



THE VILLAGE OF MARCELIN

ZONING BYLAW

2013-04

TABLE OF CONTENTS

1	INTRODUCTION	4
2	DEFINITIONS.....	5
3	ADMINISTRATION AND INTERPRETATION.....	15
4	GENERAL REGULATIONS	24
5	DEVELOPMENT STANDARDS FOR DISCRETIONARY USES.....	31
6	ZONING DISTRICTS AND ZONING MAPS	34
7	FUTURE URBAN DEVELOPMENT DISTRICT – FUD	35
7.1	Permitted Uses	35
7.2	Discretionary Uses.....	35
7.3	Prohibited Uses	35
7.4	Site Development Regulations	35
7.5	Signage.....	36
7.6	Single Detached Dwellings	36
7.7	Accessory Buildings	36
7.8	Supplementary Regulations	36
8	Agricultural Resource District – AG	37
8.1	Permitted uses	37
8.2	Discretionary uses	37
8.3	Site Development Regulations	37
8.4	Accessory Buildings	37
9	RESIDENTIAL DISTRICT - R1	38
9.1	Permitted Uses	39
9.2	Discretionary Uses.....	39
9.3	Site Development Regulations	39
9.4	Accessory Buildings	40
10	COMMERCIAL BUSINESS DISTRICT – C1	42
10.1	Permitted Uses	42
10.2	Discretionary Uses.....	42
10.3	Site Development Regulations	43
10.4	Accessory buildings	43
10.5	Signage.....	43
10.6	Parking	43
10.7	Landscaping.....	44
10.8	Supplementary Regulations	44
11	HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICT–C2	45
11.1	Permitted Uses	45
11.2	Discretionary Uses.....	45
11.3	Site Development Regulations	46
11.4	Accessory buildings	46
11.5	Parking Requirements	46
11.6	Loading Requirements.....	47
11.7	Landscaping.....	47
11.8	Signage.....	47
11.9	Supplementary Regulations	47
11.10	Performance Standards for Industrial Activities	48
12	COMMUNITY SERVICE DISTRICT – CS	49
12.1	Permitted Uses	49
12.2	Discretionary Uses.....	49
12.3	Site Development Regulations	49
12.4	Signage.....	50
12.5	Parking	50

12.6	Landscaping.....	51
13	Planned Unit Development – pud	52
13.1	Purpose	52
13.2	Objectives	52
13.3	Criteria for development in the PUD	52
	APPENDIX “A”	53
	APPENDIX “B”	57

1 INTRODUCTION

1.1 AUTHORITY

Under the authority granted by *The Planning and Development Act, 2007*, the Mayor and Council of the Village of Marcelin 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 Marcelin.

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 Marcelin in accordance with the Town of Blaine Lake & Village of Marcelin Inter-Municipal Plan Bylaw 2013-03.

1.3.2 The intent of this Zoning Bylaw is to provide for the amenity of the area within the Village of Marcelin (hereinafter referred to as Marcelin) and for the health, safety, and general welfare of the inhabitants of Marcelin 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 Marcelin. All development within the limits of the Village of Marcelin shall hereafter conform to the provisions of this Bylaw.

1.5 SEVERABILITY

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

2 DEFINITIONS

Whenever the subsequent words or terms are used in the Town of Blaine Lake & Village of Marcelin Inter-Municipal Plan Bylaw 2013-03 and this Bylaw, they shall, have the following definition unless the context indicates otherwise.

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

Accessory: A building or use that:

- a) Is subordinate to and serves the principal building or principal use;
- b) Is subordinate in area, mass, extent, and purpose to the principal building or principal use served;
- c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or assists the principal use;
- d) And Is located on the same site as the principal building or use

Accessory Building, Large: An accessory structure exceeding a height of 4.5 meters or having a floor area of greater than 92 m².

Accessory Dwelling Unit: A second, small, dwelling on the site of a primary, single-family dwelling that accommodates one or two family members of the owner/occupants of the primary residence and is intended to allow the family to live independently but with the support nearby of the extended family.

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

Adjacent: Contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way or reserve land; and any other land identified in this Bylaw as adjacent land for the purpose of notification.

Aggregate Resource: Mineral materials including sand, gravel, clay, earth or mineralized rock, including recycled concrete.

Agricultural: A use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of

produce produced on the premises and other similar uses customarily carried on in the field of general agriculture.

Alteration or Altered: With reference to a building, structure or site means a change from one major occupancy class or division to another, or a structural change such as an addition to the area or height, or the removal or part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any required means of egress or a change to the fixtures, equipment, cladding, trim, or any other items regulated by this Bylaw such as parking and landscaping.

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

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

Apartment Block: A building containing three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence as distinct from a hotel or rooming house.

Applicant: A developer or person applying for a development permit under this Bylaw or for a subdivision approval to an approving authority under *The Planning and Development Act 2007*.

Attic: That portion of a building situated wholly or in part within the roof and which is less than one-half story.

Auto Wrecker: An area where motor vehicles as disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored or sold to the general public.

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

Bare Land Condominium: A Bare land condominium involves dividing a parcel of land into individually owned 'bare land units'. A proposed plan of survey to create a bare land condominium requires the subdivision of the land and subdivision approval pursuant to *The Planning and Development Act, 2007*.

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

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

Billboard: A private free standing sign, including supporting structure, which advertises goods, products, services, organizations, or 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).

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

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

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

Building Line, Established: The average distance from the street line to the main wall of existing buildings on any side

of any block where more than half the frontage of the block has been built on.

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

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

Bylaw: The Village of Marcelin Zoning Bylaw.

Campground: An area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Carport: A building or structure or part thereof, where at least 40% of the area of the perimeter is open and unobstructed by a wall, door, post or pier and which is used for the parking or storage of motor vehicles.

Cemetery: A cemetery or columbarium within the meaning of *The Cemeteries Act Chapter C-4, R.S.S. 1981*, as amended from time to time.

Commercial: The use of land, building(s), or structure(s) for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.

Community Facilities: Buildings or facilities used for recreational, social, educational or cultural activities and that are owned by a municipal corporation, non-profit corporation or other non-profit organization.

Compost: Materials used in gardening, agriculture, landscaping, erosion control, wetland construction, and landfill cover.

Condominium: as defined by *The Condominium Property Act, 1993*, means the land included in a condominium plan together with the buildings and units and the common property and common facilities belonging to them.

Condominium, Townhouse: involves dividing a building into individually owned units with boundaries referenced to the walls, floors and ceilings. Each unit shall have its own

entrance to the outside. Other parts of the building and the parcel containing the building are common property.

Condominium, Bare land (freehold): involves dividing a parcel of land into individually owned 'bare land units'. Each bare land unit is shown on a survey plan. The balance of the parcel around the units is common property.

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

Contractors Yard: The yard of a contractor or company, including landscaping materials used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business.

Convenience Store: A store offering for sale primarily food products, beverages, personal care items, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.

Council: The Council of the Village of Marcelin.

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

Deck: Any raised floor structure at least 0.3 meters above the average ground level upon which it is constructed, either adjacent to a building or free-standing with stairway, ramp, or similar access.

Development: The carrying out of any building, engineering, mining, or operations in, on, or over land, or making of any material change in the use or intensity of use of any building, or land, and shall include, but not be limited to, excavating, filling, grading or drainage of land.

Development Officer: An employee of The 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 Marcelin 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.

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 horizontally into two (2) dwelling units.

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, as herein defined.

Dwelling, Townhouse: 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.

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.

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.

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

Flood: A temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

Floor Area: The maximum area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, open deck, unfinished attic, or unfinished basement or cellar.

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

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

Garage, Private: A building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing nor repairing of such vehicles are carried on for remuneration.

Garage, Public: A building or place where motor vehicles are stored or repaired for remuneration but does not include car washing establishments, an auto sales lot or an automobile service station.

Gas Bar: A building or place where fuel and automotive fluids are sold and may be added to a vehicle on the property, and which may have a convenience store and/or restaurant.

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

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

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

Greenways: A linear park which may accommodate pathways principally for foot traffic and/or bicycles. Typically, greenways are planned along creeks or streams and managed as natural environments, or bikeways along landscaped roads.

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

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

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

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

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 a 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.

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

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

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

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

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 Map: A comprehensive document compiled by a local government that identifies goals and strategies for future development or preservation of land. In its projections, the map specifies certain areas for residential growth and others for agriculture, industry, commercial and conservation.

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.

Large Scale Commercial/Industrial: Commercial or Industrial land uses maintaining a lineal frontage in excess of 90 meters.

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

Lot: An area of land with fixed boundaries on record with the Information Services Corporation (ISC) by Certificate of Title. For the purposes of this Bylaw the terms "lot" and "site" shall be deemed not to mean the same.

Lounge: A room or area adjoining a restaurant set aside for the sale of beverage alcohol for consumption on the premises, with or without food, and where no area has been set aside for dancing or entertainment, either in the lounge or in the adjoining restaurant. The area of a lounge

may not exceed 50% or the public assembly area in the adjoining restaurant.

Manufacturing Establishment: A firm or business engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of components parts, the manufacturing of products and the blending of materials.

Mayor: The Mayor of the Village of Marcelin.

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

Minor Variance: A minor variance is a small variation from the requirements of the Zoning Bylaw. A minor variance approval is a certificate of permission because it allows the property owner to obtain a Development Permit even though their property does not comply precisely with the Zoning Bylaw. This is as per *The Planning and Development Act, 2007*.

Mobile Home: A trailer coach that may be used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; has facilities for washing and a water closet or other similar facility that may be connected to a sewage system; and that conforms to the Canadian Standards Association Standard No. Z240.

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

Mobile Home Subdivision: Any subdivision of land and the development thereof for the purpose of accommodating mobile homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 m² and in which all such sites, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

Mobile Home Site: An area of land in a mobile home park that is intended to be occupied by one mobile home and

for exclusive use of its occupants with access to a driveway or a public street.

Manufactured (Modular) Home: A residential dwelling that is constructed off site in a yard or factory, in one or more sections, transported to a site for permanent installation on a permanent foundation (may have a basement), having architectural features similar to permanent residential dwellings built on site in the Village, and conforming to Canadian Standards Association (CSA) *Standard A277*.

Manufactured Home Community (Subdivision): Any subdivision of land and the development thereof for the purpose of accommodating modular homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 m², and in which all sites, public open space, internal streets, buffer zones, and other amenity areas form a contiguous area of development.

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

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

Municipality: The Village of Marcelin.

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 Sections 181 to 193 inclusive 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.

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.

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 Town of Blaine Lake & Village of Marcelin Inter-Municipal Plan Bylaw 2013-03.

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.

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 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.

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

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

Pond: Any constructed containment of water for the purpose of landscape enhancement, keeping ornamental fish or aquatic plants, or for other similar purposes, but not a swimming pool.

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

Public Utility: A system, work, plant, equipment, or service, whether owned or operated by the Municipality, or by a corporation under Federal or Provincial statute, that furnishes any of the following services and facilities to, or for the use of, the inhabitants of Marcelin:

- Communication by way of telephone lines, optical cable, microwave, and cable;
- Television services;
- Delivery of water, natural gas, and electricity;
- Public transportation by bus, rail, or other vehicle production, transmission;
- Collection and disposal of sewage, garbage, and other wastes; and
- Fire and Police Services.

Public Works: A facility as defined under *The Planning and Development Act, 2007*.

Real-Estate Signage: Signage directly associated with the sale of a property on which it is located and which maintains a gross surface area of less than 1m².

Recreational Uses: The use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks and curling rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and all similar uses, together with the necessary and accessory building and structures; but does not include the racing of animals or motorized vehicles.

Residential: The use of land, buildings, or structures for human habitation.

Retail Shop (Store): A building or part thereof, or a place, where goods, wares, merchandise, substances, or articles are offered or kept for sale or rent, and may include servicing and the manufacture of products on site for sale on the site so long as the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

Recycling and Collection Depot (Community): A building or structure intended to accommodate the collection, sorting, processing and temporary storage of recyclable household materials such as bottles, cans, plastic containers, paper and paint that would otherwise be considered waste. These types of uses do not include any outdoor processing or storage.

Redevelopment (see infill development)

Restaurant: A building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. Limited facilities may be permitted to provide for a take-out food function provided such facility is clearly secondary to the primary restaurant use.

Right-Of-Way: The land set aside for use as a roadway or utility corridor. Rights of way are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing mitigative features. Sometimes road rights of way are left vacant after the initial roadway facility is constructed to allow for future expansion.

Rooming House: A building which contains a room or rooms for accommodation other than a dwelling unit or

other form of accommodation defined elsewhere in this Bylaw, with sleeping facilities but without private toilet facilities.

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

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

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

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

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

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

Should, Shall or May;

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

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

Site: An area of land, consisting of one or more lots consolidated under a single certificate of title, considered

as a unit devoted to a certain use or occupied by a building or a permitted group of buildings, and the customary accessories and open spaces belonging to the same.

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

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

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

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

Site Line: Any boundary of a site.

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

Site Plan: A plan showing the location of existing and proposed buildings on a site in relationship to the site lines.

Site Line, Rear: The site line at the rear of the site, opposite the front site line.

Site Line, Side: A site line other than a front or rear site line.

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

Site, Width: The horizontal distance between the side boundaries of the site measured at a distance from the

front lot line equal to the minimum front yard required for the district in which the site is located.

Small Scale Commercial: Commercial or Industrial land uses maintaining a lineal frontage of less than 90 meters.

Special Care Facility (Home): An institutionalized nursing home, supervisory care home, sheltered care home or other facility used for the purpose of providing supervisory care, personal care, and nursing care.

Special Needs Housing: Multiple unit dwellings or dwelling groups operated by a non-profit corporation or public authority and used exclusively for the domestic habitation of senior citizens, disabled persons, occupants of subsidized housing, or the cohabitant spouse and children of persons noted above.

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

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

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

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 in the Information's Services Corporation (ISC).

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.

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.

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

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.

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

Used For: Includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

Utility Shed: An accessory building or structure used for the storage of goods with a maximum floor area of 9.3m².

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

Village: The Village of Marcelin.

Village Administrator: The Administrator of the Village of Marcelin.

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

Waste Disposal Facility, Liquid: A facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

Waste Disposal Facility, Solid: A facility or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.

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

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

Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principal building or structure on the lot. (corner and interior)

Yard, Required: The minimum yard required by a provision of this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side: a yard extending from the front yard to the rear yard between the side lot line and the nearest wall exclusive of the eaves of the principal building on the lot.

3 ADMINISTRATION AND INTERPRETATION

3.1 DEVELOPMENT OFFICER

3.1.1 The Village Administrator of the Village of Marcelin 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;
- e) Perform other duties as determined by Council.

3.1.3 The Development Officer shall be empowered to make a decision, in consultation with Council, 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 Town of Blaine Lake & Village of Marcelin Inter-Municipal Plan Bylaw 2013-03.

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 (refer to permit application in Appendix "A").
- b) Receive a development permit for the proposed development.

3.3.2 A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the 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.

3.4 DEVELOPMENT NOT REQUIRING A PERMIT

The following developments shall be exempt from development permit requirements, but shall conform to all other Bylaw requirements (e.g., building permits, setbacks, environmental and development standards):

3.4.1 RESIDENTIAL ZONING DISTRICTS

- a) Buildings and structures under 9 meters² in area, which are accessory to a principal, residential use except where such dwelling is a discretionary use.
- b) The erection of any fence, wall, gate, television antennae, or radio antennae.
- c) Relocation of any residential or accessory building provided development standards are still met on the site.

3.4.2 COMMERCIAL ZONING DISTRICTS

- a) Buildings and structures that are accessory to a permitted, principal, commercial use, except where such use is discretionary.
- b) The erection of any fence or gate.
- c) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.

3.4.3 ACCESSORY USES

All accessory uses, unless otherwise specified in this Bylaw.

3.4.4 OFFICIAL USES

Uses and buildings undertaken, erected, or operated by the Village of Marcelin.

3.4.5 INTERNAL ALTERATIONS

- a) Residential Buildings
- b) Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site;
- c) All Other Buildings
- d) Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.

3.4.6 LANDSCAPING

Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

3.5 DEVELOPMENT PERMIT PROCEDURE

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

3.5.1 DISCRETIONARY USE APPLICATION

3.5.1.1. Where an application for a Development Permit is made for a discretionary use, the Development Officer shall advise the Council as soon as practicable.

3.5.1.2 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. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.

3.5.1.3 Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.

3.5.2 DEVELOPMENT PERMIT DECISION

3.5.2.1. The applicant shall be notified in writing of the decision of their application within 30 days of all required information being submitted to the Development Officer. The applicant shall be advised of their right to appeal a decision on a permitted use application and any terms and conditions attached to a discretionary use application to the Development Appeals Board subject to the provisions of *The Planning and Development Act, 2007*.

3.5.2.2 If the proposal conforms to the provisions of this Bylaw, a Development Permit shall be issued, subject to any development standards, special regulations, or performance standards that may be required.

3.6 DEVELOPMENT PERMIT: VALIDITY

3.6.1 A Development Permit is valid for a period of twelve months unless otherwise stipulated when the permit is issued.

3.6.2 Where the Development Officer determines that a development is being carried out in contravention of any condition of a Development Permit or any provision of this Bylaw, the Development Officer shall suspend or revoke the Development Permit and notify the permit holder that the permit is no longer in force.

3.6.3 Where the Council is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the Permit and the requirements of this Bylaw the Council may reinstate the Development Permit and notify the permit holder that the permit is valid and in force.

3.7 DEVELOPMENT PERMIT APPLICATION FEES

3.7.1 An applicant seeking the approval of a development permit application shall pay the following fee: \$100.00.

3.7.2 There shall be no development permit application fee for accessory buildings to a residential use, sign permits, fences, licenses for home occupations or other forms of business licenses.

3.8 DISCRETIONARY USE APPLICATION FEES

3.8.1 An applicant seeking a discretionary use approval shall pay the following fee: \$ 200.00.

3.8.2 The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and by mailing a copy of the notice to the assessed owner of each abutting property and each assessed owner of property within a 75.0 meter radius of the proposed development.

3.8.3 The Development Officer shall publish a notice of the application in accordance with the provisions of *The Planning and Development Act, 2007*, whereby the applicant shall pay to the municipality a fee equal to the costs associated with the public advertisement.

3.9 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 professional review of the application and in carrying out a public hearing.

3.10 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.

3.11 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*.

3.12 DEVELOPMENT APPEALS BOARD

3.12.1 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*.

3.12.2 RIGHT OF APPEAL

- a) Where an application for a permitted use has been denied, the applicant shall be advised of the right of appeal to the Development Appeals Board.
- b) Appellants also may appeal where they are of the opinion that development standards prescribed by Council with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw.
- c) The Development Officer shall make available to all interested persons copies of the provisions of *The Planning and Development Act, 2007*, respecting decisions of the Development Officer and the right of appeal.

3.13 MINOR VARIANCES

3.13.1 The Development Officer may vary the requirements of this Bylaw subject to the following requirements:

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

3.13.2 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of \$50.00.

3.13.3 Upon receipt of a minor variance application the Development Officer may:

- a) Approve the minor variance;
- b) Approve the minor variance and impose terms and conditions on the approval; or
- c) Deny the minor variance.

3.13.4 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.

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

3.13.6 Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.

3.13.7 The written notice shall contain:

- A summary of the application;
- Reasons for and an effective date of the decision;
- Notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
- Where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.

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

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

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

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

3.14 NON-CONFORMING BUILDINGS USES AND SITES

3.14.1 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*.

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

3.14.3 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.

3.14.4 No existing site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the zoning district in which the site is located.

3.15 DEVELOPMENT PERMIT – INVALID

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

- a) If the proposed development is not commenced within the period for which the Permit is valid;
- b) If the proposed development is legally suspended, or discontinued, for a period of six or more months, unless otherwise indicated by Council or the Development Officer, or
- 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.

3.16 CANCELLATION

Council or the Development Officer may cancel a Development Permit, and when cancelled, development shall cease:

- a) Where the Development Officer or Council is satisfied that a development permit was issued based on false or mistaken information,
- b) Where new information is identified pertaining to environmental protection, flood potential, or slope instability, and/or
- c) When a developer requests a development permit modification.

3.17 STOP-WORK

The Development Officer may authorize action to stop any development which does not conform to this Bylaw, a development or servicing agreement, a development permit or condition, or a caveat under this Bylaw.

3.18 INTERPRETATION

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

3.19 OFFENCES AND PENALTIES

Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in *The Planning and Development Act, 2007*.

3.20 INSPECTION OF PREMISES

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

3.21 BYLAW COMPLIANCE

Errors and/or omissions by any person administering or required to comply with the provisions of this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

3.22 MOVING OF BUILDINGS

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

3.23 DEMOLITION OF BUILDINGS

No building shall be demolished without first obtaining a Development Permit from the Development Officer. Such Permit shall not be issued unless a proposal for the interim or long-term use or redevelopment of the site is also submitted, and the proposed use is in conformity with this Bylaw. A separate Development Permit is required for any redevelopment of the site.

3.24 TEMPORARY DEVELOPMENT PERMITS

3.24.1 The Development Officer may issue a temporary Development Permit, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, or temporary gravel operations or asphalt plants. Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned.

3.25 DEVELOPMENT AGREEMENTS

3.25.1 Council may request a developer to enter into a development agreement to ensure development conformity with the Official Community Plan and this Bylaw, pursuant to Section 171 to 176 inclusive, *The Planning and Development Act, 2007*.

3.25.2 A development agreement is mandatory for approval of an accessory dwelling.

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 levelling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing;

- b) The payment of levies and charges, in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

3.27 PERFORMANCE BONDS

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

3.28 LIABILITY INSURANCE

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

3.29 REGISTERED INTEREST

Council may require that development and servicing agreements and other documents may be registered as interest on affected lands, to protect municipal and public interests in accordance with the *Land Titles Act*.

4 GENERAL REGULATIONS

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

4.1 LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

In their interpretation and application, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Nothing in this Bylaw shall exempt any person from complying with the requirements of a building regulation Bylaw or any other Bylaw in force within the Village of Marcelin or law within the Province of Saskatchewan or Canada; or from obtaining any license, permission, permit, authority, or approval required by this or any other Bylaw of the Village of Marcelin or any law of the Province of Saskatchewan or Canada. Where requirements in this Bylaw conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

4.2 PRINCIPAL USE ESTABLISHED

In any Zoning District in this Bylaw, the principal use of the land must be established prior to any accessory buildings, structures, or uses being permitted.

4.3 MULTIPLE USES

Notwithstanding anything contained in this Bylaw, where any land, building, or structure is used for more than one purpose, all provisions of this Bylaw relating to each use shall be complied with, but no dwelling shall be located within 3.0 meters of any other building on the site except to a building accessory to such dwelling.

4.4 NUMBER OF PRINCIPAL BUILDINGS ON A SITE

4.4.1 Only one principal building shall be permitted on any one site except for the following: parks, schools, hospitals, recreation facilities, special care homes, senior citizen homes, and approved dwelling groups and condominium developments.

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

4.5 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 in a Residential district unless otherwise permitted in this Bylaw.

4.6 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 District.

4.7 PERMITTED YARD ENCROACHMENTS

4.7.1 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 having a maximum projection from the main wall of 1.8 meters into any required front or rear yard.
- b) Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 meters into any required yard.

4.8 RESTORATION TO A SAFE CONDITION

Nothing in this Bylaw shall prevent the structural improvement or restoration to a safe condition of any building or structure, provided that such structural improvement or restoration shall not increase the height, area or volume so as to contravene the provisions of this Bylaw.

4.9 GRADING AND LEVELING OF SITES

4.9.1 Every development shall be graded and leveled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property, or the stability of the land.

- a) All excavations or filling shall be re-vegetated immediately after other construction activities conclude, with a suitable ground cover as may be necessary to prevent erosion.
- b) All vegetation and debris in an area to be re-graded or filled must be removed from the site prior to site grading and leveling.
- c) All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the re-graded area, or re-located to a site approved by Council.

4.10 RESTRICTIONS ON CHANGES

4.10.1 The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected, and no land shall be severed from any site, if such change, erection or severance creates a situation that contravenes any of the provisions of this Bylaw applicable to each individual remaining building, accessory building, site, or lot.

4.10.2 Notwithstanding the provisions of clause (i) of this subsection, no person shall be deemed to have contravened any provision of this Bylaw if only part or parts of any site or lot has, or have, been conveyed to, or acquired by, the Municipality or the Province of Saskatchewan for a public work.

4.11 USES PERMITTED IN ALL ZONING DISTRICTS

4.11.1 Nothing in this Bylaw shall prevent the use of any land as a public street or public park.

4.11.2 Nothing in this Bylaw shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.

4.11.3 Nothing in this Bylaw shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities, essential to the operation of public works provided that such use, building, or structure shall be in substantial compliance with the relevant provisions of this Bylaw and shall not adversely affect the character or amenity of the neighbourhood in which the same is located.

4.12 SIGNAGE ON NATURAL AND HUMAN HERITAGE SITES

Small plaques, markers, and interpretation signs will be encouraged on properties that have significant natural or human heritage resources, with the approval of the owner, and where the signage is appropriate in scale, design, and placement with the site and surrounding area, and does not cause safety concerns or negatively impact the heritage value of the site.

4.13 HERITAGE PROPERTIES

Provincial and Municipal heritage properties subject to preservation agreements are subject to development review processes as defined by *The Heritage Property Act*, Sections 23, 24, and 25. Provincial designations are afforded special protection, and any alterations and development must be reviewed and approved by the Heritage Programs of the Province of Saskatchewan.

4.14 FENCE AND HEDGE HEIGHTS

4.14.1 Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fences and hedges in all Residential Districts.

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

4.14.2 Screen fences shall be consistent and complement the quality of building design and materials of the primary building.

4.14.3 No fence in a commercial or industrial zone shall exceed 2.4 meters.

4.14.4 No barbed wire, or razor wire fences shall be allowed in any District other than the FUD.

4.15 OUTSIDE STORAGE

- 4.15.1 No outdoor storage shall be permitted in the required front yard of any residential site.
- 4.15.2 No yard shall be used for the storage or collection of hazardous material.
- 4.15.3 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.
- 4.15.4 No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard.
- 4.15.5 Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts.
- 4.15.6 Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

4.16 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.

4.17 LANDSCAPE BUFFERS

- 4.17.1 Landscape buffers are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage. Landscape buffers, where required to separate uses from adjacent properties may be required a minimum 1.0 meter vegetative landscape buffer, unless a fence is required for other reasons.
- 4.17.2 Primary entrances into the Village and Parking lots abutting major roads will require a landscape buffer
- 4.17.3 Notwithstanding any other provisions in this Bylaw, where buffers are required for Greenways trails, parks and landscaped areas, they shall be required to reflect the character and intent of the Official Community Plan.

4.18 HEIGHT OF BUILDINGS

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

4.19 PROHIBITED AND NOXIOUS USES

- 4.19.1 The keeping of livestock shall not be allowed except for permitted agricultural uses in the FUD - Future Urban Development District.

4.19.2 Any use is prohibited which, by its nature or the materials used therein, is declared by *The Public Health Act and Regulations* to be a noxious trade, business, or manufacture.

4.19.3 NOXIOUS USES

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

- By the creation of noise or vibration,
- By the emission of light and glare;
- By reason of the emission of gas, fumes, smoke, dust or objectionable odour, or
- By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material,
- By any combination of things in this subsection.

4.20 CLOSINGS

In the event a dedicated street or lane shown on the Zoning District Map forming part of this Bylaw is closed, the property formerly in such street or lane shall be included within the zoning district of the adjoining property on either side of such closed street or lane. If a closed street or lane is the boundary between two or more different zoning Districts, the new district boundaries shall be the former centre line of the closed street or lane.

4.21 RAILWAY CROSSINGS AND SIGHT DISTANCES

Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 meters of the point of intersection of the centre line of both the railway and the street.

4.22 BARELAND CONDOMINIUM DEVELOPMENTS

4.22.1 Bareland Condominium Developments shall comply with the minimum site area, coverage, width, height and yard setbacks as stated in the residential zones.

4.22.2 One primary dwelling unit and one accessory are permitted per bareland condominium lot.

4.22.3 Bareland condominium developments may include private open space and one accessory building for joint recreation use by residents of the development shall be permitted, subject to all yard setback requirements of the zone in which it is located.

4.23 SATELLITE DISHES

4.23.1 Satellite dishes in excess of 1.0 meter in diameter shall not be located in any front yard, side yard, and shall not be permitted to be erected on the roof of any principal building that is located within a Residential District and is less than three stories in height.

4.23.2 Satellite dishes located in Residential Districts, which exceed 1.0 meter in diameter shall only be erected on the roof of an accessory building if said accessory building is located entirely within a rear yard; and

4.23.3 Satellite dishes may be erected in Commercial or Industrial Districts for communications purposes or re-broadcasting of television signals and part (i) of this subsection shall not apply.

4.24 COMMUNICATION TOWERS

The erection of Cellular telephone transmission towers shall not be permitted in, or closer than 100 meters of, any Residential District.

4.25 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.

4.26 SWIMMING POOLS

4.25.1 Notwithstanding anything contained in this Bylaw, a swimming pool is permitted as an accessory use to permitted uses in the residential districts or a motel (motor hotel) in a highway commercial district in the side yard or rear yard of any lot 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 above the average finished grade level of the ground adjoining the pool and to within 4.5 meters of such pool, and
- c) Every swimming pool shall be enclosed by a non-climbable fence of at least 1.8 meters in height and not more than 10 cm from the ground, and located at a distance of not less than 1.5 meters from the pool.
- d) Any deck attached to or abutting a swimming pool shall be considered as part of the swimming pool and shall:
 - i. Have a minimum side yard of .75 meters if detached from the principal building and have a minimum distance of 1.2 meters from the principal building.
 - ii. Have a minimum side yard of 1.5 meters if attached to or abutting the principal building.

4.26.2 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.

4.27 DISPOSAL OF WASTES

4.27.1 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.

The Village of Marcelin Zoning Bylaw 2013-04

4.27.2 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 Water Security Agency. Disposal of liquid, solid, or gaseous waste shall be governed by Acts administered by Saskatchewan Agriculture and Food, Saskatchewan Environment, Saskatchewan Health and the Water Security Agency.

5 DEVELOPMENT STANDARDS FOR DISCRETIONARY USES

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 related to:

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

5.1 HOME OCCUPATIONS

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

- Home-based occupations and businesses will be accommodated provided that they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area, and not of a size or 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 neon or LED signs shall be permitted.
- The storage of any merchandise or material relating to the home occupation be stored and displayed provided the storage and display of such goods shall not be exposed to the public view from the street and adjoining properties, nor shall such storage involve a change in appearance of the residence or its accessory buildings.
- 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 is located.
- Parking: The home occupation shall not cause or add to on-street parking congestion or cause an increase in traffic through residential zones.
 - i. No more than one business vehicle, for which off-street parking is provided, shall be operated in connection with the home occupation.
 - ii. Parking of vehicles of employees hired for off-site jobs shall not be allowed at or in the vicinity of the dwelling unit.

5.2 SECONDARY SUITES

- Secondary suites may be constructed within a principal, single detached dwelling in a residential zone. Only one secondary suite is permitted on each residential site
- Secondary suites must be located within the principal dwelling and must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building. Secondary suites must contain cooking, eating, living, sleeping, and sanitary facilities.
- Secondary suites may not exceed 60 m² or 35% of the total floor space, including basements, and may not have more than two bedrooms.

5.3 MODULAR HOMES

- All modular homes shall be placed on a permanent foundation at a standard comparable to a single detached dwelling.
 - i. All modular homes shall be placed on a permanent, concrete foundation;
 - ii. All modular homes shall be multi-modular, with the width approximately equivalent to the length;
 - iii. All modular homes shall have architectural features similar or complementary to adjacent and nearby homes;
- Modular homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- All other requirements of this Bylaw apply.

5.4 SOLID AND LIQUID WASTE DISPOSAL FACILITIES

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

- The facility will be located as near as practical to the source of waste.
- The facility will have undergone satisfactory review as required by provincial authorities for environmental assessment and operational design.
- The facilities will be located at least 300 meters for liquid waste, and 457 meters for solid waste from any residence or recreational use.
- The development of any new disposal sites shall take into consideration seasonal winds.
- Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
- Solid waste disposal facilities shall be located in proximity to an all-weather road.
- Council may apply special standards for screening, fencing and reclamation of the site.

5.5 BED AND BREAKFAST HOMES

Bed and breakfast homes are subject to the following conditions:

- A bed and breakfast home may be located in a detached one unit dwelling or in a semi-detached dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence developed shall be licensed by the Ministry of Health.
- Required parking spaces may be permitted in a required front yard.
- One advertising display sign located on the site or premise advertising the bed and breakfast home is permitted. The facial area of a sign shall not exceed 0.5 m².

5.6 DAY CARE CENTRES AND PRE-SCHOOLS

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

- Day care centres and pre-schools may be approved as an accessory use or as a principal use.
- In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

- Day care centres or pre-schools which are located in residential districts shall provide at least 3.25 m² of fenced on-site outdoor play space for each child present in the facility at any one time.
- Required parking spaces may be located in a required front yard.

5.7 PERSONAL CARE HOMES

Personal Care Homes are subject to the following conditions:

- Residential care homes may be approved as an accessory use or as a principal use.
- In any residential district, no exterior alterations shall be undertaken to a dwelling of former dwelling which would be inconsistent with the residential character of the building or property.
- Required parking spaces may be located in a required front yard.
- No building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers.

5.8 CAMPGROUNDS

Campgrounds are subject to the following conditions:

- The operator of a campground shall provide the development officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, and material change in use of portions of land, or the filling or clearing of land shall require a Development Permit, and the operator shall submit for approval an amended plan incorporating the development.
- A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 meters which shall contain no buildings.
- The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 m² in area with its corners clearly marked.
- One permanent sign located on site advertising the campground is permitted per site;
- 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.
- Each trailer coach shall be located at least 3.0 meters from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- The space provided for roadways within a campground shall be at least 7.5 meters in width. No portion of any campsite, other use or structure shall be located in any roadway.
- A campground may include as ancillary uses a laundromat or a confectionery designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- *The Public Health Act* shall be complied with in respect to all operations and development of the campground.

6 ZONING DISTRICTS AND ZONING MAPS

6.1 ZONING DISTRICTS

For the purpose of this Bylaw, the Village of Marcelin is divided into several Zoning Districts that may be referred to by the appropriate symbols.

FUD	Future Urban Development	C1	Commercial Business
Ag	Agricultural Resource District	C2	Highway Commercial/Industrial
R1	Residential	PUD	Planned Unit Development
CS	Community Service		

6.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 2013-04 adopted by the Village of Marcelin, 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

a) 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*.

b) Any lands subject to a holding provision shall only be used for the following uses:

- i. Those uses existing on the land when the "H" is applied; and
- ii. Public works.

7 FUTURE URBAN DEVELOPMENT DISTRICT – FUD

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

7.1 PERMITTED USES

- a) Agricultural crop production and horticultural uses and buildings and structures accessory to the use including the application of manure on agricultural land;
- b) Uses, buildings and structures accessory to the foregoing permitted uses;
- c) Public works;
- d) Uses in existence when this Bylaw comes into force.

7.2 DISCRETIONARY USES

The following uses may be permitted in the FUD- Future Urban Development District only by resolution of Council and only in locations specified by Council:

- a) One single detached dwelling and buildings accessory thereto;
- b) Home occupations;
- c) Large accessory buildings;
- d) Commercial greenhouses, market gardens, and sod farms;
- e) Recreational uses and sports grounds;
- f) Keeping of livestock, but excluding intensive livestock operations, poultry farms, hatcheries, or kennels;
- g) Cemeteries.

No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.

7.3 PROHIBITED USES

The following uses shall be strictly prohibited within the FUD District

- a) The keeping of junked cars, abandoned vehicles and similar material.
- b) All uses of buildings and land except those specifically noted as permitted or discretionary.

7.4 SITE DEVELOPMENT REGULATIONS

Minimum site area	Agricultural: 16 hectares. Public Works: no minimum. Discretionary Uses: 1 hectare
Minimum site frontage	Existing site frontages permitted
Front yard	15 meters
Side yard	7.5 meters for dwelling and buildings accessory thereto, except the minimum side yard abutting a public street shall be 10.0 meters
Rear yard	10 meters for dwellings and buildings accessory thereto except that the minimum rear yard abutting a public street shall be 30.0 meters

Notwithstanding the above, the minimum yard is 60.0 meters from the centerline of a municipal road.

7.5 SIGNAGE

- a) One permanent sign is permitted per site;
- b) In the case of a home occupation, an additional permanent sign is permitted;
- c) The facial area of a sign shall not exceed 0.5 m²;
- d) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- e) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

7.6 SINGLE DETACHED DWELLINGS

- a) To recognize existing uses, Council will consider the renovation or expansion of an existing single detached dwelling in a FUD District.
- b) Council may approve the development of a single detached dwelling ancillary to another existing use, where the location will not interfere with future development pursuant to the Official Community Plan.
- c) The subdivision to large site residential in the FUD District will be considered in conjunction with the adoption of a Concept Plan to the Blaine Lake & Marcelin Inter-Municipal Plan that re-designates the area for large site residential use.

7.7 ACCESSORY BUILDINGS

- a) No accessory building shall be located within 3.0 meters of a side or rear site line except where the minimum yard abuts a public street, in which case the minimum side or rear yard shall be 7.6 meters.
- b) The Building Floor Area for large accessory buildings on any site in this District may not exceed 150m².

7.8 SUPPLEMENTARY REGULATIONS

- a) Council will consider the applications for discretionary use with respect to the following criteria:
 - i. The sewer, water, and utility 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 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 Official Community Plan and that the proposal is not premature.
- b) Where a development is proposed at a location at which standard connection to the Village's existing sewer and water system is not feasible, the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council and meets *The Public Health Act and Regulations* requirements.
- c) Any building or structure used for the habitation or shelter of animals permitted in this Zoning District shall be located a minimum distance of 76.0 meters from an occupied dwelling situated on an adjoining site.

8 AGRICULTURAL RESOURCE DISTRICT – AG

No Person shall within the AG – Agricultural Resource 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) Agricultural crop production and horticultural uses and buildings and structures customarily accessory to the use;
- b) Keeping of livestock, but excluding intensive livestock operations, poultry farms, hatcheries, or commercial kennels;
- c) Commercial greenhouses, market gardens, and sod farms;
- d) Uses, buildings and structures accessory to the principal building or use including temporary or non-permanent storage facilities;
- e) Public works buildings and structures including offices, warehouses, storage, yards, and waste management or sewage facilities.

8.2 DISCRETIONARY USES

- a) Residential dwellings;
- b) Temporary Work Camps;
- c) Public Utilities;
- d) Communication antennas or towers;
- e) Wind Energy systems.
- f) Private Airstrips.

8.3 SITE DEVELOPMENT REGULATIONS

Minimum site area	16 hectares
Minimum site frontage	60.0 meters abutting a highway or 6.0 meters abutting a street
Front yard	15.0 meters unless the property abuts a municipal road, then the setback is 60.0 meters from the centerline of the municipal road.
Side yard	7.5 meters for dwelling and accessory buildings accessory except the minimum side yard abutting a public street shall be 10.0 meters.
Rear yard	10.0 meters for dwellings and accessory buildings accessory except that the minimum rear yard abutting a public street shall be 30.0 meters.

8.4 ACCESSORY BUILDINGS

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .3 Manure applications associated with livestock and agricultural composting are considered accessory to an agricultural operation where the spreading occurs on the parcel in which it is produced.
- .4 Facilities for the direct sale of crops grown by the agricultural operation including orchards and market gardens shall be considered accessory to a farmstead or residence in the Agricultural Resource District.

The Village of Marcelin Zoning Bylaw 2013-04

- .5 Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard of a pre-existing or established principle building, and shall not exceed 120 square feet.

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:

9.1 PERMITTED USES

- a) One single detached dwelling;
- b) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;
- c) One Home occupation;
- d) Playgrounds and swimming pools;
- e) Public works buildings and structures excluding offices, warehouses, and storage yards.

9.2 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:

- a) An additional Home occupation;
- b) Child and adult daycare;
- c) Secondary Suites in single detached dwellings only;
- d) Semi-detached, two-unit dwelling, duplex dwelling, Fourplex, or townhouses;
- e) Modular Homes;
- f) Mobile homes, newer than 1995, following the placement thereof on a permanent foundation;
- g) Bed and Breakfast homes;
- h) Personal care homes.

No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.

9.3 SITE DEVELOPMENT REGULATIONS

Single Detached Dwellings

Minimum site area	465 m ²
Minimum floor area	75 m ²
Minimum site frontage	15.0 meters
Building Height	9.0 meters for Principle buildings
Minimum front yard	7.5 meters
Minimum side yard	1.5 meters, except 3.0 meters when flanking a street
Minimum rear yard	9.0 meters, except for corner lots where the minimum is 3.6 meters
Minimum parking spaces	2

Semi-detached and Duplexes

The Village of Marcelin Zoning Bylaw 2013-04

Minimum site area	315 m ²
Minimum floor area	60 m ²
Minimum site frontage	10.5 meters
Height	9.0 meters for Principal buildings
Maximum site coverage	40% and 50% on corner lots
Minimum front yard	7.5 meters
Minimum rear yard	9.0 meters
Minimum side yard	1.5 meters except 3.0 meters when flanking a street
Minimum parking spaces	2

Townhouse, Fourplex

Minimum site area	500 m ² plus 90m ² for each dwelling unit in excess of two on the ground floor
Minimum floor area	56 m ²
Minimum site frontage	20 meters
Height	2 1/2 stories
Maximum site coverage	50%
Minimum front yard	7.5 meters
Minimum rear yard	9.0 meters
Minimum side yard	3.0 meters or 50% of the average wall, whichever is greater
Minimum parking spaces	1.5/dwelling unit

Mobile Homes

Minimum site area	467 m ²
Minimum floor area	75 m ²
Minimum site frontage	15.0 meters
Minimum front yard	7.5 meters
Minimum side yard	1.5 meters except 3.0 meters when flanking a street
Minimum rear yard	9.0 meters
Minimum parking spaces	2

9.4 ACCESSORY BUILDINGS

The Village of Marcelin Zoning Bylaw 2013-04

- a) All accessory buildings shall be set back a minimum of 7.0 meters from the front site line, 1.2 meters from the principal building, and 1.0 meters from the side site line unless the side site line is an abutting street then the side yard shall be 3.6 meters.
- b) All accessory buildings shall not exceed 83.6 m² (900 ft²) in area and shall not exceed 5.0 meters in height.
- c) All accessory buildings shall be located a minimum of 0.8 meters from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 3.0 meters from the site line abutting the lane.
- d) Private garages, carports, and accessory buildings attached to a principle building by a substantial roof structure shall be considered as part of the principle building and subject to the regulations of the principle building.
- e) All activities related to artisan studios, crafts and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.
- f) Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard of a pre-existing or established principle building, and shall not exceed 120 square feet.

9.4.1 SIGNAGE

- a) One permanent sign is permitted per site;
- b) In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling, affixed to the dwelling or accessory building or free standing on the property at least 3 meters in from any lot line;
- c) The facial area of a sign shall not exceed 0.5 m²;
- d) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- e) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

10 COMMERCIAL BUSINESS DISTRICT – C1

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

10.1 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, tea houses, coffee shops, and other similar retail food services;
- f) Storefront retail stores and outlets;
- g) Commercial Recreation facilities;
- h) Theatres, assembly halls, places of worship;
- i) Commercial recreation establishments such as bowling alleys, arcades and fitness centres;
- j) Licensed premises for the sale and consumption of alcoholic beverages;
- k) Libraries, galleries, museums, and other similar cultural institutions;
- l) Public transportation depots;
- m) Funeral homes;
- n) Storefront bakeries, butcher shops, and similar food processing with on-site retail sales;
- o) Outdoor markets and concessions (permanent, seasonal, or occasional);
- p) Small-scale repair trades such as tailors, jewelers, art and hand craft shops and studios, craftspeople and similar trades, including retail sales of art and craft products;
- q) Dwellings attached to and behind, or above, commercial establishments;
- r) Buildings, structures or uses accessory to and located on the same site as the principal building or permitted use;
- s) Public works buildings and structures **excluding** shops, warehouses, storage yards, and waste management or sewage facilities.

10.2 DISCRETIONARY USES

The following uses may be permitted in the CB-Commercial Business District but only by resolution of Council and only in locations specified by such resolution of Council:

- a) One Single Detached Dwelling in existence at the passing of this Bylaw;
- b) Lumber and building supply establishments;
- c) Animal hospitals, or clinics and offices of veterinary surgeons;
- d) Service Station, car wash and motor vehicle repair shops;
- e) Newspaper offices and printing plants and services;
- f) Auto body Shops;
- g) Welding shops;
- h) Warehouses and storage facilities;
- i) Shops of plumbers, pipe fitters, metal workers and other industrial trades manufacturing and sales;
- j) Other innovative commercial uses consistent with street level retail and services.

No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.

10.3 SITE DEVELOPMENT REGULATIONS

Commercial Uses

Minimum site area	275 m ²
Minimum site frontage	7.5 meters
Maximum site coverage	75%
Minimum front yard	No requirement
Minimum rear & side yard	No requirement except when the side site line is the boundary of any Residential or Community Service District or abuts a public street then the minimum side yard shall be 1.5 meters. When the rear site line abuts a railway right-of-way no rear yard need be provided.

Service Stations and Motels

Minimum site area	600 m ²
Minimum site frontage	20 meters
Minimum front yard	5.0 meters
Minimum rear & side yard	No requirement except when the side site line is the boundary of any Residential or Community Service District or abuts a public street then the minimum side yard shall be 1.5 meters. When the rear site line abuts a railway right-of-way no rear yard need be provided.

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 rear or side yard of a pre-existing or established principle building, and shall not exceed 120 square feet.

10.5 SIGNAGE

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

- a) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- b) The facial area of a sign shall not exceed 0.5 m²;
- c) Temporary signs not exceeding 1.0 m² advertising the sale or lease of the property, or other information relating to a temporary condition affecting the property, are permitted.

10.6 PARKING

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

The Village of Marcelin Zoning Bylaw 2013-04

Stores, Shops and Offices	1 parking space for each 20 m ² of building floor area
Restaurants, other eating places	1 parking space for every 10 seats provided for patrons
Places of assembly	3 parking spaces for every 10 seats provided for patrons.
Dwelling Unit	1 parking space per unit
Service Stations	1 ½ parking spaces for each service bay
All other uses	No requirement

10.7 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 through which shall not be used for any purpose except landscaping.

10.8 SUPPLEMENTARY REGULATIONS

10.8.1 Dwelling Units:

- a) Dwelling units shall have a floor area smaller than or equal to the floor area in commercial use.
- b) Minimum floor area for each dwelling unit shall be 45 m².
- c) All dwelling units shall have an entrance separate from that of the commercial establishment.
- d) Dwelling units shall be located above or at the rear and attached to the principal commercial use.
- e) Accessory residential uses shall conform to the Provincial Public Health and Fire Regulations.

10.8.2 Service Stations

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

11 HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICT-C2

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

11.1 PERMITTED USES

- a) Business and/or professional offices;
- b) Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, recreation, or farm machinery and equipment, and may include Auto Body shops and carwashes;
- c) Restaurants, confectionaries including drive-in/thru, coffee shops, and other similar retail food services;
- d) Public transportation depots;
- e) Motels or motor hotels, including a dwelling for caretakers, owners, or managers of this use;
- f) Theatres, assembly halls, places of worship;
- g) Large scale commercial recreation establishments such as hockey rinks, campgrounds;
- h) Licensed premises for the sale and consumption of alcoholic beverages;
- i) Outdoor markets and concessions (permanent, seasonal, or occasional);
- j) Animal hospitals, or clinics and offices of veterinary surgeons;
- k) Garden centres or commercial greenhouses;
- l) Public works buildings and structures waste management or sewage facilities;
- m) Shops of plumbers, pipe fitters, metal workers, welders and other industrial trades manufacturing and sales;
- n) Lumber and building supply establishments;
- o) Tourism oriented commercial recreation activities;
- p) Police, Ambulance stations;
- q) Uses, including integrated or complementary uses, buildings or structures accessory to and located on the same site as the principal building or use.

11.2 DISCRETIONARY USES

The following uses may be permitted in the C2-Highway Commercial /Industrial District but only by resolution of Council and only in locations specified in such resolution of Council:

- a) Billboards;
- b) Residential or agricultural building assembly area;
- c) Bulk Petroleum sales and storage;
- d) Cement Manufacturing;
- e) Bulk storage, including fuel, grain and fertilizer;
- f) Warehousing and supply depots;
- g) Manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products that are not noxious;
- h) Stockyards and auction marts;
- i) Meat Processing Plants/Abattoirs;
- j) Grain Elevators, seed Cleaning plants, feed mills and flour mills;
- k) Aggregate material storage or handling operations;
- l) Salvage yards and auto wreckers.

No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.

11.3 SITE DEVELOPMENT REGULATIONS

Permitted Uses (other than Motels and Service Stations)

Minimum site area	730 m ²
Minimum site frontage	30 meters
Maximum building height	Principal buildings: 9.0 meters, Accessory buildings 5.0 meters
Minimum front yard	6.0 meters unless abutting a provincial highway or service road, than 9.0 meters
Minimum side yard	3.0 meters or 6.0 meters for the side yard abutting a public street
Minimum rear yard	6.0 meters.

There shall be no minimum site development requirements for public works buildings.

Motels and Service Stations

Minimum site area	930 m ²
Minimum site frontage	30 meters
Minimum front yard	7.5 meters unless abutting a provincial highway or service road, than 9.0 meters
Minimum side yard	1.2 meters or 6.0 meters when abutting a side site line which is the boundary of any Residential District, or 6 meters for the side yard abutting a public street
Minimum rear yard	3.0 meters or 10% of the depth of the site except the minimum rear yard abutting any residential district shall be 6.0 meters

11.4 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 rear or side yard of a pre-existing or established principle building, and shall not exceed 120 square feet.

11.5 PARKING REQUIREMENTS

Service Stations	1 ½ parking spaces for each service bay
Warehouses or manufacturing activities	1 parking space for each 90 m ² of gross floor area
Principal buildings	1 parking space for each 50 m ² of gross floor area, or 1 parking space for each 3 employees, whichever is greater.
Restaurants, other eating places	1 parking space for every 10 seats provided for patrons
Theatres, places of assembly	3 parking spaces for every 10 seats provided for patrons.
Motels or motor hotels	1 parking space for each unit
Strip malls or retail plazas	1 parking space for each 30 m ² of floor area

All other uses

1 parking space for each 50 m ² of building floor area

11.6 LOADING REQUIREMENTS

Where the use of a building or site involves the receipt, distribution, or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to stand for loading and unloading without restricting access to all parts of the site shall be provided on the site.

11.7 LANDSCAPING

11.7.1 A landscaped strip of not less than 3.0 meters in width throughout lying parallel and abutting the front site line shall be provided on every site.

11.7.2 On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

11.7.3 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 through which shall not be used for any purpose except landscaping.

11.8 SIGNAGE

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

- a) No sign shall be located in any manner that may jeopardize public safety;
- b) The facial area of a sign shall not exceed 1.0 m²;
- c) Temporary signs not exceeding 1 m² advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.
- d) Billboards:
 - i. Facial Area: the maximum total facial area shall not exceed 20 m², maximum 2 faces, and double faced signs shall be constructed so one face is completely behind and parallel to the other face and facing the opposite direction.
 - ii. The maximum height above grade is 6.0 meters.
 - iii. No billboard shall have flashing, intermittent or LED lighting. All lighting shall be shielded from direct view from any roadway or site boundary.

11.9 SUPPLEMENTARY REGULATIONS

11.9.1 Outside Storage

- a) Open air operations, storage and display of goods or material are prohibited in any front yard.
- b) Fuel pumps and other accessory equipment shall be located at least 6 meters from any street or site line.
- c) 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.

- d) 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.
- e) Access to lots shall be located to ensure that heavy truck traffic are directed to designated truck routes.

11.9.2 Service Stations

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

11.9.3 Strip Malls

Strip Malls, when permitted, must be primarily for pedestrian use and accessible to the public from both the street and from the development.

- a) The minimum depth is 4.0 meters and the minimum frontage is 6.0 meters.
- b) Council will consider the appropriate separation to industrial and other uses that may be incompatible with restaurant and retail uses and access to the site when making a discretionary use decision on a proposed strip mall.

11.10 PERFORMANCE STANDARDS FOR INDUSTRIAL ACTIVITIES

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 discernible 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 the authority having jurisdiction and Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.

12 COMMUNITY SERVICE DISTRICT – CS

No person shall, within any CS – Community Service District, use any land, or erect, alter or use any building or structure except in accordance with the following provisions.

12.1 PERMITTED USES

- a) Elementary, high schools and other educational facilities;
- b) Lodges, social clubs, service clubs;
- c) Municipal offices, libraries, historic and cultural institutions, community halls;
- d) Places of Worship;
- e) Health facilities and Special Care Homes;
- f) Public works buildings and structures excluding storage yards, and warehouses;
- g) Communication Towers;
- h) Accessory buildings, structures and uses located on the same site with the main use;
- i) Recreational - sports fields, parks, playgrounds, curling rinks, skating rinks, tennis courts, lawn bowling greens, swimming pools, and other similar uses. More than one recreational use may be permitted per site;
- j) Buildings, structures, or uses secondary or subordinate to, and located on the same site as, the principal use, shall be considered accessory uses and, may include commercial uses;
- k) Natural and nature-like open areas;
- l) Pedestrian trails and bicycle pathways;
- m) Skateboard parks or bmx bike-terrain;
- n) Scenic lookout and interpretation facilities, rest stops, and other public trail facilities;
- o) Public works buildings and structures excluding storage yards, warehouses, drainage ditches, culverts, and other drainage works, and shall include water reservoirs and sewage treatment facilities.

12.2 DISCRETIONARY USES

The following uses may be permitted in the Community Service District but only by resolution of Council and only in locations specified in such resolution of Council:

- a) Golf courses, auto race tracks, horse race tracks, or other very large or very intensive use facilities.

No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.

12.3 SITE DEVELOPMENT REGULATIONS

Permitted uses (other than educational facilities, rinks and swimming pools)

Minimum site area	450 m ²
Minimum site frontage	15 meters
Minimum front yard	6.0 meters
Minimum rear yard	6.0 meters except where the rear of the site abuts any Residential District without an intervening street or lane, a rear yard of at least 7.5 meters shall be provided
Minimum side yard	Not less than half the height of the building or 3.0 meters , whichever is more

Elementary and secondary schools

Minimum site area	No minimum requirement
Minimum site frontage	60 meters
Maximum site coverage	75%
Minimum front yard	15 meters
Minimum rear yard	7.5 meters
Minimum side yard	7.5 meters

Skating, curling rinks and swimming pools

Minimum site area	1208 m ² .
Minimum site frontage	20 meters
Minimum front yard	7.5 meters
Minimum rear yard	7.5 meters
Minimum side yard	1.5 meters except on a corner site abutting a street then 3.6 meters

Accessory buildings

Front site line	7.5 meters
Principal building	1.2 meters
Side site line	0.8 meters unless the side site line is an abutting a street then the side yard shall be 3.6 meters

All accessory buildings with a door or doors opening onto a lane shall not be located less than 1.2 meters from the site line abutting the lane.

12.4 SIGNAGE

- a) The facial area of a sign shall not exceed 0.5 m².
- b) Signs and billboards are prohibited except for one information sign for each building or use and those bearing notices of special events and activities, or other information, relating to a temporary condition affecting the site and shall not exceed 1.0 m² in size.

12.5 PARKING

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

Elementary school	1 parking space for each staff member
Churches and Places of Assembly	1 parking space for each 50 m² of floor area

Special care homes	1 parking space for each bed.
Institutional buildings, private clubs and lodges	1 parking space for each 50 m² of floor area
Recreational buildings, sports facilities and fields	1 parking space for each of every ten patrons or seats.

12.6 LANDSCAPING

12.6.1 A landscaped strip of not less than 3.0 meters in width throughout lying parallel and abutting the front site line shall be provided on every site.

12.6.2 .On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

12.6.3 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 through which shall not be used for any purpose except landscaping.

13 PLANNED UNIT DEVELOPMENT – PUD

13.1 PURPOSE

This Zoning Bylaw has designated the former Marcelin School and School grounds as a Direct Control District(1) in accordance with *The Planning and Development Act, 2007*, as it is considered desirable to exercise particular control over the use and development of land and buildings on this site.

13.2 OBJECTIVES

- a) To provide for developments that may have unique characteristics, innovative approaches or unusual site constraints, and require a more flexible approach to land use regulation than is available under traditional zoning.
- b) To minimize land use conflicts and provide for the general amenity of the area.
- c) To recognize economic development opportunities and partnerships with other community-based initiatives, private sector, municipalities and First Nations.
- d) To require a comprehensive development proposal, redevelopment scheme and /or business plan and evidence of financing for such in order to ensure proper and desirable development which could be a combination of land uses including residential, recreational, commercial, community enterprise based, and/or institutional.

13.3 CRITERIA FOR DEVELOPMENT IN THE PUD

A development shall include, though not be limited to the following:

- a) The development shall meet the goals and objectives of the relevant section(s) of the Blaine Lake & Marcelin Inter-Municipal Plan (Official Community Plan).
- b) The development of the PUD District will be considered in conjunction with the adoption of a Concept Plan. The development shall provide for a reasonably compatible interface with adjacent land uses and development;
- c) the development shall be designed in a manner which will address applicable environmental concerns (ie noise, pollution and air quality)
- d) The development shall provide for adequate off-street parking and loading facilities, as well as special considerations for site layout and landscaping.

APPENDIX "A"

DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

Every development permit application shall include:

1) Application Form

A completed application form.

2) Site Plan

Two copies of a proposed development site plan.

3) Building Plan

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

4) Landscape Plan

A landscape plan showing, with labels, the following:

- a) the existing topography,
- b) the vegetation to be retained and/or removed,
- c) the type and layout of:
 - i) hard (e.g., structures) and soft (e.g., vegetation) landscaping,
 - ii) the open space system, screening, berms, slopes,
 - iii) other, as required, to effectively administer this Bylaw,
- d) the types, sizes and numbers of vegetation materials;
- e) areas to be damaged or altered by construction activities and proposed methods of restoration;
- f) a schedule of site stripping and grading, construction, and site restoration, including methods to be employed to reduce or eliminate erosion by wind, water, or by other means; and
- g) historical and archaeological heritage resources and management areas (a Heritage Resource Assessment as prescribed under *The Heritage Property Act* may be required).

5) Vicinity Map

A vicinity map showing, with labels, the location of the proposed development in relation to adjacent lands:

- a) Nearby municipal roads, highways and railways,
- b) Significant physical features, environmentally sensitive areas, and more or less pristine natural areas or features, especially undisturbed grassland, wooded ravines, and water feature or stream courses,
- c) Critical wildlife habitat and management areas,
- d) Mineral extraction resources and management areas, and
- e) Other as required, to effectively administer this Bylaw.

6) Certificate of Title

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

7) Valid Interest

Development permit applicants shall be required to provide information, to the Development Officer's or Council's satisfaction, that they have a current, valid interest in the land proposed for development.

- a) Proof of current valid interest may include:
 - i) proof of ownership

The Village of Marcelin Zoning Bylaw 2013-04

- ii) an agreement for sale
 - iii) an offer or option to purchase
 - iv) a letter of purchase
 - v) a lease for a period of more than 10 years
 - vi) other, as determined and accepted by Council, or the Development Officer.
- 8) Site Description for Subdivision Applications
- a) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent;
 - b) A metes and bounds description prepared by the Information Services Corporation, which is accompanied by an accurate sketch;
 - c) Photographic Information
 - d) Photographs showing the site in its existing state.

Village of Marcelin

Application for a Development Permit

1. Applicant:

a) Name: _____

b) Address: _____ Postal Code: _____

c) Telephone Number: _____

2. Registered Owner: as above, or:

a) Name: _____

b) Address: _____ Postal Code: _____

c) Telephone Number: _____

3. Property: Legal Description

Lot(s) _____ Block _____ Reg. Plan No. _____

4. Lot Size:

Dimensions _____ Area _____

5. Existing Land Use:

6. Proposed Land Use/description of Proposed Development:

7. Proposed date of Commencement: _____

Proposed date of Completion: _____

8. Reasons in support of minor variance (if requested): (attach additional notes if necessary)

9. Other Information:

10. FOR NEW CONSTRUCTION PROVIDE A DETAILED SITE PLAN, drawn to scale on a separate sheet showing, with labels, the following existing and proposed information:

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

11. Mobile Homes: C.S.A.Z240 Approval Number (from Black and Silver Sticker)

Mobile Home date of Manufacture: _____

12. Declaration of Applicant:

I, _____ of the _____ of

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

I agree to indemnify and hold harmless the Village of Marcelin from and against any claims, demands, liabilities, costs and damages elated to the development undertaken pursuant to this application.

Date: _____ Signature: _____

APPENDIX "B"

Village of Marcelin

Notice of Decision for a Development Permit or Zoning Bylaw Amendment

To: _____
(Applicant) (Address)

This is to advise you that your application for a :

- Permitted Use or Form of Development, or
- Discretionary Use or Form of Development, or
- Request for a Zoning Bylaw Amendment; or
- Minor Variance

Has Been:

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

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

Right of Appeal

Please be advised that under Section 59 of *The Planning and Development Act, 2007*:

you may **Not appeal the refusal** of your application for a use or form of development that is not permitted within the zoning district of the application.

you may **NOT appeal the refusal** of your application for a discretionary use or form of development

you may **NOT appeal the refusal** of your application for an amendment to the zoning Bylaw

you **MAY APPEAL those standards** that you consider excessive in the approval of the discretionary use of form of development, or

you **MAY APPEAL the refusal** of your application if you feel that the Development Officer has misapplied the Zoning Bylaws in the issuing of this permit.

The Village of Marcelin Zoning Bylaw 2013-04

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

**Secretary, Development Appeals Board
Village of Marcelin
Box 39
Marcelin, Saskatchewan
S0J 1R0**

Date: _____

Development Officer

Note:

This Permit expires 12 months from the date of issue.

A Building Permit is also required for a building construction.