



TOWN OF LEMBERG ZONING BYLAW

Bylaw No. 2022-07
July 2022



*A Great Place To Visit
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**TOWN OF LEMBERG
ZONING BYLAW
Bylaw No. 2022-07**

1. Pursuant to *Section 45 of The Planning and Development Act, 2007*, the Council of the Town of Lemberg hereby adopts the Zoning Bylaw, identified as Schedule "A" to this Bylaw.
2. The Mayor and Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
3. This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the 18th day of July , 2022

Read a Second Time the 23rd day of August , 2022

Read a Third Time and Adopted the 23rd day of August , 2022

Mayor

TOWN SEAL

Administrator

Certified a True Copy of the Bylaw adopted by Resolution of Council

on the _____ day of _____ , _____ .

TOWN OF LEMBERG ZONING BYLAW

SCHEDULE "A" TO BYLAW No. 2022-07
JULY 2022



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EXHIBIT A: DEFINITIONS

EXHIBIT B: ZONING DISTRICT MAP

1.0 INTRODUCTION

Under the authority provided by *The Planning and Development Act, 2007 (The Act)*, the Council of the Town of Lemberg, in the Province of Saskatchewan, in open meeting hereby enacts as follows:

1.1 TITLE

This Bylaw No. 2022-07 shall be known and may be cited as the Zoning Bylaw of the Town of Lemberg (the Town).

1.2 PURPOSE

The purpose of this Bylaw is to regulate land use and development within the Town in accordance with the **Town of Lemberg Official Community Plan Bylaw No. 2022-06 (OCP)**.

1.3 SCOPE

Development shall be permitted within the limits of the Town only when in conformity with the provisions of this Bylaw subject to the right of appeal provisions of *The Act*.

1.4 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 other provisions or parts of the provisions of this Bylaw.

1.5 ORGANIZATION OF THIS BYLAW

1.5.1 Administration

The application requirements, processes, and evaluation criteria for all types of development applications are contained in **Section 2.0**.

1.5.2 Regulations

General regulations that apply to all forms of development are contained in **Section 3.0** while additional regulations that apply to specific uses are contained in **Section 4.0**.

1.5.3 The Zoning District Schedules and Map

The Zoning District Schedules and Map are explained in and follow **Section 5.0**.

1.5.4 Definitions

The definitions contained in **Exhibit A** shall apply to both this Bylaw and the OCP.

1.5.5 Interpretation

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

2.0 ADMINISTRATION

2.1 DEVELOPMENT OFFICER & COUNCIL

2.1.1 Development Officer

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

- (a) Receive, record, and review development permit applications.
- (b) Issue a decision on development permits for permitted uses.
- (c) Assist Council with issuing a decision on discretionary uses, zoning amendments, OCP amendments, and development and servicing agreements.
- (d) Administer any Public Notification process as required by this Bylaw or any other Bylaw adopted by the Town.
- (e) Collect development application fees according to the fee schedule established in this Bylaw or any other Bylaw adopted by the Town.
- (f) Maintain for inspection by the public during regular office hours, a copy of this Bylaw, the Zoning District Map, and any amendments.
- (g) Perform other duties as determined by Council.

2.1.2 Council

The Town of Lemberg Council shall:

- (a) Issue a decision on discretionary uses, zoning amendments, OCP amendments, and development and servicing agreements in accordance with *The Act*, the OCP, and this Bylaw.
- (b) Review all proposed subdivision applications received from the Saskatchewan Ministry of Government Relations, and endeavour to submit, to the Ministry, a recommendation within the prescribed time period.

2.2 DEVELOPMENT PERMITS

2.2.1 No person shall commence a new use or undertake development, including repairs and renovations involving structural alterations, without first obtaining a development permit, except as provided in **Section 2.3**.

2.2.2 A development permit shall not be issued for any structure or use in contravention of any provisions of this Bylaw or the OCP, except as provided in an appeal pursuant to *The Act*.

2.2.3 Frontage on Road

A development permit shall not be issued unless the site abuts or has frontage on a public road.

2.2.4 Building Permit

Where a development permit is required, a building permit shall not be issued unless a development permit has also been issued for the proposal. Applications for building permits and development permits may be reviewed, and decisions issued, concurrently.

2.2.5 Development Permit Validity

A development permit is valid for a period of 24 months. This period may be extended by the Development Officer before the development permit expires for an additional 12 months if requested in writing by the permit holder. A development permit shall be considered void if:

- (a) The use is not commenced while the development permit is valid;
- (b) A building permit, if required, is not obtained while the development permit is valid; or
- (c) The building permit expires while the development permit is no longer valid.

2.2.6 Cancellation of a Development Permit

The Development Officer or Council may cancel a Development Permit if:

- (a) It is revealed that the development permit was issued based on false or mistaken information;
- (b) New information is revealed pertaining to the suitability of the site for the specific use or development; or
- (c) The permit holder requests a modification to the original development permit.

2.2.7 Buildings to be Moved

No building shall be moved within or into the Town without the issuance of a development permit, unless exempt under **Section 2.3**.

2.2.8 Demolition of Buildings

No building or structure larger than 9.3 m² (100 ft²) shall be demolished within the Town without the issuance of a demolition permit in accordance with the Town's Building Bylaw.

2.3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

2.3.1 The following developments shall be exempt from development permit requirements, but shall conform to all other Bylaw requirements:

- (a) Any use, building, or structure owned and operated by the Municipality.
- (b) Any public work or public utility.
- (c) Building maintenance and repairs that do not include structural alterations.
- (d) A temporary building or structure where the sole purpose is incidental to the construction or alteration of a building for which a building permit has been granted.
- (e) Accessory buildings and structures equal or less than 9.3 m² (100 ft²) in area though **Section 3.4** of this Bylaw still applies.
- (f) Any fence or gate though **Section 3.7** of this Bylaw still applies.
- (g) Any accessory signs though **Section 3.8** of this Bylaw still applies.
- (h) Home offices though **Section 4.1** of this Bylaw still applies.
- (i) Landscaping though **Section 3.11** of this Bylaw still applies.
- (j) Driveways on private property, provided the natural or designed drainage pattern of the site and adjacent properties is not impacted. Major excavations, filling or drainage alteration shall require a permit.

2.4 DEVELOPMENT APPLICATION REQUIREMENTS

2.4.1 The requirements included in this Section apply to applications for development permits for permitted uses and discretionary uses as well as OCP and zoning bylaw amendments.

2.4.2 A development permit application shall be made, in the prescribed form, to the Development Officer with the required fees, and shall include the following information:

- (a)** The names, signatures, and contact information of the applicant, the property owner, and the person who prepared the application and / or supporting material.
- (b)** The civic address and legal description (lot, block, plan) of the subject property.
- (c)** A description of the proposed development or use on the subject property.
- (d)** Estimated commencement and completion dates for construction.
- (e)** A Site Plan that should include:
 - i.** A north arrow, the subject site property boundaries and dimensions, and all adjacent properties, streets, and lanes;
 - ii.** The location and setback to property line(s) of any existing buildings, structures, utility poles, underground utilities, easements, and trees;
 - iii.** The location and size of proposed buildings or structures, including all front, side and rear yard setback dimensions;
 - iv.** The location of any entrances or exterior doorways, walkways, and pedestrian circulation areas;
 - v.** The location and size of all proposed parking spaces, driveways, vehicle circulation areas, and loading spaces;
 - vi.** Landscaping details (existing trees, removal of trees, proposed plantings, berms, water features, grade elevations, etc.); and
 - vii.** The location and size of any proposed signs.
- (f)** Floor plans and building elevations of the proposed development, if applicable; and
- (g)** Any other required information or supporting studies as determined to be relevant by the Development Officer or Council.

2.4.3 Development Application Fees

The required fees for development applications for development permits (permitted and discretionary), as well as zoning and OCP amendments are outlined in **Section 2.9** of this Bylaw.

2.5 DEVELOPMENT APPLICATION PROCEDURES

2.5.1 General Development Application Procedures

In addition to those listed for specific applications in **Section 2.5.2 to 2.5.4**, the following procedures apply to all applications for development permits for permitted and discretionary uses as well as OCP and zoning bylaw amendments:

- (a)** Upon receiving the development application, the Development Officer will examine the application for compliance with the OCP and this Bylaw, including the evaluation criteria in **Section 2.10**, and any other applicable policies, regulations, and standards.
- (b)** Prior to making a decision or in the case of a discretionary use, conducting public notice and referring the application to Council, the Development Officer may circulate the application to any government agencies, neighbouring municipalities, interested groups, or engineering, legal, or other professionals for consideration and comment.

- (c) The applicant shall be notified in writing of the decision on their application and shall be advised of their right to appeal in accordance with this Bylaw and *The Act*.
- (d) A copy of all approved development permit applications involving the installation of water and sanitary services shall be sent to the Health Authority.

2.5.2 Permitted Use Development Permit Application Procedures (FIGURE 1)

In addition to the general development application procedures in **Section 2.5.1**, the following procedures apply to all development permit applications for permitted uses:

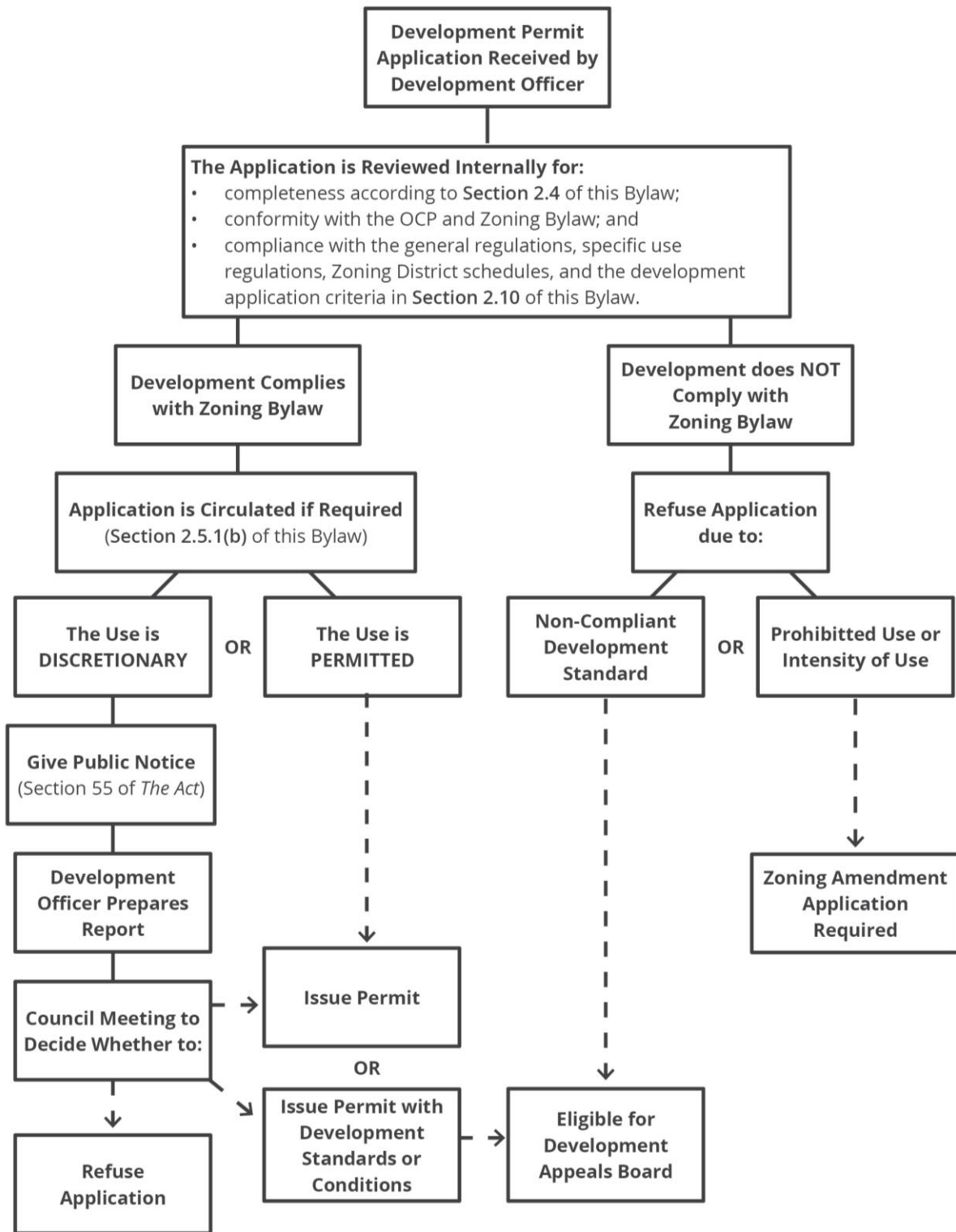
- (a) If a person applies for a development permit for a development or use that is permitted in its zoning district and conforms to all provisions of this Bylaw and the OCP, then the Development Officer shall issue a development permit.
- (b) Performance standards, development standards, or conditions may be applied that are consistent with standards or conditions of this Bylaw in accordance with *The Act* (s. 62(4)) to ensure the development or use satisfies the development application criteria in **Section 2.10**.

2.5.3 Discretionary Use Development Permit Application Procedures (FIGURE 1)

In addition to the general development application procedures in **Section 2.5.1**, the following procedures apply to all development permit applications for discretionary uses in accordance with *The Act* (s. 54-58):

- (a) If a person applies for a development permit for a development or use that is listed as a discretionary use in its Zoning District, then the Development Officer shall give public notice of the application in accordance with *The Act* (s. 55).
- (b) The Public Notice shall be distributed to the assessed owners of property within a minimum 75 metres of the site of the application and shall indicate the date of the Council meeting at which the discretionary use application will be considered.
- (c) The Development Officer shall prepare a report for Council concerning the discretionary use application that may contain recommendations for conditions of approval to be applied in accordance with *The Act* (s. 56(3) & 62(3)) to ensure the development or use satisfies the development application criteria in **Section 2.10**.
- (d) Council shall consider the application together with the Development Officer's report and any written or verbal submissions received from the public before issuing a decision by Council resolution to:
 - i. Approve the discretionary use application as is;
 - ii. Approve the discretionary use application with performance standards, development standards, or conditions in accordance with *The Act* (s. 56(3)) to ensure the development or use satisfies the development application criteria in **Section 2.10**; or
 - iii. Reject the discretionary use application.

FIGURE 1. THE DEVELOPMENT PERMIT APPLICATION REVIEW PROCESS



2.5.4 Planning Bylaw Amendment Application Procedures (FIGURE 2)

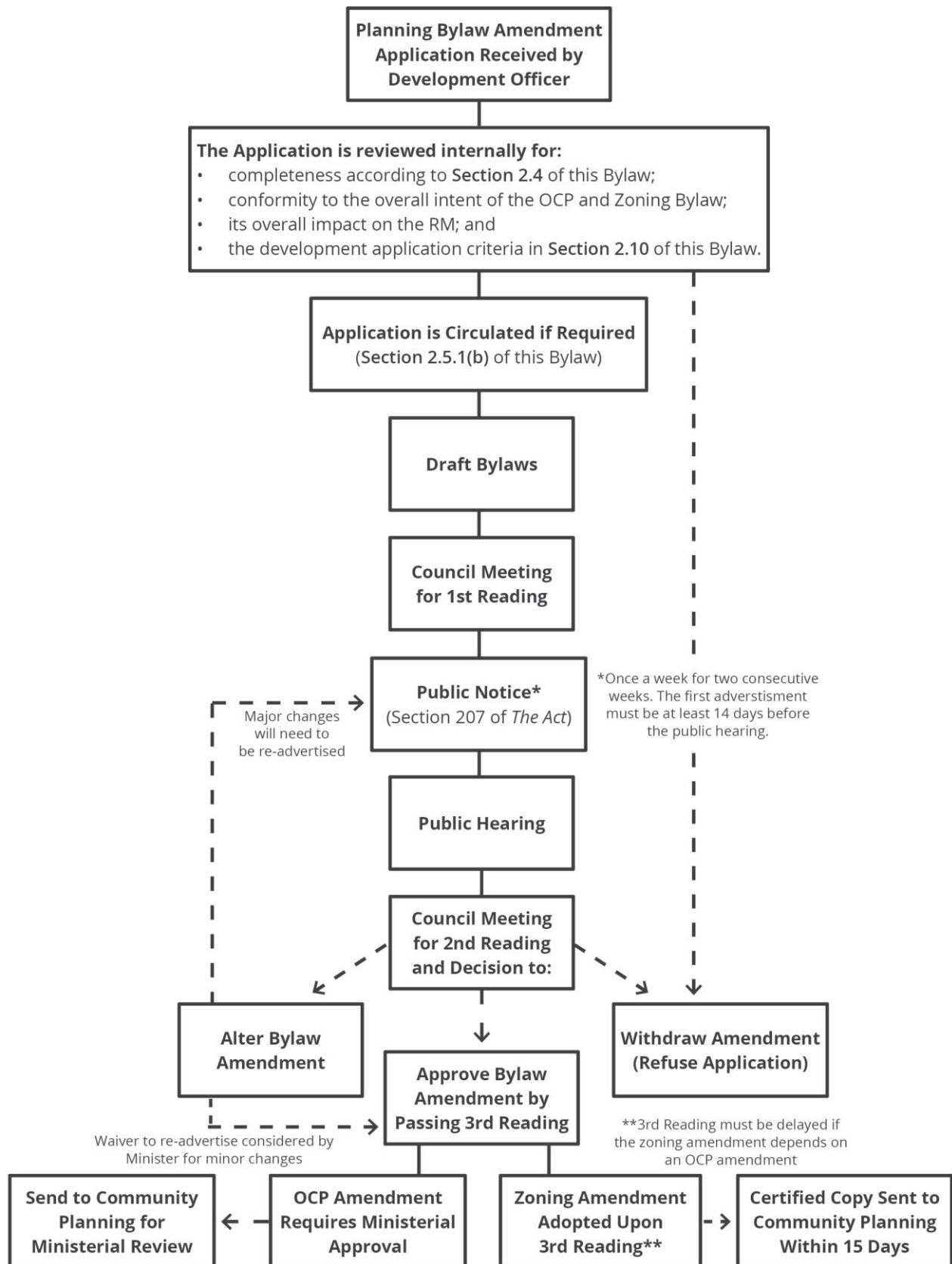
In addition to the general development application procedures in **Section 2.5.1**, the following procedures apply to all applications for zoning bylaw and OCP amendments:

- (a)** If a person applies for an OCP amendment or zoning amendment (including a rezoning of their property), Council may decide to consider the application by passing a resolution authorizing the Development Officer to proceed with preparing draft bylaws and public notices, and to authorize the date and time for a required public hearing. If Council decides not to agree to consider the amendment or rezoning, then the applicant shall be notified in writing of the decision.
- (b)** Council shall give the bylaws first reading only and shall publish a public notice of its intent to amend the OCP or Zoning Bylaw, once a week for two consecutive weeks in accordance with *The Act* (s. 207). The first advertisement must be at least two weeks before the date of the public hearing.
- (c)** The public hearing shall be held before the second reading by Council. The hearing may be held during a Council meeting but Council must resolve to suspend the meeting for the hearing. The hearing may be closed once all representations are heard and all written submissions are accepted. Following the public hearing, Council may decide to either:
 - i.** Alter the bylaw to address concerns or objections;
 - ii.** Approve the bylaw amendment as is; or
 - iii.** Refuse the application by withdrawing the Bylaw.
- (d)** If approved, the Development Officer shall send a copy of the OCP or Zoning Bylaw amendment to the Ministry of Government Relations for review. Any OCP or Zoning Bylaw amendment requires Ministerial Approval before it can come into effect.
- (e)** If an application requires both an OCP and Zoning Bylaw amendment, then separate bylaws are needed, but they may be prepared and reviewed in conjunction.

2.6 DEVELOPMENT PERMIT FOR A TEMPORARY USE

- 2.6.1** The Development Officer may issue a development permit for a temporary use, with specified conditions for a specified period of time, not exceeding 12 months, to accommodate developments that are temporary or seasonal for events or other temporary uses deemed appropriate by the Development Officer.
- 2.6.2** Where a development permit for a temporary use has expired, the permit may be renewed
 - (a)** In the case of a permitted use, at the discretion of the Development Officer
 - (b)** In the case of a discretionary use, at Council's discretion for another period of not more than twelve (12) months. A permit for a temporary use may not be renewed more than once in a two (2) year period.
- 2.6.3** Upon expiration of the period for which the temporary use was approved, the use shall be discontinued, and all temporary structures removed.
- 2.6.4** A temporary use must meet all other requirements of this Bylaw.

FIGURE 2. THE PLANNING BYLAW AMENDMENT APPLICATION REVIEW PROCESS



2.7 MINOR VARIANCES

- 2.7.1** Applications for a minor variance shall be made to the Development Officer, who shall review the application and issue a decision in accordance with *The Act (s. 60)*.
- 2.7.2** If the application does not injuriously affect neighbouring properties, the Development Officer may grant a minor variance of up to 10% of any minimum yard setback or minimum distance between buildings or structures for either a permitted or discretionary use as specified by this Bylaw.
- 2.7.3** The Development Officer shall maintain a registry of all minor variance applications.
- 2.7.4** Minor variance application fees are outlined in **Section 2.9** of this Bylaw.

2.8 DEVELOPMENT APPEALS BOARD

- 2.8.1** Council shall appoint a Development Appeals Board (DAB) within 90 days of the adoption of this Bylaw consisting of, at minimum three members, to hear and issue decisions on development appeals in accordance with *The Act (s. 213-227)*.
- 2.8.2** A person who wishes to make an appeal to the DAB shall do so in writing to the Development Officer within 30 days of the date of issuance or refusal of a development permit application.
- 2.8.3** The DAB has the authority under *The Act (s. 219)* to allow variances to the standards of this Bylaw, including standards and conditions specified for a permitted or discretionary use.
- 2.8.4** The DAB does not have the authority to vary and will not hear appeals based on a decision by the Development Officer or Council to:
- (a)** Refuse a use or intensity of use not permitted in a zoning district.
 - (b)** Refuse a discretionary use or intensity of a discretionary use.
 - (c)** Refuse a rezoning of the person's land.
- 2.8.5** A decision by the DAB may be appealed to the Saskatchewan Municipal Board in accordance with *The Act (s. 226)*.
- 2.8.6** Development appeal application fees are outlined in **Section 2.9** of this Bylaw.

2.9 DEVELOPMENT APPLICATION FEES & ADVERTISING

2.9.1 Application Fees

The applicant for a development permit for permitted uses and discretionary uses, as well as for proposed zoning bylaw and OCP amendments, minor variances, and development appeals shall pay a fee according to the Town of Lemberg Fees and Charges Bylaw, as amended.

2.9.2 Costs of Advertising

In addition to the above fees schedule, the applicant shall be responsible for the costs of any required public advertising in accordance with this Bylaw and *The Act*.

2.9.3 Professional Application Review

The Development Officer may also 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.

2.9.4 Interest and Registration

Council may require development agreements, servicing agreements and other documents to be registered or caveated against affected lands, to protect municipal and public interests. The cost of the registration of an interest or caveat will be the responsibility of the applicant.

2.10 DEVELOPMENT APPLICATION EVALUATION CRITERIA

2.10.1 When evaluating applications for development permits for permitted uses and discretionary uses, as well as for proposed zoning bylaw and OCP amendments, the Development Officer and Council shall consider whether such proposals:

- (a) Conform with all relevant provisions of the OCP, this Bylaw, and any other applicable policies and regulations;
- (b) Can be economically serviced by community infrastructure including roadways, water and sewer, solid waste disposal, parks, schools, community facilities, and utilities;
- (c) Create no undue burden on Town finances;
- (d) Are compatible with neighbouring properties and overall Town land use patterns and community character;
- (e) Can be suitably drained in accordance with **Section 3.12** of this Bylaw;
- (f) Are suitable for the proposed site and are not detrimental to the health, safety, convenience, and general welfare of Town residents and visitors;
- (g) Provide adequate on-site parking that is designed to minimize congestion and hazards;
- (h) Result in no excess traffic, particularly heavy truck traffic, on local roads through residential areas;
- (i) Give consideration to pedestrian safety and convenience both within the site, and in terms of its connectivity to the surrounding area; and
- (j) Provide sufficient landscaping, and wherever possible, shall preserve existing vegetation.

2.11 NON-CONFORMING USES, BUILDINGS, & SITES

2.11.1 Any use of land, building, structure, or site lawfully existing at the time of passing of 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 the provisions of *The Act* (s. 88 to 93).

2.11.2 A legally nonconforming use or building pursuant to **Section 2.11.1** may be enlarged, reconstructed, repaired or renovated provided that the element of nonconformity is not increased and all other applicable provisions of this Zoning Bylaw are satisfied.

2.12 PERMITS, LICENSES, & COMPLIANCE WITH OTHER BYLAWS

2.12.1 In the event of a conflict between this Bylaw and the OCP, the provisions of the OCP shall prevail.

2.12.2 Nothing in this Bylaw shall exempt any person from complying with any other federal, provincial, or municipal requirement. Developers are responsible for obtaining all applicable federal and provincial approvals.

2.12.3 Where the requirements of this Bylaw conflict with those of any other federal, provincial, or municipal requirement, the more stringent requirement shall apply.

2.13 BYLAW ENFORCEMENT, OFFENCES, & PENALTIES

2.13.1 Pursuant to *The Act* (s. 242-245), the Development Officer may issue a stop order for development that contravenes this Bylaw or the standards and conditions specified in a development permit in order to achieve compliance.

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

2.13.3 Errors and / or omissions by the Development Officer or someone acting under their direction while administering this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

2.14 RESTORATION TO A SAFE CONDITION

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

2.14.2 Repairs, renovations, and restorations shall be subject to development permit requirements if the building use, size, or setbacks are proposed to change.

3.0 GENERAL REGULATIONS

3.1 PROHIBITED & NOXIOUS USES

3.1.1 Prohibited Uses

Any land use, excluding those listed under **Section 3.2** below, that is not listed as either permitted or discretionary in its current zoning district shall be prohibited and will not be accommodated without a zoning bylaw amendment in accordance with **Section 2.5.4**.

3.1.2 Noxious Uses

No land shall be used for any purpose that is noxious without appropriate mitigation measures that ensure the health and well-being of people and the environment are protected.

3.2 USES PERMITTED IN ALL ZONING DISTRICTS

3.2.1 Nothing in this Bylaw shall prevent the use of any land for:

- (a) A public street or public park; and/or
- (b) Municipal facilities and public utilities, excluding solid and liquid waste disposal sites.

3.2.3 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.

3.3 PRINCIPAL BUILDINGS, STRUCTURES, & USES

3.3.1 Only one principal building or use shall be permitted on any one site except the following in accordance with all applicable provisions of this Bylaw: parks; schools; hospitals; healthcare clinics; recreation facilities; special care homes; senior citizen homes; dwelling groups; shopping centres; and condominium developments.

3.3.2 Notwithstanding **Section 3.3.1** above, Council may, at its discretion, issue a development permit for additional principal buildings or uses on a site.

3.3.3 In any zoning district, the principal use of the land must be established prior to the establishment of any accessory buildings, structures, or uses.

3.4 ACCESSORY BUILDINGS, STRUCTURES, & USES

3.4.1 Accessory buildings, structures, and uses shall be subordinate to, used in conjunction with, and located on the same lot as the principal building or use.

3.4.2 Subject to all other requirements of this Bylaw, an accessory building, structure, or use is permitted in any Zoning District when accessory to an established principal permitted or discretionary use.

3.4.3 Private garages, carports, and other accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of, and are therefore subject to the regulations governing the principal building.

3.4.4 Accessory buildings or structures shall comply with the following minimum setback requirements, unless otherwise specified in this Bylaw:

- (a) Front yard setback: 3.0 m (9.84 ft)
- (b) Side yard setback: 1.2 m (3.94 ft)
- (c) Rear yard setback: 1.2 m (3.94 ft) or 1.5 m (4.92 ft) to a lane
- (d) Distance to principal building: 1.5 m (4.92 ft)

3.4.5 The area of accessory buildings or structures shall be combined with the area of the principal building to determine the overall site coverage.

3.5 EXCEPTIONS TO DEVELOPMENT STANDARDS

3.5.1 Permitted Yard Projections

The following projections are permitted into any required front, rear, or side yard setback provided that they comply with the National Building Code:

(a) In Front and Rear Yards:

- i. Unenclosed porches, verandas, decks, balconies, and raised patios up to a maximum 1.5 m (4.9 ft) so long as the front yard setback is no less than 3.0 m (9.84 ft).
- ii. Roof overhangs, eaves, and gutters up to a maximum 1.0 m (3.3 ft).
- iii. Cantilevered bay or bow windows, chimney chases, window sills, or fire escapes up to a maximum 0.6 m (2.0 ft).

(b) In Side Yards:

- i. Roof overhangs, eaves, and gutters up to a maximum 0.6 m (2.0 ft).
- ii. Cantilevered bay or bow windows, chimney chases, window sills, or fire escapes up to a maximum 0.6 m (2.0 ft).

(c) In All Yards:

- i. Walkways, uncovered driveways, hand rails, and steps or ramps which are necessary to access a main floor are permitted in all required yards.
- ii. Approved signs in accordance with **Section 3.8** of this Bylaw.

3.5.2 Front Yard Reduction

Where a site is situated between two sites that each contain a principle building which project beyond the minimum front yard setback as required by this Bylaw, then the front yard setback on the middle site may be reduced to an average of the two established front yards on the adjacent sites.

3.5.3 No Side Yard Required for Shared Party Walls

No side yard shall be required from a common party wall shared between semi-detached dwellings, townhouses, or other multiple-unit dwellings or commercial buildings.

3.6 BUILDING HEIGHTS

- 3.6.1** Building height shall be measured from average grade level to the highest point of the roof structure exclusive of any chimney, antenna, satellite dish, solar panel, or any other similar protrusions that are separate from the roof structure.
- 3.6.2** The height of any principal buildings or structures shall not exceed 10.0 metres (32.8 ft), unless otherwise specified in this Bylaw.
- 3.6.3** The height of any accessory buildings or structures shall not exceed 6.0 metres (19.7 ft), unless otherwise specified in this Bylaw.
- 3.6.4** Communication towers, wind turbines, and other similar structures may be considered that exceed the maximum height requirements in **Sections 3.6.2** and **3.6.3** above provided they comply with all other provisions of this Bylaw.

3.7 FENCES

3.7.1 General (in all zoning districts):

- (a) No fence shall interfere with traffic sightlines and shall not be located in a required sight triangle according to **Section 3.14.3** of this Bylaw.
- (b) Barbed-wire, razor wire, or electrified fences shall be prohibited.

3.7.2 In any residential zoning district or an approved residential use in any zoning district:

The height of any fence or similar structure shall be subject to the following height maximums measured from grade:

- (a) In a required front yard: 1.52 m (5.0 ft)
- (b) In a required side and rear yard: 2.13 m (7.0 ft)

3.7.3 In any community service, commercial, or urban holding zoning district:

- (a) For safety purposes or to provide a buffer between uses, a fence may be required by the Development Officer or Council as a condition of approval according to **Section 2.5.2** and **2.5.3** of this Bylaw.

3.8 SIGNAGE

All signs within the Town shall be subject to the following regulations:

3.8.1 General (in all zoning districts):

- (a) All signage shall be appropriate in scale, design, and placement in order to avoid detracting from the character of the area.
- (b) Elections signs, signs bearing notice of a property available for sale or lease, and other temporary signs providing information on a specific property are permitted on a temporary basis provided they comply with **Section 3.8** of this Bylaw.
- (c) Wayfinding signs, plaques, or other commemorative signs or monuments will be encouraged that identify areas of the Town or properties with significant natural or human heritage provided they comply with **Section 3.8** of this Bylaw.
- (d) Billboard signs advertising a business, service, or product not affiliated with the property for which it is located, shall require discretionary use approval by Council.
- (e) No sign shall project beyond the property lines of the site to which it pertains.

- (f) No sign shall be mounted or located in any manner that jeopardizes public safety and shall not be located within a sight triangle pursuant to **Section 3.14.1**.
- (g) The Town may issue an order to remove signs that are either no longer relevant, in a state of disrepair, or represent a potential safety hazard.
- (h) Council may waive any and all sign requirements for signs owned by the Town or any non-profit community group.

3.8.2 In any residential zoning district:

- (a) With the exception of signs with the building address, no signs shall be permitted in residential areas except for the following exceptions:
 - i. Signs for discretionary uses such as confectionaries or apartment buildings may be permitted by Council as a condition of approval according to **Section 2.5.3**.
 - ii. An approved home-based business, daycare, preschool, bed and breakfast operation, or other similar uses may display one (1) fascia sign, not exceeding 1.5 m² (16.12 ft²) in area.

3.8.3 In any community service, commercial, or urban holding zoning district:

- (a) In addition to their building or awning sign, approved community service or commercial uses may have one (1) freestanding sign, which may be fixed or portable, located on the same property to which it applies.
- (b) Freestanding and portable signs shall not exceed 3.0 m² (32.29 ft²) in area.
- (c) Illuminated signs shall only be turned on during operating hours.
- (d) Proposed signs for new developments shall be demonstrated on the development permit application according to **Section 2.4.2(e)vii**.

3.9 OFF-STREET PARKING & LOADING

Off-street parking within the Town shall be subject to the following regulations:

3.9.1 In any residential zoning district or an approved residential use in any zoning district:

- (a) One (1) off-street parking space shall be provided per dwelling unit in all Zoning Districts, which shall be located on the same site as the dwelling unit.
- (b) Tandem parking spaces shall be permitted when more than one parking space is required by this Bylaw due to an approved principal or accessory use.
- (c) Parking of recreational vehicles is prohibited in the front yard (roadside) of a residential site from November 1 to March 31, inclusive.
- (d) Recreation vehicles parked between April 1 to October 31 shall be parked on a driveway or parking pad in the front, side, or rear yards and shall not be within 1.5 m (4.9 ft) of the front lot line.

3.9.2 In any community service, commercial, or urban holding zoning district:

- (a) Any access points shall be clearly marked rather than continuous along the public-right of way.
- (b) No off-street parking or loading spaces are required unless the Development Officer or Council determines that not providing off-site parking or loading spaces would result in traffic congestion or parking spill out on to public roads.
- (c) Any required off-street parking or loading spaces pursuant to **Section 3.9.2(b)** above shall be contained in a designated area on the subject site or may be located on a site that is within a convenient walking distance to a maximum of 150 m from the site where the principal use or building is located.

3.10 OUTDOOR STORAGE

When permitted in association with any approved use, all outside storage of vehicles, equipment, machinery, waste, etc. is subject to the following regulations:

3.10.1 General (in all zoning districts):

- (a) No yard shall be used for the storage or collection of hazardous material.
- (b) Unless otherwise specified in this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers.
- (c) Council may establish additional standards for the location and screening of any area devoted to outdoor storage.

3.10.2 In any residential zoning district or an approved residential use in any zoning district:

- (a) No outdoor storage shall be located in the front yard.
- (b) Outdoor storage is permitted in a side or rear yard only when clearly accessory and incidental to the principal residential use.

3.10.3 In any community service, commercial, or urban holding zoning district:

- (a) No outdoor storage shall be located in the front yard except for:
 - i. The neatly arranged display of items for sale; or
 - ii. In association with an approved storage yard subject to suitable screening at the discretion of Council.

3.11 LANDSCAPING

3.11.1 Developers and landowners shall, wherever possible, practice landscaping strategies that:

- (a) Uses native species;
- (b) Avoids the removal of existing trees and vegetation; and
- (c) Integrate stormwater management to avoid disrupting natural drainage patterns.

3.11.2 Landscaped areas must not be completely hardscaped with impermeable material.

3.11.3 No person shall cut or remove any tree that is not located on their own property including Town property without being granted permission by the landowner.

3.11.4 Landscaping or structures of any kind shall not obstruct vehicular or pedestrian travel within an adjacent public right-of-way.

3.12 SITE GRADING, LEVELLING, & DRAINAGE

3.12.1 In accordance with *Section 3.5* of the OCP, every development shall be graded and leveled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent properties, public right-of-ways, or the stability of the land.

3.12.2 A drainage plan demonstrating the approach to grading and levelling the land according to **Section 3.12.1** above may be required at the discretion of the Development Officer or Council.

3.12.3 Significant filling, raising, excavating or sloping of sites, which could potentially impact neighbouring properties, with respect to drainage or stability shall be strictly prohibited.

3.13 DEVELOPMENT ON HAZARD LANDS

3.13.1 Where a proposed development or subdivision is to be located on land considered by Council to be potentially hazardous, Council may require the applicant to submit a report prepared by a qualified professional in accordance with *Section 4.2.6* of the OCP to assess the suitability of the land for the proposed development or subdivision, as well as identify any required mitigation measures.

3.13.2 Actions identified in a report prepared pursuant to **Section 3.13.1** above may be incorporated as conditions to the issuance of any development permit and may be required to be registered on title as an interest in accordance with *The Act*.

3.13.3 Council shall refuse a permit for any proposed development for which the proposed actions are inadequate to address the conditions present on the hazard land or that will result in excessive municipal costs.

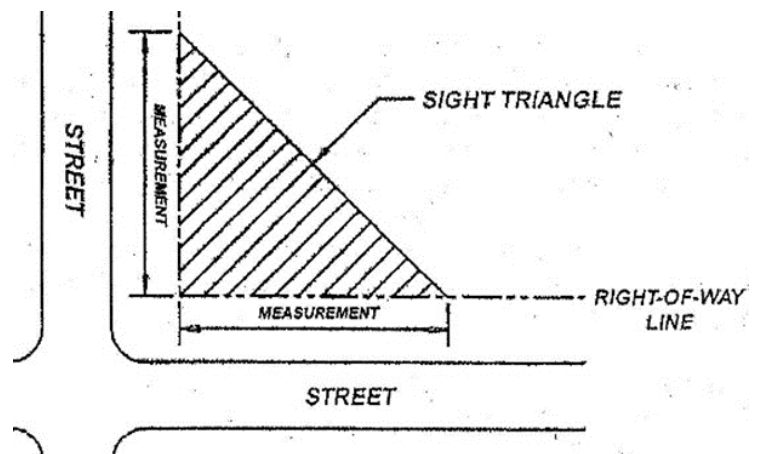
3.14 DEVELOPMENT IN SIGHT TRIANGLES OR IN PROXIMITY TO PROVINCIAL HIGHWAYS

3.14.1 Development in Sight Triangles

No building, structure, earth pile or vegetation in any Zoning District shall obstruct the vision of drivers within a sight triangle according to the following measurements as demonstrated in **FIGURE 3**:

- (a) Intersection of two municipal roads: A sight triangle with a measurement of 2.0 m (6.56 ft) from the intersection of the lot boundaries.
- (b) Intersection of a municipal road and a lane: A sight triangle measuring 1.0 m (3.28 ft) from the intersection of the lot boundary and the lane.
- (c) Sight triangles involving a provincial highway shall be determined by MHI.

FIGURE 3: SIGHT TRIANGLE



3.14.2 Development in Proximity to Provincial Highways

- (a) Any proposed development within 90 metres of a provincial highway right-of way requires a roadside development permit from the Ministry of Highways and Infrastructure (MHI).
- (b) Any development, including buildings, trees/shrubs, granaries, dugouts, wells, etc., may be subject to minimum setbacks from a provincial highway. Setbacks vary depending on the highway classification and shall be confirmed through correspondence with MHI.

3.15 WATER, WASTEWATER, & WASTE DISPOSAL

3.15.1 Where available, every residence or other use that requires water supply and/or wastewater disposal shall be connected to the Town water supply system at the owner's expense.

3.15.2 Developments outside the serviceable areas shall be connected to private sewage disposal systems in accordance with the Saskatchewan Onsite Wastewater Disposal Guide and all provincial licensing requirements.

3.15.3 In accordance with provincial regulations administered by the Ministries responsible for Health and Environment, no liquid, solid, or gaseous wastes shall be discharged onto any land, into the air, or into any stream, creek, river, lake, pond, slough, drainage channel, and/or any other body of water.

4.0 REGULATIONS FOR SPECIFIC USES

4.1 HOME-BASED BUSINESS

- 4.1.1 Home-based businesses may be accommodated as an accessory use within a dwelling used as the owner's residence, or building accessory to the dwelling, provided they are clearly secondary to the principal residential use, compatible with the surrounding residential area, and do not create any conflict with neighbouring properties or detract from the residential character of the area.
- 4.1.2 The owner and operator(s) of the home-based business shall be full-time residents of the dwelling.
- 4.1.3 If the property where the home-based business is located is not owned by the home-based business owner, then a letter from the property owner to the Development Officer authorizing the operation of the home-based business is required.
- 4.1.4 The approval of a home-based business does not exempt the property regulations for outdoor storage in **Section 3.10** or any other part of this Bylaw.
- 4.1.5 No equipment or process used in the home-based business shall create dust, noise, vibration, glare, fumes, odour or air pollution that is detectable beyond the premises for which the home-based business is conducted.
- 4.1.6 Any business vehicle associated with the home-based business shall require an off-street parking space.
- 4.1.7 Signage shall be provided in accordance with **Section 3.8.2(a)ii** of this Bylaw.
- 4.1.8 In addition to the information listed in **Section 2.4**, applications for home-based businesses shall include: a description of the proposed business; an indication of the number of business related visits per day; parking provision details; and the number of off-site employees.
- 4.1.9 Approval for the home-based businesses may be revoked at any time, if in the opinion of the Development Officer and Council, the use is or has become detrimental to the amenity of the area.

4.2 SECONDARY SUITES

- 4.2.1 One (1) secondary suite may be constructed within a principal, single-detached dwelling in the R1 Zoning District that does not already have a garden or garage suite.
- 4.2.2 Secondary suites must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
- 4.2.3 Secondary suites must contain cooking, eating, living, sleeping, and private sanitary facilities.

4.2.4 Secondary suites shall have a maximum of two (2) bedrooms and shall not exceed 74.3 m² (800 ft²) or 40% of the total gross floor area of the principal dwelling, whichever is less.

4.3 GARDEN & GARAGE SUITES

4.3.1 A garden or garage suite may be allowed as an accessory use to a principal single detached dwelling the R1 Zoning District that does not already have a secondary suite. Only one garden or garage suite shall be permitted per residential site.

4.3.2 The minimum distance between the principal dwelling and a garden or garage suite is 3.0 m.

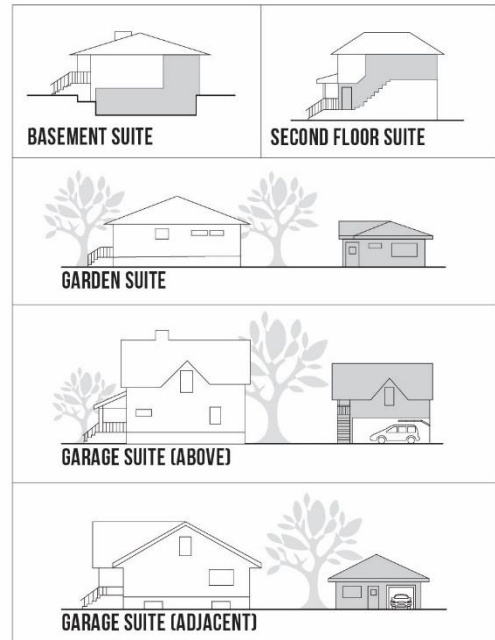
4.3.3 Garden or garage suites shall have a maximum floor area of 83.6 m² (900 ft²).

4.3.4 The maximum height of a garden suite shall be 5.25 m (17.2 ft) and 6.75 m (22.1 ft) for a garage suite.

4.3.5 Garden and garage suites shall have a maximum of two (2) bedrooms and shall not exceed a combined 60% site coverage with the principal dwelling.

4.3.6 The windows of a garden or garage suite shall be placed in such a way to minimize overlook into yards and windows of abutting properties.

FIGURE 4. TYPES OF SECONDARY SUITES



4.4 MODULAR DWELLINGS

4.4.1 In any district where a dwelling is allowed, the dwelling may be in the form of a modular dwelling but not a mobile dwelling, park model, or trailer coach.

4.4.2 Modular dwellings shall be placed on a permanent foundation at a standard comparable to a conventional detached dwelling.

4.4.3 All wheels, hitches, and running gear must be removed and skirting must be installed within thirty days after the arrival of the home.

4.4.4 Modular dwellings shall complement neighbouring properties and shall not detract from the character of the area.

4.4.5 Modular dwellings shall be connected to Town water and sewer services.

4.4.6 Modular dwellings shall bear the applicable safety certification and shall meet the requirements of the National Building Code and Town Building Bylaw.

4.5 DAYCARES & PRESCHOOLS

- 4.5.1** Daycares and pre-schools may be approved as a principle or accessory use provided that they obtain the required provincial license, if required, and operate in conformity with the applicable provincial act and regulations.
- 4.5.2** No exterior alterations shall be undertaken to a dwelling that would be inconsistent with the residential character of the building and surrounding area.
- 4.5.3** Daycares and pre-schools shall be required to provide a fenced-in outdoor play space.
- 4.5.4** Signage shall be provided in accordance with **Section 3.8.2(a)ii** of this Bylaw.

4.6 RESIDENTIAL CARE HOMES

- 4.6.1** A residential care home may be approved as a principle or accessory use provided that it obtains the required provincial license and operates in conformity with the applicable provincial act and regulations.
- 4.6.2** No exterior alterations shall be undertaken to a dwelling that would be inconsistent with the residential character of the building and surrounding area.
- 4.6.3** Signage shall be in accordance with **Section 3.8.2(a)ii** of this Bylaw.

4.7 BED AND BREAKFASTS & VACATION RENTALS

- 4.7.1** A bed and breakfast or vacation rental may operate in a detached dwelling or secondary, garage, or garden suite provided that it obtains any required licensing from the Ministry of Health or any other Provincial Ministry.
- 4.7.2** No exterior alterations shall be undertaken to a dwelling that would be inconsistent with the residential character of the building and surrounding area.
- 4.7.3** Signage shall be provided in accordance with **Section 3.8.2(a)ii** of this Bylaw.
- 4.7.4** Approval for the bed & breakfast or vacation rental operation may be revoked at any time, if in the opinion of the Development Officer or Council, the use is or has become detrimental to the amenity of the area.

4.8 MULTI-UNIT DWELLINGS (3 or more dwelling units)

- 4.8.1** Where listed as discretionary, multiple-unit dwellings with three (3) or more dwelling units such as triplexes, fourplexes, townhouses, and apartment buildings may be allowed subject to the Town Building Bylaw, the National Building Code of Canada, and all relevant provisions of this Bylaw.
- 4.8.2** Preferred locations for multi-unit dwellings shall be corner sites or sites adjacent to public parks and open spaces.
- 4.8.3** Signage shall be provided in accordance with **Section 3.8.2(a)ii** of this Bylaw.

4.9 DWELLING GROUPS

- 4.9.1** Where listed as discretionary, dwelling groups may be allowed subject to the Town Building Bylaw, the National Building Code of Canada, and the provisions of this Bylaw, where applicable.
- 4.9.2** Where the regulations and development standards of the Zoning District cannot reasonably be applied, alternative standards shall be arranged and included as conditions of the development permit to ensure the proposed development complies with the evaluation criteria in **Section 2.10** of this Bylaw.
- 4.9.3** The site for a dwelling group may include common areas for open space, internal roadways, a building for recreation for use of the residents of the development, and other communal uses.
- 4.9.4** Each dwelling unit with the dwelling group must have access to an internal walkway or private road that connects to a public road.
- 4.9.5** Private roads internal to the development shall have a minimum width of 7.5 m (24.6 ft).
- 4.9.6** The density of a dwelling group shall be comparable to other permitted or discretionary uses listed in the Zoning District.
- 4.9.7** Signage shall be provided in accordance with **Section 3.8.2(a)ii** of this Bylaw.

4.10 SWIMMING POOLS

- 4.10.1** Private swimming pools are permitted as an accessory use to an approved dwelling unit, subject to the following regulations:
- (a)** Swimming pools shall only be located in a required rear or side yard.
 - (b)** All swimming pools and related appurtenances shall be setback a minimum 1.5 m (4.9 ft) from the rear and side site lines, and the principal building.
 - (c)** A yard containing a swimming pool shall be completely enclosed by a fence of 1.8 m (6.0 ft) in height, lockable to prevent unauthorized entry, and constructed in such a manner as to prevent entry from underneath..
 - (d)** Any building or structure, including maintenance equipment such as heating, filtering, disinfectant, and re-circulation equipment shall be subject to the provisions of this Bylaw respecting accessory uses, buildings, and structures.
 - (e)** Any maintenance equipment or lights shall be designed, constructed, and maintained so not to disturb neighbouring properties.
- 4.10.2** In addition to complying with the above regulations and all other requirements of this Bylaw, development permits for private in-ground swimming pools should require a geotechnical analysis report.

4.11 SOLAR COLLECTORS & SATELLITE DISHES

4.11.1 The installation of solar collectors and satellite dishes may be permitted as an accessory use subject to the following regulations:

- (a) They must be located on the same site as the principal use;
- (b) They shall be suitably installed and structurally secured according to the manufacturer's or professional engineer's certificate of structural safety;
- (c) Any solar collector or satellite dish not attached to a building shall adhere to the same setbacks as accessory buildings and structures in **Section 3.4.4** of this Bylaw;
- (d) Any solar collector or satellite dish and associated structures attached to a building shall not exceed a height of 1.0 metres above the highest point of the roof upon which it is located unless erected on the roof of an accessory building that is entirely located in the rear yard.

4.11.2 Solar Power & Net Metering

The solar collector shall be used solely to produce electricity for uses on the same site, including net metering.

4.12 COMMUNICATION TOWERS

4.12.1 The development and operation of a communication tower shall comply with all federal and provincial regulations and the Town shall be provided with a copy of all required licenses, permits, and approvals.

4.12.2 The Town will consult with Industry Canada and the proponent to determine a suitable location for new communication towers. In determining the suitability of a proposed communication tower, Council shall consider the:

- (a) Availability and suitability of the land;
- (b) Compatibility of neighbouring land uses;
- (c) Height, design, and structural integrity of the tower;
- (d) Potential for any detrimental environmental impacts; and
- (e) The health and safety of the public.

4.13 SHIPPING CONTAINERS

4.13.1 Shipping containers, box cars, or other similar structures may only be used temporarily where the sole purpose is incidental to the construction or alteration of a building for which a building permit has been granted, subject to the following regulations:

- (a) Prior to placement of the shipping container on the lot, the property owner shall apply for a temporary development permit form the Development Officer.
- (b) The shipping container shall be set back a minimum of 3 metres (9.85 feet) from the front property line and 1.5 metres (4.92 feet) from the side or rear property lines and all other structures on the property.
- (c) No shipping container may exceed 3.0 metres (9.8 ft.) in height, 2.4 metres (7.9 ft.) in width, and 12.5 metres (41.0 ft.) in length.
- (d) No shipping container, box car, bus, trailer or other similar use shall be used for the primary purpose of a display or advertising. Any signage shall be subject to **Section 3.8** of this Bylaw.

4.13.2 Notwithstanding **Section 4.13.1** above, the accessory use of shipping containers other than for temporary construction related purposes may be considered but shall adhere to the National Building Code and be subject to all permits and standards applicable to that use.

4.13.3 Any shipping container, whether used for temporary or other purposes, shall be kept in a clean, orderly manner, and placed on a level, secure surface.

4.14 COMMERCIAL & INDUSTRIAL DEVELOPMENT

4.14.1 Any required services or utilities shall be of suitable standard and sufficient capacity to meet the needs of the proposed development.

4.14.2 Adjacent properties shall not be unduly disturbed by any nuisance generated by the development such as dust, noise, light, odour, or smoke.

4.14.3 The Development Officer or Council may require professional validation or a detailed study that demonstrates the suitability of the land for the proposed use and that negative environmental impacts will be limited.

4.14.4 The Development Officer or Council may apply specific development standards or conditions to the development permit for commercial or industrial development to satisfy the development application criteria in **Section 2.10** of this Bylaw.

4.15 CAMPGROUNDS, RV PARKS, & MOBILE HOME PARKS

4.15.1 In accordance with **Section 2.4.2(e)**, any application for a campground, RV park, or mobile home park shall include a Site Plan that demonstrates the layout and location of sites, roadways, parking areas, buildings, utilities, and anything else identified by the Development Officer or Council.

4.15.2 A campground or RV / mobile home park shall have within its boundaries, a buffer area abutting the boundary of the site of not less than 4.5 meters which shall contain no buildings.

4.15.3 The areas of each site shall be clearly demarcated and shall not be located within a required buffer area or roadway.

4.15.4 All sites shall be served by an internal all-weather roadway of at least 7.5 meters in width.

4.15.5 A campground or RV / mobile home park may include the following accessory uses:

(a) Laundromat

(b) Washroom / shower facilities

(c) Confectionary

(d) Swimming pool and other recreational uses

(e) Accommodations for the owner and / or operator(s) of the park

4.15.6 Campground & RV Parks

- (a) The development and operations of the campground or RV park shall comply with *The Public Health Act* and any other relevant provincial or federal legislation.
- (b) The owner or operator of the campground or RV park shall be required to obtain all necessary licensing in accordance with *The Public Accommodations Regulations of Saskatchewan*.

4.15.7 Mobile Home Parks

- (a) Any application for a new mobile home park shall require an accompanying Concept Plan to be prepared in accordance with the OCP.
- (b) Mobile, RTM, and modular housing types shall bear the appropriate CSA certification.
- (c) All mobile, RTM and modular housing types shall be placed on a permanent foundation (concrete pad, screw piles, etc.) at a standard comparable to a detached dwelling.

4.16 CANNABIS

4.16.1 The development and operation of a Cannabis Retail Shop or Cannabis Production Facility shall comply with all federal and provincial regulations and the Town shall be provided with a copy of all required licenses, permits, and approvals.

4.16.2 Applicants shall provide a detailed written statement explaining how their proposal will meet or exceed Health Canada regulations related to ventilation and to security.

4.16.3 Any potential nuisances including but not limiting to noise, light, smell, traffic, or dust shall be disclosed to the Town with a plan to mitigate all nuisances to an acceptable level.

5.0 ZONING DISTRICTS

5.1 CLASSIFICATION OF ZONING DISTRICTS

5.1.1 For the purpose of this Zoning Bylaw, the Town of Lemberg is divided into the following Zoning Districts that may be referred to by their corresponding symbols.

ZONING DISTRICT	SYMBOL
Residential	R1
Local Commercial	C1
Regional Commercial-Industrial	C2
Community Service	CS
Urban Holding-Agriculture	UH

5.2 THE ZONING DISTRICT MAP

5.2.1 The map enclosed herein as **Exhibit B**, adopted by Council and signed by the Mayor and Administrator, and under the seal of the Town shall be known as the Town of Lemberg Zoning District Map and is an integral part of this Bylaw. The Zoning District Map identifies the zoning district that applies to every parcel of land within Town boundaries.

5.3 BOUNDARIES OF ZONING DISTRICTS

5.3.1 The boundaries of the Zoning Districts referred to in this Bylaw, together with an explanatory legend and notations, are shown on the Zoning District Map.

5.3.2 Unless otherwise shown, the boundaries of the Zoning Districts are site lines, centre lines of streets, lanes, road allowances or such lines extended, and the boundaries of the municipality.

5.4 ZONING DISTRICT SCHEDULES

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

6.0 RESIDENTIAL (R1)

6.1 INTENT

6.1.1 The intent of the **Residential (R1)** Zoning District is primarily to provide sites for low-density residential development including 1 and 2 unit dwellings, as well as other additional compatible uses. Other housing types, including higher density residential development will be considered in appropriate locations to support a range of housing needs in the community.

6.2 PERMITTED & DISCRETIONARY USES

6.2.1 PERMITTED USES

The Development Officer shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Residential

- i. One (1) unit dwellings including modular dwellings subject to **Section 4.4**.
- ii. Two (2) unit dwellings including a semi-detached or duplex dwelling.

(b) Institutional, Recreational, Other

- i. Institutional uses including places of worship and municipal facilities.
- ii. Parks, sports fields, and playgrounds.
- iii. Nature trails or other passive recreational uses (non-commercial).
- iv. Public utilities, excluding solid and liquid waste disposal sites.

(c) Accessory

- i. Home-based business subject to **Section 4.1**.
- ii. Secondary suites subject to **Section 4.2**.
- iii. Other customarily accessory buildings, structures, and uses, excluding a dwelling subject to **Section 3.4**.

6.2.2 DISCRETIONARY USES

Council shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Residential

- i. Daycares and preschools subject to **Section 4.5**.
- ii. Residential care homes subject to **Section 4.6**.
- iii. Bed and Breakfast or Vacation Rental Dwelling subject with **Section 4.7**.
- iv. Multi-unit dwellings including a triplex, fourplex, townhouse, or apartment building subject to **Section 4.8**.
- v. Dwelling groups subject to **Section 4.9**.
- vi. Mobile home parks subject to **Section 4.15**.

(b) Commercial

- i. Confectionary or convenience stores.

(c) Accessory

- i. Garden & Garage suites in accordance with **Section 4.3**.

6.3 DEVELOPMENT STANDARDS

6.3.1 SUBDIVISION

(a) Access and Services

- i.** All subdivisions shall be adequately serviced to municipal and provincial standards.
- ii.** All uses shall have adequate access and egress to the municipal or provincial road system.
- iii.** All parcels created as a result of a proposed subdivision, including the remainder, shall abut or have frontage on a registered road.
- iv.** The applicant of a proposed development or subdivision shall be responsible for the costs of providing any required new or upgraded municipal services and/or roads.

6.3.2 SITE AND BUILDING SIZE REQUIREMENTS

(a) Single-Detached & Duplex Dwellings (stacked or front-to-back units)

- i.** Minimum Site Area: 360 m² (3,875 ft²) with a lane; or 450 m² (4,844 ft²) without a lane.
- ii.** Minimum Site Frontage: 12.0 m (39.4 ft) with a lane; or 15.0 m (49.2 ft) without a lane.
- iii.** Minimum Front Yard Setback: 4.5 metres (14.8 ft)
- iv.** Minimum Side Yard Setback: 1.2 m (3.9 ft); or 3.0 m (9.8 ft) on flanking street of corner sites.
- v.** Minimum Rear Yard Setback: 4.5 metres (14.8 ft)
- vi.** Maximum Site Coverage: 50%

(b) Semi-Detached & Townhouse Dwellings (and other side by side units)

- i.** Minimum Site Area: 360 m² (3,875 ft²) with a lane; or 450 m² (4,844 ft²) without a lane.
- ii.** Minimum Site Frontage: 12.0 m (39.4 ft) with a lane; or 15.0 m (49.2 ft) without a lane.
- iii.** Minimum Front Yard Setback: 4.5 metres (14.8 ft)
- iv.** Minimum Side Yard Setback: 1.2 m (3.9 ft); or 3.0 m (9.8 ft) on flanking street of corner sites.
- v.** Minimum Rear Yard Setback: 4.5 metres (14.8 ft)
- vi.** Maximum Site Coverage: 50%

(c) Apartment Buildings & All Other Principal Uses

- i.** Minimum Site Area: 450 m² (4,844 ft²)
- ii.** Minimum Site Frontage: 15.0 m (49.2 ft)
- iii.** Minimum Front Yard Setback: 4.5 metres (14.8 ft)
- iv.** Minimum Side Yard Setback: 1.5 m (4.9 ft); or 3.0 m (9.8 ft) on flanking street of corner sites.
- v.** Minimum Rear Yard Setback: 4.5 metres (14.8 ft)
- vi.** Maximum Site Coverage: 60%

6.3.3 STANDARDS FOR DISCRETIONARY USES

Council will consider development permit applications for discretionary uses in the R1 Zoning District with respect to the intent, uses, and development standards of this schedule and may apply conditions designed to achieve them:

- (a) The Development Application Evaluation criteria in **Section 2.10**;
- (b) Any relevant General Regulations in **Section 3.0**;
- (c) Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d) The Vision, Community Goals, Objectives, and Policies of the OCP.

6.3.4 SIGNS

Signs are subject to **Section 3.8**.

6.3.5 OFF-STREET PARKING AND LOADING

Off-Street Parking and Loading requirements are subject to **Section 3.9**.

6.3.6 OUTDOOR STORAGE

Outdoor storage is subject to **Section 3.10**.

6.3.7 LANDSCAPING

Landscaping requirements are subject to **Section 3.11**.

7.0 LOCAL COMMERCIAL (C1)

7.1 INTENT

7.1.1 The intent of the **Local Commercial (C1)** Zoning District is to accommodate the potential for local commercial uses that are small in scale and provide amenity to residents without detracting from the amenity and character of the area.

7.2 PERMITTED & DISCRETIONARY USES

7.2.1 PERMITTED USES

The Development Officer shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Commercial

- i. Confectionary or convenience stores.
- ii. Retail services.
- iii. Financial services.
- iv. Personal service establishments.
- v. Medical, dental, & other health care clinics.
- vi. Business & professional offices.
- vii. Restaurants, cafes, bakeries, and other similar uses.
- viii. Art studios and galleries.
- ix. Public and commercial recreational establishments (fitness gyms, arcades, etc.).

(b) Institutional, Recreational, Other

- i. Institutional uses including places of worship and municipal facilities.
- ii. Libraries and cultural institutions.
- iii. Social clubs and lodges.
- iv. Community gardens.
- v. Parks, sports fields, and playgrounds.
- vi. Nature trails or other passive recreational uses (non-commercial).
- vii. Public utilities, excluding solid and liquid waste disposal sites.

(c) Accessory

- i. Customarily accessory buildings, structures, and uses, excluding a dwelling, subject to **Section 3.4**.

7.2.2 DISCRETIONARY USES

Council shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Commercial

- i. Mixed-use residential buildings where the commercial component is a permitted or discretionary use in the C1 Zoning District.
- ii. Hotels or motels.
- iii. Microbrewery, distillery, or winery.
- iv. Cannabis retail store subject to **Section 4.16**.

7.3 DEVELOPMENT STANDARDS

7.3.1 SUBDIVISION

(b) Access and Services

- i.** All subdivisions shall be adequately serviced to municipal and provincial standards.
- ii.** All uses shall have adequate access and egress to the municipal or provincial road system.
- iii.** All parcels created as a result of a proposed subdivision, including the remainder, shall abut or have frontage on a registered road.
- iv.** The applicant of a proposed development or subdivision shall be responsible for the costs of providing any required new or upgraded municipal services and/or roads.

7.3.2 SITE AND BUILDING SIZE REQUIREMENTS

(a) All Commercial Uses

- i.** Minimum Site Area: 250 m² (2,691 ft²)
- ii.** Minimum Site Frontage: 7.5 m (24.6 ft)
- iii.** Minimum Front Yard Setback: n/a or 3.0 m (9.8 ft) if abutting a residential site without an intervening street or lane.
- iv.** Minimum Side Yard Setback: n/a; or 1.2 m (3.9 ft) if abutting a residential site without an intervening street or lane.
- v.** Minimum Rear Yard Setback: 1.5 metres (4.9 ft)
- vi.** Maximum Site Coverage: 75%

(b) Parks, Municipal Uses, & Public Utilities

No development standards provided the safety and amenity of the area is maintained.

7.3.3 STANDARDS FOR DISCRETIONARY USES

Council will consider development permit applications for discretionary uses in the C1 Zoning District with respect to the intent, uses, and development standards of this schedule and may apply conditions designed to achieve them:

- (a)** The Development Application Evaluation criteria in **Section 2.10**;
- (b)** Any relevant General Regulations in **Section 3.0**;
- (c)** Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d)** The Vision, Community Goals, Objectives, and Policies of the OCP.

7.3.4 SIGNS

Signs are subject to **Section 3.8**.

7.3.5 OFF-STREET PARKING AND LOADING

Off-Street Parking and Loading requirements are subject to **Section 3.9**.

7.3.6 OUTDOOR STORAGE

Outdoor storage is subject to **Section 3.10**.

7.3.7 LANDSCAPING

Landscaping requirements are subject to **Section 3.11**.

8.0 REGIONAL COMMERCIAL-INDUSTRIAL (C2)

8.1 INTENT

8.1.1 The intent of the **Regional Commercial-Industrial (C2)** Zoning District is to facilitate a range of commercial uses and facilities that require larger sites, outdoor storage, and convenient vehicular access for highway traffic accommodating both local and the travelling public. Industrial development that is not of an unsightly, hazardous, or offensive nature may also be accommodated.

8.2 PERMITTED & DISCRETIONARY USES

8.2.1 PERMITTED USES

The Development Officer shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Commercial-Industrial

- i. Hotels or motels.
- ii. Shopping centre and strip malls.
- iii. Building supply establishments.
- iv. Motor vehicle sales and service establishments.
- v. Service station and gas bars.
- vi. Garden centres and commercial greenhouses.
- vii. Public and commercial recreational establishments (fitness gyms, arcades, etc.).
- viii. Restaurants, cafes, bakeries, and other similar uses.
- ix. Microbrewery, distillery, or winery.
- x. Cannabis retail store subject to **Section 4.16**.

(b) Institutional, Recreational, Other

- i. Institutional uses including places of worship and municipal facilities.
- ii. Libraries and cultural institutions.
- iii. Community gardens.
- iv. Nature trails or other passive recreational uses (non-commercial).
- v. Public utilities, excluding solid and liquid waste disposal sites.

(c) Accessory

- i. Customarily accessory buildings, structures, and uses, excluding a dwelling, subject to **Section 3.4**.

8.2.2 DISCRETIONARY USES

Council shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Commercial

- i. Manufacturing or processing of goods or materials excluding hazardous products.
- ii. Recycling and collection depots.
- iii. Warehouses and storage units.
- iv. Contractors' and storage yards.
- v. Commercial greenhouses.
- vi. Crematoriums.

- vii. Meat processing plants and abattoirs.
- viii. Bulk fuel sales and storage.
- ix. Fertilizer sales and storage.
- x. Oilfield equipment parking lot and staging area.
- xi. Salvage yards and auto wreckers.
- xii. Seed cleaning plants, feed mills and flour mills.
- xiii. Communication towers subject to **Section 4.12**.
- xiv. Cannabis production facility subject to **Section 4.16**.

8.3 DEVELOPMENT STANDARDS

8.3.1 SUBDIVISION

(a) Access and Services

- i. All subdivisions shall be adequately serviced to municipal and provincial standards.
- ii. All uses shall have adequate access and egress to the municipal or provincial road system.
- iii. All parcels created as a result of a proposed subdivision, including the remainder, shall abut or have frontage on a registered road.
- iv. The applicant of a proposed development or subdivision shall be responsible for the costs of providing any required new or upgraded municipal services and/or roads.

8.3.2 SITE AND BUILDING SIZE REQUIREMENTS

(a) All Commercial Uses

- i. Minimum Site Area: 500 m² (5,382 ft²)
- ii. Minimum Site Frontage: 15 m (49.2 ft)
- iii. Minimum Front Yard Setback: 4.5 m (14.8 ft)
- iv. Minimum Side Yard Setback: 1.5 m (4.9 ft)
- v. Minimum Rear Yard Setback: 3.0 metres (9.8 ft)
- vi. Maximum Site Coverage: 75%

(b) Parks, Municipal Uses, & Public Utilities

No development standards provided the safety and amenity of the area is maintained.

8.3.3 STANDARDS FOR DISCRETIONARY USES

Council will consider development permit applications for discretionary uses in the C2 Zoning District with respect to the intent, uses, and development standards of this schedule and may apply conditions designed to achieve them:

- (a)** The Development Application Evaluation criteria in **Section 2.10**;
- (b)** Any relevant General Regulations in **Section 3.0**;
- (c)** Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d)** The Vision, Community Goals, Objectives, and Policies of the OCP.

8.3.4 SIGNS

Signs are subject to **Section 3.8**.

8.3.5 OFF-STREET PARKING AND LOADING

Off-Street Parking and Loading requirements are subject to **Section 3.9**.

8.3.6 OUTDOOR STORAGE

Outdoor storage is subject to Section 3.10.

8.3.7 LANDSCAPING

Landscaping requirements are subject to Section 3.11.

9.0 COMMUNITY SERVICE (CS)

9.1 INTENT

9.1.1 The intent of the **Community Service (CS)** Zoning District is to provide areas for a range of community service-related activities including social, recreational, institutional, parks, and public services.

9.2 PERMITTED & DISCRETIONARY USES

9.2.1 PERMITTED USES

The Development Officer shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(b) Community Service & Institutional

- i. Government offices, libraries, community halls, & other public facilities.
- ii. Educational facilities.
- iii. Fire halls & police stations.
- iv. Medical clinics & other health facilities.
- v. Community gardens.
- vi. Cemeteries.
- vii. Public utilities, excluding solid and liquid waste disposal sites.

(c) Recreational

- i. Institutional uses including places of worship and municipal facilities.
- ii. Public swimming pools, skating rinks, and curling rinks.
- iii. Parks, sports fields, and playgrounds.
- iv. Nature trails or other passive recreational uses (non-commercial).
- v. Public utilities, excluding solid and liquid waste disposal sites.

(d) Accessory

- i. Customarily accessory buildings, structures, and uses, excluding a dwelling, subject to **Section 3.4**.

9.2.2 DISCRETIONARY USES

Council shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Principal Uses

- i. Social clubs & lodges.
- ii. Communication towers subject to **Section 4.12**.
- iii. Campgrounds and RV parks subject to **Section 4.15**.

9.3 DEVELOPMENT STANDARDS

9.3.1 SUBDIVISION

(a) Access and Services

- i. All subdivisions shall be adequately serviced to municipal and provincial standards.
- ii. All uses shall have adequate access and egress to the municipal or provincial road system.
- iii. All parcels created as a result of a proposed subdivision, including the remainder, shall abut or have frontage on a registered road.
- iv. The applicant of a proposed development or subdivision shall be responsible for the costs of providing any required new or upgraded municipal services and/or roads.

9.3.2 SITE AND BUILDING SIZE REQUIREMENTS

- (a) Minimum Site Area: No minimum.
- (b) Minimum Site Frontage: No minimum.
- (c) Minimum Front Yard Setback: 3.0 metres (9.84 ft)
- (d) Minimum Side Yard Setback: 1.2 metres (3.9 ft)
- (e) Minimum Rear Yard Setback: 1.5 metres (4.9 ft)
- (f) Maximum Site Coverage: No maximum.

9.3.3 STANDARDS FOR DISCRETIONARY USES

Council will consider development permit applications for discretionary uses in the CS Zoning District with respect to the intent, uses, and development standards of this schedule and may apply conditions designed to achieve them:

- (a) The Development Application Evaluation criteria in **Section 2.10**;
- (b) Any relevant General Regulations in **Section 3.0**;
- (c) Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d) The Vision, Community Goals, Objectives, and Policies of the OCP.

9.3.4 SIGNS

Signs are subject to **Section 3.8**.

9.3.5 OFF-STREET PARKING AND LOADING

Off-Street Parking and Loading requirements are subject to **Section 3.9**.

9.3.6 OUTDOOR STORAGE

Outdoor storage is subject to **Section 3.10**.

9.3.7 LANDSCAPING

Landscaping requirements are subject to **Section 3.11**.

10.0 URBAN HOLDING (UH)

10.1 INTENT

10.1.1 The intent of the **Urban Holding (UH)** Zoning District is to reserve lands not immediately required for urban development and where the future use and timing of development is uncertain. Interim or transitional land uses, such as agriculture crop production, are provided for that will not jeopardize or restrict future development of the area. Any rezoning to another Zoning District shall conform with the OCP and may require an accompanying Concept Plan.

10.2 PERMITTED & DISCRETIONARY USES

10.2.1 PERMITTED USES

The Development Officer shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Principal

- i. Agricultural crop production.
- ii. One (1) single-detached dwelling that is associated with a permitted agricultural use.
- iii. Native grassland, wildlife, and wildfowl habitat and conservation management.
- iv. Historical and archaeological sites.
- v. Nature trails or other passive recreational uses (non-commercial).
- vi. Community gardens.
- vii. Public utilities, excluding solid and liquid waste disposal sites.

(b) Accessory

- i. Customarily accessory buildings, structures, and uses subject to **Section 3.4**.

10.2.2 DISCRETIONARY USES

Council shall consider a development permit for the following uses subject to the application process in **Section 2.0** of this Bylaw:

(a) Discretionary Uses

- i. Institutional uses including places of worship and municipal facilities.
- ii. Commercial greenhouse.

10.3 DEVELOPMENT STANDARDS

10.3.1 SUBDIVISION

(a) The subdivision of existing agricultural lands within the UH Zoning District shall be prohibited without an accompanying Zoning Bylaw amendment.

10.3.2 SITE AND BUILDING SIZE REQUIREMENTS

- (a)** Minimum Site Area: No minimum.
- (b)** Minimum Site Frontage: No minimum.
- (c)** Minimum Front Yard Setback: 6.0 metres (19.7 ft)
- (d)** Minimum Side Yard Setback: 3.0 metres (9.8 ft)
- (e)** Minimum Rear Yard Setback: 5.0 metres (16.4 ft)
- (f)** Maximum Site Coverage: No maximum.

10.3.3 STANDARDS FOR DISCRETIONARY USES

Council will consider development permit applications for discretionary uses in the UH Zoning District with respect to the intent, uses, and development standards of this schedule and may apply conditions designed to achieve them:

- (a) The Development Application Evaluation criteria in **Section 2.10**;
- (b) Any relevant General Regulations in **Section 3.0**;
- (c) Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d) The Vision, Community Goals, Objectives, and Policies of the OCP.

10.3.4 SIGNS

Signs are subject to **Section 3.8**.

10.3.5 OFF-STREET PARKING AND LOADING

Off-Street Parking and Loading requirements are subject to **Section 3.9**.

10.3.6 OUTDOOR STORAGE

Outdoor storage is subject to **Section 3.10**.

10.3.7 LANDSCAPING

Landscaping requirements are subject to **Section 3.11**.

EXHIBIT A: DEFINITIONS

Whenever the following words or terms are used in this Bylaw and/or the **Town of Lemberg Official Community Plan Bylaw No. 2022-06**, they shall have the following meaning unless provided otherwise.

A

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

Accessory: A use, building, or structure customarily associated with, incidental to, subordinate to, and located on the same lot as the principal use, building or structure.

Act, The: *The Planning and Development Act, 2007*, Province of Saskatchewan.

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

Administrator: The Administrator of the Town of Lemberg.

Agricultural: A use of land, buildings or structures for the purpose of growing 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 in the field of general agriculture.

Alteration or Altered: Any structural change or addition to a building or structure, and includes a change from one type of use to another.

Apartment: A building divided into five (5) or more dwelling units, unless otherwise defined, each of which is occupied or intended to be occupied as the permanent home or residence, not including a hotel, motel, 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 Act*.

Attic: That portion of a building situated wholly or in part within the roof and which is less than one-half (1/2) storey.

Automobile (Motor Vehicle): A self-propelled passenger vehicle that usually has two (2) to four (4) wheels, an internal-combustion engine, alternate energy sources such as electrical, fuel cell, and is used for land transport.

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

B

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 Act*. Buildings on each bare land unit are owned by the individuals. The balance of the parcel around the units is common property. Generally, buildings on private units or common property are not constructed until after the bare land condominium plan has been registered. To ensure compliance with municipal bylaws, the municipality should discuss with the developer, any proposed construction of buildings prior to registration of the condominium plan. All buildings and improvements on common property are owned by the condominium corporation. Bare land condominiums are sometimes managed as exclusive communities, with control over local access.

Bare Land Condominium Unit: A bare land unit as defined by *The Condominium Property Act, 1993*.

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

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

Buffer: A strip of land, vegetation or land use that physically separates two (2) 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, Principle: A building in which is conducted the main or primary use of the site on which said building is situated.

Building Bylaw: A Bylaw of the Town of Lemberg to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

Building Height: The height of a building according to **Section 3.6** of this Bylaw.

Building Permit: A permit, issued under the Building Bylaw of the Town of Lemberg, authorizing the construction of, or the addition to, any building but does not include a development permit.

C

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.

Cannabis Production Facility: a federally licensed facility for the growing of cannabis plants and harvesting of product from those plants where all plant growth activities are carried out indoors.

Cannabis Retail Shop: A retail business operating from a storefront location authorized by *The*

Cannabis Control Act selling any part of the cannabis plant, processed or unprocessed, including any derivative, concentrate or edible product originating from the cannabis plant.

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.

Club: A group of people organized for a common purpose, to pursue common goals, interests or activities, and usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws.

Commercial Use: 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.

Communication Tower: 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.

Community Facility: 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.

Community Garden: An area of land managed and maintained by a formal or informal group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, donation or sale at a farmers' market or farm stand.

Compatible: As defined in *The Statements of Provincial Interest Regulations*.

Condominium: Land, buildings and units including private and common property as defined under *The Condominium Property Act, 1993*.

Condominium Unit: A division of land or building as defined in *The Condominium Property Act, 1993*.

Confectionary or Convenience Store: A retail, commercial establishment supplying a limited selection of food and other daily household necessities to the surrounding area.

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

Council: The elected Council of the Town of Lemberg.

Crematorium: a building fitted with the proper appliances for the purposes of the cremation of human and animal remains and includes everything incidental or ancillary thereto.

Cultural Resource: As defined in *The Statements of Provincial Interest Regulations*.

D

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

Deck: Any raised floor structure at least 0.3 metres (1.0 ft.) above the average ground level upon which it is constructed, either adjacent to a building or free-standing with stairway, ramp or similar access.

Demolition Permit: A permit issued for the removal or dismantling of a building or structure within the Town's boundaries as prescribed under *The Construction Codes Act*.

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 Levy Agreement: An agreement entered into pursuant to *The Act (ss. 171)*.

Development Officer: A person appointed by Council to act as a Development Officer to administer this Bylaw.

Development Permit: A document issued by the Town of Lemberg that authorizes development pursuant to this Bylaw and does not include a building permit.

Driveway: That portion of a lot used to provide vehicular access from a street to a parking space or to an off-street parking or loading area located on the same lot.

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

Dwelling, Duplex: A building that is divided into two (2) dwelling units with separate entrances and separated by a common party wall.

Dwelling, Mobile (Manufactured): A structure built on a deformation resistant frame or metal chassis that is defined in the Canadian Standards Association (CSA) and bears a CSA seal attesting that the structure complies with the #Z240 standards built prior to 2019 or CSA standard #A277 built after January 1, 2019. Mobile dwellings are constructed off-site in a yard or factory and include a deformation resistant frame to allow them to be placed on a surface riding foundation such as cribbing for ease of transportation to site.

Dwelling, Modular (includes RTMs): A residential dwelling that is constructed off-site in a yard or factory, in one (1) 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 Town, and conforming to CSA standard #A277.

Dwelling, Multiple-Unit (or Multi-Unit): A building containing three (3) or more dwelling units and shall include condominiums, townhouses, row houses and apartments as distinct from a rooming house, hotel or motel.

Dwelling, Park Model (or Trailer Coach): A seasonal or year-round mobile dwelling that is designed to be drawn on any public roadway that has no motor power or its own and

cannot be licensed as a recreational vehicle. It must meet CSA standard #Z241, bear the appropriate seal, and shall be no greater than the maximum floor area 50.0 m² (538 ft²).

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 (1) dwelling unit, and shall not include a mobile home as herein defined.

Dwelling, Townhouse: A dwelling, designed as one (1) 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.

Dwelling, Triplex: A building divided horizontally into three (3) dwelling units with separate entrances that are separated by a common party wall.

Dwelling Group: A group of single-detached, semi-detached, or multiple unit dwellings clustered on one (1) lot or site, built as one (1) development.

Dwelling Unit: One (1) or more habitable rooms used, or fully capable of being used as a residence, where each unit provides sleeping, cooking and toilet facilities.

E

Engagement: As defined in *The Statements of Provincial Interest Regulations*.

Environmental Reserve: Dedicated lands that are provided to a municipality for protecting or conserving natural or environmentally-sensitive areas, or that were dedicated as public reserve and transferred to a municipality pursuant to *The Act*.

Environmental Site Assessment: An investigation intended to identify actual or potential contamination, and is performed by a qualified person in accordance with *The Canadian Standards Association Standard Z768-94, Phase 1 Environmental Site Assessment*.

Environmentally Sensitive Lands or Areas: As defined in *The Statements of Provincial Interest Regulations*.

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

F

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

Fill (Clean Fill): Uncontaminated non-water-soluble, non-decomposable, inert solids such as rock, soil, gravel, concrete, glass and or clay or ceramic products. Clean fill does not mean processed or unprocessed mixed construction and demolition debris, including, but not limited to, wallboard,

plastic, wood or metal or any substance deemed corrosive, combustible, noxious, reactive, or radioactive.

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

Frontage (Site 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.

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

Flood Fringe: As defined in *The Statements of Provincial Interest Regulations*.

Flood Plain: As defined in *The Statements of Provincial Interest Regulations*.

Flood Proofed: As defined in *The Statements of Provincial Interest Regulations*.

Floodway: As defined in *The Statements of Provincial Interest Regulations*.

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 and in a commercial or industrial building, any utility room.

G

Garage: 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 / Garden Suite: A small accessory dwelling unit located in the rear yard of a single detached dwelling or within a detached accessory building that may have cooking; food preparation; sleeping; and, sanitary facilities which are separate from those of the single detached dwelling. Typically garden suites are standalone structures while garage suites are either attached to or located above a detached garage.

Geotechnical Analysis: An assessment or estimation by a qualified expert of the earth's subsurface and the quality and or quantity of environmentally mitigative measures that would be necessary for development to occur.

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 (4) 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, plants, 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.

H

Hazardous Industry/Substance: A substance that, because of its quality, concentration, 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: As defined in *The Statements of Provincial Interest Regulations*.

Heritage Resource: As defined in *The Statements of Provincial Interest Regulations*.

Holding Tank: A digestion chamber in which sewage is received and retained to be transported to a final point of disposal.

Home-Based Business: Development consisting of the use of a conforming dwelling unit or residential accessory building as a business by the resident or residents, which is incidental and secondary to the residence and does not change the building's exterior character. This does not include a home office, vacation rental, the production or retail of cannabis, or any use that is listed as discretionary or prohibited in the specific zoning district.

Home Office: An office located within a dwelling unit where a resident may carry out typical office work for remuneration but does not meet with any clients or customers on site.

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 for remuneration, and where a guest register or record is kept, but does not include a rooming house.

I

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

Infill Development: Re-development within existing areas or neighbourhoods.

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.

Intensity of Use: The density of use, number of units, size of development, or bulk, form or number of buildings or structures for a permitted, discretionary or prohibited use.

J

K

L

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

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

Lane: A public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

Loading Space: A space having access to a street or lane, in which a vehicle may park to load or unload.

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. A site may constitute more than one lot if they are contiguous and under the same landowner.

Lounge: A room or area adjoining a restaurant set aside for the sale of beverage alcohol for consumption on the premises, with food, either in the lounge or in the adjoining restaurant. The area of a lounge may not exceed 50% of the public assembly area in the adjoining restaurant, subject to provincial regulations.

M

Microbrewery, distillery, or winery: A small brewery, winery or distillery where beer, wine or liquor produced onsite may be consumed on the premises or sold or distributed in accordance with the Province of Saskatchewan regulations and licensing requirements. A microbrewery, distillery or winery cannot exceed the gross floor area requirements of the associated drinking establishment or restaurant.

Minister: The member of the Executive Council to whom for the time being is assigned the administration of *The Act*.

Mixed-Use: A mix of land uses that facilitate the mixing, rather than separation of, land uses in one (1) distinctive environment, either vertically in the same building or horizontally adjacent. It is intended to be compatible with adjacent uses.

Mobile Home Parks: Any subdivision of land and the development thereof for the purpose of accommodating mobile dwellings in such a manner that each home is situated on its own site and in which all sites, public open space, internal streets, buffer zones and other amenity areas form a contiguous area of development.

Modular or Mobile Dwelling Site: A site within a Modular or Mobile Dwelling Park referred to above that contains one (1) modular or mobile dwelling.

Motel: 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.

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 *The Act*.

Municipal Road: A public roadway subject to the direction, control and management of the Town.

N

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

Non-Conforming Site: A site consisting of one (1) or more contiguous parcels that, on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective, contains a use that conforms to the Bylaw but the site area or site dimensions do not conform to the standards of the Bylaw for that use.

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

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

O

Office: 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 Lemberg Official Community Plan Bylaw No. 2022-06, adopted as per *The Act*.

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

P

Parcel: A surface parcel as defined in The Land Titles Act, 2000.

Parking Lot: An open area, other than a street, used for the temporary parking of more than four (4) 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 or recreational vehicle including convenient access to a public lane or street and shall be not less than 2.5 metres (8.2 ft.) wide and 5.5 metres (18.0 ft.) in length.

Parking Space, Off-Street: Accommodation for the parking of vehicles off a public road or highway.

Parking Space, Tandem: Double-length parking spaces that are located one in front of the other, such that one vehicle will have to pull out in order to access the second vehicle.

Patio: Any hard surface or floor structure less than 0.3 metres (1.0 ft.) above the average ground level upon which it is constructed.

Personal Service Establishments: 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 though does not include the provision of health related services.

Placemaking: A multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalizes on a local community's assets, inspiration, and potential, with the intention of creating public spaces that promote people's health, happiness, and well-being.

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

Public Realm: The publicly owned places and spaces that belong to and are accessible by everyone. These can include municipal streets, lanes, squares, plazas, sidewalks, trails, parks, open spaces, waterfronts, public transit systems, conservation areas, and civic buildings and institutions.

Public Utility: A government, municipal or corporation under Federal or Provincial statute which operates a public work and/or provides a service to the general public.

Public Work: Under *The Act*, means:

- systems for the production, distribution or transmission of electricity;
- systems for the distribution, storage or transmission of natural gas or oil;
- facilities for the storage, transmission, treatment, distribution or supply of water;
- facilities for the collection, treatment, movement or disposal of sanitary sewage;
- telephone, cable television or light distribution or transmission lines; or
- facilities for the collection, storage, movement and disposal of storm drainage;

Q

R

Recreational Use: 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 buildings and structures; though does not include the racing of animals or motorized vehicles.

Recreational Use, Commercial: The use of land, building(s), or structure(s) for the purpose of selling a recreational amenity, including but not limited to the racing of animals or motorized vehicles, and paintball.

Recreational Vehicle (RV): A travel/camper trailer, motor home, or similar vehicle, boat, snowmobile, ATV, or similar vehicle designed for travel, recreation, leisure or vacation purposes, including temporary accommodation, but does not include a modular and mobile dwellings that are constructed and used for year-round occupancy.

Recreational Vehicle (RV) Park: An area of land, managed as a unit, providing short-term accommodation for motor homes and camping trailers, including accessory facilities such as administration offices and laundry facilities.

Redevelopment: See "Infill Development".

Residential Care Home: A provincially licensed or approved group care home governed by provincial regulations that provide, in a residential setting, twenty-four (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.

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

Responsible Development: As defined in *The Statements of Provincial Interest Regulations*.

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 or for take-out purposes.

Retail Store: A building or part thereof, or a place where goods; wares; merchandise; substances; or, articles are offered or kept for sale or rent. This may include limited servicing and manufacturing of products onsite for sale on the site, so long as it is accessory to the principal retail use of the site.

Retaining Wall: A wall of strong construction intended to hold back soil or keep certain amount of earth in place in order to create a safe, more stable or more level area.

Rezoning: The act of changing the land use zoning district of land through an application for a zoning amendment, subject to conditions of this Bylaw and approval from Council.

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.

S

Safe Building Elevation (SBE): A level as defined by the Ministry of Government Relations at the time of subdivision to which flood proofing must be done for developments in the flood hazard area. The SBE is calculated as the EPWL plus a freeboard value to allow for uncertainties in calculations and other possible hazards such as ice push, ice jams, wind, waves and erosion.

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

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 principle use is a one (1) unit dwelling.

Setback: A required minimum separation distance, usually from the nearest point of a building or structure's exterior wall to a site line, railway, or centre line of a public highway.

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; and, does not include an auto body or painting shop, car sales lot or a car washing establishment.

Shipping Container (Sea / Rail Can, Box Car, etc.): A standardized reusable steel box used for the secure storage and efficient intermodal movement of materials and products. It does not contain a foundation or wheels for movement.

Sight Triangle: The triangular area formed, on corner sites, by the intersecting front and side site lines at a street intersection and the straight line joining said site lines.

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

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

Sign, Canopy: A sign attached to, or painted on an awning, canopy or freestanding canopy.

Sign, Fascia: A sign fastened to, or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 0.5 metres (1.6 ft.) from such building or structure.

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

Sign, Portable: A sign mounted on a trailer, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to provide advertising at another location, and may include copy that can be changed manually through the use of attachable characters.

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

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

Site: An area of land, consisting of one (1) or more lots with the same land owner 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. At the discretion of the Development Officer or Council, the Town may require lots to be consolidated or tied to clarify the specific lots that encompass a site.

Site, Corner: A site at the intersection of two (2) or more public roadways.

Site, Through: A site other than a corner site, having separate frontages on two (2) streets. The front site line of a through site shall be determined by predetermined building lines.

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

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

Site Line: Any boundary of a site.

Site Line, Front: The line separating the site from the road right-of-way; for a corner site, the shorter line abutting a street; though in the case of a corner site with two (2) street lines of equal length, the front site line shall be designated by predetermined building 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 Plan: A plan showing the location of existing and proposed buildings on a site in relationship to the site lines.

Solar Collector: A device for the absorption of solar radiation for the heating of water or buildings or the production of electricity.

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 at the Information 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*.

Sustainable: As defined in *The Statements of Provincial Interest Regulations*.

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.

T

Travel (Camping) Trailer, Truck Camper, 5th Wheel Trailer, Trailer Couch: Any vehicle designed, constructed or reconstructed in such a manner as it will permit occupancy as a dwelling or sleeping place for one (1) or more persons, notwithstanding that its running gear is removed; jacked up; is used; or, constructed in such a way as to enable it to be used as a conveyance upon public streets, highways. This includes self-propelled and non self-propelled vehicles.

U

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

Use, Accessory: See "Accessory".

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

Use, Permitted: A use or development which is rightfully allowed in its zoning district subject to the regulations of this Bylaw and following application for a development permit that is approved by the Development Officer.

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

V

Vacation Rental: The short-term rental of a dwelling unit as temporary accommodation by a person or group of persons for up to 30 days or based on a daily or weekly rate by way of concession, permit, lease, license, rental agreement or similar arrangement, unless otherwise prohibited by this Bylaw, or any other Bylaw of the Town of Lemberg. A Vacation Rental may also include a single-detached dwelling which is owner occupied, and in which not more than two bedrooms are rented.

Vehicle: A device in, on or by which a person or thing is or may be transported or drawn on a highway and includes special mobile machines and agricultural implements but does not include vehicles running only on rails or solely on railway company property.

W

Warehousing: The use of a building 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, though does not include a holding tank 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 or transfer stations, and not including dangerous goods, hazardous waste or biomedical waste.

Water Body: A lake, pond, reservoir, lagoon, swamp, marsh, wetland or any other area containing standing surface water, either permanently or intermittently.

Water Course: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or design flood.

Wind Energy System: Any structure(s) used for the conversion, production, and transmission of wind energy into electrical energy and related facilities connected to a substation or metering point.

Wind Energy System, Commercial (Wind Farm): Wind energy conversion system consisting of wind turbine(s), a tower and associated control or conversion electronics, which is intended to produce power for resale.

Wind Energy System, Private: Wind energy conversion system consisting of wind turbine(s), a tower and associated control or conversion electronics, where the priority and intention is to provide electrical power for use on-site (either behind the meter or off-grid).

Y

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

Yard, Front: The roadside area of the property from the front site line to the nearest extent of the main front building wall, between the side site lines.

Yard, Rear: The area of the property from the rear site line to the nearest extent of the main rear building wall or structure, between the side site lines.

Yard, Side: The area between the side lot line and the nearest extent of the main side wall of the building or structure.










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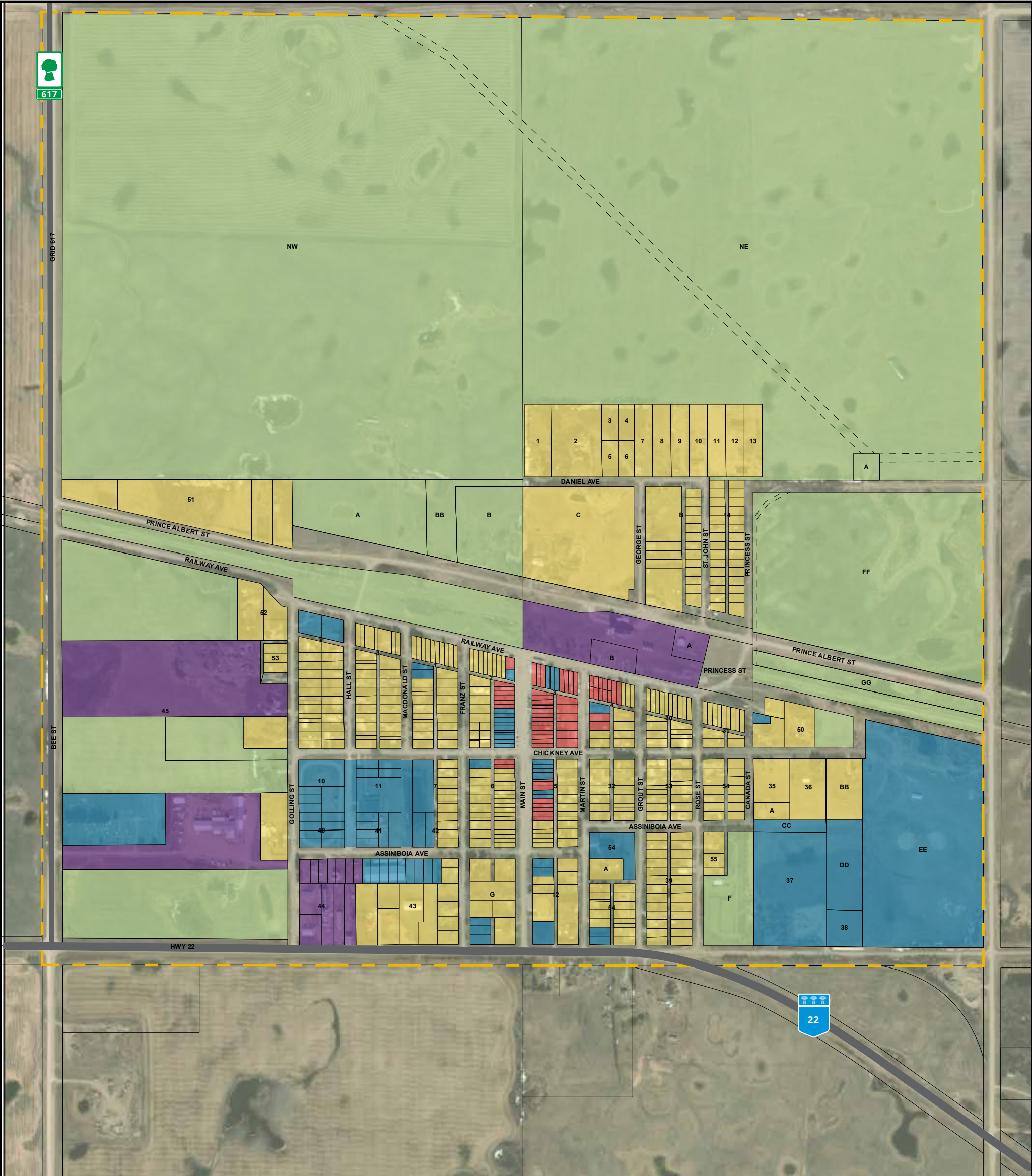
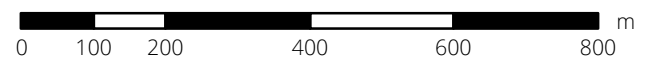
Zoning District: Divisions identified in the Zoning Bylaw according to **Section 5.0** of this Bylaw that establish permitted and discretionary uses as well as development standards for all sites within the Town of Lemberg.

EXHIBIT B: ZONING DISTRICT MAP

TOWN OF LEMBERG | ZONING DISTRICT MAP

LEGEND

-  TOWN BOUNDARY
-  PROPERTY LINE
-  UTILITY EASEMENT
-  HIGHWAY
-  R1 RESIDENTIAL
-  CS COMMUNITY SERVICE
-  UH URBAN HOLDING
-  C1 LOCAL COMMERCIAL
-  C2 REGIONAL COMMERCIAL - INDUSTRIAL



Seal:

Mayor

Town Administrator

Date



SCATLIFF + MILLER + MURRAY
visionary urban design + landscapes

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An Even Nicer Place To Live*