option may only be exercised where the distance between structures on both properties will be at least 3.0m.

.5 Notes

1. subject to the provisions of Subsection 5.5
2. subject to the provisions of Subsection 6.3.3
3. subject to the provisions of Subsection 6.1.7

6.2.6 RFM: RESIDENTIAL FRINGE MIXED USE ZONE

.1 Purpose

The purpose of this zone is to provide for the sensitive redevelopment of existing residential uses in areas adjacent to the downtown core. The zone provides for small-scale commercial uses in existing detached dwelling units while preserving the original house forms to maintain the residential character of the area. It also provides for a smooth transition to mixed use development and high density new mixed use development where appropriate. This zone acts as a buffer protecting adjacent lower density residential zones.

.2 Permitted Uses

- (1) Apartment Buildings containing any of the following uses within the ground floor:
 - (i) Clinics
 - (ii) Day Care Centre ¹
 - (iii) Nursery School ¹
 - (iii) Offices for Administration, Sales or General Business in nature.
 - (iv) Personal Service Establishments
- (2) Boarding House
- (3) Dwelling Unit above a permitted use
- (4) Existing Residential Uses
- (5) Home Occupations²

.3 Discretionary uses

- (1) Apartment Buildings ³
- (2) Bed and Breakfast Home ⁴
- (3) Detached Dwelling Unit commercial conversion with any of the following uses:
 - a) Offices for Administration, Sales or General Business in Nature
 - b) Day Care Centre ¹
 - c) Nursery School ¹
 - d) Retail Store
 - e) Studio
 - f) Custom Workshop
 - g) Personal Service Establishment;

Provided that:

- i) There is no outside storage of goods which can be seen from the street.
- ii) Additions to the building shall be limited to the enclosing of existing porches and verandahs and any further additions not exceeding 20 % of the gross main floor area as at March 1, 1993

iii) All renovations and additions shall be done in such a way as to compliment the existing house form.

iv) a minimum of three off-street parking spaces shall be provided on the site, such spaces shall not be located in the front yard.

.4 Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage, max. % | Front Yard, min. M | Side yard, min. M | Rear Yard, min. M | Height, max. M |
|-------------------------------|--------------------------------|------------------|----------------------|--------------------|-------------------|-------------------|----------------|
| Detached Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 16 m * |
| Semi-detached Dwelling Unit | 275 per unit | 7.5 per unit | 50 | 7.6 | 1.5 end units | 7.6 | 16 m * |
| Duplex Building | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 16 m * |
| Boarding House | 460 | 15 | 40 | 7.6 | 1.5 | 7.6 | 16 m * |
| Apartment Building | 540 | 22.5 | 50 | 4.6 | 1.5 * * | 7.6 | 16 m * |
| All other Principal Buildings | 920 | 30 | 40 | 7.6 | 3 * * * | 7.6 | 16 m * |

* unless otherwise specified on the zoning maps

* * plus 600 millimetres for each storey over one

*** or ½ the average wall height, whichever is greater, to a max. of 7.5 m

.5 Notes

1. subject to the provisions of Subsection 5.5
2. subject to the provisions of Subsection 6.3.3
3. where the ground floor level is designed to provide for future commercial conversion.
4. subject to the provisions of Subsection 6.3.1

6.2.7 R5D: RESIDENTIAL SEMI-DETACHED/MOBILE HOME ZONE

.1 Purpose

This zone permits semi-detached dwelling units and uses permitted in the R2 zone while recognizing the demand for the conversion of older, large detached dwellings to rental housing; and the development of Mobile Homes. It is designed to conserve the general character of the established neighbourhoods while encouraging the renewal of existing housing and allowing a blend of conventional construction and factory made housing opportunities.

.2 Permitted Uses

- (1) Dwelling Unit, Detached
- (2) Dwelling Unit, Semi-Detached
- (3) Dwelling Unit, Duplex
- (4) Dwelling Unit, Mobile Home
- (5) Home Occupations ¹
- (6) School, Public
- (7) Dwelling Unit, Ready to Move (RTM)
- (8) Secondary Suites

.3 Discretionary Uses

- (1) Auditorium, Institutional
- (2) Bed and Breakfast Home ³
- (3) Boarding House
- (4) Church (Religious Institution)
- (5) Community Recreation Facility
- (6) Day Care Centre ²
- (7) Dwelling Unit, Converted
- (8) Nursery School ²
- (9) Personal Care Home - detached dwelling style ⁵
- (10) Mobile Home Park

.4 R5D Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage, max. % | Front Yard, min. M | Side yard, min. M | Rear Yard, min. M | Height, max. M |
|--|--------------------------------|------------------|----------------------|--------------------|-------------------|-------------------|----------------|
| Detached Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Semi-detached Dwelling Unit | 275 per unit | 7.5 per unit | 50 | 7.6 | 1.5 end units | 7.6 | 11 m * |
| Duplex Dwelling Unit | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Boarding House | 460 | 15 | 50 | 7.6 | 1.5 | 7.6 | 11 m * |
| Personal Care Home - detached dwelling style | 460 | 15 | 50 | 4.6 | 1.5 * * | 7.6 | 11 m * |
| Mobile Home Dwelling Unit | 460 | 15 | 40 | 7.6 | 1.5 * * | 4.0 | 11 m * |
| Other Principal Buildings | 920 | 30 | 40 | 7.6 | 3.0 * * | 7.6 | 11 m * |

- * unless otherwise specified on the zoning maps
- ** or ½ the average wall height, whichever is greater, to a max. of 7.5 m
- *** or ½ the average wall height, whichever is greater, to a max. of 7.5 m

.5 Notes

1. subject to the provisions of Subsection 6.3.3
2. subject to the provisions of Subsection 5.5
3. subject to the provisions of Subsection 6.3.1
4. subject to the provisions of Subsection 6.3.2

6.3 REGULATIONS FOR SPECIFIC RESIDENTIAL USES

6.3.1 Bed and Breakfast Home

In addition to the regulations in this Section and those specified for the zone, the following regulations shall apply for Bed and Breakfast Homes;

(1) Intent

The regulations for bed and breakfast facilities are designed to:

- a) ensure compatibility with the character of established residential neighbourhoods
- b) increase the capacity of the City to host tourists and major conventions by increasing public accommodation facilities

(2) Location

Bed and breakfast facilities shall be located only in the residential zones described in this bylaw.

(3) Number of Units

- a) No more than two rooms for lodging of at least 10 square metres shall be provided in each dwelling unit
- b) The rooms shall be located within the dwelling unit
- c) Council may at their discretion, permit up to two (2) additional rooms for lodging based on the capacity of the dwelling unit, site area and site location

(4) Occupied Floor Area

No bed and breakfast facility shall occupy more than 25 percent of the gross floor area of the dwelling.

(5) External Appearance

No alteration shall be made to the external appearance of any principal or accessory structures or of the building site which change the character of the residences.

(6) Sign

No sign shall be permitted on the site or any structure on the site where the bed and breakfast establishment is operated except a non-illuminated nameplate not exceeding 0.20 square metres attached at the main entrance of the dwelling unit.

(7) Owner Occupancy

The bed and breakfast establishment shall be operated by the owner and occupant of the dwelling unit.

(8) Rooms

- a) No bed and breakfast room shall contain cooking facilities
- b) Only breakfast meals may be provided to guests, and it shall only be served to guests lodging in the establishment.

(9) Permit

No person shall operate a bed and breakfast establishment without a development permit.

6.3.2 Personal Care Home (PCH)

In addition to the regulations in this Section and those specified for the zone, the following regulations shall apply for Personal Care Homes (PCH).

(1) Intent

To provide for varying capacities of PCH in residential areas throughout the City.

(2) Number of Residents

- a) The number of residents occupying the PCH must correspond to that specified in the particular use zone for a one unit dwelling.
- b) Subject to the maximum number of residents specified in the Definitions Section for a PCH, Council may vary the number of residents based on the number of existing personal care homes in the area, capacity of the building, site area and site locations, at their discretion.

(3) Appearance

The PCH shall be of size, scale and outward appearance in keeping with the neighborhood, otherwise shall be situated and screening provided in such a way as to not interfere with the neighbourhood character.

(4) Landscaping

The PCH shall provide for landscaping that is compatible with neighbouring residential properties and consistent with the character of the neighbourhood.

(5) Site

The regulations respecting lot size, frontage, coverage and yards shall be that required for the zoning district in which the PCH is located.

6.3.3 Home Occupations

In addition to the regulations in this Section and those specified for the zone, the following regulations shall apply for Home Occupations.

(1) Intent

The City of Weyburn recognizes the need for some residents to use their place of residence for limited non-residential activities. At the same time, the City recognizes that there is also a need to protect the integrity of residential areas from the adverse impacts of non-residential activities such as home occupations. To balance these competing needs, the following regulations are provided to control business uses in residential zones and dwellings. Uses that will be allowed are those that;

- a) are incidental to the use of the premise as a residence;
- b) are compatible with residential uses;
- c) are limited in extent in terms of volume of materials sold and number of clients;
- d) will not substantially increase the volume of traffic; and
- e) will not detract from the residential character of the zone.

(2) Maximum Floor Area

No home occupation shall occupy more than 25 percent of the gross habitable floor area of the dwelling unit. For the purpose of this section, the gross habitable floor area of the dwelling unit shall include any attached or detached garage for a vehicle.

(3) Multiple Home Occupations

Where more than one home occupation is approved for a dwelling unit, all the occupations together shall not exceed the requirement mentioned in Subsection 6.3.3(2).

(4) Employees

Except as otherwise provided in this bylaw, no person other than a resident of the dwelling unit shall be engaged in any home occupation as an employee or volunteer.

(5) Merchandise Storage, Display and Sale

Merchandise offered for sale shall be limited to those produced within the building on site except where the article or product is incidental to and accessory

to the home occupation and will be an insignificant part of the income from the home occupation. In the case of articles or products for sale that are not produced in the home, the Development Officer may determine the acceptable type of article and limit the amount that can be sold on site associated with the home occupation. No outside storage associated with the home occupation is permitted.

(6) Parking

- a) The home occupation shall not cause or add to on-street parking congestion or cause an increase in traffic through residential zones.
- b) Parking of vehicles of employees hired for off-site jobs shall not be allowed at or in the vicinity of the dwelling unit.
- c) Parking of business vehicles which are not associated with the home occupation operated in the dwelling unit shall not be allowed at or in the vicinity of the dwelling unit.
- d) No more than one business vehicle, as defined in Section 2 of this Bylaw, for which off-street parking is provided, is allowed to be operated in connection with a home occupation.

(7) Advertising

No advertising that carries the address of the dwelling in which the home occupation is conducted shall be placed in any media.

(8) Sign

No advertising display sign shall be allowed on the site or premise from which the home occupation is conducted except as permitted in Section 16, Sign Regulations.

(9) Zero-Impact

- a) In accordance with Section 5.1.8, Environment Protection Standards, of this Bylaw, no equipment or process used in the home occupation shall create air pollution, electro magnetic interference, fire and explosive hazard, heat, glare, noise, odour or vibration that is detectable, either by sensory perception or by scientific instruments, at or beyond the property lines of the site where the home occupation is located.
- b) No hazardous materials as defined in section 5.1.8(10), shall be stored on site or used in the operations of the Home Occupation.

(10) Mechanical Equipment

No mechanical or electrical equipment that could change the fire rating of the dwelling unit or cause fluctuations in line voltage of the dwelling unit shall be used. Equipment that creates electromagnetic interference which affects radio, television and similar electromagnetic equipment outside of the dwelling unit is prohibited.

(11) Occupations Considered Non-Controversial

- 1. The following Home Occupations are considered non-controversial and may be approved by the Development Officer and do not require

advertising provided that :

- a) Items produced are sold offsite; and
- b) Clients are not directed to the home.
- c) There is no sale of products or articles not produced on site.

2. Non-Controversial Occupations:

- a) drafting - no blueprinting on site
- b) greenhouse
- c) hobby craft
- d) photography - no studio on site
- e) public stenographer
- f) telephone answering service
- g) upholstery
- h) accounting
- i) massage therapy
- j) seamstress
- k) computer based operations

(12) Occupations Not Permitted as Home Occupations

Occupations not permitted as Home Occupations include but not limited to:

- a) motor vehicle and small engine repair
- b) welding and machining
- c) small machine or equipment repair
- d) large appliance repair

(13) Procedural Requirements

- a) A home occupation permit must be obtained prior to the start of operation.
- b) An application for a home occupation permit shall be made to the Development Officer on a prescribed form.
- c) Except as provided in subsection 6.3.3(11) 2., home occupations considered non-controversial, applications for home occupations shall be circulated to residents in the area and shall require approval by Council.

(14) Transferability

- a) A home occupation permit is valid only for the address shown on the permit.
- b) The permit shall only be applicable for the period of time the property is occupied by the original applicant for such use.

(15) Revoking of Permit

All home occupation permits are subject to the condition, that the permit may be revoked at any time, if in the opinion of Council or the Development Officer, the use is or has become detrimental to the amenities of the neighbourhood.

6.3.4 Secondary Suites

Secondary suites are permitted in specified residential zones subject to the following regulations:

1. Suites are permitted in detached one unit dwellings only
2. The suite must be located within the detached dwelling. Secondary suites are not permitted in an accessory building or structure such as a garage;
3. The total floor area of all storeys of a secondary suite shall not be more than the of 80% of the total floor area of all storeys of the other dwelling unit, excluding the garage floor area and common spaces serving both dwelling units to a maximum total floor area of 80m².
4. There is a limit of one suite per detached dwelling;
5. There cannot be more than 2 bedrooms in the secondary suite;
6. One parking stall must be provided on the property for the suite; in addition to the parking stall required for the detached dwelling; and
7. If the suite will have an exterior entrance that is separate from the entrance(s) to the principle dwelling:
 - a) The entrance to the secondary suite may be located on a side or rear wall of the principal dwelling; the suite entrance may not be located on the front wall of the house; and
 - b) in the case of a corner lot, the secondary suite entrance shall not be located on the side wall that is adjacent to the street if there is an entrance to the principal dwelling on that wall.

SECTION - 7 - COMMERCIAL ZONE REGULATIONS

Purpose of Section

The purpose of this Section is to provide regulations and requirements relevant only to commercial zones and uses and intended to:

- (1) identify locations for future commercial development in the City, and to protect those areas from the encroachment of Industrial and residential uses
- (2) provide sufficient space for a variety of commercial uses in appropriate locations
- (3) ensure commercial developments are compatible with adjoining land uses.
- (4) prevent detrimental effects to the use or development of adjacent properties or the general neighbourhood.
- (5) protect the character and intent of the commercial zones and neighborhoods.

These regulations supplement those provided in Sections 4 and 5.

7.1 REGULATIONS FOR ALL COMMERCIAL ZONES

7.1.1 Yard Requirements

- (1) Buildings located in Commercial Zones on sites which are adjacent to Residential Zones shall be so located as to provide a side yard adjacent to the Residential Zone at least one-half the height of the vertical wall of the commercial building to a maximum of 3 metres.
- (2) For buildings containing dwelling units in CBD and CBDA Zones the side yard requirements for any single yard shall be at least one-quarter the height of the vertical wall of the building to a maximum of 3 metres, except where there are no windows located on the building wall facing such side yard, no side yard shall be required.

7.1.2 Minimum Yard and Site Area Exemptions

The following specific existing sites in the Central Business District as listed in Table 7.1.3, shall be exempt from the minimum standards, except that where the existing sites are re-developed in a way which combines more than one existing site, the minimum yard and site regulations of this bylaw shall apply.

TABLE 7.1.3
MINIMUM SITE AREA AND YARD EXEMPTIONS
(“E” indicated position exempted)

| Lot | Blk | Plan No. | | Site Frontage | Site Area | Yard Front | Yard Side | Yard Rear |
|---|------------|-----------------|-------------------------------|----------------------|------------------|-------------------|------------------|------------------|
| S 7.467m Lot 7 | 1 | 57087 | 125 2 nd St.N.E. | E | E | | | |
| S18.288m Lot 8 | 3 | 31899 | 215 Railway | | E | | | E |
| S9.144m Lot 9,10 | 3 | 31899 | 219 Railway | | E | | | E |
| N9.144m of S 18.288m of Lot 9, 10 | 3 | 31899 | 7- 3 rd St N.E. | | E | | | E |
| W28.956m Lot 18 | 4 | 31899 | 76- 3 rd St N.E. | | E | | | |
| E7.62m Lot 18 | 4 | 31899 | 310 Souris | | E | | | E |
| N7.01m Lot 19 | 4 | 31899 | 72- 3 rd St N.E. | E | E | | | |
| N5.943m Lot 21 | 4 | 31899 | 54- 3 rd St N.E. | E | E | | | |
| N6.705m Lot 22 | 4 | 31899 | 46- 3 rd St N.E. | E | E | | | |
| A | 6 | 66R19054 | 33- 5 th St N.E. | | E | | | E |
| E1/2 of Lot 11 | 6 | D-2537 | 420 Souris | | E | | | E |
| E1/2 OF Lot 10 | 6 | D-2537 | 35- 5 th St N.E. | | E | | | E |
| N3.048m of E1/2 Lot 20, E1/2 Lot 19 | 8 | M4926 | 610 Souris | E | E | E | E | E |
| W1/2 Lot 19 and N3.048m of W1/2 of Lot 20 | 8 | M4926 | 38- 6 th St N.E. | E | E | E | E | E |
| E12.192m Lot 29,30 | 12 | 31899 | 307 Souris | | E | | | E |
| W24.384m Lot 29,30 | 12 | 31899 | 104- 3 rd St. N.E. | | | | | E |
| B | 12 | FM-4291 | 317 Souris | | E | | | |

7.1.3 Extension Of Buildings Into Rear Yards

- (1) Subject to Subsections (2) and (3), the minimum required rear yard depth may be reduced for:
 - a) a use in the commercial or industrial zones requiring access to railway trackage for loading or unloading; or
 - b) a use in the SC: Service Commercial or MAC: Major Arterial Commercial Zonesby extension of the building or a portion of it into the otherwise required minimum rear yard.
- (2) In no case shall the actual resulting rear yard depth be less than 3 metres.
- (3) An area equivalent to the area of the otherwise required rear yard which is covered by the extended building or use shall be added to the area of the required minimum side or front yard.

7.1.4 Residential Unit Access

Access to dwelling units above the first floor in commercial buildings shall be by means of separate entrances leading directly to the dwelling units from the outside.

7.1.5 Corner Lots Adjacent Residential Zones

Where a lot in a Commercial Zone adjoins or is separated from a Residential Zone by a public lane or utility right-of-way, its principal access shall be from the street other than that abutting the adjacent Residential Zone and at the discretion of the Development Officer, its secondary access may be from the street abutting the Residential Zone.

7.2 REGULATIONS FOR SPECIFIC COMMERCIAL ZONES

7.2.1 NC: NEIGHBORHOOD COMMERCIAL ZONE

.1 Purpose

This zone is designed to provide locations for business establishments of limited gross floor area that serve the day to day commercial and personal service needs of residents in the residential neighborhoods.

.2 Permitted Uses

- (1) Dwelling Units ¹
- (2) Financial Institution
- (3) Bakery Shop
- (4) Personal Service Establishment
- (5) Confectionery Store
- (6) Retail Store ²

.3 Discretionary Uses

- (1) Day Care Centre ³
- (2) Gas Bar ⁴
- (2) Nursery School ³
- (3) Office for Administration, Sales or General Business in Nature
- (4) Restaurant

.4 Regulations

No outside storage permitted.

| Building Type | Site Area, min. M ² | Frontage, min M | F.A.R. max. | Front Yard, min M | Rear Yard, min. M | Side Yard, min. M | Height, max. M |
|------------------|-----------------------------------|--------------------|----------------|-------------------------|-------------------------|-------------------------|-------------------|
| All uses in zone | 460 | 15.0 | 1.0 | 7.6 | 6.0 | 1.5 | 11 m * |

* unless otherwise specified on the zoning maps.

.5 Notes

1. dwelling units in the same building as a permitted or discretionary use in the zone.
2. retail store with 112 square metres or less in gross floor area
3. subject to the provisions of subsection 5.5
4. Subject to the provisions of subsection 7.3.2

7.2.2 SV: SOURIS VALLEY CENTRE ZONE

.1 Purpose

The purposes of the zone are to provide sensitive control of the use and development around the Souris Valley site in order to establish, preserve or enhance.

- a) The main buildings unique architecture and historical character;
- b) The sites unique character as a place for health care, research, education and associated lodging;
- c) The existing urban forest and natural habitat.

.2 Application

Consideration of future uses and development will be based on their compatibility with the existing main and subordinate uses on the site. Additional buildings and structures shall be designed to complement the unique architecture and historical character of the existing dominant building on the site.

.3 Permitted Uses

The following are permitted uses in the SV zone:

- (1) Ambulance Service Establishment ²
- (2) Clinic
- (3) Community College
- (4) Community Recreation Facility
- (5) Day Care Centre ¹
- (6) Nursery School ¹
- (7) Greenhouse
- (8) Hospital
- (9) Laundry ²
- (10) Library
- (11) Offices for Administration, Sales or General Business in Nature
- (12) Personal Care Home ³
- (13) Rooming Units
- (14) School, Public
- (15) School, Vocational
- (16) Studio
- (17) Tree Nursery

.4 Discretionary Uses

The following are discretionary uses in the SV Zone and may be permitted by resolution of Council and only in locations specified in such resolution. Council shall by resolution specify the regulations governing the size and location of the building or structure or any other matter deemed relevant to preserve the purpose and intent of the zone.

- (1) Dwelling Unit ⁵
- (2) Hotel
- (3) Offices for administration, sales or general business in nature
- (4) Personal Service Establishment
- (5) Petting Zoo
- (6) Electrical Power Generation
- (7) Printing and Reproduction Establishment
- (8) Recreational Establishment
- (9) Repair Service
- (10) Research and Development
- (11) Retail Store ⁴
- (12) Restaurant
- (13) School, Private
- (14) Spa, Commercial or Institutional

.5 Regulations

- 1. Where more than one building is placed on a single site it shall be located in such a way as not to preclude future subdivision.
- 2. The City may require a concept plan if, in the opinion of Council, a future subdivision is contemplated.
- 3. The following site and isolation distance standards shall apply in determining any future subdivision:
- 4. Where the sidewall of a building contains or abuts an existing building which contains a window of a dwelling or rooming unit, Council may require the minimum side yard distance be increased up to 3 metres to accommodate sufficient natural light.
- 5. Parking and loading requirements shall be as specified in Section 14.

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage, max. % | Front yard, min. M | Side yard, min. M | Rear Yard, min. M | Height, max. M |
|------------------|-----------------------------------|---------------------|----------------------------|--------------------------|-------------------------|-------------------------|----------------------|
| All uses in Zone | 465 | 15 | 40 | 7.6 | 1.5** | 6 | 11 m * |

* unless specified on the zoning maps.

** total side yard setback shall be 20% of the average site width to a maximum of 7.5 metres.

.5 Notes :

1. subject to the provisions of Subsection 5.5
2. in conjunction with hospital
3. subject to the provisions of Subsection 6.3.2
4. less than 465 square metres in gross floor area.
5. above the first floor in a permitted or discretionary use in the Zone.

.6 Development Standards

Notwithstanding Section 4.4.4 and 4.11.3 but subject to the General Purpose of this Zone, Council may apply development standards as specified below in addition to any other requirements of the Zoning Bylaw:

1. Outdoor storage of goods or materials are not permitted, except those specifically intended for sale for a limited time and at the discretion of Council.
2. Any proposed removal of existing trees and shrubs shall be indicated on a development plan submitted for approval. Trees and shrubs removed must be relocated to another site in the zone or replaced by stock of similar type and caliper. Trees too large to be moved shall be replaced with slightly smaller caliper stock or in additional numbers of smaller stock at the discretion of Council.
3. Landscaping shall be provided to all areas of the site not covered by building or required parking and loading areas. Live plant landscaping shall not cover less than 8% of the building site area and shall be maintained for the life of the development.

7.2.3 EP: EXHIBITION PARK MIXED USE ZONE

.1 Purpose

This zone is intended to provide for the flexible use of property in the area for the development of an appropriate mix of low rise higher density residential development, recreational and commercial/ retail land uses. It is intended these uses incorporate high standards of design, landscaping and open space and be supportive and compatible to the adjacent Central Business District, health services complex and exhibition/ sports facilities in the area. It is also the objective to establish an enhanced entrance to the City along Highway 13 and be complementary to the adjacent Parkway.

.2 Permitted Uses

- (1) Clinic
- (2) Community College
- (3) Commercial Recreation Facility
- (4) Day Care Centre ¹
- (5) Dwelling Units above permitted and Discretionary Uses
- (6) Home Occupation ²
- (7) Personal Care Home ³
- (8) Exhibition Operation
- (9) Office for Administration, Sales or General Business in Nature
- (10) Personal Service Establishment

.3 Discretionary Uses

- (1) Apartment Dwelling Units, Low Rise
- (2) Apartment, Senior Citizens
- (3) Automobile Service Station ⁴
- (4) Church (Religious Institution), existing
- (5) Dwelling Units, existing
- (6) Gas Bar ⁴
- (7) Group Care Facility
- (8) Laboratory, Medical/ Dental
- (9) Nursery School ¹
- (10) Social Service Home
- (11) Veterinary Clinic, existing

.4 Regulations

1. The following performance standards will be included in a development permit approval review:
 - a) compatibility with other uses permitted in this zone or adjacent zones.

b) compliance with the general purpose of the zone.

c) level of design, landscaping and open space provided.

| Building Type | Site Area, min. M ² | Frontage, min. M | Lot Coverage, max. % | Front yard, min. M | Side yard, min. M | Rear Yard, min. M | Height, max. M |
|------------------------|--------------------------------|------------------|----------------------|--------------------|-------------------|-------------------|----------------|
| Apartment Building | 822 | 22.5 | 40 | 7.6 | 3.6 ** | 9 | 11 m * |
| Personal Care Home | 822 | 22.5 | 40 | 7.6 | 3.6 ** | 9 | 11 m * |
| All other Uses in Zone | 835 | 22.5 | 65 | 7.6 | 3 | 6 | 11 m * |

* unless specified on the zoning maps.

** or ½ the average wall height, whichever is greater, to a max. of 7.5 m.

Notes

1. subject to the provisions of Subsection 5.5
2. subject to the provisions of Subsection 6.3.3
3. subject to the provisions of Subsection 6.3.2
4. subject to the provisions of Subsection 7.3.2

7.2.4 CBD, CBDA: CENTRAL BUSINESS DISTRICT ZONE

.1 Purpose

This zone is designed to provide for the most intensive areas of retail, service and commercial development in the City. While the uses in both CBD Zones are identical, the parking requirements in the CBDA Zone are less restrictive to encourage the most economic development in the main core area.

.2 Permitted Uses

- (1) Amusement Arcade
- (2) Art Gallery
- (3) Auction Room
- (4) Auditorium
- (5) Bakery Shop
- (6) Bowling Centre
- (7) Charitable Organization
- (8) Clinic
- (9) Club, Commercial
- (10) Club, Private
- (11) Community College
- (12) Community Recreation Facility
- (13) Confectionery Store
- (14) Custom Workshop
- (15) Day Care Centre ¹
- (16) Dwelling Units above permitted and discretionary uses
- (17) Fast food Outlet
- (18) Financial Institution
- (19) Hotel
- (20) Labour Union Hall
- (21) Library
- (22) Licensed Restaurant
- (23) Liquor Store
- (24) Medical/Dental Laboratory
- (25) Museum
- (26) Office for Administration ,Sales or General Business in nature
- (27) Parking Lot, Paved
- (28) Personal Service Establishment
- (29) Pool hall
- (30) Post Office
- (31) Printing, Commercial
- (32) Restaurant
- (33) Repair Service
- (34) Retail Store
- (35) School, Recreational
- (36) School, Vocational
- (37) Service or Repair Shop
- (38) Shopping Centre
- (39) Studio
- (40) Theatre

.3 Discretionary Uses

- 2007.3092 (1) Apartment Dwelling Units
- 2007.3092 (2) Below Ground Parkades
- (3) Bingo Parlour
- (4) Bus Terminal Operation
- (5) Church (Religious Institution)
- (6) Food Production using Hydroponic Techniques³
- (7) Gas Bar²
- 2004-3034 (8) Home Improvement Center
- (9) Licensed Beverage Room
- (10) Night Club
- (11) Nursery School¹
- (12) Parking, Off-site Caveated
- (13) Restaurant, Drive-in
- (14) School, Private

.4 Regulations

Refer to subsection 5.1.16(3) c) for intersection site line cut-off triangle requirements.

| Building Type | Site Area, min. M ² | Frontage, min M | F.A.R. max. | Front Yard, min M | Rear Yard, min. M | Side Yard, min. M | Height, max. M |
|------------------|-----------------------------------|--------------------|----------------|-------------------------|-------------------------|-------------------------|-------------------|
| All uses in zone | 275 | 7.6 | ** | 0 | *** | 0**** | 11 m* |

* unless otherwise specified on the zoning maps.

** as noted on the zoning maps

*** 8 % of site area but not less than 3 metres

**** for buildings containing dwelling units and for buildings on sites adjacent residential zones, see Subsection 7.1.1

.5 Notes

- subject to the provisions of Subsection 5.5
- only where it is designed and planned comprehensively with other approved commercial uses on the same site which has a minimum gross area of 6038 square metres and managed on an unitary basis such that the uses share facilities for mutual benefit including off-street parking and driveways and, subject to the provisions of Subsection 7.3.2.
- as a principal use located above or below the ground floor that produces vegetable, horticultural or fruit crops in buildings using hydroponic techniques, subject to the provisions of Subsection 7.3.3

7.2.5 RM: RIVERFRONT MARKET ZONE

.1 Purpose

This zone is designed to provide both a hospitable welcome and a strong sense of entrance to the City of Weyburn. As the major access to the hub of the city's commercial and business centre, this area is intended to take on the character of a thriving riverside market. The development of this area will complement and strengthen the adjacent parkway theme as indicated in the Development Plan and Tatagwa Parkway Master Plan.

Examples of uses that would be encouraged and fit the intent of the area are craft and artisan outlets, specialty stores, farmers market, outdoor retail displays, small entertainment establishments and the like which would attract the traveling public.

The transitional uses specifically mentioned in subsection .4 reflect the existing uses and shall be permitted only at the locations specified. It is intended that they will relocate elsewhere to ensure, for the future, the highest most intensive and future intended use of the land they now occupy.

.2 Permitted Uses

- Art Gallery
- Clinic
- Confectionary Store
- Custom Workshop ¹
- Fast Food Outlet
- Financial Institution
- Liquor Store
- Museum
- Restaurant
- Retail Store ²
- Studio

.3 Discretionary Uses

- Amusement Arcade
- Auditorium
- Bakery Shop
- Commercial Recreation Establishment
- Green House
- Licensed Restaurant
- Office for Administration, Sales or General business in Nature
- Parking Lot, Paved
- Personal Service Establishment

4.

Transitional Uses

The following transitional uses represent existing uses and are permitted only at the location specified. Any request for further development of these uses shall be subject to the minimum regulations of this zone in addition to any further regulations required by City Council through the approval of a development permit. Such additional regulations shall be in keeping with the Development Plan and general purpose of the zone.

| TRANSITIONAL USE | LOT | BLOCK | PLAN NO. |
|---------------------------|-----|-------|----------|
| Grain storage and milling | A | B | 78R56308 |
| Tire repair shop | X | A | 79R14201 |

.5 Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M. | F.A.R. max. | Front Yard. min. M | Rear Yard, min. M | Side Yard, min. M | Height, max. M |
|------------------|-----------------------------------|----------------------|----------------|--------------------------|-------------------------|-------------------------|-------------------|
| All uses in zone | 275 | 7.6 | 1.5 | 0 | * | 0 | 11 |

* 8% of site area but not less than 3 metres.

.5 Notes

1. for artisans manufacture, display and sale of craft and specialty items.
2. retail stores less than 465 square metres in gross floor area.

7.2.6 SC, SCA: SERVICE COMMERCIAL ZONE

.1 Purpose

This zone is designed to provide for primarily automobile oriented retail, service and commercial uses in areas adjacent the downtown core. While the uses in both zones are identical, the parking requirements in the SCA Zone are less restrictive to permit higher density development in certain areas of the zone.

.2 Permitted Uses

- (1) All Permitted Uses in the CBD, CBDA Zones
- (2) Automobile Service Station ¹
- (3) Car Wash
- (4) Gas Bar ¹
- (5) Plumbing, Heating and Sheet Metal Shop

.3 Discretionary Uses

- (1) All Discretionary Uses in the CBD and CBDA zone
- (2) Ambulance Service Establishment
- (3) Buss Terminal Operation
- (4) Funeral Home
- (5) Home Improvement Centre
- (6) Lumber Yard
- (7) Motel
- (8) Prefabricated Home Display and Sales
- (9) Repair Shop ²
- (10) Tire Repair Shop

.4 Regulations

| Type | Building | Site Area, min. M ² | Frontage, min M | F.A.R. max. | Front Yard, min M | Rear Yard, min. M | Side Yard, min. M | Height, max. M |
|------------------|----------|-----------------------------------|--------------------|----------------|-------------------------|-------------------------|-------------------------|-------------------|
| All uses in zone | | 546 | 15 | 1.5 | 7.6 | 6 | 3 | 11 m * |

* unless otherwise specified on the zoning maps.

.5 Notes

1. subject to the provisions of Subsection 7.3.2
2. excluding farm machinery

7.2.7 MAC: MAJOR ARTERIAL COMMERCIAL ZONE

.1 Purpose

This zone is designed for the development of retail, service and office businesses serving the traveling public and residents of the City, which require locations with good visibility and accessibility along major arterial roadways.

.2 Permitted Uses

- (2) Club, Private
- (3) Commercial Recreation Establishment
- (4) Community Recreation Facility
- (5) Confectionery Store
- (6) Custom Workshop
- (7) Day Care Centre⁶
- (8) Existing Residential Uses¹
- (9) Hotel
- (10) Motel
- (11) Museum
- (12) Offices for Administration, Sales and General Business in nature
- (13) Personal Service Establishment
- (14) Plumbing, Heating and Sheet Metal Shop
- (15) Restaurant
- (16) Restaurant, Drive-in
- (17) Retail Store²
- (18) Studio

.3 Discretionary Uses

- (1) Auditorium
- (2) Automotive Sales, Service, Repairs or Rentals
- (3) Automobile Service Station⁷
- (4) Bus Terminal Operation
- (5) Car Wash
- (6) Church (Religious Institution)
- (7) Club, Commercial
- (8) Existing Bulk Oil and Petroleum Product Storage and Sales
- (9) Funeral Home
- (10) Gas Bar⁷
- (11) Green House, Commercial
- (12) Home Improvement Centre
- (13) Liquor Store
- (14) Parking, Off-site Caveated
- (15) Place of Entertainment

- (16) Recreational Vehicle Sales, Service, Repair or Rental
- (17) Repair Shop⁸
- (18) Retail Store⁵
- (19) Shopping Centre⁴
- (20) Storage Garage ,existing³
- (21) Tire Repair Shop
- (22) Warehouse, Storage for Public Rental
- (23) Licensed Restaurant

.4 Regulations

Refer to the provisions of Subsection 5.4 for outdoor storage regulations.

| Type | Building | Site Area, min. M ² | Frontage, min M | F.A.R. max. | Front Yard, min M | Rear Yard, min. M | Side Yard, min. M | Height, max. M |
|------------------|----------|-----------------------------------|--------------------|----------------|-------------------------|-------------------------|-------------------------|-------------------|
| All uses in zone | | 835 | 22.5 | 1.5 | 7.6 | 6 | 3 | 11 m * |

* unless otherwise specified on the zoning maps.

.5 Notes

1. existing residential Uses noted on Appendix “B” only.
2. retail stores less than 465 square metres in gross floor area.
3. for Government use including performance of shop work and excluding any outdoor storage of sand, gravel, culverts or any similar construction materials.
4. containing uses permitted or discretionary in this zone and the CBD Zone to a maximum of 10 uses.
5. retail Stores over 465 square metres in gross floor area
6. subject to Subsection 5.5
7. subject to Subsection 7.3.2
8. excluding farm machinery

7.2.8 HC: HIGHWAY COMMERCIAL ZONE

.1 Purpose

This zone is designed for uses serving the traveling public or uses requiring a high level of accessibility. These areas are located adjacent the major highways through the City, the majority of which are on controlled access service roads.

.2 Permitted Uses

- (1) Automobile Sales, Service, Repairs or Rentals
- (2) Automobile Service Stations ¹
- (3) Car Wash
- (4) Commercial Recreation Establishment
- (5) Custom Workshop
- (6) Farm and Large Machinery or Equipment Sales, Service, Repairs or Rentals
- (7) Gas Bar ¹
- (8) Hotel
- (9) Licenced Restaurant
- (10) Lumber Yard
- (11) Mobile Home Sales and Service
- (12) Motel
- (13) Museum
- (14) Offices for Administration, Sales or General Business in nature
- (15) Prefabricated Home Display and Sales
- (16) Recreation Vehicle Sales, Service, Repair or Rentals
- (17) Repair Service
- (18) Restaurant
- (19) Restaurant, Drive-in
- (20) Retail Store ²
- (21) Tire Repair Shop
- (22) Warehouse, Storage for Public Rental

.3 Discretionary Uses

- (1) Auctioneering Establishment ³
- (2) Auditorium
- (3) Amusement Park
- (4) Campground
- (5) Church (Religious Institution)
- (6) Contractors Shop and Yard
- (7) Day Care Centre ⁴
- (8) Funeral Home
- (9) Green House, Commercial

- (10) Industrial Machinery or Equipment Sales, Service, Repairs or Rentals
- (11) Licenced Beverage Room
- (12) Licenced Restaurant
- (13) Liquor Store
- (14) Machine Shop
- (15) Manufacturing ⁶
- (16) Night Club
- (17) Propane Storage and Sales
- (18) Home Improvement Centre
- (19) Terminal, Truck and Freight
- (20) Theatre, Drive-in
- (21) Veterinary Clinic
- (22) Warehouse, Storage for Public Rental
- (23) Repair Shop
- (24) Retail Store ⁵

.4 Regulations

2008.3121

| Building Type | Site Area, min. M ² | Frontage, min M | F.A.R. max. | Front Yard, min M | Rear Yard, min. M | Side Yard, min. M | Height, max. M |
|------------------|--------------------------------|-----------------|-------------|-------------------|-------------------|-------------------|----------------|
| All uses in zone | 1092 | 30 | 1.5 | 7.6 | 6 | 3 | 16 m * |

* unless otherwise specified on the zoning maps.

.5 Notes

- 1. subject to the provisions of Subsection 7.3.2
- 2. retail store 500 square metres or less in gross floor area
- 3. excluding livestock of any kind
- 4. subject to the provisions of Subsection 5.5
- 5. retail store 500 square metres or more in gross floor area
- 6. includes the storage, sale at retail or whole sale of supplies and materials for the building industry.

7.3 REGULATIONS FOR SPECIFIC COMMERCIAL USES

7.3.1 Adult Entertainment Establishments

The following regulations respecting adult entertainment facilities are intended to provide appropriate locations for such facilities in order to protect surrounding uses from the potential adverse effects of adult entertainment establishments.

.1 Classification

The following uses are adult entertainment establishments under this bylaw:

- (a) Adult Arcade;
- (b) Adult Retail Outlet/Bookstore;
- (c) Adult Cabaret;
- (d) Adult Motion Picture Theatre;
- (e) Adult Theatre; and
- (f) Massage Parlour.

.2 Separation Distance

No person shall establish an adult entertainment establishment or enlarge an existing establishment closer than 182.88 metres from:

- (a) another adult entertainment establishment;
- (b) a residential land use zone;
- (c) a single or multiple family residence;
- (d) church (religious institution);
- (e) an elementary or high school
- (f) public park; or
- (g) day care centre or nursery school

.3 Measurement of Separation Distance

The 182.88 metre distance mentioned in Subsection 7.3.1.2 shall be a straight line, measured from the nearest point of that portion of a site used or proposed to be used for an adult entertainment establishment to the nearest point of:

- (a) those portions of a site used for another adult entertainment establishment;
- (b) a site owned or leased, or that portion of a site leased for the uses outlined in Subsection 7.3.1.2 above; or
- (c) the boundary line of a residential zone.

7.3.2 Automobile Service Station/ Gas Bar

The following provisions shall apply to the locations of certain structures accessory to automobile service stations and gas bars:

.1 Development Standards

- (1) Fuel pump islands shall be located in any required yard at distances as specified in the National Fire Code of Canada but in no case shall be less than 6.0 metres from a side lot line which abuts to a residential property.
- (2) The width of an entrance or exit ramp shall be not less than 7.6 metres nor more than 10.5 metres measured along the site line.
- (3) No entrance or exit ramp shall be located within 1.5 metres of a side or rear site line that abuts an adjoining residential site.
- (4) No entrance or exit ramp shall be located within 7.6 metres of any other ramp measured along a site line.
- (5) On a corner site no entrance or exit ramp shall be located within 10.7 metres of the point of intersection of the intersecting street lines of such site.
- (6) Where service stations or gas bars occupy a corner site, only one access crossing shall be located on the flanking street.
- (7) Outside aboveground storage tanks at fuel dispensing stations shall have an individual capacity of not more than 50,000 litres, and their aggregate capacity shall not exceed 150,000 litres. Underground storage tanks at fuel dispensing stations shall have an individual capacity of not more than 50,000 litres.
- (8) All automobile parts, dismantled vehicles and similar articles shall be stored within a building, except on those sites located in an Industrial Zone in which case such automobile parts, dismantled vehicles and similar articles shall be stored as regulated in Section 5.5.4.
- (9) No exterior storage associated with service stations or gas bars is permitted.
- (10) No vehicle access door shall be located at a distance of less than 7.6 metres from the side site line.

.2 Site Decommissioning/Remediation

- (1) Where the operation of a service station is discontinued, the site shall be decommissioned prior to the re-use of the site for a different use.
- (2) The decommissioning of the site shall be in accordance with the

requirements and guidelines established by the:

- (a) Saskatchewan Environment and Public Safety; and
- (b) the Fire and Engineering Departments of the City.

7.3.3 Hydroponic Growing Operations

- (1) Priority will be given to the use that will support the other permitted or discretionary uses specified in the Zoning District.
- (2) All accessory uses related to the principal hydroponic growing operation, including, but not limited to, drying, packaging and retail sales shall require a development permit.
- (3) Any expansion of area devoted to the principal use within the building shall require a new discretionary approval.
- (4) The applicant must demonstrate the use will not create conflict with neighbouring uses, jeopardize reasonable development potential, or create environmental concerns.
- (5) The applicant must outline methods and types of waste to be disposed of, relative to the operation.

SECTION - 8 - INDUSTRIAL ZONE REGULATIONS

PURPOSE OF THIS SECTION

The purpose of this section is to provide detailed regulations and requirements over and above the general regulations provided in Sections 4 and 5, for specific industrial zones, and for specific industrial uses. The intent is to:

- a) identify locations for future industrial development in the City, and to regulate those areas from encroachment on commercial and residential uses;
- b) protect industries from the adverse effects of other incompatible industries;
- c) reduce to a minimum, the impact of industries on surrounding non-industrial land uses;
- d) to protect the health and safety of residents and workers in the area;
- e) to prevent the detrimental effects to the use or development of adjacent properties or the general neighbourhood;

8.1 REGULATIONS FOR ALL INDUSTRIAL ZONES

8.1.1 Compliance

Every land use in an industrial zone shall comply with the regulations in this Section.

8.1.2 Extension Of Buildings Into Rear Yards

- (1) Subject to Subsections (2) and (3), the minimum required rear yard depth may be reduced for:
 - a) a use in the industrial zones requiring access to railway trackage for loading or unloading; orby extension of the building or a portion of it into the otherwise required minimum rear yard.
- (2) In no case shall the actual resulting rear yard depth be less than 3 metres.
- (3) An area equivalent to the area of the otherwise required rear yard which is covered by the extended building or use shall be added to the area of the required minimum side or front yard.

8.1.3 Permitted Encroachments

(3) Fire Escape

- a) A fire escape may project into any required yard
- b) Where an industrial development abuts a site zoned residential, the fire escape may only project 1.5 metres into any required yard, but not closer than 150 millimetres to a residential site line.

(4) Uncovered Platforms

- a) Balconies, steps or other uncovered platforms may project into any required front or rear yard, except where the industrial development abuts a lot zoned residential, in which case a projection of only 1.5 metres shall be allowed
- b) Uncovered platforms or decks that are not more than 300 millimetres in height do not require setbacks.

(5) Wheelchair Ramp

Wheelchair ramps may encroach into any required yard

(6) Porch

A porch that does not exceed three square metres may project into the required front yard.

8.1.4 Industrial Hazardous Use Applications

Every operator of a proposed industrial use that utilizes hazardous materials, shall make an application to the City in accordance with the discretionary use process in Section 5 of this bylaw.

8.2 REGULATIONS FOR SPECIFIC INDUSTRIAL ZONES

8.2.1 LI: LIGHT INDUSTRIAL ZONE

.1 Purpose

This zone is designed to provide for a wide range of industrial and service uses requiring small sites with a small amount of outdoor storage but excluding those uses which may be offensive by reason of noise, smell or other forms of pollution.

.2 Permitted Uses

- (1) Ambulance Service
- (2) Assembling, Parts ³
- (3) Automobile Sales, Service, Repairs or Rentals
- (4) Automobile Service Station ¹
- (5) Bakery Shop
- (6) Bottling and Canning, Soft Drinks and Carbonated Water
- (7) Car Wash
- (8) Cleaning, Carpet and Rug
- (9) Club, Commercial
- (10) Club, Private
- (11) Confectionary Store
- (12) Custom Workshop
- (13) Dyeing, Textiles and Wool
- (14) Dry Cleaning Plant
- (15) Farm and Large Machinery or Equipment Sales, Service, Repairs or Rentals
- (16) Gas Bar ¹
- (17) Green House, Commercial
- (18) Laboratory, Medical/ Dental
- (19) Labour Union Hall
- (20) Laundry Plant
- (21) Lumber Yard
- (22) Machine Shop
- (23) Manufacturing ³
- (24) Mobile Home Sales and Service
- (25) Office for Administration, Sales or General Business in nature
- (26) Prefabricated Home Display and Sales
- (27) Plumbing, Heating and Sheet Metal Shop
- (28) Printing and Reproduction, Commercial
- (29) Recreation Vehicle Sales, Service or Rental
- (30) Repair Service
- (31) Restaurant
- (32) Retail, General ³

- (33) Retail, Small Equipment and Supplies ²
- (34) School, Recreation
- (35) Sharpening and Repair, Knives, Saws, Tools
- (36) Terminal, Truck and Freight
- (37) Tire Repair Shop
- (38) Warehouse, Storage For Public Rental
- (39) Warehousing ³
- (40) Warehousing, Refrigerated
- (41) Wholesale ³

.3 Discretionary Uses

- (1) Auction Room
- (2) Bingo Parlour
- (3) Brewery/ Distillery
- (4) Church (Religious Institution), existing
- (5) Contractors Shop and Yard ⁴
- (6) Day Care Centre ⁶
- (7) Detached Dwelling Unit ⁸
- (8) Dry Cleaning Plant
- (9) Dwelling Unit, Accessory ⁵
- (10) Funeral Home
- (11) Golf Driving Range
- (12) Home Improvement Centre
- (13) Kennel for Commercial Breeding and Boarding Purposes
- (14) Licenced Beverage Room
- (15) Licenced Restaurant
- (16) Manufacture and Processing, Dairy Products
- (17) Night Club
- (18) Poultry Hatchery
- (19) Repair Shop
- (20) Restaurant
- (21) School, Public
- (22) School, Vocational

.4 Regulations

1. Outdoor storage of goods must comply with the requirements of Subsection 5.4. No storage of goods shall be permitted in any front or side yard.

| | Minimum Lot Area (M2) | Minimum Frontage (M) | Maximum F. A. R. | Front Yard , min. (M) | Rear Yard, min. (M) | Side Yard, min. (M) | Height, max, (M) |
|------------------|-----------------------|----------------------|------------------|-----------------------|---------------------|---------------------|------------------|
| All uses in zone | 540 | 15 | 1.5 | 7.6 | 6 | 3 | 11 * |

* unless otherwise specified on the zoning maps.

.5 Notes

1. subject to the provisions of Subsection 7.3.2
2. of small equipment, supplies and materials for agriculture, mining, industry, business, transportation, building and other construction, except explosives.
3. of any article or commodity for which the warehousing, storage, sale at retail or wholesale, fabrication, processing or manufacture is allowed in the zone.
4. for indoor storage or keeping of vehicles, including performance of shop work, but not including storage or shop work of heavy machinery, plant or equipment such as cranes, ploughs, pile drivers, road making equipment, and the like.
5. on the same site as the industrial use , and for the owner or a watchman or caretaker and their family whose duties are essential to the security of the industrial use and as required in subsection 11.7.1.
6. subject to the provisions of Subsection 5.5
7. subject to the provisions of Subsection 7.3.1
8. on a single lot with a minimum area of 2230 square metres in size.

8.2.2 MI: MEDIUM INDUSTRIAL ZONE

.1 Purpose

This zone is intended to provide a wide range of industrial uses that carry out some of their operations outdoors may require a higher percentage of outdoor storage and activity but not of an obnoxious or offensive.

.2 Permitted Uses

- (1) Ambulance Service
- (2) Assembling, Parts
- (3) Automobile Sales ,Service, Repairs or Rentals
- (4) Automobile Service Stations ¹
- (5) Bakery Shop
- (6) Blacksmith Shop
- (7) Bottling and Canning
- (8) Bottling and Canning, Soft Drinks and Carbonated Water
- (9) Brewery/Distillery
- (10) Car Wash
- (11) Cleaning, Carpet and Rug
- (12) Club, Commercial
- (13) Club, Private
- (14) Contractor Shop and Yard ²
- (15) Crating Service
- (16) Custom Workshop
- (17) Dyeing, Textiles and Wool
- (18) Farm and Large Machinery or Equipment Sales, Service, Repair or Rental
- (19) Gas Bar ¹
- (20) Laundry Plant
- (21) Lumber Yard
- (22) Manufacture and Processing, Dairy Products
- (23) Machine Shop
- (24) Poultry Hatchery
- (25) Plumbing, Heating and Sheet Metal Shop
- (26) Printing and Reproduction, Commercial
- (27) Repair Service ³
- (28) Repair Shop
- (29) Retail, General ³
- (30) Retail, Small Equipment and Supplies ⁴
- (31) School, Recreation
- (32) Sharpening and Repair, Knives, Saws, Tools
- (33) Terminal, Truck and Freight
- (34) Tire Repair Shop
- (35) Veterinary Clinic
- (36) Warehousing, Refrigerated
- (37) Wholesale ⁶

.3 Discretionary Uses

- (1) Adult Arcade¹⁰
- (2) Adult Cabaret¹⁰
- (3) Adult Motion Picture Theatre¹⁰
- (4) Adult Retail Outlet/Bookstore¹⁰
- (5) Adult Theatre and Massage Parlour¹⁰
- (6) Animal Shelter¹¹
- (7) Bowling Centre
- (8) Day Care Centre⁸
- (9) Dry Cleaning Plant
- (10) Dwelling Unit, Accessory⁷
- (11) Grain, Storage, Milling, Cleaning or Drying
- (12) Junk or Salvage Yard (Recycling)⁹
- (13) Kennel, for Commercial Breeding and Boarding Purposes
- (15) Manufacturing, Ice
- (16) Mixing, Concrete⁵
- (17) Petroleum, Bulk Storage and Sales
- (18) Propane, Bulk Storage and Sales
- (19) Processing, Rock and Gravel
- (20) Processing, Food
- (21) Sandblasting, Metal
- (22) School, Vocational
- (23) Tire Retreading and Repair
- (24) Warehousing, excluding Hazardous Products

.4 Regulations

- 1. The following performance standards will be included in a development permit approval review:
 - a) compatibility with other uses permitted in this zone or adjacent zones;
 - b) level of service required; and
 - c) compliance with the general purpose of the zone.

- 2. Outside storage is allowed only if it is enclosed within a wall or other adequate screen, as provided in Subsection 5.4.

| Building Type | Site Area, min. M ² | Frontage, min. M | F. A. R. max. | Front Yard, min. M | Rear Yard, min. M | . Side Yard, min. M | Height, max. M |
|------------------|--------------------------------|------------------|---------------|--------------------|-------------------|---------------------|----------------|
| | | | | | | | |
| All uses in zone | 810 | 22.5 | 1.5 | 7.6 | 7.6 | 3 | 15 |

| Building Type | Site Area, min. M ² | Frontage, min. M | F. A. R. max. | Front Yard, min. M | Rear Yard, min. M | . Side Yard, min. M | Height, max. M |
|------------------|--------------------------------|------------------|---------------|--------------------|-------------------|---------------------|----------------|
| | | | | | | | |
| All uses in zone | 810 | 22.5 | 1.5 | 7.6 | 7.6 | 3 | 15 |

.5 Notes

1. subject to the provisions of Subsection 7.3.2
2. including the performance of shop or assembly work or storage of heavy machinery, plant or equipment.
3. of any article, vehicle or commodity, the sale, warehousing, fabrication, packaging or assembly which is carried on as a principle permitted use upon the premises or which is permitted within this zone.
4. of equipment, supplies or materials for agriculture, mining, industry, business, transportation, building and other construction permitted in this zone.
5. including the manufacture of concrete products.
6. of any article or commodity for which the warehousing, storage, sale at retail or wholesale, fabrication or processing is allowed in this zone.
7. on the same site as the industrial use , and for the owner or a watchman or caretaker and their family whose duties are essential to the security of the industrial use and subject to the provisions of Subsection 11.7.1.
8. subject to the provisions of Subsection 5.5
9. subject to the provisions of Subsection 8.3.1
10. subject to the provisions of Subsection 7.3.1
11. for small animals excluding pigs, sheep, goats, horses or cattle and the like.

8.2.3 HI: HEAVY INDUSTRIAL ZONE

.1 Purpose

This zone is intended to provide for those industrial and manufacturing uses which, by nature of their operation, may result in noise, smell or other forms of pollution, hazards, nuisance or appearance, make them incompatible with commercial, residential and other land uses.

.2 Permitted Uses

- (1) Assembling, Parts
- (2) Automobile Sales, Service, Repairs or Rentals
- (3) Automobile Service Station¹
- (4) Blacksmith Shop
- (5) Bottling and Canning, Soft Drinks and Carbonated Water
- (6) Brewery/Distillery
- (7) Car Wash
- (8) Cleaning, Carpet and Rug
- (9) Contractors Shop and Yard⁵
- (10) Crating Services²
- (11) Dying, Textiles and Wool
- (12) Farm and Large Machinery or Equipment, Sales, Service, Repairs or Rental⁶
- (13) Gas Bar¹
- (14) Grain, Storage, Milling, Cleaning or Drying
- (15) Junk / Salvage Yard (Recycling)⁷
- (16) Machine Shop
- (17) Manufacture and Processing, Dairy Products
- (18) Mixing, Concrete
- (19) Poultry Hatchery, Eviscerating, Packaging
- (20) Processing Food
- (21) Processing, Rock and Gravel
- (22) Railroad Transportation
- (23) Repair Shop²
- (24) Retail, General²
- (25) Retail, Small Equipment and Supplies
- (26) Sandblasting
- (27) Sharpening and Repair, Knives, Saws, Tools
- (28) Sheet Metal Work
- (29) Terminal, Truck and Freight
- (30) Tire Retreading and Repair
- (31) Veterinary Clinic
- (32) Warehousing⁴
- (33) Warehousing, Refrigerated
- (34) Wholesale²

.3 Discretionary Uses

- (1) Adult Arcade⁹
- (2) Adult Cabaret⁹
- (3) Adult Motion Picture Theatre⁹
- (4) Adult Retail Outlet/Bookstore⁹
- (5) Adult Theatre and Message Parlour⁹
- (6) Animal Shelter
- (7) Asphalt Mixing Plant
- (8) Auctioneering Establishment³
- (9) Kennel, for Commercial Breeding and Boarding Purposes
- (10) Mixing, General
- (11) Manufacturing, Chemical
- (12) Manufacturing, General
- (13) Petroleum, Bulk Storage and Sales
- (14) Propane, Bulk Storage and Sales
- (15) Processing, Food
- (16) Storage/Processing Hazardous Materials/Wastes
- (17) Warehousing/Processing, Hazardous Materials/Wastes⁸

.4 Regulations

| Building Type | Site Area, min. M ² | Frontage, min. M | F. A. R. max. | Front Yard, min. M | Rear Yard, min. M | . Side Yard, min. M | Height, max. M |
|------------------|--------------------------------|------------------|---------------|--------------------|-------------------|---------------------|----------------|
| All uses in zone | 1080 | 30 | 1.5 | 7.6 | 7.6 | 3 | 15 |

.5 Notes

1. subject to the provisions of Subsection 7.3.2
- .2 of any article or commodity for which the warehousing, storage, sale at retail or wholesale, fabrication, processing or manufacture is allowed in this zone.
3. including livestock auctions
4. warehousing or Storage of any Goods, Materials or Commodity except explosives.
5. subject to the provisions of Subsection 5.4
6. subject to the provisions of Subsection 5.3
7. subject to the provisions of Subsection 8.3.1
8. subject to the provisions of Subsection 8.3.2, indoor only
9. subject to the provisions of Subsection 7.3.1
10. for small animals excluding pigs, sheep, goats, horses, cattle and the like.

8.3 REGULATIONS FOR SPECIFIC INDUSTRIAL USES

8.3.1 Junk/ Salvage Yard

(7) Intent

These regulations are intended to provide performance standards for the development and maintenance of junk /salvage yards in order to:

- a) reduce the potential of contaminating ground and surface water and other natural ecosystems; and
- b) improve the visual character of industrial zones.

(8) Application

These regulations apply to land uses on the same or adjoining sites involved in salvaging operations including, but not limited to outdoor storage and sale of:

- a) waste paper;
- b) rags;
- c) scrap metal;
- d) any other discarded materials intended for sale or recycling;
- e) two or more unlicensed or inoperative equipment or vehicles for collection, junk vehicles as defined in Section 2, dismantling and salvage; and
- f) salvage materials for recycling purposes.

(9) Enclosure

- a) The junk or salvage yard shall be;
 - i) completely screened by a solid wall or fence of at least 1.83 metres high; and
 - ii) in no case shall the fence be lower than the stockpile of the items in the yard
- b) No activity associated with the yard shall be located within the required setback or buffer area.

(10) Hazardous Substances

No junk /salvage yard operations shall engage in the collection or handling of hazardous material as defined in Section 2 of this Bylaw except where required to do so by Federal or Provincial legislation in which case the facility shall be subject to the provisions of Section 8.3.2 .

(11) Location

No new junk /salvage yard operations shall be located in any Aquifer Protection Overlay Zone mentioned in Section 10.3.4 of this Bylaw.

(12) Surface Run-Off

The flow of surface run-off from the junk/salvage yard onto any:

- a) adjoining land;
- b) stream; or
- c) sewer system

Shall be redirected into holding tanks, settling ponds or similar retention areas on site.

(13) Discontinuation

All evidence of the junk/salvage yard operation shall be removed by the property owner within 60 days of the discontinuation of operation.

(14) Non-Conforming Junk / Salvage Yard

A junk or salvage yard operation which does not conform to the provisions of this Subsection, shall be subject to the non-conforming use provisions in Section 13.

8.3.2 Hazardous/Dangerous Waste Facility

(1) Intent

These regulations are intended to provide performance standards for the development and maintenance of hazardous or dangerous waste facilities so as to reduce the:

- a) potential of contaminating ground water and other natural ecosystems; and
- b) negative impact of such facilities on residential and other sensitive land uses.

(2) Application

These regulations shall apply to land uses involved in the storage or processing of hazardous or dangerous waste. The regulations shall also apply in addition to other requirements specified elsewhere in this Bylaw, or by City Council as part of the discretionary use review process.

(3) Relation to Aquifer System and Water Bodies

No hazardous waste facility shall be situated:

- a) over the Aquifer, its recharge area, or any other recognized regional aquifer or its recharge area; or
- b) within the 1:500 year flood plan of any stream, river or lake.

(4) Separation Distances

Every hazardous waste facility shall be located at least:

- a) 500 metres from a residential, institutional, public service, or shopping centre zone, and shall be a minimum distance of 1000 metres upwind from the aforementioned zones in the prevailing wind direction;
- b) 1000 metres from any licensed well, lake or other permanent natural body of water used as a community water supply, and shall be at least 300 metres from any other non-intermittent water sources, or any other permanent water body; and
- c) 150 metres from any drainage channel, major system swale or intermittent tributary creek, the Souris River or Nickel Lake.

(5) Access to Essential Services

Every hazardous waste facility shall be:

- a) within 500 metres of a truck route or hazardous material transportation route with access to same without passing through or directly adjacent to a residential, institution or public service, or shopping centre zone; and
- d) in an area serviceable by the Weyburn Fire Department and hazardous materials Response Team or be under contract with same.

(6) Site Preparation

Every hazardous waste facility shall be situated where:

- a) the site can be prepared with a minimum of 1 meter of unfractured low permeability soil or the equivalent thereof (1×10^7 cu/sec when subjected to a head of 0.305 meters of water); and
- b) the continuous thickness of native material having suitable permeability (minimum average of 1×10^{-6} cm/sec when subjected to a head of 0.305 metre of water) is 10 metres greater.

(7) Buffer and Aesthetics

Every hazardous waste facility shall be on a site where the owner can maintain a reasonable buffer zone to mitigate any negative aesthetic aspects of the operation. A buffer zone does not have to be owned by the facility owner, but it should be under his control.

SECTION - 9 - SPECIAL ZONE REGULATIONS

PURPOSE OF SECTION

The purpose of this Section is to provide specific requirements over and above the general regulations provided in Sections 3 and 5, for the special use zones, as well as unique land uses allowed in these zones.

9.1 FLOODWAY ZONE (FW)

9.1.1 Intent

- (15) The purpose of this zone is to restrict development in areas of the City that, under current conditions, are subject to periodic flooding and accompanying hazards.
- (16) In doing so, the zone is intended to:
 - a) protect life, health and property;
 - b) minimize expenditures of public funds for costly flood control projects;
 - c) minimize rescue and relief efforts;
 - d) minimize business interruptions and loss of local income;
 - e) minimize damage to public facilities in the floodway such as water mains, sewer lines, streets and bridges; and
 - f) provide for public awareness of the flood hazard potential.
- (17) Additions, new construction or other improvements or developments that would obstruct or divert the flow of water within the floodway will be prohibited.
- (18) Land uses with low flood-damage potential and no obstructing flood flows will be allowed to the extent that they are not prohibited by other legislation.
- (19) This zone implements, in part, the two flood zone concept specified by the Weyburn Development Plan.

.1 Application

The provisions of this Subsection shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program, and shown in the Zoning Maps, as within the floodway of the Souris River, creeks and storm channels.

.2 Permitted Uses

All permitted uses in the Tatagwa Parkway Zone.

.3 Discretionary Uses

Camp Grounds, Public

.4 Prohibited Uses

(1) Any development, including;

- a) excavation or fill; and
- b) new construction

Are prohibited, except where:

- i) it is certified by a licensed professional engineer that it shall not increase flood levels during the occurrence of the 1:500 flood discharge;
- ii) it is certified by a licensed professional engineer that the structure meets the requirements of proper flood proofing and able to withstand the effects of floodwaters without experiencing flood damage; and
- iii) approved by the City Engineer.

(2) Where the certification mentioned in subsection (1) is obtained, all new construction and substantial improvements shall comply with the development standards specified in Section 10 under the FF, FF 1: Flood Fringe Overlay Zone.

(3) Construction or reconstruction of a dwelling or accessory structure is prohibited except, those permitted by Section 13 of this Bylaw, Sections 113 to 118 inc. of the Act , repairs or improvements which do not increase the habitable gross floor area and the cost of such construction or reconstruction does not exceed 50% of the market value of the structure either;

- i) before the repair or reconstruction is started; or
- ii) if the structure has been damaged, and is being restored before the damage occurred.

(4) Work done on structures:

- a) to comply with health, sanitary or safety regulations; or

- b) to an identified heritage property, shall not be included in the 50 % requirement mentioned in subsection (3), but in no case shall Sections 113 - 118 of The Act, be contravened.

.5 Development Standards

- (1) The requirements for site area and height will be as determined by the Development Officer upon the recommendation of the City Engineer for the type of development proposed in the Floodway.
- (2) The yard setbacks shall be as determined by the Development Officer in consultation with the City Engineer but they shall not be less than 1.5 metres from any site line.

.6 Additional Regulations

The following additional regulations shall apply in addition to the development standards in this Section which shall take precedence.

- (1) **General Development Regulations** -The general development regulations in Section 5 shall apply to developments in this zone.
- (2) **Accessory Uses** - Accessory uses in this zone shall be subject to the provisions in Section 11.
- (3) **Temporary Uses** - Temporary uses in this zone shall be subject to the regulations in Section 12.
- (4) **Non-conforming Uses** - Non-conforming uses in this zone shall be subject to the provisions in Section 13.
- (5) **Parking and Loading** - Parking and loading facilities in this zone shall be provided in accordance with the provisions in Section 14.
- (6) **Landscaping and Buffering** - Landscaping and buffering in this zone shall be provided in accordance with the provisions in Section 15.
- (7) **Signs** - The erection of signs in this zone shall be in accordance with the provisions in Section 16.
- (8) **Development Permits** - Applications for development permits in this zone shall be made in accordance with the provisions in Section 4.

9.2 URBAN HOLDING ZONE (UH)

.7 Intent

- (1) The UH Zone is designed to protect lands required for future urban development from premature subdivision and development. Specifically, the zone is intended to:
 - a) provide for orderly transition of agricultural land to other uses in areas planned for eventual urban development;
 - b) defer urban development until the City and other local government bodies determine that adequate public facilities can be provided at reasonable costs;
 - c) ensure that future urban development is compatible with local land use plans and policies; and
 - d) provide opportunities for periodic review to determine whether all or part of the lands should be transferred to another zone.

.8 Application

The zone will be generally applied to urbanized areas where lands are predominantly in agricultural or related open space use, or areas where renewal is necessary in the future because of lack of services and/or redevelopment is required.

.9 Permitted Uses

The following are permitted uses in the UH Zone however no permanent buildings associated with the uses are permitted.

- (1) Agricultural Production
- (2) Green House
- (3) Landscape Nursery

.10 Discretionary Uses

- (1) Detached Dwelling, existing
- (2) Vegetable Production
- (3) Camp Ground
- (4) Golf Course or Golf Driving Range
- (5) Kennel, Commercial Breeding or Boarding

.11 Development Standards

| Building Type | Lot Area, Min. (M ²) | Frontage, Min. (M) | F.A.R. Max. | Front Yard, Min. (M) | Rear Yard, Min. (M) | Side Yard, Min. (M) | Height, max. (M) |
|---------------|----------------------------------|--------------------|-------------|----------------------|---------------------|---------------------|------------------|
| All uses | 2700 | 30 | 0.25 | 7.6 | 7.6 | 3 | 11 |

9.3 TATAGWA PARKWAY ZONE (PW)

.1 Intent

This zone recognizes the lands within the Tatagwa Parkway designated for active and passive park uses and to preserve and regulate the use and development of these lands for park and recreation purposes.

.2 Permitted Uses

- (1) Bird Watching Areas
- (2) Canoeing, Non-Motorized Boating
- (3) Childrens Playgrounds
- (4) Cross Country Skiing Trails
- (5) Cycling Paths
- (6) Lawn Bowling Greens
- (7) Natural Areas
- (8) Picnic Areas
- (9) Social Gatherings
- (10) Walking, Hiking, Jogging Paths

.3 Discretionary Uses

- (1) Buildings associated with Park, Recreation, Culture and Heritage Uses
- (2) Camp grounds, Public
- (3) Horseshoe Pitches
- (4) Outdoor Ice Rink
- (5) Sports Fields

.4 Development Regulations

- (1) All development shall conform to the development plan as approved by Council.
- (2) All existing native grasses, flora and fauna shall be protected to every extent possible recognizing some may be disturbed by approved parkway development.
- (3) All site areas and setbacks shall conform to the parkway development plan.
- (4) All signs and markings shall comply with the design standards set by Council.
- (5) No private vehicles shall be permitted in the parkway except on designated roadways and parking areas.
- (6) No outdoor storage of material is permitted other than that required for construction approved by the City.
- (7) Landscaping shall conform to the parkway development plan.
- (8) All structures shall be constructed at the 1:500 year flood event elevation or be suitably flood proofed.

9.4 DCD: DIRECT CONTROL DISTRICT

9.4.1 Purpose

The purpose of this zone is to deal more effectively with the development of larger areas with servicing, site or access limitations, special historic, cultural, archaeological, environmental or other unique features or opportunities which could not be accommodated by the existing provisions of the Zoning Bylaw.

9.4.2 Application

The zone shall only be applied on:

- a) larger sites with servicing, site or access limitations;
- b) areas restricted by physical barriers such as water courses, slopes, etc.;
- c) infill or mixed use areas and historically sensitive areas requiring redevelopment; or
- d) areas to accommodate unique features or development opportunities.

9.4.3 Permitted Uses and Discretionary Uses

Only uses specified in designated Direct Control Districts, forming part of this Bylaw, shall be allowed.

9.4.4 Development Standards

The regulations respecting development in Direct Control Districts shall be those specified in designated Direct Control Districts forming part of this Bylaw.

9.4.5 Development Requirements and Procedures

- 1) Each application for a DCD zone shall be evaluated on its own merits in accordance with the guidelines in Section 5.8 of the Development Plan for assessing DCD proposals and the requirements for evaluating discretionary uses in Section 4.11 of this Bylaw.
- 2) The amending bylaw which creates a new DCD Zone shall include the list of permitted, discretionary, prohibited or legal non-conforming uses or forms of development which are necessary to implement the established guidelines for that proposal and ensure compatibility between the proposal and surrounding land uses. The amending bylaw shall specify the required development standards and regulations for the new DCD Zone.
- 3) Council may, in approving the new DCD Zone, require a development agreement with the applicant or landowner in order to specify the conditions necessary to ensure that developments in the district conform to the established guidelines for that proposal.

- 4) The procedures for an amendment to the zoning bylaw specified in Section 4.13 of this Bylaw shall be used in processing applications for zoning contracts.

9.4.6 Reference

- 1) The use of the symbol “DCD” in conjunction with a sequential number (DCD 1, DCD 2) in the Zoning Maps and text shall indicate a property which has been re-zoned through the Direct Control District procedure.
- 2) All approved Direct Control Districts shall be added to the Zoning Bylaw as part of this Subsection.

9.5 C: CONTRACT ZONE

9.5.1 Purpose

The purpose of this Zone is to permit development of individual lots, blocks, other small areas or buildings with servicing, site or access limitations, unique features or opportunities which could not be accommodated by the existing provisions of the Zoning bylaw.

9.5.2 Application

- 1) The zone may only be applied on:
 - a) small or irregularly shaped lots;
 - b) sites restricted by physical barriers such as water courses, slopes, etc.;
 - c) infill or mixed use areas and historically sensitive areas; or
 - d) areas to accommodate unique features or development opportunities.
- 2) No contract zone shall be designated on a part of a building or structure based on a leasehold interest of any person in the land on which the building or structure is situated.

9.5.3 Permitted Uses

Only uses specified in the contract agreement shall be allowed.

9.5.4 Development Standards

The regulations respecting lot size, frontage, coverage, floor area ratio, building height and yards, signs, landscaping, parking, payment in lieu of parking, and loading shall be those specified in the contract agreement.

9.5.5 Development Requirements and Procedures

- 1) Each application for a contract zone shall be evaluated on its own merits in accordance with the guidelines in Section 5.9 of the Development Plan for assessing contract zone proposals and requirements for evaluating discretionary uses in Section 4.11 of this Bylaw.
- 2) Where the proposal meets the requirements of this subsection, Council may enter into a zoning contract or agreement with the individual or corporation for the purpose of accommodating the request to re-zone the land.

- 3) Council may, in approving the zoning contract, attach conditions, which in its opinion, are necessary to implement the guidelines and ensure compatibility between the proposal and surrounding land uses and are only limited by the provisions of the Planning and Development Act, 2007.
- 4) The procedures for an amendment to the zoning bylaw specified in Section 4.13 of this Bylaw shall be used in processing applications for zoning contracts.

9.5.6 Reference

- 1) The use of the symbol “C” in the Zoning Maps and text shall indicate a property which has been re-zoned through a contractual agreement between a person or corporation and the City.
- 2) All approved zoning contracts shall be added to the Zoning Bylaw as part of Section 18, in Appendix E, entitled Contract Zoning Agreements.

SECTION - 10 - OVERLAY ZONE REGULATIONS

PURPOSE OF SECTION

- (1) The overlay zones shall be in addition to and shall overlay all other zones where they are applied so that any parcel of land lying in an overlay zone shall also lie in one or more of the other zones provided for in this Bylaw. The effect is to create a new zone which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (2) These overlay zones deal with such limitations and characteristics as height, population density, floor area to site area and environmentally sensitive land uses and resources for the protection of public health, safety and general welfare.

10.1 MAPS

Unless otherwise stated, the boundaries of the overlay zones are shown on the Zoning Maps provided in Section 18, Appendix D, of this Bylaw.

10.2 REGULATIONS FOR ALL OVERLAY ZONES

The regulations in this Section apply to any land use overlain by any of the overlay zones mentioned in this section.

10.3 REGULATIONS FOR SPECIFIC OVERLAY ZONES

10.3.1 F - FLOOR AREA RATIO OVERLAY ZONE

The maximum floor area ratio permitted on any site unless otherwise specified in this Bylaw is determined by the Floor Area Ratio Zone.

$$\frac{\text{gross floor area}}{\text{site area}} = \text{floor area ratio}$$

Example for illustrative purposes only:

SC.F2

Service Commercial uses are permitted to a maximum floor area ratio of 2.

10.3.2 FF, FF 1: FLOOD FRINGE OVERLAY ZONE

.1 Intent

- (1) This zone is designed to reduce flood losses by prescribing performance regulations for the development of structures in this district which could be subject to periodic flooding and accompanying hazards.
- (2) The FF 1 Zone recognizes the area of the flood fringe where meeting the 1:500 year event flood elevation may be impractical and partial protection is provided by the installation of dykes.
- (3) The zone is intended to :
 - a) protect life, health and property;
 - b) minimize expenditures of public funds for costly flood control projects;
 - c) minimize rescue and relief efforts;
 - d) minimize business interruptions and loss of local income; and
 - e) provide for public awareness of the flood hazard potential.

.2 Application

The provisions of this subsection shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program, and shown in the Zoning Maps, as within the flood fringe of the Souris River, creeks and storm channels.

.3 Permitted Uses

All uses permitted in the underlying zone are also permitted in this zone.

.4 Discretionary Uses

All discretionary uses in the underlying zone are also discretionary in this zone.

.5 Development Standards

The development standards are those in the respective underlying zones.

.6 Additional Standards

- (1) Except as provided in subsection (2), all new construction shall be constructed with the finished floor at the 1:500 year event flood elevation where practicable at the discretion of the Development Officer.
- (2) Recognizing that dykes may not provide complete protection, new construction in the FF 1 Zone shall be constructed with the finished floor as close to the 1:500 year event flood elevation as practicable at the discretion of the Development Officer.
- (3) New construction, additions and substantial improvements which do not have a finished floor elevation at the 1:500 year event flood elevation shall comply with the flood proofing requirements of the City of Weyburn building regulations.

10.3.3 H: HEIGHT OVERLAY ZONE

The maximum height on any site unless otherwise specified in this Bylaw is determined by the Height Zone.

The maximum building height permitted in a Height Zone is determined by the numeral following the letter H on the zoning maps and expressed in metres.

Example for illustrative purposes only:

SC:H11

Service Commercial uses are permitted to a maximum height of 11 metres.

10.3.4 AP: AQUIFER PROTECTION OVERLAY ZONE

.1 Intent

- (1) The Aquifer Protection Overlay Zone is designed to provide additional regulations to protect the Weyburn shallow Aquifer system from contamination from development activities.
- (2) This purpose will be achieved by:
 - (a) prescribing performance standards for potential polluting land uses and operations; or
 - (b) prohibiting land uses and operations that create a risk of contaminating the aquifer.
- (3) This zone implements the objective of the Weyburn Development Plan to protect ground water resources from contamination.

.2 Application

The standards and regulations in this section shall apply to the Weyburn Aquifer system lying within the City of Weyburn and shown on Figure 10.1 of this section.

.3 Permitted Uses

Subject to subsection 10.3.4.6, all uses permitted in the underlying zone are also permitted in this zone.

.4 Discretionary Uses

Subject to subsection 10.3.4.6, all discretionary uses in the underlying zone are also discretionary uses in this zone.

.5 Development Regulations

As specified in Section 5 for the relevant underlying zone.

.6 Performance Regulations

In addition to regulations provided elsewhere in this Bylaw, all uses in the Aquifer Protection Overlay Zone shall be developed in accordance with the following standards:

- (1) No Hazardous/Dangerous Waste Facilities shall be permitted.
- (2) No other hazardous chemicals except those essential to run the operation shall be allowed.
- (3) Excavations shall not exceed 4 metres in depth. However, where the overburden is less than 4 metres, the excavation shall not expose the aquifer or reduce the overburden substantially.
- (4) Adequate drainage shall be provided for run-off and no ponding shall be allowed.
- (5) Secondary containment and leak detection devices shall be installed with all underground storage tanks.
- (6) All foundation holes and piles shall be properly sealed with impermeable materials.

.7 Development Requirements and Procedures

Every application for a development permit in this zone shall be made in accordance with Section 4 of this Bylaw.

.8 Evaluation of Aquifer Overlay Zone Designation

- (1) An applicant for a development in the Aquifer Overlay Zone shown in Figure 10.1 may challenge the inclusion of the land in the zone by providing, at his own expense, to the City Engineer, an engineering evaluation prepared by a registered professional engineer.
- (2) The engineering evaluation mentioned in subsection (1) shall demonstrate the aquifer sensitivity characteristics of the zone, as defined in Section 2 of this Bylaw.
- (3) If the evaluation mentioned in subsection (1) is concurred in by the City Engineer, the requirements of the zone, as defined in Section 2, shall apply to the land.

SECTION - 11 - ACCESSORY USE REGULATIONS

PURPOSE OF SECTION

- a) The purpose of this Section is to provide detailed regulations and requirements over and above the general regulations provided in Sections 3 and 5, for the development of accessory uses in all land use zones.
- b) Special regulations will also be provided for specific accessory developments.
- c) The intent of this section is to exercise proper control on the development of accessory structures and uses to eliminate any potential adverse effect on surrounding properties, public health or safety.

11.1 QUALIFICATION CRITERIA

11.1.1 Relationship to Principal Use

An accessory use is a building, structure or activity which is incidental and subordinate to the principal use or activity conducted on the site.

11.1.2 Same Site as Principal Use

Except as otherwise specifically permitted by this Section, an accessory use shall be located on the same site as the associated principal use.

11.1.3 Exclusions

(1) Connected Structures

Except as permitted in Subsection 11.6 .4, when an accessory structure is attached to a principal structure on the same site by:

- a) a breezeway;
- b) a roofed passage;
- c) an open or enclosed structure above grade;
- d) a floor or foundation which is above grade; or
- e) any structure below grade similar to those mentioned in clauses a) to d);

The accessory structure shall be deemed to be part of the principal use, and shall, except in the case of a garage or carport, maintain the yard requirements of the principal building.

11.1.4 Ornaments, Decorations, Etc.

- (1) The following structures are not accessory structures within the meaning of this Section and may be developed without a development permit:
 - a) an ornamental or decorative structure, other than a sign;
 - b) a single flagpole;
 - c) a bird-house or bird-feeder;
 - d) a single clothesline or other device for drying laundry;
 - e) a single shelter for a domestic dog or cat. The shelter shall be of a type normally found on residential properties and shall not exceed 1.067 metres in height and as regulated in Subsection 6.1.8; or
 - f) a swing or hammock, basketball backboard and hoop and other recreational facilities not mentioned in Subsection 11.7.
- (2) The Development Officer may determine the permit exempt status of any structure similar to those listed in Subsection (1).

11.2 DETERMINATION OF ACCESSORY STATUS

11.2.1 Responsibility

The Development Officer shall make the initial determination as to whether a building or structure or use is accessory to a principal use.

11.2.2 Considerations

In determining whether a building or structure is accessory to a principal use, the following factors shall be taken into consideration:

- a) the size of the site;
- b) the nature of the principal use;
- c) the use made of the adjacent sites;
- d) the actual incidence of similar use in the neighborhood; and
- e) the potential for adverse impact on adjacent property.

11.3 DEVELOPMENT REQUIREMENTS

11.3.1 Development Permit

No accessory use or structure shall be developed without a development permit issued pursuant to Section 4 of this Bylaw.

11.3.2 Phasing and Commencement of Use

- (1) Except as otherwise authorized by a Development agreement, a condition authorized by a Development Permit or permitted under other provisions of this Bylaw, no accessory building or use shall be developed until after the start of construction of the principal use on the site.
- (2) No accessory use shall be used unless the principal use or structure has been developed on the site.

11.4 ACCESSORY USE AS PERMITTED USE

Except as otherwise provided in this Bylaw, any use accessory to a lawful use is deemed to be a permitted use including dwelling units for caretakers, owners or managers of any permitted or discretionary use in commercial or industrial zones, as defined in Section 2 of this Bylaw.

11.5 ACCESSORY USE RESTRICTIONS

11.5.1 All Land Use Zones

- (1) The following uses shall not be allowed as accessory uses to a vehicular repair establishment, except where they are listed as permitted or discretionary uses in a zone;
 - a) a car wash;
 - b) a motor vehicle sales lot; and
 - c) a service station.
- (2) An Outdoor Merchandise Display and Outdoor Storage Facility shall not be considered as accessory uses, except as an integral part of the operations of a permitted or discretionary use in a zone.
- (3) An Amusement Arcade shall not be allowed as an accessory use, except in a zone where it is permitted as a principal use.

11.5.2 Industrial Zones

Movie machines used for the purpose of furnishing entertainment or amusement to the public for a fee, shall be permitted only in an industrial zone; and only as accessory uses. The regulations in Section 8 shall apply to any premise containing movie machines that show adult movies (adult arcades).

11.6 REGULATIONS FOR ALL RESIDENTIAL ZONES

11.6.1 Detached accessory building shall not be located in the front yard

- (1) Detached accessory buildings shall be located a minimum of 1 metre from a principal building on the site.
- (2) No accessory building shall exceed 87 square metres in gross floor area or 4 metres in height.
- (3) There shall be a minimum clear distance of 1 metre between the side site line and the accessory building and 1 metre between the rear site line and the accessory building, provided that no entrance or exit door for a motor vehicle shall be closer than 1.5 metres to a rear lot line or lane.
- (4) Where a garage, carport or other accessory building is within 3 metres of the rear wall line of, the main building, the minimum clear distance to the side site line on the side where the accessory building is located, shall be 1.2 metres.
- (5) On corner sites, there shall be a minimum clear distance of 3 metres between flankage side site line and the accessory building, except where access is from the frontage or rear, a detached accessory building may have a 1 metre side distance.
- (6) Notwithstanding the other provisions of this section on any through site, as referred to in Section 6.1.2, no accessory buildings may be constructed in any required rear yard.
- (7) Accessory buildings shall not occupy the area greater than 40% of the required rear yard.
- (8) Notwithstanding the other provisions of this Section, the required rear and side yard setback distances for accessory building in Residential Zoning Districts may be reduced provided;
 - a) the maximum gross floor area is less than 9 square metres.
 - b) the accessory building is situated in the rear yard area.

- c) no portion of the accessory building is located within 150 millimetres of any site line.
 - d) the maximum wall height shall be limited to 2.25 metres.
 - e) all roof drainage from the accessory building is directed onto the site.
- (9) Where a deck or similar structure is attached to the residence and extends into the required rear yard area, no roof, wall, screen or similar attachment may extend upward beyond a point 1.8 metres above the lowest adjacent floor on that portion of the deck extending into the required rear yard area.
- (10) Notwithstanding Section 5.1.15 (2), where an open deck or similar structure extends into the required side yard areas, the top elevation of that portion of the open deck or similar structure extending into the required side yard area shall not exceed 0.3 metres above the finished grade elevation for the site as specified by the Development Officer.
- (11) Subject to Subsection 11.6.1.6 an attached garage or carport forming part of the main building may project into the required rear yard area.

11.7 REGULATIONS FOR SPECIFIC ACCESSORY USES

In addition to the general regulations in this Section, the following uses shall comply with these additional regulations.

11.7.1 CARETAKER'S QUARTERS

(1) Intent

The intent of these special regulations is to identify conditions under which caretaker's quarters may be developed and occupied so as to minimize their effects on the character of the neighborhood.

(2) Use Restrictions

A caretaker's quarters shall be permitted as an accessory use to a non-residential use, and shall be deemed to be a dwelling unit subject to all applicable regulations in this Bylaw.

(3) Location Standard

Every caretaker's quarters shall be located so as to minimize its visibility from streets and abutting properties.

(4) Occupant

The resident of the caretaker's quarters shall be the occupant or an employee of the occupant of the principal premise, receiving monetary or comparable payment for caretaker services.

(5) Parking

Parking facilities shall be provided for the quarters in accordance with the provisions in Section 14 of this Bylaw for dwelling units.

11.7.2 RESIDENTIAL COMPOST FACILITY

(1) Intent

These regulations are intended to encourage the practice of home composting, and to ensure that composting activities (collection, storage and processing) are carried out in a manner acceptable to adjoining residents, and also do not affect public health and safety.

(2) Size and Location Requirements

No compost bin, collection, storage or processing area shall:

- i) exceed four cubic metres in volume; or
- ii) be located so as to cause deterioration to a common fence.

(3) Composting Materials

Materials that create obnoxious odour or attract pests, such as dead animals, meat scraps, fats, cooking oils, and animal waste shall not be added to a compost collection. Also, plant materials infected with disease, noxious weeds and poisonous plants shall not be incorporated in a compost collection.

11.7.3 SATELLITE DISH

(4) Intent

These regulations are intended to regulate the location and installation of satellite dishes to ensure that they:

- a) do not cause visual blight;
- b) do not impede access by emergency and rescue personnel or by utility crews along easements;
- c) do not create a dangerous attraction for children;

- d) do not pose a safety hazard;
- e) do not block views from adjoining sites; and
- f) are not used as commercial signs

(5) Application

The erection of satellite dishes shall be permitted in all land use zones provided in this Bylaw subject to the regulations in this subsection.

(6) Location Requirements

- a) No satellite dish or any portion thereof, in any position, with a diameter exceeding 600 millimetres shall be located in or encroach on any;
 - i) front yard;
 - ii) side yard; or
 - iii) the area defined by the extension of a side yard into a rear yard which is adjacent to a street.
- b) No satellite dish with a diameter exceeding 600 millimetres shall be erected on the roof of any principal building which is:
 - i) located in a residential zone; and
 - ii) less than three stories in height.
- c) Notwithstanding Subsection (b), where the greatest portion of a satellite dish is recessed into the surface of a roof, it shall be permitted.
- d) Every satellite dish in a residential zone with a diameter exceeding 600 millimetres shall be erected so that;
 - i) where the dish is mounted on the ground, the elevation of the lowest edge (base) of the dish does not exceed the elevation of the soffit of the lowest eaves of the principal building on the lot on which the satellite dish is located; and

- ii) where the dish is mounted on a principal or an accessory building;
 - a) the elevation of the lowest edge (base) of the dish does not exceed the elevation of the soffit of the lowest eaves of the principal building on the lot on which the satellite dish is located; and
 - b) the accessory building is located entirely within a rear yard.
- e) Wiring between the satellite dish and a receiver shall be placed at least 15 centimetres beneath the surface of the ground within rigid conduit.

(4) Connection Across Property Boundaries

No satellite dish shall be linked physically or electronically, to a receiver which is not on the same lot, site or premise as the satellite dish.

(5) Advertising

No advertising message shall be allowed on any satellite dish or its framework, except the manufacturer's logo, which shall be limited to no more than 10 percent of the combined gross surface area of the dish and framework.

SECTION - 12 - TEMPORARY USE REGULATIONS

PURPOSE OF SECTION

The purpose of this Section is to identify and classify temporary land uses, and to define the circumstances under which such uses may be developed. To provide consistent basis or standards for the control of temporary uses.

12.1 Regulations For All Temporary Uses

12.1.1 Classification of Uses

For the purpose of this Bylaw, the following are classed as temporary uses:

- a) Low Impact:
 - i) Farm Produce Sales
 - ii) Fundraiser Car Wash
 - iii) Garage Sales
 - iv) Tent/Truck Sale of goods
- b) High Impact
 - i) Auction Sales
 - ii) Carnival, Fair or Festival
 - iii) Christmas Tree Sales
 - iv) Open Air Rock Concert

12.1.2 Criteria

- a) Except as specified in subsection b), a temporary use may be developed without a development permit but must comply with the performance standards in this Section.
- b) Open Air Rock Concerts and similar attractions shall require a development permit and follow the discretionary use process unless otherwise permitted by City Council.
- c) Where a use falls out of scope of the uses listed in subsection 12.1, the Development Officer shall make the initial determination as to whether a building, structure or use is temporary or permanent.

- d) In determining whether a building, structure or use is temporary, the Development Officer shall consider the nature of the principal use, if any with which it is associated and the impact of the proposed temporary use on adjoining sites.

12.1.3 Standards

- a) Arrangements must be made for adequate washroom facilities and on site parking for all High Impact use locations.
- b) Temporary uses must conform to the use provisions, yard setbacks and other requirements of the zoning district in which they are situated.
- c) The area devoted to required landscaping or required parking for the principal use may not be occupied by the temporary transient sales events.
- d) Signs associated with the temporary use must comply with the sign regulations in Section 16 of this Bylaw.
- e) The event shall not obstruct pedestrian or vehicular circulation, including vehicular sight triangles.
- f) Adequate refuse containers shall be made available at all temporary use locations and the site must be kept clean at all times.
- g) Upon completion of the temporary use, all structures, associated material and signage must be removed and the site left in neat and tidy condition.

12.1.4 Duration

- a) Except Christmas Tree sales, the duration for all temporary uses shall be a maximum of three days. Under special circumstances the Development Officer may permit an extension of time.
- b) Christmas Tree sales may be established for a period of 30 days.

SECTION - 13 - NON - CONFORMITIES

PURPOSE OF SECTION

- (1) The purpose of this Section is to provide for the regulation of uses and buildings that were lawfully established prior to the coming into force of this Bylaw, but which, by the application of this Bylaw, no longer conform to the provisions and standards of the land use zones in which they are located.
- (2) The regulations will provide specific circumstances and conditions under which such non - conformities may be:
 - a) continued;
 - b) changed;
 - c) expanded; or
 - d) repaired and maintained.
- (3) The continued existence of non-conforming uses and buildings in the City are detrimental to achieving the development goals of the City. Accordingly, it is the intent of this Section to assist with the gradual removal of non-conformities.

13.1 REGULATIONS FOR ALL NON-CONFORMITIES

13.1.1 Continued Use

- (1) **Existing Legal Non-conformities**
 - a) Except as otherwise provided in this Section, any non-conforming:
 - i) use;
 - ii) building, structure; or
 - iii) building under constructionlawfully existing at the time this Bylaw or subsequent amendments come into force may be continued, transferred or sold.
 - b) No enlargement, additions to, or reconstruction of the non-conformities mentioned in subsection (1) is allowed, except in accordance with the provisions of:

- i) This Section; and
- ii) Sections 88 to 93 of The Planning and Development Act, 2007.

13.1.2 Effect of Public Roadway Construction or Widening

No existing use, site, or building shall be deemed to be non-conforming as a result of the construction or widening of a registered road or rail right-of-way.

13.2 PERMITTED ALTERATIONS

13.2.1 Repair, Maintenance and Installation

- (1) Subject to subsection (2), any non-conforming use or building may undergo normal maintenance and repair of;
 - a) plumbing;
 - b) electrical systems;
 - c) structural supporting elements;
 - d) changing of partitions;and other interior alterations or additions.
- (2) No alterations or addition made pursuant to Subsection (1) shall;
 - a) expand a non-conforming use;
 - b) expand the floor area of a non-conforming structure within the area of the non-conformity; or
 - c) rearrange or replace structural supporting element, except in accordance with other provisions of this Section or as required by the Building Bylaw

13.2.2 Evidence of Legal Non-Conformity

(1) Zoning Bylaw Compliance Certificate

- a) 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.

- b) 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.
- c) The application fee for a Zoning Bylaw Compliance Certificate shall be as set from time to time by resolution of City Council.

(2) Burden of Proof

Beyond the provision of accessible municipal records, the burden of proof establishing that a use, building or structure was lawfully established and remains as a legal non-conforming use, building or structure shall be upon the owner of the use, building or structure.

13.3 REGULATIONS FOR SPECIFIC NON-CONFORMITIES

13.3.1 Non-Conforming Uses

(1) Relocation

No non-conforming use shall be moved in whole or in part, to any other location on the same or any other site unless the use will conform to the regulations of the land use zone in which it will be located after the move.

(2) Extension of Non-conforming Use

The non-conforming use of a part of a building may be extended throughout the building, but the building, whether or not it is non-conforming, shall not be enlarged, added to and no structural alteration made, except those required by statute or a bylaw of the City.

(3) Extension of the Non-conforming Use of Part of Vacant Site

The non-conforming use of part of a vacant site for such uses as a parking lot may be extended throughout the site, so long as the nature and character of the use is unchanged and substantially the same facilities are used.

(4) Termination

When a non-conforming use has been discontinued for a period of six consecutive months, all subsequent uses shall be in accordance with this Bylaw.

13.3.2 Non-Conforming Buildings

(1) Relocation

No non-conforming building shall be moved in whole or in part, to any other location on the same or any other site unless the building will conform to the regulations of the land use zone in which it will be located after the move.

(2) Modification

No non-conforming building shall be enlarged, expanded or extended, unless the alteration is required to comply with a bylaw or statute.

(3) Damage or Destruction

If a non-conforming building is damaged or destroyed by fire, flood or an act of God to the extent of over 50% of its replacement costs, excluding its foundation, at the time of the damage or destruction, it shall not be repaired or reconstructed, except in conformity with this Bylaw.

13.3.3 Non-Conforming Sites

(1) Status Determination

If upon the coming into force of this Bylaw a site does not comply with the dimensional requirements of a site in a zone in this Bylaw, the site may still be developed for a permitted or discretionary use if the owner or applicant submits information to establish that the site was lawfully established and of record in the Regina Land Titles Office prior to the adoption of this Bylaw.

(2) Modification

No dimension of a non-conforming site shall be reduced, except where necessitated for uses in Section 13.1.2 or public roadway by federal, provincial or municipal government action.

13.3.4 Non-Conforming Signs

(1) No Reconstruction, Remodeling, Relocation, etc.

- a) No non-conforming sign shall be reconstructed, remodeled, relocated or changed in size or content to show:
 - i) a new trade name;
 - ii) different words, letters or numbers;

- iii) new design;
- iv) different colours or different logo,

unless such action will make the sign conform to the requirements of this Bylaw.

- b) Subsection a) shall not prevent the repainting, replacement of broken or deteriorated parts, or the general maintenance of a sign to ensure that it:
 - i) is structurally safe and does not constitute a hazard to public health and safety; or
 - ii) does not obstruct light or air or interfere with the proper functioning of a building.

(2) Destruction of Non-conforming Signs

Where a non-conforming sign is destroyed or damaged by fire, it may be restored only after the owner has shown that the damage did not exceed 50 percent of the value of the sign. If the sign is destroyed or damaged to an extent exceeding 50 percent, it shall be removed and shall not be reconstructed or replaced unless in conformity with this Bylaw.

(3) Signs Accessory to Demolished or Destroyed Buildings

An accessory non-conforming sign shall be removed within 30 days if the building containing the use to which it is accessory is demolished or destroyed to an extent exceeding 50 percent of the value of the building.

SECTION - 14 - PARKING AND LOADING REGULATIONS

PURPOSE OF THIS SECTION

- (1) The purpose of this section is to establish minimum off - street parking standards necessary for the parking needs of the various land uses allowed in this bylaw.
- (2) Minimum standards are provided for the area required for loading and unloading of goods for various commercial and industrial uses.
- (3) These standards are necessary to:
 - a) Protect the capacity of the City's street system and avoid undue congestion of the streets; and
 - b) Lessen conflicts between pedestrians and vehicles.

14.1 PARKING REGULATIONS FOR ALL LAND USES

14.1.1 Application of Off-Street Parking Requirements

(1) New Altered or Changed Uses

- a) When any new construction is commenced or when any existing use is enlarged or use changed, provision shall be made for off-street vehicular parking spaces in accordance with the standards of this Section.
- b) Notwithstanding subsection a), when an existing building is reconstructed in a CBDA or SCA Zone, no parking shall be required for the first 930 square metres of building size and any parking shall only be required in accordance with the standards of this Section for the gross floor area in excess of 930 square metres.

(2) Single and Multiple Uses

The parking requirements for a single site or building containing a number of uses shall be the sum total of the parking requirements for each of the component uses, except in the case of a shopping center for which the standards cited specifically for shopping centers shall apply.

14.1.2 Unspecified Use Requirements

- (1) Where the parking requirements of any use allowed by this Bylaw is not specified, the Development Officer shall:

- a) establish an interim standard to allow the developer to proceed with his project; and
 - b) recommend an amendment to this Bylaw to incorporate the interim standard.
- (2) In establishing the interim standard, the Development Officer shall be guided by the standards for similar uses in the City.

14.1.3 Fractional Spaces

If in determining the number of required parking spaces a fractional space is arrived at:

- a) any fraction up to and including one-half shall be disregarded; and
- b) fractions over and above one-half shall be deemed to be equivalent to one space.

14.1.4 Compliance with Regulations - Owner's Obligation

As long as a use exists on a site, and the use is required to provide parking spaces by this Bylaw, it shall be the continuing obligation of the owner and occupant of the site on which the use is situated to provide the parking spaces.

14.1.5 Parking and Road Right-of-Ways

All required parking spaces shall be located outside of existing and proposed road right-of-ways. Property lines shall have either a fence or curbs to prevent encroachment onto road right-of-way or adjacent sites, and to delineate driveways in areas where rolled curb is present.

14.1.6 Barrier Free Parking

- (1) Notwithstanding any other provision in this Bylaw, in all zones, a minimum of two percent of all required parking spaces shall be provided in the form of barrier free parking spaces, with a minimum stall width of 3.7 metres and a minimum stall length of 5.5 metres.
- (2) Barrier free parking spaces shall be located as close as possible to a building entrance and clearly designated with a sign indicating their purpose as barrier free parking stalls.

14.1.7 Compact Cars

Up to 30 % of the required parking spaces in any parking lot or garage may be designed as Compact Space in accordance with Table 14.1.

14.1.8 Parking Area and Driveway Standards

- (1) All parking areas shall have convenient access to a public thoroughfare.
- (2) The parking area shall be hard surfaced or graveled and treated to prevent the raising of dust.
- (3) Each parking space shall be clearly demarcated and have provision for suitable drainage.
- (4) The limits of the parking area shall be defined by a fence or curb or other suitable obstruction designed to provide a neat appearance.
- (5) The minimum size of parking spaces and single direction driveway width shall be in accordance with Table 14.1

Table 14.1: PARKING AREA STANDARDS (METRES)

| Angel of Parking (Degrees) | Min. Required Stall Width | Min. Required Curb Length | Min. Required Stall Length | Min. Required Driveway Width |
|----------------------------|---------------------------|---------------------------|----------------------------|------------------------------|
| Less than 30 | 2.5 | 6.5 | 2.5 | 4 |
| 30 | 2.5 | 5 | 5.165 | 4 |
| 45 | 2.5 | 3.54 | 6.01 | 4 |
| 60 | 2.5 | 2.89 | 6.41 | 5.5 |
| 90 | 2.5 | 2.5 | 6 | 7.5 |
| Compact Space | | | | |
| 30 | 2.286 | 4.6 | 4.4 | 2.8 |
| 45 | 2.286 | 3.3 | 5.1 | 3.1 |
| 60 | 2.286 | 2.286 | 5.4 | 5.3 |
| 90 | 2.286 | 2.286 | 4.9 | 7 |

14.1.9 Approach Ramps

- (1) The location of vehicular approach ramps or driveways at the street line shall be no closer than 10.7 metres from the point of intersection of the property lines at a street intersection.
- (2) Approaches or driveways to any parking area shall be defined by a curb of concrete or rolled asphalt.

14.1.10 Off-Street Parking Spaces Required

Except as permitted in subsection 14.1.1(1) b), the required number of off-street parking spaces shall be as specified in Table 14.2.

Table 14.2 OFF-STREET PARKING REQUIREMENTS

| Use of Building or Site | Minimum Number of Parking Spaces |
|---|---|
| Detached, semi-detached duplex, triplex, fourplex, converted and townhouse dwelling units | 1 space per dwelling unit |
| Rooming house | .5 spaces per rooming unit |
| Apartments above permitted uses | 1 space per dwelling unit |
| Apartment dwelling units; a) R3A, RFM Zones b) All other Zones | 1 space per dwelling unit 1.25 spaces per dwelling units |
| Senior Citizen homes and homes for disabled or handicapped | 1 space per 4 dwelling units |
| Mobile Homes | 1 space per mobile home |
| Elementary Schools | 1 space per classroom |
| High Schools | 5 spaces per classroom plus 1 space per 10 square metres of the assembly room floor area of the largest assembly room within the building |
| Business, technical or commercial schools | 1 space per 100 square metres of gross floor area |
| Community Colleges: a) CBDA Zones b) All other Zones | None required 1 space per 100 square metres of gross floor area |
| Universities or Colleges | 1 space per 200 square metres of gross floor area or 1 space per 10 maximum seating capacity, whichever is greater |
| Hospitals or other similar uses | 1 space per 100 square metres of gross floor area |
| Nursing Homes | 1 space per 6 beds |
| Museums, art galleries, libraries, and other similar facilities | 1 space per 50 square metres of gross floor area, but not less than 1 space per 20 square metres of the assembly room area of the largest assembly room within the building |
| Places of Worship a) CBDA Zones b) All other Zones | None required 1 space per 10 seating places plus 1 space per 20 square metres of the assembly room floor area of the largest assembly room within the building |
| Fire Stations | 1 space per employee on maximum work shift |

| | |
|---|---|
| Day Care Centres; a) CBDA Zone or if home occupation b) All other zones as a principle use | None required 1 space per 120 square metres of gross floor area |
| Auditoriums - Public assembly auditoriums including gymnasiums; health, social, cultural or recreational halls; trade union and lodge halls; private clubs; and commercial recreation establishments; a) CBDA Zones b) All other zones | None required 1 space per 10 seating spaces for the public or 1 space per 10 square metres of gross floor area used by patrons, whichever is greater |
| Exhibition halls, sports fields, ice and hockey rinks, and auctioneering establishments | 1 space per 10 seating spaces for the or 1 space per 10 square metres rinks, and auctioneering of gross floor area used by patrons, whichever is greater. |
| Roller skating rinks | 1 space per 30 square metres of gross floor area |
| Curling Rinks | 8 spaces per sheet of ice |
| Bowling Alleys | 3 spaces per alley |
| Sports Stadia | 1 space per 10 seating spaces for the public or 1 space per 10 square metres of gross floor area used by patrons, whichever is greater |
| Liquor Stores | 1 space per 30 square metres of floor area |
| Retail stores, grocery stores, personal service establishments, service and repair shops, studios, custom workshops, confectionery stores, dry-cleaning establishments; a) CBDA, SCA zones, if less than 512 square metres of gross floor area b) if over 512 square metres of gross floor area c) All other zones | None required 1 space per 80 square metres over 512 square metres of gross floor area 1 space per 40 square metres of gross floor area |
| Offices for administration, sales or general business of any nature, banks or financial institutions, professional offices, real estate or insurance offices; a) CBDA, SCA Zones if less than 512 square metres of gross floor area b) Over 512 square metres of gross floor area c) All other zones | None required 1 space per 100 square metres over 512 square metres of gross floor area 1 space per 50 square metres of gross floor area |
| Medical or dental clinics a) CBDA zones less than 512 square metres of gross floor area b) Over 512 square metres of gross floor area c) All other zones | None required 1 space per 100 square metres over 512 square metres of gross floor area 1 space per 35 square metres of gross floor area |
| Medical or dental laboratories | 1 space per 60 square metres of gross floor area |

| | |
|--|---|
| Hotels or Motels a) CBDA Zones b) All other zones | 1 space per 3 guest rooms 1 space per guest room |
| Funeral Homes | 1 space per 10 person capacity for attending services |
| Theatres or cinemas a) CBDA Zones b) All other zones | None required 1 space per 10 seating spaces |
| Restaurants and beverage rooms a) CBDA Zones less than 512 square metres of gross floor area b) Over 512 square metres of gross floor area c) All other zones | None required 1 space per 80 square metres over 512 square metres of gross floor area 1 space per 5 seats |
| Drive In Restaurants | 1 space per 20 square metres of gross floor area plus an additional 5 car stack up per drive in window |
| Auctioneering Establishments | 1 space per 10 seating spaces for the public or 1 space per 10 square metres of gross floor area used by patrons, whichever is greater |
| Shopping Centres | 1 space per 30 square metres of gross floor area plus the requirements for any office accommodation in conjunction with the shopping centre |
| Service Station or Public Garages | 4 spaces per service bay |
| Animal hospitals or Veterinary Clinics | 1 space per 100 square metres of gross floor area |
| Wholesaling, manufacturing and industrial plants, warehousing and storage buildings and yards; repair; rental servicing establishments laundry or dry-cleaning plants, and other similar industrial uses | 1 space per 200 square metres of gross floor area |

14.2 REQUIREMENTS FOR NON-RESIDENTIAL PARKING

Where in this Bylaw parking facilities are required for buildings or uses other than those specified in Subsection 14.3 the following regulations shall apply:

14.2.1 Payment-in-Lieu of Parking

- (1) Council may, at its discretion, waive all or part of these requirements in CBD and CBDA Zones in exchange for a payment-in-lieu of the waived spaces calculated on the basis of \$4,100 per waived parking space.
- (2) Where payment of or agreement to pay in lieu of providing a designated number of off-street parking spaces is made, the said payment or agreement shall be treated as providing the said parking spaces and shall be in effect for the duration of the existence of the building on the site.
- (3) Payment of or agreement to pay such sums of money shall be subject to such terms and conditions as Council may determine.

14.2.2 Location

- (1) Subject to subsection 14.2.3, all parking spaces shall be located:
 - a) on the same building site as the use they serve; or
 - b) on an abutting site in the same use zone, or
 - c) on a site separated from the use by only a street or lane in the same use district.

14.2.3 Off-Site Caveated Parking

- (1) Where off-street parking spaces are provided on a site which is separate from that containing the building or structure for which it is provided, there shall be permanently recorded in the office of the City Clerk, City of Weyburn, a registerable agreement between the City and the owner, his heirs and successors, restricting the use of the said lot for the purpose of off-site parking as long as the main use or building for which the parking is provided exists. A copy shall be kept by the Development Officer.
- (2) Where off-site caveated parking is a discretionary uses in a zone, the caveated parking shall require approval of City Council in accordance with the discretionary use process specified in Section 4 of this Bylaw.
- (3) A caveat based on the agreement mentioned in Subsection (1) shall be registered by the City against the lots outlined in the agreement in the Land Titles Office for the Regina South East District.

14.2.4 Maneuvering Space

All parking lots for:

- a) non-residential uses; or
- b) all uses on major thoroughfares;

shall be designed so as to eliminate the need for backing and maneuvering from, or onto roads, pedestrian walkways, in order to get out of the spaces or leave the lot.

14.3 REGULATIONS FOR RESIDENTIAL PARKING

14.3.1 Where in this Bylaw parking facilities are required or provided for a detached, semi-detached, duplex, triplex, fourplex, townhouse or apartment dwelling units, rooming house, converted dwelling and personal care home, the following provisions shall apply;

- a) The required parking area shall be provided on the same site.
- b) Parking spaces which are located entirely or in part in the front yard shall not exceed 20 square metres in area per space.
- c) Where a lot has no rear lane access, has insufficient room to provide access from the front yard to the rear or side yard and does not have and cannot accommodate parking spaces in the rear or side yard, two parking spaces may be located in the front yard.
- d) Parking spaces may be located in the front yard provided:
 - i) the said parking spaces are located on a driveway leading to a garage, carport or parking pad.
 - ii) the number of spaces which may be located in the front yard is limited to the capacity of the garage, carport or parking pad, or two spaces, whichever is greater.
 - iii) vehicles parked in tandem shall be considered to constitute one parking space.
- e) No parking shall be permitted in the front yard of sites which are provided with rear lane access, unless there is a garage, carport, or parking pad with access provided from the front yard located on the lot. In such a case, the provisions of Clause d) shall apply.

- f) In any rear or side yard there shall be a minimum of 1.5 metres between a parking space and the wall of a building containing a habitable window less than 1 metre above grade and at right angles to the parking space.
- g) No parking shall be permitted in the front yard of an apartment building.

14.3.2 Prohibited Vehicles

No vehicle, business or otherwise, with a combined weight (vehicle and load carried on the vehicle) exceeding 2,722 kilograms shall be parked on-site in a residential zone. Notwithstanding the above, recreation vehicles may be parked in a residential zone in compliance with Subsection 6.1.4 (outside storage)

14.4 PASSENGER DROP-OFF SPACES FOR ELEMENTARY AND HIGH SCHOOLS

14.4.1 Application

Elementary and high schools shall provide passenger drop-off spaces in conjunction with the development of new schools or in conjunction with any addition with a design capacity of 100 or more students to an existing school.

14.4.2 Interpretation

For the purposes of this Section, “ passenger drop-off space” means a full size parking space located on school property or a full sized parking space approved by the Engineering Department located on property within the roadway right-of-way. In the case of schools which front on a collector or arterial street or operates buses, passenger drop-off spaces shall be located on school property and accessed by a service road. Where busses are used to transport students the required drop-off space shall be of sufficient size to accommodate the bus or busses that would occupy the space at any given time. The drop-off spaces shall be in addition to any required off-street parking spaces otherwise required by this Bylaw.

14.4.3 Regulations

- .1 For elementary schools, passenger drop-off spaces shall be provided at the rate of at least eight spaces for the first 100 students, and at least two spaces for each additional 100 students of the schools design capacity.
- .2 for high schools, passenger drop-off spaces shall be provided at the rate of at least eight spaces for the first 100 students, and at least one space for each additional 100 students of the schools design capacity.
- .3 where the calculation of drop-off spaces results in a fractional number, the number of required spaces shall be rounded off to the nearest whole number.

- .4 Passenger drop-off spaces shall be located:
- a) within 50 metres of a school entrance;
 - b) a minimum of 3 metres from a driveway or marked cross-walk; and
 - c) a minimum of 15 metres from any intersection.

14.4.4 Space Constraint Adjustment

The Development Officer, in conjunction with the Engineering Department and the applicable school boards, may reduce the number of required passenger drop-off spaces for additions to existing schools where there are demonstrated site constraints which limit the number and location of spaces that may be provided.

14.5 LOADING PROVISIONS

When any new construction occurs or when any existing use is enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided and maintained in accordance with the following provisions;

14.5.1 The minimum size of an off-street loading space shall be:

- (1) for buildings with a gross floor area of 1400 square metres or less, a minimum area of 17 square metres and a minimum width of 3.5 metres
- (2) for building with a gross floor area of more than 1400 square metres, a minimum area of 33.5 square metres, a minimum width of 3.5 metres and a minimum clear height of 4.25 metres.

14.5.2. Loading spaces must be located either within or abutting the building they are to serve.

14.5.3 No loading spaces shall be provided within a front yard.

14.5.4 Loading spaces provided within the side yard shall be open and uncovered.

14.5.5 Access to any loading space shall be a minimum of 3.5 metres in width for each direction and shall have a minimum turning radius of 8.0 metres.

14.5.6 Every off-street loading space and access thereto shall be hard surfaced or graveled and treated to prevent the raising of dust. Where hard surfacing is provided it shall be constructed of concrete, asphalt, or similar durable, dust-free material.

14.5.7 The required off-street loading spaces shall be as specified in Table 14.3:

Table 14.3 OFF-STREET LOADING SPACES

| USES and AREAS | REQUIRED SPACES |
|---|---------------------------|
| For retail stores, restaurants, personal service establishments, service and repair shops and all industrial and manufacturing uses; | |
| Of 100 to 800 square metres of gross floor area | 1 |
| Of 801 to 2500 square metres of gross floor area | 2 (total) |
| Of 2501 to 10,000 square metres of gross floor area for each additional 2500 square metres of fraction thereof | 1 additional to the above |
| Of greater than 10,000 square metres of gross floor area for each additional 4000 square metres or fraction thereof | 1 additional to the above |
| For office buildings, places of public assembly, hospitals, nursing homes, clubs or lodges, public utilities, schools of similar uses; | |
| Of 100 to 300 square metres of gross floor area | 1 |
| Of over 300 square metres for each additional 3000 square metres of gross floor area thereof | 1 additional to the above |
| Apartment Buildings | 1 per building |

SECTION - 15 - LANDSCAPE AND BUFFER REGULATIONS

PURPOSE OF SECTION

The purpose of this Section is to provide minimum requirements for landscaping specific areas in the City and provide buffering to soften views, buffer incompatible uses and improve the general appearance of neighborhoods and provide an overall positive image for the City.

15.1 LANDSCAPING

15.1.1 Applicability

The requirements of this Section shall apply to every new building and land use except:

- (a) detached dwelling unit;
- (b) semi-detached dwelling unit;
- (c) duplex dwelling unit; and
- (d) where the applicant for a building or land use is able to demonstrate to the Development Officer that the existing landscape treatment meets the requirements of this Bylaw.

15.1.2 General Regulations

- (1) Where the Bylaw specifies that landscaping is required, it shall be installed and maintained in accordance with the following standards and policies:
 - a) All plant materials shall be a species capable of healthy growth in Weyburn and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock;
 - b) All areas set aside for plant materials and turf shall be provided with a means of irrigation, with at least one outside spigot for each principal building;
 - c) All trees provided for planting shall be a minimum 50 mm caliper for deciduous trees and two metres in height for coniferous trees;
 - d) All shrubs provided for planting shall be a minimum height or spread of 600 mm;
 - e) Continuous raised or pre-cast curbing of not less than 150 mm in height shall be placed along the perimeter of any landscaped area abutting a driveway or off-street parking or loading facility;

- f) Landscaped areas required to be provided within any front or side yard shall not be used for any purpose except for signs or structures otherwise permitted or driveways leading to a parking or loading facility;
 - g) All landscaping features shall be completed in accordance with the approved landscaping plan by the end of the growing season in which occupancy or partial occupancy or use of the building or site is taken place. When occupancy or partial occupancy or use of building or site has taken place after the end of the growing season, all required and approved landscaping features shall be completed by June 1st of the following growing season. For the purpose of this Section, “growing season” means from May 1st to September 15th of the same calendar year;
 - h) All required and approved landscaping features shall be suitably maintained in a neat and tidy condition at all times.
- (2) Except as exempted in Subsection 15.1.1, all areas of a site not occupied by buildings or parking and loading areas shall be landscaped in accordance with Subsection 15.1.2.
 - (3) Garbage pickup areas within any Commercial Zones and Residential Zones except buildings containing less than four dwelling units shall be screened from any public street with landscaping or screen to the satisfaction of the Development Officer.
 - (4) The Development Officer shall not approve an application for a development permit in the event that:
 - a) a required landscaping plan has not been submitted; or
 - b) the required landscaping plan does not in the opinion of the Development Officer, provide for an adequate or suitable degree of soft or hard landscaping necessary to enhance the visual amenity of the site or provide a visual screen where required by this Bylaw.
 - (5) The Development Officer may approve some or all of any existing landscaping as fulfilling the requirements of this Bylaw.
 - (6) The provision of landscaping shall be a condition of the issuance of a development permit wherever the existing use of a building or structure is significantly enlarged, undergoes a significant increase in capacity or is changed to a new use.

15.1.3 Requirements For Landscaping Plans

- (1) Where landscaping is required by this Bylaw, a landscaping plan shall be attached to and form part of an application for a development permit.
- (2) Except for one and two unit dwellings, a scaled landscaping plan shall be required showing all physical features, including existing and proposed grades, the size and type of existing vegetation, the existing vegetation to be removed or retained, the size, type and location of plant material to be provided, the location of hard landscaping such as fences, retaining walls, walkways and curbs, and the details of the irrigation provisions, including the location of outside spigots.
- (3) The Development Officer may waive any of the requirements in Clause (2) or require additional information.

15.2 VISUAL SCREENING AND BUFFERING

15.2.1 Intent

The visual screening and buffering regulations in this Section are intended to separate different land uses from each other, eliminate or minimize potential nuisances such as litter, noise, glare and provide privacy, separate unsightly land uses, and provide spacing to reduce adverse impacts of noise, odour, or dangers from fires or explosion.

15.2.2 General Regulations

(1) Fences and Hedges

- a) In any Residential Zone, no fence shall be erected and no hedge shall be permitted to grow, to a height greater than 2.44 metres above the level of the street in any rear or side yard area, nor to a height greater than 0.75 metres above the level of the street in the front yard area or in the rear yard area of a through site.
- b) Where any Commercial Zone abuts a Residential Zone it shall be the responsibility of the owner of the commercial site to screen on the side adjacent the residential site by way of a fence to the maximum height permitted in Clause a) and shall be properly maintained to ensure the protection and privacy of the residential use.
- c) Except as required in Clause b), in any CBD, CBDA Zone, no fence shall be erected in any yard area, and in any SC or MAC Zones, no fence shall be erected in the front yard area except at the discretion of City Council. This shall not be construed to include a temporary enclosure of sufficient height and dimension for the keeping of seasonal items for sale outdoors for a period of not more than 60 days.

- d) In Residential Zones, buildings containing multiple dwelling units shall be screened to ensure privacy of the occupants on the site containing the dwelling units and the dwelling units on the adjacent site to the satisfaction of the Development Officer.
- e) Where a lot is used after daylight hours, on-site lighting shall be provided in accordance with the illumination standards provided in Table 5.3, Section 5.

15.2.3 Allowable Visual Screen/Buffer Material

- (1) A visual screen/buffer shall be by means of:
 - a) a fence;
 - b) a masonry wall;
 - c) soft landscape as described in Clause (2); or
 - d) a combination of a), b) and c).
- (2) A soft landscape shall comprise plant materials such as conifers, shrubs or ornamental trees, and shall be maintained so as to provide an effective screen from the ground plane to a height of 1.5 metres.

15.2.4 Screen and Buffer Maintenance

The maintenance of all buffers and screens shall be the responsibility of every property owner.

SECTION - 16 - SIGN REGULATIONS

PURPOSE OF THIS SECTION

The purpose of this Section is to provide minimum sign regulations regarding location, type, size and height for all properties in the City in order to facilitate and easy and agreeable visual communication throughout.

16.1 PERMITS

16.1.1 Permit Required

No sign structure shall hereafter be erected, enlarged, changed or structurally altered except:

- a) in conformity with a legally issued sign permit;
- b) in accordance with the regulations of the Building Bylaw; and
- c) the requirements of this Section.

16.1.2 Permit Requirements

All applications for a sign permit shall be made in accordance with the requirements of Section 4 of this Bylaw.

16.2 INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE

As a condition to the issuance of a permit under this Bylaw, the property owner or agent and all persons engaged in the business of installing or maintaining signs which involves, in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or public property is used or encroached upon by the installer, property owner or agent, shall agree to hold harmless and indemnify the City, its officers, agents and employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of a sign or other sign work insofar as this Bylaw has not specifically directed the placement of a sign.

16.3 GENERAL REGULATIONS FOR ALL SIGNS

Notwithstanding an other provisions of this Bylaw, the following general regulations shall apply to the situations stated and shall govern the same.

16.3.1 Principal Uses

Signs may be erected and maintained as principal uses of sites in the UH, LI, MI and HI Zones, but only at the discretion of Council by resolution designating the location.

16.3.2 Subject Matter

- (3) Except as specified in subsection 16.3.1 and as otherwise provided in this Section, signs must be clearly accessory to the principal permitted use of the premises which is established and controlled by the same owner or occupant as in the principal permitted use. This shall not prohibit the location of a sign bearing information relating to the temporary condition of a site or structure.
- (4) Signs which are accessory to the principal permitted use of the premises shall be limited in subject matter to the name, emblem, trademark, design or picture of the occupancy or operator of the premises and / or to the activities on the premises containing the sign, including merchandise handled or services rendered.

16.3.3 Residential Zone

Except as specified in Subsection 16.3.4, in any Residential Zone only the following signs shall be permitted:

- (1) A sign showing the name of the occupant and / or civic address not exceeding 0.6 metres in sign face area.
- (2) An identification sign relating to an institutional or recreational use which has an area not exceeding 2.79 square metres in sign face area.
- (3) A sign bearing a notice of sale, lease or other information relating to the temporary condition affecting the premises.

16.3.4 Business Use In A Residential Zone

- (1) Where a home occupation is permitted as a discretionary use, no business or professional sign or notice shall exceed 0.092 square metres in sign face area and shall be placed within the inside half of the front yard setback.
- (2) A sign for business use, other than home occupations, in an RFM: Residential Mixed Use Zone shall be restricted to the area occupied by the business use.

16.3.5 Flashing, Animated, Illuminated, Rotating Signs

- (1) Except as provided in subsection (2), animated, illuminated or rotating signs may be permitted provided that:
 - a) Such signs shall be erected in a manner so that:
 - (i) it is not to be visible from an adjacent residential premise;

- (ii) any illumination therefrom, is to be deflected away from any adjacent residential zone; and
 - (iii) there is no direct illumination so as to impede vehicular traffic or interfere with traffic signals.
 - b) Electronic illumination only is permitted and shall be constructed in accordance with the provisions of the Electrical Regulations of the Province of Saskatchewan.
 - c) No flashing signs shall be displayed except where incandescent bulbs are used to a maximum of 15 watts per bulb and flashing is not a single on/off device.
 - d) Rotating signs shall not revolve more than six (6) revolutions per minute.
- (2) No animation or illuminated sign shall be permitted on a residential site in any residential zone.

16.3.6 Permit Exemptions

The following operations shall not be considered as creating a sign insofar as requiring the issuance of a Sign Permit, but the signs must be in conformance with all other building, structural, electrical codes and regulations of the City of Weyburn.

- (1) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message centre or non-illuminated painted message which are all specifically designed for the use of replaceable copy.
- (2) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation except as required in subsection (3).
- (3) Where the sign is non-conforming and the replacement of the face is for the substitution of a new or different advertiser including name of new owner the sign must comply with the provisions of Section 13.3.4 and this Section.
- (4) Changes in the content of permitted temporary signs.

16.3.7 Maintenance and Removal of Signs

(1) Maintenance and Repair

Every sign including but not limited to those signs for which permits or for which no permits or fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. Where the sign is not made to comply with adequate safety standards the Development Officer may require its removal.

(2) Abandoned Signs

Any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. In this case the sign will be considered abandoned and shall be removed by the owner of the sign or the owner of the premises on the instructions of the Development Officer.

16.4 SIGNS PERMITTED IN ALL ZONES

Except as varied herein, the following signs may be erected without a permit but shall not relieve the owner or person in control of such signs from erecting and maintaining the sign in a safe condition.

16.4.1 Government Signs - Signs erected by a duly constituted government body or organization solely for the protection, information, or direction of the public or public service clearly operated by a government agency or any committee or local authority established by a Bylaw of the City and shall include legal notices and warnings at railroad crossings, shall not be restricted.

16.4.2 Construction Signs - Temporary signs denoting architect, engineer, contractor or the services and products of the owner, when placed on construction sites and shall be removed upon completion of construction.

16.4.3 Window Signs - Signs directly on the surface of any window or door within a building and visible from the exterior.

16.4.4 Memorial Signs - Signs of noncombustible materials built into or attached to a building or structure provided such signs bear only the name of the owner, the name or use of the building, the date of the erection of the building and / or reading matter

commemorating a person or event.

16.4.5 Directional Signs - Directional signs of either ground, wall or projecting type may be erected subject to the approval of the Development Officer provided that such signs shall not exceed 0.9 square metres.

16.4.6 Address Designation - Address designations for any building or structure which denote only the civic address and / or name of the occupant provided that:

- a) such signs shall not exceed 0.6 square metres in sign face area; and
- b) such signs shall not emit flashing illumination

16.4.7 Real Estate Signs - A sign pertaining to the sale, lease or rental of a property or building shall be permitted in any zone provided that it:

- a) is erected on the property to which it pertains; and
- b) complies with all the restrictions in this Bylaw relating to the sign type.

16.5 PLACEMENT OF SIGNS

16.5.1 Prohibited Locations

No part of a sign, including electrical cords shall be located on a public roadway, including a public right-of-way, boulevard or sidewalk except:

- a) as permitted elsewhere in this Section;
- b) a government sign as specified in subsection 16.4 1); and
- c) a Portable Sign at such location and length of time as may be approved in writing by the Development Officer.

16.5.2 Encroachment on Public Property

No permanently located sign, canopy or awning shall encroach on or over public property unless approved by resolution of Council and an encroachment agreement is obtained.

16.5.3 Sight Triangle

No sign shall be placed within the intersection sight line as required in subsection 5.2.16 of this Bylaw.

16.5.4 Obstructing Public Utilities

No sign or any portion thereof shall obstruct or interfere with any public utility

16.5.5 Signs Must Not Impede

Signs must not block, impede or limit the movement of vehicles or pedestrians on any roadway, thoroughfare, sidewalk or walkway.

16.6 PORTABLE SIGNS

Notwithstanding any other provision of this Bylaw, no person shall erect or cause to be erected, or permit a portable sign except in accordance with the following:

16.6.1 Permitted Zones

A portable sign shall be permitted in all zones except that in residential zones they shall be permitted only on non-residential sites in the zone.

16.6.2 Permitted Location

No person including the owner, shall display any portable advertising device or sign on the exterior of a building or site without first obtaining a permit from the Development Officer.

16.6.3 Prohibited Location

Refer to the provisions of subsection 16.5.

16.6.4 Permits

Every owner of a portable sign shall obtain a permit from the City of Weyburn for each sign they intend to display within the City limits.

16.6.5 Owner's Responsibility

The owner of the portable sign shall be held responsible for ensuring compliance with this Bylaw.

16.6.6 Sign Owner Identification

Every owner of a portable sign shall have their name and phone number clearly marked and permanently attached to the sign.

16.6.7 Distance Between Two Signs

- (1) No person, including the sign owner, shall display more than one portable sign except where the street frontage exceeds 30 metres. One additional sign may be erected for each additional 30 metres or part thereof, of the longest property line adjacent to the street. The minimum distance between any two signs on the street frontage shall be 6 metres.
- (2) where a site abuts a flanking street, the provisions of subsection (1) shall apply to each street.

16.6.8 Illumination

Portable signs may be illuminated, in accordance with subsection 16.3.5 of this Bylaw, but shall not be animated.

16.6.9 Compliance With Other Regulations

All components of a portable sign excluding the trailer frame shall be in conformance with The Electrical Regulations of the Province of Saskatchewan.

16.7 BALLOON/INFLATABLE ADVERTIZING OR DISPLAY DEVISE

Notwithstanding any other provision in this Bylaw, no person shall use a balloon sign or other form of inflatable sign or display except in accordance with the provisions of this Subsection. This section is not intended to include small balloons used temporarily for special occasions.

16.7.1 Permitted Locations

A balloon/inflatable advertizing or display devise shall be permitted only in SC, AC, HC and all Industrial Zones.

16.7.2 Permitted Number

No more than one balloon/inflatable sign or devise shall be used on a single site, in addition to other permitted type of sign.

16.8 GROUND (FREE STANDING) SIGNS

Notwithstanding any other provisions of this bylaw, no person shall erect or cause to be erected, or permit a Ground (Free Standing) sign except in accordance with the following:

16.8.1 Permitted Location

- (1) Ground signs shall be permitted in any zone.
- (2) Ground signs in residential zones shall comply with subsections 16.3.3 and

16.3.4 of this Bylaw.

16.8.2. Permitted Number

- (1) In any zone, one ground sign per site shall be permitted per street frontage.
- (2) Except residential zones, in any zone where a site has frontage in excess of 30 metres, one additional ground sign may be installed for each 60 metres in excess of the first 30 metres along the same street.
- (3) Where a site abuts a flanking street, the provision of subsection (2) shall apply to each street.

16.8.3 Permitted Surface Area

- (1) Except as provided in subsection 16.8.3(4), the maximum permitted surface area of a ground sign in square metres shall be as follows:

| <u>Zone</u> | <u>Area Per Face</u> | <u>Total Sign Face</u> |
|--------------------|-----------------------------|-------------------------------|
| NC | 5 | 10 |
| SC, SCA | 9 | 18 |
| CBD, CBDA | 9 | 18 |
| MAC | 14 | 28 |
| HC | 19 | 38 |
| R ₁ | 0.05 | 0.05 |
| R ₂ | 1 | 2 |
| Industrial Zones | 14 | 28 |

1. for residential uses
2. for all other uses in the zone

- (2) Signs permitted in addition to the first sign shall not exceed 0.092 square metres for each 0.3 linear metres of street front to the maximum size permitted.

16.8.4 Rotating Signs

- (1) Except in Residential and Neighbourhood Commercial Zones and subject to subsection 16.3.5, one rotating ground sign may be erected in place of one otherwise permitted ground sign.
- (2) The maximum permitted display area of a rotating ground sign shall not exceed the maximum permitted surface area of the ground sign which it replaces.

16.8.5 Permitted Height

The maximum permitted height for ground signs in metres shall be as follows:

| <u>Zone</u> | <u>Maximum Height</u> |
|--------------------|------------------------------|
| R | 1.8 |
| Special Zones | 1.8 |
| NC | 7.6 |
| SC | 10.0 |
| DC | 10.0 |
| RM | 10.0 |
| AC | 12.0 |
| HC | 15.0 |
| Industrial Zones | 10.0 |
| MAC | 10.0 |

16.8.6 Permitted Clearance

- (1) No portion of any ground sign shall hereafter be located within 0.3 metres of any property line abutting a street.
- (2) No portion of any ground sign shall be located within 1.5 metres of an interior property line.
- (3) Where a ground sign projects over a vehicular traffic area, such as a driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be 4.25 metres.

16.9 WALL (FASCIA) SIGNS

Notwithstanding any other provision of this bylaw, no person shall erect or cause to be erected, or permit a wall sign except in accordance with the following:

16.9.1 Permitted Location

Walls signs may be erected in any zone subject to the provisions of subsection 16.3.3 and 16.3.4 for residential zones.

16.9.2 Permitted Surface Area

The permitted surface area of a wall sign shall be limited only by the size of the wall itself.

16.9.3 Permitted Copy Area

The maximum permitted copy area of a wall sign shall be in accordance with the following:

- (1) Where a roof or projecting sign, but no ground sign exists on the same premises, a maximum of 15% of the surface area of the wall may be used as copy area.
- (2) Where a ground sign but no roof or projecting sign exists on the same premises, a maximum of 30% of the surface area of the wall may be used as copy area.
- (3) Where no ground, roof or projecting sign exists on the same premises, a maximum of 45% of the surface area of the wall may be used as copy area.

16.9.4 Mounted Letters

- (4) Individual mounted letters shall be permitted without a sign background, in which case the surface area will be defined as the area of the total facade between either the lintel bar and the parapet on a one storey building, or the lintel bar and the floor level of the floor above on a multi-storey building.
- (5) The maximum copy area as set forth in subsection 16.9.3 shall apply.

16.9.5 Permitted Clearances

- (1) Wall signs projecting over a public right-of-way shall have a minimum clearance between the bottom of the sign and the ground or sidewalk of 2.5 metres.
- (2) No fascia sign shall extend beyond the exterior surface of the exterior wall or parapet except that a wall sign may span a space between two buildings upon the approval of the Development Officer.

16.10 ROOF SIGNS

Notwithstanding any other provisions of this bylaw, no person shall erect or cause to be erected, or permit a roof sign except in accordance with the following:

16.10.1 Permitted Location

One roof sign per premise shall be permitted only in, HC , MAC and all Industrial Zones.

16.10.2 Back to Back Signs

Where the roof sign faces are back to back, in a common structure, it shall be construed to be a single sign.

16.10.3 Visual Appearances

Every roof sign shall be erected in such a manner that the support structure, guy wires, braces, and all other secondary supports are not visible, so that the roof sign appears to be an architectural component of the building, unless otherwise directed by the Development Officer.

16.10.4 Relationship to Building

No roof sign shall extend beyond the ends or sides of the building.

16.10.5 Height

The maximum height shall be 1.8 metres above the roof or parapet.

16.11 PROJECTING SIGNS

Notwithstanding any other provisions of this bylaw, no person shall erect or cause to be erected, or permit a projecting sign except in accordance with the following:

16.11.1 Permitted Locations

- (1) Projecting signs shall be permitted only in HC, SC, MAC and all Industrial Zones
- (2) Projecting signs shall not be permitted in lanes of any zones.

16.11.2 Permitted Number

- (1) One projecting sign shall be permitted per premise, provided that no roof sign exists.
- (2) Where the frontage along one right-of-way exceed 30 metres, two projecting signs are permitted.

16.11.3 Permitted Projection

- (1) A Projecting sign may :
 - (a) project no more than 2.5 metres from the face of the building;
 - (b) where the building is situated at the intersection of two streets, a projecting sign of 1 metre may be permitted on the corner of the building nearest the intersection; and
 - (c) shall not be closer to a vertical line from the property line than 600 millimetres .

- (2) Projecting signs may not rise more than 1.8 metres above the top of the roof or parapet.
- (3) All projecting signs must have a minimum clearance of 2.5 metres between the bottom of the sign and the ground.

16.11.4 Support

- (1) All projecting signs shall be installed or erected so that there are no visible sign support structures above the roof, building face, or wall.
- (2) A cantilever support may rise 300 millimetres above a parapet, provided that, where there is space between the edge of the sign and the building face, such cantilever shall be enclosed.

16.12 CANOPY OR AWNING SIGN

Notwithstanding any other provisions of this Bylaw, no person shall erect or cause to be erected, or permit a canopy or awning sign except in accordance with this Section. Where a canopy or awning is erected without the sign as defined in this Bylaw, the requirements of this Section shall also apply.

16.12.1 Permitted Location

A canopy or awning sign shall be permitted in all zones provided that the minimum clearance from the ground shall be 2.5 metres;

16.12.2 Permitted Projection

- (a) no portion of the canopy or awning sign may be closer than 300 millimetres from the property line except:
 - (i) where permitted by written agreement, canopy or awning signs may project over a public right-of-way; and
 - (ii) no portion of the canopy or awning sign shall be closer than 900 millimetres to a vertical line from the curb face.
- (b) in the CBD, CBDA Zones the maximum projection shall be calculated starting from a point 300 millimetres in horizontal distance from the building face at its side lines, the canopy or awning may be extended at a 30⁰ angle to the building face a distance of 75 millimetres for each 300 millimetres of building front to a maximum projection of 1.5 metres from the building face; and
- (c) no sign shall extend beyond the outer limits of the canopy or awning

16.13 BILLBOARDS ON CITY OWNED OR CONTROLLED PROPERTY

The following regulations shall apply to the construction, renovation, maintenance, location and relocation of billboards on City of Weyburn owned or controlled property.

16.13.1 Permit and Removal Conditions

- (1) The location of billboards on City owned or controlled property is at the discretion of Council for a temporary period of time.
- (2) There the owner fails to comply with the requirements of this Section upon written order from the Development Officer or where the billboard is deemed to be an obstruction, the City may order the billboard removed within 30 day's by written notice to the owner.
- (3) Where the owner of the billboard fails to comply with an Order to remedy an infraction of the regulations within the time period specified in the Order or fails to remove the billboard deemed to be an obstruction within the time specified in the notice, the City reserves the right to take possession and remove or otherwise dispose of the billboard.
- (4) No billboard shall be erected or relocated without the issue of a permit and any billboard structurally repaired or altered shall be in compliance with these regulations.

16.13.2 Construction and Maintenance

- (1) The face of the billboard shall be 3.048 metres in height by 6.096 metres in length and constructed in accordance with the details provided by the Development Officer.
- (2) The sign as defined in Section 2 of this Bylaw shall be restricted to the face of the billboard except as provided in article (3).
- (3) A portion of the sign not exceeding 0.5 square metres in size may project beyond the face of the billboard provided it is suitably designed as a component of the sign and approved in advance by the Development Officer.
- (4) If lighting is to be installed, it must be adequately supported, complement the visual appearance of the billboard and conform to the illumination standards of this Bylaw.
- (5) Billboards must be free standing. Angle supports and guy wires are prohibited.

- (6) The face of the billboard shall be set at right angles to the traffic center line of the roadway on sites referred to in subsection 16.13.4
- (7) Only one billboard is permitted on a single site and may have a sign on both the front and back.
- (8) Billboards must be maintained in the neat and well painted condition at all times.
- (9) Each billboard owner or agent shall be responsible for the maintenance of the site within 3 metres of the billboard.
- (10) Owners shall have their name clearly placed within the face of the billboard except that the name may be placed on a mounting extending no more than 150 millimetres above or below the face of the billboard.
- (11) Before erecting the billboard all sites must first be staked by the Development Officer.
- (12) Owners of billboards shall give the Development Officer ten (10) days written notice prior to any transfer of ownership, specifying the new owner's name, address and date of transfer.

16.13.3 License

- (1) All billboards must be licensed by the City of Weyburn; said licenses shall become due and payable as of the 2nd day of January of each year.
- (2) Where a current license is not obtained within sixty (60) days of the date of notice that the license is due and payable, the billboard shall become the property of the City of Weyburn and may be disposed of and the site re-allocated.
- (3) The license fee shall be as determined by the License Bylaw of the City of Weyburn.
- (4) Where a billboard owner has eight or more sites, the license fee may be paid semi-annually with the second payment due the 1st day of July of each year.

16.13.4 Locations

- (1) Billboards shall be permitted to be located in the following areas subject to individual site approval by the Development Officer:
 - a) On the south side of No. 13 Highway West from the Souris River to

the City limits. (Specific locations only)

- i) Minimum setback from Highway centre line - 23 metres
 - ii) Minimum distance between signs and from road allowances - 91 metres.
- b) On the north side of No. 13 Highway East from the City limits to Eighteenth Street.
- i) Minimum setback from Highway centre line - 26 metres
 - ii) Minimum distance between signs and from road allowances - 91 metres.
- c) On the east side of No. 35 Highway South from the City limits to Tenth Avenue S.E.
- Tenth Avenue, South East, South to drainage ditch -**
- i) Minimum setback from Highway centre line - 41 metres
 - ii) Minimum distance between signs and from Tenth Avenue - 61 metres
- Drainage Ditch south to City limits**
- i) Minimum setback off Highway right-of-way - 46 metres
 - ii) Minimum distance between signs and from road allowance - 122 metres
- d) On the west side of No. 35 Highway North from the east entrance to the Saskatchewan Hospital to 106 metres north
- i) Minimum setback from Highway centre line (off right-of-way) - 21 metres
 - ii) Minimum distance between signs - 91 metres
- e) On the north side of No. 39 Highway South East from Sixteenth Street to within 198 metres of the east side of the north bridge at Fourth Street, South.
- i) Minimum setback from Highway centre line - 72 feet
 - ii) Minimum distance between signs - 91 metres.

16.14 BILLBOARDS ON PRIVATELY OWNED PROPERTY

16.14.1 Permitted Locations

- (1) Billboard signs shall be permitted only in HC, MAC, EP, CBDA, LI, MI, RM and HI zones
- (2) Each billboard location proposed must be submitted to, and approved by City Council

16.14.2 Permitted Number

- (1) Not more than 1 billboard sign shall be permitted per street frontage

16.14.3 Permitted Surface Area

- (1) A maximum of two faces shall be permitted per sign
- (2) The maximum surface area shall be 19m per sign face

16.14.4 Permitted Height

- (1) The maximum height permitted shall be:

| <u>Zone</u> | <u>Maximum Height</u> |
|-------------|-----------------------|
| HC | 15 m |
| MAC | 10 m |
| EP | 8 m |
| CBDA | 10 m |
| LI, MI, HI | 10 m |
| RM | 10 m |

16.14.5 Permitted Clearance

- (1) No portion of a billboard sign shall be located within 0.3 m of any property line abutting a street
- (2) No portion of a billboard sign shall be located within 1.5 m of an interior property line
- (3) No portion of a billboard sign shall be located within 23 m of an intersection of streets, as determined by the development officer
- (4) Where a billboard sign projects over a vehicular traffic area, such as a driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be 4.25 m.

16.14.6 Permitted Illumination

- (1) Such sign shall be erected in a manner so that:
 - a) Any illumination from it is deflected away from any adjacent residential premise; and
 - b) There is to be no direct illumination so as to impede vehicular traffic or interfere with traffic signals

- (2) Only electric illumination is permitted and shall be constructed in accordance with the provision of the Electrical Regulations of the Province of Saskatchewan.
- (3) Where a sign is illuminated, and the illumination is in operation, either the outer edge of the faces of the sign, or all those portion of the sign other than the other edge, shall be continually lit.
- (4) Notwithstanding the first three clauses, an illuminated sign which is not continually lit, may be located on the same support structure as a continually illuminated sign, provided that the continually lit sign has a surface area which is equal to or greater than the surface area of the other sign
- (5) No distracting devices are permitted. Distracting devices shall be considered to be a device of such a nature, or so positioned, that it will distract the attention of a vehicle operator, and in doing so create a traffic hazard, including but not limited to:
 - strobe lights
 - flashing lights
 - live video
 - video clips over 10 seconds in length

16.15 POLITICAL AND CAMPAIGN SIGNS

16.15.1 The following regulations shall apply to the construction, maintenance, location, relocation, placing and removal of political and campaign signs on City of Weyburn owned or controlled property.

- (1) No political and campaign posters or signs shall be placed on property owned or controlled by the City of Weyburn except as permitted in these regulations.
- (2) The signs must comply with the illumination regulations of the Bylaw.
- (3) The signs shall not be erected prior to the date on which the election writ is issued. In the case of municipal election not before one month prior to the election date.
- (4) The signs shall be removed and the location placed in its original condition within three (3) days of the date of the election.
- (5) The signs shall not exceed 3 square metres in aggregate area.
- (6) Sign owners shall be responsible for damage caused to trees, shrubs and / or underground services on the site resulting from placing the sign.

- (7) The sign support shall be sufficient to adequately hold the sign in place for the duration.
- (8) All signs shall be located a minimum of one hundred feet from an intersection or railway crossing, and be placed within the right-of-way furthest from the traffic lane.
- (9) No sign shall be placed in such a way that it faces into a 'T' intersection.
- (10) Nothing in these regulations shall restrict the Development Officer from requiring the repair, alteration, or relocation of a sign he considers unsafe or in a hazardous location.
- (11) The signs shall be placed within the following corridors;
 - a) **Fifth Avenue NW**
 - i) North side - King Street to west side of Assiniboia Park school
 - ii) North side - Thirteenth Street to Sixteenth Street
 - iii) North side - undeveloped street from Sixteenth Street west 91 metres.
 - b) **Sixteenth Street**
 - i) Both sides - Highway 39 intersection north to drainage ditch
 - ii) East side - East Avenue to Warren Avenue
 - iii) West side - East Avenue to First Avenue N.W.
 - iv) East side - Clarke Avenue to Fifth Avenue N.W.
 - v) West side - First Avenue N.E. to Fifth Avenue N.W.
 - c) **First Avenue N.W.**
 - i) North side - SVRCC entrance road to 30 metres from river
 - ii) Both Sides - 15 metres from river to Hunt Street (must be 15 metres from any billboard)
 - d) **First Avenue N.E.**
 - i) Both sides - Thirteenth Street to Sixteenth Street
 - ii) Both sides - Eighteenth Street to Twentieth Street
 - e) **Highway #35**
 - i) West side - north side of Fifth Avenue N.E. intersection to City limits
 - ii) East side - dyke north to City limits
 - iii) East Side - 10th Avenue S.E. to Weyburn Livestock Exchange
 - f) **Highway #39**
 - i) North Side - Queen Street to former C. N. Railway crossing
 - ii) North Side - 152 metres east of the east side of the Fourth

- Street bridge to City limits
- iii) South Side - Queen Street to a point 122 metres south east of the former C.N. railway crossing (In all cases the sign must be 15 metres from any billboard)

SECTION - 17 - REPEAL AND COMING INTO FORCE

SECTION - 17 - REPEAL AND COMING INTO FORCE

17.1 Repeal of Bylaw

- (1) City of Weyburn Zoning Bylaw No. 81-1430 and amendments thereto is hereby repealed.
- (2) The passage of the new Bylaw does not effect the right of the City of Weyburn to prosecute any violation of the previous Bylaw, if the violation occurred while the Bylaw was in effect.

17.2 Coming Into Force

This Bylaw shall come into force on the date it is approved by the Minister of Government Relations And Aboriginal Affairs.

READ a first time this 10th day of March, A.D., 2003

READ a second time this 10th day of March, A.D., 2003

READ a third time this 28th day of April, A.D., 2003, and passed.

MAYOR

CITY CLERK

SECTION -18 - APPENDICES

- 18.1 APPENDICES PART OF BYLAW**
All appendices listed in this Section shall form part of this Zoning Bylaw.
- 18.2 APPENDIX A**
Uses Specifically Mentioned or Defined.
- 18.3 APPENDIX B**
Existing Detached Dwelling Units in the MAC Zone.
- 18.4 APPENDIX C**
Appendices C1 and C2 are the lists of amendments made to this Bylaw since the date it came into force.
- 18.5 APPENDIX D**
Map of Zoning Districts as referred to in Sections 3.1 and 3.2, and forming part of this Bylaw.
- 18.6 APPENDIX E**
Contract Zoning Agreements

APPENDIX A: USES SPECIFICALLY MENTIONED OR DEFINED

| | | |
|---|--|--|
| adult arcade | bottling and canning, soft drinks and carbonated water | dwelling unit, triplex |
| adult retail outlet/bookstore | bowling centre | dyeing, textiles and wool |
| adult cabaret | brewery/distillery | exhibition operation |
| adult motion picture theatre | bulk petroleum storage and sales | farm and large machinery or equipment sales, service, repair or rental |
| adult theatre and message parlour | bus terminal operation | fast food outlet |
| adjacent outdoor play space | camp ground | financial institution |
| agricultural production | camp ground, public | funeral home |
| art gallery | car wash | gas bar |
| ambulance service | charitable organization | grain, storage, milling, cleaning, or drying |
| establishment | church (religious institution) | golf driving range |
| amusement arcade | cleaning, carpet and rug | green house, commercial |
| amusement park | clinic | grocery store |
| animal shelter | club, private | group care facility |
| auction room | club, commercial | home improvement centre |
| auctioneering establishment | commercial recreation | home occupation |
| auditorium | establishment | hospital |
| auditorium, institutional | community college | hotel |
| apartment buildings | community recreation facility | industrial machinery or equipment sales, repairs, or rentals |
| apartment dwelling units | community service institution | junk or salvage yard (recycling) |
| apartment dwelling units, low rise | confectionery store | kennel, commercial breeding and boarding |
| apartment, senior citizens | contractors shop and yard | labour union hall |
| asphalt mixing plant | crating service | landscape nursery |
| assembling, parts | custom workshop | library |
| automobile service station | day care centre | licenced beverage room |
| automotive sales, service, repairs or rentals | dry cleaning plant | licenced cocktail room |
| bakery shop | dwelling unit, accessory | licenced restaurant |
| bed and breakfast home | dwelling unit, converted | liquor store |
| blacksmith shop | dwelling unit, detached | lumbar yard |
| bingo parlour | dwelling unit, duplex | |
| boarding house | dwelling unit, fourplex | |
| bottling and canning | dwelling unit, mobile home | |
| | dwelling units, planned group of | |
| | dwelling unit, semi-detached | |
| | dwelling units, townhouse | |

| | | |
|--|---|---|
| <p> machine shop manufacturing manufacturing, chemical manufacturing, general manufacturing, ice medical/dental laboratory mixing, concrete mixing, general mobile home park mobile home sales and service motel museum night club nursery school office for administration, sales or general business in nature parking lot, paved parking, off-site caveated personal care home personal service establishment petting zoo petroleum, bulk storage and sales plumbing, heating and sheet metal shop poultry hatchery, eviscerating, packaging pool hall post office processing, food propane storage and sales </p> | <p> prefabricated home display and sales printing, commercial printing and reproduction, commercial processing, rock and gravel railroad transportation recreational vehicle sales, service, repair or rental repair service repair shop restaurant restaurant, drive-in restaurant, licenced research and development retail, general retail store retail, small equipment and supplies rooming unit sandblasting, metal school, public school, private school, recreational school, vocational service or repair shop sharpening and repair, knives, saws, tools shopping centre social service home spa, commercial or institutional storage garage studio </p> | <p> terminal, truck and freight theatre tire retreading and repair tire repair shop university vegetable production veterinary clinic warehousing warehousing, excluding hazardous goods warehousing/processing, hazardous materials/wastes warehousing, refrigerated warehouse, storage for public rental wholesale </p> |
|--|---|---|

18.3

APPENDIX B: EXISTING DETACHED DWELLING UNITS IN MAC ZONE

| Address | Lot | Block | Plan No. | Subdivision |
|---------------------|---------|-------|----------|---------------|
| 920 First Ave. N.W | 11 - 13 | 3 | AZ 357 | West Hill |
| 924 First Ave. N.W. | 9 - 10 | 3 | AZ 357 | West Hill |
| 930 First Ave. N.W. | 7 - 8 | 3 | AZ 357 | West Hill |
| 612 First Ave.N.W. | 1 - 10 | 218 | T 1166 | West Hill |
| 120 Sims Ave. | 5 | 53 | M 4926 | Orig. Town. |
| 45 First Ave. S.W. | 15 | 54 | M 4926 | Orig. Town. |
| 101 First Ave. S.W. | 24 | 53 | M 4926 | Orig. Town. |
| 105 First Ave. S.W. | 23 | 53 | M 4926 | Orig. Town. |
| 139 First Ave. S.W. | 15 | 53 | M 4926 | Orig. Town. |
| 143 First Ave. S.W. | 14 | 53 | M 4926 | Orig. Town. |
| 26 First Ave. S.E. | W25' 14 | 1 | G 3621 | Wey. Res. Co. |
| 28 First Ave. S.E. | E25' 14 | 1 | G 3621 | Wey. Res. Co. |
| 32 First Ave. S.E. | 15 | 1 | G 3621 | Wey. Res. Co. |
| 34 First Ave. S.E. | 16 | 1 | G 3621 | Wey. Res. Co. |
| 106 First Ave. S.E. | 17 | 1 | G 3621 | Wey. Res. Co. |
| 112 First Ave. S.E. | 18 | 1 | g 3621 | Wey. Res. Co. |
| 114 First Ave. S.E. | 19 | 1 | G 3621 | Wey. Res. Co. |

APPENDIX C-1

| LIST OF AMENDMENTS TO THE ZONING BY-LAW TEXT | | | |
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| Section Amended | Description | Date of Council Approval | By-Law # |
| 7.2.4 | Add "Home Improvement Center" to the discretionary use list in the CBD / CBDA zone. | Sept 13, 2004 | 2004-3034 |
| 6.2.2 | Add new R2A Zone and regulations | October 2005 | 2005-3056 |
| 3.7 | Heritage Properties Table -Remove Loretto Convent from list | March 13, 2006 | 2006-3070 |
| 7.2.4 | Adding Below Ground Parkades and Apartment Dwelling Units to discretionary uses for CBD / CBDA Zone | April 23, 2007 | 2007-3092 |
| 6.1.5.3.i) | Except in the case of a reduction permitted in Subsection 6.1.1 and as permitted in 6.1.5(3), a balcony, deck or step may project 1.8 meters into any required front yard or 3.6 meters into any required rear yard | May 26, 2008 | 2008.3120 |
| 7.2.8.4 | That table 7.2.8.4 (REGULATIONS) be amended by changing the maximum building height in the HC (Highway Commercial) zone from 11 meters to 16 meters | June 23, 2008 | 2008.3121 |
| 6.2.3(a) | Create new use zone R3B Older Neighborhood Zone | April 14, 2009 | 2009.3141 |
| 16.14 | Add section 16.14 Billboards on Privately Owned Property | April 14, 2009 | 2009.3142 |
| 2 | Replace the existing definition " Personal Care Home – a facility licensed or approved under provincial or municipal regulations that provides long-term residential, social and personal care, including, accommodations, meals, supervision or assistance for not more than 10 persons, including children, who have some limits on ability for self-care, and are unrelated to the operator or owner." With – "a facility licensed or approved under provincial or municipal regulations that provides long-term residential, social and personal care, including, accommodations, meals, supervision or assistance for more than 10 persons, including children, who have some limits on ability for self-care, and are unrelated to the operator or owner, in a building with size and architectural style more consistent with a commercial operation." | September 26, 2011 | 2011.3203 |

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| 2 | Add the definition “ Personal Care Home – detached dwelling style . A facility licensed or approved under provincial or municipal regulations that provides long-term residential, social and personal care, including, accommodations, meals, supervision or assistance for not more than 10 persons, including children, who have some limits on ability for self-care, and are unrelated to the operator or owner, in a building with architectural style and size typical of a detached dwelling.” to Section 2 – Definitions, of the Bylaw. | September 26, 2011 | 2011.3203 |
| 6.2.1.3.(6) | Change the use “Personal Care Home” to “Personal Care Home, detached dwelling style ¹ as listed as a discretionary use | September 26, 2011 | 2011.3203 |
| 6.2.2.3.(9) | Change the use “Personal Care Home” to “Personal Care Home, detached dwelling style ¹ as listed as a discretionary use | September 26, 2011 | 2011.3203 |
| 6.2.1.4 | Amend “Regulations” tables by changing the lines containing “Personal Care Home” with “Personal Care Home - detached dwelling style ”; site area minimum from 822m ² to 460m ² ; frontage minimum from 22.5m to 15m; lot coverage maximum from 35% to 50%; side yard minimum from 3.6 metres to 1.5 metres; rear yard minimum from 9.0m to 7.6m | September 26, 2011 | 2011.3203 |
| 6.2.2.4 | Amend “Regulations” tables by changing the lines containing “Personal Care Home” with “Personal Care Home - detached dwelling style ”; site area minimum from 822m ² to 460m ² ; frontage minimum from 22.5m to 15m; lot coverage maximum from 35% to 50%; side yard minimum from 3.6 metres to 1.5 metres; rear yard minimum from 9.0m to 7.6m | September 26, 2011 | 2011.3203 |
| 6.2.2.5 | Amend “Regulations” tables by changing the lines containing “Personal Care Home” with “Personal Care Home - detached dwelling style ”; site area minimum from 822m ² to 460m ² ; frontage minimum from 22.5m to 15m; lot coverage maximum from 35% to 50%; side yard minimum from 3.6 metres to 1.5 metres; rear yard minimum from 9.0m to 7.6m | September 26, 2011 | 2011.3203 |
| 6.2.3.2.(12) | Add the use “Personal Care Home, detached dwelling style ” as a permitted use | September 26, 2011 | 2011.3203 |
| 6.2.4.2.(9) | Add the use “Personal Care Home, detached dwelling style ” as a permitted use | September 26, 2011 | 2011.3203 |
| 6.2.3.4 | Add to the Regulation table: Personal Care Home - detached dwelling style. Site area, min. M2:460, Frontage min. M: 15, Lot Coverage Max %: 50, Front Yard M: 7.6, Side Yard Min. M: 1.5, Rear Yard Min. M: 7.6, Height Max. M: 11.0* | September 26, 2011 | 2011.3203 |
| 6.2.4.4 | Add to the Regulation table: Personal Care Home - detached dwelling style. Site area, min. M2:460, Frontage min. M: 15, Lot Coverage Max %: 50, Front Yard M: 7.6, Side Yard Min. M: 1.5, Rear Yard Min. M: 7.6, Height Max. M: 11.0* | September 26, 2011 | 2011.3203 |

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| 16.14.1(1) | Add "RM" zone to the list of permitted locations for Billboards on Privately Owned Property | September 26, 2011 | 2011.3203 |
| 16.14.4(1) | Add Zone "RM" with maximum height "10m" | September 26, 2011 | 2011.3203 |
| 16.8.5 | Add Zone "MAC" with maximum height "10m" | September 26, 2011 | 2011.3203 |
| 7.2.8.2(8) | Add "Hotel" as a permitted use | September 26, 2011 | 2011.3203 |
| 7.2.7.2(9) | Add "Hotel" as a permitted use | September 26, 2011 | 2011.3203 |
| 6.2.1.3(5) | Add "Dwelling Unit, Ready to Move (RTM)" to the list of discretionary uses | September 26, 2011 | 2011.3203 |
| 6.2.2.3(8) | Add "Dwelling Unit, Ready to Move (RTM)" to the list of discretionary uses | September 26, 2011 | 2011.3203 |
| 6.2.3.3(2) | Add" Dwelling Unit, Ready to Move (RTM)" to the list of discretionary uses | September 26, 2011 | 2011.3203 |
| 4.3.1(2) | Amend to say the "maximum amount of a minor variance shall not exceed a 25% variation of the requirements of this Bylaw" | September 26, 2011 | 2011.3203 |
| 4.3.1(5) | Amend to say "no minor variance shall be granted for a discretionary use, a discretionary form of development or in connection with an agreement on re-zoning entered into pursuant to Section 69 of the Planning and Development Act 2007; and"; | September 26, 2011 | 2011.3203 |
| 4.3.1 | Delete paragraph (6) from section 4.3.1 stating "minor variances shall only be granted for applications respecting one and two-unit dwellings, semi-detached dwellings and accessory buildings to such developments." | September 26, 2011 | 2011.3203 |
| 1.3 | Amend text "The Planning and Development Act, 1983" to "The Planning and Development Act, 2007" | September 26, 2011 | 2011.3203 |
| 2 | Under "ACT" - Amend text "The Planning and Development Act, 1983" to "The Planning and Development Act, 2007" | September 26, 2011 | 2011.3203 |
| 2 | Under "MINISTER" - Amend text "The Planning and Development Act, 1983" to "The Planning and Development Act, 2007" | September 26, 2011 | 2011.3203 |
| 3.3.6.7 | Amend text "The Planning and Development Act, 1983" to "The Planning and Development Act, 2007" | September 26, 2011 | 2011.3203 |
| 4.4.16.1 | Amend text "Section 221 of The Planning and Development Act, 1983" to "Section 243 of The Planning and Development Act, 2007" | September 26, 2011 | 2011.3203 |
| 9.5.5 3) | Amend text "The Planning and Development Act, 1983" to "The Planning and Development Act, 2007" | September 26, 2011 | 2011.3203 |
| 13.1.1 b) ii) | Amend text "The Planning and Development Act, 1983" to "The Planning and Development Act, 2007" | September 26, 2011 | 2011.3203 |

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| 7.3.2(7) | Amend to say "Underground storage tanks at fuel dispensing stations shall have an individual capacity of not more than 50,000 litres, and their aggregate capacity shall not exceed 250,000 litres. | September 26, 2011 | 2011.3203 |
| 6.2.7 | Add the new R5D Zone and regulations | January 23, 2012 | 2012.3212 |
| 6 | Amend the residential minimum required setbacks for detached Dwelling Units and Personal care Home - detached dwelling style | July 16, 2012 | 2012.3227 |
| 6.2.3(a).2 | Add the use "Personal Care Home, detached dwelling style" as a permitted use | July 16, 2012 | 2012.3227 |
| 2 | Add the definition "Secondary Suite" | July 16, 2012 | 2012.3227 |
| 6 | Add the use "Secondary Suite" as a permitted use in the residential zones | July 16, 2012 | 2012.3227 |
| 6.3.4 | Add the Section: Secondary Suites | July 16, 2012 | 2012.3227 |
| 7.2.7.3 | Add "Licensed Restaurants" to the list of Discretionary uses in Major Arterial Commercial (MAC) zones | September 24, 2012 | 2012.3229 |
| 2 | Amend the definition of "Planned Group of Dwellings" to say "A residential development with multiple buildings being developed as a single project" | November 13, 2012 | 2012.3232 |
| 6.1.7(3) | Add text "Subdivision Standards" | November 13, 2012 | 2012.3232 |
| 6.2.4.2 | Add "Dwelling Unit, Planned Group of" to Permitted Uses | November 13, 2012 | 2012.3232 |
| 6.2.4.3 | Delete "Dwelling Unit, Planned Group of" from Discretionary Uses | November 13, 2012 | 2012.3232 |
| 4.3.2 | Amend the minor variance application fee from \$50.00 to \$100.00 | December 10, 2012 | 2012.3231 |
| 6.2.5.4 | Amend the required setbacks for mobile home dwelling unit and add "Where land on both sides of a Mobile Home Dwelling Unit are also Mobile Home Dwelling Units or a road/laneway, the side yard setbacks may be weighted 0.5m and 2.5m to better accommodate the placement of a side entrance patio or deck common to Mobile Home Dwelling Units. This side yard option may only be exercised where the distance between structures on both properties will be at least 3.0m" | December 10, 2012 | 2012.3231 |
| 6.2.5.3 | Delete "(5) School Public" Add "(5) Dwelling Unit, Planned Group of 3" Add "(6) School, Public" | December 10, 2012 | 2012.3231 |
| 6.2.5.5 | Add: "3. subject to provisions of Subsection 6.1.7" | December 10, 2012 | 2012.3231 |
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| 7.3.2(7) | Amend “(7) Outside aboveground storage tanks at fuel dispensing stations shall have an individual capacity of not more than 50,000 litres, and their aggregate capacity shall not exceed 150,000 litres. Underground storage tanks at fuel dispensing stations shall have an individual capacity of not more than 50,000 litres, and their aggregate capacity is unrestricted.” | February 25, 2013 | 2013.3255 |
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APPENDIX C2

| LIST OF AMENDMENTS TO THE ZONING MAPS | | | | | |
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| Map # | Property Description | Zoning | | Date of Council Approval | By-Law # |
| | | From | To | | |
| 1 | Re-zone part of Block 33 on east side of Government Road to Bison Avenue | R3A | RFM | Aug. 11, 2003 | 2003-3008 |
| 2 | Re-zone new proposed truck wash site 150 16 th Street | UH | MAC | Sept. 8, 2003 | 2003-3009 |
| 3 | Re-zone 104 -5 th St (former Elks site) to facilitate condominium development | SC | R3 | May 10, 2004 | 2004-3031 |
| 4 | Re-zone from R1 residential to R2A residential, proposed Parcels “K” off the north end of Elgin Street. | R1 | R2A | October 2005 | 2005-3056 |
| 5 | Rezone - 15 7 th Street N.E., lot 11, blk 8, Plan M4926 from R3 to SC | R3 | SC | May 10, 2006 | 2006.3071 |
| 6 | Rezoning of new residential lots east of 18 th Street N.E. from UH to R1 and R2 to provide for development of residential lots. | UH | R1 and R2 | April 21, 2007 | 2007.3093 |
| 7 | Rezone 445 Government Road N.W. - Lots 1, 2, 3 and 4, Block 100, Plan R5433 to allow for development of condominium complex Corner of Government Road and 1 st Avenue N.W. | MAC | R3 | August 13, 2007 | 2007.3101 |
| 8 | Rezoning of the area east of the Truck Wash off of 16 th Street N.E., a portion of Parcel T, Plan 101430751 ext 111, to allow for industrial development. | UH | MI | November 13, 2007 | 2007.3103 |
| 9 | Re-zoning of 701 1 st Avenue N.E., | R1 | EP | August 11, 2008 | 2008.3123 |

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| 10 | Re-zoning of the area east of 16 th Street to quarter line and south of Ebel Road to Highway #39, from UH (Urban Holding) to MI, Medium Industrial. | UH | MI | August 11, 2008 | 2008.3124 |
| 11 | Re-zone 38 6 th St, lots 27&28, blk 8, pln 101358547 | R3 | SC | Dec 8, 2008 | 2008.3131 |
| 12 | Re-zone an area west of 10 th Avenue S.E. and south of Confederation Drive for new housing development | R3 | R3B | April 14, 2009 | 2009.3131 |
| 13 | Re-zone 320 3 rd Ave S.E., lots 4 & 5, Block 6, Plan 0888 from R2 (Residential) to R3 (Residential) | R2 | R3 | October 13, 2009 | 2009.3152 |
| 14 | Re-zone Perfect Inns, 25 Allan St, enlarged lot area Block D, plan 97R73476 from PW to HC | PW | HC | October 26, 2009 | 2009.3154 |
| 15 | Re-zone 1052 Regina Avenue Lots 1-3 Inclusive, Block 9, Plan AZ357 from UH to MI | UH | MI | January 11, 2010 | 2010.3162 |
| 16 | Re-zone for new residential development from UH to R1 | UH | R1 | January 25, 2010 | 2010.3163 |
| 17 | Re-zone for future multi-family developments from UH to R4 | UH | R4 | January 25, 2010 | 2010.3164 |
| 18 | Re-zone 802 Park Avenue Lot 26, Block 75, Plan T3932 from NC to R2 | NC | R2 | June 14, 2010 | 2010.3174 |
| 19 | Re-zone 230 Water Street Lot 11 Block 105 Plan 101421515 and Lot 9, Block 68, Plan AG 4899 and 234 Water Street Lot 10, Block 105, Plan AV5551, ext 19 from R2 to R3 | R2 | R3 | July 19, 2010 | 2010.3179 |
| 20 | Re-zone 1 st Avenue SW, Lots 24-14 Incl., Block 53, Plan M-4926, from MAC to R5 to allow for the development of mobile homes | MAC | R5 | February 14, 2011 | 2011.3189 |
| 21 | Zone SW 1/4 Sec 33-8-14, SE 1/4 Sec 33-8-14, NW 1/4 Sec 27-8-14, the NE corner of the NE 1/4 Sec 19-8-14 all west of the second meridian, to UH (Urban Holding) | Annexed | UH | March 28, 2011 | 2011.3190 |
| 22 | Re-zone Government Road S. east parcel between 7 th and 8 th Avenue: Lots 86 & 87, Block 16, Plan No. 99SE38080 from HC to R5. | HC | R5 | September 26, 2011 | 2011.3201 |
| 23 | Re-zone Government Road S. east parcel between 8 th and 9 th Avenue: Lots 84 & 85, Block 17, Plan 99SE38080 from HC to R2. | HC | R2 | September 26, 2011 | 2011.3201 |

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| 24 | Re-zone Government Road S. east parcel between 9 th and 10 th Avenue: Lots 1-10 inclusive, Block 22, Plan A03511 from HC to R2. | HC | R2 | September 26 th , 2011 | 2011.3201 |
| 25 | Re-Zone 504 Windsor Street: Lot 53, Block 5, Plan FZ4842 from R2 to R4. | R2 | R4 | September 26, 2011 | 2011.3204 |
| 26 | Re-zone 880,875,845 and 815 5 th Street NE: proposed blocks B,C,D and E, plan to be finalized from UH to R4 | UH | R4 | November 14, 2011 | 2011.3210 |
| 27 | Re-zone 1 st Street NE: Lots 15,16,17,18 and 19 Block 34, Plan 99SE35476 from R3A Residential to CBDA-F2-H16 | R3A | CBDA-F2-H16 | November 14, 2011 | 2011.3211 |
| 28 | Re-zone Government Road S. east parcel between 8 th and 9 th Avenue: Lots 84 and 85, Block 17, Plan 99SE38080 from R2 to R3 | R2 | R3 | January 9, 2012 | 2012.3213 |
| 29 | Re-zone the 200 block of Lorraine Street from R2 (Residential) to R5D (Residential) | R2 | R5D | January 23, 2012 | 2012.3212 |
| 30 | Re-zone Hartney Avenue - Lot A, Block 48, Plan TBD from R2 to R3 | R2 | R3 | February 13, 2012 | 2012.3214 |
| 31 | Re-Zone Block A, Plan FK2974 and Block C, Plan 101456096 from UH to HC | UH | HC | May 14, 2012 | 2012.3221 |
| 32 | Re-zone 109 5 th Street NE (Lot 12, Block 25, Plan 99SE36354) from R3A to C(Contract Zone), to allow for commercial development as will be permitted by contract | R3A | C | June 11, 2012 | 2012.3224 |
| 33 | Re-zone a portion of Block V, Plan 101900045 from SV (Souris Valley) to R2(Residential) and R4 (Residential) | SV | R2 and R4 | July 16, 2012 | 2012.3228 |
| 34 | Re-zone a portion of Block V, Plan 101900045, from SV (Souris Valley) to R2 | SV | R2 | November 13, 2012 | 2012.3233 |
| 35 | Re-zone a portion of 46 12 th Street, (Lots 1-5, Block 29A, Plan AT930, from LI (Light Industrial) to R3-C1) Residential Older Neighbourhood Contract 1 | LI | R3-C1 | November 13, 2012 | 2012.3234 |
| 36 | Re-zone Lots 6-10, Block 22, Plan A05311 and Lots 41-60, Block 22, Plan A05311 from Residential Semi-detached Zone (R2) to Highway Commercial –Contract 2 (HC-C2) | R2 | HC-C2 | November 21, 2013 | 2012.3235 |
| 37 | Re-zone Lot 15, Block 55, Plan M4926 and portions of Blk 58, Plan M4926 from UH (Urban Holding) to R5 Residential Mobile Home | UH | R5 | January 14, 2013 | 2012.3242 |

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| 38 | Re-zone Lot 38, Block 5, Plan 62R39077 from R2 (Semi-detached Residential) to R3 (Residential Older Neighbourhood) | R2 | R3 | February 12, 2013 | 2013.3252 |
| 39 | Re-zone a +/- 10.3 acre portion of Block A, Plan AV5753 from Urban Holdings (UH) to Residential Mobile Home (R5) | UH | R5 | February 12, 2013 | 2013.3254 |
| 40 | Re-zone Lots 6-10, Block 22, Plan AO-5311 and Lots 41-60, Block 22, Plan AO-5311 from R2 (Residential Semi Detached Zone to HC-C2 (Highway Commercial – Contract 2) | R2 | HC-C2 | March 25, 2013 | 2013.3256 |
| 41 | Re-zone Lot 14-17, Block 1, Plan AZ-357 from UH (Urban Holding) to LI (Light Industrial) | UH | LI | March 25, 2013 | 2013.3257 |
| 42 | Re-zone Block A, B, C and a portion of F, Plan 98SE03966 from R2 to R4 | R2 | R4 | April 22, 2013 | 2013.3258 |
| 43 | Re-zone a portion of NE1/4, Sec 22-8-14-W2M from UH (Urban Holdings) to R1 (Residential Detached) | UH | R2 | April 22, 2013 | 2013.3260 |
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