

SCHEDULE "B"
ZONING BYLAW
FOR THE VILLAGE OF LIPTON
BYLAW NO. 2, 1994

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PART I - INTRODUCTION

<u>Title</u>	This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Village of Lipton.
<u>Purpose</u>	The purpose of this Bylaw is to control the use of land in the Village of Lipton so as to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the municipality; and to implement the policies of the Basic Planning Statement.
<u>Scope</u>	No development shall hereafter be permitted within the limits of the Village of Lipton except in the conformity with the provisions of this Bylaw, the Basic Planning Statement and The Planning and Development Act, 1983.
<u>Severability</u>	A decision of a Court that one or more provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this Bylaw.

PART II - DEFINITIONS

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

<u>Accessory</u>	A use, separate building, or structure, normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure.
<u>Act</u>	The Planning and Development Act, 1983.
<u>Building</u>	Any structure constructed or placed on, in or over land but does not include a public highway.
<u>Building Principal</u>	A building in which the main or primary use of the lot is conducted.
<u>Council</u>	The Council of the Village of Lipton.
<u>Development</u>	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 intensity of the use of any building or land.

<u>Development Permit</u>	A document authorizing a development issued pursuant to this bylaw, but does not include a building permit.
<u>Discretionary Use</u>	A use of land or a building that may be permitted in a district only at the discretion of the Council and which may be subject to specific development standards.
<u>Dwelling</u>	A building or part of a building that may be used as a permanent residence excluding a mobile home, but including a prefabricated home.
<u>Dwelling Unit</u>	One or more rooms that may be used as a residence each unit having separate sleeping, cooking and toilet facilities.
<u>Dwelling, Multiple</u>	A building containing three or more dwelling units.
<u>Dwelling, Duplex</u>	A building divided horizontally into two dwelling units.
<u>Dwelling, Semi-detached</u>	A building divided vertically into two dwelling units by a common wall extending from the base of the foundation to the roof line.
<u>Dwelling, Single Detached</u>	A building containing only one dwelling unit.
<u>Home Occupation</u>	An occupation, trade, profession or craft conducted for gain in a dwelling unit or a conforming accessory structure by the resident or residents and which is incidental and secondary to the residence.
<u>Hotel</u>	A building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travellers, and where a guest register or record is kept.
<u>Lot</u>	An area of land with fixed boundaries which is of record in the Land Titles Office by Certificate of Title.
<u>Lot Line, Front</u>	A line separating the lot from the street; for a corner lot, the shorter line abutting a street.
<u>Lot Line, Rear</u>	The lot line at the rear of the lot and opposite the front lot line.

<u>Lot Line, Side</u>	The lot line other than a front or rear lot line.
<u>Minister</u>	The member of the Executive Council to whom for the time being is assigned the administration of the Act.
<u>Mobile Home</u>	A trailer coach that may be used as a dwelling all the year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and water closet or other similar facility that may be connected to a sewage system.
<u>Mobile Home Court</u>	A lot or parcel of land under single management for the placement of two or more mobile homes.
<u>Mobile Home Site</u>	An area within a mobile home court intended for the placement of a mobile home.
<u>Motel</u>	A hotel for temporary use by automobile tourists or travellers.
<u>Parking Lot</u>	Open space, other than a street, used for temporary parking of more than four automobiles and available for public use, or as accommodation for clients, employees or customers.
<u>Parking Space</u>	A space exclusive of a driveway, ramps, or columns but including convenient access to a public lane or street, for the parking of one automobile, which shall be no less than 2.7 metres (9 feet) in width.
<u>Public Work</u>	<ul style="list-style-type: none"> i) systems for the production or distribution of electricity; ii) systems for the distribution of natural gas or oil; iii) facilities for the storage, transmission, treatment, distribution or supply of water; iv) facilities for the collection, treatment, movement or disposal of sanitary sewage; or v) telephone or light distribution lines, that are owned or operated by the Crown or a municipality.
<u>Rooming House</u>	A building containing more than one rooming unit.
<u>Rooming Unit</u>	A room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this bylaw with sleeping facilities and not less than 13.9 square metres (149.4 square feet) of gross floor area but without private toilet facilities.

<u>Service Station</u>	A building or part of a building used for the retail sale of lubricating oils and gasolines, automobile accessories, and the servicing and minor repairing of motor vehicles, which may include a restaurant, car wash, or car sales lot as accessory uses.
<u>Shopping Centre</u>	A group of retail, business or office establishments located in a single building and providing for their mutual benefit off-street parking and other joint facilities.
<u>Sign</u>	Any figures, numbers, emblems, pictures, devices, marks or designs, intended to be visible from other than inside a building, for the purpose of making known any individual, association, business, industry or service, or for advertisement or for directing or obtaining attention.
<u>Structural Alteration</u>	The construction or reconstruction of the supporting elements of a building.
<u>Townhouse or Row House</u>	A building divided into three or more dwelling units located side by side under one roof and sharing common walls.
<u>Village</u>	Shall mean the Village of Lipton.
<u>Yard</u>	Open, uncovered space unoccupied by buildings or structures on a lot except as specifically permitted elsewhere in this Bylaw.
<u>Yard, Front</u>	That part of a lot extending across the full width of a lot between the front lot line and the nearest wall or supporting member of a principal building or structure.
<u>Yard, Rear</u>	That part of a lot extending across the full width of the lot between the rear lot line and the nearest wall or supporting member of a principal building or structure.
<u>Yard, Side</u>	That part of a lot extending from the front yard to the rear yard between the side lot line and the nearest wall or supporting member of a building or structure except where the wall or supporting member is supporting an uncovered patio or uncovered sun deck.

PART III - ADMINISTRATION

1. Development Officer

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

2. Development Permit

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

3. Development Permit Procedure

- A. An application for a development permit shall be made in writing to the Development Officer in any form prescribed by Council.
- B. Where an application for a development permit is made for a permitted use, the development officer shall issue a permit where the development is in conformity with this Bylaw.
- C. Where an application for a development permit is made for a discretionary use, the development officer shall advise the Council as soon as practicable.
- D. As soon as practicable after Council is advised that an application has been made for a development permit for a discretionary use, Council shall consider the application. Prior to making a decision on a discretionary use application Council shall notify each owner of property within a 75 metre (246 feet) radius of the proposed development, that it is considering an application for a discretionary use, and may refer the application to whichever government agencies or interested groups Council may consider appropriate.
- E. Upon approval of a discretionary use application by resolution of Council the development officer shall issue a development permit subject to any development standards prescribed by Council based on the guidelines for such standards contained in Part IV, Section 12 of this Bylaw.
- F. Where a development permit application includes a building plan or lot diagram and the Council or the development officer issues a permit in conformity with this Bylaw, a copy of that plan or diagram shall be attached

to and form part of the permit. Where the plan or diagram does not conform to the regulations of the Bylaw, the applicant shall be notified of the bylaw requirements. If the applicant agrees in writing to alter the application to conform to the bylaw, a permit shall be issued. If the applicant does not agree, the permit shall be refused.

- G. Every decision shall be in writing and a copy sent to the applicant.
- H. A development permit is valid for a period of twelve months.
- I. Where in the opinion of the development officer determines that a development is being carried out in contravention of any condition of a development permit or any provision of this Bylaw, the development officer shall suspend the development permit and notify the permit holder that the permit is no longer in force.
- J. Where the Council is satisfied that a development, the permit for which has been suspended, will be carried out in conformity with the conditions of the permit and the requirements of this Bylaw the Council may reinstate the development permit and notify the permit holder that the permit is valid and in force.

4. Referral to Saskatchewan Health

The Development Officer shall forward a copy of all approved development permit applications involving installation of water and sanitary services to the local office of Saskatchewan Health.

5. Development Not Requiring a Permit

A development permit is not required for the following:

- A. Maintenance, construction or installation of any public works.
- B. Fences under 1.8 metre in height.
- C. Accessory buildings or structures less than 9 square metres in area.
- D. Maintenance or repair of any building or structure not including structural alterations.
- E. Signs in residential districts which conform to Part IV, Section 7.

6. Development Appeals Board

- A. A Development Appeals Board is hereby established.
- B. The Development Appeals Board shall be appointed in accordance with Sections 92 and 93 of the Act.
- C. An appeal to the Development Appeals Board and therefrom to the Planning Appeals Committee, Saskatchewan Municipal Board may be taken in accordance with Section 96 of the Act.

7. Fee for Zoning Amendment Application

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

8. Offences and Penalties

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

- B. Accessory buildings shall not be located in a required front yard.
- C. Accessory buildings in a rear yard, shall not be located less than .75 metre from the side lot line.
- D. In a residential district, a carport or garage, up to 60 square metres in area shall be permitted.
- E. In a residential district, accessory buildings shall not exceed 5.25 metres in height.

9. Home Occupations

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

10. Outdoor Storage

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

11. Side Yard Exception

For semi-detached dwellings, townhouses, rowhouses or multiple unit dwellings no side yard shall be required where dwelling units share a common party wall.

12. General Development Standards Applicable to Discretionary Uses

- A. Sites shall be landscaped to maintain the character and amenity of the neighbourhood.
- B. Adequate on site parking shall be provided and maintained.
- C. Parking, storage and other non-landscaped areas shall be suitably screened from adjacent properties and streets.
- D. Adequate receptacles for refuse and litter shall be supplied.
- E. No objectionable sound, light, glare, heat, dust, or other emission shall be transmitted beyond the lot lines unless specifically permitted as a condition of

a development permit.

- F. Vehicle access and egress points shall be provided in suitable locations so as to minimize traffic congestion and possible hazards.

13. Off-Street Parking

Off-street parking shall be provided as follows:

<u>Use</u>	<u>Parking Spaces Required</u>
i) Multiple-unit dwellings	1.25 for each dwelling unit
ii) Other dwellings	1 for each dwelling
iii) Mobile homes	1 for each mobile home
iv) Rooming houses	1 for each rooming unit
v) Hotels, motels	1 for each unit
vii) Schools, educational institutions	2 for each classroom
viii) Other uses	1 for each 70 square m of gross floor area

PART V - ZONING DISTRICTS AND ZONING MAPS

1. Zoning Districts

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

Districts		Symbols
R1	- Residential District	R1
RMH	- Residential Mobile Home	RMH
C1	- Downtown Commercial	C1
C2	- Highway Commercial	C2
M	- Industrial	M
CS	- Community Service	CS
UR	- Urban Reserve	UR

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

2. Zoning Map

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 2,144^{AM}, adopted by the Village of Lipton signed by the Mayor and the Town Administrator under the Seal of The Town, shall be known as the "Zoning District Map" and such map is hereby declared to be an integral part of this Bylaw.

3. Holding Provision

- A. Where on the Zoning District Map the symbol for a zoning district has suffixed to it the holding symbol "H" any lands so designated on the map shall be subject to a holding provision in accordance with Section 84 of the Act.
- B. Any dwelling on lands subject to a holding provision may continue to be used and structural alterations and additions which conform to the regulations of the R1 - Residential District may be made.

PART IV - GENERAL REGULATIONS

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

1. Licences, Permits and Compliance with Other Bylaws and Legislation

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

2. Front Yard Reduction

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

3. Permitted Yard Encroachments

The following yard encroachments shall be permitted:

- A. Uncovered balconies, porches, verandahs, and decks may project 1.8 metres into any required front or rear yard.
- B. Window sills, eaves, gutters, bay windows, chimneys and similar non-structural alterations may project a distance of 60 centimetres into any required yard but not closer to a lot line than 15 centimetres.

4. Number of Principal Buildings Permitted on a Lot

Not more than one principal building shall be placed on any one lot, with the exception of schools, hospitals, curling and skating rinks, recreation centres, nursing homes and senior citizen homes, and multiple unit dwellings. The Development Officer shall advise the applicant in writing that adherence to the Bylaw Regulations and Provincial Subdivision Regulations (where applicable), will be necessary if any future application for subdivision is made.

5. Non-Conforming Buildings and Uses

- A. Any lawful use of land, an existing building or of any building lawfully under

construction at the date of approval of this Bylaw, although such use or building does not conform to the regulations of this Bylaw, shall be carried on in accordance with the provisions of Sections 113 to 118 inclusive, of the Act.

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

6. Grading and Levelling of Lots

Any lot proposed for development shall be graded and levelled at the owner's expense to provide for adequate surface drainage which does not adversely affect adjacent property.

7. Signs

- A. No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- B. Temporary signs not exceeding 3 square metre advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.
- C. In Commercial, Industrial and Urban Reserve Districts:
 - i) no more than two permanent signs are permitted per principal use
 - ii) the facial area of a sign may not exceed 3.5 square metres
 - iii) a sign may be double faced
 - iv) no sign shall exceed 10 metres in total height above the ground
 - v) signs advertising the principal use or the principal products offered for sale on the premises are permitted
- D. In Residential Districts
 - i) one permanent sign is permitted per lot
 - ii) in the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling
 - iii) the facial area of a sign may not exceed 0.1 square metre.

8. Accessory Buildings or Structure

- A. Accessory buildings shall not be located less than 1.2 metres from a lane.

4. R1 - Residential District1. Intent

The purpose of this district is to provide for low density residential development and related recreational and institutional uses.

2. Permitted Uses

The following are permitted uses in the R1 - District:

- i) Single detached dwellings
- ii) Semi-detached and duplex dwellings
- iii) Parks and playgrounds
- iv) Schools, educational institutions
- v) Cultural institutions
- vi) Hospitals
- vii) Places of worship, religious institutions
- viii) Public works (excluding offices warehouses and storage yards)

3. Discretionary Uses

The following are discretionary uses in the R1 - District:

- i) Home occupations
- ii) Day care centres, subject to Saskatchewan Social Services Regulations.

4. Regulations

	Requirement	Single Detached Dwellings	Semi-detached & Duplex Dwelling	Other Uses
i)	Lot area, minimum	360 sq. m with a lane, otherwise 450 sq. m	255 sq. m per unit with a lane, otherwise 315 sq. m per unit	450 sq. m*
ii)	Lot frontage, minimum for rectangular lots	12 m with a lane otherwise 15 m	8.5 m per unit with lane, otherwise 10.5 m per unit	15 m*
iii)	Front yard, minimum	6 m	6 m	7.5 m*
iv)	Rear yard minimum	8 m	8 m	7.5 m

v)	Side yard, minimum	1.5 m	1.5 m	3.5 m
vi)	Height, maximum	10.5 m	10.5 m	no maximum

*No minimum requirement for parks, playgrounds and public works.

5. RMH - Residential Mobile Home District

1. Intent

The purpose of this district is to provide for the development of mobile homes and related uses.

2. Permitted Uses

The following are permitted uses in the RMH Districts:

- i) Mobile homes
- ii) Public works (excluding offices warehouses and storage yards)
- iii) Parks and playgrounds

3. Discretionary Uses

The following are discretionary uses in the RMH District:

- i) Day care centres
- ii) Home occupations
- iii) Mobile home parks, subject to Saskatchewan Health Regulations.

4. Regulations

- i) Lot area, minimum 360 sq. m* with a lane
 460 sq. m without a lane
- ii) Lot width, minimum for 12 m with a lane
 rectangular lots 15 m without a lane
- iii) Front yard, minimum 5 m

*No minimum requirement for parks, playgrounds and public works.

6. C1 - Downtown Commercial District1. Intent

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

2. Permitted uses

The following are permitted uses in the C1 - District:

- i) Offices
- ii) Bakeries with retail sales
- iii) Personal service establishments
- iv) Banks and financial institutions
- v) Medical and dental offices and clinics
- vi) Printing plants, newspaper offices
- vii) Restaurants
- viii) Retail stores
- ix) Theatres, assembly halls
- x) Undertaking establishments, funeral homes
- xi) Hotels, motels
- xii) Service or repair shops
- xiii) Libraries, cultural institutions
- xiv) Places of worship, religious institutions
- xv) Service stations
- xvi) Lodges, social clubs
- xvii) Parking lots
- xviii) Public works (excluding warehouses and storage yards)
- xix) Dwelling units attached to commercial establishment
- xx) Automobile sales and service

3. Discretionary Uses

The following are discretionary uses in the C1 District:

- i) Shops of plumbers, pipe fitters, electricians and other industrial
- ii) Lumber yards and building supply establishments
- iii) Veterinary hospitals and clinics
- iv) Car washes
- v) Commercial recreation establishments
- vi) Establishments for the sale, storage and servicing of motor vehicles, trailers, farm machinery and equipment
- vii) Parking lots
- viii) Autobody shoppes

4. Regulations

- i) Minimum lot area 280 sq. m*
except 929 sq. m.
for service stations
- ii) Minimum lot frontage 7.5 m* except
30 m for service
stations
- iii) Minimum front yard Nil, except 7.5 m
for service stations
- iv) Minimum rear yard 6 m*
- v) Minimum side yard Nil, except 2.1 m
for uses abutting
a residential
district without an
intervening lane or street.
- vi) All dwelling units shall have an entrance separate from that of the commercial establishment. Dwelling units must be provided with a fire exit secondary to the required entrance.
- vii) Fuel pumps and other accessory equipment shall be located at least 6 m from any street or lot line.
- viii) All machinery, building supplies, automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened so as not to be visible from the street or adjacent lots.
- ix) Council may exempt from the requirement to provide off street parking facilities, any person who constructs a new building and pays or agrees to pay to the Council for each parking space that would otherwise be required.

*No minimum for public works except offices.

8. M - Industrial District1. Intent

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

2. Permitted Uses

The following are permitted uses in the M District:

- i) Railway and ancillary railway functions
- ii) Service stations
- iii) Grain elevators
- iv) Lumber and building supply establishments
- v) Establishments for the sale, storage, rental or servicing of motor vehicles, trailers, farm machinery, equipment and recreational vehicles
- vi) Machine shops, welding shops
- vii) Warehouses and wholesale establishments
- viii) Autobody shops
- ix) Car washes
- x) Shops of plumbers, pipefitters, metal workers and other industrial tradespeople
- xi) Truck and freight terminals
- xii) Cold storage and locker plants
- xiii) Public works

3. Discretionary Uses

The following are discretionary uses in the M District:

- i) Feed mills, seed cleaning plants subject to the Saskatchewan Environment and Public Safety Regulations
- ii) Bulk fertilizer and chemical sales subject to Saskatchewan Environment and Public Safety Regulations
- iii) Bulk fuel storage and sales subject to the Saskatchewan Human Resources, Labour and Employment regulations
- iv) Stockyards and auction marts

4. Regulations

- i) Lot area, minimum 929 sq. m
- ii) Lot frontage, minimum 30 m
- iii) Front yard, minimum 7.5 m
- iv) Rear yard, minimum 6 m
- v) Side yard, minimum 3 m
- vi) Fuel pumps and other accessory equipment shall be located at least 6 metres from any street or lot line.
- vii) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened.

*No minimum requirement for public works except for warehouses.

9. CS - Community Service District1. Intent

The purpose of this district is to reserve lands for development for schools, recreational and other community services uses.

2. Permitted Uses

The following are permitted uses in the CS District:

- i) Recreational uses including sports fields, parks, golf courses, curling rinks, skating rinks and other similar uses.
- ii) Public works (excluding offices, warehouses and storage yards)
- iii) Cemeteries

3. Regulations

- i) All permitted uses no minimum

10. UR - Urban Reserve District1. Intent

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

2. Permitted Uses

The following are permitted uses in the UR District:

- i) Agricultural cropping
- ii) Recreational uses including sports fields, campgrounds, parks, golf courses and rinks
- iii) Public works (excluding office buildings and warehouses)

3. Discretionary Uses

The following are discretionary uses in the UR District:

- i) Veterinary hospitals and clinics

4. Regulations

- i) Minimum lot area 1 ha except no minimum for public works

5. Rezoning of Land

Proposed rezoning of land from UR - Urban Reserve District to another land use shall be considered only where the rezoning and proposed development shall constitute orderly and economic development with regard to adjacent land uses, and future service requirement such as roads, schools and utilities.

PART VI - EFFECTIVE DATE OF THE BYLAW

This Bylaw shall come into force on the date of final approval by the Minister of Municipal Government.

