



Town of Maple Creek

Zoning Bylaw – March 2011

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1 INTRODUCTION

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

1.1 Title

This Bylaw shall be known and may be cited as the Town of Maple Creek Zoning Bylaw, and herein may be referenced as “this Bylaw”.

1.2 Purpose

The purpose of this Bylaw is to regulate and control or prohibit the use and development of land and buildings within the Town of Maple Creek pursuant to Part 5 of *the Planning and Development Act, 2007*, and to implement the provisions of the Official Community Plan.

1.3 Scope

Development shall be permitted within the limits of the Town of Maple Creek only when in conformity with the provisions of this Bylaw, the Town of Maple Creek’s Official Community Plan, and the Planning and Development Act, 2007.

1.4 Severability

A declaration by a court of competent jurisdiction that a section, clause or provision of this Bylaw, including anything shown on the Zoning Map is invalid, shall not affect the validity of any part of the Bylaw other than the section, clause, or provision, or part of the Zoning Map declared to be invalid (Section 33 of the Act, 2007).

1.5 Other Legislative and Bylaw Requirements

Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required by this Bylaw, or to obtain any other permit, licence or other authorization required by any bylaw, or act or any regulation pursuant to those acts.

2 DEFINITIONS

If a particular use does not conform with any of the following definitions, or if a particular use appears to conform with more than one definition, the particular use may be deemed to conform to the definition which, in the opinion of the Council or the Town's Administrator is most appropriate.

The following words or terms that are used in this Bylaw shall have the following meaning:

Accessory Use - a use customarily associated with, incidental to, and subordinate to, the principal use or building, and located on the same site with such principal use or building.

Administrator – refers to the Administrator of the Town of Maple Creek.

Alteration – means any structural change or addition of or made to any part of a building.

Ancillary use - a secondary and subordinate use to the principle use, which is specifically allowed, and may include an associated building that is specifically allowed pursuant to this Bylaw.

Animal Care Facility -means a development providing health care treatment, grooming, boarding, breeding or training of animals.

Apartment - a building divided into three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence with a common entrance, not including a hotel or rooming house.

Autobody and Paint Shop -means a development for autobody repairs or painting or both autobody repairs and painting.

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

Beverage Room – an establishment, licensed by the Province of Saskatchewan, in which alcoholic beverages are served for a fee for consumption on the premises and may include a licensed lounge that is ancillary to a restaurant. Food preparation or serving of food maybe an accessory use to the drinking establishment but is subject to all applicable provincial regulations.

Building - a structure constructed or placed on, in or over land but does not include a public highway.

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

Building Bylaw - a bylaw of the Town of Maple Creek regulating the erection, alteration, repair, occupancy, or maintenance of buildings and structures, adopted pursuant to The Uniform Building and Accessibility Standards Act.

Building Height - the vertical distance of a building measured from grade level to the highest point of the roof.

Building Permit - a permit, issued under the Building Bylaw of the Town of Maple Creek, authorizing the construction of all or part of a building or structure.

Building, Principal - a building within which the principle uses of the site is housed or conducted.

Campground - a site which provides for the location of tents or trailer coaches used by travellers and tourists for overnight accommodation.

Club - a service club or private club which involves recreational, social, cultural or athletic activities.

Commercial Entertainment Establishment - a recreation or amusement facility operated as a business and open to the general public for a fee such as an amusement arcade, bowling alley, theatre, billiard parlour, and bingo hall (where licensed by the Saskatchewan Liquor and Gaming Authority).

Community Centre - a facility operated by the Municipality or a non-profit organization for meetings, recreational activities and similar uses and open to the general public.

Council - the Council of the Town of Maple Creek.

Day Care Centre - a facility which provides for the non parental care of pre-school age children or school aged children outside of normal school hours, and includes, but is not limited to:

- a child care centre or day care centre which is required to be licensed by the Province of Saskatchewan pursuant to The Child Care Act
- a nursery school for pre-school children.

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

Development Officer - the officer of the Town of Maple Creek appointed pursuant to Section 3.1 to administer this Bylaw.

Development Permit - a permit, issued by the Council of the Town of Maple Creek or its designate that authorizes development but does not include a building permit.

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

Dwelling Unit - one or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.

Dwelling, Multiple Unit - a building divided into three or more dwelling units as defined here and shall include, amongst others, town or row houses and apartments as distinct from a rooming house, hotel or motel.

Dwelling 'Ready to Move' (RTM) - a new single detached dwelling constructed off site to National Building Code or CSA A277 standards to be moved onto a new permanent residential site building foundation.

Dwelling, Semi-Detached or Duplex - two dwelling units side by side in one building unit with a common party wall which separates, without opening the two dwelling units throughout the entire structure.

Dwelling, Single Detached - a detached building consisting of one dwelling unit as defined here; and occupied or intended to be occupied as a permanent home or residence, including a 'ready to move dwelling' when attached to its foundation on the site, but not including a mobile or modular home as defined.

Dwelling, Fourplex – means a development comprising a building with four dwelling units.

Dwelling, Townhouse – a building with three or more dwelling units side by side with common party walls which separate, without opening, each dwelling unit throughout the entire structure, with each dwelling having their own entrance. Where permitted in the Zoning Bylaw, a row house may be subdivided into the separate dwelling units along the party walls.

Family Child Care Home - a child care facility located in a building where the principal use is a dwelling unit, and which is licensed by the Province of Saskatchewan pursuant to The Child Care Act.

Flood Elevation- 1:500 Year means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Saskatchewan Watershed Authority.

Floodplain – means the area of land bordering a watercourse or water body that could be inundated by a 1 in 500 year flood event as determined by Saskatchewan Watershed Authority. The floodplain is comprised of two areas:

Floodway Area - is the portion of the floodplain where flows are deepest, fastest and most destructive. The floodway typically includes the main channel of a watercourse and a portion of the adjacent overbank area. The floodway is required to convey the design flood.

Flood Fringe – is the portion of the floodplain that is outside of the floodway. The flood fringe area is flooded during a 1:500 year flood event.

Flood Freeboard Elevation- means the elevation of the design flood plus an additional 0.5 meters.

Flood Proofing – the alteration of land or structures either physically or in use to reduce flood damage. Flood proofing may be achieved by all or a combination of the following:

- (a) building on fill, provided such fill does not interfere with flood flows of the watercourse, and is adequately protected against floodwater erosion;
- (b) building raised by structural means such as foundation walls, columns, etc.; and
- (c) a combination of fill and structural means.

Floor Area - the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sunroom, unfinished attic or unfinished basement.

Frontage - the length of the site line front.

Garage, Private - a building or part of a building or a carport used or intended to be used for the storage of motor vehicles and having a capacity for not more than four motor vehicles for each dwelling unit to which the garage is accessory.

Garage, Public - a building or part of a building other than a private garage used for the storage, care, repair, servicing or equipping of motor vehicles or where vehicles are kept for remuneration, hire, sale or display.

Gas Bar - a commercial facility predominately for the sale of gasoline, diesel and propane, and may offer for sale other petroleum products and vehicle accessories.

Grade Level - an average elevation of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Granny Suite – a self-contained secondary dwelling unit detached from the principal dwelling unit on a single residential lot.

Gross Floor Area - the total floor area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each story below, at and above grade, excluding attics, balconies, boiler rooms, electrical or mechanical rooms, and basement areas used exclusively for parking or storage.

Group Care Facility - a supervised residential dwelling unit, licensed or approved under provincial statute, for the accommodation of persons, excluding staff, referred by hospitals, courts, government agencies or recognized social service agencies or health care professionals.

Home Based Business – a business, occupation, trade, profession or craft customarily conducted entirely within a residential building or accessory building by the inhabitants of the dwelling, and where the use is clearly ancillary and secondary to the residential use and does not change the character of the dwelling.

Hotel - buildings or structures used or advertised as a place where sleeping accommodations are provided in whole or part, and may include accessory uses.

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

Mayor - the Mayor of the Town of Maple Creek.

Minister- shall mean the member of the Executive Council to whom, for the time being, is assigned the administration of *The Planning and Development Act, 2007*.

Mobile Home – a trailer coach:

- a. that is used as a dwelling for permanent or year round living
- b. that has water faucets, wash basin, a shower or bathtub, and a toilet that may be connected to a water distribution and sewage collection system
- c. which is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-Z240 series standards.

Mobile Home Park - any site on which two or more occupied mobile homes are located but does not include an industrial or construction camp or tourist campsite.

Modular Home - a factory built home that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis to be used as one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.

Modular Home, Single Wide - a modular home that is less than 5 metres (16.40 ft.) in width.

Modular Home, Double Wide - a modular home that is greater than 8 metres (26.25 ft.) in width.

Modular Unit - a factory built frame or shell which comprises supporting and non-supporting walls, siding, and other components of a prefabricated home representing only a section of a dwelling and has neither chassis, running-gear, nor its own wheels.

Modular Home Park – any site on which two or more occupied modular homes are located but does not include an industrial or commercial camp or tourist campsite.

Motel - means a building or group of buildings on a site designed and operated to provide temporary accommodation and contains separate sleeping units, each of which is provided with an adjoining parking stall.

Non-Conforming Building - a building:

- a) that is lawfully constructed or lawfully under construction, or with respect to which all required permits have been issued, at the date a Zoning Bylaw or any amendment to a Zoning Bylaw affecting the building or land on which the building is situated or will be situated becomes effective; and
- b) that on the date a Zoning Bylaw or any amendment to a Zoning Bylaw Becomes effective does not, or when constructed will not, comply with the Zoning Bylaw.

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

Non-Conforming Use - a lawful specific use:

- a) being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to which all required permits have been issued, at the

date the Zoning Bylaw or any amendment to the Zoning Bylaw affecting the land or building becomes effective; and

- b) that on the date the Zoning Bylaw or any amendment to the Zoning Bylaw becomes effective does not, or in the case of a building under construction or with respect to which all required permits have been issued will not, comply with the Zoning Bylaw.

Personal Service Establishment - a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects, including barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, Laundromats, shoe repair shops, photographers, but excluding any adult or sexually explicit services.

Portable Garage and Shelter – means a small scale moveable tent like structure designed to provide storage and protection.

Public Utility – a system, works, plant, equipment or service, whether owned or operated by or for the Municipality, or by a corporation under agreement with the Municipality, or under a federal or provincial statute, which furnishes any of the following services and facilities to the residents of the Municipality:

- a) systems for the production, distribution or transmission of electricity.
- b) systems for the distribution, storage, or transmission of natural gas or oil.
- c) facilities for the storage, transmission, treatment, distribution or supply of water.
- d) facilities for the collection, treatment, movement or disposal of sewage and garbage.
- e) telephone or light distribution lines
- f) microwave and cell phone tower communication.
- g) facilities for optical cable, or cable television services.

Radio and Television Communication Structure - structures used for receiving and broadcasting radio or television signals.

Retail Store - establishments engaged in selling goods or merchandise to the general public for personal or household use; and rendering services incidental to the sale of goods such as groceries, hardware, dry goods, sporting goods, novelties, jewellery, household appliances, books and magazines.

Residential Care Home - a facility licensed under provincial statute to provide, in a residential dwelling, long term residential, social, physical or personal care, including accommodation, meals, supervision or assistance for persons who have limits on ability for self-care and self supervision, and who are unrelated to the operator or owner.

Service Station - a building which is a principal use on a site or a structure which is an accessory use in a clearly defined space on a site; where gasoline or other motor fuels are kept for sale and delivery directly into a motor vehicle, and where the service station is a principal use on the site, it may also include the servicing and repairing of motor vehicles.

Shipping Containers - means a standardized re-sealable moveable transportation box for freight handling and storage, typically constructed of aluminium or steel.

Sight Triangle, Driveway - the area contained in the triangle formed by the intersection of the edge of a driveway giving access to a street or lane and the property line and a straight line drawn from a point 3 m from that intersection along the driveway within the property to a similar point along the property line 3 m away from the driveway.

Sight Triangle, Street- the area contained in the triangle formed by the corner property lines and a straight line drawn from a point 7.5 m from the corner property pin to a similar point 7.5 m along the perpendicular or intersecting property line.

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

Sign, Awning - a non-illuminated sign painted or affixed to the surface of an awning which does not extend beyond the perimeter of the awning.

Sign, Billboard - a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the site on which the sign is located.

Sign, Canopy - a sign attached to, or painted on an awning, canopy or free-standing canopy.

Sign, Construction - a temporary sign erected by a person or company on the premises undergoing construction, identifying pending development and information relating to construction process, labour services, materials or financing, name of building, as well as the owner and participants in the development project, but not including the advertisement of any products.

Sign, Converted Vehicle and Trailer - a vehicle or trailer not originally designed as a sign, but which has been converted or used for that purposes.

Sign, Directional - any sign displaying safety or warning messages directing traffic or providing parking directions giving instructions, directions or orders to persons making use of premises.

Sign, Face - the entire area of a sign on which a copy could be placed. In the case of multi-faced signs, each facial side of the sign shall be included in determining the total sign surface area.

Sign, Facial Area - the entire surface area of a sign or in the case of a painted wall sign the smallest geometric figure which describes the area enclosed by the sign face.

Sign, Free-Standing - a sign structurally supported by one or more up-rights or braces placed in the ground and not attached to any building.

Sign, Portable - a free-standing sign which is capable of being relocated and which may have lettering that can be changed manually, but does not include vehicles and trailers not originally designed as a sign, but which have been converted or used for that purposes.

Sign, Real Estate - a temporary sign that advertises for sale, rent, or lease the land, property or premises on which the sign is displayed.

Sign, Temporary - a sign advertising a message applicable for a defined period of time and not exceeding 6 months.

Sign, Wall - a sign attached to or painted on the wall of a building or structure or its fascia in such a manner that the wall is the supporting structure for or forms the background surface of the sign and which does not project more than 0.5 metres (1.64 ft.) from such building or structure.

Site - one or more contiguous surface parcels as defined under The Land Titles Act, 2000, and used as a unit for the purpose of regulation under this Bylaw.

Site Line, Front - the boundary that divides the site from the street, in the case of a corner site, the front site line shall mean the boundary separating the narrowest street frontage of the site.

Site Line, Rear - the boundary at the rear of the site and opposite the front site line.

Site Line, Side - a site boundary other than a front or rear site line.

Similar Use – means a use of land or a building for a purpose which is not listed in a use table as permitted or discretionary use as the case may be, but is found by Council to be an acceptable use.

Street - a public thoroughfare which affords the principal means of access to the abutting property.

Strip Mall - a single story structure in which a minimum of two of the permitted and discretionary uses of the zoning District are located together, each use having a separate entrance to the outside with off-street parking and other jointly used amenities.

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

Temporary Development – means development involving a use and/or a building maintained or operated for a time period specified by a temporary development permit.

Units of Measure - units of measure in this Bylaw are metric abbreviated as follows:

m - metre (s)

m² - square metre (s)

km - kilometres

Yard- means any part of a site unoccupied and unobstructed by any principal building or structure.

Yard, Front- means a yard extending across the full width of a site between the front site line and the nearest main wall of the principal building or structure on the site.

Yard, Rear - a yard extending across the full width of the site between the rear site line and the nearest main wall of the principal building or structure on the site.

Yard, Side - a yard extending from the front yard to the rear yard between the side site line and nearest main wall of the principal building or structure on the site.

3 ADMINISTRATION

3.1 Establishment of Development Officer

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council. The Development Officer for the purpose of this Bylaw shall constitute the Development Authority of the Town of Maple Creek. The Development Officer shall perform such duties that are specific in this Bylaw, including among other things:
- a. advise and assist the Municipal Council in regard to the planning of orderly and economical development within the Town, and shall seek to ensure that any proposed development is in accordance with the purpose, scope or intent of this Bylaw and be consistent with the Official Community Plan and adopted Town policies;
 - b. receive and process all applications for development permits;
 - c. keeping a register of all applications for development including the decisions thereon and the reasons therefore;
 - d. keeping and maintaining the development records and a copy of this Bylaw for the inspection of the public during all regular hours;
 - e. for the purpose of this Bylaw, the Development Officer shall constitute the Development Authority of the Town of Maple Creek; and
 - f. may refer any development permit application or any other development matter to the Town's Council for its review, support or advice.

3.2 Development Permit

- (1) Development Permit refers to any permit, license, authority, order, approval, endorsement, or permission required from a municipal agency prior to the commencement or completion of any development. In doing so, the following procedures should be taken into consideration:
- a. no person shall undertake a development or commence a use unless a development permit has first been obtained, except in situations covered under Section 3.2.2 of this Bylaw; and
 - b. a building permit shall not be issued unless a development permit, where required, has been issued.

3.2.1 Application for Development Permit

- (1) The application for a development permit shall be made to the Development Officer, in writing, in the provided application form as adopted by resolution of Council. The application shall be accompanied by two copies of a site plan showing dimensions and locations of proposed structure and property lines, and shall:
 - a. be signed by the registered owner or by an authorized agent to make the application;
 - b. clearly state the proposed use of the land and buildings;
 - c. include parcel plans at scale satisfactory to the Development Officer, showing the following:
 - i. the legal description of the parcel;
 - ii. location of principle building and other structures including garages, driveways, paved areas, and landscaped areas;
 - iii. front, side and rear yards;
 - iv. the exterior elevations showing height, horizontal dimensions and finishing materials of building;
 - v. a parcel grading plan showing the elevations of the proposed development;
 - vi. estimated cost of the project including land prices; and
 - vii. any other information required by the Development Officer respecting the parcel or adjacent lands.
- (2) The Development Officer may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed developments with this Bylaw.
- (3) When in the opinion of the Development Officer, sufficient details of the proposed development have not been provided with an application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be considered to be in its final form until all required details have been submitted to the satisfaction of the Development Officer.

3.2.2 Where a Development Permit is Not Required

- (1) The following developments shall not require a development permit provided that the proposed development conforms to all requirements of this Bylaw:

- a. maintaining or repairing any building, provided that the work does not include structural alterations or does not result in an increase in the number of dwelling units;
- b. gardening and yard maintenance activities within existing landscape areas, that does not alter the general contour of the land;
- c. the maintenance and repair of public works, services or utilities carried out by or on behalf of federal, provincial or municipal authorities;
- d. temporary use of a building for election or census purposes;
- e. the construction or maintenance of gates, fences, walls or other means of enclosure less than 1.0 m (3 ft) in height;
- f. demolition of a building or structure where a Development Permit has been issued for a new development on the same site, and the demolition of the existing building or structure is implicit in that permit;
- g. landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where a Development Permit allows for such landscaping;
- h. the installation of a satellite dish antenna less than 1.0 m (3 ft) in diameter, if it is attached to an existing structure in a Residential District; and
- i. a ground level deck located in a rear or side yard in any District.

3.2.3 Decisions on Development Permit Applications

- (1) Upon completion of the review of an application for development, the Development Officer shall:
 - a. approve with or without conditions, an application for a permitted use where the proposed development conform to this bylaw;
 - b. review and submit an application for discretionary use and refer the application with recommendations to Council for decision;
 - c. refer all applications for modular homes, to Council for final decision;
 - d. issue refusal, where the application is for a use that is not provided for in the District in which the property is located;
 - e. issue a refusal, where the application dose not comply with a provision or regulation of this Bylaw, stating the exact reason for refusal; and

- f. the Development Officer or Council may require as a condition of issuing a development permit, that:
 - i. prior to making a decision, refer the application to municipal departments or external agencies for comment;
 - ii. a signed authorization form or letter from the Saskatchewan Land Surveyor be submitted, stating that the Town of Maple Creek may utilize the Surveyor's report for evaluating the compliance of the proposed development against all land use regulations relating to the use of the land;
 - iii. require financial guarantees, in a form and an amount acceptable to the Town, from the applicant to secure performance of any of the conditions of a development permit;
 - iv. issue a temporary development permit where, in the opinion of the Development Officer, the proposed use is of a temporary nature; and
 - v. the applicant to provide further information necessary to render a decision.
- (2) Council shall make a decision on a discretionary use, by resolution, that approves or refuse the discretionary use on that site, and that instructs the Development Officer to:
 - a. issue a development permit incorporating any specific development standards set forth by Council and subject to the limitations of the *Act*;
 - b. issue a development permit where the applicant requires to submit an amended application so that the proposed development will comply with the standards of this Bylaw, subject to the limitations of the *Act*; and
 - c. issue a notice of refusal to the applicant, stating the reasons for the refusal, and advising the applicant of any right of appeal that the applicant may have.

3.2.4 Notice of Proposed Development

- (1) Prior to an application being considered for a discretionary use, the Development Officer shall provide the following:
 - a. cause a similar notice to be provided to the assessed property owners within 75 metres of the boundary of the applicant's land, not less than seven (7) days prior to the date of consideration of the application by Council.

- (2) The Development Officer before the application is to be considered by Council may:
 - a. cause a similar notice to be published once in a newspaper circulating in the municipal area, at the expense of the applicant; and/or
 - b. cause a notice to be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than 7 days prior to the date of consideration of the application.
- (3) The notices issued pursuant to Section 55(1) of the *Act* shall state:
 - a. the proposed use of the building or parcel;
 - b. that an application respecting the proposed use will be considered by the Development Officer;
 - c. the date by which objections must be received by the Development Officer; and
 - d. that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:
 - i. their full name and address for service of any notice to be delivered to them in respect of the objection, and
 - ii. the reasons for their objections to the proposed use.
- (4) When considering applications under Section 55(1) of the *Act*, for which notices have been served, the Development Officer may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

3.2.5 Notice of Decision

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused or conditionally approved by the Development Officer or Council, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (3) When a decision on a development permit for a discretionary use is made, the Development Officer may undertake or be directed to undertake by the Town of Maple Creek's Council, as the case may be, any or all of the following:
 - a. publish a notice in a newspaper circulating in the municipal area; and/or

- b. post a notice noticeably on the parcel with respect to which the application has been made, for a period of no less than twenty one (21) days after the day the permit was issued.
- (4) The notices issued pursuant to subsections 3.2.4 (3) (c) & (d) of this Bylaw shall indicate:
- a. the date a decision on the development permit application was made;
 - b. the location and use of the parcel in respect of which the application has been made and the decision of either the Development Officer or Council, and
 - c. that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Development Appeal Board before the effective date of the development permit as determined pursuant to Section 19 of this Bylaw.

3.2.6 Validity of Development Permit

- (1) A development permit is valid unless:
- a. It is suspended or cancelled; and
 - b. the development that is the subject of the development permit is not commenced within six (6) months from the date of the issue of the permit, and completed within eighteen months of its issue, the permit is deemed void unless an extension has been granted prior to its expiry.
- (2) The Development Officer may extend the period of time that a development permit is specified to be valid in accordance with in Section 30(a)(ii) of the *Act* if, in their opinion, circumstances warrant such a time extension.
- (3) Temporary Development Permits shall have the expiry date of the permit clearly indicate on the notice of decision.

3.2.7 Suspension or Cancellation of Development Permit

- (1) If, after a development permit has been issued, the development Officer becomes aware that:
- a. the application for the development contains a misrepresentation; or
 - b. facts concerning the application or development were not disclosed during the approval process; or
 - c. the development permit was issued in error,
- (2) The Development Officer, as the case may be, may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of the permit;

- (3) A person whose development permit is suspended or cancelled under this Section may appeal to the Development Appeal Board within 30 days from the date in which the development permit is suspended or cancelled; and
- (4) Where an approved development is failed to comply with the provisions of this Bylaw, or with standards and conditions specified in the development permit, Development Officer or Council may revoke or suspend the development permit. The development permit shall not be reissued or reinstated until all deficiencies have been corrected.

3.2.8 Deemed Refusals

- (1) In accordance with Section 134 of the *Act*, an application for a development permit shall, at the option of the applicant, deemed to be refused if the decision of the Development Officer or Council, as the case may be, is not made within ninety (90) days of receipt of completed application unless an agreement to extend the 90-day period herein described is established between the applicant(s) and the Development Officer.

3.3 Development Appeals

- (1) An appeal may be made by any affected person to the Development Appeal Board if the Development Officer or the Commission:
 - a. refuses to issue a development permit;
 - b. cancels or suspends a development permit as described in Section 3.2.8 of this Bylaw, or issues an order as described in the *Act*;
 - c. fails to make a decision within 40 days of receipt of the completed application, unless the applicant has entered into a written agreement with the Development Officer to extend the 40- day period; and
 - d. issues a development permit subject to conditions.
- (2) An appeal shall be made through the Town Administrator to the Development Appeal Board within 30 days after:
 - a. the date the development permit, order or decision made by the Development Officer or Commission; and
 - b. the 40-day or time extension agreement period, referred to in Section 3.2.9 of this Bylaw has expired.
- (3) Each notice of appeal submitted to the Appeal Development Board shall be accompanied by:
 - a. a written notice of intention to appeal; and
 - b. submit the appeal fee.

- (4) the Development Officer shall advise the applicant of the rights of appeal granted by the Act, with respect to that application.

3.3.1 Appeal Board

- (1) A Council shall appoint a Development Appeal Board in accordance with Sections 49 and 214 to 218 of the *Act*. The Board should not have less than three members.
- (2) Council shall appoint an Appeal Board within 90 days of this Zoning Bylaw coming into effect.
- (3) Council shall, by resolution, adopt a policy specifying: the terms of office; the manner of filling of vacancies to the board; the remuneration and expenses for board members; the provision for the Town Administrator or his/her designate to act as a secretary to the board.

3.3.2 Powers of the Appeal Board

- (1) The Development Appeal Board has the powers given by the *Act* to allow variances to the standards of this Bylaw, including standards and conditions specified for a permitted use or a discretionary use.
- (2) Nothing in this Section allows a Development Appeal Board to vary a refusal to grant a use or an appeal for a use or intensity of use not permitted in a District.
- (3) Nothing in this Section allows a Development Appeal Board to vary a refusal by Council to approve a discretionary use or intensity of a discretionary use provided for in the Bylaw for a District.

3.4 Enforcement, Offenses, and Penalties

3.4.1 Inspection

- (1) Section 242 of the *Act* states that where the Development Officer has reasonable grounds to believe that development of property contravenes any provision of the Zoning Bylaw, he/she may at a reasonable time, and with the consent of the owner, operator, or occupant, or having been refused consent, with a warrant, enter any land, building, or premises for the purposes of inspection.

3.4.2 Written Order

- (1) Where the Development Officer has determined that a violation of this Bylaw, or any order made pursuant to the Act, has occurred, the Development Officer may issue a written order to the owner, operator or occupant of the land, to correct the violation pursuant to Section 242 of the *Act*.
- (2) The order shall specify the contravention, and may require the owner, operator, or occupant to do any or all of the following:

- a. discontinue the development;
 - b. alter the development so as to remove the contravention;
 - c. restore the land, building or premises to its condition immediately prior to the undertaking of the development or form of development; and
 - d. complete the work necessary to comply fully with the Zoning Bylaw.
 - e. the order shall specify the time when the actions required by Clause (2) are to be complete and shall advise of the rights of appeal.
 - f. the written order may be delivered by:
 - i. registered mail; or
 - ii. personal service.
- (3) The Development Officer may register an interest against the title to the property, based on the order, and shall discharge the interest once the order is complied with.
- (4) If a land owner, operator or occupant failed to comply with the written order, and when the given period of time elapse, the Development Officer may apply to the Court of Queen's Bench to enforce the order, or the order as amended by the Development Appeal Board or the Saskatchewan Municipal Board on an appeal.

3.4.3 Offenses and Penalties

- (1) This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Saskatchewan Court of Appeal upon action brought by Council, whether or not any penalty has been imposed for the contravention.

A person who:

- a. contravenes any provision of the *Act* or the regulations under the *Act*;
- b. contravenes this Bylaw;
- c. contravenes a development permit or subdivision approval or a condition attached thereto; and
- d. obstructs or hinders any person in the exercise or performance of his powers or duties under the regulations of the *Act* or this Bylaw.

is guilty of an offence and is liable on summary conviction to the penalties set forth in section 243 of the *Act*, namely:

- i. a fine of not more than \$10,000 in the case of an individual;
- ii. a fine not more than \$25,000 in the case of a corporation; and
- iii. a further fine not exceeding \$500 for each day, if the offence continues, and in default of payment to imprisonment of 30 days or both.

3.5 Minor Variances to the Zoning Bylaw

- (1) Section 49 clause (h) of the *Act*, permits the Council to establish requirements for minor variances to the Zoning Bylaw, to provide flexibility in the administration and the implementation of the Bylaw. The Council shall consider variances to the provisions of the Zoning Bylaw to non-existing uses. Accordingly, the Council may approve the variance, if the general intent of the Official Community Plan and the Zoning Bylaw are maintained, if the development flowing from the variance will be appropriate and if the variance is minor. To achieve this, the following steps shall be taken into consideration:
 - a. an application for a minor variance shall be made to the Development Officer for a minor variance to the Zoning Bylaw.
 - b. the Development Officer shall maintain a register as an appendix to the Zoning Bylaw of all minor variance applications.
 - c. the Development Officer may vary the requirements of the Zoning Bylaw subject to certain conditions, and where a minor variance may be granted for variation only of:
 - i. the minimum required distance of a building from the site line; and
 - ii. the minimum required distance of a building to any other building on the site.
 - d. the maximum amount of minor variance shall not exceed a 10% variation of the bylaw requirements of the Zoning Bylaw.
 - e. the development shall conform to the Zoning Bylaw with respect to the use of land.
 - f. the relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties; and
 - g. a minor variance must not be granted:
 - i. in connection with an agreement entered into pursuant to 69 of the *Act*, respecting the rezoning of land; and
 - ii. if it would be inconsistent with any provincial land use policies or statements of provincial interest.
- (2) On receipt of an application for a minor variance, the Development Officer may:
 - a. approve the minor variance;
 - b. approve the minor variance and impose terms and conditions on the approval; and
 - c. refuse the minor variance.
- (3) If Council or the Development Officer imposes terms or conditions on an approval pursuant to Section 3.5.2 of this Bylaw, the terms and conditions shall be consistent with general development standards made applicable to minor variances by the Zoning Bylaw including:

- a. minimizing adverse impacts on neighbouring properties;
 - b. providing adequate separation between buildings for safety reasons; and
 - c. avoiding encroachment into adjoining property, by reduction of allowable projects or other potential encroachments.
- (4) Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.
- (5) Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the land that is the subject of the application.
- (6) The written notice required pursuant to Subsection (4) of this Bylaw shall:
 - a. contain a summary of the application for minor variance;
 - b. provide a reason for and an effective date of the decision;
 - c. indicate that an adjoining assessed owner may within 20 days, lodge a written objection with the Development Officer; and
 - d. Where there is an objection described in Clause (c) of Section 3.5.6, advise the public that the applicant will be notified of the right of appeal to the Development Appeal Board.
- (7) The written notice required pursuant to Subsection (4) of this Bylaw shall be delivered:
 - a. by registered mail; or
 - b. by personal service.
- (8) A decision approving a minor variance, with or without terms and conditions, does not take effect:
 - a. in the case of a notice sent by registered mail, until 23 days from the date the notice was mailed; and
 - b. in the case of a notice that is delivered by personal service, until 20 days from the date the notice was served.
- (9) If an assessed owner of property having a common boundary with the land that is the subject of the application, objects in writing to the Municipality respecting the approval of the minor variance within the time period prescribed in Subsection (5), 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 Appeal Board within 30 days of receiving the notice.

- (10) If an application for a minor variance is refused, or approved with terms and conditions, the applicant may appeal to the Development Appeal Board within 30 days of the date of that decision.
- (11) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with Section 226 of the *Act*.

3.6 Non-Conforming Buildings and Uses

- (1) Section 88 of the *Act* states that, the enactment of this Bylaw shall not affect any existing non-conforming building, non-conforming use or non-conforming site.
- (2) No use of land or a building shall be deemed non-conforming solely due to the conversion of measurements from imperial to metric, if that use conformed to the imperial measurement requirement in effect at the time the use was approved or constructed.
- (3) A non-conforming use of land or a building may be continued if:
 - a. the use has not been discontinued for a period of more than 12 consecutive months; and
 - b. the use, either permitted or discretionary, conformed to the Bylaw that was in effect at the time of development.
- (4) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made to it or in it.
- (5) A non-conforming use of part of a parcel shall not be increased in intensity, area or volume within a building, or on the parcel it occupies.
- (6) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - a. as may be necessary to make it a conforming building, or
 - b. as the Development Officer considers necessary for the routine maintenance of the building.
- (7) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.
- (8) The use of land or the use of a building shall not be affected by reason only of a change of ownership, tenancy or occupancy of the building.

3.7 Contract Zoning

- (1) Section 69 of the *Act*, lends the Town of Maple Creek the power to enter into rezoning agreements with property owners, for the purpose of accommodating a rezoning for a specific project. The contract binds the property owner to special restrictions on the use of the property, and in turn binds the local zoning authority to grant the rezoning on certain conditions. Council may in the agreement include the followings:
 - a. a description of the proposal;
 - b. the site layout and external design including parking areas, landscaping and accesses;
 - c. a time limit in which the proposed development must occur in accordance with agreement, or else the site shall revert to the original zoning classification; and
 - d. none of the land or buildings shall be developed or used except in accordance with the proposal, terms and conditions and time limits prescribed in the agreement.
- (2) As required by the *Act*, an interest will be registered against the lands affected by the agreement binding the owner of the land and future landowners to the agreement.
- (3) The Council may declare any rezoning agreement void where:
 - a. Any of the land or buildings are developed or used contrary to the provisions of the agreement; and
 - b. the development fails to meet the time limit prescribed by an agreement.
- (4) Where Council voids an agreement, the land reverts to the district to which it was subject before rezoning.
- (5) Where Council intends to void an agreement, it shall give notice of the proposed cancellation and the effect of the cancellation in one issue of a newspaper that circulates in the municipality, and shall withdraw/discharge the registration of any interest registered in connection with the agreement.
- (6) An amendment to a zoning bylaw affected, shall not take effect until an interest based on a required agreement is registered.
- (7) On registration of an interest, the agreement binds the registered owner of the land affected by the agreement and the registered owner's heirs, executors, administrators, successors, and assigns.
- (8) The symbol "C" will be attached to the appropriate Zoning District designation for the property in order to identify land that is zoned by an agreement.

- (9) The Council may, on application by the person who entered into an agreement pursuant to this Section or by any person who is the subsequent owner of the land to which the agreement relates:
- a. vary the agreement;
 - b. enter into new agreement; and
 - c. extend any time limit prescribed in the agreement.

3.8 Amendments to the Zoning Bylaw

3.8.1 Application to Amend Zoning Bylaw

- (1) Subject to the provisions of the *Act*, any Section or Part of this Bylaw may be amended in accordance with Section 47 of the *Act*.
- a. any person applying to have this Bylaw amended shall apply in writing to the Development Officer/Town Administrator, and request that the Development Officer submit the application to the Council.
 - b. any owner of a site or his authorized agent may apply to Council through the Development Officer/Town Administrator, to have the land use designation of the site changed.
 - c. the Council may initiate amendments to this Bylaw.

3.8.2 Information and Plans Required

- (1) All applications for amendments to the Land Use Bylaw shall be made to the Town Administrator on the prescribed application form and shall be accompanied by the following information:
- a. a copy of the certificate of title for the lands affected;
 - b. evidence satisfactory to the Development Officer that the application is authorized by the registered owner(s) of the parcel, if the registered owner(s) is not the applicant;
 - c. a statement of the reasons in support of the application;
 - d. where applicable, a vicinity map of an appropriate scale indicating the location of the parcel and its relationship to the existing land uses and developments within 60 m of the parcel boundaries;
 - e. where an application is for a district change, a statement explaining why particular control is needed to be exercised over the parcel and why another district is not appropriate;
 - f. the use to be made of the land that is the subject of the application;
 - g. the program of land servicing; and

- h. a fee, as established by resolution of Council.

3.8.3 Compliance with Information Required

- (1) The Development Officer, in consultation with the Town Council may:
 - a. refuse to accept an application to amend this Bylaw if the information required by subsection 3.8.2(1) of this bylaw has not been supplied, or
 - b. consider the application complete without all of the information required by Section 3.8.2(1) of this Bylaw if, in his opinion, a decision can be properly made with the information supplied.

3.8.4 The Review Process

- (1) On receipt of an application to make an amendment to this Bylaw, the Town Administrator shall refer the application for comments to:
 - a. the Development Officer.
- (2) Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:
 - a. initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
 - b. prepare a detailed report including all maps and relevant material and make recommendation for Council to consider.
- (3) The recommendations of the Development Officer shall be communicated to the applicant who shall:
 - a. he or she wishes the Council to proceed with the amendment as submitted by the person, or and alternative amendment proposed by the Council;
 - b. he or she wishes to withdraw the application for amendment.
- (4) Should the applicant decide not to pursue the application further the matter will be considered closed and the advertising component of the fees will be refunded.

3.8.5 Decision by Council

- (1) As soon as reasonably convenient, the Development Officer shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Officer and other relevant material, if any, and the Council shall then consider the proposed amendment.

3.8.6 Public Notice

- (1) Upon first reading of a Bylaw amendment the Town Administrator shall publish without delay in two (2) issues of the community newspaper, a notice of the proposed amending by-law containing:
 - a. the legal description of land;
 - b. the civic address of the property if possible;
 - c. the purpose of the amending Bylaw;
 - d. time and place where a copy of the proposed amending Bylaw may be inspected by the public;
 - e. time and place that Council will hold a Public Hearing on the proposed amending Bylaw prior to the second reading;
- (2) In addition to the newspaper advertisement included in Subsection (1), notice shall be given to the owner(s) of the subject lands and a written notice shall be issued by ordinary mail, to each owner of adjacent land, at the name and address shown for that owner on the tax roll.

3.8.7 Public Hearing

- (1) Council shall hold the Public Hearing at the time and place stated in the notice, at which Council may hear:
 - a. the applicant or a person acting for the applicant;
 - b. any person who claims to be affected by the proposed amending Bylaw; and
 - c. any other person that Council agrees to hear.

3.8.8 Re-application

- (1) Where an application for amendment to this Bylaw has been refused by Council another application for amendment on the same site for the same or similar use of land shall not be made by the same or any other applicant until at least six months from the date of Council's decision.

4 GENERAL LAND USE REGULATIONS

4.1 All Zoning Districts

The following general development regulations, standards and requirements set out in this Part shall apply to all zoning districts in this Bylaw.

4.1.1 Number of Principal Buildings Permitted on a Site

- (1) Not more than one principal use shall be established and not more than one principle building shall be placed on any one site, with the exception of schools, hospitals, curling and skating rinks, community centers, approved commercial building groups or shopping centers, nursing homes, senior citizen homes, and approved dwelling groups.

4.1.2 Demolition of Buildings

- (1) No building shall be demolished within the area covered by this Bylaw without obtaining a development permit. A development permit shall be granted where all requirements of the Building Bylaw are met, and where the building is not a designated heritage building which is not to be demolished.

4.1.3 Water Supply and Waste Disposal

- (1) Subject to the Acts and Regulations administered by the Ministries responsible for Health and Environment, 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 any land or into the air.
- (2) Where available, every residence, and every building containing washroom facilities shall be connected to the municipal sewer and water supply system at the owner's expense.

4.1.4 Geotechnical Analysis Required

- (1) If a proposed development is to be located on a site that may be subject to earth movement or instability, or is otherwise unsuitable for development or hazardous for the proposed use, Council may require that a geotechnical report be completed and approved by a Professional Engineer in the Province of Saskatchewan, as a condition of the issuance of the development permit. The report shall indicate the suitability of the site, or sites, for development and any remedial measures required to ensure suitability or to ensure that the natural resource base is not irreparably altered. Remedial measures may be specified as conditions in the development permit.

4.1.5 Satellite Dish, Radio Tower or Television Antenna for Personal Use

- (1) The installation and operation of a free standing satellite dish, radio tower or television antenna and its supporting structure intended for personal use is permitted in all zoning Districts provided that such structures are not located in any front yard or in the case of a corner site, in any portion of the side or rear yard which is within 3 metres of the side site line adjacent to a street.

4.1.6 Pollution Control

- (1) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on the parcel, on public property, or on any other parcels, by reason of the generation of noise, vibration, dust, smoke, odour, toxic and noxious matter, traffic, radiation hazards, fires and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, and water or steam.
- (2) Parcels and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

4.1.7 Fencing

- (1) In any district, a person shall not construct a fence, wall or permit a hedge to grow higher than 1.8 m (6.0 ft) when measured from the ground level immediately adjacent to the fence, unless a development permit has been provided.
- (2) A development Officer may require a fence to be installed where commercial or industrial development is proposed to abut residential development. Where noise is a potential nuisance, a Development Officer may specify that the fence be designed to attenuate noise.
- (3) Electrical or barbed wire fences will be permitted in a district other than residential at the discretion of the Development Officer but shall not be permitted under any circumstances in a residential district.
- (4) No height limitations apply to the following:
 - a. temporary construction fences;
 - b. fences associated with essential public services and utilities, public parks and playgrounds, Public and Quasi Public buildings and industrial uses.

4.1.8 Landscaping and Screening

- (1) With the exception of sites proposed for single family detached or duplex dwellings, sites proposed for development shall be landscaped to the satisfaction of the Development Officer, taking into consideration the following objectives:
 - a. enhancement of visual appearance of the Town;

- b. mitigate potential land use conflict;
 - c. the creation of privacy;
 - d. the reduction of glare;
 - e. the reduction of noise;
 - f. the controlling of erosion and drifting of snow;
 - g. the enhancement of wildlife habitat; and
 - h. such other objectives as the Development Authority considers advisable.
- (2) Landscaping shall be provided in accordance with a landscape plan submitted by the developer and the development shall conform with the following requirements and standards:
- a. all areas of a site not covered by buildings, required accessory uses to the principal building, parking or vehicular manoeuvring areas shall be landscaped to the area requirements specified in the specific zones;
 - b. where a private outdoor amenity space or communal open space is provided within the required landscaped area, it shall be considered as satisfying a portion of the landscaping requirements;
 - c. existing soft landscaping retained on a site may be considered in fulfillment of a portion of the total landscaping requirements;
 - d. the quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life time of the development. Adequate means of irrigating and maintaining the landscaping shall be provided.

4.1.9 Utility Easements

- (1) Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
- a. in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purposes of installation or land maintenance of the utility, and
 - b. written consent has been obtained from the person for whose use the easement has been granted.

4.1.10 Parcel Grading

- (1) Any site proposed for development shall be graded and levelled at the owner's expense as is necessary to provide for adequate surface drainage. The drainage shall not adversely affect adjacent property, and shall comply with the requirements of the Town of Maple Creek respecting design and location of flow from the property.

4.1.11 Building Appearance and Exteriors

- (1) The construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Officer or Council as the case may be.
- (2) The exterior finish on all buildings shall be of permanent material satisfactory to the Development Officer or Council as the case may be.

4.1.12 Objectionable Items in Yards

- (1) Garbage shall be stored in weather and animal proof containers and screened from adjacent parcels and public thoroughfares and shall be in a location easily accessible for pickup.
- (2) Outside storage areas shall be screened from adjacent parcels and thoroughfares.
- (3) No person shall keep or permit in any part of a yard in any residential district:
 - a. any dismantled or wrecked vehicle for more than fourteen (14) successive days, or
 - b. any object which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district, or
 - c. any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

4.1.13 Portable Garage and Shelter

- (1) Council may issue a development permit to allow for the placement of a Portable Garage and Shelter if:
 - a. The shape and size of the lot is adequate to accommodate the proposed Portable Garage and Shelter.
 - b. The Portable Garage and Shelter is not located in the front or side yards.
 - c. The approval of the proposal will not negatively impact surrounding uses.
 - d. Portable Garages and Shelters are adequately anchored.
 - e. The Portable Garage and Shelter shall be limited to a maximum height of 4.5 m in a residential area.
 - f. The Portable Garage and Shelter shall be limited to a maximum size of 27 m² in a residential area.
 - g. The Portable Garage and Shelter is not to be electrically wired or heated.

4.1.14 Development Permit for Temporary Development

- (1) Notwithstanding any provisions of this Zoning Bylaw Council may conditionally approve a development on a temporary basis in any land use district and establish conditions for the removal of the development as it deems appropriate.

4.2 Residential Districts

4.2.1 Projections in Yards

- (1) The following projections in required yards are permitted subject to the setback or construction requirements of the National Building Code:
 - a. Front Yard
 - i. maximum of 0.6 m projection of cantilevered bay windows or bow windows, chimney chases, gutters, window sills, canopies, eaves, or fire escapes ;
 - ii. maximum of 1.8 m projection of open cantilevered balconies, open porches, or open steps;
 - iii. wheelchair ramps to main floor level;
 - iv. fences shall be a maximum of 1.2 m in height unless provided otherwise in this Bylaw; and
 - v. light standards, flag poles, and permitted signs.
 - b. Rear Yard
 - i. cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, window sills, canopies, eaves, and fire escapes to a maximum projection of 1.5 m;
 - ii. balconies, porches, and steps to a maximum projection of 3 m;
 - iii. a satellite dish, radio tower or television antenna where attached to a principal dwelling having a maximum projection of 0.6 m
 - iv. wheelchair ramps to main floor level; and
 - v. fences less than 1.8 m in height unless provided otherwise in this Bylaw.
 - c. Side Yards
 - i. fire escapes, chimney chases, sills, belt courses, cornices, eaves, and gutters to a maximum projection of 0.6 m;
 - ii. walkways and steps less than 0.6 m in height;
 - iii. wheelchair ramps to main floor level;
 - iv. fences not more than 1.8 m in height unless provided otherwise in this Bylaw;

- v. hedges and other closed landscaping plantings shall comply with the fence requirements; and
- vi. handrails are permitted in all yards uncovered driveways, walkways.

4.2.2 Accessory Uses, Buildings, and Structures

- (1) Except as specifically provided in this Bylaw accessory buildings shall comply with the yard requirements for a principal building. Any building located less than 1 metre from a principal building shall comply with all the minimum yard requirements of the principal building.
- (2) Notwithstanding any other provision of this Zoning Bylaw an accessory building in a residential District shall be constructed, placed or used in such a manner so as not to contravene the following provisions:
 - a. an accessory building shall not be located in a front yard.
 - b. the maximum size of an accessory building is limited to 70 m².
 - c. an accessory building shall have a minimum rear setback of 1.2 m from the rear property line.
 - d. an accessory building shall have a minimum of 1 m setback from the side yard.
 - e. private garages and accessory buildings if less than 10 m², shall have a minimum side or rear yard of 0.75 m and a maximum projection of 0.5 m into the required yard for any eaves gutters or drain spouts into that yard.
 - f. uncovered outdoor swimming pools and other yard recreation equipment shall have a minimum side or rear yard of 0.75 m.
 - g. private 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.

4.2.3 Storage

- (1) No side or front yards shall be used for outdoor storage.

4.2.4 Granny Suites

- (1) No more than one granny suite may be permitted to a one unit dwelling on any given site. A granny suite shall:
 - a. share water and sewer servicing with the principal dwelling;
 - b. comply with the Saskatchewan Building Code and all municipal and provincial regulations;
 - c. have no more than one bedroom;

- d. have consistent architecture to the principal dwelling; and
- e. not be greater in height than the principle dwelling.

4.3 Commercial and Industrial Districts

4.3.1 Fences and Hedges

- (1) Fences, hedges and other closed landscaping plantings shall not exceed 1 m in height in any required front yard or 3 m in any required side or rear yard.

4.4 Special Provisions Districts

This Section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the District.

4.4.1 Discretionary Uses

- (1) In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
 - a. site drainage of storm water
 - b. the location of buildings with respect to buildings on adjacent properties
 - c. access to, number and location of parking and loading facilities
 - d. appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways
 - e. control of noise, glare, dust and odour
 - f. landscaping, screening and fencing to buffer adjacent properties.

4.4.2 Residential Care Homes

- (1) Where allowed as a discretionary use a residential care home may be developed in a single detached dwelling building, subject to obtaining a provincial license, pursuant to the particular act under which the home is proposed to operate.
- (2) The operator of the residential care home shall be a permanent resident of the dwelling licensed as a residential care home.
- (3) The operator shall ensure that adequate supervision and care is available at the home at all times.
- (4) In approving a residential care home, Council may specify the maximum number of clients that may be cared for in a residential care home but in no case shall the number exceed 10 persons.
- (5) The residential care home shall maintain the single detached residential character of the property consistent with the neighborhood.

- (6) A residential care home shall meet all of the regulations for a single detached dwelling as prescribed for the District in which it is located.
- (7) Council will consider applications with respect to the following criteria:
 - a. the structures are suitable and comfortable for the proposed development, and provide for the appropriate level of supervision
 - b. there is adequate space on the parcel for the proposed facility; and
 - c. there are appropriate levels of off street parking for the residents of the facility and the operator.

4.4.3 Home Occupations

- (1) Where a home occupation is allowed as a discretionary use in a District, the home occupation:
 - a. Shall clearly be a secondary use of the lot;
 - b. Shall be conducted entirely within the main building on the lot;
 - c. Shall be conducted by at least one of the residents of a dwelling unit located on the same lot;
 - d. Shall not create noise, vibration, odour, dust, glare or radiation;
 - e. Shall not involve the outdoor storage or outdoor display of materials or finished product;
 - f. If involving instructional activity, shall not be occupied by more than 4 students at any one time for such an activity; and
 - g. Shall not require receipt or delivery of merchandise, goods or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using motor vehicle typically employed in residential deliveries.
 - h. Shall not cause a variation in the residential character and appearance of the dwelling, accessory residential building, or property; except for permitted signs
 - i. No more than 25% of the gross floor area of the principal building, and 50% of the gross floor area of an accessory building shall be used for the home based business.
 - j. A permit issued for home based businesses shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Council, the conditions under which the permit was originally issued are no longer met. Where a permit is revoked the use shall cease immediately.

4.4.4 Service Stations and Gas Bars

- (1) Fuel pumps and accessory equipment including any fuel sales booth on a pump island shall be located at least 6 metres from any street or other property boundary.

- (2) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened to the satisfaction of Council.
- (3) All business shall be conducted and all goods stored completely within an enclosed building except as required in the servicing of motor vehicles while under the care and control of the vehicle operator.
- (4) The Development Officer may specify in the issuing of a development permit, as a special condition of the development permit, the location and design of access to the property and to the fuel pumps and service bays, to avoid conflict with traffic on abutting streets or lanes.
- (5) The Development Officer may specify in the issuing of a development permit, as a special condition of the development permit, the location and design of access to the property and to the fuel pumps and service bays, to avoid conflict with traffic on abutting streets or lanes.

4.4.5 Bed-and-Breakfast Homes

- (1) Bed-and-breakfast homes shall be located in a single detached dwelling used as the operator's principal residence.
- (2) Bed-and-breakfast homes shall be licensed by the Ministry of Health and shall have a fire safety inspection report issued prior to occupancy as a bed-and-breakfast home.
- (3) In issuing discretionary use approval for a bed-and-breakfast home, Council may specify the maximum number and specific location in the dwelling of approved guest rooms. Any increase in number of guest rooms shall require a new approval.
- (4) One off-street parking space shall be provided and available for each guest bedroom in the bed-and-breakfast home, in addition to any off street parking used for the operator of the facility.
- (5) One sign identifying the bed-and-breakfast home in accordance with the standards for a sign identifying a multiple unit dwelling is permitted.
- (6) Council will consider applications with respect to the following criteria:
 - a. The proposed structures are suitable and comfortable for the proposed development;
 - b. There is adequate space on the site for the proposed facility;
 - c. There are appropriate levels of access to the site and off street parking is available for the users of the facility and for the operator;
 - d. The development will complement adjacent residential uses; and
 - e. Use as a bed-and-breakfast home, will be considered an asset in the preservation of heritage buildings.

4.5 Signs

4.5.1 General Purpose of Sign Regulations

The purpose of this section is to encourage the effective use of permanent, portable, and temporary sign as a means of communication and advertising in a manner that ensures safety and aesthetics. To meet these objectives, this section contains regulations that can be equitably applied to individual districts and enforced. It includes the following:

- (1) Except as specifically provided in a Commercial District, all signs shall be located within the limits of the parcel on which they are located and shall not project over the site lines.
- (2) Official signs erected by a public agency for a public purpose shall be of a size and placed at a location appropriate to that public purpose and shall be exempt from any sign regulation of this Bylaw.
- (3) Private signs shall not be placed on public rights of way, or attached to public utilities, or other public facilities, except where space is specifically rented by the Town for the purpose of advertising.
- (4) A sign located in a street sight triangle or a driveway sight triangle shall be less than 0.75 m above grade at its top or shall be at least 2.5 m above grade at its lower edge, so as to not obstruct its view from and of a vehicle.
- (5) No sign shall cover, obscure, or in any way detract from the visibility and function of an official sign or traffic control device.
- (6) Real estate and construction signs shall be removed once the contract is completed and the property is occupied by the new owner, lessee or tenant.
- (7) A permit or a temporary sign is valid for the period of the temporary event to which it refers or a period of 3 months, whichever comes first. The sign shall be removed once the permit expires, unless a new permit is first obtained.

4.5.2 Sign Permit

- (1) A sign permit is required for any sign except as follows:
 - a. official signs erected by a public agency for a public purpose.
 - b. real estate signs advertising the sale, lease, or rental of the real property on which it is located and related information.
 - c. temporary signs of less than 1 m² in surface area.
 - d. temporary or safety signs bearing no advertising information.
 - e. address signs, name of building signs, and name of residential occupant signs all containing no advertising information.

- f. election signs during the period of an election campaign.
- g. temporary signs located inside a building window, exclusive of any electrified sign greater than 0.5 m² in area.
- h. signs visible only from the interior of a building.
- i. Construction signs, located on the site of the construction to which they refer.
- j. all signs, whether requiring a permit or not are subject to the sign regulations and size limits of the District in which they are located.
- k. an application for a development permit for a sign shall be made in conformance with Section 3.2.1 of this Bylaw.
- l. a development permit expires if the approved sign development is not completed within 6 month of the date of issuance. A Development officer may grant one extension only for a period not to exceed 6 months.
- m. No portable signs are allowed along the Pacific Avenue corridor.
- n. a development permit for a portable sign may be issued, at the discretion of a Development Officer, for a term of no more than 6 months. Any application to renew the term shall be treated as a new application.
- o. a development permit for a temporary sign or a portable sign shall indicate the date by which the sign shall be removed.
- p. notwithstanding a development permit being issued to any person, the sign owner(s) are jointly and severally responsible to complete all work in accordance with the permit and this Bylaw.

4.5.3 Signs for Commercial and Industrial Districts

- (1) The following regulations shall apply to signs in a Commercial District or an Industrial District:
- a. Illuminated signs shall have an internal light source or an external light source shielded so that the light is directed at the face of the sign.
 - b. In a C1 District one sign per property may project over the abutting sidewalk not closer, in horizontal distance, than 0.3 m to the edge of the curb. Such signs shall have a clearance of not less than 2.5 m above the sidewalk.
 - c. One permanent free standing sign is permitted per 30 m or part thereof of property frontage.
 - d. Two temporary signs may be located on site for the period of the temporary condition only. These signs are subject to the permit requirements of Section 4.5.2 of this Bylaw.

4.5.4 Billboard Signs

- (1) For the purposes of regulation under this Bylaw an unlicensed vehicle or trailer unit which in the opinion of Council is acting as a sign shall be considered a billboard sign.
- (2) The billboard sign face and height regulations shall be as follows:
 - a. maximum single face area - 20 m²;
 - b. maximum number of faces - 2;
 - c. maximum height above grade - 3 m; and
 - d. Double face signs shall be constructed so one face is completely behind and parallel to other face and facing the opposite direction.
- (3) Council may place special conditions on the location of the billboard to protect the clear view of an intersection or a highway approach, or other directional and informational signs;
- (4) Council will apply the following criteria in considering a discretionary use application:
 - a. The billboard will not obscure local business signs;
 - b. The billboard will be separated by at least 30 m from other billboards;
 - c. The billboard will not seriously detract from the appearance of an entry or key corridors to and through the Town; and
 - d. The billboard will be separated by at least 100 m from any residential Districts.

4.6 Parking and Loading Regulations

4.6.1 General Regulations

- (1) When any new development occurs or when any existing development is enlarged, or use changed, provision shall be made for off-street vehicular parking spaces, either on-site or by an alternate arrangement with Council.
- (2) No person within any District shall erect, enlarge, substantially alter, or extend any building permitted under this Bylaw, unless the required off-street parking and loading spaces are provided and maintained in connection with the development.
- (3) When the intensity of use of any building or use is increased by the addition of dwelling units, floor area, seating capacity or other unit of measurement, that specifically affects the requirements for parking and loading facilities, the number of parking and loading spaces shall be increased by the additional number of spaces required by this Bylaw.
- (4) Whenever the use of a building is changed, the parking and loading spaces shall be provided as required for the new use. However, if the building was erected prior to the effective date of this

Bylaw, additional parking and loading spaces are required only by the number of spaces that the requirements for the new use exceed those of the existing use.

- (5) Any conforming or legal non-conforming building or use which is in existence on the effective date of this Bylaw, that is damaged by fire, collapse, explosion, or other cause to the extent of 75 % or more of its value above the foundation to rebuild that is reconstructed, repaired or re-established, shall provide off-street parking and loading facilities in accordance with this Bylaw.

4.6.2 Off-Street Parking

- (1) Off-street parking shall be provided in accordance with the Schedule below. Except where specifically noted, all floor areas represent gross floor areas. One space is required for each rate unit or part of a unit. For shopping centres the rate required applies to the entire shopping centre including restaurants or offices.

Table 1 Parking Schedule

Types of Use	Minimum Required Parking Spaces
Residential Uses	
Single family detached dwellings, duplexes	2 parking space per dwelling unit
Multiple family dwellings	1 parking spaces per dwelling unit
Commercial Uses	
Eating, drinking and entertainment establishments	1 parking space per 4 seats
Retail stores, personal service shops and offices	1 parking space per each 320 sq.ft (30 m ²)
Hotels and Motels	1 parking space for each guest sleeping room
Service stations	1 parking spaces per each 600 sq.ft (56m ²)
Business, financial, public administration and professional offices	1 parking space per each 375 sq.ft (35 m ²)
Medical and dental offices or clinics	1 parking space per each 260 sq.ft (24m ²)
Institutional Uses	
Theatres, religion assemblies, gymnasiums, community halls and other places of public assembly	1 parking space per 5 seating space

Public school, private school, separate school	1 parking space for each staff member
Public or private high school	1 parking space per each staff member, plus 1 parking space for every 10 students
Curling Rink	8 parking spaces per ice sheet
Bowling alley	4 parking spaces per alley/lane
Hospitals, group care facilities, senior citizen's lodge and nursing homes	1 parking space per 800 sq.ft (74m ²)
All other institutional uses	1 parking space for each 600 sq.ft (56m ²)
<i>Industrial Uses</i>	
Manufacturing and industrial plants, public utility facilities	1 parking space per each 400 sq.ft (37m ²)
Warehousing storage uses	1 parking space per each 650 sq.ft (60m ²)
Autobody shops, machine and equipment repairs	1 parking space per each 400 sq.ft (37m ²)
All other industrial uses	1 parking space for each 800 sq.ft (74m ²)
Other uses	As required by the Development Authority

- (2) Required off-street parking spaces in any Commercial District may be located on a separate site that is within a convenient walking distance to a maximum of 150 m of the principal building or use, provided such spaces are located within a commercial or industrial District.
- (3) In Residential Districts, off-street parking spaces shall be provided on the site on which the principal use to which the parking pertains is located.
- (4) Where the necessary off-street parking space is provided on a parcel that is separate from the principal use, an agreement between the Municipality and the owner of the site on which the parking is to be located shall be recorded in the Town Office. The agreement shall bind the owner and his heirs and successors restricting the use of the site for the purposes of off-street parking so long as the main use or building for which the parking is provided exists; and an interest based on the agreement shall be registered against the titles on behalf of the Town.

4.6.3 Off-Street Loading

- (1) In any industrial or commercial District, where the use of a building or site involves the receipt, distribution or dispatch of materials, goods or merchandise from vehicles, adequate space for such vehicles to stand during loading or unloading shall be provided as determined by the Development Authority.

4.6.4 Parking Requirements for Existing Uses and Buildings

- (1) For new buildings, structures and uses off-street parking spaces shall be required in accordance with the regulations of this Bylaw.
- (2) For additions to existing buildings or structures, or for changes or additions to an existing use, the parking spaces required shall be determined by applying the regulation of this Bylaw to those changes or additions.
- (3) Additional parking requirements for existing buildings, structures and uses, shall be at the discretion of Council.

5 Zoning Districts and Zoning Map

5.1 Classification of Zoning Districts

- (1) For the purpose of this Bylaw, the Town of Maple Creek is hereby divided into twelve (12) Zoning Districts, the boundaries and regulations of which are shown on the Zoning District Map. Such Districts may be referred to by the appropriate symbol, as shown in Table 2.
- (2) For the purpose of this Bylaw, the Town of Maple Creek is hereby divided into the below Districts.

Table 2 Districts

District	Symbol
Single Family Residential District	R1
Medium Density Residential District	R2
Mobile/Modular Homes	R3
Commercial Core District	C1
Highway Corridor Commercial District	C2
Industrial District	M1
Community Service District	CS
Parks and Open Space District	P1
Direct Control District	DC
Urban Holding District	UH
Transportation and Utilities District	TU
Contract Zoning District	C

5.2 The Zoning Map

The Zoning District Map which shows the boundaries of each district as may be amended from time to time, forms part of this By-law and is kept as a public document available for scrutiny at Town Hall and pursuant to Section 50 (1) (b) of the *Act* bears the following statement:

"This is the Zoning District Map which accompanies and forms part of Bylaw No. 2010-MC-02 is adopted by the Town of Maple Creek and signed by the Mayor and Town Administrator under the seal of the Town."

5.3 Boundaries of Zoning Districts

- (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.
- (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.
- (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.
- (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 Zoning Districts Schedules

The uses of forms of development allowed within a Zoning District, along with regulations or standards which apply are contained in the Zoning District Schedules in Section 6.

6 Zoning Districts Schedules

6.1 R1- Single Family Residential District

6.1.1 Purpose

The purpose of this district is primarily to provide for the development of single family detached dwellings and semi-detached dwellings.

6.1.2 Permitted Uses

- a. Single detached dwelling
- b. Accessory uses and buildings

6.1.3 Discretionary Uses (Council)

- a. Bed and breakfast
- b. Family child care home where ancillary to a dwelling
- c. Home occupations
- d. Modular Home
- e. Residential care homes
- f. Semi-detached or duplex dwellings
- g. Fourplex dwellings
- h. Granny Suites
- i. Public utilities (excluding offices, warehouses, and storage yards)
- j. Similar uses

6.1.4 Development Regulations

In addition to the General Land Use Regulations contained in Section 4 of this Bylaw, the following standards shall apply to every development in this district.

(1) Minimum Site Requirements

a. Permitted Uses

Parcel	Frontage	Depth
<i>Single Detached Dwelling</i>		
With lane access	12 m (14 m for corner sites)	30 m
Without lane access	15 m	30 m
Non-rectangular parcels	11 m	30 m

b. Discretionary Uses

Parcel	Frontage	Depth
Semi-Detached Dwelling (per dwelling)		
With lane access	8.5 m (9 m for corner sites)	30 m
Without lane access	10 m	30 m
Non-rectangular parcels	7.5 m	30 m
Modular Home		
With lane access	10 m (12 m for corner sites)	30 m
Without lane access	12 m	30 m
Fourplex	18 m (20 m for corner sites)	30 m
All Other Discretionary Uses	As required by Council	

(2) Minimum Required Yards

a. Permitted Uses

Use	Front Yard	Side Yard	Rear Yard
Single Detached Dwelling	6 m	1.5 m (3 m if abutting a street)	7.5 m
Accessory Buildings	As required in Section 4.2.2		

b. Discretionary Uses

Use	Front Yard	Side Yard	Rear Yard
Semi-Detached Dwelling	6 m	1.5 m (3 m if abutting a street)	7.5 m
Modular Home	6 m	1.5 m (3 m if abutting a street)	6 m
Fourplex	6 m	3 m (5 m if abutting a street)	7.5 m
All Other Discretionary Uses	As required by Council		

(3) Site Maximum Requirement

- a. For single and semi-detached dwellings the building height shall not exceed 10.5 m or two storeys whichever is less.
- b. Site coverage may be increased beyond 50% wherein, a drainage plan is submitted with the site plan.

6.2 R2- Medium Density Residential District

6.2.1 Purpose

The purpose of this district is primarily to provide for the development of medium residential development.

6.2.2 Permitted Uses

- a. Semi-detached dwelling
- b. Fourplex
- c. Townhouse
- d. Accessory use and buildings

6.2.3 Discretionary Uses (Council)

- a. Apartment (up to 3 stories)
- b. Day care centres
- c. Home occupations
- d. Public utilities (excluding offices, warehouses and storage yards)
- e. Similar uses

6.2.4 Development Regulations

In addition to the General Land Use Regulations contained in Section 4 of this bylaw, the following regulations shall apply to every development in this district.

(1) Minimum Site Requirements

a. Permitted Uses

Parcel	Frontage	Depth
Semi-Detached Dwelling (per dwelling)		
With lane access	8.5 m	30 m
Without lane access	10.5 m	30 m
Non-rectangular parcels	7.5 m	30 m
Fourplex	18 m	30 m
Townhouse (per dwelling)	7 m	30 m

b. Discretionary Uses

Parcel	Frontage	Depth
Apartment	30 m	30 m
All Other Discretionary Uses	As required by Council	

(2) Minimum Required Yards

a. Permitted Uses

Use	Front Yard	Side Yard	Rear Yard
Semi-Detached Dwelling	6 m	1.5 m (3 m if abutting a street)	7.5 m
Fourplex	6 m	3 m (5 m if abutting a street)	7.5 m
Townhouse	6 m	5 m	7.5 m
Accessory Buildings	As required in Section 4.2.2		

b. Discretionary Uses

Use	Front Yard	Side Yard	Rear Yard
Apartment	6 m	5 m	7.5 m
All Other Discretionary Uses	As required by Council		

(3) Maximum Site Requirements

a. Building Height

- i. Single and semi-detached dwellings 10.5 m or two storeys whichever is less.
- ii. Townhouse 10.5 m or two storeys whichever is less.
- iii. Apartments 12 m or 3 storeys whichever is less.

b. Site Coverage

- i. Site coverage may be increased for attached covered patios and decks or attached enclosed swimming pools by the percentage of the area covered by such patio, deck or swimming pool, but the total site coverage shall not exceed 50%.
- ii. Site coverage may be increased beyond 50% wherein, a drainage plan is submitted with the site plan.

6.3 R3- Mobile/Modular Homes

6.3.1 Purpose

The purpose of this district is primarily to provide for residential development in the form of modular and mobile homes.

6.3.2 Permitted Uses

- a. Modular Home dwelling
- b. Accessory use and buildings

6.3.3 Discretionary Uses (Council)

- a. Semi-detached dwelling.
- b. Commercial retail stores (to serve the mobile/modular home park).
- c. Home occupations.
- d. Modular home parks.
- e. Public utilities (excluding offices, warehouses and storage yards).
- f. Similar uses.

6.3.4 Development Regulations

- (1) Council shall apply the following criteria in considering applications for modular homes:
 - a. All modular homes shall be placed on a permanent foundation at a standard comparable to a detached dwelling;
 - b. All modular homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities;
 - c. Modular homes design shall be consistent with the design and character of the adjacent properties;
 - d. All modular homes must have Canadian Standards Association Certification.
- (2) Development Standards for Mobile Homes Council shall apply the following criteria while considering applications for mobile homes:
 - a. a foundation shall be provided capable of supporting the maximum anticipated load of the mobile home in all seasons without settlement or movement.
 - b. the foundation shall be permanent and the mobile home shall be securely attached to the foundation.

- c. the undercarriage of each mobile home shall be completely screened from view by the foundation or skirting.
- d. all accessory buildings, additions, porches, garages or other structural additions shall be equivalent quality and appearance to the mobile home unit and shall harmonize with the exterior of the unit.

(3) Maximum height - Principal building - 4 m or 1 storey

(4) Minimum Site Requirements

a. Permitted Uses

Parcel	Frontage	Depth
Modular Home		
With lane access	10 m (12 m for corner sites)	30 m
Without lane access	12 m	30 m

b. Discretionary Uses

Parcel	Frontage	Depth
Semi-Detached Dwelling (per dwelling)		
With lane access	8.5 m	30 m
Without lane access	10.5 m	30 m
Non-rectangular parcels	7.5 m	30 m
All Other Discretionary Uses	As required by Council	

(5) Minimum Required Yards

a. Permitted Uses

Use	Front Yard	Side Yard	Rear Yard
Modular Home	6 m	1.5 m (3 m if abutting a street)	6 m
Accessory Buildings	As required in Section 4.2.2		

b. Discretionary Uses

Use	Front Yard	Side Yard	Rear Yard
Semi-Detached Dwelling	6 m	1.5 m (3 m if abutting a street)	7.5 m
All Other Discretionary Uses	As required by Council		

6.4 C1 – Commercial Core District

6.4.1 Purpose

The intent of this district is to provide for the development of intensive commercial uses offering a variety of goods and services, and compatible uses serving the entire community.

6.4.2 Permitted Uses

- a. Art galleries
- b. Banks, financial services, and business offices
- c. Bakeries with retail sales
- d. Broadcasting media and commercial studios and offices
- e. Bus terminals
- f. Cafes, restaurants, and lounges
- g. Commercial entertainment establishments
- h. Community centres
- i. Construction trades, artisans, and craft shops offices and workshops
- j. Cultural institutions
- k. Day care centres
- l. Government and professional service offices
- m. Grocery stores
- n. Hotels and motels
- o. Licensed beverage rooms, restaurants and lounges
- p. Lodges, fraternal organizations, clubs
- q. Medical, dental, and other health services offices and clinics
- r. Museums and libraries
- s. Personal service establishments
- t. Places of worship, religious institutions
- u. Printing and publishing offices, including related equipments
- v. Public utilities
- w. Retail stores
- x. Rental stores
- y. Travel agents

- z. Service stations with or without car washes
- aa. Vehicles sales, rental
- bb. Accessory uses and buildings

6.4.3 Discretionary Uses (Council)

- a. Apartments (up to 3 storeys)
- b. Establishments for the sale, storage and servicing motor vehicles, recreational vehicles or trailers or farm machinery
- c. Dwellings accessory to a permitted or discretionary use multiple unit dwellings located above the ground floor
- d. Wholesale trade stores and office
- e. Similar uses

6.4.4 Development Regulations

In addition to the General Land Use Regulations contained in Section 4 of this Bylaw, the following regulations shall apply to every development in this district.

(1) Minimum Site Requirements

Parcel	Frontage	Depth
Permitted and Discretionary Uses	7.5 m (10 m for corner sites)	30 m

(2) Minimum Yard Requirements

Use	Front Yard	Side Yard	Rear Yard
Permitted and Discretionary Uses	0 m	0 m	6 m
Accessory Buildings	As required in Section 4.2.2		

(3) Special Requirements

- a. Consistent to Section (4.2.3), outdoor storage is permitted rear yards only.
- b. All outdoor storage shall be suitably screened from any public street by fence, berm, landscaping or a combination of such methods.
- c. Accessory dwelling units shall be provided with an entrance separate from that of the primary use.
- d. The Development Authority shall determine development standards having regards to impact on adjacent land uses, sight lines at intersections, traffic generation, pedestrian access, storm water drainage, landscaping, off-street parking provisions, architectural considerations and other relevant considerations.
- e. Development shall be designed to ensure the privacy of adjacent residential development.

6.5 C2 - Highway Corridor Commercial District

6.5.1 Purpose

To accommodate commercial development located adjacent to highway routes, which are primarily accessible to vehicular traffic, and specializing in serving the public traveling along highways.

6.5.2 Permitted Uses

- a. Auto body shops, excluding works related to auto wrecking and salvage
- b. Bus terminals
- c. Cafes, restaurants and lounges
- d. Car and truck washes
- e. Commercial entertainment establishments
- f. Equipment and tool rental establishments
- g. Gas bars with or without confectionaries
- h. Government offices
- i. Hotels, motels
- j. Licensed beverage rooms, restaurants and lounges
- k. Lumber Yards, building supply and home improvement stores
- l. Municipal facilities
- m. Public utility facilities
- n. Strip Malls
- o. Motor vehicles, recreational vehicles or trailers, or farm machinery, Sale, storage and servicing
- p. Service stations with or without car washes
- q. Tourist information centers
- r. Veterinary clinics
- s. Accessory uses and buildings

6.5.3 Discretionary Uses (Council)

- a. Wholesale trade stores, offices and warehouses
- b. Campground
- c. Similar uses

6.5.4 Development Regulations

In addition to the Regulations contained in Section 4 of this bylaw, the following regulations shall apply to every development in this district.

(1) Minimum Site Requirements

Parcel	Frontage	Depth
Permitted Uses	25 m	30 m
Discretionary Uses	As Required by Council	

(2) Minimum Yard Requirements

Use	Front Yard	Side Yard	Rear Yard
Permitted Uses	7.5 m	3 m	6 m
Discretionary Uses	As Required by Council		
Accessory Buildings	As Required in Section 4.2.2		

(3) Special Requirements

- a. Consistent to Section (4.2.3), outdoor storage is permitted in rear yards only.
- b. All outdoor storage shall be suitably screened from any public street by fence, berm, landscaping or a combination of such methods.

6.6 M1 – Industrial District

6.6.1 Purpose

The purpose of this District is to accommodate the development of light and heavy industrial and commercial activities which are compatible with each other and that do not create land use conflicts or nuisance conditions during the normal course of operations.

6.6.2 Permitted Uses

- a. Auto body shops
- b. Bulk oil dealers and chemical supply dealers
- c. Car and truck washes
- d. Construction trades
- e. Custom meat cutting and packaging (excluding slaughtering)
- f. Equipment and tool rental establishments
- g. Gas bars
- h. Grain elevators and related grain handling facilities
- i. Industrial services
- j. Lumber Yards, building supply and home improvement stores
- k. Machine shops
- l. Manufacturing and processing plants and associated storage facilities
- m. Motor vehicles, recreational vehicles or trailers, or farm machinery sale, storage and servicing
- n. Printers and publishers
- o. Public utilities, including workshops, warehouses and storage yards
- p. Service stations with or without car washes
- q. Truck, bus and other transport terminals and yards
- r. Wholesale trade
- s. Warehouses.
- t. Accessory uses and buildings

6.6.3 Discretionary Uses (Council)

- a. Abattoirs and stock yards
- b. Concrete manufacturing plants, and gravel yards

- c. Equipment maintenance and storage yards
- d. Feed mills, and seed cleaning plants
- e. Mining and petroleum industry service
- f. Rail lines and associated facilities
- g. Shipping containers
- h. Similar uses

6.6.4 Development Regulations

(1) Minimum Site Requirements

Parcel	Frontage	Depth
Permitted Uses	25 m	30 m
Discretionary Uses	As Required by Council	

(2) Minimum Yard Requirements

Use	Front Yard	Side Yard	Rear Yard
Permitted Uses	6 m	3 m	3 m
Accessory Buildings	As Required in Section 4.2.2		
Discretionary Uses	As Required by Council		

(3) Height

- a. Buildings up to 12 meters in heights shall be permitted.
- b. Buildings exceeding 12 meters in height may be permitted at the discretion of Council.

(4) Additional Regulations

- a. General industrial uses shall not create any nuisance effect beyond the boundaries of the site.
- b. Safety and environmental assessment are integral component of the industrial development review process. Where there are potential effects associated with a proposed development, applicant must submit an environmental impact assessment report, prepared by a qualified professional consultant.
- c. The Development Authority may require the establishment of buffer areas between industrial and non-industrial land uses.

- d. Consistent to Section (4.2.3), outdoor storage is permitted in rear yards only.
- e. All outdoor storage shall be suitably screened from any public street by fence, berm, landscaping or a combination of such methods.

6.7 CS - Community Service District

6.7.1 Purpose

The purpose of this district is primarily to provide for the development of buildings, uses and facilities used by the public including education, government, religious, and other public and institutional services including major community transportation facilities.

6.7.2 Permitted Uses

- a. Community centres
- b. Day care centres
- c. Group care facilities
- d. Libraries and cultural institutions
- e. Lodges, fraternal organizations, clubs
- f. Municipal facilities
- g. Nursing homes
- h. Places of worship, religious institutions
- i. Playgrounds
- j. Public utilities (excluding offices, warehouse and storage yards)
- k. Schools, educational institutions
- l. Sports/play fields
- m. Accessory uses and buildings

6.7.3 Discretionary Uses (Council)

- a. Airports
- b. Cemeteries
- c. Hospitals, medical clinics
- d. Law enforcement facilities
- e. Rodeo, exhibition grounds and related facilities

6.7.4 Development Regulations

- (1) The Development Authority shall determine minimum development standards for yard setbacks, building heights, site width, site area, site coverage, vehicle access, and landscaping having regard to the availability of services including water and sewer, impacts on adjacent land uses, traffic generation, storm water drainage, amenity considerations, and other relevant considerations.

(2) Screening Adjacent to Residential Districts

- a. Where deemed necessary any side yard or rear yard that abuts residential district, whether or not there is an intervening road, shall be screened to a minimum height of 1.8m by a fence, privacy wall, gate or landscaping satisfactory to the Development Authority.

6.8P1 - Parks and Open Space

6.8.1 Purpose

The purpose of this district is to provide for the development of public and private parks and open space with their associated recreation facilities.

6.8.2 Permitted Uses

- a. Curling and skating rinks
- b. Golf courses
- c. Natural open spaces
- d. Parks and playgrounds
- e. Sports Clubs
- f. Swimming pool

6.8.3 Discretionary Uses (Council)

- a. Campgrounds
- b. Cultural facilities
- c. Public utility buildings and facilities
- d. Schools, and educational facilities
- e. Similar uses

6.8.4 Development Regulations

- (1) The Development Authority shall determine minimum development standards for yard setbacks, building heights, site width, site area, site coverage, vehicle access, and landscaping having regard to the availability of services including water and sewer, impacts on adjacent land uses, traffic generation, storm water drainage, amenity considerations, and other relevant considerations.

6.9 DC - Direct Control District

6.9.1 Purpose

The purpose of this District is to enable Council to exercise particular control over the use and development of land or buildings within designated areas of the Town.

6.9.2 Development

In those areas shown as Direct Control on the Zoning Map, Council may in accordance with appropriate provisions of the Official Community Plan and Section 63 of the Planning and Development Act, 2007 regulate and control the use and development of land and buildings as it considers necessary.

6.9.3 Regulations and Standards

- (1) Council may by resolution establish land use and development policies and standards to govern the use and development of land and buildings in direct control Districts. Council may by resolution amend, repeal or replace such policies or standards at any time.
- (2) When there is a development proposed for a site designated as direct control and the proposed development is a permitted or discretionary use in one or more land use Districts, the applicant should apply to have the District amended before making application for a development permit.
- (3) The proposed development must be approved by Council, prior to any approval by the Development Authority. If the proposed use has not been approved by Council, the Development Authority shall refuse the application.

6.10 UH - Urban Holding District

6.10.1 Purpose

The purpose of this district is to reserve those areas of the Municipality, which are rural in character or land use until such time as the land is required for urban purposes.

6.10.2 Permitted Uses

- a. Farming and cultivation
- b. Utility buildings

6.10.3 Discretionary Uses (Council)

- a. Golf courses
- b. Greenhouse and plant nurseries
- c. Market gardens
- d. Public parks
- e. Other similar agricultural uses
- f. Single detached dwelling
- g. Sports fields
- h. Tourist camp site
- i. Tree nurseries
- j. Any temporary use or building which in the opinion of the Development Officer will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future.

6.10.4 Regulations

- (1) Development standards for yard setbacks, building height, site width, site coverage, floor ratio and other development regulations shall be at the discretion of the Development Authority.
- (2) The Development Authority may specify the length of time a use is permitted in this district having regard to the servicing, and future development of the subject land.

6.11 TU - Transportation and Utilities District

6.11.1 Purpose

The purpose of this district is to provide for the development of transportation facilities and utilities.

6.11.2 Permitted Uses

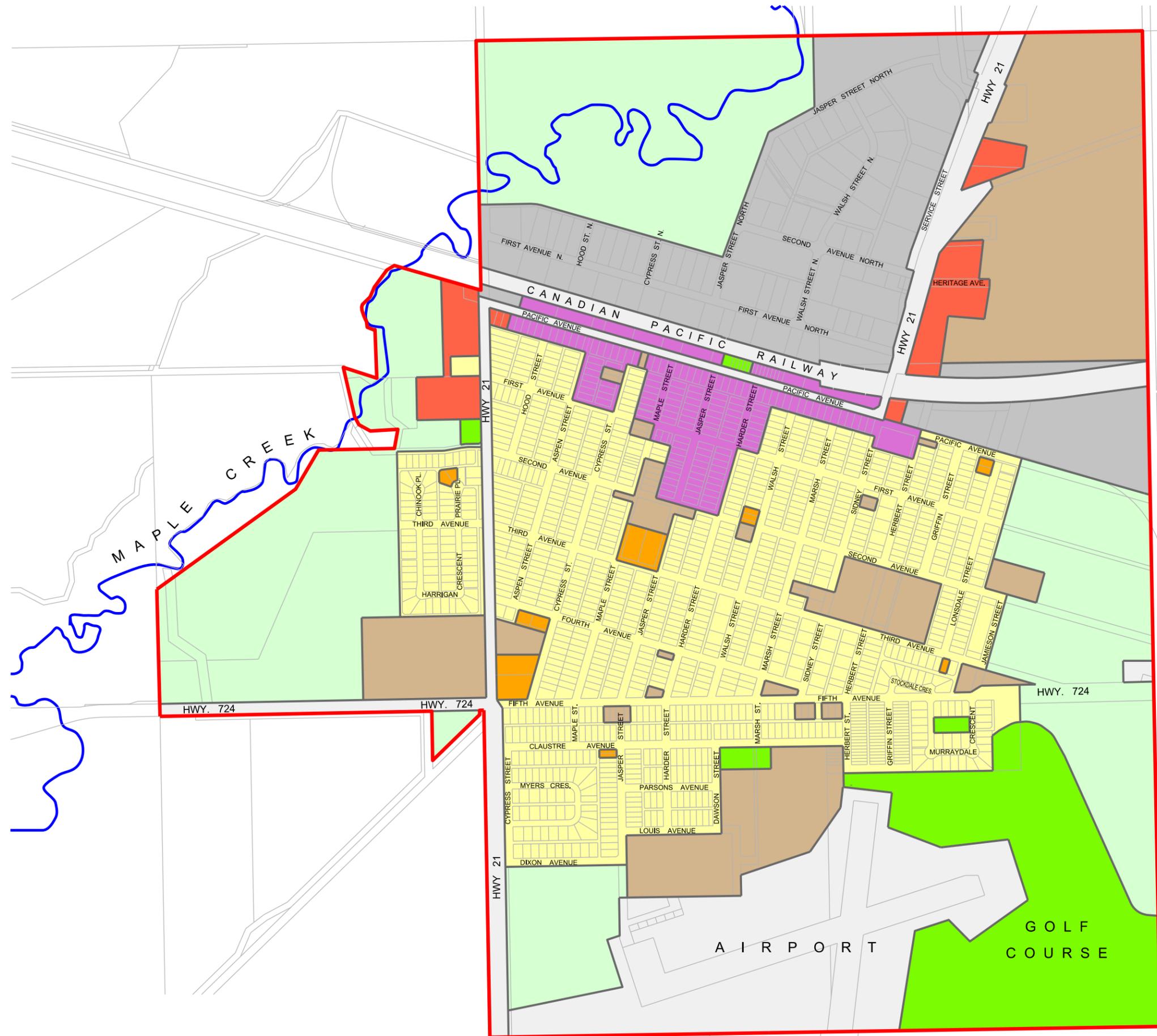
- a. Highways and related facilities
- b. Municipal storage yards and facilities
- c. Public utilities
- d. Railway related facilities
- e. Accessory buildings

6.11.3 Discretionary uses (Council)

- a. Airports and related facilities
- b. Similar uses

6.11.4 Regulations

- (1) Development standards for yard setbacks, building height, site width, site coverage, floor ratio and other development regulations shall be at the discretion of the Development Authority.



LEGEND

- R1 Single Family Residential District
- R2 Medium Density Residential District
- R3 Mobile Home/Modular Residential District
- C1 Commercial Core District
- C2 Highway Corridor Commercial District
- M1 Industrial District
- TU Transportation Utility District
- CS Community Service District
- P1 Parks & Open Space District
- UH Urban Holding District
- DC Direct Control District
- Contract Zoning District
- Creek

TOWN BOUNDARY



FIGURE 1
ZONING MAP
 TOWN OF MAPLE CREEK
 ZONING PLAN

BOUNDARY CONTAINING APPROXIMATELY 455.5 ha
 SCALE 1 : 10000
 March, 2011
 6940600_zoning.dgn

7 Overlay Zoning Districts

7.1 Establishment of Overlay Districts

Overlay zoning districts apply additional regulations to specific lands and are indicated on the Zoning Map. These regulations add to the regulations contained in the conventional zoning district applicable to a site. Where the conventional zoning district regulations applicable to a site appear to be in conflict with the overlay zone regulations applicable to a site, the overlay zone regulations shall take precedence.

Table 2 Overlay Districts

District	Symbol
Architectural Control Overlay District	AC
Floodplain Overlay District	FP

7.2 AC - Architectural Control Overlay District

7.2.1 Purpose

The purpose of the Architectural Control Overlay District (AC) is to provide appropriate development standards in order to preserve the physical character of an area. It is to preserve and rehabilitate significant historical buildings in the Town of Maple Creek, by recognizing the special historical and architectural character of heritage assets in the Town.

7.2.2 Objectives

- (1) Key objectives identified in the Official Plan are below:
 - a. Protect, where practical and feasible, those heritage resources, which contribute, in a significant way, to the identity and character of the Town.
 - b. Encourage the protection, enhancement, restoration, maintenance, and utilization of building, structures, area, or sites within Maple Creek which are considered to be of significant architectural, historical, or archaeological value to the community.
 - c. Encourage new development, redevelopment, and public works to be sensitive to, and in harmony with the Town's heritage resources.
 - d. Increase public awareness and appreciation of the Town's heritage resources, and encourage participation by the public, corporations, and other levels of government in the protection, restoration, and utilization of these resources.
- (2) Policies:
 - a. prevent the demolition of identified heritage buildings;
 - b. discourage the removal or alteration of original architectural features.
 - c. encourage the use of streetscape elements that are consistent with the existing streetscape character.
 - d. encourage the restoration of buildings.
- (3) The proposed district contains the historic core of commercial buildings in the downtown as shown on the Overlay District map.
- (4) Development Requirements
 - a. Council may establish an AC Overlay District pursuant to Section 73 of the *Act*, and Section 13 of the Official Community Plan.
 - b. Owners of designated heritage properties must obtain the consent of the Council, prior to undertaking any major alternations, demolition and/or additions to the heritage property.

- c. Where the provisions of the AC Overlay District are in conflict with the regulations of the zoning by district applicable to a site, the provisions of the Architectural Control District shall apply.
- d. Development of a land or building in an AC Overlay District shall be in accordance to designs approved by the Council and which is consistent with Section 13 of the Official Community Plan and with the provisions of Section 73 of the *Act*.

7.3 FP- Flood Plain Overlay District

7.3.1 Purpose

The purpose of the Flood Plain Overlay District (FP) is to provide appropriate development standards in order to restrict development of any permanent structures or buildings in this zone, and to provide appropriate development standards to prevent property damage within the Town's flood hazard area.

7.3.2 Permitted Uses

- (1) All permitted uses in the underlying district, unless prohibited in Subsection 7.3.4, shall be permitted.
- (2) At Council's discretion, the following additional uses may be permitted:
 - a. agricultural, market gardening, tree and garden nurseries;
 - b. bicycle paths, recreation trail, and walkways;
 - c. Municipal public works and public utilities;
 - d. outdoor sports field facilities, wildlife habitat and conservation uses, excluding buildings;
 - e. parking areas, signs and similar uses; and
 - f. Parks, playgrounds and open space.

7.3.3 Discretionary Uses

- (3) All discretionary uses in the underlying district, unless prohibited in Subsection 7.3.4, shall be discretionary.

7.3.4 Prohibited Uses

- (1) Prohibited development in the floodplain includes:
 - a. excavation or fill; and
 - b. new construction.
- (2) Excavation or fill may be permitted where it is certified by a professional engineer licensed to practice in the Province of Saskatchewan that it will not obstruct or divert the flow of water within the floodplain zone.
- (3) New construction may be permitted where:
 - a. It is certified by a professional engineer licensed to practice in the Province of Saskatchewan that it shall not increase flood levels during the occurrence of the 1:500 flood discharge;

- b. It is certified by a professional engineer licensed to practice in the Province of Saskatchewan that the structure meets the requirements of proper flood proofing and is able to withstand the effects of floodwaters without experiencing flood damage; and
- c. It is approved by Municipal Affairs.

7.3.5 Application

- (1) The provisions of this Subsection shall apply to all areas of the Town (will be identified) under the Saskatchewan Flood Damage Reduction Program, as shown on the Flood Hazard Map.

7.3.6 Regulations

- (1) No buildings or structures (except those related to flood mitigation purposes) shall be permitted within the Floodway.
- (2) Buildings and structures within the floodplain zone which existed legally prior to the passage of this By-Law shall be deemed legal non-conforming.
- (3) Except as provided in Subsection 7.3.4, all new construction shall be constructed with the finished floor at the 1:500 year event flood elevation where practicable, at the discretion of the Development Officer.
- (4) New construction, additions and substantial improvements which do not have a finished floor elevation at the 1:500 year event flood elevations shall comply with the flood proofing requirements of Subsection 7.3.4 (3).

7.3.7 Flood Proofing Measures

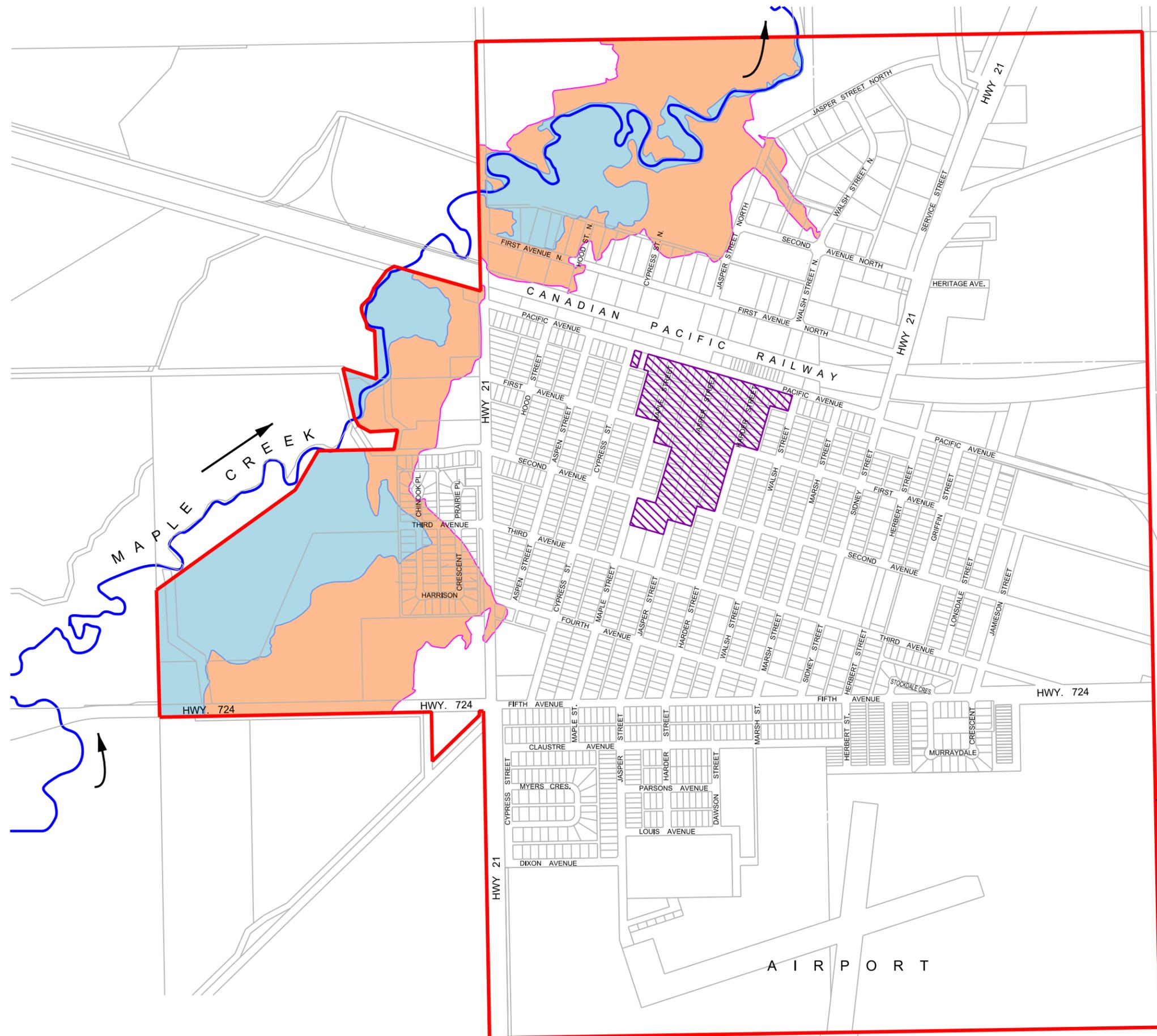
- (1) For purpose of this Bylaw appropriate flood proofing measures shall be mean:
 - a. all buildings shall be designed to prevent structural damage by floodwaters;
 - b. the first floor of all buildings shall be constructed above the designated flood level;
 - c. all electrical and mechanical equipment within a building shall be located above the designated flood level; and
 - d. The Town may specify other flood proofing measures within the Town boundaries which shall be established in consultation with Saskatchewan Watershed Authority.

7.3.8 Flood Hazard Liability Disclaimer

- (1) The degree of flood protection intended to be provided by this Bylaw is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study for river and lakeshore settings. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Bylaw does not imply that areas outside the flood hazard area boundaries will always be totally free from flooding or flood damages, nor shall this

Bylaw create a liability on the part of or be a course of action against the Town of Maple Creek or any officer or employee thereof for any flood damages that may result from the reliance on this Bylaw.

- (2) Where the provisions of the Floodplain Overlay District are in conflict with the regulations of the zoning district applicable to a site, the provisions of the Floodplain Overlay District shall take precedence.



LEGEND

- 1:500 Year Floodway
- 1:500 Year Flood Fringe
- Direction of flow
- Architectural Control Overlay District

1:500 Year Floodway, 1:500 Year Flood Fringe, and 0.5m Freeboard are indicated in *Maple Creek Floodplain Delineation Study*, Sameng Inc., Nov. 2009

TOWN BOUNDARY

FIGURE 2
OVERLAY ZONING DISTRICTS
 TOWN OF MAPLE CREEK ZONING PLAN

BOUNDARY CONTAINING APPROXIMATELY 455.5 ha
 SCALE 1 : 10000
 February 28, 2011
 6940600_overlay.dgn



8 Bylaw No. 2010-MC- 02 to Adopt A Zoning Bylaw

Whereas the Council of the Town of Maple Creek has authorized the preparation of a Zoning Bylaw for the Town in consultation with Kent Snyder, PPS, MCIP, a professional community planner, with Scheffer Andrew Ltd., pursuant to Section 46 of The Planning and Development Act, 2007 (the Act); and

Whereas, in accordance with Section 207 of the Act, the Council of the Town of Maple Creek held a Public Hearing on April 13, 2010 in regards to the proposed Zoning Bylaw, which was advertised in a weekly paper on March 23, 2010 and March 30, 2010 in accordance with the public participation requirements of the Act;

Whereas, in accordance with suggestions received from the Community Planning Branch of the Saskatchewan Ministry of Municipal Affairs, a second Public Hearing was held on March 22, 2011, which was advertised in a weekly paper on March 10, 2011 and March 17, 2011 in accordance with the public participation requirements of the Act;

Therefore, the Council for the Town of Maple Creek, in the Province of Saskatchewan, in open meeting hereby enacts as follows:

8.1 Adopted Bylaw

The Zoning Bylaw of the Town of Maple Creek is hereby adopted as attached hereto and forming part of this bylaw.

8.2 Repeal

The following bylaws are hereby repealed:

- | | |
|---------------|---------------|
| a) 533-72 | m) 85-MC -04 |
| b) 535-72 | n) 86-MC -17 |
| c) 555-74 | o) 87-MC- 06 |
| d) 559-74 | p) 87-MC-13 |
| e) 75-MC-011 | q) 91-MC-10 |
| f) 75-MC-012 | r) 93-MC- 27 |
| g) 76-MC-004 | s) 98-MC-13 |
| h) 76-MC-008 | t) 99-MC-07 |
| i) 76-MC-011 | u) 2003-MC-23 |
| j) 79-MC-01 | v) 2003-MC-24 |
| k) 80-MC-03 | w) 2004-MC-15 |
| l) 83-MC-02 | x) 2005-MC-06 |
| y) 2011-MC-02 | |

8.3 Coming Into Force

This bylaw, having received three readings by the Council of the Town of Maple Creek, shall come into force on the date of final approval by the Minister

Mayor

SEAL

Town Administrator

BYLAW NO. 2010-MC-02

A BYLAW OF THE TOWN OF MAPLE CREEK TO ADOPT A ZONING BYLAW

Whereas the Council of the Town of Maple Creek has authorized the preparation of a Zoning Bylaw for the Town in consultation with Kent Snyder, ACP, PPS, MCIP, a professional community planner, and Khalid Mohammed, BA, MA, a junior planner with Scheffer Andrew Ltd., pursuant to Section 46 of *The Planning and Development Act, 2007* (the Act); and

Whereas, in accordance with Section 207 of the Act, the Council of the Town of Maple Creek held a Public Hearing on April 13, 2010 in regards to the proposed bylaw, which was advertised in a weekly paper on March 23, 2010 and March 30, 2010 in accordance with the public participation requirements of the Act;

Whereas, in accordance with suggestions received from the Community Planning Branch of the Saskatchewan Ministry of Municipal Affairs, a second Public Hearing was held on March 22, 2011, which was advertised in a weekly paper on March 10, 2011 and March 17, 2011 in accordance with the public participation requirements of the Act;

Therefore, the Council for the Town of Maple Creek, in the Province of Saskatchewan, in open meeting hereby enacts as follows:

1. The Zoning Bylaw of the Town of Maple Creek is hereby adopted as attached hereto and forming part of this bylaw.

2. The following bylaws are hereby repealed:

- | | |
|--------------|---------------|
| a) 533-72 | m) 85-MC-04 |
| b) 535-72 | n) 86-MC-17 |
| c) 555-74 | o) 87-MC-06 |
| d) 559-74 | p) 87-MC-13 |
| e) 75-MC-011 | q) 91-MC-10 |
| f) 75-MC-012 | r) 93-MC-27 |
| g) 76-MC-004 | s) 98-MC-13 |
| h) 76-MC-008 | t) 99-MC-07 |
| i) 76-MC-011 | u) 2003-MC-23 |
| j) 79-MC-01 | v) 2003-MC-24 |
| k) 80-MC-03 | w) 2004-MC-15 |
| l) 83-MC-02 | x) 2005-MC-06 |

3. This bylaw, having received three readings by the Council of the Town of Maple Creek, shall come into force on the date of final approval by the Minister.



Mayor

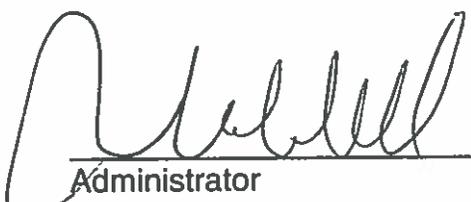
SEAL

CERTIFIED A TRUE COPY OF
BYLAW No. 2010-MC-02
ADOPTED BY THE COUNCIL OF
THE TOWN OF MAPLE CREEK

ON THE 22 DAY OF March, 2011



CLERK



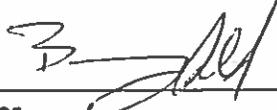
Administrator

8.3 Coming Into Force

This bylaw, having received three readings by the Council of the Town of Maple Creek, shall come into force on the date of final approval by the Minister

SEAL

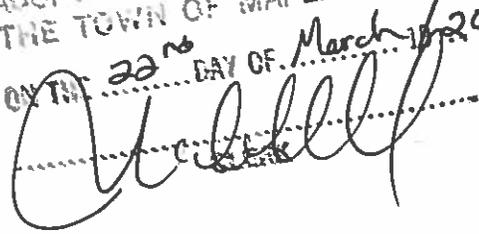


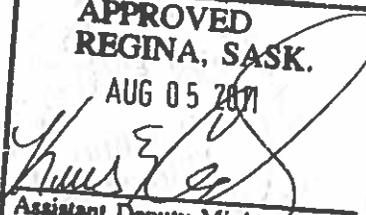


Mayor



Town Administrator

CERTIFIED A TRUE COPY OF
BYLAW No. 2010-MC-02
ADOPTED BY THE COUNCIL OF
THE TOWN OF MAPLE CREEK
ON THE 22nd DAY OF March 16, 2011


APPROVED
REGINA, SASK.
AUG 05 2011

Assistant Deputy Minister
Ministry of Municipal Affairs

TOWN OF MAPLE CREEK

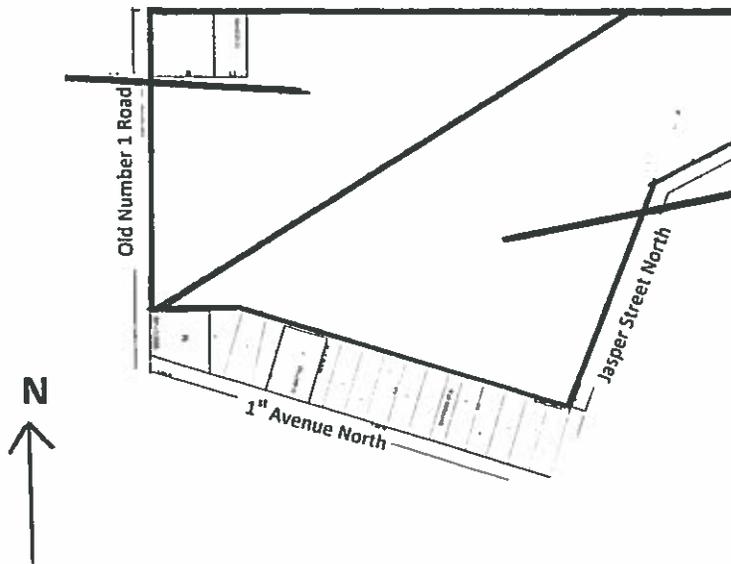
BYLAW NO. 2015-MC-17

A BYLAW OF THE TOWN OF MAPLE CREEK TO AMEND BYLAW NO. 2010-MC-02 KNOWN AS THE ZONING BYLAW.

The Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts to amend Bylaw No. 2010-MC-02 as follows:

1. The Zoning District Map, Figure 1 is amended by rezoning from UH – Urban Holding District to M1 – Industrial District and P1 – Parks and Open Space District the lot shown within the bold line on the attached plan below:

UH – Urban Holding District
to
M1 – Industrial District



UH – Urban Holding District
to
P1 – Parks and Open Space District

2. The legal description of Surface Parcel #145959788, Parcel B, Plan 101830474, Extension 17, Surface Parcel #145959801, Parcel C, Plan 101830485, Extension 18; Surface Parcel #145959676, NW 15-11-26-W3rd, Extension 5 rezoned to M1 – Industrial District and P1 – Parks and Open Space District.
3. This Bylaw shall come into force and be in effect on the final passing thereof.

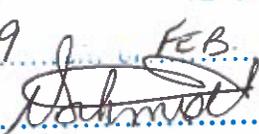




Mayor



Administrator

CERTIFIED A TRUE COPY OF
BYLAW NO. 2015-MC-17
ADOPTED BY THE COUNCIL OF
THE TOWN OF MAPLE CREEK
ON THE 9 FEB. 2016


CLERK

Given 1st reading: December 23, 2015

Given 2nd reading: FEB 9, 2016

Given 3rd reading and hereby adopted: FEB 9, 2016

TOWN OF MAPLE CREEK

NOTICE

Public notice is hereby given that the Council of the Town of Maple Creek intends to adopt a bylaw under The Planning and Development Act, 2007 to amend Bylaw No. 2010-MC-02, known as the Zoning Bylaw.

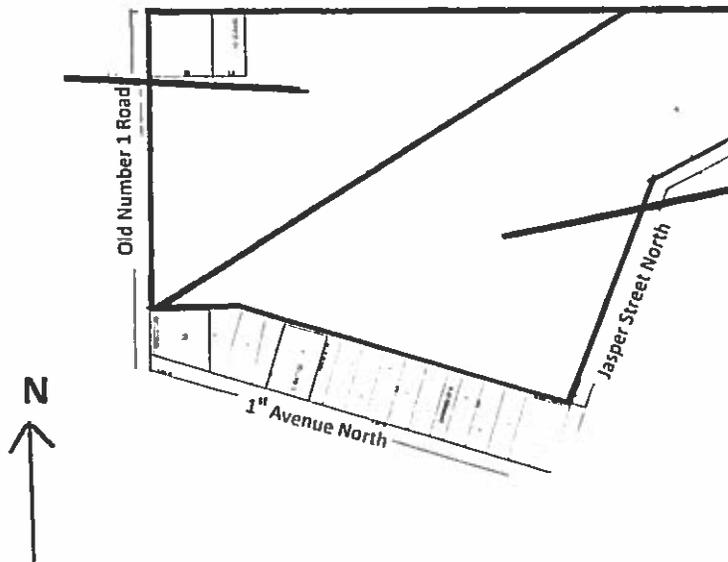
INTENT:

The proposed bylaw will rezone from UH – Urban Holding District to M1 - Industrial District and P1 – Parks and Open Space District the land described below.

AFFECTED LAND:

The affected land is legally described as Surface Parcel #145959788, Parcel B, Plan 101830474, Extension 17, Surface Parcel #145959801, Parcel C, Plan 101830485, Extension 18; Surface Parcel #145959676, NW 15-11-26-W3rd, Extension 5:

UH – Urban Holding District
to
M1 – Industrial District



UH – Urban Holding District
to
P1 – Parks and Open Space District

REASON:

The reason for the amendment is to provide for land expansion to M1 – Industrial District to expand for development of light and heavy industrial and commercial business and for land expansion to P1 – Parks & Open Space District for the development of a Motor Cross Track.

PUBLIC INSPECTION:

Any person may inspect the bylaw at the Town of Maple Creek office between 9:00 am to 12:00 noon and 1:00 pm to 4:00 p.m. on Monday's to Friday's excluding statutory holidays. Copies are available at cost.

PUBLIC HEARING:

Council will hold a public hearing on the 26th Day of January, 2016 at 6:30 p.m. at the Town Office Council Chambers at 205 Jasper Street to hear any person or group that wants to comment on the proposed bylaw. Council will also consider written comments received at the hearing or delivered to the undersigned at the Town of Maple Creek Town Office before the hearing.

Issued at the Town of Maple Creek this 29th day of December, 2015.


Michele A. Schmidt
Administrator

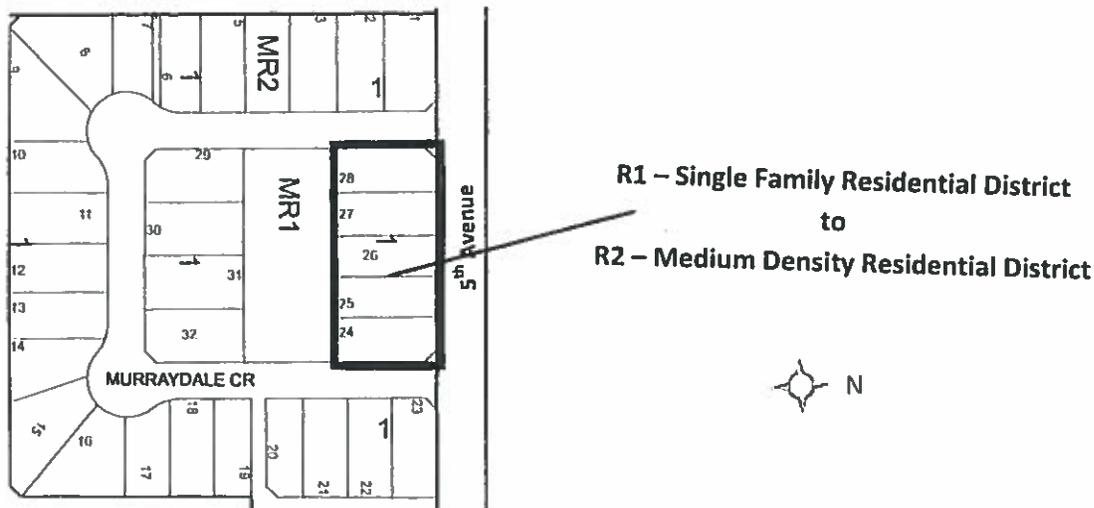
TOWN OF MAPLE CREEK

BYLAW NO. 2015-MC-13

A BYLAW OF THE TOWN OF MAPLE CREEK TO AMEND BYLAW NO. 2010-MC-02 KNOWN AS THE ZONING BYLAW.

The Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts to amend Bylaw No. 2010-MC-02 as follows:

1. The Zoning District Map, Figure 1 is amended by rezoning from R1 – Single Family Residential District to R2 – Medium Density Residential District the lots shown within the bold line on the attached plan below:



2. The legal description as follows:
 - Surface Parcel #164441369, Lot 24, Block 1, Plan 101984755, Extension 0
 - Surface Parcel #164441145, Lot 25, Block 1, Plan 101984755, Extension 0
 - Surface Parcel #164441099, Lot 26, Block 1, Plan 101984755, Extension 0
 - Surface Parcel #164441370, Lot 27, Block 1, Plan 101984755, Extension 0
 - Surface Parcel #164441280, Lot 28, Block 1, Plan 101984755, Extension 0

rezoned to R2 – Medium Density Residential District.

3. This Bylaw shall come into force and be in effect on the final passing thereof.




 Mayor


 Administrator

Given 1st reading: May 27, 2015

Given 2nd reading: June 24, 2015

Given 3rd reading and hereby adopted: June 24, 2015

CERTIFIED A TRUE COPY OF
 BYLAW No. 2015-MC-13
 ADOPTED BY THE COUNCIL OF
 THE TOWN OF MAPLE CREEK
 ON THE 24th day of June, 2015

 CLERK

TOWN OF MAPLE CREEK

NOTICE

Public notice is hereby given that the Council of the Town of Maple Creek intends to adopt a bylaw under The Planning and Development Act, 2007 to amend Bylaw No. 2010-MC-02, known as the Zoning Bylaw.

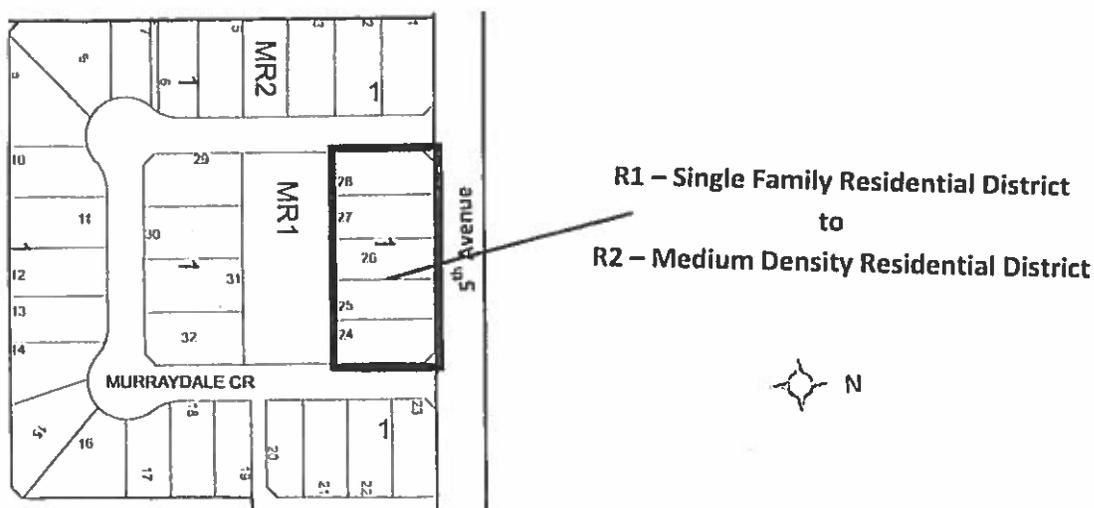
INTENT:

1. The proposed bylaw will rezone from R1 – Single Family Residential District to R2– Medium Density Residential District the land described below.

AFFECTED LAND:

The affected land is legally described as:

- Surface Parcel #164441369, Lot 24, Block 1, Plan 101984755, Extension 0
- Surface Parcel #164441145, Lot 25, Block 1, Plan 101984755, Extension 0
- Surface Parcel #164441099, Lot 26, Block 1, Plan 101984755, Extension 0
- Surface Parcel #164441370, Lot 27, Block 1, Plan 101984755, Extension 0
- Surface Parcel #164441280, Lot 28, Block 1, Plan 101984755, Extension 0



REASON:

The reason for the amendment is to provide for the expansion of the Medium Density Residential District regarding a proposed development.

PUBLIC INSPECTION:

Any person may inspect the bylaw at the Town of Maple Creek office between 9:00 am to 12:00 noon and 1:00 pm to 4:00 p.m. on Monday's to Friday's excluding statutory holidays. Copies are available at cost.

PUBLIC HEARING:

Council will hold a public hearing on the 24th Day of June, 2015 at 6:30 p.m. at the Town Office Council Chambers at 205 Jasper Street to hear any person or group that wants to comment on the proposed bylaw. Council will also consider written comments received at the hearing or delivered to the undersigned at the Town of Maple Creek Town Office before the hearing.

Issued at the Town of Maple Creek this 2nd day of June, 2015.

Michele A. Schmidt
Administrator

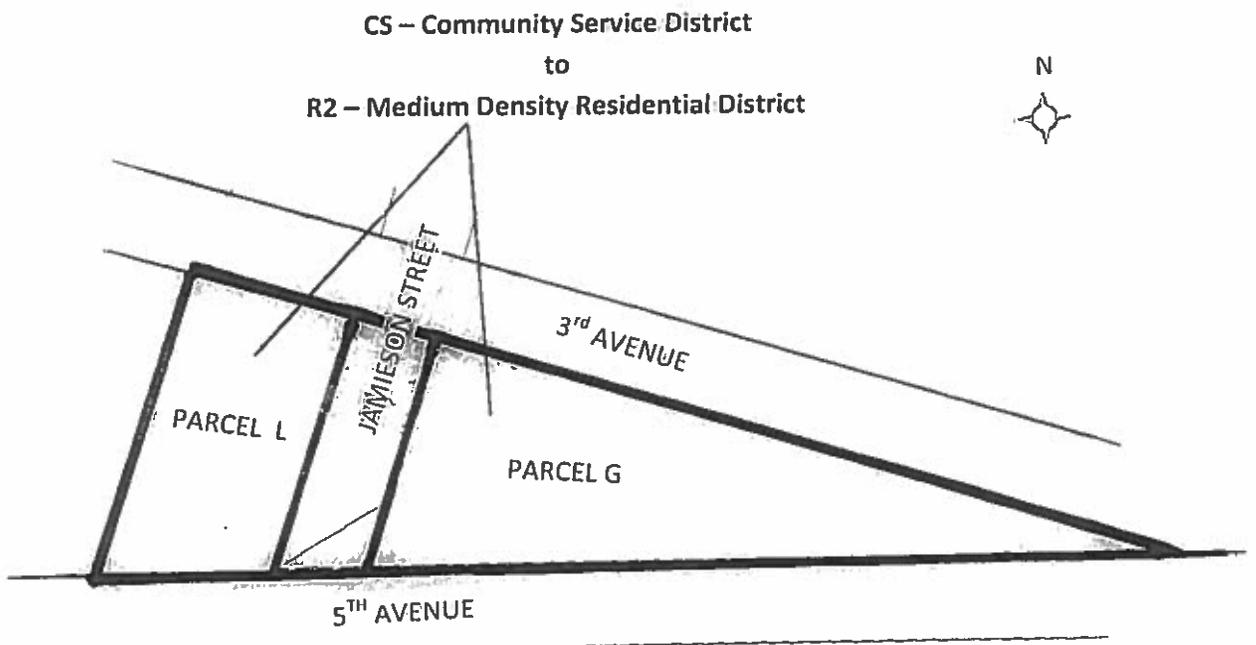
TOWN OF MAPLE CREEK

BYLAW NO. 2014-MC-20

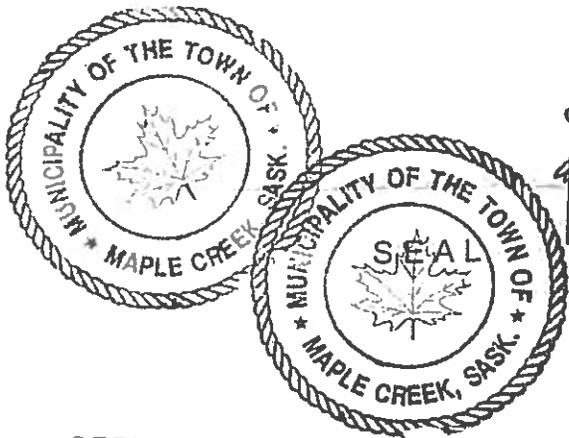
A BYLAW OF THE TOWN OF MAPLE CREEK TO AMEND BYLAW NO. 2010-MC-02 KNOWN AS THE ZONING BYLAW.

The Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts to amend Bylaw No. 2010-MC-02 as follows:

1. The Zoning District Map, Figure 1 is amended by rezoning from CS – Community Service District to R2 – Medium Density Residential District the lots shown within the bold line on the attached plan below:



2. The legal description of Surface Parcel #142020515, Parcel L, Plan 75SC01171, Extension 0 AND Surface Parcel #142013900, Parcel G, Plan D2508, Extension 0 rezoned to R2 – Medium Density Residential District.
3. R2 – Medium Density Residential District – Maximum Site Requirements Section 6.2 (3) a. iii Apartments 12 m or 3 storeys whichever is less is amended as follows:
Apartments 12 m or a maximum of 3 storeys above parking.
4. This Bylaw shall come into force and be in effect on the final passing thereof.



**APPROVED
REGINA, SASK.**
JAN 27 2015
[Signature]
Assistant Deputy Minister
Ministry of Government Relations

[Signature]
Mayor

[Signature]
Administrator

Given 1st reading: October 28, 2014
Given 2nd reading: November 10, 2014
Given 3rd reading and hereby adopted:
November 10, 2014

CERTIFIED A TRUE COPY OF
BYLAW No. 2014-MC-20
ADOPTED BY THE COUNCIL OF
THE TOWN OF MAPLE CREEK
ON THE 10 DAY OF Nov. 2014
[Signature]
CLERK

TOWN OF MAPLE CREEK

NOTICE

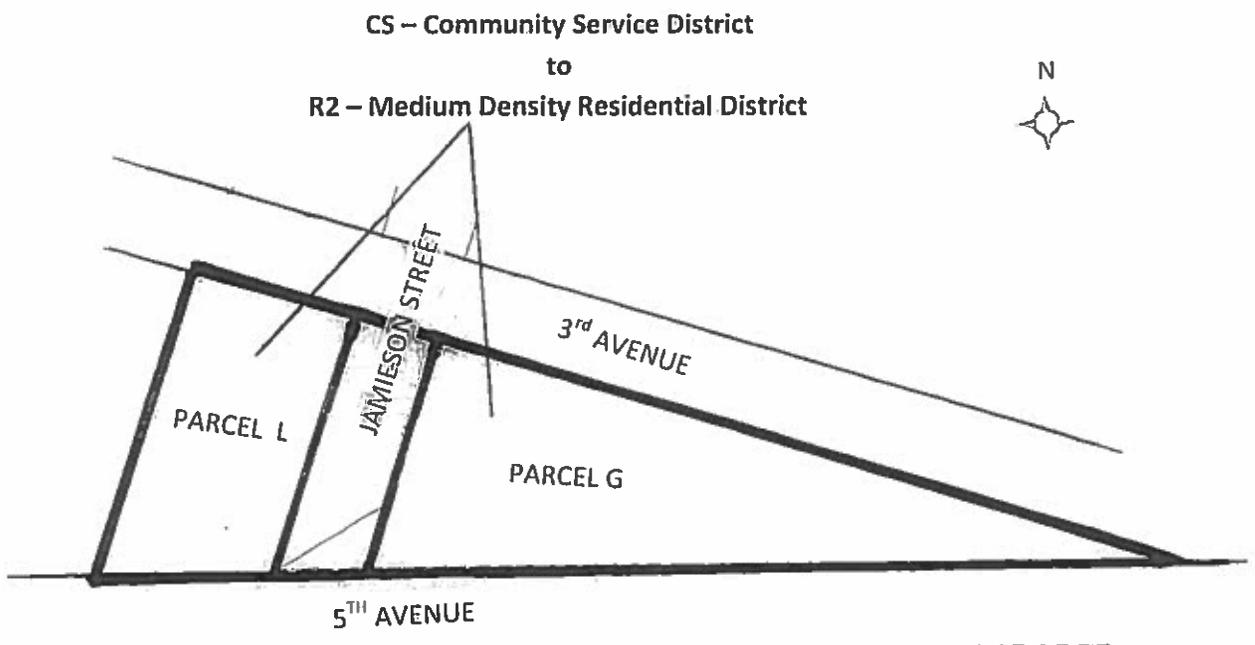
Public notice is hereby given that the Council of the Town of Maple Creek intends to adopt a bylaw under The Planning and Development Act, 2007 to amend Bylaw No. 2010-MC-02, known as the Zoning Bylaw.

INTENT:

1. The proposed bylaw will rezone from CS – Community Service District to R2– Medium Density Residential District the land described below.
2. To amend R2 – Medium Density Residential District – Maximum Site Requirements Section 6.2 (3)a. iii Apartments 12 m or 3 storeys whichever is less as follows:
Apartments 12 m or a maximum of 3 storeys above parking.

AFFECTED LAND:

The affected land is legally described as Surface Parcel #142020515, Parcel L, Plan 75SC01171, Extension 0 and Surface Parcel #142013900, Parcel G, Plan D2508, Extension 0.



REASON:

The reason for the amendment is to provide for the expansion of the Medium Density Residential District regarding a proposed development.

PUBLIC INSPECTION:

Any person may inspect the bylaw at the Town of Maple Creek office between 9:00 am to 12:00 noon and 1:00 pm to 4:00 p.m. on Monday's to Friday's excluding statutory holidays. Copies are available at cost.

PUBLIC HEARING:

Council will hold a public hearing on the 10th Day of November, 2014 at 6:30 p.m. at the Town Office Council Chambers at 205 Jasper Street to hear any person or group that wants to comment on the proposed bylaw. Council will also consider written comments received at the hearing or delivered to the undersigned at the Town of Maple Creek Town Office before the hearing.

Issued at the Town of Maple Creek this 23rd day of October, 2014.

Michele A. Schmidt
Administrator

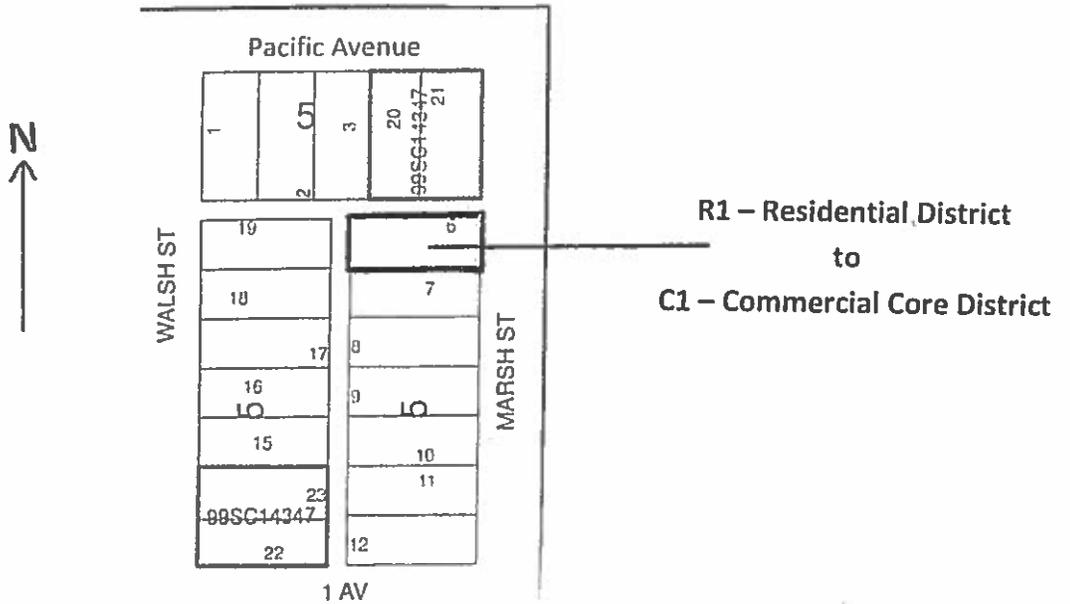
TOWN OF MAPLE CREEK

BYLAW NO. 2014-MC-02

A BYLAW OF THE TOWN OF MAPLE CREEK TO AMEND BYLAW NO. 2010-MC-02 KNOWN AS THE ZONING BYLAW.

The Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts to amend Bylaw No. 2010-MC-02 as follows:

- 1. The Zoning District Map, Figure 1 is amended by rezoning from R1 – Residential to C1 – Commercial Core District the lot shown within the bold line on the attached plan below:



- 2. The legal description of Surface Parcel #141973252, Lot 6, Block 5, Plan 854, Extension 0 (101 Marsh Street) rezoned to C1 – Commercial Core District.
- 3. This Bylaw shall come into force and be in effect on the final passing thereof.



[Signature]
 Mayor

[Signature]
 Administrator

CERTIFIED A TRUE COPY OF

BYLAW No. 2014-mc-02
 ADOPTED BY THE COUNCIL OF
 THE TOWN OF MAPLE CREEK

ON THE 8 day of Apr. 2014

[Signature]
 CLERK

Given 1st reading this 25th day of February, 2014.
 Given 2nd reading: April 8, 2014
 Given 3rd reading and hereby adopted:
April 8, 2014



BYLAW NO. 2011-MC-18

A BYLAW OF THE TOWN OF MAPLE CREEK TO AMEND TOWN OF MAPLE CREEK ZONING BYLAW NO. 2010-MC-02

Pursuant to Section 3.8 of the Town of Maple Creek Zoning Bylaw, the Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts to amend Bylaw No. 2010-MC-02, the Town of Maple Creek Zoning Bylaw as follows:

1. Section 4.2.2 Accessory Uses, Buildings, and Structures, subsection (2), paragraph (b) is amended by removing "70 m²" and replacing it with "98 m²".
2. Section 4.2.2 Accessory Uses, Buildings, and Structures, subsection (2) is further amended by adding immediately after paragraph (g):

"h. the maximum wall height of an accessory building shall be limited to 3.7 m, or no higher than the principal dwelling on the property, whichever is less."
3. This Bylaw shall come into force and effect upon third and final reading by the Council of the Town of Maple Creek.



Mayor

SEAL



Administrator

BYLAW NO. 2011-MC-05

A BYLAW OF THE TOWN OF MAPLE CREEK TO ENTER INTO AN AGREEMENT WITH MICHAEL MORROW FOR THE PURPOSE OF OPERATING A RESTAURANT IN A RESIDENTIAL DISTRICT.

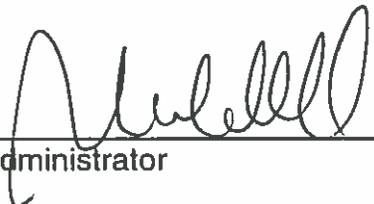
The Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts as follows:

1. That we enter into an agreement with Michael Morrow, attached hereto as Schedule "A" and forming a part of this Bylaw, to allow for the operation of a restaurant in a residential district at 309 Marsh Street.
2. This Bylaw shall come into force and effect upon final passing by the Council of the Town of Maple Creek.



Mayor

SEAL



Administrator

CERTIFIED A TRUE COPY OF
BYLAW NO. 2011-MC-05
ADOPTED BY THE COUNCIL OF
THE TOWN OF MAPLE CREEK
ON THE 5th day of March 2011

.....
CLERK

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) made in duplicate this 2nd day of March, 2011

Between the following parties:

The Town of Maple Creek
Box 428
Maple Creek, Saskatchewan
S0N 1N0
Hereinafter referred to as "the Town"

And

Michael Morrow
Box 1947
Maple Creek, Saskatchewan
S0N 1N0
Hereinafter referred to as "the Owner"

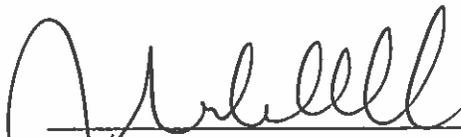
This Memorandum of Agreement establishes the intentions the above to enter into a formal Contract Zoning Agreement at such time as the Town of Maple Creek's new Zoning Bylaw is finally adopted by Council and duly approved by the Ministry of Municipal Affairs.

Furthermore, this Memorandum of Agreement sets out those terms and conditions which will, upon the approval of the Ministry of Municipal Affairs mentioned above, comprise the aforementioned Contract Zoning Agreement.

It is therefore agreed as follows:

1. In order to allow the Owner to operate a restaurant at the property located at Lot 23, Block 35, Plan 99SC14347, commonly identified as 309 Marsh Street, the Town agrees to enter into a Contract Zoning Agreement with the Owner at such time as a Contract Zoning Agreement is allowed under the Town of Maple Creek's Zoning Bylaw.
2. Council agrees to immediately proceed to re-zone the aforementioned property from R-Residential to C1-Commercial to facilitate the start of operations at this location as quickly as possible with the understanding that the zoning will revert to R1-Residential at such time as the new Zoning Bylaw is in effect and that the aforementioned Contract Zoning Agreement will then govern the continuing operations of the restaurant.
3. The Owner recognizes the residential nature of this neighbourhood and will strive at all times to preserve the peace and tranquility therein.
4. The Owner agrees that the number of seats in the restaurant interior will be limited to 24 and the number seats on an outdoor patio will be limited to 10.
5. The Owner must make available a minimum of 9 off street parking spots for restaurant patrons and the Owner must direct the patrons to use these parking spots.
6. The Owner agrees to open the restaurant to the general public only between the hours of 11:00 am until 10:00 pm from Monday to Friday. The Owner may obtain a permit from the Town Office to operate the facility on weekends and each permit issued for this purpose is valid only for that given weekend.

7. The Owner agrees that the restaurant will not operate as a bar, lounge or nightclub, however, this shall not restrict the Owner's ability to serve liquor to the restaurant's patrons in accordance with Saskatchewan liquor regulations.
8. The Owner agrees that no commercial deep fryer will be installed or operated on the premises.
9. The Owner agrees to preserve the heritage character of the property insofar as it is reasonably practical to do so.
10. The Owner understands and agrees that this agreement is not transferable to any other person or corporation, and that the sale or other means of disposal of this property immediately renders this agreement null and void.
11. The Owner agrees that a breach of the terms of this agreement shall result in the revocation of any and all privileges or benefits provided by this agreement.
12. The Parties agree that the applicable terms and conditions set out herein shall form a part of the formal Contract Zoning Agreement at such time as that agreement is permissible under the Town's Zoning Bylaw, however, other terms and conditions not explicitly contained herein may still be added to the Contract Zoning Agreement if it is deemed reasonable and advisable to do so.
13. The Parties agree to allow any affected property owners to inspect this agreement upon request at any time.



Per: Town of Maple Creek

March 2, 2011
Date



Per: Michael Morrow

March 2, 2011
Date

BYLAW NO. 2012-MC-15

A BYLAW OF THE TOWN OF MAPLE CREEK TO AMEND BYLAW NO. 2010-MC-02
KNOWN AS THE ZONING BYLAW

The Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts as follows:

1. Bylaw No. 2010-MC-02 is amended as hereafter set forth.
2. The Zoning District Map detailed in Figure 1, which forms a part of Bylaw No. 2010-MC-02 is amended in the following manner:
 - a. By rezoning from C1-Commercial Core District to CS-Community Service District, the properties which are legally described as Lots 26 and 27, Block 8, Plan 99SC12568, commonly known by the civic addresses 218 and 222 Jasper Street, as shown in bold outline on the map which is attached hereto as Schedule "A" and forms a part of this bylaw.
3. This bylaw shall come into force and effect upon final passing by the Council of the Town of Maple Creek.

Mayor

S E A L

Administrator