



TOWN OF KYLE

Zoning Bylaw

DRAFT



1 INTRODUCTION

1.1 AUTHORITY

Under the authority of *The Planning and Development Act, 2007* (the Act), and Bylaw No. XX, the Official Community Plan of the Town of Kyle, the Council of the Town of Kyle in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.2 TITLE

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

1.3 PURPOSE

1. This is a Bylaw to regulate development and to control the use of land in the Town of Kyle in accordance with the Official Community Plan for the Town of Kyle.
2. The intent of this Bylaw is to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the Town:
 - a. to minimize land use conflicts
 - b. to establish minimum standards to maintain the amenity of the Town
 - c. to ensure development is consistent with the physical limitations of the land
 - d. to restrict development that places undue demand on the Town's infrastructure.

1.4 SCOPE

Development shall be permitted within the limits of the Town of Kyle only when in conformity with the provisions of this Bylaw subject to the right of appeal provisions of the Act.

1.5 SEVERABILITY

If any section, clause or provision of this Bylaw, including anything shown on the *Zoning Map*, is for any reason declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw in whole or in part, other than the section, clause, provision or anything shown on the *Zoning Map*, declared to be invalid.

2 INTERPRETATION

2.1 RULES OF INTERPRETATION

1. Where reference is made to other legislation or documents, the reference is to the legislation or documents as amended from time to time.
2. The words “shall”, “must” and “is” require mandatory compliance except in cases where a variance has been granted pursuant to the Act.
3. Where a regulation involves two or more conditions, provisions or events connected by the word “and” means that all the connected items shall apply in combination.
4. Where a regulation involves two or more conditions, provisions or events connected by the word “or” means that the connected items may apply individually.
5. Words, phrases, and terms not defined in this section may be given their definition in the Act or the National Building Code. Other words shall be given their customary meaning.

2.2 LAND USE DISTRICT BOUNDARIES

1. Where a zoning district boundary is shown on the Zoning District Map as approximately following a property line, it follows the property line or lease boundary in the case of a Municipal, Provincial or Federal lease.
2. Where a zoning district boundary is shown on the Zoning District Map as the Town of Kyle municipal boundary, it follows the Town of Kyle municipal boundary.
3. Where a zoning district boundary is shown on the Zoning District Map as approximately following a road, lane, railway, pipeline, power line, utility right of way, or easement, it follows the centre line, unless otherwise clearly indicated on the Zoning District Map.
4. In circumstances not defined above, the zoning district boundary shall be determined by the Development Officer measuring the boundary from some known location on the Zoning District Map.
5. When any road or lane is closed, it has the same districting as the abutting land. When different districts govern abutting lands, the centre of the road or lane is the zoning district boundary unless the zoning district boundary is shown clearly following the edge of the road or lane. If the road or lane is consolidated with an adjoining lot, that lot’s district designation applies to affected portions of the closed road or lane.

2.3 DEFINITIONS

Whenever in this bylaw the following words or terms are used, they shall, unless the context otherwise provides, be held to have the following meaning:

Abattoir, A facility where animals are slaughtered, most often to provide food for people. Slaughterhouses supply meat, which then becomes the responsibility of a packaging facility.

Accessory Building or Use, A building or use which:

1. is subordinate to and serves the principal building or principal use;
2. is subordinate in area, extent, and purpose to the principal building or principal use served;
3. contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and,

4. is located on the same site as the principal building or principal use served.

Act, *The Planning and Development Act, 2007*, as amended from time to time.

Adjacent, Land or portion of land that shares a property line with another site and includes land or a portion of land that would be contiguous if not for a river, stream, railway, road or utility right of way or reserve land.

Administrator, The Administrator of the Town of Kyle.

Agricultural Supply Establishment, An establishment that sells goods and materials which directly support agricultural uses such as the tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials; the grazing, breeding, raising, boarding or training of all kinds of livestock and poultry including but not limited to cattle, swine, sheep, deer, goats, rabbits, poultry, horses, ponies, donkeys, mules and fur bearing animals; aquaculture; apiaries; the erection and use of greenhouses, vine crops, woodlots and forest tree uses; and the packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture.

Alter or Alteration, Any structural change in, or addition to, a building or structure and shall include a change from one type of use to another.

Ancillary Use, A use that is secondary and subordinate in size, extent and purpose to the principal use on the same site but is not necessary for the operation of the principal use on that site.

Apartment, A building divided into three or more dwelling units, unless otherwise defined, each of which is occupied or intended to be occupied as a permanent home or residence, but not including hotels, motels or townhouses.

Auction Market, A facility or area in which buyers indicate the highest price they are willing to pay and sellers indicate the lowest price they are willing to accept. A trade occurs when the buyer and seller agree on a price.

Autobody Shop, A garage where repairs to the bodies of vehicles are carried out.

Automobile Supply Store, Jobber and retail auto parts stores which primarily sell automotive products and conduct business at the retail level.

Bank, A bank is a financial institution that accepts deposits from the public and creates credit. Lending activities can be performed either directly or indirectly through capital markets.

Bakery, A bakery is an establishment that produces and sells flour-based food baked in an oven such as bread, cookies, cakes, pastries, and pies. Some retail bakeries may also be categorized as cafés, serving coffee and tea to customers who wish to consume the baked goods on the premises.

Bed and Breakfast Home, A facility in a dwelling unit, licensed as an itinerant use accommodation as defined by the *The Public Accommodation Regulations* as amended from time to time, in which the occupants thereof use a portion of the dwelling unit to provide, for remuneration, sleeping accommodations and one meal per day to members of the public, for periods of two weeks or less, and in which:

1. Not more than three bedrooms within the dwelling unit are used to provide such sleeping accommodation;
2. the dwelling unit is the principal residence of the person or persons receiving the remuneration and providing the sleeping accommodation and one meal per day; and,
3. the meal which is provided is served before noon each day.

Boarding House, A house in which lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They normally provide "room and board," that is, at least some meals as well as accommodation.

Building, A structure constructed or placed on, in, or over land, but does not include a public highway, and includes any structure covered by a roof and supported by walls or columns.

Building, Accessory, A subordinate, detached building, appurtenant to a principal building or principal use and located on the same lot.

Building Bylaw, A bylaw of the Town of Kyle regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures, adopted pursuant to *The Uniform Building and Accessibility Standards Act* as amended from time to time.

Building Line, The line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which face the front site line.

Building Line, Established, A line, parallel to the front site line (and, in the case of corner sites, a line, parallel to the side site line along the flanking street), and set back the average distance from the edge of the street to the main walls of the existing buildings on a side of any block of the street where more than half the lots have been built on.

Building Permit, A permit issued under a building bylaw of The Town of Kyle authorizing the construction of all or part of a building or structure.

Building, Principle, The building in which the main or primary use of the site is conducted.

Bulk Fuel Operation, A facility for the bulk storage and distribution of petroleum products and may include card lock retail sales.

Bulk Fertilizer Operation, A facility for the storage and distribution of fertilizer in bulk quantities, but not including retail sales or processing.

Bus Terminal, A designated place where a bus or coach starts or ends its scheduled route.

Carport, A roofed enclosure for the parking of a motor vehicle or motor vehicles which has less than 60% of the total perimeter enclosed by walls, doors or windows and which is attached to a principle building.

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

Cement Plant, A type of plant with the necessary equipment, materials, machinery, space, technology, employees and management to create and produce cement and other cement related products.

Cemetery, Property used for the interment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

Club, A group of people organized for a common purpose, to pursue common goals, interests or activities, usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws; and shall include lodges and fraternal organizations.

Commercial Storage, A building or storage facility intended to provide indoor or outdoor storage of personal items where a customer is charged a rental fee on a monthly or annual basis.

Communication Facility, An Industry Canada regulated communication facility, including radio television, cellular telephone and microwave transmission towers and accessory buildings.

Community Centre, A building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.

Community Garden, A single piece of land gardened collectively by a group of people. Community gardens utilize either individual or shared plots on private or public land while producing fruit, vegetables, and/or plants grown for their attractive appearance.

Concept Plan, A plan based upon legislative authority provided within the Act prepared by or for Council examining future land uses, essential services and facilities, transportation systems, development density and phasing of development. A Concept Plan must be consistent with the Official Community Plan and identify and address social, environmental, health and economic issues.

Contractor, A person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

Construction Trades, Buildings with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction.

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

Corner Site, A site at the intersection or junction of two or more streets.

Council, The Council of the Town of Kyle

Cultural Institution, Establishments such as museums, art galleries, libraries and similar facilities of historical, educational or cultural interest.

Daycare Centre, A facility providing for the care, supervision and protection of children (or adults) but does not include the provision of overnight supervision.

Deck, a raised open platform, with or without rails, attached to a principle building.

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

Development Permit, A document issued by the Development Officer of the Town of Kyle authorizing a development, issued pursuant to this *Zoning Bylaw*, but does not include a building permit.

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

Dwelling, A building used or intended for residential occupancy.

Dwelling, Duplex, A building divided into two separate dwelling units on the same site but not including single detached dwellings which contain a secondary suite as defined herein.

Dwelling Group, A group of two or more detached one-unit dwellings, two-unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.

Dwelling, Multiple Unit, A building divided into three or more dwelling units as herein defined and shall include town or row houses and apartments but not rooming houses, hotels or motels.

Dwelling, Ready-to-Move (RTM), A ready-to-move one or two-unit dwelling which is built to completion off-site using conventional lumber and building practices according to the *National Building Code of Canada*, and which is transported to the site as a complete unit for placement on a fixed approved foundation which also complies with the requirements of the *National Building Code of Canada*.

Dwelling, Semi-Detached, Two dwelling units side-by-side in one building on its own site, with a common wall which separates the two dwelling units, without opening, throughout the entire structure.

Dwelling, Single Detached, A detached building consisting of one dwelling unit as herein defined but shall not include a mobile home as herein defined.

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

Dwelling Unit, A separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen.

Education Institution, A post-secondary college, university or technical institution, but shall not include a private school.

Estimated Peak Water Level (E.P.W.L.), The calculated water level used to determine the flood hazard area. It is based on the 1:500 peak flow for rivers, and the higher of the 1:500 peak calm level or the 1:100 peak calm level with a 1:5 wind from the most critical direction for most lakes.

Facility, A place, amenity, or piece of equipment provided for a particular purpose.

Family Child Care Home, A child care facility located in a building where the principal use is a dwelling unit, and which is licensed pursuant to *The Child Care Act*.

Farmers' Market, A permanent building or group of farm stands, operated on a seasonal or year-round basis, which allows for agricultural or horticultural producers to retail their products and other agriculture-related items, including those produced in a community garden, directly to consumers and enhance income through value-added products, services, and activities.

Farm Stand, A seasonal direct-marketing operation without a permanent structure and offering outdoor shopping for the sale of locally produced agricultural products including those produced in a community garden, enhanced agricultural products and handmade crafts.

Fence, An artificially constructed barrier erected to enclose or screen areas of land.

Financial Institution, A bank, credit union, trust company, or similar establishment.

Flood Hazard Area, The area below the E.P.W.L.. The flood hazard area has two zones; the Flood Fringe and the Floodway.

Flood Fringe, A zone within the flood hazard area where some types of development may occur if suitably flood-proofed. The flood fringe is typically defined as that portion of the flood hazard area where:

1. Depth of inundation above natural ground is less than 1.0 m;
2. flow velocities are less than 1.0 m per second; and
3. encroachment (fill) into the flood fringe would raise upstream water levels by less than 0.3 m.

Floodway, A zone within the flood hazard area where typically only necessary infrastructure is allowed (e.g. water intakes and outfalls, bridge piers and abutments, etc.) or development that is of low value and non-obstructive (e.g. parks, nature areas, parking lots, and recreational trails). The floodway contains the deepest, fastest, and most destructive flood waters and is typically defined as that portion of the flood hazard area where:

1. Depth of inundation above natural ground is more than 1.0 m;

2. flow velocities are greater than 1.0 m per second; and
3. encroachment (fill) into the flood fringe would raise upstream water levels by more than 0.3 m.

Flood Proofing, Techniques or measures taken to permanently protect a structure or development from flood damage. These can include measures such as elevation building (e.g. building on fill or piers), constructing dykes, creating upstream storage, diversions and channelization.

Floor Area, The maximum habitable area contained within the outside walls of a building at, or above grade level, excluding in the case of a dwelling unit any private garage, porch, sunroom, or unfinished attic.

Frontage, The length of the front site line.

Fuel Storage Tank, Above Ground, A storage tank, any portion of which is above grade and containing gasoline, diesel fuel, or propane for retail sale or dispensing into motor vehicles.

Funeral Home, An establishment where the dead are prepared for burial or cremation.

Garden Suite, A self-contained unit having a kitchen, eating area, living room, bathroom, and no more than two bedrooms to allow for the unit to operate independently of the main dwelling unit (except for sharing of services). Garden suites shall be in an accessory building or contained within a detached garage (at grade or above the garage).

Garage Suite, A dwelling unit which is attached to or made a part of a detached accessory building located in the rear yard of a single detached dwelling that has cooking, food preparation, sleeping and sanitary facilities which are separate from those of the single detached dwelling.

Garage, Private, An accessory building used for storage purposes only, where no business, occupation or service is conducted for gain, other than an approved home-based business, and in which no space is rented to or by a non-resident of the premises.

Garage, Public, Any building available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including major repairs.

Gas Bar, A building or facility used for the retail sale of gasoline, diesel and propane, and may offer other petroleum products, vehicle accessories, fast foods, dry goods and groceries.

Grade Level, The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure. In the case of one-unit dwellings, two-unit dwellings and semi-detached dwellings with a walk-out basement, grade level shall be the average elevation of the finished surface of the ground adjacent to the side walls of the building.

Grain Elevator, A tall building used to store grain and containing equipment for conveying grain to the top of a storage bin or bins.

Greenhouse, A greenhouse is a structure with walls and roof made chiefly of transparent material, such as glass, in which plants requiring regulated climatic conditions are grown.

Gross Floor Area, The sum of the gross horizontal area of the building measured at each floor level, excluding in the case of a dwelling, any private garage, porch, veranda, sun lounge, unfinished basement, or attic. All dimensions shall be measured between exterior faces of exterior walls.

Group Care Facility, Shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven (7) or more persons with physical or mental impairments that substantially limit one or more of such person's major life activities when such persons are not living together as a Single Household Unit. This classification includes but is not limited to, group homes, sober living environments, recovery facilities, and establishments providing non-medical care for persons in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living facility, including resident services for persons handicapped or disabled, undergoing rehabilitation, or otherwise in need of care and supervision. This definition shall not include licensed Residential Care facilities, Emergency shelters, Transitional Housing, Lodging units or Boarding Houses.

Habitable, Any room in a dwelling, such as a bedroom, bathroom, kitchen or living room, other than a non-habitable room.

Habitable, Non, A space in a dwelling providing a service function and not intended primarily for human occupancy, including entry ways, corridors or storage areas.

Hazard Land, Land which is subject to flooding, ponding, subsidence, landslides, erosion or contamination.

Health Care Clinic, A building or institution engaged in the provision of services for health maintenance, diagnosis or treatment of human pain, injury or other physical condition on an out-patient basis.

Home Based Business, An accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence and does not change the residential character of the buildings or site.

Home Improvement Centre, A home improvement center, home improvement store, or home center is a retail store that combines the functions of a hardware store with those of a lumber yard.

Home Occupation, An occupation conducted exclusively by the occupants of a residential building and which is clearly secondary to the residential use of the dwelling and does not change the building's exterior character.

Hotel, A building or part of a building used as a place for sleeping accommodation with or without meals, where a guest register is kept and which may have a licensed beverage room but does not include a motel or rooming house.

Housing Group, Two or more single detached or semi-detached dwelling units located on a single lot.

Industrial, General Use, Any of the following uses:

1. Processing of raw or finished materials.
2. Manufacturing or assembly of goods, products or equipment.
3. Cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations of goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with non-industrial development.
4. Storage or transshipment of materials, goods and equipment, including warehouses.
5. Training of personnel in general industrial operations.
6. Indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.

Industrial Supply Store, A retail store supplying unique goods and products required to a specific trade or industry.

Intersection, An area where two or more streets or lanes meet or cross at grade.

Junk and Salvage Yards, Uses including, but not limited to, salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle parts.

Kennel, Boarding, The temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

Landscaping, The changing, rearranging, or adding to the original vegetation of a site, including site grading, addition of topsoil, grass, trees, plants, sidewalks and other natural or decorative features.

Lane, A public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

Light Manufacturing, Any use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, including, but not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices.

Loading Space, A space, measuring at least 2.4 m in width and 8.4 m in depth, located on a lot, and having access to a street or lane, in which a vehicle may park to load or unload goods.

Lot (Site), An area of land with fixed boundaries under the same ownership and which is on record with the Information Services Corporation (ISC) by Certificate of Title.

Lot Coverage, That portion of the lot that is covered by principle and accessory buildings.

Lumber Yards, A location where lumber and wood-related products used in construction and/or home improvement projects are processed or stored. Some lumber yards offer retail sales to consumers, and some of these may also provide services such as the use of planers, saws and other large machines.

Machine Shop, a room, building, or company where machining, a form of subtractive manufacturing, is done. In a machine shop, machinists use machine tools and cutting tools to make parts, usually of metal or plastic.

Manufacturing Operation – Small Scale, A small scale, on-site production of goods by hand manufacturing, primarily involving the use of hand tools including, but not limited to woodworking, wool processing, and small-scale welding.

Manufacturing Operation – Large Scale, A use that is engaged in manufacturing, assembly, fabrication, packaging, or other industrial processing of products, primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond its property line. This term includes but is not limited to:

- a. processing and packaging of alcoholic beverages;
- b. chemical manufacturing;
- c. stonework or concrete product manufacturing;
- d. fabrication of metal products;
- e. manufacturing of agricultural, construction, or mining machinery;
- f. motor vehicle manufacturing;
- g. lumber milling; or
- h. permanent concrete/batch plant.

Manufacturing, large scale use does not include medical marijuana facilities.

Mayor, The Mayor of the Town of Kyle.

Medical Marijuana, a substance used for medical purposes authorized by a license issued under the Federal Government's Marijuana for Medical Purposes Regulations or any subsequent legislation which may be enacted in substitution.

Medical Marijuana Facility, Any building in which an activity authorized by a license issued under the Federal Government's Marijuana for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling, and packaging, storing, and transporting of marijuana. This does not include the retail sale of marijuana for recreational purposes.

Membrane Covered Structures, A structure consisting of a frame that is covered with a plastic, fabric, canvas or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles, or other personal property. The term shall also apply to structures also commonly known as hoop houses, canopy covered carports, tent garages and can be fully or partially covered, but does not include gazebos.

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

Mobile Home, A trailer coach

1. That is used as a dwelling all year round;
2. that has water faucets and shower or other bathing facilities that may be connected to a water distribution system;

3. that has facilities for washing and a water closet or other similar facility may be connected to a sewage lagoon; and
4. that conforms to Canadian Standards Association, Construction Standard No Z240.2.1-1979 and amendments thereto.

Mobile Home Court, Any parcel of land on which two or more occupied mobile homes are located and includes any structure used or intended to be used as part of the equipment of such mobile home court.

Mobile Home, Double Wide, A mobile home consisting of two sections, separately towable, but designed to be joined together into one building.

Mobile Home, Single Wide, A mobile home designed to be towed as a single load and less than 6.09 m wide.

Mobile Home Site, An area of land in a mobile home court for the placement of a mobile home.

Modular Home, A factory built dwelling that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis, conforming to Canadian Standards Association Code CSA-A277 standard, and which are transported to the site for assembly on a fixed approved foundation which complies with the requirements of the *National Building Code of Canada*.

Motel, An establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a single lot and designed for use by the public, providing convenient access to a parking space for the use of the occupants of the unit, and may include a restaurant or licensed dining room and living accommodations for the owner or operator

Municipal Facility, Land, buildings or structures owned by the Municipality including, but not limited to:

1. Office and/or meeting space.
2. Storage of municipal equipment and/or supplies.
3. Recreation or other institutional purposes.

Municipality, The Town of Kyle.

Neighbourhood Convenience Store, a small retail business that stocks a range of everyday items such as coffee, groceries, snack foods, confectionary, soft drinks, tobacco products, over the counter drugs, toiletries, newspapers, and magazines.

Non-Conforming Building, A building:

1. That is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued, on the date that this Bylaw or any amendment to the Bylaw affecting the building or land on which the building is situated or will be situated, becomes effective, and
2. That on the date this Bylaw or any amendment hereto becomes effective does not or when construction will not comply with this Bylaw.

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

Non-Conforming Use, A lawful specific use:

1. Being made of land or a building or intended to be made of a building lawfully under construction, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto becomes effective, and
2. That on the date this Bylaw or any amendment hereto becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued, will not comply with this Bylaw.

Nursing Home, An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to persons who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

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

Official Community Plan, The *Official Community Plan* for the Town of Kyle.

Parking Lot, An open area of land, other than a street, used for the temporary parking of more than four vehicles and available for public use whether free, for charge, or for accommodation of clients or customers.

Parking, Off-Street, Accommodation for the parking of vehicles off a public street or lane.

Parking Space, Vehicle, A space within a building or parking lot for the parking of one vehicle, having minimum dimensions of 2.4 m wide by 5.5 m deep, and which has access to a developed street or lane.

Permitted Use, A use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations applicable to that zoning district.

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

Personal Service Establishment, A business associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories and may include:

1. Beauty salons and barber shops.
2. Shoe repair.
3. Dry-cleaning pick-up depots.
4. Self-serve laundry.
5. Tailor or seamstress.
6. Massage services.

7. Photography studios.
8. Tanning beds.
9. Tattoo parlours and other similar uses.

A Personal Service Establishment does not include the provision of health-related services.

Place of Worship, A place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

Preschool, A facility which provides a program for preschool aged children.

Principal Building, The main building in which the principal use of the site is conducted.

Public Work, any of the following:

1. Systems for the production or distribution of electricity.
2. Systems for the distribution of natural gas or oil.
3. Facilities for the storage, transmission, treatment, distribution or supply of water.
4. Facilities for the collection, treatment, movement or disposal of sanitary sewage.
5. Telephone or light distribution lines, that are owned or operated by the Crown or a municipality.

Real Property Report, A standard report prepared in accordance with *The Saskatchewan Land Surveyors Act* providing an illustration of extent of title by the following:

- a. legal description and municipal address (if available);
- b. partial designations of adjoining lands;
- c. linear measurements of the property boundaries;
- a. location and descriptions of buildings with their dimensions and minimum distances from property boundaries;
- b. location of visible encroachments onto or off of the property;
- c. the location of all registered easements which affect the property;
- d. certified by signature and seal, accompanied by a report indicating the date of the search, registered owner, certificate of title number and legal description, identifying easements affecting the property and referring to any encroachments onto or off of the property.

Recreational Facility, Commercial, A recreation or amusement building, or facility operated as a business and open to the general public for a fee.

Recreational Facility, Public, A recreation or amusement building or facility operated by the province, municipality, or a non-profit organization and open to the general public.

Recreation Vehicle, A vehicle intended to provide temporary living accommodation for campers or travellers; built as part of, or to be towed by, a motor vehicle; and includes truck campers, motor homes, tent trailers and travel trailers.

Recycling Collection Depot, A building used for collection and temporary storage of recyclable household material such as bottles, cans, plastic containers and paper. The following shall not be allowed at a recycling collection depot:

1. Processing of recyclable material other than compaction.
2. collection and storage of paints, oil, solvents or other hazardous material(s); nor,
3. outdoor compaction.

Residential Care Home, A facility licensed under Provincial regulations to provide, in a residential setting, 24-hour long term residential, social, physical or personal care, including accommodation, meals, supervision, or assistance for persons who have limits on ability for self-care or self-supervision, and who are unrelated to the operator or owner.

Restaurant, A building where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.

Retail Store, A place where goods, wares, or merchandise are offered for sale or rent, and may include the manufacturing of products to be sold on site, provided the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

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

Rooming House, A building containing more than one rooming unit.

Rooming Unit, A room or rooms for accommodation, other than a dwelling unit or other form of accommodation as defined elsewhere in this bylaw, with sleeping facilities but without private toilet facilities.

Safe Building Elevation, An elevation of 0.5 m above the 1:500 flood elevation of any watercourse or water body in the flood hazard area for the development of any new buildings and additions.

Sand and Gravel Operation, A place which is associated with an aggregate extraction operation where gravel, rock, sand, earth, clay, or fill is stored prior to distribution.

Secondary Suite, A self-contained dwelling unit, which is an accessory use to, and located within the principle single detached dwelling building. Secondary suites will provide a kitchen, eating area, living room, bathroom, and no more than two bedrooms to allow for the suite to operate independently.

Seed Cleaning Plants and Feed Mills, A building, structure or vehicle designed, intended or used for cleaning grain or seeds to be used for seeding. Feed mills are a process and/or a combination of processes used to produce a processed food for fish, animal or human consumption.

Servicing Agreement, The legal agreement between a developer and the Municipality which specifies the obligations and the terms and conditions for the approval of a subdivision pursuant to section 172 of the Act.

Service Station, A facility where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed, but not including painting, body work and major repairs. This use may include accessory uses, such as a restaurant, car wash, fast foods, dry goods, groceries or vehicle sales lot.

Shipping Container, A prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck and used for storage.

Shopping Centre, A building, or group of buildings located on the same site that are managed as a single unit, all for their mutual benefit, including the use of off-street parking and other joint facilities.

Sight Triangle, The triangular area formed within a site by a straight line drawn between two points on the front and side site lines from the point where the lot lines intersect. In the case of a street intersection, at a corner site, the measured distance shall be 4.5 m. In the case of a lane or driveway intersecting a street, the measured distance shall be 4.5 m.

Sign, Any device, letters, figures, symbols, emblems, or pictures which are affixed to, or represented directly or indirectly upon a building or structure, which identify or advertise any object, product, place, activity, person, organization or business and which is visible to a street.

Site (Lot), An area of land with fixed boundaries under the same ownership and which is on record with the Information Services Corporation (ISC) by Certificate of Title.

Site, Corner, A site situated at the intersection of two or more streets.

Site Line, Front, The boundary that divides the site from the road right-of-way. In the case of a corner site, the front site line shall mean the boundary separating the narrowest road frontage of the site from the road right-of-way. Site frontage for a non-rectangular site shall be defined as the mean of the measured front and rear site lines.

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

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

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

Special Care Home, An extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care to persons who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

Street, A public thoroughfare which affords the principal means of access to the abutting property

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

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

Temporary Building, A building under 50 m² in floor area without a foundation or footing, and that is to be removed upon expiration of a designated time period.

Temporary Use, A use established for a fixed period of time and that is to be discontinued upon the expiration of the time period specified for that use.

Tourist Campgrounds, A tract or parcel of land which provides for the location of tents or trailer coaches used by trailer coaches used by travelers and tourist for overnight accommodation and shall include accessory uses typically commensurate with this use.

Town, The Town of Kyle.

Trailer Coach, Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, construction or reconstruction in such a manner as to permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

Units of Measure, Units of measure in this Zoning Bylaw are metric, abbreviated as follows:

m – metre

m² – square metre(s)

km – kilometres

ha – hectares(s)

Use, The purpose or activity for which a piece of land, or its building is designed, arranged or intended, occupied or maintained.

Veterinary Clinic, A place for the care and treatment of animals involving outpatient care and medical procedures involving hospitalization.

Warehouse, A building used primarily for the storage of goods and materials.

Warehouse Sales, A development used for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances, fertilizer, and building materials.

Wholesale Establishment, The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business.

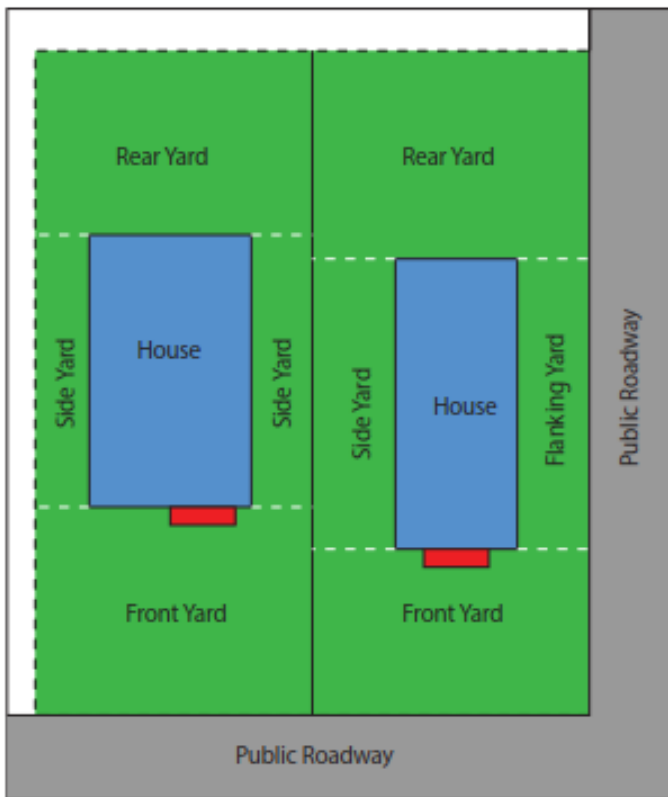
Yard, Any part of a lot unoccupied or unobstructed by any principal building.

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

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

Yard, Required, The open space between a lot line and the buildable area of a lot, within which no building or structure shall be located except as provided in the zoning bylaw.

Yard, Side, A yard extending from the front yard to the rear yard between the side lot line and the nearest wall exclusive of the eaves of the principal building on the lot.



Zoning District, A specifically delineated area of the municipality within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structure.

3 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

1. The Development Officer shall administer this Bylaw.
2. The Development Officer shall be the Administrator for the Town of Kyle and any other person authorized, in writing, by Council to act as a Development Officer for the purposes of this Bylaw and the Act.

3.2 DEVELOPMENT PERMIT

1. No person shall undertake a development or commence a use unless a development permit has first been obtained, except as provided in Section 3.2.3.
2. A development permit cannot be issued in contravention of any of the provisions of this Bylaw or Official Community Plan except as provided in an appeal subject to Sections 213 to 232 of the Act.
3. A development permit is not required, but all other applicable provisions of this Bylaw are to be followed, for the following:
 - a. the installation, construction or maintenance of a public work by the municipality or a public utility;
 - b. maintenance and repairs that do not include structural alterations, additions, changes in use or the intensity of use of any building;
 - c. the completion of any development that has lawfully commenced prior to the adoption of this bylaw or amendment thereto provided that the development is in accordance with the terms of any permit issued;
 - d. the use of a building or part thereof as a temporary polling station for a public election, referendum or plebiscite;
 - e. the erection of a satellite dish antennae with a dish diameter of less than 1.0 m in diameter which:
 - i. is attached to a dwelling, other than an apartment, on a principal or accessory building;
 - ii. displays no advertising other than the manufacturer's name or logo; and
 - iii. is the only satellite dish antennae on a dwelling unit.
 - f. a temporary use of a parcel not exceeding six (6) months for the sole purpose of mobile commercial sales (e.g. fruit trucks, etc.), providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer;
 - g. accessory buildings under 9.3 m² in area;
 - h. landscaping where the proposed grades will not adversely affect the subject or adjacent properties;
 - i. basement finishing, excluding a secondary suite located in a basement;
 - j. fences; and
 - k. a temporary building, the sole purpose of which is incidental to the construction or alteration of a building for which a building permit has been granted.
4. The effective period for a development permit is 12 months. This period may be extended by the Development Officer for an additional 12 months or any portion thereof if requested in writing by the permit holder. A development permit shall be automatically invalid:

- a. if the proposed development is not commenced within 12 months from the permit issuance date, or
 - b. if the proposed development is legally suspended or discontinued, for a period of 12 or more months, unless otherwise indicated by Council or the Development Officer.
5. A building permit shall not be issued unless a development permit, where required, has been granted. If a development permit is deemed void, a new building permit is required in conjunction with the issuance of a replacement development permit.

3.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

1. The application for a development permit shall be made to the Development Officer, in Form A as attached to and forming part of and in accordance with the requirements of this Bylaw.
2. The application for a development permit shall be accompanied by the two copies of a site or building plan, drawn to scale that show:
 - a. legal description and municipal address of the parcel;
 - b. area and dimensions of the parcel to be developed;
 - c. the locations of existing and proposed buildings and structures relative to site lines.
Where no new construction is proposed, the applicant shall supply a written description of the proposed development in place of such plans;
 - d. location of access and egress points to the parcel;
 - e. loading and parking provisions where applicable;
 - f. garbage and storage areas and the fencing and screening proposed for same;
 - g. location of any registered utility rights-of-way or easements (including plan number) within or abutting the property; and
 - h. the treatment of landscaped areas if required.
3. In addition to the information required in Section 3.3.2 the Development Officer may require the following to make the application complete:
 - a. a real property report;
 - b. a landscaping plan;
 - c. noise evaluation and attenuation studies;
 - d. a lot lighting plan; and/or
 - e. photographs or other similar tools.
4. Where a proposed development may have a significant impact on the transportation network, The Development Officer may require the preparation of a traffic impact assessment/study by a qualified traffic engineer, addressing at a minimum, the following:
 - a. the traffic characteristics of the proposed development;
 - b. internal circulation and parking plan; and
 - c. the impact of the development and the access system on traffic operations of abutting streets (background traffic).
5. Where the application is for a discretionary use, the applicant shall, in addition, provide a written description of the proposed development, describing the intended use and operations, structures to be located on the site, required municipal services, and any other information the Development Officer determines is necessary to fully review the proposed development.
6. When sufficient information on the proposed development have not been included with the application for a development permit, the Development Officer may return the application to the

applicant for further details. The application so returned shall be deemed not to have been in its complete and final form.

7. The applicant of an application for a use which is not listed in the district in which the building or land is situated, may apply to Council for an amendment to this Bylaw.

3.4 REFERRAL TO COUNCIL

The Development Officer may submit any application to Council for a decision on the interpretation of this Bylaw, or upon special conditions provided for in this Bylaw, and shall inform the applicant of the date and time when Council will consider the matter. Council or the Development Officer may require the applicant to provide further information necessary to render a decision.

3.5 DEVELOPMENT PERMIT APPLICATION PROCESS

1. An application for a development permit shall be submitted to the Development Officer pursuant to Section 3.3.
2. The Development Officer shall issue a development permit for a development that complies in all respects with the requirements of this Bylaw, the Official Community Plan and the Act.
3. Where an application is made for a development permit with respect to a development for a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards and time limits prescribed by Council pursuant to Section 56(1)(c) and (d) of the Act.
4. Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.
5. The Development Officer may revoke a development permit where the development permit has been issued in error; or an approved development for a permitted use is not being developed in accordance with the provisions of this Bylaw, or in accordance with the standards and conditions specified in the development permit. The development permit shall not be reissued or reinstated until all deficiencies have been corrected.
6. The Development Officer shall give the reasons for denying or revoking a development permit.

3.6 DEVELOPMENT AGREEMENTS

1. A proponent maybe required to enter into an agreement for a development to undertake all or any of the following:
 - a. to construct or pay for the construction of a road required to give access to the development;
 - b. to construct or pay for the construction of any required pedestrian facilities;
 - c. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - d. to construct or pay for the construction of off-street parking, loading or unloading facilities;
 - e. to carry out landscaping of the site which may include the retention and/or planting of trees, the construction of an earth berm, or other form of screening; or
 - f. such other work or things as the Development Officer or Council considers necessary or advisable having regard to the nature of the proposed development.

2. An irrevocable letter of credit, cash, certified cheque, or other security may be required in such sum specified, as the Development Officer or Council deems appropriate to ensure the applicant complies with the terms and conditions of a Development Agreement.
3. To ensure compliance with a Development Agreement, the Town may register the agreement as an interest on the title of the property that is being developed. This interest shall be discharged when the obligations to be assumed by the applicant under the agreement have been fulfilled.

3.7 DISCRETIONARY USE APPLICATION PROCESS

1. Applicants must file with the Development Officer a development permit application as described in Section 3.3 and pay the required application and public notice fees.
2. The application will be examined by the Development Officer for conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations.
3. The Development Officer may request comments from other government agencies or interested groups where applicable.
4. The Development Officer may refer any development permit application to a qualified professional for review and advice as needed. The cost of this referral maybe assigned to the proponent at the discretion of Council.
5. The Development Officer will set a date for the meeting at which the application will be considered by Council and will give at least 7 days notice by ordinary mail to assessed owners of property within a 75-m radius of the boundary of the applicant's land.
6. The Development Officer will prepare a report concerning the application including recommended conditions that may be applied to an approval.
7. Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council. Council shall consider applications in terms of the requirements contained in Sections 4 and 5 this Bylaw where applicable.
8. Council shall decide on a discretionary use application, by resolution, that rejects the application or approves the application with or without conditions, and that instructs the Development Officer to:
 - a. issue a development permit incorporating any specific development standards set forth by Council in accordance with this Bylaw, where the development will comply with the standards of this Bylaw, subject to the limitations of Section 56 of the Act and advising the applicant of any right to appeal; or
 - b. issue a development permit incorporating any specific development standards set forth by Council in accordance with this Bylaw, where the applicant submits an amended application so that the development will comply with the standards of this Bylaw, subject to the limitations of Section 56 of the Act and advising the *applicant* of any right to appeal; or
 - c. issue a notice of refusal to the applicant, stating the reasons for the refusal, and advising the applicant of any right of appeal.

3.8 GENERAL DISCRETIONARY USE EVALUATION CRITERIA

In the assessment of the suitability of an application for a discretionary use or discretionary form of development, Council will apply the following general criteria and where applicable any additional provisions as provided in Sections 4 and 5 of this Bylaw:

1. The proposal must be in conformance with all relevant sections of the *Official Community Plan* and must demonstrate that it will maintain the character, density and purpose of the zoning district, where necessary through the provision of buffer areas, separation and screening.
2. The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities.
3. The proposal must demonstrate that it is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
4. The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible, further appropriate provisions shall be made to ensure no adverse parking or access effects occur.
5. Consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment, such as the cumulative effect of locating an activity on a site adjacent to or already accommodating an activity that may currently generate traffic, noise or other impacts not in keeping with the character of the adjacent area.
6. Consideration will be given to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area.
7. All operations shall comply with all applicable provincial or federal requirements which govern their operation and development.
8. Proposals for discretionary uses which may result in heavy truck traffic, particularly in commercial and industrial districts, should be located to ensure that such traffic takes access to or from major streets or designated truck routes.

3.9 DISCRETIONARY USE TERMS AND CONDITIONS

Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use, to minimize land use conflict, Council may prescribe specific development standards related to:

1. site drainage of storm water;
2. the location of buildings with respect to buildings on adjacent property;
3. access to, number and location of parking and loading facilities including adequate access and circulation for pedestrian and vehicle traffic;
4. vehicle access and egress points shall be provided in suitable locations to minimize traffic congestion and hazards;
5. appropriate space for vehicle line ups for drive through commercial facilities to reduce disruption of traffic flows on adjacent roadways;
6. control of noise, glare, dust, refuse litter and odour;
7. landscaping, screening and fencing, and preservation of existing vegetation to buffer adjacent properties;
8. the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;
9. prescribed specified time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development; and

10. intensity of use.

3.10 LIMITATIONS ON DISCRETIONARY USE APPROVALS

1. A new discretionary use approval is required from Council where Council has previously approved a discretionary use, or a specific discretionary intensity of use and:
 - a. the use ceased and was replaced by another use;
 - b. the use ceased for a twelve (12) month period or more;
 - c. the use is not started within six (6) months of completion of the building required for the approved use;
 - d. a use requiring construction of a building is not started within twelve (12) months; or
 - e. the applicant applies to increase the specifically approved intensity of use.
2. Where Council has approved a discretionary use for a limited time as provided in the Bylaw, and that time has expired, that use of land or use of buildings on that property shall cease until Council gives a new discretionary use approval and a new development permit is issued.

3.11 DEVELOPMENT APPEALS

1. A Development Appeals Board of the Town of Kyle shall be appointed by Council in accordance with Sections 213 to 227 of the Act.
2. Where an application for a permitted use has been refused, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Town of Kyle.
3. Where an application for a discretionary use has been approved by Council, with prescribed development standards pursuant to this Bylaw, the applicant shall be advised that any development standards considered excessive, may be appealed to the Development Appeals Board of the Town of Kyle.
4. Where an application for a discretionary use has been refused by Council, the applicant shall be advised that there is no appeal pursuant to Section 219(2) of the Act.
5. A person who wishes to appeal to the Development Appeals Board shall, within 30 days of receiving the permit or refusal, file a written notice of intention to appeal with the secretary of the Board, together with a sum of not more than \$50.00 that the Board may specify to be applied to the expenses of the appeal.
6. The Development Appeals Board has the powers given by the Act to allow variances to the standards on this Bylaw, including standards and conditions specified for a permitted use or a discretionary use.
7. Nothing in this section allows a Development Appeals Board to vary a refusal to grant a use or an appeal for a use or intensity of use not permitted in a Zoning District.
8. An application for a Development Permit for a permitted use shall be deemed to be refused when the Development Officer has not issued a decision within 40 days after the receipt of the application in its complete and final form by the Development Officer. An appeal may be made as though the application had been refused at the end of 40 days.

3.12 DEVELOPMENT PERMIT FEE

An applicant seeking approval of a development permit application shall pay to the Municipality a fee of \$50.00.

3.13 DISCRETIONARY USE APPLICATION FEE

An applicant seeking approval of a discretionary use approval shall pay to the Municipality a fee of \$200.00. The application fee relates to application for both discretionary use approval and issuance of a development permit.

3.14 ZONING AMENDMENT APPLICATION FEE

1. An applicant requesting Council to amend the Official Community Plan, or this Bylaw shall pay to the Municipality a fee of \$200.00 plus the costs associated with the public advertisement and providing written notice of the proposed amendment, pursuant to the requirements of Part X of the Act.
2. Council may require a Concept Plan to be completed prior to consideration of an application by any person proposing to rezone, subdivide, or re-subdivide land for multi-parcel residential, commercial or industrial purposes. The Concept Plan must be prepared in accordance with the Official Community Plan. Council shall not consider any development application until all required information has been received. The responsibility for undertaking all technical investigations and hosting public meetings as required shall be borne solely by the applicant.
3. Council may undertake any additional public consultations that it considers desirable respecting a proposed amendment to an Official Community Plan or Zoning Bylaw, at its own cost.

3.15 MINOR VARIANCES

1. The Development Officer may vary the requirements of this Bylaw in accordance with Section 60 of the Act and subject to the following conditions:
 - a. a minor variance may be granted for variation only of:
 - i. the minimum required distance of a building from the site line; and
 - ii. the minimum required distance of a building to any other building on the site;
 - b. the maximum amount of minor variance shall not exceed a 10% variation of the requirements of this Bylaw;
 - c. the development shall conform to all other requirements of this Bylaw;
 - d. the relaxation of this Bylaw shall not injuriously affect neighbouring properties;
 - e. no minor variance shall be granted for a discretionary use, a discretionary form of development or relating to an agreement to rezoning entered pursuant to Section 69 of the Act.
2. An application for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of \$50.00.
3. On receipt of an application for minor variance, the Development Officer may:
 - a. approve the minor variance;
 - b. approve the minor variance and impose terms and conditions on the approval; or
 - c. refuse the minor variance.
4. Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.

3.16 ZONING COMPLIANCE, OFFENCES AND PENALTIES

1. Pursuant to Section 242(2) of the Act, the Development Officer may issue a zoning compliance order for development that contravenes this bylaw to achieve bylaw compliance.
2. Any person who violates this bylaw is guilty of an offence and liable upon summary conviction, to penalties and subject to an order as stated in Section 243 of the Act.

4 GENERAL REGULATIONS

4.1 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

1. Development must comply with the provisions of this Bylaw, whether or not a permit has been issued for the development.
2. Nothing in this Bylaw shall exempt any person from complying with the requirement of any other municipal, provincial or federal regulations and from obtaining any licence, permission, permit, authorization or approval required by such requirements or regulations. Where provisions in this Bylaw conflict with those of any other municipal, provincial or federal requirements; the higher or more stringent regulations shall prevail.

4.2 NON-CONFORMING BUILDINGS, USES, AND SITES

1. The provisions of the Act, Sections 88 to 93 inclusive, shall apply to all non-conforming buildings, uses and sites.
2. No existing building, site or use shall be deemed to be non-conforming by reason only of the conversion between the Imperial System of Measurement and the International System of Units (S.I.) where such non-conformity results solely from such conversion and is reasonably equivalent to the S.I. standard herein established.

4.3 FRONTAGE ON ROAD

No development permit shall be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts or has frontage on and access to an existing public road.

4.4 BUILDING LINES

Where a building line in a residential district has been established by existing buildings in a block having at least one half the lots built upon, the front yard requirement for the applicable zoning district will be the existing building line.

4.5 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A SITE

Only one principal use shall be established and only one principal building shall be placed on a site except for dwelling groups, shopping centres, community centres, care facilities, industrial complexes, recreation facilities, schools, hospitals and public works.

4.6 CONDOMINIUM AND BARE LAND CONDOMINIUM PLANS

1. In the event of subdivision by a condominium or bare land condominium plan, development shall be treated as a multi-unit development and shall comply with development setbacks for the front, rear, and side yards as specified in the appropriate land use district.
2. The Town's road and utility servicing standards may be relaxed within the boundaries of a proposed development that will be registered by a condominium or bare land condominium plan, provided that:
 - a. adequate fire access, legal road access, and municipal servicing are provided and maintained to the satisfaction of the Development Officer or Council; and

- b. the developer and the condominium corporation shall be responsible for the construction, maintenance, repair, and replacement of all such roads and utility services within the condominium plan or bare land condominium plan.

4.7 BUILDING TO BE MOVED

- 3. No building shall be moved within or into the Town of Kyle without the issuance of a development permit, unless otherwise exempted in this Bylaw, subject to the standards required for new construction and obtaining any other required municipal or provincial permit.
- 4. Prior to any building being moved within or into the Town, the applicant shall:
 - a. obtain a satisfactory municipal building inspector's report;
 - b. enter into a development and servicing agreement when, in the sole opinion of the Town, the water and sanitary sewer connections, asphalt pavement, or curb and sidewalk need to be replaced or repaired;
 - c. provide a deposit to the municipality for any damages to Town infrastructure; and
 - d. pay all required fees.

4.8 DEMOLITION OF BUILDINGS

- 1. Any person wishing to demolish a building is required to submit a completed demolition permit application, and a plan to the Development Officer.
- 2. The applicant will be responsible for:
 - a. Payment of any taxes, fees or charges owing to the Town against the subject property;
 - b. Capping off any water and sewer connections in a manner required by the Town;
 - c. The replacement of any boulevard trees that are damaged or cut down to affect the demolition or removal of a structure or building from the site.
 - d. Removal of all building, structural, and foundation materials or debris from the site to a suitable landfill. The applicant shall keep sidewalks and public roadways clear of dirt and debris.
 - e. Fencing off of the demolition and excavation area to protect against any safety hazard on the site until the excavation is filled in and the site is properly levelled.
 - f. Dust mitigation resulting from demolition and excavation activities.
 - g. Filling in of the excavation area with suitable fill material within a reasonable period of time, contingent upon weather conditions.
 - h. Levelling of site to provide for proper drainage.
 - i. Replacement, at the applicant's expense, of any sidewalk, curb and gutter, fire hydrants, and water and sewer lines damaged as a result of the said demolition or removal of the building or structure from the site.
 - j. Notification to public utility authorities so they may disconnect said utilities from the structure or building prior to its demolition or removal and to assist with moving the utility service to help effect the demolition or removal of the structure or building.
 - k. The Development Officer shall refer all applications for building demolition to an accredited Building Official to ensure that all work related to this permit is carried out in accordance with the National Building Code.
 - l. Where a development permit is to be approved for the demolition of a building, the Development Officer may require the applicant to provide a letter of credit or cash

deposit to cover costs of reclamation and damage to public facilities and to carry sufficient comprehensive liability insurance naming the Town as an insured party in all public liability policies.

4.9 GRADING AND LEVELLING OF SITES

1. A lot drainage plan prepared by a licensed professional engineer may be required to support a development or subdivision.
2. Any area requiring landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage on adjoining land unless approved by the Town.
3. The storm water run-off and sub-surface drainage of all development shall be in a manner acceptable to the Town.
4. The storm water run-off and sub-surface drainage, including the discharge of sump pumps, of all new development and existing development shall not directly discharge or cause any flows across a sidewalk or into the Town's sanitary sewer system, and shall not discharge into an adjacent property.
5. All roof drainage from any building shall be directed onto the front or rear of the parcel upon which such building is situated by means of eaves troughs and downspouts, or other suitable means, to the satisfaction of the Town.
6. Where the final site grades have been established through a development agreement or engineered drawings, the Town may require the applicant to provide as built record drawings verifying the final elevations of the corners of the property and the front and rear elevations and locations for all buildings.
7. The owner of a site shall be responsible to ensure that grading is maintained to continue to provide effective site drainage.
8. Where maintenance of a common drainage path at property line is required, the responsibility for maintenance lies with the owners of both sites.
9. Where a drainage swale is established within an easement/right-of-way on a site, swale grades shall be maintained, and the swale shall be kept free from any obstructions by the owner of the site.
10. Retaining walls shall be designed and constructed to:
 - a. maintain positive overland drainage on all portions of the site;
 - b. respect overland drainage patterns established for the lot at the time the lot was created; and
 - c. not divert overland drainage onto adjacent properties.

4.10 WATER

No development or use of land shall be permitted where the proposal will adversely affect domestic and municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the Saskatchewan Health Authority and the Water Security Agency.

4.11 WASTE DISPOSAL

No liquid, solid, or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, slough, intermittent drainage channel or other body of water, onto or beneath the surface of any land, or

into the air as per all Acts and Regulations related to the storage, handling and disposal of any waste material.

4.12 SERVICING

1. Holding tanks, septic tanks and wells are not permitted in the areas of the Town which can be serviceable from existing municipal water and sewer lines.
2. Developments outside the serviceable areas shall be connected to a private sewage disposal system approved by the authority responsible for approval of such systems under *The Public Health Act, 1994* with the agreement being registered on title.
3. When servicing becomes available, holding and septic tanks are to be disconnected and connection must be made to municipal services as per *The Public Health Act, 1994*.

4.13 DEVELOPMENT ON HAZARD LANDS

1. Where a proposed development or subdivision is to be located on potential hazard lands, the applicant shall submit a professional report prepared and approved by a professional engineer registered to practice in Saskatchewan. The report shall assess the geotechnical suitability of the site for development, susceptibility to flooding, including topographical surveys to delineate the flood hazard line, or other environmental hazards, together with any required mitigation measures.
2. Actions identified in a report prepared pursuant to Section 4.13.1 for prevention, change, mitigation or remedy may be incorporated as conditions to issuance of any development permit that may be issued.

4.14 REQUIRED YARDS AND OPEN SPACE

1. No portion of any yard or open space required about any principal building or use shall provide any portion of a yard or open space for any other principal building or use.
2. The following projections in required yards are permitted subject to the setback or construction requirements of the National Building Code:
 - a. In any front or rear yard, a maximum projection from the main wall of 2.0 m for open balconies, open porches, decks, raised patios, open steps, fire escapes, lighting fixtures, or lamp posts;
 - b. In any side yard, the construction of an open deck not closer than 0.5 m from the side lot line;
 - c. In any yard, construction of a chimney, sill, cornice roof overhang, or gutters, projecting not more than 0.7 m from the main wall; or
 - d. In any yard, the construction of ramps to the main floor level, handrails, uncovered driveways or walkways.
3. For semi-detached or multiple unit dwellings, no side yard shall be required where dwelling units share a common party wall.
4. The following objects are prohibited or restricted in residential yards:
 - a. No person shall allow a motor vehicle that is in a dilapidated or unsightly condition, or a derelict vehicle, to remain or be parked on a parcel in a residential district, unless it is housed or screened to the satisfaction of the Town, and it shall not be located within the front yard.

- b. No person shall allow no more than one (1) unregistered/uninsured vehicle on a residential parcel and it shall not be located within the front yard.
 - c. No person shall allow any excavation or any storage or piling up of materials required during the construction stage, unless all necessary safety measures are undertaken, and a development permit has been issued by the Development Officer. The owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than necessary to complete a particular stage of construction work and:
 - i. a temporary fence shall be erected around all excavations which in the opinion of the approving Development Officer may be dangerous to public safety;
 - ii. it shall be the responsibility of the applicant to restore the worked area to a level and condition as required by the Development Officer; and
 - iii. all topsoil shall be retained on the parcel, except where it must be removed for building purposes.
 - d. No person shall allow a portable garage with damage to its factory-made tubular metal frame, waterproof sheeting, synthetic, or plastic film to remain on site in a residential district.
 - e. No person shall have exterior storage of piles of wood or metal, or other salvage materials that are in an unsightly condition on a parcel in any district, unless it is suitably housed or screened to the satisfaction of the Development Officer.
5. Commercial and Industrial Districts
- a. In Commercial and Industrial Districts, the sale or demonstration of goods in the form of a building or structure, whether temporary or permanent, shall comply with yard requirements.
 - b. In Commercial and Industrial Districts, the sale or demonstration of goods, or signs, whether temporary, permanent, shall not occupy a required parking stall, loading space or access aisle.

4.15 HEIGHT EXEMPTIONS

Any height limitations or regulations shall not apply to the following chimneys, flagpoles, spires, cupolas, television antennas, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.

4.16 ACCESSORY BUILDINGS AND STRUCTURES

1. Accessory buildings shall be subordinate to, and located on the same site as the principal building or use, and used in conjunction with that principal use.
2. No person shall use or permit an accessory building to be used for human occupancy, except those approved for use as a garage suite or garden suite.
3. Notwithstanding the district regulations, a sea can (shipping) container shall not be considered an accessory building in any residential district.
4. Except as otherwise provided in this bylaw, accessory buildings shall comply with the yard requirements for a principal building.
5. An accessory building or use shall be located at least 1.8 m from any principal building.
6. An accessory building or structure shall not be in a front yard.

7. Unless otherwise stated, the height of an accessory building or structure shall not to exceed the height of the principal building.
8. All roof drainage shall be directed by means of eaves troughs, drain spouts, or such other suitable means onto the property where the accessory building is located.
9. The total accessory area allowed per lot can be portioned between all accessory buildings on the lot.
10. No door that could give access for a vehicle to a private garage, whether attached to the principal building or not, shall be in a required front yard, less than 4.5 m from the street to which it gives direct access, or less than 1.4 m to a lane to which it gives direct access.
11. An accessory building of 9.3 m² in area or less is not subject to setback requirements if they are located completely in the rear of the lot.
12. Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations governing the principal building.
13. Where an accessory building is allowed to be located over a sewer or water line it shall be a condition of such approval that:
 - a. the owner provides at their expense an agreement registered by an interest on the title to the site, releasing the Town from, and agreeing to indemnify the Town of, any damage to such service lines or buildings on or adjacent to the site; and
 - b. an accessory building shall not enclose the service valves or shut off valves of that line.

4.17 PORTABLE GARAGE

1. Portable garages shall be prefabricated and shall consist of a tubular metal frame covered with a flame-resistant fabric or film.
1. A portable garage shall not be connected to any utilities.
2. A portable garage shall only be permitted on a parcel occupied by a single detached dwelling, semi-detached dwelling, duplex or mobile home.
3. A portable garage shall be considered an accessory building and is subject to the applicable standards defined within this Bylaw for accessory buildings.
4. The maximum area for a portable garage on a parcel shall not exceed 26 m².
5. There shall only be one (1) portable garage per parcel.
6. Portable garages shall be securely anchored to the ground; and must not be fastened to any public utility equipment.
7. Portable garages shall be used solely for the storage of non-combustible objects.
8. Portable garages shall be constructed and oriented in such a manner that falling snow and ice remains on the owner's property.
9. Portable garages shall be maintained in a good state of repair. Should the portable garage become torn or unsightly it shall be required to be removed from the site.

4.18 OUTDOOR STORAGE

1. In any Residential zoning district:
 - a. No front yard shall be used for the storage of unlicensed or uninsured motor vehicles or of materials or goods of any type.
 - b. No yard shall be used for storage or collection of hazardous material.

- c. No yard or portion thereof shall be used for the storage of machinery not normally used for the maintenance of the residential property.
 - d. Outside storage of partially dismantled or inoperative motor vehicles is not permitted.
2. In Commercial and Industrial Districts, no outdoor storage shall be permitted in the required front yard of the lot, except for the customary display of any goods permitted to be sold on the site.

4.19 CONTAINERS, SHIPPING CONTAINERS, SEA CAN OR DRY BOX

1. Containers, shipping containers, sea can or dry box shall:
 - a. not be permitted within any residential district;
 - b. only be permitted to be used as storage when containers are a permitted or discretionary use within the district that the container is located;
 - c. have the size and number of containers permitted on a parcel be at the discretion of Council;
 - d. not be considered principal building in any district;
 - e. require a development permit;
 - f. not be connected to any utilities;
 - g. not be stacked;
 - h. be used for storage purposes only, excluding any dangerous or hazardous materials;
 - i. have an exterior finish that matches or compliments the exterior finish of the principal building;
 - j. be screened from view, to the satisfaction of the Development Officer or Council;
 - k. not eliminate or interfere with parking, loading, or the maneuvering of vehicles or pedestrians on the site; and
 - l. not interfere with vehicle or pedestrian sight lines.
2. Council may, at its sole discretion, issue a permit for the temporary placement of a container on a residential site:
 - a. during renovations or construction on the property for which a valid building permit has been issued; and
 - b. during the period of a residential move if such a container is part of a moving van system.
3. The temporary permit shall be valid for up to three months and may be extended an additional three months at the discretion of the Development Officer.
4. The temporary container may be placed in the front, side, or rear yard, and must be neatly placed on the property according to a site plan that is approved by Council, provided that the container is located within the required accessory building setbacks.
5. A temporary permit shall be subject to the condition that it may be revoked at any time subject to the provisions of Section 242 of the Act, if in the opinion of Council, the applicant operation has not met the standards applied at the time of approval.

4.20 FENCES

1. No person shall construct a fence or wall or permit a hedge to grow on or over public property.
2. In Residential Districts, no fence, wall, hedge or other similar structure shall be erected to a height of more than 1.0 m above grade level in any required front yard or more than 2.0 m above grade level in any required side or rear yard.

3. In any non-residential district, no fence, wall, hedge or similar structure shall be erected to a height of more than 2.0 m above grade level in any required front yard or more than 3.0 m above grade level in any required side or rear yard.
4. The height of fences and hedges shall be measured from grade.
5. The Town may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels where such property lines are adjacent to a residential use or are adjacent to lanes or roads that abut a neighbouring residential parcel.
6. All private swimming pools shall be enclosed by a non-climbable fence not less than 1.8 m in height, either around the pool area or perimeter of the site and shall include a self-latching gate. The gate or other entrances to the enclosed area surrounding the private swimming pool shall be locked when not attended by the owner or occupant.
7. In the case of a hot tub or whirlpool, the requirements of Section 4.19.4 shall not apply provided all the following provisions are provided:
 - a. the hot tub or whirlpool has a cover with the strength to support the weight of an adult walking across the top;
 - b. the hot tub or whirlpool has a lockable device to prevent access to the water by unauthorized persons; and
 - c. the cover is maintained in place and always locked when the hot tub or whirlpool is unsupervised.

4.21 SIGHT DISTANCES

1. On corner lots in all non-commercial districts, every development shall provide a clear line of sight for motorists approaching a highway intersection, including the intersection of two lanes, a lane, and a street or two streets, in accordance with 4.21.2.
2. Within a triangle, formed by a straight line drawn between two points on the exterior boundaries of said site, 3.0 m from the point where they intersect, no person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on that part of the formed triangle, whether planted before or after the date of the passing of this Bylaw.
3. Notwithstanding anything in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46.0 m of the point of intersection of the centre line of both the railway and the street.

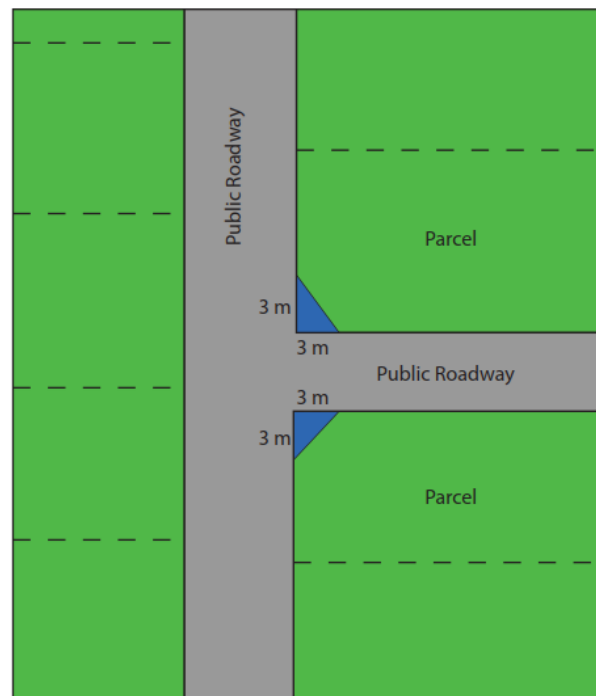


Figure 1: Sight Distances

4.22 LIGHTING

1. The intent of Section 4.21 is to encourage lighting practices and systems that minimize light pollution, glare, and light trespass into neighbouring properties, while maintaining nighttime, on-site safety and security during evening operation hours. The intent is to ensure that all light fixtures are installed to maximize their effectiveness and to minimize their adverse impact beyond the targeted property. It is not the intent of this Section to require that complete screening of indirect light on adjacent properties or to eliminate all light trespass but to minimize light trespass and to avoid direct glare onto surrounding neighbourhoods or sites. The following regulations shall apply to outdoor lighting:
 - a. all developments shall use outdoor light fixtures that direct the light downward;
 - b. the source of illumination shall be of a light source that the applicant can demonstrate to the satisfaction of the Development Officer, is required for the lot;
 - c. direct glare shall not be visible to adjacent buildings or nearby land or be perceptible to persons operating motor vehicles on public roadways; and
 - d. flickering and flashing lights are prohibited, excluding seasonal lighting of a temporary nature.
2. As a condition of development permit approval, the Development Officer may require a lot lighting plan, prepared by a qualified professional, which will contain one (1) or more of the following:
 - a. a description of each proposed light fixture including details regarding lamp type reflectors, optics, angle cut off, lumen outputs, proposed installation height, and shielding accessories;
 - b. a plan of the lot and surrounding area, which shows the location of all light fixtures;
 - c. foundation details for light poles; or
 - d. description of any measures taken to shield direct glare onto adjacent properties.

4.23 OFF-STREET PARKING AND LOADING

1. Off-street parking shall be provided in accordance with Table 4.1 below, and associated regulations. Except where specifically noted, all floor areas represent gross floor areas.
2. When the calculation of parking requirements results in a fractional required parking space, this fractional requirement shall be rounded up to the next whole number.
3. In Residential Districts, off-street parking spaces shall be located on the same site as the principal building or use.
4. In Commercial or Industrial Districts, required off-street parking spaces may be located on a remote site within 150 m of the principal building or use and where the remote site is located within a Commercial or Industrial district. As a condition of approval of a remote parking site, the owner of the principal use site shall register an interest on the parking lot title to ensure that the land remains as a required parking lot in accordance with Section 235 of the Act. The owner shall provide the Town with a copy of the registration of said interest.
5. Pursuant to Section 61 of the Act, Council may exempt any applicant for a use in the Commercial District from the requirement of providing off-street parking spaces, where in lieu thereof, the

applicant pays or contracts to pay the Municipality the sum of money calculated by multiplying the number of off-street parking spaces that would otherwise be required to provide by \$1,000.00.

Table 4.1: Off-Street Parking

Land Use	Parking Spaces (Minimum)
Residential	
Dwelling unit	1 space / unit
Home based business	1 space / non-resident employee
Bed and breakfast homes	1 space / guest room
Secondary, garden or garage suite	1 space / suite
Commercial	
Convenience store	1 space / 28 m ² of floor area
Financial institution	1 space / 28 m ² of floor area
Funeral home	1 space / 10 fixed seats in main assembly area or if no fixed seating 1 space / 10 m ² of floor area in the main assembly area
Health care clinic	1 space / 28 m ² of floor area
Hotel, motel	1 space / guest room or motel unit
Lounge, beverage room, night club	1 space / 4 patron seats or 1 space / 10 m ² of floor area
Office	1 space / 28 m ² of floor area
Personal service establishment	1 space / 28 m ² of floor area
Retail store, shopping centre (entire area)	1 space / 28 m ² of floor area
Restaurant	1 space / 4 patron seats
Theatres, halls	1 space / 10 fixed seats or 1 space / 20 m ² of floor area
All other commercial uses	1 space / 28 m ² of floor area
Industrial	
Automobile, other vehicle sales and service, service stations	1 space / 28 m ² of floor area
Repair service establishments	1 space / 28 m ² of floor area

Land Use	Parking Spaces (Minimum)
Veterinary clinics	1 space / 28 m ² of floor area
All other industrial uses	1 space / 50 m ² of floor area
Community Service & Recreational	
Daycare centre, preschool	1 space / 20 m ² of floor area
Elementary school	1 space / classroom
Fitness centre	1 space / 30 m ² of floor area
High school, private school, other educational facility	4 spaces / classroom
Ice rink, curling rink, outdoor playing fields, arena	2 spaces / sheet of ice or playing field plus 1 space / 10 fixed seats
Library, museum, cultural institution	1 space / 37 m ² of floor area
Lodges, fraternal organizations, social or private clubs	1 space / 37 m ² of floor area
Parks and playgrounds	No requirement
Places of worship, auditoriums, community centres	3 spaces / 10 fixed seats or 1 space / 25 m ² of floor area, whichever is greater
Public work	No requirement
Special care, residential care, nursing home	1 space / 4 client beds
All other uses	1 space / 30 m ²
Community Service & Recreational	
Daycare centre, preschool	1 space / 20 m ² of floor area
Elementary school	1 space / classroom
Fitness centre	1 space / 30 m ² of floor area

6. Each parking space shall have dimensions of not less than 2.8 m by 5.5 m . Parking spaces for disabled persons shall provide a minimum width of 3.9 m and minimum depth of 6.0 m.

7. A minimum standard of 25 m² per parking space shall be used for general calculation for the areas of parking facilities or the number of parking spaces in a parking facility.
8. In any Commercial or Industrial District, where the use of a building or site involves the receipt, distribution or dispatch of materials, goods or merchandise from vehicles, adequate space for such vehicles to stand during loading or unloading shall be provided on the site in conformity with the following schedule as shown in Table 4.2.
9. All off-street loading spaces shall be located on the site and be of a sufficient size so that interference with vehicular traffic on a public roadway.

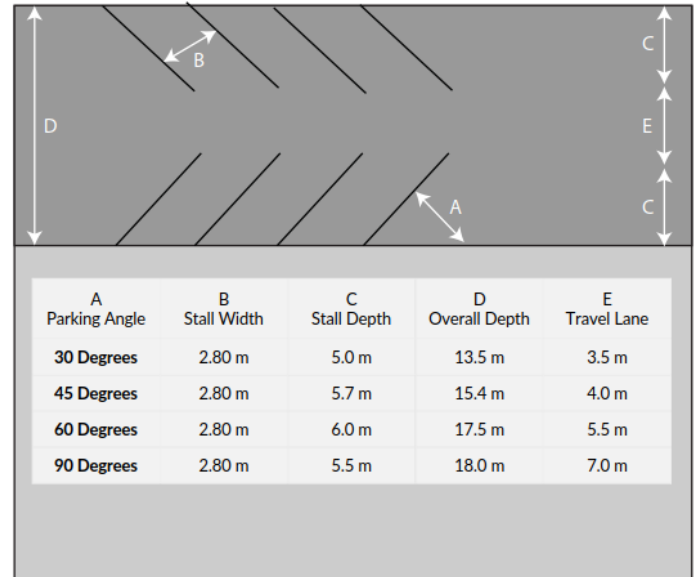


Figure 2: Parking Stall Dimensions

Table 4.2: Off-Street Loading Area

Gross Floor Area	Loading Parking Required (Minimum)
100 m ² to 1,500 m ²	1 loading space
1,501 m ² to 3,000 m ²	2 loading spaces
Over 3,001 m ²	2 loading spaces plus 1 for each 6,000 m ² (or part there of over 3,000 m ²)

4.24 DRIVEWAYS

1. At street intersections, driveways shall be set back from the back of the flanking public sidewalk/curb (where there is no public sidewalk) not less than:
 - a. 6.0 m where the driveway serves not more than four dwelling units;
 - b. 15 m for all other uses; or
 - c. except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency at the discretion of the Development Officer.

FIGURE Drawing ?

2. In residential districts the minimum and maximum width of a driveway shall be as specified in the table below:

Lot Frontage (m)	Minimum Driveway Width (m)	Maximum Driveway Width (m)
12.5 m	3.0 m	7.0 m
12.6 m to 18 m	3.0 m	10.0 m or 60% of lot frontage
Greater than 18 m	3.0 m	10.0 m

3. In all districts, excluding residential districts, unless otherwise permitted by the approving Development Officer, the maximum width of a driveway shall be 12 m.
4. The minimum distance between driveways shall be:
 - a. nil, where the driveways serve single dwelling units;
 - b. 6.0 m where the driveways serve any other use; or
 - c. except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency at the discretion of the Development Officer.
5. Hard surfacing (i.e. concrete, asphalt, paving stones or similar material suitable to the approving Development Officer) of a driveway shall be required in all districts if access is gained directly from or to a hard-surfaced public road.

4.25 SIGNS

All signs shall be subject to the following regulations:

1. On any lot in any Residential District, signs may be erected as follows:
 - a. Except as provided in sections 4.9 (1) (d) and 4.10 (1) (c) below, only one permanent sign is permitted on any lot or building.
 - b. Additional temporary signs bearing notice of sale or lease, sale of produce or other information relating to a temporary condition affecting the property are permitted.
 - c. Except as provided in section 4.9 (1) (c) below, the maximum facial area of any sign is 0.4 m².
 - d. Multiple -unit dwellings are permitted one additional sign, up to 0.93 m², showing the name of the building.
 - e. Signs shall be located in such a manner that they do not visually obstruct sight triangles or otherwise jeopardize public safety.
2. In all other zoning districts, the following regulations apply:
 - a. Up to two signs may be erected on each lot.
 - b. The maximum facial area of a sign is 3.7 m².
 - c. Signs may be double faced.
 - d. The maximum height of a sign is 6.09 m.
 - e. Illuminated signs shall have an internal light source or an external light source shielded so that the light is directed only at the face of the sign.
 - f. Signs shall be located so that they do not obstruct or jeopardize the safety of the public.

4.26 RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

1. The parking of recreational vehicles on a site shall only be allowed for sites with a single detached dwelling.
2. Subject to Section 4.25.1, a person may park a recreational vehicle in the required front yard setback on a hard-surfaced driveway or pad from May 1 to October 20 of each calendar year providing:
 - a. all portions of the recreational vehicle are set back a minimum of 1.0 m from the back of the sidewalk or the curb, where there is no sidewalk; and
 - b. the recreational vehicle shall be parked parallel to the driveway.
3. A person shall not park a recreational vehicle in the required front yard setback from October 21 to April 30 of each calendar year.
4. On a lot that has access to a lane, a person may park a recreational vehicle year around on a pad within the rear yard setback or on the driveway to a rear detached garage.
5. On a lot that has no access to a lane, but where there is available space between the side property boundary and the dwelling to access the rear yard from the front roadway, a person may park a recreational vehicle year-round on a pad within the rear yard.

4.27 ALLOWABLE PROJECTIONS

1. Architectural features such as unenclosed steps, chimneys, awnings, eaves, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or satellite dishes less than 1.0 m in diameter may project into a required yard provided they meet the provisions of the National Building Code and do not project more than 0.5 m for required yards less than 1.2 m or project more than 0.6 m in the case of required yards 1.2 m and greater.
2. Cantilevered projections, with or without windows, may project up to 0.6 m into a required yard greater than 1.2 m, but in all cases at least 1.2 m must be maintained between the wall of the projection and the property line.
3. Where the cantilevered projection in a required side yard that is not flanking a road, the horizontal length of any one projection shall not exceed 3.0 m. In the case of more than one projection, the aggregate length of the projection shall not exceed one-third of the length of the building wall exclusive of garage walls.
4. Balconies and decks may project up to 2.0 m into required yards with a required yard setback of at least 4.0 m, and 0.6 m for required yards less than 4.0 m
5. Utilities, underground parking, and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with abutting properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping.

4.28 DEVELOPMENTS ENCROACHING ON TOWN PROPERTY

1. No permanent structure or improvement other than a utility or municipal structure shall be built on or over Town property with the exception of:
 - a. approved private driveways and sidewalks; and
 - b. private landscaping, which is reasonable, in the opinion of Development Officer.
2. The owner of said encroaching structure or improvement shall be solely responsible for repairs and/or replacement necessitated due to utility or municipal operations.

3. The owner of any encroaching structure shall maintain the said structure in a reasonable state of repair at all times.
4. In determining reasonable encroachments, the Development Officer shall have due regard to policies and procedures as adopted by resolution of Council.
5. The owner of such encroaching structures or improvements may be required to enter into an encroachment agreement in a form satisfactory to Development Officer, respecting the said encroachment.
6. The owner of such encroaching structure must obtain approval from the Town prior to installing any improvement.

4.29 ENVIRONMENTAL SITE ASSESSMENT (I.E. CONTAMINATED LANDS)

1. The Town may require an applicant to conduct an environmental site assessment and submit an environmental site assessment report as part of a development permit application, and application to amend this Bylaw, an application for subdivision approval, or an application to amend a statutory plan, to ensure that the current environmental condition and/or past use of the site has not created an environmental condition on site which renders the site unsuitable for the intended use(s). The Environmental Site Assessment report shall contain:
 - a. A history of the subject property's ownership and use;
 - b. A description of the natural environment and social environment surrounding the subject property which may be sensitive to contamination;
 - c. An inventory of all hazardous materials that may have been handled or stored on the subject property, including a review of on and off-site disposal operations and facilities;
 - d. Documentation of the existence, location and use of above and underground storage tanks and other related facilities;
 - e. A history of environmental regulatory activity affecting the subject property;
 - f. A review of the condition and use of adjoining properties;
 - g. A completed sampling program to determine type and level of contamination of soil, groundwater, surface water, site facilities, etc.;
 - h. A determination of the extent of contamination; and
 - i. A comprehensive site and areas map noting the locations of natural and built features and other elements of the site assessment as noted above.
2. The Environmental Site Assessment may be referred to Ministry of Environment for comment and recommendations.
3. The Town may use the recommendations of the Environmental Site Assessment report as a basis for:
 - a. Reasons to refuse or approve, with or without conditions, a development permit;
 - b. Reasons to amend or refuse an amendment to this Bylaw;
 - c. Comments to the Subdivision Approving Authority in recommending to approve, approve with conditions, or to refuse an application for subdivision;
 - d. Reasons to approve or refuse an application to adopt or amend a statutory plan.

5 SPECIFIC USE REGULATIONS

5.1 HOME OCCUPATIONS

1. Home occupations in all residential districts shall be subject to the following:
 - a. The use shall be conducted entirely within the dwelling unit by the full-time occupants.
 - b. The use shall not have any exterior display or storage of materials and no exterior variation from the residential character of the building.
 - c. The use shall not create any measurable external nuisance including noise, glare, dust or odour which would be disruptive to the surrounding residential uses.
 - d. The use shall not generate more than four client or business-related visits per day and no more than 20 client or business-related visits per week.
 - e. The use shall be valid only for the period of time the property is occupied by the applicant for such use.
 - f. All development permits issued for a home occupation shall be subject to the condition that the development permit may be revoked at any time subject to the provisions of Section 242 of the Act, if in the opinion of Council, the operation has not met the regulations and standards applicable to home occupations contained in this Bylaw, or the special standards applied by the Development Officer at the time of approval.

5.2 HOME BASED BUSINESS

1. Home based businesses will be accommodated if they are clearly secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area and not of a size or intensity that would detrimentally affect the use and enjoyment of adjacent and nearby residential properties.
2. Home based businesses shall be conducted entirely within the dwelling unit or accessory building.
3. Home based businesses shall not occupy more than 25% of the gross floor area of a dwelling unit in any residential district.
4. There shall be no exterior display or storage of any merchandise or material relating to the home-based business other than a sign, not exceeding 1 m² in area.
5. No more than two non-resident persons shall be engaged in any home-based business as an employee or a volunteer on any one site.
6. Off-street parking shall be required for a non-resident employee.
7. No more than one business vehicle, for which off-street parking is provided, shall be stored on the site.
8. The use shall not generate more than 12 client or business-related visits per day and no more than 60 client or business-related visits per week.
9. The use shall not create any measurable external nuisance including noise, glare, dust or odour which would be disruptive to the surrounding residential uses.
10. The use shall be valid only for the period of time the property is occupied by the applicant for such use.
11. All development permits issued for a home based business shall be subject to the condition that the development permit may be revoked at any time subject to the provisions of Section 242 of the Act, if in the opinion of Council, the operation has not met the regulations and

standards applicable to home occupations contained in this Bylaw, or the special standards applied at the time of approval.

5.3 BED AND BREAKFAST HOMES

1. Bed and breakfast homes shall be in a single detached dwelling used as the operator's principal residence.
2. Bed and breakfast homes shall be licensed by the Ministry of Health and shall have a fire safety inspection report issued prior to occupancy as a bed and breakfast home.
3. In issuing discretionary use approval for a bed and breakfast home, Council may specify the maximum number and specific location in the dwelling of approved guest rooms. Any increase in number of guest rooms shall require a new discretionary use approval.
4. Off-street parking shall be provided pursuant to this bylaw.

5.4 SECONDARY SUITES

1. Secondary suites may be constructed within a single detached dwelling in a residential district.
2. Only one secondary suite shall be permitted in a single detached dwelling.
3. Secondary suites must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
4. Secondary suites must contain cooking, eating, living, sleeping and private toilet facilities. Secondary suites shall not exceed 50% of the total floor space area, including basement of the dwelling.
5. Off-street parking shall be provided pursuant to this bylaw.

5.5 GARDEN AND GARAGE SUITES

1. A garden or garage suite shall only be permitted on a lot with a single-family dwelling backing onto a rear lane.
2. The garden suite and principal dwelling must be under a common property title.
3. The gross floor area of the garden suite shall not exceed 80% of the gross floor area of the principal dwelling.
4. The yard setbacks applied to the principal dwelling shall also apply to the garden suite with the exception that a 1.6 m rear yard setback shall apply to the garden suite.
5. The garden suite shall maintain a minimum 4 m separation from the principal dwelling.
6. The height of the garden suite shall not exceed the height of the principal dwelling.
7. An additional non-stacked off-street parking space shall be provided for the garden suite.
8. A mobile home shall not be permitted as a garden suite.
9. Garden suites shall be constructed on grade with no basement.
10. The garden suite shall include a full bathroom containing a toilet, sink and shower or tub, a kitchen and a maximum of two bedrooms.

5.6 RESIDENTIAL CARE HOMES

1. A residential care home may be developed in a single detached dwelling as a principal or ancillary use, subject to obtaining a provincial license, pursuant to the applicable act under which the home is proposed to operate.

2. The residential care home shall maintain the single detached character of the property consistent with the neighbourhood.
3. A residential care home shall meet all the regulations for a single detached dwelling as prescribed by this Bylaw.
4. The operator of the residential care home shall be a permanent resident of the dwelling and ensure that adequate supervision and care is provided at the home at all times.
5. In issuing discretionary use approval for a residential care home, Council may specify the maximum number of clients that may be cared for in a residential care home. Any increase in number of clients shall require a new discretionary use approval.

5.7 FAMILY CHILD CARE HOMES

1. A family child care home may be developed in a single detached dwelling, subject to *The Child Care Act*.
2. The maximum number of childcare spaces shall not exceed ten (10).
3. The family childcare home shall maintain the single detached character of the property consistent with the neighbourhood.
4. A family childcare home shall meet all the regulations for a single detached dwelling as prescribed by this Bylaw.
5. The operator of the family childcare home shall be a permanent resident of the dwelling.

5.8 MEDICAL MARIJUANA FACILITY

1. Medical marijuana facilities shall be limited to parcels designated M1 – Industrial District.
2. Medical marijuana facilities shall not be located closer than 150 m to any site being actively used for a residential dwelling, community or recreation activities, public parks, playgrounds and play areas, daytime child care services, libraries and cultural facilities, religious assemblies, or public or private education uses at the time of the application for the development permit for the medical marijuana facility. For the purposes of this subsection only the 150 m separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from district boundaries or from the edges of structures;
3. All activities related to the medical marijuana facility shall occur within a fully enclosed stand-alone building, including but not limited to loading, receiving, and shipping of medical marijuana and any other goods, materials, and supplies.
4. There shall be no outdoor storage of goods, material, or supplies.
5. Garbage containers and waste material shall be contained within an enclosed building.
6. A copy of the current license for the medical marijuana facility as issued by Health Canada shall be provided to the Development Officer prior to the operation of the facility.
7. No use or operation shall cause or create conditions that may be objectionable or dangerous beyond the building that contains it, such as noise, odour, environmental impacts, heat or brightness of light sources.

5.9 MODULAR HOMES AND READY TO MOVE (RTM) HOMES

1. All modular and RTM homes shall be certified by the manufacturer to comply with CSA-A277.
2. All modular and RTM homes shall be placed on a permanent foundation at a standard comparable to a single detached dwelling.

3. All modular and RTM homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
4. Modular homes and RTM homes shall have architectural features similar or complimentary to adjacent and neighbouring homes.

5.10 MOBILE HOMES

1. All mobile homes shall be certified by the manufacturer to comply with CSA-Z240.
2. Mobile homes considered for approval shall be manufactured not more than 10 years ago.
3. Mobile homes shall be consistent with the general appearance, size and quality of other dwellings in the immediate area.
4. Mobile homes shall not be located on corner sites.
5. All mobile homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
6. All mobile homes shall be equipped with skirting complimentary to the exterior of the mobile home with an accessible removable service panel.

5.11 MULTIPLE UNIT DWELLINGS

1. Multiple unit dwellings may be developed where located on a second or higher floor over office, retail, restaurant, café and personal service establishments on the main floor.
2. The parking required for multiple unit dwellings is additional to the parking required for commercial uses.
3. The suitability of a proposal shall be considered with respect to:
 - a. adherence to any concept plan prepared for the proposed development area, including the proposed location of all forms of multiple unit dwellings;
 - b. the locations on major streets and that the development will not cause excessive traffic through existing low-density residential areas;
 - c. the convenience of parking; and
 - d. appropriate size and quality of proposed dwelling units.

5.12 SERVICE STATIONS AND GAS BARS

1. Fuel pumps and accessory equipment including any fuel sales kiosk on a pump island shall be located at least 6.0 m from any street or other property boundary.
2. Except in the M – Industrial District, all automobile parts, dismantled vehicles and similar articles shall be stored within a building or visually screened to the satisfaction of the Development Officer.
3. The Development Officer may specify in the issuing of a development permit, as a special condition of the development permit, that location and design of access to the property and to the fuel pumps and service bays, to avoid conflict with traffic on abutting streets or lanes.

6 ZONING DISTRICTS

6.1 CLASSIFICATION OF ZONING DISTRICTS

To carry out the purpose and provisions of this Bylaw, the Town is divided into the following zoning districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

Districts	Symbols
Residential, Low Density	R1
Residential, Medium Density	R2
Mobile Home	MH
Community Service	CS
Commercial, Downtown	C1
Commercial, Highway	C2
Industrial	M
Urban Reserve	UR

6.2 THE ZONING DISTRICT MAP

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

6.3 BOUNDARIES OF THE ZONING DISTRICTS

1. The boundaries of the districts referred to, together with explanatory legend, notations and reference, are shown on the map entitled "Zoning District Map".
2. All streets, lanes and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
3. On un-subdivided land, the zoning district boundary shall be determined by the scale shown on the Zoning District Map.

6.4 ZONING DISTRICTS

The uses or forms of development allowed within a zoning district, along with regulations or standards which apply, are contained in the District Schedules in Section 8.

6.5 PERMITTED, DISCRETIONARY AND PROHIBITED USES

Any use that is not designated as a permitted or discretionary use within this bylaw shall be a prohibited use.

7 DISTRICT SCHEDULES

SCHEDULE 1: R1 – LOW DENSITY RESIDENTIAL DISTRICT

1. Purpose

The purpose of this district is to provide for residential development in the form of single detached dwellings and other compatible uses.

2. Permitted Uses

- a. Cultural institution
- b. Parks or playgrounds
- c. Public works excluding, offices, warehouses, storage yards and sewage lagoons
- d. School or educational institutions
- e. Secondary suites
- f. Single detached dwelling
- g. Semi-detached dwelling
- h. Duplex dwelling
- i. Home occupation

3. Discretionary Uses

- a. Bed and breakfast home
- b. Club
- c. Community garden
- d. Daycare center or preschool
- e. Dwelling unit group
- f. Garden or garage suite
- g. Home based business
- h. Hospital or medical clinic
- i. Modular home or ready to move home
- j. Places of worship or church
- k. Police station
- l. Portable garage
- m. Public recreational facility
- n. Rooming or boarding house
- o. Special care home
- p. Temporary container

4. Permitted Accessory Uses and Buildings

Uses or buildings excluding industrial or commercial uses which are secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be permitted.

5. Site Regulations for Permitted and Discretionary Uses

Use	Frontage (m)	Site Area (m ²)	Front Yard ^{2,3} (m)	Rear Yard (m)	Side Yard (m)
Single detached dwelling	12.0	360.0	7.6	7.6	0.91
Semi-detached or duplex dwelling	20.0	600.0	7.6	7.6	0.91
School, hospital, special care home, & place of worship	30.0	930.0	7.6	7.6	Greater of 3.5 m or ½ the wall height
All other uses ¹	15.0	450.0	7.6	7.6	0.91

*All values are minimums unless otherwise stated.

1. Recreation and Public Works uses are exempt from the above noted site regulations.
2. For corner lots, the minimum flanking yard setback shall be 4.5 m.
3. Where a use fronts directly onto a provincial highway the front yard setback shall be 45 m from the centerline of the highway.

6. Supplementary Regulations:

a. Building Height

- i. The maximum height shall not exceed 10.6 m for principal buildings.
- ii. The maximum height shall not exceed 4.5 m for accessory buildings.

b. Accessory Buildings:

- i. Accessory buildings with a door opening onto a lane shall be located not less than 1.5 m from the lot line abutting the lane.

c. Standards for Discretionary Uses:

In addition to other applicable regulations or standards contained in this Bylaw, the following shall apply to discretionary uses in the R1 –Residential District:

- i. All discretionary uses shall maintain the residential character of the area as much as possible.
- ii. Off street parking spaces for special care homes and hospitals should be located in a side or rear yard and be screened if adjacent to a lot used for residential purposes.
- iii. Places of worship shall, where possible be, located on corner lots to facilitate access.

- iv. Each resident of a boarding or rooming house must be provided with a minimum of 14 m² of private living space.
- v. Each resident of a boarding or rooming house must have access to a heated bathroom, and one bathroom must be provided for each 6 persons in the house.

SCHEDULE 2: R2 – MEDIUM DENSITY RESIDENTIAL DISTRICT

1. Purpose

The purpose of this district is to provide for a variety of residential development such as single detached, semi-detached, duplex, and multiple unit dwellings and other compatible uses.

2. Permitted Uses

- a. Cultural institution
- b. Duplex dwelling
- c. Home occupation
- d. Multiple unit dwelling
- e. Parks or playground
- f. Public works excluding, offices, warehouses, storage yards and sewage lagoons
- g. School or educational institution
- h. Secondary suite
- i. Semi-detached dwelling
- j. Single detached dwelling

3. Discretionary Uses

- a. Bed and breakfast home
- b. Club
- c. Community garden
- d. Daycare centre or preschool
- e. Dwelling unit group
- f. Family childcare home
- g. Garden and garage suite
- h. Home based business
- i. Hospital or medical clinic
- j. Modular home or ready to move home
- k. Place of worship or churches
- l. Portable garage
- m. Public recreational facilities
- n. Residential care home
- o. Rooming or boarding house
- p. Mobile home
- q. Temporary container

4. Permitted Accessory Uses and Buildings

Uses or buildings excluding industrial or commercial uses which are secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be permitted.

5. Site Regulations for Permitted and Discretionary Uses

Use	Frontage (m)	Site Area (m ²)	Front Yard ^{2,4} (m)	Rear Yard (m)	Side Yard (m)
Single detached dwelling	12.0	360.0	7.6	7.6	0.91
Semi-detached or duplex dwelling	20.0	600	7.6	7.6	0.91
Multiple unit dwellings or senior citizen homes (per unit)	20.0	600.0 plus 90 m ² for each dwelling unit in excess of two on the ground floor	7.6	7.6	Greater of 3.5 m or ½ the wall height
School, hospital, special care home, & place of worship	30.0	930.0	7.6	7.6	Greater of 3.5 m or ½ the wall height
All other uses ¹	15.0	450.0	7.5	7.5	1.5

*All values are minimums unless otherwise stated.

1. Recreation and Public Works uses are exempt from the above noted site regulations.
2. For corner lots, the minimum flanking yard setback shall be 4.5 m.
3. Bachelor Suite – 28 m² minimum floor area
 - 1- Bedroom – 50 m² minimum floor area
 - 2- Bedroom – 70 m² minimum floor area
4. Where a use fronts directly onto a provincial highway the front yard setback shall be 45 m from the centerline of the highway.

6. Supplementary Regulations:

- a. Building Height:
 - i. The maximum height shall not exceed 10.6 m for single detached, semidetached, duplex, row house, and attached dwellings.
 - ii. The maximum height shall not exceed 4.5 m for accessory buildings.
 - iii. The maximum height shall not exceed 13.7 m for other developments.
 - iv. At the discretion of the Development Officer an apartment dwelling may have a maximum height of 18.3 m. Where building height exceeds 13.7 m a sprinkler system shall be required.

b. Dwelling Groups:

- i. The minimum side yard is 1.8 m measured from the closest main wall of the principal building closest to the side lot line.
- ii. All principal buildings forming part of the group shall be located at least 3 m from any other principal building in the group.
- iii. The lot area shall provide at least 371.6 m² for each dwelling unit in the group located at a grade level, plus 65 m² for any dwelling units located above the main floor.

c. Accessory Buildings:

- i. Accessory buildings with a door opening onto a lane shall be located not less than 1.5 m from the lot line abutting the lane.
- ii. Only one carport, or detached private garage, not exceeding 140 m² in area is permitted.

d. Standards for Discretionary Uses:

In addition to other applicable regulations or standards contained in this Bylaw, the following shall apply to discretionary uses in the R2 –Residential District:

- i. All discretionary uses shall maintain the residential character of the area as much as possible.
- ii. Multi-unit dwellings, hospitals and nursing homes off-street parking facilities shall be located in a side or rear yard. Parking areas shall be screened if they are adjacent to a lot used for residential purposes.
- iii. Multi-unit dwellings and places of worship shall, where possible be, located on corner lots to facilitate access. Each resident of a boarding or rooming house must be provided with a minimum of 14 m² of private living space.
- iv. Each resident must have access to a heated bathroom, and one bathroom must be provided for each 6 persons in the house.

SCHEDULE 3: MH – MOBILE HOME DISTRICT

1. Purpose

The purpose of this district is to provide for residential development in the form of mobile homes and other community uses.

2. Permitted Uses

- a. Mobile home
- b. Mobile home court
- c. Home occupation
- d. School or other educational facility
- e. Park or playground
- f. Public works excluding offices, warehouses, storage yards and sewage lagoons

3. Discretionary Uses

- a. Day care center
- b. Home based business
- c. Portable garage
- d. Temporary container
- e. Places of worship or churches

4. Accessory Uses

Uses or buildings excluding industrial or commercial uses which are secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use shall be permitted.

5. Site Regulations for Permitted and Discretionary Uses

Use	Frontage (m)	Site Area (m ²)	Front Yard (m) ³	Rear Yard (m)	Side Yard (m)
Mobile home ²	10.0	360.0	7.6	4.6	1.5
Mobile home court	15.0	1 ha	7.6	4.5	1.5
All other uses	15.0	450.0	7.6	7.6	1.5

*All values are minimums unless otherwise stated.

1. Recreation and Public Works uses are exempt from the above noted site regulations.
2. All mobile homes must have Canadian Standards Association certification shall be skirted from the floor level to ground level. Skirting or any attached structure shall be factory built with matching exterior finish, or be of durable all-weather construction and designed in a manner that will enhance the appearance of the manufactured home development. The mobile home shall be levelled, blocked, and skirted, and the hitch skirted within thirty (30) days of being placed on a lot.
3. Where a use fronts directly onto a provincial highway the front yard setback shall be 45 m from the centerline of the highway.

6. Supplementary Standards

a. Mobile Home Courts

- i. New mobile home courts shall be required to submit a concept plan for the site and servicing for approval by the Development Officer. This submission should identify and provide detail regarding dimensions and treatments for the following:
 - entire site and individual lots;
 - vehicular access and egress from the mobile home court and internal roadway system;
 - walkways;
 - recreation areas;
 - storage areas;
 - parking areas;
 - perimeter landscape area;
 - municipal servicing; and
 - any other information that the Development Officer deems necessary.
- ii. Internal pedestrian walkways shall have a minimum width of 1.5 m and be surfaced to the satisfaction of the Development Officer.
- iii. Roadways within mobile home courts shall be at least 15.24 meters in width, hard surfaced and self-drained
- iv. As a minimum, 10% of the area of the mobile home court should be set aside as communal open space or devoted to recreational facilities.
- v. Common storage areas, separate from the mobile home lot, shall be provided for storage of seasonal recreational equipment not capable of storage on the mobile home lot. Such storage areas shall be screened and shall have an area of not less than 20 m² per mobile home lot.
- vi. The boundary of a mobile home court must be fully enclosed by a privacy fence 2.0 m in height and shall be maintained by the mobile home court operator.
- vii. The Public Health Act and the Regulations passed there under, shall be complied with in respect to all other operations and development of the mobile home court.

b. Standards for Discretionary Uses

In addition to other applicable regulations or standards contained in this bylaw, the following shall apply to discretionary uses in the MH –Mobile Home District.

- i. All discretionary uses shall maintain the residential character of the district as much as possible.
- ii. Off street parking spaces shall be located in a side or rear yard.

SCHEDULE 4: CS – COMMUNITY SERVICE DISTRICT

1. Purpose

The purpose of this district is to provide for a range of publicly and privately-owned community services and other compatible uses.

2. Permitted Uses

- a. Cemetery
- b. Community centre
- c. Community garden
- d. Cultural institution
- e. Farmer's market or farm stand
- f. School or other educational facilities
- g. Fire and protective services
- h. Recreational facility
- i. Municipal facility
- j. Daycare centre or preschool
- k. Special care home including seniors/nursing home
- l. Group care facility
- m. Parks or playgrounds
- n. Communication tower

3. Discretionary Uses

- a. Portable garage
- b. Temporary container
- c. Dormitory residence
- d. Caretaker dwelling unit attached to, above or in the rear of a permitted use.

4. Site Regulations for Permitted and Discretionary Uses

The Development Officer shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

SCHEDULE 5: C1 – COMMUNITY CENTRE COMMERCIAL DISTRICT

1. Purpose

The purpose of this district is to provide for pedestrian-oriented commercial developments offering a wide variety of goods and services, and other uses, herein listed, which will create an attractive environment for pedestrians, and promote the downtown core of the municipality, but which will be accessible to motor vehicles.

2. Permitted Uses

- a. Bakery with retail sales
- b. Bus terminal
- c. Cultural institution
- d. Fire and protective services
- e. Funeral home
- f. Hotel or motel
- g. Licensed beverage room and other places for the sale and consumption of beer, wine and other spirits with or without food.
- h. Government service
- i. Medical or dental office or clinic
- j. Professional, financial or administrative offices
- k. Personal service shop
- l. Community facilities
- m. Places of worship or churches
- n. Printing plant or newspaper office
- o. Public works excluding warehouses, storage yards and sewage lagoons
- p. Restaurants, confectioneries and other places for the sale and consumption of food and related items
- q. Retail store
- r. Service station
- s. Theaters, assembly halls and commercial recreational establishments but not including curling or skating rinks.

3. Discretionary Uses

- a. Construction trade
- b. Caretaker dwelling unit attached to, above or in rear of stores or other permitted uses
- c. Greenhouse
- d. Agricultural supply establishments
- e. Automotive and equipment sale, repair rental, or storage
- f. Childcare service
- g. Communication tower
- h. Container, shipping container, sea can or dry box
- i. Apartment dwelling
- j. Equipment rental
- k. Indoor amusement or recreational establishment
- l. Shopping centre

4. Accessory Uses

Buildings, structures or uses secondary to and located on the same lot with the principal permitted or discretionary use shall be considered accessory uses and permitted.

5. Site Regulations for Permitted and Discretionary Uses

- a. Frontage:
 - i. A minimum of 7.6 m
- b. Site area:
 - i. A minimum of 230.0 m²
- c. Front yard setback:
 - i. For new developments: buildings shall be built to the front property line. The Development Officer may allow building setbacks up to 2.5 m to accommodate street-related activities such as sidewalk cafes, architectural features, plazas, and landscaping that contribute to a pedestrian oriented shopping character for the central area of Kyle. The 2.5 m setback shall not be used exclusively for landscaping.
 - ii. Service stations – 7.5 m
- d. Side yard setback:
 - i. No minimum side yard required with exception of a minimum of 1.5 m when abutting a lot line of a residential district.
- e. Rear yard setback:
 - i. No minimum side yard required with exception of a minimum of 6.0 m when it abuts a lot line of a residential district.
- f. Building height:
 - i. The maximum height shall not exceed 13.7 m unless otherwise approved by the Development Officer. Developments over 13.7 m shall require a sprinkler system.

6. Supplementary Regulations

1. Any business premises or multiple occupancy building having a floor area greater than 1,500 m² or a single wall length greater than 25 m visible from a public road shall comply with the following:
 - a. the roof line and the building façade shall include design elements that reduce the perceived mass of the building and add architectural interest; and
 - b. landscaping adjacent to exterior walls shall be used to reduce the perceived mass of the building and provide visual interest.
2. Where the site is part of a pedestrian-oriented shopping street, the architectural treatment of the building may include features such as:
 - a. placement of windows to allow for viewing in the building by pedestrians;
 - b. entrance features;
 - c. canopies;
 - d. features that lend visual interest and create a human scale; and

- e. on corner sites, the façade treatment shall wrap around the side of the building to provide a consistent profile to both abutting roadways.
- 3. All exposed building faces shall have consistent and harmonious exterior finishing materials.
- 4. In reviewing an application consideration shall be given to the design, siting, landscaping, and screening of the proposed development to minimize any potential impacts such as traffic and patrons using the site, increased noise, dust, odours, or refuse, and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses.
- 5. The following regulations shall apply to dwelling unit developments that have frontage on to Centre Street:
 - a. dwelling units shall be permitted only in buildings where the first storey is used for commercial purposes;
 - b. dwelling units may be allowed when attached to a commercial building;
 - c. dwelling units shall have access at grade, which is separate from the access for the commercial premises.

7. Additional Parking and Loading Regulations

- 1. Parking and loading requirements for permitted and discretionary uses are subject to Section 4.23 in addition to the requirements found within this district.
- 2. Notwithstanding the off-street parking requirements identified in Section 4.23, should the Development Officer deem it advisable, they may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within this district:
 - a. where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
 - b. where the dimensions or site area are inadequate to reasonably accommodate the proposed development and required parking.
- 3. No parking, loading, storage, trash collection, outdoor service, or display area shall be permitted within a required front setback. Vehicular parking, loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and/or public roadways. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a residential district or a lane serving a residential district, such areas shall be screened to reduce the visual impact on adjacent residential properties.

SCHEDULE 6: C2 – HIGHWAY COMMERCIAL DISTRICT

1. Purpose

The purpose of this district is to provide an area for commercial uses and other uses which are compatible with the area, adjacent to a highway which requires large open areas for parking by clientele, for display of merchandise, or both, which will create an attractive environment to serve the public.

2. Permitted Uses

- a. Agricultural implement, motor vehicle, mobile home or recreational vehicle sales, storage or servicing, but not including auto-body shops
- b. Agricultural supply establishment
- c. Automotive and industrial supply store
- d. Bus terminal
- e. Car wash
- f. Construction trade
- g. Car wash
- h. Greenhouse
- i. Hotel or motel
- j. Tourist information centre
- k. Lumber yard or home improvement centers
- l. Agricultural supply establishment
- m. Convenience store
- n. Public works, excluding sewage lagoons
- o. Restaurant or drive-in restaurant
- p. Retail store
- q. Service Station
- r. Veterinary clinic

3. Discretionary Uses

- a. Autobody shop
- b. Bulk fertilizer storage and sales
- c. Communication tower
- d. Commercial storage
- e. Container, shipping container, sea can or dry box
- f. Licensed beverage room and other places for the sale and consumption of beer, wine and other spirits with or without food.
- g. Personal service shop
- h. Cultural institutions
- i. Places of worship or church
- j. Funeral home
- k. Campground
- l. Professional, financial or administrative offices
- m. Warehouse sales

4. Accessory Uses

Buildings or uses secondary and subordinate to and located on the same lot with the principal permitted or discretionary use shall be considered accessory, and permitted.

5. Site Regulations for Permitted and Discretionary Uses

Use	Frontage (m)	Site Area (m ²)	Front Yard (m) ²	Rear Yard (m)	Side Yard (m)
Land Use Group #1 ³	30.5	930.0	7.6	10% of lot depth	3.0
Land Use Group #2 ⁴	15.24	465.0	7.6	10% of lot depth	3.0
All other uses	22.0	725.0	7.6	10% of lot depth	3.0

*All values are minimums unless otherwise stated.

1. Public Works uses are exempt from the above noted site regulations.
2. Where a highway commercial use fronts directly onto a provincial highway the front yard setback shall be 45 m from the centerline of the highway.
3. Land Use Group # 1 includes:
 - a. Agricultural implement, motor vehicle, mobile home or recreational vehicle sales, storage or servicing, but not including auto-body shops
 - b. Campground
 - c. Lumber yard or home improvement centers
 - d. Hotel or motel
 - e. Service Station
 - f. Automotive and industrial supply store
4. Land Use Group # 2 includes:
 - a. Construction trade
 - b. Cultural institutions
 - c. Restaurant or drive-in restaurant
 - d. Funeral home

6. Supplementary Regulations

1. The maximum height shall not exceed 13.7 m unless otherwise approved by the Development Officer. Developments over 13.7 m shall require a sprinkler system.
2. Any business premises or multiple occupancy building having a floor area greater than 1,500 m² or a single wall length greater than 25 m visible from a public road shall comply with the following:
 - a. the roof line and the building façade shall include design elements that reduce the perceived mass of the building and add architectural interest; and
 - b. landscaping adjacent to exterior walls shall be used to reduce the perceived mass of the building and provide visual interest.

3. All exposed building faces shall have consistent and harmonious exterior finishing materials.
4. In reviewing an application consideration shall be given to the design, siting, landscaping, and screening of the proposed development to minimize any potential impacts such as: traffic and patrons using the site, increased noise, dust, odours, or refuse, and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses.
5. A permit for development in this district must also be granted by the appropriate Provincial department (when the site is adjacent to a provincial highway).
6. Access to lots used for discretionary uses shall be located to ensure that heavy truck traffic takes access to or from major streets or designed truck routes.
7. All outside storage shall be fenced, and where the lot abuts a residential lot without an intervening street or lane, the storage area shall be screened with a solid fence or hedge at least 1.8 m in height.

SCHEDULE 7: M1 – INDUSTRIAL DISTRICT

1. Purpose

The purpose of this district is to provide for a variety of general industrial uses including warehousing, manufacturing, assembling and fabricating activities, and other industrial land uses which may require an outside storage component necessary to the operation of the business. This district may also contain large scale or specialized operations, where there are no significant external, objectionable, or dangerous conditions beyond the outer limits of the site.

2. Permitted Uses

- a. Autobody Shop
- b. Car Wash
- c. Construction trade
- d. Container, Shipping Container, Sea Can or Dry Box
- e. Commercial storage
- f. Grain elevator
- g. Industrial equipment storage, sales and maintenance
- h. Lumber yard, agricultural and building supply establishment
- i. Motor vehicle, farm implement and recreational vehicle sales, storage and servicing
- j. Public works excluding sewage lagoons
- k. Railway and ancillary facilities
- l. Service station
- m. Trucking operation
- n. Veterinary clinic
- o. Manufacturing operation - small scale
- p. Warehouse sales and storage yard
- q. Welding shop
- r. Wholesale establishment
- s. Communication tower

3. Discretionary Uses

- a. Abattoir
- b. Auction market
- c. Bulk fuel dealership and storage
- d. Bulk fertilizer sales and storage
- e. Cement plant
- f. Industrial, general use
- g. Kennel
- h. Junk yard or auto wrecker
- i. Machine shop
- j. Manufacturing operation - large scale
- k. Medical marijuana facility
- l. Recycling collection depot
- m. Temporary storage
- n. Sand and gravel operation
- o. Seed cleaning plant or feed mill

4. Accessory Uses

Buildings, structures, or uses including one dwelling for a caretaker or manager, secondary and subordinate to, and located on the same lot with the principal permitted or discretionary uses, shall be permitted.

5. Site Regulations for Permitted and Discretionary Uses

Use	Frontage (m)	Site Area (m ²)	Front Yard (m) ²	Rear Yard (m)	Side Yard (m)
All uses	18.0	800.0	6.0 ⁴	6.0	3.0 ⁵

*All values are minimums unless otherwise stated.

1. Public Works uses are exempt from the above noted site regulations.
2. Where an industrial use fronts directly onto a provincial highway the front yard setback shall be 45 m from the centerline of the highway.
3. Council may permit a reduced side and rear yard when:
 - a. an existing structure is to be redeveloped for a use permitted by this bylaw;
 - b. the structure, in the opinion of Council, is in general good condition and meets the applicable National Building Code requirements;
 - c. an adequate separation such as a buffer or lane separates the subject property from all residential development;
 - d. the existing rear and side yards are not less than 0.4 m; and
 - e. any expansion of the existing building shall adhere to the current yard requirements.
4. Except where a greater distance is deemed necessary by the Development Officer.
5. A minimum of 6.0 m where it abuts a lot line of a residential district. One side yard shall have a minimum 4.5 m side setback to provide alternate access to the rear of the buildings where a rear lane is not available.

6. Supplementary Regulations

1. The maximum height shall not exceed 13.7 m unless otherwise approved by the Development Officer. Developments over 13.7 m shall require a sprinkler system.
2. In determining the significance of adverse effects or nuisances of a proposed development on adjacent or nearby sites, the approving Development Officer may consider the following:
 - a. the magnitude of the adverse effect or nuisance;
 - b. the extent, frequency, and duration of exposure to the adverse effect or nuisance; and
 - c. the use and sensitivity of adjacent or nearby sites relative to the adverse effect or nuisance.
3. Industrial developments shall not create significant adverse effect or nuisance such as noise, effluent, odour, or emissions beyond the boundaries of the properties zoned M1 Industrial District.
4. Access to lots used for discretionary uses shall be located to ensure that heavy truck traffic takes access to or from major streets or designated truck routes.
5. All outside storage shall be fenced, and where the lot abuts a residential lot without an intervening street or lane, the storage area shall be screened with a solid fence or hedge at least 1.8 m in height.
6. Bulk petroleum tanks and abattoirs are to be located at least 91.4 m from residential areas, schools, hospitals, motels and restaurants.

SCHEDULE 8: UR – URBAN RESERVE

1. Purpose

The purpose and intent of this district is to protect lands for future forms of development by restricting premature subdivision and development of parcels of land and to provide for a limited range of temporary uses that can easily be removed when the land is redesignated to allow for urban forms of development. The proposed urban development will be supported by an amending bylaw designating the appropriate districts in conformity with the policies and provisions of the Official Community Plan and any adopted concept plan for the lands under consideration.

2. Permitted Uses

- a. Agricultural use which includes crop farming, grazing and pasturage and cultivation of land but does not include intensive livestock or poultry operations
- b. Public works

3. Discretionary Uses

- a. Cemetery
- b. Communication tower
- c. Greenhouse
- d. Landscaping contractor
- e. Sand and gravel operation
- f. Sports fields, parks, golf courses, skating and curling rinks, cultural institutions
- g. Temporary building
- h. Cultural institution

4. Accessory Uses

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

5. Site Regulations for Permitted and Discretionary Uses

1. The design, siting, site coverage, yards, height of buildings, external finish, and landscaping of all buildings and structures shall be to the satisfaction of the approving Development Officer which, in determining a development permit application, shall take into account:
 - a. the general purpose of the district; and
 - b. the existing uses and prospective uses of land in the vicinity.
2. The Development Officer shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly future development of the area for the use represented by the Future Land Use Map.

6. Supplementary Regulations

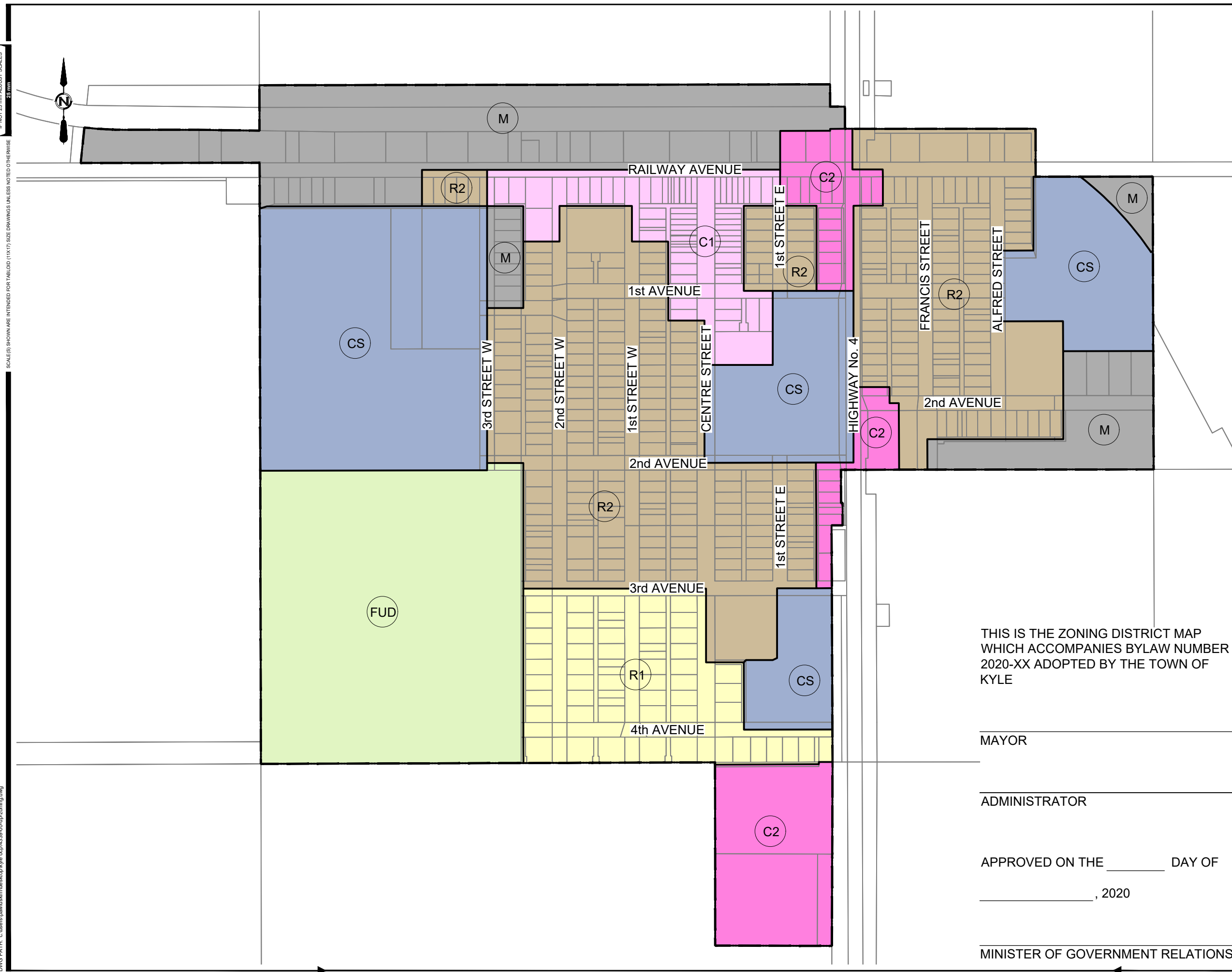
1. All outside storage is to be screened to the satisfaction of the approving Development Officer.
2. Prior to subdivision of a parcel in the UR – Urban Reserve district, the applicant must apply for an amendment to the zoning bylaw map in compliance with the intended future use as represented on the Future Land Use Map.

9 MAPS

IF NOT 25 mm ADJUST SCALES

SCALE(S) SHOWN ARE INTENDED FOR TABLOID (11X17) SIZE DRAWINGS UNLESS NOTED OTHERWISE

PLOT DATE: 2/21/2020 9:14:22 AM
SAVE DATE: 2/21/2020 9:14:11 AM SAVED BY: PAWLUSKIM
DWG PATH: c:\users\pawluskim\desktop\kyle\ocp\4339-00-up-zoning.dwg



LEGEND

--- TOWN OF KYLE

ZONING DISTRICT

- R1 - LOW DENSITY RESIDENTIAL
- R2 - MEDIUM DENSITY RESIDENTIAL
- CS - COMMUNITY SERVICE
- C1 - COMMUNITY CENTRE COMMERCIAL
- C2 - HIGHWAY COMMERCIAL
- M - INDUSTRIAL
- FUD - FUTURE URBAN DEVELOPMENT

THIS IS THE ZONING DISTRICT MAP WHICH ACCOMPANIES BYLAW NUMBER 2020-XX ADOPTED BY THE TOWN OF KYLE

MAYOR

ADMINISTRATOR

APPROVED ON THE _____ DAY OF _____, 2020

MINISTER OF GOVERNMENT RELATIONS

FIGURE X-X

TOWN OF KYLE
ZONING DISTRICT MAP

AE PROJECT No.	20194339-00
SCALE	N.T.S.
APPROVED	B. DELAINEY
DATE	YYYYMMDD
REV	A
DESCRIPTION	ISSUED AS ZONING DISTRICT MAP