

**TOWN OF LUMSDEN
BYLAW NO. 15-2012**

A Bylaw to amend Bylaw No. 15-2002 known as the Zoning Bylaw.

The Council of the Town of Lumsden, in the Province of Saskatchewan, enacts to amend Bylaw No. 15-2002 as follows:

1. SECTION 1 INTRODUCTION is amended by adding the following new subsection:

“1.6 TRANSITIONAL – Sections 248 and 253 of *The Planning and Development Act, 2007* (hereinafter known as *the Act*) provides that every development plan, basic planning statement or zoning bylaw established pursuant to a previous Act continues in force so long as it is not inconsistent with *the Act* or any provincial land use policy or statement of provincial interest. Any reference in this bylaw to the Town of Lumsden “Basic Planning Statement” shall be taken to mean the Town of Lumsden “Official Community Plan”. Unless stated otherwise in a specific amendment herein, references to “*The Planning and Development Act, 1983*” that appear in Bylaw 15-2002 (the Zoning Bylaw) are deemed to mean *The Planning and Development Act, 2007*.”

2. References to “*The Planning and Development Act, 1983*” and to sections of that Act that are contained within the current bylaw are deleted and replaced with references to “*The Planning and Development Act, 2007 (The Act)*” and to applicable sections of The Act as follows:

- A. SECTION 2 DEFINITIONS is amended by deleting the definition of “ACT” and substituting the following thereto:

“ACT: *The Planning and Development Act, 2007*.”

- B. SECTION 2 DEFINITIONS is amended by deleting the definition of “PUBLIC WORKS” and substituting the following thereto:

“PUBLIC WORKS: A facility as defined under *The Planning and Development Act, 2007*.”

- C. SECTION 3.7 MINOR VARIANCES is amended by deleting the words “Section 82” in subsection (e) and substituting the following:

“Section 69”

- D. SECTION 3.15 OFFENSES AND PENALTIES is deleted and the following is substituted thereto:

3.15 OFFENSES AND PENALTIES

Any person who violates this bylaw is guilty of an offence and liable upon summary conviction, to penalties and subject to an order as stated in Section 243 of *the Act*.”

- E. SECTION 3.18 DEVELOPMENT AGREEMENTS is deleted and the following substituted thereto:

3.18 AGREEMENTS TO CARRY OUT PROVISIONS OF THE ZONING BYLAW

Council may, pursuant to Section 235 of *the Act* enter into an agreement with any person where considered necessary to carry out the provisions of the Zoning Bylaw.”


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F. SECTION 3.19 SERVICING AGREEMENTS is amended by deleting the words "Section 143 of The Planning and Development Act, 1983" and substituting the following thereto:

"Section 172 of *The Planning and Development Act, 2007*"

G. SECTION 3.19 SERVICING AGREEMENTS is amended by deleting the words "Section 143(2) of *The Planning and Development Act, 1983*" and substituting the following thereto:

"Section 172(3) of *The Planning and Development Act, 2007*"

3. SECTION 2 DEFINITIONS is amended by deleting the definition of the term "EXISTING" and substituting the new definition of the term "CONFORMING USE, EXISTING" following the definition of "CONDOMINIUM" as follows:

"CONFORMING USE, EXISTING: A use that was in place and with all approvals and permits in place on the effective date of Bylaw 15-2002, the Zoning Bylaw (For comparison refer to definition of Non-Conforming Use)."

4. SECTION 2 DEFINITIONS is amended by deleting the definition of "LOT" and substituting the following thereto:

"LOT: An area of land with fixed boundaries on record in the Land Titles Office by Certificate of Title."

5. SECTION 2 DEFINITIONS is amended by deleting the definition of "NON-CONFORMING USE" and substituting the following thereto:

"NON-CONFORMING USE: Any use of land, building or structure lawfully existing or under construction where permits have been issued at the effective date of Bylaw 15-2002 (the Zoning Bylaw) or any amendment thereto, the use of which does not comply with all the regulations of this Bylaw governing the Zoning District in which it is located."

6. SECTION 2 DEFINITIONS is amended by deleting the term for "HOME OCCUPATION" and substituting definitions for the terms "HOME BASED BUSINESS, HOME BASED BUSINESS – TYPE I AND HOME BASED BUSINESS – TYPE II as follows:

"HOME BASED BUSINESS: An occupation carried on by the residents of a dwelling unit ancillary to the principal residential use which does not change the residential character of the building or site.

HOME BASED BUSINESS – TYPE I: A home based business owned and operated solely by the resident or residents of the dwelling unit.

HOME BASED BUSINESS – TYPE II: A home based business owned by the resident or residents of the dwelling unit, but where no more than one non-resident person may be employed on site."

7. SECTION 2 DEFINITIONS is amended by adding the following new definitions:

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

B. "ANIMAL UNIT: The kind and number of animals calculated in accordance with the following:

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|---|----------------|
| a. 1 cow (plus calf to weaning) | 1 animal unit |
| b. 1 bull, steer or heifer | 1 animal unit |
| c. 1 horse (plus foal to weaning) | 1 animal unit |
| d. 4 sheep or goats (plus lambs or kids to weaning) | 1 animal unit |
| e. 4 pigs (plus litter to weaning) | 1 animal unit |
| f. 100 chickens | 1 animal unit" |
- C. "BARE LAND CONDOMINIUM: a condominium divided into bare land units as defined within *The Condominium Property Act, 1993*."
- D. "BARE LAND UNIT: A bare land unit as defined within *The Condominium Property Act, 1993*."
- E. "BED AND BREAKFAST HOME: a bed-and-breakfast facility in a single detached dwelling, licensed as an itinerant use accommodation under The Public Accommodation Regulations, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the travelling public for a charge."
- F. "LANDSCAPING: means the modification and enhancement of a site through the use of any or all of the following elements:
- (a) hard landscaping: means landscaping consisting of non-vegetative materials, such as brick, stone, concrete, tile and wood, but excluding monolithic concrete and asphalt.
 - (b) soft landscaping: means landscaping consisting of vegetation, such as trees, shrubs, hedges and grass.
 - (c) architectural elements: means landscaping consisting of wing walls, sculptures, etc."
- G. "LIGHT MANUFACTURING: A light industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, including apparel, food, drapes, clothing and accessories, bedspreads, decorations, artificial plants, jewellery, instruments, computers, electronic devices and other similar products."
- H. "LIVESTOCK: Horses, cattle, pigs, goats, sheep, poultry and other similar animals."
- I. "MEMBRANE COVERED STRUCTURE: A structure consisting of a frame that is covered with a plastic, fabric, canvas or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles, or other personal property. The term shall also apply to structures also commonly known as hoop houses, canopy covered carports, tent garages and can be fully or partially covered, but does not include gazebos or outdoor tents."
- J. "NOISE RECEPTOR: Permanent or seasonal residences, hotels/motels, nursing retirement homes, rental residences, hospitals, campgrounds, and noise sensitive buildings such as schools and places of worship."
- K. "NOISE RECEPTOR, NON-PARTICIPATING: A noise receptor on a property that is not associated with the Wind Energy Conversion Facility by means of a legal agreement for the installation and operation of a Wind Turbine or Wind Turbines and/or equipment, machinery and structures utilized in connection with the conversion of wind to electrical energy which is located on that property."
- L. "NON-CONFORMING BUILDING: A building which is lawfully constructed or lawfully under construction and for which all required permits have been secured on the effective date of Bylaw 15-2002 (the Zoning Bylaw) or any amendment thereto but which does not comply with the Zoning Bylaw or any amendment thereto."

- M. "NON-CONFORMING SITE: A site consisting of one or more contiguous parcels, that on the effective date of Bylaw 15-2002 (the Zoning Bylaw) or any amendments thereto, contains a use that conforms to the bylaw or amendment, but the site area or dimensions do not conform to the standards of the Zoning Bylaw or amendment for that use."
- N. "OUTDOOR STORAGE COMPOUND: An area for the accessory storage of equipment, goods and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing states of the land. Typical items stored in this manner include, but are not limited to, vehicle or heavy equipment storage compounds."
- O. "SHIPPING CONTAINER: A prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck."
- P. "WIND TURBINE: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower. The height of a wind turbine tower is measured from the base of the tower foundation to the highest point of the blades at their apex."

8. SECTION 3.5 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS is amended by deleting subsection 1 (h) Site Description.

9. SECTION 3.8 DEVELOPMENT NOT REQUIRING A PERMIT is amended by deleting subsection 1 (c) and substituting the following thereto:

"(c) Accessory Uses

(i) All accessory uses, unless otherwise specified in this bylaw, including the placement of a temporary membrane covered structure for a period of not more than seven (7) days."

10. SECTION 3.13 FEE FOR ZONING AMENDMENT APPLICATION is deleted and the following is substituted thereto:

"3.13 FEES


(1) Amendment of the Zoning Bylaw

In addition to an application fee, where a person requests Council to amend the Zoning Bylaw, that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment and the costs associated with providing direct written notice to owners of land that is the subject of the proposed amendment. Council may choose not to proceed with the advertising if it concludes that the proposed amendment is unsuitable or unnecessary.

(2) Application fees:

(a) An applicant for a development permit shall pay an application fee in accordance with the following:

- (i) Permitted principal use: \$50.00
- (ii) Permitted accessory use: \$50.00
- (iii) Permitted ancillary use: \$50.00
- (iv) Discretionary principal use: \$100.00

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- (v) Discretionary accessory use: \$100.00
- (vi) Discretionary ancillary use: \$100.00
- (vii) Development Appeal Fee: up to \$50.00 as specified by the Development Appeals Board.

These fees shall be in addition to any fee required by Section 3.13.1 above.

- (b) An application for renewal of a discretionary use that was approved by Council for a limited time shall pay the appropriate application fees outlined in Section 3.13 (2).
- (c) Detailed review costs:
 - (i) General: Where a development or subdivision proposal involves a detailed Town review, a plan or Zoning Bylaw Amendment, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or Town legal and professional planning advice, Council may require the applicant to pay the full cost of the additional application review and administration costs, as Council may determine by resolution.
 - (ii) Items: Such costs may include Council meetings, Town legal and professional planning costs, municipal administration fees and Town site inspection fees, as determined by Council.
 - (iii) Documentation: Such costs may be addressed and clarified in Town Council specified documents, including development and servicing agreements.
- (d) Where a person applies to Council to amend the Zoning Bylaw, that person shall pay to the Municipality the following fees, where applicable:
 - (i) Text amendments: \$400
 - (ii) Map amendments:
 Class 1 Districts: FD, PS
 Class 2 Districts: C1, C2, C3, I1, I2, M
 Class 3 Districts: RE, R1, R2, R3, RM

Zoning Map Amendments		To		
		Class 1	Class 2	Class 3
From	Class 1	\$200	\$400	\$800
	Class 2	\$200	\$400	\$800
	Class 3	\$200	\$400	\$600

Where an application to amend the Zoning Bylaw involves amendment within two or more of the above categories the sum of the amendment fees shall apply for all categories.

These fees shall be in addition to any fee required by Section 3.13 above.”

11. SECTION 3.22 CAVEATS is deleted and the following is substituted thereto:

“3.22 INTERESTS

Council may register an interest on a registered title to land based on an agreement entered into between the municipality and the registered owner of the land, as authorized by *the Act*, in order to protect the public interest.”

12. SECTION 4.7 NON-CONFORMING BUILDINGS USES AND SITES is deleted and the following substituted thereto:

“4.7 NON-CONFORMING BUILDINGS, USES AND SITES

- (1) The development and uses of non-conforming buildings, uses and sites shall be subject to the requirements of Sections 88-93 inclusive of *the Act*.
- (2) Structural repairs, alterations and additions to a non-conforming building are permitted if in conformity with the Zoning Bylaw and if the element of non-conformity is not increased.
- (3) Structural alterations or additions to a building accommodating a non-conforming use shall be permitted subject to Section 90 of *the Act*.
- (4) No existing building or site shall be deemed to be non-conforming by reason only of the conversion from the Imperial System of Measurement to the International System of Units (S.I.) where such nonconformity results solely from the conversion and is reasonably equivalent to the S.I. standard established herein.”

13. SECTION 4.8 RESTORATION TO A SAFE CONDITION is deleted and the following substituted thereto:

“4.8 WIND TURBINES

Wind turbines shall be subject to the following standards:

- (i) Wind turbines are limited to a maximum height of 10 m (measured from grade level to the top of the extended rotor).
- (ii) In the case of a wind turbine situated on top of a building, the combined height of the turbine and the building shall not exceed 10 m (measured from grade level to the top of the extended rotor).
- (iii) Wind turbines are limited to a maximum name plate capacity of 10 kW.
- (iv) Wind turbines shall be separated from the nearest non-participating noise receptor, any public roadway or railroad right of way, or any property line by a distance greater than or equal to the height of the turbine and any building upon which it may be situated (measured from grade level to the top of the extended rotor).

14. SECTION 4.17 PROHIBITED AND NOXIOUS USES is amended by deleting Section 1 Keeping Livestock and substituting the following:

“1. Keeping Livestock

The keeping of livestock is accommodated as a discretionary use in the FD - Future Development District.”

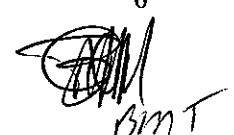
15. SECTION 4.17 PROHIBITED AND NOXIOUS USES is amended by adding the following new section:

“3 Prohibition of Species Breeding

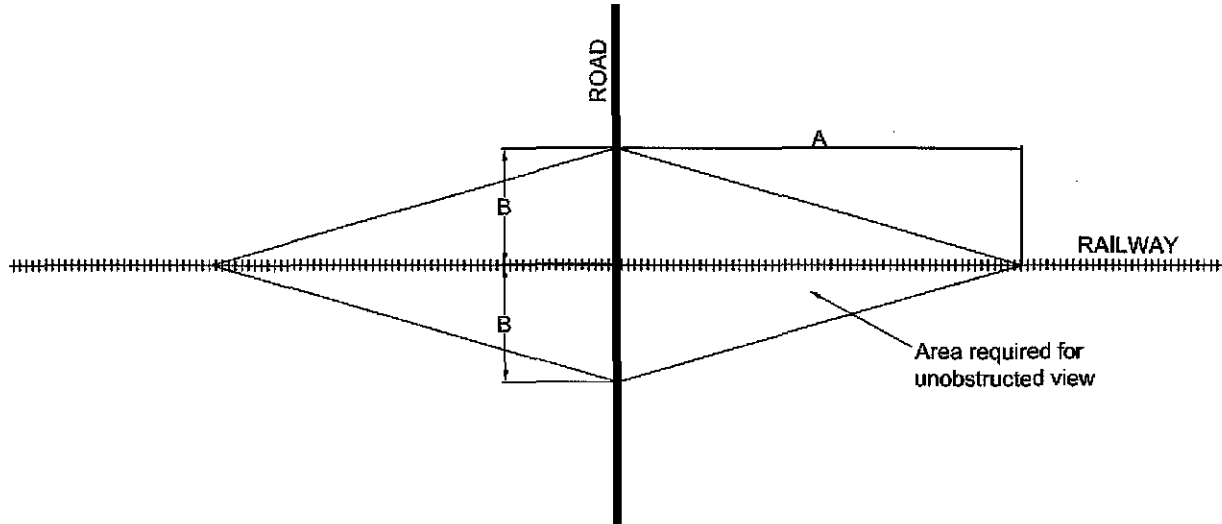
The breeding of rats and other rodents and crickets and other insects is prohibited in all zoning districts in the municipality.”

16. SECTION 4.20 RAILWAY CROSSINGS AND SIGHT DISTANCES is amended by deleting the section and substituting the following thereto:

“4.20 RAILWAY CROSSINGS AND SIGHT DISTANCES

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Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within a sight triangle determined in accordance with the recommended rail crossing sight distances for roadways of the Roads and Transportation Association of Canada. Site triangles shall be determined using the following diagram and table:



MAXIMUM TRAIN SPEED	SIGHT DISTANCE 'A' FROM CROSSING	MAXIMUM SPEED	SIGHT DISTANCE FROM CROSSINGS	
Km/h	m	Km/h	m	m
30	90	30	30	18
50	140	50	50	30
70	185	70	80	45
80	230	80	110	65
100	275	100	150	85
110	320	110	190	110
130	365	*Distances based on level approach grade and good traction ** panic stop distances		
145	410			
160	460			

17. SECTION 4.26 SWIMMING POOLS is amended by adding the following new subsection:

“(vi) every application for a development permit for a swimming pool in an area designated on Plan Map 4 of the Town’s Basic Planning Statement as Environmentally Sensitive, must be accompanied by a detailed site analysis prepared by a qualified professional in accordance with Section 11.3 of the Basic Planning Statement, or if in a designated SI+ Slope Instability area, in accordance with Section 5.20 of this Bylaw.”

18. SECTION 4.27 HOME OCCUPATIONS AND BUSINESS is deleted and the following substituted thereto:

“4.27 HOME BASED BUSINESS

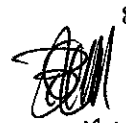
(i) Without limiting the authority of the Development Officer to approve other types of home based business applications, the following uses are specifically permitted as home based businesses, subject to the applicable development standards:

- (a) art restoration;
- (b) beauty parlours, barber shops;
- (c) art and hand craft studios (e.g. painters, sculptors, potters and ceramic

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makers, carvers, blacksmiths, jewellers, furniture makers, print makers, weavers and other similar artists and crafts people;

- (d) dressmaker, seamstress, or tailor;
 - (e) electrology, acupuncture, reflexology and massage therapy;
 - (f) the instruction of art, craft knowledge and skills, dancing, or music, limited to no more than three students at a time;
 - (g) office of a professional, or one who offers skilled services to clients and is not engaged in the sale of goods or products to clients;
 - (h) a photography studio;
 - (i) typing, word processing, and computer programming services.
- (ii) Without limiting the authority of the Development Officer to deny applications for other types of home based businesses which do not meet the requirements of this Bylaw, the following uses are prohibited as home based businesses, whether or not applications for such uses would otherwise comply with the applicable standards of this Bylaw:
- (a) businesses utilizing large stationary industrial power tools by trade professionals and machinery, or businesses involved in the mass production of similar items or products;
 - (b) restaurants or tea rooms;
 - (c) health or fitness clubs;
 - (d) headquarters or base of operations of a trucking, delivery, or towing operation;
 - (e) hotels and hospitals;
 - (f) laundry services;
 - (g) motion picture or recording studios;
 - (h) the painting, repairing, refitting, cleaning, refurbishing, or selling of motor vehicles or machinery;
 - (i) rental services;
 - (j) veterinary services, boarding or care of animals;
 - (k) septic trucks;
 - (l) welding or metal works.
- (iii) The following development standards shall apply to all Type I Home Based Businesses:
- (a) No persons other than residents of the dwelling shall be employed in the home based business on the site.
 - (b) Home based businesses shall be conducted entirely indoors, and no more than 25% of the gross floor area of the dwelling, including the area of the basement and any attached garage, up to a maximum of 30 m², may be occupied by home based business.
 - (c) An attached garage or detached accessory building may be occupied by a home based business, provided that the total area devoted to home based businesses does not exceed 30 m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.
 - (d) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property except for one permitted sign with no greater area than 0.4 m² (about 4.3 ft²).
 - (e) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.
 - (f) No more than one business related vehicle with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres may be stored on or in the vicinity of the site.


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- (g) Regardless of the number of home based businesses that may be located on any one site, a total of no more than seven (7) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,000 kg, or by a vehicle with a total length of more than 6.0 metres.
- (iv) The following development standard shall apply to all Type II Home Based Businesses:
- (a) In accordance with the definition of a Type II Home Based Business, no more than one non-resident person shall be employed in relation to home based businesses on any one site.
 - (b) Home based businesses shall be conducted entirely indoors, and no more than 25% of the gross floor area of the dwelling including the area of the basement and any attached garage, up to a maximum of 40 m², may be occupied by home based businesses.
 - (c) An attached garage or detached accessory building may be occupied by home based businesses, provided that the total area devoted to home based businesses does not exceed 40 m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.
 - (d) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the building and property except for one permitted sign with no greater area than 0.4 m² (about 4.3 ft²).
 - (e) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.
 - (f) One off-street parking space shall be required for a non-resident employee, and this space may be located in a required front yard. Additional off-street parking spaces may be required, where in the opinion of the Development Officer, due to the nature of the business or the site, the provision of parking is necessary to maintain the residential character of the area. The siting and screening of all required parking spaces shall be undertaken to the satisfaction of Council.
 - (g) No more than one business related vehicle with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres may be stored on or in the vicinity of the site.
 - (h) Regardless of the number of home based businesses that maybe located on any one site, a total of no more than fourteen (14) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,000 kg, or by a vehicle with a total length of more than 6.0 metres."

19. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section:

"4.29 GARAGE AND YARD SALES

- (i) Garage or yard sales may be undertaken on any site in a Residential, Institutional or Public Service Zoning District provided the sale is conducted by a resident of the dwelling on the subject site, or by a non-profit group associated with a place of worship, public school, community association or other similar group or organization.
- (ii) No more than four (4) sales may be conducted from one site in one calendar year, and any one sale may not last for more than three consecutive days."

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- (iii) Location of signs:
 - (a) Signs can be placed on private property with the consent of the property owner, but must be placed in a location where they will not create a safety or traffic hazard.
 - (b) Signs cannot be placed on public property. This includes boulevards, curb-side trees, street light standards, public signage, public mailboxes and intersections.
 - (c) Signs must not reduce the visibility at a sight triangle.
 - (d) Signs must not be in the shape of a stop sign, yield sign, or other directional sign, and the words STOP or any type of directional symbol must not be used."

20. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section:

"4.30 MEMBRANE COVERED STRUCTURES


- (i) Anchored membrane covered structures up to 18.6 m² (250 ft²) shall be a discretionary accessory use in the Future Development District - FD and all residential zoning districts.
- (ii) Anchored membrane covered structures will be accommodated as a discretionary use in the Town Centre Commercial District – C1, General Commercial District – C2, Highway Commercial District – C3 and General Light Industrial District – I1.
- (iii) Applications for a development permit for an anchored membrane covered structure must include a drawing stamped by a Professional Engineer attesting to the fact that the structure meets Section 4 of the National Building Code and the structure must be accompanied by documentation that indicates it meets CSA Standard A660.
- (iv) In all cases, the placement of an anchored membrane covered structure must comply with the site and yard requirements for accessory buildings for the applicable Zoning District.
- (v) Temporary membrane covered structures may be placed on a site in any District for a period not to exceed seven (7) days in a calendar year to accommodate special events such as weddings, parties or community functions."

21. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section:

"4.31 OUTSIDE STORAGE AND WASTE MATERIAL STORAGE

Outside storage areas, including the storage waste materials, but not including household garbage, will be accommodated as a discretionary use in the Town Centre Commercial District – C1, General Commercial District – C2, Highway Commercial District – C3 and General Light Industrial District – I1 and subject to the following development standards:

- (i) The storage use must be associated with an approved principal use of the site.
- (ii) No outside storage shall be located in the front yard, except for any neatly arranged items for sale.
- (iii) Outside storage in a side or rear yard shall be screened from adjacent sites with a fence at least 2 m (about 6.6 feet) in height, or a combination of fence and soft landscaping screening to a minimum of 2 m in height. Where adjacent to a public roadway, outdoor storage compounds shall provide a landscaped strip of at least 2.0 m in horizontal depth between the required fence and the road right of way.
- (iv) Unless otherwise directed by this Bylaw, waste material shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares."

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22. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section:

“4.32 SHIPPING CONTAINERS

- (i) No shipping container shall be used, placed or stored on any lot other than a lot in the Town Centre Commercial District – C1, General Commercial District – C2, Highway Commercial District – C3, General Light Industrial District – I1 and Craft Industrial District – I2.
- (ii) A shipping container shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings for the applicable Zoning District.
- (iii) All shipping containers must be sand blasted and repainted to a neutral colour prior to their placement above grade on a site.
- (iv) Shipping containers shall not be placed in any front yard and shall be screened from view by a solid fence or hedge.
- (v) When placed on a site pursuant to (iv), the shipping container shall:
 - (a) be located so as to not create a safety hazard.
 - (b) not be located on a public street or dedicated land.
- (vi) Notwithstanding subsection (i), shipping containers may be placed temporarily on a site in any district:
 - (a) during construction on a site when the shipping container is utilized solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for construction on the site. The shipping container must be removed from the site upon completion of the construction; or,
 - (b) for the purpose of loading and unloading of items associated with the principal use; and,
 - (c) in any case, for a period of not more than 30 days unless an extension has been granted by the development officers to a maximum of 90 days.
- (vii) When placed on a site pursuant to subsection (vi) the shipping containers shall:
 - (a) be located so as not to create a safety hazard; and,
 - (b) not be located on a public right-of-way or on dedicated land.”


23. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section:

“4.33 LANDSCAPING REQUIREMENTS:

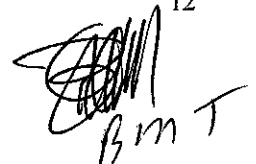
- (1) General Landscaping Requirements:

In the C2, C3, I1 and I2 Zoning Districts, Landscaping compliant with the rest of Subsection 4.33 shall be provided in the following areas:

- (i) The first three (3) metres of the minimum required front yard measured from the front property line.
 - (ii) A strip of soft landscaping abutting the front of the principal building, where loading does not occur, to an average depth of two (2) metres.
 - (iii) In the case of a corner site, the side yard abutting the flanking street to a minimum perpendicular width of three (3) metres.
 - (iv) Where a site abuts a residential zoning district or dedicated land, a strip of landscaping 3 metres in width shall be required.
- (2) Where this bylaw specifies that landscaping is required, it shall be developed and maintained in accordance with the following standards and policies:
- (i) Plant material shall be species capable of healthy growth in the region and shall conform to the current Canadian Standards for Nursery Stock of the Canadian Nursery Landscape Association;
 - (ii) Areas designated for planting shall be provided with an underground


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- permanent irrigation system or other adequate means of irrigation commensurate with landscaping requirements, with at least one outside hose bib for each principal building. Commercial or industrial sites are required to use commercial grade irrigation products;
- (iii) Landscaping areas required to be provided within front or side yards shall not be used for any purpose except for signs or structures otherwise permitted, or driveways leading to a parking or loading facility;
 - (iv) Required landscaping shall be completed in accordance with the approved landscape plan by the end of the construction season in which occupancy, partial occupancy, or use of the building or site has taken place. When occupancy, partial occupancy, or use of the building or site has taken place after the end of the construction season, all required and approved landscaping shall be completed by June 1st of the following year. For the purposes of this section, 'construction season' means May 1st through October 31st of the same calendar year; and,
 - (v) Required and approved landscaping shall be suitably maintained in a neat and tidy condition at all times, and plant material installed or retained shall be maintained in healthy, vigorous condition at all times.
- (3) The Development Officer shall not approve an application for a development permit in the event that:
- (i) Any required landscape plans have not been submitted;
 - (ii) Any required landscape plans do not, in the opinion of the Development Officer, provide an adequate or suitable degree of landscaping necessary to enhance the visual amenity of the site or provide a visual screen where required by this Bylaw.
- (4) Landscaping shall be a condition of the issuance of a development permit when the existing use of a building or structure is significantly enlarged, undergoes a significant capacity increase, or is changed to a new use.
- (5) Any landscaping, including planting thereon, which is required to be provided by this Bylaw shall be maintained in a healthy growing condition or shall otherwise be replaced.
- (6) Any land for landscaped open space shall be included in any calculation of site area, setbacks, density or yard requirements as required by this Bylaw.
- (7) Requirements for Landscape Plans:
- (i) When landscaping is required under this Bylaw, landscaping plans shall be attached to a development permit application and shall form part of that application. The landscape plans shall be prepared in accordance with Subsection 4.33(7)(ii).
 - (ii) Landscape Plan Submission Requirements:
 - (a) Two copies of every landscape plan must be submitted, to the satisfaction of the Development Officer, showing, to scale, physical features, including existing and proposed grades, the size and type and location of plant material to be provided, the location of hard landscaping such as fences, retaining walls, walkways and curbs, and the details of the proposed irrigation system, including the location of any outside hose bibs.
 - (b) A declaration, signed by the property owner and applicant, shall be affixed to required landscape plans, specifically acknowledging that the landscaping specified on the plans is a condition of the issuance of a development permit for the property and that such development will be complete by the date set out in the development permit.
24. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:

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“4.34 BARE LAND CONDOMINIUMS:

Regulations and development standards for buildings, uses and sites in all zoning districts shall also apply to buildings, uses and bare land units that are part of an approved bare land condominium plan.”

25. SECTION 4 GENERAL REGULATIONS is amended by adding the following new section as follows:

“4.35 ENVIRONMENTAL PROTECTION

The policies contained in Section 11.3 of the Official Community Plan apply where a subdivision or development of a building or structure is proposed on environmentally sensitive land as identified on Plan Map 4 – Environmentally Sensitive Areas Map of the Official Community Plan.”

26. ALL ZONING DISTRICT SECTIONS 5.5 to 5.17 are amended as follows:

The phrase “5.18 ep-Environmental Protection” is deleted where it appears in Supplementary Regulations contained in Sections 5.5.6, 5.6.7, 5.7.6, 5.8.7, 5.9.7, 5.10.7, 5.11.5, 5.12.6, 5.13.7, 5.14.6, 5.15.6, 5.16.6 and 5.17.6.

27. ALL ZONING DISTRICT SECTIONS 5.5 to 5.17 are amended as follows:

In proper numeric order, the list item “Wind turbines, subject to Section 4.8” is appended to each list of Discretionary Uses found in subsections 5.5.2, 5.6.2, 5.7.2, 5.8.2, 5.9.2, 5.10.2, 5.11.2, 5.12.2, 5.17.2, and 5.18.3.

New subsections 5.15.7 and 5.16.7 are added to Sections 5.15 and 5.16 respectively, titled “Discretionary Uses”, and containing one list item as follows:

“(i) Wind turbines, subject to Section 4.8”

28. SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD Subsection 5.5.1 Permitted Uses is amended by deleting “(vii) Home Occupations” and substituting the following in Section 5.5.2 Discretionary Uses:

“(iv) Type I and Type II home based businesses, subject to the requirements of Section 4.27 (iii) and (iv) respectively.”

29. SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD Subsection 5.5.2 Discretionary Uses is amended by deleting “(iii) Keeping of Livestock” and substituting the following thereto:

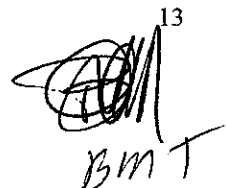
“(iii) Keeping of Livestock, but excluding poultry farms, fur farms, hatcheries, commercial dog kennels and the keeping of hogs or any other intensive livestock operation, subject to Sections 3.23 and 5.5.8.”

30. SECTION 5.5 FUTURE DEVELOPEMNT DISTRICT – FD Subsection 5.5.2 Discretionary Uses is amended by deleting “(iv) Equestrian centres, subject to Section 3.23 and 5.58” and substituting the following thereto:

“(iv) Equestrian centres, subject to Sections 3.23 and 5.5.7”

31. SECTION 5.5 FUTURE DEVELOPMENT DISTRICT – FD is amended by adding a new section as follows:

“5.5.8 The Keeping of Livestock

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Animals and livestock shall be kept in such a way that surface water is properly managed, and that wells on the land and groundwater are properly protected. The owner/operator must ensure that there is no runoff or impact on adjacent land uses and all waste material must be contained on site and disposed of at regular intervals. No person shall keep any livestock in the Future Development District – FD, except in accordance with the following:

- (i) For equestrian centres, horses may be kept on-site subject to Section 5.5.7; or
- (ii) For animal hospitals, livestock and other animals may be temporarily kept on-site while being treated; or
- (iii) For other uses, a maximum of one animal unit per 2 ha (4.94 acres) of site area may be kept on-site. Livestock shall not be kept on sites less than 2 ha (4.94 acres) in area.

32. SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE Section 5.6.1 Permitted Uses is amended by deleting “(iv) Home occupations” and substituting the following thereto:

“(iv) Type I home based businesses, subject to the requirements of Section 4.27”

33. SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE Section 5.6.2 Discretionary Uses is amended by adding the following:

“(iv) Type II home based businesses, subject to the requirements of Section 4.27”

34. SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE Section 5.6.3 Site Development Regulations is amended by deleting subsection “(i) Minimum Site Frontage” and substituting the following thereto:

“(i) Minimum site area and frontage:
 - Minimum site area: 0.4 ha (0.99 acre)
 - Minimum site frontage – 25 m (about 82ft)”

35. SECTION 5.6 ESTATE RESIDENTIAL DISTRICT – RE Section 5.6.3 Site Development Regulations is amended by deleting subsection “(vi) Maximum site coverage” and substituting the following thereto:

“(vi) Maximum site coverage – 40%”

36. SECTION 5.7 RESIDENTIAL DISTRICT – R1 Section 5.7.1 Permitted Uses is amended by deleting subsection “(v) Home occupations” and substituting the following thereto:

“(v) Type I home based businesses, subject to the requirements of Section 4.27”

37. SECTION 5.7 RESIDENTIAL DISTRICT – R1 Section 5.7.2 Discretionary Uses is amended by adding the following new subsection:

“(vi) Type II home based businesses, subject to the requirements of Section 4.27”

38. SECTION 5.7 RESIDENTIAL DISTRICT – R1 Section 5.7.3 Regulations for Site Development, is amended by deleting subsection (iv) and substituting the following thereto:

“(iv) Minimum side yard – 3.0 m (about 10 ft.), unless on a corner site, the side yard abutting the street shall be 7.0 m (about 23 ft.), except that no side yard is required where a common wall divides two dwelling units.”

39. SECTION 5.7 RESIDENTIAL DISTRICT – R1 Section 5.7.3 Regulations for Site Development, is amended by adding the following new subsection:

“(viii) Minimum rear yard – 9 m (30 ft.) or 25% depth (whichever is greater)”

40. SECTION 5.8 RESIDENTIAL MULTIPLE DISTRICT – R2 Section 5.8.1 Permitted Uses is amended by deleting “(v) Home occupations” and substituting the following thereto:

“(v) Type I home based businesses, subject to the requirements of Section 4.27”

41. SECTION 5.8 RESIDENTIAL MULTIPLE DISTRICT – R2 Section 5.8.2 Discretionary Uses is amended by adding the following new subsection:

“(vii) Type II home based businesses, subject to the requirements of Section 4.27”

42. SECTION 5.8 RESIDENTIAL DISTRICT – R2 Section 5.8.3 Regulations for Site Development, is amended by deleting the Minimum side yard for semi-detached and duplex dwellings and substituting the following thereto:

“1.5 m (5 ft.) except on a corner site abutting a street then 3.6 m (about 12 ft.), except that no side yard is required where a common wall divides two dwelling units.”

43. SECTION 5.9 RESIDENTIAL HIGH DENSITY DISTRICT – R3 Section 5.9.1 Permitted Uses is amended by deleting “(vii) Home based businesses” and substituting the following thereto:

“(vii) Type I home based businesses, subject to the requirements of Section 4.27”

44. SECTION 5.9 RESIDENTIAL HIGH DENSITY DISTRICT – R3 Section 5.9.2 Discretionary Uses is amended by adding the following new subsection:

“(ii) Type II home based businesses, subject to the requirements of Section 4.27”

45. SECTION 5.10 MOBILE HOME DISTRICT – RM Section 5.10.1 Permitted Uses is amended by deleting “(ii) Home based businesses” and substituting the following thereto:

“(ii) Type I home based businesses, subject to the requirements of Section 4.27”

46. SECTION 5.10 MOBILE HOME DISTRICT – RM Section 5.10.2 Discretionary Uses is amended by adding the following new subsection:

“(iii) Type II home based businesses, subject to the requirements of Section 4.27”

47. SECTION 5.11 TOWN CENTRE COMMERCIAL DISTRICT – C1 Section 5.11.2 Discretionary Uses is amended by adding the following new subsections:

“(v) Membrane covered structures, subject to Section 4.30

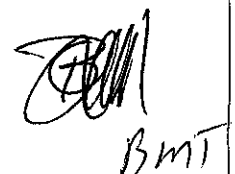
(vi) Shipping containers, subject to the requirements of Section 4.32”

48. SECTION 5.12 GENERAL COMMERCIAL DISTRICT 5.12.1 Permitted Uses is amended by adding the following new uses:

“(xx) Personal service shops

(xxi) Motor vehicle restoration, including major and minor repairs to and partial assembly of automobiles but not including their retail sale”

49. SECTION 5.12 COMMERCIAL DISTRICT – C2 Section 5.12.2 Discretionary Uses is amended by adding the following new subsections:



- “(ii) Art and hand craft studios
- (iii) Membrane covered structures, subject to the requirements of Section 4.30
- (iv) Apartment blocks
- (v) Outdoor storage, including the storage of waste material, subject to the requirements of Section 4.31
- (vi) Shipping containers, subject to the requirements of Section 4.32
- (vii) Motor vehicle sales, including the public display and regular retail sale of new and used automobiles”

50. SECTION 5.12 COMMERCIAL DISTRICT – C2 is amended by adding the following new section:

“5.12.7 Regulations:

The following regulations shall apply to all permitted and discretionary uses in the C2 – General Commercial District, except for apartment blocks which shall be required to meet the requirements of section 5.8.3.

- (i) Minimum site area - 1115 sq m (about 12000 sq ft)
- (ii) Minimum site frontage - 30 m (about 100 ft)
- (iii) Minimum front yard - 7.5 m (about 25.2 ft)
- (iv) Minimum side yard - 3 m (about 10 ft) except for sites with a side yard abutting a residential district or a public street – 6m (about 20 ft)
- (v) Minimum rear yard – 10 % of the depth of the site except for sites with a rear yard abutting a residential district – 7.5 m (about 25.2 ft)”

51. SECTION 5.13 HIGHWAY COMMERCIAL DISTRICT – C3 Section 5.13.2 Discretionary Uses is deleted and the following substituted thereto:

“5.13.2 Discretionary Uses:

The following uses may be permitted in the C3 – Highway Commercial District but only by resolution of Council and only in locations specified by such resolution of Council:

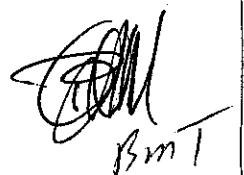
- (i) Membrane covered structures, subject to Section 4.30.
- (ii) Outdoor storage, including the storage of waste material, subject to the requirements of Section 4.31.
- (iii) Shipping containers, subject to the requirements of Section 4.32.
- (iv) Wind turbines, subject to the requirements of Section 4.8”

52. SECTION 5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – I1 is amended by deleting subsection 5.14.1 Permitted Uses and substituting the following thereto:

“5.14.1 Permitted Uses:

- (i) Retail stores associated with an approved permitted use in the district;
- (ii) Warehousing, supply depots and storage buildings;
- (iii) Wholesaling establishments;
- (iv) Public works buildings and structures;
- (v) Repair service shops;
- (vi) Pet grooming services, small animal clinics and hospitals;
- (vii) Art and handcraft studios
- (viii) Buildings, structures and uses accessory to, and located on the same site as, the principal building or use excepting any building or structure used for human habitation.”

53. SECTION 5.14 GENERAL LIGHT INDUSTRIAL DISTRICT – I1 is amended by adding a new subsection as follows:



“5.14.1A Discretionary Uses:

- (i) Light manufacturing;
- (ii) Recycling depots;
- (iii) Kennels;
- (iv) Membrane covered structures, subject to Section 4.30;
- (v) Outdoor storage, including the storage of waste material, subject to the requirements of Section 4.31;
- (vi) Shipping containers, subject to the requirements of Section 4.32;
- (vii) Service stations and car washes;
- (viii) Auto body shops;
- (ix) Shops of plumbers, pipe fitters, metal workers and other industrial trades people;
- (x) Lumber and building supply establishments;
- (xi) Wind turbines, subject to Section 4.8”

54. SECTION 5.17 PUBLIC SERVICE DISTRICT – PS is amended by deleting Section 5.17.1 Permitted Uses: “(iv) Public works and shall include water reservoirs and sewage treatment facilities” and substituting the following thereto:

“(iv) Public works and utilities including municipal water reservoirs, sewage treatment facilities, maintenance yards and buildings.”

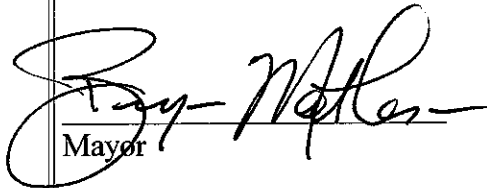
56. SECTION 5.18 ENVIRONMENTAL PROTECTION OVERLAY AREA – EP is deleted.

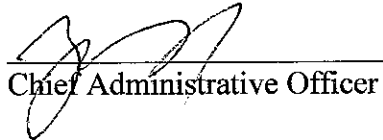
57. ZONING MAPS 3.00 to 3.14 inclusive as referred to in Section 5.2 are amended as follows:

- by deleting the phrase “Environmental Protection &” from each map;
- by deleting from the legend area of each map the words “EP – Environmental Protection Area” and the applicable map designation for EP; and
- by removing from each map any EP – Environmental Protection Area designation.

58. This Bylaw shall come into force and take effect when adopted by Council and Bylaw No. 14-2012 is approved by the Minister of Government Relations.

Read a first time this 11th *Day of* September, 2012.
Read a second time this 23rd *Day of* October, 2012.
Read a third time this 23rd *Day of* October, 2012.


 Mayor


 Chief Administrative Officer

