



Zoning Bylaw

Bylaw No: 2020–3412

Schedule “A”

Consolidated to August 2023

(Bylaws 2021-3429, 2021-3431, 2021-3433, 2021-3435, 2022-3448, 2022-3454)

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FORWARD

The City of Weyburn's Zoning Bylaw 2020-3412 will work to effectively manage growth and development within its boundaries through the policies and information contained within. The planning process included engagement opportunities and research that took the regional context into consideration.

This document is an update from the 2003-2099 Zoning Bylaw and will provide a framework to consider and manage future change.

ACKNOWLEDGEMENTS

The City of Weyburn had many important contributors to the review and update of its Zoning Bylaw. We wish to acknowledge the following contributors to the development of this Zoning Bylaw:

- Residents and Stakeholders;
- City Council; and,
- City Administration.

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Note: This document has been developed by conducting a review and update of Bylaw 2003-2099. We undertook a review of the document and updated the pieces that needed revision due to changes in the community related to growth. In addition, the policies that were still relevant within the Zoning Bylaw were maintained in this version.



Part I – Introduction

1.0 Introduction

1.1 Title

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

1.2 Purpose

The purposes of this Bylaw are to control the use of land, regulate development, and 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 Official Community Plan, and *The Planning and Development Act, 2007 (The Act)*. Development, land use and subdivision shall be permitted only in conformity with the provisions of this Bylaw and *The Act*.

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 Official Community Plan which are best addressed through zoning.

1.5 Severability

A declaration by a court of competent jurisdiction that a section, clause or provision of this Bylaw, including anything shown on the Zoning Map is invalid, shall not affect the validity of this Bylaw or any part of this Bylaw other than the section, clause, or provision, or part of the Zoning Map declared to be invalid.

1.6 Conflict of Bylaws

In the event of a conflict between this Bylaw and any other bylaw of the City of Weyburn, with the exception of the Official Community Plan, which shall take precedence over this Bylaw, the provisions of this Bylaw shall prevail unless otherwise determined by the Development Officer or where provincial or federal legislation dictates.

1.7 Flood Hazard Warning and Disclaimer of Liability – Amending Bylaw 2021-3435

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.



Part II – General Provisions

General Provisions

Classification of Zoning Districts

For the purpose of this Bylaw, the City of Weyburn is divided into the following Zoning Districts. The boundaries are shown on the Zoning Map, which are attached to, and form part of, this Bylaw.

RESIDENTIAL

- R1** Residential Detached
- R2** Residential Semi-Detached
- R3** Residential Multiple Housing
- R4** Residential Mobile Home
- R5** Residential Semi-Detached/Mobile Home

MIXED-USE (MU)

INDUSTRIAL

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

COMMERCIAL

- NC** Neighbourhood Commercial
- MAC** Major Arterial Commercial
- HC** Highway Commercial
- RFM** Riverfront Market
- CBD** Central Business District

AGRICULTURE – *Removed (Amending Bylaw 2021-3435)*

- ~~**AG**~~ — Agriculture
- ~~**UA**~~ — Urban Agriculture

SPECIAL

- POS** Parks, Open Space & Recreation
- FW** Floodway
- UH** Urban Holding
- CZ** Contract Zone

DCD – Direct Control District

OVERLAY

- (FAR)** Floor Area Ratio
- (FF)** Flood Fringe
- (H)** Height
- (AP)** Aquifer Protection

Interpretations of Zone Boundaries

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

2.1.1 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.

2.1.2 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.

2.1.3 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 boundary, as identified on the Zoning Map.
- (b) 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).
- (c) Where the boundaries of the Floodway Zone conflict with the boundaries of any other underlying Zone, the boundaries of the Floodway Zone shall prevail.

2.1.5 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 Map, the actual location on the ground shall govern and the Zoning Map shall subsequently be corrected.

2.1.6 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 boundary falls.

2.1.7 Action in Case of Uncertainty

Where the rules in Sections 2.1.1 to 2.1.6 (above) fail to clarify the exact location of:

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

as shown in the Zoning Map, 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 Map shall be amended accordingly.

Application of Regulations

2.1.8 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.

2.1.9 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.

2.1.10 No building or Land Use in Violation of Bylaw

- (a) 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*.
- (b) 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.
- (c) No land shall be used, developed, changed or maintained for any purpose except in conformity with the provisions of this Bylaw and *The Act*.

Use Regulations

2.1.11 Land Use Tables

All development and use of land in every land use zone must be made in accordance with the regulations outlined in the table for that particular land use zone.

2.1.12 Prohibited Uses

Except as specified in Subsection 2.1.13 (below), 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.

2.1.13 Classification of Uses

- (a) An application for a development permit shall include 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.

Heritage Properties

The following buildings and sites are designated as heritage properties:

Table 2.1 Heritage Properties List

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.		E	102349920
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
9	Old City Hall	M	160 – 3 rd Street	11-13	12	31899
10	Knox Presbyterian Church	M	136 – 2 nd Street	21-23	11	31899

The listed heritage properties are subject to a development review process as defined by *The Heritage Property Act*. 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)

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. *The Heritage Property Act* applies to Provincial Heritage Property.

(2) Municipally 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.



Part III – Administration, Enforcement & Penalties

3.1 Development Officer

3.1.1 The Development Officer shall administer and interpret this Bylaw.

3.1.2 Appointment

- (a) The office of the Development Officer is hereby established.
- (b) In the absence of the Development Officer another individual or employee of the City of Weyburn shall be appointed by Council to act as the Development Officer.
- (c) In the performance of their duties, the Development Officer may be assisted by other officers and employees.

3.1.3 Assistants

Any person appointed pursuant to Subsection 3.1.2 (b) may be authorized by the Development Officer to act on their behalf.

3.1.4 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 ensure 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 receipt 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;
- (j) Make available, for public inspection during office hours, a register of all development permits, minor variances, and subdivision applications and decisions; and,
- (k) shall perform such other duties that are required by this Bylaw.

3.2 Development Appeals Board (DAB)

3.2.1 Establishment

A Development Appeals Board (DAB) for the City of Weyburn shall be established in accordance with *The Act*.

3.2.2 Types of Appeal

- (a) A decision of the Development Officer may be appealed to the DAB, and a decision of the DAB may be appealed to the Saskatchewan Municipal Board only in accordance with *The Act*.
- (b) Nothing in this subsection authorizes a person to appeal a decision of Council:
 - i. Refusing to rezone their land; or
 - ii. Rejecting an application for approval of a Discretionary Use or a discretionary form of development.

3.2.3 Procedure

In making an appeal to the DAB, the procedure in *The Act* shall apply.

3.2.4 Fee

When an application is made to the Board for an appeal, it shall be accompanied by an application fee per the current fee's bylaw, which fee is not refundable.

3.2.5 Who May Appeal?

- a) Any person may appeal to the DAB, 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, only the standards or conditions may be appealed.
- 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 DAB shall be processed by the Development Officer in accordance with the procedure specified in **Figure 3.1**.

3.2.6 Appeal Period

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

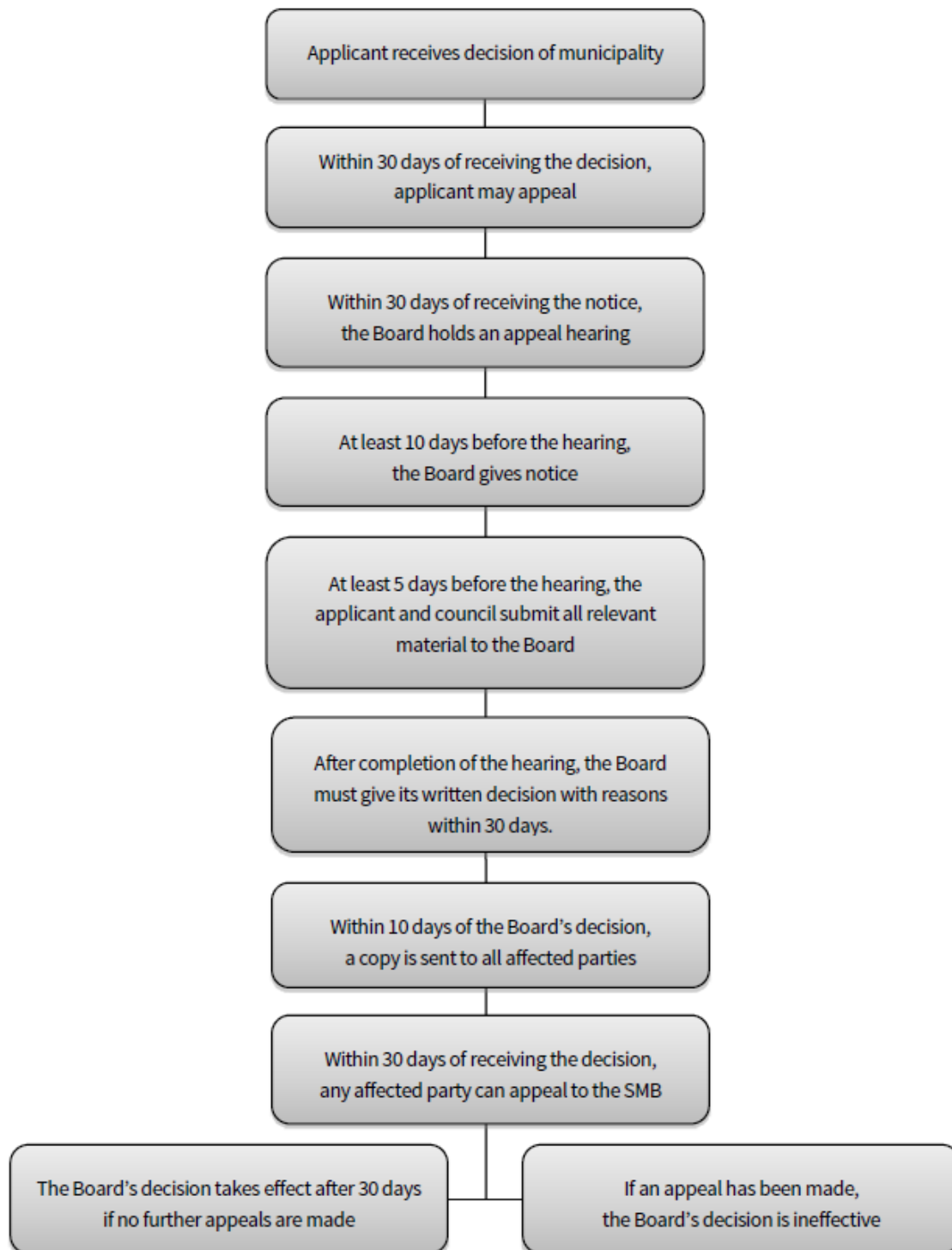
3.2.7 Development Appeals Board Decision

In accordance with the powers given to the board in *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.

Figure 3.1 Appeals Process Flow Chart



Source: Government of Saskatchewan – Ministry of Government Relations
Development Appeals Board Guide – 2018

3.3 Role of Council

- 3.3.1** Council shall make all decisions regarding discretionary uses, development levy agreements, servicing agreements and amendments to the planning bylaws.
- 3.3.2** Council delegates approving authority for subdivision applications to the Development Officer.
- 3.3.3** Council shall act on discretionary uses, and subdivision applications, and bylaw amendments in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with the Official Community Plan and this Zoning Bylaw.

3.4 Minor Variances

- 3.4.1** Minor variance be granted for variation of only:
 - (a) the minimum required distance of a building from the lot line;
 - (b) the minimum required distance of a building to any other building on the lot;
 - (c) a minimum parcel frontage;
 - (d) maximum lot coverage;
 - (e) maximum building height;
 - (f) minimum landscaping or landscaped area on a site; and,
 - (g) onsite parking required for a change of use in an existing commercial structure.
- 3.4.2** The maximum amount of minor variance shall not exceed:
 - (a) A 25% variation of the requirements from this Bylaw for items referenced under 3.4.1 (a) & (b); and,
 - (b) a 15% variation of the requirements of this bylaw for items referenced under 3.4.1(c) through (g)
- 3.4.3** The development shall conform to this Bylaw with respect to the use of the land.
- 3.4.4** The relaxation of this Bylaw shall be in keeping with the intent of this Bylaw and shall not injuriously affect neighbouring properties.
- 3.4.5** 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 the Planning and Development Act, 2007.
- 3.4.6** An application for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee per the Fees Bylaw.
- 3.4.7** On receipt of an application for minor variance, the Development Officer may;
 - (a) approve the minor variance;
 - (b) approve the minor variance and impose terms and conditions on the approval; or
 - (c) refuse the minor variance, or

- (d) in the case of a variance relating to matters listed under 3.4.5 refer the matter to Council for review.
- 3.4.8** Where the Development Officer imposes terms and conditions on an approval pursuant to Subsection 3.3, the terms and conditions shall be consistent with the general development standards or objectives of this Bylaw.
- 3.4.9** 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.
- 3.4.10** 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.
- 3.4.11** The written notice shall:
- (a) contain a summary of the application for minor variance;
 - (b) provide a reason for and an effective date of the decision;
 - (c) indicate that an adjoining assessed owner may within 20 days, lodge a written objection with the Development Officer; and,
 - (d) where there is an objection described in Clause (c), advise that the applicant will be notified of the right of appeal to the Development Appeals Board.
- 3.4.12** The written notice shall be delivered:
- (a) by registered mail; or
 - (b) by personal service.
- 3.4.13** A decision approving a minor variance, with or without terms and conditions, does not take effect:
- (a) in the case of a notice sent by registered mail, until 23 days from the date the notice was mailed;
 - (b) in the case of a notice that was delivered by personal service, until 20 days from the date the notice was served.
- 3.4.14** 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 Section 3.4.13, the approval is deemed to be revoked and the Development Officer shall notify the applicant in writing:
- (a) of the revocation of the approval; and,
 - (b) of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.

3.4.15 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.

3.4.16 A record of all minor variances granted shall be maintained by the Development Officer.

3.5 Development Permits

3.5.1 No Development without Development Permit

- (a) Except where a particular development is specifically exempted by Section 3.8 of this Bylaw, no development of a permitted use shall commence without prior receipt of a development permit.
- (b) 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.

3.5.2 Development Permit Requirements

- (a) An application for a development permit shall be made to the Development Officer in a form addressed to them.
- (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) Every application for a development permit shall include the following information on the property which is the subject of the application:
 - i. owner, applicant, planner, 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. An attached site plan, which shall include:
 - 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;
 - E. All adjacent roads, highways, services roads and access to the site (labelled);
 - F. The location of all required and optional fences;
 - G. Location and dimension of all existing and proposed buildings on the site;

- H. Lot and Floor Area;
 - I. Rights-of-ways and easements (gas, oil, power, drainage easements, etc.);
 - J. Location of existing and proposed utility services including water valves, catch basins and utility covers. Rim and invert elevations of catch basins and utility covers as well as pipe type and diameter shall also be shown;
 - K. All drainage courses;
 - L. Location of proposed development relative to parcel boundaries;
 - M. Existing development and uses on the site;
 - N. Landscaping details (existing trees, removal of trees, proposed plantings, berms, water features, grade elevations, etc.);
 - O. Setback to property line, road(s) and services;
 - P. Bodies of water and the top of the bank;
 - Q. Location of existing and proposed services;
 - R. Sign location, type and size;
 - S. Lighting location type, and size;
 - T. Parking and loading facilities (including a summary of the number of parking stalls and labels indicating the dimensions);
 - U. Sidewalks, patios, and playgrounds;
 - V. Scale (no smaller than 1:50);
 - W. North Arrow; and,
 - X. A Legend.
- i. signature on behalf of the owner; and,
 - ii. other details as specified on the development permit application.
- (e) As soon as practical 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 3.12. 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.
 - (f) The Development Officer may waive the need to provide any of the items mentioned in clauses 3.5.2 (d)(iv) A. through X.
 - (g) 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.

3.5.3 Responsibilities of the Development Officer with Respect to Permit Applications

- (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 Process specified in Figure 3.2.

3.5.4 Application Review Criteria

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

- (a) Consistency with the objectives and policies of the Official Community 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;
 - iii. Site suitability; and,
 - iv. The provision of 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 neighbourhood;
 - 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.

3.5.5 Development Permit for Temporary Uses

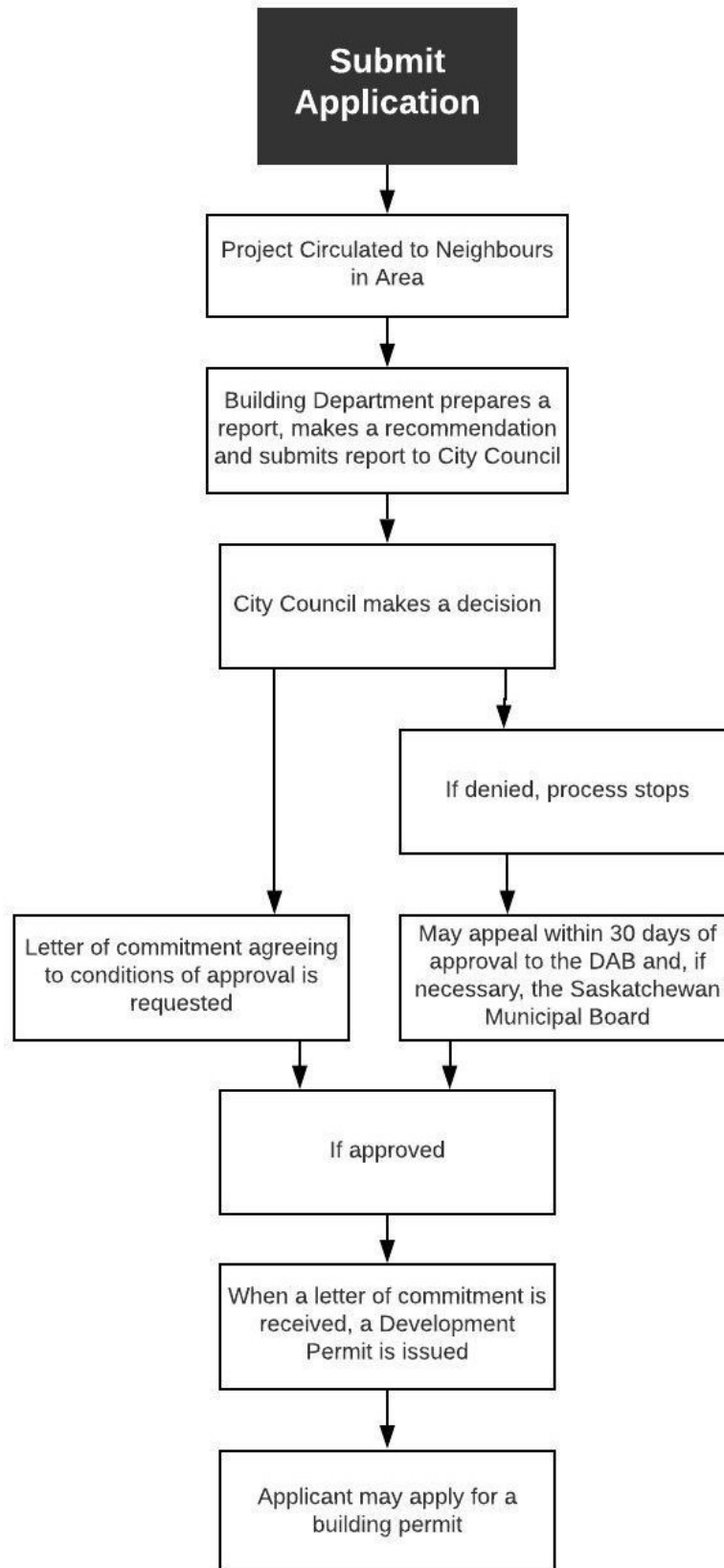
- (a) An application for a temporary use development permit described in Section 5.9 – Temporary Uses, shall include the following information:
 - i. where appropriate, the length of time the use is proposed;
 - ii. where appropriate, a description of toilet and other sanitary facilities that will be provided on the site and the written consent of the owners of the sanitary facilities granting the use for the required period;
 - iii. a statement by the Regional Health Inspector, that the facilities meet health regulations;
 - iv. existing and proposed use;
 - v. type of development whether a new development, an alteration, repair, addition, relocation or change in use;
 - vi. type of lot, whether interior or corner lot, and in the latter case, the intersecting street;
 - vii. a site plan indicating the location of all existing and planned improvements, parking and loading areas, and proposed landscaping; and,
 - viii. other information specified elsewhere in this Section or as the Development Officer may reasonably require ensuring compliance with the provisions of this bylaw.

3.5.6 Permit for Discretionary Uses

- (a) 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:

- i. will be reasonably compatible with neighbouring uses; or,
 - ii. 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.
- (b) Application – The discretionary use provisions of this Section shall apply to the following types of uses and activities:
 - i. a use designated as a discretionary use in this Bylaw;
 - ii. developments that use hazardous materials; and
 - iii. any other use that may be specified by Council.
- (c) Application Requirements – All applications shall be made to the Development Officer and include the requirements as described in Section 3.5.2.
- (d) In the case of an application for a development that involves the use or storage of hazardous materials as defined in this Bylaw, and mentioned in Section 4.1, the application shall:
 - i. 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.
 - ii. identify other hazardous materials as defined in this Bylaw.
 - iii. provide a description of the industrial use in terms of industry type, products produced, processing or manufacturing processes employed;
 - iv. identify the environmental effects created by the development in terms of glare, air emissions, noise, solid waste, storm water, liquid waste, and hazardous substances;
 - v. identify mitigation measures to reduce or eliminate any of the environmental effects, or potential hazards to the health and safety of residents and employees, mentioned in clause iv. (above);
 - vi. 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 a Risk Analysis prepared by a qualified engineer to be based on the following components:
 - A. site preparation and construction;
 - B. process operation;
 - C. raw material handling;
 - D. energy-producing operations;
 - E. transportation requirements;
 - F. potential accidents and hazards;
 - G. waste disposal and control; and,
 - H. monitoring.

Figure 3.2 Process for Discretionary Use Applications



- (e) 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 3.2, followed by a report and recommendation to City Council.
- (f) Review and Action by City Council – City Council shall review the recommendations of the Development Officer and may:
 - i. Request further information from the Development Officer, or the applicant;
 - ii. Approve the proposal as originally proposed;
 - iii. Approve the proposal with modifications as required by Council or recommended by the Development Officer; or
 - iv. Refuse the proposal.
- (g) Time Limits
 - i. 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.
 - ii. 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.

3.5.7 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.

3.6 Withdrawal of Development Permits

- 3.6.1** Where any development, for which a development permit has been issued, is not carried out in accordance with this Bylaw, *The Act*, other relevant City Bylaws, and the conditions and development standards specified in the permit, Council may direct that the Development Officer cancel or suspend the development permit.
- 3.6.2** A development permit suspended or cancelled pursuant to Subsection 3.6.1 (above), shall be reissued or reinstated upon compliance with this Bylaw, *The Act*, any other relevant Bylaw or the development standards imposed by Council.

3.7 Validity

Unless otherwise stated in this Bylaw, or in a particular permit decision, every development permit shall be valid for two years from the date it is issued by the Development Officer.

3.8 Exemption from Development Permit

Notwithstanding Section 3.1, 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 5.9 – Temporary Uses, 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) Signs, subject to Section 4.8.
- (f) The erection of fences.

3.9 Zoning Bylaw Compliance Certificate

- 3.9.1** 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.
- 3.9.2** 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.
- 3.9.3** The application fee for a Zoning Bylaw Compliance Certificate shall be as set from time to time by resolution of City Council and can be found in the Fee Bylaw.

3.10 Home-Based Business Permit

- 3.10.1** In addition to the requirements of Section 3.5 – Development Permits, the following information shall be submitted with an application for a Home-Based Business Permit:
 - (a) The location of dwelling unit where the home-based business 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-based business.
 - (d) A sketch with dimensions showing the floor plan and the area to be used to conduct the home-based business.
 - (e) A written description of the exact nature of the home-based business.
 - (f) A letter of approval for the home-based business from the property owner and/or property manager if the applicant is not the owner or property manager.

- 3.10.2** The Development Officer may waive the need to provide any of the items mentioned in clauses 3.10.1 (a) to (f).
- 3.10.3** The Development Officer may inspect the premise on which a home-based business is conducted during regular business hours to ensure compliance with these regulations. This does not preclude the inspection of a premise after regular business hours to verify a reported violation of the home-based business regulations. The Development Officer may enter the premises with the consent of the owner or operator of the home-based business.
- 3.10.4** Except as listed in Section 5.1.16; 5.1.17; 5.1.18; and 5.1.19, all applications for home-based businesses 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-based business is to be conducted. Comments received from neighbouring landowners will be considered as part of Council's review.
- 3.10.5** Applications for home-based businesses considered controversial as outlined in the DEFINITIONS shall be submitted by the Development Officer to City Council for approval along with their report and any correspondence from the assessed owners for or against the home-based business.
- 3.10.6** A declaration by the applicant stating that all of the applicable regulations shall be adhered to and form part of the certificate.
- 3.10.7** The Permit shall be used by the applicant to obtain a business license, where required by the License Bylaw, from the City License Inspector.
- 3.10.8** The application fee for a Home-Based Business Permit can be found in the Fee Bylaw.

3.11 Development Permits in Special Zones

In addition to the requirements mentioned in Section 3.5, every application for a development permit made in respect of a property located in a special zone shall comply with the requirements of this Section.

3.11.1 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;
 - ii. Flood proofing techniques (if required); and,
 - iii. 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.

3.11.2 Development Permit for Aquifer Protection

- (a) An application for a development permit for a commercial or industrial use in the Aquifer area of the City shall be accompanied by:
 - i. 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;
 - ii. a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage, and to provide for control of spills;
 - iii. a description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods;
 - iv. evidence of approval, where required, by Saskatchewan Environment; Saskatchewan Water Corporation; Fisheries and Oceans, Canada; and Water Security Agency;
 - v. a description of site development measures to protect the Aquifers including proposed monitoring program; and,
 - vi. detailed hydrogeological report indicating underlying geology.
- (b) The Development Officer may waive the need for any information required in clauses iv., v. and vi. in consultation with the City Engineer

3.12 Sign Permits

3.12.1 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.

3.12.2 Permanent Sign Permit

In addition to the requirements of Section 3.5, 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.
- (g) Any encroachment existing or anticipated after the installation of the requested sign.

3.12.3 Portable Sign Permit

- (a) Portable signs shall be developed in accordance with the requirements of City of Weyburn Portable Sign Bylaw 2014.3290.

3.12.4 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:

- (a) 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.
- (b) 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 Section 2.
- (c) 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 5.10 – Non-conformities and this Section.
- (d) Changes in the content of permitted temporary signs.

3.13 Zoning Amendments

3.13.1 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 Official Community Plan or respond to changing conditions or needs of the City.
- (b) The process described in this Section shall apply to amendments to the text of the Zoning Bylaw and Map.

3.13.2 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.
- (d) The City Council.

3.13.3 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.

3.13.4 Application Requirements

Every request for a Zoning Bylaw or Official Community Plan amendment(s) shall:

- (a) Be made to the Development Officer in a form.
- (b) Be accompanied by:
 - i. the applicable information required by Section 3.5;

- 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:
 - A. The relationship and compliance with the Official Community Plan or a planning study adopted by Council;
 - B. traffic impacts in terms of daily and peak hour trip generation and assignments;
 - C. impacts on and service requirements for water, sewage, and other utilities;
 - D. potential effect on stability, retention and rehabilitation of existing land uses in the area;
 - E. an assessment of impact on community services such as parks, recreation, fire and health; and,
 - F. the staging, implementation schedule, and duration of construction for any proposed development associated with the amendment.

3.13.5 Administration Review

Unless otherwise provided in this Bylaw, an application for an amendment to the text or Map of the Zoning Bylaw shall be processed by the Development Officer in accordance with the procedure specified in Figure 3.3.

3.13.6 Review Criteria

In reviewing the application, the Development Officer shall evaluate the application based on the criteria outlined in Subsection 3.13.4 including any possible alternative locations in the City for the proposed development and prepare a report to the City Council.

3.13.7 Review and Action by Council

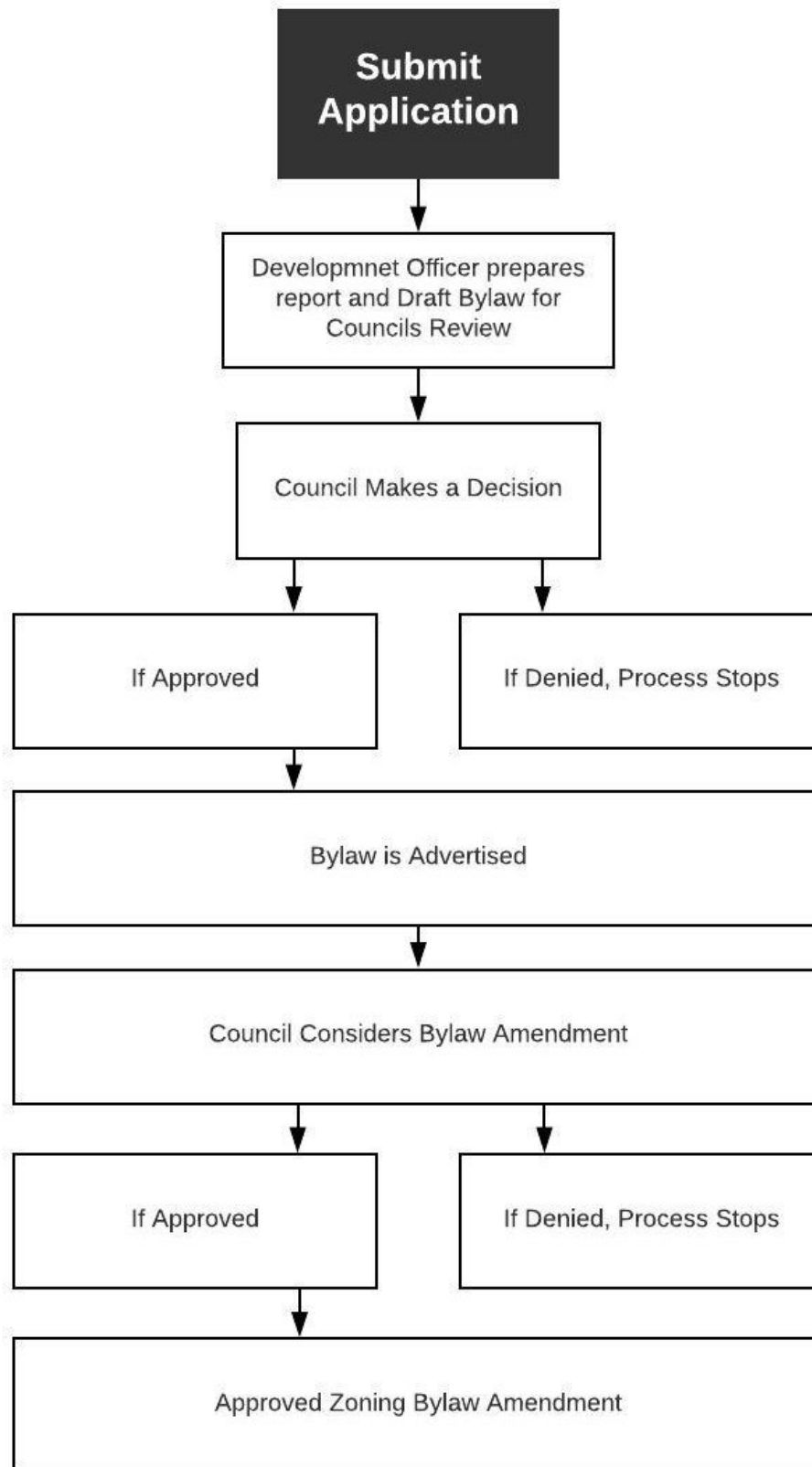
City Council shall review the recommendation of the Development Officer and may:

- (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.
- (d) Refuse the proposal.

3.13.8 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.

Figure 3.3 Zoning Bylaw Amendment Process



3.14 Enforcement

3.14.1 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 *The Act*.

3.15 Register

3.15.1 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.

3.16 Fees

3.16.1 Required Fees

The fees for a zoning amendment shall be identified in a separate fee's bylaw.

3.16.2 Payment of Fees

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



Part IV – General Regulations

Purpose of General Development Regulations

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. The Section is also intended, generally, to facilitate the implementation of the objectives of the Official Community Plan.

4.1 Regulations Applicable to All Land Uses

Regulations

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

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.

Administrative to Procedural Regulations

Every use or development of land or buildings shall comply with all the administrative and procedural regulations identified in this Bylaw and applicants must deal with procedures necessary to secure review and approval of a land use or development. Such regulations and restrictions address both procedural and technical requirements.

Exceptions to Height Regulations

Height limitations in this Bylaw shall not apply to the following features:

- (a) Church spires, belfries, cupolas, penthouses and domes which are not used for human occupancy.
- (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.

The features mentioned above 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.

Required Open Space

Open space, public parks and Municipal Reserve shall be permitted uses in all zones per the requirements in *The Act*.

Minimum Yards Required

Principal buildings shall not be located or encroach into any required yard, setback or separation distance.

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, commercial developments, industrial developments, 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.

Water and Sewer 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, unless it has undergone the formal approval process through the City.

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.

Grading and Leveling of Sites

- (a) 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.
- (b) 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 and as identified in the permit, the average finished grade for sloping shall be based on one or more cross sectional measurements of the site.

Encroachments, 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 *The Act*.

Communication/Technology Structures

- (a) The installation and maintenance of services and utilities by SaskPower, SaskEnergy, SaskTel, or any other similar public service provider, shall be discretionary uses in all zones.

- (b) These regulations supplement the regulations of Innovation, Science and Economic Development (ISED) Canada for the construction or modification of radio communication antenna support structures.
- (c) These regulations apply to all communication antenna support structures.
- (d) 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.
- (e) Ground mounted support structures shall be:
 - i. located on the site so as to provide a minimum distance from all property lines equal to:
 - A. 20% of the height of the structure; or,
 - B. the distance between the base of the structure and the peripheral guy wire anchors; and,
 - C. 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.
 - ii. ground mounted support structures shall not be permitted in the front yard area.
- (f) All guy wire anchors shall be:
 - i. located entirely within the boundaries of the property and in no case less than the front yard setback requirements for that zone; and,
 - ii. located so they provide a minimum of 3 metre horizontal setback from any overhead utility line.
- (g) 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.
- (h) A development permit is required for all communication support structures.

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:

- (a) In order to preserve existing vegetation;
- (b) To provide an adequate growing environment for proposed or required landscaping; and,
- (c) For the safety and/or stability of adjacent property.

Shipping Containers

Where the permitted and discretionary use table within a specific zone indicates shipping containers as a permitted or discretionary use, the following standards shall apply:

- (a) Shipping containers shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings for the applicable zoning district.
- (b) Shipping containers shall:
 - i. Be properly anchored and maintained in good repair;

- ii. Be sandblasted and repainted to a neutral colour or complement the colours of the principal building prior to their placement, above grade, on a site;
 - iii. Be located a minimum of 1.0 metre from the principal building; and,
- (c) A maximum of one shipping container per property is permitted. Additional shipping containers may be permitted at the discretion of Council.
- (d) Shipping containers shall be located in the side or rear yard only. They shall not project beyond the building front line of the primary building.
- (e) Shipping containers shall be kept clean, level, maintained, and placed in an orderly manner. Application for a development permit for shipping containers must occur prior to relocation to the site.
- (f) Shipping containers shall not block, obstruct, or reduce exits, windows, parking spaces, or driveways.
- (g) Shipping containers are prohibited from being plumbed or electrified in any manner.
- (h) Shipping containers shall not be stacked on top of one another.
- (i) Shipping containers may be temporarily placed on a site in any district in the following scenarios:
 - i. During active construction on a site where the shipping container is used solely for the storage of supplies and equipment that are used for construction operations on site, provided that a valid building permit has been issued for construction, and provided that the shipping container is removed from the site upon completion of construction; or
 - ii. For the purpose of loading and unloading of items associated with the principal uses for a period of not more than 10 days in any six (6) month period. The Development Officer may grant one extension of up to 14 days for large-scale projects.
- (j) When placed on a site, the shipping containers shall:
 - i. Be located where they do not create a safety hazard; and,
 - ii. Not be placed on a public right-of-way or dedicated lands;

4.2 Uses Permitted in All Zones

4.2.1 Any parcel of land, building or structure may be used for the purpose of:

- (a) a public utility;
- (b) the Province of Saskatchewan, Government of Canada or City of Weyburn;
- (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.

4.2.2 Provided that:

- (a) such use, building or structure shall comply with the applicable height, floor area ratio, 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 or structures in that zone.

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

4.3 Outdoor Merchandise Display

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.

Application

4.3.1 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.

4.3.2 The land uses referred to in Subsection 4.3.1 may include but are not limited to the following:

- (a) vehicle sales or rental;
- (b) prefabricated housing;
- (c) monument sales;
- (d) implement sales; and,
- (e) used merchandise.

4.3.3 The land uses referred to in Subsection 4.3.1 do not include the storage or display of:

- (a) inoperative vehicles or equipment;
- (b) materials typically associated with junkyard or salvage operations; and/or,
- (c) materials that, in the opinion of the Development Officer, would detract from the normal and intended character of the streetscape.

Display of Items

4.3.4 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 4.3.4 (c), shall be clearly marked by a physical separation such as a curb, fence, line of planters or paved area.

Visibility

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

Fixtures

- 4.3.6** 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.

4.4 Outdoor Storage Facility

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.

An example of an “Outdoor Storage Facility” is a sea-can or shipping container.

Application

- 4.4.1** These regulations apply to all land uses in which any activity, except loading and parking, is located outdoors.
- 4.4.2** The land uses referred to in Subsection 4.4.1:
- (a) Include, but not limited to:
 - Contractor’s storage yards;
 - Equipment yard; and,
 - lumber yard.
 - (b) 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.

Enclosure

- 4.4.3** 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.

Opening in Wall

- 4.4.4** There shall be no more than one opening in the fence facing any street for each 100 metres of fence length.

- 4.4.5** The opening mentioned in Subsection 4.4.4 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.
- 4.4.6** 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.

Location

- 4.4.7** No outdoor storage facility shall be located on:

- (a) open space;
- (b) landscaped area; or,
- (c) landscaped buffer

which was previously designated or as specified by the Development Officer on the Development Permit.

- 4.4.8** 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.
- 4.4.9** The storage shall be separated from any vehicular parking or circulation area by a minimum of 3 metres.
- 4.4.10** A separation distance shall be clearly marked by a physical separation such as a curb, fence, line of planters or paved area.
- 4.4.11** Neither:
- (a) the enclosure; nor,
 - (b) the materials being stored shall interfere with on-site traffic visibility.

4.5 Day Care Centre/Nursery School

Intent

The intent of the regulations in this Section 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.

Site Requirements

The most stringent regulations (lot area, coverage, frontage and yard) of the zone in which the day care centre/nursery school is located shall apply.

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.

Indoor Play Space Standards

- 4.5.1** Each day care centre/nursery school shall provide indoor play space at the rate of:
- (a) 3.7 square metres for each child being cared for who is an infant (six weeks or more but not exceeding 18 months); and,
 - (b) 3.25 square metres for each child being cared for who is of the age of 18 months or older.
- 4.5.2** No more than 50% of the height of the walls of any room used as a play space shall be below grade level.
- 4.5.3** 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.

Outdoor Play Space Standards

- 4.5.4** 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.
- 4.5.5** 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.
- 4.5.6** 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.

- 4.5.7** 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.
- 4.5.8** 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.

Parking and Loading Requirements

- 4.5.9** Day care centres/nursery schools shall provide parking and loading areas in compliance with Section 4.6 – Parking & Loading Regulations.

Landscaping

- 4.5.10** Landscaping compatible with the neighbouring residential properties and consistent with the neighbourhood character must be provided and maintained.
- 4.5.11** Additional landscaping may be required to provide increased screening from adjacent dwelling units.

Maximum Number of Children

- 4.5.12** 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 number of children per *The Child Care Act, 2014*. Such a facility shall also be occupied as a residence of the provider and who must obtain a Home-Based Business Permit.

Space Requirement

- 4.5.13** No more than one (1) day care centre/nursery school shall be allowed in a single block face in a residential zone.

General Day Care/Nursery School Requirements

- 4.5.14** All childcare centres shall comply with *The Child Care Act, 2014*.

4.6 Parking & Loading

Every use or development of land or buildings shall comply with all the requirements provided in this Section 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.

Purpose

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.

Minimum standards are provided for the area required for loading and unloading of goods for various commercial and industrial uses. 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.

Regulations for All Land Uses

4.6.1 Application of Off-Street Parking Requirements

- (a) New, Altered or Changed Uses
 - i. 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.
 - ii. Notwithstanding Section i., when an existing building is reconstructed in the CBD, no parking shall be required for the first 512 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 512 square metres.
- (b) Single and Multiple Uses
 - i. 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.

4.6.2 Unspecified Use Requirements

- (a) Where the parking requirements of any use allowed by this Bylaw is not specified, the Development Officer shall:
 - i. establish an interim standard to allow the developer to proceed with his project; and,
 - ii. recommend an amendment to this Bylaw to incorporate the interim standard.
- (b) In establishing the interim standard, the Development Officer shall be guided by the standards for similar uses in the City.

4.6.3 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.

4.6.4 Compliance with Regulations – Owners’ 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.

4.6.5 Parking and Road Right-of Ways

All required parking spaces shall be located outside of existing and proposed road rights-of-way. 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.

4.6.6 Barrier Free Parking

- (a) 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, in accordance with the measurements in Table 4.1.
- (b) 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.

4.6.7 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 4.1.

4.6.8 Parking Area & Driveway Standards

- (a) All parking areas shall have convenient access to a public thoroughfare.
- (b) The parking area shall be hard surfaced or graveled and treated to prevent the raising of dust.
- (c) Each parking space shall be clearly demarcated and have provision for suitable drainage.
- (d) The limits of the parking area shall be defined by a fence or curb or other suitable obstruction designed to provide a neat appearance.
- (e) The minimum size of parking spaces and single direction driveway width shall be in accordance with Table 4.1.

Table 4.1 Parking Area Standards (Metres)

Angle of Parking (Degrees)	Min. Required Stall Width (m)	Min. Required Stall Length	Min. Required Driveway Width
Parallel parking	2.8	6.5	4
30	2.8	6.0	4
45	2.8	6.0	4
60	2.8	6.0	5.5
90	2.8	6.0	7.5 (two-way)
Compact Space			
30	2.3	5	3
45	2.3	5	3.5
60	2.3	5	5.3
90	2.3	5	7 (two-way)
Barrier Free Parking	3.7	6.0	See above
Access aisle	2.25m		

4.6.9 Approach Ramps

- (a) The location of vehicular approach ramps or driveways shall be no closer than 7.6 metres (both directions) from the point of intersection of the property lines at a street intersection.
- (b) Approaches or driveways to any parking area shall be defined by a curb of concrete or rolled asphalt.

4.6.10 Off Street Parking Spaces Required

Except as permitted in Section 4.6 – Parking and Loading, the required number of off-street parking spaces shall be as specified in Table 4.2.

Table 4.2 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

Use of Building or Site	Minimum Number of Parking Spaces
Apartments above permitted uses	1 space per dwelling unit
Apartment dwelling units; a) MU 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) CBD 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
Religious Institution a) CBD 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, Nursery Schools; a) CBD Zone or if home-based business b) All other zones as a principle use	None required 1 space per 120 square metres of gross floor area

Use of Building or Site	Minimum Number of Parking Spaces
<p>Auditoriums - Public assembly auditoriums including gymnasiums; health, social, cultural or recreational halls; trade union and lodge halls; private clubs; and commercial recreation establishments;</p> <p>a) CBD Zones b) All other zones</p>	<p>None required</p> <p>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</p>
Exhibition halls, sports fields, ice and hockey rinks, and auctioneering establishments	1 space per 10 seating spaces 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
<p>Retail stores, grocery stores, personal service establishments, service and repair shops, studios, custom workshops, confectionery stores, dry-cleaning establishments;</p> <p>a) CBD zone, if less than 512 square metres of gross floor area b) if over 512 square metres of gross floor area c) All other zones</p>	<p>None required</p> <p>1 space per 80 square metres over 512 square metres of gross floor area 1 space per 40 square metres of gross floor area</p>
<p>Offices for administration, sales or general business of any nature, banks or financial institutions, professional offices, real estate or insurance offices;</p> <p>a) CBD zone if less than 512 square metres of gross floor area b) Over 512 square metres of gross floor area c) All other zones</p>	<p>None required</p> <p>1 space per 100 square metres over 512 square metres of gross floor area 1 space per 50 square metres of gross floor area</p>

Use of Building or Site	Minimum Number of Parking Spaces
Medical or dental clinics a) CBD 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) CBD 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) CBD Zones b) All other zones	None required 1 space per 10 seating spaces
Restaurants and beverage rooms a) CBD 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

Use of Building or Site	Minimum Number of Parking Spaces
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

Regulations for Non-Residential Parking

These regulations apply to Commercial, Industrial, and Special Zones.

4.6.11 Payment-in-Lieu of Parking

- (a) Council may, at its discretion, waive all or part of these requirements in CBD Zone in exchange for a payment-in-lieu of the waived spaces calculated on the basis of \$4,100 per waived parking space.
- (b) 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.
- (c) Payment of or agreement to pay such sums of money shall be subject to such terms and conditions as Council may determine.

4.6.12 Location

- (a) Subject to Section 4.6, all parking spaces shall be located:
 - i. on the same building site as the use they serve; or
 - ii. on an abutting site in the same use zone, or
 - iii. on a site separated from the use by only a street or lane in the same use district.

4.6.13 Off-Site Caveated Parking

- (a) 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, their 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.
- (b) Where off-site caveated parking is a discretionary use in a zone, the caveated parking shall require approval of City Council in accordance with the discretionary use process specified in Figure 3.2.
- (c) A caveat based on the agreement mentioned in Part I – Introduction, shall be registered by the City against the lots outlined in the agreement in the Land Titles Office.

4.6.14 Maneuvering Space

All parking lots for:

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

shall be designed to eliminate the need for backing and maneuvering from, or onto roads; and/or across pedestrian walkways, to get out of the parking space(s) or leave the lot.

Passenger Drop-Off Spaces for Elementary and High Schools

4.6.15 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.

4.6.16 Regulations

- (a) 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 school's design capacity.
- (b) 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 school's design capacity.
- (c) 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.
- (d) Passenger drop-off spaces shall be located:
 - i. within 50 metres of a school entrance;
 - ii. a minimum of 3 metres from a driveway or marked crosswalk; and,
 - iii. a minimum of 15 metres from any intersection.

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:

4.6.17 The minimum size of an off-street loading space shall be:

- (a) 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.
- (b) For buildings 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.

4.6.18 Loading spaces must be located either within or abutting the building they are to serve.

4.6.19 No loading spaces shall be provided within a front yard.

4.6.20 Loading spaces provided within the side yard shall be open and uncovered.

- 4.6.21** 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.
- 4.6.22** 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.

Table 4.3 Off Street Loading Spaces

USES & 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 or 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

4.7 Landscaping, Visual Screening and Buffering

Every use or development of land or buildings shall comply with all the landscape and buffer regulations provided in this Section. 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.

Purpose

The purpose of this Section is to provide minimum requirements for landscaping in specific areas of 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.

Landscape

4.7.1 Application

The requirements of this Section shall apply to every new building and land use except:

- (a) detached dwelling units;
- (b) semi-detached dwelling units;
- (c) duplex dwelling units; 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.

4.7.2 General Regulations

- (a) Where the Bylaw specifies that landscaping is required, it shall be installed and maintained in accordance with the following standards and policies:
 - i. 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;
 - ii. 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;
 - iii. All trees provided for planting shall be a minimum 50 mm caliper for deciduous trees and two metres in height for coniferous trees;
 - iv. All shrubs provided for planting shall be a minimum height or spread of 600 mm;
 - v. 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;
 - vi. 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;
 - vii. 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; and,

- viii. All required and approved landscaping features shall be suitably maintained in a neat and tidy condition at all times.
- (b) Except as exempted, all areas of a site not occupied by buildings or parking and loading areas shall be landscaped in accordance with Section 4.7 – Landscaping, Visual Screening and Buffering
- (c) 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.
- (d) The Development Officer shall not approve an application for a development permit in the event that:
 - i. a required landscaping plan has not been submitted; or
 - ii. 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.
- (e) The Development Officer may approve some or all of any existing landscaping as fulfilling the requirements of this Bylaw.
- (f) 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.

4.7.3 Regulations for Landscaping Plans

- (a) Where landscaping is required by this Bylaw, a landscaping plan shall be attached to and form part of an application for a development permit.
- (b) 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.
- (c) The Development Officer may waive any of the requirements in Clause (2) or require additional information.

Visual Screening & Buffering

4.7.4 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.

4.7.5 Fences & 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 Zone, no fence shall be erected in any yard area, and in any MAC Zone, 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 4.9 – Maximum Illumination Standards.
- (f) In the HS Zone, fence height shall be no more than 3.66m in any side or rear yard and no more than 1.5m in any front yard except within the sightline triangle identified in Section 4.10, where the fence or hedge shall be no higher than 0.75m above grade.

4.7.6 Allowable Visual Screen/Buffer Material

- (a) A visual screen/buffer shall be by means of:
 - i. a fence;
 - ii. a masonry wall;
 - iii. soft landscape as described in Clause (b); or
 - iv. a combination of i., ii. and iii.
- (b) 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.

4.7.7 Screen & Buffer Maintenance

The maintenance of all buffers and screens shall be the responsibility of the property owner.

4.8 Sign Regulations

Every use or development of land or buildings shall comply with all the regulations and requirements of this Section. 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.

Purpose

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.

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 sign 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.

4.8.1 Maintenance and Repair of Signs

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.

4.8.2 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.

General Regulations for All Signs

Notwithstanding any other provisions of this Bylaw, the following general regulations shall apply to the situations stated and shall govern the same.

4.8.3 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.

4.8.4 Subject Matter

- (a) Except as specified in this Section 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.

- (b) 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.

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.

4.8.5 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.

4.8.6 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.

4.8.7 Window Signs

Signs directly on the surface of any window or door within a building and visible from the exterior.

4.8.8 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.

4.8.9 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.

4.8.10 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.

4.8.11 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.

Placement of Signs

4.8.12 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; and,
- (c) a Portable Sign at such location and length of time as may be approved in writing by the Development Officer.

4.8.13 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.

4.8.14 Intersection Sightline Triangle

No sign shall be placed within the intersection sight line triangle as required in Section 4.10 of this Bylaw.

4.8.15 Obstructing Public Utilities

No sign or any portion thereof shall obstruct or interfere with any public utility.

4.8.16 Signs Must Not Impede

Signs must not block, impede or limit the movement of vehicles or pedestrians on any roadway, thoroughfare, sidewalk or walkway.

Types of Signs

4.8.17 Balloon/Inflatable Advertising or Display Device

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 Section (not including small balloons used temporarily for special occasions).

- (a) Permitted Locations – A balloon/inflatable advertising or display device shall be permitted only in HC, MAC and all Industrial Zones.
- (b) Permitted Number – No more than one balloon/inflatable sign or device shall be used on a single site, in addition to other permitted types of signs.

4.8.18 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:

- (a) Permitted Locations
 - i. Ground signs shall be permitted in any zone.
 - ii. Ground signs in residential zones shall comply with Sections 5.1.12 and 5.1.13 of this Bylaw.
- (b) Permitted Number
 - i. In any zone, one ground sign per site shall be permitted per street frontage.
 - ii. 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.
- (c) Permitted Surface Area
 - i. The maximum permitted surface area of a ground sign in square metres shall be as follows:

Table 4.5 Maximum Permitted Surface Area for Ground Signs

Zone	Area Per Face	Total Sign Face
MU	6	12
NC	5	10
RFM	6	12
CBD	9	18
MAC	14	28
HC	19	38
R ₁	0.05	0.05
R ₂	1	2
Industrial Zones	14	28
HS	7.0	14.0
1. For residential Uses		
2. For all other uses in the zone		

- ii. 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.

- (d) Permitted Height
The maximum permitted height for ground signs in metres shall be as follows:

Table 4.6 Maximum Permitted Height for Ground Signs

Zone	Maximum Height
R	1.8m
Special Zones	1.8m
NC	7.6m
HC	15.0m
MAC	10.0m
RFM	10.0m
CBD	10.0m
Industrial Zones	10.0m
HS	10.0m

- (e) Permitted Clearance
 - i. No portion of any ground sign shall hereafter be located within 0.3 metres of any property line abutting a street.
 - ii. No portion of any ground sign shall be located within 1.5 metres of an interior property line.
 - iii. 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.

4.8.19 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:

- (a) Permitted Location
 - i. Walls signs may be erected in any zone subject to the provisions of Sections 5.1.12 and 5.1.13 for residential zones.
- (b) Permitted Surface Area
 - i. The permitted surface area of a wall sign shall be limited only by the size of the wall itself.
- (c) Permitted Copy Area
 - i. 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.
 - ii. 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.
 - iii. 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.
- (d) Mounted Letters
 - i. 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 story building, or the lintel bar and the floor level of the floor above on a multi-story building.
 - ii. The maximum copy area as set forth in Section 4.8.19(c) shall apply.
- (e) Permitted Clearances
 - i. 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.
 - ii. 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.

4.8.20 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:

- (a) Permitted Locations
 - i. One roof sign per premise shall be permitted only in, HC, MAC and all Industrial Zones.
- (b) Back to Back Signs
 - i. Where the roof sign faces are back to back, in a common structure, it shall be construed to be a single sign.
- (c) Visual Appearances
 - i. 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.
- (d) Relationship to Building
 - i. No roof sign shall extend beyond the ends or sides of the building.
- (e) Height
 - i. The maximum height shall be 1.8 metres above the roof or parapet.

4.8.21 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:

- (a) Permitted Locations
 - i. Projecting signs shall be permitted only in HC, MAC and all Industrial Zones.
 - ii. Projecting signs shall not be permitted in lanes of any zones.
- (b) Permitted Number
 - i. One projecting sign shall be permitted per premise, provided that no roof sign exists.
 - ii. Where the frontage along one right-of-way exceed 30 metres, two projecting signs are permitted.
- (c) Permitted Projection – a projecting sign may:
 - i. project no more than 2.5 metres from the face of the building;
 - ii. 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
 - iii. shall not be closer to a vertical line from the property line than 600 millimetres.
- (d) Support
 - i. All projecting signs shall be installed or erected so that there are no visible sign support structures above the roof, building face, or wall.
 - ii. 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.

4.8.22 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.

- (a) Permitted Locations
 - i. A canopy or awning sign shall be permitted in all zones provided that the minimum clearance from the ground shall be 2.5 metres.
- (b) Permitted Projection
 - i. no portion of the canopy or awning sign may be closer than 300 millimetres from the property line except:
 - A. where permitted by written agreement, canopy or awning signs may project over a public right-of-way; and,
 - B. no portion of the canopy or awning sign shall be closer than 900 millimetres to a vertical line from the curb face.
 - ii. in the CBD Zone 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 30° 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,
 - iii. no sign shall extend beyond the outer limits of the canopy or awning.

4.8.23 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.

- (a) Permitted Locations
 - i. On the south side of No. 13 Highway West from the Souris River to the City limits.
(Specific locations only)
 - A. Minimum setback from Highway centre line - 23 metres.
 - B. Minimum distance between signs and from road allowances - 91 metres.
 - ii. On the north side of No. 13 Highway East from the City limits to Eighteenth Street.
 - A. Minimum setback from Highway centre line - 26 metres.
 - B. Minimum distance between signs and from road allowances - 91 metres.
 - iii. 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:
 - A. Minimum setback from Highway centre line - 41 metres.
 - B. Minimum distance between signs and from Tenth Avenue - 61 metres.**Drainage Ditch south to City limits:**
 - C. Minimum setback off Highway right-of-way – 46 metres.
 - D. Minimum distance between signs and from road allowance - 122 metres.
 - iv. On the west side of No. 35 Highway North from Saskatchewan Drive to 106 metres north
 - A. Minimum setback from Highway centre line (off right-of-way) - 21 metres.
 - B. Minimum distance between signs - 91 metres.
 - v. 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.
 - A. Minimum setback from Highway centre line – 22 metres.

B. Minimum distance between signs - 91 metres.

(b) Permit and Removal Conditions

- i. The location of billboards on City owned or controlled property is at the discretion of Council for a temporary period of time.
- ii. Where 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 days by written notice to the owner.
- iii. 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.
- iv. 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.

(c) Construction and Maintenance

- i. 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.
- ii. The sign as defined in this Bylaw shall be restricted to the face of the billboard except as provided in clause iii.
- iii. 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.
- iv. 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.
- v. Billboards must be free standing. Angle supports and guy wires are prohibited.
- vi. The face of the billboard shall be set at right angles to the traffic center line of the roadway on sites referred to in Section 4.8.
- vii. Only one billboard is permitted on a single site and may have a sign on both the front and back.
- viii. Billboards must be maintained in the neat and well painted condition at all times.
- ix. Each billboard owner or agent shall be responsible for the maintenance of the site within 3 metres of the billboard.
- x. 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.
- xi. Before erecting the billboard, all sites must first be staked by the Development Officer.
- xii. 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.

- (d) License
 - i. 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.
 - ii. 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.
 - iii. The license fee shall be as determined by the License Bylaw of the City of Weyburn.
 - iv. 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.

4.8.24 Billboards on Privately Owned Property

- (a) Permitted Locations
 - i. Billboard signs shall be permitted only in HC, MAC, MU, CBD, LI, MI, HI, and RFM zones.
 - ii. Each billboard location proposed must be submitted to and approved by City Council.
- (b) Permitted Number
 - i. Not more than 1 billboard sign shall be permitted per street frontage.
- (c) Permitted Surface Area
 - i. A maximum of two faces shall be permitted per sign.
 - ii. The maximum surface area shall be 19 sq.m. per sign face.
- (d) Permitted Height
 - i. The maximum height permitted shall be:

Table 4.7 Maximum Permitted Height for Billboards

Zone	Maximum Height
HC	15m
MAC	10m
MU	8m
CBD	10m
LI, MI, HI	10m
RFM	10m

- (e) Permitted Clearance
 - i. No portion of a billboard sign shall be located within 0.3 m of any property line abutting a street.
 - ii. No portion of a billboard sign shall be located within 1.5 m of an interior property line.
 - iii. No portion of a billboard sign shall be located within 23 m of an intersection of streets, as determined by the development officer.
 - iv. 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.
- (f) Permitted Illumination
 - i. 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 that impedes vehicular traffic or interferes with traffic signals.
- ii. Only electric illumination is permitted and shall be constructed in accordance with the provision of the Electrical Regulations of the Province of Saskatchewan.
- iii. Where a sign is illuminated, and the illumination is in operation, either the outer edge of the faces of the sign, or all those portions of the sign other than the other edge, shall be continually lit.
- iv. 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.
- v. 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; and/or,
 - video clips over 10 seconds in length.

4.8.25 Flashing, Animated, Illuminated, and Rotating Signs

Except as provided in the DEFINITIONS, animated, illuminated or rotating signs may be permitted provided that:

- (a) Except in Residential and Neighbourhood Commercial Zones, one rotating ground sign may be erected in place of one otherwise permitted ground sign.
- (b) 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.
- (c) 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 from the sign, is to be deflected away from any adjacent residential zone; and,
 - iii. there is no direct illumination that impedes vehicular traffic or interferes with traffic signals.
- (d) Electronic illumination only is permitted and shall be constructed in accordance with the provisions of the Electrical Regulations of the Province of Saskatchewan.
- (e) 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.
- (f) Rotating signs shall not revolve more than six (6) revolutions per minute.

4.9 Environmental Protection Standards

Intent

The purpose of the environmental protection standards is 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.

Application

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

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.

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.

Fire & 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**.

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.

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.

Noise

- (a) All noise shall be muffled so that for a cumulative period of not more than 15 minutes in any hour at the lot line does not exceed the standards outlined in Table 4.8 – Maximum Noise Levels.
- (b) Except for the exempt classes mentioned in Subsection (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 4.8.
- (c) The following noises shall be exempt from the provisions of this section:
 - i. noises from construction and maintenance activities between 7 a.m. and 11 p.m.;
 - ii. noises from safety signals, emergency vehicles and equipment, warning devices and emergency pressure release valves;
 - iii. noises from motor vehicles, such as automobiles, trucks, airplanes and railway; and,
 - iv. ordinary domestic noises which are subject to The City of Weyburn Noise Bylaw.
- (d) 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.
- (e) Sound pressure levels shall be measured at the lot line, at a height of at least 4 feet above the ground surface.

Table 4.8 **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

Odour

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

Hazardous Materials

- (a) The requirements of this section apply to all uses and operations involving one or more of the following:
 - i. micro-organism cultures;
 - ii. pesticides;
 - iii. biological products;
 - iv. hazardous materials defined in Section (b); and,
 - v. infectious agents.
- (b) 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 3.5.7 (d).

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.

Waste Materials and Disposal

- (a) No use or operation shall discharge toxic or noxious materials:
 - i. across the boundaries of the site;
 - ii. through infiltration into the subsoil;
 - iii. into the sewage disposal system, except as otherwise provided by The Weyburn Sewer Service Bylaw; or,
 - iv. into a stream.

- (b) 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.

Exterior Lighting

- (a) All exterior lighting on private property (excluding lighting within public rights-of-way and public properties) shall conform to the following requirements:
- 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;
 - the amount of illumination from the exterior lighting, as measured at the property line, shall not exceed the levels specified in Table 4.9;
 - the light fixtures shall not be located within any required landscaped buffer; and,
 - flashing, flickering or other lighting fixtures which may distract motorists shall not be used, except where permitted in Section 4.8 - Sign Regulations, of this Bylaw.

Table 4.9 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

4.10 Intersection Sight Line Control and Driveway Development

Intent

The regulations in this Section 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.

Application

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

Intersection Sight Line Control

- (a) Subject to the Weyburn Traffic Bylaw, every site shall provide a clear line of sight for motorists and pedestrians:
 - i. approaching a street intersection; or,
 - ii. 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 Zone, 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.

4.11 Accessory Use Regulations

Purpose

The purpose of this Section is to provide detailed regulations and requirements over and above the general regulations provided in Parts II and IV, for the development of accessory uses in all land use zones. Special regulations will also be provided for specific accessory developments.

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.

Qualification Criteria

4.11.1 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.

4.11.2 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.

4.11.3 Exclusions

- (a) Connected Structures - except as permitted in Section 5.1 – Regulations for All Residential Zones, when an accessory structure is attached to a principal structure on the same site by:
 - i. A breezeway;
 - ii. A roofed passage;
 - iii. An open or enclosed structure above grade;
 - iv. A floor or foundation which is above grade; or,
 - v. Any structure below grade, similar to those mentioned in clauses i. to iv.

The accessory structure shall be deemed to be part of the principal use shall maintain the yard requirements of the principal building.

4.11.4 Ornaments, Decorations, etc.

- (a) The following structures are not accessory structures within the meaning of this Section and may be developed without a development permit:
 - i. An ornamental or decorative structure, other than a sign;
 - ii. A single flagpole;
 - iii. A birdhouse or birdfeeder;
 - iv. A single clothesline or other device for drying laundry;
 - v. 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 5.1.8; or,
 - vi. a swing or hammock, basketball backboard and hoop and other recreational facilities not mentioned in Section 5.1.
- (b) The Development Officer may determine the permit exempt status of any structure similar to those listed in Section 4.11.4(a), above.

Determination of Accessory Status

4.11.5 Responsibility

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

4.11.6 Considerations

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

- (a) In determining whether a building or structure is accessory to a principal use, the following factors shall be taken into consideration:
 - i. Nature of the principal use;
 - ii. Land use of the adjacent sites;

- iii. Actual incidence of similar uses in the neighbourhood; and,
- iv. The potential for adverse impact on adjacent property.

Development Requirements

4.11.7 Development Permit

No accessory use or structure shall be developed without a development permit issued pursuant to Section 3.5 of this Bylaw.

4.11.8 Planning and Commencement of Use

- (a) 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.
- (b) No accessory use shall be used unless the principal use or structure has been developed on the site.
- (c) Accessory buildings may act as temporary (toolsheds, etc.) structures that are required on site for construction. Such structures would only be permitted until construction and cleanup activities are complete

Accessory Use as a Permitted Use

Except as otherwise provided in this Bylaw, any use accessory to a lawful principal 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 this Bylaw.

Regulations

4.11.9 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, in which case, they may be allowed as an accessory use:

- (a) Car wash(s);
- (b) Motor vehicle sales lot(s); and,
- (c) Service station(s).

4.11.10 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.

4.11.11 Dwelling Units for Caretakers, Owners and Managers

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

- (a) 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.

- (b) Location Standard – every caretaker’s quarters shall be located where its visibility from streets and abutting properties is minimal.
- (c) 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.
- (d) Parking - Parking facilities shall be provided for the quarters in accordance with the provisions in Section 4.6 for dwelling units.

Residential Compost Facility

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.

4.11.12 Size and Location Requirements – The compost bin, collection, storage or processing area shall be located so that it:

- (a) Does not exceed four cubic metres in volume; or,
- (b) Does not cause deterioration to a common fence.

4.11.13 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.

Satellite Dish

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

- Do not cause visual blight;
- Do not impede access by emergency and rescue personnel or by utility crews along easements;
- Do not create a dangerous attraction for children;
- do not pose a safety hazard;
- do not block views from adjoining sites; and,
- are not used as commercial signs.

4.11.14 Application – the erection of satellite dishes shall be permitted in all land use zones provided in this Bylaw subject to the regulations in this Section.

4.11.15 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 Section (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. 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.

4.11.16 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.

4.11.17 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.

4.12 Development within the Vicinity of a Railway

4.12.1 All new residential development must be setback at least the following distances from the railway property line:

- a) Freight Rail Yard: 300m
- b) Principle Main Line: 30m
- c) Secondary Main Line: 30m
- d) Principle Branch Line: 15m
- e) Secondary Branch Line: 15m
- f) Spur Line: 15m

The line type shall be determined in consultation with the rail company. Setback distances must be measured from the mutual property line to the building face.

- 4.12.2** The approval process for the development or re-development of land or buildings within 300 metres of a railway line or 1,000 metres of a railway yard shall require the developer to show, to the satisfaction of the municipality:
- i. how the railway company's development standards and comments have been addressed by the project; and,
 - ii. how the principles, objectives and specific site and building design recommendations of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations have been addressed.
- 4.12.3** A Noise and Vibration Impact Study may be required to be submitted to the municipality when the proposed development is located within 300 metres of a railway line or 1,000 m of a railway yard.
- 4.12.4** Any development or re-development of land or buildings within 400 meters of a railway line or 1,000 meters of a railway yard is required to be planned in a manner that addresses conflicts between the proposed development or re-development and railway operations.
- 4.12.5** Safety Barriers may be required to be installed, which include but not limited to:
- a) A berm;
 - b) A sound wall; and/or
 - c) Security fencing.
- 4.12.6** No development may be located within a railway right of way without the consent of the owner of the right of way.



Part V – Zoning Districts

5.1 Residential District (R)

Purpose of District

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:

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

The Zones within this District include:

- R1 – Residential Detached
- R2 – Residential Semi-Detached
- R3 – Residential Multiple Housing Zone
- R4 – Residential Mobile Home Zone
- R5 – Residential Semi-Detached/Mobile Home Zone

These regulations supplement those provided in Parts II and IV.

Regulations for All Residential Zones

5.1.1 Front Yard Reductions

- (a) Front Yard Reductions
 - i. Centre lot – Except the Mixed-Use (MU) zone and subject to 5.1.1.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 Section shall not prevent the reduction mentioned in Section 5.1.1.(a).

5.1.2 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.
- (b) In no case shall the said rear yard be less than 7.6 metres.
- (c) On a corner lot in Residential zones, the minimum side yard adjacent to the flanking street shall be 3.0 metres.

5.1.3 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.

Table 5.1 Side Yard Reductions

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

5.1.4 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 Section.

- (a) Unlicensed Vehicles
 - i. A maximum of two (2) unlicensed vehicles, including recreational vehicles, may be kept on a residential site, if stored:
 - A. Within a garage or enclosed carport; or
 - B. Fully covered.
 - ii. No unlicensed vehicle shall be kept in the required front yard.
 - iii. Every unlicensed vehicle shall be maintained in operable condition. Where not 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.
- (b) Building Materials
 - i. Building materials such as bricks, concrete blocks and lumber (and other related household materials) shall not be stockpiled in the required front yard for more than seven days.
 - ii. The materials mentioned in Subsection i. may be stockpiled temporarily in the rear yard or side yard for a period of not more than 12 calendar months.

5.1.5 Permitted Yard Encroachments

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 thorough the widest projections, does not exceed 2.4 square metres.

Fire Escape

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

Balconies, Decks and Uncovered Platforms

- (a) Except in the case of a reduction permitted in Section 5.1.1, 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.
- (b) A step may project 1 metre into one of the required side yards.
- (c) An uncovered platform or deck that is not more than 300 millimetres in height does not require setbacks.

Wheelchair Ramp

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

Air Conditioner/Heat Exchanger

- (a) An air conditioner or heat exchanged 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.

5.1.6 Fence Height

Subject to the Intersection Sight Line Control guidelines in Section 4.10, 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.

5.1.7 Planned Group of Dwelling Units

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

- (a) Components - A planned group of dwelling units may consist of only the permitted and discretionary uses in the applicable Residential Zone.
- (b) Development Standards
 - i. 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.
 - ii. The minimum required front, rear and side yard setbacks will be those of the applicable Residential Zone.
 - iii. Parking and loading provisions shall be in accordance with Section 4.6 of this Bylaw.
 - iv. 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.
- (c) Subdivision Standards
 - i. Where a planned group of dwelling units meets the development standards under 5.1.7 (b) as a single project on a site, the approval of a subdividing instrument is allowed to accommodate orderly and beneficial phasing of development.
 - ii. Where a subdividing instrument is approved pursuant to 5.1.7 (c) i., individual parcels within the planned group of dwelling units – minimum requirements for frontage and end units are 5 metres.
 - iii. The subdivision approving authority will exercise its discretion in determining if the phasing of a development is orderly and beneficial by considering:
 - A. The phasing of the development;
 - B. in the case of a condominium, the allocation, joint use and maintenance of common property by the entire planned group of dwelling units; and,
 - C. the requirement for any agreements, easements, joint use, joint maintenance or servicing agreements between parcels.

5.1.8 Kennels

Subject to Section 4.1.4 (a) v., in any Residential Zone except R4 and MU, 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.

5.1.9 Landscaped Open Space for a Planned Group of Dwelling Units

- (a) Common open space shall be provided for in all Planned Group of Dwelling Units.
- (b) Common open space shall, in Council's opinion, be appropriately located, designed and landscaped.
- (c) A minimum of 10% of the subdivision shall be provided for this purpose.

5.1.10 Landscaped Open Space for Apartment Buildings

- (a) Except as provided in Section 4.1, 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 Section 4.1, may be reduced to 10% for apartment and mixed-use buildings in MU Zones.
- (c) The Communal Amenity Area in 4.1 and may be included as part of the total open space.

5.1.11 Communal Amenity Area

- (a) A communal amenity area shall be provided within a site containing the following types of dwelling units:
 - Planned group of dwelling units;
 - Apartments;
 - Low rise apartments;
 - Senior citizens apartments; and/or,
 - Townhouses.
- (b) A minimum of 5% of the total site area shall be located to the communal amenity area.

5.1.12 Residential Signage

Except as specified in Section 4.1, in any Residential Zone only the following signs shall be permitted:

- (a) A sign showing the name of the occupant and/or civic address not exceeding 0.6 square metres in sign face area.
- (b) An identification sign relating to an institutional or recreational use will be subject to the provisions of Section 4.8.
- (c) A sign bearing a notice of sale, lease or other information relating to the temporary condition affecting the premises.

5.1.13 Business Signage in a Residential Zone

- (a) Where a home-based business 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.

5.1.14 Parking

Where in this Bylaw requires parking facilities 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.
 - iv. there is a garage, carport, or parking pad with access provided from the front yard located on the lot.
- (e) 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.
- (f) No parking shall be permitted in the front yard of an apartment building.
- (g) 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 Section 5.1.4.

5.1.15 Accessory Uses

- (a) Detached accessory building shall not be located in the front yard.
- (b) Subject to the National Building Code of Canada, detached accessory buildings shall be located a minimum of 1 metre from a principal building on the site.
- (c) No accessory building, located in this zone, shall exceed 87 square metres in gross floor area or 4 metres in height.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Notwithstanding the other provisions of this section on any through site, as referred to in Section 5.1.2, no accessory buildings may be constructed in any required rear yard.
- (h) Accessory buildings shall not occupy the area greater than 40% of the required rear yard.

- (i) 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:
 - i. the maximum gross floor area is less than 10 square metres.
 - ii. the accessory building is situated in the rear yard area.
 - iii. no portion of the accessory building is located within 150 millimetres of any site line.
 - iv. the maximum wall height shall be limited to 2.43 metres.
 - v. all roof drainage from the accessory building is directed onto the site.

Regulations for Specific Residential Uses

5.1.16 Bed and Breakfast Home

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.

Location

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

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 its discretion, permit up to two (2) additional rooms for lodging based on the capacity of the dwelling unit, site area and site location.

Occupied Floor Area

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

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.

Signs

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.

Owner Occupancy

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

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.

Permit

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

5.1.17 Homestay

Intent

To provide short term lodging whereby visitors, reserve and pay for accommodations, sharing a residence with a local of the community in which they are travelling to.

Regulations

- (a) Homestays are only permitted in dwelling units vertically separated from other dwelling units which each unit has a private exterior entrance;
- (b) Only one spare bedroom per dwelling unit shall be used for short term rental accommodations with a maximum of 2 occupants (per room);
- (c) The bedroom of the occupants shall have working smoke detector and carbon monoxide detectors;
- (d) Access to washroom facilities is required; and,
- (e) Off street parking shall be provided for guests.

Permit

As a home-based business, the owner will be required to submit the proposal and must meet the above requirements, and neighborhood notices would be circulated. This would also require the owner to obtain a City of Weyburn business license as they are essentially operating a business.

5.1.18 Personal Care Home (PCH)

Intent

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

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 (two persons per bedroom).
- (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.

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.

Landscaping

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

Site

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

5.1.19 Home-Based Businesses

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-based businesses. 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.

Maximum Floor Area

No home-based business 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.

Multiple Home-Based Businesses

Where more than one home-based business is approved for a dwelling unit, all the occupations together shall not exceed the requirement mentioned in the “*Maximum Floor Area*” provision (above).

Employees

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

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-based business and will be an insignificant part of the income from the home-based business. 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-based business. No outside storage associated with the home-based business is permitted.

Parking

- (a) The home-based business 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-based business 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 this Bylaw, for which off-street parking is provided, is allowed to be operated in connection with a home-based business.

Advertising

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

Signs

No advertising display sign shall be allowed on the site or premise from which the home-based business is conducted except as permitted in Section 5.1.13.

Zero-Impact

- (a) In accordance with Section 4.9, Environment Protection Standards, of this Bylaw, no equipment or process used in the home-based business shall create air pollution, electro-magnetic interference, fire and explosive hazard, heat, glare, noise, odour or vibration that is detectible, either by sensory perception or by scientific instruments, at or beyond the property lines of the site where the home-based business is located.
- (b) No hazardous materials as defined in Section 4.9, shall be stored on site or used in the operations of the home-based business.

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.

Occupations Considered Non-Controversial

The following Home-Based Businesses are considered non-controversial and may be approved by the Development Officer and do not require advertising provided that:

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

Occupations Not Permitted as Home-Based Businesses

Occupations not permitted as home-based businesses include, but are not limited to:

- Motor vehicle and small engine repair.
- Welding and machining.
- Small machine or equipment repair.
- Large appliance repair.

Procedural Requirements

- (a) A home-based business permit must be obtained prior to the start of operation.
- (b) An application for a home-based business permit shall be made to the Development Officer on a prescribed form.

- (c) Except as provided in the provision above (*Occupations Considered Non-Controversial*), home-based businesses considered non-controversial, applications shall be circulated to residents in the area and shall require approval by Council.

Transferability

- (a) A home-based business 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.

Revoking of Permit

All home-based business 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.

5.1.20 Secondary Suites

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

- (a) Secondary Suites are a permitted use in single detached dwellings and may be approved by Council in duplex/semi-detached dwellings as a discretionary use;
- (b) The suite must be located inside the detached, duplex or semi-detached dwelling. Secondary suites are not permitted in an accessory building or structure such as a garage;
- (c) The total floor area of all stories of a secondary suite shall not be more than 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;
- (d) There is a limit of one suite per principle dwelling;
- (e) There cannot be more than 2 bedrooms in the secondary suite;
- (f) One parking stall must be provided on the property for the suite; in addition to the parking stall required for the principle dwelling; and,
- (g) If the suite will have an exterior entrance that is separate from the entrance(s) to the principle dwelling:
 - i. 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,
 - ii. 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.

Residential Detached Zone (R1)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the R1 Zone

Table 5.2 R1 Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none"> Dwelling Unit – Detached Home-Based Business Public School Secondary Suite(s) 	<ul style="list-style-type: none"> Auditorium – Institutional Religious Institution Community Recreation Facility Day Care Centre Dwelling Unit – Ready to Move (RTM) Nursery School Personal Care Home – Detached Dwelling Style Shipping containers for permitted institutional uses

Notes:

- Shipping Containers – subject to the provisions of Section 4.1
- Personal Care Home – not more than ten (10) clients in a one-unit dwelling, subject to the provisions of Section 5.1.18.
- Day Care Centre – subject to the provisions of Section 4.5 or 3.10.
- Nursery School – subject to the provisions of Section 4.5 or 3.10.

Table 5.3 R1 Zone 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	11m *
All other principal buildings	920	30	40	7.6	3.0**	7.6	11m*
Personal Care Home - detached dwelling style	460	15	50	7.6	1.5	7.6	11m*

*unless otherwise specified on the Zoning Map

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

Residential Semi-Detached Zone (R2)

Intent

This zone permits semi-detached dwelling units and uses permitted in the R1 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.

Uses

The following table provides the permitted and discretionary uses for the R2 Zone

Table 5.4 R2 Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Dwelling Unit – Detached• Dwelling unit – Semi-detached• Dwelling Unit – Duplex• Home-Based Business• Public School• Secondary Suite(s)	<ul style="list-style-type: none">• Apartment Dwelling Units – Low Rise• Auditorium – Institutional• Bed and Breakfast Home• Boarding House• Religious Institution• Community Recreation Facility• Day Care Centre• Dwelling Unit – Converted• Dwelling Unit – Ready to Move (RTM)• Nursery School• Personal Care Home – Detached Dwelling Style• Shipping containers for permitted institutional uses

Notes:

- Personal Care Home – not more than ten (10) clients in a one-unit dwelling, subject to the provisions of Section 5.1.18.
- Day Care Centre – subject to the provisions of Section 4.5 or 3.10.
- Nursery School – subject to the provisions of Section 4.5 or 3.10.
- Shipping Containers – subject to the provisions of Section 4.1.
- Bed and Breakfast Home – subject to the provisions of Section 5.1.16.

Table 5.5 R2 Zone 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	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	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 Map

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

Residential Multiple Housing Zone (R3)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the R3 Zone

Table 5.6 R3 Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Apartment dwelling units• Apartment dwelling units, low rise• Apartment, Senior Citizens• Dwelling Unit, Fourplex• Dwelling Unit, Planned Group of• Dwelling Unit, Townhouse• Dwelling Unit, Triplex• Home-Based Business• Personal Care Home• Personal Care Home – detached dwelling style• School, Public• Secondary Suites	<ul style="list-style-type: none">• Auditorium, Institutional• Ambulance Service Establishment• Bed and Breakfast Home• Religious Institution• Club, Private• Community Recreation Facility• Community College• Community Service Institution• Day Care Centre• Dwelling Unit, Detached• Dwelling Unit, Duplex• Dwelling Unit, Semi-Detached• Funeral Home• Group Care Facility• Halfway House• Hospital• Nursery School• Private School• Secondary Suite(s)• Social Service Home• University• Shipping containers for permitted institutional uses

Notes:

- Ambulance Service Establishment – In conjunction with hospital.
- Day Care Centre – subject to the provisions of Section 4.5.
- Home-Based Business – Subject to the provisions of Section 5.1.16 or 3.10.
- Bed and Breakfast Home – subject to the provisions of Section 5.1.16.
- Personal Care Home – subject to the provisions of Section 5.1.
- Shipping Containers – subject to the provisions of Section 4.1.

Table 5.7 R3 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	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	460	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 Map

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

Residential Mobile Home Zone (R4)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the R4 Zone

Table 5.8 R4 Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none"> Dwelling Unit, Mobile Home Home-Based Business Secondary Suite(s) 	<ul style="list-style-type: none"> Religious Institution Community Recreation Facility Day Care Centre Dwelling Unit, Planned Group of Mobile Home Park School, Public Shipping containers for permitted institutional uses

Notes:

- Day Care Centre – subject to the provisions of Section 4.5.
- Home-Based Business – Subject to the provisions of Section 5.1.16 or 3.10.
- Planned Group of Dwelling Units – Subject to the provisions of Section 5.1.7.
- Shipping Containers – subject to the provisions of Section 4.1.

Table 5.9 R4 Zone 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	6	11 m *
All other Principal Buildings	920	30	40	7.6	3.0 * *	6	11 m *

*unless otherwise specified on the Zoning Map

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

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.

Residential Semi-Detached/Mobile Home Zone (R5)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the R5 Zone

Table 5.10 R5 Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none"> Dwelling Unit, Detached Dwelling Unit, Semi-Detached Dwelling Unit, Duplex Dwelling Unit, Mobile Home Dwelling Unit, Ready-to-Move (RTM) Home-Based Business School, Public Secondary Suite(s) 	<ul style="list-style-type: none"> Auditorium, Institutional Bed and Breakfast Home Boarding House Religious Institution Community Recreation Facility Day Care Centre Dwelling Unit, Converted Nursery School Personal Care Home – Detached Dwelling Style Mobile Home Park Shipping containers for permitted institutional uses

Notes:

- Bed and Breakfast Home – subject to the provisions of Subsection 5.1.16.
- Day Care Centre & Nursery School – subject to the provisions of Section 4.5.
- Home-Based Business – Subject to the provisions of Section 5.1.16 or 3.10.
- Shipping Containers – subject to the provisions of Section 4.1.

Table 5.11 R5 Zone 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 *

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

*unless otherwise specified on the Zoning Map

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

5.2 Mixed-Use District (MU)

Intent

The purpose of this zone is to provide for the sensitive redevelopment of residential uses in areas adjacent to the Central Business District and compatible with health services complex and the Exhibition Park area. 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 higher density new mixed-use development where appropriate. This Zone acts as a buffer between commercial and lower density residential zones and has the objective to establish an enhanced entrance to the City along Highway 13 and be complementary to the adjacent Parkway.

The Exhibition Park area of this District is proposed for high density mixed-use with service commercial opportunity adjacent to parts of Government Road and 1st Avenue NW.

Uses

The following table provides the permitted and discretionary uses for the MU Zone

Table 5.12 MU Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Apartment Buildings containing any of the following uses within the ground floor:<ul style="list-style-type: none">○ Clinics○ Day Care Centre○ Nursery School○ Offices for Administration, Sales or General Business in nature.○ Personal Service Establishments• Boarding House• Clinic• Community College• Commercial Recreation Facility• Day Care Centre• Dwelling Units above Permitted and Discretionary Uses• Exhibition Operation• Existing Residential Uses• Home-Based Business• Office for Administration, Sales or General Business in Nature• Personal Care Home• Personal Service Establishment	<ul style="list-style-type: none">• Apartment Dwelling Units, Low Rise• Apartment, Senior Citizens• Automobile Service Station• Bed and Breakfast Home• Gas Bar• Group Care Facility• Commercial conversion with any of the following uses:<ul style="list-style-type: none">○ Offices for Administration, Sales or General Business in Nature○ Day Care Centre○ Laboratory – Medical/Dental○ Nursery School○ Retail Store○ Studio○ Custom Workshop○ Personal Service Establishment• Religious Institution• Secondary Suite(s)• Social Service Home• Veterinary Clinic• Shipping Containers*

Notes:

- Automobile Service Station and Gas Bar – subject to the provisions of Section 5.3.7.
- Day Care Centre and Nursery School – subject to the provisions of Section 4.5.
- Home-Based Business – subject to the provisions of Section 3.10.
- Apartment Buildings – where the ground floor level is designed to provide for future commercial conversion.
- Bed and Breakfast – subject to the provisions of Section 5.1.16.
- Personal Care Home – subject to the provisions of Section 5.1.18.
- Shipping Containers – subject to the provisions of Section 4.1. *Shipping Containers may be permitted as discretionary uses provided that the property is not used for solely residential purposes.

Table 5.13 MU Zone 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	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	822	22.5	50	7.6	1.5 * *	7.6	16 m *
Personal Care Home	822	22.5	50	7.6	1.5 * *	7.6	16 m *
All other Principal Buildings	920	30	40	7.6	3 * * *	7.6	16 m *
All other uses in Zone	835	22.5	65	7.6	3	6	11 m *

* unless otherwise specified on the Zoning Map

* * plus 600 millimetres for each story over one

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

5.3 Commercial District

Purpose of District

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

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

The Zones within this District include:

- NC – Neighbourhood Commercial.
- MAC – Major Arterial Commercial.
- HC – Highway Commercial.
- RFM – Riverfront Market.
- CBD – Central Business District.

These regulations supplement those provided in Parts II and IV.

Regulations for All Commercial Zones

5.3.1 Yard Requirements

- (a) 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.
- (b) For buildings containing dwelling units in the CBD Zone, 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.

5.3.2 Minimum and Site Area Exemptions

The following specific existing sites in the Central Business District as listed in Table 5.14, 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 5.14 Minimum Site Area and Yard Exemptions (“E” indicates 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	66R1905 4	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			

5.3.3 Extension of Buildings into Rear Yards

- (a) Subject to the Definitions and Section 2, the minimum required rear yard depth may be reduced for:
 - i. a use in the commercial or industrial zones requiring access to railway trackage for loading or unloading; or,
 - ii. a use in the MAC: Major Arterial Commercial Zone.
- (b) In no case shall the actual resulting rear yard depth be less than 3 metres.
- (c) 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.

5.3.4 Residential Unit Access

- (a) 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.
- (b) Access to dwelling units below grade in commercial buildings shall have two separate means of access to the dwelling units from the outside.

5.3.5 Corner Lots Adjacent to 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.

Regulations for Specific Commercial Uses

5.3.6 Adult Entertainment Establishment

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.

Classification

The following uses are adult entertainment establishments under this bylaw:

- Adult Arcade;
- Adult Retail Outlet/Bookstore;
- Adult Cabaret;
- Adult Motion Picture Theatre;
- Adult Theatre; and
- Massage Parlour.

Separation Distance

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

- another adult entertainment establishment;
- a residential land use zone;

- a single or multiple family residence;
- Religious institution;
- an elementary or high school;
- public park; or,
- day care centre or nursery school.

Measurement of Separation Distance

The 182.88 metre distance mentioned in Section 5.3.6 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:

- those portions of a site used for another adult entertainment establishment;
- a site owned or leased, or that portion of a site leased for the uses outlined in Section 5.3.6 above; or,
- the boundary line of a residential zone.

5.3.7 Automobile Service Station/Gas Bar

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

Regulations

- (a) 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.
- (b) 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.
- (c) 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.
- (d) No entrance or exit ramp shall be located within 7.6 metres of any other ramp measured along a site line.
- (e) 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.
- (f) Where service stations or gas bars occupy a corner site, only one access crossing shall be located on the flanking street.
- (g) 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.
- (h) 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.
- (i) 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 5.4.
- (j) No exterior storage associated with service stations or gas bars is permitted.
- (k) No vehicle access door shall be located at a distance of less than 7.6 metres from the side site line.

Site Decommissioning/Remediation

- (a) 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.
- (b) The decommissioning of the site shall be in accordance with the requirements and guidelines established by the:
 - i. Saskatchewan Environment and Public Safety; and,
 - ii. the Fire and Engineering Departments of the City.

5.3.8 Hydroponic Growing Operations

Regulations

- (a) Priority will be given to the use that will support the other permitted or discretionary uses specified in the Zoning District.
- (b) 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.
- (c) Any expansion of area devoted to the principal use within the building shall require a new discretionary approval.
- (d) The applicant must demonstrate the use will not create conflict with neighbouring uses, jeopardize reasonable development potential, or create environmental concerns.
- (e) The applicant must outline methods and types of waste to be disposed of, relative to the operation.

5.3.9 Cannabis Retail Store

Regulations

- (a) A discretionary use development permit is required for the development of a Cannabis Retail Store. Applications shall be made on the prescribed form available from the Development Officer. All completed applications shall include the information as set out in Section 3.5.
- (b) Cannabis Retail Stores shall comply with all Federal and Provincial Acts and Regulations as well as all municipal bylaws and regulations.
- (c) The operation of a Cannabis Retail Store is under the authority of the Saskatchewan Liquor and Gaming Authority.
- (d) Drive through service for Cannabis Retail Stores is prohibited.
- (e) Cannabis Retail Stores shall comply with all security requirements as set out by the Saskatchewan Liquor and Gaming Authority.
- (f) All products related to the operation of a Cannabis Retail Store shall be stored on site and shall be secured and protected from theft.
- (g) No person shall develop a Cannabis Retail Store within a 200m radius of the following:
 - i. Another approved Cannabis Retail Store;
 - ii. Any elementary school or high school;
 - iii. Any nursery school or commercial day care centre; and,
 - iv. Any social service home or halfway house.

Neighbourhood Commercial Zone (NC)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the NC Zone

Table 5.15 NC Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Bakery Shop• Confectionery Store• Clinic• Dwelling Units• Financial Institution• Personal Service Establishment• Retail Store	<ul style="list-style-type: none">• Day Care Centre• Gas Bar• Group Care Facility• Nursery School• Office for Administration, Sales or General Business in Nature• Restaurant• Shipping Containers

Notes:

- Dwelling Units – in the same building as a permitted or discretionary use in the zone.
- Retail Store – retail store with 112 square metres or less in gross floor area.
- Day Care Centre and Nursery School – subject to the provisions of Section 4.5.
- Gas Bar – Subject to the provisions of Section 5.3.7.
- Shipping Containers – subject to the provisions of Section 4.1. *Shipping Containers may be permitted as discretionary uses provided that the property is not used for solely residential purposes.

Table 5.16 NC Zone Regulations

No outside storage permitted.

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	460	15.0	1.0	7.6	1.5	6.0	11 m *

* unless otherwise specified on the Zoning Map.

Major Arterial Commercial Zone (MAC)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the MAC Zone

Table 5.17 MAC Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Club, Private• Commercial Recreation Establishment• Community Recreation Facility• Confectionery Store• Custom Workshop• Day Care Centre• Existing Residential Uses• Hotel• Motel• Museum• Offices for Administration, Sales and General Business in nature• Personal Service Establishment• Plumbing, Heating and Sheet Metal Shop• Restaurant• Restaurant, Drive-through• Retail Store• Shipping Container• Studio	<ul style="list-style-type: none">• Auditorium• Automotive Sales, Service, Repairs or Rentals• Automobile Service Station• Bus Terminal Operation• Cannabis Retail Store• Car Wash• Religious Institution• Commercial Club• Clinic• Existing Bulk Oil and Petroleum Product Storage and Sales• Funeral Home• Gas Bar• Commercial Green House• Home Improvement Centre• Licensed Restaurant• Liquor Store• Off-site caveated parking• Place of Entertainment• Recreational Vehicle Sales, Service, Repair or Rental• Repair Shop• Shopping Centre• Existing Storage Garage• Tire Repair Shop• Warehouse – Storage for Public Rental

Notes:

- Shipping Containers – subject to the provisions of Section 4.1.
- Cannabis Retail Store - Subject to the provisions of Section 5.3.9

- Gas Bar – Subject to the provisions of Section 5.3.7.
- Retail Store – retail store with 500 square metres or less in gross floor area.

Table 5.18 MAC Zone Regulations

Refer to the provisions of Section 4.4 for outdoor storage regulations.

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	835	22.5	1.5	7.6	3	6	11 m *

* unless otherwise specified on the Zoning Map.

Highway Commercial Zone (HC)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the HC Zone

Table 5.19 HC Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Automobile Sales, Service, Repairs or Rentals• Automobile Service Stations• Car Wash• Commercial Recreation Establishment• Custom Workshop• Farm and Large Machinery or Equipment Sales, Service, Repairs or Rentals• Gas Bar• Hotel• Licensed Restaurant• Lumber Yard• Mobile Home Sales and Service• Motel• Museum• Offices for Administration, Sales or General Business in nature• Prefabricated Home Display and Sales• Recreation Vehicle Sales, Service, Repair or Rentals• Repair Service• Restaurant• Restaurant, Drive-through• Retail Store¹• Shipping Container• Tire Repair Shop• Warehouse, Storage for Public Rental	<ul style="list-style-type: none">• Auctioneering Establishment• Auditorium• Amusement Park• Campground• Religious Institution• Contractors Shop and Yard• Day Care Centre• Funeral Home• Commercial Green House• Industrial Machinery or Equipment Sales, Service, Repairs or Rentals• Licensed Beverage Room• Liquor Store• Machine Shop• Manufacturing• Night Club• Propane Storage and Sales• Home Improvement Centre• Terminal, Truck and Freight• Drive-In Theatre• Veterinary Clinic• Warehouse – Storage for Public Rental• Repair Shop• Retail Store²• Cannabis Retail Store

Notes:

- Shipping Containers – subject to the provisions of Section 4.1.
- Gas Bar and Automobile Service Stations – subject to the provisions of Section 5.3.7.

- Retail Store¹ – retail store 500 square metres or less in gross floor area.
- Auctioneering Establishment – excluding livestock of any kind.
- Day Care Centre – subject to the provisions of Section 4.5.
- Retail Store² – retail store with 500 square metres or more in gross floor area.
- Manufacturing – includes the storage, sale at retail or wholesale of supplies and materials for the building industry.
- Cannabis Retail Store – subject to the provisions of Section 5.3.9.

Table 5.20 HC Zone Regulations

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	1092	30	1.5	7.6	3	6	16 m *

* unless otherwise specified on the Zoning Map.

Riverfront Market Zone (RFM)

Intent

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 Official Community 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.

Uses

The following table provides the permitted and discretionary uses for the RFM Zone

Table 5.21 RFM Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Art Gallery• Clinic• Confectionary Store• Custom Workshop• Fast Food Outlet• Financial Institution• Liquor Store• Museum• Restaurant• Retail Store• Studio	<ul style="list-style-type: none">• 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• Plumbing, Heating & Sheet Metal Shop

Notes:

- Custom Workshop – for artisans to manufacture, display and sale of craft and specialty items.
- Retail Store – less than 465 m² in gross floor area.
- Plumbing, Heating & Sheet Metal Shop - there shall be no outdoor storage on the property. The lot area shall be large enough that any required off-street loading spaces in accordance with Section 4.6 – Parking & Loading can be accommodated on-site. There shall be landscaping or screening on-site to buffer the plumbing and heating shop from neighbouring residentially zoned properties in accordance with Section 4.7 – Landscaping, Visual Screening and Buffering.

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 Official Community Plan and general purpose of the zone.

Transitional Use	Lot	Block	Plan No.
Tire repair shop	X	A	79R14201

Table 5.22 RFM Zone Regulations

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear 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

Central Business District (CBD)

Intent

This zone is designed to provide for the most intensive areas of retail, service and commercial development in the City.

Uses

The following table provides the permitted and discretionary uses for the CBD Zone

Table 5.23 CBD Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Amusement Arcade• Art Gallery• Auction Room• Auditorium• Bakery Shop• Bowling Centre• Charitable Organization• Clinic• Club, Commercial• Club, Private• Community College• Community Recreation Facility• Confectionary Store• Custom Workshop• Day Care Centre• Dwelling Units above permitted and discretionary uses• Fast Food Outlet• Financial Institution• Hotel• Labour Union Hall• Library• Licensed Restaurant• Liquor Store• Medical/Dental Laboratory• Museum• Office for Administration – Sales or General Business in nature• Parking Lot, Paved• Personal Service Establishment• Plumbing, Heating, Sheet Metal Shop – Existing• Pool Hall	<ul style="list-style-type: none">• Apartment Dwelling Units• Below Ground Parkades• Bingo Parlour• Bus Terminal Operation• Cannabis Retail Store• Dwelling Units, Below Grade• Food Production using Hydroponic Techniques• Gas Bar• Home Improvement Centre• Licensed Beverage Room• Lumber Yard• Night Club• Nursery School• Parking, off-site caveated• Religious Institution• Restaurant, Drive-In• School, Private

Permitted	Discretionary
<ul style="list-style-type: none"> • Post Office • Printing, Commercial • Restaurant • Repair Service • Retail Store • School, Recreational • School, Vocational • Service or Repair Shop • Shopping Centre • Studio • Theatre 	

Notes:

- Cannabis Retail Store – A discretionary use development permit is required for the development of a Cannabis Retail Store. Applications shall be made on the prescribed form available from the Development Officer. All completed applications shall include the information as set out in Section 3.5. Cannabis Retail Stores shall comply with all Federal and Provincial Acts and Regulations as well as all municipal bylaws and regulations. The operation of a Cannabis Retail Store is under the authority of the Saskatchewan Liquor and Gaming Authority. Drive through service for Cannabis Retail Stores is prohibited. Cannabis Retail Stores shall comply with all security requirements as set out by the Saskatchewan Liquor and Gaming Authority. All products related to the operation of a Cannabis Retail Store shall be stored on site and shall be secured and protected from theft. No person shall develop a Cannabis Retail Store within a 200m radius of the following;
 - Another approved Cannabis Retail Store;
 - Any elementary school or high school;
 - Any nursery school or commercial day care centre; and
 - Any social service home or halfway house.
- Day Care Centre – subject to the provisions of Section 4.5.
- Dwelling Units Below Grade – Subject to the access provisions of Section 5.3.4, that the minimum finished ceiling height would be at least 2.1 metres, and that the building is not located within an area identified as part of the 1:500 flood fringe.
- Food Production using Hydroponic Techniques – 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 Section 5.3.8.
- Gas Bar – 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 Section 5.3.7.

Table 5.24 CBD Zone Regulations

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	275	7.6	* *	0	0 * * * *	* * *	11 m *

* unless otherwise specified on the Zoning Map.

** as noted on the Zoning Map.

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

**** for buildings containing dwelling units and for buildings on sites adjacent residential zones, see Section 5.3.4.

5.4 Industrial District

Purpose of District

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

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

Industrial Zones within this District Include:

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

Regulations for all Industrial Zones

5.4.1 Extension of Buildings into Rear Yards

- (a) Subject to Subsections (b) and (c) (below), the minimum required rear yard depth may be reduced for:
 - i. a use in the industrial zones requiring access to railway trackage for loading or unloading; or,
 - ii. by extension of the building or a portion of it into the otherwise required minimum rear yard.
- (b) In no case shall the actual resulting rear yard depth be less than 3 metres.
- (c) 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.

5.4.2 Permitted Encroachments

- (a) Fire Escape
 - i. A fire escape may project into any required yard.
 - ii. 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.
- (b) Uncovered Platforms
 - i. 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.
 - ii. Uncovered platforms or decks that are not more than 300 millimetres in height do not require setbacks.

- (c) Wheelchair Ramp
 - i. Wheelchair ramps may encroach into any required yard.
- (d) Porch
 - i. A porch that does not exceed three square metres may project into the required front yard.

5.4.3 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 Figure 3.2.

Regulations for Specific Industrial Uses

5.4.5 Junk/Salvage Yard

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.

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) wastepaper;
- (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 this Bylaw, dismantling and salvage; and,
- (f) salvage materials for recycling purposes.

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.

Hazardous Substances

No junk/salvage yard operations shall engage in the collection or handling of hazardous material as defined in 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 5.4.6.

Location

No new junk/salvage yard operations shall be located in any Aquifer Protection Overlay Zone mentioned in Section 5.8.4 of this Bylaw.

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.

Discontinuation

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

Non-conforming Junk/Salvage Yard

A junk or salvage yard operation which does not conform to the provisions of this Section, shall be subject to the non-conforming use provisions in Section 5.10 – Non-conformities.

5.4.6 Hazardous/Dangerous Waste Facility

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.

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.

Relation to Aquifer System and Water Bodies

No hazardous waste facility shall be situated:

- (a) over the Aquifer, it's 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.

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.

A greater separation distance may be required by Federal or Provincial agency, based on a professional report/site assessment.

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,
- (b) in an area serviceable by the Weyburn Fire Department and hazardous materials Response Team or be under contract with same.

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.

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 their control.

Light Industrial Zone (LI)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the LI Zone

Table 5.25 LI Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Ambulance Service• Assembling, Parts• Automobile Sales, Service, Repairs or Rentals• Automobile Service Station• Bakery Shop• Bottling and Canning, Soft Drinks and Carbonated Water• Car Wash• Cleaning, Carpet and Rug• Club, Commercial• Club, Private• Confectionary Store• Contractors Shop and Yard• Custom Workshop• Dyeing, Textiles and Wool• Farm and Large Machinery or Equipment Sales, Service, Repairs or Rentals• Gas Bar• Green House, Commercial• Laboratory, Medical/Dental• Labour Union Hall• Laundry Plant• Lumber Yard• Machine Shop• Manufacturing• Mobile Home Sales and Service• Office for Administration, Sales or General Business in nature• Prefabricated Home Display and Sales• Plumbing, Heating and Sheet Metal Shop• Printing and Reproduction, Commercial• Recreation Vehicle Sales, Service or Rental	<ul style="list-style-type: none">• Auction Room• Bingo Parlour• Brewery/Distillery• Cannabis Retail Store• Casino• Church (Religious Institution), existing• Day Care Centre• Detached Dwelling Unit• Dry Cleaning Plant• Dwelling Unit, Accessory• Funeral Home• Golf Driving Range• Home Improvement Centre• Kennel for Commercial Breeding and Boarding Purposes• Licensed Beverage Room• Licensed Restaurant• Manufacture and Processing, Dairy Products• Night Club• Poultry Hatchery• Repair Shop• Restaurant• School, Public• School, Vocational

Permitted	Discretionary
<ul style="list-style-type: none"> • Repair Service • Retail, General • Retail, Small Equipment and Supplies • School, Recreation • Sharpening and Repair, Knives, Saws, Tools • Shipping Container • Terminal, Truck and Freight • Tire Repair Shop • Warehouse, Storage for Public Rental • Warehousing • Warehousing, Refrigerated • Wholesale 	

Notes:

- Assembling Parts, General Retail, Manufacturing, Warehousing, and Wholesale – of any article or commodity for which the warehousing, storage, sale at retail or wholesale, fabrication, processing or manufacture is allowed in the zone.
- Automobile Service Station and Gas Bar – subject to the provisions of Section 5.3.7.
- Cannabis Retail Store – A discretionary use development permit is required for the development of a Cannabis Retail Store. Applications shall be made on the prescribed form available from the Development Officer. All completed applications shall include the information as set out in Section 3.5. Cannabis Retail Stores shall comply with all Federal and Provincial Acts and Regulations as well as all municipal bylaws and regulations. The operation of a Cannabis Retail Store is under the authority of the Saskatchewan Liquor and Gaming Authority. Drive through service for Cannabis Retail Stores is prohibited. Cannabis Retail Stores shall comply with all security requirements as set out by the Saskatchewan Liquor and Gaming Authority. All products related to the operation of a Cannabis Retail Store shall be stored on site and shall be secured and protected from theft. No person shall develop a Cannabis Retail Store within a 200m radius of the following;
 - Another approved Cannabis Retail Store;
 - Any elementary school or high school;
 - Any nursery school or commercial day care centre; and
 - Any social service home or halfway house.
- Contractors, Shop and Yard – 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.
- Day Care Centre – subject to the provisions of Section 4.5.
- Detached Dwelling Unit – subject to the provisions of Section 5.3.4.
- Dwelling Unit, Accessory – 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 Section 4.11.11.
- Shipping Containers – subject to the provisions of Section 4.1.

- Retail, General, Small Equipment and Supplies – of small equipment, supplies and materials for agriculture, mining, industry, business, transportation, building and other construction, except explosives.

Table 5.26 LI Zone Regulations

Outdoor storage of goods must comply with the requirements of Section 4.4. No storage of goods shall be permitted in any front or side yard.

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	540	15	1.5	7.6	3	6	11 *

* unless otherwise specified on the Zoning Map.

Medium Industrial Zone (MI)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the MI Zone

Table 5.27 MI Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Ambulance Service• Assembling, Parts• Automobile Sales, Service, Repairs or Rentals• Automobile Service Station• Bakery Shop• Blacksmith Shop• Bottling and Canning• Bottling and Canning, Soft Drinks and Carbonated Water• Brewery/Distillery• Car Wash• Cleaning, Carpet and Rug• Club, Commercial• Club, Private• Contractor Shop and Yard• Crating Service• Custom Workshop• Dyeing, Textiles and Wool• Farm and Large Machinery or Equipment Sales, Service, Repairs or Rentals• Gas Bar• Laundry Plant• Lumber Yard• Machine Shop• Manufacturing and Processing, Dairy Products• Poultry Hatchery• Plumbing, Heating and Sheet Metal Shop• Printing and Reproduction, Commercial• Repair Service• Repair Shop• Retail, General	<ul style="list-style-type: none">• Adult Arcade• Adult Cabaret• Adult Motion Picture Theatre• Adult Retail Outlet/Bookstore• Adult Theatre and Massage Parlour• Animal Shelter• Bowling Centre• Casino• Day Care Centre• Dry Cleaning Plant• Dwelling Unit, Accessory• Grain, Storage, Milling, Cleaning or Drying• Junk or Salvage Yard (Recycling)• Kennel for Commercial Breeding and Boarding Purposes• Manufacturing, Ice• Petroleum, Bulk Storage and Sales• Propane, Bulk Storage and Sales• Processing, Rock and Gravel• Processing, Food• Sandblasting, Metal• School, Vocational• Tire Treading and Repair• Warehousing, excluding hazardous products• Offices for Administration, Sales and General Business in nature

Permitted	Discretionary
<ul style="list-style-type: none"> • Retail, Small Equipment and Supplies • School, Recreation • Sharpening and Repair, Knives, Saws, Tools • Shipping Containers • Terminal, Truck and Freight • Tire Repair Shop • Veterinary Clinic • Warehousing, Refrigerated • Wholesale 	

Notes:

- Automobile Service Station and Gas Bar – subject to the provisions of Section 5.3.7.
- Contractors, Shop and Yard – including the performance of shop or assembly work or storage of heavy machinery, plant or equipment.
- Retail, General and Repair Service – 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.
- Shipping Containers – subject to the provisions of Section 4.1.
- Retail, Small Equipment and Supplies – of small equipment, supplies and materials for agriculture, mining, industry, business, transportation, building and other construction permitted in this Zone.
- Mixing, Concrete – including the manufacture of concrete products.
- Wholesale – of any article or commodity for which the warehousing, storage, sale at retail or wholesale, fabrication or processing is allowed in this zone.
- Dwelling Unit, Accessory – 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 Section 4.11.11.
- Day Care Centre – subject to the provisions of Section 4.5.
- Junk Yard or Salvage Yard (Recycling) – subject to the provisions of Section 5.4.5.
- Adult Arcade, Cabaret, Motion Picture Theatre, Outlet/Bookstore, Adult Theatre and Massage Parlour – subject to the provisions of Section 5.3.6.
- Animal Shelter – for small animals excluding pigs, sheep, goats, horses or cattle and the like.

Regulations

The following performance standards will be included in a development permit approval review:

- compatibility with other uses permitted in this zone or adjacent zones;
- level of service required; and
- compliance with the general purpose of the zone.

Outside storage is allowed only if it is enclosed within a wall or other adequate screen, as provided in Section 4.4.

Table 5.28 MI Zone Regulations

Building Type	Site Area (min M²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	810	22.5	1.5	7.6	3	7.6	15

Heavy Industrial Zone (HI)

Intent

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, making them incompatible with commercial, residential and other land uses.

Uses

The following table provides the permitted and discretionary uses for the HI Zone

Table 5.29 HI Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Assembling, Parts• Automobile Sales, Service, Repairs or Rentals• Automobile Service Station• Blacksmith Shop• Bottling and Canning, Soft Drinks and Carbonated Water• Brewery/Distillery• Car Wash• Cleaning, Carpet and Rug• Contractor Shop and Yard• Crating Service• Dyeing, Textiles and Wool• Farm and Large Machinery or Equipment Sales, Service, Repairs or Rentals• Gas Bar• Grain, Storage, Milling, Cleaning or Drying• Junk/Salvage Yard (Recycling)• Machine Shop• Manufacturing and Processing, Dairy Products• Poultry Hatchery, Eviscerating, Packaging• Processing Food• Processing, Rock and Gravel• Railroad Transportation• Repair Shop• Retail, General• Retail, Small Equipment and Supplies• Sandblasting• Sharpening and Repair, Knives, Saws, Tools• Sheet Metal Work• Shipping Containers• Terminal, Truck and Freight	<ul style="list-style-type: none">• Adult Arcade• Adult Cabaret• Adult Motion Picture Theatre• Adult Retail Outlet/Bookstore• Adult Theatre and Massage Parlour• Animal Shelter• Asphalt Mixing Plant• Auctioneering Establishment• Kennel for Commercial Breeding and Boarding Purposes• Mixing, General• Manufacturing, Chemical• Manufacturing, General• Petroleum, Bulk Storage and Sales• Propane, Bulk Storage and Sales• Processing, Food• Storage/Processing Hazardous Materials/Wastes• Warehousing/Processing, Hazardous Materials/Wastes

Permitted	Discretionary
<ul style="list-style-type: none"> • Tire Retreading and Repair • Veterinary Clinic • Warehousing • Warehousing, Refrigerated • Wholesale 	

Notes:

- Automobile Service Station and Gas Bar – subject to the provisions of Section 5.3.7.
- Retail, General and Repair Service – 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.
- Shipping Containers – subject to the provisions of Section 4.1.
- Auctioneering Establishment – including livestock auctions.
- Warehousing – warehousing or Storage of any Goods, Materials or Commodity except explosives.
- Contractors Shop and Yard – subject to the provisions of Section 4.4.
- Farm and Large Machinery or Equipment, Sales, Service, Repairs or Rental – subject to the provisions of Section 4.3.
- Junk Yard or Salvage Yard (Recycling) – subject to the provisions of Section 5.4.5.
- Warehousing/Processing, Hazardous Materials/Wastes – subject to the provisions of Section 5.4.6, indoor only.
- Adult Arcade, Cabaret, Motion Picture Theatre, Outlet/Bookstore, Adult Theatre and Massage Parlour – subject to the provisions of Section 5.3.6.
- Animal Shelter – for small animals excluding pigs, sheep, goats, horses or cattle and the like.

Table 5.30 HI Zone Regulations

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	1080	30	1.5	7.6	3	7.6	15

5.6 Health Service District (HS)

Intent

The purpose of this zone is to provide for the comprehensive development of buildings that provide health care services.

Uses

The following table provides the permitted and discretionary uses for the HS Zone.

Table 5.31 HS Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none"> Hospital Clinic Medical / Dental Laboratory 	<ul style="list-style-type: none"> Day Care Centre Nursery School Personal Care Home

Notes:

- Personal Care Homes – subject to the provisions of Section 5.1.18
- Accessory uses to a hospital include maintenance and storage buildings and compounds, ambulance garages, heliports, free standing solar panels, and any other use, not included, but customarily accessory to a hospital. All accessory uses shall be subject to the provisions of Section 4.11.

Table 5.32 HS Zone 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)
Hospital	920	30	50	7.6	3*	7.6	20
Clinic	920	15	40	7.6	1.5	7.6	11
Day Care Centre	920	15	40	7.6	1.5	7.6	11
Medical / Dental Laboratory	920	15	40	7.6	1.5	7.6	11
Personal Care Home	920	15	40	7.6	1.5*	7.6	16

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

5.7 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 2 and 4, for the special use zones, as well as unique land uses allowed in these zones.

Special Zones include:

- POS – Parks, Open Space and Recreation.
- FW – Floodway.
- UH – Urban Holding.
- DCD – Direct Control District.
- CZ – Contract Zone.

Parks, Open Space & Recreation Zone (POS)

Intent

This zone recognizes outdoor parks, open space and recreation and includes the Tatagwa Parkway. These lands are designated for active and passive park uses and to preserve and regulate the use and development of these lands for park and recreation purposes.

Uses

The following table provides the permitted and discretionary uses for the POS Zone

Table 5.35 POS Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Bird Watching Areas• Canoeing, Non-Motorized Boating• Playgrounds• Cross Country Skiing Trails• Cycling Paths• Lawn Bowling Greens• Natural Areas• Picnic Areas• Social Gatherings• Walking, Hiking, Jogging Paths	<ul style="list-style-type: none">• Buildings associated with Parks, Recreation, Culture and Heritage uses• Campgrounds, Public• Horseshoe Pitches• Outdoor Ice Rink• Sports Fields

Regulations

- (a) All development shall conform to the Tatagwa Parkway Master Plan as approved by Council.
- (b) All existing native grasses, flora and fauna shall be protected to every extent possible recognizing some may be disturbed by approved parkway development.
- (c) All site areas and setbacks shall conform to the Tatagwa Parkway Master Plan.
- (d) All signs and markings shall comply with the design standards set by Council.
- (e) No private vehicles shall be permitted in the parkway except on designated roadways and parking areas.
- (f) No outdoor storage of material is permitted other than that required for construction approved by the City.
- (g) Landscaping shall conform to the Tatagwa Parkway Master Plan.
- (h) All structures shall be constructed to 0.5 metres above the 1:500 year flood event elevation or be suitably flood proofed.

Floodway Zone (FW)

Intent

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.

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.

Uses

The following table provides the permitted and discretionary uses for the FW Zone

Table 5.36 FW Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Bird Watching Areas• Canoeing, Non-Motorized Boating• Playgrounds• Cross Country Skiing Trails• Cycling Paths• Lawn Bowling Greens• Natural Areas• Picnic Areas• Social Gatherings• Walking, Hiking, Jogging Paths	<ul style="list-style-type: none">• Public Campgrounds

Prohibited Uses

Any development, including:

- (a) excavation or fill; and,
- (b) new construction.

Regulations

- (a) Additions, new construction of buildings or structure, or other development shall be prohibited.
- (b) 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.

- (c) This zone is indicated on the Zoning District Map attached to this Bylaw as the Designated Floodway which has been identified through Flood mapping and includes lands subject to a 1:500 year flood where the waters are projected to meet or exceed one metre in depth or velocity of one metre per second. Where there are conflicting regulations, the regulations of this zone shall supersede any underlying zone on the property.
- (d) 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.
- (e) 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.
- (f) **General Regulations** - The general regulations in Section 4 shall apply to developments in this zone.
- (g) **Accessory Uses** – Accessory uses in this zone shall be subject to the provisions in Section.
- (h) **Temporary Uses** - Temporary uses in this zone shall be subject to the regulations in Section 5.9.
- (i) **Non-conforming Uses** - Non-conforming uses in this zone shall be subject to the provisions in Section 5.10.
- (j) **Parking and Loading** - Parking and loading facilities in this zone shall be provided in accordance with the provisions in Section 4.6.
- (k) **Landscaping and Buffering** - Landscaping and buffering in this zone shall be provided in accordance with the provisions in Section 4.7.
- (l) **Signs** - The erection of signs in this zone shall be in accordance with the provisions in Section 4.8.
- (m) **Development Permits** - Applications for development permits in this zone shall be made in accordance with the provisions in Section 3.

Urban Holding Zone (UH)

Intent

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.

Uses

The following table provides the permitted and discretionary uses for the UH Zone

Table 5.37 UH Zone Permitted and Discretionary Uses

Permitted	Discretionary
<ul style="list-style-type: none">• Agricultural Production• Greenhouse• Landscape Nursery• Shipping Containers	<ul style="list-style-type: none">• Detached Dwelling, existing• Vegetable Production• Campground• Golf Course or Golf Driving Range• Kennel, Commercial Breeding or Boarding

Notes:

- Shipping Containers – subject to the provisions of Section 4.1.

Table 5.38 Regulations

Building Type	Site Area (min M ²)	Frontage (min M)	Floor Area Ratio (Max)	Front Yard (min M)	Side Yard (min M)	Rear Yard (min M)	Height (max M)
All uses in zone	2700	30	0.25	7.6	3	7.6	11

Contract Zone (CZ)

Intent

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.

Reference

- (a) The use of the symbol “C” in the Zoning Map and text shall indicate a property which has been re-zoned through a contractual agreement between a person or corporation and the City.
- (b) All approved zoning contracts shall be added to the Zoning Bylaw.

Uses

Only uses specified in the contract agreement shall be allowed.

Regulations

- (a) 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.
- (b) Each application for a Contract Zone shall be evaluated on its own merits in accordance with the guidelines in the Official Community Plan for assessing Contract Zone proposals and requirements for evaluating discretionary uses in Section 3.5.7 of this Bylaw.
- (c) Where the proposal meets the requirements of this Section, 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.
- (d) 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.
- (e) The procedures for an amendment to the zoning bylaw specified in Section 3.13 of this Bylaw shall be used in processing applications for zoning contracts.

5.8 Direct Control District (DCD)

Purpose of Section

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.

The zone shall only be applied on:

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

Reference

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

Uses

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

Regulations

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

Development Requirements and Procedures

- (a) Each application for a DCD zone shall be evaluated on its own merits in accordance with the guidelines in the Official Community Plan for assessing DCD proposals and the requirements for evaluating discretionary uses in Section 3.5.7 of this Bylaw.
- (b) 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.
- (c) 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.

- (d) The procedures for an amendment to the zoning bylaw specified in Section 3.13 of this Bylaw shall be used in processing applications for zoning contracts.

5.8DCD1 - Signal Hill Heritage Mixed Use Direct Control District

5.8.DCD1.1 Purpose and Intent

The property at Block E, Plan 102349920, civic address 424 10th Ave SE, formerly known as Signal Hill Arts Centre, is a Designated Municipal Heritage Property. The Signal Hill Mixed Use Direct Control District is intended to accommodate mixed-used development of commercial and residential uses within the existing building to ensure:

- a) The heritage designation and character-defining elements of the building are preserved;
- b) Uses are compatible with the surrounding residential neighbourhood; and
- c) That adaptive reuse of the building can be facilitated by the zoning district.

5.8.DCD1.2 DCD1 Zone Permitted and Discretionary Uses

Permitted	Discretionary
Art Gallery	Bed and Breakfast
Bakery Shop	Custom Workshop
Confectionary Store	Group Care Facility
Commercial Recreation Facility	Personal Care Home
Dwelling Units above Permitted and Discretionary Uses	Studio
Day Care Centre/Nursery School	Religious Institution
Office for Administration, Sales or General Business in Nature	Restaurant/Licensed Restaurant
Personal Service Establishment	Retail Store ²
Retail Store ¹	

Notes:

- ¹ Retail Store - retail store with 112 sq.m. or less in gross floor area
- Day Care Centre/Nursery School – subject to the provisions of Section 4.5
- ² Retail Store – retail store with 113 sq.m. or more in gross floor area.

5.8.DCD1.3 DCD1 Zone 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)
All Principal Buildings	920	30	50	7.6	3	7.6	16 m *

Accessory Buildings max. 87 sq.m. floor area	-	-	40% of rear yard area	7.6	1.5	1.5	5 m
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5.8.DCD1.4 Heritage Designation Considerations

All alterations or additions to the property shall be subject to approval by City Council pursuant to the Heritage Property Act, 1980. All development permits in the DCD1 - Signal Hill Heritage Mixed Use Direct Control District, will be reviewed with consideration for the Heritage Designation applicable to the property and will consider the potential effects on the character-defining elements.

5.8.DCD1.5 General Regulations

Where specific regulations are not indicated in DCD1 zone the regulations applicable to MU zoned properties shall apply.

5.9 Overlay Zone Regulations

Purpose of Section

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.

These overlay zones address such limitations and characteristics as building height, density, floor area to site area ratio, environmentally sensitive land and natural and municipal resources for the protection of public health, safety and general welfare.

Overlay Zones include:

- FAR – Floor Area Ratio
- FF – Flood Fringe.
- H – Height.
- AP – Aquifer Protection.

Regulations of All Overlay Zones

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

Regulations for Specific Overlay Zones

5.9.1 Floor Area Ratio Overlay Zone (FAR)

The maximum floor area ratio permitted on any site in the Floor Area Ratio Overlay Zone, 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:

CBD.FAR4.0

Central Business District (CBD) uses are permitted to a maximum floor area ratio of 4.

5.9.2 Flood Fringe Overlay Zone (FF)

Intent

- (a) This zone is designed to reduce damage and loss as a result of flooding by prescribing performance regulations for the development of structures in this district.
- (b) The zone is intended to:
 - i. protect life, health and property;
 - ii. minimize expenditures of public funds for costly flood control projects;
 - iii. minimize rescue and relief efforts; iv. minimize business interruptions and loss of local income; and,
 - iv. provide for public awareness of the flood hazard potential.
- (c) The zone is intended to implement the Statements of Provincial Interest of the Province of Saskatchewan.

The provisions of this Section shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program and/or by the Water Security Agency through flood mapping initiatives, and shown in the Zoning District Map, as within the flood fringe of the Souris River, creeks and storm channels.

Uses

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

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

Additional Standards

- (a) All new construction and additions to existing structures shall be adequately flood-proofed with the first floor and all mechanical, electrical constructed a minimum of 0.5 metres above the 1:500 year flood elevation.
- (b) Where there is a conflict between this overlay zone and the underlying zone this zone shall take precedence.

5.9.3 Height Overlay Zone (H)

The maximum height of any building on any site in this district, unless otherwise specified in this Bylaw, is determined by this Height Overlay Zone. The maximum building height permitted in a Height Overlay Zone is determined by the numeral following the letter H on the Zoning Map and expressed in metres.

Example for illustrative purposes only:

CBD:H16

Central Business District (CBD) uses are permitted to a maximum height of 16 metres.

5.9.4 Aquifer Protection Overlay Zone (AP)

Intent

The Aquifer Protection Overlay Zone is designed to provide additional regulations to protect the Weyburn shallow Aquifer system from contamination from development activities.

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.

This zone implements the objective of the Weyburn Official Community Plan to protect ground water resources from contamination.

Uses

Permitted – Subject to Section 5.9.4, all uses permitted in the underlying zone are also permitted in this zone.

Discretionary – Subject to Section 5.9.4, all discretionary uses in the underlying zone are also discretionary uses in this zone.

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:

- (a) As specified in Section 4 for the relevant underlying zone.
- (b) Every application for a development permit in this zone shall be made in accordance with Section 3 of this Bylaw.
- (c) No Hazardous/Dangerous Waste Facilities shall be permitted.
- (d) No other hazardous chemicals except those essential to run the operation shall be allowed.
- (e) 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.
- (f) Adequate drainage shall be provided for run-off and no ponding shall be allowed.
- (g) Secondary containment and leak detection devices shall be installed with all underground storage tanks.
- (h) All foundation holes and piles shall be properly sealed with impermeable materials.

Evaluation of Aquifer Zone Designation

- (a) 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 their own expense, to the City Engineer, an engineering evaluation prepared by a registered professional engineer.
- (b) The engineering evaluation mentioned in Section 1 shall demonstrate the aquifer sensitivity characteristics of the zone, as defined in this Bylaw.
- (c) If the evaluation mentioned in Section 1 is concurred in by the City Engineer, the requirements of the zone, as defined in this Bylaw, shall apply to the land.

5.10 Temporary Uses

Purpose

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.

Regulations for All Temporary Uses

5.10.1 Classification of Uses

For the purposes of this Bylaw, the following is 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

5.10.2 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 (Figure 3.2) unless otherwise permitted by City Council.
- (c) Where a use falls out of scope of the uses listed in Section 5.9 – Temporary Uses, 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.

5.10.3 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 4.8 – Sign Regulations, 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.

5.10.4 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.

5.11 Non-Conformities

Purpose

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.

The regulations will provide specific circumstances and conditions under which such non-conformities may be:

- continued;
- changed;
- expanded; or,
- repaired and maintained.

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.

Regulations for all Non-Conformities

5.11.1 Continued Use

Existing Legal Non-Conformities

- (a) Except as otherwise provided in this Section, any non-conforming:
- i. Use;
 - ii. Building, structure; or,
 - iii. Building under construction

lawfully 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 “Existing Legal Non-Conformities” 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*.

5.11.2 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.

Permitted Alterations

5.11.3 Repair, Maintenance and Installation

- (a) Subject to Subsection (b), any non-conforming use or building may undergo normal maintenance and repair of:
 - i. Plumbing;
 - ii. Electrical systems;
 - iii. Structural supporting elements;
 - iv. Changing of partitions; and,
 - v. Other interior alterations or additions.
- (b) No alterations or addition made pursuant to Subsection (a) shall:
 - i. Expand a non-conforming use;
 - ii. Expand the floor area of a non-conforming structure within the area of the non-conformity; or,
 - iii. Rearrange or replace structural supporting element, except in accordance with other provisions of this Section or as required by the Building Bylaw.

5.11.4 Evidence of Legal Non-Conformity

- (a) Zoning Bylaw Compliance Certificate
 - i. 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.
 - ii. 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.
 - iii. The application fee for a Zoning Bylaw Compliance Certificate shall be as set from time to time by resolution of City Council.
- (b) Burden of Proof
 - i. 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.

Regulations for Specific Non-Conformities

5.11.5 Non-Conforming Uses

- (a) **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.
- (b) **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.

- (c) **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.
- (d) **Termination** – When a non-conforming use has been discontinued for a period of 12 consecutive months, all subsequent uses shall be in accordance with this Bylaw.

5.11.6 Non-Conforming Buildings

- (a) **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.
- (b) **Modification** – No non-conforming building shall be enlarged, expanded or extended, unless the alteration is required to comply with a bylaw or statute.
- (c) **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 75% 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.

5.11.7 Non-Conforming Sites

- (a) **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.
- (b) **Modification** – No dimension of a non-conforming site shall be reduced, except where necessitated for uses in Section 5.9 or public roadway by federal, provincial or municipal government action.

5.11.8 Non-Conforming Signs

- (a) **No Reconstruction, Remodeling, Relocation, etc.** – 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; and/or,
 - iv. Different colours or different logo.

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

- (b) **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.

- (c) **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.



Part VI – Definitions

DEFINITIONS/INTERPRETATIONS

Many of the following definitions and interpretations have been extracted from provincial planning documents.

A

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.

Accessory Use – A building, structure or activity which is incidental and subordinate to the principal use or activity conducted on the site.

“The Act” – Means *The Planning and Development Act, 2007*.

Adjacent – Contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way.

Administration – Administration of the City of Weyburn.

Administrator – The Administrator for the City of Weyburn.

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:

- 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,
- 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 area

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.

Agricultural Land Use – Cultivating land; producing agriculture or horticulture crops, hay and forage; non-intensive raising of all classes of livestock, horses, poultry, fur-bearing animals, game birds, game animals, bees and fish; producing eggs, milk, honey and other animal products; operating agricultural machinery and equipment, including irrigation pumps; conducting any process necessary to prepare a farm product for distribution from the farm gate; storing, handling, and applying fertilizer, manure, organic wastes, soil amendments and pesticides including ground and aerial application; intensive agriculture operations and intensive feed lots, agro-industries, processing facilities that store agricultural produce or products; agriculture support services; small scale commercial and industrial uses that provide agricultural related services; and agri-tourism services.

Alteration – The structural change in, or addition to, a building or structure and shall include a change from one type of use to another.

Amendment – A minor change or addition designed to improve a text, piece of legislation, etc. *The Act* enables a council to amend planning bylaws in order to add or update regulations or to rezone land to allow for development and subdivision. Separate bylaws are needed to amend a municipality's Official Community Plan (OCP) and a zoning bylaw. Only a zoning bylaw amendment may be needed if the intent of the amending bylaw complies with existing OCP policies.

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.

Ancillary Use – A use that is secondary, and subordinate, in size, extent and purpose to the principal use on the same site but is not necessary for the operation of the principal use on that site.

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:

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

B

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

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

Barrier Free Parking – Shall be clearly marked with a sign that is visible during all times of the year, in accordance with the Highway Traffic Act.

- Minimum dimensions of a barrier-free parking space shall be 3.7m by 6.0m with a 2.25m wide access aisle between or adjacent to each barrier-free space.
- Barrier-free parking spaces shall be close and accessible to the main entrance of the building.
- Wherever possible, barrier-free parking spaces shall be located so that users do not have to cross traffic, driveways, or aisle ways, when travelling from the parking stall to the entrance of the building.

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.

Biodiversity – The variety of life in the world or in a particular habitat or ecosystem.

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 constructed on, in or over land and used for the shelter or accommodation of persons, animals, or chattels and includes any structure covered by a roof supported by walls or columns.

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 Bylaw – Any Bylaw of the City of Weyburn regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.

Building, Duplex – A building divided horizontally into two dwelling units.

Building Front Line – The distance from the front site line to the main front wall of the existing buildings on any side of a block where more than half the front yard is open of obstructions.

Building Height – The greatest vertical distance measured from the grade level to;

- in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater; and,

- 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.

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.

Building, Mixed-Use – A building containing residential uses and grade level approved commercial uses.

Building Permit – A permit issued under The Building Bylaw of the City of Weyburn, authorizing the construction or the addition to any building but does not include a Development Permit.

Building Rear Line – The distance from the rear site line to the main rear wall of the existing buildings on any side of a block where more than half the rear yard is open of obstructions.

Building, Senior Citizens Apartment – A building solely containing units for the exclusive use of senior citizens.

Building Side Line – The distance from the side site line to the main side wall of the existing buildings on any side of a block where more than half the side yard is open of obstructions.

Business Vehicle (Home-Based Business) – Any vehicle to service a home-based business, which vehicle is in conformance with Section 3.10 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.

Bylaw – The zoning bylaw of the City of Weyburn.

C

Campground – The seasonal operation of an area of land managed as a site, providing temporary short-term accommodations for tents, tent trailers, travel trailers, recreational vehicles and campers, used by travelers and tourists. May include accessory facilities that support the use, such as administration offices, laundry facilities, washroom facilities and convenience stores but shall not include permanent year-round accommodations.

Cannabis Retail Store – A retail store, which is permitted pursuant to provincial legislation and regulations, authorized in the sale of non-medicinal cannabis and cannabis related accessories.

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.

Casino – Means the use of a building for a gaming establishment, licensed by the Province of Saskatchewan, operating slot machines, table games, video lottery terminals, and other related games of chance, but does not include a bingo hall.

Cemetery – Property used for the internment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

Charitable Organization – An organization recognized by the Canada Customs and Revenue agency (whether incorporated or not) as one that:

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

City – City of Weyburn

Clean Fill – Uncontaminated non-water-soluble, non-decomposable, inert solids such as rock, soil, gravel, concrete, glass and/or clay or ceramic products. Clean fill shall not mean processed or unprocessed mixed construction and demolition debris, including, but not limited to, wallboard, plastic, wood or metal or any substance deemed corrosive, combustible, noxious, reactive or radioactive.

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 – A group of people organized for a common purpose, to pursue common goals, interest or activities, and usually characterized by certain membership qualification, payment of dues or fees, regular meetings, and a constitution and bylaws.

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.

Commercial – A land use that has the purpose of buying and/or selling goods and commodities or supplying professional and personal services for compensation.

Community Services 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.

Controversial Uses (Home-Based Business) – Any use in which clients are being directed to your home.

Compatible – With respect to land use, that land uses are able to exist near to each other without conflict or are consistent and capable of being used in combination with each other.

Confectionary 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.

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

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.

D

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

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

Deck – A raised platform, with or without rails, attached to a principal building.

Demolition Permit – A permit issued for the removal or dismantling of a building or structure within the City boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards 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 – As defined in Section 3.1.

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 3.5.7.

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 Section 5.1.

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

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, Tri-plex – 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.

E

Elevation – The vertical distance above or below mean sea level

Environmental Reserve – Lands that have been dedicated to the Municipality by the developer of a subdivision as part of the subdivision approval process. Environmental reserves are those lands that are considered undevelopable and may consist of a swamp, gully, ravine, coulee or natural drainage course, or may be lands that are subject to flooding or are considered unstable. Environmental reserve may also be a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river stream or other body of water for the purposes of preventing pollution or providing public access to the bed and shore of the water body.

Environmentally Sensitive Lands and Areas – Lands or areas with natural features where precautions, mitigation or constraints are needed to minimize impacts. These include the following:

- A ravine, coulee, swamp, natural drainage course or creek bed;
- Wildlife habitat, environmentally sensitive or significant natural or heritage areas;
- Flood-prone or potentially unstable land; or,
- Land abutting lakes streams or rivers for pollution prevention, bank preservation or development protection from flooding.

Existing – In place, or taking place, on the date of the adoption of this Bylaw.

F

Farm Building / Yard – Improvements such as barns, granaries, etc. used in connection with the growing and sale of trees, shrubs, and sod or the raising or production of crops, livestock or poultry, fur production, beekeeping, and situated on a parcel of land used for the farm operation.

Fence – A vertical structure used as an enclosure or screen about all or part of a lot or site.

Finished Grade – The grade upon completion of the fill or excavation OR the elevation of the surface of the ground after completion of final grading, either via cutting, filling or a combination thereof.

Flood – A temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

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 plain - means the area inundated by water from a watercourse or water body during a 1:500 year flood and is made up of the floodway and the flood fringe

Flood proofed – Measure, or combination of structural and nonstructural measures, incorporated into the design of a structure that reduces or eliminates the risk of flood damage to a defined elevation.

Floodway – Portion of the floodplain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.

Flood Fringe – means the portion of the flood plain inundated by the 1:500 year flood that is not floodway.

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 story below, at and above grade, excluding the area used for off street unloading, parking, mechanical equipment, stairways or shafts.

Floor Area, Gross Leasable – The gross leasable 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.

Frontage – The side of a site abutting a street and, in the case of a corner site, the shorter of the two sides.

Future Land Use Map – Shows projections for certain specified areas of land uses that the City of Weyburn aspires to achieve.

G

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.

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

Garage, Storage – A public garage exclusively used for the storage of motor vehicles and where no repair facilities are maintained.

Garden Suite – A second, small, dwelling unit, as herein defined, on the site of a primary, single-family dwelling.

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.

H

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:

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

Hazard Land – Land that is contaminated, unstable, prone to flooding or otherwise unsuited for development or occupation because of its inherent danger to public health, safety or property.

Hazardous Substance – A substance that, because of its quality, concentration or physical, chemical or infectious characteristics, either individually or in combination with other substances on the site is an existing or potential threat to the physical environment, to human health or to other living organisms.

Heritage Resources

- Archaeological and paleontological objects; and,
- Any property or site that is of interest for its architectural, historical, cultural, environmental, archaeological, paleontological, aesthetic or scientific value.

Heritage resources includes built sites and structures, archaeological sites and objects, paleontological localities and objects, traditional cultural locations and cultural landscapes.

Home-Based Business – An occupation, profession, activity, or use that:

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

neighborhood.

Hospital – A public institution providing health services for both in-patients and out-patients including room, board, emergency care, and the prevention and treatment of sickness, disease, or injury. Ancillary uses include standard administrative and operational support functions, small offices for health related fundraising charities and research advocacy organizations, areas for staff wellness such as gyms and non-residential sleeping rooms, provision for religious services, day care centres, food services, private medical practices which accommodate patients for specialized procedures or services which are typically provided in a hospital setting, and any other use, not specified, but customarily ancillary to a hospital.”

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.

Human Induced Threats – hazardous or toxic spills, utility failures, structural collapse, train derailments and other human-induced events harmful to public safety.

I

Industrial – Use of land, buildings or structures for the manufacturing, assembling, processing, fabrication, warehousing, or storage of goods or materials including transportation by road or trail.

Infill Development – Re-development within an existing area.

Intensive Agriculture – The use of buildings or structures for the production of crops using hydroponic techniques, or by use of intensive irrigation and fertilizer application.

Intensive Livestock Operations (ILOs) – An operation and facilities for the confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals where the site provides less than 370 square metres (3982.65 square feet) of space for each animal unit and will contain one hundred (100) or more animal units.

Intersection – An area where two or more streets or lanes meet or cross at grade.

Intensification – Construction, renovation, development of new buildings, a change of use, or the addition to buildings within existing built areas through practices of building conversion, infill or redevelopment and may include accessory uses, buildings, and outdoor storage areas.

J

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 license 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.

K

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.

L

Landfill – An area of land for disposing of solid waste.

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.

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

Legal Access – A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel is adjacent to a registered public roadway, which is owned and maintained by a Municipality or the Saskatchewan Ministry of Highways. The width of the access point must meet the frontage requirements of applicable Zoning District.

Legal Parcel – An area with fixed boundaries that has been registered in the Land Titles Office by Certificate of Title, and for which all portions of the land are consolidated under a single title.

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 licensed 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.

M

Mayor – The mayor of the City of Weyburn.

Membrane Covered Structures – A structure consisting of a frame that is covered with a non-permanent material (plastic, fabric, canvas, etc.) which is used for storage.

Mineral – Any non-viable substance formed by the processes of nature, irrespective of chemical or physical state and both before and after extraction but does not include any surface or ground water or agricultural soil.

Mineral exploration and development – Any development necessary to fulfil the rights of the lessee:

- (a) To search, dig, bore and drill for oil and gas, oil sands or oil shale, as the case may be, within the lands described in a lease;
- (b) to win, get, recover, extract, procure, carry away, dispose of and sell the oil and gas, oil sands or oil sands products or oil shale or oil shale products, as the case may be, found within those lands; and
- (c) to explore for, mine, work, recover, procure, carry away and dispose of any minerals within the lease lands.

Mineral Resources – Mineral resources as defined in *The Mineral Resources Act, 1985*.

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.

Mixed-Use – A mix of land uses in one distinctive environment, or building, located either vertically or horizontally to one another. The intent is to allow for land uses that are different but compatible.

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 sewage 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.

Mobile Home Unit – An area of land (surface parcel) within a mobile home park that is intended to be occupied by one mobile home and for exclusive use of the occupants of the mobile home with access to a driveway or a public street

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

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.

Municipal Reserve – Land that is dedicated to the City of Weyburn as a condition of subdivision approval in *The Planning and Development Act, 2007*.

Municipal Road – A public roadway subject to the direction, control and management of the Municipality.

Municipality – The City of Weyburn.

Museum – An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection or artifacts of historical interest.

N

Natural Areas – An area relatively undisturbed by human activities and characterized by indigenous species including remnant or self-sustaining areas with native vegetation, water or natural features.

Natural Ecosystems – A community of living and non-living organisms, where each component interacts together as a unit through biological, physical and chemical processes. May include soil, plants, sunlight, air, water, microorganisms and animals.

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.

Non-Conforming Building – A building that:

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

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

Non-Conforming Use – A lawful specific use:

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

Non-controversial Uses (Home-Based Business) – Any use where there are no clients coming to the home.

Non-intensive Agriculture – Means the use of land, a building, structure, or a portion thereof, for the production of field crops or for grazing livestock, and where trees and shrubs may be intensively grown.

Notification Zone – An area which surrounds or extends into the RM of Weyburn or neighbouring towns/villages for the purpose of informing the urban or Rural Municipality of development and/or related activity.

Noxious Use or Condition – Any use or facility that causes or produces harmful or hazardous noise, vapours, smoke, dust, vibrations, electrical or electromagnetic fields, glare or light.

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 basis, for educational and social purposes.

O

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:

- administration
- sales
- general business
- professional services
- real estate; or
- insurance offices

Office Building – A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry, or government, in which no goods or commodities of business or trade are stored, shipped, sold or processed.

Official Community Plan (OCP) – An OCP contains policies that guide the physical, environmental, economic, social, and cultural development of a community. The OCP will inform many decisions made by Council over the next 15-20 years.

Open Space – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures and other improvements that are designed to be incidental to the natural openness of the land, but not including street, off-street parking areas, storm water facilities or any other areas required to be set aside for buffers or recreation areas by any other sections of this Bylaw.

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.

Overlay – Additional development regulations superimposed on specific areas of the Zoning Map, which supersede or add to the development regulations of the underlying zone.

P

Parcel – Means a parcel of land that is shown on an approved plan (*The Land Surveys Act, 2000*).

Park – A public green area in the City, used for recreation.

Parking, Off-Street – Accommodation for the parking of vehicles off a public street or lane.

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 4.6 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.

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.

Permitted Use – A permitted use in any zone is a lawful use in such zone.

Personal Care Home – A facility, licensed 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 licensed 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:

- beauty salons and barber shops;
- tailor or seamstress shops;
- laundry or dry-cleaning shops;
- shoe repair shops;
- massage services; and/or,
- 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-making – Place-making inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, place-making refers to a collaborative process by which we can shape our public realm in order to maximize shared value. More than just promoting better urban design, place-making facilitates creative patterns of use, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution.

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.

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

Planned Group of Dwelling Units – A residential development with multiple buildings being developed as a single project on a site.

Planning Decisions – Any decision of a municipal council, district planning commission, district planning authority, development appeals board or the Saskatchewan Municipal Board made pursuant to an authority under *The Act*.

Planning Document – Any official community plan, a plan prepared for a planning district pursuant to Section 102 of *The Act*, a zoning bylaw, a subdivision bylaw and any appendices forming part of the plan or bylaw.

Policy – A course or principle of action adopted or proposed by a government, party, business, or individual.

Principal Building – The main building in which the principal use of the site is conducted.

Provincially Designated Lands – Land that is dedicated or identified by the Province of Saskatchewan or its agencies as park, ecological reserve, wildlife habitat, or lands critical for the habitat of species at risk.

Provincial Forests – Means Crown resource lands as defined in *The Forest Resources Management Act*.

Public Safety – Function of governments that ensure the protection of citizens, persons in the territory, organizations and institutions against threats to well-being and the prosperity of the community.

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:

- systems for the production, distribution or transmission of electricity;
- systems for the distribution, storage or transmission of natural gas or oil;
- facilities for the storage, transmission, treatment, distribution or supply of water;
- facilities for the collection, treatment, movement or disposal of sanitary sewage and garbage;
- communication by way of telephone lines, optical cables and cable television services; or,
- 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.

Q

R

Recreation – The experience that results from freely chosen participation in physical, social, intellectual, creative and spiritual pursuits that enhance individual and community wellbeing.

Recreational Facility – A recreation or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public.

Recreational Lands – Land used for purposed of recreation. For example: sports fields, gymnasiums, playgrounds, public parks, green areas, public beaches, swimming pools, camping sites and trail systems.

Redevelopment – See infill development.

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

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.

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.

Residence – A single detached dwelling on a site.

Residential – A land use area in which housing is predominant. Housing type can include single-family housing, multi-family residential, and/or mobile homes.

Residential Care Home – A licensed or approved group care home governed by provincial regulations that provide, in a residential setting, 24-hour care of persons in need of personal services, supervisions or assistance, essential for sustaining the activities of daily living or for the protection of the individual.

Responsible development – Management of human relationships with the natural environment so that economic, social and cultural needs are met and ecological reserves or wildlife habitat lands, including critical habitat of species at risk.

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.

Retaining Wall – A wall erected to hold back water, or support a bank of earth, and which may be considered a fence for the purpose of regulating height.

Right-of-Way – The right-of-way is the land set aside for use as a roadway or utility corridor. Rights of way are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing mitigative features. Sometimes, road rights of way are left vacant after the initial roadway facility is constructed to allow for future expansion of the road.

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.

S

Sand & Gravel – Is sand and gravel products, excluding ceramic clays, found on the surface of land and obtainable by either or both of the following methods:

- a. Stripping off the surface; and/or,
- b. Excavating.

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.

School, Public – A facility that meets Provincial requirements for elementary or secondary education, and which secures the majority of its funding from taxation.

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.

Servicing Agreement Fees – A legal contract that a municipal council may require of a subdivision applicant. With this agreement, council accepts responsibility for maintaining services in a new subdivision in exchange for the developer installing the services needed for the subdivision. A servicing agreement can provide services and facilities that directly or indirectly serve a subdivision. A servicing agreement may also include fees for capital costs of providing, altering, expanding or upgrading services that support the subdivision, and can include:

- a. Wastewater;
- b. Water;
- c. Drainage (and other utility services);
- d. Roads; and
- e. Park and recreation facilities.

Shipping/Cargo Containers – Prefabricated steel containers (20-40 feet in length, 8-8 ½ feet in height, 8 feet in width) used for transporting sea/ocean going cargo, and which are intended for placement and use as **‘storage facilities’** on private property within the City of Weyburn. [Common Term – “Sea Cans”].

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.

Shore Lands – Lands covered or seasonally inundated by the water of a lake, river, stream or pond.

Should, Shall or May – **Shall** is an operative word, which means the action is obligatory.

Should is an operative word, which means that in order to achieve plan objectives, it is strongly advised that the action be taken.

May is an operative word, meaning a choice is available, with no particular direction or guidance intended.

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:

- is a structure or part thereof, or is attached to, painted on, or in any manner represented on a building
- is used to announce, direct attention to, or advertise, and,
- 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, development site, or tract of land (not legal parcel, may be multiple legal parcels) 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.

Site Width – The horizontal distance between the side boundaries of the site, measured at a distance from the front lot line equal to the minimum front yard required for the zoning district in which the site is located.

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.

Source Water – Lakes, rivers and aquifers from which we get the water we drink and use. All of these sources of water are linked in a watershed through the water cycle.

Specified Anatomical Areas – Any of the following:

- 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,
- human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – Any lawful sexual activities including:

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

The Statements of Provincial Interest – These Statements of Provincial Interest link provincial and municipal objectives for land use planning and, as a result, directly affect the use of land and impact community development, economic growth and environmental stewardship. These Statements of Provincial Interest reflect the diversity of issues affecting Saskatchewan’s communities and regions, recognizing that wise management of development involves facilitating, promoting and sustaining growth, based on cooperative planning principles.

Story – 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 story 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 workplace of any photographer or artist or for the instruction of art, music, languages or similar disciplines.

Subdivision – A division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel, as surface parcel is defined *the Land Titles Ac, 2000t*.

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:

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

Sustainable – Meeting present needs without compromising the ability of future generations to meet their needs.

Swimming Pool – Any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, or diving and having a depth of 0.61 metres (2.0 feet) or more at any point.

T

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

Tourism – The commercial organization and operation of vacations and visits to places of interest. For the City of Weyburn, it means becoming/staying as a place of interest.

Traffic Impact Assessment (TIA) – Tool to determine the possible effects of development on the transportation and traffic system to mitigate any negative impacts on infrastructure.

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.

Transportation – Is the transportation or movement of people, goods, and information across regions. It is related to transportation and all aspects related to it and the geography of an area.

U

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.

V

Values – Are like a compass that keep us headed in a desired direction and are distinct from goals.

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.

Vision – A declaration of a community’s objectives, intended to guide its decision-making.

W

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

Waste Disposal Facility, Liquid – A facility to accommodate any liquid waste from residential, commercial, institutional and industrial sources, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation (ILO).

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

Water Body – A body of water forming a physiographical feature, for example: a sea, reservoir or lake.

Watercourse – A river, stream, creek, gully, ravine, spring, coulee, valley floor, drainage ditch or any other channel having a bed and sides or banks in which water flows either permanently or intermittently.

Watershed – The land area from which surface runoff drains into a stream, channel, lake, reservoir, or other body of water; also called a drainage basin.

Water Security Agency (WSA) – An organization that manages the Province’s water supply, protects water quality, ensures safe drinking water and treatment of wastewater, owns and manages 49 dams and related water supply channels, works to reduce flood and drought damage, protects aquatic habitat and provides information about water. The WSA also represents Saskatchewan on transboundary water issues.

Wetland – Land having the water table at, near, or above the land surface or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytes (“water loving”) vegetation, and various kinds of biological activity which are adapted to the wet environment.

X

Y

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, Required – The minimum yard required by a provision of this Bylaw.

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

Z

Zone – A land area within the municipality, designated on the Zoning Map for specific, uniform development and subdivision standards and requirements.

Zoning Bylaw – Divides the municipality into zoning districts and regulates the development and use of land in those districts. It permits a council to set local standards for the subdivision and use of land and helps manage the delivery of municipal services and resources to new development.