

THE CITY OF MELFORT

Office Consolidation

THE ZONING BYLAW

NO. 96-09

Including Amendments to August 3, 2010

All persons making use of this consolidation are reminded that it has no legal status and that the amendments have been embodied for convenience of reference only. A certified copy of the Bylaw and amendments should be consulted for all purposes of interpreting and applying the law.

AMENDMENTS TO THE ZONING BYLAW 96-09

AMENDMENTS

DATE PASSED

Bylaw 98-09		July 13, 1998
Bylaw 99-08	Amend Zoning District Map	June 14, 1999
Bylaw 01-17	Amend Zoning District Map	October 15, 2001
Bylaw 02-13		January 13, 2003
Bylaw 03-15	Amend Zoning District Map	July 14, 2003
Bylaw 04-01	Amend Zoning District Map . Pcl %U+	April 5, 2004
Bylaw 04-02		April 19, 2004
Bylaw 2005-13		October 3, 2005
Bylaw 2005-19	Amend Zoning District Map - BI 69 . R1 to R2	January 16, 2006
Bylaw 2006-01	Amend Zoning District Map - Rezone Pcl AA from UH to M2	March 20, 2006
Bylaw 2006-04		March 20, 2006
Bylaw 2007-10	Amend Zoning District Map Rezone from UH to R2: Lots 6-20, Block 9, Plan O4313 Lots 1-15, Block 11, Plan Q1004 Lots 1-15, Block 12, Plan Q1004	May 14, 2007
Bylaw 2007-18	Amend Zoning District Map Rezone new subdivided Lot 34, BI 50 (formerly east ½ of Lots 7-9, BI 50 PI U1046) from C1 to R2.	July 16, 2007
Bylaw 2007-22		August 13, 2007
Bylaw 2007-23		August 13, 2007
Bylaw 2007-27		January 21, 2008
Bylaw 2008-05	Amend Zoning District Map Rezone from R1 to R2 Lots 11-19, Block 38, Plan H5028 (former Broadway School)	February 11, 2008
Bylaw 2008-13		May 12, 2008
Bylaw 2008-20	Amend Zoning District Map J - Parcels J, K, L, Block T	July 14, 2008
Bylaw 2008-28	Repealed . March 9, 2009	December 8, 2008
Bylaw 2008-31	Amend Zoning District Map-Sections 2, 7 & 10	January 12, 2009
Bylaw 2009-15		July 13, 2009
Bylaw 2009-16		August 10, 2009
Bylaw 2009-17	Amend Zoning District Map Rezone Lot 12, BI 16, PI G3640 from C4 to R2	October 19, 2009
Bylaw 2009-19	Repealed . July 12, 2010 Amend Zoning District Map Rezone Lots 1-11, Pcl AC from UH to R1A-AC1 Add Clause 10.3.8 . Architectural Control District AC1	November 16, 2009
Bylaw 2009-20		January 11, 2010
Bylaw 2010-13	Amend Zoning District Map Rezone Pcl AC from R1A to R1B Add Clause 10.3B . R1B . Low Density Residential	July 12, 2010
Bylaw 2010-17	Amend Zoning District Map . Rezone Parcel Mq From UH to C2. Amend Subsection 10.4.4(3).	August 3, 2010

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SECTION 1 - INTRODUCTION

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

1.1 Title

The Bylaw shall be known and may be cited as the "Zoning Bylaw" of the City of Melfort.

1.2 Purpose

The purpose of this Bylaw is to regulate development in the City of Melfort to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the municipality.

1.3 Scope

Development shall hereafter be permitted within the limits of the City of Melfort only when in conformity with the provisions of this Bylaw.

1.4 Severability

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

SECTION 2 - DEFINITIONS

Wherever in this Bylaw the following words or terms are used, they shall, unless the context otherwise provides, be held to have the following meaning:

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

Adult Entertainment Establishment - a building or any part thereof where for any consideration live entertainment, motion pictures, video tapes, video discs, slides or other similar electronic or photographic reproductions, the main feature is the nudity or partial nudity of any person, are performed or shown.

Alteration - any structural change or addition made to any building.

Apartment - a building divided into three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as the permanent home or residence as distinct from a hotel or rooming house.

Approved - approved by the Council of the City of Melfort.

Awning - a canvas material stretched over a frame, plastic, vinyl or lightweight metal shelter projecting from a wall over a window or entrance to a building.

Bare Land Condominium - a bare land condominium as defined in *The Condominium Property Act, 1993*.

Bed and Breakfast Lodging - 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 travelling public for a charge.

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

Building Accessory - a subordinate detached building appurtenant to a principal building or principal use and located on the same lot, the purpose of which is to provide better and more convenient enjoyment of the principal building or principal use.

Building Bylaw - a Bylaw of the City of Melfort regulating the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

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

Building Permit - a permit, issued under the Building Bylaw of the City of Melfort, authorizing the construction of all or part of a building or structure.

Building, Principal - a building in which is conducted the main or primary use of the lot 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 has been built.

Canopy - a non-retractable, permanent roof-like structure extending from part or all of a building constructed of durable material.

City - the City of Melfort.

City Clerk - the City Clerk (Administrator) of the City of Melfort.

Club - a service club or private club which involves recreational, social, cultural or athletic activities.

Commercial Entertainment Establishment - A recreation or amusement facility operated as a business and open to the general public for a fee such as an amusement arcade, bowling alleys, theatres, billiard parlour, and bingo hall licensed by the Saskatchewan Liquor and Gaming Authority, but not an adult entertainment establishment.

Community Centre - A facility operated by the city or a non-profit organization for meetings, recreational activities and similar uses and open to the general public.

Convenience store - a development used for the retail sale of goods required by area residents on a day to day basis. Typical uses include small stores selling confectionery, groceries, tobacco, personal care items, hardware, or printed matter, with a gross floor area of less than 300 square metres (3,229.28 sq. ft.).

Council - the Council of the City of Melfort.

Day Care Centre - a facility which provides for the non parental care of pre-school age children, and includes, but is not limited to:

- (a) A child care centre or day care centre which is required to be licensed by the Province of Saskatchewan pursuant to *The Child Care Act*; or
- (b) A nursery school for pre-school children.

Design Flood - is defined as:

- (a) A 500-year flood;
- (b) A flood having a return period greater than 500 years;
- (c) A recorded flood having water surface elevations equal to or exceeding those of the 500 year flood; or
- (d) A flood that would result from a specified input yielding water surface elevations equal to or exceeding those of the 500-year flood.

Design Flood Level - the elevation of the design flood discharge for each site along the water course.

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

Development Officer - the officer of the City of Melfort appointed pursuant to Section 3.1 to administer this Bylaw.

Development Permit - a permit, issued by the Council of the City of Melfort or its designate that authorizes development but does not include a building permit.

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

Dwelling Unit - one or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.

Dwelling Unit Group - two or more single detached or semi-detached or multiple unit dwellings located on a single lot or parcel, or developed as a bare land condominium plan.

Dwelling, Single Detached - a detached building consisting of one dwelling unit as herein defined; and occupied or intended to be occupied as a permanent home or residence, but shall not include a mobile home as herein defined.

Dwelling, Duplex - a building divided horizontally into two dwelling units as herein defined.

Dwelling, Multiple Unit - a building divided into three or more dwelling units as herein defined and shall include, amongst others, town or row houses and apartments as distinct from a rooming house, hotel or motel.

Dwelling, Semi-Detached - two dwelling units side by side in one building unit with a common party wall which separates, without opening the two dwelling units throughout the entire structure.

Family Child Care Home - a child care facility located in a building where the principal use is a dwelling unit, and which is licensed by the Province of Saskatchewan pursuant to *The Child Care Act*.

Floor Area - the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sunroom, unfinished attic or unfinished basement.

Floodway - a waterbody or the channel of a watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge or contain the design flood with a known hydraulic impact.

Floodway Fringe - that portion of the flood hazard area not lying within a floodway which may hereafter be covered by flood waters up to the design flood level. Development of this land will not create an excessive hindrance to the hydraulic efficiency of the watercourse.

Flood Hazard Area - the area that would be inundated by the design flood.

Flood Proofing - any combination of structural and non-structural additions, changes or adjustments to structures or land which reduces or eliminates flood damage by using a level of the freeboard elevation.

Freeboard Elevation - the elevation of the design flood plus a freeboard of 0.5 metres (1.64 ft.).

Garage, Private - a building or part of a building used or intended to be used for the storage of motor vehicles and having a capacity for not more than three motor vehicles for each dwelling unit to which the garage is accessory and shall include a carport.

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

Gas Bar - a commercial facility predominately for the sale of gasoline, diesel and propane, and may offer for sale other petroleum products and vehicle accessories.

Grade Level - an average of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Gross Floor Area - the total floor area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each story below, at and above grade, excluding attics, balconies, boiler rooms, electrical or mechanical rooms, and basement areas used exclusively for parking or storage.

Group Care Facility - a supervised residential dwelling unit, licensed or approved under provincial statute, for the accommodation of persons, excluding staff, referred by hospitals, courts, government agencies or recognized social service agencies or health care professionals.

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

Hotel - buildings or structures or part thereof, used or advertised as a place where sleeping accommodations are provided and may include accessory uses.

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

Lot - an area of land with fixed boundaries and which is of record in the Land Titles office by Certificate of Title.

Lot Line - Front - the boundary that divides the lot from the street, in the case of a corner lot, the front lot line shall mean the boundary separating the narrowest street frontage of the lot.

Lot Line - Rear - the boundary at the rear of the lot and opposite the front lot line.

Lot Line - Side - a lot boundary other than a front or rear lot line.

Mini Mall - a single story structure in which a minimum of two (2) of the permitted and discretionary uses of the zoning district are located together, each use having a separate entrance to the outside, and having a gross floor area of less than 3,251 square metres (35,000 sq. ft.).

Mayor - the Mayor of the City of Melfort.

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

Mobile Home - a trailer coach that is used as a dwelling for permanent or year round living, and that has water faucets and a shower head or bathtub that may be connected to a water distribution system, and that has a wash basin and water closet that may be connected to a sewage system and comply with Canadian Standards Association No. Z240 for mobile homes or subsequent standards and which is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-Z240 series standards.

Mobile Home Lot - a parcel or piece of land for the placement of a mobile home and for exclusive use of its occupants.

Mobile Home Court - any lot on which two or more occupied mobile homes are located but does not include an industrial or construction camp or tourist campsite.

Modular Home - A factory-built home that is manufactured off-site as a complete modular unit designed to be moved on a removable chassis, which is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard for use as a one unit dwelling and which may be delivered to the designated site in the City and placed on the foundation, provided that a development permit has first been obtained.

Motel - buildings or structures or parts thereof, used or advertised as a place where sleeping accommodations are provided and may include accessory uses.

Non-Conforming Building - A building:

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

Non-Conforming Use - A lawful specific use:

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

Parking Lot - an open area, other than a street, used for temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients and customers.

Parking Space, Automobile - a space with a minimum area of 18.5 square metres (199.14 square ft.) within a building or parking lot for the parking of one (1) automobile including convenient access to a public lane or street.

Public Work -

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

Personal Care Home - a facility licensed under *The Personal Care Homes Act* that provides long term residential, social and personal care, including accommodation, meals, supervision or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.

Personal Service Establishment - a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects including barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, shoe repair shops.

Recreation Vehicle – means motor-home, travel trailer, fifth wheel trailer, any camper mounted on a truck or placed on the ground, on a stand, camper van conversions, and tent trailers constructed to provide full self-contained sewage facilities in such a manner to permit occupancy thereof as a temporary sleeping place.

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

Rooming House - a building containing more than one rooming unit.

Rooming Unit - a room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw with sleeping facilities but without private toilet facilities.

Row House or Town House - a building divided into three or more dwelling units located side by side under one-roof and sharing party walls.

Service Station - a building which is a principal use on a lot or a structure which is an accessory use in a clearly defined space on a lot; where gasoline or other motor fuels are kept for sale and delivery directly into a motor vehicle, and where the service station is a principal use on the lot, it may also include the servicing and repairing of motor vehicles.

Shopping Centre - a building or group of buildings on the same site and managed as a single unit, in which more than four (4) of the permitted uses are located for their mutual benefit, including the use of off-street parking and other joint facilities that is greater in size than a mini-mall. A shopping centre typically includes a major department or retail anchor store.

Shopping Mall - see "Shopping Centre".

Sight Triangle - the area contained in the triangle formed by the corner property lines and a straight line drawn from a point 7.5 metres (24.61 ft.) from the corner property pin to a similar point 7.5 metres (24.61 ft.) along the perpendicular or intersecting property line.

Sign - any device, letter, figure, symbol, emblem or picture, which is affixed to or represented directly or indirectly upon a building, structure or a piece of land and which 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 or thoroughfare.

Sign, A-Board - an A-shaped portable sign that is used for temporary placement and has no external

supporting structure.

Sign, Awning - a non-illuminated sign painted or affixed to the surface of an awning which does not extend beyond the perimeter of the awning.

Sign, Billboard - a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the lot on which the sign is located.

Sign, Canopy - a sign attached to, or painted on an awning, canopy or freestanding canopy.

Sign, Construction - a temporary sign erected by a person or company on the premises undergoing construction, identifying pending development and information relating to construction process, labour services, materials or financing, name of building, as well as the owner and participants in the development project, but not including the advertisement of any products.

Sign, Directional - any sign:

- a) Displaying safety or warning messages;
- b) directing traffic or providing parking directions; or
- c) giving instructions, directions or orders to persons making use of premises.

Sign, Face - the entire area of a sign on which a copy could be placed. In the case of multi-faced signs, each facial side of the sign shall be included in determining the total sign surface area.

Sign, Facial Area - the entire surface area of a sign or in the case of a painted wall sign the smallest geometric figure which describes the area enclosed by the sign face.

Sign, Free-Standing - a sign structurally supported by one or more up-rights or braces placed in the ground and not attached to any building.

Sign, Identification - a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or in the institution, or the occupation of the occupant.

Sign, Marquee - see "Sign, Canopy".

Sign, Portable - a free-standing sign which is capable of being relocated and which may have lettering that can be changed manually, but does not include vehicles and trailers not originally designed as a sign, but which have been converted or used for that purposes.

Sign, Projecting - a sign which is attached to a building for support and which projects more than 0.5 metres (1.64 ft.) from such building.

Sign, Roof - a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign, Real Estate - a temporary sign that advertises for sale, rent, or lease the land, property or premises on which the sign is displayed.

Sign, Temporary - a sign advertising a message applicable for a defined period of time and not exceeding 6 months.

Sign, Converted Vehicle and Trailer - a vehicle or trailer not originally designed as a sign, but which has been converted or used for that purpose.

Sign, Wall - a sign attached to or painted on the wall of a building or structure or its fascia in such a manner that the wall is the supporting structure for or forms the background surface of the sign and which does not project more than 0.5 metres (1.64 ft.) from such building or structure.

Sign, Window - a sign either painted on or attached to, or installed inside a window for purposes of viewing from outside the premises, but does not include merchandise inside a window.

Site - a single lot or group of contiguous lots which contain a single building or use or planned group of buildings or uses.

Special Care Home - a facility licensed pursuant to *The Housing and Special-Care Homes Act* which provides full-time convalescent or chronic care to persons who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves, including nursing homes.

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

Strip Mall- see "Mini Mall".

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

Structure, Temporary - anything that is built, constructed or erected, located on the ground or attached to something located on the ground but that may be relocated or moved and is not of a permanent nature.

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

Tourist Home - a private home or dwelling other than a rooming house, hotel or motel in which rooms are offered for rent to the travelling public for sleeping accommodations.

Town House - a multiple unit dwelling to which each unit has its own entrance to the outside and is separated from other units by a common wall or ceiling which has no openings.

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

Tree and Plant Nursery - the use of land for raising shrubs, trees and bedding plants for the express purposes of commercial sale.

Yard - any part of a lot unoccupied and unobstructed by any principal building or structure.

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

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

Yard, Side - a yard extending from the front yard to the rear yard between the side lot line and nearest main wall of the principal building or structure on the lot.

SECTION 3 - ADMINISTRATION

3.1 Development Officer

The Director of Planning and Development of the City of Melfort shall be the Development Officer responsible for the administration of this Bylaw.

3.2 Development Permit

- (1) Except as provided in Section 3.2.2 no person shall undertake a development or commence a use unless a Development Permit has first been obtained. **A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw.**
- (2) A Development Permit **is not required** for the following, but all other applicable provisions of this Bylaw are to be followed in addition to obtaining a building permit where required:
 - (a) The maintenance of a public work;
 - (b) The construction of a public work by the City of Melfort;
 - (c) The installation of public works on any street or other public right-of-way;
 - (d) Maintenance and repairs that do not include structural alterations;
 - (e) The installation of fences or accessory buildings under 9.3 square metres (100.11 sq. ft.), except in the FW - Floodway District and FF - Floodway Fringe Overlay where a development permit is required.
- (3) A **building permit** shall not be issued unless a Development Permit, where required, has also been issued.
- (4) If the development or use authorized by a Development Permit is not commenced within six months from the date of its issue, and completed within twelve months of its issue, the permit is deemed void unless an extension to the period has first been granted.

3.3 Application for a Development Permit

- (1) The application for a Development Permit shall be made, to the Development Officer, in **Form A** as attached to and forming part of this Bylaw. The application shall be accompanied by two copies of a lot or building plan showing dimensions and locations of existing and proposed buildings and structures as well as lot lines. Where no new construction is proposed the applicant shall supply a written description of the proposed development in place of such plans.
- (2) Where the application is for a **Discretionary Use** the applicant shall also provide a written description of the proposed development, describing the intended use and operations, structures to be located on the lot, required municipal services, and any other information that Council determines is necessary to fully review the proposed development.

3.4 Review of Applications

- (1) The Development Officer is responsible for reviewing all applications to ensure that the proposed development complies with all applicable regulations and provisions of this Bylaw and the policies contained in the Basic Planning Statement Bylaw.
- (2) Where the application is for a discretionary use, the Development Officer shall submit the application, along with all other relevant material to Council.

3.5 Decision

- (1) The decision on all applications shall be made in writing to the applicant, in **Form B**, as attached to and forming part of this Bylaw.
- (2) Where the application is for a PERMITTED USE the Development Officer shall, upon completion of the review:
 - (a) Issue a Development Permit where the application conforms to all provisions of this Bylaw; or
 - (b) Issue the Development Permit specifying any special regulations or standards to which the development or use must comply, where the class of development or use is subject to special regulations, performance standards or development standards that are specified in this Bylaw; or
 - (c) Refuse the application where the provisions of this Bylaw are not met, indicating to the applicant the reason for the refusal.
- (3) Where the application is for a DISCRETIONARY USE the Council shall pass a resolution instructing the Development Officer to either:
 - (a) Issue a Development Permit incorporating any special development standards prescribed by Council in accordance with the provisions of this Bylaw; or
 - (b) Refuse the application, indicating the reasons for the refusal.

3.6 Revocation of Decision

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

3.7 Development Appeals

- (1) A Development Appeals Board of the City of Melfort is appointed in accordance with Sections 71 and 91 to 104 of *The Planning and Development Act, 1983*.
- (2) Where an application for a PERMITTED USE has been REFUSED, the applicant shall be advised of the right of appeal to the Development Appeals Board of the City of Melfort.
- (3) Where an application for a DISCRETIONARY USE has been APPROVED by Council, WITH PRESCRIBED DEVELOPMENT STANDARDS pursuant to this Bylaw, the applicant shall be advised that any development standards considered excessive, may be appealed to the Development Appeals Board of the City of Melfort.
- (4) An application for a Development Permit for a PERMITTED USE shall be deemed to be refused when a decision thereon is not made within 40 days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made as provided in Section 3.7(2) as though the application had been refused at the end of the period specified in this subsection.
- (5) An application for a minor variance may be appealed to the Development Appeals Board of the City of Melfort in accordance with Sections 3.11(12) and (13).

3.8 Amendment of the Zoning Bylaw

Where an application for an amendment to this Bylaw is made to Council, the applicant shall pay all costs associated with advertisement of the proposed amendment.

3.9 Offences and Penalties

Any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in *The Planning and Development Act, 1983*.

3.10 Contract Zoning

- (1) Council may enter into an agreement respecting the rezoning of land in accordance with the guidelines established by the Basic Planning Statement on contract zoning through resolution of Council.
- (2) Council may in the agreement include:
 - É A description of the proposal;
 - É Reasonable terms and conditions with respect to:
 - The uses of the land and buildings or forms of development;
 - The site layout and external design including parking areas, landscaping, and entry and exit ways;
 - É A time limit in which the development must occur in accordance with the agreement, otherwise the site will revert to the previous zoning classification; and
 - É That on the rezoning of the land none of the land or buildings shall be developed or used except in accordance with the proposal, terms and conditions and time limit prescribed in the agreement.
- (3) Council may require the payment of a performance bond to assure implementation of the agreement prior to entering into an agreement with a person.
- (4) A rezoning agreement will not be signed until the public has had an opportunity to examine the proposed rezoning through a public notice. Public notice and review will be in accordance with the procedure and public notification process provided in Part IX of *The Planning and Development Act, 1983*. Final reading of the Zoning Bylaw will be subject to the signing of the agreement. The amendment of the Zoning Bylaw shall take effect upon registration of the caveat as contained in subsection (5).
- (5) As required by *The Planning and Development Act, 1983*, a caveat will be registered at the Land Titles Office against the lands affected by the agreement binding the owner of the land and future landowners to the agreement.
- (6) The Council may, on application by the person who entered into an agreement pursuant to this section or by any person who is the subsequent owner of land to which the agreement pertains:
 - É Vary the agreement;
 - É Enter into a new agreement; or
 - É Extend any time limit prescribed in an agreement.
- (7) The Council may declare a rezoning agreement void where:
 - É Any of the land or buildings is developed or used contrary to the provisions of the agreement;or
 - É The development fails to meet a time limit prescribed by an agreement; and the land reverts to the district to which it was subject before rezoning.
- (8) Where the Council voids an agreement, it will:

É Give notice of the cancellation and the effect of the cancellation in one issue of a newspaper circulated in the municipality; and

É Withdraw the caveat registered in connection with the agreement.

- (9) The symbol "C" will be attached to the appropriate zoning district in order to identify land that is zoned by an agreement.

3.11 Minor Variances to the Zoning Bylaw

- (1) An application may be made to the Development Officer for a minor variance to the Zoning Bylaw in a form as prescribed by the Development Officer.
- (2) The Development Officer shall maintain a register as an appendix to the Zoning Bylaw of all minor variance applications.
- (3) The Development Officer may vary the requirements of the Zoning Bylaw subject to the following conditions:
- (a) A minor variance may be granted for variation only of:
 - (i) the minimum required distance of a building from the lot line; and
 - (ii) the minimum required distance of a building to any other building on the lot;
 - (b) The maximum amount of minor variance shall not exceed a 10% variation of the Bylaw requirements of the Zoning Bylaw;
 - (c) The development shall conform to the Zoning Bylaw with respect to the use of land;
 - (d) The relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties;
 - (e) No minor variance shall be granted for a discretionary form of development, or in connection with an agreement on rezoning entered into pursuant to Section 82 of *The Planning and Development Act, 1983*; and
- (4) An application for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by a fee of \$25.00.
- (5) On receipt of an application for a minor variance, the Development Officer may:
- (a) Approve the minor variance;
 - (b) Approve the minor variance and impose terms and conditions on the approval; or
 - (c) Refuse the minor variance.
- (6) Where the Development Officer imposes terms and conditions on an approval pursuant to subsection (5), the terms and conditions shall be consistent with:
- (a) Minimizing adverse impacts on neighbouring properties;
 - (b) Providing adequate separation between buildings for safety reasons; and
 - (c) Avoiding encroachment into adjoining property.
- (7) Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.
- (8) Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the applicant's land that is the subject of the application.
- (9) The written notice required pursuant to subsection (8) shall:

- (a) Contain a summary of the application for minor variance;
 - (b) Provide a reason for and an effective date of the decision;
 - (c) Indicate that an adjoining assessed owner may within 20 days, lodge a written objection with the Development Officer; and
 - (d) Where there is an objection described in clause (c), advise that the applicant will be notified of the right of appeal to the Development Appeals Board.
- (10) The written notice required pursuant to subsection (8) shall be delivered:
- (a) By registered mail; or
 - (b) By personal service.
- (11) A decision approving a minor variance, with or without terms and conditions, does not take effect:
- (a) In the case of a notice sent by registered mail, until 23 days from the date the notice was mailed;
 - (b) In the case of a notice that is delivered by personal service, until 20 days from the date the notice was served.
- (12) If an assessed owner of property having a common boundary with the applicant's land that is the subject of the application objects, in writing, to the municipality respecting the approval of the minor variance within the time period prescribed in subsection (9), 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.
- (13) If an application for a minor variance is refused or approved with terms and conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

SECTION 4 - GENERAL REGULATIONS

4.1 All Zoning Districts

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

4.1.1 Licenses, Permits, and Compliance with Other Bylaws

Nothing in this Bylaw shall exempt any person from complying with the requirements of a building Bylaw or any other Bylaw in force within the City of Melfort or from obtaining any license, permission, permit, authority or approval required by this or any other Bylaw of the City of Melfort. Where provisions in this Bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

4.1.2 Existing Buildings

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

- (1) The enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this Bylaw;

- (2) All other applicable provisions of this Bylaw are satisfied; and
- (3) Such changes must be approved by the Development Officer responsible for the administration of this Bylaw.

4.1.3 Frontage on a Road

No development permit shall be issued unless the lot intended to be used, or upon which a building or structure is to be erected, abuts or has frontage on an existing public road.

4.1.4 Building Lines

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

4.1.5 Number of Principal Buildings Permitted on a Lot

Not more than one principal building shall be placed on any one lot, with the exception of schools, hospitals, curling and skating rinks, community centres, nursing homes, senior citizen homes, dwelling units, multiple unit dwellings, multiple businesses and shopping centres. Such erections shall be located on the lot in such a manner that future subdivision of the lot is not precluded.

4.1.6 Building to be Moved

No building, residential or otherwise, shall be moved within or into the area covered by this Bylaw without obtaining a Development Permit from the Development Officer unless such building is exempted by this Bylaw.

4.1.7 Demolition of Buildings

No building, residential or otherwise, shall be demolished within the area covered by this Bylaw without obtaining a Development Permit from the Development Officer.

4.1.8 Grading and Levelling of a Lot

Any lot proposed for development shall be graded and levelled at the owner's expense to provide for adequate surface drainage, which does not adversely affect adjacent property, in accordance with standards specified by the City Engineer of the City of Melfort.

4.1.9 Waste Disposal

Subject to the Acts and Regulations administered by the Departments of Health and Environment and Resource Management, 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 any land or into the air.

4.1.10 Non-conforming Uses And Non-conforming Buildings

Non-conforming uses and non-conforming buildings shall be subject to *The Planning and Development Act, 1983*.

4.1.11 Non-Conforming Structures and Lots

No existing structure or lot shall be deemed to be non-conforming by reason only of the conversion from the Imperial System of Measurement to the Metric System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.

4.1.12 Geotechnical Analysis Required

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

4.1.13 Satellite Dishes, Radio Towers and Television Antennas for Personal Use

The installation and operation of a satellite dish, radio tower or television antenna and its supporting structure is permitted in all zoning districts provided that:

- (1) Such structures shall not be located in any front or side yard, except as otherwise provided in Section 4.2.1, and in the case of corner lots, in any portion of the rear yard which is within 3 metres (9.8 ft.) of the side lot line adjacent to a flanking street;
- (2) In the R1, R1a, R2, and R4 residential zoning districts a satellite dish may be attached to the roof of the principle or accessory building where the dish is less than 91.44 cm (36 inches);
- (3) If attached to a principal building in the R3 - Multiple Unit Residential District, commercial or industrial district, such structures shall not exceed a height of 5 metres (16.4 ft.) above the lowest elevation of the roof surface of a flat roof or the decking of a mansard roof or the eaves of a gable, hip or gambrel roof;
- (4) If attached to or erected upon an accessory building in the R3 - Multiple Unit Residential District, commercial, or industrial district, a satellite dish shall not exceed the maximum permitted height of the accessory building upon which such structure is attached or erected and meet all yard requirements for accessory buildings.

4.2 Residential Districts

4.2.1 Projections in Yards

The following projections in yards may be permitted subject to the setback requirements of the National Building Code:

(1) Front Yards

The following features may project into a required front yard:

- (a) Cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, windowsills, canopies, eaves, and fire escapes to a maximum projection of 0.61 metres (2 ft.);
- (b) Unenclosed decks no higher than 0.61 metres (2 ft.) above the finished grade, cantilevered

balconies, porches and steps to a maximum projection of 1.8 metres (5.91 ft.).

(2) Rear Yards

The following features may project into a required rear yard:

- (a) Cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, windowsills, canopies, eaves, and fire escapes to a maximum projection of 1.5 metres (4.91 ft.);
- (b) Unenclosed decks no higher than 0.61 metres (2 ft.), balconies, porches, and steps to a maximum projection of 3 metres (9.84 ft.).

(3) Side Yards

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

- (i) Bay windows, window boxes and sills, belt courses, cornices, eaves, and gutters to a maximum projection of 0.61 metres (2 ft.); and
- (ii) Cantilevered construction of fire escapes, chimney chases, bow windows, bookcases, built in cabinets, balconies, and canopies to a maximum projection of 0.61 metres provided that the total area of all cantilevered features shall not exceed 2.5 square metres (26.9 sq. ft.) per floor level.
- (b) Unenclosed decks no higher than 0.61 metres (2 ft.) above the finished grade may project to the side property line, but not encroach onto neighbouring property.
- (c) No projections shall be permitted within a side yard required for vehicular access or parking where any portion of the said projection would be at an elevation lower than 2.5 metres (8.2 ft.) above the finished grade elevation measured at the corresponding side wall of the building.
- (d) Radio towers having a maximum projection of .61 metres (2 feet).

(4) Wheel Chair Ramps

A wheelchair ramp may encroach into any required yard.

4.2.2 Accessory Uses, Buildings, and Structures

(1) In all Residential Districts the following regulations shall apply to uses, buildings and structures including private garages, which are accessory and detached from the principal dwelling:

Side yard, minimum - .765 metres (2.5 ft.) and no structure shall have a projection greater than 0.61 metres (2 ft.) beyond the main wall, except where in the case of a corner lot, all accessory uses, buildings, structures shall maintain a yard of 4.5 metres (14.76 ft.) from the side lot line on the flankage street where access to the structure is obtained from the flankage street.

Rear yard, minimum - 1.2 metres (3.94 ft.)

Front yard, minimum - the front yard of the principal building of the specific zoning district shall apply

Height, maximum - 5 metres (26.4 ft)

(2) In the R4 - Mobile Home Residential District an accessory building or structures which includes, but is not limited to, a porch, canopy, addition, fuel tank covering and mobile home skirting must be designed in keeping with the exterior appearance of the mobile home.

- (3) Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building.
- (4) The following structures are allowed in a required yard and are not subject to setback regulations, except where a sight triangle is required:
 - (a) In all yards: sidewalks, uncovered driveways, lighting fixtures, lamp posts.
 - (b) In rear yards; in addition to clause (1) above, recreation equipment, laundry drying equipment, and garbage stands.

4.2.3 Fences and Hedges

Fences may be constructed or hedges and shrubs grown along a lot line only in conformance with the following regulations:

- (1) No wall, fence, hedge or shrub located along any side or rear lot line, shall exceed 2 metres (6.56 ft.) in height.
- (2) No wall, fence, hedge or shrub located along any lot line in any required front yard, shall exceed 1 metre (3.3 ft.) in height.
- (3) In the case of a corner lot, no wall, fence, hedge or shrub shall exceed 1 metre (3.3 ft.) in height, measured above the grade of the streets that abut the lot or site, in an intersection sight triangle.

4.2.4 Storage

- (1) No side or front yards shall be used for the storage or collection of goods, commodities or other form of material.
- (2) No front yard or portion thereof shall be used for the storage of machinery or other goods and commodities.

4.2.5 Isolated Lots

A single detached dwelling may be constructed on a lot having less than the minimum frontage and area required in any residential district where:

- (1) Each side of the lot abuts a conforming lot, developed lot, a developed isolated lot, street or lane;
- (2) The frontage is not less than 9.14 metres (29.98 ft.);
- (3) The minimum lot area is not less than 306.57 square metres (3,300 sq. ft.); and
- (4) All of the other regulations for the use are met.

4.3 Commercial and Industrial Districts

4.3.1 Projections in Yards

- (1) In any Commercial or Industrial District, where minimum front or rear yards are required, such minimum requirement shall not apply to prevent the construction or location of chimney chases,

fire escapes, steps, eaves and gutters of 0.61 metres (2 ft.) or less.

- (2) In any Commercial or Industrial District, buildings may be constructed or joined (semi-detached) over more than one site regardless of any side or rear yard requirement provided that the following standards are met:
 - (a) Each unit, stall or bay shall have separate, individual and direct entry and egress access to grade;
 - (b) Each unit, stall or bay shall be separated by a fire wall rated at two (2) hours with any openings covered by a labelled fire rated closure (1.5 hours) or any other fire protection as may be required by the National Building Code; and
 - (c) Any firewall shall be located on common site boundaries or property lines.

4.3.2 Fences and Hedges

Fences constructed or and hedges and shrubs planted in Commercial or Industrial Districts shall comply with the following regulations:

- (1) Except where required for screening, a fence, hedge or shrub shall not exceed 3 metres (9.84 ft.) in height.
- (2) In the case of corner lots, no fence, hedge or shrub shall be placed so as to create a visual obstruction in a sight triangle.

SECTION 5 - SPECIAL PROVISIONS

This section addresses special provisions and specific development standards that apply to a development where allowed as a permitted or a discretionary use in a zoning district. Where there are special provisions on a specific use and that use is a discretionary use, the specific regulations and development standards applicable to discretionary uses would apply.

5.1 Discretionary Uses

In approving a discretionary use, Council may prescribe specific development standards intended to minimize land use conflict related to:

- (1) The nature, size, shape, elevation and surface drainage of the site;
- (2) Size, shape and arrangement of buildings;
- (3) Access and traffic patterns for persons and vehicles;
- (4) Type and volume of vehicle traffic;
- (5) Off-street parking and loading;
- (6) Safeguards to prevent noise, glare, dust and odour;
- (7) Landscaping;
- (8) Screening and fencing; and
- (9) Lighting and signs.

5.2 Bed and Breakfast Lodging

Bed and breakfast lodging, where allowed in a specific district, shall be subject to the following development standards:

- (1) Bed and breakfast lodging shall be located in a single detached dwelling used as the operator's principal

residence.

- (2) Bed and breakfast lodging shall be licensed by the Department of Health and meet the requirements of the Fire Commissioner.
- (3) A maximum of two guest bedrooms shall be permitted in a dwelling operating as bed and breakfast lodging.
- (4) Off-Street parking shall be provided in accordance with Section 8.2.
- (5) One non-illuminated window or wall sign having a maximum facial area of .2 square metres (2.15 sq. ft.) advertising the bed and breakfast lodging is permitted.

5.3 Home Occupations (Home Based Business)

Home occupations, where allowed in a residential district, shall be subject to the following development standards:

- (1) Home occupations may be located in dwelling used as the owners own residence or in a building accessory to the dwelling where the principal dwelling is other than a multiple unit dwelling.
- (2) Home occupations shall be conducted entirely within the dwelling or accessory building.
- (3) Home occupations shall not create any conflict with the residential area in terms of emission of noise, glare, dust or odour which would be disruptive to the surrounding residential uses.
- (4) Home occupations should not result in undue traffic or parking requirements in the residential area.
- (5) The home occupation shall not have any exterior display or storage of materials and no exterior variation from the residential character of the building.
- (6) Persons employed in the home occupation shall be full time residents of the dwelling.
- (7) One non-illuminated window sign having a maximum facial area of .2 square metres (2.15 sq. ft.) advertising the home occupation is permitted.

5.4 Service Stations and Gas Bars

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

- (1) Fuel pumps and other accessory equipment shall be located at least 6 metres (19.69 ft.) from any street or lot line.
- (2) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened to the satisfaction of Council.
- (3) All business shall be conducted and all goods stored wholly within an enclosed building except as required in the servicing of motor vehicles.
- (4) The arrangement of the proposed structure on the site shall be designated to reduce conflict with adjoining uses.
- (5) The access to the site shall be designed to reduce conflict with other vehicular and pedestrian traffic.
- (6) Any specific development standards imposed related to landscaping, screening, open spaces, parking and standing areas for vehicles shall be designed to reduce conflict with adjoining land uses and to ensure adequate areas for vehicles on the property.
- (7) The storage of fuel shall meet all provincial regulations.

5.5 Personal Care Homes

Personal care homes, where allowed in a specific zoning district, shall be subject to the following development standards:

- (1) The proposed personal care home shall only be developed in a single detached dwelling.
- (2) The personal care home shall maintain the single detached residential character of the property consistent with the neighbourhood.
- (3) The operator of the personal care home shall be a permanent resident of the dwelling licensed as a personal care home.
- (4) The maximum number of residents allowed in a personal care home shall be 8 residents.
- (5) A personal care home shall meet all of the regulations for a single detached dwelling as prescribed for the district in which it is located.
- (6) A maximum of two personal care homes will be allowed in a block and may be located on the same side of the street or on opposite sides of the street.
- (7) Any changes resulting in the increase in the number of residents to the maximum number set in clause (4) or an increase in the area devoted to a personal care home or alterations or additions to the structure used as a personal care home shall require a new development permit for a discretionary use.
- (8) One non-illuminated window or wall sign having a maximum facial area of .2 square metres (2.15 sq. ft.) advertising the personal care home is permitted.
- (9) Off-Street parking shall be provided in accordance with Section 8.2.

5.6 Secondary Suites

- (1) Secondary suites shall conform to the following regulations:
 - (a) Secondary suites may be located only in detached one unit dwellings and shall occupy no more than 25% of the gross floor area of a dwelling, including the area of the basement;
 - (b) In order to accommodate a secondary suite, the principal building must have a gross floor area, including the area of the basement, of at least 100 m²;
 - (c) The maximum size of a secondary suite shall be 50 m²;
 - (d) No more than one secondary suite may be located in any detached one unit dwelling;
 - (e) The floor area occupied by a secondary suite shall be considered as part of the principal building;
 - (f) A secondary suite shall contain no more than two bedrooms;
 - (g) No more than three persons may occupy a secondary suite;
 - (h) One off-street parking space is required for a secondary suite in addition to at least one off-street parking space for the principal dwelling. The parking space for the principal dwelling may be located in a required front yard. The parking space required for the secondary suite shall not be located in a required front yard unless the subject site has no access to a rear lane, and shall be paved, sited and screened to the satisfaction of the Development Officer.
 - (i) Where a secondary suite has an entrance which is separate from that of the principal dwelling, the entrance may only be located on a side or rear wall of the principal dwelling;
 - (j) Secondary suites shall comply with all relevant requirements of the National Building Code, or equivalencies as may be established by the Development Officer.

5.7 Recreation Vehicle

- (1) Recreation Vehicles may be occupied as temporary overnight sleeping accommodations only in the following situations:
 - (a) In an approved tourist campground;
 - (b) In any R district, one recreation vehicle may be located on any one site for the temporary overnight sleeping accommodation of the guests of the occupant of the principal dwelling, provided the recreation vehicle is not rented or made available for compensation and contains full self-contained sewage facilities
 - (c) In a C1 district on City of Melfort owned property for community sponsored functions, approved by the Development Officer, and provided the units have full self-contained sewage facilities.

SECTION 6 - SPECIAL OVERLAY ZONES

6.1 Architectural Control District Overlay

- (1) The designation of the architectural control district will be in accordance with the guidelines established by the Basic Planning Statement on architectural control districts.
- (2) In reviewing development proposals in the area designated as an architectural control district, Council may approve a project with terms and conditions consistent with the following development standards as may be related to one or more of the following:
 - É Control over new buildings or exterior renovations respecting:
 - The colour;
 - Texture;
 - Window detail;
 - Type of exterior building materials;
 - Building design;
 - É Conformance to the culture theme being portrayed; and
 - É Complementing the historical preservation of existing buildings.
- (3) The symbol "AC" will be attached to the appropriate zoning district and shown on the Zoning District Map in order to identify that architectural controls apply to the particular area.

6.2 Holding Provision Overlay

- (1) The Holding Provision Overlay will be established in accordance with the policies of the Basic Planning Statement on the Holding Provision.
- (2) The use of the "H" holding symbol, will be used in conjunction with the zoning district designation, to identify the future use of the land.
- (3) The zoning regulations for the underlying zoning district designation will apply upon removal of the "H" holding symbol.

6.3 Floodway Fringe Overlay

- (1) The Floodway Fringe Overlay applies to those lands that are designated as Floodway Fringe identified under the Canada - Saskatchewan Flood Damage Reduction Program.
- (2) The following development requirements will apply in conjunction with the uses and regulations of the underlying zoning district.
 - (a) Any development within the Floodway Fringe Overlay will require to be flood proofed to the freeboard elevation.
 - (b) The proponent will be required to enter into an agreement with the City respecting flood proofing of the property prior to the issuance of a development permit.
 - (c) No person shall within the Floodway Fringe Overlay backfill, grade, deposit earth or other material, excavate, store goods or materials, or erect any buildings or structures nor cause any such development to occur except as specifically provided herein.
 - (d) Fencing or other similar structures and hedging and other similar landscape elements shall not

be permitted in the Floodway Fringe Overlay unless constructed parallel to the direction of water flow and Council, in consultation with the Saskatchewan Water Corporation, is satisfied that such developments will not adversely affect the hydraulic efficiency or capacity of the floodway or adversely affect the existing drainage courses.

- (e) The storage of materials defined as "Hazardous Goods" by the *Hazardous Substances Control Regulations* shall be prohibited.

SECTION 7 - SIGN REGULATIONS

7.1 The Need for a Sign Permit

- (1) Except as otherwise provided, a sign permit is required for erecting, enlarging, changing or structurally altering a sign. A sign shall not be erected, altered, enlarged or maintained upon any property, lot or street in any district, by any person, except in conformity with the regulations outlined in the following sections:
- (2) The provisions of these regulations shall not be construed as to limit or interfere with the erection and maintenance of signs on public streets, public lanes or public places of signs which are designed and intended for the safety or protection of the health and general welfare of the public, which are essentially for the maintenance and protection or efficient operation of public service and public property or which are primarily intended for direction of the public and identification of establishments or places of public service which are clearly not operated for the purpose of gain.
- (3) A sign permit is not required for the following, however, general regulations must be complied with where applicable:
 - (a) Government signs where signs erected by a duly constituted government body or organization is for the purpose of providing information by:
 - (i) a public service by the City;
 - (ii) an agency supplying a public work;
 - (iii) the Provincial or Federal Government; and
 - (iv) a committee or local authority established by the City.
 - (b) Directional signs having a maximum facial area of 1 square metre (10.76 sq. ft.).
 - (c) Temporary signs comprised of:
 - (i) Display window signs located on the surface of or inside display windows, lighted only by building illumination.
 - (ii) Event signs which are unlighted signs having a maximum facial area of 3 square metres (9.84 sq. ft.) displayed on private property and limited to one per each premise, announcing a campaign, drive or event of a civic philanthropic, educational, or religious organization, to be removed within one (1) day after the event.
 - (d) Construction signs subject to the following regulations:
 - (i) Two signs on the premises are permitted; and
 - (ii) The maximum sign facial area shall be 7.5 square metres (80.73 sq. ft.) for each sign permitted on site. These signs must be removed within 14 days after the building is occupied.
 - (e) Real estate signs - one unlighted sign having a maximum facial area of 1.2 square metres (12.92 sq. ft.).
 - (f) Address designation signs - signs that denote a numerical civic address or occupant having a maximum facial area of 0.6 square metres (6.46 sq. ft.), and when illuminated, shall be continually lit.
 - (g) Tenant identification signs - signs located inside a building including tenant identification inside an enclosed shopping centre.
 - (h) Election signs

- (i) Banners
- (j) Garage Sale signs as per City of Melfort Sign Bylaw

7.2 General Regulations

- (1) No sign shall be located in any manner that would visually obstruct or jeopardize the safety of others.
- (2) Signs shall not interfere with traffic signs or lights, public utilities, landscaping or street furniture.
- (3) Where intermittent lights are deemed to be a safety hazard by Council, or a duly appointed police officer for the City, such lights shall be converted to a steady source of illumination.
- (4) Where signs are to be placed adjacent to a provincial highway, they shall be subject to the Department of Highways regulations where applicable.

7.3 Sign Regulations for Residential Districts

The following regulations shall apply to signs allowed in any Residential District:

- (1) One wall sign is permitted pertaining to a dwelling having a maximum facial area as follows:
 - (a) Multiple unit dwellings - 1 square metre (10.76 sq. ft.); and
 - (b) All other dwellings - 0.5 square metre (5.38 sq. ft.).
- (2) One additional sign for multiple unit dwellings may be erected as follows:
 - (a) A freestanding sign having a maximum facial area of 2.3 square metres (24.76 sq. ft.) in area;or
 - (b) A freestanding canopy or awning sign subject subsection (3) and providing a minimum clearance of 2.45 metres (8 ft.) between the bottom of the canopy and sidewalk or ground.
- (3) Freestanding signs shall be located at least 3 metres (9.84 ft.) from any lot line and not be located in a sight triangle;
- (4) Non-residential uses in a residential district shall be subject to sign regulations for multiple unit dwellings.
- (5) One real estate sign not exceeding 1.5 square metres (16.15 sq. ft.) in area to a maximum height of 2.5 metres (8.2 ft) in height.
- (6) All signs shall be located wholly within the lot and shall not create visual obstructions or jeopardise public safety.

7.4 Sign Regulations for Commercial and Industrial Districts

The following regulations shall apply in any Commercial District or Industrial District subject to Section 7.8 "Total Sign Facial Area":

- (1) Advertising signs in Commercial and Industrial Districts may be illuminated by direct or indirect lighting and the lights may project different colours and may be intermittent.
- (2) Illuminated signs shall have an internal light source or an external light source shielded so that the light is directed at the face of the sign.
- (3) All signs shall provide a minimum clearance of 2.45 metres (8 ft.) between the bottom of the sign and a street or sidewalk.
- (4) All signs shall be located wholly within the lot lines of the lot in which they are located, except for signs located within the C1 - Retail Commercial District zone. This provision would also not apply to billboard signs and converted vehicle and trailer signs.
- (5) Signs shall be located a minimum distance of 1 metre (3.28 ft.) from any lot line.
- (6) Signs associated with gas pumps for a service station shall not be included in calculating the total surface sign face area for a lot.
- (7) Specific sign regulations are as follows:

- (a) **Canopy or Awning Signs**
- (i) Maximum projection: No awning, canopy or marquee sign shall overhang the public way to within 1.0 metre (3.28 ft.) of the curb line.
 - (ii) Minimum clearance above sidewalk: An overhanging canopy or awning sign shall provide a minimum clearance of 2.45 metres (8 ft.) above the sidewalk or ground.
 - (iii) Freestanding Canopy or Awning Signs: Freestanding awning, canopy or marquee sign shall be subject to the regulations for "Freestanding Signs".
- (b) **Roof Signs**
- (i) Maximum facial area: 20 square metres (215.29.3 sq. ft.) except 2 square metres (21.53 sq. ft.) in the C1 - Retail Commercial District.
 - (ii) Maximum height: the sign shall not project more than 4.5 metres (14.76 ft.) above the roof.
- (c) **Projecting Signs**
- (i) Maximum sign projection: The maximum sign projection permitted shall be 2.2 metres (7.22 ft.). No sign shall overhang the public way to within 1.0 metre (3.28 ft.) of the curb line.
 - (ii) Maximum facial area: The maximum facial area permitted shall be 4 square metres (43.06 ft.) except in the C1-Commercial District where the sign shall not exceed 2 square metres (21.53 sq. ft.).
 - (iii) Maximum height: The height of a projection sign shall not be higher than the top of the wall to which it is attached.
 - (iv) Minimum height above sidewalk: No overhanging sign shall be less than 2.45 metres (8 ft.) above the sidewalk.
- (d) **Freestanding Signs**
- (i) One freestanding sign is permitted per lot, except within the C3 ó Shopping Centre Commercial District, which must comply with the following provisions:
 - In the C3 zone, the following signs shall be permitted:
 - (1) One freestanding sign may be erected on any site. One additional freestanding sign may be erected for every 60 meters of site frontage in excess of 60 meters.
 - (2) No display surface shall be located less than 2.45 meters above grade.
 - (3) The maximum sign height shall be 14 meters.
 - (4) All signs must be a minimum distance of 1 meter from any abutting street or lane;
 - (5) Each sign may contain a maximum of 34 square meters of surface display area on each of two sides;
 - (6) Any two freestanding signs must be separated by a minimum of 30 meters;
 - (7) Total surface display area of all freestanding signs shall be limited to 1 square meter per meter of site frontage;
 - (8) Fascia signs shall be limited to twenty-five percent (25%) of the total area of the wall to which they are attached, and shall not project beyond 1meter of the limits of the wall to which they are attached.ö
 - (i) One freestanding sign is permitted on site in addition to any other signs that are allowed for uses in a mini-mall.
 - (ii) Where a service station or gas bar is developed as part of a shopping centre, a separate freestanding sign is permitted.
 - (iii) In the C1 - Commercial District, the maximum total facial area shall not exceed 20 square metres (215.29 sq. ft.), provided that no single face of such sign exceeds 10 square metres (107.64 sq. ft.) in area. In other Commercial and Industrial Districts, the maximum total facial area shall not exceed 40 square metres (430.57 sq. ft.), provided that no single face of such sign exceeds 20 square metres (215.29 sq. ft.) in

- area.
- (iv) In the C1-Commercial District, the maximum height is 10 metres (32.81 ft.); and in other Commercial and Industrial Districts, the maximum height shall be 14 metres (45.93 ft.)
- (v) The sign shall be located 1 metre (3.28 ft.) from any lot line.

(e) Wall Signs

- (i) Wall signs shall not extend past the edges of the wall on which it is attached, except where the sign extends around a corner at right angles forming a continuous sign.

(f) Portable Signs

- (i) Except as may be permitted by the Development Officer, a portable sign shall not be located or encroach onto a public roadway, boulevard, or sidewalk.
- (ii) A portable sign shall not be located or erected for a period greater than 14 days.
- (iii) The maximum height of a portable sign shall be 2 metres (6.56 ft.).
- (iv) The maximum sign facial area shall not exceed 1.2 square metres (12.92 sq. ft.) for A-Board signs and 3 square metres (32.29 sq. ft.) for all other portable signs.

7.5 Sign Regulations for the UH - Urban Holding and FW - Floodway Districts

(1) In the UH - Urban Holding District, the following signs are permitted:

- (a) One freestanding sign not more than 2 square metres (21.52 sq. ft) in size identifying the name of the owner and address.
- (b) One real estate sign.

(2) In the FW - Floodway District, signs are prohibited except for signs erected by the City and one real estate sign.

7.6 Regulations for Additional Signs

(1) Additional Signs

The following signs are allowed in addition to other signs permitted by this section:

- (a) Identification signs including signs showing the date of erection, monumental citations, and commemorative tablets up to 1 square metre (10.76 sq. ft.) in area, when made a permanent and integral part of the building.
- (b) Building directory signs, up to 2 square metres (21.53 sq. ft.) in area, where located outside the building.
- (c) Educational signs of up to 2 square metres (21.53 sq. ft.) providing bulletin or poster display space identifying or explaining local history or processes going on out of sight within the building meeting location requirements for pedestrian signs, if approved by Council.
- (d) Directional signs up to 0.2 square metres (2.15 sq. ft.) in area, including signs identifying rest rooms, freight entrances and the like.

7.7 Signs Permitted at Council's Discretion

The following signs may be allowed at Council's discretion in a Commercial, Industrial, or UH-Urban Holding District:

7.7.1 Billboard Signs

(1) Billboard signs are subject to the following requirements:

- (a) Billboard Sign Face and Height
 - (i) Maximum single face area - 20 square metres (215.29 sq. ft.)
 - (ii) Maximum total face area - 40 square metres (430.57 sq. ft.)
 - (iii) Maximum faces - 2
 - (iv) Double faced signs shall be constructed so one face is completely behind and parallel to the other face and facing the opposite direction.
 - (v) Maximum height above grade - 6 metres (19.69 ft.)
- (b) No billboard shall have flashing or intermittent light. All lighting shall be shielded from direct view from any roadway or site boundary.
- (c) Council may place special conditions on the location of the billboard on a site to protect the clear view of an intersection or a highway approach, or other directional and informational signs.

7.7.2 Converted Vehicle and Trailer Signs

(1) In considering an application for a converted vehicle and trailer sign, Council may apply specific development conditions related to:

- (a) Location and orientation of the sign;
- (b) Proximity to other signs; and
- (c) Lighting, where the sign is to be illuminated.

7.7.3 Inflatable Display/Balloon Signs

(1) In considering an application for an inflatable display/balloon sign, Council may apply specific development conditions related to:

- (a) Location and orientation of the sign;
- (b) Proximity to other signs; and
- (c) Lighting, where the sign is to be illuminated.

(2) Only one inflatable display/balloon sign will be permitted accessory to a principal use in addition to any other allowable sign.

7.8 Total Sign Facial Area

With the exception of freestanding signs in the C3 ó Shopping Centre Commercial District which are subject to Section 7.4(d)(i) above, the total facial area of all signs oriented to any street on a lot shall not exceed 15 times the square root of street frontage of the lot. In the case of multi-faced signs, each facial side of the sign shall be included in determining the total facial area.

Street Frontage Per Lot		Total Sign Area Permitted	
Imperial (feet)	Metric (metres)	Imperial (sq. ft.)	Metric (square m.)

20	6.09	67	6.22
25	7.62	75	6.97
30	9.14	82	7.62
35	10.67	89	8.27
40	12.19	95	8.83
50	15.24	106	9.85
60	18.29	116	10.78
70	21.34	126	11.70
80	24.38	134	12.45
90	27.43	143	13.28
100	30.48	150	13.94
125	38.10	168	15.61
150	45.72	185	17.19
175	53.34	198	18.39
200	60.96	211	19.69
250	76.20	237	22.01
300	91.44	260	24.15
400	121.92	300	27.87
500	152.40	336	31.21

SECTION 8 - Off-Street PARKING AND LOADING REGULATIONS

8.1 General Regulations

- (1) No person within any district shall erect, enlarge, substantially alter, or extend any building permitted under this Bylaw, unless the required off-street parking and loading spaces are provided and maintained in connection with such development.
- (2) When the intensity of use of any building or use is increased by the addition of dwelling units, floor area, seating capacity or other unit of measurement, as specified for required parking and loading facilities, the number of parking and loading spaces shall also be increased in conformance with the provisions of this Bylaw.
- (3) Whenever the existing use of a building is changed the parking and loading spaces shall be provided as required for the new use; however, if the said building or structure was erected prior to the effective date of this Bylaw, additional parking and loading spaces are required only by the number that the requirements for the new use exceed those of the existing use.
- (4) For any conforming or legal non-conforming building or use which is in existence on the effective date of this Bylaw, that is damaged by fire, collapse, explosion, or other cause to the extent of 50 percent or more of its assessed value and such building is reconstructed, repaired or re-established, off-street parking and loading facilities shall be provided in accordance with this Bylaw.

8.2 Off-Street Parking

(1) Off-Street parking shall be provided in accordance with the following schedule and regulations.

Land Use	Minimum Number of Parking Spaces Required
Residential Dwelling	
É single detached	1
É semi-detached and duplex	1 per dwelling unit
É mobile home	1 per dwelling unit
É multiple unit	1.5 per dwelling unit
É multiple units for seniors citizen housing	1 per 4 dwelling units
É bed and breakfast lodging	1 per guest bedroom
Institutional	
É elementary school	1 per classroom
É high school and collegiate	4 per classroom
É hospital	1 per 3 beds, plus 1 for every 4 employees
É special care and nursing home	1 per 5 beds, plus 1 for every 4 employees
É community centre, auditorium places of worship	1 per 10 seats provided for patrons
É personal care home	1 where the number of personal care home residents exceeds 5
É library, cultural institution	1 per 35 seats provided for patrons
Recreational	
É theatre, churches	1 per every 10 seats provided for patrons
É arena, curling rink	4 per sheet of ice
É billiard hall	1 for every 46 square metres (495.16 sq. ft.) of gross floor area
É bingo hall	1 per 4 seats provided for patrons
É bowling alley	4 per alley
É lodge, fraternal order, club or gymnasium	1 for every 9 square metres (96.87 sq. ft.) of gross floor area
Office	
É business, professional, administrative	1 for every 37 square metres (398.28 sq. ft.) of gross floor area
Retail Store	
	1 for every 46 square metres (495.16 sq. ft.) of gross floor area
Shopping Centre and Mini-Mall	
	1 for every 30 square metres (322.93 sq. ft.) of gross floor area
Restaurant, Cafe, Licensed Dining and Beverage Room	
	1 per 4 seats provided for patrons

Hotel, Motel	1 per guest room or unit
Lumber Yard, Home Improvement Centre	1 for every 46 square metres (495.16 sq. ft.) of gross floor area
Industrial and Manufacturing Plants	1 for every 55 square metres (592 sq. ft.) of gross floor area or one for each employee which ever is greater
Warehousing	1 for every 90 square metres (968.78 sq. ft.) of gross floor area
Other	1 for every 30 square metres (322.93 sq. ft.) of gross floor area

- (2) Required off-street parking spaces in any Commercial or Industrial District may be located on a separate lot that is within a convenient walking distance to a maximum of 150 metres (492.13 ft.) of the principal building or use, provided such spaces are located within a Commercial or Industrial District.
- (3) In Residential Districts, off-street parking spaces shall be provided on the lot on which the principal use to which the parking pertains is located.
- (4) Where the necessary off-street parking space is provided on a lot that is separate from the principal use, there shall be recorded in the office of the Development Officer a registerable agreement between the City and the owner of the lot on which the parking is to be located. The agreement shall be binding on the said owner and his heirs and successors restricting the use of the said lot for the purposes of off-street parking so long as the main use or building for which the parking is provided exists; and a caveat based on the agreement shall be registered against the said lot in the appropriate Land Titles Office by the City.

8.3 Payment of Cash-In-Lieu of Required Off-Street Parking

- 8.3.1 Pursuant to *The Planning and Development Act, 1983* the Development Officer may exempt any person who is required to provide off-street parking in a Commercial District from the requirement of providing the off-street parking facilities, where, in lieu thereof, he pays or agrees to pay the City the sum of money calculated by multiplying the number of off-street parking spaces that would otherwise be required by \$750.00 per parking space.
- 8.3.2 The payment of cash-in-lieu of providing off-street parking shall satisfy the off-street parking requirement for the existence of the building on the lot except where the intensity of the use is increased or where the use is changed requiring additional off-street parking. Money paid as cash-in-lieu of off-street parking will not be refunded where the intensity is decreased or the use is changed requiring less off-street parking spaces or cash paid in lieu.
- 8.3.3 A person who pays, or agrees in writing to pay the required sum in lieu of providing off-street parking facilities and the buildings or structures in respect of which such payment is to be made, shall be treated as having met the off-street parking regulations.
- 8.3.4 All such sums of monies shall be paid to the City prior to the issuance of a development and/or building permit.

8.4 Off-Street Loading

8.4.1 In any Industrial or Commercial District where the use of a building or lot involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading or unloading shall be provided on the lot in conformity with the following regulations:

<u>Gross Floor Area</u>	<u>Number of Spaces</u>
90 m ² to 1,300 m ² (969 ft. ² to 13,993 ft. ²)	1
Over 1,300 m ² to 2,500 m ² (Over 13,993 ft. ² to 26,910 ft. ²)	2
Over 2,500 m ² (Over 26,910 ft. ²)	2 plus 1 additional space for each 6,500 m ² (69,965 ft. ²) over 2,500 m ² (26,910 ft. ²)

8.4.2 All off-street loading spaces shall be located on the lot and be of a sufficient size so that materials and commodities can be easily loaded or unloaded without creating interference to vehicular traffic on a public roadway.

8.4.3 All loading and unloading of passengers from school buses shall take place in off-street loading spaces.

SECTION 9 - ZONING DISTRICTS AND ZONING MAP

9.1 Classification of Zoning Districts

For the purpose of this Bylaw, the City of Melfort is divided into the following Zoning Districts, the boundaries of which are shown on the "Zoning District Map." Such districts may be referred to by the appropriate symbol.

<u>Districts</u>	<u>Symbols</u>
Urban Holding	UH
Low Density Residential	R1
Low Density Residential	R1A
Low Density Residential	R1B
Medium Density Residential	R2
Multiple Unit Residential	R3
Mobile Home Residential	R4
Retail Commercial	C1
Highway Commercial	C2
Shopping Centre Commercial	C3
Neighbourhood Commercial	C4
Light Industrial	M1
Light Industrial	M1A
Heavy Industrial	M2
Floodway	FW

9.2 The Zoning District Map

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 96-09" adopted by the City of Melfort signed by the Mayor and City Administrator under the seal of the City shall be known as the "Zoning District Map" and such map is hereby declared to be an integral part of this Bylaw.

9.3 Boundaries of Zoning Districts

The boundaries of such districts referred to together with an explanatory legend, notation and reference, are shown on the map entitled, "Zoning District Map". Unless otherwise shown, the boundaries of such districts are lot lines, centre lines of streets, lanes, road allowances, or such lines extended and the boundaries of the municipality. In unsubdivided land, the boundaries of the districts shall be determined by the use of the scale shown on the map.

9.4 Zoning District Schedules

The uses or forms of development allowed within a Zoning District, along with regulations or standards which apply are contained in the Zoning District Schedules in Section 10.

SECTION 10 - ZONING DISTRICT SCHEDULES

10.1 UH - Urban Holding District

10.1.1 Permitted Uses - The following are permitted uses in the UH - Urban Holding District:

- (1) Agricultural crop farming and cultivation of land
- (2) Public Works
- (3) Department of Transport weight scales and other similar uses

10.1.2 Discretionary Uses - The following are discretionary uses in the UH - Urban Holding District:

- (1) Single detached dwellings
- (2) Recreational uses comprised of sports fields, parks, golf courses, and tourist campgrounds
- (3) Agricultural grazing of livestock but excluding intensive operations, such as feed lots, poultry, hog or fur farms
- (4) Green houses, market gardens, berry farms, tree and plant nurseries
- (5) Apiaries
- (6) Kennels for commercial breeding or boarding purposes
- (7) Veterinary clinics
- (8) Bed and Breakfast Lodging

10.1.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.1.4 Regulations - Development shall conform to the following requirements:

- (1) Lot Area Minimum
 - (a) Agricultural Uses - 16 hectares (39.54 a.)
 - (b) Public Works and other permitted uses - no minimum
 - (c) Discretionary Uses - 1 hectares (2.47 a.)

10.1.5 Development Requirements - Single Detached Dwellings

- (1) Single detached dwellings shall be located on a developed road or street.
- (2) Single detached dwellings shall be constructed so as to provide a minimum setback of 7.5 metres (24.60 ft.) from a road or street and not prejudice future subdivision or urban servicing requirements.
- (3) Single detached dwellings shall not be constructed in locations that would prejudice future subdivision or urban servicing requirements.

10.1.6 Signs - Section 7 regulations shall apply in the UH - Urban Holding District.

10.2 R1 - Low Density Residential District

10.2.1 Permitted Uses - The following are permitted uses in the R1 - Low Density Residential District:

- (1) Single-detached dwellings
- (2) Schools and educational facilities
- (3) Public works (excluding offices, warehouses and storage yards)

10.2.2 Discretionary Uses - The following are discretionary uses in the R1 - Low Density Residential District:

- (1) Home occupations subject to the requirements of Section 5.3
- (2) Places of worship, religious institutions
- (3) Libraries, cultural institutions
- (4) Personal care homes subject to the requirements of Section 5.5.
- (5) Community centres
- (6) Sports fields
- (7) Parks and playgrounds
- (8) Swimming pools
- (9) Secondary Suites

10.2.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.2.4 Regulations

(1) Single Detached Dwellings

- Lot area - minimum - 464 square metres (4,994.6 sq. ft.) where the lot is served by a lane, otherwise 557 square metres (5,995.69 sq. ft.)
- Lot frontage - minimum - rectangular lots: 15 metres (49.21 ft.) where the lot is served by a lane, otherwise 18 metres, (59.06 ft.);
non-rectangular lots: 11 metres (36.9 ft.) with a mean width of 15 metres over the first 30 metres (98.43 ft.) measured from the front lot line where there is a lane, otherwise 15 metres with a mean width of 18 metres measured from the front lot line.
- Yard, front - minimum - 7.5 metres (24.61 ft.), except that for non-rectangular lots located on an arc of a crescent street, the front yard may be reduced by the Council so that a uniform front yard sight line can be maintained, but not less than 5 metres (16.4 ft.).
- Yard, rear - minimum - 7.5 metres (24.61 ft.) except that for a corner lot, where access to an attached garage is obtained from a flankage street, the minimum rear yard shall be 3 metres (9.84 ft.).
- Yard, side - minimum - 1.2 metres (3.94 ft.), except for a corner lot where access to an attached garage or detached garage is obtained from a flankage street, the minimum side yard shall be 4.5 metres (14.76 ft.).
- Floor area - minimum - 70 square metres (750 sq. ft.)

(2) Libraries, Places of Worship, Religious and Cultural Institutions

- Lot area - minimum - 464 square metres (4,994.6 sq. ft.)
- Lot frontage - minimum - 15 metres (49.21 ft.) where the lot is served by a lane, otherwise 18 metres (59.06)
- Yard front - minimum - 7.5 metres (24.61 ft.) or 25% of the depth of the lot, whichever is greater
- Lot rear - minimum - 7.5 metres (24.61 ft.) or 25% of the lot depth whichever is greater
- Yard side - minimum - 3 metres (9.84 ft.) or half the building height, whichever is greater

(3) All Other Uses (except public works)

Lot area - minimum	-	no minimum
Lot frontage - minimum	-	no minimum
Lot front - minimum	-	7.5 metres (24.61 ft.)
Lot rear - minimum	-	7.5 metres (24.61 ft.) or 25% of the lot depth whichever is greater
Yard side - minimum	-	3 metres (9.84 ft.) or half the building height whichever is greater

10.2.5 Signs - Section 7 regulations shall apply in the R1 - Low Density Residential District.

10.2.6 Off-Street Parking - Section 8 regulations shall apply in the R1 - Low Density Residential District.

10.2.7 Storage - Section 4.2.4 requirements shall apply in the R1 - Low Density Residential District.

10.3 R1A - Low Density Residential District

10.3.1 Permitted Uses - All the permitted uses of the R1 - Low Density Residential District are permitted in the R1A - Low Density Residential District.

10.3.2 Discretionary Uses - All the discretionary uses of the R1 - Low Density Residential District may be considered as a discretionary use in the R1A - Low Density Residential District, except personal care homes and secondary suites.

10.3.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.3.4 Regulations - The lot regulations of the R1 - Low Density Residential District shall apply in the R1A - Low Density Residential District

- except that the minimum floor area shall be 112 square metres (1,205 sq. ft.) and except that the Yard front minimum shall be 4.57 metres (14.99 feet) on Whitley Street, Carson Street, Vickar Place and on Orr Drive (with the exception of Lots 1-8, Block 117, Plan 01PA13542 and Lots 38-45, Block 105, Plan 01PA13542.
- except Yard, side (per dwelling unit) minimum of 1.2 metres (3.94 ft) except for a corner lot where access to an attached or detached garage is obtained from a flankage street in this district, the minimum side yard shall be 6 metres (19.69 ft).

10.3.5 Signs - Section 7 regulations shall apply in the R1A - Low Density Residential District.

10.3.6 Off-Street Parking - Section 8 regulations shall apply in the R1A - Low Density Residential District.

10.3.7 Storage - Section 4.2.4 requirements shall apply in the R1A - Low Density Residential District.

10.3BR1B - Low Density Residential

10.3B.1 Permitted Uses - The only permitted use in the R1B of Low Density Residential District is single detached dwellings.

10.3B.2 Discretionary Uses of The only discretionary use in the R1B of Low Density Residential District is home-based businesses subject to the requirements of Section 5.3.

10.3B.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use shall be permitted.

10.3B.4 Regulations

Lot area ó minimum	2700 square metres (29063.5 sq. ft.)
Lot frontage ó minimum	17.5 metres
Yard, front ó minimum	15 metres (49.21 ft.)
Yard, rear ó minimum	7.5 metres (24.61 ft)
Yard, side ó minimum	15 metres (49.21 ft), except for Block 2, Lots 7 to 12 inclusive, where the minimum side yard shall be 2 metres (6.56 ft)
Floor area - minimum	110 square metres (1184 sq. ft) except for two óstory single detached dwellings where minimum shall be 165 square metres (1776 sq. ft.)

10.3B.5 Signs – Section 7 regulations shall apply in the R1B ó Low Density Residential District.

10.3B.6 Off-Street Parking ó Section 8 regulations shall apply in the R1B ó Low Density Residential District.

10.3B.7 Storage - Section 4.2.4 regulations shall apply in the R1B ó Low Density Residential District.ö

10.4 R2 - Medium Density Residential District

10.4.1 Permitted Uses - The following are permitted uses in the R2 - Medium Density Residential District:

- (1) Single detached dwellings
- (2) Semi-detached and duplex dwellings
- (3) Parks and playgrounds
- (4) Schools and educational facilities
- (5) Public works (excluding offices, warehouses and storage yards)

10.4.2 Discretionary Uses - The following are discretionary uses in the R2 - Medium Density Residential District:

- (1) Multiple Unit Dwellings
- (2) Curling and skating rinks
- (3) Community centres
- (4) Swimming pools
- (5) Hospitals, medical clinics
- (6) Nursing homes

- (7) Places of worship, religious institutions
- (8) Lodges, fraternal organizations, clubs
- (9) Libraries and cultural institutions
- (10) Day care centres
- (11) Family child care homes
- (12) Home occupations subject to the requirements of Section 5.3.
- (13) Personal care homes subject to the requirements of Section 5.5.
- (14) Sports fields
- (15) Swimming pools
- (16) Bed and Breakfast subject to the requirements of Section 5.2.
- (17) Group care facilities

10.4.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.4.4 Regulations

(1) Single Detached Dwellings

- Lot area - minimum - 464 square metres (4,994.6 sq. ft.) where the lot is served by a lane, otherwise 557 square metres (5,995.69 sq. ft.)
- Lot frontage - minimum - rectangular lots: 15 metres (49.21 ft.) where the lot is served by a lane otherwise 18 metres, (59.06);
non-rectangular lots: 11 metres (36 ft.) with a mean width of 15 metres over the first 30 metres (98.43 ft.) measured from the front lot line where there is a lane, otherwise 15 metres with a mean width of 18 metres measured from the front lot line.
- Yard, front - minimum - 7.5 metres (24.61 ft.)
- Yard, rear - minimum - 7.5 metres (24.61 ft.), except that for a corner lot, where access to an attached garage is obtained from a flankage street, the minimum rear yard shall be 3 metres (9.84 ft.).
- Yard, side - minimum - 1.2 metres (3.94 ft.), except for a corner lot where access to an attached garage is obtained from a flankage street, the minimum side yard shall be 4.5 metres (14.76 ft.).
- Floor area - minimum - 70 square metres (750 sq. ft.)

(2) Semi-detached and Duplex Dwellings

- Lot area - minimum - 460 square metres (4,951.39 sq. ft.), except where semi-detached dwellings are subdivided along the common wall, then each lot area shall be a minimum of 230 square metres (2,475.69 sq. ft.)
- Lot frontage - minimum - 15 metres (49.21 ft.) where the lot is served by a lane otherwise 21 metres (68.89 ft.). A site containing a semi-detached dwelling may be subdivided along the common wall and in that case, each dwelling unit shall then require a minimum frontage of 7.5 metres (24.6 ft.) where the lot is served by a lane otherwise 10.5 metres (34.45 ft.).
- Yard, front - minimum - 7.5 metres (24.61 ft.)
- Yard, rear - minimum - 7.5 metres (24.61 ft.), except that for a corner lot, where access to an attached garage is obtained from a flankage street, the minimum rear yard shall be 3 metres (9.84 ft.).
- Yard, side (per dwelling unit) - minimum - 1.2 metres (3.94 ft.), except for a corner lot where access

to an attached garage is obtained from a flankage street, the minimum side yard shall be 4.5 metres (14.76 ft.).

Floor area (per dwelling unit)
- minimum - 46 square metres (495.16 sq. ft.).

(3) Multiple Unit Dwellings

Lot area - minimum - 557 square metres (5,999.70 sq. ft.) plus 70 square metres (753.50 sq. ft.) for each ground floor dwelling unit in excess of 3.
Lot frontage - minimum - 18 metres (59.06)
Yard, front - minimum - 7.5 metres (24.61 ft.)
Yard, rear - minimum - 6 metres (19.69 ft.)
Yard, side - minimum - 1.5 metres (4.92 ft.) or half the average wall height whichever is greater, except that the side yard may be reduced by Council for buildings that were constructed prior to 1960 to accommodate the redevelopment of existing sites, but not less than 0.5 metres (1.64 ft.).
Lot coverage - maximum - 50 percent.
Floor area - minimum - 46 square metres (495.16 sq. ft.) except for one bedroom units, in which case the minimum shall be 28 square metres (301.40 sq. ft.)

(4) Libraries, Places of Worship, Day Care Centres, Religious and Cultural Institutions

Lot area - minimum - 464 square metres (4,994.6 sq. ft.)
Lot frontage - minimum - 15 metres (49.21 ft.) where the lot is served by a lane, otherwise 18 metres (59.06)
Yard front - minimum - 7.5 metres (24.61 ft.) or 25% of the depth of the lot, whichever is greater
Lot rear - minimum - 7.5 metres (24.61 ft.) or 25% of the lot depth whichever is greater
Yard side - minimum - 3 metres (9.84 ft.) or half the building height, whichever is greater

(5) All Other Uses (except public works)

Lot area - minimum - no minimum
Lot frontage - minimum - no minimum
Lot front - minimum - 7.5 metres (24.61 ft.)
Lot rear - minimum - 7.5 metres (24.61 ft.) or 25% of the lot depth whichever is greater
Yard side - minimum - 3 metres (9.84 ft.) or half the building height whichever is greater

10.4.5 Signs - Section 7 regulations shall apply in the R2 - Medium Density Residential District.

10.4.6 Off-Street Parking - Section 8 regulations shall apply in the R2 - Medium Density Residential District.

10.4.7 Storage - Section 4.2.4 requirements shall apply in the R2 - Medium Density Residential District.

10.5 R3 - Multiple Unit Residential District

10.5.1 Permitted Uses - The following are permitted uses in the R3 - Multiple Unit Residential

District.

- (1) Multiple unit dwellings
- (2) Parks and playgrounds
- (3) Schools, educational institutions
- (4) Public works (excluding offices, warehouses and storage yards)
- (5) Townhouses

10.5.2 Discretionary Uses - The following are discretionary uses in the R3 - Multiple Unit Residential District:

- (1) Curling and skating rinks
- (2) Community centres
- (3) Swimming pools
- (4) Medical clinics
- (5) Nursing homes
- (6) Places of worship, religious institutions
- (7) Lodges, fraternal organizations, clubs
- (8) Libraries, cultural institutions
- (9) Day care centres
- (10) Home occupations subject to the requirements of Section 5.3.
- (11) Dwelling Unit Groups

10.5.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.5.4 Regulations

(1) Multiple Unit Dwellings

- | | | |
|------------------------|---|--|
| Lot area - minimum | - | 557 square metres (5995.70 sq. ft.) plus 70 square metres (753.50 sq. ft.) for each ground floor dwelling unit in excess of 3. |
| Lot frontage - minimum | - | 18 metres (59.06) |
| Yard, front - minimum | - | 7.5 metres (24.61 ft.) |
| Yard, rear - minimum | - | 7.5 metres (24.61 ft.), except that for a corner lot where access to an attached garage is obtained from a flankage street, the minimum rear yard shall be 3 metres (9.84 ft.). |
| Yard, side - minimum | - | 3 metres (9.84 ft.) or half the average wall height whichever is greater, except that for a corner lot where access to an attached garage is obtained from a flankage street, the minimum shall be 6 metres (19.69 ft.). |
| Lot coverage - maximum | - | 50 percent. |
| Floor area - minimum | - | 46 square metres (495.16 sq. ft.) except for one bedroom units, in which case the minimum shall be 28 square metres (301.40 sq. ft.) |

(1.1) Townhouses

- | | | |
|------------------------|---|--|
| Lot area - minimum | - | 185 square metres (1,991.39 sq. ft.) for each dwelling unit. |
| Lot frontage - minimum | - | 6 metres (19.69 ft.) |
| Yard, front - minimum | - | 7.5 metres (24.61 ft.) |
| Yard, rear - minimum | - | 6 metres (19.69 ft.) |

- Yard, side - minimum - 1.5 metres (4.92 ft.) or half the average wall height whichever is greater.
- Lot coverage - maximum - 50 percent.
- Floor area - minimum - 46 square metres (495.16 sq. ft.) except for one bedroom units, in which case the minimum shall be 28 square metres (301.40 sq. ft.)

(1.2) Dwelling Unit Groups

- Lot area - minimum - 360 square metres (3,875.13 sq. ft.) per dwelling unit at a grade level or main floor plus 65 square metres (699.68 sq. ft.) for each additional unit above the main floor.
- Yard, front - minimum - 7.5 metres (24.61 ft.). Council may reduce this distance to a minimum 6 metres (19.69 ft.) where internal vehicular access is provided to individual principle dwellings from within a bare land condominium plan.
- Yard, rear - minimum - 7.5 metres (24.61 ft.). Council may reduce this distance to a minimum of 3 metres (9.84 ft.) where internal vehicular access is provided to individual principle dwellings from within a bare land condominium plan.
- Yard, side - minimum - 3 metres (9.84 ft.) or half the average wall height whichever is greater. Council may reduce this distance to a minimum of 1.2 metres (3.94 ft.) where vehicular access is provided to individual principle dwellings from within the bare land condominium plan.
- Lot coverage - maximum - 50 percent.
- Principle building setback - Minimum - All principle buildings forming a part of the dwelling unit group shall be located at least 1.2 metres (3.94 ft.) from any other principle building on the lot except bare land condominium plan as the case may be.

(2) All Other Uses (except public works)

- Lot area - minimum - no minimum
- Lot frontage - minimum - no minimum
- Yard front - minimum - 7.5 metres (24.61 ft.)
- Yard rear - minimum - 7.5 metres (24.61 ft.)
- Yard side - minimum - 3 metres (9.84 ft.) or half the building height, whichever is greater.

10.5.5 Signs - Section 7 regulations shall apply in the R3 - Multiple Unit Residential District.

10.5.6 Off-Street Parking - Section 8 regulations shall apply in the R3 - Multiple Unit Residential District.

10.5.7 Storage - Section 4.2.4 requirements shall apply in the R3 - Multiple Unit Residential District.

10.6 R4 - Mobile Home Residential District

10.6.1 Permitted Uses - The following are permitted uses in the R4 - Mobile Home Residential District.

- (1) Mobile home subdivisions
- (2) Mobile home courts
- (3) Parks and playgrounds

- (4) Schools and educational institutions
- (5) Public works (excluding offices, warehouses, and storage yards)

10.6.2 Discretionary Uses - The following are discretionary uses in the R4 - Mobile Home Residential District:

- (1) Day care centres
- (2) Family child care homes
- (3) Home occupations subject to the requirements of Section 5.3.

10.6.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.6.4 Regulations

(1) Mobile Homes

- Lot area - minimum - 464 square metres (4,994.6 sq. ft.) where the lot is served by a lane otherwise 557 square metres (5,995.69 sq. ft.); for a mobile home court the minimum lot area shall be 2 hectares (4.9 a.)
- Lot frontage - minimum - 13.7 metres (45 ft.) where the lot is served by a lane otherwise 15 metres (49.21 ft.)
- Yard front - minimum - 4.5 metres (14.7 ft.); mobile home courts shall have a minimum front yard of 7.5 metres (24.61 ft.)
- Yard rear - minimum - 4.5 metres (14.7 ft.); mobile home courts shall have a minimum rear yard of 7.5 metres (24.61 ft.)
- Yard side - minimum - 1.2 metres (3.94 ft.);
- Floor area - minimum - 66 square metres (710.44 sq. ft.)

(2) All Other Uses (except public works)

- Lot area - minimum - no minimum
- Lot frontage - minimum - no minimum
- Yard front - minimum - 7.5 metres (24.61 ft.)
- Yard rear - minimum - 7.5 metres (24.61 ft.) or 25% of the depth of the lot whichever is the greater.
- Yard side - minimum - 3 metres (9.84 ft.) of half the building height whichever is the greater

(3) Additional Mobile Home Court Regulations

- (a) All mobile home courts shall comply with Canadian Standards Association Z240 standards.
 - (b) Mobile homes shall be skirted with a material compatible with the finish of the mobile homes, within 30 days of the mobile home being moved in.
- (c) Mobile homes shall be connected to municipal sewer and water systems, if available to the site. All connections shall be protected from frost damage.
- (d) A landscaped area of not less than 7.5 metres (24.61 ft.) in width shall be provided and developed within a mobile home park along its boundary limits in addition to a recreational area.
- (e) Ten percent of the gross area of a mobile home park shall be developed for a recreational area.

10.6.5 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.6.6 Signs - Section 7 regulations shall apply in the R4 - Mobile Home Residential District.

10.6.7 Off-Street Parking - Section 8 regulations shall apply in the R4 - Multiple Unit Residential District.

10.6.8 Storage - Section 4.2.4 requirements shall apply in the R4 - Multiple Unit Residential District.

10.7 C1 - Retail Commercial District

10.7.1 Permitted Uses - The following are permitted uses in the C1 - Retail Commercial District:

- (1) Banks, offices, studios
- (2) Bakeries with retail sales
- (3) Barbers, hairdressers, receiving stations for dry cleaning and laundry establishments, self-service laundries, shoe repair and similar types of personal service establishments
- (4) Medical and dental offices and clinics
- (5) Printing plants, newspaper offices
- (6) Restaurants, confectioneries and other places for the sale and consumption of food and related items
- (7) Retail and rental stores
- (8) Community centres
- (9) Commercial entertainment establishments
- (10) Undertaking establishments
- (11) Licensed beverage rooms and other places for the sale and consumption of beer, wine and other spirits with or without food.
- (12) Hotels, motels
- (13) Radio and television stations
- (14) Public works

10.7.2 Discretionary Uses - The following are discretionary uses in the C1 - Retail Commercial District:

- (1) Shopping centres
- (2) Mini-malls
- (3) Service stations
- (4) Establishments for the sale, storage and servicing of motor vehicles
- (5) Lumber yards
- (6) Car washes
- (7) Wholesale trade stores and office
- (8) Trade workshops, but not including open exterior storage space
- (9) Bus terminals
- (10) Gas bars
- (11) Bed and Breakfast subject to the requirements of Section 5.2.
- (12) Bakeries with accessory milling operations subject to provincial Air Quality, Environmental & Health regulations
- (13) Lodges, fraternal organizations, clubs
- (14) Libraries, cultural institutions
- (15) Places of worship
- (16) Day care centres
- (17) Multiple Unit Dwellings
- (18) Accessory dwelling units attached to stores or commercial establishments subject to the dwelling unit:
 - (a) having an entrance separate from that of the store or commercial establishment; and
 - (b) providing a fire exit secondary to the required entrance.

- (19) Taxidermy
- (20) Greenhouses, tree and plant nurseries

10.7.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.7.4 Regulations

(1) Multiple Unit Dwellings

- Lot area - minimum - 557 square metres (5,995.69 sq. ft.) plus 70 square metres (753.5 sq. ft.) for each ground floor dwelling unit in excess of 3
- Lot frontage - minimum - 18 metres (59.06)
- Yard front - minimum - 7.5 metres (24.61 ft.)
- Yard rear - minimum - 7.5 metres (24.61 ft.)
- Yard side - minimum - 3 metres (9.84 ft.) or half the average wall height whichever is greater
- Lot coverage - maximum - 50%
- Floor area - minimum - 46 square metres (495.16 sq. ft.) except for one bedroom units, in which case the minimum shall be 28 square metres (301.40 sq. ft.)

(2) Other Uses

- Lot area - minimum
 - Service stations - 929 square metres (10,000 sq. ft.)
 - Gas bars - 700 square metres (7,534.98 sq. ft.)
 - Shopping centres - 2,800 square metres (30,140 sq. ft.)
 - Mini malls - 900 square metres (9,687.84 sq. ft.)
 - All other uses - 278 square metres (3,003.22 sq. ft.)
- Lot frontage - minimum
 - Service stations - 30 metres (98.43 ft.)
 - Gas bars - 23 metres (75.46 ft.)
 - Shopping centres - 90 metres (295.28 ft.)
 - Mini malls - 30 metres (98.43 ft.)
 - All other uses - 7.5 metres (24.61 ft.)
- Yard front - minimum
 - Service stations - 7.5 metres (24.61 ft.)
 - Gas bars - 7.5 metres (24.61 ft.)
 - Shopping centres and mini malls - 15 metres (49.21 ft.)
 - All other uses - no requirement
- Yard side - minimum
 - Service stations and gas bars - 3 metres (9.84 ft.)
 - Shopping centres - 6 metres (19.69 ft.)
 - Mini malls - 3 metres (9.84 ft.)
 - All other uses - no minimum, except where the side of a lot in any C1-Commercial District abuts any Residential District without an intervening street or lane, a side yard of at least 1.5 metres (4.92 ft.) shall be provided
- Yard rear - minimum
 - Service stations

- and gas bars - 10% of the depth of the lot
- Shopping centres and mini malls - 6 metres (19.69 ft.)
- All other uses - 1.5 metres (4.92 ft.), except where the rear of a lot in any C1-Commercial District abuts any Residential District without an intervening street or lane, a rear yard of at least 6 metres (19.69 ft.) shall be provided

10.7.5 Signs - Section 7 regulations shall apply in the C1 - Retail Commercial District.

10.7.6 Off-Street Parking and Loading - Section 8 regulations shall apply in the C1 - Retail Commercial District.

10.8 C2 - Highway Commercial District

10.8.1 Permitted Uses - The following are permitted uses in the C2 - Highway Commercial District:

- (1) Hotels
- (2) Motels
- (3) Service stations
- (4) Establishments for the sale, storage and servicing of motor vehicles, trailers, agricultural machinery, equipment and supplies
- (5) Car washing establishments
- (6) Community centres
- (7) Restaurants, confectioneries and other places for the sale and consumption of food and related items
- (8) Government offices
- (9) Public works
- (10) Gas Bars
- (11) Undertaking and/or Crematorium establishments

10.8.2 Discretionary Uses - The following are discretionary uses in the C2 - Highway Commercial District:

- (1) Veterinary clinics
- (2) Lumber and building supply establishments
- (3) Day care centres
- (4) Bulk oil dealers
- (5) Auto body shops, but not including any works related to the operation of an auto wrecking yard
- (6) Wholesale trade stores, offices and warehouses
- (7) Shops of plumbers, pipe fitters, metal workers and other industrial tradespeople
- (8) Manufacturing and processing shops and associated storage facilities wherein applicable work activities are conducted wholly within enclosed buildings.
- (9) Commercial entertainment establishments
- (10) Bus terminals
- (11) Mini malls
- (12) Greenhouses, tree and plant nurseries

10.8.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, including dwellings for managers, owners shall be permitted with Council approval, subject to the dwelling unit having an entrance separate from that of the store or commercial establishment and providing a fire exit secondary to the required entrance.

10.8.4 Regulations

Lot area - minimum

- Hotels, motels, mini malls,
and service stations - 929 square metres (10,000 sq. ft.)
- Gas bars - 700 square metres (7,534.98 sq. ft.)
- All other uses - 464 square metres (4,994.6 sq. ft.)

Lot frontage - minimum

- Hotels, motels, mini malls
and service stations - 30 metres (98.43 ft.)
- Gas bars - 23 metres (75.46 ft.)
- All other uses - 15 metres (49.21 ft.)

Yard front - minimum

- Hotels, motels, mini malls
and service stations - 15 metres (49.21 ft.)
- All other uses - 7.5 metres (24.61 ft.)

Yard side - minimum

- 3 metres (9.84 ft.)

Yard rear - minimum

- Gas bars - 10% of the depth of the lot
- All other uses - 3 metres (9.84 ft.) with lane; 6 metres (19.69 ft.) without lane

10.8.5 Signs - Section 7 regulations shall apply in the C2 - Highway Commercial District.

10.8.6 Off-Street Parking and Loading - Section 8 regulations shall apply in the C2 - Highway Commercial District.

10.9 C3 - Shopping Centre Commercial District

10.9.1 Permitted Uses - The following are permitted uses in the C3 - Shopping Centre Commercial District:

(1) Shopping centres comprised of:

- (a) Retail stores
- (b) Financial institutions
- (c) Restaurants, beverage rooms, cocktail lounges and other similar uses
- (d) Commercial entertainment establishments
- (e) Personal service establishments
- (f) Dry cleaners
- (g) Medical and/or dental clinics
- (h) Offices
- (i) Gas bars
- (j) Fast food outlets
- (k) Hotels and motels

(2) Public works

10.9.2 Discretionary Uses - The following are discretionary uses in the C3 - Shopping Centre Commercial District:

- (1) Service stations
- (2) Tourist Information Facilities

10.9.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.9.4 Regulations

(1) Site Requirements

Shopping Centres

Site requirements

Area, minimum	- 4 hectare (1 Ac.)
Frontage, minimum	- 90 metres (295.28 ft.)
yard, front - minimum	- 7.5 metres (24.6 ft.)
yard, rear - minimum	- 6 metres (19.7 ft.)
yard, side - minimum	- 6 metres (19.7 ft.)

Requirements for individual lots within a Shopping Centre site

lot frontage, minimum	- 6 metres (19.7 ft.)
yard, front - minimum	- 7.5 metres (24.6 ft.)
yard, side - minimum	- no minimum <u>or</u> 6 metres if the side yard is also the site side yard
yard, rear - minimum	- no minimum <u>or</u> 6 m if the rear yard is also the site rear yard

Other Uses

Lot area - minimum

Gas bars	- 700 square metres (7,534.98 sq. ft.)
All other uses	- 929 square metres (10,000 sq. ft.)

Lot frontage - minimum

Service stations	- 30 metres (98.43 ft.)
Gas bars	- 23 metres (75.46 ft.)
All other uses	- 15 metres (49.21 ft.)

Yard front - minimum

Service stations and Gas bars	- 15 metres (49.21 ft.)
All other uses	- 7.5 metres (24.61 ft.)

Yard side - minimum

- 3 metres (9.84 ft.)

Yard rear - minimum

Service stations and Gas bars	- 10% of the depth of the lot
All other uses	- 3 metres (9.84 ft.) with lane; 6 metres (19.69 ft.) without lane

10.9.5 Signs - Section 7 regulations shall apply in the C3 - Shopping Centre Commercial District.

10.9.6 Off-Street Parking and Loading - Section 8 regulations shall apply in the C3 - Shopping Centre Commercial District.

10.9.7 Landscaping - Landscaping shall be provided in accordance with a landscape plan submitted by the developer and the development shall conform with the following requirements and standards:

- (1) all areas of a site not covered by buildings, required accessory uses to the principal building, parking or vehicular maneuvering areas shall be landscaped;
- (2) the minimum landscape area to be provided on-site shall be 10% of the site area;
- (3) abutting street boulevards or other public areas may be included within the landscaped area and considered as part of the minimum site area;
- (4) where an outdoor private amenity space or communal open space is provided within the

- required landscaped area, it shall be considered as satisfying a portion of the landscaping requirements;
- (5) the quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development. Adequate means of irrigating and maintaining the landscaping shall be provided;
 - (6) Soft Landscaping shall conform to the following:
 - (a) all plant materials shall be of a species capable of healthy growth in Melfort;
 - (b) trees shall be planted in the overall minimum ratio of one tree per 45 square metres of landscaped area within the site area;
 - (c) the mixture of tree sizes at the time of planting shall be equivalent to a minimum of 50 percent larger trees. The minimum size for smaller deciduous trees shall be 50 millimetres caliper and for larger deciduous trees, a minimum of 85 millimetres caliper;
 - (7) Landscaping areas shall be located to enhance:
 - pedestrian areas;
 - building walls;
 - vehicle entranceways and internal circulation roadways;
 - parking areas as necessary to break-up large expanses of pavement;
 - the property line of the site adjacent to arterial roadways or highways at an average landscape width of 6m. excluding vehicle access/egress points;
 - the property line of the site adjacent to collector roadways at an average width of 3 m. excluding vehicle access/egress points.
 - (8) The Director of Community Services may approve a variance of landscaping requirements detailed in this section, based on the submission of a landscape design plan that, in his/her opinion is deemed equivalent and meets the intent of the bylaw.

10.10 C4 - Neighbourhood Commercial District

10.10.1 Permitted Uses - The following are permitted uses in the C4 - Neighbourhood Commercial District:

- (1) Convenience stores
- (2) Personal service establishments
- (3) Laundromats
- (4) Public works

10.10.2 Discretionary Uses - The following are discretionary uses in the C4 - Neighbourhood Commercial District:

- (1) Arcades
- (2) Video rental

10.10.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.10.4 Regulations

Lot area - minimum	-	464 square metres (4,994.6 sq. ft.)
Lot frontage - minimum	-	15 metres (49.21 ft.)
Yard front - minimum	-	7.5 metres (24.61 ft.)
Yard side - minimum	-	1.5 metres (4.92 ft.)
Yard rear - minimum	-	3 metres (9.84 ft.) with lane; 6 metres (19.69 ft.) without lane

10.10.5 Signs - Section 7 regulations shall apply in the C4 - Neighbourhood Commercial District.

10.10.6 Off-Street Parking and Loading - Section 8 regulations shall apply in the C4 - Neighbourhood Commercial District.

10.11 M1 - Light Industrial District

10.11.1 Permitted Uses - The following are permitted uses in the M1 - Light Industrial District:

- (1) Lumber and building supply establishments
- (2) Service stations
- (3) Establishments for the sale, storage and servicing of motor vehicles, trailers, farm machinery and equipment
- (4) Autobody shops
- (5) Car washing establishments
- (6) Shops of plumbers, pipe fitters, metal workers and other industrial tradespeople
- (7) Wholesale establishments and warehouses
- (8) Railway and ancillary functions
- (9) Truck, bus and other transport terminals and yards
- (10) Laundry and dry cleaning establishments
- (11) Printing plants and reproduction offices
- (12) Bakeries
- (13) Public works
- (14) Gas Bars

10.11.2 Discretionary Uses - The following are discretionary uses of forms of development in the M1 - Light Industrial District:

- (1) Grain elevators, mills and seed cleaning plants
- (2) Concrete manufacturing plants
- (3) Bulk oil, propane gas, fuel dealers, storage and sales
- (4) Veterinary hospitals
- (5) Auto wrecking yards
- (6) Commercial bingo halls
- (7) Owner's, manager's or caretaker's residence, subject to the following development standards:
 - The residence must be accessory and subordinate to the principal permitted or discretionary use.
 - Only one residence is permitted on each parcel.
 - The residence must be located on the same parcel as the business, or be located in part of the business, subject to the residence having an entrance separate from that of the commercial or industrial establishment and providing a fire exit secondary to the required entrance.
 - If the residence is a stand-alone structure, it must utilize no more than 10% of the area of the parcel.
 - The residence must be connected to the city water and sewer systems.

10.11.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.11.4 Regulations

- (1) Lot Requirements

Lot area - minimum	
Service stations and gas bars	- 929 square metres (10,000 sq. ft.)
All other uses	- 557 square metres (5,995.69 sq. ft.)
Lot frontage - minimum	
Service stations and gas bars	- 30 metres (98.43 ft.)
All other uses	- 18 metres (59.06)
Yard front - minimum	
Service stations and gas bars	- 7.5 metres (24.61 ft.)
All other uses	- 4.5 metres (15 ft.)
Yard side - minimum	- 3 metres (9.84 ft.) on each side
Yard rear - minimum	- 10% of the depth of the lot

10.11.5 Signs - Section 7 regulations shall apply in the M1 - Light Industrial District.

10.11.6 Off-Street Parking and Loading - Section 8 regulations shall apply in the M1 - Light Industrial District.

10.12 M1A - Light Industrial District

10.12.1 Permitted Uses - All the permitted uses of the M1 - Light Industrial District are permitted in the M1A - Light Industrial District.

10.12.2 Discretionary Uses - The following are discretionary uses of forms of development in the M1A - Light Industrial District:

- (1) All the discretionary uses of the M1 - Light Industrial District may be considered as a discretionary use in the M1A - Light Industrial District.
- (2) Single detached dwellings subject to the following development requirements:
 - (a) Development applications for dwellings will only be considered for replacement of a dwelling.
 - (b) The yard regulations of the R2 - Medium Density Residential District shall apply.

10.12.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.12.4 Regulations - The lot regulations of the M1 - Light Industrial District shall apply in the M1A - Light Industrial District except for single detached dwellings in which case the regulations of the R2 - Medium Density Residential District shall apply.

10.12.5 Signs - Section 7 regulations shall apply in the M1A - Light Industrial District.

10.12.6 Off-Street Parking and Loading - Section 8 regulations shall apply in the M1A - Light Industrial District.

10.13 M2 - Heavy Industrial District

10.13.1 Permitted Uses - The following are permitted uses in the M2 - Heavy Industrial District:

- (1) Grain elevators, feed mills, fertilizer and seed cleaning plants
- (2) Lumber and building supply establishments
- (3) Manufacturing, processing and packing plants
- (4) Machine shops, foundry works, boiler works
- (5) Shops of plumbers, pipe fitters, metal workers and other industrial tradespeople
- (6) Petroleum products, storage yard, coal yards, gravel yards
- (7) Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, farm machinery and equipment
- (8) Wholesale establishments, warehouses, and supply depots
- (9) Creameries, milk and carbonated beverage bottling plants
- (10) Bus, railway and truck transportation terminals and yards.
- (11) Autobody shops
- (12) Printing plants and reproduction offices
- (13) Car washing establishments
- (14) Public works
- (15) Gas Bars

10.13.2 Discretionary Uses - The following are discretionary uses of forms of development in the M2 - Heavy Industrial District:

- (1) Abattoirs and stock yards
- (2) Junkyards and auto wrecking yards
- (3) Auction marts
- (4) Propane gas sales establishments
- (5) Tanneries and hide storage establishments
- (6) Veterinary hospitals
- (7) Hatcheries and eviscerating plants

10.13.3 Accessory Uses - Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

10.13.4 Regulations

- (1) Lot Requirements

- | | | |
|------------------------|---|--|
| Lot area - minimum | - | 1114 square metres (11,991.39 sq. ft.) |
| Lot frontage - minimum | - | 30 metres (98.43 ft.) |
| Yard front - minimum | - | 6 metres (19.69 ft.) |
| Yard side - minimum | - | 3 metres (9.84 ft.) on each side |
| Yard rear - minimum | - | 10% of the depth of the lot, except where the rear yard abuts a railroad track or yard in which case no rear yard is required. |

10.13.5 Signs - Section 7 regulations shall apply in the M2 - Heavy Industrial District.

10.13.6 Off-Street Parking and Loading - Section 8 regulations shall apply in the M2 - Heavy Industrial District.

10.14 FW - Floodway District

10.14.1 Permitted Uses - The following are permitted uses in the FW - Floodway District:

- (1) Outdoor recreation uses comprised of sports fields, parks, golf courses, and tourist campsites

- (2) Wildlife habitat and sanctuary
- (3) Natural habitat conservation
- (4) Walkway or pedestrian and bicycle trails
- (5) Parking areas
- (6) Agricultural uses comprised of:
 - (a) hay and forage crops; and
 - (b) cereal grain crops such as wheat, oats, barley, flax, canola and other similar products; but not including the grazing of livestock.
- (7) Market garden crops such as potatoes, lettuce, carrots, peas, beans, and other similar products
- (8) Tree and plant nurseries
- (9) Public works, but excluding buildings or storage yards

10.14.2 Discretionary Uses - The following are discretionary uses of forms of development in the FW - Floodway District:

Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use.

10.14.3 Regulations

- (1) Lot area - minimum- no minimum
- (2) General Regulations
 - (a) No person shall within the FW - Floodway District backfill, grade, deposit earth or other material, excavate, store goods or materials, or erect any buildings or structures nor cause any such development to occur except as specifically provided herein.
 - (b) Fencing or other similar structures and hedging and other similar landscape elements shall not be permitted in the FW - Floodway District unless constructed parallel to the direction of water flow and Council, in consultation with the Saskatchewan Water Corporation, are satisfied that such developments will not adversely affect the hydraulic efficiency or capacity of the floodway or adversely affect the existing drainage courses.
 - (c) The storage of materials defined as "Hazardous Goods" by the *Hazardous Substances Control Regulations* shall be prohibited.

10.14.4 Signs - Section 7 regulations shall apply in the FW - Floodway District.

SECTION 11 - REPEAL AND EFFECTIVE DATE OF THE BYLAW

11.1 Repeal

Bylaw No. 82-23 as amended by Bylaws No. 84-03, No. 84-15, No. 85-05, No. 85-08, No. 87-01, No. 88-07, No. 88-17, No. 92-11, No. 93-12, and No. 96-05 are hereby repealed.

11.2 Effective Date Of The Bylaw

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

INTRODUCED AND READ a first time this 17th day of June, 1996.

READ A SECOND TIME this 17th day of June, 1996.

READ A THIRD TIME and passed this 15th day of July, 1996.

"Arnold A. Orr"
MAYOR

SEAL

"Joanne Forer"
CITY CLERK

CERTIFIED a true copy of Bylaw No. 96-09
adopted by Resolution of Council on the
15th day of July, 1996.

City Clerk

**CITY OF MELFORT
APPLICATION FOR DEVELOPMENT PERMIT**

1. APPLICANT:

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

2. REGISTERED OWNER: as above () OR

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

3. PROPERTY - LEGAL DESCRIPTION:

Lots(s) _____ Block(s) _____ Registered Plan No. _____
Certificate of Title No. _____ Date _____

4. LOT SIZE:

Dimensions _____ (m) Area _____ (m², ha)

5. EXISTING LAND USE:

6. PROPOSED LAND USE / DESCRIPTION OF PROPOSED DEVELOPMENT:

- 7. a) PROPOSED DATE OF COMMENCEMENT:
- b) PROPOSED DATE OF COMPLETION:

8. OTHER INFORMATION:

9. FOR NEW CONSTRUCTION DRAW A SITE PLAN ON A SEPARATE SHEET SHOWING WHERE APPLICABLE:

- a) Dimensions of the lot.
- b) Location and size of all existing and proposed buildings and structures.
- c) Utility lines, easements, topographic features.
- d) Proposed site drainage and finished lot grades.

- e) Location of septic disposal systems and water supply.
- f) Landscaping (loading and parking areas, entrance and exit points to sites, fences, screening, trees, hedges).

10. MOBILE HOMES - C.S.A. Z240 approval number (from Black and Silver sticker). _____

11. DECLARATION OF APPLICANT:

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

 Date Signature

FOR MUNICIPAL OFFICE USE ONLY:

- 1. Present Zoning:
 - 2. Proposed Use(s): Principal _____
 Accessory _____
 - 3. Proposed Yards: Front ____ Rear ____ Side ____ Side
 - 4. Application Status: Meets Bylaw Requirements ___ Does not Meet Bylaw Requirements
- Other Regulations/Comments:

 Date Development Officer

CITY OF MELFORT
NOTICE OF DECISION FOR A DEVELOPMENT PERMIT

To: _____
(Applicant) (Address)

THIS IS TO ADVISE YOU THAT YOUR APPLICATION FOR A;

- 1 PERMITTED USE OR FORM OF DEVELOPMENT, or
- 2 DISCRETIONARY USE OR FORM OF DEVELOPMENT:

HAS BEEN:

- 3 **APPROVED.**
- 4 **APPROVED SUBJECT TO CONDITIONS or DEVELOPMENT STANDARDS**, as listed in the attached "Schedule A".
- 5 **REFUSED** for the following reason:

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

Right of Appeal

Please be advised that, under Sections 74 (4) and 96 of *The Planning and Development Act, 1983*:

- 6 you **may appeal the refusal** of your application for a permitted use or form of development [Section 96 (1)];
- 7 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 [Section 96 (1.1)];
- 8 you **may appeal** those standards that you consider excessive in the approval of the discretionary use or form of development subject to standards [Section 74 (4)];
- 9 you **may NOT appeal the refusal** of your application for a discretionary use or form of development [Section 96 (4)];

to the **Development Appeals Board of the City of Melfort**. In addition you may appeal if you feel that the Development Officer has misapplied the Zoning Bylaw in the issuing of this permit [Section 96 (1)]. Your appeal must be in writing within 30 days of the date of this notice, to:

Secretary, Development Appeals Board
City of Melfort
Box 2230, Melfort, Saskatchewan, S0E 1A0.

Date

Development Officer

Note: A building permit is also required for building construction.

**CITY OF MELFORT
MINOR VARIANCE APPLICATION
ZONING BYLAW NO. 96-09**

Application No. _____

1. I (we) _____, hereby apply to the City of Melfort, for a minor variance of Zoning Bylaw No. 96-09 for the following property:

Legal Description: _____

(Lot, Block, Parcel, Registered Plan No.)

Applicant: Name: _____

Address: _____ Postal Code: _____

Telephone Number: _____

Property Owner (if not same as above):

Name: _____

Address: _____ Postal Code: _____

Signature of Consent: _____ Date: _____

2. Describe the nature and extent of relief applied for:

3. The reason(s) for the minor variance to the Zoning Bylaw is:

4. I (we) have enclosed a scaled site-plan indicating the dimensions of the existing and/or proposed building and the building setback(s) dimensions for the property. (If available, please provide a copy of the surveyor's certificate or real property report for the subject property). Any additional information that may be requested by the development officer, will be forwarded upon request.

5. I have enclosed the \$25.00 minor variance application fee as required by the Zoning Bylaw.

Dated this _____ day of _____, 19 _____.

Signature of Applicant

**CITY OF MELFORT
MINOR VARIANCE APPLICATION
NOTICE OF DECISION**

Application No. _____

To: _____
(Applicant) (Address)

THIS IS TO ADVISE YOU THAT YOUR APPLICATION FOR A MINOR VARIANCE
HAS BEEN:

- ___ **APPROVED** (*see note below*).
- ___ **APPROVED SUBJECT TO TERMS AND CONDITIONS**, as listed in the attached "Schedule A" (*see note below*).
- ___ **REFUSED** for the following reason:

Note: Adjacent assessed owners of property are required to be provided with a notice of an approval with or without terms and conditions. This decision does not take effect:

- in the case of a notice sent by registered mail, until 23 days from the date of the notice was mailed;
- in the case of a notice delivered by personal service, until 20 days from the date of the notice was served.

If an assessed owner objects to the approval with or without conditions, the approval is revoked and you have the right of appeal to the Development Appeals Board within 30 days of receiving a notice revoking the approval.

RIGHT OF APPEAL

Please be advised that you may appeal:

- ___ the refusal of your application for a minor variance;
- ___ the terms and conditions;

to the Development Appeals Board within 30 days of this decision at the following address:

Secretary
Development Appeals Board
City of Melfort
Box 2230
Melfort, Saskatchewan, S0E 1A0.

Date: _____ Development Officer: _____

CITY OF MELFORT

APPLICATION FOR CONTRACT ZONING AMENDMENT

4. Provide a reason for this amendment request: Application No. _____

1. I (we) _____, hereby apply to the City of Melfort, for a rezoning of land to be based on an contract agreement in accordance with Zoning Bylaw No. 96-09 for the following property:

5. ~~Legal Description:~~ Describe any terms or conditions desired to be included in the contract agreement: _____
(Lot, Block, Parcel, Registered Plan No.)

Applicant: Name: _____
Address: _____ Postal Code: _____
Telephone Number: _____

6. ~~Property Owner:~~ ~~Name:~~ ~~Address:~~ ~~Postal Code:~~ Provide enclosed as a site plan indicating the dimensions of the existing and/or proposed building and the building setback(s) dimensions for the property. (If available, please provide a copy of the surveyor's certificate or real property report for the subject property). Any additional information that may be requested by the development officer, will be forwarded upon request. _____

Dated this _____ day of _____, 20 ____.

Signature of Consent: _____ Date: _____

2. ~~Signature of Applicant~~
Describe the present use of buildings and property:

NOTE: Any advertising costs for the amendment will be assessed to the applicant.

3. Describe the proposed use of buildings and property:

