

TOWN OF KINDERSLEY
BYLAW NO. 08-16
ZONING BYLAW AMENDMENT

A Bylaw to amend Bylaw No. 04-14, known as the Zoning Bylaw of the Town of Kindersley.

The Council of the Town of Kindersley, in the Province of Saskatchewan, enacts to amend Bylaw No. 04-14 as follows:

1. SECTION 2 – INTERPRETATION is amended by adding the following new definitions:

Community Events: an event of cultural, traditional, or other type of unique activity, occurring for a limited or fixed duration (one-time, seasonal, annual) that has wide appeal among the populace and impacts the Town of Kindersley by involving the use of, or having impact on, the public realm and can sometimes occur in the private realm. Examples of these events include, but are not limited to: Goose Festival and Kindersley Indoor Rodeo, Concerts, and Canada Day.

Curb Cutting: the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

Driveway: is a short private road, either one-way (single lane) or two-way (double lane) leading from a public road, street or other thoroughfare to a building, house, garage or similar structure.

Driveway, Apron: is the portion of the driveway access that is located outside of the public right-of-way, sidewalk, or boulevard, as to provide entry to a driveway for vehicular and pedestrian access to a site.

Garage/ Yard Sale: an outside sale of used or non-used personal and/or household items held on the owner's premises and open to the general public.

Neutral Colour: a shade of colour that is pale and not bright or strong, and often referred to as earth tone.

Permeable Paving Materials: materials that include, interlocking brick (with spacers), permeable concrete, permeable asphalt, soil pavement (poly-pavement), and structured grass surfaces. Each of these systems requires proper sub-grade preparation to allow infiltration and/or subsurface water absorption.

Signboard: a board bearing a sign or notice advertising signage that describes a Garage Sale or Community Events, and displays all required information and direction in a non-offensive manner. Locations of Signboard are determined by the Town of Kindersley.

Sign, Traffic: any official government owned sign, located typically on public property, and designated for the purpose of informing or directing traffic, and are either permanent or temporary. Referenced in detail in the Town of Kindersley Traffic Bylaw.

Street Furniture: is a collective term used to describe functional elements installed in the public right-of-way for the use and convenience of the public. They can include, but not limited to objects and pieces of equipment, such as benches, streetlights, transit shelters, tree planters, litter and recycling receptacles, sculptures and artwork.

2. SECTION 2 – INTERPRETATION is amended by deleting “Shipping Container” in its entirety and replacing it with the following:

Shipping Container: also known as “Sea-Cans” is a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck. May be repurposed as an innovative way to construct an accessory structure or use to the principal building.

3. SECTION 3.5 – DEVELOPMENT PERMIT APPLICATION FEES is amended by deleting subsection 3.5.1 in its entirety and replacing it with the following:

3.5.1 The development permit application fees are set out in the Town of Kindersley Planning and Development Fee Schedule.

4. SECTION 3.11 – FEES is amended by deleting clause (1) in its entirety and replacing it with the following:

(1) A schedule of fees for the application, review, advertising and issuance, as the case may be, of a development permit, a discretionary use, a minor variance and an amendment to the zoning bylaw and shall be established in the Town of Kindersley Planning and Development Fee Bylaw, as updated from time to time, and approved by Council.

5. SECTION 4.5 – VISIBILITY CLEARANCE AT INTERSECTIONS is amended by deleting in its entirety and replacing it with the following:

On a corner lot, in any district, except for C1, nothing shall be erected, placed, planted, or allowed to grow so as to obscure vision at a height of 1.0 metre or greater above the elevation of the centre of the abutting street within a triangular area formed by the intersecting lot lines abutting the streets and a straight line joining said lot lines at points 7.5 metres distant from the intersection of the lot lines and 4.5 metres distant from the intersection of the lot lines when abutting a lane or driveway.

6. SECTION 4.7 – FENCES is amended by adding the following after subsection 4.7.4:
 - 4.7.5 Where a lot used for commercial or industrial purposes abuts a residential district with or without an intervening street or lane, it shall be screened except for points of entrance and exit by a solid painted fence or wall over 2.0 metres in height or a compact evergreen hedge or tree belt not less than 2.0 metres in height, all of which shall be maintained in good condition at all times.
7. SUBSECTION 4.8.3 – HEIGHT OF ACCESSORY BUILDINGS is amended by deleting in its entirety and replacing it with the following new subsection:

4.8.3 Height of Accessory Buildings

 - (1) In any Residential (R) and Commercial (C) Districts, accessory buildings shall not exceed 6.0 metres from grade level to the mean height level between eaves and ridge for a gable, hip or gambrel roof. Accessory buildings must not exceed 1-storey, and may not contain a loft.
 - (2) In the Acreage Residential (RA) and Future Urban Development (FUD) Districts, accessory buildings shall not exceed 7.0 metres from grade level to the mean height level between eaves and ridge for a gable, hip or gambrel roof. Accessory buildings must not exceed 1-storey, and may not contain a loft.
 - (3) In any Industrial (M) and Railway Industrial (RW) Districts, accessory buildings may be allowed to be larger (in area and in height) than the principal building, under the discretion of the Development Officer.
8. SUBSECTION 4.8.5 – LOCATION AND SIZE OF ACCESSORY BUILDINGS is amended by deleting clause (1)(a) in its entirety and replacing it with the following:
 - (a) With the exception of the Acreage Residential (RA), accessory buildings located in the required rear yard in any Residential (R) District, shall not occupy more than 30% of the required rear yard, and shall not obstruct access to any lane.
9. SUBSECTION 4.8.5 – LOCATION AND SIZE OF ACCESSORY BUILDINGS is amended by deleting clause (1)(e) in its entirety and replacing it with the following:
 - (e) In any Residential (R) District, accessory buildings shall be located a minimum of 1.0 metre from behind the rear line of the principal building.
10. SUBSECTION 4.8.5 – LOCATION AND SIZE OF ACCESSORY BUILDINGS is amended by deleting clause (1)(h) in its entirety.

11. SUBSECTION 4.8.5 – LOCATION AND SIZE OF ACCESSORY BUILDINGS is amended by deleting the existing table and replacing it with the following:

Table 4-0(a): Development Standards for Detached Accessory Buildings in the Residential and Future Urban Development Districts					
Detached Accessory Building Zone	Detached accessory buildings shall be located a minimum of 1.0 metre from the principal building.				
	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor (m ²)	Maximum Bldg Height (m)	Maximum Rear Yard Coverage (%)
R1, R2, R2A, R3, R3A, R4	0.75m ⁽¹⁾	1.5m ⁽²⁾	⁽⁴⁾	6.0m	30%
RA, FUD	3.0m ⁽³⁾	1.5m ⁽²⁾	⁽⁴⁾	7.0m	50%

12. SUBSECTION 4.8.5 – LOCATION AND SIZE OF ACCESSORY BUILDINGS is amended by deleting Notes to Summary Table for Detached Accessory Buildings in its entirety and replacing it with the following:

- (1) 0.75 metres from the side site line, however, wherever a side site line abuts a street, a minimum setback shall be provided of at least 6.0 metres from that side site line adjacent to the flanking street.
- (2) 1.5 metres from the rear site line if vehicle access is from road or alley and 1.0 metre from the rear site line if there is no vehicle access from road or alley.
- (3) 3.0 metres from the side site line, however, wherever a side site line abuts a street, a minimum setback shall be provided of at least 6.0 metres from that side site line adjacent to the flanking street.
- (4) The floor area of all accessory buildings on a site, shall not exceed the floor area of the principal building not including the area of any attached garage except for the RA District.

13. SUBSECTION 4.8.5 – LOCATION AND SIZE OF ACCESSORY BUILDINGS is amended by deleting clauses (2)(a) and (2)(b) in its entirety and replacing it with the following:

- (2) Detached accessory buildings in the Commercial (C), Industrial (M), and Railway Industrial (RW) Districts are subject to the following regulations:
 - (a) Accessory buildings located in the required rear yard of any single detached dwelling in any Commercial Zoning Districts shall comply with the development standards for an accessory building in the R1 zone. Refer to Table 4-0(a): Development Standards for Detached Accessory Buildings in the Residential and Future Urban Development Districts.

- (b) Accessory buildings located in the required rear yard in the C1 and C5 Districts shall not occupy more than 30% of the required rear yard, and shall not obstruct access to any lane.
- (c) Accessory buildings located in the required rear yard in the C2, C3, and C4 Districts shall not occupy more than 40% of the required rear yard, and shall not obstruct access to any lane.
- (d) Accessory buildings located in the required rear yard in the Industrial (M) Districts shall not occupy more than 50% of the required rear yard, and shall not obstruct access to any lane.
- (e) One (1) accessory building is permitted in the C1, C2, C5, and FUD Districts. Other C3, C4, M1, M2, and RW Districts, two (2) accessory buildings may be permitted in the required rear yard of the principal building, under the discretion of the Development Officer.
- (f) In any Commercial (C), Industrial (M), Railway (RW), and Future Urban Development (FUD) Districts, accessory buildings are not to be located in any required front yard.
- (g) In any Commercial (C), Industrial (M), Railways (RW), and Future Urban Development (FUD) Districts, accessory buildings shall be located behind the rear line of the principal building and comply with the minimum distance from the principal building outlined in Table 4-0(b): Development Standards for Detached Accessory Buildings in the Commercial, Industrial, Railway, and Future Urban Development Districts.
- (h) Accessory buildings permitted under subsection (2) shall comply with the required setbacks outlined in the applicable zoning district in Table 4-0(b): Development Standards for Detached Accessory Buildings in the Commercial, Industrial, Railway, and Future Urban Development Districts.

Table 4-0(b): Development Standards for Detached Accessory Buildings in the Commercial, Industrial, Railway and Future Urban Development Districts					
Detached Accessory Buildings Zone	Detached accessory buildings shall be located according to the prescribed setbacks outlined in each zone and from behind the rear line of the principal building.				
	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Distance from the Principal Building (m)	Maximum Building Height (m)	Maximum Rear Yard Coverage (%)
C1	0 ⁽¹⁾	1.52	1.0	7.0	30%
C2	1.52 ⁽²⁾	3.0	3.0	7.0	40%
C3	1.52 ⁽³⁾	1.52 ⁽⁴⁾	3.0	7.0	40%
C4	3.0	6.0	3.0	7.0	40%
C5	1.22 ⁽⁵⁾	1.52 ⁽⁶⁾	1.52	7.0	30%
M1, M2	4.5 ⁽⁷⁾	4.5	3.0	9.0 ⁽⁸⁾	50%
RW	3.0 ⁽⁹⁾	3.0	3.0	9.0 ⁽⁸⁾	-
FUD ⁽¹⁰⁾	7.5	7.5	3.0	9.0 ⁽⁸⁾	-

Notes:

- ⁽¹⁾ except for corner sites, where the minimum side yard shall be 1.52 metres adjacent to the flanking street.
- ⁽²⁾ except for corner sites, where the minimum side yard shall be 3.0 metres adjacent to the flanking street and the total of both side yards shall be not less than 4.52 metres.
- ⁽³⁾ except for corner sites, where the minimum side yard shall be 4.0 metres adjacent to the flanking street and the total of both side yards shall be not less than 7.52 metres.
- ⁽⁴⁾ the minimum rear yard shall be 1.52 metres where the site has access to a lane; otherwise the minimum rear yard shall be 3.0 metres.
- ⁽⁵⁾ except for corner sites, where the minimum side yard shall be 3.0 metres adjacent to the flanking street.
- ⁽⁶⁾ except for corner sites, where the minimum rear yard shall be 3.0 metres adjacent to the flanking street.
- ⁽⁷⁾ except for corner sites, where the minimum side yard shall be 7.5 metres adjacent to the flanking street.
- ⁽⁸⁾ accessory buildings may be allowed to be larger (in area and height) than the principle building, with the discretion of the Development Officer.
- ⁽⁹⁾ except for corner sites, where the minimum side yard shall be 4.5 metres adjacent to the flanking street.
- ⁽¹⁰⁾ except for all residential dwellings, refer to Table 4-0(a): Development Standards for Detached Accessory Buildings in the Residential and Future Urban Development Districts.

14. SUBSECTION 4.8.8 – SHIPPING CONTAINERS is amended by deleting in its entirety and adding the following new subsection:

4.8.8 Shipping Containers

Shipping containers are an accessory use to the principal building and shall only be used for shipping or storage purposes accessory to the principal use of the site, and shall be categorized into one of two classifications:

- (a) Short Term (temporary) Storage – Shipping containers placed on the premise of a property during the period of construction for the sole purpose of collecting and storing construction materials and tools. Containers are to be removed from site when construction is complete or within six (6) months, whichever comes first. If an extension is requested, the applicant must reapply for a Development Permit.

- (b) Long Term (permanent) Storage – Shipping Containers anchored in the rear yard of a principal building for a period greater than six (6) months, and serves as a storage unit to the principal building on the site. All shipping containers must comply with the site requirements for a detached accessory building in the applicable zoning district and shall be assessed for taxation purpose.
- (1) Short Term (temporary) and Long Term (permanent) shipping containers are subject to complete a Development Permit Application and pay an application fee of \$40.00.
- (2) Two (2) long term (permanent) shipping containers are permitted in the required rear yard of a property in the Industrial (M) Districts. In the Railway (RW) and Future Urban Development (FUD) Districts, one (1) long term shipping container is permitted in the required rear yard of the principal building.
- (3) Long term shipping containers permitted under subsection (2) may only be used for storing products or materials directly related to the primary use of the principal building on site.
- (4) An additional (1) shipping container may be considered in the M, RW, and FUD Districts, as a discretionary use, upon approval from the Development Officer.
- (5) Long term shipping containers permitted under subsection (2) shall comply with the following regulations:
 - (a) shipping containers shall be sandblasted and repainted in a neutral colour, prior to the placement on site, and be maintained in good repair;
 - (b) shipping containers shall be properly anchored and have an unlocking mechanism equipped from inside the door, for safety purposes;
 - (c) shipping containers shall not to be stacked on top of one another;
 - (d) shipping containers shall be prohibited to hold or store any hazardous materials or substances, as defined by the Hazardous Products Act, or unless it is approved by the Development Officer.
- (6) Shipping containers are prohibited in all Commercial (C) and Residential (R) Zoned Districts, except for one (1), in the case of:
 - (a) short term storage during active construction on a site when the shipping container is used solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for construction on the site. The shipping container must be removed from the site upon completion of the construction; or
 - (b) long term storage structure that has been repurposed to take the form of an accessory building, provided that it is aesthetically representative of the exterior colours of the

principal building, does not visually resemble a storage container, and does not negatively impact the character of the neighbourhood.

- (7) Long Term (permanent) shipping containers shall be located behind the rear wall of the principal building and comply with the minimum set requirements for an accessory building in the applicable zoning district. Refer to Table 4-0(a) or Table 4-0(b) for development standards.
 - (8) Long term (permanent) shipping containers shall have a painted solid fence, or a mixture of fence and landscape, or a similar structure and be placed at a height of 2.0 metres above grade level, surrounding the premise of the property to screen from adjacent sites and/or public roads.
 - (9) Long term (permanent) shipping containers shall meet the requirements of the National Building Code, if applicable.
 - (10) All shipping containers shall be strictly prohibited from rental opportunities and any kind of residency.
 - (11) All shipping containers shall not be a visual nuisance, block access points and emergency facilities, and obstruct parking spaces and driveways.
15. SUBSECTION 4.9.4 – REQUIRED OFF STREET PARKING AND LOADING IN ALL DISTRICTS is amended by adding the following after clause (3):
- (4) Off-street parking, parking lots, parking spaces, driveways, and access roads in all Commercial (C) and Residential (R) Districts shall be a permeable paving material.
 - (5) Off-street parking, parking lots, parking spaces, driveways, and access roads in the RA, M, and FUD Districts shall be compacted gravel surface or a permeable paving material.
16. SECTION 4.9 – OFF-STREET PARKING AND LOADING is amended by adding the following new subsection after subsection 4.9.4:
- 4.9.5 Driveway Development***
- (1) A driveway apron leading to a driveway, parking space, or parking pad may be permitted on a lot that meet the requirements of the Director of Engineering and the Development Officer and the regulations pursuant to this section.
 - (2) In any Residential District, with the exception of the R4, a maximum of two (2) one-way (such as a circular driveway) or one (1) two-way driveway (double driveway) is permitted on an interior site frontage. Refer to Figure 4-9(a) and Figure 4-9(b).

- (3) On any residential corner site, a maximum of two (2) driveway aprons are permitted, the primary driveway access will be situated on the frontage and the secondary driveway access will be situated on the exterior side lot line.
- (4) On any residential corner lot, a driveway apron shall not be situated within the sight line triangle illustrated in Figure 4-9(c).
- (5) A site plan must be accompanied with the submission of a Municipal Infrastructure Application. The site plan must include the requirements of subsection 3.3.1 (4) of this Bylaw, where relevant, plus the following:
 - (a) the location of the proposed driveway apron, in relation to the distance from the side site property lines to the edge of the existing parking pad, side walk or boulevard;
 - (b) the length and width of the proposed driveway apron;
 - (c) the grade elevation and/or slope.
- (6) The general location and design of a driveway development shall comply with the following:
 - (a) entrances to and exists from the driveway will cause as little traffic inference as possible;
 - (b) the width of a driveway apron shall be constructed to align with the driveway or parking pad;
 - (c) the edge of the driveway apron shall be of a wing-type design and will not extend through the sidewalk or change the elevation of the sidewalk;
- (7) The removal of any public tree on Town boulevard to allow for the construction of a driveway apron will be determined on a case-by-case basis. The applicant is responsible for reimbursing the value of the removed tree(s). The minimum reforestation surcharge shall be set at \$500.00.
- (8) No driveway development shall interfere with fire hydrants or utility wires or poles.

Figure 4-9(a): Circular Driveway on an Interior Site

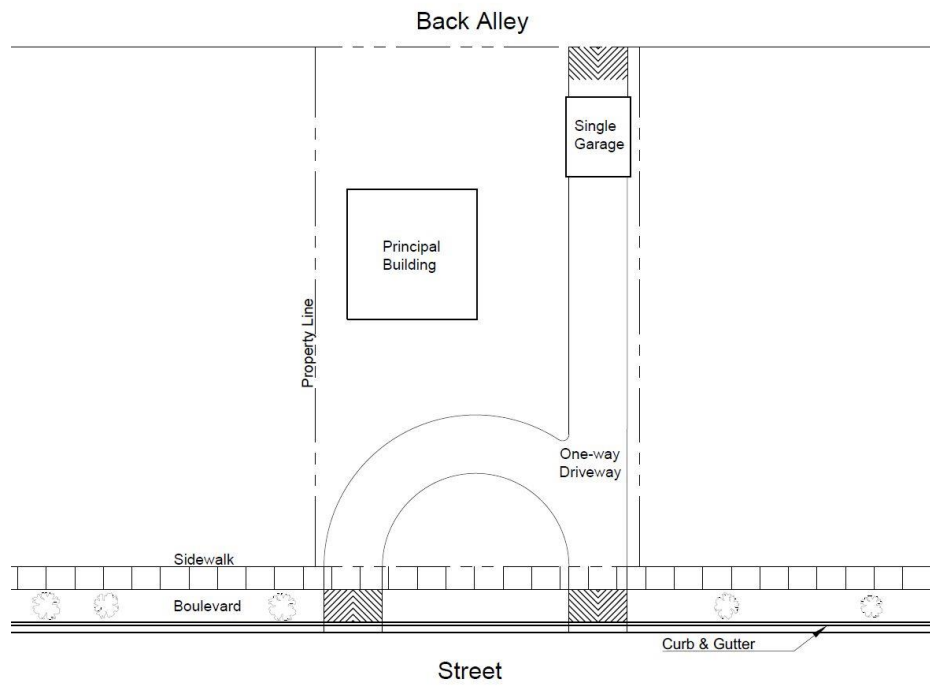
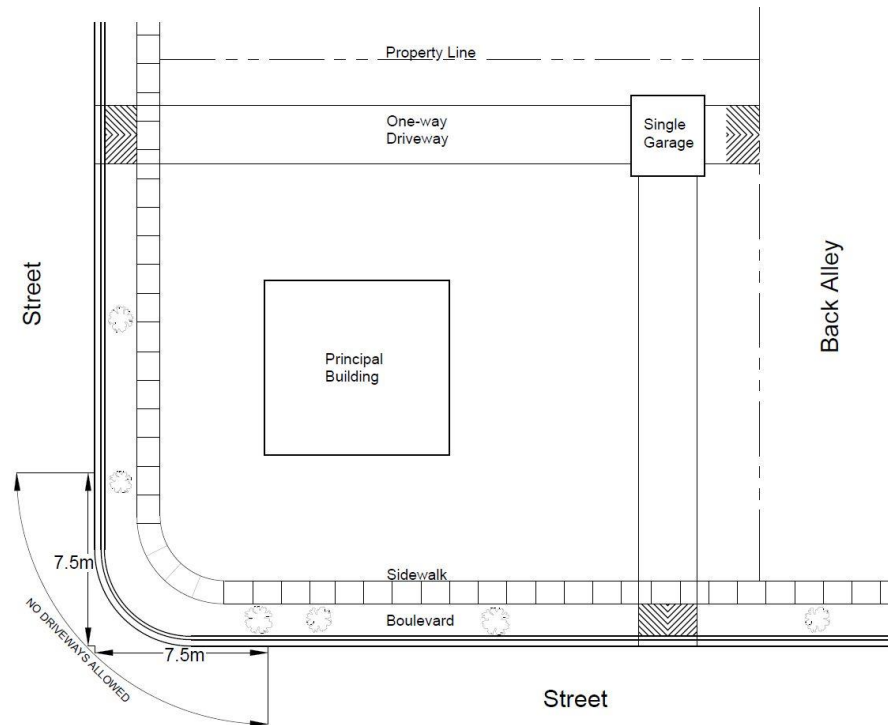


Figure 4-9(b): Double Driveway on an Interior Site



Figure 4-9(c): Multiple Driveways on a Corner Lot



17. SUBSECTION 4.10.1 – GENERAL is amended by adding the following after clause (5):
 - (6) The placement of any signs are not permitted on the premise of any public property, public building, public highway, public utility structure or equipment within or adjacent to public property, unless otherwise authorized by the Development Officer. This includes, but is not limited to:
 - (a) man-made signs
 - (b) election/ campaign signs
 - (c) sale/ lease signs
 - (d) portable signs
 - (e) a-frame signs
18. SUBSECTION 4.10.3 – LICENSING OF PORTABLE SIGNS is amended by deleting clause (1) in its entirety and replacing it with the following:
 - (1) All portable signs must be licensed annually, and subject to a license fee of \$100.00.

19. SUBSECTION 4.10.3 – LICENSING OF PORTABLE SIGNS is amended by adding the following after clause (3):

(4) All portable signs must not be located on public property.

20. SECTION 4.22 – GARAGE AND YARD SALES is amended by deleting in its entirety and adding the following after subsection 4.10.7:

4.10.8 Garage/Yard Sales and Community Events Signs

- (1) Garage or Yard Sales and Community Events may be undertaken on any site in a Residential (R) Zoning District provided the sale is conducted by a resident of the dwellings on the subject site, or by a non-profit group associated with a place of worship, public school, community association or other similar group or organization.
- (2) No more than four (4) sales may be conducted from one site in one calendar year, and any one sale may not last for more than three (3) consecutive days.
- (3) Garage or Yard Sales that exceed the limit of four (4) sales in one calendar year will be considered a retail/salvage operation and is subject to follow the requirements pursuant to Section 4.11 – Home Based Business of this Bylaw.
- (4) The Town has erected two signboards for displaying Garage/ Yard Sales or Community Events Signs, the details and regulations of which are:
 - (a) only one sign per each Garage/ Yard Sale or Community Event per signboard;
 - (b) signs should not exceed ledger paper size (11”x 17”);
 - (c) staples, nails or tape are not allowed to be used to attach signs;
 - (d) stick pins and thumb tacks are accepted means of attaching signs;
 - (e) balloon signs or other devices, electronic message centers, or kites are not to be attached to the signboard unless authorized prior to do so by the Development Officer.
 - (f) Garage sale signs may be posted no more than 72 hours prior to the advertised event and must be removed no more than 24 hours following the advertised event; and
 - (g) Community event signs may be posted no more than 10 days prior to the advertised event and must be removed no more than 24 hours following the advertised event.
- (5) A Garage/ Yard Sale sign may be placed on an owner’s property in a Residential Zoning District as long as it:
 - (a) is self-supported;
 - (b) does not interfere with the sight triangle near roadways;
 - (c) does not interfere with movement of pedestrians and/or vehicles;
 - (d) is not placed within 3.5 metres of any intersection;

- (e) is not placed within 3 metres from the curb;
 - (f) does not interfere with neighbouring properties or cause a nuisance or disturbance; and
 - (g) does not interfere with Town operations, or with any safety or emergency situation.
- (6) Signs not removed from the Town of Kindersley signboards, in contravention of these regulations may be seized and owners may be charged the specified penalty of \$50.00 for each sign placed in contravention.

21. SECTION 4.28 – SCREENING is amended by deleting in its entirety.

22. Table 6-8: DOWNTOWN COMMERCIAL DISTRICT DEVELOPMENT STANDARDS is amended by deleting Discretionary Use: (1) Single detached dwellings and development standards and replacing it with the following:

Table 6-8: C1 - Downtown Commercial District Development Standards for the Town of Kindersley										
Principal Use	Parking Category (From Table 4-4)	Subject to Sections	Development Standards							
			Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Maximum Site Coverage (%)	
Discretionary										
(1)	Single detached dwellings ⁽⁷⁾	1	-	306	10	6	1.22 ⁽³⁾	9 ⁽⁶⁾	9	40

23. SECTION C1 – DOWNTOWN COMMERCIAL DISTRICT is amended by deleting Notes: Special limitations and standards regarding Table 6-8 and the C1 district and replacing it with the following:

Notes: Special limitations and standards regarding Table 6-8 and the C1 district:

(1)	minimum front yard setbacks, grade level direct entrances, and clear glazing at street level should be incorporated into the design of new buildings or significant additions or alterations to existing buildings.
(2)	outdoor markets and concessions shall be limited to uses which are otherwise permitted in the C1 district.
(3)	except for corner sites, where the minimum side yard shall be 3.0 metres adjacent to the flanking street.
(4)	9 m (29.53 ft) where off-street parking and loading facilities are provided in the rear of the lot or where the rear lot line abuts a Residential District; otherwise no minimum.
(5)	setbacks for any park & playground equipment, structures, and facilities will be determined by the development officer.
(6)	except for corner sites, where the minimum rear yard shall be 6.0 metres.
(7)	minimum building floor area shall be 75 m ² .

24. Bylaw 7-08, A Bylaw to Control and Regulate the Placement of Garage/Yard and Community Events Sign, and all amendments thereto, are hereby repealed.

25. This bylaw shall come into force and be in effect of the final passing thereof.

Read a First Time the	15 th day of August, 2016.
Read a Second Time the	12 th day of September, 2016.
Read a Third Time the	12 th day of September, 2016.

(SEAL)

Acting Mayor

Chief Administrative Officer