

TOWN OF
MOOSOMIN
ZONING BYLAW No. 2021-03

August 2021

P3A



SCATLIFF + MILLER + MURRAY
visionary urban design + landscapes

TOWN OF MOOSOMIN

Zoning Bylaw No. 2021-03

1. Pursuant to Section 45 of *The Planning and Development Act, 2007*, the Council of the Town of Moosomin 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. Bylaw No. 849, known as the Zoning Bylaw and any amendments thereto is hereby repealed.
4. This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the 8th day of Sept., 2021

Read a Second Time the 13th day of Oct., 2021

Read a Third Time and Adopted the 13th day of Oct., 2021



Mayor



Administrator

APPROVED
REGINA, SASK.
FEB 04 2022

Minister of Government Relations



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

on the 13th day of Oct., 2021

TOWN OF MOOSOMIN

ZONING BYLAW

SCHEDULE "A" TO BYLAW No. 2021-03

AUGUST 2021

PREPARED BY:



SCATLIFF + MILLER + MURRAY

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1.0 INTRODUCTION

1.1 AUTHORITY

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

1.2 TITLE

This Bylaw No. 21-03 shall be known and may be cited as the Zoning Bylaw of the Town of Moosomin.

1.3 PURPOSE

The purpose of this Bylaw is to regulate land use and development within the Town of Moosomin in accordance with the Town of Moosomin Official Community Plan Bylaw No. 21-02(OCP).

1.4 SCOPE

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

1.5 SEVERABILITY

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

1.6 ORGANIZATION OF THIS BYLAW

1.6.1 Administration

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

1.6.2 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**.

1.6.3 The Zoning District Schedules and Map

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

1.6.4 Definitions

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

1.6.5 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 Moosomin 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 Moosomin 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 BYLAW COMPLIANCE

- 2.2.1 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.

2.3 DEVELOPMENT PERMITS

2.3.1 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 2.4.1**.

2.3.2 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*.

2.3.3 Frontage on Road

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

2.3.4 Building Permit

A building permit shall not be issued unless a development permit, where required, has also been issued.

2.4 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

2.4.1 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 under 9.3 m² (100 ft²) in area though **Section 3.4** of this Bylaw still applies.
- (f)** Any fence or gate though **Section 3.13** of this Bylaw still applies.
- (g)** Any accessory signs, with the exception of a Billboard Sign, though **Section 3.9** of this Bylaw still applies.
- (h)** Home offices though **Section 4.1** of this Bylaw still applies.
- (i)** Short-term rentals provided that the residence complies with all Town Bylaws including those related to nuisance.

- (j) Landscaping though **Section 3.11** of this Bylaw still applies. Major excavations, filling or drainage alteration shall require a development to ensure compliance with **Section 3.19** of this Bylaw.
- (k) Driveways exclusively on private property, provided the natural or designed drainage pattern of the site and adjacent properties is not impacted.

2.5 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- 2.5.1** A development permit application shall be made, in writing, to the Development Officer, in the form prescribed by the Development Officer.
- 2.5.2** A development permit shall not be issued in contravention to any provision of this Bylaw.
- 2.5.3** The completed development permit application shall include:
 - (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) A copy of the Certificate of Title;
 - (c) The civic address and legal description (lot, block, plan) of the subject property;
 - (d) A description of the proposed development or use on the subject property; and
 - (e) Estimated commencement and completion dates for construction.
 - (f) 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.
 - (g) Floor plans and building elevations of the proposed development, if applicable.
 - (h) Any other required information or supporting studies as determined to be relevant by the Development Officer or Council.

2.6 APPLICATION FEES & ADVERTISING

2.6.1 An applicant of a development application shall pay a fee according to the following schedule:

(a) Development Permit:

- i.** Permitted Use: \$150
- ii.** Home-Based Business: \$75
- iii.** Discretionary Use: \$300

(b) Zoning Amendment: \$600

(c) OCP Amendment: \$600

(d) Minor Variance: \$100

(e) Development Appeal: \$300

2.6.2 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*.

2.6.3 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.

2.6.4 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.

2.7 DEVELOPMENT PERMIT APPLICATION PROCEDURES

2.7.1 Applicants must file, with the Development Officer, the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required fees.

2.7.2 The Development Officer will review applications for compliance with the OCP, this Bylaw, and any other applicable policies, regulations, and standards.

2.7.3 The Development Officer may refer an application to any internal or external department or organization for review or comment prior to finalizing a decision, or in the case of discretionary uses, referring the application to Council.

2.7.4 Permitted Uses:

- (a)** The Development Officer is authorized to finalize and issue a decision on a development permit application for a permitted use.
- (b)** If the Development Officer considers it necessary, the application may be referred to Council for review and direction.
- (c)** The Development Officer will issue a written development permit approval when the application meets the requirements of this Bylaw. The permit shall include any performance standards, development standards, or conditions authorized by this Bylaw and *The Act* (s. 62.4) as well as the dates, or period of time, for which the permit is valid.
- (d)** The Development Officer will issue a refusal when the application does not comply with the requirements of this Bylaw. The Development Officer shall write a letter to the applicant stating the reason(s) for refusal and the proponent's right of appeal.

2.7.5 Discretionary Uses:

- (a)** Council is responsible for finalizing a decision on a development permit application for a discretionary use.
- (b)** The Development Officer shall prepare a report on a discretionary use development permit application. The report shall include all relevant materials, background information, and comments from referral agents.
- (c)** The Development Officer shall set a date for the meeting at which the discretionary use development permit application will be considered by Council.
- (d)** At least seven (7) days before the application is to be considered by Council, the Development Officer shall provide notice to the public for the discretionary use application. Public notice shall:
 - i.** Be posted at the Town Office;
 - ii.** Be posted on the Town's website (if applicable);
 - iii.** Be provided to the assessed owners of property within a 75 m radius of the boundaries of the proposed development site; and
 - iv.** Be provided to any other landowners or entities the Development Officer deems should be notified.
- (e)** Council shall consider whether the application complies with the policies in the OCP and the provisions of this Bylaw, the contents of the Development Officer's

report, and any written or verbal submissions received from the public before issuing a decision by Council resolution to:

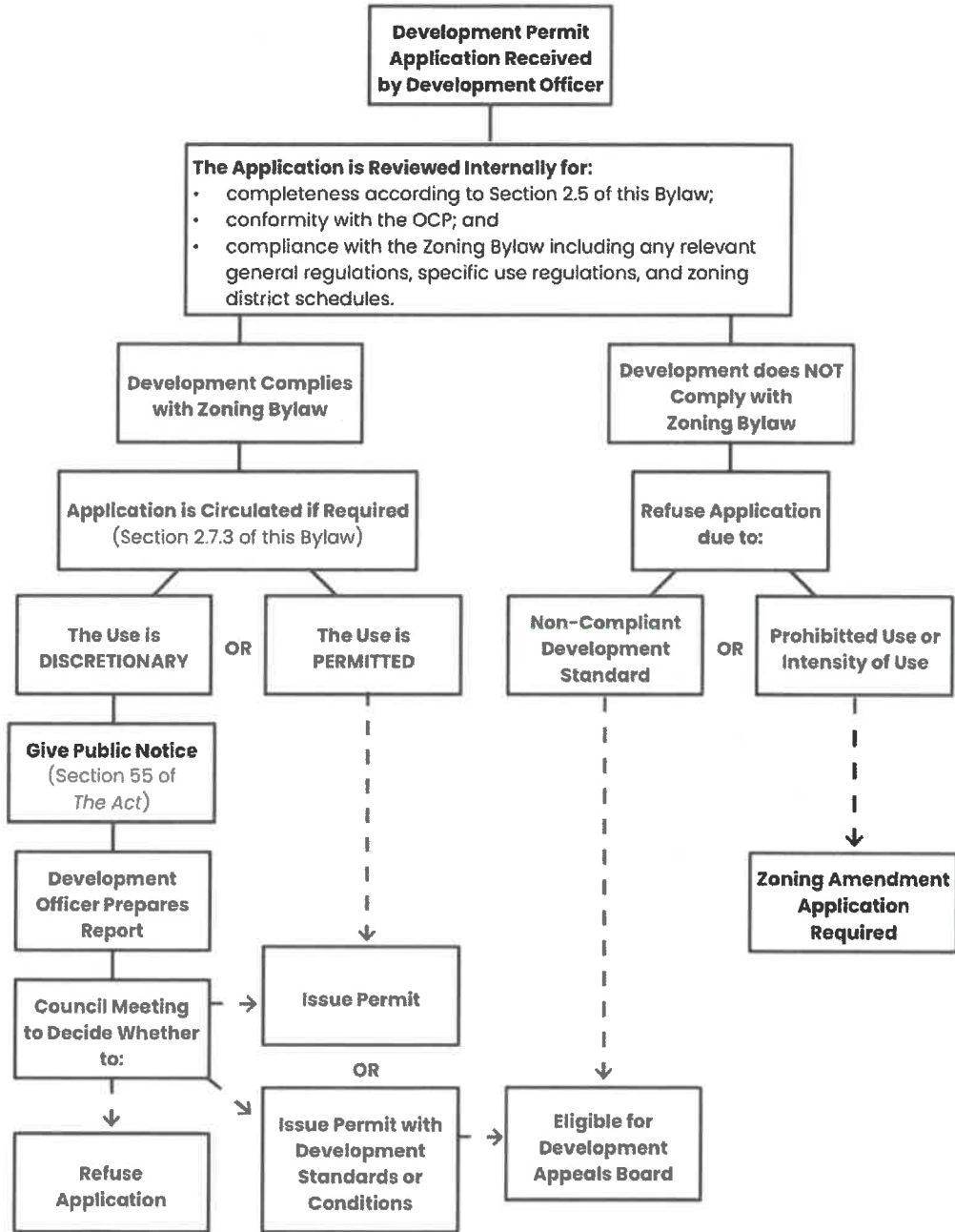
- i.** Approve the discretionary use application as is;
 - ii.** Approve the discretionary use application with performance standards, development standards, or conditions according *The Act* (s. 56.3); or
 - iii.** Reject the discretionary use application.
- (f)** Applicants shall be provided the decision in writing with any performance standards, development standards, or conditions authorized by Council, the dates, or period of time, for which the permit is valid, and the proponent's right of appeal.
- (g)** A decision by Council to reject a discretionary use or intensity of use cannot be appealed.

2.8 EVALUATION CRITERIA FOR DISCRETIONARY USES

2.8.1 When evaluating applications for development permits for discretionary uses, Council shall consider whether such proposals comply with the following evaluation criteria. In accordance with **Section 2.7.5(e)ii** above, Council may apply performance standards, development standards, or conditions to ensure 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 character;
- (e)** Can be suitably drained in accordance with **Section 3.19** 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.

FIGURE 1. THE DEVELOPMENT PERMIT APPLICATION REVIEW PROCESS



2.9 DEVELOPMENT PERMIT FOR A TEMPORARY USE

- 2.9.1** The Development Officer may issue a development permit for a temporary use, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, temporary gravel operations or asphalt plants, temporary or seasonal events or other temporary uses deemed appropriate by the Development Officer.
- 2.9.2** Every temporary use shall be approved for a specified period of time. Unless otherwise stated on the development permit or in this Bylaw, a temporary use shall not exceed twelve (12) months.
- 2.9.3** 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.
- 2.9.4** Upon expiration of the period for which the temporary use was approved, the use shall be discontinued, and all temporary structures removed.
- 2.9.5** A temporary use must meet all other requirements of this Bylaw.

2.10 DEVELOPMENT PERMIT VALIDITY

- 2.10.1** Unless otherwise stated on the development permit or in this Bylaw, all permits are valid for a period of twelve (12) months.
- 2.10.2** A new development permit approval is required for a permitted or discretionary use when:
- (a)** The approved use ceases for a period of twelve (12) months or longer;
 - (b)** The use has not commenced while the development permit is valid;
 - (c)** A building permit, if required, is not obtained while the development permit is valid;
 - (d)** There is a change in use or intensity of use; or
 - (e)** Significant changes are made to the development as approved.

2.10.3 Council may, at its discretion, revoke a temporary development permit should the use violate any of the permit conditions. Permanent structures shall not be permitted in association with a temporary use.

2.11 CANCELLATION OF A DEVELOPMENT PERMIT

2.11.1 Council or the Development Officer may cancel a development permit and issue an order to stop to development:

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

2.11.2 A development permit may be re-issued in its original or modified form where a new development permit application conforms to the provisions of this Bylaw.

2.12 MINOR VARIANCES

2.12.1 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).

2.12.2 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.

2.12.3 The Development Officer shall maintain a registry of all minor variance applications.

2.12.4 Minor variance application fees are outlined in **Section 2.6** of this Bylaw.

2.13 DEVELOPMENT APPEALS BOARD

2.13.1 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).

2.13.2 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.

2.13.3 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.

2.13.4 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.

2.13.5 A decision by the DAB may be appealed to the Saskatchewan Municipal Board in accordance with *The Act* (s. 226).

2.13.6 Development appeal application fees are outlined in **Section 2.6** of this Bylaw.

2.14 AMENDING THE PLANNING BYLAWS

2.14.1 Any person who seeks to amend the OCP or the Zoning Bylaw (including a rezoning of their property) must file, with the Development Officer, the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required fees.

2.14.2 The Development Officer may refer an application to amend the OCP or Zoning Bylaw to any internal or external department or organization for review or comment prior to referring the application to Council.

2.14.3 If it is determined upon review by the Development Officer that the application is in general compliance with the OCP and is in the best interest of the Town, then Council may decide to consider the application by passing a resolution authorizing the Development Officer to proceed with the application as follows:

(a) 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.

(b) The public hearing shall be held before the second reading by Council. The hearing may be held during a Council meeting if Council resolves to suspend the meeting for the hearing. The hearing may be closed once all representations are heard and all written submissions are accepted. If objections are received, Council may decide to either:

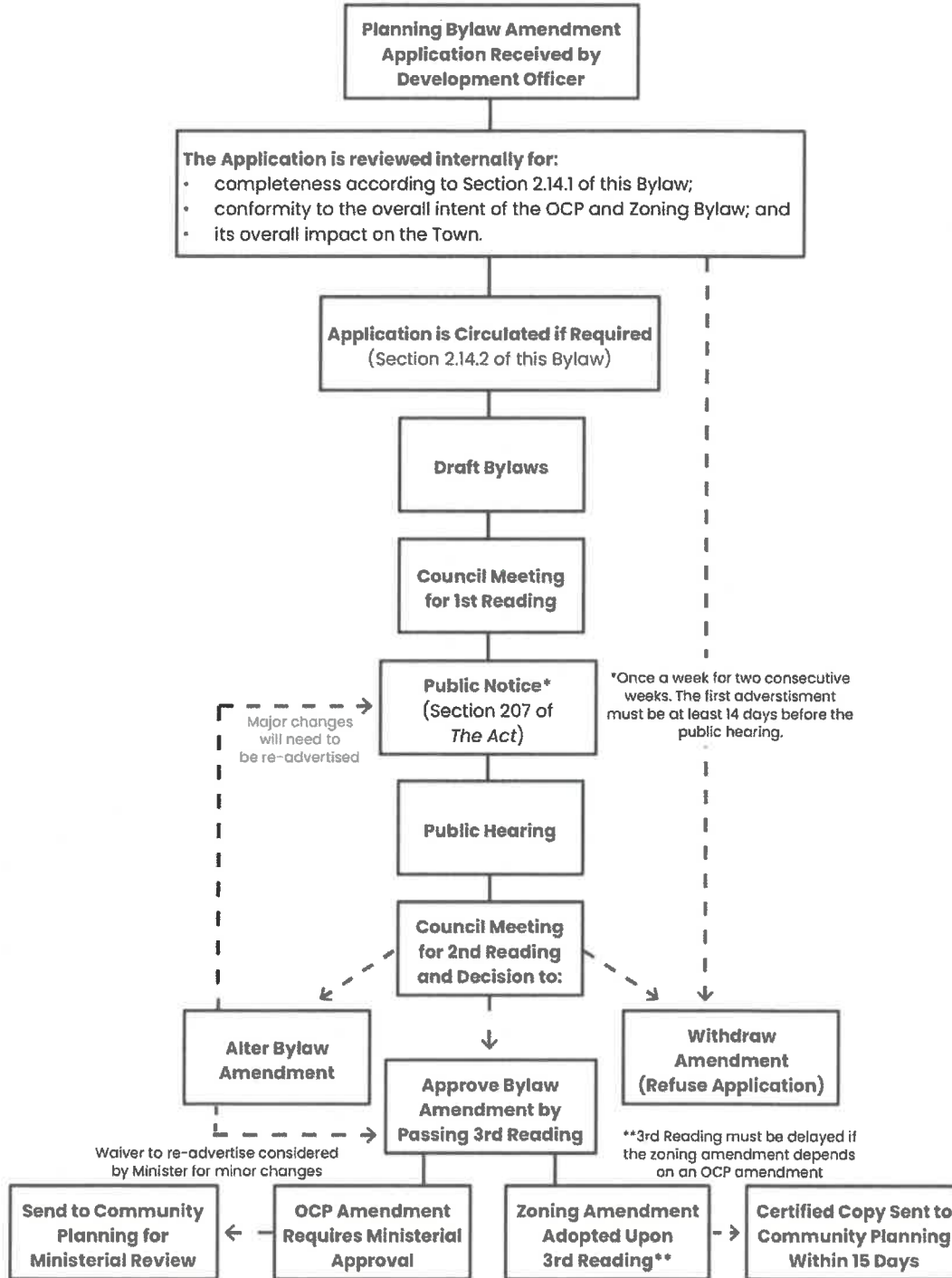
- i.** Alter the bylaw to address concerns or objections;
 - ii.** Approve the bylaw amendment as is; or
 - iii.** Refuse the application by withdrawing the Bylaw.
- (c)** If a zoning amendment complies with the OCP, the amendment takes effect when Council gives the bylaw and passes 3rd Reading. The Development Officer shall send a copy of the zoning bylaw amendment to the Ministry of Government Relations within 15 days of the date the bylaw is passed.
- (d)** An OCP amendment requires Ministerial Approval from the Community Planning branch before it can come into effect.
- (e)** If an amendment to the OCP is required to allow a zoning amendment or rezoning, 3rd Reading of the zoning amendment or rezoning must be delayed as the amendment can only come into effect after the OCP amendment receives ministerial approval.
- (f)** Separate bylaws are needed to amend an OCP and a Zoning Bylaw, but they may be prepared and reviewed in conjunction.

2.14.4 If Council decides not to proceed with considering the amendment, or rejects the amendment by resolution, then the applicant shall be notified in writing of the decision.

2.14.5 Premature rezoning of land for any type of development shall not be common practice.

2.14.6 OCP and Zoning Bylaw application fees are outlined in **Section 2.6** of this Bylaw.

FIGURE 2. THE PLANNING BYLAW AMENDMENT APPLICATION REVIEW PROCESS



2.15 SERVICING AGREEMENTS & DEVELOPMENT LEVIES

- 2.15.1** Council may require an applicant of a subdivision to enter into a servicing agreement to ensure conformity with the OCP and Zoning Bylaw, ensure adequate funding for on-site and off-site infrastructure, and establish timelines, standards and responsibilities.
- 2.15.2** If the Town adopts a development levy bylaw, as provided for in *The Act* and the OCP, Council may require an applicant of a development permit, where a subdivision is not involved, to enter into a development levy agreement to ensure conformity with the OCP and this Bylaw, to ensure adequate funding for on-site and off-site infrastructure, and establish timelines, standards and responsibilities.
- 2.15.3** Council will ensure municipal infrastructure and other public facilities are adequately addressed in the agreement prior to ratifying the document. Such facilities may include transportation routes, wastewater treatment and disposal, solid waste disposal, treatment and provision of water, recreational facilities, etc.
- 2.15.4** Council may require a developer to provide a letter of credit, performance bond, or any other form of assurance Council deems necessary, to ensure a development is constructed and completed in accordance with the time frame and development standards in the permit approval subject to the following provisions:
- (a)** The performance security should remain in effect and be retained by the Town until the development has been completed, and inspected by the Town.
 - (b)** Specific terms and conditions respecting the performance security may be included in Council's approval of the development permit.
- 2.15.5** The Development Officer will register a development levy agreement or servicing agreement as an interest on title. The bond shall be discharged once the terms of the agreement have been met.

2.16 NON-CONFORMING USES, BUILDINGS, AND SITES

- 2.16.1** Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with *The Act* (s.88-93).

- 2.16.2** An existing non-conforming use may be continued if the use conformed to the Bylaw that was in effect at the time of the development and has not been discontinued for twelve (12) consecutive months, or longer.
- 2.16.3** Non-conforming buildings or sites may continue to be used, maintained, and repaired in their present form.
- 2.16.4** No enlargement, additions, or reconstruction of a non-conforming use, building, or structure shall be undertaken, except in accordance with the provisions contained in this Section.
- 2.16.4** No existing use, building, or structure shall be deemed to be non-conforming by reason only of the conversion of this Bylaw from the imperial system of measurement to the metric system of measurement.

2.17 PERMITS, LICENSES, & COMPLIANCE WITH OTHER BYLAWS

- 2.17.1** The provisions of this Bylaw shall be the minimum requirements adopted for the promotion of the public health, safety, and general welfare in the Town.
- 2.17.2** Where the requirements of this Bylaw conflict with those of any other municipal, provincial, or federal requirement, the more stringent regulation shall apply.
- 2.17.3** In the event of a conflict between this Bylaw and the OCP, the provisions of the OCP shall prevail.
- 2.17.4** Nothing in this Bylaw shall exempt any person from complying with the requirements of any other federal, provincial or municipal regulation or requirement. Developers are responsible for obtaining all applicable federal, provincial and municipal approvals.
- 2.17.5** 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.

2.18 BYLAW ENFORCEMENT, OFFENCES, & PENALTIES

- 2.18.1** Where Council, or the Development Officer, deems an approved development is not being carried out in accordance with this Bylaw or with the standards and conditions specified in the development permit, the Development Officer may issue a stop order to the owner of the property in accordance with *The Act* (s. 242).
- 2.18.2** Pursuant to *The Act* (s. 242-245), the Development Officer may issue an order for development that contravenes this Bylaw in order to achieve compliance.
- 2.18.3** Any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in *The Act*.

3.0 GENERAL REGULATIONS

3.1 PROHIBITED & NOXIOUS USES

3.1.1 Prohibited Uses

Any land use, unless exempt under **Section 3.2** below or elsewhere in this Bylaw, that is not listed as either permitted or discretionary in its current zoning district shall be prohibited and will not be accommodated without an amendment in accordance with **Section 2.14**.

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.

3.2.3 Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, tool shed, scaffold, or other building, or structure incidental to and necessary for approved construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned.

3.3 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 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 Unless otherwise specified in this Bylaw, accessory buildings or structures shall be subject to the same minimum setbacks as the principal building, structure, or use, except for:

(a) In any residential zoning district, the rear yard setback of a detached garage, garden suite, or garden suite shall be 1.2 m (3.9 ft).

3.4.4 Detached accessory buildings or structures shall not be located in any front yard.

3.4.4 The minimum distance from an accessory building or structure to a principal building shall be 1.5 m (15.4 ft), unless otherwise specified in this Bylaw.

3.4.7 In any residential district, there shall be no more than three (3) accessory buildings on a site.

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

3.4.8 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.

3.5 MOVING & DEMOLITION OF BUILDINGS

3.5.1 No building shall be moved within or into the area covered by this Bylaw without first obtaining a development permit.

3.5.2 No principal building shall be demolished without first obtaining a demolition permit. The Town may require a plan or proposal for the interim or long-term use of the site to be submitted before issuing a demolition permit.

3.5.3 A separate development permit is required for any redevelopment of the site.

3.6 RESTORATION TO A SAFE CONDITION

3.6.1 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.

3.6.2 Repairs, renovations, and restorations may be subject to development permit and building permit requirements.

3.7 EXCEPTIONS TO DEVELOPMENT STANDARDS

3.7.1 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 4.5 m (14.8 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 3.9** of this Bylaw.

3.7.2 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.

3.7.3 No Side Yard Required for Shared Party Walls

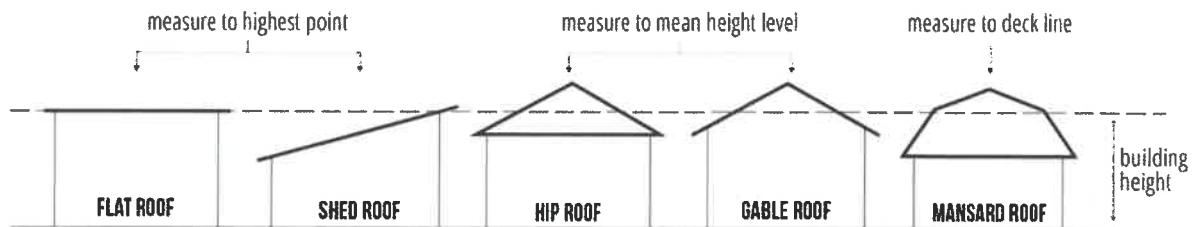
No side yard shall be required from a common party wall shared between semi-detached dwellings, townhouses, or other multiple-unit dwellings or commercial buildings.

3.8 BUILDING HEIGHTS

3.8.1 Exclusive of any chimney, antenna, satellite dish, solar panel, or any other similar protrusions that are separate from the roof structure, building height shall be measured as demonstrated in **FIGURE 3** from the average grade level to:

- (a) The highest point of a flat roof or shed roof;
- (b) The mean level between the top of the highest exterior wall plate and the peak of a pitched roof or gable roof; or
- (c) The deck line of a mansard roof;

FIGURE 3. BUILDING HEIGHTS



3.8.2 The height of any principal buildings or structures shall not exceed 13.0 m (42.7 ft), unless otherwise specified in this Bylaw.

3.8.3 The height of any accessory buildings or structures shall not exceed 4.5 m (14.7 ft), unless otherwise specified in this Bylaw.

3.8.4 Grain bins and elevators, wind turbines, communication towers, and other similar structures may exceed the maximum height requirements in **Sections 3.8.3** and **3.8.4** above provided they comply with all other provisions of this Bylaw.

3.9 SIGNS

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

3.9.1 General (in all zoning districts):

- (a) Elections signs, signs bearing notice of a property that is available for sale or lease, and other temporary signs providing information on a specific property are permitted on a temporary basis provided they are of reasonable size and meet all other regulations in **Section 3.9**.
- (b) 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 and shall not exceed 18.6 m² (200.2 ft²) in surface area and 7.6 m (24.9 ft) in total height from ground level.
- (c) No sign shall project beyond the property lines of the site to which it pertains, with the exception of canopies and projecting signs in the Downtown Commercial zoning district.
- (d) 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**.
- (e) Any signs projecting light of any kind within 50 m (164 ft) of a residential zoning district shall be reviewed for compatibility with surrounding uses.
- (f) 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 resources, with consent of the property owner, provided the signage is appropriate in scale, design, placement and does not cause any safety concerns.
- (g) The Town may issue an order to remove signs that are either no longer relevant, in a state of disrepair, potentially offensive in nature, 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.

3.9.2 In any residential zoning district:

- (a) With the exception of signs with the building address, no signs shall be permitted in residential areas unless otherwise provided below.
- (b) Notwithstanding **Section 3.9.2(a)** above, signs for discretionary uses such as confectionaries or apartment buildings may be permitted by Council as a condition of approval according to **Section 2.7.5(e)ii** of this Bylaw.

- (c) An approved home-based business, day care, preschool, bed and breakfast operation, or other similar uses may display one (1) fascia sign, not exceeding 1.0 m² (10.8 ft²), that shall not be illuminated and shall be affixed to the principal building or located as close to the dwelling as possible.

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

- (a) In addition to their building or awning sign, approved community service, commercial, or industrial 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 6.0 m² (64.6 ft²) in area and 5 m (16.4 ft) in total height from ground level.
- (c) Illuminated signs shall only be turned on during operating hours and shall not be intermittent.
- (d) Proposed signs for new developments shall be demonstrated on the development permit application pursuant to **Section 2.5.4(f)vii**.
- (e) Signs applying to community services shall not display advertising of any commercial service or product.

3.10 OFF-STREET PARKING & LOADING

3.10.1 General (in all zoning districts):

- (a) All required parking spaces shall be a minimum 2.5 m (8.2 ft) in width and 5.5 m (18.0 ft) in length.
- (b) Any required parking spaces shall be located at the rear or side of the building or use whenever possible.
- (c) All required parking lots, parking spaces, and loading spaces shall be surfaced in a suitable material that can be used year round.

3.10.2 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) Parking spaces shall not be located in a required front yard unless located on a driveway leading to a detached or attached garage.
- (c) Tandem parking spaces shall be permitted when more than one parking space is required due to an approved principal or accessory dwelling unit.
- (d) Parking of recreational vehicles is prohibited in the front yard of a residential site from November 1 to March 31, inclusive.

- (e) Where a residential site provides recreational vehicle parking from April 1 to October 31, the number of recreational facilities shall not exceed two (2), and shall be parked on a driveway or parking pad in the front, side, or rear yards on provided the vehicle is not within 2.0 m (6.6 ft) of the front lot line.

3.10.3 In the Downtown Commercial zoning district:

In the Downtown Commercial zoning district, no off-street parking spaces are required.

3.10.4 In the Regional Commercial and Industrial zoning district:

- (a) In the Regional Commercial or Industrial zoning districts, sufficient on-site parking spaces, as determined by the Development Officer, shall be provided for employees, visitors, or customers of the approved use in order to avoid parking spill out on to public roads.
- (b) Any required parking spaces pursuant to **Section 3.10.4(a)** above 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, provided such spaces are also located within a Regional Commercial or Industrial zoning district.
- (c) Where the use of a building site involves the receipt and/or distribution of materials, goods, or merchandise from semi-trucks or other large vehicles, a designated loading space shall be provided that is a sufficient size so not to interfere with regular vehicular parking or traffic on a public roadway.
- (d) Parking and loading areas shall be designed and located to ensure that heavy truck traffic is not directed to residential areas.

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 and shall include sufficient permeable areas to reduce stormwater runoff and flooding during high rainfall or snow melt events.

- 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.
- 3.11.5** As a condition of approval for a development permit pursuant, the Development Officer or Council may impose additional landscaping requirements or may require a landscape plan to be submitted that demonstrates a suitable degree of landscaping to enhance the site or provide a visual screen from an adjacent use or public right-of way, if required.
- 3.11.6** Any landscaping, including subsequent planting, which is required by this Bylaw or as a condition of approval for a development permit shall be maintained in a healthy growing condition or shall otherwise be replaced.

3.12 OUTDOOR STORAGE

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

3.12.1 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, and shall be visually screened from all adjacent sites and public thoroughfares.
- (c)** In accordance with **Section 3.10.2(e)**, the owner of the property may temporarily display a maximum of two vehicles, including recreational vehicles, in operating condition that are not a junked vehicle.
- (d)** Council may establish additional standards for the location and screening of any area devoted to outdoor storage.

3.12.2 In any residential 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.

3.12.3 In any commercial and industrial 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 the Development Officer or Council.

3.13 FENCES

3.13.1 The height of any fence or similar structure for a residential use in a residential zoning district shall not exceed 1.22 m (4.0 ft) above grade in any required front yard or 1.83 m (6.0 ft) above grade in any required side or rear yard.

3.13.2 No fence shall be located in a required sight triangle according to **Section 3.14** of this Bylaw.

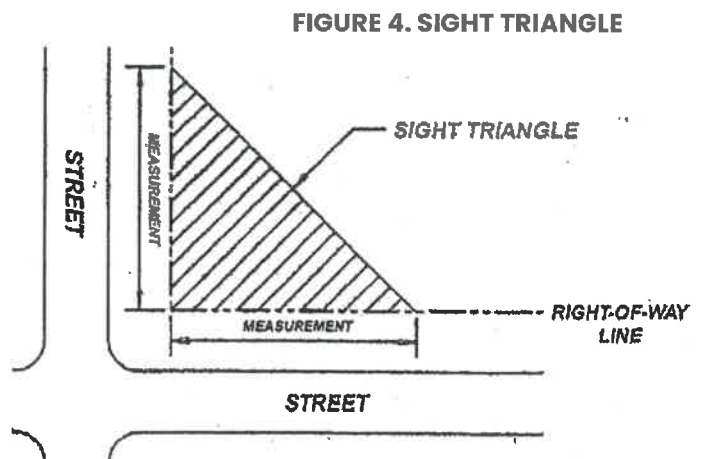
3.14 SIGHT TRIANGLES

3.14.1 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 4** below.

(a) Intersection of two municipal roads: A sight triangle with a measurement of 3.0 m (9.8 ft) from the intersection of the lot boundaries.

(b) Intersection of a municipal road and a lane: A sight triangle measuring 1.5 m (4.9 ft) from the intersection of the lot boundary and the lane.

3.14.2 Sight triangles involving a provincial highway or the railway shall be determined by the Ministry of Highways and Infrastructure (MHI).



3.15 DEVELOPMENT IN PROXIMITY TO RAILWAY OPERATIONS

- 3.15.1** All development in proximity to a railway shall conform to the regulations contained within Transport Canada's Standards Respecting Railway Clearances (pursuant to the Railway Safety Act), and all relevant provisions of the OCP.
- 3.15.2** The minimum setback from the railway to buildings or structures shall be 30 m, unless a greater or lesser amount is established through consultation with MHI and the railway company, and is subsequently approved by Council.
- 3.15.3** As a condition of development permit approval, Council may require any additional safety or nuisance mitigation deemed necessary to protect public and environmental safety and to ensure efficient operation of the railway.
- 3.15.4** Safety and nuisance mitigation measures noted in **Section 3.15.3** above may include, but shall not be limited to: separation distances, berms, soundproof and privacy fencing, and landscaping.

3.16 DEVELOPMENT ON HAZARD LANDS

- 3.16.1** Where a proposed development or subdivision is to be located on land considered by Council to be potentially hazardous, Council shall require the applicant to submit a report prepared by a qualified professional in accordance with the OCP to assess the suitability of the land for the proposed development or subdivision, as well as identify any required mitigation measures.
- 3.16.2** Actions identified in a report prepared pursuant to **Section 3.16.1** 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*.
- 3.16.3** 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.

3.17 ABOVE GROUND FUEL STORAGE TANKS

- 3.17.1** Above-ground fuel storage tanks may be permitted in associated with a service station and gas bar or other permitted industrial or commercial uses where the dispensing of fuel is customarily required provided they comply with this Bylaw and the National Fire Code.
- 3.17.2** Above-ground fuel storage tanks shall be located a minimum 3.0 m (9.8 ft) from any property line and 10.0 m (32.8 ft) from the boundary or any site with a residential use or property zoned Residential.
- 3.17.3** Above-ground fuel storage tanks shall be located where they are accessible for firefighting purposes and must be adequately protected from vehicles with suitable posts, guardrails or similar structures.

3.18 OIL AND GAS WELL ACTIVITIES

- 3.18.1** All active and future proposed oil and gas development shall comply with *The Oil and Gas Conservation Regulations, 2012*, as amended, and shall operate in conformity with the applicable provincial act and regulations.
- 3.18.2** Where municipal approval is required for oil and gas well activities, consideration shall be given to identify hazardous conditions, to address mitigation of impacts and to assess the ability of natural landscapes to support reclamation efforts.

3.19 SITE GRADING, LEVELLING, & DRAINAGE

- 3.19.1** In accordance with 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.
- 3.19.2** A drainage plan demonstrating the approach to grading and levelling the land according to **Section 3.19.1** above may be required at the discretion of the Development Officer or Council.
- 3.19.3** All excavations or fills shall be re-vegetated as soon as it is practical after other construction activities permit. The new vegetation shall provide a suitable ground cover so as to prevent erosion.

3.19.4 Where excavation or filling is proposed, Council may require the developer to provide an impact assessment, or geotechnical report, carried out by a qualified professional prior to finalizing a decision on the development permit application.

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

3.20 WATER, WASTEWATER, & WASTE DISPOSAL

3.20.1 Every residence or other use that requires water supply and/or wastewater disposal shall be connected to the Town water supply and wastewater system at the owner's expense.

3.20.2 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 main operator of the home-based business shall be a full-time resident 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** No more than two home-based businesses shall be allowed per dwelling unit.
- 4.1.5** The maximum number of on-site employees of a home-based business who are not residents of the dwelling shall be two (2).
- 4.1.6** In addition to the information listed in **Section 6.3**, 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 on-site employees.
- 4.1.7** Applications for home-based businesses may not be approved if, at the discretion of the Development Officer, the proposed business would be more appropriately located in a different zoning district, having regard for traffic generation, noise, and other such factors.
- 4.1.8** The approval of a home-based business does not exempt the property regulations for outdoor storage in **Section 3.12** or any other part of this Bylaw.
- 4.1.9** Signage shall be provided in accordance with **Section 3.9.2(c)** of this Bylaw.

4.2 SECONDARY SUITES

- 4.2.1** A secondary suite may be constructed within a principal, single-detached dwelling in a residential zoning district. Only one secondary suite shall be permitted per principal dwelling.
- 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 minimum floor area of 32.5 m² (350 ft²).
- 4.2.5** 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

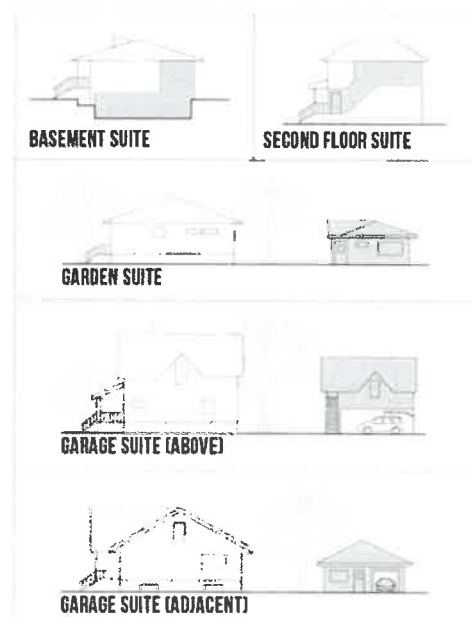
- 4.3.1** A garden or garage suite may be allowed as an accessory use to a principal single detached dwelling in a residential zoning district that does not already have a secondary suite. Only one garden or garage suite shall be permitted per residential site.

- 4.3.2** Garden and garage suites shall only be located in a rear or side yard.

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

- 4.3.4** Garden or garage suites shall have a minimum floor area of 41.8 m² (450 ft²) and a maximum floor area of 83.6 m² (900 ft²).

FIGURE 5. TYPES OF SECONDARY SUITES



- 4.3.5** The maximum height of a garden suite shall be 4.5 m (14.8 ft) and 5.5 m (18.0 ft) for a garage suite.
- 4.3.6** 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.
- 4.3.7** 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.
- 4.3.8** The garden or garage suite shall be connected to the Town's municipal water and wastewater system, unless the applicant is able to reasonably demonstrate that these services are not necessary.

4.4 SWIMMING POOLS

- 4.4.1** A swimming pool, private swimming pool, children's play pool or paddling pool may be allowed as a principal or accessory use subject to the Town of Moosomin Bylaw to Regulate and Ensure the Safe Operation of Private Swimming Pools, and 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 lights shall be designed, constructed, and maintained so not to disturb neighbouring properties.
 - (e)** All maintenance equipment such as heating, filtering, disinfectant, and re-circulation equipment shall be effectively screened or enclosed so as not to adversely affect neighbouring properties.

4.5 MODULAR & READY-TO-MOVE (RTM) DWELLINGS

- 4.5.1** In any district where a dwelling is allowed, the dwelling may be in the form of a modular or ready-to-move (RTM) dwelling but not a mobile dwelling, park model or trailer coach.

- 4.5.2** Modular and RTM dwellings shall be placed on a permanent foundation at a standard comparable to a conventional detached dwelling.
- 4.5.3** All wheels, hitches, and running gear must be removed and skirting must be installed within thirty days after the arrival of the home.
- 4.5.4** Modular and RTM dwellings shall complement neighbouring properties and shall not detract from the character of the area.
- 4.5.5** Modular and RTM dwellings shall be connected to Town water and sewer services.
- 4.5.6** Modular and RTM dwellings shall bear the applicable safety certification and shall meet the requirements of the National Building Code and Town Building Bylaw.

4.6 DAYCARES & PRESCHOOLS

- 4.6.1** 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.
- 4.6.2** In any residential district, 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 provided in accordance with **Section 3.9.2(c)** of this Bylaw.

4.7 RESIDENTIAL CARE HOMES

- 4.7.1** A residential care home may be developed in a single-detached dwelling provided that it obtains the required provincial license and operates in conformity with the applicable provincial act and regulations.
- 4.7.2** The residential care home shall comply with all Zoning Bylaw regulations for the single-detached dwelling.
- 4.7.3** The residential care home shall maintain the character of adjacent and nearby dwellings.

4.7.4 The operator and holder of the provincial license shall ensure that adequate supervision and care is available at the home at all times.

4.7.5 Signage shall be in accordance with **Section 3.9** of this Bylaw.

4.8 BED & BREAKFASTS

4.8.1 A bed and breakfast may operate as an accessory use in a detached dwelling provided that it is licensed by the Ministry of Health and completes a fire safety inspection report prior to beginning occupancy.

4.8.2 The operator of the bed and breakfast must be a full-time resident of the principal dwelling to which it is an accessory use.

4.8.3 No more than three (3) guest rooms shall be allowed in any bed and breakfast operation.

4.8.4 One additional off-street parking space shall be provided for each guest room.

4.8.5 The bed and breakfast shall not change the principal residential character or external appearance of the dwelling unit.

4.8.6 Signage shall be provided in accordance with **Section 3.9.2(c)** of this Bylaw.

4.9 ROOMING HOUSES

4.9.1 A rooming house may operate as a principle use provided that it complies with the development standards of the zoning district where it is located.

4.9.2 No more than six (6) guest rooms shall be allowed in any rooming house.

4.9.3 Each guest room must provide a minimum of 9.3 m² (100.1 ft²) of private living space.

4.9.4 One additional off-street parking space shall be provided for each guest room.

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

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

4.11 DWELLING GROUPS (planned unit development)

- 4.11.1** 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.
- 4.11.2** 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 2.8** of this Bylaw.
- 4.11.3** 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.
- 4.11.4** Each dwelling unit with the dwelling group must have access to an internal walkway or private road that connects to a public road.
- 4.11.5** Private roads internal to the development shall have a minimum width of 7.5 m (24.6 ft).
- 4.11.6** The density of a dwelling group shall be comparable to other permitted or discretionary uses listed in the zoning district.

4.12 MIXED-USE BUILDINGS

- 4.12.1** Where mixed-use buildings are listed as permitted or discretionary, dwelling units may be allowed above commercial establishment(s), subject to the Town Building Bylaw, the National Building Code of Canada, and all relevant provisions of this Bylaw.

4.12.2 Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment. An emergency exit must be provided in addition to the main entrance.

4.12.3 All dwelling units shall be furnished with facilities for cooking, sleeping, and washing.

4.12.4 One off-street parking space shall be provided for each dwelling unit.

4.13 SERVICE STATIONS & GAS BARS

4.13.1 Gas pump islands and underground storage tanks shall be located a minimum of 6 m (19.7 ft) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site, not including canopies situated above said pumping islands.

4.13.2 Associated above-ground fuel storage shall be subject to **Section 3.17** of this Bylaw.

4.13.3 Access and egress points shall not be continuous along a street and shall be at least 10 m (32.8 ft) apart.

4.14 DRIVE-THRU FACILITIES

4.14.1 A drive-thru business shall provide sufficient room in the ordering line for a minimum of five (5) vehicles, which shall not block access to parking stalls or create unsafe conditions for pedestrians.

4.14.2 Access and egress lanes shall be one-way and shall not be located and designed so as to create congestion within the development or on an adjacent street.

4.15 CANNABIS

4.15.1 A Cannabis Production Facility or Cannabis Retail Store may be allowed as a principal use in Commercial or Industrial zoning districts subject to the following regulations:

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

(b) Cannabis Production Facilities or Retail Stores shall not be located within 150 m (492.1 ft) of a primary or secondary school.

4.16 CAMPGROUNDS & RV PARKS

- 4.16.1** Any development permit application for a proposed campground or RV park shall be accompanied with a plan identifying the uses of land including the locations and sizes of all buildings, campsites, roadways, and other amenities.
- 4.16.2** A campground must provide clear numbered identification and boundaries of each campsite.
- 4.16.3** Campgrounds shall provide an all-weather internal roadway to serve all campsites, the driving width and surfacing material of which will be subject to the approval of the Development Officer.
- 4.16.4** A campground may include as accessory uses:
- (a)** A laundromat, washroom/shower facilities, and convenience retail designed to meet the needs of campground occupants.
 - (b)** Recreational facilities such as swimming pools, trails, mini-golf courses, and other outdoor or indoor facilities designed to provide leisure and amenity to campground occupants.
- 4.16.5** 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.

4.17 SOLAR COLLECTORS

- 4.17.1** Solar collectors may be permitted as accessory to an existing principal use subject to the following regulations:
- (a)** The solar collector must be located on the same site as the principal use;
 - (b)** The solar collector shall be used solely to produce electricity for uses on the same site, including net metering;
 - (c)** The solar collector shall be suitably installed and structurally secured according to the manufacturer's or professional engineer's certificate of structural safety;
 - (d)** Any solar collector not attached to a building shall adhere to the same setbacks as accessory buildings and structures in **Section 3.4.3** of this Bylaw; and
 - (e)** The solar collector shall comply with all regulations and standards of this Bylaw and any applicable provincial requirements.

4.18 SHIPPING CONTAINERS (OR SEA/RAIL CAN)

- 4.18.1** Shipping containers are prohibited in the R1, R2, and C1 zoning districts, unless used temporarily where the sole purpose is incidental to the construction or alteration of a building for which a building permit has been granted.
- 4.18.3** Shipping containers serving as temporary buildings or structures shall require a development permit in accordance with **Section 2.9** of this Bylaw.
- 4.18.2** A shipping container used for storage must meet the requirements for accessory buildings in **Section 3.4.3** of this Bylaw. Shipping containers, when stacked, must not exceed the maximum height for accessory buildings for the applicable zoning district.
- 4.18.4** Shipping containers shall not be located in the front or side yard of any principal structure.
- 4.18.5** Shipping containers permanently located on a site shall be restricted to the rear yard of the principal building and must be kept in good repair to the satisfaction of the Development Officer.
- 4.18.6** Shipping containers intended for uses other than storage shall adhere to the National Building Code and be subject to all permits and requirements applicable to that use.

4.19 COMMUNICATION TOWERS

- 4.19.1** 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.
- 4.19.2** 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.

5.0 ZONING DISTRICTS

5.1 CLASSIFICATION OF ZONING DISTRICTS

For the purpose of this Zoning Bylaw, the Town of Moosomin is divided into the following zoning districts that may be referred to by their corresponding symbols.

Zoning District	Symbol
Residential Low	R1
Residential Medium	R2
Downtown Commercial	C1
Regional Commercial	C2
Industrial	M
Community Service	CS
Urban Holding	UH

5.2 THE ZONING DISTRICT MAP

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 Moosomin 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 the Town of Moosomin 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.

5.5 SPECIAL PROVISIONS

5.5.1 Direct Control Districts (DCD)

Subject to the provisions of the OCP and *The Act*, Council may designate an area within the Town as a DCD subject to the following:

- (a) The purpose of a DCD is to identify areas of the Town where particular control over the use or development of land or buildings is necessary in order to establish, preserve or enhance:
 - i. A unique character;
 - ii. An environmental concern; or,
 - iii. A cultural, historic, archaeological, natural, scientific or aesthetic site identified in any municipal, provincial or federal legislation.
- (b) The use of the symbol "DCD" in conjunction with a sequential number (DCD-1, DCD-2) shall indicate site(s) that have been rezoned according to the DCD provisions.
- (c) Each approved DCD shall be added to this Bylaw as a new subsection. Only uses specified in the designated DCD, forming part of this Bylaw, shall be allowed according to the specified regulations and development standards.
- (d) Council may, through a development agreement with the applicant, specify the conditions necessary to ensure that developments in the DCD conform to the Official Community Plan and *the Act*.
 - i. Council may require that any such agreement run with the land and be registered as an interest against the affected title(s).
 - ii. A development agreement is deemed to bind the owner of the land affected by it and the owner's heirs, executors, administrators, successors and assigns. No use of land or buildings located on that land or any development of that land is to take place except in accordance with that agreement.

5.5.2 Contract Zone (C)

Subject to the provisions of the OCP and *The Act*, Council may rezone an area of land as a contract zone with corresponding contract agreement subject to the following:

- (a) The purpose of a contract zone is to permit the carrying out of a proposed development, which because of the shape, size, or other unique characteristics, may require special considerations to achieve the desired outcome.
- (b) The contract agreement may include the following provisions:
 - i. A description of the proposed development.

- ii. Reasonable terms and conditions with respect to the uses of the land and buildings, and the form and intensity of development.
 - iii. The site layout and external design including parking areas, landscaping, access and egress.
 - iv. Time limits within which the development, or portions of the development, must be carried out.
 - v. A condition that upon the rezoning of the land, none of the land or buildings shall be developed or used except in accordance with the contract agreement.
- (c) Council may require the payment of a performance bond prior to execution of the agreement for rezoning to assure that the terms of the contract agreement are implemented.
- (d) The rezoning agreement will not be signed until the public has had an opportunity to examine the proposed rezoning through a public notice in accordance with **Section 2.14** of this Bylaw and *The Act*, or revisions thereto. Signing of the contract agreement will be subject to approval of final reading of the amendment.
- (e) As required by *The Act*, an interest will be registered with Information Services Corporation against the title to the lands affected by the agreement, thereby binding the owner of the land and future landowners to the agreement.
- (f) Council may, upon application by the person who entered into an agreement pursuant to this subsection, or by any subsequent owner of the land to which the agreement pertains:
- i. Alter the agreement;
 - ii. Enter into a new agreement; or
 - iii. Extend any time limit prescribed in the agreement.
- (g) Council may declare a contract agreement void where:
- i. Any of the land or buildings are developed or used in contravention to the provisions of the agreement; or
 - ii. The development fails to meet a time limit prescribed by the agreement.
- (h) Where Council voids a contract agreement, the Zoning District of the land reverts to the District in which it was before rezoning the contract.
- (i) Where Council voids an agreement pursuant to the subsection, Council will:
- i. Give notice of the cancellation and the effect of the cancellation in one issue of a newspaper circulated within the Town; and
 - ii. Discharge the interest(s) registered in connection with the agreement.

5.5.3 Holding Provision (H)

Subject to the provisions of the OCP and *The Act*, Council may use the holding symbol "H" in conjunction with any zoning district, subject to the following:

- (a) The purpose of the holding provision shall be to allow Council to manage development and subdivision proposals in phases.
- (b) Council may rezone and manage development and subdivisions in phases by designating portions of land with a holding symbol, in conjunction with any zoning district.
- (c) The holding provision and symbol shall mean:
 - i. Development of land under the holding provision shall be restrictively managed; and
 - ii. Existing uses may continue, subject to provisions in the OCP and Zoning Bylaw.
- (d) The holding designation may only be removed by amendment to the Zoning Bylaw in accordance with *The Act*.

6.0 RESIDENTIAL LOW (R1)

6.1 INTENT

The purpose of the **Residential Low (R1)** zoning district is to accommodate the development of primarily single and two-unit residential dwellings. A limited range of medium density residential, public, and commercial uses in appropriate locations may be considered to encourage the creation complete communities.

6.2 PERMITTED & DISCRETIONARY USES

The below table outlines the Permitted Uses (approved by the Development Officer) and Discretionary Uses (approved by Council) that can be considered within the R1 zoning district in accordance with the procedures in **Section 2.0** of this Bylaw:

Permitted Uses	Discretionary Uses
<p>Residential Uses</p> <ul style="list-style-type: none"> • Single-detached dwellings. • Two-unit dwellings including semi-detached or duplex. • Residential care homes (4.7). <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Daycares & preschools (4.6). • Parks & playgrounds. • Public works buildings & structures excluding warehouse, storage yards, and waste or sewage facilities (3.2). <p>Accessory Uses</p> <ul style="list-style-type: none"> • Home-based businesses (4.1). • Secondary suites (4.2). • Swimming pools (4.4). • Bed & breakfasts (4.8). • Other customary accessory buildings, structures, & uses (3.4). 	<p>Residential Uses</p> <ul style="list-style-type: none"> • Special care facility. <p>Commercial Uses</p> <ul style="list-style-type: none"> • Confectionary or convenience store. <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Places of worship. • Community gardens. <p>Accessory Uses</p> <ul style="list-style-type: none"> • Garden & garage suites (4.3). • Private swimming pools (4.4).

6.3 DEVELOPMENT STANDARDS

The below development standards shall apply within the R1 zoning district:

Single-Detached & Duplex Dwellings	
Minimum site area	360 m ² (3,875 ft ²), except when there is no lane, then it shall be 450 m ² (4,844 ft ²).
Minimum frontage	12.0 m (39.4 ft), except when there is no lane, then it shall be 15.0 m (49.2 ft).
Minimum front yard	6 m (19.7 ft)
Minimum rear yard	4.5 m (14.8 ft)
Minimum side yard	1.2 m (3.9 ft), except on corner sites, where it shall be 3.0 m (9.8 ft) along the flanking street.
Maximum building height	11.0 m (36.1 ft)
Maximum site coverage	50%
Semi-Detached Dwellings (per side by side unit)	
Minimum site area	255 m ² (2,744 ft ²), except when there is no lane, then it shall be 315 m ² (3,391 ft ²).
Minimum frontage	8.5 m, except when there is no lane, then it shall be 10.5 m.
Minimum front yard	6.0 m (19.7 ft)
Minimum rear yard	4.5 m (14.8 ft)
Minimum side yard	1.2 m (3.9 ft), except on corner sites, where it shall be 3.0 m (9.8 ft) along the flanking street.
Maximum building height	11.0 m (36.1 ft)
Maximum site coverage	50%
Townhouse Dwellings, Triplexes, & Fourplexes (per side by side unit)	
The same per unit development standards as semi-detached dwellings above apply.	
All Other Principal Uses	
Minimum site area	450 m ² (4,844 ft ²)
Minimum frontage	15.0 m (49.2 ft)
Minimum front yard	6.0 m (19.7 ft)
Minimum rear yard	4.5 m (14.8 ft)
Minimum side yard	1.2 m (3.9 ft), except on corner sites, where it shall be 3.0 m (9.8 ft) along the flanking street.
Maximum building height	11.0 m (36.1 ft)
Maximum site coverage	60%
Parks, Municipal Uses, & Public Utilities	
No development standards provided the safety and amenity of the area is maintained.	

6.4 SUPPLEMENTARY STANDARDS

6.4.1 Standards for Discretionary Uses

Council will consider discretionary use applications in the Residential Low zoning district with respect to the intent, uses, and development standards of this schedule and may apply performance standards, development standards, or conditions related to:

- (a)** The Evaluation Criteria in **Section 2.8**;
- (b)** Any relevant General Regulations in **Section 3.0**;
- (c)** Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d)** The Vision, Goals, Objectives and Policies of the OCP.

6.4.2 Signs

Signs are subject to **Section 3.9**.

6.4.3 Off-Street Parking and Loading

Off-Street Parking and Loading are subject to **Section 3.10**.

6.4.4 Landscaping

Landscaping is subject to **Section 3.11**.

6.4.5 Outdoor Storage

Outdoor storage is subject to **Section 3.12**.

7.0 RESIDENTIAL MEDIUM (R2)

7.1 INTENT

The purpose of the **Residential Medium (R2)** zoning district is to accommodate a variety of medium density residential building types with more than two-units, including townhouses and apartment buildings. Smaller lots will be allowed to accommodate infill residential development.

7.2 PERMITTED & DISCRETIONARY USES

The below table outlines the Permitted Uses (approved by the Development Officer) and Discretionary Uses (approved by Council) that can be considered within the R2 zoning district in accordance with the procedures in **Section 2.0** of this Bylaw:

Permitted Uses	Discretionary Uses
<p>Residential Uses</p> <ul style="list-style-type: none"> • Single-detached dwellings. • Two unit dwellings including semi-detached or duplex. • Triplex, fourplex, or townhouse dwellings (4.10). • Apartment buildings (4.10) • Residential care homes (4.7). • Rooming houses (4.9). • Special care facility. <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Daycares & preschools (4.6). • Parks & playgrounds. • Public recreational facilities. • Public works buildings & structures excluding warehouse, storage yards, and waste or sewage facilities (3.2). <p>Accessory Uses</p> <ul style="list-style-type: none"> • Home-based businesses (4.1). • Secondary suites (4.2). • Swimming pools (4.3). • Bed & breakfasts (4.8). • Other customary accessory buildings, structures, & uses (3.4). 	<p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling groups (4.11). <p>Commercial Uses</p> <ul style="list-style-type: none"> • Confectionary or convenience store. • Art studios and galleries. <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Places of worship. • Community gardens. <p>Accessory Uses</p> <ul style="list-style-type: none"> • Garden & garage suites (4.3). • Private swimming pools (4.4).

7.3 DEVELOPMENT STANDARDS

The below development standards shall apply within the R2 zoning district:

Single-Detached, Duplex, & Semi-Detached Dwellings (per side by side unit)	
Minimum site area	255 m ² (2,744 ft ²), except when there is no lane, then it shall be 315 m ² (3,391 ft ²).
Minimum frontage	8.5 m, except when there is no lane, then it shall be 10.5 m.
Minimum front yard	4.5 m (14.8 ft), except where the site abuts a R1 site without an intervening street or lane, then 6.0 m (19.7 ft)
Minimum rear yard	4.5 m (14.8 ft)
Minimum side yard	1.2 m (3.9 ft), except on corner sites, where it shall be 3.0 m (9.8 ft) along the flanking street.
Maximum building height	11 m (36.1 ft)
Maximum site coverage	50%
Townhouse Dwellings, Triplexes, & Fourplexes (per side by side unit)	
The same per unit development standards listed above shall apply.	
Apartment Buildings	
Minimum site area	450 m ² (4,844 ft ²)
Minimum frontage	15.0 m (49.2 ft)
Minimum front yard	4.5 m (14.8 ft), except where the site abuts a R1 site without an intervening street or lane, then 6.0 m (19.7 ft)
Minimum rear yard	6.0 m (19.7 ft)
Minimum side yard	3.0 m (9.8 ft), or 25% of the average height of the wall, whichever is greater.
Maximum building height	13.0 m (42.7 ft)
Maximum site coverage	60%
All Other Principal Uses	
Minimum site area	450 m ² (4,844 ft ²)
Minimum frontage	15.0 m (49.2 ft)
Minimum front yard	4.5 m (14.8 ft), except where the site abuts a R1 site without an intervening street or lane, then 6.0 m (19.7 ft)
Minimum rear yard	6.0 m (19.7 ft)
Minimum side yard	1.2 m (3.9 ft), except on corner sites, where it shall be 3.0 m (9.8 ft) along the flanking street.
Maximum building height	11.0 m (36.1 ft)
Maximum site coverage	60%
Parks, Municipal Uses, & Public Utilities	
No development standards provided the safety and amenity of the area is maintained.	

7.4 SUPPLEMENTARY STANDARDS

7.4.1 Standards for Discretionary Uses

Council will consider discretionary use applications in the Residential Medium zoning district with respect to the intent, uses, and development standards of this schedule and may apply performance standards, development standards, or conditions related to:

- (a)** The Evaluation Criteria in **Section 2.8**;
- (b)** Any relevant General Regulations in **Section 3.0**;
- (c)** Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d)** The Vision, Goals, Objectives and Policies of the OCP.

7.4.2 Signs

Signs are subject to **Section 3.9**.

7.4.3 Off-Street Parking and Loading

Off-Street Parking and Loading are subject to **Section 3.10**.

7.4.4 Landscaping

Landscaping is subject to **Section 3.11**.

7.4.5 Outdoor Storage

Outdoor storage is subject to **Section 3.12**.

8.0 DOWNTOWN COMMERCIAL (C1)

8.1 INTENT

The purpose of the **Downtown Commercial (C1)** zoning district is to encourage a vibrant downtown experience by accommodating a wide range of pedestrian-oriented activities and services intended to serve the residents and visitors of Moosomin.

8.2 PERMITTED & DISCRETIONARY USES

The below table outlines the Permitted Uses (approved by the Development Officer) and Discretionary Uses (approved by Council) that can be considered within the C1 zoning district in accordance with the procedures in **Section 2.0** of this Bylaw:

Permitted Uses	Discretionary Uses
<p>Commercial Uses</p> <ul style="list-style-type: none"> • Retail services. • Confectionary or convenience stores. • Financial services (banks, credit unions, etc.). • Business & professional offices. • Personal service establishments • Medical, dental, & other health care clinics. • Public & commercial recreational establishments (fitness gyms, arcades, etc.). • Restaurants, cafes, bakeries, and other similar food processing & retail services. • Licensed premises for the sale & consumption of alcoholic beverages. • Small-scale arts, crafts, repairs, production & retail services (tailors, jewelers, crafts, art studios and galleries, etc.). • Theatres, cinemas, & performance venues. • Small-scale construction equipment & supplies without storage yards. • Outdoor or indoor markets & concessions. • Cannabis retail store (4.15). <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Libraries and cultural institutions. • Social clubs & lodges. • Community gardens. • Parks and playgrounds. • Public works buildings & structures excluding warehouse, storage yards, and waste or sewage facilities (3.2). 	<p>Commercial Uses</p> <ul style="list-style-type: none"> • Hotels & motels. • Mixed-use buildings (4.12). <p>Residential Uses</p> <ul style="list-style-type: none"> • Apartment buildings. • One (1) accessory dwelling unit for caretakers, owners, or managers of an approved use. <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Places of worship. <p>Accessory Uses</p> <ul style="list-style-type: none"> • Swimming pools (4.4).

Permitted	Discretionary
Accessory Uses Other customary accessory buildings, structures, & uses (3.4).	

8.3 DEVELOPMENT STANDARDS

The below development standards shall apply within the C1 zoning district:

All Commercial Uses Except Hotels & Motels	
Minimum site area	250 m ² (2,691 ft ²)
Minimum frontage	7.5 m (24.6 ft)
Minimum front yard	n/a
Minimum rear yard	n/a, except where the site abuts a residential district without an intervening street or lane, then 1.2 m (3.9 ft).
Minimum side yard	n/a, except where the site abuts a residential district without an intervening street or lane, then 1.2 m (3.9 ft).
Maximum building height	13.0 m (42.7 ft)
Maximum site coverage	75%
Hotels & Motels	
Minimum site area	450 m ² (4,844 ft ²)
Minimum frontage	15.0 m (49.2 ft)
Minimum front yard	n/a
Minimum rear yard	n/a, except where the site abuts a residential district without an intervening street or lane, then 3.0 m (9.8 m).
Minimum side yard	n/a, except where the site abuts a residential district without an intervening street or lane, then 3.0 m (9.8 m).
Maximum building height	13.0 m (42.7 ft)
Maximum site coverage	75%
Apartment Buildings	
Development standards in the R2 Zoning District apply.	
Parks, Municipal Uses, & Public Utilities	
No development standards provided the safety and amenity of the area is maintained.	

8.4 SUPPLEMENTARY STANDARDS

8.4.1 Standards for Discretionary Uses

Council will consider discretionary use applications in the Downtown Commercial zoning district with respect to the intent, uses, and development standards of this schedule and may apply performance standards, development standards, or conditions related to:

- (a)** The Evaluation Criteria in **Section 2.8**;
- (b)** Any relevant General Regulations in **Section 3.0**;
- (c)** Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d)** The Vision, Goals, Objectives and Policies of the OCP.

8.4.2 Signs

Signs are subject to **Section 3.9**.

8.4.3 Off-Street Parking and Loading

Off-Street Parking and Loading are subject to **Section 3.10**.

8.4.4 Landscaping

Landscaping is subject to **Section 3.11**.

8.4.5 Outdoor Storage

Outdoor storage is subject to **Section 3.12**.

9.0 REGIONAL COMMERCIAL (C2)

9.1 INTENT

The purpose of the **Regional Commercial (C2)** zoning district is to facilitate a range of commercial uses and facilities that require larger sites and convenient vehicular access to for highway traffic accommodating both local and the travelling public.

9.2 PERMITTED & DISCRETIONARY USES

The below table outlines the Permitted Uses (approved by the Development Officer) and Discretionary Uses (approved by Council) that can be considered within the C2 zoning district in accordance with the procedures in **Section 2.0** of this Bylaw:

Permitted Uses	Discretionary Uses
<p>Principal Uses</p> <ul style="list-style-type: none"> • Retail Services. • Restaurants & confectionaries including drive-thrus (4.14). • Financial services (banks, credit unions, etc.). • Business & professional offices. • Personal service establishments. • Medical, dental, & other health care offices or clinics. • Hotels and motels. • Shopping centres & strip malls. • Service stations & gas bars (4.13). • Car & truck washes. • Autobody shops. • Establishments for the sale, storage & servicing of motor vehicles, recreational vehicles, trailers, farm machinery & equipment. • Licensed premises for the sale & consumption of alcoholic beverages. • Theatres, cinemas, & performance venues. • Public & commercial recreational establishments (fitness gyms, arcades, etc.). • Garden centres & commercial greenhouses. • Cannabis retail store (4.15). <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Public works buildings & structures excluding warehouse, storage yards, and waste or sewage facilities (3.2). 	<p>Principal Uses</p> <ul style="list-style-type: none"> • Recycling & collection depots. • Agricultural processing facilities. • Lumber & building supply establishments • Indoor repair, rental, servicing, storage, or wholesale of any goods or materials excluding hazardous products. • Warehouses & storage units (3.12). • Construction trades & contractors' yards. • Manufacturing, fabricating, assembly, processing, production, or packaging of any goods or materials excluding hazardous products. • Communication towers (4.19). • Billboard Signs (3.9) • Highway Sign Corridor. <p>Accessory Uses</p> <ul style="list-style-type: none"> • One (1) accessory dwelling unit for caretakers, owners, or managers of an approved use.

Permitted	Discretionary
Accessory Uses <ul style="list-style-type: none"> Shipping containers (4.18). Other customary accessory buildings, structures, & uses (3.4). 	

9.3 DEVELOPMENT STANDARDS

The below development standards shall apply within the C2 zoning district:

All Commercial Uses Except Hotels & Motels, and Service Stations	
Minimum site area	500 m ² (5,382 ft ²)
Minimum frontage	15 m (49.2 ft)
Minimum front yard	6.0 m (19.7 ft)*
Minimum rear yard	3.0 m (9.8 ft)
Minimum side yard	1.5 m (4.9 ft)
Maximum building height	13.0 m (42.7 ft)
Maximum site coverage	75%
Hotels & Motels, and Service Stations	
Minimum site area	750 m ² (8,073 ft ²)
Minimum frontage	25.0 m (82.0 ft)
Minimum front yard	6.0 m (19.7 ft)*
Minimum rear yard	3.0 m (9.8 ft)
Minimum side yard	6.0 m (19.7 ft)
Maximum building height	13.0 m (42.7 ft)
Maximum site coverage	75%
Parks, Municipal Uses, & Public Utilities	
No development standards provided the safety and amenity of the area is maintained.*	
Notes:	
*Unless a greater minimum front yard setback is required by the Ministry of Highways and Infrastructure (MHI) pursuant to Section 3.15 of this Bylaw.	

9.4 SUPPLEMENTARY STANDARDS

9.4.1 Standards for Discretionary Uses

Council will consider discretionary use applications in the Regional Commercial zoning district with respect to the intent, uses, and development standards of this schedule and may apply performance standards, development standards, or conditions related to:

- (a)** The Evaluation Criteria in **Section 2.8**;
- (b)** Any relevant General Regulations in **Section 3.0**;
- (c)** Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d)** The Vision, Goals, Objectives and Policies of the OCP.

9.4.2 Signs

Signs are subject to **Section 3.9**.

9.4.3 Off-Street Parking and Loading

Off-Street Parking and Loading are subject to **Section 3.10**.

9.4.4 Landscaping

Landscaping is subject to **Section 3.11**.

9.4.5 Outdoor Storage

Outdoor storage is subject to **Section 3.12**.

10.0 INDUSTRIAL (M)

10.1 INTENT

The purpose of the **Industrial (M)** zoning district is to accommodate the orderly development of industrial uses, including a reasonable level of outdoor storage, which are not of an unsightly, hazardous, or offensive nature.

10.2 PERMITTED & DISCRETIONARY USES

The below table outlines the Permitted Uses (approved by the Development Officer) and Discretionary Uses (approved by Council) that can be considered within the M zoning district in accordance with the procedures in **Section 2.0** of this Bylaw:

Permitted Uses	Discretionary Uses
<p>Principal Uses</p> <ul style="list-style-type: none"> • Industrial parks with a combination of permitted uses. • Business & professional offices. • Service stations & gas bars (4.13). • Car & truck washes. • Indoor repair, rental, servicing, storage, or wholesale of any goods or materials excluding hazardous products. • Manufacturing, fabricating, assembly, processing, production, or packaging of any goods or materials excluding hazardous products. • Workshops, yards, or offices for any construction contractors or other trades; • Construction & sales of modular dwellings. • Establishments for the sale, storage and servicing of motor vehicles, recreational vehicles, trailers, farm machinery & equipment. • Semi-trailer & container parking lot. • Recycling & collection depots. • Wholesale trade stores, offices, & warehouse. • Public & commercial recreational establishments (fitness gyms, arcades, etc.). • Garden centres & commercial greenhouses. <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> • Public works buildings & structures excluding warehouse, storage yards, and waste or sewage facilities (3.2). 	<p>Principal Uses</p> <ul style="list-style-type: none"> • Licensed premises for the sale & consumption of alcoholic beverages. • Lumber & building supply establishments. • Bulk fuel sales & storage. • Fertilizer sales & storage. • Oilfield equipment parking lot & staging area. • Stockyards & auction marts • Salvage yards & auto wreckers. • Seed cleaning plants, feed mills & flour mills. • Meat processing plants & abattoirs. • Communication towers (4.19). • Billboard signs (3.9). • Highway Sign Corridor. • Cannabis retail store (4.15). • Work camp. <p>Accessory Uses</p> <ul style="list-style-type: none"> • One (1) accessory dwelling unit for caretakers, owners, or managers of an approved use.

Permitted	Discretionary
<p>Accessory Uses</p> <ul style="list-style-type: none"> Shipping containers (4.18). Other customary accessory buildings, structures, & uses (3.4). 	

10.3 DEVELOPMENT STANDARDS

The below development standards shall apply within the M zoning district:

All Principal Uses	
Minimum site area	500 m ² (5,382 ft ²)
Minimum frontage	15 m (49.2 ft)
Minimum front yard	6.0 m (19.7 ft)*
Minimum rear yard	3.0 m (9.8 ft)
Minimum side yard	1.5 m (4.9 ft)
Maximum building height	13.0 m (42.7 ft)
Maximum site coverage	75%
Parks, Municipal Uses, & Public Utilities	
No development standards provided the safety and amenity of the area is maintained.	
Notes:	
*Unless a greater minimum front yard setback is required by the Ministry of Highways and Infrastructure (MHI) pursuant to Section 3.15 of this Bylaw.	

10.4 SUPPLEMENTARY STANDARDS

10.4.1 Standards for Discretionary Uses

Council will consider discretionary use applications in the Residential Zoning District with respect to the intent, uses, and development standards of this schedule and may apply performance standards, development standards, or conditions related to:

- (a) The Evaluation Criteria in **Section 2.8**;
- (b) Any relevant General Regulations in **Section 3.0**;
- (c) Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d) The Vision, Goals, Objectives and Policies of the OCP.

10.4.2 Signs

Signs are subject to **Section 3.9**.

10.4.3 Off-Street Parking and Loading

Off-Street Parking and Loading are subject to **Section 3.10**.

10.4.4 Landscaping

Landscaping is subject to **Section 3.11**.

10.4.5 Outdoor Storage

Outdoor storage is subject to **Section 3.12**.

11.0 COMMUNITY SERVICE (CS)

11.1 INTENT

The purpose 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.

11.2 PERMITTED & DISCRETIONARY USES

The below table outlines the Permitted Uses (approved by the Development Officer) and Discretionary Uses (approved by Council) that can be considered within the CS zoning district in accordance with the procedures in **Section 2.0** of this Bylaw:

Permitted Uses	Discretionary Uses
<p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> Schools, learning centres, & other educational facilities. Places of worship. Daycare centres & preschools. Government offices, libraries, community halls, & other public facilities. Hospitals & other health facilities. Fire halls & police stations. Community gardens. Cemeteries. <p>Recreational Uses</p> <ul style="list-style-type: none"> Community centres & arenas. Swimming pools, skating rinks, & curling rinks. Sports fields, baseball diamonds, basketball courts, tennis courts, lawn bowling greens, & other similar uses. Skateboard parks. Trails & pathways for pedestrians, bicyclists, etc. Parks & playgrounds. <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none"> Public works buildings & structures excluding warehouse, storage yards, and waste or sewage facilities (3.2). <p>Accessory Uses</p> <ul style="list-style-type: none"> Shipping containers (4.18) Other customary accessory buildings, structures, & uses (3.4). 	<p>Principal Uses</p> <ul style="list-style-type: none"> Social clubs & lodges. Campgrounds & RV parks (4.16). Communication towers (4.19).

11.3 DEVELOPMENT STANDARDS

The below development standards shall apply within the CS zoning district:

All Principal Uses	
Minimum site area	n/a
Minimum frontage	n/a
Minimum front yard	4.5 m (14.8 ft)
Minimum rear yard	3 m (9.8 ft)
Minimum side yard	1.5 m (4.9 ft)
Maximum building height	11 m (36.1 ft)
Maximum site coverage	n/a
Parks, Municipal Uses, & Public Utilities	
No development standards provided the safety and amenity of the area is maintained.	

11.4 SUPPLEMENTARY STANDARDS

11.4.1 Standards for Discretionary Uses

Council will consider discretionary use applications in the Community Services zoning district with respect to the intent, uses, and development standards of this schedule and may apply performance standards, development standards, or conditions related to:

- (a) The Evaluation Criteria in **Section 2.8**;
- (b) Any relevant General Regulations in **Section 3.0**;
- (c) Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d) The Vision, Goals, Objectives and Policies of the OCP.

11.4.2 Signs

Signs are subject to **Section 3.9**.

11.4.3 Off-Street Parking and Loading

Off-Street Parking and Loading are subject to **Section 3.10**.

11.4.4 Landscaping

Landscaping is subject to **Section 3.11**.

11.4.5 Outdoor Storage

Outdoor storage is subject to **Section 3.12**.

12.0 URBAN HOLDING (UH)

12.1 INTENT

The purpose 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.

12.2 PERMITTED & DISCRETIONARY USES

The below table outlines the Permitted Uses (approved by the Development Officer) and Discretionary Uses (approved by Council) that can be considered within the UH zoning district in accordance with the procedures in **Section 2.0** of this Bylaw:

Permitted Uses	Discretionary Uses
<p>Principal Uses</p> <ul style="list-style-type: none">• Agricultural crop production & other customary passive agricultural uses.• Passive recreational uses.• Community gardens. <p>Community Service/Institutional Uses</p> <ul style="list-style-type: none">• Public works buildings & structures excluding warehouse, storage yards, and waste or sewage facilities (3.2). <p>Accessory Uses</p> <ul style="list-style-type: none">• Shipping containers (4.18).• Other customary accessory buildings, structures, & uses (3.4).	<p>Principal Uses</p> <ul style="list-style-type: none">• Commercial greenhouses.• Campgrounds & RV parks (4.16).• Communication towers (4.19).• Work Camp.

12.3 DEVELOPMENT STANDARDS

The below development standards shall apply within the UH zoning district:

All Principal Uses	
Minimum site area	16 hectares (40 acres)*
Minimum frontage	30.0 m (98.4 ft)
Minimum front yard	15.0 m (49.2 ft)
Minimum rear yard	6.0 m (19.7 ft)
Minimum side yard	15.0 m (49.2 ft)
Maximum building height	11.0 m (36.1 ft)
Maximum site coverage	n/a
Parks, Municipal Uses, & Public Utilities	
No development standards provided the safety and amenity of the area is maintained.	
Notes:	
*No subdivision of existing agricultural areas that results in a parcel area of less than 40 acres shall occur without an accompanying rezoning to an appropriate zoning district.	

12.4 SUPPLEMENTARY STANDARDS

12.4.1 Standards for Discretionary Uses

Council will consider discretionary use applications in the Urban Holding zoning district with respect to the intent, uses, and development standards of this schedule and may apply performance standards, development standards, or conditions related to:

- (a) The Evaluation Criteria in **Section 2.8**;
- (b) Any relevant General Regulations in **Section 3.0**;
- (c) Any relevant Regulations for Specific Uses in **Section 4.0**; and
- (d) The Vision, Goals, Objectives and Policies of the OCP.

12.4.2 Signs

Signs are subject to **Section 3.9**.

12.4.3 Off-Street Parking and Loading

Off-Street Parking and Loading are subject to **Section 3.10**.

12.4.4 Landscaping

Landscaping is subject to **Section 3.11**.

12.4.5 Outdoor Storage

Outdoor storage is subject to **Section 3.12**.

EXHIBIT A:

DEFINITIONS

Whenever the following words or terms are used in this Bylaw or the OCP, they shall be held to have the following meaning unless provided otherwise.

A

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

Above Ground Fuel Storage Tank: A commercial sized storage tank, any portion of which is above grade and contains gasoline; diesel fuel; propane; or, ethanol. Does not include smaller personal sized slip tanks or jerry cans.

Accessory: a use, building, or structure customarily associated with, incidental to, subordinate to, and located on the same site 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.

Administration: The employees and staff of the Town of Moosomin that work to implement policy with Administrator and Council.

Administrator: The Administrator or Chief Administrative Officer (CAO) of the Town of Moosomin.

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, subdivision approval or a bylaw amendment.

Automobile (Motor Vehicle): A self-propelled passenger vehicle that usually has two (2) to four (4) wheels; an internal combustion engine; alternative energy sources such as electrical, fuel cell or a hybrid of the two; 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 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*.

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: a subordinate building detached from a principal building, located on the same site, the purpose of which is to enclose a use accessory to or part of the principal use.

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

Building Height: The height of a building according to **Section 3.8** of this Bylaw.

Building Permit: a permit issued under the Building Bylaw of the Town of Moosomin, authorizing the construction of all or part of any building or structure, and does not include a Development Permit.

Building, Principle: a building within which the principal use of the lot is housed or conducted.

Bulk Fuel Sales and Storage: Includes land, buildings and structures for the storage and distribution of fuel and oil including retail sales or cardlock operations.

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, though not including the use of mobile homes or trailers on a permanent year-round basis.

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; excludes processing.

Cannabis Retail Store: A retail business operating from a storefront operation and authorized by *The Cannabis Control Act* (Saskatchewan) to sell any part of the cannabis plant, processed or unprocessed, including any derivative, concentrate, or edible product originating from the cannabis plant.

Cardlock: A petroleum dispensing outlet without full-time attendants.

Carport: A building or structure or part thereof, where the majority 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.

Car Wash: A building or portion of a building, which is used for the washing of vehicles, including full service, automatic and hand operated facilities.

Cemetery: Property used for the interment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

Club: A group of people organized for a common purpose, to pursue common goals, interest or activities, and usually characterized by certain membership qualifications.

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.

Community Facilities: Building 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 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: The store offering for sale primarily food products; beverages; personal care items; hardware; and, printed matter and which primarily provides a convenient day-to-day services to residents and visitors of the 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.

Construction Trades: Offices, shops and warehouses with or without retail sales for trades associated with construction of buildings.

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

Council: The elected Council of the Town of Moosomin.

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, adults, or seniors, though does not include the provision of overnight supervision.

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

Demolition Permit: A permit issued for the removal or dismantling of a building or structure within the Town boundaries as prescribed under *The Uniform Building and Accessibility Standards Act*.

Development: The carrying out of any building, engineering, mining or other operations, in, on, or over land, or the making of any material change in the use or the intensity of the use of any building or land.

Development Levy Agreement: An agreement entered into pursuant to Section 171 of *The Act*.

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

Development Permit: A document issued by the Town of Moosomin that authorizes development pursuant to this Bylaw, and does not include a Building Permit.

Driveway: The 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 divided horizontally into two (2) dwelling units with separate entrances that are 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 (RTM): 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, Multi-Unit: A building containing three (3) or more dwelling units including a triplex, fourplex, townhouse, or apartment that are distinct from a rooming house, hotel or motel.

Park Model, Dwelling (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 with separate entrances that are separated by a common party wall extended from the base of the foundation to the roofline.

Dwelling, Single-Detached: A building containing only one (1) dwelling unit that is occupied or intended to be occupied as a permanent home or residence, and that shall not include a Recreational Vehicle, Mobile Home, Truck Camper, 5th Trailer, or Trailer Couch as herein defined.

Dwelling, Townhouse: a building divided vertically into three or more attached dwelling units with common side walls under one roof, each having a separate exterior entrance.

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) 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.

Elevation: The height of a point on the Earth's surface above sea level.

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*.

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

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*.

Existing: In place, 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 according to Section 4.10 of this Bylaw.

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 habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sun lounge, unfinished basement, or attic.

Frontage (Site Frontage): The distance across the front site line along a public street (a site must front on a street).

G

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

Garage/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.

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

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

Greenfield Development: The development or subdivision of vacant or undeveloped land outside the built-up area.

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, though 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.

Greenways: Corridors or protected open spaces that are publicly or privately owned and managed for conservation and recreation purposes.

H

Hazardous Industry/Substance: A substance that, because of its quality, concentration or physical or chemical 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*.

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

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

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

Home-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 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, structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travelers, and where guests register or record is kept, though does not include a motel or rooming house.

Industrial Park: An area of land set aside for industrial development, usually located close to transport facilities, especially where more than one (1) transport mode coincides (i.e. highways, railways, airports).

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

Infill Development: Re-development within the Town's existing built-up area.

Infrastructure: All municipally owned sewer, water, drainage and other utility services, public highway facilities, park and recreation space facilities and any other buildings or facilities used for municipal operations.

Institutional Use: The use of land, buildings or structures for religious; charitable; educational; health; or, welfare purposes and included 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.

Intersection: An area where two or more streets or lanes meet or cross at grade.

J

Junked Vehicle: Any automobile; tractor; truck; trailer; or, other motorized vehicles that:

- a) Has no current valid licence plates attached to it; or,
- b) Is in a rusted; wrecked; partly wrecked; dismantled; partly dismantled; inoperative; or, abandoned conditions; and
- c) Is located on private land, though is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the Town of Moosomin and that does not form a part of a business lawfully being operated on that land.

K

L

Landfill: An area of land for disposing of solid waste.

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; walkways; patios; fences; and, similar outdoor amenities and does not include parking areas, parking lots or driveways.

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 measuring at least 2.5 m (8.2 ft) in width and 8.5 m (27.9 ft) in depth, located on a lot, and having access to a street or land, 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 term "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.

M

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

Mayor: The Mayor of the Town of Moosomin.

Mixed-Use: A mix of compatible and/or complementary 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.

Motel: a building or group of buildings on a lot designed and operated to provide individual rental units for the use of the traveling public, each unit containing at least a bedroom and bathroom and providing convenient access to a parking space for the use of the occupants of the unit.

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 Municipality.

N

Natural Areas: An area relatively undisturbed by human activities and characterised 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 passing 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 suspending in or transported by air); vibrations; electrical or electromagnetic fields; glare; or, light.

O

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

Official Community Plan (OCP): The Town of Moosomin Official Community Plan Bylaw No. 21-02, as per *The Planning and Development Act, 2007*.

Open Space: Passive and structured leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community, including parks; recreation; 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 temporary parking of more than four (4) vehicles and available for public or private use.

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

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 that shall be not less than 2.5 m (8.2 ft) in width and 5.5 m (18.0 ft) in length.

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.

Passive House: A voluntary standard for energy efficiency in housing design, which reduces the building's ecological footprint by requiring very little energy for space heating or cooling.

Personal Care Home: A facility licensed under the *Personal Care Homes Act* that provides long-term residential, social and personal care. This includes the accommodation; meals; supervision; or, assistance for persons who have limits on ability for self-care, and are unrelated to the operator or owner.

Personal Service Establishment: 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 Safety: Function of governments that ensure the protection of citizens, persons in the territory, organizations and institutions against threats to well-being and the prosperity of the community.

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; 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 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 mobile, modular (manufactured), or RTM dwelling that is constructed and used for year-round occupancy.

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

Recycling Collection Facility: A building or structure intended to accommodate the collection; sorting; processing; and, temporary storage of recyclable materials that would otherwise be considered waste. These types of uses include outdoor processing or storage.

Redevelopment: See “Infill Development”.

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

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. Limited facilities may be permitted to provide for a take-out food function provided that such a facility is clearly secondary to the primary restaurant use.

Retail Store (Shop): 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 principle retail use of the site.

Rezoning: The act of changing the land use zoning district of a parcel 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.

Rooming House (Boarding House): a building or dwelling group in which the principal use is to provide living units with sleeping areas and some combination of shared or separated bath, toilet and cooking facilities for short-term accommodation in exchange for compensation. May otherwise be commonly referred to as a lodging house or boarding house, but does not include bed & breakfasts, short-term rentals, hotels, motels, or residential care homes.

S

Safe Building Elevation (SBE): A level as defined by the Ministry of Government Relations, at the time of subdivision to which flood proofing is required. The SBE is calculated as the Estimated Peak Water Level (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.

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

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

Shipping Container (or Sea/Rail Can): 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.

Short-Term Rental: The short-term rental of an approved dwelling, portion thereof, or secondary suite for accommodations 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 Moosomin.

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.

Storage Facility: A commercial business that rents or leases storage rooms; lockers; containers; modular storage units; and/or, outdoor space for businesses and individuals to store and access their goods.

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

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

Shopping Centre: a group of permitted and/or discretionary uses located on the same site in one or more buildings for mutual benefit including off-street parking and other joint facilities.

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

Sign: any device, letter, figure, symbol, emblem or picture, which is affixed to or represented directly or indirectly upon the exterior of a building, structure or a piece of land and which

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 or thoroughfare.

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

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 from the 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, Temporary / Portable: 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 site to grade level at the centre of the sign.

Site: An area of land, consisting of one (1) or more continuous lots with the same landowner, considered as a unit devoted to a certain use or occupied by a building or permitted group of buildings, and the customary accessories and open spaces belonging to the same. For the purposes of this Bylaw the term "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.

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

Site, Through: A site not more than one lot in depth, having a frontage on two streets more or less parallel.

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

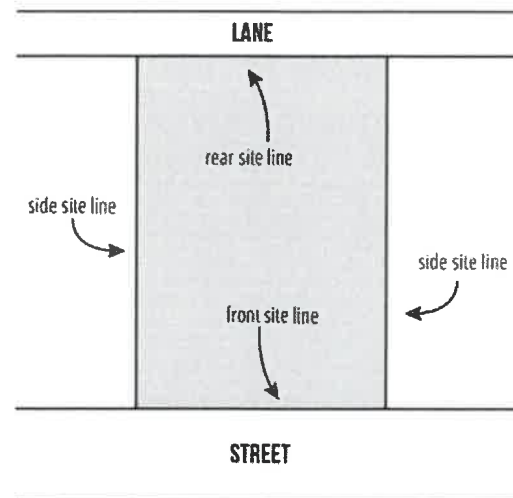
Site Line: Any boundary of a site.

Site Line, Front: The line separating the site from the street; for a corner site – the shorter line abutting a street; 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.

FIGURE 6. SITE LINES



Site Plan: A plan showing the location of existing and proposed buildings and other features on a site in relationship to the site lines as further described in **Section 2.5.4** of this Bylaw.

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

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).

Strip Mall: A building in which a minimum of three (3) and a maximum of six (6) of the permitted or discretionary uses of the zoning district, each with individual entrances, are located together for their mutual benefit.

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

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

Subdivision: A division of land, including 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, Private Swimming Pool, Children’s Play Pool or Paddling Pool: As defined by Town of Moosomin Bylaw No. 99-06.

T

(Tele)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.

Traffic Impact Assessment (TIA): An engineering study to determine the possible effects of proposed development on the transportation and traffic system to help mitigate any negative impacts on infrastructure and public safety.

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.

Trucking (Transportation) Firm Establishment: The use of land, buildings or structures for the purpose of storing; repairing; loading trucks, transporting trailers and/or buses, and does not include an automobile service station, transportation sales or rental outlets.

U

Use: The activity or purpose for which any land, building, structure or 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.

Utility Shed: An accessory building or structure used for the storage of goods with a maximum floor area of 9.3 m² (100 ft²).

V

Vehicle Repair and Maintenance Service, Indoor: Includes all land uses which perform maintenance services to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.

Visitor Information Centre: A building that provides information and services to visitors to a place such as a community, tourism amenities, services and others.

W

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

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.

Work Camp: A temporary residential complex used to house workers/contractors on a temporary basis of more than 28 days and less than two years. The camp is made up of three or more mobile units or travel trailers, clustered in such fashion as to provide sleeping, food preparation/eating, recreation, parking and other basic living facilities. Modular, manufactured, or any type of dwelling on permanent foundations are not permitted. Typically, this use is required seasonally to support the short-term housing demands of a large-scale construction workforce.

X

Y

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

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

Yard, Rear: The area 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.

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

Z

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 Moosomin.

EXHIBIT B:

ZONING DISTRICT MAP

This is the Zoning District Map that accompanies the Town of Moosomin Zoning Bylaw No. 2021-03. Changes to the Zoning District Map shall require an amendment (rezoning) in accordance with **Section 2.13** of this Bylaw.

TOWN OF MOOSOMIN

ZONING DISTRICT MAP



Exhibit 'A' of Zoning Bylaw No. 2021-18

[Signature]
MAYOR

[Signature]
ADMINISTRATOR

APPROVED ON THE 13th DAY OF Dec., 2021

MINISTRY OF GOVERNMENT RELATIONS

APPROVED
REGINA, SASK.
FEB 04 2022
[Signature]
Minister of Government Relations

LEGEND

- RESIDENTIAL LOW (R1)
- RESIDENTIAL MEDIUM (R2)
- DOWNTOWN COMMERCIAL (C1)
- REGIONAL COMMERCIAL (C2)
- INDUSTRIAL (M)
- COMMUNITY SERVICE (CS)
- URBAN HOLDING (UH)
- HIGHWAY NO. 1
- RAILWAYS
- SEWAGE LAGOONS
- SEWAGE LAGOONS BUFFER 300m
- TOWN BOUNDARY

