

BYLAW NO. 446/2023
A BYLAW TO AMEND BYLAW NO. 374/2014 KNOWN
AS THE ZONING BYLAW

Pursuant to Sections 46 and 69 of *The Planning and Development Act, 2007*, the Council of the Town of Balgonie, in the Province of Saskatchewan, enacts to amend Zoning Bylaw No. 374/2014 as follows:


1. The Town of Balgonie is hereby authorized to enter into an agreement with NAPA AUTOPRO - BTC Automotive for the rezoning of Lot 7, Blk/Par 37-Plan 86R66072 Ext 0 in the SW ¼ 3-18-17-W2M from High Profile Commercial District (HPC) to High Profile Commercial Contract Zone (HPC-CZ). Attached hereto and forming part of this Bylaw is the High Profile Commercial Contract District (HPC-CZ), which is identified as "Schedule A".
2. The Zoning District Map is amended by rezoning Lot 7, Blk/Par 37-Plan 86R66072 Ext 0 from High Profile Commercial District (HPC) to High Profile Commercial Contract Zone (HPC-CZ). The land to be rezoned is shown on the map attached hereto as "Schedule B" and forming part of this Bylaw.
3. The Mayor and Administrator of the Town of Balgonie are hereby authorized to sign and execute the attached agreement identified as "Schedule A".

Introduced and read a first time this 24th day of April, 2023.


Read a second time this 23rd day of May, 2023.

Read a third time and passed this 23rd day of May, 2023.





Mayor (Deputy)



Administrator

Certified a true copy of Bylaw No. 446/2023
passed by resolution of the Council of the Town
of Balgonie on the 23rd day of May, 2023.



Administrator

SCHEDULE "A" TO BYLAW NO. 446/2023

Agreement to Establish the High-Profile Commercial Contract Zone (HPC-CZ)

This High-Profile Commercial Contract Zone (HPC-CZ) has been developed to accommodate a unique development situation on the subject lands. The parcel is currently zoned High Profile Commercial District (HPC) under the Town of Balgonie's Zoning Bylaw and contains an existing conforming building for a conforming use. The landowner has applied to the Town of Balgonie to construct an addition to the building and place an accessory intermodal freight container (sea can) on the parcel. The proposed building addition and location of the sea can do not meet the site standards of the commercial districts established in the Zoning Bylaw and it is not desirable nor in the best interest of the Municipality to significantly alter the site development regulations of the HPC District.

This Contract Agreement (Agreement) will establish the permitted and discretionary uses, required yard setbacks, and development standards for the affected parcel. The regulations for the HPC-CZ are based on the Town of Balgonie's existing HPC District as per the Zoning Bylaw.

This Agreement is binding on the registered owner of the land as well as the registered owner's heirs, executors, administrators, successors, and assigns. The owner may not assign the terms or conditions of this Agreement in whole or in part without the written approval of the Town of Balgonie. As a condition of consent to assign or transfer the Agreement, the Municipality may require the assignee or transferee to execute a copy of this Agreement and agree to be bound to the terms herein for as long as the Agreement is in force.

This Agreement shall run with the land, and the Municipality shall register an interest based on this Agreement in the land registry against the affected parcel.

No person shall use any land, or erect, alter, or use any building or structure within the HPC-CZ except in accordance with the following provisions.

1. Permitted Uses

- a) Service stations and other establishments for the servicing, storage, and sale of motor vehicles, trailers, recreation, or farm machinery and equipment, public garages, and auto body shops.
- b) Uses, buildings, or structures accessory to, and located on the same site as the principal building or use.
- c) Intermodal freight containers (sea and rail containers).

Site Development Regulations

Site Standards for Principal Uses, Buildings, and Structures	
Minimum site area	1,115 sqm (12,002.16 sq ft)
Minimum site frontage	30 metres (98.43 feet)
Minimum front yard	6.0 metres (19.69 feet)
Minimum rear yard	3.0 metres (9.84 feet)
Minimum side yard	3.0 metres (9.84 feet)
Maximum building height	11 metres (36.09 feet)

Site Standards for Accessory Uses, Buildings, and Structures	
Minimum front yard	6.0 metres (19.69 feet)
Minimum rear yard	0.8 metres (2.63 feet)*
Minimum side yard	0.8 metres (2.63 feet)*
Maximum building height	11 metres (36.09 feet)
Minimum distance from principal building	1 metre (3.28 feet)

Municipal Facilities and Public Works
There shall be no minimum standards, provided the safety and amenity of the area is maintained.

*Where an accessory building has doors that swing open, the building shall be set back so as to allow the doors to open without crossing the lot line; where doors open onto a developed lane or road, the minimum setback shall be 1.5 metres (4.92 feet).

2. Parking Requirements

Minimum Parking Requirements	
All other uses	1 parking space for each 70 sqm (753.50 sq ft) of gross floor area of the principal building

3. Signage

- a) Billboards and/or electronic message centres may be allowed at Council's discretion.
- b) Signs advertising the principal use of the premises or the principal products offered for sale on the premises are permitted. Permitted signs shall be subject to the following requirements:
 - i. No sign shall be located in a manner that may jeopardize the safety of the public;
 - ii. The facial area of a sign shall not exceed 0.5 sqm (5.39 sq ft); and
 - iii. Temporary signs not exceeding 1 sqm (10.77 sq ft) advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

4. Loading Requirements

- a) 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.

5. Service Stations

- a) Fuel pumps and other accessory equipment shall be located not less than 6 metres (19.69 feet) from any street or site line.
- b) All automobile parts, dismantled vehicles, and similar articles shall be stored within a building or screened to the satisfaction of Council.

6. Intermodal Freight Containers (Sea and Rail Containers)

- a) One intermodal freight container is allowed per site as an accessory building in the HPC-CZ District, subject to the setbacks for accessory buildings in this district and the following regulations:
 - i. A development permit is required prior to the placement of the intermodal freight container on the site. The container may be included in the permit application for the principal use or principal building.
 - ii. The container must be securely anchored to the Development Officer's satisfaction.
 - iii. The container must meet all applicable construction codes.

7. Landscaping

- a) Should the HPC-CZ site abut any residential district without an intervening street,

lane, or other form of physical separation, there shall be a strip of land measuring no less than 1.5 metres (4.93 feet), between the two uses, and used solely for landscaping, fencing, or other nuisance mitigation measures deemed suitable by Council.

- b) Council may require the developer to submit for approval a landscaping, drainage, or grading plan for the site prior to issuing a development permit.

Witness whereof the parties hereto have executed this Contract Agreement as of this 23rd day of May, 2023.



Diane

Witness

Town of Balgonie

Lain Joubert

Mayor (Deputy)

Karen Craipe

Administrator

Paul Beck

Developer/Landowner