

**CITY OF YORKTON
SASKATCHEWAN**

BYLAW NO. 32 /2010

**A BYLAW OF THE CITY OF YORKTON IN THE PROVINCE OF SASKATCHEWAN
TO AMEND ZONING BYLAW NO. 14/2003 BY ADDING A MIXED USE
RESIDENTIAL-BUSINESS DISTRICT (MXURB)
TO PART F – MUNICIPAL ZONING DISTRICTS**

WHEREAS pursuant to Section 46(3) of *The Planning and Development Act, 2007* the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled hereby enacts as follows:

1. That **Section 2.2 – Land Use Definitions** is amended by adding the following land use and definition:

Live Work Unit

A dwelling unit that is also used for work purposes, provided that no more than two persons other than the resident of the dwelling unit may work in the dwelling unit.

2. That **Section 8.2 Classification of Districts, Sub-Section 8.2.2** is amended by adding the following text after 8.2.2.19:

8.2.2.20	MXURB	Mixed Use Residential - Business
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3. That **Section 29.0 Mixed Use Residential –Business District (MXURB)** is added as shown in Schedule “A” attached to and forming a part of this Bylaw.
4. Schedule Z-1, City of Yorkton Zoning District Map is amended by changing the zoning from Contract Zoning District (CZ) to Mixed Use Residential -Business District (MXURB) of properties legally and civically described as the following:

Legal Description	Civic Description
Lot 21, Block 1, Plan 99Y00657	196 Broadway Street West
Lot 20, Block 1, Plan 99Y00657	200 Broadway Street West
Lot 84, Block 9, Plan 99Y00657	201 Broadway Street West
Lot 19, Block 1, Plan 99Y00657	204 Broadway Street West
Lot 18, Block 1, Plan 99Y00657	208 Broadway Street West
Lot 17, Block 1, Plan 99Y00657	212 Broadway Street West
Lot 26, Block 11, Plan 99Y00657	227 Broadway Street West
Lot 28, Block 11, Plan 99Y00657	235 Broadway Street West
Lot 29, Block 11, Plan 99Y00657	239 Broadway Street West
Lot 30, Block 11, Plan 99Y00657	243 Broadway Street West
Lot 5, Block 1, Plan AA6142	247 Broadway Street West
Lot 4, Block 1, Plan AA6142	251 Broadway Street West

5. Repealing Bylaw

Bylaw No. 16/2007 passed on the 17th day of December , 2007 providing for changes in Zoning Development Standards, and amendment to the Zoning Map Z-1 of Bylaw No. 14/2003 and all amendments thereto are hereby repealed.

6. Effective Date of Bylaw

This bylaw shall come into force and take effect on the day of final passing thereof.

MAYOR

CITY CLERK

Introduced and read a first time this 12th day of July, A.D., 2010.

Read a second time this _____ day of _____, A.D., 2010.

Read a third time and adopted this _____ day of _____, A.D., 2010.

SCHEDULE 'A'
Bylaw No. 32/2010

Section 30.0

Section 29.1
MIXED USE RESIDENTIAL- BUSINESS DISTRICT (MXURB)

The purpose of the MXURB District is to facilitate reinvestment in older areas of the City by encouraging mixed uses in new development as well as promoting the rehabilitation and adaptive re-use of existing buildings. This district is intended to provide opportunities for the flexible use of properties in residential areas that are in transition from residential to commercial. This district is further intended to encourage the rehabilitation or adaptive re-use of existing buildings, and to ensure that new structures are compatible in use, scale and design with surrounding uses. The Permitted and Discretionary Uses in the MXURB District are outlined in the table below:

29.1.1	Permitted Uses	29.1.2	Discretionary Uses
29.1.1.1	Amusement Establishments - Indoor	29.1.2.1	Apartments
29.1.1.2	Apartments – Main Floor Commercial	29.1.2.2	Bed and Breakfast Homes (Section 7.1)
29.1.1.3	Apartments – Senior Citizens	29.1.2.3	Boarding or Lodging Houses
29.1.1.4	Auto & Minor Recreation Sales/Rentals	29.1.2.4	Car Washes
29.1.1.5	Business Support Services	29.1.2.5	Commercial Parking Lots
29.1.1.6	Commercial Education Facilities	29.1.2.6	Service Stations
29.1.1.7	Community Facilities	29.1.2.7	Storage Compounds/Facilities
29.1.1.8	Day Care Centres	29.1.2.8	
29.1.1.9	Dry Cleaner	29.1.2.9	
29.1.1.10	Duplexes	29.1.2.10	
29.1.1.11	Entertainment/Drinking Establishment	29.1.2.11	
29.1.1.12	Equipment/Household Repair Shops	29.1.2.12	
29.1.1.13	Equipment Rentals	29.1.2.13	
29.1.1.14	Essential Public Services and Utilities	29.1.2.14	
29.1.1.15	Financial Institutions	29.1.2.15	
29.1.1.16	Government Services	29.1.2.16	
29.1.1.17	Health Services	29.1.2.17	
29.1.1.18	Home Based Businesses (Section 7.6)	29.1.2.18	
29.1.1.19	Home Occupations (Section 7.6)	29.1.2.19	
29.1.1.20	Hotels / Motels	29.1.2.20	
29.1.1.21	Live Work Units	29.1.2.21	
29.1.1.22	Personal Service Establishments	29.1.2.22	
29.1.1.23	Professional Offices		
29.1.1.24	Restaurant/Drinking Establishments		
29.1.1.25	Retail Stores - Convenience		
29.1.1.26	Row Houses		
29.1.1.27	Shopping Centres - Neighbourhood		
29.1.1.28	Single Detached Dwellings		
29.1.1.29	Secondary Suite		
29.1.1.29	Uses Accessory to Permitted Uses		
29.1.1.30	Uses Accessory to Discretionary Uses		

**Section 29.2
MXURB DEVELOPMENT STANDARDS**

29.2.1 Minimum Lot Dimensions		WIDTH	DEPTH
USE			
29.2.1.1	Essential Public Services and Utilities	No minimum lot size	
29.2.1.2	Hotels and Motels	30.0m	40.0m
29.2.1.4	Service Stations	30.0m	23.0m
29.2.1.5	All Other Discretionary Uses	30.0m	35.0m
29.2.1.6	All Other Permitted Uses	10.0m	23.0m

29.2.2 Minimum Setback Requirements		FRONT	SIDE	REAR
USE				
29.2.2.1	Essential Public Services and Utilities	No setback requirements		
29.2.2.3	All other uses	No setback requirements provided that all other requirements of this bylaw have been met.		
29.2.2.4	Any Site Abutting a Residential District	All sites which abut a residential district shall have a minimum yard setback requirement equal to the setback requirement for the adjacent residential use.		
29.2.2.5	Any Residential Dwelling Units	All dwelling units with walls having habitable rooms which face the side yard shall have a minimum side yard of 9.0m (Where the side yard abuts a street or lane, half of the street or lane width may be used in calculating the 9.0 m).		

29.2.3 – Maximum Height

The maximum principal building height for all uses is 12.6m or 3.0 storeys.

29.2.4 – Maximum Site Coverage

There shall be no maximum site coverage provided that all other requirements of this bylaw have been met.

29.2.5 – Maximum Floor Area per Unit

The maximum gross floor area for a retail convenience store shall be 278.0m²

29.2.6 – Mean Site Width

Where minimum site width and depth measurements are required, the number stated as such requirement shall refer to the mean width and depth of the site, and the minimum measurement for a site width or depth line shall be no less than 70% of the required mean width or depth.

29.2.7 – Apartments with Main Floor Commercial

Where an apartment building is combined with commercial uses on the main floor, there shall be no dwelling units permitted on the main floor. Residential uses shall have a direct entrance separate from that of the commercial use.

29.2.8 – Amenity Space

The following provisions shall apply regarding amenity space for all multi-unit mixed use commercial-residential developments:

- A) Where grade level amenity space is required in this Bylaw, it shall have a minimum area of 36m², except in the case of amenity space designed and provided for the exclusive use of the occupants of an adjacent dwelling unit, in which case it shall have a minimum area of 6.0m².
- B) All balconies, that are to be included as amenity space shall have a minimum dimension of 2.0m and a minimum area of 6.0m².

- C) A roof terrace that is to be included as amenity space shall have minimum dimensions of 6.0 metres by 3.0 metres.
- D) Except for private balconies, amenity space shall not be located in any required front yard.
- E) Amenity space shall not be used for the purpose of parking, loading, vehicle storage or repair, garbage collection or maintenance buildings.
- F) Amenity Space shall be provided to all apartments, apartments – senior citizens, and apartments – main floor commercial at a minimum rate of 6.0m² per unit.

29.2.9 Special Use Provisions

Where an additional section of this bylaw is noted next to a permitted or discretionary use, i.e. “Day Care Centre (Section 7.2)”, such notation shall specify that additional requirements pertaining to that use are located within the noted section.

29.2.10 Parking Requirements

Use specific parking requirements shall be consistent with the requirements outlined in Section 5.5.7. Additional parking requirements shall be consistent with the requirements outlined in Section 5.0

29.2.11 Additional Requirements

Refer to the sections or bylaws indicated below for additional information on the following requirements:

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|---------------------------------------|---|
| A) Site Plan Development Standards | Section 3.8 – 3.10 |
| B) Subdivisions | Section 3.11 – 3.13 |
| C) Excavation, Stripping, and Grading | Section 4.24 |
| D) Soil Erosion Control | Section 4.25 |
| E) Sidewalk and Pedestrian Access | Section 4.29 |
| F) Trash Enclosures | Section 4.31 |
| G) Fencing | Section 4.32 |
| H) Building Design | Section 4.34 |
| I) Recreational Facilities | Section 4.35 |
| J) Accessory Buildings | Section 4.5 |
| K) Landscaping Requirements | Section 6.0 |
| L) Parking and Loading Requirements | Section 5.0 |
| M) Signage | <i>City of Yorkton Sign Bylaw #16/03 (or subsequent amendments thereto)</i> |

29.2.12 Live Work Units

The following development standards shall apply to all Live Work Units:

- A. There shall be no uses permitted that generate noxious fumes, vibration, smoke, heat, glare, electrical, television or radio interference detectable or other nuisances beyond the boundaries of the dwelling containing the live work unit.
- B. Work associated with a live work unit shall be conducted entirely indoors, and shall not be undertaken in any attached garage space necessary for required parking.
- C. There shall be no exterior storage on the site in relation to the live work unit, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property.
- D. The size and nature of the workspace shall be limited so that the building type may be governed by applicable building codes.
- E. The dwelling component of the live work unit shall not be less than 30% of the gross floor area of the live work unit. Any attached garage space necessary for required parking shall be excluded from the gross floor space ratio calculation.
- F. Signage requirements pertaining to live work units shall be those of the Sign Bylaw.
- G. Parking shall be limited to the existing driveway. The residential character of the building shall not be changed to accommodate parking.
- H. Outdoor storage must be screened to the satisfaction of the municipality from view from any public streets.