

**THE VILLAGE OF PAYNTON**  
**THE ZONING BYLAW NO. 02-2016**

1. Pursuant to Section 45 of *The Planning and Development Act, 2007*, the Council of the Village of Paynton hereby adopts the Zoning Bylaw, as identified as Schedule "A" to this bylaw.
2. The Mayor and Village Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this bylaw.
3. That Bylaw No. 2-81, known as the Zoning bylaw and all amendments thereto, is hereby repealed.
4. This bylaw shall come into force on the date of final approval by the Ministry of Government Relations.

Read a first time this 12<sup>th</sup> day of January, 2016.

Read a second time this 8<sup>th</sup> day of March, 2016.

Read a third time and passed this 28<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator



Pursuant to Section 76, Clauses 37(1)(c) and (d), and Clause 37(2)(c) of *The Planning and Development Act, 2007*, **The Village of Paynton Bylaw 02-2016 (Zoning Bylaw)** is approved: 1) Except for clauses 3.10.2 and 3.10.3 regarding bylaw enforcement and permit validity; and 2) Subject to Council effecting amendments to clauses 3.10.4 and 3.10.5 to clarify permit validity requirements and relocating discretionary use requirements to the appropriate section of the bylaw.

The amendments are to be completed within one year of this decision.

  
\_\_\_\_\_  
Assistant Deputy Minister  
Ministry of Government Relations

Date: June 29 / 2016

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Assistant Deputy Minister

Ministry of Government Relations

Date: Jan 29 / 2016

**THE VILLAGE OF PAYNTON**  
**ZONING BYLAW**  
**SCHEDULE "A" to BYLAW NO. 02-2016**

  
MAYOR

  
ADMINISTRATOR



Certified a true copy of Bylaw# 02-2016  
Passed by Council of the Village of  
Paynton on the 8<sup>th</sup> day of March, 2016

  
Administrator

Village of Paynton Zoning Bylaw No. 02-2016

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## **1. INTRODUCTION**

### **1.1 AUTHORITY**

Under the authority granted by *The Planning and Development Act, 2007*, the Mayor and Council of the Village of Paynton in the Province of Saskatchewan, in open meeting, hereby enact as follows:

### **1.2 TITLE**

This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Village of Paynton.

### **1.3 PURPOSE**

**1.3.1** The purpose of this Bylaw is to regulate development and to control the use of land in the Village of Paynton in accordance with the Paynton and Cut Knife District Plan and Village of Paynton Official Community Plan.

**1.3.2** The intent of this Zoning Bylaw is to provide for the amenity of the area within the Village of Paynton (hereinafter referred to as the Village) and for the health, safety, and general welfare of the inhabitants of Paynton and area:

- a) To minimize land use conflicts;
- b) To establish minimum standards to maintain the amenity of the Village;
- c) To ensure development is consistent with the physical limitations of the land;
- d) To restrict development that places undue demand on the Village for services; and
- e) To provide for land-use and development that is consistent with the goals and objectives of the Village.

### **1.4 SCOPE**

This Bylaw applies to all land included within the boundaries of the Village of Paynton. All development within the limits of the Village of Paynton shall hereafter conform to the provisions of this Bylaw.

### **1.5 SEVERABILITY**

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

**Awning:** A structure that is mechanical and fabricated from plastic, canvas or metal that is spread across a frame designed to be attached to a wall and hung above a doorway or window.

**B**

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

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

**Billboard:** A private free standing sign, including supporting structure, which advertises goods, products, services, organizations, of facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

**Buffer:** A strip of land, vegetation or land use that physically separates two or more different land uses.

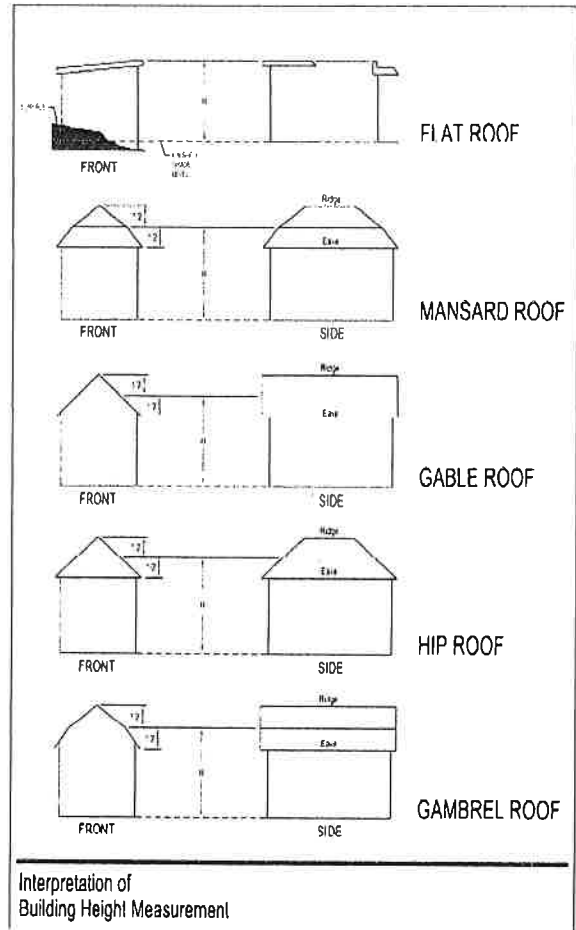
**Building:** A structure constructed on, in, or over land and used for the shelter or accommodation of persons, animals, goods, or chattels, and includes any structure covered by a roof supported by walls or columns.

**Building, Accessory:** (see Accessory)

**Building Bylaw:** A Bylaw of the Village of Paynton to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

**Building Height:** the vertical distance of a building measured from the grade level to the highest point of the roof. If a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof. [Refer to Figure 1.0]

**Figure 1: Building Height Interpretation**



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

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

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

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

**Development Officer:** An employee of The Village appointed by the Administrator to act as a Development Officer to administer this Bylaw.

**Demolition Permit:** A permit issued for the removal or dismantling of a building or structure with the Village's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

**Development Permit:** A document issued by the Council of the Village of Paynton that authorizes development pursuant to this Bylaw, but does not include a building permit.

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

**Discretionary Use:** Uses or development of land, buildings, or other structures that may be permitted in a zoning district only at the discretion of Council and which conforms to all discretionary use regulations and other regulations applicable to the district in which the use is located.

**District Plan (DP):** The District Plan for the Village of Paynton and participating municipalities is known as the Paynton and Cut Knife District Plan, as outlined in Section 102 of *The Planning and Development Act, 2007*.

**Dwelling:** A building or part of a building intended for residential occupancy.

**Dwelling Unit:** One or more habitable rooms used, or fully capable of being used as a residence, where each unit provides sleeping, cooking, and toilet facilities.

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

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

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

**Dwelling, Semi-Detached:** A building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roofline.

**Dwelling, Single-Detached:** A building containing only one dwelling unit, and shall not include a mobile home as herein defined.

**Dwelling, Town House:** A dwelling, designed as one cohesive building in terms of architectural design, which contains three (3) or more similar attached dwelling units each of which fronts on a street, has direct access to the outside at grade and is not wholly or partly above another dwelling.

## E

**Educational Institution:** An establishment dedicated for the purpose of providing education and instruction in any branch of knowledge.

**Existing:** In place, or taking place, or with all approvals and permits in place on the date of the adoption of this Bylaw.

## F

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

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

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

**Flanking:** Means to the side of a lot, parcel or site.

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

**Heritage Resource:** The history, culture and historical resources of an area and its residents.

**Highway Commercial:** Commercial activities normally located along highways, major roadways and in other locations considered strategic by the type of business involved serving the needs of local residents and the traveling public.

**Highway Sign Corridor:** A strip of land parallel and adjacent to a provincial highway, where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled "*The Erection of Signs Adjacent to Provincial Highway Regulations, 1986,*" as may be amended from time to time.

**Home Occupation (Home Based Business):** An occupation, trade, profession, or craft customarily conducted for gain in a dwelling unit or accessory building by the resident or residents, which is clearly incidental and secondary to the principal use of the site and which does not create or become a public nuisance as a result of noise, traffic, pollution, or parking. Home occupations shall not occupy more than 25% of the total finished floor area of a dwelling unit in any Residential District.

**Hotel:** A building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travelers, and where a guest register or record is kept, but does not include a motel or rooming house.

**I**

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

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

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

**Institutional Use:** The use of land, buildings, or structures for religious, charitable, educational, health or welfare purposes and includes churches, public or private schools, nursery schools, hospitals, and special care.

**K**

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

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

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

**L**

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

**Landscaped Area:** An area not built upon and not used for any purpose other than as an open space that may include grass, shrubs, flowers, trees, and similar types of vegetation and may contain paths, walks, patios, fences and similar outdoor amenities, but does not include parking areas, parking lots, driveways or ramps.

**Land Use Zoning District:** Divisions identified in the Zoning Bylaw establishing permitted and discretionary uses of land or buildings with attendant regulations.

**Lane:** A secondary public thoroughfare intended primarily to give access to the rear or side of the abutting property.

intended for the use of the traveling public, each containing at least a bedroom and bathroom, and each having convenient access to a parking space for the use of the occupants of the units and may or may not provide food service.

**Municipality:** The Village of Paynton.

**Municipal Reserve:** Dedicated lands that are provided to a municipality for public use, or that were dedicated as public reserve and transferred to a Municipality pursuant to of *The Planning and Development Act, 2007*.

**Museum:** An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection or artifacts of historical interest.

## N

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

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

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

## O

**Office or Office Building:** A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government in which no goods or commodities of business or trade are stored, trans-shipped, sold or processed.

**Official Community Plan (OCP):** The Official Community Plan for the Village of Paynton is Bylaw No. 01-2016, as outlined in Section 32 of *The Planning and Development Act, 2007*.

**Open Space:** Passive and structure leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community, including parks, recreation and tourism nodes, and natural areas.

## P

**Parking Lot:** An open area, other than a street, used for the temporary parking of more than four vehicles and available for public or private use.

**Parking Space:** A space within a building or parking lot for the parking of one (1) motor vehicle including convenient access to a public lane or street and shall be not less than 3.0 meters wide and 5.5 meters in length.

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

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

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

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

**Personal Service Trades:** A building or part of a building in which persons are employed in furnishing services and administering to customer's personal and or grooming needs, but does not include the provision of health related services.

**Places of Worship:** A building set aside by any religious organization for public worship. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

way are left vacant after the initial roadway facility is constructed to allow for future expansion.

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

**RTM (Ready to Move) Home:** A residential dwelling that is constructed off-site in a yard or factory to *The National Building Code* and transported as a single unit to a site for permanent installation on a permanent foundation including a basement.

## S

**Satellite Dish:** A parabolic antenna utilized for the reception of satellite transmitted television or radio waves.

**Salvage Yard (Wrecking):** A parcel of land where second-hand, discarded or scrap materials are bought, sold, exchanged, stored, processed or handled. Materials include scrap iron, structural steel, rages, rubber tires, discarded goods, equipment, appliances or machinery.

**School:** An educational facility under the jurisdiction of a Board of Education, a college, university, or any other school established and maintained either wholly or partially at public expense, whether or not the same is a boarding school and includes any dormitory building accessory to such school.

**Sea Container:** (see Shipping Container).

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

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

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

**Shipping Container:** An article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation goods by one or more means of transportation and includes but is not limited to intermodal shopping containers, body of transport trailer or strait truck box but does not include a motor vehicle.

**Shopping Centre:** A building or group of buildings located on one or more contiguous and/or non-contiguous lot or site, in which four (4) or more of the uses allowed in the Zoning District are co-located for their mutual benefit including the use of off-street parking and other joint facilities.

### Should, Shall or May:

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

**Sign:** Any device, letter, symbol, emblem or picture, that is affixed to or represented directly or indirectly upon a building, structure, or a piece of land and that identifies or advertises any object, product, place, activity, person, organization, or business in such a way as to be visible to the public on any street, thoroughfare, or any other public place.

**Sign, Billboard:** A private free standing sign, including supporting structure, which advertises goods, products, services, organizations, of facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

**Sign, Freestanding:** sign, except a billboard, independently supported and visibly separated

**Stakeholders:** Individuals, groups or organizations who have a specific interest or “stake” in a particular need, issue situation or project and may include members of the local community residents, community groups or local, provincial and federal governments.

**Strip Mall(Mini Mall):** a building of not more than 600 m<sup>2</sup> in gross floor area in which not more than six (6) of the permitted or discretionary uses of the zoning district are located together for their mutual benefit.

**Street:** The whole and entire width of every highway, public road, or road allowance vested in Her Majesty in the right of the Province of Saskatchewan and shown as such on a plan of survey registered at the Information Services Corporation (ISC).

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

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

**Subdivision:** A division of land, and includes a division of a quarter section into legal subdivision as described in the regulations made pursuant to *The Land Surveys Act, 2000*.

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

## T

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

**(Tele)communication Facility:** A structure situated on a non-residential site that is intended for transmitting or receiving television, radio or cellular communications,

excluding those used exclusively for dispatch communications.

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

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

**Trucking Firm Establishment:** The use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include an automobile service station, transportation sales or rental outlets.

## U

**Use:** The activity or purpose for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, occupied, or maintained.

**Used For:** Includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

**Utility Shed:** An accessory building or structure used for the storage of goods with a maximum floor area of 9.3m<sup>2</sup>.

## V

**Village:** The Village of Paynton.

**Village Administrator:** The Administrator of the Village of Paynton.

## W

**Warehouse:** A building used for the storage and distribution of wholesale goods and materials.

### **3. ADMINISTRATION AND INTERPRETATION**

#### **3.1 DEVELOPMENT OFFICER**

**3.1.1** The Village Administrator of the Village of Paynton shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Council designates from time to time.

**3.1.2** The Development Officer shall:

- a) Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, development permit conditions, and development and servicing agreements;
- b) Maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
- c) Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
- d) Collect development fees, according to the fee schedule established in this Bylaw or any other Development Fee Bylaw adopted by the Village;
- e) Perform other duties as determined by Council.

**3.1.3** The Development Officer shall be empowered to make a decision regarding a Development Permit application for a "Permitted Use."

#### **3.2 COUNCIL**

**3.2.1** Council shall make all decisions regarding Discretionary uses, Development and Servicing Agreements, and Zoning Bylaw amendments.

**3.2.2** Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Government Relations, prior to a decision being made by the Minister.

**3.2.3** Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with The Paynton and Cut Knife District Plan.

#### **3.3 APPLICATION FOR A DEVELOPMENT PERMIT**

**3.3.1** Unless the proposed development or use is exempt from Development Permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:

- a) Complete and submit a Development Permit application, and
- b) Receive a Development Permit for the proposed development.

**3.3.2** A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw, the Paynton and Cut Knife District Plan, and the Village of Paynton Official Community Plan.

**3.3.3** Except where a particular development is specifically exempted by Section 3.4 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

- c) The location of, and access to, major transportation routes and utility corridors;
- d) The provision of services respecting the planning for future infrastructure within the Municipality;
- e) Sustainable development and environmental management practices regarding surface and groundwater resources, storm water management, flooding and protection of significant natural areas;
- f) Appropriate information specific to the particular land use (residential, commercial or industrial).

**3.6.1** The Comprehensive Development Review must be prepared in accordance with the overall goals and objectives of the Payton and Cut Knife District Plan. Council shall not consider any development application until all required information has been received. The responsibility for undertaking all technical investigations and hosting public meetings as required shall be borne solely by the applicant.

### **3.7 DEVELOPMENT PERMIT PROCEDURE**

**3.7.1** Where an application for a Development Permit is made for a permitted use in conformity with this Bylaw, *The Planning and Development Act, 2007*, and all other Village Bylaws, the Council shall hereby direct the Development Officer to issue a Development Permit.

**3.7.2** As soon as an application has been made for a development permit and prior to making a decision, the Development Officer may refer the application to whichever government agencies or interested groups Council may consider appropriate. The Development Officer may also require the application to be reviewed by planning, engineering, legal, or other professionals. Fees associated with additional review will be covered under the Development Permit Application Fee found in Section 3.11.

**3.7.3** A copy of all approved development permit applications, involving the installation of water and sanitary services, shall be sent to the local District Health Region.

**3.7.4** Upon approval of a permitted or accessory use, the Development Officer shall issue a development permit for the use at the location and under such terms and development standards specified by the Official Community Plan and this Bylaw.

**3.7.5** The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals Board on a permitted or accessory use application and any terms and conditions attached to an application.

**3.7.6** A building permit, where required, shall not be issued unless a development permit has been issued, or is issued concurrently.

### **3.8 DISCRETIONARY USE PERMIT PROCEDURE**

**3.8.1** The following procedures shall apply to discretionary use applications:

- a) Applicants must file with the Development Officer the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required application and public hearing fees.
- b) The application will be examined by the Development Officer for conformance with the Plan, this Bylaw, and any other applicable policies and regulations and shall advise the Council as soon as practical.

- 3.8.6** Council's approval of a discretionary use application is valid for a period of 12 months from the date of the approval. If the proposed use or proposed form of development has not commenced within that time, the approval shall no longer be valid. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.
- 3.8.7** The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal any terms and conditions attached to a discretionary use application to the Development Appeals Board.

### **3.9 GENERAL DISCRETIONARY USE EVALUATION CRITERIA**

Council will apply the following general criteria, and where applicable, the specific criteria found in the respective Zoning District, in the assessment of the suitability of an application for a discretionary use or discretionary form of development.

- 3.9.1** The proposal must be in conformance with all relevant sections of the Official Community Plan and must demonstrate that it will maintain the character, density, and purpose of the zoning district, where necessary through the provision of buffer areas, separation and screening.
- 3.9.2** The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, schools, and other utilizes and community facilities.
- 3.9.3** The proposal must demonstrate that it is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
- 3.9.4** The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
- 3.9.5** No new or expanded discretionary uses shall be located in the 1:500 flood evaluations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigating measures.
- 3.9.6** The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provisions shall be made so as to ensure no adverse parking or access effects occur.
- 3.9.7** Consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment, such as the cumulative effect of locating an activity on a site adjacent to or already accommodating an activity that may currently generate traffic, noise, etc. not in keeping with the character of the adjacent area.
- 3.9.8** Consideration will be given to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area.
- 3.9.9** All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

### **3.12 FEE FOR ZONING AMENDMENT APPLICATION**

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by *The Planning and Development Act, 2007*. Council also may require the applicant to pay all costs incurred in a professional review of the application and in carrying out a public hearing.

### **3.13 CONCURRENT PROCESSING OF DEVELOPMENT PERMITS, BUILDING PERMITS AND BUSINESS LICENSES**

A Building Permit, where required, shall not be issued unless a Development Permit has been issued, or is issued concurrently. Nothing in this Bylaw shall exempt any person from complying with a building Bylaw, or any other Bylaw in force within The Municipality, or from obtaining any permission required by this, or any other Bylaw of The Municipality, the Province or the Federal Government.

### **3.14 REFERRAL UNDER THE PUBLIC HEALTH ACT**

The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under *The Public Health Act and Regulations*. The developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council that meets *The Public Health Act and Regulations* requirements.

### **3.15 DEVELOPMENT APPEALS BOARD**

**3.15.1** Council shall appoint a Development Appeals Board consisting of five members, to hear and determine appeals in accordance with Section 213 to 227 inclusive, of *The Planning and Development Act 2007*.

#### **3.15.2 RIGHT OF APPEAL**

- a) In addition to any other right of appeal provided by *The Planning and Development Act, 2007* and any other Act, a person affected may appeal to the Board if there is:
  - i. Alleged misapplication of the Zoning Bylaw in the issuance of a development permit.
  - ii. A refusal to issue a development permit because it would contravene the Zoning Bylaw;
  - iii. An issuance of a written order from the Development Officer.
- b) There is no appeal pursuant to 3.13.2.a.ii if a development permit was refused on that basis that the use in the Zoning District for which the development permit was sought:
  - i. Is not a permitted use or a permitted intensity of use;
  - ii. Is a discretionary use or discretionary use of intensity that has not been approved by resolution by Council; or
  - iii. Is a prohibited use.
- c) Appellants may appeal where they are of the opinion that development standards prescribed by Council with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw.
- d) An appellant shall make the appeal pursuant to 3.13.2.a within 30 days after the date of the decision.

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

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

**3.16.10** The Development Officer shall maintain a record of all minor variance applications.

### **3.17 NON-CONFORMING BUILDING USES AND SITES**

**3.17.1** Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007*.

**3.17.2** No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with these provisions.

**3.17.3** No existing use, building or structure shall be deemed to be nonconforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.

**3.17.4** Where a building has been erected on or before the effective date of this Bylaw on a site having less than the minimum dimensions or area, or having less than the minimum yards required by this Bylaw, the use may be continued and the building may be enlarged, reconstructed, repaired or renovated pursuant to the rights granted by Section 91 to 93 of *The Planning and Development Act, 2007*. These rights are subject to the following:

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

### **3.18 DEVELOPMENT PERMIT – INVALID**

A development permit shall automatically be invalid and development shall cease, as the case may be:

- a) If the proposed development is not commenced within the period for which the Permit is valid;
- b) If the proposed development is legally suspended, or discontinued, for a period of six or more months, unless otherwise indicated by Council or the Development Officer;
- c) When Development is undertaken in contravention of this bylaw, the Development Permit and specified development standards; and/or
- d) When a written appeal notice is received by the Development Appeals Board secretary regarding the Development Permit.

### **3.25 DEVELOPMENT LEVY AGREEMENTS**

- 3.25.1** Council may pass a development levy bylaw pursuant to Section 169 to 170 of *The Planning and Development Act, 2007*, to establish development levies to recover the capital costs of services and facilities.
- 3.25.2** As per Section 171 of *The Planning and Development Act, 2007*, if the Council deems it is necessary to do so, the Council or Development Officer may require the development permit applicant to enter into a development levy agreement with the Municipality respecting the payment of the development levies.

### **3.26 SERVICING AGREEMENTS**

- 3.26.1** Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to *The Planning and Development Act, 2007*. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.
- 3.26.2** In accordance with Sections 172 to 176 inclusive, *The Planning and Development Act, 2007*, the agreement may provide for:
- a) The undertaking and installation of storm sewers, sanitary sewers, drains, water mains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, graveled or paved streets and lanes, connections to existing services, area grading and leveling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing;
  - b) The payment of fees that Council may establish as payment, in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

**4.6.2** Multiple unit residential buildings (e.g. duplex, fourplex) are considered to be one principal building under this Bylaw, and all other uses and buildings on the site must be accessory.

#### **4.7 ACCESSORY BUILDINGS, USES AND STRUCTURES**

**4.7.1** Subject to all other requirements of this Bylaw, an accessory building, use or structure is permitted in any district when accessory to an established principal use which is permitted or discretionary use in that same district, and for which a development permit has been issued.

**4.7.2** No accessory building may be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory.

**4.7.3** Where a building on a site is attached to a principal building by a solid roof or by structural rafters, and where the solid roof or rafters extend at least one third of the length of the building wall that is common with the principal building, the building is deemed to be part of the principal building.

#### **4.8 FRONT YARD REDUCTION**

Notwithstanding the minimum depth of front yard required by this Bylaw, where a site is situated between two sites each of which contains a principal building which projects beyond the standard required front yard depth, the front yard required on said site may be reduced to an average of the two established front yards on the adjacent sites; but not be less than 4.5 meters (14.7 feet) in a Residential district unless otherwise permitted in this Bylaw.

#### **4.9 FRONTAGE FOR IRREGULAR SITES**

Where the site frontage is along a cul-de-sac, curve or is irregular, the minimum site frontage shall be 11.0 meters and the mean site width shall not be less than the minimum frontage for regular sites in the same Zoning District.

#### **4.10 PERMITTED YARD ENCROACHMENTS**

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

- a) In all yards: steps or ramps of 1.6 meters or less above grade level which are necessary for access to a permitted building or for access to a site from a street or lane; trees; shrubs walks; uncovered driveways; fences; trellises; flag poles and wheelchair ramps.
- b) Uncovered and open balconies, terraces, verandas, decks, and patios may have a maximum projection from the main wall of 1.8 meters (6 feet) into any required front or rear yard.
- c) Window sills roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations may project a distance of 0.6 meters (2 feet) into any required yard.

#### **4.11 GRADING AND LEVELING OF SITES**

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

- a) Uncovered and open balconies, terraces, verandas, decks, and patios may have a maximum projection from the main wall of 1.8 meters (6 feet) into any required front or rear yard.

#### **4.18 PRIVATE GARAGES, SUNROOMS, SOLARIUMS AND GREENHOUSES**

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

#### **4.19 TRAILERS, BOX CARS, SEA AND RAIL CONTAINERS**

No person shall park or store on any part of a site, any unlicensed rail or sea container, truck, bus or coach body for the purpose of advertising or warehousing within any Zoning District.

#### **4.20 SWIMMING POOLS**

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

- a) No part of such pool is located closer to any lot or street line than the minimum distance required for the principal building located on such lot; and
- b) The maximum height of such pool is 1.2 meters (4 feet) above the average finished grade level of the ground adjoining the pool and to within 4.5 meters (14.7 feet) of such pool; and
- c) Every swimming pool shall be enclosed by a non-climbable fence of at least 1.8 meters (6 feet) in height and not more than 10 cm from the ground, and located at a distance of not less than 1.5 meters (5 feet) from the pool; and
- d) Any deck attached to or abutting a swimming pool shall be considered as part of the swimming pool.

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

#### **4.21 DISPOSAL OF WASTES**

**4.21.1** Subject to all Acts and Regulations pertaining in any way to the storage, handling, and disposal of any waste material or used item, and except as permitted by these Acts and Regulations, no liquid, solid, or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto or beneath the surface of any land, or into the air.

**4.21.2** No development or use of land which requires solid or liquid waste disposal facilities shall be permitted unless those facilities are approved by Saskatchewan Health and the Saskatchewan Water Security Agency. Disposal of liquid, solid, or gaseous waste shall be governed by Acts administered by Saskatchewan Agriculture, Saskatchewan Environment, Saskatchewan Health and the Saskatchewan Water Security Agency.

#### **4.22 SOLID AND LIQUID WASTE DISPOSAL FACILITIES**

Municipal and commercial solid or liquid waste disposal facilities are subject to the following conditions:

- a) The facility will be located as near as practical to the source of waste;
- b) The facility will have undergone satisfactory review as required by Provincial Authorities for environmental assessment and operational design;

## **5. DISCRETIONARY USE STANDARDS FOR DEVELOPMENT**

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

- Site drainage of storm water;
- The location of buildings with respect to buildings on adjacent properties;
- Access to, number and location of parking and loading facilities;
- Appropriate space for vehicle movement in order to reduce disruption of traffic flows on adjacent roadways;
- Control of noise, glare, dust and odour;
- Landscaping, screening and fencing to buffer adjacent properties;
- The size, shape, and arrangement of buildings, and the arrangement of buildings, and the placement and arrangement of lighting and signs;
- Prescribed specified time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development; and
- Intensity of use.

### **5.1 HOME OCCUPATIONS**

- Home-based occupations and businesses will be accommodated provided that they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area, and not of a size that provide services or products that would detrimentally affect the viability of the neighborhood.
- One home occupation shall be allowed per dwelling unit. Home occupations shall be conducted entirely within the dwelling or accessory building.
- One advertising display sign shall be allowed on the site or premise from which the home occupation is conducted. No LED or neon signs shall be allowed.
- There shall be no exterior display or storage of any merchandise or material relating to the home occupation.
- No equipment or process used in the home occupation shall create dust, noise, vibration, glare, fumes, odour or air pollution that is detectable at or beyond the property lines of the lot where the home occupation or business is located.
- Up to two (2) persons other than a resident of the dwelling unit may be engaged in any home occupation as an employee or a volunteer.
- Parking: The home occupation shall not cause or add to on-street parking congestion or cause an increase in traffic through residential zones.
  - No more than one business vehicle, for which off-street parking is provided, shall be operated in connection with the home occupation.
  - Parking of vehicles of employees hired for off-site jobs shall not be allowed at or in the vicinity of the dwelling unit.
- All Business Permits issued for home occupations shall expire on December 31 of the year issued. Home occupations are subject to the condition that the permit may be revoked at any

- Outdoor play areas shall comply with the *Child Care Act, 2000*.

## 5.6 ADULT DAY CARES

- Adult day care facilities may be approved as an accessory use or as a principal use.
- In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- Required parking spaces shall not be located in a required front yard.

## 5.7 RESIDENTIAL CARE HOMES

Residential Care Homes are subject to the following conditions:

- Residential care homes may be approved as an accessory use or as a principal use in their respective zoning districts.
- In any Residential District, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- No building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers.

## 5.8 CAMPGROUNDS

Campgrounds are subject to the following conditions:

- The operator of a campground shall provide the Development Officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, and material change in use of portions of land, or the filling or clearing of land shall require a Development Permit, and the operator shall submit for approval an amended plan incorporating the development.
- A campground shall have within its boundaries, a buffer area abutting the boundary of not less than 4.5 meters (14.7 feet) which shall contain no buildings.
- The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 m<sup>2</sup> (1614.6 ft<sup>2</sup>) in area with its corners clearly marked.
- One permanent sign located on site advertising the campground is permitted per site;
  - The facial area of a sign shall not exceed 0.5 m<sup>2</sup> (5.3 ft<sup>2</sup>);
  - No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
  - Temporary signs not exceeding 1.0 m<sup>2</sup> (10.7 ft<sup>2</sup>) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.
- No portion of any campsite shall be located within a roadway or required buffer area.
- Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area. The space provided for roadways within a campground shall be at least 7.5 meters (24.6 feet) in width. No portion of any campsite, other use or structure shall be located in any roadway.

- Substations are required to be fenced. All wind energy facilities shall be enclosed within a locked protective chain link fence of a minimum height of 1.85 meters (6 feet) and the design shall be included in the Development Permit application.
- Development and Building Permit applications for a Wind Energy Facilities shall include either a manufacturer's engineering certificate of structural safety or certification of structural safety via a Saskatchewan Professional Engineer.
- Sites having potentially dangerous or hazardous developments shall have visible signs stating any potential dangers. No hazardous waste shall be stored on the site.
- Council, at its discretion, may seek approval of this development from both internal and external referral agencies.

#### **5.10 ABOVE-GROUND FUEL STORAGE TANKS**

- Above-ground fuel storage tanks which meet the standards of the National Fire Code and which have a maximum capacity of 50,000 litres may be permitted in association with service stations, gas bars and other permitted industrial or commercial uses where the dispensing of fuel to vehicles is a standard aspect of the use.
- The total storage capacity for above-ground fuel storage tanks on any single service station or gas bar site shall not exceed:
  - 150,000 liters for flammable liquids (gasoline);
  - 100,000 liters for combustible liquids (diesel fuel); and
  - 100,000 liters of propane.
- Above-ground fuel storage tanks shall be:
  - for uses other than service stations and gas bars, located at least 3.0 meters from any property line or building, the 3.0 meter separation distance may be reduced to 1.0 meter for tanks with a capacity of 5,000 liters or less;
  - for service stations and gas bars, located at least 6.0 meters from any property line or building;
  - separated from each other and be accessible for firefighting purposes to the satisfaction of the Development Officer; and
  - at least 15 meters from the boundary of any site within a Residential district.
- For uses other than service stations and gas bars, the dispensing equipment associated with above-ground fuel storage tanks shall be located at least 3.0 meters from any property line, at least 7.5 meters from any open flame or other ignition source, and at least 4.5 meters from any door or window.
- For service stations and gas bars, the dispensing equipment associated with above-ground fuel storage tanks shall be located at least 6.0 meters from any property line, at least 7.5 meters from any open flame or other ignition source, and at least 4.5 meters from any door or window.
- Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, guardrails or other similar means.
- At service stations and gas bars, above-ground fuel storage tanks which are located in view of a front or flanking street shall be landscaped or screened to the satisfaction of the Development Officer.

## 6. ZONING DISTRICTS AND ZONING MAPS

### 6.1 ZONING DISTRICTS

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

<b>R1</b>	<b>Residential</b>	<b>IND</b>	<b>Industrial</b>
<b>C1</b>	<b>Village Centre Commercial</b>	<b>CS</b>	<b>Community Service</b>
<b>C2</b>	<b>Highway Commercial</b>	<b>FUD</b>	<b>Future Urban Development</b>

### 6.2 ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 02-2016 adopted by the Village of Paynton, signed by the Mayor and by the Village Administrator under the seal of the Village, shall be known as the "Zoning District Map", and such map is hereby declared to be an integral part of this Bylaw.

### 6.3 BOUNDARIES OF ZONING DISTRICTS

- 6.3.1 The boundaries of the Districts referred to in this Bylaw, together with an explanatory legend, notations and reference to this Bylaw, are shown on the map entitled, "Zoning District Map."
- 6.3.2 Unless otherwise shown, the boundaries of zoning Districts are site lines, centre lines of streets, lanes, road allowances, or such lines extended and the boundaries of the Municipality.
- 6.3.3 Where a boundary of a District crosses a parcel, the boundaries of the Districts shall be determined by the use of the scale shown on the map.
- 6.3.4 Where the boundary of a District is also a parcel boundary and the parcel boundary moves by the process of subdivision, the District boundary shall move with that parcel boundary, unless the boundary is otherwise located by amendment to the Bylaw.

### 6.4 HOLDING DESIGNATION

- 6.4.1 Where on the Zoning District Map the symbol for a zoning district has suffixed to it the holding symbol "H"; any lands so designated on the map shall be subject to a holding provision in accordance with Section 71 of *The Planning and Development Act, 2007*.
- 6.4.2 Any lands subject to a holding provision shall only be used for the following uses:
  - a) Those uses existing on the land when the "H" is applied; and
  - b) Public works.



**7. RESIDENTIAL DISTRICT – R1**

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

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

**7.1 PERMITTED USES**

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

**7.2 DISCRETIONARY USES**

**The following uses may be permitted in the R1-Residential District only by resolution of Council and only in locations specified by Council. Discretionary use requirements can be found in Section 5.**

- a) Modular homes (refer to section 5.3);
- b) Mobile homes not older than 15 years, compliant with the CSA Z240 standards, following the placement thereof on a permanent foundation;
- c) Secondary suites (refer to section 5.2);
- d) Home occupation, home-based businesses (refer to section 5.1);
- e) Child day care (refer to section 5.5);
- f) Adult day care (refer to section 5.6);
- g) Bed and Breakfast homes (refer to section 5.4);
- h) Residential Care Homes (refer to section 5.7).

**7.3 SITE DEVELOPMENT REGULATIONS**

**Public works shall have no minimum or maximum site requirements**

**Permitted Principal Uses:**

	Single-Detached, RTM and Modular Homes	Semi-detached, Duplex and Multi-Unit Dwellings (per dwelling unit)	Public Playgrounds and Swimming Pools
Minimum site area	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )	315 m <sup>2</sup> (3,390 ft <sup>2</sup> )	No minimum
Minimum floor area	74 m <sup>2</sup> (800 ft <sup>2</sup> )	42 m <sup>2</sup> (450 ft <sup>2</sup> )	No minimum
Minimum site frontage	15 meters (50 feet)	10.5 meters (34 feet)	No minimum
Maximum Height	9.0 meters (30 feet) for Principal Buildings	9.0 meters (30 feet) for Principal Buildings	No maximum
Maximum site coverage	40% and 50% on a corner site	40% and 50% on a corner site	No maximum

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<b>Minimum front yard</b>	6.0 meters (20 feet) except 2.5 meters where lot frontage is less than 11 meters	6.0 meters (20 feet)	7.5 meters (25 feet)
<b>Minimum rear yard</b>	6.0 meters (20 feet)	6.0 meters (20 feet)	No minimum
<b>Minimum side yard</b>	1.0 meter (3.3 feet), unless on a corner site the side yard shall be 2.5 meters	1.0 meter (3.3 feet), unless on a corner site the side yard shall be 2.5 meters	3.0 feet (10 feet)

**Discretionary Principal Uses:**

	<b>Mobile Homes</b>	<b>All other discretionary uses</b>
<b>Minimum site area</b>	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )
<b>Minimum floor area</b>	50 m <sup>2</sup> (540 ft <sup>2</sup> )	74 m <sup>2</sup> (800 ft <sup>2</sup> )
<b>Minimum site frontage</b>	12 meters (40 feet)	15 meters (50 feet)
<b>Maximum site coverage</b>	40%	40% and 50% on a corner site
<b>Minimum front yard</b>	6.0 meters (20 feet)	6.0 meters (20 feet) except 2.5 meters where lot frontage is less than 11 meters
<b>Minimum rear yard</b>	7.5 meters (25 feet)	6.0 meters (20 feet)
<b>Minimum side yard</b>	1.2 meter (4 feet), unless on a corner site the side yard shall be 2.5 meters (8 feet)	1.0 meter (3.3 feet), unless on a corner site the side yard shall be 2.5 meters

**7.4 DEVELOPMENT STANDARDS FOR MOBILE HOMES**

- a) All mobile homes must meet the standards set out in CSA Z240 Procedure for Certification of Factory Built Houses, and amendments thereto. All mobile homes must bear a label of a credible certification agency indicating that compliance with the National Building Codes has been certified using the CSA Z240 procedure.
- b) All attached and accessory structures shall require a building permit and shall comply with the requirements of the National Building Code of Canada and the Building Bylaw of the Village of Paynton.
- c) All attached or accessory structures such as porches, sun room additions, skirting and storage facilities must be factory prefabricated units, or of an equivalent quality, and shall be painted or prefinished so the design and construction will complement the main structure.
- d) In order to protect the residential character of the community, wheels, hitches, and running gear must be removed within thirty (30) days of arrival, and skirting must be installed in such a manner as to compensate for vertical movements and to prevent the entrance of rodents and other small animals.

- d) Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 meters (6.5 feet).

**7.7 SIGNAGE**

- a) One permanent sign is permitted per site. The facial area of a sign shall not exceed 0.5 m<sup>2</sup> (5 ft<sup>2</sup>).
- b) In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling;
- c) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- d) Temporary signs not exceeding 1.0 m<sup>2</sup> (11 ft<sup>2</sup>) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

**7.8 PARKING**

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

<b>Single-detached, RTM and modular homes</b>	2 spaces per dwelling unit
<b>Semi-detached, duplex and multi-unit dwellings</b>	2 spaces per dwelling unit
<b>Mobile homes</b>	2 spaces per dwelling unit
<b>Playgrounds and swimming pools</b>	No requirement
<b>Public works</b>	No requirement
<b>Day care centres and pre-schools</b>	1 space plus 1 additional space for every 10 persons enrolled in the facility.
<b>Adult day care</b>	1 space plus 1 space per 5 persons enrolled in the facility.
<b>Bed and breakfast homes</b>	1 space plus 1 space for each guest room.
<b>Residential care home</b>	1 space plus 1 space for each non-resident staff member

**7.9 OUTSIDE STORAGE**

- a) No outdoor storage shall be permitted in the required front yard of any residential site.
- b) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- c) No unlicensed, wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard. No yard shall be used for the storage or collection of hazardous material.

## **8. VILLAGE CENTRE COMMERCIAL DISTRICT – C1**

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

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

### **8.1 PERMITTED USES**

- a) Banks, credit unions, and other financial institutions;
- b) Administrative offices;
- c) Barbers, hairdressers, and other similar personal services establishments;
- d) Medical, dental, and other health care offices and clinics or health services;
- e) Restaurants, cafes, coffee shops, and other similar fast food services; confectionaries and delicatessens;
- f) Storefront retail stores, bakeries, butcher shops, and similar food processing with on-site retail sales;
- g) Commercial and public recreational establishments such as bowling alleys, arcades and fitness centres;
- h) Licensed premises for the sale and consumption of alcoholic beverages;
- i) Public Transportation depots;
- j) Outdoor markets and concessions (permanent, seasonal, or occasional);
- k) Rooming houses;
- l) Small-scale repair trades, craft shops and studios, craftspeople and similar trades, including retail sales of art and craft products;
- m) Storefront Construction trades without yards;
- n) Buildings, structures or uses accessory to and located on the same site as the principal building or permitted use;
- o) Garden centres or commercial greenhouses;
- p) Public works buildings, offices and structures excluding warehouses, storage yards, and waste management or sewage facilities.

### **8.2 DISCRETIONARY USES**

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

- a) Dwellings attached to and behind, or above, commercial establishments;
- b) One single-detached dwelling, including a RTM;
- c) Other innovative commercial uses consistent with street level retail and services.

## 8.7 LANDSCAPING

Where a site abuts any Residential District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 meters in width throughout which shall not be used for any purpose except landscaping.

## 8.8 SUPPLEMENTARY DEVELOPMENT REGULATIONS

- a) All discretionary use applications shall follow the general the discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.
- b) Specific Discretionary Use Evaluation Criteria for ***Accessory dwellings attached to and behind, or above, commercial establishments:***
  - i. A maximum of one accessory dwelling unit attached to and behind, or above, a commercial establishment will be allowed;
  - ii. The accessory dwelling shall be located in the principal building, with the front of the building at grade level always remaining a commercial use; and
  - iii. The accessory dwelling unit shall have an entrance separate from the commercial use and provide a fire exit secondary to the required entrance.
- c) Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes an access to or from major streets or designated truck routes.
- d) All operations related to construction trades, artisans, and craft shop offices shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

**9.4 SITE DEVELOPMENT REGULATIONS**

Public works shall have no minimum or maximum site requirements

Permitted Uses:

	Permitted Uses (other than Motels)	Motels
Minimum site area	465 m <sup>2</sup> (5,005 ft <sup>2</sup> )	1600 m <sup>2</sup> (17,220 ft <sup>2</sup> )
Minimum site frontage	15 meters (49 feet)	30.0 meters (100 feet)
Minimum front yard	7.5 meters (25 feet) where adjacent to a service road, otherwise 15 meters (50 feet)	15 meters (50 feet)
Minimum side yard	3.0 meters (10 feet), unless the site abuts a residential district, in which case the side yard shall be 1.5 meters (5 feet)	3.0 meters (10 feet)
Minimum rear yard	1.5 meter (5 feet), where a lane is present, unless the site abuts a residential district, in which case the minimum rear yard shall be a minimum 6.0 meters (20 feet)	6.0 meters (20 feet)
Maximum Height	15 meters (49 feet)	15 meters

Discretionary Uses:

	Service Stations	All other discretionary uses
Minimum site area	900 m <sup>2</sup> (9,690 ft <sup>2</sup> )	465 m <sup>2</sup> (5,005 ft <sup>2</sup> )
Minimum site frontage	30.0 meters	15 meters (49 feet)
Minimum front yard	7.5 meters (25 feet)	7.5 meters (25 feet) where adjacent to a service road, otherwise 15 meters (50 feet)
Minimum side yard	3.0 meters	3.0 meters (10 feet), unless the site abuts a residential district, in which case the side yard shall be 1.5 meters (5 feet)
Minimum rear yard	6.0 meters	1.5 meter (5 feet), where a lane is present, unless the site abuts a residential district, in which case the minimum rear yard shall be a minimum 6.0 meters (20 feet)

Gross Floor Area	Minimum Number of Loading Spaces
93 m <sup>2</sup> to 1300m <sup>2</sup> (1000 ft <sup>2</sup> to 14,000 ft <sup>2</sup> )	1 space
1300m <sup>2</sup> to 2500m <sup>2</sup> (14,000 ft <sup>2</sup> to 26,900 ft <sup>2</sup> )	2 spaces
Greater than 2500m <sup>2</sup>	2 spaces, plus 1 space for each 2500 m <sup>2</sup>

### 9.10 SIGNAGE

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

- a) One permanent sign is permitted per site. The facial area of a sign shall not exceed 4.0 m<sup>2</sup> (43 ft<sup>2</sup>);
- b) No sign shall be located in any manner that may jeopardize public safety;
- c) Temporary signs not exceeding 1.0 m<sup>2</sup> (10 ft<sup>2</sup>) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.
- d) Temporary signs advertising product prices or sales, special events related to retail and service activities, or advertising community or charity activities or events are permitted.

### 9.11 OUTSIDE STORAGE

- a) No outdoor storage shall be permitted in the required front yard of any commercial or industrial site.
- b) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- c) No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard. No yard shall be used for the storage or collection of hazardous material.
- d) Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the property, vehicles or vehicular parts.

### 9.12 SUPPLEMENTARY REGULATIONS

- a) All discretionary use applications shall follow the general the discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.
- b) Specific Discretionary Use Evaluation Criteria for ***Building supply establishments, construction trades, lumber yards, light manufacturing, and welding and machine shops:***
  - i. The location of the use will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have minimal impact on surrounding adjacent areas. Consideration may be given, but is not limited to, the following effects:

- vii. Vehicles and parts storage shall not locate in any yard abutting a road and must be screened from view by a solid fence with the location, height and materials being first approved by the development officer.
- f) **Salvage Yards and Auto Wrecker Operations**
  - i. This includes salvage yards, auto wreckers, auto repair shop, body shops and similar uses, all salvage vehicles and materials, vehicles waiting repair, salvage or removal and similar uses.
  - ii. No vehicles or parts thereof shall be located in the front yard.
  - iii. All salvage yards shall be totally hidden from the view of the travelling public, provincial highways ,any public road and adjacent residential development by utilizing any of the following measures:
    - i) distance and careful location,
    - ii) natural or planted vegetation,
    - iii) an earth berm,
    - iv) an opaque fence,
    - v) a building,
    - vi) other appropriate methods approved by Council.
- g) Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes access to or from major streets or designated truck routes.
- h) Bulk petroleum tanks are to be located 91.4 meters (300 ft.) from residential areas, schools, hospitals, motels and restaurants.

### 10.3 SITE DEVELOPMENT REGULATIONS

Public works shall have no minimum or maximum site requirements

#### Permitted Uses

	Permitted Uses	Service Stations
Minimum site area	580 m <sup>2</sup> (6,250 ft <sup>2</sup> )	929 m <sup>2</sup> (10,110 ft <sup>2</sup> )
Minimum site frontage	15.0 meters (50 feet)	30 meters (100 feet)
Minimum front yard	9.0 meters (30 feet)	7.5 meters (25 feet)
Minimum side yard	3.0 meters (10 feet). Where a site abuts a residential or commercial district, the side yard shall be 6 meters (20 feet)	3.0 meters (10 feet) on each side
Minimum rear yard	3.0 meters (10 feet)	10% meters on each side
Maximum Height	15 meters (50 feet) for principal buildings	15 meters (50 feet) for principal buildings

#### Discretionary Uses:

All Discretionary Uses	
Minimum site area	929 m <sup>2</sup> (10,110 ft <sup>2</sup> )
Minimum site frontage	30 meters (100 feet)
Minimum front yard	7.5 meters (25 feet)
Minimum side yard	3.0 meters (10 feet) on each side
Minimum rear yard	10% meters on each side
Maximum Height	15 meters (50 feet) for principal buildings

### 10.4 ACCESSORY BUILDINGS

- a) Setbacks for accessory buildings shall meet the same requirements as the principal use or building.
- b) Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a required rear or side yard.
- c) Buildings, structures or uses including one (1) dwelling unit for a caretaker or manager, secondary and subordinate to, and located on the same lot with the principal permitted or discretionary uses, shall be permitted.

### 10.5 FENCE AND HEDGE HEIGHTS

- a) Screen fences shall be consistent and complement the quality of building design and materials of the primary building. Screening shall be provided where a lot used for commercial or industrial purposes abuts a residential district without an intervening street

- c) Temporary signs not exceeding 1.0 m<sup>2</sup> advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted;
- d) Temporary signs advertising product prices or sales, special events related to retail and service activities, or advertising community or charity activities or events are permitted.

### 10.10 OUTSIDE STORAGE

- a) No outdoor storage shall be permitted in the required front yard of any commercial or industrial site.
- b) No yard shall be used for the storage or collection of hazardous material.
- c) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- d) Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the property, vehicles or vehicular parts.
- e) All outside storage shall be fenced and where the area abuts a residential area All junk yards or auto wrecking yards shall be totally enclosed by a sturdy fence built to a minimum height of 2.0 meters and constructed of material suitable to conceal from view the materials stored on site. No materials shall be stacked above the height of the fence.
- f) All automobile parts, dismantled vehicles, storage drums and crates, stockpiled material, and similar articles and materials shall be stored within a building or suitably screened from public view.

### 10.11 SUPPLEMENTARY DEVELOPMENT REGULATIONS

- a) All discretionary use applications shall follow the general the discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.
- b) Specific Discretionary Use Evaluation Criteria for ***Stockyards and auctions marts:***
  - i. Shall be located at least 300 meters from all residential and community service districts.
- c) Specific Discretionary Use Evaluation Criteria for ***Salvage Yards and Auto Wrecker Operations:***
  - i. This includes salvage yards, auto wreckers, auto repair shop, body shops and similar uses, all salvage vehicles and materials, vehicles waiting repair, salvage or removal and similar uses;
  - ii. No vehicles or parts thereof shall be located in the front yard; and
  - iii. All salvage yards shall be totally hidden from the view of the travelling public, provincial highways, any public road and adjacent residential development by utilizing any of the following measures:
    - i) distance and careful location;
    - ii) natural or planted vegetation;
    - iii) an earth berm;
    - iv) an opaque fence;
    - v) a building;
    - vi) other appropriate methods approved by Council.
- d) Specific Discretionary Use Evaluation Criteria for ***Meat Processing Plants/Abattoirs:***

- vi. Access/egress points shall not be continuous along a street and shall be at least 10.0 meters apart
- vii. Off-site traffic circulation shall be accommodated on the site
- viii. Vehicles and parts storage shall not locate in any yard abutting a road and must be screened from view by a solid fence with the location, height and materials being first approved by the development officer.
- i) Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes access to or from major streets or designated truck routes.
- j) Bulk petroleum tanks are to be located 91.4 meters (300 ft.) from residential areas, schools, hospitals, motels and restaurants.

### **10.12 PERFORMANCE STANDARDS**

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

- a) Noise - emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
- b) Smoke - no process involving the use of solid fuel is permitted;
- c) Dust or ash - no process involving the emission of dust, fly ash or other particulate matter is permitted;
- d) Odor - the emission of any odorous gas or other odorous matter is prohibited;
- e) Toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
- f) Glare or heat - no industrial operation shall be carried out that would produce glare or heat noticed beyond the property line of the lot;
- g) External storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the authority having jurisdiction. No storage shall be permitted in the front yard;
- h) Industrial wastes - waste which does not conform to the standards established from time to time by Village Bylaws shall not be discharged into any Village sewers.
- i) The onus of proving to Council's satisfaction that a proposed development does and will comply with these requirements, rests with the developer.

### 11.3 SITE DEVELOPMENT REGULATIONS

Public works shall have no minimum or maximum site requirements

**Permitted Uses:**

	Permitted Uses	Education facilities	Skating, curling rinks and swimming pools
<b>Minimum site area</b>	450 m <sup>2</sup> (4,850 ft <sup>2</sup> )	No minimum requirement	1200 m <sup>2</sup> (12,900 ft <sup>2</sup> )
<b>Minimum site frontage</b>	15 meters (50 feet)	60 meters (197 feet)	20 meters (65 feet)
<b>Minimum front yard</b>	6.0 meters (20 feet)	15 meters (50 feet)	7.5 meters (25 feet)
<b>Minimum rear yard</b>	6.0 meters except where the rear site line abuts a Residential District without an intervening street or lane, at least 7.5 meters (25 feet) shall be provided.	7.5 meters (25 feet)	7.5 meters
<b>Minimum side yard</b>	50% of the height of the building or 3.0 meters (10 feet), whichever is greater	7.5 meters (25 feet)	1.5 meters (5 feet) except on a corner site abutting a street then 3.6 (12 feet) meters shall be provided

**Discretionary Uses:**

	All Discretionary Uses
<b>Minimum site area</b>	450 m <sup>2</sup> (4,850 ft <sup>2</sup> )
<b>Minimum site frontage</b>	15 meters (50 feet)
<b>Minimum front yard</b>	6.0 meters (20 feet)
<b>Minimum rear yard</b>	6.0 meters except where the rear site line abuts a Residential District without an intervening street or lane, at least 7.5 meters (25 feet) shall be provided.
<b>Minimum side yard</b>	50% of the height of the building or 3.0 meters (10 feet), whichever is greater

## 11.7 SUPPLEMENTARY DEVELOPMENT REGULATIONS

- a) All discretionary use applications shall follow the general the discretionary use evaluation criteria as outlined in Section 3.9 and others that may be specified.
- b) Specific Discretionary Use Evaluation Criteria for **Golf Courses**:
  - i. Consideration will be given to the compatibility of the golf course with adjacent land uses;
  - ii. Insofar as possible, proposed golf courses shall respond to the natural topography and drain ways of the site, and employ minimal clearing of native vegetation;
  - iii. Buffers shall be provided to protect existing, adjacent neighbourhoods by mitigating the adverse impacts of sound, visibility and traffic;
  - iv. Council will consider the following as an asset in the development of a golf course;
    - i) maximum use of existing landforms and native grasses and vegetation
    - ii) an alternative water source to potable water; and
    - iii) water conserving irrigation systems.

**Discretionary Uses:**

	<b>Single-Detached, RTM and Modular Homes</b>
<b>Minimum site area</b>	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )
<b>Minimum floor area</b>	74 m <sup>2</sup> (800 ft <sup>2</sup> )
<b>Minimum site frontage</b>	15 meters (50 feet)
<b>Maximum Height</b>	9.0 meters (30 feet) for Principal Buildings
<b>Maximum site coverage</b>	40% and 50% on a corner site
<b>Minimum front yard</b>	6.0 meters (20 feet) except 2.5 meters where lot frontage is less than 11 meters
<b>Minimum rear yard</b>	6.0 meters (20 feet)
<b>Minimum side yard</b>	1.0 meter (3.3 feet), unless on a corner site the side yard shall be 2.5 meters

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

**12.4 SIGNAGE**

- a) One permanent sign is permitted per site. The facial area of a sign shall not exceed 1.0 m<sup>2</sup>
- b) In the case of a home occupation, an additional permanent sign is permitted;
- c) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- d) Temporary signs not exceeding 1.0 m<sup>2</sup> advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

**12.5 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

- a) Council will consider the applications for discretionary use with respect to the following criteria:
  - i. The infrastructure servicing capacity is available to service the development without excessive impact on other uses being served by the system.
  - ii. The proposed development will be consistent with any concept plans in force in the area and will not be inconsistent with the future use and development plans of the Village of Waseca Official Community Plan.
  - iii. The development will not require the development of new streets and utility lines except as may be provide for in existing plans under the Village of Waseca Official Community Plan and that the proposal is not premature.

