

Rural Municipality of Rosthern  
Zoning Bylaw  
2008



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## SECTION 1: INTRODUCTION

### ***Title***

This Bylaw shall be known as the "Zoning Bylaw of the Rural Municipality of Rosthern No. 403."

### ***Scope***

All development within the limits of the Municipality shall be in conformity with the provisions of this Bylaw.

### ***Severability***

If any part of this Bylaw, including anything shown on the Zoning District Map, is declared to be invalid for any reason, by an authority of competent jurisdiction, the validity of the Bylaw as a whole, or any other part, Section or provision of this Bylaw will not be affected.

## SECTION 2: GENERAL ADMINISTRATION

### ***Development Officer:***

- 2.1 The Administrator of the Rural Municipality of Rosthern 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. The Administrator may appoint a Development Officer subject to the approval of Council to whom duties in the administration of the Zoning Bylaw may be delegated.
  - 2.2 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. Insure accessibility of Bylaws and amendments on the Municipal website;
    - d. Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
    - e. Collect application and development fees, according to the fee schedule established in this Bylaw;
    - f. Perform other duties as determined by Council.
  - 2.3 The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a development permit application for a "permitted use".
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**Council:**

- 2.4 Council shall make all decisions regarding discretionary uses, contract zoning, servicing and development agreements, and zoning Bylaw amendments.
- 2.5 Council shall make a recommendation regarding all subdivision applications circulated to it by the Saskatchewan Ministry of Municipal Affairs, prior to a decision being made by the Minister.
- 2.6 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 Inter-Municipal Plan.

**Development Permits:**

- 2.7 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
  - b. Receive a development permit for the proposed development.
- 2.8 A development permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Inter-Municipal Plan.
- 2.9 Except where a particular development is specifically exempted by this Bylaw, no development or use shall commence without a development permit first being obtained.

**Developments Not Requiring a Permit**

- 2.10 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):
    - a. Agricultural Zoning Districts
      - i. Buildings and structures that are accessory to an established agricultural operation except where such building or structure is a discretionary use.
      - ii. The erection of any fence, wall, gate, satellite dish, television antennae, or radio antennae.
    - b. Residential Zoning Districts
      - i. The erection of any fence, wall, gate, satellite dish, television antennae, or radio antennae.
      - ii. Relocation of any residential or accessory building provided development standards are still met on the site.
    - c. Commercial or Industrial Zoning Districts
      - i. The erection of any fence or gate.
      - ii. 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.
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- d. Official Uses and Public Utilities
  - i. The use of all or a part of a building as a temporary polling station, returning officer's headquarters, candidates' campaign offices and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census; and
  - ii. Uses and buildings undertaken, erected, or operated by the Municipality.
- e. Any public utility, excluding solid waste disposal, liquid waste disposal and clean fill sites.
- f. Internal Alterations
  - i. Residential Buildings - 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;
  - ii. All Other Buildings - 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;
- g. Landscaping
  - i. Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.
  - ii. Disposal of clean fill on a site where the clean fill is generated by construction or demolition activity on that site, subject to compliance with all federal and provincial requirements.

### ***Exemptions from Building Permit Requirements:***

- 2.11 The following developments shall be exempt from building permit requirements, but shall conform to all other Bylaw requirements:
- a. Accessory farm buildings or structures under 46m<sup>2</sup> (500 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 9.3 m<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.

### ***Development Permit Procedures:***

- 2.12 An application for a development permit shall be in the form prescribed by the Development Officer.
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- 2.13 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.
- 2.14 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.
- 2.15 A copy of all approved Development Permit applications, involving the installation of water and sanitary services, shall be sent to the local office of the Saskatoon District Health Region.
- 2.16 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 Inter-Municipal Plan and this Bylaw.
- 2.17 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.
- 2.18 A building permit, where required, shall not be issued unless a development permit has been issued, or is issued concurrently.
- 2.19 A development permit is valid for a period of twelve months unless otherwise stipulated when the permit is issued.
- 2.20 Where the Development Officer determines that a development is being carried out in contravention of any condition of the Inter-Municipal 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.
- 2.21 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.

***Comprehensive Development Reviews:***

- 2.22 A Comprehensive Development Review 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 and industrial purposes,. The purpose of this plan is to identify and address social, environmental, health and economic issues appropriately and to encourage the development of high quality residential, commercial, and industrial developments. This plan proposes to address the following topics:
- a. Proposed land use(s) for various parts of the area;
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- 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)
- 2.23 The CDR must be prepared in accordance with the overall goals and objectives of the Inter-municipal Plan.
- 2.24 The responsibility for undertaking all technical investigations and hosting public meetings as required by the CDR shall be borne solely by the applicant.
- 2.25 Council shall not consider any development application until all required information has been received.
- 2.26 The scope and required detail of the CDR will be based on the scale of the proposed development and its location. The quality and type of development shall be addressed in the CDR.
- 2.27 The following items shall be included in the preparation of a CDR:
- a. Identification of the purpose and objectives of development including an inventory of current land uses within the plan area and evidence of compliance with current Inter-municipal Plan policies and Zoning Bylaw regulations.
  - b. Identification of plan area characteristics including:
    - i. Physical site characteristics, regional context, and the size and intensity of development proposed;
    - ii. Natural and heritage resources including screening of environmental, archaeological, and historically significant areas within and adjacent to the development;
    - iii. Identification of potential hazard lands within the plan area; and
    - iv. Identification of the potential impact of proposed development on existing infrastructure and adjacent land uses.
  - c. Identification of the concept for development including a thorough description and explanation, illustrations, and any technical and professional analysis required to identify:
    - i. Proposed land uses;
    - ii. The economic and social benefits and the impact on the plan area and the region providing evidence of positive community integration;
    - iii. The subdivision design including phasing, identification of natural and constructed open space amenities, and allocation of Municipal and Environmental Reserve;
    - iv. The identification of existing and required utility capacity including but not limited to power, natural gas, telecommunications, water supply, onsite wastewater disposal systems;
    - v. Evidence that the carrying capacity of the soil within the plan area is sufficient to accommodate the proposed structures and waste water
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- created by the development with minimal or zero anticipated effect on the regional surface and groundwater systems quality;
- vi. The local hydrology, providing evidence that the design provides sufficient capacity to accommodate storm water and surface runoff locally to accommodate a 1:100 year flood event, with no significant increase in offsite flows resulting from development of the area;
  - vii. The proposed buffering from, or integration with, adjacent land uses;
  - viii. The impact of human activity and development on the natural environment and plans for the conservation and management of existing natural features within the plan area;
  - ix. A transportation plan for the area identifying road requirements, major commuting routes and the potential impact of development on current roadway infrastructure; and
  - x. The local capacity of fire and protective services, schools and other supportive community and recreational facilities.
- d. The applicant shall provide evidence of significant and effective public consultation acknowledging and attempting to incorporate the findings within the development proposal wherever possible to ensure that the development is perceived as beneficial to the area. The information required as part of the review process includes but is not limited to:
- i. Submission of a consultation plan, identifying the program and timing of engagement;
  - ii. Submission of a summary of findings, clearly identifying ideas and areas of support and challenges presented through the engagement process; and
  - iii. Identification of strategies to respond to, and/or incorporate the challenges presented within the proposal including necessary conflict resolution.

### ***Additional Public Consultation:***

2.28 Where deemed necessary by the Municipality, any application for a development permit may be required to undertake additional public consultation prior to the provision of a development permit.

### ***Discretionary Use Applications:***

- 2.29 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 application will be examined by the Development Officer for conformance with the Inter-Municipal 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 borne by the applicant.
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- d. The Development Officer will give notice by regular mail that the application has been filed to the all residents within a 1.6 km (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 Planning Department 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.
- 2.30 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.
- 2.31 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 Inter-Municipal 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.
- 2.32 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.
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- 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.
- 2.33 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.
- 2.34 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.
- 2.35 Council's approval of a discretionary use application is valid for a period of 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.
- 2.36 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.

***Variances:***

- 2.37 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 69 of The Planning and Development, 2007.
- 2.38 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by the proscribed application fee.
- 2.39 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.
- 2.40 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.
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- 2.41 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.
- 2.42 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.
- 2.43 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.
- 2.44 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.
- 2.45 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.
- 2.46 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.

***Development Permit Invalid:***

- 2.47 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 development permit is valid;
  - b. If the proposed development is legally suspended, or discontinued, for a period of six 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.
- 2.48 Where a development or building permit has been issued for an approved use or building and the completion of the project will extend beyond the stated 12 month time period, an additional 12 month extension may be provided upon receipt of a written request conditional upon construction or the activity being initiated prior to the expiration of the original permit.
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**Cancellation:**

- 2.49 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 hazard potential, or slope instability; and/or
  - c. When a developer requests a development permit modification.

**Stop-Work:**

- 2.50 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.
- 2.51 Establishment
- a. Council shall appoint a Development Appeals Board within three months from the effective date of this Bylaw, in accordance with The Planning and Development Act, 2007.
  - b. The said Development Appeals Board shall be composed of five members. No member of Council or municipal employee shall sit on the Board. All vacancies, as they occur, shall be filled by resolution of Council.

**Development Appeals Board:**

- 2.52 Duties
- a. The Development Appeals Board is bound by the Inter-Municipal Plan.
  - b. The Development Appeals Board may confirm, revoke, or vary the decision or development permit or any condition attached to any of these, or substitute a decision or permit that it considers advisable.
  - c. The Development Appeals Board shall adhere to the requirements of The Planning and Development Act, 2007.
  - d. The Board shall elect one of its members as Chair, who may administer oaths, affirmations, or declarations.
  - e. The Development Appeals Board shall keep records of its proceedings. These proceedings shall be filed in the Municipal office and shall be a public record.
  - f. Where a member of the Development Appeals Board has an interest in the matter before the Board, that member is duty bound to declare a conflict of interest and shall not take part in the proceedings of, nor be entitled to, vote on the matter.
- 2.53 Remuneration
- Council may establish a separate Bylaw to provide for the payment of remuneration to the board members in any amount that Council may determine.
- 2.54 Right to Appeal
- a. Section 219 of The Planning and Development Act, 2007, provides the right to appeal the Zoning Bylaw where a Development Officer:
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- i. is alleged to have misapplied the Zoning Bylaw in issuing a development permit;
  - ii. refuses to issue a development permit because it would contravene the Zoning Bylaw; or
  - iii. issue an order, based on inspection, to the owner, operator, or occupant of land, buildings, or premises considered to contravene the Zoning Bylaw.
- b. 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 Inter-Municipal Plan. This right of appeal extends thirty days after the issuance or refusal of a development permit or order.
- c. The Development Officer shall make available to all interested persons copies of the Municipal Development Appeals Procedures Handbook outlining the procedures and fees associated with filing an appeal.

### ***Zoning Bylaw Compliance Certificate:***

- 2.55 The Development Officer may issue a Zoning Bylaw Compliance Certificate for any use, building or structure which is in conformance with this Bylaw or is deemed to be a legal non-conforming use, building or structure.
- 2.56 The applicant for a Zoning Bylaw Compliance Certificate shall provide the Development Officer with any information that may be required, including information on the existing and past use of the land or buildings on the property, and a Real Property Report prepared by a registered Saskatchewan Land Surveyor where applicable.

### ***Amendment of the Zoning Bylaw:***

- 2.57 Council may amend this Bylaw at any time, upon its own initiative or upon request, provided that the amendments are in keeping with the intent of the Basic Planning Statement.
- 2.58 Council shall require applicants requesting an amendment to this Bylaw, or approval of a discretionary use that Council wishes to advertise prior to issuance of a Development Permit, to pay Council all of the cost associated with public advertisement of the application.
- 2.59 Where an application is made to rezone land to permit the carrying out of a specified proposal, the Municipality may, for the purpose of accommodating the request, enter into an Agreement with the Applicant pursuant to Section 69 of The Planning and Development Act, 2007.
- 2.60 The following provisions shall apply in the review of applications for rezoning by agreement:
- a. Terms of Agreement: The Municipality may enter into an agreement with the applicant setting out a description of the proposal and reasonable terms and conditions with respect to:
    - i. the uses of the land and buildings and the forms of development;

- ii. the site layout and external design, including parking areas, landscaping, and entry and exit ways; and
    - iii. any other development standards considered necessary to implement the proposal, including all appropriate standards from the requested zoning district.
  - b. Use Limitations: The Municipality may limit the use of the land and buildings to one or more of the uses permitted or discretionary in the requested zoning district.
- 2.61 A zoning designation which is subject to an agreement entered into pursuant to the provisions of Section 69 of The Planning and Development Act, 2007, shall be indicated on the Zoning Map by the addition of the Bylaw number authorizing the agreement after the zoning district designation.

***Offences and Penalties:***

- 2.62 Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in Section 243 of The Planning and Development Act, 2007.

***Bylaw Compliance:***

- 2.63 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.

***Development Agreements:***

- 2.64 Where development requiring a permit is proposed in the absence of subdivision that results in additional capital costs incurred by the Municipality, the developer shall be required to enter into a development agreement to address the specifications of the development and provisions for payment of any levies deemed necessary by Council.

***Servicing Agreements:***

- 2.65 Where a development proposal involves subdivision, the Municipality may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to Section 172 of 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.
- 2.66 According to Section 172 of The Planning and Development Act, 2007, the agreement may provide for:
- a. The undertaking and installation of storm management infrastructure, sanitary sewers, drains, water mains and laterals, street lights, graded gravelled or paved streets and lanes, connections to existing services, area grading and levelling 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
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located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

***Caveats:***

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

***Performance Bonds:***

- 2.68 The Municipality may require a developer, including 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.

***Liability Insurance:***

- 2.69 The Municipality may require developers to provide and maintain liability insurance to protect the Municipality, developer and general public.
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**SECTION 3: GENERAL REGULATIONS*****Licenses, Permits, and Compliance with Other Bylaws:***

- 3.1 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. 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 Rosthern 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 Rosthern or any law of the Province of Saskatchewan or Canada. Where requirements in this Bylaw are in conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

***Compliance with the Provincial Clean Air Act***

- 3.2 No use, operation, or development shall discharge into the atmosphere any air contaminants, visible emissions, smoke or particulate matter which exceed those measures prescribed by the Province of Saskatchewan under The Clean Air Act, and The Clean Air Regulations.
- 3.3 No use, operation, or development shall cause or create the emission of odorous matter or vapour in amounts or quantities which exceed those measures prescribed by the Province of Saskatchewan under The Clean Air Act, and The Clean Air Regulations.
- 3.4 The Province of Saskatchewan through the Saskatchewan Ministry of Environment and Resource Management Department is responsible for the enforcement of The Clean Air Act and The Clean Air Regulations. Where the Province of Saskatchewan has determined that a use or development is in violation of The Clean Air Act or Regulations, the Development Officer may undertake Zoning Bylaw enforcement procedures.

***Non-Conforming Buildings, Uses and Structures:***

- 3.5 Any use of land or any building or structure lawfully existing at the time of passing of this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold.
- 3.6 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with Sections 88 to 93 of The Planning and Development Act, 2007.
- 3.7 Beyond the provision of accessible municipal records, the burden of establishing that a use, building or structure was lawfully established and remains as a legal non-conforming use, building or structure shall be upon the owner of the use, building or structure.
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- 3.8 No lawfully existing use or building shall be deemed to be non-conforming as a result of the construction or widening of a registered road or rail right-of-way.

***Disposal of Wastes:***

- 3.9 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.

***Private Sewage Treatment Systems:***

- 3.10 The Development Officer, in conjunction with the Saskatoon 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.
- 3.11 Upon receipt of an application for subdivision the application will be evaluated based upon the Review Process for Onsite Wastewater Disposal Systems for Developments and Subdivisions (Wastewater Review Document) as provided by the Saskatoon District Health Region. The review process indicates the level of assessment required and upon this determination provides the submittal requirements as well as identifying the qualifications required for the site assessor.
- 3.12 All submissions required by the Wastewater Review Document 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, Saskatoon District Health Region and any other relevant agency deemed necessary by the Municipality.
- 3.13 Where conditions exist within a proposed subdivision that restricts the ability for a proponent to satisfy all of the criteria for a lower level of assessment, the submittal requirements for the next level will be applied.
- 3.14 As a condition of approval for all multi-parcel residential developments, the developer is required to create homeowner association which is required to adopt a Bylaw regulate and oversee the general operation and ongoing maintenance of private onsite wastewater disposal systems within the development to ensure that systems continue to function effectively.
- 3.15 The Bylaw will include the assessment of a local user fee collected on behalf of the local residents to fund the regular inspection of individual wastewater disposal systems by a contracted, licensed professional, providing the Municipality with regular inspection reports.
- 3.16 The frequency of the inspection reports shall be determined by Council on a case by case basis, based upon:
- a. Local soil conditions including its carrying capacity;
  - b. Density of development;
  - c. Proximity to existing multi-parcel country residential developments; and
  - d. The type of potable water supply located on adjacent properties.
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- 3.17 Where an inspection report indicates that an individual onsite wastewater disposal system is not functioning properly, the property owner is responsible for undertaking all necessary improvements or repairs in a timely manner at his/her own expense.

***Number of Principal Buildings, Uses or Structures Per Site:***

- 3.18 No person shall construct or cause to be constructed, more than one principal building or use per site unless otherwise provided in policy.
- 3.19 The Development Officer may approve a development permit for the construction of a secondary dwelling units on a lot if:
- a. The secondary dwelling unit is temporary in nature and is occupied only during the construction or relocation of a new dwelling unit associated with approved building permit application and is deemed necessary for the construction work; or
  - b. The secondary dwelling units are to be occupied by persons who will be solely, or mainly, employed in the farming or intensive livestock operation being conducted on the site or as an accessory to an approved discretionary use of Council.
  - c. All applications for secondary dwellings excluding those described in “a.” above shall be considered by Council on a case by case basis as a discretionary use on the property and shall be located within the existing yard site containing the primary residence and removed when it is no longer being used for this purpose. Specific development standards for accessory agricultural residences are listed in Section 4 of this document.
  - d. If the Development Officer approves a second residence as outlined above, the following conditions shall apply;
    - i. Within an agricultural or residential district the second dwelling shall be compatible in architectural appearance, colour, style and size to the principal residence;
    - ii. The second dwelling must comply with all other relevant Bylaw standards applicable to the district in which it is to be located;
    - iii. Wherever possible, the second dwelling must tie into the existing water, sewer and storm drainage systems, access roads and approaches existing upon the lot;
- 3.20 The applicant shall enter into an agreement with and to the satisfaction of the Municipality, containing such terms as the Municipality deems necessary to ensure the provisions of this section of the Bylaw are enforceable and complied with, and which agreement shall be registered by way of caveat upon the title to the land at the full expense of the landowner.

***Buildings to be Moved:***

- 3.21 No building shall be moved within, or into, the Municipality, without first obtaining a Development Permit from the Development Officer.
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***Secondary Suites:***

- 3.22 No person shall construct or cause to be constructed, a secondary suite within a principal dwelling.
- 3.23 A suite refers a separate set of living quarters within a principal or accessory dwelling whether occupied or not, containing sleeping, sanitary and kitchen facilities. Kitchen facilities include but are not limited to cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or any other cooking appliances and kitchen tables and chairs.

***Accessory Buildings, Uses and Structures:***

- 3.24 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.
- 3.25 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.
- 3.26 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.
- 3.27 Accessory structures shall not be used as a dwelling unless approved as an additional agricultural dwelling.

***Development along Gas Transmission Lines***

- 3.28 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.

***Development along Riverbanks and Hazard Lands***

- 3.29 Development or subdivision proposed on or within 30 m (100 ft) of the crest of a slope greater than 15% shall require supporting evidence of slope stability by a professional engineer.
- 3.30 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.
- 3.31 Trees or vegetation shall not be cleared from any land within 20 metres (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.
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- 3.32 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.

**Figure 1: Minimum Building Setback from the Top of a Bank:**

<b>Vertical Depth of Coulee, Ravine or Valley</b>	<b>Minimum Building or Structure Setback from the Top of the Bank</b>
<b>Less than 3 Metres (9.8 ft) to 15 metres (49.2 ft)</b>	<b>10 metres (32 ft)</b>
<b>Greater than 15 metres (49.2 ft) and less than 30 metres (98.4 ft)</b>	<b>15 metres (49.2 ft)</b>
<b>Greater than 30 metres ( 98.4 ft)</b>	<b>20 metres (65 ft)</b>

- 3.33 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 metres (98.4 ft) from a water body of 8 ha (20 acres) or more.

#### ***Heritage Sensitive and Critical Wildlife Habitat***

- 3.34 Where development is proposed in an area identified as containing critical wildlife habitat or heritage sensitive areas, 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.

#### ***Permitted Yard Encroachments:***

- 3.35 Where minimum front, side or rear yard setbacks are required in any zoning district, the following shall not be considered in the determination of yard dimensions or site coverage in any yard:
- Uncovered and open balconies, terraces, verandas, decks, and patios having a maximum projection from the main wall of 1.8 m (6 ft.) into any required front or rear yard.
  - Window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 m (2 ft.) into any required yard.

#### ***Uses or Objects Prohibited or Restricted in Yards:***

- 3.36 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.

- 3.37 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.
- 3.38 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.
- 3.39 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.

### ***Vehicle Storage***

- 3.40 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 six such vehicles may be stored on any site in an intensive country residential or hamlet 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.
- 3.41 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.

### ***Trailers, Box Cars, Sea and Rail Containers***

- 3.42 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 in any country residential or hamlet district.

### ***Grading and Levelling of Sites:***

- 3.43 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.
- 3.44 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.
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- 3.45 Where excavation or filling is proposed for any development in a flood hazard sub-district, the Municipality may request comments of the Sask Water prior to making a decision on the development permit application.
- 3.46 All vegetation and debris in an area to be re-graded or filled must be removed from the site prior to site grading and levelling.
- 3.47 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.

***Building and Landscape Design, Maintenance:***

- 3.48 All sites at all times shall be maintained clean and free from waste and debris.
- 3.49 The outdoor storage or collection of goods and materials is prohibited in a front yard in any Country Residential District.
- 3.50 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.
- 3.51 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.
- 3.52 The Development Officer when considering a development permit application may impose conditions requiring the use and maintenance of landscaping, berming, fencing, vegetation or other screening of a location, length, thickness, type, height and extent that is considered necessary to buffer the proposed development from adjacent or neighbouring land uses.
- 3.53 All trees/shrubs and tree/shrub planting required pursuant to this section shall be hardy to the region and shall be required to conform to the following:
- a. Evergreen shrubs shall be at least 40.0 cm (15.7 in.) in height when planted, deciduous shrubs shall be at least 60.0 cm (23.6 in.) height when planted;
  - b. The proportion of deciduous to evergreen trees shall be approximately 60:40, unless the landscaping plan is designed by a registered professional Landscape Architect; and
  - c. Trees required shall be at least 4.5 cm (1.7 in.) calliper for deciduous trees, and at least 2.0 m (6.6 ft.) in height for evergreen trees;
- 3.54 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.
- 3.55 The use of landscaping is required adjacent to exterior storage areas within industrial developments to provide a natural screening of activities that are visible from public roads.
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**Lighting:**

- 3.56 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.
- 3.57 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.
- 3.58 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.

**Signage:**

- 3.59 A development permit is required for the erection, display, alteration, relocation or replacement of any temporary or permanent sign unless exempted as follows:
- Regular maintenance including painting and repairs due to deterioration;
  - Municipal and provincial agency signage;
  - Traffic Control signage;
  - Decal or painted window signs;
  - Incidental signs containing traffic or pedestrian controls;
  - Signage intended to regulate hunting or trespassing on private property;
  - Agriculturally related signage including herbicide, insecticide or seed advertising promotional signage;
  - Real estate signage;
  - Residential name plates;
  - Neon beverage signs, on or in the window of a commercial establishment or vending machine;
  - Works of art containing no advertising;
- 3.60 The following general regulations shall pertain to temporary and permanent signage in all zoning districts unless otherwise stated:
- All signs situated along a provincial highway shall comply with provincial highway regulations as amended from time to time.
  - No signs shall be permitted which move or assume any motion except for digital messaging signs where allowable.
  - A sign which is made from part of or is attached to, a fence is prohibited.
  - 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.
  - Signs which are deemed to be in disrepair shall be properly maintained or removed at the discretion of the Municipality.
  - A Development Officer may require that a sign be enhanced with landscaping or architectural features to improve aesthetics.
  - Offensive statements, words or pictures that do not conform to the amenities of the neighbourhood shall be prohibited.
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- h. 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.
  - i. 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.
  - j. No intermittent flashing signs 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.
  - k. Signs identifying multi-parcel country residential developments or hamlets may be permitted.
  - l. 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.
  - m. No permanent sign shall be placed on or over public property unless specifically permitted within this Bylaw.
  - n. Where a sign will be located adjacent to a provincial highway, The Highways and Transportation Act will govern placement requirements.
- 3.61 Free standing signs located outside of designated signing corridors and other than directional signage shall observe the following guidelines in addition to the general regulations regarding signage:
- a. Shall not contain general advertising or refer to a product or service which is located off site;
  - b. Shall be situated and designed to not obscure pedestrian or vehicular vision;
  - c. Shall maintain a 1 m (3.28 ft) separation from adjacent lot lines;
  - d. Shall not protrude over any portion of a public easement or right of way;
  - e. All free standing signs requiring electrical power shall maintain CSA approved electrical wiring techniques and the wiring shall be permanently concealed.
  - f. Shall not exceed the height restrictions associated with the zoning district in which it is proposed.
- 3.62 Attached signs shall be permitted where they are attached to or projected from the face of a building or canopy or edge of the roof of a building, either vertically or horizontally provided that they shall not be projected from the face, canopy or roof by means of intermediate supports and are not projected either over the street or above the maximum height permissible for the building type.
- 3.63 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. signs are not to be illuminated;
  - d. signage will maintain a separation distance of 10 m (32.8 ft) from another temporary or permanent sign, 3 m (9.84 ft) from a site access point and 10 m (32.8 ft) from an intersection;
  - e. signage shall not exceed 1 m<sup>2</sup> (3.28 ft<sup>2</sup>) in gross surface area and 1.2 m (3.93 ft) in height;
  - f. election signage is permitted as temporary signage and is permitted only if:
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- i. it is located 3 m (9.84 ft) from any access and 10 m (32.8 ft) from an intersection, 30 m (98.4 ft) from another election sign of the same candidate and 10 m (32.8 ft) from an approved permanent sign;
  - ii. is a maximum 1.5 m<sup>2</sup> (16.14 ft<sup>2</sup>) and 2 m (6.56 ft) high
  - iii. 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
- 3.64 Signage for business and activities of a commercial nature are limited to directional signage and shall respect the following guidelines in addition to the general regulations regarding signage:
- a. Directional signage shall not exceed 3 m<sup>2</sup> (32.3 ft<sup>2</sup>) in gross surface area and a height of 2 m (6.56 ft);
  - b. The information to be displayed on directional signage is limited to the type of enterprise, direction and distance to the enterprise;
  - c. Advertising is limited to the placement of a logo;
  - d. A single enterprise is limited to 1 sign per intersection between the entry to the business and the nearest major highway or paved municipal roadway to a maximum distance of 5 kilometres.
  - e. Directional signage shall maintain a 10 m (32.8 ft) separation from adjacent sign structures.
  - f. Where off premise identification signage containing advertising is customarily associated with a permitted land use the following regulations shall apply:
  - g. A master sign plan shall be submitted showing the location, size and type of signage to be constructed including cross sectional drawings relating the proposed signage to the landscape of the property;
  - h. All advertising signage shall be internally directed on the site and exposure to public right of ways shall be only incidental;
  - i. The Municipality shall only approve a master sign plan if the design is fully compatible with the intent of this Bylaw.
  - j. The permitted land uses include but are not limited to sports fields, equestrian facilities and race tracks.

### ***Zoning District Sign Regulations***

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

#### **Agricultural, Hamlet and Residential Districts:**

**Other than signage that does not require a permit, the following permanent signage requirements will apply:**

<b>Large Scale Agricultural/ Agricultural Commercial and Agricultural Industrial Uses</b>	<ol style="list-style-type: none"> <li>1. 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 8m (26.24 ft).</li> <li>2. One attached sign shall be permitted not exceeding 5.6 m<sup>2</sup> (60.27ft<sup>2</sup>) in gross surface area.</li> <li>3. Where a building maintains direct exposure to</li> </ol>
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	more than one public right of way, a second attached sign shall be allowable following the previous regulations.
<b>Institutional / Recreational Uses</b>	<ol style="list-style-type: none"> <li>1. 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 m (8.2 ft).</li> <li>2. One attached sign shall be permitted not exceeding 5.6 m<sup>2</sup> (60.27 ft<sup>2</sup>) in gross surface area.</li> <li>4. Signage shall maintain a separation distance of 12 m (39.37 ft) for every square meter of area of the larger of the two signs.</li> </ol>
<b>Small Scale Commercial and Home Businesses</b>	<ol style="list-style-type: none"> <li>1. 1 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.</li> <li>2. Maximum 2.5 m (8.2 ft) in height.</li> <li>3. Illumination limited to 75 watts and shall not include electronic message boards.</li> </ol>

**Commercial and Industrial Districts:**

Other than signage that does not require a permit, the following permanent signage requirements will apply:

<b>Commercial and Industrial Uses</b>	<ol style="list-style-type: none"> <li>1. 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 m (55.77 ft).</li> <li>2. The cumulative area of attached signage permitted shall be calculated as 0.8 m<sup>2</sup> per lineal metre 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>).</li> <li>3. Signage shall maintain a separation distance of 12 m (39.37 ft) for every square meter of gross surface area of the larger of the two signs.</li> </ol>
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**Parking:**

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.

3.66 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.

### **Parking Schedule**

3.67 Type or nature of use, building or structure and minimum required parking facilities:

<b>Land Use</b>	<b>Parking Spaces</b>
<b>Institutional Uses</b>	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.
<b>Commercial Use</b>	One (1) parking space for every 18m <sup>2</sup> (194 ft <sup>2</sup> ) of gross floor area; minimum five spaces.
<b>Industrial Use</b>	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.
<b>Recreational use</b>	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.

- 3.68 The parking facility shall be located on the same site as the use for which it is intended. It shall be developed such that:
- It is reasonably accessible to the use and vehicles it is intended to serve;
  - It meets the satisfaction of the Municipality regarding design;
  - It is appropriately landscaped to the satisfaction of the Municipality.
  - All parking facilities shall be maintained to the satisfaction of the Municipality by the owner of the property.
  - Each parking space within a parking facility shall be a minimum of 2.5 metres (8.2 ft) wide and 6 metres (19.7 ft) long except that parallel parking spaces shall be a minimum of 6.5 metres (21.3 ft) long.
  - 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.
- 3.69 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.
- 3.70 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.

***Roadways:***

- 3.71 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.
- 3.72 Development adjacent to a provincial highway shall meet all requirements of the Saskatchewan Ministry of Highways and Infrastructure.
- 3.73 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;
- 3.74 All dead-end roads shall have a cul-de-sac or a hammerhead-T designed at the closed end of at least 15 m (49.21 ft) in diameter, measured at the outside of the traveled way.
- 3.75 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.

***Frontage and Access***

- 3.76 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.
  - 3.77 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.
  - 3.78 All site access from roads shall be to the satisfaction of the Director of Operations with respect to location, design, and construction standards. The Director of Operations shall take into account safety and the physical capability of roads that are proposed to serve the development.
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***Approaches:***

- 3.79 All approaches to public roads require the approval of the Municipality.
- 3.80 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.
- 3.81 All approaches shall be constructed in accordance with the engineering standards of the Municipality or as authorized by the Director of Operations.
- 3.82 Where an approach for a commercial, industrial, or residential lot within a multi lot subdivision accesses onto a paved road or highway, the approach shall be paved from the edge of the road surface to 5 m (15 ft) into the lot.

***Public Utilities and Municipal Services:***

- 3.83 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.
- 3.84 Protective, emergency, municipal services and other public works and facilities may be established in all zoning districts.

***Keeping of Domestic Animals:***

- 3.85 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.
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**SECTION 4: DISCRETIONARY USE STANDARDS FOR DEVELOPMENT*****Accessory Agricultural Residence:***

- 4.0 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for an accessory residence:
- a. 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 or if it is an accessory
  - b. A development permit for an accessory residence as described above 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 5-year basis provided that the dwelling complies with the provisions of this Bylaw. The applicant shall be responsible to renew the permit every five years.
  - c. The Municipality may require as a condition of the development permit that the applicant provide a letter of credit in the amount required to remove the temporary dwelling unit from the subject parcel and may register a caveat in respect of the condition against the Certificate of Title for the land that is the subject of the development. Where the applicant disagrees with the letter of credit amount, he/she will be required to provide two written estimates prepared by independent, qualified, bonded moving experts in the field for consideration by the Development Officer.
  - d. For individual accessory residences, the floor area of the accessory dwelling shall not be less than 35 m<sup>2</sup> (375 ft.<sup>2</sup>) and not greater than 111.5 m<sup>2</sup> (1200 ft.<sup>2</sup>) constructed on grade without a basement.
  - e. The maximum height of the accessory dwelling shall not exceed 5 m (16.4 ft.) and shall have only one story.
  - f. For accessory residences constructed as dormitories, there is no maximum floor area or height restriction, but the structure shall be constructed on grade without a basement.
  - g. All accessory dwellings shall only be located on sites where the accessory dwelling can be serviced by existing utilities.
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### ***Home Based Business***

- 4.1 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for a Home Based Business:
- a. The use shall be clearly incidental and secondary to the use of the dwelling unit as a private residence.
  - b. The use shall be conducted entirely within the dwelling unit or an accessory building to the dwelling unit.
  - c. 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.
  - d. In Country Residential Districts, there shall be no external storage of goods, materials or equipment associated with the applied use.
  - e. The use shall not create or become a public nuisance.
  - f. Not more than two persons other than the residents of the dwelling unit shall be employed in the home based business.
  - g. 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.
  - h. The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.
  - i. 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.
  - j. The use shall be valid only for the period of time the property is occupied by the applicant for such use.
  - k. All permits issued for home based businesses 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 contained in the Bylaw, or the special standards applied by Council at the time of approval.
  - l. Council shall place any additional conditions for approval deemed necessary based upon a specific application.
-

***Home Occupation:***

- 4.2 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for a Home Occupation:
- a. The use shall be clearly incidental and secondary to the use of the dwelling unit as a private residence.
  - b. The use shall be conducted entirely within the dwelling unit and shall not have any exterior evidence of a secondary use.
  - c. There shall be no outside storage or exterior display of goods, materials or equipment associated with the applied use.
  - d. There shall be no external advertising.
  - e. The use shall not create or become a public nuisance.
  - f. The character of the district in which the home occupation is located shall not be disturbed by dust, noise, smoke or smell generated by the use.
  - g. Only the residents of the dwelling unit shall be employed in the home occupation.
  - h. 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 unit and its home occupation substantially exceeds the average for residences in the area.
  - i. The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.
  - j. No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home occupation is located.
  - k. The permitted use shall be valid only for the period of time the property is occupied by the applicant for such permitted use.
  - l. All permits issued for home 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 occupations contained in the Bylaw, or the special standards applied by Council at the time of approval.
-

***Campgrounds:***

- 4.3 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for a Campground:
- a. 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.
  - b. 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.
  - c. 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.
  - d. One sign located on site, advertising the campground is permitted subject to the Sign Regulations contained herein.
  - e. No portion of any campsite shall be located within a roadway or required buffer area.
  - f. Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
  - g. 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.
  - h. 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.
  - i. 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.
  - j. The Public Health Act shall be complied with in respect to all operations and development of the campground.
-

***Residential Care Facilities:***

- 4.4 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for a Residential Care Facility:
- a. Residents shall reside within the facility for a period equal to or greater than 30 days.
  - b. The applicant shall provide evidence of appropriate licensing and certification to operate under applicable provincial legislation.
  - c. The development site may include secondary detached living quarters for the operator or administrator and support staff.
  - d. The facility shall not be used for general lodging and boarding.
  - e. The facility shall not be used for the purpose of detention of persons charged under The Criminal Code of Canada or any Federal or Provincial Statute.

***Bed & Breakfast:***

- 4.5 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for a Bed & Breakfast:
- a. 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.
  - b. No more than three (3) guest rooms shall be allowed in a bed and breakfast home.
  - c. 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.
  - d. 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 Saskatoon District Health Region.
  - e. 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.
  - f. Council shall place any additional conditions for approval deemed necessary based upon a specific application.
-

***Animal Kennels:***

- 4.6 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for an Animal Kennel:
- a. The maximum number of animals not normally attributed to the host site to be kept on-site shall be at the discretion of Council.
  - b. 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.
  - c. All facilities, including buildings and exterior exercise areas, shall be sited behind the principal building unless otherwise approved by Council.
  - d. Pens, rooms, exercise runs and holding stalls may be soundproofed to the satisfaction of Council.
  - e. All dog facilities shall be visually screened from existing dwellings on adjoining lots.
  - f. 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.
  - g. A boarding use shall at no time unduly interfere with the character of the neighbourhood or the general enjoyment of adjoining sites.
  - h. 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.
  - i. Council shall place any additional conditions for approval deemed necessary based upon a specific application.
  - j. Animal kennels shall be subject to relevant Bylaws and legislation governing noise and public health.
  - k. 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.
  - l. 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.

***Equestrian Facilities:***

- 4.7 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for an Equestrian Facility:
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- a. The Development Permit shall set the maximum number of horses and cattle, if applicable, that may be kept on the site
- b. An animal is kept ,for purposes of this section, when it is on the site overnight
- c. 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.
- d. The Development Permit shall set out conditions that address garbage and manure control, pasture management, on site stock trailer parking, participant and spectator parking,
- e. 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
- f. The application shall include a traffic impact analysis that includes current and projected traffic for the next ten years in the vicinity.
- g. 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.
- h. Details of water supply and sewage disposal shall be included with the application.
- i. Council shall place any additional conditions for approval deemed necessary based upon a specific application.

### ***Solid & Liquid Waste Disposal Facilities:***

- 4.8 In addition to the general requirements regarding discretionary use applications provided in Section 2 of this Bylaw, the following additional considerations shall be made for all applications for a Solid or Liquid Waste Disposal Facility:
- a. Development and site maintenance shall be in accordance with provincial environmental and health regulations.
  - b. 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.
  - c. A buffer strip containing trees, shrubs or a berm shall be located surrounding a disposal area.
  - d. Any solid or liquid waste disposal facility shall be fenced.
  - e. Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
  - f. Solid waste disposal facilities shall be located in proximity to a provincial highway and adjacent to an all-weather road.
-

- g. The development of any new disposal sites shall take into consideration direction of prevailing winds.
- h. Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- i. Where approval has been deemed appropriate, Council may consider the following requirements within a development permit:
  - i. Place a limitation on the years, months, weeks, days and/or hours of operation;
  - ii. Requirement to provide and maintain sufficient dust control to the satisfaction of the Municipality;
  - iii. Limitations to the height of the landfill development;
  - iv. Specific requirements related to any stripping, filling, excavation and grading associated with landfill development; and
  - v. Requiring development to adhere to any appropriate provincial health regulations.
- j. 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.

***Aggregate Extraction:***

- 4.9 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
  - 4.10 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.
  - 4.11 In reviewing applications for aggregate resource extraction operations the environmental implications of the operation including plans for site restoration shall be considered.
  - 4.12 The applicant shall submit plans and a narrative including:
    - a. The location and area of the site where the excavation is to take place;
    - b. The expected life of the deposit if applicable;
    - c. The type and dimensions including average depth of the proposed excavation, and the effect on existing drainage patterns on and off the site;
    - d. Identification of the outdoor noise and the discharge of substances into the air;
    - e. The methods for preventing, controlling, or reducing erosion;
    - f. proposed access and hauling activities (including number of trucks, tonnage, and hours of hauling)
    - g. Proposed extraction, operation, and staging (including years, dates and hours of operation)
    - h. 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.
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- 4.13 Aggregate resource extraction industries are permitted in accordance with the following conditions:
- a. 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.
  - b. The applicant shall keep the area subject to the development permit in a clean and tidy condition free from rubbish and non-aggregate debris.
  - c. Access routes into extraction areas shall be located away from residential areas.
  - d. 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.
  - e. Any aggregate resource extraction industry proposed to be located within 100 m (328 ft.) of any municipal road, provincial highway or the South or North Saskatchewan River shall be permitted only where it would not adversely impact the environment, or materially interfere with or affect adjacent lands.
  - f. 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.
  - g. The general resource extraction operator and any person who hauls the aggregate may be required to enter into a road maintenance agreement.
  - h. 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.
  - i. The Council may require the aggregate resource extraction operator to post a performance bond to guarantee adherence to the above noted agreements.
  - j. 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.

**Clean Fill:**

- 4.14 The excavation, movement or recycling of fill material within the source site shall not be considered a clean fill activity and exempt from the policies herein. Disposal of clean fill on a site generated by construction or demolition activity on that site will be encouraged.
- 4.15 For the purpose of this section, clean fill operations shall mean the dumping or placement of clean fill from outside sources for the purpose of re-grading or levelling a property to reclaim previously excavated properties, correct drainage on a site or make a site more suitable for construction. Clean Fill operations are not intended to accommodate the processing and recycling of fill for commercial distribution.
- 4.16 In addition to the general requirements regarding discretionary use applications provided in Section 1.5 of this Bylaw, the following additional considerations shall be made for all applications for a clean fill:
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- a. the location and area of the site where the fill is to be deposited;
  - b. a fill design approved by a geotechnical engineer;
  - c. A schedule of completion including the ongoing re-vegetation of reclaimed areas;
  - d. An estimation of the amount of fill required;
  - e. A post development drainage plan;
  - f. The methods for preventing, controlling, or reducing erosion if applicable;
  - g. Proposed access and hauling activities (including number of trucks, tonnage, and hours of hauling)
  - h. Proposed operational details including dates and hours of operation;
  - i. Identification and certification of the source fill material from Saskatchewan Environment;
  - j. Where a proposed clean fill site may affect wetlands and natural habitat, referrals from appropriate provincial agencies shall be provided as required by The Environmental Protection Act.
- 4.17 Clean Fill operations are permitted in accordance with the following conditions:
- a. The applicant shall employ the services of a professional geotechnical engineer to complete regular inspections of the operation providing the Municipality with evidence that the type and application of the fill is in accordance with the design approved by Council.
  - b. The applicant shall permit a representative of the Municipality to perform routine inspections of the operation where deemed appropriate.
  - c. 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.
  - d. The applicant shall keep the area subject to the development permit in a clean and tidy condition free from rubbish and non-aggregate debris.
  - e. Access routes into fill site shall be located away from residential areas.
- 4.18 Clean Fill operations 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.
- 4.19 In addition to the public notification provisions for discretionary uses contained in this Bylaw, Council shall require that the application be circulated to property owners adjacent to the proposed haul roads to obtain public input on the proposed site;
- 4.20 The applicant and any person who hauls the fill material may be required to enter into a road maintenance agreement.
- 4.21 The applicant, upon approval is required to enter into a development agreement to ensure that the operation is consistent with the requirements of this Bylaw.
- 4.22 The Council may require the applicant to post a performance bond to guarantee adherence to the above noted agreements.
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- 4.23 An approval of a clean fill operation 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.

***Intensive Livestock Operations:***

- 4.24 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.
- 4.25 In addition to the general requirements for a discretionary use as provided in section 2 of this Bylaw, the following additional considerations shall be made for all applications for:
- a. New ILO's
  - b. Expansion of Existing ILO's
  - c. Any temporary facility or part of a site; or
  - d. The alteration of an animal species in an approved operation.
- 4.26 In addition to any requirements contained herein, all applications for an ILO shall conform to the regulations provided within the Agricultural Operations Act, 1995.
- 4.27 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.
- 4.28 The applicant shall be responsible for submitting a site plan and narrative including the following:
- a. The size and type of facility;
  - b. 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);
  - c. The number and type of animals including identification of any risks of disease;
  - d. Manure storage and disposal strategies including identification of all parcels including their acreage intended to host the disposal;
  - e. Identification of surface water and residential development on or adjacent to the parcels intended for hosting the disposal of manure;
  - f. 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;
  - g. Identification of the location of potentially affected surface and groundwater sources on and adjacent to the site including distance measurements to these watercourses;
  - h. 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 to accommodate the activities proposed.
  - i. 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.
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- j. Servicing requirements associated with the operation including but not limited to road upgrades and availability of adequate water sources.
  - a. Type, volume and frequency of traffic associated with the transportation of animals, food, products and manure to and from the site.

4.29 When considering the operational/environmental aspects of an application, the Municipality shall refer all development permit applications to the Saskatchewan Department of Agriculture and Food (SDAF) for review and recommendation regarding water supply (quality and quantity considerations, manure and mortality management plans and any other issues that the Municipality may require the proponent to address.

4.30 ILO's shall refer to the following recommended minimum distance separations:

Number of Animal Units				
Type of Development	100-299	300-499	500-1999	>2000
<b>Single family dwelling not owned by the Intensive Agricultural Operator, tourist accommodation or campground</b>	400 m	400 m	800 m	1200 m
<b>Multi-parcel country residential subdivision, hamlet or village less than 100 population, Recreational Uses</b>	400 m	800 m	1600 m	1600 m
<b>Village (100-500) population</b>	800 m	1200 m	1600 m	2400 m
<b>Town (501-500) population</b>	1200 m	1600 m	2400 m	3200 m

4.31 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.

4.32 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.

4.33 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.

- 4.34 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.
- 4.35 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.
- 4.36 The minimum separation distance between occupied dwellings and the location where manure is to be spread is listed below:

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

<b>Method of Manure Application</b>			
<b>Distance between manure application and closest property boundary</b>	<b>Injected</b>	<b>Incorporated within 24 hours</b>	<b>No incorporation</b>
<b>Population of 1-1000 people</b>	200 m	400 m	800 m
<b>Population of 1001-5000</b>	400 m	800 m	1200 m

Distances are measured between edge of the manure application area and the edge of a nearest property boundary in metres.

## SECTION 5 : ZONING DISTRICTS

For the purpose of applying this Bylaw, the Municipality is divided into zoning districts.

The boundaries of the zoning districts are shown on the Zoning Maps in Appendix A which are attached to and form part of this Bylaw. Unless otherwise shown on the map, the boundaries of the said districts are site lines, center lines or streets, lands, roads or such lines extended and the boundaries of the Municipality.

Regulations for the zoning districts are outlined in the schedules which are attached to and form part of this Bylaw.

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**SCHEDULE A: AGRICULTURAL DISTRICT (AG)*****Purpose and Intent:***

The purpose of the Agricultural District (AG) is to provide for and preserve large areas capable of accommodating a diversity of general agricultural activities including field and forage crops as well as intensive agricultural activities.

***1.0 Permitted Uses:***

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

1. 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; excepting intensive livestock operations
2. Accessory Building/Uses
3. One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
4. Home Occupation

***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 2 under the General Administration of this Bylaw:

1. Intensive Agricultural Operations
  2. Residential Care Facility or Nursing Home
  3. Agricultural Accessory Residences and Dormitory Dwellings
  4. Agricultural Industry
  5. Agricultural Tourism
  6. Agricultural Commercial
  7. Aggregate Resource Extraction, Storage and Processing
  8. Home Based Business
  9. Bed and Breakfast
  10. Institutional Uses
  11. Solid and Liquid Waste Disposal Facility
  12. Clean Fill Site
  13. Animal Kennel
  14. Cemetery, Crematorium or Mausoleum
  15. Equestrian Facility
  16. Private Airstrips
  17. Recreational Uses
  18. Mobile Home
-

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

**1.2 Accessory Residences:**

A residential dwelling may be permitted as an accessory use in association with discretionary uses 1, 4, 9, 12, 14, and 16 above where the discretionary use has been approved by Council and is fully established and operational. Accessory residences are subject to the development standards provided in Section 4 of this Bylaw. Accessory residential dwellings permitted by this section are considered exceptions to the maximum residential density provided for within this District.

**1.3 Prohibited Uses:**

The following uses shall be strictly prohibited within Agricultural District (AG):

1. 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.
2. All uses of buildings and land except those specifically noted as permitted or discretionary.

**1.4 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 2 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. 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.
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operation agreeing to the reduced separation (Council should maintain a register of all such agreements)

- f. 305 m to a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan
- g. 600 m to a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan

### **1.6 *Supplementary Development Standards:***

1. The minimum site area constituting an agricultural operation or agricultural holding shall be 64.80 ha (160 acres) or equivalent. Equivalent shall mean 64.80 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 parcel which does not conform to the minimum site area requirement but existed in the Land Titles Office prior to the coming into force of this Bylaw shall be deemed conforming with regard to site area.
  3. A maximum of two subdivisions may be permitted per quarter section 64.8 ha (160 acres) in the Agricultural District (AG). Such subdivisions shall not exceed the creation of more than three legal parcels on a quarter section (160 acres).
  4. Where subdivision is proposed to establish a discretionary use, the area proposed for subdivision shall comprise a minimum of 1 ha (2.47 acres) and a maximum of 4.05 ha (10 acres) excepting 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. Subdivision proposing to separate title for a farmstead existing prior to the coming into force of this Bylaw may be considered by Council in the Agricultural District.
  6. Subdivision proposing to establish new non-farm, single parcel country residential yard sites shall be subject to rezoning to an Agricultural Residential District and compliance with all relevant area, frontage and setback requirements of that zoning district.
  7. 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.
  8. There shall be no minimum area required for a subdivision facilitating cemeteries, crematoria and mausoleums, and radio and television towers and facilities.
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**SCHEDULE B: AGRICULTURAL RESIDENTIAL DISTRICT (AR)*****Purpose and Intent:***

The purpose of the Agricultural Residential District (AR) is to accommodate large acreage residential developments which are legally separated from but complementary to the continuation of agriculture. The permitted and discretionary uses within this zoning district provides for uses that are compatible with the agricultural character of the area.

***1.0 Permitted Uses:***

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

1. Accessory Building/Uses
2. One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
3. Home Occupation

***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 2 of the General Administration of this Bylaw:

1. Intensive Agriculture
2. Craft Workshops
3. Equestrian Facilities
4. Home Based Business
5. Bed and Breakfast
6. Dog Kennels
7. Mobile Home
8. Institutional Uses
9. Recreational Use

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

***1.2 Accessory Residences:***

A residential dwelling may be permitted as an accessory use in association with discretionary uses 1, 3, 6, 8 and 9 above where the discretionary use has been approved by Council and is fully established and operational. Accessory residences are subject to the development standards provided in Section 4 of this Bylaw. Accessory residential dwellings permitted by this section are considered exceptions to the maximum residential density provided for within this District.

***1.3 Prohibited Uses:***

The following uses shall be strictly prohibited within Agricultural Residential Districts (AR):

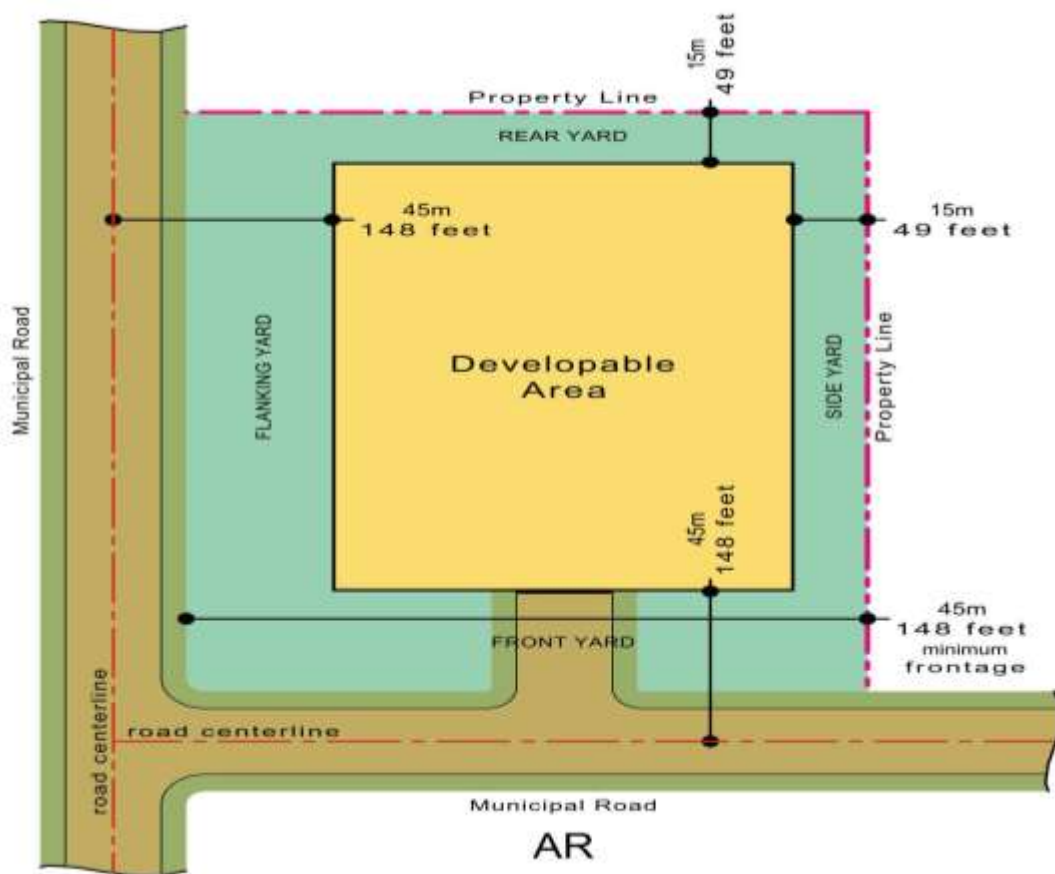
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1. All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise,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

#### 1.4 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 2 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.

#### 1.5 Subdivision and Site Regulations:



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. Front and flanking yard setbacks are measured from the centerline of the municipal road allowance.
3. 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 ILO as regulated in Section 4
  - b. 305 m from a licensed public or private liquid waste disposal facility
  - c. 457 m from a licensed public or private solid waste disposal facility
  - d. 305 m 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 should maintain a register of all such agreements)
  - f. 305 m to a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan
  - g. 600 m to a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan

#### ***1.6 Supplementary Regulations or Special Provisions:***

1. The minimum site area for all development in the Agricultural Residential Districts (AR) shall be 0.8 ha (2.0 acres) and the maximum site area shall be 2 ha (4.8 acres).
-

**SCHEDULE C: COUNTRY RESIDENTIAL 1 DISTRICT (RA1)*****Purpose and Intent:***

The purpose of the Country Residential 1 District (RA1) is to accommodate a rural residential lifestyle similar to that of the hamlet of Neunlage where the essential land requirement is for a building site and space rather than for productive agricultural purposes.

***1.0 Permitted Uses:***

In any Country Residential 1 District (RA1), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:

1. Accessory Building/Uses
2. One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
3. Home Occupation

***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 2 of the General Administration of this Bylaw:

1. Institutional Use
2. Recreational Use
3. Home Based Business
4. Craft Workshop
5. Bed and Breakfast
6. General Commercial Type 1
7. Personal Care Homes

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

***1.2 Accessory Residences:***

A residential dwelling may be permitted as an accessory use in association with discretionary uses 1, 2, 6, and 7 above where the discretionary use has been approved by Council and is fully established and operational.

***1.3 Prohibited Uses:***

The following uses shall be strictly prohibited within Country Residential 1 Districts (RA1):

1. 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
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emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.

2. All uses of buildings and land except those specifically noted as permitted or discretionary.

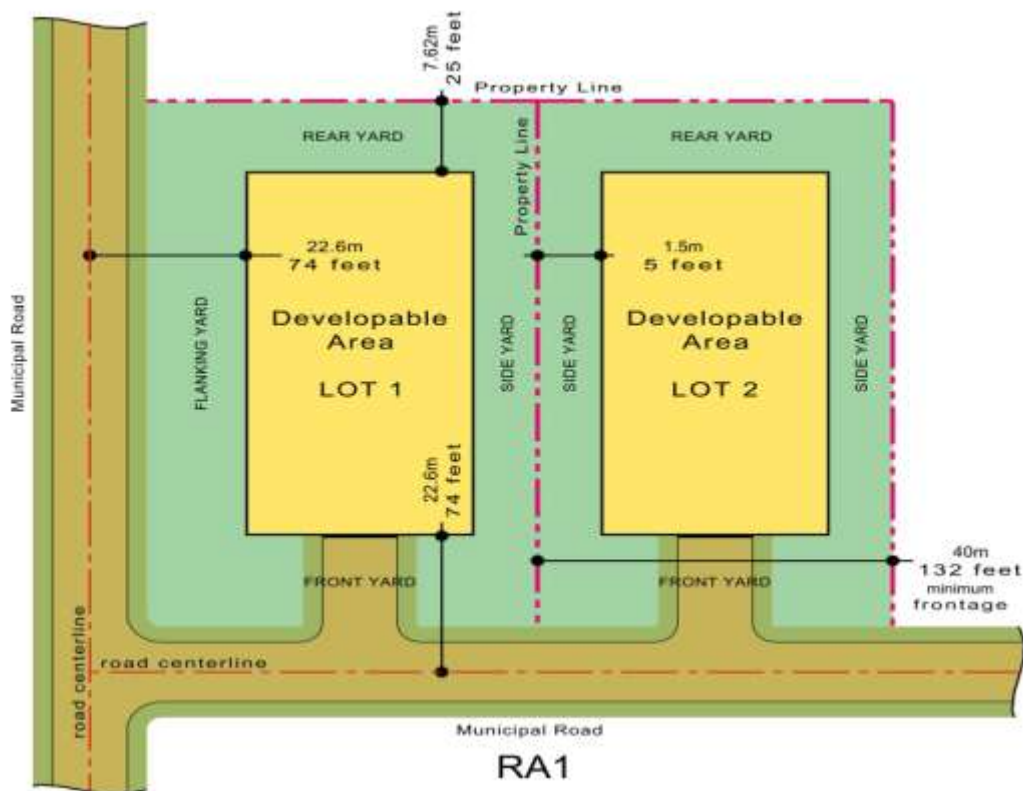
#### 1.4 Accessory Buildings and Uses:

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 2 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.

#### 1.5 Keeping of Livestock:

1. On any parcel within the RA1 Zoning District, the equivalent of 0.5 animal units shall be permitted per acre.
2. Animals shall not be pastured within 15 m (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 m (100 ft) of a dwelling or property line.

#### 1.6 Subdivision and Site Regulations:



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. Front and flanking yard setbacks are measured from the centerline of the municipal road allowance.

### **1.7 Water**

1. 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 Saskatoon District Health Region and/or Sask. Water.

### **1.8 Supplementary Regulations or Special Provisions**

1. The minimum site area for residential or discretionary uses in the RA1 Zoning District shall be 0.4 ha (1 acre) and the maximum site area shall be 2.0 ha (5 acres).
  2. The maximum residential density for multi-parcel residential development shall be one residential lot per acre, maintaining an overall average minimum lot size of 1 ha (2.47 acres) throughout the proposed subdivision.
  3. Parcels contained within the development, designated as undeveloped public open space in excess of the minimum required for municipal reserve by legislation shall be included in the calculation of the average lot size for a development.
  4. The maximum size of the development area for an individual multi-parcel country residential development shall be 64.8 ha (160 acres).
  5. 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 in the Land Titles Office prior to the coming into force of this Bylaw.
  6. The final subdivision design and approved lot density of development in the RA1 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 Saskatoon District Health Region for onsite wastewater disposal systems.
  7. Institutional, general commercial, recreational land uses as well as public utilities shall have no minimum or maximum area requirement.
  8. The floor area requirements for principal and accessory buildings shall be:
    - i) principal buildings shall have a minimum floor area of 74.32m<sup>2</sup> (800 ft<sup>2</sup>)
    - ii) accessory buildings shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building.
  9. The maximum building height in a RA1 Zoning District is 10 m.
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**SCHEDULE D: COUNTRY RESIDENTIAL 2 DISTRICTS (RA2)*****Purpose and Intent:***

The purpose of the Country Residential 2 District (RA2) is to accommodate a rural residential lifestyle similar to that of the hamlet of Blumenthal where the essential land requirement is for a building site and space rather than for productive agricultural purposes.

***1.0 Permitted Uses:***

In any Country Residential 2 District (RA2), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:

1. Accessory Building/Uses
2. One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
3. Home Occupation

***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 2 of the General Administration of this Bylaw:

1. Home Based Business
2. Institutional Use
3. Craft Workshop
4. Bed and Breakfast
5. Recreational Use
6. General Commercial Type 1

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

***1.2 Accessory Residences:***

1. A residential dwelling may be permitted as an accessory use in association with discretionary uses 2, 5, and 6 above where the discretionary use has been approved by Council and is fully established and operational.

***1.3 Prohibited Uses:***

The following uses shall be strictly prohibited within Country Residential 2 Districts (RA2):

1. 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
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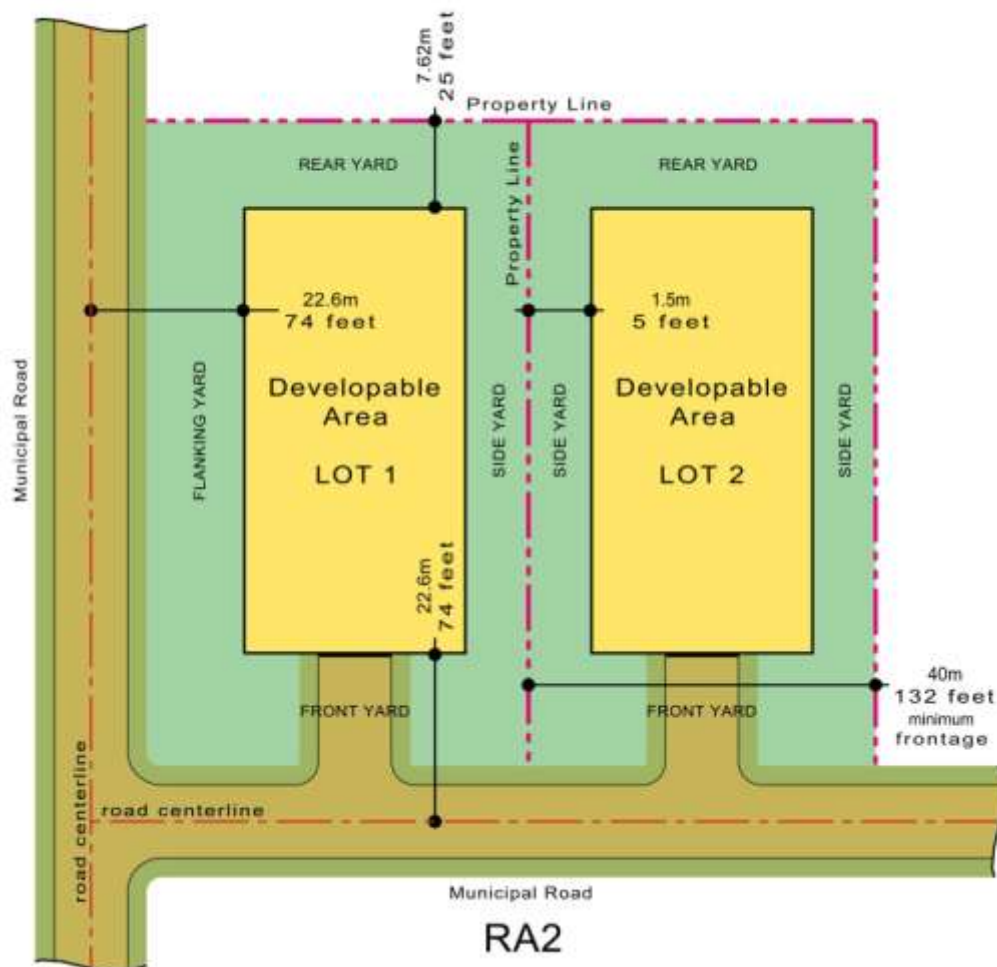
emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.

2. All uses of buildings and land except those specifically noted as permitted or discretionary.
3. The erection of signs or billboards except those showing the names of occupants and real estate signage. Signage permitted within the RA2 Zoning District shall not exceed a gross surface area of 1.48 m<sup>2</sup> (16 ft<sup>2</sup>) nor a height exceeding 2.43 m (8 ft).

#### 1.4 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 including the keeping and raising of animals and birds, except for pigs and mink where accessory to the principal residential use.
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 2 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.

#### 1.5 Subdivision and Site Regulations:



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. Front and flanking yard setbacks are measured from the centerline of the municipal road allowance.

#### **1.6 Keeping of Livestock:**

1. On any parcel within the RA2 Zoning District, the equivalent of 3 animal units shall be permitted per acre.
2. Animals shall not be pastured within 15 m (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 m (100 ft) of a dwelling or property line.

#### **1.7 Supplementary Regulations or Special Provisions**

1. The minimum site area for residential and discretionary uses in the RA2 Zoning District shall be 0.8 ha (2 acres) and the maximum site area shall be 2 ha (5 acres).
  2. The maximum residential density for multi-parcel residential development shall be one residential lot per 0.8 ha (2 acres), maintaining an overall average minimum lot size of 1 ha (2.47 acres) throughout the proposed subdivision.
  3. Parcels contained within the development, designated as undeveloped public open space in excess of the minimum required for municipal reserve by legislation shall be included in the calculation of the average lot size for a development.
  4. The maximum size of the development area for an individual multi-parcel country residential development shall be 64.8 ha (160 acres).
  5. 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 in the Land Titles Office prior to the coming into force of this Bylaw.
  6. The final subdivision design and approved lot density of development in the RA2 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 Saskatoon District Health Region for onsite wastewater disposal systems.
  7. Institutional, general commercial, recreational land uses as well as public utilities shall have no minimum or maximum area requirement.
  8. The floor area requirements for principal and accessory buildings shall be:
    - i) principal buildings shall have a minimum floor area of 74.3 m<sup>2</sup> (800 ft<sup>2</sup>)
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- ii) accessory buildings shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building.
- 9. The maximum building height in a RA2 Zoning District is 10 m.



**SCHEDULE E: COUNTRY RESIDENTIAL 3 DISTRICT (RA3)*****Purpose and Intent:***

The purpose of the Country Residential 3 District (RA3) is to accommodate a rural residential lifestyle similar to that of the hamlet of Gruenthal where the essential land requirement is for a building site and space rather than for productive agricultural purposes.

***1.0 Permitted Uses:***

In any Country Residential 3 District (RA3), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:

1. Accessory Building/Uses
2. One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
3. Home Occupation

***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 2 of the General Administration of this Bylaw:

1. Home Based Business
2. Bed and Breakfast
3. Institutional Uses
4. General Commercial Type 1
5. Indoor Equestrian Facilities
6. Abattoirs
7. Personal Care Homes
8. Recreational Use
9. Craft Workshops

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

***1.2 Accessory Residences:***

1. A residential dwelling may be permitted as an accessory use in association with discretionary uses 3, 4, 5, 6, and 8 above where the discretionary use has been approved by Council and is fully established and operational.

***1.3 Prohibited Uses:***

The following uses shall be strictly prohibited within Country Residential 3 Districts (RA2):

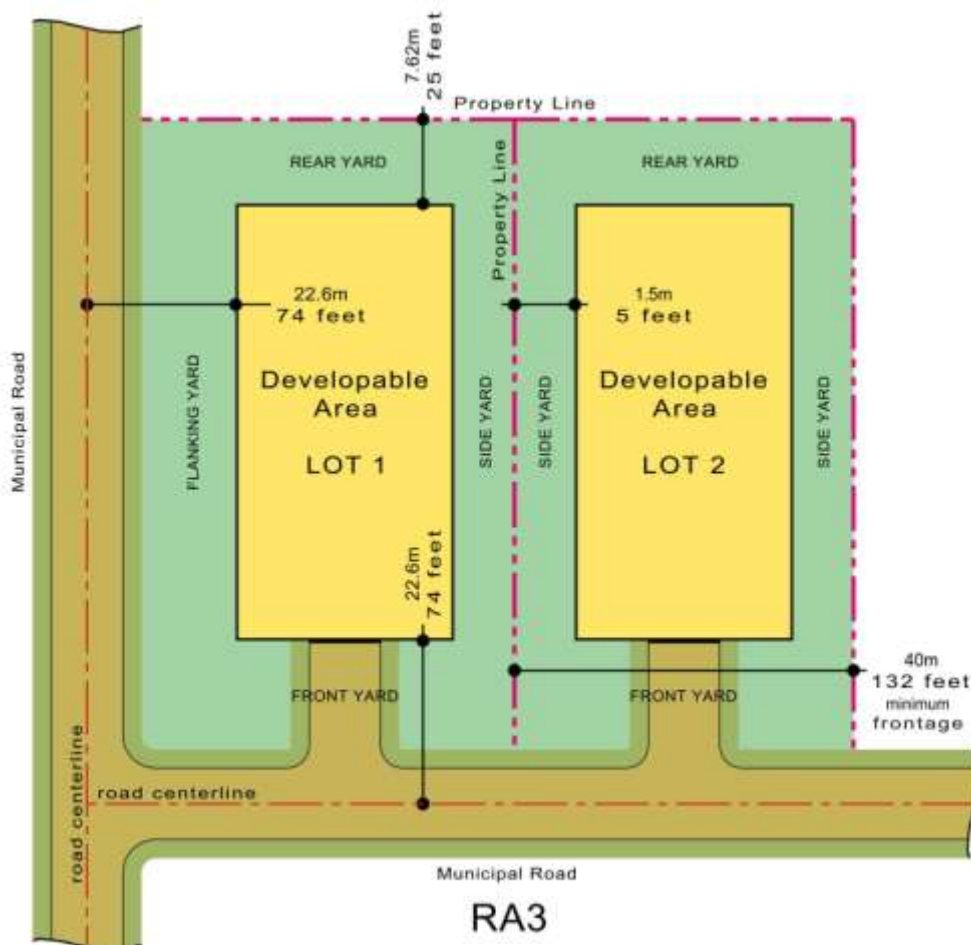
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1. All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise,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

#### 1.4 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 including the keeping and raising of animals and birds, except for pigs and mink where accessory to the principal residential use.
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 2 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.

#### 1.5 Subdivision and Site Regulations:



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. Front and flanking yard setbacks are measured from the centerline of the municipal road allowance.

#### **1.6 Keeping of Livestock:**

1. On any parcel within the RA3 Zoning District, the equivalent of 3 animal units shall be permitted per acre.
2. Animals shall not be pastured within 15 m (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 m (100 ft) of a dwelling or property line.

#### **1.8 Supplementary Regulations or Special Provisions:**

1. The minimum site area for residential and discretionary uses in the RA3 Zoning District shall be 0.4 ha (1 acre) and the maximum site area shall be 2 ha (5 acres).
  2. The maximum residential density for multi-parcel residential development shall be one residential lot per acre, maintaining an overall average minimum lot size of 1 ha (2.47 acres) throughout the proposed subdivision.
  3. Parcels contained within the development, designated as undeveloped public open space in excess of the minimum required for municipal reserve by legislation shall be included in the calculation of the average lot size for a development.
  4. The maximum size of the development area for an individual multi-parcel country residential development shall be 64.8 ha (160 acres). 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 in the Land Titles Office prior to the coming into force of this Bylaw.
  5. The final subdivision design and approved lot density of development in the RA3 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 Saskatoon District Health Region for onsite wastewater disposal systems.
  6. Institutional, general commercial, recreational land uses as well as public utilities shall have no minimum or maximum area requirement.
  7. The floor area requirements for principal and accessory buildings shall be:
    - i) principal buildings shall have a minimum floor area of 74.32m<sup>2</sup> (800 ft<sup>2</sup>)
    - ii) accessory buildings shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building.
-

8. The maximum building height in a RA3 Zoning District is 10 m.

## SCHEDULE F: COUNTRY RESIDENTIAL 4 DISTRICT (RA4)

### ***Purpose and Intent:***

The purpose of the Country Residential 4 District (RA4) is to accommodate a rural residential lifestyle in the vicinity of the North and South Saskatchewan River Valley where the essential land requirement is for a building site and space rather than for productive agricultural purposes.

### ***1.0 Permitted Uses:***

In any Country Residential 4 District (RA4), no person shall use any land, building or structure or erect any building or structure except in accordance with the following provisions:

1. Accessory Building/Uses
2. One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.
3. Home Occupation

### ***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 2 of the General Administration of this Bylaw:

1. Home Based Business
2. Craft Workshop
3. Bed and Breakfast
4. Institutional Use
5. Recreational Use

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

### ***1.2 Prohibited Uses:***

The following uses shall be strictly prohibited within Country Residential 4 Districts (RA4):

1. 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.
2. All uses of buildings and land except those specifically noted as permitted or discretionary.

### ***1.3 Accessory Buildings and Uses:***

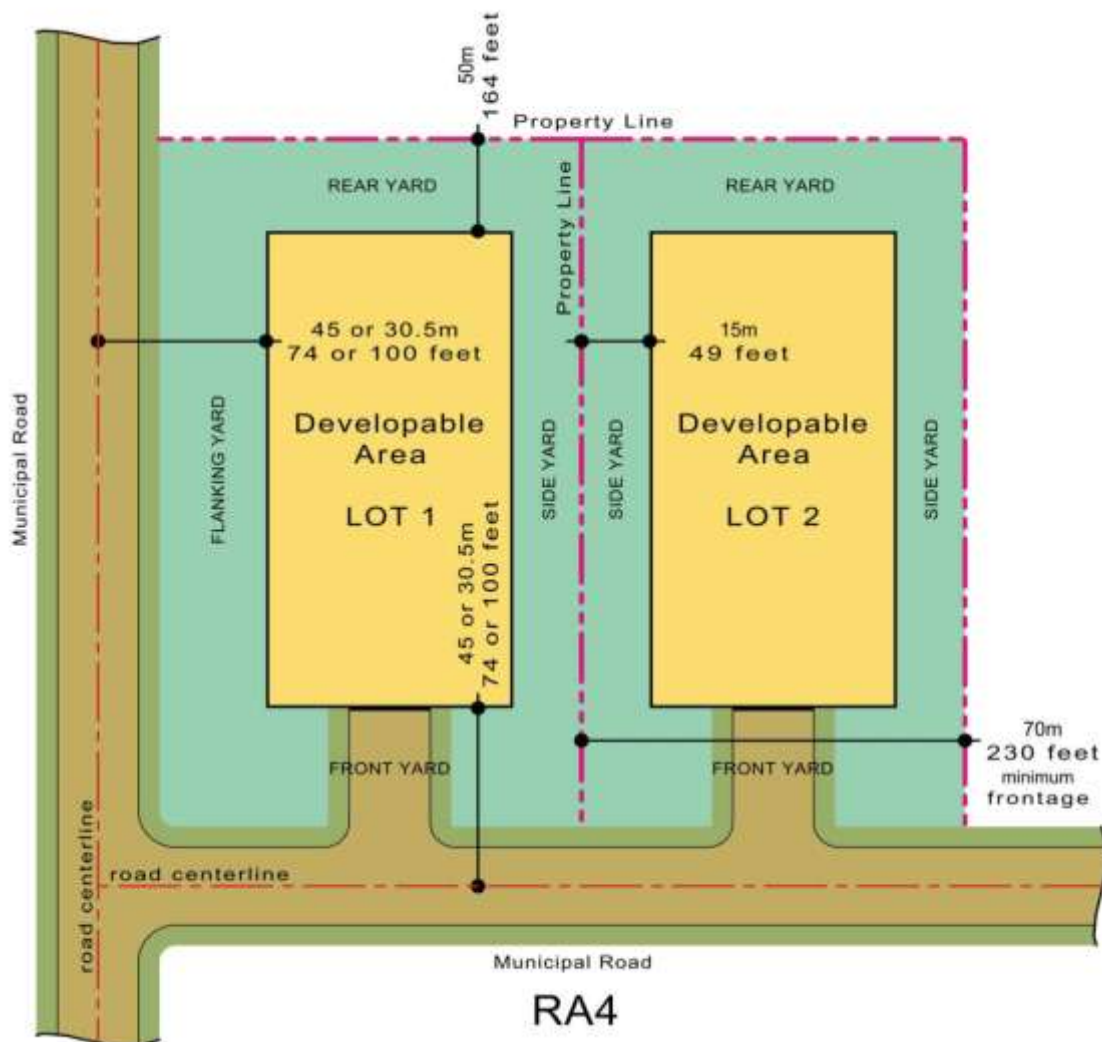
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1. A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
2. All 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 2 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 Development Officer may require additional geotechnical investigation and greater setbacks where development is proposed adjacent to a river valley.

#### 1.4 *Keeping of Livestock:*

1. On any parcel within the RA4 Zoning District, the equivalent of 0.5 animal units shall be permitted per acre.
2. Animals shall not be pastured within 15 m (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 m (100 ft) of a dwelling or property line.

#### 1.5 *Subdivision and Site Regulations:*



1. The Development Officer may require additional geotechnical investigation and 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. Front and flanking yard setbacks are measured from the centerline of the municipal road allowance.

**1.9 *Supplementary Regulations or Special Provisions:***

1. The minimum site area for residential uses in the RA4 Zoning District shall be 2.02 ha (5 acres) and the maximum site area shall be 4 ha (10 acre).
  2. The maximum size of the development area for an individual multi-parcel country residential development shall be 64.8 ha (160 acres). 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 in the Land Titles Office prior to the coming into force of this Bylaw.
  3. The final subdivision design and approved lot density of development in the RA3 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 Saskatoon District Health Region for onsite wastewater disposal systems.
  4. Recreational land uses and public utilities shall have no maximum area requirement.
  5. The floor area requirements for principal and accessory buildings shall be:
    - i) principal buildings shall have a minimum floor area of 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>)
    - ii) accessory buildings shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building.
  6. No outside storage is permitted in any front yard in the RA4 Zoning District. Outside storage located in a side or rear yard shall be screened to the satisfaction of Council.
  7. The maximum building height in a RA4 District is 10 m.
-

## SCHEDULE G: HAMLET DISTRICT (H)

### ***Purpose and Intent:***

The purpose of the Hamlet District (H) is to accommodate a rural residential lifestyle in the hamlet of Carlton, where the essential land requirement is for a building site and space rather than for productive agricultural purposes.

### ***1.0 Permitted Uses:***

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

1. Accessory Building/Uses
2. One detached one unit dwelling, modular home or mobile home following removal therefrom of all wheels and axles and following the placement thereof on a permanent foundation.
3. Home Occupation

### ***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Sections 2 of the General Administration of this Bylaw:

1. Trailer manufacturing
2. Prefabricated building component assembly
3. Warehouses and supply depots
4. Construction Yards
5. Institutional Use
6. Recreational Use
7. General Commercial Type 1
8. Craft Workshop
9. Home Based Business
10. Bed and Breakfast

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

### ***1.2 Prohibited Uses:***

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

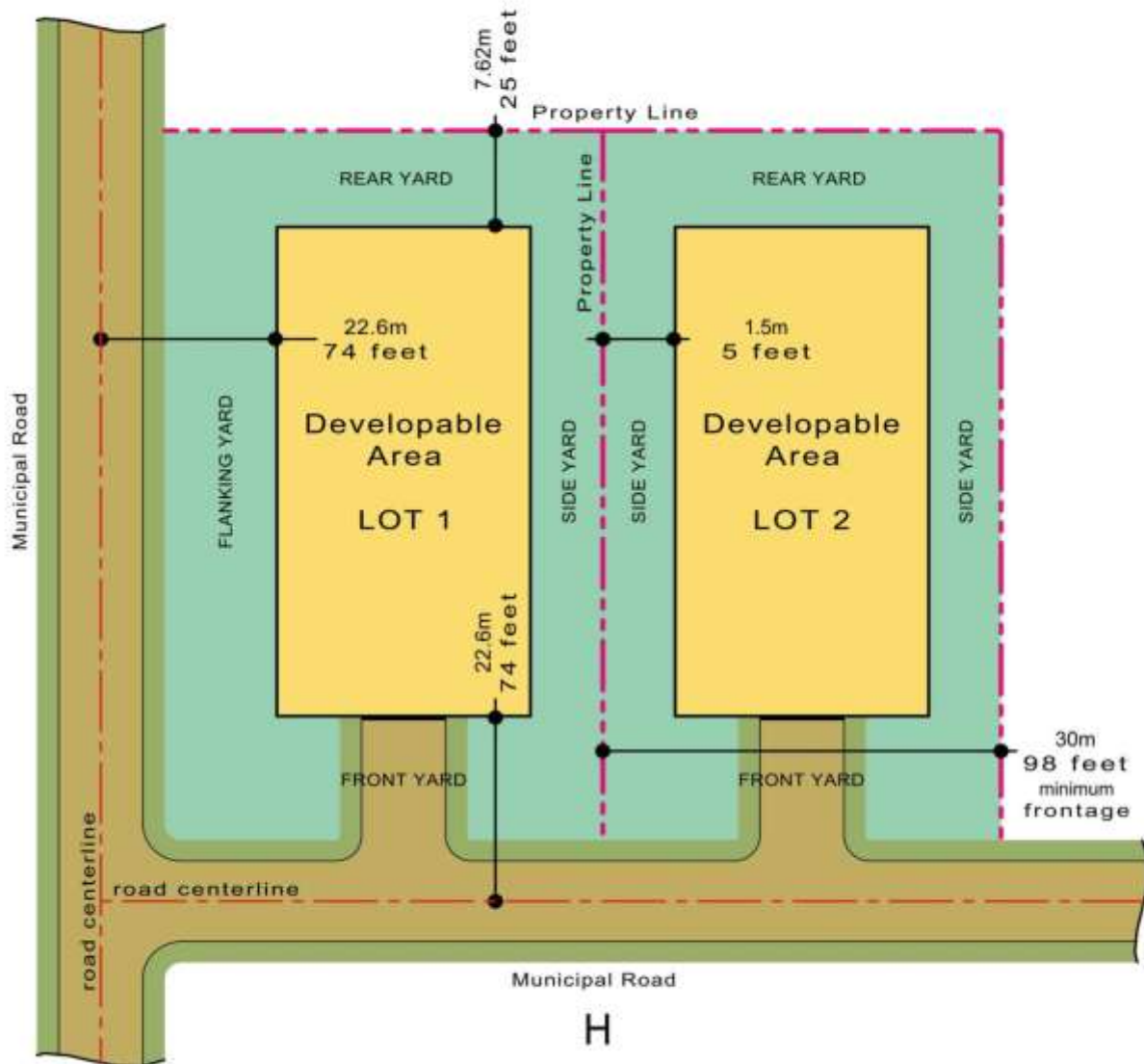
1. All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
-

2. All uses of buildings and land except those specifically noted as permitted or discretionary.

**1.3 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. 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 Sections 2 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.

**1.4 Subdivision and Site Regulations:**



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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. Front and flanking yard setbacks are measured from the centerline of the municipal road allowance.

**1.5 Supplementary Regulations or Special Provisions:**

1. The minimum site area shall be applied to the following uses within the Hamlet District (H)
    - a) Residential – 0.4 ha (1 acre) or less where an approved septic treatment system exists
    - b) Service Stations- 928 m<sup>2</sup> (10000 ft<sup>2</sup>)
    - c) General Commercial Type 1- 232 m<sup>2</sup> (2500 ft<sup>2</sup>)
    - d) Discretionary Uses- 0.4 ha ( 1 acre)
    - e) All other uses – 464 m<sup>2</sup> (5000 ft<sup>2</sup>)
  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 in the Land Titles Office prior to the coming into force of this Bylaw.
  3. The floor area requirements for principal and accessory buildings shall be:
    - i) principal buildings shall have a minimum floor area of 83.61m<sup>2</sup> (900 ft<sup>2</sup>)
    - ii) accessory residential buildings shall have a maximum floor area no greater in size than 1.5 times the floor area of the principal building.
  4. The maximum building height in a Hamlet District (H) is 10 m.
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**SCHEDULE H: INDUSTRIAL/ COMMERCIAL DISTRICT (M)*****Purpose and Intent:***

The purpose of the Industrial/Commercial District (M) is to facilitate a diverse range of commercial and industrial activities, displaying a high standard of appearance and focused at points of intersection with primary municipal roadways, and provincial highways.

***1.0 Permitted Uses:***

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

1. Accessory Building/Uses
2. Offices and Professional Office Buildings
3. Research Laboratories
4. Telecommunication Facilities or Television Stations
5. Restaurant and Lounge
6. Retail Stores
7. Museum and Gallery
8. Service Stations
9. Gas Bar
10. Public Garages
11. Hotels or Motels
12. Sale, rental, leasing and associated servicing of automobiles, trucks, motorcycles and recreational vehicles excluding industrial equipment and agricultural implements.
13. Car Wash
14. Personal service trades and health clubs.

***1.1 Discretionary Uses:***

The following uses shall be considered by Council subject to the completion of the discretionary process as outlined in Sections 2 of the General Administration of this Bylaw:

1. General Commercial Type I
2. General Industry Type II
3. General Industry Type III
4. Institutional Use
5. Recreational
6. Community Centres
7. Day Care Centres
8. Taverns or Nightclubs
9. Crematorium
10. Small Scale Repair Services
11. Recycling and collection depot
12. Retail Bakeries
13. Trucking Firms and Transportation Related industries

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

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### 1.2 *Prohibited Uses:*

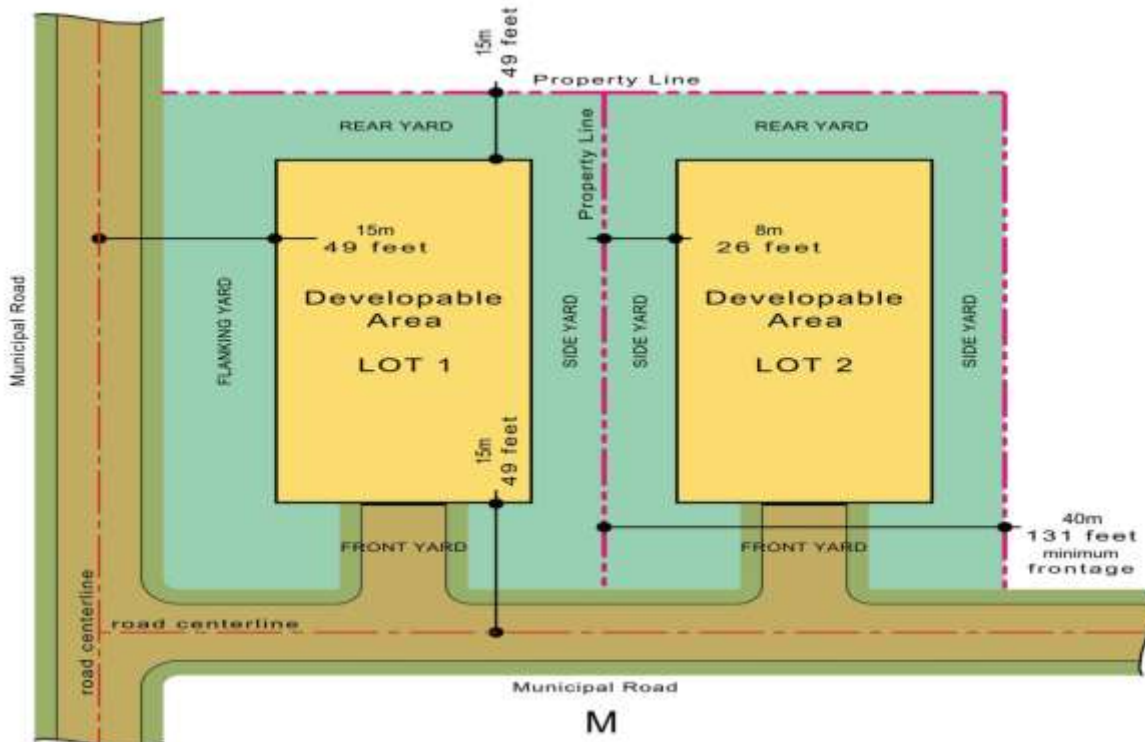
The following uses shall be strictly prohibited within Industrial/Commercial District (M):

1. 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.
2. Dwelling units.
3. All uses of buildings and land except those specifically noted as permitted or discretionary.

### 1.3 *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. 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 2 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.

### 1.4 *Subdivision and Site Regulations:*



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. Front and flanking yard setbacks are measured from the centerline of the municipal road allowance.

#### **1.5 *Supplementary Regulations or Special Provisions:***

1. The minimum site area for the Industrial/Commercial District (M) is 0.4 ha (1 acre).
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 in the 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. The maximum building height is 17 m.

#### **1.6 *Loading:***

1. 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.

#### **1.7 *Landscaping:***

In addition the requirements contained within Section 3.12 of the General Regulations, the following additional conditions shall be met for developments within an Industrial/Commercial District (M):

1. Prior to issuing a development permit for an undeveloped lot in this District, the applicant shall be required to supply a landscape plan with a schedule of completion, which is satisfactory to Council including but not limited to the following:
    - a. A landscaped strip of not less than 6.0 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site and shall be used for no purpose except landscaping and necessary driveway access to the site.
    - b. On corner lots, in addition to the landscaping required in the front yard, a landscaped strip of not less than 3.0 metres in width throughout lying parallel to and abutting the flanking road shall be provided.
    - c. 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 metres in depth throughout, which shall not be used for any purpose except landscaping.
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- d. All areas to be used for vehicular traffic shall be constructed to the satisfaction of Council.
- e. The entire portion of any site not used for buildings, parking, loading, aisles, driveways, or similar uses shall be landscaped.
- f. Parking areas shall be adequately screened from roadways and adjacent properties to a height of 1.0 metres by landscaping or fencing.
- g. A space to be used exclusively for garbage storage and pickup, having minimum dimensions of 2.7 metres by 6.0 metres, shall be provided on each site to the satisfaction of the Development Officer.
- h. Wherever possible, existing trees should remain.

### **1.8 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 metres 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 excepting for approved trucking firms or transportation related industries. No vehicles, materials or equipment shall be in a state of disrepair.

### **1.9 Integrated Uses:**

The purpose for providing for mixed use within Industrial/Commercial District (M) is to provide for better freedom, diversity and cohesiveness of development of new and previously developed commercial lots along with industrial lots to encourage the intensification of development in these areas. Where deemed appropriate, the Development Officer shall encourage vertical integration of commercial activities where vertical integration is defined as the accommodation of complimentary activities which could be considered principal permitted uses under single or multiple ownership within one or more buildings on a single parcel.

Notwithstanding any other relevant regulations contained in this Bylaw, the intensification of commercial development in the Industrial/Commercial District (M) shall be subject to the following additional conditions:

1. Additional use(s) shall be considered on a case by case basis by Council and the additional use(s) must be approved permitted or discretionary uses within this Zoning District
  2. Additional use(s) proposed shall be consistent with all relevant sections of the Inter-Municipal and this Bylaw.
  3. The parcel proposed to accommodate the additional use(s) shall be suitable considering size, shape, location, topography, serviceability and natural features.
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4. The proposed use(s) shall not have a substantial impact upon adjacent uses, nor will it alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for permitted uses.
  5. The proposed use(s) must be deemed timely, considering the adequacy of services existing or planned.
  6. Any other conditions deemed relevant to a specific proposal by the Development Officer.
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**SCHEDULE I: FLOOD HAZARD OVERLAY (FH)*****Purpose and Intent:***

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 flooding. The following regulations are intended to apply supplementary standards for development in areas designated as flood hazard zones.

***1.0 Defining the Area:***

1. For all proposed development in this cautionary area, the developer shall be required to contact Saskatchewan Watershed Authority to determine the 1:500 year return frequency flood event and necessary freeboard.

***1.1 Permitted Uses:***

1. Agricultural uses, but not including buildings and structures accessory thereto; and does not include Intensive Livestock Operations or harvest preserves.
2. Recreational uses.
3. Wildlife habitats and sanctuaries.

***1.2 Discretionary Uses:***

1. 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.

***1.3 Site Regulations in the Flood Hazard Land Areas:***

1. No person shall use any land, erect, alter or use any building or structure within the Flood Hazard Lands without a development permit.
2. No person shall backfill, grade, deposit earth or other material, excavate, or store goods or materials on these lands.
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.

***1.4 Flood Proofing Regulations:***

1. A development permit shall not be issued for any land use, erection, alteration or use of any building or structure within the Cautionary Flood Hazard Lands Overlay Area unless the site/development meets approved flood proofing measures to the 1:500 flood design elevation.
  2. Any existing buildings may be replaced or expanded subject to appropriate flood proofing measures being provided.
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3. 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.
    - c. All electrical and mechanical equipment within a building shall be located above the designated flood design elevation.
-

**SCHEDULE J: EROSION AND SLOPE INSTABILITY OVERLAY (SI)*****Purpose and Intent:***

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.

***1.0 Defining the Area:***

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 North and South Saskatchewan River Valley and its 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 metres.
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.

***1.1 Permitted Uses:***

1. Agricultural uses, but not including buildings and structures accessory thereto; and does not include irrigation works, Intensive Livestock Operations or harvest preserves.
2. Recreational uses.
3. Wildlife habitats and sanctuaries.

***1.2 Discretionary Uses:***

1. One detached one unit dwelling, RTM or modular home following the placement thereof on a permanent foundation.

***1.3 Prohibited Uses:***

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

***1.4 Site Regulations in the Erosion and Slope Instability Area:***

1. Any application for a Development Permit on any parcel of land that lies wholly or partially within an area designated in the "SI 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
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related to the conditions of the general area as they relate to slope instability and erosion hazards.

2. 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?
  3. 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.
  4. 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.
  5. 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.
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**SCHEDULE K: HERITAGE RESOURCE OVERLAY (HR)*****Purpose and Intent:***

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.

***1.0 Defining the Boundary:***

1. 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 in the North and South Saskatchewan River Valley and its major tributaries and/or within one kilometer of their edges.
  - c. Lands within 500 meters of other previously recorded sites, unless they can be shown to be of low heritage significance.

***1.1 Site Regulations in the Heritage Resources Overlay Area:***

1. 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.
2. Any substantive development that lies within these sensitive lands shall be referred to the provincial Heritage Unit for a heritage review.
3. 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.
4. 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.

***1.2 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.
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**SECTION 6: DEFINITIONS**

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

**Accessory** - means 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.

**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** - means the Administrator of the Rural Municipality of Rosthern No. 403.

**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 (Extensive):** an agricultural production system that uses little inputs on vast areas of land most commonly refers to livestock grazing in areas with low agricultural capability.

**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:** means the basic unit of land considered capable of accommodating an agricultural operation. For the purpose of this Bylaw, it shall comprise 64.8 hectares (160 acres) or equivalent. Equivalent shall mean 64.8 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.

**Agricultural Operation** – means an agricultural operation that is carried out on a farm, in the expectation of gain or reward, including:

- i. cultivating land;
  - ii. producing agricultural crops, including hay and forage;
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- iii. producing horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs, flowers, greenhouse crops and specialty crops;
- iv. raising all classes of livestock, horses, poultry, fur-bearing animals, game birds and game animals, bees and fish;
- v. carrying on an intensive livestock operation;
- vi. producing eggs, milk, honey and other animal products;
- vii. operating agricultural machinery and equipment, including irrigation pumps and noise-scare devices;
- viii. conducting any process necessary to prepare a farm product for distribution from the farm gate;
- ix. storing, handling and applying fertilizer, manure, organic wastes, soil amendments and pesticides, including both ground and aerial application;
- x. any other prescribed agricultural activity or process as defined by Council from time to time

**Agricultural Industry** – means 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** – means 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 Value Added** – as defined by Agriculture Canada, means a project that can clearly demonstrate it adds value to a primary agriculture product, and includes agricultural product manufacturing, food-processing activities, and non-food-processing activities.

Activities related to an agricultural value-added enterprise can take place on or off the farm.

Examples include, but are not limited to, separating, grading, cleaning, and packaging produce, making jam from berries, converting milk into cheese to sell in roadside stores or adding a canning or pickling operation to a farm business, activities as producing fiberboard from hemp or straw. Agricultural Tourism, organic farming, storage, distribution, and transportation are not considered to be agricultural value-added activities.

**Agricultural Residence** - means a dwelling unit accessory to the use of land intended for a combined residential and agricultural purpose.

**Agricultural Residential Development**- is defined as 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** – means 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 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** – means 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:

Kind of Animal		Number of Animals = 1 Animal Unit
Poultry	Hens, cockerels, capons	100
	Chicks, broiler chickens	200
	Turkeys, geese, ducks	50
	Exotic birds	25
Hogs	Boars and sows	3
	Gilts	4
	Feeder pigs	6
	Weanling pigs	20
Sheep	Rams or ewes	7
	Lambs	14
Goats, etc.	all (including llamas, alpacas etc.)	7
Cattle	Cows and bulls	1
	Feeder cattle	1 .5
	Replacement heifers	2
	Calves	4
Horses	Colts and ponies	2
	other horses	1
Other	Domesticated native ungulates (deer, elk, bison, etc.)	1

**Applicant** – means 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** – 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** - means 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.

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**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.

**Bakery (Retail)** – means a commercial establishment for the production of baked goods primarily intended for sale to retail patrons for offsite consumption.

**Bare land Condominium** – refers to a condominium in which the individually owned units are defined in relation to the land rather than in relation to a structure.

**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** – means the Bylaw of the Rural Municipality of Rosthern No. 403 regulating the erection, alteration, repair, occupancy or maintenance of buildings and structures.

**Building Floor Area** – means 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** – means 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.

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**Building Height** – means 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. [Refer to Figure 1.0]

**Building Permit** – means a permit, issued under the Building Bylaw of the Rural Municipality of Rosthern No. 403 authorizing the construction of all or part of any building or structure.

**Building Rear Line** – means 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** – means 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** - means lands, buildings, and structures for the storage and distribution of fuels and oils including retail sales or key lock operations.

**Bylaw** - means the Saskatoon Planning District Zoning Bylaw.

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**Campground** – means 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.

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**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** - means 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**- means uncontaminated nonwater-soluble, nondecomposable, 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 housing patterns.

**Commercial** – means 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** – means 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** – means 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.

**Composting** – means the collection of a significant mass of natural organic material stored to optimize conditions such that the mass will self-heat via aerobic microorganisms for a sufficient time that the carbon contained in the mass is stabilized.

**Comprehensive 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** – means 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.

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

**Conservation Subdivision Design** – means a subdivision design where a significant amount of land within the proposed development is set aside as undeveloped public open space. The intent of this type of subdivision design is to conserve natural habitat and cluster residential development in a manner which responds to the natural features of the subject property.

**Contractors Yard** – means 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** – means 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.

**Convenience Commercial** - means the use of land, buildings, or structures located in or adjacent to a multi-parcel country residential subdivision for the purpose of buying and selling commodities, and supplying professional and personal services for compensation for a local population.

**Council** – means the Council of the Rural Municipality of Rosthern No. 403.

**Country Residence** – means 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** – means 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.

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**Demolition Permit** – is a permit issued for the removal or dismantling of a building or structure within The Municipality of Grayson's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

**Development** – means 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.

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**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-** means an employee of The Municipality appointed by the Administrator to act as a Development Officer to administer this Bylaw.

**Development Permit** – means a permit issued by the Council of the Rural Municipality of Rosthern No. 403 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** – means a use of land or buildings or form of development that:

- i. Is prescribed as a discretionary use in the Zoning Bylaw; and
- ii. Requires the approval of Council pursuant to Section 56 of the Planning and Development Act, 2007.

**Dormitory** – means sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people.

**Dwelling** – means a building or part of a building designed exclusively for residential occupancy.

**Dwelling Unit** - means 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.

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**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 metres 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.

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**Equestrian Facility** – means 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** – means 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.

**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:

- i. Landfill
- ii. Ethanol Plant
- iii. Transformer Stations
- iv. Uranium Refiners
- v. Anhydrous Ammonia Storage and Distribution Centres

**Existing-** in place, or taking place, on the date of the adoption of this Bylaw.

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**Farm Building** – means improvements such as barns, granaries, 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-** means the buildings and adjacent essential grounds surrounding a farm.

**Feedlot-** means 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 paced on the existing, usually natural, surface of soil or rock, following the removal of vegetation cover, topsoil, and other organic material.

**Flood-** a temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

**Flood Design Elevation** – the high water level of a 1:500 flood event.

**Flood Design-**

- i) a 1:500-year flood; or
  - ii) a flood having a return period equal to 500 years; or
  - iii) a flood having water surface elevations equal to a 500-year flood; or
  - iv) a flood having approximately 0.2 percent risk of occurring during any one year.
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**Flood Fringe** – that portion of the flood hazard area not lying within a floodway that would be covered by flood waters up to the Design Flood Level and where development will not create an excessive hindrance to the hydraulic efficiency of the watercourse.

**Flood Hazard Area** – the area that would be inundated by the design flood.

**Flood Plain**:- the area of land bordering a water course or water body that would be inundated by a 1:500 year flood.

**Flood Proofing**- any combination of structural and non-structural additions, changes or adjustments to structures or land that will significantly reduce or eliminate flood damage to real estate or improved real property and their contents up to and including the design flood level plus a freeboard of 0.5m.

**Floodway**- a water body or the channel of a watercourse including those portions of the adjoining floodplains that is required to carry and discharge or contain the design flood.

**Freeboard** - the elevation of the design flood level plus a freeboard of 0.5 m (about 1.64 ft.).

**Free Standing Sign** – means a sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.

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**Game Farm**- land and facilities on which domestic game farm animals are held for commercial purposes.

**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.

**Gas Bar** – means 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** - means 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** – means 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:

1. the assembling of goods, products or equipment.
  2. the limited processing of raw, value-added or finished materials.
  3. the storage or transshipping of materials, goods and equipment.
  4. the training of personnel in general industrial operations.
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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** - means 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:

1. manufacturing, fabricating, processing, assembly, finishing, production or packaging of materials, goods or products.
2. the storage or transshipping of materials, goods and equipment.
3. 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** - means those developments which may have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods.

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

**Greenhouse (Commercial)** – means 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)** – means a greenhouse intended to serve intermediate industrial and retail markets with large quantities of horticultural supplies, not including consumer retail.

**Greenways**- means 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** – means 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

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area of the face of the sign in profile can be completely contained exclusive of any supporting structure.

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**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 subject to the requirements of a Neighborhood Concept Plan.

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

**Hazardous Substance-** means 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** – means 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 and its residents.

**Home Based Business** – means 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-** means 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.

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**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.

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**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.

**Infill Development-** redevelopment within existing areas or neighborhoods.

**Innovative Development-** developments that include alternative design features.

**Institutional Use** - means 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-** means 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-** means:

- a) the rearing, confinement or feeding of more than 100 animal units of poultry, hogs, sheep or cattle in an enclosure where the space per animal unit is less than 371.6 square meters (4000 square feet); or
- b) the rearing, confinement or feeding of a lesser number of animal units of poultry, hogs, sheep or cattle in an enclosure where the space per animal unit is less than 371.6 square meters (4000 square feet) and where the nearest edge of the enclosure is:
  - I. within 305 meters (1000 feet) of a body of water, drainage ditch, irrigation ditch or water course, except where such feature is entirely contained on the operator's property and does not overflow or discharge onto property under control of the operator, or
  - II. within 305 meters (1000 feet) of a dwelling not owned by the operator; or
- c) any other livestock operation whose operator elects to apply for a permit under the Pollution (By Livestock) Control Act.

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**Kennel, Boarding-** means the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

**Kennel, Breeding-** means 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.

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**Kennel, Enclosure-** means an accessory building or enclosure intended to house one or more domestic animals.

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

**Landscaping** – means 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:

- (i) Soft landscaping consisting of vegetation such as trees, shrubs, vines, hedges, flowers, grass and ground cover;
- (ii) 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-** means 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.

**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.

**Lounge** – means a room or area adjoining a restaurant set aside for the sale of beverage alcohol for consumption on the premises, with or without food, and where no area has been set aside for live dancing or entertainment, either in the lounge or in the adjoining restaurant. The area of a lounge may not exceed 50% of the public assembly area in the adjoining restaurant.

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

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**Manufacturing Establishment-** means 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.

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**Mausoleum--** means a building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

**Minimum Distance Separation-** means, 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-** means 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) -** means 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 agricultural use of the residual lands is suitably integrated into a comprehensive concept plan and where the essential land requirement is for a residential building site and space, rather than for productive agricultural purposes.

**Municipality-** the Rural Municipality of Rosthern No. 403.

**Municipal Reserve-** means dedicated lands:

- (i) that are provided to a Municipality pursuant to clause 189(a) for public use; or (ii) 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-** means 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.

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**Natural Areas –** means 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 -** means the renewable resources of Saskatchewan and includes:

- a. fish within the meaning of The Fisheries Act;
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- 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** - means a building:

- i. 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
- ii. 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** - means 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** - means a lawful specific use:

- i. 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
- ii. 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.

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**Office or Office Building** – means 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, transshipped, 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.

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**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.

**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.

**Places of Worship** – means 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** – means 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:

- i. Communication by way of telephone lines, optical cable, microwave, and cable television services;
- ii. Delivery of water, natural gas, and electricity
- iii. Public transportation by bus, rail, or other vehicle production, transmission;
- iv. Collection and disposal of sewage, garbage, and other wastes; and
- v. Fire and Police Services.

**Public Garages** - means any garage available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including painting, body work and major repairs.

**Public Works** –: a facility as defined under *The Planning and Development Act, 2007*.

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**Quarter Section** - means 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.

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**Racetracks**- means 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** – means 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

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the foregoing, such activities may include loading and off-loading freight, and maintenance and repair of railway cars.

**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** – means 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)** – means 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)** – means a public or private facility or amenity, a joint-use site or a park or playground the 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:

- i. Motor homes
- ii. Camper Trailers
- iii. Boats
- iv. Snowmobiles
- v. Motorcycles

**Recycling and Collection Depot (commercial)**- means 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.

**Recycling and Collection Depot (neighborhood)** - means a building or series of buildings intended to accommodate the collection, sorting and temporary storage of recyclable household materials such as bottles, cans, plastic containers, paper and paint that would otherwise be considered waste. These types of uses do not include any outdoor processing or storage.

**Reeve**- the Reeve of the Rural Municipality of Rosthern No. 403.

**Residential** – the use of land, buildings, or structures for human habitation.

**Residential Care Facility** – means 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
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- 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;  
and may include only the principal residence of the operator or administrator; and may include a prison, reformatory, correctional facility or other facility for the secure and open custody of persons who have been committed thereto by a Court of person having lawful authority,
- i) for the purpose of detention after being arrested on a charge under *The Criminal Code (Canada)* or a Federal or Provincial statute; or
  - ii) upon being convicted of an offence under *The Criminal Code (Canada)* of a Federal or Provincial Statute.

**Residual Parcel** - means the acreage remaining in agriculture resulting and independent of the subdivision of an agricultural holding for non-agricultural purposes.

**Restaurant** — means 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-** means a roadway constructed to the side of a lot, parcel or site.

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**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** – means the total acreage intended to accommodate a multi-parcel country residential subdivision.

**School** – means 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 Department 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.

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**Service Station** – means a building or place used for, or intended to be developed primarily for the repair of vehicles and supplying the vehicles with gasoline, diesel fuel, grease, tires or other similar items.

**Setback** -- means 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** – means 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** – 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** – means 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 m.

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**Soil Amendment:** materials such as peat, manure, or compost are added to soil to improve plant growth and health. The type of conditioner added depends on the current soil composition, climate and the type of plant by adding a conditioner or a combination of conditioners to correct the soil's deficiencies.

**Sport Field** - means 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** – means 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**- means an enclosed yard where livestock is kept temporarily.

**Subdivision** – means a division of land, and includes a division of a quarter sections into legal subdivisions as described in the regulations made pursuant to *The Land Surveys Act, 2000*.

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**Tavern (Nightclub)** - means 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.

**Telecommunication Facility** - means 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** – means a sign which is not permanently installed or affixed in position, advertising a product or activity on a limited basis.

**Traffic Control Signage** – means a sign, signal, marking or any device placed or erected by the Municipality or Saskatchewan Department of Highways and Transportation.

**Trailer Coach** - means 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.

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**Trans Canada Trail** - a shared use recreational trail that will offer walking, cycling, horseback riding, cross-country skiing and snowmobiling opportunities and will travel through each province and territory.

**Trucking Firm Establishment** - means 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.

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**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.

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**Vacation Farm** - means 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, or groups occupying any of such sites.

**Value-added - means** 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** – is defined as 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** - means 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.

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**Warehouse** – means 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.

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**Wholesale** – means 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.

**Water body** - 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.

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**Yard-** the open, unoccupied space on a lot between the property line and the nearest wall of a building.

**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.

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**SECTION 7: REPEAL AND ADOPTION**

1. Bylaw No. \_\_\_/\_\_\_\_\_ is hereby repealed.
2. This Bylaw is adopted pursuant to Section 46 and 75 of The Planning and Development Act, 2007, and shall come into force on the date of final approval by the Minister.

\_\_\_\_\_  
Reeve

S E A L

\_\_\_\_\_  
Rural Municipal Administrator

Read a First time this       , day of               , 20\_\_.  
 Read a Second time this       , day of               , 20\_\_.  
 Read a Third time and adopted this       , day of               , 20\_\_.

