TOWN OF CABRI

BYLAW NO. 335

XL3

A bylaw to regulate the use of land and the locations and use of buildings and other structures in the Town of Cabri so as to provide for the amenity of the town, and the health, safety and general welfare of the inhabitants.

The Mayor and Council of the Town of Cabri , in the Province of Saskatchewan, in open meeting hereby enact 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 on the same site with such principal use or building.

Alteration or altered - shall mean a building or structure to which an addition is made or in which any structural change is made.

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.

Building - shall mean a structure used for the shelter or accommodation of persons, 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.

Building line, established (in a block) - shall mean the average distance from the street line to the main wall of existing buildings in any block where more than half the frontage has been built upon.

Council - shall mean the Council of the Town of Cabri

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

Dwelling, one-family or single 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 or 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 two vehicle spaces for each dwelling unit to which the garage is accessory.

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 a motel, boarding house, lodging or rooming house, 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 Cabri.

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

Motel - shall mean a series of dwelling units, intended for the use of automobile transients, and containing at least a bedroom, bathroom, and 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.

Site - shall mean an area of land considered as a unit devoted to a certain use, or occupied by a building or a group of buildings that are united by a common interest or use, 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 location, the site boundary that abuts the street to the front of the main building shall be deemed to be the front site line.

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.

Street line - shall mean the boundary line between a site and a street.

Structure - shall mean anything that is built, constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground.

Terrace house or row house - shall mean a building divided into three or more dwelling units located side by side under one roof and sharing party walls.

Town - shall mean the Town of Cabri

Town Clerk - shall mean the Town Clerk of the Town of Cabri

Trailer coach - shall mean any vehicle having no motive power of its own but drawn or designed to be drawn on any public road by a motor vehicle and used or designed to be used as a dwelling or sleeping place for one or more persons. Such a conveyance shall be deemed to be a trailer coach whether mounted on wheels or dismounted from wheels and detached from its conveying vehicle.

Trailer Court - shall mean any land occupied or designed to be occupied by two or more trailer coaches; and shall include any building, structure or enclosure used or intended to be used as part of the operation of a trailer court.

Yard - shall mean any part of a site unoccupied and unobstructed from the ground to the sky.

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, exclusive of any chimney breast.

## SCOPE

3. No building or structure shall hereafter be erected or structurally altered, nor shall any building, structure, land or premises hereafter be used in whole or in part 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 purpose and regulations of this bylaw the municipality is hereby divided into five (5) classes of zoning districts to wit:

A Agricultural District

R Residential District

C1 Commercial District

C2 Commercial District

M Industrial District

5. Boundaries of Zoning Districts

The boundaries of such districts referred to above, together with explanatory legend, notation and reference, are shown on the map entitled the "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 of 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 Zoning Bylaw No. adopted by the Town of Cabri , and signed by the Mayor and Town Clerk 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.

7. District Schedules - The following schedules of uses and regulations pertaining to the various zoning districts under this bylaw:

7.1 A. Agricultural 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 A1 Agricultural District, only the following uses shall be permitted:

A. Agricultural

Field crops, dairy farming, animal and poultry raising, ranching, grazing, tree nurseries, and any other similar use customarily carried on in the field of agriculture.

B. Recreational

Sports fields, parks, golf courses and other similar uses;

C. Airports

D. Accessory

Buildings, structures or uses accessory to and located on the same site with the main building or use, including one-family dwellings accessory to the principal agricultural use.

(2) Regulations

A. Site area - minimum holding - 40 acres;

B. A maximum of two single-family dwellings is permitted on any one agricultural land holding.

C. All buildings shall be set back at least 50 feet from the edge of any road allowance.

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

(3) Apartment houses

(4) Row houses or terrace houses

(5) Boarding, lodging or rooming houses

(6) Any other similar type of multiple family dwellings.

B. Home Occupations

Offices of physicians, dentists, drugless practitioners and other customary home occupations.

C. Institutional

(1) Schools, educational institutions;

(2) Churches, religious institutions;

(3) Hospitals, sanatoria, convalescent homes, health centres;

(4) Lodges, fraternal organizations, social clubs;

(5) Libraries, cultural institutions;

D. Recreational

Sports fields, parks and similar uses.

E. Accessory

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

(2) Regulations

A. Site area - minimum -

- one-family dwellings - 5,000 sq.ft.
- two-family dwellings - 6,000 sq.ft.
- apartment houses and other multiple family dwellings 6,000 sq.ft.

plus 1,000 sq.ft. for each family in excess of two(2).

B. Site frontage - minimum -

- one-family dwellings - 50 feet
- two-family dwellings - 60 feet
- apartment houses and other multiple family dwellings - 75 feet

C. Yard, front - minimum 25 feet

D. Yard, side - minimum 5 feet on each side of the main building except for buildings higher than 35 feet, in which case side yards shall be a minimum of 10 feet on each side, plus an additional two feet for every 10 feet or part thereof of additional height above 35 feet. Institutional uses however shall have a minimum side yard on each side of the main building of a width not less than half the height of the building, but such side yard shall not be less than 10 feet.

E. Yard, rear - minimum 25 feet or 25% of the depth of the site, whichever is the greater.

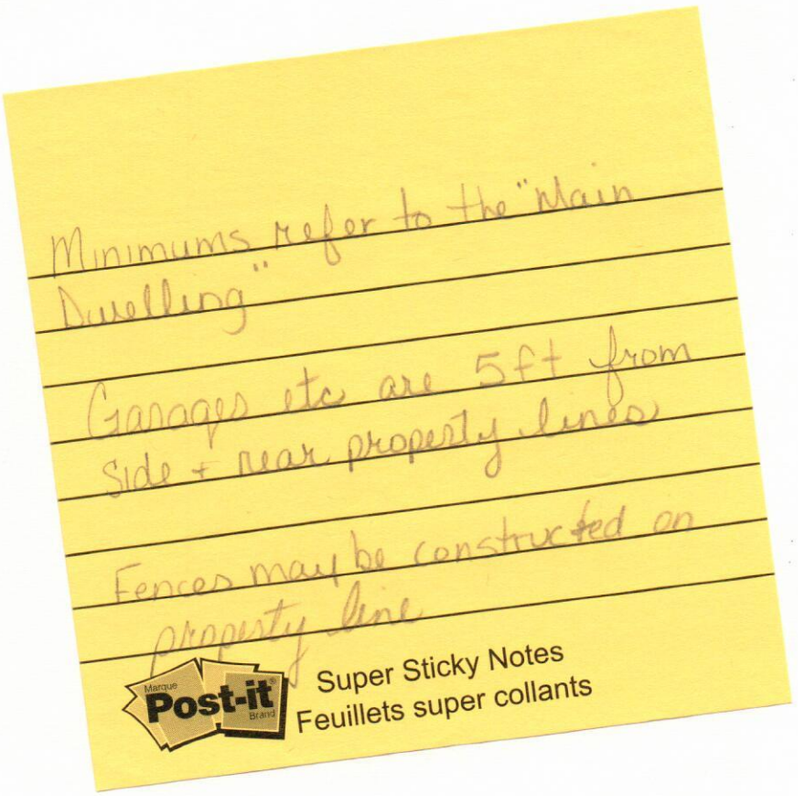
F. Floor area - minimum 700 sq.ft. per dwelling unit, except in the case of apartments intended for single person or two person occupancy, in which case the minimum floor area shall be 400 sq.ft.

G. Signs and billboards are prohibited except signs showing the names of occupants, signs bearing notices of sale or lease or other information relating to a temporary condition affecting the premises and signs relating to home occupations, boarding houses, rooming houses, and lodging houses as set out in paragraph (H)(b) below:

H. (a) Home occupations shall be located in detached one-family dwellings used as the practitioner's own private residence.

(b) There shall be no external evidence of home occupation, or of the use of a building as a boarding house, lodging house or rooming house, except for a business or professional sign or notice not exceeding one square foot in area.

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



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 a C1 Commercial District only the following uses shall be permitted:

A. Commercial

(1) Banks, offices, 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 and motels;

(6) Medical and dental offices, clinics and surgeries;

(7) Printing plants, newspaper offices;

(8) Restaurants, confectioneries and other places for the sale and consumption of food and related items.

(9) Retail stores;

(10) Service stations and other establishments for the servicing, storage and sales of motor vehicles and equipment.

(11) Telegraph offices, express offices, radio and television stations;

(12) Theatres, assembly halls, commercial recreation establishments;

(13) Undertaking establishments.

B. Residential

(1) Apartments above stores and offices;

(2) Apartment buildings

C. Institutional

(1) Churches, church halls;

(2) Lodges, fraternal organizations, social clubs;

(3) Libraries, cultural institutions;

D. Accessory

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

(2) Regulations

A. Site area - minimum 3,000 sq.ft.

B. Site frontage - minimum

Motels & service stations 100 feet

All other uses 25 feet

C. Yard, front - minimum -

Motels & Service stations 25 feet

All others 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 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 20 feet shall be provided.

F. Access to apartments above stores and offices shall not be through such stores and offices, nor shared with them, but shall be by means of entrances leading directly to the apartments.

G. All business shall be conducted and all goods stored wholly within an enclosed building.

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

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) Banks and offices;

(2) Bus terminals

(3) Hotels, motels

(4) Lumber and building supply establishments;

(5) Restaurants, confectioneries and other places for the sale and consumption of food and related items.

(6) Retail stores

(7) Service stations and other establishments for the servicing, storage and sale of motor vehicles, trailers, farm machinery and equipment.

(8) Theatres, assembly halls, dance halls, commercial recreation establishments;

(9) Veterinary hospitals and offices of veterinary surgeons.

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.

(2) Regulations

| | | |
|---|---|---|
| A. | Site area - minimum - motels - | 18,750 sq.ft. |
| | - all others - | 12,500 sq.ft. |
| B. | Site frontage - minimum - motels | 150 feet |
| | - all others - | 100 feet |
| C. | Yard, front - minimum - motels - | 50 feet |
| | - all others | 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;

(2) No sign shall be in excess of thirty-six (36) square feet in area, but the two permitted signs may be combined and the total facial area shall not exceed seventy (70) square feet. Each sign may be double faced;

(3) No sign shall be illuminated unless the source of light is steady and suitably shielded;

(4) The maximum height of any sign shall be twenty (20) feet.

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

7.5 M 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 M Industrial District only the following uses shall be permitted:

A. Industrial

(1) Abbattoirs

(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.

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.

(2) Regulations

A. Site area - minimum 5,000 sq. ft.

B. Site frontage - minimum no requirement

C. Yard, front - minimum 10 feet

D. Yard, side - minimum 5 feet both sides

E. Yard, rear - minimum 20 feet

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.

## 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 zoning 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.

10. Building lines

Where a building line 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.

11. Number of Principal Buildings Permitted on a Site

Not more than one principal building shall be placed on any one site.

12. Uses Permitted at Council's Discretion

(1) Trailer courts, cemeteries, homes for the aged and propane gas sales establishments may be located in any zoning district, but only by resolution of Council and only in locations specified in such resolution of Council. Where established by resolution, such uses must conform with the regulations pertaining to that district.

(2) Council may issue a permit for the location of trailer courts for a specified period of time.

13. 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 for the main building.

14. Service Stations

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

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

(3) Pumps and other devices shall be located at least twenty 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 Zone.

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

| | Zoning District | Use | Number of spaces required |
|---|---|---|---|
| (1) | R. Residential District | Residential | 1 parking space for each dwelling unit. |
| | | Public School / Separate School / Private School | 1 parking space for each staff 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 | 1 parking space for each 10 seats provided for patrons |
| | | Other Institutional Buildings | 1 parking space for each 600 sq.ft. of building floor area |
| (2) | C1 Commercial District | Stores, shops offices | 1 parking space for each 600 sq.ft. of building floor area |
| | | Restaurants and other eating places | 1 parking space for each 4 seats |
| | | Theatres, Churches, other places of Public Assembly | 1 parking space for each 10 seats provided for patrons |

| Zoning District | Use | Number of spaces required |
|---|---|---|
| (2) (continued) C1 Commercial District | Hotels | 1 parking space for each 5 guest sleeping rooms. |
| | Motels | 1 parking space for each unit |
| | Dwellings | 1 parking space for each dwelling unit |
| | All other buildings | 1 parking space for each 600 sq.ft. of building floor area |
| (3) C2 Commercial District | Hotels | 1 parking space for each 3 guest sleeping rooms |
| | Motels | 1 parking space for each unit |
| | Restaurants | 1 parking space for each 4 seats |
| | Retail stores | 1 parking space for each 100 sq.ft. of gross floor area |
| | Accessory Dwellings | 1 parking space per dwelling unit |
| | All other buildings | 1 parking space for each 500 sq.ft. of gross floor area |
| (4) M Industrial District | All main Buildings or uses | 1 parking space for each 500 sq.ft. of gross floor area, or 1 space for each 5 employees, whichever is the greater. |

16. Parking spaces required in any Commercial District may be located within 1000 feet of the main building or use provided such spaces are located in a commercial or industrial district.

17. In any M Industrial District, where the use of a building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided on the site.

## PART III

## ADMINISTRATION

18. Administrative Procedure

(1) The Town Clerk of the Town of Cabri shall be responsible for the administration of this bylaw.

(2) With every application to erect a building within the municipality, two copies of a layout or site plan drawn to scale showing the dimensions of the site to be built upon and the size and location on the site of the building and accessory buildings to be erected, 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.

(3) When the application is approved, one copy of the layout or plot 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 plot plan shall be returned to the applicant with the reasons for refusal noted thereon.

19. Board of Zoning Appeals

(1) Council shall appoint a Board of Zoning Appeals in accordance with the provisions of Section 51 of The Community Planning Act, 1957.

(2) Appeals in writing may be made to the Board of Zoning Appeals by any person who:

(a) alleges that the council or any person acting for or on behalf of the council has misapplied the 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 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 actions;

(b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring 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 neighbouring properties.

(4) In making an appeal to the Board of Zoning Appeals, the Regulations under Section 52 (3) of The Community Planning Act, 1957, shall apply.

20. Violations and Penalties

Any person who violates any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine not less than $10 nor more than $100 and, in the case of a continuing offence, to a further fine not exceeding $25 for each day during which the offence continues.

PART IV

NON - APPLICATION

21. The regulations of this bylaw shall not apply to:

(1) those lawful premises or uses, existing at the time of the passing of this bylaw, including those lawful non-conforming uses, which, in accordance with Section 49 of The Community Planning Act, 1957, may be continued;

(2) Public utilities, railways, construction and repair services in the carrying out of any operations for the purpose of 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.

~~XIX~~ Cabri

Not Applicable

EFFECTIVE DATE OF THE BYLAW

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

Mayor

Town Clerk

(SEAL)

Certified a true copy of a bylaw adopted by resolution of the Council on the 23 day of October A.D. 19 64 .

Town Clerk