

## PART 8A

# AC – ARCHITECTURAL CONTROL DISTRICT OVERLAY ZONE

### 8A.1 INTENT

The Architectural Control District Overlay zone is intended to:

- (a) preserve the physical character of an area or promote an established theme; and
- (b) preserve the physical character of the Former Diocese of Qu'Appelle Lands site by ensuring development is complementary to existing heritage buildings and adjacent neighbourhoods and requiring that any new development shall adhere to one of three traditional architectural styles: Tudor, Colonial, or Craftsman.

### 8A.2 APPLICATION

- (1) The Architectural Control District Overlay zone shall be applied, at the discretion of Council, in accordance with section 73 of *The Planning and Development Act, 2007*.
- (2) An Architectural Control District Overlay zone designation shall only be applied to an area where the *Official Community Plan* sets forth guidelines for the architectural detail and design of buildings in a particular area.
- (3) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (4) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (5) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (6) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

### **8A.3 ARCHITECTURAL CONTROL DISTRICT OVERLAY ZONE FOR FORMER DIOCESE OF QU'APPELLE (AC1.DCD-QP)**

#### **3.1 APPLICATION**

- (1) The Architectural Control District Overlay Zone for Former Diocese of Qu'appelle is established and shall apply to the lands zoned Former Diocese of Qu'appelle Lands Direct Control District.
- (2) In the area where the Architectural Control District Overlay Zone for Former Diocese of Qu'appelle is established, the development of building forms, building elements, architectural details, materials and colours must conform to standards identified in subsection 8A.3.4(1).

#### **3.2 LAND USE REQUIREMENTS**

All permitted, discretionary and prohibited land uses in the underlying zone apply equally as permitted, discretionary and prohibited land uses in the Architectural Control District Overlay zone.

#### **3.3 DEVELOPMENT STANDARDS**

The development standards of the underlying zone shall apply.

#### **3.4 ADDITIONAL DEVELOPMENT STANDARDS**

The architectural standards and requirements prescribed in Part 10A shall apply to development in the Architectural Control District Overlay zone.

(#2021-2, s.81, 2021)

## PART 8B

### AP – AQUIFER PROTECTION OVERLAY ZONE

#### 8B.1 INTENT

The Aquifer Protection Overlay zone is intended to protect:

- (a) the Regina aquifer system from contamination from development activities; and
- (b) ground water resources from contamination in accordance with the Official Community Plan.

#### 8B.2 APPLICATION

- (1) The standards and regulations in this Subpart shall apply to those portions of the Regina Aquifer system lying within the City of Regina and shown on Figure 8B.F.1.
- (2) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

### **8B.3 LAND USE REQUIREMENTS FOR THE AQUIFER PROTECTION OVERLAY ZONE**

#### **3.1 PERMITTED LAND USES**

Subject to section 8B.4, all permitted uses in the underlying zone are also permitted in this zone.

#### **3.2 DISCRETIONARY LAND USES**

Subject to section 8B.4, all discretionary uses in the underlying zone are also discretionary in this zone.

#### **3.3 PROHIBITED LAND USES**

Subject to section 8B.4, all prohibited uses in the underlying zone are also prohibited in this zone.

### **8B.4 DEVELOPMENT STANDARDS FOR THE AQUIFER PROTECTION OVERLAY ZONE**

#### **4.1 ALL DEVELOPMENT**

The development standards of the applicable underlying zone shall apply to all development in the Aquifer Protection Overlay zone.

### **8B.5 ADDITIONAL DEVELOPMENT REGULATIONS**

#### **5.1 PERFORMANCE REGULATIONS**

- (1) The City shall regulate a development in the Aquifer Protection Overlay zone based on the applicable Aquifer Sensitivity zone of the proposed site, as defined in Chapter 2. The Aquifer Sensitivity zones are:
  - (a) Aquifer Protection zone, High Sensitivity
  - (b) Aquifer Protection zone, Moderate Sensitivity
  - (c) Aquifer Protection zone, Low Sensitivity
- (2) In addition to regulations provided elsewhere in this Bylaw, all uses in the Aquifer Protection Overlay zone shall be developed in accordance with the standards specified in Table 8B.T1, Table 8B.T2 and Tables 8B.T3. Developments may be prohibited or approved in accordance with such Tables notwithstanding any contrary provision applicable to the underlying zone.

- (3) The performance standards shall be completed to the satisfaction of the Development Officer.

### **5.1A ALTERNATIVE AQUIFER PROTECTION MEASURES**

Notwithstanding section 5.1 in lieu of the standards specified in Table 8B.T1, an application for discretionary use, pursuant to 1E.3, may be submitted to consider a development type that is otherwise prohibited, subject to the following requirements:

- (1) Submission of an Aquifer Protection Plan, subject to subsection 8B.5.3.
- (2) Any development approved based on an Aquifer Protection Plan submitted pursuant to this section shall be developed and continued only in accordance with the Aquifer Protection Plan.
- (3) As a condition of the discretionary use, the applicant shall enter into a development agreement with the City which shall be registered as an interest against the title to the affected lands.
- (4) The discretionary use may be approved for a limited time, having regard for the risks identified in the Aquifer Protection Plan, requirements for regular testing, updating of mitigation measures, and emergency procedures.
- (5) The land use must be allowable in the underlying zone and shall be subject to the discretionary use requirements in section 1E.3.
- (6) The discretionary use application shall be considered by City Council.

(#2022-4, s. 6, 2022)

### **5.2 CHALLENGE TO AQUIFER SENSITIVITY ZONE DESIGNATION**

- (1) An applicant for a proposed development in any of the Aquifer Sensitivity zones shown in Figure 8B.F1 may challenge the inclusion of the land in a particular Aquifer Sensitivity zone by providing the City with an engineering evaluation prepared by a registered professional engineer licensed to practice in Saskatchewan.
- (2) The engineering evaluation mentioned in subsection 8B.5.2(1) shall demonstrate the aquifer sensitivity characteristics of the area in which the proposed site is located.
- (3) If the City agrees with the findings of the evaluation mentioned in subsection 8B.5.2(1), the development will be placed in the applicable Aquifer Sensitivity zone and the requirements of that Sensitivity zone, shall apply to the land.
- (4) Subsection 8B.5.2(3) shall not exempt the applicant from complying with

any of the requirements of any other Aquifer Sensitivity zone on which the engineering evaluation confirms that the land is situated.

### 5.3 AQUIFER PROTECTION PLAN REQUIREMENTS

- (1) At the discretion of the Development Officer or as specified in this bylaw an Aquifer Protection Plan may be required as part of a development permit or discretionary use application for any development subject to this Part.
- (2) The Aquifer Protection Plan must be prepared by a qualified engineer and shall include, but not necessarily be limited to, the following information:
  - (a) a geotechnical report for the site, confirming the aquifer sensitivity, including relevant geological data;
  - (b) a description of the proposed development including the nature of the use; processes, and procedures that regularly occur;
  - (c) plans outlining site preparation and construction details related to the proposed development, including proposed changes to grading, foundation pile depth, other excavations;
  - (d) materials to be used or handled including chemicals, fuels, pesticides, other potentially toxic or hazardous materials, including details confirming types and quantity of materials or products, waste materials produced, and transportation, storage and handling methods to be used;
  - (e) where the proposed development involves the use, storage, processing or production of hazardous material(s) or dangerous good(s), a report in accordance with section 1E.3.3, including a Community Impact Analysis as prescribed in clause 1E.3.3(1)(g);
  - (f) an assessment of the risks associated with the proposed operation and a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage, and to provide for control of spills;
  - (g) a description of potentially toxic or hazardous wastes to be generated, indicated storage and disposable methods;
  - (h) a description of site development measures to be undertaken to protect the Aquifers including proposed monitoring program;
  - (i) evidence of requisite approval(s) by the Saskatchewan Ministry of Environment and/or the Water Security Agency; and

- (j) such additional information as deemed necessary by the Development Officer based on the particular type and nature of the proposed development

(#2022-4, s. 7, 2022)

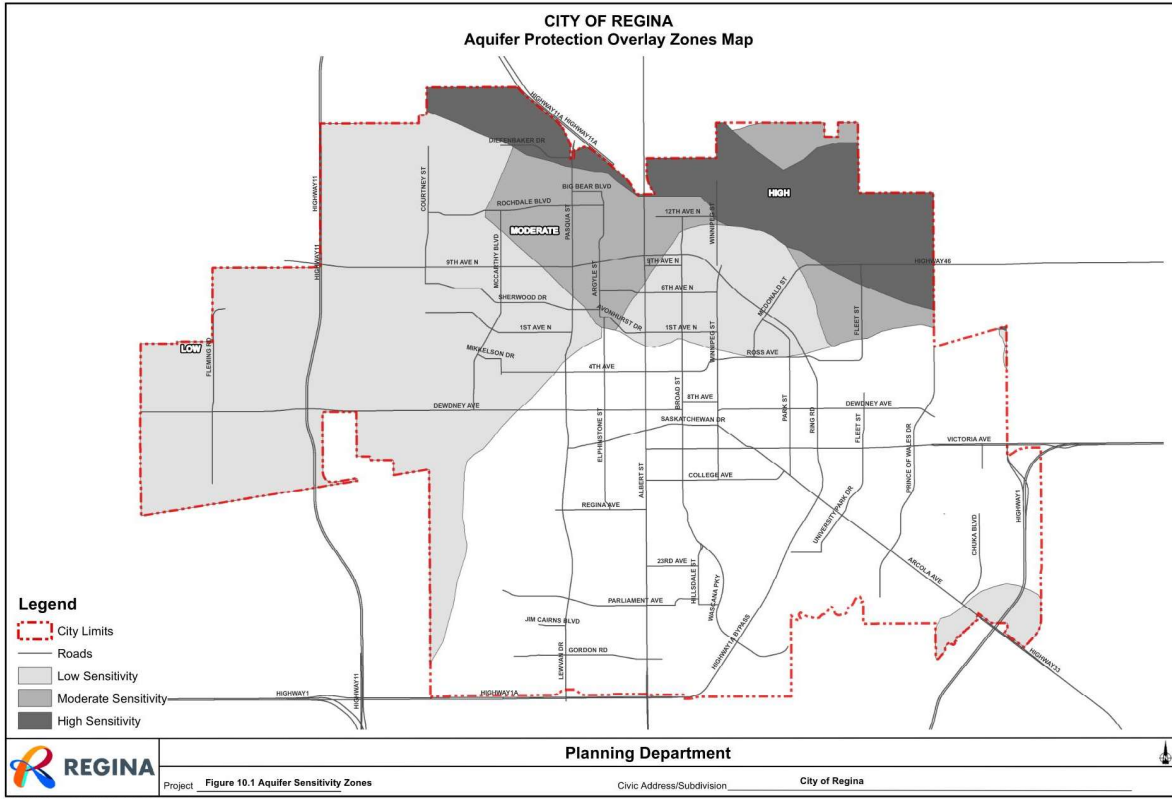


Figure 8B.F1: Aquifer Protection Overlay Zones

(#2023-25, s. 4, 2023, #2023-88, s.4, 2023, #2024-9, s. 218, 2024)

**TABLE 8B.T1: PERFORMANCE REGULATIONS FOR HIGH SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	TYPE OF DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T1.1	All dryland land uses in the Agriculture Land Use Class.	(1) Use must minimize the application of salt, manure, herbicides, insecticides, fungicides and fertilizers.  (2) All new storage tanks and all storage tank replacements shall be above ground, shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system.	
T1.2	<ul style="list-style-type: none"> <li>• All land uses in the Industry Land Use Class; and</li> <li>• All land uses in any Land Use Class that involves, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials, hazardous waste or waste dangerous goods.</li> </ul>	New developments prohibited	(1) The following shall apply to all existing land uses in section T1.2 of this Table: <ul style="list-style-type: none"> <li>(a) Existing developments shall be limited to modification and replacement only;</li> <li>(b) All new storage tanks and all storage tank replacements shall be above ground, shall have a secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system;</li> <li>(c) Excavations shall not exceed three metres in depth, including excavation for the purpose of accommodating water/sewer/storm services. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially;</li> <li>(d) Industrial onsite runoff containment ponds shall be constructed to minimize any seepage into any underlying aquifers;</li> <li>(e) All holes created by the removal of piles, foundations, drilling, or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers; and</li> <li>(f) All development applications shall be accompanied by plans to detect contamination of the aquifer.</li> </ul>



**TABLE 8B.T1: PERFORMANCE REGULATIONS FOR HIGH SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	TYPE OF DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T1.2	<ul style="list-style-type: none"> <li>• All land uses in the Industry Land Use Class; and</li> <li>• All land uses in any Land Use Class that involves, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials, hazardous waste or waste dangerous goods.</li> </ul>		<p>(2) In addition to the requirements in subsection (1), the following shall apply to all land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in Chapter 2:</p> <ul style="list-style-type: none"> <li>(a) All existing storage tanks shall have leak detection and/or a monthly statistical reconciliation analysis system; and</li> <li>(b) All facilities shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction.</li> </ul> <p>(3) In addition to the requirements in subsection (1) and (2), the following shall apply to all land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>:</p> <ul style="list-style-type: none"> <li>(a) The site shall be prepared with a minimum of one metre of unfractured low permeability soil or the equivalent thereof (<math>1 \times 10^{-7}</math> cm/sec when subjected to a head of 0.305 metres of water); and</li> <li>(b) The site shall be located where the continuous thickness of native material having suitable permeability (minimum average <math>1 \times 10^{-6}</math> cm/sec when subjected to a head of 0.305 metres of water) is ten metres or greater, or the equivalent.</li> </ul>
T1.3	Compressed gas pipelines	<ul style="list-style-type: none"> <li>(1) New rights-of-way for new pipelines are permitted.</li> <li>(2) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</li> </ul>	<ul style="list-style-type: none"> <li>(1) For new pipelines within existing rights-of-way, the following regulations apply: <ul style="list-style-type: none"> <li>(a) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</li> </ul> </li> </ul>

**TABLE 8B.T1: PERFORMANCE REGULATIONS FOR HIGH SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	TYPE OF DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T1.4	Liquid petroleum and oil pipelines.	New rights-of-way for new pipelines are prohibited.	<p>(1) For new pipelines within existing rights-of-way, the following regulations apply:</p> <p>(a) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially;</p> <p>(b) All development applications shall be accompanied by plans to detect contamination of the aquifer; and</p> <p>(c) All facilities handling and/or storing hazardous materials of any type shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction.</p>
T1.5	Petroleum storage terminals.	New petroleum storage terminals are prohibited.	<p>(1) Existing developments shall be limited to modification and replacement only.</p> <p>(2) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p> <p>(3) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p> <p>(4) All new storage tanks and all storage tank replacements shall be above ground, shall have a secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system.</p> <p>(5) All existing storage tanks shall have leak detection and/or a monthly statistical reconciliation analysis system.</p>

**TABLE 8B.T1: PERFORMANCE REGULATIONS FOR HIGH SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	TYPE OF DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
			(6) All holes created by the removal of piles, foundations, drilling, or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.
T1.6	All land uses in the Dwelling Land Use Class.	<p>(1) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p> <p>(2) Minimize the application of salt, manure, herbicides, insecticides, fungicides and fertilizers.</p> <p>(3) Only holding tanks shall be allowed in the development of private sewage facilities.</p> <p>(4) All major development applications (over 4 hectares) shall be accompanied with plans to detect contamination of the aquifer.</p>	
T1.7	All land uses in the Open Space Land Use Class.	<p>(1) Minimize the application of salt, manure, herbicides, insecticides, fungicides and fertilizers.</p> <p>(2) All new storage tanks and all storage tank replacements <u>shall be above ground</u>, shall have a secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system.</p> <p>(3) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p>	
T1.8	Industrial site storm ponds	<p>(1) Impervious liners/equivalent shall be used in all containment devices.</p> <p>(2) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p>	
T1.9	Waste containment pools	New developments prohibited unless technically necessary.	<p>(1) Impervious liners/equivalent shall be used in all containment devices.</p> <p>(2) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p>
T1.10	Wastewater sewers	All new wastewater sewers shall be constructed to force main standards.	
T1.11	Pilings	All pilings shall not exceed three metres in depth except where a geo-technical report acceptable to the City demonstrates the need and details the necessary mitigative measures to protect the aquifer.	All pilings shall not exceed three metres in depth except where a geo-technical report acceptable to the City demonstrates the need and details the necessary mitigative measures to protect the aquifer.

**TABLE 8B.T1: PERFORMANCE REGULATIONS FOR HIGH SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	TYPE OF DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T1.12	All developments, except those in T1.1 to T1.11 of this table.	<p>(1) All new storage tanks and all storage tank replacements shall be above ground, shall have a secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system.</p> <p>(2) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p> <p>(3) All holes created by the removal of piles, foundations, drilling, or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</p>	<p>(1) All new storage tanks and all storage tank replacements shall be above ground, shall have a secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system.</p> <p>(2) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p> <p>(3) All holes created by the removal of piles, foundations, drilling, or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</p>

**TABLE 8B.T2: PERFORMANCE REGULATIONS FOR MODERATE SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T2.1	All dryland land uses in the Agriculture Land Use Class.	<p>(1) Minimize the application of salt, manure, herbicides, insecticides, fungicides and fertilizers.</p> <p>(2) All new underground storage tanks and all storage tank replacements, <u>at a minimum</u>, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, a monthly statistical inventory reconciliation analysis and a daily inventory reconciliation.</p>	
T2.2	<ul style="list-style-type: none"> <li>• All land uses in the Industry Land Use Class; and</li> <li>• All land uses in any Land Use Class that involves, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials, hazardous waste or waste dangerous goods.</li> </ul>	<p>(1) The following shall apply to all new land uses in section T2.2 of this Table, except those involving, as a principal operation, the storing, warehousing, processing or manufacturing of hazardous materials, hazardous waste or waste dangerous goods as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>:</p> <p>(a) All new underground storage tanks and all storage tank replacements, <u>at a minimum</u>, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, and a monthly statistical inventory reconciliation analysis;</p> <p>(b) All above ground storage tanks shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system;</p> <p>(c) Excavations shall not exceed 4.5 metres in depth, except in that portion of the zone lying in the S ½ 7-18-19-2 where excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially;</p> <p>(d) Industrial onsite runoff containment ponds shall be</p>	<p>(1) The following shall apply to all existing land uses in section T2.2 of this Table:</p> <p>(a) All new underground storage tanks and all storage tank replacements, at a minimum, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, and a monthly statistical inventory reconciliation analysis;</p> <p>(b) All above ground storage tanks shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system;</p> <p>(c) Excavations shall not exceed 4.5 metres in depth, except in that portion of the zone lying in the S ½ 7-18-19-2 where excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially;</p> <p>(d) Industrial onsite runoff containment ponds shall be constructed to minimize any seepage into any underlying aquifers; and</p> <p>(e) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</p>

**TABLE 8B.T2: PERFORMANCE REGULATIONS FOR MODERATE SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T2.2		<p>constructed to minimize any seepage into any underlying aquifers; and</p> <p>(e) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</p> <p>(2) In addition to the requirements in subsection (1), the following shall apply to all new land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in Chapter 2:</p> <p>(a) Pursuant to 1(b), each tank shall have an over-fill or spill prevention system;</p> <p>(b) Liquid hazardous material storage facilities are prohibited;</p> <p>(c) All development applications shall be accompanied by plans to detect contamination of the aquifer; and</p> <p>(d) All facilities shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction.</p> <p>(3) All new development that involves, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials, hazardous waste or waste dangerous goods as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i> are prohibited.</p>	<p>(2) In addition to the requirements in subsection (1), the following shall apply to all existing land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in Chapter 2:</p> <p>(a) Pursuant to 4(b), each tank shall have an over-fill or spill prevention system;</p> <p>(b) Expansion of liquid hazardous material storage facilities is prohibited except for petroleum storage subject to applicable performance standards for petroleum storage and terminals in the Moderate Sensitivity Aquifer Protection Overlay zone;</p> <p>(c) All existing underground storage tanks shall have leak detection and/or a monthly statistical inventory reconciliation system;</p> <p>(d) All development applications shall be accompanied by plans to detect contamination of the aquifer; and</p> <p>(e) All facilities shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction.</p> <p>(3) In addition to the requirements in subsection (1) and (2), the following shall apply to all existing land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>:</p> <p>(a) Notwithstanding 5(b), expansion of liquid hazardous material facilities is prohibited;</p> <p>(b) All existing underground storage tanks shall have leak detection and/or a monthly statistical inventory reconciliation analysis system;</p>

**TABLE 8B.T2: PERFORMANCE REGULATIONS FOR MODERATE SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T2.2			<p>(c) The site shall be prepared with a minimum of one metre of unfractured low permeability soil or the equivalent thereof (<math>1 \times 10^{-7}</math> cm/sec when subjected to a head of 0.305 metres of water); and</p> <p>(d) The site shall be located where the continuous thickness of native material having suitable permeability (minimum average <math>1 \times 10^{-6}</math> cm/sec when subjected to a head of 0.305 metres of water) is ten (10) metres or greater, or the equivalent.</p>
T2.3	Compressed gas pipelines	<p>(1) New rights-of-way for new pipelines are permitted.</p> <p>(2) Excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p>	<p>(1) For new pipelines within existing rights-of-way, the excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p>
T2.4	Liquid petroleum and oil pipelines	<p>(1) Excavations shall not exceed 4.5 metres in depth, except in that portion of the zone lying in the S <math>\frac{1}{2}</math> 7-18-19-2 where excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p> <p>(2) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p> <p>(3) All facilities handling and/or storing hazardous materials of any type shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction.</p>	
T2.5	All land uses in the Dwelling Land Use Class.	<p>(1) Excavations shall not exceed 4.5 metres in depth, except in that portion of the zone lying in the S <math>\frac{1}{2}</math> 7-18-19-2 where excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p> <p>(2) Only holding tanks shall be allowed in the development of private sewage facilities.</p>	
T2.6	All land uses in the Open Space Land Use Class.	Minimize the application of salt, manure, herbicides, insecticides, fungicides and fertilizers.	
T2.7	Industrial site storm ponds	Compacted clay liners, or an equivalent, shall be used for all containment devices.	
T2.8	Waste containment ponds	<p>(1) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p> <p>(2) Impervious liners/equivalent shall be used for all waste containment.</p>	

**TABLE 8B.T2: PERFORMANCE REGULATIONS FOR MODERATE SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T2.9	Petroleum storage terminals and petroleum storage.	<ol style="list-style-type: none"> <li>(1) All development applications shall be accompanied by plans to detect contamination of the aquifer.</li> <li>(2) All new storage tanks and all storage tank replacements shall be above ground, shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system.</li> <li>(3) All existing storage tanks shall have leak detection and/or a monthly statistical inventory reconciliation analysis system.</li> <li>(4) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</li> <li>(5) Excavations shall not exceed 4.5 metres in depth, except in that portion of the zone lying in the S ½ 7-18-19-2 where excavations shall not exceed three metres in depth. Where the overburden is less than 3 metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</li> <li>(6) All facilities handling and/or storing hazardous materials of any type shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction.</li> </ol>	
T2.10	All developments other than those in T2.1 to T2.9 of this Table.	<ol style="list-style-type: none"> <li>(1) All new underground storage tanks and all storage tank replacements, <u>at a minimum</u>, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, and a monthly statistical inventory reconciliation analysis.</li> <li>(2) All above ground storage tanks shall have secondary containment with dykes, impervious liners, leak detection and/or a monthly statistical inventory reconciliation analysis system.</li> <li>(3) Excavations shall not exceed 4.5 metres in depth, except in that portion of the zone lying in the S ½ 7-1-19-2 where excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</li> </ol>	<ol style="list-style-type: none"> <li>(1) All new underground storage tanks and all storage tank replacements, <u>at a minimum</u>, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, and a monthly statistical inventory reconciliation analysis.</li> <li>(2) All above ground storage tanks shall have secondary containment with dykes, impervious liners, leak detection and/or a monthly statistical inventory reconciliation analysis system.</li> <li>(3) All existing underground storage tanks shall have leak detection and/or a monthly statistical inventory reconciliation analysis system.</li> </ol>



**TABLE 8B.T2: PERFORMANCE REGULATIONS FOR MODERATE SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T2.10		(4) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.	(4) Excavations shall not exceed 4.5 metres in depth, except in that portion of the zone lying in the S ½ 7-1-19-2 where excavations shall not exceed three metres in depth. Where the overburden is less than three metres, the excavations shall not expose the aquifer or reduce the overburden substantially.  (5) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.

**TABLE 8B.T3: PERFORMANCE REGULATIONS FOR LOW SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T3.1	<ul style="list-style-type: none"> <li>• All land uses in the Industry Land Use Class excepting those involving Industry, Salvaging Light, Industry, Salvaging Heavy and those involving, as a principal operation, the storing, warehousing, processing or manufacturing of hazardous materials, hazardous waste or waste dangerous goods as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>; and</li> <li>• All land uses in any Land Use Class that involves, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials, hazardous waste or waste dangerous goods as defined in Chapter 2.</li> </ul>	<p>(1) The following shall apply to all new land uses in section T3.1 of this Table:</p> <ul style="list-style-type: none"> <li>(a) All new underground storage tanks and all storage tank replacements, <u>at a minimum</u>, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, and a monthly statistical inventory reconciliation analysis.</li> <li>(b) All above ground storage tanks shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system.</li> <li>(c) Excavations shall not exceed six metres in depth. Where the overburden is less than six metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</li> <li>(d) Industrial onsite runoff containment ponds shall be constructed to minimize any seepage into any underlying aquifers.</li> <li>(e) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</li> </ul> <p>(2) In addition to the requirements in subsection (1), the following shall apply to all new land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in Chapter 2:</p> <ul style="list-style-type: none"> <li>(a) All development applications shall be accompanied by plans to detect contamination of the aquifer.</li> <li>(b) All facilities shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction</li> </ul>	<p>(1) The following shall apply to all existing land uses in section T3.1 of this Table:</p> <ul style="list-style-type: none"> <li>(a) All new underground storage tanks and all storage tank replacements, <u>at a minimum</u>, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, and a monthly statistical inventory reconciliation analysis.</li> <li>(b) All above ground storage tanks shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system.</li> <li>(c) All existing underground storage tanks shall have leak detection and/or a monthly statistical inventory reconciliation analysis system.</li> <li>(d) Excavations shall not exceed six metres in depth. Where the overburden is less than six metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</li> <li>(e) Industrial onsite runoff containment ponds shall be constructed to minimize any seepage into any underlying aquifers.</li> <li>(f) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</li> </ul> <p>(2) In addition to the requirements in subsection (1), the following shall apply to all new land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in Chapter 2:</p>

**TABLE 8B.T3: PERFORMANCE REGULATIONS FOR LOW SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
			<p>(a) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p> <p>(b) All facilities shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction.</p>
T3.2	<ul style="list-style-type: none"> <li>• All land uses in the Industry Land Use Class or any other Land Use Class that involves, as a principal operation, storing, warehousing or processing of hazardous waste/ waste dangerous goods as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>;</li> <li>• Industry, Salvaging Light; and</li> <li>• Industry, Salvaging Heavy.</li> </ul>	<p>(1) The following shall apply to all new land uses in section T3.2 of this Table:</p> <p>(a) All proposed developments shall prepare a detailed environmental impact report(s) with appropriate mitigative measures. All mitigative measures shall be subject to the approval of the City and any federal and provincial agencies having jurisdiction;</p> <p>(b) All development applications shall be accompanied by plans to detect contamination of the aquifer;</p> <p>(c) All new storage tanks and all storage tank replacements <u>shall be above ground</u>, shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system;</p> <p>(d) Excavations shall not exceed six metres in depth. Where the overburden is less than six metres, the excavations shall not expose the aquifer or reduce the overburden substantially;</p> <p>(e) All facilities handling and/or storing hazardous materials of any type shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction; and</p> <p>(f) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers.</p>	<p>(1) The following shall apply to all new land uses in section T3.2 of this Table:</p> <p>(a) All new storage tanks and all storage tank replacements <u>shall be above ground</u>, shall have a secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system;</p> <p>(b) All development applications shall be accompanied by plans to detect contamination of the aquifer;</p> <p>(c) Excavations shall not exceed six metres in depth. Where the overburden is less than six metres, the excavations shall not expose the aquifer or reduce the overburden substantially;</p> <p>(d) All holes created by the removal of piles, foundations, drilling or any other similar activity shall be properly sealed in a manner that minimizes seepage into any underlying aquifers;</p> <p>(e) All facilities handling and/or storing hazardous materials of any type shall provide annual soil test reports and/or other early contamination detection measure reports to the City, and federal and provincial agencies having jurisdiction; and</p> <p>(f) All existing underground storage tanks shall have leak detection and/or a monthly statistical inventory reconciliation analysis system.</p>

**TABLE 8B.T3: PERFORMANCE REGULATIONS FOR LOW SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
T3.2	<ul style="list-style-type: none"> <li>• All land uses in the Industry Land Use Class or any other Land Use Class that involves, as a principal operation, storing, warehousing or processing of hazardous waste/ waste dangerous goods as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>;</li> <li>• Industry, Salvaging Light; and</li> <li>• Industry, Salvaging Heavy.</li> </ul>	<p>(2) In addition to the requirements in subsection (1), the following shall apply to all new land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>:</p> <p>(a) Industrial onsite runoff containment ponds shall be constructed to minimize any seepage into any underlying aquifers;</p> <p>(b) The site shall be prepared with a minimum of one metre of unfractured low permeability soil or the equivalent thereof (<math>1 \times 10^{-7}</math> cm/sec when subjected to a head of 0.305 metres of water); and</p> <p>(c) The site shall be located where the continuous thickness of native material having suitable permeability (minimum average <math>1 \times 10^{-6}</math> cm/sec when subjected to a head of 0.305 metres of water) is 10 metres or greater, or the equivalent.</p> <p>(3) In addition to the requirements in subsection (1), the following shall apply to all new Industry, Salvaging Light and Industry, Salvaging Heavy:</p> <p>(a) The surface runoff management scheme shall incorporate holding tanks, settling ponds or similar retention areas, or equivalent, on site and shall be designed to remove particulate and contaminant levels to meet standards specified by the City for discharge into a storm sewer, storm channel or creek;</p> <p>(b) Site runoff contaminant ponds shall be designed and constructed to minimize seepage into any underlying aquifers; and</p> <p>(c) For all facilities handling and/or storing hazardous materials of any type, the operators shall provide annual soil test reports and/or other early contamination measure reports to the City, as well as to federal and provincial agencies having jurisdiction.</p>	<p>(2) In addition to the requirements in subsection (1), the following shall apply to all new land uses involving, as a principal operation, storing, warehousing, processing or manufacturing of hazardous materials as defined as defined in <i>The Hazardous Substances and Waste Dangerous Goods Regulations</i>:</p> <p>(a) Industrial onsite runoff containment ponds shall be constructed to minimize any seepage into any underlying aquifers;</p> <p>(b) The site shall be prepared with a minimum of one metre of unfractured low permeability soil or the equivalent thereof (<math>1 \times 10^{-7}</math> cm/sec when subjected to a head of 0.305 metres of water); and</p> <p>(c) The site shall be located where the continuous thickness of native material having suitable permeability (minimum average <math>1 \times 10^{-6}</math> cm/sec when subjected to a head of 0.305 metres of water) is 10 metres or greater, or the equivalent.</p> <p>(3) In addition to the requirements in subsection (1), the following shall apply to all new Industry, Salvaging Light and Industry, Salvaging Heavy:</p> <p>(a) The surface runoff management scheme shall incorporate holding tanks, settling ponds or similar retention areas, or equivalent, on site and shall be designed to remove particulate and contaminant levels to meet standards specified by the City for discharge into a storm sewer, storm channel or creek; and</p> <p>(b) Site runoff contaminant ponds shall be designed and constructed to minimize seepage into any underlying aquifers;</p>

**TABLE 8B.T3: PERFORMANCE REGULATIONS FOR LOW SENSITIVITY AQUIFER PROTECTION OVERLAY ZONE**

Sec.	DEVELOPMENT	PERFORMANCE REGULATIONS FOR NEW DEVELOPMENTS	PERFORMANCE REGULATIONS FOR MODIFICATIONS TO EXISTING DEVELOPMENTS
			<p>(c) The site shall be located where the continuous thickness of native material having suitable permeability (minimum average is <math>1 \times 10^{-6}</math> cm/sec when subjected to a head of 0.305 metres of water) is 6 metres or greater, or the equivalent; and</p> <p>(d) All new wastewater sewers, other than those exclusively for domestic wastewater, shall be constructed to force main standards.</p>
T3.3	All land uses in the Dwelling Land Use Class.	Excavations shall not exceed six metres in depth. Where the overburden is less than six metres, the excavations shall not expose the aquifer or reduce the overburden substantially.	
T3.4	Industrial site storm ponds	Clay liners shall be used in all containment ponds.	
T3.5	Waste containment ponds	<p>(1) Impervious liners shall be used for all waste containment.</p> <p>(2) All development applications shall be accompanied by plans to detect contamination of the aquifer.</p>	
T3.6	All land uses other than those in T3.1 to T3.5 of this table.	<p>(1) All new underground storage tanks and all storage tank replacements, <u>at a minimum</u>, shall have ULC 603.1 cathodically protected steel or ULC 615 FRP single-wall tanks and lines, leak detection, over-fill or spill prevention systems, drip trays, in-line vertical check valves, cathodic protection monitoring terminals, a monthly statistical inventory reconciliation analysis, and a daily inventory reconciliation.</p> <p>(2) Excavations shall not exceed six metres in depth. Where the overburden is less than six metres, the excavations shall not expose the aquifer or reduce the overburden substantially.</p>	

## PART 8C

### DEN – RESIDENTIAL DENSITY OVERLAY ZONE

#### 8C.1 INTENT

The Residential Density Overlay zone is intended to allow the City to establish a limit on the amount of Dwelling Units that can be developed in a particular area or development.

#### 8C.2 APPLICATION

- (1) The Residential Density Overlay zone will be applied to control the density of a development relative to what would otherwise be permitted in an area.
- (2) The Residential Density Overlay zone shall only apply to a lot zoned to allow a Dwelling land use.
- (3) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (4) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (5) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (6) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

#### 8C.3 LAND USE REQUIREMENTS

##### 3.1 PERMITTED AND DISCRETIONARY LAND USES

- (1) All permitted uses in the underlying zone are also permitted in this zone.
- (2) All discretionary uses in the underlying zone are also discretionary in this zone.

**3.2 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

**8C.4 DEVELOPMENT STANDARDS**

The development standards of the underlying zone shall apply.

## PART 8D

### FA – FLOOR AREA OVERLAY ZONE

#### 8D.1 INTENT

The Floor Area Overlay zone is intended to modify the floor area of buildings or structures in areas or neighbourhoods where unique conditions or unusual circumstances make the control of floor area ratio necessary to protect public safety, views and light.

#### 8D.2 APPLICATION

- (1) The Floor Area Overlay zone shall be applied to modify the development standard for maximum floor area ratio of a site in an underlying zone, including those sites subject to a floor area ratio density bonus.
- (2) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

#### 8D.3 LAND USE REQUIREMENTS FOR THE FLOOR AREA OVERLAY ZONE

##### 3.1 PERMITTED LAND USES

Subject to section 8D.4, all permitted uses in the underlying zone are also permitted in this zone.



**3.2 DISCRETIONARY LAND USES**

Subject to section 8D.4, all discretionary uses in the underlying zone are also discretionary in this zone.

**3.3 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

**8D.4 DEVELOPMENT STANDARDS FOR THE FLOOR AREA OVERLAY ZONE**

- (1) The development standards of the underlying zone shall apply, except the maximum floor area ratio.
- (2) The maximum floor area ratio permitted for any lands in the Floor Area Overlay zone is determined by the number following the letter “F” as identified on the Zoning Maps.

## PART 8E

### FW – FLOODWAY OVERLAY ZONE

#### 8E.1 INTENT

- (1) The Floodway Overlay zone is intended to:
  - (a) restrict development in areas of the city that, under current conditions, are subject to periodic flooding and accompanying hazards;
  - (b) prohibit new construction or other improvements or developments that would obstruct or divert the flow of water within the floodway will be prohibited; and
  - (c) allow land uses with low flood-damage potential and no obstructing flood flows to the extent that they are not prohibited by other legislation.
- (2) The Floodway Overlay zone implements, in part, the flood zone concepts specified by the Official Community Plan.

#### 8E.2 APPLICATION

- (1) The Floodway Overlay zone shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program, and located within the floodway of the Wascana Creek, Pilot Butte Creek, North Storm Channel, South Storm Channel and Chuka Creek.
- (2) The regulations, standards, and requirements prescribed in Part 8E apply to all land uses and developments in the Floodway zone.
- (3) Nothing in this Bylaw shall be construed as warranting that the areas outside the Floodway Overlay zone boundaries, or land uses permitted within that zone, shall be free from flooding or flood damage.
- (4) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (5) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu

of any regulations, standards and criteria applicable to the underlying zone.

- (6) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (7) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

### **8E.3 LAND USE REQUIREMENTS**

#### **3.1 PERMITTED OR DISCRETIONARY LAND USES**

- (1) Subject to subsection 8E.3.2(2), permitted uses in the underlying zone are also permitted in this zone.
- (2) Subject to subsection 8E.3.3(2), discretionary uses in the underlying zone are also discretionary in this zone.

#### **3.2 PROHIBITED LAND USES**

- (1) All prohibited uses in the underlying zone are also prohibited in this zone.
- (2) All development is prohibited, including:
  - (a) infill;
  - (b) new construction; and
  - (c) substantial improvements to existing structures, except the planting of trees and shrubs.
- (3) Notwithstanding subsection (2), construction or reconstruction of any residential structure, including a dwelling and accessory structure, is prohibited except for:
  - (a) the non-conforming uses permitted by Chapter 1 of this Bylaw and in accordance with The Planning and Development Act, 2007;
  - (b) repairs or improvements which do not increase the habitable gross floor area;
  - (c) repairs or improvements, the cost of which do not exceed 75% of the market value, as evidenced by a certified cost estimate, of the structure either:

- (i) before repair or reconstruction is started; or
  - (ii) if the structure has been damaged, and is being restored, before the damage occurred; and
- (d) repairs or improvements to an identified heritage property, the cost of which shall not be included in the 75% requirement mentioned in subsection 8E.3.2(3)(c).

#### **8E.4 DEVELOPMENT STANDARDS**

The development standards of the underlying zone shall apply to this zone.

## PART 8F

### H – HOLDING OVERLAY ZONE

#### 8F.1 INTENT

The Holding Overlay zone is intended to:

- (a) retain lands or buildings for specific future uses; and
- (b) be used as one of the mechanisms for implementing the *Official Community Plan* policy to permit future development only in serviced areas, or areas where the economic extension of infrastructure is feasible; and
- (c) permit development only after *Council* has removed the overlay to support development on the lands

#### 8F.2 APPLICATION

- (1) The Holding Overlay zone will be applied by Council to specify the use to which lands or buildings may be put after the holding symbol is removed in accordance with section 71 of *The Planning and Development Act, 2007*.
- (2) The Holding Overlay zone is intended to be applied after the adoption or approval of a relevant:
  - (a) planning study;
  - (b) concept plan; or
  - (c) subdivision plan.
- (3) Unlike the Urban Holding zone mentioned in Subpart 7C, the planned use of lands in this zone is determined at the time the zone is designated.
- (4) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (5) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (6) In the event of conflict between the requirements of the overlay zone and

those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.

- (7) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

### **8F.3 LAND USE REQUIREMENTS**

No development shall occur while the Holding Overlay zone designation is in place.

## PART 8G

### HT – HEIGHT OVERLAY ZONE

#### 8G.1 INTENT

The Height Overlay zone is intended to modify the height of buildings or structures in areas with unique conditions, special circumstances, or where relaxed development standards are appropriate.

#### 8G.2 APPLICATION

- (1) The Height Overlay zone shall be used to modify the development standard for maximum height of buildings in metres in the underlying zone.
- (2) The Height Overlay zone shall apply to the following:
  - (a) all development on properties that are within the horizontal surface of the outer limits, approach surfaces or transitional surfaces, as defined in the *Aeronautics Act, 1985* and *Regina Airport Zoning Regulations*. The applicable area is shown in Figure 8G.F.1 for reference purposes only.
  - (b) lands in the vicinity of the Wascana Centre, as shown in Figure 8G.F.2 for reference purposes only;
  - (c) any other area at the approval of Council.
- (3) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (4) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (5) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (6) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

(#2023-23, s. 84, 2023)





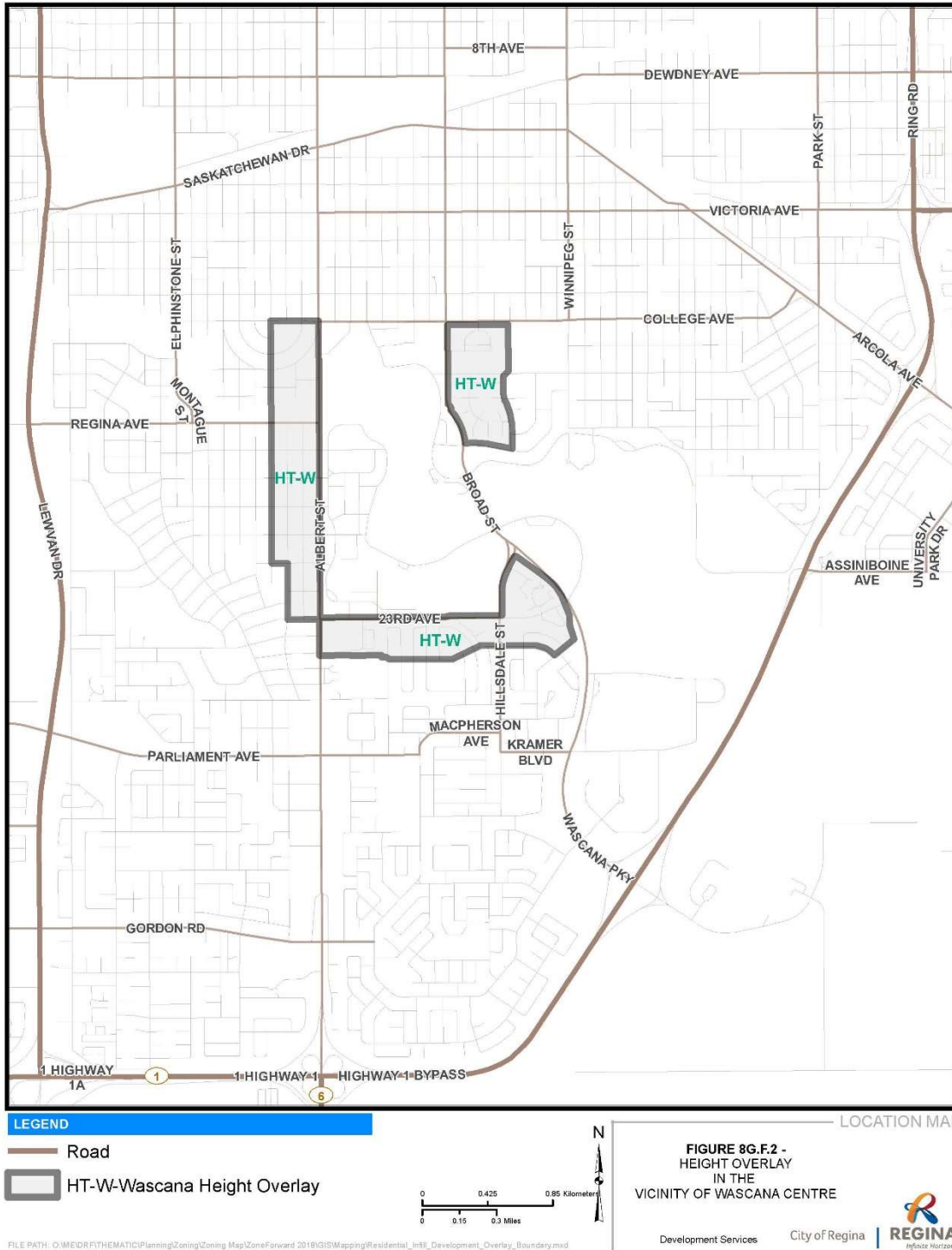


Figure 8G.F.2: Height Overlay Area in the Vicinity of the Wascana Centre (#2024-23, s. 9, 2024)

**8G.3 LAND USE REQUIREMENTS**

**3.1 PERMITTED LAND USES**

All permitted uses in the underlying zone are also permitted in this zone.

**3.2 DISCRETIONARY LAND USES**

All discretionary uses in the underlying zone are also discretionary in this zone.

**3.3 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

**8G.4 DEVELOPMENT STANDARDS**

- (1) The development standards of the underlying zone shall apply, except the maximum height standard for buildings.
- (2) No building or structure in the vicinity of the Regina International Airport shall exceed the elevation of the horizontal surface of the outer limits, approach surfaces or transitional surfaces, as defined in the *Aeronautics Act, 1985* and *Regina Airport Zoning Regulations*.
- (3) In the vicinity of Wascana Centre, the maximum permitted height shall be 20 metres. Any development exceeding 20 metres in height shall be considered as a discretionary use subject to review by and include consultation with the Provincial Capital Commission.
- (4) In areas not identified under subclause 8G.4(2) or 8G.4(3) the maximum height shall be determined by the Development Officer.
- (5) Notwithstanding subclauses 8G.4(2), 8G.4(3) and 8G.4(4), where the maximum height of the underlying zone is lower than the maximum height of the Height Overlay zone, the maximum height of the underlying zone shall apply.

(#2021-2, s.82, 2021; #2024-23, s. 8, 2024)

## 8G.5 ADDITIONAL DEVELOPMENT STANDARDS

Any application for a development permit on lands subject to clause 8G.2(2)(a) may be required to be accompanied by either or both of the following:

- (a) approval from Transport Canada, Nav Canada, and the Regina Airport Authority, indicating that these entities have reviewed the proposed development and it does not contravene the *Aeronautics Act, 1985* and *Regina Airport Zoning Regulations*, or planned infrastructure; or
- (b) certification by a professional engineer or architect licensed to practice in Saskatchewan, confirming that the proposed development complies with the height requirements of the *Aeronautics Act, 1985* and *Regina Airport Zoning Regulations* or planned infrastructure.

(#2020-33,s.104,2020)

**PART 8H  
LGS – LANEWAY AND GARDEN SUITE PILOT  
PROJECT**

Repealed (#2022-41, s. 32, 2022)

## PART 8I

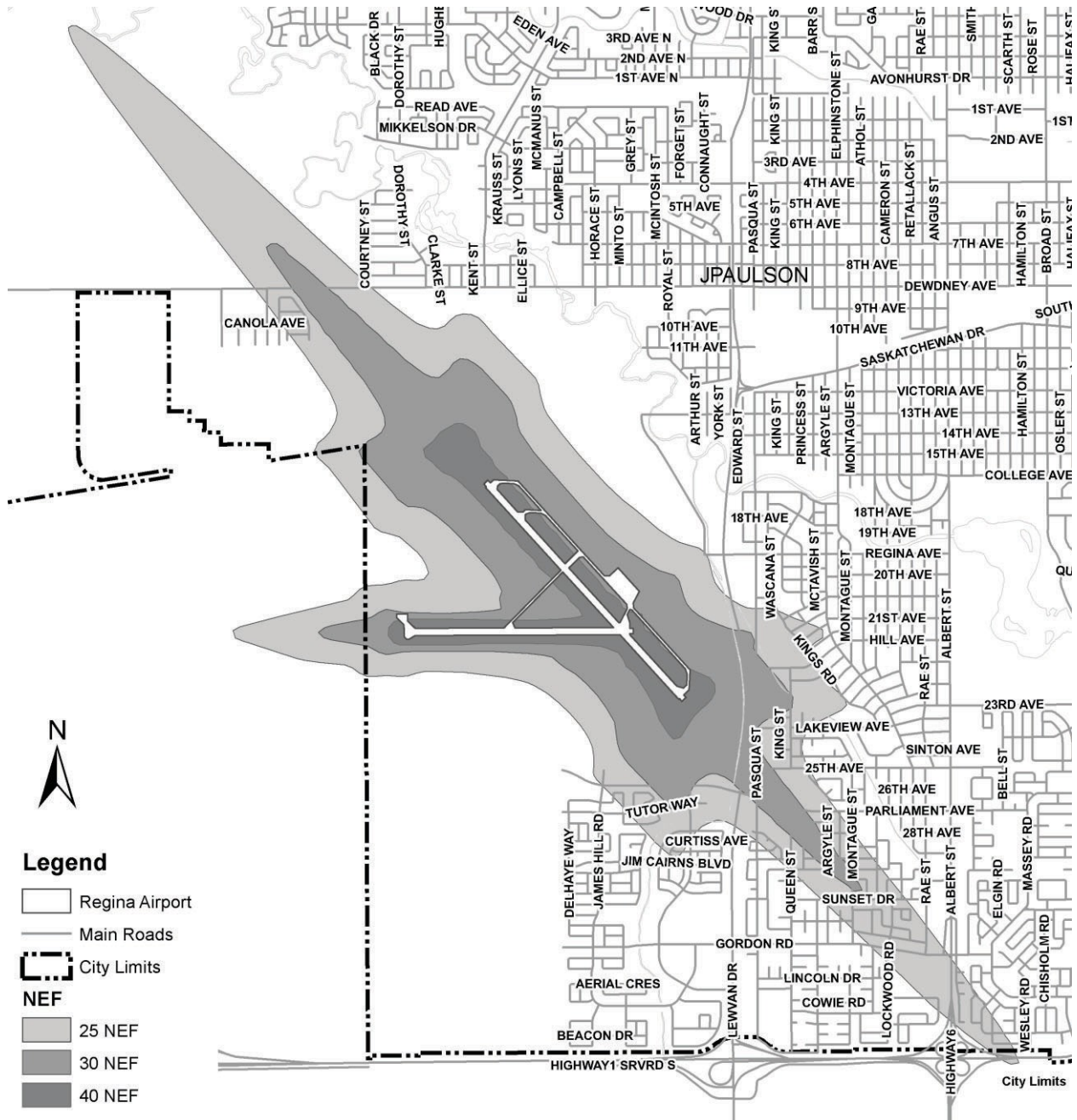
# NEF – NOISE EXPOSURE FORECAST OVERLAY ZONE

### 8I.1 INTENT

The Noise Exposure Forecast Overlay zone is intended to ensure that no dwellings are developed within certain noise exposure forecast (NEF) contours, as stipulated by the *Official Community Plan*.

### 8I.2 APPLICATION

- (1) The provisions of this subpart shall apply to all properties that fall entirely or partially within the area of the 30 Noise Exposure Forecast (NEF) contour or higher [as per the Noise Exposure Projection (NEP) for 2024, or as may be amended by Transport Canada from time to time].
- (2) For reference purposes only, a depiction of the noise exposure forecast contours are shown in Figure 8I.F.1.
- (3) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (4) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (5) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (6) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.



**Figure 8I.F.1: Noise Exposure Forecast (NEF) Contours [as per Noise Exposure Projection (NEP) for 2024]**

## **8I.3 LAND USE REQUIREMENTS**

### **3.1 PERMITTED AND DISCRETIONARY LAND USES**

- (1) All permitted uses in the underlying zone are also permitted in this zone, except as noted in subsection 8I.3.2(1).
- (2) All discretionary uses in the underlying zone are also discretionary in this zone, except as noted in subsection 8I.3.2(1).

### **3.2 PROHIBITED USES**

All dwelling units are prohibited within the 30 NEF and 40 NEF contour areas.

## **8I.4 DEVELOPMENT STANDARDS**

The development standards of the underlying zone shall apply.

## PART 8J

# PL – PIPELINE CORRIDOR SETBACK OVERLAY ZONE

### 8J.1 INTENT

The Pipeline Corridor Setback Overlay zone is intended to establish a minimum setback requirement for permanent buildings and structures located on properties adjacent to existing or future pipeline corridors to ensure that new developments in proximity to pipeline facilities do not affect the safety and integrity of those facilities or endanger the safety of the public.

### 8J.2 APPLICATION

- (1) The provisions of this subpart shall apply to all new development on properties located adjacent to a pipeline corridor.
- (2) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

### 8J.3 LAND USE REQUIREMENTS

#### 3.1 PERMITTED AND DISCRETIONARY LAND USES

- (1) All permitted uses in the underlying zone are also permitted in this zone.



- (2) All discretionary uses in the underlying zone are also discretionary in this zone.

### **3.2 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

### **8J.4 DEVELOPMENT STANDARDS**

- (1) The development standards of the underlying zone shall apply, except for the application of minimum yard setbacks.
- (2) Pursuant to subsection 8J.4(1), for lots directly adjacent to a registered pipeline corridor, the minimum yard setback shall be as follows:
  - (a) The minimum setback of a permanent building or structure shall be 7.0 metres from any property/lot line adjacent to the pipeline corridor.
  - (b) The minimum setback for an accessory or non-permanent structure shall be 3.0 metres from any property/lot line adjacent to the pipeline corridor.
  - (c) Where there are multiple pipelines, the Development Officer may conduct a quantitative risk assessment in order to determine an appropriate setback.
- (3) Where the applicable minimum setback standards for the underlying zone are greater than the standards established in subsection 8J.4(2), the standards of the underlying zone shall apply.

### **8J.5 FENCE REQUIREMENT**

- (1) A fence shall be erected along the lot line adjacent to the pipeline corridor. Such a fence shall have a minimum height of 1.83 metres.
- (2) The subject property owner is required to maintain the fence in perpetuity.

## PART 8K

# RID – RESIDENTIAL INFILL DEVELOPMENT OVERLAY ZONE

### 8K.1 INTENT

Residential Infill Development Overlay zone is intended to establish specific requirements for buildings and structures located within Regina's infill boundary.

### 8K.2 APPLICATION

- (1) The Residential Infill Development Overlay zone shall apply to all lots within the area of the infill boundary as shown on the Figure 8K.F.12.
- (2) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.
- (6) In addition to the development standards in subpart 8K.4, every development permit application relating to a use or development in the Residential Infill Development Overlay zone shall also be evaluated with respect to the manner in which the proposed use or development conforms to the regulations prescribed in subpart 8K.5.
- (7) Notwithstanding section 1E.3.8 (1) of Chapter 1, if the Development Officer concludes that an application for a development permit in the Residential Infill Development Overlay zone is not in conformity with the regulations prescribed in subpart 8K.5, the Development Officer shall not issue development permit but may, upon request of the applicant, refer the application to City Council for reconsideration as a discretionary use.

## **8K.3 LAND USE REQUIREMENTS**

### **3.1 PERMITTED AND DISCRETIONARY LAND USES**

- (1) All permitted uses in the underlying zone are also permitted in this zone.
- (2) All discretionary uses in the underlying zone are also discretionary in this zone.

### **3.2 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

## **8K.4 DEVELOPMENT STANDARDS**

### **4.1 FRONT YARD SETBACK**

- (1) For a proposed building containing four units or less on a lot zoned Residential, the following conditions shall apply in determining front yard setback to the non-garage portion of the proposed building:
  - (a) where both next-door lots are zoned Residential, the front yard setback to the non-garage portion of the proposed building shall be:
    - (i) at least the average of the actual front yard setbacks of the next-door lots; and
    - (ii) to a maximum of the farthest front yard setback from the property line of a next-door lot (see Figure 8K.F1).
  - (b) where there is only one next-door lot that is zoned Residential, the front yard setback to the non-garage portion of the proposed building shall be between plus or minus one metre of the front yard setback of the next-door lot;
  - (c) where neither of the next-door lots is zoned Residential or does not contain a principal building the front yard setback to the non-garage portion of the proposed building shall be between the minimum required front yard setback of the underlying zone and 6 metres;
  - (d) notwithstanding clauses 8K.4.1(1)(a), (b) and (c), in no case shall the front yard setback of the proposed building be less than 3.0 m.
- (2) For a proposed building containing four units or less on a lot zoned Residential, the front yard setback to the garage portion shall be the farthest of:
  - (a) 6.0 metres; or

- (b) the minimum front yard setback established in subsection 8K.4.1(1) (see Figure 8K.F1).
- (3) Where a building is proposed pursuant to subsections 8K.4.1(1) and (2):
  - (a) the drawings submitted as part of the development permit application shall indicate front yard setback of the proposed building;
  - (b) the applicant shall submit a surveyor’s certificate showing the actual front yard setback(s) of the next-door lot(s); and
  - (c) notwithstanding clause 8K.4.1(3)(b) for the purpose of establishing a front yard setback to accommodate an uncovered deck, the Development Officer may consider a surveyor’s certificate, verified measurements provided by the applicant, aerial photographs, photos or other information.”

(#2020-33, s.105-106, 2020)(#2021-2, s.83, 2021)

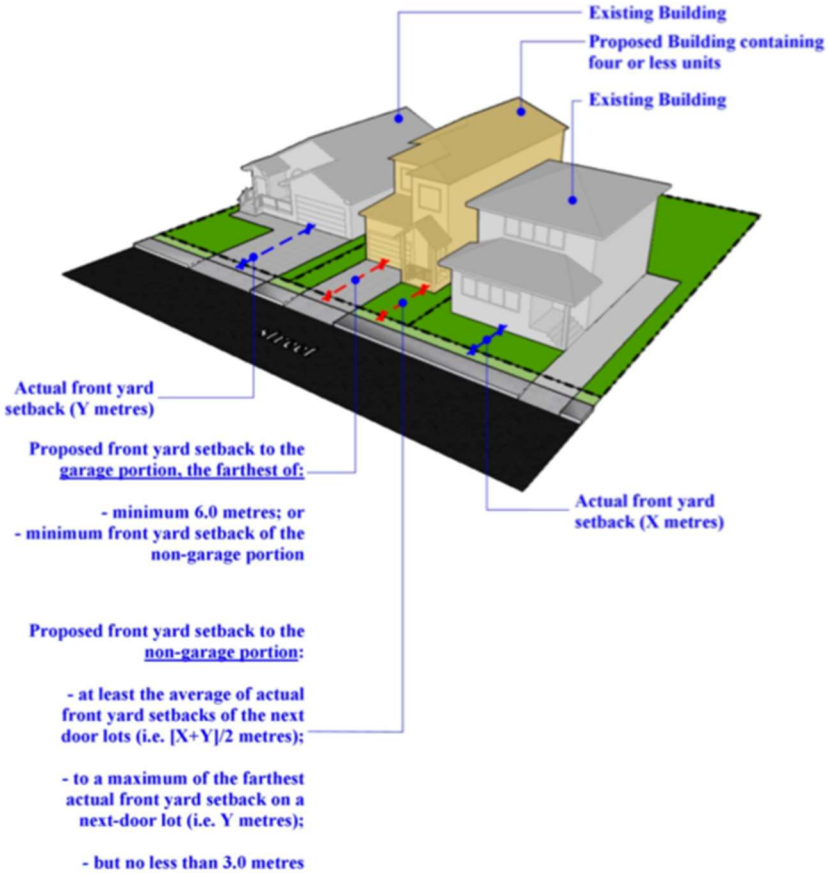


Figure 8K.F1: Illustration of Front Yard Setback

(#2020-33, s.107, 2020)

## 4.2 BUILDING HEIGHT

- (1) For a proposed building containing four units or less on a lot zoned Residential, the maximum building height shall be the greater of:
  - (a) 8.5 metres; or
  - (b) the average of the actual building height of all existing principal buildings on the same block face as the proposed development (see Figure 8K.F2).
- (2) Where a development is proposed pursuant to subsection 8K.4.2(1):
  - (a) the drawings submitted as part of the development permit application shall indicate the height of the proposed building; and
  - (b) the average building height of existing principal buildings on the block face shall be determined based on estimates established by the Development Officer or, if the applicant disagrees with the Development Officer's estimate, based on surveyor's certificates submitted by the applicant showing the actual building height of each principal building on the same block face as the proposed development.
  - (c) "All development" in RL – Residential Low-Rise Zone or RH – Residential High-Rise Zone is exempted from subsection 8K.4.2 (1).
- (3) Notwithstanding subsection (1), for a proposed residential building within an area of the Hillsdale Neighbourhood that is subject to a 7.5 metre height limitation, as identified in the Hillsdale Neighbourhood Land-Use Plan (The Official Community Plan, Part B.20), the maximum building height shall be 7.5 metres

(#2023-23, s. 85, 2023, #2023-29, s.5, 2023; 2024-4, s. 26-27, 2024)

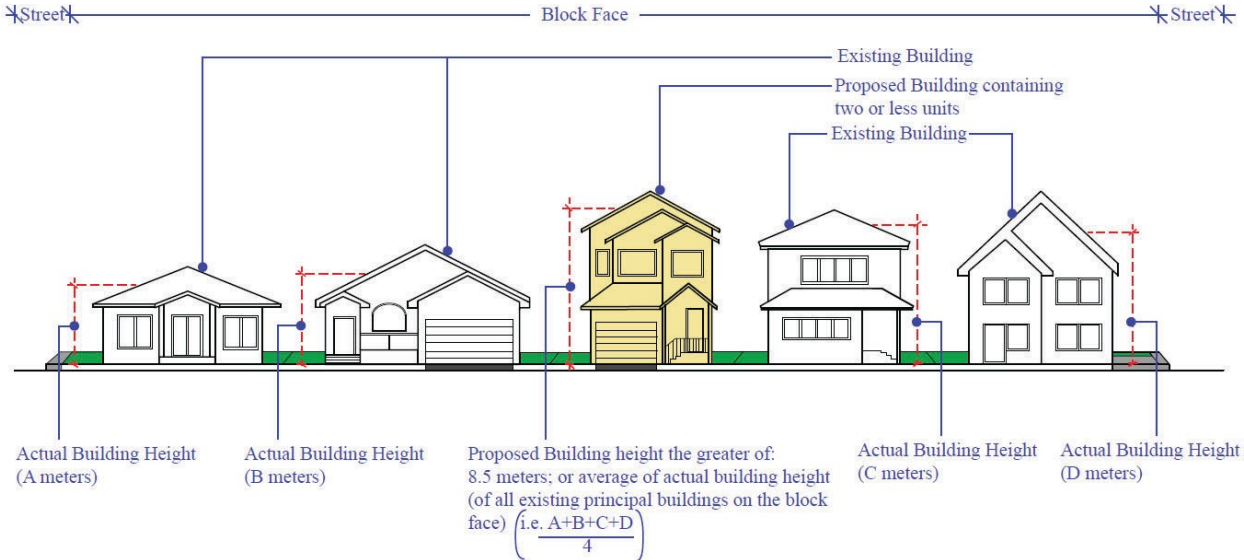


Figure 8K.F2: Illustration of Building Height

4.3 HEIGHT EXCEPTIONS

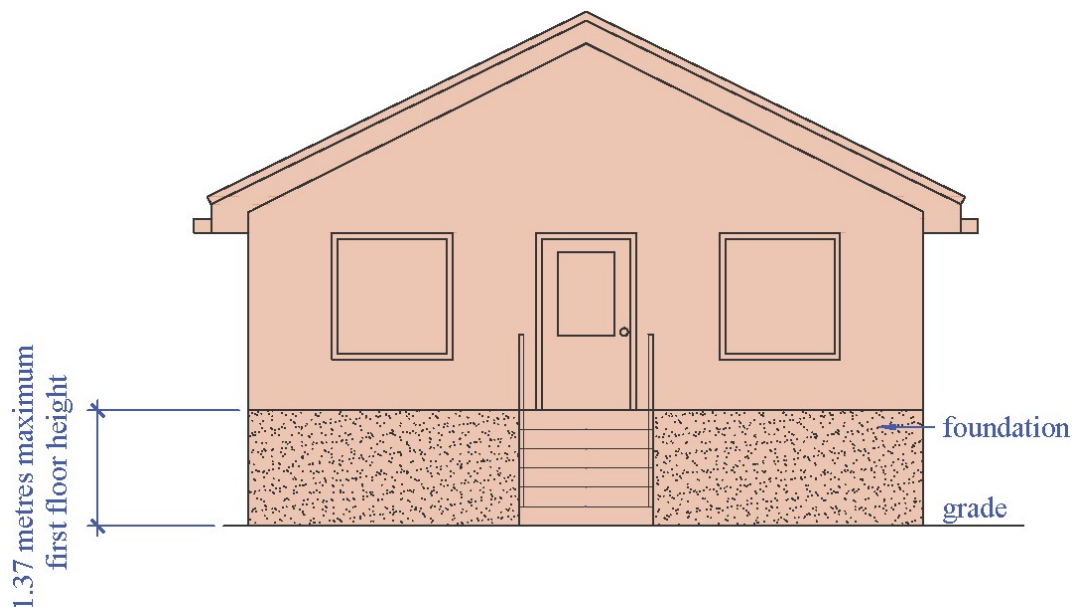
- (1) Subject to subsection 8K.4.3(2), the height limitation prescribed in subsection 8K.4.2(1) shall not apply to any of the following:
  - (a) a spire;
  - (b) a belfry;
  - (c) a cupola;
  - (d) a dome;
  - (e) a chimney;
  - (f) a ventilator;
  - (g) a skylight;
  - (h) a water tank;
  - (i) a bulkhead;
  - (j) a communication antenna;
  - (k) solar panel; or

- (1) any features or mechanical appurtenances, usually situated above the roof level, that is, in the opinion of the Development Officer, similar to the above list.
- (2) The features mentioned in subsection 8K.4.3(1):
  - (a) may not include an elevator or staircase enclosure, or a mechanical penthouse;
  - (b) may not be used for human habitation; and
  - (c) shall be erected only to such minimum height or to accomplish the purpose they are to serve.

(#2023-23, s. 86, 2023)

#### 4.4 FIRST FLOOR HEIGHT

- (1) The height of the first floor of a proposed building containing four Dwelling Units or less on a lot zoned Residential, when measured from grade, shall be no more than 1.37 metres above grade (see Figure 8K.F3).
- (2) In the case of a building constructed pursuant to subsection 8K.4.4(1), the drawings submitted as part of the development permit application shall indicate the height of the first floor from grade.



**Figure 8K.F3: Illustration of First Floor Height**

**4.5 SIDE YARD SETBACK**

- (1) For a proposed building containing four Dwelling Units or less on a lot zoned Residential, where lot frontage is less than 10.0 metres:
  - (a) the minimum side yard setback on one side shall be 1.2 metres; and
  - (b) the minimum side yard setback on the other side shall be 0.6 metres.
- (2) For all other proposed building types, the standards of the underlying zone shall apply.

**8K.5**

Repealed (2024-9, S. 219, 2024)



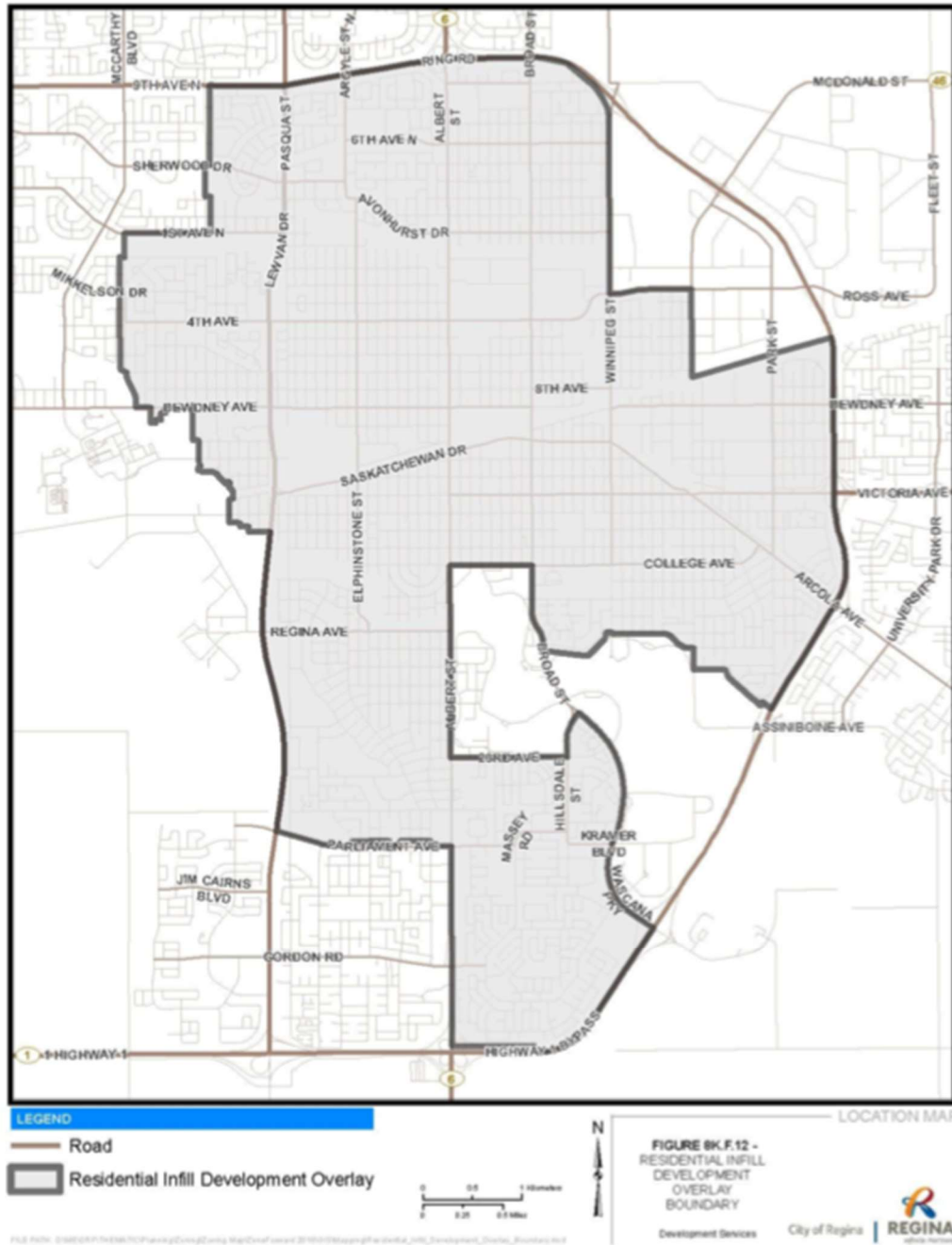


Figure 8K.F.12: Residential Infill Development Overlay Boundary Map

(#2020-33, s.109, 2020)

## PART 8L

### RS – RAILWAY SETBACK OVERLAY ZONE

#### 8L.1 INTENT

- (1) The Railway Setback Overlay zone is intended to establish setback requirements for residential buildings and structures located on properties adjacent to existing or future rail rights-of-way.
- (2) The setback is intended to provide adequate safeguards from potential conflicts between rail rights-of-way and residential buildings and structures to manage public safety and noise attenuation.

#### 8L.2 APPLICATION

- (1) The Railway Setback Overlay zone shall apply to any lot where a dwelling may be developed that is within the close proximity to a lot that contains existing or future rail rights-of-way.
- (2) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

#### 8L.3 LAND USE REQUIREMENTS

##### 3.1 PERMITTED AND DISCRETIONARY LAND USES

- (1) All permitted uses in the underlying zone are also permitted in this zone.

- (2) All discretionary uses in the underlying zone are also discretionary in this zone.

### 3.2 PROHIBITED LAND USES

All prohibited uses in the underlying zone are also prohibited in this zone.

### 8L.4 DEVELOPMENT STANDARDS

- (1) Subject to subsection 8L.4(2), the development standards of the underlying zone will apply, except for the application of minimum yard setbacks.
- (2) Pursuant to subsection 8L.4(1), for lots adjacent to railway operations, the minimum principal building setback from the property line of the lot containing the railway operations shall be as specified in the applicable secondary plan, concept plan or as follows where not specified in a secondary plan or concept plan:
  - (a) where a lot is adjacent to a freight rail yard, the minimum building setback shall be 300 metres to the nearest building face;
  - (b) where a lot is adjacent to a main rail line, the minimum building setback shall be 30 metres to the nearest building face; and
  - (c) where a lot is adjacent to a branch or spur rail line, the minimum building setback shall be 15 metres to the nearest building face.
- (3) Where a main line, branch line, and/or spur line are co-located on the same section of a lot, the larger setback distance in subsection 8L.4(2) shall apply.
- (4) Where the minimum setback requirements are not specified in a secondary plan or concept plan, the Development Officer may reduce the minimum setback requirements in subsection 8L.4(2) where:
  - (a) on an existing vacant lot, development conforms to the standards of the underlying zone, and
    - (i) the applicant can demonstrate to the Development Officer's satisfaction that other appropriate mitigation measures are in place; or
    - (ii) a Development Viability Assessment conducted by a registered Planner or Engineer is provided; or
  - (b) redevelopment of an existing site does not reduce the previously approved setback for the existing principal building on site from the property line of the lot containing the railway operations.

(#2024-9, s. 220, 2024)

- (5) Where the applicable setback standards for the underlying zone are greater than the standards established in subsection 8L.4(2), the standards of the underlying zone shall apply.

(#2022-30, s. 113, 2022)

## PART 8M

### LA – LANE ACCESS OVERLAY ZONE

#### 8M.1 INTENT

The Lane Access Overlay zone is intended to allow flexibility regarding front and lane access to residential lots on a block face.

#### 8M.2 APPLICATION

- (1) The Lane Access Overlay zone shall apply:
  - (a) to lots zoned residential; and
  - (b) on an entire block face identified through the zoning amendment application review as being appropriate for having both front and lane access with due consideration to the utilization of infrastructure, surrounding land uses, safety or other factors deemed necessary by the City.
- (2) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

(#2020-33, s.110, 2020)

### **8M.3 LAND USE REQUIREMENTS**

#### **3.1 PERMITTED AND DISCRETIONARY LAND USES**

- (1) All permitted uses in the underlying zone are also permitted in this zone.
- (2) All discretionary uses in the underlying zone are also discretionary in this zone.

#### **3.2 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

### **8M.4 DEVELOPMENT STANDARDS**

- (1) The development standards of the underlying zone shall apply.
- (2) Where a lot contains a building with access to the required parking provided from the fronting street, the development standards of the underlying zone applicable to lots without rear lane access shall apply, regardless of whether the lot also has lane access.
- (3) Pursuant to subsection 2(4) of this Subpart, Lots 1-26 of Block 104 and Lots 7-12, of Block 103, in the Rosewood Park Subdivision are exempt from complying with subclause 3B.6.3(4)(b)(iii).

(#2020-38, S.4, 2020)

### **8M.5 PARKING AND LOADING**

Notwithstanding the parking requirements of the underlying zone, lots with a lane are permitted to have access from:

- (a) the fronting street;
- (b) the lane; or
- (c) both the fronting street and the lane.

## PART 8N

### FF – FLOODWAY FRINGE OVERLAY ZONE

#### 8N.1 INTENT

- (1) The Floodway Fringe Overlay zone is intended to:
  - (a) reduce flood losses by prescribing performance regulations and special review procedures for the development of residential and non-residential structures; and
  - (b) allow development that complies with relevant flood proofing regulations.
- (2) The Floodway Fringe Overlay zone implements, in part, the floodplain concepts specified by the *Official Community Plan*.
- (3) The zone boundaries are amended from time to time subject to approval by the applicable agency of the Province of Saskatchewan. Nothing in this Bylaw shall be construed as warranting that the areas outside the Floodway and Floodway Fringe Overlay Zone boundaries, or land uses permitted within those zones, shall be free from flooding or flood damage.

#### 8N.2 APPLICATION

- (1) The Floodway Fringe Overlay zone shall apply to all areas of the City identified under the Canada/Saskatchewan Flood Damage Reduction Program, and located within the floodway fringe of the Wascana Creek, Pilot Butte Creek, North Storm Channel, South Storm Channel and Chuka Creek.
- (2) The regulations, standards, and requirements prescribed in Part 8N apply to all land uses and developments in the Floodway Fringe Overlay zone.
- (3) The overlay zone shall be in addition to and shall overlay all other zones where it is applied so that any parcel of land lying in the overlay zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the overlay zone.
- (4) Unless specifically exempted, the regulations, standards and criteria of the overlay zone shall also supplement and be applied in addition but not in lieu of any regulations, standards and criteria applicable to the underlying zone.

- (5) In the event of conflict between the requirements of the overlay zone and those of the underlying zone, the overlay zone requirements shall apply, unless specifically exempted.
- (6) In the event of conflict between the requirements of this overlay zones and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

### **8N.3 LAND USE REQUIREMENTS**

#### **3.1 PERMITTED OR DISCRETIONARY LAND USES**

- (1) Permitted uses in the underlying zone are also permitted in this zone.
- (2) Discretionary uses in the underlying zone are also discretionary in this zone.

#### **3.2 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

### **8N.4 DEVELOPMENT STANDARDS**

The development standards of the underlying zone shall apply to this zone.

### **8N.5 ADDITIONAL REGULATIONS**

All developments in this zone shall comply with the flood proofing regulations in the Building Bylaw.



## PART 80

### ARN – AL RITCHIE NEIGHBOURHOOD OVERLAY ZONE

#### 80.1 INTENT

The Al Ritchie Neighbourhood Overlay Zone (ARN Overlay Zone) is intended to establish specific requirements for buildings located within the policy area of the Al Ritchie Neighbourhood Plan (Part B.19 of the *Design Regina: The Official Community Plan Bylaw No. 2013-48*).

#### 80.2 APPLICATION

- (1) The ARN Overlay Zone shall apply to all lots within the Al Ritchie Neighbourhood, as shown in the Al Ritchie Neighbourhood Plan and Figure 80.F1.
- (2) The ARN Overlay Zone shall be in addition to, and shall overlay, all other zones that apply so that any parcel of land lying in the ARN Overlay Zone shall also lie in one or more of the other zones provided for by this Bylaw. The effect is to create a new zone, which has the characteristics and limitations of the underlying zones, together with the characteristics and limitations of the ARN Overlay Zone.
- (3) Unless specifically exempted, the regulations, standards and criteria of the ARN Overlay Zone shall supplement, and be applied in addition to, but not in lieu of, any regulations, standards and criteria applicable to the underlying zone.
- (4) In the event of conflict between the requirements of the ARN Overlay Zone and those of the underlying zone, the ARN Overlay Zone requirements shall apply, unless specifically exempted.
- (5) In the event of conflict between the requirements of ARN Overlay Zone and another overlay zone, the overlay zone with the most stringent requirements shall apply, unless specifically exempted.

## **80.3 LAND USE REQUIREMENTS**

### **3.1 PERMITTED AND DISCRETIONARY LAND USES**

All permitted and discretionary uses in the underlying zone also apply in this zone, with the following exceptions:

Retail Trade, Fuel Station (excepting 935 Victoria Avenue); Service Trade, Motor Vehicle; Service Trade, Wash; Drive-Through; Transportation, Parking Lot shall be prohibited from locating along Victoria Avenue, west of Arcola Avenue.

### **3.2 PROHIBITED LAND USES**

All prohibited uses in the underlying zone are also prohibited in this zone.

## **80.4 DEVELOPMENT STANDARDS**

### **4.1 HEIGHT STANDARDS**

- (1) The maximum height of buildings shall be in accordance with Figure 8O.F2.
- (2) Notwithstanding clause 8O.4.1(1), for a proposed building within the Low-Density Area, as shown in Figure 8O.F1, the maximum building height shall be the greater of: the requirements of Figure 8O.F2, or the average of the actual building height of all existing principal buildings on the same block face as the proposed development.
- (3) Notwithstanding clauses 8O.4.1(1) and (2):
  - (a) For the areas shown on Figure 8O.F2 that have a height limit of 8.5 metres, and are located along Winnipeg Street and north of 14th Avenue, the maximum height limit shall be 7.5 metres for corner lots.
  - (b) Within the 6.5 metre height area (Arnhem Place subdivision), as shown in the Al Ritchie Neighbourhood Plan and Figure 8O.F1, existing buildings that are greater than 6.5 metres in height may be rebuilt/ replaced to a maximum of 7.5 metres in height.
  - (c) The height limits shown on Figure 8O.F2 shall not apply to the following land-uses: Assembly, Religion; Institution, Education.

## 4.2 HEIGHT EXCEPTIONS

- (1) Subject to subsection 8O.4.2(2), the height limitation mentioned in subsection 8O.4.1 shall not apply to any of the following:
  - (a) spire; belfry; cupola; dome; chimney; ventilator; skylight; water tank; bulkhead; communication antenna;
  - (b) any features or mechanical appurtenances, usually situated above the roof level, that is, in the opinion of the Development Officer, similar to the above list.
- (2) The features mentioned in subsection 8O.4.2(1):
  - (a) may not include an elevator or staircase enclosure, or a mechanical penthouse;
  - (b) may not be used for human habitation; and
- (a) shall be erected only to such minimum height or to accomplish the purpose they are to serve.

## 4.3 ARNHEM-ASSINIBOIA PLACE SUB-AREA

- (1) Within the area identified as Arnhem Place and Assiniboia Place, as shown in the Al Ritchie Neighbourhood Plan and Figure 8O.F1:
  - (a) The maximum finished floor height of the first/ ground floor shall be 1.2 metres above established grade.
  - (b) The depth (length) of buildings shall not exceed 15 metres.

**Figure 8O.F1: Land-Use Map**

Note: This map is for reference purposes only – in relation to the applicable clauses of this Part.

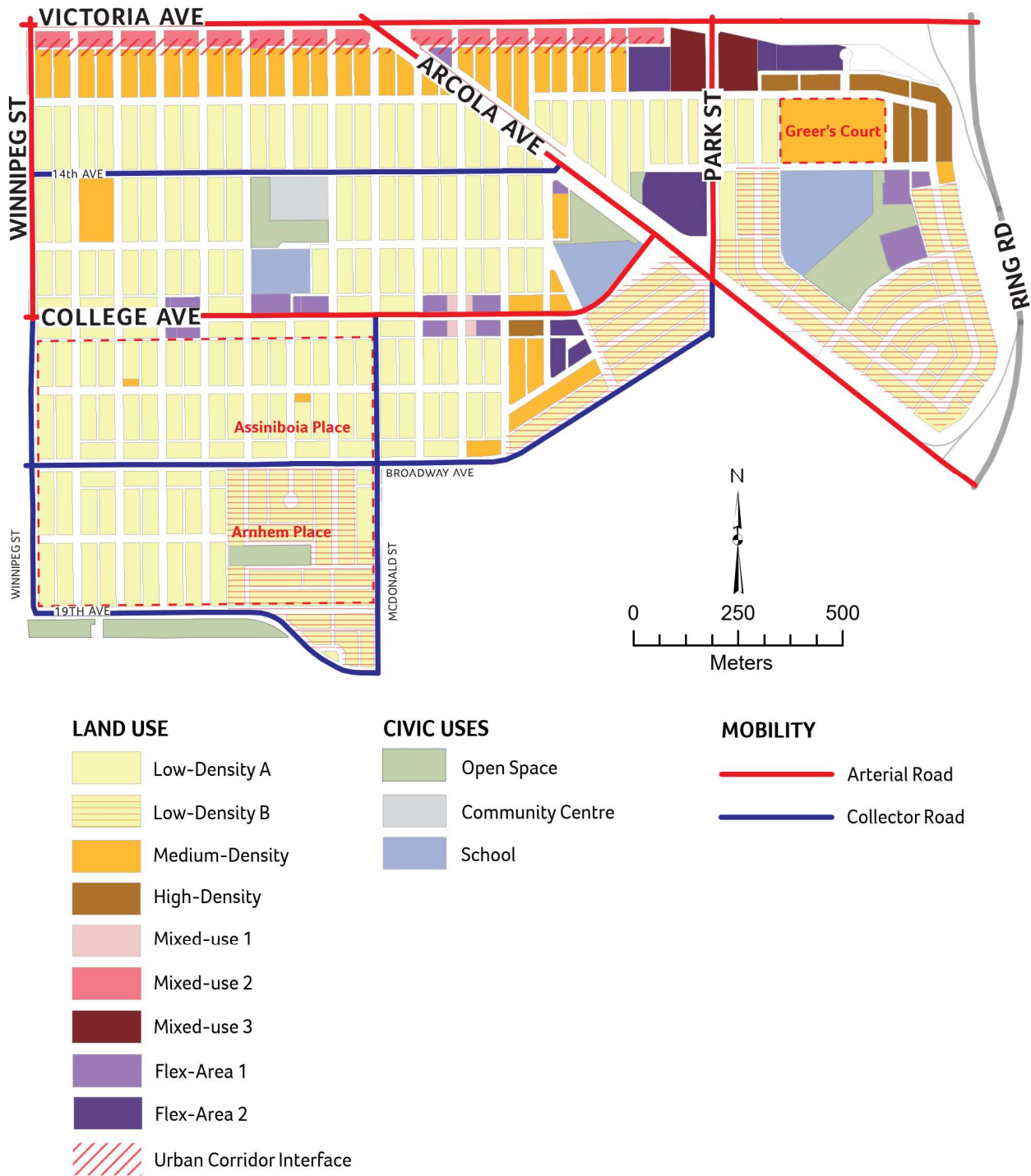


Figure 80.F2: Height Limits Map

