

— Village of — TORQUAY

ZONING BYLAW

BYLAW NO. 19-04



SCATLIFF + MILLER + MURRAY
visionary urban design + landscapes

The Village of Torquay

Zoning Bylaw No. 19-04

1. Pursuant to Sections 34(1) of *The Planning and Development Act, 2007*, the Council of the Village of Torquay hereby adopts the Zoning Bylaw, identified as Schedule "A" to this Bylaw.
2. The Mayor and Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
3. This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the 11th day of December , 2019

Read a Second Time the _____ day of _____ , _____

Read a Third Time and Adopted the _____ day of _____ , _____

Mayor

VILLAGE SEAL

Administrator

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

on the _____ day of _____ , _____ .

VILLAGE OF TORQUAY

ZONING BYLAW

SCHEDULE "A" TO BYLAW No. 19-04

Prepared For:
THE VILLAGE OF TORQUAY

Prepared By:
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visionary urban design + landscapes

November 2020

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EXHIBIT A: ZONING DISTRICT MAP

1.0 INTRODUCTION

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

1.1 TITLE

This Bylaw No. 19-04 shall be known and may be cited as the Zoning Bylaw of the Village of Torquay.

1.2 PURPOSE

The purpose of this Bylaw is to regulate land use and development within the Village of Torquay in accordance with the *Village of Torquay Official Community Plan Bylaw No. 19-03 (OCP)*.

1.3 SCOPE

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

1.4 SEVERABILITY

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

1.5 HOW TO USE THIS BYLAW

1.5.1 Interpretation and Processes

Definitions for specific terms are contained in **Section 2.0**. When encountered in this Bylaw or the OCP, the following words are to mean:

- **“Shall”** is an operative word which means the action is obligatory.
- **“Should”** is an operative word which means that in order to achieve plan objectives, it is strongly advised that the action be taken.
- **“May”** is an operative word meaning a choice is available, with no particular direction or guidance intended.

Development application requirements and processes are contained in **Section 3.0**.

1.5.2 Regulations

Regulations that apply to all forms of development are contained in **Section 4.0** while additional regulations that apply to specific uses are contained in **Section 5.0**.

1.5.3 The Zoning District Schedules and Map

The Zoning District Schedules and Map are explained in and follow **Section 6.0**.

2.0 DEFINITIONS

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

A

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

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

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

Act, The: *The Planning and Development Act, 2007* of the Province of Saskatchewan.

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

Administrator: The Administrator of the Village of Torquay.

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

Alteration or Altered: any structural change or addition to a building or structure, and includes a change from one type of use to another.

Alternatively Abled Housing: Multiple unit dwellings or dwelling groups operated by a non-profit corporation or public authority and used exclusively for the domestic habilitation of senior citizens, alternatively-abled persons, occupants of subsidized housing or the cohabitant spouse and children of persons noted above.

Apartment: A building divided into five (5) or more dwelling units, unless otherwise defined, each of which is occupied or intended to be occupied as the permanent home or residence, not including a hotel, motel, or rooming house.

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

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

B

Bare Land Condominium: A bare land condominium involves dividing a parcel of land into individually owned 'bare land units'. A proposed plan of survey to create a bare land condominium requires the subdivision of the land and subdivision approval pursuant to *The Act*. Buildings on each bare land unit are owned by the individuals. The balance of the parcel around the units is common property. Generally, buildings on private units or common property are not constructed until after the bare land condominium plan has been registered. To ensure compliance with municipal bylaws, the municipality should discuss with the developer, any proposed construction of buildings prior to registration of the condominium plan. All buildings and improvements on common property are owned by the condominium corporation. Bare land condominiums are sometimes managed as exclusive communities, with control over local access.

Bare Land Condominium Unit: A bare land unit as defined by *The Condominium Property Act, 1993*.

Bed and Breakfast: A dwelling unit, licensed as a tourist home under the *Public Accommodations Regulations*, in which overnight accommodation within the dwelling unit, along with one (1) meal served before noon, is provided to the traveling public for a charge.

Buffer: A strip of land, vegetation, or land use that physically separates two (2) or more different land uses.

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

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

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

Building Height: The height of a building according to Section 4.5 of this Bylaw.

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

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

Built-up Area: The existing subdivided and developed area of the Village bordered by Railway Avenue and Miller Avenue from North to South, and by Highway #350 and Torbay Street from West to East.

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

Bylaw: The Village of Torquay Zoning Bylaw.

C

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

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

Carport: A building or structure or part thereof, where the majority of the perimeter is open and unobstructed by a wall; door; post; or, pier, and which is used for the parking or storage of motor vehicles.

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

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

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

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

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

Community Garden: An area of land managed and maintained by a formal or informal group of individuals to grow and harvest crops and/or non-food ornamental crops, such as flowers, for personal or group use; consumption; donation; or, sale at a farmers' market or farm stand. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may occupy a portion of any public municipal land subject to the approval of the Development Officer.

Condominium: Land, buildings and units including private and common property as defined under *The Condominium Property Act, 1993*.

Condominium Unit: A division of land or building as defined in *The Condominium Property Act, 1993*.

Confectionary: A retail, commercial establishment supplying a limited selection of food and other daily household necessities to the surrounding area.

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

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

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

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

Council: The elected Council of the Village of Torquay.

Cultural Institution: Establishments such as museums; art galleries; libraries; and, similar facilities or historical, education or cultural interests which are not commercially operated.

D

Daycare Centre: An establishment providing for the care, supervision and protection of children, adults, or seniors, though does not include the provision of overnight supervision.

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

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

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

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

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

Driveway: The portion of a lot used to provide vehicular access from a street to a parking space or to an off-street parking or loading area located on the same lot.

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

Dwelling Unit: One (1) or more habitable rooms used, or fully capable of being used as a residence, where each unit provides sleeping, cooking and toilet facilities.

Dwelling, Duplex: A building divided horizontally into two (2) dwelling units with separate entrances that are separated by a common party wall.

Dwelling Group: A group of single-detached, semi-detached, or multiple unit dwellings clustered on one (1) site, built as one (1) development.

Dwelling, Multi-Unit: A building containing three (3) or more dwelling units including a triplex, fourplex, townhouse, or apartment that are distinct from a rooming house, hotel or motel.

Dwelling Semi-Detached: A building divided vertically into two (2) dwelling units with separate entrances that are separated by a common party wall extended from the base of the foundation to the roofline.

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

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

E

Environmental Reserve: Dedicated lands that are provided to a municipality for protecting or conserving natural or environmentally-sensitive areas, or that were dedicated as public reserve and transferred to a municipality pursuant to *The Act*.

Environmental Site Assessment: An investigation intended to identify actual or potential contamination, and is performed by a qualified person in accordance with the *Canadian Standards Association, Standard Z768-94, Phase 1 Environmental Site Assessment*.

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

F

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

Fence: A structure used to enclose or screen areas of land according to Section 4.10 of this Bylaw.

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

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

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

Future Land Use Map: In its projections, the map specifies certain areas for growth and others for residential; industry; commercial; and, conservation. The Future Land Use Map for Torquay is attached as Exhibit "A" in the *Official Community Plan Bylaw No._*.

G

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

Garage/Garden Suite: A small accessory dwelling unit located in the rear yard of a single detached dwelling or within a detached accessory building that may have cooking; food preparation; sleeping; and, sanitary facilities which are separate from those of the single detached dwelling. Typically garden suites are standalone structures while garage suites are either attached to or located above a detached garage.

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

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

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

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

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

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

H

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

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

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

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

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

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

Home-Based Business: A trade or craft conducted for gain in a dwelling unit or a conforming accessory building by the resident or residents and which is incidental and secondary to the residence and does not change the building's exterior character.

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

I

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

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

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

Institutional Use: The use of land, buildings or structures for religious; charitable; educational; health; or, welfare purposes and included churches; public or private schools; nursery schools; hospitals; and, special care.

J

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

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

K

L

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

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

Loading Space: A space measuring at least 2.5 metres (8.2 ft.) in width and 8.5 metres (27.9 ft.) in depth, located on a lot, and having access to a street or land, in which a vehicle may park to load or unload.

Lot: An area of land with fixed boundaries on record with the Information Services Corporation (ISC) by Certificate of Title. For the purposes of this Bylaw the term "lot" and "site" shall be deemed not to mean the same. A site may constitute more than one lot if they are contiguous and under the same landowner.

M

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

Mayor: The Mayor of the Village of Torquay.

Mixed-Use: A mix of compatible and/or complementary land uses that facilitate the mixing, rather than separation of, land uses in one (1) distinctive environment, either vertically in the same building or horizontally adjacent.

Modular (Manufactured) Home: A residential dwelling that is constructed off-site in a yard or factory, in one (1) or more sections, transported to a site for permanent installation on a permanent foundation (may have a basement), having architectural features similar to permanent residential dwellings built on site in the Village, and conforming to Canadian Standards Association (CSA) *Standard #A277*.

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

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

N

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

Non-Conforming Site: A site consisting of one (1) or more contiguous parcels that, on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective, contains a use that conforms to the Bylaw but the site area or site dimensions do not conform to the standards of the Bylaw for that use.

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

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

O

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

Official Community Plan (OCP): The *Village of Torquay Official Community Plan Bylaw No. 19-03*, as per Section 32 of *The Planning and Development Act, 2007*.

Open Space: Passive and structured leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community, including parks; recreation; tourism nodes; and, natural areas.

P

Parcel: Any quality of land, consisting of one (1) or more lots, that is capable of being described with such definiteness that its location and boundaries may be established.

Parking Lot: An open area, other than a street, used for temporary parking of more than four (4) vehicles and available for public or private use.

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

Parking Space: A space within a building or parking lot for the parking of one (1) motor or recreational vehicle including convenient access to a public lane or street that shall be not less than 2.5 metres (8.2 ft.) in width and 5.5 metres (18.0 ft.) in length.

Parking Space, Tandem: Double-length parking spaces that are located one in front of the other, such that one vehicle will have to pull out in order to access the second vehicle.

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

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

Placemaking: A multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalizes on a local community's assets, inspiration, and potential, with the intention of creating public spaces that promote people's health, happiness, and well-being.

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

Public Work: A facility as defined under *The Planning and Development Act, 2007* including a system; work; plant; equipment; or, services, whether owned or operated by the municipality, or by a corporation under federal or provincial statute. The facility may furnish any of the following services and facilities to, or for the use of the inhabitants of the Village of Torquay:

- Communication by way of telephone lines, optical cable, microwave and cable;
- Television services;
- Delivery of water, natural gas and electricity;
- Public transportation by bus, rail or other vehicle production, transmission;
- Collection and disposal of sewage, garbage and other wastes; and
- Fire and police services.

Q

Quonset Hut: A prefabricated shelter of bolted steel trusses, set on a foundation, and built of a semi-circular arching roof of corrugated metal.

R

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

Recreational Vehicle (RV): A vehicle intended to provide temporary living accommodation, built as part of, or to be towed by a motor vehicle to be used on public highway without special permit. Recreational vehicles include truck campers; motor homes; fifth wheel trailers; travel trailers; and, tent trailers.

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

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

Redevelopment: See “Infill Development”.

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

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

Restaurant: A building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. Limited facilities may be permitted to provide for a take-out food function provided that such a facility is clearly secondary to the primary restaurant use.

Retail Store (Shop): A building or part thereof, or a place where goods; wares; merchandise; substances; or, articles are offered or kept for sale or rent. This may include limited servicing and manufacturing of products onsite for sale on the site, so long as it is accessory to the principle retail use of the site.

Rezoning: The act of changing the land use zoning district of a parcel of land through an application for a zoning amendment, subject to conditions of this Bylaw and approval from Council.

Right-of-Way: The land set aside for use as a roadway or utility corridor.

Rooming House (Boarding House): A building which contains a room or rooms available to rent for short-term accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw, where meals may or may not be provided, with sleeping facilities and that may or may not include private toilet facilities.

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

S

Safe Building Elevation (SBE): A level as defined by the Ministry of Government Relations, at the time of subdivision to which flood proofing is required. The SBE is calculated as the Estimated Peak Water Level (EPWL) plus a freeboard value to allow for uncertainties in calculations and other possible hazards such as ice push, ice jams, wind, waves, and erosion.

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

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

Sea Container: A large standardized reusable corrugated weathering six sided steel box uses for the safe, efficient and secure storage and movement of materials and products within a global containerized intermodal freight transport system. Intermodal means that the container can be moved from one (1) mode of transport to another without unloading and reloading the contents of the container. It does not contain a foundation or wheels for movement.

Secondary Suite: A self-contained dwelling unit which is an accessory use to, and located within, a detached building in which the principle use is a one (1) unit dwelling.

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

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

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

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

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

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

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

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

Sign, Fascia: A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project from the building or structure.

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

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

Sign, Temporary / Portable: A sign which is not permanently installed or affixed in position, advertising a product or activity on a limited basis.

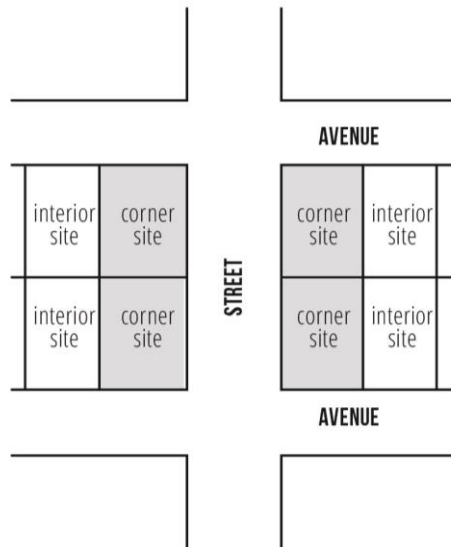
Site: An area of land, consisting of one (1) or more continuous lots with the same landowner, considered as a unit devoted to a certain use or occupied by a building or permitted group of buildings, and the customary accessories and open spaces belonging to the same. For the purposes of this Bylaw the term "lot" and "site" shall be deemed not to mean the same. A site may constitute more than one lot if they are contiguous and under the same landowner.

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

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

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

FIGURE 1. CORNER SITES



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

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

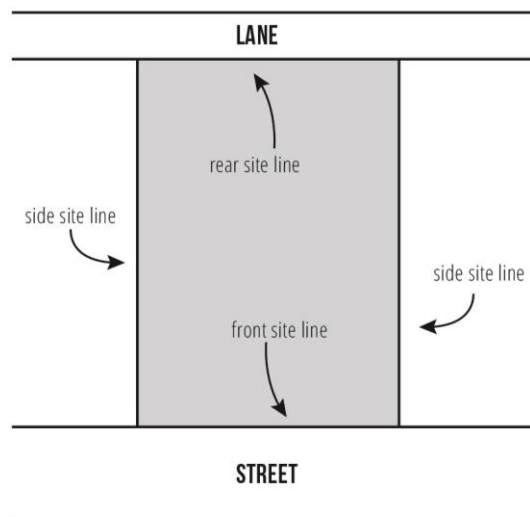
Site Line: Any boundary of a site.

Site Line, Front: The line separating the site from the street; for a corner site – the shorter line abutting a street; though in the case of a corner site with two (2) street lines of equal length, the front site line shall be designated by predetermined building lines.

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

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

FIGURE 2. SITE LINES



Site Plan: A plan showing the location of existing and proposed buildings and other features on a site in relationship to the site lines as further described in **Section 3.3.2**.

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

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

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

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

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

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

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

T

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

Travel (Camping) Trailer, Truck Camper, 5th Wheel Trailer, Trailer Couch: Any vehicle designed, constructed or reconstructed in such a manner as it will permit occupancy as a dwelling or sleeping place for one (1) or more persons, notwithstanding that its running gear is removed; jacked up; is used; or, constructed in such a way as to enable it to be used as a conveyance upon public streets, highways. This includes self-propelled and non self-propelled vehicles.

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

U

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

Use, Accessory: See “Accessory”.

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

Use, Permitted: A use or development which is rightfully allowed in its Zoning District subject to the regulations of this Bylaw and following application for a development permit that is approved by the Development Officer.

Use, Principle: The main or primary activity, for which a site or its buildings are designed; arranged; developed; intended; or, for which is occupied or maintained.

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

V

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

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

W

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

Water Body: A lake; pond; reservoir; lagoon; swamp; marsh; wetland; or, any other area containing standing surface water, either permanently or intermittently.

Water Course: Any natural or artificial stream; river; creek; ditch; channel; canal; conduit; culvert; drain; waterway; gully; ravine; or, wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation.

X

Y

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

Yard, Front: The area from the front building line and the front site line, between the side site lines.

Yard, Rear: The area from the rear building line and the rear site line, between the side site lines.

Yard, Side: The area between the side lot line and the nearest wall of the principal or accessory building or structure on the site.

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

Z

Zoning District: Divisions identified in the Zoning Bylaw according to **Section 6.0** of this Bylaw that establish permitted and discretionary uses as well as development standards.

3.0 ADMINISTRATION

This section outlines the roles, processes, and applications requirements involved in administering this Bylaw.

3.1 DEVELOPMENT OFFICER & COUNCIL

3.1.1 Development Officer

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

- (A) Receive, record, and review development permit applications.
- (B) Issue a decision on development permits for permitted uses.
- (C) Assist Council with issuing a decision on discretionary uses, zoning amendments, OCP amendments, and development and servicing agreements.
- (D) Administer any Public Notification process as required by this Bylaw or any other Bylaw adopted by the Village.
- (E) Collect development application fees according to the fee schedule established in this Bylaw or any other Bylaw adopted by the Village.
- (F) Maintain for inspection by the public during regular office hours, a copy of this Bylaw, the Zoning District Map, and any amendments.
- (G) Perform other duties as determined by Council.

3.1.2 Council

The Village of Torquay Council shall:

- (A) Issue a decision on discretionary uses, zoning amendments, OCP amendments, and development and servicing agreements in accordance with *The Act*, the OCP, and this Bylaw.
- (B) Make a recommendation on all subdivision application referrals received from the Saskatchewan Ministry of Government Relations, prior to a decision being made by the Minister.

3.2 DEVELOPMENT PERMITS

3.2.1 No person shall commence a new use or undertake development, including repairs and renovations involving structural alterations, without first obtaining a development permit, except as provided in **Section 3.2.6**.

3.2.2 A development permit shall not be issued for any structure or use in contravention of any provisions of this Bylaw or the OCP, except as provided in an appeal pursuant to *The Act*.

3.2.3 Frontage on Road

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

3.2.4 Building Permit

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

3.2.5 Development Permit Validity

A development permit is valid for a period of 12 months. This period may be extended by the Development Officer for an additional 12 months if requested in writing by the permit holder before the development permit expires. A development permit shall be considered void if:

- (A) The use is not commenced while the development permit is valid;
- (B) A building permit, if required, is not obtained while the development permit is valid; or
- (C) The building permit expires while the development permit is no longer valid.

3.2.6 Cancellation of a Development Permit

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

- (A) Where the Development Officer or Council is satisfied that a development permit was issued based on false or mistaken information;
- (B) Where new information is identified pertaining to environmental protection, flood potential, or slope instability which was not available at the time the development permit was issued; or
- (C) When a developer requests a development permit modification.

3.2.7 Developments Not Requiring a Development Permit

A development permit is not required for the following, but all other applicable provisions of this Bylaw shall apply:

- (A) The maintenance or construction of a public work by the municipality or public utility;
- (B) Maintenance and repairs that do not include structural alterations;
- (C) Accessory buildings and structures under 9.3 m² (100 ft²) in area;
- (D) The erection of any fence or stand-alone wall (retaining wall, screen, etc.);
- (E) The planting of any trees, shrubs, or landscaping; and
- (F) A temporary building where the sole purpose is incidental to the construction or alteration of a building for which a building permit has been granted.

3.2.8 Buildings to be Moved

No building shall be moved within or into the Village of Torquay without the issuance of a development permit, unless exempt under **Section 3.2.6**.

3.2.9 Demolition of Buildings

No building or structure shall be demolished within the Village of Torquay without the issuance of a demolition permit, unless exempt under **Section 3.2.6**.

3.3 DEVELOPMENT APPLICATION REQUIREMENTS

3.3.1 The requirements included in this section apply to applications for development permits for permitted uses and discretionary uses as well as for proposed Zoning Bylaw and OCP amendments.

3.3.2 Any development application shall be submitted with the required fees to the Development Officer and shall include the following information:

- (A) The names and contact information of the applicant, the property owner, and the person who prepared the application and / or supporting material.
- (B) The civic address and legal description (lot, block, plan) of the subject property.
- (C) A description of the proposed development or use on the subject property.
- (D) A Site Plan that should include:
 - i. A north arrow, the subject site property boundaries and dimensions, and all adjacent properties, streets, and lanes.
 - ii. The location of any existing buildings, structures, utility poles, underground utilities, easements, and trees.
 - iii. The location and size of proposed buildings or structures, including all front, side and rear yard setback dimensions.
 - iv. The location of any entrances or exterior doorways, walkways, and pedestrian circulation areas;
 - v. The location and size of all proposed parking spaces, driveways, vehicle circulation areas, and loading spaces; and
 - vi. The location and size of any proposed signs.
- (E) Any other required information or supporting studies as determined to be relevant by the Development Officer or Council.

3.3.3 Development Application Fees

Development application fees for development permits for permitted uses and discretionary uses, zoning amendments, OCP amendments, and other types of applications are outlined in **Section 3.8** of this Bylaw.

3.4 DEVELOPMENT APPLICATION PROCEDURES

3.4.1 General Development Application Procedures

In addition to those listed for specific applications in **Section 3.4.2** to **3.4.4**, the following procedures apply to all development permit applications for permitted uses and discretionary uses, as well as for proposed Zoning Bylaw and OCP amendments:

- (A) Upon receiving the development application, the Development Officer will examine the application for conformance with the OCP, this Bylaw, and any other applicable policies, regulations, or standards.
- (B) Prior to making a decision or conducting public notice and referring the application to Council, the Development Officer may circulate the application to appropriate government agencies or interested groups for comment.
- (C) The applicant shall be notified in writing of the decision on their application and shall be advised of their right to appeal in accordance with this **Section 3.7** of this Bylaw and *The Act*.
- (D) A copy of all approved development permit applications involving the installation of water and sanitary services shall be sent to the Health Authority.

3.4.2 Permitted Use Application Procedures (approved by the Development Officer)

In addition to the general development applications procedures in **Section 3.4.1**, the following procedures apply to all development permit applications for permitted uses as demonstrated by **Figure 3**:

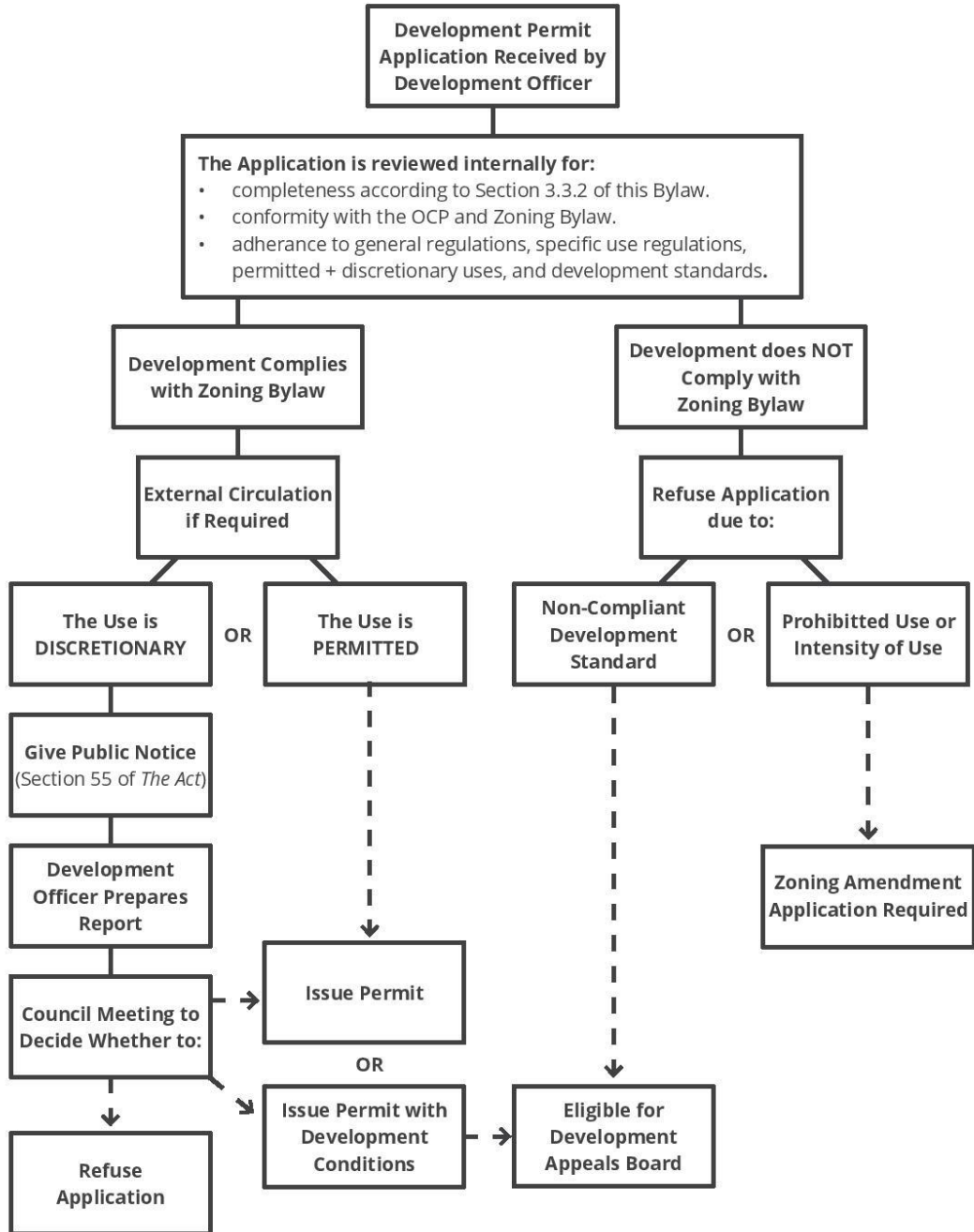
- (A) If a person applies for a development permit for a development or use that is permitted in its zoning district and conforms to all provisions of this Bylaw and the OCP, then the Development Officer shall issue a development permit.
- (B) Performance standards, development standards, or conditions may be applied in accordance with *Section 62(4) of The Act*, however they must be consistent with the standards or conditions of this Bylaw.

3.4.3 Discretionary Use Application Procedures (approved by Council)

In addition to the general development application procedures in **Section 3.4.1**, the following procedures apply to all development permit applications for discretionary uses in accordance with *Section 54-58 of The Act* and as demonstrated by **Figure 3**:

- (A) If a person applies for a development permit for a development or use that is listed as a discretionary use in its zoning district, then the Development Officer shall give public notice of the application in accordance with *Section 55 of The Act* and *Public Notice Bylaw No. 2006-0*.
- (B) The Public Notice shall be distributed to the assessed owners of property within a minimum 75 metres of the site of the application and shall indicate the date of the Council meeting at which the discretionary use application will be considered.
- (C) The Development Officer shall prepare a report for Council concerning the discretionary use application that may contain recommendations for conditions of approval to be applied in accordance with *Section 62(3) and 56(3) of The Act* to ensure the development or use satisfies the development application criteria in **Section 3.5.1**.
- (D) Council shall consider the application together with the Development Officer's report and any written or verbal submissions received from the public before issuing a decision by Council resolution to either:
 - i. Approve the discretionary use application as is;
 - ii. Approve the discretionary use application with performance standards, development standards, or conditions according to *Section 56(3) of The Act* to ensure the development or use satisfies the development application criteria in **Section 3.5.1**; or
 - iii. Reject the discretionary use application.

FIGURE 3. DEVELOPMENT PERMIT APPLICATION PROCESS

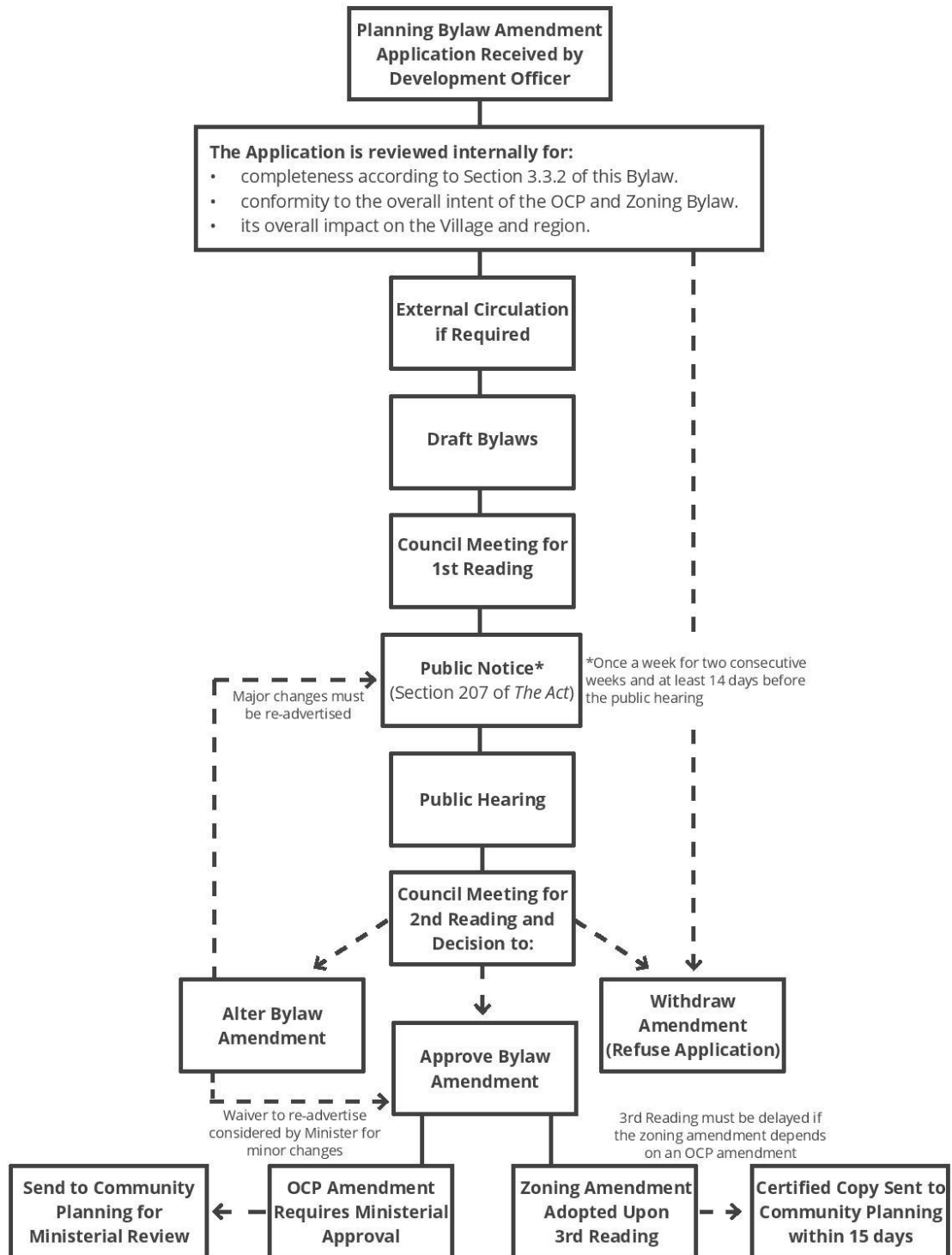


3.4.4 Planning Bylaw Amendment Application Procedures (approved by Council)

In addition to the general development application procedures in **Section 3.4.1**, the following procedures apply to all applications for proposed Zoning Bylaw and OCP amendments:

- (A) If a person applies for an OCP amendment or Zoning Bylaw amendment (including a rezoning of their property) Council may decide to consider the application by passing a resolution authorizing the Development Officer to proceed with preparing draft bylaws and public notices, and to authorize the date and time for a required public hearing. If Council decides not to agree to consider the amendment or rezoning, then the applicant shall be notified in writing of the decision.
- (B) Council shall give the bylaws first reading only and shall publish a public notice of its intent to amend the OCP or Zoning Bylaw, once a week for two consecutive weeks in accordance with *Section 207 of The Act*. The first advertisement must be at least two weeks before the date of the public hearing.
- (C) The public hearing shall be held before the second reading by Council. The hearing may be held during a Council meeting if Council resolves to suspend the meeting for the hearing. The hearing may be closed once all representations are heard and all written submissions are accepted. If objections are received, Council may decide to either:
 - i. Alter the bylaw to address concerns or objections;
 - ii. Approve the bylaw amendment as is; or
 - iii. Refuse the application by withdrawing the Bylaw.
- (D) If a zoning amendment complies with the OCP, the amendment takes effect when Council gives the bylaw and passes third reading. The Development Officer shall send a copy of the zoning bylaw amendment to the Ministry of Government Relations within 15 days of the date the bylaw is passed.
- (E) An OCP amendment requires Ministerial Approval from the Community Planning branch before it can come into effect.
- (F) If an amendment to the OCP is required to allow a zoning amendment or rezoning, 3rd Reading of the zoning amendment or rezoning must be delayed as the amendment can only come into effect after the OCP amendment receives ministerial approval.
- (G) Separate bylaws are needed to amend an OCP and a Zoning Bylaw, but they may be prepared and reviewed in conjunction.

FIGURE 4. PLANNING BYLAW AMENDMENT APPLICATION PROCESS (OCP + ZONING)



3.5 DEVELOPMENT APPLICATION EVALUATION CRITERIA

- 3.5.1** When evaluating applications for development permits for permitted uses and discretionary uses, as well as for proposed zoning amendments and OCP amendments, the Development Officer and Council shall consider whether such proposals:
- (A) Conform with all relevant provisions of the OCP, this Bylaw, and any other applicable policies and regulations;
 - (B) Can be economically serviced by community infrastructure including roadways, water and sewer, solid waste disposal, parks, schools, community facilities, and utilities;
 - (C) Create no undue burden on Village finances;
 - (D) Are compatible with neighbouring properties and overall Village land use patterns and character;
 - (E) Can be suitably drained in accordance with **Section 4.17** of this Bylaw.
 - (F) Are suitable for the proposed site and are not detrimental to the health, safety, convenience, and general welfare of Village residents and visitors;
 - (G) Provide adequate on-site parking that is designed to minimize congestion and hazards;
 - (H) Result in no excess traffic, particularly heavy truck traffic, on local roads through residential areas;
 - (I) Give consideration to pedestrian safety and convenience both within the site, and in terms of its connectivity to the surrounding area; and
 - (J) Provide sufficient landscaping, and wherever possible, shall preserve existing vegetation.

3.6 MINOR VARIANCES

- 3.6.1** Applications for a minor variance shall be made to the Development Officer, who shall review the application and issue a decision in accordance with *Section 60 of The Act*.
- 3.6.2** The Development Officer may grant a minor variance of up to 10% of any minimum yard setback or minimum distance between buildings or structures for either a permitted or discretionary use as specified by this Bylaw.
- 3.6.3** The Development Officer shall maintain a registry of all minor variance applications.
- 3.6.4** Minor variance application fees are outlined in **Section 3.8** of this Bylaw.

3.7 DEVELOPMENT APPEALS

- 3.7.1** Council shall appoint a Development Appeals Board (DAB) within 90 days of the adoption of this Bylaw consisting of, at minimum three members, to hear and issue decisions on development appeals in accordance with *Section 214(1) of The Act*.
- 3.7.2** A person who wishes to make an appeal to the DAB shall do so in writing to the Development Officer within 30 days of the date of issuance or refusal of a development permit application.
- 3.7.3** The DAB has the authority under *Section 219 of The Act* to allow variances to the standards of this Bylaw, including standards and conditions specified for a permitted or discretionary use.

- 3.7.4** The DAB does not have the authority to vary and will not hear appeals based on a decision by the Development Officer or Council to:
- (A) Refuse a use or intensity of use not permitted in a Zoning District.
 - (B) Refuse a discretionary use or intensity of a discretionary use.
 - (C) Refuse a rezoning of the person's land.
- 3.7.5** A decision by the DAB may be appealed to the Saskatchewan Municipal Board in accordance with *Section 226 of The Act*.
- 3.7.6** Development appeal application fees are outlined in **Section 3.8** of this Bylaw.

3.8 FEES

- 3.8.1** An applicant of a development application shall pay an application fee according to the following schedule:

- (A) Development Permit:
 - i. Permitted Use: \$100
 - ii. Discretionary Use: \$150
- (B) Zoning Amendment: \$200
- (C) OCP Amendment: \$200
- (D) Minor Variance: \$25
- (E) Development Appeal: \$50
- (F) Home-Based Business: \$25
- (G) Demolition Permit: \$15

3.8.2 Costs of Advertising

In addition to the above fees schedule, the applicant shall be responsible for the costs of any required public advertising in accordance with this Bylaw and *The Act*.

3.8.3 Professional Application Review

The Development Officer may also require the application to be reviewed by planning, engineering, legal or other professionals, with the cost of this review to be borne by the applicant.

3.8.4 Interest and Registration

Council may require development agreements, servicing agreements and other documents to be registered or caveated against affected lands, to protect municipal and public interests. The cost of the registration of an interest or caveat will be the responsibility of the applicant.

3.9 NON-CONFORMING USES, BUILDINGS, & SITES

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

- 3.9.2** A legally nonconforming use or building pursuant to **Section 3.9.1** may be enlarged, reconstructed, repaired or renovated provided that:
- (A) The element of nonconformity is not increased; and
 - (B) All other applicable provisions of this Zoning Bylaw are satisfied.

3.10 ZONING COMPLIANCE, OFFENCES, & PENALTIES

- 3.10.1** Pursuant to *Section 242 to 245 of The Act*, the Development Officer may issue an order for development that contravenes this Bylaw in order to achieve bylaw compliance.
- 3.10.2** Any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in *The Act*.
- 3.10.3** Errors and / or omissions by the Development Officer or someone acting under their direction while administering this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

4.0 GENERAL REGULATIONS

This section contains regulations that shall apply in all Zoning Districts unless the section specifies a particular zoning district or type of zoning district.

4.1 LICENSES, PERMITS, & COMPLIANCE

- 4.1.1 All development within the Village of Torquay must comply with the provisions of this Zoning Bylaw, whether or not a permit has been issued for the development.
- 4.1.2 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other municipal, provincial, or federal requirements.
- 4.1.3 Where requirements in this Bylaw conflict with those of any other provincial or federal requirements, the provincial or federal requirements shall prevail.

4.2 PROHIBITED & NOXIOUS USES

4.2.1 Prohibited Uses

Any land use that is not listed as either a permitted, discretionary, or accessory use in its current Zoning District shall be prohibited and will not be accommodated without a zoning amendment in accordance with **Section 3.4.4**.

4.2.2 Noxious Uses

No land shall be used for any purpose that is noxious without appropriate mitigation measures that ensure the health and well-being of people and the environment are protected.

4.3 PRINCIPAL BUILDINGS, STRUCTURES, & USES

- 4.3.1 Only one principal building or use shall be permitted on any one site except the following in accordance with all applicable provisions of this Bylaw: parks; schools; hospitals; healthcare clinics; recreation facilities; special care homes; senior citizen homes; dwelling groups; shopping centres; mobile homes in mobile home courts; and condominium developments.
- 4.3.2 In any Zoning District, the principal use of the land must be established prior to the establishment of any accessory buildings, structures, or uses.

4.4 ACCESSORY BUILDINGS, STRUCTURES, & USES

- 4.4.1 Accessory buildings shall be subordinate to, used in conjunction with, and located on the same site as the principal building or use.
- 4.4.2 Subject to all other requirements of this Bylaw, an accessory building, structure, or use is permitted in any Zoning District when accessory to an established principal permitted or discretionary use.

- 4.4.3** Accessory buildings or structures shall comply with the following yard requirements, unless otherwise specified in this Bylaw:
- (A) Side yard setback: 0.6 m
 - (B) Rear yard setback: 0.6 m or 1.2 m to a lane
 - (C) Distance to Principal Building: 1.5 m
- 4.4.4** Accessory buildings or structures shall not be located in any front yard.
- 4.4.5** Accessory buildings or structures under 9.3 m² (100 ft²) in area are not subject to setback requirements provided they are located in the rear yard.
- 4.4.6** The area of accessory buildings or structures shall be combined with the area of the principal building to determine the overall site coverage.
- 4.4.7** In any residential district, there shall be no more than three (3) accessory buildings on a site.
- 4.4.8** The height of accessory buildings or structures shall not exceed 5.0 metres, unless otherwise specified in this Bylaw.
- 4.4.9** Private garages, carports, and other accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building.

4.5 EXCEPTIONS TO DEVELOPMENT STANDARDS

4.5.1 Permitted Yard Projections

The following projections are permitted into any required front, rear, or side yard setback provided that they comply with the requirements of the National Building Code:

(A) In Front and Rear Yards:

- i. Unenclosed porches, verandas, decks, balconies, and raised patios up to a maximum 1.5 m so long as the front yard setback is no less than 3.0 m.
- ii. Roof overhangs, eaves, and gutters up to a maximum 1.0 m.
- iii. Cantilevered bay or bow windows, chimney chases, window sills, or fire escapes up to a maximum 0.6 m.

(B) In Side Yards:

- i. Roof overhangs, eaves, and gutters up to a maximum 0.6 m.
- ii. Cantilevered bay or bow windows, chimney chases, window sills, or fire escapes up to a maximum 0.6 m.

(C) In All Yards:

- i. Walkways, uncovered driveways, hand rails, and steps or ramps which are necessary to access a main floor are permitted in all required yards.
- ii. Approved signs according to **Section 4.7** of this Bylaw.

4.5.2 Front Yard Reduction

Where a site is situated between two sites that each contain a principle building which project beyond the minimum front yard setback as required by this Bylaw, then the front yard setback on the middle site may be reduced to an average of the two established front yards on the adjacent sites.

4.5.3 No Side Yard Required for Shared Party Walls

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

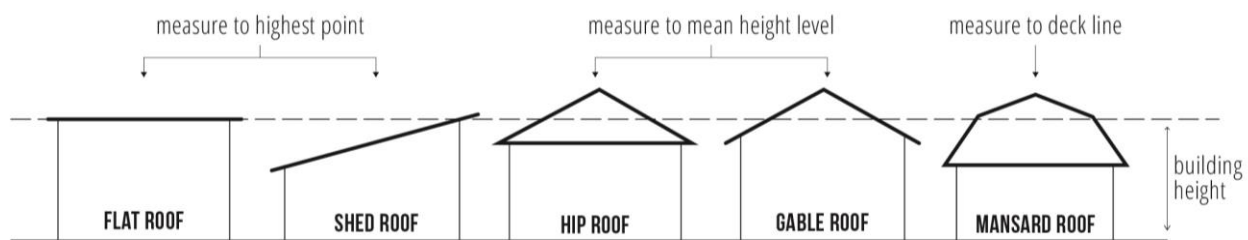
4.6 BUILDING HEIGHTS

4.6.1 Exclusive of any chimney, antenna, satellite dish, solar panel, or any other similar protrusions that are separate from the roof structure, building height shall be measured from the average grade level to the:

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

4.6.2 The height of any buildings or structures shall not exceed 12.0 metres, unless otherwise specified in this Bylaw.

FIGURE 5. BUILDING HEIGHTS



4.7 SIGNS

All signs shall be subject to the following regulations:

4.7.1 General (in all zoning districts):

- (A) Elections signs, signs bearing notice of a property that is available for sale or lease, and other temporary signs providing information on a specific property are permitted on a temporary basis provided they are of reasonable size and meet all other regulations in **Section 4.7**.
- (B) Billboard signs advertising a business, service, or product not affiliated with the property for which it is located, shall require discretionary use approval by Council.
- (C) No sign shall project beyond the property lines of the site to which it pertains.
- (D) No sign shall be mounted or located in any manner that jeopardizes public safety and shall not be located within a sight triangle pursuant to **Section 4.12**.
- (E) Wayfinding signs, plaques, or other commemorative signs or monuments will be encouraged that identify areas of the Village or properties with significant natural or human heritage resources, with consent of the property owner, provided the signage is appropriate in scale, design, placement and does not cause any safety concerns.

- (F) The Village may issue an order to remove signs that are either no longer relevant, in a state of disrepair, potentially offensive in nature, or represent a potential safety hazard.
- (G) Council may waive any and all sign requirements for:
 - i. Signs of the Village or maintained by the Village; and
 - ii. Signs of any non-profit community group.

4.7.2 In any residential zoning district:

- (A) With the exception of signs indicating the building address, no signs shall be permitted in residential areas unless otherwise provided below.
- (B) Notwithstanding **Section 4.7.2(A)** above, signs for discretionary uses such as multi-unit developments may be permitted by Council as a condition of approval according to **Section 3.4.3** of this Bylaw.
- (C) An approved home-based business, day care, preschool, bed and breakfast operation, or other similar uses may display one fascia sign, not exceeding 1.0 m² (10.76 ft²), that shall not be illuminated and shall be affixed to the principal building or located as close to the dwelling as possible.

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

- (A) In addition to their building or awning sign, approved community service, commercial, or industrial uses may have one (1) freestanding sign, which may be fixed or portable, located on the same property to which it applies.
- (B) Freestanding and portable signs shall not exceed 3.0 m² (32.29 ft²) in area.
- (C) Illuminated signs shall only be turned on during operating hours and shall not be intermittent.
- (D) Proposed signs for new developments shall be demonstrated on the development permit application according to **Section 3.3.2**.
- (E) Signs applying to community services shall not display advertising of any commercial service or product.

4.8 OFF-STREET PARKING & LOADING

4.8.1 General (in all zoning districts):

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

4.8.2 In any residential zoning district or an approved residential use in any zoning district:

- (A) One (1) off-street parking space shall be provided per dwelling unit in all zoning districts, which shall be located on the same site as the dwelling unit.
- (B) Parking spaces shall not be located in a required front yard unless located on a driveway leading to a detached or attached garage.
- (C) Tandem parking spaces shall be permitted when more than one parking space is required due to an approved principal or accessory dwelling unit.

4.8.3 In the Local Commercial zoning district:

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

4.8.4 In the Highway Commercial and Industrial zoning district:

- (A) In the Highway Commercial or Industrial zoning districts, sufficient on-site parking spaces, as determined by the Development Officer, shall be provided for employees, visitors, or customers of the approved use in order to avoid parking spill out on to public roads.
- (B) Any required parking spaces pursuant to **Section 4.8.3(A)** above may be located on a site that is within a convenient walking distance to a maximum of 150 m from the site where the principal use or building is located, provided such spaces are also located within a Highway Commercial or Industrial zoning district.
- (C) Where the use of a building site involves the receipt and / or distribution of materials, goods, or merchandise from semi-trucks or other large vehicles, a designated loading space shall be provided that is a sufficient size so not to interfere with regular vehicular parking or traffic on a public roadway.

4.9 LANDSCAPING

- 4.9.1** Landscaped areas must not be completely hardscaped and shall include sufficient permeable areas to reduce stormwater runoff and flooding during high rainfall or snow melt events.
- 4.9.2** As a condition of approval for a development permit pursuant to **Section 3.4**, Council may include additional landscaping requirements or may require a landscape plan to be submitted that demonstrates a suitable degree of landscaping to enhance the site or provide a visual screen if required.
- 4.9.3** Any landscaping, including subsequent planting, which is required by this Bylaw or as a condition of approval for a development permit shall be maintained in a healthy growing condition or shall otherwise be replaced.
- 4.9.4** No person shall cut or remove any tree that is not located on their own property including Village property without being granted permission by the landowner

4.10 OUTDOOR STORAGE

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

4.10.1 General (in all zoning districts):

- (A) No yard shall be used for the storage or collection of hazardous material.
- (B) Unless otherwise specified in this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers, and shall be visually screened from all adjacent sites and public thoroughfares.
- (C) The owner of the property may temporarily display a maximum of one vehicle or recreational vehicle in operating condition that is not a junked vehicle.

- (D) Council may establish additional standards for the location and screening of any area devoted to outdoor storage.

4.10.2 In any residential zoning district:

- (A) No outdoor storage shall be located in the front yard.
(B) Outdoor storage is permitted in a side or rear yard only when clearly accessory and incidental to the principal residential use.

4.10.3 In any commercial and industrial zoning district:

- (A) No outdoor storage shall be located in the front yard except for:
- The neatly arranged display of items for sale; or
 - In association with an approved storage yard subject to suitable screening at the discretion of Council.

4.11 FENCES

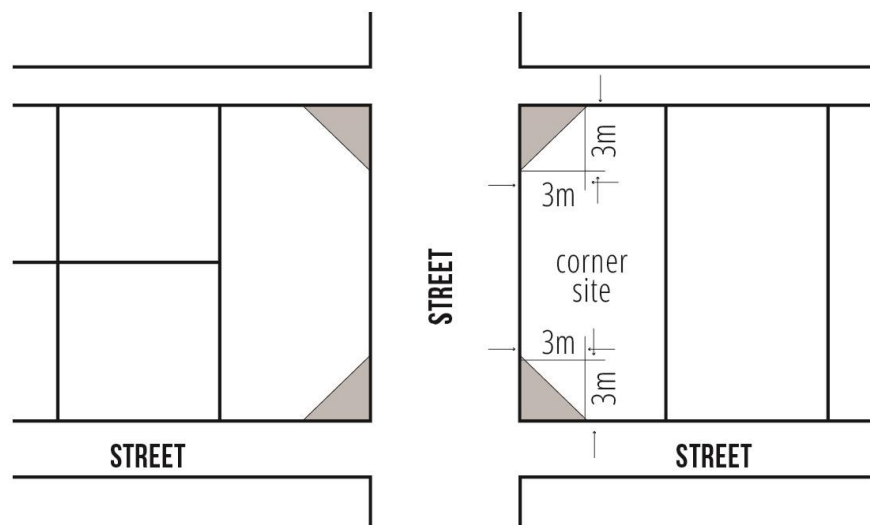
- 4.11.1** The height of any residential fence or similar structure for a residential use shall not exceed 1.22 m (4.0 ft) above grade in any required front yard or 1.83 m (6.0 ft) above grade in any required side or rear yard.

- 4.11.2** No fence shall be located in a required sight triangle according to **Section 4.12** of this Bylaw.

4.12 SIGHT TRIANGLES

- 4.12.1** No building, structure, earth pile or vegetation in any zoning district shall obstruct the vision of drivers within a sight triangle as demonstrated in Figure 6 below.

FIGURE 6. SIGHT TRIANGLES



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

4.13 DEVELOPMENT IN PROXIMITY TO RAILWAY OPERATIONS

- 4.13.1** The minimum setback from the railway to buildings or structures shall be 30 metres, unless a greater or lesser amount is established through consultation with MHI and the railway company, and is subsequently approved by Council.
- 4.13.2** All development in proximity to a railway shall conform to the regulations contained within Transport Canada's Standards Respecting Railway Clearances (pursuant to the Railway Safety Act), and other relevant regulations as described in the OCP.

4.14 ABOVE GROUND FUEL STORAGE TANKS

- 4.14.1** Above-ground fuel storage tanks may be permitted in association with a service station and gas bar or other permitted industrial or commercial uses where the dispensing of fuel is customarily required provided they comply with this Bylaw and the National Fire Code.
- 4.14.2** Above-ground fuel storage tanks shall be located a minimum 3.0 metres from any property line and 6.0 metres from any residential use or property zoned Residential.
- 4.14.3** Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, guardrails or similar structures.

4.15 OIL AND GAS WELL ACTIVITIES

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

4.16 KEEPING OF FARM ANIMALS

- 4.16.1** The raising or keeping of farm animals is strictly prohibited in any zoning district, with the exception of approved agricultural operations in the Urban Holding zoning district.

4.17 DEVELOPMENT ON HAZARD LANDS

- 4.17.1** Where a proposed development or subdivision is to be located on land considered by Council to be potentially hazardous, Council may require the applicant to submit a report prepared by a qualified professional in accordance with Section 5.2.6 of the OCP to assess the suitability of the land for the proposed development or subdivision, as well as identify any required mitigation measures.
- 4.17.2** Actions identified in a report prepared pursuant to **Section 4.17.1** above may be incorporated as conditions to the issuance of any development permit and may be required to be registered on title as an interest in accordance with *The Act*.

- 4.17.3** Council shall refuse a permit for any proposed development for which the proposed actions are inadequate to address the conditions present on the hazard land or that will result in excessive municipal costs.

4.18 SITE GRADING, LEVELLING, & DRAINAGE

- 4.18.1** In accordance with Section 4.1.1 of the OCP, every development shall be graded and leveled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent properties, public right-of-ways, or the stability of the land.
- 4.18.2** A drainage plan demonstrating the approach to grading and levelling the land according to **Section 4.18.1** above may be required at the discretion of the Development Officer or the approving authority.

4.19 WATER, WASTEWATER, & WASTE DISPOSAL

- 4.19.1** Where available, every residence or building containing washroom facilities shall be connected to the Village water supply and wastewater system at the owner's expense.
- 4.19.2** Developments outside the serviceable areas shall be connected to private sewage disposal systems in accordance with the Saskatchewan Onsite Wastewater Disposal Guide and all provincial licensing requirements.
- 4.19.3** In accordance with provincial regulations administered by the Ministries responsible for Health and Environment, no liquid, solid, or gaseous wastes shall be discharged onto any land, into the air, or into any stream, creek, river, lake, pond, slough, drainage channel, any other body of water.

5.0 REGULATIONS FOR SPECIFIC USES

This section contains regulations that, in correspondence with all other applicable provisions of this Bylaw, apply to specific principal or accessory uses as so stated.

5.1 HOME-BASED BUSINESSES

- 5.1.1 Where permitted as accessory use, a home-based business may be located in a dwelling used as the owner's residence, or building accessory to the dwelling.
- 5.1.2 The owner and main operator of the home-based business shall be full-time residents of the dwelling.
- 5.1.3 If the property where the home-based business is located is not owned by the home-based business owner, then a letter from the property owner to the Development Officer authorizing the operation of the home-based business is required.
- 5.1.4 No more than two home-based businesses shall be allowed per dwelling unit.
- 5.1.5 A home-based business shall be conducted entirely within the dwelling or accessory building.
- 5.1.6 A home-based business shall not create any conflict with neighbouring properties or detract from the residential character of the area.

5.2 SECONDARY SUITES

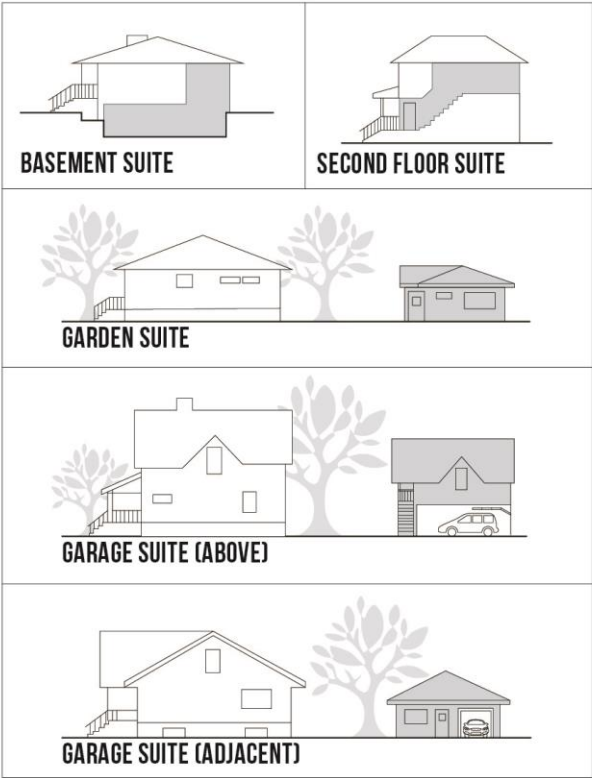
- 5.2.1 A secondary suite may be constructed within a principal, single-detached dwelling in a residential zoning district. Only one secondary suite shall be permitted per principal dwelling.
- 5.2.2 Secondary suites must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
- 5.2.3 Secondary suites must contain cooking, eating, living, sleeping, and private sanitary facilities.
- 5.2.4 Secondary suites shall have a maximum of 2 bedrooms and shall not exceed 40% of the total gross floor area of the principal dwelling.

5.3 GARDEN & GARAGE SUITES

- 5.3.1 A garden or garage suite may be allowed as an accessory use to a principal single detached dwelling in a residential zoning district that does not already have a secondary suite. Only one garden or garage suite shall be permitted per residential site.
- 5.3.2 Garden and garage suites shall only be located in a rear yard.

- 5.3.3** The minimum distance between the principal dwelling and a garden or garage suite is 3 metres.
- 5.3.4** The maximum height of a garden suite shall be 5.0 m and 6.0 m for a garage suite.
- 5.3.5** Garden and garage suites shall have a maximum of 2 bedrooms and shall not exceed a combined 60% site coverage with the principal dwelling.
- 5.3.6** The windows of a garden or garage suite shall be placed in such a way to minimize overlook into yards and windows of abutting properties.

FIGURE 7. TYPES OF SECONDARY SUITES



5.4 READY-TO-MOVE HOUSING (RTMs) & MODULAR HOUSING

- 5.4.1** All RTMs and modular dwelling units proposed to be moved into the Village must have been built in the last ten years and all applications for RTMs and modular dwelling units shall include a photo of the dwelling.
- 5.4.2** RTMs and modular housing types shall be placed on a permanent concrete foundation at a standard comparable to a detached dwelling.
- 5.4.3** All wheels, hitches, and running gear must be removed and skirting must be installed within thirty days after the arrival of the home.

5.4.4 RTMs and modular housing types shall complement neighbouring properties and shall not detract from the character of the area.

5.4.5 RTMs and modular housing types shall be connected to Village water and sewer services.

5.5 MULTI-UNIT HOUSING (3 or More Dwelling Units)

5.5.1 Multi-unit dwellings including a triplex, fourplex, townhouse, dwelling group, or apartment building may be developed as a discretionary use in any residential district provided they comply with this Section, the evaluation criteria in **Section 3.5**, and all other relevant regulations of this Bylaw and the OCP.

5.5.2 Preferred locations for multi-unit dwellings shall be corner sites.

5.6 DWELLING GROUPS (PLANNED UNIT DEVELOPMENT)

5.6.1 Dwelling groups, or planned unit developments, may be developed as a discretionary use in any residential district subject to the Village Building Bylaw and the National Building Code of Canada, and the provisions of this Bylaw, where applicable.

5.6.2 Where the regulations and development standards of the Zoning District cannot reasonably be applied, alternative standards shall be arranged and included as conditions of the development permit to ensure the proposed development complies with the evaluation criteria in **Section 2.7** of this Bylaw.

5.6.3 The site for a dwelling group may include common areas for open space, internal roadways, a building for recreation for use of the residents of the development, and other communal uses.

5.6.4 Each dwelling unit within the group must have access to an internal walkway or private road that connects to a public road.

5.6.5 Private roads internal to the development shall have a minimum width of 7.5 metres.

5.6.6 The density of a dwelling group shall be comparable to other permitted or discretionary uses listed in the Zoning District.

5.7 DAYCARES & PRESCHOOLS

5.7.1 Daycares and pre-schools may be approved as a principle or accessory use provided that they obtain the required provincial license, if required, and operate in conformity with the applicable provincial act and regulations.

- 5.7.2** In any residential district, no exterior alterations shall be undertaken to a dwelling that would be inconsistent with the residential character of the building and surrounding area.

5.8 RESIDENTIAL CARE HOMES

- 5.8.1** A residential care home may be developed in a single-detached dwelling provided that it obtains the required provincial license and operates in conformity with the applicable provincial act and regulations.
- 5.8.2** The residential care home shall comply with all Zoning Bylaw regulations for the single-detached dwelling.
- 5.8.3** The residential care home shall maintain the character of adjacent and nearby dwellings.
- 5.8.4** The operator and holder of the provincial license shall ensure that adequate supervision and care is available at the home at all times.

5.9 BED & BREAKFASTS

- 5.9.1** A bed and breakfast operation may operate in a single-detached dwelling provided that it is licensed by the Ministry of Health and completes a fire safety inspection report prior to beginning occupancy.
- 5.9.2** No more than three (3) guest rooms shall be allowed in any rooming house or bed and breakfast operation.
- 5.9.3** One additional off-street parking space shall be provided for each guest room.

5.10 ROOMING HOUSES

- 5.10.1** A rooming house may operate in a single-detached dwelling provided that it complies with the development standards of the zoning district where it is located.
- 5.10.2** No more than three (3) guest rooms shall be allowed in any rooming house.
- 5.10.3** Each guest room must provide a minimum of 9.3 m² of private living space.
- 5.10.4** One additional off-street parking space shall be provided for each guest room.

5.11 SERVICE STATIONS & GAS BARS

- 5.11.1** Gas pumps and islands shall be set back 6.0 m from any site line or building.
- 5.11.2** Associated above-ground fuel storage shall be subject to **Section 4.14** of this Bylaw.
- 5.11.3** Access and egress points shall not be continuous along a street and shall be at least 10 m apart.

5.12 DRIVE-THRU BUSINESSES

- 5.12.1** A drive-thru business shall provide sufficient room in the ordering line for a minimum five vehicles, which shall not block access to parking stalls or create unsafe conditions for pedestrians.
- 5.12.2** Access and egress lanes shall be one-way and shall not be located so as to create congestion on adjacent streets.

5.13 CAMPGROUNDS & RECREATIONAL VEHICLE (RV) PARKS

- 5.13.1** Campgrounds and RV parks shall be considered a discretionary use in the Community Services district.
- 5.13.2** The owner or operator of the campground or RV park shall be required to obtain all necessary licensing in accordance with the Public Accommodations Regulations of Saskatchewan.
- 5.13.3** The rules and regulations of any campground operation within the Village limits shall be subject to approval by Council or the designated approving authority.
- 5.13.4** The development standards outlined in **Section 5.13** shall apply to any campground operation.

5.14 SOLAR COLLECTORS

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

6.0 ZONING DISTRICTS

6.1 CLASSIFICATION OF ZONING DISTRICTS

For the purpose of this Zoning Bylaw, the Village of Torquay is divided into the following Zoning Districts that may be referred to by their appropriate symbols.

Zoning District	Symbol
Residential	R
Local Commercial	LC
Highway Commercial	HC
Industrial	M
Community Service	CS
Urban Holding	UH

6.2 THE ZONING DISTRICT MAP

The map enclosed herein as Exhibit A, adopted by Council and signed by the Mayor and Administrator, and under the seal of the Village shall be known as the Village of Torquay Zoning District Map and is an integral part of this Bylaw. The Zoning District Map identifies the Zoning District that applies to every parcel of land within the Village of Torquay boundaries.

6.3 BOUNDARIES OF ZONING DISTRICTS

6.3.1 The boundaries of the Zoning Districts referred to in this Bylaw, together with an explanatory legend and notations, are shown on the “Zoning District Map”.

6.3.2 Unless otherwise shown, the boundaries of the Zoning Districts are site lines, centre lines of streets, lanes, road allowances or such lines extended, and the boundaries of the municipality.

6.4 ZONING DISTRICT SCHEDULES

6.4.1 The uses or forms of development allowed within a Zoning District, along with regulations or standards which apply, are contained in the following district schedules.

7.0 R | RESIDENTIAL

7.1 INTENT

The purpose of the R – Residential District is primarily to provide sites for low-density residential development including 1 to 2 unit dwellings, RTMs, and additional compatible uses. Other housing types, including higher density residential development will be considered in appropriate locations to support a range of housing needs in the community.

7.2 PERMITTED + DISCRETIONARY USES

7.2.1 Permitted Uses

The Development Officer shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Residential Uses

- One (1) unit dwellings including a single-detached dwelling, RTM or modular home subject to **Section 5.4**.
- Two (2) unit dwellings including a semi-detached dwelling or duplex.
- Residential care homes subject to **Section 5.8**.

(B) Community Service / Institutional Uses

- Daycares and preschools subject to **Section 5.7**.
- Parks and playgrounds.
- Public works buildings and structures excluding warehouses, storage yards, and waste management or sewage facilities.

(C) Accessory Uses

- Home-based businesses subject to **Section 5.1**.
- Secondary suites subject to **Section 5.2**.
- Other accessory buildings, structures, and uses in accordance with **Section 4.4**.

7.2.2 Discretionary Uses

Council shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Residential Uses

- Multi-unit dwellings including a triplex, fourplex, townhouse, dwelling group, or apartment building subject to **Section 5.5**.
- Mixed-use building with residential and commercial uses.
- Bed and breakfasts subject to **Section 5.9**.
- Rooming houses subject to **Section 5.10**.
- Dwelling groups subject to **Section 5.6**.
- Alternately abled housing as defined in **Section 2.0**.
- Special care facility as defined in **Section 2.0**.

(B) Accessory Uses

- Garden and garage suites subject to Section 5.3.

7.3 DEVELOPMENT STANDARDS

RESIDENTIAL	Minimum Site Size		Minimum Setbacks			Maximum Building Size	
Land Uses	Area	Frontage	Front	Side	Rear	Height	Coverage
<i>Permitted</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
1-unit Dwelling ¹	375	12.0 ³	4.5	1.2 ⁴	4.5	9.0	50%
2-unit Dwelling ²	250	7.5	4.5	1.2 ⁴	4.5	9.0	60%
Community Service / Institutional Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<i>Discretionary</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Bed & Breakfasts	Same as 1-unit Dwelling above.						
Triplex	500	22.5	4.5	1.5 ³	4.5	9.0	60%
Fourplex	500	22.5	4.5	1.5 ³	4.5	9.0	60%
Townhouse ²	250	7.5	4.5	1.5 ³	4.5	9.0	60%
Dwelling Group	750	30.0	6.0	3.0	4.5	9.0	60%
Apartment	750	30.0	6.0	3.0	4.5	12.0	60%
<i>Notes</i>							
¹ includes single-detached dwellings, RTMs, modular homes, daycares and preschools.							
² minimum site sizes are per dwelling unit.							
³ unless there is no lane, in which case the minimum frontage shall be 15 metres.							
⁴ unless on corner sites, where it shall be 3 metres along the flanking street.							

7.3.1 Standards for Discretionary Uses

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

- (A) The Development Application Evaluation Criteria in Section 3.5;
- (B) Any relevant General Regulations in Section 4.0;
- (C) Any relevant Regulations for Specific Uses in Section 5.0; and
- (D) The Vision, Goals, Objectives and Policies of the OCP.

7.3.2 Signs

Signs are subject to Section 4.7.

7.3.3 Off-Street Parking and Loading

Off-Street Parking and Loading requirements are subject to Section 4.8.

7.3.4 Landscaping

Landscaping requirements are subject to **Section 4.9**.

7.3.5 Outdoor Storage

Outdoor storage is subject to **Section 4.10**.

8.0 LC | LOCAL COMMERCIAL

8.1 INTENT

The LC – Local Commercial District will provide sites for commercial uses and other community services intended to serve residents and visitors of Torquay. The primary location for this District will be on Devon Street. However, the LC district may also be appropriate in other areas if they are deemed compatible and benefit the Village as a whole.

8.2 PERMITTED + DISCRETIONARY USES

8.2.1 Permitted Uses

The Development Officer shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Commercial Uses

- Retail services.
- Confectionary or convenience stores.
- Financial services (banks, credit unions, etc.).
- Administrative offices.
- Personal service establishments (barbers, hairdressers, etc.).
- Medical, dental, and other health care offices or clinics.
- Public and commercial recreational establishments (fitness gyms, arcades, etc.).
- Restaurants, cafes, bakeries, and other similar food processing and retail services.
- Licensed premises for the sale and consumption of alcoholic beverages.
- Small-scale arts, crafts, and repairs production and retail services (tailors, jewelers, crafts, art studios and galleries, etc.).
- Theatres and cinemas.
- Small-scale construction equipment and supplies without storage yards.
- Outdoor or indoor markets and concessions.

(B) Community Service / Institutional Uses

- Libraries and cultural institutions.
- Places of worship and assembly halls.
- Social clubs and lodges.
- Community gardens.
- Parks and playgrounds.

(C) Accessory Uses

- Accessory buildings, structures, and uses in accordance with **Section 4.4**.
- One (1) accessory dwelling unit for caretakers, owners, or managers of an approved use.

8.2.2 Discretionary Uses

Council shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Commercial Uses

- Hotels and motels.
- Mixed-use building with residential and commercial uses.

(B) Residential Uses

- Multi-unit dwellings including a triplex, fourplex, townhouse, dwelling group, or apartment building subject to **Section 5.5**.
- Dwelling groups subject to **Section 5.6**.
- Bed and breakfasts subject to **Section 5.9**.
- Daycares and preschools subject to **Section 5.7**.

8.3 DEVELOPMENT STANDARDS

LOCAL COMMERCIAL	Minimum Site Size		Minimum Setbacks			Maximum Building Size	
Land Uses	Area	Frontage	Front	Side	Rear	Height	Coverage
<i>Permitted</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Commercial Uses	250	7.5	Nil ¹	Nil ²	4.5	9.0	75%
Community Service / Institutional Uses	n/a	n/a	n/a ¹	n/a	n/a	n/a	n/a
<i>Discretionary</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Commercial Uses	500	15.0	Nil ¹	Nil ²	4.5	12.0	75%
Residential Uses	Same as Development Standards in Residential Zoning District.						
<i>Notes</i>							
¹ unless a greater minimum front yard setback is required by the Ministry of Highways and Infrastructure (MHI), or as a condition of approval for a discretionary use according to Section 3.4.3 of this Bylaw.							
² unless abutting a residential zoning district, in which case the minimum side yard setback is 1.2 metres, or on corner sites, where it shall be 3 metres along the flanking street.							

8.3.1 Standards for Discretionary Uses

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

- (A) The Development Application Evaluation Criteria in **Section 3.5**;
- (B) Any relevant General Regulations in **Section 4.0**;
- (C) Any relevant Regulations for Specific Uses in **Section 5.0**; and
- (D) The Vision, Goals, Objectives and Policies of the OCP.

8.3.2 Signs

Signs are subject to **Section 4.7**.

8.3.3 Off-Street Parking and Loading

Off-Street Parking and Loading requirements are subject to **Section 4.8**.

8.3.4 Landscaping

Landscaping requirements are subject to **Section 4.9**.

8.3.5 Outdoor Storage

Outdoor storage is subject to **Section 4.10**.

9.0 HC | HIGHWAY COMMERCIAL

9.1 INTENT

The HC – Highway Commercial District will provide larger sites for commercial services and facilities located on or adjacent to a provincial highway that require convenient vehicular access and that cater to the travelling public.

9.2 PERMITTED + DISCRETIONARY USES

9.2.1 Permitted Uses

The Development Officer shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Principal Uses

- Hotels and motels.
- Shopping centres and strip malls.
- Service stations and gas bars subject to **Section 5.10**.
- Restaurants and confectionaries including drive-thrus subject to **Section 5.12**.
- Car and truck washes.
- Autobody shops.
- Establishments for the sale, storage and servicing of motor vehicles, recreational vehicles, trailers, farm machinery and equipment.
- Licensed premises for the sale and consumption of alcoholic beverages.
- Public and commercial recreational establishments (fitness gyms, arcades, etc.).
- Garden centres and commercial greenhouses.

(B) Accessory Uses

- Accessory buildings, structures, and uses in accordance with **Section 4.4**.
- One (1) accessory dwelling unit for caretakers, owners, or managers of an approved use.

9.2.2 Discretionary Uses

Council shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Principal Uses

- Highway Sign Corridor as defined in **Section 2.0**.
- Recycling and collection depots.
- Agricultural processing facilities.
- Lumber and building supply establishments.
- Wholesale trade stores, offices, and warehouse.
- Warehouses and storage units with outdoor storage in accordance with **Section 4.10**.
- Indoor repair, rental, servicing, storage, or wholesale of any goods or materials excluding hazardous products.
- Manufacturing, fabricating, assembly, processing, production, or packaging of any goods or materials excluding hazardous products.

9.3 DEVELOPMENT STANDARDS

HIGHWAY COMMERCIAL	Minimum Site Size		Minimum Setbacks			Maximum Building Size	
Land Uses	Area	Frontage	Front	Side	Rear	Height	Coverage
Permitted	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Principal Uses	750	22.5	7.5 ¹	3.0	7.5	9.0	60%
Discretionary	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Principal Uses	1,000	30.0	7.5 ¹	3.0	7.5	12.0	60%
Notes							
¹ unless a greater minimum front yard setback is required by the Ministry of Highways and Infrastructure (MHI).							

9.3.1 Standards for Discretionary Uses

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

- (A) The Development Application Evaluation Criteria in **Section 3.5**;
- (B) Any relevant General Regulations in **Section 4.0**;
- (C) Any relevant Regulations for Specific Uses in **Section 5.0**; and
- (D) The Vision, Goals, Objectives and Policies of the OCP.

9.3.2 Signs

Signs are subject to **Section 4.7**.

9.3.3 Off-Street Parking and Loading

Off-Street Parking and Loading requirements are subject to **Section 4.8**.

9.3.4 Landscaping

Landscaping requirements are subject to **Section 4.9**.

9.3.5 Outdoor Storage

Outdoor storage is subject to **Section 4.10**.

10.0 M | INDUSTRIAL

10.1 INTENT

The purpose of the M – Industrial District is to accommodate the orderly development of industrial establishments permitting a reasonable level of outdoor storage and activity.

10.2 PERMITTED + DISCRETIONARY USES

10.2.1 Permitted Uses

The Development Officer shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Principal Uses

- Industrial parks with a combination of permitted uses.
- Business and professional offices.
- Indoor repair, rental, servicing, storage, or wholesale of any goods or materials excluding hazardous products.
- Manufacturing, fabricating, assembly, processing, production, or packaging of any goods or materials excluding hazardous products.
- Workshops, yards, or offices for any construction contractors or other trades;
- Construction and sales of RTM buildings or homes.
- Establishments for the sale, storage and servicing of motor vehicles, recreational vehicles, trailers, farm machinery and equipment.
- Semi-trailer and container parking lot.
- Recycling and Collection depots.
- Wholesale trade stores, offices, and warehouse.
- Warehouses and storage units with outdoor storage in accordance with **Section 4.10**.
- Manufacturing / processing facilities with associated warehousing / storage.

(B) Accessory Uses

- Accessory buildings, structures, and uses in accordance with **Section 4.4**.

10.2.2 Discretionary Uses

Council shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Principal Uses

- Lumber and building supply establishments.
- Bulk fuel sales and storage.
- Fertilizer sales and storage.
- Oilfield equipment parking lot and staging area.
- Salvage yards and auto wreckers.
- Seed cleaning plants, feed mills and flour mills.
- Meat processing plants and abattoirs.

(B) Accessory Uses

- One (1) accessory dwelling unit for caretakers, owners, or managers of an approved use.

10.3 DEVELOPMENT STANDARDS

INDUSTRIAL	Minimum Site Size		Minimum Setbacks			Maximum Building Size	
Land Uses	Area	Frontage	Front	Side	Rear	Height	Coverage
<i>Permitted</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Principal Uses	500	15.0	7.5 ¹	3.0	7.5	9.0	60%
<i>Discretionary</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Principal Uses	1,000	30.0	7.5 ¹	3.0	7.5	12.0	60%
Notes							
¹ unless a greater minimum front yard setback is required by the Ministry of Highways and Infrastructure (MHI).							

10.3.1 Standards for Discretionary Uses

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

- (A) The Development Application Evaluation Criteria in **Section 3.5**;
- (B) Any relevant General Regulations in **Section 4.0**;
- (C) Any relevant Regulations for Specific Uses in **Section 5.0**; and
- (D) The Vision, Goals, Objectives and Policies of the OCP.

10.3.2 Signs

Signs are subject to **Section 4.7**.

10.3.3 Off-Street Parking and Loading

Off-Street Parking and Loading requirements are subject to **Section 4.8**.

10.3.4 Landscaping

Landscaping requirements are subject to **Section 4.9**.

10.3.5 Outdoor Storage

Outdoor storage is subject to **Section 4.10**.

11.0 CS | COMMUNITY SERVICE

11.1 INTENT

The purpose of the CS - Community Service District is to accommodate public spaces, parks, recreational, and institutional uses.

11.2 PERMITTED + DISCRETIONARY USES

11.2.1 Permitted Uses

The Development Officer shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Community Service / Institutional Uses

- Schools, learning centres, and other educational facilities.
- Daycare centres and preschools.
- Social clubs and lodges.
- Places of worship and assembly halls.
- Municipal offices, libraries, community halls, and other public facilities.
- Hospitals and other health facilities.
- Fire halls and police stations.
- Community gardens.
- Cemeteries.
- Municipal infrastructure buildings and facilities excluding workshops and storage yards.

(B) Recreational Uses

- Community centres and arenas.
- Swimming pools, skating rinks, and curling rinks.
- Sports fields, baseball diamonds, basketball courts, tennis courts, lawn bowling greens, and other similar uses.
- Skateboard parks.
- Trails and pathways for pedestrians, bicyclists, etc.
- Parks and playgrounds.

(C) Accessory Uses

- Accessory buildings, structures, and uses in accordance with **Section 4.4**.

11.2.2 Discretionary Uses

Council shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Principal Uses

- Campgrounds and RV parks in accordance with **Section 5.13**.

11.3 DEVELOPMENT STANDARDS

COMMUNITY SERVICE	Minimum Site Size		Minimum Setbacks			Maximum Building Size	
Land Uses	Area	Frontage	Front	Side	Rear	Height	Coverage
<i>Permitted</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Community Service / Institutional Uses	n/a	n/a	n/a	n/a ¹	n/a	n/a	n/a
Recreational Uses	n/a	n/a	n/a	n/a ¹	n/a	n/a	n/a
<i>Discretionary</i>	(m ²)	(m)	(m)	(m)	(m)	(m)	(%)
Principal Uses	1,000	30	4.5	1.2 ¹	4.5	9.0	10%
<i>Notes</i>							
¹ unless abutting a residential zoning district, in which case the minimum side yard setback is 1.2 metres, or on corner sites, where it shall be 3 metres along the flanking street.							

11.3.1 Standards for Discretionary Uses

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

- (A) The Development Application Evaluation Criteria in **Section 3.5**;
- (B) Any relevant General Regulations in **Section 4.0**;
- (C) Any relevant Regulations for Specific Uses in **Section 5.0**; and
- (D) The Vision, Goals, Objectives and Policies of the OCP.

11.3.2 Signs

Signs are subject to **Section 4.7**.

11.3.3 Off-Street Parking and Loading

Off-Street Parking and Loading requirements are subject to **Section 4.8**.

11.3.4 Landscaping

Landscaping requirements are subject to **Section 4.9**.

11.3.5 Outdoor Storage

Outdoor storage is subject to **Section 4.10**.

12.0 UH | URBAN HOLDING

12.1 INTENT

The purpose of the UH – Urban Holding District is to reserve lands not immediately required for urban development and where the future use and timing of development is uncertain. Interim land uses, such as agriculture crop production, are provided for that will not jeopardize or restrict future development of the area. No subdivision of existing agricultural areas that results in a parcel area of less than 40 acres shall occur without an accompanying rezoning to an appropriate zoning district.

12.2 PERMITTED + DISCRETIONARY USES

12.2.1 Permitted Uses

The Development Officer shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Principle Uses

- Agricultural crop production and customarily related activities, buildings, and structures such as quonset huts.
- Public works and municipal facilities.
- Community gardens.

(B) Accessory Uses

- One (1) farmhouse (single-detached dwelling) that is accessory to a permitted agricultural use.
- Accessory buildings, structures, and uses in accordance with **Section 4.4**.

12.2.2 Discretionary Uses

Council shall consider a development permit for the following uses subject to the application processes in **Section 3.0** of this Bylaw:

(A) Principle Uses

- Garden centres and commercial greenhouses.
- Campgrounds and RV parks in accordance with **Section 5.13**.
- Recreational uses and facilities.
- Rail related development subject to **Section 4.13**.

12.3 DEVELOPMENT STANDARDS

URBAN HOLDING	Minimum Site Size		Minimum Setbacks			Maximum Building Size	
Land Uses	Area	Frontage	Front	Side	Rear	Height	Coverage
Permitted	(ac)	(m)	(m)	(m)	(m)	(m)	(%)
Agricultural Uses	40 ¹	n/a	6.0	3.0	5.0	n/a	n/a
Public Works and Municipal Facilities	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Discretionary	(ac)	(m)	(m)	(m)	(m)	(m)	(%)
Principal Uses	n/a ¹	n/a	6.0	3.0	5.0	n/a	n/a
Notes							
¹ No subdivision of existing agricultural areas that results in a parcel area of less than 40 acres shall occur without an accompanying rezoning to an appropriate zoning district.							

12.3.1 Standards for Discretionary Uses

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

- (A) The Development Application Evaluation Criteria in **Section 3.5**;
- (B) Any relevant General Regulations in **Section 4.0**;
- (C) Any relevant Regulations for Specific Uses in **Section 5.0**; and
- (D) The Vision, Goals, Objectives and Policies of the OCP.

12.3.2 Signs

Signs are subject to **Section 4.7**.

12.3.3 Off-Street Parking and Loading

Off-Street Parking and Loading requirements are subject to **Section 4.8**.

12.3.4 Landscaping

Landscaping requirements are subject to **Section 4.9**.

12.3.5 Outdoor Storage

Outdoor storage is subject to **Section 4.10**.

EXHIBIT A: ZONING DISTRICT MAP

