

THE TOWN OF KERROBERT

BYLAW NO. 1011-16

A bylaw to amend Bylaw No. 995-14 known as the Zoning Bylaw.

The Council of the Town of Kerrobert, in the Province of Saskatchewan, enacts to amend Bylaw No. 995-14 as follows:

1. Section 2: "Definitions", is amended by adding the following definitions:

Animal Unit (A.U.): The kind and number of animals calculated in accordance with the following table:

Animal Type	Number of Animals = 1 Animal Unit
Poultry	
• Hens, cockerels, capons	100
• Chicks, broiler chickens	200
• Turkeys, geese, ducks	50
• Exotic birds	25
Hogs	
• Boars and sows	3
• Gilts	4
• Feeder pigs	6
• Weanling pigs	20
Sheep	
• Rams or ewes	7
• Lambs	14
Goats etc.	
• All (including llamas, alpacas etc.)	7
Cattle	
• Cows and bulls	1
• Feeder cattle	1.5
• Replacement heifers	2
• Calves	4
Horses	
• Colts and ponies	2
• Other horses	1
Other	
• Domesticated native ungulates (deer, elk, bison, etc.)	1

Shipping Container: A prefabricated metal container or box specifically constructed for the transport of goods by rail, ship, or transport truck. This term shall also apply to metal storage containers that are commonly known as sea cans, cargo containers, roll off containers, freight containers, inter-modal containers but specifically excludes dumpsters or recycling receptacles.

2. Section 3: "Administration and Interpretation", subsection 3.3: "Application for a Development Permit", clause 3.3.3 is amended by removing the clause in its entirety and is replaced with the following:

3.3.3 *Except where a particular development is specifically exempted by Section 3.3.4 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.*

3. Section 3: "Administration and Interpretation", is amended by adding immediately following clause 3.3.3 the following new clause:

3.3.4 *A development permit is not required for the following:*

- a) *The construction of a public utility by the municipality;*
- b) *The installation of public utility on any street or other public right-of-way by the municipality;*
- c) *Maintenance and repairs that do not include structural alterations;*
- d) *The installation of a fence which is no higher than 1.8 metres (6 ft) in residential districts;*
- e) *The installation of decks which are less than 0.6 metres (2 ft) above grade that do not project into the front or side yard of the principal dwelling;*
- f) *The erection of towers, flagpoles, satellite dishes or other poles not exceeding 4.5 metres (14.8 ft) in height from grade;*
- g) *Accessory buildings under 9.3 m² (100 ft²);*
- h) *Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit (including retaining walls which will require a development permit); and*
- i) *Stripping, site grading or excavating that is part of a development for which a development permit has been issued.*

4. Section 3: "Administration and Interpretation", subsection 3.6: "Development Permit Procedure" is amended by removing the subsection in its entirety and is replaced with the following new subsection:

3.6.1 PERMITTED USE PERMIT PROCEDURE

- a) *Where an application for a Development Permit is made for a permitted use in conformity with this Bylaw, The Planning and Development Act, 2007, the District Plan, and all other relevant Town Bylaws, the Council shall hereby direct the Development Officer to issue a Development Permit.*

- b) *As soon as an application has been made for a development permit and prior to making a decision, the Development Officer may refer the application to whichever government agencies or interested groups Council may consider appropriate. The Development Officer may also require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.*
- c) *A copy of all approved development permit applications, involving the installation of water and sanitary services, shall be sent to the Regional Health Authority.*
- d) *Upon approval of a permitted or accessory use, the Development Officer shall issue a development permit for the use at the location and under such terms and development standards specified by the Official Community Plan and this Bylaw.*
- e) *The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals Board on a permitted or accessory use application and any terms and conditions attached to an application.*
- f) *A building permit, where required, shall not be issued unless a development permit has been issued, or is issued concurrently.*

3.6.2 DISCRETIONARY USE PERMIT PROCEDURE

- a) *The following procedures shall apply to discretionary use applications:*
 - i. *Applicants must file with the Development Officer the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required application and public hearing fees;*
 - ii. *Council may refer the application to whichever government agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals;*
 - iii. *The Development Officer will set a date for the public hearing at which time the application will be considered by Council;*
 - iv. *The Development Officer will give notice by regular mail that the application has been filed to the all assessed owners within 75 meters (246.06 ft.) from the property line in which the subject site is located and provide notification of the public hearing and an opportunity for them to provide written comment on the proposal;*
 - v. *The Development Officer will prepare a report concerning the application which may contain recommendations, including recommendations that conditions of approval be applied in accordance with Section 56(3) of The Planning and Development Act, 2007;*
 - vi. *Council shall consider the application together with the reports of the Development Officer and any written or verbal submissions received by Council;*
 - vii. *Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site; and*
 - viii. *The applicant shall be notified of Council's decision by regular mail addressed to the applicant at the address shown on the application form.*
- b) *Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the Zoning District in which they are located;*

- c) *Council may approve a discretionary use application for a limited time period where it is considered important to monitor and re-evaluate the proposal and its conformance with the provisions of this Bylaw;*
 - d) *Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a development permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution;*
 - e) *Council's approval of a discretionary use application is valid for a period of 12 months from the date of the approval. If the proposed use or proposed form of development has not commenced within that time, the approval shall no longer be valid. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid; and*
 - f) *The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal any terms and conditions attached to a discretionary use application to the Development Appeals Board.*
5. Section 3: "Administration and Interpretation", subsection 3.8 "Development Permit Application Fees", clauses 3.8.1 is removed in its entirety and replaced with the following clause:, Clause 3.8.2. has been modified to add dimensions to comply with Section 3.3.4; and Clause 3.8.3 is removed in its entirety and replaced with the following clause:
- 3.8.1 *An applicant seeking the approval of a Development Permit application shall pay the required fee or as set out in a separate Development Fee Bylaw of the Town.*
 - 3.8.2 *There shall be no development permit application fee for accessory buildings under 9.3m² (100ft²) to a residential use, sign permits, licenses for home occupations or other forms of business licenses.*
 - 3.8.3 *An applicant seeking a discretionary use approval shall pay the required fee or as set out in a separate Development Fee Bylaw of the Town.*

Section 3: "Administration and Interpretation" is amended by adding immediately after subsection 3.26: "Servicing Agreements", the following new subsection:

3.27 GENERAL DISCRETIONARY USE EVALUATION CRITERIA

Council will apply the following general criteria, and where applicable, the specific criteria found in the respective Zoning District, in the assessment of the suitability of an application for a discretionary use or discretionary form of development.

- 3.27.1 *The proposal must be in conformance with all relevant sections of the District Plan, 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.*
- 3.27.2 *The proposal must be capable of being economically serviced by community infrastructure that may include roadways, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities.*
- 3.27.3 *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.*

- 3.27.4 *The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.*
- 3.27.5 *No new or expanded discretionary uses shall be located in the 1:500 flood elevations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigation measures.*
- 3.27.6 *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 so as to ensure no adverse parking or access effects occur.*

- 3.27.7 *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, etc. not in keeping with the character of the adjacent area.*
- 3.27.8 *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.*
- 3.27.9 *All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.*

- 6. **Section 4: "General Regulations", subsection 4.26: "Solid and Liquid Waste Disposal"** is amended by removing the clause "c" in its entirety and is replaced with the following:
 - c) *The facilities will be located within the Buffer Zone Criteria for Developments in Proximity to Sewage Treatment Facilities in Saskatchewan according to the Water Security Agency (WSA).*
 - i. *The setbacks are as follows: mechanical treatment facility buffer zone of 300 metres from a single isolated residence, built-up residential area, institutional area or commercial area; facultative lagoon buffer zone of 300 metres from a single isolated residence or commercial area (with no built-up residential area, 550 metres from a built-up residential area or institutional area. The WSA may approve a reduced buffer zone subject to certain terms and conditions.*

- 7. **Section 4: "General Regulations"** is amended by adding immediately after Section 4.26: "Solid and Liquid Waste Disposal" the following new subsections:
 - 4.27 **OIL AND GAS WELL ACTIVITIES**
 - 4.27.1 *The Municipality may apply special standards as outlined in The Municipalities Act, 2005, to protect the municipal interest when transportation, utility, and pipeline facilities cross Municipal roads, or when seismic activity is proposed on roads or road allowance.*
 - 4.27.2 *To minimize conflict between natural resource extraction, or oil and gas operations and surrounding land uses, no development shall be approved within 125 metres (410 ft) of an existing, proposed, abandoned, or reclaimed well or facility as defined by the Oil and Gas Conservation Regulations, 2012.*

4.27.3 Permanent structures or other improvements (including all temporary structures) are to be placed at a minimum of 45.7 metres (150 ft.) from the centerline of the road and the road allowance from a surveyed road and a minimum of 91.4 metres (300 ft.) from the centre of the road at intersections.

4.28 DEVELOPMENT ALONG PIPELINES AND GAS TRANSMISSION LINES

4.28.1 Any development involving pipeline and/or power line transmission rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial Regulations or Acts and any regulations or directives established by Crown Corporations. Refer to "Land Use Planning for Pipelines publication by Canadian Standards Association (CSA) PLUS663", which may be amended from time to time.

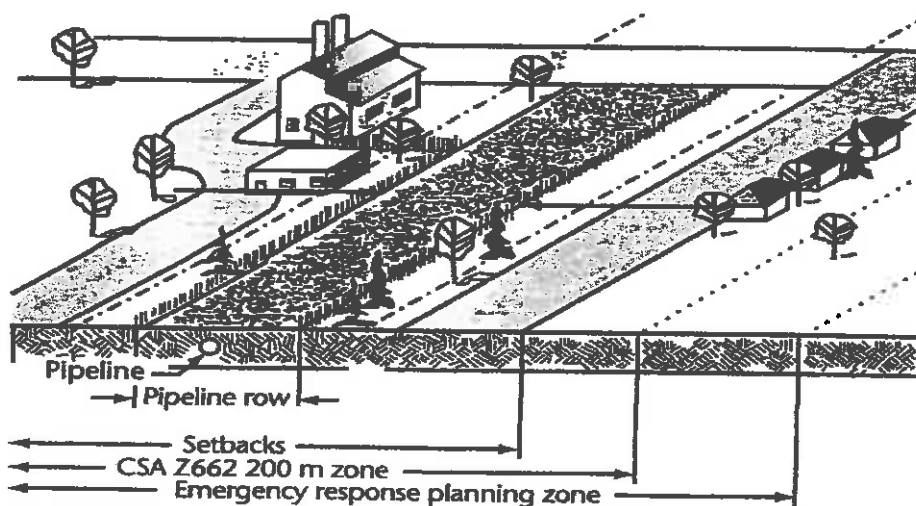
4.28.2 Setbacks from pipelines, for buildings or structures, shall be 12.0 metres (39 ft.) except for where there is more stringent Federal and Provincial regulations in which those regulations apply.

4.28.3 The National Energy Board has designated a "no disturbance" review area of 30.0 metres (98 ft.) on either side of a pipeline in which, subject to exceptions for such things as normal agricultural activities, anyone proposing to conduct a ground disturbance/excavation must:

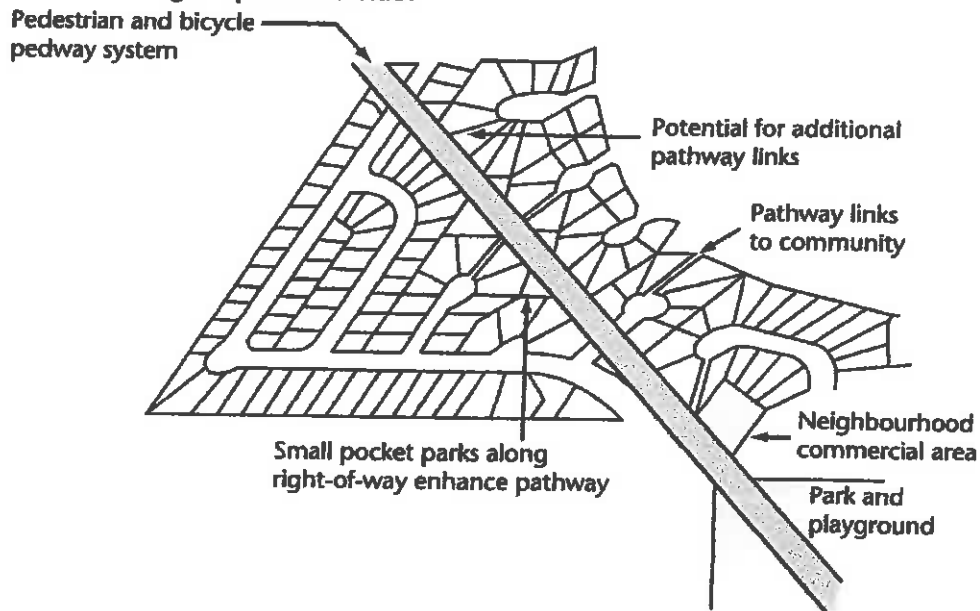
- Ascertain whether a pipeline exists;
- Notify the pipeline company of the nature and schedule of the excavation; and,
- Conduct the excavation in accordance with such regulations.

4.28.4 The following Figures provide the setbacks required by the Canadian Standards Association. Source: Land Use Planning for Pipelines publication by Canadian Standards Association (CSA) PLUS663.

Land Use Areas



Example Land Uses along a Pipeline Corridor



4.29 DEVELOPMENT ALONG ACTIVE RAILWAYS

4.29.1 *Setbacks from active railways, for buildings or structures, shall be 30.0 metres (98 ft) except for where provisions have been made in consultation with the operator of the railway, a lesser separation may be considered.*

4.29.2 *Setback distances will be measured from the mutual property line to the principal building face.*

8. Section 5 "Discretionary Use Standards for Development" is amended by adding immediately following the clause "Landscaping, screening and fencing to buffer adjacent properties" the following:

- *The size, shape, and arrangement of buildings, and the arrangement of buildings, and the placement and arrangement of lighting and signs;*
- *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*
- *Intensity of use.*

9. Section 5 "Discretionary Use Standards for Development", subsection 5.12: "Above Ground Fuel Storage Tanks" is amended by changing the title of the subsection to:

5.12 BULK PETROLEUM SALES AND STORAGE

10. Section 5 "Discretionary Use Standards for Development" is amended by adding immediately following subsection 5.12 "Above Ground Fuel Storage Tanks", a new subsection 5.13 that includes the following new clauses:

5.13 SHIPPING CONTAINERS

All permanent and temporary Shipping Containers are subject to the following conditions:

- *Shipping containers are considered an accessory building and shall only be used for storage purposes that are directly related to the use of the principal building on the same site.*
- *Shipping containers shall not exceed 3 meters in height, 2.5 meters in width and 12.5 meters in length.*
- *Shipping containers may not be stacked.*
- *The shipping containers must be kept in a clean, orderly manner and placed on a level, secure surface. Any bottom drainage holes shall be secured against the environment and/or rodents. The containers must be kept in good repair at all times and surrounding vegetation must be kept trimmed.*
- *Shipping containers are prohibited from being used as a dwelling or commercial office space. Shipping containers shall not be used for the purpose of display or advertising and are prohibited from being plumbed or electrified in any manner.*
- *Shipping containers may not be leased or used by an outside party other than the property owner or business tenant located on the site without permission from Council.*
- *Shipping containers must comply with all provincial and national acts and regulations including the National Building Code and the Uniform Building and Accessibility Standards Act.*

Shipping Containers may be permanently placed in selected zoning districts as outlined in this Bylaw as permitted or discretionary uses under the following circumstances:

- *The permanent placement of a shipping container on any site shall require a development permit.*
- *A maximum of three (3) shipping containers will be permitted on a site and the total area of shipping containers shall not exceed 25% of the gross floor area of the principal building.*
- *Shipping containers shall be located in the side or rear yard only and may not project beyond the front line of the principal building. Additionally, shipping containers must comply with the rear and side yard setbacks as required in each zoning district.*
- *Shipping containers shall not block or obstruct any exits, windows, parking spaces, driveways or access to public utilities and/or right of ways.*
- *The exterior of the shipping container must have a finish that matches or compliments the exterior finish of the other buildings on the site or painted a neutral colour.*
- *The Development Officer may require adequate screening from adjacent sites, streets or lands and this requirement may be listed as a condition in the permitted or discretionary use approval.*

Shipping containers may be temporarily placed in any district under the following circumstances:

- *A maximum of two (2) shipping containers will be permitted on a site.*
- *During construction when the container is used solely for the storage of supplies and equipment that are used for the site, provided a development permit has been issued for construction on the site. Containers are to be removed from the site when construction is complete or after six (6) months, whichever comes first. If an extension is required, a written request must be made to the Development Officer.*
- *Where a development permit is not required, application for a permit for a temporary shipping container is required prior to placement of the container on the site. The permit shall outline the*

location and timeline for removal of the shipping container. The Development Officer may grant one extension for special circumstances if a written request is made to the Development Officer.

- *All temporary shipping containers must be located a minimum of 1.2 metres from any property line.*
- *Shipping containers shall not block or obstruct any exits, windows, or access to public utilities and/or right of ways. Temporary shipping containers may be permitted in a driveway if no other location is suitable.*

11. Section 7: "Residential District – R1", subsection 7.8 "Standards for Discretionary Uses" is amended by renaming it to "Discretionary Use Evaluation Criteria" and is amended by removing the clauses in their entirety and is replaced with the following clauses:

- a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*
- b) *Specific Discretionary Use Evaluation Criteria for Senior living/housing developments:*
 - i. *The development design will take the existing neighbourhood character into consideration and integrate into the neighbourhood to the satisfaction of Council.*
- c) *Off-street parking spaces for adult day care, day care centres, pre-school nurseries, residential care facilities shall be located in a side or rear yard and be screened if they are adjacent to a site used for residential purposes.*

12. Section 8: "Residential Multiple Dwelling District – R2", subsection 8.9: "Standards for Discretionary Uses" is amended by renaming it to "Discretionary Use Evaluation Criteria" and is amended by removing the clauses in their entirety and is replaced with the following new clauses:

- a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*
- b) *Specific Discretionary Use Evaluation Criteria for Single detached dwellings, including an RTM and Modular:*
 - i. *The development design will take the existing neighbourhood character into consideration and integrate into the neighbourhood to the satisfaction of Council.*
- c) *Specific Discretionary Use Evaluation Criteria for Apartment buildings:*
 - i. *Council shall give consideration to the locations on major streets and that the development will not cause excessive traffic through existing low density residential areas; and*
 - ii. *1 off-street parking stall is required per unit in the apartment building.*
- d) *Specific Discretionary Use Evaluation Criteria for Residential care homes:*
 - i. *Council will consider if the proposed use maintains the existing residential character of the neighbourhood.*
- e) *Off-street parking spaces for adult day care, day care centres, pre-school nurseries, residential care facilities shall be located in a side or rear yard and be screened if they are adjacent to a site used for residential purposes.*

13. Section 9: "Residential Estate District – RE", subsection 9.8: "Standards for Discretionary Uses" is amended by renaming it to "Discretionary Use Evaluation Criteria" and is amended by removing clause b) "Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use" in its entirety and is replaced with the following:



b) *Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use, including keeping of domestic animals and livestock.*

14. Section 10: "Residential Acreage District – RA", subsection 10.2: "Discretionary Uses" is amended by removing clauses e) "Public sports fields and parks" and h) "Public works waste management or sewage facilities" and adding them to subsection 10.1: "Permitted Uses" after clause d) "Public works, buildings, and structures, warehouses and storage yards".
15. Section 10: "Residential Acreage District – RA", subsection 10.5: "Supplementary Regulations" is amended by removing clause c) "An application for the keeping of domestic animals and livestock will be made to Council for approval" in its entirety and is replaced with the following new clause:
- c) *2 animal units and 0.25 poultry animal units, unless application is made for a greater amount and is approved by Council.*
16. Section 10: "Residential Acreage District – RA" is amended by adding immediately following subsection 10.7 "Signage", the following new subsection:

10.8 DISCRETIONARY USE EVALUATION CRITERIA

- a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*
- b) **Specific Discretionary Use Evaluation Criteria for Equestrian Facilities:**
- i. *Council will favourably consider the following when evaluating the proposed use:*
 - i) *The maximum number of horses and cattle that may be kept on the site;*
 - ii) *Garbage and manure control, pasture management, on site stock trailer parking, participant and spectator parking;*
 - iii) *Details of water supply and sewage disposal;*
 - iv) *The management of storm water for all areas of the parcel of land disturbed during or as a result of the development of the Equestrian Centre and supporting facilities;*
 - v) *Where it can be demonstrated that the use and intensity is appropriate to the site and that it will have minimal impact on the surrounding, adjacent areas;*
 - vi) *Parking.*
- c) **Specific Discretionary Use Evaluation Criteria for Animal Kennels:**
- i. *Council will favourably consider the following when evaluating the proposed use*
 - i) *The maximum number of animals not normally attributed to the host site to be kept on-site;*
 - ii) *Where it can be demonstrated that the use and intensity is appropriate to the site and that it will have minimal impact on the surrounding, adjacent areas;*
 - iii) *Location of buildings and exterior exercise areas, to be sited behind the principal building unless otherwise approved by Council;*
 - iv) *Soundproofing of the pens, rooms, exercise runs and holding stalls may be soundproofed to the satisfaction of Council; and,*
 - v) *Relevance to relevant Town Bylaws and legislation governing noise and public health.*



- d) *Off-street parking spaces for adult day care centres, child day care centres, equestrian facilities, and animal kennels shall be located in a side or rear yard and be screened if they are adjacent to a site used for residential purposes.*
17. Section 11: "Town Centre Commercial District – C1", subsection 11.2: "Discretionary Uses" clause a) "Dwellings above commercial establishments: is amended by renaming it to:
- a) *Accessory dwellings attached to and behind, or above, commercial establishments.*
18. Section 11: "Town Centre Commercial District – C1", subsection 11.8: "Standards for Discretionary Uses" is amended by renaming it to "Discretionary Use Evaluation Criteria".
19. Section 11: "Town Centre Commercial District – C1", subsection 11.6: "Parking" is amended by removing "Lumber and building supply establishments" in its entirety.
20. Section 11: "Town Centre Commercial District – C1", subsection 11.8: "Standards for Discretionary Uses" is amended by removing the clauses in their entirety and is replaced with the following new clauses:
- a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*
- b) ***Specific Discretionary Use Evaluation Criteria for Accessory dwellings attached to and behind, or above, commercial establishments:***
- i. *A maximum of two accessory dwelling unit attached to and behind, or above, a commercial establishment will be allowed;*
- ii. *Council will favourably consider an accessory dwelling where it is located in the principal building with the front of the building at grade level always remaining a commercial use; and*
- iii. *Council will only consider accessory dwellings that have a main entrance that is separate from that of the commercial establishment.*
- c) ***Specific Discretionary Use Evaluation Criteria for Shops of plumbers, pipe fitters, metal workers and other industrial trades manufacturing and sales; Highway transport vehicle storage:***
- i. *The location of the use will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have minimal impact on surrounding adjacent areas. Consideration may be given, but is not limited to, the following effects:*
- i) *Municipal servicing capacity;*
- ii) *Anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration and other emissions emanating from the operation;*
- iii) *Anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists, or pedestrians; and,*
- iv) *Utilization of hazardous substances.*
- ii. *Consideration shall be given to the location of entry and exit points to the site and their interrelation with existing intersections or land constraints;*
- d) ***Specific Discretionary Use Evaluation Criteria for Funeral homes:***
- i. *Council shall favorably consider the location of the proposed use on a lot that abuts a major (Primary or Secondary) street.*

21. Section 12: "Highway Commercial District – C2", subsection 12.1: "Permitted Uses" is amended by adding immediately following clause p) "Public works offices, buildings, structures and warehouses excluding waste management or sewage facilities" the following uses:

q) *Hotels.*

r) *Service stations including gas bars and convenience stores*

22. Section 12: "Highway Commercial District – C2", subsection 12.13: "Standards for Discretionary Uses" is amended by renaming it to "Discretionary Use Evaluation Criteria" and is amended by removing the clauses in their entirety and is replaced with the following new clauses:

a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*

b) *Specific Discretionary Use Evaluation Criteria for **auto body shops**:*

i. *The location of the use will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have minimal impact on surrounding adjacent areas. Consideration may be given, but is not limited to, the following effects:*

i) *Municipal servicing capacity;*

ii) *Anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration and other emissions emanating from the operation;*

iii) *Anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists, or pedestrians; and*

iv) *Utilization of hazardous substances.*

ii. *Consideration shall be given to the location of entry and exit points to the site and their interrelation with existing intersections or land constraints.*

c) *Specific Discretionary Use Evaluation Criteria for **Commercial cardlock operations; Motor vehicle, recreational vehicle, and/or mobile home sales and servicing**:*

i. *Council will favourably consider the proposed use where it is located in an area of low-visibility, and screened to avoid any adverse visual impact.*

d) *Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes access to or from major streets or designated truck routes.*

23. Section 13: "Commercial with Outside Storage District – C3", subsection 13.1: "Permitted Uses" is amended by adding immediately following clause i) "Public works buildings and structures including offices, warehouses, storage yards" the following uses:

j) *Self-service storage facilities;*

k) *Shipping container rentals and sales.*

l) *Service stations including gas bars and convenience stores*

24. Section 13: "Commercial with Outside Storage District – C3", subsection 13.2: "Discretionary Uses"
b) "Sea cans may be permitted in the rear yard only and must be in good repair at all times" is replaced with the following:

b) *Shipping containers as an accessory use (refer to Section 5.13).*



25. Section 13: "Commercial with Outside Storage District – C3", subsection 13.11: "Standards for Discretionary Uses" is amended by renaming it to "Discretionary Use Evaluation Criteria" and is amended by removing the clauses in their entirety and is replaced with the following new clauses:

- a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*
- b) *Specific Discretionary Use Evaluation Criteria for **Warehousing and supply depots**;*
 - i. *Council will favourably consider the proposed use where it is located in an area of low-visibility, and screened to avoid any adverse visual impact.*
- c) *Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes access to or from major streets or designated truck routes.*

26. Section 13: "Commercial with Outside Storage District – C3", is amended by adding immediately following subsection 13.11: "Standards for Discretionary Uses" the new subsection:

13.12 PERFORMANCE STANDARDS FOR SHIPPING CONTAINER RENTALS AND SALES

- a) *All shipping containers must be painted and maintained to be aesthetically representative of exterior colors of the principle building or a neutral colour prior to their placement above grade on a site.*
- b) *Shipping containers shall not be stacked on top of one another.*
- c) *Shipping containers may not be used for the storage of junk, trash, or other forms of refuse or hazardous substances or perishable items.*
- d) *Shipping containers located on the site of the Shipping container rental and sales operation must be situated at least 3.0 metres from any property line and shall not be located in any required front or side yard.*
- e) *Shipping containers shall only be used for shipping or storage purposes and shall not be used for residential purposes or commercial office space.*
- f) *Shipping containers shall be placed on a hard packed level surface and any bottom drainage holes shall be secured against the environment and/or rodents.*
- g) *The containers must be kept in a clean, orderly manner, kept in good repair at all times and surrounding vegetation must be kept trimmed.*

27. Section 14: "Mixed Use – MU", Subsection 14.3: "Prohibited Uses" is amended by adding immediately following p) "Campgrounds and recreational vehicle parks" the following use:

- q) *Shipping containers.*

28. Section 14: "Mixed Use – MU", subsection 14.3: "Site Development Regulations", Clause 14.3.1 is amended by removing it in its entirety and replaced with the following new clause:

14.3.1 Lots 1-24, Blocks 8 and 9 shall have no minimum front yard requirements.

29. Section 14: "Mixed Use – MU", subsection 14.6: "Supplementary Regulations", Store Front Retail: is amended by removing it in its entirety.

30. Section 14: "Mixed Use – MU" is amended by adding immediately following subsection 14.8 "Signage" the following new subsection:



14.9 DISCRETIONARY USE EVALUATION CRITERIA

- a) All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in *Section 3.27 and others that are specific in this Zoning District.*
- b) Specific Discretionary Use Evaluation Criteria for ***Semi-detached, duplex dwellings, fourplex or townhouses and other multi-unit dwellings:***
 - i. Council shall give consideration to the locations on major streets and that the development will not cause excessive traffic through existing low density residential area.

31. Section 15: "Light Industrial District – IND1", subsection 15.1: "Permitted Uses " is amended by adding immediately following clause q) "Public works buildings and structures including offices, warehouses, storage, yards, and waste management or sewage facilities" the following uses:

r) *Self-service storage facilities;*

s) *Shipping container rentals and sales.*

32. Section 15: "Light Industrial District – IND1", subsection 15.2: "Discretionary Uses " f) "Sea cans shall be permitted in the rear yard only and must be in good repair at all times and colour matched to the principle business; Vegetation must be trimmed at all times to avoid hazards. An application for a Development Permit shall be made" is removed in its entirety and is replaced with the following new clause:

f) *Shipping containers as an accessory use (refer to Section 5.13).*

33. Section 15: "Light Industrial District – IND1", subsection 15.11: "Standards for Discretionary Uses " is amended by renaming it to "Discretionary Use Evaluation Criteria" and is amended by removing the clauses in their entirety and is replaced with the following new clauses:

a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*

b) ***Specific Discretionary Use Evaluation Criteria Fertilizer sales and storage; Cement manufacturing; and Aggregate material storage or handling operations:***

i. *The location of the use will only be favorably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given:*

i) *Municipal servicing capacity;*

ii) *Anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration and other emissions emanating from the operation;*

iii) *Anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists, or pedestrians; and*

iv) *Utilization of hazardous substances.*

ii. *The designated truck access routes will not be primarily through residential areas.*

34. Section 16: "Medium to Heavy Industrial District – IND2", subsection 16.1: "Permitted Uses" is amended by removing clause m) "Salvage and auto wreckers" in its entirety and is replaced with the following new clause:

m) *Salvage yards and auto wrecker operations.*



35. Section 16: "Medium to Heavy Industrial District –IND2", subsection 16.1: "Permitted Uses" is amended by adding immediately following clause r) "Aggregate material storage or handling operations" the following uses:
- s) *Self-service storage facilities;*
 - t) *Shipping container rentals and sales.*
36. Section 16: "Medium to Heavy Industrial District –IND2", subsection 16.2: "Discretionary Uses" d) "Sea cans shall be permitted in the rear yard only and must be in good repair at all times and colour matched to the principle business; Vegetation must be trimmed at all times to avoid hazards. An application for a Development Permit shall be made" is replaced with the following:
- d) *Shipping containers as an accessory use (refer to Section 5.13).*
37. Section 16: "Medium to Heavy Industrial District –IND2", subsection 16.11: "Standards for Discretionary Uses" is amended by removing it in its entirety.
38. Section 16: "Medium to Heavy Industrial District –IND2", subsection 16.12: "Performance Standards" is amended by adding the following:
- Salvage Yards and Auto Wrecker Operations***
- a) *This includes salvage yards, auto wreckers, auto repair shop, body shops and similar uses, all salvage vehicles and materials, vehicles waiting repair, salvage or removal and similar uses. No vehicles or parts thereof shall be located in the front yard.*
 - b) *All salvage yards shall be totally hidden from the view of the travelling public, provincial highways, any public road and adjacent residential development by utilizing any of the following measures:*
 - *Distance and careful location,*
 - *Natural or planted vegetation,*
 - *An earth berm,*
 - *An opaque fence,*
 - *A building,*
 - *Other appropriate methods approved by council.*
 - c) *Sites used for discretionary uses which may result in heavy truck traffic shall be located to ensure that such traffic takes access to and from major streets or designated truck routes.*
 - d) *All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.*
 - e) *Bulk petroleum tanks are to be located 91.4 metres (300 ft) from residential areas, schools, hospitals, motels and restaurants.*
39. Section 17: "Limited Services Industrial", subsection 17.1: "Permitted Uses" is amended by adding a new clause following clause (m), to include:
- n) *Aircraft runways and accessory aircraft buildings and structures;*
 - o) *Self-service storage facilities;*



p) *Shipping container rentals and sales.*

40. Section 17: "Limited Services Industrial", subsection 17.2: "Discretionary Uses" d) "Sea cans shall be permitted in the rear yard only and must be in good repair at all times and colour matched to the principle business; Vegetation must be trimmed at all times to avoid hazards. An application for a Development Permit shall be made" is replaced with the following:

d) *Shipping containers as an accessory use (refer to Section 5.13).*

41. Section 17: "Limited Services Industrial", subsection 17.2: "Discretionary Uses" is amended by removing clause b) "Salvage and auto wreckers" and replaced with the following:

c) *Salvage yards and auto wrecker operations.*

42. Section 17: "Limited Services Industrial" is amended by adding a new subsection following subsection 17.2: "Discretionary Uses", called "17.2.1 Prohibited Uses" and will include the following:

- a) *Bird or game preserves;*
- b) *Sod farms or orchards;*
- c) *Solid waste disposal sites;*
- d) *Animal keeping or raising operations;*
- e) *Fairgrounds.*

43. Section 17: "Limited Services Industrial District – IND3", subsection 17.12: "Standards for Discretionary Uses" is amended by renaming it to "Discretionary Use Evaluation Criteria" and is amended by removing the clauses in its entirety and is replaced with the following new clauses:

- a) *All discretionary use applications shall follow the general the discretionary use evaluation criteria as outlined in Section 3.27 and others that are specific in this Zoning District.*
- b) *Specific Discretionary Use Evaluation Criteria for Salvage Yards and Auto Wrecker Operations:*
 - i. *All salvage yards shall be totally hidden from the view of the travelling public, provincial highways ,any public road and adjacent residential development by utilizing any of the following measures:*
 - i) *Distance and careful location;*
 - ii) *Natural or planted vegetation;*
 - iii) *An earth berm;*
 - iv) *An opaque fence;*
 - v) *A building; and*
 - vi) *Other appropriate methods approved by council.*

44. Section 18: "CS – Community Service District" is amended by adding immediately following subsection 18.6 "Landscaping", the following new subsection:

18.7 DISCRETIONARY USE EVALUATION CRITERIA

- a) *All discretionary use applications shall follow the general discretionary use evaluation criteria as outlined in Section 3.27 and others that may be specified in this Zoning District.*
- b) *Specific Criteria for Skateboard parks or bmx bike terrain:*



- i. Consideration will be given to the compatibility of the skateboard park or bmx bike terrain with adjacent land uses; and
- ii. Buffers shall be provided to protect existing, adjacent neighbourhoods by mitigating the adverse impacts of sound, visibility and traffic.

45. Section 19: "Airport Development District (AIR)" shall be amended by removing it in its entirety.

46. Section 20: "Future Urban Development", subsection 19.4: "Supplementary Regulations" is amended by adding immediately following clause c) "Any building or structure used for the habitation or shelter of animals permitted in this Zoning District shall be located a minimum distance of 76.0 metres (249 ft.) from an occupied dwelling situated on an adjoining site", the following new clause:

d) The maximum number of animal units permitted per lot shall include: 3 animal units and 0.25 poultry animal units, unless application is made for a greater amount and is approved by Council.

47. The Zoning District Map is amended by removing the Zoning District Map in its entirety and is replaced with the new Zoning District Map referred to as Appendix "A" of this bylaw. The changes to the map are as follows:

- Re-zoning of Blocks 24,25,25,27,28,35,36,37,38, 39 and the roadways in between from C3 - Commercial with Outside Storage District to C2 - Highway Commercial District;
- Re-zoning of Blocks EE and FF from C2 – Highway Commercial District to IND2 - Medium to Heavy Industrial District;
- Change the hatched colouring of the Mixed Use Zoning District (MU) to red;
- Remove the Airport Development District (AIR);
- Update the 457 metre lagoon setback to include 300 metre and 550 metre setbacks.


48. This bylaw shall come into force and take effect when adopted by Council.

Read a first time on this 27 day of APRIL, 2016

Read for a second time on this 25 day of MAY, 2016

Read for a third time and passed on this 25 day of MAY, 2016


MAYOR


ADMINISTRATOR



Certified a true copy of Bylaw No. 1011-16

Passed the 25 day of May, 2016.


Administrator

Appendix "A": Town of Kerrobert Zoning District Map

