

ZONING BYLAW
FOR THE
TOWN OF MOSSBANK
BYLAW No. 155

PART I - INTRODUCTION

Under the authority granted by The Planning and Development Act, R.S.S.1978, the Council of the Town of Mossbank in the Province of Saskatchewan in open meeting, hereby enact as follows:

TITLE: This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Town of Mossbank.

PURPOSE: The purpose of this Bylaw is to control the use of land in the Town of Mossbank so as to provide for the amenity of the area within Council's jurisdiction and for the health, safety and general welfare of the inhabitants of the Municipality.

SCOPE: No development shall hereafter be permitted within the limits of the Town of Mossbank, except in conformity with the provisions of this Bylaw and The Act.

SEVERABILITY:

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

PART II - DEFINITIONS

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

ACCESSORY: A use, separate building, or structure, normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure.

ACT: The Planning and Development Act, as amended.

ALTERATION: Any structural change or addition made to a building.

BUILDING: A structure used for the shelter or accommodation of persons, animals, goods or chattels.

COUNCIL: The Council of the Town of Mossbank

CONCEPT PLAN: A proposed subdivision as outlined by the Provincial Subdivision Regulations or site plan of sufficient accuracy to be used by Council for the purpose of discussion and classification of intended future land use.

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 PERMIT: A permit issued by the Council that authorizes development, but does not include a building permit.

DISCRETIONARY USES: Uses of land, buildings or other structures that may be permitted in a district only at the discretion of and at the location or locations and under the conditions specified by Council and which conform to the regulations applicable to the district in which the use is located.

DWELLING: A building or part of a building that may be used as a permanent residence excluding a mobile home, but including a prefabricated home.

DWELLING UNIT: One or more rooms that may be used as a residence each unit having sleeping, cooking and toilet facilities.

DWELLING, MULTIPLE: A building containing three or more dwelling units.

DWELLING, DUPLEX: A building divided horizontally into two dwelling units.

DWELLING, SEMI-DETACHED: A building divided vertically into two dwelling units by a common wall extending from the base of the foundation to the roof line.

DWELLING, SINGLE DETACHED: A building containing only one dwelling unit.

HOME OCCUPATION: An occupation, trade, profession or craft conducted for gain in a dwelling unit by the resident or residents.

HOTEL: A building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travellers, and where a guest register or record is kept.

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

LOT LINE, FRONT: The line separating the lot from the street; for a corner lot, the shorter line abutting a street.

LOT LINE, REAR: The lot line at the rear of the lot and opposite the front lot line.

LOT LINE, SIDE: A lot line other than a front or rear lot line.

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

MOBILE HOME: A trailer coach that is used as a dwelling all the year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and a water closet or other similar facility that may be connected to a sewage system.

MOBILE HOME COURT: A lot under single management for the placement of two or more mobile homes.

<u>MOTEL:</u>	A hotel for temporary use by automobile tourists or travellers .
<u>PERMITTED USE:</u>	The use of land, buildings or other structures that shall be permitted in a district where all requirements of the bylaw are met.
<u>PUBLIC UTILITY:</u>	Every corporation and every firm, person or association of persons, the business and operations whereof are subject to the legislative authority of the Province of Saskatchewan, that now or hereafter own, operate, manage or control any system, works, plant or equipment for the conveyance of messages by telegraph, telephone, television or otherwise or for the conveyance of travellers or goods or for the production, transmission, delivery, furnishing, storage or collection of water, gas, sewage, heat or light, either directly or indirectly, to or from the public.
<u>PUBLIC UTILITY FACILITIES:</u>	Electrical and telecommunication lines, poles, equipment or structures; sewer or water pipes, valves, pumping stations or structures or other facilities, equipment or structures necessary for conducting an essential public service by a government or public utility.
<u>ROOMING HOUSE:</u>	A building containing more than one rooming unit.
<u>ROOMING UNIT:</u>	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.
<u>SERVICE STATION:</u>	A building or part of a building used for the retail sale of lubricating oils and gasolines, automobile accessories, and servicing and minor repairing of motor vehicles, which may include a restaurant, car wash, or car sales lot as accessory uses.
<u>STREET:</u>	The whole and entire width of every highway, public road, or road allowance vested in Her Majesty in right of the Province of Saskatchewan and shown as such on a plan of survey registered in a Land Titles Office.
<u>STRUCTURE:</u>	Anything that is built, constructed or erected, located on the ground or attached to something located on, or in the ground.
<u>TOWN:</u>	Shall mean the Town of Mossbank.
<u>YARD:</u>	Open, uncovered space unoccupied by buildings or structures on a lot except as specifically permitted elsewhere in this Bylaw.
<u>YARD, FRONT:</u>	That part of a lot extending across the full width of a lot between the front lot line and the nearest wall or supporting member of a building or structure.

- YARD, REAR: That part of a lot extending across the full width of the lot between the rear lot line and the nearest wall or supporting member of a principal building or structure.
- YARD, SIDE: That part of a lot extending from the front yard to the rear yard between the side lot line and the nearest wall or supporting member of a building or structure except where the wall or supporting member is supporting an uncovered patio or uncovered sun deck.

PART III - ADMINISTRATION

1. Development Officer

The Town Administrator shall be the Development Officer responsible for the administration of this Bylaw.

2. Development Permit

- A. Except where a particular development is specifically exempted by Part 3, Section 5 no development of a permitted or discretionary use shall commence without a development permit first being obtained.
- B. A Development Permit cannot be issued for a permitted or discretionary use in contravention of any provisions of this Bylaw.

3. Development Permit Procedure

- A. An application for a development permit shall be made in writing to the Development Officer
- B. Where an application for a development permit is made for a permitted use, the development officer shall issue a permit where the development is in conformity with this Bylaw, the Act and all other town Bylaws.
- C. Where an application for a development permit is made for a discretionary use, the development officer shall advise the Council as soon as practicable.
- D. As soon as practicable after Council is advised that an application has been made for a development permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever Government Agencies or interested groups as Council may consider appropriate.
- E. Upon approval of a discretionary use by resolution of Council, the development officer shall issue a development permit for the discretionary use at the location and under the conditions specified by Council in its approval.

4. Referral to Department of Health

A copy of all approved development permit applications involving installation of water and sanitary services shall be supplied to the local office of the Department of Health by the Development Officer.

5. Development Not Requiring a Permit

A development permit is not required for the following:

- A. Maintenance, construction or installation of any public utility facility.
- B. Fences.
- C. Accessory buildings or structures less than 9 square metres in area.
- D. Maintenance or repair of any building or structure not including structural alterations.
- E. Signs in residential districts which conform to Part 4, Section 7.

6. Zoning Appeals Board

- A. A Zoning Appeals Board is hereby established.
- B. The Zoning Appeals Board shall be appointed in accordance with Section 82 of The Act.
- C. An appeal to the Zoning Appeals Board and therefrom to the Provincial Planning Appeals Board may be taken in accordance with Sections 82 and 83 of The Act.

7. Fee for Zoning Amendment Application

When an application is made to the Council for an amendment to this Bylaw, such application shall be accompanied by an application fee of \$50.00.

8. Offences and Penalties

Any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties in The Act.

PART IV - GENERAL REGULATIONS

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

1. LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

Nothing in this Bylaw shall exempt any person from complying with the requirements of a building regulation bylaw or any other bylaw in force within the town or from obtaining any licence, permission, permit, authority or approval required by this or any other bylaw of the town. Where requirements in this Bylaw conflict with those of any other municipal requirements, the more stringent requirements shall prevail.

2. FRONT YARD REDUCTION

Notwithstanding the minimum depth of front yard required by this Bylaw where a lot is situated between two lots each of which contains a principal building which projects beyond the standard requirement front yard depth, the front yard required on the said lot may be reduced to an average of the two established front yards on the adjacent lots.

3. PERMITTED YARD ENCROACHMENTS

The following yard encroachments shall be permitted:

- A. Uncovered balconies, porches, verandahs, decks may project 1.8 metres into any required front or rear yard.
- B. Window sills, eaves, gutters, bay windows, chimneys and similar non-structural alterations may project a distance of 600 millimetres into any required yard but not closer to a lot line than 150 millimetres.

4. 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, recreation centres, nursing homes and senior citizen homes, and multiple unit dwellings. The Development Officer shall advise the applicant in writing that adherence to the Bylaw Regulations and Provincial Subdivision Regulations (where applicable), will be necessary if any future application for subdivision is made.

5. NON-CONFORMING BUILDINGS AND USES

- A. Any lawful use of land, an existing building or structure or of any building lawfully under construction at the date of approval of this Bylaw, although such use, building or structure does not conform to the regulations of this Bylaw, shall be carried on in accordance with the provisions of Sections 76 to 81 inclusive, of The Act.
- B. No existing use, building or structure shall be deemed to be non-conforming by reason only of the conversion of this Bylaw 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.

6. GRADING AND LEVELLING OF LOTS

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.

7. SIGNS

- A. No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- B. Temporary signs not exceeding 1 square metre advertising the sale of lease of the property or other information relating to a temporary condition affecting the property are permitted.
- C. In Commercial, Industrial and Urban Reserve Districts
 - i) no more than two permanent signs are permitted per principal use
 - ii) the facial area of a sign may not exceed 3.5 square metres
 - iii) a sign may be double faced.
 - iv) no sign shall exceed 6 metres in total height above the ground.

D. In Residential Districts:

- i) One permanent sign is permitted per lot
- ii) In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling.
- iii) The facial area of a sign may not exceed 0.5 square metres.

8. ACCESSORY BUILDINGS OR STRUCTURES

- A. Accessory buildings shall not be located less than 1.5 metres from a lane.
- B. Accessory buildings shall not be located in a required front yard.
- C. Accessory buildings in a rear yard, shall not be located less than 0.75 metres from the side lot line.
- D. In a residential district, a carport, or garage, up to 60 square metres in area shall be permitted.

9. HOME OCCUPATIONS

- A. Home occupations shall be located in single-detached, semi-detached, duplex dwellings or mobile homes or in a building accessory to the dwelling.
- B. Home occupations shall be conducted entirely within the dwelling or accessory building.
- C. Other than the one permitted business sign, there shall be no exterior display, no exterior storage of material, and no other variation from the residential character of the building.

10. OUTDOOR STORAGE

- A. In any residential district only outdoor storage incidental to the residential use shall be permitted.
- B. No outdoor storage shall be permitted in the required front yard of any lot, but this shall not limit the customary display of any goods permitted to be sold on the lot.

PART V - ZONING DISTRICTS AND ZONING MAPS

1. ZONING DISTRICTS

- A. For the purpose of this Bylaw, the Town of Mossbank is divided into the following Zoning Districts which may be referred to by the appropriate symbols:

<u>Districts</u>	<u>Symbols</u>
R Residential	R
C Commercial	C
M Industrial	M
UR Urban Reserve	UR

- B. The locations and boundaries of the zoning districts are shown on the Zoning District Map.

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

3. R - RESIDENTIAL DISTRICT

(1) INTENT

The purpose of this district is to provide for a mix of different densities of residential development and related uses.

(2) PERMITTED USES

The following are permitted uses in the R District:

- i) Single detached dwellings
- ii) Semi-detached and duplex dwellings
- iii) Public recreational uses
- iv) Schools, educational institutions
- v) Public utilities, buildings and structures (excluding offices, warehouses, and storage yards).
- vi) Places of worship, religious institutions
- vii) Multiple-unit dwellings
- viii) Hospitals, medical clinics

(3) DISCRETIONARY USES

The following are discretionary uses in the R District:

- i) Mobile homes
- ii) Day care centres
- iii) Home occupations

(4) REGULATIONS

Lot Requirements
R - Residential District

Requirement	Single Detached Dwellings Mobile Homes	Semi-Detached & Duplex Dwellings	Multiple Unit Dwellings	Recreational, Public Institutional Facilities.
Lot area - Minimum	360 sq.metres - with lane 450 sq.metres - no lane	270 sq.metres unit - with lane 315 sq.metres unit - no lane	550 sq.metres	450 sq.metres *
Lot frontage Minimum for rectangular Lots	12 metres - with lane 15 metres - no lane	9 metres per unit - with lane 10.5 metres per unit - no lane	21 metres	15 metres *
Front yard Minimum	6 metres	6 metres	6 metres	6 metres *
Rear yard Min.	6 metres	6 metres	7.5 metres	7.5 metres *
Side yard Minimum	1.2 metres	1.2 metres	3.5 metres or ½ the average wall height whichever is greater	3.5 metres of ½ the average wall height whichever is greater *

*No requirement for buildings and structures accessory to parks, playgrounds and public utilities (excluding offices, warehouses and storage yards).

C - COMMERCIAL DISTRICT

1. INTENT

The purpose of this district is to regulate and encourage commercial development in the downtown core.

2. PERMITTED USES

The following are permitted uses in the C District:

- i) Offices
- ii) Bakeries with retail sales
- iii) Barbers, hairdressers, receiving stations for dry cleaning and laundry establishments, self-service laundries, shoe repair and other personal service establishments.
- iv) Banks and financial institutions
- v) Medical and dental offices and clinics
- vi) Printing plants, newspaper offices
- vii) Restaurants
- viii) Retail stores
- ix) Theatres, assembly halls, recreational establishments
- x) Undertaking establishments
- xi) Hotels
- xii) Lodges, fraternal organizations, social clubs
- xiii) Libraries, cultural institutions museums
- xiv) Places of worship and religious institutions
- xv) Public utility buildings and structures
- xvi) Licenced premises for the sale and consumption of alcoholic beverages

3. DISCRETIONARY USES

The following are discretionary uses in the C District

- i) Service stations
- ii) Shops of tradesmen including plumbers, pipe fitters, electricians and welders
- iii) Auto body shops
- iv) Automobile sales and service
- v) Farm equipment sales and service
- vi) Car washes

(4) REGULATIONS

- i) Minimum Lot area - 278 square metres, except
929 square metres for service
stations
- ii) Minimum Lot frontage - 7.5 metres, except 30 metres for
service stations
- iii) Minimum front yard - Nil, except 7.5 metres for
service stations
- iv) Minimum Rear yard - 6 metres
- v) Minimum Side yard - Nil, except 1.5 metres
abutting a residential district
without an intervening lane or street.
- vi) All dwelling units shall have an entrance separate from that
of the commercial establishment. Dwelling units must be
provided with a fire exit secondary to the required entrance.
- vii) Fuel pumps and other accessory equipment shall be located
at least 6 metres (20 feet) from any street or lot line.
- viii) All automobile parts, dismantled vehicles and similar
articles shall be stored within a building or screened.

M - INDUSTRIAL DISTRICT

(1) INTENT

The purpose of this district is to accommodate the development of industrial establishments, including a reasonable level of outdoor storage.

(2) PERMITTED USES

The following are permitted uses in the M District:

- i) Grain elevators
- ii) Lumber and building supply establishments
- iii) Establishments for the sale, storage and servicing of motor vehicles, trailers, farm machinery, equipment and recreational vehicles
- iv) Feed mills
- v) Warehouses and supply depots
- vi) Manufacturing establishments
- vii) Autobody shops
- viii) Car washes
- ix) Shops of plumbers, pipefitters, metal workers and other industrial tradespeople
- x) Wholesale establishments
- xi) Public utility buildings and structures

(3) DISCRETIONARY USES

The following are discretionary uses in the M District:

- i) Seed cleaning plants subject to the Department of the Environment regulations.
- ii) Bulk fertilizer sales subject to the Departments of Labour and Environment regulations
- iii) Bulk fuel storage and sales subject to the Department of Labour regulations.

(4) REGULATIONS

- i) Lot area, minimum 929 square metres, except no minimum for public utility buildings
- ii) Lot frontage, minimum 30 metres, except no minimum for public utility structures
- iii) Front yard, minimum 7.5 metres
- iv) Rear yard, minimum 6 metres
- v) Side yard, minimum 3 metres
- vi) Fuel pumps and other accessory equipment shall be located at least 6 metres (20 ft) from any street or lot line
- vii) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened.
- viii) One off street parking space shall be provided for each 70 square metres of gross floor area of the principal building or buildings.

. UR - URBAN RESERVE DISTRICT

1) INTENT

The purpose of this district is to reserve unsubdivided and/or undeveloped lands within the municipality for future urban development.

PERMITTED USES

The following are permitted uses in the Urban Reserve District:

- i) Agricultural cropping
- ii) Recreational uses including sports fields, parks, golf golf courses and rinks
- iii) Public utility buildings and structures

DISCRETIONARY USES

The following are discretionary uses in the Urban Reserve District:

- i) Places of worship and cemeteries
- ii) Veterinary hospitals and clinics

REGULATIONS

- i) Minimum lot area - 1 hectare except no minimum for public utility buildings

REZONING OF LAND

Proposed rezoning of land from UR - Urban Reserve District to another land use shall be considered only on the basis of an overall concept plan for the area. The proposed development shall constitute orderly and economic development with regard to adjacent land uses, and future service requirements such as roads, schools and utilities.

PART 6:

REPEAL AND EFFECTIVE DATE OF THE BYLAW

1. Bylaw No. 13 as amended, is hereby repealed.
2. This Bylaw shall come into force on the date of final approval by the Minister of Urban Affairs.

S E A L



Mayor



Administrator

Certified a true copy dated this 30th day of March, 1984



Town Administrator

