



LUMSDEN, IN THE QU'APPELLE

TOWN OF LUMSDEN ZONING BYLAW

Bylaw No. 15/2002

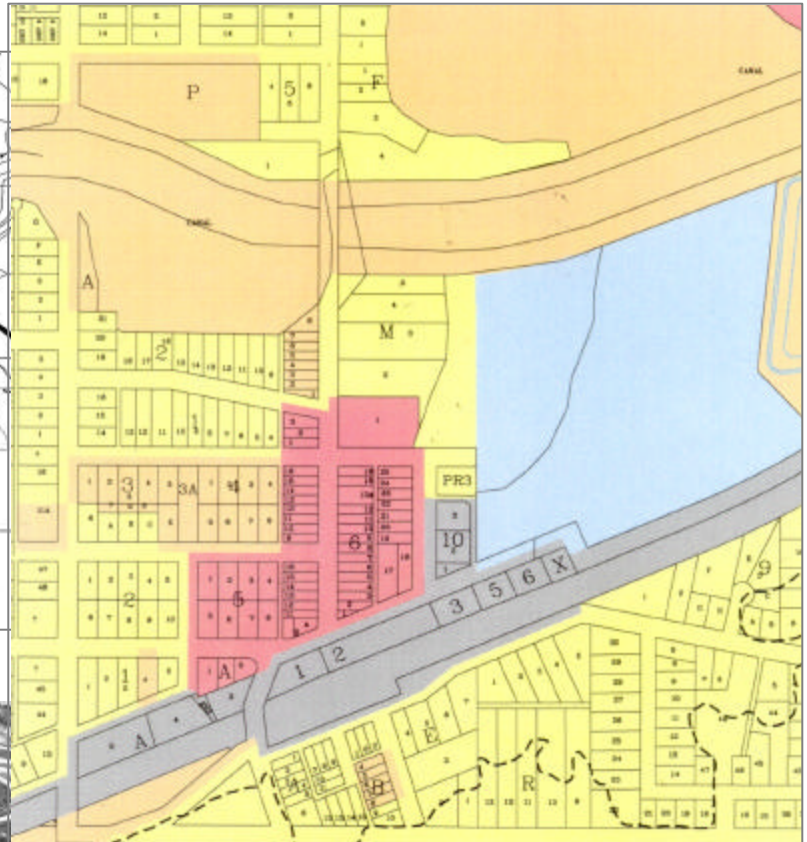


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TOWN OF LUMSDEN
ZONING BYLAW No. 15/2002

SECTION 1. INTRODUCTION

1.1 AUTHORITY

Under the authority granted by The Planning and Development Act, 1983, the Mayor and Council of the Town of Lumsden in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.2 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Town of Lumsden.

1.3 PURPOSE

The purpose of this Bylaw is to regulate development and to control the use of land in the Town of Lumsden in accordance with the Basic Planning Statement Bylaw 14/2002. The intent of this zoning bylaw is to provide for the amenity of the area within The Town of Lumsden (hereinafter referred to as Lumsden) and for the health, safety, and general welfare of the inhabitants of Lumsden and area:

- (i) To minimize land use conflicts;
- (ii) To establish minimum standards to maintain the amenity of the Town;
- (iii) To ensure development is consistent with the physical limitations of the land;
- (iv) To restrict development that places undue demand on the Town for services; and
- (v) To provide for land-use and development that is consistent with the goals and objectives of the Town.

1.4 SCOPE

This Bylaw applies to all land included within the boundaries of the Town of Lumsden. All development within the limits of the Town of Lumsden shall hereafter conform to the provisions of this Bylaw.

1.5 SEVERABILITY

A decision of a Court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this Bylaw.

SECTION 2. DEFINITIONS

Whenever the following words or terms are used in the Basic Planning Statement, Bylaw No. 14/2002 and this bylaw, they shall, unless the context otherwise provides, have the following meaning:

ACCESSORY: A use, or structure, normally incidental, subordinate, exclusively devoted to, and located on the same site as the principal use, or structure.

ACCESSORY BUILDING, LARGE: An accessory structure exceeding a height of 4.5 m (15 ft.) or having a floor area of greater than 92 m² (1000 ft.²).

ACCESSORY DWELLING UNIT: A second, small, dwelling on the site of a primary, single-family dwelling that accommodates one or two family members of the owner/occupants of the primary residence and is intended to allow family to live independently but with the support nearby of the extended family.

ACT: *The Planning and Development Act 1983*, Province of Saskatchewan, as amended from time to time.

AGRICULTURAL: A use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agricultural.

ALTERATION: Any structural change or addition to a building or structure.

ANIMAL CLINIC: a building or part thereof used by a qualified veterinarian for the treatment of animal health needs where animals are not kept on the premises for surgery or kept overnight.

ANIMAL HOSPITAL: The premises of a veterinary surgeon where animals are treated or kept.

APARTMENT BLOCK: A building containing three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence as distinct from a hotel or rooming house.

ATTIC: That portion of a building situated wholly or in part within the roof and which is less than one-half story.

BASEMENT: That portion of a building that is partly or wholly underground.

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

BUILDING, ACCESSORY: A building or use that:

- i. Is subordinate to and serves the principal building or principal use;
- ii. Is subordinate in area, mass, extent, and purpose to the principal building or principal use served;
- iii. Contributes to the comfort, convenience, or necessity of occupants of the principal building or assists the principal use; and
- iv. Is located on the same site as the principal building or use.

BUILDING BYLAW: a bylaw of the Town of Lumsden to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

BUILDING PERMIT: A permit, issued under The Building Bylaw of the Town of Lumsden, authorizing the construction of, or the addition to, any building but does not include a Development Permit.

BUILDING, PRINCIPAL: A building in which is conducted the main or primary use of the site on which said building is situated.

BUILDING LINE, ESTABLISHED: The average distance from the street line to the main wall of existing buildings on any side of any block where more than half the frontage of the block has been built on.

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

CEMETERY: A cemetery or columbarium within the meaning of the Cemeteries Act Chapter C-4, R.S.S. 1981, as amended from time to time.

COMMERCIAL: The use of land, building(s), or structure(s) for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.

CONDOMINIUM: Land, buildings, and units, including private and common property as defined under *The Condominium Property Act*.

COUNCIL: The Council of the Town of Lumsden.

CRAFT INDUSTRY: The use of land, building(s), or structure(s) for the purpose of producing original hand crafted products or original works of art, and for the promotion and sales of these products.

DECK: Any raised floor structure at least 0.3 m (1 ft.) above the average ground level upon which it is constructed, either adjacent to a building or free-standing with stairway, ramp, or similar access.

DEVELOPMENT: The carrying out of any building, engineering, mining, or operations in, on, or over land, or making of any material change in the use or intensity of use of any building, or land, and shall include, but not be limited to, excavating, filling, grading or drainage of land.

DEVELOPMENT PERMIT: A document issued by the Council of the Town of Lumsden that authorizes development pursuant to this Bylaw, but does not include a building permit.

DISCRETIONARY USE: Uses or development of land, buildings, or other structures that may be permitted in a zoning district only at the discretion of Council and which conform to all discretionary use regulations and other regulations applicable to the district in which the use is located.

DWELLING: A building or part of a building intended for residential occupancy.

DWELLING UNIT: One or more habitable rooms used, or fully capable of being used as a residence, each unit having sleeping, cooking, and toilet facilities.

DWELLING, DUPLEX: A building divided horizontally into two (2) dwelling units.

DWELLING GROUP: A group of single-detached, semi-detached, or multiple unit dwellings clustered on one lot or site, built as one development.

DWELLING, MULTIPLE UNIT: A building containing three or more dwelling units and shall include condominiums, townhouses, row houses, and apartments as distinct from a rooming house, hotel, or motel.

DWELLING, SEMI-DETACHED; A building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roofline.

DWELLING, SINGLE-DETACHED: A building containing only one dwelling unit, as herein defined.

EXISTING: In place, or taking place, **or with all approvals and permits in place** on the date of the adoption of this Bylaw.

FILL: Soil, rock, rubble, or other Town-approved, non-regulated waste that is transported and placed on the existing, usually natural, ground surface.

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

FLOOD, DESIGN:

- i) a 1:500-year flood; or
- ii) a flood having a return period equal to 500 years; or
- iii) a flood having water surface elevations equal to a 500-year flood; or
- iv) a flood having approximately 0.2 percent risk of occurring during any one year.

FLOOD, DESIGN LEVEL: The elevation of the design flood discharge for each site along the Qu'Appelle River watercourse through the Town of Lumsden.

FLOOD HAZARD AREA: The area that would be inundated by the design flood.

FLOODPROOFING, ADEQUATE: Any combination of structural and non-structural additions, changes or adjustments to structures or land that will significantly reduce or eliminate flood damage to real estate or improved real property and their contents up to and including the design flood level plus a freeboard of 0.5m.

FLOODPROOFING, APPROVED DYKE SYSTEMS: Any combination of dyking and channel improvement that designed, operated, inspected, and maintained to Saskatchewan Water Corporation standards and; in addition, includes both a comprehensive emergency measures plan and flood hazard area zoning that complement the structural works to complete the system, as per agreement between SaskWater and the Town of Lumsden, dated July 11, 1986.

FLOODWAY: A water body or the channel of a watercourse including those portions of the adjoining floodplains that is required to carry and discharge or contain the design flood.

FLOODWAY DISTRICT: That part of the floodway area that is designated on the Zoning District Map as "F W" Floodway District.

FLOODWAY FRINGE: That portion of the flood hazard area not lying within a floodway that would be covered by flood waters up to the Design Flood Level and where development will not create an excessive hindrance to the hydraulic efficiency of the watercourse.

FLOODWAY FRINGE SUB-DISTRICT: The floodway fringe area that is designated on the Zoning District Map with a suffix f1 or f2.

FREEBOARD ELEVATION: The elevation of the design flood level plus a freeboard of 0.5 m (about 1.64 ft.).

FLOOR AREA: The maximum area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, open deck, unfinished attic, or unfinished basement or cellar.

FRONTAGE (LOT FRONTAGE): The distance across the street side of a lot (a lot must front on a street), between the points where the side lines of the lot meet the street right of way or boulevard; or, where a lot is irregular in shape and is narrowest at the front street end, the width of the lot shall be measured parallel to the street line at the centre of the front lot line, and at a setback from the front lot line no greater than the minimum permitted building setback.

GARAGE, PRIVATE: A building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing or repairing of such vehicles is carried on for remuneration.

GARAGE, PUBLIC: A building or place where motor vehicles are stored or repaired for remuneration but does not include car washing establishments, a auto sales lot or an automobile service station.

GAS BAR: A building or place where fuel and automotive fluids are sold and may be added to a vehicle on the property, and that may have a convenience store and/or restaurant.

GRADE: The average elevation of the natural ground level at the walls of a building or structure as determined by the elevation of the four outside corners of the building.

GREENHOUSE, COMMERCIAL: A building for the growing of flowers, plants, shrubs, trees and similar vegetation that are not necessarily transplanted outdoors on the same site, but are sold directly at wholesale or retail from the site.

GREENHOUSE, PRIVATE: A building for the growing of flowers, plant, shrubs, trees and similar vegetation that are transplanted outdoors on the same site containing such greenhouse(s), and where greenhouse products may not be offered for sale.

HAZARD(OUS) LAND: Land having inherent environmental hazards; land subject to flooding, earth movement, or slope instability, land with poor natural drainage, ground water seepage, erosion, steep slopes, rock formations, or other similar features.

HEALTH SERVICE FACILITY (HEALTH CLINIC): A building or part thereof used by qualified health service practitioners for the treatment of human health needs.

HOME OCCUPATION: An occupation, trade, profession, or craft customarily conducted for gain in a dwelling unit or accessory building by the resident or residents, which is clearly incidental and secondary to the principal use of the site and which does not create or become a public nuisance as a result of noise, traffic, pollution, or parking. Home occupations shall not occupy more than 25% of the total finished floor area of a dwelling unit in a Residential District.

HOTEL: A building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travelers, and where a guest register or record is kept, but does not include a motel or rooming house.

INDUSTRIAL USE: The use of land, buildings or structures for the manufacturing, assembling, processing, fabrication, warehousing or storage of goods and materials.

INSTITUTIONAL USE: The use of land, buildings, or structures for religious, charitable, educational, health or welfare purposes and includes churches, public or private schools, nursery schools, hospitals, and special care homes.

LANDSCAPED AREA: An area not built upon and not used for any purpose other than as an open space that may include grass, shrubs, flowers, trees, and similar types of vegetation and may contain paths, walks, patios, fences and similar outdoor amenities, but does not include parking areas, parking lots, driveways or ramps.

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

LIVESTOCK: Domesticated animals used primarily as beasts of burden or for the production of fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion animals.

LOT: An area of land with fixed boundaries on record in the Land Titles Office by Certificate of Title. For the purposes of this Bylaw the terms "lot" and "site" shall be deemed not to mean the same.

MAYOR: The Mayor of the Town of Lumsden.

MINISTER: The member of the Executive Council to whom for the time being is assigned the administration of *The Planning and Development Act, 1983*.

MOBILE HOME: A trailer coach that may be 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; has facilities for washing and a water closet or other similar facility that may be connected to a sewage system; and that conforms to the Canadian Standards Association Standard No. Z240.

MOBILE HOME PARK: A site under single management for the placement of two or more mobile homes and shall include all accessory buildings necessary to the operation but does not include an industrial or construction camp or tourist campsite. For the purpose of this Bylaw the terms mobile home park and mobile home court shall be deemed to mean the same.

MOBILE HOME SUBDIVISION: Any subdivision of land and the development thereof for the purpose of accommodating mobile homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 sq. m (about 5000 sq. ft.), and in which all such sites, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

MOBILE HOME SITE: An area of land in a mobile home park that is intended to be occupied by one mobile home and for exclusive use of its occupants with access to a driveway or a public street.

MANUFACTURED (MODULAR) HOME: A residential dwelling that is constructed off site in a yard or factory, in one or more sections, transported to a site for permanent installation on a permanent foundation (may have a basement), having architectural features similar to permanent residential dwellings built on site in Lumsden, and conforming to Canadian Standards Association (CSA) *Standard A277*.

MANUFACTURED HOME COMMUNITY (SUBDIVISION): Any subdivision of land and the development thereof for the purpose of accommodating modular homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 sq. m (about 5000 sq. ft.), and in which all sites, public open space, internal streets, buffer zones, and other amenity areas form a contiguous area of development.

MOTOR HOTEL OR MOTEL: A building or buildings consisting of a number of individual rental units, intended for the use of the traveling public, each containing at least a bedroom and bathroom, and each having convenient access to a parking space for the use of the occupants of the units and may or may not provide food service.

MUNICIPALITY: The Town of Lumsden.

NON-CONFORMING USE: Any use of land, building or structure lawfully existing or under construction where permits have been issued at the time of the passing of this Bylaw, the use of which does not comply with all the regulations of this Bylaw governing the Zoning District in which it is located.

NOXIOUS USE OR CONDITION: Any use or facility that causes or produces harmful or hazardous noise, vapours, smoke, dust (particles suspended in or transported by air), vibrations, electrical or electromagnetic fields, glare, or light.

PARKING LOT: An open area, other than a street, used for the temporary parking of more than four vehicles and available for public or private use.

PARKING SPACE: A space within a building or parking lot for the parking of one (1) motor vehicle including convenient access to a public lane or street and shall be not less than 3 m (about 9.84 ft.) wide and 5.5 m (about 18 ft.) in length.

PATIO: Any hard surface or floor structure less than 0.3 m (1 ft.) above the average ground level upon which it is constructed.

PERMITTED USE: The use of land, buildings, or other structures that shall be permitted in a Zoning District where all requirements of this Zoning Bylaw are met.

PERSON: A "person" shall apply to an individual, association, firm, partnership, corporation, trust, or agent, and their heirs, executors, or other legal representatives of a person to whom the same can apply according to the law.

PERSONAL SERVICE SHOP: A building or parts of a building in which persons are employed in furnishing services and administering to customer's personal needs.

PLACES OF WORSHIP: A building set aside by any religious organization for public worship.

POND: Any constructed containment of water for the purpose of landscape enhancement, keeping ornamental fish or aquatic plants, or for other similar purposes, but not a swimming pool.

PUBLIC UTILITY: A system, work, plant, equipment, or service, whether owned or operated by the Municipality, or by a corporation under Federal or Provincial statute, that

furnishes any of the following services and facilities to, or for the use of, the inhabitants of Lumsden:

- i. Communication by way of telephone lines, optical cable, microwave, and cable television services;
- ii. Delivery of water, natural gas, and electricity
- iii. Public transportation by bus, rail, or other vehicle production, transmission:
- iv. Collection and disposal of sewage, garbage, and other wastes; and
- v. Fire and Police Services.

PUBLIC WORKS: A facility as defined under The Planning and development Act, 1983.

RECREATIONAL USES: The use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks and curling rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and all similar uses, together with the necessary and accessory building and structures; but does not include the racing of animals or motorized vehicles.

RESIDENTIAL: The use of land, buildings, or structures for human habitation.

RETAIL SHOP (STORE): A building or part thereof, or a place, where goods, wares, merchandise, substances, or articles are offered or kept for sale or rent, and may include servicing and the manufacture of products on site for sale on the site so long as the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

ROOMING HOUSE: A building which contains a room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw, with sleeping facilities but without private toilet facilities.

ROW HOUSE OR TOWNHOUSE: A building divided into three or more dwelling units located side by side under one roof and sharing common walls.

SATELLITE DISH: A parabolic antenna utilized for the reception of satellite transmitted television or radio waves.

SCHOOL: An educational facility under the jurisdiction of a Board of Education, a college, university, or any other school established and maintained either wholly or partially at public expense, whether or not the same is a boarding school and includes any dormitory building accessory to such school.

SERVICE STATION: A site used for the retail sale of lubricating oils and gasoline, automobile accessories, and for the servicing and repairing of motor vehicles essential to the operation of a motor vehicle; but does not include an auto body or painting shop, car sales lot, or a car washing establishment.

SIGN: Any device, letter, symbol, emblem or picture, that is affixed to or represented directly or indirectly upon a building, structure, or a piece of land and that identifies or advertises any object, product, place, activity, person, organization, or business in such a way as to be visible to the public on any street, thoroughfare, or any other public place.

SITE: An area of land, consisting of one or more lots consolidated under a single certificate of title, considered as a unit devoted to a certain use or occupied by a building or a permitted group of buildings, and the customary accessories and open spaces belonging to the same.

SITE AREA: The total horizontal area within the site lines of a site.

SITE, CORNER: A site at the intersection of two or more public streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side site lines) contain an angle of not more than one hundred and thirty-five (135) degrees. In the case of a curved corner, the corner of the site shall be that point on the street at the point of intersection of the said tangents.

SITE COVERAGE: The percentage of the site area covered by all the buildings above the ground level.

SITE DEPTH: The horizontal distance between the front site and rear site lines, but where the front and rear site lines are not parallel the site depth is the length of a line joining the midpoint of such site lines.

SITE LINE: Any boundary of a site.

SITE LINE, FRONT: The line separating the site from the street; for a corner site, the shorter line abutting a street; but in the case of a corner site with two street lines of equal length, the front site line shall be designated by predetermined building lines.

SITE PLAN: A plan showing the location of existing and proposed buildings on a site in relationship to the site lines.

SITE LINE, REAR: The site line at the rear of the site, opposite the front site line.

SITE LINE, SIDE: A site line other than a front or rear site line.

SITE, THROUGH: A site other than a corner site, having separate frontages on two streets. The front site line of a through site shall be determined by predetermined building lines.

SPECIAL CARE FACILITY (HOME): An institutionalized nursing home as defined in *The Special Care Homes Act R.S.S.*

STOREY: That portion of a building, other than an attic or basement, between the upper surface of any floor and the upper surface of the floor next above.

STOREY, ONE-HALF: That portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 m (about 5 ft.) and 2.3 m (about 7.5 ft.) over a floor area which is not less than one-third nor more than two-thirds of the floor area of the story next below.

STREET: The whole and entire width of every highway, public road, or road allowance vested in Her Majesty in the right of the Province of Saskatchewan and shown as such on a plan of survey registered in the Land Titles Office.

STRUCTURE: Anything that is built, constructed or erected that is located on the ground or attached to something located on, or in the ground.

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 0.6 m (2 ft.) or more at any point.

TOURIST CAMPGROUND: An area of land, managed as a unit, providing short-term accommodation for tents, camping trailers, motor homes and campers, including accessory facilities such as administration offices and laundry facilities.

TOWN: The Town of Lumsden.

TOWN ADMINISTRATOR: The Administrator of the Town of Lumsden.

TRAILER (CAMPING), MOTOR HOME: Any vehicle designed, constructed or reconstructed in such a manner as will permit occupancy as a dwelling or sleeping place for one or more persons, notwithstanding that its running gear is removed or jacked up, is used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways, and includes self-propelled and non self-propelled vehicle.

USE: The activity or purpose for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, occupied, or maintained.

USED FOR: means “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

UTILITY SHED: An accessory building or structure used for the storage of goods with a maximum floor area of 9.3m² (100 ft. ²).

YARD: Open, uncovered space unoccupied by buildings or structures on a site except as specifically permitted elsewhere in this Bylaw.

YARD, FRONT: A yard extending across the full width of a site between the front site line(s) and the nearest wall of the main building on the site.

YARD, REAR: The yard extending across the full width of the site between the rear site line and the nearest wall of the main building on the site.

YARD, SIDE: A yard extending from the front yard to the rear yard between the side line of a site and the nearest wall of the main building or structure on the site.

SECTION 3. ADMINISTRATION AND INTERPRETATION

3.1 DEVELOPMENT OFFICER

1. The Town Administrator of the Town of Lumsden shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Council designates from time to time.
2. The Development Officer shall:
 - (a) Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, development permit conditions, and development and servicing agreements;
 - (b) Maintain, for inspection by the public during office hours, a copy of this bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
 - (c) Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
 - (d) Collect development fees, according to the fee schedule established in this bylaw;
 - (e) Perform other duties as determined by Council.
3. The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a development permit application for a "permitted use".

3.2 COUNCIL

1. Council shall make all decisions regarding discretionary uses, development and servicing agreements, and Zoning Bylaw amendments.
2. Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Government Relations and Aboriginal Affairs, prior to a decision being made by the Minister.

3. Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by The Act and in accordance with the Basic Planning Statement.

3.3 DEVELOPMENT PERMIT

1. Unless the proposed development or use is exempt from development permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:
 - (a) Complete and submit a development permit application, and (refer to permit application form in Appendix A).
 - (b) Receive a development permit for the proposed development.
2. A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Basic Planning Statement.
3. Except where a particular development is specifically exempted by Section 3.8 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

3.4 DEVELOPMENT PERMIT PROCEDURE

An application for a Development Permit shall be made to the Development Officer as outlined in Section 3.5.

1. Where an application for a Development Permit is made for a permitted use in conformity with this Bylaw, The Act and all other Town Bylaws, the Council shall hereby direct the Development Officer to issue a Development Permit.
2. Where an application for a Development Permit is made for a discretionary use, the Development Officer shall advise the Council as soon as practicable.
3. As soon as practicable after Council is advised that an application has been made for a Development Permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever Government Agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be born by the applicant.

4. Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.
5. The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision on a permitted use application and any terms and conditions attached to a discretionary use application to the Development Appeals Board. .
6. A Building Permit, where required, shall not be issued unless a Development Permit has been issued, or is issued concurrently.
7. A Development Permit is valid for a period of twelve months unless otherwise stipulated when the permit is issued.
8. Where the Development Officer determines that a development is being carried out in contravention of any condition of a Development Permit or any provision of this Bylaw, the Development Officer shall suspend or revoke the Development Permit and notify the permit holder that the permit is no longer in force.
9. Where the Council is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the Permit and the requirements of this Bylaw the Council may reinstate the Development Permit and notify the permit holder that the permit is valid and in force.

3.5 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

1. Every development permit application shall include:
 - (a) Application Form
 - (i) A completed application form;
 - (b) Site Plan
 - (i) Two copies of a proposed development site plan showing, with labels, the following existing and proposed information (as the case may be):
 - a) a scale and north arrow,
 - b) a legal description of the site,
 - c) mailing address of owner or owner's representative,

- d) site lines,
- e) bylaw site line setbacks,
- f) front, rear, and side yard requirements,
- g) site topography and special site conditions (which may require a contour map), including ponds, streams, other drainage runs, culverts, ditches, and any other drainage features,
- h) the location of any buildings, structures, easements, and dimensioned to the site lines,
- i) the location and size of trees and other vegetation, especially natural vegetation, street trees, and mature growth,
- j) retaining walls,
- k) proposed on-site and off-site services,
- l) landscaping and other physical site features,
- m) a dimensioned layout of parking areas, entrances, and exists,
- n) abutting roads and streets, including service roads and alleys,
- o) an outline, to scale, of adjacent buildings on adjoining sites,
- p) the use of adjacent buildings and any windows overlooking the new proposal,
- q) fencing or other suitable screening,
- r) garbage and outdoor storage areas,
- s) other, as required by the Development Officer or Council to effectively administer this bylaw.

- (c) Building Plan
- (i) A plan showing, with labels, the elevations, floor plan, and a perspective drawing of the proposed development;
- (d) Landscape Plan
- (i) A landscape plan showing, with labels, the following:
- a) the existing topography,
 - b) the vegetation to be retained and/or removed,
 - c) the type and layout of:
 - hard (e.g., structures) and soft (e.g., vegetation) landscaping,
 - the open space system,
 - screening,
 - berms,
 - slopes,
 - retaining walls,
 - other, as required, to effectively administer this bylaw,
 - d) the types, sizes and numbers of vegetation materials;
 - e) areas to be damaged or altered by construction activities and proposed methods of restoration; and
 - f) a schedule of site stripping and grading, construction, and site restoration, including methods to be employed to reduce or eliminate erosion by wind, water, or by other means.
 - g) historical and archaeological heritage resources and management areas (a Heritage Resource Assessment as prescribed under *The Heritage Property Act* may be required),
- (e) Vicinity Map
- (i) A vicinity map showing, with labels, the location of the proposed development in relation to the following features within two miles:
- a) nearby municipal roads, highways and railways,
 - b) (b) significant physical features, environmentally

- sensitive areas, and more or less pristine natural areas or features, especially undisturbed grassland, wooded ravines, and water feature or stream courses,
- c) (c) critical wildlife habitat and management areas,
 - d) (e) mineral extraction resources and management areas, and
 - e) (f) other as required, to effectively administer this bylaw;
- (f) Certificate of Title
- (i) A copy of the Certificate of Title, indicating ownership and all encumbrances;
- (g) Valid Interest
- (i) Development permit applicants shall be required to provide information, to the Development Officer's or Council's satisfaction, that they have a current, valid interest in the land proposed for development.
 - (ii) Proof of current valid interest may include:
 - a) proof of ownership,
 - b) an agreement for sale,
 - c) an offer or option to purchase,
 - d) a letter of purchase,
 - e) a lease for a period of more than 10 years
 - f) other, as determined and accepted by Council, or the Development Officer;
- (h) Site Description
- (i) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent; or
 - (ii) A metes and bounds description prepared by the Regina Land Titles Office Registrar, which is accompanied by an accurate sketch;
- (i) Photographic Information
- (i) Photographs showing the site in its existing state.

3.6 REFERRAL UNDER THE *PUBLIC HEALTH ACT*

1. The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under the *Public Health Act and Regulations* .

3.7 MINOR VARIANCES

1. The Development Officer may vary the requirements of this bylaw subject to the following requirements:
 - (a) A minor variance may be granted for the following only:
 - (i) Minimum required distance of a building from a lot line; and
 - (ii) The minimum required distance of a building from any other building on the lot..
 - (b) The maximum amount of a minor variance shall be 10% variation from the requirements of this bylaw.
 - (c) The development must conform to all other requirements of this bylaw.
 - (d) The relaxation of the bylaw requirement must not injuriously affect a neighbouring property.
 - (e) No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 82 of the Act.
 - (f) Minor variances shall be granted only in relation to residential properties.
2. An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of \$50.00.
3. Upon receipt of a minor variance application the Development Officer may:
 - (a) Approve the minor variance;
 - (b) Approve the minor variance and impose terms and conditions on the approval; or
 - (c) Deny the minor variance.

4. Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this bylaw.
5. Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.
6. Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.
7. The written notice shall contain:
 - (a) A summary of the application;
 - (b) Reasons for and an effective date of the decision;
 - (c) Notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
 - (d) Where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.
8. A decision to approve a minor variance, with or without terms and conditions, does not take effect until 23 days from the date the notice was provided.
9. If an assessed owner of a property having an adjoining property with the applicants land objects to the minor variance in writing to the Development Officer within the prescribed 20 day time period, 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.
10. If an application for a minor variance is refused or approved with terms or conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

3.8 DEVELOPMENT NOT REQUIRING A PERMIT

1. The following developments shall be exempt from development permit requirements, but shall conform to all other bylaw requirements (e.g., building permits, setbacks, environmental and development standards):
 - (a) Residential Zoning Districts
 - (i) Buildings and structures, which are accessory to a principal, residential use except where such dwelling is a discretionary use.
 - (ii) The erection of any fence, wall, gate, television antennae, or radio antennae.
 - (iii) Relocation of any residential or accessory building provided development standards are still met on the site.
 - (b) Commercial Zoning Districts
 - (i) Buildings and structures that are accessory to a permitted, principal, commercial use, except where such use is discretionary.
 - (ii) The erection of any fence or gate.
 - (iii) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.
 - (c) Accessory Uses
 - (i) All accessory uses, unless otherwise specified in this bylaw.
 - (d) Official Uses
 - (i) The use of all or a part of a building as a temporary polling station, returning officer's headquarters, candidates' campaign offices and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census; and
 - (ii) Uses and buildings undertaken, erected, or operated by the Town of Lumsden.

- (e) Internal Alterations
 - (i) Residential Buildings
 - a) Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site;
 - (ii) All Other Buildings
 - a) Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change;
- (f) Landscaping
 - (i) Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

3.9 DEVELOPMENT PERMIT – INVALID

A development permit shall be automatically invalid and development shall cease, as the case may be:

- (1) if the proposed development is not commenced within the period for which the Permit is valid;
- (2) if the proposed development is legally suspended, or discontinued, for a period of six or more months, unless otherwise indicated by Council or the Development Officer, or
- (3) when development is undertaken in contravention of this bylaw, the development permit and specified development standards, and/or
- (4) when a written appeal notice is received by the Development Appeals Board secretary regarding the development permit.

3.10 CANCELLATION

Council or the Development Officer may cancel a Development Permit, and when cancelled, development shall cease:

- (1) where the Development Officer or Council is satisfied that a development permit was issued based on false or mistaken information,
- (2) where new information is identified pertaining to environmental protection, flood potential, or slope instability, and/or
- (3) when a developer requests a development permit modification.

3.11 STOP-WORK

- (4) The Development Officer may authorize action to stop any development which does not conform to this bylaw, a development or servicing agreement, a development permit or condition, or a caveat under this bylaw (see Appendix B for sample Stop-Work Order).

3.12 DEVELOPMENT APPEALS BOARD

(1) Establishment

Council shall appoint a Development Appeals Board within three months from the effective date of this bylaw, in accordance with *The Planning and Development Act, 1983*.

The said Development Appeals Board shall be composed of five members. No member of Council or municipal employee shall sit on the Board.

All vacancies, as they occur, shall be filled by resolution of Council.

(2) Duties

- (a) The Development Appeals Board is bound by the Basic Planning Statement.
- (b) The Development Appeals Board may confirm, revoke, or vary the decision or development permit or any condition attached to any of these, or substitute a decision or permit that it considers advisable.

- (c) The Development Appeals Board shall adhere to the requirements of *The Planning and Development Act, 1983*.
- (d) The Board shall elect one of its members as Chair, who may administer oaths, affirmations, or declarations.
- (e) The Development Appeals Board shall keep records of its proceedings. These proceedings shall be filed in the Town office and shall be a public record.
- (f) Where a member of the Development Appeals Board has an interest in the matter before the Board, that member is duty-bound to declare a conflict of interest and shall not take part in the proceedings of, nor be entitled to, vote on the matter.

(3) Remuneration

Council may establish a separate bylaw to provide for the payment of remuneration to the board members in any amount that Council may determine

(2) Right to Appeal

- (a) *The Planning and Development Act, 1983*, provides the right to appeal the Zoning Bylaw where a Development Officer:
 - i. is alleged to have misapplied the Zoning Bylaw in issuing a development permit;
 - ii. refuses to issue a development permit because it would contravene the Zoning Bylaw; or
 - iii. issues an order, based on inspection, to the owner, operator, or occupant of land, buildings, or premises considered to contravene the Zoning Bylaw.
- (b) Appellants also may appeal where they are of the opinion that development standards prescribed by Council with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw and Basic Planning Statement.

This right of appeal extends thirty days after the issuance or refusal of a development permit or order.

3.13 FEE FOR ZONING AMENDMENT APPLICATION

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear The Planning and development Act, 1983ual cost of advertising such zoning amendment as permitted by *The Planning and Development Act, 1983*. Council also may require the applicant to pay all costs incurred in professional review of the application and in carrying out a public hearing.

3.14 INTERPRETATION

- (a) Where any provision of this bylaw appears unclear, Council shall make the final bylaw interpretation.
- (b) All bylaw requirements shall be based on the stated metric units. The imperial units shown in this Bylaw shall be approximate guidelines only.

3.15 OFFENCES AND PENALTIES

Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in *The Planning and development Act, 1983*.

3.16 INSPECTION OF PREMISES

The Development Officer, or any official or employee of the Municipality acting under their direction, is hereby authorized to enter, at all reasonable hours, upon any property or premises in or about which there is reason to believe that provisions of this Bylaw are not being complied with, and for the purpose of carrying out their duties under this Bylaw.

3.17 BYLAW COMPLIANCE

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

3.18 DEVELOPMENT AGREEMENTS

Council may request a developer to enter into a development agreement to ensure development conformity with the Basic Planning Statement and this bylaw, pursuant to Section 215 of *The Planning and Development Act, 1983*.

A development agreement is mandatory for approval of an accessory dwelling.

3.19 SERVICING AGREEMENTS

Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to Section 143 of *The Planning and Development Act, 1983*. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.

According to Section 143(2) of *The Planning and Development Act, 1983*, the agreement may provide for:

- (1) the undertaking and installation of storm sewers, sanitary sewers, drains, water mains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded gravelled or paved streets and lanes, connections to existing services, area grading and levelling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing;
- (2) the payment of levies and charges, in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

3.20 PERFORMANCE BONDS

Council may require a developer, including host owners of property where an accessory dwelling is located, to post and maintain a performance bond to ensure developer performance and to protect the public interest.

3.21 LIABILITY INSURANCE

Council may require developers to provide and maintain liability insurance to protect the municipality, developer and public.

3.22 CAVEATS

Council may require that development and servicing agreements and other documents be caveated on affected lands, to protect municipal and public interests.

SECTION 4. GENERAL REGULATIONS

The following regulations shall apply to all Zoning Districts in this Bylaw.

4.1 LICENCES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

In their interpretation and application, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Nothing in this Bylaw shall exempt any person from complying with the requirements of a building regulation bylaw or any other bylaw in force within the Town of Lumsden or law within the Province of Saskatchewan or Canada; or from obtaining any license, permission, permit, authority, or approval required by this or any other bylaw of the Town of Lumsden or any law of the Province of Saskatchewan or Canada. Where requirements in this Bylaw conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

4.2 FRONT YARD REDUCTION

Notwithstanding the minimum depth of front yard required by this Bylaw, where a site is situated between two sites each of which contains a principal building which projects beyond the standard required front yard depth, the front yard required on said site may be reduced to an average of the two established front yards on the adjacent sites; but not be less than 4.5 m (15 ft.) in a Residential district unless otherwise permitted in this bylaw.

4.3 PERMITTED YARD ENCROACHMENTS

Where minimum front, side or rear yards are required in any zoning district, the following yard encroachments shall be permitted.

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

4.4 NUMBER OF PRINCIPAL BUILDINGS ON A SITE

Only one principal building shall be permitted on any one site except for the following: parks, schools, hospitals, recreation facilities, special care homes, senior citizen homes, and approved dwelling groups and condominium developments.

Multiple unit residential buildings (e.g. duplex, four-plex) are considered to be one principle building under this bylaw, and all other uses and buildings on the site must be accessory.

4.5 SECONDARY SUITES

Secondary suites may be constructed within a principal, single detached dwelling in a residential zone. Only one secondary suite is permitted on each residential site. Secondary suites must be located within the principal dwelling and must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building. Secondary suites must contain cooking, eating, living, sleeping, and sanitary facilities.

Secondary suites may not exceed 60 m² (about 645 ft.²) or 35% of the total floor space, including basements, and may not have more than one bedroom.

4.6 ACCESSORY DWELLING UNITS (Garden Suites)

Accessory Dwelling Units may be placed in the back yard of a single-detached residential development under the following conditions:

- (i) There is no secondary suite in the primary residence,
- (ii) The owner(s) of the host residence live on the site,
 - (a) At least one resident of the primary dwelling and one resident of the accessory dwelling must be related by blood, marriage, or legal adoption,
 - (b) Except for infant children (up to two years of age) of a resident of the accessory dwelling, there shall be no more than two residents,
 - (c) The occupant(s) of the accessory dwelling should be able to benefit from the informal care and support of relatives in the primary residence, or provide care and support to family in the primary residence.

- (d) The floor area of the accessory dwelling shall not be less than 35 m² (375 ft.²) and not greater than 60 m² (650 ft.²),
- (e) The maximum height of the accessory dwelling shall not exceed 5 m (about 16.4 ft.) and shall have only one story,
- (f) Accessory dwellings shall only be located on sites where the accessory dwelling can be serviced by existing utilities,
- (g) Residents of the accessory dwelling must have access to the rear yard amenities,
- (h) The combined site coverage of the principle residence and accessory dwelling does not exceed the maximum coverage permitted by this zoning bylaw, and the accessory residence must be placed so that all other setback requirement of this bylaw are met,
- (i) A parking space must be provided on site for the resident(s) of the accessory dwelling,
- (j) There must be direct and separate access to the accessory dwelling by on-site driveway, or by public roadway or alley.

4.7 NON-CONFORMING BUILDINGS USES AND SITES

- (i) Any lawful use of land, an existing building or structure or of any building lawfully under construction at the date of approval of this Bylaw, although such use, building or structure does not conform to the regulations of this Bylaw, shall be carried on in accordance with provisions of Section 76 to 81 inclusive, of *The Planning and Development Act, 1983*.
 - (a) No existing use, building or structure shall be deemed to be non-conforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
 - (b) No existing site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the zoning district in which the site is located.

4.8 RESTORATION TO A SAFE CONDITION

- (i) Nothing in this Bylaw shall prevent the structural improvement or restoration to a safe condition of any building or structure, provided that such structural improvement or restoration shall not increase the height, area or volume so as to contravene the provisions of this Bylaw.

4.9 GRADING AND LEVELING OF SITES

- (i) Every development shall be graded and levelled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property, or the stability of the land.
 - (a) All excavations or filling shall be re-vegetated immediately after other construction activities conclude, with a suitable ground cover as may be necessary to prevent erosion.
 - (b) Where excavation or filling is proposed for any development in a flood hazard sub-district, Council may request comments of the Saskatchewan Water Corporation prior to making a decision on the Development Permit Application.
 - (c) All vegetation and debris in an area to be re-graded or filled must be removed from the site prior to site grading and levelling.
 - (d) All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the re-graded area, or re-located to a site approved by Council.

4.10 FRONTAGE ON STREET

- (ii) No development permit shall be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts or has frontage on an existing public street.

4.11 MOVING OF BUILDINGS

- (iii) No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a Development Permit from the Development Officer, unless such building is exempt under Section 3.8 of this Bylaw.

4.12 DEMOLITION OF BUILDINGS

No building shall be demolished without first obtaining a Development Permit from the Development Officer. Such Permit shall not be issued unless a proposal for the interim or long-term use or redevelopment of the site is also submitted, and the proposed use is in conformity with this Bylaw. A separate Development Permit is required for any redevelopment of the site.

4.13 DISPOSAL OF WASTES

Subject to all Acts and Regulations pertaining in any way to the storage, handling, and disposal of any waste material or used item, and except as permitted by these Acts and regulations, no liquid, solid, or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto or beneath the surface of any land, or into the air.

4.14 RESTRICTIONS ON CHANGES

(i) The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected, and no land shall be severed from any site, if such change, erection or severance creates a situation that contravenes any of the provisions of this Bylaw applicable to each individual remaining building, accessory building, site, or lot.

(ii) Notwithstanding the provisions of clause (i) of this subsection, no person shall be deemed to have contravened any provision of this Bylaw if only part or parts of any site or lot has, or have, been conveyed to, or acquired by, the Municipality or the Province of Saskatchewan for a public work.

4.15 USES PERMITTED IN ALL ZONING DISTRICTS

(i) Nothing in this bylaw shall prevent the use of any land as a public street or public park.

(ii) Nothing in this bylaw shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.

(iii) Nothing in this bylaw shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities, essential to the operation of public

works provided that such use, building, or structure shall be in substantial compliance with the relevant provisions of this Bylaw and shall not adversely affect the character or amenity of the neighbourhood in which the same is located.

4.16 TEMPORARY USES

Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned. Except in the FD-Future Development District and RE-Estate Residential Districts, buildings or structures shall not include a mobile home or motor home as temporary uses. Temporary uses shall require a Development Permit.

4.17 PROHIBITED AND NOXIOUS USES

.1 Keeping Livestock

The keeping of livestock shall not be allowed except for permitted agricultural uses in the FD - Future Development Zoning District

.2 Noxious Uses

Notwithstanding any use contained within a building, no land shall be used and no building or structure shall be erected, altered or used for any purpose that is noxious and, without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offence, or both:

- (ii) by the creation of noise or vibration,
- (iii) by the emission of light and glare;
- (iv) by reason of the emission of gas, fumes, smoke, dust or objectionable odour, or
- (v) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material,
- (vi) by any combination of things in (i), (ii), and (iii) of this subsection.

In addition, any use is prohibited which, by its nature or the materials used therein, is declared by *The Public Health Act* and *Regulations* to be a noxious trade, business, or manufacture.

4.18 MULTIPLE USES

Notwithstanding anything contained in this Bylaw, where any land, building, or structure is used for more than one purpose, all provisions of this Bylaw relating to each use shall be complied with, but no dwelling shall be located within 3.0 m (about 9.85 ft.) of any other building on the site except to a building accessory to such dwelling.

4.19 CLOSINGS

In the event a dedicated street or lane shown on the Zoning District Map forming part of this Bylaw is closed, the property formerly in such street or lane shall be included within the zoning district of the adjoining property on either side of such closed street or lane. If a closed street or lane is the boundary between two or more different zoning districts, the new district boundaries shall be the former centre line of the closed street or lane.

4.20 RAILWAY CROSSINGS AND SIGHT DISTANCES

Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 m (150 ft.) of the point of intersection of the centre line of both the railway and the street.

4.21 SATELLITE DISHES AND COMMUNICATION TOWERS

The erection of satellite dishes shall be permitted subject to the following regulations:

- (i) satellite dishes in excess of 1.0 m (3.3 ft.) in diameter shall not be located in any front yard, side yard, or in the area defined by the extension of a side yard into a rear yard that is adjacent to a street;
- (ii) satellite dishes in excess of 1.0 m (about 3.28 ft.) in diameter shall not be permitted to be erected on the roof of any principal building that is located within a Residential District and is less than three stories in height, and notwithstanding this requirement, satellite dishes, the greatest portion of which are recessed into the surface of a roof, shall be permitted;

- (iii) satellite dishes in Residential Districts shall be erected so that the elevation of the lowest edge of the dish does not exceed the elevation of the soffit of the lowest eaves of the principal building on the site the satellite dish is located on;
- (iv) satellite dishes located in Residential Districts, which exceed 1.0 m (about 3.28 ft.) in diameter shall only be erected on the roof of an accessory building if said accessory building is located entirely within a rear yard; and
- (v) satellite dishes may be erected in Commercial or Industrial Districts for communications purposes or re-broadcasting of television signals and part (i) of this subsection shall not apply.
- (vi) Cellular telephone transmission towers shall not be permitted in, or closer than 100 m (330 ft.) of, any Residential District.

4.22 PRINCIPAL USE ESTABLISHED

In any Zoning District in this Bylaw, the principal use of the land must be established prior to any accessory buildings, structures, or uses being permitted.

4.23 FRONTAGE FOR IRREGULAR SITES

The minimum site frontage on sites having a curved front site line shall be measured by a line equal to the minimum site frontage in that particular Zoning District but located back from and parallel to the midpoint of the chord of the front site line. For the purpose of this sub-section, the chord of the front site line is a straight line joining the two points where the side site lines intersect the front site line.

4.24 PRIVATE GARAGES, SUNROOMS, SOLARIUMS, AND GREENHOUSES

Private garages, carports, sunrooms, solariums, and greenhouses attached to main buildings by a substantial roof structure shall be considered as part of the main building and shall be subject to the regulations for the main building.

4.25 TRAIN, TRUCK, BUS AND COACH BODIES

Notwithstanding anything contained in this Bylaw, no train, truck, bus or coach body or structure of any kind other than a dwelling unit erected and used in accordance with this and all other bylaws of the Town of Lumsden, shall be used for human habitation whether or not the same is mounted on wheels or other form of mounting or foundation.

4.26 SWIMMING POOLS

Notwithstanding anything contained in this Bylaw, a swimming pool is permitted as an accessory use to permitted uses in the residential districts, rural districts or a motel (motor hotel) in a highway commercial district in the side yard or rear yard of any lot if:

(i) no part of such pool is located closer to any lot or street line than the minimum distance required for the principal building located on such lot, and

(ii) the maximum height of such pool is 1.2 metres (4 feet) above the average finished grade level of the ground adjoining the pool and to within 4.5 metres (15 feet) of such pool, and

(iii) any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions in the applicable Zoning Districts in Section 5 of this bylaw, respecting accessory buildings, and

(iv) every swimming pool shall be enclosed by a non-climbable fence of at least 1.8 metres (6 feet) in height and not more than 10 cm. (3.9 in.) from the ground, and located at a distance of not less than 1.5 metres (5 feet) from the pool.

(v) any deck attached to or abutting a swimming pool shall:

(a) be considered as part of the swimming pool

(b) have a minimum side yard of .75 metres (2.5 ft.) if detached from the principal building and have a minimum distance of 1.2 metres (4 ft.) from the principal building.

(c) have a minimum side yard of 1.5 metres (5 ft.) if attached to or abutting the principal building.

4.27 HOME OCCUPATIONS AND BUSINESSES

Home-based occupations and businesses will be accommodated provided that they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area, and not of a size or that provide services or products that would detrimentally affect the viability of the Town Centre.

4.28 SIGNAGE ON NATURAL AND HUMAN HERITAGE SITES

Small plaques, markers, and interpretation signs will be encouraged on properties that have significant natural or human heritage resources, with the approval of the owner, and where the signage is appropriate in scale, design, and placement with the site and surrounding area, and does not cause safety concerns or negatively impact the heritage value of the site.

SECTION 5. ZONING DISTRICTS, OVERLAY AREAS, AND ZONING MAPS

5.1 ZONING DISTRICTS:

For the purpose of this Bylaw, the Town of Lumsden is divided into the following Zoning Districts that may be referred to by the appropriate symbols:

DISTRICTS	SYMBOLS
Future Development District	FD
Estate Residential District	RE
Residential District	R1
Multiple Use Residential District	R2
High Density Residential District	R3
Mobile Home Park District	RM
Town Centre Commercial District	C1
General Commercial District	C2
Highway Commercial District	C3
Light Industrial District	I1
Craft Industrial District	I2
Institutional District	M
Public Service District	PS

OVERLAYS

Environmental Protection Overlay	ep
Slope Instability Overlay	si
Floodway Overlay	fw
▪ Floodway Fringe Areas	f1 and f2

- (ii) The locations and boundaries of the Zoning Districts are shown on *Zoning Map 1, "Zoning Districts"*. The land use overlays are shown on the supplementary *Zoning Map 2, "Floodway and Floodway Fringe Overlay Areas"*, and *Zoning Map 3, "Environmental Protection and Slope Instability Overlay Areas"*.

5.2 ZONING DISTRICT MAPS

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 15/2002, adopted by the Town of Lumsden, signed by the Mayor and by the Town Administrator under the seal of the Town, shall be known as the "Zoning Districts" map, and such map is hereby declared to be an integral part of this Bylaw.

5.3 SUPPLEMENTARY MAPS

The maps, bearing the statement "This is a supplementary map to the Zoning District Map referred to in Bylaw No. 15/2002, adopted by the Town of Lumsden, signed by the Mayor and by the Town Administrator under the seal of the Town, shall be known as Zoning Map 2, "*Floodway and Floodway Fringe Overlay Areas*", and Zoning Map 3, "*Environmental Protection and Slope Instability Overlay Areas*", and such maps are hereby declared to be an integral part of this Bylaw.

These maps will be used by the Development Officer and Council to determine the ep-Environmental Protection Overlay, fw-Floodway and f1 and f2-Floodway Fringe Overlay, and si-Slope Instability Overlay boundaries in this Zoning Bylaw. These Overlay areas identify and reflect the natural drainage patterns, flood-prone lands, and potentially unstable slopes or areas where development and land use may affect slope stability, and development will be subject to special regulations in the ep, fw (f1 and f2), and si Overlay areas.

Where engineering, environmental, or other investigations identify, at any time prior to commencing development in accordance with a Development Permit, any additional environmental protection requirement, flood protection requirement, or slope instability requirement beyond the boundaries of these Overlay areas, Council shall cancel the Development Permit in accordance with Section 3.9 until such time as concerns are resolved to Council's satisfaction.

5.4 HOLDING DESIGNATION

- (i) Where on the Zoning District Map the symbol for a zoning district has suffixed to it the holding symbol “H”; any lands so designated on the map shall be subject to a holding provision in accordance with Section 84 of The Act.
- (ii) Any lands subject to a holding provision shall only be used for the following uses:
 - a) those uses existing on the land when the “H” is applied; and
 - b) public works.

5.5 FUTURE DEVELOPMENT DISTRICT - FD

No person shall within any FD District use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

5.5.1 Permitted Uses:

- (i) Agricultural crop production and horticultural uses and buildings and structures accessory thereto;
- (ii) Commercial greenhouses, market gardens, and sod farms;
- (iii) Animal hospital;
- (iv) Uses, buildings and structures accessory to the foregoing permitted uses, with the exception of large accessory buildings;
- (v) One single detached dwelling and buildings accessory thereto with the exception of large accessory buildings;
- (vi) Recreational uses;
- (vi) Public works
- (vii) Home occupations
- (viii) Uses in existence when this bylaw comes into force

5.5.2 Discretionary Uses:

The following uses may be permitted in the Future Development District only by resolution of Council and only in locations specified by Council:

- (i) Accessory dwellings
- (ii) Large accessory buildings
- (iii) Keeping livestock, but excluding poultry farms, mushroom farms, fur farms, hatcheries, commercial dog kennels, and the keeping of hogs or any other intensive livestock operation.

5.5.3 Regulations:

- (i) Minimum site area – existing sites permitted, no subdivision of land
- (ii) Minimum site frontage – existing site frontages permitted
- (iii) Minimum front yard - 7.6 m (25.0 ft.)
- (iv) Minimum side yard – 3.0 m (9.8 ft.) for dwellings and buildings accessory thereto, except the minimum side yard abutting a public street shall be 7.6 m (25.0 ft.).
- (v) Minimum rear yard - 12 m (about 39. ft.) for dwellings and buildings accessory thereto except that the minimum rear yard abutting a public street shall be 30.0 m (about 98.4 ft.)
- (vi) Maximum site coverage - 10%

5.5.4 Regulations for Signs:

- (i) one permanent sign is permitted per site;
- (ii) in the case of a home occupation, an additional permanent sign is permitted;
- (iii) the facial area of a sign shall not exceed 0.5 sq. m (about 5.4 sq. ft.)
- (iv) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- (v) temporary signs not exceeding 1.0 sq. m (about 10.76 sq. ft.) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

5.5.5 Large Accessory Buildings

Large accessory buildings on residential sites must have an appearance similar to the form, materials, and features of the primary dwelling and may not be commercial or industrial in appearance.

5.5.6 Supplementary Regulations:

- (i) Any building or structure used for the habitation or shelter of animals permitted in this Zoning District shall be located a minimum distance of 76 m (about 250 ft.) from an occupied dwelling situated on an adjoining site.
- (ii) Where a development is proposed at a location at which standard connection to the Town's existing sewer and water system is not feasible, the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that

development acceptable to Council and meets *The Public Health Act and Regulations* requirements. The Development Officer shall advise the developer that fire protection may be limited.

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

5.6 ESTATE RESIDENTIAL DISTRICT – RE

No person shall, within any Estate Residential District, use any land, keep or maintain any livestock or poultry, or erect, alter, or use any building or structure except in accordance with the following provisions:

5.6.1 Permitted Uses:

- (i) One single detached dwelling and uses, buildings, and structures accessory thereto, except for large accessory buildings
- (ii) Playgrounds and swimming pools,
- (iii) Public works, buildings, and structures (excluding warehouses and storage yards and waste management or sewage facilities),
- (iv) Home occupations,
- (v) Personal care homes.

5.6.2 Discretionary Uses:

The following uses may be permitted in the Estate Residential District only by resolution of Council and only in locations specified by Council:

- (i) child and adult care homes
- (ii) accessory dwellings
- (iii) large accessory buildings

5.6.3 Site Development Regulations:

- (i) Minimum site frontage – 25 m (about 82 ft.)
- (ii) Minimum front yard - 7.6 m (about 25 ft.)
- (iii) Minimum side yard – 3.0 m (about 10 ft.) unless on a corner site, the side yard shall be 7.6 m (about 25 ft.),
- (iv) Minimum rear yard - 9.0 m (about 30 ft.) or 25% of the depth of the site whichever is the lesser.
- (v) Minimum floor area for primary dwelling 116 m² (about 1250 ft.²)
- (vi) Maximum site coverage - 20%

5.6.4 Regulations for Accessory Buildings:

No accessory building shall be located within 3.0 m (about 10 ft.) of a side or rear site line except where the minimum yard abuts a public street, in which case the minimum side or rear yard shall be 7.6 m (about 25 ft.).

5.6.5 Large Accessory Buildings

Large accessory buildings on residential sites must have an appearance similar to the form, materials, and features of the primary dwelling and may not be commercial or industrial in appearance.

5.6.6 Regulations for Signs:

- (i) one permanent sign is permitted per site;
- (ii) in the case of a home occupation, an additional permanent sign is permitted on a door or wall surface or in a window.
- (iii) the facial area of a sign shall not exceed 0.5 sq. m (about 5.4 sq. ft.)
- (iv) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- (v) temporary signs not exceeding 1.0 sq. m (about 10.8 sq. ft.) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.
- (vi) signs may not be lighted.

5.6.7 Supplementary Regulations:

(i) Where a development is proposed at a location at which standard connection to the Town's existing sewer and water system is not feasible, the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council and meets *The Public Health Act* and *Regulations* requirements. The Development Officer shall advise the developer that fire protection may be limited.

(ii) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

5.7 RESIDENTIAL DISTRICT - R1

No person shall within any RI-Residential District use any land or erect, alter or use any building or structure, except in accordance with the following provisions:

5.7.1 Permitted Uses:

- (i) One single detached dwelling
- (ii) Playgrounds and swimming pools
- (iii) Public works buildings and structures excluding offices, warehouses, and storage yards
- (iv) Accessory buildings and structures or uses accessory to and located on the same site with the main use
- (v) Home occupations
- (vi) Secondary suites
- (vii) Child and adult daycare

5.7.2 Discretionary Uses:

The following uses may be permitted in the RI-Residential District only by resolution of Council and only in locations specified by Council:

- (i) Accessory Dwellings
- (ii) Semi-detached and duplex dwellings
- (iii) Modular homes
- (iv) Personal care homes
- (v) Dwelling groups with single detached or duplex dwellings

5.7.3 Regulations for Site Development:

- (i) Minimum site area - 550 sq. m (about 5,920 sq. ft.)
- (ii) Maximum site area - 750 sq. m (about 8,070 sq. ft.)
- (iii) Minimum site frontage - 18.0 m (about 60 ft.)
- (iv) Minimum front yard - 7.0 m (about 23 ft.)
- (v) Minimum side yard - 1.5 m (about 5 ft.) unless on a corner site, the side yard shall be 3.6 m (about 12 ft.),
- (vi) Maximum site coverage - 50%
- (vii) Minimum of 2 parking spaces

5.7.4 Regulations for modular homes:

- (i) All modular homes shall be placed on a permanent, concrete foundation
- (ii) All modular homes shall be multi-modular, with the width approximately equivalent to the length
- (iii) All modular homes shall have architectural features similar or complementary to adjacent and nearby homes
- (iv) All other requirements of this bylaw apply.

5.7.5 Regulations for Accessory Buildings:

(i) All accessory buildings shall be set back a minimum of 7.0 m (about 23 ft.) from the front site line, 1.2 m (about 4 ft.) from the principal building, and 0.8 m (about 2.6 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 m (about 12 ft.).

(ii) All accessory building shall be located a minimum of 0.8 m (2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.2 m (ft.) from the site line abutting the lane.

5.7.6 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

5.8 RESIDENTIAL MULTIPLE DISTRICT – R2

No person shall within any R2 - Residential Multiple Use District use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.8.1 Permitted Uses:

- (i) Single-detached dwelling;
- (ii) Semi-detached, two-unit dwelling or duplex dwelling;
- (iii) Fourplex, townhouse, or row house.
- (iv) Secondary suites in single detached dwellings only;
- (v) Home occupations;
- (vi) Playgrounds and swimming pools;
- (vii) Public works, buildings and structures (excluding warehouses, storage yards and waste management or sewage facilities.)

5.8.2 Discretionary Uses:

The following uses may be permitted in the R2 - Residential Mixed-Use District but only by resolution of Council and only in locations specified in such resolution of Council.

- (i) Apartment blocks
- (ii) Modular homes
- (iii) Accessory dwellings (with single-detached dwellings only)
- (iv) Personal care homes;
- (v) Child and adult daycare
- (vi) Dwelling groups

5.8.3 Regulations:

<u>Requirement</u>	<u>Single Detached Dwellings</u>	<u>Semi-detached and Duplex</u>
Minimum site area	520 m ² (about 5600 ft ² .)	550 m ² (about 5900 ft ² .)
Minimum site frontage	17 m (about 55 ft.)	20 m (about 65 ft.)
Minimum front yard	6.0 m (about 20 ft.)	6.0 m (about 20 ft.)
Minimum rear yard	9 m (30 ft.) or 25% depth (whichever is greater)	9 m (30 ft.)
Minimum side yard	3.6 m (about 12 ft.)	1.5 m (5 ft.) except on a corner site abutting a street then 3.6 m (about 12 ft.)
Maximum site coverage	40%	50%
Minimum floor area per dwelling unit	70 m ² (750 ft ² .)	56 m ² (600. ft ² .)
Minimum on-site parking	1.5 parking spaces	2 per dwelling unit

<u>Requirement</u>	<u>Townhouse, Fourplex</u>	<u>Apartment Blocks</u>
Minimum site area	930 m ² (about 10000 ft ² .)	930 m ² (about 10000 ft ² .)
Minimum frontage	25 m (about 80 ft.)	25 m (about 80 ft.)
Minimum front yard	6.0 m (about 20 ft.)	6.0 m (about 20 ft.)
Minimum rear yard	6 m (about 20 ft.)	7.6 m (about 25 ft.)
Minimum side yard	2.1 m (about 7 ft.) unless on a corner site and building faces flanking street then side yard abutting street shall be 3.7 m (about 12 ft.).	3.7 m (about 12 ft.) or 50% of the average wall height whichever is greater, or 6.0 m (about 20 ft.) if building faces a flanking street on a corner.
Minimum floor area	56 m ² (about 600 ft ² .)	46.5 m ² (about 500 ft ² .) per dwelling unit
Maximum site coverage	50%	50% interior site, 60% corner site
Maximum height	2 1/2 stories	3 stories
Parking spaces	1 1/2 spaces per dwelling unit	1 1/4 spaces per dwelling unit

5.8.4 Regulations for Modular Homes:

- (i) All modular homes shall be placed on a permanent, concrete foundation
- (ii) All modular homes shall be multi-modular, with the width approximately equivalent to the length

- (iii) All modular homes shall have architectural features similar or complementary to adjacent and nearby homes
- (iv) All other requirements of this bylaw apply.

5.8.5 Regulations for Accessory Buildings:

(i) All accessory buildings shall be set back a minimum of 7.0 m (23 ft.) from the front site line, 1.2 m (about 4 ft.) from the principal building, and 0.8 m (about 2.6 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 m (about 12 ft.).

(ii) All accessory building shall be located a minimum of 0.8 m (about 2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.2 m (about 4 ft.) from the site line abutting the lane.

5.8.6 Regulations for Signs:

- (i) one permanent sign is permitted per site;
- (ii) in the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling;
- (iii) the facial area of a sign shall not exceed 0.5 m² (about 5.4ft²);
- (iv) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- (v) temporary signs not exceeding 1 m² (about 10.8 ft².) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

5.8.7 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

5.9 RESIDENTIAL HIGH DENSITY DISTRICT - R3

No person shall within any Residential High Density District use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.9.1 Permitted Uses:

- (i) All uses permitted under the R2 Zoning District
- (ii) Three- level apartment blocks
- (iii) Dwelling groups
- (iv) Modular homes;
- (v) Modular home communities
- (vi) Senior citizen homes
- (vii) Home based businesses
- (viii) Public works buildings and structures excluding offices, warehouses, storage yards, and waste management or sewage facilities;
- (ix) Playgrounds;
- (x) Uses, buildings and structures accessory to the foregoing permitted uses.

5.9.2 Discretionary Uses:

The following uses may be permitted in the R3 - Residential High Density Housing District but only in locations specified in such resolution of Council.

- (i) Child and adult daycare

5.9.3 Regulations for Modular Home Communities, and Dwelling Groups:

- (i) Minimum site frontage 60.0 m (about 200 ft.)
- (ii) Minimum site area 0.4 hectare (about 1.0 acres)
- (iii) No modular home shall be permitted within a modular home community except upon a modular home site.

5.9.4 Regulations for Modular Home Sites Within Modular Home Communities:

- (i) Minimum site area 450 sq. m (about 4,850 sq. ft.)
- (ii) Minimum site frontage 14m (about 46 ft.)
- (iii) Minimum front yard 6.0 m (about 19.7 ft.)
- (iv) Minimum rear yard 4.0 m (about 13 ft.)

- (v) Minimum side yard 1.2 m (about 4 ft.) but 3.6 m. (about 12 ft.) from a flanking street and 5.0 m (about 17 ft.) from the edge of the community
- (vi) Minimum parking spaces shall be 2 parking space per site.
- (vii) Maximum site coverage - 50%

5.9.5 Regulations for Accessory Buildings:

(i) All accessory buildings shall be set back a minimum of 7.0 m (about 23 ft.) from the front site line, 1.2 m (about 4 ft.) from the principal building, and 0.8 m (about 2.6 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 m (about 12 ft.).

(ii) All accessory building shall be located a minimum of 0.8 m (about 2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.2 m (about 4 ft.) from the site line abutting the lane.

5.9.6 Regulations for Signs:

- (i) one permanent sign is permitted per site;
- (ii) in the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling;
- (iii) the facial area of a sign shall not exceed 0.5 sq. m (about 5.4 sq. ft.);
- (iv) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- (v) temporary signs, not exceeding 1 sq. m (about 10.8 sq. ft.), advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

5.9.7 . Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

5.10 RESIDENTIAL MOBILE HOME DISTRICT – RM

No person shall within any Residential Mobile Home District use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.10.1 Permitted Uses:

- (i) Mobile homes parks;
- (ii) Home based businesses
- (iii) Public works buildings and structures excluding offices, warehouses, storage yards, and waste management or sewage facilities;
- (iv) Playgrounds;
- (v) Uses, buildings and structures accessory to the foregoing permitted uses.

5.10.2 Discretionary Uses:

The following uses may be permitted in the RM – Residential Mobile Home District but only in locations specified in such resolution of Council.

- (i) Child and adult daycare
- (ii) Confectionary and laundry facilities

5.10.3 Regulations for Mobile Home Parks:

- (i) Minimum mobile home park frontage 30.5 m (about 100 ft.)
- (ii) Minimum mobile home park area 0.4 hectares (about 1 acre)
- (iii) No mobile home shall be permitted except upon a mobile home site.

5.10.4 Regulations for Mobile Home Sites:

- (i) Minimum site area 400 m² (4300 ft².)
- (ii) Minimum site frontage 12.2 m (about 40 ft.)
- (iii) Minimum front yard 6.0 m (about 20 ft.)
- (iv) Minimum rear yard 3.0 m (about 10 ft.)
- (v) Minimum side yard 1.2 m (about 5 ft.) but 3.6 m. (about 12 ft.) from a flanking street
- (vi) Maximum number of sites shall be 8 per 0.4 ha (about 1 acre) of land.
- (vii) Minimum parking spaces shall be 2 parking spaces per site.

5.10.5 Regulations for Accessory Buildings:

(i) All accessory buildings shall be set back a minimum of 7.0 m (about 23 ft.) from the front site line, 1.2 m (about 4 ft.) from the principal building, and 0.8 m (about 2.6 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 m (about 12 ft.).

(ii) All accessory building shall be located a minimum of 0.8 m (about 2.6 ft.) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.2 m (about 4 ft.) from the site line abutting the lane.

5.10.6 Regulations for Signs:

(i) one permanent sign is permitted per site;

(ii) in the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling;

(iii) the facial area of a sign shall not exceed 0.5 sq. m (about 5.4 sq. ft.);

(iv) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;

(v) temporary signs not exceeding 1 sq. m (about 10.8 sq. ft.) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

5.10.7 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

5.11 TOWN CENTRE COMMERCIAL DISTRICT – C1

No person shall within any C1-Town Centre Commercial District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.11.1 Permitted Uses:

- (i) Banks, credit unions, and other financial institutions
 - (ii) Administrative offices;
 - (iii) Barbers, hairdressers, and other similar personal services establishments;
 - (iv) Medical, dental, and other health care offices and clinics, including preventive care such as massage therapy, health food supplies, herbalists, and other forms of lifestyle enhancement, treatment, or counselling;
 - (v) Restaurants, tea houses, coffee shops, and other similar retail food services;
 - (vi) Storefront retail stores and outlets;
 - (vii) Theatres, assembly halls;
 - (viii) Commercial recreation establishments such as arcades and billiard halls;
 - (ix) Licensed premises for the sale and consumption of alcoholic beverages;
 - (x) Libraries, galleries, museums, and other similar cultural institutions;
 - (xi) Storefront bakeries, butcher shops, and similar food processing with on-site retail sales;
 - (xii) Outdoor seating, sales, or markets and concessions (permanent, seasonal, or occasional);
 - (xiii) Small-scale repair trades such as tailors, cobblers, jewellers, and similar trades;
 - (xiv) Dwellings attached to and behind, or above, commercial establishments;
 - (xv) Buildings, structures or uses accessory to and located on the same site as the principal building or permitted use.
- (xi) Public works buildings and structures excluding offices, warehouses, storage yards, and waste management or sewage facilities;

5.11.2 Discretionary Uses:

The following uses may be permitted in the TCC-Town Centre Commercial District but only by resolution of Council and only in locations specified by such resolution of Council:

- (i) Post office or postal terminal

- (ii) Parking lots or parking structures
- (iii) Newspaper offices and printing plants and services;
- (iv) Other innovative commercial uses deemed by Council to be consistent with the pedestrian-oriented, street level retail and services intent of the Town Centre Commercial District.

5.11.3 Regulations for Accessory Buildings:

Setbacks for accessory buildings shall meet the same requirements as the principal building.

5.11.4 Regulations for Signs:

Signs and billboards shall be prohibited in the TCC Town Centre Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:

- (i) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- (ii) the facial area of a sign shall not exceed 0.5 sq. m (about 5.4 sq. ft.);
- (iii) temporary signs not exceeding 1.0 sq. m (about 10.8 sq. ft.) advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.
- (iv) temporary signs advertising product prices or sales, special events related to retail and service activities, the sale or lease of the property, or advertising community or charity activities or events are permitted.

5.11.5 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

(ii) Dwelling Units:

(a) Dwelling units shall have a floor area smaller than or equal to the floor area in commercial use.

(b) All dwelling units shall have an entrance separate from that of the commercial establishment.

(c) Dwelling units shall be located above or at the rear and attached to the principal commercial use.

(d) Accessory residential uses shall conform to the Provincial Public Health and Fire Regulations.

5.12 GENERAL COMMERCIAL DISTRICT – C2

No person shall, within any C2 - General Commercial District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.12.1 Permitted Uses:

- (i) Banks, credit unions, and other financial institutions
- (ii) Administrative offices;
- (iii) Parking lots or parking structures;
- (iv) Grocery stores, strip malls, or retail plazas requiring on-site parking;
- (v) Dry cleaning, laundry establishments, and self-service laundries,
- (vi) Medical, dental, and other health care offices and clinics, including preventive care such as massage therapy, health food and herbalists, and other forms of treatment or counselling;
- (vii) Newspaper offices and printing plants and services;
- (viii) Retail stores and outlets;
- (ix) Theatres, assembly halls;
- (x) Commercial recreation establishments such as arcades and billiard halls;
- (xi) Licensed premises for the sale and consumption of alcoholic beverages;
- (xii) Hotels;
- (xiii) Libraries, galleries, museums, and other similar cultural institutions;
- (xiv) Bakeries, butcher shops, and similar food processing with on-site retail sales outlets;
- (xv) Dwellings above commercial establishments;
- (xvi) Outdoor markets (seasonal, or occasional)
- (xvii) Lumber and building supply establishments,
- (xviii) Bus terminals,
- (xix) Buildings, structures or uses accessory to and located on the same site as the principal building or permitted uses.
- (xii) Public works buildings and structures excluding offices, warehouses, storage yards, and waste management or sewage facilities;

5.12.2 Discretionary Uses:

The following uses may be permitted in the C2 - General Commercial District but only by resolution of Council and only in locations specified by such resolution of Council:

- (i) Trades as accessory uses to related retail sales

5.12.3 Parking Regulations:

Stores and offices	1 parking space for every 50 sq. m (about 538 sq. ft.) of gross floor area;
Restaurants, other eating places, theatres, places of assembly	1 parking space for every 10 seats provided for patrons.
Places of worship	No requirement
Hotels	1 parking space for each 2 guest sleeping rooms
Service Stations	1 1/2 parking spaces per each service bay
Dwelling units	1 parking space per dwelling unit
Strip malls	1 parking space for every 50 sq. m (about 538 sq. ft.) of gross floor area, not counting area provided for service station or other freestanding use;
All other uses	1 parking space for each 75 sq. m (about 806 sq. ft.) of building floor area

5.12.4 Regulations for Accessory Buildings:

Setbacks for accessory buildings shall meet the same requirements as the principal building.

5.12.5 Regulations for Signs:

Signs and billboards shall be prohibited in the C1 General Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises, and except for strip malls, that may have one additional sign

advertising the presence of the mall and its occupant businesses. Permitted signs shall be subject to the following requirements:

- (i) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- (ii) the facial area of a sign shall not exceed 0.5 sq. m (about 5.4 sq. ft.);
- (iii) temporary signs not exceeding 1.0 sq. m (about 11 sq. ft.) advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.
- (iv) temporary signs advertising product prices or sales, special events related to retail and service activities, the sale or lease of the property, or advertising community or charity activities or events are permitted.

5.12.6 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

(ii) Dwelling Units:

(a) Dwelling units permitted in the C1-General Commercial District shall have a floor area less than or equal to the floor area in commercial use.

(b) All dwelling units shall have an entrance separate from that of the commercial establishment.

(c) Dwelling units shall be located above or behind the principal commercial use.

(d) Residential uses shall conform to the Provincial Public Health and Fire Regulations.

5.13 HIGHWAY COMMERCIAL DISTRICT – C3

No person shall within a C3 - Highway Commercial District use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.13.1 Permitted Uses:

- (i) Motels or motor hotels;
- (ii) Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, farm machinery and equipment, public garages, and may include auto body shops;
- (iii) Car washing establishments;
- (iv) Public transportation depots;
- (v) Restaurants, confectionaries;
- (vi) Animal hospitals, or clinics and offices of veterinary surgeons;
- (vii) Garden centres;
- (viii) Public works buildings and structures waste management or sewage facilities;
- (ix) Shops of plumbers, pipe fitters, metal workers and other industrial trades people;
- (x) Police stations;
- (xi) Uses, buildings or structures accessory to and located on the same site as the principal building or use, including dwellings for caretakers, owners, or managers of any of the permitted uses.

5.13.2 Discretionary Uses:

There are no discretionary uses in this district.

5.13.3 Regulations:

- Minimum site area 1115 sq. m (about 12000 sq. ft.) except that motels and motor hotels shall have 1720 sq. m (about 18500 sq. ft.)
- Minimum site frontage Motels or motor hotels shall have 45.7 m (about 150 ft.) and all other uses shall have 30 m (about 100 ft.), except there shall be no minimum for public works buildings.
- Minimum front yard Motels or motor hotels shall have 15.2 m (about 50 ft.) and all other uses shall have 7.5 m (about 25.2 ft.)
- Minimum side yard 3 m (about 10 ft.) except as provided in the following paragraphs (i) and (ii):
 - (i) 6 m (about 20 ft.) abutting a side site line which is the boundary of any residential district;
 - (ii) 6 m (about 20 ft.) for the side yard abutting a public street.
- Minimum rear yard 10% of the depth of the site except the minimum rear yard abutting any residential district shall be 7.5 m (about 25.2 ft.).
- Accessory buildings Setbacks for accessory buildings shall meet the same requirements as the principal use or building.

5.13.4 Parking Requirements:

The following regulations shall apply as a minimum requirement for each permitted used in the C3 Highway Commercial District:

Motels, motor hotels	1 parking space for each unit;
Restaurants	1 parking space for each 20 patron seats;
Accessory dwellings	2 parking spaces per dwelling unit;
All other uses	1 parking space for each 75 sq. m (about 800 sq. ft.) of gross floor area

5.13.5 Regulations for Signs:

Signs and billboards shall be prohibited in the C3 Highway Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:

- (i) no sign shall be located in any manner that may jeopardize public safety;
- (ii) the facial area of a sign shall not exceed 0.5 sq. m (about 5.4 sq. ft.);
- (iii) temporary signs not exceeding 1 sq. m (about 10.8 sq. ft.) advertising the

sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

5.13.6 Loading Requirements:

Where the use of a building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided on the site.

5.13.7 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

(ii) (a) Dwelling units permitted in a C3 Highway Commercial District shall have a minimum floor area of 55.7 sq. m (about 600 sq. ft.).

(b) All dwelling units shall be attached to the rear of the principal building or be above the principal use and shall have an entrance separate from that of the commercial establishment.

(c) Accessory residential uses shall conform to the Provincial Public Health and Fire Regulations.

(d) The maximum number of dwelling units shall be one for each commercial use.

(iii) Service stations:

(a) Fuel pumps and other accessory equipment shall be located not less than 6 m (about 20 ft.) from any street or site line.

(b) All automobile parts, dismantled vehicles, and similar articles shall be stored within a building or screened to the satisfaction of Council.

5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – I1

No person shall within any I1-General Light Industrial District use any land, or erect, alter, or use any building or structure except in accordance with the following provisions:

5.14.1 Permitted Uses:

- (i) Lumber and building supply establishment;
- (ii) Auto body shops;
- (iii) Shops of plumbers, pipe fitters, metal workers, and other industrial trades people;
- (iv) Warehousing and supply depots;
- (v) Wholesaling establishments;
- (vi) Public works buildings and structures;
- (vii) Manufacturing and processing uses that are not noxious, and that pose no risk of accidental release of airborne contaminants;
- (viii) Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation.

5.14.2 Regulations:

Minimum site area 1115 m² (about 12000 ft².)

Minimum site frontage 30 m (about 100 ft.) except there is no minimum for public utility structures.

Minimum front yard 4.5 m (about 15 ft.)

Minimum side yard 3 m (about 10 ft.) except when the side site line is the boundary of any Residential District or abuts a public street then the minimum side yard shall be 7.6 m (about 25 ft.)

Minimum rear yard 10% of the depth of the site except when the rear site line abuts the boundary of any Residential District the minimum rear yard shall be 20% of the depth of the site and except when the rear site line abuts a railway right-of-way no rear yard need be provided.

Accessory buildings: setbacks for accessory buildings shall meet the same requirements as the principal use or building.

5.14.3 Regulations for Parking:

All principal buildings or uses shall provide 1 off street parking space for each 50 m² (about 540 ft².) of gross floor area, or 1 parking space for each 1.5 employees, whichever is greater.

5.14.4 Regulations for Signs:

Signs and billboards are prohibited in the I1 Industrial District except for signs advertising the principal use of the premises or the names of the occupants of the premises. Permitted signs shall be subject to the following regulations:

(i) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;

(iii) the facial area of a sign shall not exceed 0.5 m² (about 5.4 ft².);

(ii) temporary signs not exceeding 1 m² (about 11. ft².) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

5.14.5 Loading Requirements:

Where the use of a building or site involves the receipt, distribution, or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to stand for loading and unloading without restricting access to all parts of the site shall be provided on the site.

5.14.6 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

(ii) Open air operations, storage and display of goods or material are prohibited in any front yard.

(iii) Fuel pumps and other accessory equipment shall be located at least 6 m (about 20 ft.) from any street or site line.

(iv) All automobile parts, dismantled vehicles, storage drums and crates, stockpiled material, and similar articles and materials shall be stored within a building or suitably screened from public view.

5.15 CRAFT INDUSTRIAL DISTRICT-I2

No person shall within any I2-Craft Industrial District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.15.1 Permitted Uses:

- (i) Art and hand craft shops and studios (e.g. painters, sculptors, carvers, blacksmiths, jewellers, furniture makers, print makers, weavers, and other similar artists and craftspeople);
- (ii) Storage facilities for materials and product;
- (iii) Wholesale and retail sales of art and craft product;
- (iv) Galleries for the display and sale of art and craft;
- (v) Residences attached to, or above, the industrial operations for use by the resident artist, craftsman, or a person employed on the site;
- (vi) On-site sale of refreshments including beer and wine, and snacks, but not including catering or meal preparation and sales as typically associated with restaurant use;
- (vii) Instruction in, or teaching of, art and craft knowledge and skills; and
- (viii) Parking lots.
- (ix) Public works buildings and structures excluding offices, warehouses, storage yards, and waste management or sewage facilities;

5.15.2 Regulations:

Minimum front yard: 3.0 m (about 10 ft.)

Minimum side yard 1.2 m (about 4 ft.)

Minimum rear yard 1.2 m (about 4 ft.)

5.15.3 Parking Regulations:

1 parking space if a dwelling unit is included.

5.15.4 Regulations for Accessory Buildings:

Setbacks for accessory buildings shall meet the same requirements as the principal building.

5.15.5 Regulations for Signs:

Signs and billboards shall be prohibited in the I2 Town Centre Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:

(i) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;

(ii) the facial area of a sign shall not exceed 0.5 m² (about 5.4 ft².);

(iii) temporary signs not exceeding 1.0 sq. m (about 10.8 sq. ft.) advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.

(iv) temporary signs advertising product prices or sales, special events related to retail and service activities, the sale or lease of the property, or advertising community or charity activities or events are permitted.

5.15.6 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

(ii) Dwelling Units:

(a) Dwelling units permitted in the I2 shall have a maximum floor area equal to or less than the floor area in industrial use.

(b) All dwelling units shall have an entrance separate from that of the commercial establishment.

(c) Dwelling units shall be located above or at the rear and attached to the principal commercial use.

(d) Accessory residential uses shall conform to the Provincial Public Health and Fire Regulations.

5.16 INSTITUTIONAL DISTRICT-M

No person shall, within any MInstitutional District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.16.1 Permitted Uses:

- (i) Elementary and secondary schools;
- (ii) Lodges, social clubs, service clubs;
- (iii) Municipal offices, libraries, cultural institutions, community halls;
- (iv) Places of Worship;
- (v) Public works buildings and structures excluding storage yards, and warehouses;
- (vi) Accessory buildings, structures, and uses located on the same site with the main use.

5.16.2 Regulations

(a) Regulations for elementary and secondary schools:

Minimum site area	no requirement
Minimum site frontage	61 m (about 200 ft.)
Minimum front yard	15 m (about 50 ft.)
Minimum side yard	7.6 m (about 25 ft.)
Minimum rear yard	7.6 m (about 25 ft.)

(b) Regulations for permitted uses other than schools:

Minimum site area	600 m ² (about 6500 ft ² .)
Minimum site frontage	20 m (about 65 ft.)
Minimum front yard	7.6 m (about 25 ft.)
Minimum side yard	not less than half the height of the building or 3 m (about 10 ft.), whichever is greatest
Minimum rear yard	6.1 m (about 20 ft.) except where the rear of the site abuts any Residential District without an intervening street or lane, a rear yard of at least 7.6 m (about 25 ft.) shall be provided.

5.16.3 Regulations for Parking:

Off-street parking requirements shall be provided in accordance with the following:

Elementary school	1 parking space for each staff member
High school	1 parking space for each staff member, plus 1 parking space for each classroom
Churches	no requirement
Special care homes	1 parking space for each bed.
Places of assembly, institutional buildings.	1 parking space for each 50 m ² (about 538 ft ² .) of floor area

5.16.4 Regulations for Signs:

- (i) The facial area of a sign shall not exceed 0.5 m² (about 5.4 ft².);
- (ii) Signs and billboards are prohibited except for one information sign for each building or use and those bearing notices of special events and activities, or other information, relating to a temporary condition affecting the site and shall not exceed 1 sq. m (about 11 sq. ft.) in size.

5.16.5 Regulations for Accessory Buildings:

- (i) All accessory buildings with a door or doors opening onto a lane shall not be located less than 1.2 m (about 4 ft.) from the site line abutting the lane.
- (ii) All accessory buildings shall be set back a minimum of 7.6 m (about 25 ft.) from the front site line, 1.2 m (about 4 ft.) from the principal building, and .8 m (about 2.5 ft.) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 m (about 12 ft.).

5.16.6 Supplementary Regulations:

- (i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

5.17 PUBLIC SERVICE DISTRICT – PS

Subject to all other provisions in this Bylaw, no person shall within any Public Service District use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

5.17.1 Permitted Uses:

- (i) Recreational - sports fields, parks, playgrounds, curling rinks, skating rinks, tennis courts, lawn bowling greens, swimming pools, and other similar uses, but not including golf courses, auto race tracks, horse race tracks, or other very large or very intensive use facilities except as herein permitted;
- (ii) Natural or nature-like open areas;
- (iii) Cemeteries;
- (iv) Public works and shall include water reservoirs and sewage treatment facilities;
- (v) Buildings, structures, or uses secondary or subordinate to, and located on the same site as, the principal use, shall be considered accessory uses; and, may include residential and commercial uses.

5.17.2 Discretionary Uses:

The following uses may be permitted in the Public Service District but only by resolution of Council and only in locations specified in such resolution of Council:

- (i) Historical and cultural museums

5.17.3 Regulations:

- (i) Regulations for skating, curling rinks and swimming pools:

Minimum site area	1208 m ² (about 13000 ft ² .)
Minimum site frontage	20 m (about 65 ft.)
Minimum Front yard	7.6 m (about 25 ft.)
Minimum rear yard	7.6 m (about 25 ft.)
Minimum side yard	1.5 m (about 5 ft.) except on a corner site abutting a street then 3.6 m (about 12 ft.)

- (ii) More than one recreational use maybe permitted per site.

(iii) Regulations for all other uses and structures permitted in the PS - Public Service District:

Minimum site frontage	15.2 m (about 50 ft.)
Minimum site coverage	10% for buildings and structures
Minimum front yard	7.6 m (about 25.2 ft.)
Minimum side yard	3 m (about 10 ft.)
Minimum rear yard	3 m (about 10 ft.)
Public works	no requirements

5.17.4 Sign Regulations :

The facial area of a sign shall not exceed 0.5 m² (about 5.4 ft².); or use and those bearing notices of sale or lease or other information relating to a temporary condition affecting the site and shall not exceed 1 sq. m (about 10.8 sq. ft.) in size.

5.17.5 Parking Regulations :

1 parking space shall be provided for each of every ten seats provided for patrons in recreational buildings or sports centres.

5.17.6 Supplementary Regulations:

(i) The regulations of subs-sections 5.18 ep-Environmental Protection, 5.19 fw-Floodway, and 5.20 si-Slope Instability Overlays also shall apply in conjunction with this District.

(ii) There shall be a setback of 3 m (about 10 ft.) between any buildings located in a PS - Public Service District and any site in a Residential District.

5.18 ENVIRONMENTAL PROTECTION OVERLAY AREA - EP

No person shall within any EP - Environmental Protection Overlay Area use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

5.18.1 Boundary

In the event that there is dispute over where the mapped boundary of an EP Area falls on any property or site, the boundary shall be determined by input from professional surveyors, engineers and/or plant ecologists or horticulturalists by determining the location of, and including all of the land within, the area bounded by the following:

- (i) The top of the slope (valley crest) as defined by the line where the grade exceeds 20% plus a 10 m setback;
- (ii) The edge of vegetation that is substantially composed of native trees and/or shrubs, plus a 10 m setback;
- (iii) Any uncultivated area that is vegetated substantially by native plant communities;
- (iv) The edge of any natural stream or melt water run, plus a 10 m setback from each bank;
- (v) The top of bank of any constructed drainage channel and any raised embankment, berm, roadway, or other structure or facility associated with the drainage channel;
- (vi) The dyking system and any berm, access road, or related structure of facility intended for the reduction of flood damage.

5.18.2 Permitted Uses:

- (i) Pedestrian trails and bicycle pathways,
- (ii) Natural and nature-like open areas,
- (iii) Scenic lookout and interpretation facilities, rest stops, and other public trail facilities,
- (iv) Dwellings existing at the date of the passing of this Bylaw, and uses, buildings and structures accessory thereto.

5.18.3 Discretionary Uses:

The following uses may be permitted in the EP - Environmental Protection Overlay Area but only by resolution of Council and only in locations specified and under conditions specified by Council:

- (i) Parks and playgrounds;
- (ii) Drainage ditches, culverts, and other drainage works,
- (iii) Residential development on or near the top of a slope where it is shown that convenient and pleasant public trail access to key lookout points along the crest of the valley has been provided for in Public Reserve, Municipal Reserve, Environmental Reserve, or Conservation Easement;
- (iv) Public works buildings and structures except offices, warehouses, and storage yards.

5.18.4 Regulations:

Any application for a Development Permit on any parcel of land that lies partially or wholly within an area designated as ep must be accompanied by a detailed site analysis prepared by applicable professional expertise including planning, environmental, and engineering expertise by persons registered to practice in the Province of Saskatchewan. The site analysis shall thoroughly inventory pertinent land use, environmental, and engineering conditions and considerations, identify any anticipated impacts of the proposed use or development on the ep area, and provide proposed protection and/or mitigation measures to ensure that the objectives of environmental protection are met. In particular, the proposal must show that:

- (i) important natural or nature-like areas will be protected,
- (ii) key scenic lookout points;
- (iii) natural drainage and internal storm water drainage is not disrupted,
- (iv) erosion and slope instability are not caused or permitted,
- (v) storm water storage capacity is not reduced to detrimental volumes,
- (vi) wildlife habitat is protected,
- (vii) planted vegetation is retained or replaced,
- (viii) emergency accesses to the dyking system is retained,
- (ix) the effectiveness of the dyking system is not reduced,
- (x) existing or potential pathway systems are not disrupted,
- (xi) existing or planned development in and near the area are not detrimentally

- impacted, and
- (xii) generally, that the proposed land usage shall not pose any danger to the health, safety and welfare of the land and inhabitants in the surrounding area.

5.19 FLOODWAY AND FLOODWAY FRINGE AREA - FW

No person shall within any FW - Floodway District, including the Floodway fringe Sub-districts, use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

5.19.1 Floodway

5.19.1.1 Permitted Uses:

- (i) Agricultural uses but does not include buildings and structures accessory thereto; and, does not include intensive livestock operations, mushroom farms, fur farms, hatcheries, or commercial dog kennels.
- (ii) Open space recreation
- (iii) Wildlife habitat and sanctuary.
- (iv) Golf courses but does not include buildings and structures accessory thereto.
- (v) Public works structures but excluding buildings or storage yards.

5.19.1.2 Regulations:

No future subdivision is permitted unless the subdivision is required for one of the permitted or discretionary uses allowed in this district, for the purposes of re-plotting, or to designate the lands as Environmental Reserve.

(i) No person shall backfill, grade, deposit earth or other material, excavate, store goods or materials, or erect any buildings or structures nor shall he cause any such development to occur except as specifically provided herein.

(ii) Fencing or other similar structures and hedging and other similar landscape elements shall not be permitted in the fw - Floodway District unless they are constructed parallel to the direction of water flow and Council, based on the advise of the Saskatchewan Water Corporation are satisfied that such developments will not adversely affect the hydraulic efficiency or capacity of the floodway or adversely affect the existing drainage courses.

(iii) The storage of all materials defined as "Hazardous Substances and Waste Dangerous Goods" as defined by the *Hazardous Substances and Waste Dangerous Goods Control Regulations* of the *Environmental Management and Protection Act* of Saskatchewan shall be prohibited.

5.19.2 FLOODWAY FRINGE SUBAREA 1 - f.1**5.19.2.1 Regulations:**

(i) All development, alterations, and additions shall be adequately flood proofed to the design flood level of 1:500 (1985 standard) plus freeboard.

(ii) The bottom of the joists of the first floor or the bottom surface of the slab on grade of the building or structure shall be above the design flood level plus freeboard.

(iii) Basements shall be prohibited except where flood proofing is undertaken. The basement shall be designed to withstand any forces generated by floodwater up to and including the design flood level plus freeboard.

(iv) Plumbing outlets may be permitted in basements below the design flood level provided that they contain an automatic shut-off valve as approved by the designated Plumbing Inspector.

(v) Electrical outlets may be permitted in basements below the design flood level provided they contain an independent switch for each outlet. A main switch box, heating plants or air conditioning units, however, shall be located above the design flood level plus freeboard.

(vi) Foundations and walls of any building or structure shall be adequately flood proofed to the design flood level plus freeboard. All plans for such shall be certified by a Professional Engineer or Architect registered in the Province of Saskatchewan.

5.19.3 FLOODWAY FRINGE SUBAREA 2 - f.2**5.19.3.1 Regulations:**

(i) All development, redevelopment and major alterations and additions behind an approved flood proofing dyke system are encouraged to be adequately flood proofed to the design flood level of 1:500 (1985 standard) plus freeboard.

(ii) All heating plants, air conditioning, and plumbing outlets or electrical service are encouraged to be located above the design flood level plus freeboard.

(iii) Plumbing outlets are encouraged to be located above the design flood level plus freeboard. If the outlets are located below the design flood level they should contain an automatic shut-off valve to be approved by the designated Plumbing Inspector.

(iv) Electrical outlets are encouraged to be located above the design flood level plus freeboard. If the outlets are located below the design flood level they should contain an independent switch for each outlet. A main switchbox should be located above the design flood level plus freeboard as would be normally approved by the designated Electrical Inspector.

(vi) Foundations and walls of any building or structure are encouraged to be flood proofed to the design flood level plus freeboard.

5.20 SLOPE INSTABILITY OVERLAY AREA - si

5.20.1 Regulations:

Any application for a development permit and/or building permit on any parcel of land which lies wholly or partially within an area designated in the "si Slope Instability Overlay Area, must be accompanied by a detailed site analysis prepared by a geotechnical engineer registered in the Province of Saskatchewan. The site analysis shall indicate topography, surface drainage, geological, hydrogeological, and geotechnical conditions at the site of the proposed development and related to the conditions of the general area as they relate to slope instability and erosion hazards. Based on sufficient field investigations to respond with reasonable confidence, the geotechnical engineer shall answer the following questions:

- (i) Will the proposed development be detrimentally affected by natural erosion or slope instability?
- (ii) Will the proposed development increase the potential for erosion or slope instability that may affect the proposed development, or any other property?

Unless the geotechnical engineer can answer "no" in response to both of the above questions (indicating that known or suspected slumping, subsidence, landslides, erosion or any other instability is not a hazard), further analysis will be required. The required analysis must define the hazard as it may affect the proposed development and any other potentially affected property. The engineering report will identify hazard mitigation measures including engineered works, land use controls prepared by a professional community planner, and other measures deemed to be effective in eliminating or managing anticipated erosion and slope stability impacts, and will identify and explain known and suspected residual hazards. Necessary monitoring also will be identified along with the purpose of the monitoring, how monitoring results will be assessed and interpreted, and the required actions should the recommended monitoring indicate an actual or potential problem. The responsibility for monitoring and responding to monitoring findings shall be resolved before approval is granted.

Any building foundation plans accompanying a development permit on a development site on land designated as si Slope Instability Overlay Area must be approved and stamped by a Structural Engineer and a Geotechnical Engineer registered in the

Province of Saskatchewan.

SECTION 6. CONTRACT ZONING – (C)

6.1 Requirements

- (i) Each application for a contract zone shall be evaluated on its own merit in accordance with the provisions of this Subpart, and the directions set out in the Basic Planning Statement and applicable zoning district requirements.
- (ii) Where the proposal meets the requirements of this Subpart, Council may enter into a zoning contract or agreement with the individual or corporation for the purpose of accommodating the request to rezone the land.
- (iii) In addition to the requirements of this Subpart, Council may, in approving the zoning contract, attach conditions, which in its opinion, are necessary to ensure compatibility between the proposal and surrounding land uses.
- (iv) The conditions which Council may attach to its approval are only limited by the provisions of the Act and the Basic Planning Statement.
- (v) The procedures for zoning bylaw amendment specified in Section 3 of the Zoning Bylaw shall be used in processing applications for zoning contracts.

6.2 Permitted Uses

Only uses specified in the contract agreement and the applicable zoning district shall be allowed.

6.3 Development Standard

The regulations respecting lot size, frontage, coverage, building height and yards, parking, payment in lieu of parking, and loading, and any other matter dealt with in the Basic Planning Statement shall be those specified in the contract agreement.

6.4 Alteration, Changing, or Voiding the Contract

Council may, subject to Section 28 of The Act vary, extend any time limit, void or enter into a new contract agreement for land zoned as “C” contract.

6.5 Reference

- (i) The use of the supplementary symbol "c" (e.g. R1c) in the Zoning Maps shall indicate a property that has been rezoned through a contractual agreement between an individual or individuals and the Town of Lumsden.
- (ii) All approved zoning contracts shall be appended to the Zoning Bylaw as Appendix C(i), C(ii), C(iii), etc.

SECTION 7. EFFECTIVE DATE OF THE BYLAW

7.1 REPEAL OF PRECEEDING BYLAW:

Bylaw No. 6/88, passed by resolution of Council on the 19th day of October, 1988 and approved by the Minister on the 9th Day of November, 1988, and all amendments to said Bylaw are hereby repealed.

7.2 EFFECTIVE DATE:

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

7.3 Council Readings and Adoption

Introduction this _____ day of _____, 2002

Read a first time this _____ day of _____, 2002

Read a second time this _____ day of _____, 2002

Read a third time this _____ day of _____, 2002

Adoption of Bylaw this _____ day of _____, 2002

Mayor

Administrator

APPENDIX A
DEVELOPMENT PERMIT

APPENDIX B
SAMPLE DEVELOPMENT AGREEMENT

APPENDIX "B" - SERVICING AGREEMENT

Development Application No. 2002-001

SERVICING AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2001.

BETWEEN:

THE TOWN OF LUMSDEN

**PO Box 160
Lumsden, SK
S0G 3C0,**

a municipal corporation, (hereinafter referred to as "*the Municipality*")

OF THE FIRST PART

-AND-

(hereinafter referred to as "*the Developer*")

OF THE SECOND PART

WHEREAS:

- (a) The Developer is the owner or is entitled to become the owner of certain properties located within the Municipality, (the "*Land or Lands*");
- (b) The Developer wishes to develop the Land for residential purposes, (the "*Development or Project*");
- (c) The Developer, for the purposes of the Project aforesaid has caused to be prepared plans of subdivision as more particularly described in Schedule "A" hereunto attached and forming a part of this Agreement (the "*Plan*");
- (d) The Developer has agreed to construct or cause to be constructed all services in respect to the development of the lands (save and except for those herein specifically excepted) subject to the covenants and conditions hereinafter set forth;

APPENDIX "B" - SERVICING AGREEMENT

Section 1.0 Definitions

Development Application No. 2002-001

NOW THEREFORE THIS AGREEMENT WITNESSETH AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this Agreement:

- (a) "*Contract Document*" shall include this agreement, the schedules hereto and drawings or specifications for standards of material and shall include such amendments to said documents as may be required herein, or as may be agreed pursuant hereto;
- (b) "*Maintenance*" or "*to maintain*" means the undertaking of those services and things for which the Developer has assumed responsibility in accordance with the terms of this agreement, and shall consist of responsibility for failure of or damage to any and all services resulting from defective materials or improper installation, settlement of ditches, grading, graveling, repairs and/or replacement of roads and road surfaces which, because of their design or otherwise, provide inadequate or insufficient services but shall not include any items for which the municipality has accepted responsibility under the terms of this agreement or any other agreement in writing. The maintenance period shall be one year in duration from final approval of all services.
- (c) "*Services*" means the services and amenities for which the Developer has assumed responsibility or are agreed to be constructed, installed and/or provided including maintenance thereof by the Developer on or in respect of the land pursuant to the terms of this agreement including, without limitation, the following:
 - electrical power, natural gas and telephone lines (where required);
 - access roads (driveways) and paved municipal roadways;
 - water and sewer services, availability and quality studies;
 - amenities.

1.2 Other terms defined in this agreement shall have the meanings ascribed to them as set forth in such definitions.

1.3 In this agreement descriptions of materials or work in words which so applied have well known technical or trade meanings shall be held or refer to such recognized standards.

1.4 The laws of the Province of Saskatchewan shall govern all of the terms of this agreement.

2.0 GENERAL

- 2.1 The Developer agrees to assume responsibility for the construction and installation of all services in accordance with the provisions of this agreement.
- 2.2 The services including design, construction and installation, shall be approved by the Municipal engineer, and the Municipal engineer or foreman shall supervise installation of all services. All design drawings, plans and specifications shall be certified by a professional engineer and shall carry the seal of a professional engineer.
- 2.3 The Developer agrees that all services shall be constructed in a good and workmanlike manner and that all material used therein shall be of good and acceptable quality having regard to the nature of the use for which same is intended.
- 2.4 The Developer agrees to assume responsibility for the preservation of all monuments, benchmarks and other permanent control points set or established by the Municipality.
- 2.5 All construction drawings for services to be provided to the Plan shall be approved by the Municipality and the municipal engineer, prior to commencement of construction.
- 2.6 The Developer shall provide “as built” drawings to the Municipality upon the completion of service installation. “As-builts” shall represent the services as they have been installed and shall note any changes to the construction drawings as per the engineer’s field notes.
- 2.7 The Developer hereby agrees that the installation of all services contemplated by this agreement shall be completed within two years of the effective date of this agreement. This time period may be extended with the approval of Council.

3.0 ON-SITE SERVICES

- 3.1 The parties agree that the Municipality shall in no way be liable or responsible for the deterioration of either quality or quantity of on-site water supplies. The Developer further agrees to indemnify and save harmless the Municipality from any such liability or responsibility.

APPENDIX "B" - SERVICING AGREEMENT

Section 3.0 On-Site Services

Development Application No. 2002-001

- 3.2** The parties hereto agree that the primary source of water may be either of the following options:
- (a) On-site water supply to be provided by individual wells situated on each lot, or a common well which may be accessed by easement and is commonly owned, the responsibility of which shall be that of the property owners collectively,
 - (b) Municipal water supply, which the Developer shall be responsible for the costs of extending municipal mains to the plan and service lines to each lot.
- 3.3** The parties hereto agree that sewage disposal shall be either of the following options:
- (a) On-site sewage disposal facilities, which are the sole responsibility of the individual property owner, who shall obtain a permit from Regina Health District; and that the sewage disposal facilities shall be constructed to approved health standards in accordance with all Provincial and Federal regulations,
 - (b) Municipal sewage disposal facilities, which the Developer shall be responsible for all costs of extending municipal mains and pumps to the plan and service lines to each lot.
- 3.4** Solid waste disposal by neighborhood collection shall be the responsibility of the municipality, in accordance with the practices and bylaws approved by the municipality.
- 3.5** The Developer shall also notify all purchasers of lots within the subdivision, of Section 3.0 of this agreement, as well as, convey to future owners that should on-site services be installed subject to Sections 3.2 and 3.3, the municipality is not bound to extend municipal services at a later date, except at the discretion of Council.

4.0 ROADWAYS

- 4.1** The Developer hereby agrees that all roadways shall be constructed and maintained by the municipality in locations and standard to be approved by the Municipality and according to the following specifications:
- 4.1.1** an 20-foot minimum top width, paved with a hot mix asphalt and 2% crown,
 - 4.1.2** a minimum of 3:1 slope on ditches,
 - 4.1.3** a 400 mm culvert (s), subject to the drainage plan or where required at the discretion of the municipality.

5.0 DRAINAGE

APPENDIX "B" - SERVICING AGREEMENT

Section 5.0 Drainage

Development Application No. 2002-001

- 5.1 The Developer shall provide a drainage plan, which shall form part of this agreement, prior to subdivision approval. The drainage plan shall provide a designed drainage profile for all roads, including all necessary culverts and other drainage measures as may be required.
- 5.2 Culverts shall be installed by the Developer, but only where required by the drainage plan.
- 5.3 The Developer shall be responsible for all costs associated with the maintenance of drainage within the plan until the maintenance period (see section 2.7) has expired.
- 5.4 The Developer hereby agrees that a safe building elevation shall be provided each new site as shown on the attached drainage plan.

6.0 GEOTECHNICAL SURVEYS

- 6.1 The Developer acknowledges that the Project is to be located upon lands having particular geotechnical characteristics. The Developer agrees to undertake and provide to the Municipality, at the Developer's expense, such geotechnical surveys by Geotechnical Engineers as may be certified and registered to practice by the appropriate Saskatchewan Professional body including Association of Professional Engineers for Saskatchewan. Additionally, the Developer undertakes and agrees to proceed with the Development and construction in such a fashion as to comply with any and all recommendations of the geotechnical engineering reports and surveys provided as aforesaid.
- 6.2 The Developer shall have the Geotechnical Engineer include with the plan a highlighted area for each lot, which indicates the location for a suitable building site. The Developer shall also notify all purchasers of lots within the subdivision that a further report or letter will be required by the municipality from the Geotechnical Engineer, identifying any development conditions or restrictions that may apply to the particular lot and type of house design proposed by the purchaser.
- 6.3 The Developer shall include with the sale of each lot a copy of the geotechnical report. The Developer shall also notify all purchasers of lots within the subdivision that all foundation plans must be certified by a professional engineer or architect, that they are designed in accordance with the said geotechnical report, and that they are suitable to the particular lot.

7.0 ROADS AND ROAD MAINTENANCE

- 7.1 The Developer shall construct at the Developer's own cost, and subject to section 4.0, a

APPENDIX "B" - SERVICING AGREEMENT

Section 7.0 Roads and Road Maintenance

Development Application No. 2002-001

road to service the entire frontage of all lots in the Plan, as shown on Schedule "B" attached hereto.

- 7.2 The size and standard of the road shall be further detailed in the construction drawings, which shall be approved by the Municipal Engineer.
- 7.3 The Municipality hereby agrees to provide snow removal, sanding and road maintenance of the road or roads shown on Schedule "B", in accordance with the practices and bylaws approved by the municipality.

8.0 POWER, GAS AND TELEPHONE UTILITIES

- 8.1 The Developer shall, with the approval of SaskPower, SaskEnergy and SaskTel, arrange for the design and installation of underground power, natural gas and telephone lines to service the Plan, as required. It shall be the responsibility of the Developer to pay for and obtain such approvals, as required, from any governmental or other relevant approving authorities respecting the construction or installation of all services herein.

9.0 STREET LIGHTING

- 9.1 The Developer shall bear the cost of installing a minimum of ____ streetlights to the Plan. The location of the streetlights shall be determined in consultation with SaskPower and the Municipality.
- 9.2 All street lights shall be installed no later than _____ .

10.0 STREET SIGNS

- 10.1 The Developer shall supply and install in the plan, at the Developer's own cost, permanent street and traffic signs; the locations of which shall be approved by the Municipality.

11.0 DEVELOPMENT LEVIES

11.1 Off-Site Servicing Fees

- 11.1.1 An off-site servicing fee of **Three Thousand Eight Hundred -- Dollars**

APPENDIX "B" - SERVICING AGREEMENT

Section 11.0 Development Levies

Development Application No. 2002-001

\$3,800.00 per new parcel created in the "Project" shall be due and payable to the municipality prior to subdivision approval and as shown on Schedule "A" to this agreement.

11.2 Cash-in Lieu of Municipal Reserve

11.2.1 In lieu of dedicating land for a municipal reserve; the Developer agrees to pay to the Municipality, where deemed applicable by the Community Support Services Branch of Sask. Municipal Affairs Culture and Housing, the sum of **10% of the raw land value of the entire parcel**, as settlement of the required municipal reserve dedication.

11.3 Payment of Levies and Cash-in-Lieu of Municipal Reserve

11.3.1 Development levies and cash-in-lieu of municipal reserve are due on or before the first day of January or the first day of July in each year, in respect of lot sales occurring within the preceding six month period.

11.3.2 A lot shall be considered sold when the title to such lot has been conveyed into the name of the purchaser thereof, or an occupancy permit has been issued thereto, whichever first occurs.

11.3.3 Interest on all outstanding development levies shall be calculated at the rate of one percent (1%) per month.

11.3.4 All outstanding development levies shall be due and payable to the Municipality on the signing of this agreement, unless the municipality has agreed to the registration of a mortgage in favour of the Municipality, in which case the development levies or any portion shall be paid upon the sale of each lot in the Plan.

12.0 **MISCELLANEOUS PROVISIONS**

12.1 The Developer shall provide, at the Developer's own cost, a digital copy of the Plan for all phases of the development.

12.2 The Developer agrees to immediately cease or desist in the construction and installation of the services upon written order of the Municipality, or of any governmental authority having jurisdiction in respect of the services.

12.3 In the event that all of the services are not completed in accordance with the terms of this agreement, the Municipality may, but shall not be required to, complete or arrange for the completion of the construction and installation of such services. In the event that the

APPENDIX “B” - SERVICING AGREEMENT

Section 12.0 Miscellaneous Provisions

Development Application No. 2002-001

Municipality exercises the right to undertake the completion of services, the Municipality shall give written notice of such intention to the Developer, who shall then be given a reasonable opportunity to proceed as required.

- 12.4** The Developer agrees to provide, obtain or grant, at the Developer’s expense, all easements required by the Municipality or by any government authority for the installation of any utilities and services as contemplated by this agreement.
- 12.5** The Developer further agrees that, in the event of the Developer’s failure to provide any and all such easements as may be required, consent is hereby given to the Municipality or to the Government of Saskatchewan or other authority to expropriate the portion or portions of the land as may be reasonably necessary for such easement and all costs, compensation, damages or other expenses incurred in connection with such expropriation shall be payable by the Developer to the Municipality or such other expropriating party as herein contemplated (and in the case of legal costs, shall be paid on a solicitor-client basis, including any and all disbursements). Such costs, compensation, damages or other expenses shall be payable by the Developer to the Municipality immediately upon receipt of written notification thereof and, in any event, within thirty (30) days of such receipt.
- 12.6** The Developer shall have the primary responsibility to perform or cause to be performed, all inspections and tests required by governmental authorities and by the Municipality in order to satisfy the Developer and the Municipality that the services have been designed, constructed and installed in accordance with the covenants of the Developer hereunder, and the Developer shall give the Municipality timely notice of all such inspections and testing. The Developer expressly agrees to provide notice to the Municipality of inspections and testing involving underground services before covering up of same and, in any event, no later than ten (10) days in advance of same. The Developer shall further deliver or cause to be delivered to the Municipality copies of all inspection reports arising out of the inspection and tests referred to herein.
- 12.7** When, in the opinion of the Developer, all services have been completely constructed and installed, and when all tests and inspections as may be required by any governmental authority or the Municipality have been completed, the Developer shall make application, in writing, to the Municipality for final inspection of the services by the Municipality. The Municipality shall, as soon as is possible and practical and, in any event, within ten (10) days after receiving the application from the Developer, carry out such inspection. If the Municipality is satisfied that the services are fully completed in accordance with all approved plans and specifications, it shall issue a Letter of Final Completion for the services.
- 12.8** Upon the completion of the Developer’s obligations hereunder with respect to the Plan and the expiration of the maintenance period, the Developer shall make written application to

APPENDIX "B" - SERVICING AGREEMENT

Section 12.0 Miscellaneous Provisions

Development Application No. 2002-001

the Municipality for a Letter of Final Acceptance of Services. The Municipality shall, as soon as possible after receipt of such application and, upon being satisfied that the Developer has carried out all necessary maintenance of the services as required herein, it shall issue a Letter of Final Acceptance of Services, at which time and subject to the satisfaction by the Developer all other requirements as contained in this agreement, ownership of and responsibility for the services shall pass to and be assumed by the Municipality, except as may be otherwise required by law.

However, the Developer agrees that the Municipality shall not be required to issue a letter of Final Acceptance until all outstanding maintenance accounts owned by the Developer are paid in full.

12.90 Minimum Development Standards

12.9.1 The Developer and subsequent lot owners are hereby notified that minimum development standards to assure an equitable tax return to the municipality shall be required as follows: Single-family detached dwellings shall have a minimum appraised value of seventy-five thousand dollars (\$75,000.00) or seventy five dollars (75.00) per appraised square foot whichever is the greater. The municipality **will** not be required to issue building permits for residential development on parcels in the subdivision unless the building meets the foregoing standards. Furthermore, it is understood that this requirement is necessary to insure that a standard of development is maintained to give an equitable tax return for residential services as provided throughout the municipality.

13.0 **DEVELOPMENT CONTROL**

13.1 The Developer acknowledges that the Municipality may rescind the Development Permit issued in such circumstances aforesaid, and further may issue such Stop Order as the municipality may lawfully be empowered to do, including applying for and obtaining an Injunction from the Court of Queen's Bench for the Province of Saskatchewan; enjoining further development respecting the Project and any costs including legal costs on a solicitor and client basis incurred by the Municipality, in the enforcement of rights hereunder, shall be paid by and be the responsibility of the Developer.

13.2 The Developer agrees with the Municipality that with respect to the subdivision and sale of a residential lot that all construction of buildings upon said lot shall comply with any existing building bylaws of the municipality and applicable provisions of the Municipal Development

APPENDIX "B" - SERVICING AGREEMENT

Section 12.0 Miscellaneous Provisions

Development Application No. 2002-001

Plan and Zoning Bylaw, as identified by the municipality and that a copy of this agreement will be provided by the Developer to the lot purchaser.

14.0 LIABILITY

14.1 The Developer agrees that during the periods of design, construction and installation of the services and during the maintenance period, the Developer will indemnify and save harmless the Municipality, their employees, officers and agents from any claim, liability or proceeding whatsoever (except any claim, suit, action, liability or proceeding arising out of any breach by the Municipality of its covenants hereunder or any negligence on the part of the Municipal Engineer). The Developer further agrees to reimburse the Municipality for all reasonable costs incurred in defending any such action (except as aforesaid).

15.0 PERFORMANCE SECURITIES

15.1 The Developer shall, within sixty (60) days of the date of execution of this agreement, provide to the Municipality an irrevocable letter of credit in the amount of Twenty Five Thousand Dollars (\$25,000) as performance security.

15.2 In the event that the letter of credit is about to expire and all services and development levies have not been installed or paid, the Developer agrees to renew the letter of credit before it expires. In the event the letter of credit has not been renewed prior to expiration, the Municipality may cash the letter of credit and hold all proceeds until the Developer has renewed the letter of credit.

15.3 The Municipality may, at any time, release the letter of credit to the Developer when all services have been installed and all development levies have been paid. In the event that the Developer has installed a significant portion of the services and has paid a significant portion of the development levies, the Municipality may, upon application by the Developer, consider exchanging the letter of credit for an amount other than that outlined in Section 13.1.

16.0 TIME

16.1 Time shall be of the essence herein.

17.0 TRANSFERABILITY

APPENDIX "B" - SERVICING AGREEMENT

Section 16.0 Time

Development Application No. 2002-001

17.1 The terms conditions, rights, duties, privileges or obligations of this agreement are not transferable without the mutual written consent of both parties.

18.0 AGREEMENT WITH LAND

18.1 This Agreement shall run with the Land and shall constitute the acquisition, by the Municipality, of an interest in land and in any event be subject to the right of the Municipality to file a Caveat against the title to the Land to preserve the interest obtained by it hereunder and as may be available to it pursuant to *The Planning and Development Act, 1983*.

19.0 BINDING AGREEMENT

19.1 This Agreement shall be binding upon the parties, their heirs, successors and lawful assigns. The Developer may not assign the terms and conditions of this Agreement in whole or in part without the approval of the Council of the Municipality. The Municipality may require, as a condition to grant consent to any assignment or transfer, that the Assignee or Transferee execute a copy of this Agreement and agree to be bound thereby.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first written above.

TOWN OF LUMSDEN

Seal

PER: _____
Mayor

PER: _____
Administrator

DEVELOPER

PER: _____

Witness

PER: _____

APPENDIX C

Zoning by Agreement Contracts

As Follow:

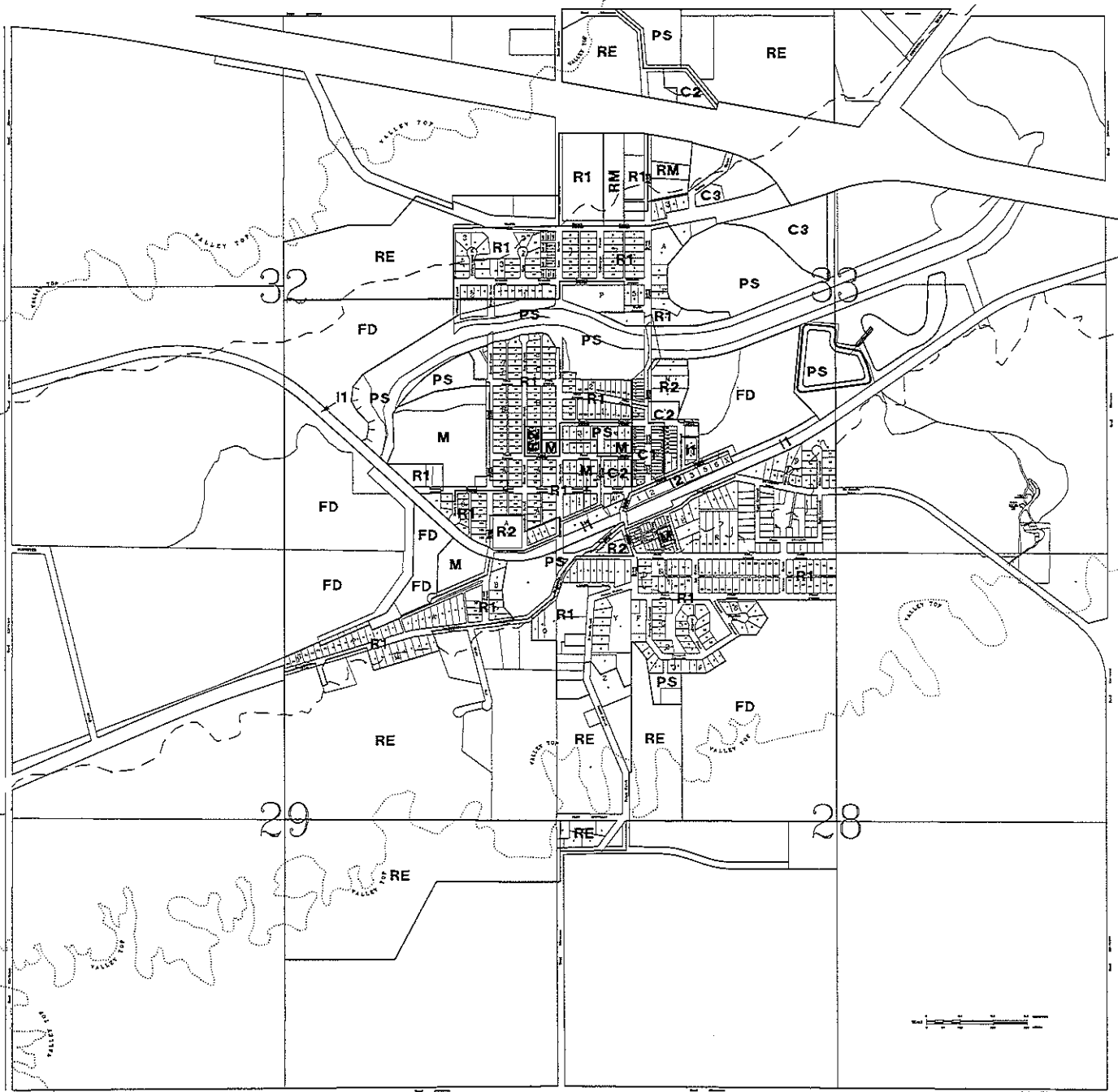
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(iii) _____

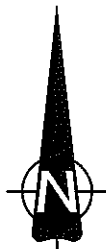
(iv) _____

ZONING MAP 1
ZONING DISTRICTS

Zoning District Map



- C1** – Town Center Commercial
- C2** – General Commercial
- C3** – Highway Commercial
- FD** – Future Development
- I1** – General Light Industrial
- I2** – Craft Industrial
- M** – Institutional
- PS** – Public Service
- R1** – Residential
- R2** – Residential Multiple
- R3** – Residential High Density
- RE** – Residential Estate
- RM** – Residential Mobile Home



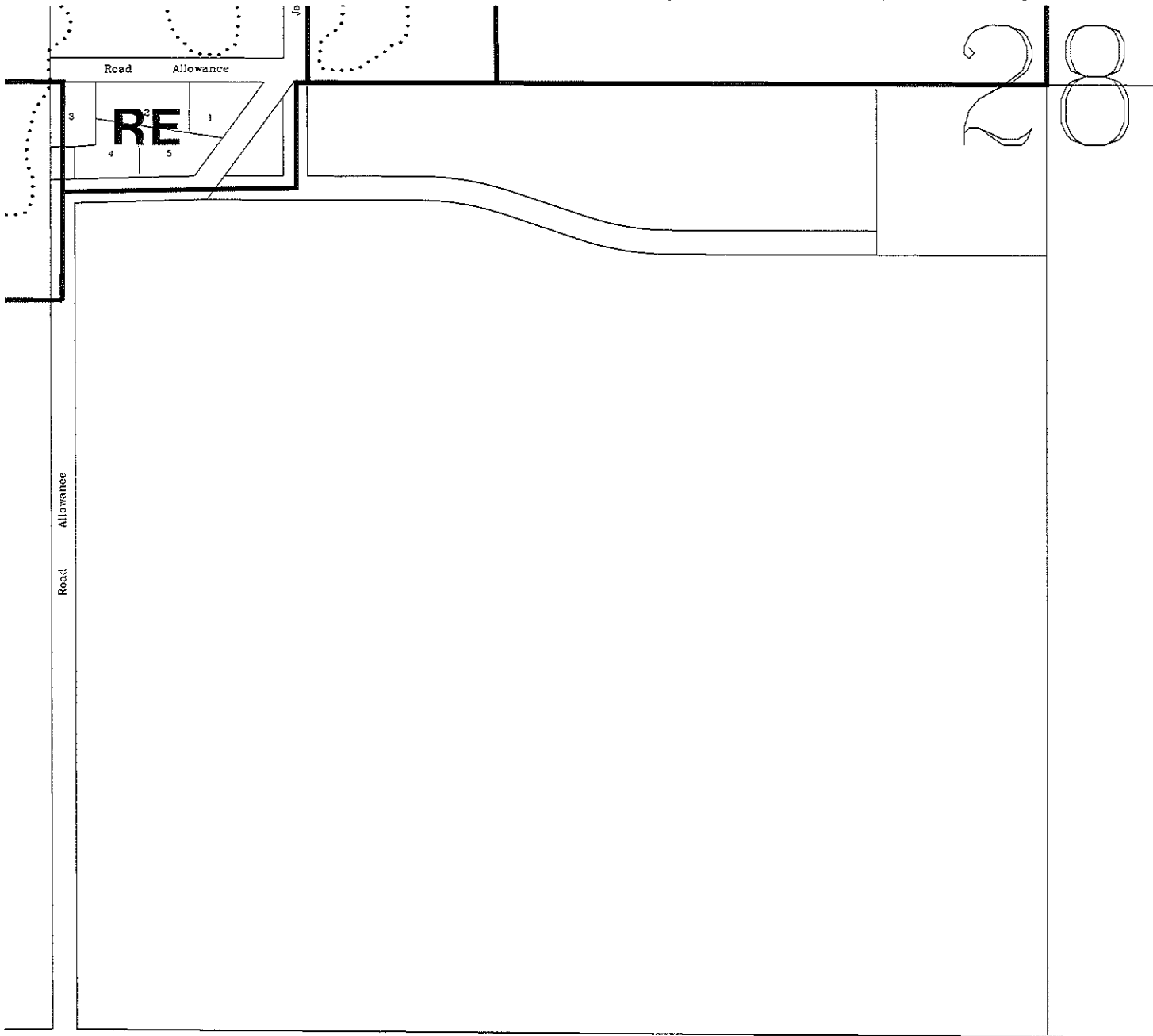
Revisions	
Bylaw No.	Date



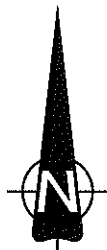
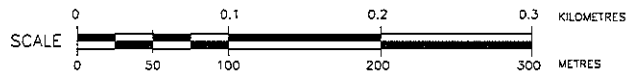
Zoning District Map

S.W.1/4 Sec. 28 Tp. 19 Rge. 21

28



- C1** – Town Center Commercial
- C2** – General Commercial
- C3** – Highway Commercial
- FD** – Future Development
- I1** – General Light Industrial
- I2** – Craft Industrial
- M** – Institutional
- PS** – Public Service
- R1** – Residential
- R2** – Residential Multiple
- R3** – Residential High Density
- RE** – Residential Estate
- RM** – Residential Mobile Home



Revisions	
Bylaw No.	Date



Zoning District Map

S.E.1/4 Sec. 29 Tp. 19 Rge. 21

29

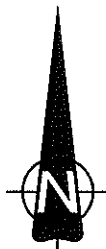
VALLEY TOP RE

3
4

Road Allowance

Road Allowance

- C1** – Town Center Commercial
- C2** – General Commercial
- C3** – Highway Commercial
- FD** – Future Development
- I1** – General Light Industrial
- I2** – Craft Industrial
- M** – Institutional
- PS** – Public Service
- R1** – Residential
- R2** – Residential Multiple
- R3** – Residential High Density
- RE** – Residential Estate
- RM** – Residential Mobile Home



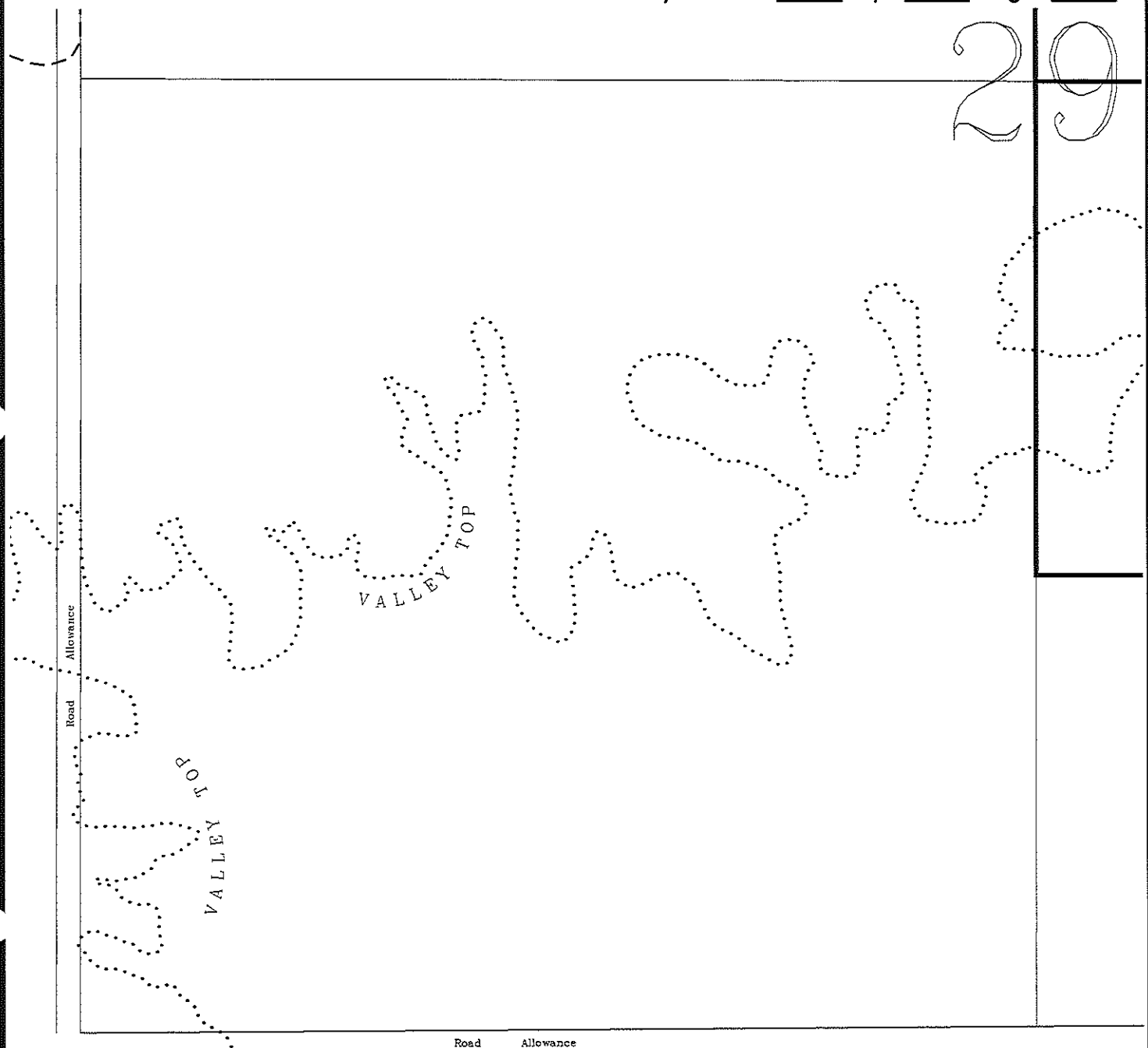
Revisions	
Bylaw No.	Date



Zoning District Map

S.W.1/4 Sec. 29 Tp. 19 Rge. 21

29



- C1** – Town Center Commercial
- C2** – General Commercial
- C3** – Highway Commercial
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- PS** – Public Service
- R1** – Residential
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- R3** – Residential High Density
- RE** – Residential Estate
- RM** – Residential Mobile Home



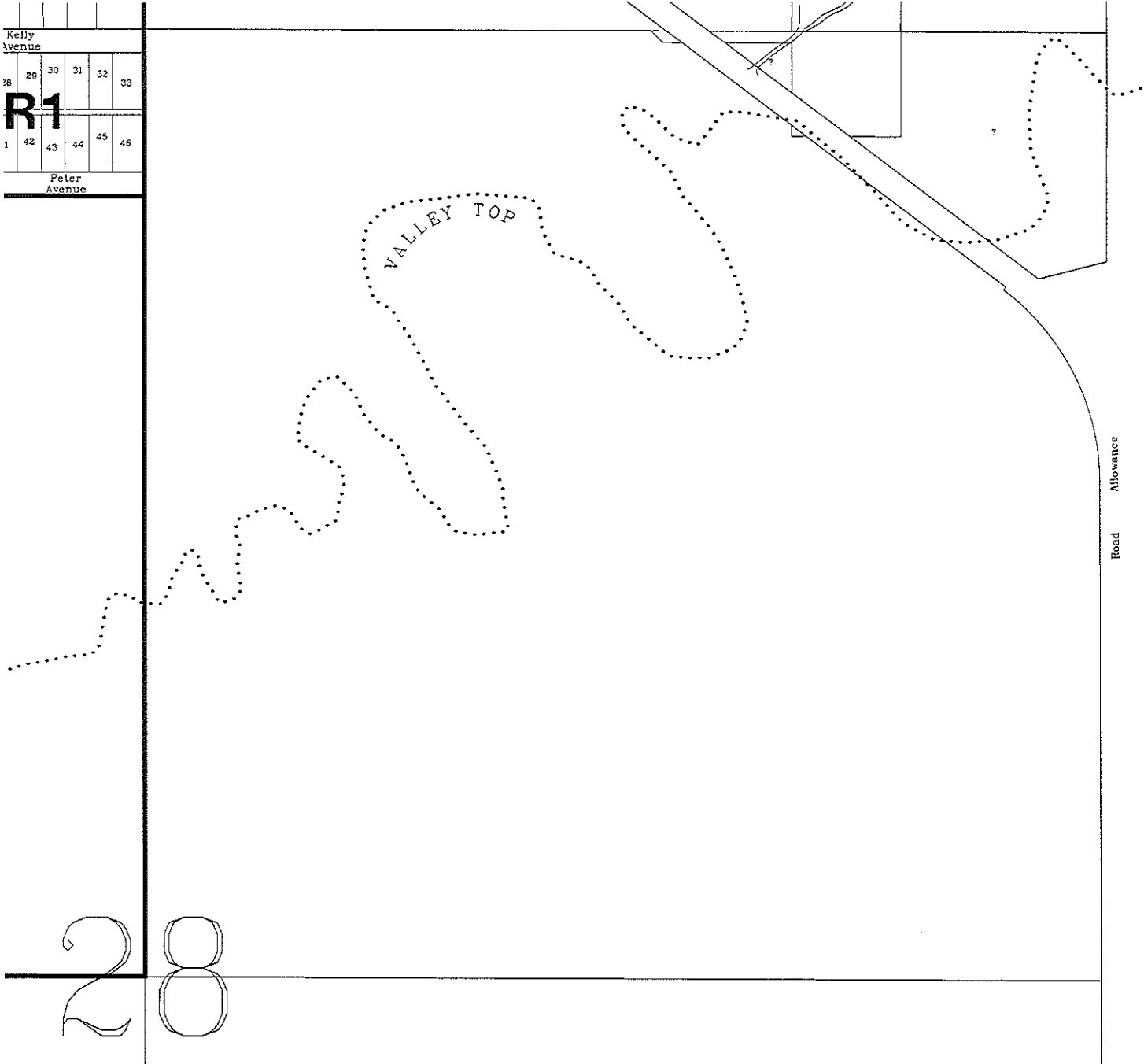
Revisions	
Bylaw No.	Date



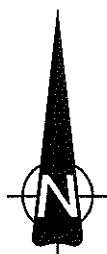
Zoning District Map

N.E.1/4 Sec. 28 Tp. 19 Rge. 21

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R1				
1	42	43	44	46
Peter Avenue				



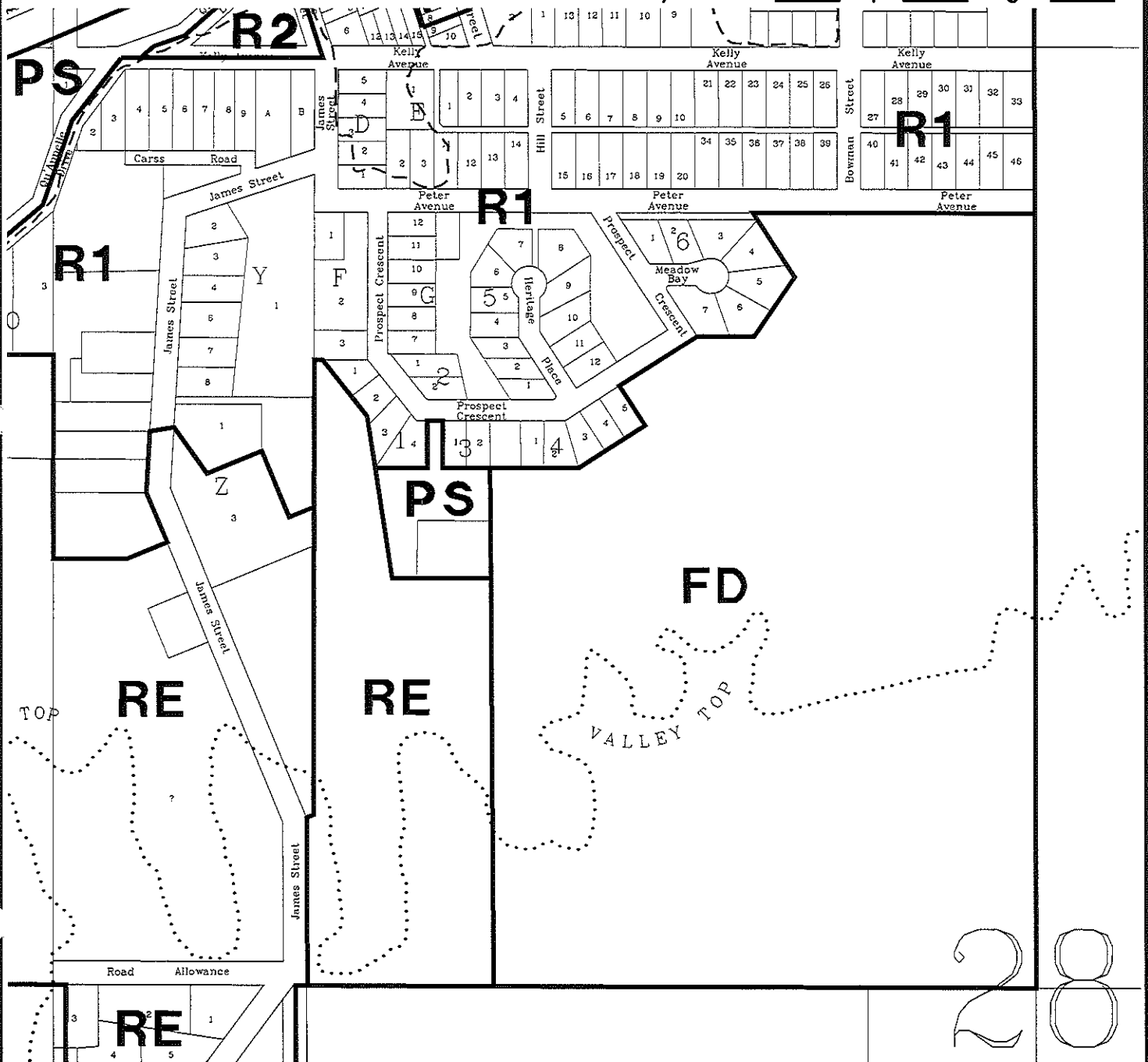
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Revisions	
Bylaw No.	Date

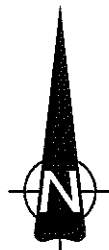
Zoning District Map

N.W.1/4 Sec. 28 Tp. 19 Rge. 21



28

- C1** – Town Center Commercial
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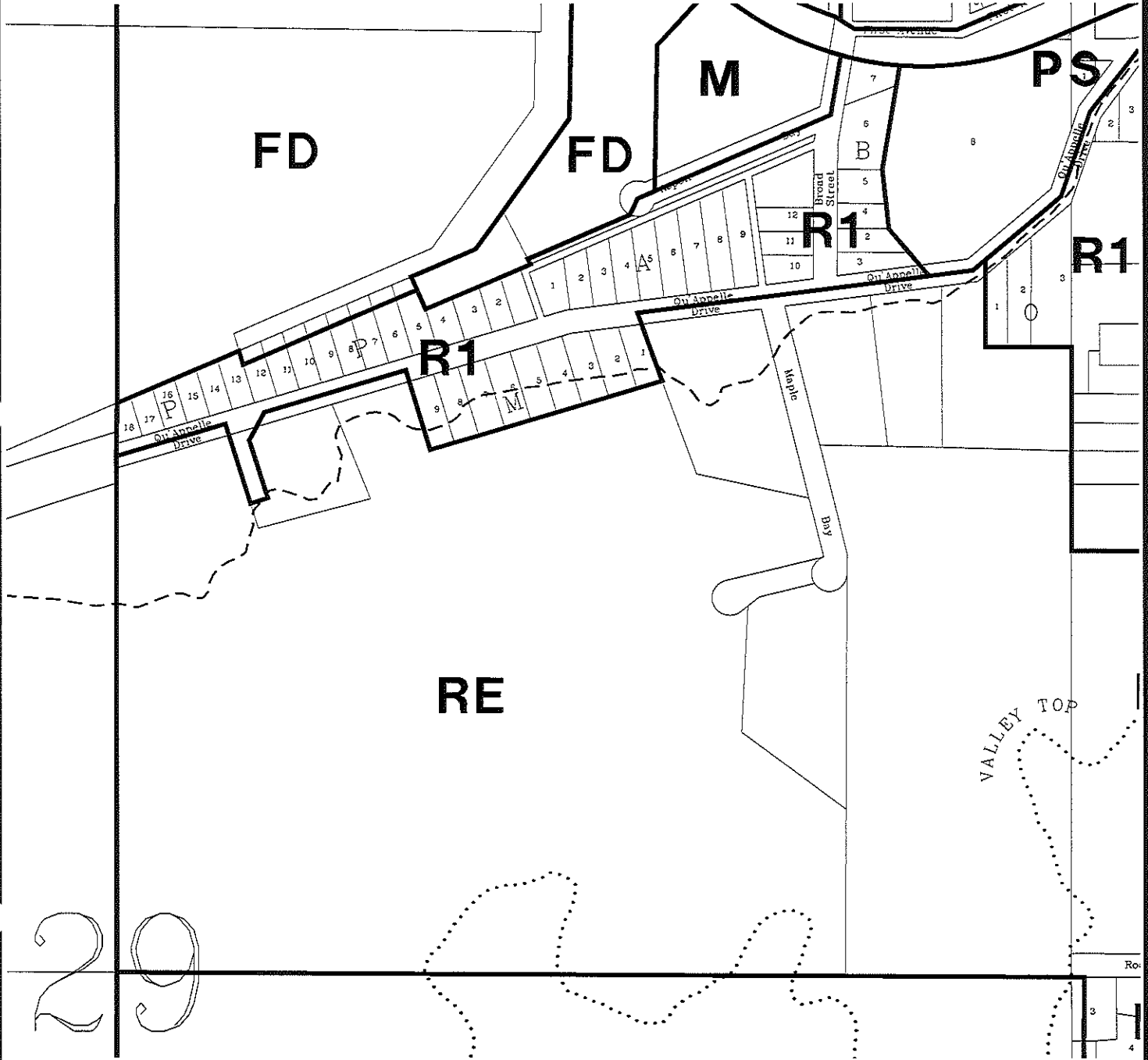


Revisions	
Bylaw No.	Date



Zoning District Map

N.E.1/4 Sec. 29 Tp. 19 Rge. 21



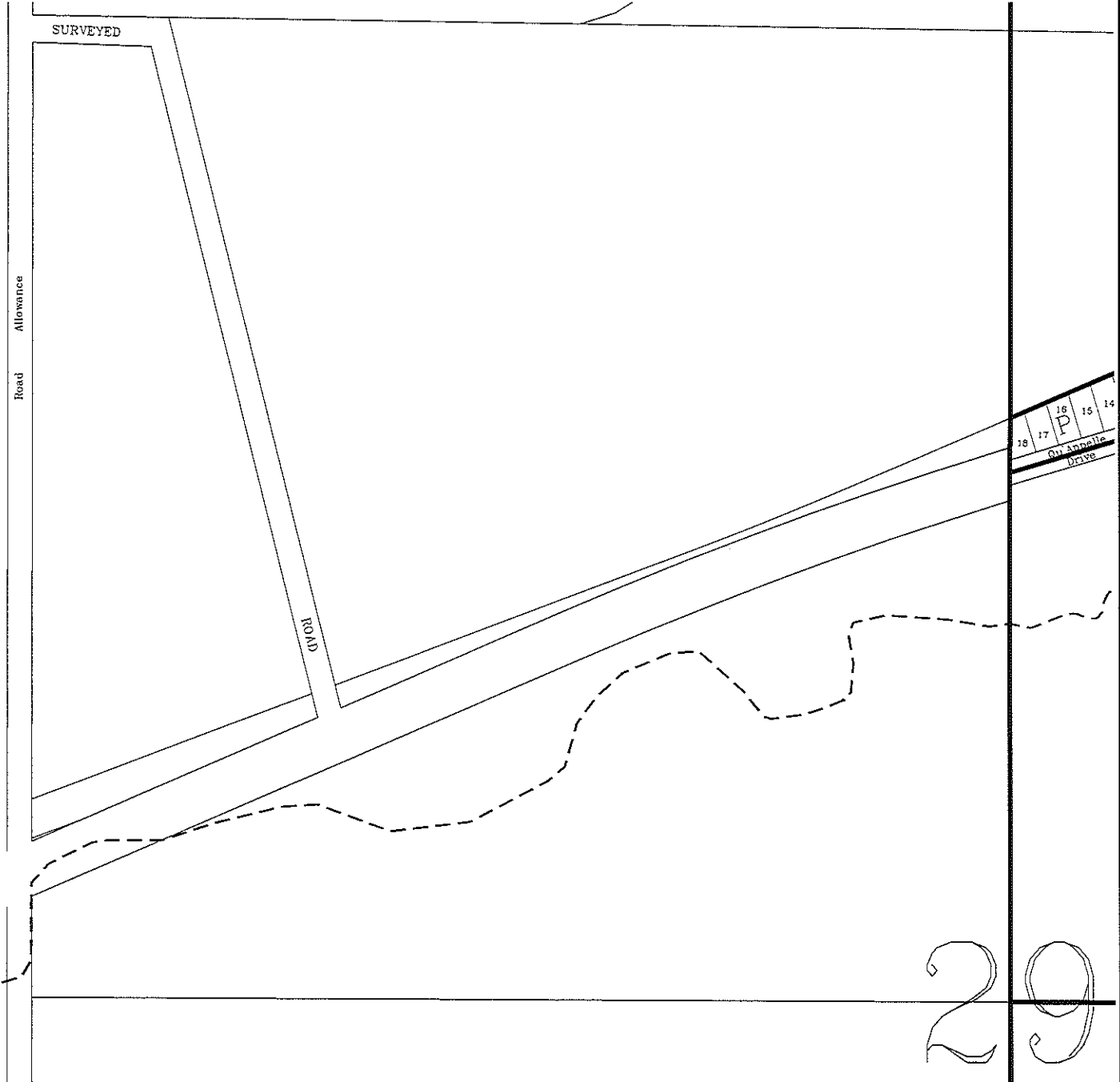
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Revisions	
Bylaw No.	Date

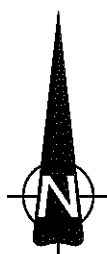
Zoning District Map

N.W.1/4 Sec. 29 Tp. 19 Rge. 21



29

- C1** – Town Center Commercial
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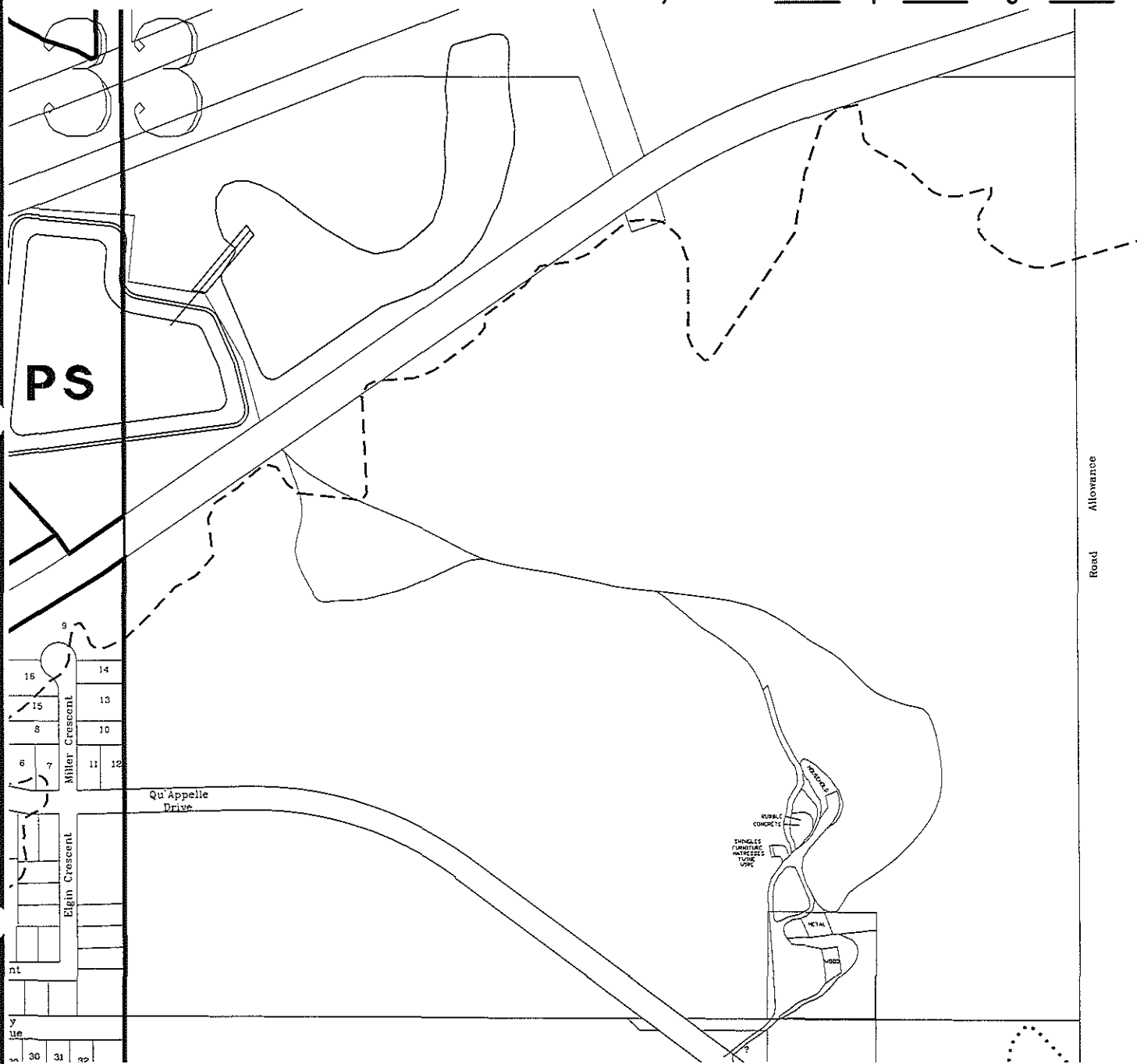


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Bylaw No.	Date

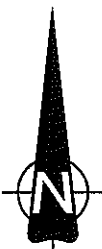


Zoning District Map

S.E.1/4 Sec. 33 Tp. 19 Rge. 21



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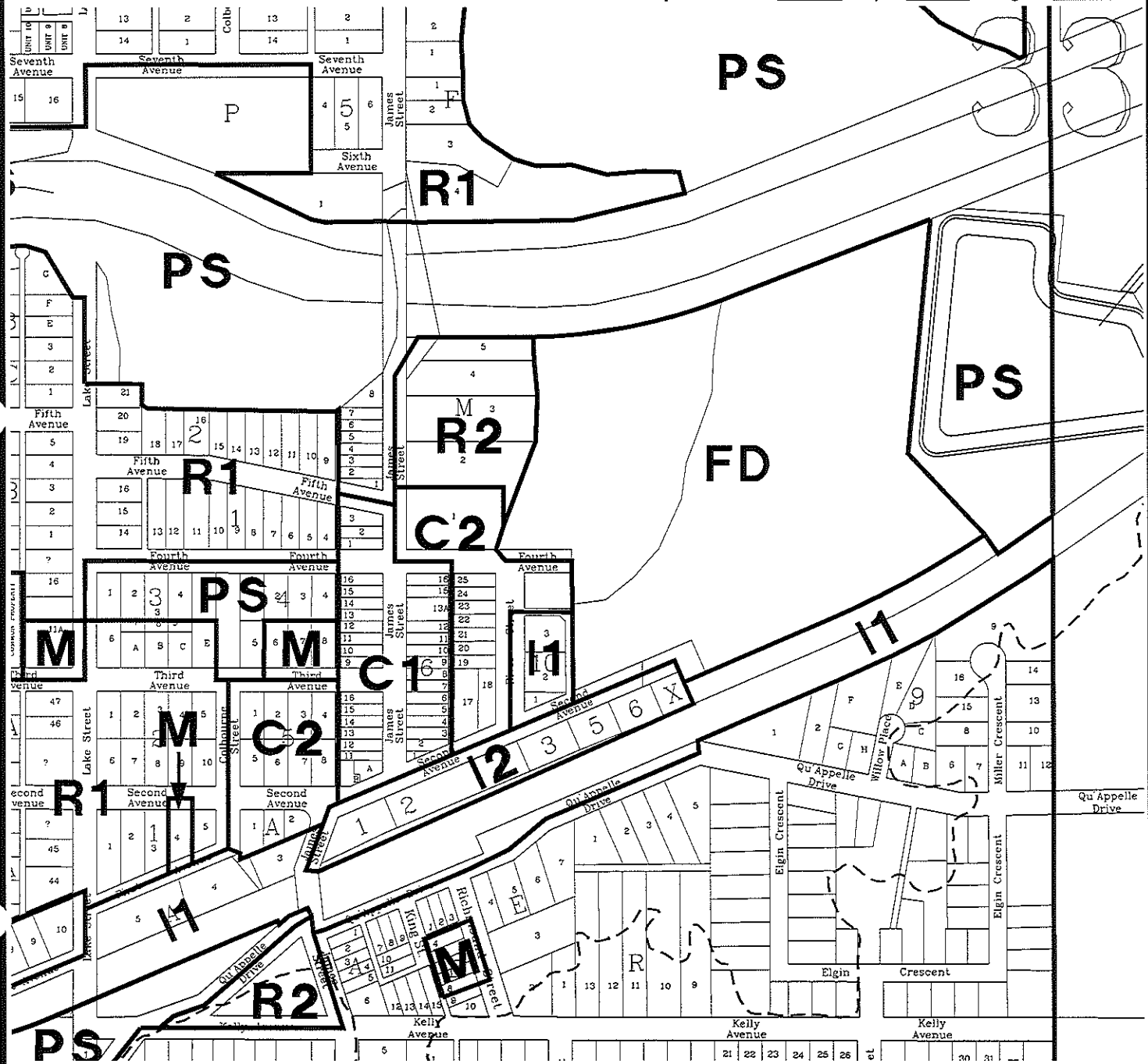


Revisions	
Bylaw No.	Date

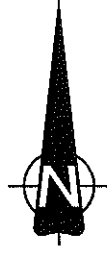


Zoning District Map

S.W.1/4 Sec. 33 Tp. 19 Rge. 21



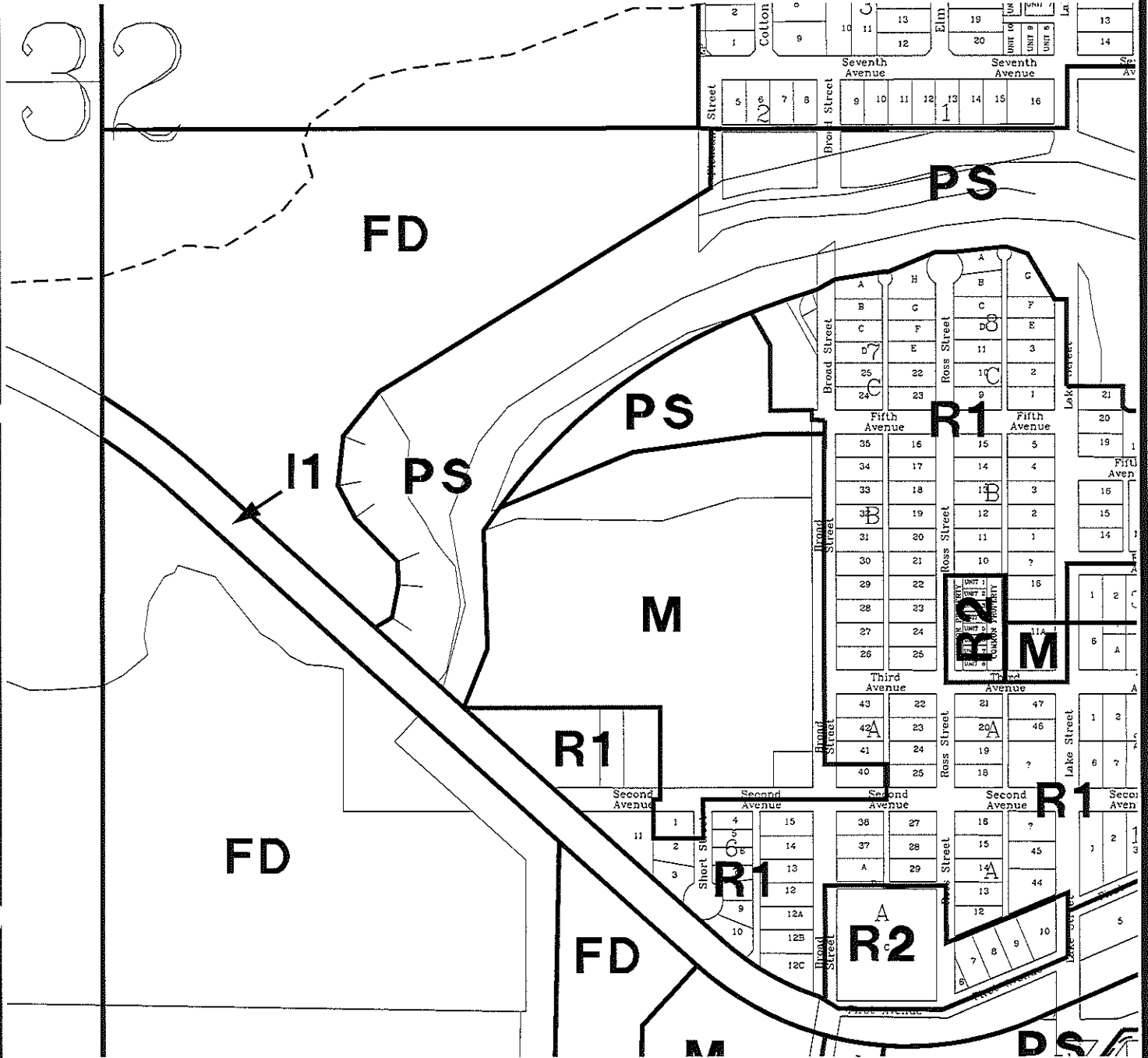
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- R1** – Residential
- R2** – Residential Multiple
- RS** – Residential High Density
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- RM** – Residential Mobile Home



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Bylaw No.	Date

Zoning District Map

S.E.1/4 Sec. 32 Tp. 19 Rge. 21



- C1** - Town Center Commercial
- C2** - General Commercial
- C3** - Highway Commercial
- FD** - Future Development
- I1** - General Light Industrial
- I2** - Craft Industrial
- M** - Institutional
- PS** - Public Service
- R1** - Residential
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- RE** - Residential Estate
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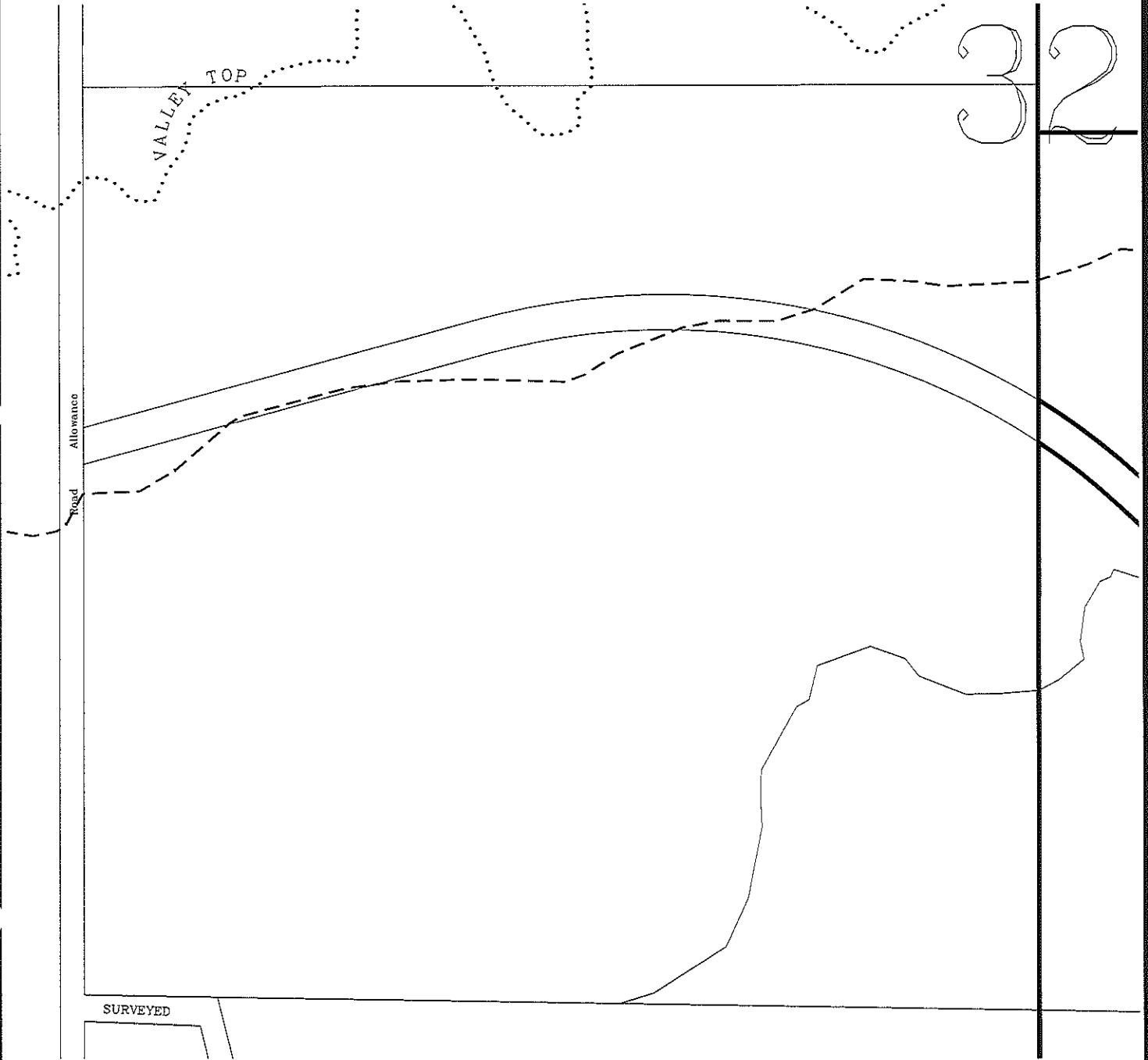


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Bylaw No.	Date

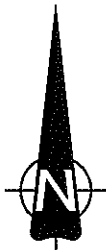
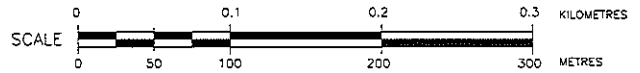
Zoning District Map

S.W.1/4 Sec. 32 Tp. 19 Rge. 21

32



- C1** - Town Center Commercial
- C2** - General Commercial
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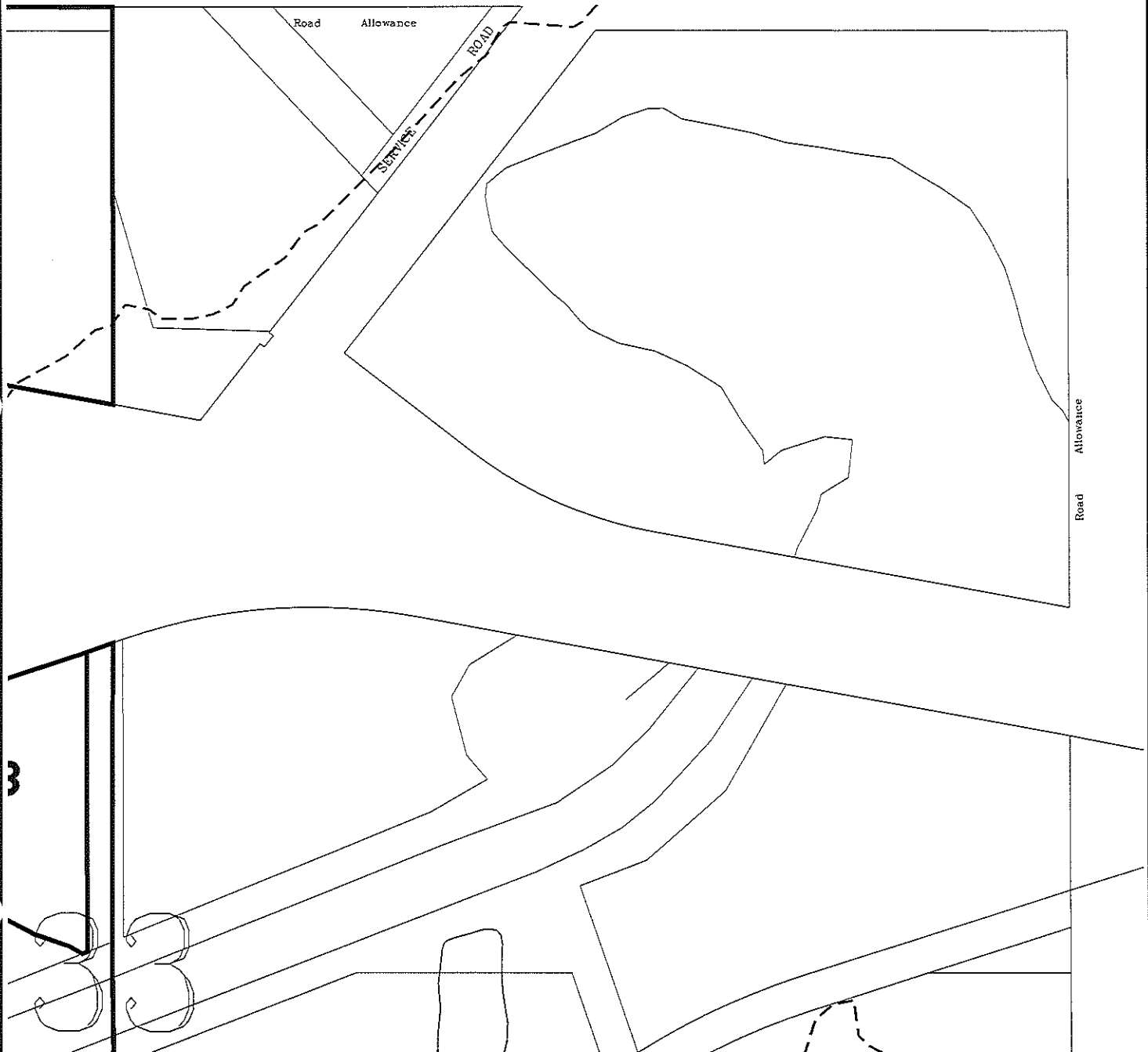


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Bylaw No.	Date

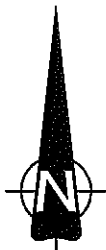


Zoning District Map

N.E.1/4 Sec. 33 Tp. 19 Rge. 21



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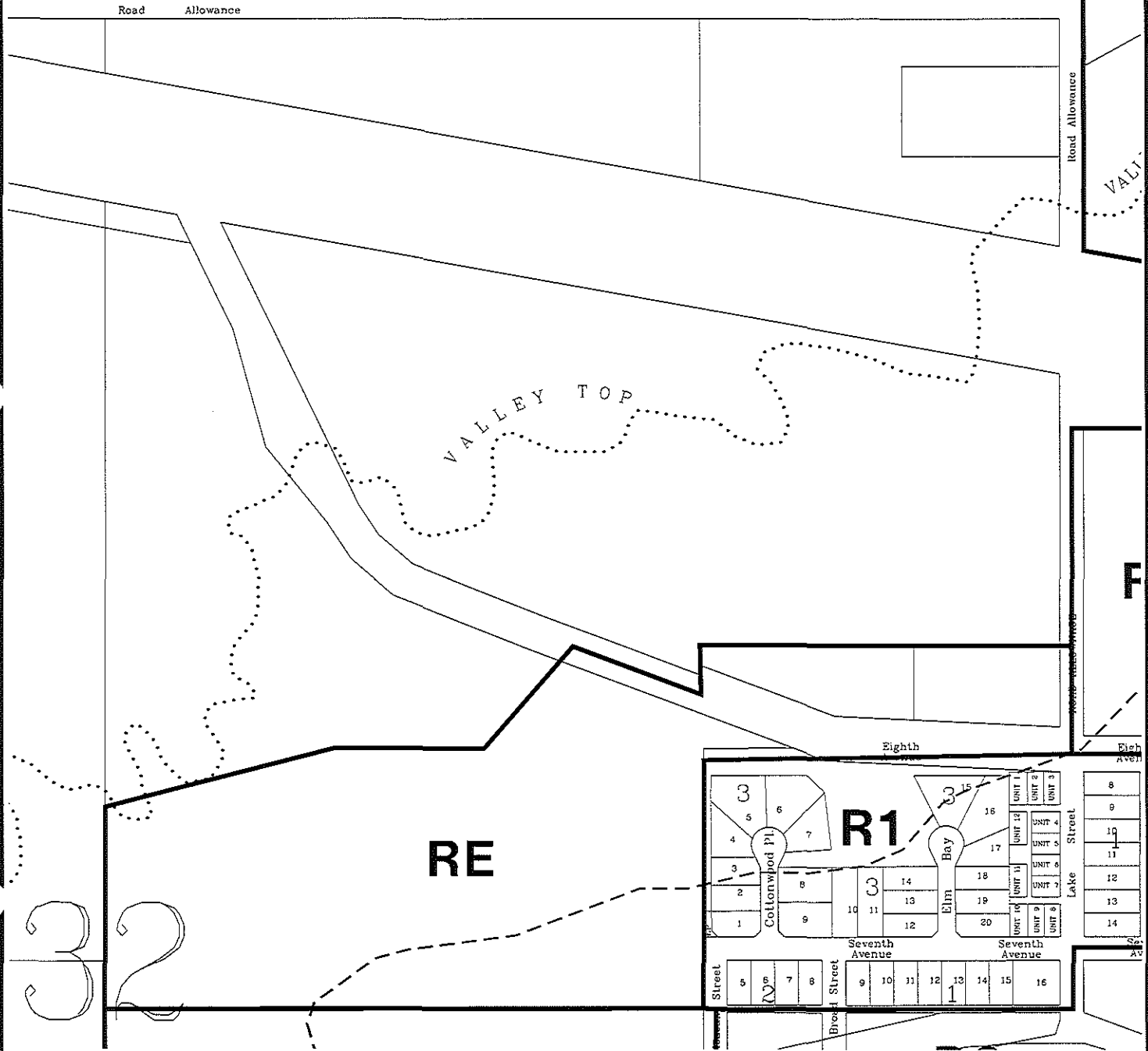


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Bylaw No.	Date



Zoning District Map

N.E.1/4 Sec. 32 Tp. 19 Rge. 21



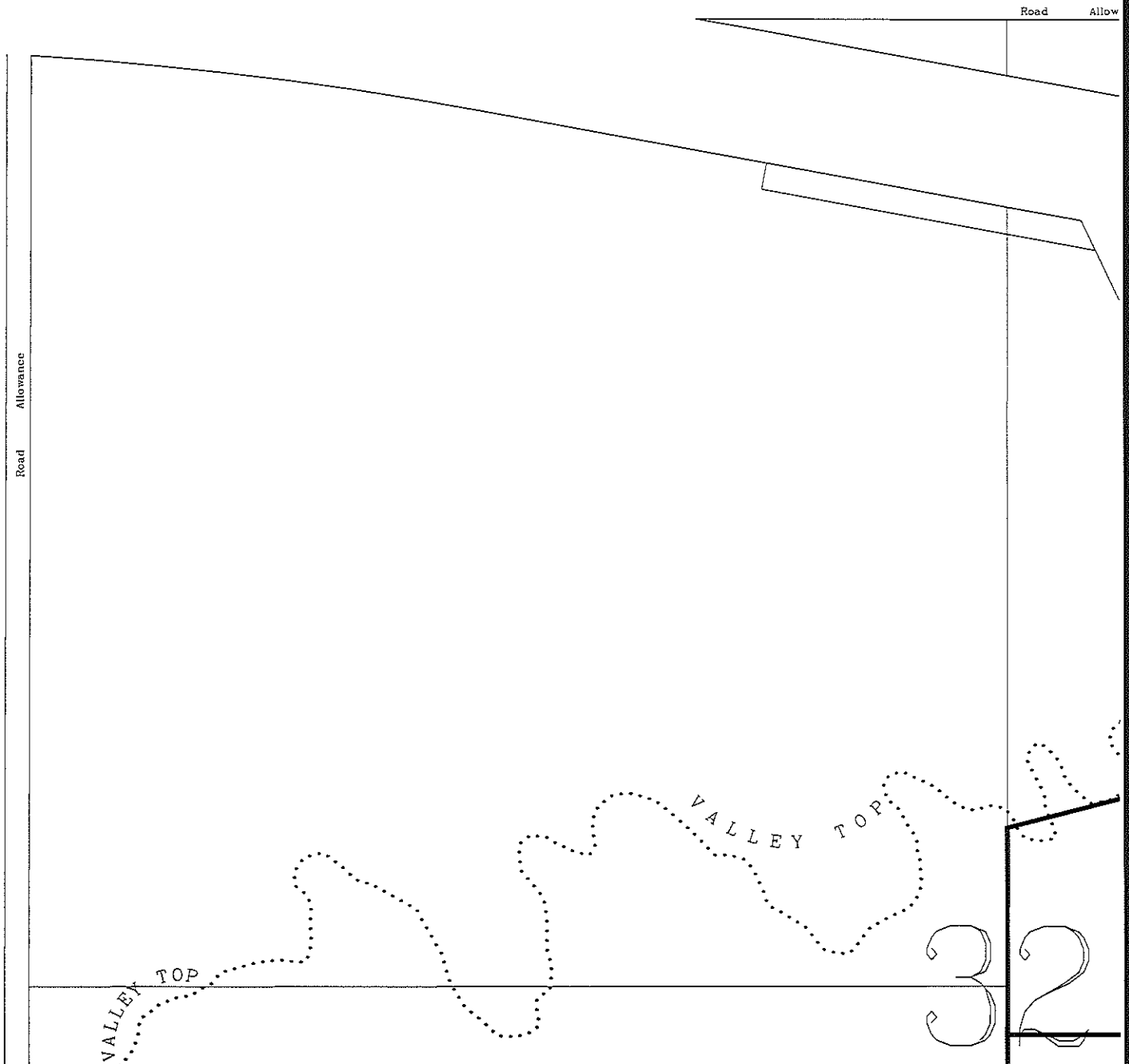
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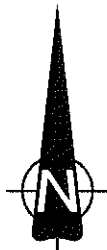
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Bylaw No.	Date

Zoning District Map

N.W.1/4 Sec. 32 Tp. 19 Rge. 21



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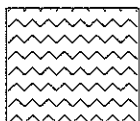


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Bylaw No.	Date

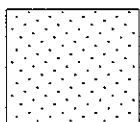


ZONING MAP 2
FLOODWAY AND FLOODWAY FRINGE OVERLAY AREAS

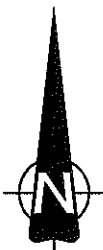
Floodway & Floodway Fringe



-- F1 - FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION



-- F2 - FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION



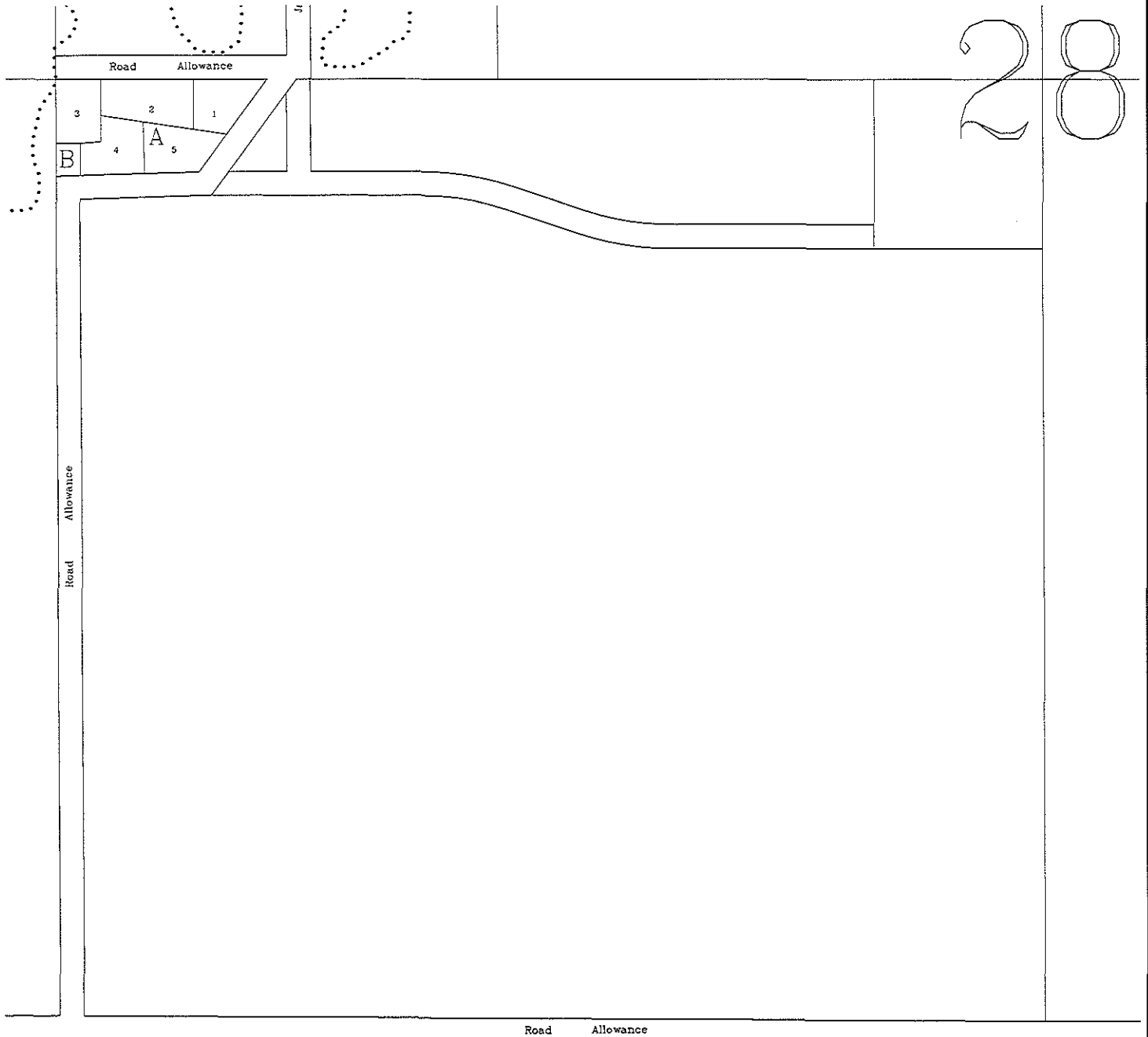
Revisions

Bylaw No.	Date

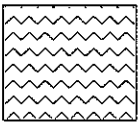
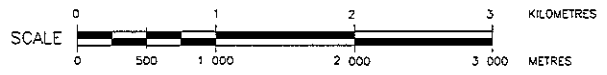
Floodway & Floodway Fringe

S.W.1/4 Sec. 28 Tp. 19 Rge. 21

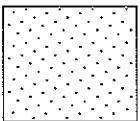
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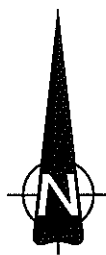
Road Allowance



F1 - FLOOD PLAIN AREA OUTSIDE OF DYKE PROTECTION



F2 - FLOOD PLAIN AREA WITHIN DYKE PROTECTION

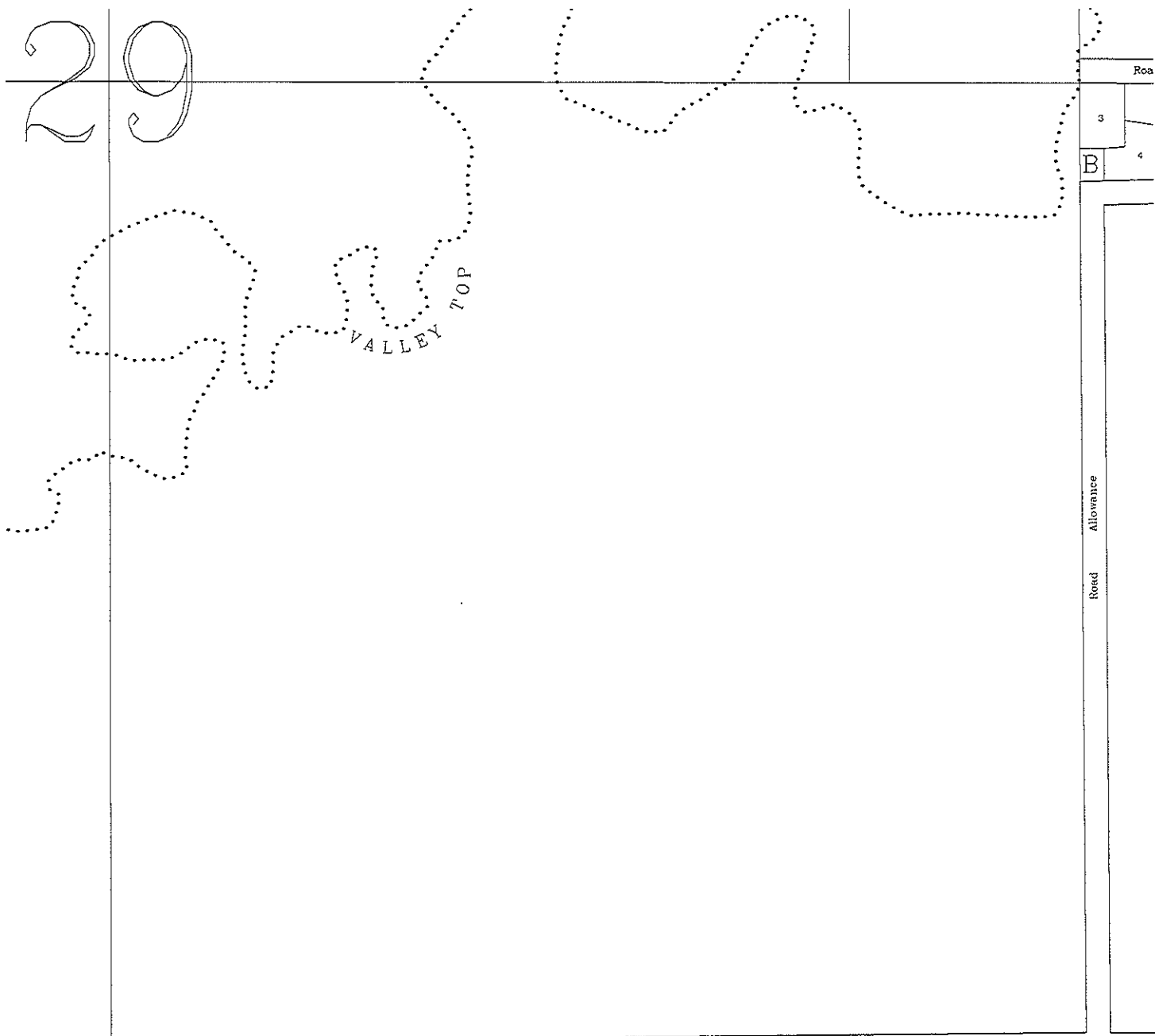


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Bylaw No.	Date

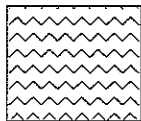
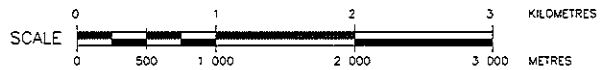
Floodway & Floodway Fringe

S.E.1/4 Sec. 29 Tp. 19 Rge. 21

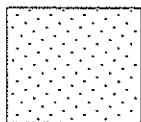
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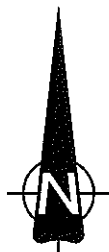
Road Allowance



-- F1 - FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION



-- F2 - FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION



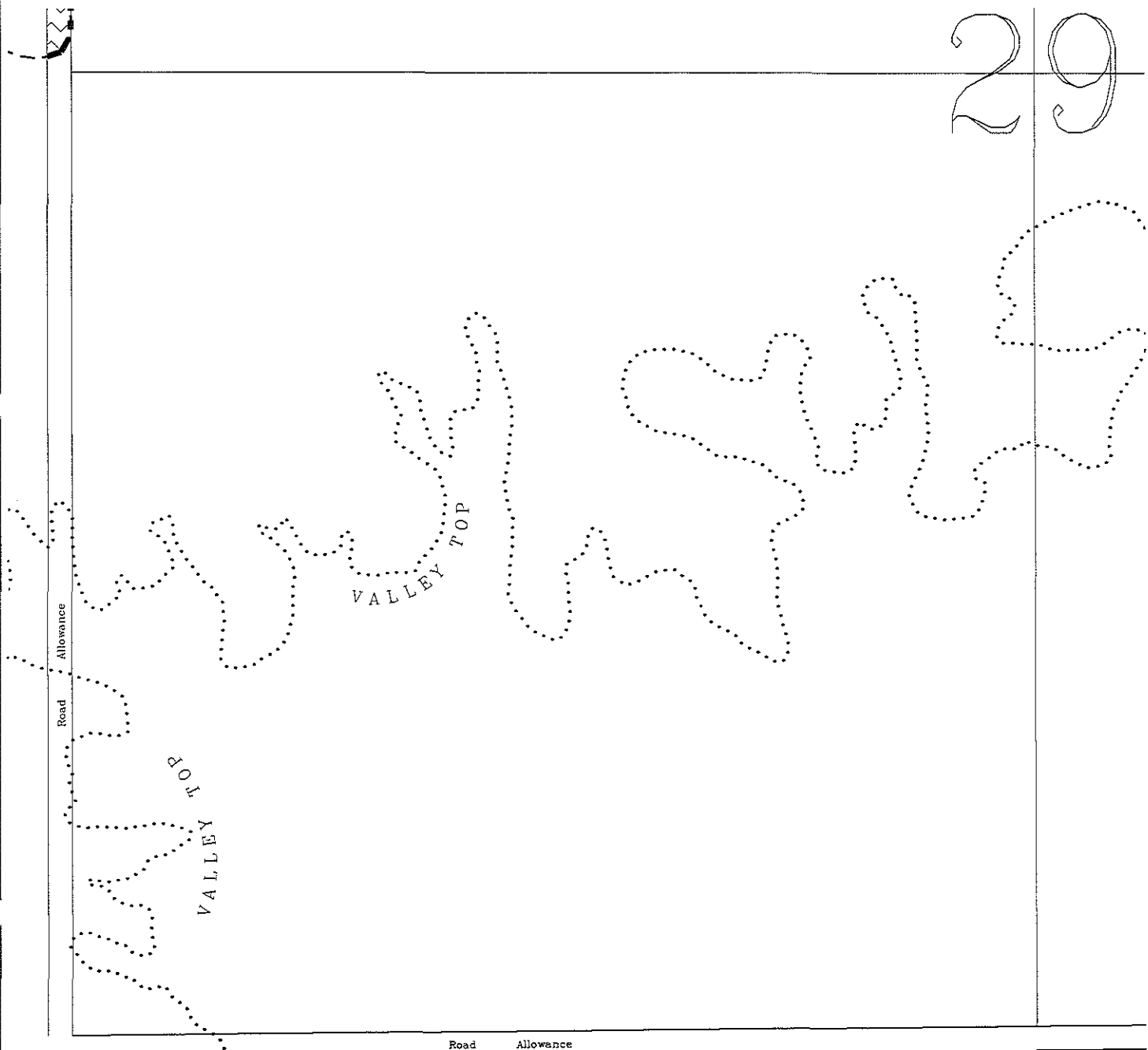
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Bylaw No.	Date



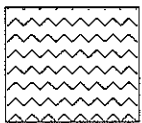
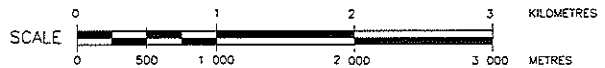
Floodway & Floodway Fringe

S.W.1/4 Sec. 29 Tp. 19 Rge. 21

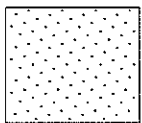
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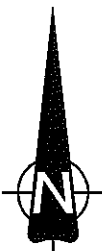
Road Allowance



F1 - FLOOD PLAIN
 AREA OUTSIDE OF
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F2 - FLOOD PLAIN
 AREA WITHIN DYKE
 PROTECTION



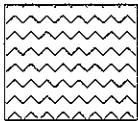
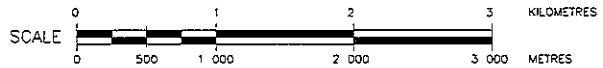
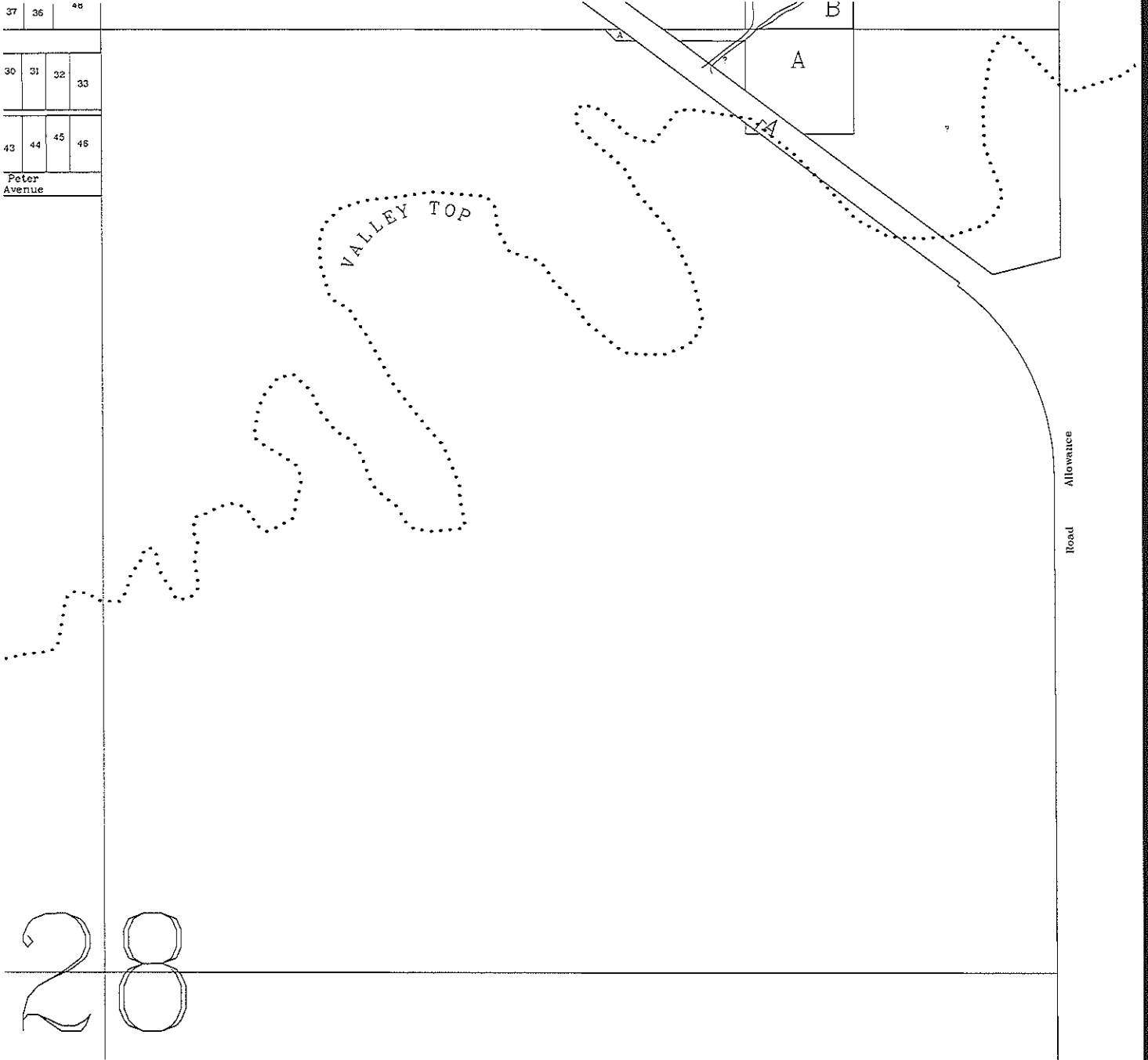
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Bylaw No.	Date



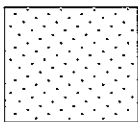
Floodway & Floodway Fringe

N.E.1/4 Sec. 28 Tp. 19 Rge. 21

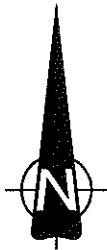
37	36	48	
30	31	32	33
43	44	45	46
Peter Avenue			



-- F1 - FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION



-- F2 - FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION



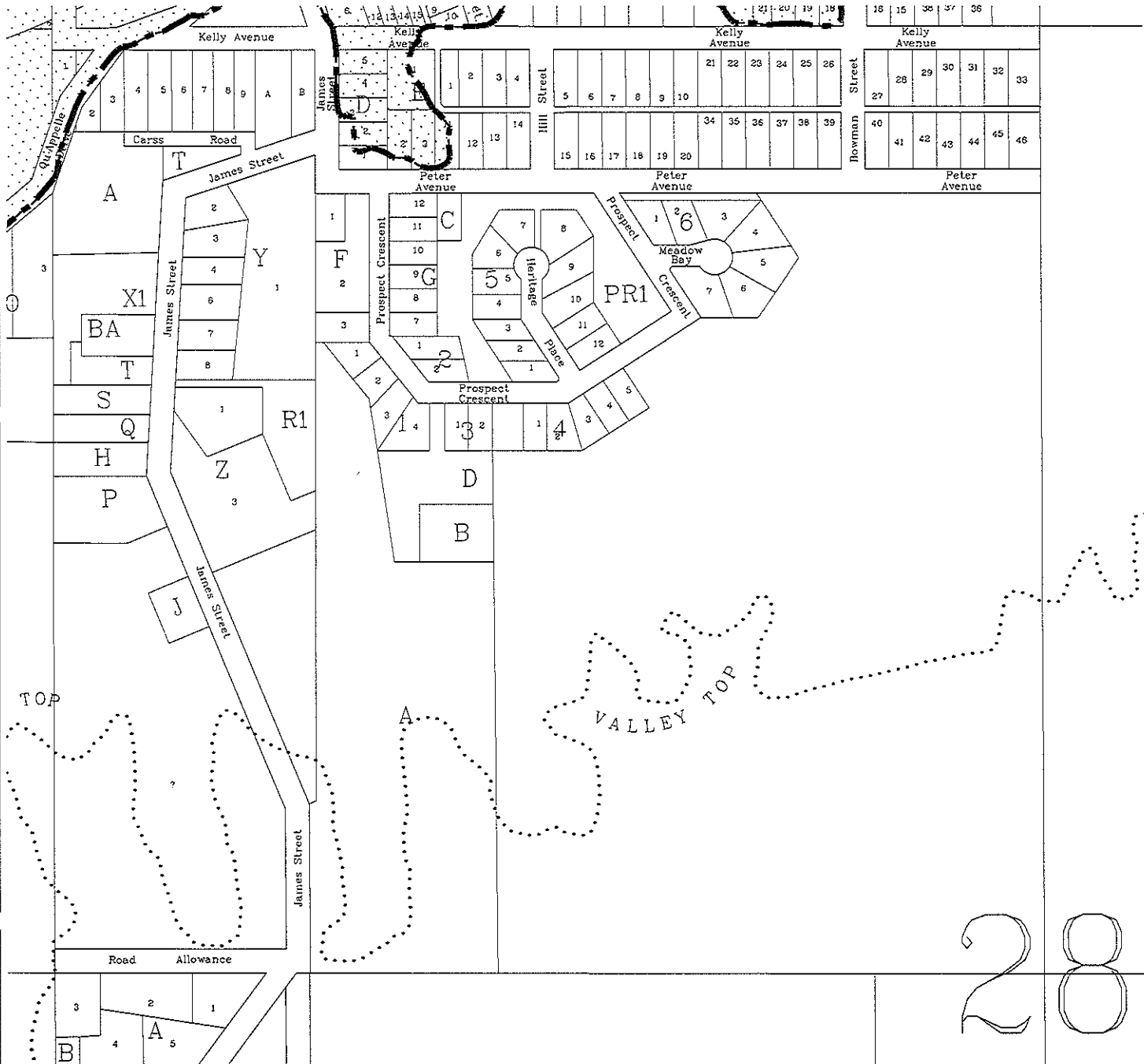
Revisions	
Bylaw No.	Date

Town of Lumsden

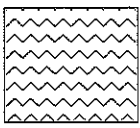
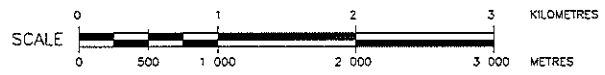
ZONING MAP 2.05

Floodway & Floodway Fringe

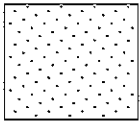
N.W.1/4 Sec. 28 Tp. 19 Rge. 21



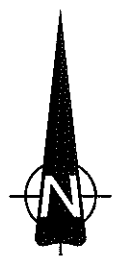
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F1 - FLOOD PLAIN AREA OUTSIDE OF DYKE PROTECTION



F2 - FLOOD PLAIN AREA WITHIN DYKE PROTECTION



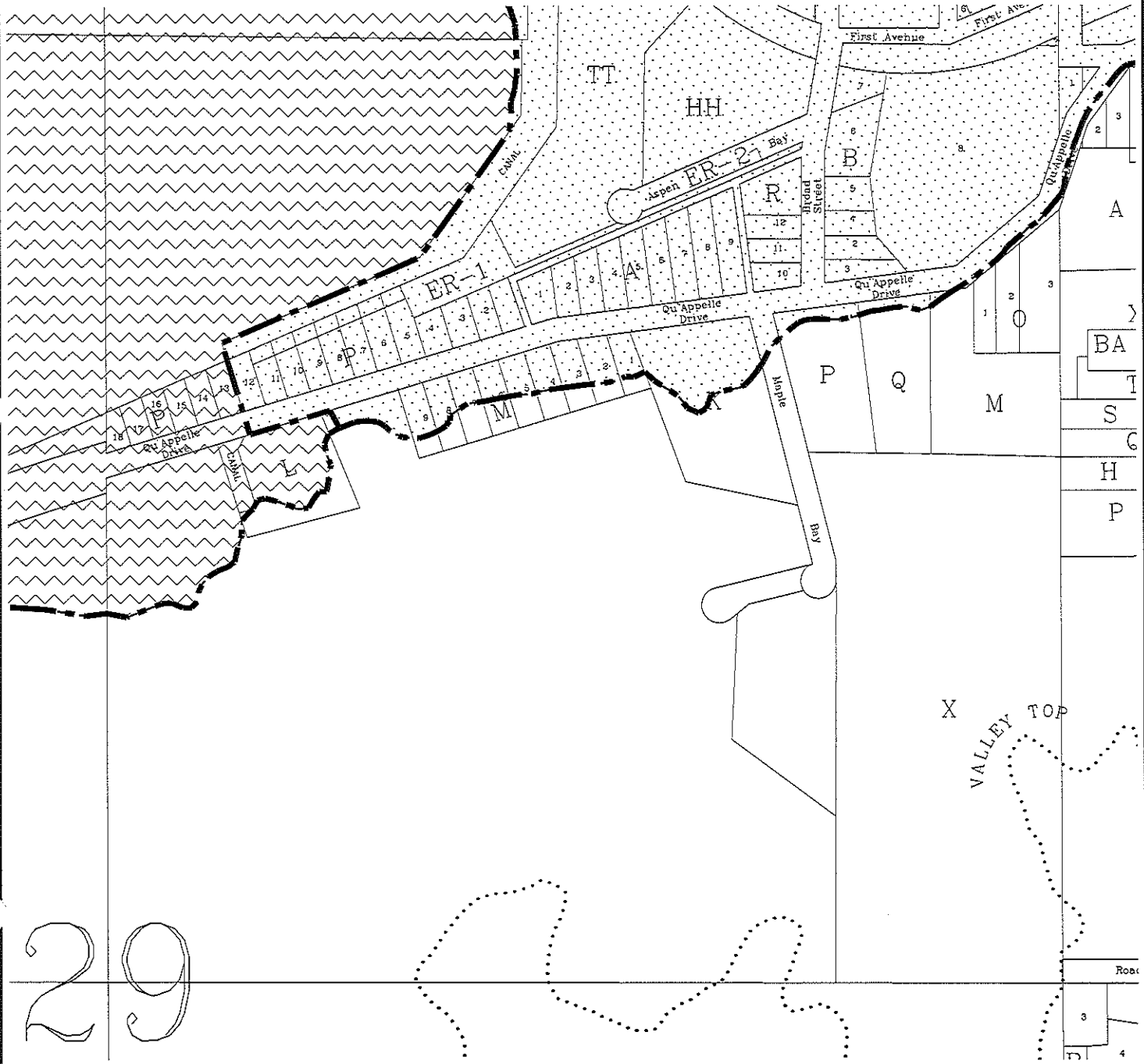
Revisions	
Bylaw No.	Date



UMA Engineering Ltd.
Engineers, Planners & Surveyors

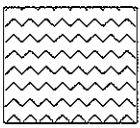
Floodway & Floodway Fringe

N.E.1/4 Sec. 29 Tp. 19 Rge. 21

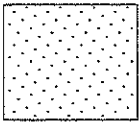


X VALLEY TOP

29



-- F1 - FLOOD PLAIN AREA OUTSIDE OF DYKE PROTECTION



-- F2 - FLOOD PLAIN AREA WITHIN DYKE PROTECTION

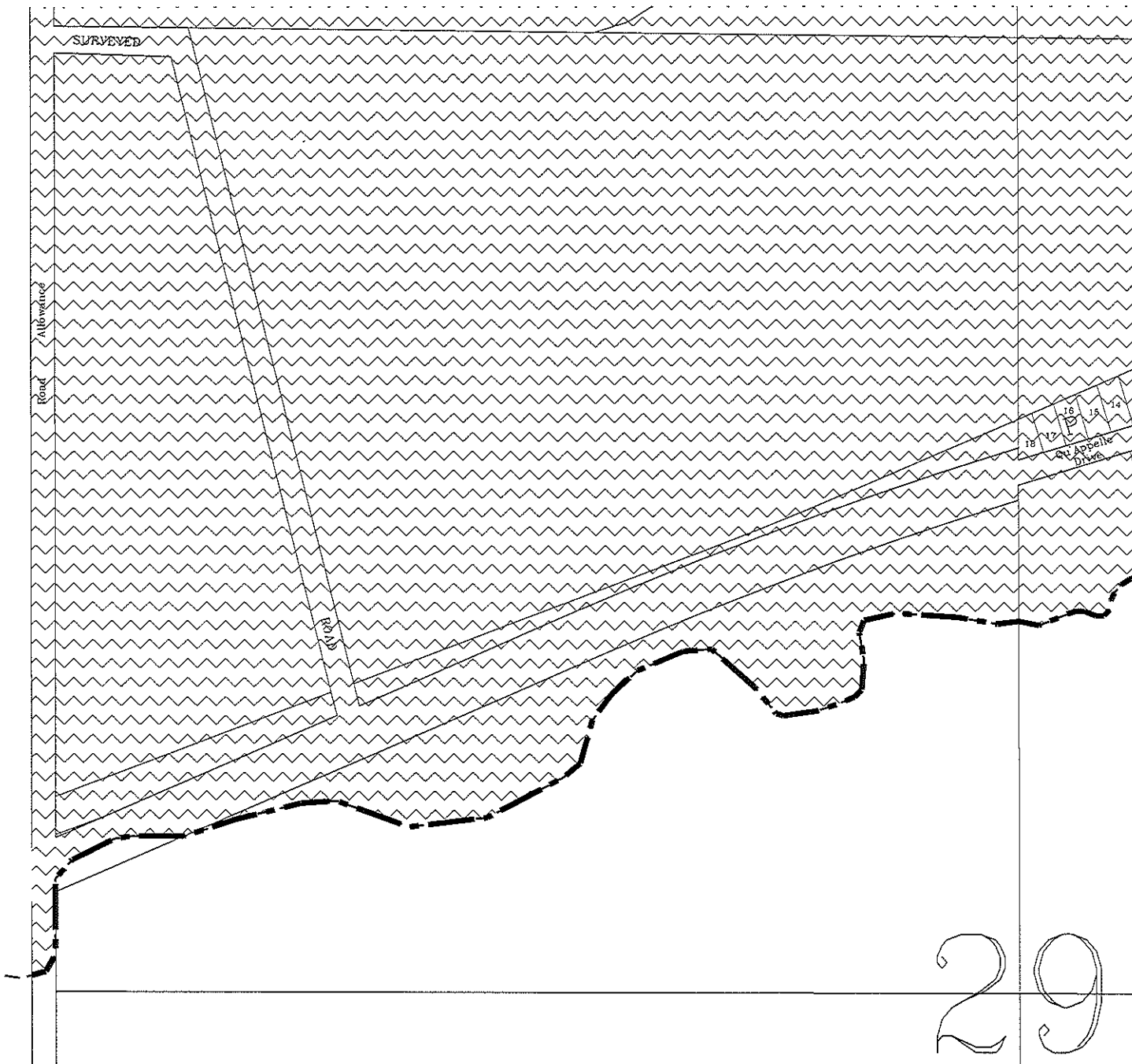


Revisions	
Bylaw No.	Date

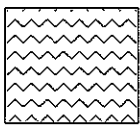
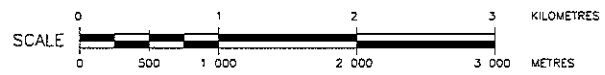


Floodway & Floodway Fringe

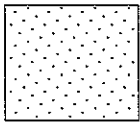
N.W.1/4 Sec. 29 Tp. 19 Rge. 21



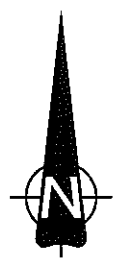
29



F1 - FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION



F2 - FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION



Revisions	
Bylaw No.	Date



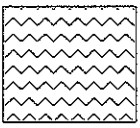
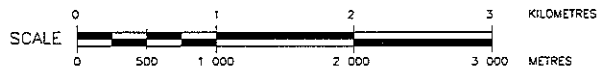
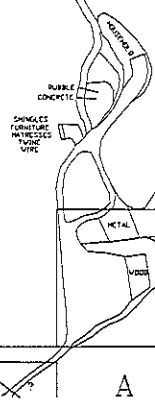
Floodway & Floodway Fringe

S.E.1/4 Sec. 33 Tp. 19 Rge. 21

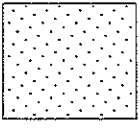


Road Allowance

15	14
15	13
8	10
6	7
11	12
9	
15	14
15	13
8	10
6	7
11	12
9	
39	1A
40	
41	33
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37	
36	



F1 - FLOOD PLAIN AREA OUTSIDE OF DYKE PROTECTION

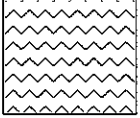
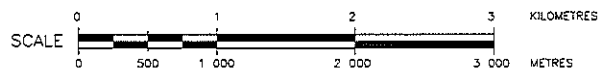
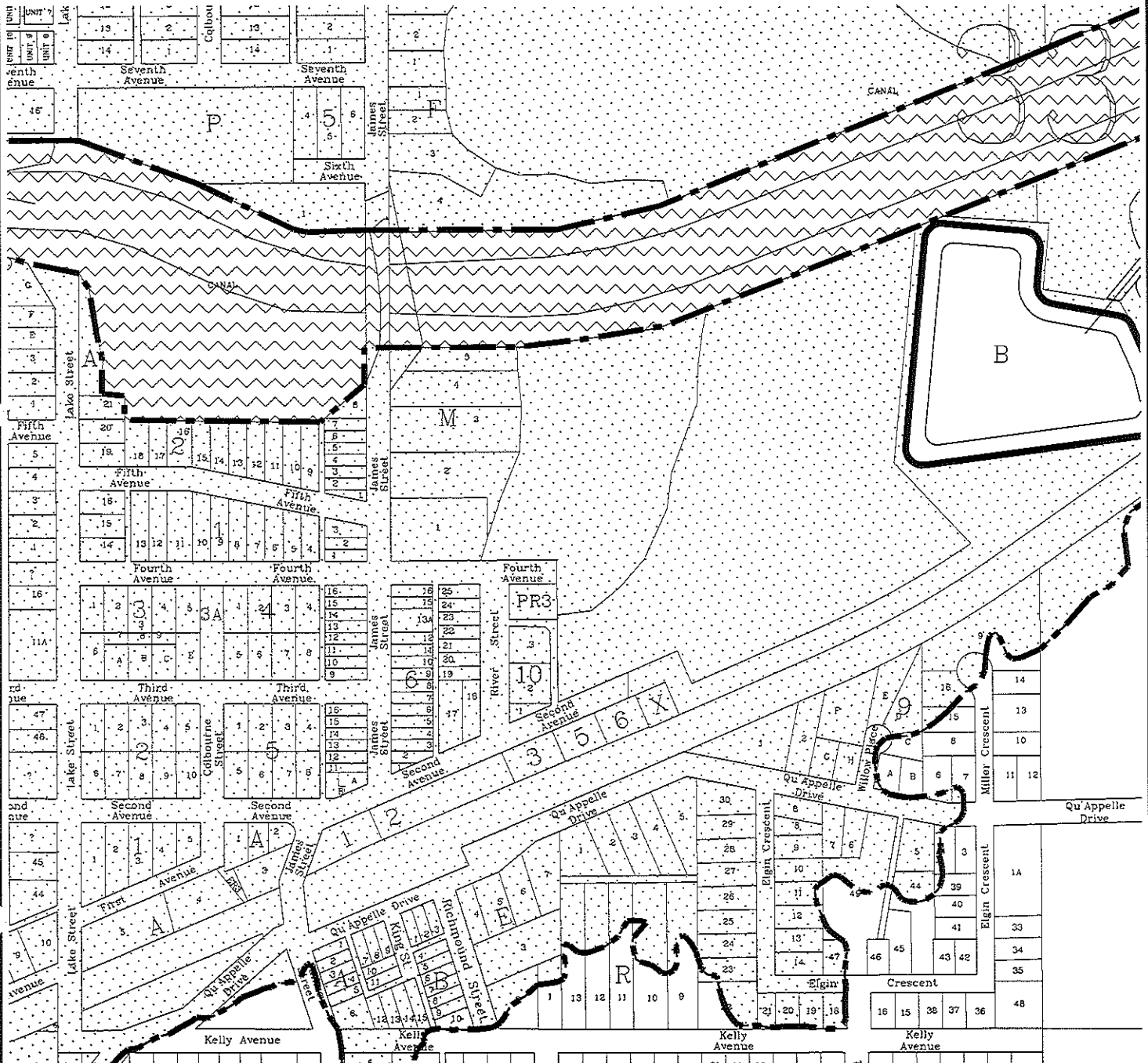


F2 - FLOOD PLAIN AREA WITHIN DYKE PROTECTION

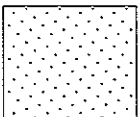


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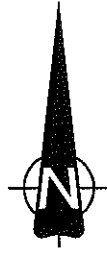




-- F1 - FLOOD PLAIN AREA OUTSIDE OF DYKE PROTECTION



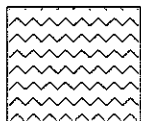
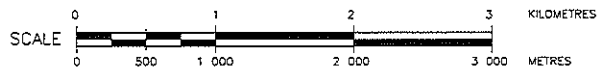
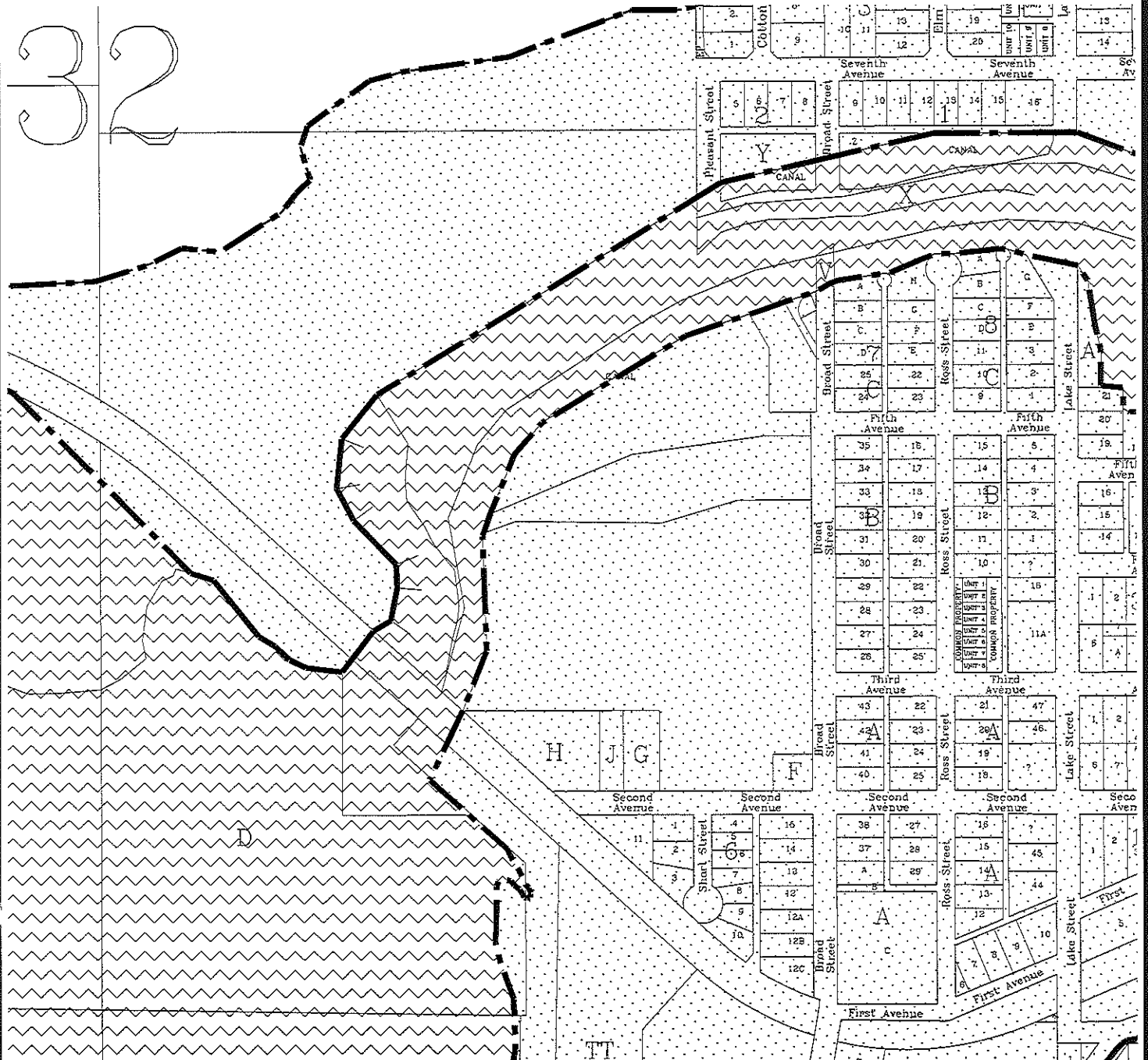
-- F2 - FLOOD PLAIN AREA WITHIN DYKE PROTECTION



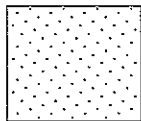
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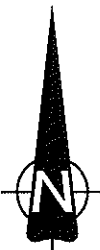
32



-- F1 - FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION



-- F2 - FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION



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Floodway & Floodway Fringe

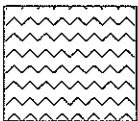
S.W.1/4 Sec. 32 Tp. 19 Rge. 21

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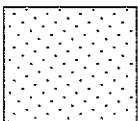
VALLEY TOP

Allowance

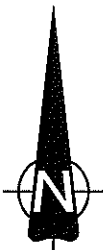
SURVEYED



-- F1 -- FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION



-- F2 -- FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION

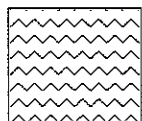
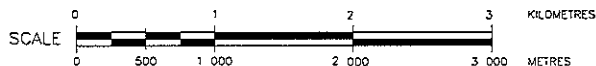


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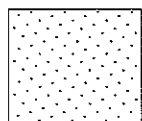


Floodway & Floodway Fringe

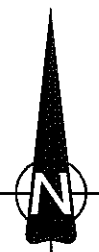
N.E.1/4 Sec. 33 Tp. 19 Rge. 21



-- F1 - FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION



-- F2 - FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION



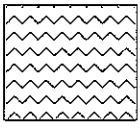
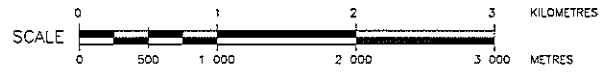
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Bylaw No.	Date

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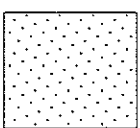
ZONING MAP 2.13

Floodway & Floodway Fringe

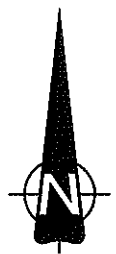
N.W.1/4 Sec. 33 Tp. 19 Rge. 21



-- F1 - FLOOD PLAIN AREA OUTSIDE OF DYKE PROTECTION



-- F2 - FLOOD PLAIN AREA WITHIN DYKE PROTECTION



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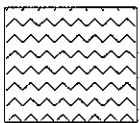
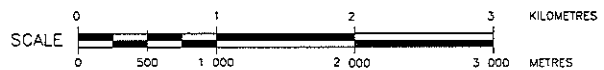
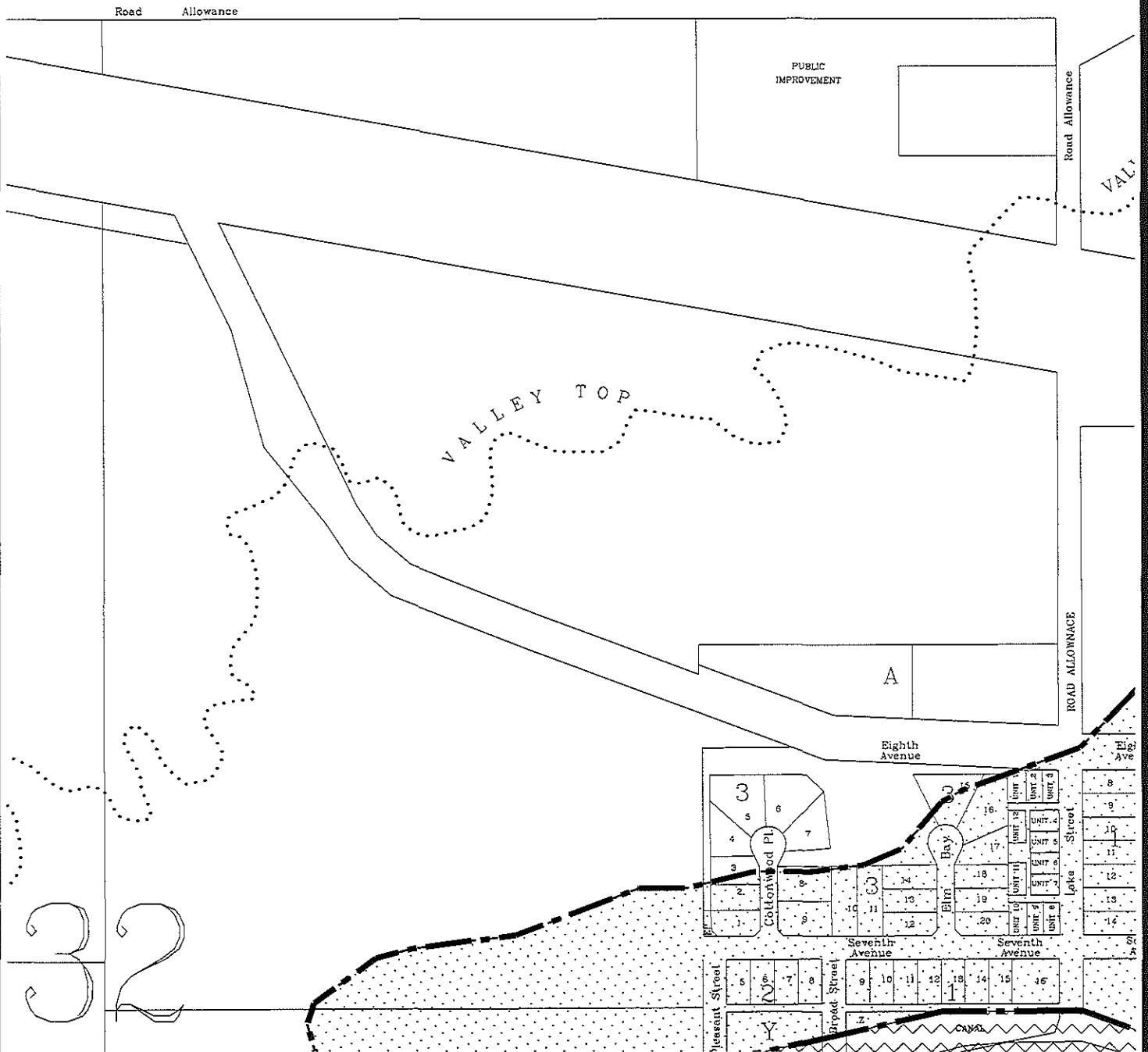
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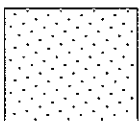
ZONING MAP 2.14

Floodway & Floodway Fringe

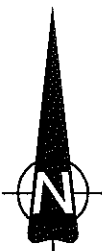
N.E.1/4 Sec. 32 Tp. 19 Rge. 21



--- F1 - FLOOD PLAIN AREA OUTSIDE OF DYKE PROTECTION



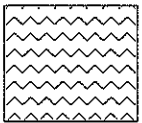
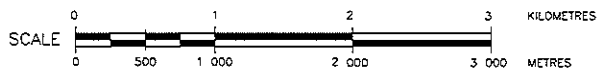
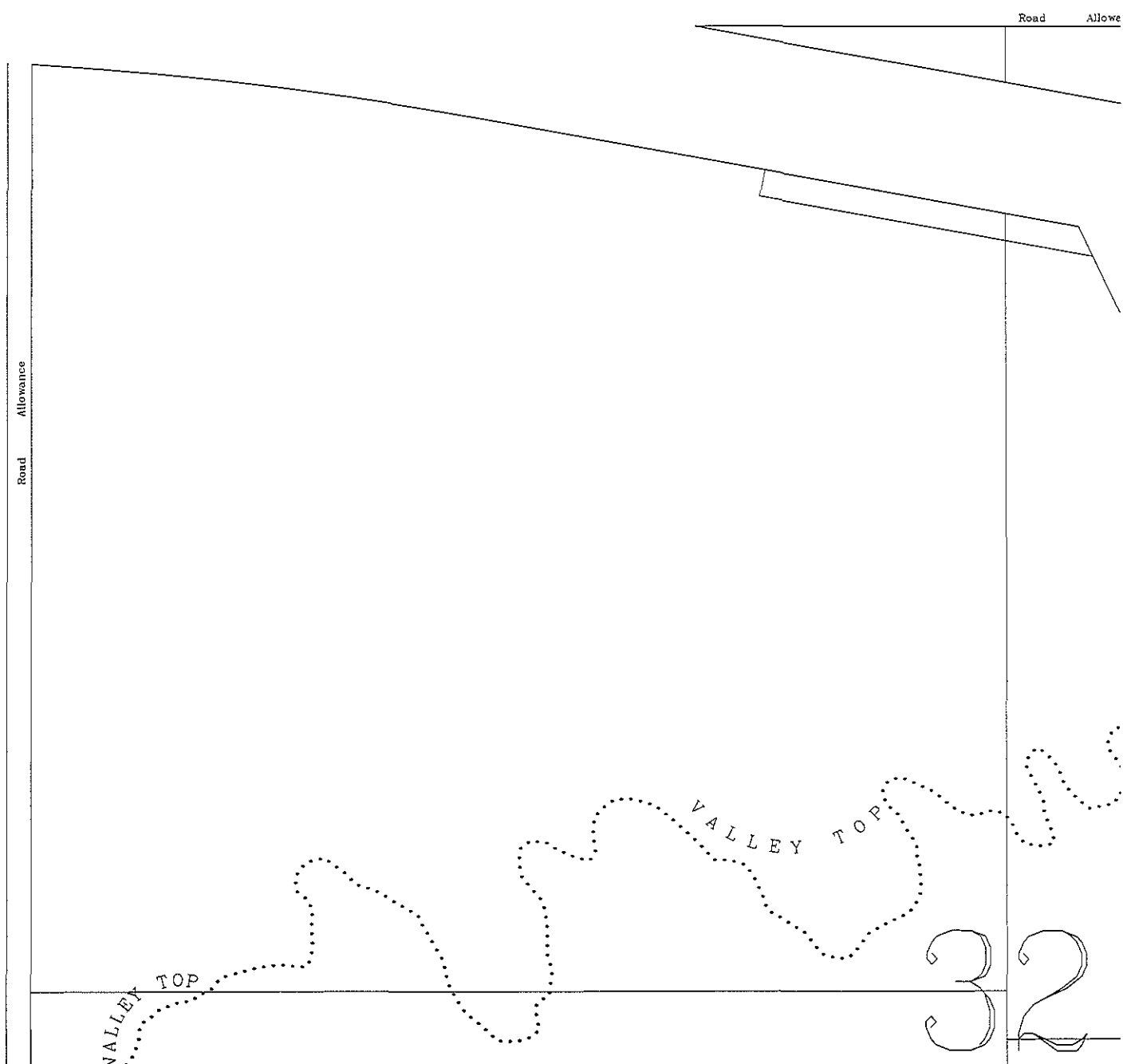
--- F2 - FLOOD PLAIN AREA WITHIN DYKE PROTECTION



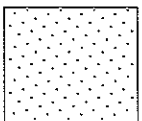
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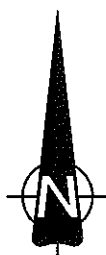
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F1 - FLOOD PLAIN
AREA OUTSIDE OF
DYKE PROTECTION

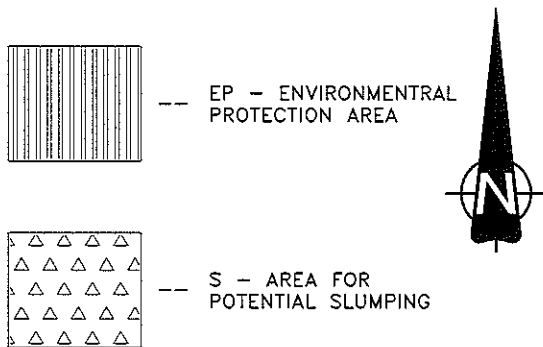
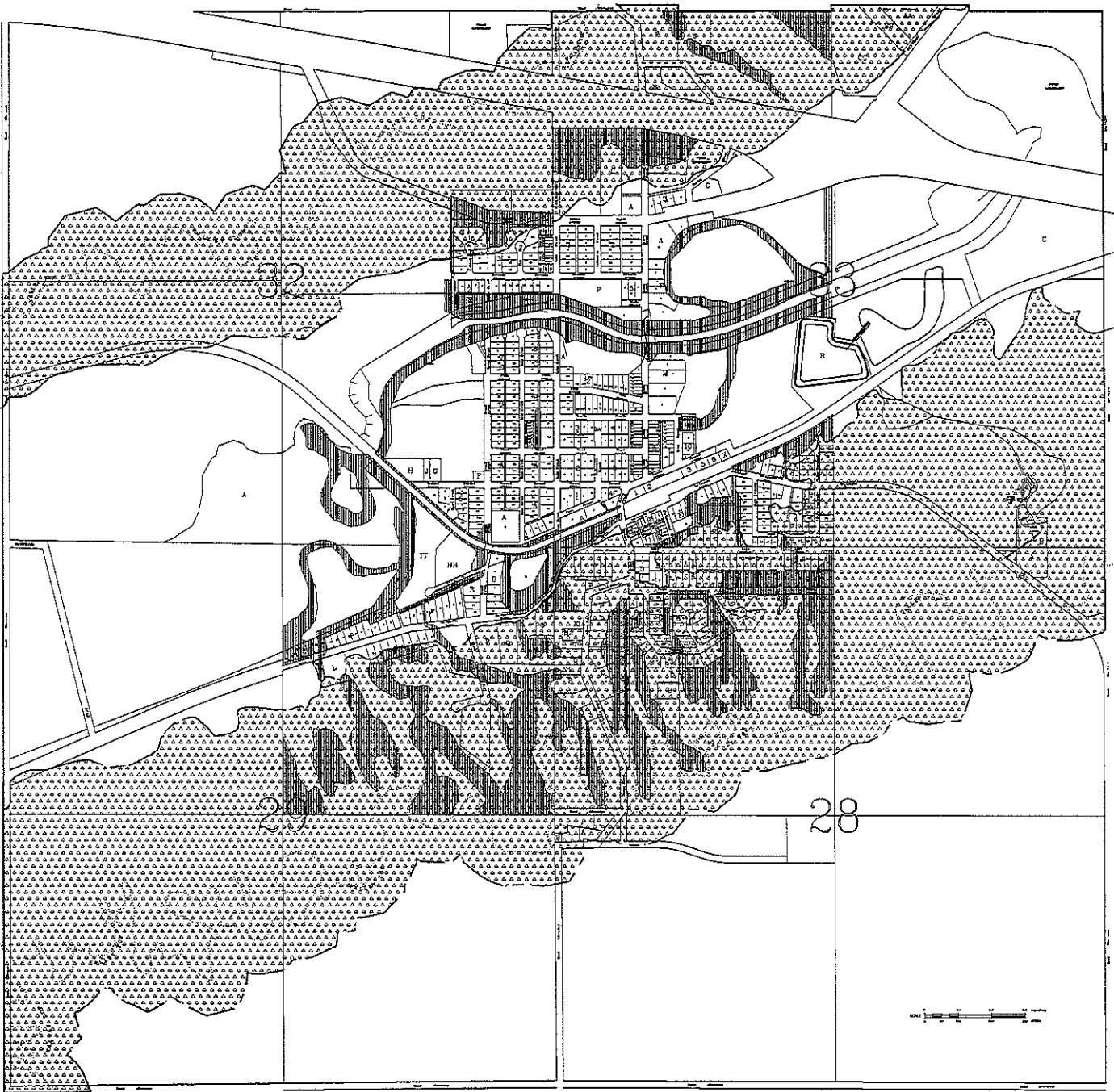


F2 - FLOOD PLAIN
AREA WITHIN DYKE
PROTECTION



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ZONING MAP 3
ENVIRONMENTAL PROTECTION AND SLOPE INSTABILITY OVERLAY AREAS



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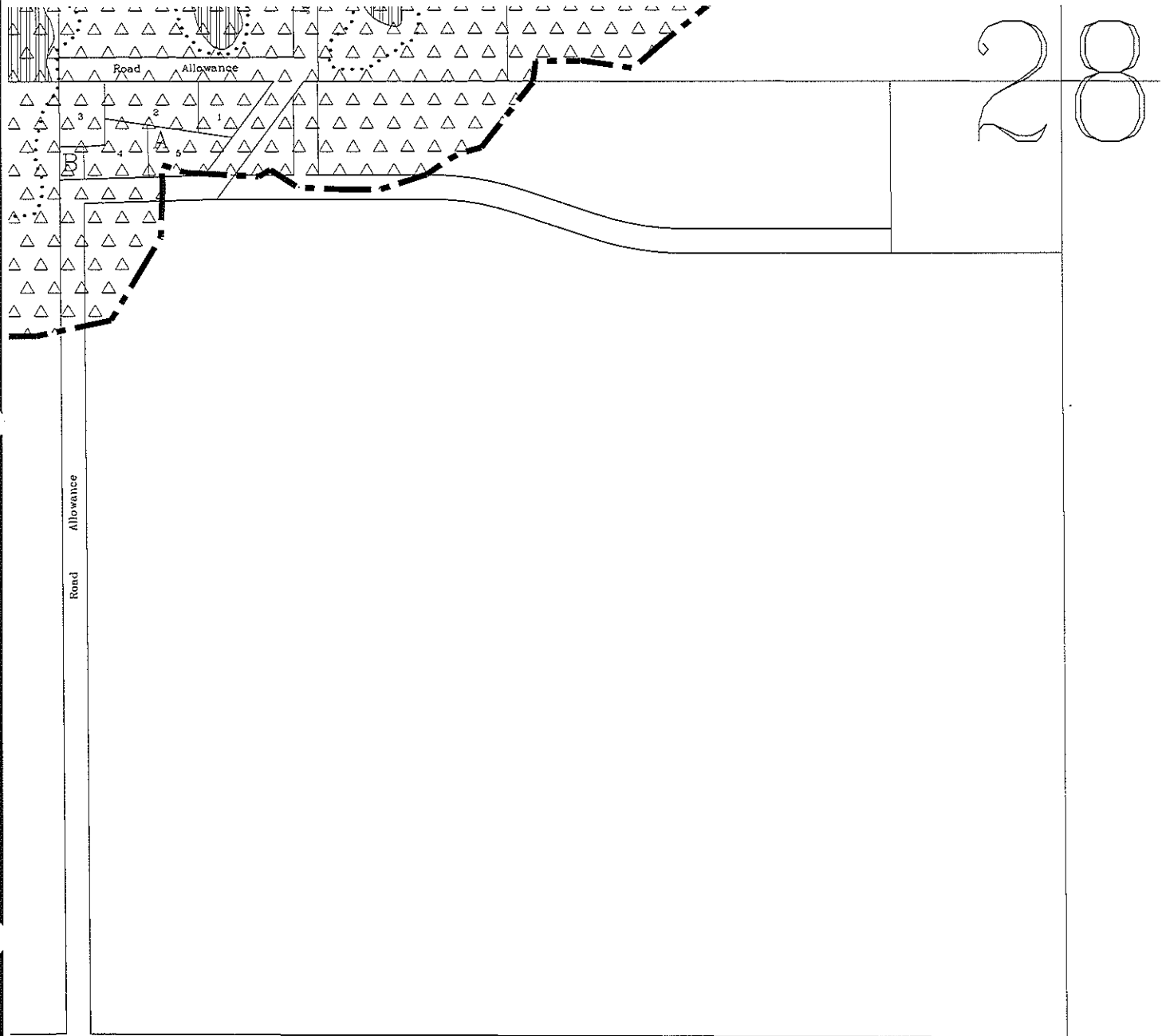
Town of Lumsden

ZONING MAP 3.01

Environmental Protection & Slope Instability

S.W.1/4 Sec. 28 Tp. 19 Rge. 21

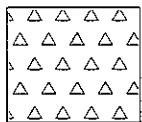
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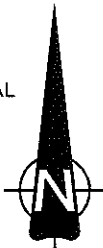
Road Allowance



EP - ENVIRONMENTAL PROTECTION AREA



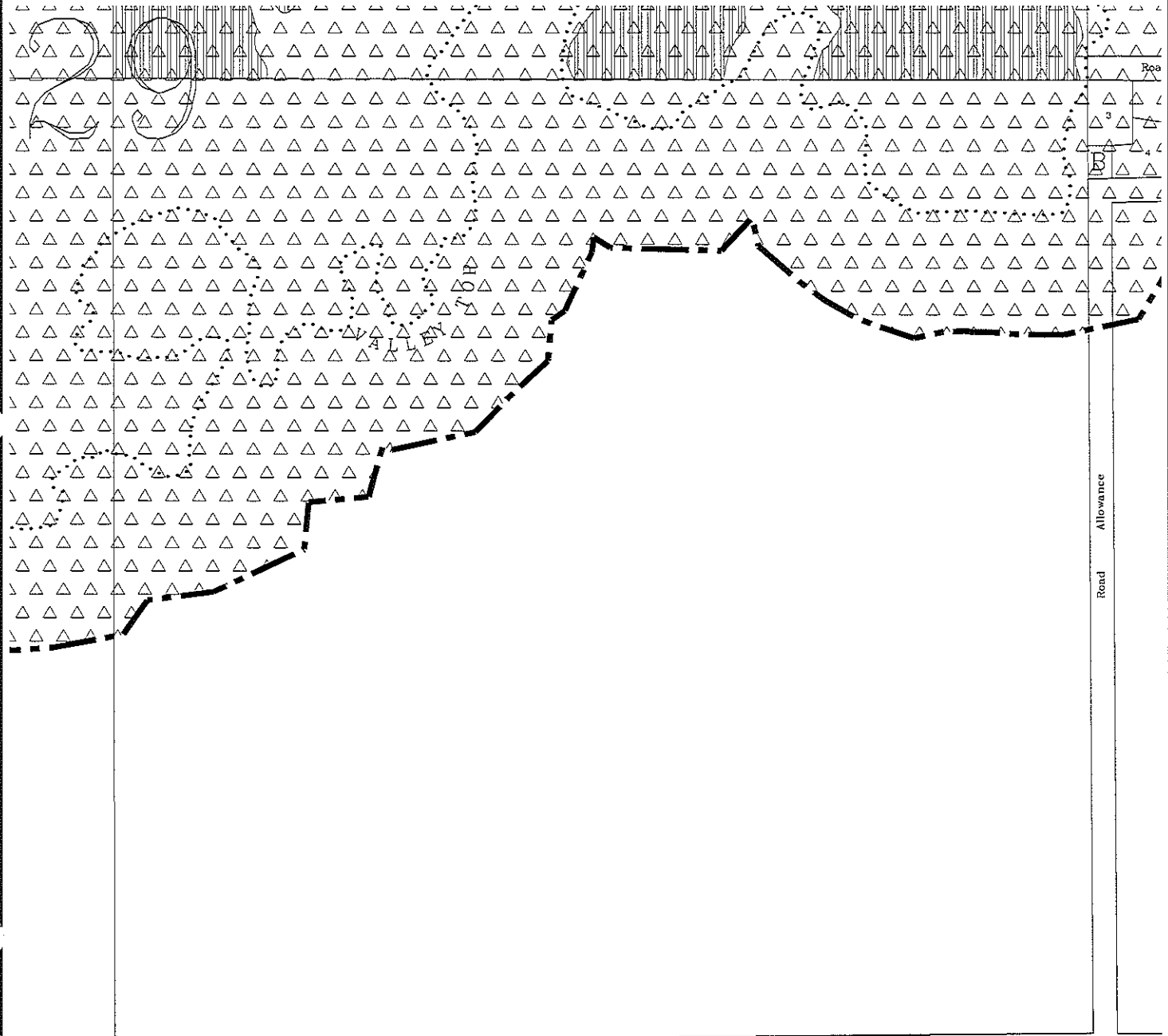
S - AREA FOR POTENTIAL SLUMPING



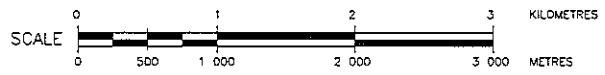
Revisions	
Bylaw No.	Date



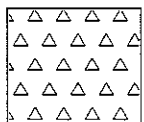
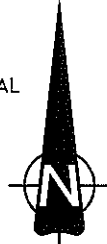
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Road Allowance



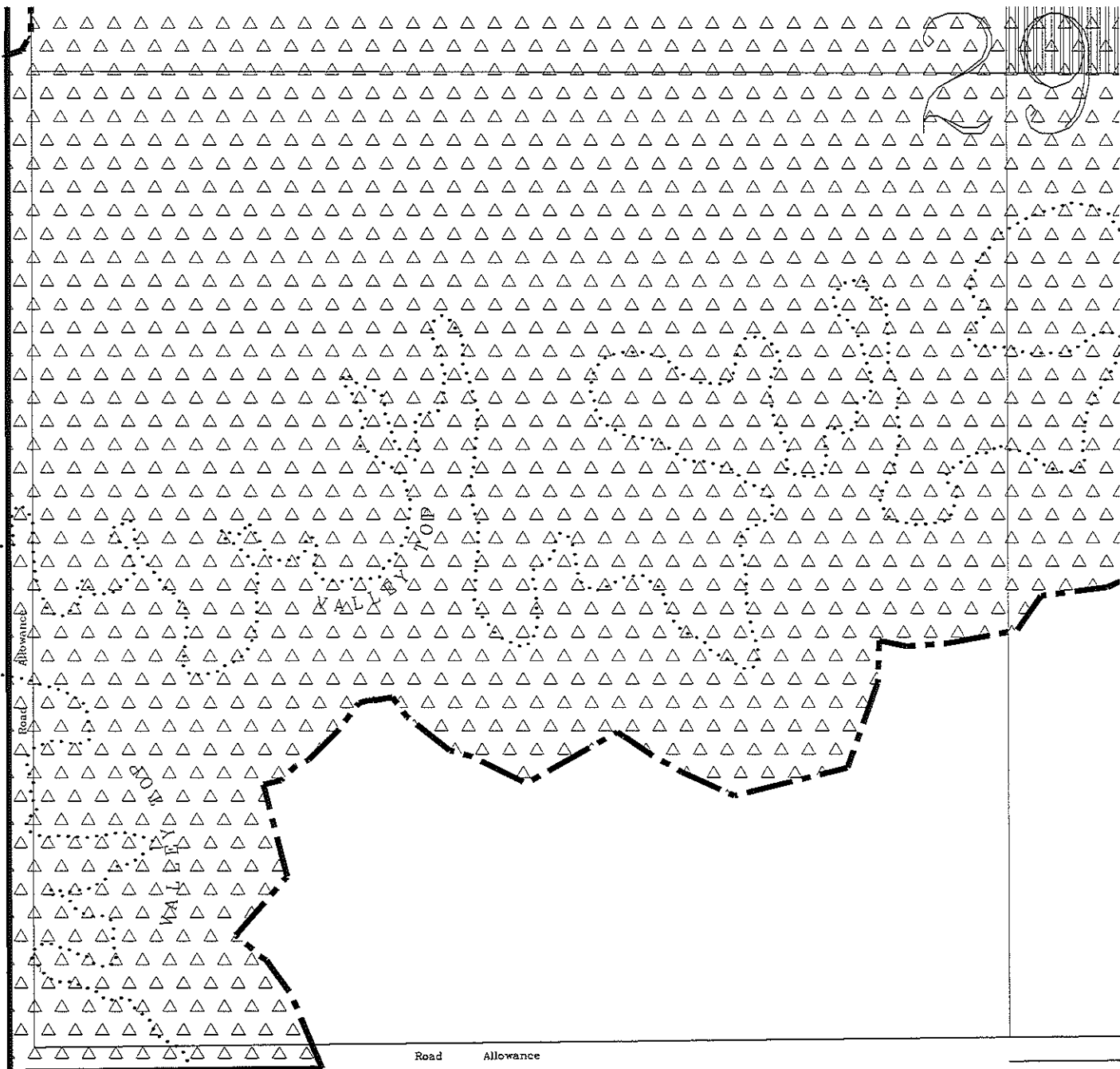
EP - ENVIRONMENTAL PROTECTION AREA



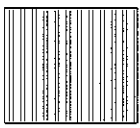
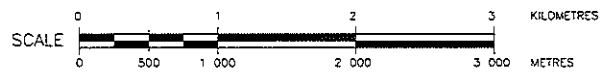
S - AREA FOR POTENTIAL SLUMPING

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Bylaw No.	Date

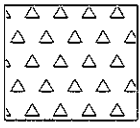




Road Allowance



EP - ENVIRONMENTAL PROTECTION AREA



S - AREA FOR POTENTIAL SLUMPING

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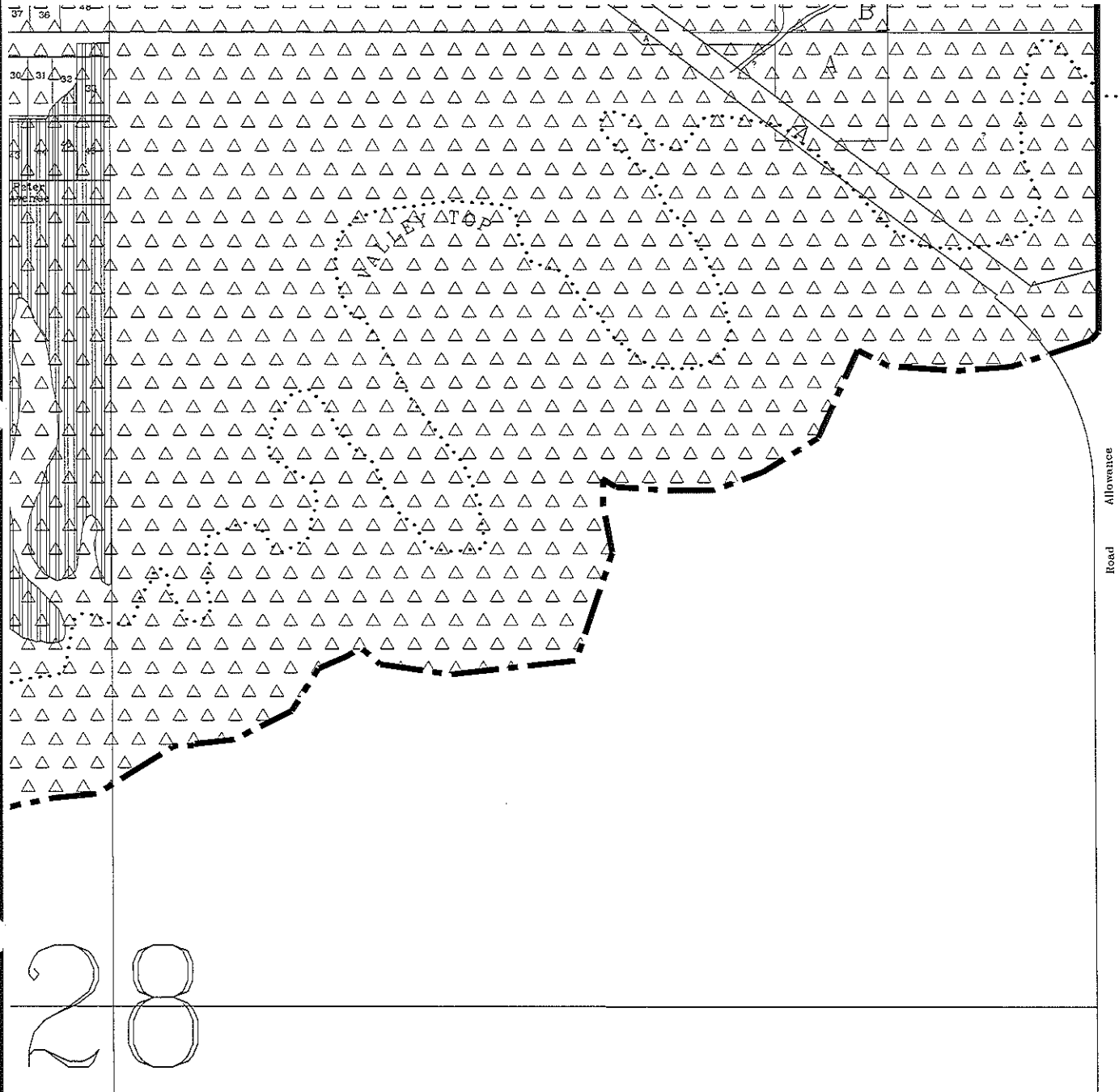


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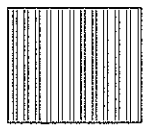
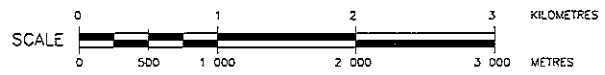
ZONING MAP 3.04

Environmental Protection & Slope Instability

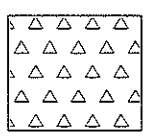
N.E.1/4 Sec. 28 Tp. 19 Rge. 21



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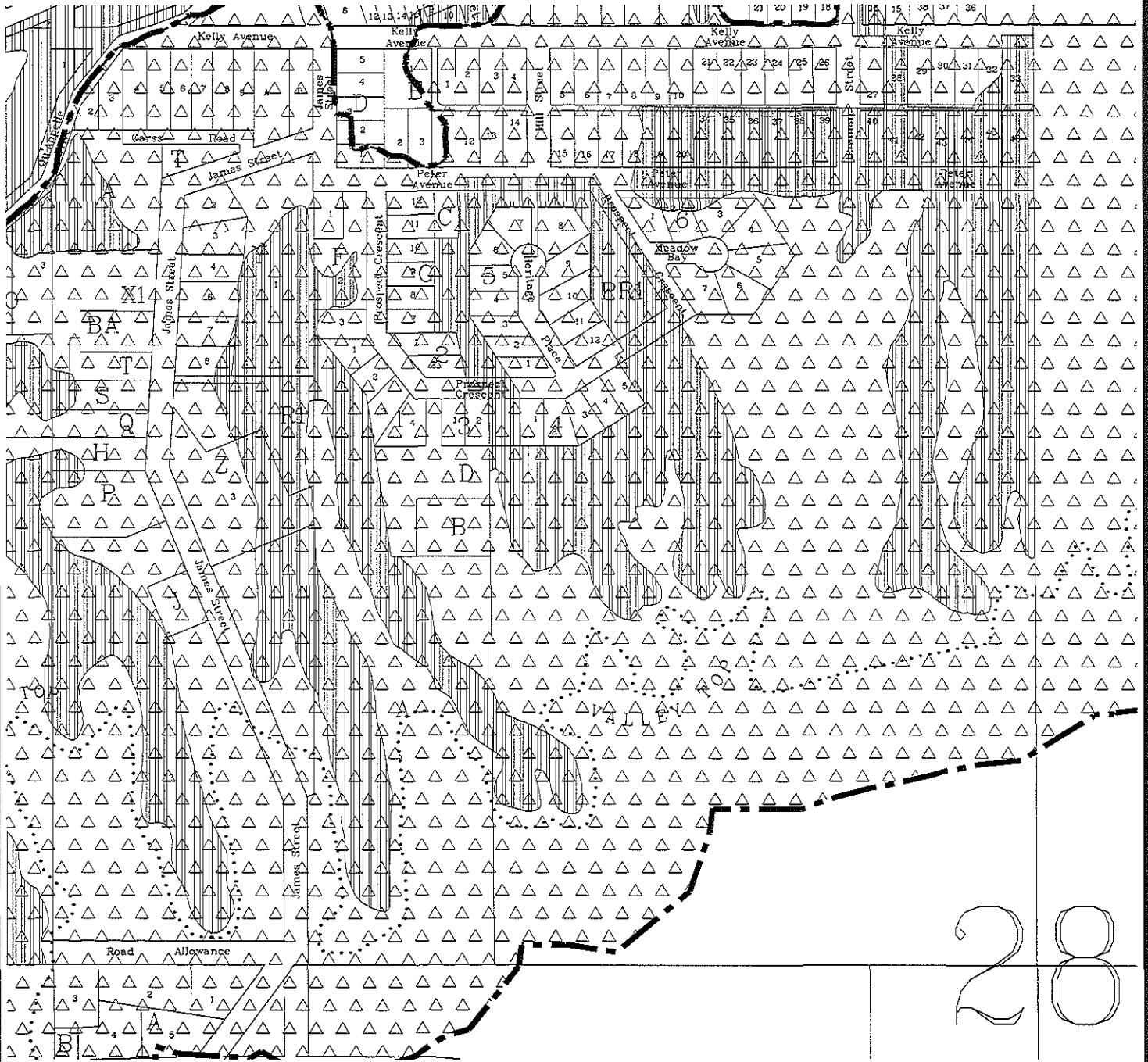


EP - ENVIRONMENTAL PROTECTION AREA

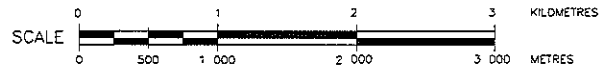


S - AREA FOR POTENTIAL SLUMPING

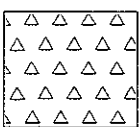
Revisions	
Bylaw No.	Date



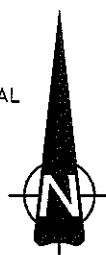
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EP - ENVIRONMENTAL PROTECTION AREA



S - AREA FOR POTENTIAL SLUMPING



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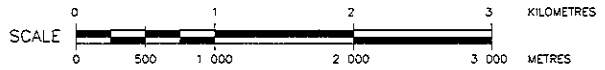


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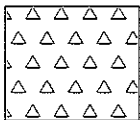
ZONING MAP 3.06

Environmental Protection & Slope Instability

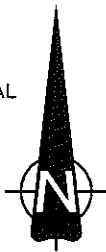
N.E.1/4 Sec. 29 Tp. 19 Rge. 21



-- EP - ENVIRONMENTAL PROTECTION AREA

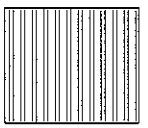
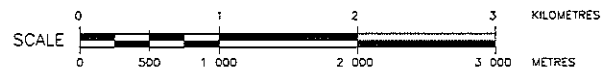
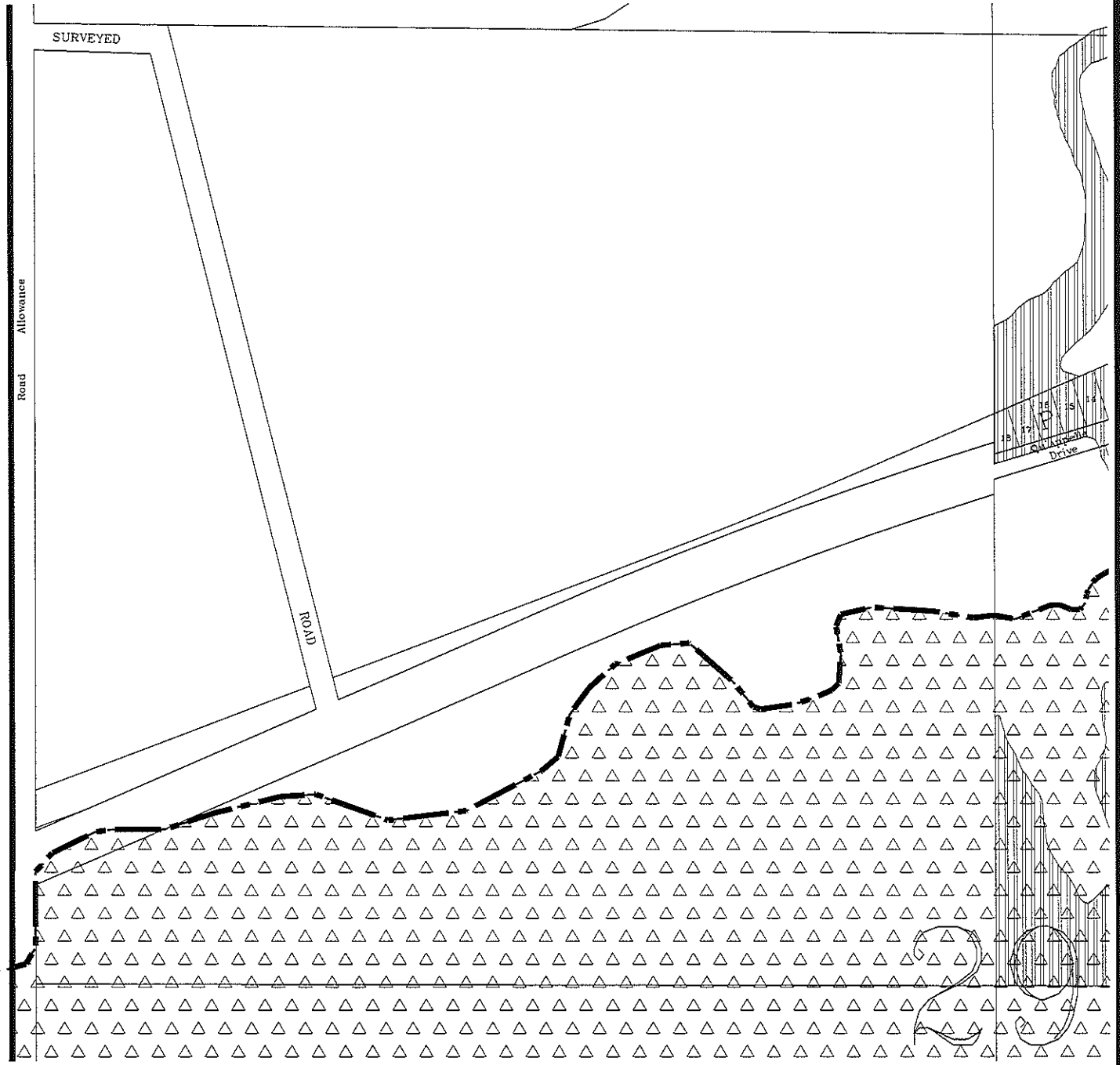


-- S - AREA FOR POTENTIAL SLUMPING

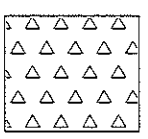


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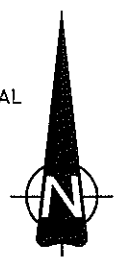




--- EP - ENVIRONMENTAL PROTECTION AREA

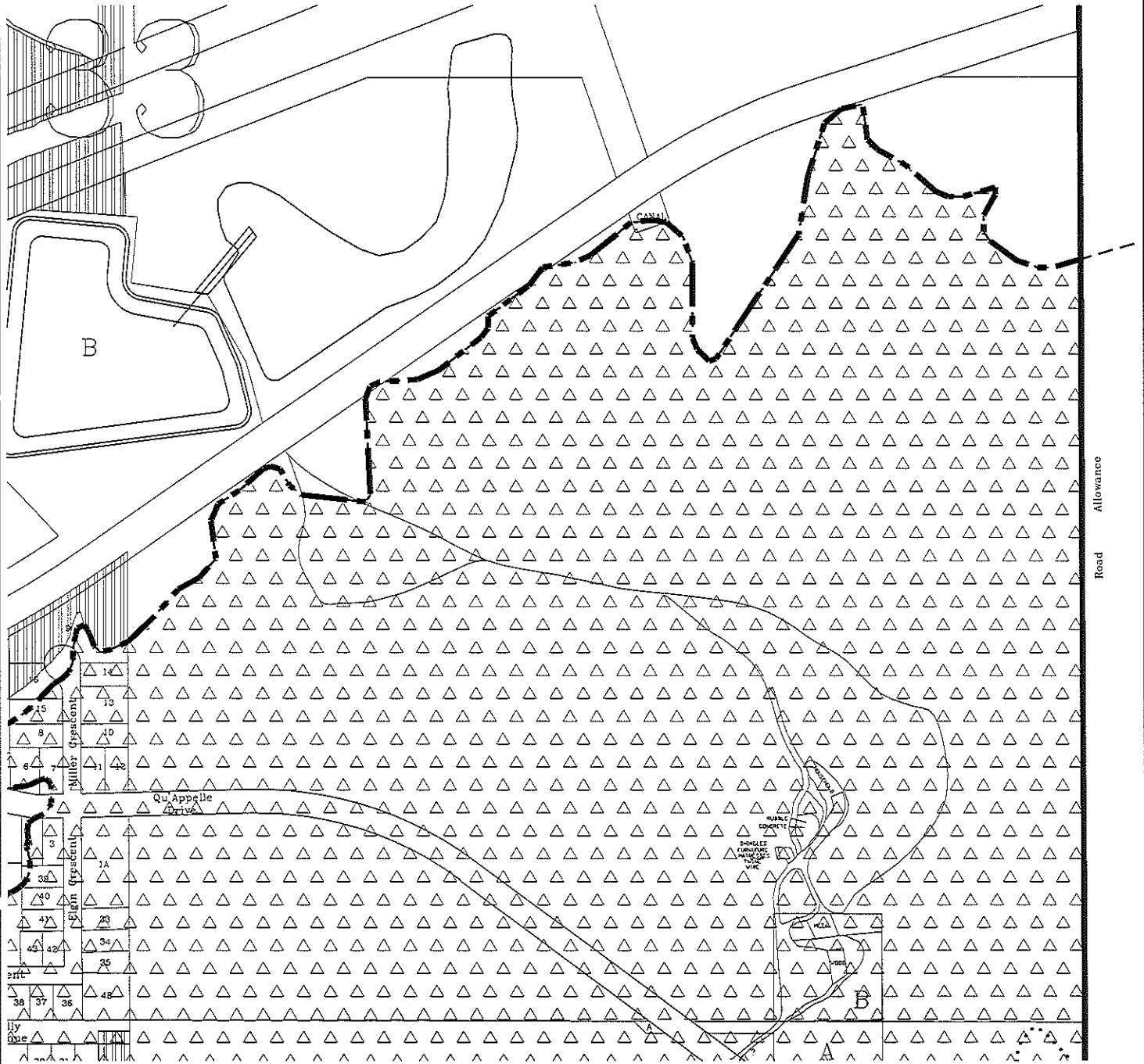


--- S - AREA FOR POTENTIAL SLUMPING

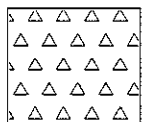


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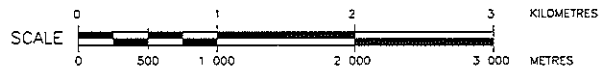




EP - ENVIRONMENTAL PROTECTION AREA



S - AREA FOR POTENTIAL SLUMPING



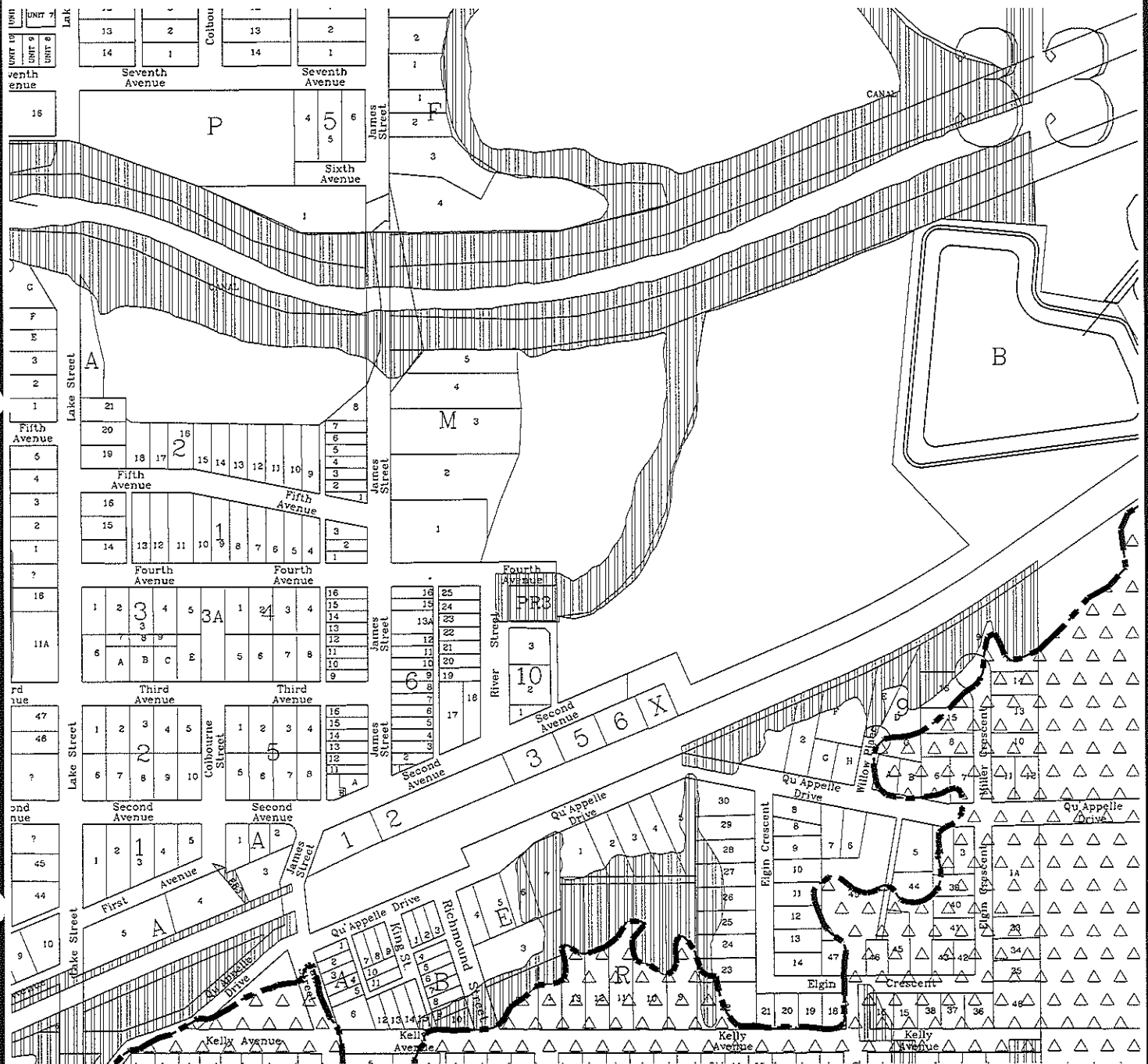
Revisions	
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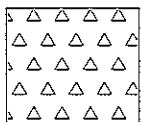
ZONING MAP 3.09

Environmental Protection & Slope Instability

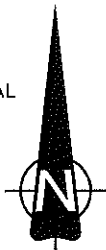
S.W.1/4 Sec. 33 Tp. 19 Rge. 21



-- EP - ENVIRONMENTAL PROTECTION AREA



-- S - AREA FOR POTENTIAL SLUMPING



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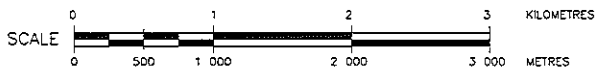
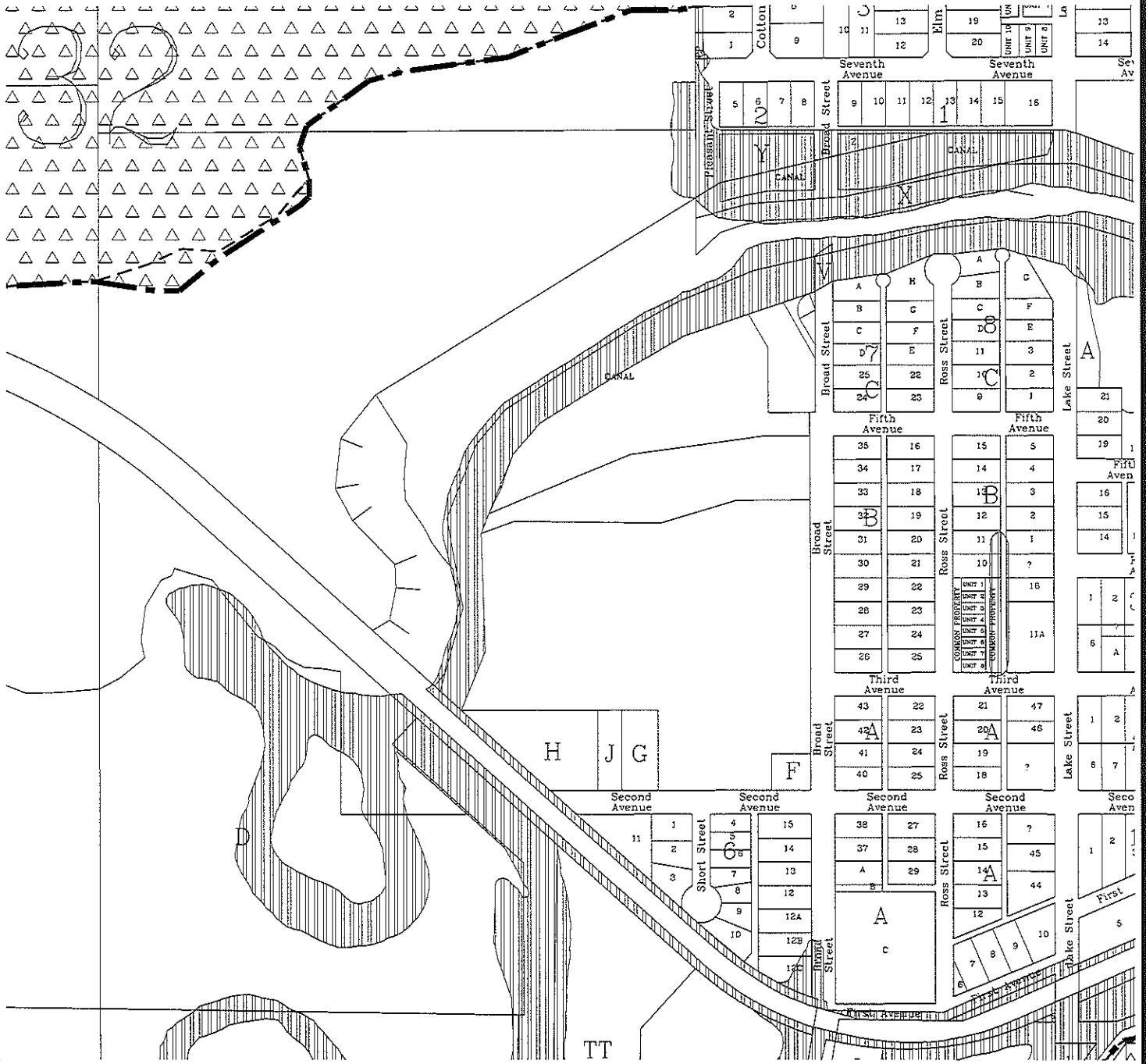
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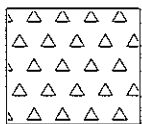
Environmental Protection & Slope Instability

ZONING MAP 3.10

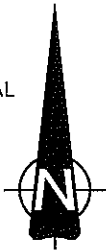
S.E.1/4 Sec. 32 Tp. 19 Rge. 21



-- EP - ENVIRONMENTAL PROTECTION AREA



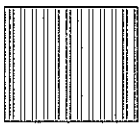
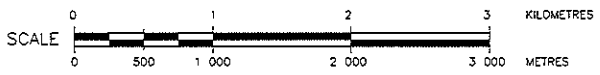
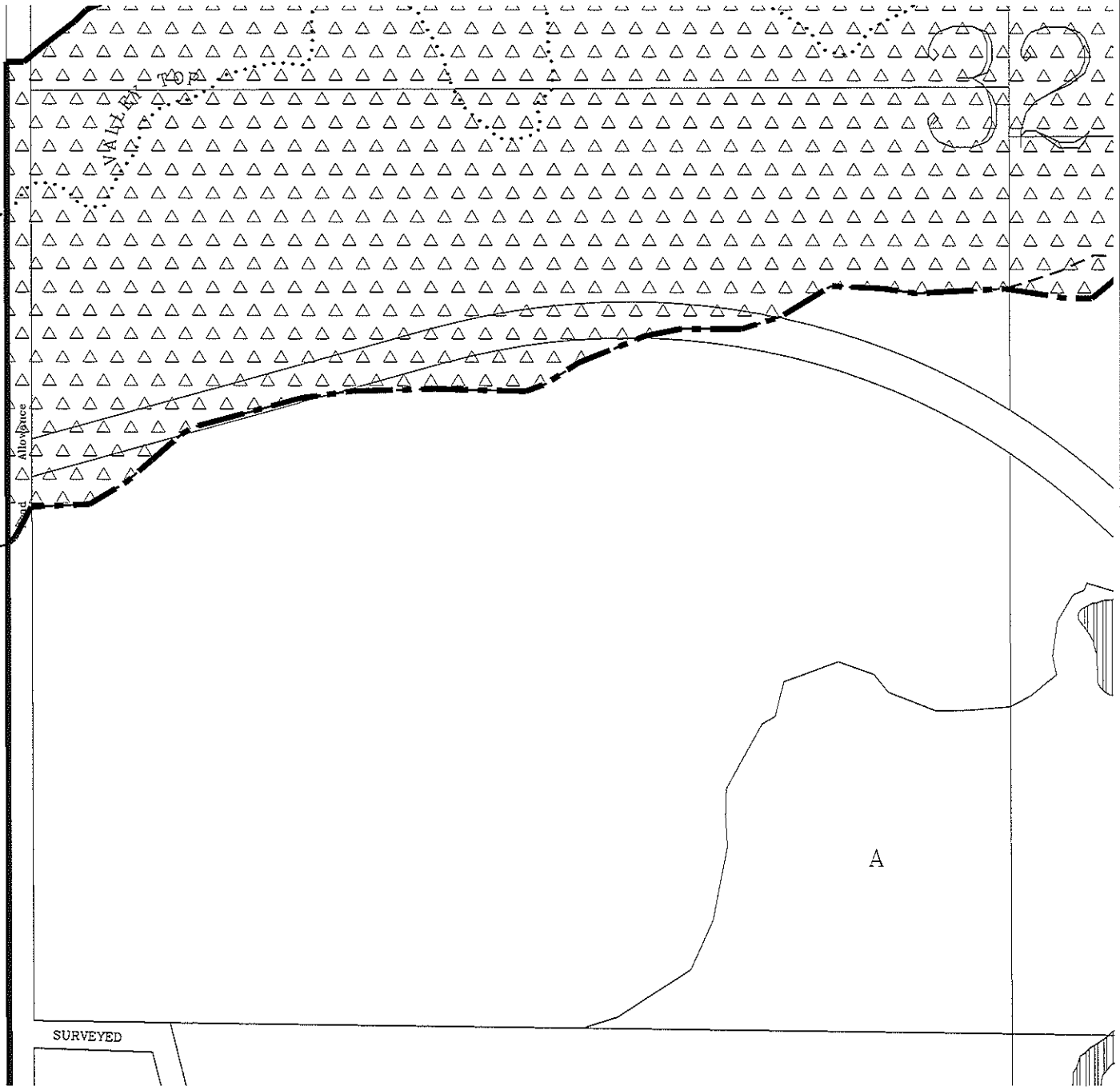
-- S - AREA FOR POTENTIAL SLUMPING



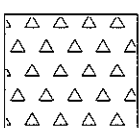
Revisions	
Bylaw No.	Date



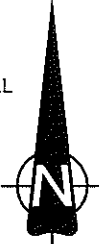
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--- EP - ENVIRONMENTAL PROTECTION AREA



--- S - AREA FOR POTENTIAL SLUMPING



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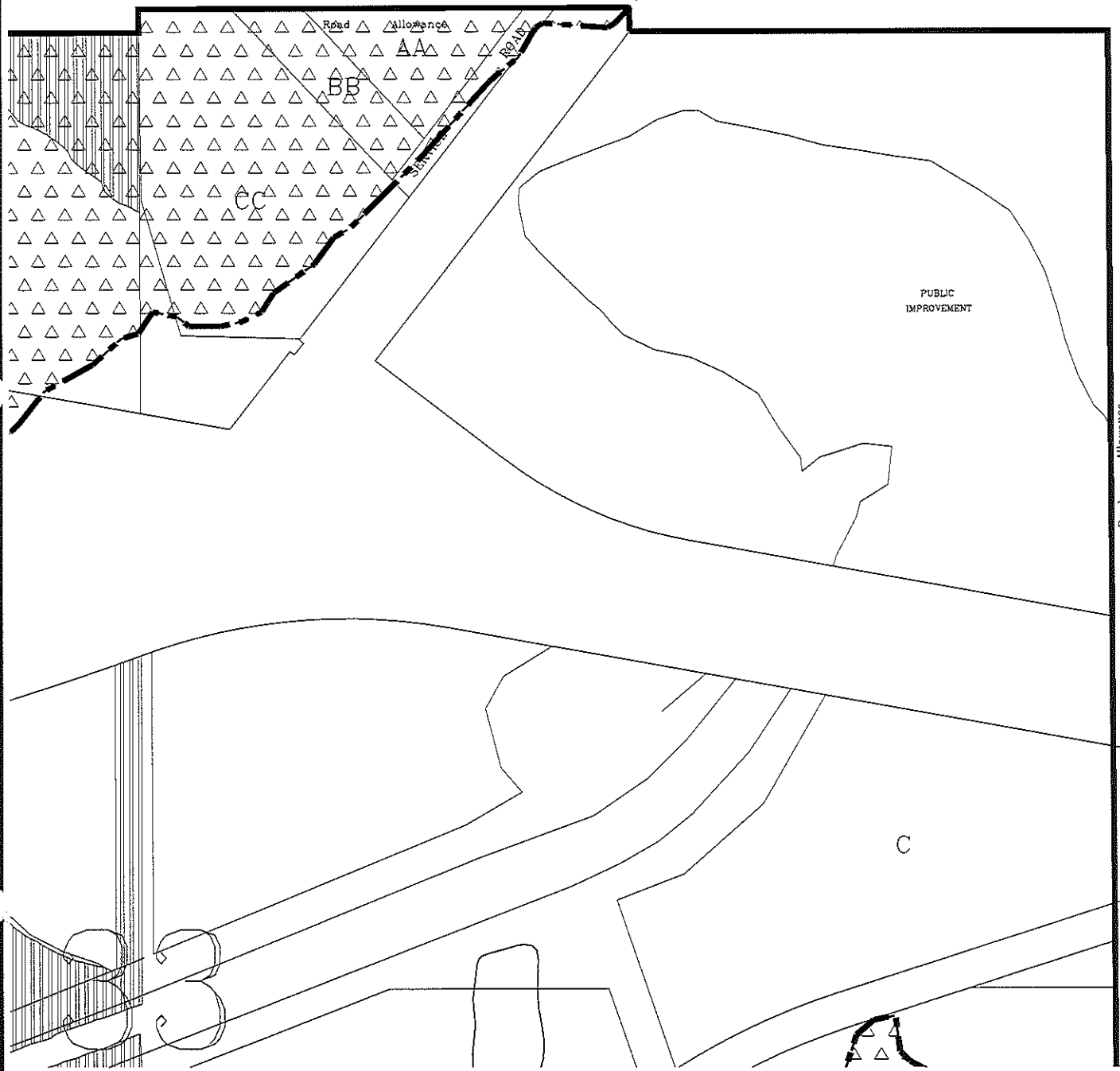


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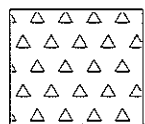
ZONING MAP 3.12

Environmental Protection & Slope Instability

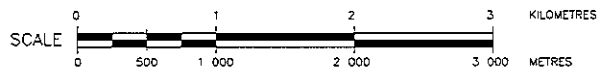
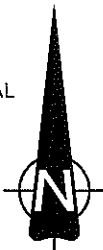
N.E.1/4 Sec. 33 Tp. 19 Rge. 21



-- EP - ENVIRONMENTAL PROTECTION AREA



-- S - AREA FOR POTENTIAL SLUMPING



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Bylaw No.	Date



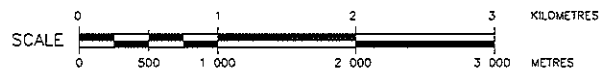
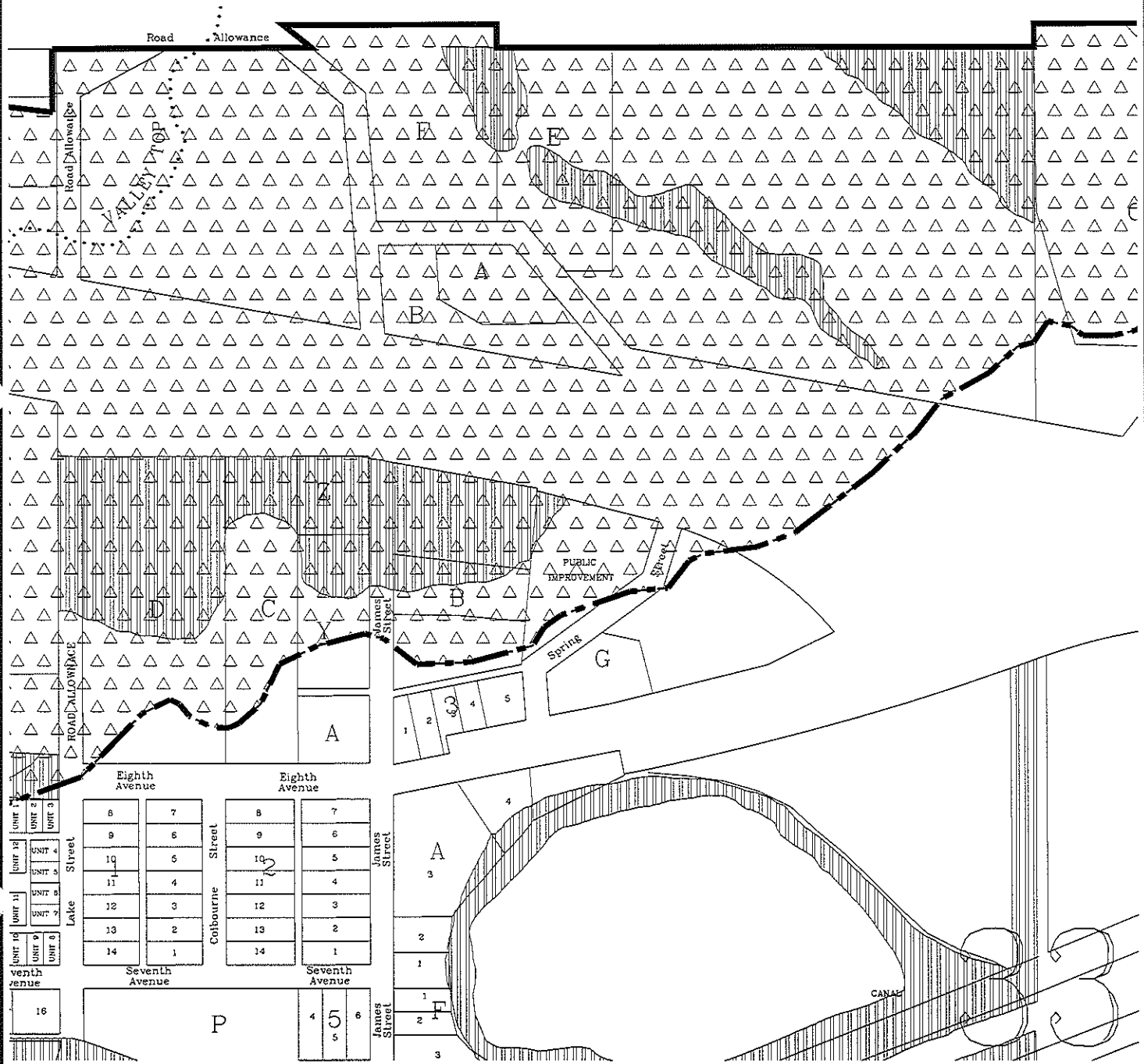
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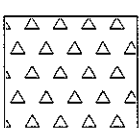
ZONING MAP 3.13

Environmental Protection & Slope Instability

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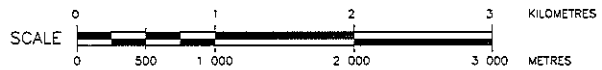
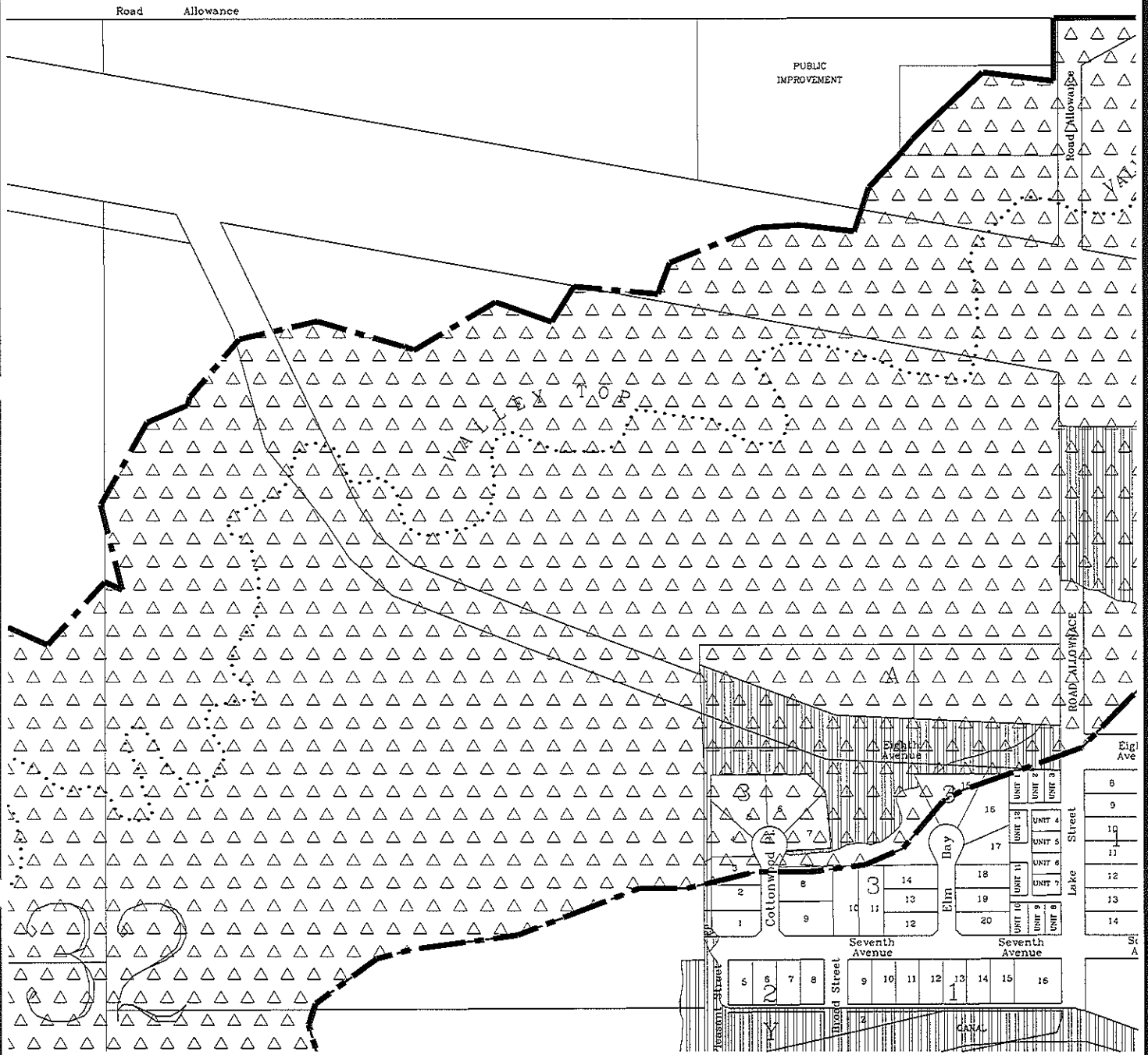
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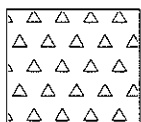
ZONING MAP 3.14

Environmental Protection & Slope Instability

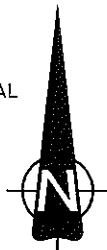
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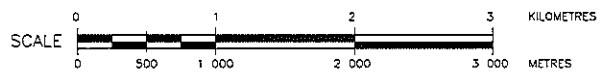
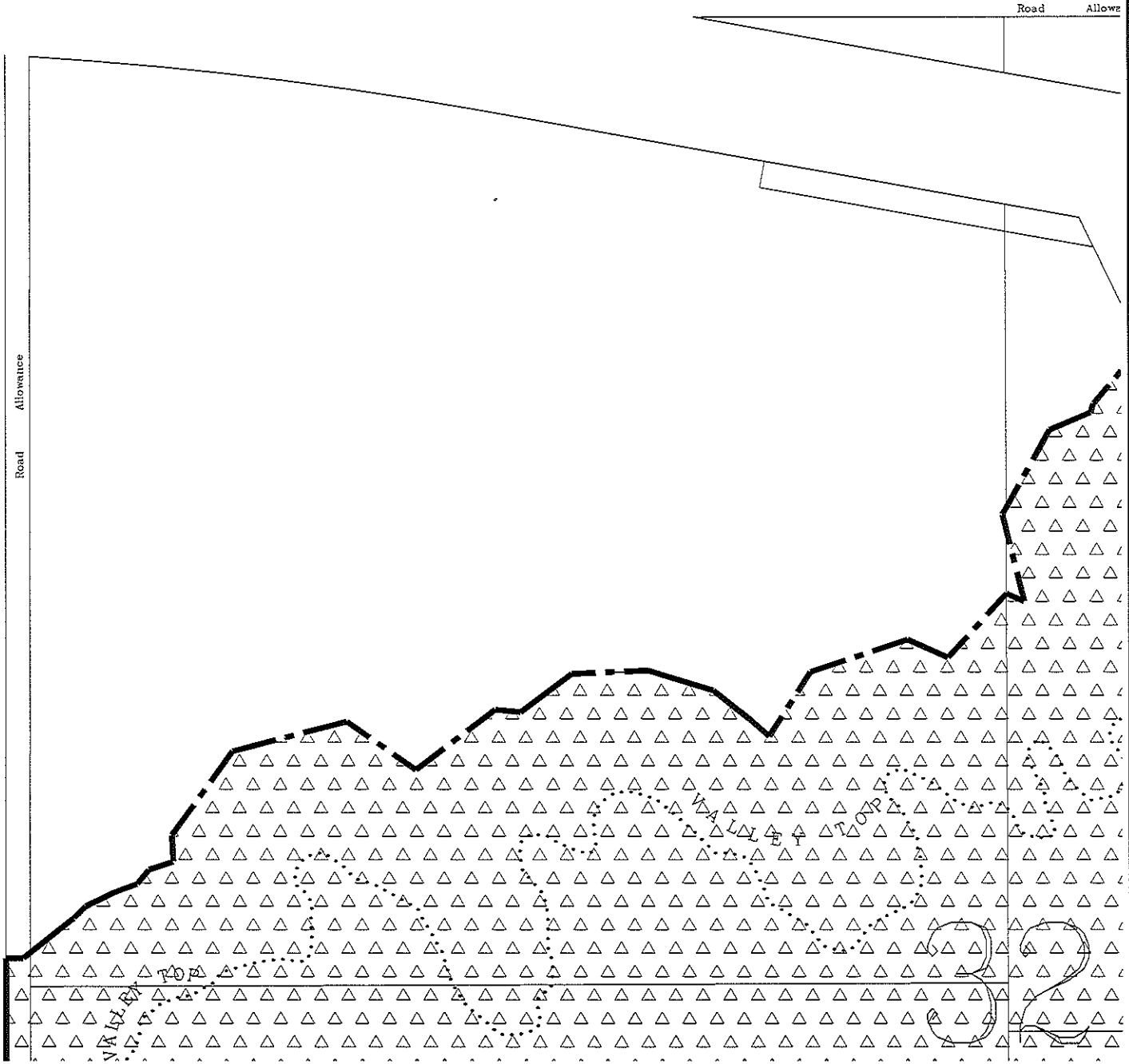
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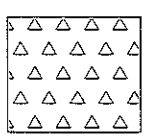
ZONING MAP 3.15

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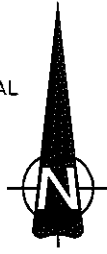
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