

**Section 4: General Provisions****4.1 Principal Use**

All developments shall have a designated, single, principal use. If an application is made to add another use to a site, which is not accessory or secondary in nature to the principal use, the regulations that pertain to both the principal use and the new use shall be met.

**4.2 Accessory Buildings, Structures and Uses**

The following regulations shall apply to all accessory buildings, structures and uses:

1. Site coverage for Accessory Buildings shall be in accordance with the following:
  - a) Except for the CR1 – Low Density Country Residential and the CR2 – High Density Country Residential Zoning Districts, the maximum site coverage for Accessory Buildings located in the Residential or RMU – Residential Mixed Use Zoning Districts is 15%;
  - b) Notwithstanding Subsection 4.2.1 a), a private garage may have an area of up to 55.7 square metres provided:
    - i) The current principal building was constructed prior to June 29<sup>th</sup>, 1987; or
    - ii) The subject property is considered an Infill Lot in accordance with the regulations contained in Subsection 6.1.4 of this Bylaw; and
  - c) The maximum site coverage for all other Accessory Buildings shall be in accordance with the regulations contained in their respective zoning districts.
2. Accessory Buildings, Structures and Uses shall be ancillary to and located on the same site as the approved principal use. Any use undertaken within an Accessory Building or Structure shall be a permitted or discretionary use within the respective zoning district;
3. In addition to the regulations contained in each zoning district, Accessory Buildings, Structures and Uses shall be a minimum of 1.5 metres from the principal building;
4. Except in the CR1 – Low Density Country Residential and CR2 – High Density Country Residential Zoning Districts, where there is no maximum

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roof pitch, no Accessory Building shall have a roof pitch exceeding 5/12, except to match the roof pitch of the existing principal building;

5. Accessory Buildings, Structures and Uses shall not be permitted in the front yard in any zoning district, except for garages that are attached to the principal building;
6. Accessory Buildings, Structures and Uses located in the side yard in any Commercial, Industrial, Institutional or Special Zoning District shall meet the side yard regulations of the principal building;
7. Shipping containers shall be permitted in the specified zoning districts, and the regulations contained within this section shall apply;
8. At the discretion of the Development Officer, a permanent Accessory Building may be constructed or placed on a site prior to the construction of the principal building, provided a development permit for both the Accessory Building and principal building has been approved;
9. Temporary Accessory Buildings, which are to be used for the storage of tools, materials or any other similar use incidental to the erection or alteration of a principal building, may be placed on a site prior to the commencement of the development. All temporary Accessory Buildings of this nature shall be removed upon completion of the development;
10. An Accessory Building or Structure may become part of the principal building; however, the regulations pertaining to the principal building shall apply;
11. At the discretion of the Development Officer, a common garage that is developed in conjunction with a two unit, or multiple unit dwelling, where the garage is proposed to be constructed on or over a shared property line, the side yard setbacks for that property line may be waived; and
12. Human habitation shall not be permitted within an Accessory Building and only the keeping of domesticated animals or pets may be permitted within an Accessory Building.

### 4.3 Swimming Pools

Swimming pools shall be permitted and the following regulations shall apply:

1. Enclosed swimming pools shall be considered an Accessory Building in accordance with Sections 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6 and 4.2.10 of this Bylaw;

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2. Unenclosed swimming pools:
  - a) Shall be considered an Accessory Use in accordance with Sections 4.2.2, 4.2.3, 4.2.4, 4.2.5 and 4.2.6 of this Bylaw; and
  - b) Where the height of the pool is 0.60 metres or more above grade, a fence shall be provided, and the following shall apply:
    - i) The fence shall be located a minimum of 3 metres from the edge of the pool;
    - ii) The fence regulations contained within the relevant zoning district and in accordance with Section 4.4 of this Bylaw; and
    - iii) The fence shall be secured with a locking gate; and
3. In addition to Section 4.2.1, an additional 5% lot coverage shall be permitted for swimming pools.

### 4.4 Fences and Hedges

1. Fences shall be constructed out of appropriate fencing products and maintained in accordance with the regulations contained in the Property Amenities Bylaw.
2. Hedges shall be planted entirely on the subject property, of a plant species capable of healthy growth in Prince Albert, and maintained in accordance with the regulations contained in the Property Amenities Bylaw.
3. Hedges that function as a fence shall be subject to the fence height regulations indicated in each zoning district.
4. The use of barbed wire, razor wire or additional fortifications shall be in accordance with the Fortification Bylaw.
5. Barbed wire fencing, or any other similar fencing products, may be utilized in the following zoning districts:

CR1 – Low Density Country Residential  
M1 – Heavy Industrial  
M2 – Small Lot Light Industrial  
M3 – Large Lot Light Industrial  
M4 – Airport Industrial  
I1 – Institutional General  
AG1 – Agricultural  
CON – Conservation  
P – Park  
FUD – Future Urban Development

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6. At the discretion of the Development Officer, subject to the regulations contained in Section 4.14 of this Bylaw, the fence height regulations indicated in each zoning district shall not apply to temporary construction fences, utilities, public parks, day cares, playgrounds, schools and uses located within the M1 – Heavy Industrial Zoning District, provided the fence consists of chain link or a similar material.

### 4.5 Buffering and Visual Screening

1. At the discretion of the Development Officer, buffering and visual screening may be required in the following circumstances:
  - a) Where a non-residential development or zoning district directly abuts a residential development or zoning district; or
  - b) Where a non-residential development or zoning district and a residential development or zoning district are separated by a lane, more specifically:
    - i) When the proposed development includes a use operating primarily or wholly outside the building; or
    - ii) Where the side or rear yard abutting the lane is used for vehicular access, parking, loading or any other similar activity.
2. Buffering or a buffer strip shall be completely contained on the development site and extend along the entire length of the site, where required, and the following regulations shall apply:
  - a) Buffer strips shall be a minimum of 1 metre in width; and
  - b) Where a site requires that the front, side or rear yard setback shall be landscaped, the width of the landscaped area shall satisfy the buffer strip requirement. In this case, the setback requirement cannot be varied or waived.
3. Buffer strips shall provide suitable visual screening, which consists of unbroken planting of trees or the installation of fencing, and the following regulations shall apply:
  - a) Any fencing installed shall be of a solid material, or if chain link fencing is utilized, privacy slats shall be required; and
  - b) Any fencing installed shall be in accordance with Section 4.4 of this Bylaw and the fence regulations contained in the subject zoning district.

**4.6 Landscaping**

1. At the discretion of the Approving Authority, a landscape plan or a landscaping agreement that establishes how a site is to be landscaped and maintained may be required.
2. Landscaping shall be established and maintained in accordance with the following regulations:
  - a) All areas of a site not covered by a building, accessory use, parking lot, pedestrian or vehicular maneuvering area, or any other required site feature shall be landscaped;
  - b) The quality and extent of the landscaping established on a site shall be the minimum standard required on the site for the life of the development;
  - c) Where communal amenity space is provided within a required landscaped area, it shall be considered as part of the required landscaping;
  - d) Landscaped areas shall be bound with poured in place concrete curbing;
  - e) At the discretion of the Development Officer, hard surfaced landscaping, such as pedestrian walkways and sidewalks, may be required;
  - f) All plant materials shall be of a species capable of healthy growth in Prince Albert, and shall conform to the Canadian Nursery Trades Association for nursery stock, and The City of Prince Albert Preferred Tree Species List, Tree Planting Guidelines and Master Specifications;
  - g) At the time of planting, wherever possible, a variety of tree sizes and species shall be planted;
  - h) The number of trees required shall be as follows:
    - i) An overall minimum ratio of one (1) tree per 45 square metres of required landscaped area; or
    - ii) At the discretion of the Development Officer, trees may be planted:
      - (1) One (1) tree per 10 linear metres along the front yard, and one (1) tree per 10 linear metres along the front and side yards for corner lots; and

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- (2) Where a boulevard immediately adjacent to the subject site contains minimal or no trees, additional trees may be required;
  - i) At the discretion of the Development Officer, if space is limited, a portion of the trees required to be planted on the site may be placed in the boulevard in order to meet the requirement;
  - j) At the discretion of the Approving Authority, if the planting of trees conflicts with other necessary site features such as municipal or crown utilities, or if healthy growth is not feasible, all or a part of the tree requirement may be waived;
  - k) Existing soft landscaping retained on the site may remain and be considered in fulfilment of a portion of the total landscaping requirement, in accordance with the following:
    - i) The retained landscaping shall be properly maintained and in good health; and
    - ii) The retained landscaping shall conform to the regulations contained in this Bylaw.

### 4.7 Amenity Space

- 1. The provision of amenity space shall be required for the following uses in all applicable zoning districts:
  - Above Grade Dwelling
  - Dwelling Group
  - Multi-Unit Dwelling
  - Multi-Unit High Rise Dwelling
- 2. Where amenity space is required, it shall be provided in accordance with one of the following:
  - a) Private amenity space shall be provided for each dwelling unit and the following regulations shall apply:
    - i) A minimum dimension of 1.5 metres and minimum area of 4.5 square metres; and
    - ii) Shall be designed to provide visual privacy from one dwelling unit to another; or
  - b) Communal amenity space shall have a minimum dimension of 4 metres and a minimum area of 16 square metres for the first four (4)

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dwelling units, plus an additional two (2) square metres for each additional dwelling unit over four (4); and

- c) Notwithstanding Section 4.7.2(a) and (b) of this Bylaw, at the discretion of the Development Officer, communal amenity space may be provided indoors, however, such amenity space shall be a minimum of 4.5 square meters in area per dwelling unit.

### 4.8 Outdoor Storage

1. Notwithstanding any other provisions of this Bylaw, and in conjunction with an approved use in the Commercial or Industrial Zoning Districts, the storage and maintenance of goods and equipment shall be permitted within the side and rear yard of a site. At the discretion of the Approving Authority, the portions of the site used for outdoor storage may be required to be visually screened from public view.
2. The outdoor storage of materials and equipment shall be in accordance with the Property Amenities Bylaw.
3. At the discretion of the Development Officer:
  - a) The sale of typical, seasonal products may be undertaken in the front yard in the following zoning districts:
    - C1 – Downtown Commercial
    - C3 – Large Lot Arterial Commercial
    - C4 – Highway Commercial
    - M1 – Heavy Industrial
    - M3 – Large Lot Light Industrial
  - b) The products displayed for sale in the front yard shall be kept in a neat and orderly fashion and shall not inhibit pedestrian or vehicular traffic.
4. The placement and storage of any goods, fences, temporary structures, or similar items shall not:
  - a) Inhibit the flow of pedestrian and vehicular traffic; or
  - b) Obstruct the maneuverability and function of delivery vehicles.

### 4.9 Garbage and Recycling Storage

1. All developments shall be provided with sufficient waste and recycling storage in accordance with the Property Amenities Bylaw, the Waste Collection and Disposal Bylaw, and this Bylaw.

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2. Garbage and recycling storage shall be in accordance with the following regulations:
  - a) May be located in the side yard or rear yard, or the front yard at the discretion of the Development Officer;
  - b) Shall be placed in a manner that accommodates proper pick up; and
  - c) Shall be visually screened from all adjacent sites and public thoroughfares, and to the satisfaction of the Development Officer.

### 4.10 Outdoor Lighting

Outdoor lighting shall be located, installed and maintained to deflect, shade and focus light away from any adjacent site.

### 4.11 Exceptions to Projections into Setbacks

Steps, ramps, lifts, or any other similar feature providing barrier free access to a building or site shall not be considered a projection into a required setback.

### 4.12 Exceptions to Height Limitations

At the discretion of the Development Officer, the height limitations of this Bylaw shall not apply to church spires, parapets, water tanks, elevator enclosures, flag poles, roof mounted communications equipment, ventilators, skylights, chimneys, mechanical penthouses, utilities, or any other similar development feature.

### 4.13 Building Height and Storey Calculation

1. The height of a building shall be calculated from grade to the top plate of the wall.
2. A storey shall be calculated in accordance with the *National Building Code of Canada*.
3. Where applicable, a basement shall also be considered a storey in accordance with the *National Building Code of Canada*.

### 4.14 Corner Visibility

1. Except in the C1 – Downtown Commercial, C2 – Small Lot Arterial Commercial and M2 – Small Lot Light Industrial Zoning Districts, the regulations contained in Subsection 39 of the Traffic Bylaw pertaining to “corner obstructions and line of sight”, shall apply to all zoning districts.



2. Notwithstanding Section 4.14.1, fences may be permitted within the corner visibility triangle provided the fence is constructed of chain link and visibility is maintained.

#### **4.15 Excavating, Stripping and Grading**

In addition to the regulations contained in Section 3.5 of this Bylaw, the following information shall be submitted with a development permit application for excavating, stripping and grading of land 4,000 square metres or more in area, or where the disturbance of a wetland or any other environmentally sensitive or protected area is proposed:

1. A site plan or professional report detailing the following:
  - a) The location and size on which the development is to occur;
  - b) The existing land use, and the existence of any wetlands and vegetation;
  - c) The proposed timing and phasing of the development;
  - d) The amount, type and disposal location of any vegetation, soil or other material being removed; and
  - e) The measures that will be taken to prevent or lessen the creation of dust and other nuisances during and after the work is completed.
2. At the discretion of the Development Officer, a Phase 1 Environmental Report, and further reports or permits, may be required.

#### **4.16 Temporary Development Permit**

Any form of development listed within a zoning district may be approved temporarily, in accordance with the following regulations:

1. The proposed development shall be subject to the permit application and review processes in accordance with Sections 3.5 through 3.8 of this Bylaw;
2. The proposed development may be approved for a term up to twelve (12) months, starting from the date of approval. Within thirty (30) days of expiry of the term, the development shall be discontinued and the site shall be returned to its original state; and
3. If an application is submitted to convert the temporary development into a permanent development, all relevant regulations in this Bylaw shall apply and additional site work may be required.

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### 4.17 Sidewalk Cafes and Patios

At the discretion of the Development Officer:

1. Sidewalk Cafes and Patios may be permitted as an accessory use to an approved food or beverage related use;
2. Sidewalk Cafes and Patios may be located within the front, side or rear yard setback; and
3. A site plan may be required that shows the placement of seating, tables, garbage facilities and other related items.

### 4.18 Communication Tower

Communication Towers may be permitted in accordance with the following regulations:

1. An anti-climbing fence or barrier shall be installed, and any fencing installed shall be in accordance with the regulations contained in Section 4.4 of this Bylaw; and
2. The applicant shall provide proof of the following:
  - a) Third party liability insurance naming and indemnifying the City of Prince Albert, and the value of the policy shall be reviewed and approved by the City;
  - b) Federal and provincial approvals, where applicable; and
  - c) Industry Canada, SaskPower and any other relevant utility approval where applicable.

### 4.19 Community Garden

Community Gardens shall be permitted in accordance with the following regulations:

1. A Community Garden shall not be operated as a commercial business;
2. The applicant shall provide a Phase I Environmental Site Assessment of the proposed garden site. At the discretion of the Development Officer, further information or assessments may be required; and
3. The applicant shall be responsible for the regular maintenance and upkeep of the site, which includes but is not limited to, grass cutting and weeding, and proper removal and disposal of garbage and garden waste.

**4.20 Site Frontage**

1. Unless otherwise provided for through a municipal servicing agreement, no person shall undertake development on a site unless it fronts a legal right-of-way, developed and maintained to municipal standards.
2. The Development Officer shall determine the frontage of an undeveloped corner site or through site. The owner shall have the right to appeal the decision to City Council.

**4.21 Municipal Services Required**

No person shall undertake a development on a site unless the development is connected to municipal water, sewer and sanitary services, and in accordance with the *Public Health Act*, or through a municipal servicing agreement.

**4.22 Site Coverage Transfer**

At the discretion of the Development Officer, where a portion of a site is transferred into the name of the City, or vested as legal right-of-way, the amount of the area transferred shall still be considered as part of the site for the purposes of site coverage and area calculation.

**4.23 Reduction of Lot Area**

Except as provided for in Section 4.22 of this Bylaw, no lot shall be reduced in area so that the lot or any existing building or structure no longer meets the regulations contained in the subject zoning district.

**4.24 Right-of-Way Widening**

Where the City has undertaken a right-of-way widening, and upon the submission of an application for development on a property that abuts the right-of-way to be widened, the following regulations shall apply:

1. The City and owner shall enter into an agreement regarding the sale and development of the land to be vested as a right-of-way; and
2. The amount of land required to be vested as part of the right-of-way shall be at the discretion of the Department of Public Works.

**4.25 Municipal Heritage Properties**

The designation, management and demolition of a designated municipal heritage property shall be in accordance with the *Heritage Property Act* and the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standards and Guidelines).

### 4.26 Demolition

The demolition of a building or structure shall be permitted in all zoning districts. At the discretion of the Development Officer, notice may be provided to City Council for the demolition of a building in the C1 – Downtown Commercial Zoning District.

*(16 of 2020, s. 1a. to 1l.; 1.rrrr.; 13 of 2022, s. 1c.&d.)*