

# TOWN OF KINISTINO

*CONSOLIDATED*

## ZONING BYLAW

### ***Table of Contents***

Part 1 – Introduction

Part 2 – Definitions

Part 3 – Administration

Part 4 – General Regulations

Part 5 – Zoning Districts and Zoning Maps

Part 5A – Residential District

Part 5B – C1-Commercial District

Part 5C – C2-Commercial District

Part 5D – RW-Railway District

Part 5E – UR-Urban Reserve District

Part 6 – Repeal of Bylaws

Part 7 – Effective Date of the Bylaw

## ***Part 1 – Introduction***

Under the authority granted by The Planning and Development Act, 1983, the Council of the Town of Kinistino in the Province of Saskatchewan, in open meeting, hereby enact as follows:

### ***Title***

This Bylaw shall be known and may be cited as the “Zoning Bylaw” of the Town of Kinistino.

### ***Purpose***

The purpose of this Bylaw is to regulate development in the Town of Kinistino so as to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the municipality.

### ***Scope***

Development shall hereafter be permitted within the limits of the Town of Kinistino only when in conformity with the provisions of this Bylaw.

### ***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, the same shall not affect the validity of the Bylaw as a whole or any part thereof, other than the section, clause, or provision, including anything shown on the Zoning Map, so declared to be invalid.

## ***Part 2 – 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:

Act – The Planning and Development Act, 1983.

Accessory Use – a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Building – a structure used for the shelter or accommodation of persons, animals, goods or chattels.

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

Building Bylaw – any Bylaw of the Town of Kinistino regulating the erection, alteration, repair, occupancy or maintenance of buildings and structures.

Building Permit – a permit issued under a building bylaw of the Town of Kinistino authorizing the construction of all or part of any structure.

Building, Principal – a building in which is conducted the main or primary use of the lot on which the building is situated.

Building Line, Established – the average distance from the street line to the main wall of the existing buildings on any side of any block.

Council – the Council of the Town of Kinistino

Concept Plan – a proposed subdivision as outlined by the Provincial Subdivision Regulations or a site plan of sufficient accuracy to be used for the purpose of discussion and classification of intended future land use.

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

Development Permit – a permit issued by the Council of the Town of Kinistino, that authorizes development, but does not include a building permit.

Discretionary Use – use of land, buildings, or other structures that may be permitted in a zone only at the discretion of and at the location or locations and under the conditions specified by Council and which conforms to the regulations of the Bylaw.

Dwelling, Duplex – a building divided horizontally into two dwelling units as herein defined.

Dwelling, Multiple Unit – a building divided into three or more dwelling units as herein defined and shall include, among others, town, or row houses and apartments as distinct from a rooming house, hotel or motel.

Dwelling, Semi-Attached – two dwelling units side by side, in one building unit with a common party wall which separates, without opening, the two dwelling units throughout the entire structure.

Dwelling, Single Detached – a detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence, but shall not include a mobile home as herein defined.

Dwelling Unit – one or more rooms constituting a self-contained unit that may be used as a residence, each unit having sleeping, cooking and toilet facilities.

Garage, Private – a building or part of a building used or intended to be used for the storage of motor vehicles and having a capacity for not more than three (3) motor vehicles for each dwelling unit to which the garage is accessory.

Home Occupation – an occupation, trade, profession or craft conducted entirely within a residential building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the exterior character.

Hotel – a building or structure or part of a building or structure used as a place where sleeping accommodation with or without meals is provided for transient lodgers, but does not include a motel or rooming house.

Lot – an area of land with fixed boundaries and which is of record in the Land Registry by Certificate of Title.

Lot Line, Front – the line that divides the lot from the street. In the case of a corner lot, the front lot line shall mean the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear – the line at the rear of the lot and opposite the front lot line.

Lot Line, Side – a lot line other than a front or rear lot line.

Mayor – the Mayor of the Town of Kinistino.

Minister – the minister of the Executive Council to whom, for the time being, is assigned the administration of The Planning and Development Act.

Mobile Home – a trailer coach:

- 1) that is used as a dwelling all the year round;
- 2) that has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and
- 3) that has facilities for washing and a water closet or other similar facility that may be connected to a sewerage system.

Mobile Home Court – any tract or parcel of land on which two or more occupied mobile homes are harboured or are permitted to be harboured whether or not a charge is made or paid for the use thereof, and includes any building or structure used or intended to be used as part of the equipment of such mobile home court, but does not include an industrial or construction camp or any such court if a tent or trailer coach that is not a mobile home is also harboured or is permitted to be harboured thereon.

Motel – an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single lot and designed for use by the public.

Non-Conforming Uses – any use of land, building, or structure lawfully existing at the time of any approval of this Bylaw, but does not conform to the Bylaw.

Permitted Use – use of land and erection of buildings or structures that are permitted in the district by this Bylaw in conformity with the regulations respecting the district.

Public Utility – includes every corporation and every firm, person or association of persons, the business and operations whereof are subject to the legislative authority of the Province of Saskatchewan, that now or hereafter own, operate, manage or control any system, works, plant or equipment for the conveyance of messages by telegraph, telephone, television or otherwise or for the conveyance of travelers or goods or for the production, transmission, delivery, furnishings, storage or collection, of water, gas, sewage, heat or light, either directly or indirectly, to or for the public.

Public Utility Facilities – electrical and telecommunication lines, poles, equipment and structures, sewer and water pipes, valves, pumping stations and structures, equipment and structures necessary for conducting an essential public service by a government or public utility.

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 defined elsewhere in this Bylaw with sleeping facilities, but without private toilet facilities.

Service Stations – a building or part of a building other than a private garage used for the retail sale of lubricating oils and gasoline, and automobile accessories, storage, care, repair, servicing or equipping of motor vehicles or where such vehicles are kept for remuneration, hire, sale or display and which may include a cafeteria.

Sign – any device, letter, figure, symbol, emblem or picture, which is affixed to or represented directly or indirectly upon, or advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street or thoroughfare.

Street – a public thoroughfare which affords the primary means of access to the abutting property.

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

Structural Alteration – the construction or reconstruction of supporting elements of a building or other structure.

Town – the Town of Kinistino.

Town Administrator – the Town Administrator of the Town of Kinistino.

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, constructed or reconstructed in such a manner as will 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.

Yard – any part of a lot unoccupied and unobstructed by any building.

Yard, Front – a yard extending across the full width of the 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, Side – a yard extending from the front yard to the rear yard between the side lot line and the nearest main wall of a building or structure on the lot.

### ***Part 3 – Administration***

#### 1. Administrative Procedure

- a) The Town Administrator shall be the Development Officer responsible for the administration of this bylaw.
- b) Every person, before commencing any development within the municipality, shall apply for, and obtain from the Development Officer, a Development Permit.
- c) In any District, a Development Permit is not required for:
  - i) the maintenance of a public utility
  - ii) the construction of a public utility by the municipality
  - iii) the installation of public utilities on any street or other public right-of-way
  - iv) accessory buildings less than 10 square meters in area

- v) maintenance or repairs that do not include structural alterations.
  - d) The applicant shall be notified, in writing, of a decision on the application. The applicant shall be advised of his right to appeal the decision to the Zoning Appeals Board, subject to the provisions of The Planning and Development Act.
  - e) Referral to the Department of Health – a copy of all approved development permit applications involving the installation of water and sanitary services shall be supplied to the local office of the Department of Health by the Development Officer.
2. Zoning Appeals Board – a Zoning Appeals Board of the Town of Kinistino is established in accordance with Section 92 of the Act.
  3. Fee for Zoning Amendment Application – when an application is made to the Council for an amendment to this Bylaw, such application shall be accompanied by an application fee of fifty (50) dollars.
  4. Offences and Penalties – any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties in the Act.

#### ***Part 4 – General Regulations***

The following regulations shall apply to all Zoning Districts in this Bylaw:

1. Licenses, Permits and Compliance with Other Bylaws and Legislations – nothing in this Bylaw shall exempt any person from complying with the requirements of a building bylaw or any other bylaw in force within the Town of Kinistino or from obtaining any license, permission, permit, authority or approval required by this or any other bylaw of the Town of Kinistino. Where provisions in this Bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.
2. Building Lines -- Where a building line in a Residential District has been established by existing buildings in a block, and is less than the specified front yard requirement, the building may conform to this line.
3. Number of Principal Buildings Permitted on a Lot -- not more than one(1) principal building shall be placed on any one (1) lot, with the exception of schools, hospitals, curling and skating rinks, multiple unit dwellings, and mobile home courts.
4. Projections in Yards – where minimum front or rear yards are required in any district, such minimum requirement shall not apply to prevent the construction or location of a roofed or open terrace, porch or veranda having a maximum projection from the main wall of 2 meters. Where minimum yards are required in any district, such requirement shall not apply to prevent the construction or location of a chimney or a roof overhang of .5 meters or less.
5. Non-Conforming Uses shall be subject to Sections 113 – 118 inclusive of the Act.
6. Non-Conforming Structures and Lots – no existing structure or lot shall be deemed to be non-conforming by reason only of the conversion from the Imperial System of Measurement to the Metric System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
7. Signs and Billboards -- all signs and billboards shall be subject to the following requirements:

- a) Commercial and Railway Districts
  - i) no more than two (2) signs (excluding directional and informational signs) are permitted on the premises;
  - ii) no sign shall have a facial area in excess of 3.5 square meters. Each sign may be double-faced;
  - iii) the maximum height of any sign shall be 6 meters above ground surface.
- b) Other Districts
  - i) no more than one permanent sign is permitted on the premises; not withstanding except where a sign is provided for a home occupation.
  - ii) additional temporary signs bearing notice of sale or lease, sake of produce, or other information relating to a temporary condition affecting the premises are permitted.
  - iii) no sign shall have a facial area exceeding 0.4 meters.
  - iv) no sign shall be located in any manner that may, obstruct or jeopardize the safety of the public.

**Part 5 – Zoning Districts and Zoning Maps**

1. Zoning Districts – For the purpose 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:

<u>District</u>	<u>Symbols</u>
Residential	R
Commercial (Downtown)	C1
Commercial (Highway)	C2
Railway	RW
Urban Reserve	UR

2. The Zoning District Map – the map, bearing the statement, “This is the Zoning District Map referred to in Bylaw No. 06/07”, adopted by the Town of Kinistino, signed by the Mayor and the Town Administrator under the Seal of the Town, shall be known as the “Zoning District Map” and such map is hereby declared to be an integral part of this Bylaw.
3. District Schedules – the following are the schedules of uses and regulations pertaining to the various zoning districts under this Bylaw.

**Part 5A – R – Residential District**

1. Intent – the purpose of this district is to provide for a mix of different densities of residential development and related uses.
2. Permitted Uses in the R-Residential District:
  - a) Single detached dwellings
  - b) Semi detached duplex dwellings
  - c) Parks and playgrounds
  - d) Public recreational uses

- e) Schools and educational institutions
  - f) Public utilities and public utility facilities (excluding offices, warehouses, and storage yards).
3. Discretionary Uses in the R-Residential District:
- a) Multiple unit dwellings
  - b) Rooming houses
  - c) Mobile Homes
  - d) Hospitals
  - e) Nursing homes
  - f) Places of worship and churches
  - g) Social clubs
  - h) Libraries
  - i) Day care centres
  - j) Home occupations
  - k) Radio & T.V. Repair located on Lot 13, Blk 1, Plan M247
4. Accessory Uses – buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal use are permitted.
5. Regulations – development shall conform to the following requirements:
- a) Lot Regulations – the regulations in Table 1 shall apply.
  - b) Home Occupations
    - i) Home occupations shall be located in the dwelling
    - ii) A business sign or notice not exceeding 1 square meter in area is permitted.
    - iii) Other than provided in ii) above, there shall be no exterior display, no exterior storage of material, and no other variation from the residential character of the building.
  - c) Accessory Buildings and Structures
    - i) all buildings with a door or doors opening onto a lane shall be located not less than 1.5 meters from the lot line abutting the lane. If no door opening onto a lane, buildings shall be located not less than .75 meters from the lot line abutting the lane.
    - ii) all accessory buildings with a door or doors opening onto a street shall be located not less than 7.5 meters from the front lot line.
    - iii) all accessory buildings with a door or doors opening onto a side street shall be located not less than 1.5 meters from the side lot line. Otherwise, the buildings shall be located not less than .75 meters from the side lot line.
    - iv) maximum wall height 3 meters; exceptions to go to Council for review and approval.
    - v) shall not exceed 15% of the lot area.



**TABLE 1**

Use	Min Lot Area (sq m)	Min Lot Frontage (m)	Min Yard Front (m)	Min Yard Rear (m)	Min Yard Side (m)	Max Lot Coverage	Min Floor Area (sq m)
Single detached	Lane-360	Lane-12	7.5	7.5	1.5	-	70
	Laneless	Laneless		24.6 ft	4.9 ft		
	- 450	- 15		14.76			
Mobile Homes	as above	as above	7.5	4.5	1.5	-	45
Semi-Detached and Duplex	Lane-255/ unit	Lane-8.5	7.5	7.5	1.5/ unit	-	70/ unit
	Laneless- 315/unit	Laneless- 10.5					
Multiple Unit And Rooming Houses	603 plus 93/ground floor unit in excess of 3 units	23	7.5	7.5	Greater of either ½ avr. wall height or 3.5	50%	2 bedr - 28 3 bedr - 46
Schools, Hospitals, Nursing Homes, Churches, Social Clubs, Libraries, Day Care Centres	450	15	7.5	7.5	as above	-	-

Parks, Playgrounds, Public Utilities – no requirements

### **Part 5B: C1-Commercial District**

1. Intent – the purpose of this district is to regulate and encourage development of retail establishments in the business areas.
2. Permitted Uses:
  - a) Banks, offices, studios
  - b) Bakeries with retail sales
  - c) Barbers, hairdressers, receiving stations for dry cleaning and laundry establishments, self service laundries, shoe repair and similar types of personal service establishments
  - d) Bus terminals
  - e) Medical and dental offices and clinics
  - f) Printing plants and newspaper offices
  - g) Restaurants, confectioneries and other places for the sale and consumption of food and related items
  - h) Retail stores
  - i) Service stations
  - j) Theatres, assembly halls, commercial recreational establishments, but not including skating, curling or roller rinks
  - k) Undertaking establishments
  - l) Licensed beverage rooms and other places for the sale and consumption of beer, wine and other spirits with or without food
  - m) Hotels
  - n) Lodges, fraternal organizations, social clubs
  - o) Libraries
  - p) Churches
  - q) Public utilities and public utility facilities (excluding warehouses and storage yards)
  - r) Car washing establishments
  - s) Multiple unit dwellings
3. Accessory Uses
  - a) Buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal building, are permitted.
  - b) Dwelling units attached to the principal building.
4. Regulations – development shall conform to the following requirements:
  - a) Lot requirements – the regulations contained in Table 2 shall apply
  - b) Service Stations – all automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened from public view
  - c) Accessory Buildings and Structures – the front, rear and side yard requirements shall be as provided for in the C1 Commercial District in Table 2

5. Discretionary Uses

- a) Single detached dwelling

**Part 5C: C2-Commercial District**

1. Intent – the purpose of this district is to accommodate the orderly development of commercial and light industrial establishments.
2. Permitted Uses:
  - a) Motels
  - b) Service Stations
  - c) Establishments for the sale, storage and servicing of motor vehicles, trailers, farm machinery, equipment and recreational vehicles
  - d) Car washing establishments
  - e) Restaurants, convenience stores
  - f) Veterinary hospitals and offices of veterinary surgeons
  - g) Lumber and building supply establishments
  - h) Public utilities and public utility facilities.
3. Discretionary Uses:
  - a) Shops of plumbers, pipefitters, metal workers and other industrial tradespeople
  - b) Wholesale establishments
  - c) Grain elevators
  - d) Seed cleaning plants subject to the regulations of the Department of the Environment
  - e) Bulk fertilizer sales subject to the regulation of the Departments of the Environment and Labour
  - f) Bulk fuel storage depots subject to the Department of Labour regulations
  - g) Gravel and cement operations
4. Accessory Uses – buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal building, shall be permitted.
5. Regulations – development shall conform to the following requirements:
  - a) Lot Requirements – the regulations as contained in Table 2 shall apply.
  - b) Service Stations – all automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened from public view.
  - c) Accessory buildings and structures – the front, rear and side yard requirements shall be as provided for in the C2 Commercial District in Table 2.

**Part 5D – RW-Railway District**

1. Intent – the purpose of this district is to provide for the operation of a railway and railway yards and for uses related to the railway.
2. Permitted Uses:
  - a) Railway and ancilliary railway functions
  - b) Grain elevators
  - c) Seed cleaning plants subject to the regulations of the Department of the Environment

- d) Bulk fertilizer sales subject to the regulations of the Departments of the Environment and Labour
  - e) Bulk fuel sales and storage subject to the Department of Labour regulations
  - f) Service stations
  - g) Public utilities and public utility facilities
  - h) Single detached dwelling located on Blk 17, Plan CW5990
3. Accessory Uses – buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal building shall be permitted.
4. Regulations – development shall conform to the following requirements:
- a) Lot requirements – the regulations as contained in Table 2 shall apply.
  - b) Accessory buildings and structures – the front, rear and side yard requirements shall be provided in the RW Railway District in Table 2.

**Table 2 – Regulations**

District	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Rear Yard	Min. Side Yard
	(sq m)	(m)	(m)	(m)	(m)
C1 Commercial except public utilities	Service Stn 930 All others 235	Service Stn 30 All others 7.5	Service Stn 7.5 All others no minimum	6m abutting a R District without an intervening	1.5m if abutting a R District without an intervening street or lane
C2 Commercial except public utilities	Service Stn 930 All others 730	Service Stn 30 All others 20	6	6	3
RW Railway except public utilities	as above	as above	as above	6m no min. if abutting a railway	3m no min if abutting a railway
Public Utilities	no requirement				

**Part 5E – UR-Urban Reserve District**

1. Intent – the purpose of this district is to reserve those lands on the periphery of the Town by their relationship to existing land uses to the main road system and to the general established utility systems, and will in time become suitable for general urban uses.

2. Permitted Uses:
    - a) Agricultural which includes crop farming, grazing and pasturage and cultivation of land but not including intensive agricultural uses as feed lots, hog barns, poultry farms and fur farms.
    - b) Public utilities and public utility facilities.
  3. Discretionary Uses:
    - a) Sports fields, parks, golf courses, curling rinks, skating rinks.
    - b) Cemeteries.
  4. Regulations – development shall conform to the following requirements:
    - a) Lot Area Minimum:
      - Agricultural – 15 hectares
      - Discretionary Uses – 1 hectare
      - Public Utilities – no minimum
- 