

VILLAGE OF VIBANK ZONING BYLAW

Bylaw No. 2022-011



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WHAT IS A ZONING BYLAW?

A Zoning Bylaw regulates the use of land (i.e., residential, commercial, industrial, institutional, etc.), as well as the location, size and height of buildings or structures, built form, parking and loading requirements and other site-specific requirements.

WHAT IS THE PURPOSE OF ZONING?

Zoning works to establish preferred standards for development and to prevent conflicting land uses. Each zone contains a list of permitted uses and regulates the following:

- how land is used (i.e., permitted or prohibited uses)
- the location of different types of uses such as agricultural, institutional, industrial, parks/open space, residential and commercial
- the location of buildings and structures on the lands (i.e., minimum/maximum front, side and rear setbacks)
- the size and height of buildings
- lot size and dimensions
- parking and loading requirements
- the density of development
- built form
- additional site-specific factors



1.0 INTRODUCTION

Under the authority of *The Planning and Development Act, 2007* (PDA), and Bylaw No. 2022-010 known as the Official Community Plan of the Village of Vibank, the Council of the Village of Vibank in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.1 TITLE

This Bylaw shall be known and cited as Zoning Bylaw No. 2022-011 of the Village of Vibank.

1.2 SCOPE

Development shall be permitted within the limits of the Village of Vibank only when in conformity with the provisions of this Bylaw. Any use, intensity of use or accessory use not specifically described or covered within this bylaw shall be deemed prohibited.

1.3 SEVERABILITY

If any section, clause or provision of this Bylaw, including anything shown on the Zoning District Map, is for any reason declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw as a whole or part, other than the section, clause, provision or anything shown on the Zoning District Map, declared to be invalid.

1.4 INTERPRETATION

For the purpose of this Bylaw, words used in the present tense include the future, words used in the singular number include the plural, and words used in the plural include the singular number. The words shall, must or will identify a mandatory action or decision, as the case may be. The words should or may identify a voluntary action or decision, as the case may be. Whether actions or decisions are mandatory or voluntary, the Council may include prerequisites or conditions which must be fulfilled before that action or decision may be taken. The words used and occupied shall include the words intended, arranged or designed to be used or occupied. Please see the definition section for specific applicable terms and meanings.



2.0 ADMINISTRATION

2.1 DEVELOPMENT OFFICER

The Development Officer, being the Administrator of the Village of the Vibank or any other qualified personnel as appointed by Council, shall be the responsible for the administration of this bylaw.

2.2 DEVELOPMENT PERMIT

2.2.1 Except as provided in Section 3.2.2 no person shall undertake a development or commence a use unless a Development Permit has first been obtained. A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw.

2.2.2 A Development Permit is not required for the following, but all other applicable provisions of this bylaw are to be followed:

- 1)** the maintenance of a public utility by the municipality or private corporation;
- 2)** the construction of a public utility by the municipality;
- 3)** the installation of public utility on any street or other public right-of-way by the municipality;
- 4)** maintenance and repairs that do not include structural alterations;

- 5)** the installation of fences 2.5 metres (8 ft.) in height or under. In addition, fences cannot impede the sight triangles at intersecting streets.
- 6)** accessory buildings or structures 9.3 sq. m. (100 sq. ft.) or less in area and 2.5 metres (8 ft.) or less in height.
- 7)** the construction/installation of signs which are less than 0.4 sq. m. (4 sq. ft.) or landscaping which does not affect drainage on any adjoining land.

2.2.3 A building permit shall not be issued unless a Development Permit, where required, has also been issued.

2.2.4 If the development or use authorized by a Development Permit is not commenced within six months from the date of its issue, and completed within twelve months of its issue, the permit is deemed void unless an extension to the period has first been granted.

2.3 APPLICATION FOR A DEVELOPMENT PERMIT

2.3.1 The application for a Development Permit shall be made, to the Development Officer, in Form A (*Appendix 3*), as adopted or amended by resolution of council. The application shall be accompanied by two copies of a lot or building plan showing dimensions and locations of existing and proposed buildings and structures as well as lot lines. Where no new construction is proposed the applicant shall supply a written description of the proposed development in place of such plans.

2.3.2 Where the application is for a Discretionary Use, the applicant shall also provide a written description of the proposed development describing the intended use and operations, structures to be located on the lot, required municipal services, and any other information necessary to fully review the proposed development.

2.4 REVIEW OF APPLICATIONS

2.4.1 The Development Officer is responsible for reviewing all applications to ensure that the proposed development complies with all applicable regulations and provisions of this bylaw and the policies contained in the Official Community Plan.

2.4.2 Where the application is for a discretionary use, the Development Officer shall submit the application, along with all other relevant material to Council.

2.5 REFERRALS TO COUNCIL

The Development Officer may submit any application to Council for a decision on the interpretation of the bylaw, or upon special conditions provided for in the bylaw, and shall inform the applicant of the date and time when council will consider the matter. Council or the Development Officer may require the applicant to provide such further information as they require to make a decision.



2.6 DECISION

2.6.1 The decision on all applications shall be made in writing to the applicant. The notice of decision shall be in Form A, part of the Development Permit Application (*Appendix 3*), as adopted or amended by resolution of council.

2.6.2 Where the application is for a permitted use the Development Officer shall, upon completion of the review:

- 1)** issue a Development Permit where the application conforms to all provisions of this Bylaw; or
- 2)** issue the Development Permit specifying any special regulations or standards to which the development or use must comply, where the class of development or use is subject to special regulations, performance standards or development standards that are specified in this Bylaw, or
- 3)** refuse the application where the provisions of this Bylaw are not met, indicating to the applicant the reason for the refusal.

2.6.3 Where the application is for a discretionary use the Development Officer shall submit the application to Council for review. Upon completion of its review, Council shall pass a resolution instructing the Development Officer to either:

- 1)** issue a Development Permit incorporating any special development standards prescribed by Council in accordance with the provisions of this Bylaw; or
- 2)** refuse the application, indicating the reasons for the refusal.

2.7 REVOCATION OF DECISION

Where an approved development is not being developed in accordance with the provisions of this bylaw, or with the standards and conditions specified in the Development Permit, Council may revoke or suspend the Development Permit. The Development Permit shall not be reissued or reinstated until all deficiencies have been corrected.

2.8 DEVELOPMENT APPEALS

2.8.1 The Development Appeals Board of the Village of Vibank is as appointed by Council in accordance with the PDA.

2.8.2 Where an application for a permitted use has been refused, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Village of Vibank.

2.8.3 Where an application for a discretionary use has been approved by Council, with prescribed development standards pursuant to this Bylaw, the applicant shall be advised that any development standards considered excessive, may be appealed to the Development Appeals Board of the Village of Vibank.

2.8.4 An application for a Development Permit for a permitted use shall be deemed to be refused when a decision thereon is not made within 40 days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made as provided in this section of the Bylaw as though the application had been refused at the end of the period specified in this subsection.

2.9 ADVERTISING A DISCRETIONARY USE

2.9.1 Prior to making a decision on a discretionary use application, Council shall provide notice to the public in the following manner:

- 1)** in the case of a discretionary use application in any residential district, by providing written notice to assessed owners of property within 75 metres of the boundary with the applicant's land that is the subject of the application (subject to the type of application, Council may choose to advertise to a larger area); and
- 2)** in the case of a discretionary use application in any other zoning district, by providing written notice to assessed owners of property within 75 metres of the boundary with the applicant's land and also either by providing notice in one issue of a newspaper published or circulated in the Village or by posting a sign on the Lot, in a form and manner which has been previously approved by the Development Officer.

2.10 DEVELOPMENT OR APPLICATION FEES

2.10.1 The following fees shall apply for processing applications:

- 1)** Amendment of the Official Community Plan or Zoning Bylaw – Where a person requests Council to amend either or both the Official Community Plan or the Zoning Bylaw, that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment, administering the approval process, and regulating the development.
- 2)** Discretionary Uses – As a condition of issuing a Permit for an approved Discretionary Use, the applicant shall pay to the municipality a fee equal to the costs associated with providing notice to the public, administering the approval process, and regulating the development.
- 3)** Development Permits – An applicant making an application for the types of development permits listed below shall pay an application fee as approved by a resolution of Council in accordance with the following:
 - a)** Permitted principal use
 - b)** Permitted accessory use
 - c)** Discretionary principal use
 - d)** Discretionary accessory useThe application fees for a development permit shall be in addition to any fees for providing notice to the public as required in clauses 1) and 2).
- 4)** Minor Variance – the applicant shall pay to the municipality a fee equal to the costs associated with providing notice to the public, administering the approval process, and regulating the development.
- 5)** All fees established under the authority of this Bylaw shall be outlined in a separate fee bylaw which must be adopted by Council pursuant to the PDA.

2.11 MINOR VARIANCES TO THE ZONING BYLAW

2.11.1 Pursuant to the PDA, Council hereby delegates authority to the Development Officer to receive, process and make decisions on Minor Variance applications in accordance with the PDA. As outlined in the PDA, the maximum amount of allowable variance, which the Development Officer can allow for any application is 10% from the regulations of this Bylaw. An application in a form as approved by a resolution of Council may be made to the Development Officer for a minor variance to the zoning bylaw.

2.11.2 The Development Officer shall maintain a register of all approved minor variance applications as *Appendix A* to this Bylaw.

2.12 PROHIBITED USES AND DEVELOPMENTS

Land uses or Developments which existed prior to the approval of this Bylaw, and which were allowed by previous bylaws but are not listed as Permitted or Discretionary Uses under this Bylaw, shall be considered Prohibited Uses. Such uses shall be allowed to continue as “legal non-conforming” only in accordance with the PDA. Certain other proposed uses or developments may also be listed as Prohibited Uses in any or all Zoning Districts.

2.13 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

2.13.1 Where a building has been erected on or before the effective date of this Bylaw

on a site having less than the minimum dimensions or area or having less than the minimum yards required by this Bylaw, the use may be continued and the building may be enlarged, reconstructed, repaired or renovated pursuant to the rights granted by the PDA.

2.13.2 These rights are subject to the following:

- 1)** The enlargement, reconstruction, repair or renovation does not further reduce the required yards that do not conform to this Bylaw;
- 2)** All other applicable provisions of this Bylaw are satisfied; and
- 3)** Issuing of a development permit required by this Bylaw.

2.13.3 Where a building has been erected on or before the effective date of this Bylaw on a site having less than the minimum dimensions or area or having less than the minimum yards required by this Bylaw, the use may be continued and the building may be enlarged, reconstructed, repaired or renovated pursuant to the rights granted by the PDA.

These rights are subject to the following:

- 1)** The enlargement, reconstruction, repair or renovation does not further reduce the required yards that do not conform to this Bylaw;
- 2)** All other applicable provisions of this Bylaw are satisfied; and
- 3)** Issuing of a development permit required by this Bylaw.

2.14 MINOR VARIANCE

2.14.1 In a case where an applicant wishes to pursue a deviation from the requirements prescribed under this bylaw, an application for minor variance shall be made to the Development Officer for a minor variance to the Zoning Bylaw in a form as prescribed by the Development Officer.

2.14.2 The Development Officer shall maintain a register as an appendix to the Zoning Bylaw of all minor variance applications.

2.14.3 The Development Officer may vary the requirements of the Zoning Bylaw subject to the following conditions:

- 1)** A minor variance may be granted for variation of:
 - a)** The minimum required distance of a building from the site line;
 - b)** The minimum required distance of a building to any other building on the site; and
 - c)** Any and all other minimum or maximum sizes, projections, overhangs, setbacks, etc. described in this bylaw.
- 2)** The maximum amount of minor variance shall not exceed a 10% variation of the bylaw requirements of the Zoning Bylaw.
- 3)** The development shall conform to the Zoning Bylaw with respect to the use of land.
- 4)** The relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties.

2.14.4 No minor variance is allowed in connection with an agreement on rezoning entered into pursuant to the bylaw.

2.14.5 A minor variance must conform to any applicable provincial land use policies or Statements of Provincial Interest, adopted pursuant to the PDA.

2.14.6 On receipt of an application for a minor variance, the Development Officer may:

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

2.14.7 Where the Development Officer imposes terms and conditions on an approval, the terms and conditions shall be consistent with:

- 1)** minimizing adverse impacts on neighbouring properties, including any potential change in fire rating requirements,
- 2)** providing adequate separation between buildings for safety reasons,
- 3)** avoiding encroachment into adjoining property, by reduction of allowable projects or other potential encroachments.

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

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

2.14.10 The written notice required pursuant to the above subsection shall:

- 1) contain a summary of the application for minor variance; and
- 2) provide a reason for and an effective date of the decision.

2.15 OFFENSES AND PENALTIES

Any person who violates this bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the PDA.



3.0 GENERAL REGULATIONS

3.1 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

3.1.1 Nothing in this bylaw shall exempt any person from complying with the requirement of any other municipal or provincial regulations and requirements and from obtaining any license, permission, permit, authorization or approval required by such requirements or regulations. Where provisions in this bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

3.2 EXISTING BUILDINGS

3.2.1 Where a Principal or Accessory building has been erected on or before the effective date of this bylaw on a lot having less than the minimum frontage or area, or having less than the minimum set-back or side yard or rear yard required by this bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:

- 1)** the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this bylaw;
- 2)** all other applicable provisions of this bylaw are satisfied; and
- 3)** such changes must be approved by the Development Officer responsible for the administration of this bylaw.

3.3 ESTABLISHED BUILDING LINE

3.3.1 Where a front building line in any district has been established by existing buildings in a block, and is less than the specified front yard requirement, new construction may conform to the established building line provided that Council, by resolution or bylaw, permits conformation to the established building line.

3.4 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A LOT

3.4.1 No more than one principal building shall be placed on a lot. Exceptions to this requirement are schools, hospitals, curling and skating rinks, recreation centres, nursing and senior citizen homes, and multiple unit dwellings.

3.5 BUILDING TO BE MOVED

3.5.1 No building, residential or otherwise, shall be moved within or into the Village without a development permit for this change of use from the Development Officer.

3.6 GRADING AND LEVELLING OF A LOT

3.6.1 Any lot proposed for development shall be graded and levelled at the owner's expense to provide for adequate surface drainage, which does not adversely affect adjacent property.

3.7 ENGINEERING ANALYSIS REQUIRED

3.7.1 If a proposed development is to be located on a lot or lots that may be subject to flooding, earth movement or instability, or is otherwise unsuitable for development or hazardous for the proposed use, Council may require that, as a condition of the issuance of the development permit, a geotechnical or drainage report be completed and approved by a Registered Engineer in the Province of Saskatchewan. The report must outline the suitability of the lot or lots for development and any remedial measures that may be required to ensure that the natural resource base is not irreparably altered. Remedial measures may be specified as conditions to the issuance of a development permit.

3.8 EXCEPTIONS TO BUILDING HEIGHT AND YARD SETBACKS

3.8.1 The height limitations of this Bylaw shall not apply to the following:

- 1)** Chimneys;
- 2)** Church spires, belfries and cupolas;
- 3)** Monuments;
- 4)** Mechanical penthouses and necessary mechanical accessory features, provided they are erected only to such heights as is necessary and provided they do not cover more than 10% of the gross roof area upon which they are located.

3.8.2 In districts where the limitation on the height of buildings is less than 23 metres, allowable public buildings, hospitals and schools may be erected to a height not exceeding 23 metres. If such public buildings etc. are to be in a residential district, a greater side yard must be provided so that each required side yard which directly adjoins a dwelling without an intervening street or lane shall be 6m wide plus one additional metre for each metre by which the proposed building exceeds the height limit of the district.



3.9 PROJECTIONS IN YARDS, BUILDING HEIGHT AND SIZE

3.9.1 Residential Districts – The following projections in yards shall be permitted.

1) Front Yards – The following features may project into a required front yard:

- a)** Cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, windowsills, canopies, eaves, fire escapes to a maximum projection of 0.6 metres (2 ft.);
- b)** Unenclosed decks no higher than 0.6 metres (2 ft.) above the finished grade, cantilevered balconies, porches, and steps to a maximum projection of 2.4 metres (8 ft.).

2) Rear Yards – The following features may project into a required rear yard:

- a)** Cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, windowsills, canopies, eaves, and fire escapes to a maximum projection of 0.6 metres (2 ft.);
- b)** Unenclosed decks no higher than 0.6 metres (2 ft.) above the finished grade, cantilevered balconies, porches, and steps may project into rear yard as per Section 3.9.3 2).

3) Side Yards

a) The following features may project into a required side yard:

- i.** Bay windows, window boxes and sills, belt courses, cornices, eaves, and gutters to a maximum projection of 0.6 metres (2 ft.);
- ii.** Cantilevered construction of fire escapes, chimney chases, bow windows, bookcases, built in cabinets, balconies, and canopies to a maximum projection of 0.6 metres (2 ft.) provided that the total area of all cantilevered features shall not exceed 2.5 square metres (26.9 sq. ft.) per floor level; and shall not be closer than 0.3 metres (1 ft.) to the property line in (i) and (ii)

b) Unenclosed decks no higher than 0.6 metres (2 ft.) above the finished grade shall conform to the side yard requirements within the respective zoning district.

c) No projections shall be permitted within a side yard required for vehicular access or parking where any portion of the said projection would be at an elevation lower than 2.4 metres (8 ft.) above the finished grade elevation measured at the corresponding side wall of the building.

- d) For duplexes or two unit dwellings, townhouses or multiple unit dwellings, no side yard shall be required on the common wall side of any dwelling unit.
- e) Driveways are permitted on the flank side of corner lots. Garages so accessed must be placed 5.5 metres (18 ft.) back of the side yard.
- f) A satellite dish, radio tower or television antenna where attached to a principal dwelling having a maximum horizontal projection of 0.6 metres (2 ft.).

4) Maximum Dwelling Height

Multiple Unit Dwellings – unless otherwise specified in a zoning district of this Bylaw, shall not exceed 10 metres (32.8 ft.) in height.

Condominiums – unless otherwise specified in a zoning district of this Bylaw, shall not exceed 10 metres (32.8 ft.) in height.

3.9.2 Commercial and Industrial Districts

- 1) Projections in Yards and Building Height in any Commercial or Industrial District, where minimum front or rear yards are required, such minimum requirement shall not apply to prevent the construction or location of chimney chases, fire escapes, steps, eaves and gutters of 0.6 metres (2 ft.) or less. The maximum Building Height may be specified in a Commercial or Industrial District as required.

3.9.3 Other Projections in Yards – Residential, Commercial and Industrial Districts

- 1) Wheelchair Ramps – a wheelchair ramp may encroach into any required yard.
- 2) Accessory Uses, Buildings, and Structures
 - a) In all Zoning Districts the following regulations shall apply to accessory uses, buildings and structures including private garages, which are accessory and detached from the principal dwelling:

Projection Location	Minimum Projection
Side Yard	0.6 metres (2 ft.)
Rear Yard	1.2 metres (4 ft.)
Front Yard	No accessory buildings permitted in front yard

- b) Private garages, carports, and accessory buildings which, in the opinion of the Development Officer, are attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building.
- c) The following structures are allowed in a required yard and are not subject to setback regulations, except where a sight triangle is required:
 - i. In all yards, sidewalks, uncovered driveways, lighting fixtures, and lamp posts.

ii. In rear yards; in addition to the structures listed in clause a) above, recreation equipment, laundry drying equipment, and garbage stands.

d) Any detached garage or carport of more than 93 metres (1000 sq. ft.) is a discretionary, accessory use, requiring a separate approval under this Bylaw.

3) Fences and Hedges – fences may be constructed or hedges and shrubs grown, along a lot line only in conformance with the following regulations:

a) Except where required for screening, a fence, hedge or shrub (excluding trees) shall not exceed 2.5 metres (8 ft.) in height.

b) In the case of corner lots, no fence, hedge, shrub, or tree shall be placed so as to create a visual obstruction in a sight triangle.

c) No wall, fence, hedge or shrub (excluding trees) located along any side or rear lot line, shall exceed 2.5 metres (8 ft.) in height.

d) No wall, fence, hedge or shrub (excluding trees) located along a lot line in any required front yard, shall exceed 1 metre (3.3 ft.) in height.

4) Storage

a) No side or front yards shall be used for the storage or collection of goods, commodities or other form of material.

b) No quantity of volatile or hazardous material shall be stored in an accessory building other than the amount permitted by the provincial fire or other regulations governing hazardous materials.

3.9.4 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.



3.10 DEVELOPMENT OF HAZARD LANDS

3.10.1 Where development of a building is proposed within an area identified as potential hazard land, Council may require that, before a permit is issued for development, the applicant submit a report prepared by a professional that is competent to assess the suitability of a purposed development site with respect to the Official Community Plan regulations and with respect to:

- 1) The potential for flooding up to 1:500-year flood elevation;
- 2) The potential for slope instability before and after the development and any proposed improvement;
- 3) The suitability of the location for the proposed use or building given the site constraints, and
- 4) The required mitigation measures for development on areas with a high-water table.

3.10.2 Any development of a building proposed for habitable/living space located within an area identified as flood plain of a river or stream shall be assessed with respect to the Official Community Plan regulations and shall be adequately flood-proofed to a minimum building elevation of 0.5m (freeboard) above the 1:500 year flood elevation.

3.10.3 Sanitary landfills and lagoons shall not be located on hazard lands.

3.10.4 Actions to avoid, prevent, mitigate or remedy hazards may be incorporated as conditions of any development permit. The Development Officer and/or Council shall refuse a permit for any development where, in their opinion, the proposed actions are inadequate to address the adverse conditions or will result in excessive municipal costs.

4.0 CONSIDERATIONS FOR REZONING AND DISCRETIONARY USES

4.1 TERMS AND CONDITIONS FOR DISCRETIONARY APPROVALS

4.1.1 In considering the possible approval of a request for Rezoning or Discretionary use, Council shall consider the following items in addition to any standards described in a District, and may prescribe specific development standards based on those items and any other consideration to minimize land use conflict related to:

- 1)** the impact on the Village's services and the neighbourhood surrounding the proposed lot;
- 2)** the nature, size, shape, elevation and surface drainage of the lot;
- 3)** the size, shape and arrangement of buildings;
- 4)** access and traffic patterns for persons and vehicles;
- 5)** type and volume of vehicle traffic;
- 6)** off-street parking and loading;
- 7)** safeguards to prevent noise, glare, dust and odour;
- 8)** landscaping;
- 9)** screening and fencing; and
- 10)** lighting and signs.

4.2 BED AND BREAKFAST HOMES

4.2.1 Bed and Breakfast Homes, where allowed in a specific district, shall be subject to the following development standards:

- 1)** Bed and Breakfast Homes shall be located in a single detached dwelling used as the operator's principal residence.
- 2)** Bed and Breakfast Homes shall be licensed by the Department of Health (if required) and meet the requirements of the Fire Commissioner (if any).
- 3)** A maximum of two guest bedrooms shall be permitted in a dwelling operating as Bed and Breakfast Homes.
- 4)** Two (2) off-street parking spaces shall be provided on site.
- 5)** One non-illuminated window or wall sign having a maximum facial area of 0.2 square metres (2 sq. ft.) advertising the Bed and Breakfast Home is permitted.

4.3 HOME BASED BUSINESSES

4.3.1 Home based businesses where allowed in a specific district, shall be subject to the following development standards:

- 1)** Home based businesses shall be located in or carried within the dwelling unit or accessory building on the same property.
- 2)** Home based businesses shall be clearly secondary to the Residential use and shall occupy no more than 25% of the property.
- 3)** The peace, quiet and dignity of the residential neighbourhood shall not be distorted by the home based business or accessory equipment.
- 4)** Home based businesses shall not create any conflict with the residential area in terms of emission of noise, glare, dust, odour, or electromagnetic static which would be disruptive to the surrounding residential uses.
- 5)** Other than one permitted business sign which is not to exceed 1 square metre (11 ft²) in area, there shall be no exterior display, storage of material or distraction from the residential character of the neighbourhood.
- 6)** Property owners within the area required by legislation shall be advised that an application has been made for a discretionary use. Council may refer the application to any agency it deems appropriate.
- 7)** Home based businesses should not

result in undue traffic or parking requirements in the residential area.

- 8)** The home based businesses shall not have any exterior display or storage of materials and no exterior variation from the residential character of the building other than the permitted sign.
- 9)** Only residents of the dwelling may be engaged in the home based businesses.

4.4 SERVICE STATIONS AND GAS BARS

4.4.1 Service stations and gas bars, where allowed in a specific zoning district, shall be subject to the following development standards:

- 1)** Fuel pumps and other accessory equipment shall be located at least 6 metres (20 ft.) from any street or lot line.
- 2)** All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened to the satisfaction of Council.
- 3)** All business shall be conducted and all goods stored in an enclosed building except as required in the servicing of motor vehicles.
- 4)** The arrangement of the proposed structure on the lot shall be designed to reduce conflict with adjoining uses.
- 5)** The access to the lot shall be designed to reduce conflict with other vehicular and pedestrian traffic.
- 6)** Any specific development standards imposed related to landscaping, screening, open spaces, parking and

standing areas for vehicles shall be designed to reduce conflict with adjoining land uses and to ensure adequate areas for vehicles on the property.

- 7) The storage of fuel shall meet all provincial regulations.

4.5 GROUP CARE FACILITIES

4.5.1 All of the following types of Group Care Facilities may be allowed in the Village, where approved by Council as Discretionary Uses in specific Districts in this Bylaw, and shall also be subject to the following Regulations. All single detached residential dwellings used as Group Care Facilities must be similar in appearance, size, intensity and scale to other dwellings in the immediate area.

4.5.2 Classification of Group Care Facilities – For the purpose of this Bylaw the following are considered Group Care Facilities:

- 1) Supportive Living / Personal Care Homes.
- 2) Special Care Homes.
- 3) Private and Family Social Service Homes.

4.5.3 A maximum of one Group Care Facility (of any of the above three types) may be allowed in any contiguous four Block area of the Village, as such area may be determined by Council on a case-by-case basis. Applications for a Group Care Facility shall be made to the Development Officer.

4.6 GARDEN SUITES

4.6.1 Garden suites, where allowed in a specific zoning district, shall be subject to the following development standards:

Item	Development Standard
Size of Unit	The minimum and maximum allowable size of a suite shall be from 37 sq. m to 74 sq. m (400 to 800 sq. ft.) and must contain a living room, bathroom, kitchen and a maximum of one bedroom.
Parking Area Regulation	Necessary parking shall be provided on the lot.
Grade	The placement of the unit must not adversely affect surface water run off or create drainage problems.
Utilities	Subject to the National Building Code, all sewer, water, gas electric and telephone shall all be supplied through the principal residence on the Lot.
Foundation	Suites shall not be placed on a permanent foundation or a basement, but shall be securely anchored to the ground with a system approved by the Municipality's Building Inspector.

4.6.2 Development Agreement: the developer shall be required, as a condition of the Discretionary Use approval for the Suite, to sign an Agreement with the Village requiring removal of the Suite when its stated purpose no longer exists, e.g., the Suite is no longer required for the accommodation of a physically dependent relative or for a person who cares for the residents of the main dwelling on the site. The Agreement shall also require the restoration of the Lot to the condition before the development occurred.

4.7 PARKING AND LOADING REGULATIONS

4.7.1 When any new development is commenced or when any existing development is enlarged, or use changed, provision shall be made for off-street vehicular parking spaces in accordance with the following standards:

Building or Site Use	Minimum Parking Spaces Required
Dwellings, Mobile Homes	1 space per dwelling unit
Schools	1 space per classroom
Churches	1 space per 15 seating places plus 1 space per 20 square metres of the assembly room floor area of the largest assembly of the assembly room within the building
Community Halls and Facilities Intensive Recreation Uses and Auctioneering Establishment	1 space per 10 seating places for the Places of Public Assembly, public or 1 space per 10 square metres of gross floor area used by patrons, whichever is greater
Curling Rinks	8 spaces per sheet of ice
Confectionery and retail stores, banks, personal service establishments, sales, service, rentals or repair shops and home improvement centres	1 space per 20 square metres of gross floor area
Motels and hotels	1 space per guest room
Restaurants	1 space per 5 seats
Service stations	4 spaces per service bay
Animal shelters, service stations or veterinary clinics	1 space per 100 square metres of gross floor area
All manufacturing, fabricating, warehousing uses, storage buildings and yards, handling, loading, distribution and/or shipping facilities, builders or contractors yards and shops, and other similar industrial uses	1 space per 3 employees on maximum work shift but not less than 1 space per 150 square metres of gross floor area
Medical or Dental Offices or Clinics	1 space per 35 square metre of gross floor area

4.8 TOWER PROVISIONS

4.8.1 General Standards for Towers (including Wind Turbines) as a Discretionary Use:

- 1) Towers shall be located a minimum of 7.5 metres (25 ft.) from the side yard lot line in the rear yard.
- 2) Towers without an anti-locking climbing device shall be enclosed with a 3.0 metre (10 ft.) fence.
- 3) No more than two antenna wires, whose height shall conform to the Maximum stated for the zone, shall be permitted.
- 4) Towers and similar structures shall not obstruct air navigation or communication. Council should consult the Canada Department of Communications, Transport Canada, the Saskatchewan Power Corporation or other agencies prior to installation approval.
- 5) Property owners within an area to be determined by Council shall be notified of the applicant's intent to construct a tower.
- 6) Certification of structural safety by a certified Saskatchewan Professional Engineer, proof of liability insurance and proof of an approved electrical permit shall accompany applications to erect a tower.
- 7) Permissible tower height in each Zoning District:

Zoning District	Maximum Height
R1	6 metres (if the Tower is allowed as a specific Discretionary Use)
C1	6 metres
IND	25 metres
CS	25 metres (if the Tower is 7.5 metres from any residential zone)
FUD	25 metres

4.9 SIGNAGE REGULATIONS

4.9.1 No commercial or industrial sign shall exceed the rooftop of the adjacent buildings if the property is adjacent to a residential zoning district.

4.9.2 Signs advertising the principal use or products for sale on the premises are permitted.

4.9.3 In the Commercial and Industrial Districts:

- 1)** Two permanent signs are permitted for each principal use on the premises.
- 2)** The sign, which may be double faced, shall not exceed 3.5 sq. metres (36 sq. ft.).
- 3)** Maximum height of any sign shall be 6 metres above the finished grade.

4.9.4 In Residential Districts

- 1)** One permanent sign permitted on the premises with the residents' name and address.
- 2)** The facial area of a sign shall not exceed 0.4 sq. metres (4 sq. ft.)
- 3)** Illuminated signs are prohibited in residential districts.

4.9.5 Signs must be located so that they do not obstruct required sight lines at intersections.

4.9.6 Temporary signs not exceeding 1.0 sq. metres (10 sq. ft.) advertising the sale or lease of the property or information about a temporary condition affecting the property are permitted.

4.9.7 No Provincial or Federal sign is permitted on Village property.

4.9.8 Erection of signage on Village property must receive the approval of the Development Officer.



5.0 ZONING DISTRICTS

5.1 CLASSIFICATION OF ZONING DISTRICTS

In order to carry out the purpose and provisions of this bylaw, the Village is divided into the following Zoning Districts, the boundaries of which are shown on the Zoning District Map (*Appendix 1*). Such districts may be referred to by the appropriate symbols.

Zoning District	Symbol
Residential 1 District	R1
Commercial 1 District	C1
Industrial District	IND
Community Service District	CS
Future Urban Development District	FUD

5.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 2022-011 adopted by the Village and signed by the Mayor and Administrator", and under the seal of the Village shall be known as the "Zoning District Map" and such map is declared to be an integral part of this Bylaw.

5.3 BOUNDARIES OF ZONING DISTRICTS

The boundaries of such districts referred to, together with explanatory legend, notation and reference, are shown on the map entitled "Zoning District Map". Unless otherwise shown, the boundaries of such districts are lot lines, centre lines of streets, lanes, road allowances, and the boundaries of the municipality.

5.4 ZONING DISTRICTS

The uses or forms of development allowed within a zoning district, along with regulations or standards which apply, are contained in Section 6.



6.0 DISTRICT SCHEDULES

6.1 RESIDENTIAL 1 DISTRICT – R1

The Residential 1 District – R1 aims to provide for an ample range of residential opportunities and related use in the community and to accommodate future residential development in harmony with the existing development.

6.1.1 Permitted Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Single Detached Dwelling ¹	15 m (50 ft.)	450 sq. m. (4,840 sq. ft.)	6 m (20 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)
Mobile and Modular Homes ¹ which are more than 9 m (30 ft.) in width	12 m (40 ft.)	360 sq. m. (4,000 sq. ft.)	6 m (20 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)
Duplexes ²	20 m (65 ft.)	300 sq. m. (per unit) 3,230 sq. ft.	6 m (20 ft.)	1.5 m (5 ft.)	9 m (30 ft.)
Townhouses ² (maximum of 5 Units on any one Lot)	20 m (65 ft.)	300 sq. m. (per unit) 3,230 sq. ft.	6 m (20 ft.)	1.5 m (5 ft.)	9 m (30 ft.)
Multiple Unit Dwellings ³ (maximum of 5 Units on any one Lot)	30 m (100 ft.)	200 sq. m. (per unit) 2,150 sq. ft.	9 m (30 ft.)	3 m (10 ft.)	10 m (35 ft.)
Group Dwellings ³ (maximum of 5 Units on any one Lot)	30 m (100 ft.)	200 sq. m. (per unit) 2,150 sq. ft.	9 m (30 ft.)	3 m (10 ft.)	10 m (35 ft.)
Parks and playgrounds	No requirements				
Public works (excluding offices, warehouses and storage yards)					
Accessory buildings/uses ⁴	Not applicable		Not permitted	1.2 m (4 ft.)	1.2 m (4 ft.)

¹ Max. Lot Coverage shall not exceed 75%

² Min. Floor area 80 sq. m. (unit) (860 sq. ft.) – Max. Lot Coverage 75%

³ Min. Floor area 80 sq. m. (unit) (860 sq. ft.) – Max. Lot Coverage 70%

⁴ The total area of all accessory buildings shall not exceed the floor area of the dwelling on that lot

6.1.2 Discretionary Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Townhouses (maximum of 10 Units on any one Lot)	30 m (100 ft.)	200 sq. m. (per unit) 2,150 sq. ft.	6 m (20 ft.)	1.2 m (4 ft.)	6 m (20 ft.)
Multiple Unit Dwellings (maximum of 10 Units on any one Lot)	30 m (100 ft.)	200 sq. m. (per unit) 2,150 sq. ft.	6 m (20 ft.)	1.2 m (4 ft.)	6 m (20 ft.)
Group Dwellings (maximum of 10 Units on any one Lot)	30 m (100 ft.)	200 sq. m. (per unit) 2,150 sq. ft.	6 m (20 ft.)	1.2 m (4 ft.)	6 m (20 ft.)
Churches	20 m (65 ft.)	300 sq. m. (per unit) 3,230 sq. ft.	3 m (10 ft.)	1.2 m (4 ft.)	3 m (10 ft.)
Convenience Stores	20 m (65 ft.)	300 sq. m. (per unit) 3,230 sq. ft.	6 m (20 ft.)	1.2 m (4 ft.)	6 m (20 ft.)
Schools	30 m (100 ft.)	200 sq. m. (per unit) 2,150 sq. ft.	3 m (10 ft.)	1.2 m (4 ft.)	3 m (10 ft.)
Daycare Centres (other than Home Based Business)	15 m (50 ft.)	450 sq. m. (4840 sq.ft)	6 m (20 ft.)	1.2 m (4 ft.)	6 m (20 ft.)
Daycare Homes (other than Home Based Business)	15 m (50 ft.)	450 sq. m. (4840 sq.ft)	6 m (20 ft.)	1.2 m (4 ft.)	6 m (20 ft.)
Garden Suites	Subject to the Principal Permitted Use Refer to Sections 3 and 4				
Home Based Businesses					
Bed and Breakfast Homes					
Recreation Facilities	Refer to Sections 3 and 4				
Public Utilities, Towers					

6.1.3 Accessory Uses, Buildings, and Structures

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply:

- 1)** All accessory buildings, including sheds and tent buildings exceeding 10 sq. m. in area or 2.5 metres in height, require a development permit.
- 2)** Except as specifically provided in this bylaw, accessory buildings shall comply with the side yard requirements for a principal building. Any building located less than 1 metre from a principal building shall comply with all the minimum yard requirements of the principal building.
- 3)** An accessory building shall not be located in a required front yard.
- 4)** Accessory buildings not exceeding 10 m² in area or 2.5 metres in height are not subject to setback standards provided that they are located completely in the rear of the lot.
- 5)** Uncovered outdoor swimming pools and other yard recreation equipment shall have a minimum side or rear yard of 0.75 metres.
- 6)** Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building.

Covered patio or deck ceiling height shall not exceed the ceiling height of the main level of the principal building or the ceiling height of the level where the covered deck or patio is located or attached to.

- 7)** In rear yards, laundry drying equipment and garbage stands are permitted.

6.1.4 Storage

- 1)** No side or front yards shall be used for outdoor storage.

6.1.5 Yards on Corner Sites

- 1)** In the case of a corner site, the front yard shall be the yard abutting the front lot line, except:
 - a)** In the case of a corner site comprised of more than one lot, the front yard of the site shall be taken on the same public roadway, other than a lane, as the front yard of the corner lot; or
 - b)** Where the two boundaries of a corner site are equal, the location of the front yard of the site shall be determined by the Development Officer.
- 2)** Notwithstanding Clause 1) above, the Development Officer may require any corner site to provide an additional front yard or yards other than that required, having regard to the orientation and access of any development, and the front yard requirements of adjacent properties.

6.1.6 Additional Development Considerations

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply:

- 1)** Discretionary uses shall maintain the residential character of the area as much as possible.
- 2)** Off street parking spaces for multiple-unit dwellings, special care homes and group dwelling units, should be located in a side or rear yard and be screened if they are adjacent to a property used for residential purposes.
- 3)** Multiple-unit dwellings and places of worship should be located on corner lots to facilitate access. Exceptions may be made at Council's consideration.
- 4)** Group dwelling unit – All principal buildings forming part of the group shall be located at least 3 metres (10 ft.) from any other principal group dwelling building.
- 5)** Mobile and Modular Homes:
 - a)** Mobile Homes shall comply with Canadian Standards Association Construction Standard Z 240 - 1979 or revision thereto.
 - b)** Modular Homes shall be certified to comply Canadian Standards Association Code CSA-A277 standard or revision thereto.
 - c)** Mobile and Modular homes shall be permanently attached to a perimeter foundation wall or basement or shall be securely attached to anchors or pilings imbedded in the ground and shall be skirted with a material compatible with the finish of the mobile home, prior to occupancy.
 - d)** Mobile and Modular homes shall be connected to municipal sewer and water systems, if available to the site. All connections shall be protected from frost damage.
 - e)** In a discretionary approval for a mobile home or modular home council may specify a specific make and model as applied for and a specific form of basement or foundation. Any change in the make or model or the foundation form will require a new discretionary approval.

6.2 COMMERCIAL 1 DISTRICT – C1

The Commercial 1 District – C1 aims to provide for commercial development adjacent to residential areas to serve the shopping and personal needs of the residents and to facilitate future commercial investment next to the existing development.

6.2.1 Permitted Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Bakeries	9 m (30 ft.)	351 sq. m. (3,376 sq. ft.)	1.2 m (4 ft.)	None where adjoining a commercial use. Where adjoining a residential use 1.5 m (5 ft.)	None where adjoining a non-residential use. Where adjoining a residential use 1.5 m (5 ft.)
Hotels and/or Motels					
Personal Service Establishments (including, but not limited to, Barber and Beauty Shops)					
Medical and Dental Offices and Clinics					
Retail Stores					
Restaurants					
Offices					
Convenience Stores					
Theatres					
Banks, Credit Unions and Other Financial Institutions					
Accessory buildings/uses	Subject to the Principal Permitted Use Refer to Sections 3 and 4				
Public works (excluding offices, warehouses and storage yards)	No requirements				



6.2.2 Discretionary Uses

Uses ^{1/2}	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Gas Bars, Service Stations	9 m (30 ft.)	351 sq. m. (3,376 sq. ft.)	1.2 m (4 ft.)	None where adjoining a commercial use. Where adjoining a residential use 1.5 m (5 ft.)	None where adjoining a non residential use. Where adjoining a residential use 1.5 m (5 ft.)
Churches					
Parking Lots					
Veterinary Hospitals and Clinics					
Liquor Vendors					
Fast Food Outlets					
Car / Truck Washes	7.5 m (25 ft.)	298 sq. m. (3,206 sq. ft.)	None	None where adjoining a commercial use. Where adjoining a residential use 1.5m (5 ft.)	6 m (20 ft.)
Warehouses ³ and shops of plumbers, metalworkers, woodworkers, electricians and similar industrial trades					
Motor vehicle, equipment, trailer and recreation vehicle sales and service					
Public Utilities, Towers	Refer to Sections 3 and 4				

6.2.3 Standards for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply:

- 1) All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.
- 2) Access to lots used for discretionary uses shall be located to ensure that heavy truck traffic takes access to or from arterial or collector streets, or designated truck routes.
- 3) Bulk petroleum tanks and other hazardous storage units are to be located at least 91 metres (300 ft.) from residential areas, schools, motels and restaurants.
- 4) Where a discretionary use will involve significant amounts of exterior storage council may require location on lots abutting the highway, and may apply special requirements for screening, including a closed fence on 1.8 metres (6 ft.) in height or more to enclose the area of storage.

¹ Building height maximum 12 m (40 ft.)

² Existing single detached dwellings on Lots 9, 27 and 25 in Block 7 in Plan No. AD1266; Lots 23 – 25, Block 3, Plan No. AD 1266; and Lots 21 – 22, Block 3, Plan No. AD 1266 are hereby recognized as Existing Discretionary Uses at that location

³ Excluding the storage and warehousing of chemicals, pesticides, fertilizers or other toxic substances or materials.

6.2.4 Additional Development Considerations

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply:

- 1)** All outside storage shall be fenced, and where the lot abuts a Residential District without an intervening street, the storage area shall be screened with a solid fence or hedge at least 1.8 metres (6 ft.) in height.
- 2)** Fuel pumps and other accessory equipment shall be 1.5 metres (5 ft.) or more from any street or lot line.
- 3)** Automobile parts, dismantled vehicles and similar articles, which may be allowed only as a condition of a Discretionary Use to a previously-approved Discretionary or Permitted Use, shall be stored within a building or totally screened from view by a solid 3 metres (10 ft.) fence.
- 4)** Commercial properties shall be provided with rear access by means of a lane that will act as a buffer between the commercial and residential properties.



6.3 INDUSTRIAL DISTRICT – IND

The Industrial District – IND aims to provide for light industrial environmentally sensitive development complementary that supplements the Village of Vibank and surrounding region needs and to facilitate future light industrial investment for the region.

6.3.1 Permitted Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Cabinet and furniture making	30 m (100 ft.)	929 sq. m. (10,000 sq. ft.)	9 m (30 ft.)	1.4 m (4 ft.)	6 m (20 ft.)
Farm machinery, motor vehicle, equipment, trailer and recreation vehicle sales and service					
Lumber and building supply establishments					
Shops: plumbers, metalworkers, woodworkers, electricians and similar industrial trades					
Machine and welding shops					
Accessory buildings/uses	Subject to the Principal Permitted Use Refer to Sections 3 and 4				
Public works (excluding offices, warehouses and storage yards)	No requirements				



6.3.2 Discretionary Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Concrete plants	30 m (100 ft.)	929 sq. m. (10,000 sq. ft.)	9 m (30 ft.)	1.4 m (4 ft.)	6 m (20 ft.)
Retail sales outlets					
Wholesale establishments					
Restaurants, Cafeterias and Confectioneries					
Manufacturing plants excluding chemicals, pesticides, fertilizers or other toxic materials					
Truck and Freight terminals					
Grain elevators					
Cold storage and locker plants (including abattoirs)					
Auto body shops					
Storage and warehousing excluding chemicals, pesticides, fertilizers or other toxic materials.					
Car/truck washes					
Gas Bars, Service Stations					
Public Works, including warehouses and storage yards	No Requirements				
Public Utilities, Towers	Refer to Sections 3 and 4				

6.3.3 Standards for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply:

- 1)** All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.
- 2)** Access to lots used for discretionary uses shall be located to ensure that heavy truck traffic takes access to or from arterial or collector streets, or designated truck routes.
- 3)** Bulk petroleum tanks and other hazardous storage units are to be located at least 91 metres (300 ft.) from residential areas, schools, motels and restaurants.
- 4)** Where a discretionary use will involve significant amounts of exterior storage council may require location on lots abutting the highway, and may apply special requirements for screening, including a closed fence on 1.8 metres (6 ft.) in height or more to enclose the area of storage.

6.3.4 Additional Development Considerations

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply:

- 1)** No building height restrictions apply for permitted or discretionary uses within this zoning district.
- 2)** Fuel pumps and other accessory equipment shall be 6 metres (20 ft.) or more from any street or lot line.
- 3)** Automobile parts, dismantled vehicles and similar articles, which may be allowed only as a condition of a Discretionary Use to a previously-approved Discretionary or Permitted Use, shall be stored within a building or totally screened from view by a solid 3 metres (10 ft.) fence.
- 4)** Industrial properties, where possible, should be provided with rear access by means of a lane that will act as a buffer between the business and residential properties.

6.4 COMMUNITY SERVICES – CS

The Community Services District – CS aims to provide for a wide range of institutional and community activities that sustain the Village of Vibank and provide a service to the region.

6.4.1 Permitted Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Market gardens and green houses	None	1 ha (2.5 ac)	15 m (50 ft.)	15 m (50 ft.)	15 m (50 ft.)
Recreational uses including, but not limited to, sports fields, campgrounds, parks, golf courses and rinks					
Schools and educational institutions					
Accessory buildings/uses	Refer to Sections 3 and 4				
Public works, parks and playgrounds and other municipal facilities					

6.4.2 Discretionary Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Cultural institutions and places of worship	None	1 ha (2.5 ac)	15 m (50 ft.)	15 m (50 ft.)	15 m (50 ft.)
Parking (Recreation/Commercial)					
Daycare centres, medical clinics					
Public communication and transmission towers	Refer to Sections 3 and 4				
Cemeteries					



6.5 FUTURE URBAN DEVELOPMENT DISTRICT – FUD

The Future Urban Development District – FUD provides for unsubdivided and or undeveloped land within the municipality designated for future development, enabling efficient and effective long-term planning of the community, while allowing certain uses which would not limit the potential expansion of the Village.

6.5.1 Permitted Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Crop Farming	None	1 ha (2.5 ac)	15 m (50 ft.)	15 m (50 ft.)	15 m (50 ft.)
Livestock Pasture					
Market gardens and green houses					
Accessory buildings/uses	Refer to Sections 3 and 4				
Public works, parks and playgrounds and other municipal facilities					

6.5.2 Discretionary Uses

Uses	Minimum Frontage	Minimum Area	Front Yard	Side Yard	Rear Yard
Cultural institutions and places of worship	None	1 ha (2.5 ac)	15 m (50 ft.)	15 m (50 ft.)	15 m (50 ft.)
Public communication and transmission towers	Refer to Sections 3 and 4				

6.5.3 Additional Development Considerations

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply:

- 1) The keeping of large animals such as horses, cattle, pigs, sheep, poultry and goats is only permitted within the Future Urban Development District – FUD.
- 2) Discretionary uses will only be allowed where Council is assured that such development will be compatible with the future use of the area, as indicated in the Official Community Plan.

- 3) Rezoning land from UR to another zone shall only be considered when the change in land use allows for orderly land use or secures the Village's long term land use needs. Council shall also consider the conformity of all rezoning proposal to the Goals, Objectives and Policies of the OCP.

7.0 COMING INTO FORCE

7.1 COMING INTO FORCE

This Bylaw shall come into force and take effect on the date of approval by the Minister.

MAYOR

SEAL

ADMINISTRATOR

Read a First time this _____, day of _____, 2022.

Read a Second time this _____, day of _____, 2024.

Read a Third time and adopted this _____, day of _____, 2024.

Certified a true and exact copy,

This _____ day of _____, 2024.

Administrator

8.0 APPENDICES

APPENDIX 1: ZONING DISTRICT MAP

APPENDIX 2: DEFINITIONS

APPENDIX 3: DEVELOPMENT PERMIT
APPLICATION SAMPLE

APPENDIX 4: BUILDING PERMIT
APPLICATION SAMPLE



8.1 APPENDIX 1: ZONING DISTRICT MAP



This is the Zoning District Map referred to in Bylaw No. 2022-011 adopted by the Village of Vibank.

Mayor

Administrator

Approved on the ____ day of _____, 2024

Ministry of Government Relations

ZONING DISTRICT MAP



Railways
Boundary



8.2 APPENDIX 2: DEFINITIONS

Whenever in this bylaw the following words or terms are used, they shall, unless the context otherwise provides, be held to have the following meaning.

Accessory Use – A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

PDA – The Planning and Development Act, 2007.

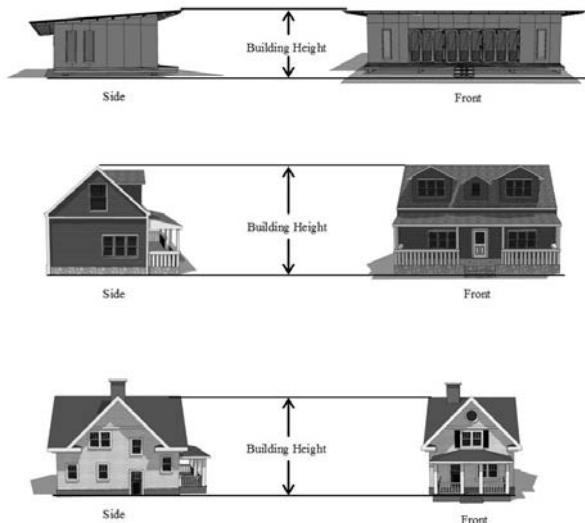
Administrator – The Administrator or Clerk of the Village of Vibank.

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

Building – A structure constructed or placed on, in or over land but does not include a public highway.

Building, Accessory – A subordinate detached building appurtenant to a principal building or principal use and located on the same lot.

Building Height – The vertical distance of a building measured from grade level to the highest point of the roof.



Building Height Measurement

Building, Principal – The building in which is conducted the main or primary use of the lot on which said building is situated.

Building Line, Established – A line, parallel to the front lot lines of a single block face, and set back the average distance from the edge of the street to the main walls of the existing buildings on a side of the street where more than half the lots have been built on.

Carport – A roofed enclosure for the parking of a motor vehicle or motor vehicles which has less than 60% of the total perimeter enclosed by walls, doors or windows and is attached to a principal building.

Club – A group of people organized for a common purpose, to pursue common goals, interests or activities, usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws; and shall include lodges and fraternal organizations.

Construction Trades – Offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction of buildings.

Council – The Council of the Village of Vibank.

Cultural Institution – Establishments such as museums, art galleries, libraries and similar facilities of historical, educational or cultural interest, operated by a public or registered charitable organization.

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

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

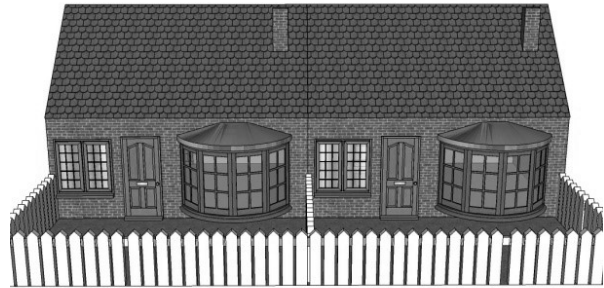
Development Permit – A document authorizing a development, issued pursuant to this zoning bylaw.

Discretionary Use – A use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, contained in this bylaw.

Dwelling, Detached with Added Suite – A single detached dwelling, as herein defined, to which has been added a second dwelling unit by converting a suite of habitable rooms.

Dwelling, Multiple Unit – A building divided into three or more dwelling units as herein defined and shall include town or row houses and apartments but not rooming houses, hotels, or motels.

Dwelling, Semi-Detached – A building divided vertically into two dwelling units, separated by a common party wall without openings throughout the entire structure.



Semi-Detached Dwelling

Dwelling, Single Detached – A detached building consisting of one dwelling unit as herein defined, but shall not include a mobile or modular home as herein defined.



Single Detached Dwelling

Dwelling Unit – One or more habitable rooms constituting a self-contained unit used as a residence, each unit having sleeping, cooking and toilet facilities.

Dwelling Group – Two or more single detached, semi-detached dwelling units located on a single lot or site.

Fence – An artificially constructed barrier erected to enclose or screen areas of land.

Floor Area – The maximum habitable area contained within the outside walls of a building at, or above grade level, excluding in the case of a dwelling unit any private garage, porch, sunroom, or unfinished attic.

Freeboard – Typically refers to a vertical distance added to a calculated flood level to accommodate uncertainties and potential for waves, surges and other natural phenomena.

Frontage – The side of a lot abutting a street, and in the case of a corner lot, the shorter of the sides is the frontage.

Garage, Private – A building or part of a building used or intended to be used for the storage of motor vehicles for the dwelling unit to which the garage is accessory.

Gas Bar – A building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

Grade level – The finished ground elevation at the front of the principal building, midway between the front corners of the building.

Habitable/living space – Typically means space in a building that is used for living, sleeping, eating, cooking and includes basement recreation and living rooms, bathrooms, closets, halls, storage and utility spaces. Crawlspace and similar areas are not considered habitable space.

Home Occupation – An occupation conducted by the occupants of a residential building and which is clearly secondary to the residential use of the dwelling and does not change the building's exterior character.

Hotel – A building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel or rooming house.

Lane – A public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

Lot – An area of land with fixed boundaries and which is of record in the Land Titles Office by Certificate of Title.

Lot Line, Front – The line that divides the lot from the street. In the case of a corner lot, the front lot line shall mean the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear – The line at the rear of the lot and opposite the front lot line.

Lot Line, Side – A lot line other than a front or rear lot line.

Mayor – The Mayor of the Village of Vibank.

Minimum building elevation – The minimum level that development of buildings and additions to buildings may occur at, and is determined by adding the freeboard to the 1:500 flood elevation.

Minister – The member of the Executive Council to whom, for the time being, the administration of the PDA is assigned.

Mobile Home – A factory-built trailer coach:

- a) That may used as a dwelling all year round;
- b) That has water faucets and shower

or other bathing facilities that may be connected to a water distribution system;

- c) That has facilities for washing and a water closet or other similar facility that may be connected to a sewage lagoon; and
- d) That conforms to Canadian Standards Association, Construction Standard No. Z240.2.1- standard or revisions thereto.

Mobile Home Court – Any parcel of land on which two or more occupied mobile homes are located and includes any structure used or intended to be used as part of the equipment of such mobile home court.

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

Modular Home, Single Wide – A modular home that is less than 5 metres (16.40 ft.) in width.

Modular Home, Double Wide – A modular home that is greater than 8 metres (26.25 ft.) in width.



Double Wide Modular Home

Motel – An establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or lots and designed for use by the public, and may include a licensed dining room.

Municipality – The Village of Vibank.

Non-Conforming Building – A building:

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

Non-Conforming Use – A lawful specific use:

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

Parking Space, Vehicle – A space within a building or parking lot for the parking of one vehicle, having minimum dimensions of 2.4 metres (8 ft.) wide by 5.5 metres (18 ft.) deep, and which has access to a developed street or lane.

Permitted Use – An use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations applicable to that zoning district.

Personal Service Shops – Establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, photographic studios and other similar uses.

Public Work

- a) Systems for the production or distribution of electricity;
- b) systems for the distribution of natural gas or oil;
- c) facilities for the storage, transmission, treatment, distribution or supply of water;
- d) facilities for the collection, treatment, movement or disposal of sanitary sewage; or
- e) telephone or light distribution lines, that are owned or operated by the Crown or a municipality.

Recreational facility, commercial – A recreation or amusement facility operated as a business and open to the general public for a fee.

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

Recreation vehicle – A unit intended to provide temporary living accommodation for campers or travellers; built as part of, or to be towed by, a motor vehicle to be used on a public highway without special permit; and includes truck campers, motor homes, tent trailers and travel trailers.

Residential Care Facility – a private service home or residential service facility as defined and licensed in the Residential Services Act, and used for the lodging, supervision, personal care or individual programming of up to nine (9) persons, but does not include a rehabilitation facility.

Retail store – Establishments engaged in selling goods or merchandise to the general public for personal or household use; and rendering services incidental to the sale of such goods; including sale of groceries, hardware, dry goods, sporting goods, novelties, jewellery, household appliances, books and magazines.

Rooming House – A building containing more than one rooming unit.

Rooming Unit – A room or rooms for accommodation, other than a dwelling unit or other form of accommodation as defined elsewhere in this bylaw, with sleeping facilities but without private toilet facilities.

Screening – A fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

Service Station – A building or part of a building other than a private garage used for the retail sale of lubricating oils and motor fuels, and automobile accessories, storage, care, repair, servicing or equipping of motor vehicles or where such vehicles are kept for remuneration, hire, sale or display and which may include a cafeteria.

Sign – Any device, letters, figures, symbols, emblems, or pictures which are affixed to, or represented directly or indirectly upon a building or structure, which identify or advertise any object, product, place, activity, person, organization or business; and which is visible to a street.

Sign, temporary – A removable sign erected for a period of time not exceeding six months.

Site – One or more contiguous lots under one title and used or intended to be used by a single principal use or principal building.

Special Care Home – An extended or intermediate care facility licensed or approved under the Housing and Special-care Homes Act, which provides full time convalescent or chronic care to persons who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves, including nursing homes.

Street – A public thoroughfare which affords the principal means of access to the abutting property.

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

Tourist Campground – A tract or parcel of land which provides for the location of tents or trailer coaches used by travellers and tourists for overnight accommodation.

Trailer Coach – Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as to permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

Use – The purpose or activity for which a piece of land, or its building is designed, arranged, intended, occupied or maintained.

Warehouse – A building used primarily for the storage of goods and materials.

Yard – Any part of a lot unoccupied or unobstructed by any principal building.

Yard, Front – A yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building or structure on the lot.

Yard, Rear – A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principal building or structure on the lot.

Yard, Required – The open space between a lot line and the buildable area of a lot, within which no building or structure shall be located except as provided in the zoning bylaw.

Yard, Side – A yard extending from the front yard to the rear yard between the side lot line and the nearest wall exclusive of the eaves of the principal building on the lot.

Zoning District – A specifically delineated area of the municipality within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.

8.3 APPENDIX 3: DEVELOPMENT PERMIT APPLICATION SAMPLE

8.4 APPENDIX 4: BUILDING PERMIT APPLICATION SAMPLE



VILLAGE OF VIBANK

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