



# **CITY OF SWIFT CURRENT**

## **ZONING BYLAW NO. 24 - 2014**

The purpose of this Zoning Bylaw is to control and regulate land use and development in order to provide for the amenity, health, safety, and general welfare of the inhabitants of the City of Swift Current.

The Zoning Bylaw serves as an administrative tool whereby the Development Plan Bylaw can be implemented by the City of Swift Current.

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ZONING BYLAW No. 24 - 2014**

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## PART ONE INTERPRETATION OF BYLAW

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### 1.1 **Title**

This Bylaw shall be known as the "City of Swift Current Zoning Bylaw". It shall be cited as the "Zoning Bylaw" or the "Bylaw" throughout this document.

### 1.2 **Authority**

Pursuant to Section 67 of *The Planning and Development Act, 1983*, the Council of the City of Swift Current hereby adopts Zoning Bylaw No. 24 – 2014.

### 1.3 **Scope and Jurisdiction**

All development within the corporate boundaries of the City of Swift Current, shall be in conformity with the provisions of this Bylaw.

### 1.4 **Purpose**

This is a Bylaw to control the use and development of the land in the City of Swift Current and assist in implementing the Development Plan Bylaw.

### 1.5 **General Definitions**

The following words or terms shall have the following meaning unless the context otherwise provides:

**"Accessory Building or Use"** means a "building" or "use" which:

- (a) is subordinate to and serves the principal building or use;
- (b) is subordinate in area, extent, or purpose to the principal building or use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and
- (d) is located on the same site as the principal building or use served.

**"Act"** means "*The Planning and Development Act, 1983*" and amendments thereto.

**"Alteration" or "Altered"** means any change in size, shape, or use of a building or structure and shall include changes in use from one type of occupancy to another; the building of additions; or the making of any structural changes.

**"Amusement Arcade"** means a facility where three (3) or more mechanical or electronic games are kept for the purpose of furnishing skill, entertainment or amusement to the public for a fee.

(Bylaw No. 9-2023)

**"Apartment"** means a one-unit dwelling. Typical forms may include studios, bachelor suites, and single or multiple-bedroom suites, but do not include hotel or motel units or boarding rooms.

(Bylaw No. 9-2023)

**"Apartment Building"** means a multiple-unit dwelling divided into three or more apartments with a common entrance for the dwellings to the exterior and an internal hallway systems, but does not include hotels, motels, boarding houses, townhouses, or row houses.

**“Authority Having Jurisdiction”** means the City Council for discretionary uses and the General Manager of Planning and Growth Development or designee for permitted uses.

**"Awning"** means a temporary overhead shelter supported entirely by the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

**"Balcony or Deck"** means an unroofed platform elevated above grade, projecting from the face of a wall, cantilevered or supported by columns or brackets, and usually surrounded by a balustrade or railing.

**"Basement or Cellar"** means all of that portion of a building between two (2) floor levels which has one half (1/2) or more of the height of its walls, from finished floor to finished ceiling, below grade level.

**"Bed and Breakfast"** means a tourist home, as defined by this Bylaw, in which breakfast is provided to lodgers.

**“Boarder”** means a person who rents sleeping accommodations which have no individual cooking facilities, and who may be furnished with meals or other services as part of the consideration, but who is not a member of the family or household occupying the principal dwelling unit and is not the proprietor of a boarding house or boarding apartment. Includes those persons under the Approved Private-Service Home (APSH) Program. Saskatchewan Department of Social Services APSH Proprietor Manual.

**"Boarding House"** means a building or structure or part of a building or structure, other than a hotel or motel, kept, used, advertised as or held out to be a place where services and/or sleeping accommodation for more than five (5) persons but not more than fifteen (15) persons are provided, whether or not for remuneration or compensation.

**"Building"** means a structure used for the shelter or accommodation of persons, animals, goods, or chattels, having a roof which is supported by columns or walls.

**"Building Line, Established "** means the average distance from the front property line to the main front wall, or a line drawn between two (2) adjacent columns, or existing buildings, or projections thereof excluding permitted obstructions, on any side of any block.

**"Building Line, Front"** means the line of the wall of the building, or a line drawn between two (2) adjacent columns, of the building, or any projecting portion and its projection thereof, excluding permitted obstructions, which faces the front site line.

**"Building Line, Rear"** means the line of the wall of the building, or a line drawn between two (2) adjacent columns, or any projecting portion of the building and its projection thereof, excluding permitted obstructions, which faces the rear site line.

**"Building Line, Side"** means the line of the wall of the building, or a line drawn between two (2) adjacent columns, or any projecting portion of the building and its projection thereof, excluding permitted obstructions, which faces the side site line.

**“Building Inspector”** means the Building Inspector of the City of Swift Current and shall include any person designated to act in this capacity during the Building Inspector’s absence or inability to act.

**"Business Vehicle"** (home-based business, residential office) means any vehicle utilized to service a home-based business or residential office operation whose gross weight does not exceed 2750 kilograms, the gross weight being the combined weight of the vehicle and the load.

*(Bylaw No. 7-2018)*

**"Cannabis Retail"** means a retail store, approved under federal and provincial regulations that sells cannabis and any of its derivatives.

*(Bylaw No. 7-2018)*

**"Cannabis Production Operations"** means a facility, approved under federal and provincial regulations, that is used in whole or in part for the planting, cultivation, testing, harvesting, processing, and distribution of the cannabis plant and any of its derivatives.

**"Canopy"** means a permanent weather resistant roof-like structure extending from part or all of a building wall. Canopy includes in its definition, a marquee and fixed frame awning.

**"Carport"** means a roofed vehicle shelter, open on at least two (2) sides.

**"Change of Use(s)"** means a conversion, alteration, removal, redevelopment, or variation of the permitted principal use or discretionary use of a building, structure or property, to another use or group of uses not previously on the site, or the intensification of the existing use or uses on a site within the same building, structure or land area.

**"City"** means the City of Swift Current.

**"Club, Lodge or Fraternal Organization, Private"** means an association of persons who are bona fide members paying dues, which owns, hires, or leases the building or portion thereof, the use of such premises being restricted to members and their guests for social, recreational or athletic purposes.

**"Commercial Entertainment Establishment"** means a facility where the main use is entertainment provided to the public, either exclusively or in combination with other activities and may, without limiting the generality of the foregoing, include a night club, live theatre or cinema, but does not include a restaurant/drinking establishment, or bingo hall.

**"Commercial Recreation Establishment"** means a development where privately owned recreational facilities are provided to the public for a fee. Typical uses include bowling alleys and billiard parlours.

**"Commercial School"** means a school used for training and instruction in a specific vocation, for profit to the owner of the school. This use does not include schools offering an academic public or private education. Typical uses include hairdressing, business, secretarial, beauty, music and artistic schools.

**"Convenience Store"** means a store with a gross floor area of less than 300.0 square metres offering for sale primarily groceries and confectioneries.

**"Council"** means the Council of the City of Swift Current.

(Bylaw No. 4-2011)

**“Custodial Care Facility”** means either:

- (a) a facility for the temporary detention or open custody of persons pursuant to the provisions of the *Youth Criminal Justice Act (Canada)* or *The Summary Offences Procedure Act, 1990 (Saskatchewan)*; or
- (b) a facility for the accommodation of persons participating in a community training program pursuant to *The Correctional Service Act* in which the number of persons in detention, custody or residence does not exceed five.

(Bylaw No. 4-2011)

**“Day Care Center”** means an establishment for the placement, care and supervision for more than eight persons, but does not include overnight supervision.

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

**"Discretionary Use"** means any development considered on its own merits and circumstances and permitted in a particular zoning district only by resolution of Council and only in locations specified in such a resolution.

**"Dormitory"** means any house or dwelling where more than five (5) persons currently active in a common fraternity, religious community or organization, or educational institution, are housed, accommodated, fed, or given residence.

**"Dwelling"** means a building or a portion thereof, designed or used exclusively for human habitation including one-unit, two-unit, and multiple-unit dwellings, but not including hotels, or motels.

**"Dwelling, Multiple-Unit "** means a building divided into three (3) or more dwelling units as herein defined, each of which is occupied or intended to be occupied as the permanent home or residence of one (1) family or household but not including a boarding, lodging or rooming house, hotel or motel.

**"Dwelling, Semi-Detached"** means two (2) side by side dwellings as one (1) cohesive unit in terms of architectural design, appearance and construction material, with a common party wall which separates the dwelling units throughout the entire structure, without openings.

**"Dwelling, Single-Detached"** (one-unit) means a detached building consisting of one (1) dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence of one (1) family or household.

(Bylaw No. 9 – 2014)

**“Dwelling, Street Townhouse”** means a dwelling on its own site, attached to at least one other dwelling, each on their own sites, with a common wall dividing the dwelling units throughout at least 40% of the length of the depth of the entire structure, measured from the front to rear building lines.

**"Dwelling, Terrace"** means a building developed to utilize existing natural topography and consisting of three (3) or more attached dwelling units located on more steeply sloping land such that individual dwelling units are located at different elevations.

**"Dwelling, Two-Unit"** means a building divided into two (2) dwelling units as herein defined, each of which is occupied or intended to be occupied as the permanent home or residence of one (1) family or household.

**"Dwelling Group"** means a group of two (2) or more one-unit, two-unit or multiple-unit dwellings or combinations thereof occupying the same site.

**"Dwelling Unit"** means one (1) or more habitable rooms constituting a self-contained independent unit and used or intended to be used for living and sleeping purposes for a family or household.

**"Educational Institution"** means a facility which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes. Typical uses include public and separate schools, community colleges, universities and technical/vocational schools. Commercial schools are not included within this definition.

**"Elevation, Major"** (of a building) means that elevation which, because of its orientation and relationship to site development and other factors, such as adjacent streets and development, is considered to be the principal frontage of the building. The major elevation of a building need not necessarily be parallel to the front site line.

**"Elevation, Minor"** (of a building) means that elevation which, because of its orientation and relationship to site development and other factors, such as adjacent streets and development, is not considered to be the principal frontage of the building.

**"Erected"** means built, constructed or reconstructed and includes:

- (a) the removal of a structure from one lot and relocating it on another lot; and/or
- (b) any physical operation such as excavating, filling, or draining, preparatory to commencing the work of erecting, building or constructing a structure.

*(Bylaw No. 3-2016)*

**"Façade"** means the exterior wall exposed to public view or that wall viewed by persons not within the building.

**"Family or Household"** means one (1) or more persons whether or not related by blood, marriage, or adoption, occupying a dwelling unit as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, rooming house, hotel, motel or other similar facility.

**"Fence"** means a structure providing screening or delineation but not protection against the elements (as distinguished from a building).

**"Financial Institution"** means banks, credit unions, loan offices and similar financial institutions.

**"Floor Area, Gross"** means the total floor area in a principal building or structure measured between the exterior faces of the exterior walls at the level of each storey below, at and above grade, excluding the area used for off-street loading, parking, mechanical equipment, stairways or shafts. In the case of a residential dwelling, the floor area of a unfinished attic or unfinished basement shall not be considered as part of the gross floor area.

**"Floor Area Ratio"** means the quotient of the principal building floor area divided by its site area.

**"Frontage, Site"** means the horizontal distance of that portion of the site fronting on a street between two (2) side site lines.

**"Garage, Private"** means a building or part of a building used or intended to be used for the storage of private motor vehicles owned by the occupant of each dwelling unit to which the garage is accessory.

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

**"Garage, Storage"** means a garage exclusively used for the storage of vehicles and where no repair facilities are maintained.

**"General Manager"** means the General Manager of Planning and Growth Development or other designated person responsible for administration and enforcement of this Zoning Bylaw.

**"Grade Level"** means an average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

*(Bylaw No. 21 – 2014)*

**"Height, Building"** the vertical distance measured from the grade level to:

- (a) the highest point of the roof surface, if a flat roof;
- (b) the deck line of a mansard roof; and
- (c) the mean level between the top of the highest exterior wall plate and the ridge for a gable, hipped, gambrel, or shed roof.

**"Home-Based Business"** means an occupation, trade, profession or craft conducted entirely within a residential building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling, and does not change the character thereof.

**"Hotel"** means a building or structure or part of a building or structure kept, used, advertised as or held out to be a place where sleeping accommodation with or without services are provided for transient lodgers, and where a guest register or record is kept, and furnishing accommodation for periods including those of less than one (1) week, but does not include a motel, motor hotel, or boarding house.

**"Industrial Mall"** means a building or a group of buildings on the same site, in which two (2) or more of the permitted and/or discretionary uses are located together for their mutual benefit such as common access, off-street parking, and other joint amenities. For the purpose of "Industrial Malls", the definition of "site" shall include a parcel or parcels of land under single or joint ownership.

**"Infill Development"** means the moving in of previously occupied single-detached, semi-detached or two-unit dwellings into a designated area.

**“Kennel”** means any premises in which dogs or cats are maintained, boarded, bred, trained or cared for in return for remuneration or kept for purposes of sale but does not include a veterinary clinic or private dog kennel.

**"Landscaping"** means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) "soft landscaping" plant materials used in landscape design consisting of vegetation such as trees, shrubs, hedges, grass, organic mulches, and/or live ground cover;
- (b) "hard landscaping" construction materials used to supplement soft landscaping by design, consisting of non-vegetative materials such as brick, stone, rock, concrete, tile and/or timber.

**"Lane or Alley"** means a secondary public thoroughfare in the name of the Crown intended primarily to give access to the rear or side of the abutting site.

**"License Inspector"** means the License Inspector of the City of Swift Current and shall include any person designated to act in this capacity during the License Inspector's absence or inability to act.

**"Loading Space"** means that part of a site or structure which has been designated and is used exclusively for loading or unloading of a vehicle.

**“Local Commercial”** means a small scale local development compatible with residential neighbourhood such as doctor/dentist, drug store, professional offices, where it can be demonstrated there will be no negative impact.

**"Lot"** means a parcel of land in a subdivision, the plan of which has been filed or registered with Information Services Corporation of Saskatchewan. For the purposes of this Bylaw the words "corner lots"; "lot coverage"; "lot depth"; "interior lot"; "front lot line"; "rear lot line"; and "side lot line" shall have the same meaning as these words as defined under the respective "site" definitions.

**“Market Garden”** means an area used for the growing of fruits or vegetables and shall include any accessory buildings such as greenhouses and buildings to market the fruits or vegetables grown on the site.

**"Mayor"** means the Mayor of the City of Swift Current.

**"Minister"** means the Minister of Government Relations and Aboriginal Affairs in the Province of Saskatchewan.

**"Mobile Home or Manufactured Home"** means a single or multiple section dwelling (conforming to CSA certified standards) designed to be transported on its own wheels and chassis or to be towed or carried to a mobile home district, and may be supported on wood blocking, concrete piers or a permanent foundation, and is designed to be connected to service utilities so as to be suitable for permanent residential occupancy. This use does not include RTM's, travel trailers, truck campers, fifth wheels or motor homes.

**"Mobile Home Lot"** means a lot, parcel or piece of land for the placement of a mobile or manufactured home and for the exclusive use of its occupants.

**"Mobile Home Park"** means any tract or parcel of land on which two (2) or more occupied mobile or manufactured homes are harbored or are permitted to be harbored whether or not a charge is made or paid for the use thereof, and includes any building or structure used or intended to be used as part of the equipment of such mobile home park, but does not include an industrial or construction camp or any such park if a tent or trailer coach that is not a mobile home is also harbored or is permitted to be harbored thereon.

**"Mobile Home Subdivision"** means any registered subdivision of land containing lots under either freehold or leasehold tenure for the purpose of accommodating mobile or manufactured homes in such a manner that each home is situated on its own lot and in which all such lots, public open spaces, internal streets and lanes, buffer zones and other amenities form a contiguous area of development.

**"Motel or Motor Hotel"** means an establishment consisting of a group of attached or detached units located on a single site, intended for the use of travelers and tourists, each unit containing at least a bedroom and bathroom, and having convenient access to a parking space for each unit.

**"Non-Conforming Building"** means a building or structure existing at the effective date of this Bylaw (and not created for the purposes of evading the regulations of this Bylaw), which does not meet the requirements of the zoning district in which the building is located. This definition applies to both principal and accessory buildings.

**"Non-Conforming Development"** means the carrying out of any building, engineering, mining or other operations in, on, or over land or the making of any material change in the use or intensity of the use of any building or land in a manner that contravenes regulations of this Bylaw from the effective date of this Bylaw.

**"Non-Conforming Lot"** means a lot existing at the effective date of this Bylaw (and not created for the purposes of evading the regulations of this Bylaw) which does not meet the minimum area or frontage requirement of the zoning district in which the lot is located.

**"Non-Conforming Use"** means any use of land, building, or structure existing at the effective date of this Bylaw (and not created for the purpose of evading the regulations of this Bylaw) which does not comply with usage permitted or approved for the zoning district in which it is located.

**"Office Support Service"** means a facility providing administrative, professional, management or consulting services, not including health or government services. Typical uses include insurance firms, real estate offices, travel agencies and other offices offering employment, clerical and secretarial services.

**"Open Space"** means that part of a site not covered by buildings and which is not obstructed from the ground upward except by canopies.

**"Outdoor Storage"** means goods, machinery, vehicles, building materials, waste materials and/or other items not contained within a building.

**"Owner"** means a person recorded as such on official records and includes a duly authorized agent, purchaser and/or any person having a vested or contingent interest in the property.

**"Parapet or Parapet Wall"** means that portion of a building wall that rises above roof level.

*(Bylaw No. 3-2016)*

**"Parging"** means a thin coat of plaster or mortar for giving a relatively smooth surface to rough masonry or for sealing it against moisture.

**"Park, Active"** means an area designated to accommodate extremely competitive physical types of activities including football, softball, soccer, hockey, rugby, cricket, or track and field.

**"Park, Passive"** means an area designated to accommodate activities of a more sedate nature that involve visual, mental and/or physical effort including bird watching, walking, jogging, cycling, picnicking, social gatherings, cross country skiing, canoeing, croquet, or horseshoe pitching.

**"Parking, Visitor"** means any space, within a compound clearly marked for visitor parking. Driveway parking is not considered visitor parking stalls. This space shall not be used for long term storage of trailers, RV's, accessory vehicles or waste bins of residents or tenants.

**"Parking Lot"** means a site with its principal use being for the parking of private vehicles.

**"Parking Space"** means a space either indoors or outdoors in an area provided for the parking of one (1) vehicle and having access to a public lane or street.

**"Person"** means an individual or a corporate body and includes a partnership, a group of persons acting in concert or in association unless the context explicitly or by necessary implication otherwise requires.

**"Personal Service Establishment"** means a facility used primarily for the provision of personal services to an individual, which are related to the care and appearance of the body, or the cleaning and repair of personal effects. Typical uses include hairdressers, beauty salons, tailors, dressmakers, tanning salons, dry cleaners, laundry establishments, or shoe repair shops.

*(Bylaw No. 3-2016)*

**"Planting beds"** means a designated plot of land used for the cultivation of flowers, trees, vegetables, fruit, herbs and ornamental shrubs.

**"Principal Building, Use or Structure"** means the main building, structure or activity conducted on a site.

**"Professional Office"** means a facility which provides professional services but does not include financial, office support, health or government services. Typical uses include the offices of architects, engineers, lawyers, accountants or photographers.

**"Public Place"** means every sidewalk, street, lane, avenue, boulevard, driveway, and right-of-way, within the City to which the public have access as a right or by invitation expressed or implied.

**"Public Works"** means:

- (a) systems for the production or distribution of electricity;
- (b) systems for the distribution of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water;
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (e) facilities for the collection, treatment, movement or disposal of storm sewage;
- (f) facilities for the collection, movement or disposal of solid waste;
- (g) telephone, cable television, or light distribution lines; or
- (h) any improvement of a structural nature or any other undertaking that is within the jurisdiction of Council and that is owned or operated by the Crown or the City.

**"Religious Institution"** means a facility used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, food preparation and service facilities, and related buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents or monasteries.

*(Bylaw No. 4-2011)*

**"Residential Care Facility"** means a facility licensed under provincial statute to provide, in a residential setting, long term residential, social, physical, personal, nursing, or special care including accommodation, meals, supervision or assistance for persons who have limits on ability for self-care and self supervision, who are unrelated to the operator or owner, but not including a Custodial Care Facility or Hospital.

*(Bylaw No. 4-2011)*

**"Residential Care Facility Type I"** means a Residential Care Facility in which the number of residents, excluding staff, does not exceed five.

*(Bylaw No. 4-2011)*

**"Residential Care Facility Type II"** means a Residential Care Facility in which the number of residents, excluding staff, is greater than five.

**"Rooming Unit"** means a room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom.

**"Row House"** means a building divided into three (3) or more dwelling units located side by side and sharing party walls.

**"RTM"** (Ready to Move Home) means a single-detached dwelling, which is manufactured off-site, is placed permanently upon a full-sized foundation, and does not include a mobile or manufactured home, a motor home or a tourist or camper trailer.

*(Bylaw No. 12-2012)*

**"Service Station"** means a facility used or intended to be used for the sale of automotive fuels, lubricating oils and associated automotive fluids and/or may offer general maintenance, rental, washing, servicing or equipping of motor vehicles or a convenience store but shall not include painting, body work, or major repairs. Typical uses could include gas bars, brake service shops, muffler shops, transmission shops, detail shops or oil change shops.

*(Bylaw No. 13-2011)*

**"Shipping Container"** means a container or box specifically constructed for the transport of goods by rail, ship or transport truck. When used for any other purpose other than transporting goods, a shipping container shall be considered a structure.

(Bylaw No. 12-2012)

**"Shopping Mall"** means a building or group of buildings on the same site designed, developed and managed on a unitary basis consisting of at least five (5) permitted and/or approved uses such that amenities are shared for mutual use including off-street parking and pedestrian walkways.

**"Side Wall"** means the external supporting or enclosing wall of a building or structure between finished grade level at the base and the coping, eaves or parapet at the top.

**"Sight Triangle"** means that triangular area where two (2) streets intersect, bounded by the street lines and a line joining the points on the street lines a distance of 10.0 metres from their point of intersection.

**"Site"** means an area of land considered as a unit devoted to a certain use and/or occupied by a building or permitted group of buildings, with or without accessory buildings, and including open spaces, having its front site line upon a public street.

**"Site, Corner"** means a site located at the intersection or junction of two (2) or more streets.

**"Site, Depth of"** means the average horizontal distance between the front and the rear site lines measured within the site boundaries.

**"Site, Interior"** means a site other than a corner site.

**"Site, Through"** means a site not more than one (1) lot in depth, having its front and rear site lines on two (2) near parallel streets.

**"Site Coverage"** means the percentage of the site area which is enclosed or covered by a building or buildings.

**"Site Line, Front"** means the boundary that divides the site from the street. In the case of a corner site, the front site line shall mean the boundary separating the narrowest legal street frontage of the lot, from the street.

**"Site Line, Rear"** means the boundary at the rear of the site and opposite the front site line.

**"Site Line, Side"** means any site boundary other than a front or rear site line.

**"Storey"** means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**"Storey, One-Half "** means a storey of which two (2) opposite exterior walls are not more than 1.3 metres in height.

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

**"Strip Mall"** means a building consisting of at least two (2) permitted and/or approved uses with off-street parking and other jointly used amenities located on-site.

**"Structure"** means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks, or open air surfaced areas located on ground level.

**"Tourist Campsite"** means a site which provides for the temporary location of tents and recreational vehicles used by travellers and tourists for overnight accommodation.

**"Tourist Home"** means a private home or dwelling, other than a rooming house, boarding house, hotel or motel, in which not more than four (4) rooms are offered for rent to the travelling public for sleeping accommodation.

**"Trailer Coach"** means a travel trailer, truck camper, fifth wheel, motor home (recreational vehicle), or similar vehicle designed for temporary accommodation.

**"Urban Reserve"** means land that is protected from premature subdivision and development, which will be required for future urban development.

**"Vehicle"** means, anything as is defined by the *Motor Vehicles Act*, and includes motor vehicles, trailer coaches, motor cycles, semi-trailers, fire engines, fire department apparatus, road rollers, street sprinklers, steam, gasoline, or kerosene traction engines and all vehicles propelled by muscular power; but does not include vehicles running only upon rails, tracks or solely upon railway company property.

**"Veterinary Clinic"** means a facility for the medical care and treatment of animals and includes provision for their short-term accommodation.

**"Yard"** means any part of a site unoccupied and unobstructed by any building or structure.

**"Yard, Front"** means the area between the side site lines and from the front site line to the front building line.

**"Yard, Rear"** means the area between the side site lines, and from the rear site line to the rear building line.

**"Yard, Required"** means an area required by this Bylaw and within which no building or structure, or part of a building or structure, shall be erected, unless specifically permitted in this Bylaw.

**"Yard, Side"** means the area between the front and rear yards and from the side site line and the side building line.

## 1.6 **Sign Definitions**

**“Animated Sign”** means any sign which includes action or motion.

**"Awning Sign"** means a sign painted or stenciled on the covering surface material of an awning.

*(Bylaw No. 15-2012)*

**"Billboard"** for the purposes of this Bylaw means a freestanding sign.

**“Building Identification Sign”** means a sign which contains only the name and/or address of a particular building, institution, business or person, but does not include any other advertising.

**"Canopy Sign"** means a sign attached to or constructed in or on a canopy.

*(Bylaw No. 15-2012)*

**"Digital Sign"** means a sign where the message or sign copy can be altered by electric or electronic means.

**"Directly Illuminated Sign"** means any sign designed to provide artificial light, either transmitted through exposed lighting (including tubing or lamps) on the sign face, or through transparent or translucent material from a light source within the sign.

**"Facia Sign"** means a sign on, or attached to, an exterior building wall such that the sign does not extend more than 0.3 metres from the wall.

**“Flashing Sign”** means any sign which contains an intermittent or flashing light source.

**"Freestanding Sign"** means a sign supported independently of a building and permanently fixed to the ground.

**“Height of Sign”** means the vertical distance measured from the adjacent street grade or ground level, whichever permits the greatest height, to the highest point of said sign.

**"Indirectly Illuminated Sign"** means any sign which reflects light from an independent source intentionally directed upon it by means of floodlights, gooseneck reflectors or similar devices.

**“Individual Letter Sign”** means any sign made of self contained letters that are mounted on the face of a building, top of parapet, roof edge of a building or on a canopy or marquee.

**"Projecting Sign"** means any sign, except a canopy or awning sign, which is supported by an exterior building wall and projects outward from the building wall by more than 0.3 metres.

**"Roof Sign"** means any sign erected upon, against, or above a roof or on top of the parapet of a building.

**"Sign"** means any device, letter, figure, symbol, emblem, or picture which is affixed to or

represented directly or indirectly upon the exterior of a building, structure, or parcel of land which identifies and advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on a street or thoroughfare.

*(Bylaw No. 15-2012)*

**"Sign Face Area"** shall be the area of a polygon drawn around the complete sign including logos, figures, emblems or pictures used on the sign. The area of a sign using individual letters shall be the area of a polygon drawn around all the letters.

**"Support, Intermediate"** (when used in reference to signs) means any support or means of support used to raise the sign above the surface on which such sign is mounted.

*(Bylaw No. 15-2012)*

**"Temporary Sign"** means any sign intended to be displayed for a limited period of time and then be removed and not affixed by permanent means; for example, attached to a building with screws or fasteners or placed in the ground using 4x4 posts. Temporary signs may include but is not limited to portable signs, ground signs, inflatable signs, posters, or banners.

**"Under-Canopy Sign"** means a sign suspended below the ceiling or roof of a canopy.

*(Bylaw No. 15-2012)*

**"Wall Sign"** means a sign attached, or affixed, to any part of the wall of a building, including entrance doors, overhead service doors and windows. This definition includes lettering, paintings, awnings rooftops, canopies, and marquees.

**"Window Sign"** means any sign painted on, or affixed to, the inside or outside of a window, which can be identified from outside the premises. Window sign does not include merchandise on display.

**1.7 Application of Regulations**

- 1.7.1 No person shall grade or fill property, demolish any building, erect, construct, locate, alter, or reconstruct any building or structure, or locate or carry on any industry, business, trade, calling, or use any land or building, within any district, save as hereinafter permitted within such district and subject to all the regulations provided therefore. There should be discussion about any site grading or fill of property occurring, or the demolition of any existing building or structures before the action occurs. Altering the land levels for buildings or other purposes may affect surface drainage, land stability or increase risks associated with identified flood plains. Allowed fill and grading on a site associated with development activity, should have a grading and drainage plan done by a qualified professional engineer.
- 1.7.2 All buildings erected or constructed in any zoning district shall comply with standards and regulations set out in the City Building Bylaw and the National Building Code of Canada.
- 1.7.3 Nothing in this Bylaw shall be interpreted as to interfere with the carrying out of operations for the purpose of developing a public works including erecting structures and/or installing, inspecting, repairing, or renewing sewers, water mains, cables, pipes, wires, tracks or any other similar apparatus required in connection with any lawful use of buildings or land. Further, nothing in this Bylaw shall be interpreted so as to interfere with the carrying out of any operations for the purpose of improving, installing, inspecting and/or any other similar facilities provided for public use of public rights-of-way and/or any lands designated for public use.
- 1.7.4 No building shall hereafter be erected or altered:
  - 1.7.4.1 to exceed the height;
  - 1.7.4.2 to accommodate or house a greater number of dwelling units or rooming units;
  - 1.7.4.3 to occupy a greater percentage of site areas; or
  - 1.7.4.4 to have a narrower or smaller rear yard, front yard, or side yards than is specified herein for the district in which the building is located.
- 1.7.5 No part of a yard or open space used by a building shall be used by any other building for the purpose of complying with the requirements of this Bylaw.
- 1.7.6 No permanent sign shall hereafter be erected, altered, moved, or enlarged unless in conformity with the uses and regulations specified for the district in which it is located and all other pertinent regulations of this Bylaw. Existing nonconforming signs may be maintained but in no case shall the non-conformity be increased. Temporary signs are governed by Bylaw 1-2013.
- 1.7.7 No existing site, building or structure shall be deemed to be non-conforming by reason only of the conversion of a regulation contained in this Bylaw from the Metric System of measurement to the Imperial System of measurement where such non-conformity results from such conversion and is reasonably equivalent to the metric standard herein established.

- 1.7.8 In the case of a proposed subdivision of an existing site or sites for which the existing title establishes the limits of that site by using the Imperial System of measurement, Council may approve a proposed subdivision notwithstanding its failure to conform to the regulations of this Bylaw regarding site size and area if such failure is due only to the process of rounding the Metric equivalent of the Imperial measurements.
- 1.7.9 Work done at a site or within a building contrary to the Zoning Bylaw or Building Bylaw and applicable regulations, policies, or codes is a violation of these bylaws. The work done without approvals or permits granted would need to be mitigated or remedied with the authority having jurisdiction prior to obtaining any new permits or obtaining any other approvals. The resolution of a violation can be processed concurrently with a new development permit or building permit application and the payment of an applicable fee for work done without all necessary approvals or permits as a condition of issuance of any building permit.
- 1.7.10 Uses not itemized as permitted Principal Uses or Discretionary Uses are not allowed unless they can be interpreted to be similar to existing or allowed uses by the authority having jurisdiction, or obtain City Council interpretation as a new use.
- 1.7.11 Existing uses/improved sites: Any building addition warranting a Development Permit, a substantial change of use on a site, or, any significant site improvements sought on pre-existing development sites, can trigger the need to bring the site into greater compliance with the Zoning Bylaw. The determination of this goal is with the authority having jurisdiction before any new permits or approvals are granted.

## 1.8 **Severability**

If any section, subsection, sentence, clause, phrase or other portion of this Zoning Bylaw including maps, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

## **PART TWO ADMINISTRATION**

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### **2.1 Person Responsible for Administration of Bylaw**

The General Manager of Planning and Growth Development, or designee, is the “authority having jurisdiction” for the daily administration and enforcement of this Bylaw. Other staff may be identified to act on behalf of the General Manager during absences or an inability to act regarding the daily administration of this Bylaw.

### **2.2 Role of Authority Having Jurisdiction**

The authority having jurisdiction shall:

- 2.2.1 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;
- 2.2.2 issue a Development Permit for a permitted use if the application otherwise conforms to the Zoning Bylaw, as specified in Subsection 76(2) of the *Planning and Development Act, 1983*;
- 2.2.3 maintain, for inspection by the public during office hours, a copy of this Bylaw, the Zoning Map and amendments, and ensure that copies are available for sale to the public at a reasonable cost;
- 2.2.4 make available, for inspection by the public during office hours, a register of all Development Permit and subdivision applications and decisions;
- 2.2.5 collect development application fees as outlined in Schedule 'D' of this Bylaw, or as set by Council from time to time;
- 2.2.6 receive, record, review and forward to Council:
  - 2.2.6.1 Development Permit applications for discretionary uses;
  - 2.2.6.2 zoning text or map amendment applications; and
  - 2.2.6.3 development and servicing agreements.
- 2.2.7 make recommendations to Council regarding the above noted applications and agreements;
- 2.2.8 make intermediate determinations on land uses able to be interpreted as similar to listed permitted principal uses or listed discretionary uses in any zone district subject to City Council concurrence or appeal; and
- 2.2.9 perform other duties or carry out any other responsibilities as required by Council.

### **2.3 Role of Council**

Council shall make all decisions regarding applications for discretionary uses, the content of development and servicing agreements, and amendments to the Development Plan and Zoning Bylaw.

Signature of any development and servicing agreement upon Council approval shall be by the Mayor and City Clerk unless otherwise advised by Council.

## 2.4 **Application For a Development Permit**

2.4.1 Every person, before commencing any site alteration in preparation of a new development, redevelopment activity, or change of use such as, but not limited to, excavation, fill, grading, demolition, within the City, shall apply to the authority having jurisdiction for a determination of the need for any permit to carry out such development activity, unless exempt from the requirements. The authority having jurisdiction shall determine the completeness of any application and advise the applicant of any corrections or changes needed to have a sufficient application for review, processing and approval.

2.4.1.1 A Development Permit shall be valid for all of or a portion of the project area that can be completed within six (6) months from the date of issue. Any project not completed within six (6) months from the date of issue, will require a renewal and/or extension of the original development permit prior to its expiration of the current permit being used for this activity. Failure to make such application prior to expiration will require a new development permit and new landscape plan for the balance of the project including the payment of any applicable fees. No new building permits will be issued until the existing development permit is either renewed or a new development permit is issued.

2.4.1.2 In the case of planned and approved staging of development, the initial Development Permit is valid for a period of six (6) months from the date of issue for the initial phase of the project as identified by the plan provided and approved by the authority having jurisdiction. Each subsequent phase of development needs to be completed shall be by separate approvals granted for an allowed six (6) month time from date of approval of the new request. No phased development plan will be given unlimited time (approval) to complete the phased project with the initial development permit. Subsequent actions for extending the approval or issuing new development permits may be subject to changes in the Zoning Bylaw or Building Code. Developers/Landowners are able to seek extensions for their Development Permit from the authority having jurisdiction. If there is no active development activity occurring, there is no obligation to extend any Development Permit. If a Development Permit should lapse, a new request is made to continue subject to any applicable requirements and/or fees, when the property owner or developer is ready to proceed.

2.4.1.3 Where proposed development would be located in a Parkway District, applications shall be referred to the appropriate standing committee of Council, for comments and/or recommendations to Council before any other action or processing occurs. Staff shall provide a report to the appropriate standing committee for their review and consideration associated with the proposed development request.

2.4.2 For the purpose of administration, a Development Permit and a Building Permit shall be considered one and the same when an application is made respecting one-unit or two-unit dwellings. All other applications for all other land uses or change of land uses needs to be evaluated to determine if a building permit or development permit (and associated landscape plan) are required.

## 2.5 **Developments Not Requiring a Development Permit**

The following developments shall not require a Development Permit, but shall conform to all other Bylaw requirements:

### 2.5.1 Public Utilities

Any operation for the purposes of installing, inspecting, repairing, or renewing sewers, water mains, cables, pipes, wires, tracks or similar public works as required by a public utility.

### 2.5.2 Accessory Uses

All accessory uses, except as otherwise required in this Bylaw.

### 2.5.3 Official Temporary Uses

The use of all or a part of a building as a temporary polling station, returning officer's headquarters, candidate's campaign offices and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census.

### 2.5.4 Temporary or Permanent Signs

All signs remain subject to obtaining a sign permit.

### 2.5.5 Fences

The erection of a fence or gate provided that there is no contravention of this or any Zoning or Traffic Bylaw provisions such as vision clearance triangles or line of sight distances from streets, lanes or driveways.

### 2.5.6 Satellite dishes as long as they are outside of any vision clearance triangles or line of sight distances from streets, lanes or driveways.

### 2.5.7 Home-based businesses.

### 2.5.8 Routine Maintenance and Limited Repair

Any routine maintenance of and/or limited repairs to a building.

### 2.5.9 Temporary Uses

Temporary uses on a site do not need a development permit but may need to be approved in writing by the authority having jurisdiction, before the improvement or use occurs. As temporary uses, they would be allowed for a specific time period identified in the approval letter to be provided to the applicant. Such uses would need to be physically removed from the site prior to or immediate after the agreed upon time frame granted for this use. Other conditions of use may occur depending on the nature of the temporary use.

## 2.6 **Development Permit Application Requirements**

- 2.6.1 Every application for a Development Permit shall be completed as required by the authority having jurisdiction and in the manner provided for the processing of such requests. Any application made is subject to a determination of

sufficiency and completeness by the authority having jurisdiction before any processing can occur. The authority having jurisdiction may request any additional reasonable information being provided by the applicant to complete any request for review and as may be required for the proper enforcement of this Bylaw.

- 2.6.2 The authority having jurisdiction shall refuse to accept a Development Permit application where the information required above has not been supplied or where, in the authority's opinion, the quality of the material supplied is inadequate to properly evaluate the application.

## 2.7 **Approval**

- 2.7.1 When the application is approved, a letter explaining the approval granted with or without conditions, will be accompanied by two (2) copies of the "approved" site plan and any associated approved landscape plan; one for the applicant and one for the contractor. A site inspection may be conducted by city staff during any work activity to verify compliance of work being done at the site is occurring as approved. If the application is not approved, a written explanation highlighting the reason(s) for this action and one copy of the site plan and landscape plan with any editorial remarks shall be returned to the applicant.
- 2.7.2 The applicant shall be advised of any right to appeal to either the approval granted with or without conditions and/or the refusal of an application. Appeals are to the Development Appeals Board, subject to the provisions of *The Planning and Development Act, 1983*. Additionally, an applicant has the right to appeal the conditions that Council may apply to their approval of a discretionary use.

## 2.8 **Discretionary Uses**

- 2.8.1 Proposed discretionary uses shall be considered by Council only upon receipt of a written application filed with the authority having jurisdiction.
- 2.8.2 The application referred to in Subsection 2.8.1 shall include:
- 2.8.2.1 a site plan in duplicate showing the legal description, the front, rear and side yards, if any;
  - 2.8.2.2 the height of all buildings;
  - 2.8.2.3 the floor area of all buildings;
  - 2.8.2.4 the location and number of off-street parking and loading spaces;
  - 2.8.2.5 any other physical alteration to the site, including landscaping;
  - 2.8.2.6 the location and size of signs;
  - 2.8.2.7 a statement of ownership of land and interest of the applicant;
  - 2.8.2.8 a statement of uses;
  - 2.8.2.9 evidence showing the proposed development will conform to the standards set forth in Subsection 2.8.4; and/or
  - 2.8.2.10 any other information which the authority having jurisdiction or Council feels is pertinent.

(Bylaw No. 3-2015)

- 2.8.3 Upon receipt of an application for a proposed discretionary use through staff who undertakes the review of such applications for the Council, the City Council shall hold a regular public meeting to review and discuss the application for a discretionary use. The City Clerk is required to give such notice of the date, time and place where Council will hear and determine the application at a regular public meeting. Adequate public notice of the application, any written objections and Council's review and determination on the request shall be advertised at least once a week for two (2) successive weeks in a newspaper published within the City and by serving a copy of the said notice on all of the assessed property owners within a radius of

75.0 metres of the proposed discretionary use. The applicant seeking discretionary approval shall pay a fee as outlined in Schedule "D" of this Bylaw.

2.8.4 No proposed discretionary use shall be approved by Council unless:

- 2.8.4.1 the proposed discretionary use and accessory use conforms to the yard, open space, and all other applicable regulations of the district in which such discretionary use is located;
- 2.8.4.2 operations in connection with any discretionary use will not be objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights, nor shall they endanger public health, safety or general welfare; and
- 2.8.4.3 the establishment of the discretionary use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 2.8.4.4 Approval of a discretionary use shall be by resolution of Council.

## 2.9 **Referrals**

An application may be referred to other agencies, departments or committees to obtain comments or recommendations and to assist in determining proposal conformity with the Development Plan and Zoning Bylaws.

## 2.10 **Other Permits**

A developer shall obtain all other necessary permits and approvals, after obtaining a Development Permit, when applicable, and/or prior to or after obtaining a Building Permit as specified by the authority having jurisdiction. No building permit shall be issued prior to any required Development Permit. Uses not allowed or non-conforming shall not be issued building permits until the use is allowed or work to mitigate non-conforming use is approved.

## 2.11 **Council May Amend Zoning Bylaw**

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

## 2.12 **Advertising Costs**

Council shall require applicants requesting an amendment to this Bylaw, or approval of a discretionary use, to pay Council all of the cost associated with public advertisement of the application.

## 2.13 **Notice of Decision**

A "Notice of Decision" shall be forwarded to an applicant by regular mail service.

**2.14 Development Appeals Board**

- 2.14.4 Council shall appoint a Development Appeals Board (the Board) in accordance with the provisions of Section 26(1)(2) of *The Planning and Development Act, 2007*.
- 2.14.5 Consistent with Section 26(1)(b)(c) of *The Planning and Development Act, 2007*, an appellant and/or property owner must make formal application in writing to the City for his/her request for an appeal with reason(s) noted, in the manner necessary, within twenty (20) days of the date of the action taken by the Council or staff with regard to the original request made to the City. All requests made after that date are considered null and void.
- 2.14.6 A person who appeals under Subsection 26(1)(2) or 27(1)(a)-(c) shall not be entitled to have an appeal approved by the Board if:
- 2.14.6.1 the condition(s) is/are the result of the appellant's or the property owner's own action;
  - 2.14.6.2 there was work done at the site by the appellant or the property owner without any development permit and/or building permit;
  - 2.14.6.3 the adjustment(s) requested would constitute a special privilege to this individual property inconsistent with the restrictions on the neighboring properties in the same district;
  - 2.14.6.4 a relaxation of the provisions of the Bylaw would be contrary to its purposes and intent and would injuriously affect the neighboring properties; or
  - 2.14.6.5 there are other alternatives available to the appellant or property owner that are viable and have not been evaluated and considered by the appellant or property owner, regardless of cost, inclusive of full compliance with the Bylaw and redesign of the proposed or existing structure to make that option possible.
  - 2.14.6.6 the request is due solely to an appellant or property owner not wishing to comply with the applicable provisions of the Bylaw.
- 2.14.7 In making an appeal to the Development Appeals Board the provisions of Sections 26, 27 and 28 of *The Planning and Development Act, 2007*, shall apply.
- 2.14.8 No appeal shall be allowed by the Development Appeals Board where:
- 2.14.8.1 A Development Permit has been refused by the Council or staff because it would contravene the allowed use of land.
  - 2.14.8.2 Council refuses to change the use of the land, or;
  - 2.14.8.3 Council rejects an application of a discretionary use or other form of development.

## 2.15 **Non-Conformity**

This Bylaw is subject to the provisions provided for non-conforming uses by Sections 113 to 118 inclusive of *The Planning and Development Act, 1983*.

## 2.16 **Minor Variances**

2.16.4 The authority having jurisdiction may vary the requirements of this Bylaw subject to the following conditions:

- 2.16.4.1 a minor variance may be granted for variation of the following items:
  - 2.16.4.1.1 the minimum required distance of a building from any lot line;
  - 2.16.4.1.2 the minimum required distance of a building to any other building on the same lot;
  - 2.16.4.1.3 the minimum height allowed for the permitted use or structure; or
  - 2.16.4.1.4 the minimum lot area requirement.
- 2.16.4.2 the maximum amount of minor variance for each variation sought shall generally not exceed 10% of the requirements of this Bylaw; the authority having jurisdiction may authorize limited exceptions if the circumstances warrant this allowance being exceeded by a fractional amount.
- 2.16.4.3 the development shall conform to this Bylaw with respect to the use of land;
- 2.16.4.4 the relaxation of this Bylaw shall not have a significant impact on and not be injurious to any neighboring properties;
- 2.16.4.5 no minor variance shall be granted for a discretionary use, a discretionary form of development or in connection with an agreement on rezoning entered into pursuant to Section 60 of *The Planning and Development Act, 2007*.
- 2.16.4.6 no minor variances shall be granted for lots within the R1S – Single-Detached Small Lot Dwelling Residential District and the R5-Small Lot Dwelling Residential District.
- 2.16.4.7 no minor variances shall be granted for work done at any site that was initiated or completed on the site by the current property owner or applicant without a development permit and/or building permit. A self-imposed condition is not sufficient grounds for seeking any minor variation. The applicant may seek an appeal to the Development Appeals Board.
- 2.16.4.8 no minor variances shall be considered for any building or structure not yet built if the redesign of that building or structure can meet or exceed the minimum property development standards for which a minor variance is sought. Property owners must first exhaust reasonable design alternatives before seeking any consideration for a minor variance on the site. The applicant may seek an appeal to the Development Appeals Board.

- 2.16.5 An application for a minor variance shall be made prior to or in conjunction with an application for a Development Permit and prior to seeking a Building Permit.
- 2.16.6 An application for a minor variance shall be in a form prescribed by the authority having jurisdiction and shall be accompanied by an application fee as outlined in Schedule "D" of this Bylaw. The fee is for single or multiple requests with the same application.
- 2.16.7 Within two (2) weeks after an application for minor variance occurs, the authority having jurisdiction shall in writing:
- 2.16.7.1 approve the minor variance;
  - 2.16.7.2 approve the minor variance and impose terms and conditions on the approval; or
  - 2.16.7.3 refuse the minor variance.
- 2.16.8 Where the authority having jurisdiction imposes terms and conditions on an approval pursuant to Subsection 2.16.4(b), the terms and conditions shall be consistent with the general development standards in this Bylaw.
- 2.16.9 Where an application for a minor variance is refused, the authority having jurisdiction shall notify the applicant in writing of the refusal and provide reasons for the refusal.
- 2.16.10 Where an application for a minor variance is approved, with or without terms and conditions being imposed, the authority having jurisdiction shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the applicant's land that is the subject of the application.
- 2.16.11 The written notice required pursuant to Subsection 2.16.7 shall:
- 2.16.11.1 contain a summary of the application for minor variance;
  - 2.16.11.2 provide a reason for and an effective date of the decision;
  - 2.16.11.3 indicate that an adjoining assessed owner may within twenty (20) days, lodge a written objection with the authority having jurisdiction; and
  - 2.16.11.4 where there is an objection described in Subsection 2.16.8(c), advise the applicant of the right of appeal to the Development Appeals Board.
- 2.16.12 The written notice required pursuant to Subsections 2.16.6, 2.16.7 or 2.16.11 shall be delivered:
- 2.16.12.1 by registered mail; or
  - 2.16.12.2 by personal service.
- 2.16.13 A decision approving a minor variance, with or without terms and conditions, does not take effect:
- 2.16.13.1 in the case of a notice sent by registered mail, until twenty-three (23) days from the date the notice was mailed; or
  - 2.16.13.2 in the case of a notice that is delivered by personal service, until twenty (20) days from the date the notice was served.

2.16.14 If an assessed owner of property having a common boundary with the applicant's land objects, in writing, to the authority having jurisdiction respecting the approval of the minor variance within the time periods prescribed in Subsection 2.16.10, the approval is deemed to be revoked and the authority having jurisdiction shall notify the applicant in writing:

2.16.14.1 of the revocation of the approval; and

2.16.14.2 of the applicant's right to appeal the revocation to the Development Appeals Board within thirty (30) days of receiving the notice.

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

2.16.16 No application for a minor variance which has been refused shall be resubmitted for twelve (12) months from the date of the notice of the decision, except in two instances: a) where the new request is a significant change from the original application, or b) on grounds of new evidence which finds the original decision invalid.

## 2.17 **Offenses and Penalties**

Prosecution for breach of any of the provision of this Bylaw except Sections 3.24 and 3.25 shall come under Section 221 of the *Planning and Development Act, 1983*.

## 2.18 **Former Bylaws Repealed**

Bylaw No. 1 - 1988 of the City of Swift Current and amendments thereto are hereby repealed.

## 2.19 **Interpretations for Uses Not Itemized**

2.19.1 Generally, any use or uses clearly not identified and not reasonably similar to existing identified uses in any particular zone district are not permitted until such time as the Council addresses the use and determines where it might be appropriate to occur with or without conditions or additional property development standards.

2.19.2 Council's consideration of any such allowances or interpreting the location of such uses brought to their attention, the Council may request staff and/or any applicant, to undertake necessary research to be provided to Council for evaluation and consideration before any formal amendment to the Zoning Bylaw text occurs.

2.19.3 Exception: The Authority Having Jurisdiction shall be the initial party making a determination if a proposed use is able to be included in any zone district where the proposed use is not currently listed. If the research and evaluation made by the Authority Having Jurisdiction determines the proposed permitted principal use or discretionary uses is/are compatible with and can be reasonably associated with already identified use(s) in the respective zone district, a written determination to that effect shall be made and provided to the applicant and staff for use. Such interpretations shall be included in any periodic housekeeping amendment for new permitted principal uses or discretionary uses being brought to Council's attention for inclusion into the Zoning Bylaw. Where a reasonable interpretation cannot be made by the General Manager, the issue is to be brought to Council for their determination.

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**PART THREE            GENERAL LAND USE REGULATIONS**

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The following regulations shall apply to all zoning districts in this Bylaw:

**3.1    Licences, Permits and Compliance with Other Bylaws**

- 3.1.1    Nothing in this Bylaw shall exempt any person from complying with the requirements of, or from obtaining any permission required by this, or any other City Bylaw, or Provincial or Federal Act.
- 3.1.2    Where the provisions in this Bylaw conflict with those of any other City, Provincial or Federal requirement, the higher or more stringent standards shall prevail.

**3.2    Infill Development**

Infills shall be permitted only within the designated infill areas. These areas are indicated on the map entitled “Inner City Areas” - Schedule “C” of this Bylaw.

**3.3    Mobile Homes/Manufactured Homes**

Mobile Homes/Manufactured Homes shall be used or occupied only as permanent living or sleeping quarters in the Mobile/Manufactured Home District, subject to the regulations contained herein, except that in any Industrial District, one (1) mobile home or trailer coach may be used as accommodation for caretakers or watchmen, or persons similarly employed, Such mobile home or trailer coach shall be connected to a potable water supply, a sanitary sewer system or approved holding tank, and electric power.

**3.4    Trailer Coaches**

- 3.4.1    One (1) trailer coach for temporary overnight sleeping accommodation for guests of the principal family or household may be permitted in any Residential District and only in the side or rear yards on the site of the premises occupied by the principal family or household; provided that the trailer coach shall not be rented or made available for compensation and that the persons sleeping in the trailer coach shall, at all times, have the full use of the facilities and amenities of the dwelling on which site the trailer coach is located.
- 3.4.2    With respect to a Residential District, temporary overnight sleeping accommodation shall be deemed to mean a total time period not exceeding fourteen (14) days in any three (3) month period;
- 3.4.3    temporary accommodation of workers involved in construction on a site may be permitted on that site at the discretion of the authority having jurisdiction.

### **3.5 Tents**

- 3.5.1 No tents shall be erected, used, or maintained for living quarters other than in a permitted tourist campsite, except that the use of one (1) tent for temporary overnight sleeping accommodation for members of the principal family or household, or their guests may be permitted in a Residential District only in the rear or side yards; provided, however, that the persons sleeping in such tent shall, at all times, have the full use of the facilities and amenities of the dwelling on which site the tent is located.
- 3.5.2 Temporary overnight sleeping accommodation shall be deemed to mean a total time period not exceeding fourteen (14) days in any three (3) month period.

### **3.6 Number of Principal Buildings on a Site**

No more than one (1) principal building shall be allowed per site in R1, R1A, R2, and R5-Districts.

### **3.7 Public Utilities**

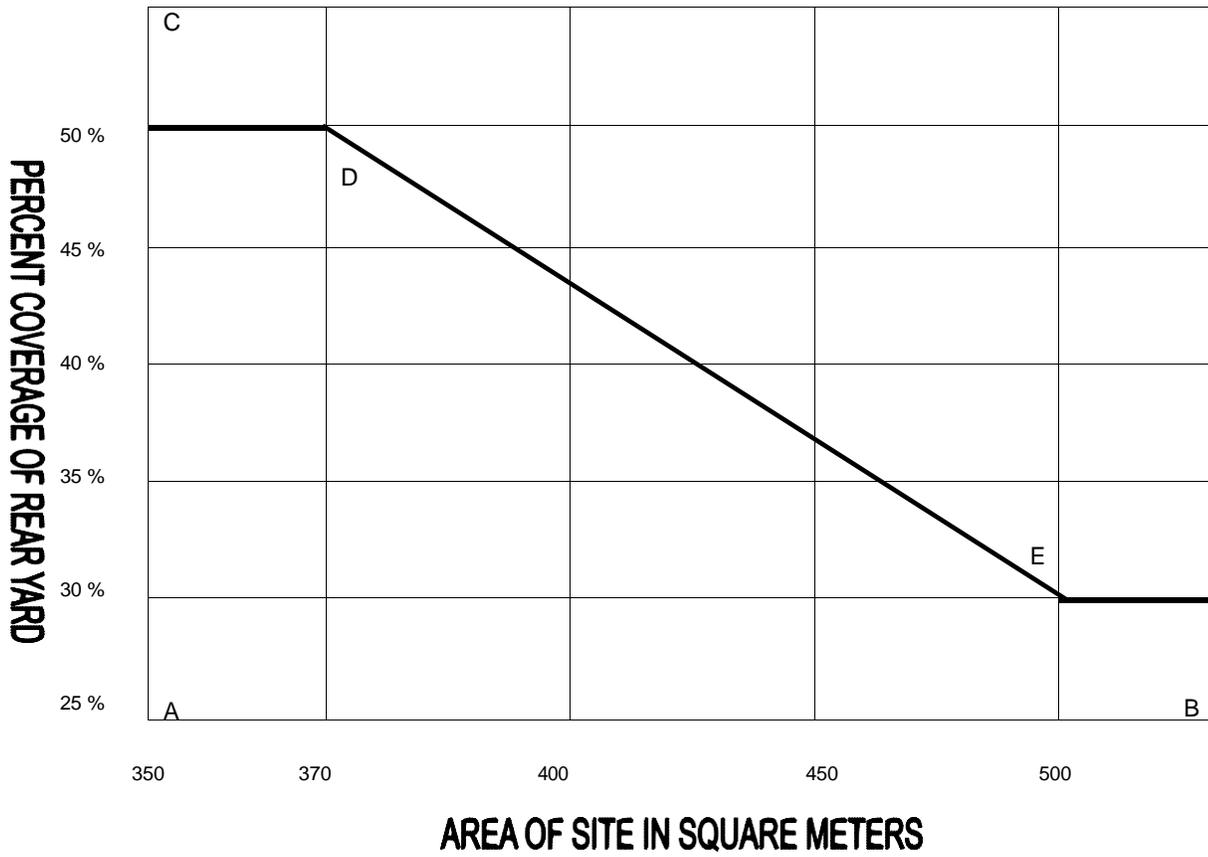
Public utilities shall be permitted in every zoning district, and unless otherwise specified by this Bylaw, no minimum site area or yard requirements shall apply. Notwithstanding the foregoing, the City may require site specific development standards for the utility to ensure municipal matters are addressed.

### **3.8 Accessory Buildings**

- 3.8.1 Subject to all other requirements of this Bylaw, an accessory building or structure is permitted in any district when it is an accessory to a principal building which is a permitted or discretionary use in that same district, and for which a Development Permit has been issued.
- 3.8.2 No accessory building or structure shall be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory. This provision may be waived by the authority having jurisdiction in the case of planned and approved staging of development.
- 3.8.3 Unless otherwise permitted:
- 3.8.3.1 no accessory building or structure shall be erected in or encroach on the required front yard of the site;
  - 3.8.3.2 no accessory building or structure shall, in any Residential or Commercial District, exceed 3.7 metres in height, measured from finished grade level to the highest point of the wall surface;
  - 3.8.3.3 on a corner site, no accessory building or structure shall be erected in or encroach on the required side yard which is adjacent to the street; and

- 3.8.3.4 the maximum permitted coverage in a rear yard by a accessory buildings shall be determined by means of Graph No. 3.8.A which forms part of this Bylaw. For the purpose of calculation of rear yard coverage in the case of a dwelling group, as defined by this Bylaw, the total area of the rear yard may include that area of open space included in a courtyard located on the site.
- 3.8.4 The following shall apply in the interpretation of the standards established in Graph No. 3.8.A:
- 3.8.4.1 the horizontal base line A-B represents site area in square metres from 350.0 to 500.0 square metres;
- 3.8.4.2 the vertical base line A-C represents percent coverage of rear yard for 25 to 50 %;
- 3.8.4.3 the maximum permitted rear yard coverage for sites between 370.0 and 500.0 square metres in area shall be determined by locating the vertical coordinate for the site on the line D-E and then establishing the values of the horizontal coordinate on the vertical axis as a percentage coverage of the rear yard.
- 3.8.5 For sites having an area more than 500.0 square metres no accessory building shall occupy more than 30 % of the area of a rear yard.
- 3.8.6 For sites having an area less than 370.0 square metres no accessory building shall occupy more than 50 % of the area of a rear yard.

**GRAPH NO. 3.8.A**



(Bylaw No. 13 – 2011)

### **3.8A Shipping Containers**

#### **3.8A.1 General Regulations for All Shipping Containers:**

All shipping containers shall comply with the following regulations and site requirements:

- 3.8A.1.1 The application for permit for all shipping containers shall be as prescribed by the authority having jurisdiction, and no shipping container shall be used, placed, or stored unless as approved by the authority having jurisdiction;
- 3.8A.1.2 The application for permit shall be in writing to the, Planning and Growth Department, accompanied by a fee as outlined in Schedule “D” of this Development;
- 3.8A.1.3 Shipping containers shall not create a safety hazard;
- 3.8A.1.4 Shipping containers shall not be used as a dwelling;
- 3.8A.1.5 Shipping containers shall be kept clean and well maintained, and placed in an orderly manner;
- 3.8A.1.6 Shipping containers are prohibited for storage of junk, trash, or other forms of refuse;
- 3.8A.1.7 Shipping containers shall not block or obstruct any exits, windows, required off-street parking spaces, driveways or access to public utilities and/or right-of-ways;
- 3.8A.1.8 Shipping containers shall not be placed for the sole purpose of display or advertising;
- 3.8A.1.9 Shipping containers shall not be used for the purpose of screening or fencing;
- 3.8A.1.10 Shipping containers shall comply with any other regulation of the Zoning Bylaw and/or other bylaw, policy or statute as required.

3.8A.2 Shipping containers as a principal use, building or structure are permitted in an Industrial District only, and shall comply with the regulations of that district and any other bylaw, policy or statute as required.

#### **3.8A.3 Temporary Use Shipping Containers:**

The temporary use of shipping containers shall comply with the following regulations and site requirements:

- 3.8A.3.1 The temporary shipping container(s) may be placed temporarily on a site in any district:
- 3.8A.3.1.1 during construction on a site when the shipping container is utilized solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for construction on the site; or
  - 3.8A.3.1.2 for the purpose of loading and unloading of items associated with the principal use, and for a period of not more than ten (10) days; the General Manager may grant one (1) extension of up to ten (10) days.
- 3.8A.3.2 The temporary shipping container(s) must not be placed within 1.2 metres of the back of sidewalk or curb, or within 1.2 metres of the side or rear property lines.
- 3.8A.3.3 The temporary shipping container(s) shall be removed from the site:
- 3.8A.3.3.1 upon completion of the construction;
  - 3.8A.3.3.2 upon expiration of the building permit;
  - 3.8A.3.3.3 on expiration of the allowed time period; or
  - 3.8A.3.3.4 no later than seven (7) days after notice to remove is issued by the authority having jurisdiction.

#### 3.8A.4 Accessory Use Shipping Containers:

The accessory use of shipping containers shall comply with the following regulations and site requirements:

- 3.8A.4.1 No shipping container(s) used as accessory buildings or structures shall be placed or stored on any site other than a site in an Industrial, Highway Commercial, Shopping Center Commercial, or Reserve District.
- 3.8A.4.2 The accessory use shipping container(s) shall only be used for storage purposes accessory to the permitted or discretionary principal use of the site for which a Development Permit has been issued.
- 3.8A.4.3 The accessory use shipping container(s) shall have an exterior finish to match or complement the exterior finish of other buildings on the site. If the exterior finish is not acceptable the authority having jurisdiction may require the container to be re-finished.
- 3.8A.4.4 The accessory use shipping container(s) shall only be placed in a rear yard, or in a side yard but not project beyond the front building line of the principal building.
- 3.8A.4.5 The accessory use shipping container(s) must comply with any minimum rear yard and side yard setbacks as required.
- 3.8A.4.6 Accessory use shipping containers shall not be stacked one upon another.
- 3.8A.4.7 The accessory use shipping container(s) shall have a concrete foundation and floor or equivalent acceptable to the authority having jurisdiction.

3.8A.4.8 The maximum number of accessory use shipping containers on any site in a Commercial District is two (2); in Industrial Districts, the requirements of subsections 3.8.4, 3.8.5, and 3.8.6 shall apply.

3.8A.4.9 No accessory use shipping container shall exceed 3 metres high, 3 metres wide and 12.5 metres long.

3.8A.4.10 The accessory use shipping container(s) must be screened from view from any street or any adjacent residential, commercial, and/or institutional uses, and/or park or recreation facility; typical methods of screening may include exterior cladding, solid fencing, hedges or trees, or other similar barrier screen approved by the authority having jurisdiction.

### **3.9 Minimum Yards Required**

No yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Bylaw, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

### **3.10 Permitted Obstructions in Required Yards**

The following shall not be considered to be obstructions and shall not be considered in the determination of yard dimensions or open space:

#### **3.10.1 In all required yards**

3.10.1.1 steps or decks 1.5 metres or less above grade level which are necessary for access to a permitted building or for access to a site from a street or lane;

3.10.1.2 trees, shrubs, walks, trellises or flag poles; and/or

3.10.1.3 cantilevered floor area, projecting not more than 0.6 metres into the required yard.

#### **3.10.2 In required front yards:**

3.10.2.1 eaves and gutters projecting not more than 1.0 metre into the required yard;

3.10.2.2 lamp posts or lighting fixtures;

3.10.2.3 canopies or balconies projecting not more than 1.3 metres into the required yard; and/or

3.10.2.4 sills, belt courses, pilasters, or other similar vertical columns, cornices or chimneys, projecting not more than 0.6 metres into the required yard.

### 3.10.3 In required rear yards:

- 3.10.3.1 accessory buildings/equipment, subject to all other requirements of this Bylaw;
- 3.10.3.2 canopies or balconies projecting not more than 1.3 metres into the required yard;
- 3.10.3.3 eaves and gutters, sills, belt courses, pilasters and other similar vertical columns, cornices or chimneys, projecting not more than 1.0 metres into the required yard;
- 3.10.3.4 laundry drying lines or umbrellas; and/or
- 3.10.3.5 private outdoor open air recreational facilities including swimming pools or tennis courts.

### 3.10.4 In required side yards:

- 3.10.4.1 canopies or balconies provided they do not project into more than 25% of the required yard;
- 3.10.4.2 sills, belt courses, pilasters and other similar vertical columns, cornices, eaves and gutters, bay windows, or chimneys projecting not more than 0.6 metres into the required yard; and/or
- 3.10.4.3 accessory buildings/equipment, subject to all other requirements of this Bylaw, underground parking structures, laundry drying lines or umbrellas, or private outdoor open air recreational facilities including swimming pools or tennis courts.

## 3.11 **Outdoor Storage**

- 3.11.1 No front yard shall be used for the display, storage or collection of goods, products, materials or equipment except as permitted in Subsections 3.11.2 and 3.11.3 and in Industrial Districts. Outside storage and/or display items do not include the characteristics of a vehicle dealership.
- 3.11.2 Subject to Subsection 3.11.3, this Section shall work with applicants to identify defined area(s) on the site for customary display of goods, products, materials or equipment intended and permitted to be sold or rented on a site in designated area(s) for this purpose separate from any wholesale or retail sales of such display items kept in a display area.
- 3.11.3 No outside display areas should become general storage and neither use should occupy any required off-street parking spaces, necessary driveways and circulation routes through the site. Any plans for such use areas shall be reviewed and approved with the authority having jurisdiction before such areas are created and used. Such impacts are to be removed and/or relocated in discussion with the property owner or tenant.

- 3.11.4 The property owner or applicant shall provide a site plan identifying the area or areas to be used for these purposes for approval by the authority having jurisdiction.
- 3.11.5 Seasonal display and limited sales at those seasonal display areas such as a garden centre are not intended to be general storage or general retail sales area throughout the year. Seasonal items are temporary use areas that are to be dismantled, or removed when that seasonal period ends.
- 3.11.6 Outdoor display of goods, products, materials or equipment for sale or rent shall be subject to the following requirements:
- 3.11.6.1 The display area shall be constructed in a manner consistent with other developments in the area;
  - 3.11.6.2 Additional access, parking, screening or lighting shall be provided as required by the authority having jurisdiction.
  - 3.11.6.3 Are to be separate from any required parking spaces, pedestrian walks or driveways.
- 3.11.7 Outdoor storage of goods, products, materials or equipment on a site in a Commercial or Industrial District shall be effectively screened from public view off-site as required by the authority having jurisdiction.
- 3.11.8 Limited outdoor storage (up to 25%) is permitted in any side or rear yard in any Residential District provided that the goods or materials being stored are clearly accessory and incidental to the principal use of the property and kept in a neat and tidy manner. Open yard areas are not to be completely used for storage. Required yards are intended to be open space unobstructed from the ground up for personal outdoor use(s) of the land. Playground and active recreational equipment (e.g., trampolines or swing sets) are not considered stored items.
- 3.11.9 In Residential Districts, there shall be no outdoor storage of:
- 3.11.9.1 Inoperable, dilapidated, wrecked or dismantled motor vehicles; and/or
  - 3.11.9.2 More than two (2) unlicensed operable motor vehicle per site; and/or
  - 3.11.9.3 A collection of any number of vehicle parts that are from inoperable, wrecked, or dismantled motor vehicles.
- 3.12 **Storage of Hazardous Substances**
- The storage of chemicals, fertilizers and similar hazardous or combustible materials are subject to the requirements of the *Hazardous Substances Regulations* administered by Saskatchewan Environment. All necessary requirements and permits shall be met and/or obtained.
- 3.13 **Development Standards Considerations**
- To achieve conformity with the requirements of the Development Plan and Zoning Bylaws, Council may establish and incorporate the development standards for both permitted principal and discretionary uses and associated accessory buildings or

structures, in all zone districts, subdivisions, or other discretionary forms of development (e.g., contract or overlay zone districts) on area structure plans, concept plans, the Development Permit and associated landscape plans:-

- 3.13.1 mitigating measures identified to address any potentially inappropriate environmental conditions which may be created or compounded by the development;
  - 3.13.2 landscaping, buffering and screening to enhance the site and create a sensitive interface between differing land uses;
  - 3.13.3 building sizes, shapes and layouts to reflect the character of the adjacent land uses and structures;
  - 3.13.4 sufficient amenities (recreational, aesthetics, services) to address the needs of the individuals utilizing the development;
  - 3.13.5 conservation, mitigative and rehabilitation measures to maximize critical wildlife habitats, heritage and archaeological areas; and/or
  - 3.13.6 servicing agreements pursuant to Section 143 of *The Planning and Development Act, 1983*.
  - 3.13.7 Council delegates to the General Manager, the ability to recommend conditions of approval generally identified under subsections 3.13.1, through 3.13.5 with regard to permitted principal uses. The authority having jurisdiction may choose to refer any land use request (ex., Development Permit) up to Council regarding the conditions and measures needed to bring the proposal into greater compliance with the Development Plan and Zoning Bylaw, if the applicant is not accepting of the conditions identified. The other option available to an applicant is to appeal the determination on permitted uses to the Council or the Development Appeals Board if denied by the Council for amendment or reversal of the conditions identified by staff.
- 3.14 **Site Access**
- 3.14.1 Each site shall have direct vehicular access to a public street, - through a public or private street or lane, or private driveway with a permanent perpetual access and circulation easement or right-of-way identified for the same.
  - 3.14.2 The final location of all approaches and the number of site accesses shall be at the discretion of the authority having jurisdiction and conform to the Zoning Bylaw, Traffic Bylaw, the City Sidewalk Crossing Bylaw and any other policies and/or regulations that might be impacted.

3.15 **Salvage Yards**

Auto wreckers, auto repair shops, body shops, and similar uses containing salvage yards shall have such yards in conformance to the following development standards:

- 3.15.1 such uses shall not be located in the front yard setback;
- 3.15.2 such uses shall be totally hidden from the view of the travelling public, provincial highways, any public street or adjacent residential development by utilizing any of the following measures:
  - 3.15.2.1 distance and careful location;
  - 3.15.2.2 natural and planted vegetation;
  - 3.15.2.3 an earth berm;
  - 3.15.2.4 an opaque fence;
  - 3.15.2.5 a building; and/or
  - 3.15.2.6 other appropriate methods approved by Council.

### 3.16 **Fire Pits and Barbecues**

A outdoor fire pit, fixed barbecue, fireplace or stove shall require a permit from the City Fire Department and shall not be located in a front or side yard.

### 3.17 **Satellite Dishes**

A satellite dish larger than 1.0 metres in diameter shall require a permit from the Planning and Growth Development Department and shall not be located in a front yard or any vision clearance triangle at any street side yard.

### 3.18 **Solid and Liquid Waste Disposal Facilities**

Development and maintenance of a solid or liquid waste disposal facility will be subject to the following standards:

- 3.18.1 development and site maintenance shall be in accordance with Provincial environmental and health regulations;
- 3.18.2 solid waste disposal facilities shall be located at least 457.0 metres from any residence, and liquid waste disposal facilities shall be located at least 300.0 metres from any residence;
- 3.18.3 disposal areas shall be surrounded by a buffer strip containing trees, shrubs or a berm;
- 3.18.4 solid or liquid waste disposal facilities shall be fenced;
- 3.18.5 adequate precautions shall be taken to prevent pollution of ground water by disposal operations;
- 3.18.6 solid waste disposal facilities shall be located in proximity to a provincial highway and adjacent to an all-weather road; and
- 3.18.7 the development of new disposal sites shall take into consideration the direction of the prevailing winds.

### 3.19 **Height of Certain Buildings**

- 3.19.1 In districts where the maximum allowed height of buildings is less than 23.0 metres, a public or semi-public building, public utility building, hospital or school may be erected to a height exceeding 23.0 metres; provided, that it is a permitted use and if such buildings are located in a Residential District, shall be provided side yards, where the side yard is not adjacent to a street or lane, of a width not less than 6.0 metres, plus an additional 0.4 metres for every 0.3 metres by which the building exceeds the height limit of the district in which it is situated.
- 3.19.2 The height limitation of this Bylaw shall not apply to chimneys, towers, church spires, belfries, cupolas, mechanical penthouses, radio towers, monuments and necessary mechanical appurtenances usually carried above roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in gross area more than 10% of the building roof area.

### 3.20 **Non-Conforming Residential Lots**

#### 3.20.1 Intent

The City recognizes that there are many existing non-conforming residential lots in the older areas and that it is necessary to have special regulations to allow for development on these lots.

#### 3.20.2 Regulations

The following special regulations apply to existing non-conforming residential lots:

3.20.2.1 Development of a single-detached dwelling shall only be allowed on non- conforming lots within the Inner City Area as set out in Schedule "C" of this Bylaw.

3.20.2.2 Non-conforming lots created prior to the adoption of this Bylaw, regardless of area or dimensions, may be used for any single-detached dwelling in an R2, R3 or R5 - District provided that the minimum setbacks as provided in each residential zone are adhered to, except as permitted in Subsections 3.20.2(c) and (d).

3.20.2.3 The minimum side yard shall be 1.2 metres except on a corner lot where the flanking street side yard shall not be less than 2.4 metres.

3.20.2.4 The minimum front yard shall be:

3.20.2.4.1 7.0 metres in an R2 - District;

3.20.2.4.2 4.6 metres in an R3 - District;

3.20.2.4.3 6.0 metres in an R5 - District; or

3.20.1.3.4 such front yard as allowed under Subsection 3.21.5 of this Bylaw.

### 3.21 **Yard Regulations For Certain Buildings**

- 3.21.1 A through site (one abutting a roadway on two (2) opposing sides) shall have one (1) of the site lines deemed to be the front yard by the authority having jurisdiction.
- 3.21.2 A building on a through site shall have a front yard not less than the front yard of the existing buildings in the block in which the building is located.
- 3.21.3 Where dwellings are erected above stores, or other commercial or industrial uses, to a depth not exceeding two (2) rooms from front to rear, no side yards are required other than as specified for the principal building; provided however, that where dwellings are to a greater depth than two (2) rooms, side yards will be provided in accordance with the provisions relating to an R3District unless otherwise specified within the zoning district.
- 3.21.4 No cornice shall project over the street line more than 5% of the width of such street, and shall in no case project more than 1.3 metres.
- 3.21.5 The authority having jurisdiction may issue a Development Permit for a development or addition to an existing development in a Residential District where, a lot is situated between two (2) lots each containing a principal building with front yards less than the minimum requirement of the District, the front yard for the proposed development may be reduced to meet a line drawn from the nearest front corners of the adjacent principal buildings.

### 3.22 **Off-street Parking and Loading Regulations**

- 3.22.1 The off-street parking and loading provision of this Bylaw shall apply as follows:
- 3.22.1.1 All off-street parking stalls:
- 3.22.1.1.1 required by this Bylaw shall be on the same site as the principal building or use; or
- 3.22.1.1.2 may be provided on a lot which is separate from that containing the building or structure for which it is provided. The said separate parking lot or area shall not be more than 150.0 metres away from such building or structure. There shall be recorded in the office of the City Clerk, a recordable agreement between the City and the owner of the lot, the said agreement shall be binding on the said owner, his heirs and successors restricting the use of the lot for the purpose of off-street parking so long as the main use or building for which the parking is provided exists. An interest shall be registered against the said lot with Information Services Corporation of Saskatchewan by the City.
- 3.22.1.2 shall be designed to be to be located away from any adjacent property line so that all access and maneuvering for the parking space can occur on the subject property.
- 3.22.1.3 No person shall, within any district established by this Bylaw, erect,

enlarge or alter any building or structure permitted under this Bylaw, unless the required off-street parking and loading spaces as defined in each section are provided and maintained.

- 3.22.1.4 When the intensity of the use of any building, structure, or premise is increased through the addition of dwelling units, floor area, seating capacity, or other units of measurements, the additional required off-street parking and loading spaces as required herein shall be provided for such increase in intensity of use.
- 3.22.1.5 Whenever the existing use of a building or structure is changed to a new use, off-street parking and loading spaces shall be provided as required for such new use; however, if the said building or structure was erected prior to the effective date of this Bylaw, additional off-street parking or loading spaces are mandatory only in the amount by which the requirements for the new use shall exceed those required for the existing use.
- 3.22.1.6 Subsections 3.22.1(c) and (d) do not apply to buildings and development existing prior to the effective date of this Bylaw and located within a C1 District.
- 3.22.1.7 Off-street parking and loading spaces shall be provided and satisfactorily maintained by the owner of the property as specified for the districts.
- 3.22.1.8 A parking space shall be a rectangular area measuring not less than 2.7 metres by 6.0 metres, exclusive of access drives or aisles, ramps, or columns and shall have a vertical clearance of at least 2.0 metres.
- 3.22.1.9 For parallel parking, the length of a parking space shall be 6.7 metres.
- 3.22.1.10 Whenever there is more than one (1) principal building developed on a site, each principal building will be required to provide off-street parking and loading spaces as specified under this Bylaw. While the parking areas can be attached, the total number of parking and loading spaces shall be the sum of the parking requirements for each principal building.
- 3.22.1.11 Where the number of off-street parking and loading spaces is determined by reference to a unit such as floor area or the number of seats, the next higher number shall be taken where the calculation results in a fractional number of 0.5 or more.

### 3.22.2 Parking Lot Layout

The minimum standards for parking lots are set out in Schedule "E" of this Bylaw.

### 3.22.3 Size of loading spaces

A loading space shall be a rectangular area measuring not less than 3.0 metres by 7.6

metres, exclusive of aisles and maneuvering space, shall have a vertical clearance of at least 4.0 metres and have adequate means of access to and from a public street or lane.

3.22.4 Paving/Marking of Parking

3.22.4.1 Where a City street abutting the development site is asphalt paved, all driveways and parking areas within the development site shall be hard surfaced with asphalt or concrete.

3.22.4.2 Where City streets abutting the development site are not asphalt paved at the time of development, the developer or property owner is required to pave all driveways and parking areas within the development at the same time that the City paves a street abutting the development site.

3.22.4.3 All parking spaces provided on paved surfaces shall be clearly demarcated to meet the minimum size requirements established by this Bylaw.

3.22.5 Parking for the Physically Challenged

Special provision shall be made for parking for the physically challenged as follows:

3.22.5.1 the number of required parking spaces to be designated for the physically challenged shall be determined as follows:

<u>TOTAL REQUIRED PARKING SPACES</u>	<u>NO. OF SPACES FOR THE PHYSICALLY CHALLENGED</u>
Less than 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% OF TOTAL
over 1000	20 + 1% OF AMOUNT OVER 1000

3.22.5.2 notwithstanding Subsection 3.22.1(g) hereof, a parking space for the physically challenged shall measure not less than 3.6 metres by 6.0 metres exclusive of access drives, aisles, ramps, or other obstructions, and shall have a vertical clearance of at least 2.8 metres;

3.22.5.3 parking spaces provided for the physically challenged shall be hard surfaced, level and located as close as possible to an entrance to the building or structure; and

3.22.5.4 parking spaces provided for the physically challenged shall be clearly marked for use by such persons with a pole or wall sign and pavement symbol.

3.22.6 Off-street Parking Standards

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

**TABLE 3.22.6**

<b>Zoning District</b>	<b>Use</b>	<b>Number of Spaces Required</b>
R1, R1A, R1S, R2, R3, R4, R5, R6 <i>Bylaw No. 9-2014</i>	Single-detached, semi-detached, two-unit and street townhouse dwellings and mobile/manufactured homes	1 parking space for each dwelling unit
	Multiple-unit dwellings (exceeding 2 units) and dwelling groups	1.5 parking spaces for each dwelling unit plus 1 visitor parking space for each 5 dwelling units.
	Boarding, lodging, rooming houses, or bed and breakfast facilities	1 parking space for the main dwelling unit plus 1 parking space for each boarding/lodging/rooming unit.
	Senior citizens apartments	1 parking space for each 3 dwelling units plus 1 visitor parking space for each 10 dwelling units but in no case less than 1 visitor parking space.
	Elementary schools, private schools, junior high schools, nursery and kindergarten	1 parking space for each classroom plus 4 additional spaces.
	Senior high schools	5 parking spaces for each classroom plus 1 space for each 10.0 square metres of assembly room floor area
	Dormitories, hostels and other similar uses	1 parking space for the main dwelling unit plus 1 space for each 2 rooming units
	Auditoriums, churches and other places of public assembly	1 parking space for each 10.0 square metres of building area devoted to public assembly or 3 parking spaces for each 10 seats provided for patrons, whichever is greater
	Hospitals	1 parking space for each 100.0 square metres of gross floor area
	<i>Bylaw No. 4-2011</i>	Residential Care Facility
Custodial Care Facility		1 parking space for each 5 beds or dwelling units plus 1 parking space for each employee on shift
<i>Bylaw No. 4-2011</i>		All other main buildings and uses

<b>Zoning District</b>	<b>Use</b>	<b>Number of Spaces Required</b>
C1	Retail stores and shops	1 parking space for each 20.0 square metres of sales floor area
	Restaurants and other eating and/or drinking establishments	1 parking space for each 4 seats or 1 parking space for each 10.0 square metres of floor area used for serving patrons, whichever is greater
	Hotels	1 parking space for each 2 guest units
	Theatres, clubs and other places of public assembly	1 parking space for each 4 seats provided for patrons
	Apartments	1 parking space for each dwelling unit
	Senior citizens apartments	1 parking space for each 3 dwelling units
	Wholesale stores	1 parking space for each 50.0 square metres of gross floor area
	All other main buildings and uses including government buildings	1 parking space for each 40.0 square metres of gross floor area
C2	Stores, shops and offices	1 parking space for each 30.0 square metres of sales floor area
	Restaurants	1 parking space for each 4 seats or 1 parking space for each 10.0 square metres of floor area used for serving patrons, whichever is greater
	Apartments	1 parking space for each dwelling unit
C3	Motels, motor hotels	1 parking space for each guest unit
	Restaurants and places of public assembly	1 parking space for each 4 seats or 1 parking space for each 10.0 square metres of floor area used for serving patrons, whichever is greater
	Schools	5 parking spaces for each classroom plus 1 space for each 10.0 square metres of assembly room floor area
	All other buildings or uses	1 parking space for each 28.0 square metres of gross floor area

Zoning District	Use	Number of Spaces Required
C4	Restaurants, cafes, lunch counters, beverage rooms, cocktail lounges and Coffee houses	1 parking space for each 4 seats or 1 parking space for each 10.0 square metres of floor area used for serving patrons, whichever is greater
C4	All other permitted uses	1 parking space for each 30.0 square metres of gross floor area
M1, M2	All main buildings or uses	1 parking space for each 100.0 square metres of gross floor area
T1	Day care centers	1 parking space for each play or class room plus 4 additional spaces
	Restaurants	1 parking space for each 4 seats or 1 parking space for each 10.0 square metres of floor area used for serving patrons, whichever is the greatest
	All other permitted uses	1 parking space for each 30.0 square metres of gross floor area

### 3.22.7 Parking Lots

The following regulations shall apply to all parking lots:

- 3.22.7.1 When a parking lot is located within a Residential District without the intervention of a street or lane, that portion of the parking lot nearest to a residential unit shall have a boundary wall or solid screen fence which is approved by the authority having jurisdiction and which shall not be less than 1.5 metres in height above grade level;
- 3.22.7.2 In addition to the requirements of Subsection 3.22.7(a), Council or the authority having jurisdiction, may increase the standards for fencing, buffer width or landscaping for parking lots associated with restaurants, lounges, taverns or other uses which generate a high volume of traffic or regularly attract clients outside of daytime hours;
- 3.22.7.3 All areas of the parking lots to which vehicles have access shall be hard surfaced to provide a dust-free surface; dirt and/or grass parking areas are not acceptable surfacing methods for regular use parking areas. Parking lots must be improved at the expense of the property owner;
- 3.22.7.4 Parking lots shall provide adequate storm water drainage and storage as required by the authority having jurisdiction; and
- 3.22.7.5 Intermittent use parking areas associated with sport fields, special event locations and overflow parking areas, need to be adequately maintained for the purpose(s) used but do not need to be graded or hard surfaced. A temporary parking lot for regular use for a period of time approved by the authority having jurisdiction, may need to be graded and surfaced in an appropriate manner.

### 3.22.8 Payment In Lieu Of Required Off-Street Parking Spaces

- 3.22.8.1 Pursuant to Section 75 of *The Planning and Development Act, 1983*, Council may exempt any person who constructs a new building or structure in the C1-District from the requirement of providing the off-street parking spaces where, in lieu thereof said person, pays or agrees in writing to pay the City the sum as outlined in Schedule "D" of this Bylaw for each off-street parking space that would otherwise be required and that the entire payment in lieu thereof shall be adequate for the duration of the existence of the same level of use and amount of development of the building on the site. Subsequent changes in use and/or development are subject to Subsection 3.22.1(c) and (d).
- 3.22.8.2 The payment of or written agreement to pay such sums of money shall be subject to such terms and conditions as Council may determine.
- 3.22.8.3 A person who pays or agrees in writing to pay the sum required in lieu of providing off-street parking spaces shall not be required to provide those spaces and the buildings or structures in respect of which such payment or agreement is made shall be treated as having the required off-street parking spaces.

### 3.23 Kennels

- 3.23.1 Commercial kennels shall not be located closer than 150.0 metres to a Residential District.

3.23.2 In any Residential District, only one (1) private dog kennel to house a maximum of two (2) dogs shall be permitted on any one (1) site and it shall be situated not less than 18.5 metres from the street in front, 4.6 metres from any other street, 1.0 metre from any common property line and 5.0 metres from a neighbouring dwelling.

3.23.3 A private dog kennel shall be considered an accessory use.

### **3.24 Sign Regulations** *(Temporary sign regulations are separate; Adopted under Bylaw #1-2013)*

#### **Purpose**

3.24.1 The intent of the sign regulations contained in this Bylaw are to regulate the usage of signage within the City in a manner to ensure the aesthetics, physical appearance and safety of individual zoning districts, mitigate potential traffic safety hazards that may be caused by distracting and obstructing signs, and to prevent potential pedestrian safety hazards that may be caused by signs projecting into a public right-of-way.

#### **General Regulations for All Signs**

3.24.2 Signs shall be designed and certified by a qualified engineer, if required by the authority having jurisdiction.

3.24.3 Provisions of this Bylaw shall not apply to signs erected or required by governmental agencies, including legal notices, identification and information signs, traffic control devices, and signs included in the Temporary Sign Bylaw.

3.24.4 Except as otherwise provided for in this Bylaw, no person shall place or attach any sign on any City-owned property, including public property within a roadway, right-of-way, boulevard or sidewalk.

3.24.5 No sign shall be located in a sight triangle as defined by The Traffic Bylaw.

3.24.6 Except as otherwise provided for in this Bylaw, no sign shall project beyond the site line into a street, lane or alley, or adjoining property.

3.24.7 Signs may be illuminated by direct or indirect lighting but shall not be flashing images or flashing lights, except in Commercial or Industrial Districts but shall not be directly facing adjacent Residential Districts.

3.24.8 No person shall erect or structurally alter any sign without first obtaining a permit from the City.

3.24.9 Application for a permit shall be in the form as prescribed by the authority having jurisdiction, and application shall be accompanied by a fee as outlined in Schedule "D" of this Bylaw and by a drawing showing the dimensions, manner of suspension or erection, and other aspects sufficient to enable the authority having jurisdiction to obtain complete information with respect to the sign.

- 3.24.10 In compliance with the requirements set out for each respective District and upon the authority having jurisdiction being satisfied with the information submitted that the erection or placing of the sign shall comply with this Bylaw, the authority having jurisdiction may issue a permit for the erection of the sign, said permit shall remain in force for a period of six months from the date of issuance of same.
- 3.24.10.1 If the work on the installation of a sign for which a permit has been issued is not completed within six months from the date of issuance of the permit, such permit shall lapse and the permit holder shall not proceed with further work on the sign.
- 3.24.10.2 The holder of a permit which has lapsed may, upon showing good cause why any work or installation has not been completed, be granted an extension of time for a period to be determined by the authority having jurisdiction.
- 3.24.10.3 The authority having jurisdiction shall have the right to revoke any permit prior to the expiration of the said six month period, if, in any authority's opinion, the sign is being erected in a manner other than set out in the application or drawings submitted or for non-compliance with the provisions of this or any other Bylaw. The Notice of Revocation shall be in writing and issued to the applicant in accordance with The Cities Act.
- 3.24.11 As a condition of erecting, installing or continuing the use of any signs, the owner thereof or his agent shall keep the frame and sign painted and in a good state of repair. Any sign which, in the opinion of the authority having jurisdiction is in a dangerous, defective or unsightly condition shall be immediately repaired or removed as the authority having jurisdiction may direct.
- 3.24.12 The installer and owner of a sign shall agree to hold harmless and indemnify the City, its officers, agents, and employees from any and all damages and claims of negligence resulting from the erection, alteration, relocation or maintenance of a sign.
- 3.24.13 No advertising signs shall be permitted for home-based businesses in a Residential District.
- 3.24.14 The owner of any sign hereafter erected in contravention of this Bylaw shall remove such sign on 14 days written notice or order given by the authority having jurisdiction.
- 3.24.15 If any existing sign has fallen into a state of disrepair or has become a potential hazard or danger to the safety of the public, the sign shall, upon 14 days written notice or order given by the authority having jurisdiction, be either removed or repaired by the owner to the satisfaction of the authority having jurisdiction.

**Regulations for Specific Sign Types**

**Freestanding Signs**

3.24.16 The following provisions and regulations shall apply to all freestanding signs.

3.24.17 The number of signs shall be as follows:

- 3.24.17.1 In the C1, C2, C3, M1, M2, and T1 Districts, and for institutional or commercial uses that are approved as the principal use in a Residential District:
  - 3.24.17.1.1 every site with a street frontage is permitted one freestanding sign; and
  - 3.24.17.1.2 if the street frontage for a site exceeds 60.0 metres an additional freestanding sign is permitted for every 30.0 metre increment, and measurements shall be made parallel to the property lines.
- 3.24.17.2 In the C4 District:
  - 3.24.17.2.1 one primary freestanding sign is permitted for a shopping mall; and
  - 3.24.17.2.2 for each principal use building, one secondary freestanding sign is permitted.
- 3.24.17.3 In the UR and R-R/C/M Districts: one freestanding sign other than directional signs is permitted.
- 3.24.17.4 For all other Districts, except Residential Districts:
  - 3.24.17.4.1 if adjacent to residential uses, the standards of the C2 District shall apply; or
  - 3.24.17.4.2 if adjacent to any other use, or with highway frontage, the standards of the C3 District apply.

3.24.18 The height above ground level shall not exceed:

- 3.24.18.1 9.0 metres for the C1, M1, M2 and T1 Districts;
- 3.24.18.2 6.0 metres for the C2 District, and for institutional or commercial uses that are approved as the principal use in a Residential District;
- 3.24.18.3 25.0 metres for the C3 District, or for a primary freestanding sign in the C4 District;
- 3.24.18.4 11.0 metres for a secondary freestanding sign in the C4 District;
- 3.24.18.5 7.6 metres in the UR District;
- 3.24.18.6 For all other Districts, except Residential Districts:
  - 3.24.18.6.1 if adjacent to residential uses, the standards of the C2 District shall apply; or
  - 3.24.18.6.2 if adjacent to any other use, or with highway frontage, the standards of the C3 District apply.

- 3.24.19 The total sign face area shall not exceed:
- 3.24.19.1 in the C1, M1, M2 and T1 Districts:
    - 3.24.19.1.1 for a single business: 22.0 square metres and no single face on such sign exceeds 11.0 square metres.
    - 3.24.19.1.2 for two businesses: 34.0 square metres and no single face on such sign exceeds 17.0 square metres.
    - 3.24.19.1.3 for three or more businesses: 46.0 square metres and no single face on such sign exceeds 23.0 square metres.
  - 3.24.19.2 in the C2 District, and for institutional or commercial uses that are approved as the principal use in a Residential District: 14.0 square metres and no single face on such sign exceeds 7.0 square metres.
  - 3.24.19.3 in the C3 District:
    - 3.24.19.3.1 for a single business: 28.0 square metres and no single face on such sign exceeds 14.0 square metres.
    - 3.24.19.3.2 for two businesses: 42.0 square metres and no single face on such sign exceeds 21.0 square metres.
    - 3.24.19.3.3 for three or more businesses: 56.0 square metres and no single face on such sign exceeds 28.0 square metres.
  - 3.24.19.4 in the C4 District:
    - 3.24.19.4.1 for a primary freestanding sign: 190.0 square metres and no single face on such sign exceeds 95.0 square metres.
    - 3.24.19.4.2 for secondary freestanding: 33.0 square metres and no single face on such sign exceeds 16.0 square metres.
  - 3.24.19.5 in the UR and R-R/C/M District: 6.0 square metres and no single face on such sign exceeds 3.0 square metres.
  - 3.24.19.6 For all other Districts, except Residential Districts:
    - 3.24.19.6.1 if adjacent to residential uses, the standards of the C2 District shall apply; or
    - 3.24.19.6.2 if adjacent to any other use, or with highway frontage, the standards of the C3 District apply.
- 3.24.20 Separate freestanding signs shall be permitted to designate parking areas or entrances and exits as follows:
- 3.24.20.1 in the Residential Districts:
    - 3.24.20.1.1 signs designating parking area accesses shall be limited to only one sign for each entrance or exit and to a maximum sign face area of 0.2 square metres per sign.

3.24.20.1.2 there shall be permitted only one sign per parking area; such sign shall designate only the conditions of use and/or the identity of such parking area and such sign shall be limited to a maximum sign face area of 1.0 square metre.

3.24.20.2 in all Districts other than Residential Districts:

3.24.20.2.1 for freestanding signs designating a parking area the face area shall not exceed 1.0 square metre;

3.24.20.2.2 for freestanding signs designating entrances or exits the signs shall not exceed 2.5 metres in height and the face area shall not exceed 0.8 square metres.

### Wall Signs

3.24.21 The following provisions and regulations shall apply to all fascia, awning and rooftop signs and all canopies and projecting, with or without signs for all non-residential uses in all Districts.

3.24.22 Signs may cover up to 30% of the area of each building face, subject to the following:

3.24.22.1 Every building face that is visible on a building is allowed the 30% coverage. If one building extends above another building the visible area of the taller building face may be used for signage if the property owner of the lower building gives written permission, with the 30% coverage applying to the visible face of the building that extends above the other building.

3.24.22.2 In a Residential District, where commercial or institutional uses area approved, the 30% coverage shall only apply to the portion of the building occupied by the approved commercial or institutional use.

3.24.22.3 There shall be no limit to the number of signs on any building face if the total area of all signs on a building face does not exceed 30% of that building face.

3.24.22.4 The sign area of an awning, canopy or projecting sign shall be included in the 30% sign coverage, on the face of the building where the awning canopy or projecting sign is located.

3.24.22.5 The area of a window sign shall be included in the 30% sign coverage on the face of the building where the window is located.

3.24.22.6 A roof sign shall not project more than 2.0 metres above the roof or parapet of a building. The area of a roof sign shall be included in the 30% sign coverage of that face of the building in which direction the sign faces. The area of the roof sign shall not be included in the building face area.

3.24.23 Projecting signs are permitted in all Districts, other than Residential Districts, if they are a minimum of 2.2 metres from the ground and shall not be closer than 0.3 metres from face of curb.

3.24.24 Signs may be permitted on awnings, canopies or marquees if there is a minimum clearance of 2.2 metres from the ground.

## Digital Signs

- 3.24.25 The following provisions and regulations shall apply to all sign types utilizing a digital display within all Districts.
- 3.24.26 No sign shall be erected, operated, used or maintained that:
- 3.24.26.1 due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic sign, signal or device;
- 3.24.26.2 displays light resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles.
- 3.24.27 Digital signs shall be located such that the sign does not obscure a driver decision point. Each sign shall be in accordance with the following:
- 3.24.27.1 does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;
- 3.24.27.2 is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming traffic;
- 3.24.27.3 is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and
- 3.24.27.4 illumination does not compete with or dull the contrast of the traffic control.
- 3.24.28 Digital displays must not face a Residential District or medical facility unless they are a minimum of 100 metres away from the nearest residential property line.
- 3.24.29 Displays on digital signs must be static for a minimum of six seconds.
- 3.24.30 Signs must be equipped with automatic light level controls to reduce light levels at night and under other darkened conditions in accordance with the following:
- 3.24.30.1 Brightness levels shall not exceed 400 nits when measured from the sign face at maximum brightness, between sunset and sunrise.
- 3.24.30.2 Signs abutting or adjacent to natural areas or parks shall be de-energized daily between 11:00 PM to 7:00 AM.
- 3.24.30.3 The authority having jurisdiction may require application revisions to mitigate the impact of a proposed sign, and may refuse a permit that adversely impacts the built environment.
- 3.24.31 Photovoltaic cells, solar panels, or solar collectors and ancillary equipment may be part of the sign structure in order to provide electrical power solely to the sign face area. Photovoltaic cells, solar panels, or solar collectors and ancillary equipment may extend above the maximum sign height to the satisfaction of the authority having jurisdiction. It must be demonstrated that

the additional height is required to achieve sufficient solar exposure to provide electrical power to the sign.

**Building Identification Signs**

3.24.32 Building identification signs shall be permitted in Residential Districts as follows:

3.24.32.1 For multiple-unit dwellings, one building identification sign facing each street frontage if such sign:

3.24.32.1.1 is a freestanding sign and does not exceed 2.0 square metres in sign face area and 2.5 metres in height above ground level, and is not located closer than 2.5 metres to any site line; or

3.24.32.1.2 is a wall sign and does not exceed 2.0 square metres in sign face area.

3.24.32.2 For all other dwellings, one building identification sign per dwelling unit facing each street frontage if such sign:

3.24.32.2.1 is a freestanding sign and does not exceed 0.1 square metres in sign face area and 2.5 metres in height above grade level, and is not located closer than 2.5 metres to any site line; or

3.24.32.2.2 is a wall sign and does not exceed 0.1 square metres in sign face area.

3.25 **Awnings, Canopies or Marquees**

Awnings, canopies and marquees shall comply with the following regulations:

3.25.1 the lowest portion of the projection frame shall not be less than 2.3 metres above the level of the sidewalk or the street over which it projects;

3.25.2 the lowest portion of the curtain of canvas awnings or the enclosure around the framework of canopies and marquees shall not be less than 2.2 metres above the level of the sidewalk or street over which it projects; and

3.25.3 the awning, canopy or marquee shall not extend beyond the outer edge of the sidewalk.

3.26 **Home-Based Businesses**

3.26.1 Intent

The City recognizes the need for some residents to use their place of residence for limited non-residential activities and that the concept of citizens working out of their residences is becoming much more accepted. At the same time, the City recognizes that there is a need to protect the integrity of residential areas from the adverse effect of non-residential activities. To balance these competing needs, the following regulations are provided to control business uses in Residential Districts and dwellings. Uses that will be allowed are those

that:

- 3.26.1.1 are incidental to the use of the premise as a residence;
- 3.26.1.2 are compatible with residential uses;
- 3.26.1.3 are limited in extent; and
- 3.26.1.4 do not detract from the residential character of the district or dwelling.

### 3.26.2 Number of Home-Based Businesses Permitted

Only one (1) home-based business shall be approved for each dwelling unit.

### 3.26.3 Display or Storage of Merchandise or Materials

- 3.26.3.1 Home-based businesses shall be conducted entirely within the dwelling or an accessory building.
- 3.26.3.2 There shall be no exterior display or storage of any merchandise or material relating to the home-based business.
- 3.26.3.3 No merchandise shall be displayed or sold on the premises.
- 3.26.3.3 Interior storage is permitted if, in the opinion of the City Fire Chief, the said storage is not likely to result in a fire hazard.
- 3.26.3.4 No building shall be constructed solely for the purpose of storing goods, products, materials or equipment related to a home-based business.

### 3.26.4 Employees

Except for day care operations, no person other than a resident of the dwelling unit or the resident's immediate family shall be engaged in any home-based business as an employee or a volunteer.

### 3.26.5 Parking

- 3.26.5.1 The home-based business shall not cause or add to on-street parking congestion or cause an increase in traffic through Residential Districts
- 3.26.5.2 Parking of vehicles of employees hired for off-site jobs shall not be allowed at or in the vicinity of the dwelling unit.
- 3.26.5.3 No more than one (1) business vehicle, as defined in Section 1.5 of this Bylaw, for which off-street parking is provided, is allowed to be operated in connection with a home-based business.

### 3.26.6 Advertising

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

### 3.26.7 Signs

No advertising sign shall be allowed on the site or premise from which the home-based business is conducted.

### 3.26.8 Zero Impact

No equipment or process used in the home-based business shall create dust, noise, vibration, glare, fumes, odour or air pollution that is detectable at or beyond the property lines of the lot where the home-based business is located.

### 3.26.9 Suitability

A home-based business shall not be permitted if, in the opinion of the authority having jurisdiction, such use would be more appropriately located within a Commercial or Industrial District.

### 3.26.10 Exterior Alterations

No exterior alterations shall be made to accommodate or enhance the home-based business.

### 3.26.11 Customer Base

Home-based businesses shall not attract customers to the dwelling.

### 3.26.12 Mechanical/Electrical Equipment

No mechanical or electrical equipment that could change the fire load of the dwelling unit or cause interference which affects radio, television and similar equipment outside of the dwelling unit shall be permitted.

### 3.26.13 Procedural Requirements

3.26.13.1 No home-based business shall commence until application has been made to the authority having jurisdiction and a license for the home-based business has been issued.

3.26.13.2 A home-based business license is valid only for the address shown on the license.

3.26.13.3 A home-based business shall be permitted for the period of time the dwelling is occupied by the applicant.

3.26.13.4 A home-based business license may be revoked if, in the opinion of Council, the regulations in this Bylaw have not been complied with, or the use creates adverse effects for residents of the neighborhood.

**3.27 Service Stations**

- 3.27.1 Sites for service stations shall have a minimum frontage of 30.0 metres.
- 3.27.2 Where service stations occupy a corner site, only one (1) access crossing shall be located on the flanking street.
- 3.27.3 Accesses from frontage streets shall be governed by the City Sidewalk Crossing Bylaw.
- 3.27.4 Fuel pumps and other accessory equipment shall be located at least 6.0 metres from any street or lot line.
- 3.27.5 All vehicle parts, accessories, and similar articles shall be stored within a building.
- 3.27.6 All repair work shall be performed within a building.
- 3.27.7 Where a service station abuts a Residential District without an intervening street or lane, a landscaped buffer of not less than 3.0 metres shall be provided; the landscaping shall be approved by the authority having jurisdiction.
- 3.27.8 The service station shall be aesthetically complementary to buildings in the surrounding area.
- 3.27.9 Canopies shall be permitted over fuel pumps provided that the fuel pumps are located in conformity with this Bylaw. Canopies shall be setback a minimum of 3.0 metres from any site line.
- 3.27.10 Site Decommissioning
  - 3.27.10.1 On any site where the operation of a service station is being or has been discontinued, the site shall be decommissioned prior to the reuse of the site for a different use.
  - 3.27.10.2 The decommissioning of the site shall be in accordance with the requirements and guidelines established by:
    - 3.27.10.2.1 Saskatchewan Environment; and
    - 3.27.10.2.2 the City Engineering and Fire Departments.

**3.28 Heritage Conservation**

3.28.1 The following buildings and sites are designated as heritage properties:

- 3.28.1.1 Court House, 121 Lorne St. W.; S30' at 8 and 13, Block 114, Plan A3995;
- 3.28.1.2 Funeral Home, 233 Lorne St. E.; Lots 11 to 14, Block 93, Plan AB368;
- 3.28.1.3 First United Church, 233 3rd Ave. N.E.; Lots 9 and 10, Block 61, Plan K5486;
- 3.28.1.4 Central School, 121 Dufferin St. W.; Parcel F, Plan 72SC08660;
- 3.28.1.5 C.P.R. Dam, Parcel F, Plan H2058;
- 3.28.1.6 Battleford Trail Wagon Tracks, North Service Road, Lot 2, Block 52, Plan 82SC10396.

- 3.28.2 Prior to the owner of a designated heritage property undertaking the demolition, or major alternations and/or additions to the heritage property, consent of Council shall be required before a permit is issued. Normal maintenance and repairs may be carried out at the owner's sole discretion provided that the characteristics that led to heritage designation are not significantly altered.
- 3.28.3 These properties are subject to the development review processes as defined by Sections 23, 24 and 25 of *The Heritage Property Act*,
- 3.28.4 Historical and archaeological sites identified pursuant to *The Heritage Property Act* shall be protected in accordance with the guidelines established therein.

### 3.29 **Landscaping**

Landscaped area, including parking islands where appropriate, are a portion of the open space identified for Residential, Commercial, Institutional and Industrial uses in any Zone District the following minimum regulations, standards and policies apply:

- 3.29.1 All areas of a site not covered by the primary use or buildings, permitted accessory buildings or uses, parking or vehicular maneuvering areas, shall be landscaped. In the case of holding zones (e.g., T1 and UR), interim uses may be subject to relaxed standards based on the interim use(s) and future activities yet to occur. Applicant's cannot pave or aggregate their entire site. Area for soft landscaping must be provided as required. This determination shall be by the authority having jurisdiction.
- 3.29.2 Landscaped areas shall generally include, but not be limited to, perimeter boundaries adjacent to any public or private streets, areas of a site abutting less compatible uses or districts, land adjacent to excessive slopes or environmentally sensitive land, and public parking areas.
- 3.29.3 The majority of the required landscaped areas are to be "soft landscaping" supplemented by "hard landscaping" to improve the landscape design. Organic mulches are to be used in planter beds. Inorganic crushed aggregate and/or river rock may be used elsewhere in the landscape design and should not be more than 25% of the total landscaped area. The only exception being those areas that cannot support live plant materials and are more appropriate for hard landscaping and aggregate. This will be a determination by the authority having jurisdiction in consultation with the applicant.
- 3.29.4 All landscape designs for sites associated with development permits are subject to review and approval by the authority having jurisdiction and must be used in doing the actual improvements at the site.
- 3.29.5 The following minimum area locations and requirements for use in all zone districts as identified:
- 3. 29.6 All required landscape areas, excluding parking islands, are to meet the following minimum requirements, except where other allowances are identified:
  - 3.29.6.1 Provide a minimum of one tree for every 40 square metres of required landscape area; and
  - 3.29.6.2 Provide a minimum of one shrub for every 20 square metres of required landscaped area; and
  - 3.29.6.3 Provide native grass or turf as the ground cover; and

3.29.6.4 Use organic mulches in planter beds instead of crushed aggregate or river rock.

3.29.7 Boulevard right-of-way not used for streets, adjacent to any development site, shall be graded, provided with sufficient top soil and landscaped with turf. Any additional or alternative landscaping in the adjacent boulevard (ex., trees, shrubs or hardscape) are subject to review and approval by the appropriate city department(s) and the authority having jurisdiction.

3.29.8 The following minimum area locations and requirements in all zone districts as specified below:

3.29.8.1 Residential Zone Districts

3.29.8.1.1 One family and two family units (R1, R1A, RS and R2) are reviewed as part of a Building Permit; 50% open space minimum; 35% minimum landscape area

3.29.8.1.2 R3-50% open space minimum plus 4.6 square metres of private open space per unit R4-50% open space minimum

3.29.8.1.3 R5-50% open space minimum plus 4.6 square metres of private open space per unit

3.29.8.1.4 R6-50% open space minimum plus 4.6 square metres of private open space per unit for dwelling groups and 60% open space minimum for street townhouses

In all residential categories, at least 35% of each site area shall be done in soft landscaping which can be supplemented with hard landscaping;

3.29.9.2 Commercial Districts

The actual landscape plan determines the amount of area and quantity of live plant materials to be approved for use as a site and the extent of soft/hard landscaping improvement to occur at the site; in coordination between the applicant and the authority having jurisdiction.

3.29.9.2.1 C1 - In the DC-C1 Central Commercial District there is no minimum landscaping requirement. Creating any landscaped area (soft landscaping, hardscape feature such as a pedestrian plaza, seating area, etc.) will be site specific in consultation with the applicant based on their design for use of the site;

3.29.9.2.2 C2 – Within the first 2.0 metres of all required yards adjoining public streets or lanes, and property lines adjoining residential zone districts whether separated by a lane or not;

3.29.9.2.3 C3 – Within the first 3.0 metres of all required yards adjoining public streets or lanes, and property lines adjoining residential zone districts whether separated by a lane or not;

3.29.9.2.4 C4 – Within the first 6.0 metres of all required yards adjoining public streets or lanes, and property lines adjoining residential zone districts whether separated by a lane or not;

### 3.29.9.3 Industrial Districts

Within the first 3.0 metres of all yards adjoining public streets or lanes, and property lines adjoining any commercial or residential zone districts whether separated by a lane or not.

### 3.29.9.4 Transitional Districts (T1, UR, R)

If the land is vacant, not in use and undisturbed, there is no landscaping requirements until there is an actual use or development on the site or a change of zoning sought in conjunction with a development plan for the property.

If there is a pre-existing use or structure with activity area on the property, or there is any proposed development as allowed subject to a development permit and/or building permit: the first 3.0 metres of all yards adjoining public streets or lanes, and property lines adjoining any other land use districts shall be landscaped in some manner with approval by the authority having jurisdiction.

- 3.29.10 A landscaping plan in an electronic version (.pdf using an 11inch by 17inch format) shall be submitted. In the case of single-detached, semi- detached and two-unit dwellings, the paper copy of a site plan associated with a building permit indicating a site plan containing all physical features including both existing and proposed grades, planting and construction material shall be allowed;
- 3.29.11 Existing trees, shrubs, hedges, grass, and ground cover in sound horticultural condition, retained on a site may be considered in fulfillment of all or part of the total landscaping requirement; excluding noxious weeds in accordance with the Noxious Weed Act.
- 3.29.12 The quality and extent of the landscaping shall be adequately maintained by the property owner in a neat and tidy condition on the site for the life of the development; Dead, dying and diseased plant materials or deteriorated hard landscape elements shall be replaced within one growing season (one year).
- 3.29.13 The required landscape plan drawing shall indicate all physical features on site including both existing and proposed grades, planting and construction material; drawn at a scale of 1:500 feet or larger, showing the following information:
- 3.29.13.1 Name, complete address and legal description of the project site;
  - 3.29.13.2 North arrow, scale (narrative and graphic);
  - 3.29.13.3 Site data; including total required and provided tree counts, total required and provided shrub counts and total provided hard landscape area (% of total required landscape area);
  - 3.29.13.4 Site property lines, easements and rights-of-way, abutting land uses and adjacent roadways, boulevards, walkways, curbs, surface utilities, and other essential information related to the site and/or landscape plan as needed;
  - 3.29.13.5 General or specific location of buildings and structures on the site, location of accessory use areas, parking and maneuvering areas, stall counts, walkways, and other amenity spaces;
  - 3.29.13.6 Existing and/or topography/grading plan. A detailed grading plan may be required for specific situations as determined by the authority having jurisdiction;

- 3.29.13.7 Existing plant materials should be retained where feasible as it can be counted towards total landscape areas and live planting requirements; If existing plant materials are to be removed, this should be noted on the plan;
  - 3.29.13.8 Layout of all berms, retaining walls, screening, amenity areas, hard landscaping and soft landscaping on the site and any adjacent boulevards or streets;
  - 3.29.13.9 Proposed plant material locations and identification of all plant material species (common and botanical names), sizes and quantities shown in a combination of labels, keys or legend, and summary Plant List Table. Proposed plant symbols/graphics to be at 80% of mature plant size for the site.
  - 3.29.13.10 Typical planting details indicating soil depths, tree staking and guying, mulch;
- 3.29.14 The authority having jurisdiction may modify the landscape plan requirements based on the given site conditions and the nature of the development proposal in consultation with the applicant.
- 3.29.15 The landscaping area shall be installed within one (1) year of the completion of the associated phase of a development or the entire development if there is no phasing of development. No development permit or building permit will be issued for a new phase of development if the requirements associated with the initial or prior phase of development have not been completed as approved.
- 3.29.16 The owner of the property, or his successors shall be responsible for all landscaping and proper maintenance.
- 3.29.17 If any applicant identifies to the City that they are unable to complete the required landscaping one (1) year after approval of the Development Permit, the authority having jurisdiction or the Council may require that an applicant for a development provide an irrevocable Letter of Credit or other surety acceptable to the City in the amount of 100% of the estimated landscaping costs for the identified work that is to be done on the site plus an inflation factor for cost of materials and labour. Given the opportunity to complete the required landscaping in accordance with this Bylaw and the submitted landscaping plan within one (1) year of the completion of the development, the authority having jurisdiction will seek the completion of work required based on the amount fixed in the Letter of Credit that shall be paid to the City.
- 3.29.18 No Development Permit shall be issued prior to the approval of a required landscape plan.

### **3.30 Storage of Chemicals, Fertilizers, and Combustible Materials**

The storage of chemicals, fertilizers or combustible materials is subject to the requirements of Saskatchewan Environment, Government Relations and Aboriginal Affairs, SaskPower, and Saskatchewan Industry and Resources.

### **3.31 Underground Storage Tanks**

- 3.31.1 The installation of an underground storage tank requires a Development Permit.
- 3.31.2 The installation and maintenance of underground storage tanks are subject to the requirements of Saskatchewan Environment.

### **3.32 Human Habitation**

Human habitation shall:

- 3.32.1 occur only in approved residential units and buildings; and
- 3.32.2 be prohibited in a car, truck, bus or train body and in similar structures.

### **3.33 Flood Zone** (Bylaw #2 – 2005)

#### **3.33.1 Intent**

3.33.1.1 The purpose of the flood zone is to restrict development in areas of the City that, under current conditions, are subject to periodic flooding and accompanying hazards.

3.33.1.2 In doing so, the flood zone is intended to:

- 3.33.1.2.1 protect life, health and property;
- 3.33.1.2.2 minimize expenditures of public funds for costly flood control projects;
- 3.33.1.2.3 minimize rescue and relief efforts;
- 3.33.1.2.4 minimize business interruptions and loss of local income; minimize damage to public facilities in the floodway such as water mains, 3.33.1.2.5 sewer lines, streets and bridges; and provide for public awareness of the flood hazards potential.

3.33.1.3 Additions, new construction or other improvements or developments that would obstruct or divert the flow of water within the flood zone will be prohibited.

3.33.1.4 Land uses with low flood-damage potential and no obstructing flood flows will be allowed to the extent that they are not prohibited by other legislation.

#### **3.33.2 Application**

The provisions of this Subsection shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program, as shown on the Flood Hazard Map.

#### **3.33.3 Permitted Uses**

All permitted uses in the underlying district, unless prohibited in Subsection 3.33.5, shall be permitted.

#### **3.33.4 Discretionary Uses**

All discretionary uses in the underlying district, unless prohibited in Subsection 3.33.5, shall be discretionary.

#### **3.33.5 Prohibited Uses**

- 3.33.5.1 Prohibited development includes:
  - 3.33.5.1.1 excavation or fill; and
  - 3.33.5.1.2 new construction.

3.33.5.2 Excavation or fill may be permitted where it is certified by a professional engineer licensed to practice in the Province of Saskatchewan that it will not obstruct or divert the flow of water within the flood zone.

3.33.5.3 New construction may be permitted where:

3.33.5.3.1 it is certified by a professional engineer licensed to practice in the Province of Saskatchewan that it shall not increase flood levels during the occurrence of the 1:500 flood discharge;

3.33.5.3.2 it is certified by a professional engineer licensed to practice in the Province of Saskatchewan that the structure meets the requirements of proper flood proofing and is able to withstand the effects of floodwaters without experiencing flood damage; and

3.33.5.3.3 it is approved by the General Manager.

### 3.33.6 Development Standards

The development standards shall be those in the underlying district.

## 3.34 **Flood Fringe** (Bylaw #2 – 2005)

### 3.34.1 Intent

3.34.1.1 The flood fringe is designed to reduce flood losses by prescribing performance regulations for the development of structures in the areas which could be subject to periodic flooding and accompanying hazards.

3.34.1.2 The flood fringe recognizes the area where meeting the 1:500 year event flood elevation may be impractical, and partial protection is provided by landscaping.

3.34.1.3 The flood fringe is intended to:

3.34.1.3.1 protect life, health and property;

3.34.1.3.2 minimize expenditures of public funds for costly flood control projects;

3.34.1.3.3 minimize rescue and relief efforts;

3.34.1.3.4 minimize business interruptions and loss of local income; and

3.34.1.3.5 provide for public awareness of the flood hazard potential.

### 3.34.2 Application

The provisions of this Subsection shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program, and shown on the Flood Hazard Map.

### 3.34.3 Permitted Uses

All permitted uses in the underlying district shall be permitted.

### 3.34.4 Discretionary Uses

All discretionary uses in the underlying district shall be discretionary.

### 3.34.5 Development Standards

The development standards shall be those in the underlying district.

### 3.34.6 Additional Standards

3.34.6.1 Except as provided in Subsection 3.37.6(b), all new construction shall be constructed with the finished floor at the 1:500 year event flood elevation where practicable, at the discretion of the Building Inspector.

3.34.6.2 Recognizing that landscaping may not provide complete protection, new construction with the finished floor as close to the 1:500 year event flood elevation as practicable, at the discretion of the Building Inspector.

3.34.6.3 New construction, additions and substantial improvements which do not have a finished floor elevation at the 1:500 year event flood elevations shall comply with the flood proofing requirements of Subsection 3.36.5(c).

### 3.35 **Flood Hazard Warning and Disclaimer of Liability** (Bylaw #2 – 2005)

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

### 3.36 **Residential Care Facilities and Day Care Centers** (Bylaw #4 - 2011)

3.36.1 The Residential Care Facility or Day Care Center shall be of a size, scale and outward appearance of any adjoining residential dwelling or otherwise shall be situated and screened in such a way as to not interfere with the neighborhood character.

3.36.2 The Residential Care Facility or Day Care Center shall provide for landscaping that is compatible with the neighboring residential properties and consistent with the character of the neighborhood.

3.36.3 Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

### 3.37 **Custodial Care Facilities** (Bylaw #4 - 2011)

3.37.1 The Custodial Care Facility shall be of a size, scale and outward appearance of any adjoining residential dwelling or otherwise shall be situated and screened in such a way as to not interfere with the neighborhood character.

3.37.2 The Custodial Care Facility shall provide for landscaping that is compatible with the neighboring residential properties and consistent with the character of the neighborhood.

3.37.3 Custodial Care Facilities shall not be permitted within 300 metres of a public park, school, day care, kindergarten, or nursery school.

3.37.4 Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

3.38 **Change of Use(s)**

3.38.1 Every zone district is intended to have an identified range of permitted principal uses and discretionary uses allowed with approval. There are property development standards associated with these uses that must be met to allow such uses to be within a building or a site. For existing structures or properties it might be the expansion or intensification of the uses to occupy more space or expand structures to accommodate the change(s). The City needs to authorize these allowances.

3.38.2 Changes of use with or without structural changes involved to existing buildings or alterations of open land areas may still trigger the need for all affected departments to comment on the allowance for health and safety reasons, or zoning property development standards.

3.38.3 All property owners seeking a change of use for their property or within buildings and structures on the site, must seek approval from the authority having jurisdiction for the changes that are proposed before they occur. The changes may warrant the need for additional approvals or permits, and/or site planning considerations to meet applicable property development standards.

3.38.4 The change of use(s) may also warrant the need to obtain a license permit or a change to an existing license permit.

3.38.5 The authority having jurisdiction shall provide for an application form and procedure for review, with or without a fee for such review at the determination of Council, for the purpose of consideration of all changes of use for action by the authority having jurisdiction.

**PART FOUR LAND USE DISTRICTS**

**4.1 Establishment of Districts**

For the purpose of providing the amenity of the area, being the entire area within the limits of the City, and for the health, safety and general welfare of the inhabitants thereof, the City is hereby divided into the following types of districts:

<u>Reserve</u>	
Urban Reserve	UR
Reserve Residential	R-R
Reserve Industrial	R-M
Reserve Commercial	R-C
<u>Parkway</u>	
	PW
<u>Residential</u>	
Single-Detached Dwelling Residential	R1
Single-Detached Dwelling Residential	R1A
Two-Unit Dwelling Residential	R2
Multiple-Unit Dwelling Residential	R3
Mobile/Manufactured Home Dwelling Residential	R4
Small Lot Dwelling Residential	R5
Single-Detached Small Lot Residential and Townhouse Residential	R6
<u>Commercial</u>	
Central Commercial	C1
Neighborhood Commercial	C2
Highway Commercial	C3
Shopping Center Commercial	C4
<u>Industrial</u>	
Light Industrial	M1
Heavy Industrial	M2
<u>Direct Control</u>	
DC	
<u>Direct Control District No. 1</u> for Cypress Point Community	
	DC1-R2
<small>(Bylaw 7-2018)</small>	
<u>Direct Control District</u> For Central Downtown District	
	DC2-C1
<u>Transitional</u>	
	T1
<u>Contract Zone</u>	
	CZ

**4.2 Zoning Map**

The said districts are bounded as shown on the Zoning Map, which forms an integral part of this Bylaw. The smaller grid maps have been included for information only and shall have no legal status.

### **4.3 Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- 4.3.1 Where district boundaries are indicated as approximately following the center lines or right-of-ways of streets or lanes, such center lines, or right-of-ways shall be construed to be such boundaries;
- 4.3.2 Where district boundaries are so indicated that they approximately follow the lot lines or quarter section lines, such lot lines or quarter section lines shall be construed to be the said boundaries;
- 4.3.3 Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the corner line or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map;
- 4.3.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 4.3.5 Where the boundary of a district follows the shoreline of a river or other permanent body of water, the boundary line shall be construed as following the normal high water elevation; and
- 4.3.6 Where the boundary line or limit of a district appears on the Zoning Map to divide or be within an unsubdivided area of land or parcel, block, or lot as shown on a registered plan, and where this boundary line or limit of the district is not indicated by a specific dimension or descriptive note, then the boundary line or limit of the district shall be fixed by the scale of the Zoning Map.

#### **4.4 UR - Urban Reserve District**

##### **4.4.1 Statement of Intent**

To ensure that land required for future urban development is protected from premature subdivision and development until such time as urban development of the land can proceed in an orderly fashion consistent with the Development Plan Bylaw. Specifically, the district is intended to:

- 4.4.1.1 Provide for the orderly transition of agricultural land to other uses in areas planned for urban development;
- 4.4.1.2 Defer urban development until the City determines that adequate public facilities can be provided in an efficient and cost effective manner; and
- 4.4.1.3 Ensure that future urban development is in accordance with local land use policies.

##### **4.4.2 Permitted Principal Uses (Bylaw #7 - 2024)**

Subject to all other provisions of this Bylaw in a UR - District, only the following uses of land and buildings shall be permitted:

- 4.4.2.1 accessory buildings and/or uses including only one (1) single-detached dwelling accessory to the principal use and occupied by the owner, caretaker, or manager of the principal use;
- 4.4.2.2 curling rinks;
- 4.4.2.3 existing agricultural uses;
- 4.4.2.4 fair and/or exhibition grounds;
- 4.4.2.5 outdoor recreation including sports fields, parks, golf courses, skating rinks, and/or other similar uses ;
- 4.4.2.6 parking lots;
- 4.4.2.7 public works.
- 4.4.2.8 existing mobile homes

##### **4.4.3 Discretionary Uses**

The following discretionary uses of land and buildings may be permitted:

- 4.4.3.1 cemeteries;
- 4.4.3.2 crematoriums;
- 4.4.3.3 greenhouses;
- 4.4.3.4 gun clubs;
- 4.4.3.5 home-based businesses;
- 4.4.3.6 kennels;
- 4.4.3.7 market gardens;
- 4.4.3.8 tourist campsites;
- 4.4.3.9 religious institutions;
- 4.4.3.10veterinary clinics;
- 4.4.3.11veterinary hospitals.

#### 4.4.4 Regulations

No future subdivision or development shall be permitted unless the subdivision or development is for one of the permitted uses or approved discretionary uses allowed in this district which, in the opinion of Council, will not prejudice the future economical subdivision, development or servicing of land. A written application including a site plan showing all buildings and structures shall be filed with the authority having jurisdiction prior to Council's consideration of the subdivision development.

#### 4.4.5 Rezoning of Land

Proposed rezoning of land from UR - District to another land use shall be considered only where the rezoning would be in conformity with the Development Plan Bylaw and on the basis of an overall plan for the area. The proposed development in the opinion of Council shall constitute orderly and economic development with regard to adjacent land uses, and future service requirements such as roads, schools and utilities.

- 4.4.6 The authority having jurisdiction shall determine development standards for yard setbacks, site width, area, building height, etc.

#### 4.5 **R - Reserve District (Residential (R), Commercial (C), Industrial (M))**

##### 4.5.1 Statement of Intent

To ensure that lands required for future urban development of an identified type of land use are regulated such that development of the intended usage may proceed in an orderly and well planned manner consistent with the Development Plan Bylaw. The type of intended future development is specified by a suffix to the Reserve District symbol prefix (for example: R-R, R-C, R-M).

##### 4.5.2 Permitted Principal Uses

Subject to all other provisions of this Bylaw, in a R - District, only the following uses shall be permitted:

- 4.5.2.1 accessory buildings and/or uses including only one (1) single-detached dwelling accessory to the principal use and occupied by the owner, caretaker, or manager of the principal use;
- 4.5.2.2 existing agricultural uses;
- 4.5.2.3 outdoor recreation including sports fields, parks, golf courses, skating rinks, and/or other similar uses;
- 4.5.2.4 parking lots;
- 4.5.2.5 public works.

##### 4.5.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.5.3.1 cemeteries;
- 4.5.3.2 crematoriums;
- 4.5.3.3 greenhouses;
- 4.5.3.4 gun clubs;
- 4.5.3.5 home-based businesses;
- 4.5.3.6 kennels;
  
- 4.5.3.7 market gardens;
- 4.5.3.8 resource extractions;
- 4.5.3.9 tourist campsites;
- 4.5.3.10 veterinary clinics;
- 4.5.3.11 veterinary hospitals;

##### 4.5.4 Regulations

- 4.5.4.1 No future subdivision or development shall be permitted unless the subdivision or development is for one of the permitted uses or approved discretionary uses allowed in this district which, in the opinion of Council, will not prejudice the future economical subdivision, development or servicing of the land.
- 4.5.4.2 A minimum site area of 4.0 hectares is required.

#### 4.5.5 Rezoning of Land

Proposed rezoning of land from a Reserve District to a Residential, Commercial, or Industrial District shall be considered only where the rezoning would be in conformity with the Development Plan Bylaw and on the basis of an overall plan for the area. The proposed development shall, in the opinion of Council, constitute orderly and economic development with regard to adjacent land uses, and future service requirements such as roads, schools, and utilities.

#### 4.6 **PW - Parkway District**

##### 4.6.1 Statement of Intent

To recognize lands within the City designated for active and passive park uses and to regulate the use and development of these lands for active and passive park and recreation purposes.

##### 4.6.2 Permitted Principal Uses

In a PW - District only the following uses of land and buildings shall be permitted:

- 4.6.2.1 accessory buildings and/or uses to existing residential, commercial or industrial buildings and/or uses;
- 4.6.2.2 bird watching areas;
- 4.6.2.3 bocci fields;
- 4.6.2.4 canoeing, non-motorized boating;
- 4.6.2.5 children's playgrounds;
- 4.6.2.6 cross country skiing trails;
- 4.6.2.7 croquet courts;
- 4.6.2.8 cycling paths;
- 4.6.2.9 gardening areas;
- 4.6.2.10 greenhouses;
- 4.6.2.11 golf courses;
- 4.6.2.12 horseshoe pitches;
- 4.6.2.13 lawn bowling greens;
- 4.6.2.14 nature areas;
- 4.6.2.15 picnicing areas;
- 4.6.2.16 social gathering facilities;
- 4.6.2.17 residential, commercial or industrial buildings and/or uses existing prior to the effective date of this Bylaw;
- 4.6.2.18 walking, hiking, and/or jogging trails.

##### 4.6.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.6.3.1 archery ranges;
- 4.6.3.2 cricket fields;
- 4.6.3.3 curling rinks;
- 4.6.3.4 exhibition grounds;
- 4.6.3.5 field hockey fields;
- 4.6.3.6 football fields;
- 4.6.3.7 hospitals;
- 4.6.3.8 ice hockey rinks;
- 4.6.3.9 interpretive, recreational and/or cultural centers;
- 4.6.3.10 libraries;
- 4.6.3.11 rugby fields;
- 4.6.3.12 soccer fields;
- 4.6.3.13 softball and/or baseball fields;
- 4.6.3.14 shooting ranges;

- 4.6.3.15 tennis courts;
- 4.6.3.16 track and field facilities;
- 4.6.3.17 other recreational uses.

#### 4.6.4 Development Regulations for Existing Residential and Industrial Uses

Development regulations respecting existing residential, commercial and industrial uses shall be as follows:

- 4.6.4.1 Residential - as specified in regulations of the R2 - District;
- 4.6.4.2 Commercial – as specified in regulations of the C1 – District;
- 4.6.4.3 Industrial - as specified in regulations of the M1 - District.

#### 4.6.5 Minimum Site Area

A site area shall be provided of not less than 540 square metres.

#### 4.6.6 Minimum Setbacks

All uses unless otherwise specified – no minimum

- 4.6.6.1 Residential – as specified in a R2 - District;
- 4.6.6.2 Commercial – as specified in a C1 - District;
- 4.6.6.3 Industrial – as specified in a M1 - District.

#### 4.6.7 Height

For all buildings, unless otherwise specified, the maximum height permitted shall be 6.0 metres.

- 4.6.7.1 Residential – as specified in a R2 - District;
- 4.6.7.2 Commercial – as specified in a C1 - District;
- 4.6.7.3 Industrial – as specified in a M1 - District.

#### 4.6.8 Fences

No wall, fence or other structure shall be erected either on any site line or within any required yard to a height more than 2.5 metres above the adjacent grade level, excluding the provisions of regulations in the City Fence Bylaw or if located in the site triangle.

#### 4.6.9 Outside Storage

Any storage outside of a building shall be suitably screened from public view.

#### 4.6.10 Landscaping

- 4.6.10.1 A landscaping plan shall be submitted indicating all physical features including both existing and proposed grades, planting, and construction material.

- 4.6.10.2 The quality and extent of the landscaping shall be maintained in a neat and tidy condition on the site for the life of the development.
- 4.6.10.3 Natural landscaping shall be retained where possible, and if natural landscaping is replaced it shall be replaced with a high standard of landscaping.
- 4.6.10.4 All plant materials shall be of a species capable of healthy growth in the local climate.
- 4.6.10.5 Coniferous trees should comprise a proportion of all trees.
- 4.6.10.6 Whenever space permits, trees and/or shrubs shall be planted in groups.
- 4.6.10.7 Large uninterrupted wall areas shall be softened in appearance by screening through the use of appropriate landscaping.
- 4.6.10.8 Large expansive parking lots shall be partially screened through the use of appropriate landscaping.
- 4.6.10.9 The landscaping area shall be developed within one (1) year of the substantial completion of the development.

4.6.11 Existing Residential and Industrial Uses

It is the City's intent to allow all uses existing at the effective date of this Bylaw to continue and include their redevelopment.

#### 4.7 **R1 and R1A - Single-Detached Dwelling Residential District**

##### 4.7.1 Statement of Intent

To establish and preserve quiet, low density residential neighborhoods free from other uses except those which are compatible with such a district.

##### 4.7.2 Permitted Principal Uses

In a R1 and R1A - District, only the following uses of land and buildings shall be permitted:

- 4.7.2.1 home-based businesses;
- 4.7.2.2 parks and/or playgrounds;
- 4.7.2.3 single-detached dwellings;
- 4.7.2.4 the keeping of not more than two (2) boarders.
- 4.7.2.5 Residential Care Facilities Type I. (*Bylaw #4-2011*)

##### 4.7.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.7.3.1 educational institutions;
- 4.7.3.2 library and/or cultural institutions;
- 4.7.3.3 nursery schools, kindergartens and/or day care centers;
- 4.7.3.4 parking lots;
- 4.7.3.5 religious institutions.

##### 4.7.4 Minimum Site Area

- 4.7.4.1 single-detached dwellings, nursery schools, kindergartens, day care centers and parking lots – 465.0 square metres.
- 4.7.4.2 recreational uses, institutional uses - 930.0 square metres.

##### 4.7.5 Minimum Site Frontage

- 4.7.5.1 single-detached dwellings:
  - 4.7.5.1.1 rectangular lots - 15.0 metres with a minimum depth of 30.0 metres;
  - 4.7.5.1.2 non-rectangular lots - 11.0 metres with a minimum mean width of 15.0 metres and a minimum mean depth of 30.0 metres.
- 4.7.5.2 nursery schools, kindergartens, day care centers and parking lots - 15.0 metres.
- 4.7.5.3 recreational uses, institutional uses - 30.0 metres.

##### 4.7.6 Minimum Front Yard

- 4.7.6.1 A front yard shall be provided of not less than:

4.7.6.1.1 9.0 metres in an R1 - District; or

4.7.6.1.2 7.0 metres in an R1A - District.

4.7.6.2 For sites 33.0 metres or less in depth, or where the exceptional shape, contour, topographical features or any other unspecified condition of the site, the front yard may be reduced but in no case shall it be less than 6.0 metres in depth.

4.7.6.3 For residential lots having frontage curving inward with a radius of less than 28.0 metres, the actual minimum required front yard shall be calculated as follows but in no case shall it be less than 6.0 metres in depth:

$A = M - [(C/T) \times (M - 6.0 \text{ metres})]$  Where:

A = Actual required front yard in metres

M = Minimum required front yard in metres

(9.0 metres in an R1 - District) (7.0 metres in an R1A -District)

C = Curved frontage distance in metres (length of the arc)

T = Total frontage in metres

#### 4.7.7 Minimum Side Yard

4.7.7.1 Single-detached dwellings, nursery schools, kindergartens and day care centers 1.5 metres except on a corner site along the flanking street a side yard shall not be less than 3.0 metres.

4.7.7.2 Parking lots - 1.0 metre.

4.7.7.3 All other permitted or discretionary uses - 3.0 metres or a distance one half (1/2) the height of the principal building whichever is greater.

#### 4.7.8 Minimum Rear Yard

4.7.8.1 Single-detached dwellings:

4.7.8.1.1 interior sites - 7.6 metres;

4.7.8.1.2 corner sites - 4.6 metres.

4.7.8.1.3 in the case of an attached garage, the rear yard for the said garage shall be not less than 1.5 metres.

4.7.8.2 Parking lots - none required.

4.7.8.3 All other permitted or discretionary uses - 7.6 metres or 25% of the depth of the site, whichever is greater.

#### 4.7.9 Minimum Floor Area

The minimum floor area for a single-detached dwelling shall be not less than 80.0 square metres for a one (1) or two (2) bedroom dwellings and 9.5 square metres for each additional bedroom.

#### 4.7.10 Height

The height of a principal building shall not exceed 11.0 metres, and shall not be more than two and one half (2 1/2) storeys except for buildings as permitted under Section 3.19 of this Bylaw.

#### 4.7.11 Open Space

An open space shall be provided of not less than 60% of the area of the site; provided however, that where a roofed private swimming pool or patio, either attached to the principal building or as an accessory building is constructed, such space requirement may be reduced by the percentage of the area of the site covered by such roofed swimming pool or patio, but in no case shall the total open space be less than 50%.

#### 4.7.12 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the provisions of Section 3.8 and the following:

- 4.7.12.1 A private garage or other accessory buildings exceeding 6.0 square metres in area shall require a minimum side yard and rear yard of 1.5 metres, unless otherwise permitted in this Section;
- 4.7.12.2 Private garages or other accessory buildings exceeding 6.0 square metres in area and situated not less than 3.0 metres behind the rear building line shall be permitted a minimum side yard of 0.7 metres, when constructed of concrete block, brick or protected frame. The protected frame construction shall be as follows:
- 4.7.12.2.1 concrete footings and floor; and
- 4.7.12.2.2 the complete interior finished with two (2) layers of 12.7 mm gypsum wall board or one (1) layer of 16 mm fire resistant "Type X" gypsum wall board.
- However, where the side yard abuts a flanking lane; concrete block, brick or protected frame shall not be required.
- 4.7.12.3 Private garages or other accessory buildings exceeding 6.0 square metres and not entered from the rear shall be permitted a minimum rear yard of 0.6 metres when constructed of concrete block, brick, or protected frame. However, where the rear yard abuts a lane, concrete block, brick or protected frame shall not be required.
- 4.7.12.4 Non-commercial greenhouses, tool sheds for storage of household or maintenance tools and equipment or similar accessory buildings 6.0 square metres or less in area and situated not less than 3.0 metres behind the rear building line shall be permitted to be constructed with no minimum side or rear yard. Provided however, that no roof, eaves or gutters extend past the site line.
- 4.7.12.5 A roofed swimming pool or patio shall be considered as an accessory building or use;
- 4.7.12.6 Only one (1) private kennel shall be permitted subject to provisions of Subsection 3.23.2.

4.7.13 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

4.7.14 Location of Off-Street Parking

4.7.14.1 side and rear yards may be used for the purpose of providing required off- street parking spaces.

4.7.14.2 except for dwellings, front yards shall not be used for the purpose of providing required off-street parking spaces.

4.7.15 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

(Bylaw No. 4 – 2009)

#### **4.7a R1S - Single-Detached Small Lot Dwelling Residential District**

##### 4.7a.1 Statement of Intent

To establish and preserve quiet, low density small lot residential neighborhoods free from other uses except those which are compatible with such a district.

##### 4.7a.2 Permitted Principal Uses

In a R1S – District, only the following uses of land and buildings shall be permitted:

- 4.7a.2.1 home-based businesses;
- 4.7a.2.2 parks and/or playgrounds;
- 4.7a.2.3 single-detached dwellings;
- 4.7a.2.4 the keeping of not more than two (2) boarders.
- 4.7a.2.5 Residential Care Facilities Type I. (Bylaw #4-2011)

##### 4.7a.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.7a.3.1 educational institutions;
- 4.7a.3.2 library and/or cultural institutions;
- 4.7a.3.3 nursery schools, kindergartens and/or day care centers;
- 4.7a.3.4 parking lots;
- 4.7a.3.4 religious institutions.

##### 4.7a.4 Minimum Site Area

- 4.7a.4.1 single-detached dwellings, nursery schools, kindergartens, day care centers and parking lots – 385.0 square metres.
- 4.7a.4.2 recreational uses, institutional uses – 930.0 square metres.

##### 4.7a.5 Minimum Site Frontage

- 4.7a.5.1 single-detached dwellings:
  - 4.7a.5.1.1 rectangular lots – 12.8 metres with a minimum depth of 30.0 metres;
  - 4.7a.5.1.2 non-rectangular lots – 9.0 metres with a minimum mean width of 12.8 metres and a minimum mean depth of 30.0 metres.
- 4.7a.5.2 nursery schools, kindergartens, day care centers and parking lots – 15.0 metres.
- 4.7a.5.3 recreational uses, institutional uses – 30.0 metres.

#### 4.7a.6 Minimum Front Yard

4.7a.6.1 A front yard shall be provided of not less than 6.0m.

#### 4.7a.7 Minimum Side Yard

4.7a.7.1 Single-detached dwellings, nursery schools, kindergartens and day care centers 1.2 metres except on a corner site along the flanking street a side yard shall not be less than 3.0 metres.

4.7a.7.2 Parking lots – 1.0 metre.

4.7a.7.3 All other permitted or discretionary uses – 3.0 metres or a distances one half (1/2) the height of the principal building whichever is greater.

#### 4.7a.8 Minimum Rear Yard

4.7a.8.1 Single-detached dwellings:

4.7a.8.1.1 interior sites – 7.6 metres;

4.7a.8.1.2 corner sites – 4.6 metres;

4.7a.8.1.3 in the case of an attached garage, the rear yard for the said garage shall not be less than 1.5 metres.

4.7a.8.2 Parking lots – none required.

4.7a.8.3 All other permitted or discretionary uses – 7.6 metres or 25% of the depth of the site, whichever is greater.

#### 4.7a.9 Minimum Floor Area

The minimum floor area for a single-detached dwelling shall be not less than 80.0 square metres for one (1) or two (2) bedroom dwellings and 9.5 square metres for each additional bedroom.

#### 4.7a.10 Height

The height of a principal building shall not exceed 11.0 metres, and shall not be more than two and one half (2 ½) storeys except for buildings as permitted under Section 3.19 of this Bylaw.

#### 4.7a.11 Open Space

An open space shall be provided of not less than 50% of the area of the site; provided however, that where a roofed private swimming pool or patio, either attached to the principal building or as an accessory building is constructed, such space requirement may be reduced by the percentage of the area of the site covered by such roofed swimming pool or patio, but in no case shall the total open space be less than 45%.

#### 4.7a.12 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the provisions of Section 3.8 and the following:

- 4.7a.12.1 A private garage or other accessory buildings exceeding 6.0 square metres in area shall require a minimum side yard and rear yard of 1.5 metres, unless otherwise permitted in this Section;
- 4.7a.12.2 Private garages or other accessory buildings exceeding 6.0 square metres in area and situated not less than 3.0 metres behind the rear building line shall be permitted a minimum side yard of 0.7 metres, when constructed of concrete block, brick or protected frame. The protected frame construction shall be as follows:
  - 4.7a.12.2.1 concrete footings and floor; and
  - 4.7a.12.2.2 the complete interior finished with two (2) layers of 12.7 mm gypsum wall board or one (1) layer of 16 mm fire resistant "Type X" gypsum wall board.

However, where the side yard abuts a flanking lane; concrete block, brick or protected frame shall not be required.
- 4.7a.12.3 Private garages or other accessory buildings exceeding 6.0 square metres and not entered from the rear shall be permitted a minimum rear yard of 0.6 metres when constructed of concrete block, brick, or protected frame. However, where the rear yard abuts a lane, concrete block, brick or protected frame shall not be required.
- 4.7a.12.4 Non-commercial greenhouses, tool sheds for storage of household or maintenance tools and equipment or similar accessory buildings 6.0 square metres or less in area and situated not less than 3.0 metres behind the rear building line shall be permitted to be constructed with no minimum side or rear yard provided however, that no roof, eaves or gutters extend past the site line.
- 4.7a.12.5 A roofed swimming pool or patio shall be considered as an accessory building or use;
- 4.7a.12.6 Only one (1) private kennel shall be permitted subject to provisions of Subsection 3.23.2.

#### 4.7a.13 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

#### 4.7a.14 Location of Off-Street Parking

- 4.7a.14.1 side and rear yards may be used for the purpose of providing required off-street parking spaces.
- 4.7a.14.2 except for dwellings, front yards shall not be used for the purpose of providing required off-street parking spaces.

4.7a.15 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

## 4.8 **R2 – Low Density Multi-Unit Dwelling Residential District**

### 4.8.1 Statement of Intent

To establish and preserve quiet, medium density residential neighborhoods free from other uses except those which are compatible with such a district.

### 4.8.2 Permitted Principal Uses

In an R2 - District only the following uses of land and buildings shall be permitted:

- 4.8.2.1 home-based businesses;
- 4.8.2.2 library and/or cultural institutions;
- 4.8.2.3 multiple-unit dwellings not exceeding six (6) units;
- 4.8.2.4 parks and/or playgrounds;
- 4.8.2.5 Residential Care Facilities Type I; (*Bylaw #4-2011*)
- 4.8.2.6 religious institutions;
- 4.8.2.7 semi-detached dwellings;
- 4.8.2.8 single-detached dwellings;
- 4.8.2.9 the keeping of not more than five (5) boarders;
- 4.8.2.10 two-unit dwellings.

### 4.8.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.8.3.1 bed and breakfasts;
- 4.8.3.2 cemeteries;
- 4.8.3.3 educational institutions;
- 4.8.3.4 funeral homes;
- 4.8.3.5 hospitals;
- 4.8.3.6 neighborhood grocery stores and confectioneries with or without a residence built on the premises;
- 4.8.3.7 nursery schools, kindergartens, and/or day care centers;
- 4.8.3.8 parking lots;
- 4.8.3.9 the keeping of more than five (5) boarders;
- 4.8.3.10 Residential Care Facilities Type II; (*Bylaw #4-2011*)
- 4.8.3.11 Custodial Care Facilities; (*Bylaw #4-2011*)
- 4.8.3.12 Commercial Schools. (*Bylaw #9-2012*)

### 4.8.4 Minimum Site Area

- 4.8.4.1 single-detached and, two-unit dwellings – 370.0 square metres if served by a lane, otherwise 465.0 square metres.
- 4.8.4.2 semi-detached dwellings – 230.0 square metres per dwelling unit if served by a lane, otherwise 280.0 square metres per dwelling unit.
- 4.8.4.3 multiple-unit dwellings:
  - 4.8.4.3.1 up to four (4) units – 465.0 square metres;

4.8.4.3.2 five (5) or six (6) units – 560.0 square metres.

4.8.4.4 nursery schools, kindergartens, day care centers and parking lots – 465.0 square metres.

4.8.4.5 all other permitted and discretionary uses - 930.0 square metres.

#### 4.8.5 Minimum Site Frontage

4.8.5.1 single-detached and two-unit dwellings:

4.8.5.1.1 rectangular lots - 12.0 metres if served by a lane otherwise 15.0 metres;

4.8.5.1.2 non-rectangular lots - 11.0 metres with a minimum mean width of 15.0 metres;

4.8.5.1.3 where an existing lot is outside the Inner City Area and is non-conforming in the frontage and/or site area permit a lesser frontage and/or area than specified above but in no case shall the frontage be less than 11.0 metres nor the area less than 350.0 square metres;

4.8.5.1.4 where an existing lot is within the Inner City Area and is non-conforming, the City shall permit development of single-detached dwellings as indicated in Section 3.20 of this Bylaw, provided that the minimum setbacks as provided in Section 3.20 and in this district are adhered to.

4.8.5.2 semi-detached dwellings - 7.6 metres per dwelling unit where served by a lane, otherwise 11.0 metres.

4.8.5.3 multiple-unit family dwellings:

4.8.5.3.1 up to four (4) units - 15.0 metres;

4.8.5.3.2 five (5) or six (6) units - 18.0 metres.

4.8.5.4 nursery schools, kindergartens, day care centers, parking lots -15.0 metres.

4.8.5.5 all other permitted or discretionary uses - 30.0 metres.

#### 4.8.6 Minimum Front Yard

4.8.6.1 a front yard shall be provided of not less than 7.0 metres in depth.

4.8.6.1.1 for residential lots having frontage curving inward with a radius of less than 28.0 metres, the actual minimum required front yard shall be calculated as follows but in no case shall it be less than 6.0 metres in depth:

$$A = M - [(C/T) \times (M - 6.0 \text{ metres})]$$

Where:

A = Actual required front yard in metres

M = Minimum required front yard in metres (7.0 metres)

C = Curved frontage distance in metres (length of the arc) T = Total frontage in metres

#### 4.8.7 Minimum Side Yard

4.8.7.1 single-detached dwellings, two-unit dwellings, semi-detached dwellings, multiple-unit dwellings, nursery schools, kindergartens and day care centers - 1.5 metres except on a corner site along the flanking street a side yard shall not be less than 3.0 metres.

4.8.7.2 No side yard shall be required for the interior common walls separating the dwelling units in semi-detached dwellings.

4.8.7.3 parking lots – 1.0 metre.

4.8.7.4 all other permitted and discretionary uses - 3.0 metres or a distance one half (1/2) the height of the building whichever is greater.

#### 4.8.8 Minimum Rear Yard

4.8.8.1 single-detached, two-unit, semi-detached and multiple-unit dwellings:

4.8.8.1.1 interior sites - 7.6 metres;

4.8.8.1.2 corner sites - 4.6 metres;

4.8.8.1.3 in case of an attached garage, the rear yard for the said garage shall not be less than 1.5 metres.

4.8.8.2 parking lots - none required.

4.8.8.3 all other permitted or discretionary uses 7.6 metres or 25% of the depth of the site, whichever is greater.

#### 4.8.9 Minimum Floor Area

4.8.9.1 single-detached, two-unit, and semi-detached dwellings shall have a minimum of 70.0 square metres for one (1) or two (2) bedroom dwellings and 9.5 square metres for each additional bedroom.

4.8.9.2 a multiple-unit dwelling shall have a minimum of 37.0 square metres for a one (1) bedroom dwelling unit and 9.0 square metres for each additional bedroom.

#### 4.8.10 Height

The height of a principal building shall not exceed 11.0 metres and shall not be more than two and one half (2 1/2) storeys except for buildings as permitted under Section 3.19 of this Bylaw.

#### 4.8.11 Open Space

(Bylaw No. 9-2015)

An open space shall be provided of not less than 60% of the area of the site; provided, however, that where a roofed private swimming pool, patio, or

enclosed parking either attached to the principal building or as an accessory building is constructed, such open space requirement may be reduced by the percentage of the area of the site covered by such roofed swimming pool or patio; but in no case shall the total open space be less than 50%.

#### 4.8.12 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the provisions of Section 3.8 and the following:

- 4.8.12.1 A private garage or other accessory building exceeding 6.0 square metres in area shall require a minimum side yard and rear yard of 1.5 metres, unless otherwise permitted in this Section;
- 4.8.12.2 Private garages or other accessory buildings exceeding 6.0 square metres in area and situated not less than 3.0 metres behind the rear building line shall be permitted a minimum side yard of 0.7 metres, when constructed of concrete block, brick or protected frame. The protected frame construction shall be as follows:
- 4.8.12.2.1 concrete footings and floor; and
  - 4.8.12.2.2 the complete interior finished with two (2) layers of 12.7 mm gypsum wall board or one (1) layer of 16 mm fire resistant "Type X" gypsum wall board.
- However, where the side yard abuts a flanking lane; concrete block, brick or protected frame shall not be required.
- 4.8.12.3 Private garages or other accessory buildings exceeding 6.0 square metres and not entered from the rear shall be permitted a minimum rear yard of 0.6 metres when constructed of concrete block, brick or protected frame. However, where the rear yard abuts a lane concrete block, brick or protected frame shall not be required.
- 4.8.12.4 Non-commercial greenhouses, tool sheds for storage or household or maintenance tools and equipment or similar accessory buildings 6.0 square metres or less in area and situated not less than 3.0 metres behind the rear building line shall be permitted to be constructed with no minimum side or rear yard. provided however, that no roof, eaves or gutters extend past the site line.
- 4.8.12.5 A roofed swimming pool or patio shall be considered as an accessory building or use;
- 4.8.12.6 Only one (1) private kennel shall be permitted subject to provisions of Subsection 3.23.2.

#### 4.8.13 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

4.8.14 Location of Off-Street Parking

- 4.8.14.1 only side and rear yards may be used for the purpose of providing required off-street parking spaces;
- 4.8.14.2 with the exception that single-detached, semi-detached, or two-unit dwellings may use front yards for such purpose.
- 4.8.14.3 no required off-street parking space shall be permitted closer than 1.5 metres to any window serving habitable rooms in any basement.

4.8.15 Off-Street Loading

For hospitals and special care homes, at least one (1) off-street loading space shall be provided for each 1,850.0 square metres of building.

4.8.16 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

## 4.9 **R3 – High Density Multi-Unit Dwelling Residential District**

### 4.9.1 Statement of Intent

To establish and preserve areas for high density residential development free from other uses except those which are compatible with such a district.

### 4.9.2 Permitted Principal Uses

In an R3 - District only the following uses of land and buildings shall be permitted:

- 4.9.2.1 all the buildings and/or uses permitted in Subsection 4.8.2 of an R2 - District;
- 4.9.2.2 boarding houses;
- 4.9.2.3 dormitories having not more than a total of fifteen (15) sleeping rooms, beds or rooming units;
- 4.9.2.4 dwelling groups;
- 4.9.2.5 educational institutions;
- 4.9.2.6 multiple-unit dwellings;
- 4.9.2.7 nursery schools, kindergartens and/or day care centers;
- 4.9.2.8 Residential Care Facilities, Type I and Type II; (*Bylaw #4-2011*)
- 4.9.2.9 private clubs;
- 4.9.2.10 terrace dwellings.

### 4.9.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.9.3.1 bed and breakfasts;
- 4.9.3.2 dormitories having more than fifteen (15) sleeping rooms, beds, or rooming units;
- 4.9.3.3 funeral homes;
- 4.9.3.4 hospitals;
- 4.9.3.5 local commercial directly adjacent to and accessible from an arterial street so designated on the Transportation Pattern (Map No. 3) of the City Development Plan Bylaw.
- 4.9.3.6 neighbourhood grocery stores and/or confectioneries with or without a residence built above;
- 4.9.3.7 museums;
- 4.9.3.8 parking lots;
- 4.9.3.9 restaurants.
- 4.9.3.10 Custodial Care Facilities. (*Bylaw #4-2011*)

### 4.9.4 Minimum Site Area

- 4.9.4.1 single-detached and two-unit dwellings - 370.0 square metres if served by a lane, otherwise 465.0 square metres.
- 4.9.4.2 semi-detached dwellings - 230.0 square metres per dwelling unit if served by a lane, otherwise 280.0 square metres per dwelling unit.

- 4.9.4.3 multiple-unit dwellings:
  - 4.9.4.3.1 up to four (4) units – 465.0 square metres
  - 4.9.4.3.2 five (5) or more units – 560.0 square metres
- 4.9.4.4 terrace dwellings - 745.0 square metres provided that the site area for each dwelling unit is not less than 185.0 square metres.
- 4.9.4.5 dwelling groups – 930.0 square metres.
- 4.9.4.6 all other permitted and discretionary uses – 465.0 square metres.

#### 4.9.5 Minimum Site Frontage

- 4.9.5.1 single-detached and two-unit dwellings:
  - 4.9.5.1.1 rectangular lots -12.0 metres if served by a lane, otherwise 15.0 metres;
  - 4.9.5.1.2 non-rectangular lots - 11.0 metres with a minimum mean width of 15.0 metres;
  - 4.9.5.1.3 where an existing lot is outside the Inner City Area and is non- conforming in the frontage and/or site area the City may permit a lesser frontage and/or area than specified above but in no case shall the frontage be less than 11.0 metres nor the area less than 350.0 square metres;
  - 4.9.5.1.4 where an existing lot is within the Inner City Area and is non- conforming, the City may permit development of single-detached dwellings as indicated in Section 3.20 of this Bylaw, provided that the minimum setbacks as provided in Section 3.20 and in this district are adhered to.
- 4.9.5.2 semi-detached dwellings - 7.6 metres per dwelling unit where served by a lane, otherwise 11.0 metres.
- 4.9.5.3 dwelling groups, schools, and educational institutions, hospitals and special care homes, museums, funeral homes - 30.0 metres.
- 4.9.5.4 terrace dwellings - 6.0 metres.
- 4.9.5.5 parking lots - 15.0 metres.
- 4.9.5.6 all other permitted and discretionary uses - 15.0 metres.

#### 4.9.6 Minimum Front Yard

- 4.9.6.1 single detached and two-unit dwellings 7.0 metres
- 4.9.6.2 for all other uses a front yard shall be provided of not less than 4.6 metres in depth.

#### 4.9.7 Minimum Side Yard

- 4.9.7.1 all permitted and discretionary uses shall be provided on each side of

a building of a width not less than 1.5 metres or one quarter (1/4) the height of the side wall of the building, whichever is the greater; except on a corner site along the flanking street the side yard shall not be less than 3.0 metres.

4.9.7.2 no side yard shall be required for the interior common walls separating the dwelling units in semi-detached dwellings.

4.9.7.3 parking lots – 1.0 metre.

#### 4.9.8 Minimum Rear Yard

4.9.8.1 All permitted or discretionary uses:  
4.9.8.1.1 interior sites - 7.6 metres;  
4.9.8.1.2 corner sites - 4.6 metres;  
4.9.8.1.3 in case of an attached garage, the rear yard for the said garage shall not be less than 1.5 metres.

4.9.8.2 parking lots - none required.

#### 4.9.9 Minimum Floor Area

4.9.9.1 Single-detached, two unit, semi-detached and terrance dwellings shall have a minimum of 70.0 square metres for one (1) or two (2) bedroom dwellings and 9.5 square metres for each additional bedroom.

4.9.9.2 A multiple-unit dwelling shall have a minimum of 37.0 square metres for a one (1) bedroom dwelling unit and 9.0 square meters for each additional bedroom.

#### 4.9.10 Height

The height of a principal building shall not exceed 15.0 metres except for buildings provided under Section 3.19 of this Bylaw.

#### 4.9.11 Open Space

4.9.11.1 an open space shall be provided of not less than 50% of the area of the site.

4.9.11.2 included on every site or building used in whole or in part for residential occupancy, there shall be a total area allotted to outdoor recreational use of at least 4.6 square metres for each dwelling unit. Such area shall not be permitted in any required front yard nor used in whole or in part for off- street parking or loading purposes.

#### 4.9.12 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the provisions of Section 3.8 and the following:

4.9.12.1 A private garage or other accessory buildings exceeding 6.0 square metres in area shall require a minimum side yard or rear yard of 1.5 metres, unless otherwise permitted in this Section;

4.9.12.2 Private garages or other accessory buildings exceeding 6.0 square metres in area and situated not less than 3.0 metres behind the rear building line shall be permitted a minimum side yard of 0.7 metres, when constructed of concrete block, brick or protected frame. The protected frame construction shall be as follows:

- 4.9.12.2.1 concrete footings and floor; and
- 4.9.12.2.2 the complete interior finished with two (2) layers of 12.7 mm gypsum wall board or one (1) layer of 16 mm fire resistant "Type X" gypsum wallboard.

However, where the side yard abuts a flanking lane; concrete block, brick or protected frame shall not be required.

4.9.12.3 Private garages or other accessory buildings exceeding 6.0 square metres are not entered from the rear shall be permitted a minimum rear yard of 0.6 metres when constructed of concrete block, brick or protected frame. However, where the rear yard abuts a lane concrete block, brick or protected frame shall not be required.

4.9.12.4 Non-commercial greenhouses, tool sheds for storage or household or maintenance tools and equipment or similar accessory buildings 6.0 square metres or less in area and situated not less than 3.0 metres behind the rear building line shall be permitted to be constructed with no minimum side or rear yard provided however, that no roof, eaves or gutters extend past the site line.

4.9.12.5 A roofed swimming pool or patio shall be considered as an accessory building or use;

4.9.12.6 Only one (1) private kennel shall be permitted subject to provisions of Subsection 3.23.2.

4.9.13 Off-Street Parking

Off-street parking spaces shall be provided for in accordance with Section 3.22 of this Bylaw.

4.9.14 Location of Off-Street Parking

4.9.14.1 only side and rear yards may be used for the purpose of providing required off-street parking spaces;

4.9.14.2 with the exception that single-detached, semi-detached, or two-unit dwellings may use front yards for such purpose.

4.9.14.3 no required off-street parking space shall be permitted closer than 1.5

metres to any window serving habitable rooms in any basement.

4.9.15 Off-Street Loading

4.9.15.1 for hospitals and special care homes, at least one (1) off-street loading space shall be provided for each 1,850.0 square metres of building.

4.9.15.2 for all other permitted or discretionary uses, at least one (1) off-street loading space shall be provided for every building exceeding three (3) storeys in height.

4.9.16 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

#### 4.10 **R4 - Mobile/Manufactured Home Dwelling Residential District**

##### 4.10.1 Statement of Intent

To establish areas for mobile/manufactured home residential development free from other uses except those which are compatible with such a district.

##### 4.10.2 Permitted Principal Uses

In an R4 - District, only the following uses of land and buildings shall be permitted:

- 4.10.2.1 campgrounds;
- 4.10.2.2 educational institutions;
- 4.10.2.3 library and/or cultural institutions;
- 4.10.2.4 mobile and/or manufactured homes;
- 4.10.2.5 mobile home parks;
- 4.10.2.6 nursery schools, kindergartens and/or day care centers;
- 4.10.2.7 parks and/or playgrounds;
- 4.10.2.8 religious institutions.
- 4.10.2.9 Residential Care Facilities Type I; (*Bylaw #4-2011*)

##### 4.10.3 Minimum Site Area

- 4.10.3.1 mobile/manufactured home parks - 370.0 square metres for each dwelling unit.
- 4.10.3.2 mobile/manufactured home subdivisions – 370.0 square metres per lot where served by a lane, otherwise 465.0 square metres.
- 4.10.3.3 parks and playgrounds, nursery schools, kindergartens and day care centers – 465.0 square metres.
- 4.10.3.4 all other permitted uses - 930.0 square metres.

##### 4.10.4 Minimum Site Frontage

- 4.10.4.1 mobile/manufactured home parks - 12.0 metres for each dwelling unit.
- 4.10.4.2 mobile/manufactured home subdivisions - 12.0 metres per lot where served by a lane, otherwise 15.0 metres.
- 4.10.4.3 parks and playgrounds, nursery schools, kindergartens and day care centers - 15.0 metres.
- 4.10.4.4 all other permitted uses - 30.0 metres.

##### 4.10.5 Minimum Front Yard

- 4.10.5.1 mobile/manufactured homes - 4.6 metres.

4.10.5.2 all other permitted uses - 7.0 metres.

#### 4.10.6 Minimum Side Yard

4.10.6.1 mobile/manufactured homes:

4.10.6.1.1 where there is no entrance door on the side of a mobile/manufactured home facing a side lot line, the side yard shall be not less than 1.5 metres;

4.10.6.1.2 on a corner site along the flanking street the side yard shall not be less than 3.0 metres provided that no entrance door fronts on the flanking street.

4.10.6.1.3 where the main or secondary entrance door on the long side of the mobile/manufactured home faces a side lot line or flanking street the side yard shall not be less than 4.6 metres;

4.10.6.1.4 where the main entrance door of a mobile/manufactured home faces the front lot line and where no lane is provided, one side yard shall be not less than 4.6 metres;

4.10.6.2 nursery schools, kindergartens and day care centers - 1.5 metres;

4.10.6.3 all other permitted uses - not less than one half (1/2) the height of the building, but such side yard shall not be less than 3.0 metres.

#### 4.10.7 Minimum Rear Yard

4.10.7.1 mobile/manufactured homes - 3.5 metres.

4.10.7.2 all other permitted uses - 7.6 metres or 25% of the site depth whichever is greater.

#### 4.10.8 Minimum Floor Area

Minimum floor area - 65.0 square metres.

#### 4.10.9 Height

The height of a principal building shall not exceed 11.0 metres, and shall not be more than two and one half (2 1/2) storeys except for buildings as permitted under Section 3.19 of this Bylaw.

#### 4.10.10 Open Space

An open space shall be provided of not less than 50% of the area of the site.

#### 4.10.11 Accessory Buildings or Structures

4.10.11.1 the following accessory buildings or structures are permitted:

4.10.11.1.1 one (1) carport or private garage not exceeding 6.0 metres wide by 7.5 metres deep perpendicular to the access street;

- 4.10.11.1.2 one (1) private storage building not more than 2.5 metres high by 3.0 metres long, by 2.5 metres wide;
- 4.10.11.1.3 porch, canopy, fuel tank covering and mobile/manufactured home skirting any of which shall be of a quality, design, and construction complementary to the principal structure.

4.10.11.2 detached accessory buildings 6.0 square metres or less in area and situated behind the rear building line of the principal building shall be permitted to be constructed with no minimum side or rear yard. Provided, however, that no roof, eaves or gutters extend past the site line.

#### 4.10.12 Additions

Every mobile/manufactured home may have additions, provided that:

- 4.10.12.1 the required yards are maintained, and;
- 4.10.12.2 the construction conforms to the City Building Bylaw.

#### 4.10.13 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

#### 4.10.14 Location of Off-Street Parking

- 4.10.14.1 only side and rear yards may be used for the purpose of providing required off-street parking spaces;
- 4.10.14.2 with the exception that mobile or manufactured homes may use front yards for such purpose;
- 4.10.14.3 no required off-street parking space shall be permitted closer than 1.5 metres to any window serving habitable rooms in any basement.

#### 4.10.15 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

#### 4.10.16 Screening

Screening in the form of fencing, trees and/or shrubbery shall be sufficiently provided surrounding mobile home parks and subdivisions to control access to the site.

#### 4.11 **R5 - Small Lot Dwelling Residential District**

##### 4.11.1 Statement of Intent

To provide for the renewal of residential areas on smaller sites in existing built-up areas free from other uses except those which are compatible with such a district.

##### 4.11.2 Permitted Principal Uses

In an R5 - District only the following uses of land and buildings shall be permitted:

- 4.11.2.1 home-based businesses;
- 4.11.2.2 library and/or cultural institutions;
- 4.11.2.3 multiple-unit dwellings not exceeding six (6) units;
- 4.11.2.4 single-detached dwellings;
- 4.11.2.5 two-unit and/or semi-detached dwellings;
- 4.11.2.6 parks and/or playgrounds;
- 4.11.2.7 Residential Care Facilities Type I; (*Bylaw #4-2011*)
- 4.11.2.8 religious institutions;
- 4.11.2.9 the keeping of not more than five (5) boarders.

##### 4.11.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.11.3.1 bed and breakfasts;
- 4.11.3.2 educational institutions;
- 4.11.3.3 funeral homes;
- 4.11.3.4 hospitals;
- 4.11.3.5 nursery schools, kindergartens, and/or day care centers;
- 4.11.3.6 parking lots;
- 4.11.3.7 the keeping of more than five (5) boarders.
- 4.11.3.8 Residential Care Facilities Type II; (*Bylaw #4-2011*)
- 4.11.3.9 Custodial Care Facilities. (*Bylaw #4-2011*)

##### 4.11.4 Minimum Site Area

- 4.11.4.1 single-detached and two-unit dwellings - 370.0 square metres.
- 4.11.4.2 semi-detached dwellings – 230.0 square metres per dwelling unit.
  - 4.11.4.2.1 multiple-unit dwellings:
    - 4.11.4.2.2 up to four (4) units – 465.0 square metres;
    - 4.11.4.2.3 five (5) or six (6) units - 560.0 square metres.
- 4.11.4.3 nursery schools, kindergartens, day care centers and parking lots – 465.0 square metres.
- 4.11.4.4 all other permitted and discretionary uses - 930.0 square metres.

##### 4.11.5 Minimum Site Frontage

- 4.11.5.1 single-detached and two-unit dwellings:

- 4.11.5.1.1 rectangular lots - 11.4 metres;
- 4.11.5.1.2 non-rectangular lots - 11.0 metres with a minimum mean width of 15.0 metres;
- 4.11.5.1.2 where an existing lot is outside the Inner City Area and is nonconforming in the frontage and/or site area the City may permit a lesser frontage and/or area than specified above but in no case shall the frontage be less than 11.0 metres nor the area less than 350.0 square metres;
- 4.11.5.1.3 where an existing lot is within the Inner City Area and is nonconforming, the City shall permit development of single-detached dwellings as indicated in Section 3.20 of this Bylaw, provided that the minimum setbacks as provided in Section 3.20 and in this district are adhered to.
  
- 4.11.5.2 semi-detached dwellings - 7.6 metres per dwelling unit where served by a lane, otherwise 11.0 metres.
  
- 4.11.5.3 multiple-unit dwellings:
  - 4.11.5.3.1 up to four (4) units - 15.0 metres;
  - 4.11.5.3.2 five (5) or six (6) units - 18.0 metres.
  
- 4.11.5.4 nursery schools, kindergartens, day care centers and parking lots -15.0 metres.
  
- 4.11.5.5 all other permitted or discretionary uses - 30.0 metres.
  
- 4.11.6 Minimum Front Yard

A front yard shall be provided of not less than 6.0 metres in depth.
  
- 4.11.7 Minimum Side Yard
  - 4.11.7.1 single-detached and two-unit dwellings - 1.2 metres except on a corner site along the flanking street a side yard shall not be less than 2.4 metres.
  
  - 4.11.7.2 semi-detached and multiple-unit dwellings, nursery schools, kindergartens and day care centers - 1.5 metres except on a corner site along the flanking street, a side yard shall not be less than 3.0 metres.
  
  - 4.11.7.3 no side yard shall be required for the interior common walls separating the dwelling units in semi-detached dwellings.
  
  - 4.11.7.4 parking lots – 1.0 metre.
  
  - 4.11.7.5 all other permitted and discretionary uses - 3.0 metres or a distance one half (1/2) the height of the building whichever is greater.
  
- 4.11.8 Minimum Rear Yard
  - 4.11.8.1 single-detached and two-unit dwellings:
    - 4.11.8.1.1 interior sites - 6.0 metres;
    - 4.11.8.1.2 corner sites - 4.6 metres;

- 4.11.8.1.3 in the case of an attached garage, the rear yard for the said garage shall be not less than 1.5 metres.
- 4.11.8.2 semi-detached and multiple-unit dwellings:
  - 4.11.8.2.1 interior sites – 7.6 metres;
  - 4.11.8.2.2 corner sites -4.6 metres;
  - 4.11.8.2.2 in the case of an attached garage, the rear yard for the said garage shall be not less than 1.5 metres.
- 4.11.8.3 parking lots - none required.
- 4.11.8.4 all other permitted or discretionary uses - 7.6 metres or 25% of the depth of the site, whichever is greater.

#### 4.11.9 Minimum Floor Area

- 4.11.9.1 single-detached, two-unit, and semi-detached dwellings shall have a minimum of 70.0 square metres for one (1) or two (2) bedroom dwellings and 9.5 square metres for each additional bedroom.
- 4.11.9.2 a multiple-unit dwelling shall have a minimum of 37.0 square metres for a one (1) bedroom dwelling unit and 9.0 square metres for each additional bedroom.

#### 4.11.10 Height

The height of a principal building shall not exceed 11.0 metres and shall not be more than two and one half (2 1/2) storeys except for buildings as permitted under Section 3.19 of this Bylaw.

#### 4.11.11 Open Space

- 4.11.11.1 An open space shall be provided of not less than 50% of the area of the site;
- 4.11.11.2 included on every site or building used in whole or in part for residential occupancy, there shall be a total area allotted to outdoor recreational use of at least 4.6 square metres for each dwelling unit. Such area shall not be permitted in any required front yard nor used in whole or in part for off- street parking or loading purposes.

#### 4.11.12 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the provisions of Section 3.8 and the following:

- 4.11.12.1 A private garage or other accessory building exceeding 6.0 square metres in area shall require a minimum side yard and rear yard of 1.5 metres, unless otherwise permitted in this Section;
- 4.11.12.2 Private garages or other accessory buildings exceeding 6.0 square metres in area and situated not less than 3.0 metres behind the rear building line shall be permitted a minimum side yard of 0.7 metres, when constructed of concrete block, brick or protected frame. The protected frame construction shall be as follows:

- 4.11.12.2.1 concrete footings and floor; and
- 4.11.12.2.2 the complete interior finished with two (2) layers of 12.7 mm gypsum wall board or one (1) layer of 16 mm fire resistant "Type X" gypsum wallboard.

However, where the side yard abuts a flanking lane; concrete block, brick or protected frame shall not be required.

- 4.11.12.3 Private garages or other accessory buildings exceeding 6.0 square metres and not entered from the rear shall be permitted a minimum rear yard of 0.6 metres when constructed of concrete block, brick or protected frame. However, where the rear yard abuts a lane, concrete block, brick or protected frame shall not be required.
- 4.11.12.4 Non-commercial greenhouses, tool sheds for storage or household or maintenance tools and equipment or similar accessory buildings 6.0 square metres or less in area and situated not less than 3.0 metres behind the rear building line shall be permitted to be constructed with no minimum side or rear yard. provided however, that no roof, eaves or gutters extend past the site line.
- 4.11.12.5 A roofed swimming pool or patio shall be considered as an accessory building or use;
- 4.11.12.6 Only one (1) private kennel shall be permitted subject to provisions of Subsection 3.23.2.

#### 4.11.13 Off-Street Parking

Off-street parking spaces shall be provided for in accordance with Section 3.22 of this Bylaw.

#### 4.11.14 Location of Off-Street Parking

- 4.11.14.1 only side and rear yards may be used for the purpose of providing required off-street parking spaces;
- 4.11.14.2 with the exception that single-detached, semi-detached, or two-unit dwellings may use front yards for such purpose.
- 4.11.14.3 no required off-street parking space shall be permitted closer than 1.5 metres to any window serving habitable rooms in any basement.

#### 4.11.15 Off-Street Loading

For hospitals and special care homes, at least one (1) off-street loading space shall be provided for each 1,850.0 square metres of building.

#### 4.11.16 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

(Bylaw No. 9-2014)

#### **4.11A R6 – Townhouse Residential District**

##### 4.11A.1 Statement of Intent

To provide for low to medium density townhouse style multiple unit dwellings as well as related compatible uses.

##### 4.11A.2 Permitted Principal Uses

In an R6 – District only the following uses of land and buildings shall be permitted:

- 4.11A.2.1 Home-Based Businesses;
- 4.11A.2.2 Dwelling Groups, subject to the provisions of Section 4.11A.4;
- 4.11A.2.3 Multiple-Unit Dwellings, subject to the provisions of Section 4.11A.4;
- 4.11A.2.4 Parks and Playgrounds;
- 4.11A.2.5 Residential Care Facilities Type I;
- 4.11A.2.6 Street Townhouses, subject to the provisions of Section 4.11A.4.

##### 4.11A.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.11A.3.1 Bed and Breakfast;
- 4.11A.3.2 Nursery Schools, Kindergartens, and/or Day Care Centers.

##### 4.11A.4 Use Requirements

- 4.11A.4.1 Dwelling Groups – Each form of development comprising the dwelling group shall otherwise be a permitted or discretionary use in the R6 District.
- 4.11A.4.2 Dwelling Groups, Multiple-Unit Dwellings and Street Townhouses:
  - 4.11A.4.2.1 Each dwelling shall have primary access directly to the outside;
  - 4.11A.4.2.2 There shall be no more than eight dwelling units side by side along any one building elevation.
  - 4.11A.4.2.3 Appropriate articulation and building design features shall be incorporated into street facing building elevations to create an appropriate pedestrian scale to avoid repetitious and monotonous building designs.

##### 4.11A.5 Minimum Site Area

- 4.11A.5.1 Dwelling Groups – 900 square metres;
- 4.11A.5.2 Street Townhouses – 180 square metres per dwelling unit;
- 4.11A.5.3 Multiple-Unit Dwellings – 180 square metres per dwelling unit to a maximum of 900 square metres;
- 4.11A.5.4 Nursery Schools, Kindergartens, Day Care Centers, Residential Care Homes Type 1, Bed and Breakfasts shall comply with the minimum site area requirements for the appropriate building form in which they are located.

#### 4.11A.6 Minimum Site Frontage

4.11A.6.1 Dwelling Groups – 6 metres per dwelling unit to a maximum of 30 metres;

4.11A.6.2 Street Townhouses – 6 metres per dwelling unit plus minimum side yard requirements;

4.11A.6.3 Multiple-Unit Dwellings – 6 metres per dwelling unit to a maximum of 30 metres;

4.11A.6.4 Nursery Schools, Kindergartens, Day Care Centers, Residential Care Homes Type 1, Bed and Breakfasts shall comply with the minimum site frontage requirements for the appropriate building form in which they are located.

#### 4.11A.7 Minimum Front Yard

A front yard shall be provided of not less than 3.0 metres in depth.

#### 4.11A.8 Minimum Side Yard

4.11A.8.1 A side yard shall be provided of not less than 1.5 metres except on a corner site along the flanking street a side yard shall not be less than 3.0 metres.

4.11A.8.2 No side yard shall be required for the interior common walls separating the dwelling units in street townhouse dwellings.

#### 4.11A.9 Minimum Rear Yard

A rear yard shall be provided of not less than 7.6 metres except on a corner site where the rear yard shall not be less than 4.6 metres.

#### 4.11A.10 Minimum Floor Area

Dwellings shall have a minimum floor area of 70.0 square metres for one or two bedroom dwellings and 9.5 square metres for each additional bedroom.

#### 4.11A.11 Height

The height of a principal building shall not exceed 11.0 metres and shall not be more than two and one half (2 ½) storeys except for buildings as permitted under Section 3.19 of this Bylaw.

#### 4.11A.12 Open Space

4.11A.12.1 Dwelling Groups and Multiple-Unit Dwellings:

4.11A.12.1.1 An open space shall be provided of not less than 60% of the area of the site; provided, however, that such open space requirement may be reduced to 50% where the increased site coverage is used exclusively for required enclosed parking.

4.11A.12.1.2 Included on every site or building used in whole or in part for residential occupancy, there shall be a total area allotted to outdoor recreational use of at least 4.6

square metres for each dwelling unit. Such area shall not be permitted in any requirement front yard nor used in whole or in part for off-street parking or loading purposes.

- 4.11A.12.2 Street Townhouses – An open space shall be provided of not less than 50% of the area of the site; provided, however, that such open space requirement may be reduced to 40% where the increased site coverage is used exclusively for required enclosed parking.

#### 4.11A.13 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the provisions of Section 3.8 and the following:

- 4.11A.13.1 A private garage or other accessory building exceeding 6.0 square metres in area shall require a minimum side yard and rear yard of 1.5 metres, unless otherwise permitted in this Section;
- 4.11A.13.2 Private garages or other accessory buildings exceeding 6.0 square metres in area and situated not less than 3.0 metres behind the rear building line shall be permitted a minimum side yard of 0.7 metres, when constructed of concrete block, brick or protected frame. The protected frame construction shall be as follows:
- 4.11A.13.2.1 concrete footings and floor; and
- 4.11A.13.2.2 the complete interior finished with two (2) layers of 12.7 mm gypsum wall board or one (1) layer of 16 mm fire resistant "Type X" gypsum wall board. Where the side yard abuts a flanking lane concrete block, brick or protected frame shall not be required.
- 4.11A.13.3 Private garages or other accessory buildings exceeding 6.0 square metres and not entered from the rear shall be permitted a minimum rear yard of 0.6 metres when constructed of concrete block, brick or protected frame. Where the rear yard abuts a lane concrete block, brick or protected frame shall not be required.
- 4.11A.13.4 Non-commercial greenhouses, tool sheds for storage or household or maintenance tools and equipment or similar accessory buildings 6.0 square metres or less in area and situated not less than 3.0 metres behind the rear building line shall be permitted to be constructed with no minimum side or rear yard, provided however, that not roof, eaves or gutters extend past over any property line.
- 4.11A.13.5 A roofed swimming pool or patio shall be considered as an accessory building or use;
- 4.11A.13.6 Only one (1) private kennel shall be permitted subject to provisions of Subsection 3.23.2.

#### 4.11A.14 Signs

The provisions of Subsections 4.7.13 to 4.7.20 in an R1 District respecting signs shall apply to similar uses in this district, with the exception that dwelling groups, multiple-unit dwellings, street townhouse shall be permitted to use the sign standards of Subsection 4.7.15 for non-residential buildings in an R1 District.

4.11A.15 Off-Street Parking

4.11A.15.1 Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

4.11A.15.2 Tandem Parking – Notwithstanding Section 3.22 of this Bylaw, where a required parking space is located in a covered garage, direct access to a driveway, aisle, or lane is not required where the only impediment to such access is a second required parking space which is required with respect to the same dwelling unit and which is directly in line with the space located in the garage.

4.11A.16 Location of Off-Street Parking

4.11A.16.1 Notwithstanding any other provision in this Bylaw respecting parking in a front yard, no parking shall be permitted in a front yard and, where a site has access to a rear lane, no vehicular access shall be permitted from the front street.

4.11A.16.2 No required off-street parking space shall be permitted closer than 1.5 metres to any window serving habitable rooms in any basement.

4.11A.17 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

#### 4.12 **C1 - Central Commercial District**

##### 4.12.1 Statement of Intent

To regulate and encourage development of the downtown area in a manner contributing to convenience and attraction for a wide variety of retail uses and businesses, government and professional offices, and entertainment facilities.

##### 4.12.2 Permitted Principal Uses

In a C1 - District, only the following uses of land and buildings shall be permitted:

- 4.12.2.1 apartments located on floors above those occupied by the permitted and/or discretionary uses;
- 4.12.2.2 assembly halls;
- 4.12.2.3 bus terminal stations;
- 4.12.2.4 commercial recreational establishments;
- 4.12.2.5 financial institutions;
- 4.12.2.6 hotels;
- 4.12.2.7 meat markets excluding slaughter houses or smokehouses;
- 4.12.2.8 medical and/or dental clinics;
- 4.12.2.9 motor vehicle sales and service establishments including service stations;
- 4.12.2.10 newspaper and/or job printing plants;
- 4.12.2.11 offices of federal, provincial or municipal governments;
- 4.12.2.12 office support services;
- 4.12.2.13 parking lots;
- 4.12.2.14 personal service establishments;
- 4.12.2.15 professional offices;
- 4.12.2.16 public libraries;
- 4.12.2.17 recreational and/or sporting goods sales and service establishments;
- 4.12.2.18 restaurants;
- 4.12.2.19 retail stores not exceeding 1,000.0 square metres of gross floor area;
- 4.12.2.20 social clubs, fraternal societies, charitable and/or philanthropic institutions;
- 4.12.2.21 strip malls;
- 4.12.2.22 telegraph and/or express offices;
- 4.12.2.23 theatres;
- 4.12.2.24 trade workshops, but not including open storage;
- 4.12.2.25 wholesale stores.

##### 4.12.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.12.3.1 amusement arcades (in accordance with the regulations set out in the City Licensing Bylaw);
- 4.12.3.2 apartment buildings;
- 4.12.3.3 art galleries;
- 4.12.3.4 bars and/or lounges;
- 4.12.3.5 bingo halls;

- 4.12.3.6 commercial schools;
- 4.12.3.7 day care centers;
- 4.12.3.8 funeral homes;
- 4.12.3.9 museums;
- 4.12.3.10 religious institutions;
- 4.12.3.11 retail stores exceeding 1,000.0 square metres of gross floor area;
- 4.12.3.12 senior citizens apartments;

#### 4.12.4 Site Regulations

The site regulations listed below apply to all uses except for service stations, which shall comply with Section 3.29 of this Bylaw.

#### 4.12.5 Minimum Site Area

- 4.12.5.1 A site area shall be provided of not less than 230.0 square metres. Where a building has been erected on or before the effective date of this Bylaw on a site having less than the minimum frontage, site area, front, side, or rear yard required by this Bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:
  - 4.12.5.1.1 the enlargement, reconstruction, repair or renovation does not further reduce the front, side or rear yard that does not conform; and
  - 4.12.5.1.2 all other applicable provisions of this Bylaw are satisfied.
- 4.12.5.2 parking lots – 465.0 square metres.

#### 4.12.6 Minimum Site Frontage

A site frontage shall be provided of not less than 7.6 metres.

#### 4.12.7 Minimum Front Yard

None required.

#### 4.12.8 Minimum Side Yard

None required, except where the side yard of a site abuts any Residential District without an intervening street or lane, a side yard shall be provided of not less than 1.5 metres.

#### 4.12.9 Minimum Rear Yard

A rear yard shall be provided of not less than 3.0 metres, except where a loading dock is constructed, the rear yard shall be large enough so that trucks do not extend past the property line.

#### 4.12.10 Minimum Floor Area

Each dwelling unit in an apartment shall have a floor area of not less than 37.0 square metres.

4.12.11 Height

4.12.11.1 buildings up to five (5) storeys in height shall be permitted.

4.12.11.2 buildings exceeding five (5) storeys in height may be permitted at the discretion of Council, said height to be specified by resolution of Council.

4.12.12 Residential Standards

Apartments shall be provided with access separate from entrances to commercial areas.

4.12.13 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

4.12.14 Off-Street Loading

4.12.14.1 Off-street loading requirements shall be a minimum of one (1) space for each building or as required in the opinion of the authority having jurisdiction.

4.12.14.2 Front or rear yards may be used for the purpose of providing off-street loading spaces.

4.12.15 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

#### 4.13 **C2 - Neighbourhood Commercial District**

##### 4.13.1 Statement of Intent

To accommodate commercial facilities catering to the day-to-day shopping and living requirements of residents of the neighborhood in which the facilities are located. The facilities provided should not necessarily attract clientele other than from the local neighborhood area, either by their design, variety, or scale.

##### 4.13.2 Permitted Principal Uses

In a C2 - District only the following uses of land and buildings shall be permitted:

- 4.13.2.1 apartments located on floors above those occupied by the permitted and/or discretionary uses;
- 4.13.2.2 car washes;
- 4.13.2.3 financial institutions;
- 4.13.2.4 medical and/or dental offices;
- 4.13.2.5 office support services;
- 4.13.2.6 parking lots;
- 4.13.2.7 personal service establishments;
- 4.13.2.8 professional offices;
- 4.13.2.9 restaurants;
- 4.13.2.10 retail stores not exceeding 1,000.0 square metres of gross floor area;
- 4.13.2.11 service stations;
- 4.13.2.12 strip malls

##### 4.13.3 Discretionary Uses

The following discretionary uses of land and building may be permitted:

- 4.13.3.1 bars and/or lounges;
- 4.13.3.2 retail stores exceeding 1,000.0 square metres of gross floor area.
- 4.13.3.3 car rental businesses. (Bylaw No. 25 - 2004)

##### 4.13.4 Site Regulations

The site regulations listed below apply to all uses except for service stations, which shall comply with Section 3.29 of this Bylaw.

##### 4.13.5 Minimum Site Area

- 4.13.5.1 a site area shall be provided of not less than 230.0 square metres;
- 4.13.5.2 parking lots which requires 465.0 square metres.

##### 4.13.6 Minimum Site Frontage

- 4.13.6.1 parking lots - 15.0 metres.
- 4.13.6.2 all other permitted and discretionary uses 7.6 metres.

#### 4.13.7 Minimum Front Yard

A front yard shall be provided of not less than 7.0 metres.

#### 4.13.8 Minimum Side Yard

4.13.8.1 none required except where the side of a site abuts any Residential District without an intervening street or lane, a side yard shall be provided of not less than 1.5 metres.

4.13.8.2 not less than 4.6 metres along the flanking street on a corner site.

#### 4.13.9 Minimum Rear Yard

A rear yard shall be provided of not less than 3.0 metres.

#### 4.13.10 Minimum Floor Area

Each dwelling unit in an apartment shall have a floor area of not less than 37.0 square metres.

#### 4.13.11 Height

The height of a principal or accessory buildings shall not exceed 12.0 metres.

#### 4.13.12 Residential Standards

4.13.12.1 apartments shall be provided with access to an entrance separate from entrances to commercial areas.

4.13.12.2 off-street parking required for apartments shall be provided on the same site as the apartment.

#### 4.13.13 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

#### 4.13.14 Off-Street Loading

4.13.14.1 off-street loading requirements shall be one (1) space for each building or as required in the opinion of the authority having jurisdiction.

4.13.14.2 front or rear yards may be used for the purpose of providing off-street loading spaces.

#### 4.13.15 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

#### 4.14 **C3 - Highway Commercial District**

##### 4.14.1 Statement of Intent

To provide for the development of land uses adjacent to major routes entering the City which specialize in serving the touring public travelling from beyond the City and require medium to large sites to enable safe and convenient access of high volumes of motor vehicles.

##### 4.14.2 Permitted Principal Uses

In a C3 - District only the following uses of land and buildings shall be permitted:

- 4.14.2.1 amusement arcades (in accordance with the regulations set out in the City Licensing Bylaw);
- 4.14.2.2 automated banking machines;
- 4.14.2.3 car washes;
- 4.14.2.4 commercial entertainment establishments;
- 4.14.2.5 commercial recreational facilities;
- 4.14.2.6 convention centers;
- 4.14.2.7 dry cleaning and/or laundry establishments; (Bylaw 16 – 2005)
- 4.14.2.8 financial institutions;
- 4.14.2.9 lawn and garden equipment and/or accessories sales and services, not exceeding 100 hp; (Bylaw 8 – 2004)
- 4.14.2.10 liquor stores;
- 4.14.2.11 medical and/or dental clinics with or without laboratories;
- 4.14.2.12 motels, hotels;
- 4.14.2.13 motor club and/or tourist information facilities;
- 4.14.2.14 motor vehicle rental establishments;
- 4.14.2.15 motor vehicle sales and services;
- 4.14.2.16 newspaper and/or job printing plants;
- 4.14.2.17 office support services;
- 4.14.2.18 parking lots;
- 4.14.2.19 personal service establishments;
- 4.14.2.20 professional offices;
- 4.14.2.21 restaurants, drive-in restaurants, beverage rooms, cocktail lounges, and/or refreshment stands;
- 4.14.2.22 retail stores not exceeding 1,000.0 square metres;
- 4.14.2.23 service and/or repair shops;
- 4.14.2.24 service stations;
- 4.14.2.25 souvenir, craft and/or antique merchandise stores.
- 4.14.2.26 strip malls. (Bylaw 5 – 2004)

##### 4.14.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.14.3.1 bingo halls;
- 4.14.3.2 community centers;
- 4.14.3.3 funeral homes;

- 4.14.3.4 professional training centers;
- 4.14.3.5 religious institutions;
- 4.14.3.6 retail stores exceeding 1,000 square metres of gross floor space;
- 4.14.3.7 schools, dormitories, school auditoriums and/or other allied buildings;
- 4.14.3.8 veterinary clinics;
- 4.14.3.9 casinos. (Bylaw 16 – 2005)

#### 4.14.4 Site Regulations

The site regulations listed below apply to all uses except for service stations, which shall comply with Section 3.29 of this Bylaw.

#### 4.14.5 Minimum Site Area

A site area shall be provided of not less than 900.0 square metres.

#### 4.14.6 Minimum Site Frontage

- 4.14.6.1 motels, hotels - 30.0 metres.
- 4.14.6.2 all other permitted and discretionary uses - 22.0 metres.

#### 4.14.7 Minimum Front Yard

- 4.14.7.1 service stations; motor vehicles sales and services; drive-in restaurants - 12.0 metres.
- 4.14.7.2 all other permitted and discretionary uses - 9.0 metres.

#### 4.14.8 Minimum Side Yard

- 4.14.8.1 a side yard shall be provided of not less than 3.0 metres.
- 4.14.8.2 where a proposed building has walls built having a fire resistance rating of at least one hundred and twenty (120) minutes and roof built having a fire resistance rating of at least sixty (60) minutes and approved by the authority having jurisdiction, the building may be located without a side yard on one (1) side, provided that the side yard on the opposite side of the site is not less than 6.0 metres in width.
- 4.14.8.3 corner site - 4.6 metres adjoining the flanking street.

#### 4.14.9 Minimum Rear Yard

A rear yard shall be provided of not less than 4.6 metres.

#### 4.14.10 Height

- 4.14.10.1 Buildings up to 23.0 metres in height shall be permitted.
- 4.14.10.2 Buildings exceeding 23.0m metres in height may be permitted at the discretion of Council, said height to be specified by resolution of Council.

4.14.11 Signs

All signs except free standing signs, shall be regulated by Section 3.24 of this Bylaw.

4.14.12 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

4.14.13 Off-Street Loading

Off-street loading requirements shall be one (1) space for each use or as required in the opinion of the authority having jurisdiction.

4.14.14 Landscaping

Landscaping shall be provided in accordance with Section 3.32 of this Bylaw.

4.14.15 Screening

All open storage shall be completely screened from view to the authority having jurisdiction's approval.

#### 4.15 **C4 - Shopping Center Commercial District**

##### 4.15.1 Statement of Intent

To accommodate a variety of commercial uses in areas where development of a building and accessory uses on the same site is designed and planned comprehensively, and is owned and managed on a unitary basis, such that permitted uses share amenities for mutual benefit including off-street parking and interconnected indoor pedestrian walkways.

##### 4.15.2 Permitted Principal Uses

In a C4 - District, only the following uses of land and buildings shall be permitted, singly or as a combination:

- 4.15.2.1 shopping malls including stores and shops conducting a retail business similar to those listed below, including combinations of any or all:
- 4.15.2.1.1 clothing and/or dry good stores;
  - 4.15.2.1.2 department stores;
  - 4.15.2.1.3 drug stores;
  - 4.15.2.1.4 financial institutions;
  - 4.15.2.1.5 furniture and/or appliance stores;
  - 4.15.2.1.6 grocery stores;
  - 4.15.2.1.7 hardware stores;
  - 4.15.2.1.8 home improvement centers conducted within the enclosed structure of shopping centers or shopping malls;
  - 4.15.2.1.9 medical and/or dental clinics;
  - 4.15.2.1.10 parking lots;
  - 4.15.2.1.11 personal service establishments;
  - 4.15.2.1.12 photography studios;
  - 4.15.2.1.13 professional adult training centers;
  - 4.15.2.1.14 real estate offices
  - 4.15.2.1.15 commercial recreation establishments;
  - 4.15.2.1.16 restaurants, cafes, lunch counters, beverage rooms, cocktail lounges and/or coffee houses;
  - 4.15.2.1.17 service stations in a stand-alone building; (*Bylaw No. 12-2012*)
  - 4.15.2.1.18 shoe stores;
  - 4.15.2.1.19 sporting goods stores;
  - 4.15.2.1.20 travel agencies;
  - 4.15.2.1.21 variety and/or jewelry stores;
  - 4.15.2.1.22 liquor stores. (*Bylaw No. 5 - 2019*)

##### 4.15.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.15.3.1 bingo halls;
- 4.15.3.2 business offices;
- 4.15.3.3 public libraries.

#### 4.15.4 Site Regulations

The site regulations listed below apply to all uses except for service stations, which shall comply with Section 3.29 of this Bylaw.

#### 4.15.5 Minimum Site Area

4.15.5.1 a site area shall be provided of not less than 3.0 hectares.

4.15.5.2 the term "site" for the purpose of this Section shall mean either one (1) single parcel or several adjoining parcels of land, having a combined total area of not less than 3.0 hectares.

#### 4.15.6 Minimum Site Frontage

A site frontage shall be provided of not less than 90.0 metres.

#### 4.15.7 Minimum Front Yard

A front yard shall be provided of not less than 12.0 metres.

#### 4.15.8 Minimum Side Yard

4.15.8.1 A side yard shall be provided of not less than 6.0 metres.

4.15.8.2 Where a proposed building has a common wall built having a fire resistant rating of at least one hundred and twenty (120) minutes, and either a roof built having a fire resistance rating of sixty (60) minutes or the building sprinklered throughout, the building may be located without a side yard on one (1) side provided that the side yard on the other side of the site is not less than 6.0 metres in width. (Bylaw No. 31 – 2004)

#### 4.15.9 Minimum Rear Yard

A rear yard shall be provided of not less than 6.0 metres.

#### 4.15.10 Height

4.15.10.1 Buildings up to 23.0 metres in height shall be permitted.

4.15.10.2 Buildings exceeding 23.0 metres in height may be permitted at the discretion of Council, said height to be specified by resolution of Council.

#### 4.15.11 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

4.15.12 Off-Street Loading

4.15.12.1 Off-street loading requirements shall be a minimum of one (1) space for each 465.0 square metres of floor area or any portion thereof.

4.15.12.2 The off-street loading spaces shall not to be included in off-street parking spaces.

4.15.13 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

#### 4.16 **M1 - Light Industrial District**

##### 4.16.1 Statement of Intent

To establish and preserve areas for a range of industrial and manufacturing uses with related warehousing, office, commercial, and service establishments but not including any use which would be non-compatible with of other land uses.

##### 4.16.2 Permitted Principal Uses

In an M1 - District, only the following uses of land and buildings shall be permitted:

- 4.16.2.1 business and/or professional offices;
- 4.16.2.2 commercial recreation establishments;
- 4.16.2.3 construction of RTM homes;
- 4.16.2.4 construction plants, yards and/or offices;
- 4.16.2.5 farm machinery sales and/or service;
- 4.16.2.6 financial institutions;
- 4.16.2.7 indoor repair, rental and/or servicing of any commodity which is permitted in this district;
- 4.16.2.8 indoor wholesale and/or retail sales of any goods, materials and/or commodities which are permitted in this district;
- 4.16.2.9 indoor storage of any goods, materials, and/or commodities excluding any hazardous materials;
- 4.16.2.10 manufacturing industries conducted wholly within a building;
- 4.16.2.11 parking lots;
- 4.16.2.12 railway and/or ancillary railway functions;
- 4.16.2.13 residential uses as required by full-time watchmen and their families;
- 4.16.2.14 restaurants, lounges and/or bars;
- 4.16.2.15 service stations including motor vehicle and/or mobile home storage, sales and servicing;
- 4.16.2.16 sheet metal, plating, and/or vehicle body repair facilities;
- 4.16.2.17 storage and/or sales of building materials, lumber and/or machinery;
- 4.16.2.18 veterinary clinics;
- 4.16.2.19 wholesale stores and/or warehouses.

##### 4.16.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.16.3.1 bulk oil and/or gas storages;
- 4.16.3.2 creameries, dairy and cheese factories;
- 4.16.3.3 grain elevators and/or mills;
- 4.16.3.4 humane animal shelters and/or pounds;
- 4.16.3.5 industrial malls containing a combination of permitted uses;
- 4.16.3.6 religious institutions;
- 4.16.3.7 social clubs, fraternal societies, charitable and/or philanthropic institutions; (Bylaw #8 - 2007)
- 4.16.3.8 cannabis production operations. (Bylaw No. 7-2018)

#### 4.16.4 Uses Prohibited

All land and buildings or industrial processes that may be noxious, injurious or which constitute a nuisance by reason of the inherent production or emission of dust, smoke, refuse, matter, odor, gas, fumes, noise, vibration or other similar substances or conditions are prohibited. A description of proposed industrial processes to occur on-site shall be provided as part of an application for a Development Permit at the request of the authority having jurisdiction.

#### 4.16.5 Site Regulations

The site regulations listed below apply to all uses except for service stations, which shall comply with Section 3.29 of this Bylaw.

#### 4.16.6 Minimum Site Area

A site area shall be provided of not less than 700.0 square metres.

#### 4.16.7 Minimum Site Frontage

A site frontage shall be provided of not less than 22.5 metres.

#### 4.16.8 Minimum Front Yard

4.16.8.1 service station with pump island in front yard - 12.0 metres;

4.16.8.2 all other permitted and discretionary uses - 7.6 metres.

#### 4.16.9 Minimum Side Yard

4.16.9.1 a side yard shall be provided of not less than 3.0 metres.

4.16.9.2 where a proposed building has walls built having a fire resistance rating of at least one hundred and twenty (120) minutes and a roof built having a fire resistance rating of at least sixty (60) minutes, and the fire resistance ratings are approved by the Authority Having Jurisdiction, the building may be located without a side yard on one (1) side, provided that the side yard on the other side of the site is not less than 6.0 metres in width.

#### 4.16.10 Minimum Rear Yard

A rear yard shall be provided of not less than 3.0 metres in depth except where the site abuts railway trackage no rear yard shall be required.

#### 4.16.11 Height

4.16.11.1 Buildings up to 23.0 metres in height shall be permitted.

4.16.11.2 Buildings exceeding 23.0 metres in height may be permitted at the discretion of Council, said height to be specified by resolution of Council.

#### 4.16.12 Performance Standards

- 4.16.12.1 An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:
- 4.16.12.1.1 noise - emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
  - 4.16.12.1.2 smoke - no process involving the use of solid fuel is permitted;
  - 4.16.12.1.3 dust or ash - no process involving the emission of dust, fly ash or other particulate matter is permitted;
  - 4.16.12.1.4 odor - the emission of any odorous gas or other odorous matter is prohibited;
  - 4.16.12.1.5 toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
  - 4.16.12.1.6 glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot;
  - 4.16.12.1.7 external storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the authority having jurisdiction. No storage shall be permitted in the front yard;
  - 4.16.12.1.8 industrial wastes - waste which does not conform to the standards established from time to time by City Bylaws shall not be discharged into any City sewers.
- 4.16.12.2 The onus of proving to the authority having jurisdiction and Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- 4.16.12.3 In considering the application, the authority having jurisdiction or Council shall have regard to the intent of this Section, which is to establish use on the basis of:
- 4.16.12.3.1 appropriate performance standards;
  - 4.16.12.3.2 the methods, equipment and techniques of the applicant; and
  - 4.16.12.3.3 the use of neighboring lands and Districts and the compatibility of the proposed use with neighboring lands and Districts.

#### 4.16.13 Off-Street Parking

- 4.16.13.1 Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.
- 4.16.13.2 Front, side and rear yards may be used for the purpose of providing off- street parking spaces.

#### 4.16.14 Off-Street Loading

- 4.16.14.1 One (1) off-street loading space shall be provided for each principal building.

4.16.14.2 Front, side and rear yards may be used for the purpose of providing required off-street loading spaces.

4.16.15 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

#### 4.17 **M2 - Heavy Industrial District**

##### 4.17.1 Statement of Intent

To establish and preserve areas for industrial and manufacturing uses which, by nature of their operations, could be non-compatible with other adjoining land uses, and therefore require separation.

##### 4.17.2 Permitted Principal Uses

In an M2 - District, only the following uses of land and buildings shall be permitted:

- 4.17.2.1 all the buildings and uses permitted in Subsection 4.16.2 of the M1 - District;
- 4.17.2.2 gravel stockpiling;
- 4.17.2.3 manufacturing and/or processing of agricultural products;
- 4.17.2.4 manufacturing industries;
- 4.17.2.5 industrial warehousing and/or storage facilities;
- 4.17.2.6 parking lots;
- 4.17.2.7 sewage treatment and/or disposal plants;
- 4.17.2.8 Cannabis production operations. (Bylaw No. 7-2018)

##### 4.17.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

- 4.17.3.1 all the buildings and uses permitted in Subsection 4.16.3 of the M1 - District;
- 4.17.3.2 junk yard and/or auto wrecking yards subject to the provisions of Subsection 4.17.5;
- 4.17.3.3 stockyards.

##### 4.17.4 Regulations

All the buildings and uses permitted in this Section shall be subject to all the provisions and regulations specified in an M1 - District.

##### 4.17.5 Fences

All junk yards or auto wrecking yards shall be totally enclosed by a sturdy fence built to a minimum height of 2.0 metres and constructed of material suitable to conceal from view the materials stored on site. No materials shall be stacked above the height of the fence.

##### 4.17.6 Landscaping

Landscaping shall be provided in accordance with Section 3.31 of this Bylaw.

4.18 **T1 - Transitional District**

4.18.1 Statement of Intent

To provide a transitional use area consisting of a compatible mix of Commercial and Residential uses.

4.18.2 Permitted Principal Uses

In a T1 - District only the following uses of land and buildings shall be permitted:

- 4.18.2.1 day care centers;
- 4.18.2.2 dental and/or medical clinics;
- 4.18.2.3 handicraft and/or artisan workshops;
- 4.18.2.4 handicraft and/or artisan workshops in fully or partly converted existing residential buildings;
- 4.18.2.5 personal services;
- 4.18.2.6 personal services in fully or partly converted existing residential buildings;
- 4.18.2.7 professional offices;
- 4.18.2.8 professional offices in fully or partly converted existing residential buildings;
- 4.18.2.9 real estate offices;
- 4.18.2.10 residential dwellings as permitted in an R2 - District;
- 4.18.2.11 restaurants;
- 4.18.2.12 restaurants in fully or partly converted existing residential buildings;
- 4.18.2.13 retail stores;
- 4.18.2.14 retail stores in fully or partly converted existing residential buildings.

4.18.3 Minimum Site Area

The required minimum site area shall be as follows:

- 4.18.3.1 residential dwellings: regulations governing minimum site area of the R2-District shall apply;
- 4.18.3.2 day care centers, real estate offices, restaurants, retail stores, handicraft and/or artisan workshops: 465.0 square metres;
- 4.18.3.3 all other permitted uses: 530.0 square metres.

4.18.4 Minimum Site Frontage

The required minimum site frontage shall be as follows:

- 4.18.4.1 residential dwellings: regulations governing minimum site frontage of the R2 - District shall apply;
- 4.18.4.2 day care centers, real estate offices, restaurants, retail stores, handicraft and/or artisan workshops: 30.0 metres;
- 4.18.4.3 all other permitted uses: 15.0 metres.

#### 4.18.5 Minimum Front Yard

A front yard shall not be less than 7.0 metres.

#### 4.18.6 Minimum Side Yard

A side yard shall be provided of not less than 1.5 metres, except on a corner site along the flanking street the side yard shall not be less than 3.0 metres.

#### 4.18.7 Minimum Rear Yard

A rear yard shall not be less than 7.6 metres.

#### 4.18.8 Height

The height of a building shall not exceed 11.0 metres and shall not be more than two and one half (2 1/2) storeys.

#### 4.18.9 Off-Street Parking

Off-street parking spaces shall be provided in accordance with Section 3.22 of this Bylaw.

#### 4.18.10 Off-Street Loading

4.18.10.1 Off-street loading requirements shall be one (1) space for each building or as required by the authority having jurisdiction.

4.18.10.2 Only rear yards may be used for the purpose of providing off-street loading space.

#### 4.18.11 Landscaping

Landscaping shall be provided for in accordance with Section 3.32 of this Bylaw.

#### 4.18.12 Screening

Except in the case of an existing residential dwelling, a site where a permitted use is to be conducted abutting a Residential District shall provide suitable screening in the following manner:

4.18.12.1 Fencing to a minimum height of 1.5 metres shall be erected and maintained; and/or

4.18.12.2 Landscaping using trees and/or shrubs along the abutting property line.

**4.19 CZ - Contract Zone District**

Council may enter into an agreement to accommodate a request for the rezoning of land to permit a specified proposal, where such proposal meets the following guidelines:

- 4.19.1 The use of land and buildings proposed for the site shall conform to the general land use intended for the area as indicated in the Development Plan Bylaw;
- 4.19.2 Specific use and/or development proposed is compatible with adjacent land uses;
- 4.19.3 The agreement for a Contract Zone District may set out:
  - 4.19.3.1 a description of the proposal;
  - 4.19.3.2 uses of the land and buildings or the forms of development;
  - 4.19.3.3 the site layout and external design, including parking areas, landscaping and accesses, but not including the color, texture or type of materials and architectural detail; and/or
  - 4.19.3.4 time limits within which any part of the described proposal or terms and conditions shall be carried out;
- 4.19.4 None of the land or buildings shall be developed or used except in accordance with the proposal, terms, conditions and/or time limits prescribed in the agreement;
- 4.19.5 A Contract Zone District may be considered where it is deemed that an existing building or lot could not be reasonably or practically utilized for a purpose allowed under the existing zoning because of its shape, size or other unusual condition;
- 4.19.6 A Contract Zone District may be designated only on:
  - 4.19.6.1 small or irregular shaped lots;
  - 4.19.6.2 lots restricted by physical barriers such as water courses, slopes, roadways, and railways;
  - 4.19.6.3 infill sites in higher density residential or mixed-use areas; or
  - 4.19.6.4 sites accommodating unique development opportunities.
- 4.19.7 Specific factors to be considered in evaluation of a Contract Zone District shall include, but not be limited to the following:
  - 4.19.7.1 the development's proposed use, height, bulk, density and site characteristics relative to those of adjacent land development;
  - 4.19.7.2 the effect that traffic generated by the proposed development will have on traffic volumes and flow in the vicinity of the proposed development;
  - 4.19.7.3 the servicing requirements of the proposed development;
  - 4.19.7.4 the adequacy for off-street parking to meet the needs of any employees, customers, residents and/or visitors; and
  - 4.19.7.5 the availability of existing land which is zoned to accommodate the type of proposed development;

- 4.19.8 The agreement establishing the required terms, conditions, and/or time limits shall be registered as an interest against the land after the Bylaw rezoning the property has been approved. This agreement shall be binding on the owners, their heirs, executors, administrators, successors and assigns;
- 4.19.9 Council may, on application by the person who entered into an agreement pursuant to this Section or by any person who is the subsequent owner of the land to which this agreement pertains:
- 4.19.9.1 vary the agreement;
  - 4.19.9.2 enter into a new agreement; or
  - 4.19.9.3 extend any time limit prescribed in the agreement.
- 4.19.10 Council may attach conditions to the agreement, which in its opinion, are necessary to ensure compatibility between the proposed development and surrounding land uses.
- 4.19.11 Council may by Bylaw declare an agreement void where:
- 4.19.11.1 the development is not undertaken in accordance with the terms of the agreement; or
  - 4.19.11.2 the development is not completed within the prescribed time limit as specified in the agreement.
- In this case the land reverts back to the district to which it was designated prior to the rezoning.
- 4.19.12 Council may require a performance bond from the developer prior to entering into any agreements respecting a Contract Zone District.
- 4.19.13 Contract Zone Districts are listed in "Schedule A" which forms part of this Bylaw.

## 4.20 **DC – Direct Control District**

### 4.20.1 Statement of Intent

Council may designate areas, in which they consider it desirable to exercise varying degrees of discretion and flexibility over the use and/or development of land or buildings, as a Direct Control District.

### 4.20.2 Direct Control District

Direct Control designation shall be added as a prefix to the regular district symbol (i.e. DC-C1) and the prescribed development standards of the regular district shall apply, unless special provisions have been agreed to and specified in a development agreement.

Approval of Council shall not be required where the use and/or development conforms to the permitted principal uses of the regular district.

### 4.20.3

4.20.3.1 The use of land and/or buildings proposed for the site shall conform to the general land use intended for the area indicated in the Development Plan Bylaw.

4.20.3.2 No development shall be undertaken in a Direct Control District unless Council has approved one or both of the following:

4.20.3.2.1 the plans showing the location of all buildings to be erected, all facilities and works to be provided in conjunction with these buildings and all facilities and works required under Subsection 4.20.3(c); or

4.20.3.2.2 the drawings showing plan, elevation and cross-section views for each building to be erected, sufficient to display:

4.20.3.2.2.1 the massing and conceptual design or proposed buildings;

4.20.3.2.2.2 the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access;

4.20.3.2.2.3 the provisions of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, but not layouts of interior areas other than the interior walkways, stairs and escalators; and

4.20.3.2.2.4 the color, texture and type of materials, window details, construction details, architectural details and interior design.

4.20.3.2.3 As a condition to the approval of the plans and drawings referred to in Subsection 4.20.3(b) Council may require the applicant to enter into a development agreement with the City in respect of that land or building and the agreement may provide for:

4.20.3.2.3.1 the use of the land and any existing or proposed building;

- 4.20.3.2.3.2 the timing of construction of any proposed building;
  - 4.20.3.2.3.3 the amenities required to be provided for public use or convenience within the building or on the land;
  - 4.20.3.2.3.4 off-street loading and parking facilities;
  - 4.31.3.2.3.5 walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
  - 4.20.3.2.3.5 walkways, including the surfacing of walkways and all other means of pedestrian access;
  - 4.20.3.2.3.6 facilities for the lighting, including floodlighting, of the land or any building;
  - 4.20.3.2.3.7 vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - 4.20.3.2.3.8 the construction by or at the expense of the applicant, in whole or in part, of:
    - 4.20.3.2.3.8.1 streets, sidewalks, landscaping and street lighting;
    - 4.20.3.2.3.8.2 works, plants, pipelines or facilities for storm drainage, water supply and distribution or electrical distribution;
    - 4.20.3.2.3.8.3 a system of collection and disposal of sewage; and/or
    - 4.20.3.2.3.8.4 any other public utility;
  - 4.20.3.2.3.9 the payment of a sum of money to the City in lieu of any of the requirements of Subsection 4.20.3(c)(ix) to be used by the City for any of the purposes referred to in that Subsection; and/or
  - 4.20.3.2.3.10 the maintenance, to the satisfaction of the City and at the risk and expense of the applicant, of any or all of the facilities or works mentioned in Subsection 4.20.3(c)(iii) and (ix).
- 4.20.3.2.3 A development agreement is deemed to bind the owner of the land affected by it and his heirs, executors, administrators, successors and assigns and no use of land or buildings located on that land or any development of that land is to take place except in accordance with that agreement.
- 4.20.3.2.4 The evaluation of proposed development in a Direct Control District shall include, but not be limited to, the following criteria:
- 4.20.3.2.4.1 the development shall provide for a compatible interface with adjacent land use and/or development;

- 4.20.3.2.4.2 the development shall provide for adequate vehicular and pedestrian access, giving consideration to surrounding traffic circulation patterns;
- 4.20.3.2.4.3 the development should contain amenity area for public use and enjoyment of the occupants (i.e. landscaping, recreational facilities);
- 4.20.3.2.4.4 the development shall accommodate and be coordinated with all relevant public service facilities and operations (i.e. sanitation, snow removal, transportation, communication, energy, emergency services); and
- 4.20.3.2.4.5 the development shall be designed in a manner which is sensitive to applicable environmental concerns (i.e. pollution, noise, natural hazards, wind).

(Bylaw No. 3-2016)

#### **4.20A DC1-R2 – Direct Control District No.1 for Cypress Point Community**

##### 4.20A.1 Purpose

The purpose of the Direct Control District No. 1 (DC1-R2) is to facilitate the development of an integrated golf course community within the Elmwood Golf and Country Club in the City of Swift Current, Saskatchewan.

##### 4.20A.2 Objectives

- 4.20A.2.1 To facilitate the development of a residential community by integrating single family lots, townhouse lots, and semi-detached lots within the Elmwood Golf and Country Club. The Community will be called ‘Cypress Point Community’;
- 4.20A.2.2 To ensure that the Cypress Point Community is developed in consideration of Swift Current Development Plan (SCDP) Bylaw No. 4 - 2003, Section 5 - Residential Development;
- 4.20A.2.3 To contain a mix of single-detached dwellings, semi-detached dwellings, and multi-unit dwellings, consistent with Policy 5.2.5 of the SCDP;
- 4.20A.2.4 To promote and uphold a strong sense of quality, cohesion and style in the community that represents the regions current and historical aesthetics through architectural controls; and
- 4.20A.2.5 To develop a community style consisting of craftsman, prairie, mid-century modern and Victorian styles with special setbacks, massing, site, and landscape design in order to create an overall unique development which will not allow contemporary and post-modern styles.

##### 4.20A.3 Applicability

The DC1-R2 Cypress Point direct control district is shown on the attached map, identified as *Map 1: Cypress Point Community Direct Control District Map* (hereinafter referred to as “Map 1”).

##### 4.20A.4 Development Standards

4.20A.4.1 Except to the extent modified by the standards in this Direct Control District No. 1 (DC1-R2), all standards of the Low Density Multi-Unit Dwelling Residential (R2) District in Zoning Bylaw No. 4 - 2003 apply within the boundaries specified in the Direct Control District (Map 1).

4.20A.4.2 Standards Applying to All Areas in the Cypress Point Community:

###### ***Permitted Use Regulations***

4.20A.4.2.1 The following uses are not permitted:

- 4.20A.4.2.1.1 Religious institutions;
- 4.20A.4.2.1.2 Library and/or cultural institutions;
- 4.20A.4.2.1.3 The keeping of more than (2) boarders;
- 4.20A.4.2.1.4 Cemeteries;
- 4.20A.4.2.1.5 Educational institutions;

- 4.20A.4.2.1.6 Funeral homes;
- 4.20A.4.2.1.7 Hospitals;
- 4.20A.4.2.1.8 Neighborhood grocery stores and confectionaries with or without a residence built on the premises;
- 4.20A.4.2.1.9 Nursery schools, kindergartens, and/or day care centers;
- 4.20A.4.2.1.10 Parking lots;
- 4.20A.4.2.1.11 Residential Care Facilities Type II;
- 4.20A.4.2.1.12 Custodial Care Facilities; and
- 4.20A.4.2.1.13 Commercial Schools.

**Development Standards**

4.20A.4.2.2 The following standards shall apply to the development.

**Landscaping**

4.20A.4.2.2.1 The front yard must be landscaped as follows:

- 4.20A.4.2.2.1.1 The first 3m of front of property must be grass or ground cover substitution to the satisfaction of the Designated Officer;
- 4.20A.4.2.2.1.2 20% must be covered in planting beds;
- 4.20A.4.2.2.1.3 Rock mulch is not permitted except on **planting beds** and must be contained by a wall, barrier or edge; and,
- 4.20A.4.2.2.1.4 A minimum of one deciduous tree must be planted within 3 metres of the front property line. The tree must be a species of Ash, Lindon, Maple, or Elms (DED Resistant) and a minimum 50mm caliper. All underground utilities must be staked out prior to planning any trees shall be located a minimum of 2.5 metres from any services entering, or on the property.

4.20A.4.2.3 The back yard must be landscaped with a minimum of 20% covered in **planting beds**.

4.20A.4.2.4 In the side yard, rock mulch is limited to a maximum width of 1.0 metre and must be contained by a wall, barrier or edge.

4.20A.4.2.5 In all yards, retaining walls cannot exceed 0.6 metres with the exception of transition lots.

**Dimensional Standards**

4.20A.4.2.3 Development must comply with the dimensional standards in this subsection.

**Additional Yard Requirements**

(Bylaw No. 2-2021)

4.20A.4.2.3.1 The minimum rear yard setback for principal building is 8.0 meters.

**Design Standards**

4.20A.4.2.4 Development must comply with the design standards in this subdivision.

**Front Elevation**

4.20A.4.2.4.1 All homes must incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the overall front façade wall plane into at least three distinct areas. Each plane must be a minimum of 2.4 metres wide. A porch and entry canopy are considered planes if supporting columns exceed 2.4 metres;

4.20A.4.2.4.2 Balconies must be covered by a roof;

4.20A.4.2.4.3 Glass railings are prohibited on balconies; and

4.20A.4.2.4.4 Unfinished concrete stairs are prohibited.

**Rear Elevation**

4.20A.4.2.4.5 The rear **façade** must resemble the front façade; and

4.20A.4.2.4.6 Balconies must be supported by columns.

**Side Elevation**

4.20A.4.2.4.7 All front and rear façade materials must wrap around the side of the home at a minimum distance of 1.2 metres from the front and rear edge of the facades; and

4.20A.4.2.4.8 Any side elevation flanking an open space, public, or right-of-way must be clad in the same materials as the front elevation though less detail is acceptable.

**Garage** (Bylaw 14 – 2016)

4.20A.4.2.4.9 The garage may be designed as side-drive, front-drive, or a combination;

- 4.20A.4.2.4.10 The garage must be the same architectural style and clad with the same materials as the home;
- 4.20A.4.2.4.11 Each garage must include a minimum of one pedestrian door, one garage door and one window;
- 4.20A.4.2.4.12 The garage door(s) must contain a raised panel surface with a row of windows on the upper row;
- 4.20A.4.2.4.13 The garage cannot have more than 2 garage vehicle doors and at last one of the doors shall be single width; and

*(Bylaw No. 2-2021)*

- 4.20A.4.2.4.14 Front-drive garages that project further than 4.0m past the front building line of the home shall incorporate additional architectural details to the garage’s sidewalk leading to the front entry, as if it were a front elevation.

**Driveways**

*(Bylaw No. 2-2021)*

- 4.20A.4.2.4.15 Front driveways must be built with cast in place concrete, or concrete pavers. Concrete may be broom finished, stamped, or exposed aggregate. Driveways must be built a minimum of 1.0m from the side property line. The width of a driveway at the front property line may be built up to 60% of the lot frontage to a maximum of 9.0m.

**Fencing**

- 4.20A.4.2.4.16 No fence shall be installed in the rear yard except a black steel picket fence which shall be installed 150mm inside the rear property line;
- 4.20A.4.2.4.17 Any side yard fence, within 3.7 metres of the rear property line, must be of the same materials and appearance as the black steel picket fence described in (4.20A.4.2.4.16); and
- 4.20A.4.2.4.18 Fencing is prohibited in the front yard and within 2.4 metres of the front corner of the house.

**Housing Styles**

- 4.20A.4.2.4.19 Houses must be constructed in one of four permitted architectural styles as described in Table 1 below:

	Craftsman Style	Prairie Style	Mid-Century Modern Style	Victorian Style
<b>Style</b>	asymmetrical	asymmetrical with projections	asymmetrical forms	asymmetrical forms with a vertical emphasis.
<b>Form</b>	exposed structural elements	small compartmentalized rooms	open floor plan	balloon frame construction open floor plan on 2 or more stories.
<b>Roof</b>	expansive low pitched, gable roofs with deep overhangs	low pitched	low pitched	high pitched
<b>Beams / Columns</b>	columns are minimum .45m, wider at base & clad up to 1" from ground	columns are minimum .45m, wider at base & clad up to 1" from ground	beams are clad up to 1" from ground.	columns are slim, wider at base & clad up to 1" from ground
<b>Windows</b>	minimum 4" trim	horizontal with minimum 4" trim	minimum 4" trim	vertical with minimum 4" trim
<b>Main Materials</b>	wood siding, stucco, clinker brick.	wood siding, stucco, brick, masonry.	smooth stucco, brick, wood siding & board and batten.	wood (siding, paneling, bargeboard, clapboard, board, batten, wood shingles).
<b>Accent Materials</b>	stonework, woodwork, brackets, beams, cedar shake roofing	wood, stone, metalwork	glass block, bold coloured doors, narrow wood posts & columns	curved brackets, scrollwork trim, spindles, fish scale shingles, half-timbering
<b>Details</b>	skilled craftsmanship in woodworking & masonry	restrained ornamentation	exposed post and beam construction.	double curved brackets, scrollwork trim, spindles etc.

Table 1: Permitted Architectural Styles for Houses in Cypress Point Community

**Area 1**

**4.20A.5 Single-Detached Area**

**Applicability**

4.20A.5.1 The Single-Detached Area is shown as Area 1 on Map 1.

**Intent**

4.20A.5.2 To create a walkable interesting streetscape of single-family houses that promotes locally and regionally relevant architecture while ensuring each home is visually different.

**Permitted Use Regulations**

- 4.20A.5.3 The following uses are not permitted:
- 4.20A.5.3.1 Multiple-unit dwellings;
  - 4.20A.5.3.2 Two-unit dwellings; and
  - 4.20A.5.3.3 Semi-detached dwellings.

**Dimensional Standards**

4.20A.5.4 Development must comply with the dimensional standards in this subsection.

**Additional Yard Requirements**

- 4.20A.5.4.1 The minimum site area is 612 square metres.
- 4.20A.5.4.2 The minimum front yard setback is 5.5 metres.
- 4.20A.5.4.3 The maximum front yard setback is 6.4 metres.

**Design Standards**

- 4.20A.5.5 Development must comply with the design standards in this subsection.
- 4.20A.5.5.1 The façade cannot be the same as other homes in the area

**Area 2**

4.20A.6 Semi-Detached Area

**Applicability**

4.20A.6.1 The Semi-Detached Area is shown as Area 2 on Map 1.

**Intent**

4.20A.6.2 To create a walkable interesting streetscape of semi-detached houses that promotes locally and regional relevant architecture while ensuring each home is visually different.

**Permitted Use Regulations**

4.20A.6.3 The following uses are not permitted:

- 4.20A.6.3.1 Single-detached dwellings;
- 4.20A.6.3.2 Two-unit dwellings; and
- 4.20A.6.3.3 Multiple-unit dwellings

**Dimensional Standards**

4.20A.6.4 Development must comply with the dimensional standards in this subsection.

**Additional Yard Requirements**

- 4.20A.6.4.1 The minimum site area is 504 square metres.
- 4.20A.6.4.2 The minimum front yard setback is 4.9 metres.
- 4.20A.6.4.3 The maximum front yard setback is 5.4 metres.

**Design Standards**

- 4.20A.6.5 Development must comply with the design standards in this subsection.
  - 4.20A.6.5.1 The façade cannot be the same as other homes in the area.

**Area 3**

4.20A.7 Street Townhouse Area

**Applicability**

4.20A.7.1 The Street Townhouse Area is shown as Area 3 on Map 1.

**Intent**

4.20A.7.2 To create a walkable interesting streetscape of townhouses that promotes locally and regional relevant architecture while ensuring each home is visually different.

**Permitted Use Regulations**

4.20A.7.3 The following uses are not permitted:

- 4.20A.7.3.1 Single-detached dwellings;
- 4.20A.7.3.2 Two-unit dwellings; and

**Development Standards**

4.20A.7.4 Development must comply with the development standards in this subsection.

**Parking and Loading**

4.20A.7.4.1 Parking is not permitted in the front or side yards when a property abuts a laneway.

**Dimensional Standards**

4.20A.7.5 Development must comply with the dimensional standards in this subsection.

**Additional Yard Requirements**

4.20A.7.5.1 The minimum site area is 396 square metres.

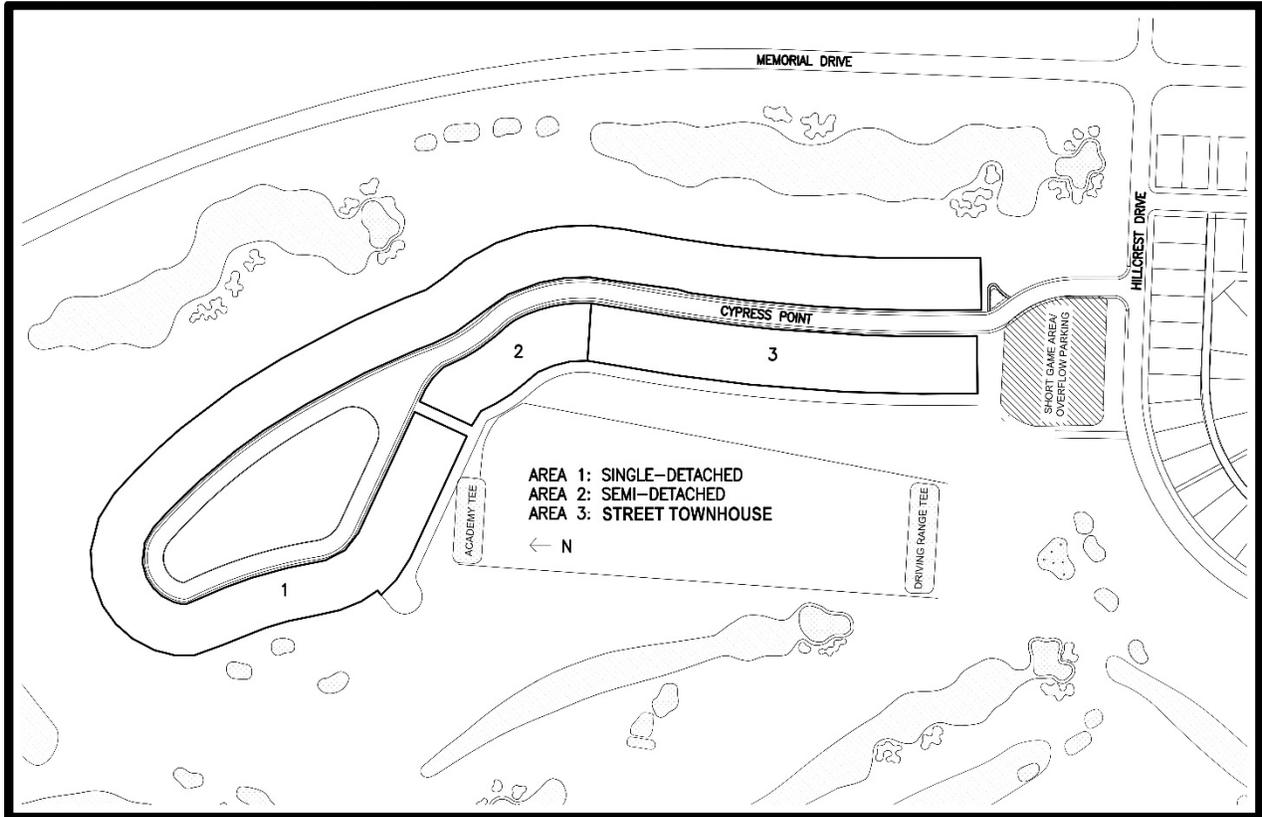
4.20A.7.5.2 The minimum front yard setback is 4.9 metres.

4.20A.7.5.3 The maximum front yard setback is 5.4 metres.

**Design Standards**

4.20A.7.6 Development must comply with the design standards in this subsection.

4.20A.7.6.1 Each façade must be unique and can only repeat for every 9<sup>th</sup> home along the street.



Map 1 Cypress Point Community Direct Control District (DC1-R2)

(Bylaw No. 7-2018)

#### **4.20B DC2-C1– Direct Control District for Central Downtown District**

##### 4.20B.1 Statement of Intent

To recognize and support the downtown area as the economic, cultural, and historic hub of the City by making it an attractive place to invest, work, shop, visit, and live consistent with the vision of the Swift Current Downtown Master Plan.

##### 4.20B.2 Permitted Principal Uses

In a DC2-C1 District, only the following uses of land and buildings shall be permitted:

4.20B2.1 All the buildings and/or uses permitted of a C1 – District.

##### 4.20B.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

4.20B.3.1 Cannabis Retail

4.20B.3.2 All the discretionary buildings and/or uses of a C1 – District.

##### 4.20B.4 Development Standards

4.20B.4.1 The prescribed development standards of the Central Commercial (C1) District shall apply, unless special provisions have been agreed to and specified in a development agreement.

4.20B.4.2 Approval of Council shall not be required where the use and/or development conforms to the permitted principal uses of the regular district.

(Bylaw No. 7-2023)

#### **4.20C DC3-C2– Neighbourhood Commercial District for Saskatchewan Valley**

##### 4.20C.1 Statement of Intent

To accommodate higher-density residential dwellings and commercial uses that are generally compatible with each other and cater to the day-to-day living requirements of the local neighbourhood.

##### 4.20C.2 Permitted Principal Uses

In the DC3-C2 District, only the following uses of land and buildings shall be permitted:

4.20C.2.1 all the buildings and/or uses permitted of a C2 District;

4.20C.2.2 apartment buildings;

4.20C.2.3 home-based businesses.

4.20C.3 Discretionary Uses

The following discretionary uses of land and buildings may be permitted:

4.20C.3.1 All the discretionary buildings and/or uses of a C2 District.

4.20C.4 Development Standards

4.20C.4.1 Except for apartment buildings, the prescribed development standards and site regulations of the C2 District shall apply, unless special provisions have been agreed to and specified in a development agreement.

4.20C.4.2 Apartment buildings shall comply with the prescribed development standards and site regulations for multiple-unit dwellings in an R3 District, unless special provisions have been agreed to and specified in a development agreement.

4.20C.4.3 Approval of Council shall not be required where the use and/or development conforms to the permitted principal uses of the regular districts.

#### 4.21 **Inner City Areas**

##### 4.21.1 Statement of Intent

The Inner City Areas are the older areas designated to allow infill development as defined in this Bylaw and as stated in the Development Plan Bylaw policies.

##### 4.21.2 Inner City Areas

The Inner City Area shall be that area as shown on Schedule “C” which forms part of this Bylaw.

##### 4.21.3 Regulations

- 4.21.3.1 Single-detached, semi-detached and two-unit dwellings may be moved into the City only within the designated Inner City Areas.
- 4.21.3.2 All move-in dwellings shall be compatible in age and appearance with existing dwellings in the immediate area.
- 4.21.3.3 All move-in dwellings shall be inspected and approved by the Building Inspector before a moving permit is issued. The Building Inspector may impose conditions regarding repairs, upgrading, orientation and/or any other item deemed necessary.
- 4.21.3.4 The fee for the inspection of move-in dwellings shall be set by resolution of Council.
- 4.21.3.5 Mobile/manufactured homes shall not be permitted within the Inner City Areas.

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**PART FIVE EFFECTIVE DATE OF BYLAW**

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This Bylaw shall come into force on the date of final approval by the Minister of Government Relations and Aboriginal Affairs.

\_\_\_\_\_MAYOR\_\_\_\_\_CITY CLERK

INTRODUCED AND READ a first time this 12<sup>th</sup> day of May, 2014.

READ a second time this 15<sup>th</sup> day of September, 2014.

READ a third time upon the consent of Council members present and finally passed this 15<sup>th</sup> day of September, 2014.

Schedule A - Contract Zone Districts

Bylaw No. 6 - 1996  
(March 18, 1996)  
Entrepreneurial  
Centre

Lot 14, Block 1, (Plan 96SC05539) as per the proposed subdivision plan prepared by the City of Swift Current Engineering Department dated January 29, 1996. Minerals in the Crown.

Schedule B  
Exception/Relaxation to/of Development Standards

Pursuant to this Bylaw, the following sites have been granted exception to development standards:

1. Lots 62 - 78, Block 7, Plan 73SC05543  
Relaxation: Minimum required front yard shall be 6.0 metres.
2. Lots 18 - 21, Block 14, Plan 83SC05874  
Relaxation: Minimum required front yard shall be 6.0 metres.
3. Lot 8, and most Northerly 15 feet of the East Half of Lot 9, Block 73, Swift Current Plan K-5486  
Except: Most Northerly 16 feet 8 inches in perpendicular width throughout of Lot 8.  
Secondary: The most Southerly 33 feet 4 inches of the most Westerly 110 feet of Lot 8.  
Relaxation: Minimum required frontage of 14.74 metres.
4. Lot 5, Block C, Plan 62SC03445  
Relaxation minimum required front yard shall be 7.0 metres.
5. Lot 18, Block 53, Plan 82SC11611  
Relaxation: Minimum rear yard shall be 4.0 metres for the sole purpose of enclosing the existing sundeck.
6. Bylaw No. 21 - 1994  
(May 16, 1994)  
  
Block Y, Plan 76SC00549  
Relaxation: Minimum front yard setback shall be 9.0 metres for the sole purpose of connecting two (2) buildings on this site in order that a Laundromat may be developed within the facility.
7. Bylaw No. 13 - 1995  
(May 1, 1995)  
  
Lot 7, Block 53, Plan B4312, being part of duplicate certificate of title 65SC02284.  
  
Relaxation: Allow a free standing sign 8.53 metres high with two (2) faces not exceeding a total of 22.0 square metres. The exception is granted because the total property area contained on the title is 4,942.0 square metres and fronts on three (3) streets.
8. Bylaw No. 30 - 1995  
(August 8, 1995)  
  
Lot 3, Block K, Plan DV1167 Relaxation: Minimum front yard shall be 2.75 metres and the east side yard shall be 0.9 metres. This exception is allowed solely for the addition to the existing house approved in July, 1995 and does not allow any further encroachments into the front or east side yard.

9. Bylaw No. 19 - 1996  
(August 6, 1996)  
  
Lot 3, Block H, Plan DV1167  
Relaxation: Minimum front yard shall be 4.95 metres.
10. Bylaw No. 23 - 1996  
(August 19, 1996)  
  
Lots 11 and 12, and Lot C, Block 13, Plan I2432 and Lot 13, Block 14, Plan I2432  
Relaxation: Minimum front yard shall be 2.0 metres.
11. Bylaw No. 10 – 1998  
(April 6, 1998)  
  
Lot 24, Block 140, Plan I2320  
Relaxation: Minimum side yard shall be 1.5 metres.
12. Bylaw No. 35 – 1998  
(September 21, 1998)  
  
Lot 3, Block 139, Plan 65SC11260  
Relaxation: Minimum side yard shall be 1.5 metres.
13. Bylaw No. 5 – 2005  
(April 12, 2005)  
  
Lot 26, Block 14, Plan 95SC05109  
Relaxation: Minimum front yard shall be 3.0 metres.
14. Bylaw No. 3 – 2008  
(March 31, 2008)  
  
Parcel A, Plan N1700  
To allow a second free standing message board and sign standing 8.5m high and 4m wide on the site of the Credit Union i-plex.
15. Bylaw No. 5 – 2009  
(April 13, 2009)  
  
Lot 19, Block 60, Plan 98SC16073  
Relaxation: Minimum Site Area shall be 230 square metres and the Minimum Site Frontage shall be 7.6 metres

16. Bylaw No. 15 – 2009  
(August 25, 2009)  
Lot 27, Block B, Plan B4078  
Relaxation: off-street parking requirement from seven (7) stalls to five (5) stalls
  
17. Bylaw No. 16 – 2009  
(August 25, 2009)  
  
Lot 11, Block 97, Plan AB368  
Relaxation: the required 3.0m (10ft) flanking sideyard setback to 1.45m (4'-9")
  
18. Bylaw No. 1-2011  
(January 10, 2011)  
  
Lot 23, Block 57, Plan 98SC16073  
To allow a free-standing sign to a height no greater than 4.2 metres on the site of the Great Plains College.
  
19. Bylaw No. 3-2011  
(May 2, 2011)  
  
Parcel PP, Plan 101779634 Ext 4; Parcel D, Plan 101779689 Ext 73;  
Parcel B, Plan 101779677 Ext 22; Parcel A, Plan 101779656 Ext 14;  
Parcel LL, Plan 101779599 Ext 6; Parcel G, Plan B4078 Ext 5; Parcel KK,  
Plan 101779601 Ext 7  
  
Relaxation: the minimum front yard setback from 7.6m to 0m
  
20. Bylaw No. 12 – 2011  
(July 11, 2011)  
  
Lots 34A and 34B, Block 38, Plan 101947541; Lot 35, Block 38, Plan 76SC12869; Lots  
36A and 36B, Block 38, Plan 88SC06977; and Lots 37 to 39, Block 38, Plan 76SC12869  
  
Relaxation: the minimum site frontage to 10.6m
  
21. Bylaw No. 11 – 2012  
(July 9, 2012)  
  
Parcel MM, Plan 101779612  
  
Relaxation: the minimum front yard setback from 7.6m to 0m
  
22. Bylaw No. 12 – 2013  
(July 8, 2013)  
  
Lot 17, Block B, Plan 102004153  
  
To rezone from R3 – High Density Multi-Unit Dwelling Residential District to R1S –  
Single Detached Small Lot Dwelling Residential District.

23. Bylaw No. 10 – 2015  
(July 20, 2015)

Lot G, Block 201, Plan 81SC06271;  
Parcel Y, Plan K1723

To rezone from C3 – Highway Commercial District to M1 – Light Industrial District; and

Part of Parcel L, Plan 102111354

To rezone from RC – Reserve Commercial District to C3 – Highway Commercial District

24. Bylaw No. 9 – 2016  
(May 24, 2016)

Lots 1 to 12, Block D, Plan EA5715;  
Lots A and B, Block 50, Plan EA5715;  
Lots 12 to 17, Block 50, Plan G3601

To rezone from R1 – Single Detached Dwelling Residential District to R2 – Low Density Multi-Unit Dwelling Residential District.

25. Bylaw No. 4 – 2016  
(March 29, 2016)

Parcel B, Plan 102188730

To rezone from PW – Parkway District to DC1-R2 – Direct Control Low Density Multi-Unit Dwelling Residential District.

26. Bylaw No. 1 – 2017  
(January 30, 2017)

Springs Commercial Neighbourhood

To rezone from RC – Reserve Commercial District to R3 – High Density Multi-Unit Dwelling Residential District and C3 – Highway Commercial District.

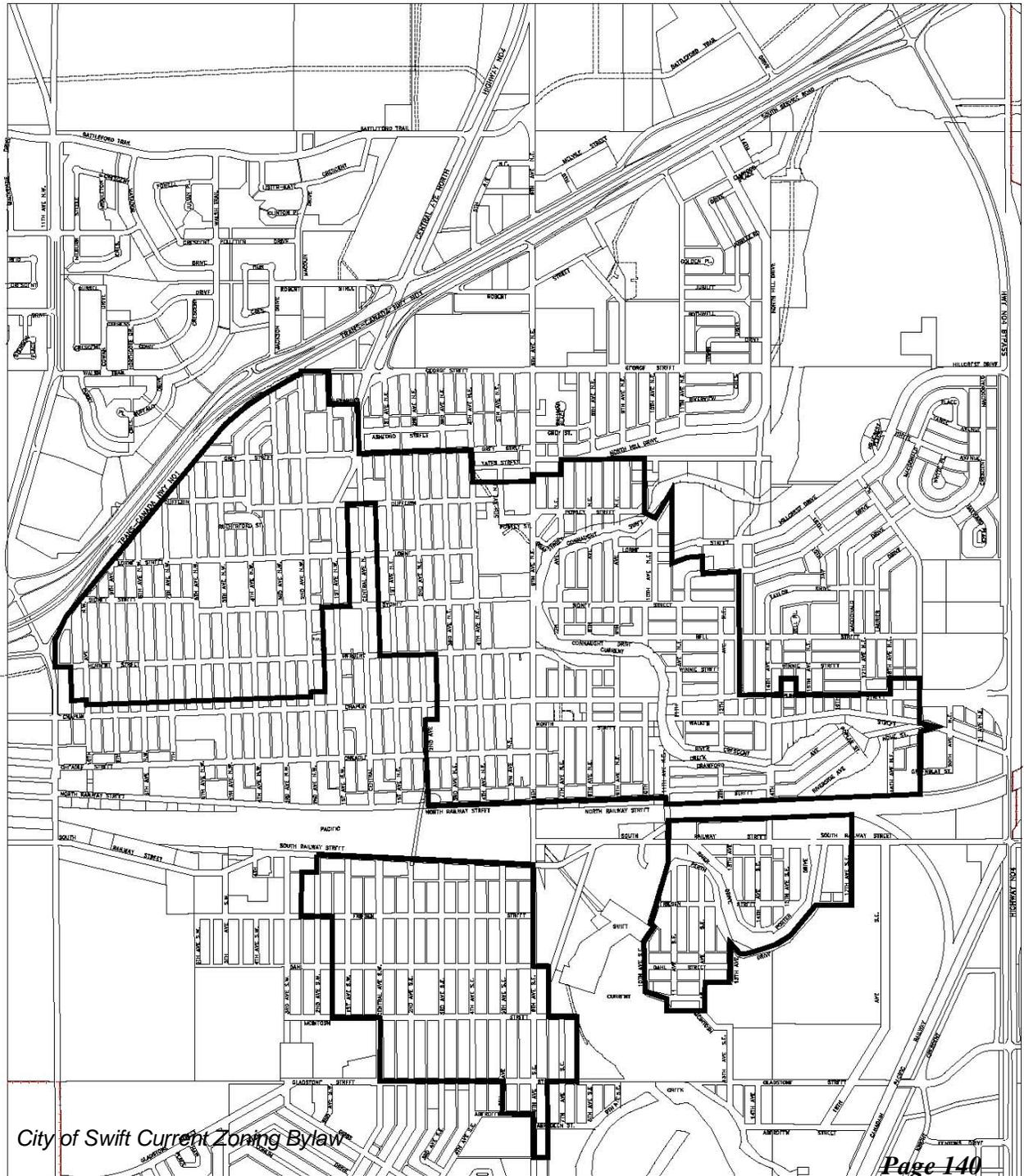
27. Bylaw No. 1 – 2018  
(January 29, 2018)

NE1/4 13-15-14-W3M

To rezone from UR Urban Reserve District to R3 – High Density Multi-Unit Dwelling Residential District.

28. Bylaw No. 4 – 2019  
(February 25, 2019)  
  
Parcel E, Plan N2857, Ext 2  
  
To rezone from UR – Urban Reserve District to M2 – Heavy Industrial District.
  
29. Bylaw No. 5 – 2020  
(June 15, 2020)  
  
Lots 2 to 15, Block 14, Plan 83SC05874  
  
To rezone from R1 to R1A – Single-Detached Dwelling Residential District.
  
30. Bylaw No. 7 – 2021  
(July 26, 2021)  
  
NE ¼ 31-15-13-W3M  
  
To rezone from R-C – Reserve Commercial District to R3 – High Density Multi-Unit Dwelling Residential District; C3 – Highway Commercial District; and PW – Parkway District.
  
30. Bylaw No. 9 – 2023  
(June 12, 2023)  
  
Lots 1 and 2, Block B, Plan 101933759  
  
To rezone from C3 – Highway Commercial District to DC3-C2 – Direct Control Neighbourhood Commercial District for Saskatchewan Valley.

**Schedule C**  
**In-Fill Areas**



Schedule D**Development Fees**

The following is a list of development application fees for the various forms of development in the City. An application shall not be considered complete until all fees have been paid.

Fees for Development Permit Applications:

- No charge, except for applicable Building Permit fees, as stated in the City Building Bylaw.

Zoning Applications/Bylaw Amendments/Discretionary Use Applications:

- \$400.00 + GST

Minor Variances:

- \$50.00

Conformity Certificates:

- \$10.00

Development Appeals:

- \$50.00

Moving Permits:

- \$50.00

Sign Permit (Bylaw No. 15-2012)

- \$50.00

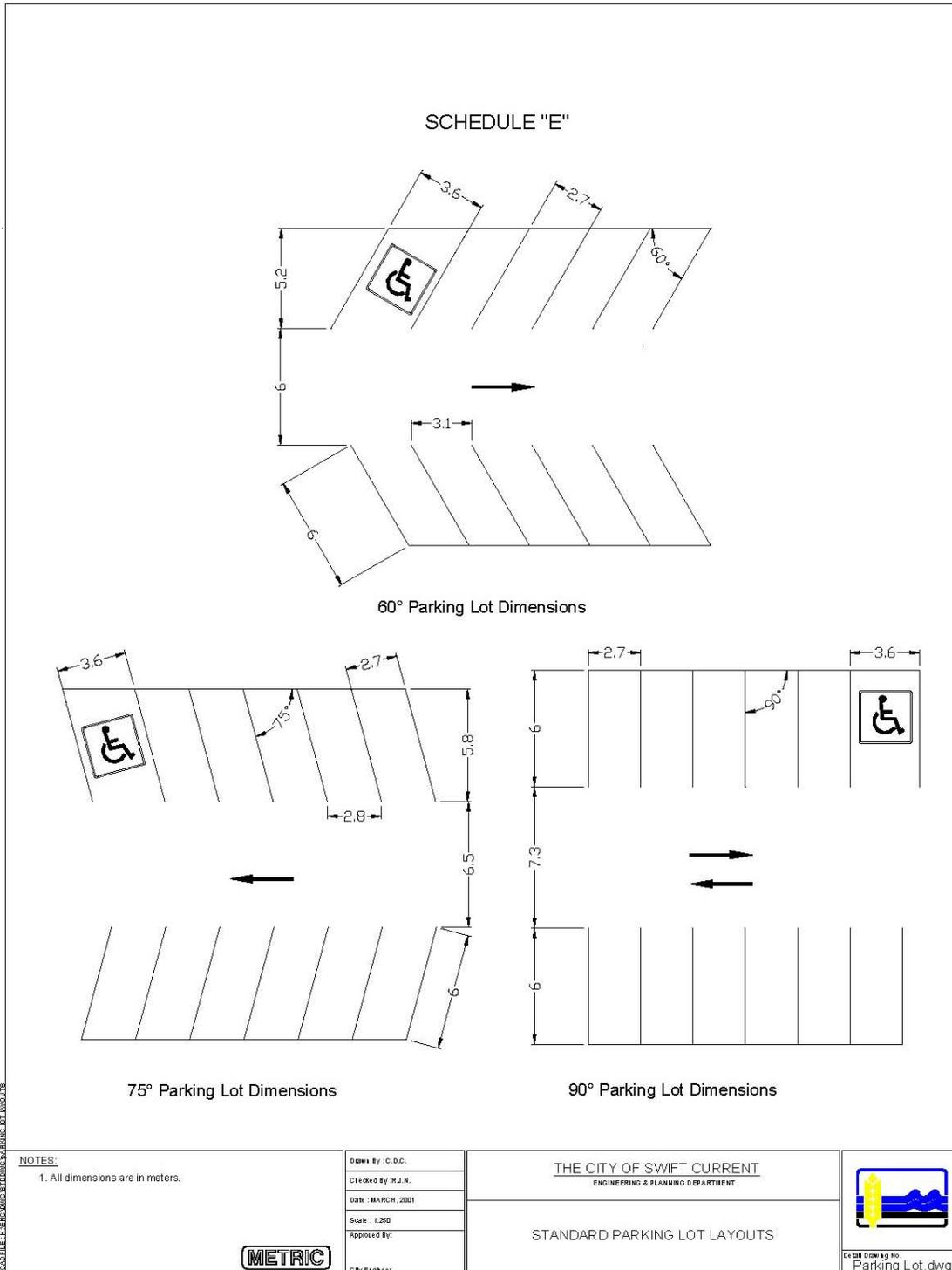
Payment In Lieu of Off-Street Parking Facilities:

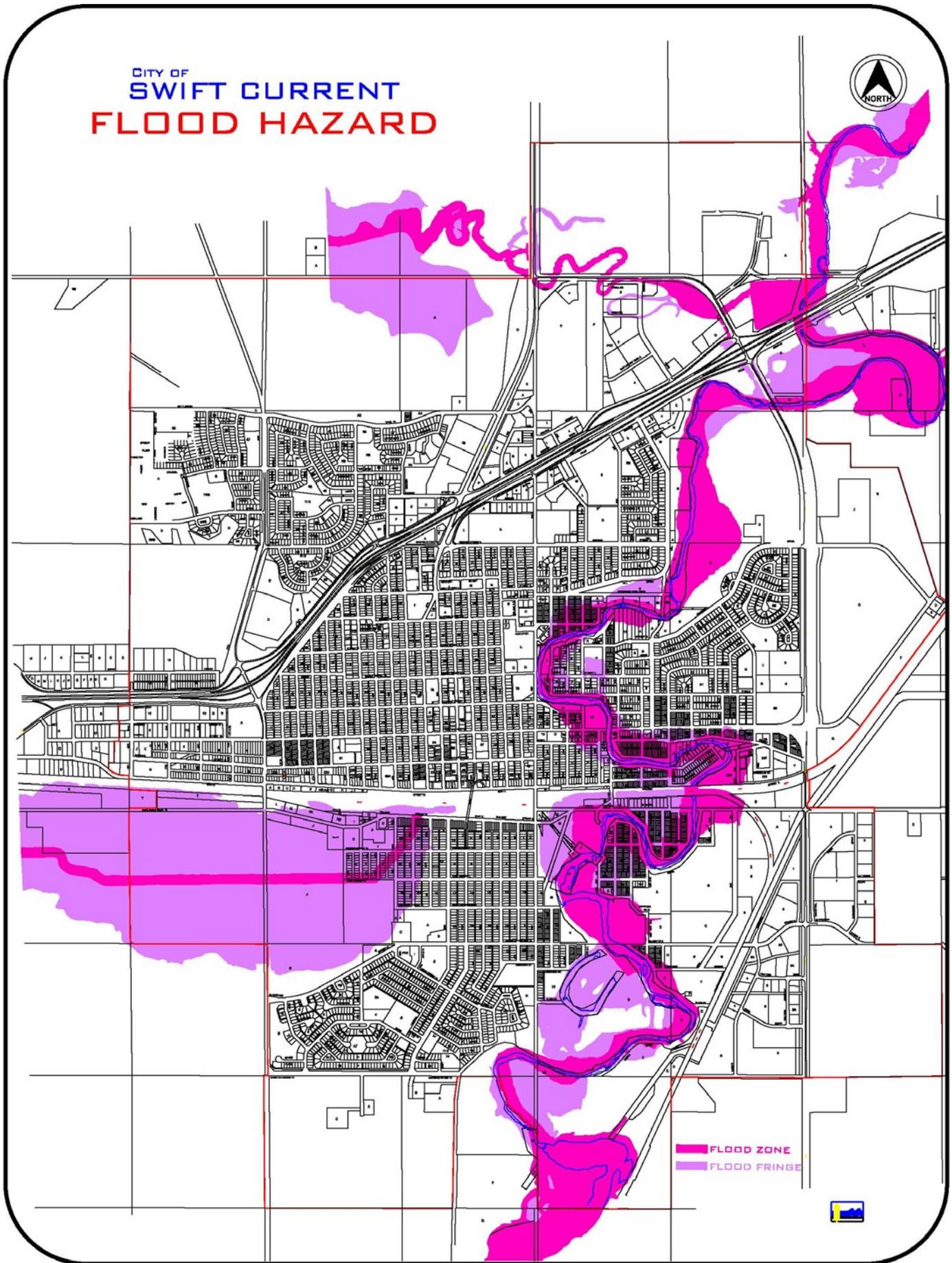
- \$2,000.00 for each off-street parking space

Shipping Container Permits: (Bylaw No. 13-2011)

- Principal or Accessory: as per the permit fees specified in the Building Bylaw;
- Temporary: \$50.00
- Extension to Temporary: \$30.00

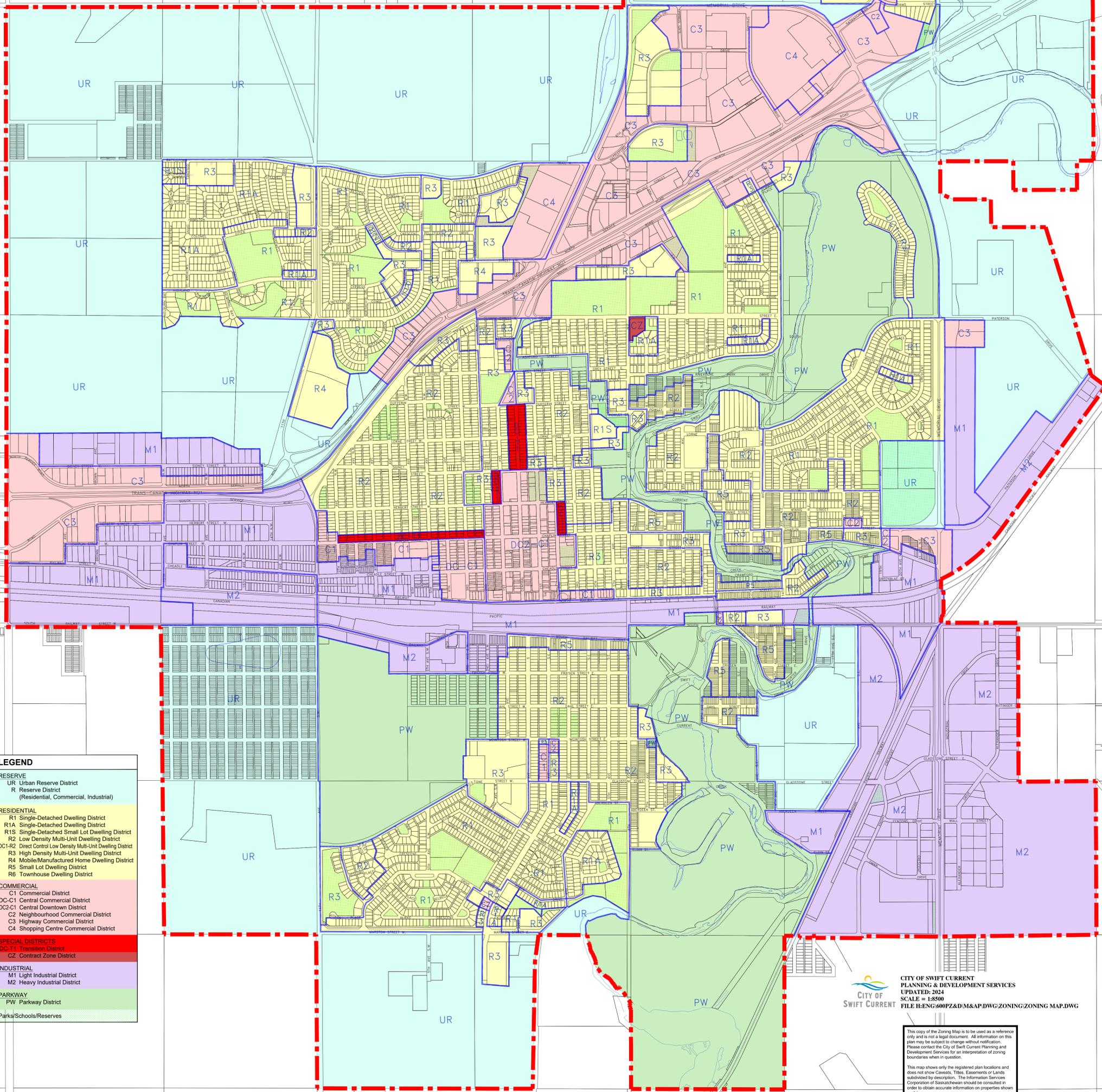
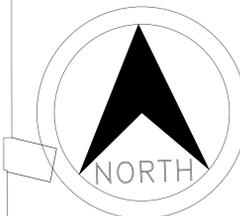
### Schedule E Parking Lot Layout







# CITY OF SWIFT CURRENT ZONING MAP



LEGEND	
<b>RESERVE</b>	
UR	Urban Reserve District
R	Reserve District (Residential, Commercial, Industrial)
<b>RESIDENTIAL</b>	
R1	Single-Detached Dwelling District
R1A	Single-Detached Dwelling District
R2	Low Density Multi-Unit Dwelling District
R2S	Single-Detached Small Lot Dwelling District
DC1-R2	Direct Control Low Density Multi-Unit Dwelling District
R3	High Density Multi-Unit Dwelling District
R4	Mobile/Manufactured Home Dwelling District
R5	Small Lot Dwelling District
R6	Townhouse Dwelling District
<b>COMMERCIAL</b>	
C1	Commercial District
DC-C1	Central Commercial District
DC2-C1	Central Downtown District
C2	Neighbourhood Commercial District
C3	Highway Commercial District
C4	Shopping Centre Commercial District
<b>SPECIAL DISTRICTS</b>	
DC-T1	Transition District
CZ	Contract Zone District
<b>INDUSTRIAL</b>	
M1	Light Industrial District
M2	Heavy Industrial District
<b>PARKWAY</b>	
PW	Parkway District
	Parks/Schools/Reserves

CITY OF SWIFT CURRENT  
PLANNING & DEVELOPMENT SERVICES  
UPDATED: 2024  
SCALE = 1:8500  
FILE H:ENG:600PZ&D\M&P\DWG\ZONING\ZONING MAP.DWG

This copy of the Zoning Map is to be used as a reference only and is not a legal document. All information on this plan may be subject to change without notification. Please contact the City of Swift Current Planning and Development Services for an interpretation of zoning boundaries when in question.

This map shows only the registered plan locations and does not show Covenants, Titles, Easements or Lands subdivided by description. The Information Services Corporation of Saskatchewan should be consulted in order to obtain accurate information on properties shown on this map.