

**TOWN OF KAMSACK
TO CONSOLIDATE THE ORIGINAL ZONING BYLAW AND ALL
AMENDMENTS THERETO**

Original Bylaw #8/77

**Amendments: 6/78, 5/79, 4/80, 22/80, 5/81, 21/83, 25/86, 23/88, 33/88, 34/88, 15/91,
27/92, 7/94, 24/94, 20/95, 23/98, 25/98, 36/99, 40/2000, 15/2002, 27/2002, 1/2004,
17/2006, 18/2008, 19/2008, 31/2008, 20/2009, 11/2010, 22/2010, 07/2012, 19/2013,
23/2013, 11/2014, 9/2015 , 20/2015, 16/2017, 18/2017, 22/2017, 07/2018, 11/2018,
22/2018, 23/2018, 27/2018**

A bylaw to regulate development in the Town of Kamsack so as to provide for the amenity of the town, and the health, safety and general welfare of the inhabitants.

Under the authority granted by the Planning and Development Act, 1973, the Mayor and Council of the Town of Kamsack, in the Province of Saskatchewan, in open meeting hereby enacts as follows:

SHORT TITLE

1. THIS bylaw may be cited as the “Zoning Bylaw”.

DEFINITIONS

2. 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:

Accessory use – shall mean a use customarily incidental and subordinate to the principal use or building and located in the same site with such principal use or building.

Apartment house – shall mean a building divided into three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as the permanent home or residence of one person or one family, as distinct from a hotel, rooming house or boarding house.

Awning – a covering, typically of canvas stretched on a frame, projecting from a wall over a window or an entrance. (Bylaw 19/2008)

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

Building, accessory – shall mean a subordinate detached building appurtenant to a main building or main use, and located on the same site, the purpose of which is to provide

better and more convenient enjoyment of the main building or main use. The walls of an accessory building shall not exceed ten (10) feet or 3.048 meters in height from the floor level. The height of the accessory building from floor level to the top of the roof shall not exceed seventeen feet, five inches (17'5") or 5.25 meters. (Bylaw 9/2015)

Building line, established – shall mean the average distance from the street line to the main wall of existing buildings on any side of any block where more than half the frontage has been built upon.

Cannabis – shall mean a cannabis as defined in the Cannabis Act (Canada). (Bylaw 22/2018)

Cannabis Distributor – means a person who holds a cannabis distributor license issued under the Liquor, Gaming and Cannabis Control Act. (Bylaw 22/2018)

Cannabis Retail Store – means the premises specified in a retail cannabis license, issued under the Liquor, Gaming and Cannabis Act, where the retail sale of cannabis is authorized. (Bylaw 22/2018)

Canopy – a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic. (Bylaw 19/2008)

Commercial Cannabis Cultivation – means the growing of cannabis plants and harvesting material from those plants for commercial use, as well as associated activities. (Bylaw 22/2018)

Commercial Cannabis Processing – means the manufacturing, packaging and labelling of cannabis products designed for sale to consumers or intra-industry sale to authorized distributors, and related activities. (Bylaw 22/2018)

Council – shall mean the Council of the Town of Kamsack.

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

Dwelling Unit – shall mean one or more habitable rooms constituting a self-contained unit and use or intended to be used together for living and sleeping purposes by one or more persons.

Dwelling, one-family – shall mean a detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence of one family.

Dwelling, two-family – shall mean a building divided into two dwelling units as herein

defined, each of which is occupied or intended to be occupied as the permanent home or residence of one family.

Dwelling, multiple-family – shall mean a building divided into three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as the permanent home or residence of one family, and shall include amongst others, terrace, or row houses and apartments as distinct from a boarding or lodging house, rooming house, hotel and motel.

Floor Area – shall mean the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling any private garage, porch, verandah, sunroom, unfinished attic or unfinished basement.

Garage, private – shall mean a building or part of a building used or intended to be used for the storage of motor vehicles and having a capacity of not more than **three** vehicle spaces for each dwelling unit to which the garage is accessory. ([Bylaw 23/2013](#)). [A Quonset does not qualify as a private garage. \(Bylaw 09/2015\)](#)

Garage, public – shall mean a building or part of a building other than a private garage used for the storage, care, repair, servicing or equipping of motor vehicles or where such vehicles are kept for remuneration, hire, sale or display.

Hotel – shall mean a building or structure or part of a building or structure kept, used or advertised as a place where sleeping accommodation with or without meals is provided for transient lodgers, and where a guest register or record is kept, but does not include motel, boarding house, lodging or rooming housing or tourist home.

Lane – shall mean a secondary public thoroughfare intended primarily to give access to the rear or side of abutting property.

Mayor – shall mean the Mayor of the Town of Kamsack.

Minister – shall mean the Minister of Municipal Affairs for the Province of Saskatchewan.

~~Mobile Home – shall mean a trailer coach that is used as a dwelling for permanent or year-round living, and that has water faucets and a shower head or bath tub that may be connected to a water distribution system, and that has a wash basin and water closet that may be connected to a sewerage system.~~

[Bylaw 20/2015](#) - A single family detached one story home comprising of one or more large factory built section produced in full compliance with the “CAN/CSA Z240.2 Manufactured Home foundations will be constructed in compliance with the “Z240.10.1-08 Site Preparation, Foundation, and Anchorage of Manufactured Homes”.

Mobile Home Park – shall mean any tract or parcel of land on which two or more occupied mobile homes are harbored or are permitted to be harbored 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 park, but does not include an industrial or construction camp or any such park if a tent or trailer coach that is not a mobile home is also harbored or is permitted to be harbored thereon.

Modular Home (Bylaw 20/2015) - A residential dwelling that is constructed off site in a yard or factory, in one or more sections, transported to a site for permanent installation on a permanent foundation (may have a basement), having architectural features similar to permanent residential dwellings built on site in the Town, and conforming to Canadian Standards Association (CSA) Standard A277.

Motel – shall mean a series of dwelling units, intended for the use of automobile transients, each unit containing at least a bedroom and a bathroom, and each unit having convenient access to a parking space for the use of the occupants.

Non-conforming use – shall mean any use of land, building or structure lawfully existing at the time of the passing of this bylaw, the use of which does not comply with all the regulations of this bylaw governing the zoning district in which it is located.

Parking lot – shall mean an open area, other than a street, used for temporary parking of more than four (4) automobiles and available for public use whether free, for compensation, or as an accommodation for clients and customers.

Parking space, automobile – shall mean a space within a building or parking lot for the parking of one (1) automobile including convenient access to a public land or street.

Public Utility – shall mean a business or service which engages in regularly supplying the public with a service or commodity which is of public consequence and need, and which provides this service or commodity to an entire population and is not restrictive to any particular segment of that population.

Quonset – shall mean a metal building that is designed with an arched top or roof. (Bylaw 09/2015)

Row House – shall mean a building divided into three or more dwelling units located side by side under one roof and sharing party walls.

Shipping/Cargo Container (Sea Can) – shall mean a reusable steel/metal container, which was used in the shipping industry for transportation of cargo. (Bylaw 11/2018)

Site – shall mean an area of land considered as a unit devoted to a certain use, or occupied by a building or a permitted group of buildings, and the customary accessories and open spaces belonging to the same.

Site line, front – shall mean the boundary that divides the site from the street. In the case of a corner site, the front site line shall mean the boundary separating the narrowest street frontage of the site from the street.

Site line, rear – shall mean the boundary at the rear of the site and opposite the front site line.

Site line, side – shall mean a site boundary other than a front or rear site line.

Street – shall mean a public thoroughfare which affords the principal means of access to abutting property.

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

Tourist campsite – shall mean a site which provides for the temporary location of tents and trailers used by travelers and tourists for overnight accommodation.

Town – shall mean the Town of Kamsack.

Town Administrator – shall mean the Town Administrator of the Town of Kamsack.

Trailer coach – shall mean 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 re-constructed 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 – shall mean any part of a site unoccupied and unobstructed by any main building.

Yard, front – shall mean a yard extending across the full width of a site between the front line of the site and the nearest main wall of the main building or structure on the site.

Yard, rear – shall mean a yard extending across the full width of the site between the rear line of the site and the nearest main wall of the main building or structure on the site.

Yard, side – shall mean a yard extending from the front yard to the rear yard between the side line of a site and the nearest main wall of the main building or structure on the site.

SCOPE

- 3.** No development shall hereafter be permitted within the limits of the municipality, except in conformity with the provisions of this bylaw.

PART I

ZONING DISTRICTS

4. Classification of Zoning Districts

In order to carry out the purposes and regulations of this bylaw, the municipality is hereby divided into six (6) classes of zoning districts to wit:

1. A – Agricultural District (Urban Reserve)
2. R – Residential District
3. C1 – Commercial District (General Business)
4. C2 – Commercial District (Highway)
5. M1 – Industrial District
6. M2 – Industrial District

5. Boundaries of Zoning Districts

The boundaries of such districts referred to in Section 4, together with explanation legend, notation and reference, are shown on the map entitled “Zoning District Map”. Where shown along streets and lanes the boundaries, unless otherwise indicated on the map, shall be interpreted to be the boundaries of the allowances of the streets and lanes; where zoning district boundaries are not shown along streets and lanes and where the property has been subdivided into blocks or lots, the boundaries shall be construed to be the lot lines; in unsubdivided land the boundaries shall be determined by the scale shown on the map.

6. The Zoning District Map

The map, bearing the statement “This is the Zoning District Map referred to in the Bylaw No. 8/77”, adopted by the Town of Kamsack and signed by the Mayor and 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, as if embodied herein.

Bylaw 6/78 – The portion of the SE ¼ Section 2-30-32 W.P.M. in the Town of Kamsack 113 meters in depth from the north limit of Registered Plan No. 71Y03358 bounded on the west by the east boundary of Lot 2, Block 25, Plan 67Y07076 and on the east by the east boundary of the said quarter section be zoned C2 Commercial District (Highway)

Bylaw 5/79 – Property described as Parcel “B”, Plan 66Y00049 as amended by Master of Titles Order No. 77Y05075, and that portion of Parcel “A”, Plan AB5420 as amended by Master of Titles Order No. 65Y10438 lying south of the surveyed road registered as Plan No. 67Y08902 be zoned M2 Industrial District.

Bylaw 4/80 – All that portion of the South East quarter of Section 2, Township 30, Range 32, West of the first meridian, bounded on the South by the North boundary of Lot 1 and

Lot 2, Block 25, Plan 79Y00227; on the East by the West boundary of Lot 3, Block 25, Plan 79Y00227; on the West by the East boundary of East Drive; and on the North by a straight line joining a point on the East boundary of East Drive 52,192 meters North of the North West corner of Lot 1, Block 25, Plan 67Y07076 to the North West Corner of Lot 3, Block 25, Plan 79Y00227, as outlined in the shaded area on the attached sketch, be zoned C2 Highway Commercial District.

Bylaw 22/80 – By rezoning Lots 1-4, Lots 18-20, Block 16, Plan S3319 as shown on the attached sketch from R – Residential to S.U. – Special Use District.

Bylaw 23/88 – Property described as Lots 1 to 6, Block 1, Plan X1287, as outlined in the shaded area on the attached sketch, be zoned C1 Commercial District.

Bylaw 33/88 – That property described as Parcel F, Registered Plan No. W4307, SW ¼ of 35-29-32-W1, Kamsack, Saskatchewan, as per attached Appendix “A”, be zoned Industrial District (M2).

Bylaw 34/88 – That property described as Lot B except 0.08 of an acre for Roadway on Plan 64Y01487, Registered Plan CD 5969, S.W. ¼ of 3-30-32, W1, Kamsack, Saskatchewan, as per attached Appendix “A”, be zoned Industrial District (M2).

Bylaw 7/94

1. That the property described as Parcel C Registered Plan No. AX5153 containing approximately 1.30 acres NE ¼ 34-29-32-W1, Kamsack, Saskatchewan, as per attached Appendix “A”, be zoned Industrial District (M2) and
2. That portion of the NW ¼ 34-29-32-W1 Bounded
 - a. On the west by the Assiniboine River
 - b. On the north by Highways No. 5, Highway Plan No. 23352 registered Road Plan No. 64Y01487 and
 - c. On the south by Canadian National Railways Registered Plan No. AX5153In the Town of Kamsack, Saskatchewan, as per attached Appendix “A”, be zoned Industrial District (M2).

Bylaw 23/98 – To rezone a portion of the Lot 6, Block 25, Plan No. 80Y12717, within the SE ¼ 2-30-32-W1M from Agricultural District to C2 – Commercial as shown below within the bold line:

Bylaw 31/2008 – Rezoning from R-Residential District to C2-Commercial District all the land described as follows: Lot 10, Block 1, Plan AJ2175
Lot 23, Block 1, Plan 101918437
Lot 23, Block 1, Plan 00Y05208.

Bylaw 11/2014 - Rezoning a portion of Block 55, Plan AB5420 from A – Agricultural District (Urban Reserve) to R – Residential District as shown on the attached Schedule A to Bylaw 11/2014.

Bylaw 16/2017- Change the zoning from R-Residential District to C2-Highway Commercial on the land described as:

Lots 16 &17, Block 1, Plan AA3663 (178 & 184 Queen Elizabeth Blvd East)

Bylaw 22/17 – All portions of Block C, Plan 102056688 be zoned C1 – Commerical.

Bylaw 23/18 – All portions of lots 11 & 12, Block 10, Plan N366 be zoned C1 – Commerical.

7. District Schedules

The following are the schedules of uses and regulations pertaining to the various zoning districts under this bylaw:

7.1 A. Agricultural District (Urban Reserve)

The purpose of this district is to reserve unsubdivided lands within the municipality for future urban development.

(1) Uses Permitted

Subject to all other provisions of this bylaw, on any site, in any district defined, designated or described as an A Agricultural District, only the following uses shall be permitted:

- A. Existing agricultural uses.
- B. Recreational – sports fields, parks, golf courses, curling rinks, skating rinks, and other similar uses.
- C. Public utility uses and structures.
- D. Offices and clinics of veterinary surgeons.
- E. Accessory buildings and uses – Buildings, structures or uses accessory to and located on the same site with the main use including single-family dwellings accessory to the main use and occupied by the owner, caretaker or manager of the main use.

(2) Regulations

No future subdivision or development shall be permitted unless the subdivision is for one of the permitted uses and in the opinion of Council it will not prejudice the future economical subdivision or servicing of the land.

(3) Rezoning of Land

Rezoning of land from A Agricultural District to another land use shall be permitted only on the basis of an overall plan for the area. The proposed

development in the opinion of Council shall constitute orderly and economic development with regard to adjacent land uses, and future service requirements such as roads, schools and utilities.

- (4) No commercial cannabis crops can be grown on any site, in any district, defined, designated or described as A-Agricultural. (Bylaw 22/2018)

7.2 R Residential District

(1) Uses Permitted

Subject to all other provisions of this bylaw, on any site in any district defined, designated, or described in this bylaw as an R Residential District, only the following uses shall be permitted:

A. Residential

- (1) One-family dwellings
- (2) Two-family dwellings

B. Home Occupations

Offices of physicians and dentists, drugless practitioners, clergymen, artists, authors, dressmakers, milliners, seamstresses, music teachers, and tutors, hairdressers and photographers.

C. Institutional

- (1) Churches, religious institutions;
- (2) Lodges, fraternal organizations;
- (3) Schools, educational institutions;
- (4) Hospitals, sanatoria, clinics;
- (5) Libraries, cultural institutions;
- (6) Offices of federal, provincial and municipal governments;
- (7) Nursing homes, senior citizens homes.

D. Uses Permitted at Council's Discretion

The following uses may be permitted in the R Residential District but only by resolution of Council and only in locations specified in such resolution of Council:

- (1) Multiple Family Dwellings:
The regulations of Section 7.2(2)C shall apply.
- (2) Row Houses
The regulations of Section 7.2(2)D shall apply
- (3) Boarding, Lodging or Rooming Houses
The regulations of Section 7.2(2)E shall apply
- (4) Mobile Homes of CSA-Z240 Approved Construction
The regulations of Section 7.2(2)F shall apply
- (5) Convenience Stores

- The regulations of Section 7.2(2)A shall apply
- (6) Craft House/Hobby Shop ([Bylaw 27/92](#))
 - (7) Day Care Clinic ([Bylaw 24/94](#))
 - (8) Emergency Service Buildings such as an Ambulance Base, Police Station and Fire hall. ([Bylaw 15/2002](#))
The regulations of Section 7.2(2)G shall apply.
 - (9) Funeral Homes ([Bylaw 20/2009](#))
The regulations of Section 7.2(2)G shall apply.
 - (10) Law Offices ([Bylaw 22/2010](#))
The regulations of Section 7.2(2)H shall apply.
 - (11) Florist shops ([Bylaw 07/2012](#))
The regulations of Section 7.2(2)G shall apply.
 - (12) Private garages ([Bylaw 09/2015](#))
Private garages may be located on a separate lot from the principle residence with discretionary approval of Council.

E. Recreational

Public sports fields, parks and other similar uses.

F. Accessory ([Bylaw 09/2015](#))

A. Quonset does not qualify as an accessory building.

B. Shipping/Cargo Container (Sea Can) is not permitted in the Residential District. ([Bylaw 11/2018](#)).

(2) Regulations

A. One Family Dwellings

Minimum site area	5,000 sq. ft. or by resolution of Council may be 4,800 sq. ft.
Minimum site frontage	50 feet or by resolution of Council may be reduced to 40 feet.
Minimum front yard	25 feet
Minimum side yard	4 feet for a main building. The minimum side yard for accessory buildings shall be 2 feet provided that the minimum distance between the accessory building and any main building is 10 feet. An attached garage or carport shall be considered part of the main building.
Minimum rear yard	10 feet (Bylaw 17/2006)
Minimum floor area	600 square feet

B. Two Family Dwellings

Minimum site area	2,800 sq. ft. per unit where the site is served by a lane, otherwise 3,500 sq. ft. per unit.
Minimum site frontage	28 feet per unit where the site is served by a lane, otherwise 35 feet.
Minimum front yard	25 feet
Minimum side yard	4 feet on each side of a main building. The minimum side yard for accessory buildings shall be 2 feet provided that the minimum distance between the accessory building and any main building is 10 feet. An attached garage or carport shall be considered part of the main building.
Minimum rear yard	10 feet (Bylaw 17/2006)
Minimum floor area	576 sq. ft. per dwelling unit.

C. Multiple Family Dwellings

Minimum site area	5,600 square feet plus 1,000 square feet for each unit in excess of two.
Minimum site frontage	65 feet.
Maximum site coverage	interior lot 50% Corner lot 60%
Minimum front yard	25 feet
Minimum side yard	12 feet or half the average wall height whichever is greater.
Minimum rear yard	25 feet or 25% of depth of site whichever is greater.
Minimum floor area	500 square feet per dwelling unit except in the case of apartments intended for single persons or two person occupancy in which case the minimum floor area shall be 300

square feet.

D. Row Houses

Minimum site area	6,000 square feet.
Maximum site coverage	40%
Minimum front yard	25 feet
Minimum side yard	7 feet on the side of each building.
Minimum floor area	576 square feet per dwelling unit.

E. Boarding, Lodging, Rooming Houses

Are subject to all the regulations pertaining to two-family dwellings in this district. Each person staying in a boarding or rooming house must be provided with at least 150 square feet of private living space. Each person must have access to a heated water closet located on the same floor as his room. Not more than six people shall share any water closet.

F. Mobile Homes

- (1) Mobile homes shall be permitted to locate on a site approved by Council with the same site requirements as a one-family dwelling.
- (2) ~~Mobile homes shall comply with the "Mobile Home Bylaw" of the Town of Kamsack~~ Deleted by Bylaw 20/2015.

G. Institutional and Recreational Uses

Minimum site area	none
Minimum site frontage	none
Minimum front yard	25 feet
Minimum side yard	10 feet or half the building height whichever is greater.
Minimum rear yard	20 feet or 20% of the depth whichever is greater.

~~Bylaw 25/86~~ **REPEALED BY BYLAW 18-2017**

~~G.1 (a) The erection of signs and billboards will be considered by Council of the merits of each application.~~

- ~~(b) Each application approved shall be subject to the conditions that:~~
- ~~(1) no more than one (1) sign shall be permitted on the premises;~~
 - ~~(2) no sign shall have a facial area in excess of thirty two (32) square feet;~~
 - ~~(3) permitted signs may be double faced;~~
 - ~~(4) no sign shall be illuminated unless the source of light is steady and suitable shielded; and~~
 - ~~(5) the maximum height on any sign shall be eleven (11) feet.~~

G.1 The erection of signs and billboards will be as per the Town of Kamsack Sign Policy. (BYLAW 18-2017)

H. Law offices are subject to all regulations pertaining to one-family dwellings in this district. ~~In addition, no external evident of the law office is permitted except for a business or professional sign or notice not exceeding two (2) square feet in area.~~ (BYLAW 22/2010) SECTION DELETED BY BYLAW 18-2017

I All accessory buildings with a door or doors opening onto a street or lane shall not be located less than four (4) feet from the site line abutting the street or lane.

J. Home Occupations

Home occupations shall be located in detached one-family dwellings used as the practitioners own private residence.

~~No external evidence of such home occupation is permitted except for a business or professional sign or notice not exceeding two (2) square feet in area –~~ **DELETED BY BYLAW 18-2017**

Home occupations shall be conducted entirely within the dwelling and shall not be permitted in any accessory building.

There shall be no exterior display, no exterior storage of materials or equipment, and no other exterior indication of the home occupation or, variation from the residential character of the dwelling.

~~K. Signs and billboards are prohibited except:~~

- ~~(a) as noted for home occupations;~~
- ~~(b) those showing the names of occupants;~~
- ~~(c) those bearing notice of sale or lease;~~
- ~~(d) those bearing other information relating to a temporary condition affecting the premises; and~~

~~(e) as noted for institutional. (DELETED BYLAW 18-2017)~~

L. Off-Street Parking – shall be provided in accordance with the schedule set out in Section 15 of this bylaw.

M. General Regulations

No side or front yards shall be used for the storage or collection of goods, commodities or other form of materials.

No yard or portion thereof shall be used for the storage of machinery or equipment.

No placing, erection, installation or construction of a Television Satellite Dish shall be allowed or occur on a front yard or side yard on any site in the R1 Residential District. (Bylaw 21/83)

(3) General Development Standards Application to Discretionary Uses or Forms of Development (Bylaw 20/2015)

3. Discretionary Use:

In approving a discretionary use, Council will apply the following general criteria in the assessment of the suitability of an application for a discretionary use:

- a. Compliance with Land Use and Municipal Policies – the proposal must be in conformance with all relevant sections of this Bylaw;
- b. Site Layout and Density
 - (i) The scale and intensity of the proposed use must be relatively consistent with uses allowed in the Zoning District and with any existing uses and developments in the vicinity of the proposal;
 - (ii) The size and location of buildings and improvements is to comply with the regulations set out in the Zoning District;
 - (iii) Any outside storage areas will be appropriately buffered and screened from adjoining land uses;
 - (iv) Retention or provision of vegetation and landscaping to enhance the appearance of the site; and
 - (v) Signs will comply with sign requirements for the Zoning District and proposed use.
- c. Municipal Servicing – the use must be capable of being serviced with existing municipal infrastructure, including:
 - (i) Water in terms of consumption and demand;
 - (ii) Sewer in terms of volume generated;
 - (iii) Storm drainage in terms of volume and where

- directed;
- (iv) Solid waste in terms of volume and types created;
- (v) Utilities;
- (vi) Schools; and
- (vii) Roadways.

d. Traffic Generation

- (i) The volume and vehicle type of traffic generated by the use will not vary from the existing traffic type and volume in the area;
- (ii) Parking requirements for the use will not vary significantly from other uses in the vicinity; and
- (iii) Access to and from the site must be located appropriately to avoid any traffic hazards.

e. Environmental and Public Safety

- (i) Types and volumes of goods and materials to be kept or stored on site must not pose any danger to the surrounding properties;
- (ii) Emissions from the use in terms of noise, dust, odour, light will not adversely affect the environment or adjoining land uses;
- (iii) Storm water runoff from the site will not adversely affect surface or ground water;
- (iv) Fire protection requirements will not be significantly different than that required for surrounding uses.

f. Consultations

- (i) Any comments received from the public relative to the proposal; and
- (ii) Evidence of any applicable permit or approvals from the Ministries of Highways and Infrastructure, Environment, or Health.

g. Impact Mitigation

- (i) If the proposed use will create any negative effects in relation to the above criteria, consideration will be given to any measures that may mitigate those effects in making a decision on the proposal.

7.3 C1 Commercial District
(1) Uses Permitted

Subject to all other provisions of this bylaw, on any site, in any district

defined, designated or described in this bylaw as C1 Commercial District only the following uses shall be permitted:

A. Commercial

- (1) Banks, office, studios
- (2) Bakeries with retail sales;
- (3) Barbers, hairdressers, receiving stations for dry cleaning and laundry establishments, self-service laundries, shoe repairs, and similar types of personal service establishments;
- (4) Bus terminals;
- (5) Hotels;
- (6) Medical and dental offices and clinics;
- (7) Printing plants, newspaper offices;
- (8) Restaurants, confectionaries and other places for the sale and consumption of food and other related items;
- (9) Retail stores;
- (10) [Emergency Service Building \(Bylaw 15/2002\)](#);
- (11) Service stations;
- (12) Telegraph offices, express offices, radio and television stations;
- (13) Theatres, assembly halls, commercial recreational establishments, but not including skating or curling rinks;
- (14) Funeral homes;
- (15) Licenses beverage rooms and other places for the sale and consumption of beer, wine and spirits with or without food;
- (16) Plumbing and heating establishments;

B. Institutional

- (1) Churches, church halls;
- (2) Lodges, fraternal organizations, social clubs;
- (3) Libraries, cultural institutions;
- (4) Regional health centers.

C. Residential

Dwelling units above stores or commercial establishments

D. Accessory

Buildings, structures, or uses accessory to and located on the same site with the main building or uses, including dwelling units for caretakers, owners or managers of any of the permitted uses.

E. Discretionary Use (Bylaw 20/95)

The following uses may be permitted in the C-1 Commercial District but only by resolution of Council and only in locations specified in such resolution of Council:

- (1) Processing and packing plants.
- (2) Shipping/Cargo Container (Sea Can)

(2) Regulations

- A. Site area – minimum:
 - Service stations 10,000 sq. ft.
 - All other uses 3,000 sq. ft. except as allowed by paragraph J below.
- B. Site frontage – minimum
 - Service stations 100 feet
 - All other uses 25 feet except as allowed by paragraph J below.
- C. Yard, front – minimum
 - Service stations 25 feet
 - All other uses no requirement
- D. Yard, side – where the side of a site in any C1 Commercial District abuts any Residential District without an intervening street or lane, a side yard of at least five (5) feet shall be provided.
- E. Yard, rear – where the rear of a site in any C1 Commercial District abuts any Residential District without an intervening street or lane, a rear yard of at least twenty (20) feet shall be provided.
- F. All business shall be conducted and all goods stored wholly within an enclosed or adequately fenced compound, except as required in the servicing of motor vehicles.
- ~~G. Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:
 - (1) No more than one (1) sign protruding from the main wall of the premises shall be permitted on the premises.
 - (2) Permitted signs may be double faced. No sign shall interfere with public utilities.
 - (3) All illuminated signs must be CSA approved.
 - (4) The minimum clearance above ground level of any protruding or self-supporting sign shall be 10 feet. The maximum protrusion from the property line shall be 5 feet.~~
(DELETED BY BYLAW 18-2017)

G. The erection of signs and billboards will be as per the Town of

Kamsack Sign Policy. (BYLAW 18-2017)

- H. All permitted dwelling units shall have a minimum floor area of 576 square feet. All dwelling units shall have an entrance from the street separate from that of the store or commercial establishment. Dwelling units must be provided with a fire exit separate from the required entrance from the street.
- I. Off-street parking shall be provided in accordance with the schedule set out in Section 15 of this bylaw.
- J. For any use other than a motel or a service station a site may have a lesser area and/or lesser frontage than required by Paragraphs A and B above but only by resolution of Council.
- K. All permitted Canopies and Awnings shall be a minimum of 8.5 feet from the ground and a minimum of 2 feet back from the edge of the curb. (Bylaw 19/2008)
- L. Quonset buildings are not allowed in C1 Zone (Bylaw 09/2015).
- M. Retail Cannabis outlets operating on any site, in any district defined, designated or described as C1 Commercial District must not be located within 200 meters of schools, churches, community centres, or daycares. (Bylaw 22/2018)

7.4 C2 Commercial District

(1) Uses Permitted

Subject to all other provisions of this bylaw, on any site, in any district defined, designated or described in this bylaw as a C2 Commercial District only the following uses shall be permitted:

- A. Commercial
 - (1) Bus terminals;
 - (2) Hotels, motels;
 - (3) Lumber and building supply establishments;
 - (4) Restaurants, confectioneries and other places for the sale and consumption of food and related items;
 - (5) Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, farm machinery and equipment;
 - (6) Theatres, assembly halls, dance halls, commercial recreation establishments;

- (7) Veterinary hospitals and offices of veterinary surgeons;
- (8) Drive-in Theatres;
- (9) Office Buildings ([Bylaw 15/91](#))
- (10) Campgrounds subject to 7.4(2) H (campground regulations) ([Bylaw 25/98](#))
- (11) Emergency Service Buildings such as Ambulance Base, Police Station and Fire hall. ([Bylaw 15/2002](#))
- (12) Medical and dental offices and clinics ([Bylaw 07/2018](#))
- (13) Retail cannabis outlets ([Bylaw 22/2018](#))

B. Accessory

Buildings, structures or uses accessory to and located on the same site with the main building or use, including dwellings for caretakers, owners or managers of any of the permitted uses.

C. Discretionary Uses or Forms of Development ([Bylaw 36/99](#))

- (1) Public Utilities
- (2) Greenhouses ([Bylaw 27/2002](#))
- (3) Public Storage Facility ([Bylaw 18/2008](#))
- (4) Shipping/Cargo Container (Sea Can) ([Bylaw 11/2018](#))

(2) Regulations

A. Site area – minimum

Motels	18,750 sq. ft.
All other uses	12,500 sq. ft.

B. Site frontage – minimum

Motels	150 feet
All other uses	100 feet

C. Yard, front – minimum

Motels	50 feet
All other uses	25 feet

D. Yard, side – minimum 10 feet on each side

E. Yard, rear – minimum 10% of the depth of the site.

~~F. Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:~~

- ~~(1) No more than two (2) signs shall be permitted on the~~

premises;

~~B. Each sign may be double faced;~~

(2) ~~All illuminated signs shall be CSA approved. DELETED
BY BYLAW 18-2017~~

F. The erection of signs and billboards will be as per the Town of Kamsack Sign Policy (BYLAW 18-2017)

G. Off-street parking shall be provided in accordance with the schedule set out in Section 15 of this bylaw.

H. Campgrounds (Bylaw 25/98)

- (1) The operator of a campground shall provide the development officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimension. The addition or rearrangement of campsites, the construction or moving of building, the material change in use of portion of land, or the filling or clearing of land shall require a development permit, and the operator shall submit for approval an amended plan incorporating the development.
- (2) A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 metres which shall contain no buildings.
- (3) The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 square metres in area with its corners clearly marked.
- (4) No portion of any campsite shall be located within a roadway or required buffer area.
- (5) Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- (6) Each trailer coach shall be located at least 4.5 metres from any other trailer coach, and each campsite shall have dimension sufficient to allow such location of trailer coaches.
- (7) The space provided for roadways within a campground shall be at least 6.0 metres in width. No portion of any campsite, other use or structure shall be located in any roadway.
- (8) No trailer coach shall be stored on any campsite when the campground is not open.
- (9) A campground may include as ancillary uses a Laundromat or confectionery designed to meet the needs of the occupants of the campsites, and one single detached swelling for the accommodation of the operator.

(10) *The Public Health Act* and the Regulations passed thereunder, shall be complied with in respect to all operations and development of the campground.

I. Retail Cannabis outlets operating on any site, in any district defined designated or described as C1 Commercial District must not be located within 200 meters of schools, churches, community centres, or daycares. (Bylaw 22/2018)

(3) General Development Standards Applicable To Discretionary Uses or Forms of Development (Bylaw 36/99)

In addition to other applicable regulations and standards contained in this bylaw, the following standard(s) may apply to those uses or forms of development designated as discretionary in the C2 – Commercial District. The specific standard(s) that may be applied to an application for a discretionary use in the C2 – Commercial District shall be determined by Council.

- (i) Access to lots shall be located to ensure that heavy truck traffic takes access to or from arterial or designated truck routes.
- (ii) Adequate on site parking shall be provided and maintained.
- (iii) Parking Lots are to be hard surfaced and designed to direct water into a street or lane, or into a storm sewer system of adequate capacity to handle such runoff.
- (iv) All outside storage and other non-landscaped areas shall be fully fenced and screened from adjacent properties and streets with an appropriate type of fencing approved by Council and at least 1.82 meters (6.0 feet) in height.
- (v) No outdoor storage shall be permitted in the required front yard of any lot.
- (vi) All operations shall comply with all regulations of Sk. Environment and Resource Management governing their development and operation.
- (vii) No sound, light, glare, heat, dust or other emission shall be transmitted beyond the lot lines.

7.5 M1 Industrial District

(1) Uses Permitted

Subject to all other provisions of this bylaw, on any site, in any district defined, designated or described in this bylaw as an M1 Industrial District only the following uses shall be permitted:

A. Industrial

- (1) Lumber and building supply establishments;
- (2) Service stations and garages;
- (3) Establishments for the sale, storage and servicing of motor vehicles; trailers, farm machinery and equipment;
- (4) Auto body shops;
- (5) Car washing establishments;
- (6) Shops of plumbers, pipe fitters and metal workers;
- (7) Wholesale establishments;
- (8) Skating and curling rinks.
- (9) Emergency Service Buildings such as an Ambulance Base, Police Station and Fire hall. ([Bylaw 15/2002](#))

B. Discretionary Uses

Uses permitted in the C1 Commercial District may be located in an M1 Industrial District, but only by resolution of Council and only in locations specified in such resolution of Council. The regulations pertaining to such uses shall be the same as those of the C1 Commercial District.

- (i) Landscaping Supply Outlet ([Bylaw 40/2000](#))
- (ii) Recycling Facility ([Bylaw 1/2004](#))
- (iii) Shipping/Cargo Container (Sea Can) ([Bylaw 11/2018](#))
- (iv) Cannabis processing plants ([Bylaw 22/2018](#))

C. Accessory

Buildings, structures, or uses accessory to and located on the same site with the main building or use, including dwellings for caretakers, owners or managers of any of the permitted uses.

(2) Regulations

A. Site area – minimum:

Service stations	10,000 sq. ft.
All other uses	3,000 sq. ft.

B. Site frontage – minimum

Service stations	100 feet
All other uses	25 feet

C. Yard, front – minimum

Service stations	25 feet
All other uses	no requirement

D. Yard, side – where the side of a site in any M1 Industrial District but any Residential District without an intervening street or lane, a side yard of at least five (5) feet shall be provided.

- E. Yard, rear – where the rear of a site in any M1 Industrial District abuts any Residential District without an intervening street or lane, a rear yard of at least twenty (20) feet shall be provided.
- ~~F. Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises. Permitted signs shall be subject to the following requirements:~~
- ~~(1) No more than one sign protruding from the main wall of the premises;~~
 - ~~(2) Each sign may be double faced. No sign shall interfere with public utilities;~~
 - ~~(3) All illuminated signs must be CSA approved;~~
 - ~~(4) The maximum clearance above ground level of any protruding or self supporting sign shall be 10 feet. The maximum protrusion from the property line shall be 5 feet.~~
- ~~(DELETED BY BYLAW 18-2017)~~
- F. The erection of signs and billboard will be as per the Town of Kamsack Sign Policy **(BYLAW 18-2017)**
- G. Off-street parking shall be provided in accordance with the schedule set out in Section 15 of this bylaw.
- H. Off-street loading and unloading space shall be provided in accordance with Section 17 of this bylaw.

(3) General Development Standards Applicable to Discretionary Uses or Forms of Development (Bylaw 40/2000)

In addition to other applicable regulations and standards contained in this bylaw, the following standards apply to those uses or forms of development designated as discretionary in the M1 – Industrial District.

- (i) Access to lots shall be located to ensure that heavy truck traffic takes access to or from arterial or designated truck routes.
- (ii) Adequate on site parking shall be provided and maintained.
- (iii) Parking Lots are to be hard surfaced and designed to direct water into a street or lane, or into a storm sewer system of adequate capacity to handle such runoff.
- (iv) All outside storage and other non-landscaped areas shall be fully fenced and screened from adjacent properties and streets with an appropriate type and height of fencing approved by Council. The fence must be able to be opened to a width to allow emergency vehicles to enter the property.
- (v) No outdoor storage shall be permitted in the required front yard of

- any lot.
- (vi) All operations shall comply with all regulations of Saskatchewan Environment and Resource Management governing their development and operation. This includes but is not limited to: storage of chemicals/fertilizers/volatile fuels/oils within the lot lines.
 - (vii) No sound, light, glare, heat, dust or other emission shall be transmitted beyond the lot lines.
 - (viii) Materials stored on the property shall form piles not more than the fence height approved in Subsection (iv) above. Piles are not to be observable from on-street traffic.

7.6 M2 Industrial District

(1) Uses Permitted

Subject to all other provisions of this bylaw, on any site, in any district defined, designated or described in this bylaw as an M2 Industrial District only the following uses shall be permitted:

A. Industrial

- (1) Abattoirs;
- (2) Grain elevators, feed mills, seed cleaning plants;
- (3) Junk yards;
- (4) Lumber and building supply establishments;
- (5) Manufacturing, processing and packing plants;
- (6) Machine shops, foundry works, boiler works;
- (7) Petroleum products, storage yards, coal yards, gravel yards, stock yards;
- (8) Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, farm machinery and equipment;
- (9) Tanneries and hide storage;
- (10) Warehouses and supply depots;
- (11) Railway uses and ancillary functions.

B. Discretionary Use (Bylaw 19/2013)

- 1. Uses permitted in the M1 Industrial District may be located in an M2 Industrial District, but only by resolution of Council and only in locations specified in such resolution of Council. The regulations pertaining to such uses shall be the same as those of M1 Industrial District.
- 2. Shipping/Cargo Container (Sea Can)(Bylaw 11/2018)

C. Accessory

Buildings, structures or uses accessory to and located on the same site with the main building or use, including dwellings for

caretakers, owners or managers of any of the permitted uses.

(2) Regulations

- A. Site area – minimum 12,000 sq. ft.
- B. Site frontage – minimum 100 feet
- C. Yard, front – minimum 25 feet
- D. Yard, side – minimum 10 feet on each side of the main building.
- E. Yard, rear – minimum 10% of the depth of the site except here the rear yard abuts a railroad track or railroad yard, in which case no rear yard is required.
- F. Off-street parking shall be provided in accordance with the schedule set out in Section 15 of this bylaw.
- G. Off-street loading and unloading space shall be provided in accordance with Section 17 of this bylaw.
- H. ~~Signs and billboards are prohibited except for signs advertising the principal use of the premises or the names of the occupants of the premises. Permitted signs shall be subject to the following requirements:~~
 - ~~(1) — No more than two (2) signs shall be permitted on the premises;~~
 - ~~(2) — Each sign may be double-faced;~~
 - ~~(3) — All illuminated signs shall be CSA approved. (DELETED BY BYLAW 18-2017)~~
- H. The erection of signs and billboard will be as per the Town of Kamsack Sign Policy (BYLAW 18-2017)

Bylaw 22/80

7.7 Special Use District

(1) Uses Permitted

Subject to all other provisions of this bylaw, on any site or sites, in any district defined, designated, or described in this bylaw as an S.U. – Special Use District, only the following uses or combination of the following uses shall be permitted:

- (A) Offices of federal, provincial, and municipal governments;

- (B) Professional offices and clinics such as doctors, dentists, chiropractors, and other similar professions;
- (C) Offices of lawyers, accountants, architects, and other similar professions;
- (D) Religious institutions, fraternal organizations, educational institutions, cultural institutions;
- (E) Nurses residences, nursing homes and senior citizen homes;
- (F) A cafeteria to serve the occupants of the building.

(2) Discretionary Uses

Uses of a similar nature as those listed in the Uses Permitted Section No. 7.7(1), and not listed therein, may be permitted at Council's discretion, by resolution of Council.

(3) Regulations

A.	Minimum site area	none
	Minimum site frontage	none
	Minimum front yard	25 feet or such lesser distance at the discretion of Council where a structure existed prior to the adoption of this amending bylaw.
	Minimum side yard	10 feet or half the structure height whichever is greater, or such lesser distance, at the discretion of Council, where a structure existed prior to the adoption of this amending bylaw.
	Minimum rear yard	20 feet or 20% of the depth Whichever is greater, or such lesser Distance, at the discretion of Council, where a structure existed prior to the adoption of this amending bylaw.

~~B. Signs and billboards shall be prohibited except for signs advertising the occupants and principal use of the premises. Permitted signs shall be subject to the following requirements;~~

- ~~(1) signs shall be mounted at entrance to the building.~~
- ~~(2) signs shall be mounted flush with the wall.~~
- ~~(3) signs shall be uniform in design. (DELETED BY BYLAW 18-2017)~~

B. The erection of signs and billboards will be as per the Town of Kamsack

Sign Policy. (Bylaw 18-2017)

- C. Off-street parking shall be in accordance with the schedule set out in Section 15 of the bylaw.

Bylaw 5/81

7.8 Airport Protection District A.P.

- (1) Intent: To control land use in the vicinity of the Kamsack Airport to:
- a) Prohibit uses which may cause electronic interference to airport navigation and telecommunication system.
 - b) Prohibit uses which may attract birds to the airport vicinity.
 - c) Prohibit uses which may impair airport visibility through emissions of smoke, dust, or steam.
 - d) Prohibit development which may result in unsafe airport operation.
- (2) Subject to all other provisions of this bylaw, on any site, in any district defined, designated or described in the Bylaw as an A.P. – Airport Protection District only the following uses shall be permitted.
- A. Uses Permitted
- (i) Uses directly related to the maintenance and operation of private and public aircraft.
 - (ii) Existing agricultural operations (excluding intensive livestock operations).
- B. Uses Permitted at Council’s Discretion
The following uses may be permitted in the A.P. District by resolution of Council and subject to site specific regulations as described in such resolution.
- (i) Uses incidental to the operation of the Kamsack Airport which provide a service to airport visitors.
 - (ii) Power transmission lines.
 - (iii) Outdoor recreation facilities and uses.
 - (iv) Commercial uses as outlined in the “C2” Commercial District.
 - (v) Residential uses as outlined in the “R” Residential District.
 - (vi) Shipping/Cargo Container (Sea Can) (Bylaw 11/2018)
- (3) Regulations
- A. Council shall establish site specific regulations for permitted and discretionary uses:
For the purpose of regulation, Council shall refer to the Department of Transport publication:
T.P. 312
Aerodrome Standards
Physical Characteristics and Obstacle Limitation Surfaces or as

Subsequently revised, as a guide.

Note in file – Kamsack is not a certified airport and therefore T.P. 312 does not apply

- B. The maximum height of any structure shall not exceed the following specifications:
 - (i) Take off/approach surface (1:40) slope as set forth in Figure 1 attached hereto and forming part of this bylaw.
 - (ii) Transitional Surfaces (1:5 slope) as set forth in Figure 2 attached hereto and forming part of this bylaw.
- C. Discretionary commercial uses shall be subject to the regulations of C2 – Commercial District as well as those regulations outline in this section.
- D. Discretionary residential uses shall be subject to the regulations of the “R” Residential District as well as those regulations outlined in this section.

(4) Zoning Map

The Zoning Map shall be amended by rezoning from “A” Agricultural, C2 – Commercial and “R” Residential to “A.P.” Airport Protection, those properties as outlined on Figure 3 attached hereto and forming part of this bylaw.

PART II
GENERAL REGULATIONS

8. Minimum Yards Required

No portion of any yard or other open space required about any main building or use shall provide any portion of a yard or open space for any other main building or use.

9. 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 verandah having a maximum projection from the main wall of six (6) feet. Where minimum yards are required in any district, such requirement shall not apply to prevent the construction or location of a chimney or of a roof overhand of two feet or less.

10. Building Lines

Where a building line in any residential district has been established by existing buildings in a block, and is less than 25 feet from the street line, new construction may conform to the established building line, provided that the established building line is not less than 15 feet from the street line, and provided that Council, by resolution, or bylaw permits conformation to the established building line.

11. Number of principal buildings permitted on a site

Not more than one principal building shall be placed on any one site, with the exception of schools, hospitals, curling and skating rinks, nursing homes and homes for the aged.

12. Uses Permitted at Council's Discretion

(1) The following uses may be located in any zoning district, but only by resolution of Council and only in locations specified in such resolution of Council. Such resolution shall specify the regulations governing the site and the location of the structure.

- (a) Trailer courts;
- (b) Cemeteries;
- (c) Homes for the aged.

(2) Council may issue a permit for the location of mobile home parks for a specified period of time.

(3) Provision shall be made for garbage disposal, sanitation, water supply, sewerage, and space allocation of mobile homes within any mobile home park in accordance with The Mobile Home Regulations, 1969.

13. Private garages attached to main buildings by a substantial roof structure shall be considered as part of the main building and shall be subject to the regulations on the main building.

14. Service Stations

(1) Service stations shall have a minimum footage of 100 feet.

(2) Where service stations occupy a corner site, only one access point shall be located on the flanking street.

(3) Fuel pumps and other accessory equipment shall be located at least twenty (20) feet from any street or lot line.

(4) All automobile parts, dismantled vehicles and similar articles shall be stored within a building, except on those sites located in an Industrial District.

15. Off-street Parking shall be provided in accordance with the following schedule:

<u>Zoning District</u>	<u>Use</u>	<u>Number of Spaces Required</u>
(1) R Residential	Residential	1 parking space for each dwelling Unit
	Public School	1 parking space for each staff

		Private School Separate School	member
		High School Collegiate	1 parking space for each staff member, plus 3 parking spaces for each classroom.
		Auditoriums, Churches, and Other places of Public Assembly	At the discretion of Council
		Other Institutional Buildings	At the discretion of Council
(2)	C1 Commercial District		
		Hotels	1 parking space for each 2 guest Sleeping rooms
		Dwellings	1 parking space for each dwelling Unit
		All other Buildings	At the discretion of Council
(3)	C2 Commercial District		
		Motels	1 parking space for each unit
		Restaurants	1 parking space for each 4 seats
		Accessory Dwellings	1 parking space per dwelling unit
		All other Buildings	1 parking space for each 300 sq ft of gross floor area
(4)	M1 and M2 Industrial District	All main Buildings or Uses	1 parking space for each 500 sq ft of gross floor area, or 1 space for each 3 employees, whichever is the Greater.
(5)	<u>Bylaw 22/80</u> S.U. Special		

Use District

All Permitted
Uses

1 parking space for each 500 sq. ft. of gross floor area, or 1 space for Each 3 employees, whichever is the greater. Allocation of spaces for Public use shall be at Council's discretion.

16. Parking spaces required in any commercial district may be located within 500 feet of the main building or use, provided such spaces are located in a Commercial or Industrial District.
17. In any M1 or M2 Industrial District, where the use of a building or site involves the receipt, distribution or dispatch by vehicles or materials, goods, or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided in the site.

Bylaw 11/2010:

18. **FENCES:**

Fences – Residential

- No fences will be allowed in front yards, past the front wall of the house. The front yard is the area from the front facing wall of the principle building on the property to the front property line.
- Fences are allowed to a maximum of two (2) metres in height in side or rear yards. Side and rear yards are the areas behind the front facing wall of the principle building to the rear property line.
- On a lot abutting two (2) streets fences measured along the property line shall not exceed a height of one (1) metre for a distance of five (5) metres back both ways from the corner of said lot.
- Where fencing is proposed in any residential district, such fencing shall be of a decorative nature. Decorative fence material may consist of chain link, wrought iron, faux wrought iron, brick, stone or board on board. Barbwire and the use of railway ties are prohibited in any residential district. Determination of an acceptable fence material shall be at the discretion of the Bylaw Enforcement Officer and shall be based on site characteristics of surrounding properties.
- Exterior of fence must be finished and aesthetically pleasing.

Fences – Commercial

- Fences within a commercial area in front yards shall not exceed one (1) metre in height and shall not exceed two (2) metres in height in side or rear yards. Any construction in excess of these height restrictions has to be approved by Town Council.
- The front yard is the area from the front facing wall of the principle building on the property to the front property line.
- Side and rear yards are the areas behind the front facing wall of the principle building to the rear property line.

- On a lot abutting two streets, fences measured along the property line shall not exceed a height of one (1) metre for a distance of five (5) metres back both ways from the corner of said lot.
- Where fencing is proposed on any commercial property with high public exposure, such fencing shall be of a decorative nature. Decorative fence material may consist of chain link, wrought iron, faux wrought iron, brick, stone or board on board. Barbwire may be permitted at the discretion of the Bylaw Enforcement Officer and if permitted shall be a minimum of two (2) meters from finished grade. The use of railway ties is prohibited. Determination of an acceptable fence material shall be at the discretion of the Bylaw Enforcement Officer and shall be based on site characteristics of surrounding properties.
- Exterior of fence must be finished and aesthetically pleasing.

Fences – Industrial

- Outdoor storage of raw materials, finished or partially finished products, fuel, salvage materials, junk or waste on a site shall be concealed from sight from adjacent sites, streets or lanes by a fence or wall of appropriate design and sufficient dimension and position such that stored materials are not visible from any point one point five (1.5) metres or less above grade on any adjacent site, street or lane.
- Fences in front yards shall not exceed two (2) metres in height and shall not exceed two point five (2.5) metres in side or rear yards. Any construction in excess of these height restrictions has to be approved by Town Council.
- The front yard is the area from the front facing wall of the principle building on the property to the front property line.
- Side and rear yards are the areas behind the front facing wall of the principle building to the rear property line.
- Chain link or like material shall be lathed to provide limited view of contents within the fenced area.
- Where fencing is proposed on any industrial property with high public exposure, such fencing shall be of a decorative nature. Decorative fence material may consist of chain link, wrought iron, faux wrought iron, brick, stone or board on board. Barbwire may be permitted at the discretion of the Bylaw Enforcement Officer and if permitted shall be a minimum of two (2) meters from finished grade. The use of railway ties is prohibited. Determination of an acceptable fence material shall be at the discretion of the Bylaw Enforcement Officer and shall be based on site characteristics of surrounding properties.
- Exterior of fence must be finished and aesthetically pleasing.

Fences – Swimming Pools

- All outdoor under-ground swimming pools and above-ground swimming pools at least 100 cm in height shall be completely surrounded by a fence or wall that is at least one point eight (1.8) metres in height, designed and constructed to discourage unauthorized entry be a locked gate, for use in the event of an emergency, which can be opened with a key in the possession of the operator.

PART III
ADMINISTRATION

19. Administrative Procedure

- (1) The Town Administrator of the Town of Kamsack shall be responsible for the administration of this bylaw.
- (2) Every person, before commencing any development within the municipality, shall apply to the municipal officer charged with the administration of this bylaw for a permit to carry out such development.
- (3) With every application for a development permit within the municipality, two copies of a layout or site plan showing the dimensions of the site and the size and location on the site of any development, shall be submitted for approval to the municipal officer charged with the administration of this bylaw, together with such other information as he may require for the proper enforcement of this bylaw.
- (4) When the application is approved, one copy of the layout or site plan shall be returned to the applicant bearing an appropriate indication that it has been approved; if the application is not approved, the layout or site plan shall be returned to the applicant with the reasons for refusal noted thereon and the applicant shall be advised of any right to appeal that refusal to the Zoning Appeals Board, subject to the provisions of the Planning and Development Act, 1973.
- (5) No development shall commence until a permit to carry out such development has been obtained from the officer responsible for the administration of this bylaw.

Bylaw 36/99 & Bylaw 20/2015

- (6) Where the application is for a Discretionary Use, the applicant shall complete a Discretionary Use Application Form, providing a written description of the proposed development, describing the intended use and operation, structures to be located on the lot, municipal services required, and any other information that the Council determines necessary to accurately review the proposal.
- (7) Amendment of the Zoning Bylaw – Where a person requests Council to amend the zoning bylaw that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment.
- (8) Advertisement of a discretionary use application.
 - (a) The Town Administrator shall direct the application for a discretionary use to advertise the proposed use by posting a notice of the application at the entrance to the [property in question and by mailing a copy of the notice to the assessed owner of each abutting property.

- (b) In addition to the posting and mailing of the notice specified in clause (a) the Town Administrator shall publish a notice in a newspaper having circulation in the municipality of an application for any discretionary use.
- (c) The notice shall describe the use applied for, describe the location of the use, specify the date, time and location of the council meeting at which the application will be considered.
- (d) The notice shall be posted, mailed, and published at least two weeks prior to the date of the meeting.
- (e) The applicant shall pay to the municipality a fee equal to the costs to the municipality associated with the public advertisement.

20. Zoning Appeals Board

- (1) Council shall appoint a Zoning Appeals Board in accordance with the provisions of Section 60(1) of the Planning and Development Act, 1973.
- (2) Appeals in writing may be made to the Zoning Appeals Board by any person who:
 - (a) alleges that the Council or any person acting for or on behalf of the Council has misapplied the Zoning Bylaw in a particular case; or
 - (b) claims that there are practical difficulties or unnecessary hardships in the way of carrying out the bylaw by reason of the exceptional narrowness, shortness, shape, topographic features or other unspecified unusual condition of a specified property
- (3) A person who appeals under clause (b) of subsection (2) shall not be entitled to have his appeal allowed if:
 - (a) the unusual condition is the result of his or the property owner's own action;
 - (b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighboring properties in the same district, or
 - (c) a relaxation of the provisions of the bylaw would be contrary to its purposes and intent and would injuriously affect the neighboring properties.
- (4) In making an appeal to the Zoning Appeals Board the provisions of Section 83 of the Planning and Development Act, 1973 shall apply.

PART IV
NON-APPLICATION

- 21.** This bylaw is subject to the exemptions provided for non-conforming uses by Sections 75 to 80 inclusive of the Planning and Development Act, 1973.

22. The regulations of this bylaw shall not apply to the carrying out of any operations for the purpose of erecting structures or installing, inspecting, repairing or renewing sewers, mains, cables, pipes, wires, tracks or other similar apparatus required in connection with any lawful use of buildings or land.

23. Violations and Penalties

Any person who violates any provisions of this bylaw is guilty to an offence and liable on summary conviction to a fine of not less than \$10.00 nor more than \$100.00 and, in the case of a continuing offence, to a further fine not exceeding \$25.00 for each day during which the offence continues.

EFFECTIVE DATE OF THE BYLAW

24. This bylaw shall come into force on the date of final approval by the Minister.

25. Bylaw No. 518 and amendments thereto are hereby repealed.