


THE TOWN
OF PENSE
Zoning Bylaw

Bylaw: 2/2023

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1 INTRODUCTION

1.1 AUTHORITY

Under the authority granted by *The Planning and Development Act, 2007*, the Mayor and Council of the Town of Pense in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.2 TITLE

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

1.3 PURPOSE

The purpose of this Bylaw is to regulate development and to control the use of land in the Town of Pense in accordance with the Official Community Plan (OCP), Bylaw 1/2023.

The intent of this Zoning Bylaw is to provide for the amenity of the area within the Town of Pense (hereinafter referred to as the Town) and for the health, safety, and general welfare of the inhabitants of Pense and area:

- a) To minimize land use conflicts;
- b) To establish minimum standards to maintain the amenity of the Town;
- c) To ensure development is consistent with the physical limitations of the land;
- d) To restrict development that places undue demand on the Town for services; and
- e) To provide for land-use and development that is consistent with the goals and objectives of the Town.

1.4 SCOPE

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

1.5 SEVERABILITY

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

2 DEFINITIONS

Whenever the subsequent words or terms are used in the Official Community Plan, Bylaw No. 1/2023 and this Bylaw, they shall have the following definition unless the context indicates otherwise.

Abattoir: A facility for butchering or slaughtering animals, and to dress, cut, inspect meats, refrigerate, cure and manufacture by-products.

Abutting: Either

- a) Touching or sharing a common point, line or boundary, or
- b) Separated from any common point, line or boundary measured from the two closest points on the property by only:
 - i. An existing or planned lane;
 - ii. An existing or planned easement less than 9 m in width;
 - iii. An undeveloped lot or portion of a lot less than 9 m in width;
 - iv. An existing or planned road right-of-way less than 9 m in width.

Accessory Building or Use: A building or use that:

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

Accessory Dwelling Unit (ADU): A secondary dwelling on the same site as, or attached to, a principal dwelling.

Adjacent: Contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way or reserve land; and any other land identified in this Bylaw as adjacent land for the purpose of notification.

Administrator: The Administrator of the Town of Pense.

Aggregate Material: Mineral materials including sand, gravel, clay, earth or mineralized rock, including recycled concrete.

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

Alteration or Altered: With reference to a building, structure or site means a change from one major occupancy class or division to another, or a structural change such as an addition to the area or height, or the removal or part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any required means of egress or a change to the fixtures, equipment, cladding, trim, or any other items regulated by this Bylaw such as parking and landscaping.

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

Animal Clinic: A building or part thereof used by a qualified veterinarian for the care and treatment of animals involving outpatient care and medical procedures involving hospitalization but shall not include the keeping of animals in outdoor pens.

Apartment Building: A building containing three (3) or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence as distinct from a hotel, motel or rooming house.

Applicant: A developer or person applying for a Development Permit under this Bylaw or for a subdivision approval to an approving authority under *The Planning and Development Act 2007*.

Artisan Studio: A building or portion of a building designated for an artisan (e.g. performing, visual and participatory art).

Assembly: A land use class including land uses where members of the general public gather for a variety of purposes (e.g. recreation, religious, community, ceremonial).

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

Auto Wrecker: An area where motor vehicles as disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored or sold to the general public permitted as a discretionary use in Industrial District.

Awning: A structure that is mechanical and fabricated from plastic, canvas or metal that is spread across a frame designed to be attached to a wall and hung above a doorway or window.

Bare Land Condominium: A condominium divided into bare land units as defined in *The Condominium Property Act, 1993*.

Bare Land Unit: A bare land unit as defined in *The Condominium Property Act, 1993*.

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

Bed and Breakfast Home: A dwelling unit in which the occupants thereof use a portion of the dwelling unit for the purpose of providing, for remuneration, sleeping accommodation and one meal per day to members of the general public, for periods of one week or less, and in which:

- (a) not more than three bedrooms within the dwelling unit are used to provide such sleeping accommodation;
- (b) the dwelling unit is the principal residence of the person or persons receiving the remuneration and providing the sleeping accommodation and one meal per day;
- (c) the meal which is provided is served before noon each day; and,
- (d) is licensed as a tourist home under *The Tourist Accommodation Regulations, 1969*.

Billboard: A private free-standing sign, including supporting structure, which advertises goods, products, services, organizations, of facilities that are available from,

located on, or refer to a site other than the site on which the sign is located.

Block: An area bounded by four public streets, excluding a lane.

Block Face: One side of a street between two consecutive public land features (such as roads, waterways, publicly owned easements) that are 10 metres wide or wider and intersect the street. On a cul-de-sac, lots fronting the traffic bulb for a separate block face.

Buffer: A strip of land, vegetation or land use that physically separates two or more different land uses.

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

Building Bylaw: A Bylaw of the Town of Pense to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures, as provided for under The Construction Codes Act, 2022.

Building Front Line: The line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which faces the front site line.

Building Line, Established: A line, parallel to the front site line (and, in the case of corner sites, a line, parallel to the side site line along the flanking street), and set back the average distance from the edge of the street to the main walls of the existing buildings on a side of any block of the street where more than half of the lots have been built on.

Building Rear Line: The line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.

Building Side Line: The line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the side site line.

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

Building, Height: the vertical distance of a building measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof (refer to Figure 2-1).

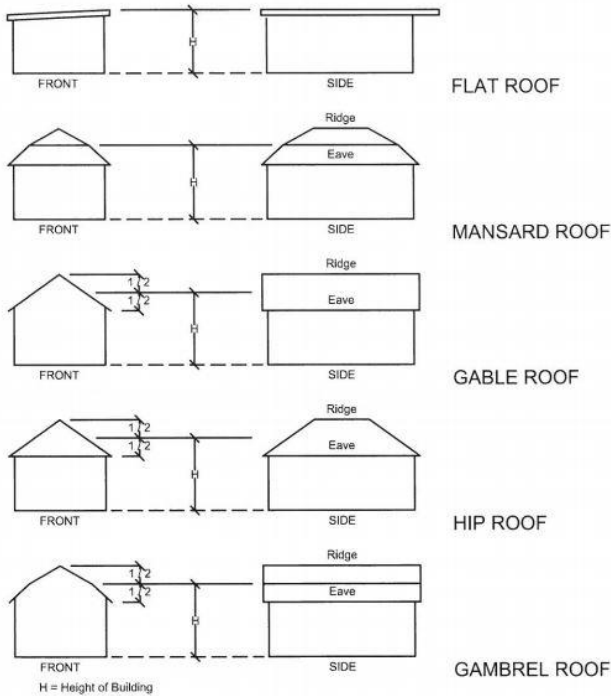


FIGURE 2-1: Interpretation of Building Height Measurement

Bulk Petroleum Sales and Storage: includes land, buildings, and structure for the storage and distribution of fuels and oils including retail sales or key-lock operation.

Bylaw: The Town of Pense Zoning Bylaw.

Campground: An area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Cardlock Operation: A petroleum dispensing outlet without full-time attendants.

Carport: A building or structure or part thereof, where at least 40% of the area of the perimeter is open and

unobstructed by a wall, door, post or pier and which is used for the parking or storage of motor vehicles.

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

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

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

Commercial/Industrial Use, Large Scale: Commercial or industrial land uses maintaining a lineal frontage in excess of 91.0 metres (298.56 feet).

Commercial/Industrial Use, Small Scale: Commercial or industrial land uses maintaining a lineal frontage of 91.0 metres (298.56 feet) or less.

Community Facilities: Buildings or facilities used for recreational, social, educational or cultural activities and that are owned by a municipal corporation, non-profit corporation or other non-profit organization.

Compost: Materials used in gardening, agriculture, landscaping, erosion control, wetland construction, and landfill cover.

Conservation: The planning, management and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment.

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

Construction Trades: Offices, shops and warehouses, with or without retail sales for trades associated with construction of buildings (see Contractors Yard).

Contractors Yard: The yard of a contractor or company, including landscaping materials used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the

administration or management of the business and the stockpiling or storage of supplies used in the business.

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

Council: The Council of the Town of Pense.

Day Care: An establishment providing for the care, supervision and protection of children or adults but does not include the provision of overnight supervision.

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

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

Development Officer: An employee of The Town appointed by the Administrator to act as a Development Officer to administer this Bylaw.

Demolition Permit: A permit issued for the removal or dismantling of a building or structure with the Town's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

Development Permit: A document issued by the Council of the Town of Pense that authorizes development pursuant to this Bylaw but does not include a building permit.

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

Driveway: A hard surfaced private right-of-way adjoining and providing access for vehicles from a street, boulevard, curb, or sidewalk to a carport, garage or hard surfaced parking pad.

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

Types of Principal Dwellings

Dwelling, Duplex: A building that is divided into two (2) dwelling units with separate entrances and separated by a common party wall or floor.

Dwelling, Live/Work: A dwelling unit, part of which may be used as a business establishment (see Home Based Business), where the dwelling unit is the principal residence of the business operator permitted only in the Live/Work Residential Acreage District.

Dwelling, Manufactured/Modular: A factory-built, one or two section dwelling, conforming to CSA Standard Z240 and A277 certification, and which is transported to the site for placement on a fixed approved foundation which complies with the requirements of the National Building Code.

Dwelling, Mobile Home: A portable factory-built, one or two section dwelling built on a metal chassis, conforming to CSA Standard Z240MH and A277 certification, and which is transported to the site for placement on either a fixed approved foundation which complies with the requirements of the National Building Code or placement on footings with skirting.

Dwelling, Multiple Unit: A building containing three or more dwelling units and shall include condominiums, townhouses, row houses, and apartment buildings as distinct from a rooming house, hotel, or motel.

Dwelling, Ready-to-Move (RTM): A "stick-built home" is a building that is fully assembled by the seller prior to sale that is a single structure designed for use with a permanent foundation as a domestic residence and is entirely constructed away from the site transported as a single unit to the building site for installation on a permanent foundation.

Dwelling, Rooming House: A dwelling unit that is the primary residence of the owner and in which rooming units are provided by the owner for permanent occupancy and compensation to individuals not related by blood, marriage or adoptions to the owner and the kitchen and washroom are shared.

Dwelling, Row House: A dwelling, designed as one cohesive building in terms of architectural design, which contains three (3) or more similar attached dwelling units each of which fronts on a street, has

direct access to the outside at grade and is not wholly or partly above another dwelling.

Dwelling, Semi-Detached: A building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roofline.

Dwelling, Single-Detached: A building containing only one dwelling unit and shall not include a mobile home as herein defined.

Types of Accessory Dwellings

Dwelling, Garage Suite: A subordinate, self-contained dwelling unit in a detached garage in the rear yard and is accessory to a Single-Detached dwelling.

Dwelling, Garden Suite: A subordinate, self-contained ground-oriented dwelling unit in an accessory building in the side or rear yard that is accessed from the public street at the frontage of the property and is accessory to a Single-Detached dwelling.

Dwelling, Laneway Suite: A subordinate, self-contained ground-oriented dwelling unit in an accessory building accessed from the adjacent lane and is accessory to a Single-Detached dwelling.

Dwelling, Shipping Container conversion: A subordinate, self-contained dwelling unit in a mobile storage container (rail or sea) in the side or rear yard and is accessory to a Single-Detached dwelling.

Dwelling, Secondary Suite: A subordinate, self-contained dwelling unit within a building that contains a principal Dwelling Unit and where both dwelling units constitute a single real estate entity.

Dwelling, Tiny House: A subordinate, self-contained dwelling unit not on wheels in an accessory building in the side or rear yard and is accessory to a Single-Detached dwelling.

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

Dwelling, Unit: One or more habitable rooms used, or fully capable of being used as a residence, where each unit provides sleeping, cooking, and toilet facilities. See also **Accessory Dwelling Unit (ADU)**

Easement: The right, as registered to a property title, to cross or otherwise use another person's land, usually for a specified purpose.

Educational Institution: An establishment dedicated for the purpose of providing education and instruction in any branch of knowledge.

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

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

Fill (Clean Fill): Soil, rock or other material approved by the Town.

Fence: A barrier, or other upright structure used to enclose or screen areas of land.

Flankage: The side site line of a corner site which abuts the street.

Flanking: Means to the side of a lot, parcel or site.

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

Flood Level (Design):

- a) a 1:500 year flood;
- b) a flood having a return period greater than 1:500 years;
- c) a recorded flood having a water surface elevation equal to or exceeding that of a 1:500 year flood.

Flood Fringe: The portion of the floodplain inundated by the 1:500 year flood that is not floodway.

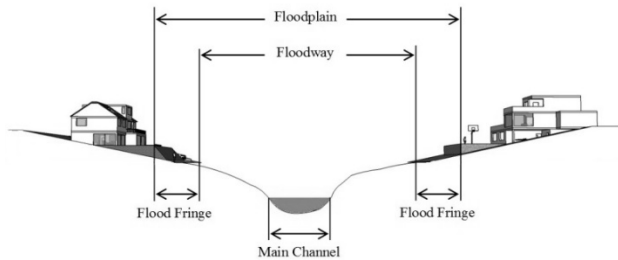
Flood Plain: Means the area inundated by water from a watercourse or water body during a 1:500 year flood and is made up of a floodway and the flood fringe.

Flood-proofed: A measure, or combination of structural and non-structural measures, incorporated into the design of a structure, which reduces or eliminates the risk of flood damage to a defined elevation.

Floodway: The portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one (1) metre or a velocity of one (1) metre per second.

Floor Area: The maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit, any private garage, porch, veranda, open deck, unfinished attic, or unfinished basement and in a commercial or industrial building, any utility room.

Freeboard Elevation: The elevation of the Design Flood Level (the 1:500 flood elevation) plus an extra 0.50 metres (1.64 feet) to provide protection against wave run-up and ice surge.



Future Land Use Plan (Map): A comprehensive document compiled by a local government that identifies goals and strategies for future development or preservation of land. In its projections, the map specifies certain areas for residential growth and others for agriculture, industry, commercial and conservation. The Future Land Use Plan for the Town of Pense is attached as Appendix "A" in the Official Community Plan.

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

Garage, Private: A building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing nor repairing of such vehicles are carried on for remuneration, other than an approved Home Based Business.

Garage, Public: A building or place where motor vehicles are stored or repaired for remuneration but does not

include car washing establishments, an auto sales lot or an automobile service station.

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

General Commercial Type I: Those developments where activities and uses are primarily carried on within an enclosed building intended to provide for the merchandising of refined good and services targeted for the travelling public and the surrounding community for financial gain.

General Industry Type I: Those developments where activities and uses are primarily carried on within an enclosed building where no significant nuisance factor is created or apparent outside an enclosed building. Developments of this type shall not pose, in the opinion of a Development Officer, any significant risk of interfering with the amenity of adjacent sites because the nature of the site, materials or processes and shall include but not be limited to the following activities:

- a) the assembling of goods, products or equipment;
- b) the limited processing of raw, value-added or finished materials;
- c) the storage or transshipping of materials, goods and equipment;
- d) the training of personnel in general industrial operations;
- e) it may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses.

General Industry Type II: Those developments in which all or a portion of the activities and uses are carried on outdoors, without any significant nuisance or environmental factors such as noise, appearance, or odour, extending beyond the boundaries of the site. Developments of this type shall not pose, in the opinion of a Development Officer, any significant risk of interfering with the amenity of adjacent sites because the nature of the site, materials or processes and shall include but not be limited to the following activities:

- a) manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products;
- b) the storage or transshipping of materials, goods and equipment;

- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts.

General Industry Type III: See Industrial Exclusionary Uses.

Grade: The average elevation of the natural ground level at the walls of a building or structure as determined by the elevation of the four outside corners of the building. For the purpose of calculating the height of a building with a walk-out basement, the grade shall be the average elevation of the natural ground level at the wall that is adjacent to the front lot line.

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

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

Greenway: A linear park which may accommodate pathways principally for foot traffic and/or bicycles. Typically, greenways are planned along creeks or streams and managed as natural environments or bikeways along landscaped roads.

Hazardous Material/Substance: As defined in *The Hazardous Substance and Waste Dangerous Goods Regulations*; and any other substance that, because of its quality, concentration or physical, chemical or infectious characteristics, either individually or in combination with other substances on the site is an existing or potential threat to the physical environment, to human health or other living organisms, in the opinion of the Development Officer.

Health Service Facility (Health Clinic): A building or part thereof used by qualified health service practitioners for the treatment of human health needs.

Heritage Resource: The history, culture and historical resources of an area and its residents.

Highway, Commercial: Commercial activities normally located along highways, major roadways and in other locations considered strategic by the type of business involved serving the needs of local residents and the traveling public.

Highway Sign Corridor: A strip of land parallel and adjacent to a provincial highway, where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled "*The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*", as may be amended from time to time.

Home Based Business: An occupation, trade, profession, or craft customarily conducted for monetary gain in a dwelling unit or accessory building by the resident or residents, which is incidental and secondary to the principal use of the site, and which does not create or become a public nuisance as a result of noise, traffic, pollution, or parking.

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

Industrial Exclusionary Uses: Refers to certain industrial activities that may be characterized as exhibiting a high potential for adversely affecting the safety, use, amenity or enjoyment of adjacent and nearby industrial and non-industrial sites due to their scale, appearance, noise, odour, emissions and hazard potential. Such activities are considered exclusionary when the only means of mitigating the associated negative effects on surrounding land uses is through spatial separation. Exclusionary uses would include but not be limited to the following: Landfill, ethanol plant, transformer stations, uranium refineries, and anhydrous ammonia storage and distribution centres.

Industrial Park: An area of land set aside for industrial development.

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

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

Intermodal Freight Container: Is a standardized reusable steel box used for the safe, efficient and secure storage and movement of materials and products within a global containerized intermodal freight transport system "Intermodal" indicates that the container can be moved from one mode of transport to another (from ship, to rail, to truck) without unloading and reloading the contents of the container. Lengths of containers, which each have a unique ISO 6346 reporting mark, vary from 2.44 metres to 17.07 metres (8 feet to 56 feet) and heights from 2.44 metres to 2.90 metres (8 feet to 9 feet 6 inches).

Kenel, Commercial Dog: An accessory building or enclosure intended to house one or more domestic animals.

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

Land Use: The purpose that the land serves or the operation on the land.

Land Use Zoning District: Divisions identified in the Zoning Bylaw establishing permitted and discretionary uses of land or buildings with attendant regulations.

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

Licensed Premise: An establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food. This includes Bars, Taverns, Lounges and Restaurants.

Livestock: Domesticated animals used primarily as beasts of burden or to produce fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion animals.

Live/Work Residential Acreage: A residential development where the owner's principal source of income is derived from a source other than agriculture, and where

an on-site occupation or activity is permitted including the interior storage of material and the maintenance of equipment related to the occupation.

Loading Space: a space measuring at least 2.5 m in width and 8.4 m in depth, located on a lot, and having access to a street or lane in which a vehicle may park to load or unload.

Lot: An area of land with fixed boundaries on record with the Information Services Corporation (ISC) by Certificate of Title. For the purposes of this Bylaw the terms "lot" and "site" shall be deemed not to mean the same.

Manufacturing Establishment: A firm or business engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of components parts, the manufacturing of products and the blending of materials.

Mayor: The Mayor of the Town of Pense.

Medicinal Marijuana Production Facility (MMPF) – A facility, licensed by the Federal Government for all onsite activities, used solely for the growing, production, manufacturing, processing, testing, destroying, labeling, packaging, storing, and shipping of marijuana and marijuana products for medical purposes. This does not include the retail sale of marijuana for recreational purposes.

Membrane Covered Structure: A structure consisting of a frame that is covered with a plastic, fabric, canvas or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures also commonly known as hoop houses, canopy covered carports, tarp sheds, tent garages and can be fully or partially covered, but does not include gazebos.

Minister: The member of the Executive Council to whom for the time being is assigned the administration of *The Planning and Development Act, 2007*.

Mixed-Use: A mix of land uses that facilitate the mixing, rather than separation of, land uses in one distinctive environment, either vertically in the same building or horizontally adjacent. It is intended to be compatible with adjacent uses.

Mobile Home: See Dwelling, Manufactured/Mobile Home

Modular Home: See Dwelling, Modular

Modular (Manufactured) Home Subdivision: Any subdivision of land and the development thereof for the purpose of accommodating modular homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 m², and in which all sites, public open space, internal streets, buffer zones, and other amenity areas form a contiguous area of development.

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

Multiple-Use Building: A building containing two (2) or more distinct uses, each of which is allowed in the Zoning District in which the building is located.

Multiple Complimentary (Vertically Integrated) Activites: The accommodation of multiple complimentary activities which could be considered principal permitted uses under single or multiple ownership within one or more buildings on a single site where these uses are considered to provide additional processing and / or the sale of manufactured goods produced onsite.

Municipality: The Town of Pense.

Municipal Reserve: Dedicated lands that are provided to a municipality for public use, or that were dedicated as public reserve and transferred to a Municipality pursuant to *The Planning and Development Act, 2007*.

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

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

Non-Conforming Use: Any use of land, building or structure lawfully existing or under construction where permits have been issued at the time of the passing of this

Bylaw, the use of which does not comply with all the regulations of this Bylaw governing the Zoning District in which it is located.

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

Noxious Use or Condition: Any use or facility that causes or produces harmful or hazardous noise, vapors, smoke, dust (particles suspended in or transported by air), vibrations, electrical or electromagnetic fields, glare, or light.

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

Official Community Plan (OCP): The Official Community Plan for Pense is Bylaw 1/2023.

Open Space: Passive and structure leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community, including parks, recreation and tourism nodes, and natural areas.

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

Parking Space: A space within a building or parking lot for the parking of one (1) motor vehicle including convenient access to a public lane or street and shall be not less than 3.0 m wide and 5.5 m in length.

Patio: Any hard surface or floor structure less than 0.3 m above the average ground level upon which it is constructed.

Permitted Use: The use of land, buildings or other structures that shall be permitted, provided the use conforms to the development standards and regulations of this Zoning Bylaw.

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

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

Personal Service Trades: A building or part of a building in which persons are employed in furnishing services and administering to customer's personal and or grooming needs but does not include the provision of health-related services.

Places of Worship: A building set aside by any religious organization for public worship. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

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

Portage Storage Unit: A transportable storage container that is designed and used for the storage of building materials, household goods, personal items and other materials for use on a temporary basis on a residential property. Such units are uniquely designed for their ease of loading to and from a transport vehicle.

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

Public Work: A facility as defined under *The Planning and Development Act, 2007* including a system, work, plant, equipment, or service, whether owned or operated by the Municipality, or by a corporation under Federal or Provincial statute, that furnishes any of the following services and facilities to, or for the use of, the inhabitants of the Town of Pense:

- Communication by way of telephone lines, optical cable, microwave, and cable;
- Television services;
- Delivery of water, natural gas, and electricity;

- Public transportation by bus, rail, or other vehicle production,
- Collection and disposal of sewage, garbage, and other wastes; and
- Fire and Police Services.

Reconstruction: The structural alteration of supporting elements of a building or other structure.

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

Recreational Vehicle: A vehicle, watercraft or portable structure including a trailer on which a portable structure is mounted, that can be towed, hauled, transported or driven and which is designed to provide temporary living accommodation for travel, vacation, or recreational use. It has an overall length not exceeding 12.5 m (11.3 for a fifth wheel travel trailer) and an overall width not exceeding 2.6 m where the width is the sum of the distance from the vehicle centerline to the outermost projections on each side (including door handles, water connections, etc.) when the vehicle is folded or stowed away for transit.

Recreational Vehicle (RV) Park: An area of land, managed as a unit, providing short-term accommodation for motor homes and camping trailers, including accessory facilities such as an administration office and laundry.

Recycling and Collection Depot (Community): A building or structure intended to accommodate the collection, sorting, processing and temporary storage of recyclable household materials such as bottles, cans, plastic containers, paper and paint that would otherwise be considered waste. These types of uses do not include any outdoor processing or storage.

Residential Business: See **Home Based Business**.

Residential Care Home: See **Personal Care Home**

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

Restaurant: A building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. Limited facilities may be permitted to provide a take-out food function provided that such a facility is clearly secondary to the primary restaurant use.

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

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

RTM (Ready to Move) Home: See Dwelling, Ready-to-Move (RTM)

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

Salvage Yard (Wrecking): A parcel of land where second-hand, discarded or scrap materials are bought, sold, exchanged, stored, processed or handled. Materials include scrap iron, structural steel, rubber tires, discarded goods, equipment, appliances or machinery.

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

Secondary Suite: See Dwelling, Secondary Suite.

Self-contained: A dwelling unit having its own kitchen, bathroom and entrance.

Self-service Storage Facility: A commercial business that rents or leases storage rooms, lockers, containers, modular storage units and/or outdoor space, for

businesses and individuals to store and access their goods.

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

Setback: See Yard, Front Setback, Yard, Rear Setback and Yard, Side Setback.

Shed: An accessory building or structure used for the storage of goods which shall not exceed 9.3m² (100 sq ft) in area.

Shipping Container: A container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.

Shopping Centre/Strip Mall: A building or group of buildings located on the same lot or site, in which four or more of the uses allowed in the Zoning Districts are located for their mutual benefit including the use of off-street parking and other joint facilities.

Should, Shall or May:

- Shall is an operative word which means the action is obligatory.
- Should is an operative word which means that to achieve plan objectives, it is strongly advised that the action be taken.
- May is an operative word meaning a choice is available, with no particular direction or guidance intended.

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

- **Billboard:** A private free-standing sign, including supporting structure, which advertises goods, products, services, organizations, or facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

- **Directional:** A sign located off-site providing direction to, and information about, a specific enterprise or activity which does not contain general advertising.
- **Free-standing:** A sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.
- **Projecting:** A sign which is wholly or partially dependent upon a building for support and which projects more than 0.5 m from such building.
- **Real-Estate:** A sign directly associated with the sale of a property on which it is located, and which maintains a gross surface area of less than 1.0 m² (10.76 ft²).
- **Temporary:** A sign which is not permanently installed or affixed in position, advertising a product or activity on a limited basis.

Sign, Height: The vertical distance measured from the highest point of the sign to grade level at the centre of the sign.

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

Site Area: The total horizontal area within the site lines of a site.

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

Site Coverage: The percentage of the site area covered by all the buildings or structures above the ground level excluding uncovered swimming pools, uncovered terraces, uncovered porches and decks, except when the basement walk out area is covered by a main floor deck.

Site Depth: The horizontal distance between the front site and rear site lines, but where the front and rear site lines

are not parallel the site depth is the length of a line joining the midpoint of such site lines.

Site, Through: A site other than a corner site, having separate frontages on two streets.

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

Site Line: Any boundary of a site.

Site Line, Front: The line dividing the site from the street in the case of an interior site. In the case of a corner site or through site, the shorter site line abutting a street shall be deemed the front site line and the longer site line abutting a street shall be deemed the side site line. In the case of a through site or a corner site whose side site lines are the same length, the site line where the principal access to the lot is provided shall be deemed to be the front site line.

Site Line, Rear: The site line at the rear of the site, opposite the front site line.

Site Line, Side: A site line other than a front or rear site line.

Site Plan: A document which indicates the location of existing and proposed development on a site in relationship to the site lines.

Special Care Facility (Home): An institutionalized nursing home, supervisory care home, sheltered care home or other facility used for the purpose of providing supervisory care, personal care, and nursing care.

Special Needs Housing: Multiple unit dwellings or dwelling groups operated by a non-profit corporation or public authority and used exclusively for the domestic habitation of senior citizens, disabled persons, occupants of subsidized housing, or the cohabitant spouse and children of persons noted above.

Stakeholders: Individuals, groups or organizations who have a specific interest or "stake" in a particular need, issue, situation or project and may include members of the local community, community groups or local, provincial and federal governments.

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

Storey, One-Half: That portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height in accordance with the National Building Code of Canada, between finished floor and finished ceiling over a floor area which is not less than one-third or more than two-thirds of the floor area of the storey next below.

Street: The whole and entire width of every highway, public road, or road allowance vested in Her Majesty in the right of the Province of Saskatchewan and shown as such on a plan of survey registered at the Information Services Corporation (ISC).

Strip Mall (Mini Mall): A building of not more than 604.0 m² (6501.61 ft²) in gross floor area in which a minimum of three (3) and a maximum of six (6) of the permitted or discretionary uses of the Zoning District are located together for their mutual benefit.

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

Structural Alteration: The construction or reconstruction of supporting elements of a building or other structure.

Subdivision: A division of land and includes a division of a quarter section into legal subdivision as described in the regulations made pursuant to *The Land Surveys Act, 2000*.

Swimming Pool: An artificially created basin, lined with concrete, fiberglass, vinyl or similar material, intended to contain water for the use of persons for swimming, diving, wading or other similar activity, which is 0.6 m or more in depth at any point, and includes pools situated on top of the ground and hot tubs.

(Tele)communication Facility: A structure situated on a non-residential site that is intended for transmitting or receiving television, radio or cellular communications, excluding those used exclusively for dispatch communications.

Temporary Garage: A temporary **membrane covered structure** used primarily for the storage of vehicles or other equipment accessory to a residential use only.

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

Town: The Town of Pense.

Trucking Firm Establishment: The use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include an automobile service station, transportation sales or rental outlets permitted in Industrial District.

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

Used For: Includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

Utility Shed: An accessory building or structure used for the storage of goods with a maximum floor area of 14.0 m² (144 ft²).

Vehicle Repair and Maintenance Service:

- a) Indoor: includes all land uses which perform maintenance services to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.
- b) Outdoor: maintenance services have all or any portion of their operations located outside of an enclosed building.

Warehouse: A building used for the storage and distribution of wholesale goods and materials.

Waste Disposal Facility, Liquid: A facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

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

Wind Energy Conversion Unit: A system composed of a wind turbine, tower and associated control electronics with a capacity of less than 100 kW for non-residential use or 10 kW for residential use. It will be considered an accessory use and is intended to provide on-site power for a principal use. A system having a rated capacity of 10 kilowatts (kW) or less for residential use or 100 kW or less for non-residential uses shall be considered a private use system for the purposes of the regulations.

Workshop: A small building where goods are manufactured or repaired and all related activities are conducted within an enclosed building with a minimal amount of exterior storage of materials, goods, or waste products.

Work Camp: A temporary industrial or construction camp established for the purpose of providing accommodation for employees, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such a fashion as to provide sleeping, eating and other basic living facilities.

Yard: The open, uncovered space located on the same site as a building, and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements, the minimum horizontal distance from the respective site lines shall be used.

Yard, Front: That part of a site which extends across the full width of a site between the front site line and the nearest wall or supporting member of a principal building or structure.

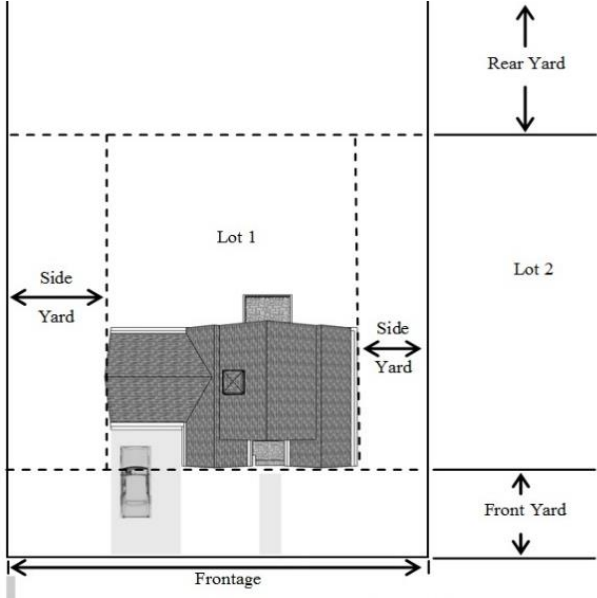
Yard, Front Setback: The distance between a front site line and the closest wall or part of a building.

Yard, Rear: That part of a site which extends across the full width of a site between the rear site line and the nearest wall or supporting member of a principal building or structure.

Yard, Rear Setback: The distance between a rear site line and the closest wall or part of a building. **Yard, Required:** The minimum yard required by a provision of this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side: That part of a site which extends from a front yard to the rear yard between the side site line of a site and the nearest wall or supporting member of a building or structure, except where the supporting member is supporting an uncovered patio or uncovered deck.

Yard, Side Setback: The distance between a side site line and the closest wall or part of a building.



Zoning District: A classification type that the Town of Pense applies to land to establish regulations and standards for the subdivision, use and development of that land.

Metric to Imperial Conversions*

Distance (m - ft)			
0.6 m	2 ft	17.0 m	55 ft
2.0 m	7 ft	19.8 m	65 ft
2.5 m	8 ft	30 m	98 ft
3.0 m	10 ft	46 m	150 ft
4.2 m	14 ft	50 m	164 ft
4.5 m	15 ft	75 m	246 ft
5.0 m	16 ft	80 m	262 ft
5.5 m	18 ft	90 m	295 ft
6.0 m	20 ft	100 m	328 ft
6.5 m	21 ft	150 m	492 ft
7.5 m	25 ft	200 m	656 ft
10 m	33 ft	230 m	755 ft
11 m	36 ft	305 m	1000 ft
12 m	39 ft	467 m	1532 ft
15 m	49 ft		
15.3 m	50 ft		
Area (m² to ft²)			
1.0 m ²	10.7 ft ²	100 m ²	1076 ft ²
0.5m ²	5.4 ft ²	150 m ²	1615 ft ²
5.0 m ²	53.8 ft ²	230 m ²	2475 ft ²
9.3 m ²	100 ft ²	450 m ²	4844 ft ²
37.2 m ²	400 ft ²	465 m ²	5,005 ft ²
45 m ²	485 ft ²	540m ²	5812 ft ²
50 m ²	538 ft ²	560 m ²	6,000 ft ²
56 m ²	600 ft ²	900 m ²	9687 ft ²
60 m ²	646 ft ²	930 m ²	10,000 ft ²
78 m ²	839 ft ²	6070 m ²	1.5 acres
83.6 m ²	900 ft ²	0.8 hectare	2 acres
92.96m ²	1,000 ft ²	1 hectare	2.5 acres
		2 hectares	5 acres

*Conversions are rounded to the nearest decimal point

3 ADMINISTRATION AND INTERPRETATION

3.1 DEVELOPMENT OFFICER

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

3.2 COUNCIL

- 3.2.1 Council shall make all decisions regarding Discretionary uses, Development and Servicing Agreements, and Zoning Bylaw amendments.
- 3.2.2 Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Government Relations prior to a decision being made by the Minister.
- 3.2.3 Council shall act on discretionary use, rezoning and subdivision applications in accordance with the procedures established by The Planning and Development Act, 2007 and in accordance with the Official Community Plan Bylaw No. 1/2023.

3.3 APPLICATION FOR A DEVELOPMENT PERMIT

- 3.3.1 Unless the proposed development or use is exempt from Development Permit requirements, before commencing any principal or accessory use development, including a public work or utility use, every developer shall:
- a) Complete and submit a Development Permit application, and (refer to Permit application in Appendix "A"); and
 - b) Receive a Development Permit for the proposed development.

- 3.3.2 A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Official Community Plan.
- 3.3.3 Except where a particular development is specifically exempted by Section 3.4 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

3.4 DEVELOPMENT NOT REQUIRING A PERMIT

The following developments shall be exempt from Development Permit requirements, but shall conform to all other Bylaw requirements (e.g., building permits, setbacks, environmental and development standards):

3.4.1 RESIDENTIAL ZONING DISTRICTS

- a) Buildings and structures under 9.0 m² in area, which are accessory to a principal, residential use except where such dwelling is a discretionary use;
- b) The erection of any fence, wall, gate, television antennae, or radio antennae; and
- c) Relocation of any residential or accessory building provided development standards are still met on the site.

3.4.2 COMMERCIAL ZONING DISTRICTS

- a) Buildings and structures that are accessory to a permitted, principal or commercial use, except where such use is discretionary;
- b) The erection of any fence or gate;
- c) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.

3.4.3 ACCESSORY USES

All accessory uses, unless otherwise specified in this Bylaw.

3.4.4 OFFICIAL USES

Uses and buildings undertaken, erected, or operated by the Town of Pense.

3.4.5 INTERNAL ALTERATIONS

Residential Buildings

- a) Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site;

All Other Buildings

- b) Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.

3.4.6 LANDSCAPING

Landscaped areas, driveways and parking lots provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

3.5 INTERPRETATION

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

3.6 CONCEPT PLANS

3.6.1 A Concept Plan shall be completed prior to consideration of an application by Council by any person proposing to rezone, subdivide or re-subdivide land for multi-parcel residential, commercial or industrial purposes. The purpose of this review is to identify and address social, environmental, health and economic issues and to encourage the development of high quality residential, recreational, commercial, and industrial developments. The scope and required detail of the Concept Plan will be based on the scale and location of the proposed development and shall address such areas as the following:

- a) Proposed land use(s) for various parts of the area;
 - b) The effect on adjacent land uses and integration of the natural landscape regarding the planning and design of the area;
 - c) The location of, and access to, major transportation routes and utility corridors;
 - d) The provision of services respecting the planning for future infrastructure within the Municipality;
 - e) Sustainable development and environmental management practices regarding surface and groundwater resources, storm water management, flooding and protection of significant natural areas; and
 - f) Appropriate information specific to the particular land use (residential, commercial or industrial)
- 3.6.2 The Concept Plan must be prepared in accordance with the overall goals and objectives of the Official Community Plan. Council shall not consider any development application until all required information has been received. The responsibility for undertaking all technical investigations and hosting public meetings as required shall be borne solely by the applicant.

3.7 DEVELOPMENT PERMIT PROCEDURE

Where an application for a Development Permit is made for a permitted use in conformity with this Bylaw, *The Planning and Development Act, 2007* and all other Town Bylaws, the Council shall hereby direct the Development Officer to issue a Development Permit.

3.7.1 DISCRETIONARY USE APPLICATION

- 3.7.1.1 Where an application for a Development Permit is made for a discretionary use, the Development Officer shall advise the Council as soon as practicable.
- 3.7.1.2 As soon as practicable after Council is advised that an application has been made for a Development Permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever Government Agencies, the Industrial Corridor Steering Committee or other interested groups as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals. The fee for review of a discretionary use permit application is identified in the Fees and Charges Bylaw Related to Planning and Development and is to be borne by the applicant.

3.7.1.3 Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.

3.7.1.4 As per the *Planning and Development Act, 2007*, the Development Officer shall by mailing a copy of the notice to the assessed owner of each abutting property and each assessed owner of property within a 75.0 metre radius of the proposed development.

3.7.2 DEVELOPMENT PERMIT DECISION

3.7.2.1 The applicant shall be notified in writing of the decision of their application within thirty (30) days of all required information being submitted to the Development Officer. The applicant shall be advised of their right to appeal a decision on a permitted use application and any terms and conditions attached to a discretionary use application to the Development Appeals Board, subject to the provisions of *The Planning and Development Act, 2007*.

3.7.2.2 If the proposal conforms to the provisions of this Bylaw a Development Permit shall be issued subject to any development standards, special regulations, or performance standards that may be required.

3.8 DEVELOPMENT PERMIT: VALIDITY

3.8.1 A Development Permit is valid for a period of twelve (12) months unless otherwise stipulated when the permit is issued.

3.8.2 Where the Development Officer determines that a development is being carried out in contravention of any condition of a Development Permit or any provision of this Bylaw, the Development Officer shall suspend or revoke the Development Permit and notify the permit holder that the permit is no longer in force.

3.8.3 Where the Council is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the permit and the requirements of this Bylaw, the Council may reinstate the Development Permit and notify the permit holder that the permit is valid and in force.

3.9 DEVELOPMENT PERMIT APPLICATION FEES

3.9.1 An applicant seeking the approval of a Development Permit application for a permitted OR a discretionary use shall pay the required fee as set out in the Development Fee Bylaw of the Town.

3.9.2 There shall be no Development Permit application fee for accessory buildings to a residential use, sign permits, licenses for Home Based Businesses or other forms of business licenses.

3.9.3 The Development Officer shall publish a notice of the application in accordance with the provisions of *The Planning and Development Act, 2007*, whereby the applicant shall pay to the Municipality a fee equal to the costs associated with the public advertisement.

3.10 FEE FOR ZONING AMENDMENT APPLICATION

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by The Planning and Development Act, 2007. Council also may require the applicant to pay the zoning bylaw amendment application fees as identified in the Fees and Charges Bylaw Related to Planning and Development.

3.11 CONCURRENT PROCESSING OF DEVELOPMENT PERMITS, BUILDING PERMITS AND BUSINESS LICENSES

A Building Permit, where required, shall not be issued unless a Development Permit has been issued or is issued concurrently. Nothing in this Bylaw shall exempt any person from complying with a Building Bylaw, or any other Bylaw in force within The Municipality, or from obtaining any permission required by this or any other Bylaw of The Municipality, the Province or the Federal Government.

3.12 PLANNED UNIT DEVELOPMENT

Specific zone regulations shall not apply to Planned Unit Development Contract Zoning. Uses permitted within a PUD include: residential, commercial, light industrial recreation and open space. However, the project shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of building separation, parking, height and other requirements and provisions of this Bylaw.

3.13 REFERRAL UNDER THE PUBLIC HEALTH ACT

The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under The Public Health Act and Regulations. The developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for their development that is acceptable to Council and meets The Public Health Act and Regulations requirements.

3.14 DEVELOPMENT APPEALS BOARD

- 3.14.1 Council shall appoint a Development Appeals Board consisting of five members, to hear and determine appeals in accordance with Section 213 to 227 inclusive, of The Planning and Development Act, 2007.
- a) Where an application for a permitted use has been denied, the applicant shall be advised of the right of appeal to the Development Appeals Board.
 - b) Appellants also may appeal where they are of the opinion that development standards prescribed by Council with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw.
 - c) The Development Officer shall make available to all interested persons, copies of the provisions of *The Planning and Development Act, 2007* respecting decisions of the Development Officer and the right of appeal.

3.15 MINOR VARIANCES

- 3.15.1 The Development Officer may vary the requirements of this Bylaw subject to the following requirements:
- a) A minor variance may be granted for the following only:
 - i. minimum required distance of a building from a lot line; and
 - ii. the minimum required distance of a building from any other building on the lot;
 - b) The maximum amount of a minor variance shall be 10% variation from the Requirements of this Bylaw;
 - c) The development must conform to all other requirements of this Bylaw;
 - d) The relaxation of the Bylaw requirement must not injuriously affect a neighbouring property; and
 - e) No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act 2007*.
- 3.15.2 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of \$50.00.
- 3.15.3 Upon receipt of a minor variance application the Development Officer may:
- a) Approve the minor variance;
 - b) Approve the minor variance and impose terms and conditions on the approval; or
 - c) Deny the minor variance.
- 3.15.4 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.
- 3.15.5 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.
- 3.15.6 Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.
- 3.15.7 The written notice shall contain:
- a) A summary of the application;
 - b) Reasons for and an effective date of the decision;
 - c) Notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
 - d) Where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.
- 3.15.8 A decision to approve a minor variance, with or without terms and conditions, does not take effect until twenty- three (23) days from the date the notice was provided.

- 3.15.9 If an assessed owner of a property having an adjoining property with the applicant's land objects to the minor variance in writing to the Development Officer within the prescribed 20 day time period, the approval is deemed to be revoked and the Development Officer shall notify the applicant in writing:
- a) Of the revocation of the approval; and
 - b) Of the applicant's right to appeal the revocation to the Development Appeals Board within thirty (30) days of receiving the notice.
- 3.15.10 If an application for a minor variance is refused or approved with terms or conditions, the applicant may appeal to the Development Appeals Board within thirty (30) days of the date of that decision.

3.16 NON-CONFORMING BUILDINGS USES AND SITES

- 3.16.1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive of The Planning and Development Act, 2007.
- 3.16.2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken except in conformance with these provisions.
- 3.16.3 No existing use, building or structure shall be deemed to be non-conforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
- 3.16.4 No existing site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the Zoning District in which the site is located.

3.17 DEVELOPMENT PERMIT - INVALID

- 3.17.1 A Development Permit shall be automatically invalid, and development shall cease, as the case may be:
- a) If the proposed development is not commenced within the period for which the Development Permit is valid;
 - b) If the proposed development is legally suspended or discontinued for a period of six or more months, unless otherwise indicated by Council or the Development Officer;
 - c) When development is undertaken in contravention of this Bylaw, the Development Permit and specified development standards; and/or
 - d) ~~When a written appeal notice is received by the Development Appeals Board secretary regarding the Development Permit.~~

3.18 CANCELLATION

- 3.18.1 Council or the Development Officer may cancel a Development Permit, and when cancelled, development shall cease:
- a) Where the Development Officer or Council is satisfied that a Development Permit was issued based on false or mistaken information;
 - b) ~~Where new information is identified pertaining to environmental protection, flood potential or slope instability;~~ and/or
 - c) When a developer requests a Development Permit modification.

3.19 STOP-WORK

The Development Officer may authorize action to stop any development which does not conform to this Bylaw, a development or servicing agreement, a Development Permit or condition, or register an Interest with ISC under this Bylaw.

3.20 OFFENCES AND PENALTIES

Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in The Planning and Development Act, 2007.

3.21 INSPECTION OF PREMISES

- 3.21.1 Pursuant to Section 242 of The Planning and Development Act, 2007, the Development Officer may inspect any development suspected of contravening The Planning and Development Act, 2007, or any regulation or bylaw made pursuant to The Planning and Development Act, 2007. If it is determined that a contravention exists, the Development Officer may notify the owner in writing and instruct the owner to rectify the contravention within a set time period. If for any reason the contravention has not been rectified within that time, the Development Officer may extend the time period or issue a Zoning Compliance Order pursuant to Section 242(4) of The Planning and Development Act, 2007 to achieve bylaw conformance.
- 3.21.2 Any person who contravenes this Bylaw is guilty of an offence and is liable, on summary conviction, to the penalties provided by section 243 of The Planning and Development Act, 2007.
- 3.21.3 The Development Officer may enter a property with consent of the owner or with a warrant and may not enter otherwise.

3.22 BYLAW COMPLIANCE

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

3.23 PERFORMANCE BONDS

Council may require a developer to post and maintain a performance bond to ensure developer performance and to protect the public interest.

3.24 LIABILITY INSURANCE

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

3.25 REGISTERING INTERESTS

Council may require that development and servicing agreements and other documents may be registered as an Interest on a Title on affected lands, in accordance with The Land Titles Act, to protect Municipal and public interests.

3.26 MOVING OF BUILDINGS

No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a Development Permit from the Development Officer unless such building is exempt under Section 3.4 of this Bylaw.

3.27 DEMOLITION OF BUILDINGS

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

3.28 TEMPORARY DEVELOPMENT PERMITS

The Development Officer may issue a temporary Development Permit, with specified conditions for a specified period of time to accommodate developments incidental to approved construction, temporary accommodation, oil and gas sector activities, temporary gravel operations or asphalt plants. Nothing in this Bylaw shall prevent the use of land or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building or structure is necessary for such construction work as has not been finished or abandoned.

3.29 DEVELOPMENT AGREEMENTS

Council may request a developer to enter into a Development Agreement to ensure development conformity with The Official Community Plan and this Bylaw pursuant to The Planning and Development Act, 2007.

3.30 SERVICING AGREEMENTS

3.30.1 Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to The Planning and Development Act, 2007. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.

3.30.2 In accordance with Sections 172 to 176 inclusive, The Planning and Development Act, 2007, the agreement may provide for:

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

4 GENERAL REGULATIONS

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

4.1 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

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

4.2 PRINCIPAL USE ESTABLISHED

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

4.3 MULTIPLE USES

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

4.4 USES PERMITTED IN ALL ZONING DISTRICTS

- 4.4.1 Nothing in this Bylaw shall prevent the use of any land as a public street or public park.
- 4.4.2 Nothing in this Bylaw shall prevent the erection of any properly authorized traffic sign or signal or any sign or notice of any local or other government department or authority.
- 4.4.3 Nothing in this Bylaw shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the operation of public works provided that such use, building or structure shall be in substantial compliance with the relevant provisions of this Bylaw and shall not adversely affect the character or amenity of the neighbourhood in which the same is located.

4.5 NUMBER OF PRINCIPAL BUILDINGS ON A SITE

- 4.5.1 Only one principal building shall be permitted on any one site except for the following: parks, schools, hospitals, recreation facilities, special care homes, senior citizen homes and approved dwelling groups and condominium developments.
- 4.5.2 Multiple unit residential buildings (e.g. duplex, fourplex) are considered to be one principal building under this Bylaw and all other uses and buildings on the site must be accessory.

4.6 ACCESSORY BUILDINGS, STRUCTURES AND USES

- 4.6.1 Subject to all other requirements of this Bylaw, an accessory building, structure or use is permitted in any district when accessory to an established principal use which is permitted or discretionary use in that same district, and for which a Development Permit has been issued.
- 4.6.2 No accessory building may be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory.
- 4.6.3 Where a building on a site is attached to a principal building by a solid roof or by structural rafters, and where the solid roof or rafters extend at least one third of the length of the building wall that is common with the principal building, the building is deemed to be part of the principal building.
- 4.6.4 In all cases, an accessory building, structure or use shall comply with the site and yard requirements for accessory buildings for the applicable Zoning District.

4.6.5 Membrane Covered Structures

- a) Membrane covered structures shall be considered as an accessory building, structure or use in this bylaw and therefore shall comply with all provisions of Accessory Buildings, Structures and Uses and shall be classified into one of two categories:
- i) **Permanent** membrane covered structures are subject to the following conditions:
- In all Zoning Districts, anchored membrane covered structures up to 18.6 m² (200 sq ft) are permitted;
 - In all Industrial and Commercial Districts, anchored membrane covered structures are permitted;
 - Applications for a development permit for an anchored membrane covered structure must include a drawing stamped by a Professional Engineer attesting to the fact that the structure meets Section 4 of the National Building Code and the structure must be accompanied by documentation that it meets CSA Standard A660; and,
 - In all cases, the placement of an anchored membrane covered structure shall comply with the site and yard requirements for accessory buildings for the applicable Zoning District.
- ii) **Temporary membrane covered** structures are subject to the following conditions:
- Temporary membrane covered structures may be placed on a site in any Zoning District for a period not to exceed seven (7) days in a calendar year to accommodate special events such as weddings, parties or community functions.
- b) Membrane covered structures containers determined by the Municipality to be unsightly, misused, unsafe, or inappropriate in any way, must be removed at the owner's expense within a time period specified by the Municipality;
- c) Membrane covered structures may be accommodated under the following conditions where they:
- must be properly anchored; and,
 - must meet the National Building Code Standards as applicable.

4.6.6 Trailers, Box Cars, Sea / Rail (Shipping) Containers

- a) Shipping containers shall be considered as an accessory building, structure or use in this bylaw and therefore shall comply with all provisions of Accessory Buildings, Structures and Uses and shall be classified into one of three categories:
 - i. **Temporary (short term) storage:** container placed on site for a specified and limited period of time (less than 6 months) and used for short term storage typically associated with construction activities which are being undertaken on a site (i.e. storage of tools, construction materials). Containers are to be removed from the site when construction is complete or the permit expires, whichever comes first. See section 4.8.1 Portable Storage Units for additional regulations.
 - ii. **Long Term Storage:** container placed on a site for long term storage.
 - iii. **Accessory Dwelling Unit Conversion:** container placed on a site for long term residential occupancy. See Section 4.10.9.8 for additional regulations.
- b) Shipping containers determined by the Municipality to be unsightly, misused, unsafe, or inappropriate in any way, must be removed at the owner's expense within a time period specified by the Municipality.
- c) No person shall park or store on any part of a site, any unlicensed shipping container for the purpose of advertising or warehousing within any Zoning District
- d) Shipping containers may be accommodated under the following conditions:
 - i) Permits from the Town of Pense are required by the property owner before containers are parked or stored;
 - ii) Must be properly anchored;
 - iii) Shall not be stacked on top of one another;
 - iv) Must meet the National and Provincial Building Code Standards as applicable;
 - v) Shall be located a minimum of 3.0 metres (9.85 feet) from the primary building and behind the rear wall of the primary building when used for storage; and,
 - vi) The area occupied by the container shall be included in the maximum lot coverage calculation permitted in the Zoning District in which they are located. See specific Zoning Districts for supplementary provisions.

4.6.7 Portable Storage Units

- a) The portable storage unit, incidental to construction of a building or structure with an active building permit is allowed, provided such storage unit shall be removed following completion or abandonment of such construction.
- b) Completion is tied to permit time e.g. a maximum of six months for a house renovation with renewal at Council's discretion subject to property owner meeting requirements including posting a deposit.
- c) One portable storage unit may be placed on a residential site with an active building permit subject to the following conditions:
 - i) Prior to placement of the portable storage unit on the site, the property owner shall apply for a temporary development permit from the Development Officer;
 - ii) The permit for the portable storage unit shall be a temporary permit and each residential site is limited to a period of time set by Council;
 - iii) The portable storage unit shall not exceed 28.21 m³ (996 ft³);
 - iv) The portable storage unit shall be set back a minimum of 3.0 metres (9.85 feet) from the side or rear property lines and all other structures on the property.

4.6.8 Swimming Pools or Ancillary Structures Containing Water

- a) Notwithstanding anything contained in this Bylaw, a swimming pool or pond is permitted as an accessory use to permitted uses in any Residential District or a motel or hotel in a Commercial District, to be located in the side yard or rear yard of any lot/site if:
 - i) No part of such pool is located closer to any lot or street line than the minimum distance required for the principal building located on such lot;
 - ii) The maximum height of such pool or pond is 1.2 m (4 ft) above the average finished grade level of the ground adjoining the pool or pond;
 - iii) Every swimming pool or pond shall be enclosed by a non-climbable fence of at least 1.8 m (6 ft) in height, not more than 10 cm (4 inches) from the ground, and located at a distance of not less than 1.5 m (5 ft) from the pool; and
 - iv) Any deck attached to or abutting a swimming pool or pond shall be considered as part of the swimming pool or pond.
- b) Any building or structure, other than a dwelling required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, shall comply with the provisions in the applicable zoning districts in Section 5 of this Bylaw respecting accessory buildings.
- c) An ancillary structure used to hold water such as a fountain or pond may be allowed in a front yard in a Residential District if the water is not more than 0.3 m (1 foot) deep and the pond or fountain water surface area is not more than 0.6 m (2 ft) in diameter or if the water is concealed with landscaping materials.

4.7 PRIVATE GARAGES, SUNROOMS, SOLARIUMS AND GREENHOUSES

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

4.8 SATELLITE DISHES

- 4.8.1 Satellite dishes in excess of 1.0 metre in diameter shall not be located in any front yard, side yard and shall not be permitted to be erected on the roof of any principal building that is located within a residential district that is less than three (3) storeys in height.
- 4.8.2 Satellite dishes located in residential districts, which exceed 1.0 metre in diameter, shall only be erected on the roof of an accessory building if said accessory building is located entirely within a rear yard; and
- 4.8.3 Satellite dishes may be erected in Commercial or Industrial Districts for communication purposes or re-broadcasting of television signals and subsection 4.22.1 shall not apply.

4.9 (TELE)COMMUNICATION TOWERS

The erection of cellular telephone transmission towers is under the provision of Industry Canada standards and regulations, and may occur in all Zoning Districts, however, Council recommends that they be located no closer than 100 metres (328.09 feet) to, any Residential District and consultation with adjacent residents is undertaken.

4.10 DEVELOPMENT STANDARDS FOR DISCRETIONARY USES

This Section addresses special provisions and specific development standards that apply to the following developments. The changing nature and mitigation measures available make it impossible to address every specific condition, however any condition required in any provision in this Zoning Bylaw must reflect the intent of the *Planning and Development Act* which states: "In approving a discretionary use, the Council may prescribe specific development standards or conditions with respect to that use, but only if those standards or conditions:

- (a) are based on and are consistent with general development standards or conditions made applicable to discretionary uses by the zoning bylaw; and
- (b) are, in the opinion of the Council, necessary to secure the objectives of the zoning bylaw with respect to:
 - (i) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
 - (ii) the accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading;
 - (iii) the safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
 - (iv) any treatment given, as determined by the council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail."

These standards apply in addition to any standards of the respective Zoning District. It is important to note that the specific conditions listed in this section, and in any section of this bylaw or the District Schedules is to provide guidance to Council and those pursuing a "Discretionary Use" development in the Municipality. As noted in the preceding section, The Planning and Development Act, 2007 is very specific as to what conditions can be applied under the provisions of the Act and municipal zoning bylaws. Council is bound by those provisions and may only address items listed.

4.10.1 Manufactured / Modular and RTM Homes

Manufactured / Modular and RTM homes are subject to the following conditions:

- a) All manufactured / modular and RTM homes shall be placed on a permanent engineered foundation at a standard comparable to a single detached dwelling.
- b) All manufactured / modular and RTM homes shall have architectural features similar or complementary to adjacent and nearby dwellings;
- c) The width of the manufactured / modular or RTM home cannot be less than 50% of length
- d) Manufactured /Modular and RTM homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- e) All other requirements of this Bylaw apply.

4.10.2 Home Based Businesses

Home Based Businesses are subject to the following conditions:

- a) Home-based businesses will be accommodated provided that they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area and not of a size that provide services or products that would detrimentally affect the viability of the neighborhood.
- b) One advertising display sign shall be allowed on the site or premise from which the home occupation is conducted. No LED or neon signs shall be allowed.
- c) There shall be no exterior display or storage of any merchandise or material relating to the home occupation.
- d) 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 site where the home based business is located.
- e) Up to two (2) persons other than a resident of the dwelling unit may be engaged in any home based business as an employee or a volunteer.
- f) Parking: The home based business shall not cause or add to on-street parking congestion or cause an increase in traffic through residential zones.
- g) No more than one business vehicle, for which off-street parking is provided, shall be operated in connection with the home based business.
- h) Parking of vehicles of employees hired for off-site jobs shall not be allowed at, or in the vicinity of, the dwelling unit.
- i) All Business Permits issued for Home Based Businesses shall expire on December 31 of the year issued. Home Based Businesses are subject to the condition that the permit may be revoked at any time if, in the opinion of Council, the use is or has become detrimental to the amenities of adjoining properties and the neighborhood.

4.10.3 Bed and Breakfast Homes

Bed and Breakfast Homes are subject to the following conditions:

- a) Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- b) Required parking spaces may be permitted in a required front yard.
- c) One advertising display sign located on the site or premise advertising the bed and breakfast home is permitted. The facial area of a sign shall not exceed 0.5 m².
- d) No more than three (3) guest rooms shall be allowed in a bed and breakfast home.
- e) The only meal to be provided to registered guests shall be breakfast. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. All facilities shall meet public health regulations and be kept in a manner satisfactory to the District Health Region.

4.10.4 Day Care Centres and Pre-Schools

Day Care Centres and Pre-Schools are subject to the following conditions:

- a) Day care centres and pre-schools may be approved as an accessory use or as a principal use.
- b) In any residential zoning district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- c) Day care centres or pre-schools which are located in residential districts shall provide at least 3.25 m² of fenced on-site outdoor play space for each child present in the facility at any one time.
- d) Required parking spaces may be located in a required front yard.

4.10.5 Personal Care Homes

Personal Care Homes are subject to the following conditions:

- a) Personal care homes may be approved as an accessory use or as a principal use.
- b) In any residential zoning district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- c) Required parking spaces may be located in a required front yard.
- d) No building or structure used for the purpose of a personal care home shall be used for the purpose of keeping boarders or lodgers.
- e) The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.
- f) A home must be licensed as a personal care home in accordance with The Personal Care Homes Act if it provides accommodation, meals and assistance or supervision with activities of daily living to an adult aged 18 and older who is not a relative.

4.10.6 Salvage Yards (Auto Wreckers)

The following additional considerations shall be made for all applications for a Salvage Yard/Auto wrecker or similar operation:

- a) This includes salvage yards, auto wreckers, auto repair shop, body shops and similar uses, all salvage vehicles and materials, vehicles waiting repair, salvage or removal and similar uses.
- b) No vehicles or parts thereof shall be located in the front yard.
- c) All salvage yards shall be totally hidden from the view of the travelling public, provincial highways, any public road by utilizing distance and careful location, natural or planted vegetation, an earth berm, opaque fence or other appropriate methods approved by Council.
- d) All salvage or auto wrecking yards shall be totally enclosed by a sturdy fence built to a minimum height of 2.0 m 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.
- e) A Performance Bond may be required by Council to ensure the development meets the required development standards.

4.10.7 Campgrounds

Campgrounds are subject to the following conditions:

- a) The operator of a campground shall provide the Development Officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or re-arrangement of campsites, the construction or moving of buildings, material change in use of portions of land or the filling or clearing of land shall require a Development Permit, and the operator shall submit for approval an amended plan incorporating the development.
- b) A campground shall have within its boundaries, a buffer area abutting the boundary of not less than 4.5 m which shall contain no buildings.
- c) The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 m² in area with its corners clearly marked.
- d) One permanent sign located on site advertising the campground is permitted per site;
 - i. the facial area of a sign shall not exceed 0.5 m² ;
 - ii. no sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- e) in addition, one temporary sign not exceeding 1.0 m² advertising the sale or lease of the property or other information relating to a temporary condition affecting the property is permitted.
- e) No portion of any campsite shall be located within a roadway or required buffer area.
- f) Each campsite shall have direct and convenient access to a developed roadway which is not located in any required buffer area. The space provided for roadways within a campground shall be at least 7.5 m in width.
- g) Each trailer coach shall be located at least 3.0 m from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- h) A campground may include, as ancillary uses, a laundromat or a confectionery designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.

4.10.8 Wind Power Turbines and Towers

- a) Mechanical wind energy conversion units shall only be considered as a Discretionary Use within a Community Service or Live/Work Residential Acreage District. Wind energy conversion units require a:
 - i) Minimum setback of 400 m for potential fall zone below the turbine
 - ii) Maximum noise standard of 40 decibels.
- b) Wind Turbines and Towers are prohibited in all other Districts within the Town of Pense.

4.10.9 Accessory Dwelling Unit (ADU)

- 4.10.9.1 Secondary, garden, garage, laneway suites, shipping container conversions and tiny houses (“Accessory Dwelling Units”) may be allowed as a discretionary accessory use to a permitted single detached dwelling in a residential zoning district subject to the Accessory Buildings and Structures section of the applicable residential zoning district herein and having regard to:
 - a) the compatibility of the use with the siting, grade elevations, height, roof slopes and building types and materials characteristic of surrounding low density housing and development; and,
 - b) its effect on the privacy of adjacent properties.

- 4.10.9.2 The requirements for accessory buildings outlined in Section 4.6 herein do apply to Accessory Dwelling Units. All accessory dwelling units are subject to the following general requirements:
 - a) One (1) accessory dwelling unit may be constructed within the site of a principal single detached dwelling in a residential zone at Council’s discretion with conditions to assure that conflict with neighbouring uses are avoided. Accessory Dwelling Units must contain cooking, eating, living, sleeping and sanitary facilities.
 - b) The accessory dwelling unit may not interfere with the site line of either of the adjoining properties.
 - c) No more than two bedrooms allowed in the accessory dwelling unit;
 - d) No more than two persons are allowed to occupy the accessory dwelling unit;
 - e) One off-street parking space is required in addition to the required parking for the principal dwelling on the site;
 - f) The accessory dwelling unit shall comply with the requirements of the National Building Code, subject to the approval of the Municipal Building Inspector; and,
 - g) The accessory dwelling unit shall not be separated from the principal dwelling unit through condominium or bare land condominium conversion or subdivision of land.

- 4.10.9.3 Park Models and trailer coaches are not permitted as an Accessory Dwelling Unit.

- 4.10.9.4 All Accessory Dwelling Units must be connected to municipal water and waste systems and meet Public Health requirements.

4.10.9.5 SECONDARY SUITES

Secondary suites shall be subject to the following additional requirements:

- a) Secondary suites must be located within the principal dwelling and must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building;
- b) Secondary Suites may not exceed 75 m² (807 ft²) or 50% of the total floor space of the dwelling unit including the basement; and
- c) Site development regulations:

Floor area	Minimum: 30 m ² (323 ft ²); Maximum is greater of: 75 m ² (807 sf) or 50% of the total floor space of the principal dwelling unit including the basement.
Minimum parking spaces	1

4.10.9.6 GARDEN AND LANEWAY SUITES

Garden and Laneway suites shall be subject to the following additional requirements:

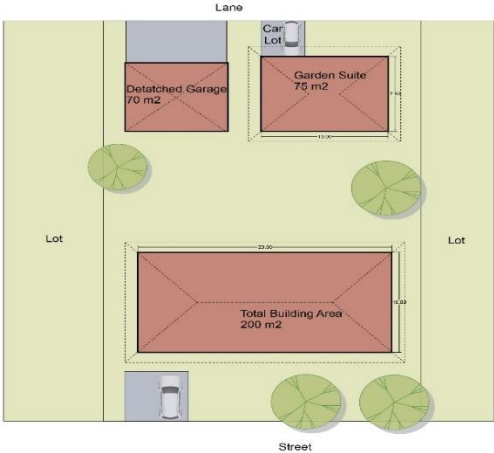
- a) The minimum side yard shall be the same as the yard requirement that applies to the principal building in the applicable zoning district for all sites in a residential block, including corner sites;
- b) The parcel coverage of the building in which a garden/ laneway suite is contained shall not exceed the building footprint of the principal dwelling.
- c) A garden / laneway suite may not exceed the lessor of 75 m² (807 sf) of the principal building (Case 1 in figure below) or a maximum of 40% of the total floor area of the principal building not including the basement (Case 2 in figure below); and

d) Site development regulations:

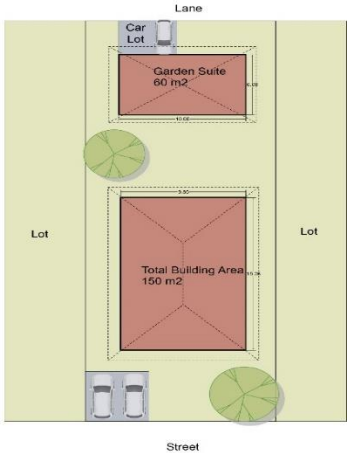
Maximum height	5.0 m (16 ft)
Floor area	Minimum: 30 m ² (323 ft ²); Maximum is lessor of 75 m ² (807 sf) or 40% of the total floor space of the principal dwelling unit
Minimum parking spaces	1
Minimum distance from principal dwelling	4 m (13.2 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)
Minimum width	2.4 m (8 ft)

Permissible Areas for Garden Suite:

Case 1: 40% of Total Principal Building area is 80m² Case 2: 40% of Total Principal Building area is 60m²



Case 1



Case 2

4.10.9.7 TINY HOUSES

Tiny houses shall be subject to the following additional requirements:

- a) The minimum side yard shall be the same as the yard requirement that applies to the principal building in the applicable zoning district for all sites in a residential block, including corner sites.
- b) All tiny houses shall be placed on a permanent engineered foundation (not on a trailer).
- c) Site development regulations:

Maximum height	5.0 m (16 ft)
Floor area	Minimum: 10 m ² (108 ft ²); Maximum: 50 m ² (538 sf)
Minimum parking spaces	1
Minimum distance from principal dwelling	4 m (13.2 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)
Minimum width	2.4 m (8 ft)

4.10.9.8 SHIPPING CONTAINER CONVERSIONS

Shipping container conversions shall be subject to the following additional requirements in addition to those specified in Section 4.7:

- a) The minimum side yard shall be the same as the yard requirement that applies to the principal building in the applicable zoning district for all sites in a residential block, including corner sites.
- b) Site development regulations:

Maximum height	5.0 m (16 ft)
Floor area	Minimum: 22.3 m ² (240 ft ²)
Minimum parking spaces	1
Minimum distance from principal dwelling	4 m (13.2 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)
Minimum width	2.4 m (8 ft)

4.10.9.9 GARAGE SUITES

Garage suites shall be subject to the following additional requirements:

- a) Garage suites must be located within a detached garage and must have a separate entrance either from a common indoor landing or directly from the exterior of the building.
- b) Site development regulations:

Floor area	Minimum: 30 m ² (323 ft ²); Maximum: 75 m ² (807 sf)
Minimum parking spaces	1

4.11 FRONT YARD REDUCTION

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

4.12 FRONTAGE FOR IRREGULAR SITES

Where the site frontage is along a cul-de-sac, curve or is irregular, the minimum site frontage shall be 11.0 m and the mean site width shall not be less than the minimum frontage for regular sites in the same Zoning District.

4.13 PERMITTED YARD ENCROACHMENTS

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

- a) Balconies, terraces, verandas, decks, and patios which are uncovered/open or covered by an awning having a maximum projection from the main wall of 1.8 m into any required front yard; and
- b) Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, awnings and similar alterations projecting a distance of 0.6 m into any required yard.

4.14 FENCE AND HEDGE HEIGHTS

4.14.1 No hedge, fence or other structure shall be erected past any property line and may not exceed:

- a) higher than 1.0 metre above grade level in a required front yard; and/or
- b) higher than 2.0 m above grade level in a required rear yard.

4.14.2 Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 metres.

4.14.3 No barbed wire, or razor wire fences shall be allowed.

4.15 HEIGHT OF BUILDINGS

Where a maximum height of buildings is specified in any zoning district, the maximum height shall be measured from average grade level to the highest point on the building exclusive of any chimney or antenna.

4.16 RESTORATION TO A SAFE CONDITION

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

4.17 GRADING AND LEVELLING OF SITES

Every development shall be graded and levelled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property or the stability of the land.

- a) All excavations or filling shall be re-vegetated immediately after other construction activities conclude with a suitable ground cover as may be necessary to prevent erosion.
- b) All vegetation and debris in an area to be re-graded or filled must be removed from the site prior to site grading and leveling; and
- c) All topsoil from an area that is to be re-graded must be stripped, stockpiled and replaced on the re-graded area, or relocated to a site approved by the Municipality.

4.18 RESTRICTIONS ON CHANGES

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

Notwithstanding the provisions of subsection 4.13.1, no person shall be deemed to have contravened any provision of this Bylaw if only part or parts of any site or lot has or have been conveyed to or acquired by the Municipality or the Province of Saskatchewan for a public work.

4.19 HERITAGE PROPERTIES

Provincial and Municipal heritage properties subject to preservation agreements are subject to development review processes as defined by *The Heritage Property Act*. Provincial designations are afforded special protection, and any alterations and development must be reviewed and approved by the Heritage Programs of the Province of Saskatchewan.

4.20 PARKING

4.20.1 All required parking and loading facilities are intended for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the principal building or use for which the parking and loading facilities are provided. Parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.

4.20.2 Required parking and loading facilities shall provide for and include an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, unloading and loading of motor vehicles all in relation to buildings and entry points to buildings on the site.

4.20.3 The parking facility shall be located on the same site as the use for which it is intended. It shall be developed such that:

- a) it is reasonably accessible to the use and vehicles it is intended to serve;
- b) it meets the satisfaction of the Municipality regarding design;
- c) it is appropriately landscaped to the satisfaction of the Municipality;
- d) all parking facilities shall be maintained to the satisfaction of the Municipality by the owner of the property;
- e) each parking space within a parking facility shall be a minimum of 2.5 m wide and 6 m long except that parallel parking spaces shall be a minimum of 6.5 m long;
- f) where two or more uses are permitted on any one site or where two or more uses are to share common parking facilities, the off-street parking requirements for each use shall be calculated as if each is a separate use and the total number of off-street parking spaces so calculated shall be provided; and
- g) one (1) barrier free parking space shall be provided for any required parking facility accommodating between 4 and 100 parking spaces.

4.20.4 Any parking facility shall be developed to the satisfaction of the Municipality within one (1) year of the completion of the development for which the Development Permit was issued.

4.20.5 When a building is enlarged or altered in such a manner as to cause an intensification or change of use, provisions shall be made for additional parking spaces as required by the previous subsection.

4.21 SIGNAGE ON NATURAL AND HUMAN HERITAGE SITES

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

4.22 LANDSCAPE BUFFERS

4.22.1 Landscape buffers are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances or facilitating natural drainage. Landscape buffers, where required to separate uses from adjacent properties may be required to provide a minimum 1.0 metre vegetative landscape buffer, unless a fence is required for other reasons.

4.22.2 Primary entrances into the Town and parking lots abutting major roads will require a landscape buffer.

4.22.3 Notwithstanding any other provisions in this Bylaw, where buffers are required for greenways, trails, parks and landscaped areas, they shall be required to reflect the character and intent of the Official Community Plan.

4.23 SITE DEVELOPMENT REGULATIONS FOR DEVELOPMENT NEAR WATER SOURCES

4.23.1 If the proposed development will be within 150.0 metres of any water body, stream, public well or private or public dam which is licensed by the Water Security Agency (WSA), and identified in the OCP, Council may also require additional information from the applicant to ensure that the existing water supplies will not be jeopardized.

4.23.2 Council may require that before a permit may be issued, the applicant shall submit a report prepared by a professional who is competent to assess the suitability of the site for a development and that the development is suitable with respect to the required mitigation measures to develop in areas of high water table, near public wells, waste disposal sites or a private or public dam which is licensed by the WSA, and identified in the OCP. Any water connection must adhere to municipal provisions and no cross connections will be allowed, to ensure potential contamination of source water does not occur.

4.23.3 Notwithstanding any other portion of this bylaw, the development of new buildings and/or additions to building in the floodway of the 1:500 flood year elevation of any watercourse or water body is prohibited. In addition, development in the 1:500 year flood fringe is not allowed unless flood proofed up to an elevation of 0.5 metres above the 1:500 year flood elevation to be determined by a qualified hydraulic engineer or as established by the Saskatchewan Water Security Agency.

4.24 CLOSINGS

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

4.25 RAILWAY CROSSINGS AND SIGHT DISTANCES

Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46.0 m of the point of intersection of the centre line of both the railway and the street.

4.26 CONSULTATION WITH RAILWAYS AND HIGHWAYS

Consultation with the Railways/Highways shall be required when a potential development is proposed for:

- a) development or redevelopment proposals in proximity to rail facilities/highways or for proposals for rail-serviced industrial parks;
- b) road and utility Infrastructure works which may affect a rail facility and highway system;
- c) transportation plans that incorporate freight transportation issues; and
- d) all new, expanded, or modified rail facilities or commercial/industrial development.
- e) Should further residential development be proposed near existing rail lines development within or adjacent to the Town, the Town will recognize the provisions of the Statements of Provincial Interest, Planning and Development Act, 2007, particularly as referenced by Clause 32(2) (k), and the "FCM" policy document on "Development Adjacent to Railway's", and all best management practices will be utilized, to ensure adequate setbacks between land uses are implemented. In addition, "The Land Use Planning, Rail Proximity and Public Safety Report" prepared for The Railway Association of Canada will be utilized in any review of rail line development. The Zoning Bylaw will be amended to be consistent with all current legislation should further development impacting both land uses occur. Currently the rail line is adjacent to light industrial and commercial uses and the Future Land use map does not include residential uses expanding or encroaching on the rail line.
- f) Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 metres (150.92 feet) of the point of intersection of the centre line of both the railway and the street.
- g) As identified and suggested on the Guidelines for New Development in Proximity to Railway Operations, The Federation of Canadian Municipalities and Railway Association of Canada of May 2013; the standard recommended building setbacks for new residential development in proximity to railway operations are as follows:
 - i. Freight Rail Yard: 300 metres
 - ii. Principal Main Line: 30 metres
 - iii. Secondary Main Line: 30 metres
 - iv. Principal Branch Line: 15 metres
 - v. Secondary Branch Line: 15 metres
 - vi. Spur Line: 15 metres

4.27 BARELAND CONDOMINIUM DEVELOPMENTS

4.27.1 Bareland Condominium Developments shall comply with the minimum site area, coverage, width, height and yard setbacks as stated in the residential zoning districts.

4.27.2 One primary dwelling unit and one accessory building are permitted per bareland condominium lot.

4.27.3 Bareland condominium developments may include private open space and one accessory building for joint recreation use by residents of the development shall be permitted, subject to all yard setback requirements of the Residential District in which it is located.

4.28 PROHIBITED AND NOXIOUS USES

4.28.1 The keeping of livestock shall not be allowed except for permitted agricultural uses in the FUD - Future Urban Development District.

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

4.28.3 NOXIOUS USES

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

- a) By the creation of noise or vibration;
- b) By the emission of light and glare;
- c) By reason of the emission of gas, fumes, smoke, dust or objectionable odour;
- d) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material; and/or
- e) By any combination of events in this subsection.

4.29 DISPOSAL OF WASTES

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

4.29.2 No development or use of land which requires solid or liquid waste disposal facilities shall be permitted unless those facilities are approved by Saskatchewan Health and the Saskatchewan Water Security Agency. Disposal of liquid, solid or gaseous waste shall be governed by Acts administered by Saskatchewan Agriculture, Saskatchewan Environment, Saskatchewan Health and the Saskatchewan Water Security Agency.

4.30 SOLID AND LIQUID WASTE DISPOSAL FACILITIES

Municipal and commercial solid or liquid waste disposal facilities are subject to the following conditions:

- a) The facility will be located as near as practical to the source of waste;
- b) The facility will have undergone satisfactory review as required by Provincial Authorities for environmental assessment and operational design;
- c) The facilities will be located at least 300 m for liquid waste and 457.0 m for solid waste from any residence or recreational use;
- d) The development of any new disposal sites shall take into consideration seasonal winds;
- e) Adequate precautions shall be taken to prevent pollution of ground water by disposal operations;
- f) Solid waste disposal facilities shall be located in proximity to an all- weather road; and
- g) Council may apply special standards for screening, fencing and reclamation of the site.

4.31 MEDICINAL MARIJUANA PRODUCTION FACILITIES (MMPF)

Medicinal Marijuana Production facilities are subject to the following conditions:

- a) MMPFs shall meet all applicable federal, provincial, and municipal regulations. Proof of compliance with the applicable federal and/or provincial regulations will be required as part of the Development Permit application prior to issuing a Development Permit.
- b) All MMPFs must comply with the National Building Code of Canada.
- c) A waste management plan may be required as a condition of the Development Permit.
- d) MMPFs shall be located at a minimum distance of 200 metres (656 feet) from a residential parcel, daycare, community centre, playground, school or park, unless specified otherwise by the applicable federal agencies. This shall be measured from the nearest point for the building foundation of the MMPF to the nearest point of the site line of the above listed uses.
- e) Where a licensed MMPF ceases operation, the facility and buildings shall be decommissioned and remediated in accordance with applicable provincial and federal regulations. A decommissioning plan may be required at the time the Development Permit application is made.
- f) No on-site activity shall impact surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare.

5 ZONING DISTRICTS AND MAPS

5.1 ZONING DISTRICTS

For the purpose of this Bylaw, the Town of Pense is divided into several Zoning Districts that may be referred to by the appropriate symbols.

FUD	Future Urban Development	RA	Residential Acreage
R1	Residential	C1	Commercial
R1A	Low Density Residential	I1	Industrial
R2	Multiple Dwelling Residential	CS	Community Service

5.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 2/2013 adopted by the Town of Pense", signed by the Mayor and by the Town Administrator under the seal of the Town, shall be known as the "Zoning Districts" map, and such map is hereby declared to be an integral part of this Bylaw.

5.3 BOUNDARIES OF ZONING DISTRICTS

The boundaries of the Districts referred to in this Bylaw, together with an explanatory legend, notations and reference to this Bylaw, are shown on the map entitled, "Zoning District Map."

Unless otherwise shown, the boundaries of the Zoning Districts are site lines, centre lines of streets, lanes, road allowances, or such lines extended and the boundaries of the Municipality.

Where a boundary of a District crosses a parcel, the boundaries of the Districts shall be determined by the use of the scale shown on the map.

Where the boundary of a zoning district is also a parcel boundary and the parcel boundary moves by the process of subdivision, the District boundary shall move with that parcel boundary, unless the boundary is otherwise located by amendment to the Bylaw.

5.4 HOLDING DESIGNATION

Where on the Zoning District Map the symbol for a zoning district has suffixed to it the holding symbol "H", any lands so designated on the map shall be subject to a holding provision in accordance with Section 71 of The Planning and Development Act, 2007.

Any lands subject to a holding provision shall only be used for those uses existing on the land when the "H" is applied and for Public Works.

5.5 FUTURE URBAN DEVELOPMENT DISTRICT – FUD



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall within any FUD District use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

5.5.1 PERMITTED USES

- a) Agricultural crop production and horticultural uses and buildings and structures accessory including the application of manure on agricultural land;
- b) Commercial greenhouses, market gardens, and sod farms;
- c) Uses, buildings and structures accessory to the foregoing permitted uses excepting any building or structure used for human habitation;
- d) Recreational uses and sports grounds;
- e) Public works;
- f) Animal clinics;
- g) Artisan studios;
- h) Uses in existence when the bylaw comes into force.

5.5.2 DISCRETIONARY USES

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

- a) Two (2) single family dwellings per site and buildings accessory thereto;
- b) Recreational Vehicle Storage yards;
- c) Home Based Businesses;
- d) Accessory Dwelling Units;
- e) Large accessory buildings;
- f) Keeping of livestock, but excluding intensive livestock operations, poultry farms, hatcheries or commercial dog kennels;
- g) Cemeteries;
- h) Campgrounds.

5.5.3 SITE DEVELOPMENT REGULATIONS

Minimum site area	Recreational: 2 hectares; Animal clinics: 1 hectare; Agricultural uses: 8 hectares
Minimum site frontage	30.0 m (100 ft)
Maximum site coverage	10%
Front yard	15 m (50 ft)
Side yard	7.5 m (25 ft) for dwelling and buildings accessory thereto, except the minimum side yard abutting a public street shall be 10.0 m. (33 ft)
Rear yard	10 m (33 ft) for dwellings and buildings accessory thereto except that the minimum rear yard abutting a public street shall be 30.0 m. (100 ft)

Notwithstanding the above, the minimum yard is 60.0 m from the centerline of a municipal road.

5.5.4 SIGNAGE

- a) One permanent sign is permitted per site;
- b) In the case of a home occupation, an additional permanent sign is permitted;
- c) The facial area of a sign shall not exceed 0.5 m²;
- d) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public; and
- e) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

5.5.5 SINGLE DETACHED DWELLINGS

- a) To recognize existing uses, Council will consider building or expansion of single detached dwellings in a FUD District on a site that holds an existing single detached dwelling
- b) The approval of the development of a single detached dwelling on vacant or idle land or in a new subdivision for large site residential use will not be considered except in conjunction with the adoption of a Concept Plan to the Official Community Plan that designates the area for large site residential use.
- c) Council may consider approval of a single detached dwelling accessory or ancillary to another existing use, where the location will not interfere with future development pursuant to the Plan and any Concept Plan adopted under that plan.

5.5.6 ACCESSORY BUILDINGS AND STRUCTURES

- a) No accessory building shall be located within 3.0 m of a side or rear site line except where the minimum yard abuts a public street, in which case the minimum side or rear yard shall be 7.6 m.
- b) The Building Floor Area for large accessory buildings on a Residential site may not exceed 150m² and shall not exceed 6.0 m (20 ft) in height from grade level to the underside of the eave.

5.5.7 SUPPLEMENTARY REGULATIONS

- a) Council will consider the applications for discretionary use with respect to the following criteria:
 - i. The sewer, water, and utility servicing capacity is available to service the development without excessive impact on other uses being served by the system;
 - ii. The proposed development will be consistent with any concept plans in force in the area and will not be inconsistent with the future use and development plans of the Official Community Plan; and
 - iii. The development will not require the development of new streets and utility lines except as may be provided for in existing plans under the Official Community Plan and that the proposal is not premature.
- b) Where a development is proposed at a location at which standard connection to the Town's existing sewer and water system is not feasible the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council which meets *The Public Health Act and Regulations* requirements.
- c) Any building or structure used for the habitation or shelter of animals permitted in this Zoning District shall be located a minimum distance of 76.0 m from an occupied dwelling situated on an adjoining site.

5.6 RESIDENTIAL DISTRICT - R1



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall within any R1-Residential District use any land or erect, alter or use any building or structure, except in accordance with the following provisions:

5.6.1 PERMITTED USES

- a) One single detached dwelling;
- b) Duplex or semi-detached dwelling;
- c) Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation;
- d) Playgrounds and swimming pools;
- e) Public works buildings and structures excluding offices, warehouses, and storage yards;
- f) Artisan studios;
- g) Rooming houses.

5.6.2 DISCRETIONARY USES

The following uses may be permitted in the R1-Residential District only by resolution of Council and only in locations specified by Council:

- a) Home based businesses excluding Animal Clinics. A Home Based Business shall not occupy more than 25% of the total finished floor area of a dwelling unit;
- b) Accessory Dwelling Units;
- c) Day cares;
- d) RTM, Manufactured, Modular or Mobile homes;
- e) Bed and Breakfast homes;
- f) Personal care homes.

5.6.3 SITE DEVELOPMENT REGULATIONS

Single detached dwellings

Minimum site area	390 m ² (4200 ft ²)
Minimum floor area	70 m ² (753 ft ²)
Minimum site frontage	10.7 m (35 ft)
Maximum height	9.0 m (30 ft) for Principal buildings 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	2
Minimum front yard	7.5 m (25 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)

Minimum building ratio	3:6 Width cannot be less than 50% of length
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Duplex or Semi-Detached Dwellings

Minimum site area	560m ² (6000 ft ²)
Minimum floor area	70 m ² (753 ft ²) per dwelling unit
Minimum site frontage	7.5 m (25 ft) per dwelling unit; 15m (50 ft) per site
Maximum height	9.0 m (30 ft) for Principal buildings 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	2 spaces/dwelling unit
Minimum front yard	7.5 m (25 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)

Mobile Homes

Minimum site area	390 m ² (4200 ft ²)
Minimum floor area	70 m ² (753 ft ²) per dwelling unit
Minimum site frontage	10.7 m (35 ft)
Maximum height	9.0 m (30 ft) for Principal buildings 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	2
Minimum front yard	7.5 m (25 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)
Minimum home width	6.0 m (20 ft)

5.6.4 ACCESSORY BUILDINGS AND STRUCTURES

- a) All accessory buildings shall be located a minimum of 1.2 m from the principal building and 0.8 m from the side site line, unless the side site line is an abutting street, then the side yard shall be 3.6 m.
- b) No accessory building shall be located in the required front yard.
- c) All accessory buildings shall not exceed 83.6 m² (900 ft²) in area and shall not exceed 5.0 m (16 ft) in height from grade level to the underside of the eave, or the height of the principal building, whichever is less.
- d) All accessory buildings shall be located a minimum of 0.8 m from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.2 m from the site line abutting the lane.
- e) All activities related to artisan studios, crafts and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods or waste products is permitted except a waste disposal bin for collection.
- f) In calculating the main floor area of a principal building the area of an attached garage shall be excluded.

5.6.5 DEVELOPMENT STANDARDS FOR MOBILE HOME REPLACEMENTS

- a) Mobile homes which replace an existing mobile home that has been destroyed due to fire or other unforeseen events (total loss) shall be permitted.
- b) The replacement mobile home must be wider than 6.0 m (20 ft) and shall not be more than five (5) years old.
- c) All mobile homes must meet the standards set out in CSA A277 Procedure for Certification of Factory Built Houses, and amendments thereto. All mobile homes must bear a label of a credible certification agency indicating that compliance with the National Building Codes has been certified using the A277 procedure.
- d) All attached and accessory structures shall require a Building Permit and shall comply with the requirements of the National Building Code of Canada and the Building Bylaw of the Town of Pense.
- e) All attached or accessory structures such as porches, sun room additions, skirting and storage facilities must be factory prefabricated units, or of an equivalent quality, and shall be painted or prefinished so the design and construction will complement the main structure.
- f) In order to protect the residential character of the community, wheels, hitches, and running gear must be removed within thirty (30) days of arrival and must be skirted from the floor level to ground level in such a manner as to compensate for vertical movements and to prevent the entrance of rodents and other small animals.

5.6.6 SIGNAGE

- a) One permanent sign is permitted per site. In the case of a home based business, an additional permanent sign is permitted in a window of the dwelling;
- a) The facial area of a sign shall not exceed 0.5 m².
- b) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- c) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.

5.7 RESIDENTIAL LOW DENSITY DISTRICT- R1A



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall within any R1A-Residential Low Density District use any land or erect, alter or use any building or structure, except in accordance with the following provisions:

5.7.1 PERMITTED USES

- a) One single detached dwelling;
- b) Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation;
- c) Playgrounds and swimming pools;
- d) Public works buildings and structures excluding offices, warehouses, and storage yards;
- e) Artisan studios;
- f) Rooming house

5.7.2 DISCRETIONARY USES

The following uses may be permitted in the R1A-Residential District only by resolution of Council and only in locations specified by Council:

- a) Home Based Businesses excluding Animal Clinics. A Home Based Business shall not occupy more than 25% of the total finished floor area of a dwelling unit;
- b) Accessory Dwelling Units;
- c) Day cares;
- d) RTM, Manufactured, or Modular homes excluding Mobile homes;
- e) Bed and Breakfast homes;
- f) Personal care homes.

5.7.3 SITE DEVELOPMENT REGULATIONS

Single detached dwellings

Minimum site area	560 m ² (6000 ft ²)
Minimum floor area	100 m ² (1,076 ft ²)
Minimum site frontage	15.0 m (50 ft)
Maximum height	9.0 m (30 ft) for Principal building 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	2
Minimum front yard	7.5 m (25 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)

Minimum building ratio	3:6 Width cannot be less than 50% of length
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5.7.4 ACCESSORY BUILDINGS AND STRUCTURES

- a) All accessory buildings shall be located a minimum of 1.2 m from the principal building, and 0.8 m from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 m.
- b) No accessory building shall be located in the required front yard.
- c) All accessory buildings shall not exceed 83.6 m² (900 ft²) in area and shall not exceed 5.0 m (16 ft) in height from grade level to the underside of the eave, or the height of the principal building, whichever is less.
- d) All accessory buildings shall be located a minimum of 0.8 m from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.2 m from the site line abutting the lane.
- e) All activities related to artisan studios, crafts and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods or waste products is permitted except a waste disposal bin for collection.
- f) In calculating the main floor area of a principal building the area of an attached garage shall be excluded.

5.7.5 SIGNAGE

- a) One permanent sign is permitted per site. In the case of a home based business, an additional permanent sign is permitted in a window of the dwelling;
- b) The facial area of a sign shall not exceed 0.5 m²;
- c) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public; and
- d) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.

5.8 RESIDENTIAL MULTIPLE DWELLING DISTRICT – R2



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall within any R2 - Residential Multiple Dwelling District use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.8.1 PERMITTED USES

- a) Duplexes and Semi-Detached dwellings;
- b) Townhouses, Row houses, Fourplexes;
- c) Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation;
- d) Playgrounds and swimming pools;
- e) Public works, buildings and structures excluding warehouses, storage yards and waste management or sewage facilities;

5.8.2 DISCRETIONARY USES

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

- a) One Single detached dwelling;
- b) RTM, Manufactured, or Modular homes
- c) Apartment Buildings;
- d) Home Based Businesses excluding Animal Clinics. A Home Based Business shall not occupy more than 25% of the total finished floor area of a dwelling unit;
- e) Personal care homes;
- f) Bed and Breakfast homes;
- g) Day cares;
- h) Artisan studios;
- i) Rooming house

5.8.3 SITE DEVELOPMENT REGULATIONS

Single detached dwellings

Minimum site area	390 m ² (4200 ft ²)
Minimum floor area	70 m ² (753 ft ²) per dwelling unit
Minimum site frontage	10.7 m (35 ft)
Maximum height	9.0 m (30 ft) for Principal buildings 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	2
Minimum front yard	7.5 m (25 ft)

Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)
Minimum building ratio	3:6 Width cannot be less than 50% of length

Duplex or Semi-Detached Dwellings

Minimum site area	560m ² (6000 ft ²)
Minimum floor area	70 m ² (753 ft ²) per dwelling unit
Minimum site frontage	7.5 m (25 ft) per dwelling unit; 15m (50 ft) per site
Maximum height	9.0 m (30 ft) for Principal buildings 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	2 spaces/dwelling unit
Minimum front yard	7.5 m (25 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) unless on a corner site the side yard shall be 3.0 m (10 ft)

Townhouse or Row house

Minimum site area	280 m ² (3000 ft ²) per dwelling unit
Minimum floor area	70 m ² (753 ft ²) per dwelling unit
Minimum site frontage	7.6 m (25 ft) per dwelling unit
Maximum height	9.0 m (30 ft) for Principal buildings 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	2 spaces/dwelling unit
Minimum front yard	4.5 m (14.75 ft) with lane 6 m (20 ft) with no lane
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	1.5 m (5 ft) not abutting a street; 3 m (10 ft) abutting a street) or 50% of the average wall height

Tri-plex or Four-plex

Minimum site area	560 m ² (6000 ft ²)
Minimum floor area	56 m ² (600 ft ²) per dwelling unit
Minimum site frontage	15.0 m (50 ft) per site
Maximum height	9.0 m (30 ft) for Principal buildings 5.0 m (16 ft) for Accessory
Maximum site coverage	50%
Minimum parking spaces	1.5 spaces/dwelling unit
Minimum front yard	6.0 m (20 ft)
Minimum rear yard	1.2 m (4 ft)
Minimum side yard	3.0 m (10 ft) or 50% of the average wall height

Apartment Buildings

Minimum site area	930 m ² (10,000 ft ²)
Minimum floor area	46 m ² (500 ft ²) per dwelling unit
Minimum site frontage	25.0 m (82 ft)
Maximum height	3 storeys
Maximum site coverage	50% interior site, 60% corner site
Minimum parking spaces	1.25 spaces/ dwelling unit
Minimum front yard	6.0 m (20 ft)
Minimum rear yard	7.5 m (25 ft)
Minimum side yard	3.0 m (10 ft) or 50% of the average wall height

5.8.4 ACCESSORY BUILDINGS AND STRUCTURES

- a) All accessory buildings shall be located a minimum of 1.2 m from the principal building, and 0.8 m from the side site line, unless the side site line is an abutting street then the side yard shall be 3.6 m.
- b) All accessory buildings shall be located a minimum of 0.8 m from the rear site line except where an accessory building has a door or doors opening onto a lane, then it shall not be located less than 1.2 m from the site line abutting the lane.
- c) No accessory building shall be located in the required front yard.
- d) All accessory buildings shall not exceed 83.6 m² (900 ft²) in area and shall not exceed 5.0 m (16 ft) in height from grade level to the underside of the eave, or the height of the principal building, whichever is less.
- e) All activities related to artisan studios, craft and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods or waste products is permitted except a waste disposal bin for collection.
- f) In calculating the main floor area of a principal building the area of an attached garage shall be excluded.

5.8.5 SIGNAGE

- b) One permanent sign is permitted per site. In the case of a home based business, an additional permanent sign is permitted in a window of the dwelling;
- c) The facial area of a sign shall not exceed 0.5 m² ;
- d) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- e) Temporary signs not exceeding 1 m² advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.

5.9 LIVE / WORK RESIDENTIAL ACREAGE DISTRICT- RA



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall within any RA-Live/Work Residential Acreage District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions.

5.9.1 PERMITTED USES

- a) One single-detached dwelling;
- b) Live/Work dwelling units in conjunction with any other permitted use attached to, behind or above, the other permitted use;
- c) Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation;
- d) Artisan studios, craft and workshops;
- e) Personal services establishments;
- f) Home Based Businesses;
- g) Outdoor markets and concessions (permanent, seasonal, or occasional);
- h) Restaurants, tea houses, coffee shops;
- i) Storefront retail stores and outlets;
- j) Small-scale repair trades, art and hand craft shops and studios, craftspeople and similar trades, including retail sales of art and craft products;
- k) Activities utilizing large power tools and machinery, or activities for the production of similar items or products;
- l) Public works buildings and structures excluding offices, warehouses, storage yards, and waste management or sewage facilities;
- m) Artisan studios;
- n) Rooming house

5.9.2 DISCRETIONARY USES

The following uses may be permitted in the RA-Live/Work Residential Acreage District but only by resolution of Council and only in locations specified by such resolution of Council:

- a) Uses, including integrated or complementary uses, buildings or structures accessory to and located on the same site as the principal building or use;
- b) RTM, Manufactured, or Modular excluding Mobile homes
- c) Accessory Dwelling Units;
- d) Animal clinics and/or the boarding of animals;
- e) Painting, repairing or selling of motor vehicles or machinery;
- f) Day Cares;
- g) Personal Care Homes;
- h) Welding, metal works, cabinet making or furniture making;
- i) Large accessory buildings;
- j) Wind generation units

5.9.3 PROHIBITED USES

- a) All uses of land, buildings, and industrial process that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise vibration or other similar substances or conditions;
- b) Junk and auto salvage yards, automobile wrecking yards, and other similar uses.

5.9.4 SITE DEVELOPMENT REGULATIONS

Permitted Uses

Minimum site area	6070 m ² (1.5 acres)
Minimum floor area	100 m ² (1,076 ft ²)
Minimum site frontage	15.0 m (50 ft) with a lane or 20.0 m (66 ft) without a lane
Maximum height	9.0 m (30 ft) for the Principal building
Maximum site coverage	50%
Minimum parking spaces	2
Minimum front yard	7.5 m (25 ft)
Minimum rear yard	7.5 m (25 ft)
Minimum side yard	1.2 m (4 ft) unless on a corner site than the side yard shall be 6.0 m (20 ft)

5.9.5 SUPPLEMENTARY REGULATIONS

The following development standards shall apply to all Live/Work Residential Acreages:

- a) Work associated with a live/work residential unit shall be conducted entirely indoors, and shall not be undertaken in any attached garage space necessary for required parking;
- b) There shall be no exterior storage on the site in relation to the live/work unit, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property;
- c) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the dwelling containing the live/work unit shall be produced;
- d) The size and nature of the workspace shall be limited so that the building type may be governed by applicable building codes;
- e) The dwelling component of the live/work unit shall be not less than 30% of the gross floor area of the live/work unit. Any attached garage space necessary for required parking shall be excluded from the gross floor space ratio calculation.
- f) All dwelling units shall have an entrance separate from that of the commercial establishment and shall conform to the National Building Code Standards as applicable.

5.9.6 ACCESSORY BUILDING AND STRUCTURE REGULATIONS

Maximum height	6.0 m (20 ft)
Maximum floor area	150m ² (1,615 ft ²)
Front site line	7.5 m (25 ft)
Side site line	0.8 m (2.6 ft) unless the side site line is an abutting a street then the side yard shall be 3.6 m (12 ft)
Rear site line	0.8 m (2.6 ft) except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.5 m (5 ft) from the site line abutting the lane.
Minimum distance from Principal building	1.2 m (4 ft)

- a) All activities related to artisan studios, crafts, workshops and commercial activities workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted except within a waste disposal bin for collection.
- b) The Building Floor Area for large accessory buildings on a Residential site may not exceed 150m² and shall not exceed 6.0 m (20 ft) in height from grade level to the underside of the eave.
- c) No accessory building shall be located within 3.0 m of a side or rear site line except where the minimum yard abuts a public street, in which case the minimum side or rear yard shall be 7.6m.

5.9.7 SIGNAGE

- a) One permanent sign is permitted per site.
- b) In the case of a home based business, an additional permanent sign is permitted in a window of a dwelling, affixed to the dwelling or accessory building or free standing on the property at least 3 m in from any lot line.
- c) The facial area of a sign shall not exceed 0.5 m².
- d) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- e) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.

5.10 COMMERCIAL DISTRICT – C1



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall within any C1 District use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

5.10.1 PERMITTED USES

- a) Banks, credit unions, and other financial institutions;
- b) Administrative offices;
- c) Barbers, hairdressers, and other similar personal services establishments;
- d) Medical, dental and other health care offices and clinics or health services;
- e) Restaurants, tea houses, coffee shops, and other similar retail food services;
- f) Storefront retail stores and outlets;
- g) Convenience stores;
- h) Theatres, assembly halls, places of worship;
- i) Commercial recreation establishments such as bowling alleys, arcades and fitness centers;
- j) Licensed premises for the sale and consumption of alcoholic beverages;
- k) Libraries, galleries, museums and other similar cultural institutions;
- l) Storefront bakeries, butcher shops, and similar food processing with on-site retail sales;
- m) Outdoor markets and concessions (permanent, seasonal, or occasional);
- n) Small-scale repair trades such as tailors, jewelers, art and hand craft shops and studios, craftspeople and similar trades, including retail sales of art and craft products;
- o) Construction Trades without yards;
- p) Artisan forges and foundries;
- q) Dwellings attached to and behind, or above, commercial establishments;
- r) Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation;
- s) Public works buildings and structures excluding offices, warehouses, storage yards, and waste management or sewage facilities.

5.10.2 DISCRETIONARY USES

The following uses may be permitted in the C1- Commercial District but only by resolution of Council and only in locations specified by such resolution of Council:

- a) Lumber and building supply establishments;
- b) Animal clinics;
- c) Recycling and Collection Depots;
- d) Mobile Storage Containers including Sea and Rail Containers;
- e) Service Stations, Motor vehicle repair shops;
- f) Newspaper offices and printing plants and services;
- g) Service Stations and Gas bars;
- h) Other innovative commercial uses consistent with street level retail and services.

5.10.3 SITE DEVELOPMENT REGULATIONS

Minimum site area	230 m ² (2475 ft ²); 900 m ² (9687 ft ²) for service stations
Minimum site frontage	7.5 m (25 ft); 30 meters (100 ft) for service stations
Maximum site coverage	75%
Minimum front yard	No requirement; 7.5 m (25 ft) for service stations
Minimum rear & side yard	No requirement except when the side site line is the boundary of any Residential, Community Service District or abuts a public street then the minimum side yard shall be 1.5 m (5 ft) except when the rear site line abuts a railway right-of-way no rear yard need be provided.
Accessory buildings	Setbacks for accessory buildings shall meet the same requirements as the principal use or building.

5.10.4 SIGNAGE

Signs and billboards shall be prohibited in the C1 - Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:

- a) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- b) The facial area of a sign shall not exceed 0.5 m²;
- c) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.

5.10.5 PARKING

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

Dwelling Unit	1 parking space per unit
Places of assembly, institutional buildings	1 parking space for each 50 m ² (538 ft ²) of floor area
All other uses	No requirement

5.10.6 LANDSCAPING

Where a site abuts any Residential District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 m (5 ft) through which shall not be used for any purpose except landscaping.

5.10.7 OUTSIDE STORAGE

- a) Open air operations, storage and display of goods or material are prohibited in any front yard. Outdoor storage is permitted in side and rear yards.
- b) Commercial vehicles and equipment associated with a permitted use may be stored on-site provided the area used for storage of these vehicles does not exceed the area of the building used by the business to carry out its operations. No vehicles, materials or equipment shall be in a state of disrepair.
- c) All outside storage shall be fenced when the area abuts a Residential or Community Service District without an intervening street or land, the storage area shall be screened with a solid fence or hedge at least 2.0 m in height.
- d) The Town may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- e) All Mobile Storage and Shipping Containers including Rail and Sea Containers (SeaCans) shall require a Development Permit and are subject to the following regulations:
 - i. Mobile Storage Containers must be properly anchored and shall be located a minimum of 3.0 m from the primary building and behind the rear wall of the primary building; and
 - ii. When the container is determined by the Town to be unsightly, misused, unsafe, or inappropriate in any way, it must be removed at the owner's expense within a time period specified by the Town.

5.10.8 SUPPLEMENTARY REGULATIONS

5.10.8.1 Dwelling Units

- a) Dwelling Units are permitted as long as the principal use is undergoing.
- b) Dwelling units shall have a floor area smaller than or equal to the floor area in commercial use.
- c) Minimum floor area for each dwelling unit shall be 45 m² (500 ft²).
- d) All dwelling units shall have an entrance separate from that of the commercial establishment.
- e) Dwelling units shall be located above or at the rear and attached to the principal commercial use.
- f) Dwelling Units shall meet the National Building Code Standards as applicable.

5.10.8.2 Service Stations

- a) The minimum lot area for a service station shall be 900 m², with a required 30.0 metre frontage and 7.5 metre front yard.
- b) On a corner lot, only one access shall be constructed on the flankage, located a minimum of 6.0 m from the intersection.
- c) Fuel pumps and other accessory equipment shall be located not less than 6.0 m from any street or site line.
- d) All automobile parts, dismantled vehicles, and similar articles shall be stored within a building or screened to the satisfaction of Council.

5.11 INDUSTRIAL DISTRICT – I1



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall within any I1- Industrial District use any land, or erect, alter, or use any building or structure except in accordance with the following provisions.

5.11.1 PERMITTED USES

- a) Business and/or professional offices;
- b) Industrial Park containing a combination of permitted uses;
- c) Auto body shops;
- d) Construction and other industrial trades yards, plants, and/or offices;
- e) Warehousing and supply depots;
- f) Manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products that are not noxious;
- g) Agricultural and Industrial machinery equipment and vehicle sales and service;
- h) Residential or agricultural building assembly area;
- i) Semi-Trailer and Container Parking Lot;
- j) Lumber and building supply establishment;
- k) Contractors offices, workshops and yards;
- l) Construction of RTM homes;
- m) Indoor repair, rental, servicing, storage, wholesale of any commodity and/or retail sales of any goods, materials and/or commodities excluding any hazardous materials;
- n) Service stations, Commercial Cardlock operations;
- o) Motor or recreational vehicle sales and servicing and/or temporary storage compound;
- p) Trucking operations;
- q) Recycling and Collection Depots (Commercial);
- r) Public works buildings and structures excluding offices, warehouses, storage;
- s) Municipal yards and waste management or sewage facilities;
- t) Buildings, structures, and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation.

5.11.2 DISCRETIONARY USES

The following uses may be permitted in the I1- Industrial District but only by resolution of Council and only in locations specified in such resolution of Council:

- a) Bulk petroleum sales and storage.
- b) Mobile Storage Containers including Sea and Rail Containers;
- c) Stockyards and auction marts;
- d) Junk/salvage yards and auto wreckers;
- e) Restaurants;
- f) Meat Processing Plants/Abattoirs;
- g) Seed Cleaning plants, feed mills and flour mills;
- h) Fertilizer sales and storage;
- i) Cement manufacturing;

- j) Aggregate material storage or handling operations.

5.11.3 PROHIBITED USES

The following uses shall be strictly prohibited within an Industrial District (I1):

- a) All uses of land, buildings or processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions;
- b) Dwelling units;
- c) All uses of buildings and land except those specifically noted as permitted or discretionary.

5.11.4 SITE DEVELOPMENT REGULATIONS

Minimum site area	900 m ² (9687 ft ²) There shall be no minimum site development requirements for public works buildings.
Minimum site frontage	30 m (100 ft)
Maximum site coverage	75%
Minimum front yard	7.5 m (25 ft) unless abutting the highway or service road than 9.0 m (30 ft)
Minimum rear yard	3.0 m (10 ft) or 10% of the depth of the lot whichever is greater unless the rear lot line abuts a railway in which case no rear yard is required
Minimum side yard	3.0 m (10 ft) except when the side site line is the boundary of any Residential, Community Service District or abuts a public street then the minimum side yard shall be 6.0 m (20 ft)
Accessory buildings	Setbacks for accessory buildings shall meet the same requirements as the principal use or building.

There shall be no minimum site development requirements for public works buildings.

- a) The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites. The Development Officer may allow a building to be occupied by a combination of one or more of the permitted or discretionary uses listed within this Zoning District; however, each use shall obtain a separate Development Permit.

5.11.5 OUTSIDE STORAGE

- a) Open air operations, storage and display of goods or material are prohibited in any front yard. Outdoor storage is permitted in side and rear yards.
- b) Commercial vehicles and equipment associated with a permitted use may be stored on-site provided the area used for storage of these vehicles does not exceed the area of the building used by the business to carry out its operations. No vehicles, materials or equipment shall be in a state of disrepair.
- c) All outside storage shall be fenced when the area abuts a Residential or Community Service District without an intervening street or land, the storage area shall be screened with a solid fence or hedge at least 2.0 m in height.

- d) The Town may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- e) No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard. No yard shall be used for the storage or collection of hazardous material.
- f) The Town may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the property, vehicles or vehicular parts.
- g) All Mobile Storage Containers including Rail and Sea Containers (Sea Cans) shall require a Development Permit and are subject to the following regulations:
 - i. Mobile Storage Containers must be properly anchored and shall be located a minimum of 3.0 m from the primary building and behind the rear wall of the primary building; and
 - ii. When the container is determined by the Town to be unsightly, misused, unsafe, or inappropriate in any way, it must be removed at the owner’s expense within a time period specified by the Town.

5.11.6 SIGNAGE

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

- a) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- b) Temporary signs not exceeding 1 m² advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted;
- c) Temporary signs advertising product prices or sales, special events related to retail and service activities, or advertising community or charity activities or events are permitted.

Maximum number of signs	Up to two (2) signs, which may be fascia, canopy, roof, projecting or any combination thereof, may be located on any site
Maximum size	The facial area of a sign shall not exceed 20.0 m².
Location	All signs, except for canopy and projecting signs, shall be located within the lot lines of the lot in which they are located.
Billboards or Freestanding Signs	One (1) billboard sign may be erected on any lot, in addition to other permitted signs. A site may have either a freestanding or billboard sign, but not both.
Special Provisions	Bulk petroleum sales and storage, motor vehicle sales, and service stations may erect one freestanding sign in addition to other permitted signs.

5.11.7 PARKING

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

Warehouses or manufacturing activities	1 parking space for each 90 m² (968 ft²) of gross floor area
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Principal buildings	1 parking space for each 50 m ² (538 ft ²) of gross floor area, or 1 parking space for each 1.5 employees, whichever is greater.
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5.11.8 LOADING REQUIREMENTS

Where the use of a building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided on the site. The minimum area of an individual loading space shall be 17.0 m². Doors located in side yards shall not be used for delivery purposes.

Gross Floor Area	Minimum Number of Loading Spaces
90 m ² to 1300 m ²	1 space
1301 m ² to 2500 m ²	2 spaces
>2500 m ²	2 spaces +1 space for each additional 2500 m ²

5.11.9 PERFORMANCE STANDARDS

An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:

- a) Emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
- b) Smoke - no process involving the use of solid fuel is permitted;
- c) Dust or ash - no process involving the emission of dust, fly ash or other particulate matter is permitted;
- d) Odour - the emission of any odourous gas or other odourous matter is prohibited;
- e) Toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
- f) Glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot;
- g) 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;
- h) Industrial wastes - waste which does not conform to the standards established from time to time by Town Bylaws shall not be discharged into any Town sewers.
- i) 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.

5.11.10 LANDSCAPING

- a) A landscaped strip of not less than 3 m in width throughout lying parallel and abutting the front site line shall be provided on every site.
- b) On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.
- c) Where a site abuts any Residential District without an intervening land, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 m (5 ft) through which shall not be used for any purpose except landscaping.

5.12 COMMUNITY SERVICE DISTRICT – CS



No person shall initiate any permitted, discretionary or accessory use prior to obtaining a Development Permit from the Development Officer. No person shall, within any CS – Community Service District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.12.1 PERMITTED USES

- a) Elementary schools and other educational facilities;
- b) Lodges, social clubs, service clubs;
- c) Municipal offices, libraries, historic and cultural institutions, community halls;
- d) Places of Worship or assembly;
- e) Health facilities and Special Care Homes;
- f) (Tele)Communication Towers;
- g) Recreational - sports fields, parks, playgrounds, curling rinks, skating rinks, tennis courts, lawn bowling greens, swimming pools, and other similar uses. More than one recreational use may be permitted per site;
- h) Buildings, structures, or uses secondary or subordinate to, and located on the same site as the principal use, shall be considered accessory uses and, may include commercial uses but not buildings or structures used for human habitation;
- i) Natural and nature-like open areas;
- j) Pedestrian trails and bicycle pathways;
- k) Skateboard parks or BMX bike-terrain;
- l) Scenic lookout and interpretation facilities, rest stops, and other public trail facilities;
- m) Public works buildings and structures storage yards, warehouses, drainage ditches, culverts, and other drainage works, and shall include water reservoirs and sewage treatment facilities.

5.12.2 DISCRETIONARY USES

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

- a) Golf courses, auto race tracks, horse race tracks, or other very large or very intensive use facilities;
- b) Wind generation units.

5.12.3 SITE DEVELOPMENT REGULATIONS

Permitted uses (other than educational facilities, rinks and swimming pools)

Minimum site area	450 m ² (4843 ft ²)
Minimum site frontage	15 m (50 ft)
Minimum front yard	6.0 m (20 ft)
Minimum rear yard	6.0 m (20 ft) except where the rear of the site abuts any Residential District without an intervening street or lane, a rear yard of at least 7.5 m (25 ft).
Minimum side yard	Not less than half the height of the building or 3.0 m, whichever is more

Educational facilities

Minimum site area	No minimum requirement
Minimum site frontage	60 m (200 ft)
Maximum site coverage	75%
Minimum front yard	15 m (50 ft)
Minimum rear yard	7.5 m (25 ft)
Minimum side yard	7.5 m (25 ft)

Rinks and swimming pools

Minimum site area	1208 m ² (13,000 ft ²)
Minimum site frontage	20 m (66 ft)
Minimum front yard	7.5 m (25 ft)
Minimum rear yard	7.5 m (25 ft)
Minimum side yard	1.5 m (5 ft) except on a corner site abutting a street then 3.6 m (12 ft)

Accessory buildings

Front site line	7.5 m (25 ft)
Principal building	1.2 m (4 ft)
Side site line	0.8 m (2.6 ft) unless the side site line is an abutting a street then the side yard shall be 3.6 m (12 ft)
Rear site line	All accessory buildings with a door or doors opening onto a lane shall not be located less than 1.2 m from the site line abutting the lane.

5.12.4 SIGNAGE

- a) The facial area of a sign shall not exceed 1.0 m².
- b) Signs and billboards are prohibited except for one information sign for each building or use and those bearing notices of special events and activities, or other information, relating to a temporary condition affecting the site and shall not exceed 1.0 m² in size.

5.12.5 PARKING

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

Educational facility	1 parking space for each staff member
Churches and Places of Assembly	1 parking space for each 50 m ² (538 ft ²) of floor area
Special care homes	1 parking space for each bed.
Institutional buildings, private clubs and lodges	1 parking space for each 50 m ² (538 ft ²) of floor area
Recreational buildings, sports facilities and fields	1 parking space for each of every ten patrons or seats.

5.12.6 LANDSCAPING

- a) A landscaped strip of not less than 3.0 m in width throughout lying parallel and abutting the front site line shall be provided on every site.
- b) On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.
- c) Where a site abuts any Residential District without an intervening land, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 m (5 ft) through which shall not be used for any purpose except landscaping.

5.13 CONSOLIDATED TABLES OF ZONING REQUIREMENT REGULATIONS

5.13.1 MINIMUM SITE AREA M2 [FT2]

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT												
	R1	R1A	R2	RA	C1	I1	CS	FUD					
Single detached dwelling	390 [4200]	560 [6000]	390 [4200]	N/A	N/A	N/A	N/A	N/A					
Duplex dwelling	560 [6000]	N/A	560 [6000]										
Semi-detached dwelling	390 [4200]		N/A										
Mobile home			280 [3000]										
Townhouse (per dwelling unit)			560 [6000]										
Triplex/Fourplex	930 [10000]												
Apartment building	N/A		N/A						N/A	6070 [1.5 acres]	230 [2475] (a)	900 [9687]	
Residential Acreage													
Commercial Uses		N/A		N/A	N/A	N/A	N/A			N/A	450 [4843]		
Industrial Uses											NONE		
Community Service Uses other than schools, rinks, or pools											1208 [13000]		
Schools											N/A	2 ha [4 acres]	
Rinks and swimming pools												N/A	8 ha [19 acres]
Recreational													1 ha [2 acres]
Agricultural													
Offices & Clinics													
(a) 900 [9687] for service stations		** No minimum for public works buildings in all zoning districts **											

5.13.2 MINIMUM FLOOR AREA M [FT]

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT												
	R1	R1A	R2	RA	C1	I1	CS	FUD					
Single detached dwelling	70 [753]	100 [1076]	70 [753]	N/A	N/A	N/A	N/A	N/A					
Duplex dwelling		N/A							N/A				
Semi-detached dwelling			N/A										
Mobile home													
Townhouse (per dwelling unit)	N/A	N/A	70 [753]	100 [1076]	(a)	None	None						
Triplex/Fourplex (per dwelling unit)			56 [600]										
Apartment building (per dwelling unit)			46 [500]										
Residential Acreage			N/A					N/A	N/A	N/A	N/A	None	None
Commercial Uses													
Industrial Uses													
Community Service Uses other than schools, rinks, or pools													
Schools													
Rinks and swimming pools													
Recreational			N/A					N/A	N/A	N/A	N/A	N/A	None
Agricultural													
Offices & Clinics													
Accessory dwelling unit	(b)	(b)	N/A	(a)	N/A	N/A	N/A	N/A					

(a) 56 [500] for dwelling units attached to and behind, or above, commercial establishment
 (b) Secondary, Garden, Garage and Laneway Suites: 30 [323]; Tiny Houses: 10 [108]; Shipping Container Conversion: 22.3 [240]

5.13.3 MINIMUM SITE FRONTAGE M [FT]

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT							
	R1	R1A	R2	RA	C1	I1	CS	FUD
Single detached dwelling	10.7 [35]	15 [50]	10.7 [35]	N/A	N/A	N/A	N/A	N/A
Duplex dwelling	15 [50]	N/A	15 [50]					
Semi-detached dwelling			N/A					
Mobile home	10.7 [35]		7.5 [25]					
Townhouse (per dwelling unit)	N/A		15 [50]					
Triplex/Fourplex			25 [82]					
Apartment building			15 [50] (b)					
Residential Acreage			7.5 [25] (c)					
Commercial Uses								
Industrial Uses	N/A	N/A	30 [100]					
Community Service Uses other than schools, rinks, or pools			15 [50]					
Schools			60 [200]					
Rinks and swimming pools	N/A	N/A	20 [66]					
Recreational								
Agricultural	N/A	N/A	N/A	N/A	30 [100]			
Offices & Clinics								
(b) 20 [66] without a lane (c) 30 [100] for service stations								

5.13.4 MAXIMUM HEIGHT M [FT]

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT												
	R1	R1A	R2	RA	C1	I1	CS	FUD					
Single detached dwelling	9 [30]	9 [30]	9 [30]	N/A	N/A	N/A	N/A	N/A					
Duplex dwelling		N/A							9 [30]				
Semi-detached dwelling			N/A										
Mobile home										N/A			
Townhouse (per dwelling unit)	9 [30]												
Triplex/Fourplex	9 [30]												
Apartment building	3 storeys												
Residential Acreage	N/A	N/A	N/A	9 [30]	None	None	None						
Commercial Uses				N/A					N/A	N/A	None	None	
Industrial Uses					N/A	N/A	N/A						N/A
Community Service Uses other than schools, rinks, or pools								None					
Schools											None		
Rinks and swimming pools												None	
Recreational											N/A		
Agricultural								N/A				None	
Offices & Clinics					N/A	None							
Accessory Building				5 [16]			5 [16]	5 [16]	6 [20]	N/A	N/A	N/A	N/A

5.13.5 MAXIMUM SITE COVERAGE %

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT							
	R1	R1A	R2	RA	C1	I1	CS	FUD
Single detached dwelling	50%	50%	50%	N/A	N/A	N/A	N/A	N/A
Duplex dwelling		N/A						
Semi-detached dwelling			50% (d)					
Mobile home								
Townhouse (per dwelling unit)	N/A	N/A	50%	75%	75%			
Triplex/Fourplex			N/A			N/A	N/A	
Apartment building								
Residential Acreage								
Commercial Uses								
Industrial Uses								
Community Service Uses other than schools, rinks, or pools								
Schools								
Rinks and swimming pools								
Recreational								
Agricultural								
Offices & Clinics								
(d) if the site is on a corner, then 60%								

5.13.6 MINIMUM PARKING SPACES

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT							
	R1	R1A	R2	RA	C1	I1	CS	FUD
Single detached dwelling	2	2	2	N/A	N/A	N/A	N/A	N/A
Duplex dwelling	2/unit	N/A	2/unit					
Semi-detached dwelling			N/A					
Mobile home	2		2/unit					
Townhouse (per dwelling unit)	N/A		1.5/unit					
Triplex/Fourplex			1.25/unit					
Apartment building			2					
Residential Acreage			None (e)					
Commercial Uses		(f)						
Industrial Uses	N/A	N/A	N/A	N/A	N/A	1 per 50 [538]		
Community Service Uses other than schools, rinks, or pools						1 per staff		
Schools						1 per 10 seats		
Rinks and swimming pools						N/A		
Recreational								
Agricultural								
Offices & Clinics								
Accessory Dwelling Unit	1/unit	1/unit	N/A	1/unit	N/A	N/A	N/A	N/A

(e) Accessory Dwelling Units require 1 parking space each;
Places of assembly and institutional – 1 parking space for each 50 [538] of floor area

(f) Warehouses or manufacturing – 1 parking space for each 90 [968] of floor area;
Principal buildings – 1 parking space for each 50 [538] of floor area or for each 1.5 employees, whichever is greater

5.13.7 MINIMUM FRONT YARD M [FT]

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT								
	R1	R1A	R2	RA	C1	I1	CS	FUD	
Single detached dwelling	7.5 [25]	7.5 [25]	7.5 [25]	N/A	N/A	N/A	N/A	N/A	
Duplex dwelling		N/A							N/A
Semi-detached dwelling			4.5 [14.75] with lane						
Mobile home									6 (20) with no lane
Townhouse (per dwelling unit)	N/A	N/A	6 [20]	7.5 [25]	None (g)	7.5 [25] (h)	6 [20]		
Triplex/Fourplex			6 [20]						
Apartment building			N/A	N/A	N/A	N/A	N/A		15 [50]
Residential Acreage									7.5 [25]
Commercial Uses	N/A	N/A	N/A	N/A	N/A	N/A	7.5 [25]		
Industrial Uses									
Community Service Uses other than schools, rinks, or pools									
Schools							15 [50]		
Rinks and swimming pools	N/A	N/A	N/A	N/A	N/A	N/A	7.5 [25]		
Recreational									
Agricultural							N/A	15 [50]	
Offices & Clinics	N/A	N/A	N/A	7.5 [25]	N/A	N/A	7.5 [25]	N/A	
Accessory building									

(g) 7.5 [25] for service stations
(h) unless abutting the highway or service road then 9 [30]

5.13.8 MINIMUM REAR YARD M [FT] NOT ABUTTING A PUBLIC STREET, LANE OR RAILWAY RIGHT-OF-WAY

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT							
	R1	R1A	R2	RA	C1	I1	CS	FUD
Single detached dwelling	1.2 [4]	1.2 [4]	1.2 [4]	N/A	N/A	N/A	N/A	N/A
Duplex dwelling		N/A						
Semi-detached dwelling			1.5 [5]					
Mobile home								
Townhouse (per dwelling unit)	7.5 [25]							
Triplex/Fourplex	7.5 [25]							
Apartment building								
Residential Acreage	N/A	N/A	N/A	None	(i)	6 [20]		
Commercial Uses								
Industrial Uses	N/A	N/A	N/A	N/A	N/A	7.5 [25]		
Community Service Uses other than schools, rinks, or pools								
Schools								
Rinks and swimming pools								
Recreational	N/A	N/A	N/A	N/A	N/A	N/A	10 [33]	
Agricultural								
Offices & Clinics								
Accessory building	0.8 [2.6]	0.8 [2.6]	0.8 [2.6]	0.8 [2.6]	N/A	N/A	0.8 [2.6]	3 [10]
(i) 3 [10] or 10% of the lot depth whichever is greater								

5.13.9 MINIMUM REAR YARD M [FT] ABUTTING A PUBLIC STREET, LANE OR RAILWAY RIGHT-OF-WAY

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT							
	R1	R1A	R2	RA	C1	I1	CS	FUD
Single detached dwelling	1.2 [4]	1.2 [4]	1.2 [4]	N/A	N/A	N/A	N/A	N/A
Duplex dwelling		N/A						
Semi-detached dwelling								
Mobile home								
Townhouse (per dwelling unit)	3 [10]							
Triplex/Fourplex	3 [10]							
Apartment building	7.5 [25]							
Residential Acreage	N/A	N/A	7.5 [25]	None	None	7.5 [25]		
Commercial Uses			N/A				N/A	
Industrial Uses								
Community Service Uses other than schools, rinks, or pools								
Schools								
Rinks and swimming pools			7.5 [25]					
Recreational			7.5 [25]					
Agricultural			N/A	30 [100]				
Offices & Clinics								
Accessory building			0.8 [2.6] (j)	0.8 [2.6] (j)	0.8 [2.6] (j)	0.8 [2.6] (j)	N/A	N/A

(j) Except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 1.2 [4]

5.13.10 MINIMUM SIDE YARD M [FT] NOT ABUTTING A PUBLIC STREET

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT							
	R1	R1A	R2	RA	C1	I1	CS	FUD
Single detached dwelling	1.5 [5]	1.5 [5]	1.5 [5]	N/A	N/A	N/A	N/A	N/A
Duplex dwelling		N/A						
Semi-detached dwelling			1.5 [5] for Townhouse(k) All others 3 (10)					
Mobile home								
Townhouse (per dwelling unit)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Triplex/Fourplex								
Apartment building								
Residential Acreage								
Commercial Uses								
Industrial Uses								
Community Service Uses other than schools, rinks, or pools								
Schools								
Rinks and swimming pools								
Recreational								
Agricultural	N/A	N/A	N/A	N/A	N/A	N/A	7.5 [25]	
Offices & Clinics								
Accessory building	0.8 [2.6]	0.8 [2.6]	0.8 [2.6]	0.8 [2.6]	N/A	N/A	0.8 [2.6]	3 [10]

(k) or 50% of the average wall height, whichever is less

5.13.11 MINIMUM SIDE YARD M [FT] ABUTTING A PUBLIC STREET

DEVELOPMENT STANDARD AND PERMITTED USE	ZONING DISTRICT							
	R1	R1A	R2	RA	C1	I1	CS	FUD
Single detached dwelling	3 [10]	3 [10]	3 [10]	N/A	N/A	N/A	N/A	N/A
Duplex dwelling		N/A						
Semi-detached dwelling			3 [10] (l)					
Mobile home								
Townhouse (per dwelling unit)	N/A	N/A	6 [20]	1.5 [5] (m)	6 [20] (m)			
Triplex/Fourplex			N/A			N/A	N/A	
Apartment building		N/A		N/A	N/A			
Residential Acreage			N/A			N/A	N/A	
Commercial Uses		N/A		N/A	N/A			
Industrial Uses			N/A			N/A	N/A	
Community Service Uses other than schools, rinks, or pools		N/A		N/A	N/A			N/A
Schools			N/A			N/A	N/A	
Rinks and swimming pools		N/A		N/A	N/A			N/A
Recreational			N/A			N/A	N/A	
Agricultural		N/A		N/A	N/A			N/A
Offices & Clinics	N/A		N/A			N/A	N/A	
Accessory building		3.6 [12]		3.6 [12]	3.6 [12]			3.6 [12]

(l) or 50% of the average wall height, whichever is less
(m) when the side site line is the boundary of any Residential, Community Service District or abuts a public street.

6 REPEAL AND ADOPTION

Bylaw #2/2013 as amended shall be repealed upon Bylaw #2/2023, the Zoning Bylaw, coming into force and effect.

MINISTERIAL APPROVAL

This Bylaw is adopted pursuant to *The Planning and Development Act, 2007*, and shall come into force on the date of final approval by the Minister of Government Relations.

COUNCIL READINGS AND ADOPTION

Read a first time this	day of	2023
Read a second time this	day of	2023
Read a third time this	day of	2023
Adoption of Bylaw this	day of	2023

MAYOR

SEAL

ADMINISTRATOR

Ministerial Approval Date _____

APPENDIX “A” – DEVELOPMENT PERMIT APPLICATION

Every development permit application shall include:

1) Application Form

A completed application form.

2) Site Plan

Two copies of a proposed development site plan showing, with labels, the following existing and proposed information (as the case may be):

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

3) Building Plan

A plan showing, with labels, the elevations, floor plan, and a perspective drawing of the proposed development.

4) Landscape Plan

A landscape plan showing, with labels, the following:

- a) the existing topography;
- b) the vegetation to be retained and/or removed;
- c) the type and layout of:
 - i) hard (e.g., structures) and soft (e.g., vegetation) landscaping;
 - ii) the open space system, screening, berms, slopes; and
 - iii) other, as required, to effectively administer this Bylaw;
- d) the types, sizes and numbers of vegetation materials;
- e) areas to be damaged or altered by construction activities and proposed methods of restoration;
- f) a schedule of site stripping and grading, construction, and site restoration, including methods to be employed to reduce or eliminate erosion by wind, water, or by other means; and
- g) historical and archaeological heritage resources and management areas (a Heritage Resource Assessment as prescribed under *The Heritage Property Act* may be required).

5) Vicinity Map

A vicinity map showing, with labels, the location of the proposed development in relation to adjacent lands:

- a) Nearby municipal roads, highways and railways;
- b) Significant physical features, environmentally sensitive areas, and more or less pristine natural areas or features, especially undisturbed grassland, wooded ravines, and water feature or stream courses;
- c) Critical wildlife habitat and management areas;
- d) Mineral extraction resources and management areas, and
- e) Other as required, to effectively administer this Bylaw.

6) Certificate of Title

A copy of the Certificate of Title, indicating ownership and all encumbrances.

7) Valid Interest

Development permit applicants shall be required to provide information, to the Development Officer's or Council's satisfaction, that they have a current, valid interest in the land proposed for development.

- a) Proof of current valid interest may include:
 - i) proof of ownership;
 - ii) an agreement for sale;
 - iii) an offer or option to purchase;
 - iv) a letter of purchase;
 - v) a lease for a period of more than 10 years; and
 - vi) other, as determined and accepted by Council, or the Development Officer.

8) Site Description for Subdivision Applications

- a) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent;
- b) A Site Plan that identifies setbacks, neighbouring buildings and any natural features accompanied by an accurate sketch and air photo image (ie google image);
- c) Photographic Information and photographs showing the site in its existing state.

Town of Pense
Application for a Development Permit

1. Applicant:

a) Name: _____
b) Address: _____ Postal Code: _____
c) Telephone Number: _____ Cell phone: _____

2. Registered Owner: as above, or:

a) Name: _____
b) Address: _____ Postal Code: _____
c) Telephone Number: _____

3. Property: Legal Description

Lot(s) _____ Block _____ Reg. Plan No. _____

4. Lot Size:

Dimensions _____ Area _____

5. Existing Land Use:

6. Proposed Land Use/description of Proposed Development:

7. Proposed date of Commencement: _____

Proposed date of Completion: _____

8. Other Information:

9. FOR NEW CONSTRUCTION PROVIDE A DETAILED SITE PLAN, drawn to scale on a separate sheet showing, with labels, the following existing and proposed information:

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

10. Mobile Homes: C.S.A.Z240 Approval Number (from Black and Silver Sticker)

Mobile Home date of Manufacture: _____

11. Declaration of Applicant:

I, _____ of the _____ of _____

_____ in the Province of Saskatchewan, do Solemnly declare that the above statements contained within the application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

I agree to indemnify and hold harmless the Town of Pense from and against any claims, demands, liabilities, costs and damages elated to the development undertaken pursuant to this application.

Date: _____ Signature: _____

APPENDIX "B" – NOTICE OF DECISION FOR A DEVELOPMENT PERMIT

Town of Pense

Notice of Decision for a Development Permit or Zoning Bylaw Amendment

To: _____
(Applicant) (Address)

This is to advise you that your application for a :

- Permitted Use or Form of Development, or
- Discretionary Use or Form of Development, or
- Request for a Zoning Bylaw Amendment

Has Been:

- Approved.
- Approved subject to conditions or Development Standards, as listed in the attached schedule
- Refused for the following reason:

If your application has been approved with or without conditions, this form is considered to be the Development Permit granted pursuant to the Zoning Bylaw.

Right of Appeal

Please be advised that under Section 59 of *The Planning and Development Act, 2007*:

- you may **Not** appeal the refusal of your application for a use or form of development that is not permitted within the zoning district of the application.
- you may **NOT** appeal the refusal of your application for a discretionary use or form of development
- you may **NOT** appeal the refusal of your application for an amendment to the Zoning Bylaw
- you **MAY APPEAL** those standards that you consider excessive in the approval of the discretionary use of form of development, or

____you **MAY APPEAL the refusal** of your application if you feel that the Development Officer has misapplied the Zoning Bylaw in the issuing of this permit.

Your Appeal must be submitted in writing within thirty (30) days of the date of this notice to :

**Secretary, Development Appeals Board
Town of Pense
Box 125
Pense , SK
S0G 3W0**

Date: _____

Development Officer

Note:

This Permit expires 12 months from the date of issue.

A Building Permit is also required for a building construction.