



**RURAL MUNICIPALITY OF MOOSE JAW  
NO. 161 ZONING BYLAW NO. 6-2011**



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## 1.0 INTRODUCTION

### 1.1 AUTHORITY

Under the authority granted by *The Planning and Development Act, 2007*, the Reeve and Council of the Rural Municipality of Moose Jaw No. 161 in the Province of Saskatchewan, in open meeting, hereby enact as follows:

### 1.2 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Rural Municipality of Moose Jaw No. 161.

### 1.3 PURPOSE

- .1 The purpose of this Bylaw is to regulate development and to control the use of land in the Rural Municipality of Moose Jaw No. 161 in accordance with the Official Community Plan XX-XX.
- .2 The intent of this Zoning Bylaw is to provide for the amenity of the area within The Rural Municipality of Moose Jaw No. 161 (hereinafter referred to as the Municipality) and for the health, safety, and general welfare of the inhabitants of the area:
  - a) To minimize land use conflicts;
  - b) To establish minimum standards to maintain the amenity of the Rural Municipality;
  - c) To ensure development is consistent with the physical limitations of the land;
  - d) To restrict development that places undue demand on the Rural Municipality for services; and
  - e) To provide for land-use and development that is consistent with the goals and objectives of the Rural Municipality.

### 1.4 SCOPE

This Bylaw applies to all land included within the boundaries of the Rural Municipality of Moose Jaw No. 161. All development within the limits of the Rural Municipality shall hereafter conform to the provisions of this Bylaw.

### 1.5 SEVERABILITY

A decision of a Court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this Bylaw.



## 2.0 DEFINITIONS

Whenever the subsequent words or terms are used in the Official Community Plan, Bylaw No. XX-XX and this Bylaw, they shall, have the following definition unless the context indicates otherwise.

**ABATTOIR (SLAUGHTERHOUSE):** a building for butchering. The abattoir houses facilities to slaughter animals; dress, cut and inspect meats; and refrigerate, cure, and manufacture by-products.

**ACCESSORY:** a building, structure or use of a specific site which is subordinate and exclusively devoted to the principal building, principal structure, or principal use of the same site.

**ACCESSORY BUILDING, LARGE:** An accessory structure exceeding a height of 4.5 meters or having a floor area of greater than 92m<sup>2</sup>.

**ACT:** *The Planning and Development Act, 2007* Province of Saskatchewan, as amended from time to time.

**ADJACENT:** contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way or reserve land; and any other land identified in this Bylaw as adjacent land for the purpose of notifications.

**ADMINISTRATOR:** the Administrator of the Rural Municipality of Moose Jaw No.161.

**AGGREGATE RESOURCE:** raw materials including sand, gravel, clay, earth or mineralized rock found on or under a site.

**AGRICULTURAL:** a use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agricultural.

**AGRICULTURE(INTENSIVE):** an agricultural production system characterized by high inputs relative to land area enabling a substantial increase in production using methods geared toward making use of economies of scale to produce the highest output at the lowest cost.

**AGRICULTURAL HOLDING:** the basic unit of land considered capable of accommodating an agricultural operation. For the purpose of this Bylaw, it shall comprise 64.80 hectares (160 acres) or equivalent. Equivalent shall mean 64.80 hectares (160 acres) or such lesser amount as remains in an agricultural holding because of the original township survey, road widening, road right-of-way or railway plans, drainage ditch, pipeline or transmission line development or government action, natural features such as water courses or water bodies, or as a result of subdivision as permitted herein.

**AGRICULTURAL OPERATION:** A site, or sites, the principal use of which is to derive produce directly from the following activities, but shall not be residential in use:

- a) cultivating land;
- b) producing agricultural crops, including hay and forage;
- c) producing horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs, flowers, greenhouse crops and specialty crops;
- d) raising all classes of livestock, horses, poultry, fur-bearing animals, game birds and game animals, bees and fish;
- e) carrying on an intensive livestock operation;
- f) producing eggs, milk, honey and other animal products;



- g) operating agricultural machinery and equipment, including irrigation pumps and noise-scare devices;
- h) conducting any process necessary to prepare a farm product for distribution from the farm gate;
- i) storing, handling and applying fertilizer, manure, organic wastes, soil amendments and pesticides, including both ground and aerial application;
- j) any other prescribed agricultural activity or process as defined by Council from time to time.

**AGRICULTURAL INDUSTRY:** those processing and distributing industries providing products or services directly associated with the agricultural business sector, and without restricting the generality of the above may include:

- a) grain elevators
- b) feed mills
- c) abattoirs
- d) seed cleaning plants
- e) pelletizing plants
- f) bulk fertilizer distribution plants
- g) bulk agricultural chemical distribution plants
- h) anhydrous ammonia storage and distribution
- i) bulk fuel plants
- j) livestock holding stations
- k) retail sales of the goods produced or stored as part of the dominant use on the site

**AGRICULTURAL COMMERCIAL:** a use related to the sale of products or machinery of an agricultural nature or the provision of services to the agricultural community, and without restricting the generality of the above may include livestock auction marts, farm implement dealerships, fruit stands, veterinary clinics and animal hospitals.

**AGRICULTURAL RESIDENCE:** a dwelling unit accessory to the use of land intended for a combined residential and agricultural purpose.

**AGRICULTURAL RESIDENTIAL DEVELOPMENT:** the establishment of a residence on an agricultural holding in the absence of subdivision of where the residence remains directly appurtenant to the agricultural operation.

**AGRICULTURAL TOURISM:** a tourism oriented commercial land use related to the retail sale of products or the provision of entertainment associated with an agricultural operation or a rural environment and without limiting the generality of the above includes historical and vacation farms, farm zoos, gift shops, restaurants, art galleries and cultural entertainment facilities.

**ALTERATION OR ALTERED:** with reference to a building, structure or site means a change from one major occupancy class or division to another, or a structural change such as an addition to the area or height, or the removal of part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any required means of egress or a change to the fixtures, equipment, cladding, trim, or any other items regulated by this Bylaw such as parking and landscaping.

**ANCILLARY:** a building, structure or use of a specific site which is related in a subsidiary manner to the principal building, principal structure, or principal use of the same site.

**ANIMAL UNIT (A.U.)** the kind and number of animals calculated in accordance with the following table:

Animal Type	#	of
		Animals = 1 Animal Unit
<b>Poultry</b>		
• Hens, capons	cockerels,	100
• Chicks, chickens	broiler	200
• Turkeys, ducks	geese,	50



• Exotic birds	25
<b>Hogs</b>	
• Boars and sows	3
• Gilts	4
• Feeder pigs	6
• Weanling pigs	20
<b>Sheep</b>	
• Rams or ewes	7
• Lambs	14
<b>Goats etc.</b>	
• All (including llamas, alpacas etc.)	7
<b>Cattle</b>	
• Cows and bulls	1
• Feeder cattle	1.5
• Replacement heifers	2
• Calves	4
<b>Horses</b>	
• Colts and ponies	2
• Other horses	1
<b>Other</b>	
• Domesticated native ungulates (deer, elk, bison, etc.)	1

**APPLICANT:** a developer or person applying for a development permit under this Bylaw, for a subdivision approval to an approving authority under *The Planning and Development Act, 2007*.

**AUCTION MART/MARKET:** means a building or structure or lands used for the storage of goods, materials and livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials, and livestock by public auction and on an occasional basis.

**AUTO WRECKER:** an area where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable

condition, or used parts of motor vehicles, are stored or sold to the general public.

**BED AND BREAKFAST:** a dwelling unit, licensed as a tourist home under *The Tourist Accommodation Regulations, 1969*, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the travelling public for a charge.

**BILLBOARD:** a private free standing sign, including supporting structures, which advertises goods, products, services, organizations, or facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

**BUFFER:** a strip of land, vegetation or land use that physically separates two or more different land uses.

**BUILDING:** a structure used for the shelter or accommodation of persons, animals, or chattels and includes any structure covered by a roof supported by walls or columns.

**BUILDING BYLAW:** the Bylaw of the Rural Municipality of Moose Jaw No.161 regulating the erection, alteration, repair, occupancy, maintenance or demolition of buildings and structures.

**BUILDING FLOOR AREA:** the sum of the gross horizontal area of all floors of a building excluding the floor area used for or devoted to mechanical equipment, laundry, storage, swimming pools, and enclosed or underground parking facilities. All dimensions shall be measured between exterior faces of walls or supporting columns, or from the centre line of the walls or supporting columns separating two buildings. For the purpose of this Bylaw, the term 'storage' means the keeping or placing of trunks, luggage or similar articles in a place designed therefore, but shall exclude clothes closets, linen closets, broom cupboards, kitchen and bathroom cupboards of whatsoever nature.

**BUILDING FRONT LINE:** the line of the wall of the building, or any projecting portion of



the building, and production thereof excluding permitted obstructions which faces the front site line.

**BUILDING HEIGHT:** the vertical distance measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

**BUILDING PERMIT:** a permit, issued under the Building Bylaw of the Rural Municipality of Moose Jaw No.161 authorizing the construction of all or part of any building or structure.

**BUILDING REAR LINE:** the line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.

**BUILDING SIDE LINE:** the line of the wall of the building, or any projecting portion of the building and production thereof excluding permitted obstructions, which faces the side site line.

**BULK FUEL SALES AND STORAGE:** lands, buildings, and structures for the storage and distribution of fuels and oils including retail sales or key lock operations.

**BYLAW** - means the Zoning Bylaw.

**CAMPGROUND:** an area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

**CANADA LAND INVENTORY (C.L.I.) SOIL CLASS RATING SYSTEM:** provides an indication of the agricultural capability of land. The classes indicate the degree of limitation imposed by the soil in its use for mechanized agriculture. The C.L.I. class for each parcel of land is determined by the dominant C.L.I. class for the parcel, usually a quarter-section of land. Soil classes range

from 1 to 7, with Class 1 soils having no significant limitations and Class 7 having severe limitations in terms of its capacity for arable culture or permanent pasture.

**(PRIME)LANDS:** Canada Land Inventory (C.L.I) Soil Class Rating System

Class 1 – Soils in this class have no significant limitations in use for crops.

Class 2 – Soils in this class have moderate limitations that restrict the range of crops or require moderate conservation practices.

Class 3 - Soils in this class have moderately severe limitations that reduce the choice of crops or require special conservation practices.

**(MARGINAL) LANDS:** Canada Land Inventory (C.L.I) Soil Class Rating System

Class 4 - Soils in this class have severe limitations that restrict the choice of crops, or require special conservation practices and very careful management, or both.

Class 5 - Soils in this class have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible.

Class 6 - Soils in this class are unsuited for cultivation, but are capable of use for unimproved permanent pasture.

Class 7 - Soils in this class have no capability for arable culture or permanent pasture.

**CEMETERY:** land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. "Cemetery" may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes or human remains that have been cremated or the interment of the dead in sealed crypts or compartments.



**CLEAN FILL:** uncontaminated nonwater-soluble, non decomposable, inert solids such as rock, soil, gravel, concrete, glass and/or clay or ceramic products. Clean fill shall not mean processed or unprocessed mixed construction and demolition debris, including, but not limited to, wallboard, plastic, wood or metal or any substance deemed corrosive, combustible, noxious, reactive or radioactive.

**CLUSTER:** where design allows for the concentration of development in pockets to preserve ecological areas and other open space while providing lower servicing cost and alternative development (ie housing) patterns.

**COMMERCIAL:** the use of land, buildings, or structures for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.

**COMMERCIAL INDOOR STORAGE:** a building or series of buildings comprising multiple storage bays intended for lease or rent by the general public for the purpose of indoor storage of private goods.

**COMMUNITY FACILITIES:** a building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.

**CONCEPT PLAN:** a land use concept plan for a specific local area that identifies social, environmental, health and economic issues which the proposed development must address.

**CONCRETE AND ASPHALT PLANT:** an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production's process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

**CONDOMINIUM:** as defined by *The Condominium Property Act, 1993*, means the land included in a condominium plan together with the buildings and units and the common property and common facilities belonging to them.

**CONDOMINIUM, BARE LAND (FREEHOLD):** involves dividing a parcel of land into individually owned 'bare land units'. Each bare land unit is shown on a survey plan. The balance of the parcel around the units is common property.

**CONSERVATION:** the planning, management and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment against.

**CONTRACTORS YARD:** the yard of a contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business.

**CONVENIENCE STORE:** a store offering for sale primarily food products, beverages, tobacco, personal care items, hardware and printed matter and which primarily provides a convenient day to day service to residents in the vicinity.

**COUNCIL:** the Council of the Rural Municipality of Moose Jaw No.161.

**COUNTRY RESIDENCE:** a dwelling or site whose owner's principal source of household income is derived from a source other than the principal agricultural use of that site.

**COUNTRY RESIDENTIAL DEVELOPMENT:** is defined as residential development contained within a severance from an agricultural holding where the essential land requirement is for a residential building site and space rather than for productive agricultural purposes.



**CREMATORIUM:** a building fitted with the proper appliances for the purposes of the cremation of human and animal remains and includes everything incidental or ancillary thereto.

**DEMOLITION PERMIT:** a permit issued for the removal or dismantling of a building or structure within the Rural Municipality of Moose Jaw's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

**DEVELOPMENT:** 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, the moving of any building or structure onto land, the moving of a mobile home or trailer coach onto land, and the opening or stripping of land for the purpose of removing therefrom sand, gravel or other aggregate resources.

**DEVELOPMENT AGREEMENT:** the legal agreement between a developer and the Municipality which specifies the all obligations and the terms and conditions for the approval of a development pursuant to section 172 of *The Planning and Development Act, 2007*.

**DEVELOPMENT OFFICER:** an employee of the Municipality appointed by the Administrator to act as a Development Officer to administer this Bylaw.

**DEVELOPMENT PERMIT:** a permit issued by the Council of the Rural Municipality of Moose Jaw No. 161 that authorizes development, but does not include a building permit.

**DIRECTIONAL SIGNAGE:** signage located off site providing direction to and information about a specific enterprise or activity which does not contain general advertising.

**DISCRETIONARY USE:** a use of land or buildings or form of development that is prescribed as a discretionary use in the Zoning Bylaw; and requires the approval of

Council pursuant to Section 56 of *The Planning and Development Act, 2007*.

**DORMITORY:** sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people.

**DWELLING:** a building or part of a building designed exclusively for residential occupancy.

**DWELLING, DUPLEX:** A building divided that is divided into two dwelling units with separate entrances and separated by a party wall.

**DWELLING GROUP:** A group of single-detached, semi-detached, or multiple unit dwellings clustered on one lot or site, built as one development.

**DWELLING, SEMI-DETACHED:** A building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roofline.

**DWELLING, SINGLE-DETACHED:** A building containing only one dwelling unit, as herein defined.

**DWELLING UNIT:** a separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components, but does not include boarding houses or rooming units. For the purposes of this definition, "kitchen components" include, but are not limited to, cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or other cooking appliances and kitchen tables and chairs.

**ELEVATION:** the height of a point on the Earth's surface above sea level.

**ENVIRONMENTAL RESERVE:** lands that have been dedicated to the Municipality by the developer of a subdivision as part of the subdivision approval process. Environmental reserves are those lands that are considered undevelopable and may consist of a swamp, gully, ravine, coulee or natural drainage



course, or may be lands that are subject to flooding or are considered unstable. Environmental reserve may also be a strip of land, not less than 6 meters in width, abutting the bed and shore of any lake, river stream or other body of water for the purposes of preventing pollution or providing access to the bed and shore of the water body.

**ENVIRONMENTAL FARM PLANS:** are voluntary, confidential, self- assessment tools used by producers to raise awareness about environmental risks and opportunities on their operations. As part of their EFP, producers develop their own action plans to identify management practices that can reduce environmental risk on their operations.

**EQUESTRIAN FACILITY:** the use of lands, buildings, or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, but does not include the racing of horses.

**ESSENTIAL YARD SITE FEATURES:** features of an existing farmstead which are deemed necessary for inclusion within a subdivision plan including but not limited to dugouts, shelterbelt plantings and water wells.

**EXISTING:** in place, or taking place, on the date of the adoption of this Bylaw.

**FARM BUILDING:** improvements such as barns, granaries, workshops etc., used in connection with the growing and sale of trees, shrubs, and sod or the raising or production of crops, livestock or poultry or in connection with fur production or bee keeping and situated on a parcel of land used for farm operation.

**FARMSTEAD/FARMYARD:** the buildings and adjacent essential grounds surrounding a farm.

**FEEDLOT:** a fenced area where livestock are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing.

**FILL:** soil, rock, rubble, or other approved, non-polluting waste that is transported and placed on the existing, usually natural, surface of soil or rock, following the removal of vegetation cover, topsoil, and other organic material.

**FREE STANDING SIGN:** a sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.

**GAME FARM:** land and facilities on which domestic game farm animals are held for commercial purposes. (See Harvest Preserve).

**GARAGE:** a building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing nor repairing of such vehicles are carried on for remuneration.

**GARDEN SUITE:** an additional dwelling unit that is separate from and secondary to the principal single detached dwelling on the residential lands; the unit is to be used by a relative (blood, marriage, or legal adoption) of the resident of the principal single detached dwelling.

**GAS BAR:** a building or place used for, or intended for the provision of gasoline or diesel fuel and may or may not include a convenience store.

**GENERAL COMMERCIAL TYPE I:** those developments where activities and uses are primarily carried on within an enclosed building intended to provide for the merchandising of refined goods and services targeted for the travelling public and the surrounding community for financial gain.

**GENERAL INDUSTRY TYPE I:** those developments where activities and uses are primarily carried on within an enclosed building where no significant nuisance factor is created or apparent outside an enclosed building. Developments of this type shall not pose, in the opinion of a Development Officer, any significant risk of interfering





with the amenity of adjacent sites because of the nature of the site, materials or processes and shall include but not be limited to the following activities:

- a) the assembling of goods, products or equipment.
- b) the limited processing of raw, value-added or finished materials.
- c) the storage or transshipping of materials, goods and equipment.
- d) the training of personnel in general industrial operations.

It may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses.

**GENERAL INDUSTRY TYPE II:** those developments in which all or a portion of the activities and uses are carried on outdoors, without any significant nuisance or environmental factors such as noise, appearance, or odour, extending beyond the boundaries of the site. Developments of this type shall not pose, in the opinion of a Development Officer, any significant risk of interfering with the amenity of adjacent sites because of the nature of the site, materials or processes and shall include but not be limited to the following activities:

- a) manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products.
- b) the storage or trans-shipping of materials, goods and equipment.
- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts.

**GENERAL INDUSTRY TYPE III (EXCLUSIONARY USES):** refers to certain industrial activities that maybe characterized as exhibiting a high potential for adversely affecting the safety, use, amenity or enjoyment of adjacent and nearby industrial and non-industrial sites due to their scale, appearance, noise, odour, emissions and hazard potential. Such activities are considered exclusionary when the only means of mitigating the associated negative affects on surrounding land uses is through spatial separation. Such uses would include but not be limited to the following: Landfill, Ethanol Plant, Transformer Stations, Uranium Refiners, Anhydrous Ammonia Storage and Distribution Centres.

**GEOTECHNICAL ASSESSMENT:** an assessment or estimation by a qualified expert of the earth's subsurface and the quality and/or quantity of environmentally mitigative measures that would be necessary for development to occur.

**GOLF COURSE:** a public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges, and similar uses.

**GREENHOUSE:** a building with glass or clear plastic walls and roof for the cultivation and exhibition of plants under controlled conditions.

**GREENHOUSE (COMMERCIAL):** a greenhouse that includes a retail aspect catering to the general horticultural needs of the general public for financial gain and includes outdoor storage of landscaping supplies.

**GREENHOUSE (INDUSTRIAL):** a greenhouse intended to serve intermediate industrial and retail markets with large quantities of horticultural supplies, not including consumer retail.

**GREENWAYS:** a linear park which may accommodate pathways principally for foot traffic and/or bicycles. Typically, greenways are planned along creeks, streams or rivers



and managed as natural environments, or bikeways along landscaped roads.

**GROSS SURFACE AREA:** the area of the rectangle or square within which the face of a sign can be completely contained, exclusive of any supporting structure or, where a sign has more than one face or the face of the sign is not flat, the rectangle within which the largest area of the face of the sign in profile can be completely contained exclusive of any supporting structure.

**HAMLET:** a small, rural, unincorporated community that includes a limited number of land uses, typically single family dwellings and rural commercial, where infill, minor expansion and diversification of support services may occur.

**HARVEST PRESERVE:** an area of deeded private land fenced for the purpose of management, control, and harvesting of domestic game farm animals. Harvest preserves are regulated by The Domestic Game Farm Animal Regulations.

**HAZARD LAND:** land which may be prone to flooding, slumping, landslides, or erosion or any other instability, or is a flood plain or watercourse.

**HAZARDOUS SUBSTANCE:** a substance that, because of its quality, concentration or physical, chemical or infectious characteristics, either individually or in combination with other substances on the site is an existing or potential threat to the physical environment, to human health or to other living organisms.

**HEIGHT OF THE SIGN:** the vertical distance measured from the highest point of the sign to grade level at the centre of the sign.

**HERITAGE RESOURCE:** the history, culture and historical resources of an area or community.

**HOME BASED BUSINESS:** an accessory use carried on as a business conducted for gain

in whole or in part in a dwelling unit or an accessory building to a dwelling unit.

**HOME OCCUPATION:** an accessory use carried on as an occupation conducted for gain in a dwelling unit solely by the resident or residents.

**HORTICULTURE:** the culture or growing of garden plants. Horticulturists work in plant propagation, crop production, plant breeding and genetic engineering, plant biochemistry, plant physiology, and the storage, processing, and transportation of fruits, berries, nuts, vegetables, flowers, trees, shrubs, and turf.

**HOTEL/MOTEL:** A building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation, with or without meals.

**INCIDENTAL SIGNS:** are signs located on a development site which are intended for the direction of control of traffic, pedestrians or parking and which do not contain any advertising.

**INDUSTRIAL PARK:** an industrial park is an area of land set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modality (inter-modal) coincides: highways, railroads, airports, and navigable rivers.

**INDUSTRIAL USE:** the use of land, buildings or structures for the manufacturing, assembling, processing, fabrication, warehousing or storage of goods and materials.

**INNOVATIVE DEVELOPMENT:** developments that include alternative design features.

**INSTITUTIONAL USE:** a use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, and government buildings.



**INTENSIVE AGRICULTURE:** an intensified system of tillage and animal husbandry from the concentrated raising of crops or the concentrated rearing or keeping, on a continuous basis, of livestock, poultry or other products for market and without restricting the generality of the above includes:

- a) feed lots;
- b) livestock operation (hogs, chickens, etc.);
- c) sod farms;
- d) market gardens;
- e) greenhouses; and
- f) nurseries and other similar uses.

**INTENSIVE LIVESTOCK OPERATION:** the confining of any of the following animals, where the space per animal unit is less than 370 square meters:

- poultry;
- hogs;
- sheep;
- goats;
- cattle;
- horses;
- any other prescribed animals.

**KENNEL, BOARDING:** the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

**KENNEL, BREEDING:** the keeping of more than four dogs, cats or other domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

**KENNEL, ENCLOSURE:** an accessory building or enclosure intended to house one or more domestic animals.

**LANDFILL:** a specially engineered site for disposing of solid waste on land, constructed so that it will reduce hazard to public health and safety.

**LANDSCAPING:** the provision of horticultural and other related compatible features or

materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

- a) Soft landscaping consisting of vegetation such as trees, shrubs, vines, hedges, flowers, grass and ground cover; and/or
- b) Hard landscaping consisting of non-vegetative materials such as concrete, unit pavers, brick pavers or quarry tile, but does not include gravel, shale, or asphalt.

**LANDSCAPING ESTABLISHMENT:** the yard of a landscaping contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business.

**LAND USE MAP:** a comprehensive document compiled by a local government that identifies goals and strategies for future development or preservation of land. In its projections, the map specifies certain areas for residential growth and others for agriculture, industry, commercial and conservation.

**LAND USE ZONING DISTRICT:** divisions identified in the Zoning Bylaw establishing permitted and discretionary uses of land or buildings with attendant regulations.

**LEGAL ACCESS:** a lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel is adjacent to a municipally maintained road, and meets the frontage requirements of appropriate Zoning District hosting the development.

**LIGHT MANUFACTURING AND/OR ASSEMBLY:** the manufacturing, processing, packaging or assembly of semi-finished or finished goods, products or equipment and includes the storage and transportation of such goods, products or equipment.



**LIVESTOCK:** domesticated animals used primarily as beasts of burden or for the production of fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion animals.

**LOT:** a parcel of land of a subdivision, the plan of which has been filed or registered in the Land Titles Office.

**MANUFACTURING ESTABLISHMENT:** a firm or business engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of components parts, the manufacturing of products and the blending of materials.

**MAUSOLEUM:** a building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

**MINIMUM DISTANCE SEPARATION:** in respect to intensive livestock operations and heavy industrial land uses, the minimum distance separation required in the Zoning Bylaw from non complementary uses.

**MINISTER:** the Minister as defined in *The Planning and Development Act, 2007*.

**MOBILE HOME:** a trailer coach that may be used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and a water closet or other similar facility that may be connected to a sewage system.

**MOBILE HOME PARK:** a site under single management for the placement of two or more mobile homes and shall include all accessory buildings necessary to the operation.

**MODULAR HOME (RTM):** a building that is manufactured in a factory as a whole or modular unit to be used as one single dwelling unit and is certified by the manufacturer that it complies with the Canadian Standards Association Standard

No. CSA-A277, and is placed on a permanent foundation.

**MULTI-PARCEL COUNTRY RESIDENTIAL DEVELOPMENT:** involves high density rural residential development and may include cluster, multi-unit, linear developments or other suitable design concepts along roadways where the essential land requirement is for a residential building site and space, rather than for productive agricultural purposes.

**MUNICIPALITY:** the Rural Municipality of Moose Jaw No. 161.

**MUNICIPAL RESERVE:** are dedicated lands:

- a) that are provided to a Municipality pursuant to *The Planning and Development Act, 2007* for public use; or
- b) that were dedicated as public reserve and transferred to a Municipality pursuant to section 196, whether or not title to those lands has issued in the name of the Municipality;

**MUSEUM:** an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

**NATURAL AREAS:** an area relatively undisturbed by human activities and characterised by indigenous species including remnant or self-sustaining areas with native vegetation, water, or natural features.

**NATURAL RESOURCES:** the renewable resources of Saskatchewan and includes:

- a) fish within the meaning of The Fisheries Act;
- b) wildlife within the meaning of The Wildlife Act, 1998;
- c) forest products within the meaning of The Forest Resources Management Act;



- d) resource lands and provincial forest lands within the meaning of The Resource Lands Regulations, 1989;
- e) ecological reserves within the meaning of The Ecological Reserves Act; and
- f) other living components of ecosystems within resource lands, provincial forest lands and other lands managed by the department.

**NON-CONFORMING BUILDING:** a building:

- a) that is lawfully constructed or lawfully under construction, or with respect to which all required permits have been issued, at the date a Zoning Bylaw or any amendment to a Zoning Bylaw affecting the building or land on which the building is situated or will be situated becomes effective; and,
- b) that on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective does not, or when constructed will not, comply with the zoning Bylaw.

**NON-CONFORMING SITE:** a site, consisting of one or more contiguous parcels, that, on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective, contains a use that conforms to the Bylaw, but the site area or site dimensions do not conform to the standards of the Bylaw for that use.

**NON-CONFORMING USE:** a lawful specific use:

- a) being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to which all required permits have been issued, at the date a Zoning Bylaw or any amendment to a Zoning Bylaw affecting the land or building becomes effective; and
- b) that on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective does not, or in the case of a building under construction or with respect to which all required permits

have been issued will not, comply with the Zoning Bylaw.

**NORMALLY ACCEPTED AGRICULTURAL PRACTICES:** a practice that is conducted in a prudent and proper manner that is consistent with accepted customs and standards followed by similar agricultural operations under similar circumstances, including the use of innovative technology or advanced management practices in appropriate circumstances and is conducted in conformity with any standards established pursuant to the regulations and meets acceptable standards for establishment and expansion.

**OFFICE OR OFFICE BUILDING:** a building or part of a building uses primarily for conducting the affairs of a business, profession, service, industry, or government in which no goods or commodities of business or trade are stored, trans-shipped, sold or processed.

**OFF-PREMISE IDENTIFICATION SIGNAGE:** a sign that is located separate and apart from the land on which the business or activity is located.

**OPEN SPACE:** passive and structured leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community. Urban and rural open space includes parks, recreation and tourism nodes, and natural areas.

**PARKING LOT:** an open area, other than a street, used for the temporary parking of more than four vehicles and available for public use and the use of employees working on, or from, the site.

**PASTURE:** a site that is used for the raising and feeding of livestock by grazing.

**PERMANENT FOUNDATION:** the lower portion of a building; usually concrete, masonry, or an engineered wood basement which renders the structure fixed and immobile.



**PERMITTED USE:** the use of land, buildings, or other structures that shall be permitted in a Zoning District where all requirements of this Zoning Bylaw are met.

**PERSONAL SERVICE TRADE:** a business associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories and may include:

- beauty salons and barber shops;
- shoe repair;
- self-serve laundry;
- tailor or seamstress;
- massage services; and
- tanning beds,

but does not include the provision of health related services.

**PLACES OF WORSHIP:** a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

**PRINCIPAL USE:** the main or primary activity for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

**PUBLIC UTILITY:** a system, work, plant, equipment, or service, whether owned or operated by the Municipality, or by a corporation under Federal or Provincial statute, that furnishes any of the following services and facilities to, or for the use of, the inhabitants of the Municipality:

- a) Communication by way of telephone lines, optical cable, microwave, and cable television services;
- b) Delivery of water, natural gas, and electricity
- c) Public transportation by bus, rail, or other vehicle production, transmission;
- d) Collection and disposal of sewage, garbage, and other wastes; and

e) Fire and Police Services.

**PUBLIC WORKS:** a facility as defined under *The Planning and Development Act, 2007*.

**QUARTER SECTION:** 64.8 ha (160 acres) or a lesser amount that remains due to the original township survey, road widening, road right-of-way or railway plans, drainage ditch, pipeline or transmission line development, or other public utility; or natural features such as water courses or water bodies.

**RACETRACK:** a place designed and equipped for the racing of motorized vehicles or horses and includes facilities for administration and management of the business.

**RAILWAY FREIGHT YARDS:** the use of land, or building or structure or part thereof for activities directly associated with the operation of a railway. Without limiting the generality of the foregoing, such activities may include loading and off-loading freight, and maintenance and repair of railway cars.

**READY -TO-MOVE(RTM)DWELLING:** a new single detached dwelling constructed off-site to National Building Code or CSA-A277 standards to be moved onto a new permanent residential site building foundation.

**REAL ESTATE SIGNAGE:** signage directly associated with the sale of property in which it is located and which maintains a gross surface area of less than 1 m<sup>2</sup>.

**REDESIGNATION:** Rezoning.

**RECREATIONAL USE:** a public or private facility or amenity, a joint-use site or a park or playground the serves the surrounding neighbourhood or community.

**RECREATION (INTEGRATED):** public or private recreational facilities located in or adjacent to a multi-parcel country residential subdivision for the purpose of providing recreational opportunities and services to a local population.



**RECREATIONAL (COMMERCIAL):** a public or private facility or amenity, a joint-use site or a park or playground that serves the surrounding neighbourhood with an intent to produce financial gain.

**RECREATIONAL VEHICLE:** a vehicle used for personal pleasure or travels by an individual or a family which may or may not be towed behind a principle vehicle. Notwithstanding the generality of the above may include:

- a) Motorhomes,
- b) Camper Trailers,
- c) Boats,
- d) Snowmobiles,
- e) or Motorcycles.

**RECYCLING AND COLLECTION DEPOT (COMMERCIAL):** a building or series of buildings intended to accommodate the collection, sorting, processing and temporary storage of recyclable materials including the collection and storage of oil, solvents or other hazardous materials, processing of recyclable material other than compaction and accommodates outdoor compaction or storage.

**REEVE:** the Reeve of the Rural Municipality of Moose Jaw No.161 .

**RESIDENTIAL:** the use of land, buildings, or structures for human habitation.

**RESIDENTIAL CARE HOME:** a facility which:

- a) Provides meals, lodging, supervisory personal or nursing care to persons who reside therein for a period of not less than thirty days; and
- b) is duly licensed by the Province of Saskatchewan or certified as approved by the Province of Saskatchewan under an Act which provides for such licensing or certification as the case may be,
- c) and may include only the principal residence of the operator or administrator.

**RESIDUAL PARCEL:** the acreage remaining in agriculture resulting and independent of the subdivision of an agricultural holding for non-agricultural purposes.

**RESTAURANT:** a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. However, limited facilities may be permitted to provide for a take-out food function provided such facility is clearly secondary to the primary restaurant use.

**RIGHT OF WAY:** the right of way is the land set aside for use as a roadway or utility corridor. Rights of way are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing mitigative features. Sometimes, road rights of way are left vacant after the initial roadway facility is constructed to allow for future expansion.

**RIPARIAN:** the areas adjacent to any streams, rivers, lakes or wetlands.

**ROADS, FLANKING:** a roadway constructed to the side of a lot, parcel or site.

**SALVAGE YARD (WRECKING):** a parcel of land where second-hand, discarded or scrap materials are bought, sold, exchanged, stored, processed or handled. Materials include scrap iron, structural steel, rags, rubber tires, discarded goods, equipment, appliances or machinery. The term also includes a site for collection, sorting, storing and processing of paper products, glass, plastics, aluminium or tin cans prior to shipment for remanufacture into new materials.

**SCALE OF DEVELOPMENT:** the total acreage intended to accommodate a multi-parcel country residential subdivision.

**SCHOOL:** a body of pupils that is organized as a unit for educational purposes under the jurisdiction of a board of education or of the Saskatchewan Ministry of Education and that comprises one or more instructional groups



or classes, together with the principal and teaching staff and other employees assigned to such body of pupils, and includes the land, buildings or other premises and permanent improvements used by and in connection with that body of pupils.

**SECONDARY SUITE:** an additional dwelling unit located within a principal single detached dwelling.

**SERVICE STATION:** a building or place used for, or intended to be developed primarily for supplying vehicles with gasoline, diesel fuel, grease, tires or other similar items and for the repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including painting, body work and major repairs.

**SETBACK:** the distance required to obtain the front yard, rear yard or side yard provisions of this Bylaw.

**SHOULD, SHALL OR MAY:**

- Shall is an operative word which means the action is obligatory.
- Should is an operative word which means that in order to achieve plan objectives, it is strongly advised that the action be taken.
- May is an operative word meaning a choice is available, with no particular direction or guidance intended.

**SIGN:** a display board, screen, structure or material having characters, letters or illustrations applied thereto or displayed thereon, in any manner not inside a building and includes the posting or painting of an advertisement or notice on a building or structure.

**SITE:** an area of land, consisting of one or more lots consolidated under a single certificate of title, 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 AREA:** the total horizontal area within the site lines of a site.

**SITE CORNER:** a site at the intersection of two or more public streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side site lines) contain an angle of not more than one hundred and thirty-five (135) degrees. In the case of a curved corner, the corner of the site shall be that point on the street at the point of intersection of the said tangents.

**SITE DEPTH:** the horizontal distance between the front site and rear site lines, but where the front and rear site lines are not parallel the site depth is the length of a line joining the midpoint of such site lines.

**SITE FRONTAGE:** the boundary that divides the site from the street or road. 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 frontage for a non-rectangular site shall be defined as the mean of the measured front and rear site lines.

**SITE LINE:** any boundary of a site.

**SITE WIDTH:** the horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum front yard required for the district in which the site is located.

**SMALL SCALE COMMERCIAL:** Commercial or Industrial land uses maintaining a lineal frontage less than 90 meters.

**SMALL WIND ENERGY SYSTEM:** any wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale.





**SPORT FIELD:** an open space set aside for the playing of sports and may include benches or bleachers for observers but where there is no charge made for spectators.

**STRUCTURE:** anything that is erected, built or constructed of parts joined together and supported by the soil or any other structure requiring a foundation to hold it erect, but not including pavement, curbs, walks or open air surfaced areas.

**STAKEHOLDERS:** individuals, groups or organizations who have a specific interest or 'stake' in a particular need, issue situation or project and may include members of the local community (residents, businesses, workers, representatives such as Councilors or politicians); community groups (services, interest groups, cultural groups clubs, associations, churches, mosques, temples); or local, state and federal governments.

**STOCKYARD:** an enclosed yard where livestock is kept temporarily.

**SUBDIVISION:** a division of land, and includes a division of a quarter section into legal subdivisions as described in the regulations made pursuant to *The Land Surveys Act, 2000*.

**TAVERN:** an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted. A brew pub may be considered a tavern if beverage alcohol is manufactured and consumed on site under a valid manufacturer's permit in accordance with the *Alcohol Control Regulations*.

**(TELE)COMMUNICATION FACILITY:** a structure situated on a non-residential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

**TEMPORARY SIGN:** a sign which is not permanently installed or affixed in position,

advertising a product or activity on a limited basis.

**TOWER:** any structure used for the transmission or reception of radio, television, telecommunications, mechanical or electrical energy for industrial, commercial, private or public uses, or for the storage of any substance of liquid.

**TOWER HEIGHT:** the height above-ground of the fixed portion of the tower, excluding any wind turbine and rotors.

**TRAFFIC CONTROL SIGNAGE:** a sign, signal, marking or any device placed or erected by the Municipality or Saskatchewan Department of Highways and Transportation.

**TRAILER COACH:** 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 reconstructed 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.

**TRAILER COURT:** any site on which two or more occupied trailer coaches are permitted to be harboured, whether or not a charge is made or paid, and includes any building or structure used or intended for use as a part of the equipment of such trailer court, but shall not include an industrial or construction camp, or a mobile home park.

**TRUCKING FIRM ESTABLISHMENT:** the use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include automobile service stations or transportation sales or rental outlets.

**USE:** the purpose or activity for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, or for which these may be occupied or maintained.



**VACATION FARM:** an operating farm which may, on a day basis or for overnight purposes, offer a farm life experience to groups, families, or individuals and which may provide either or both of the following:

- a) rental accommodation in the farm dwelling or adjacent private cabins comprising one or more rooms furnished in such a way to enable the preparation of meals if full board is not provided;
- b) a tract of land on which one or more camping, tenting or parking sites is located, and the provision of electricity, potable water and toilet facilities to any of the persons, families, groups occupying any of such sites.

**VALUE-ADDED:** the increase in value generated by a company or individual through the additional processing or sale of raw materials along the production chain.

**VERTICAL INTEGRATION:** the accommodation of multiple complimentary activities which could be considered principal permitted uses under single or multiple ownership within one or more buildings on a single parcel where these uses are considered to provide additional processing and/or the sale of manufactured goods produced onsite.

**VETERINARY CLINICS:** a place for the care and treatment of small animals involving outpatient care and medical procedures involving hospitalization, but shall not include the keeping of animals in outdoor pens.

**WAREHOUSE:** a building used for the storage and distribution of wholesaling of goods and materials.

**WASTE DISPOSAL FACILITY, LIQUID:** a facility to accommodate any waste which contains animal, aggregate or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

**WASTE DISPOSAL FACILITY, SOLID:** a facility, not including a waste transfer station or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.

**WHOLESALE:** the sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business.

**WATERBODY:** any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to, wetlands and aquifers.

**WATERCOURSE:** a river, stream, creek, gully, ravine, spring, coulee, valley floor, drainage ditch or any other channel having a bed and sides or banks in which water flows either permanently or intermittently.

**WATERSHED:** the land area from which surface runoff drains into a stream, channel, lake, reservoir, or other body of water; also called a drainage basin.

**WETLAND:** land having the water table at, near, or above the land surface or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytes ("water loving") vegetation, and various kinds of biological activity which are adapted to the wet environment.

**YARD:** the open, unoccupied space on a lot between the property line and the nearest wall of a building. Any part of a site unoccupied and unobstructed by a principal building or structure, unless authorized in this Bylaw.

**YARD, FRONT:** that part of a site which extends across the full width of a site



between the front site line and the nearest main wall of a building or structure.

**YARD, REAR:** that part of a site which extends across the full width of a site between the rear site line and the nearest main wall of a building or structure.

**YARD, REQUIRED:** the minimum yard required by a provision of this Bylaw.

**YARD, SIDE:** the part of a site which extends from a front yard to the rear yard between the side line of a site and the nearest main wall of a building or structure.



### 3.0 ADMINISTRATION AND INTERPRETATION

#### 3.1 DEVELOPMENT OFFICER

- .1 The Administrator of the Rural Municipality of Moose Jaw No. 161 shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Council designates from time to time.
- .2 The Development Officer shall:
  - a) Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, development permit conditions, and development and servicing agreements;
  - b) Maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
  - c) Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
  - d) Collect development fees, according to the fee schedule established by a separate Bylaw;
  - e) Perform other duties as determined by Council.
- .3 The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a development permit application for a "permitted use."

#### 3.2 COUNCIL

- .1 Council shall make all decisions regarding discretionary uses, development and servicing agreements, and Zoning Bylaw amendments.
- .2 Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Municipal Affairs, prior to a decision being made by the Minister.
- .3 Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with the Official Community Plan.

#### 3.3 APPLICATION FOR A DEVELOPMENT PERMIT

- .1 Unless the proposed development or use is exempt from development permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:
  - a) Complete and submit a development permit application, and (refer to permit application form in Appendix A).



b) Receive a development permit for the proposed development.

- .2 A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Official Community Plan.
- .3 Except where a particular development is specifically exempted by Section 3.4 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

### **3.4 DEVELOPMENT NOT REQUIRING A PERMIT**

The following developments shall be exempt from development permit requirements, but shall conform to all other Bylaw requirements (e.g., building permits, setbacks, environmental and development standards):

- .1 Agricultural Zoning districts
  - a) Accessory farm buildings or structures under 100 m<sup>2</sup> (1000 ft<sup>2</sup>) where applied to a principal agricultural use within an appropriate zoning district established by this Bylaw
  - b) Accessory non-farm buildings or structures under 9.3m<sup>2</sup> (100 ft<sup>2</sup>) where applied to a principal permitted use within an appropriate zoning district established by this Bylaw.
  - c) The temporary placement of a trailer during the construction or alteration of a primary structure for a term not to exceed that provided by an active approved building permit issued for the project.
- .2 Country Residential Zoning Districts
  - a) Buildings and structures under 9.3 square metres (100 Square Feet), which are accessory to a principal, residential use except where such dwelling is a discretionary use.
  - b) The erection of any fence, wall, gate, television antennae, or radio antennae.
  - c) Relocation of any residential or accessory building provided development standards are still met on the site.
- .3 Commercial/industrial Zoning Districts
  - a) Buildings and structures under 9.3 square metres (100 Square Feet) that are accessory to a permitted, principal, commercial use, except where such use is discretionary.
  - b) The erection of any fence or gate.
  - c) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.
- .4 Accessory Uses: All accessory uses, unless otherwise specified in this Bylaw.
- .5 Official Uses: Uses and buildings undertaken, erected, or operated by the Rural Municipality of Moose Jaw No. 161.
- .6 Internal Alterations



- a) Residential Buildings
  - b) Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site;
  - c) All other Buildings
  - d) Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.
- .7 Landscaping: Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

### 3.5 CONCEPT PLANS(COMPREHENSIVE DEVELOPMENT PROPOSALS)

- .1 A Concept Plan(Comprehensive Development proposal) shall be completed prior to consideration of an application by Council by any person proposing to rezone, subdivide, or re-subdivide land for multi-parcel country residential, commercial or industrial purposes. The purpose of this review is to identify and address social, environmental, health and economic issues and to encourage the development of high quality residential, commercial, and industrial developments. The scope and required detail of the Concept Plan will be based on the scale and location of the proposed development, and address the following:
- a) Proposed land use(s) for various parts of the area;
  - b) The effect on adjacent land uses and integration of the natural landscape regarding the planning and design of the area;
  - c) The location of, and access to, major transportation routes and utility corridors;
  - d) The provision of services respecting the planning for future infrastructure within the Municipality;
  - e) Sustainable development and environmental management practices regarding surface and groundwater resources, storm water management, flooding and protection of significant natural areas;
  - f) Appropriate information specific to the particular land use (residential, commercial or industrial)
- .2 The Concept Plan(Comprehensive Development proposal) must be prepared in accordance with the overall goals and objectives of the Official Community Plan. Council shall not consider any development application until all required information has been received. The responsibility for undertaking all technical investigations and hosting public meetings as required shall be borne solely by the applicant.

### 3.6 DEVELOPMENT PERMIT PROCEDURE

- .1 Where an application for a development permit is made for a permitted or accessory use in conformity with this Bylaw, *The Planning and Development Act, 2007* and all other municipal Bylaws, the Council shall hereby direct the Development Officer to issue a development permit.



- .2 As soon as an application has been made for a development permit and prior to making a decision, the Development Officer may refer the application to whichever government agencies or interested groups Council may consider appropriate. The Development Officer may also require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- .3 A copy of all approved development permit applications, involving the installation of water and sanitary services, shall be sent to the local District Health Region.
- .4 Upon approval of a permitted or accessory use, the Development Officer shall issue a development permit for the use at the location and under such terms and development standards specified by the Official Community Plan and this Bylaw.
- .5 The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals Board on a permitted or accessory use application and any terms and conditions attached to an application.
- .6 A Development Officer may incorporate specific development standards in a development permit for a permitted use to ensure development and application conformity with the Zoning Bylaw. The development standards shall be based on the provisions of the General Development Standards and other defined requirements of the Zoning Bylaw or Official Community Plan.
- .7 A building permit, where required, shall not be issued unless a development permit has been issued, or is issued concurrently.
- .8 A development permit is valid for a period of twelve months unless otherwise stipulated when the permit is issued.
- .9 Where the Development Officer determines that a development is being carried out in contravention of any condition of the Official Community Plan or any provision of this Bylaw, the Development Officer shall suspend or revoke the development permit and notify the permit holder that the permit is no longer in force.
- .10 Where the Municipality is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the permit and the requirements of this Bylaw the Municipality may reinstate the development permit and notify the permit holder that the permit is valid and in force.

### **3.7 DISCRETIONARY USE APPLICATION PROCEDURE**

- .1 The following procedures shall apply to discretionary use applications:
- a) Applicants must file with the Development Officer the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required application and public hearing fees.



- b) The Development Officer shall examine the application for conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations and shall advise the Council as soon as practical.
  - c) Council may refer the application to whichever government agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be born by the applicant.
  - d) The Development Officer will give notice by regular mail that the application has been filed to the assessed owner of each abutting property and each assessed owner of property within a 1.6 kilometer (1 mile) radius of the area in which the subject site is located and provide notification of an upcoming public hearing and an opportunity for them to provide written comment on the proposal.
  - e) The Development Officer will prepare a report concerning the application which may contain recommendations, including recommendations that conditions of approval be applied in accordance with Section 54 of *The Planning and Development Act, 2007*.
  - f) The Development Officer will set a date for the public hearing at which time the application will be considered by Council and if deemed necessary, provide notice to assessed owners of property indicating so within the information packages provided as part of the notification process.
  - g) Council shall consider the application together with the reports of the Development Officer and any written or verbal submissions received by Council.
  - h) Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site.
  - i) The applicant shall be notified of Council's decision by regular mail addressed to the applicant at the address shown on the application form.
- .2 Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the Zoning District in which they are located.
- .3 The following criteria must be considered in the review of discretionary use applications:
- a) The proposal must be in conformance with all relevant sections of the Official Community Plan and Zoning Bylaw;
  - b) There must be a demand for the proposed use in the general area, and a supply of land currently available in the area capable of accommodating the proposed use;
  - c) The proposal must be capable of being economically serviced including roadways, water and sewer services, and other supportive utilities and community facilities; and
  - d) The proposal must not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
- .4 In approving a discretionary use application, Council may prescribe specific development standards with respect to that use or form of development, provided those standards are necessary to secure the following objectives:
- a) The proposal, including the nature of the proposed site, the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs, must be generally compatible with the height, scale, setbacks and design of buildings in the surrounding





- area, and with land uses in the general area, including safeguards to prevent noise, glare, dust, or odour from affecting nearby properties.
- b) The proposal must provide adequate access and circulation for the vehicle traffic generated, as well as providing an adequate supply of on-site parking and loading spaces.
  - c) The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
- .5 Council may approve a discretionary use application for a limited time period where it is considered important to monitor and re-evaluate the proposal and its conformance with the provisions of this Bylaw.
- .6 Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a development permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.
- .7 Council's approval of a discretionary use application is valid for a period of twelve (12) months from the date of the approval. If the proposed use or proposed form of development has not commenced within that time, the approval shall no longer be valid. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.
- .8 The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal any terms and conditions attached to a discretionary use application to the Development Appeals Board.

### **3.8 REFUSAL OF DEVELOPMENT PERMIT APPLICATION**

- .1 An application for a development permits shall be refused if it does not comply with all Zoning Bylaw requirements.
- .2 The reasons for a development permit refusal shall be stated on the refused development permit application.
- .3 Where an application for a development permits has been refused, the Council (in the case of a proposed discretionary use), of the Development Officer (in all other cases), may refuse to accept another application for the same or a similar development on the same site, until six (6) months from the date of the approving authority's decision. The Development Officer shall not accept another application for the same development until six (6) months have passed from the date of a refusal by either the local Development Appeals Board or the Saskatchewan Municipal Board.
- .4 The applicant shall be notified of the right to appeal a decision to refuse an application of the local Development Appeals Board in accordance with the requirements of *The Planning and Development Act, 2007*.

### **3.9 DEVELOPMENT APPEALS BOARD**



## Right to Appeal

.1 Section 219 of *The Planning and Development Act 2007*, provides the right to appeal the Zoning Bylaw where a Development Officer:

- a) Is alleged to have misapplied the Zoning Bylaw in issuing a development permit;
  - b) Refuses to issue a development permit because it would contravene the Zoning Bylaw; or
  - c) Issues an order, based on inspection, to the owner, operator, or occupant of land, buildings, or premises considered to contravene the Zoning Bylaw.
- .2 Appellants also may appeal where they are of the opinion that development standards prescribed by the Municipality with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw and the Official Community Plan. This right of appeal extends thirty days after the issuance or refusal of a development permit or order.
- .3 Council shall appoint a Development Appeals Board in accordance with Section 213 to 227 inclusive, of *The Planning and Development Act 2007*.

### 3.10 DEVELOPMENT PERMIT APPLICATION FEES

- .1 An applicant seeking the approval of a development permit application shall pay the fee set in the Development Fees Bylaw.
- .2 There shall be no development permit application fee for accessory buildings to a residential use, sign permits, licenses for home occupations or other forms of business licenses.

### 3.11 DISCRETIONARY USE APPLICATION FEES

- .1 An applicant seeking a discretionary use approval shall pay the fee set in the Development Fees Bylaw.
- .2 The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of 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 and each assessed owner of property within a 1.6 kilometer (1 mile) radius of the proposed development.
- .3 The Development Officer shall publish a notice of the application in accordance with the provisions of *The Planning and Development Act, 2007*, whereby the applicant shall pay to the municipality a fee equal to the costs associated with the public advertisement.



### 3.12 FEE FOR ZONING AMENDMENT APPLICATION

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by *The Planning and Development Act, 2007*. Council also may require the applicant to pay all costs incurred in professional review of the application and in carrying out a public hearing.

### 3.13 HOLDING ZONE PROVISIONS

- .1 Where on the Zoning District Map the symbol for a zoning district has suffixed to it the holding symbol "H"; any lands so designated on the map shall be subject to a holding provision in accordance with Section 71 of *The Planning and Development Act, 2007*.
- .2 The purpose of the holding provisions shall be to enable Council to manage development and subdivision proposals in phases.
  - a) The application and management of the holding provision shall be at Council's discretion;
  - b) Council may rezone and manage development and subdivision in phases by designating portions of land with a holding symbol (e.g. "H"), in conjunction with any zone design (i.e. CR1-H).
  - c) The holding provision and symbol shall mean that:
    - i. Development shall be restrictively managed under the holding provision;
    - ii. Existing uses may continue, subject to the Official Community Plan and Zoning bylaw development and subdivision standards.
  - d) The holding designation may only be removed by amendment to the Zoning Bylaw. All bylaws removing the holding designation shall conform to the Official Community Plan and the provisions of *The Planning and Development Act, 2007*.

### 3.14 CONCURRENT PROCESSING OF DEVELOPMENT PERMITS, BUILDING PERMITS AND BUSINESS LICENSES

A Building Permit, where required, shall not be issued unless a Development Permit has been issued, or is issued concurrently. Nothing in this Bylaw shall exempt any person from complying with a building Bylaw, or any other Bylaw in force within The Municipality, or from obtaining any permission required by this, or any other Bylaw of The Municipality, the province or the federal government.

### 3.15 REFERRAL UNDER THE PUBLIC HEALTH ACT

- .1 The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under the *Public Health Act and Regulations*.



- .2 The Development Officer, in conjunction with the District Health Region shall determine the suitability of a parcel proposed for subdivision to accommodate a private sewage treatment system with the subdivision review process. The review process indicates the level of assessment required and upon this determination provides the submittal requirements as well as identifies the qualifications required for the site assessor.
- .3 All submissions required are the responsibility of the developer. The final review of a subdivision will not be completed prior to the receipt and evaluation of all required information by the Development Officer, the District Health Region and any other relevant agency deemed necessary by the Municipality.

### 3.16 MINOR VARIANCES

- .1 The Development Officer may vary the requirements of this Bylaw subject to the following requirements:
  - a) A minor variance may be granted for the following only:
    - i. Minimum required distance of a building from a lot line; and
    - ii. The minimum required distance of a building from any other building on the lot.
  - b) The maximum amount of a minor variance shall be 10% variation from the Requirements of this Bylaw.
  - c) The development must conform to all other requirements of this Bylaw.
  - d) The relaxation of the Bylaw requirement must not injuriously affect a neighbouring property.
  - e) No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act 2007*.
  - f) Minor variances shall be granted only in relation to residential properties.
- .2 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee as set in the Development Fees Bylaw.
- .3 Upon receipt of a minor variance application the Development Officer may:
  - a) Approve the minor variance;
  - b) Approve the minor variance and impose terms and conditions on the approval; or
  - c) Deny the minor variance.
- .4 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.
- .5 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.
- .6 Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.



- .7 The written notice shall contain:
- a) A summary of the application;
  - b) Reasons for and an effective date of the decision;
  - c) Notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
  - d) Where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.
- .8 A decision to approve a minor variance, with or without terms and conditions, does not take effect until 23 days from the date the notice was provided.
- .9 If an assessed owner of a property having an adjoining property with the applicants land objects to the minor variance in writing to the Development Officer within the prescribed 20 day time period, the approval is deemed to be revoked and the Development officer shall notify the applicant in writing:
- a) Of the revocation of the approval; and
  - b) Of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.
- .10 If an application for a minor variance is refused or approved with terms or conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

### 3.17 NON-CONFORMING BUILDINGS, USES AND SITES

- .1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007*.
- .2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with these provisions.
- .3 No existing use, building or structure shall be deemed to be nonconforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
- .4 No existing non-conforming site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the zoning district in which the site is located.

### 3.18 DEVELOPMENT PERMIT – INVALID



A development permit shall be automatically invalid and development shall cease, as the case may be:

- a) If the proposed development is not commenced within the period for which the Permit is valid;
- b) If the proposed development is legally suspended, or discontinued, for a period of six(6) or more months, unless otherwise indicated by Council or the Development Officer, or
- c) When development is undertaken in contravention of this bylaw, the development permit and specified development standards, and/or
- d) When a written appeal notice is received by the Development Appeals Board secretary regarding the development permit.

### **3.19 CANCELLATION**

Council or the Development Officer may cancel a Development Permit, and when cancelled, development shall cease:

- a) Where the Development Officer or Council is satisfied that a development permit was issued based on false or mistaken information,
- b) Where new information is identified pertaining to environmental protection, flood potential, or slope instability, and/or
- c) When a developer requests a development permit modification.

### **3.20 STOP-WORK**

The Development Officer may authorize action to stop any development which does not conform to this Bylaw, a development or servicing agreement, a development permit or condition, or a caveat under this Bylaw.

### **3.21 INTERPRETATION**

- a) Where any provision of this Bylaw appears unclear, Council shall make the final Bylaw interpretation.
- b) All Bylaw requirements shall be based on the stated metric units. The imperial units shown in this Bylaw shall be approximate guidelines only.

### **3.22 OFFENCES AND PENALTIES**

Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in *The Planning and Development Act, 2007*.

### **3.23 INSPECTION OF PREMISES**

The Development Officer, or any official or employee of the Municipality acting under their direction, is hereby authorized to enter, at all reasonable hours, upon any property or premises in



or about which there is reason to believe that provisions of this Bylaw are not being complied with, and for the purpose of carrying out their duties under this Bylaw.

### **3.24 BYLAW COMPLIANCE**

Errors and/or omissions by any person administering or required to comply with the provisions of this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

### **3.25 MOVING OF BUILDINGS**

No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a Development Permit from the Development Officer, unless such building is exempt under Section 3.4 of this Bylaw.

### **3.26 DEMOLITION OF BUILDINGS**

No building shall be demolished without first obtaining a Development Permit from the Development Officer. Such Permit shall not be issued unless a proposal for the interim or long-term use or redevelopment of the site is also submitted, and the proposed use is in conformity with this Bylaw. A separate Development Permit is required for any redevelopment of the site.

### **3.27 TEMPORARY DEVELOPMENT PERMITS**

- .1 The Development Officer may issue a temporary Development Permit, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, or temporary gravel operations or asphalt plants. Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned.
- .2 Except in the Agricultural Resource District, buildings or structures shall not include a mobile home or motor home as temporary uses.

### **3.28 DEVELOPMENT AGREEMENTS**

Council may request a developer to enter into a development agreement to ensure development conformity with the Official Community Plan, and this Bylaw, pursuant to Section 171 to 176 inclusive, of *The Planning and Development Act, 2007*.

### **3.29 SERVICING AGREEMENTS**



- .1 Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to *The Planning and Development Act, 2007*. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.
- .2 In accordance with Sections 172 to 176 inclusive, *The Planning and Development Act, 2007*, the agreement may provide for:
- a) The undertaking and installation of storm sewers, sanitary sewers, drains, water mains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, graveled or paved streets and lanes, connections to existing services, area grading and leveling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing;
  - b) The payment of levies and charges, in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

### **3.30 PERFORMANCE BONDS**

Council may require a developer, including host owners of property where an accessory dwelling is located, to post and maintain a performance bond to ensure developer performance and to protect the public interest.

### **3.31 LIABILITY INSURANCE**

Council may require developers to provide and maintain liability insurance to protect the municipality, developer and public.

### **3.32 CAVEATS**

Council may require that development and servicing agreements and other documents may be caveated on affected lands, to protect municipal and public interests.





## 4.0 GENERAL REGULATIONS

The following regulations shall apply to all Zoning Districts in this Bylaw.

### 4.1 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

- .1 In their interpretation and application, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare.
- .2 Nothing in this Bylaw shall exempt any person from complying with the requirements of a building regulation Bylaw or any other Bylaw in force within the Rural Municipality of Moose Jaw No.161, or law within the Province of Saskatchewan or Canada; or from obtaining any license, permission, permit, authority, or approval required by this or any other Bylaw of the Rural Municipality of Moose Jaw No. 161 or any law of the Province of Saskatchewan or Canada.
- .3 Where requirements in this Bylaw conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

### 4.2 PRINCIPAL USE ESTABLISHED

In any Zoning District in this Bylaw, the principal use of the land must be established prior to any accessory buildings, structures, or uses being permitted.

- .1 Only one principal development or use per site shall be permitted on any one site except for the following: farmyards, parks, schools, hospitals, recreation facilities, and approved dwelling groups.
- .2 Temporary Uses may be permitted on a site where a principal development already exists, at Council's discretion.
- .3 Council may, at its discretion, issue a development permit for additional principal developments, uses or businesses in Commercial and Industrial Zones.
- .4 Notwithstanding anything contained in this Bylaw, where any land, building, or structure is used for more than one purpose, all provisions of this Bylaw relating to each use shall be complied with, but no dwelling shall be located within 3.0 meters (about 10 feet) of any other building on the site except to a building accessory to such dwelling.
- .5 Only one(1) principal building shall be permitted on any one site except for the following uses may have more than one principal building to accommodate the use:
  - a) public utility uses,
  - b) a private institution,
  - c) an industrial use, a multi-unit residential use,
  - d) recreational uses,
  - e) an agricultural use,



- f) commercial or industrial uses
- g) uses allowed in a Contract Zoning agreement.
- h) uses allowed in a Planned Unit Development District

### **4.3 MULTIPLE USES**

Notwithstanding anything contained in this Bylaw, where any land, building, or structure is used for more than one purpose, all provisions of this Bylaw relating to each use shall be complied with, but no dwelling shall be located within 3.0 meters (about 10 feet) of any other building on the site except to a building accessory to such dwelling.

### **4.4 ACCESSORY BUILDINGS, USES AND STRUCTURES**

- .1 Subject to all other requirements of this Bylaw, an accessory building, use or structure is permitted in any district when accessory to an established principal use which is permitted or discretionary use in that same district, and for which a development permit has been issued.
- .2 No accessory building may be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory.
- .3 Where a building on a site is attached to a principal building by a solid roof or by structural rafters, and where the solid roof or rafters extend at least one third of the length of the building wall that is common with the principal building, the building is deemed to be part of the principal building.
- .4 Unless otherwise specified in this Bylaw, a residential use shall not be defined as an accessory use. Accessory structures shall not be used as a dwelling unless approved as an additional agricultural dwelling.

### **4.5 USES PERMITTED IN ALL ZONING DISTRICTS**

- .1 Nothing in this Bylaw shall prevent the use of any land as a public street or public park.
- .2 Nothing in this Bylaw shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.
- .3 Nothing in this Bylaw shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities, essential to the operation of public works provided that such use, building, or structure shall be in substantial compliance with the relevant provisions of this Bylaw and shall not adversely affect the character or amenity of the area in which the same is located.



#### **4.6 RESTORATION TO A SAFE CONDITION**

Nothing in this Bylaw shall prevent the structural improvement or restoration to a safe condition of any building or structure, provided that such structural improvement or restoration shall not increase the height, area or volume so as to contravene the provisions of this Bylaw.

#### **4.7 GRADING AND LEVELING OF SITES**

- .1 Every development shall be graded and leveled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property, or the stability of the land.
- .2 All excavations or filling shall be re-vegetated immediately after other construction activities conclude, with a suitable ground cover as may be necessary to prevent erosion.
  - a) All vegetation and debris in an area to be re-graded or filled must be removed from the site prior to site grading and leveling.
  - b) All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the re-graded area, or re-located to a site approved by the Municipality.
- .3 Every development shall be graded and levelled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property, or the stability of the land.
- .4 Where excavation or filling is proposed for any development in a flood hazard sub-district, the Municipality may request comments of the Saskatchewan Watershed Authority prior to making a decision on the development permit application.

#### **4.8 RESTRICTIONS ON CHANGES**

- .1 The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected, and no land shall be severed from any site, if such change, erection or severance creates a situation that contravenes any of the provisions of this Bylaw applicable to each individual remaining building, accessory building, site, or lot.
- .2 Notwithstanding the provisions of clause (.1) of this subsection, no person shall be deemed to have contravened any provision of this Bylaw if only part or parts of any site or lot has, or have, been conveyed to, or acquired by, the Municipality or the Province of Saskatchewan for a public work.

#### **4.9 SIGNAGE ON NATURAL AND HUMAN HERITAGE SITES**

Small plaques, markers, and interpretation signs will be encouraged on properties that have significant natural or human heritage resources, with the approval of the owner, and where the



signage is appropriate in scale, design, and placement with the site and surrounding area, and does not cause safety concerns or negatively impact the heritage value of the site.

#### 4.10 HERITAGE AND SENSITIVE AND CRITICAL WILDLIFE HABITAT

Where development is proposed in an area identified as containing critical wildlife habitat or heritage sensitive areas, (See Heritage Resource Overlay District (HR), the Development Officer may require the applicant provide additional information as required by *The Wildlife Habitat Protection Act* (WHPA) and *The Heritage Property Act* or any other relevant provincial regulations. See Overlay Heritage Resource Overlay District (HR).

#### 4.11 FENCE AND HEDGE HEIGHTS

- .1 Notwithstanding the other provisions in this section, barbed wire fences shall be exempt from the required yard setbacks of the Agricultural Resource zone.
- .2 No fence or screening device shall exceed 1.2 meters (4 feet) in height if placed within a required front yard.
- .3 No fence or screening device shall exceed 2.4 meters (8 feet) in height within a required side or rear yard. No fence in a Commercial or Industrial zone shall exceed 2.4 meters.
- .4 On corner lots, that portion of a lot contiguous to a public road allowance shall be considered as a front yard area for the purpose of applying the regulations herein.
- .5 Screening devices shall not locate within a sight triangle as defined in this Bylaw.
- .6 Notwithstanding the other provisions in this section, barbed wire fences shall be exempt from the required yard setbacks of the agricultural resource zone.
- .7 Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fences and hedges in all Country Residential Districts.
  - d) No hedge, fence or other structure shall be erected past any property line.
  - e) In a required front yard, to a height of more than 1.0 meter above grade level.
  - f) In a required rear yard, to a height of more than 2.0 meters above grade level.
  - g) Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2 meters.
  - h) No barbed wire or razor wire fences shall be allowed.
- .8 Screen fences shall be consistent and complement the quality of building design and materials of the primary building.

#### 4.12 LANDSCAPE BUFFERS



- .1 Landscape buffers are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage. Landscape buffers, where required to separate uses from adjacent properties may require a minimum 1.0 meter (3 feet) vegetative landscape buffer, unless a fence is required for other reasons.
- .2 The Development Officer may require or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials or other similar uses.
- .3 Residential Acreages shall be required to establish a shelterbelt, or vegetative landscape buffer around the residential use to reduce land use conflicts and to recognize the need for a windbreak.
- .4 All trees/shrubs and tree/shrub planting required pursuant to this section shall be drought resistant and hardy to the region.
- .5 The Development Officer may require that site landscaping be provided in conjunction with, and addressed as part of any development permit approval in any zoning district.

#### **4.13 HEIGHT OF BUILDINGS**

Where a maximum height of buildings is specified in any Zoning District, the maximum height shall be measured from average grade level to the highest point on the building exclusive of any chimney or antenna.

#### **4.14 BUILDING AND SITE MAINTENANCE**

- .1 All sites at all times shall be maintained clean and free from waste and debris.
- .2 For any non-residential use, Council may establish landscaping requirements for any permitted or discretionary use or development permit to achieve:
  - a) Maximum public safety
  - b) Zero nuisance
  - c) Environmental quality
- .3 Council may establish specific landscaping requirements to include berms, natural vegetation, planted vegetation, landscaping, trees, shrubs, fences, private signs and similar amenities.
- .4 Council may require all sites along Highway No. 1 and associated service roads, which are developed for non-agricultural purposes, to be landscaped in the front yard. These requirements are provided in the individual zoning districts.
- .5 The outdoor storage or collection of goods and materials is prohibited in a front yard in any Country Residential District. Outdoor storage is permitted in a side or rear



yard in a Country Residential District only when the goods or material being stored are clearly accessory and incidental to the principal use of the property.

- .6 The Development Officer may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, motor, building materials, waste materials and other similar uses, or where other landscaping and screening requirements would be appropriate as determined by the Development Officer. The use of landscaping may be required adjacent to exterior storage areas within industrial developments to provide a natural screening of activities that are visible from public roads.

#### 4.15 PROHIBITED AND NOXIOUS USES

- .1 The keeping of livestock shall not be allowed except for permitted agricultural uses.
- .2 Any use is prohibited which, by its nature or the materials used therein, is declared by *The Public Health Act and Regulations* to be a noxious trade, business, or manufacture.
- .3 Notwithstanding any use contained within a building, no land shall be used and no building or structure shall be erected, altered or used for any purpose that is noxious and, without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offence, or both:
  - a) By the creation of noise or vibration,
  - b) By the emission of light and glare;
  - c) By reason of the emission of gas, fumes, smoke, dust or objectionable odour, or
  - d) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material,
  - e) By any combination of things in this subsection.

#### 4.16 KEEPING OF DOMESTIC ANIMALS

The keeping of domestic animals is permitted in all districts, subject to relevant Bylaws and legislation governing noise and public health; however, breeding kennels and boarding kennels are discretionary uses within select zoning districts. Domestic Fancy Rat Operations are prohibited in all Zoning districts.

#### 4.17 PUBLIC UTILITIES AND MUNICIPAL SERVICES

- .1 Public utilities except solid waste disposal, liquid waste disposal and clean fill sites, unless otherwise specified by this Bylaw, shall be exempt from the provisions of every zoning district.



.2 Protective, emergency, municipal services and other public works and facilities may be established in all zoning districts.

#### **4.18 CLOSINGS**

In the event a dedicated street or lane shown on the Zoning District Map forming part of this Bylaw is closed, the property formerly in such street or lane shall be included within the zoning district of the adjoining property on either side of such closed street or lane. If a closed street or lane is the boundary between two or more different zoning districts, the new district boundaries shall be the former centre line of the closed street or lane.

#### **4.19 ROADWAYS**

- .1 Council may establish regulations or other policies, apart from the zoning Bylaw, to establish standards for road construction. Road standards may be established to provide service to specific forms of development.
- .2 Council may require applicants and developers to pay for any or all costs associated with road construction and short-term maintenance where the cost is directly associated with the development or subdivision.
- .3 Development adjacent to a provincial highway shall meet all requirements of the Saskatchewan Ministry of Highways and Infrastructure.
- .4 Notwithstanding any regulations passed by the Province of Saskatchewan which apply to highways, this Bylaw may establish a higher standard than those required by the Province for developments adjacent to highways and intersections.
- .5 When any development is approved on land adjacent to an unconstructed road allowance and access is required from the said road allowance, the owner/applicant shall be responsible for all costs related to the construction of the road to the standards set out by the Development Officer.

#### **4.20 FRONTAGE, SET-BACK AND ACCESS**

- .1 A development permit shall not be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts, or has frontage on a graded all-weather registered road, or unless satisfactory arrangements have been made with the Council for the improvement or building of a road.
- .2 The requirement of a service road or internal subdivision roadway to provide access may be imposed as a condition of approval for any new development other than those deemed approved.
- .3 All site access from roads shall be to the satisfaction of Council with respect to location, design, and construction standards. Council shall take into account the physical capability and safety of the roads that are proposed to serve the development.



.4 Notwithstanding the setback provisions contained in the Zoning District Schedules, Council may reduce the 46 metre setback for buildings and structures on Municipal Roadways where physical circumstances make it unrealistic to maintain the 46 metre setback.

#### 4.21 APPROACHES

- .1 All approaches to public roads require the approval of the Municipality. All approaches shall be constructed in accordance with the engineering standards of the Municipality.
- .2 The Development Officer shall decide upon all approach applications and, based on location, drainage, traffic flow, sight lines, road standards, and safety considerations, may approve or refuse an application for an approach.
- .3 Where an approach for a commercial, industrial, or residential lot within a multi-parcel Country Residential subdivision accesses onto a paved road or highway, the approach shall be paved from the edge of the road surface to 5 meters into the lot.

#### 4.22 RAILWAY CROSSINGS AND SIGHT DISTANCES

Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 meters (about 150 feet) of the point of intersection of the centre line of both the railway and the street.

#### 4.23 SIGHT TRIANGLE

- .1 In all zones no building, structure, earth pile, vegetation, etc. shall obstruct the vision of drivers within the sight line triangles shown in the following table.
- .2 The sight line triangle area shall be calculated by connecting straight lines, which are measured from the intersection of centerlines of the various types of roads and railways, to points established along these centerlines, as indicated in the following:

**Figure 1: Sight Triangle Distances**

Type of Road or Railway	Distance Along Centreline
Provincial Highways	230 meters (755 feet)
Municipal Grid Roads	80 meters (262 feet)





Railway Lines	80 meters (262 feet)
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#### 4.24 DEVELOPMENT ALONG PIPELINES AND GAS TRANSMISSION LINES

- .1 Any development involving pipeline and /or power line transmission rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial Regulations or Acts and any regulations or directives established by crown corporations. Refer to “Land Use Planning for Pipelines publication by Canadian Standards Association (CSA) PLUS663”, which may be amended from time to time.
- .2 Set backs from pipelines shall be **12.0 meters** except for where provision has been made in the previous bylaw or in consultation with the operator of the pipeline, a lesser separation may be allowed.
- .3 The National Energy Board has designated a review area of **30.0 meters** on either side of a pipeline in which, subject to exceptions for such things as normal agricultural activities, anyone proposing to conduct a ground disturbance/excavation must:
  - a) Ascertain whether a pipeline exists;
  - b) Notify the pipeline company of the nature and schedule of the excavation; and
  - c) Conduct the excavation in accordance with such regulations.
- .4 The following Figures provide the setbacks required by the Canadian Standards Association. Source: Land Use Planning for Pipelines publication by Canadian Standards Association (CSA) PLUS663

**Figure 2: Land Use Areas**

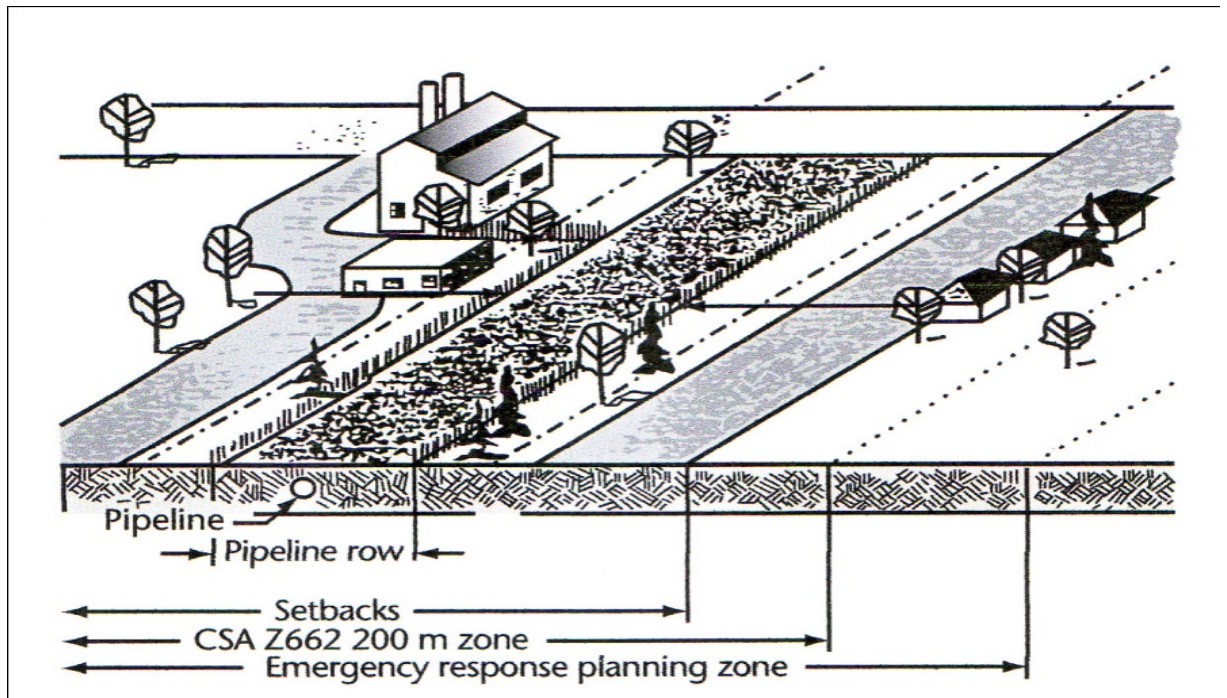
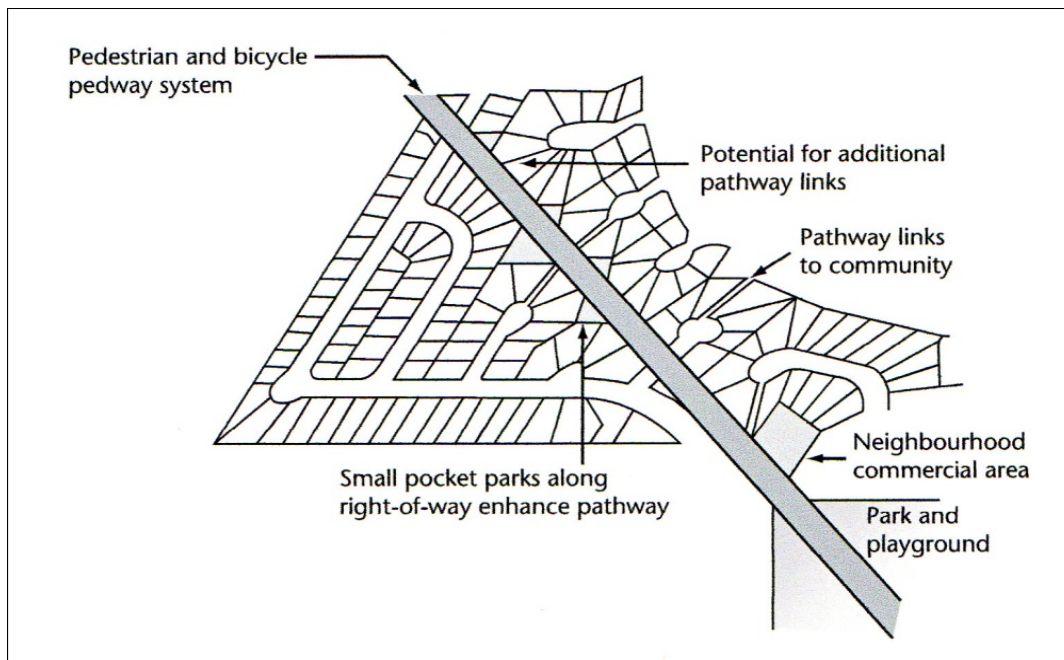


Figure 3: Land Uses



#### 4.25 COMMUNICATION TOWERS

- .1 The erection of Cellular telephone transmission towers shall not be permitted in, or closer than 100 meters to any Country Residential District.



.2 Satellite dishes may be erected in Commercial or Industrial Districts for communications purposes or re-broadcasting of television signals.

4.26 DISPOSAL OF WASTES

- .1 Subject to all Acts and Regulations pertaining in any way to the storage, handling, and disposal of any waste material or used item, and except as permitted by these Acts and Regulations, no liquid, solid, or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto or beneath the surface of any land, or into the air.
.2 No development or use of land which requires solid or liquid waste disposal facilities shall be permitted unless those facilities are approved by Saskatchewan Health and the Saskatchewan Watershed Authority. Disposal of liquid, solid, or gaseous waste shall be governed by Acts administered by the Ministries of Saskatchewan Agriculture, Saskatchewan Environment, Saskatchewan Health and the Saskatchewan Watershed Authority.

4.27 DEVELOPMENT ALONG RIVERBANKS AND HAZARD LANDS

- .1 Development or subdivision proposed on or within 50 meters (160 ft) of the crest of a slope greater than 15% shall require supporting evidence of slope stability by a professional engineer.
.2 The Development Officer may impose special conditions, such as but not limited to, engineered footings, drainage and /or septic systems in an effort to protect against erosion and/or stability of the bank.
.3 Trees or vegetation shall not be cleared from any land within 20 meters (66 ft) of any watercourse, water body, escarpment, or of the crest of a slope greater than 15%, where the removal could have a negative impact on the water body or bank stability.
.4 Unless a report by a registered professional engineer proves that it is safe to waive the building setbacks the following setbacks shall apply for all developments along a coulee, ravine or valley with or without a permanent watercourse. The top of bank shall be that line where the gradient of the slope measured from the upland leading down to the water body or watercourse first exceeds 20 percent.
.5 Where a parcel of land borders on or contains a water body, the setback from the bank of the water body shall be determined by the Municipality but shall not be less than 30 meters (98.4 ft) from a water body of 8 hectares (20 acres) or more.

Figure 4: Minimum Building Setback from the Top of a Bank:

Table with 2 columns: Vertical Depth of Coulee, Ravine or Valley; Minimum Building or Structure Setback from the Top of the Bank



Less than 3 meters (about 10 ft)	10 meters (about 32 ft)
Greater than 3 meters (about 10 ft) and less than 15 meters (about 50 ft)	10 meters (about 32 ft)
Greater than 15 meters (about 50 ft) and less than 30 meters (about 100 ft)	15 meters (about 50 ft)
Greater than 30 meters (about 100 ft)	20 meters (about 66 ft)

**4.28 USES OR OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

- .1 No person shall allow a motor vehicle, a motor vehicle which has all or part of its super structure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain or be parked on any lot located within a Country Residential district or mobile home park or on land used primarily for residential purposes.
- .2 No development or use of land which requires the disposal of solid waste, liquid waste, gaseous waste or clean fill shall be permitted unless it has received all required federal and provincial approvals.
- .3 The storage of chemicals, fertilizers and combustible materials are subject to the requirements of both the federal and provincial governments. All necessary requirements and permits must be met and obtained prior to issuance of a development permit.
- .4 A development permit for residential, commercial, recreational or industrial buildings shall not be permitted except in accordance with the recommended separation distances of the "Regulations Respecting Anhydrous Ammonia-Saskatchewan Regulations 361/77" which may be amended from time to time. Residences and buildings which are an integral part of the fertilizer operation are not subject to the foregoing buffer requirement.

**4.29 VEHICLE STORAGE**

- .1 Notwithstanding anything contained in this Bylaw, no person shall use any site in any district for the parking or storage of any vehicle that is not in running order, except that not more than four such vehicles may be stored on any site in an Country residential district and not more than twelve such vehicles shall be stored on any site in an Agricultural, Commercial or Industrial district, except in the case of permitted vehicle storage establishments or auto wreckers.



.2 Where any outside storage of vehicles is proposed, the site shall be kept in a tidy and neat manner. The Municipality may require that the outside storage of vehicles be screened from roadways or neighbouring properties by landscape features or fences or a combination thereof. The screening, where required, shall also include any individual parts of a vehicle and any equipment or machinery involved with the storage of such vehicles.

#### **4.30 TRAILERS, BOX CARS, SEA AND RAIL CONTAINERS**

No person shall park or store on any part of a site, any unlicensed rail or sea container, truck, bus or coach body for the purpose of advertising or warehousing within any hamlet or country residential district.

#### **4.31 LIGHTING**

- .1 All outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties; interfere with the use and enjoyment of neighbouring lands; or interfere with the effectiveness of any traffic control devices or the vision/safety of motorists.
- .2 Appropriate lighting of commercial and industrial development shall be undertaken to provide security and to add visual interest. Lighting standards and fixtures shall be of consistent design and complimentary to the overall architecture.
- .3 Public access areas shall be lit in keeping with the principles of crime prevention through environmental design and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and roads of parking and walkways.

#### **4.32 SIGNAGE**

- .1 A development permit is required for the erection, display, alteration, relocation or replacement of any temporary or permanent sign unless exempted as follows:
  - a) Regular maintenance including painting and repairs due to deterioration;
  - b) Municipal and provincial agency signage;
  - c) Traffic Control signage;
  - d) Incidental signs containing traffic and pedestrian controls;
  - e) Signage intended to regulate hunting or trespassing on private property;
  - f) Agriculturally related signage including herbicide, insecticide or seed advertising promotional signage;
  - g) Real estate signage;
  - h) Residential name plates;
  - i) Works of art containing no advertising.



.2 The following general regulations shall pertain to temporary and permanent signage in all zoning districts unless otherwise stated:

- a) All signs situated along a provincial highway shall comply with provincial highway regulations as amended from time to time.
  - b) A sign which is made from part of or is attached to, a fence is prohibited.
  - c) Signs shall be constructed in a permanent manner, of materials suitable for the purpose and life of the sign and shall be maintained and mounted in a condition that is safe, neat, clean and not unsightly or dangerous.
  - d) Signs which are deemed to be in disrepair shall be properly maintained or removed at the discretion of the Municipality.
  - e) A Development Officer may require that a sign be enhanced with landscaping or architectural features to improve aesthetics.
  - f) Offensive statements, words or pictures that do not conform to the amenities of the neighbourhood shall be prohibited.
  - g) Signs or sign structures shall not be located where they may interfere with, distract from, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
  - h) Signs shall not be located in such a manner as to impede the view of any pedestrian or vehicular right of way, or railway crossing.
  - i) No intermittent flashing signs, neon or LED lighting shall be permitted in any Zoning District and all illuminated signs shall be designed to cast light downwards and located appropriately to prevent the creation of a hazardous situation related to pedestrian and vehicular traffic.
  - j) Signs identifying multi-parcel country residential developments may be permitted.
  - k) Incidental signage shall not exceed 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>) of gross surface area and shall not contain any advertising.
  - l) No permanent sign shall be placed on or over public property unless specifically permitted within this Bylaw.
  - m) Where a sign will be located adjacent to a provincial highway, *The Highways and Transportation Act* will govern placement requirements.
- .3 Temporary Signage maybe placed in public right of ways for the purpose of advertising special events and will be limited to the following:
- a) The lesser of 12 hours prior to the start of the special event and 12 hours after conclusion or for a continuous period of 72 hours for a private sale;
  - b) The lesser of 24 hours prior to the start of the special event and 24 after conclusion or for a continuous period of 96 hours for a non-profit organization;
  - c) Signage will maintain a separation distance of 10 meters from another temporary or permanent sign, 3 meters from a site access point and 10 meters from an intersection;
  - d) Signage shall not exceed 1 m<sup>2</sup> (3.28 ft<sup>2</sup> ) in gross surface area and 1.2 meters in height;
  - e) Election signage is permitted as temporary signage and is permitted only if it is erected no earlier than 30 days prior to the date of the election, by-election, referendum or plebiscite and removed 24 hours following the close of voting stations.

#### 4.33 ZONING DISTRICT SIGN REGULATIONS



The specific zoning district sign regulations shall apply in addition to, and take precedence over the following general sign regulations:

<p><b>Agricultural Resource District</b></p> <p><b>Country Residential Districts</b></p>	<p>Free standing signs shall not exceed a gross surface area of 11m<sup>2</sup> (118.4 ft<sup>2</sup>) and a height of 8 meters</p> <p>One attached sign shall be permitted not exceeding 5.6 m<sup>2</sup> (60.27ft<sup>2</sup>) in gross surface area.</p> <p>Where a building maintains direct exposure to more than one public right of way, a second attached sign shall be allowable following the previous regulations.</p> <p><b>Institutional / Recreational Uses</b></p> <p>Free standing signs shall not exceed a gross surface area of 5 m<sup>2</sup> (53.82 ft<sup>2</sup>) and a height of 2.5 meters.</p> <p>One attached sign shall be permitted not exceeding 5.6 m<sup>2</sup> (60.27 ft<sup>2</sup>) in gross surface area.</p> <p>Signage shall maintain a separation distance of 12 meters for every square meter of area of the larger of the two signs.</p> <p><b>Small Scale Commercial and Home Businesses</b><sup>1</sup> per building frontage to a maximum gross surface area of 1 m<sup>2</sup> (10.76 ft<sup>2</sup>) for an approved commercial use.</p> <p>Maximum 2.5 meters in height. Illumination limited to 75 watts and shall not include electronic message boards.</p>
<p><b>Highway Commercial/ Industrial District (C1)</b></p> <p><b>River Valley District1 (RVD1)</b></p>	<p>Free standing signs shall not exceed a gross surface area of 14m<sup>2</sup> (150.7 ft<sup>2</sup>) and a height of 17 meters.</p> <p>The cumulative area of attached signage permitted shall be calculated as 0.8 m<sup>2</sup> per lineal meter of building frontage not exceeding 20 % of the total surface area of the wall in which it is attached and individual signs shall exceed 5.6 m<sup>2</sup> (60.27 ft<sup>2</sup>).</p> <p>Signage shall maintain a separation distance of 12 meters for every square meter of gross surface area of the larger of the two signs.</p>

#### 4.34 LOADING REQUIREMENTS

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 without restricting access to all parts of the site shall be provided on the site.



**4.35 PARKING**

- .1 All required parking and loading facilities are intended for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the principal building or use for which the parking and loading facilities are provided. Parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.
- .2 Required parking and loading facilities shall provide for and include an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, unloading and loading of motor vehicles all in relation to buildings and entry points to buildings on the site.

<b>Parking Schedule for the type of nature of use, building or structure and minimum required parking spaces:</b>
<p><b>Institutional Uses</b></p> <p>One (1) parking space for every 9m<sup>2</sup> (97 ft<sup>2</sup>) of gross floor area devoted to public use, or one parking space for each six (6) seats provided for patrons and 1 space per staff member.</p>
<p><b>Commercial Use</b></p> <p>One (1) parking space for every 18m<sup>2</sup> (194 ft<sup>2</sup>) of gross floor area; minimum five spaces.</p>
<p><b>Industrial Use</b></p> <p>One and one-half (1 1/2) parking spaces for every 90m<sup>2</sup> (969 ft<sup>2</sup>) of gross floor area, but there shall not be less than one (1) parking space for every three (3) employees.</p>
<p><b>Recreational Use</b></p> <p>One (1) parking space for every 18m<sup>2</sup> (194 ft<sup>2</sup>) of gross floor area; minimum five spaces. Where the use does not include measurable floor space within an acceptable principal building, parking requirements shall be determined by Council on a case to case basis based upon projected peak use and typical use parking requirements.</p>

- .3 The parking facility shall be located on the same site as the use for which it is intended. It shall be developed such that:
  - a) It is reasonably accessible to the use and vehicles it is intended to serve;
  - b) It meets the satisfaction of the Municipality regarding design;
  - c) It is appropriately landscaped to the satisfaction of the Municipality.





- d) All parking facilities shall be maintained to the satisfaction of the Municipality by the owner of the property.
  - e) Each parking space within a parking facility shall be a minimum of 2.5 meters wide and 6 meters long except that parallel parking spaces shall be a minimum of 6.5 meters long.
  - f) Where two or more uses are permitted on any one site or where two or more uses are to share common parking facilities, the off-street parking requirements for each use shall be calculated as if each is a separate use and the total number of off-street parking spaces so calculated shall be provided, excepting the provisions specifically referred to in the previous subsection.
  - g) One (1) barrier free parking space shall be provided for any required parking facility accommodating between 4 and 100 parking spaces.
- .4 Any parking facility shall be developed to the satisfaction of the Municipality within one year of the completion of the development for which the development permit was issued.
- .5 When a building is enlarged or altered in such a manner as to cause an intensification or change of use, provisions shall be made for additional parking spaces as required by the previous subsection.



## 5.0 DISCRETIONARY USE STANDARDS FOR DEVELOPMENT

This Section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the District.

### 5.1 HOME BASED BUSINESSES AND OCCUPATIONS

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Home Based Business or Occupation:

- The use shall be clearly incidental and secondary to the use of the dwelling unit as a private residence.
- The use shall be conducted entirely within the dwelling unit or an accessory building to the dwelling unit.
- There shall be no external advertising other than a sign of not more than 1.0 m<sup>2</sup> (10.75 ft<sup>2</sup>) erected in accordance with the Sign Regulations contained herein.
- In Country Residential Districts, there shall be no external storage of goods, materials or equipment associated with the applied use.
- The use shall not create or become a public nuisance.
- No use shall cause an increase in the demand placed on one or more utilities (water, sewer, electricity, telephone, garbage, etc.) such that the combined total consumption for a dwelling and its home based business substantially exceeds the average for residences in the area.
- The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.
- No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home based business is located.
- The use shall be valid only for the period of time the property is occupied by the applicant for such use.
- All permits issued for home based businesses or occupations shall be subject to the condition that the development permit may be revoked at any time, if in the opinion of Council, the operation has not met the regulations and standards applicable to home based businesses or occupations contained in the Bylaw, or the special standards applied by Council at the time of approval.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.

### 5.2 GARDEN SUITES

A single Garden Suite may be placed in the back yard of a single-detached residential development under the following conditions:

- There is no secondary suite in the primary residence.
- The Garden Suite dwelling unit is a temporary use and shall be permitted for a five-year term, which may be renewed at Council's discretion. The landowner shall enter into an agreement that the land shall not be considered for subdivision.



- The owner(s) of the host residence live on the site, and:
  - At least one resident of the primary dwelling and one resident of the Garden Suite shall be related by blood, marriage, or legal adoption.
- Except for infant children (up to two years of age) of a resident of the Garden Suite dwelling, there shall be no more than two residents.
- The occupant(s) of the Garden Suite should be able to benefit from the informal care and support of relatives in the primary residence, or provide care and support to family in the primary residence.
- The floor area of the Garden Suite dwelling shall not be less than 35 m<sup>2</sup> (375 ft<sup>2</sup>) and not greater than 90 m<sup>2</sup> (1000 ft<sup>2</sup>). The Garden Suite may be a single width mobile home.
- The Garden Suite shall not be located on a permanent foundation to allow the structure to be removed from the property when it is no longer required by a relative of the permanent resident.
- The maximum height of the Garden Suite shall not exceed 5 meters (16.4 feet) from grade level and shall have only one story.
- Garden Suite dwellings shall only be located on sites where the dwelling can be serviced by existing utilities and can be hooked up to the services of the host residence.
- Residents of the Garden Suite must have access to the rear yard amenities.
- The combined site coverage of the single detached dwelling and Garden Suite dwelling shall not exceed the maximum coverage permitted by this zoning bylaw, and the accessory dwelling shall be placed so that all other setback requirements of this zoning bylaw are met;
- A parking space shall be provided on site for the resident(s) of the Garden Suite dwelling.
- There shall be direct and separate access to the Garden Suite dwelling by on-site driveway, or by public roadway or alley.

### 5.3 RESIDENTIAL CARE HOMES

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Residential Care Home:

- The use shall be clearly incidental and secondary to the use of the dwelling unit as a private residence.
- Required parking spaces may be located in a required front yard.
- No building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers.
- The use shall be conducted entirely within the dwelling unit and shall not have any exterior evidence of a secondary use.
- There shall be no outside storage or exterior display of goods, materials or equipment associated with the applied use.
- The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.

### 5.4 SALVAGE YARDS (AUTO WRECKERS)



In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Salvage Yard/Auto wrecker or similar operation.

- This includes salvage yards, auto wreckers, auto repair shop, body shops and similar uses, all salvage vehicles and materials, vehicles waiting repair, salvage or removal and similar uses.
- No vehicles or parts thereof shall be located in the front yard,
- All salvage yards shall be totally hidden from the view of the travelling public, provincial highways ,any public road and adjacent residential development by utilizing any of the following measures:
  - a) distance and careful location,
  - b) natural or planted vegetation,
  - c) an earth berm,
  - d) an opaque fence,
  - e) a building,
  - f) other appropriate methods approved by Council.

### 5.5 AUTOMOTIVE SERVICE USES AND GAS PUMPS

Automotive service development and gas pumps and associated buildings, structure and vehicular movement shall conform to the following standards:

- Gas pumps and islands shall be set back 6 meters (20 ft) from any site line
- Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- Propane and natural gas pumps (retail or wholesale) shall be set back according to Provincial regulations
- Access/egress points shall not be continuous along a street and shall be at least 10 meters(32 feet) apart
- Off-site traffic circulation shall be accommodated on the site
- Vehicles and parts storage shall not locate in any yard abutting a road and must be screened from view by a solid fence with the location, height and materials being first approved by the development officer.

### 5.6 CAMPGROUNDS

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Campground:

- 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 dimensions. The addition or rearrangement of



campsites, the construction or moving of buildings, and the material change in use of portions 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.

- A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 m (15 ft) which shall contain no buildings.
- The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 m<sup>2</sup> (1600 ft<sup>2</sup>) in area with its corners clearly marked.
- One sign located on site, advertising the campground is permitted subject to the Sign Regulations contained herein.
- No portion of any campsite shall be located within a roadway or required buffer area.
- Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- Each trailer coach shall be located at least 3 m (10 ft) from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- The space provided for roadways within a campground shall be at least 7.5 m (25 ft) in width. No portion of any campsite, other use or structure shall be located in any roadway.
- A campground may include as accessory uses, a Laundromat or confectionary designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- The Public Health Act shall be complied with in respect to all operations and development of the campground.

## 5.7 BED & BREAKFAST HOMES

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Bed & Breakfast:

- Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence developed as a farmstead site or country residence.
- No more than three (3) guest rooms shall be allowed in a bed and breakfast home.
- Only one sign, not exceeding 1.0 m<sup>2</sup> (10.76 ft<sup>2</sup>) advertising the vacation farm or bed and breakfast home and located on site, is permitted.
- The only meal to be provided to registered guests shall be breakfast. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. All facilities shall meet public health regulations and be kept in a manner satisfactory to the District Health Region.
- The operation of the bed and breakfast home shall be subordinate and incidental to the principal use of a single detached dwelling as an owner occupied residence. No one other than the occupant and his/her immediate family members may be involved or employed in the operation of the bed and breakfast home.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.

## 5.8 ANIMAL KENNELS



In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for an Animal Kennel:

- The maximum number of animals not normally attributed to the host site to be kept on-site shall be at the discretion of Council.
- No building or exterior exercise area(s), to be used to accommodate the animals shall be allowed within 300m (1000 ft.) of any dwelling located on adjacent lots.
- All facilities, including buildings and exterior exercise areas, shall be sited behind the principal building unless otherwise approved by Council.
- Pens, rooms, exercise runs and holding stalls may be soundproofed to the satisfaction of Council.
- All dog facilities shall be visually screened from existing dwellings on adjoining lots.
- No animals shall be allowed outdoors between the hours of 9:00 p.m. to 7:00 a.m. daily. During this time period, all animals shall be kept indoors.
- A boarding use shall at no time unduly interfere with the character of the neighbourhood or the general enjoyment of adjoining sites.
- Details of animal wastes/sewage disposal shall be included in the application.
- There shall be no external advertising other than a sign of not more than 1.0 m<sup>2</sup> (10.75 ft<sup>2</sup>) erected in accordance with the Sign Regulations contained herein.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- Animal kennels shall be subject to relevant Bylaws and legislation governing noise and public health.
- All permits issued shall be valid for a two year period from the date of issuance and shall be subject to cancellation by the Municipality for due cause.
- Failure to comply with any of the above regulations or the conditions of a development permit may result in the revoking of the permit by the Municipality.

## **5.9 HARVEST PRESERVES (GAME FARMS)**

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Harvest Preserve

- Shall be ancillary to an agricultural farm operation or rural residence.
- Shall be located a minimum of 1.6km (1 mile) from any other residential site.
- Harvest preserves shall comply with Section 5.10 and with all federal and provincial legislation and regulations.
- Council may apply special standards as a condition of discretionary approval limiting the size of operation, buildings used for the operation, and any other measures deemed necessary.

## **5.10 AGRICULTURAL TOURISM USES**



Agricultural tourism uses shall be accessory to an agricultural farm operation or other dwelling allowed in the Agricultural Resource Zone.

- Agricultural tourism uses shall display a high visual quality and shall be integrated into the rural environment by virtue of appropriate design, location and landscaping. Agricultural tourism uses may only be approved where they would not:
  - unduly interfere with the amenities or change the character of the neighborhood;
  - materially interfere with or affect the use and enjoyment of adjacent properties;
  - adversely impact upon the environment; or
  - result in excessive demand on municipal services, utilities or public roadway access;
- Agricultural tourism uses shall comply with all provincial environmental and health regulations.

### **5.11 EQUESTRIAN FACILITIES**

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for an Equestrian Facility:

- The development permit shall set the maximum number of horses and cattle, if applicable, that may be kept on the site.
- An animal is kept, for purposes of this section, when it is on the site overnight.
- That the number of animals allowed as a condition of the permit to participate in an event are in addition to the number that are allowed to be kept on the site.
- The development permit shall set out conditions that address garbage and manure control, pasture management, on site stock trailer parking, participant and spectator parking.
- The application shall include a Storm Water Management Plan for all areas of the parcel of land disturbed during or as a result of the development of the Equestrian Centre and supporting facilities.
- The application shall include a traffic impact analysis that includes current and projected traffic for the next ten years in the vicinity.
- A condition of the development permit may require there be a contribution towards upgrading of access roads should the road network require upgrading because of the impact of the facility.
- Details of water supply and sewage disposal shall be included with the application.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.

### **5.12 SOLID & LIQUID WASTE DISPOSAL FACILITIES**

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Solid or Liquid Waste Disposal Facility:

- Development and site maintenance shall be in accordance with provincial environmental and health regulations.



- Any solid waste disposal facility shall be located 457 m (1500 ft.) from any residence unless relaxation of this requirement is agreed to by affected parties.
- A buffer strip containing trees, shrubs or a berm shall be located surrounding a disposal area.
- Any solid or liquid waste disposal facility shall be fenced.
- Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
- Solid waste disposal facilities shall be located in proximity to a provincial highway and adjacent to an all-weather road.
- The development of any new disposal sites shall take into consideration direction of prevailing winds.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- Where approval has been deemed appropriate, Council may consider the following requirements within a development permit:
  - Place a limitation on the years, months, weeks, days and/or hours of operation;
  - Requirement to provide and maintain sufficient dust control to the satisfaction of the Municipality;
  - Limitations to the height of the landfill development;
  - Specific requirements related to any stripping, filling, excavation and grading associated with a landfill development; and
  - Requiring development to adhere to any appropriate provincial health regulations.

The above standards do not apply to liquid manure storage facilities and the application of manure on agricultural lands where this use is deemed consistent with all other relevant sections of this Bylaw.

### 5.13 SMALL WIND ENERGY SYSTEMS

Only one small wind energy system shall be permitted as an accessory use to the principal use, subject to the minimum site size requirement, in the following existing zoning districts:

- The minimum site size for the allowance of any small energy system shall be 0.4 Hectares (1 Acre) .
- Maximum total wind tower height or total system height shall be:
  - 6.0 meters above grade level in CR-1 Zones
  - ii) 45.0 meters above grade level, in all other permitted zones
- Wind Tower base and System setbacks:
 

i)	from any property line	1.5 times tower/system height
ii)	from on-site dwelling	1.5 times tower/system height
iii)	from neighbouring dwellings	< 10 Kw - 100 meters
		> 10 Kw - 300 meters
- For residential applications, wind energy components and towers shall be erected in rear-yards only.
- The bottom point of an operating rotor shall be above grade level to manufacturer's specification at minimum, but in no case nearer than 5 meters (16.25 feet) above grade level.





- All wind energy systems and towers shall be enclosed within a locked protective chain link fence of a minimum height of 1.85 meters (6.0 feet) and the design shall be included in the development permit application for Council's approval.
- Development and Building Permit applications for a small wind energy system shall include either a manufacturer's engineering certificate of structural safety or certification of structural safety via a Saskatchewan Professional Engineer.
- Installation plans (concrete specifications, anchoring specifications) shall be certified by a Saskatchewan Professional Engineer.
- Proof of an approved Electrical Permit has been obtained shall be provided to the municipality in regards to small wind energy systems.
- The small wind energy system shall be finished in a non-reflective matte colour or to the satisfaction of Council.

#### 5.14 TOWERS

- All towers with a height of 15 meters (49.2 feet) or more shall be considered at the discretion of Council and shall require a development permit.
- All towers shall be located on the same site as the intended signal user.
- All towers shall be erected in rear-yards only.
- The tower shall not be illuminated unless required by Transport Canada Regulations, and except for a manufacturer's logo, shall not exhibit or display any advertising.
- The maximum total tower height shall be:
  - i. 6.0 meters above grade level in CR-1 zones
  - ii. 45.0 meters above grade level in all other permitted zones
- Guy-wire anchors shall be setback at least 1.0 meters (3.3 feet) from the property line.
- All towers that require a development permit shall be enclosed within a locked protective chain link fence of a minimum height of 1.85 meters (6.0 feet) and the design of the fence shall be included in the development permit application for Council's approval.
- Council, at its discretion, may seek approval of this development from both internal and external referral agencies.



**6.0 ZONING DISTRICTS AND ZONING MAPS**

**6.1 ZONING DISTRICTS**

For the purpose of this Bylaw, the Rural Municipality of Moose Jaw No. 161 is divided into several Zoning Districts that may be referred to by the appropriate symbols.

Zoning Districts	Symbol	Overlay Districts	Symbol
<b>Agricultural Resource</b>	<b>AR</b>	<b>Overlay Areas</b>	
<b>Country Residential 1</b>	<b>CR1</b>	15 Wing Moose Jaw	<b>WING</b>
<b>Hamlet District</b>	<b>H</b>	City of Moose Jaw Airport	<b>AP</b>
<b>Large Lot Hamlet</b>	<b>HLL</b>		
<b>River Valley Commercial Development District 1</b>	<b>RVD1</b>		
<b>River Valley Residential Development District 2</b>	<b>RVD2</b>	Heritage Resource	<b>HR</b>
		Slope Instability	<b>SI</b>
<b>Prestige Highway Commercial/Industrial</b>	<b>PHC</b>	Flood Hazard Lands	<b>FH</b>
<b>Light Industrial</b>	<b>IND</b>		

**6.2 ZONING DISTRICT MAPS**

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. XX-XX" adopted by the Rural Municipality of Moose Jaw No.161, signed by the Reeve and Administrator under the seal of the Rural Municipality, shall be known as the "Zoning Districts" map, and such map is hereby declared to be an integral part of this Bylaw.

**6.3 BOUNDARIES OF ZONING DISTRICTS**

- .1 The boundaries of the Districts referred to in this Bylaw, together with an explanatory legend, notations and reference to this Bylaw, are shown on the map entitled, Zoning District Map.
- .2 Unless otherwise shown, the boundaries of zoning Districts are site lines, centre lines of streets, lanes, road allowances, or such lines extended and the boundaries of the municipality.
- .3 Where a boundary of a District crosses a parcel, the boundaries of the Districts shall be determined by the use of the scale shown on the map.
- .4 Where the boundary of a District is also a parcel boundary and the parcel boundary moves by the process of subdivision, the District boundary shall move with that parcel boundary, unless the boundary is otherwise located by amendment to the Bylaw.



## 7.0 AGRICULTURAL RESOURCE DISTRICT (AR)

The purpose of the Agricultural Resource District (AR) is to provide for and preserve large areas capable of accommodating a diversity of general agricultural operations including field and forage crops, irrigation, small intensive agricultural operations and related agricultural diversification activities.

**In any Agricultural Resource District (AR), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**

### 7.1 PERMITTED USES

- a) Field crops, animal and poultry raising, ranching, grazing, and other similar uses customarily carried out in the field of general agriculture, including the sale on the agricultural holding of any produce grown or raised on the agricultural holding but **excluding** intensive livestock, P.M.U. and poultry operations, feed lots, apiaries, hatcheries, market gardens, mushroom farms, tree and garden nurseries and greenhouses.
- b) One detached one unit dwelling, RTM, modular or mobile home following the placement thereof on a permanent foundation.
- c) Accessory Building/Uses.
- d) Home Occupation or Home Based Business where accessory to a residence, on the same site.
- e) Oil and gas wells, but excluding intensive oil and gas developments as defined.
- f) Grain Elevators
- g) Institutional Uses and facilities
- h) Places of Worship
- i) Cemeteries
- j) Historical and archaeological sites
- k) Wildlife and conservation management areas
- l) Public Utilities

### 7.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- a) Intensive Livestock Operations (over 300 Animal Units)
- b) P.M.U. and poultry operations, feedlots.
- c) Large Accessory Buildings used for Commercial Activities
- d) Commercial machine shops and accessory structures
- e) Agricultural Commercial and other similar uses
- f) Grain Storage sites greater than 100,000 bushels
- g) Apiaries, hatcheries, mushroom farms
- h) Tree and garden nurseries, market gardens, and greenhouses
- i) Agricultural Accessory Residences (as a permitted accessory use to an agricultural operation)
- j) Non-farm residential
- k) Recreational Uses
- l) Aggregate Resource Extraction, Storage and Processing
- m) Oil and gas related commercial and other similar uses
- n) Solid and Liquid Waste Disposal Facility



- o) Agricultural Industry
- p) Agricultural Tourism
- q) Garden Suites
- r) Small Wind Energy Systems
- s) Towers
- t) Light manufacturing and/or assembly
- u) Personal Care Homes
- v) Bed and Breakfast homes, where part of a single detached dwelling
- w) Campgrounds
- x) Private Airstrips

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

### 7.3 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .3 Manure applications associated with livestock and agricultural composting are considered accessory to an agricultural operation where the spreading occurs on the parcel in which it is produced.
- .4 Facilities for the direct sale of crops grown by the agricultural operation including orchards and market gardens shall be considered accessory to a farmstead or residence in the Agricultural Resource District.

### 7.4 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	Agricultural Commercial: 0.4 hectares (1 acre) Resource Activity: no minimum Intensive Agricultural activities: 1 hectare (2.54 acres) Non-farm residential: 1 hectare (2.54 acres) to a maximum of 4 hectares (10 acres) except that the maximum site area may be a greater area depending on existing physical circumstances. Two subdivided sites /quarter section. All other discretionary uses: 1 hectare (2.54 acres)
<b>Minimum site frontage</b>	30 meters
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90



	meters from the intersection of the centre lines of any municipal roads or provincial highway or such greater distance as required for e.g. Site triangle.
<b>Minimum rear yard</b>	15 meters or 25% of the depth of the site whichever is the lesser
<b>Minimum side yard</b>	15 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Min setback for trees, shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.
<b>Fence Lines</b>	All fences shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway

.1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.

.2 No dwelling shall be located with less than a minimum separation distance to an operation of other than the residence of the operation as follows:

- a) The separation distance to an Intensive Livestock Operation as regulated in Section 7.7;
- b) 305 meters from a licensed public or private liquid waste disposal facility;
- c) 457 meters from a licensed public or private solid waste disposal facility;
- d) 305 meters from a honey processing facility;
- e) Council may reduce the minimum separation distance to the operations listed above, as a special standard where the applicant submits a written agreement to Council between the land owner of the dwelling and the owner of the operation agreeing to the reduced separation (Council shall maintain a register of all such agreements);
- f) 305 meters to a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan; or
- g) 600 m to a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan.

## 7.5 SUPPLEMENTARY DEVELOPMENT STANDARDS

### Agricultural Use

- .1 The minimum site area constituting an agricultural operation or agricultural holding shall be 64.5 hectares (160 acres) or equivalent. Equivalent shall mean 64.5 ha (160 acres) or such lesser amount as remains in an agricultural holding because of the original township



survey, road widening, road right-of-way or railway plans, drainage ditch, pipeline or transmission line development or government action, natural features such as water courses or water bodies, or as a result of subdivision as permitted herein.

- .2 Any agricultural site which does not conform to the minimum site area requirement shall be deemed conforming with regard to site area, provided that a registered title for the site existed at Information Services Corporation (ISC) prior to the coming into force of this Bylaw.
- .3 A reduced agricultural site area below 64.5 hectares(160 acres), may be permitted at Council's discretion for the purpose of farmland consolidation, estate planning settlement, farm debt restructuring or as a result of a permitted or discretionary subdivision or due to topographical or physical limitations or where legitimate discretionary agricultural activities require a lesser amount (ie apiaries, greenhouses).

#### **All Other Uses**

- .4 Where subdivision is proposed to establish a discretionary use, the area proposed for subdivision shall comprise a minimum of 1 hectare (2.47 acres) and a maximum of 4.05 ha (10 acres) exempting intensive livestock operations under 300 Animal Units, intensive agricultural operations, which may exceed the maximum allowable where it is demonstrated to Council's satisfaction that additional space is necessary for a viable agricultural operation.
- .5 A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a developed road, including any road to be developed under a signed servicing agreement.
- .6 Any parcel which does not conform to the minimum site area requirement but existed in the Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw shall be deemed conforming with regard to site area.
- .7 A maximum of two Non-Farm residential subdivisions may be permitted per quarter section 64.8 ha (160 acres) in the AR- Agricultural Resource District in addition to one farmstead. Such subdivisions shall not exceed the creation of more than three legal residential parcels, unless rezoned to an appropriate zoning district.
- .8 Subdivision proposing to establish more than two (2) new non-farm, single parcel country residential sites shall be subject to rezoning to a Country Residential District and compliance with all relevant area, frontage and setback requirements of that zoning district.
- .9 There shall be no minimum area required for a subdivision facilitating grain elevators, cemeteries, crematoria and mausoleums, radio, television towers or related facilities.

#### **Temporary Uses**

- .10 Notwithstanding the provisions of this bylaw and the Official Community Plan, a mobile home or trailer coach may be permitted for a period of up to one (1) year on an existing non-farm or farmstead residential site within this zoning district, subject to a resolution of Council, provided that the following criteria is met:



- a) Adherence to any permit or building bylaw or licensing requirement in effect in the Municipality
- b) Issuance of a Development Permit to the landowner, where the said trailer is located, to be issued on an annual basis.
- c) The entering into of a development agreement between all affected parties, where considered necessary, to assure applicable development standards are adhered to.
- d) Compliance with any requirement of the Ministry of Health or government agencies respecting water and waste connections, and disposal concerns.

## 7.6 ACCESSORY AGRICULTURAL RESIDENCE

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for an Accessory Residence:

- .1 The Development Officer may issue a development permit for more than 1 dwelling on a parcel if it is an accessory agricultural residential dwelling to be occupied by a person or persons who are engaged on a full-time basis for at least 6 months of each year in an agricultural operation or accessory to an approved discretionary use where applicable within a zoning district and the additional dwelling is located on a parcel containing a permitted agricultural operation.
- .2 A development permit for an accessory residence when accessory to an approved discretionary use, and located on a parcel containing the agricultural operation, shall be considered at the discretion of Council. If approved, the development permit shall be valid for a period up to five years after which time the Council may at its discretion seek renewal of the permit on a five (5) year basis provided that the dwelling complies with the provisions of this Bylaw. The residence shall not be placed on a permanent foundation to allow the structure to be removed from the property when it is no longer required by a relative of the permanent resident.
- .3 The applicant shall be responsible to renew the permit every five years.
- .4 Accessory dwellings shall only be located on sites where the accessory dwelling can be serviced by existing utilities.

## 7.7 INTENSIVE LIVESTOCK OPERATIONS

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for an Intensive Livestock Operation:

- a) For the purpose of this section, an Intensive Livestock Operation (ILO) shall be defined as the rearing, sustaining, finishing or breeding by means other than grazing of more than 100 animal units of livestock or where the space per animal unit is less than 371.6 m<sup>2</sup> (4000 ft<sup>2</sup>), including buildings and structures directly related to the operation but not including a residence, seasonal feeding or bedding sites.
- b) In addition to the general requirements for a discretionary use as provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for:



- i) New ILOs;
    - ii) Expansion of Existing ILOs;
    - iii) Any temporary facility or part of a site; or
    - iv) The alteration of an animal species in an approved operation.
  - c) In addition to any requirements contained herein, all applications for an ILO shall conform to the regulations provided within *The Agricultural Operations Act, 1995*.
  - d) As a condition of approval, the Municipality shall specify the maximum number of animal units for which the approval is made, specify land which may or may not be used for the disposal or storage of manure from an ILO in order to minimize potential land use conflicts.
  - e) The applicant shall be responsible for submitting a site plan and narrative including the following:
    - i) The size and type of facility;
    - ii) A sketch plan showing the location of existing and proposed buildings and the distance from the development site to every residence within 1.6 km (1 mile);
    - iii) The number and type of animals including identification of any risks of disease;
    - iv) Manure storage and disposal strategies including identification of all parcels including their acreage intended to host the disposal;
    - v) Identification of surface water and residential development on or adjacent to the parcels intended for hosting the disposal of manure;
    - vi) Provide a copy of written agreements with land owners for all parcels intended to host the disposal of manure where the parcels are not controlled by the operator;
    - vii) Identification of the location of potentially affected surface and groundwater sources on and adjacent to the site including distance measurements to these watercourses;
    - viii) Identification of the reason for this site being selected including what characteristics exist that makes it suitable for hosting the operation. The Municipality may, at its discretion, require the submission of a soils and water test conducted by a qualified agricultural engineer to confirm that the site selected is capable of accommodating the activities proposed;
    - ix) Identification of socioeconomic benefits of the operation to the area as well as a brief discussion of the potential conflicts associated with the operation in addition to any mitigative actions to be taken to minimize these effects on adjacent land uses;
    - x) Servicing requirements associated with the operation including but not limited to road upgrades and availability of adequate water sources;
    - xi) Type, volume and frequency of traffic associated with the transportation of animals and food to and from the site.
  - f) When considering the operational/environmental aspects of an application, the Municipality shall refer all development permit applications to the Ministry of Agriculture for review and recommendation regarding waste storage, nutrient and mortality management.
  - g) ILOs shall refer to the following recommended minimum distance separations:

Type of Development	300-499 Animal Units	500+ Animal Units
Single family dwelling not owned by the ILO operator, Multi-Parcel Country Residential Acreages, tourist accommodation or campground	1600 meters (1 mile)	4.8 kilometers (3 miles)
City of Moose Jaw	3200 meters (2miles)	9.6 kilometers (6 miles)





- h) The Municipality may grant a reduction of the separation distance criteria where it can be proven that a proposal will not negatively impact adjacent land uses. Prior to granting a reduction, the Municipality will consult with all agencies deemed appropriate and will require registered written agreement from all land owners directly affected by the reduction.
- i) In determining proximity to a multi-parcel residential subdivision, village, town, or recreational use, separation distances shall be measured from the area of confinement of the animals to the property boundary of the closest developable parcel.
- j) In determining proximity to a single family dwelling located on agricultural property or within a single parcel country residential subdivision not owned by the Intensive Agricultural Operator, separation distances shall be measured from the area of confinement of the animals to the dwelling.
- k) ILOs existing at the time of the adoption of this Bylaw shall continue. However, any expansion of the operation or change of animal species or type of operation is required to obtain written approval from Council in accordance with the requirements and conditions of this Bylaw.
- l) The operator may be required to enter into a road maintenance agreement to pay for the maintenance of roads required to provide access to the development.
- m) m) The minimum separation distance between occupied dwellings riparian areas and the location where manure is to be spread is listed below. Distances are measured between edge of the manure application area and the edge of a nearest property boundary in meters.

**Location Separation Criteria for Manure Spreading to Dwellings (in meters)**

<b>Method of Manure Application</b>	<b>Injected</b>	<b>Incorporated within 24 hours</b>	<b>No incorporation</b>
<b>City of Moose Jaw, Multi-Parcel Country Residential Acreages and riparian areas</b>	200 meters	400 meters	800 meters

**7.8 AGGREGATE EXTRACTION**

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for an Aggregate Extraction activity.

- a) For the purpose of this section, Aggregate Extraction shall mean, excavation other than for construction, building or for purposes of creating an artificial body of water, including but not limited to, sand and gravel mining, topsoil stripping
- b) An application proposing a new aggregate extraction use or an expansion to an existing aggregate extraction operation shall be a temporary and discretionary use and shall adhere to all appropriate Provincial and Federal regulations.
- c) In reviewing applications for aggregate resource extraction operations the environmental implications of the operation including plans for site restoration shall be considered.
- d) The applicant shall submit plans and a narrative including:
  - i) The location and area of the site where the excavation is to take place;
  - ii) The expected life of the deposit if applicable;
  - iii) The type and dimensions including average depth of the proposed excavation, and the effect on existing drainage patterns on and off the site;
  - iv) Identification of the outdoor noise and the discharge of substances into the air;
  - v) The methods for preventing, controlling, or reducing erosion;



- vi) Proposed access and hauling activities (including number of trucks, tonnage, and hours of hauling)
  - vii) Proposed extraction, operation, and staging (including years, dates and hours of operation)
  - viii) The condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected.
- e) Aggregate resource extraction industries are permitted in accordance with the following conditions:
- i) The applicant shall ensure that dust and noise control measures are undertaken to prevent such items from becoming an annoyance to neighbouring land owners. The applicant shall conduct dust control procedures at the request of and to the satisfaction of the Municipality. In this regard stock piles shall be located in a position to act as a sound barrier. Also, the applicant shall apply methods of minimizing the noise created from machinery and equipment.
  - ii) The applicant shall keep the area subject to the development permit in a clean and tidy condition free from rubbish and non-aggregate debris.
  - iii) Access routes into extraction areas shall be located away from residential areas.
  - iv) A disturbed area shall be reclaimed to a land capability equivalent to the pre-disturbance land capability (e.g. agricultural land) or a post-disturbance condition and land use (e.g. conversion to wetland) which are satisfactory to the Municipality. These conservation and reclamation procedures shall be in accordance with Saskatchewan Environment Reclamation Guidelines for Sand and Gravel Operators.
  - v) Any aggregate resource extraction industry proposed to be located within 100 m (328 ft.) of any municipal road, provincial highway or the Moose Jaw River, Thunder Creek and Buffalo Pound Lake shall be permitted only where it would not adversely impact the environment, or materially interfere with or affect adjacent lands.
  - vi) Aggregate resource extraction industries shall have regard to adjacent land uses and no material is to be stored or piled on any road allowance or within 30 m (100 ft) of the bank of any river or watercourse.
  - vii) The general resource extraction operator and any person who hauls the aggregate may be required to enter into a road maintenance agreement.
  - viii) The aggregate resource extraction operator must report the amount of aggregate extracted by November 1 of each year or the end of the hauling season whichever comes first.
  - ix) The Council may require the aggregate resource extraction operator to post a performance bond to guarantee adherence to the above noted agreements.
  - x) An approval of an aggregate resource extraction industry shall be for a maximum period of two years and may be renewed at the discretion of Council providing the requirements of this Bylaw continue to be met.

## 7.9 WIND TURBINES

A private wind turbine may be considered for a discretionary use for the purpose of generating on-site power and shall be subject to the following development standards:

- a) A development permit shall be required before construction and erection commences;



- b) Application for a development permit shall include design plans for the wind turbine unit, an erection plan for the unit and detailed site plans regarding placement of the proposed unit(s);
- c) Application for a development permit shall include engineering plans for the base supporting unit and an engineering noise assessment for the specific wind turbine;
- d) Maximum allowable sound pressure noise levels(measured in Decibels, dBA, for a wind turbine unit(s) shall be less than or equal to 55 dBA between 10 pm and 7 am where measured at 45 meters from the units(s);
- e) Setbacks from regional parks, environmentally sensitive areas, raptor nests, herons, burrowing owl sites and other protected areas shall be defined through a site specific study as part of the provincial and federal environmental screening process;
- f) The location of the wind turbine shall be set back from all property lines a minimum of two times the height of the proposed structure to provide for possible collapse, ice sluffing from the blades and any failure and the flying of the rotating blades;
- g) In general, only one (1) wind turbine unit will be considered per site, however, Council reserves the right to consider a second unit if the combined effects of two units will meet the development standards and the peace and quiet of adjacent land uses shall not be disturbed by dust, noise, vibration flutter or other similar nuisances generated by the use.

## 7.10 SIGNAGE REGULATIONS

All developments shall comply with Section 4.33 General Regulations.

**8.0 COUNTRY RESIDENTIAL DISTRICT (CR1)**

The purpose of the Country Residential District 1 (CR1) is to accommodate a rural residential lifestyle where the essential land requirement is for a building site and space rather than for productive agricultural purposes.

**In any Country Residential District 1 (CR1), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**

**8.1 PERMITTED USES**

- a) One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation per site.
- b) Multiple Site Country Residential Development
- c) Accessory Building/Uses
- d) Open space passive recreation activities
- e) Nature trails
- f) Existing compatible agricultural uses
- g) Home Based Business or Occupation where accessory to a residence, on the same site
- h) Artisan or Craft Workshop
- i) Public utilities, buildings, and structures, warehouses and storage yards.

**8.2 DISCRETIONARY USES**

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- a) Residential Care Home
- b) Bed and Breakfast Homes, where part of a single detached dwelling
- c) Garden Suites
- d) Small Wind Energy Systems
- e) Institutional Uses
- f) Places of Worship
- g) Animal Kennels
- h) Equestrian Facilities

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

**8.3 PROHIBITED USES**

The following uses shall be strictly prohibited within any Country Residential District 1(CR1):

- a) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- b) Extensive Agricultural Production.
- c) All uses of buildings and land except those specifically noted as permitted or discretionary.



### 8.4 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 .All accessory uses, buildings or structures(ie detached garages) require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .4 The Building floor area for large accessory buildings (workshops) located on Country Residential (CR1) sites may not exceed 185m<sup>2</sup> (2000 ft<sup>2</sup>). All workshop-related activities shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

### 8.5 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	0.4 hectare (1 acre)
<b>Maximum site area</b>	4 hectares (10 acres) or to be determined at Council's discretion based on topographical and physical site limitations
<b>Minimum site frontage</b>	10 meters
<b>Minimum Floor Area</b>	Principal buildings: 74.32m <sup>2</sup> (800 ft <sup>2</sup> ) Accessory building: shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building and not to exceed 185 square metres (2000 square feet).
<b>Minimum front yard setback</b>	7.62 meters from an internal road
<b>Minimum setback from Roads and Highways</b>	All buildings shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90 meters from the intersection of the centre lines of any municipal roads or provincial highway or such greater distance as required for e.g. Site triangle.
<b>Minimum rear yard</b>	1.5 meters
<b>Minimum side yard</b>	1.5 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard



	requirements shall apply
<b>Maximum building height</b>	10 meters
<b>Minimum setback for trees shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.

- .1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .2 Residential parcels may be exempted from these requirements:

In the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features such as watercourses, water bodies there shall be no maximum site area.

- a) Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers;
- b) In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.

### 8.6 SUPPLEMENTARY REGULATIONS OR SPECIAL PROVISIONS

- .1 The final subdivision design and approved lot density of development in the CR1 Zoning District shall be determined by the carrying capacity of the lands proposed for development as identified within the submission of a Concept Plan and shall not exceed all requisite standards provided by the Five Hills Health Region for onsite wastewater disposal systems.
- .2 Institutional, recreational land uses as well as public utilities shall have no minimum or maximum site area requirement.

### 8.7 FRONT YARD REDUCTION

Notwithstanding the minimum depth of front yard required by this Bylaw, where a site is situated between two sites each of which contains a principal building which projects beyond the standard required front yard depth, the front yard required on said site may be reduced to an average of the two established front yards on the adjacent sites; but not be less than 4.5 meters (about 15 feet) in a Residential district unless otherwise permitted in this Bylaw.

### 8.8 FRONTAGE FOR IRREGULAR SITES

The minimum site frontage on sites having a curved front site line shall be measured by a line equal to the minimum site frontage in that particular Zoning District but located back from and parallel to the midpoint of the chord of the front site line. For the purpose of this sub-section, the chord of the front site line is a straight line joining the two points where the side site lines intersect the front site line.



**8.9 PERMITTED YARD ENCROACHMENTS**

.1 Where minimum front, side or rear yards are required in a Country Residential 1 zoning district, the following yard encroachments shall be permitted.

- a) Uncovered and open balconies, terraces, verandas, decks, and patios having a maximum projection from the main wall of 1.8 meters (about 6 feet) into any required front or rear yard.
- b) Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 meters (about 2 feet) into any required yard.

**8.10 KEEPING OF LIVESTOCK**

The keeping of livestock shall be permitted in the any Country Residential District (CR1) in accordance with the following schedule:

Parcel Size	Maximum Number of Animal Units Permitted
1 to 2 hectares (2.5 to 5 acres)	none
Greater than 2 hectares (5 acres)	<b>Two (2) Animal Units or a maximum 5 Livestock.</b>

Animals shall not be pastured within 15 meters (50 ft) of any dwelling or well not owned by the owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30 meters (100 ft) of a dwelling or property line.

**8.11 SWIMMING POOL REGULATIONS**

- .1 All swimming pools and the appurtenances thereto shall be constructed and located so as to have a yard not less than 1.5 meters (5 feet) in width on all sides except where the pool is attached to or part of a principal structure. No swimming pool shall be located in a required front or side yard setback.
- .2 For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than 1.8 meters (6 feet) in height. Any openings in the enclosure affording access to the pool proper shall have a gate containing an automatic or manual locking device affixed in such a manner so as to exclude small children.
- .3 Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray shall cross any property line.
- .4 Any maintenance equipment including heating, filtering, disinfectant and re-circulation equipment shall not be located at any point within 1.5 meters (5 feet) from adjacent property lines, and shall be effectively screened and enclosed so as to not adversely affect the character of surrounding properties. No equipment shall be permitted, the use of which by reason of the emission of noise, vibrations, dust or odours would be considered obnoxious or dangerous to the health and safety of the public.



## **8.12 TEMPORARY USES**

- .1 Notwithstanding the provisions of this bylaw and the Official Community plan, a mobile home or trailer coach may be permitted for a period of up to one (1) year on an existing non-farm or farmstead residential site within this zoning district, subject to a resolution of Council, provided that the following criteria is met:
- a) Adherence to any permit or building bylaw or licensing requirement in effect in the Municipality
  - b) Issuance of a Development Permit to the landowner, where the said trailer is located, to be issued on an annual basis.
  - c) The entering into of a development agreement between all affected parties, where considered necessary, to assure applicable development standards are adhered to.
  - d) Compliance with any requirement of the Ministry of Health or government agencies respecting water and waste connections, and disposal concerns.

## **8.13 SIGNAGE REGULATIONS**

All developments shall comply with Section 4.33 General Regulations.



**9.0 HAMLET RESIDENTIAL DISTRICT-H**

*The purpose of the Hamlet Residential District (H) is to accommodate existing Hamlets which provide a residential lifestyle choice.*

**PERMITTED USES**

In any Hamlet Residential District (H), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:

- a) One detached one unit dwelling, RTM, modular or mobile home following the placement thereof on a permanent foundation.
- b) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use.
- c) Playgrounds and swimming pools;
- d) Home Based Business or Occupation;
- e) Artisan or Craft Workshop;
- f) Public works, buildings, and structures, warehouses and storage yards.
- f)

**DISCRETIONARY USES**

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- a) Personal Service Trade;
- b) Bed and Breakfast Home;
- c) Residential Care Home;
- d) Institutional Use and Community Services;
- e) Recreational - sports fields, parks, playgrounds, curling rinks, skating rinks, tennis courts, and other similar uses;
- f) Lodges, social clubs, service clubs;
- g) Municipal offices, libraries, historic and cultural institutions,
- h) Places of Worship and Community Halls;
- i) Animal Kennels;
- j) Wind Power Towers and Turbines;

**PROHIBITED USES**

The following uses shall be strictly prohibited within a Hamlet Residential District (H):

- a) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- b) All uses of buildings and land except those specifically noted as permitted or discretionary.
- g)

Accessory Buildings and Uses



- a) A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- b) All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- c) Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- h)

Subdivision and Site Regulations

<b>Minimum site area</b>	<p>Residential: 557m<sup>2</sup></p> <p>Institutional and Recreational: Minimum: 0.8 hectares (2 acres)</p> <p>In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum site area.</p> <p>Public utilities shall have no minimum or maximum area requirement.</p>
<b>Minimum site frontage</b>	<p>18.0 meters</p> <p>Sites for public utilities and institutional uses may be exempted from minimum frontage and site area requirements.</p>
<b>Minimum front yard</b>	<p>Principal and accessory buildings shall be set back a minimum of 6.0 meters from the property line adjacent to a municipal road allowance</p>
<b>Minimum rear yard</b>	<p>Principal buildings shall be set back a minimum of 6.0 meters from the rear property line. Accessory buildings shall be set back a minimum of 1.5 meters.</p>
<b>Minimum side yard</b>	<p>All buildings shall be set back a minimum of 1.5 meters, except where a side yard abuts a Municipal road allowance or a Provincial highway, the front yard requirements shall apply</p>
<b>Maximum building height</b>	<p>10 meters</p>
<b>Building Floor Area requirements</b>	<p>Principal buildings shall have a minimum floor area of 74.32m<sup>2</sup></p> <p>Accessory buildings shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building.</p> <p>Maximum building floor area for large accessory buildings is 150m<sup>2</sup>.</p>
<b>Minimum setback for trees shelterbelts and other</b>	<p>All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.</p>

- a) The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- b) Residential parcels may be exempted from these requirements:



- i) In the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features such as watercourses, water bodies there shall be no maximum site area. Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers;
  - ii) In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.
- i)
- c) Re-development of former residential sites shall be determined by the availability of potable water and wastewater treatment carrying capacity of the lands proposed for development. The developer shall ensure that there is an available water supply, access to an existing sewage disposal facility, or an onsite wastewater disposal system which meets all requisite standards provided by the District Health Region, which is acceptable to Council and that meets *The Public Health Act and Regulations* requirements.
  - d) Where minimum front, side or rear yards are required in a Hamlet Residential District the following yard encroachments shall be permitted.
    - i. Uncovered and open balconies, terraces, verandas, decks, and patios having a maximum projection from the main wall of 1.8 meters into any required front or rear yard.
    - ii. Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 meters into any required yard.

## SIGNAGE

The following permanent signage requirements will apply:

- a) One permanent sign is permitted per site. The facial area of a sign shall not exceed 1.0 m<sup>2</sup> ;
- b) In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling;
- c) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- d) Temporary signs not exceeding 1 m<sup>2</sup> advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

## FENCE AND HEDGE HEIGHTS

- a) No hedge, fence or other structure shall be erected past any property line.
- b) In a required front yard, to a height of more than 1.0 meter above grade level.
- c) In a required rear yard, to a height of more than 2.0 meters above grade level.
- d) Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 meters.
- e) No barbed wire, or razor wire fences shall be allowed.

## OUTDOOR STORAGE



- a) The outdoor storage or collection of goods and materials is prohibited in a front yard in any Hamlet Residential District.
- b) Outdoor storage is permitted in a side or rear yard in a Hamlet Residential District only when the goods or material being stored are clearly accessory and incidental to the principal use of the property.
- c) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- d) No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard. No yard shall be used for the storage or collection of hazardous material.
- e) Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts.
- f) Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

### KEEPING OF LIVESTOCK

The keeping of livestock shall be permitted in the any Hamlet Residential District in accordance with the following schedule:

<i>Parcel Size</i>	<i>Maximum Number of Animal Units Permitted</i>
<i>1 to 2 hectares (2 to 5 acres)</i>	<i>2</i>
<i>Greater than 2 hectares (5 acres)</i>	<i>One additional Animal Unit /acre</i>

## 10.0 HAMLET LARGE LOT RESIDENTIAL

*The purpose of the Hamlet Large Lot Residential District (HLL) is to accommodate growth of existing Hamlets which provide a residential lifestyle choice.*

### PERMITTED USES

In any Hamlet Large Lot Residential District (HLL), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:

- g) One detached one unit dwelling, RTM, modular or mobile home following the placement thereof on a permanent foundation.



- h) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use.
- i) Playgrounds and swimming pools;
- j) Home Based Business or Occupation;
- k) Artisan or Craft Workshop;
- l) Public works, buildings, and structures, warehouses and storage yards.
- j)

### DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- k) Personal Service Trade;
- l) Bed and Breakfast Home;
- m) Residential Care Home;
- n) Institutional Use and Community Services;
- o) Recreational - sports fields, parks, playgrounds, curling rinks, skating rinks, tennis courts, and other similar uses;
- p) Lodges, social clubs, service clubs;
- q) Municipal offices, libraries, historic and cultural institutions,
- r) Places of Worship and Community Halls;
- s) Animal Kennels;
- t) Wind Power Towers and Turbines;

### PROHIBITED USES

The following uses shall be strictly prohibited within a Hamlet Large Lot Residential District (HLL):

- c) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- d) All uses of buildings and land except those specifically noted as permitted or discretionary.
- k)

#### Accessory Buildings and Uses

- d) A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- e) All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- f) Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- l)

#### Subdivision and Site Regulations



<b>Minimum site area</b>	<p>Residential: 1.0 hectare or 2.54 acre</p> <p>Institutional and Recreational: Minimum: 0.8 hectares (2 acres)</p> <p>In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum site area.</p> <p>Public utilities shall have no minimum or maximum area requirement.</p>
<b>Minimum site frontage</b>	<p>18.0 meters</p> <p>Sites for public utilities and institutional uses may be exempted from minimum frontage and site area requirements.</p>
<b>Minimum front yard</b>	<p>Principal and accessory buildings shall be set back a minimum of 6.0 meters from the property line adjacent to a municipal road allowance</p>
<b>Minimum rear yard</b>	<p>Principal buildings shall be set back a minimum of 6.0 meters from the rear property line. Accessory buildings shall be set back a minimum of 1.5 meters.</p>
<b>Minimum side yard</b>	<p>All buildings shall be set back a minimum of 1.5 meters, except where a side yard abuts a Municipal road allowance or a Provincial highway, the front yard requirements shall apply</p>
<b>Maximum building height</b>	<p>10 meters</p>
<b>Building Floor Area requirements</b>	<p>Principal buildings shall have a minimum floor area of 74.32m<sup>2</sup></p> <p>Accessory buildings shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building.</p> <p>Maximum building floor area for large accessory buildings is 150m<sup>2</sup>.</p>
<b>Minimum setback for trees shelterbelts and other</b>	<p>All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.</p>

- c) The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- d) Residential parcels may be exempted from these requirements:
  - i) In the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features such as watercourses, water bodies there shall be no maximum site area. Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers;
  - ii) In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.
  - m)
- d) Re-development of former residential sites shall be determined by the availability of potable water and wastewater treatment carrying capacity of the lands proposed for development. The developer



shall ensure that there is an available water supply, access to an existing sewage disposal facility, or an onsite wastewater disposal system which meets all requisite standards provided by the District Health Region, which is acceptable to Council and that meets *The Public Health Act and Regulations* requirements.

- e) Where minimum front, side or rear yards are required in a Hamlet Large Lot Residential District the following yard encroachments shall be permitted.
  - iii. Uncovered and open balconies, terraces, verandas, decks, and patios having a maximum projection from the main wall of 1.8 meters into any required front or rear yard.
  - iv. Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 meters into any required yard.

### **SIGNAGE**

The following permanent signage requirements will apply:

- e) One permanent sign is permitted per site. The facial area of a sign shall not exceed 1.0 m<sup>2</sup> ;
- f) In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling;
- g) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- h) Temporary signs not exceeding 1 m<sup>2</sup> advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.

### **FENCE AND HEDGE HEIGHTS**

- f) No hedge, fence or other structure shall be erected past any property line.
- g) In a required front yard, to a height of more than 1.0 meter above grade level.
- h) In a required rear yard, to a height of more than 2.0 meters above grade level.
- i) Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 meters.
- j) No barbed wire, or razor wire fences shall be allowed.

### **OUTDOOR STORAGE**

- g) The outdoor storage or collection of goods and materials is prohibited in a front yard in any Hamlet Residential District.
- h) Outdoor storage is permitted in a side or rear yard in a Hamlet Residential District only when the goods or material being stored are clearly accessory and incidental to the principal use of the property.
- i) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.
- j) No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard. No yard shall be used for the storage or collection of hazardous material.



- k) Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts.
- l) Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

### KEEPING OF LIVESTOCK

The keeping of livestock shall be permitted in the any Hamlet Residential District in accordance with the following schedule:

<i>Parcel Size</i>	<i>Maximum Number of Animal Units Permitted</i>
<i>1 to 2 hectares (2 to 5 acres)</i>	<i>2</i>
<i>Greater than 2 hectares (5 acres)</i>	<i>One additional Animal Unit /acre</i>

## 11.0 RIVER VALLEY COMMERCIAL DEVELOPMENT DISTRICT 1 (RVD1)

The purpose of the River Valley **Commercial** Development District 1 (RVD1) is to accommodate Highway related Commercial and Industrial activities where the essential land requirement is for a building site and location adjacent to a major highway.

**In the River Valley Commercial Development District 1 (RVD1), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**

### 11.1 PERMITTED USES

- a) Accessory Building/Uses
- b) General Commercial 1
- c) General Industry Type 1
- d) Agricultural Commercial
- e) Agricultural Industry





- f) Service Stations, Car Wash or Gas Bar
- g) Hotels or Motels
- h) Market Gardens, Tree Nurseries
- i) Open Space passive recreation activities
- j) Animal Kennels
- k) Natural Area, trails and lookout sites
- l) Wildlife and wildfowl habitat and conservation projects
- k) Existing and compatible agricultural uses.
- j) Existing oil and gas and mineral and gravel development which received necessary regulatory approvals prior to the passage of the bylaw.
- k) Public works, buildings, and structures, warehouses and storage yards.

## 11.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- a) General Industrial Type II
- b) One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
- c) Home Based Business or Occupation where accessory to a residence, on the same site
- d) Artisan or Craft Workshop
- e) Bed and Breakfast Homes, where part of a single detached dwelling
- f) Golf courses and related recreational facilities
- g) Small Wind Energy Systems
- h) Towers
- i) Equestrian Facility
- j) Crematorium, interment and related facilities
- k) Water drainage and irrigation projects.

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

## 11.3 PROHIBITED USES

The following uses shall be strictly prohibited within the River Valley Commercial Development District 1 (RVD1):

- a) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- b) All uses of buildings and land except those specifically noted as permitted or discretionary.
- c) "Hazardous Substances and Waste Dangerous Goods" are prohibited, as defined by the Hazardous Substances and Waste Dangerous Goods Control Regulations of the Environmental Management and Protection Act of Saskatchewan.
- d) Setbacks from Sensitive Areas and Projects shall be determined at Council's discretion based on appropriate recommendation from project proponents, e.g., Ducks Unlimited or Sask Environment.



**11.4 ACCESSORY BUILDINGS AND USES**

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 .All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.

**11.5 SUBDIVISION AND SITE REGULATIONS**

<b>Minimum site area</b>	0.4 hectare (1.0 acre) excepting public utilities, institutional and recreational uses. Those uses existing prior to passage of the bylaw will be considered conforming. In addition the minimum site size may be reduced based on physical circumstances unique to the site.
<b>Maximum site area</b>	4 hectares (10 acres) or greater depending upon physical circumstances unique to the site
<b>Minimum site frontage</b>	25 meters
<b>Maximum Height</b>	10 meters
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90 meters from the intersection of the centre lines of any municipal roads or provincial highway
<b>Minimum rear yard</b>	15 meters or 25% of the depth of the site whichever is the lesser
<b>Minimum side yard</b>	15 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Minimum setback for trees shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.

- .1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .2 Residential parcels may be exempted from these requirements:



- a) In the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features such as watercourses, water bodies there shall be no maximum site area. Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers;
  - b) In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.
- .3 No development or use of land shall be permitted where the proposal will adversely affect domestic or municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the Five Hills Health Region and/or Sask Environment.
  - .4 The final subdivision design and approved lot density of development in the RVD1 Zoning District shall be determined by the carrying capacity of the lands proposed for development as identified within the submission of a comprehensive development review and shall not exceed all requisite standards provided by the Five Hills Health Region for onsite wastewater disposal systems.

### 11.6 KEEPING OF LIVESTOCK

The keeping of livestock shall be permitted in the River Valley Development District 1(RVD1) in accordance with the following schedule:

Parcel Size	Maximum Number of Animal Units Permitted
1 to 2 hectares (2 to 5 acres)	none
Greater than 2 hectares (5 acres)	Two (2) Animal Units or a maximum five (5) Livestock.

Animals shall not be pastured within 15 meters (50 ft) of any dwelling or well not owned by the owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30 meters (100 ft) of a dwelling or property line.

### 11.7 TEMPORARY USES

- .1 Notwithstanding the provisions of this bylaw and the Official Community plan, a mobile home or trailer coach may be permitted for a period of up to one (1) year on an existing non-farm or farmstead residential site within this zoning district, subject to a resolution of Council, provided that the following criteria is met:
  - a) Adherence to any permit or building bylaw or licensing requirement in effect in the Municipality
  - b) Issuance of a Development Permit to the landowner, where the said trailer is located, to be issued on an annual basis.



- c) The entering into of a development agreement between all affected parties, where considered necessary, to assure applicable development standards are adhered to.
- d) Compliance with any requirement of the Ministry of Health or government agencies respecting water and waste connections, and disposal concerns.

### **11.8 SIGNAGE REGULATIONS**

All developments shall comply with Section 4.33 General Regulations.

**12.0 RIVER VALLEY RESIDENTIAL DEVELOPMENT DISTRICT 2 (RVD2)**

The purpose of the River Valley **Residential** Development District (RVD) is to accommodate rural residential and recreational activities where the essential land requirement is for a building site rather than agricultural production.

**In the River Valley Residential Development District 2 (RVD2), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**

**12.1 PERMITTED USES**

- a) Accessory Building/Uses
- b) One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
- c) Multi-Parcel Country Residential development
- d) Home Based Business or Occupation where accessory to a residence, on the same site
- e) Natural Area, trails and lookout sites
- f) Open Space passive recreation activities
- g) Development which undertakes to manage, protect and enhance the environmentally sensitive area,
- h) Wildlife and wildfowl habitat and conservation projects
- i) Existing and compatible agricultural uses.
- j) Existing oil and gas and mineral and gravel development which received necessary regulatory approvals prior to the passage of the bylaw.
- k) Market Gardens, Tree Nurseries
- l) Institutional Facilities
- m) Artisan or Craft Workshop
- n) Public works, buildings, and structures, warehouses and storage yards.
- o)

**12.2 DISCRETIONARY USES**

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- a) Bed and Breakfast Homes, where part of a single detached dwelling
- b) General Commercial I
- c) General Industrial I
- d) Animal Kennels
- e) Craft shops
- f) Small Wind Energy Systems
- g) Towers
- h) Equestrian Facility
- i) Water drainage and irrigation projects.

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

**12.3 PROHIBITED USES**



.1 The following uses shall be strictly prohibited within the River Valley Development District 2 (RVD2):

- a) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- b) All uses of buildings and land except those specifically noted as permitted or discretionary.
- c) "Hazardous Substances and Waste Dangerous Goods" are prohibited, as defined by the Hazardous Substances and Waste Dangerous Goods Control Regulations of the Environmental Management and Protection Act of Saskatchewan.
- d) Setbacks from Sensitive Areas and Projects shall be determined at Council's discretion based on appropriate recommendation from project proponents, e.g., Ducks Unlimited or Sask Environment.

### 12.4 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 .All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .4 The building floor area for large accessory buildings (workshops) located on River Valley District 2(RVD2) sites may not exceed 185m<sup>2</sup> (2000 ft<sup>2</sup>). All workshop-related activities shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

### 12.5 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	0.4 hectare (1.0 acre) excepting public utilities and recreational land uses. Those uses existing prior to passage of the bylaw will be considered conforming. In addition the minimum site size may be reduced based on physical circumstances unique to the site.
<b>Maximum site area</b>	4 hectares (10 acres) In addition the maximum site size may be increased based on physical circumstances unique to the site.
<b>Minimum site frontage</b>	25 meters
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 45 meters from



	the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90 meters from the intersection of the centre lines of any municipal roads or provincial highway.
<b>Minimum rear yard</b>	15 meters or 25% of the depth of the site whichever is the lesser
<b>Minimum side yard</b>	15 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Minimum setback for trees shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.

- .1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .2 Residential parcels may be exempted from these requirements:
  - a) In the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features such as watercourses, water bodies there shall be no maximum site area. Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers;
  - b) In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.

**12.6 KEEPING OF LIVESTOCK**

The of

<b>Parcel Size</b>	<b>Maximum Number of Animal Units Permitted</b>
1 to 2 hectares (2 to 5 acres)	<b>Two (2)</b>
Greater than 2 hectares (5 acres)	<b>Two (2) or a max. Five (5) Livestock .</b>

keeping

livestock shall be permitted in the River Valley Residential Development District in accordance with the following schedule:



Animals shall not be pastured within 15 meters (50 ft) of any dwelling or well not owned by the owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30 meters (100 ft) of a dwelling or property line.

## 12.7 TEMPORARY USES

- .1 Notwithstanding the provisions of this bylaw and the Official Community plan, a mobile home or trailer coach may be permitted for a period of up to one (1) year on an existing non-farm or farmstead residential site within this zoning district, subject to a resolution of Council, provided that the following criteria is met:
  - a) Adherence to any permit or building bylaw or licensing requirement in effect in the Municipality
  - b) Issuance of a Development Permit to the landowner, where the said trailer is located, to be issued on an annual basis.
  - c) The entering into of a development agreement between all affected parties, where considered necessary, to assure applicable development standards are adhered to.
  - d) Compliance with any requirement of the Ministry of Health or government agencies respecting water and waste connections, and disposal concerns.

## 12.8 SIGNAGE REGULATIONS

All developments shall comply with Section 4.33 General Regulations.





## **13.0 PRESTIGE HIGHWAY CORRIDOR COMMERCIAL/INDUSTRIAL DISTRICT (PHC)**

The purpose of the Prestige Highway Corridor Commercial/Industrial District (PHC) is to facilitate a diverse range of commercial and industrial activities located primarily along provincial highways and municipal roadways.

**In any Prestige Highway Corridor Commercial/Industrial District (PHC), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**

### **13.1 PERMITTED USES**

- a) Agricultural Commercial
- b) General Commercial Type I
- c) General Industrial Type I
- d) Sale, rental, leasing and associated servicing of automobiles, trucks, motorcycles and recreational vehicles, industrial equipment and agricultural implements
- e) Tourist facilities
- f) Institutional facilities
- g) Recreational uses
- h) Accessory Building/Uses
- i) Offices and Professional Office Buildings
- j) Research Laboratories
- k) Telecommunication Facilities
- l) Service Stations, Car Wash or Gas Bar
- m) Hotels or Motels
- n) Veterinary Clinics
- o) Trucking Firm Establishment
- p) Storage Establishments
- q) Bulk Fuel sales and Storage
- r) Small Scale Repair Services
- s) Public Utilities

### **13.2 DISCRETIONARY USES**

The following uses shall be considered by Council subject to the completion of the discretionary process as outlined in Section 3 of the General Administration of this Bylaw:

- a) General Industry Type II
- b) General Industry Type III
- c) Agricultural Industry
- d) Small Wind Energy Systems
- e) Contractor's Yard
- f) Animal kennels and domestic animal boarding facilities.
- g) Solid and Liquid Waste Disposal Facility

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

### **13.3 PROHIBITED USES**



The following uses shall be strictly prohibited within a Prestige Highway Corridor Commercial/Industrial District (PHC):

- a) All uses of land, buildings or processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- b) Dwelling units.
- c) All uses of buildings and land except those specifically noted as permitted or discretionary.

### 13.4 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.

### 13.5 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	0.4 hectare (1.0 acre) excepting public utilities and those commercial/industrial sites which existed prior to the passage of this Bylaw, which will be deemed to be conforming sites
<b>Minimum site frontage</b>	25 meters
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90 meters from the intersection of the centre lines of any municipal roads or provincial highway
<b>Minimum rear yard</b>	15 meters or 25% of the depth of the site whichever is the lesser
<b>Minimum side yard</b>	15 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Minimum setback for trees, shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.

### 13.6 SUPPLEMENTARY REGULATIONS OR SPECIAL PROVISIONS



- .1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .2 Any parcel which does not conform to the minimum or maximum site area requirement shall be deemed conforming with regard to site area, provided that a registered title for the site existed at Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw.
- .3 Notwithstanding any other requirements contained in this Bylaw, Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- .4 The Development Officer may allow a building to be occupied by a combination of one or more of the permitted or discretionary uses listed within this District; however each use shall obtain a separate development permit.
- .5 Where the use of the building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate dedicated and clearly defined space for such vehicles to stand for unloading or loading shall be provided on site.
- .6 All areas to be used for vehicular traffic shall be designed and constructed to the satisfaction of Council.

### 13.7 LANDSCAPING

In addition the requirements contained within Section 4.12 of the General Regulations, the following additional conditions shall be met for developments within a Prestige Highway Corridor Commercial/Industrial District (PHC):

- a) Prior to issuing a development permit for an undeveloped lot in this district, the applicant shall be required to supply a landscape plan which is satisfactory to Council, and wherever possible, existing trees should remain.
- b) Where a site abuts any country residential district without an intervening road, there shall be a strip of land adjacent to the abutting site line of not less than 3.0 meters in depth throughout, which shall not be used for any purpose except landscaping.

### 13.8 OUTDOOR STORAGE

- .1 Outdoor storage is permitted in side and rear yards.
- .2 The storage and display of goods shall be permitted in a front yard where it is deemed essential to facilitate a permitted or approved discretionary use.
- .3 All outdoor storage must be screened from view from adjacent roadways and public lands by a solid fence, landscape materials, berm, vegetative plantings or any combination of the above at least two meters in height.



.4 Commercial vehicles and equipment associated with a permitted use may be stored on-site provided the area used for storage of these vehicles does not exceed the area of the building used by the business to carry out its operations. No vehicles, materials or equipment shall be in a state of disrepair.

### 13.9 PERFORMANCE STANDARDS

- a) An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:
- b) Noise - emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
- c) Smoke - no process involving the use of solid fuel is permitted;
- d) Dust or ash - no process involving the emission of dust, fly ash or other particulate matter is permitted;
- e) Odor - the emission of any odorous gas or other odorous matter is prohibited;
- f) Toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
- g) Glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot;
- h) External storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the authority having jurisdiction. No storage shall be permitted in the front yard;
- i) Industrial wastes - waste which does not conform to the standards established from time to time by Rural Municipal Bylaws shall not be discharged into any municipal lagoons.
- j) The onus of proving to the authority having jurisdiction and Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.

### 13.10 SIGNAGE REGULATIONS

All developments shall comply with Section 4.33 General Regulations.

## 14.0 LIGHT INDUSTRIAL DISTRICT (IND)

The purpose of the Light Industrial District (IND) is to facilitate the development of light industrial activities located primarily along provincial highways and municipal roadways.

**In any Light Industrial District (IND), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**



## 14.1 PERMITTED USES

- a) General Industrial Type I
- b) General Industry Type II
- c) Agricultural Industry
- d) Agricultural Commercial
- e) Telecommunication Facilities
- f) Trucking Firm Establishment
- g) Storage Establishments
- h) Bulk Fuel sales and Storage
- i) Public Utilities

## 14.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary process as outlined in Section 3 of the General Administration of this Bylaw:

- a) General Industry Type III
- b) Service Stations, Car Wash or Gas Bar
- c) Sale, rental, leasing and associated servicing of automobiles, trucks, motorcycles and recreational vehicles, industrial equipment and agricultural implements
- d) Small Wind Energy Systems
- e) Towers
- f) Water drainage and irrigation projects.
- g) Contractor's Yard
- h) Solid and Liquid Waste Disposal Facility

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

## 14.3 PROHIBITED USES

The following uses shall be strictly prohibited within a Light Industrial District (IND):

- a) All uses of land, buildings or processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- b) Dwelling units.
- c) All uses of buildings and land except those specifically noted as permitted or discretionary.

## 14.4 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.



.3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.

#### 14.5 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	0.4 hectare (1.0 acre) excepting public utilities and those commercial/industrial sites which existed prior to the passage of this Bylaw, which will be deemed to be conforming sites
<b>Minimum site frontage</b>	25 meters
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90 meters from the intersection of the centre lines of any municipal roads or provincial highway
<b>Minimum rear yard</b>	15 meters or 25% of the depth of the site whichever is the lesser
<b>Minimum side yard</b>	15 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Minimum setback for trees, shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.

#### 14.6 SUPPLEMENTARY REGULATIONS OR SPECIAL PROVISIONS

- .1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .2 Any parcel which does not conform to the minimum or maximum site area requirement shall be deemed conforming with regard to site area, provided that a registered title for the site existed at Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw.
- .3 Notwithstanding any other requirements contained in this Bylaw, Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- .4 The Development Officer may allow a building to be occupied by a combination of one or more of the permitted or discretionary uses listed within this District; however each use shall obtain a separate development permit.
- .5 Where the use of the building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate dedicated and clearly defined space for such vehicles to stand for unloading or loading shall be provided on site.
- .6 All areas to be used for vehicular traffic shall be designed and constructed to the satisfaction of Council.



## 14.7 LANDSCAPING

In addition the requirements contained within Section 4.12 of the General Regulations, the following additional conditions shall be met for developments within a Light Industrial District (IND):

- a) Prior to issuing a development permit for an undeveloped lot in this district, the applicant shall be required to supply a landscape plan which is satisfactory to Council, and wherever possible, existing trees should remain.
- b) Where a site abuts any country residential district without an intervening road, there shall be a strip of land adjacent to the abutting site line of not less than 3.0 meters in depth throughout, which shall not be used for any purpose except landscaping.

## 14.8 OUTDOOR STORAGE

- .1 Outdoor storage is permitted in side and rear yards.
- .2 The storage and display of goods shall be permitted in a front yard where it is deemed essential to facilitate a permitted or approved discretionary use.
- .3 All outdoor storage must be screened from view from adjacent roadways and public lands by a solid fence, landscape materials, berm, vegetative plantings or any combination of the above at least two meters in height.
- .4 Commercial vehicles and equipment associated with a permitted use may be stored on-site provided the area used for storage of these vehicles does not exceed the area of the building used by the business to carry out its operations. No vehicles, materials or equipment shall be in a state of disrepair.

## 14.9 PERFORMANCE STANDARDS

- a) An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:
- b) Noise - emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
- c) Smoke - no process involving the use of solid fuel is permitted;
- d) Dust or ash - no process involving the emission of dust, fly ash or other particulate matter is permitted;
- e) Odor - the emission of any odorous gas or other odorous matter is prohibited;
- f) Toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
- g) Glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot;
- h) External storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the authority having jurisdiction. No storage shall be permitted in the front yard;



- i) Industrial wastes - waste which does not conform to the standards established from time to time by Rural Municipal Bylaws shall not be discharged into any municipal lagoons.
- j) The onus of proving to the authority having jurisdiction and Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.

#### **14.10 SIGNAGE REGULATIONS**

All developments shall comply with Section 4.33 General Regulations.



**15.0 CITY OF MOOSE JAW AIRPORT OVERLAY DISTRICT (AP)**

The purpose of the City of Moose Jaw Airport Overlay District (AP) is to recognize the operational requirements of Moose Jaw Airport and the related safety considerations and development of compatible uses as per the recommendations of the Moose Jaw Municipal Airport Development Plan and the Official Community Plan.

**No person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**

**15.1 PERMITTED USES**

- a) Existing field crops, animal and poultry raising, ranching, grazing, and other similar uses customarily carried out in the field of general agriculture, including the sale on the agricultural holding of any produce grown or raised on the agricultural holding but **excluding** intensive livestock, P.M.U. and poultry operations, feed lots, apiaries, hatcheries, market gardens, mushroom farms, tree and garden nurseries and greenhouses.
- b) Accessory Building/Uses
- c) Hangers and related storage facilities
- d) Commercial warehouses related to Airport businesses
- e) Aviation related commercial and light industrial uses
- f) Aviation related manufacturing and repair facilities
- g) Airport Terminal facilities
- h) Public utilities and related buildings, structures, warehouses and storage yards.

**15.2 DISCRETIONARY USES**

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- a) Aviation related residential development-hanger homes
- b) Recreation facilities
- c) Type 1 and II Commercial and Industrial uses not listed in the Permitted Use Section
- d) Home Base business where accessory to residential hanger homes

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

**15.3 PROHIBITED USES**

The following uses shall be strictly prohibited within the Airport Overlay District (AP):

- a) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- b) All uses of buildings and land except those specifically noted as permitted or discretionary.



**15.4 ACCESSORY BUILDINGS AND USES**

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 .All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.

**15.5 SUBDIVISION AND SITE REGULATIONS**

<b>Minimum site area</b>	As Recommended in the MJ Airport Development Plan
<b>Maximum site area</b>	As Recommended in the MJ Airport Development Plan
<b>Minimum site frontage</b>	As Recommended in the MJ Airport Development Plan
<b>Minimum front yard setback</b>	As Recommended in the MJ Airport Development Plan
<b>Minimum rear yard</b>	As Recommended in the MJ Airport Development Plan
<b>Minimum side yard</b>	As Recommended in the MJ Airport Development Plan
<b>Maximum building height</b>	10 metres, excepting communication and navigation structures
<b>Maximum building floor area for large accessory buildings</b>	As recommended in the MJ Airport Development Plan
<b>Minimum setback for trees shelterbelts and other</b>	46 metres from Municipal roads and Provincial Highways.
<b>Fence Lines</b>	No setback

- .1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.

**16.0 15 WING OVERLAY DISTRICT (WING)**

The purpose of the 15 Wing Overlay District (WING) is to recognize the operational zone requirements of 15 Wing, safety consideration and noise exposure forecasts.



**No person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:**

### 16.1 PERMITTED USES

- i) Field crops, animal and poultry raising, ranching, grazing, and other similar uses customarily carried out in the field of general agriculture, including the sale on the agricultural holding of any produce grown or raised on the agricultural holding but **excluding** intensive livestock, P.M.U. and poultry operations, feed lots, apiaries, hatcheries, market gardens, mushroom farms, tree and garden nurseries and greenhouses.
- j) One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation per site.
- k) Accessory Building/Uses
- l) Nature trails
- m) Home Based Business or Occupation where accessory to a residence, on the same site
- n) Public utilities related buildings, structures, warehouses and storage yards.
- o) Uses in this area that existed at the time of passage of this Bylaw

### 16.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 of the General Administration of this Bylaw:

- e) Greenhouses and Market Gardens
- f) Animal Kennels
- g) Equestrian Facilities

**No person shall initiate any permitted, discretionary or accessory use prior to obtaining a development permit from the Development Officer.**

### 16.3 PROHIBITED USES

The following uses shall be strictly prohibited within the Airport Overlay District (CFB):

- c) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- d) All uses of buildings and land except those specifically noted as permitted or discretionary.

### 16.4 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.



.2 .All accessory uses, buildings or structures require the submission of an application for a development permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.

.3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.

**16.5 SUBDIVISION AND SITE REGULATIONS**

<b>Minimum site area</b>	1 hectare (2.54 acres)
<b>Maximum site area</b>	4 hectares (10 acres) or to be determined at Council's discretion based on topographical and physical site limitations
<b>Minimum site frontage</b>	30 meters
<b>Minimum front yard setback</b>	All buildings shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90 meters from the intersection of the centre lines of any municipal roads or provincial highway or such greater distance as required for e.g. Site triangle.
<b>Minimum rear yard</b>	15 meters or 25% of the depth of the site whichever is the lesser
<b>Minimum side yard</b>	15 meters except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Maximum building height</b>	10 meters
<b>Maximum building floor area for large accessory buildings</b>	150m <sup>2</sup>
<b>Minimum setback for trees shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.
<b>Fence Lines</b>	All fences shall be set back a minimum of 45 meters from the centre line of any developed road, municipal road allowance or provincial highway

.1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.

.2 Residential parcels may be exempted from these requirements:

In the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features such as watercourses, water bodies there shall be no maximum site area.



- a) Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers;
- b) In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.

## **16.6 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

1. All new construction shall be required to meet Building Standards that mitigate noise levels as per current standards as referred to in the Official Community Plan
2. A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a developed road, including any road to be developed under a signed servicing agreement.
3. Any parcel which does not conform to the minimum site area requirement but existed in the Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw shall be deemed conforming with regard to site area.
4. A maximum of two Non Farm residential subdivisions may be permitted per quarter section 64.8 ha (160 acres) in the AR- Agricultural Resource District in addition to one farmstead. Such subdivisions shall not exceed the creation of more than three legal residential parcels, unless rezoned to an appropriate zoning district.

## **17.0 HERITAGE RESOURCE OVERLAY (HR)**

The Intent of this Overlay Area is to ensure the protection of significant heritage resources located on land proposed for development. The following regulations are intended to apply supplementary standards for development in areas designated as having significant heritage resources potential.

### **17.1 DEFINING THE BOUNDARY**

Archaeological, historic features and paleontological sensitive lands within the Rural Municipality include:



- a) Lands located within the same quarter-section as, or within 500 meters of, a Site of a Special Nature as defined in *The Heritage Property Act*.
- b) Lands within 500 meters of other previously recorded sites, unless they can be shown to be of low heritage significance.

## 17.2 SITE REGULATIONS IN THE HERITAGE RESOURCES OVERLAY AREA

The Municipality will require the developer to search and identify any known heritage sites within 500 meters of any recorded heritage sensitive lands and to comply with all Province of Saskatchewan legislation.

Any substantive development that lies within these sensitive lands shall be referred to the provincial Heritage Unit for a heritage review.

Should a Heritage Resource Impact Assessment be required, it is the responsibility of the developer to have it carried out by a qualified professional under an approved investigation permit. The study should establish:

- a) The presence of heritage sites within the project areas;
- b) Suitable mitigation measures that could be implemented;
- c) The content, structure, and importance of those heritage sites; and
- d) The need for a scope of any mitigative follow-up.

If such an assessment is not done or having been done, Council may defer the issuance of a development permit until such time as all mitigation requirements have been met.

## 17.3 HERITAGE RESOURCE DEVELOPMENT

- .1 Heritage resource development shall be a discretionary use in all zones.
- .2 Heritage resource development shall be exempted from site and frontage area requirements.

## 18.0 EROSION AND SLOPE INSTABILITY OVERLAY (SI)

The Intent of this Overlay Area is to restrict development in areas that are considered hazardous for development for reasons of excessive soil erodability and/or ground instability. The following regulations are intended to apply supplementary standards for development in areas designated as having potential for instable soil conditions due to erosion or excessive slopes.

No person shall within Erosion and Slope Instability Overlay District use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

### 18.1 PERMITTED USES

Agricultural uses, but not including buildings and structures accessory thereto; and does not include irrigation works, Intensive Livestock Operations or harvest preserves.



- a) Recreational uses.
- b) Wildlife habitats and sanctuaries.

## 18.2 DISCRETIONARY USES

The following uses may be permitted in the Erosion and Slope Instability Overlay Area only by resolution of Council and only in locations specified by Council:

- a) One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation, and buildings accessory thereto subject to site development regulations;
- b) Home occupations;
- c) Large accessory buildings.

## 18.3 PROHIBITED USES

- a) Off-Road vehicles are restricted to established paths and trails on public lands.

## 18.4 SITE DEVELOPMENT REGULATIONS

- .1 No new development shall be permitted in any readily eroded or unstable slope area if the proposed development will be affected by or increase the potential hazard presented by erosion or slope instability.
- .2 For the purpose of this Bylaw, the area considered to present potential erosion and/or slope instability hazard includes but is not limited to the slopes of the Moose Jaw River Valley Creek and Buffalo Pound Lake and any tributary creeks and gullies extending from the edge of the flood plain in the valley, to the ridge of the slope at the top, plus a setback of 100 meters.
- .3 Council may require a surveyor to determine where this line or crest of valley is located at the developer's expense and development will be set back from that line at all points.
- .4 Any application for a Development Permit on any parcel of land that lies wholly or partially within an area identified in the "Erosion and Slope Instability Overlay Area, must be accompanied by a detailed site analysis prepared by a geotechnical engineer registered in the Province of Saskatchewan. The site analysis shall indicate topography, surface drainage, geological, and geotechnical conditions at the site of the proposed development and related to the conditions of the general area as they relate to slope instability and erosion hazards.
- .5 The geotechnical engineer shall answer the following questions:
  - a) Will the proposed development be detrimentally affected by natural erosion or slope instability?
  - b) Will the proposed development increase the potential for erosion or slope instability that may affect the proposed development, or any other property?



- .6** Unless the geotechnical engineer can answer “no” in response to both of the above questions, further analysis will be required. The required analysis must define the hazard as it may affect the proposed development and any other potentially affected property. The engineering report will identify hazard mitigation measures including engineered works and other measures deemed to be effective in eliminating or managing anticipated erosion and slope stability impacts, and will identify and explain known and suspected residual hazards. The responsibility for monitoring and responding to monitored findings shall be resolved before approval is granted.
- .7** A Development Permit shall not be issued unless the report on the site, presented by the professional consultant, indicates that the site is suitable for development or outlines suitable mitigating measures and documents residual hazard.
- .8** If such an evaluation is not done, or having been done, Council determines that excessive remedial or servicing measures are necessary to safely and efficiently accommodate the proposed development, Council shall not be required to approve the application for development.



**19.0 CAUTIONARY FLOOD HAZARD LANDS OVERLAY (FH)**

The Intent of this Overlay Area is to restrict development in areas that are considered hazardous for development in order to minimize property damage due to River flooding. The following regulations are intended to apply supplementary standards for development in areas designated as flood hazard zones.

No person shall within a Cautionary Flood Hazard Lands Overlay District use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

**19.1 DEFINING THE BOUNDARY**

For all proposed development in this cautionary area, the developer shall be responsible to obtain and determine the 1:500 year Estimated Peak Water Level to determine the Safe Building Elevation. The Saskatchewan Watershed Authority will assist and provide comment when possible or the developer shall be responsible for the cost.

**19.2 PERMITTED USES**

- a) Agricultural uses, but not including buildings and structures accessory thereto; and does not include irrigation works, Intensive Livestock Operations or harvest preserves.
- b) Recreational uses.
- c) Wildlife habitats and sanctuaries.

**19.3 DISCRETIONARY USES**

The following uses may be permitted in the Cautionary Flood Hazard Lands Overlay Area only by resolution of Council and only in locations specified by Council:

- a) One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation, provided it be constructed in accordance with appropriate flood proofing measures, and buildings accessory thereto;
- b) Home occupation.

**19.4 PROHIBITED USES**

- a) Off-Road vehicles are restricted to established paths and trails on public lands.

**19.5 SITE DEVELOPMENT REGULATIONS**



- .1** No person shall use any land, erect, alter or use any building or structure within a Flood Hazard land area without a development permit. A development permit shall not be issued for any land use, erection, alteration or use of any building or structure unless the site/development meets approved flood proofing measures to the 1:500 flood design elevation.
- .2** No person shall backfill, grade, deposit earth or other material, excavate, or store goods or materials on these lands nor plan any vegetation parallel to the waterflow.
- .3** “Hazardous Substances and Waste Dangerous Goods” are prohibited, as defined by the Hazardous Substances and Waste Dangerous Goods Control Regulations of the Environmental Management and Protection Act of Saskatchewan.
- .4** Any existing buildings may be replaced or expanded subject to appropriate flood proofing measures being provided. For the purpose of this Bylaw, appropriate flood proofing measures shall mean:

  - a) That all buildings shall be designed to prevent structural damage by flood waters;
  - b) The first floor of all buildings shall be constructed above the designated flood design elevation; and
  - c) All electrical and mechanical equipment within a building shall be located above the designated flood design elevation.



## 20.0 PLANNED UNIT DEVELOPMENT CONTRACT ZONING EXAMPLE DISTRICT

Planned Unit Development (PUD) Contract Zoning Designation which may be composed of a mixture of residential types, institutional, commercial, open space and recreation uses may be permitted in Residential and Commercial zones subject to the following regulations:

### 20.1 SITE PLAN

An overall site plan shall be prepared showing landscaping design as well as the physical layouts of all structures and roads.

### 19.2. EXEMPTIONS TO ZONE REQUIREMENTS

Specific zone regulations shall not apply to Planned Unit Development Contract Zoning. Uses permitted within a PUD include: residential, commercial, light industrial recreation and open space. However, the project shall produce an environment of stable and desirable character, and shall incorporate at least equivalent standards of building separation, parking, height and other requirements and provisions of this By-law. While areas zoned as "Open Space", may be incorporated into Planned Unit Developments Contract Zoning, only those structures permitted in the "Open Space" zones will be allowed.

### 19.3. MINIMUM SITE AREA

The minimum site area shall be 0.4 Hectare or 1 acre.

### 19.4. REQUIRED OPEN SPACE

A minimum of 25% of the land area must be common open space or for common recreational space..

### 19.5. ALLOWABLE DENSITY

The density of development shall not be increased from the normal density per gross acre permitted in that zone.

### 19.6. TITLE REGISTRATION

Planned Unit Development Contract Zoning shall be regulated through a Contract Zoning agreement which is caveated against the title at Land Registry of ISC.





**APPENDIX "A"**

**DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

Every development permit application shall include:

1) Application Form

A completed application form.

2) Site Plan

Two copies of a proposed development site plan showing, with labels, the following existing and proposed information (as the case may be):

- a) a scale and north arrow,
- b) a legal description of the site,
- c) mailing address of owner or owner's representative,
- d) site lines,
- e) Bylaw site line setbacks,
- f) front, rear, and side yard requirements,
- g) site topography and special site conditions (which may require a contour map), including ponds, streams, other drainage runs, culverts, ditches, and any other drainage features,
- h) the location of any buildings, structures, easements, and dimensioned to the site lines,
- i) the location and size of trees and other vegetation, especially natural vegetation, street trees, and mature growth,
- j) retaining walls,
- k) proposed on-site and off-site services,
- l) landscaping and other physical site features,
- m) a dimensioned layout of parking areas, entrances, and exits,
- n) abutting roads and streets, including service roads and alleys,
- o) an outline, to scale, of adjacent buildings on adjoining sites,
- p) the use of adjacent buildings and any windows overlooking the new proposal,
- q) fencing or other suitable screening,
- r) garbage and outdoor storage areas,
- s) other, as required by the Development Officer or Council to effectively administer this Bylaw.

3) Building Plan

A plan showing, with labels, the elevations, floor plan, and a perspective drawing of the proposed development.

4) Landscape Plan

A landscape plan showing, with labels, the following:

- a) the existing topography,
- b) the vegetation to be retained and/or removed,
- c) the type and layout of:
  - i) hard (e.g., structures) and soft (e.g., vegetation) landscaping,
  - ii) the open space system, screening, berms, slopes,



- iii) other, as required, to effectively administer this Bylaw,
- d) the types, sizes and numbers of vegetation materials;
- e) areas to be damaged or altered by construction activities and proposed methods of restoration;
- f) a schedule of site stripping and grading, construction, and site restoration, including methods to be employed to reduce or eliminate erosion by wind, water, or by other means; and
- g) historical and archaeological heritage resources and management areas (a Heritage Resource Assessment as prescribed under *The Heritage Property Act* may be required).

5) Vicinity Map

A vicinity map showing, with labels, the location of the proposed development in relation to the following features within two miles:

- a) Nearby municipal roads, highways and railways,
- b) Significant physical features, environmentally sensitive areas, and more or less pristine natural areas or features, especially undisturbed grassland, wooded ravines, and water feature or stream courses,
- c) Critical wildlife habitat and management areas,
- d) Mineral extraction resources and management areas, and
- e) Other as required, to effectively administer this Bylaw.

6) Certificate of Title

A copy of the Certificate of Title, indicating ownership and all encumbrances.

7) Valid Interest

Development permit applicants shall be required to provide information, to the Development Officer's or Council's satisfaction, that they have a current, valid interest in the land proposed for development.

- a) Proof of current valid interest may include:
  - i) proof of ownership
  - ii) an agreement for sale
  - iii) an offer or option to purchase
  - iv) a letter of purchase
  - v) a lease for a period of more than 10 years
  - vi) other, as determined and accepted by Council, or the Development Officer.

8) Site Description

- a) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent;
- b) A metes and bounds description prepared by the Information Services Corporation, which is accompanied by an accurate sketch;
- c) Photographic Information
- d) Photographs showing the site in its existing state.