

2018

# Zoning Bylaw

Village of Viscount



## Zoning Bylaw for the Village of Viscount

The Village of Viscount

Bylaw No. 2017-050


A Bylaw of the Village of Viscount to adopt a Zoning Bylaw.

**Whereas** the Council of the Village of Viscount has authorized the preparation of an Zoning Bylaw for the Municipality in consultation with a professional community planner.

Whereas, in accordance with Section 207 of the Act, the Council of the Village of Viscount held a Public Hearing on Sept 12, 2018, in regards to the proposed bylaw, which was advertised in a weekly paper on Aug 13, 2018, and Aug 20, 2018, in accordance with the public participation requirements of the Act;

Therefore, the Council for the Village of Viscount in the Province of Saskatchewan, in open meeting hereby enacts as follows:


- 1) This bylaw may be cited as "The Village of Viscount Zoning Bylaw".
- 2) Bylaw No. 2-94 including all amendments are hereby repealed.
- 3) The Zoning Bylaw be adopted to provide regulations to guide and evaluate future development within the Municipality, as shown on 'Schedule A', attached to and forming part of this bylaw.
- 4) This bylaw shall come into force on the date of final approval by the Minister.

  
MAYOR

  
ADMINISTRATOR



Certified a true copy of Bylaw No. 2017-050 passed by Council on October 10, 2018

  
ADMINISTRATOR





## Schedule A

Village of Viscount

Bylaw No. 2017-050



## Zoning Bylaw for the Village of Viscount

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## Zoning Bylaw for the Village of Viscount

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### 1 Introduction

Under the authority of *The Planning and Development Act, 2007* (the Act), as amended, and Bylaw No. \_\_\_\_\_, the Official Community Plan, the Council of the Village of Viscount (Village) in the Province of Saskatchewan, in open meeting, hereby enact as follows.

#### 1.1 Title

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

#### 1.2 Scope

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

#### 1.3 Severability

If any section, clause or provision of this Bylaw, including anything shown on the Zoning District Map, is for any reason declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw as a whole or in part, other than the section, clause, provision or anything shown on the Zoning District Map, declared to be invalid.



## 2 Definitions

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

<b>Accessory:</b>	A use, or structure, normally incidental, subordinate, exclusively devoted to, and located on the same site as the principal use or building.
<b>Act:</b>	<i>The Planning and Development Act, 2007.</i>
<b>Administrator:</b>	The official Administrator for the Village of Viscount.
<b>Alteration:</b>	The structural change in, or addition to, a building or structure shall include a change from one type of use to another.
<b>Ancillary Use:</b>	A use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.
<b>Bare Land Condominium:</b>	Shall mean a condominium divided into bare land units as defined in <i>The Condominium Property Act, 1993.</i>
<b>Bare Land Unit:</b>	Shall mean a bare land unit as defined within <i>The Condominium Property Act, 1993.</i>
<b>Bed and Breakfast Home:</b>	A dwelling unit, licensed as a tourist home under <i>The Public Accommodation Regulations</i> , in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the travelling public for a charge.
<b>Building:</b>	A structure used for the shelter or accommodation of persons, animals, or chattels and includes any structure covered by a roof supported by walls or columns.
<b>Building Bylaw:</b>	Any Bylaw of the Village regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.
<b>Building Front Line:</b>	The line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which faces the front site line.
<b>Building Height:</b>	The vertical distance measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.
<b>Building Permit:</b>	A permit issued under The Building Bylaw of the Village of Viscount, authorising the construction or the addition to any building but does not include a Development Permit.
<b>Building Rear Line:</b>	The line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.
<b>Building Side Line:</b>	The line of the wall of the building, or any projecting portion of the building and production thereof excluding permitted obstructions, which faces the side site line.

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<b>Campground:</b>	The seasonal operation of an area of land managed as a unit, providing temporary short-term accommodations for tents, tent trailers, travel trailer, recreational vehicles and campers, used by travellers and tourists.
<b>Cemetery:</b>	Property used for the internment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.
<b>Clean Fill:</b>	Uncontaminated nonwater-soluble, non-decomposable, inert solids such as rock, soil, gravel, concrete, glass and/or clay or ceramic products. Clean fill shall not mean processed or unprocessed mixed construction and demolition debris, including, but not limited to, wallboard, plastic, wood or metal or any substance deemed corrosive, combustible, noxious, reactive or radioactive.
<b>Commercial:</b>	The use of land, buildings, or structures for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.
<b>Community Facilities:</b>	A building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.
<b>Construction Trades:</b>	Offices, shops and warehouses with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and similar construction trades.
<b>Convenience Store:</b>	A store offering for sale primarily food products, beverages, tobacco, personal care items, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.
<b>Council:</b>	The Council of the Village of Viscount.
<b>Day Care Centre:</b>	A facility for the non-parental care of over four (4) preschool age children on a daily basis and licensed under <i>The Child Care Act</i> .
<b>Deck:</b>	A raised open platform, with or without rails, attached to a principal building.
<b>Development:</b>	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 use of any building or land.
<b>Development Permit:</b>	A document authorizing a development, issued pursuant to this Zoning Bylaw.
<b>Dormitory Dwelling:</b>	A building, room or set of rooms used for the habitation of one or more persons, but does not include eating quarters.
<b>Discretionary Use:</b>	A use or form of development specified in this bylaw, which may be allowed following application to, and approval of the Council; and which complies with the development standards contained in this bylaw, as required by Council.
<b>Dwelling:</b>	A building or part of a building intended for residential occupancy.
<b>Dwelling, Duplex:</b>	A buildings divided horizontally into two dwelling units as herein defined.



<b>Dwelling Group:</b>	A group of two or more detached one unit dwellings, two unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.
<b>Dwelling, Multiple Unit:</b>	A building divided into two or more dwelling units as herein defined and shall include duplexes, town or row houses and apartment houses but not hotels, or motels.
<b>Dwelling, Single Detached:</b>	A detached building consisting of one dwelling unit as herein defined; and occupied or intended to be occupied as a home or residence, but shall not include a mobile home or trailer coach as herein defined.
<b>Dwelling Unit:</b>	One or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.
<b>Elevation:</b>	The height of a point on the Earth's surface above sea level.
<b>Environmental Reserve:</b>	Lands that have been dedicated to the Municipality by the developer of a subdivision as part of the subdivision approval process. Environmental reserves are those lands that are considered undevelopable and may consist of a swamp, gully, ravine, coulee or natural drainage course, or may be lands that are subject to flooding or are considered unstable. Environmental reserve may also be a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river stream or other body of water for the purposes of preventing pollution or providing access to the bed and shore of the water body.
<b>Existing:</b>	In place, or taking place, on the date of the adoption of this Bylaw.
<b>Fence:</b>	An artificially constructed barrier erected to enclose or screen areas of land.
<b>Flood:</b>	A temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.
<b>Flood Fringe:</b>	The portion of the flood plain where the waters in the 1:500 year flood are projected to be less than a depth of one metre or a velocity of one metre per second.
<b>Flood Proofing:</b>	Any combination of structural and non-structural additions, changes or adjustments to structures or land that will significantly reduce or eliminate flood damage to real estate or improved real property and their contents up to and including the design flood level plus a freeboard of 0.5 metres (1.64 feet).
<b>Flood Way:</b>	The portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.
<b>Floor Area:</b>	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.
<b>Frontage:</b>	The side of a site abutting a street and, in the case of a corner site, the shorter of the sides is the frontage.

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<b>Garage, Private:</b>	A garage used for storage purposes only, where no business, occupation or service is conducted for gain, other than an approved home based business, and in which no space is rented for commercial vehicles to a non-resident of the premises.
<b>Garage, Public:</b>	Any garage available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including painting, body work and major repairs.
<b>Garage, Storage:</b>	A public garage exclusively used for the storage of motor vehicles and where no repair facilities are maintained.
<b>Gas Bar:</b>	A building or facility used for the retail sale of motor vehicle fuels from fixed pumps.
<b>Hazard(ous) Land:</b>	Land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within a flood plain or watercourse.
<b>Hazardous Substance:</b>	A substance that, because of its quality, concentration or physical, chemical or infectious characteristics, either individually or in combination with other substances on the site is an existing or potential threat to the physical environment, to human health or to other living organisms.
<b>Home Based Business:</b>	An accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the buildings or site.
<b>Hotel:</b>	A building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel.
<b>Intersection:</b>	An area where two or more streets or lanes meet or cross at grade.
<b>Landscaping:</b>	The changing, rearranging, removing or adding to the original vegetation of a site, including site grading, addition or removal of topsoil, grass, trees, plants, sidewalks and other natural or decorative features.
<b>Lane:</b>	A public highway vested in the Crown as a secondary level of access to a lot or parcel of land.
<b>Legal Access:</b>	A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel is adjacent to a municipally maintained road, and meets the frontage requirements of appropriate Zoning District hosting the development.
<b>Lot:</b>	An area of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.
<b>Mayor:</b>	The Mayor of the Village of Viscount.
<b>Membrane Covered Structures:</b>	A structure consisting of a frame that is covered with a non-permanent material (plastic, fabric, canvas, etc.) which is used for storage.



<b>Minister:</b>	The member of the Executive Council to whom, for the time being, is assigned the administration of <i>The Planning and Development Act, 2007</i> .
<b>Mobile Home:</b>	A trailer coach that may be used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and a water closet or other similar facility that may be connected to a sewage system.
<b>Modular Home:</b>	A factory built home that is manufactured on as a whole or modular unit and is designed to be moved on removable chassis to be used as a one unit dwelling, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA - A277 standard.
<b>Motel:</b>	A series of dwelling units intended for the use of transient lodgers, each containing at least a bedroom and bathroom, and each having convenient access to a parking space for the occupants' use.
<b>Municipality:</b>	The Village of Viscount.
<b>Municipal Reserve:</b>	Dedicated lands: <ul style="list-style-type: none"><li>a) that are provided to a Municipality pursuant to clause 181(a) for public use; or</li><li>b) that were dedicated as public reserve and transferred to a Municipality pursuant to section 191, whether or not title to those lands has issued in the name of the Municipality.</li></ul>
<b>Municipal Road:</b>	A public roadway subject to the direction, control and management of the Municipality.
<b>Non-Conforming Building:</b>	A building: <ul style="list-style-type: none"><li>a) that is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued, on the date that this Bylaw or any amendment to the Bylaw affecting the building or land on which the building is situated or will be situated, becomes effective; and</li><li>b) that, on the date this Bylaw or any amendment hereto becomes effective, does not, or when constructed will not, comply with this Bylaw.</li></ul>
<b>Non-Conforming Site:</b>	A site, consisting of one or more contiguous parcels, to which all required permits have been issued on the date that this Bylaw or any amendment to the 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.
<b>Non-Conforming Use:</b>	A lawful specific use: <ul style="list-style-type: none"><li>a) being made of land or a building or intended to be made of a land or of a building lawfully under construction, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto becomes effective; and</li><li>b) that on the date this Bylaw or any amendment hereto becomes effective does not, or in the case of a building under construction or in respect of</li></ul>

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which all required permits have been issued will not, comply with this Bylaw.

<b>Office and Office Building:</b>	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, transhipped, sold or processed.
<b>Parking Lot:</b>	An open area, other than a street, used for the temporary parking of more than four vehicles and available for public use and the use of employees working on, or from, the site.
<b>Parking, Off-Street:</b>	Accommodation for the parking of vehicles off a public street or lane.
<b>Parking Space, Vehicle:</b>	A space within a building or parking lot for the parking of one vehicle and which has access to a developed street or lane, having minimum dimensions of 2.7 metres (8.86 feet) wide by 6.7 metres (21.98 feet) deep with direct lane access; 3.0 metres (9.84 feet) wide by 6.7 metres (21.98 feet) deep for a parallel space; and 2.7 metres (8.86 feet) wide by 6.0 metres (19.69 feet) deep for all other.
<b>Permitted Use:</b>	The use of land, buildings, or other structures that shall be permitted in a Zoning District where all requirements of this Zoning Bylaw are met.
<b>Personal Care Home:</b>	A facility licensed under <i>The Personal Care Homes Act</i> that provides long term residential, social and personal care, including accommodation, meals, supervision or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.
<b>Personal Service Shops:</b>	Establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, photographic studios and other similar uses.
<b>Place of Worship:</b>	A place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.
<b>Pole Shed</b>	A temporary structure characterized by the lack of a formal foundation which makes use of the poles dug into the ground, set in place using a stabilizing agent such as cement or concrete, to support the structures roof and walls. Typical uses for this type of structure include, but are not limited to, equipment storage, garages or workshops.
<b>Principal Use:</b>	The main activities conducted on a site.
<b>Principal Building:</b>	The main building in which the principal use of the site is conducted.
<b>Public Utility:</b>	A government, municipality or corporation under Federal or Provincial statute which operates a public work.
<b>Recreational Facility, Commercial:</b>	A recreation or amusement facility operated as a business and open to the general public for a fee.



<b>Recreational Facility, Public:</b>	A recreation or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public.
<b>Residence:</b>	A dwelling unit on a site.
<b>Residential:</b>	The use of land, buildings, or structures for human habitation.
<b>Residential Care Home:</b>	<p>A facility which:</p> <ul style="list-style-type: none"><li>• Provides meals, lodging, supervisory personal or nursing care to persons who reside therein for a period of not less than thirty days;</li><li>• Is duly licensed by the Province of Saskatchewan or certified as approved by the Province of Saskatchewan under an Act which provides for such licensing or certification; and</li><li>• May include only the principal residence of the operator or administrator</li></ul>
<b>Restaurant:</b>	A building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. However, limited facilities may be permitted to provide for a takeout food function provided such facility is clearly secondary to the primary restaurant use.
<b>Retail Store:</b>	A place where goods, wares, or merchandise are offered for sale or rent, and may include the some manufacturing of products to be sold on site.
<b>Right of Way:</b>	The right of way is the land set aside for use as a roadway or utility corridor. Rights of way are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing mitigative features. Sometimes, road rights of way are left vacant after the initial roadway facility is constructed to allow for future expansion.
<b>School, Public:</b>	A facility which meets Provincial requirements for elementary or secondary education, and which secures the majority of its funding from taxation.
<b>Sign:</b>	Any device, letter, symbol, emblem or picture, that is affixed to or represented directly or indirectly upon a building, structure, or a piece of land and that identifies or advertises any object, product, place, activity, person, organization, or business in such a way as to be visible to the public on any street, road, thoroughfare, or any other public place.
<b>Site:</b>	One or more contiguous lots under one ownership and used, or intended to be used, by a single principal use or principal building.
<b>Site Coverage:</b>	The portion of the site that is covered by principal and accessory buildings.
<b>Site Line, Front:</b>	The line that divides the site from the street. In the case of a corner site, the front site line shall mean the line separating the narrowest street frontage of the site from the street.
<b>Site Line, Rear:</b>	The line at the rear of the site and opposite the front site line.
<b>Site Line, Side:</b>	A site line other than a front or rear site line.

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<b>Site Width:</b>	The horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum front yard required for the district in which the site is located.
<b>Subdivision:</b>	A division of land as described in <i>the Land Titles Act</i> .
<b>Street:</b>	A public thoroughfare which affords the principal means of access to the abutting property.
<b>Structure:</b>	Anything that is erected, built or constructed of parts joined together and supported by the soil or any other structure requiring a foundation to hold it erect, but not including pavement, curbs, walks or open air surfaced areas.
<b>Tavern:</b>	A building or portion thereof where beer, wine, or spirits are served to patrons for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted.
<b>Trailer Coach:</b>	Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public roads or highways and includes as a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked-up.
<b>Use:</b>	The purpose or activity for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, or for which these may be occupied or maintained.
<b>Village:</b>	The Village of Viscount.
<b>Warehouse:</b>	A building used primarily for the storage of goods and materials.
<b>Waste Disposal Facility; Liquid:</b>	A facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.
<b>Waste Disposal Facility; Solid:</b>	A facility, not including a waste transfer station or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.
<b>Watercourse:</b>	A river, stream, creek, gully, ravine, spring, coulee, valley floor, drainage ditch or any other channel having a bed and sides or banks in which water flows either permanently or intermittently.
<b>Watershed:</b>	The land area from which surface runoff drains into a stream, channel, lake, reservoir, or other body of water; also called a drainage basin.
<b>Wetland:</b>	Land having the water table at, near, or above the land surface or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytes ("water loving") vegetation, and various kinds of biological activity which are adapted to the wet environment.



<b>Yard:</b>	The open, unoccupied space on a lot between the property line and the nearest wall of a building.
<b>Yard, Front:</b>	That part of a site which extends across the full width of a site between the front site line and the nearest main wall of a building or structure.
<b>Yard, Rear:</b>	That part of a site which extends across the full width of a site between the rear site line and the nearest main wall of a building or structure.
<b>Yard, Required:</b>	The minimum yard required by a provision of this bylaw.
<b>Yard, Side:</b>	The part of a site which extends from a front yard to the rear yard between the side line of a site and the nearest main wall of a building or structure.
<b>Zone:</b>	A land area within the municipality, designated on the Zoning Map for specific, uniform development and subdivision standards and requirements.

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### 3 Administration

#### 3.1 Development Officer

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

#### 3.2 Application for a Development Permit

- 3.2.1 Except where a particular development is specifically exempted from having a permit, no person shall undertake a development or commence a use without a development permit first being obtained.
- 3.2.2 A Development Permit shall not be issued in contravention of any provision of this Bylaw.
- 3.2.3 A building permit shall not be issued unless a Development Permit, where required, has also been issued.
- 3.2.4 Nothing in this Bylaw shall exempt any person from complying with the requirement of any other municipal, provincial or federal regulation and requirement and from obtaining any license, permission, permit, authorization or approval required by such requirements or regulations.
- 3.2.5 A Development Permit application shall be made in writing, on the form prescribed through resolution of Council, to the Development Officer.
- 3.2.6 The completed development permit application shall include:
  - a) A description of the intended use or proposed development including any change in building use or land use change;
  - b) Legal land description;
  - c) The signature of the applicant and the registered landowner(s);
  - d) A copy of the Certificate of Title;
  - e) Estimated commencement and completion dates;
  - f) Floor plans and elevations of the proposed development (which will be kept at the Municipal Office for future reference);
  - g) Any other information needed to assess the application;
  - h) An attached site plan which shall include:
    - 1) All adjacent roads, highways, service roads and access to the site (label on site plan);
    - 2) Rights-of-ways and easements (gas, oil, power, drainage easements, etc.);
    - 3) All drainage courses;



- 4) Location of proposed development;
- 5) Existing development and uses on the site;
- 6) Landscaping details (existing trees, removal of trees, proposed plantings, berming, water features, etc.);
- 7) Setbacks to property line, road and services;
- 8) Top of bank and water;
- 9) Existing and proposed services;
- 10) Sign location and details like artwork, colors, size, lights, etc.;
- 11) Parking and loading facilities;
- 12) Sidewalks, patios, playgrounds;
- 13) North arrow;
- 14) Any additional information deemed necessary by Council or the Development Officer.

### 3.3 Development Permit Procedure

3.3.1 The Development Officer will review all applications to ensure that the proposal complies with all applicable regulations in this Bylaw and the policies contained in the Official Community Plan.

- a) The Development Officer may refer any application to any internal or external departments or organizations for review or comment prior to a decision being made on the application.
- b) A report on all Discretionary Use Development Permit applications, including all relevant materials and referral comments, shall be prepared by the Development Officer and submitted to Council.

#### 3.3.2 Permitted Uses

- a) The Development Officer will be responsible for making a decision on a Development Permit application for a Permitted Use.
- b) There is no required public notice for Permitted Use Development Permit applications.
- c) The Development Officer will issue a development permit when the application meets the requirements of the Zoning Bylaw, incorporating any special regulations, performance standards or development standards authorized by this Bylaw.
- d) The Development Officer will issue a refusal when the application does not comply with the requirements of this Bylaw and write a letter to the applicant stating the reason for refusal and the opportunity to appeal the decision.

## Zoning Bylaw for the Village of Viscount

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- e) The Development Officer may refer any application to Council for review and direction, when the Development Officer considers it necessary.

### 3.3.3 Discretionary Uses

- a) Council is responsible for making a decision on a Development Permit application for a Discretionary Use.
- b) The Development Officer shall set a date for the meeting at which the Discretionary Use Development Permit application will be considered by Council.
- c) 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. The notice must be provided to the assessed owners of property within 75 metres (246.06 feet) of the boundary with the applicant's land; and any other owners the Development Officer feels should be notified or who may have an interest in the lands.
- d) Council's decision on the Discretionary Use Development Application will be based on the policies in the Official Community Plan, the provisions in this Zoning Bylaw, the report prepared by the Development Officer and the feedback from the public.
- e) Council shall make a decision, by resolution, that approves, approves with development standards or conditions, or refuses the Discretionary Use on that site and that instructs the Development Officer to:
  - 1) Issue a development permit incorporating any specific development standards set by Council, where the development complies with the standards of this Bylaw;
  - 2) Issue a notice of refusal to the applicant stating the reasons for the refusal, referencing the discretionary use criteria the application did not meet.

3.3.4 All applicants shall be provided the effective date of the decision and information on their right of appeal.

3.3.5 A new Development Permit approval is required for both Permitted and Discretionary Uses when:

- a) The approved use ceases and is replaced by another use;
- b) The approved use ceases for 12 month period;
- c) The development or use is not started within six (6) months from the date of approval;
- d) The intensity of the use increases.

3.3.6 All permits shall expire one year from the date of issuance and may be extended by the Development Officer for one or more periods to a maximum of two additional years.



### 3.4 Development Not Requiring A Permit

- 3.4.1 A development permit is not required for the following, provided that all other provisions and regulations of the Bylaw are conformed to:
- a) The maintenance and construction/installation of public utility by the municipality or crown corporation;
  - b) A municipal facility, building or structure installed and operated by the municipality;
  - c) Maintenance and repairs that do not include structural alterations;
  - d) The installation of fences
  - e) Accessory buildings under 10 square metres (100 sq. ft.) unless otherwise specified in this Bylaw.

### 3.5 Enforcement and Appeals

#### 3.5.1 Enforcement

- a) Where an approved development is not being developed in accordance with this Bylaw or with the standards and conditions specified in the Development Permit, the Development Officer may issue a stop work order to the owner of the property in accordance with Section 242 of *The Planning and Development Act, 2007*.

#### 3.5.2 Appeals

- a) Council shall appoint a Development Appeals Board (The Board) in accordance with Section 49 and 214 to 218 of *The Planning and Development Act, 2007*.
- b) The composition of the Board, the secretary, remuneration and expenses, powers, duties and responsibilities shall be as per Council's policy which shall be adopted by resolution.
- c) The Development Appeals Board has the authority to hear an appeal based on:
  - 1) The approval of development permit where it is alleged the Development Officer misapplied the zoning bylaw in approving the proposal;
  - 2) The refusal of the Development Officer to issue a development permit because the proposal contravenes the zoning bylaw;
  - 3) Council's approval of a discretionary use with development standards or conditions (only the conditions or standards may be appealed);
  - 4) An order to repair or correct contraventions
- d) The Development Appeals Board does not have the authority to hear an appeal where:
  - 1) A discretionary use application is refused;

## Zoning Bylaw for the Village of Viscount

- 2) Council refuses to amend a zoning bylaw or rezone land;
- 3) A decision concerns a subdivision application.
- e) Anyone starting an appeal must send written notice of appeal to the Secretary of the Development Appeals Board within:
  - 1) Thirty (30) days of a Development Officer's decision on a development permit being issued;
  - 2) Thirty (30) days of the failure of a Council to make a decision on a development permit;
  - 3) Thirty (30) days of receiving a development permit with terms and conditions; or
  - 4) Thirty (30) days under *The Planning and Development Act, 2007*, of an order being served to repair or correct contraventions.
- f) The Board must hold a public hearing on the appeal within thirty (30) days of receiving a notice of appeal.
- g) At least ten (10) days before the hearing, the Board must notify affected parties about the hearing. The notice must be served by personal service, ordinary mail or registered mail.
- h) In making an appeal to the Development Appeals Board, and hearing such appeal, the provisions of *The Planning and Development Act, 2007* shall apply.

### 3.6 Amending the Bylaws

- 3.6.1 Any person who seeks to amend the Official Community Plan or the Zoning Bylaw must submit an application for amendment to the Development Officer who shall review and then refer the application to Council for consideration.
- 3.6.2 The amendment application is subject to fees as set out in the Municipal Fees Bylaw.
- 3.6.3 Prior to Council's review, the Development Officer may refer the amendment application to any internal or external departments or organizations for review or comment (i.e. provincial departments, interested stakeholders, etc.).
- 3.6.4 The process for public notification and public participation during the Bylaw adoption process shall be as per the regulations of *The Planning and Development Act, 2007*.
- 3.6.5 Premature rezoning of land for any type of development shall not be practiced.
- 3.6.6 Council shall consider Zoning Bylaw amendments to accommodate proposals, only when specific development proposals, subdivision applications, servicing agreement and other information, as the case may be, have been presented to and reviewed by Council.
- 3.6.7 A certified copy of the Zoning Bylaw amendment shall be filed with the Ministry of Government Relations within 15 days after the adoption of the amendment.

## 4 General Regulations

### 4.1 Number of Principal Buildings Permitted on a Lot

- 4.1.1 Not more than one principal building shall be placed on any one lot, including lots that have been consolidated and/or parcel tied, with the exception of dwelling unit groups, health care clinics, mobile homes in courts, recreational facilities, schools, senior citizen's homes and special care homes.
- 4.1.2 Not more than one principal use shall be on any one lot, with the exception of public utility uses, commercial uses in one building and institutional uses.

### 4.2 Setbacks

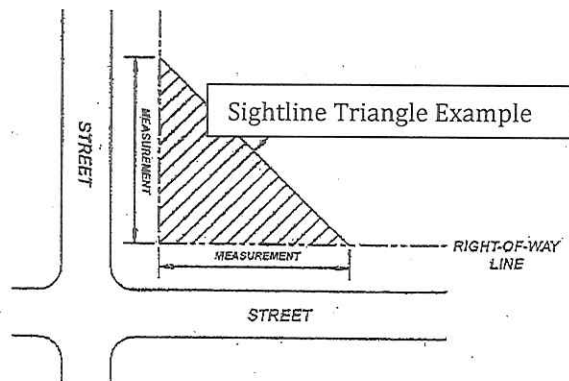
- 4.2.1 Window sills, eaves, gutters, bay windows, chimneys and similar non-structural alterations may project a distance of 0.45 metres (1.5 feet) into any required yard but not closer to a lot line than 1 metres (3.3 feet) to the lot line.
- 4.2.2 In all yards; trees, shrubs, sidewalks, uncovered driveways, fences, lighting fixtures and lamp posts shall not encroach on public property, unless the landowner enters into an agreement into with the municipality.
- 4.2.3 In all rear yards; recreation equipment, laundry drying equipment and garbage stands are not subject to setback regulations, but shall not encroach on public property.
- 4.2.4 In the case of a residential corner lot, no wall, fence, hedge or shrub shall be placed so as to create a visual obstruction in a street intersection sight triangle measured 5 metres (16.40 feet) from the intersection along the lot boundaries.
- 4.2.5 Allowable encroachment shall not obstruct or jeopardize the safety of the public.

### 4.3 Fences

- 4.3.1 Wall, fences, hedges or shrubs may be erected, placed, planted, maintained or grown in any required yard only in accordance with the following:

a) Residential Districts

- 1) Maximum height in any required yard exempt the required front yard shall be 2 metres (6.5 feet).
- 2) Maximum height in any required front yard shall be 1 metres (3.3 feet).





## Zoning Bylaw for the Village of Viscount

### b) Commercial and Industrial Districts

- 1) Maximum height in any required yard shall be 2.5 metres (8 feet), except in the case of a corner lot; no wall, fence, hedge or shrub shall be placed so as to create a visual obstruction in a street intersection sight triangle measured 5 metres (16 feet) from the intersection along the lot boundary.

### c) Other Districts

- 1) Maximum height in any required yard shall be 2.5 metres (8 feet).

## 4.4 Accessory Buildings

4.4.1 Accessory buildings shall not be the primary building on the site.

4.4.2 Accessory buildings shall be subordinate to and located on the same lot as the principal building or use and shall be used in conjunction with that principal use.

4.4.3 Accessory buildings shall not be constructed or placed on any lot prior to the construction of the principal building except for the following:

- a) Where a Development Permit has been issued for a principal building, Council may, allow an accessory building to be developed where the building is required for the storage of construction material and equipment. If the principal building is not completed within twelve (12) months from the approval date, the accessory building is to be removed.

### 4.4.4 Private Garages and Carports

- a) Private garages and carports attached to the principal building, or located less than 1 metre (3.3 feet) between the wall of the garage and the wall of the principal building, are considered as part of the principal building and subject to the regulations governing the principal building.

### 4.4.5 Location of Accessory Buildings

- a) Detached accessory buildings shall not be located in a front yard of any lot in any zoning district.
- b) No door shall, when open, extend beyond the property boundary of the lot.
- c) Subject to building code regulations, detached accessory buildings shall be located at least 1 metre (3.3 ft.) from a principal building.

## 4.5 Signs

4.5.1 No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

4.5.2 Temporary signs providing the sale or lease, sale of produce or other information relating to a temporary condition affecting the property are permitted.

4.5.3 No sign shall be located in Commercial, Industrial and Future Development Districts.

- a) Except for signs provided for in Section 4.5.2, no more than two permanent signs are permitted per principal use.
- b) The facial area of a sign may not exceed 7 square metres (75 square feet). If there are two signs on the property, the combined facial area shall not exceed 10 square metres (108 square feet).
- c) A sign may be double faced.
- d) No sign shall exceed 6 metres (20 feet) in total height above the ground.
- e) Signs advertising the principal use or the principal products offered for sale on the premises are permitted.
- f) Illuminated signs shall have an internal light source or an external light source shielded so that the light is directed only at the face of the sign.

#### 4.5.4 In Residential Districts:

- a) Except for signs provided for in Section 4.5.2 only one permanent sign is permitted per lot which shall not exceed 0.4 square metres (4 square feet).
- b) Multi-unit dwellings and non-residential uses (such as home based businesses) are permitted one sign showing the name of the building or the use of the property, the sign shall not exceed 1 square metres (11 square feet).

### 4.6 Grading and Leveling of Sites

- 4.6.1 Any site proposed for development requires a Development Permit and shall be graded and leveled at the owner's expense to provide for adequate surface drainage. Site drainage shall not adversely affect adjacent property, or the stability of the land.
- 4.6.2 All excavations or filling shall be re-vegetated immediately after other construction activities permit, with a suitable ground cover as may be necessary to prevent erosion.
- 4.6.3 Where excavation or filling is proposed for any development, Council may require the developer to provide an impact assessment report carried out by a qualified professional prior to making a decision on the Development Permit application.
- 4.6.4 All vegetation and debris in the area to be re-graded must be removed from the site prior to site grading and leveling.
- 4.6.5 All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the regarded area, or re-located to a site approved by Council.

### 4.7 Restoration to a Safe Condition

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

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## Zoning Bylaw for the Village of Viscount

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### 4.8 Hazard Lands

- 4.8.1 New buildings and additions to buildings shall be prohibited in the floodway of the 1:500 year flood elevation of any watercourse or water body.
- 4.8.2 New buildings and additions to buildings shall be flood proofed to an elevation of 0.5 metres (1.64 feet) above the 1:500 year flood elevation of any watercourse or water body.
- 4.8.3 Requirements for professional reports to assess site suitability of the hazard land shall be as per the Official Community Plan.
- 4.8.4 Actions identified in any assessment prepared which prevent, change, mitigate or remedy hazards in lands deemed hazardous may be incorporated as conditions to issuance of any development permit that may be issued. The Village will refuse a permit for any development for which the proposed actions are inadequate to address the adverse effects or will result in excessive municipal costs.

### 4.9 Home Based Business

- 4.9.1 Home based businesses shall be conducted entirely within the dwelling or accessory building on the property.
- 4.9.2 Signage shall be in accordance with this Zoning Bylaw.
- 4.9.3 There shall be no exterior display, no exterior storage or material and no other variation from the residential character of the building used for the home based business.
- 4.9.4 No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.
- 4.9.5 A home based business shall not result in undue traffic or parking issues in a residential area.
- 4.9.6 Only the resident(s) of the dwelling shall be engaged in the home based business.
- 4.9.7 Home based businesses shall not involve the repair or painting of vehicles or auto body work.

### 4.10 Outdoor Storage

- 4.10.1 In any residential district, only outdoor storage incidental to the principal use shall be permitted.
- 4.10.2 No outdoor storage shall be permitted in the required front yard of any lot.
- 4.10.3 At Council's discretion, in any Commercial, Industrial or Urban Reserve District all outside storage may be fenced and shall be screened with a solid fence or a hedge at least 1.8 metres (6 feet) in height.

### 4.11 Parking Requirements

- 4.11.1 The design of parking facilities shall minimize the danger between vehicular traffic and pedestrians.
- 4.11.2 Off-street parking shall be provided as follows:



### 3.7 Zoning Agreements

- 3.7.1 Where an application is made to Council to rezone land to carry out a specific development, Council may request that the applicant enter into a Zoning Agreement pursuant to Section 69 of *The Planning and Development Act, 2007*.
- 3.7.2 The agreement will describe the lands and the proposal for the lands and will also outline:
- a) The uses of the land and buildings or other forms of development that are proposed;
  - b) The site layout and design of external design (yard or lot);
  - c) Time limits.
- 3.7.3 The agreement shall run with the land, regardless of the landowner.
- 3.7.4 Council will register an interest on the title of the land when the Zoning Bylaw amendment is approved.

### 3.8 Servicing Agreements and Development Levies

- 3.8.1 Council may require a subdivision applicant to enter into a Servicing Agreement or development permit applicant to enter into a Development Levy agreement to ensure conformity with the Official Community Plan and Zoning Bylaw and to ensure adequate funding for on-site and off-site infrastructure development as allowed for in *The Planning and Development Act, 2007*.
- 3.8.2 Council will create and adopt a development levy bylaw to provide guidance when entering into development levy agreements.
- 3.8.3 Council may require the applicant to post and maintain a performance bond, irrevocable letter of credit or similar legal mechanism to ensure performance and to protect the public interest.
- 3.8.4 Council will require the applicant to provide and maintain liability insurance to protect the applicant, municipality and the public.
- 3.8.5 Council will ensure there is adequate municipal infrastructure and other public facilities prior to entering into the Agreement with the applicant, which may include sewage disposal, garbage disposal, availability and adequacy of source of water, recreational facilities, etc.

### 3.9 Fees and Advertising

- 3.9.1 The fees related to the Zoning Bylaw and Official Community Plan shall be set out in the Municipal Fees Bylaw.
- 3.9.2 All advertising shall be as per the requirements of *The Planning and Development Act, 2007*.

### 3.10 Non-Conforming Uses, Non-Conforming Buildings and Non-Conforming Sites

- 3.10.1 Non-conforming uses, non-conforming buildings and non-conforming sites shall be subject to Sections 88 - 93 inclusive of *The Planning and Development Act, 2007*.

## Zoning Bylaw for the Village of Viscount

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- 3.10.2 No existing building, site or use shall be deemed to be non-conforming by reason only of the conversion from the Imperial System of Measurement to the International System of Units (S.I.) where such nonconformity results solely from such conversion and is reasonably equivalent to the S.I. standard herein established.

### 3.11 Minor Variance

- 3.11.1 Council may vary the requirements of this Zoning Bylaw for the:
- a) Minimum required distance of a building from the lot line;
  - b) Minimum required distance of a building to any other building on the lot;
- 3.11.2 The maximum amount of variance given by Council shall not exceed 10% from the requirements established in this Zoning Bylaw. The development must conform to the land use requirements established in this Zoning Bylaw and shall not affect neighbouring properties.
- 3.11.3 The Development Officer shall refer the development permit application for the minor variance to Council. Council shall approve, approve with conditions or refuse the minor variance.
- 3.11.4 If the application is refused by Council, the Development Officer shall provide written notice to the applicant and provide reason for the refusal.
- 3.11.5 If the application is approved by Council, with or without conditions, the Development Officer shall provide written notice, delivered by registered mail, to the applicant and to the assessed owners of property who have a common boundary with the applicant's land. The notice shall contain a summary of the application and reasons for Council's approval as well as the effective date of the decision. The assessed property owners may lodge a written objection to Council or the Development Officer within twenty (20) days after the receipt of the notice. If an objection is lodged, the approval is deemed to be revoked and the Development Officer shall notify the development permit applicant, in writing, of the revocation of the approval and the applicants write to appeal the revocation to the Development Appeals Board within thirty (30) days after receiving the notice.
- 3.11.6 If an application for a minor variance is refused, the applicant may appeal the refusal to the Development Appeals Board within thirty (30) days of that decision.
- 3.11.7 A record shall be maintained by the Village of all minor variance applications in accordance with the *The Planning and Development Act, 2007*.



4.15 Dwelling Groups

4.15.1 All dwelling groups shall comply with the minimum site area and yard setbacks as stated in the residential districts. However, Council may apply special development standards regarding "yard requirements" to reduce conflict with neighbouring uses.

4.15.2 The use may include private open space and accessory buildings for the residents of the development which shall be subject to the yard requirements in the district in which it is located.

4.15.3 All principal buildings forming part of the group shall be located at least 3.5 metres (12 feet) from any other principal building in the group.

4.16 Free-Standing Satellite Dishes and Solar Collectors

4.16.1 The installation and operation of a free standing satellite dish, solar collector, and their supporting structures shall be permitted in all zoning districts, subject to the following:

a) In any District such structures shall not be located in any front yard, side yard and in the case of a corner site, in any portion of the rear yard which is within 3 metres (9.84 feet) of the side property line adjacent to a flanking street unless it is screened from the flanking street to the satisfaction of the Development Officer;

b) The height of the structure shall be at the discretion of the Development Officer and/or Council and shall be based on the material of the structure, surrounding uses, the consistency with the surrounding lots, and the requirements of the structure to function accurately.

4.17 Service Stations and Gas Bars

4.17.1 Fuel pumps and other apparatus for dispensing or storage of fuel, located all or partly above grade level, shall meet all provincial regulations and shall be at least 4.5 metres (15 feet) from a lot line.

4.17.2 All automobile parts, dismantled vehicles and similar articles or equipment are to be stored within a building or screened from public view.

4.18 Modular and Ready to Move Homes

4.18.1 A modular or ready to move (RTM) home is considered a residence for the purpose of this bylaw.

4.18.2 All residences, including modular and RTM homes, shall be attached to a permanent foundation or securely anchored to the ground and skirted prior to occupancy, as per Uniform Building and Accessibility Standard Act.

4.18.3 Every modular home shall bear CSA A277 certification (or replacement thereof). Every RTM home shall meet the National Building Code.

4.19 Mobile Home

4.19.1 Mobile homes will be a discretionary use in the Residential District and will require a development permit; any additions or alterations will require a new development permit application.



Use	Off-Street Parking Spaces Required
Multiple- Unit Dwellings	One (1) for each dwelling unit
Other dwellings	One (1) for each dwelling
Mobile homes	One (1) for each mobile home
Hotels, motels	One (1) for each unit
Restaurants, assembly halls, places of worship	One (1) for every ten (10) seats
Schools and institutions	Two (2) for each room
Other uses	One (1) for each 70 square metres (753.47 square feet) of gross floor area

4.12 Recreational Facilities Requirements

- 4.12.1 Road access to recreational facilities shall be designed so as to not obstruct or hinder the safe flow of traffic along major roads or highways in and around the Village.
- 4.12.2 Adequate off-street parking shall be provided to accommodate the parking volumes generated by a facility. The design of such off-street parking spaces shall minimize the danger between vehicular traffic and pedestrians.
- 4.12.3 New or expanded services to the recreational facility may be required and shall satisfy municipal and provincial standards.

4.13 Bed and Breakfast Homes

- 4.13.1 A bed and breakfast home may be located in a detached one-unit dwelling or in a two-unit dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- 4.13.2 The bed and breakfast operation shall be ancillary to the residential use of the property.
- 4.13.3 Signage shall be in accordance with Section 4.5.
- 4.13.4 The bed and breakfast home shall meet provincial regulations for a public accommodation.

4.14 Day Care Centres and Pre-Schools

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

- 4.19.2 Every mobile home shall bear CSA Z240 certification for mobile homes (or replacement thereof).
- 4.19.3 All mobile homes shall be securely anchored to the ground and the undercarriage shall be completely screened from view by skirting or other approved means that allows circulation of air beneath the unit.

### 4.20 Windmills and Wind Turbines

Windmills and wind turbines are prohibited within the Village limits.

### 4.21 Sea and Rail Containers

- 4.21.1 Are prohibited in all residential districts of the Village.
- 4.21.2 A Development Permit from the Village is required for each sea and rail container in commercial or industrial districts.
- 4.21.3 Sea and rail containers must meet the setback distances for the Zoning District.
- 4.21.4 Sea and rail containers must be located in the rear yard of the site.
- 4.21.5 No windows, plumbing, electrical and mechanical improvements or modifications are permitted.
- 4.21.6 No human or animal habitation will be permitted within a sea and rail container.
- 4.21.7 No dangerous or hazardous material or containers are permitted within the sea and rail container.

### 4.22 Pole Sheds

- 4.22.1 Are prohibited in all residential districts of the Village.
- 4.22.2 Pole sheds shall be permitted as an accessory structure in commercial and industrial districts provided they are located in the rear yard.
- 4.22.3 A Development Permit from the Village is required for each pole shed.
- 4.22.4 Development applications for a pole shed must include a drawing stamped by a Professional Engineer to ensure the structure will meet the requirements of the National Building Code of Canada.

### 4.23 Residential Care Homes

In addition to the general requirements regarding discretionary use applications provided in Section 4.23 of this Bylaw, the following additional considerations shall be made for all applications for a Residential Care Home.

- 4.23.1 The use shall be clearly incidental and secondary to the use of the dwelling unit as a private residence.
- 4.23.2 Required parking spaces may be located in a required front yard.
- 4.23.3 No building or structure used for the purpose of a residential care home shall be used for the purpose

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of keeping boarders or lodgers.

- 4.23.4 The use shall be conducted entirely within the dwelling unit and shall not have any exterior evidence of a secondary use.
- 4.23.5 There shall be no outside storage or exterior display of goods, materials or equipment associated with the applied use.
- 4.23.6 The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.

### 4.24 Processing and Manufacturing Operations

- 4.24.1 All operations with respect to processing and manufacturing shall be conducted within an enclosed building.
- 4.24.2 All materials and goods shall be stored within an enclosed building or within an area hidden from view by screening.
- 4.24.3 Council will consider appropriate separation to residences, tourist facilities, and restaurants in making a discretionary use decision.

### 4.25 Discretionary Use Standards and Criteria

4.25.1 The following criteria must be considered in the review of discretionary use applications:

- a) The proposal must be in conformance with all relevant sections of the Official Community Plan and Zoning Bylaw;
- b) There must be a supply of land currently available in the area capable of accommodating the proposed use and which provides sufficient separation to incompatible land uses;
- c) The proposal must be capable of being economically serviced including roadways and other supportive utilities and community facilities;
- d) The proposal must not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity;
- e) The proposal, including the nature of the proposed site, the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs, must be generally compatible with the height, scale, setbacks and design of buildings in the surrounding area, and with land uses in the general area, including safeguards to prevent noise, light, glare, heat, dust, odour or other emission from affecting nearby properties;
- f) The proposal must provide sufficient access and circulation for the vehicle traffic generated, as well as providing an adequate supply of on-site parking and loading spaces;



- g) The proposal must adequately address waste associated with the use and any receptacles required to do so shall be supplied by the developer; and
  - h) The proposal must provide sufficient landscaping and screening and, where possible, shall preserve existing vegetation.
- 4.25.2 In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
- a) Site drainage of storm water;
  - b) The location of buildings with respect to buildings on adjacent properties;
  - c) Access to as well as the number and location of parking and loading facilities;
  - d) Appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;
  - e) Control of noise, glare, dust and odour; and
  - f) Buffer areas, landscaping, screening and fencing to buffer adjacent properties.

## Zoning Bylaw for the Village of Viscount

### 5 Zoning Districts

#### 5.1 Classification of Zoning Districts

In order to carry out the purpose and provisions, the Village is divided into the following Zoning Districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

R	Residential District
C	Downtown Commercial District
HC	Highway Commercial District
M	Industrial District
UR	Urban Reserve District

#### 5.2 The Zoning District Map

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

#### 5.3 Boundaries of Zoning Districts

The locations and boundaries of all Zoning Districts are shown on the maps entitled "Zoning District Map" which are attached to, and form a part of this Bylaw. Unless otherwise shown on the map, the boundaries of the said districts are site lines, centre lines of streets, lanes, roads or such lines extended and the boundaries of the municipality.

## **6 (R) Residential District**

### **6.1 Permitted Uses**

- 6.1.1 Single detached dwellings
- 6.1.2 Parks, playgrounds and recreational facilities and uses
- 6.1.3 Community and municipal facilities and uses
- 6.1.4 Schools and educational institutions
- 6.1.5 Public works (excluding offices, warehouses, storage yards and sewage lagoons)
- 6.1.6 Residential accessory buildings
- 6.1.7 Accessory uses

### **6.2 Discretionary Uses**

- 6.2.1 Multiple unit dwellings
- 6.2.2 Dormitory dwelling
- 6.2.3 Medical offices and facilities
- 6.2.4 Dwelling groups
- 6.2.5 Mobile homes
- 6.2.6 Nursing homes
- 6.2.7 Religious uses, places of worship and cemeteries
- 6.2.8 Social clubs
- 6.2.9 Libraries
- 6.2.10 Daycare centres and pre-schools
- 6.2.11 Home based business
- 6.2.12 Residential Care Homes



## Zoning Bylaw for the Village of Viscount

### 6.3 Regulations

#### 6.3.1 Lot Requirements

##### a) Single detached dwellings and mobile homes:

Lot area minimum	360 square metres (3875 square feet) with lane
	450 square metres (4844 square feet) without lane
Lot frontage minimum	12 metres (40 feet) with lane
	15 metres (50 feet) without lane
Front yard minimum	7.5 metres (25 feet)
Rear yard minimum	7.5 metres (25 feet)
Side yard minimum	1 metre (3 feet)

##### b) Semi-detached and duplex (per dwelling unit):

Lot area minimum	255 square metres (2745 square feet) with lane
	315 square metres (3391 square feet) without lane
Lot frontage minimum	8.5 metres (28 feet) with lane
	10.5 metres (34 feet) without lane
Front yard minimum	7.5 metres (25 feet)
Rear yard minimum	7.5 metres (25 feet)
Side yard minimum	1 metres (3 feet)

##### c) Multiple unit dwellings / nursing homes:

Lot area minimum	600 square metres (6458 square feet)
	Plus 90 square metres (969 square feet) for each dwelling unit in excess of two on the ground floor
Lot frontage minimum	20 metres (66 feet)
Front yard minimum	7.5 metres (25 feet)
Rear yard minimum	7.5 metres (25 feet)
Side yard minimum	3.5 metres (11 feet) or one half the height of the side wall or the building whichever is greater
Lot coverage maximum	50%

d) All other uses:

Lot area minimum	450 square metres (4844 square feet)
Lot frontage minimum	15 metres (50 feet) with lane
Front yard minimum	7.5 metres (25 feet)
Rear yard minimum	7.5 metres (25 feet)
Side yard minimum	One half the height of the side wall or 3.5 metres (11 feet), whichever is greater

6.3.2 Accessory Buildings and Structures

- a) All buildings with a door or doors opening onto a lane shall be located not less than 1.5 metres (4.92 feet) from the lot line abutting the lane
- b) Accessory buildings shall be located not less than 0.75 metre (2.46 feet) from the side lot line; and 7.5 metres (24.61 feet) from the front lot line.
- c) Temporary, fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard for a period up to six (6) months.
- d) Permanent fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard only if they are by engineered design and require a valid building permit from the Village.
- e) In any required front yard only the following buildings or structures are allowed:
  - 1) Fences
  - 2) Lighting fixtures
  - 3) Sidewalks
  - 4) Driveways

6.4 Criteria and Standards for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply to discretionary uses in the R-District.

- 6.4.1 The use shall not negatively change the residential character of the immediate area or the use and enjoyment of adjacent lands for their existing use.
- 6.4.2 Multi-unit dwellings and places of worship shall, where possible, be located on corner lots to facilitate access.
- 6.4.3 Day care centres and pre-schools shall be subject to provincial regulations.

## **7 (C) Downtown Commercial District**

### **7.1 Permitted Uses**

- 7.1.1 Banks and financial institutions
- 7.1.2 Bakeries with retail sales
- 7.1.3 Personal service establishments
- 7.1.4 Bus terminals
- 7.1.5 Medical and dental offices and facilities
- 7.1.6 Restaurants
- 7.1.7 Confectionaries
- 7.1.8 Taverns
- 7.1.9 Retail stores
- 7.1.10 Theatres, assembly halls and commercial recreational establishments (not including skating or curling rinks)
- 7.1.11 Funeral homes
- 7.1.12 Hotels or motels
- 7.1.13 Dormitory, fraternal organizations, social clubs
- 7.1.14 Libraries, cultural institutions
- 7.1.15 Places of worship
- 7.1.16 Accessory uses related to a permitted use

### **7.2 Discretionary Uses**

- 7.2.1 Dwelling units
- 7.2.2 Single detached dwellings
- 7.2.3 Auto body shop
- 7.2.4 Accessory uses related to a discretionary use



7.3 Regulations

7.3.1 Lot Requirements:

Lot area minimum	Service stations – 930 square metres ( 10,010 square feet)
	All other uses – 230 square metres (2476 square feet)
Lot frontage minimum	Service stations – 30 metres (98 feet)
	All other uses – 7.5 metres (25 feet)
Front yard minimum	Service station – 7.5 metres (25 feet)
	All other uses – no requirement
Side yard	No minimum except where the side of a lot within this district abuts any Residential District without an intervening street or lane, a side yard of at least 1.5 metres (5 feet)
Rear yard	No minimum except where the rear of a lot within this district without an intervening street of lane, a rear yard of at least 6 metres (19.69 feet) shall be provided

7.3.2 Accessory Building and Structures

- a) Fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard only if they are by engineered design and require a valid building permit from the Village.

7.3.3 Service Stations

- a) Fuel pumps and other accessory equipment shall be located at least 6 metres (20 feet) from any street or lot line;
- b) All automobile parts, dismantled or partially dismantled vehicles and similar articles shall be stored within a building or screened from public view by a solid fence at least 2 metres (7 feet) in height.

7.3.4 Storage

- a) All outside storage shall be organized and sightly. If required by Council, for safety and obstruction outside storage shall be screened with a fence at least 2 metres (7 feet) in height.

7.4 Standards for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply to discretionary uses in the C-District.

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## Zoning Bylaw for the Village of Viscount

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### 7.4.1 Dwelling Units:

- a) Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment.
- b) An emergency exit must be provided in addition to the main entrance.
- c) The maximum floor area of all dwelling units in the building shall not exceed 49% of the buildings total floor area.
- d) The minimum floor area of each dwelling unit shall be 45 square metres (480 square feet).
- e) One off street parking space shall be provided for each dwelling unit.

### 7.4.2 Auto body shops:

- a) Auto body shops are to be operated entirely within a building.
- b) Outside storage is to be screened from public view by a fence or hedge at least 2 metres (7 feet) in height and no excessive amounts of noise or other emissions to be created.

## **8 (HC) Highway Commercial District**

### **8.1 Permitted Uses**

- 8.1.1 Bus terminal
- 8.1.2 Construction trades
- 8.1.3 Car wash
- 8.1.4 Veterinary clinics
- 8.1.5 Hotels or motels
- 8.1.6 Lumber and building supply establishments
- 8.1.7 Service stations
- 8.1.8 Agricultural equipment supply establishment
- 8.1.9 Motor and recreational vehicle dealers and service establishments
- 8.1.10 Buildings, structures or uses secondary and subordinate to and located on the same site as the principal uses

### **8.2 Discretionary Uses**

- 8.2.1 Gravel and cement operations
- 8.2.2 Bulk fuel depots
- 8.2.3 Bulk fertilizer operations
- 8.2.4 Auto body shops
- 8.2.5 Warehouses and storage yards
- 8.2.6 Seed cleaning plants



## Zoning Bylaw for the Village of Viscount

### 8.3 Regulations

#### 8.3.1 Lot Requirements:

Lot area minimum	Farm machinery dealership – 1100 square metres (11840 square feet)
	Service stations – 930 square metres (10,010 square feet)
	All other uses – 730 square metres (7858 square feet)
Lot frontage minimum	Service stations, motels & hotels, and agricultural equipment establishments – 30 metres (98 feet)
	All other uses – 20 metres (65 feet)
Front yard minimum	Motels– 15 metres (49 feet)
	All other uses – 6 metres (20 feet)
Side yard	3 metres (10 feet)
Rear yard	6 metres (20 feet)

#### 8.3.2 Service Stations

- a) Fuel pumps and other accessory equipment shall be a minimum of 6 metres (19.69 feet) from any street or lot line.
- b) Dismantled or partially dismantled vehicles and similar articles shall be stored inside or screened from public view by a solid fence.

#### 8.3.3 Servicing

- a) Uses which require connection to the municipal sewer system are to be located in areas which can be serviced from existing lines. Uses which located outside that area are to be connected to a private sewage disposal system approved by Regional Health.

### 8.4 Criteria and Conditions for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply to discretionary uses in the HC-District.

- 8.4.1 Off-street parking shall be provided to at least one (1) space per 55 square metres (592.02 square feet) of building area or for each employee whichever is greater.
- 8.4.2 Access to lots for discretionary uses or developments shall be located to ensure that heavy truck traffic does not have to utilize residential streets for entrance or exit.
- 8.4.3 All operations shall comply with all provincial and federal regulations.
- 8.4.4 All outside storage shall be fenced and where the area abuts a residential area without an intervening

street or lane, the storage area shall be screened with a solid fence or hedge at least 2 metres (7 feet) in height.

8.4.5 Sites for discretionary uses or development are not to take access to Highway 16.

## **9 (M) Industrial District**

### **9.1 Permitted Uses**

- 9.1.1 Lumber and building supply establishments
- 9.1.2 Warehouses
- 9.1.3 Service stations
- 9.1.4 Industrial equipment storage, sales and maintenance yards
- 9.1.5 Agricultural equipment supply establishment
- 9.1.6 Motor vehicle and trailer dealers and service establishments
- 9.1.7 Auto body shops
- 9.1.8 Car washes
- 9.1.9 Construction trades
- 9.1.10 Welding shops
- 9.1.11 Railways
- 9.1.12 Heavy equipment storage and maintenance yards
- 9.1.13 Buildings, structures or uses secondary and subordinate to and located on the same site as the principal uses

### **9.2 Discretionary Uses**

- 9.2.1 Grain elevators, fertilizer and seed cleaning plants
- 9.2.2 Bulk fuel dealerships and storage
- 9.2.3 Bulk fertilizer operations
- 9.2.4 Abattoirs
- 9.2.5 Manufacturing and processing operations



### 9.3 Regulations

#### 9.3.1 Lot Requirements

Lot area minimum	Motor vehicle or farm machinery dealership – 1100 square metres (11840 square feet).
	All other uses – 930 square metres (10010 square feet)
Lot frontage minimum	30 metres (98 feet)
Front yard minimum	6 metres (20 feet)
Side yard	3 metres (10 feet)
Rear yard	6 metres (20 feet)

#### 9.3.2 Service Stations

- a) Fuel pumps and other accessory equipment shall be set back a minimum of 6 metres (19.69 feet) from any street or lot line.

### 9.4 Criteria and Conditions for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply to discretionary uses in the M-District.

- 9.4.1 Off-street parking shall be provided to at least 1 space per 55 square metres (592.02 square feet) of building area or for each employee whichever is greater.
- 9.4.2 All operations shall comply with all provincial and federal regulations.
- 9.4.3 All outside storage shall be fenced and where the area abuts a residential area without an intervening street or lane, the storage area shall be screened with a solid fence or hedge at least 2 metres (7 feet) in height.

Zoning Bylaw for the Village of Viscount

10 (UR) Urban Reserve District

10.1 Permitted Uses

- 10.1.1 Agricultural, which includes crop farming, grazing and pasturage and cultivation of land but does not included intensive livestock or poultry operations.
- 10.1.2 Buildings, structures or uses secondary and subordinate to, and located on the same site as the principal building or use.

10.2 Discretionary Uses

- 10.2.1 Sports fields, parks, golf courses
- 10.2.2 Cemeteries
- 10.2.3 Campgrounds or picnic grounds

10.3 Regulations

- 10.3.1 Lot Requirements

Lot Area Minimum	
Agriculture	16 hectares (40 acres)
Other Uses	0.5 hectares (1.2 acres)

10.4 Criteria and Conditions for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply to discretionary uses in the UR-District.

- 10.4.1 Campgrounds:
  - a) The operator of a campground shall provide the Development Officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, and material change in use of portions of land, or the filling or clearing of land shall require a Development Permit, and the operator shall submit for approval an amended plan incorporating the development.
  - b) A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 metres (14.76 feet) and the buffer area shall contain no buildings.
  - c) The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 square metres (1614.59 square feet) in area with its corners clearly marked.
  - d) One (1) permanent sign located on site advertising the campground is permitted per site;

- e) No portion of any campsite shall be located within a roadway or required buffer area.
- f) Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- g) Each trailer coach shall be located at least 3 metres (9.84 feet) from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- h) The space provided for roadways within a campground shall be at least 7.5 metres (24.61 feet) in width.
- i) No portion of any campsite, other use or structure shall be located in any roadway.
- j) The Public Health Act shall be complied with in respect to all operations and development of the campground.





# Village of Viscount

## Zoning Bylaw Map



### Legend

- C- Downtown Commercial District
- M- Industrial District
- R- Residential District
- UR- Urban Reserve District
- HC- Highway Commercial District

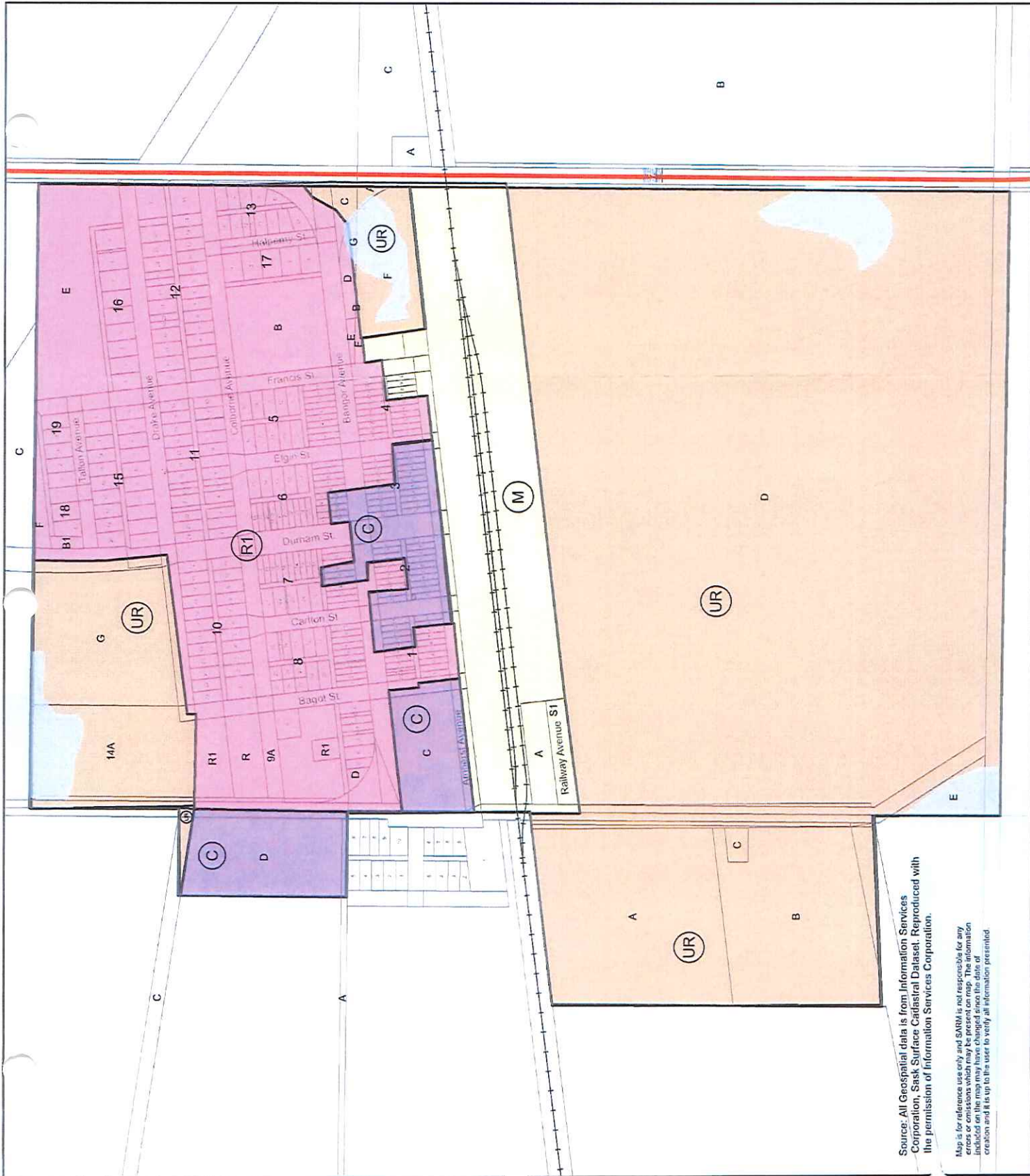
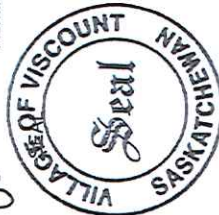
- Railline
- Highway
- Waterbody



This is the Zoning District Map which accompanies Bylaw No. 2017-050 adopted by the Village of Viscount

Mayor

Administrator



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