

2016



The Town of Hepburn

Zoning Bylaw 37-2016

Certified a true copy of Bylaw No. 37-2016 adopted by Council on the 19th day of October, 2016.

Administrator



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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 Hepburn 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 Hepburn.

1.3 PURPOSE

1.3.1 The purpose of this Bylaw is to regulate development and to control the use of land in the Town of Hepburn in accordance with the Town of Hepburn Official Community Plan, and Twin Rivers District Plan.

1.3.2 The intent of this Zoning Bylaw is to provide for the amenity of the area within the Town of Hepburn (hereinafter referred to as the Town) and for the health, safety, and general welfare of the inhabitants of Hepburn 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 Hepburn. All development within the limits of the Town of Hepburn 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 Hepburn Official Community Plan, and Twin Rivers District Plan and this Bylaw, they shall have the following definition unless the context indicates otherwise.

A

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

Accessory Building or Structure: A separate building or structure that:

- a) Is subordinate to and serves the principal building and/or principal use;
- b) Contributes to the comfort, convenience, or necessity of occupants of the principal building or assists the principal use;
- c) And is located on the same site as the principal building or use.

Accessory Use: A land use customarily incidental and subordinate to the principal use or building and is located on the same parcel of land with the principal use or building.

Act: *The Planning and Development Act 2007*, Province of Saskatchewan, as amended from time to time.

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 Hepburn.

Aggregate Resource: 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.

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

Animal Hospital: The premises of a veterinary surgeon where small, large domestic animals and livestock are treated or kept involving surgery and the keeping of animals in outdoor or indoor pens.

(Animal)Veterinary Clinics: A place for the care and treatment of small animals involving outpatient care and medical procedures involving hospitalization, but shall not include the keeping of animals in outdoor pens.

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*.

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.

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.

B

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

Bed and Breakfast: A dwelling unit, licensed as a tourist home under *The Tourist Accommodation Regulations*, 1969, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the traveling public for a charge.

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.

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, or chattels, and includes any structure covered by a roof supported by walls or columns.

Building, Accessory (see Accessory)

Building Bylaw: A Bylaw of the Town of Hepburn to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

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

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

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

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

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

Business Support Services: Activities intended to provide administrative, promotional or technical support for commercial and industrial activities.

Bylaw: The Town of Hepburn Zoning Bylaw.

C

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.

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.

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

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

Construction Trades: offices, shops and warehouses, with or without retail sales for trades associated with construction of buildings.

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 Hepburn.

D

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

Deck: Any raised floor structure at least 0.3 meters 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 Hepburn that authorizes development pursuant to this Bylaw, but does not include a building permit.

Directional Signage: Signage located off-site providing direction to, and information about, a specific enterprise or activity which does not contain general advertising.

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.

District Plan (DP): The District Plan for the Town of Hepburn and the participating municipalities is known as the Twin Rivers District Plan, as outlined by Section 102 of *The Planning and Development Act, 2007*

Dwelling: A building or part of a building intended for residential occupancy and is supported on a permanent foundation.

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

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

Dwelling, Modular: A prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular home represents a method of constructing a home in large sections and does not contain chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling unit(s) for year round occupancy. Modular Homes are not to be considered as manufactured Homes under this bylaw and shall be consistent in appearance with existing surrounding dwellings.

Dwelling, Moved On: A structure used at a previous location that has now been relocated to a new parcel for use as a dwelling.

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

Dwelling, Ready-To-Move (RTM): A newly constructed Single-Detached Dwelling that is constructed in an off-site location in accordance with the Building Code and moved to the site to be set on a permanent foundation to be similar in function and appearance to a conventional built-on-site Single-Detached Dwelling. This definition does not include modular or manufactured homes.

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 Manufactured or Modular Home as herein defined.

Dwelling Unit: One or more habitable rooms used, or fully capable of being used as a

residence, where each unit provides sleeping, cooking, and sanitary facilities.

E

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.

F

Fabric Covered Building: A steel-framed, fabric-membrane pre-engineered building for temporary & permanent industrial, commercial & agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas & event centers. All fabric covered buildings shall require the appropriate building permits to ensure all aspects of the development are in accordance with the Building Code including appropriate foundation construction and building anchoring.

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

Fence: a structure used to enclose or screen areas of land.

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

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.

Floor Area: The maximum area contained within the outside walls of a building, excluding

in the case of a dwelling, any private garage, porch, veranda, open deck, unfinished attic, or unfinished basement or cellar and in a commercial or industrial building, any utility room.

Future Land Use Plan: A comprehensive document compiled by a local government that identifies goals and strategies for future development or preservation of land.

Future Land Use Map: In its projections, the map specifies certain areas for residential growth and others for agriculture, industry, commercial, community services and conservation. The map for Hepburn is attached as an Appendix "A" in the Town of Hepburn Official Community Plan.

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

G

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.

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.

Garden Suite: An accessory dwelling unit located on the same site as a Single Detached Dwelling.

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.

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

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

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

Greenways: 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.

H

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

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

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

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

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.

I

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

Industrial Park: An area of land set aside for industrial development, usually located close to transport facilities, especially where more than transport mode coincides, i.e. highways, railroads, airports.

Infill Development: Re-development within existing areas or neighborhoods.

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

K

Kennel, Boarding: The temporary accommodation of more than four dogs, cats or other domestic animals for commercial purposes.

Kennel, Breeding: The keeping of domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

Kennel, Enclosure: An accessory building or enclosure intended to house one of more domestic animals.

L

Landfill: A specially engineered site for disposing of solid waste on land, constructed so that it will reduce hazard to public health and safety.

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 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.

Liquor Store: A use where alcoholic beverages are sold for consumption off of the retail outlet premises, that has been licensed by the Liquor and Gaming Commission;

Livestock: Domesticated animals used primarily as beasts of burden or for the production of fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion (dogs and cats) animals.

Loading Space: a space, measuring at least 2.5 meters in width and 8.4 meters 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 (see Site): 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.

Lounge: A room or area adjoining a restaurant set aside for the sale of beverage alcohol for consumption on the premises, with or without food, and where no area has been set aside for dancing or entertainment, either in the lounge or in the adjoining restaurant. The area of a lounge may not exceed 50% of the public assembly area in the adjoining restaurant.

M

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.

Marquee: A roof-like structure of a permanent nature which projects from the wall of a building that is independently supported by a system of columns or piers without walls over an entrance to a building.

Mayor: The Mayor of the Town of Hepburn.

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

Manufactured Home: A portable structure built on a metal chassis that is defined in the Canadian Standards Association (CSA) Z240MH

standards as a "manufactured home; a multiple section manufactured home; or a "swing out and expandable room section manufactured home," and bears a CSA seal attesting that the structure complies with the Z240 standards.

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

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

Manufactured or Manufactured Home Subdivision: Any subdivision of land and the development thereof for the purpose of accommodating mobile or 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 such sites, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

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

Municipality: The Town of Hepburn.

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 of *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.

N

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

Non-Conforming Building: A building that is lawfully constructed or lawfully under construction (permits have been issued as required) at the date this Bylaw becomes effective, as required by the Act, and which does not, or will not, comply with the requirements of this Bylaw.

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

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

O

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: The Official Community Plan for the Town of Hepburn adopted by Council, as outlined by Section 32 of *The Planning and Development Act, 2007*

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.

P

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 meters wide and 5.5 meters in length.

Pasture: A site that is used for the raising and feeding of livestock by grazing.

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

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

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

Personal Service Establishment: 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.

Principal Building: A building in which is conducted the main or principal use of the site on which it is erected.

Principal Use: The main or primary activity, for which a site or its buildings are designed, arranged, developed or intended, or for which is occupied or maintained.

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 Hepburn:

- 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, transmission;
- Collection and disposal of sewage, garbage, and other wastes; and
- Fire and Police Services.

R

Real-Estate Signage: Signage directly associated with the sale of a property on which it is located and which maintains a gross surface area of less than 1.0m².

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, community centres and all similar uses, together with the necessary and accessory building and structures; but does not include the racing of animals or motorized vehicles.

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.

Recycling Collection Facility (Commercial): A building or structure intended to accommodate the collection, sorting, processing and temporary storage of recyclable materials that would otherwise be considered waste. These types of uses include outdoor processing or storage.

Redevelopment (see infill development)

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

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 for 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.

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

S

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, rages, 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: a self-contained dwelling unit which is an accessory use to, and located within, a detached building in which the principal use is a one unit dwelling.

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

Setback: The distance required to obtain the front yard, rear yard or side yard provisions of this Bylaw.

Should, Shall or May:

- Shall is an operative word which means the action is obligatory.

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

Sign: 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.

Sign, 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.

Sign, Freestanding: sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.

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

Sign, Projecting: A sign which is wholly or partially dependent upon a buildings for support and which projects more than 0.5 meters (1.6 feet) from such building.

Sign, Temporary: A sign which is not permanently installed or affixed in position, advertising a product or activity on a limited basis.

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

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

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

Site Coverage: The percentage of the site area covered by all the buildings above the ground level.

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

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

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

Site 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 plan showing the location of existing and proposed buildings 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.

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

Storey, One-Half: That portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 meters and 2.3 meters over a floor area which is not less than one-third nor more than two-thirds of the floor area of the story next below.

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 residents, community groups or local, provincial and federal governments.

Storage Structure: A structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container (sea can), trailer or other structure.

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).

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

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

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: Any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, or diving and having a depth of 0.6 meters (2 feet) or more at any point.

T

Tavern: an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted.

(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.

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

Town: The Town of Hepburn.

Town Administrator: The Administrator of the Town of Hepburn.

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

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.

U

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 9.3m².

W

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 System: 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 intended to primarily provide electrical power for the on-site consumption requirements, either on or off-grid, and may

provide residual power to the grid but is not intended to produce power primarily for resale.

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.

Y

Yard: Open, uncovered space open to the sky on the same site with a building or structure.

Yard, Front: The area between the side site lines and the front site line to the front building line.

Yard, Rear: The area between the side site lines and the front site line to the rear building line. (corner and interior)

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: The area between the front and rear yards and between the side site line and the side building line.

3. ADMINISTRATION AND INTERPRETATION

3.1 DEVELOPMENT OFFICER

- 3.1.1** The Town Administrator of the Town of Hepburn 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 of 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;
 - d. Collect development fees, according to the fee schedule established in this Bylaw or any other Development Fee Bylaw adopted by the Town;
 - e. Perform other duties as determined by Council.
- 3.1.3** The Development Officer shall be empowered to make a decision 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 Municipal Affairs, 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 Twin Rivers District Plan and the Hepburn Official Community Plan.

3.3 APPLICATION FOR 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 utility use, every developer shall:

- a. Complete and submit a Development Permit application, and (refer to Permit application in Appendix “A”).
- 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, the Hepburn Official Community Plan and the Twin Rivers District 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. One accessory building under 10.0 m² in area, accessory to a principal residential use.
- b. A television antennae or radio antennae.

3.4.2 COMMERCIAL ZONING DISTRICTS

- a. Buildings and structures that are accessory to a permitted, principal commercial use, except where such use is discretionary.
- b. 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 Hepburn.

3.4.5 INTERNAL ALTERATIONS

- a. **Residential Buildings** - 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;
- b. **All Other Buildings** - 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.

3.5 INTERPRETATION

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

3.6 COMPREHENSIVE DEVELOPMENT REVIEW

3.6.1 A comprehensive development review 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 comprehensive development review will be based on the scale and location of the proposed development, and 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;
- f. Appropriate information specific to the particular land use (residential, commercial or industrial)

3.6.2 The comprehensive development review must be prepared in accordance with the overall goals and objectives of the Twin Rivers District Plan and the Hepburn 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 Development Officer shall issue a Development Permit.

3.7.1 DISCRETIONARY USE APPLICATION

- a. Where an application for a Development Permit is made for a discretionary use, the Development Officer shall advise the Council as soon as practicable.
- b. The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and 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 meter radius of the proposed development.

DISCRETIONARY USE – PUBLIC NOTICE

- c. 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 Twin Rivers District Planning Commission, or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.

Discretionary Use Evaluation Criteria

- d. Council shall apply the following general criteria in the assessment of the suitability of an application for a discretionary use or discretionary form of development:

- i. Compliance with land use and municipal policies:

- a) the proposal must be in conformance with all relevant sections of the Official Community Plan, any related concept plans and this bylaw.

- ii. Site layout and density:

- a) the scale and intensity of the proposed use must be relatively consistent with uses allowed in the Zoning District and with any existing uses and developments in the vicinity of the proposal;
 - b) the size and location of buildings and improvements is to comply with the regulations set out in the Zoning District;
 - c) any outside storage areas will be appropriately buffered and screened from adjoining land uses;
 - d) provision for the retention or provision of vegetation and landscaping to enhance the appearance of the site; and
 - e) signs will comply with sign requirements for the Zoning District and proposed use.

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iii. Municipal servicing:

- a) the use is capable of being serviced with existing municipal infrastructure, including:
 - 1. Water in terms of consumption and demand;
 - 2. Sewer in terms of volume generated;
 - 3. Stormwater drainage in terms of volume and where directed;
 - 4. Solid waste in terms of volume and types created;
 - 5. Utilities;
 - 6. Schools; and
 - 7. Roadways.

iv. Traffic generation:

- a) the volume and vehicle type of traffic generated by the use will be consistent with the existing traffic type and volume in the area;
- b) parking requirements for the use will be consistent with provision for other uses in the vicinity; and
- c) access to and from the site must be located appropriately to avoid any traffic hazards.

v. Environmental and Public Safety:

- a) types and volumes of goods and materials kept or stored on site must not pose any danger to the surrounding properties;
- b) emissions from the use in terms of noise, dust, odour, light will not adversely affect the environment or adjoining land uses;
- c) storm water runoff from the site will not adversely affect surface or ground water;
- d) fire protection requirements will not be significantly different than that required for surrounding uses;
- e) ensure preservation of wildlife habitat and wetlands.

vi. Consultations:

- a) Council will consider comments received from the public relative to the application; and
- b) the provision of evidence of any applicable permit or approvals from applicable Provincial Ministries (i.e. Highways and Infrastructure, Environment, or Health sectors).

vii. Impact mitigation:

- a) if the proposed use will create any negative effects in relation to the above criteria, consideration may be given to any measures that may mitigate those effects in making a decision on the application.

Terms and Conditions for Discretionary Use Approvals

- e. Discretionary uses, discretionary forms of development and associated accessory uses are subject to the development standards and applicable provisions of the Zoning District in which they are located. In approving a discretionary use application, Council may prescribe specific development standards to minimize land use conflict with respect to:
 - i. storm water management;
 - ii. the location of buildings with respect to buildings on adjacent property;
 - iii. accessibility, number and location of parking and loading facilities including adequate vehicular access;
 - iv. control of noise, glare, dust and odour; and
 - v. any other condition as set out in the Zoning District.

3.7.2 DEVELOPMENT PERMIT DECISION

- a. The applicant shall be notified in writing of the decision of their application within 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*.
- b. 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.
- c. 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.

3.8 DEVELOPMENT PERMIT: VALIDITY

- 3.8.1** A Development Permit is valid for a period of twelve 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.

3.8.4 The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and 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 meter radius of the proposed development.

3.8.5 ~~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.~~

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3.9 DEVELOPMENT PERMIT APPLICATION FEES

3.9.1 An applicant seeking the approval of a Development Permit application shall pay the required fee established by the Council of the Town.

3.9.2 There shall be no development permit application fee for sign permits, licenses for home occupations or other forms of business licenses.

3.9.3 An applicant seeking a discretionary use approval shall pay the required fee established by the Council of the Town.

3.9.4 ~~The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and 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 meter radius of the proposed development.~~

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3.9.5 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 will require the applicant to pay all costs incurred in a professional review of the application and in carrying out a public hearing.

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 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 that development acceptable to Council and meets *The Public Health Act and Regulations* requirements.

3.13 DEVELOPMENT APPEALS BOARD

3.13.1 Council shall utilize the Twin Rivers District Development Appeals Board consisting of one member from each participating municipality, to hear and determine appeals in accordance with Section 213 to 227 inclusive, of *The Planning and Development Act 2007*.

3.13.2 RIGHT OF APPEAL

- a. Where an application for a permitted use has been denied, the applicant shall be advised of the right of appeal to the District 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.

3.14 MINOR VARIANCES

3.14.1 The Council may vary the requirements of this Bylaw subject to the following requirements:

- a. A minor variance may be granted for the following only:
 - i. Minimum required distance of a building from a lot line; and
 - ii. The minimum required distance of a building from any other building on the lot.
- b. The maximum amount of a minor variance shall be 10% variation from the Requirements of this Bylaw.
- c. The development must conform to all other requirements of this Bylaw.
- d. The relaxation of the Bylaw requirement must not injuriously affect a neighbouring property.
- e. No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act 2007*.

3.14.2 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 as established by Council.

3.14.3 Upon receipt of a minor variance application the Council 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.

3.14.4 Terms and conditions imposed by the Council shall be consistent with the general development standards in this Bylaw.

3.14.5 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.

3.14.6 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.

3.14.7 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.

3.14.8 A decision to approve a minor variance, with or without terms and conditions, does not take effect until 23 days from the date the notice was provided.

3.14.9 If an assessed owner of a property having an adjoining property with the applicants land objects to the minor variance in writing to the Development Officer within the prescribed 20 day time period, the approval is deemed to be revoked and the Development officer shall notify the applicant in writing:

- a. Of the revocation of the approval; and
- b. Of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.

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

3.15 NON-CONFORMING BUILDINGS, USES AND SITES

3.15.1 Any use of land or any building or structure lawfully existing at the time of passing of 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 the provisions of Section 88 to 93 inclusive of *The Planning and Development Act, 2007*.

3.15.2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure that would increase the non-conformity shall be undertaken, except in conformance with the provisions of the Act.

3.15.3 No existing use, building or structure shall be deemed to be nonconforming 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.

3.15.4 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.

3.16 DEVELOPMENT PERMIT – INVALID

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 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.

3.17 CANCELLATION

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.

3.18 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 a caveat under this Bylaw.

3.19 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*.

3.20 INSPECTION OF PREMISES

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

3.21 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.

3.22 PERFORMANCE BONDS

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

3.23 LIABILITY INSURANCE

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

3.24 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.

3.25 MOVING OF BUILDINGS

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

3.26 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.

3.27 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.

3.28 DEVELOPMENT AGREEMENTS

- 3.28.1** Council may request a developer to enter into a Development Agreement to ensure development conformity with the Hepburn Official Community Plan, the Twin Rivers District Plan and this Bylaw, pursuant to Section 171 to 176 inclusive, *The Planning and Development Act, 2007*.
- 3.28.2** A Development Agreement is mandatory for approval of a Garden Suite, accessory dwelling when a temporary permit is approved.

3.29 SERVICING AGREEMENTS

- 3.29.1** 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.
- 3.29.2** 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, street lights, 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;
 - 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 and that directly or indirectly serve the proposed subdivision.

4. GENERAL REGULATIONS

The following regulations shall apply to all Zoning Districts in the 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 Hepburn 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 Hepburn 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 meters (10 feet) 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, garden suites 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 ACCESORY BUILDINGS, USES AND STRUCTURES

- 4.6.1** Subject to all other requirements of this Bylaw, an accessory building, use or structure 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.

4.7 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 that 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 meters in a Residential district unless otherwise permitted in this Bylaw.

4.8 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 meters (36 feet) and the mean site width shall not be less than the minimum frontage for regular sites in the same Zoning District.

4.9 PERMITTED YARD ENCROACHMENTS

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

- a. Uncovered and open balconies, terraces, verandas, decks, and patios may have a maximum projection from the main wall of 1.8 meters (5.9 feet) into any required front or rear yard.
- b. Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations may project a distance of 0.6 meters (2 feet) into any required yard.

4.10 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.

4.11 GRADING AND LEVELING OF SITES

4.11.1 Every development shall be graded and leveled 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.
- c. All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the re-graded area, or re-located to a site approved by Council.

4.12 RESTRICTIONS ON CHANGES

4.12.1 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.

4.12.2 Notwithstanding the provisions of subsection 4.12.1, 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.

4.13 HEIGHT OF BUILDINGS

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

4.14 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.

4.15 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.

4.16 LANDSCAPE BUFFERS

4.16.1 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 a minimum 1.0 meter (3.3 feet) vegetative landscape buffer, unless a fence is required for other reasons.

4.16.2 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 Twin Rivers District Plan and the Hepburn Official Community Plan.

4.17 PROHIBITED AND NOXIOUS USES

4.17.1 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.

4.17.2 NOXIOUS USES

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

- 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 things in this subsection.

4.18 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.

4.19 SATELLITE DISHES

- 4.19.1** Satellite dishes in excess of 1.0 meter (3.3 feet) in diameter shall not be located in any front yard, side yard, or 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) stories in height.
- 4.19.2** Satellite dishes located in Residential Districts, which exceed 1.0 meter 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
- 4.19.3** Satellite dishes may be erected in Commercial or Industrial Districts for communications purposes or re-broadcasting of television signals and subsection 4.19.1 shall not apply.

4.20 COMMUNICATION TOWERS

- 4.20.1** Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers and antenna's.
- 4.20.2** In making its decision regarding the communication structure and related facilities, Industry Canada considers the following:
- (a) the input provided by the Approving Authority;
 - (b) compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
 - (c) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
 - (d) an environmental impact assessment may be required in order to comply with the *Canadian Environmental Assessment Act*.
- 4.20.3** The participation of the Town in the consultation process does not transfer any Federal decision making authority, nor does it confer a right of veto in the location of the communication structure. A Development Permit application shall be utilized as the public participation method for the consideration of communication towers and facilities in the Town.

- 4.20.4** Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers) or within transportation and utility corridors.
- 4.20.5** Communication towers must have the least practical adverse visual effect on the environment. This may be mitigated through design features, landscaping and/or fencing.
- 4.20.6** Communication towers shall be located in a manner that minimizes the impact on the natural environment.
- 4.20.7** Communication Towers shall not be permitted within 100 meters of any Residential District.
- 4.20.8** All applicants requesting a new telecommunication structure shall be required to identify any other such structure within an 8.05 km (5 mi) radius of the proposed site location. Each request shall also provide documentary evidence that co-location of the existing structures within that 8.05 km (5 mi) radius is not a viable alternative to a second structure.
- 4.20.9** Where Transport Canada requires that a communication tower be lighted, the following procedures shall be encouraged to minimize visual impacts:
- (a) the lighting of equipment structures and any other facilities on site shall be shielded from adjacent properties where possible without interfering with the requirements of Transport Canada;
 - (b) all lighting shall be a minimum number of low intensity white lights; and
 - (c) the strobe interval shall be the maximum allowable by Transport Canada, and the strobe lights shall only be used if absolutely necessary.
- 4.20.10** The Town of Hepburn may adopt policies specific to Communication Structure placement in accordance with best practices and guidance documents.

4.21 PRIVATE GARAGES, SUNROOMS, SOLARIUMS, AND GREENHOUSES

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

4.22 STORAGE STRUCTURES

- 4.22.1** A storage structure shall meet the setback requirements for an accessory building in the land use zoning district where it is a permitted or discretionary use.
- 4.22.2** A storage structure shall be screened from view as required by the approving authority and/ or may require exterior finishing to be in general conformance with the principal building or surrounding development.

4.22.3 In residential areas or on parcels where the primary land use is residential and where a storage structure is a permitted or discretionary use, a circulation referral to the adjacent property owners shall be required.

4.22.4 A storage structure shall not be used as a sign.

4.22.5 A storage structure may be approved on a temporary basis during construction within any land use zoning district.

4.23 SWIMMING POOLS

4.23.1 Notwithstanding anything contained in this Bylaw, a swimming pool is permitted as an accessory use to permitted uses in any Residential District or a motel (motor hotel) in a Highway Commercial District, to be located in the side yard or rear yard of any lot/site if:

- a. No part of such pool is located closer to any lot or street line than the minimum distance required for the principal building located on such lot; and
- b. The maximum height of such pool is 1.2 meters (4 feet) above the average finished grade level of the ground adjoining the pool and to within 4.5 meters of such pool; and
- c. Every swimming pool shall be enclosed by a non-climbable fence of at least 1.8 meters (5.9 feet) in height and not more than 10 cm from the ground, and located at a distance of not less than 1.5 meters (5 feet) from the pool; and
- d. Any deck attached to or abutting a swimming pool shall be considered as part of the swimming pool.

4.23.2 Any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions in the applicable Zoning Districts in Section 5 of this Bylaw, respecting accessory buildings.

4.24 DISPOSAL OF WASTES

4.24.1 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.

4.24.2 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 Watershed Authority. 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.

4.25 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 meters for liquid waste, and 457 meters 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.

5. DISCRETIONARY USE STANDARDS FOR DEVELOPMENT

This Section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the District. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards or criteria related to:

- Site drainage of storm water
- The location of buildings with respect to buildings on adjacent properties
- Access to, number and location of parking and loading facilities
- Appropriate space for vehicle movement in order to reduce disruption of traffic flows on adjacent roadways
- Control of noise, glare, dust and odour
- Landscaping, screening and fencing to buffer adjacent properties.

5.1 HOME OCCUPATIONS

Home Occupations (Home Based Businesses) are subject to the following conditions:

- Home-based occupations and businesses will be accommodated provided that they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area, and not of a size that provide services or products that would detrimentally affect the viability of the neighborhood.
- One home occupation shall be allowed per dwelling unit. Home occupations shall be conducted entirely within the dwelling or accessory building.
- 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.
- There shall be no exterior display or storage of any merchandise or material relating to the home occupation.
- No equipment or process used in the home occupation shall create dust, noise, vibration, glare, fumes, odour or air pollution that is detectable at or beyond the property lines of the lot where the home occupation or business is located.
- Up to two (2) persons other than a resident of the dwelling unit may be engaged in any home occupation as an employee or a volunteer.
- Parking: The home occupation shall not cause or add to on-street parking congestion or cause an increase in traffic through residential zones.
 - No more than one business vehicle, for which off-street parking is provided, shall be operated in connection with the home occupation.
 - Parking of vehicles of employees hired for off-site jobs shall not be allowed at or in the vicinity of the dwelling unit.
- All home-based businesses are subject to a Permit Fee as determined by Council.

- All Business Permits issued for home occupations shall expire on December 31 of the year issued. Home occupations 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.

5.2 SECONDARY SUITES

- Secondary suites may be constructed within a principal, single detached dwelling in a residential zone. Only one secondary suite is permitted on each residential site.
- Secondary suites must be located within the principal dwelling and must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building. Secondary suites must contain cooking, eating, living, sleeping, and sanitary facilities.
- Secondary suites may not exceed 40% of the total floor space, including basements, and may not have more than two bedrooms.

5.3 GARDEN SUITES

- Garden suites may be constructed on the same site as a principal, single detached dwelling.
- The Development of a Garden Suite Dwelling must comply with all regulations and standards for Accessory Developments of the land use zoning district where it is located.
- Notwithstanding the aforementioned, the following regulations shall override:
 - A Garden Suite shall not be located in the Front Yard.
 - The minimum Side Yard Setback for a Garden Suite Dwelling shall be 1.2m.
 - On a Corner site, the minimum Flanking Front Yard Setback for a Garden Suite Dwelling shall not be less than the Flanking Front Yard Setback of the principal dwelling.
 - The maximum Floor Area of a Garden Suite shall be less than the principal dwelling floor area.
 - A Garden Suite shall be connected to water and sewer services in accordance with Town and health authority standards.
 - Windows in a Garden Suite shall be strategically sized and placed in conjunction with landscaping and/or the placement of other accessory developments to minimize overlook into yards and windows of abutting properties, to the satisfaction of the Development Authority.
 - Only one of a Secondary Suite Dwelling, Garden Suite Dwelling, or Garage Suite Dwelling may be developed in conjunction with a principal Dwelling.
 - Garden Suite Dwelling shall not be subject to separation from the principal Dwelling through a Condominium conversion or Subdivision.

5.4 MODULAR HOMES

- All modular homes shall be placed on a permanent concrete foundation at a standard comparable to a single detached dwelling.
- The length of the modular home shall not be greater than 2.5 times the width per dwelling unit;
- All modular homes shall have architectural features similar or complementary to adjacent and nearby dwellings;
- Modular homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- All other requirements of this Bylaw shall apply.

5.5 BED AND BREAKFAST HOMES

Bed and Breakfast Homes are subject to the following conditions:

- A bed and breakfast home may be located in a detached one unit dwelling or in a semi-detached dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence developed shall be licensed by the Ministry of Health.
- Required parking spaces may be permitted in a required front yard.
- 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.

5.6 DAY CARE CENTRES AND PRE-SCHOOLS

Day-care Centres and Pre-schools are subject to the following conditions:

- Day care centres and pre-schools may be approved as an accessory use or as a principal use.
- In any Residential 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.
- Day care centres or pre-schools which are located in Residential Districts shall provide at least 3.25 m² (35 ft²) of fenced on-site outdoor play space for each child present in the facility at any one time.
- Required parking spaces may be located in a required front yard.

5.7 RESIDENTIAL CARE HOMES

Residential Care Homes are subject to the following conditions:

- Residential care homes may be approved as an accessory use or as a principal use.
- In any Residential 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.
- Required parking spaces may be located in a required front yard.

- No building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers.

5.8 CAMPGROUNDS

Campgrounds are subject to the following conditions:

- 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 rearrangement of campsites, the construction or moving of buildings, and 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.
- A campground shall have within its boundaries, a buffer area abutting the boundary of not less than 4.5 meters which shall contain no buildings.
- 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.
- One permanent sign located on site advertising the campground is permitted per site;
 - The facial area of a sign shall not exceed 0.5 m²;
 - No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
 - 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.
- No portion of any campsite shall be located within a roadway or required buffer area.
- 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 meters in width.
- Each trailer coach shall be located at least 3.0 meters (10 feet) from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- 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.
- *The Public Health Act* shall be complied with in respect to all operations and development of the campground.

6. ZONING DISTRICTS AND ZONING DISTRICT MAP

6.1 ZONING DISTRICTS

For the purpose of this Bylaw, the Town of Hepburn is divided into several Zoning Districts that may be referred to by the appropriate symbols. The uses or forms of development allowed within a Zoning District, along with regulations or standards which apply, are provided in the District schedules in this Section.

R1	Residential	C2	Highway Commercial/Industrial
RA	Residential Acreage	CS	Community Service
C1	Centre Commercial	FUD	Future Urban Development

6.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 37-2016 adopted by the Town of Hepburn, signed by the Mayor and by the Town Administrator under the seal of the Town, shall be known as the "Zoning District Map," and such map is hereby declared to be an integral part of this Bylaw.

6.3 BOUNDARIES OF ZONING DISTRICTS

- 6.3.1** 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."
- 6.3.2** Unless otherwise shown, the boundaries of zoning Districts are site lines, centre lines of streets, lanes, road allowances, or such lines extended and the boundaries of the Municipality.
- 6.3.3** 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.
- 6.3.4** Where the boundary of a 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.

6.4 HOLDING DESIGNATION

- 6.4.1** 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*.
- 6.4.2** Any lands subject to a holding provision shall only be used for the following uses:
 - a. Those uses existing on the land when the "H" is applied; and
 - b. Public works.

7. RESIDENTIAL DISTRICT – R1


 R1

The purpose of the Residential District 1 (R1) is to accommodate primarily single detached residential development as well as multi-unit dwellings where appropriate.

No person shall use any land or erect, alter or use any building or structure within any R1-Residential District, except in accordance with the following provisions:

7.1 PERMITTED USES

- a. One single-detached dwelling, which includes an RTM;
- b. Semi-detached and duplex dwelling;
- c. Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the principal use;
- d. Playgrounds and swimming pools;
- e. Public works, buildings and structures excluding offices, warehouses, storage yards and waste management or sewage facilities.

7.2 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. Discretionary use requirements are provided in Section 5.

- a. Multi-unit dwelling;
- b. Dwelling, Modular home;
- c. Dwelling, Moved On
- d. Secondary suite;
- e. Garden suite;
- f. Home occupation;
- g. Child and adult daycare;
- h. Bed and Breakfast home;
- i. Residential Care Home.

7.3 SITE DEVELOPMENT REGULATIONS

Single-detached, RTM and Modular Homes

Minimum site area	360 m ² (3875 ft ²) with a lane, 450 m ² (4844 ft ²) without a lane
Minimum floor area	100 m ² (1076 ft ²)
Minimum site frontage	12 meters (39 feet) with a lane, 15 meters (49 feet) without a lane
Maximum Height	9.0 meters (30 feet) for Principal Buildings
Maximum site coverage	35% and 40% on a corner site
Minimum parking spaces	2

Minimum front yard	7.5 meters (24.6 feet)
Minimum rear yard	7.5 meters (24.6 feet)
Minimum side yard	1.5 meters (5 feet), unless on a corner site, the side yard shall be 2.5 meters (8.2 feet)

Semi-detached and duplex dwelling (per unit)

Minimum site area	255 m ² (2745 ft ²) with a lane, 315 m ² (3390 ft ²) without a lane
Minimum floor area	70 m ² (753 ft ²)
Minimum site frontage	8.5 meters (28 feet) with a lane, 10.5 meters (34.5 feet) without a lane
Maximum Height	9.0 meters (30 feet) for Principal Buildings
Maximum site coverage	40% and 50% on a corner site
Minimum parking spaces	2
Minimum front yard	7.5 meters (24.6 feet)
Minimum rear yard	7.5 meters (24.6 feet)
Minimum side yard	1.5 meters (5 feet)

Multi-unit dwellings

Minimum site area	603 m ² (6490 ft ²) plus 93 m ² (1000 ft ²) per ground floor unit over 3
Minimum floor area	28 m ² (301 ft ²) for 2 bedroom, 45 m ² (484 ft ²) for 3 bedroom.
Minimum site frontage	23 meters (248 feet)
Maximum Height	9.0 meters (30 feet) for Principal Buildings
Maximum site coverage	50%
Minimum parking spaces	1
Minimum front yard	7.5 meters (24.6 feet)
Minimum rear yard	7.5 meters (24.6 feet)
Minimum side yard	3.5 meters (11.5 feet) or half the average of wall height, whichever is greater.

7.4 ACCESSORY BUILDINGS AND STRUCTURES

Minimum yard setbacks	A minimum 6.0 meters (20 feet) from the front site line, 1.2 meters (4 feet) from the principal building, and 0.8 meters (2.6 feet) from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 meters (12 feet).
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Maximum floor area and height	All accessory buildings shall not exceed 15% site coverage in area and shall not exceed 4.0 meters (13.12 feet) in height from grade level to the underside of the eaves.
Minimum rear yard	All accessory buildings shall be located a minimum of 0.8 meters 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 2.0 meters (6.5 feet) from the site line abutting the lane.

- a. 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 and shall not exceed the square footage of the main floor of the principal dwelling in size.
- b. A carport, consisting of a roof and supporting columns or structures which are not permanent walls, is permitted to encroach into any required side yard as long as the supporting structures are set back a minimum of 0.3 meters (1 foot) from the side lot line and the roof does not project past the side lot line.
- c. A detached private garage is permitted in any side yard or rear yard, provided there is sufficient available space to comply with all other requirements in this Section.
- d. 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 within a waste disposal bin for collection.
- e. No attached structure (i.e. deck) shall have a total floor area greater than the main floor area of the principal building. In calculating the main floor area of a principal building, the area of an attached garage shall be excluded.
- f. Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear yard only.

7.5 FENCE AND HEDGE HEIGHT

Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fences and hedges:

- a. No hedge, fence or other structure shall be erected past any property line.
- b. In a required front yard, to a height no greater than 1.0 meter (3.3 feet) above grade level.
- c. In a required rear yard, to a height no greater than 2.0 meters (6.5 feet) above grade level.
- d. Except permitted accessory buildings

7.6 SIGNAGE

- a. One permanent sign is permitted per site. The facial area of a sign shall not exceed 0.4 m²;
- b. The maximum height of any sign shall be 6.0 meters above ground surface;

- c. In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling;
- 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.

7.7 OUTSIDE STORAGE

- a. No outdoor storage shall be permitted in the required front yard of any residential site.
- b. Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- c. 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.
- d. Council 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 residential property, vehicles or vehicular parts.
- e. Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

8. RESIDENTIAL ACREAGE – RA

The purpose of the Live/Work Residential Acreage District (RA) is to accommodate clustered acreage residential development and subdivision proposals on a multi-site basis within the Town.

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

8.1 PERMITTED USES

- a. One single-detached dwelling (all types);
- b. Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the principal use;
- c. Public works, buildings, and structures, warehouses and storage yards, excluding waste management or sewage facilities.

8.2 DISCRETIONARY USES

- a. Child and adult day care home;
- b. Residential care home;
- c. Equestrian Facility;
- d. Fabric Covered Building;
- e. Storage Structure
- f. Home occupation (Home-based business);
- g. Secondary Suite;
- h. Garden Suite;
- i. Bed and Breakfast home;
- j. Public sports fields and parks;
- k. Animal Kennel;
- l. Wind Energy Facilities;
- m. Public Works waste management or sewage facilities.

8.3 SITE DEVELOPMENT REGULATIONS

Minimum site area	.5 hectares (1.23 acres)
Minimum site frontage	35.0 meters (115 feet)
Minimum front yard	7.5 meters (24.6 feet)
Minimum rear yard	9.0 meters (30 feet) or 25% of the depth of the site whichever is the greater
Minimum side yard	3.5 meters (11.5 feet) except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply.

Minimum setback for trees, shelterbelts and fences	<p>5.0 meters (16.4 feet) from Highway frontage road property line</p> <p>46.0 meters (151 feet) from the center line of a municipal road</p> <p>8.0 meters (26 feet) from the property line of an internal subdivision road</p>
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Residential parcels may be exempted from these requirements:

- a. In the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features such as watercourses, water bodies there shall be no maximum site area. Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers;
- b. In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.

8.4 ACCESSORY BUILDINGS

- a. No accessory building shall be located within 3.0 meters (10 feet) 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 meters (25 feet).
- b. The Building Floor Area for accessory buildings on residential acreage sites shall not exceed the lesser of 223 m² (2,400 sq. ft.) or 15% of site coverage.

8.5 SUPPLEMENTARY REGULATIONS

- a. Where a residential development is proposed at a location at which a standard connection to the Town's existing sewer and water system is not feasible, the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council and meets *The Public Health Act and Regulations* requirements.
- b. Domestic waste disposal systems located on the site and serving only the principal use will be a permitted use to that principal use.
- c. No outside storage shall be permitted in a yard abutting a road. Outside storage located in a side or rear yard shall be screened by landscaping or vegetation so as not to be visible from the road.

8.6 SIGNAGE

- a. One permanent sign is permitted per site. The facial area of a sign shall not exceed 0.4 m².
- b. The maximum height of any sign shall be 6.0 meters (20 feet) above ground surface.

- c. In the case of a home occupation, an additional permanent sign is permitted on a door or wall surface or in a window.
- 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.

9. TOWN CENTRE COMMERCIAL DISTRICT – C1

The purpose of the Town Centre Commercial District (C1) is to encourage a “downtown” experience by providing pedestrian oriented commercial activities and services.

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

9.1 PERMITTED USES

- a. Financial institution;
- b. Administrative office;
- c. Personal services establishment;
- d. Medical, dental, and other health care offices and clinics or health services;
- e. Restaurant, cafe, coffee shop, and other similar food services;
- f. Confectionary and delicatessen;
- g. Storefront retail store, bakery, butcher shop, and similar food processing with on-site retail sales;
- h. Commercial and public recreational establishments such as bowling alleys, arcades and fitness centres;
- i. Licensed premises for the sale and consumption of alcoholic beverages;
- j. Public Transportation depot;
- k. Outdoor markets and concessions (permanent, seasonal, or occasional);
- l. Small-scale repair trades, craft shops and studios, craftspeople and similar trades, including retail sales of art and craft products;
- m. Storefront Construction trades without yards;
- n. Buildings, structures or uses accessory to and located on the same site as the principal building or use;
- o. Public works buildings, offices and structures excluding waste management or sewage facilities.

9.2 DISCRETIONARY USES

The following may be permitted in C1 – Town Centre Commercial District but only by resolution of Council and only in locations specified by such resolution of Council. Discretionary use requirements can be found in Section 5.

- a. Dwellings attached to and behind, or above, commercial establishments;
- b. Multi-unit dwelling
- c. Liquor Store
- d. Lumber and building supply establishment;
- e. Animal hospitals, or clinics and offices of veterinary surgeons;
- f. Commercial Greenhouse;

- g. Shops of plumbers, pipe fitters, metal workers and other industrial trades, manufacturing and sales;
- h. Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, recreation, and car washes;
- i. Rooming house;
- j. Newspaper office and printing plants and services;
- k. Funeral Home;
- l. Other innovative commercial uses consistent with street level retail and services.

9.3 SITE DEVELOPMENT REGULATIONS

Commercial Uses

Minimum site area	235 m ² (2530 ft ²)
Minimum site frontage	7.5 meters (24.6 feet)
Minimum site coverage	75%
Minimum front yard	No requirement
Minimum rear	No requirement except when the side site line directly abuts any Residential or Community Service District or abuts a public street, then the minimum rear yard shall be 6.0 meters.
Minimum side yard	No requirement except when the side site line directly abuts any Residential or Community Service District or abuts a public street, then the minimum side yard shall be 1.5 meters (5 feet).

9.4 ACCESSORY BUILDINGS

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

9.5 SIGNAGE

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

- 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 3.5 m² ;
- c. The maximum height of any sign shall be 6.0 meters above ground surface;
- 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.
- e. 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.

9.6 PARKING

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

Commercial Use	No requirement
Rooming House	1 parking space per room available for occupation
All other uses	No requirement

9.7 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 meters (5 feet) in width throughout which shall not be used for any purpose except landscaping.

9.8 SUPPLEMENTARY REGULATIONS

9.8.1 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;
- 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; and
- f. Accessory residential uses shall conform to the Provincial Public Health and Fire Regulations.

9.8.2 Rooming Houses

- a. Shall complement the character of the area as much as possible.
- b. Off-street parking areas shall be screened from adjacent Residential areas and shall be located in a side or rear yard. A minimum of one on-site parking space shall be provided for each room for rent.
- c. No person shall use any land or erect, alter or use any building or structure that secures nine (9) or more occupants, in five (5) or more guest rooms.

10. HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICT – C2

C2

The purpose of the Highway Commercial /Industrial District (C2) is to facilitate a wide range of commercial, industrial and related activities located along the highway.

No person shall use any land, or erect, alter or use any building or structure within a C2 – Highway Commercial/Industrial District except in accordance with the following provisions.

10.1 PERMITTED USES

- a. Accessory Uses, including integrated or complementary uses, buildings or structures accessory to and located on the same site as the principal building or use;
- b. Business and/or professional offices;
- c. Motels or motor hotels, including a dwelling for caretakers, owners, or managers;
- d. Licensed premises for the sale and consumption of alcoholic beverages;
- e. Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, recreation, and car washes;
- f. Commercial Cardlock operations, auto body shops;
- g. Industrial Parks containing a combination of permitted uses;
- h. Manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products excluding any hazardous materials;
- i. Construction and other contractors, industrial trades, workshops, yards, plants, and/or offices, manufacturing and sales;
- j. Warehousing and supply depots;
- k. Farm and Industrial machinery equipment and vehicle sales and service;
- l. Lumber and building supply establishments;
- m. Construction of RTM homes or agricultural building assembly area;
- n. Commercial Recycling Depots;
- o. Animal hospitals, or clinics and offices of veterinary surgeons;
- p. Public works buildings and structures including offices, warehouses, storage, and yards, but excluding waste management or sewage facilities.

10.2 DISCRETIONARY USES

The following uses may be permitted in the C2 – Commercial/Industrial District but only by resolution of Council and only in locations specified in such resolution of Council. Discretionary use requirements can be found in Section 5.

- a. Bulk petroleum sales and storage;
- b. Accessory Dwelling attached to and behind, or above, commercial establishments for the owner, manager or security of the premises.
- c. Liquor Store
- d. Meat Processing Plants/Abattoirs;

- e. Grain Elevators, Seed Cleaning plants, feed mills and flour mills;
- f. Fertilizer sales and storage;
- g. Cement manufacturing;
- h. Aggregate material storage or handling operations.

10.3 SITE DEVELOPMENT REGULATIONS

Permitted Uses (other than Service Stations and Motels)

Minimum site area	730 m ² (7858 ft ²). There shall be no minimum site development requirements for public works buildings.
Minimum site frontage	20 meters (65.6 feet)
Minimum front yard	6.0 meters (20 feet)
Minimum rear yard	6.0 meters
Minimum side yard	3.0 meters (10 feet)

	Service Stations	Motels
Minimum site area	930 m ² (10100 ft ²)	1600 m ² (17222 ft ²)
Minimum site frontage	30 meters (98 feet)	30 meters
Minimum front yard	6.0 meters (20 feet)	15 meters (49 feet)
Minimum rear yard	6.0 meters	6.0 meters (20 feet)
Minimum side yard	3.0 meters (10 feet)	3.0 meters

Industrial Uses

Minimum site area	1000 m ² (10764 ft ²). There shall be no minimum site development requirements for public works buildings.
Minimum site frontage	30.0 meters (98 feet)
Maximum height	Principal Building: 9.0 metres. Accessory Buildings: 5.0 metres.
Minimum front yard	7.5 meters (25 feet)
Minimum side yard	4.5 meters (15 feet)
Minimum rear yard	7.5 meters

10.4 ACCESSORY BUILDINGS

- a. Setbacks for accessory buildings shall meet the same requirements as the principal use or building.

- b. Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a required rear yard.

10.5 FENCE AND HEDGE HEIGHT

- a. Screen fences shall be consistent and complement the quality of building design and materials of the primary building. Screening shall be provided where a lot used for commercial or industrial purposes abuts a residential district without an intervening street or land. Such screening shall consist of a solid fence, hedge, or wall over 1.5 meters (5 feet) in height in a side or rear yard and over 0.75 meters (2.5 feet) in a front yard.
- b. No fence in a commercial or industrial zone shall exceed 2.4 meters (8 feet).
- c. No barbed wire, or razor wire fences shall be allowed in this District.

10.6 LANDSCAPING

- a. A landscaped strip of not less than 3.0 meters (10 feet) 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 Community Service or Residential District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 3.0 meters (10 feet) in width throughout which shall not be used for any purpose except landscaping.

10.7 PARKING REQUIREMENTS

Stores and offices	1 parking space for every 50 m ² of gross floor area
Motels, motor hotels or hotels	1 parking space for each unit
Service stations	1 ½ parking spaces for each service bay
Warehouses or manufacturing activities	1 parking space for each 90 m ² of gross floor area
All other uses	1 parking space for each 75 m ² of building floor area

10.8 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 17m².

Gross Floor Area	Minimum Number of Loading Spaces
93 m ² to 1300m ²	1 space
1300m ² to 2500m ²	2 spaces
Greater than 2500m ²	2 spaces + 1 space for each 2500 m ²

10.9 SIGNAGE

Signs and billboards shall be prohibited in the C2 Highway Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:

- One permanent sign is permitted per site. The facial area of a sign shall not exceed 3.5 m²;
- No sign shall be located in any manner that may jeopardize public safety;
- The maximum height of any sign shall be 6.0 meters above ground surface;
- 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;
- 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.

10.10 OUTSIDE STORAGE

- No outdoor storage shall be permitted in the required front yard of any commercial or industrial site.
- Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- 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.
- Council 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.

10.11 SUPPLEMENTARY REGULATIONS

10.11.1 Service Stations

- Where service stations occupy a corner site, only one access point shall be located on the flankage, located a minimum of 6.0 meters from the intersection.
- Fuel pumps and other accessory equipment shall be located not less than 6.0 meters from any street or site line.
- All automobile parts, dismantled vehicles, and similar articles shall be stored within a building or screened to the satisfaction of Council.

- d. Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- e. Propane and natural gas pumps (retail or wholesale) shall be set back according to Provincial regulations.
- f. Access/egress points shall not be continuous along a street and shall be at least 10.0 meters apart.
- g. Vehicles and parts storage shall not locate in any yard abutting a road and must be screened from view by a solid fence with the location, height and materials being first approved by the development officer.

10.12 PERFORMANCE STANDARDS

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

- a. Noise - 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. Odor - the emission of any odorous gas or other odorous 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 noticed 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 Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.

11. COMMUNITY SERVICE – CS

The purpose of the Community Service District is to provide areas for a wide range of community service related activities including social, recreational, institutional, parks and public service.

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.

11.1 PERMITTED USES

- a. Educational facilities;
- b. Lodges, social clubs, service clubs;
- c. Municipal offices, libraries, historic and cultural institutions, community halls;
- d. Places of Worship and Assembly Halls;
- e. Child and Adult Child Daycare;
- f. Health facilities and Special Care Homes;
- 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. Natural and nature-like open areas;
- i. Community Gardens;
- 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. 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;
- n. Public works buildings and structures excluding storage yards, warehouses, drainage ditches, culverts, and other drainage works, and shall include water reservoirs, waste management sites, and sewage treatment facilities.
- o. Theatres, assembly halls, places of worship, service clubs;
- p. Libraries, galleries, museums, and other similar cultural institutions;
- q. Public Transportation Depot.

11.2 DISCRETIONARY USES

The following may be permitted in the Community Service District only by resolution of Council and only in locations specified in such resolution of Council. Discretionary use requirements can be found in Section 5.

- a. Golf courses, auto race tracks, horse race tracks, or other very large or very intensive use facilities;
- b. Communication Towers;
- c. Campgrounds including RV Parks.

11.3 SITE DEVELOPMENT REGULATIONS

Permitted Uses

Minimum site area	450 m ² (4844 ft ²)
Minimum site frontage	15 meters (49 feet)
Minimum front yard	6.0 meters (20 feet)
Minimum rear yard	6.0 meters except where the rear site line abuts a Residential District without an intervening street or lane, at least 7.5 meters (24.6 feet) shall be provided.
Minimum side yard	50% of the height of the building or 3.0 meters (10 feet), whichever is greater

Skating, curling rinks and swimming pools

Minimum site area	1200 m ² (12917 ft ²)
Minimum site frontage	20 meters (65.6 feet)
Minimum front yard	7.5 meters (24.6 feet)
Minimum rear yard	7.5 meters
Minimum side yard	1.5 meters (5 feet) except on a corner site abutting a street then 3.6 meters (12 feet) shall be provided

Accessory buildings

Minimum front yard	7.5 meters (24.6 feet)
Principal Building	All accessory buildings shall be set back 1.2 meters (4 feet) from the principal building.
Minimum side yard	0.8 meters (2.6 feet) unless the side site line is an abutting street then the side yard shall be 3.6 meters
Minimum rear yard	All accessory buildings with a door or doors opening onto a lane shall not be located less than 2.0 meters (6.5 feet) from the site line abutting the lane.

11.4 SIGNAGE

- One permanent sign is permitted per site. The facial area of a sign shall not exceed 3.5 m².
- 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.
- The maximum height of any sign shall be 6.0 meters above ground surface

- d. 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.

11.5 PARKING

Off – street parking requirements shall be provided in accordance with the following.

Elementary School	1 parking space for each staff member
Churches and Places of Assembly	1 parking space for each 50 m 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 of floor area
Recreational buildings, sports facilities and fields	1 parking space for each of every ten patrons or seats

11.6 LANDSCAPING

- a. A landscaped strip of not less than 3.0 meters (10 feet) 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 meters (5 feet) in width throughout which shall not be used for any purpose except landscaping.

12. FUTURE URBAN DEVELOPMENT – FUD

The purpose of this District is to limit development that may affect future growth of the Town by providing for temporary and transitional uses and activities.

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:

12.1 PERMITTED USES

- a. Agricultural crop production and horticultural uses and buildings and structures customarily accessory to the use;
- b. Commercial greenhouses, market gardens;
- c. Uses, buildings and structures accessory to the principal building or use;
- d. Recreational uses and sports grounds;
- e. Recreational Vehicle Storage yards;
- f. Public works buildings and structures including offices, warehouses, storage, yards, and waste management or sewage facilities;

12.2 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. Discretionary use requirements can be found in Section 5.

- a. One single detached dwelling and buildings accessory to the principal use and occupied by the owner, manager or caretaker of the principal use;
- b. Home occupations(Home Based Businesses);
- c. Large Accessory buildings;
- d. Cemeteries;
- e. Wind Energy Facilities.

12.3 SITE DEVELOPMENT REGULATIONS

Minimum site area	1 hectare (2.5 acres)
Minimum site frontage	25 meters (82 feet)
Minimum front yard	All building shall be set back a minimum of 60 meters from the centre line of any municipal road allowance or Provincial highway and/or a minimum of 90 meters from the intersection of the centre lines of any municipal roads or Provincial highway.
Minimum rear yard	15.0 meters (49 feet) or 25% of the depth of the site whichever is the lesser

Minimum side yard	15.0 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
Minimum side yard	15.0 meters (49 feet) except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
Minimum setback for trees, shelterbelts and fences	55.0 meters (180.5 feet) from the centre line of a Provincial Highway 46.0 meters (151 feet) from the center line of a municipal road

12.4 SIGNAGE

- a. One permanent sign is permitted per site. The facial area of a sign shall not exceed 0.5 m²
- b. In the case of a home occupation, an additional permanent sign is permitted;
- c. The maximum height of any sign shall be 6.0 meters above ground surface
- 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.

12.5 SUPPLEMENTARY REGULATIONS

- a. Council will consider the applications for permitted and discretionary use with respect to the following criteria:
 - i. The infrastructure 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 Hepburn Official Community Plan and the Twin Rivers District Plan.
 - iii. The development will not require the development of new streets and utility lines except as may be provide for in existing plans under the Hepburn Official Community Plan and the Twin Rivers District 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 and meets *The Public Health Act and Regulations* requirements. Domestic waste disposal systems located on the site and serving only the principal use will be a permitted use to that principal use.
- 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 meters (249 feet) from an occupied dwelling situated on an adjoining site.

APPENDIX “A” – APPLICATION FOR DEVELOPMENT PERMIT

DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

Every Development Permit Application shall include:

1.0 Application Form

A completed application form.

2.0 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,
- e. Bylaw site line setbacks,
- f. front, rear, and side yard requirements,
- g. site topography and special site conditions (which may require a contour map), including ponds, streams, other drainage runs, culverts, ditches, and any other drainage features,
- h. the location of any buildings, structures, easements, and dimensioned to the site lines,
- i. the location and size of trees and other vegetation, especially natural vegetation, street trees, and mature growth,
- j. retaining walls,
- k. proposed on-site and off-site services,
- l. landscaping and other physical site features,
- m. a dimensioned layout of parking areas, entrances, and exits,
- n. abutting roads and streets, including service roads and alleys,
- o. an outline, to scale, of adjacent buildings on adjoining sites,
- p. the use of adjacent buildings and any windows overlooking the new proposal,
- q. fencing or other suitable screening,
- r. garbage and outdoor storage areas,
- s. other, as required by the Development Officer or Council to effectively administer this Bylaw.

3.0 Building Plan

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

4.0 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,
 - 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).

5.0 Vicinity Map

A vicinity map showing, with labels, the location of the proposed development in relation to the following features within two miles:

- a) Nearby municipal roads, highways and railways,
- b) 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.

6.0 Certificate of Title

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

7.0 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
 - vi. other, as determined and accepted by Council, or the Development Officer.

8.0 Site Description

- 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 metes and bounds description prepared by the Information Services Corporation, which is accompanied by an accurate sketch;
- c) Photographic Information
- d) Photographs showing the site in its existing state.



Town of Hepburn
Application for a Building & Development Permit

I _____, hereby make application for a permit to:
_____ construct _____ alter _____ reconstruct _____ develop _____ change the use of
a building according to the information below and the plans and documents attached to this application.

Address of Building or Development or Change of Use: _____

Legal Description: Lot _____ Block _____ Plan No. _____

Applicant: _____ Telephone: _____

Mailing Address: _____ Email: _____

Owner: _____ Telephone: _____

Contractor: _____ Telephone: _____

Parcel Size: Length _____ Width _____ Area _____

Intended Use of Proposed Structure(s): _____ Foundation: wood _____ concrete _____

Dimensions of Proposed Structure: _____ Height: _____

Please list all existing structures on the site with dimensions, ie. Houses, garages, sheds, decks, etc.

Existing Building	Area	Length	Width	Height
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Estimated Development Dates: Start: _____ Completion: _____

Utilities: Heating _____ Lighting _____ Plumbing _____

Estimated Construction Value (excluding land value): _____

Site Plan Attached: () Yes () No Building Plans Attached: () Yes () No

I hereby agree to comply with the Building Bylaw and Zoning Bylaw of the Town of Hepburn and acknowledge that it is my responsibility to ensure compliance with these and any other applicable bylaws, provincial acts and regulations regardless of any plan review or inspections that may or may not be carried out by the Town of Hepburn or its authorized representative. I agree to complete all construction work solely in accordance and compliance with the information and plans provided in this application, and will obtain all other work permits required in conjunction with the development.

Date

Signature of Owner or Owners Agent

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



Town of Hepburn 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, or
- ___ Minor Variance

Has Been:

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

Note:

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.

If submitting for both a Development Permit and Minor Variance, both application fees will apply to the individual as per the Zoning Bylaw.

An application may be appealed given the appeal is based on the decision of the development permit request. An appeal is not allowed if on the bases of appealing a minor variance application.

By submitting this application you agree to allow entry onto your property for the purpose of inspecting the development.

If an applicant is moving or demolishing a building the applicant shall deposit, with the Town, such a sum as the Council or the Building Inspector considers sufficient to cover the cost of putting the site, after the building has been demolished, in such condition that it is not dangerous to public safety. If and when the site is put in a condition satisfactory to the Council or the Building Inspector, the sum deposited shall be refunded.

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 Bylaws in the issuing of this permit.

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

Secretary, District Development Appeals Board

Town of Waldheim

Box 160

Waldheim, SK.

S0K 4R0

Date: _____

Development Officer

Note:

This Permit expires 12 months from the date of issue.

A Building Permit is also required for a building construction or demolition.

APPENDIX “C” – CONVERSION TABLE

The following conversions to Imperial measurements are approximate values and are for information purposes only.

Linear	
0.3 meter – 1 foot	8.0 meters – 26 feet
0.5 meter – 1.6 feet	8.4 meters – 27.5 feet
0.6 meter – 2 feet	8.5 meters – 28 feet
0.75 meter – 2.5 feet	9.0 meters – 30 feet
0.8 meter – 2.6 feet	10 meters – 33 feet
1.0 meter – 3.3 feet	10.5 meters – 34 feet
1.2 meter – 4 feet	11 meters – 36 feet
1.5 meter – 5 feet	12 meters – 39 feet
1.8 meters – 5.9 feet	15 meters – 49 feet
2.0 meters – 6.5 feet	20 meters – 65.6 feet
2.3 meters – 7.5 feet	25 meters – 82 feet
2.4 meters – 8 feet	30 meters – 98 feet
2.5 meters – 8.2 feet	35 meters – 115 feet
3.0 meters – 10 feet	38 meters – 125 feet
3.5 meters – 11.5 feet	46 meters – 151 feet
3.6 meters – 12 feet	55 meters – 180.5 feet
4.0 meters – 13 feet	75 meters – 246 feet
4.5 meters – 15 feet	76 meters – 249 feet
5.0 meters – 16.4 feet	90 meters – 295 feet
5.5 meters – 18 feet	100 meters – 328 feet
6.0 meters – 20 feet	300 meters – 984 feet
7.5 meters – 24.6 feet	457 meters – 1500 feet
7.6 meters – 25 feet	550 meters – 1805 feet
Area	
0.4 m ² – 4.3 ft ²	100 m ² – 1076 ft ²
0.5 m ² – 5.3 ft ²	150 m ² – 1615 ft ²
1.0 m ² – 10.7 ft ²	185 m ² – 1990 ft ²
3.25 m ² – 35 ft ²	235 m ² – 2530 ft ²
3.5 m ² – 38 ft ²	255 m ² – 2745 ft ²
9.0 m ² – 97 ft ²	315 m ² – 3390 ft ²
9.3 m ² – 100 ft ²	360 m ² – 3875 ft ²
17 m ² – 183 ft ²	450 m ² – 4844 ft ²
35 m ² – 377 ft ²	465 m ² – 5005 ft ²
60 m ² – 645 ft ²	603 m ² – 6490 ft ²
70 m ² – 753 ft ²	730 m ² – 7858 ft ²
93 m ² – 1000 ft ²	930 m ² – 10100 ft ²
28 m ² – 301 ft ²	1000 m ² – 10764 ft ²
45 m ² – 484 ft ²	1200 m ² – 12917 ft ²
50 m ² – 538 ft ²	2500 m ² – 26910 ft ²
75 m ² – 807 ft ²	5000 m ² – 0.5 hectares
83.6 m ² – 900 ft ²	1 hectare – 2.5 acres
90 m ² – 969 ft ²	2 hectares – 4.9 acres