



# **Burstall Zoning Bylaw**

## **Bylaw No. 2022-197**



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# 1 Introduction

## 1.1 Authority

Under the authority granted by *The Planning and Development Act, 2007*, the Mayor and Council of the Town of Burstall in the Province of Saskatchewan, in open meeting, hereby enact as follows:

## 1.2 Title

This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Town of Burstall.

## 1.3 Purpose

- 1.3.1 The purpose of this Bylaw is to regulate development and to control the use of land in the Town of Burstall in accordance with the Town of Burstall Official Community Plan Bylaw 2022-198.
- 1.3.2 The intent of this Zoning Bylaw is to provide for the amenity of the area within the Town of Burstall (hereinafter referred to as Burstall) and for the health, safety, and general welfare of the inhabitants of Burstall and area:
  - a) To minimize land use conflicts;
  - b) To establish minimum standards to maintain the amenity of the Town;
  - c) To ensure development is consistent with the physical limitations of the land;
  - d) To restrict development that places undue demand on the Town for services; and
  - e) To provide for land-use and development that is consistent with the goals and objectives of the Town.

## 1.4 Scope

This Bylaw applies to all land included within the boundaries of the Town of Burstall. All development within the limits of the Town of Burstall shall hereafter conform to the provisions of this Bylaw.

## 1.5 Severability

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

## 2 Definitions

Whenever the subsequent words or terms are used in the Town of Burstall Official Community Plan, Bylaw No. 2022-198 and this Bylaw, they shall, have the following definition unless the context indicates otherwise.

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

**Accessory:** a building or use that:

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

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

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

**Administrator:** the Administrator of the Town of Burstall.

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

**Agricultural:** a use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture.

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

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

**Automobile (Motor Vehicle):** a self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport.

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

**Ancillary Use:** a secondary and subordinate use to the principal use, which is specifically allowed, and may include an associated building that is specifically allowed pursuant to this Bylaw.

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

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

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

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

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

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

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



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

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

**Buffer:** a strip of land, vegetation or land use that physically separates two or more different land uses.

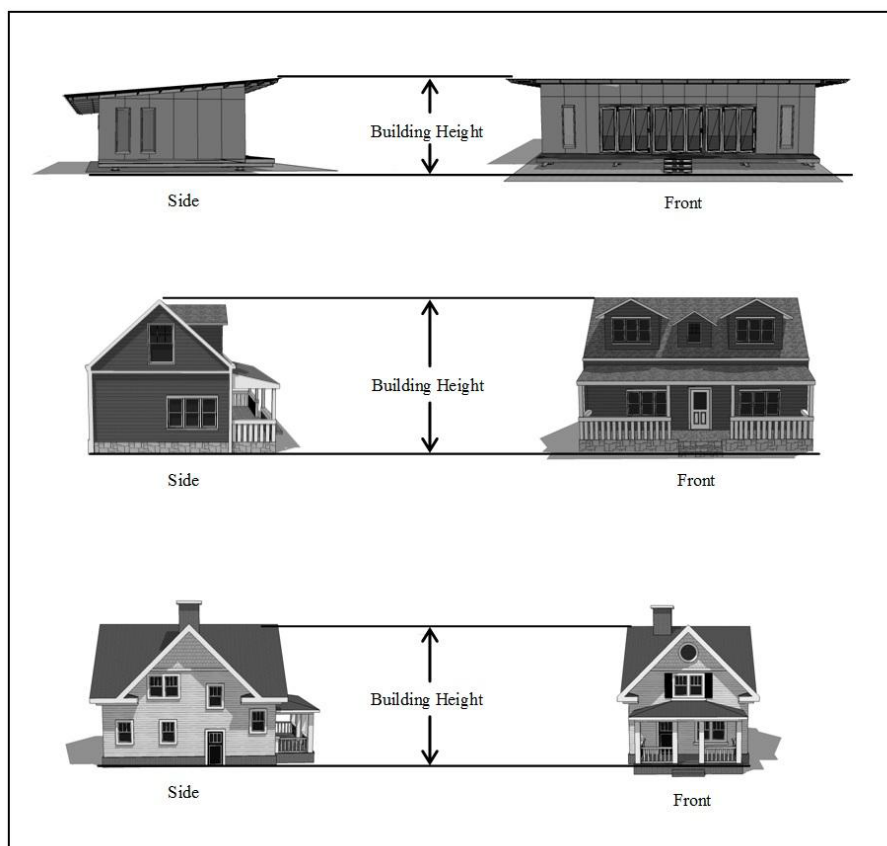
**Building:** a structure constructed on, in, or over land and used for the shelter or accommodation of persons, animals, goods, or chattels, and includes any structure covered by a roof supported by walls or columns.

**Building, Accessory** (see Accessory)

**Building Bylaw:** a Bylaw of the Town of Burstall authorized by "The Construction Codes Act" to regulate the erection, placement, alteration, repair, renovation or reconstruction of a building.

**Building Height:** the vertical distance of a building measured from the finished grade level to the highest peak of the roof.

### Building Height Measurement



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

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

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

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

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

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

**Bylaw:** The Town of Burstall Zoning Bylaw.

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

**Cardlock Operation:** a petroleum dispensing outlet without full-time attendants.

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

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

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

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

**Commercial/Industrial Use, Large Scale:** commercial or Industrial land uses maintaining a lineal frontage in excess of 91.0 metres (298.56 feet).

**Commercial/Industrial Use, Small Scale:** commercial or Industrial land uses maintaining a lineal frontage of 91.0 metres (298.56 feet) or less.

**Communication Facility:** (see (tele) communication facility.)

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

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

**Concrete and Asphalt Plant:** an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production's process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

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

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

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

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

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

**Council:** The Council of the Town of Burstall.

**Cultural Institution:** establishments such as museums, art galleries, libraries and similar facilities or historical, educational or cultural interests which are not commercially operated.

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

**Deck:** any raised floor structure at least 0.31 metres (1 foot) above the average ground level upon which it is constructed, either adjacent to a building or free-standing with stairway, ramp, or similar access.

**Demolition Permit:** a permit issued for the removal or dismantling of a building or structure within the Town's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

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

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

**Development Permit:** a document issued by the Council of the Town of Burstall that authorizes development pursuant to this Bylaw, but does not include a building permit.

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

**Discretionary Use:** uses or development of land, buildings, or other structures that may be permitted in a Zoning District only at the discretion of Council and which conforms to all discretionary use regulations and other regulations applicable to the district in which the use is located.

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

**Dwelling Unit:** one or more habitable rooms used, or fully capable of being used as a residence, where each unit provides sleeping, cooking and toilet facilities, but does not include rooming houses or rooming units.

**Dwelling, Converted:** a dwelling that is more than 30 years old that was originally designed or used as a one or two unit dwelling and in which additional dwelling units have been created.

**Dwelling, Duplex:** a building, including a bare land condominium, which is divided either vertically or horizontally into two dwelling units with separate entrances

**Dwelling Group:** a group of single-detached, semi-detached, or multiple unit dwellings clustered on one lot or site, built as one development.

**Dwelling, Multiple Unit:** a building containing four or more dwelling units and shall include condominiums, Townhouses, row houses, and apartments, but not include a converted dwelling, rooming house, hotel, or motel.

**Dwelling, Semi-Detached:** a building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roofline.



**Semi-Detached Dwelling**

**Dwelling, Single-Detached:** a building containing only one dwelling unit, including a bareland condominium and shall not include a mobile home as herein defined.



**Single-Detached Dwelling**

**Dwelling, Town House:** a dwelling, designed as one cohesive building in terms of architectural design, which contains three (3) or more similar attached dwelling units each of which fronts on a street, has direct access to the outside at grade and is not wholly or partly above another dwelling.



**Town House Dwelling**

**Dwelling, Tri-plex:** a building, including a condominium which is divided vertically into three dwelling units, each with its own entrance.

**Educational Institution:** an establishment dedicated for the purpose of providing education and instruction in any branch of knowledge.

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

**Farm Building/Yard:** improvements such as barns, granaries, etcetera, used in connection with the growing and sale of trees, shrubs and sod or the raising or production of crops, livestock or poultry, fur production, bee keeping and situated on a parcel of land used for the farm operation.

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

**Fill (Clean Fill):** soil, rock or other material approved by the Town.

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

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

**(Design) Flood Level:**

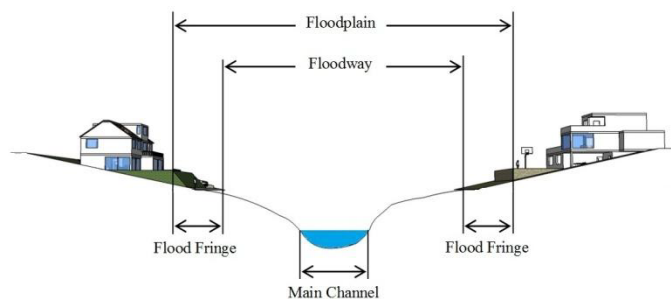
- a) a 1:500 year flood;
- b) a flood having a return period greater than 1:500 years;
- c) a recorded flood having a water surface elevation equal to or exceeding that of a 1:500 year flood

**Flood Fringe:** the portion of the floodplain inundated by the 1:500 year flood that is not floodway.

**Flood plain:** means the area inundated by water from a watercourse or water body during a 1:500 year flood and is made up of a floodway and the flood fringe.

**Flood proofed:** a measure, or combination of structural and non-structural measures, incorporated into the design of a structure, which reduces or eliminates the risk of flood damage to a defined elevation.

**Floodway:** 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 (1) metre or a velocity of one (1) metre per second.



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

**Freeboard Elevation:** the elevation of the Design Flood Level (the 1:500 flood elevation) plus an extra 0.50 metres (1.64 feet) to provide protection against wave run-up and ice surge.

**Frontage (Lot Frontage):** the distance across the street side of a lot (a lot must front on a street), between the points where the side lines of the lot meet the street right of way or boulevard; or,

where a lot is irregular in shape and is narrowest at the front street end, the width of the lot shall be measured parallel to the street line at the centre of the front lot line, and at a setback from the front lot line no greater than the minimum permitted building setback.

**Future Land Use Map:** in its projections, the map specifies certain areas for residential growth and others for residential, industry, commercial and conservation. The Future Land Use Map for Burstall is attached as Appendix "A" in the Official Community Plan

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

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

**Garden (Granny) Suite:** a second, small, dwelling on the site of a primary, single-family dwelling that accommodates one or two family members of the owner/occupants of the primary residence and is intended to allow the family to live independently but with the support nearby of the extended family.

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

**General Commercial Type I:** those developments where activities and uses are primarily carried on within an enclosed building intended to provide for the merchandising of refined goods and services targeted for the travelling public and the surrounding community for financial gain.

**General Industry Type I:** those developments where activities and uses are primarily carried on within an enclosed building where no significant nuisance factor is created or apparent outside an enclosed building. Developments of this type shall not pose, in the opinion of a Development Officer, any significant risk of interfering with the amenity of adjacent sites because of the nature of the site, materials or processes and shall include but not be limited to the following activities:

- a) the assembling of goods, products or equipment;
- b) the limited processing of raw, value-added or finished materials;
- c) the storage or trans-shipping of materials, goods and equipment;
- d) the training of personnel in general industrial operations;

- e) it may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses.

**General Industry Type II:** those developments in which all or a portion of the activities and uses are carried on outdoors, without any significant nuisance or environmental factors such as noise, appearance, or odour, extending beyond the boundaries of the site. Developments of this type shall not pose, in the opinion of a Development Officer, any significant risk of interfering with the amenity of adjacent sites because of the nature of the site, materials or processes and shall include but not be limited to the following activities:

- a) manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products;
- b) the storage or transshipping of materials, goods and equipment;
- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts.

**General Industry Type III (See Industrial Exclusionary Uses)**

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

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

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

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

**Group Home:** (see Personal Care Home)

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

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

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

**Heritage Resource:** the history, culture and historical resources of an area and its residents.

**Highway Commercial:** commercial activities normally located along highways, major roadways and in other locations considered strategic by the type of business involved serving the needs of local residents and the traveling public.

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

**Home Occupation (Home Based Business):** an occupation, trade, profession, or craft customarily conducted for gain in a dwelling unit or accessory building by the resident or residents, which is clearly incidental and secondary to the principal use of the site and which does not create or become a public nuisance as a result of noise, traffic, pollution, or parking. Home occupations shall not occupy more than 25% of the total finished floor area of a dwelling unit in any Residential District.

**Hotel:** a building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travelers, and where a guest register or record is kept, but does not include a motel or rooming house.

**Industrial Exclusionary Uses:** refers to certain industrial activities that may be characterized as exhibiting a high potential for adversely affecting the safety, use, amenity or enjoyment of adjacent and nearby industrial and non-industrial sites due to their scale, appearance, noise, odour, emissions and hazard potential. Such activities are considered exclusionary when the only means of mitigating the associated negative effects on surrounding land uses is through spatial separation. Exclusionary uses would include but not be limited to the following: Landfill, Ethanol Plant, Transformer Stations, Uranium Refineries, Anhydrous Ammonia Storage and Distribution Centres.

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

**Industrial Park:** an area of land set aside for industrial development, usually located close to transport facilities, especially where more than one transport mode coincides, i.e. highways, railroads, airports.

**Infill Development:** re-development within existing areas or neighbourhoods.

**Institutional Use:** the use of land, buildings, or structures for religious, charitable, educational, health or welfare purposes and includes churches, public or private schools, nursery schools, hospitals, and special care

**Intermodal Freight Container:** is a standardized reusable steel box used for the safe, efficient and secure storage and movement of materials and products within a global containerized intermodal freight transport system. "Intermodal" indicates that the container can be moved from one mode of transport to another (from ship, to rail, to truck) without unloading and reloading the contents of the container. Lengths of containers, which each have a unique ISO 6346 reporting mark, vary from 2.44 metres to 17.07 metres (8 feet to 56 feet) and heights from 2.44 metres to 2.90 metres (8 feet to 9 feet 6 inches).

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

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

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

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

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

**Land Use Zoning District:** divisions identified in the Zoning Bylaw establishing permitted and discretionary uses of land or buildings with attendant regulations.

**Lane:** a secondary public thoroughfare intended primarily to give access to the rear or side of the abutting property.

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

**Loading Space:** a space measuring at least 3.0 metres (9.84 feet) in width and 8.5 metres (27.88 feet) in depth, located on a lot, and having access to a street or lane, in which a vehicle may park to load or unload.

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

**Lot Coverage:** the percentage of the lot area covered by all the buildings above the ground level.

**Lounge:** a room or area adjoining a restaurant set aside for the sale of beverage alcohol for consumption on the premises, with or without food, and where no area has been set aside for dancing or entertainment, either in the lounge or in the adjoining restaurant. The area of a lounge may not exceed 50% or the public assembly area in the adjoining restaurant, subject to Provincial Regulations.

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

**Marijuana:** all part of the genus cannabis, whether growing or not, and the seed or clone of such plant.

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

**Mayor:** The Mayor of the Town of Burstall.

**Medicinal Marijuana Production Facility (MMPF)** – a facility, licensed by the Federal Government for all onsite activities, used solely for the growing, production, manufacturing, processing, testing, destroying, labeling, packaging, storing, and shipping of marijuana and marijuana products for medical purposes. This does not include the retail sale of marijuana for recreational purposes.

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



**Mini-Storage:** a commercial facility made up of more than one unit in which customers can rent space to store possessions.

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

**Mobile Home:** a prefabricated trailer coach supported on a steel frame that conforms to the Canadian Standards Association # Z240 MH. A trailer coach may be used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; has facilities for washing and a water closet or other similar facility that may be connected to a sewage system.



Double-Wide Mobile Home

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

**Mobile Home Site:** an area of land in a mobile home park that is intended to be occupied by one mobile home and for exclusive use of its occupants with access to a driveway or a public street.

**Mobile Home Subdivision:** any subdivision of land and the development thereof for the purpose of accommodating mobile homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 450.00 m<sup>2</sup> (5000.0 ft<sup>2</sup>) and in which all such sites, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

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



Modular (Manufactured) Home

**Modular (Manufactured) Home Subdivision:** any subdivision of land and the development thereof for the purpose of accommodating modular homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 450.00 m<sup>2</sup> (5000.0 ft<sup>2</sup>), and in which all sites, public open space, internal streets, buffer zones, and other amenity areas form a contiguous area of development.

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

**Multiple-Unit Building:** a building containing two (2) or more distinct uses, each of which is allowed in the Zoning District in which the building is located.

**Multiple Complimentary (Vertically Integrated ) Activities:** the accommodation of multiple complimentary activities which could be considered principal permitted uses under single or multiple ownership within one or more buildings on a single parcel where these uses are considered to provide additional processing and/or the sale of manufactured goods produced onsite.

**Municipality:** The Town of Burstall.

**Municipal Reserve:** dedicated lands that are provided to a municipality for public use, or that were dedicated as public reserve and transferred to a Municipality pursuant to of *The Planning and Development Act, 2007*.

**Museum:** an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection or artifacts of historical interest.

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

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

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

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

**Official Community Plan (OCP):** The Town of Burstall Official Community Plan Bylaw No. 2022-198

**Open Space:** passive and active leisure recreation areas, that enhance the aesthetic quality and conserve the environment of the community, including parks, recreation and tourism, and natural areas.

**Park Model Trailer/Unit:** a unit designed to facilitate occasional relocation, with living quarters for a temporary or seasonal use; 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. It has a gross floor area not exceeding 50 m<sup>2</sup> (540 ft<sup>2</sup>). CSA Number Z241.



Park Model Trailer 102



Park Model Recreational Unit

**Parking Lot:** an open area, other than a street, used for the temporary parking of more than four vehicles and available for public or private use.

**Parking Space:** a space within a building or parking lot for the parking of one (1) motor vehicle including convenient access to a

public lane or street and shall be not less than 2.5 metres (8.20 feet) wide and 6.0 metres (19.69 feet) in length.

**Pasture:** a site that is used for the raising and feeding of livestock by grazing.

**Patio:** any hard surface or floor structure less than 0.31 metres (1 foot) above the average ground level upon which it is constructed.

**Permitted Use:** the use of land, buildings or other structures that shall be permitted in a Zoning District where all requirements of this Zoning Bylaw are met.

**Person:** a "person" shall apply to an individual, association, firm, partnership, corporation, trust, or agent, and their heirs, executors, or other legal representatives of a person to whom the same can apply according to the law.

**Personal Service Trades:** a building or part of a building in which persons are employed in furnishing services and administering to customer's personal and or grooming needs, but does not include the provision of health related services.

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

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

**Portable Storage Unit:** a transportable storage structure that is designed and used for the storage of building materials, household goods, personal items and other materials for use on a temporary basis on a residential property. Such units are uniquely designed for their ease of loading to and from a transport vehicle

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

**Public Work:** a facility as defined under *The Planning and Development Act, 2007* including a system, work, plant, equipment, or service, whether owned or operated by the Municipality, or by a corporation under Federal or Provincial statute, that furnishes any of the following services and facilities to, or for the use of, the inhabitants of the Town of Burstall:

- a) Communication by way of telephone lines, optical cable, microwave, and cable;
- b) Television services;
- c) Delivery of water, natural gas, and electricity;



- d) Public transportation by bus, rail, or other vehicle production, transmission;
- e) Collection and disposal of sewage, garbage, and other wastes; and
- f) Fire and Police Services.

**Real-Estate Signage:** signage directly associated with the sale of a property on which it is located and which maintains a gross surface area of less than 1.0 m<sup>2</sup> (10.76 ft<sup>2</sup>).

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

**Recreational Vehicle:** a vehicle, such as a camper or motor home, used for traveling and recreational activities.

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

**Recycling Collection Depot (Neighbourhood):** a building or structure used for the collection and temporary storage of recyclable household material such as bottles, cans, plastic containers, paper and paint, but shall not include the processing of recyclable material other than compaction; the collection and storage of oil, solvents or other hazardous material; or outdoor compaction or storage.

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

**Redevelopment** (see infill development)

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

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

**Restaurant:** a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. Limited facilities may be

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

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

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

**Rooming House (Boarding House):** a building which contains a room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw, where meals may or may not be provided, with sleeping facilities and with or without private toilet facilities.

**RTM (Ready to Move) Home:** a residential dwelling that is constructed off-site in a yard or factory to Canadian National building Code and transported as a single unit to a site for permanent installation on a permanent foundation including a basement.



RTM (Ready to Move) Home

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

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

**School:** an educational facility under the jurisdiction of a Board of Education, a college, university, or any other school established and maintained either wholly or partially at public

expense, whether or not the same is a boarding school and includes any dormitory building accessory to such school.

**Secondary Suite:** a self-contained dwelling unit which is an accessory use to, and located within, a detached building in which the principal use is a one unit dwelling, and does not occupy more than 35% of the gross floor area of the dwelling, including the basement.

**Self-service storage facility:** a commercial business that rents or leases storage rooms, lockers, containers, modular storage units and/or outdoor space, for businesses and individuals to store and access their goods.

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

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

**Shipping Container:** a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.

**Shopping Centre:** a building or group of buildings located on one or more contiguous and/or non-contiguous lot or site, in which four (4) or more of the uses allowed in the Zoning District are co-located for their mutual benefit including the use of off-street parking and other joint facilities.

#### **Should, Shall or May;**

**Shall** is an operative word which means the action is obligatory.

**Should** is an operative word which means that in order to achieve plan objectives, it is strongly advised that the action be taken.

**May** is an operative word meaning a choice is available, with no particular direction or guidance intended.

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

**Sign, Billboard:** a private free standing sign, including supporting structure, which advertises goods, products, services,

organizations, or facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

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

**Sign, Fascia:** a sign fastened to, or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 0.5 metres (1.64 feet) from such building or structure.

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

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

**Sign, Marquee:** a sign that is mounted or painted on, or attached to an awning, canopy, or marquee.

**Sign, Off-Premises:** a sign which contains any message chosen by a person other than the person in control of the premises upon which the sign is located.

**Sign, Portable:** a freestanding sign mounted on a portable frame with a single sign face area of not less than 1.9 m<sup>2</sup> or greater than 6.0 m<sup>2</sup> (64.59 ft<sup>2</sup>) than can be readily moved or transported.

**Sign, Projecting (Awning):** a sign which is wholly or partially dependent upon a building for support and which projects more than 0.5 metres (1.64 feet) from such building. (including Awning Signs).

**Sign, Temporary:** a sign which is not permanently installed or affixed in position, nor connected to any service, advertising a product or activity on a limited basis.

**Site:** an area of land, consisting of one or more lots consolidated under a single certificate of title or tied at Information Services Corporation (ISC), considered as a unit devoted to a certain use or occupied by a building or a permitted group of buildings, and the customary accessories and open spaces belonging to the same.

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

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

shall be that point on the street at the point of intersection of the said tangents.

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

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

**Site, Through:** a site other than a corner site, having separate frontages on two streets. The front site line of a through site shall be determined by predetermined building lines. This is only applicable for Commercial and Industrial Zones.

**Site, Width:** the horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum front yard required for the district in which the site is located.

**Site Line:** the boundary of a site.

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

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

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

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

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

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

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

**Storey, One-Half:** that portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height in accordance with the National Building Code of Canada, between finished floor and finished ceiling over a

floor area which is not less than one-third nor more than two-thirds of the floor area of the storey next below.

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

**Street:** the whole and entire width of every highway, public road, or road allowance vested in Her Majesty in the right of the Province of Saskatchewan and shown as such on a plan of survey registered at Information Services Corporation (ISC).

**Strip Mall (Mini Mall):** a building of not more than 604.0 m<sup>2</sup> (6501.61 ft<sup>2</sup>) in gross floor area in which a minimum of three (3) and a maximum of six (6) of the permitted or discretionary uses of the Zoning District are located together for their mutual benefit.

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

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

**Subdivision:** a division of land, and includes a division of a quarter section into legal subdivision as described in the regulations made pursuant to *The Land Surveys Act, 2000*.

**Swimming Pool:** any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, or diving and having a depth of 0.61 metres (2.0 feet) or more at any point.

**Tavern:** an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted, subject to Provincial Regulations.

**(Tele)communication Facility:** a structure situated on a non-residential site that is intended for transmitting or receiving television, radio or cellular communications, excluding those used exclusively for dispatch communications.

**Temporary Garage:** shall mean a temporary prefabricated shelter constructed with a metal or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover used primarily for the storage of vehicles or other equipment accessory to a residential use only.

**Tourist Campground:** an area of land, managed as a unit, providing short-term accommodation for tents, camping trailers,

motor homes and campers, including accessory facilities such as administration offices and laundry facilities.

**Town:** The Town of Burstall.

**Town Administrator:** The Administrator of the Town of Burstall.

**Trailer (Camping), Motor Home:** any vehicle designed, constructed or reconstructed in such a manner as will permit occupancy as a dwelling or sleeping place for one or more persons, notwithstanding that its running gear is removed or jacked up, is used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways, and includes self-propelled and non-self-propelled vehicles.



Motor Home – Camping Trailer

**Trucking Firm Establishment:** the use of land, buildings or structures for the purpose of storing, servicing, repairing loading trucks, transport trailers and/or buses, but does not include an automobile service station, transportation sales or rental outlets.

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

**Used For:** includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

**Utility Shed:** an accessory building or structure used for the storage of goods with a maximum floor area of 14.0 m<sup>2</sup> (144 ft<sup>2</sup>).

#### Vehicle Repair and Maintenance Service

- a) Indoor: includes all land uses which perform maintenance services to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.
- b) Outdoor: maintenance services have all or any portion of their operations located outside of an enclosed building.

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

**Waste Disposal Facility, Liquid:** a facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a

single residence or farmstead, or a manure storage area for an intensive livestock operation.

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

**Wind Energy Conversion System:** a system composed of a wind turbine, tower and associated control electronics with a capacity of less than 100 kW for non-residential use or 10 kW for residential use. It will be considered an accessory use and is intended to provide on-site power for a principal use.

**Wind Turbine:** the individual component of a Wind Energy Conversion System that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters.

**Wind Turbine, Electrical:** an individual component of a Wind Energy Conversion System which converts kinetic wind energy to electrical energy through electric currents.

**Wind Turbine, Mechanical:** an individual component of a Wind Energy Conversion System, which converts kinetic wind energy to mechanical energy through motion.

**Workshop:** a small building where goods are manufactured or repaired and all related activities are conducted within an enclosed building with a minimal amount of exterior storage of materials, goods, or waste products.

**Work Camp:** a temporary Industrial or Construction camp established for the purpose of providing accommodation for employees, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such a fashion as to provide sleeping, eating and other basic living facilities.

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

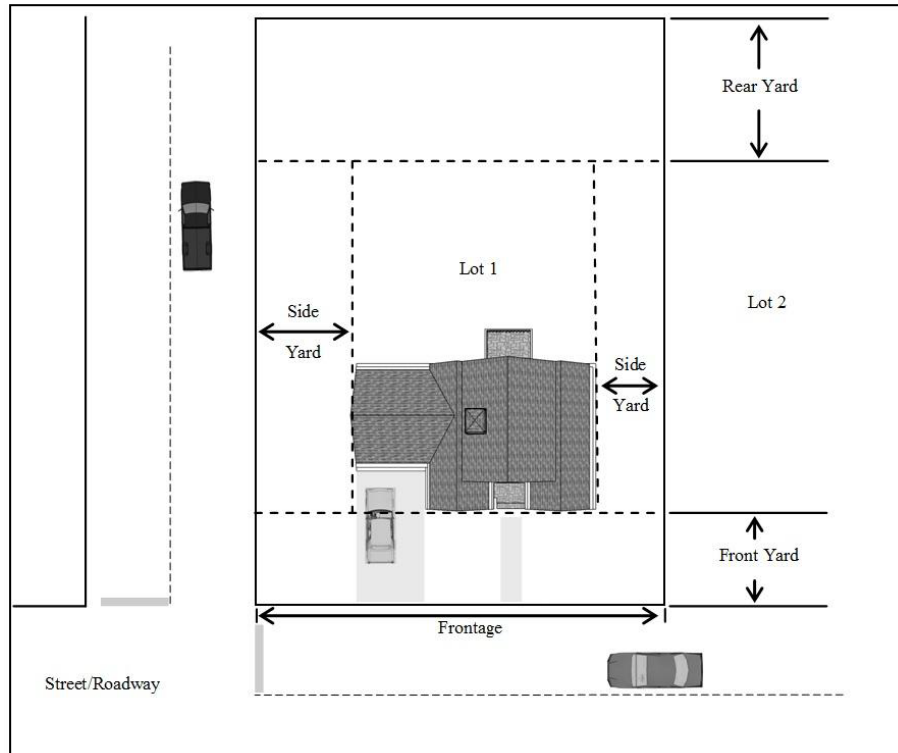
**Yard, Front:** the area between the side site lines and the front site line to the front building line (See Location and measurement of setbacks drawing).

**Yard, Rear:** the area between the side site lines and the front site line to the rear building line (corner and interior). (See Location and measurement of setbacks drawing).

**Yard, Required:** the minimum yard required by a provision of this Bylaw and within which, unless specifically permitted, no

building or structure, or part of a building or structure shall be erected.

**Yard, Side:** the area between the front and rear yards and between the side site line and the side building line (See Location and measurement of setbacks drawing).



**Location of yards and measurement of setbacks**

### Metric to Imperial Conversions

Distance (metres - feet)			
1.0 metres (m)	3.28 feet (ft)	17.0 metres	55 ft
2.0 metres	7 ft	19.8 metres	65 ft
2.5 metres	8 ft	30 metres	98 ft
3.0 metres	10 ft	46 metres	150 ft
4.2 metres	14 ft	50 metres	164 ft
4.5 metres	15 ft	75 metres	246 ft
5.0 metres	16 ft	80 metres	262 ft
5.5 metres	18 ft	90 metres	295 ft
6.0 metres	20 ft	100 metres	328 ft
6.5 metres	21 ft	150 metres	492 ft
7.5 metres	25 ft	200 metres	656 ft
10 metres	33 ft	230 metres	755 ft
11 metres	36 ft	305 metres	1000 ft
12 metres	39 ft	467 metres	1532 ft
15 metres	49 ft		
15.3 metres	50 ft		
Area (m <sup>2</sup> to ft <sup>2</sup> )			
1.0 m <sup>2</sup>	10.7 ft <sup>2</sup>	100 m <sup>2</sup>	1076 ft <sup>2</sup>
0.5m <sup>2</sup>	5.4 ft <sup>2</sup>	150 m <sup>2</sup>	1615 ft <sup>2</sup>
5.0 m <sup>2</sup>	53.8 ft <sup>2</sup>	230 m <sup>2</sup>	2475 ft <sup>2</sup>
9.3 m <sup>2</sup>	100 ft <sup>2</sup>	450 m <sup>2</sup>	4844 ft <sup>2</sup>
14.0 m <sup>2</sup>	144 ft <sup>2</sup>	465 m <sup>2</sup>	5,005 ft <sup>2</sup>
27.9 m <sup>2</sup>	300 ft <sup>2</sup>	540m <sup>2</sup>	5812 ft <sup>2</sup>
37.2 m <sup>2</sup>	400 ft <sup>2</sup>	560 m <sup>2</sup>	6,000 ft <sup>2</sup>
45 m <sup>2</sup>	485 ft <sup>2</sup>	900 m <sup>2</sup>	9687 ft <sup>2</sup>
50 m <sup>2</sup>	538 ft <sup>2</sup>	930 m <sup>2</sup>	10,000 ft <sup>2</sup>
56 m <sup>2</sup>	600 ft <sup>2</sup>	6070 m <sup>2</sup>	1.5 acres
60 m <sup>2</sup>	646 ft <sup>2</sup>	0.8 hectare	2 acres
78 m <sup>2</sup>	839 ft <sup>2</sup>	1 hectare	2.5 acres
83.6 m <sup>2</sup>	900 ft <sup>2</sup>	2 hectares	5 acres
92.96m <sup>2</sup>	1,000 ft <sup>2</sup>		

\*Conversions are rounded to the nearest decimal point

## 3 Administration and Interpretation

### 3.1 Development Officer

- 3.1.1 The Council of the Town of Burstall shall appoint the CAO/Administrator as Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Council designates from time to time.
- 3.1.2 The Development Officer shall:
  - a) Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, development permit conditions, and development and servicing agreements;
  - b) Maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
  - c) Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
  - d) Collect development fees, according to the fee schedule established in this Bylaw;
  - e) Perform other duties as determined by Council.
- 3.1.3 The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a development permit application for a "Permitted use."

### 3.2 Council

- 3.2.1 Council shall make all decisions regarding Discretionary uses, Development and Servicing Agreements, and Zoning Bylaw amendments.
- 3.2.2 Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Government Relations, prior to a decision being made by the Minister.
- 3.2.3 Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with the Town of Burstall Official Community Plan.

### 3.3 Application for a Development Permit

- 3.3.1 Unless the proposed development or use is exempt from development permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:
  - a) complete and submit a development permit application, and (refer to permit application in Appendix "A");
  - b) receive a development permit for the proposed development.

- 3.3.2 A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Official Community Plan.
- 3.3.3 Except where a particular development is specifically exempted by Section 3.4 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

### 3.4 Development Requiring a Permit, but Not Requiring a Fee

The following developments shall require a Development Permit and shall conform to all other Bylaw requirements (e.g., building permits, setbacks, environmental and development standards):

- 3.4.1 Residential Zoning Districts;
  - a) Buildings and structures under 9.29 metres<sup>2</sup> (100 feet<sup>2</sup>) in area, which are accessory to a principal, residential use except where such dwelling is a discretionary use.
  - b) Relocation of any residential or accessory building provided development standards are still met on the site.
  - c) The erection of any fence, wall, gate, television antennae, or radio antennae under 5 metres (16.41 feet).
  - d) A temporary structure, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.
- 3.4.2 Commercial Zoning Districts;

Buildings and structures under 9.29 metres<sup>2</sup> (100 feet<sup>2</sup>) in area, that are accessory to a permitted, principal, commercial use, except where such use is discretionary.
- 3.4.3 Accessory Uses;

All accessory uses, unless otherwise specified in this Bylaw.
- 3.4.4 Official Uses;

Uses and buildings undertaken, erected, or operated by the Town of Burstall.
- 3.4.5 Internal Alterations;
  - a) Residential buildings.
  - b) Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site.
  - c) All other buildings.
  - d) Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.
- 3.4.6 Landscaping;

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

### 3.5 Development Permit Procedure



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

### **3.5.1 Discretionary Use Application**

- a) Where an application for a Development Permit is made for a discretionary use, the Development Officer shall advise the Council as soon as practicable.
- b) As soon as practicable after Council is advised that an application has been made for a Development Permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever Government Agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- c) Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.

### **3.5.2 Development Permit Decision**

- a) The applicant shall be notified in writing of the decision of their application within thirty (30) days of all required information being submitted to the Development Officer. The applicant shall be advised of their right to appeal a decision on a permitted use application and any terms and conditions attached to a discretionary use application to the Development Appeals Board subject to the provisions of *The Planning and Development Act, 2007*.
- b) If the proposal conforms to the provisions of this Bylaw, a Development Permit shall be issued, subject to any development standards, special regulations, or performance standards that may be required.

## **3.6 Concept Plans**

3.6.1 A Concept Plan shall be completed prior to consideration of an application by Council by any person proposing to rezone, subdivide, or re-subdivide land for multi-parcel residential, commercial or industrial purposes. The purpose of this review is to identify and address social, environmental, health and economic issues and to encourage the development of high quality. The scope and required detail of the Concept Plan will be based on the scale and location of the proposed development and address such areas as the following:

- a) Proposed land use(s) for various parts of the area;
  - b) The effect on adjacent land uses and integration of the natural landscape regarding the planning and design of the area;
  - c) The location of, and access to, major transportation routes and utility corridors;
-

- d) The provision of services respecting the planning for future infrastructure within the Municipality;
- e) Sustainable development and environmental management practices regarding surface and groundwater resources, storm water management, flooding and protection of significant natural areas;
- f) Appropriate information specific to the particular land use (residential, commercial or industrial).

- 3.6.2 The Concept Plan must be prepared in accordance with the overall goals and objectives of the Official Community Plan. Council shall not consider any development application until all required information has been received. The responsibility for undertaking all technical investigations and hosting public meetings as required shall be borne solely by the applicant.

### 3.7 Development Permit: Validity

- 3.7.1 A Development Permit is valid for a period of twelve months unless otherwise stipulated when the permit is issued.
- 3.7.2 Where the Development Officer determines that a development is being carried out in contravention of any condition of a Development Permit or any provision of this Bylaw, the Development Officer shall suspend or revoke the Development Permit and notify the permit holder that the permit is no longer in force.
- 3.7.3 Where the Council is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the Permit and the requirements of this Bylaw the Council may reinstate the Development Permit and notify the permit holder that the permit is valid and in force.

### 3.8 Development Permit Application Fees

- 3.8.1 An applicant seeking the approval of a development permit application shall pay the fee as set out in the Development and Planning Fee Bylaw for the Town.
- 3.8.2 There shall be no development permit application fee for accessory buildings to a residential use, sign permits, licenses for home occupations or other forms of business licenses.

### 3.9 Discretionary Use Application Fees

- 3.9.1 An applicant seeking discretionary use approval shall pay the current fee as set out in the Development and Planning Fee Bylaw for the Town.
- 3.9.2 The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and by mailing a copy of the notice to the assessed owner of each abutting property and each

assessed owner of property within a 75.0 metre (246.07 feet) radius of the proposed development.

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

### 3.10 Fee for Zoning Amendment Application

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by *The Planning and Development Act, 2007*. Council also may require the applicant to pay all costs incurred in professional review of the application and in carrying out a public hearing.

### 3.11 Concurrent Processing of Development Permits, Building Permits and Business Licenses

A Building Permit, where required, shall not be issued unless a Development Permit has been issued, or is issued concurrently. Nothing in this Bylaw shall exempt any person from complying with a building Bylaw, or any other Bylaw in force within The Municipality, or from obtaining any permission required by this, or any other Bylaw of The Municipality, the Province or the Federal Government.

### 3.12 Referral Under The Public Health Act

The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under *The Public Health Act and Regulations*.

### 3.13 Development Appeals Board

- 3.13.1 Council shall appoint a Development Appeals Board consisting of five members, to hear and determine appeals in accordance with Section 213 to 227 inclusive, of *The Planning and Development Act 2007*.
- 3.13.2 Right of Appeal
- a) Where an application for a permitted use has been denied, the applicant shall be advised of the right of appeal to the Development Appeals Board.
  - b) Appellants also may appeal where they are of the opinion that development standards prescribed by Council with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw.
  - c) The Development Officer shall make available to all interested persons copies of the provisions of *The Planning and Development Act, 2007*, respecting decisions of the Development Officer and the right of appeal.

### 3.14 Minor Variances

- 3.14.1 The development officer may vary the requirements of this bylaw subject to the following requirements which must be consistent with *The Planning and Development Act, 2007* as amended, which shall take precedence if there are any inconsistencies:
- a) A minor variance may be granted for the following only;
    - i. Minimum required distance of a building from a lot line; and
    - ii. The minimum required distance of a building from any other building on the lot.
  - b) The maximum amount of a minor variance shall be 10% variation from the Requirements of this Bylaw.
  - c) The development must conform to all other requirements of this Bylaw.
  - d) The relaxation of the Bylaw requirement must not injuriously affect a neighbouring property.
  - e) No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act 2007*.
  - f) Minor variances shall be granted only in relation to residential properties.
  - g) The municipality will maintain a register of all applications and approvals to insure that future owners are aware of the variance.
- 3.14.2 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee as set out in the Development and Planning Fee Bylaw for the Town.
- 3.14.3 Upon receipt of a minor variance application the Development Officer may:
- a) Approve the minor variance;
  - b) Approve the minor variance and impose terms and conditions on the approval; or
  - c) Deny the minor variance.
- 3.14.4 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.
- 3.14.5 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.
- 3.14.6 Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.
- 3.14.7 The written notice shall contain:
- a) A summary of the application;
  - b) Reasons for and an effective date of the decision;
  - c) Notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
  - d) Where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.

- 3.14.8 A decision to approve a minor variance, with or without terms and conditions, does not take effect until 23 days from the date the notice was provided.
- 3.14.9 If an assessed owner of a property having an adjoining property with the applicant's land objects to the minor variance in writing to the Development Officer within the prescribed 20 day time period, the approval is deemed to be revoked and the Development officer shall notify the applicant in writing:
- a) Of the revocation of the approval; and
  - b) Of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.
  - c) If an application for a minor variance is refused or approved with terms or conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

### 3.15 Non-Conforming Buildings Uses and Sites

- 3.15.1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007*.
- 3.15.2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with these provisions.
- 3.15.3 No existing use, building or structure shall be deemed to be nonconforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
- 3.15.4 No existing site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the zoning district in which the site is located.

### 3.16 Development Permit – Invalid

- 3.16.1 A development permit shall be automatically invalid and development shall cease, as the case may be:
- a) If the proposed development is not commenced within the period for which the Permit is valid;
  - b) If the proposed development is legally suspended, or discontinued, for a period of six or more months, unless otherwise indicated by Council or the Development Officer, or
  - c) When development is undertaken in contravention of this bylaw, the development permit and specified development standards.

### 3.17 Cancellation

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

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

### 3.18 Stop-Work

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

### 3.19 Interpretation

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

### 3.20 Offences and Penalties

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

### 3.21 Inspection of Premises

- 3.21.1 Pursuant to Section 242 of *The Planning and Development Act, 2007*, the Development Officer may inspect any development suspected of contravening *The Planning and Development Act, 2007*, or any regulation or bylaw made pursuant to *The Planning and Development Act, 2007*. If it is determined that a contravention exists, the Development Officer may notify the owner in writing and instruct the owner to correct the contravention within a set time period. If for any reason the contravention has not been corrected within that time, the Development Officer may extend the time period or issue a Zoning Compliance Order pursuant to Section 242(4) of *The Planning and Development Act, 2007* to achieve bylaw conformance.
- 3.21.2 Any person who contravenes this Bylaw is guilty of an offence and is liable, on summary conviction, to the penalties provided by Section 243 of *The Planning and Development Act, 2007*.
- 3.21.3 The Development Officer may enter a property with consent of the owner or with a warrant and may not enter otherwise.

### 3.22 Bylaw Compliance

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

### 3.23 Moving of Buildings

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

### 3.24 Demolition of Buildings

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

### 3.25 Temporary Development Permits

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

### 3.26 Development Agreements

- 3.26.1 Council may request a developer to enter into a development agreement to ensure development conformity with the Official Community Plan and this Bylaw.
- 3.26.2 A development agreement is mandatory for approval of an accessory dwelling.

### 3.27 Servicing Agreements

- 3.27.1 Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to *The Planning and Development Act, 2007*. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.
- 3.27.2 In accordance with Sections 172 to 176 inclusive, *The Planning and Development Act, 2007*, the agreement may provide for:
  - a) The undertaking and installation of storm sewers, sanitary sewers, drains, water mains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, graveled or paved streets and lanes, connections to existing services, area grading and leveling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing;
  - b) The payment of levies and charges, in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other

utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

- c) The payment of levies and charges as outlined above, shall be in the amount prescribed in the Development and Planning Fee Bylaw for the Town.

### **3.28 Performance Bonds**

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

### **3.29 Liability Insurance**

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

### **3.30 Interests**

Council may require that development and servicing agreements and other documents may be registered as an interest on affected lands, to protect municipal and public interests.

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## 4 General Regulations

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

### 4.1 Licenses, Permits and Compliance with Other Bylaws and Legislation

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

### 4.2 Principal Use Established

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

### 4.3 Multiple Uses

Notwithstanding anything contained in this Bylaw, where any land, building, or structure is used for more than one purpose, all provisions of this Bylaw relating to each use shall be complied with, but no dwelling shall be located within 3.05 metres (10 feet) of any other building on the site except to a building accessory to such dwelling.

### 4.4 Number of Principal Buildings on A Site

- 4.4.1 Only one principal building shall be permitted on any one site except for the following: parks, schools, hospitals, recreation facilities, special care homes, senior citizen homes, and approved dwelling groups and condominium developments.
- 4.4.2 Multiple unit residential buildings (e.g. duplex, fourplex) are considered to be one principle building under this Bylaw, and all other uses and buildings on the site must be accessory.
- 4.4.3 Existing Trailer Park sites in Residential areas, with individual single municipal service connection, will only be permitted a single residential use to be located on the site. No multiple trailers will be accommodated.

### 4.5 Modular Homes/ RTM (Ready-To-Move) Homes

- 4.5.1 All modular/RTM homes must meet Building Code Standards:
  - a) All modular/RTM homes shall be placed on a permanent foundation;

- b) All modular homes shall have a length approximately equivalent to the width, with the width no less than 9.15 metres (30 feet), with the exception of the R2 – Residential District;
  - c) All modular/RTM homes shall have architectural features similar or complementary to adjacent and nearby homes;
- 4.5.2 Modular/RTM homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- 4.5.3 All other requirements of this Bylaw apply.

#### 4.6 Front Yard Reduction

Notwithstanding the minimum depth of front yard required by this Bylaw, where a site is situated between two sites each of which contains a principal building which projects beyond the standard required front yard depth, the front yard required on said site may be reduced to an average of the two established front yards on the adjacent sites; but not be less than 10.98 metres (36 feet) in a Residential district unless otherwise permitted in this Bylaw.

#### 4.7 Frontage for Irregular Sites

Where the site frontage is along a cul-de-sac, curve or is irregular, the minimum site frontage shall be 11.0 metres (36.09 feet) and the mean site width shall not be less than the minimum frontage for regular sites in the same District.

#### 4.8 Permitted Yard Encroachments

- 4.8.1 Where minimum front, side or rear yards are required in any zoning district, the following yard encroachments shall be permitted:
- a) Uncovered and open balconies, terraces, verandas, decks, and patios having a maximum projection from the main wall of 1.83 metres (6 feet) into any required front or rear yard;
  - b) Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.61 metres (2 feet) into any required yard but not closer to a lot line than 0.15 metres (0.5 feet).

#### 4.9 Restoration to a Safe Condition

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

#### 4.10 Grading and Leveling of Sites

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

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

#### 4.11 Restrictions on Changes

- 4.11.1 The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected, and no land shall be severed from any site, if such change, erection or severance creates a situation that contravenes any of the provisions of this Bylaw applicable to each individual remaining building, accessory building, site, or lot.
- 4.11.2 Notwithstanding the provisions of clause (4.11.1) of this subsection, no person shall be deemed to have contravened any provision of this Bylaw if only part or parts of any site or lot has, or have, been conveyed to, or acquired by, the Municipality or the Province of Saskatchewan for a public work.

#### 4.12 Uses Permitted In All Zoning Districts

- 4.12.1 Nothing in this Bylaw shall prevent the use of any land as a public street or public park.
- 4.12.2 Nothing in this Bylaw shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.
- 4.12.3 Nothing in this Bylaw shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities, essential to the operation of public works provided that such use, building, or structure shall be in substantial compliance with the relevant provisions of this Bylaw and shall not adversely affect the character or amenity of the neighbourhood in which the same is located.

#### 4.13 Site Development Regulations for Development Near Water Sources

- 4.13.1 If the proposed development will be within 150.0 metres of any water body, stream, public well or private or public dam which is licensed by the Water Security Agency (WSA), and identified in the OCP, Council may also require additional information from the applicant to ensure that the existing water supplies will not be jeopardized.
- 4.13.2 Council may require that before a permit may be issued, the applicant shall submit a report prepared by a professional who is competent to assess the suitability of the site for a development and that the development is suitable with respect to the required mitigation measures to develop in areas of high water table, near public wells, waste disposal sites or a private or public dam which is licensed by the WSA, and identified in the OCP. Any water connection must adhere to municipal provisions

and no cross connections will be allowed, to ensure potential contamination of source water does not occur.

- 4.13.3 Notwithstanding any other portion of this bylaw, the development of new buildings and/or additions to building in the floodway of the 1:500 flood year elevation of any watercourse or water body is prohibited. In addition, development in the 1:500 year flood fringe is not allowed unless flood proofed up to an elevation of 0.5 metres above the 1:500 year flood elevation to be determined by a qualified hydraulic engineer or as established by the Saskatchewan Water Security Agency.

#### 4.14 Signage on Natural and Human Heritage Sites

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

#### 4.15 Heritage Properties

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

#### 4.16 Landscape Buffers

- 4.16.1 Landscape buffers are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage. Landscape buffers, where required to separate uses from adjacent properties may require a minimum of 1.0 metre vegetative landscape buffer, unless a fence is required for other reasons. In addition, the Town may require buffers around certain public infrastructure, such as hydrants and drains, and landowners shall insure that the buffer area or easement area is not obstructed by vegetation or debris.
- 4.16.2 Primary entrances into the Town and Parking lots abutting major roads will require a landscape buffer.
- 4.16.3 Notwithstanding any other provisions in this Bylaw, where buffers are required for greenways, trails, parks and landscaped areas, they shall be required to reflect the character and intent of the Official Community Plan.

#### 4.17 Height of Buildings

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

## 4.18 Prohibited and Noxious Uses

- 4.18.1 The keeping of livestock shall not be allowed except for permitted agricultural uses in the FUD - Future Urban Development District.
- 4.18.2 Any use is prohibited which, by its nature or the materials used therein, is declared by *The Public Health Act and Regulations* to be a noxious trade, business, or manufacture.
- 4.18.3 Noxious Uses  
Notwithstanding any use contained within a building, no land shall be used and no building or structure shall be erected, altered or used for any purpose that is noxious and, without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offence, or both:
  - a) By the creation of noise or vibration;
  - b) By the emission of light and glare;
  - c) By reason of the emission of gas, fumes, smoke, dust or objectionable odour; or
  - d) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material;
  - e) By any combination of things in this subsection.

## 4.19 Closings

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

## 4.20 Bareland Condominium Developments

- 4.20.1 Bareland Condominium Developments shall comply with the minimum site area, coverage, width, height and yard setbacks as stated in the residential zones.
- 4.20.2 One primary dwelling unit and one accessory are permitted per bareland condominium lot.
- 4.20.3 Bareland condominium developments may include private open space and one accessory building for joint recreation use by residents of the development shall be permitted, subject to all yard setback requirements of the zone in which it is located.

## 4.21 Satellite Dishes

- 4.21.1 Personal Satellite dishes in excess of 1.0 metre (3.29 feet) in diameter shall not be located in any front yard, side yard, and shall not be permitted to be erected on the roof of any principal building that is located within a Residential District and is less than three storeys in height.

- 4.21.2 Personal Satellite dishes located in Residential Districts, which exceed 1.0 metre (3.29 feet) in diameter shall only be erected on the roof of an accessory building if said accessory building is located entirely within a rear yard.
- 4.21.3 Satellite dishes and communication equipment regulated by Industry Canada may be erected in all Zoning Districts for public communications purposes or re-broadcasting of television signals and part (i) of this subsection shall not apply.

## 4.22 Communication Towers

The erection of Cellular telephone transmission towers is under the provision of Industry Canada standards and regulations, and may occur in all Zoning Districts, however, Council recommends that they be located no closer than 100 metres (328.09 feet) to, any Residential District and consultation with adjacent residents is undertaken.

## 4.23 Private Garages, Sunrooms, Solariums, and Greenhouses

Private garages, carports, sunrooms, solariums, and greenhouses attached to main buildings by a substantial roof structure shall be considered as part of the main building and shall be subject to the regulations for the main building.

## 4.24 Swimming Pools

- 4.24.1 Notwithstanding anything contained in this Bylaw, a swimming pool is permitted as an accessory use to permitted uses in the residential districts or a motel (motor hotel) in a highway commercial district in the side yard or rear yard of any lot if:
  - a) No part of such pool is located closer to any lot or street line than the minimum distance required for the principal building located on such lot;
  - b) The maximum height of such pool is 1.22 metres (4 feet) above the average finished grade level of the ground adjoining the pool and to within 4.58 metres (15 feet) of such pool; and
  - c) Every swimming pool either permanent or seasonal over 100 gallons shall be enclosed by a non-climbable fence of at least 1.84 metres (6.0 feet) in height, with a lockable gate, equal in height to the fence and not more than 10.16 cm (4 inches) from the ground, and located at a distance of not less than 1.53 metres (5 feet) from the pool.
  - d) Any deck attached to or abutting a swimming pool shall be considered as part of the swimming pool.
  - e) Any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions in the applicable Zoning Districts in Section 5 of this Bylaw, respecting accessory buildings.
  - f) Should another regulatory body, such as the Province, impose a higher standard the higher requirement will supersede the municipal requirement with respect to health and safety.

## 4.25 Disposal of Wastes

- 4.25.1 Subject to all Acts and Regulations pertaining in any way to the storage, handling, and disposal of any waste material or used item, and except as permitted by these

Acts and Regulations, no liquid, solid, or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto or beneath the surface of any land, or into the air.

- 4.25.2 No development or use of land which requires solid or liquid waste disposal facilities shall be permitted unless those facilities are approved by Saskatchewan Health and the Saskatchewan Watershed Authority. Disposal of liquid, solid, or gaseous waste shall be governed by Acts administered by Ministries' of Agriculture and Food, Environment, Health and the Saskatchewan Watershed Authority, or relevant agency.

## 4.26 Development Standards for Discretionary Uses

- 4.26.1 This section addresses special provisions and specific development standards that apply to the following listed developments. The changing nature and mitigation measures available make it impossible to address every specific condition, however any condition required in any provision in this Zoning Bylaw must reflect the intent of *The Planning and Development Act, 2007* which states, "In approving a discretionary use, the Council may prescribe specific development standards or conditions with respect to that use, but only if those standards or conditions:
- a) are based on and are consistent with general development standards or conditions made applicable to discretionary uses by the zoning bylaw; and
  - b) are, in the opinion of the Council, necessary to secure the objectives of the zoning bylaw with respect to:
    - i. the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
    - ii. the accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading;
    - iii. the safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
    - iv. any treatment given, as determined by the council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail."
- 4.26.2 These standards apply in addition to any standards of the District. It is important to note, that the specific conditions listed in this section, and in any section of this bylaw or the District Schedules is to provide guidance to Council and those pursuing a "Discretionary Use" development in the Municipality. As noted in the preceding section, *The Planning and Development Act, 2007* is very specific as to what conditions can be applied under the provisions of the Act and municipal zoning bylaws. Council is bound by those provisions and may only address items listed.

## 4.27 Home Occupations

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

- a) Home-based occupations and businesses will be accommodated provided that they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area, and not of a size or that provide services or products that would detrimentally affect the viability of the neighborhood.
- b) Two (2) home occupations shall be allowed per dwelling unit. Home occupations shall be conducted entirely within the dwelling or accessory building.
- c) One advertising display sign shall be allowed on the site or premise from which the home occupation is conducted. No neon or LED signs shall be permitted.
- d) The storage of any merchandise or material relating to the home occupation may be stored and displayed provided the storage and display of such goods shall not be exposed to the public view from the street and adjoining properties, nor shall such storage involve a change in appearance of the residence or its accessory buildings.
- e) No equipment or process used in the home occupation shall create dust, noise, vibration, glare, fumes, odour or air pollution that is detectable at or beyond the property lines of the lot where the home occupation is located.
- f) One person other than a resident of the dwelling unit may be engaged in any home occupation as an employee or a volunteer.
- g) Parking: The home occupation shall not cause or add to on-street parking congestion or cause an increase in traffic through residential zones.
  - i. No more than one business vehicle, for which off-street parking is provided, shall be operated in connection with the home occupation.
  - ii. Parking of vehicles of employees hired for off-site jobs shall not be allowed at or in the vicinity of the dwelling unit.

## 4.28 Accessory Dwelling Units (Secondary Suites and Garden Suites)

4.28.1 Secondary suites and garden suites are subject to the following conditions:

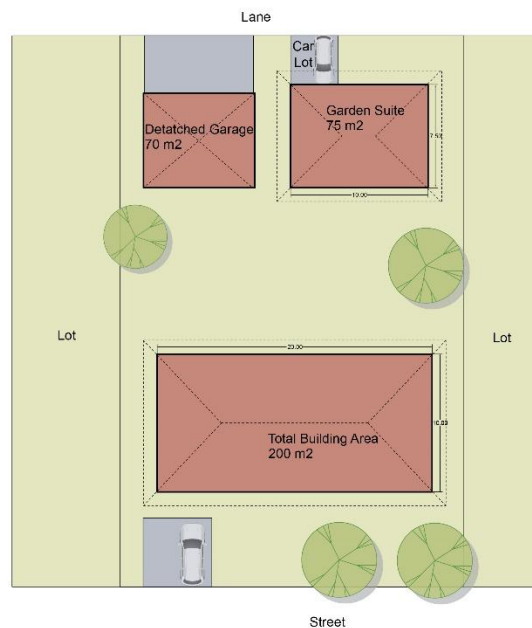
- a) One (1) accessory dwelling unit may be constructed within the site of a principal single detached dwelling in a residential zone at Council's discretion with conditions to assure that conflict with neighbouring uses are avoided. Accessory Dwelling Units must contain cooking, eating, living, sleeping and sanitary facilities.
- b) Only one (1) accessory dwelling unit is permitted on each residential site and it may not interfere with the site line of either of the adjoining properties.
- c) Secondary Suites must be located within the principal dwelling and must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
- d) Secondary Suites may not exceed 60 m<sup>2</sup> (645.86 ft<sup>2</sup>) or 50% of the total floor space of the dwelling unit including the basement, and may not have more than two bedrooms.
- e) Secondary Suites may be allowed above garages at Council's discretion using the same criteria as above.



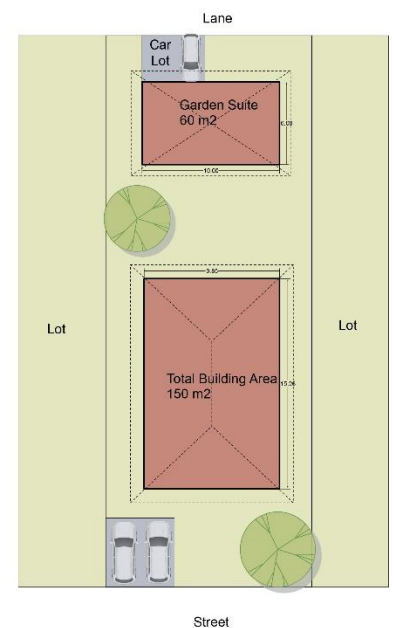
- f) A garden suite should occupy no more than 75m<sup>2</sup> or a maximum of 40% of the total floor area of a detached dwelling, whichever is less. The parcel coverage of the building in which a garden suite is contained shall not exceed the building footprint of the principal dwelling.
- g) Park Models may be permitted subject to meeting Building Code. Trailer Coaches are not covered as an Accessory Dwelling Unit.
- h) All Accessory Dwelling Units must be connected to municipal water and waste systems and meet Public Health requirements.

### Permissible Areas for Garden Suite on a Lot

A suite (garden/secondary) shall occupy no more than 75m<sup>2</sup> of the principal dwelling (Case 1) or a maximum of 40% of the total floor area of the principal dwelling, whichever is less (Case 2).



Case 1



Case 2

## 4.29 Solid and Liquid Waste Disposal Facilities

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

- a) The facility will be located as near as practical to the source of waste.
- b) The facility will have undergone satisfactory review as required by provincial authorities for environmental assessment and operational design.
- c) The facilities will be located at least 457 metres (1,500 feet) for liquid waste, and 457 metres (1,500 feet) for solid waste from any residence or recreational use. New residential development shall adhere to the same distances.

- d) The development of any new disposal sites shall take into consideration seasonal winds.
- e) Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
- f) Solid waste disposal facilities shall be located in proximity to an all-weather road.
- g) Council may apply special standards for screening, fencing and reclamation of the site.

#### 4.30 Bed and Breakfast Homes

##### 4.3.1 Bed and breakfast homes are subject to the following conditions:

- a) A bed and breakfast home may be located in a detached one unit dwelling or in a semi-detached dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- b) Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence and any development shall be licensed by the Ministry of Health.
- c) Required parking spaces may be permitted in a required front yard.
- d) One advertising display sign located on the site or premise advertising the bed and breakfast home is permitted. The facial area of a sign shall not exceed 0.47 m<sup>2</sup> (5 ft<sup>2</sup>).

#### 4.31 Campgrounds

- 4.31.1 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.
- 4.31.2 A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.58 metres (15 feet) which shall contain no buildings.
- 4.31.3 The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150.04 m<sup>2</sup> (1615 ft<sup>2</sup>) in area with its corners clearly marked.
- 4.31.4 One permanent sign located on site advertising the campground is permitted per site;
- 4.31.5 No portion of any campsite shall be located within a roadway or required buffer area.
- 4.31.6 Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- 4.31.7 Each trailer coach shall be located at least 3.05 metres (10 feet) from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.

- 4.31.8 The space provided for roadways within a campground shall be at least 7.62 metres (25 feet) in width. No portion of any campsite, other use or structure shall be located in any roadway.
- 4.31.9 A campground may include as ancillary uses, a laundromat or a confectionery designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- 4.31.10 *The Public Health Act* shall be complied with in respect to all operations and development of the campground.

#### 4.32 Intermodal Storage Containers (Trailers, Sea and Rail Containers)

- 4.32.1 No person shall park or store on any part of a site, any unlicensed rail or sea container, truck, bus or coach body for the purpose of advertising within any Zoning District.
- 4.32.2 Mobile Storage containers may be accommodated in the Commercial/Light Industrial and Residential Zoning Districts, at Council's Discretion under the following conditions:
  - a) Permits from the Town of Burstall are required by the property owner before containers are parked or stored;
  - b) Must be properly anchored;
  - c) Shall be located a minimum of 3.0 metres (9.85 feet) from the primary building and behind the rear wall of the primary building;
  - d) Containers determined by the Town to be unsightly, misused, unsafe, or inappropriate in any way, must be removed at the owner's expense within a time period specified by the Town;
  - e) Must meet the National Building Code Standards as applicable;
  - f) Containers when required and used as part of their regular business operations;
  - g) The area occupied by the mobile containers shall be included in the calculation of the maximum lot coverage permitted in the Zoning District in which they are located. See specific Zoning Districts for supplementary provisions.

#### 4.33 Portable Storage Units

- 4.33.1 Note completion is tied to permit time e.g. a maximum of six months for a house renovation with renewal at Council's discretion subject to individual meeting requirements including posting a deposit.
- 4.33.2 The storage unit, incidental to construction of a building or structure with an active building permit is allowed, provided such storage unit shall be removed following completion or abandonment of such construction.
- 4.33.3 One portable storage unit may be placed on a residential lot with an active building permit subject to the following conditions:
  - a) Prior to placement of the portable storage unit on the lot, the property owner shall apply for a temporary development permit from the Development Officer;
  - b) The permit for the portable storage unit shall be a temporary permit and each residential lot is limited to a period of time set by Council;

- c) The portable Storage Unit shall not exceed 28.21 m<sup>3</sup> (996 ft<sup>3</sup>);
- d) The portable Storage Unit shall be set back a minimum of 3 metres (9.85 feet) from the front property line and 1.5 metres (4.92 feet) from the side or rear property lines and all other structures on the property.

#### 4.34 Criteria for Medicinal Marijuana Production Facilities (MMPF)

##### 4.34.1 MMPFs are subject to the following conditions:

- a) MMPFs shall meet all applicable federal, provincial, and municipal regulations. Proof of compliance with the applicable federal and/or provincial regulations will be required as part of the Development Permit application prior to issuing a Development Permit.
- b) All MMPFs must comply with the National Building Code of Canada.
- c) A waste management plan may be required as a condition of the Development Permit.
- d) MMPFs shall be located at a minimum distance of 200 metres (656 feet) from a residential parcel, daycare, community centre, playground, school or park, unless specified otherwise by the applicable federal agencies. This shall be measured from the nearest point for the building foundation of the MMPF to the nearest point of the site line of the above listed uses.
- e) Where a licensed MMPF ceases operation, the facility and buildings shall be decommissioned and remediated in accordance with applicable provincial and federal regulations. A decommissioning plan may be required at the time the Development Permit application is made.
- f) No on-site activity shall impact surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare.

#### 4.35 Consultation with Railways and Highways

##### 4.35.1 Consultation with the Railways/Highways shall be required when a potential development is proposed for:

- a) development or redevelopment proposals in proximity to rail facilities/highways or for proposals for rail-serviced industrial parks;
- b) road and utility Infrastructure works which may affect a rail facility and highway system;
- c) transportation plans that incorporate freight transportation issues; and
- d) all new, expanded, or modified rail facilities or commercial/industrial development.

- e) Should further residential development be proposed near existing rail lines development within or adjacent to the Town, the Town will recognize the provisions of the Statements of Provincial Interest, Planning and Development Act, 2007, particularly as referenced by Clause 32(2) (k), and the “FCM” policy document on “Development Adjacent to Railway’s”, and all best management practices will be utilized, to ensure adequate setbacks between land uses are implemented. In addition, “The Land Use Planning, Rail Proximity and Public Safety Report” prepared for The Railway Association of Canada will be utilized in any review of rail line development. The Zoning Bylaw will be amended to be consistent with all current legislation should further development impacting both land uses occur. Currently the rail line is adjacent to light industrial and commercial uses and the Future Land use map does not include residential uses expanding or encroaching on the rail line.
  - f) Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 metres (150.92 feet) of the point of intersection of the centre line of both the railway and the street.
  - g) As identified and suggested on the Guidelines for New Development in Proximity to Railway Operations, The Federation of Canadian Municipalities and Railway Association of Canada of May 2013; the standard recommended building setbacks for new residential development in proximity to railway operations are as follows:
    - i. Freight Rail Yard: 300 metres
    - ii. Principal Main Line: 30 metres
    - iii. Secondary Main Line: 30 metres
    - iv. Principal Branch Line: 15 metres
    - v. Secondary Branch Line: 15 metres
    - vi. Spur Line: 15 metres
-

## 5 Zoning Districts and Zoning Maps

### 5.1 Zoning Districts

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

<b>FUD</b>	Future Urban Development	<b>C1</b>	Town Centre Commercial
<b>R1</b>	Residential District	<b>C2</b>	Commercial/Light Industrial
<b>R2</b>	Residential District	<b>CS</b>	Community Service

### 5.2 The Zoning District Map

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 2022-197 adopted by the Town of Burstall, signed by the Mayor and by the Town Administrator under the seal of the Town. It shall be known as the "Zoning District" map, and such map is hereby declared to be an integral part of this Bylaw.

### 5.3 Boundaries of Zoning Districts

- 5.3.1 The boundaries of the districts referred to in this Bylaw, together with an explanatory legend, notations and reference to this Bylaw, are shown on the map entitled, Zoning District Map.
- 5.3.2 Unless otherwise shown, the boundaries of zoning districts are site lines, centre lines of streets, lanes, road allowances, or such lines extended and the boundaries of the municipality.
- 5.3.3 Where a boundary of a district crosses a parcel, the boundaries of the Districts shall be determined by the use of the scale shown on the map.
- 5.3.4 Where the boundary of a district is also a parcel boundary and the parcel boundary moves by the process of subdivision, the District boundary shall move with that parcel boundary, unless the boundary is otherwise located by amendment to the Bylaw.

### 5.4 Holding Designation

- 5.4.1 Where on the Zoning District Map the symbol for a zoning district has suffixed to it the holding symbol "H"; any lands so designated on the map shall be subject to a holding provision in accordance with Section 71 of *The Planning and Development Act, 2007*.
- 5.4.2 Any lands subject to a holding provision shall only be used for the following uses:
  - h) Those uses existing on the land when the "H" is applied; and Public works.

## 5.5 FUTURE URBAN DEVELOPMENT DISTRICT - FUD



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

### 5.5.1 Permitted Uses

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

### 5.5.2 Discretionary Uses

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

- a) One single detached dwelling and buildings accessory thereto;
- b) Home occupations;
- c) Large accessory buildings.

### 5.5.3 Site Development Regulations

Minimum site area	Agricultural and Residential – 0.20 hectares (0.5 acres) All other uses – no minimum No subdivision – existing area permitted
Minimum site frontage	Existing site frontages permitted.
Front yard	15 metres (49.22 feet)
Side yard	7.5 metres (24.61 feet) for dwelling and buildings accessory thereto, except the minimum side yard abutting a public street shall be 10.0 metres (32.81 feet).
Rear yard	10 metres (32.81 feet) for dwellings and buildings accessory thereto except that the minimum rear yard abutting a public street shall be 30.0 metres (98.43 feet).
Maximum site coverage	10%

### 5.5.4 Signage

- a) One permanent sign is permitted per site.
- b) In the case of a home occupation, an additional permanent sign is permitted.
- c) The facial area of a sign shall not exceed 0.5 metres<sup>2</sup> (5.39 feet<sup>2</sup>).
- d) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

- e) Temporary signs not exceeding 1.0 metres<sup>2</sup> (10.77feet<sup>2</sup>) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

#### 5.5.5 Accessory Buildings

- a) No accessory building shall be located within 3.0 metres (9.85 feet) of a side or rear site line except where the minimum yard abuts a public street, in which case the minimum side or rear yard shall be 7.6 metres (24.94 feet).
- b) The Building Floor Area for large accessory buildings on a residential site may not exceed 150 metres<sup>2</sup> (1,614.64 feet<sup>2</sup>).

#### 5.5.6 Supplementary Regulations

- a) Council will consider the applications for discretionary use with respect to the following criteria:
  - i. The proposed development will be consistent with any concept plans in force in the area and will not be inconsistent with the future use and development plans of the Official Community Plan.
  - ii. The development will not require the development of new streets and utility lines except as may be provided for in existing plans under the Official Community Plan and that the proposal is not premature.
- b) Where a development is proposed at a location at which standard connection to the Town's existing sewer and water system is not feasible, the developer shall, at their own expense, provide suitable water supply and sewage disposal facilities for that development acceptable to Council and meets *The Public Health Act and Regulations* requirements.
- c) Any building or structure used for the habitation or shelter of animals permitted in this Zoning District shall be located a minimum distance of 76.0 metres (249.35 feet) from an occupied dwelling situated on an adjoining site.



## 5.6 RESIDENTIAL DISTRICT – R1

**R1**

No person shall within any R1-Residential District use any land or erect, alter or use any building or structure, except in accordance with the following provisions:

### 5.6.1 Permitted Uses

- a) One single detached dwelling, Ready-to-Move (RTM), or Modular home;
- b) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;
- c) Public works buildings and structures excluding warehouses, and storage yards and waste management or sewage facilities.

### 5.6.2 Discretionary Uses

The following uses may be permitted in the R1-Residential District only by resolution of Council and only in locations specified by Council. Discretionary Use Requirements are provided in Sections 5:

- a) Home Occupations;
- b) One Secondary Suite (Garden Suite);
- c) Semi-detached, two-unit dwelling, duplex dwelling, Fourplex, or Townhouses;
- d) Bed and Breakfast homes.
- e) Accessory Sea can/Intermodal storage containers

### 5.6.3 Prohibited Uses

- a) Salvage or vehicle storage yard;
- b) Off-Road vehicles are restricted to established paths and trails on public lands;
- c) The keeping of livestock.

### 5.6.4 Accessory Uses

- a) Any buildings, structures, or uses, which are accessory to the principle use of the site, but only after the principle use or discretionary use has been established.
- b) One accessory garage for two (2) motor or recreational vehicles.
- c) Two (2) detached sheds or buildings accessory to the principal dwelling unit on the site.

### 5.6.5 Site Development Regulations

#### Single, Ready-to-Move (RTM), Modular Home

Minimum site area	360 m <sup>2</sup> (3875 ft <sup>2</sup> ) with lane 475 m <sup>2</sup> (5113 ft <sup>2</sup> ) without a lane
Minimum site frontage	12.2 metres (40 feet) with lane 15.0 metres (49 feet) without a lane
Minimum front yard	5.0 metres (16 feet)
Minimum side yard	1.2 metres (4 feet)
Minimum rear yard	6.10 metres (20 feet) for single detached 4.58 metres (15 feet) for mobile home
Minimum floor area	The Principle building shall be a minimum of 74.32m <sup>2</sup> (800 ft <sup>2</sup> )
Maximum site coverage	Building coverage may not exceed 60% of the site area.
Maximum height	10.67 metres (35 feet)
Minimum parking spaces	2

#### Semi-detached and Duplex

Minimum site area	275 m <sup>2</sup> (2960 ft <sup>2</sup> )/unit with a lane 325 m <sup>2</sup> (3498 ft <sup>2</sup> )/unit without a lane
Minimum site frontage	9.15 metres (30 ft)/unit with a lane 10.5metres (35 ft)/unit without a lane
Minimum front yard	5.0 metres (16 feet)
Minimum side yard	1.2 metres (4 feet)
Minimum rear yard	1.2 metres (4 feet)
Minimum floor area	74.32m <sup>2</sup> (800 ft <sup>2</sup> )
Maximum site coverage	60%
Maximum Height	10.67 metres (35 feet)
Minimum parking spaces	1.5 spaces/dwelling unit

#### Multiple Unit Dwellings

Minimum site area	650 m <sup>2</sup> (7000 ft <sup>2</sup> ) plus 93m <sup>2</sup> (1000 sq. ft.) for each ground floor dwelling in excess of 3
Minimum site frontage	21.0 metres (70 feet)
Minimum front yard	7.5 metres (25 feet)
Minimum side yard	1.2 metres (4 feet)
Minimum rear yard	6.0 metres (20 feet)
Minimum floor area	75.0 m <sup>2</sup> (807 ft <sup>2</sup> )
Maximum site coverage	50% and 60% on a corner lot

Maximum Height	10.67 metres (35 feet)
Minimum parking spaces	1.5 spaces/dwelling unit

### 5.6.6 Accessory Buildings

- a) All accessory buildings shall be set back a minimum of 5.0 metres (16.0 feet) from the front site line, 1.2 metres (4.0 feet) from the principal building, and 1.2 metres (4.0 feet) from the side site line unless the side site line is an abutting street then the side yard shall be 1.53 metres (5.0 feet). See Diagram in Definitions.
- b) All accessory buildings shall be located a minimum of 1.2 metres (4.0 feet) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 3.0 metres (9.85 feet) from the site line abutting the lane. Where a public or environmental reserve exists adjacent to the rear yard, no set back will be required.
- c) All accessory buildings shall not exceed 75% in area of the principal building area and shall not exceed 5.0 metres (16.0 feet) in height.
- d) A 2-storey accessory garage may be allowed at Council's and neighbour's discretion and may not exceed 10.67 metres (35.0 feet) in height measured from the lowest point of the perimeter of the building to the ridge of the roof. Council to decide.
- e) All activities related to artisan studios, crafts and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.
- f) Only one (1) Sea Can/Intermodal Storage container per residential site will be permitted at Council's Discretion, and subject to Discretionary Use provisions

### 5.6.7 Signage

- a) One permanent sign is permitted per site.
- b) In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling, affixed to the dwelling or accessory building or free standing on the property at least 3 (9.85 feet) metres in from any lot line.
- c) The facial area of a sign shall not exceed 0.5 m<sup>2</sup> (5.39 ft<sup>2</sup>).
- d) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- e) Temporary signs not exceeding 1.0 m<sup>2</sup> (10.77 ft<sup>2</sup>) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

### 5.6.8 Fence and Hedge Heights

- a) No hedge, fence or other structure shall be erected past any property line.
- b) No hedge, fence, or other structure not otherwise permitted shall be erected in a required front yard, to a height of more than 1 metre (3.29 feet.) above grade level.

- c) No hedge, fence, or other structure not otherwise permitted shall be erected in a required side or rear yard, to a height of more than 2.44 metre (8.0 feet) above grade level.
- d) No barbed wire, or razor wire fences shall be allowed in this district.
- e) Notwithstanding the foregoing, Council may permit by resolution higher hedges and fences provided that visibility and site lines for safety can be maintained.

#### **5.6.9 Outside Storage**

- a) No outdoor storage shall be permitted in the required front yard of any residential site.
- b) No yard shall be used for the storage or collection of hazardous material.
- c) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- d) No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard.
- e) Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating condition normally used for the maintenance of the residential property, vehicles or vehicular parts.
- f) Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.
- g) Fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be prohibited on all residential sites. Existing structures may remain and must be maintained in good order, however cannot be replaced once they have been removed or have become dilapidated.

#### **5.6.10 Regulations for Residential Parking**

- a) The parking area within the residential lot shall constitute a single driveway and shall not exceed 60% of the frontage of the lot.
- b) Where the parking area for all development is accessed from a street, the parking area, including the driveway, shall have a durable, dust-free hard surface of asphalt, concrete, brick or other similar material including gravel or slag.
- c) Where recreational vehicle parking on a driveway is provided for a detached dwelling unit the number of recreational vehicles shall not exceed two.

## 5.7 RESIDENTIAL DISTRICT – R2

**R2**

The purpose of the Residential District – R2 shall be to accommodate individual mobile homes development in a concentrated manner.

No person shall within any R2 - Residential District use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

### 5.7.1 Permitted Uses

- a) One mobile home or one Modular Home which must meet Building Code and Building Bylaw standards following the placement thereof on a permanent foundation.
- b) Single Family dwelling, RTMs.
- c) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use.
- d) Sports fields, parks, swimming pools, and playgrounds.
- e) Public works, buildings and structures excluding warehouses, storage yards and waste management or sewage facilities.

### 5.7.2 Discretionary Uses

The following uses may be permitted in the R2 - Residential District but only by resolution of Council and only in locations specified in such resolution of Council. Discretionary Use Requirements are provided in Sections 5.

- a) Home Occupations (Home Based Businesses).
- b) Laundromat.
- c) Neighbourhood convenience stores.
- d) Accessory Sea can/Intermodal storage containers

### 5.7.3 Prohibited Uses

- a) Salvage or vehicle storage yard;
- b) Off-Road vehicles are restricted to established paths and trails on public lands;
- b) The keeping of livestock.

### 5.7.4 Site Development Regulations

#### Mobile Home Sites

Minimum site area	360 m <sup>2</sup> (3,875.14 ft <sup>2</sup> )
Minimum site frontage	12.0 metres (39.37 feet)
Minimum front yard	5.0 metres (16.41 feet)
Minimum rear yard	5.0 metres (16.41 feet)
Minimum side yard	1.53 metres (5.0 feet), unless on a corner site the side yard shall be 3.0 metres (9.85 feet)
Minimum floor area	75 m <sup>2</sup> (807 ft <sup>2</sup> )

Building height	Mobile Homes: 6.0 metres (19.69 feet). Accessory Buildings shall not exceed 4.0 metres (13.13 feet) in height from grade level to the underside of the eaves.
Maximum site coverage	60%
Minimum parking spaces	2

#### 5.7.4.1 Development Standards for Mobile homes

- a) All mobile homes must meet the standards set out in CSA A277 Procedure for Certification of Factory Built Houses, and amendments thereto. All mobile homes must bear a label of a credible certification agency indicating that compliance with the National Building Codes has been certified using the A277 procedure.
- b) All attached and accessory structures shall require a development permit and shall comply with the requirements of the *National Building Code of Canada* and the Building Bylaw of the Town of Burstall.
- c) All attached or accessory structures such as porches, sun room additions, skirting and storage facilities must be factory prefabricated units, or of an equivalent quality, and shall be painted or prefinished so the design and construction will complement the main structure.
- d) In order to protect the residential character of the community, wheels, hitches, and running gear must be removed within thirty (30) days of arrival, and must be skirted from the floor level to ground level in such a manner as to compensate for vertical movements and to prevent the entrance of rodents and other small animals.
- e) All mobile homes shall be connected to water and sewer services provided by the Municipality and connected as available to other public works.

#### 5.7.5 Accessory Uses, Buildings and Structures

Minimum front yard	Accessory buildings shall comply with the yard requirements for a principal building. An accessory building shall not be located in a required front yard.
Minimum side yard	All accessory buildings shall be set back 0.75 metres (2.47 feet) from the side site line unless the side site line is an abutting street then the side yard shall be 6.0 metres (19.69 feet).
Minimum rear yard	All accessory buildings shall be located a minimum of 0.75 metres (2.47 feet) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 2.0 metres (6.57 feet) from the site line abutting the lane.
Maximum floor area	All accessory buildings shall not exceed 75% in area of the principal building area and shall not exceed 5.0 metres (16.41 feet) in height.

- a) Accessory buildings if less than 10m<sup>2</sup> (107.65 ft<sup>2</sup>), shall have a minimum side or rear yard of 0.75 metres (2.47 feet) and a maximum projection of 0.5 metres (1.65 feet) into the required yard for any eaves, gutters, or drain spouts.
- b) Uncovered outdoor swimming pools are addressed in 4.24. Other yard recreation equipment shall have a minimum side or rear yard of 0.75 metres (2.47 feet). In rear yards, laundry drying equipment and garbage stands are permitted.
- c) Garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building and shall not exceed the square footage of the main floor of the principal dwelling in size.
- d) A carport attached to the dwelling unit consisting of a roof and supporting columns or structures which are not permanent walls, may be built not less than 1.5 metres (4.93 feet) from the supporting posts to the side lot line and is permitted to encroach into any required side yard providing that the roof or eaves are not closer than 0.75 metres (2.47 feet) from the side lot line.

#### 5.7.6 Fence and Hedge Heights

Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fence and hedges.

- a) No wall, hedge, fence or other structure shall be erected past any property line.
- b) In a required front yard, to a height no greater than 1.0 metre (3.29 feet) above grade level.
- c) In a required rear yard, to a height no greater than 2.0 metres (6.57 feet) above grade level.
- d) In the case of a corner lot, no wall, fence, hedge or shrub shall exceed 0.75 metre (2.47 feet) in height in an intersection sight triangle.
- e) Notwithstanding the foregoing, Council may permit by resolution higher hedges and fences provided that visibility and site lines for safety can be maintained.

#### 5.7.7 Signage

- a) One permanent sign is permitted per site. The facial area of a sign shall not exceed 0.5 m<sup>2</sup> (5.39 ft<sup>2</sup>).
- b) In the case of a home occupation or home-based business, an additional permanent sign is permitted in a window of a dwelling.
- c) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- d) The sign permitted in subsection (1) shall not exceed 1 metre (3.28 feet) in height nor shall it be placed within 2 metres (6.57 feet) of any front or side lot line.
- e) Up to two (2) temporary signs not exceeding 1.0 m<sup>2</sup> (10.77 ft<sup>2</sup>) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

### 5.7.8 Outside Storage

- a) No outdoor storage shall be permitted in the required front yard of any residential site.
- b) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- c) No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard. No yard shall be used for the storage or collection of hazardous material.
- d) Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts.
- e) Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.
- f) A maximum of two unlicensed vehicles can be stored at any one time.
- g) Fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one or more sides with fabric, plastic, vinyl or other sheet material shall be prohibited on all residential sites. Existing structures may remain and must be maintained in good order, however cannot be replaced once they have been removed or have become dilapidated.
- h) Only one (1) Sea Can/Intermodal Storage container per residential site will be permitted at Council's Discretion, and subject to Discretionary Use provisions.

### 5.7.9 Regulations for Residential Parking

- a) The parking area within the residential lot shall constitute a single driveway and shall not exceed 60% of the frontage of the lot.
- b) Where the parking area for all development is accessed from a street, the parking area, including the driveway, shall have a durable, dust-free hard surface of asphalt, concrete, brick or other similar material including gravel or slag.
- c) Where recreational vehicle parking on a driveway is provided for a detached dwelling unit the number of recreational vehicles shall not exceed two.



## 5.8 TOWN CENTRE COMMERCIAL DISTRICT – C1



No person shall within a C1 - Town Centre Commercial District, use any land or erect, alter or use any building or structure, except in accordance with the following provisions:

### 5.8.1 Permitted Uses

- a) Banks, credit unions, and other financial institutions.
- b) Administrative offices.
- c) Barbers, hairdressers, and other similar personal services establishments.
- d) Medical, dental, and other health care offices and clinics or health services.
- e) Restaurants, cafes, coffee shops and other similar retail food services.
- f) Confectionaries and delicatessens.
- g) Storefront bakeries, butcher shops, and similar food processing with on-site retail sales.
- h) Storefront retail stores and outlets.
- i) Mixed-Use development.
- j) Movie theatres, assembly halls, social clubs.
- k) Commercial recreation establishments such as arcades and fitness centres.
- l) Licensed premises for the sale and consumption of alcoholic beverages.
- m) Commercial and public recreational establishments such as bowling alleys, arcades and fitness centres.
- n) Hotels or motels.
- o) Libraries, galleries, museums, and other similar cultural institutions.
- p) Outdoor markets and concessions (permanent, seasonal, or occasional).
- q) Small-scale repair trades, including retail sales of art and craft products.
- r) Recycling collection depots (neighborhood).
- s) Storefront construction trades without yards.
- t) Service stations existing at the time of passage of this Bylaw.
- u) Dwellings attached to and behind, or above, commercial establishments.
- v) Buildings, structures or uses accessory to and located on the same site as the principal building or permitted use.
- w) Public works buildings and structures excluding; warehouses, storage yards, and waste management or sewage facilities.

### 5.8.2 Discretionary Uses

The following uses may be permitted in the Commercial Development District – C only by resolution of Council and only in locations specified by Council:

- a) Strip malls requiring on-site parking.
- b) Multiple use buildings;
- c) Shops of plumbers, pipe fitters, metal workers and other industrial trades manufacturing and sales;
- d) Auto body and machine shops;
- e) Newspaper offices and printing plants and services;

- f) Recycling Collection Facilities (Commercial);
- g) Automobile sales and service;
- h) Lumber Yards and building supply establishments;
- i) Rooming houses and Short Term Stay Accommodation.

### 5.8.3 Prohibited Uses

- a) Salvage or vehicle storage yard.
- b) Off-Road vehicles are restricted to established paths and trails on public lands.

### 5.8.4 Site Development Regulations

#### Commercial Uses

Minimum site area	232.0 m <sup>2</sup> (2,500 ft <sup>2</sup> ), except for service stations, which is 930.0 m <sup>2</sup> (10,010.77 ft <sup>2</sup> ). There shall be no minimum site development requirements for public works buildings.
Minimum site frontage	7.5 metres (25 feet), except for service stations which is 30 metres (98 feet)
Minimum front yard	No requirement, except for service stations which is 7.5 metres (25 feet)
Minimum rear yard	No requirement except when the side site line directly abuts a Residential or Community Service District or abuts a public street, then the minimum rear yard shall be 6.0 metres (20 feet). Service stations shall have a rear yard of 6.0 metres (20 feet)
Minimum side yard	No requirement except when the side site line directly abuts a Residential or Community Service District or abuts a public street, then the minimum side yard shall be 1.5 metres (5 feet)
Maximum site coverage	75% also, see amplification in supplementary regulations
Maximum building height	Principal building 15.0 metres (49.22 feet), Accessory buildings 5.0 metres (16.41 feet).

### 5.8.5 Accessory buildings

Setbacks for accessory buildings shall meet the same requirements as the principal use or building.

### 5.8.6 Signage

Signs and billboards shall be prohibited in the C1 – Town Centre Commercial District except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Signs shall be subject to the following regulations. No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

Maximum number of signs	Up to two (2) signs, which may be fascia, canopy, roof, projecting or any combination thereof, may be located on any site. Double faced signs are permitted.
Maximum size	The facial area of a sign shall not exceed 3.5 m <sup>2</sup> (37.68 ft <sup>2</sup> ).
Location	All signs, except for canopy and projecting signs, shall be located within the lot lines of the lot in which they are located.
Height	No sign shall exceed 6.0 metres (19.690 feet) in total height above the ground.

### 5.8.7 Parking

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

Restaurants, other eating places	1 parking space for every 4 seats provided for patrons.
Offices and Personal Service Establishments	1 parking space for each 30 m <sup>2</sup> (322.93 ft <sup>2</sup> ) of floor area.
Retail Stores	1 parking space for each 50 m <sup>2</sup> (538.22 ft <sup>2</sup> ) of floor area.
Commercial Recreational Activities	1 parking space for each 10 m <sup>2</sup> (107.65 ft <sup>2</sup> ) of floor area.
Strip malls	1 parking space for each 50 m <sup>2</sup> (538.22 ft <sup>2</sup> ) of floor area.

### 5.8.8 Parking Lots

- a) Are to be hard surfaced and designed to drain water onto a street or lane or into a storm sewer system with adequate capacity to handle such runoff; and
- b) Where a parking lot/area abuts any Residential or Community Service District without an intervening lane there shall be a fence at least 1.0 metres (3.29 feet) in height and a strip of land adjacent to the abutting site line of not less than 1.5 metres (4.93 feet) in width throughout which shall not be used for any purpose except landscaping.

### 5.8.9 Off-Street Loading

Where the use of a building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided on the site. The minimum area of an individual loading space shall be 17.0 m<sup>2</sup> (183.0 ft<sup>2</sup>).

Gross Floor Area	Minimum Number of Loading Spaces
90 m <sup>2</sup> to 1300 m <sup>2</sup>	1 space
1300 m <sup>2</sup> to 2500 m <sup>2</sup>	2 spaces
>2500 m <sup>2</sup>	2 spaces +1 space for each additional 2500 m <sup>2</sup>

### 5.8.10 Landscaping

- a) Where a site abuts any Residential or Community Service District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 metres (4.93 feet) in width throughout which shall not be used for any purpose except landscaping.
- b) Fences and Hedges may be erected, placed, planted, maintained or grown along a lot line only in conformance with the following regulations:
  - i. No fence, hedge or shrub, other than those required as screening, shall exceed 3.0 metres (9.85 feet) in height;
  - ii. No barbed wire, or razor wire fences shall be allowed in a Commercial District;
  - iii. In the case of corner lots, no fences, hedge or shrubs shall be placed so as to create a visual obstruction in an established sight triangle.

### 5.8.11 Supplementary Regulations

In addition to other applicable regulations or standards contained in this bylaw, the following standards apply to those uses or forms of development designated as discretionary in the C1 - Town Centre Commercial District.

- a) Service Stations
  - i. Fuel pumps and other accessory equipment shall be located at least 6 metres (20 feet) from any street or lot line.
  - ii. All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened.
- b) Site Coverage

The maximum percentage of site coverage for all buildings, including accessory storage, such as Sea Cans/Intermodal storage containers, shall not exceed 75% of the site area and that coverage may be decreased in order to meet safety factors such as visibility and setbacks from adjacent uses to insure compatibility with other uses.

## 5.9 COMMERCIAL/LIGHT INDUSTRIAL DISTRICT – C2

**C2**

In any C2 – Commercial/Light Industrial District, no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:

### 5.9.1 Permitted Uses

- a) Motels or Hotels, including a dwelling for caretakers, owners, or managers of this use.
- b) Offices and Professional Office Buildings.
- c) Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers and recreation equipment.
- d) Auto body shops.
- e) Car washes.
- f) Gas Bar.
- g) Commercial cardlock.
- h) Restaurants, confectionaries including drive-in/thru.
- i) Commercial Indoor or Outdoor Storage establishments. Mini warehousing and u-store facilities.
- j) Small Scale Repair Services.
- k) Agricultural Commercial.
- l) Animal hospitals, Veterinary clinics and offices of veterinary surgeons.
- m) Garden centres or commercial greenhouses.
- n) Shops of plumbers, pipe fitters, metal workers and other industrial trades, manufacturing and sales.
- o) Lumber yards and building supply establishments.
- p) Tourist oriented commercial recreation activities.
- q) Mini-warehouse and self-service storage facilities.
- r) Telecommunication Facilities.
- s) Uses, buildings or structures accessory to and located on the same site as the principal building or use.
- t) Public Utility Buildings and Structures

### 5.9.2 Discretionary Uses

The following uses shall be considered by Council, subject to the completion of the discretionary process as outlined in Section 3 of the General Administration of this Bylaw:

- c) Establishments for the sale, rental, leasing and associated servicing of automobiles, trucks, motorcycles and recreational vehicles, industrial equipment and agricultural implements;
- d) General Commercial Type I;
- e) General Industrial Type I.
- f) Agricultural Industry;
- g) Residential or agricultural building assembly area/sales/staging.
- h) Construction and other industrial trade yards, plants, and/or offices.
- i) Warehousing and supply depots.
- j) Manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products that are not noxious.
- k) Farm and Industrial machinery, equipment and vehicle sales and service.

- l) Bulk petroleum sales and storage.
- m) Indoor repair, rental, servicing, storage, wholesale of any commodity and/or retail sales of any goods, materials and/or commodities excluding any hazardous materials
- n) Contractor's offices, workshops and yards
- o) Equipment Rentals.
- p) Heavy Equipment sales and services.
- q) Industrial Support services.
- r) Campgrounds including recreational Vehicle Park.
- s) Commercial Recycling Depots.
- t) Animal kennels and domestic animal boarding facilities;
- u) Public works buildings and structures excluding offices, warehouses, storage.
- v) Public works Solid and Liquid Waste Disposal facilities.
- w) Intermodal Storage Containers (trailers, sea and rail containers).

### 5.9.3 Prohibited Uses

The following uses shall be strictly prohibited within a C2 –Commercial/Light Industrial District:

- a) Dwelling units.
- b) All uses of land, buildings or processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions;
- c) Stockyards and auction marts.
- d) Hatcheries.
- e) Meat Processing Plants.
- f) Seed Cleaning plants, feed mills and flour mills.
- g) Fertilizer sales and storage.
- h) Cement manufacturing.
- i) Aggregate materials; storage or handling operations.
- j) Outdoor storage yard.
- k) Salvage recycling operation.
- l) Abattoirs
- m) All uses of buildings and land except those specifically noted as permitted or discretionary.

### 5.9.4 Subdivision and Site Regulations

Minimum site area	1 115 m <sup>2</sup> (12,000 sq. ft.) excepting public utilities and those commercial/industrial sites which existed prior to the passage of this Bylaw, which will be deemed to be conforming sites.
Minimum site frontage	30.0 metres (98 feet).
Minimum front yard	7.5 metres (25 feet).

	All buildings shall be set back a minimum of 45.72 metres (150 feet) from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 91.44 metres (300 feet) from the intersection of the centre lines of any municipal roads or provincial highway.
Minimum rear yard	7.5 metres (25 feet) or 25% of the depth of the site whichever is greater
Minimum side yard	3.0 metres (9.85 feet). 15.0 metres (49.22 feet) except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply.
Minimum setback for trees, shelterbelts and other	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.

### 5.9.5 Accessory Buildings and Uses

- a) A permitted accessory use/building shall be defined as any buildings, structures or a use, which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- b) All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- c) Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.

### 5.9.6 Parking

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

Restaurants, other eating places	1 parking space for every 4 seats provided for patrons.
Offices and Personal Service Establishments	1 parking space for each 30 m <sup>2</sup> (322.93 ft <sup>2</sup> ) of floor area.
Other uses	1 parking space for each 70 m <sup>2</sup> (753.50 ft <sup>2</sup> ) of floor area of the principal building.
Commercial Recreational Activities	1 parking space for each 10 m <sup>2</sup> (107.65 ft <sup>2</sup> ) of floor area.
Motels	1 parking space for each unit.

### 5.9.7 Parking Lots

- a) Are to be graveled and designed to drain water onto a street or lane or into a storm sewer system with adequate capacity to handle such runoff; and

- b) Where a parking lot/area abuts any Residential or Community Service District without an intervening lane there shall be a screening of at least 2.0 metres (6.56 feet) in height and a strip of land adjacent to the abutting site line of not less than 1.5 metres (4.93 feet) in width throughout which shall not be used for any purpose except landscaping.

#### 5.9.8 Supplementary Regulations or Special Provisions

- a) The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- b) The maximum percentage of site coverage for all buildings, including accessory storage, such as Sea Cans/Intermodal storage containers shall not exceed 75% of the site area and that coverage may be decreased in order to meet safety factors such as visibility and setbacks from adjacent uses to insure compatibility with other uses.
- c) Any parcel, which does not conform to the minimum or maximum site area requirement, shall be deemed conforming with regard to site area, provided that a registered title for the site existed at Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw.
- d) Notwithstanding any other requirements contained in this Bylaw, Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- e) The Development Officer may allow a building to be occupied by a combination of one or more of the permitted or discretionary uses listed within this District; however each use shall obtain a separate development permit.
- f) Where the use of the building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate dedicated and clearly defined space for such vehicles to stand for unloading or loading shall be provided on site.
- g) All areas to be used for vehicular traffic shall be designed and constructed to the satisfaction of Council.

#### 5.9.9 Landscaping

In addition the requirements contained within Section 4.12 of the General Regulations, the following additional conditions shall be met for developments within a Prestige Highway Corridor Commercial/Industrial District (PHC):

- a) Prior to issuing a development permit for an undeveloped lot in this district, the applicant shall be required to supply a landscape plan, which is satisfactory to Council, and wherever possible, existing trees should remain.
- b) Where a site abuts any country residential district without an intervening road, there shall be a strip of land adjacent to the abutting site line of not less than 3.0 meters in depth throughout, which shall not be used for any purpose except landscaping.



#### 5.9.10 Outdoor Storage

- a) Outdoor storage is permitted in side and rear yards.
- b) The storage and display of goods shall be permitted in a front yard where it is deemed essential to facilitate a permitted or approved discretionary use.
- c) All outdoor storage must be screened from view from adjacent roadways and public lands by a solid fence, landscape materials, berm, vegetative plantings or any combination of the above at least two meters in height.
- d) Commercial vehicles and equipment associated with a permitted use may be stored on-site provided the area used for storage of these vehicles does not exceed the area of the building used by the business to carry out its operations. No vehicles, materials or equipment shall be in a state of disrepair.

#### 5.9.11 Performance Standards

An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:

- a) Noise - emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
- b) Smoke - no process involving the use of solid fuel is permitted;
- c) Dust or ash - no process involving the emission of dust, fly ash or other particulate matter is permitted;
- d) Odor - the emission of any odorous gas or other odorous matter is prohibited;
- e) Toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
- f) Glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot;
- g) External storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the authority having jurisdiction.
- h) Industrial wastes - waste that does not conform to the standards established from time to time by Rural Municipal Bylaws shall not be discharged into any municipal lagoons.
- i) The onus of proving to the authority having jurisdiction and Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.

#### 5.9.12 Auto-body Shops

- a) This is limited to auto repair and body shops, limited salvage materials and vehicles waiting repair, where the majority of the activities are performed/ located inside an enclosed building.
- b) Vehicles and parts storage shall not be stored in any required front yard abutting a road. No yard shall be used for the storage or collection of hazardous material.
- c) All auto-body shop yards shall be screened from public view by a solid fence with the location, height and materials being first approved by the Development Officer by utilizing any of the following measures:
  - i. distance and careful location;

- ii. natural or planted vegetation;
  - iii. an opaque fence;
  - iv. a building;
  - v. other appropriate methods approved by Council.
- d) A Performance Bond may be required by Council to ensure the proposal meets the development standards.

#### 5.9.13 Bulk Petroleum Storage

Access to sites for discretionary uses or developments shall be located to ensure that heavy truck traffic takes access to or from arterial or collector streets or designated truck routes; all operations shall comply with all regulations of Sask Environment and Public Safety governing their development and operation:

- a) All outside storage shall be fenced and where the area abuts a Residential or Community Service District without an intervening street or lane, the storage area shall be screened with a solid fence or hedge at least 2.0 metres (6.57 ft.) in height;
- b) Bulk petroleum storage tanks are to be located in accordance with the *National Fire Code of Canada, 1990*, as amended from time to time.

#### 5.9.14 Signage

Signs and billboards are prohibited in the Commercial/Light Industrial District except for signs advertising the principal use of the premises or the names of the occupants of the premises. Permitted signs shall be subject to the following regulations:

- a) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- b) The facial area of a sign shall not exceed 0.5 m<sup>2</sup> (5.39 ft<sup>2</sup>);
- c) Temporary signs not exceeding 1 m<sup>2</sup> (10.77 ft<sup>2</sup>) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted;
- d) Temporary signs advertising product prices or sales, special events related to retail and service activities, or advertising community or charity activities or events are permitted.

## 5.10 COMMUNITY SERVICE DISTRICT - CS

CS

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

### 5.10.1 Permitted Uses

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

### 5.10.2 Discretionary Uses

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

- a) Communication towers;
- b) Golf courses, auto race tracks, horse race tracks, or other very large or very intensive use facilities;
- c) Recreational related commercial service facilities;
- d) Tourist campgrounds;
- e) Tourist cabins for rental to tourists on a seasonal basis.

### 5.10.3 Site Development Regulations

#### Permitted Uses

Minimum site area	450 m <sup>2</sup> (4,843.92 ft <sup>2</sup> ).
Minimum site frontage	15 metres (49.22 feet) or lesser depending on physical circumstances or redevelopment of existing site
Minimum front yard	7.5 metres (25 feet).
Minimum rear yard	6.0 metres (19.69 feet) except where the rear of the site abuts any Residential District without an intervening street or lane, a rear yard of at least 7.5 metres (24.61 feet) shall be provided.

Minimum side yard	Not less than half the height of the building or 3.0 metres (9.85 feet) whichever is more.
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### Recreational, Public or Institutional Uses

Minimum site area	450 m <sup>2</sup> (4844 ft <sup>2</sup> ).
Minimum site frontage	15.24 metres (50 feet).
Minimum front yard	7.62 metres (25 feet).
Minimum side yard	3.66 metres (12 feet) or ½ the average wall height, whichever is greater.
Minimum rear yard	7.62 metres (25 feet.)
Minimum floor area	The Principle building shall be a minimum of 210m <sup>2</sup> (700 ft <sup>2</sup> ) An accessory building shall not exceed 75% of the principal building footage.
Maximum site coverage	Building coverage may not exceed 60% of the site area.
Minimum parking spaces	2
Shelterbelts, shrubs and fences	Tree and shrub plantings, portable structures, machinery and earth or gravel piles shall comply with the same setback requirement as for buildings.

#### 5.10.4 Accessory Buildings

- a) All accessory buildings shall be set back a minimum of 6.0 metres (19.69 feet) from the front site line, 1.2 metres (3.94 feet) from the principal building, and 1.2 metres (3.94 feet) from the side site line unless the side site line is an abutting street then the side yard shall be 4.5 metres (14.77 feet).
- b) All accessory buildings shall be located a minimum of 1.2 metres (3.94 feet) from the rear site line except where an accessory building has a door or doors opening onto a lane then it shall not be located less than 3.0 metres (9.85 feet) from the site line abutting the lane.
- c) All accessory buildings shall not exceed 83.6 metres<sup>2</sup> (900 feet<sup>2</sup>) and shall not exceed 5.0 metres in height.
- d) All activities related to artisan studios, crafts and workshops shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

#### 5.10.5 Signage

- a) The facial area of a sign shall not exceed 0.5 metres<sup>2</sup> (5.39 feet<sup>2</sup>).
- b) Signs and billboards are prohibited except for one information sign for each building or use and those bearing notices of special events and activities, or other information, relating to a temporary condition affecting the site and shall not exceed 1.0 metres<sup>2</sup> (10.77 feet<sup>2</sup>) in size.

### 5.10.6 Parking

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

Churches and Places of Assembly	1 parking space for each 50 m <sup>2</sup> (538.22 ft <sup>2</sup> ) of floor area.
Special care homes	1 parking space for each bed.
Institutional buildings, private clubs and lodges	1 parking space for each 50 m <sup>2</sup> (538.22 ft <sup>2</sup> ) of floor area.
Recreational buildings, sports facilities and fields	1 parking space for each of every ten patrons or seats.

### 5.10.7 Landscaping

- a) A landscaped strip of not less than 3.0 metres (9.85 feet) in width throughout lying parallel and abutting the front site line shall be provided on every site.
- b) On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.
- c) Where a site abuts any Residential District without an intervening land, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 metres (4.93 feet) through which shall not be used for any purpose except landscaping.

## 6 Repeal and Adoption

The Town of Burstall has no existing Zoning Bylaw and hereby adopts Bylaw No. 2022-197, the Zoning Bylaw for the Town of Burstall, subject to the provisions of *The Planning and Development Act, 2007*.

### Ministerial Approval

This Bylaw is adopted pursuant to *The Planning and Development Act, 2007*, and shall come into force on the date of final approval by the Minister of Government Relations.

### Council Readings and Adoption

Read a first time this	_____	day of	_____	202__
Read a second time this	_____	day of	_____	202__
Read a third time this	_____	day of	_____	202__
Adoption of Bylaw this	_____	day of	_____	202__

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ADMINISTRATOR

\_\_\_\_\_  
MINISTERIAL APPROVAL DATE

SEAL

\_\_\_\_\_  
Ministerial Approval

Appendix “A” Zoning Map



ZONING DISTRICTS  
MAP

LEGEND

- Residential - R1
- Residential - R2
- Town Centre Commercial District - C1
- Commercial/Light Industrial District - C2
- Community Services - CS
- Future Urban Development - FUD

- ++++ Railways
- Property Line
- Town Boundary

THIS IS THE ZONING DISTRICT MAP  
REFERRED TO IN BYLAW No. 2022-197  
ADOPTED BY THE TOWN OF BURSTALL

MAYOR

ADMINISTRATOR

APPROVED ON THE \_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_

MINISTRY OF GOVERNMENT RELATIONS



## Appendix “B”

### Development Permit Application Requirements

**Every development permit application shall include:**

**1. Application Form**

A completed application form.

**2. Site Plan**

Two copies of a proposed development site plan.

**3. Building Plan**

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

**4. Landscape Plan**

A landscape plan showing, with labels, the following:

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

**5. Vicinity Map**

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

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

**6. Certificate of Title**

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

**7. Valid Interest**

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

- a) Proof of current valid interest may include:
  - i) proof of ownership;
  - ii) an agreement for sale;
  - iii) an offer or option to purchase;
  - iv) a letter of purchase;
  - v) a lease for a period of more than 10 years; and
  - vi) other, as determined and accepted by Council, or the Development Officer.

**8. Site Description for Subdivision Applications**

- a) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent.
- b) A metes and bounds description prepared by the Information Services Corporation, which is accompanied by an accurate sketch.
- c) Photographic Information; and/or
- d) Photographs showing the site in its existing state.

**9. Prior to making a decision on a subdivision, permitted or discretionary use,** Council may refer the application to whichever Government Agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.

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## Appendix "C"

### Application for a Development Permit

**1. Applicant:**

a) Name: \_\_\_\_\_

b) Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

c) Telephone Number: \_\_\_\_\_ Cell phone: \_\_\_\_\_

**2. Registered Owner: as above, or:**

a) Name: \_\_\_\_\_

b) Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

c) Telephone Number: \_\_\_\_\_ Cell phone: \_\_\_\_\_

**3. Property: Legal Description**

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Reg. Plan No. \_\_\_\_\_

**4. Lot Size:**

Dimensions \_\_\_\_\_ Area \_\_\_\_\_

**5. Existing Land Use:**

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**6. Proposed Land Use/description of Proposed Development:**

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**7. Proposed date of Commencement:** \_\_\_\_\_**Proposed date of Completion:** \_\_\_\_\_

**8. Other Information:**


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

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

**10. Declaration of Applicant:**

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

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

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

## Appendix "D"

### Notice of Decision for a Development Permit or Zoning Bylaw Amendment

To: \_\_\_\_\_  
(Applicant) (Address)

This is to advise you that your application for a:

- ☐ Permitted Use or Form of Development, or
- ☐ Discretionary Use or Form of Development, or
- ☐ Request for a Zoning Bylaw Amendment

Has Been:

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

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

### Right of Appeal

Please be advised that under Section 219 of *The Planning and Development Act, 2007*:

- ☐ **you may NOT appeal the refusal** of your application for a use or form of development that is not permitted within the zoning district of the application;
- ☐ **you may NOT appeal the refusal** of your application for a discretionary use or form of development;
- ☐ **you may NOT appeal the refusal** of your application for an amendment to the zoning Bylaw;
- ☐ **you MAY APPEAL those standards** that you consider excessive in the approval of the discretionary use of form of development; or
- ☐ **you MAY APPEAL the refusal** of your application if you feel that the Development Officer has misapplied the Zoning Bylaws in the issuing of this permit.

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

**Secretary, Development Appeals Board**

**Town of Burstall  
957 Railway Avenue, Burstall, SK**

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(Date)

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Development Officer

**Note:**

**This Development Permit expires 12 months from the date of issue.**

**A Building Permit is also required in addition to a Development Permit for a building construction.**